



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

SENATE—Wednesday, July 8, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Great God, Eternal Lord, long ago You gave us this land as a home for free people. Show us that there is no law or liberty apart from You and lead our lawmakers to serve You with faithfulness and humility. Lord, use them to challenge the cruelty that divides and rules humanity. May they be Your instruments to draw people together in order to accomplish Your will. May these efforts enable America to be a light to nations, leading the way to Your promised kingdom. Throughout this day, may our Senators sense Your presence and engage in constant inner conversation with You.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 8, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for 1 hour. The Republicans will control the first 30 minutes, the majority will control the second 30 minutes. Following morning business, the Senate will resume consideration of the Homeland Security Appropriations Act. There will be 5 minutes for debate prior to a vote in relation to the Sessions amendment, with time equally divided and controlled between Senators SCHUMER and SESSIONS.

Upon disposition of the Sessions amendment, there will be 2 minutes for debate prior to a vote on the DeMint amendment, with the time equally divided and controlled between Senators MURRAY and DeMINT. Senators should, therefore, expect a series of votes to begin probably about 20 to 11 today. Additional rollcall votes are expected throughout the day.

CIVILITY IN THE SENATE

Mr. REID. Mr. President, every Wednesday in a first floor office meeting room there is a Prayer Breakfast. Members of the Jewish faith and Christian faith appear there and talk about their life experiences. Today was a tremendously stimulating day. Senator TED KAUFMAN, from Delaware, made the presentation.

I bring that to the attention of the Senate for a number of reasons. One is that TED KAUFMAN has a stunning life story, not the least of which is starting in 1972, with a 29-year-old man named JOE BIDEN, who stood no chance of being elected in the State of Delaware, running against a man who had served in many different positions, including Member of the House of Representatives, Governor, and was a sitting Senator. But this young 29-year-old, with

TED KAUFMAN helping run his campaign, was elected, surprising everyone.

As we know, Senator BIDEN, who had been recently elected—on top of the world, barely old enough to serve constitutionally—after having been in the Senate for a little over a month, his wife and daughter were killed and his two boys were badly injured. TED KAUFMAN served with him as a staffer until, I think, about 1995, when he went into the private sector and then came back as a Senator, appointed when Senator BIDEN was elevated to become Vice President.

But the most important part I wish to relate to the Senate is that he said, from the time he left here in 1995 until the day when he came back as a Senator, the civility that is now here was not in the Senate in 1995. He said the atmosphere here is so much better now than it was in 1995.

Everyone should appreciate what TED KAUFMAN said. We have tried—President Obama has tried, I have tried—and I hope that has helped civility here. We all have to understand, as Senator KAUFMAN indicated to the Members assembled there today, that there is a difference between Democrats and Republicans philosophically, but that doesn't mean they cannot work together as friends. He gave a couple examples of Senators on the floor debating and then walking off shaking hands.

HEALTH CARE

Mr. REID. Mr. President, last month, I stood here and told everyone about a young woman from Nevada named Alysia. She was born with a kidney disease, one she fought bravely her entire life. But lately things have gotten worse. Similar to far too many Americans in recent months, Alysia lost her job. That has happened to far too many Americans. When you lose your job, as we have learned, your health care often disappears also.

Alysia did what any of us would do in the same situation, she tried to get

independent coverage so she could afford the surgery she needs to get better. Her doctors say surgery is imperative, but insurance companies say: No, you can't get insurance. They refused to cover her. They call her kidney disease a preexisting condition—everyone else, including Alysia, calls it a tragedy.

She is not the only Nevadan who has written me about injustice. Caleb Wolz is a high school student from Sparks, NV. Similar to so many kids, he used to play, when he was younger, all kinds of games. But now he just sticks to skiing and rock climbing. You can forgive him for not playing some of the games he doesn't play anymore. He was born without any legs. Caleb was born without legs.

As kids grow, they grow out of their shoes. A lot of kids probably get a new pair every year. But Caleb, who is now 17, has needed a new pair of prosthetic legs every year since he was 5 years old.

You can probably guess what the story is now, and you have it right. His insurance company has decided it knows better than his physicians and has decided that Caleb does not need legs that work and fit. Even after looking at pictures of the bruises and abrasions Caleb suffered from the prosthetics that didn't fit, his insurance company decided, once again, his preexisting condition is too expensive to deal with.

These stories are hard to hear, but they are not hard to come by. They are extraordinary, but they are not unique. This happens to women all over southern Nevada just like Alysia and boys across northern Nevada just like Caleb. It happens to people on the east coast and the west coast. It happens to Americans in small towns and big cities. Every day, insurance companies look at a patient's medical history and the prescriptions they have filled. Then they deny them coverage or charge them exorbitant rates because of the patient's age or a specific illness. For every 10 patients who try to get health care, 9 of them never buy a plan because insurance companies deny them or make it too expensive.

Most of us were not born with a kidney disease such as Alysia's or, unlike Caleb, we are born with both our legs. But unless you are in absolutely perfect health, without a history of anything from heart disease to high cholesterol or hay fever, in the insurance world you are out of luck. Some insurance companies even treat Caesarean sections as a preexisting condition, and some accuse women of scheduling unnecessary C-sections when they give birth. More than half of all Americans live with at least one chronic condition, and those conditions cause 70 percent of the deaths in America. Yet right now, insurance companies that care more about profits than about

people are in complete control of their well-being. They are holding Americans hostage, and far too many of us cannot afford that ransom.

Reforming health care is a complex endeavor, but one part of the Democrats' vision for health care is simple. We are going to give people control over their own health. We are no longer going to let greedy insurance companies use a patient's preexisting condition as an excuse to deny them the care they need.

We will lower the high cost of health care. We will lower the cost of health care generally. We will make sure every American has access to that quality, affordable care, and we will do our very best to make sure people still have the power to choose their own doctors, hospitals, and health plans.

If we leave it to private insurance companies that are more interested in keeping their profits up than keeping us healthy, that will not happen, nor will it happen if our Republican colleagues continue to defend the status quo. A few weeks ago, the Republican leader in the House of Representatives said the following:

I think we all understand that we have the best health care system in the world.

How can one defend a health care system that goes out of its way not to care for people's health? And how can anyone celebrate such a system with a straight face? That health care system told Alysia she can't get the kidney surgery she needs. That health care system told Caleb he can't get the legs he needs. I think they would respectfully disagree with the Republican leader.

Insurance companies and most of our Republican colleagues seem to share a common philosophy. They both reflexively and recklessly say no for no good reason. That is a philosophy we cannot afford in America. If you are fortunate enough to have coverage you like, you can keep it. But if you don't like the fact that the insurance company can deny you coverage when they feel like it, you will agree we need to change the way things are.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business for up to 1 hour, with time equally divided or controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half, with Senators permitted to speak for up to 10 minutes each.

The Senator from Tennessee is recognized.

ORDER OF PROCEDURE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senator from Arizona and I be permitted to engage in a colloquy for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Will the Chair please let me know when 2 minutes remains.

The ACTING PRESIDENT pro tempore. The Chair will do so.

HEALTH CARE

Mr. ALEXANDER. Mr. President, I heard the majority leader talk about denying care, and that is the issue before us—one of the major issues. The vision of the Republicans is that there will not be someone in between a patient and a doctor who would get in the way of a treatment you need or the care you need or have you stand in line or wait too long. Our great fear is the Democratic proposal so far, in which we have not had a chance to participate, would put the government between you and the doctor and the government doing the rationing.

Republican proposals, such as those of Senator GREGG and Senator BURR and Senator COBURN and even the bipartisan proposal by Senator WYDEN, a Democrat, and Senator BENNETT, a Republican—of which I am a cosponsor of all—envision a system where those of us, the 250 million of us who already have health care insurance, would be permitted to keep it and that we would find a way to reform the Tax Code to give to individuals who do not have good health care the money they need to buy the health care and to choose it for themselves. Our concern is, the Government might become too much involved, and we might create a program that is filled with more debt, on top of the debt we already have, that our children and grandchildren simply couldn't afford it.

Mr. MCCAIN, the Senator from Arizona, has been, I guess, in more town meetings about health care than any other American, at least any other American who serves today in the Senate. He was in Texas last week and home last week in Phoenix, at some of our leading institutions, to hear what people had to say about it.

I wonder if I could ask the Senator from Arizona if he heard concern from those in his home State of Arizona, or those at M.D. Anderson in Texas, about the government getting in between the patient and the doctor.

Mr. MCCAIN. Mr. President, if I could say, first of all, I would like to thank the Senator from Tennessee for his

leadership on this issue. It is a privilege to serve on the HELP Committee with him, and his continued involvement in the ongoing discussion and debate about one-sixth of America's gross national product has been vital.

I thank my friend from Tennessee. Could I also pick up on what the Senator was just saying, that the majority leader criticized the Republican leader in the House who said America has the best health care system in the world. What the Republican leader in the House was saying was the obvious: America has the highest quality health care in the world. And as the Senator from Tennessee just mentioned, I was in Houston at M.D. Anderson with Republican leaders, the Senator from Kentucky and Senator CORNYN from Texas. There were people there from 90 countries around the world—90 countries, most of them wealthy people who could have gone anywhere in the world for health care.

But they went to the best place in the world, M.D. Anderson—one of the best, I would argue. We have some facilities in Arizona and probably in Tennessee that are of equal quality.

But is there any doubt, when people come from all over the world to the United States of America, that the highest quality health care is not in America? It is. The problem is, and I am afraid some of my colleagues do not get it, it is not the quality of health care, it is the affordability and the availability of health care.

Our effort has been to try to make health care affordable and available. The latest proposal of the Democrats is that it only covers 40 percent of the uninsured and costs trillions of dollars. So why not, I would ask my friend from Tennessee, why not let people go across State lines to get the insurance policy they want? Why could not a citizen of Arizona who does not like the insurance policies that are available there find one in Tennessee? Why not have meaningful malpractice reform? We all know where 10, 15, 20 percent, sometimes, of health care costs come from. They come from the practice of defensive medicine.

Everybody knows it. It is one of the elephants in the room. So, therefore, we do not have—and consistently in the HELP Committee, amendments that have been proposed by the Senator from Tennessee and me and others to reform medical malpractice have been voted down.

The State of California some years ago enacted meaningful and significant medical malpractice reform. Guess what. It has decreased health care costs. So we are not getting—and I say to my friend from Tennessee, I hope he agrees that we are going at the wrong problem. The problem is not the quality of health care. We want to keep the quality of health care. It is the cost and affordability of health care.

We have not gotten affordable and available health care for all Americans.

Mr. ALEXANDER. I agree with my friend from Arizona. I think of the pregnant women in rural counties in Tennessee who have to drive all the way to Memphis, or all the way to Nashville to get prenatal health care because there are no OB-GYN doctors after their medical malpractice cases have driven up their insurance. So there is no way for them to get health care.

If I am not mistaken, I listened to the majority leader talking about the tragic case in Nevada of someone unable to get health care because of a preexisting condition. The Senator from Arizona knows all of the proposals. I believe all of the Republican proposals would say, everyone would be covered, that preexisting conditions would not disqualify you.

The issue before us is whether we are going to address trillions to the debt or put the government in between the patient and the doctor.

Mr. MCCAIN. I totally agree. Could I mention, since the Senator from Tennessee and I are going up to another meeting in the HELP Committee, the Roll Call article this morning says:

Senate Majority Leader Harry Reid on Tuesday strongly urged Finance Chairman Max Baucus to drop a proposal to tax health benefits and stop chasing Republican votes on a massive health care reform bill. Reid, whose leadership is considered crucial if President Barack Obama is to deliver on his promise of enacting health care reform this year, offered the directive to Baucus through an intermediary after consulting with Senate Democratic leaders during Tuesday morning's regularly scheduled leadership meeting.

In other words, according to this article, any shred or semblance of bipartisanship is now out the window. So I think the Senator from Tennessee would agree with me. One of the very disappointing aspects of this whole debate is we have not changed the climate in Washington. Has there ever been, to the Senator's knowledge, a call to sit down at a table in a room with leading Republicans and Democrats and say: Hey, can't we work this out? What is your proposal? Here is ours. Can't we sit down and agree to save health care in America and preserve its quality and make it affordable and available? Way back in the 1980s when Ronald Reagan and Tip O'Neill sat down together, they saved Social Security.

This is unfortunate that even the last shreds of attempts at bipartisanship are now gone. Now maybe it is because the 60th Democratic vote was sworn in yesterday. Maybe they figured they had the votes. Maybe they do. But anybody who alleges that this administration and the other side of the aisle are changing the climate in Washington, that is simply false.

Mr. ALEXANDER. There is probably no one in the Senate who has been in the midst of bipartisan negotiations more times than the Senator from Arizona. This is not just for the purpose of feeling good, it is the way to actually get a broad base of support for an energy bill or an immigration bill or a Supreme Court nominee. Usually it involves, if I am not mistaken, sitting down with several members of each side and coming to a consensus, sharing insurance ideas, fighting off the left and right and producing 60 or 70 votes. If I am not mistaken, that is the way we do bipartisan bills around here.

Mr. MCCAIN. I say to my friend, indeed. One of the issues I think we ought to continue to understand is one of the key elements of this debate is whether we will have the so-called government option. I know the Senator from Tennessee is going to talk about that. I think it is important for us to look overseas at other countries that are highly industrialized, highly sophisticated, strong economies, countries that have government-run health care.

To say the government option would be just another competitor clearly is not the case; otherwise, we would just have 1,501 new insurance companies in America. If you had the government option, it will lead to a government takeover of health care, and we ought to look at what other countries do.

I am sure the Senator from Tennessee knows this, but it is health care rationing and a level of health care that will not be acceptable in the United States of America. I say that with great respect to our friends in Canada, the British, and other countries that have government-run health care systems. I think that is going to be one of the two major issues: the government-run health care and the employee mandate. Those are what this health care debate will come down to.

It is of great concern, I know, to the Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Arizona. I know he is on his way to work on the health care bill, to take the leadership, to the extent we can, in making it a better bill. I thank him for coming to the floor to discuss that today, and to help us reemphasize that we do not have any disagreement with our friends on the other side about the need to reform health care. I do not think we have any disagreement. At least we want to make sure our principal goal is to make health care affordable for every American. We want your family and you to be able to buy health insurance at a price you can afford and to take care of tragic cases such as the one the majority leader talked about. I think there is a consensus on both sides of the aisle to make sure if you have a preexisting condition you can be insured, and it will not matter where you live.

The Wyden-Bennett proposal, for example, and others, actually also say that you may carry your insurance from one job to the other, so that if you lose your job, or if you change your job, you still have your insurance because it is your insurance, and it does not just depend upon your employer.

What we are concerned about is the fact that President Obama's administration has already proposed adding, over the next 10 years, more new debt, three times as much new debt actually as was spent in all of World War II in today's dollars. That is the first thing.

The second thing is this idea of the so-called government option. Someone says: What is so bad about that? Think of it this way. Let's say you put some elephants and some mice in one room. You say: OK, fellows, compete. What do you think will happen? Pretty soon there are no mice left; they are all squished. You have a big elephant left. That is your only choice.

We have an example of that in the current Medicaid Program, which is one of the worst government programs imaginable. There are 60 million Americans stuffed in it, primarily because they are low income or disabled. It is run jointly by the Federal Government and by the State government. Every Governor—and this has been true for 25 years, from the time I was Governor—has struggled with finding money to both fund the State's share of it and still have money for higher education and for other State needs.

It is filled with waste. The Congressional Budget Office says 1 out of every 10 taxpayer dollars that are spent for Medicaid is fraud, waste, or abuse. That is \$32 billion a year. That is \$320 billion over 10 years, enough to make a real dent in whatever we decide to do on health care.

Yet the Democratic proposals that we are seeing involve putting more people into that government program. The problem for the taxpayer is how expensive that is. I have a letter from the Congressional Budget Office dated July 7 to Senator GREGG, the ranking member of the Budget Committee, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 7, 2009.

Hon. JUDD GREGG,
Ranking Member, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR SENATOR: In response to your request, the Congressional Budget Office (CBO) has considered the likely effects on federal spending and health insurance coverage of adding a substantial expansion of eligibility for Medicaid to the Affordable Health Choices Act, a draft of which was recently released by the Senate Committee on Health, Education, Labor, and Pensions (HELP). CBO's preliminary analysis of that draft leg-

islation was provided to Senator Edward M. Kennedy on July 2, 2009; that analysis is available on CBO's web site, www.cbo.gov.

The draft legislation would make a number of changes regarding the financing and provision of health insurance, including establishing insurance exchanges through which coverage could be purchased and providing new federal subsidies to help individuals and families with income between 150 percent and 400 percent of the federal poverty level (FPL) pay for that coverage. Although the draft legislation envisions that Medicaid would be expanded to cover individuals and families with income below 150 percent of the FPL, it does not include provisions to accomplish that goal, and our preliminary analysis (conducted jointly with the staff of the Joint Committee on Taxation) did not reflect such an expansion.

The precise effects on federal costs and insurance coverage of adding an expansion of eligibility for Medicaid up to 150 percent of the FPL would depend importantly on the specific features of that expansion. For example, the effects would depend on how eligibility for the program was determined and on whether the expansion started immediately or only as the proposed insurance exchanges went into operation. The effects would also depend what share of the costs for newly eligible people was borne by the federal government and what share was borne by the states (which would be determined by the average FMAP, or Federal Medical Assistance Percentage). In addition, the effects would depend on whether states faced a maintenance-of-effort requirement regarding their current Medicaid programs.

CBO has not yet had time to produce a full estimate of the cost of incorporating any specific Medicaid expansion in the HELP committee's legislation. However, our preliminary analysis indicates that such an expansion could increase federal spending for Medicaid by an amount that could vary in a broad range around \$500 billion over 10 years. Along with that increase in federal spending would come a substantial increase in Medicaid enrollment, amounting to perhaps 15 million to 20 million people. Such an expansion of Medicaid would also have some impact on the number of people who obtain coverage from other sources (including employers). All told, the number of non-elderly people who would remain uninsured would probably decline to somewhere between 15 million and 20 million. (For comparison, CBO's analysis of the draft legislation that was released by the HELP committee found that, absent any expansion of Medicaid or other change in the legislation, about 33 million people would ultimately remain uninsured if it were to be enacted.)

Such an expansion of Medicaid would have some impact on other aspects of the federal budget beyond Medicaid itself (including tax revenues and the proposed payments to the government by employers who do not offer coverage to their workers, which the legislation labels "equity assessments"). Those additional effects might increase or decrease the effect of the proposal on the federal deficit by as much as \$100 billion. It bears emphasizing that this analysis is preliminary and the figures cited are approximate because they do not reflect specific legislative language nor do they incorporate, in detail, a variety of interactions and other effects that changes in Medicaid would cause.

I hope this information is helpful to you. If you have any questions, please contact me or

CBO's primary staff contacts for this analysis, Philip Ellis and Holly Harvey.

Yours truly,

DOUGLAS W. ELMENDORF,
Director.

Mr. ALEXANDER. That letter was from Douglas W. Elmendorf, the Director of the Congressional Budget Office, with whom I am about to meet, along with other members of the HELP Committee.

It says: The proposal envisions that Medicaid—that is the Democratic proposal—would be expanded to cover individuals and families with an income below 150 percent of the Federal poverty level.

That sounds good, but the draft legislation does not include provisions to accomplish the goal. About three-quarters of the people who would remain uninsured under this version of the legislation would have income—in other words, even though we are spending trillions more under this proposal, a lot of people are uninsured and three-quarters of them are going to be dumped into Medicaid. For the Federal Government, that is hundreds of billions of new dollars we would have to borrow, and the thought is over time it would be shifted to the States. In the State of Tennessee, based upon conversations we have had with the State Medicaid director, it might add an amount of money to the State's annual budget that would be equal to the amount that a new 10-percent State income tax would take.

That is not even the worst thing about it. The worst thing about it is what it would do to the low-income Americans who are stuffed into the proposal. Some 40 percent of doctors will not see Medicaid patients for all their services—40 percent of doctors. So we say: Congratulations, we are going to run up the Federal debt and add a big State tax, in order to stuff you into a proposal where 40 percent of the doctors today will not see you. It is like giving out a ticket to a bus system that does not have any buses.

What is the alternative? The Republican proposals are completely different. They focus first on the 250 million of us who already have health insurance to try to make sure it is affordable to us, that we can afford it. Then we say let's take the money that is available and give it to the low-income Americans and let them buy, choose, a private health insurance policy more like the policies most of us have. We offer this instead of stuffing them into the Medicaid proposals which are filled with inefficiencies, cannot be managed, and which many doctors will not work with.

That is a better course forward. But, unfortunately, our voices are not being heard on that subject. But we are going to continue to make our case. We have the Burr proposal, the Gregg proposal, the Coburn proposal, the Wyden-Bennett proposal. All are different from

the government option, and all do not run up the debt.

In fact, the Wyden-Bennett proposal, which is the only bipartisan proposal before this body today, with several Republican Senators and several Democratic Senators, adds zero to the debt according to the Congressional Budget Office.

Maybe as we go through, if we were seriously considering it, we would find a need to add some costs. But at least we start with the idea that instead of adding \$1, \$2, or \$3 trillion over the next 10 years to the Federal deficit and dumping a new program onto the States after a few years, which the States in their bankrupt condition, in some cases, cannot afford, at least we would start out with an increased deficit of zero.

We are almost working at the wrong end. Our biggest problem facing the country is the cost of health insurance to every American, not just the uninsured Americans but the 250 million who already have insurance. The other big issue is the cost of government, caused by rising health care costs, and we have gotten away from thinking of ways to bring that under control. There are even proposals floating around to take savings, to cut Medicare and Medicaid and use those dollars to help pay for the Democratic plan.

If we reduce the growth of spending in Medicaid, we should spend it on Medicare, which is increasing at a rate that is going to cause our children and grandchildren never to be able to pay off the national debt.

Republicans stand ready to work with Democrats to produce health care reform this year, despite the majority leader's statement that it is time for Senator BAUCUS to stop chasing Republican votes. We are glad he is chasing Republican votes, and we hope he gets some. But the way we do things around here usually is a group of 15 or 20 Senators, such as Senator MCCAIN and others, sit around and say: OK, let's put our ideas together and come up with a consensus bill, not to operate from a procedure that we won the election, we have 60 votes, and we will write the bill. It is more complicated than that. It needs a broad base of support in the Senate to have a broad base of support in the country. Without that base of support, it will not be successful.

We have made our proposals—the Burr proposal, the Gregg proposal, the Coburn proposal, the Wyden-Bennett proposal. Senator HATCH and Senator CORNYN have a slightly different idea that would give the money to the Governors and let them find a way to cover low-income individuals. As a former Governor, I like that idea. We have an imaginative Democratic Governor in Tennessee who has brought the Medicaid Program there under some control and has come up with several innovative ideas. The difficulty he and

other Governors have is that it takes them a year to get permission from Washington to try their innovative ideas to offer the kind of health care to low-income individuals they might need which could be different in Tennessee and different in California.

This is the biggest issue before our country today. It is certainly the biggest issue before Congress. Republicans have our proposals on the table. We are ready to go to work. We want to make sure there are no preexisting conditions left out that disqualify people. We want to make sure that everyone is covered and that we have access to health care at a cost the family budget can afford. We are resolute in our determination not to add trillions more to the national debt and not to dump new debt on the States. We are resolute in our determination not to dump low-income people into a failing government program called Medicaid when a much better alternative is to give them the credits and the vouchers and the cash so they can purchase private health insurance and have coverage more like the rest of Americans have.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VITTER. I ask unanimous consent to speak in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. In my capacity as a Senator from New Mexico, I object.

The Senator from Illinois.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, the issues before the Senate are sometimes weighty and complex, historic. I don't think there is any greater challenge this Senate has faced in modern times than our current debate over health care. This is such a major part of not only the American economy but of our everyday lives that it is hard to think of another issue we have tackled which will be so far-reaching.

The American people understand the need for change when it comes to health care. Even if they have a health insurance policy today they value and trust, they are worried about tomorrow. The cost, the availability, being denied coverage for a preexisting condition, losing a job and losing health insurance, a child who turns age 23 and all of a sudden is on their own in the health insurance market—there is a lot of uncertainty we need to be serious about.

When we think about these issues, many times we put them in the context of Washington. In Washington, the issues are about the people one might see in the corridors. They are lobbyists representing special interest groups who can afford to send people to talk to Senators and Congressmen. They represent doctors and hospitals, health insurance companies, pharmaceutical companies, medical device companies. They all have an interest in this debate because, quite honestly, it goes to the bottom line—whether or not they will be profitable. They, of course, want to maximize their profits if they can.

But the people who are not in the corridors are the ones we ought to be thinking about as well. These are average Americans who got up this morning, and, if they were lucky enough, went to work. They will work hard all day, come home bone weary, trying to keep their family together, and get ready for another day tomorrow.

I think of a mother like Karen Gulva in my home State of Illinois. She is a single mom with a 12-year-old boy with asthma.

I visited, about 10 years ago, the University of Chicago Children's Hospital. The head physician there, the admitting physician at the hospital in the emergency room, said to me: Senator, what would you guess is the No. 1 diagnosis of kids going into emergency rooms in America? And I said: Trauma? They fall off their bicycles and things like that? He said: No. Asthma. Asthma is the No. 1 reason children are seen at emergency rooms across America.

Well, it surprised me because my family has been spared from that problem. I started thinking a lot more about it. I came to the Senate here and started talking to my colleagues. I went to TED KENNEDY—he sat back there in the back row—and I said: I am thinking about an asthma awareness effort. He said: Count me in. My son has asthma. Then I went across the aisle, at the time, and talked to Spencer Abraham, who was a Republican Senator from Michigan. I said: Spencer, I was surprised to learn about this asthma being the No. 1 reason kids go to emergency rooms. He said: I know all about it. I grew up with asthma. Pat Moynihan, who sat in the back row here: Same story.

It dawned on me, even though it had not touched my life personally, it touched the lives of many people in this Chamber and a lot of American families.

Karen Gulva has one of those families. The primary care physician for her 12-year-old son has prescribed daily doses of a lot of medications: Singulair, Allegra, and two different kinds of inhalers. Add these medications to the Strattera he is already taking to regulate his ADD, and you can see that access to medication is essential in the day-to-day life of this

typical active 12-year-old boy in my home State of Illinois.

There is more to Karen's story. Karen has a stable full-time job earning a salary of \$31,000 a year plus benefits. She falls right into the range of what we call middle-class working Americans. At first, Karen's health insurance premiums were affordable. They reduced her paycheck by \$52.50 twice a month—\$105 a month. However, costs for that health care have risen dramatically over the last few years. Karen is now paying over \$300 a month for her premiums alone.

Remember, she makes \$31,000 a year gross. This does not include the \$500 deductible or her share of the cost for office visits and prescriptions. The yearly cost of health care for Karen and her son is now so great that it is hard for her to keep up with other payments she has to make—just the basic necessities: food, gas for the car, and car payments. She is barely scraping by. She refinanced her condo twice this year to stay out of credit card debt.

She has tried everything to bring down her health care costs. She has looked for other health insurance options in the private market, but because her son has what we call a pre-existing condition, in this case asthma, she has been denied coverage.

Karen Gulva is not looking for a handout from this government. She just wants some help from the country she supports as a loyal tax-paying American citizen. All she wants is affordable health insurance. All she wants is some peace of mind as a mom that her kid is going to have what he needs to lead a normal life.

That is what the debate is about. It is about the uninsured—50 million people who do not have insurance—but it is also about Karen, a hard-working mom who has watched the cost of health insurance triple in a short period of time and who worries about whether she can keep up with it.

I have listened to a lot of debate coming from the other side of the aisle, and I hope I am not misinterpreting it. But it seems for some on the other side of the aisle they do not view this as a matter of urgency. They do not see this as an issue that requires our immediate, full-scale attention.

I see it differently. I think this gets to the heart of why we are here in the Senate. We are not here to stand on the floor and make speeches. We are here to pass laws that make life better for America and give us a chance for a stronger Nation with stronger families in the years to come. Sometimes we have to tackle some of the issues that are the hardest.

President Obama has told many of us privately and said publicly many times: If health care reform were easy, they would have done it a long time ago. It is not easy. It is not easy because the current expensive system is

rewarding people, unfortunately, for the wrong things.

I have referred on the floor before to an article in the *New Yorker* from June 1 by a doctor, Atul Gawande. It is titled "The Cost Conundrum." Dr. Gawande went to McAllen, TX, to figure out why in the world in that small town the average spent on Medicare recipients was \$15,000 a year—one of the highest in the Nation. He could not find a reason. This is not the situation where there is a disease there or elderly people are sicker.

What he found out was the doctors in that town were billing everything imaginable. They were throwing in tests and procedures, piling one on top of the other because they get paid more. The more they do, the more they bill, the more they get paid.

One of the doctors said: Well, you know, it is defensive medicine. We can get sued. And another doctor said: That is not the case at all. Texas has one of the tightest medical malpractice laws in the Nation. It limits the amount anybody could recover for a medical malpractice lawsuit, and there are not many suits that are filed. No. The bottom line is, these doctors have an incentive to bill more to the Medicare system because they get paid more when that happens.

If you go to a place such as Rochester, MN, and the Mayo Clinic, where the doctors are on salary, and their goal is not to pile up the procedures but to get the patient well, you will find the cost of treating Medicare patients is dramatically less in Rochester, MN, than it is in McAllen, TX.

How do you create an incentive in our system for the right outcomes—healthy people with quality care available to them—and reduce the overall cost? Our health care system spends twice as much per person than any other nation on Earth. Our results do not show why that money is being spent. They do not prove that is working to make us a safer, healthier nation.

So now the argument on the other side is that we have to be careful because we might end up with a public option; that is, a health insurance plan as an option that Americans can choose that might be government sponsored. I do not think that is wrong. In fact, I think that is healthy. It is important the private health insurance companies who now rule the roost have competition—somebody keeping an eye on them to make sure they treat people fairly. I think a public plan that does not have a profit motive, that does not worry about marketing, and does not have high administrative costs could be that plan, that competitive option that keeps the private health insurance companies honest.

Many on the other side have stood up and said: Government health insurance plans are a bad idea. Really? Forty-five

million Americans are under Medicare today—elderly, disabled Americans covered by Medicare. I have not heard a single person on the other side of the aisle say: Let's get rid of Medicare. It is a bad idea. And you will not hear that because it is a good idea, and it works. There are another 60 million who are covered by Medicaid, our health insurance for the poor. I have not heard any suggestions from the other side of the aisle of eliminating Medicaid.

So 105 million Americans, one-third of our population, are currently insured through a government plan. I think it is a healthy thing. As long as the government plan we are talking about is trying to bring costs down and expand coverage so everybody has the benefit of health insurance, then I think it is a good thing to build into this system.

So the debate will continue, as it should, at the highest levels now. But there is one option we cannot accept, and that is the option of stalemate and the option of failure. I do not know I will ever have another moment in time in my public career to seriously take on the health care reform issue. The last time was 15 years ago under President Clinton.

We have to seize this opportunity. We are lucky to have a President who has stated to many of us and many of the leaders in Congress that this is a priority he is willing to fight for. Even at the expense of his political popularity he wants to get this job done. That is the kind of leadership this country needs on an issue that is critically important to every single person, every family, every business, and, frankly, to the economic future of our Nation.

I encourage my colleagues: Try to find that common ground, try to bring together a bipartisan approach here, some compromise on both sides that comes up with the best approach. Let's bring in those medical professionals who can help us get to a good place. Let's give peace of mind to Karen Gulva and so many others around America who worry every single day about coverage for their kids and for the people they love.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SOTOMAYOR NOMINATION

Mr. SPECTER. Mr. President, I have sought recognition to discuss, first of all, the pending nomination of Judge Sonia Sotomayor for the Supreme Court of the United States.

Judge Sotomayor comes to this nomination with impeccable credentials: summa cum laude at Princeton; Yale

Law School; was on the Yale Law Journal; had a distinguished career in private practice; an assistant district attorney with DA Morgenthau in Manhattan; service on a U.S. District court, a trial court; and now serves on the Court of Appeals for the Second Circuit.

The conventional wisdom is that Judge Sotomayor will be confirmed. But notwithstanding the conventional wisdom, under the Constitution it is the responsibility of the Senate, on its advice and consent function, to question the nominee to determine how she would approach important issues. It also presents a good opportunity to shed some light on the operations of the Supreme Court of the United States in an effort to improve those operations.

It has been my practice recently to write letters to the nominees in advance, as I discussed it with Judge Sotomayor during the so-called courtesy visit I had with her, and she graciously consented to respond or to receive the letters and was appreciative of the opportunity to know in advance the issues which would be raised.

Sometimes if an issue comes up fresh, the nominee does not know the case or does not know the issue and may be compelled to say: Well, let me consider that, and I will get back to you. So this enables us at the hearings to move right ahead into the substantive materials.

The first letter I wrote involved congressional power and the adoption by the Supreme Court of a test on congruence and proportionality, which Justice Scalia called the "flabby test," which enables the Court to, in effect, legislate.

The second letter involved the prospect of televising the Supreme Court to grant greater access to the public to understand what the Supreme Court does.

And the third letter, which I sent to Judge Sotomayor yesterday, involves the issue of the Court's backlog and the opportunities for the Court to take on more work.

Chief Justice Roberts, in his confirmation hearings, noted that the Court "could contribute more to the clarity and uniformity of the law by taking more cases."

The number of cases the Supreme Court decided in the 19th century shows it is possible to take up more cases. In 1870, the Court had 636 cases on the docket, decided 280; in 1880, the Court had 1,202 cases on the docket, decided 365; in 1886, the Court had 1,396 cases on the docket, decided 451.

Notwithstanding what Chief Justice Roberts said in his confirmation hearing, during his tenure the number of cases has continued to decline. In the 1985 term, there were 161 signed opinions. In the 2007 term, with Chief Justice Roberts in charge, there were only 67 decided cases.

The Court has what is called a "cert. pool," where seven of the nine Justices—excluding only Justice Stevens and Justice Alito—have their clerks do the work, suggesting that the Justices spend little time if any on the cert. petitions except to examine a memo in this sort of a pool, raising questions as to whether that is adequate on individualized justice with the individual Justices considering these issues. The Justices can't consider the thousands of cases which are filed, but there may be a better system, as Justice Stevens and Justice Alito have it, with their taking their own individual responsibility.

There is another major problem in the Court and that is its failure to take on cases where the courts of appeals for the circuits are split. There are many such cases. In my letter to Judge Sotomayor, I have identified some. Illustrative of the cases are important issues such as mandatory minimums for the use of a gun in drug trafficking or the propriety of a jury consulting the Bible during its deliberations. Justice Scalia, in dissenting on one of the refusals to take up a case with a circuit split, said this—dissenting, Justice Scalia wrote:

In light of the conflicts among the circuits, I would grant the petition for certiorari and squarely confront both the meaning and the constitutionality of the section involved.

He went on to say:

Indeed, it seems to me quite irresponsible to let the current chaos prevail.

Well, that is the kind of chaos which prevails when two circuits split. The case may come up in another circuit where the precedents are divided, and it seems to me that the Court ought to take up the issues. That could be ameliorated by a change in the rules. Four Justices must agree to hear a case, and I intend to ask Judge Sotomayor her views on this subject and on her willingness, perhaps, to be interested in taking cases with only three Justices or perhaps two Justices.

The refusal of the Court to take up these major cases is very serious, illustrated by its denial of consideration of perhaps the major—or at least a major—conflict between the power of Congress under article I of the Constitution to enact the Foreign Intelligence Surveillance Act, which provided for the exclusive means to have wiretap warrants issued, contrasted with President Bush's warrantless wiretap procedures under the terrorist surveillance program. The Detroit District Court found the terrorist surveillance program unconstitutional. The Sixth Circuit decided it would not decide the case by finding a lack of standing. In the letter to Judge Sotomayor, I cite the reasoning of the dissenting judge, showing the flexibility of the standing doctrine. Then the Supreme Court of the United States decides not to decide the case. It so happens, in so many matters, what the Court decides

not to decide may well be more important than what the Court actually does decide.

These are issues which I intend to take up with Judge Sotomayor. I ask unanimous consent that the text of my letter to Judge Sotomayor be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, July 7, 2009.

Hon. SONIA SOTOMAYOR,
c/o The Department of Justice,
Washington, DC.

DEAR JUDGE SOTOMAYOR: As noted in my letters of June 15 and June 25, I am writing to alert you to subjects which I intend to cover at your hearing. During our courtesy meeting you noted your appreciation of this advance notice. This is the third and final letter in this series.

The decisions by the Supreme Court not to hear cases may be more important than the decisions actually deciding cases. There are certainly more of them. They are hidden in single sentence denials with no indication of what they involve or why they are rejected. In some high profile cases, it is apparent that there is good reason to challenge the Court's refusal to decide.

The rejection of significant cases occurs at the same time the Court's caseload has dramatically decreased, the number of law clerks has quadrupled, and justices are observed lecturing around the world during the traditional three-month break from the end of June until the first Monday in October while other Federal employees work 11 months a year.

During his Senate confirmation hearing, Chief Justice John G. Roberts, Jr. said the Court "could contribute more to the clarity and uniformity of the law by taking more cases."ⁱ The number of cases decided by the Supreme Court in the 19th century shows the capacity of the nine Justices to decide more cases. According to Professor Edward A. Hartnett: "... in 1870, the Court had 636 cases on its docket and decided 280; in 1880, the Court had 1,202 cases on its docket and decided 365; and in 1886, the Court had 1,396 cases on its docket and decided 451."ⁱⁱ The downward trend of decided case is noteworthy since 1985 and has continued under Chief Justice Roberts' leadership. The number of signed opinions decreased from 161 in the 1985 term to 67 in the 2007 term.ⁱⁱⁱ

It has been reported that seven of the nine justices, excluding Justices Stevens and Alito, assign their clerks to what is called a "cert. pool" to review the thousands of petitions for certiorari. The clerk then writes and circulates a summary of the case and its issues suggesting justices' reading of cert. petitions is, at most, limited.

At a time of this declining caseload, the Supreme Court has left undecided circuit court splits of authority on many important cases such as: 1) The necessity for an agency head to personally assert the deliberative process privilege;^{iv}

2) Mandatory minimums for use of a gun in drug trafficking;^v

3) Equitable tolling of the Federal Tort Claims Act's statute of limitations period;^{vi}

4) The standard for deciding whether a Chapter 11 bankruptcy may benefit from executory contracts;^{vii}

5) Construing the honest services provisions of fraud law;^{viii} and

6) The propriety of a jury consulting the Bible during deliberations.^{ix}

One procedural change for the Court to take more of these cases would be to lower the number of justices required for cert. from four to three or perhaps even to two.

Of perhaps greater significance are the high-profile, major constitutional issues which the court refuses to decide involving executive authority, congressional authority and civil rights. A noteworthy denial of cert. occurred in the Court's refusal to decide the constitutionality of the Terrorist Surveillance Program which brought into sharp conflict Congress' authority under Article I to establish the exclusive basis for wiretaps under the Foreign Intelligence Surveillance Act with the President's authority under Article II as Commander in Chief to order warrantless wiretaps.

That program operated secretly from shortly after 9/11 until a New York Times article in December 2005. In August 2006, the United States District Court for the Eastern District of Michigan found the program unconstitutional.^x In July 2007, the Sixth Circuit reversed 2-1, finding lack of standing.^{xi} The Supreme Court then denied certiorari.^{xii}

The dissenting opinion in the Sixth Circuit demonstrated the flexibility of the standing requirement to provide the basis for a decision on the merits. Judge Gilman noted, "the attorney-plaintiffs in the present case allege that the government is listening in on private person-to-person communications that are not open to the public. These are communications that any reasonable person would understand to be private."^{xiii} After analyzing the standing inquiry under a recent Supreme Court decision, Judge Gilman would have held that, "[t]he attorney-plaintiffs have thus identified concrete harms to themselves flowing from their reasonable fear that the TSP will intercept privileged communications between themselves and their clients."^{xiv} On a matter of such importance, the Supreme Court could at least have granted certiorari and decided that standing was a legitimate basis on which to reject the decision on the merits.

On June 29, 2009, the Supreme Court refused to consider the case captioned *In re Terrorist Attacks on September 11, 2001*,^{xv} in which the families of the 9/11 victims sought damages from Saudi Arabian princes personally, not as government actors, for financing Muslim charities knowing those funds would be used to carry out Al Qaeda jihads against the United States.^{xvi} The plaintiffs sought an exception to the sovereign immunity specified in the Foreign Sovereign Immunities Act of 1976. Plaintiffs' counsel had developed considerable evidence showing Saudi complicity. Had the case gone forward, discovery proceedings had the prospect of developing additional incriminating evidence.

My questions are:

1) Do you agree with the testimony of Chief Justice Roberts at his confirmation hearing that the Court "could contribute more to clarity and uniformity of the law by taking more cases?"

2) If confirmed, would you favor reducing the number of justices required to grant petitions for certiorari in circuit split cases from four to three or even two?

3) If confirmed, would you join the cert. pool or follow the practice of Justices Stevens and Alito in reviewing petitions for cert. with the assistance of your clerks?

4) Would you have voted to grant certiorari in the case captioned *In re Terrorist Attacks on September 11, 2001*?

5) Would you have voted to grant certiorari in *A.C.L.U. v. N.S.A.*—the case challenging

the constitutionality of the Terrorist Surveillance Program?

Sincerely,

ARLEN SPECTER.

ENDNOTES

ⁱ Confirmation Hearing on the Nomination of John G. Roberts, Jr. to Be Chief Justice of the United States: Hearing Before the S. Comm. on the Judiciary, 109th Cong. 337 (2005) (statement of John G. Roberts Jr.).

ⁱⁱ Edward A. Hartnett, "Questioning Certiorari: Some Reflections Seventy-Five Years After the Judges' Bill," 100 Colum. L. Rev. 1643, 1650 (Nov. 2000).

ⁱⁱⁱ See Kenneth W. Starr, The Supreme Court and Its Shrinking Docket: The Ghost of William Howard Taft, 90 Minn. L. Rev. 1363, 1368 (May 2006); Supreme Court of the United States, 2008 Year-End Report on the Federal Judiciary, Dec. 31, 2008, available at <http://www.supremecourtus.gov/publicinfo/year-end/2008year-endreport.pdf>.

^{iv} See *Dept. of Energy v. Brett*, 659 F.2d 154, 156 (Temp. Emer. Ct. App. 1981) (holding that the trial court erred in ruling the deliberative process privilege could only be invoked by an Agency head); *Marriott Int'l Resorts, L.P., v. United States*, 437 F.3d 1302, 1306-08 (Fed. Cir. 2006) (finding that it was proper for IRS Commissioner to delegate responsibility for invoking deliberative process privilege to Assistant Chief Counsel); *Landry v. Fed. Deposit Ins. Corp.*, 204 F.3d 1125, 1135-36 (D.C. Cir. 2000) (commenting that lesser officials can invoke the deliberative process and law enforcement privileges), *cert. denied*, 531 U.S. 924 (Oct. 10, 2000); *Branch v. Phillips Petroleum Co.*, 638 F.2d 873, 882-83 (5th Cir. 1981) (commenting that, while *United States v. Reynolds*, 345 U.S. 1 (1953), indicates that Agency head must invoke, the EEOC sufficiently complied when the director of its Houston office, a subordinate, invoked the privilege on the EEOC's behalf). *Contra United States v. O'Neill*, 619 F.2d 222, 225 (3d Cir. 1980) (rejecting invocation of executive privilege by an attorney rather than the department head).

^v See *United States v. Brown*, 449 F.3d 154, 155 (D.C. Cir. 2006) (considering increasing progression of penalties in the statute to imply an intent requirement in provision penalizing discharge of a firearm during commission of a crime of violence); *United States v. Dare*, 425 F.3d 634, 641 n. 3 (9th Cir. 2005) (noting that "'discharge' requires only a general intent"). *Contra United States v. Dean*, 517 F.3d 1224, 1230 (11th Cir. 2008) (finding *Brown* reasoning unpersuasive "because discharging a firearm, regardless of intent, presents a greater risk of harm than simply brandishing a weapon without discharging it"); *United States v. Nava-Sotelo*, 354 F.3d 1202, 1204-05 (10th Cir. 2003) (finding the plain language of the statute to require mandatory minimum sentence even if discharge was accidental or involuntary).

^{vi} Compare *Gonzalez v. United States*, 284 F.3d 281, 288 (1st Cir. 2002) (noting that it "has repeatedly held that compliance with this statutory requirement is a jurisdictional prerequisite to suit that cannot be waived") (citations omitted) with *Valdez ex rel. Donely v. United States*, 518 F.3d 173, 185 (2d Cir. 2008) (declining to determine whether to apply equitable tolling to the FTCA statute of limitations); and *Hughes v. United States*, 263 F.3d 272, 277-78 (3d Cir. 2001) (holding that the FTCA's statute of limitations is non-jurisdictional and applying equitable tolling).

^{vii} Compare *N.C.P. Marketing Group, Inc. v. BG Star Productions, Inc.*, 279 Fed.Appx. 561 (9th Cir. 2008), *cert. denied*, *N.C.P. Marketing Group, Inc. v. BG Star Productions, Inc.*, 129 S.Ct. 1577 (Mar. 23, 2009) (affirming lower

court decision, which used "hypothetical test" to "examin[e] whether, hypothetically without looking to the individual facts of the case, any executory contracts could be assumed under applicable federal law," *N.C.P. Marketing Group, Inc. v. Blanks*, 337 B.R. 230, 234 (D. Nev. 2005)); *In re James Cable Partners, L.P.*, 27 F.3d 534, 537-38 (11th Cir. 1994) (using "hypothetical test"); and *In re West Electronics, Inc.*, 852 F.2d 79, 83 (3rd Cir. 1988) (same); with *In re Sunterra Corp.*, 361 F.3d 257, 262 (4th Cir. 2004) (using "actual test," under which "a court must make a case-by-case inquiry into whether the non-debtor party would be compelled to accept performance from someone other than the party with whom it had originally contracted, and a debtor would not be precluded from assuming a contract unless it *actually* intended to assign the contract to a third party" (emphasis in original)).

^{viii} Compare *United States v. Sorich*, 523 F.3d 702, 707 (7th Cir. 2008), *cert. denied* *Sorich v. United States*, 129 S.Ct. 1308 (Feb. 23, 2009) ("[m]isuse of office (more broadly, misuse of position) for private gain is the line that separates run-of-the-mill violations of state-law fiduciary duty . . . from federal crime" (quoting *United States v. Bloom*, 459 F.3d 509, 520-21 (7th Cir. 1998); with *United States v. Brumley*, 116 F.3d 728, 735 (5th Cir. 1997) (concluding that the statute "applies to deprivations of honest services by state employees and that such services must be owed under state law"); and *United States v. Panarella*, 277 F.3d 678, 692 (3rd Cir. 2002) (rejecting "personal gain" as a requisite motivation of the crime)).

Dissenting in the *Sorich* cert. denial, Justice Scalia wrote, "In light of the conflicts among the Circuits; the longstanding confusion over the scope of the statute; and the serious due process and federalism interests affected by the expansion of criminal liability that this case exemplifies, I would grant the petition for certiorari and squarely confront both the meaning and the constitutionality of §1346. Indeed, it seems to me quite irresponsible to let the current chaos prevail." 129 S.Ct. at 1311.

^{ix} Compare *Oliver v. Quarterman*, 541 F.3d 329, 340 (5th Cir. 2008), *cert. denied*, *Oliver v. Quarterman*, 129 S.Ct. 1985 (Apr. 20, 2009) (holding that jury consultation of a Bible amounted to an unconstitutional outside influence on its deliberations); and *McNair v. Campbell*, 416 F.3d 1291, 1307-09 (11th Cir. 2005) (noting that the use of a Bible during jury deliberations was presumptively prejudicial but that the state had "easily carried its burden of rebutting the presumption of prejudice."); with *Robinson v. Polk*, 438 F.3d 350, 363-65 (4th Cir. 2006) (holding that the lower court did not act unreasonably when it denied a defendant's claim that he was prejudiced by the jury's reading of the Bible during its deliberations, noting, "Unlike [private communications], which impose pressure upon a juror apart from the juror himself, the reading of Bible passages invites the listener to examine his or her own conscience from within.").

^x *American Civil Liberties Union v. National Security Agency* ("A.C.L.U. v. N.S.A."), 438 F.Supp.2d 754 (E.D.Mich. 2006) (Anna Diggs Taylor, J.).

^{xi} *A.C.L.U. v. N.S.A.*, 493 F.3d 644 (6th Cir. 2007).

^{xii} 128 S.Ct. 1334 (2008).

^{xiii} 493 F.3d at 697.

^{xiv} *Id.*

^{xv} 538 F.3d 71 (2d Cir. 2008).

^{xvi} *Federal Ins. Co. v. Kingdom of Saudi Arabia*, —S.Ct.—, 2009 WL 1835181 (Jun. 29, 2009).

HEALTH CARE

Mr. SPECTER. Mr. President, moving on to a second subject, The New York Times today has an analysis of health care which bears directly upon the legislation which will soon be considered by the Congress on comprehensive health care. The article focuses on prostate cancer, for illustrative purposes, to raise the issue that the key factor of holding down costs is not being attended to under the current system because there are no determinations as to what is affected.

The article points out that the obvious first step is figuring out what actually works. It cites a number of approaches for dealing with prostate cancer, varying from a few thousand dollars to \$23,000, to \$50,000 to \$100,000. It notes that drug and device makers have no reason to finance such trials because insurers now pay for expensive treatments, even if they aren't effective. The article notes that the selection customarily made is the one which is the most effective.

I have talked to Senator BAUCUS and Senator DODD and have written to them concerning my suggestion in this field. I ask unanimous consent that the text of the New York Times article be printed in the RECORD, together with my letters to Senator BAUCUS, Senator DODD, and Senator KENNEDY.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 8, 2009]

IN HEALTH REFORM, A CANCER OFFERS AN ACID TEST

(By David Leonhardt)

It's become popular to pick your own personal litmus test for health care reform.

For some liberals, reform will be a success only if it includes a new government-run insurance plan to compete with private insurers. For many conservatives, a bill must exclude such a public plan. For others, the crucial issue is how much money Congress spends covering the uninsured.

My litmus test is different. It's the prostate cancer test.

The prostate cancer test will determine whether President Obama and Congress put together a bill that begins to fix the fundamental problem with our medical system: the combination of soaring costs and mediocre results. If they don't, the medical system will remain deeply troubled, no matter what other improvements they make.

The legislative process is still in the early stages, and Washington is likely to squeeze some costs out of the medical system. But the signals coming from Capitol Hill are still worrisome, because Congress has not seemed willing to change the basic economics of health care.

So let's talk about prostate cancer. Right now, men with the most common form—slow-growing, early-stage prostate cancer—can choose from at least five different courses of treatment. The simplest is known as watchful waiting, which means doing nothing unless later tests show the cancer is worsening. More aggressive options include removing the prostate gland or receiving one of several forms of radiation. The latest

treatment—proton radiation therapy—involves a proton accelerator that can be as big as a football field.

Some doctors swear by one treatment, others by another. But no one really knows which is best. Rigorous research has been scant. Above all, no serious study has found that the high-technology treatments do better at keeping men healthy and alive. Most die of something else before prostate cancer becomes a problem.

"No therapy has been shown superior to another," an analysis by the RAND Corporation found. Dr. Michael Rawlins, the chairman of a British medical research institute, told me, "We're not sure how good any of these treatments are." When I asked Dr. Danielle Perleth of Stanford University, who has studied the data, what she would recommend to a family member, she paused. Then she said, "Watchful waiting."

But if the treatments have roughly similar benefits, they have very different prices. Watchful waiting costs just a few thousand dollars, in follow-up doctor visits and tests. Surgery to remove the prostate gland costs about \$23,000. A targeted form of radiation, known as I.M.R.T., runs \$50,000. Proton radiation therapy often exceeds \$100,000.

And in our current fee-for-service medical system—in which doctors and hospitals are paid for how much care they provide, rather than how well they care for their patients—you can probably guess which treatments are becoming more popular: the ones that cost a lot of money.

Use of I.M.R.T. rose tenfold from 2002 to 2006, according to unpublished RAND data. A new proton treatment center will open Wednesday in Oklahoma City, and others are being planned in Chicago, South Florida and elsewhere. The country is paying at least several billion more dollars for prostate treatment than is medically justified—and the bill is rising rapidly.

You may never see this bill, but you're paying it. It has raised your health insurance premiums and left your employer with less money to give you a decent raise. The cost of prostate cancer care is one small reason that some companies have stopped offering health insurance. It is also one reason that medical costs are on a pace to make the federal government insolvent.

These costs are the single most important thing to keep in mind during the health care debate. Making sure that everyone has insurance, important as that is, will not solve the cost problem. Neither will a new public insurance plan. We already have a big public plan, Medicare, and it has not altered the economics of prostate care.

The first step to passing the prostate cancer test is laying the groundwork to figure out what actually works. Incredibly, the only recent randomized trial comparing treatments is a 2005 study from Sweden. (It suggested that removing the prostate might benefit men under 65, which is consistent with the sensible notion that younger men are better candidates for some aggressive treatments.)

"There is no reason in the world we have to be this uncertain about the relative risks and benefits," says Dr. Sean Tunis, a former chief medical officer of Medicare.

Drug and device makers have no reason to finance such trials, because insurers now pay for expensive treatments even if they aren't more effective. So the job has to fall to the government—which, after all, is the country's largest health insurer.

Obama administration officials understand this, and the stimulus bill included money

for such research. But stimulus is temporary. The current House version of the health bill does not provide enough long-term financing.

The next step involves giving more solid information to patients. A fascinating series of pilot programs, including for prostate cancer, has shown that when patients have clinical information about treatments, they often choose a less invasive one. Some come to see that the risks and side effects of more invasive care are not worth the small—or nonexistent—benefits. "We want the thing that makes us better," says Dr. Peter B. Bach, a pulmonary specialist at Memorial Sloan-Kettering Cancer Center, "not the thing that is niftier."

The current Senate bill would encourage doctors to give patients more information. But that won't be nearly enough to begin solving the cost problem.

To do that, health care reform will have to start to change the incentives in the medical system. We'll have to start paying for quality, not volume.

On this score, health care economists tell me that they are troubled by Congress's early work. They are hoping that the Senate Finance Committee will soon release a bill that does better. But as Ron Wyden, an Oregon Democrat on the committee, says, "There has not been adequate attention to changing the incentives that drive behavior." One big reason is that the health care industry is lobbying hard for the status quo.

Plenty of good alternatives exist. Hospitals can be financially punished for making costly errors. Consumers can be given more choice of insurers, creating an incentive for them to sign up for a plan that doesn't cover wasteful care. Doctors can be paid a set fee for some conditions, adequate to cover the least expensive most effective treatment. (This is similar to what happens in other countries, where doctors are on salary rather than paid piecemeal—and medical care is much less expensive.)

Even if Congress did all this, we would still face tough decisions. Imagine if further prostate research showed that a \$50,000 dose of targeted radiation did not extend life but did bring fewer side effects, like diarrhea, than other forms of radiation. Should Medicare spend billions to pay for targeted radiation? Or should it help prostate patients manage their diarrhea and then spend the billions on other kinds of care?

The answer isn't obvious. But this much is: The current health care system is hard-wired to be bloated and inefficient. Doesn't that seem like a problem that a once-in-a-generation effort to reform health care should address?

— U.S. SENATE,
Washington, DC, June 17, 2009.

Hon. MAX BAUCUS,
Chairman, Senate Finance Committee, Washington, DC.

DEAR MAX: I write to call to your personal attention provisions on bio-medical research which, in my judgment, are critical—arguably indispensable—for inclusion in comprehensive health care reform legislation.

I urge that authorization for the National Institutes of Health be set at a new baseline of \$40 billion, reflecting the current \$30 billion level plus the \$10 billion from the stimulus package. The Administration's current request of \$443 million is totally insufficient since at least \$1 billion is necessary to keep up with inflation and additional funding is necessary to maintain an appropriate level for more innovative research grants.

When the appropriations for NIH, spearheaded by Senator Harkin and myself, were increased by \$3 to \$3.5 billion each year, there was a dramatic decrease in deaths attributable to many maladies. Since reform legislation has as two principal objectives, improving the quality of health care and reducing costs, the best way to reach those objectives is through increasing funding for bio-medical research at NIH.

The second item which I urge for inclusion in comprehensive health reform legislation is specified in S. 914, the Cures Acceleration Network Act which I introduced on April 28, 2009. That bill would help our nation's medical research community bridge what practitioners call the "valley of death" between discoveries in basic science and new effective treatments and cures for the diseases. This translational medical research will accelerate medical progress at the patient's bedside and maximize the return on the substantial investments being made on bio-medical research.

I look forward to working with you on these proposals as well as other facets of comprehensive health care reform.

I am sending an identical letter to Senator Kennedy.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, July 8, 2009.

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR CHRIS: Before the 4th of July recess, I mentioned to you on the Senate floor my strong interest in including a \$40 billion annual base for NIH and my proposed Cures Accelerated Network Act (S.914) in the comprehensive health care reform legislation.

I am enclosing a copy of a letter which I sent to Chairman Kennedy on June 17, 2009 which spells out in some detail my proposals.

Thanks very much for your consideration of this request.

My best.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, June 17, 2009.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Health, Education,
Labor and Pension, Washington, DC.

DEAR TED: I write to call to your personal attention provisions on bio-medical research which, in my judgment, are critical—arguably indispensable—for inclusion in comprehensive health care reform legislation.

I urge that authorization for the National Institutes of Health be set at a new baseline of \$40 billion, reflecting the current \$30 billion level plus the \$10 billion from the stimulus package. The Administration's current request of \$443 million is totally insufficient since at least \$1 billion is necessary to keep up with inflation and additional funding is necessary to maintain an appropriate level for more innovative research grants.

When the appropriations for NIH, spearheaded by Senator Harkin and myself, were increased by \$3 to \$3.5 billion each year, there was a dramatic decrease in deaths attributable to many maladies. Since reform legislation has as two principal objectives, improving the quality of health care and reducing costs, the best way to reach those objectives is through increasing funding for bio-medical research at NIH.

The second item which I urge for inclusion in comprehensive health reform legislation

is specified in S.914, the Cures Acceleration Network Act which I introduced on April 28, 2009. That bill would help our nation's medical research community bridge what practitioners call the "valley of death" between discoveries in basic science and new effective treatments and cures for the diseases. This translational medical research will accelerate medical progress at the patient's bedside and maximize the return on the substantial investments being made on bio-medical research.

I look forward to working with you on these proposals as well as other facets of comprehensive health care reform.

I am sending an identical letter to Senator Baucus.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, it is my view that this is a critical and arguably indispensable item to be taken up in this comprehensive health care reform—and certainly weighs heavily on my mind—and that is to fund the National Institutes of Health at the \$30 billion currently as the base, plus the \$10 billion in the stimulus package, for a base of \$40 billion. The results from medical research have been phenomenal, with decreases in fatality to stroke, breast cancer, and many other of the health maladies. Then, to combine that with legislation which I have introduced, S. 914, the Cures Acceleration Network, which addresses the issue taken up by The New York Times, and that is to make a determination of what actually works.

There has been identified a so-called "valley of death" between the bench and clinical research and the bedside and application of the research. The pharmaceutical companies do not take up this issue because of the cost. This is something which ought to be taken up by the Federal Government as the dominant funder for the National Institutes of Health. So should the comprehensive health care include this issue to address, in a meaningful way, the very high costs of medical care? Certainly, if the tests make a determination that the less-expensive items are the ones which ought to be followed, that could meet the Federal standard and that could prevail.

HOLOCAUST LOOTED ART RETRIEVAL

Mr. SPECTER. Mr. President, moving to yet another subject, there is a major miscarriage of justice currently being perpetrated on the victims of the Holocaust and their survivors. The Washington Post, 2 weeks ago Sunday, on June 28, pointed out that Holocaust survivors and their heirs are battling museums and governments for the return of thousands of pieces of looted art, despite pledges made by dozens of countries and Washington a decade ago to resolve the claims.

At a major conference underway in Prague, delegates from 49 countries acknowledged that Jews continue to be

stymied in their efforts to reclaim art that was stolen by the Nazis and later transferred to museums and galleries around the world, especially in Europe. An estimated 100,000 artworks, from invaluable masterpieces to items of mostly sentimental value, remain lost or beyond legal research of their victimized owners and descendants.

Stuart Eizenstat, head of the U.S. delegation to the conference said:

This is one of our last chances to inject a new sense of justice into this issue before it's too late for Holocaust victims.

The article goes on to point out that:

In December 1998, after many world-famous museums were found to have Nazi-tainted art in their collections, representatives from 44 countries met in Washington and endorsed guidelines for investigating claims of stolen items and returning them to their rightful owners.

Notwithstanding that international determination, the program has not been carried out.

The article goes on to cite the case involving Mr. Michael Klepetar, a real estate project manager from Prague, who has been trying for 9 years to persuade the Czech National Gallery to relinquish 43 paintings that once belonged to his great uncle, Richard Popper, a prominent collector who was deported to Poland and perished in the Jewish ghetto in the city of Lodz. Popper's wife and daughter also died in the Nazi camps. The National Gallery in Czechoslovakia has refused to part with the paintings, citing a law adopted in 2000 by the Czech Government that entitles only Holocaust victims or their "direct descendants" to file claims for the property. The Ministry of Culture in Czechoslovakia has classified 13 of the looted artworks as "cultural treasures," a designation that prevents them from being taken out of the country.

Mr. Klepetar went on to point out the salient underlying factor:

This country—

Referring to Czechoslovakia—

like most of the region, has always been anti-semitic through the centuries. The only difference now is that it's not politically correct. That's the root of the whole problem.

I am writing today to Secretary of State Clinton asking her to use the persuasive power of the Department of State to rectify this problem. I am also writing to the State Department legal counselor, inquiring about what enforcement action might be taken in international legal tribunals to rectify this situation.

I ask unanimous consent that a copy of the Post article, and the copies of my letters to Secretary Clinton and the State Department legal adviser be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 28, 2009]
**JEWS REMAIN STYMIED IN EFFORTS TO
 RECLAIM ART LOOTED BY NAZIS**
 (By Craig Whitlock)

Holocaust survivors and their heirs are still battling museums and governments for the return of thousands of pieces of looted art, despite pledges made by dozens of countries in Washington a decade ago to resolve the claims.

At a major conference underway here in Prague, delegates from 49 countries acknowledged that Jews continue to be stymied in their efforts to reclaim art that was stolen by the Nazis and later transferred to museums and galleries around the world, especially in Europe. An estimated 100,000 artworks, from invaluable masterpieces to items of mostly sentimental value, remain lost or beyond legal reach of their victimized owners and descendants.

"This is one of our last chances to inject a new sense of justice into this issue before it's too late for Holocaust victims," said Stuart Eizenstat, head of the U.S. delegation to the conference and a former ambassador and deputy Treasury secretary during the Clinton administration.

The Holocaust Era Assets Conference, hosted by the Czech Republic, is an attempt to revive a global campaign that began 11 years ago to track down long-lost art collections that were confiscated or acquired under dubious circumstances during the Holocaust.

In December 1998, after many world-famous museums were found to have Nazi-tainted art in their collections, representatives from 44 countries met in Washington and endorsed guidelines for investigating claims of stolen items and returning them to their rightful owners.

The guidelines, known in the art world as the Washington Principles, have eased the return of looted art in many cases. Despite their endorsement by most European countries and the United States, however, the guidelines are legally nonbinding. They are also often ignored in practice by museums and governments that profess in public to abide by them, according to art experts.

Michel Klepetar, a real-estate project manager from Prague, has been trying for nine years to persuade the Czech National Gallery to relinquish 43 paintings that once belonged to his great-uncle, Richard Popper, a prominent collector who was deported to Poland and perished in the Jewish ghetto in the city of Lodz.

Popper's wife and daughter also died in Nazi camps. Klepetar, 62, and his brother are their closest living relatives. But the National Gallery has refused to part with the paintings, citing a law adopted in 2000 by the Czech government that entitles only Holocaust victims or their "direct descendants" to file claims for stolen property.

In an interview, Klepetar argued that the Czech law was unconstitutional, unethical and particularly unfair to Jews. An estimated 6 million Jews were killed in the Holocaust; many families were survived only by distant relatives.

"This country, like most of the region, had always been anti-Semitic through the centuries," he said. "The only difference now is that it's not politically correct. That's the root of the whole problem."

Klepetar's great-uncle had amassed a collection of 127 artworks—mostly Flemish and Dutch paintings from the 17th and 18th centuries—which vanished after the war. In 2000, however, Klepetar said someone leaked him part of a confidential Czech government re-

port on looted art that indicated 43 of the paintings had been in the National Gallery's possession since the early 1950s.

The National Gallery later acknowledged it had the paintings but refused to divulge any details, such as how they were acquired, their condition or their precise location. Klepetar has pressed his claim in the Czech courts for several years but has lost repeatedly because he is not considered a direct descendant under the law.

Tomas Jelinek, vice president of the Czech Committee for Nazi Victims, said the government's decision to pass the 2000 law that limits who can file claims for Holocaust assets was designed to protect public galleries and government institutions.

"You have all these people in charge of the museums, and they don't want to lose their assets," he said. "There are always people who say, 'Why should we give these valuable objects from our collections away?'"

Tomas Wiesner, director of galleries and museums for the Czech Ministry of Culture, did not respond to requests for comment.

Art experts credited the Czech government with taking steps to make it easier to find and return looted art. In 2001, for instance, it established the Documentation Center for Property Transfers of Cultural Assets of World War II Victims, which maintains a public online database of artworks in Czech museums that once may have been owned by Holocaust victims.

The database, however, offers limited information and is hampered by spotty record-keeping. For example, it lists only eight of the 43 paintings in the National Gallery that were part of Klepetar's family collection, even though the museum has acknowledged it has the others as well.

The Documentation Center also does not publish statistics on how many claims have been filed on behalf of Holocaust victims, or how many artworks have been returned. Helena Krajcova, director of the center and co-chair of the looted-art panel for the Holocaust Era Assets Conference, did not respond to requests for an interview.

Czech officials have sometimes taken extraordinary legal measures to prevent the return of looted art.

In December, the American heirs of Emil Freund, a Prague lawyer and collector who was killed during the Holocaust, reacquired 32 paintings and drawings that had been in the custody of the National Gallery for decades. But the Ministry of Culture classified 13 of the looted artworks as cultural treasures, a designation that prevents them from being taken out of the country.

Michaela Sidenberg, curator for visual art at the Jewish Museum in Prague, a private institution, said Holocaust survivors and their families are repeatedly stonewalled in the Czech Republic, despite official policy to make it simple for them to file claims for artwork taken by the Nazis.

"It's like a hot potato being thrown around," she said. "The claimants are kicked around from one bureaucracy to another. Everybody is just looking for some alibi and to avoid taking responsibility."

Asked about such criticism, Stefan Fule, the Czech Republic's minister for European Union affairs, said his government's hosting of the conference on Holocaust-era assets demonstrates its dedication to resolving such claims fairly.

"These are serious questions that need to be seriously addressed," he said at a news briefing Friday. He declined to say, however, whether the Czech government would consider changing its laws so that distant rel-

atives would be allowed to inherit property stolen by the Nazis.

In the meantime, Klepetar said he will keep pressing his case for the return of his great-uncle's collection, even though he predicted that there was "almost zero" chance that the Czech government would change its laws or policies.

"No, no, I'm not going to give up," he said. "It's the principle. Like they say, a Jew should never let anyone [defecate] on his head. And you can quote that."

— U.S. SENATE,
 Washington, DC, July 8, 2009.

Hon. HAROLD KOH
 Legal Adviser, U.S. Department of State, Washington, DC.

DEAR DEAN KOH: With this letter, I am enclosing a copy of a letter I am sending today to Secretary of State Clinton.

I would appreciate it if you would review this situation to determine if there is any legal action which could be brought in international court to obtain the return of this artwork.

I am delighted to see you at work on your new job after a hard-fought confirmation battle.

My best.

Sincerely,

— ARLEN SPECTER.

— U.S. SENATE,
 Washington, DC, July 8, 2009.

Hon. HILLARY RODHAM CLINTON,
 Secretary of State, Department of State, Washington, DC.

DEAR HILLARY: I write to call to your personal attention a gross miscarriage of justice which is being perpetuated on victims and survivors of Holocaust victims who are being deprived of their rights to reacquire works of art illegally confiscated by the Nazis.

The situation is succinctly set forth in an article in the Washington Post on June 28, 2009:

"Holocaust survivors and their heirs are battling museums and governments for the return of thousands of pieces of looted art, despite pledges made by dozens of countries in Washington a decade ago to resolve the claims. At a major conference underway in Prague, delegates from 49 countries acknowledged that Jews continue to be stymied in their efforts to reclaim art that was stolen by the Nazis and later transferred to museums and galleries around the world, especially in Europe. An estimated 100,000 artworks from invaluable masterpieces to items of mostly sentimental value remain lost or beyond legal reach of their victimized owners and descendants."

Ambassador Stuart Eizenstat, head of the U.S. delegation to the Conference, said:

"This is one of our last chances to inject a new sense of justice into this issue before it's too late for Holocaust victims."

The article further specifies the unsuccessful efforts of individuals to reclaim these works of art. One of those individuals, Mr. Michael Klepetar, focuses on the underlying reason:

"This country, like most of the region, had always been anti-Semitic through the centuries. The only difference now is that it's not politically correct. That's the root of the whole problem."

The Czech Ministry of Culture classified 13 of the looted artworks as cultural treasures, a designation that prevents them from being taken out of the country. The Czech National Gallery has refused to turn over these works of art citing a 2000 statute adopted by

the Czech government which entitles only Holocaust victims or their "direct descendants" to file claims for the property.

I request that you review this situation with a view to bring whatever diplomatic pressure is possible in Czechoslovakia and elsewhere to see to it that these works of art are returned to the Holocaust victims or their survivors. I am writing to Secretary of State Legal Adviser Harold Koh asking him to determine if there is any way to initiate legal proceedings in an international court to reclaim these works of art in Czechoslovakia and elsewhere.

For your review, I am enclosing the full text of the Washington Post article.

My best,

Sincerely,

ARLEN SPECTER.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2892

Mr. SPECTER. Mr. President, I have been asked by the leader to propound a unanimous consent request as follows: That the order of July 7 be modified to provide that after the Senate resumes H.R. 2892, the time until 10:55 a.m. be for debate with respect to the Sessions amendment No. 1371 and all other provisions of the July 7 order remain in effect.

The PRESIDING OFFICER (Mr. BENNET). Is there objection?

Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2892, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid (for Byrd-Inouye) amendment No. 1373, in the nature of a substitute.

Sessions amendment No. 1371 (to amendment No. 1373), to make the pilot program for employment eligibility confirmation for aliens permanent and to improve verification of immigration status of employees.

DeMint amendment No. 1399 (to amendment No. 1373), to require the completion of at least 700 miles of reinforced fencing along the southwest border by December 31, 2010.

Feingold amendment No. 1402 (to amendment No. 1373), to require grants for Emergency Operations Centers and financial assistance for the predisaster mitigation program to be awarded without regard to earmarks.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 1399

Mr. DEMINT. Mr. President, I wish to speak briefly about an amendment that

will be up second, I believe, this morning. It is about our southern border in this United States.

I think we have made some propositions to the American people to secure our southern border. We have passed laws that are currently not being followed, and I think we see the result of that in Mexico as well as in the United States. Our southern border has become a battleground. It is a place not only where illegal immigrants and workers come into our country, but drug trafficking and weapons trafficking are real security issues. We are destabilizing Mexico with all that is going on because we refuse to carry out our promise to the American people to secure that border. We cannot have security in the United States unless we have a secure border.

We passed a law that says we have to have 700 miles of reinforced, double-layer fencing along the southern border of the United States. Of the 700 miles, 370 miles were required to be built by December 31 of last year, and we have not met that requirement.

In fact, there are only 330 miles of the single-layered fencing and only 34 miles of the double-layered fencing that was required by law to be built.

So far they claim 661 miles of fencing are completed, but that includes both vehicle barriers and single-layered fencing.

They continue to speak of virtual fencing, which is basically just detectors if someone is going across. All the evidence is that doesn't work well, if at all.

The point of my amendment is to keep our promise to the American people. Let's move ahead with securing the border. I don't like a fence. I don't like the way a fence looks. But in this world today, where we are threatened in many ways, it is critically important that we are able to determine who comes and goes and what comes and goes on the borders of the United States.

My amendment does two things. It requires that 700 miles of physical pedestrian fencing be completed, and it sets a deadline of December 31, 2010. We can do this if we just make that commitment and fund it in this bill.

A physical fence is effective, compared to the untested hundreds of millions of dollars of virtual fencing they are trying to substitute, even though we passed a law that says we need to secure the borders.

I remind my colleagues we made a promise to the American people. We passed a law. This country is based on the rule of law, and we need to follow it in the Congress. We need to fund this and set a deadline so this promise will be fulfilled.

I encourage all my colleagues to vote for the DeMint amendment this morning. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 1371

Mr. SESSIONS. Mr. President, recently the Bureau of Labor Statistics reported that the unemployment rate in June of this year had jumped to 9.5 percent; 467,000 jobs were lost in June alone. This is the highest unemployment rate in 25 years.

The Congress passed, earlier this year, a stimulus bill. The purpose of it was to create jobs and reduce unemployment. We were told if we pass that bill, unemployment would top out at 8.4 percent. Well, it just hit 9.5 percent. A report released by the Heritage Foundation and the Center for Immigration studies has estimated that 15 percent of the construction jobs created by the Senate stimulus bill would go to illegal immigrants—about 300,000 jobs.

The question is, is there anything we can do about it? The answer is yes. We have an E-Verify system where employers voluntarily, all over the country, are using a computer verification system to determine whether the job applicant who appears before them is here legally and entitled to work. The Federal Government uses that same system for every employee it hires, but we did not require that for employers who get government contracts under the stimulus package. Contractors who get money under the stimulus package are not required to use E-Verify.

The system is pretty successful. It is not foolproof, but Secretary Napolitano of Homeland Security recently said:

The administration strongly supports E-Verify as a cornerstone of worksite enforcement and will work to continually improve the program to ensure it is the best tool available to deter the hiring of persons not authorized to work in the United States.

That was a good statement from Homeland Security. But the reality is that President Bush's Executive order that was to take place in January, which would have required all government contractors to use E-Verify, has been pushed back four times. So that is why I offered this legislation.

It is perfectly appropriate for Congress to pass legislation to require this. I have been advised today, though, of some good news. Secretary Napolitano apparently will issue a statement later today saying that after three or four extensions and putting off the E-Verify mandate for government contractors she will issue that order. So that is good news.

What would my amendment do? No. 1, it would make that not just a Presidential policy subject to delay or implementation or withdrawal whenever they wanted; it would make it a permanent rule that people who have contracts with the government would have to use the E-Verify system. Instead of a 3-year extension of the E-Verify system, as provided for in this bill, it would go on and make it permanent. It

is a cornerstone today of a system that will work to a considerable degree to reduce the number of illegal workers who are getting jobs—taking jobs from American workers at this particularly difficult time. I think it is a good step. I am glad the Secretary is moving forward finally on making that a reality.

I hope my colleagues will step forward now and let's make this a permanent system. It is certainly contemplated to be permanent. But for odd reasons, to me, there seems to be a reluctance to make it so. The system is up and running. It can handle millions more than the millions it is already handling today. It is designed for a much larger use. It will make a difference, and it will identify quite a number of people who are here illegally seeking to work. In fact, I think the system should be made to apply to all businesses in America. I believe we can do that and should move in that direction. But the first step, it seems to me, would be to say if we are going to create a stimulus package, if this government is going to give contracts to private contractors who do work for the government, they ought to at least ask them to verify whether the person is legally in the country.

Yes, there are some good things additionally that need to be done, such as a biometric identification system, which Senator SCHUMER referred to last night. I would heartily support that, but I believe this is the initial step that ought to be taken. The system should be made permanent and the requirement that contractors of the government should be a part of our law today.

I urge my colleagues to vote for it. I think it would be consistent with the stated policies of the Obama administration and consistent with what the Senate has been working on for some time. I am baffled that Members would not support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

UNANIMOUS CONSENT REQUEST—S. RES. 175

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. Res. 175; that the Senate proceed to its immediate consideration; further, that an amendment to the resolution, which is at the desk, be agreed to; the resolution, as amended, be agreed to; that an amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; finally, that a title amendment, which is at the desk, be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, on behalf of several Senators, I object to the distinguished Senator's request. I re-

spect him, but there is an objection on this side.

The PRESIDING OFFICER. Objection is heard.

Mr. NELSON of Nebraska. I thank the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, today, I rise asking my colleagues to table the pending amendment filed by my distinguished colleague from Alabama to the Department of Homeland Security appropriations bill.

His amendment would both make E-Verify permanent and would immediately mandate all Federal contractors and subcontractors to use E-Verify.

First, I have good news for my colleagues and good news for my colleague from Alabama. The Department of Homeland Security has just taken action—they were planning to do it before. It is coincidental but fortuitous that it occurs right now. It addresses a good part of the issue that my colleague from Alabama has raised.

Today, the Department of Homeland Security has issued a statement indicating "the administration's support for a regulation that will award Federal contracts only to employers who use E-Verify to check employee work authorization."

As we all know, E-Verify is a voluntary system, not a mandatory system. For Federal contractors, it will be mandatory, which is half and the most operative part of my colleagues' amendment.

The administration's Federal contractor rule extends use of the E-Verify system to covered Federal contractors and subcontractors, including those who receive American Recovery and Reinvestment Act funds. The administration will push ahead with full implementation of the rule, which will apply to Federal solicitation and contract awards starting on September 8, 2009—within a couple months.

Accordingly, I believe Senator SESSIONS' amendment is moot so far as it applies to Federal contractors and doesn't need to be approved by us in order for E-Verify to apply in this context.

He has another part of the amendment, which is to make E-Verify permanent. I remind my colleagues that E-Verify is in effect for the next 3 years. Making it permanent will extend to the outyears, but as chair of the immigration subcommittee, and with the support of Chairman LEAHY, I have been investigating this issue.

I say to my colleagues that I don't think we want to make E-Verify permanent because it is not tough enough or strong enough. There is a gaping loophole in E-Verify. It is the best we have now. We should use it for Federal contractors. I support that. But there is a big loophole.

Let's say an illegal immigrant wants to say they are John Jones from Syracuse, and they know John Jones's Social Security number. They can easily get a fake ID that has John Jones's address on it, and they can submit it into the system, and nothing in E-Verify will stop that illegal immigrant from getting a job. Once they are in the system, they are approved time after time.

What is more, nothing about E-Verify stops a citizen from loaning their identity to friends and family so they can get a job. We need a biometric system, with a picture and a biometric identifier. That is the only way we will stop illegal immigration. E-Verify doesn't do it.

I assure my colleagues on our subcommittee on immigration, under Chairman LEAHY's leadership as chairman of the full committee, we are investigating a biometric system which will once and for all stop future illegal immigration. To make this system permanent, when there is a better system in the offing, is premature.

I urge that the amendment be tabled. The first part has been adopted, and the second part to make it permanent, when we already have it for 3 years, is wrong when we can do better 3 years from now.

Mr. ALEXANDER. Mr. President, I ask unanimous consent if I might have 30 seconds before the vote to make a request?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, first, if I may respond to Senator SCHUMER, it is my understanding that Secretary Napolitano's executive order will be different than the Executive order the Bush administration had, finally, after some delay, approved in that it would say that a government contractor would not have to check the employment history of employees working for them through the E-Verify system—their validity—but only new hires they bring on, which is quite a different thing.

I am aware of a businessman in Alabama who has had highway-type work with good employees for many years—decades. He told me he is not now able to compete and is losing contract after contract because his competitor is using illegal labor. This is not an iddy-biddy matter; it is real. I hope I am incorrect about what I understand the Secretary's decision to be. If I am correct, I don't think the proposal is what it should be, and it will still be insufficient.

Mr. SCHUMER. Mr. President, I ask unanimous consent to respond for 1 minute, with the permission of both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, the Senator, my friend from Alabama, and I, in one sense, think alike on this issue—stopping future flow of illegal immigration. But he is right in that the order does not require them to check back with previous employers. That is not how E-verify works. They are not capable of doing it.

Obviously, we might want to set up 1,000, 5,000, 10,000 people and get them to start checking on previous employment, but that is not how E-verify works. It is one of the loopholes in the system. To say the administration is not doing it, that is true, but neither does E-verify require that. It probably should. But if we have a biometric, if we have a picture, it will be a lot better and we will not need it.

The Senator is sort of right and sort of wrong but always good-hearted.

The PRESIDING OFFICER. The Senator from Tennessee.

UNANIMOUS CONSENT REQUEST—S. 1198

Mr. ALEXANDER. Mr. President, I thank the Senator from Washington. I am here because the Senator from Nebraska made a request to bring up a resolution of his a little while ago and an objection was made on my behalf. Out of courtesy to him, I want to explain.

The reason is that Senator BENNETT and I, indeed, other Senators, have legislation that would give the government stock in General Motors and Chrysler back to the taxpayers who paid for it on April 15. We prefer that rather than do an expression, a sentiment, which is what the Senator from Nebraska offered.

We are prepared to bring our amendment up and to debate his and to vote on his. There are other Senators here with similar amendments. We simply want to make sure they are all considered at once.

So I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1198, the Auto Stock Every Taxpayer Act, which would give all the government stock in General Motors to the taxpayers who paid for it; that the Senate proceed to its immediate consideration, the bill be read for a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Nebraska. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, if I might have a second to respond, I think this is something the good Senator from Tennessee and I might be able to work out. But until we have the details worked out as to how this would be considered in both cases, I object.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 1371

Mr. SCHUMER. Mr. President, I move to table the amendment of the Senator from Alabama and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Iowa (Mr. HARKIN), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—44

Akaka	Feinstein	Nelson (FL)
Bayh	Franken	Reed
Begich	Gillibrand	Reid
Bennet	Inouye	Sanders
Bingaman	Johnson	Schumer
Boxer	Kaufman	Shaheen
Brown	Kerry	Specter
Burris	Kohl	Stabenow
Cantwell	Lautenberg	Udall (CO)
Cardin	Leahy	Udall (NM)
Carper	Levin	Warner
Casey	Menendez	Webb
Dodd	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	

NAYS—53

Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Baucus	Graham	McConnell
Bennett	Grassley	Murkowski
Bond	Gregg	Nelson (NE)
Brownback	Hagan	Pryor
Bunning	Hatch	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rockefeller
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Collins	Klobuchar	Snowe
Conrad	Kyl	Tester
Corker	Landrieu	Thune
Cornyn	Lieberman	Vitter
Crapo	Lincoln	Voinovich
DeMint	Lugar	Wicker
Dorgan	Martinez	

NOT VOTING—3

Byrd	Harkin	Kennedy
------	--------	---------

The motion was rejected.

AMENDMENT NO. 1407 TO AMENDMENT NO. 1371

Mr. LEAHY. Mr. President, I call up amendment No. 1407 as a second-degree amendment to the amendment that has been proposed by Mr. SESSIONS.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object, I am not familiar with the amendment.

Mr. LEAHY. Mr. President, I believe I have the right to offer the second degree; do I not?

While we are determining that, let me explain what this does. It would create a permanent EB-5 immigrant investor regional center program. This is

a program that has generated billions of dollars of capital investment in American communities. It has created thousands of domestic jobs.

There are 24 of these centers now around the country. I mention to the Senator from Alabama that Alabama has a strong track record with it statewide. The problem we have had in the past is we keep reauthorizing for just a few months at a time, and people in this economy don't want to put a large investment in it because of that. So I would offer this as a second-degree amendment.

Mr. SESSIONS. Mr. President, I have no objection to the second-degree amendment offered by the chairman of the Judiciary Committee.

Mr. LEAHY. I ask for its acceptance.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 1407 to amendment No. 1371.

Mr. LEAHY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permanently reauthorize the EB-5 Regional Center Program)

On page 3, after line 7, add the following:

SEC. 549. Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking “pilot” each place it appears; and

(2) in subsection (b), by striking “for 15 years”.

Mr. LEAHY. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1407) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. SESSIONS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Amendment No. 1371 is pending, as amended.

If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 1371), as amended, was agreed to.

AMENDMENT NO. 1399

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote in relation to amendment No. 1399, with the time equally divided between the Senator from Washington, Mrs. MURRAY, and the Senator from South Carolina, Mr. DEMINT.

Who yields time? The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, current law promises the American people that

we will secure our southern borders with 700 miles of pedestrian fence. Obviously, we have seen violence increase and drug trafficking and weapons trafficking. We have destabilized the Mexican government because of our inability to carry out that promise. At this point there are only 34 miles of double-layered pedestrian fences as promised in our laws. We are supposed to have 700 miles. My amendment simply enforces current law and sets a deadline that we finish a pedestrian fence as required by law, finish the fence that is required by law by the end of next year. This is a promise we should keep to the American people.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I yield my time to the Senator from Ohio, Senator VOINOVICH.

Mr. VOINOVICH. Mr. President, we oppose this amendment. The amendment would force the Department of Homeland Security to construct hundreds of additional miles of pedestrian fencing beyond that which is determined as necessary. The Department of Homeland Security has studied and analyzed the tactical infrastructure needs, including pedestrian fencing or vehicle fencing along that border. It has built or is in the process of constructing the miles of pedestrian fencing that are needed or that they believe is necessary.

The fact is, this body, when we changed the law not to be prospective, we did not detail the location and type of fencing. Instead, we left it to the discretion of the Secretary of Homeland Security. Not only is this amendment wrong because it overturns the U.S. Customs and Border Service determination of tactical infrastructure needs along the border, it would be incredibly costly. It would outstrip the funds provided for this purpose by requiring additional fencing. Some miles of fencing have an average cost of \$5 billion per mile.

I urge we vote no on this amendment.

The PRESIDING OFFICER. The Senator from South Carolina has 9 seconds remaining.

Mr. DEMINT. Mr. President, what we are doing is not working. This amendment is designed to add some force and funding to current law. I encourage my colleagues to support it.

The PRESIDING OFFICER. All time has expired. If there is no further debate on the amendment, the question is on agreeing to the amendment.

Mr. DEMINT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD)

and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER (Mr. KAUFMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—54

Alexander	Enzi	Nelson (NE)
Barrasso	Feinstein	Nelson (FL)
Baucus	Graham	Pryor
Bayh	Grassley	Risch
Bennett	Gregg	Roberts
Bond	Hatch	Rockefeller
Boxer	Hutchison	Schumer
Brownback	Inhofe	Sessions
Bunning	Isakson	Shelby
Burr	Johanns	Snowe
Chambliss	Klobuchar	Specter
Coburn	Kyl	Stabenow
Conrad	Landrieu	Tester
Corker	Lincoln	Thune
Cornyn	McCain	Vitter
Crapo	McCaskill	Webb
DeMint	McConnell	Wicker
Dorgan	Merkley	Wyden

NAYS—44

Akaka	Feingold	Martinez
Begich	Franken	Menendez
Bennet	Gillibrand	Mikulski
Bingaman	Hagan	Murkowski
Brown	Harkin	Murray
Burris	Inouye	Reed
Cantwell	Johnson	Reid
Cardin	Kaufman	Sanders
Carper	Kerry	Shaheen
Casey	Kohl	Udall (CO)
Cochran	Lautenberg	Udall (NM)
Collins	Leahy	Voinovich
Dodd	Levin	Warner
Durbin	Lieberman	Whitehouse
Ensign	Lugar	

NOT VOTING—2

Byrd Kennedy

The amendment (No. 1399) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote and to lay that motion upon the table.

The motion to lay upon the table was agreed to.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1375 TO AMENDMENT NO. 1373

Mr. VITTER. Mr. President, I call up Vitter amendment No. 1375.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 1375 to amendment No. 1373.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit amounts made available under this Act from being used to amend the final rule requiring Federal contractors to use the E-Verify system to prevent Federal contractors from hiring illegal aliens and to hold employers accountable if they hire illegal aliens, and for other purposes)

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the amounts made available under this Act may be used to—

(1) amend, rewrite, or change the final rule requiring Federal Contractors to use E-Verify (promulgated on November 14, 2008);

(2) further delay the implementation of the rule described in paragraph (1) beyond September 8, 2009; or

(3) amend, rewrite, change, or delay the implementation of the final rule describing the process for employers to follow after receiving a “no match” letter in order to qualify for “safe harbor” status (promulgated on August 15, 2007).

AMENDMENT NO. 1375, AS MODIFIED

Mr. VITTER. Mr. President, I send a modification of the amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To prohibit amounts made available under this Act from being used to amend the final rule to hold employers accountable if they hire illegal aliens, and for other purposes)

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the amounts made available under this Act may be used to implement changes to the final rule describing the process for employers to follow after receiving a “no match” letter in order to qualify for “safe harbor” status (promulgated on August 15, 2007).

Mr. VITTER. Mr. President, originally my amendment dealt with two E-Verify issues: the no-match rule under Social Security, which I am about to talk about, and also ensuring that the E-Verify system is used for employers who operate under Federal contracts.

Just a few minutes ago, we passed the Sessions amendment which deals with the second of those issues, Federal contracts, so the modification of my amendment simply takes that part of my amendment out and leaves a correction of the remaining issue, the Social Security no-match rule. That is the only thing the modification did.

What is the no-match rule? In August 2007, the Department of Homeland Security introduced this no-match regulation which clarified the responsibility of employers who receive notice that their employees' names and Social Security numbers don't match the records of the Social Security Administration. Under the rule, employers receiving this sort of notice who did not take corrective action would be deemed to have constructive knowledge that they are employing unauthorized or illegal aliens. In other

words, this rule provided clear guidance on the appropriate responsibility of the employer, the appropriate due diligence the employer should undertake if they receive a letter from the Social Security Administration informing them there is not a proper match under those records. DHS, GAO, and Social Security audits found that such discrepancies often arise when workers use false documents to illegally obtain employment in the United States.

Going after these no-matches is absolutely imperative to attack the issue of illegal aliens in this country. Employers who receive no-match letters know they have a problem and a responsibility to do something about it. Either their record keeping needs to be improved or they have hired undocumented workers. This no-match rule is reasonable in telling the employers: You have a problem, and you have a responsibility to do something about it in a circumstance where there is a no-match.

This no-match rule has been blocked by litigation filed by organized labor and business groups that have consistently opposed enforcement of many of our Federal immigration laws. But the administration has twice asked the court to delay ruling on the government's motion to throw out the lawsuit, thus voluntarily leaving the rule in legal limbo for more than 5 years.

My amendment, as modified, would simply prevent any more delays on the no-match rule. It would allow the Social Security Administration and DHS to provide employers with notices of the problem in their workforce payroll records. This is not only thoroughly reasonable, but it is absolutely necessary—one of many necessary steps we must take to move forward with regard to the illegal immigration problem and productive enforcement. If there are situations where there isn't a match under Social Security records, we need to do something about it. The employer needs to look into it and do something about it or else our illegal immigration laws are going to continue to be made a farce and continue to be flagrantly violated in many cases. This is a reasonable approach. It puts a reasonable but not undue burden on the employer to do some appropriate due diligence when they get a no-match notice from Social Security.

With that, I urge all of my colleagues to support this amendment. I hope we will have a vote on it, probably later today. I look forward to any continuing debate and urge a "yes" vote.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1415 TO AMENDMENT NO. 1373

Mr. GRASSLEY. Mr. President, I ask unanimous consent to set aside the pending amendment so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I call up amendment No. 1415.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1415 to amendment No. 1373.

Mr. GRASSLEY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize employers to voluntarily verify the immigration status of existing employees)

At the appropriate place, insert the following:

SEC. ____ . CHECKING THE IMMIGRATION STATUS OF EMPLOYEES.

Section 403(a)(3)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 8 U.S.C. 1324a note) is amended—

(1) by striking "The person" and inserting the following:

"(i) UPON HIRING.—The person"; and

(2) by adding at the end the following:

"(ii) EXISTING EMPLOYEES.—An employer that elects to verify the employment eligibility of existing employees shall verify the employment eligibility of all such employees not later than 10 days after notifying the Secretary of Homeland Security of such election."

Mr. GRASSLEY. Mr. President, the amendment I offer to the Homeland Security appropriations bill deals with the E-Verify Program. This morning, we voted to make the program a permanent part of our immigration laws. This was a vote in favor of the program because it is a very valuable tool for businesses across the country that want to abide by the law.

My amendment makes the program an even better tool for businesses. It says that if an employer chooses to verify the status of all their workers, not just new hires, then they should be allowed to do so. Employers want to abide by the law and hire people who are legally in the country. Right now, E-Verify only allows the employer to check prospective employees, but we should be allowing them access to this free, online database system to check all of their workers.

I hope my colleagues will agree with this approach. I believe it would fit in closely with initiatives by our new President to change the emphasis upon enforcing the laws against employment of people who come here illegally, because the President is emphasizing going after employers who are not

abiding by the law. And there are lots of investigations that are going on in that direction.

So we are now giving employers, through my amendment, the opportunity to check all their employees because that is very important. If a person is a businessperson, and there is a prospect that Federal people are going to come into the process and look at all their employment records, I would think an employer would want this tool to be able to use to see that everybody who has been hired—not just people recently hired—is legally able to be here.

I urge my colleagues to agree to this amendment and allow their businesses back home to take steps to be in compliance with their immigration laws.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THINNING ELK HERDS

Mr. DORGAN. Madam President, this morning the New York Times wrote an editorial I wanted to commend my colleagues' attention to and take some issue with. The editorial in the New York Times this morning is called "Elk Hunting in the Badlands" referring, of course, to the Badlands of North Dakota where Theodore Roosevelt went out and lived and ranched. The Badlands of North Dakota encompass, in large part, the Theodore Roosevelt National Park, a wonderful park, and the Badlands are about as beautiful as anything you will find in this country.

Theodore Roosevelt National Park has elk. In 1985, a number of elk were released in the Badlands in the southern section. There were, I think, around 50 head of elk that were released in the Badlands, and that has now grown to somewhere close to 900 elk, which is about 600 more than can reasonably be handled in that area. So they need to cull the elk herd. They need to thin out the elk herd because we can't allow it to grow so large that we don't have the carrying capacity on that land.

So as is the case with too many Federal agencies, once they started thinking about how we will cull the elk herd, how we will take care of this problem, they came up with an idea—actually, a number of ideas. Among them was an idea that they would go hire Federal

sharpshooters and then cull the herd with Federal sharpshooters, and then have helicopters transport out the carcasses once the sharpshooters had done their job.

It seemed to me to be boneheaded to be thinking in those terms. Much better, it seemed to me, was to develop an approach that was used in the Grand Tetons, where they deputize hunters as volunteers, and each volunteer can take an elk from the park.

Now, we don't allow "hunting" in national parks. I understand that, and I am not proposing an open hunt. But in cases where you have to thin a herd, rather than have the Federal Treasury decide that we are going to hire Federal sharpshooters and then gas up the helicopters so you can transport the carcasses of the dead animals, a much better solution that you could find in almost any café in North Dakota, talking to three people over strong coffee, is what about finding qualified hunters, deputizing them, allowing each to take an elk and take the meat home; ergo, you haven't cost the Federal Government money. Under park supervision, you can have deputized, qualified hunters whom you could easily qualify, and you have solved the problem.

This is not rocket science or a big, significant, complicated issue. It is not a serious illness for which we don't know a cure. This is a very simple issue of culling an elk herd. So I proposed that. The Park Service said, well, there is a restriction here and there, so we are going to hold a series of meetings. They held a series of meetings in North Dakota. As is always the case with bureaucracy, they hold a lot of meetings and come up with multiple alternatives, and they study them to death until the alternatives are nothing but carcasses. This is an issue in North Dakota in the Theodore Roosevelt National Park that has gone on for some years. The Park Service had several different alternatives. We were waiting for a long while to see what they were going to announce. And it became clear to me that they weren't going to get to a common-sense decision.

So I included a provision in the Interior Appropriations bill in committee last week that is simple and it does as I have said: simply cull the elk herd by deputizing qualified hunters, under the supervision of the Park Service, who would be able to take the animals—the carcasses—and the meat out of the Badlands. So that is in the Interior Appropriations bill.

The New York Times today takes great issue with that. It says it is not the right proposal at all, it is a terrible idea, that it would legislate a management issue better left to the Secretary of the Interior and the National Park Service. Well, the Secretary of the Interior was in North Dakota with me about 5 weeks ago, and we had a long

discussion about this issue. And I know our former colleague Ken Salazar, and I know he would want to come to a conclusion that represents a deep reservoir of common sense as well for the taxpayers.

I understand that we don't want to open hunting seasons in national parks. I propose only in a circumstance where, in this national park, just as we have done in the Grand Teton National Park, which is embedded in law, when you need to thin the herd, don't spend a pile of taxpayers' money, don't gas up helicopters to haul carcasses around. Deputize local qualified hunters and allow that. It is not a hunting season. In this case, you are thinning the herd by using qualified hunters, who could be deputized and operating under the supervision of the Park Service, to remove the meat from the park. It is very simple.

The New York Times is a fine paper, but I doubt that it has a lot of hunters on its staff. I know a bit about hunting, and I know a fair amount about Theodore Roosevelt National Park and the Badlands. I know the people I represent, who looked at this, and most North Dakotans said: Why don't you get real and use a deep reservoir of common sense and solve this problem the right way. Spare taxpayers the expense of spending a lot of money, and do what we have done in the Grand Teton National Parks.

That is the reason that last week I included the provision in the Interior Appropriations bill. I wanted to describe it to my colleagues. On behalf of the American taxpayer, let's do what is right and use some common sense. This is not that complicated.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1402

Mr. LAUTENBERG. Madam President, I rise today because there is a reckless amendment on the floor of the Senate to strip this country of an important infrastructure element to protect us against terrorism. This amendment is intended to strip the State of New Jersey of critical antiterrorism programs.

In poll after poll, the people across our country are still deeply concerned about what might happen in the event of a terrorist attack. Everyone knows we have people fighting against terror in other countries, but we also have a huge assignment here. Just today, we saw that an attempt to smuggle bomb parts into some government buildings was successful. My God, what do we

have to do to say to people in this place: Our primary function is to protect our citizens, and New Jersey is one of the 50 States in this country; that if it is a dangerous event that occurs, whether it is a natural disaster or whether it is a terrorist attack, we have an obligation to see that these States have the tools to protect themselves.

Eliminating funding for these programs will make families in New Jersey more vulnerable to terrorist attacks and natural disasters. I point out that this area we are particularly focused on—9/11, the largest catastrophe that happened on American soil—is one area, which I will describe in just a minute, that is one of the most densely populated in the country, and the risks are very high.

Eliminating funds for these programs makes families in New Jersey more vulnerable, and we are concerned about it. Without these investments, when a terrorist strikes or a hurricane hits, there is a good chance that emergency generators might not go on, firetrucks will not arrive on time, and medical crews might not know where to go.

Let's be absolutely clear. New Jersey is no stranger to terrorism. We lost 700 New Jersey residents on 9/11, and dozens more still retain illnesses that developed as a result of their attempt to protect the citizens who survived.

New Jersey is home to what has been labeled by the FBI as the most dangerous 2-mile stretch in America for terrorism—that 2-mile distance between the Port of Newark and Newark Airport. And New Jersey is the most densely populated State in the Nation. In the area around this 2-mile stretch terrorists could injure or kill almost 12 million people.

Because of the real possibility of an attack, cities and counties throughout New Jersey have created local emergency operations centers. What else could we ask for? What have the States where there are droughts or hurricanes or earthquakes or volcanic eruptions in this country had the right to ask for? They have a right to ask for help. But why only provide the help after something has happened if we can prevent things from taking place?

Because of the real possibility of an attack, we have these local emergency operations centers in New Jersey. These centers coordinate information during an attack and manage the immediate response to cataclysmic emergencies. Both the 9/11 Commission report and the Department of Homeland Security have identified these centers as imperative to people's safety and security when a community crisis occurs. In fact, according to the 9/11 Commission's senior counsel, if there had been a functional emergency operations center after the terrorist attack on the World Trade Center, lives would have been saved that day.

Here is what will happen if the amendment being offered by Senators MCCAIN and FEINGOLD is passed: The emergency operations center in Union County, in my State, will not have an interoperable communications network that connects fire, police, and medical officers. The emergency operations center in South Orange—one of our cities—will not have a working emergency generator.

We can't afford to be without this infrastructure of emergency equipment as well as services. And the emergency operations center in Hackensack will not be able to properly train police officers and firefighters. Make no mistake, emergency operations centers save lives. That is preventive. That is its purpose.

The amendment being offered by Senators MCCAIN and FEINGOLD defies common sense. By jeopardizing emergency operations centers in my State and other States across the country, this amendment would make us less secure, and I hope my colleagues will say: No, we can't permit that. We can't permit it in New Jersey and we can't permit it in other places in the country.

We have to, as the Boy Scouts say, be prepared. It is the simplest lesson we could learn. Prevention is far better than cure.

I thank the Chair for the opportunity to speak, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Madam President, I rise to oppose the amendment that is currently before us, which would eliminate funding for the emergency operations center projects throughout the country, including one in Providence, RI.

First, this issue hinges on several critical factors. One is, ultimately, public safety. We have experienced, over the last several years, a terrorist threat that could impair all kinds of communities around this country. In fact, on the Fourth of July, several aircraft in Istanbul were stopped and searched because there was intelligence developed by both the German Government and the United States indicating that there might be a threat to a commercial aircraft, as we witnessed on 9/11. The bottom line is, these emergency operations centers are critical.

There is another aspect, of course, too, and that is that we are in a terrible situation economically. In Rhode Island, we are just a tad behind Michigan in terms of unemployment, with

12.1 percent of our workforce out of work—nearly 3 points higher than the national average—and this funding not only will meet a critical need for public safety but also help a little bit in terms of getting our economy moving forward.

It will allow the city of Providence and the Providence Emergency Management Agency to move closer to completing needed improvements to its emergency operations center. This project will increase the space at the Providence EOC to ensure a ready 24-hour presence and accommodate a second complement of staff that will be required onsite, should an emergency incident occur. In undertaking this work, at least 20 construction jobs will be produced. In Rhode Island, that is a good project.

In 2004, the city of Providence designated a site within the city to serve as the headquarters for the Providence EMA and has worked since then to make improvements to the facility so it can serve the city during a disaster or attack. The Providence EMA completed the first phase of the work on the facility this year but must expand its existing building in order to make shortfalls that were identified in a 2007 Federal Emergency Management Agency Technical Assistance Team review. These shortfalls, as pointed out by the Federal Government, included inadequate space within the existing facility for administrative and emergency operations and a lack of adequate force protection, physical security, and survivability measures. According to Providence EMA, up to \$3 million will be needed to complete this work. Again, this was the result of a study by the Federal authorities as to the adequacy of this facility. While FEMA has committed resources to this project, Providence EMA does not have the funding to carry out all the improvements that are required.

But beyond serving the needs of Providence, it plays a leading role in our overall State operations. The Greater Providence Metropolitan Medical Response System and the Providence Urban Area Security Initiative regions include Providence and eight surrounding communities, representing 60 percent of the State's population. Let me say that again. This EOC, although it is placed in Providence, plays a critical role in coordinating the emergency response for 60 percent of the people of Rhode Island. This is an important facility not just for one community but for a significant number of areas. So this will be a facility that is not only necessary but extremely efficient and integral to the protection of a significant number of my constituents.

While I understand the administration believes that funding should be allocated through a risk management framework, I support the committee's

decision to fund these projects. For my State, we know the facility is needed. We know the improvements are needed. The Federal authorities have pointed that out to us. It will not only protect a small portion of one city, but it will effectively protect a larger portion in terms of population to my State.

Madam President, I ask unanimous consent that letters from the Mayor of Providence and the Rhode Island Emergency Management Agency regarding the project be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF PROVIDENCE,
Providence, RI, July 7, 2009.

Subject: Providence Emergency Operations Center (EOC) Phase II Funding Request.

Hon. JACK REED,
U.S. Federal Courthouse,
Providence, RI.

DEAR SENATOR REED, I write to express my strong support for federal funding necessary to upgrade the functionality of the City of Providence's Emergency Operations Center (EOC) and to ask for your assistance in securing this funding.

Following a 2007 on-site Federal Emergency Management Agency (FEMA) Technical Assistance Team's review of the EOC, two major shortfalls were identified: (1) inadequate space within the existing facility for administrative and emergency operations and (2) the lack of adequate force protection, physical security, and survivability measures. Federal funding for the facility expansion will allow the City to attain a resilient, modern, efficient and effective regional EOC, capable of coordinating regional emergency response, redundant interoperable communications and rapid public warning.

The Providence Emergency Management Agency is responsible for managing major emergencies in the City along with the added responsibility for the Greater Providence Metropolitan Medical Response System (GPMMRS) and Providence Urban Area Security Initiative (PUASI) regions. With limited EOC interoperability in the eight surrounding communities associated with MMRS and UASI programs, the improved Providence EOC facility will be fully ready and equipped to handle incidents which bisect traditional political boundaries and provide needed incident support and coordination to neighboring communities within the region, thereby providing benefit to an estimated 60% of the State's total population.

On 8 April 2009, after competing nationally in the DHS FY09 Emergency Operations Centers Grant Program, Providence was one of the few cities that met and exceeded the strict federal criteria and was awarded the maximum amount of \$1,000,000. We are requesting additional funding to fully complete the project.

This funding is crucial for improving emergency preparedness, response and recovery by ensuring the City has the most advanced facility and capabilities able to provide time critical flexibility, sustainability, security, survivability and interoperability should a catastrophe occur within or adjacent to our City.

I respectfully request your assistance in securing the additional funds necessary for this project. Should you have any questions,

please feel free to contact me at (401) 421-7740.

Sincerely,

DAVID N. CICILLINE,
Mayor.

MILITARY STAFF,
EMERGENCY MANAGEMENT AGENCY,
Cranston, RI, July 7, 2009.

Subject: Providence Emergency Operations Center (EOC) Phase II Funding Request.

Hon. JACK REED,
U.S. Federal Courthouse,
Providence, RI.

DEAR SENATOR REED: I am writing in support of Mayor David N. Cicilline's request for federal funding necessary to upgrade the functionality of the City of Providence's Emergency Operations Center (EOC).

Two major shortfalls exist for all the Operations Centers in the State of Rhode Island: (1) inadequate space for administrative and emergency operations and (2) the lack of adequate force protection, physical security, and survivability measures. Federal funding for these shortfalls in Rhode Island are essential to ensuring efficient and effective capability for coordinating regional emergency response, redundant interoperable communications and rapid public warning by the state of Rhode Island Emergency Management Agency.

Local and Regional EOCs, like the one operated by the Providence Emergency Management Agency, provide a critical link to the Rhode Island Emergency Management Agency (RIEMA) and its EOC enhancing RIEMA's ability as the lead coordinating agency for the State.

The State of Rhode Island has recognized the need for regional capabilities and this funding proposal meets that standard. While the City of Providence has received the maximum amount of \$1,000,000 from the DHS FY09 Emergency Operations Centers Grant Program and continues to receive Port Security and Urban Area Security Initiative (UASI) grant funding; the Rhode Island Emergency Management Agency (RIEMA) fully supports the Providence application.

This funding will improve emergency preparedness, response and recovery in Providence. Enhancing the EOC in Providence will ensure that Rhode Island continues to have the most advanced facilities and capabilities able to provide time critical flexibility, sustainability, security, survivability and interoperability should a catastrophe occur within the city.

Respectfully,

J. DAVID SMITH,
Executive Director.

Mr. REED. Madam President, I urge a "no" vote on this amendment.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Madam President, I rise today to speak about the fiscal year 2010 Homeland Security Appropriations bill and a program within it which is very important to my home State and also to many other States here in this great Nation. First, I thank the chair-

man and the ranking member, and their staffs—the staffs, as we know, do so much great work around here—for their leadership and foresight in crafting such an important piece of legislation. I thank the chairman for taking my thoughts and considerations into mind when they drafted this legislation, as well as the thoughts and considerations of many of my colleagues. This has truly been a bipartisan effort and shows the Senate can get good results when we work together.

The funding in this bill covers a wide range of activities from protecting our Nation from terrorist events to strengthening our local preparedness and response activities. Today I rise in response to opposition to the Feingold-McCain amendment to strike funding for emergency operations centers. The most fundamental responsibility of government is protecting the lives and safety of the public. Arkansas finds itself as No. 10 on a list of the 59 States and territories and districts with the most presidentially declared major disasters. It is not a welcome ranking, but it is a measurement of the risks Arkansans face.

Since 9/11, State and local governments have faced increased emergency preparedness responsibilities and costs for public safety. Now, in the midst of continued all-hazard risks, State and local governments are cutting spending on many critical programs, but emergencies and disasters will not wait for our economy to improve. Reports following Hurricane Katrina's response found multiple flaws in situational awareness, command and control, logistical tracking, and communications. Fully capable emergency operational centers at the State and local level are essential to a comprehensive national emergency management system.

EOCs require basic resources to operate smoothly and effectively in a time of crisis. Some of the resources funded through EOCs include a hardened and safe location for emergency management staff, communications for reliable and accurate information gathering, and effective, usable technology for tracking all resources, including personnel and emergency supplies.

For example, the city of North Little Rock, AR's Office of Emergency Services will be a recipient of these funds. This office is one of the emergency operations centers tasked with providing disaster assistance and support to a population of over 500,000 people in the central Arkansas area—not just North Little Rock but the entire area. Although the office's current personnel work very hard and are very diligent about providing meaningful services to the area, the age and size of its location limit its ability to house the needed technologies and staff to adequately serve central Arkansas in the event of emergency.

Again, we have lots of emergencies there, as we will talk about. These funds will be used to address these limitations and provide the needed safety assurances.

Recently it has become popular to attack so-called earmarks. I agree that congressionally directed spending needs to be transparent. I think the Senate has already taken care of that. Its Members should be accountable for the programs they support. I think the Senate has taken care of that as well.

I am proud to support funding for emergency operations centers. I also believe the Representatives of the States and the congressional districts have an in-depth understanding of the needs and priorities in their States, rather than employees serving in Federal executive departments and agencies.

There is now great accountability in the congressionally directed spending in appropriations bills. The public can easily review congressionally directed spending requests and funding on Web sites fully accessible to the public. In fact, the Constitution gives this authority to the Congress.

The Constitution, article I, section 9, says:

No money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

That is what we are doing here today and that is what the appropriations process is about, this constitutionally required system we have, where Congress controls the purse strings.

For all these reasons, I voice my strong support for the funding in the underlying bill that supports emergency operations centers. I ask my colleagues, very respectfully, even though it is well intended, to oppose the Feingold-McCain amendment.

I yield the floor.

Mr. FEINGOLD. Madam President, we are going to vote, I understand, shortly. It is an important discussion. I am glad we had a little exchange about it.

I first want to respond about what the Senator from New Jersey, Mr. LAUTENBERG, had to say about this. He expressed concern that because of my amendment there would be no funding for emergency operations centers if this amendment passes. That is absolutely incorrect. It is the opposite.

To the contrary, there will be \$20 million for emergency operations centers that will be awarded competitively to those most in need. Senator LAUTENBERG cited the 9/11 Commission endorsement for these centers. Yes, they did. What he failed to note is that those at the Commission recommended that the Homeland Security grants be awarded on the basis of risk, not earmarks such as the one requested by Senator LAUTENBERG.

Of course, there may well be a need in New Jersey, and I respect that. I am

not saying that program would not qualify under a merit-based analysis. But it is not based on actual risk analysis and that is the problem. If there are worthy projects the Senator has requested, then I hope he would be confident that these communities in New Jersey will be able to compete successfully for the grants.

I am sure it was not intentional but it is misleading to make the Senate believe that these centers are being taken away by my amendment. It is the opposite. In fact, if you look at the way this currently operates, if we do not change this, currently the Senate bill directs that half of all these emergency operations center funds will go to only 10 States. The House earmarks all of these funds, and a fourth of the predisaster mitigation funds. Last year, FEMA only funded a tiny fraction of the emergency operations center applications it received because 64 percent of the funding went to earmarks.

On this program the Senator from New Jersey and the Senator from Arkansas were talking about, 10 States get 50 percent of it and 40 States have to share the other 50 percent. What are the odds that that comports with any kind of rational analysis of real risk? Very small. I guarantee, because they are earmarks, that analysis was not done. It is not possible, because they were not put in the context of the comparative risk that is involved.

To respond to some of the remarks of my good friend from Arkansas, I understand the Senate has not earmarked any of the predisaster mitigation funds. However, if my amendment is not agreed to, FEMA will have to deal with the earmarks in the House report. I do not question that some of these earmarked requests may be legitimate. But if they are legitimate, then they should have no trouble in a fair competition for the funds based on merit and risk.

I think this is the key, even for those who support earmarks in another context. The problem here is that these are highly technical projects. We are talking about communications equipment, flood prevention projects that require engineering studies and the like. We do not have the expertise in Congress to make an objective determination of which projects are the most worthwhile. So who gets the funding? Those who are somehow able to get an earmark without any real analysis, without any real consideration of the merit as to who is at the greatest risk, where in the country we need to think about these disasters more than others.

That is no way to think about potential earmarks. Earmarks are sent to small communities to set up operations centers that do not need them while State centers remain unfunded. During recent flooding in Wisconsin—

Mr. MCCAIN. Will the Senator yield for a question?

Mr. FEINGOLD. I am happy to.

Mr. MCCAIN. It is my understanding that the Senate bill the Senator has described directs half of the emergency operations funds to only 10 States, and there are 50 States in America. But half of these emergency operations center funds—it doesn't make much geographic sense, if you look. Funds are directed at Illinois, Iowa, New Jersey, New York, Montana, Washington, Rhode Island—East and West, all over the country. Maybe my friend from Wisconsin can describe what do they have in common, 9 of these 10 States have in common?

Mr. FEINGOLD. Madam President, I can tell you one thing they don't have in common is any analysis of the need or requirement they be done in their communities. What they have in common is somebody stuck an earmark in this bill.

It would be different, I say to my friend from Arizona, if these 10 States had shown on the merits they have the risk in their communities and they need to get ahead of these disaster situations. That would be great. In that case I could support that only 10 States get half the money. But when there is absolutely no analysis and where this actually undercuts the very integrity of the programs they are trying to protect, the lives of the American people, and leaves the other States to fend for themselves with regard to 40 States fighting for the other 50 percent—this is a terrible way to protect the American people from disaster.

As an answer to the Senator, I would say there is only one explanation. You and I know what it is. Somebody got an earmark and that is all.

Mr. MCCAIN. There is an additional question I have to my friend from Wisconsin. Isn't it true that the administration has requested that this entire program be canceled?

Mr. FEINGOLD. The entire program?

Mr. MCCAIN. Yes.

Mr. FEINGOLD. They want the program merit based. They want the program to be based on actual need for these emergency operating sectors.

Mr. MCCAIN. Isn't it true that the Office of Management and Budget recommended this as one of the programs to be eliminated, as the President announced?

Mr. FEINGOLD. They want it eliminated, Madam President, because of this practice my friend and I are discussing. Because of the use of earmarks, which undercuts the integrity of the program, they want to say this is not worth continuing. By this amendment we will have the effect of restoring its legitimacy.

Mr. MCCAIN. In other words, the administration believes we need emergency operations center funds because of the requirements of homeland secu-

rity. But this process is so badly flawed that they want to go back to do away with this and go back to the merit and needs-based system, is that correct?

Mr. FEINGOLD. That is absolutely right, Madam President, I say to the Senator from Arizona. The President of the United States has pressed to ensure these funds are awarded competitively and on the basis of risk. That failing, which is what will happen if we do not agree to this amendment, the recommendation is to not go forward.

I accept the premise that so many Members have identified here, that this is a worthwhile program, as long as it is based on merit and need. So the Senator from Arizona is correct in that. The President of the United States is clear on that. We have a chance here to fix this program, get away from the earmarks, and make sure it can continue; otherwise, there will be continuing efforts to say this is not what was intended.

Obviously, it was not what was intended. Yes, it is one thing to get an earmark for a museum somewhere in your State and that does take away from the general funds—and the Senator from Arizona and I have strong feelings about that—but it is another thing to use this in a situation where a program has specifically been set up to figure out where in the United States is the most important that people have money to be able to do what they need to do to protect the lives of the people in their communities because of a particular vulnerability to disaster.

Mr. MCCAIN. Will the Senator respond to one more question? So the Senator is not saying we do not need emergency operations centers in America? We would not be eliminating the need for emergency operations centers, let me be perfectly clear. But what he is saying is we need to eliminate them in this form, which does not give the highest and most needed priority to these emergency operations centers around the country?

In other words, we still have a threat to our Nation's security, but this is not the way to meet it. We can come up with a far better and more efficient way.

Mr. FEINGOLD. We do need a program for emergency operations centers. What we do not need is another earmark trough for people to feed at. If the program becomes just that, which I fear it is becoming, then it does not stand on its own merit. This is truly an opportunity to protect it.

I thank the Senator from Arizona for his questions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. MCCASKILL. I listened with interest to the questions and the conversations concerning Senator FEINGOLD's amendment. I rise to strongly support this amendment. You know,

one of the fantasies around here—and I yield to the long experience of my two colleagues on fighting this battle on earmarks—is this fantasy that the money for earmarks is created out of nothing; that somehow the money for earmarks just lands on everyone's desk and no programs are hurt by the earmarking process; that no money is taken from worthy projects for earmarking.

Truth be known, I can give example after example in the budget that over the years good competitive programs have been cut while earmarking has skyrocketed. The Byrne grants are a good example. Byrne grants are a competitive process in every State where they can compete for law enforcement based on need, decided at the local basis.

What has happened to the funding for Byrne grants over the years? It has dwindled, while in that very same budget earmarks have steadily and continually grown over the last decade.

This is a perfect example of robbing Peter to pay Paul. This amendment will say: You must compete for these dollars based on need. Is that not how we should be spending the public money? Last year FEMA received a total of 675 individual emergency operations center project applications; 675 applications they received for this funding last year.

They were only able to select 22 of them for funding. You know why? Because 64 percent of the funding went to earmarks. So because of the earmarking, there was less money for worthy projects that, maybe on merit and need, were much more important to protect people than the earmarking process.

This is a textbook example of taking a pot of money and deciding through some waving of a magic wand that it goes individually to 10 States without any discussion as to whether those are the 10 most needy projects or 10 most needy States—no discussion whatsoever.

In my State there have been years where we have been under a constant emergency declaration: flooding, ice storms, tornados. We have floodplains. In fact, the National Association of Floodplain Managers supports Senator FEINGOLD's amendment. Do you know why they support Senator FEINGOLD's amendment? They say it is causing floodplain managers around the country to quit planning to mitigate because they can short-circuit the process and just go for an earmark.

Why do the work and plan and compete as 1 of 22 out of 675 if you know the easiest way and the best way to do it is to hope and pray your Member is on the right committee? Just say it like it is. Just hope and pray your Member is on the right committee.

So this is a great opportunity for everyone who believes we need to be care-

ful with the way we spend our money to be counted. This is a great opportunity because this is very clear this money is being taken from projects and being earmarked for projects. As a result, 40 States are going to have less than a 50-percent chance to participate in this kind of emergency funding.

I strongly support Senator FEINGOLD's amendment. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I would like to thank the Senator from Missouri not only for her comments about this particular issue but her dedication to reform, transparency, and to making sure the American taxpayers' dollars are wisely and appropriately spent. It has been a pleasure working with her on various reform issues. I would argue this may not be the last time the three of us are on the floor of the Senate.

When you look at the approval ratings of Congress, not just now but for a long time, we are not held in the highest of esteem, and sometimes for good reason. Sometimes for good reason. We have ongoing scandals concerning the use of public funds for earmarking and porkbarrel projects and rewards to Members of Congress that have caused them to be in Federal court and, indeed, even Members of Congress residing in Federal prison.

This is an important amendment because as the votes line up I think we will see—on both sides of the aisle—we will see members of the Appropriations Committee probably voting on the theory that if they lose one they will lose a number of other efforts to eliminate earmarks and porkbarrel spending.

I hope that would not be the case because this is particularly egregious, particularly egregious. This legislation which Senator FEINGOLD's amendment is intended to cure is about homeland security, and to direct half of the emergency operations center funds to only 10 States obviously is a gross misuse of the taxpayers' dollars and could—and could—conceivably cause us not to fund emergency operations centers that are more badly needed and could then put our homeland security perhaps in some jeopardy, or certainly not ensuring our homeland security to the best and wisest expenditure of tax dollars.

Could I just remind my colleagues, last year's appropriators provided \$35 million for the Emergency Operations Center Grant Program but earmarked \$12.5 million of them. The Department of Homeland Security received 613 applications asking for \$264 million for the purposes of the grant program to construct emergency operations centers.

There is clearly a need for this money in the States. It is unfortunate that many of the applicants were

turned down by the Department because there was no money left because we had already spent half of it on earmarked projects which had no competition.

Again, I want to emphasize to my colleagues, this is not a matter of whether we need emergency operations centers. It is simply a matter of whether we are going to wisely and appropriately use the taxpayers' dollars where it is most needed. There has been no screening, no authorization, no hearing held on this issue, and it was put in, obviously, in an appropriations bill in an inappropriate fashion.

So I urge my colleagues to support the amendment by the Senator from Wisconsin. I congratulate him on proposing this amendment.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I rise today in defense of the \$1 million that was allocated in this bill for an emergency operations center in Mount Vernon, NY. Mount Vernon is the eleventh most densely populated city in the United States of America, the eighth largest city in the State of New York, and is located on the immediate border of the largest city in this country, New York City.

Mount Vernon has three Metro-North train stations, which could provide a vital route for citizens exiting New York City in the event of an emergency. Thus, Mount Vernon is a first line of defense and a "safe haven" for millions who live and work in New York City.

In order to facilitate a proper and effective response to any emergency incident, Mount Vernon needs an emergency operations center. If, God forbid, another September 11 type incident occurs in New York City, which, as on September 11, compromised the communications system and emergency services in the city, it is imperative that we have a local emergency operations center nearby.

New York City is one of the largest terrorist targets in the country, and it does not make sense to be cutting emergency operations where we could be the most vulnerable. The threat of terrorism has not diminished, and our preparations should not either.

At present, the city of Mount Vernon does not have an emergency operations center for the managing and mitigation of a major incident. At best, the Mount Vernon Police Department's Field Command Center vehicle could

coordinate an incident. However, this would greatly hamper police operations and the ability to manage a multiagency incident.

Utilizing an existing city facility would reduce costs associated with the project. This is an example of good government: repurposing an existing building to fulfill a new need and building important infrastructure to protect our citizens in an emergency.

However, if the Federal Government does not fund this emergency center, the local community will have to raise property taxes in order to make the upgrades necessary. Westchester County has some of the highest taxes in the country and should not be forced to pay more in order to provide a resource that benefits the entire region.

Terrorism is not a local problem, it is a national problem. So it is only right that the National Government makes the kinds of investments that can keep our communities safe.

I oppose this amendment. I encourage my colleagues to do the same.

In response to the arguments that were made on the Senate floor, in all due respect I think the judgment of a Senator knowing what is best for their State can usually overcome the judgment of any agency that makes that decision in a grant-making process because they know what are the most important investment needs for their communities, and our voices should be heard. That is why in this instance, it is very important that an earmark of this nature that is directed to protect us from terrorism and create a safe haven for citizens in the judgment and discretion of the Senator from New York is very much needed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, the problem with this is the earmarks. It is not that New York may not need this. It is that you have taken 50 percent of the money for 10 States. The other 40 States will have to divide the remaining portion of this money for those types of emergency centers and the calculation of risk. It ought to be true competition based on real risk. There is no question New York has greater risk than Oklahoma; that I do not deny. But the fact is, we have taken half the money away from 40 other States and said: You have to compete on the remaining portion, and you may have requirements greater than those earmarked in the bill.

I support this amendment. I wholeheartedly ask my colleagues to do the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mrs. GILLIBRAND. In response to my colleague, with regard to this particular earmark, New York has only received one earmark for \$1 million. In

relation to the amount of risk and the necessity for an emergency response center, the need is great. Our judgment, as Senators from New York, as to what is the best investment for all of New York in terms of an emergency response investment is helpful to this process. It should not necessarily be left only to a grant process. Much of the money is still available to a grant-making process which is a great process because it does have competition and we hopefully get the greatest good for the greatest need. There is a balance where the judgment of a Senator or a Congress Member is very important in that conversation. The agencies and the administration can make their own judgments. That is why a combination of targeted earmarks on the one hand and other investments through a grant process on the other hand is probably a better balance and approach, because we are getting the judgment of all parts of the three branches of government—at least two of them.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. TESTER. Mr. President, I rise to speak in opposition to the Feingold-McCain amendment. I do not believe this amendment serves the country well as far as it applies to the reality of public safety in rural America and the northern border.

It is important to start by noting that this is about people, about public safety, about homeland security, about firefighters and other first responders in our frontier communities and across rural America. Specifically, it is about protecting folks in and around the greater Flathead Valley region of northwest Montana.

The city of Whitefish is 60 miles from the northern border, nearby to areas where smuggling and illegal crossings are known to occur. In places such as Whitefish, local law enforcement often ends up assisting Border Patrol in response to suspicious activity at or near the border. Local law enforcement also helps out with security around and awareness about wildfires during Montana's fire season. Many of the fires up in northwestern Montana occur on Federal lands. When the Feds need assistance, whether it is the Border Patrol or the Forest Service or ICE, they depend on resources of local communities such as the community of Whitefish. In Whitefish and similar communities, local law enforcement works closely not only with those Federal agencies, but interagency cooperation is a fact of life in northwest Montana. That costs local governments money which too often they do not have with an unfunded mandate.

Special interest groups located right here in Washington on Connecticut Avenue have called the Whitefish Emergency Operations Center a pork project. Unfortunately, I question

whether they know where Montana is, much less northwest Montana or the city of Whitefish or the conditions that evolve around this project. I do, as a Senator from Montana. Unfortunately, they use a figure that is off by more than one-third. I suggest this is further evidence that the folks in Washington, DC, simply do not understand the State of Montana as well as its congressional delegation.

I wish to be clear about what this amendment does and does not do. This amendment would not save the Federal Government a single penny. It would simply give the money back to FEMA to spend as bureaucrats, as unelected officials here in Washington see fit.

Before 2007, there is no doubt that the Senate appropriations process was abused. Some lawmakers buried their special pet projects deep in large bills where they had little or no chance to be reviewed by Congress or withstand public scrutiny. That is how the taxpayers ended up footing a bill for the infamous bridge to nowhere. The very first bill I voted for, back in 2007, as a Senator was legislation to clean up the system and restore transparency and accountability to the appropriations process. Now every project secured by a Member of Congress has his or her name attached to it—no more secret requests made in the dark of night.

I am glad my name is next to the Whitefish Emergency Operations Center project. All Senators are now required to post requests we make on behalf of constituents on our Web sites. Everyone can do it. I invite folks to go to my Web site, tester.senate.gov/appropriations.cfm, or they may want to see the distinguished Republican leader's request at mcconnell.senate.gov/approps.cfm.

The point is not that the Republican leader has asked for specific projects. The Democratic leader has also. The point is that no Senator is above the transparency requirements instituted in the last couple of years. That is a good thing. It is also a good thing that we can have this debate here today.

Why is this particular project needed, a project in Whitefish, MT? Over the last 10 years, the population of Whitefish has doubled. The fire department is transitioning from a volunteer department to a full-time professional department, as the call volume has increased, as has the population, over the last 7 years. The police department has seen call volume increase by over 200 percent in that same time. The current building is not big enough to house the growing needs of the city's first responders. The current building is in a 100-year flood plain and an earthquake zone. Why does that matter? It matters because Montana's Disaster and Emergency Services office has done a number of scenarios of massive disasters in Montana. Most of them revolve around a catastrophic earthquake that disables emergency operations in multiple

cities. That is one of the most likely disaster scenarios in our State and this region of our State.

I will fight to make people around this body understand that not every disaster in this country happens in a major population center. Folks in rural America deserve to have effective and efficient emergency response also.

The new Emergency Operations Center in Whitefish will solve several deficiencies identified by a 2006 facility needs assessment. Interestingly enough, Whitefish used the Department of Homeland Security criteria for this study. The center will provide interoperability and improved efficiency for ICE, Border Patrol, FBI, Secret Service, DEA, Montana Highway Patrol, and several other regional law enforcement agencies.

The EOC Grant Program is intended to improve emergency management and preparedness capabilities by supporting flexible, sustainable, secure, and interoperable emergency operations centers with a focus on addressing identified deficiencies and needs. That is exactly what this project does.

I oppose this amendment for many of the same reasons as the senior Senator from Montana. As elected officials from our States, it is our obligation to know what the needs are out there much better, I believe, than an appointed bureaucrat.

Mr. WHITEHOUSE. Mr. President, I speak today about the importance of retaining funding for the Providence Emergency Operations Center in the fiscal year 2010 Department of Homeland Security Appropriations Act.

The Providence Emergency Operations Center coordinates emergency response for 60 percent of the population of Rhode Island. I visited this state-of-the-art facility earlier this year and was very impressed by the caliber of its technology, its seamless integration of many different local law enforcement and emergency response agencies, and those who stand at the ready to protect the people of our state against disaster, terrorism, and other threats.

This funding will help make necessary improvements to the facility, including expanding space and improving security and survivability, addressing shortfalls identified in a 2007 review by the Federal Emergency Management Agency. These funds are also expected to create approximately 20 new construction jobs, which are urgently needed in my State, where the unemployment rate has reached a staggering 12.1 percent.

I urge my colleagues to oppose the Feingold amendment so that we do not deprive Rhode Islanders of the resources needed to meet federal requirements for effective emergency response efforts.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent that there be 10 minutes of debate prior to a vote in relation to the Feingold amendment No. 1402, that no amendment be in order to the amendment prior to a vote in relation thereto, with the time equally divided and controlled between Senators MURRAY and FEINGOLD or their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Let's be clear. We just heard two good examples by the Senators from New York and Montana. These are not separate programs they have fought for. They are not even separate earmarks. These are earmarks carved out of a program for emergency operations centers that were supposed to be based on the merits, a comparative analysis that can be highly technical of where it is most needed and where it is less needed, so there is some kind of opportunity for all of us to compete openly for these dollars for our States to make sure the American people are protected to the maximum extent.

We have the Senator from New York talking about Mount Vernon being near New York City, where, of course, the 9/11 attacks were. That is understandable. But if it is that strong of a case, why can't it be made on the merits? Then we have a completely different kind of place—Montana. I will not say for a minute that the Senator from Montana doesn't have a case. He talks about the greater Flathead Valley. Yes, he would know more about that place than anybody else in the Senate, but does that mean his case for that particular location is so overwhelming that it should not be reviewed in comparison to those of us who have similar concerns?

A majority of my State was covered with flooding waters last June. We did not have an adequate emergency operations center. We would like to be able to compete for these dollars in an open and fair manner through a program that has been designated for that purpose on the merits, not because somebody happened to sit on a particular committee or was able to get an earmark. Whether it is a threat to human lives in New York or Montana, if these Senators are confident they can make the case, they should make the case on the merits.

I say to the Senator from New York, whom I am thrilled to have in this body, Senators should be able to exercise their judgment. The Senators of this body exercised their judgment to help create the Emergency Operations Center Program. That program, which Senators help create, is supposed to be based on merit. That was the judgment of the Senators, not that some individual Senator would say: Hey, I heard

from somebody in my area that this is important, and that should override the will of the Senate and the government that this be done in this way.

I remind everybody, the President has suggested that this program should not even continue unless we can get to merit-based consideration because that is the whole idea behind it. When the lives of American people are threatened by disasters and terrorist threats, our decisions should have something to do with the comparative needs and risks to the American people, not whether somebody is able to get an earmark.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise in opposition to the amendment to eliminate congressionally directed allocations of emergency operations center construction funding. The committee bill before the Senate today contains emergency operations center funding of about \$20 million. This emergency operations center construction program is an authorized activity under the Stafford Act. The 9/11 Act which was approved by the Senate on a vote of 85 to 8 in July of 2007 reaffirmed this program by approving an amendment to the Stafford Act to adjust the Federal cost share for these projects from 50 percent to 75 percent.

Emergency operations centers are critical to the effective coordination of emergency response, which we all know is necessary to save lives. The State of Texas, for example, has used these Federal funds to improve communications equipment and warning systems for its emergency operations center. The Texas EOC was used effectively in Presidentially declared disasters such as Hurricanes Katrina, Rita, Dean, and others; major flooding in El Paso and Wichita Falls; wildfires in 2006, 2008, and 2009; a tornado in Eagle Pass; and, of course, the recent H1N1 influenza outbreak. The EOC in each one of those cases was the critical node for communication between the layers of government.

The OMB assertion that the EOC program duplicates other programs is really without merit. While EOC construction is an allowable activity under several grant programs, State and local governments have not chosen to use that discretion for this purpose.

Since 2004, only \$16.6 million out of the \$11.5 billion of other DHS grant funds has been used by State and local governments for EOC construction, only one-tenth of 1 percent. The Emergency Management Performance Grants Program has provided a mere \$755,000 to EOC construction. It is clear that the demands for the funds in these programs is great. In order to effectively administer emergency management programs and to equip and train first responders, there is not sufficient

funding for EOC construction. In this committee bill, over half of the total amount made available for emergency operations center construction is available for competitive award.

I have listened to the Senator make some very persuasive arguments. I remind all of us that what we are providing is accountability and visibility for where those dollars are going. It is not being done in some bureaucracy where we cannot see it. It is laid out in this bill, and we have heard the arguments of many Senators here on why those funds are being appropriated to where they are. So I urge opposition to the amendment.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. FEINGOLD. Mr. President, I inquire of the Chair, how much time remains on each side?

The ACTING PRESIDENT pro tempore. There is 2 minutes 24 seconds to the Senator from Wisconsin and 1 minute 54 seconds to the Senator from Washington.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I appreciate the comments of the Senator from Washington. I want to be clear because it is very easy for people listening to this debate to think we are trying to eliminate the Emergency Operations Center Program. That is the opposite of the case. This cleans it up and makes sure every State can fairly compete for it. So the truth is, this earmarking is the opposite of the accountability the Senator from Washington refers to. It creates the absence of accountability. There is no real scientific or needs-based analysis. It is just which Senator can get an earmark. It not only harms the program, it is gutting the program when 10 States, without serious analysis, get 50 percent of the money, and 40 States have to compete for all the rest.

The Feingold-McCain amendment would prevent earmarking of FEMA predisaster mitigation and emergency operations center grants. It does not eliminate them. While we may not all agree on the appropriateness of earmarking in general, I hope we can agree that grants that are supposed to protect Americans from terrorist attacks and natural disasters should be awarded on the basis of merits, not politics.

Currently, the Senate bill directs half of the emergency operations center funds to only 10 States. The House earmarks all of these funds and a fourth of the predisaster mitigation funds. Last year, FEMA only funded a tiny fraction of the emergency operations center applications it received because 64 percent of the funding went to earmarks. That is not accountability. That is ruining a perfectly legitimate program the people set up to

help people face the possibility of disaster.

Many past earmarks would not have even qualified for the grants under the established guidelines. Again, President Obama has pressed to ensure that these funds are awarded competitively and on the basis of risk; and he has said, if not, the program should be canceled. We can make sure this does not happen by adopting this amendment.

Mr. President, I reserve the remainder of my time.

Ms. LANDRIEU. Mr. President, I rise today to speak in opposition to the Feingold amendment, No. 1402, which the Senate will vote on shortly.

This amendment would restrict Congress's ability to direct spending to meritorious projects for emergency operations centers and predisaster mitigation projects.

The Senate bill includes funding for the North Louisiana Regional Emergency Operations Center in Lincoln Parish, which is a project that I supported, and I would like to say a few words about it.

This EOC will serve 29 parishes in Louisiana that represent 43 percent of the State's land mass and 27 percent of its total population.

It will provide north Louisiana with a command center for emergency response throughout the region and in bordering States. It will also serve as a staging area for emergency responders and resources and offer training opportunities for firefighting and public safety.

Louisiana conducted the largest evacuation in American history last year as Hurricane Gustav approached our shores, and north Louisiana sheltered a majority of those evacuees. When Hurricane Ike struck 12 days later, north Louisiana received thousands of additional evacuees from Texas who fled that storm's path.

Mr. President, I have received letters of support from four statewide agencies and seven sheriffs for this project, and I ask unanimous consent that those letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF LOUISIANA, GOVERNOR'S
OFFICE OF HOMELAND SECURITY
AND EMERGENCY PREPAREDNESS,

Baton Rouge, LA, June 6, 2008.

Re Lincoln Parish Public Safety Complex
Sheriff MIKE STONE,
*Lincoln Parish Sheriff's Office,
Ruston, LA.*

DEAR SHERIFF STONE: On behalf of the Governor's Office of Homeland Security and Emergency Preparedness, I would like to extend to you my full endorsement and support of the proposed construct of the Lincoln Parish Public Safety Complex. It is my understanding that this complex will be available for regional training opportunities and could be used, upon request, by a number of public safety agencies in support of joint training throughout your region.

The concept of regional training is acutely in line with state and federal initiatives and

readily supports all levels of regional training objectives. The purpose and goal of this project is an obvious testimony of your dedication towards the betterment of critically needed public safety skills. The construction of this collaborative agency project will obviously lend itself to the safety and well-being of all our citizens in the Northern Louisiana region.

In summary, this letter serves as my official endorsement of this project in addition to providing you with our continuing pledge of support and commitment towards endeavoring along side our dedicated public safety responder partners. I am pleased to support this initiative and look forward to working with our fellow public safety officers for the benefit of the entire North Louisiana region.

Yours truly,

MARK A. COOPER,
Director.

DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONS, PUBLIC SAFETY
SERVICES,

Baton Rouge, LA, March 28, 2007.

TO WHOM IT MAY CONCERN: Our agency, Louisiana State Police, wishes to endorse the proposed Lincoln Parish Public Safety Complex which will house state and local agencies responsible for the safety and security of Lincoln Parish.

More than 20 acres of land has been allocated for this Complex by the Lincoln Parish Police Jury. This prime property is located adjacent to the Lincoln Parish Detention Center on Road Camp Road near Hwy 33, about one mile north of I-20.

This letter serves as our official endorsement of this project as well as notification that we would like to be allocated office space and use of the facilities for our organization.

We thank you for your consideration of this worthy endeavor and look forward to our working relationship with other public safety entities in Lincoln Parish.

Sincerely,
COLONEL L. WHITEHORN,
Superintendent, Louisiana State Police.

DEPARTMENT OF
PUBLIC SAFETY AND CORRECTIONS,
Monroe, LA, March 23, 2007.

TO WHOM IT MAY CONCERN: Our agency, Department of Public Safety & Corrections—Division of Probation & Parole/Adult, wishes to endorse the proposed Lincoln Parish Public Safety Complex which will house state and local agencies responsible for the safety and security of Lincoln Parish.

More than 20 acres of land has been allocated for this Complex by the Lincoln Parish Police Jury. This prime property is located adjacent to the Lincoln Parish Detention Center on Road Camp Road near Hwy 33, about one mile north of I-20.

This letter serves as our official endorsement of this project as well as notification that we would like to be allocated office space and use of the facilities for our organization.

We thank you for your consideration of this worthy endeavor and look forward to our working relationship with other public safety entities in Lincoln Parish.

Sincerely,
ARLENA ZEIGLER-MCDONALD,
*District Administrator,
Division of Probation & Parole.*

STATE OF LOUISIANA, DEPARTMENT
OF WILDLIFE AND FISHERIES, OF-
FICE OF SECRETARY,

Baton Rouge, LA, May 2, 2007.

TO WHOM IT MAY CONCERN: Our agency, Louisiana Department of Wildlife and Fisheries, wishes to endorse the proposed Lincoln Parish Public Safety Complex which will house state and local agencies responsible for the safety and security of Lincoln Parish.

More than 20 acres of land has been allocated for this Complex by the Lincoln Parish Police Jury. This prime property is located adjacent to the Lincoln Parish Detention Center on Camp Road near Hwy 33, about one mile north of I-20.

This letter serves as our official endorsement of this project. We thank you for your consideration of this worthy endeavor and look forward to our working relationship with other public safety entities in Lincoln Parish.

Sincerely,

BRYANT O. HAMMETT, Jr.,
Secretary.

LOUISIANA DEPARTMENT OF
AGRICULTURE & FORESTRY,
Baton Rouge, LA, April 23, 2008.

TO WHOM IT MAY CONCERN: The Louisiana Department of Agriculture and Forestry wishes to support the proposed Lincoln Parish Public Safety Complex which will house state and local agencies responsible for the safety and security of Lincoln Parish.

More than 20 acres of land has been allocated for this Complex by the Lincoln Parish Police Jury. This prime property is located adjacent to the Lincoln Parish Detention Center on Road Camp Road near Highway 33, about one mile north of I-20.

We thank you for your consideration of this worthy endeavor and look forward to our working relationship with other public safety entities in Lincoln Parish. With kindest regards, I remain . . .

Sincerely,

MIKE STRAIN,
Commissioner.

BIENVILLE PARISH SHERIFF'S OFFICE,
Arcadia, LA, February 5, 2008.

Hon. MIKE STONE,
*Sheriff, Lincoln Park
Ruston, Louisiana.*

DEAR SHERIFF STONE: It has been brought to my attention that Lincoln Parish is currently seeking funds for a public safety complex that would be available for regional training opportunities. This regional training concept would be very advantageous to all surrounding public safety agencies which currently have no such facility available.

I wholeheartedly support your endeavors to see that Lincoln Parish, as well as the surrounding parishes, has a "state of the art" facility to provide much needed training on a regional basis. You have my commitment to be part of any training that would be beneficial to my department as well as others throughout North Louisiana.

Sincerely,

JOHN E. BALLANCE,
Sheriff.

CLAIBORNE PARISH SHERIFF,
Homer, LA, February 4, 2008.

Sheriff MIKE STONE,
*Lincoln Parish Sheriff's Office
Ruston, LA.*

DEAR SHERIFF STONE: I, Sheriff Ken Bailey, of the Claiborne Parish Sheriffs Office am in support of the proposed Lincoln Parish Public Safety Complex. I understand that this

complex will be available for regional training opportunities and could be used, upon request, by our organization for joint training with other entities in our region.

This concept of regional training opportunities is very much in line with federal and state initiatives with regard to cooperative endeavors and regions working together for the safety and well-being of all our citizens.

Again, this letter serves as my official endorsement of this project as well as notification that we would participate in regional efforts that support public safety in our area. We are pleased to support this endeavor and look forward to working with our fellow public safety officers for the benefit of this entire North Louisiana region.

Sincerely,

KEN BAILEY,
Claiborne Parish Sheriff.

JACKSON PARISH
SHERIFF'S DEPARTMENT,
Jonesboro, LA, February 4, 2008.

Sheriff MIKE STONE,
*Lincoln Parish Sheriff's Office,
Ruston, LA.*

DEAR SHERIFF STONE: Sheriff Andy Brown, of the Jackson Parish Sheriff's Office am in support of the proposed Lincoln Parish Public Safety Complex. I understand that this complex will be available for regional training opportunities and could be used, upon request, by our organization for joint training with other entities in our region.

This concept of regional training opportunities is very much in line with federal and state initiatives with regard to cooperative endeavors and regions working together for the safety and well-being of all our citizens.

Again, this letter serves as my official endorsement of this project as well as notification that we would participate in regional efforts that support public safety in our area. We are pleased to support this endeavor and look forward to working with our fellow public safety officers for the benefit of this entire North Louisiana region.

Sincerely,

ANDY BROWN,
Sheriff.

OUACHITA PARISH
SHERIFF'S DEPARTMENT,
Monroe, LA, February 1, 2008.

Sheriff MIKE STONE,
*Lincoln Parish Sheriff's Office,
Ruston, LA.*

DEAR SHERIFF STONE: Please allow this letter to serve as my official endorsement of the proposed Lincoln Parish Public Safety Complex. The Ouachita Parish Sheriff's Office supports this effort and all regional efforts to enhance public safety in our area.

It is my understanding that this facility will be available for regional training opportunities and by our organization for joint training with other Departments in our region. Regional training fits in well with current initiatives being promoted by State and Federal agencies.

It is my pleasure to support this project. The Ouachita Parish Sheriff's Office is looking forward to working with and supporting other agencies of this region in the interest of public safety.

Sincerely

RICHARD FEWELL,
Ouachita Parish Sheriff.

SHERIFF—UNION PARISH,
Farmerville, LA, January 30, 2008.

Sheriff MIKE STONE,
*Lincoln Parish Sheriff's Office,
Ruston, LA.*

DEAR SHERIFF STONE: I, Sheriff Robert G. "Bob" Buckley of the Union Parish Sheriff's Office, am in support of the proposed Lincoln Parish Public Safety Complex. I understand that this complex will be available for regional training opportunities and could be used, upon request, by our organization for joint training with other entities in our region.

This concept of regional training opportunities is very much in line with federal and state initiatives with regard to cooperative endeavors and regions working together for the safety and well-being of all our citizens.

Again, this letter serves as my official endorsement of this project as well as notification that we would participate in regional efforts that support public safety in our area. We are pleased to support this endeavor and look forward to working with our fellow public safety officers for the benefit of this entire North Louisiana region.

Sincerely,

ROBERT G. "BOB" BUCKLEY,
Sheriff—Union Parish.

SHERIFF—WEBSTER PARISH,
Minden, LA, February 1, 2008.

Sheriff MIKE STONE,
*Lincoln Parish Sheriff's Office,
Ruston, LA.*

DEAR SHERIFF STONE: I, Sheriff Gary Sexton of the Webster Parish Sheriff's Office am in support of the proposed Lincoln Parish Public Safety Complex. I understand that this complex will be available for regional training opportunities and could be used, upon request, by our organization for joint training with other entities in our region.

This concept of regional training opportunities is very much in line with federal and state initiatives with regard to cooperative endeavors and regions working together for the safety and well-being of all our citizens.

Again, this letter serves as my official endorsement of this project as well as notification that we would participate in regional efforts that support public safety in our area. We are pleased to support this endeavor and look forward to working with our fellow public safety officers for the benefit of this entire North Louisiana region.

Sincerely,

GARY SEXTON,
Sheriff.

LINCOLN PARISH POLICE JURY,
Ruston, LA, March 26, 2007.

Re Support for Lincoln Parish Public Safety Complex.

TO WHOM IT MAY CONCERN: The Lincoln Parish Office of Homeland Security and Emergency Preparedness fully supports the proposed Lincoln Parish Public Safety Complex. The Complex will be available to house state and local agencies responsible for the security and safety of the citizens of Lincoln Parish. The Lincoln Parish Police Jury has agreed to provide twenty acres of land across from the Lincoln Parish Detention Center for this project. This property is located on the Road Camp Road near LA 33 approximately one mile north of Interstate 20. The Police Jury is willing to work to secure alternative sites if required.

The Lincoln Parish Office of Homeland Security and Emergency Preparedness would also be interested in receiving an allocation or use of space in the proposed facility. I

look forward to working with the other Public Safety entities in Lincoln Parish to move this worthwhile project forward.

Thank you for your consideration of this important project. If you have any questions that I can answer please do not hesitate to call.

Sincerely,

DENNIS E. WOODWARD,
Lincoln Parish Director, Office of Homeland
Security & Emergency Preparedness.

Ms. LANDRIEU. Supporters include the Louisiana Office of Homeland Security and Emergency Preparedness, Louisiana State Police, Louisiana Department of Public Safety and Corrections, Louisiana Department of Wildlife and Fisheries, Louisiana Department of Agriculture and Forestry, and sheriffs from the parishes of Bienville, Claiborne, Jackson, Lincoln, Ouachita, Union, and Webster.

The State of Louisiana has already dedicated \$144,000 to this project, and Lincoln Parish has donated land worth \$400,000 to accommodate the proposed facility.

This funding represents a shared commitment on the part of State and local government that will ensure cost-efficiency and mission success.

The Constitution provides Members of Congress with the authority and responsibility to provide funding for national programs and priorities.

I support full transparency into the appropriations process, and stand by this funding request on behalf of the people of my State.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, we have had a vigorous debate on the amendment, and I appreciate the passion of the Senator from Wisconsin on this issue. But I again remind my colleagues, what we have had is a very passionate debate, and we have had a thoughtful debate about where these funds are going to go, which, to me, means the Senate is thinking about where their Federal dollars they have out there are going to go and it brings visibility and light. We all have an opportunity now to have a vote on that.

I again urge a "no" vote on this amendment.

Mr. President, I believe the time of the Senator from Wisconsin is used up at this point.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin has 19 seconds.

Mr. FEINGOLD. Mr. President, I yield it back, and if it is appropriate, I ask for the yeas and nays.

Mrs. MURRAY. Mr. President, if the Senator from Wisconsin yields his time back, I will yield my time back.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—38

Barrasso	Ensign	Lieberman
Bayh	Enzi	Lugar
Bingaman	Feingold	Martinez
Bunning	Feinstein	McCain
Burr	Franken	McCaskill
Carper	Graham	Risch
Chambliss	Gregg	Snowe
Coburn	Inhofe	Thune
Conrad	Isakson	Udall (NM)
Corker	Johanns	Vitter
Cornyn	Kaufman	Webb
Crapo	Klobuchar	Wicker
DeMint	Kyl	

NAYS—60

Akaka	Grassley	Nelson (NE)
Alexander	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Hatch	Reed
Bennet	Hutchison	Reid
Bennett	Inouye	Roberts
Bond	Johnson	Rockefeller
Boxer	Kerry	Sanders
Brown	Kohl	Schumer
Brownback	Landrieu	Sessions
Burr	Lautenberg	Shaheen
Cantwell	Leahy	Shelby
Cardin	Levin	Specter
Casey	Lincoln	Stabenow
Cochran	McConnell	Tester
Collins	Menendez	Udall (CO)
Dodd	Merkley	Voinovich
Dorgan	Mikulski	Warner
Durbin	Murkowski	Whitehouse
Gillibrand	Murray	Wyden

NOT VOTING—2

Byrd Kennedy

The amendment (No. 1402) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. DURBIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I believe there is an amendment pending. If I am correct in that, I ask unanimous consent to lay that aside for the purpose of getting an amendment pending.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1432 TO AMENDMENT NO. 1373

Mr. KYL. Mr. President, I send to the desk an amendment with an original cosponsor, Senator MCCAIN.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. MCCAIN, proposes an amendment numbered 1432.

The amendment is as follows:

(Purpose: To strike the earmark for the City of Whitefish Emergency Operations Center)

On page 33, line 10, strike "no less" and all that follows through "Montana;" on line 12.

Mr. KYL. Mr. President, since this amendment deals with an earmark in the State of Montana, I will make my comments with respect to it at a time when Senator TESTER can be here. I know he wants to oppose the amendment. We can debate that at a time that is mutually convenient for the two of us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

AMENDMENT NO. 1428 TO AMENDMENT NO. 1373

Mr. HATCH. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside, and I call up amendment No. 1428.

The ACTING PRESIDENT pro tempore. Is there objection to setting aside the amendment?

Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. MENENDEZ, Mr. NELSON of Florida, and Mrs. GILLIBRAND, proposes an amendment numbered 1428.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. HATCH. Mr. President, I rise today to offer an amendment to the Homeland Security Appropriations bill that will extend, for 3 years, the Special Immigrant Non-Minister Religious Worker Visa Program and the Conrad 30 Program. In addition, my amendment addresses the immigration-related hardships caused by the death of a sponsoring relative.

Let me say a few words about the Special Immigrant Non-Minister Religious Worker Visa Program. The program provides for up to 5,000 special immigrant visas per year which religious denominations or organizations in the United States can use to sponsor foreign nationals to perform religious service in our country. To date, the Special Immigrant Non-Minister Religious Worker Visa Program has been extended six times. However, Congress has started a very poor practice of extending this program in 6-month spurts—making it extremely difficult for agency officials to administer the program and for religious groups to make long-term plans for their critical staffing needs.

Lest some people think this is not an important program worthy of our attention, let me tell you about the services nonminister religious workers perform. These selfless workers provide human services to the most needy, including shelter and nutrition; caring for and ministering to the sick, aged, and dying; working with adolescents and young adults; assisting religious leaders as they lead their congregations and communities in worship; counseling those who have suffered severe trauma and/or hardship; supporting families, particularly when they are in crisis; offering religious instruction, especially to new members of the religious denomination; and helping refugees and immigrants in the United States adjust to a new way of life.

I am aware of the concerns that some of my colleagues have about fraud within this program, and I am equally concerned. Yet I want to make it clear. The figures used to taint this program are outdated and not reflective of where things stand currently. U.S. Citizenship and Immigration Services, USCIS, is in the process of completing the implementation of rules and procedures promulgated in November 2008 to eliminate fraud. This includes regular site visits. Additionally, an inspector general report, just issued a few weeks ago, confirms that USCIS has developed a credible process to deter and detect nonminister petition fraud.

To ensure that we continue to keep on top of this issue, I have insisted that language in the proposed amendment require a report from USCIS, within 90 days of enactment, to identify the risks of fraud and noncompliance by program participants. Additionally, USCIS will be required to provide a detailed plan that describes the actions taken by the agency against noncompliant program participants and future noncompliant program participants. Three months after providing this report to Congress, USCIS will be required to provide a report on the progress made in reducing the number of noncompliant participants of this program.

I want to assure my colleagues that fraud in any government program is totally unacceptable to me. And I believe the extra steps included in the legislation will further the progress USCIS has made in eliminating and preventing fraud in this important program.

Mr. President, please note that there are several religious organizations that support passage of the Special Immigrant Non-Minister Religious Worker Visa Program, including The Church of Jesus Christ of Latter-day Saints, the American Jewish Committee, the Agudath Israel of America, the Catholic Legal Immigration Network, Inc., the Church Communities International, the Conference of Major Su-

periors of Men, the Hebrew Immigrant Aid Society, the Lutheran Immigration and Refugee Service, the Mennonite Central Committee, the United States National Association of Evangelicals, the National Spiritual Assembly of the Bahai of the United States, The Church of Scientology International, The First Church of Christ, Scientist, Boston, MA, the United Methodist Church, the General Board of Church and Society, the World Relief, and the U.S. Conference of Catholic Bishops.

No doubt our country's religious organizations face sometimes insurmountable obstacles in using traditional employment immigration categories to fit their unique situations.

Fortunately, the Non-Minister Religious Worker Visa Program allows our country's religious denominations to continue uninterrupted in their call to serve and provide support to those who are in the greatest need. I commend their service and hope they know how much I respect their work.

Let me take a moment to say a few words about the Conrad 30 Program, which was created in 1994. The Conrad 30 Program allows foreign doctors, who are already in the United States, and who have been trained in the United States, to extend their stay in the country if they agree to practice in medically underserved communities in the U.S. for 3 years. The program, which is run at the State level, has brought over 8,500 doctors to underserved areas across the country, and to all 50 States. However, it expires in September. My amendment also will extend the Conrad 30 Program for 3 years.

The Immigration and Nationality Act, INA, imposes what has become known as the "widow penalty," requiring the deportation of individuals whose pending applications for green cards are rejected because their citizen spouse died within the first 2 of marriage. This amendment remedies this unintended and unjustified administrative procedure.

Under current law, when a U.S. citizen marries a noncitizen, the noncitizen is eligible to become a legal permanent resident and receive a green card. During the first 2 years of marriage, the only way this can be accomplished is through a petition that the citizen files on the noncitizen spouse's behalf. The noncitizen cannot self-petition for legal permanent resident status until the marriage has lasted for 2 years.

If, however, the citizen spouse dies while the petition, through no fault of the couple, remains pending. This is often unfair; delays are often caused by agency workload or issues which are not the fault of the petitioners. The petition automatically is denied. The noncitizen is immediately deemed ineligible for legal permanent residence and therefore becomes deportable. This

is the case even if ample evidence of a bona fide marriage, such as cohabitation, shared finances, exists. It is often the case even if a couple had a U.S. born child.

Because of the widow penalty, well-intentioned widows who have played by the rules face immediate deportation. During the 110th Congress, efforts to persuade the USCIS to address the issue administratively were unsuccessful. In the current administration, Secretary Napolitano has directed that the Department of Homeland Security to review a number of immigration issues, including the "widow penalty," and has decided to defer action on deporting widows for up to 2 years to allow time for Congress to fix the problem.

There have been more than 200 "widow penalty" victims, including a woman whose husband died while serving overseas as a contractor in Iraq; a woman whose husband died trying to rescue people who were drowning in the San Francisco Bay; and a woman who was apprehended by Federal agents when she went to meet with immigration authorities to plead her case she was placed in shackles, and sent to a detention facility.

This amendment will end the harsh and unfair "widow penalty" by allowing the petition to be adjudicated even though the spouse has died. The proposed legislation affects only a small class of individuals who still would be required to demonstrate that they had a bona fide marriage before receiving a green card. Thus, USCIS would retain the discretion to deny petitions, but they would no longer deny them automatically in response to the death of the citizen spouse.

The amendment also includes provisions to clarify that the government should continue to process the immigration applications of immigrants who are already waiting to receive an immigrant or other visa under certain conditions.

Specifically, the bill would protect orphans, parents and spouses of United States citizens by allowing them to continue their applications through the family immigration system in cases where the citizen's or resident's relative died if the individual self-petitions within 2 years; allow the spouse and minor children of family-sponsored immigrants and derivative beneficiaries of employment-based visas to benefit from a filed visa petition after the death of a relative or adjust status on the basis of a petition filed before the death of the sponsoring relative if the application is filed within 2 years; allow the spouse and minor children of refugees and asylees to immigrate to the U.S. despite the death of the principal applicant and allow them to adjust their status to permanent residence; provide processes to reopen previously denied cases and allow individuals to be paroled into the U.S. in cases

where the sponsoring relative died after submitting an immigration application, and promote efficient naturalization of widows and widowers by allowing the surviving spouse to continue with a naturalization application as long as the deceased spouse was a citizen of the United States during the 3 years prior to filing.

The bill ensures that all widows and orphans would have to comply with affidavit of support requirements to ensure they do not become a public charge. The bill includes provisions to make sure that all widows and orphans who benefit under this act are subject to current numerical limitations on visa issuance. The bill also provides a limit on issuance of visas for widows where the spouse died over 10 years ago: only 100 visas would be available for individuals whose spouses died before 1999.

I urge my colleagues to support passage of this important legislation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY.) Without objection, it is so ordered.

AMENDMENT NO. 1406 TO AMENDMENT NO. 1373

Mr. MCCAIN. Mr. President, I have an amendment at the desk. I see it as 1404, which is to strike the Loran-C Program. It is at the desk. It could be 1406.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mrs. MURRAY. Reserving the right to object, can we get the correct number?

Mr. MCCAIN. Pending me finding the right number, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Thanks to my crack staff, that amendment number is 1406. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1406 to amendment No. 1373.

Mr. MCCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provision relating to the Loran-C signal, as recommended by the Administration)

On page 75, line 15, strike all through page 77, line 16.

Mr. MCCAIN. Mr. President, I would imagine that my colleagues remember that several months ago the President announced there would be a number of significant cuts in spending in order to try to bring unnecessary and wasteful programs under control. The President announced there would be some \$41 billion saved over the next decade, and the administration, as part of its budget submission, recommended terminating or reducing 121 Federal programs that were estimated to save the taxpayers \$41 billion over the next decade.

That announcement by the President was greeted with certainly applause and appreciation by most Americans since we are amassing multitrillion-dollar deficits. Unfortunately, it seems pretty clear these budget cuts the administration recommended terminating are not being terminated.

We have had votes already on at least two of them, and now we are about to talk about another one that would achieve a savings of some \$36 million in 2010, and \$190 million over 5 years, not a small amount of money, at least in the old days before we got into trillion-dollar and multitrillion-dollar deficits.

So what this amendment does is seek to strike the Loran-C Program. In the interest of full disclosure, Loran was around when I was in the Navy, so obviously it is a pretty old program. The President and the administration called it "obsolete technology." I certainly agree.

The administration stated in its budget submission—and I have that somewhere—and I quote from it:

The Loran-C is a federally provided radio navigation system for civil marine use in U.S. coastal areas. The Nation no longer needs this system because the nationally supported civilian Global Positioning System [known to us as GPS] has replaced it with superior capabilities. As a result, Loran-C, including recently technological enhancements, serves only the remaining small group of longtime users. It no longer serves any governmental function, and it is not capable as a backup for GPS.

I want to point out again to my colleagues, that is not my view, and I will enumerate a number of governmental agencies that agree with that. But several Federal agencies, including the Departments of Defense, Transportation, and Homeland Security, already have backup systems for their critical GPS applications, and the termination of Loran-C does not foreclose future development of a national backup system. It nearly stops the outflow of taxpayers' dollars to sustain a system that does not now and will not

in its current state serve as a backup to GPS. That is pretty strong and pretty direct and pretty clear language.

Obviously, the administration is proposing to terminate the terrestrial-based, long-range radio navigation system, Loran-C, operated by the Coast Guard because it is obsolete technology.

Accounting for inflation, this will achieve a savings of \$36 million in 2010 and \$190 million over 5 years. Again, I point out this is one of 121 terminations or cuts the President of the United States announced the administration wanted done and, of course, many Americans believed they would be achieved. So far we haven't done one. I am sure we may, but we have not done one.

In 2005 numerous Federal agencies called for the termination of this program, as I mentioned earlier, including the Coast Guard; the Secretary of Defense; Secretary of Transportation, representing the Federal Aviation Administration; and the Secretary of Homeland Security, representing the Coast Guard.

All signed, in October 2005, a report that stated the Department of Defense has determined that Loran is no longer needed as a positioning, navigational, or timing aid for military users, and "with respect to aviation, the FAA has determined that sufficient alternative navigation aids exist in the event of a loss of GPS-based services, and, therefore, Loran is not needed as a back-up navigation aid for aviation users." And, "with respect to maritime safety, the United States Coast Guard has determined that sufficient back-ups are in place to support safe maritime navigation in the event of a loss of GPS-based services, and, therefore, Loran is not needed as a back-up navigational aid for maritime safety."

It is not a new debate. Once programs come into being, they are almost impossible to kill, and we may not be able to kill this one. The votes so far have indicated there certainly is not a harboring of success. This is a GAO report, the U.S. Government General Accounting Office, dated September 18, 1981. The report States:

DOT. [Department of Transportation] should terminate further Loran-C development and modernization exploit the potential of the Navstar global position system, [i.e. GPS.]

Remarkable. 1981. So the report goes on—and I will not waste too much time going into it—but the GAO obviously found that the Coast Guard—

We have completed a follow-up review on our March 21, 1978 report. The report concluded that the Department of Defense's DOD satellite-based Navstar GPS could be a national asset, could replace many existing navigation systems at substantial savings.

The report considered these systems, including the Department of Transportation's Loran-C system, to be

unnecessary by the early 1990s and cautioned against further investment in Loran-C. It also recommended that the Secretary of Transportation become more involved in the GPS program to ensure the timely availability of low-cost civil receivers. Obviously, we have low-cost civil receivers.

So beginning in 1981 and here we are 28 years later trying to terminate a program that literally every agency of government is trying to kill. But will we succeed? Again, the votes so far do not indicate that.

Yesterday there was an article by Mr. Walter Alarcon, which says.

Democrats ignore Obama's cuts. Congressional Democrats are largely ignoring President Obama's \$19.8 billion in budget cuts. The President proposed axing dozens of programs that he said were inefficient or ineffective, but Members of the House Appropriations Committee are including the money for them.

Over here on this side of the Capitol we are doing the same thing. The Associated Press:

Congress largely is ignoring Obama budget cuts. Lawmakers have yet to deal with most controversial proposed cuts. Obama proposed the cuts last month after what he promised would be a line-by-line scrub of the Federal budget to counter Republican charges that he is spending the country into too much debt. The House has already rejected his effort to kill a \$400 million program that helps States with the costs of incarcerating criminal illegal immigrants, and a homeland security spending bill up for a House vote this week keeps in place the World War II era Loran-C maritime navigation system that Obama wanted to ax even though it has been rendered obsolete by the modern global positioning system.

The homeland security measures also preserve \$12 million for bus systems—

That is the one that died, the amendment we tried to kill yesterday that died 51 to 47—

and \$40 million in grants to local governments for emergency operations centers.

That one was not approved today by a vote of 60 to 38.

All told, lawmakers in both parties—California Republicans were the driving force in preserving the State Criminal Alien Assistance Program—have combined to preserve more than \$750 million worth of cuts suggested by Obama.

From Politico:

Democrats make show of budget cuts.

That was on June 23.

With growing public concern about the deficit and billions still backed up in President Obama's economic recovery program, just how do Democrats sell another 8 percent increase in discretionary spending this summer? Some of the terminations are less than advertised.

It goes on and on.

I applaud the President's commitment cutting some of these programs. I spoke out at the time when he said they would go line by line, when he said they would have budget cuts that were significant, that there would be billions of dollars saved in unwanted,

unnecessary programs and spending. Why don't we in Congress get that message?

If we continue on this path—and we probably will; I have been around this body long enough to see where the votes are; the appropriators have the control here—I will strongly suggest that the President start vetoing some of these bills, something the previous administration should have done and the previous President should have done. I came to the floor and fought against these earmark pork-barrel projects in the last administration, just as I am with this one.

Yesterday I offered an amendment to strip funding for a program the administration had declared unnecessary and sought to terminate. The amendment was defeated, and only 12 Members of the President's party supported the amendment seeking to implement the administration's recommendation. When are we going to get serious about making tough choices around here?

I know there are other amendments in line. Let me sum up. This system is an aid to navigation for ships at sea and in rivers and lakes that long ago was replaced by something called GPS, the global positioning system. We have them in our cars. They are easily available to be bought at very low price at most any of our stores and outlets. I am sure one could draw a scenario where somehow all satellites fall from the sky and we are deprived of Loran-C, but that is sheer foolishness. If we don't kill this program, which was recommended to be terminated by GAO in September of 1981, it is pretty obvious we are not going to be able to reduce or terminate funding for any program, once it gets into production and once it gets its sponsors in the Congress.

I strongly recommend that my colleagues understand that we can't keep spending this kind of money. We just can't do it. We are laying a terrible burden on our children and grandchildren. This is some \$36 million for next year, \$190 million for the next 5 years. For anybody who has a rudimentary understanding of what GPS provides and how obsolete Loran-C is, it is willful ignorance.

I urge colleagues, let's, for a change, stand up for the American taxpayer. Let's stand up for the taxpayer and our children and grandchildren. In this era of \$10 trillion debts and trillion-dollar-plus deficits, does \$36 million in 2010 and \$190 million over 5 years matter? I think it matters in that we ought to at least sometimes stop business as usual. People are not able to stay in their homes, not keeping jobs. Unemployment is at an all-time high. And we are going to waste another \$36 million?

How many people could stay in their homes, how many people could we employ in small businesses, how many people could educate their kids with this \$36 million for next year? There is

something wrong here that we continue to spend like this, when America is going through the toughest recession in our history. Time after time we come to the floor and try to terminate obsolete programs. We try to stop the wasteful and unnecessary pork-barrel spending and earmarks. What do we get? We get majority votes against it.

Don't be surprised when the TEA parties get bigger around the country. Don't be surprised when more and more Americans register as Independents because they think both sides of the aisle are guilty. Don't be surprised when Americans in every way that they can express their extreme dissatisfaction with our spending habits and the corruption that exists as a result.

It is time we started standing up for the American people and not the special interests that are the sponsors of Loran-C and so many wasteful and unnecessary programs we continue to see increase in spending, when every other American family is having to tighten their belts and decrease spending, if they are able to spend at all.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Arizona for offering this amendment. Indeed, Loran-C was established after World War II as a navigational tool for our mariners and aviators. The President has proposed to terminate Loran-C stations on October 1, 2009, with the justification that the federally supported civilian global positioning system is now the primary navigational tool and the Loran-C is no longer needed by the Armed Forces or by the transportation sector or by the Nation's security interests. The Office of Management and Budget has also told us that many agencies, including the Department of Homeland Security, the Department of Transportation, and the Department of Defense, do, as the Senator stated, already have backup systems for GPS.

I want to set the record straight about what this committee mark does have in it that is before us. It does provide for the orderly termination of Loran-C beginning January 4, 2010. So the underlying bill does terminate the Loran-C program, and it does so in a way that allows the Coast Guard the time to inform the public and provide for the orderly termination of that program. The committee bill continues operations of Loran-C until January 4, 2010. Then the program is terminated.

Contrary to the sponsor's statement yesterday, there is not \$35 million in this bill for Loran-C. This bill does have \$18 million. The President in his request did include no funding to pay for the cost to terminate these stations. According to the Coast Guard, which has provided us information, they do need this funding to remove

the high-value equipment and electronics hazardous material. They need it to remediate the environmental concerns and to fund a variety of measures to secure the sites until they are fully decommissioned. This money is not to continue the operation of Loran-C. It is to terminate it in a way that is proper and makes sure that while we remove these stations, we are doing it in a responsible way.

What we do in the committee mark is to make sure that the Coast Guard doesn't have to take away money from critical missions—search and rescue or drug interdiction or marine safety or environmental compliance—to terminate this program. We did include funding so that the Loran-C stations could be shut down responsibly.

The administration has sent us a statement of administration policy. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ADMINISTRATION POLICY

H.R. 2892—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

(Senator Inouye, D-Hawaii, July 7, 2009)

The Administration strongly supports Senate passage of H.R. 2892, with the committee-reported text of S. 1298, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010.

As we face difficult economic and fiscal decisions, it is important to make efficient and effective investments. The Department of Homeland Security Appropriations Act, 2010, as considered by the Senate Committee, makes important investments in transportation systems, cyber security, innovation and job creation, security for our borders, and emergency response. This legislation serves as an important piece of the Nation's economic recovery.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

FEDERAL PROTECTION SERVICE (FPS)

The Administration is pleased that the Committee supports the transfer of FPS to the National Protection and Programs Directorate (NPPD). This transfer will properly align the activities of FPS and NPPD, while allowing Immigration and Customs Enforcement to focus on its key immigration enforcement mission. The Administration plans to provide additional details to the Congress in support of the FPS transition and realignment of these responsibilities in the next few weeks.

E-VERIFY EXTENSION

The Administration appreciates the Committee's support for E-Verify by fully funding the request and including a three-year reauthorization to continue operations. This critical program supports immigration enforcement and promotes compliance with immigration laws.

FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA'S) DISASTER RELIEF FUND

The Committee significantly underfunds the Disaster Relief Fund (DRF). In an effort to implement a more transparent funding process for DRF, the Administration's \$2 billion request is based on a methodology that

incorporates historical costs associated with FEMA's response for non-catastrophic incidents.

LORAN-C TERMINATION

The Administration appreciates the Committee's support for termination of the Loran-C radio navigation system. The Administration supports the Committee's aim to achieve an orderly termination through a phased decommissioning beginning in January 2010, and the requirement that certifications be provided to document that the Loran-C termination will not impair maritime safety or the development of possible GPS backup capabilities or needs.

IMMIGRATION SERVICES

The Congress is urged to provide the requested funding to reform immigration fees. Eliminating the practice of passing on costs for refugees and asylees to other applicants for immigration benefits is an important first step to improve the accuracy, transparency, and fairness of immigration fees.

The Administration strongly urges the Congress to provide additional resources to support and expand successful immigrant integration programs across the country.

Mrs. MURRAY. It says:

The Administration appreciates the committee's support for termination of the Loran-C radio navigation system. The administration supports the committee's aim to achieve an orderly termination through a phased decommissioning, beginning in January 2010, and the requirement that certifications be provided to document that the Loran-C termination will not impair maritime safety or the development of possible GPS back-up capabilities or needs.

So the administration has said that the committee is complying with what they have asked us to do which is to terminate the Loran-C program.

The aim of the amendment is unclear to me. What it actually does is strip the Coast Guard of the authority we have provided in the underlying bill to terminate a program that will indeed save taxpayers \$36 million a year.

The way the amendment is written, I oppose it because it will take away what the committee has written in here to terminate the Loran-C program, as the President has requested, in a responsible way, to do it in a way that we deal with the mitigation that needs to be done when we remove equipment such as this. The amendment that has been offered will actually strip the Coast Guard of the authority to do just that.

The committee bill does what the Senator is asking us to do. It does it in a timely and responsible way and does terminate the Loran-C program.

I urge colleagues to support the committee amendment that does it in a responsible way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, the distinguished chairman left out a couple of items. One, it will still cost an additional \$18 million, if the program is terminated by January 4, 2010.

The interesting thing, when we read the bill on pages 75, 76, and 77, there is

a list of caveats that have to be achieved in order for that to happen. How many times have I seen around here a determination made that they will terminate a program if the following criteria are met? The limitations in the bill are that termination will not adversely impact the safety of maritime navigation, the system is not needed as a backup to the GPS or any other Federal navigation, if the Commandant makes a certification. The Commandant doesn't have to make a certification. The Coast Guard has already said they don't want it. It needs no certification.

From the language of the bill:

Not later than 30 days after such certification pursuant to subsection (b), the Commandant shall submit to the Committee on Appropriations of the Senate and House of Representatives a report setting forth a proposed schedule for the phased decommissioning of the Loran-C system infrastructure in the event of the decommissioning of such infrastructure in accordance with subsection (c).

If the Commandant makes the certification described in subsection (b), the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may, notwithstanding any other provision of law, sell any real or personal property under the administrative control of the Coast Guard and used for the Loran system, by directing the Administrator of General Services to sell such real and personal property . . .

So after the completion of such activities, the unexpended balance shall be available for any other environmental compliance and restoration. Why not stop it now? Why not stop it now? Why spend an additional \$18 million? Why open this? Since 1981, we have been trying to kill it. Why open it for an additional period of time when clearly this system needs to stop?

With all due respect to the Senator from Washington, let's stop it now. We can stop it now. We know it can be stopped now. We don't have to spend an additional \$18 million on the program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senator and I are on the same page. We want to terminate this program. But we have a responsibility, as oversight, to make sure that we do it in a way that mitigates any problems that are out there.

We have high-value equipment. We have electronic hazardous materials that are out there. The Coast Guard—whoever is responsible—has to remediate the environmental concerns. They need to secure these sites where the Loran-Cs are. That is what this funding is for, to make sure it is done responsibly.

If we do not provide the funds in this amendment, the Coast Guard will be required to take the money to do that out of other very important missions that many of us care about, whether it

is search and rescue or drug interdiction or marine safety or threats of terrorism. We do not want the Coast Guard to have to take away that money to do that.

I want to specifically say again, the amendment before us, the way it is written, strikes the language that the President requested to provide for the orderly termination by providing authority to sell the Loran-C assets. If this amendment is adopted, they will not be able to sell the Loran-C assets and thereby save taxpayer dollars.

I understand where the Senator is coming from. I know his past concerns about this program. We are going to shut it down. That is what this amendment does. The commandant, who is, in our language, being asked to certify, goes at the behest of the President. As the Senator from Arizona well knows, the President has said he wants the program shut down, and that is what this committee is trying to do, in a responsible way, to save taxpayer dollars in the long run and specifically to be able to sell the Loran-C assets so the taxpayers can regain their money at the end of the day.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, in 2007 I offered this direct amendment. We spent 3 hours on it on the Senate floor. Everybody agreed we needed to get rid of this program then. We had some concerns. The thing I do not understand is why we are waiting the extra 5 months to shut down a program. There is nobody who needs this program. That 5 months—just that 5 months of continuing the program—costs the American taxpayers \$18 million.

So if, in fact, we are going to shut down the program, I would like to understand the logic of turning it down in January instead of October 1.

First of all, nobody is using this system now. Nobody is using it. Why can't they notify in 3 months all the people—which is zero—who are using this today? The other question is, why does it take \$35 million? Where is the backup detail that shows what the costs will be? Maybe it is \$18 million.

Mrs. MURRAY. It is \$18 million.

Mr. COBURN. So why does it take \$18 million? There are only seven stations left, and we are talking about facilities that are smaller than these four desks. Tell me how it takes \$2.5 million per buoy to shut them down. Only from Washington would it take that much money. Where is the basis for the knowledge that it takes \$18 million?

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. COBURN. Mr. President, I am happy to yield for a question.

Mr. MCCAIN. Mr. President, I am sure the Senator understands from the budget of the U.S. Government for fiscal year 2010 that the Office of Manage-

ment and Budget submitted to the Congress, it says the administration is proposing to terminate and achieve a savings of \$36 million in 2010, and now the Senator from Washington is obviously contradicting what we were told by the administration, which is what we wanted.

How it could cost \$18 million, as you say, to shut down seven sites, and not be allowed to sell off valuable assets, of course, is foolishness. Of course the government sells off assets that are extraneous assets all the time without the permission or the need to have legislation.

Is the Senator aware of that?

Mr. COBURN. Mr. President, I would tell the Senator from Washington, first of all, I do appreciate that the Senator is attempting to shut this down, and I thank the Senator for that. It has been long overdue. But I do question the amount of money it takes to shut this down. We know the bureaucracies always want more money than what is necessary. You have allowed in this bill that whatever is not used they can plow back into anything they want to use it for.

Why would we not terminate it at the end of the fiscal year? Every month we are running it, it costs \$3 to \$4 million—\$3 to \$4 million. I know it does not seem like a lot when we are going to have a \$1.8 trillion budget deficit this year, but I do not understand why we would not do it.

I say to the Senator, I appreciate the fact that he is doing it. I think it can be done for a lot cheaper, and I think it could be done sooner, and I would hope the committee would consider that.

With that, Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays on this amendment.

THE PRESIDING OFFICER. Is there a sufficient second?

At this moment there is not a sufficient second.

Mr. COBURN. There is not?

THE PRESIDING OFFICER. There is now a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I yield the floor.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I ask unanimous consent to speak as in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER FINANCIAL PROTECTION AGENCY

Mr. MERKLEY. Mr. President, today, colleagues, I rise to give voice to my strong support for President Obama's proposal to create a consumer financial protection agency separate from our prudential banking regulators. I believe establishing this new independent agency is critical to protecting the economic security of the American middle class and ensuring the stability of our financial system and the banks within it.

Let me share with you a story about Ira Cheatham. Ira is a 73-year-old retired veteran of the Korean war. I think his story helps explain why we need to do more to protect middle-class economic security. Ira and his wife lived in Portland, OR, for 21 years. By 2002, this couple had nearly paid off their mortgage. But a few years ago, in the midst of the subprime boom, the family received what looked like a check from their bank, their mortgage company, a check for \$1,000. Ira cashed in the check. Ira did not realize that the check actually represented a high-interest loan.

Within a week or two after cashing the check, the family received a call from their mortgage company urging the couple to consolidate this \$1,000 loan with their credit card debt into a single mortgage. This family had excellent credit, and the mortgage company promised the couple they would receive an interest rate between 5 and 6 percent, which would have reduced monthly payments.

Based on this promise, the couple agreed. But what they soon discovered was they had been assigned an interest rate of 11.8 percent. Moreover, the loan contained discount points financed into the loan, inflating the loan amount and stripping away equity in the house. Under this new subprime loan, the mortgage payments swelled to \$1,655—nearly 60 percent of the family's monthly income.

Having discovered this, it would have been great if this family could have simply refinanced. But in the loan was a \$7,500 prepayment penalty; in other words, stripping them of another \$7,500. Once they discovered what they had been trapped into—what they had been tricked into—they were then locked into this prepayment penalty that would further decimate their equity.

They did not have many good options—an unsustainable interest rate, an outrageous prepayment penalty—but, finally, they took and did what they had to do, which was to pay that prepayment penalty in order to refinance their mortgage with another lender.

Our financial marketplace has become infested with these kinds of predatory lending products and practices that exploited this elderly couple and millions of other families across this

Nation. Now these practices are commonplace because they are not regulated. They are commonplace because they are highly profitable. They are embedded in documents inches thick in a home loan. They are written in light gray ink on the back of a check. When deposited, you have actually signed a financial document.

Well, these types of tricks and traps are unacceptable. Mr. President, \$2.7 trillion in losses to subprime writedowns only scratches the surface of the total cost of this economic catastrophe—a catastrophe that would have been avoided if banks had sold stable prime loans instead of tricking and trapping families into volatile subprime loans.

In short, we need to reestablish strong consumer protection in our financial markets. The solution is simple and should have been adopted a long time ago: centralizing financial consumer protection regulation in a single agency, an agency that is not compromised by having another mission, another mission of regulating monetary policy or another mission of overseeing the stock market or another mission here or there; no, a mission responsible to the consumers of this Nation of financial products that says our transactions are going to be transparent, the terms are going to be clear, we are going to get rid of the tricks and traps.

Many of you know we recently passed a bill in this Chamber on credit cards to get rid of the tricks and traps we know of in the credit card industry. That is a tremendous step forward. But who would doubt—who in this Chamber would doubt; who in America would doubt—that within 12 months we will have a new set of tricks and traps?

You cannot simply legislate every time one of these is created. You need a consumer financial products agency to oversee this process, to make sure we protect the consumer from new, clever ways of stripping Americans' wealth. Establishing a strong consumer financial protection agency would be a major step forward in protecting the economic security of working Americans. There are folks who say: You know what, we are making a lot of money. We don't want this type of regulation.

Let's draw a parallel here to consumer products in other areas. How about toys for our children. There are folks who would say: No, we shouldn't regulate the quality of toys, we shouldn't regulate whether there are small parts that will choke our child, we shouldn't regulate whether there are exploding parts that might take out an eye, we shouldn't regulate the lead in the paint, because this reduces choice. But we have recognized that when it comes to consumer products appearing in our homes, we need to have ongoing oversight to make sure

products are fair and safe, and we need to do the same thing in the financial world.

The failure to regulate has had an enormous toll: \$700 billion in taxpayer money spent to bail out our banks, \$12.2 trillion in household wealth lost in America since 2007, and the tragedy of millions of Americans losing their homes and their jobs. Those are the real costs of failing to regulate financial consumer protection.

Let's look at a few things such an agency would do.

First, it would mean less bureaucracy and less cost. Each of our banking regulators already has a consumer protection obligation, a consumer protection division. Three of four Federal banking agencies have separate consumer protection functions from the rest of the agency. Now, that mission is often set aside, that mission is often ignored, in light of the other missions of the agency, but it is far more effective, cost-effective, to have these missions combined into a single entity with the responsibility directly to consumers.

A second concern has been that it would be a mistake to have folks who offer financial products provide a simple, plain-vanilla product as a comparison to give them a framework for the contract being put before them. But these types of straightforward, plain-vanilla comparisons are very useful to consumers to allow them to make an informed choice. In the long term, a smarter consumer produces better competition between those who provide these products because now they are forced to compete not on tricks and traps but on transparency, on consumer service—customer service—and that is a positive thing. It means real competition in terms of price. I think our community financial institutions in particular would have a stronger claim in such new business because who provides better consumer service than our local community bankers?

Third, a consumer protection agency would clear the field of unregulated bad actors whose competition lowers standards across financial products. Well, I wish to draw a bit of an analogy here to a football game. Imagine a football game where only one side gets called for penalties. That is what happens when you have one responsible financial player and another that isn't abiding by any sort of fairness or transparency. That does not produce good competition. If only your opponent can jump the line or face mask or get away with just about anything without penalty flags being thrown, how is your team going to compete? That is the challenge the responsible players have in the marketplace today. Well, let's not put them in such a difficult position. Let's make sure all of the players are acting responsibly, and that is the role such an agency would carry on.

We need a consumer financial protection agency to protect the hard-earned wealth of hard-working Americans—Americans like the elderly couple I told the story about earlier, Americans like Maggie from Salem, OR. Maggie paid her credit card bill on time, and then what happened? She was charged a late fee.

So she called up and said: Why is that?

The credit card company said: Well, you know what, we get to sit on your payment for 10 days before we post it, so technically you are late even though you paid us early.

Maggie said: Where is the fairness in that?

Folks like Maggie across this country are asking that simple question: Where is the fairness in that?

Our consumers deserve fairness. Let's not try to have short-term profits that undermine the success of our families by stripping wealth through tricks and traps. Let's have our consumers say: Isn't it great that here in America we make sure there is fairness in our financial products, that we don't try to depend on tricks and traps that strip wealth from elderly couples, strip wealth from young families trying to raise children, that take away the opportunities of those families to provide for their children. Let's put a referee into the game again. We need this agency.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1406

Mrs. MURRAY. Mr. President, my understanding is the Senator from Maine would like 10 minutes to speak on the McCain amendment. I ask unanimous consent that following the remarks of the Senator from Maine, the Senate vote in relation to the McCain amendment, with no other amendments in order prior to the vote on the McCain amendment, in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise in opposition to the amendment offered by the Senator from Arizona.

Let me start with some background on the Loran system since it may not be familiar to many of our colleagues. This is a radio navigation system with 24 land-based transmitters which are operated by the Coast Guard that can be used to determine the location and speed of the receiver. Some mariners and aviators use the current system, which is known as Loran-C, for navigation, while others have switched to the GPS system. An upgraded Loran system, which is known as eLoran, would use Loran-C transmitting stations as

its foundation and it would serve as a backup to GPS as well as a primary navigational tool.

This infrastructure would provide the foundation that is necessary to have a backup for the GPS. If we abandon the Loran-C system, as Senator MCCAIN has advocated, we would lose the considerable investment of \$160 million we have already made to deploy the eLoran system, and this system is one that a joint Department of Homeland Security and Department of Transportation assessment team has recommended as the backup for GPS.

Why do we need a backup for GPS? The fact is GPS is vulnerable to atmospheric interference and jamming. A loss of the GPS signal for even a short duration and in an isolated region would adversely affect cell phone coverage, the national power grid, and air traffic.

Our Nation needs a reliable backup. This isn't just my opinion. This is the considered opinion of an independent assessment team that just filed its final report in January of this year. One of the previous speakers referred to a GAO report that is over 25 years old. I am talking about an assessment that was just completed in January of this year. DHS and the Department of Transportation jointly commissioned an assessment team that included a diverse group of senior decisionmakers and experts from government, academia, and industry. This team reviewed 40 previous reports, interviewed the key stakeholders, industry representatives, and other experts, and received 980 comments on what should be done, and 93 percent of those comments were in favor of maintaining the Loran system—93 percent.

Listen to who some of the commentators were. Sprint Nextel, which is the supplier of critical communications capabilities, and the Department of Energy's National Nuclear Security Administration both stated that they currently use the Loran system and that they support upgrading to eLoran as a backup and complement to the GPS system. The Department of Energy moves controlled nuclear material around the country and uses Loran-C as "an active and robust supplement to GPS." This is the Department of Energy's Nuclear Security Administration telling us it needs and relies on the Loran-C system. They describe it as an active and robust supplement to GPS. The Department of Energy uses Loran-C to provide location information on nuclear material in the event of blocked visibility, solar storms, and intentional jamming of the GPS system.

In January of this year, when the team released its report, it unanimously concluded that the eLoran should serve as the national backup system for GPS and that the Loran-C infrastructure should be maintained until we have full deployment of the eLoran.

Think what we are doing if this amendment passes. What we are proposing is to discontinue a system that is being relied upon by the Department of Energy and countless other users. That is why this independent assessment team—this isn't my opinion, this is the independent assessment team's conclusion—says we must maintain the current system until we have fully transitioned to the eLoran system, which will be the backup for GPS. What is being proposed by this amendment is to discontinue the Loran-C system prior to having a backup in place. That makes no sense whatsoever.

Again, I would emphasize that this was a unanimous conclusion of the Department of Homeland Security and the Department of Transportation's independent assessment team as of January of this year. It is the newest assessment we have. It is the most complete review that has ever been done.

The fact is, the weaknesses in the GPS system are well known. A GAO report published in May raised serious concerns regarding the near- and long-term health and reliability of the GPS network, noting that there is a high risk—that is GAO's assessment—that the Air Force will not be able to meet its schedule for the deployment of GPS satellites. The Department of Defense predicts that over the next several years, many of the older satellites will reach the end of their operational life faster than they will be able to be replaced.

A Wall Street Journal article in June concluded that the GPS satellite system—the article cited new interference problems with the signals being transmitted by recently launched GPS satellites, raising additional serious concerns about the timeline for the deployment of the next generation of GPS satellites.

The assessment team reported on a GPS interference incident in San Diego that lasted 3 hours. The GPS system is not failproof. It can be intentionally interfered with or it can stop operating due to atmospheric conditions.

The eLoran would fulfill the requirement established in National Security Presidential Directive 39 for a backup to GPS. This is a modest investment of funds to make sure we do not experience a dangerous gap.

Another myth we keep hearing is that there hasn't been sufficient study into the issue of whether a backup is needed for the GPS system. In fact, as I have indicated, eLoran has been exhaustively studied. The result of these successive scientific and budgetary analyses is that eLoran represents the most cost-effective backup to GPS.

Again, that is not just my opinion. That is the unanimous conclusion of the independent assessment team that was established by the Department of Homeland Security and the Department of Transportation.

I urge the defeat of the amendment.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1406, offered by the Senator from Arizona, Mr. MCCAIN.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—37

Barrasso	Ensign	Martinez
Bayh	Enzi	McCain
Bennet	Feingold	McCaskill
Bunning	Graham	McConnell
Burr	Grassley	Risch
Chambliss	Gregg	Roberts
Coburn	Hatch	Sessions
Cochran	Hutchison	Thune
Conrad	Inhofe	Udall (CO)
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	
DeMint	Lugar	

NAYS—61

Akaka	Gillibrand	Nelson (FL)
Alexander	Hagan	Pryor
Baucus	Harkin	Reed
Begich	Inouye	Reid
Bennett	Johnson	Rockefeller
Bingaman	Kaufman	Sanders
Bond	Kerry	Schumer
Boxer	Klobuchar	Shaheen
Brown	Kohl	Shelby
Brownback	Landrieu	Snowe
Burris	Lautenberg	Specter
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (NM)
Casey	Lincoln	Voinovich
Collins	Menendez	Warner
Dodd	Merkley	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden
Feinstein	Murray	
Franken	Nelson (NE)	

NOT VOTING—2

Byrd
Kennedy

The amendment (No. 1406) was rejected.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, we have made great progress over the last day on the Homeland Security Appropriations bill. This is a very important bill that provides for the security of this country.

We have made good progress with a number of amendments that we have worked our way through today. We intend to finish this bill tomorrow. We ask Senators from either side of the aisle to notify either myself or the Senator from Ohio, who is managing for the Republicans on this bill, to let us know this evening if they have any amendments they want to be considered; otherwise they may find themselves not able to offer their amendment.

So we ask all Members to please let us know, the managers of this bill, this evening if there are any amendments you will require a vote on tomorrow. We do intend to finish this bill tomorrow.

I also notify Members that the majority leader intends to file cloture on this bill tonight. If we cannot work our way through it tomorrow, we will be here Friday voting on cloture. So I again ask Members to work with us to finish this bill in a very timely manner.

We have got a lot of work done. We expect that we can finish it tomorrow in a timely fashion if we get the cooperation of all Members. I urge Members to get their amendments in to either myself or the Republican manager of this bill by this evening so we can move forward tomorrow.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1432

Mr. KYL. Mr. President, taking the chairman up on her offer, let me speak on an amendment I got pending earlier today. It is amendment No. 1432. This is an amendment to strike an earmark in the bill. It is a \$900,000 earmark for the city of Whitefish emergency operations center in Montana. That is all the amendment does. The amendment does the same thing the administration did in that it terminates a program that the Obama administration terminated in its budget. It is one of several projects that was terminated in the budget submission.

I do not strike the program because I agree or disagree with it. I think you could make an argument that it is a reasonable thing to do. I suspect my colleague from Montana will make that argument. That is not the point. As the administration pointed out, the point is there is a way to do these projects and then there is a way not to do them. The way not to do them is through earmarks.

The Whitefish emergency operations center has not been subject to a congressional hearing, nor has it been authorized by Congress. Moreover, not only did the administration not request funding for the project, they specifically zeroed out the funding.

On the floor the day before yesterday—or maybe it was yesterday; I have forgotten now—my colleague Senator MCCAIN described several projects, in-

cluding this project, and noted why it and other earmarks in the bill should not proceed.

He said: The earmarks are in the bill for one reason and one reason only, because of the selective prerogatives of a few Members of the Senate. Sadly, these Members chose to serve their own interests over those of the American taxpayers.

His point also was not that the project is either good or bad, but as the administration noted, there is a way to do it and a way not to do it that is fair to all of the States and to all of the Members, and that way is to have those subject to authorization and then appropriated.

Senator FEINGOLD also on the floor yesterday noted:

While we all may not agree on the appropriateness of earmarking in general, I certainly hope we can agree that certain things should not be earmarked, including FEMA grant programs such as those that protect Americans from terrorist attack.

I think he is absolutely right, which is why I voted for his amendment earlier this afternoon. These are important projects. These are FEMA projects to protect the American people. Why should they be subject to the earmarking process rather than regular order? Again, that is exactly what the administration had earlier concluded.

I think it is wrong when we are funding projects with very scarce Federal dollars in the name of homeland security and the decision on what to fund is based on the influence of a Senator or a House Member rather than the security risk to Americans.

Especially at a time when unemployment has reached nearly 10 percent and many Americans are obviously hurting a great deal, is it appropriate for Congress to make funding decisions in this manner? Is this the message we want to be sending to our constituents: If you have political power, you can get money earmarked. If you do not, then your community is going to suffer. We are already spending \$44.3 billion on this bill. That is \$96 million above the President's request and 7 percent above last year's level. Those amounts are significant. And that increase does not include nearly \$2.8 billion in stimulus funding.

Current budget projections indicate that we will add, on average, nearly \$1 trillion a year to the public debt level from the \$7 trillion to date, to \$17 trillion in 2019. We have all heard the statistic before that the President's budget doubles the debt in 5 years, triples it in 10 years.

The President's administration said there are some things we should not fund in the way they are funded in this bill. All I am doing is agreeing with the administration not to add more debt on top of what has already been accumulated.

The path forward is not sustainable. I think the head of the OMB has made

that point. So I think we need to start making tough decisions around here and we need to respect the congressional budget process. It seems to me the easiest way to make a tough budget decision is when, on a matter of process, we can all agree it is not the right way to proceed.

That is why I think this particular project, though the amount of money is relatively small, is still a good candidate to show we can make those tough decisions as a way of demonstrating to the American public that at least we are willing to start somewhere.

Finally, I will reiterate, I am not here to argue the merits of this project. I am sure my colleague from Montana will describe its merits in glowing terms. To me, that is not the point. The point is that the administration has said this emergency operations grant program should be terminated, it should not exist, we should not spend money on it because this is the wrong way to spend money.

In the document entitled "Terminations, Reductions and Savings," in that volume of the President's fiscal year 2010 budget, the administration states:

The Administration is proposing to eliminate the Emergency Operations Center (EOC) Grant Program in the 2010 Budget because the program's award allocations are not based on a risk assessment. Also, other Department of Homeland Security grant programs can provide funding for the same purpose more effectively.

I think that rationale demonstrates why we need to support my amendment to eliminate this part. This is only one part of that grant program. But it is a part that I think would at least illustrate to the American people that we want to begin the process and spend this money in the right way.

I ask unanimous consent that the part of the budget designated "Termination: Emergency Operations Center Grant Program," which describes what the administration has said, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. I understand that a little bit later we will be able to reach an agreement on voting on several of the amendments. This amendment presumably will be voted on sometime tomorrow. I would hope the proponents and opponents would have a minute each prior to the vote to reiterate their arguments and would hope my colleagues would support amendment No. 1432.

EXHIBIT 1

TERMINATION: EMERGENCY OPERATIONS CENTER GRANT PROGRAM

DEPARTMENT OF HOMELAND SECURITY

The Administration is proposing to eliminate the Emergency Operations Center (EOC) Grant Program in the 2010 Budget because the program's award allocations are not

based on risk assessment. Also, other Department of Homeland Security grant programs can provide funding for the same purpose more effectively.

FUNDING SUMMARY

[In millions of dollars]

	2009 Enacted	2010 Request	2010 Change from 2009
Budget Authority	35	0	— 35

JUSTIFICATION

The 2008 EOC Grant Program was established to improve emergency management and preparedness capabilities for State and local communities by supporting flexible, sustainable, secure, and interoperable EOCs with a focus on addressing identified deficiencies and needs. However, this focus was compromised, and by 2009, 60 percent of the EOC grant funds were congressional earmarks not allocated by merit-based criteria.

The EOC Grant Program uses award criteria that are not risk-based, and the Administration supports a risk-based approach to homeland security grant awards. This is the best way to allocate resources in order to maximize security gains for the Nation.

In addition, in 2009, EOC construction and renovation was approved as an allowable expense under the Emergency Management Performance Grant Program, thus providing a more effective funding mechanism through which potential grantees prioritize expenditures on EOCs against other emergency management initiatives.

Mrs. MURRAY. Mr. President, I assure the Senator that we do intend to vote on this amendment tomorrow morning. There will be time prior to the vote. We will work out an agreement with the Senator on how much time.

The Senator from Montana is on his way to the floor right now to debate this amendment. I think the Senate has a right to listen to him.

I will say this, having been in the Senate for a long time, we respect other Senators and the knowledge they have about their States. And when they come and talk to one of our committees about a specific need, we listen to them and respect what they know.

I certainly know the Senator from Montana knows this area very well. He has visited it numerous times. He understands the deep concerns that face this region and knows exactly why they need an emergency operations center there. He made a very good argument to the subcommittee, and the subcommittee included it in our mark that is before the Senate today.

The Senator was out on the floor earlier today talking about the importance of having an emergency center located at Whitefish. I will tell all of my colleagues that it is easy to pick out one earmark because it is in someone else's State or region. I am not from Montana, but I certainly respect the Senator from Montana when he tells me that Montana has suffered numerous natural disasters in recent years, including, I remember, a devastating fire at Glacier National Park.

I do not know all of the geography of this region, but do know that this emergency center in Whitefish, as the Senator from Montana talked to us about it, supports Glacier National Park. That is a national park that all of us have a responsibility for. It is next to an Indian reservation, and Federal land with Federal responsibility. When we talk about an emergency center that assures that we protect the assets of this Nation, I think the Senator from Montana is right in telling our subcommittee that an emergency center is needed there.

The EOCs respond to a lot more than terrorist threats. I remind all of my colleagues of fires, floods, earthquakes, tornados, hurricanes, and countless other disasters.

I notice that the Senator from Montana is on the floor and he can describe to all of us the importance of this EOC in his region.

Disasters happen anywhere in this country at any time, and our local communities have got to have the tools they need to be able to respond effectively, especially when they are next to national assets such as Glacier National Park and an Indian reservation that the Senator will describe to us. But I want to remind all of our colleagues that these so-called earmarks, congressional mandates that we put into these bills, are here because the Senator has come to the subcommittee, described it to us in detail, put them up on their Web sites, and everyone has an opportunity to look at them.

This subcommittee marked up in subcommittee and full committee and had an opportunity to listen to the Senator from Montana describe the need. We respected the wishes of an individual Senator and his understanding of why this emergency operations center was so badly needed in his State. In having the respect of other Senators, this Senate can do the will of the people.

The interesting thing I think all of us should recognize, in writing out where these are going to be, we actually have them in the light of day. They are held accountable. We do have votes on them. People are able to see them. If we just pass funds over to an agency, these decisions are made without any input from people who live in those States, who know the regions and who know the needs of their communities.

I respect the Senator from Montana when he comes to this subcommittee—and I know Senator BYRD, who chairs this subcommittee—when he goes to Senator BYRD and makes a case for what he has. Senator BYRD listens to everybody's requests and puts them into these bills. It is done so out of respect for that Senator and the knowledge of his State. I certainly believe the Senator from Montana has made

the case. I urge our colleagues to reject this single-minded amendment that simply picks out one Senator's State and says we will not fund an EOC in their State.

I will oppose this amendment tomorrow when we vote on it.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Montana.

Mr. TESTER. Mr. President, I thank the Senator from Washington for her remarks. They were spot on. I had the opportunity to see part of Senator KYL's comments on TV, and I have a few responses. Then I wish to talk about the project.

First, Senator KYL said the EOC program was a target of the administration. His amendment is not taking away the program and zeroing it out. If that is his concern, that is what he should have done. It takes away this specific project.

The second point was about security. The fact is, the EOC program is to respond not only to terrorist activities, which I will get into in a minute, but to all hazards as they apply, natural and manmade.

Finally, fiscal responsibility was the third point. He said we can't afford this earmark. This amendment doesn't save one red cent. It moves it back to FEMA.

I spoke earlier today on the floor about this emergency operations center in Whitefish. I will reiterate some of those points. It is in the northwest part of the State, about 60 miles south of the Canadian border. People who deal with this Nation's security tell us the main threat on the northern border is terrorism. Immigration is the main threat on the southern border. This EOC facility will be located 60 miles south of the border, just west of Glacier National Park, which sits beside the Blackfeet Indian Reservation. To the north, to the west, and to the south of Whitefish are literally millions of acres of forested ground. Whether it is the potential—and I mean potential—that something may happen on the Canadian border that is bad, this center is there. Whether it is the potential of forest fires on Forest Service ground or in the park, this emergency operations center is there. It also houses police, fire, provides for interoperability for radios. It is very much needed.

Their current facility is in the basement. It is about a third the size they need. It is built on a fault line and a flood plain. The fact is, if we want to talk about the need for an emergency operations center in this country, there is no doubt the need is here.

I wish to talk about one other thing. The EOC program is just not for man-made disasters. It is for all disasters. We all know what beetle kill and disease and global warming has done to the forests, and the northwest of Montana is no exception.

This amendment picks on one specific area in one specific State. This picks on an area I happen to know very well. I have been up there several times. I was there last weekend, one of the many weekends I go home, which is every weekend. I was in Whitefish. This area is a good place for an emergency operations center. I am an elected official from the State. I have seen it with my own two eyes. I know what is necessary. We are going to take this away and give this money back to FEMA, to an appointed bureaucrat who probably maybe has been in the State of Montana, maybe not. Chances they have been in Whitefish are doubtful.

This is a good project. I am all for fighting waste. I am all for fighting pork. The fact that we are having this debate speaks to the fact that we have moved a long way in this body, as far as earmarks in the middle of the night plugged in and not having the opportunity to debate them. I will tell my colleagues this: This is a good project. It is a project that spends our taxpayer dollars wisely, and it will benefit the entire country when it is done. It is a project that is very much needed. There is no pork in this. This is about our country's security.

It is unfortunate I didn't have the opportunity to visit with the good Senator from Arizona while he was on the floor because, quite frankly, it may have changed his opinion. Maybe not. I don't know why he singled this project out for his amendment. He brought up the point that the administration took the EOC program, and it was a target of the administration. Then put up an amendment to zero it out. That is not what his amendment does. He talked about fiscal responsibility. This doesn't save a penny. The fact is, if we are talking about security, it is just not manmade terrorism, it is emergency hazards caused by Mother Nature. This facility will help address all those issues.

I appreciate the opportunity to speak to this issue. This is an unfortunate amendment, but we will vote on it and see what happens.

I thank the Senator from Washington for her leadership and support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. We will be voting on this amendment tomorrow morning. There will be time for debate on this amendment as well.

Mr. CONRAD. Mr. President, I rise to offer for the record, the Budget Committee's official scoring of S. 1298, the Department of Homeland Security Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides \$42.9 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$25.5 billion. When outlays from prior-year budget

authority are taken into account, discretionary outlays for the bill will total \$46.7 billion.

The bill includes \$242 million in budget authority designated as being for overseas deployment and other activities for the Coast Guard. Pursuant to section 401(c)(4) of S. Con. Res. 13, the 2010, budget resolution, an adjustment to the 2010 discretionary spending limits and the Appropriations Committee's 302(a) allocation has been made for this amount in budget authority and for the outlays flowing therefrom.

The Senate-reported bill matches its section 302(b) allocation for budget authority and is \$1 million below its allocation for outlays. No points of order lie against the committee-reported bill.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1298, DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS ACT, 2010
(Spending Comparisons—Senate-reported Bill (in millions of dollars))

	Defense	General purpose	Total
Senate-Reported Bill:			
Budget Authority	1,582	41,345	42,927
Outlays	1,404	45,298	46,702
Senate 302(b) Allocation:			
Budget Authority	---	---	42,927
Outlays	---	---	46,703
House-Passed Bill:			
Budget Authority	1,553	41,064	42,617
Outlays	1,390	44,931	46,321
President's Request:			
Budget Authority	1,365	41,473	42,838
Outlays	1,219	45,079	46,298
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget Authority	---	---	0
Outlays	---	---	-1
House-Passed Bill:			
Budget Authority	29	281	310
Outlays	14	367	381
President's Request:			
Budget Authority	217	-128	89
Outlays	185	219	404

Note: Both House and Senate bills include \$242 million in budget authority designated as being for overseas deployment and other activities for the Coast Guard.

MORNING BUSINESS

Mrs. MURRAY. I ask unanimous consent that the Senate proceed to morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

REMEMBERING ED THOMAS

Mr. GRASSLEY. Mr. President, I think I can be done in 10 minutes, but if I can't be, I would like to have a little bit longer because I am going to talk about a very good Iowan who was murdered 2 weeks ago today. This is the purpose for which I rise. This is coach Ed Thomas. I will get to that in a minute. But before I leave that up

there for Senators to view, I wish to tell them, this is not any ordinary high school football coach. This is obviously an old picture because it only goes to 1998. He coached 37 years at this high school. It says here "championship." I know he had a recent State championship as well. He is no ordinary high school football coach. Because in this small town of Parkersburg, IA, the high school is in two towns, Appling-Parkersburg, IA. It only has 2,000 people in it. But this football coach has taken four of his former players now presently playing in the NFL. At least three and maybe all four of these returned to be pallbearers at his funeral.

We can see this record of the previous decade, and that record would be as good for the last decade. I am only sorry I don't have a more recent picture showing Ed Thomas.

Two weeks ago today, at 10:30 in the morning, a former student, a former football player and the brother of a football player who would have been playing this fall at this high school, came into the weight room at Parkersburg High School. This coach was always there because he wanted to encourage his players to work out and to be healthy. He was there with them. This former student came in and killed him with a gun. Didn't bother anybody else. That was it. He was rushed to the hospital but probably dead on arrival.

I say how outstanding he was and how well liked he was. About 12 months before that, a tornado went through Parkersburg destroying about a third of the town. This is a town of only 2,000. This coach had his house blown away, but he didn't worry about himself. He headed for his high school, which was also destroyed, to do immediately what he could to help turn things around.

I have prepared remarks where I will refer to this so colleagues will be hearing it twice. His goal from that Memorial Day weekend to the opening of the football season, the first Friday night in August, was to have that football field ready to go so they could play football as they have. They had a very outstanding season.

This is a person who led a community. He was not just a football coach. My home of 75 years is 10 miles from that high school. They were our competitors. There is very fierce competition between football teams in these small towns of the Midwest. I went Sunday afternoon. The viewing of the body was from 3 to 8. The next day the funeral had 2,500 people at it. But at the time—I get there at 3 o'clock—the line was 3 blocks long. I stood in line 3 hours to get to say my condolences to the family and to view. This family was so strong that they probably gave more comfort to the people who were there to view than each of us gave to the family.

Three hours, and I thought: How long is the line? By 6:30, the line was 4

blocks long. That family stood there until 11 o'clock that night to greet all the friends of this beloved Iowa coach.

With that as background, I came to the floor to give this statement. I thought I ought to put it in some context.

I come before the Senate with the heavy heart of an entire community and in humble recognition of a man who, by all accounts, was a servant of God in every sense, a person who put his faith to work by mentoring the young people of his community as a teacher and a football coach, a person who put his faith to work as a father, a husband, and an elder in the church.

Parenthetically, I wish to say this about the close-knit families we have in the small communities of Iowa. It happens that Coach Thomas and the family of the murderer go to the same church. The person who did the murdering had, I assume from the newspaper, a drug problem. The Sunday before the murder, so the newspapers tell me, the family of the person with the drug problem who did the murder asked in the church, would they pray for their son. Coach Ed Thomas led the prayer for that son, as it was reported in the newspaper.

It was barely a year ago when news reports came across the wires about a small Iowa farming town that was devastated by an F-5 tornado that tore across the community and leveled hundreds of homes and businesses—with eight people dying—the school and what locals call the Sacred Acre or, to the rest of us the famous Parkersburg Falcon football field.

Just last week, this same town was hit with possibly a more crushing blow than a tornado could ever take from a town. The caretaker of the Sacred Acre, the beloved football coach and town leader, Coach Ed Thomas, was senselessly murdered in front of his very own students.

In our area of the State, it is not hard to know Coach Thomas. He was a pillar of the community. His success on the football field made him an icon in his profession—two State championships and four players currently in the NFL. But the people who knew him will remember him most for his leadership off the field.

It was his leadership that helped pull up the community that was knocked off its feet by the F-5 tornado. His declaration in the aftermath of the tornado that the Aplington-Parkersburg boys would play football on their home field in just a couple months gave the town of Parkersburg, IA, purpose in the most difficult of times.

It was the Sacred Acre that brought everyone in town together, and it was the whole town that put the Sacred

Acre back together so they could start the football season on time in that home game, the last Friday of August.

Coach Thomas and his Sacred Acre brought out the best in the community, just as he brought out the best in his team with what Coach Thomas called, "strength in togetherness."

His impact reached the people of this community long before that fateful day in May 2008. For nearly four decades, Coach Thomas led young men in more than just the game of football. He led them in the lessons of life. His current and former players have been seen and heard everywhere—each of them now sharing lessons that will be passed on yet to another generation.

Most of us can remember that one coach or that one teacher who had the greatest impact on each of us. For many in the Parkersburg community, that one person was Coach Thomas.

He was well known for getting the best out of his players and students. He was always providing motivation to his kids. But those who knew Coach Thomas best say his No. 1 talent was friendship. His friend, Al Kerns, said:

He only saw the best in others, and I guess that's why he got all this back.

"This" being the outpouring of compassion from people across Iowa. It may be best demonstrated by the scene in Parkersburg last week at the funeral. As the hearse traveled from the funeral to the nearby cemetery, the streets were lined four or five deep with myriads of color. It has been a true testament to the reach of this icon, not only because of the sheer numbers of people but the myriad of colors that came from high school football teams from all across Iowa that came in their game jerseys to honor a selfless man who shared his playbook as well as his heart.

The tributes made since that tragic morning show that even after his death, Ed Thomas is teaching us to be better people by the way he lived his life.

It has been obvious that his two sons have taken his life lessons to heart, just like many others. I continue to be struck by the poise of his sons who have performed the most monumental task by asking us to pray for the family of the man who killed their father. I cannot think of a greater tribute to their dad than the actions they have performed and the words they have spoken over the last 10 days. There is no question in my mind that these two young men possess the same qualities as their father and that these two boys will continue his legacy.

Aaron Thomas, the oldest of Ed and Jan's two boys, said this at the funeral. He actually said more than I am going to quote, but this is a very important part:

You can be sad the rest of the day, but come tomorrow, once you wake up, it's time to get going . . . there's a lot of work to be done in this town.

While this community's heart is heavy, they will move forward to see the brightness of another day and of another game, just as Coach Thomas would have wanted.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, before I make my remarks, I want to express my appreciation to Senator GRASSLEY for his obviously passionate and compassionate remarks about a story and a man who has captured America. As Senator GRASSLEY knows, I have the privilege of visiting Iowa once or twice a year and have dear friends there, and I know how strong the people of Iowa are.

I want to tell Senator GRASSLEY, his remarks, his compassion, and his passion are appreciated, I am sure, not only by the family and all Iowans but all of us in America, as we share in the tragedy and loss of a great man. I commend him on his remarks.

TRIBUTE TO NEAL BOORTZ

Mr. ISAKSON. Mr. President, I rise for just a minute to talk about a gentleman who resides in my State, a man I have known for 40 years, and a man I, never in a million years, thought I would stand on the floor of the Senate and brag about. But today I did something I have never done. I voted on the Internet in relation to the National Radio Hall of Fame nominees for 2009 for a gentleman by the name of Neal Boortz.

Neal Boortz is a daytime talk show host in the city of Atlanta. He started in radio with Ring Radio in 1969, a little old 1,000-watt station in Brookhaven, GA. Now he is one of the leading talk show hosts in terms of audience in the United States of America.

He is syndicated on 230 different stations, has an audience of 5 million people, and calls himself the High Priest of the Church of the Painful Truth. I have to rise and tell you as a politician who has been both the victim and the beneficiary of any number of Neal's diatribes, he is exactly that. He is a man of the painful truth. He can find the facts on any issue. He can get to the core of the issue, and he can move communities to do good things and do the right thing.

I was delighted to hear that the National Radio Foundation has nominated him for this award, and I want to say today I voted for him because I sincerely hope he gets the recognition for three reasons: One is, while he is not always right, he is seldom in doubt. His passion for what he believes rubs off, and I think that is important.

Secondly, he loves to be challenged. Unlike so many you hear on the radio who want you to believe it is their way or the highway, he loves to share his own ideas. He has published three

books. The first one, "The Terrible Truth About Liberals," is on its sixth publishing. "The FairTax Book," which he cowrote with a Georgia Congressman, JOHN LINDER, has been on the New York Times Best Seller list for a long period of time.

Right now, his most recent book—and that is, "Somebody's Got to Say It," which he oftentimes does—is in its second printing and No. 2 on the New York Times Best Seller list.

But the best part of Neal Boortz is not the thousands he has influenced in over 40 years on the radio, his humor and his passion. It is not his longevity. It is the fact that he always gives back to his community and his State.

Just one shining example is his wife Donna, who, by the way, prides herself in saying she has never listened to 1 minute of Neal's radio show. But Neal donated the proceeds of his book sales to Donna for the establishment of a foundation, which she uses that money to help those less fortunate, those in need, and those on the cusp of doing great things who need a little encouragement and a little capitalization.

So as all of us have our opinions from time to time about talk radio or journalism or commentaries or those who may sometimes accuse us and sometimes praise us as politicians, I am delighted to stand on the floor of the Senate and praise a man from my State who for 40 years has given the best he has, who has fought for what he believed in but accepted being challenged, and who always tried to say and do the right thing for America and the right thing for our community.

It is my sincere hope when the voting ends on October 1, that millions of Americans will have gone to the poll on the Internet, radiohof.org, and cast their vote for Neal Boortz.

Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Illinois.

HEALTH CARE REFORM

Mr. BURRIS. Mr. President, we have all heard that America's health care system is in crisis. But all too often, Washington loses sight of what is truly at stake. Some talk constantly about how much reform will cost, but without action more and more hard-working Americans will lose coverage.

Soaring health care costs are increasing the burdens on the American people, American businesses, and our government. Today, our health care system stands on the brink of collapse.

Over the past 2 years, 3.5 million Illinois residents, nearly 31 percent of the under-65 population, have been without health care insurance at one time or another. How can we allow American citizens to live in fear that the next cough or fever would put them in the poorhouse? There is a better way.

Even for those who manage to stay insured amid the current climate of

rapid increasing costs, the economic toll of paying for insurance can be crippling to middle-class families.

Over the past 9 years, insurance premiums have more than doubled. By 2016 the projected cost of insurance for a family of four in Illinois will top \$25,000 a year, meaning for a median income family in my State, nearly half of their earnings would be spent for health insurance. Obviously, this would prove disastrous to people in Illinois and across the Nation.

The pressure of increasing premiums is hurting our economy from the business side as well. Small businesses in particular often cannot afford to provide care for their workers. In 2006 only 41 percent of Illinois businesses with less than 50 employees were able to offer coverage. Over the next few years, an additional 19 percent of American small businesses may be forced to eliminate their coverage as well. But there is a better way.

From a government standpoint, we are currently spending 4 percent of the GDP on Medicare and Medicaid. By 2040, that number could reach 15 percent. This level of government spending would be unsustainable. There is a better way.

Meaningful reform could cut costs for families, save small businesses, and even help pay down the budget deficit.

Some still say the cost of reform is too high. But the choice is clear: We can invest in the right reform now, ensuring quality health care in the future and sustained cost reductions in the long term, or we can do nothing and watch as the cost of health care steadily increases until it drives our families—and our country—to financial ruin.

My colleagues and I have real solutions. We can ensure that every single American has access to quality, affordable health care. We can save money on administrative costs and put an end to coverage denials due to preexisting conditions. With a shift in our focus from what we refer to as "sick care" and toward preventive medicine, we can keep people healthier, bolster our economy, and we can save money. This is the better way.

I urge my colleagues to leave partisanship at the door and do what is right for the American people. We cannot afford to do any less.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH.) Without objection, it is so ordered.

Mr. REID. Mr. President, I also understand we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

UNANIMOUS CONSENT AGREEMENT—S. 1390

Mr. REID. I ask unanimous consent that on Monday, July 13, after the pledge, prayer, and any leader remarks, the Senate proceed to the consideration of Calendar No. 89, S. 1390, the Department of Defense Authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. I ask unanimous consent that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010—Continued

Mr. REID. Mr. President, I appreciate everyone's cooperation. As I have said on a number of occasions, it may not appear that a lot of work is being done, but we have committee action taking place, we have had a lot of work on health care today, and we have had energy meetings today involving six committee chairs.

We are trying to figure out how we can proceed in the next week. I appreciate everyone's patience.

What is the pending business?

The PRESIDING OFFICER. H.R. 2892.

Mr. REID. Is that the Homeland Security appropriations bill?

The PRESIDING OFFICER. Yes.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Byrd substitute amendment No. 1373 to H.R. 2892, the Homeland Security Appropriations Act for Fiscal Year 2010.

Harry Reid, Patty Murray, Jon Tester, Daniel K. Inouye, Kay R. Hagan, Tom Harkin, Bill Nelson, Mark R. Warner, Sheldon Whitehouse, Mark Begich, Frank R. Lautenberg, Ron Wyden, Barbara A. Mikulski, Barbara Boxer, Patrick J. Leahy, John D. Rockefeller, IV, Jack Reed.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 2892, the Homeland Security Appropriations Act for Fiscal Year 2010.

Harry Reid, Barbara Boxer, Mark Udall, Jack Reed, Jon Tester, Jeanne Shaheen, Al Franken, Evan Bayh, Patrick J. Leahy, Richard J. Durbin, Carl Levin, Byron L. Dorgan, Daniel K. Inouye, Blanche L. Lincoln, Joseph I. Lieberman, Ron Wyden, Mary L. Landrieu.

Mr. REID. I ask unanimous consent that the mandatory quorum with respect to those cloture motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that on Thursday, July 9, when the Senate resumes consideration of H.R. 2892, there be 10 minutes of debate prior to a vote in relation to the Kyl amendment No. 1432, with the time equally divided and controlled between Senators TESTER and KYL or their designees; that no amendment be in order to the amendment prior to a vote in relation thereto; that upon the use or yielding back of the time, the Senate proceed to vote in relation to amendment No. 1432.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

CLASHES IN CHINA

Mr. KAUFMAN. Mr. President, this week, bloody clashes have erupted between the minority Uighur community and the majority Han ethnic group in the Xinjiang region of western China. Reports indicate that the Chinese Government has responded with a heavy hand—deploying police and paramilitary troops, establishing a curfew, closing mosques, cutting off Internet and mobile phone access, and rounding up and arresting innocent civilians.

The state-controlled media reported that at least 156 Chinese citizens have been killed, more than 1,000 have been injured, and approximately 1,400 have been arrested since the clashes began earlier this week.

I am deeply concerned about ongoing tension in Xinjiang and believe the senseless loss of life, suppression of press freedom, and violations of basic human rights is unconscionable in China, and anywhere else in the world.

Today, I call on all parties to demonstrate restraint, end the violence, cease persecution of minorities, and protect fundamental human rights. I also call on the Chinese Government to open Internet and mobile phone access, end jamming of international broadcasting, and lift the grave and growing restrictions on the press.

We all know independent journalists have been censored for decades in China—a fact that is painfully evident as we try to understand how recent demonstrations metastasized into violence in western China.

According to the State Department Report on Human Rights for 2009, the Chinese Government has increased cultural and religious repression of ethnic minorities, including on the Muslim Uighurs. It appears that as ethnic tensions rose, members of the Uighur community took to the streets, resulting in an aggressive crackdown by the Chinese security forces on Sunday.

The exact circumstances by which violence transpired remains unclear, largely because the government censors information including the official number of casualties.

In what can only be described as questionable, these numbers have remained stagnant in the past two days despite ongoing violence and civil unrest.

In recent years, the Chinese Government has demonstrated great efficiency in monitoring the Internet and restricting Web sites such as Facebook, My Space, Twitter, YouTube, blogs, and other outlets of information to monitor the free exchange of ideas among its people and the press.

It has also used advanced technology to jam international satellite and radio broadcasting including the U.S.-funded Voice of America and Radio Free Asia.

In Xinjiang specifically, it has shut down more than 50 Uighur language Internet forums, jammed Radio Free Asia's Uighur-language service, and cut off Internet and mobile phone access in the past week.

In fact, Li Zhi, a top Communist Party official in Urumqi, the capital of Xinjiang, Province, confirmed yesterday that the government cut off Internet access to the region.

Because of such limitations, the Han population now believes that the Uighurs are solely responsible for ongoing unrest, and such misperceptions have elevated the level of ethnic tension. By creating a vacuum of information in and out of Xinjiang, the Chinese Government has exacerbated the crisis.

While the casualty numbers remain uncertain, it is clear that recent developments have incurred an immeasurable human toll, including—but not limited to—the loss of innocent lives.

There have been pictures of children in hospitals, who have been forced to witness violence perpetrated against their parents. The Washington Post

today reported emotional stories of women demanding the return of their missing husbands.

And the UK's Guardian reveals an image of an elderly woman on crutches standing defiantly in front of a police riot bus, an image which is eerily reminiscent of the bravery and defiance demonstrated 20 years ago in Tiananmen.

These glimpses of ongoing developments stir great empathy and anger, and it is essential that the whole story be told, among the international community and also within China. This is why I call on the Chinese Government to provide unimpeded press coverage and Internet access, allow journalists to report without restrictions. I condemn the continued repression of Uighurs and violence perpetrated against all innocent civilians in China and hope the ongoing unrest will soon be brought to an end.

BRITISH HEALTH CARE

Mr. KYL. Mr. President, a July 7, 2009, Wall Street Journal editorial "Of NICE and Men" describes the denial and delay of health care in Britain as a result of decisions by the British government's health care cost-containment board, the National Institute for Health and Clinical Excellence, NICE.

The article quotes the Guardian, which in 1998 reported, "Health ministers are setting up [NICE], designed to ensure that every treatment, operation, or medicine used is the proven best. It will root out under-performing doctors and useless treatments, spreading best practices everywhere."

Yet NICE routinely denies patients the very treatments and medications they need.

For example, according to the editorial, "NICE ruled against the use of two drugs, Lapatinib and Sutent, that prolong the life of those with certain forms of breast and stomach cancer."

Explaining the ruling against the use of a drug that would help terminally ill kidney-cancer patients, Peter Littlejohns, NICE's clinical public health director, said there is "a limited pot of money."

The editorial provides numerous other examples of drugs and treatments that are either denied or restricted in order to reduce costs.

And it explains how NICE has even assigned a mathematical formula for determining the maximum amount the government will spend to extend a life for 6 months.

President Obama has praised countries that spend less than the U.S. on health care, while saying we can spend less here too, even while adding tens of millions to a government-run health care program and improving the quality of care.

This editorial clearly and concisely outlines why this cannot be achieved

and why, if President Obama's health care plan passes, the administration's new Council for Comparative Effectiveness Research could eventually gain the same authority to deny or delay treatments and care as Britain's NICE.

I ask unanimous consent that this article be printed in the RECORD, and urge my colleagues to consider the facts and arguments contained in this editorial.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 7, 2009]
OF NICE AND MEN

Speaking to the American Medical Association last month, President Obama waxed enthusiastic about countries that "spend less" than the U.S. on health care. He's right that many countries do, but what he doesn't want to explain is how they ration care to do it.

Take the United Kingdom, which is often praised for spending as little as half as much per capita on health care as the U.S. Credit for this cost containment goes in large part to the National Institute for Health and Clinical Excellence, or NICE. Americans should understand how NICE works because under ObamaCare it will eventually be coming to a hospital near you.

* * *

The British officials who established NICE in the late 1990s pitched it as a body that would ensure that the government-run National Health System used "best practices" in medicine. As the Guardian reported in 1998: "Health ministers are setting up [NICE], designed to ensure that every treatment, operation, or medicine used is the proven best. It will root out under-performing doctors and useless treatments, spreading best practices everywhere."

What NICE has become in practice is a rationing board. As health costs have exploded in Britain as in most developed countries, NICE has become the heavy that reduces spending by limiting the treatments that 61 million citizens are allowed to receive through the NHS. For example:

In March, NICE ruled against the use of two drugs, Lapatinib and Sutent, that prolong the life of those with certain forms of breast and stomach cancer. This followed on a 2008 ruling against drugs—including Sutent, which costs about \$50,000—that would help terminally ill kidney-cancer patients. After last year's ruling, Peter Littlejohns, NICE's clinical and public health director, noted that "there is a limited pot of money," that the drugs were of "marginal benefit at quite often an extreme cost," and the money might be better spent elsewhere.

In 2007, the board restricted access to two drugs for macular degeneration, a cause of blindness. The drug Macugen was blocked outright. The other, Lucentis, was limited to a particular category of individuals with the disease, restricting it to about one in five sufferers. Even then, the drug was only approved for use in one eye, meaning those lucky enough to get it would still go blind in the other. As Andrew Dillon, the chief executive of NICE, explained at the time: "When treatments are very expensive, we have to use them where they give the most benefit to patients."

NICE has limited the use of Alzheimer's drugs, including Aricept, for patients in the early stages of the disease. Doctors in the

U.K. argued vociferously that the most effective way to slow the progress of the disease is to give drugs at the first sign of dementia. NICE ruled the drugs were not "cost effective" in early stages.

Other NICE rulings include the rejection of Kineret, a drug for rheumatoid arthritis; Avonex, which reduces the relapse rate in patients with multiple sclerosis; and lenalidomide, which fights multiple myeloma. Private U.S. insurers often cover all, or at least portions, of the cost of many of these NICE-denied drugs.

NICE has also produced guidance that restrains certain surgical operations and treatments. NICE has restrictions on fertility treatments, as well as on procedures for back pain, including surgeries and steroid injections. The U.K. has recently been absorbed by the cases of several young women who developed cervical cancer after being denied pap smears by a related health authority, the Cervical Screening Programme, which in order to reduce government healthcare spending has refused the screens to women under age 25.

We could go on. NICE is the target of frequent protests and lawsuits, and at times under political pressure has reversed or watered-down its rulings. But it has by now established the principle that the only way to control health-care costs is for this panel of medical high priests to dictate limits on certain kinds of care to certain classes of patients.

The NICE board even has a mathematical formula for doing so, based on a "quality adjusted life year." While the guidelines are complex, NICE currently holds that, except in unusual cases, Britain cannot afford to spend more than about \$22,000 to extend a life by six months. Why \$22,000? It seems to be arbitrary, calculated mainly based on how much the government wants to spend on health care. That figure has remained fairly constant since NICE was established and doesn't adjust for either overall or medical inflation.

Proponents argue that such cost-benefit analysis has to figure into health-care decisions, and that any medical system rations care in some way. And it is true that U.S. private insurers also deny reimbursement for some kinds of care. The core issue is whether those decisions are going to be dictated by the brute force of politics (NICE) or by prices (a private insurance system).

The last six months of life are a particularly difficult moral issue because that is when most health-care spending occurs. But who would you rather have making decisions about whether a treatment is worth the price—the combination of you, your doctor and a private insurer, or a government board that cuts everyone off at \$22,000?

One virtue of a private system is that competition allows choice and experimentation. To take an example from one of our recent editorials, Medicare today refuses to reimburse for the new, less invasive preventive treatment known as a virtual colonoscopy, but such private insurers as Cigna and United Healthcare do. As clinical evidence accumulates on the virtual colonoscopy, doctors and insurers will be able to adjust their practices accordingly. NICE merely issues orders, and patients have little recourse.

This has medical consequences. The Concord study published in 2008 showed that cancer survival rates in Britain are among the worst in Europe. Five-year survival rates among U.S. cancer patients are also significantly higher than in Europe: 84% vs. 73% for breast cancer, 92% vs. 57% for prostate can-

cer. While there is more than one reason for this difference, surely one is medical innovation and the greater U.S. willingness to reimburse for it.

* * *

The NICE precedent also undercuts the Obama Administration's argument that vast health savings can be gleaned simply by automating health records or squeezing out "waste." Britain has tried all of that but ultimately has concluded that it can only rein in costs by limiting care. The logic of a health-care system dominated by government is that it always ends up with some version of a NICE board that makes these life-or-death treatment decisions. The Administration's new Council for Comparative Effectiveness Research currently lacks the authority of NICE. But over time, if the Obama plan passes and taxpayer costs inevitably soar, it could quickly gain it.

Mr. Obama and Democrats claim they can expand subsidies for tens of millions of Americans, while saving money and improving the quality of care. It can't possibly be done. The inevitable result of their plan will be some version of a NICE board that will tell millions of Americans that they are too young, or too old, or too sick to be worth paying to care for.

CRISIS IN HONDURAS

Mr. LEAHY. Mr. President, I want to speak briefly about the current political crisis in Honduras. Vermont and Honduras have had a long, close relationship through the Partners of the Americas, and many Vermonters regularly travel to Honduras to engage in health care and other humanitarian and development work in rural communities.

Last week a lawfully elected President—Manuel Zelaya—was forcibly removed from office and flown to a neighboring country by the Honduran military. The military and the Supreme Court apparently believed that President Zelaya was acting in a manner that was contrary to the Honduran Constitution. While such an accusation is troubling, military coups cannot be condoned, particularly when Honduras' Constitution contains provisions to handle such concerns—impeachment, for one.

The sooner the Honduran military reverses course and allows President Zelaya to return the better it will be for Honduras and all of Central America. He has pledged to leave office at the end of his term, unlike other Latin American leaders who seem to believe constitutions are to be amended with the stroke of a pen so they can remain in office. When President Zelaya returns, if there is credible evidence that he broke laws, he should be held accountable in accordance with the laws of the country.

While I condemn the actions of the Honduran military, I applaud the efforts of the Organization of American States, with the support of the Obama administration, to defuse this situation diplomatically. Removing Honduras' membership and beginning to impose

sanctions in concert with widespread international condemnation is the appropriate response.

We should also recognize that the people of Honduras appear to be deeply divided over President Zelaya. Rural Hondurans in particular have been dissatisfied with his performance as President. When he returns to office I hope he reconsiders his priorities and focuses his efforts on improving the lives of the people of Honduras who are most in need of the government's assistance.

HOSPITAL QUALITY REPORT CARD ACT

Mr. JOHANNES. Mr. President, I wish to speak to the Department of Veterans Affairs Hospital Quality Report Card Act of 2009.

One of my proudest jobs in the Senate is serving on the Senate Committee on Veterans' Affairs. Among its other roles, this committee provides oversight of VA health facilities, working with information from the VA, its Inspector General, Veterans Service Organizations, and the general public. We work with a lot of information—it is, after all, our committee's job. But sifting through a pile of reports to find the best hospitals should not be a full time job for those who need health care. This bill will help ensure that it is not.

Not later than 18 months after the date of enactment of this bill, the VA would be mandated to establish a Hospital Quality Report Card Initiative. Under the Initiative, the Secretary would be required to publish reports on the VA's hospitals which assess health care effectiveness, safety, timeliness, efficiency, patient-centeredness, satisfaction of patients and health professionals, and care equity. These factors would be assessed as letter grades, to ensure that the results of these reports are not swabbed over with bureaucratic jargon.

In collecting and reporting this data, the Secretary would have to include extensive and detailed patient-centered information such as staffing levels of nurses, rates of infections contracted at VA hospitals, volume of various procedures performed, hospital sanctions and other violations, the availability of emergency rooms, the quality of care in various hospital settings, and additional measures determined appropriate by the VA Secretary. Each report submitted under the Initiative would have to be available in electronic and hard copy formats, in an understandable manner, and allow for a comparison of the individual VA hospital quality with local or regional hospitals.

The bill would further mandate that the Secretary institute quality control measures to identify potential data irregularities that would lead to artificial improvements in the hospital's quality measurements. In addition, the

Secretary would need to evaluate and periodically report to Congress—and the public—on the effectiveness of this Initiative.

I believe that our veterans should easily be able to identify the best hospitals around them. It is unconscionable to make often elderly and disabled veterans wade through pages of statistical data in order to assure themselves that their local VA health facility is providing the best care possible. Often, the factors veterans care about such as the wait times for appointments and medical attention—are not measured reliably or presented to veterans in an accessible or usable fashion. I want to change that. Information on health facilities should not be a privilege; it should be an obligation for the Department of Veterans Affairs. This legislation is a positive step in the right direction.

I encourage my colleagues to cosponsor this commonsense legislation.

ADDITIONAL STATEMENTS

COMMENDING CUSTOM CORDAGE, LLC

• Ms. SNOWE. Mr. President, today I recognize the contributions of a tremendously innovative small business from my home State of Maine—Custom Cordage, LLC—that has taken on the mission of helping lobstermen dispose of their old, unusable rope by transforming it into charming gifts.

When Maine lobstermen went to set their traps this spring, they first had to replace the rope they used to connect one lobster trap to another as the result of a new regulation banning the use of traditional floating rope. It requires lobster pots to be linked with sink-rope, the goal being to reduce the risk of entangling whales. Regrettably, Maine's lobstermen face a financial burden as the new sink-rope can cost twice as much as float-rope and is far more expensive to maintain. Additionally, the new regulation threatened to result in hundreds of thousands of pounds of unusable rope clogging local landfills.

Aware of this mounting problem for Maine's lobstermen, David Bird, owner of Custom Cordage, a Waldoboro company that manufactures a variety of rope, cord, and similar products, decided last summer to begin making doormats out of retired float-rope. This colorful float-rope is uniquely weathered by seasons of use and exposure to salt water, producing a distinctive and lasting gift. Previously, the repurchased float-rope was melted and reformed as cheap plastic pots for plants. Now, the float-rope is beginning to grace the front doors of houses across the country in the form of high-quality, handwoven doormats.

Mr. Bird's creative and novel idea has caught the Nation's attention quickly.

His company produces roughly 40 mats each day, and customers from across the Nation purchase over a thousand mats per month! An exceptional product, these vivid doormats were recently acknowledged as the "Best New Product" at this year's New England Products Trade Show in Portland.

Maine's lobster industry, comprised of more than 7,000 owner-operated small businesses, is a pillar of Maine's fishing industry and of our State's economy. Thanks to the forward-looking actions of Mr. Bird, lobstermen can more effectively offset the cost of upgrading to sink-rope, and the old float-rope can be kept out of local landfills. My sincerest thanks to Mr. Bird and everyone at Custom Cordage for their devotion to building forward-thinking small businesses that help our environment, our lobstermen, and our local economy. I wish them all success with this and future endeavors.●

COMMENDING MAINE FLOAT-ROPE COMPANY

• Ms. SNOWE. Mr. President, today I recognize the contributions of a tremendously innovative small business from my home State of Maine—the Maine Float-Rope Company—that has taken on the mission of helping lobstermen dispose of their old, unusable rope by transforming it into charming gifts.

When Maine lobstermen went to set their traps this spring, they first had to replace the rope they used to connect one lobster trap to another as the result of a new regulation banning the use of traditional floating rope. It requires lobster pots to be linked with sink-rope, the goal being to reduce the risk of entangling whales. Regrettably, Maine's lobstermen face a financial burden as the new sink-rope can cost twice as much as float-rope and is far more expensive to maintain. Additionally, the new regulation threatened to result in hundreds of thousands of pounds of unusable rope clogging local landfills.

Seeking to keep the old rope out of landfills, Penny Johnston, a sales and marketing specialist, established the Waldoboro-based Maine Float-Rope Company in April of this year. Her goal was to ramp up sale of the resourceful doormats that a local company, Custom Cordage, began creating last summer out of retired float-rope. Specifically, her company sells the attractive and durable Down East Doormats that are constructed using the colorful float-rope that is uniquely weathered by seasons of use and exposure to salt water. Previously, the repurchased float-rope was melted and reformed as cheap plastic pots for plants. Now, the float-rope is beginning to grace the front doors of houses across the country in the form of high-quality, handwoven doormats. In fact, since Ms.

Johnston's involvement, sales have skyrocketed, with Maine Float-Rope selling over a thousand mats per month!

In addition, Maine Float-Rope donates a percentage of its profits to organizations that support the vitality of lobstermen, the protection of North Atlantic right whales, and a host of groups that advocate for environmentally sound practices. An exceptional product, the vivid Down East Doormat was recently acknowledged as the "Best New Product" at this year's New England Products Trade Show in Portland.

Ms. Johnston, who calls herself a "green entrepreneur," has a successful record of starting businesses based on creative uses of old and recycled material. Prior to founding the Maine Float-Rope Company, Ms. Johnston started The Maine Barn Furniture Company, which took wood from old, dilapidated barns and used it to make handsome tables. She also started Historic Hardscapes, a unique business that reclaims and reuses old hand-cut granite from abandoned farmlands and quarries across the State. Down East Doormats are one more example of how Ms. Johnston finds innovative ways to turn what others would simply discard into high-quality products.

Maine's lobster industry, comprised of more than 7,000 owner-operated small businesses, is a pillar of Maine's fishing industry and of our State's economy. Thanks to the actions of Ms. Johnston, lobstermen can more effectively offset the cost of upgrading to sink-rope, and the old float-rope can be kept out of local landfills. My sincerest thanks to Ms. Johnston and everyone at the Maine Float-Rope Company for their devotion to building forward-thinking small businesses that help our environment, our lobstermen, and our local economy. I wish them all success with this and future "green entrepreneurial" endeavors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:32 a.m., a message from the House of Representatives, delivered by

Mrs. Cole, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1129. An act to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans.

H.R. 3114. An act to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 135. Concurrent resolution directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1129. An act to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans; to the Committee on Indian Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2241. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, status reports relative to Iraq for the period of April 15, 2009, through June 15, 2009; to the Committee on Armed Services.

EC-2242. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to recruitment incentives; to the Committee on Armed Services.

EC-2243. A communication from the Acting Deputy Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's purchases from foreign entities in Fiscal Year 2008; to the Committee on Armed Services.

EC-2244. A communication from the Chief Operating Officer, Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bank Enterprise Award Program: Interim Rule with Request for Comment" (RIN1505-AA91) as received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2245. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Prior Approval for Enterprise Products; Interim Final Rule" (RIN2590-AA17) as received during adjournment of the Senate in the Office of the Presi-

dent of the Senate on June 26, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2246. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Assessment of Fees" (RIN1557-AD06) as received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2247. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines—Money Market Mutual Funds" (RIN1557-AD15) as received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2248. A communication from the President of the United States, transmitting, pursuant to law, notification of an Executive order waiving the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC-2249. A communication from the Secretary of Commerce, transmitting, pursuant to law, an annual report relative to the Emergency Steel Loan Guarantee Program; to the Committee on Banking, Housing, and Urban Affairs.

EC-2250. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, notification of an Executive order waiving the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC-2251. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the semiannual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Banking, Housing, and Urban Affairs.

EC-2252. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of New York, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-2253. A communication from the Vice President and Controller, Federal Home Loan Bank of Des Moines, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-2254. A communication from the President, Federal Home Loan Bank of Cincinnati, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-2255. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-2256. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on

the national emergency that was declared in Executive Order 13348 relative to the former Liberian regime of Charles Taylor; to the Committee on Foreign Relations.

EC-2257. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0082—2009-0087); to the Committee on Foreign Relations.

EC-2258. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2259. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled "Employee Contribution Elections and Contribution Allocations" (5 CFR Part 1600) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2260. A communication from the Program Manager, Information Sharing Environment, Office of the Director of National Intelligence, transmitting, pursuant to law, a report entitled, "Annual Report to the Congress on the Information Sharing Environment"; to the Select Committee on Intelligence.

EC-2261. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to designating new High Intensity Drug Trafficking Areas in thirteen counties in eight states; to the Committee on the Judiciary.

EC-2262. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the 2009 annual report on the Technology Transfer Program; to the Committee on the Judiciary.

EC-2263. A communication from the Acting Under Secretary and Acting Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "July 2009 Revision of Patent Cooperation Treaty Procedures" (RIN0651-AC34) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on the Judiciary.

EC-2264. A communication from the Deputy General Counsel, Office of Capital Access, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "American Recovery and Reinvestment Act: America's Recovery Capital (Business Stabilization) Loan Program" (RIN3245-AF93) as received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2009; to the Committee on Small Business and Entrepreneurship.

EC-2265. A communication from the Deputy General Counsel, Office of Capital Access, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Standards; Temporary Alternative Size Standards for 7(a) Business Loan Program" (RIN3245-AF96) as received during adjournment of the Senate in the Office of the President of the Senate on July 1, 2009; to the Committee on Small Business and Entrepreneurship.

EC-2266. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to

law, the report of a rule entitled "Safety Zone; Naval Training, San Clemente Island, California" ((RIN1625-AA00)(Docket No. USG-2009-0455)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2267. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Target Fireworks, Detroit River, Detroit, Michigan" ((RIN1625-AA00)(Docket No. USG-2009-0483)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2268. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Harborfest 2009, Parade of Sail, Elizabeth River, Norfolk, Virginia" ((RIN1625-AA00)(Docket No. USG-2009-0405)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2269. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; San Diego Symphony, San Diego, California" ((RIN1625-AA00)(Docket No. USG-2009-0345)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2270. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events; Recurring Marine Events in the Fifth Coast Guard District" ((RIN1625-AA08)(Docket No. USG-2009-0430)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2271. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: Chesapeake and Delaware Canal, Chesapeake City Anchorage Basin, Maryland" ((RIN1625-AA11)(Docket No. USG-2008-1119)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2272. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations; Connection Slough, Bacon Island, California" ((RIN1625-AA09)(Docket No. USG-2008-1141)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2273. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation: Pamunkey River, West Point, Virginia" ((RIN1625-AA09)(Docket No. USG-2008-1175)) as received during adjournment of the Sen-

ate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2274. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations: Raritan River, Arthur Kill and their tributaries, Staten Island, New York and Elizabeth, New Jersey" ((RIN1625-AA09)(Docket No. USG-2009-0202)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2275. A communication from the Regulatory Specialist, Legislative and Regulatory, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies under Section 312 of the Fair and Accurate Credit Transactions Act" (RIN1557-AC89) received in the Office of the President of the Senate on July 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2276. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Recovery Act National Institute of Standards and Technology Construction Grant Program" (RIN0693-ZA88) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2277. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Recovery Act Measurement Science and Engineering Research Grant Program" (RIN0693-ZA86) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2278. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Recovery Act Measurement Science and Engineering Research Fellowship" (RIN0693-ZA87) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2279. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Buffalo, Iola, Normangee, and Madisonville, Texas)" (MB Docket No. 07-279, RM-11411, 1142, 1143) received in the Office of the President of the Senate on July 6, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2280. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mount Enterprise, Texas)" (MB Docket No. 08-226) received in the Office of the President of the Senate on Jul 6, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2281. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Professional Research Experience Program; Availability of Funds" (RIN0693-ZA90) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 423. A bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes (Rept. No. 111-41).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

Mr. KERRY for the Committee on Foreign Relations.

*Capricia Penavic Marshall, of the District of Columbia, to be Chief of Protocol, and to have the rank of Ambassador during her tenure of service.

*Philip L. Verveer, of the District of Columbia, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for International Communications and Information Policy in the Bureau of Economic, Energy, and Business Affairs and U. S. Coordinator for International Communications and Information Policy.

*Nancy J. Powell, of Iowa, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Director General of the Foreign Service.

*Maria Otero, of the District of Columbia, to be an Under Secretary of State (Democracy and Global Affairs).

*Christopher William Dell, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kosovo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Christopher William Dell.

Post: Kosovo.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and Spouses: Christiana Dell, none; Boyan Levchev, none.
4. Parents: William R. Dell—deceased; Ruth W. Dell, none.

5. Grandparents: All deceased at least 10 years; William H. and Frieda Dell, Martin and Mary Weidemann.

6. Brothers and Spouses: Tracey and Kathleen Dell, \$100, 2008 Barack Obama; Kenneth Dell, \$100, 2008 Hillary Clinton PAC, \$300, 2008 Barack Obama; Scott and Annie Dell, none.

7. Sisters and Spouses: none.

*Charles H. Rivkin, of California, to be Ambassador Extraordinary and Pleni-

potentiary of the United States of America to France, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Monaco.

Nominee: Charles H. Rivkin

Post: U.S. Ambassador to France and Monaco

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Charles Rivkin: Feinstein for Senate, \$1,000, 02/23/2005, Diane Feinstein; Matt Brown for U.S. Senate, \$1,000, 03/31/2005, Mathew A. Brown; Campaign for Our Country, \$5,000, 05/12/2005; Matt Brown for U.S. Senate, \$500, 03/08/2006, Mathew A. Brown; Dan Seals for Congress, \$800, 09/12/2006, Daniel Joseph Seals; John Kerry for Senate, \$1,542, 09/18/2006, John F. Kerry; DNC Services Corp., \$1,000, 10/24/2006, DNC; Obama for America, \$2,100, 02/23/2007, Barack Obama; Friends of Dick Durbin, \$2,300, 05/25/2007, Richard J. Durbin; John Kerry for Senate, \$757, 06/05/2007, John F. Kerry; John Kerry for Senate, \$1,542, 06/05/2007, John F. Kerry; L.A. PAC \$5,000, 08/23/2007; Obama for America, \$200, 08/31/2007, Barack Obama; Tom Allen for Senate, \$500, 10/01/2007, Thomas H. Allen; Jeff Merkley for Oregon, \$2,000, 10/29/2007, Jeffrey Merkley; Iowa Democratic Party, \$2,500, 10/31/2007; New Hampshire Dem. Party, \$1,000, 12/19/2007; Al Franken for Senate, \$2,300, 04/30/2008, Al Franken; Udall for Colorado, \$2,300, 06/24/2008, Mark E. Udall; Reed Committee, \$2,300, 06/30/2008, Jack Reed; Hilary Clinton for President, \$2,300, 07/14/2008, Hillary Clinton; Obama Victory Fund, \$2,300, 07/30/2008, Barack Obama; Committee for Change, \$5,000, 10/21/2008; Michigan Dem. State Comm., \$489, 10/21/2008; Missouri Dem. State Comm., \$329, 10/21/2008; Georgia Federal Elections Comm., \$47, 12/31/2008; Indiana Dem. Victory Com., \$323, 12/31/2008.

2. Spouse: Susan Tolson: Obama for America, \$2,300, 03/31/2007, Barack Obama; Rudy Giuliani Presidential Committee, \$2,300, 05/21/2007, Rudy Giuliani; John Kerry for Senate, \$2,300, 06/05/2007, John F. Kerry; Hillary Clinton for President, \$2,300, 07/14/2008, Hilary Clinton.

3. Children: William Elias Rivkin, None; Lily Alexandra Rivkin, none.

4. Parents: William Robert Rivkin, deceased; Enid Hammerman Long, deceased.

Step Parents: Dr. John S. Long, none found; Barbara Vanton Long, Obama for America, \$2,300, 09/05/2007, Barack Obama.

5. Grandparents: Sol Hammerman, Deceased; Celia Hammerman, Deceased; Sam Rivkin, Deceased; Florence Rivkin, Deceased.

6. Brothers and Spouses: Brother: Robert S. Rivkin, Obama for Illinois, Inc., \$1,000, 05/17/2005, Barack Obama; AON Corporation PAC, \$480, 06/30/2006; AON Corporation PAC, \$480, 09/30/2006; Friends of Dick Durbin Comm., \$500, 10/19/2006, Richard J. Durbin; Obama for America, \$2,100, 01/16/2007, Barack Obama; Obama for America, \$200, 02/09/2007, Barack Obama; AON Corporation PAC, \$480, 03/31/2007; AON Corporation PAC, \$480, 06/30/2007; Melissa Bean for Congress, \$500, 09/28/2007, Melissa L. Bean; AON Corporation PAC, \$480, 09/30/2007; AON Corporation PAC, \$480, 12/31/2007; Obama for America, \$2,300, 09/25/2008, Barack Obama; Friends of Scott Harper, \$250, 10/29/2008, Scott Harper.

Sister-in-law: Cindy Moelis, Hopefund, Inc., \$1,000, 02/07/2006; Friends of Tammy

Duckworth, \$250, 10/20/2006; Obama for America, \$2,100, 01/16/2007; Obama for America, \$200, 02/09/2007; Obama for America, \$351, 12/31/2007; Obama for America, \$(351), 12/31/2007; Obama for America, \$351, 12/31/2007; Obama for America, \$1,800, 07/31/2008; Obama for America, \$(1,800), 07/31/2008; Obama for America, \$1,800, 07/31/2008; Obama for America, \$(45), 09/30/2008.

7. Sisters and Spouses: Sister: Julie Wheeler, none; Brother-in-law: Daniel Wheeler, Obama for America, \$500, 02/23/2007.

Sister: Laurie Ledford, none.

*Louis B. Susman, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

Nominee: Louis Susman.

POST: Ambassador to the United Kingdom and Northern Ireland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$250, 2/16/2009, Mike Quigley; \$500, 10/15/2008, William G. Foster; \$5,000, 09/29/2008, TOM PAC, \$5,000, 09/14/2008, Obama Transition Project (section 501(c)(4) organization); \$30,800, 07/25/2008, Obama Victory Fund (joint fundraising committee) Proceeds allocated as follows: 2,200, 07/31/2008, Obama for America; 28,600, 07/25/2008, DNC*; \$2,000, 07/17/2008, John Yarmuth; \$28,500, 3/25/2008, Senate Victory 2008 (joint fundraising committee) Proceeds allocated as follows: \$1,300, 6/30/2008, Jeanne Shaheen, \$2,300, 6/30/2008, Jeanne Shaheen, \$2,300, 6/27/2008, Mark Udall, \$2,300, 6/27/2008, Mark Udall, \$20,030, 3/25/2008, DSCC; \$1,000, 6/06/2008, Patrick Murphy; \$300, 06/02/2008, Joseph R. Biden (Senate); \$700, 06/02/2008, Joseph R. Biden (Senate); \$1,000, 03/31/2008, Dan Seals; \$2,300, 03/31/2008, Thomas R. Harkin*; \$1,000, 03/31/2008, Deborah Halvorson; \$1,000, 03/31/2008, Dan Maffei; \$1,000, 03/18/2007, Mary Landrieu; \$250, 01/22/2008, Kay Barnes; \$1,000, 12/31/2007, Jeanne Shaheen; \$2,300, 12/26/2007, Tom Udall; \$2,300, 12/26/2007, Tom Udall; \$1,000, 12/19/2007, Tim Johnson; \$2,000, 12/12/2007, Mark Warner; \$2,300, 10/22/2007, John F. Kerry; \$1,000, 09/29/2007, Nicola Tsongas; \$1,000, 08/14/2007, Joseph R. Biden (President); \$2,300, 06/27/2007, Richard J. Durbin*; \$1,000, 05/30/2007, Jay Rockefeller; \$1,000, 05/04/2007, Carl Levin; \$2,300, 05/02/2007, Richard J. Durbin*; \$2,300, 04/27/2007, Thomas R. Harkin; \$300, 04/25/2007, Obama for America*; \$2,000, 04/19/2007, Hillary Clinton (President); \$5,000, 03/27/2007, DSCC; \$10,000, 03/23/2007, DCCC; \$2,000, 03/23/2007, Jack F. Reed; \$2,100, 03/23/2007, Obama for America; \$2,100, 01/16/2007, Hopefund, Inc.*; \$2,100, 12/01/2006, Thomas J. Vilsack; \$1,000, 11/09/2006, Tammy Duckworth, \$1,000, 11/08/2006, Christopher J. Dodd; \$1,000, 10/23/2006, Amy Klobuchar; \$1,000, 10/16/2006, Debbie Stabenow; \$1,000, 09/29/2006, John Tester; \$1,000, 08/21/2006, Sheldon Whitehouse; \$500, 07/13/2006, John Yarmuth; \$1,000, 06/30/2006, Dan Seals; \$1,000, 06/30/2006, Amy Klobuchar; \$2,000, 06/11/2006, Harold Ford Jr.; \$2,000, 06/11/2006, Harold Ford Jr.; \$1,000, 01/06/2006, Tammy Duckworth; \$1,900, 06/09/2005, Kent Conrad; \$5,000, 05/27/2005, CHRIS PAC, \$2,000, 04/29/2005, Kent Conrad; \$1,000, 04/25/2006, Tammy Duckworth; \$25,000, 03/31/2006, DSCC; \$2,000, 11/18/2005, Joseph R. Biden; \$2,100, 09/30/2005, Claire McCaskill; \$2,100, 09/30/2005, Claire McCaskill; \$2,000, 08/16/

2005, Hillary Clinton; \$5,000, 06/21/2005, Campaign for our Country; \$1,900, 03/28/2005, Edward M. Kennedy; \$2,100, 03/28/2005, Edward M. Kennedy; \$10,000, 3/17/2005, DCCC; \$10,000, 03/08/2005, DSCC; \$10,000, -02/28/2005, DCCC; \$1,000, 01/20/2005, Maria Cantwell.

2. *Louis Susman Refunds: \$3,030, 5/7/2009, DNC; \$4,600, 5/6/2009, Richard J. Durbin; \$2,000, 5/6/2009, Thomas R. Harkin; \$100, 11/21/2008, DNC; \$363, 8/1/2007, Obama for America; \$2,100, 1/23/2007, Hopefund, Inc.

3. Spouse: Marjorie Susman: \$10,000, 10/24/2008, Committee for Change; \$2,000, 10/24/2008, Barack Obama; \$2,000, 10/16/2008, Obama Victory Fund; \$2,300, 9/26/2008, Jeanne Shaheen; \$2,300, 07/23/2008, Mark E. Udall; \$2,300, 07/23/2008, Mark E. Udall; \$2,300, 03/31/2008, Thomas R. Harkin; \$200, 12/15/2007, Barack Obama; \$2,300, 12/26/2007, Tom Udall; \$2,300, 12/26/2007, Tom Udall; \$2,300, 10/22/2007, John F. Kerry; \$2,300, 06/27/2007, Richard J. Durbin; \$2,300, 4/30/2007, Richard J. Durbin; \$2,300, 04/23/2007, Thomas R. Harkin; \$300, 4/09/2007, Barack Obama; \$2,000, 03/23/2007, Jack F. Reed; \$2,100, 01/19/2007, Barack Obama; \$2,100, 01/16/2007, Hopefund, Inc.; \$2,100, 12/05/2006, Thomas J. Vilsack; \$2,000, 10/23/2006, Amy J. Klobuchar; \$2,100, 11/14/2005, Robert P. Casey Jr.; \$2,100, 01/11/2006, Claire McCaskill; \$2,100, 01/11/2006, Claire McCaskill; \$2,100, 11/14/2005, Robert P. Casey Jr.; \$500, 11/07/2005, Dianne Feinstein; \$1,900, 03/28/2005, Edward M. Kennedy; \$2,100, 03/28/2005, Edward M. Kennedy.

4. Daughter: Sally Susman: \$1,000, 01/13/2009, Presidential Inaugural Committee; \$5,000, 2009 Year, Pfizer PAC (Committed); \$1,000, 09/26/2008, Jeanne Shaheen; \$3,744, 2008 Year, Pfizer PAC; \$1,300, 10/24/2008, Barack Obama; \$2,300, 08/19/2008, Barack Obama; \$1,000, 05/15/2008, Prairie PAC; \$2,300, 04/17/2008, Tom Udall; \$1,000, 11/20/2007, DSCC; \$1,000, 07/31/2007, Barack Obama; \$2,300, -06/27/2007, Richard J. Durbin; \$2,300, 06/27/2007, Dick Durbin Cmte; \$2,300, 06/20/2007, Hillary Clinton; \$250, 05/07/2007, Richard Wager; \$2,300, 04/27/2007, Thomas R. Harkin; \$2,000, 03/23/2007, Jack Reed; \$2,300, 01/29/2007, Hillary Clinton; \$2,100, 12/05/2006, Thomas J. Vilsack; \$2,000, 10/23/2006, Amy Klobuchar; \$250, 10/22/2006, John Yarmuth; \$250, 09/03/2006, Ron Klein; \$1,000, 07/18/2006, Robert P. Casey Jr.; \$250, 05/19/2006, Sheldon Whitehouse; \$250, 03/28/2006, Ford Bell; \$2,000, 12/06/2005, Robert P. Casey Jr.; \$250, 11/28/2005, Ford Bell; \$1,000, 10/21/2005, Dianne Feinstein.

5. Son: William Susman: \$2,300, 08/27/2008, Barack Obama; \$2,300, 04/17/2008, Tom Udall; \$250, 03/18/2008, Fox; \$2,300, 06/27/2007, Richard J. Durbin; \$2,300, 06/27/2007, Richard J. Durbin; \$2,300, 05/03/2007, Thomas R. Harkin; \$2,300, 5/03/2007, Thomas R. Harkin; \$2,300, 03/30/2007, Barack Obama; \$2,000, 03/23/2007, Jack F. Reed; \$2,100, 02/22/2007, Hillary Clinton; \$2,100, 12/05/2006, Thomas J. Vilsack; \$1,000, 10/18/2006, Amy Klobuchar; \$1,000, 03/31/2006, Roth; \$2,000, 12/06/2005, Robert P. Casey Jr.; \$2,000, 03/28/2005, Edward M. Kennedy.

6. Daughter-in-Law: Emily Glasser: \$2,300, 06/27/2007, Dick Durbin; \$2,300, 06/27/2007, Dick Durbin; \$100, 03/28/2007, Tom Perriello; \$2,300, 03/30/2007, Obama for America; \$2,000, 03/23/2007, Jack F. Reed; \$2,100, 02/22/2007, Hillary Clinton.

7. Mother: Selma Susman: \$2,300, 03/30/2007, Obama for America.

8. Mother-in-law: Birdie Sachs: \$2,300, 02/12/2007, Obama for America.

9. Sister: Elaine Tucker: \$2,300, 07/25/2008; Obama Victory Fund.

10. Brother-in-law: Tom Tucker: \$2,300, 07/28/2008, Obama Victory Fund; \$2,300, 07/02/2007, Obama Victory Fund.

*Laurie Susan Fulton, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

potentiary of the United States of America to Denmark.

Nominee: Laurie S. Fulton.

Post: Ambassador to Denmark.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: \$500, 03/12/05, Friends of Hillary; \$500, 09/26/05, Stabenow for Senate; \$250, 09/28/05, Hurst for Congress; \$500, 10/03/05, EMILY's List; \$500, 11/01/05, Friends of Hillary; \$500, 11/01/05, DSCC; \$250, 12/22/05, Schwartz for Congress; \$1500, 03/30/06, EMILY's List; \$250, 04/10/06, Hope Fund; \$250, 04/21/06, Miller for Senate; \$250, 05/22/06, Akaka for Senate; \$1000, 06/19/06, McCaskill for Missouri; \$500, 06/20/06, DSCC; \$750, 09/06/06, DSCC; \$250, 09/20/06, Judy Feder—Congress; \$1000, 09/29/06, Herseeth for Congress; \$250, 10/07/06, Webb for Senate; \$500, 01/19/07, Obama (Exploratory Cte); \$1800, 03/02/07, Obama for America; \$250, 06/18/07, Obama for America; \$2050, 06/30/07, Obama for America; \$1000, 11/05/07, DSCC; \$500, 12/02/07, DSCC; \$250, 12/21/07, Byrne for Congress; \$2300, 01/22/08, Friends of Mark Warner; \$1000, 03/05/08, Al Franken for Senate; \$1000, 05/02/08, Herseeth for Congress; \$250, 05/03/08, Judy Feder—Congress; \$250, 05/05/08, Byrne for Congress; \$500, 05/12/08, Tim Johnson for Senate; \$500, 05/13/08, Matsui for Congress; \$795.94, 05/13/08, Matsui for Congress; \$2300, 07/24/08, Obama Victory Fund; \$500, 07/24/08, EMILY's List; \$250, 07/29/08, Tim Johnson—Senate; \$500, 07/29/08, Judy Feder—Congress; \$2300, 07/31/08, DNC; \$500, 08/05/08, EMILY's List; \$500, 09/24/08, Herseeth for Congress; \$500, 09/29/08, Tim Johnson—Senate; \$500, 10/06/08, Judy Feder—Congress; \$500, 10/16/08, Kay Hagan—Senate; \$1000, 10/17/08, Hillary Clinton Cte; \$250, 10/18/08, Kay Hagan—Senate; \$250, 10/28/08, Kay Hagan—Senate; \$1000, 10/29/08, Hillary Clinton Cte; \$250, 12/18/08, EMILY's List; \$1000, 03/16/09, DNC.

2. Spouse: N/A.

3. Children and Spouses: Kelly Daschle, None.

Spouse: Eric Chader: \$500, 03/21/07, Obama for America; \$500, 11/30/07, Obama for America; \$1300, 01/27/2008, Obama for America.

Nathan T. Daschle & Jill Daschle (spouse): \$100, 08/31/05, Friends of Jeff Smith; \$1000, 11/30/05, Ted Kennedy—Senate; \$500, 05/31/06, Whitehouse for Senate; \$2300, 02/07/07, Obama for America; \$1000, 02/07/07, Richardson for President; \$2300, 04/24/07, Edwards for President; \$1000, 05/15/07, Richardson for President; \$150, 09/13/07, Shafroth for Congress; \$1000, 09/28/08, Al Franken for Senate; \$1000, 10/01/07, Richardson for President; \$2300, 12/06/07, Richardson for President; \$500, 10/08/07, Obama for America; \$59.78, 01/15/08, Obama for America; \$2300, 03/05/08, Obama for America; \$59.84, 04/14/08, Obama; \$1000, 06/05/08, Anne Barth for Congress; \$250, 07/01/08, Shafroth for Congress; \$250, 07/23/08, DNC; \$2300, 09/12/08, Obama Victory Fund; \$1000, 02/02/09, Friends of Chris Dodd.

Lindsay Daschle, \$250, 06/16/07, Obama for America; \$1000, 01/31/08, Obama for America; \$250, 02/07/08, Obama for America.

Tommy Ross (spouse) \$250, 06/22/07, Obama for America; \$1000, 01/27/08, Obama for America.

4. Parents: Vernon Arthur Klinkel—deceased (1968).

Norma Lucille Jensen Klinkel—deceased (2000).

5. Grandparents: Edward A. Klinkel—deceased (1970).

Dora M. Klinkel—deceased (1968).

Jens A. Jensen—deceased (1969).

Olga Jensen—deceased (1982?).

6. Brothers and Spouses: Thomas E. Klinkel: \$100, 2006, Giffords for Congress; \$250, 01/27/08, Obama for America; \$500, 06/20/08, Obama for America; \$250, 08/26/08, Obama Victory Fund; \$1,000, 09/12/08, Obama Victory Fund; \$250, 10/08/08, Obama Victory Fund; \$250, 10/16/08, Obama Victory Fund; \$250, 10/30/08, Obama Victory Fund.

Gregory D. Klinkel & Suzanne Klinkel: \$50, 09/07/06, DNC; \$25, 09/24/07, Udall for Colorado; \$50, 04/06/08, DNC; \$25, 04/25/08, Obama for America; \$25, 06/10/08, Udall for Colorado; \$10, 07/26/08, DNC; \$50, 11/03/08, Obama for America.

7. Sisters and Spouses:

Linda K. Hawkins: none.

Ronnie J. Hawkins (spouse): none.

Lisa K. Wolf Johnson: \$250, 06/30/07, Obama for America; \$30, 03/30/08, ActBlue (DSCC?); \$500, 09/09/08, Obama Victory Fund; \$500, 09/19/08, Obama for America; \$20, 09/30/08, DSCC; \$500, 10/17/08, Obama Victory Fund; \$500, 10/24/08, Obama for America; \$250, 10/24/08, Obama for America; \$250, 10/30/08, Obama Victory Fund.

Craig Johnson (spouse): none.

Mary Klinkel: \$20, 08/20/05, Friends of Hillary; \$50, 09/14/05, DSCC; \$25, 09/27/05, Friends of Robert Byrd; \$50, 04/06/06, DSCC; \$10, 06/26/06, Bob Casey for PA; \$10, 06/26/06, Whitehouse '06; \$35, 06/26/06, DCCC; \$25, 06/26/06, EMILY's List; \$20, 08/25/06, Bob Casey for PA; \$20, 09/29/06, DCCC; \$20, 09/29/06, DSCC; \$10, 01/23/07, DSCC; \$250, 02/17/07, Obama for America; \$350, 06/13/07, Obama for America; \$100, 02/05/08, Obama for America; \$50, 05/17/08, Obama for America; \$50, 06/09/08, Obama for America; \$50, 06/20/08, Obama for America; \$25, 07/10/08, Obama; \$200, 09/30/08, Obama Victory Fund; \$35, 10/07/08, DCCC; \$250, 10/22/08, Obama Victory Fund; \$100, 11/03/08, Obama Victory Fund; \$50, 11/19/08, DSCC; \$50, 11/23/08, ActBlue; \$20, 03/30/09, DCCC; \$20, 03/30/09, DSCC.

Darcy Anderson: \$250, 06/30/07, Obama for America; \$200, 02/08/08, Obama for America; \$1,000, 05/02/08, Obama for America; \$850, 05/28/08, Obama for America; \$1,000, 07/31/08, Obama for America; \$1,000, 09/10/08, Obama Victory Fund; \$1,000, 09/19/08, Obama for America; \$300, 10/24/08, Obama for America; \$500, 10/30/08, Obama Victory Fund.

*Timothy J. Roemer, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

Nominee: Timothy J. Roemer.

Post: U.S. Ambassador to India.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Sarah J. Roemer: None.

3. Children: Patrick H. Roemer: Child. Matthew B. Roemer: Child. Sarah K. Roemer: Child. Grace E. Roemer: Child.

4. Parents: James A. and Mary Ann Roemer: \$200, 2008, Barack Obama; \$100, 2008, Joe Donnelly; \$100, 2007, Joe Donnelly; \$100, 2006, Joe Donnelly.

5. Grandparents: deceased.

6. Brothers and Spouses: Mike and Julie Roemer: None. Patrick and Margaret Roemer: None. Dan Roemer and Eve Cominos: \$1962, 2008, Barack Obama; \$100, 2008, Al Franken; \$50, 2008, Jeanne Shaheen; \$500, 2008, DCCC.

7. Sister: Kathryn Roemer: \$100, 2008, DNC.

*Gordon Gray, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

Nominee: Gordon Gray III.

Post: Tunisia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Connie B. Gray: None.
3. Children and Spouses: Alexander Gray (single): None. Angela S. Gray (single): None. Christopher G. Gray (single): None.

4. Parents: Gordon Gray, Jr.: Deceased. Virginia Garbers: \$50, 9/29/2008, Obama/Biden campaign; \$50, 6/21/2008, Democratic National Committee.

5. Grandparents: Gordon Gray, Sr.—deceased; Eula Gray—deceased; M.D. Schlesinger—deceased; Mable Schlesinger—deceased.

6. Brothers and Spouses: None.
7. Sisters and Spouses: Alexander Pruner [sister]: None. avid Pruner [brother-in-law]: None. Maria Gray [sister; single]: None. Samantha Garbers [sister]: \$826 at various dates in 2008 to the Obama primary and general election campaigns (the largest single contribution was \$250 on 1/8/2008). Scott Adams [brother-in-law]: \$2,500, 4/30/2009, Chicago Mercantile Exchange Group PAC; \$2,315, 1/27/2008, Obama primary Campaign; \$2,000, 6/6/2007, Democratic Senatorial Campaign Committee.

*Richard J. Schmierer, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

Nominee: Richard J. Schmierer.

Post: Muscat, Sultanate of Oman

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self, none.
2. Spouse, none.
3. Children and Spouses, none.
4. Parents, none.
5. Grandparents, none.
6. Brothers and Spouses: John Schmierer, \$300, 7/07-7/08, Barack Obama (\$25 per month).
7. Sisters and Spouses: none.

*Mark Henry Gitenstein, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

Nominee: Mark Gitenstein.

Post: U.S. Ambassador to the Republic of Romania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: 2/9/2005, \$1,000, Kennedy for Senate 2012; 2/11/2005, \$5,000, Next Generation; 4/6/2005, \$2,500, Democratic Senatorial Campaign Committee; 5/5/2005, \$2,000, Citizens for Hope, Responsibility, Independence & Service PAC (CHRIS PAC) (Sen. Chris Dodd, D-CT; 11/18/2005, \$500, Feinstein for Senate; 12/12/2005, \$1,000, Carper for Senate; 3/8/2006, \$1,000, Friends of Hillary; 4/27/2006, \$1,000, Feinstein for Senate; 5/17/2006, \$1,000, Friends of Mary Landrieu Inc.; 6/5/2006, \$1,000, Democratic Senatorial Campaign Committee; 6/26/2006, \$500, Green Mountain PAC (Sen. Patrick Leahy, D-VT); 9/20/2006, \$1,000, Friends of Rosa DeLauro; 9/29/2006, \$1,000, Democratic Senatorial Campaign Committee; 10/7/2006, \$500, Adam Smith for Congress Committee; 10/8/2006, \$1,000 Green Mountain PAC (Sen. Patrick Leahy, D-VT); 10/27/2006, \$500, Friends of Dan Maffei; 3/12/2007, \$1,000, Democratic Senatorial Campaign Committee; 5/16/2007, \$1,000, Green Mountain PAC (Sen. Patrick Leahy, D-VT); 8/16/2007, \$1,000, Friends of Rosa DeLauro; 12/21/2007, \$200, Friends of Mary Landrieu Inc.; 12/21/2007, \$300, Friends of Mary Landrieu Inc.; 12/31/2007, \$500, Tim Johnson for South Dakota Inc.; 12/28/2008, \$1,000, Hillary Clinton for President; 2/15/2008, \$500, Hillary Clinton for President; 2/20/2008, \$500, Friends of Dan Maffei; 3/12/2008, \$500, Committee to Reelect Henry Hank Johnson; 3/23/2008, \$1,000, Nels Ackerson for Congress; 5/13/2008, \$1,000, Friends of Mary Landrieu Inc.; 6/9/2008, \$346, Conyers for Congress; 6/13/2008, \$1,000, Conyers for Congress; 6/17/2008, \$250, Friends of Mary Landrieu Inc.; 6/30/2008, \$500, Nels Ackerson for Congress; 8/20/2008, \$500, Kennedy for Senate 2012; 5/19/2005, \$1,000, Friends of Max Baucus; 7/12/2006, \$2,000, Unite Our States (Sen. Joe Biden, DE); 12/20/2006, \$1,000, Citizens for Biden; 1/31/2007, \$300, Friends of Max Baucus; 1/31/2007, \$1,700, Friends of Max Baucus; 3/13/2007, \$1,000, Friends of Rahm Emanuel; 3/9/2008, \$1,000, Citizens for Biden; 3/20/2008, \$400, Citizens for Biden; 3/20/2008, \$400, Citizens for Biden; 8/8/2005, \$1,000, Cantwell 2012; 12/20/2006, \$1,000, Biden for President, Inc.; 3/30/2007, \$1,000, Biden for President, Inc.; 6/21/2007, \$300, Biden for President, Inc.; 6/21/2007, \$700, Biden for President, Inc.; 3/26/2008, \$1,000, Nels Ackerson for Congress; 4/9/2008, \$1,000, Biden for President, Inc.; 4/18/2008, \$1,000, Chris Dodd for President, Inc.; 6/30/2009, \$1,700, Biden for President, Inc.;

2. Spouse: Elizabeth Gitenstein: 7/20/2005, \$500, Friends of Rosa DeLauro; 7/25/2005, \$1,000, Stabenow for U.S. Senate; 8/4/2005, \$2,500, Unite Our States (Sen. Joe Biden, DE); 10/17/2005, \$500, Friends of Mary Landrieu Inc.; 3/23/2006, \$1,000, Friends of Rosa DeLauro; 6/9/2006, \$1,000, Friends of Rosa DeLauro; 9/26/2006, \$500, Searchlight Leadership Fund (Sen. Harry Reid, D-NV); 10/13/2006, \$500, Friends of Mary Landrieu Inc.; 11/18/2007, \$2,000, Biden for President, Inc.; 4/9/2008, \$300, Biden for President, Inc.; 9/30/2007, \$250, Cantwell 2012.

3. Children and Spouses: Rebecca Gitenstein Bierlink (daughter) & Bruce Bierlink, \$75, 2008, Opposition to Cal Prop 8. Benjamin Brown Gitenstein (son) & Emily Cherkin, \$200, 2007, Gregoire for Governor; \$100, 2006, WA House Dem. Caucus; \$100, 2007, James Dow Constantine; \$50, 2006, Richard Kelley; \$50, 2006, Sally Clark; \$190.80, 2006, Voters for Affordable Housing. Sarah Brown Gitenstein (daughter), \$10, 2008, Voters for Affordable Housing.

4. Parents: \$10, 2008, Obama for America. Seymour Gitenstein, \$0.

5. Grandparents: Sam & Pauline Green (deceased). Israel & Rose Gitenstein (deceased).

6. Brothers and Spouses: None.

7. Sisters and Spouses: Barbara Gitenstein (sister) & Don Hart, \$0. Susan Assadi (sister) and Sammi Assadi, \$500, 2009, Obama for America.

By Mr. DODD for Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Phyllis Corrine Borzi, of Maryland, to be an Assistant Secretary of Labor.

*Nicole Lurie, of Maryland, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ (for himself, Mr. REID, and Mr. HATCH):

S. 1408. A bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. HATCH):

S. 1409. A bill to expedite the adjudication of employer petitions for aliens with extraordinary artistic ability; to the Committee on the Judiciary.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. BINGAMAN, Mr. SANDERS, Mr. HARKIN, and Mr. BROWN)):

S. 1410. A bill to establish expanded learning time initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. KERRY, Mrs. MURRAY, Mr. BINGAMAN, and Mr. BROWN)):

S. 1411. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to encourage and support parent, family, and community involvement in schools, to provide needed integrated services and comprehensive supports to children, and to ensure that schools are centers of communities, for the ultimate goal of assisting students to stay in school, become successful learners, and improve academic achievement; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS:

S. 1412. A bill to amend the Commodity Exchange Act to clarify the treatment of purchases of certain commodity futures contracts and financial instruments with respect to limits established by the Commodity Futures Trading Commission relating to excessive speculation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1413. A bill to amend the Adams National Historical Park Act of 1998 to include the Quincy Homestead within the boundary of the Adams National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. McCASKILL:

S. 1414. A bill to confer upon the United States Court of Federal Claims jurisdiction to hear, determine, and render final judgment on any legal or equitable claim against the United States to receive just compensation for the taking of certain lands in the State of Missouri, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. CHAMBLISS, and Mr. NELSON of Nebraska):

S. 1415. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes; to the Committee on Rules and Administration.

By Mr. BROWNBACK (for himself, Mr. KYL, and Mr. GREGG):

S. 1416. A bill to require the redesignation of North Korea as a state sponsor of terrorism, to impose sanctions with respect to North Korea, to require reports on the status of North Korea's nuclear weapons program and counterproliferation efforts, and for other purposes; to the Committee on Foreign Relations.

By Mr. UDALL of Colorado:

S. 1417. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. BENNETT):

S. 1418. A bill to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN (for herself and Mr. COCHRAN):

S. Res. 210. A resolution designating the week beginning on November 9, 2009, as National School Psychology Week; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 405

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for chari-

table contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 461

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 475

At the request of Mr. BURR, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 519

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 519, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to implement pesticide-related obligations of the United States under the international conventions or protocols known as the PIC Convention, the POPs Convention and the LRTAP POPs Protocol.

S. 588

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 588, a bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 624

At the request of Mr. DURBIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by

2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 649

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 649, a bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

S. 653

At the request of Mr. CARDIN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 733

At the request of Mrs. MURRAY, the name of the Senator from Colorado (Mr. BENNETT) was added as a cosponsor of S. 733, a bill to ensure the continued and future availability of lifesaving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, and emergency needs.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 790

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 790, a bill to improve access to health care services in rural, frontier, and urban underserved areas in the United States by addressing the supply of health professionals and the distribution of health professionals to areas of need.

S. 841

At the request of Mr. KERRY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of

S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1157

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1210

At the request of Mr. KAUFMAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1210, a bill to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes.

S. 1257

At the request of Ms. CANTWELL, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1257, a bill to amend the Social Security Act to build on the aging network to establish long-term services and supports through single-entry point systems, evidence based disease prevention and health promotion programs, and enhanced nursing home diversion programs.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1281

At the request of Mrs. LINCOLN, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 1281, a bill to enhance after-school programs in rural areas of the United States by establishing a pilot program to help communities establish and improve rural after-school programs.

S. 1308

At the request of Mr. LAUTENBERG, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1308, a bill to reauthorize the Maritime Administration, and for other purposes.

S. 1375

At the request of Mr. ROBERTS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1375, a bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

S. 1382

At the request of Mr. DODD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Utah (Mr. HATCH) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 71

At the request of Mr. WYDEN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Res. 71, a resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Covenants on Human Rights.

AMENDMENT NO. 1408

At the request of Mr. CORNYN, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Kansas (Mr. ROBERTS), the Senator from South Dakota (Mr. THUNE), the Senator from Oklahoma (Mr. COBURN), the Senator from Wyoming (Mr. BARRASSO) and the

Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 1408 intended to be proposed to H.R. 2892, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Mr. HATCH):

S. 1409. A bill to expedite the adjudication of employer petitions for aliens with extraordinary artistic ability; to the Committee on the Judiciary.

Mr. KERRY. Mr. President, one of the best ways that the U.S. can gain understanding and appreciation of other cultures is through the arts. Exposing children and adults alike to the creativity of other countries enriches our own artistic talents and helps bridge the gap between nations. It is for those reasons my colleague Senator HATCH and I have introduced the Arts Require Timely Service, ARTS, Act.

This legislation helps streamline the visa process and waive fees so that foreign artists and musicians can share their talents in the U.S. Currently, the visa process for visiting artists is slow and costly, often times prohibiting artists from coming to the U.S. to share their talents. Breaking down these barriers is important and we shouldn't let the politics of immigration interfere with expanding our cultural horizons.

I am proud to stand with Senator HATCH and the Performing Arts Visa Task Force to try and help artists visit our country and inspire our communities. I hope our colleagues will join us and pass this sensible reform to expedite cultural exchanges and artistic expression.

Mr. HATCH. Mr. President, I rise to introduce with my colleague, Senator JOHN KERRY, the Arts Require Timely Services, ARTS, Act.

For some time, I have been working to improve the processing of visa petitions filed by nonprofit arts organizations. Unfortunately, years of delays, errors, and unpredictability have forced some U.S.-based nonprofit arts organizations from even trying to bring international artists into the United States. We must eliminate some of the bureaucratic barriers that have been negatively affecting performing artists.

There is no doubt that nonprofit arts organizations across the country engage foreign guest artists in their orchestras, theatres, and dance and opera companies. In my home state of Utah, I am aware that many organizations that will benefit from passage of the ARTS Act, including Brigham Young University, Cache Valley Center for the Arts, The Orchestra of Southern Utah, University of Utah, Murray Symphony

Orchestra, Salt Lake Symphony, and the Utah Shakespeare Festival, to name a few.

The ARTS Act would apply only to temporary, nonimmigrant visas for foreign artists visiting the United States. The legislation would require U.S. Citizenship and Immigration Services to treat as a Premium Processing case, or a 15-day turn-around, free of additional charge, any nonprofit arts-related O and P-visa petition that it fails to adjudicate within 30 days. In November 2007, the Congressional Budget Office issued a cost estimate for the ARTS Act, stating that the bill would have no significant cost to the Federal Government.

It is my hope that my colleagues will support passage of this legislation in the near future.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. BINGAMAN, Mr. SANDERS, Mr. HARKIN, and Mr. BROWN):

S. 1410. A bill to establish expanded learning time initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege today to be introducing two bills to improve our schools and bring them into the 21st century. The Time for Innovation Matters in Education Act, S. 1410, or TIME Act, seeks to expand our 19th century school calendar to provide more time for learning across the curriculum. The Keeping Parents and Communities Engaged Act, S. 1411, or Keeping PACE Act, will encourage greater involvement of parents in their children's education, and engage community partners in supporting the comprehensive learning needs of students in school.

These bills take different approaches, but both address critical challenges for our Nation's schools. By providing the time and resources for students to succeed, we can ensure that all students are equipped with the tools needed to be successful in the 21st century economy.

As a result of the current 6 hours a day, 180 days a year schedule, American students spend about 30 percent less time in school than students in other leading nations. This gap hinders the ability of our students to compete with their peers around the globe who derive a significant advantage by having more time to learn what they need to know. About 1,000 U.S. schools are already tackling this problem on their own, and now it's time for the Federal Government to step up and help more students obtain the time in school they need.

The TIME Act authorizes \$350 million next year, increasing to up to \$500 million in 2014, to support schools in expanding learning time by 300 hours a year and redesigning their school day to meet the needs of students and

teachers. The act promotes partnerships between schools and community-based organizations in expanding and redesigning the school schedule to give students a broader learning experience and encourage innovation. The goal of the act is not merely to encourage schools to add more time at the end of the day, but to take a close look at how they use their time and redesign the entire school schedule for the benefit of students' learning experiences.

Studies document the difference an extra hour of school each day, a few more weeks of school each year, or additional time after or before school for tutoring can make to all students. According to these studies, the students for whom this time is most important for are the students we need to be focusing on—our neediest students. Students in disadvantaged families show a drop-off in learning over long summer recesses compared to their better-off classmates, and they fall farther behind each year. A 2007 study found that $\frac{1}{3}$ of the reading achievement gap between 9th graders of low and high socioeconomic standing in Baltimore public schools can be traced to what they learned, or failed to learn, during their summers.

These students also are less likely to have parents with the time to help them with their school work. Expanded learning time can help these needy students catch up by shortening their summer recesses, providing more time for educators to support student learning, and giving schools the opportunity to provide these students with additional nutritious meals.

In addition to those at risk of falling behind, more time for learning helps students who are on grade level get ahead, by providing greater time for enrichment and a broader curriculum. Additional time also enables more students to participate in experiential and interactive learning, in service learning opportunities in their schools and communities, and in internships, all of which help keep students engaged in school and make school more relevant.

For additional time to be used most effectively, it must also work for teachers. The act encourages the use of this time for greater teacher planning and collaboration across grades and subjects, so that teachers can work together to help their students. Today's elementary school teachers spend less than 10 percent of their time planning lessons and preparing for classes—compared to over 40 percent for their Asian counterparts. Just as it does for students, time matters for teachers, by helping them to help their students more effectively.

To assess the difference these programs will make, the TIME Act calls for a comprehensive evaluation of the programs it supports. We're still in the learning stages of expanded learning time. It is intuitive that time matters,

but we're still learning what practices work best—for teachers, for students, and for schools. This evaluation will ensure that we will learn as much as possible about what works, and that the Department of Education will be able to do a better job of sharing best practices nationwide in supporting these initiatives.

Expanded learning is an idea whose time has come, thanks in large part to the leadership of Massachusetts. As John Adams wrote in the Massachusetts Constitution in 1780, the education of the people is "necessary for the preservation of their rights and liberties." Ever since, Massachusetts has been ahead of the curve in education reform. In recent years, the Commonwealth has developed a significant expanded learning time initiative that enables schools to offer 300 additional hours of instruction during the school year, allocated as each school chooses. The initiative began with 10 schools in 2006. Twenty-six schools are now participating, and more than 40 are now planning to participate.

At the Edwards Middle School in Boston's Charlestown neighborhood, additional time has made a difference. The percentage of students scoring "proficient" on math tests rose almost thirteen points during its first year with expanded school hours, and the school is also offering a wide array of extracurricular activities, including Latin American Dance, Musical Theater, and valuable apprenticeship opportunities.

We know that many schools and districts around the country are seeking better ways to strengthen the support they offer parents and to deepen their connection with their communities. The No Child Left Behind Law includes requirements to develop parent-involvement policies and programs, release school report cards, and engage parents and community representatives to construct plans to improve struggling schools. The Keeping PACE Act builds on these activities to support schools in making parents and the community full partners in the education of their children.

Parents are their children's first teachers, and they have immense influence over their children's attitudes, focus, priorities and goals. Well-informed parents are more likely to be involved, to ask questions, to suggest constructive changes and to make a difference in their child's education. They deserve to know what their children are learning and being tested on, what their children's grades and assessment scores mean, and how assessment data can be used to improve learning. Informed and engaged parents can help turn around struggling schools.

Educators have long recognized this fact, based on their own experience and abundant research. Unfortunately, a series of reports by Appleseed make

clear schools and districts continue to face too many challenges that undermine the effort to achieve parental involvement. Parents may feel intimidated by language or cultural barriers, or have difficulty understanding their role as an advocate for their children. Parents too often find that the information provided by schools and districts is not released in a timely manner, is not clear and student-specific, and uses technical terms that are unfamiliar. Poor communication also often obscures the school-choice and supplemental-services options for parents under the No Child Left Behind Act.

Heather Weiss, the director of the Harvard Family Research Project, emphasizes that with the conclusive evidence now available, the time has come for action. As she states, "The question we must ask is, in addition to quality schools, what non-school learning resources should we invest in and scale up to improve educational outcomes, narrow achievement gaps, and equip our children with the knowledge and skills needed to succeed in the complex and global 21st century?"

To encourage greater parent involvement, this bill amends the Elementary and Secondary Education Act to enable States to award grants to local education agencies to assist schools in hiring and maintaining Parent and Community Outreach Coordinators. These coordinators will build vital partnerships among families, schools, and the community. They'll work with school principals, teachers, and staff to encourage parents to become more involved in their child's education and give them the tools necessary to become successful advocates for their children. Instead of giving teachers, counselors, and principals more to do, every school should have a resource they can turn to for help with identifying student needs and using community resources to help all students succeed.

Educational research also shows that students flourish in environments in which learning is a community value and in which schools have the ability to address a broad range of student needs. Many school districts have established full-service community schools that directly involve parents, families, and the entire community in education. These schools use integrated services to students to help meet multiple local needs in areas such as education, health, social services, and recreation. President Obama has recognized the power of these schools, by often citing the extraordinary success of the Harlem Children's Zone and using it as a model for his Promise Neighborhoods proposal.

Responding to this research and to success stories from around the nation, the Keeping PACE Act will help school districts do more to increase community involvement in schools, provide a

wide range of support and services to children, and make schools the center of their neighborhood. The Keeping PACE Act supports incentives for local education agencies to coordinate with mayors, community-based organizations, for-profit entities, and other local partners to re-design and modernize their current school plans and facilities to link students more effectively with existing resources.

Improved coordination among parents, schools, and their communities can create networks that enable and empower students to take advantage of many more opportunities to learn, and by doing so, we will uncover innovations to help all schools.

As with the TIME Act, establishing this network will benefit not only students who need the greatest help with their learning, or who are at risk of dropping out, but also those who need more challenging schoolwork to keep them engaged and making progress.

Yet again, Massachusetts is leading the way. A current Massachusetts pilot initiative has placed 32 full-time family and community outreach coordinators in Boston public schools. These coordinators are responsible for supporting families, teachers, and the community in a common effort to help students academically and socially, and their efforts have been successful.

For example, the Family and Community Outreach Coordinator at the Condon School in Boston has offered workshops for parents on middle school transition and math curriculum and coordinated parent participation on an anti-bullying initiative at the school, called the School Climate Committee. The Coordinator has helped teachers and parents make connections for parent-teacher conferences, bringing in over 200 parents to participate in a fall open house, in which some of the teachers have reported contact with over 80 percent of their students' families. The Coordinator has also inspired donations to the school through the generosity of local businesses.

Now is the time for the nation as a whole to make a greater effort on expanded learning and parent and community involvement. These two bills constitute a strong commitment to meet the comprehensive learning needs of children and families, guarantee a role for parents and families in local schools, and provide real hope to students most at-risk of dropping out. Addressing these challenges is essential to the future and prosperity of our nation as a whole.

We know the dimensions of the problem we face. Today, 65 percent of 12th graders do not read on grade level, and 1.2 million students who enter the ninth grade fail to receive a high school diploma four years later. We can no longer afford to pay this high price, either in terms of lost human potential or national productivity. These bills

will help millions of young people reach their potential, and help make our education system the best in the world once again.

The Keeping PACE Act is supported by 40 organizations representing education communities. Mr. President, I ask unanimous consent that their joint letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 19, 2009.

DEAR SENATOR KENNEDY: The 40 undersigned organizations support the Keeping Parents and Communities Engaged (PACE) Act. We commend you for your sponsorship and look forward to working together to include Keeping PACE in the reauthorization of the Elementary and Secondary Education Act.

The Keeping PACE Act creates incentives and structure for schools and communities to work together to support students through coordinated, comprehensive, and targeted approaches to meet the needs of students in school and outside school. We're confident that this approach, supported by extensive research, will lead to greater academic improvement and future success for our young people.

The legislation achieves these goals through a series of voluntary programs that will be supported by federal grants. Resources will be available to support parent and community outreach coordinators to assist schools in engaging with the community and achieving greater parental involvement. The bill also will connect students to community resources and comprehensive support services, so that effective community organizations and others can provide students with support outside the classroom to promote academic achievement. In addition, resources will be provided to schools as centers of communities, in order to expand the community school movement.

Extensive research and experience support the implementation of each of these three approaches. Through this approach, we believe that schools and communities will be able to provide the services needed by students, particularly those who are disadvantaged. We commend you for introducing this legislation and we look forward to working together to enact it.

Sincerely,

Communities In Schools; American Association of School Administrators; American Association of University Women; American Federation of Teachers; American Humane Association; America's Promise Alliance; Association for Supervision and Curriculum Development; Boys & Girls Clubs of America; Big Brothers Big Sisters of America; Center for American Progress.

Center for Parent Leadership/Commonwealth Institute for Parent Leadership; Chicago Public Schools; Children's Aid Society; Citizen Schools; City Year; Coalition for Community Schools; Family Connection of Easton; First Focus; I Have A Dream Foundation; Massachusetts Parent Information & Resource Center.

Mentor; National Alliance of Black School Educators; National Association of Elementary School Principals; National Association of School Psychologists; National Association of

Secondary School Principals; National Association of State Boards of Education; National Association of State Directors of Special Education; National Collaboration for Youth; National Coalition for Parent Involvement in Education.

National Education Association; National Youth Leadership Council; PACER; Parent Teacher Association; Parent Institute for Quality Education; Public Education Network; The Forum for Youth Investment; The National Coalition of ESEA Title I Parents—Region VII; Save the Children; United Way; Youth Service America.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1413. A bill to amend the Adams National Historical Park Act of 1998 to include the Quincy Homestead within the boundary of the Adams National Historical Park, and for other purposes, to the Committee on Energy and Natural Resources.

Mr. KERRY. Mr. President, today I am introducing legislation that will designate Quincy Homestead, a local and national treasure, within the boundary of the Adams National Historic Park. The Quincy Homestead, located in Quincy, MA, was constructed in 1686 by Edmund Quincy II and was called home by five generations of Quincys and is an important historical site for Massachusetts and the nation. It housed great Americans such as President John Quincy Adams, Oliver Wendell Holmes, and Dorothy Quincy Hancock, the first First Lady of Massachusetts. In the years leading up to the American Revolution, it also served as a meeting place for renowned American patriots including President John Adams, Josiah Quincy, and John Hancock.

In addition to its historical significance the Homestead is also a pristine example of American architecture and represents its evolution over three hundred years. The Quincy Homestead was designated a National Historic Landmark in 2005.

While a lot of passion and hard work has gone into the preservation and operation of this property, there is more to be done to enhance these efforts and to realize the full potential of this property. Adding Quincy Homestead to the Adams National Park will advance opportunities for educational and recreational activities at the Homestead and allow greater public access to its rich historic and architectural traditions. I believe this piece of legislation will help the citizens of Massachusetts and the American people to take much fuller advantage of this stunning, national landmark. I ask all my colleagues to support this legislation.

By Mrs. McCASKILL:

S. 1414. A bill to confer upon the United States Court of Federal Claims jurisdiction to hear, determine, and render final judgment on any legal or

equitable claim against the United States to receive just compensation for the taking of certain lands in the State of Missouri, and for other purposes; to the Committee on the Judiciary.

Mrs. McCASKILL. Mr. President, today I am here to talk about a simple bill that would correct a serious injustice.

In 1992, land belonging to over 100 south St. Louis County homeowners was converted into a recreational trail under the National Trails System Act, which allows rights-of-way abandoned by railroads to be made into trails. I have nothing against the National Trails System Act. It is a good program; it improves communities and preserves rights-of-way. In 1990, the Supreme Court upheld the program as a rightful use of eminent domain, but made it absolutely clear that, in accordance with the Fifth Amendment, property owners must be justly compensated for their losses. Only this did not happen in the case of my constituents back in Missouri. These homeowners—modest, hardworking people—were never compensated for the loss of their land.

These Missouri homeowners did everything right. First, in December 1998, they filed their claim. Federal Judge Bruggink ruled the claim to be filed in timely manner, and the Department of Justice later agreed. Then, on two separate occasions, Judge Bruggink ruled that the federal government was liable for taking the Missouri homeowners' land. After 6 years of litigation, the Department of Justice finally agreed on the amount of just compensation owed to each homeowner. On December 17, 2004, Judge Bruggink found the settlement to be fair and prepared to enter a final order. However, just days before Judge Bruggink was to issue the final order, a separate court—considering an unrelated case—changed the rule on how to calculate the 6-year statute of limitations in which property owners have to file a claim for compensation.

This new rule determined that the clock on the statute of limitations starts to run at the time negotiations for a possible trail begin, instead of when a trail is actually established. Frankly, this is a little ridiculous because the negotiations are between the railroad company and the trail operator, not the actual property owners who must file the claim. Frequently property owners are not even notified of the negotiations until a trail is established! In the Missouri homeowners' case, negotiations began in March 1992, 6 years and 9 months before they filed their claim. Under the new rule, they filed their claim 9 months too late. As a result, the Court of Claims no longer had jurisdiction to approve the settlement and Judge Bruggink was forced to dismiss the case. To this day the government is still using these citi-

zens' land for a recreational trail, the Grant's Trail, but the citizens have never been extended their constitutional right to just compensation.

Today, along with my distinguished colleague from Missouri, Senator BOND, I am introducing legislation to correct this injustice. The Fair Compensation Act of 2009 would simply confer jurisdiction upon the U.S. Court of Federal Claims to hear the Missouri homeowners' claim. We are doing this for people like Gale and Sarah Illig, a retired couple who had a 50-foot wide strip of land taken from their yard. Then there is Betty Mea Steinhans, who lived in her home for 51 years. The recreational trail took out a sizable chunk of Betty's prized garden. A government appraiser and the DOJ determined that the Federal Government owed Betty \$31,000. That is almost 25 percent of the value of her home! These Missourians, and dozens like them, have worked hard to purchase their homes, and they will likely rely on their home's value to provide for them into retirement. They deserve their day in court.

Let me make this clear: our legislation does not award a monetary amount to Missouri landowners. While I certainly think the homeowners are entitled to just compensation, that is not Congress' decision. It is the Court of Federal Claims' job to make that decision. This legislation would only allow the Court the opportunity to hear this case on its merits and would not require any additional appropriations from Congress.

Congress has the authority to enact special jurisdiction legislation; we have exercised it multiple times and the Supreme Court has upheld this right. In the late 1800s, Congress used it to give the Court of Federal Claims jurisdiction to hear the case of a businessman who had several hundred bales of cotton captured by General Sherman during the Civil War. More recently, Congress used it to give the Court jurisdiction to hear the case of the Pueblo of Isleta Indian Tribe, who had a sizable portion of their land taken by the Federal Government.

I want to thank Senator WHITEHOUSE and his staff for working with us to draft this legislation. I will continue to work with the Judiciary Committee on this issue, and I urge them to give this important legislation the consideration it deserves. I am confident that Congress will do what is right, and allow these hardworking Missouri homeowners their day in court.

By Mr. UDALL of Colorado:

S. 1417. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and

for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Leadville Mine Drainage Tunnel Remediation Act of 2009. This bill is the same as a bill introduced in the last Congress by my colleague Representative DOUG LAMBORN. I was proud to co-sponsor that bill in the last Congress, which passed the House of Representatives but was not taken up in the Senate, and I am pleased to introduce it today.

The Leadville Mine Drainage Tunnel Remediation Act addresses concerns regarding a mine tunnel in Leadville, Colorado. In 2008, a blockage formed in the tunnel that backed up a large volume of water, thereby creating a potential safety hazard to the community in the event of a catastrophic failure. While taking actions to address the immediate threat, questions arose as to whether the Bureau of Reclamation, which owns the tunnel, has the authority to help implement a number of remedies to reduce this threat and clean up additional contaminated water from the tunnel. My bill would clarify that the Bureau of Reclamation has the authority to treat water in the tunnel and is responsible for maintaining it in order to reduce future threats to the community.

The Leadville Mine Drainage Tunnel was originally constructed by the federal Bureau of Mines in the 1940s and 1950s to facilitate the extraction of lead and zinc ore for World War II and Korean War efforts. The Bureau of Reclamation acquired the tunnel in 1959, hoping to use it as a source of water for the Fryingpan-Arkansas Project, a water diversion project in the Fryingpan and Arkansas River Basins. Although the tunnel was never used for the Fryingpan-Arkansas Project, water that flows out of the tunnel is considered part of the natural flow of the Arkansas River. With the passage and subsequent signing into law of H.R. 429 during the 102nd Congress, the Bureau of Reclamation constructed and continues to operate a water treatment plant at the mouth of the tunnel.

Groundwater levels at the tunnel have fluctuated in recent years. The 2008 collapse in the tunnel increased the tunnel's mine pool significantly, leading to new seeps and springs in the area. Estimates suggest that up to 1 billion gallons of water may have built up behind the blockage within the mine pool.

In November 2007, the U.S. Environmental Protection Agency, EPA, sent a letter to the Bureau of Reclamation expressing concerns over a catastrophic blowout as a result of the built up water, and, in February 2008, the Lake County Commissioners declared a state of emergency. The Bureau of Reclamation developed a risk assessment in the area, and the EPA and the Bureau of

Reclamation performed some emergency measures to relieve water pressure in the area.

While this emergency work was important, the long-term need to rehabilitate and maintain the tunnel remains an open question. There has been general agreement on what needs to be done; namely, plugging the tunnel, drilling a well behind the plug, and then pumping the water out so it can be piped to the Bureau of Reclamation's existing treatment plant. However, it remains unclear as to whether the Bureau of Reclamation has the authority to help solve the problem by treating the water that the EPA plans to pump from behind the blockage.

In short, we found there is not only a physical blockage, but also a legal blockage that has prevented the Bureau of Reclamation, the EPA and the State of Colorado from reaching an agreement on a long-term solution. This legislation will clear out the legal blockage by allowing the Bureau of Reclamation and the EPA to collaboratively implement the proposed remedy and address the unsafe mine pool in the tunnel.

Specifically, the bill does three things:

First, it clarifies that the Bureau of Reclamation has the authority to treat water pooling up behind the blockage. Currently, the Bureau has authority to treat "historic releases," which could include water behind the tunnel blockage, but Bureau of Reclamation officials are uncertain. In response, this bill eliminates the "historic release" language and clarifies that the Bureau of Reclamation can treat the blocked water in the tunnel.

Second, the bill authorizes and directs the Bureau of Reclamation to participate with the EPA on the remedy established under Superfund for the tunnel. The bill also maintains that the Bureau of Reclamation is not liable for the Superfund site cleanup in Leadville. Nevertheless, since remediation activities will occur within the Superfund site, the Bureau of Reclamation has been reluctant to implement this remedy. The Bureau of Reclamation does not want to assume any Superfund liability and does not read current law as allowing participation with the EPA on the long-term remedy. The bill clarifies that the Bureau of Reclamation not only has the authority to implement the long-term solution at the Superfund site, but that it will be required to join the EPA in implementing it.

Third, the bill clarifies that the Bureau of Reclamation is required to maintain the structural integrity of the tunnel to minimize the chance of another blockage within the tunnel.

The bill also authorizes any funding that might be necessary for the Bureau of Reclamation to perform its clarified responsibilities under this bill.

By clearing up the legal blockage, the bill will help create a collaborative working relationship between the Bureau of Reclamation, the EPA and the State of Colorado to solve this problem for the long-term benefit of Colorado.

I look forward to working with the rest of the Colorado Congressional delegation on this legislation and on moving quickly to address concerns with the Leadville Mine Drainage Tunnel.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Leadville Mine Drainage Tunnel Remediation Act of 2009".

SEC. 2. TUNNEL MAINTENANCE.

Section 705 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4656) is amended to read as follows:

"SEC. 705. TUNNEL MAINTENANCE.

"The Secretary shall take such steps to repair or maintain the structural integrity of the Leadville Mine Drainage Tunnel as are necessary to prevent Tunnel failure and to preclude uncontrolled release of water from any portion of the Tunnel."

SEC. 3. WATER QUALITY RESTORATION.

(a) IN GENERAL.—Section 708(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4657) is amended—

(1) by striking "(a) The Secretary" and inserting the following:

"(a) IN GENERAL.—

"(1) AUTHORIZATION.—The Secretary";

(2) by striking "Neither" and inserting the following:

"(2) LIABILITY.—Neither";

(3) by striking "The Secretary shall have" and inserting the following:

"(3) FACILITIES COVERED UNDER OTHER LAWS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall have";

(4) by inserting after "Recovery Act." the following:

"(B) CALIFORNIA GULCH SUPERFUND SITE OPERABLE UNIT 6 REMEDY.—The Secretary shall participate in the implementation of the operable unit 6 remedy for the California Gulch Superfund Site, as the remedy is described in the Record of Decision of the Environmental Protection Agency for the operable unit (2003), by—

"(i) treating water behind any blockage or bulkhead in the Leadville Mine Drainage Tunnel, including surface water diverted into the Tunnel workings as part of the remedy; and

"(ii) managing and maintaining the mine pool behind the blockage or bulkhead at a level that precludes surface runoff and releases and minimizes the potential for Tunnel failure due to excessive water pressure in the Tunnel."; and

(5) by striking "For the purpose of" and inserting the following:

"(4) DEFINITION OF UPPER ARKANSAS RIVER BASIN.—In".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 708(f) of the Reclamation Projects

Authorization and Adjustment Act of 1992 (Public Law 102-575; 106 Stat. 4657) is amended by striking "sections 707 and 708" and inserting "this section and sections 705 and 707".

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1418. A bill to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Camp Hale Study Act of 2009. This is a companion bill to the one my Colorado colleague, Rep. DOUG LAMBORN, has introduced in the House of Representatives, H.R. 2330.

This bill was first introduced by Rep. LAMBORN in the last Congress and I was proud to cosponsor that bill. The bill passed the House of Representatives last session, but was not taken up by the Senate. H.R. 2330 has passed the House of Representatives in this Congress and I hope that the Senate can do the same.

I am again pleased to join my colleague Representative LAMBORN in reintroducing this bill. It concerns an important military legacy from the WWII era. Camp Hale, located in the mountains of central Colorado, was a facility that trained a number of soldiers for combat in high alpine and mountainous conditions. Principally, it was a training venue for the Army's 10th Mountain Division and other elements of the U.S. Armed Forces. The geography of the area was ideal for winter and high-altitude training, with steep mountains surrounding a level valley suitable for housing and other facilities. The camp itself was located in Eagle County along the Eagle River, and its training boundary included lands in Eagle, Summit, Lake, and Pitkin Counties.

In addition to the 10th Mountain Division, the 38th Regimental Combat Team, 99th Infantry Battalion, and soldiers from Fort Carson were trained at Camp Hale from 1942 to 1965. Throughout this time, the Army tested a variety of weapons and equipment at Camp Hale.

Between 1956 and 1965, the camp was also used by the Central Intelligence Agency as a secret center for training Tibetan refugees in guerilla warfare to resist the Chinese occupation of their mountainous country.

In July 1965, Camp Hale was deactivated and control of the lands was returned to the Forest Service in 1966. Today the camp is part of the White River and San Isabel National Forests. The U.S. Army Corps of Engineers is working to clean up potentially hazardous munitions left over from weapons testing at the camp, particularly in the East Fork.

Camp Hale was placed on the National Register of Historic Places in 1992. The bill I am introducing today would direct the Secretary of the Interior to study the feasibility and suitability of establishing Camp Hale, near Leadville, CO, as a national historic district.

Specifically, the bill directs the Secretary of the Interior, acting through the Director of the National Park Service, to complete a special resource study of Camp Hale to determine the suitability and feasibility of designating Camp Hale as a separate unit of the National Park System, and also to consider other Federal, State, local, private or nonprofit means of protecting and interpreting the site. That would include an analysis of the significance of Camp Hale in relation to the defense of our Nation during World War II and the Cold War, including the use of Camp Hale for training of the 10th Mountain Division and other elements of the United States Armed Forces; and use of Camp Hale for training by the Central Intelligence Agency of Tibetan refugees seeking to resist the Chinese occupation of Tibet.

The study would also examine the opportunities for public enjoyment of the site, any operational, management, and private property issues that need to be considered if Camp Hale were to be added to the National Park System, the feasibility of administering Camp Hale as a unit of the National Park System considering its size, configuration, ownership, costs, and other factors, and the adequacy of other alternatives for management and resource protection of Camp Hale and for appropriately commemorating the role of Camp Hale in connection with training of United States troops and assistance to Tibetans opposed to the occupation of Tibet.

The bill also contains language ensuring that existing private property rights are not affected by this study, including water rights. The bill in this Congress contains a small change from the last bill in that it makes clear that the bill does not affect the ability to construct needed water infrastructure in the area subject to the study.

Camp Hale is an important part of our nation's proud national defense legacy and it deserves to be recognized and protected. The people who trained there are proud of their accomplishments and I am proud to join Representative LAMBORN in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Camp Hale Study Act".

SEC. 2. SPECIAL RESOURCE STUDY OF THE SUITABILITY AND FEASIBILITY OF ESTABLISHING CAMP HALE AS A UNIT OF THE NATIONAL PARK SYSTEM.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service, (hereinafter referred to as the "Secretary") shall complete a special resource study of Camp Hale to determine—

(1) the suitability and feasibility of designating Camp Hale as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of Camp Hale by the National Park Service, other Federal, State, or local government entities or private or nonprofit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 3. EFFECT OF STUDY.

Nothing in this Act shall affect valid existing rights or the exercise of such rights, including—

(1) all interstate water compacts in existence on the date of the enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(2) water rights decreed at the Camp Hale site or flowing within, below, or through the Camp Hale site;

(3) water rights in the State of Colorado;

(4) water rights held by the United States;

(5) the management and operation of any reservoir, including the storage, management, release, or transportation of water; and

(6) the ability, subject to compliance with lawful existing local, State, and Federal regulatory requirements, to construct and operate that infrastructure determined necessary by those with decreed water rights to develop and place to beneficial use such rights.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 210—DESIGNATING THE WEEK BEGINNING ON NOVEMBER 9, 2009, AS NATIONAL SCHOOL PSYCHOLOGY WEEK

Mrs. LINCOLN (for herself and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 210

Whereas all children and youth learn best when they are healthy, supported, and receive an education that meets their individual needs;

Whereas schools can more effectively ensure that all students are ready and able to learn if schools meet all the needs of each student;

Whereas learning and development are directly linked to the mental health of children, and a supportive learning environment

is an optimal place to promote mental health;

Whereas sound psychological principles are critical to proper instruction and learning, social and emotional development, prevention and early intervention, and support for a culturally diverse student population;

Whereas school psychologists are specially trained to deliver mental health services and academic support that lower barriers to learning and allow teachers to teach more effectively;

Whereas school psychologists facilitate collaboration that helps parents and educators identify and reduce risk factors, promote protective factors, create safe schools, and access community resources;

Whereas school psychologists are trained to assess barriers to learning, utilize data-based decisionmaking, implement research-driven prevention and intervention strategies, evaluate outcomes, and improve accountability;

Whereas State educational agencies and other State entities credential more than 35,000 school psychologists who practice in schools in the United States as key professionals that promote the learning and mental health of all children;

Whereas the National Association of School Psychologists establishes and maintains high standards for training, practice, and school psychologist credentialing, in collaboration with organizations such as the American Psychological Association, that promote effective and ethical services by school psychologists to children, families, and schools; and

Whereas the people of the United States should recognize the vital role school psychologists play in the personal and academic development of the Nation's children: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on November 9, 2009, as National School Psychology Week;

(2) honors and recognizes the contributions of school psychologists to the success of students in schools across the United States; and

(3) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the vital role school psychologists play in schools, in the community, and in helping students develop into successful and productive members of society.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1412. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 1413. Mr. SHELBY (for himself, Mr. DODD, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1414. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1415. Mr. GRASSLEY submitted an amendment intended to be proposed to

amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1416. Mr. PRYOR (for himself, Mr. HATCH, Mr. COBURN, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1417. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1418. Mr. NELSON, of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, expressing the sense of the Senate that the Federal Government is a reluctant shareholder in the ownership of General Motors and Chrysler; which was referred to the Committee on Banking, Housing, and Urban Affairs.

SA 1419. Mr. NELSON, of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, supra; which was referred to the Committee on Banking, Housing, and Urban Affairs.

SA 1420. Mr. NELSON, of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, supra; which was referred to the Committee on Banking, Housing, and Urban Affairs.

SA 1421. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 1422. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1423. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1424. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1425. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1426. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1427. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY))

to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1428. Mr. HATCH (for himself, Mr. MENENDEZ, Mr. NELSON, of Florida, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1429. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1430. Mr. SANDERS (for himself, Mr. CASEY, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1431. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1432. Mr. KYL (for himself and Mr. MCCAIN) proposed an amendment to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1433. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1434. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1435. Mr. PRYOR (for himself, Mr. HATCH, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1436. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1437. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1438. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1439. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1440. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1441. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1442. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1443. Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) submitted an

amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1444. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1445. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1446. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1447. Mr. CORNYN (for himself, Mr. PRYOR, Mr. HATCH, Mr. VITTER, Mr. RISCH, Mr. CHAMBLISS, Mr. CORKER, Mr. ENZI, Mr. BARRASSO, Mr. GRAHAM, Mr. ROBERTS, Mr. WYDEN, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1412. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. GOVERNMENT NEUTRALITY IN CONTRACTING.

(a) **PURPOSES.**—It is the purpose of this section to—

(1) promote and ensure open competition on Federal and federally funded or assisted construction projects;

(2) maintain Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded or assisted construction projects;

(3) reduce construction costs to the Federal Government and to the taxpayers;

(4) expand job opportunities, especially for small and disadvantaged businesses; and

(5) prevent discrimination against Federal Government contractors or their employees based upon labor affiliation or the lack thereof, thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects.

(b) **PRESERVATION OF OPEN COMPETITION AND FEDERAL GOVERNMENT NEUTRALITY.**—

(1) **PROHIBITION.**—

(A) **GENERAL RULE.**—The head of each executive agency that awards any construction contract after the date of enactment of this Act, or that obligates funds pursuant to such a contract, shall ensure that the agency, and any construction manager acting on behalf of the Federal Government with respect to such contract, in its bid specifications, project agreements, or other controlling documents does not—

(i) require or prohibit a bidder, offeror, contractor, or subcontractor from entering into, or adhering to, agreements with 1 or more labor organization, with respect to that construction project or another related construction project; or

(ii) otherwise discriminate against a bidder, offeror, contractor, or subcontractor because such bidder, offeror, contractor, or subcontractor—

(I) became a signatory, or otherwise adhered to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project; or

(II) refused to become a signatory, or otherwise adhere to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project.

(B) **APPLICATION OF PROHIBITION.**—The provisions of this subsection shall not apply to contracts awarded prior to the date of enactment of this Act, and subcontracts awarded pursuant to such contracts regardless of the date of such subcontracts.

(C) **RULE OF CONSTRUCTION.**—Nothing in subparagraph (A) shall be construed to prohibit a contractor or subcontractor from voluntarily entering into an agreement described in such subparagraph.

(2) **RECIPIENTS OF GRANTS AND OTHER ASSISTANCE.**—The head of each executive agency that awards grants, provides financial assistance, or enters into cooperative agreements for construction projects after the date of enactment of this Act, shall ensure that—

(A) the bid specifications, project agreements, or other controlling documents for such construction projects of a recipient of a grant or financial assistance, or by the parties to a cooperative agreement, do not contain any of the requirements or prohibitions described in clause (i) or (ii) of paragraph (1)(A); or

(B) the bid specifications, project agreements, or other controlling documents for such construction projects of a construction manager acting on behalf of a recipient or party described in subparagraph (A), do not contain any of the requirements or prohibitions described in clause (i) or (ii) of paragraph (1)(A).

(3) **FAILURE TO COMPLY.**—If an executive agency, a recipient of a grant or financial assistance from an executive agency, a party to a cooperative agreement with an executive agency, or a construction manager acting on behalf of such an agency, recipient or party, fails to comply with paragraph (1) or (2), the head of the executive agency awarding the contract, grant, or assistance, or entering into the agreement, involved shall take such action, consistent with law, as the head of the agency determines to be appropriate.

(4) **EXEMPTIONS.**—

(A) **IN GENERAL.**—The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of 1 or more of the provisions of paragraphs (1) and (2) if the head of such agency determines that special circumstances exist that require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(B) **SPECIAL CIRCUMSTANCES.**—For purposes of subparagraph (A), a finding of “special circumstances” may not be based on the possibility or existence of a labor dispute concerning contractors or subcontractors that are nonsignatories to, or that otherwise do

not adhere to, agreements with 1 or more labor organization, or labor disputes concerning employees on the project who are not members of, or affiliated with, a labor organization.

(C) **ADDITIONAL EXEMPTION FOR CERTAIN PROJECTS.**—The head of an executive agency, upon application of an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of any of such entities, may exempt a particular project from the requirements of any or all of the provisions of paragraphs (1) or (3), if the agency head finds—

(i) that the awarding authority, recipient of grants or financial assistance, party to a cooperative agreement, or construction manager acting on behalf of any of such entities had issued or was a party to, as of the date of the enactment of this Act, bid specifications, project agreements, agreements with one or more labor organizations, or other controlling documents with respect to that particular project, which contained any of the requirements or prohibitions set forth in paragraph (1)(A); and

(ii) that one or more construction contracts subject to such requirements or prohibitions had been awarded as of the date of the enactment of this Act.

(5) **FEDERAL ACQUISITION REGULATORY COUNCIL.**—With respect to Federal contracts to which this section applies, not later than 60 days after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall take appropriate action to amend the Federal Acquisition Regulation to implement the provisions of this subsection.

(6) **DEFINITIONS.**—In this subsection:

(A) **CONSTRUCTION CONTRACT.**—The term “construction contract” means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(B) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given such term in section 105 of title 5, United States Code, except that such term shall not include the Government Accountability Office.

(C) **LABOR ORGANIZATION.**—The term “labor organization” has the meaning given such term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

SA 1413. Mr. SHELBY (for himself, Mr. DODD, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, after line 18, insert the following:

SEC. _____. None of the funds in this Act provided for public transportation security assistance under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53) shall require a cost share. Such public transportation security assistance shall be provided directly to public transportation agencies.

SA 1414. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year

ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LABOR CONDITION APPLICATION.

Section 424(a)(1) of the Consolidated Appropriations Act, 2005 (Public Law 108-447), which amends 212(n)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)), is amended—

(1) in clause (i) of the quoted material, by striking “if the Secretary of Labor has reasonable cause to believe” and all that follows and inserting “with regard to the employer’s compliance with the requirements under this subsection.”;

(2) in clause (ii), by striking “and whose identity is known” and all that follows through “failures.” and inserting “the Secretary of Labor may conduct an investigation into the employer’s compliance with the requirements under this subsection.”;

(3) in clause (iii), by striking the last sentence;

(4) by striking clauses (iv) and (v);

(5) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(6) in clause (iv), as redesignated, by striking “meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months” and inserting “comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months”;

(7) by amending clause (v), as redesignated, to read as follows:

“(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure the compliance of the employer with the requirements under this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.”;

(8) in clause (vi), as redesignated, by striking “An investigation” and all that follows through “the determination.” and inserting “If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.”; and

(9) by inserting before the end quote the following:

“(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty under subparagraph (C).”

SA 1415. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for

the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . CHECKING THE IMMIGRATION STATUS OF EMPLOYEES.

Section 403(a)(3)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 8 U.S.C. 1324a note) is amended—

(1) by striking “The person” and inserting the following:

“(i) UPON HIRING.—The person”; and

(2) by adding at the end the following:

“(ii) EXISTING EMPLOYEES.—An employer that elects to verify the employment eligibility of existing employees shall verify the employment eligibility of all such employees not later than 10 days after notifying the Secretary of Homeland Security of such election.”.

SA 1416. Mr. PRYOR (for himself, Mr. HATCH, Mr. COBURN, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. DEFINITION OF SWITCHBLADE.

Subsection (b) of the first section of the Act entitled “An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes” (commonly known as the Federal Switchblade Act) (15 U.S.C. 1241(b)) is amended to read as follows:

“(b) The term ‘switchblade knife’ means any knife having a blade which opens automatically by hand pressure applied to a button or other device in the handle of the knife.”.

SA 1417. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . The Secretary of Homeland Security shall promulgate regulations that amend section 235.1(f)(v) of title 8, Code of Federal Regulations, as in effect on the date of the enactment of this Act, to permit Mexican nonimmigrant aliens admitted into the United States to visit within the State of New Mexico (within 100 miles of the international border between the United States and Mexico border) for a period not to exceed 30 days without filling out an Arrival-Departure Record (I-94 Form) if the alien—

(1) is not required to present a visa and a passport under section 212.1(c)(1); and

(2) is admitted at the Columbus, Santa Teresa, or the Antelope Wells ports-of-entry in the State of New Mexico.

SA 1418. Mr. NELSON of Nebraska (for himself, Ms. COLLINS, Ms. LAN-

DRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, expressing the sense of the Senate that the Federal Government is a reluctant shareholder in the ownership of General Motors and Chrysler; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

Strike all after the resolving clause and insert the following:

That it is the sense of the Senate that—

(1) the Federal Government is only a temporary stakeholder in the American automotive industry and should take all possible steps to protect American taxpayer dollars and divest its ownership interests in such companies as expeditiously as possible; and

(2) the Comptroller General of the United States, the Congressional Oversight Panel, and the Special Inspector General for the Troubled Assets Relief Program will continue to oversee and report to Congress on automotive companies receiving financial assistance so that the Federal Government may complete divestiture without delay.

SA 1419. Mr. NELSON of Nebraska (for himself, Ms. COLLINS, Ms. LAN-DRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, expressing the sense of the Senate that the Federal Government is a reluctant shareholder in the ownership of General Motors and Chrysler; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

Strike the preamble and insert the following:

Whereas the United States is facing a deep economic crisis that has caused millions of American workers to lose their jobs;

Whereas the collapse of the American automotive industry would have dealt a devastating blow to an already perilous economy;

Whereas on December 19, 2008, President George W. Bush stated: “The actions I’m announcing today represent a step that we wish were not necessary. But given the situation, it is the most effective and responsible way to address this challenge facing our Nation. By giving the auto companies a chance to restructure, we will shield the American people from a harsh economic blow at a vulnerable time and we will give American workers an opportunity to show the world, once again, they can meet challenges with ingenuity and determination, and bounce back from tough times and emerge stronger than before.”;

Whereas on March 30, 2009, President Barack Obama stated: “We cannot, and must not, and we will not let our auto industry simply vanish. This industry is like no other—it’s an emblem of the American spirit; a once and future symbol of America’s success. It’s what helped build the middle class and sustained it throughout the 20th century. It’s a source of deep pride for the generations of American workers whose hard work and imagination led to some of the finest cars the world has ever known. It’s a pillar of our economy that has held up the dreams of millions of our people . . . These companies—and this industry—must ultimately stand on their own, not as wards of the state.”;

Whereas the Federal Government is a reluctant shareholder in General Motors Corporation and Chrysler Motors LLC in order to provide economic stability to the Nation;

Whereas the Federal Government will work to protect the investment of the American taxpayers;

Whereas the Federal Government will not intervene in the day-to-day management of General Motors or Chrysler; and

Whereas the Federal Government shall closely monitor General Motors and Chrysler to ensure that they are responsible stewards of taxpayer dollars and take all possible steps to expeditiously return to viability: Now, therefore, be it

SA 1420. Mr. NELSON of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, expressing the sense of the Senate that the Federal Government is a reluctant shareholder in the ownership of General Motors and Chrysler; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

Amend the title so as to read: "A resolution expressing the sense of the Senate that the investment by the Federal Government in the American automotive industry is temporary."

SA 1421. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant any immigration benefit unless—

- (1) a background check is completed on the alien who requests the immigration benefit;
- (2) all the results of such background check have been received and reviewed by United States Citizenship and Immigration Services; and
- (3) the results of such background check do not preclude the granting of such immigration benefit.

SA 1422. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the congressional committees set forth in subsection (b) that provides details about—

(1) additional Border Patrol sectors that should be utilizing Operation Streamline programs; and

(2) resources needed from the Department of Homeland Security and the Department of Justice to increase the effectiveness of Operation Streamline programs at some Border Patrol sectors and to utilize such programs at additional sectors.

(b) The congressional committees set forth in this subsection are—

- (1) the Committee on Appropriations of the Senate;
- (2) the Committee on the Judiciary of the Senate;
- (3) the Committee on Appropriations of the House of Representatives;
- (4) the Committee on the Judiciary of the House of Representatives;
- (5) the Committee on Homeland Security and Governmental Affairs of the Senate; and
- (6) the Committee on Homeland Security of the House of Representatives.

SA 1423. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 10, insert "": *Provided further*, That amounts provided under this heading shall be used to complete not fewer than 330 miles of at least double-layer fencing along the southwest border" before the period at the end.

SA 1424. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, strike lines 20 through 25, and insert the following:

(1) \$970,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): *Provided*, That of the amount made available under this paragraph, \$80,000,000 shall be for Operation Stonegarden: *Provided further*, That the amount appropriated under title I for departmental management and operations is hereby reduced by \$20,000,000.

SA 1425. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. GRANTS FOR INDIAN TRIBES.

(a) GRANTS AUTHORIZED.—The Secretary of Homeland Security may award grants to eligible Indian tribes with lands adjacent to an

international border of the United States that have been adversely affected by illegal immigration, smuggling, and drug trafficking.

(b) ELIGIBILITY.—An Indian tribe is eligible to receive a grant under this section if the Indian tribe provides officials of the Department of Homeland Security with—

- (1) access to independent districts within an Indian tribe with land adjacent to an international border of the United States for placement of equipment;
- (2) authority to construct adequate patrol roads on tribal lands; and
- (3) authority to install necessary physical barriers on tribal lands.

(c) USE OF GRANT FUNDS.—Grants awarded under this section shall be used in areas in which the recipient tribe is cooperating with the Department of Homeland to support—

- (1) law enforcement;
- (2) border security; and
- (3) environmental and tribal preservation efforts, if necessary.

(d) APPROPRIATION.—There is appropriated \$5,000,000 for grants under this section.

(e) OFFSET.—The amount appropriated under title I for departmental management and operations is hereby reduced by \$5,000,000.

SA 1426. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike line 6 and all that follows through page 11, line 22 and insert the following:

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; \$5,390,100,000, of which not to exceed \$7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$15,000 shall be for official reception and representation expenses; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than \$305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities; of which not less than \$5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of

immigration emergencies: *Provided further*, That of the total amount provided, \$15,770,000 shall be for activities in fiscal year 2010 to enforce laws against forced child labor, of which not to exceed \$6,000,000 shall remain available until expended: *Provided further*, That of the total amount available, not less than \$1,000,000,000 shall be available to identify aliens convicted of a crime, and who may be deportable, and to remove them from the United States once they are judged deportable: *Provided further*, That the Secretary, or the designee of the Secretary, shall report to the Committees on Appropriations of the Senate and the House of Representatives, at least quarterly, on progress implementing the preceding proviso, and the funds obligated during that quarter to make that progress: *Provided further*, That funding made available under this heading shall maintain a level of not less than 34,400 detention beds through September 30, 2010: *Provided further*, That of the total amount provided, not less than \$2,569,180,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: *Provided further*, That of the total amount provided, \$6,800,000 shall remain available until September 30, 2011, for the Visa Security Program: *Provided further*, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime: *Provided further*, That the amount appropriated under title I for departmental management and operations is hereby reduced by \$30,000,000.

SA 1427. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, strike line 15 and all that follows through page 32, line 11, and insert the following:

STATE AND LOCAL PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, \$3,097,200,000 shall be allocated as follows:

(1) \$950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): *Provided*, That of the amount provided by this paragraph, \$60,000,000 shall be for Operation Stonegarden.

(2) \$887,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which, notwithstanding subsection (c)(1) of such section, \$20,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) \$35,000,000 shall be for Regional Catastrophic Preparedness Grants.

(4) \$40,000,000 shall be for the Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(5) \$15,000,000 shall be for the Citizen Corps Program.

(6) \$356,000,000 shall be for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1135, 1163, and 1182), of which not less than \$25,000,000 shall be for Amtrak security, and not less than \$6,000,000 shall be for Over-the-Road Bus Security Assistance.

(7) \$350,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107.

(8) \$50,000,000 shall be for Buffer Zone Protection Program Grants.

(9) \$50,000,000 shall be allocated for grants, contracts, cooperative agreements and other such activities under the Driver's License Security Grants Program, pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109-13) or 232(b)(15) of the Homeland Security Act of 2002 (6 U.S.C. 162(b)(15)).

(10) \$30,000,000 shall be allocated for the establishment of cooperative exchange of electronic vital event verification information among the State Motor Vehicle Administrators and carried out by the Secretary of Homeland Security, with the concurrence of the Secretary of Health and Human Services, and in consultation with State vital statistics offices and appropriate Federal agencies: *Provided*, That the amount appropriated under title I for departmental management and operations is hereby reduced by \$30,000,000.

SA 1428. Mr. HATCH (for himself, Mr. MENENDEZ, Mr. NELSON of Florida, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. IMMIGRATION PROVISIONS.

(a) SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.—

(1) EXTENSION.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(27)(C)(ii)), as amended by section 2(a) of the Special Immigrant Nonminister Religious Worker Program Act (Public Law 110-391), is amended by striking “September 30, 2009” each place such term appears and inserting “September 30, 2012”.

(2) STUDY AND PLAN.—Not later than the earlier of 90 days after the date of the enactment of this Act or March 30, 2010, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(A) the results of a study conducted under the supervision of the Director to evaluate the Special Immigrant Nonminister Religious Worker Program to identify the risks of fraud and noncompliance by program participants; and

(B) a detailed plan that describes the actions to be taken by the Department of Homeland Security against noncompliant program participants and future noncompliant program participants.

(3) PROGRESS REPORT.—Not later than the earlier of 90 days after the submission of the report under subsection (b) or June 30, 2010, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress made in reducing the number of noncompliant participants of the Special Immigrant Nonminister Religious Worker Program.

(b) CONRAD STATE 30 J-1 VISA WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

(c) RELIEF FOR ORPHANS AND SPOUSES OF UNITED STATES CITIZENS.—

(1) AMENDMENT.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(A) by inserting “or, if married to such citizen for less than 2 years at the time of the citizen's death, an alien who proves by a preponderance of the evidence that the marriage was entered into in good faith and not solely for the purpose of obtaining an immigration benefit” after “for at least 2 years at the time of the citizen's death”; and

(B) by adding at the end the following: “For purposes of this subsection, an alien who was the child or parent of a citizen of the United States on the date of the citizen's death shall be considered to remain an immediate relative after such date if the alien parent files a petition under section 204(a)(1)(A)(ii) not later than 2 years after such date or the alien child files such a petition before reaching 21 years of age.”.

(2) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)) is amended by adding at the end of the following: “An alien parent or child described in the fourth sentence of section 201(b)(2)(A)(i) also may file a petition with the Attorney General under this subparagraph for classification of the alien under such section.”.

(3) SPECIAL RULE FOR ORPHANS AND SPOUSES.—In applying section 201(b)(2)(A)(i) of the Immigration and Nationality Act, as amended by paragraph (1), to an alien whose citizen relative died before the date of the enactment of this Act, the alien relative may file the classification petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after the date of the enactment of this Act.

(4) ELIGIBILITY FOR PAROLE.—If an alien was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act based solely upon the alien's lack of classification as an immediate relative (as defined in section 201(b)(2)(A)(i) of the Immigration and Nationality Act) due to the death of the alien's citizen relative—

(A) such alien shall be eligible for parole into the United States pursuant to the Attorney General's discretionary authority under section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)); and

(B) such alien's application for adjustment of status shall be considered notwithstanding section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(d) ADJUSTMENT OF STATUS.—

(1) SURVIVING SPOUSES, PARENTS, AND CHILDREN.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

“(n) APPLICATION FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES, PARENTS, AND CHILDREN.—

“(1) IN GENERAL.—An alien described in paragraph (2) who applies for adjustment of status before the death of the qualifying relative may have such application adjudicated as if such death had not occurred.

“(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

“(A) is an immediate relative (as described in section 201(b)(2)(A));

“(B) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203); or

“(C) is a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d)).”

(2) REFUGEES.—Section 209(b) of the Immigration and Nationality Act (8 U.S.C. 1259(b)) is amended by adding at the end the following “An alien who is the spouse or child of a refugee (as described in section 207(c)(2)) or an asylee (as described in section 208(b)(3) who applies for adjustment of status before the death of a qualifying relative may have such application adjudicated as if such death had not occurred.”

(3) AFFIDAVIT OF SUPPORT BY JOINT SPONSOR.—Section 212(a)(4)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)(C)(ii)) is amended by inserting “, or if the petitioning relative has died, a joint sponsor (as described in section 213A(f)(2)) has executed an affidavit of support with respect to such alien, in accordance with section 213A” before the period at the end.

(e) TRANSITION PERIOD.—

(1) IN GENERAL.—Notwithstanding a denial of an application for adjustment of status for an alien whose qualifying relative died before the date of the enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee, if such motion is filed not later than 2 years after such date of enactment.

(2) ELIGIBILITY FOR PAROLE.—If an alien described in section 245(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1255(n)(2)) was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act based solely upon the alien's lack of classification as a relative or beneficiary due to the death of the alien's relative—

(A) such alien shall be eligible for parole into the United States pursuant to the Attorney General's discretionary authority under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); and

(B) such alien's application for adjustment of status shall be considered notwithstanding section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(f) PROCESSING OF IMMIGRANT VISAS AND DERIVATIVE PETITIONS.—

(1) IN GENERAL.—Section 204(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended—

(A) by striking “After an investigation” and inserting the following:

“(1) IN GENERAL.—After an investigation”; and

(B) by adding at the end the following:

“(2) DEATH OF QUALIFYING RELATIVE.—

“(A) PENDING PETITIONS.—Any alien described in subparagraph (C) whose qualifying relative died after filing a petition (or, in the case of a refugee or asylee, after filing a relative petition), may have such petition or immigrant visa application adjudicated as if such death had not occurred.

“(B) APPROVED PETITIONS WHERE AN IMMIGRANT VISA HAS BEEN ISSUED.—An immigrant visa or relative petition shall remain valid

notwithstanding the death of the qualifying relative.

“(C) ALIEN DESCRIBED.—An alien described in this subparagraph is an alien who is—

“(i) an immediate relative (as described in section 201(b)(2)(A));

“(ii) a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

“(iii) a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d)); or

“(iv) the spouse or child of a refugee (as described in section 207(c)(2)) or an asylee (as described in section 208(b)(3)).”

(2) APPROVED PETITIONS.—Section 205 of the Immigration and Nationality Act (8 U.S.C. 1155) is amended by adding at the end the following: “The death of a petitioner or primary beneficiary shall not constitute good and sufficient cause to revoke the approval of any petition.”

(3) TRANSITION PERIOD.—

(A) IN GENERAL.—Notwithstanding a denial or revocation of an application for an immigrant visa for an alien whose qualifying relative died before the date of the enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee, if such motion is filed not later than 2 years after such date of enactment.

(B) INAPPLICABILITY OF BARS TO ENTRY.—Notwithstanding section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)), an alien's application for an immigrant visa shall be considered if the alien was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act.

(g) NATURALIZATION.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended by inserting “(or, if the spouse is deceased, the spouse was a citizen of the United States)” after “citizen of the United States”.

(h) REDUCTION OF IMMIGRANT VISA NUMBERS.—For purposes of applying the numerical limitations in sections 201 and 203 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1153), aliens granted adjustment of status or immigrant visas under this section, or the amendments made by this section, shall be subject to the numerical limitations contained in such sections 201 and 203, except that—

(1) the total number of visas made available for aliens whose qualifying relative died more than 10 years before the date of the enactment of this Act shall not exceed 100; and

(2) aliens described in the amendment made by subsection (c)(1)(A) shall be given priority for receiving such visas.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to all petitions or applications described in such amendments that—

(1) are pending as of the date of the enactment of this Act; or

(2) have been denied, but would have been approved if such amendments had been in effect at the time of adjudication of the petition or application.

SA 1429. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, beginning on line 4, strike all through line 14 and insert the following:

SEC. 534. None of the funds made available in this Act or any other Act for U.S. Customs and Border Protection or any other agency may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That the prescription drug may not be—

SA 1430. Mr. SANDERS (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. **FIREFIGHTER ASSISTANCE GRANTS AND RECRUITMENT AND RETENTION GRANTS.**

For an additional amount for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) under the heading “FIREFIGHTER ASSISTANCE GRANTS” under the heading “FEDERAL EMERGENCY AND MANAGEMENT AGENCY” under title III there are appropriated \$100,000,000, of which \$50,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and \$50,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a) : *Provided*, That of the \$50,000,000 made available under this section to carry out section 34 of that Act (15 U.S.C. 2229a), \$20,000,000 shall be available for recruitment and retention grants under that section. The total amount of appropriations under the heading “RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS” under the heading “SCIENCE AND TECHNOLOGY” under title IV of this Act is reduced by \$100,000,000.

SA 1431. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 13, insert “: *Provided*, That of the total amount appropriated under this heading not more than \$55,235,000 may be expended or obligated, unless not later than 180 days after the date of enactment of this Act the Department of Homeland Security implements the recommendations outlined in the Independent Auditor's Report contained within the Department of Homeland Security's Office of Inspector General's report # OIG-09-72, dated May 2009” before the period.

SA 1432. Mr. KYL (for himself and Mr. MCCAIN) proposed an amendment to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 33, line 10, strike “no less” and all that follows through “Montana;” on line 12.

SA 1433. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

PROPER AWARDING OF INCENTIVE FEES FOR
CONTRACT PERFORMANCE

SEC. _____. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SA 1434. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

COMPETITIVE BIDDING

SEC. _____. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant unless the process used to award such grant uses competitive procedures to select the grantee or award recipient.

SA 1435. Mr. PRYOR (for himself, Mr. HATCH, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1373 by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the funds appropriated by this Act may be used by U.S. Customs and Border Protection to prohibit the importation of certain knives with spring-assisted opening mechanisms.

SA 1436. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30,

2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. IMPLEMENTATION OF THE POST-KATRINA EMERGENCY MANAGEMENT REFORM ACT OF 2006.

For an additional amount under the heading "MANAGEMENT AND ADMINISTRATION" under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY" under title III of this Act, there is appropriated \$35,000,000 for implementation of the requirements of the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1395), and the amendments made by that Act. The total amount of appropriations under the heading "DISASTER RELIEF" under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY" under title III of this Act is reduced by \$35,000,000.

SA 1437. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 15, insert "": *Provided further*, That of the total amount appropriated under this heading, \$22,100,000 shall be available to ensure the capability of the United States Secret Service to communicate securely with the White House Communications Agency" before the period.

SA 1438. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall implement a demonstration program that is consistent with the technology acquisition and dissemination plan submitted under section 7201(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3810) to test the feasibility of using existing automated document authentication technology at select immigration benefit offices, and ports of entry to determine the effectiveness of such technology in detecting fraudulent travel documents and reducing the ability of terrorists to enter the United States.

(b) From amounts appropriated under the heading "U.S. CUSTOMS AND BORDER PROTECTION" and under the subheading "SALARIES AND EXPENSES", not more than \$1,000,000 may be expended to carry out the demonstration program described in subsection (a).

(c) Not later than 90 days after the date on which the demonstration program under subsection (a) is completed, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))) a report on the results of the demonstration program.

SA 1439. Mr. NELSON of Florida submitted an amendment intended to be

proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FLORIDA LONG-TERM RECOVERY OFFICE.

None of the funds made available under this Act may be used to close the long-term recovery office of the Federal Emergency Management Agency located in Florida until 60 days after the date on which the Administrator of the Federal Emergency Management Agency—

(1) determines that there are insufficient recovery activities to be performed at the office relating to the hurricanes that affected Florida during 2004 and 2005; and

(2) notifies the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives regarding the closure of the office.

SA 1440. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INVESTIGATIONS INVOLVING FEDERAL ASSISTANCE PROGRAMS AND FINANCIAL INSTITUTIONS.

For an additional amount under the heading "SALARIES AND EXPENSES" under the heading "UNITED STATES SECRET SERVICE" under title II there is appropriated \$10,000,000 for investigations involving Federal assistance programs and financial institutions, including the enforcement of laws relating to mortgage fraud, as authorized under section 3(d) of the Fraud Enforcement Recovery Act of 2009 (Public Law 111-21; 123 Stat. 1620). The total amount of appropriations under the heading "OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT" under title I of this Act is reduced by \$10,000,000.

SA 1441. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 3, insert "": *Provided further*, That none of the funds made available under the preceding proviso may be expended, unless the Administrator of the Federal Emergency Management Agency designates New Jersey Task Force 1 as part of the National Urban Search and Rescue Response System" before the period.

SA 1442. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year

ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ FLOOD MAP AND FLOOD RISK PROJECTS.

(a) FINDINGS.—Congress finds that—

(1) Risk MAP products are very important on many fronts because the products are used by insurance companies, State and local governments, and the Federal Government, to develop improved understandings of flood risk and other hazard information to mitigate loss;

(2) local regions have unique characteristics and flooding issues that are best understood by local companies who have worked on flood maps in the region;

(3) the intimate understanding of a region helps local companies produce a superior product;

(4) small and medium-sized businesses form the backbone of the economy, providing more net new jobs than large companies; and

(5) current unemployment rates combined with a severe economic slowdown make it even more important to foster small and medium-sized businesses.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Federal Emergency Management Agency should ensure that small and medium-sized businesses with local expertise be allowed to continue flood map and flood risk projects within the region small businesses currently hold Indefinite Delivery/Indefinite Quantity contracts.

SA 1443. Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. FIRE GRANTS.

For an additional amount under the heading “FIREFIGHTER ASSISTANCE GRANTS” under the heading “FEDERAL EMERGENCY MANAGEMENT AGENCY” under title III of this Act, there is appropriated \$10,000,000 for grants under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229). The total amount of appropriations under the heading “AVIATION SECURITY” under the heading “TRANSPORTATION SECURITY ADMINISTRATION” under title II of this Act, the amount for screening operations and the amount for explosives detection systems under the first proviso under that heading, and the amount for the purchase and installation of explosives detection systems under the second proviso under that heading are reduced by \$10,000,000.

SA 1444. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the funds appropriated or otherwise made available to the Department of Homeland Security for fiscal year 2010 may be used to enforce Coast Guard or other regulations with respect to fishing guides and other operations of uninspected vessels on Lake Texoma.

SA 1445. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ NONNAVIGABILITY OF LAKE TEXOMA.

For purposes of the jurisdiction of the Coast Guard, Lake Texoma, in the States of Texas and Oklahoma, is declared not to be navigable waters of the United States.

SA 1446. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ (a) EXEMPTION OF FISHING GUIDES AND OTHER OPERATORS OF UNINSPECTED VESSELS ON LAKE TEXOMA FROM COAST GUARD AND OTHER REGULATIONS.—

(1) EXEMPTION OF STATE LICENSEES FROM COAST GUARD REGULATION.—Residents or non-residents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are licensed by the State in which they are operating shall not be subject to any requirement established or administered by the Coast Guard with respect to that operation.

(2) EXEMPTION OF COAST GUARD LICENSEES FROM STATE REGULATION.—Residents or non-residents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are currently licensed by the Coast Guard to conduct such activities shall not be subject to State regulation for as long as the Coast Guard license for such activities remains valid.

(b) STATE REQUIREMENTS NOT AFFECTED.—Except as provided in subsection (a)(2), this section does not affect any requirement under State law or under any license issued under State law.

SEC. ____ Section 70105(b)(2)(B) of title 46, United States Code, is amended by inserting “and serving under the authority of such license, certificate of registry, or merchant mariners document on a vessel for which the owner or operator of such vessel is required to submit a vessel security plan under section 70103(c) of this title” before the semicolon.

SA 1447. Mr. CORNYN (for himself, Mr. PRYOR, Mr. HATCH, Mr. VITTER, Mr. RISCH, Mr. CHAMBLISS, Mr. CORKER, Mr. ENZI, Mr. BARRASSO, Mr. GRAHAM, Mr. ROBERTS, Mr. WYDEN, and Mr. CRAPO)

submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, add the following:

SEC. 556. DEFINITION OF SWITCHBLADE KNIVES.

Section 4 of the Act entitled “An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes” (commonly known as the Federal Switchblade Act) (15 U.S.C. 1244) is amended—

(1) by striking “or” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; or” and

(3) by adding at the end the following:

“(5) a knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 8, 2009 at 2 p.m., to conduct a hearing entitled “The Effects of the Economic Crisis on Community Banks and Credit Unions in Rural Communities.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 8, 2009, in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 8, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Environment and Public

Works be authorized to meet during the session of the Senate on Wednesday, July 8, 2009, at 2:30 p.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, July 8, 2009, at 10 a.m. in room 215 of the Dirksen Senate Office Building to conduct a hearing entitled "Climate Change Legislation: International Trade considerations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 8, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 8, 2009, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 8, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, July 8, 2009, at 10 a.m. in room 562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 8, 2009, at 10 a.m. to conduct a hearing titled "The Federal Protective Service: Time for Reform."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select

Committee on Intelligence be authorized to meet during the session of the Senate on July 8, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND WILDLIFE AND SUBCOMMITTEE ON OVERSIGHT

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife and the Subcommittee on Oversight of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 8, 2009 to hold a joint hearing at 10 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JULY 9, 2009

Mr. KAUFMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, July 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 95 minutes, with Senator DURBIN controlling the first 5 minutes, the Republicans controlling the next 60 minutes, and the majority controlling the final 30 minutes, and with Senators permitted to speak for up to 10 minutes each; further, I ask unanimous consent that following morning business, the Senate resume consideration of H.R. 2892, the Homeland Security Appropriations Act, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KAUFMAN. Mr. President, under the previous order, shortly after 11 a.m., the Senate will proceed to vote in relation to the Kyl amendment No. 1432. Additional rollcall votes are expected to occur throughout the day as we work toward completion of the bill.

Earlier tonight, the majority leader filed cloture on the Homeland Security appropriations bill and the substitute amendment. As a result, rule XXII requires that all germane first-degree amendments be filed at the desk prior to 1 p.m. tomorrow. The majority leader hopes that cloture will not be necessary and that we will be able to complete action on the bill tomorrow evening.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. KAUFMAN. Mr. President, if there is no further business to come be-

fore the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Thursday, July 9, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

IRENE CORNELIA BERGER, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA, VICE DAVID A. FABER, RETIRED.

ROBERTO A. LANGE, OF SOUTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA, VICE CHARLES B. KORNMAN, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK GORENC

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. GARY L. NORTH

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT P. LENNOX

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KENNETH W. HUNZEKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LLOYD J. AUSTIN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PURL K. KEEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN E. STERLING, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12211:

To be brigadier general

COL. CHARLOTTE L. MILLER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12211:

To be major general

BRIG. GEN. JOSEPH B. DIBARTOLOMEO

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIE J. WILLIAMS

HOUSE OF REPRESENTATIVES—Wednesday, July 8, 2009

The House met at 10 a.m. and was called to order by the Speaker.

Rev. Alberto Delgado, Alpha and Omega Church, Miami, Florida, offered the following prayer:

Father, we worship Your holy name. In the Bible You command the church to always pray and give thanks for those who are in authority.

The United States and the whole world are now experiencing difficult times; because of it, confusion and fear reign in the hearts of many.

Father, we have total confidence that You will stretch forth Your hand upon America. This great country of ours will defeat the present crisis, will enter a new level of prosperity, and will continue to be the example and the strength of the free world.

Father, right now I decree a blessing upon the Congress of the United States. I pray that Your Holy Spirit may fall upon each man and each woman present, that they may be illuminated with Godly wisdom as they enter legislation. May Your blessings be also upon their personal lives and their families.

In Jesus' name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. FOXX. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from the Virgin Islands (Mrs. CHRISTENSEN) come forward and lead the House in the Pledge of Allegiance.

Mrs. CHRISTENSEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REV. ALBERTO M. DELGADO

The SPEAKER. Without objection, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 minute.

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, it is my distinct pleasure and privilege to be able to welcome Pastor Alberto Delgado to the House of Representatives. Pastor Delgado and his wife, Mariam, also a wonderful religious leader, are pillars of strength, faith, and good works in south Florida.

Their church, Alpha and Omega Church with more than 5,000 members, is a sanctuary which opens its doors to over 2,000 worshipers per service, with services in both English and Spanish. It is a place of miracles, where, as Pastor Delgado always reminds the faithful, everything is possible with faith and where the family and the word of God are revered.

The ministries of Alpha and Omega Church have already spread to other States in this great and generous land, and to other countries as well, including Cuba, Guatemala, Argentina, Mexico, Nicaragua, and Belize. And the work of Pastor Delgado never stops.

Welcome to the United States Congress, Alberto and Mariam. It is an honor to have you here. Thank you for all that you do.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PAS-
TOR of Arizona). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

HEALTH CARE REFORM

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, we in this body will deliver a health care reform package and fulfill our and the President's promise to America. That makes this a special time to be in the Congress, and it is a great privilege to be a member of one of the main committees that has responsibility for this product.

Although there is still a need to improve on some measurements, because of the public plan and exchange, the improvements in Medicare, Medicaid and SCHIP, the mandates for coverage, a robust benefits package, accountability care organizations and medical homes, and the provisions already included to reduce health disparities, our Nation will be a fairer and more just country and we will not only save money, but we will be a more productive and competitive nation as well.

We must not let the cost today stand in the way of our destined and future greatness. A significant investment in health care will reap savings in the not-too-distant future. Let's make sure that quality, comprehensive, and culturally and linguistically appropriate health care is available and accessible to every person living in this country, in the 50 States, the District of Columbia, and all of the offshore areas or territories. Let's make sure that universal health care is universal health care.

REPUBLICANS ADVOCATE QUALITY HEALTH CARE REFORM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, House Republicans are offering positive solutions to our Nation's health care system. We are standing up for individual choice, preserving the all-important doctor-patient relationship, and giving families more resources and more of their own money to afford quality health care.

Our Democrat colleagues have abandoned any sense of bipartisan cooperation. That is why their health care proposals currently amount to a \$1 trillion big government takeover. Republicans are proposing tax relief for families and small businesses who are struggling to afford health care. We want to empower States and small businesses to band together for affordable insurance options. Rather than copy a failed central planning big government system, we are committed to weeding out waste, fraud and abuse.

Republicans are hard at work developing a set of patient-first health care reforms. We encourage our Democrat colleagues to join us in defending patient choice and quality care against the rationed care of a big government health care takeover.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

COST CONTAINMENT FOR HEALTH CARE REFORM

□ 1015

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, in our health care reform, our aspiration ought to be to give Americans the health care that people get at the Mayo Clinic, and nothing less. We can do this even though this sounds like a high bar because at the Mayo Clinic they provide cost-effective health care. Medicare spends about \$6,700 a year in Rochester, Minnesota. In other places in the country, it is over twice that. In one town in Texas, it is \$14,000 a year.

We need in our health care plan to provide quality medical care, choice of medical care, and cost-effective medical care. That's why in our bill we are going to need to insist on measures of peer profiling for physicians, critical protocols to make sure that quality happens, and rewards for physicians for high quality. When we do this, patients will have the same quality as the Mayo Clinic and the same cost as the Mayo Clinic to the American taxpayer. That is a good deal. We have to make sure that cost containment is part of our health care plan.

HONORING PRIVATE FIRST CLASS PETER CROSS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Private First Class Peter Kyle Cross wanted to be a missionary, but he decided he needed to mature a little bit first, so he joined the United States Army in August, 2008. He was born in Texas, but he and his family later moved to New York.

Private First Class Cross was deployed to Afghanistan in February with the 10th Mountain Division of New York. Private First Class Cross and his unit were out on patrol, and he went to get supplies for his fellow soldiers. Returning to platoon, driving on a narrow mountain pass, he saw a group of Afghan children herding sheep on the road. Peter swerved his Humvee to avoid hitting the kids and went off the side of the mountain. Peter Cross was 20 years of age.

This young American soldier's first instinct was to sacrifice his life for a group of children he did not know in a land far from home. Peter's father said of his son's sacrifice: "His last act in life showed what kind of man he was, selflessly thinking of others."

Last week, the governor of New York ordered all flags flown at half staff in honor of this Texan and New Yorker, Peter Cross. Amazing breed these young bucks of the United States Army.

And that's just the way it is.

PRIMARY CARE

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. I rise today to address the importance of primary care and comprehensive health care reform. As we move towards creating a uniquely American solution in which all Americans have access to affordable, meaningful, stable health coverage, we must remember that insurance alone means little if patients do not have adequate access to health care providers and services.

Primary care providers are on the front line of the health care system treating acute and chronic problems, preventing diseases, and keeping costly conditions from worsening. And yet, despite this essential role, it is primary care where we face the most acute provider shortages.

Fewer and fewer medical students are choosing primary care. Since 1998, the percentage of internal medicine residents declined from 50 percent to 20 percent. By 2025, America will have a shortage of 46,000 primary care providers.

I have introduced the Preserving Patient Access to Primary Care Act. My proposal takes a comprehensive approach to addressing this problem, bolstering our primary care workforce and improving primary care services, providing scholarships and loan repayments, increasing payments for doctors, and eliminating copayments for Medicare beneficiaries seeking preventive care.

I encourage all these provisions to be included in health care reform.

NO SECOND STIMULUS

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, I join the majority of Americans who found themselves in utter disbelief yesterday when they heard the majority leader say that this Congress might need to consider a second stimulus package. After the first stimulus package has proved to be a failure in stabilizing the economy and mitigating unemployment, the best solution the liberal leadership in the House can propose is to continue on this reckless spending spree.

At present, we are spending \$100 million a day on interest on the first stimulus, and yet unemployment has now reached 9.5 percent. This first stimulus has proved to be nothing more than a tool to fund a broad-sweeping social agenda that has been on the shelf for years. The Vice President said we misread the economy. Well, Mr. BIDEN, not one Republican in this House misread it because none of us voted for it.

If we really want to stimulate the economy, we should immediately cut marginal tax rates for all and provide emergency tax relief to the very entities that employ 70 percent of those employed—small businesses.

The American people have had enough of the tax-and-spend mentality of Congress.

HEALTH CARE REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Every week my office in San Bernardino, California, receives phone calls from constituents seeking assistance for their health care needs.

The cost of health care is flying through the roof. American families are struggling to pay premiums that are going up three times faster than the wages. The health care system is broken. This is not just disturbing, this is inhumane and un-American when you're being denied health care or can't get the health care coverage you need.

In my district, local small businesses are faced with choosing between offering health care coverage to employees or closing their doors. I met with local health care leaders in my district. Among other problems, we are seeing sharp increases in emergency room use. If we don't have the health coverage, then we, the taxpayers, will end up picking up the cost.

Rising unemployment rates lead to higher numbers of uninsured and sharp declines of normal doctor visits. No one should be denied; they should be able to have access to health care.

Health care reform will not be an easy task. We must act on behalf of the American families that we represent. I urge my colleagues to give American families peace of mind again by working towards a true health care reform.

KENNY CALLAHAN ACT

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to discuss H.R. 2881, the Kenny Callahan Act, a bill I recently introduced.

Kenny Callahan was a friend and a cameraman in a local TV station in east Alabama. Recently, he was diagnosed with pancreatic cancer in December of 2008 and died less than 2 months later.

Kenny worked two jobs to support his family, but when he got sick, he couldn't work any longer. Given only a short time to live, he could not outlive the waiting period required to receive Social Security and Medicare benefits. This bill, named for Kenny, would eliminate the waiting period for Social

Security and Medicare benefits for folks diagnosed with terminal illness.

This legislation is about starting a compassionate conversation to help these people and their families. It's about a moral obligation to help those most vulnerable in our communities.

If ending the disability waiting periods for everyone is not included in the health care reform package, at a minimum, it should be eliminated for the terminally ill.

I ask my colleagues to support this bill.

ENERGY WRAP-UP

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Mr. Speaker, last week, the House took an extraordinary first step by creating jobs in the form of unleashing a new generation of energy technology built right here in America.

Whether we agree on any other issue, each of us is committed to keeping this country safe, and the American Clean Energy and Security Act is essential to our national security.

The bill that passed the House marks a critical first step to creating clean energy incentives that will spur the development of new technologies, create jobs, and fuel our economic national recovery.

While I was home last week in south Florida, I had the chance to meet with Yann Brandt and his colleagues at Advanced Green Technologies. As a solar panel designer and distributor, AGT is on the cutting edge of alternative energy technologies and is creating jobs as we speak. That's exactly the kind of innovative local business this legislation will support.

I am confident that Florida can be a national leader, as well as the rest of the country, on clean energy technology. This bill gives our business leaders the tools they need to create jobs and compete in the next great American industry.

LET THE AMERICAN PEOPLE CHOOSE THEIR HEALTH CARE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, as the American people struggle to make ends meet, too many also live with the challenge of affording basic health care for themselves and their families.

Republicans want to make high-quality health care coverage affordable and accessible for every American and let those who like their current health care coverage keep it. Republicans support health care reform that puts patients and their health first and protects the important doctor-patient relationship.

Democrats are pushing for a government takeover of health care that would have devastating consequences for families and small businesses. A government takeover of health care will raise taxes, ration care, and let government bureaucrats make decisions that should be made by families and their doctors.

Republicans want to empower doctors and patients by making health care more affordable, more accessible, and more accountable. The American people deserve the peace of mind that comes with knowing they have the health care their families need when they need it.

We cannot allow politicians and special interests to stand between patients and the care they need. The American people deserve the freedom to choose the health care that is best for them and their families.

GEOGRAPHIC DISPARITIES

(Mr. WALZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ. Mr. Speaker, the American people know very clearly that health care reform must happen, and it must happen now. They also know that it must transcend politics. This isn't a Republican or a Democratic issue. They know that crippling costs are hurting our families, hurting our businesses, and hurting our Nation. By the end of today, and the close of business in this House, 14,000 of our fellow citizens will lose their health care coverage.

Reforming health care must have at its base reforming how we do Medicare formulas. My home district is home to the Mayo Clinic. As you heard my colleague speak earlier, providing high-quality care at a low price is the hallmark of the Mayo Clinic. But because of the way Medicare payments are now figured today, the Mayo Clinic and others who provide high-quality care at low cost are penalized. We can change the mix in the index by making sure Medicare physician fee formulas measure quality.

I urge my colleagues, Republican and Democrats, to make this the hallmark. Make the Mayo model the model for this country, and we will get high-quality, low-cost care that will strengthen our Nation.

HEALTH CARE

(Mr. REICHERT asked and was given permission to address the House for 1 minute.)

Mr. REICHERT. Mr. Speaker, just days after the 4th of July events that celebrate our freedom, it's ironic that Congress will begin consideration of a health care proposal that threatens the freedom to choose and keep the health care we want and we need.

Health care is not about bureaucrat systems. It's about people. It's about patients. It's about life and death. Quality health care is the foundation for our children to grow and prosper and for our seniors to enjoy comfortable retirements.

We can all agree that our health care system must be transformed, but a \$1.6 trillion proposal that puts government bureaucrats between doctors and patients, raises health care costs for families, taxes our health care plans, and reduces choices is not the answer to ensure that our health care system remains focused on people.

HONORING TOM WILLS

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, I rise this morning to mark the retirement of a man who has been a true institution of my hometown over the last 40 years.

In an era where loyalty is fleeting and in an industry that is constantly changing, the people of Louisville are grateful that Tom Wills dedicated his career to serving our community.

It was 1969 when Tom came to Louisville to work as WAVE 3 TV's meteorologist. In the decades since, Tom has been there for Louisvillians through it all. Whether it was the 1974 tornado, the snowstorm of 1994, or the ice storm this past winter, Tom's reassuring voice has been a fixture on televisions throughout Louisville.

We in Louisville are grateful to have had Tom walk us through every sunny day and every rainy night. After four decades, I am proud to join all of Louisville in thanking him for his service and wishing him the best as he moves on to a well-deserved retirement.

AN ECONOMIC LIFE-SAVER

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, the U.S. economy shed 467,000 jobs in June, yet the economic climate would have been worse without the economic recovery legislation we passed in February. One leading independent economist reported last week that our stimulus measures prevented the loss of some 500,000 jobs in the last 3 months alone.

Many State and local governments, retailers, and service-providing employers have been able to save thousands of jobs that otherwise would have vanished without money provided in the stimulus package to communities and consumers. As a result of our action, the legislation's broad approach will leave the unemployment rate 2 percentage points lower by the end of next year. The stimulus impact has and continues to be an economic

lifesaver for families all across this country.

CZARS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. You know, we have all heard about czarist Russia. Over a 300-year period of time, Russia had 18 czars. Now, America has had czars, too—Ronald Reagan had one, George Bush had one, Bill Clinton had three, George W. Bush had four. This Presidency has 27—and maybe even as high as 33, nobody even knows—czars for all kinds of things like compensation, regulatory reform, terrorism, Guantanamo Bay, automobiles.

And who are these people? Well, we don't know, because even though the Constitution calls for the U.S. Senate to approve powerful people in powerful positions—and, indeed, they vote on hundreds of appointees—the czars go around this process. Now, they get paid \$172,000 each and they all have staffs. We are spending millions of dollars on people who have not been vetted by the U.S. Senate. We do not know who they are or what they are doing.

Why won't the President use transparency and have these people come before the Senate and talk to them? Why are they so smart, and why do you have to have duplication of already existing Cabinet jobs?

□ 1030

VIETNAM'S CONTINUING DISREGARD FOR CIVIL, POLITICAL, AND RELIGIOUS LIBERTIES

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today extremely frustrated and concerned over the continued arrest of pro-democracy dissidents inside Vietnam.

The Government of Vietnam continues to persecute journalists, bloggers, and other individuals who simply speak out against human rights abuses in the country of Vietnam. Yesterday I learned that Mr. Nguyen Tien Trung, another young and prominent dissident, was arrested by the Government of Vietnam. Mr. Trung is the leader of the Movement Democratic Youth, a group that mobilizes young people to demand change in the political regime in Vietnam. The recent arrests of lawyer Le Cong Dinh and Nguyen Tien further demonstrate Vietnam's continuing disregard for basic civil, political, and religious liberties.

I urge my colleagues to speak out on behalf of these brave men and women who are now imprisoned in Vietnam. Please join me in urging the Depart-

ment of State to place Vietnam back on the Countries of Particular Concern list.

APPROPRIATION BILLS UNDER CLOSED RULES: BAD PROCESS LEADS TO BAD POLICY

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, I rise today in protest of the way we're handling appropriation bills this year.

Traditionally, appropriation bills have come to the floor under an open rule, allowing Members to offer as many amendments as they would like as long as they give notice of such amendments. Now we have this year a process of closed rules, where appropriation bills are brought to the floor under structured rules. Members are limited in the number of amendments they can bring forward. And we're told that we need to do this because Members will offer so many amendments that it will slow the process down.

But when you have bills come to the floor with literally in some cases more than a thousand earmarks that have not been vetted by anybody, and obviously the Appropriations Committee is not vetting these earmarks, then we should have a process where people on the floor can at least see what's in these bills. We're not allowed to do that. We are bringing a bill to the floor today with just a few amendments that will be allowed to be offered.

Mr. Speaker, we cannot continue to do this. We are told that people don't care about process. Perhaps they don't. But bad process leads to bad policy.

COMMUNITY HEALTH CENTERS

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CASTOR of Florida. Mr. Speaker, I rise today to inform the House that the economic recovery plan is working in my district.

Yesterday, I was at the Johnny Ruth Clark Community Health Center in South St. Petersburg, Florida, where we made the announcement that \$1 million will go to expand that community health center. That community health center is the lifeline for that community, for the neighbors and businesses in that community. It's going to allow them to build new patient exam rooms. This \$1 million grant comes on the heels of a half million dollar grant that will allow them to hire new doctors, nurses, and medical professionals, very important because our community health centers are the places where folks receive quality, affordable health care.

Fortunately, in our health care reform bill, we are going to make an ad-

ditional investment in our community health centers. They are the lifelines to our communities. This is one of the only ways we're going to make quality health care affordable and convenient for families and small businesses throughout our neighborhoods.

HONORING PRIVATE FIRST CLASS STEVEN DREES

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Mr. Speaker, it is with a deep sense of sadness that I express my sincere condolences to the family, friends, and community of Peshtigo, Wisconsin's native son Steven Drees, who was killed in action in Afghanistan on June 28 while serving his country in Operation Enduring Freedom.

Private First Class Drees' enlistment began on July 25, 2008. He was assigned to D Company, 2nd Battalion, 12th Infantry Regiment, 4th Infantry Division out of Fort Carson, Colorado. Frequently decorated, he counted among his awards three Bronze Stars and a Purple Heart.

When any soldier falls, we mourn collectively and we pray as one people. And when we lose one of our very youngest soldiers so close to home, we are especially aggrieved.

Nothing can replace what Steve's family has lost, but if it's any consolation, let it be remembered that Private First Class Steven Drees remained dutiful and brave at all times and that he was a loyal United States soldier. That such a young man could serve so selflessly is a tribute to the nobility and fortitude of the people of Peshtigo, the people of Wisconsin, and the citizens of these United States.

Steven will never be forgotten.

HEALTH CARE REFORM

(Mr. WU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WU. Mr. Speaker, a few years ago on a Mother's Day Sunday, my daughter got a cut on her face and was bleeding. So I took her to the emergency room. She got a Band-Aid and some antiseptic cream. It was a \$350 bill.

A couple years later, I took my son to Central Oregon with me on a conference. He jumped from the bed to the fireplace in the hotel, missed his landing, split his lip. I took him to the emergency room. He got three stitches. He got good treatment. The bill was for \$850.

Why do three stitches cost \$850 or a Band-Aid \$350?

Those 49 million uninsured people in America, we are already paying for their health care; but it's through the dumbest way that we can, through expensive products for some of us, even

though I have insurance. And what we do need now is change in our health care system so that we cover those uninsured because it's not only the right thing to do; it is the smart thing to do so that we don't have \$350 bandages and \$850 stitches.

PROVIDING FOR CONSIDERATION OF H.R. 2965, ENHANCING SMALL BUSINESS RESEARCH AND INNOVATION ACT OF 2009

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 610 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 610

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Science and Technology now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The proponent of any such amendment may modify its amendatory instructions before the question is put thereon. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have

been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Small Business or her designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. During consideration of H.R. 2965, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina, Dr. Foxx. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. POLIS. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 610.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 610 provides for consideration of H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009, under a structured rule. The rule provides for 1 hour of general debate with 40 minutes controlled by the Committee on Small Business and 20 minutes controlled by the Committee on Science and Technology. The rule makes in order five amendments printed in the Rules Committee report. The amendments are debatable for 10 minutes each, except for the manager's amendment, which is debatable for 30 minutes. The rule provides one motion to recommit, with or without instructions.

Mr. Speaker, I rise in support of House Resolution 610 and the underlying bill, H.R. 2965, the Enhancing Small Business Research and Innovation Act, which reauthorizes the Small Businesses Innovation Research Program and the Small Business Technology Transfer Program.

Programs such as these, programs that successfully create high-wage jobs and ensure our Nation's technological competitive advantage in wide areas from software to defense to medicine, are vital, particularly in light of our economic climate.

On behalf of my constituents in Colorado whose businesses have prospered as a result of this program, I thank my friend from Pennsylvania (Mr. ALTMIRE) for crafting this legislation. I also thank Chairwoman VELÁZQUEZ and Chairman GORDON and their staffs for

their hard work and efforts to bring this bill in a timely fashion before us on the floor of the House of Representatives. With the Small Business Innovation and Research Program extension set to expire at the end of this month, these committees have carefully debated this legislation and with deliberate speed have brought us a bill that is an improvement over existing programs and is deserving of swift passage by this body.

Since its inception in 1982, the SBIR has made awards to more than 94,000 projects totaling over \$20.7 billion of funding for small businesses. The SBIR program was conceived to help small innovative businesses access Federal research and development funding that creates jobs and allows Federal agencies to benefit from the ingenuity of private industry. SBIR's companion, the Small Business Technology Transfer Program, which began in 1992, goes further by incorporating nonprofit research institutes. This public-private partnership program is a success story that's not only created jobs but has also yielded dividends for the Federal agencies that sponsor the program. Americans can be proud that Federal resources have been leveraged to create innovations that have benefited 11 Federal agencies that have SBIR programs, including the National Institutes of Health, the Department of Energy, and the Department of Defense. The research and development of new technologies and processes that is completed by private companies have created efficiency in the Departments that sponsor SBIR while freeing the resources and staffs for projects that are essential to the agency's mission, making our Nation safer and our citizens healthier.

Mr. Speaker, the success of this program is clear. One need only look to the patents that have resulted from SBIR awards or the 1.5 million Americans employed by SBIR program participant companies to get a sense of the real value of this program.

□ 1045

Less tangible but equally important are the other benefits of this program. Across the country, communities have enjoyed the economic impact of investment in small business. The projects of SBIR participants have resulted in not only high-wage, direct research employment but also have generated manufacturing jobs right here in this country and a host of support industry jobs.

In my State of Colorado, the synergy of Federal labs, small business, and academia has driven economic growth in good times and in bad, and acted as a stabilizing effect in the hard times. In my district, as a result of SBIR participation, Boulder-based Tech-X Corporation has created 58 high-paying jobs that earn \$453,000 from sales and licensing of advanced software that's

used in private industry as well as NASA, the Department of Energy, and the Department of Defense.

The legislation before us reauthorizes the program that allows small businesses to make big plans and helps them succeed. I remind my colleagues that in the midst of a recession, we have an obligation to our small businesses to provide as much security as possible, and that reauthorizing this program through 2011 provides security for long-range planning while giving Congress the opportunity to adjust any deficiencies in the program. This flexibility is important when considering the fast pace of change in the high-tech industry.

With H.R. 2965, we don't just reauthorize the SBIR program, we also modernize and improve the program. We increase funding levels for phase I and phase II awards to a level that's consistent with modern financial realities. We clarify the language regarding which companies can participate so that no worthwhile innovation is left behind. And we streamline the SBIR and STTR so that the two programs operate more efficiently, meet clear performance standards, and put taxpayer dollars to the best possible use.

We also put a greater emphasis on bringing products to market and broaden the pool of businesses that participate with outreach to rural and underserved communities. Finally, and importantly, we increase the outreach to our Nation's veterans, ensuring that those who have served our country have every opportunity to reenter the business world and succeed financially when they get home.

Mr. Speaker, today we have a great opportunity to reauthorize a program that the Government Accountability Office has said clearly is doing what Congress asked it to do in achieving commercial sales and developmental funding for the private sector.

I ask my colleagues to join me in supporting this bill and the underlying legislation.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague from Colorado for yielding time. However, I must rise in opposition to this closed rule for H.R. 2965, Enhancing Small Business Research and Innovation Act. While there may be many merits to the underlying bill, this would have been a perfect opportunity for the majority to have opened up this process and allow the House to work its will.

This is a relatively noncontroversial bill which might not even have needed to be considered under a rule except for the opportunity for some of our Democratic colleagues to get some amendments passed. We are in a very busy time with the appropriations process and the schedule very, very full this week, and had we done this, again,

under an open rule, I think the process could have gone very, very quickly.

However, the majority has continued its process of shutting out not only the minority, but many of their colleagues by not allowing their amendments to be made in order. So we will oppose this rule on that basis.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. One minor correction, to the gentlelady from North Carolina. The rule is a structured rule as opposed to a closed rule. I know that my colleague on the Rules Committee is aware of the difference as well.

Specifically, this rule calls for five amendments to be in order, including three Republican amendments and two Democratic amendments. I think it's a very fair rule. There were 34 amendments that were submitted to the Rules Committee. Thirteen of those were withdrawn by the sponsors, and two were nongermane.

With that, I would like to yield 2 minutes to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW. I thank the gentleman for yielding. Mr. Speaker, I rise in support of H.R. 2965, the Enhancing Small Business Research and Innovation Act, because I believe this bill is vital to modernizing Small Business Innovation Research and Technology Transfer programs.

I'm also pleased that this bill includes a proposal I sponsored last year that will establish a grant program for minority colleges and universities to partner with nonprofits. Working together, nonprofits and minority colleges and universities will develop relationships with industries and small businesses that will expand minority-owned small business opportunities.

Small businesses are the engine that drives the American economy, and this act will help grow small businesses where both the need—and the opportunity—are the greatest. I believe this bill is critical to sustain job growth, and exactly the kind of legislation that our Nation needs right now, and I urge my colleagues to support the rule and vote for it.

Ms. FOXX. I now yield 4 minutes to my colleague, the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentlelady for yielding. I rise in opposition to this rule. I submitted a very noncontroversial amendment to the Rules Committee that would have prevented congressional earmarking to any of the funds appropriated to the Federal agencies while carrying out these programs.

My amendment was germane. It would have been in order, had they simply ruled it in order. This same amendment has been added several times both by voice vote and by roll call vote to several other pieces of legislation. So there's no controversy here. But I have to wonder why they

wouldn't allow this amendment. And let me just speculate for a minute.

Under this program, which continues to grow, according to CRS, the SBIR awarded \$45 million for nearly 700 projects in 1983—the year it was established. By the time we reached fiscal year 2006, more than \$1.8 billion was awarded to almost 6,000 projects.

Now these are projects that are awarded by the SBA based on merit, for the most part, I guess. That's the way the program is set up, as it should be if you're going to have a program like this. I can't pretend to be a fan of this program, but if you are, you allow the projects to be distributed—the money for projects, based on merit.

The problem is, as we have discovered here in Congress, one way to ingratiate yourselves to your constituents and to win reelection is to earmark those kind of funds for projects in your home district and to circumvent the process of merit that should go on with the Federal agencies. That's what we have done in program after program after program after program.

We were told, for example, when we had the Homeland Security Department established, and we started appropriating money to it, We will never earmark these funds. Don't worry, we're not going to earmark it. Well, guess what? We're already earmarking. The last bill that came to the floor, the Homeland Security Bill, had hundreds of earmarks in it.

For example, there's a program called the pre-disaster mitigation program. It's supposed to be for Homeland Security to award grants to help communities prepare for disasters.

Well, guess what? Already a quarter of those funds are lopped off the top, earmarked, mostly by appropriators and powerful committee chairs, to their districts. In fact, I think the last figures were 70 percent of the money that was earmarked was earmarked by fewer than 25 percent of this body. So it's a spoils system.

Now this, when you're awarding money to 6,000 projects, this is simply irresistible to Members of Congress who seek to earmark. Mark my words, if we don't put protections in here, these funds are going to be earmarked.

And so the failure to allow the amendment to stipulate that none of these funds should be earmarked should be taken as notice that we're going to start earmarking these funds. And that is unfortunate.

It's part of a pattern, though, that we've seen this year. We are actually bringing appropriation bills to the floor under rules, under a structured or closed rule, where very few amendments are allowed to even be offered.

We will be considering the agriculture bill. There are hundreds and hundreds and hundreds of earmarks in that bill. We will have amendments to

strike maybe a half dozen. That's not transparency and accountability. What good is transparency if you can't actually challenge a number of these earmarks?

The real purpose of all this narrowing down the number of amendments that can be offered, believe me, is that we will be appropriating for the Department of Defense later this month. There will be more than a thousand—

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield an additional 1 minute.

Mr. FLAKE. There will be well over a thousand, if history proves correct here, over a thousand earmarks in the Defense bill, most of which will be earmarks to private companies, most of which will be in proximity to campaign contributions that will be returned—the circular fundraising that has become a fixture over the past couple of years under Republicans and Democrats in this House.

The purpose of narrowing the amendments that can be offered is so we won't have to face those kind of questions on the House floor. Is this money being appropriated for this company? Is this company or their executives contributing back to the Member who secured the earmark?

People don't want those questions being asked on this floor. That's why you're seeing amendments that won't be allowed in order here. That's what this is about. And it's a shame. We should do better than that. We owe this institution better than that.

With that, I urge opposition to the rule.

Mr. POLIS. The bill before us today has no earmarks. To elaborate upon the processes for awarding funds, I'd like to yield 3 minutes to the chairman of the Subcommittee on Technology and Innovation, the gentleman from Oregon (Mr. WU).

Mr. WU. I thank the gentleman. I want to correct the impression that my friend and colleague from Arizona left. I respect him for his consistency in pursuing certain topics, but I believe that on this particular topic he has completely missed the mark.

Federal research dollars in this program are allocated on a merit, peer-reviewed process. That applies to the 97.5 percent of the moneys that are allocated for research. The products, the fruits of that research are sometimes commercializable, and that's why there's a 2.5 percent set-aside for the SBIR program.

Now, that 2.5 percent, which is what we're talking about here today, that 2.5 percent is given out by each of the agencies that sponsor that research on a merit-based process that is not subject to congressional influence of any kind whatsoever. It is done by the agencies by peers who are professionals in the field.

And any impression that my friend and colleague from Arizona has left that there is congressional influence in earmarking is completely wrong. He should take his battles about earmarks to an appropriate field, and not this one, where both the 97.5 percent of the research dollars that are granted as a peer-review process is awarded on merit, and the 2.5 percent of those research dollars that are awarded under this SBIR program is also awarded by peers in the field based on merit.

This has nothing to do with any congressional earmarking process, and any allegation to the contrary just completely misses the mark.

Mr. FLAKE. Will the gentleman yield?

Ms. FOXX. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentlelady for yielding. I thank the gentleman from Oregon for clarifying that. All my amendment would do is say that this program should continue to be based on merit rather than be subject to congressional earmarking.

I appreciate what the gentleman has said. Unfortunately, we have seen program after program after program that started off as a merit-based program all of a sudden be earmarked later. All this amendment would have done is what we have done in many other bills by voice vote and roll call, to simply stipulate that in future, or for the life of this authorization, those moneys that are meant for merit-based programs are not earmarked by Congress.

And so I thank the gentleman for clearing that up. I just wish we would have made this in order. The fact that we didn't worries me because this becomes irresistible to Republicans and Democrats alike to start earmarking these funds.

Mr. POLIS. With the Nation facing a historically tight credit market, H.R. 2965 makes it easier for small businesses that participate in SBIR to find capital and lets the business owners—not Washington bureaucrats—decide how to raise that capital.

The commonsense improvements to the SBIR program, clarifying its mission and which businesses qualify, will make an already successful program run more efficiently and yield better results for taxpayers and for American businesses.

The new focus on bringing products to market will help create even more job growth in manufacturing as well as support industries. America can be competitive and will continue to be competitive in manufacturing jobs in the high-tech sector. As technology improves at a lightning pace, the investments we make today in high-tech companies will ensure our Nation's technological advantage for many years to come.

□ 1100

The success of these companies brings new technology, efficiency and economic activity to Federal agencies and private industry alike. But more importantly, these successes will spark interest in science and technology in our youth. The advances we make now need a steady pipeline of new lines to keep us on track. We can leave no better legacy to the next generation of Americans than our example of intellectual prowess. Our colleagues on the Small Business Committee and the Science and Technology Committee understand the importance of taking action now for a stronger economic future. It is for this reason that both committees voted unanimously to bring this legislation to the floor of the House of Representatives.

Mr. Speaker, let us follow the example of our colleagues by putting partisanship aside and reauthorizing this program which has been so beneficial for our constituents. Let us show the American people that this is what we can accomplish when Democrats and Republicans work together for the common good.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I rise in opposition to the rule. There were several germane amendments submitted—including amendments by Congressmen MARKEY and GINGREY—that would have corrected a fatal flaw in this legislation. The bill sets the precedent to redefine what it means to be a small business by allowing large business interests to take advantage of a small business program.

I am not disparaging the venture capital industry. It's extremely important. It plays a great part and a vital role in our economy because venture capitalists fill a vacuum that banks simply cannot touch. Banks generally do not lend money for long-range research projects that are based on little collateral. However, because venture capitalists generally do not get involved in first-stage seed investment—the equivalent of Phase I funding in the SBIR program—efforts to dramatically expand the SBIR program to VC-owned firms will come at the expense of the truly small independent inventor looking for the first phase of feasibility funding.

According to the latest data from the Small Business Administration, venture capitalists funded only 237 startup or seed investment deals for \$894 million in the entire United States in 2005. In contrast, the SBIR program funded 6,010 startup or seed investment deals for \$1.86 billion in 2005. In addition, the venture capitalist seed deals were primarily concentrated in just five States—California, Maryland, Massachusetts, Pennsylvania and New

York—but SBIR awards were more dispersed geographically throughout every State in America.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman from Illinois 1 additional minute.

Mr. MANZULLO. That's the problem, Mr. Speaker, because the bill comes up as a small business bill, but the language has been changed to allow these large venture capitalist firms to displace funding which was designated for small businesses for years. I chaired the Small Business Committee for 6 years; and year after year this issue came up as to what size company should be involved in getting this type of grant. It just does not make sense to now expand the definition of small business to include many of these venture capital firms; and that's why without the protections of the Markey amendment or the Gingrey amendment, funding designed for small businesses simply will go away. So I would urge the House to oppose the rule and to vote against the bill.

Mr. POLIS. I yield myself such time as I may consume.

To address the points made by my colleague Mr. MANZULLO of Illinois, previous to this change, we effectively require that recipient companies take government money in Phase I in order to be eligible for Phase II. By making this change, we're saying, You know what, you don't need to rely on the government. You can raise private capital to make yourself eligible for Phase II. And we can actually have more funding available for Phase II by reducing the need for Phase I money by using private capital sources rather than government capital, rather than the taxpayer money that would otherwise go into it.

We also have protections to ensure that a majority of the company is owned by those inventors and entrepreneurs who start the company. Venture capital investment is typically 20, 30, 40 percent of the company. Under this bill, we also stipulate that it can't be a majority of the company.

Mr. MANZULLO. Will the gentleman yield?

Mr. POLIS. I yield to the gentleman from Illinois.

Mr. MANZULLO. The bill clearly shows that a VC couldn't own a majority of a company that gets an SBIR grant, but the majority of the stakeholders in the majority-owned company have to be individuals. It still allows the big VC companies to come in and displace the money that otherwise would go to small businesses. Venture capitalists do tremendous work; but certainly not in this situation, where the money gets diverted from the big companies to the little guys.

Mr. POLIS. Reclaiming my time, why should companies be forced to accept government grants when there's

private capital out there that would be willing to save taxpayer money, invest in those companies, bring that technology to the next stage and preserve that taxpayer money to be able to invest in the commercialization of those products and technologies?

With that, I would like to yield 2 minutes to the gentleman from Oregon (Mr. WU), the chairman of the Subcommittee on Technology and Innovation.

Mr. WU. I thank the gentleman.

I want to address the points raised by Mr. MANZULLO, which I also believe to be erroneous. First, the history of this program has been that from 1982 until 2003, venture capital investment in SBIR companies was not restricted in any way whatsoever. The National Academy of Sciences studied this issue and said that during that period, there is absolutely no evidence that VC funding helped crowd out any small businesses. The legislation then and the legislation today limits the businesses that receive SBIR grants to those with 500 employees or less, the quintessential definition of what a small business is.

Now what happened in 2003 is that a single administrative law judge in Boston, Massachusetts, interpreted a domestic ownership provision in the law to say that it has to be owned by real American people as opposed to American VCs. That was permitted before. The 2003 ruling has been expanded, in effect, to bar majority VC ownership. That is wrong. It prevents the public sector from giving money under this program to very good technologies. It prevents companies from raising money from both the public sector and the private sector, and this argument is completely erroneous about big VCs. We are talking about small companies getting SBIR grant funds, and those small companies may have board members from VCs, but they are independent of VCs.

The SPEAKER pro tempore. The time of the gentleman from Oregon has expired.

Mr. POLIS. I yield the gentleman 1 additional minute.

Mr. WU. Quite frankly, I do not know of a single VC that wants to spend the time or energy controlling an investment company. What they want to do is to get their money out with a big return. What the gentleman is concerned about is a scenario that just doesn't occur in the real world.

Paradoxically, what the gentleman is pressing is a position that actually penalizes the smaller companies because it is precisely the smaller company that has to give away more of its equity to VCs to raise the same amount of money. So if you are a three-employee company, you might have to give away 60 percent of your company to raise \$1 million; whereas, if you have

30 employees or 300 employees, you might only give away 10 percent of your money to raise the same amount of money. Paradoxically, what the gentleman is asking for actually penalizes small startup companies.

Ms. FOXX. Mr. Speaker, I yield the gentleman from Illinois 1 additional minute.

Mr. MANZULLO. When I chaired the Small Business Committee, I had a steady trail of VCs coming to my office wanting to change the law, pleading poverty. And I asked one gentleman, What's your net worth? He said \$40 million, and the meeting ended.

The problem with this bill is that it will crowd out the little guys, for whom it was originally intended. And the decision that was correctly made by the judge, that these are very special set-asides—2.5 percent are designed for the little guys, and the big guys can go after the 97.5 percent—and what little crumbs are left for the little guys will be eaten away by allowing the VCs to come in under the proposed changes. That's my concern with this, and that's based upon 6 years of people lobbying me to change the bill, and I refused to do that when I chaired the Small Business Committee.

Mr. POLIS. Mr. Speaker, I would share with my colleague from Illinois that in my previous career before I came to Congress, I had been on various sides of this equation. I have been a venture capital investor. I have been in venture-backed companies. I have been a limited partner in venture capital companies, and I have raised money from individual investors as well.

I can't see any good reason why the government should discriminate on the form of capital based on the form of capital the company has raised. It might be debt financing from a bank. It might be private capital from individual investors. It might be professional venture capital. It might be a grant under DARPA. It might be a Phase I grant under SBIR. These are all valid ways to raise money. These are all perfectly fine ways. Personally, I think it's better when they raise money from people rather than taxpayers. If they raise money from venture capital investors, that's a plus. If they raise money from a bank through credit, that's a plus too.

The truth is, a lot of types of businesses aren't bankable. They can't borrow. They can't leverage because they are not buying a tangible asset with that. If you are in software, if you are in e-commerce, you can't borrow to develop that company. You need to rely on equity capital. By discriminating based on equity capital, which is what we are talking about with venture capital, you are basically favoring companies that have a bankable asset that they're purchasing.

Now I'm sure both kinds of companies are critical for the future of our

economy, but many of the very technology companies we need to support and are going to be a powerful growth sector in biotech, in computer technology, are going to be companies that can only raise money through equity capital. And by allowing them to do that, through allowing venture capital-backed companies to be eligible for these programs, we're furthering our engine of economic growth.

I would like to yield 2 additional minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. I thank the gentleman.

Mr. Speaker, to address the points raised by the gentleman from Illinois, this is a program that permitted unlimited venture capital participation from 1982 until 2003. The National Academy of Sciences studied the program then and now. There is absolutely no evidence that VC investment crowds out any small business whatsoever. That was the finding of the National Academy of Sciences. They also found that by permitting venture capital majority participation companies to apply for SBIR, it improved the quality pool of the applicants for SBIR funds.

Now I think one needs to understand that there are two very different segments of this industry. One is the industries that Mr. POLIS and I are more familiar with, in biotech and high tech where companies typically pick up one of these grants or maybe just a couple, and they rocket up or grow and become a public company to get some VC investment. But it's a hockey puck growth curve. It's the classic high-tech startup. There is another group of companies that basically is concentrated around the Defense Department; and they are, in effect, the research arm of the Defense Department. They are steady-state small businesses that are going to have a stream of SBIR and STTR grants, and this is how they fund themselves. Both are valid business models. This has been a very acrimonious battle between these two very different groups of folks who haven't taken enough time to understand each other.

Quite frankly, I came from the high-tech, high-growth model; but I've tried to come to understand this other defense-oriented, steady-state, many SBIR grants model.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield 1 additional minute to the gentleman from Oregon.

□ 1115

Mr. WU. What we have in the bill is a careful set of protections so that this is approved by many of the parties around the table, but evidently not all. We are going to permit majority venture capital ownership again to improve the quality of applicants so that we choose the proper technologies and the best technologies for both the pub-

lic and the private sectors. There would be certain restrictions on VCs that are owned by large corporations, and no VC could control the board of any of these applicants.

The provisions in the bill are carefully crafted. They are emphatically in the interests of the smallest investees, that is, those small companies that have to give away more of their equity to get a certain amount of money from a venture capitalist. Those are the companies that have been disqualified under the ALJ ruling, under the judge's ruling, and the historic norm from 1983 to 2002 will be partially restored by this bill.

Ms. FOXX. Mr. Speaker, it is my understanding that this program has resulted in many good things happening in our country. We are now going to be spending this year \$260.5 million on this program; however, I think that we need to call attention to the many ways that the Democrats are harming small businesses in our country.

This is a small program, but what they are going to be doing, in terms of what we have understood from the Democrat health plan that is going to be introduced later this week, from press reports, is they are going to partially pay for it by imposing a surtax on individuals with incomes in excess of \$250,000 a year. But because most small businesses do not pay corporate income taxes and, instead, pay taxes on small business income on their individual returns, small businesses are going to be particularly hard hit by this tax increase. While precise data is not currently available on the Democrat proposal, data is available on many small businesses that pay taxes at the top rate.

I want to talk a little bit about that. We have the results of a survey that the National Federation of Independent Business has done. It shows that out of all small businesses, 6.4 percent of those with one to nine employees, 21 percent of those with 10 to 19 employees, and 40 percent of those with 20 to 249 employees would be impacted by a tax increase on incomes above \$250,000.

So while the Democrats are giving to a small group of small businesses in this country through this program, they are going to be hurting many, many more small businesses. And this, I think, in some ways is a sop to our small business community when what Republicans want to do is help all of our small businesses, and we can do that by keeping our taxes lower instead of raising them on them.

I would now like to yield 2 minutes to my colleague from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentlelady from North Carolina for yielding and for managing this time.

Initially I remarked that it is refreshing to at least hear from a Democrat or two who sound like they do believe and understand in business. That

is refreshing. I would think that you would not be Democrats for that reason. I appreciate the dialogue, and I look forward to a lot more. Maybe we can get to the point on how this free market system really works.

I'm curious about this metaphor, "hockey puck growth curve." I'm looking forward to when the gentleman from Oregon can explain that. I think that is the "Obama hockey puck growth curve," which is when you drop the hockey puck in the middle of the arena. That is what has happened with our growth curve since this stimulus package was passed, but I will let him explain that a little further on his own time.

I wanted to raise the issue, Mr. Speaker, of two amendments that were refused by the Rules Committee that I offered in committee and in the full Small Business Committee. We should be about equal opportunity under the law and opportunities for everyone to succeed in this country in a free market economy; yet we have a situation where we are going to approve organizations to be helping out to advance the information and the grants would go to the organizations, and yet one of the organizations that could qualify is ACORN, which has produced over 400,000 fraudulent voter registrations and admitted to that. They and/or their employees are under investigation in 14 States. There is a clear consensus that they are an organization that has at least the image of a criminal organization, and there were investigations. We are in a situation where they are coming into the census as well, and this Congress can't have a voice on whether we are going to approve Federal taxpayer dollars that might go to ACORN? I just ask, eliminate ACORN from this. No. We can't have a vote on that on the floor of the House, according to the Rules Committee.

By the way, we also have special preferences that are set up in this bill that I believe are unconstitutional, equal protection under the law. And these preferences go to either underserved organizations or disabled veterans or women or minorities. Now, if you're not a disabled veteran, the only way you qualify is as a woman or a minority—

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman 30 additional seconds.

Mr. KING of Iowa. I thank the gentlelady.

Now, I would ask the indulgence of this body to think about what that means. When we have equal protection under the law, a Constitution that should protect us all equally, that is our guarantee, and yet we have legislation before this Congress that defines that it will go especially to women and minorities, and if you look at the

cross-section of American society, and it specifically, by definition, excludes white men, I think it is discriminatory. I think that we need to preserve these resources to go to disabled veterans and underserved areas. That was my amendment. It was turned down by the Rules Committee. And, by the way, the Chair declared my amendment to ACORN to be partisan.

Mr. POLIS. To address the points of the gentlelady from North Carolina, when we are talking about this bill, we are talking about a pro business bill. There are no taxes in this bill. This is all budgeted for already in the budget that was passed.

The Democrats have already delivered a number of tax cuts for small businesses. Tax cuts are certainly part of the solution. We have done that through the American Recovery and Reinvestment Act for small businesses. Soon we will be taking up health care, which will be a tremendous benefit to the small businesses of this country.

This bill, H.R. 2965, which invests in small businesses, is supported by the Advanced Medical Technology Association, the Biotechnology Industry Association, the Medical Device Manufacturers Association, the National Venture Capital Association, and the U.S. Women's Chamber of Commerce. It is also supported by many of the patient advocacy groups who recognize that this type of investment will help cure the health concerns and address the health concerns of many American families. It is supported by the Cystic Fibrosis Foundation, the Parkinson's Action Network and the ALS Association.

These are all critical reasons that, for American small business to create jobs and for the health of our population and the continued growth of our economy, we need to pass this rule and pass this bill.

I would like to reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I find it interesting that my colleague from Colorado would be praising a budget that was passed earlier this year that has the seeds of the largest tax increase in the history of this country and will impact all small businesses adversely.

I now would like to yield 3 minutes to my colleague from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentlelady for yielding.

With all due respect to my colleague from Oregon, my former chairman of the Subcommittee on Technology and Innovation, I do rise in opposition to this rule.

I had an amendment that would have addressed my concerns. While I am generally supportive of the bill, I have some concerns relating to venture capital involvement, and unfortunately, the rule does not provide for any commonsense amendment offered by Mem-

bers on both sides of the aisle that would address these concerns. The gentleman from Illinois (Mr. MANZULLO) spoke just a few minutes ago, a former chairman of the Small Business Committee, about these same concerns.

Venture capital helps small business entrepreneurs gain credibility on solid ideas that have the potential for commercialization. However, while venture capital serves as an important component in facilitating small business success, it must also be closely monitored and scrutinized. Because these grants are intended, Mr. Speaker, for small business research and development, we must ensure that venture capital does not represent a majority of the financial interest within the company of SBIR applicants.

Existing law and regulation limits a single venture capital firm from owning 49 percent of the interests of the company applying for the grant. This bill leaves open the possibility that multiple venture capital firms could own the majority of the financial interests within the company. Anyone could own up to 30 percent, or they could own 90 percent of the company. So I believe this goes against the spirit of the program, Mr. Speaker.

The SBIR program is designed to provide assistance to a small business that may have an idea that can be considered a diamond in the rough without necessarily having financial backing to bankroll a promising idea. We had hearings on this issue, and venture capitalists came before us, and they were in the business of, it seemed to me, Mr. Speaker, with all due respect, of churning this program, and I just had great concerns about that. I think overall it is a good program.

Mr. POLIS, you can put me down as supporting the program with all those other organizations that you mentioned, but we should have improved this. We should have had better oversight on venture capital.

Mr. POLIS. Mr. Speaker, again, there is no good economic reason to discriminate on the form of capital, the form of private investment that goes into companies. When you have a company that borrows, a company that has access to credit, one could argue if they are worth less than they borrowed, the bank owns 100 percent of the company, and yet that company could, in fact, be eligible for the SBIR grant. The control provisions are clear. The control of the company cannot reside with the venture capitalist. I think this is a very positive step towards the direction in making sure that, regardless of the source of capital of the company, we invest in the very best technologies, products and services for the American people.

With that, I would like to yield 2½ minutes to the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. I want to thank the chairwoman and ranking member of

the Small Business Committee for bringing this legislation to the floor, and of course, I support the rule. The Small Business Innovation Research, SBIR, program, is an effort by Congress to increase the portion of Federal research and development dollars provided to small businesses.

Noticing that small businesses were being crowded out of government R&D grants by large corporations, Congress established the SBIR program. This program guarantees small businesses a portion of the Federal Government's large R&D budget.

Mr. Speaker, by any reasonable measure, the SBIR program has been a tremendous success, but some Members of Congress have raised concerns about how the funds are allocated. Critics have argued that certain business sectors receive too large a share of the available Federal R&D dollars and that certain demographics have little success obtaining any SBIR award money. This bill, brought to the floor by the Small Business Committee, makes a strong effort to address these issues. Found in the legislation are attempts to reach out to minority-owned businesses, businesses owned by women, and most importantly, veteran-owned businesses.

It is with the same spirit that I ask the Small Business Committee to consider my language, which directs agencies with an SBIR program to make a concerted effort to reach out to Native American and tribally owned businesses. My State of Oklahoma is home to 38 federally recognized tribes, 17 of which reside in my district. It is my hope that my language, found in the manager's amendment, will make it easier for Native American-owned businesses to obtain these valuable SBIR awards.

Again, I want to thank the chairwoman and ranking member of the Small Business Committee for accepting my proposal. I strongly urge my colleagues to support this legislation and the rule.

Ms. FOXX. Mr. Speaker, we are not talking about taxes being in this bill. Many, as I have said, support this legislation. However, we do know that this is a drop in the bucket compared to the jobs that the Democrats are killing in this country right now, and I'm going to talk a little more about that later. But just the bill that passed just before we went home for the Independence Day break, the cap-and-tax bill, we know is going to eliminate between 1 and 7 million jobs in this country if it is enacted. So many, many more jobs are being killed by this Congress than are being created by this small bill.

I would now like to yield 2 minutes to our colleague from New York (Mr. LEE).

Mr. LEE of New York. I want to thank my friend for the time and to rise to strongly oppose the rule for H.R. 2965.

Because I strongly support the SBIR and STTR programs, I tried to strengthen this legislation by offering a simple amendment that would help ensure their focus remains on their original mission, to support the true small businesses, the family-owned startups that rely on these programs as their main source of seed capital.

Embedded in this legislation is an erroneous provision that makes venture capital-funded companies eligible to participate in these two critical grant programs.

□ 1130

This is a serious flaw. I have major concerns about the potential for highly organized and well-funded venture capital organizations to swamp the system and crowd out those small businesses, those small businesses that are creating the jobs in this country, from getting access to capital. Many of these small businesses reside in my district here in western New York, and there is such a hard time right now trying to stay afloat. This bill, now allowing venture capital to come in, is the wrong message.

This sentiment has been echoed by members of my 26th District advisory board. One of the members wrote: "It appears likely that the changes proposed in the bill will result in a distribution of dollars to areas that have a greater number of venture capital-backed companies, such as Massachusetts and California."

My amendment was not accepted, which is unfortunate, because just last year the Senate forged a sensible bipartisan compromise on this issue. Hopefully, they will play a similar role now given the House's failure to lead on this issue.

Washington is simply not doing enough to support small businesses in these tough economic times. That's why I urge my colleagues to vote down this rule so we can craft a stronger bill.

Mr. POLIS. Again, I think there is, from the other side of the aisle, somewhat of a misunderstanding with regard to what venture capital is. It's as valid a way to finance a company as anything else. It has nothing to do with whether the company is large or small.

There are provisions in here, in the bill, that will require that the company is, in fact, a small company. Whether they receive their financing from a bank, from individual investors, from labor financing, which means people not taking a salary and kind of working for free or on spec, there is a variety of ways to finance companies. And it shouldn't be the business of the government to discriminate based on how a particular company chooses to finance itself.

With that, I would like to yield 1½ minutes to the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Mr. Speaker, I rise in support of the Enhancing Small Business Research and Innovation Act. Small businesses drive economic growth and create over two-thirds of new jobs. They play a vital role in research and development of new technologies. Small businesses are at the cutting edge of the new clean energy economy.

Before leaving for the 4th of July, we bravely passed an energy bill declaring our independence from oil executives and petro-dictators. As we return to do the people's business, we must pass legislation that will help our small businesses drive and promote the research in energy and alternative fuels.

There are many businesses in my district leading the Nation on new technology, from the production of biodiesel at Red Birch in Henry or Windy Acres in Pennsylvania, to nanotechnology at Luna nanoWorks or NextGen Technology around Danville. We must ensure that our small businesses, the dynamic engine of our economy, are not left behind in the conduct of new breakthrough research.

While I share concerns about opening the program up to venture capitalist firms, I urge my colleagues to support the small business owners over the petro-dictators. Vote for science. Vote for this bill.

Ms. FOXX. Mr. Speaker, I would now like to yield 3 minutes to our distinguished colleague from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentlelady for yielding.

I am pleased that the bill before us today leaves the amount set aside for extramural research budgets of 2.5 percent for the SBIR and 0.3 for the STTR programs and that it remains unchanged from the current law. Last year the House considered legislation which would have increased the set-asides for these programs. However, an amendment I offered at that time on the floor of the House to leave the set-asides unchanged was voice-voted on the floor and approved.

There is a good reason for this. If we do want to increase the amount of money going into the SBIR and STTR programs, the money should come from increasing the allocations to the basic research programs from which these particular programs receive a percentage. I believe that the amendment I offered last year proved to be non-controversial because of the overwhelming support for increasing the funding for these important programs by increasing the overall research funding at the agencies. I understand, however, that the Senate version of this bill does not do that, but increases the set-aside.

By increasing the set-aside, we will only eat away at the base funding for research available to our scientific agencies. I would much rather see us

fight for overall extramural research funding increases, which will equivalently benefit the innovation and tech transfer activities of these programs. And I certainly hope that the House conferees will stand strong on this issue in conference with the Senate. The House has done the right thing, and we must support our conferees on that point.

A coalition of more than 100 scientific and professional societies, universities and research institutions have written a letter of support for maintaining their current allocation levels, stating that an increase in set-asides "would restrict competition for \$1 billion in Federal research dollars when future funding levels are uncertain."

Another letter from the Association of American Universities asserts: "We believe there is no justification for such increases, especially as such increases would come at the expense of peer-reviewed basic and applied research programs."

I submit a copy of this letter and another similar one for the RECORD.

JULY 7, 2009.

Re H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009.

Hon. NYDIA VELÁZQUEZ,
Chairwoman, Small Business Committee, House of Representatives, Washington, DC.

Hon. SAM GRAVES,
Ranking Member, Small Business Committee, House of Representatives, Washington, DC.

Hon. BART GORDON,
Chair, Committee on Science and Technology, House of Representatives, Washington, DC.

Hon. RALPH M. HALL,
Ranking Member, Committee on Science and Technology, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN VELÁZQUEZ, CHAIRMAN GORDON, RANKING MEMBER GRAVES AND RANKING MEMBER HALL: The undersigned, patient advocacy organizations, scientific and professional societies, higher education associations, and research institutions, write to express our support for your efforts to reauthorize the Small Business Innovation Research (SBIR) at its current allocation level. We stand together in opposition to a provision in the Senate SBIR/STTR Reauthorization Act of 2009 (S. 1233) that would increase the allocation for the Small Business Innovation Research (SBIR) program from 2.5% to 3.5% of any federal agency budget that provides more than \$100 million for research. As the legislative process moves forward, we urge the adoption of the House version of this legislation for the reasons described below.

We recognize the benefits of the participation of small businesses in scientific research. Unfortunately, the Senate has proposed a mandatory increase in the SBIR allocation across agencies that will necessarily result in funding cuts for the peer-reviewed research conducted by other organizations. This fundamental research creates the discoveries that fuel innovation, improve quality of life and contribute to our country's economic growth. Indeed, the increase in the SBIR allocation proposed in S. 1233 would restrict competition for \$1 billion in federal research dollars, during a time when future funding levels are uncertain. Rather than increasing support for one type of research at

the expense of all others, we urge Congress to work with the Obama Administration to increase funding for all research, thereby increasing the total investment in SBIR.

We applaud your hard work on this complex issue, and stand ready to work with you to pass the Enhancing Small Business Research and Innovation Act of 2009 (H.R. 2965).

Sincerely,

Ad Hoc Group for Medical Research.
 American Association for Dental Research (IADR).
 American Association for the Advancement of Science (AAAS).
 American Association of Anatomists (AAA).
 American Association of Colleges of Nursing (AACN).
 American Association of Colleges of Osteopathic Medicine (AACOM).
 American Association of Colleges of Pharmacy (AACP).
 American College of Radiology (ACR).
 American Educational Research Association (AERA).
 American Gastroenterological Association (AGA).
 American Liver Foundation (ALF).
 American Mathematical Society (AMS).
 American Psychological Association (APA).
 American Society for Biochemistry & Molecular Biology (ASBMB).
 American Society for Investigative Pathology (ASIP).
 American Society for Nutrition (ASN).
 American Society for Pharmacology & Experimental Therapeutics (ASPET).
 American Society of Nephrology (ASN).
 American Statistical Association (ASA).
 Arizona State University.
 Association for Psychological Science (APS).
 Association for Research in Vision and Ophthalmology (ARVO).
 Association of American Medical Colleges (AAMC).
 Association of American Universities (AAU).
 Association of Independent Research Institutes (AIRI).
 Association of Population Centers (APC).
 Association of Public and Land-grant Universities (A.P.L.U.).
 Association of Schools of Public Health (ASPH).
 Biophysical Society (BPS).
 Boston University School of Medicine.
 California Institute of Technology.
 Case Western Reserve University.
 Cedars-Sinai Medical Center.
 Coalition for the Advancement of Health Through Behavioral and Social Sciences Research (CAHT-BSSR).
 Coalition for the Life Sciences (CLS).
 Coalition to Protect Research (CPR).
 Columbia University.
 Computing Research Association (CRA).
 Consortium of Social Science Associations (COSSA).
 Consortium of Universities for the Advancement of Hydrologic Science, Inc. (CUAHSI).
 Council of Energy Research and Education Leaders (CEREL).
 Council of Environmental Deans and Directors.
 Duke University.
 Energy Sciences Coalition (ESC).
 Environmental Mutagen Society (EMS).
 Federation of American Societies for Experimental Biology (FASEB).
 Federation of Behavioral, Psychological, and Cognitive Sciences (FBPCS).

Harvard University.
 Indiana University.
 Institute for the Advancement of Social Work Research (IASWR).
 Ktech Corporation.
 Michigan State University.
 National Alliance for Eye and Vision Research (NAEVR).
 National Alliance on Mental Illness (NAMI).
 National Caucus of Basic Biomedical Science Chairs (NCBBSC).
 National Council for Science and the Environment (NCSE).
 National Health Council.
 National Multiple Sclerosis Society.
 New York-Presbyterian Hospital.
 North Carolina State University.
 NYU Langone Medical Center.
 Ornithological Council.
 Population Association of America (PAA).
 Rutgers, The State University of New Jersey.
 Small Business California.
 Society for Industrial and Applied Mathematics (SIAM).
 Society for Neuroscience (SfN).
 Society for Research in Child Development (SRCD).
 Society for the Study of Reproduction (SSR).
 Stanford University.
 SUNY Upstate Medical University.
 Syracuse University.
 The American Association of Immunologists (AAI).
 The American Brain Coalition (ABC).
 The American Physiological Society (APS).
 The American Society for Cell Biology (ASCB).
 The American Society of Human Genetics (ASHG).
 The Council on Undergraduate Research (CUR).
 The Endocrine Society.
 The Ohio State University.
 The Teratology Society.
 Tulane University.
 University of Cincinnati.
 University of Maryland.
 University of Maryland School of Medicine.
 University of Miami.
 University of Minnesota Medical School.
 University of Rochester.
 University of Southern California.
 University of Texas Health Science Center.
 University of Vermont.
 University of Virginia.
 University of Washington.
 University of Wisconsin-Madison.
 Vanderbilt University.
 Washington University in St. Louis.
 Weill Cornell Medical College.
 Yale University School of Medicine.

—
 ASSOCIATION OF
 AMERICAN UNIVERSITIES,
 Washington, DC, July 6, 2009.

Hon. ADRIAN SMITH,
Ranking Member, Subcommittee on Technology and Innovation, House Science and Technology Committee, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE SMITH: On behalf of the Association of American Universities, I write today to express support for reauthorization of the Small Business Innovative Research (SBIR) programs with the inclusion of two key provisions contained only in the House version of the bill, H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009. These provisions would

maintain the current Small Business and Innovative Research set-aside at 2.5 percent and increase the ability of firms with significant amounts of venture capital to participate in the SBIR program. AAU does not support S. 1233, legislation recently marked up by the Senate Committee on Small Business and Entrepreneurship, specifically because of language it includes on these two aspects of this critically important legislation.

AAU is the association of 60 leading U.S. public and private research universities whose member institutions perform roughly 60 percent of federally funded university-based research, and award more than half of all Ph.D. degrees earned in our country. We strongly prefer H.R. 2965, as currently drafted, over its Senate counterpart, S. 1233, for two reasons. First, the House bill does not propose to increase the SBIR percentage set-aside. Like the House, we believe that there is no clear justification for such increases; especially as such increases would come at the expense of peer-reviewed basic and applied research programs at agencies such as NIH and NSF. In our view, increasing the set-aside would reduce even further the number of successful research grants that are awarded by federal research agencies.

This is not to suggest that we do not favor increasing the amount of funds going to SBIR and STTR. Our view is that the best way to increase the amount of funding available to these programs is to provide steady and sustained funding increases for federally supported research. Indeed, we hope to work with the small business community to increase research budgets across all of the major research agencies, which would result in significant funding increases for the SBIR and STTR, as well as other important research programs.

AAU also supports a second provision of H.R. 2965 that allows firms with significant venture capital funding to compete for SBIR and STTR awards. As you know, current Small Business Administration (SBA) regulations effectively disqualify small companies that have received significant venture capital investment or are owned by another company with significant venture capital investment from competing for SBIR and STTR funds. As then-NIH Director Elias Zerhouni said in a 2005 letter to the SBA, "this rule dries up Federal funding for early stage ideas from small companies that, by attracting substantial [venture capital] funding show strong signs of likely success." AAU shares the view of the NRC that venture capital investment in companies seeking SBIR funding confirms the quality of those projects and would raise the quality of the applicant pool overall.

AAU strongly supports reauthorization of the SBIR and STTR programs and hopes that Congress will approve legislation similar to that approved by the House. We agree with the National Academies' assessment of these programs as being "sound in concept and effective in practice." Both programs play an important role in the nation's overall innovation ecosystem by transforming cutting-edge, innovative ideas and research into viable, market-ready products for the American consumer. We strongly oppose legislation such as S. 1233, which increases the percentage of R&D funding set-aside for SBIR at the expense of other equally important research. We also favor increasing the ability of firms with significant amount of venture capital to participate in the SBIR program.

With best regards,

ROBERT M. BERDAHL,
President.

It is my hope that the House conferees will support SBIR and STTR growth through overall funding increases for our innovation agencies, instead of considering increasing the set-asides. In other words, the House today is taking the right action, precisely as they did last year.

It is extremely important for us to stand together when dealing with the Senate conferees and insist on taking this approach. This is a much better approach to take, and I congratulate the House committee on dealing with it in this way.

Mr. POLIS. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, we have had, I think, a very good debate on this rule. We have explained why the rule should not be approved.

Very, very good amendments which were offered to this rule were not accepted. Amendments to the bill were not accepted, and we should be dealing with those amendments. We want to make sure that the money that is going to help small businesses in this country is being used as wisely as it can be. We know right now that the American people are hurting and continuing to lose jobs.

The impact of the policies of this administration and the Democratically controlled Congress have been devastating, not only to large but also to small businesses. The Obama administration and congressional Democrats promised us earlier this year that their trillion-dollar stimulus would create jobs immediately and unemployment would not rise above 8 percent. In June alone, almost half a million jobs were lost, driving unemployment to 9.5 percent, it's highest level in almost 3 decades.

It's clear that the Democrats' trillion-dollar stimulus bill isn't working.

Every American has the right to ask where are the jobs that were promised by them. Every American has to ask on every piece of policy that we pass here, how is it going to impact jobs? How is it going to impact me as an American?

Small businesses particularly have a concern about this. We have been spending hours and hours and hours doing things like honoring sports teams and athletes for their achievements. We have honored people retiring from their jobs, universities on various anniversaries and other items that are not critical to the operations of our government.

We want to acknowledge the achievements of all of these people and all of these groups, but what we should be doing is spending time talking about what we need to be doing to bring back this economy.

But the Democrats constantly say they have the schedule, they have to adhere to it, and as a result of it, they have to limit the amendments that can be offered on the floor to these important bills.

Those are not very good excuses while the American people, I think, are hurting. They, again, have the right to ask where are the jobs that were promised, what is happening to this economy?

The American people also know we cannot tax and spend and bail our way back to a growing economy. The Democrats in this body are on the side of more government and more taxes. Small businesses, not government, are the engine of our economy.

House Republicans are on the side of the American people, and what we want to do is focus on small businesses to help put America back to work. We know that the health care bill that's going to come forward, we believe, later this week or next week, will have lots of tax increases in it that are going to finance their health, quote, reform proposal.

However, what it's going to do is have a negative impact on small businesses. As I mentioned earlier, the cap-and-tax bill, which passed here 10 days ago, will eliminate between 1 million and 7 million jobs in this country if it is enacted.

So while there is this small sop to small businesses and to the American people in the form of this bill, I am going to urge my colleagues to vote "no" on the rule for H.R. 2965, Enhancing Small Business Research and Innovation Act, because we can be doing better for the American people and particularly better for small businesses.

Mr. Speaker, I yield back the balance of my time.

Mr. POLIS. Mr. Speaker, if small businesses are the engine that drives our economy, then investment is the fuel. By ensuring that a portion of Federal research dollars are invested in small businesses, SBIR and STTR are fueling job creation and technological innovation. Since 1992, SBIR has issued 65,000 grants to small companies that are engaged in cutting-edge research to cure diseases, strengthen our national defense, and reduce our dependence on foreign energy sources.

This Congress has been tasked with helping American families keep their jobs through the worst economic downturn since the Great Depression. We now have an unemployment rate of 9.5 percent. While there has been disagreement and spirited debate on the best prescription to get our economy moving again, we are fortunate that we have in place programs that are time tested. Every year the SBIR program invests \$2.2 billion in small businesses, helping 1,500 new firms get off the ground.

Mr. Speaker, I speak on behalf of Tech-X in Boulder; Coherent Technologies in Louisville; Community Power Corporation in Littleton; NavSys in Colorado Springs; and the many other small businesses which have benefited from the SBIR in my

State of Colorado and across the country.

Again, I commend the Members and staff who have worked diligently to bring this bipartisan bill to the floor.

Mr. Speaker, as I said before and will continue to say, so much of our work thus far in Congress has moved us in the direction of creating more jobs. Whether it was passing the budget or work on health care, clean energy, education, the Recovery Act, the Green Schools bill, and even the Water Quality Investment Act created jobs. This bill is just another step on the road to recovery.

I urge a "yes" vote on the previous question and on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 610 will be followed by 5-minute votes on motion to suspend the rules on H.R. 1275, if ordered, and motion to suspend the rules on H.R. 1945, if ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 187, not voting 9, as follows:

[Roll No. 480]

YEAS—236

Abercrombie	Connolly (VA)	Grijalva
Ackerman	Conyers	Gutierrez
Adler (NJ)	Cooper	Hall (NY)
Altmiere	Costa	Halvorson
Arcuri	Costello	Hare
Baca	Crowley	Harman
Baird	Cuellar	Hastings (FL)
Baldwin	Cummings	Herseth Sandlin
Barrow	Dahlkemper	Higgins
Bean	Davis (AL)	Himes
Becerra	Davis (CA)	Hinchee
Berkley	Davis (IL)	Hinojosa
Berman	Davis (TN)	Hirono
Berry	DeFazio	Holden
Bishop (GA)	DeGette	Holt
Bishop (NY)	Delahunt	Honda
Blumenauer	DeLauro	Hoyer
Bocieri	Dicks	Inslie
Boren	Dingell	Israel
Boswell	Doggett	Jackson (IL)
Boucher	Donnelly (IN)	Jackson-Lee
Boyd	Doyle	(TX)
Brady (PA)	Driehaus	Johnson (GA)
Braley (IA)	Edwards (MD)	Johnson, E. B.
Bright	Edwards (TX)	Kagen
Brown, Corrine	Ellison	Kanjorski
Butterfield	Engel	Kaptur
Capps	Eshoo	Kennedy
Capuano	Etheridge	Kildee
Carnahan	Farr	Kilpatrick (MI)
Carney	Fattah	Kilroy
Carson (IN)	Filner	Kind
Castor (FL)	Frank (MA)	Kissell
Chandler	Fudge	Kosmas
Childers	Giffords	Kratovil
Clarke	Gonzalez	Kucinich
Clay	Gordon (TN)	Langevin
Cleaver	Grayson	Larsen (WA)
Clyburn	Green, Al	Larson (CT)
Cohen	Green, Gene	Lee (CA)

Levin	Oberstar	Shea-Porter	Schock	Souder	Walden	Cohen	Holt	Miller (NC)
Lewis (GA)	Obey	Sherman	Sensenbrenner	Stearns	Wamp	Cole	Honda	Miller, Gary
Lipinski	Oliver	Sires	Sessions	Sullivan	Westmoreland	Conaway	Hoyer	Miller, George
Loeb sack	Ortiz	Skelt on	Shadegg	Terry	Whitfield	Connolly (VA)	Hunter	Minnick
Lofgren, Zoe	Pallone	Slaughter	Shadegg	Thompson (PA)	Wilson (SC)	Conyers	Inglis	Mitchell
Lowey	Pascarell	Smith (WA)	Shuler	Thornberry	Wittman	Cooper	Inslee	Mollohan
Luján	Pastor (AZ)	Snyder	Shuster	Tiahrt	Wolf	Costa	Israel	Moore (KS)
Lynch	Payne	Space	Simpson	Tiberi	Young (AK)	Costello	Issa	Moore (WI)
Maffei	Perlmutt er	Speier	Smith (NE)	Tsongas	Young (FL)	Courtney	Jackson (IL)	Moran (KS)
Maloney	Peters	Spratt	Smith (NJ)	Turner		Crenshaw	Jackson-Lee	Moran (VA)
Markey (CO)	Peterson	Stark	Smith (TX)	Upton		Crowley	(TX)	Murphy (CT)
Marshall	Pingree (ME)	Stupak				Cuellar	Jenkins	Murphy (NY)
Massa	Polis (CO)	Sutton				Culberson	Johnson (GA)	Murphy, Patrick
Matheson	Pomeroy	Tanner				Cummings	Johnson (IL)	Murphy, Tim
Matsui	Price (NC)	Taylor	Andrews	Cardoza	Hensarling	Dahlkemper	Johnson, E. B.	Murtha
McCarthy (NY)	Quigley	Teague	Barrett (SC)	Ellsworth	Miller (NC)	Davis (AL)	Johnson, Sam	Myrick
McCollum	Rahall	Thompson (CA)	Broun (GA)	Griffith	Sestak	Davis (CA)	Jones	Nadler (NY)
McDermott	Rangel	Thompson (MS)				Davis (IL)	Jordan (OH)	Napolitano
McGovern	Reyes	Tierney				Davis (KY)	Kagen	Neal (MA)
McIntyre	Richardson	Titus				Davis (TN)	Kanjorski	Neugebauer
McMahon	Rodriguez	Townes				Deal (GA)	Kaptur	Nunes
McNerney	Ross	Van Hollen				DeFazio	Kennedy	Nye
Meek (FL)	Rothman (NJ)	Velázquez				DeGette	Kildee	Oberstar
Meeks (NY)	Roybal-Allard	Visclosky				Delahunt	Kilpatrick (MI)	Obey
Melancon	Ruppersberger	Walz				DeLauro	Kilroy	Olson
Michaud	Rush	Wasserman				Dent	Kind	Olver
Miller, George	Salazar	Schultz				Diaz-Balart, L.	King (IA)	Ortiz
Minnick	Sánchez, Linda	T. Waters				Diaz-Balart, M.	King (NY)	Pallone
Mitchell	T. Sanchez, Loretta	Watson				Dicks	Kirk	Pascarell
Mollohan	Sarbanes	Watt				Doggett	Kirkpatrick (AZ)	Pastor (AZ)
Moore (WI)	Schakowsky	Waxman				Donnelly (IN)	Kissell	Paul
Moran (VA)	Schauer	Weiner				Doyle	Klein (FL)	Paulsen
Murphy (CT)	Schiff	Welch				Dreier	Kline (MN)	Payne
Murphy (NY)	Schrader	Wexler				Driehaus	Kosmas	Pence
Murphy, Patrick	Schwartz	Wilson (OH)				Duncan	Kratovil	Perlmutt er
Murtha	Scott (GA)	Woolsey				Edwards (MD)	Kucinich	Perriello
Nadler (NY)	Scott (VA)	Wu				Edwards (TX)	Lamborn	Peters
Napolitano	Serrano	Yarmuth				Ehlers	Lance	Peterson
Neal (MA)						Ellison	Langevin	Petri
Nye						Emerson	Larsen (WA)	Pingree (ME)
						Engel	Pitts	Platts
						Eshoo	Larson (CT)	Poe (TX)
						Etheridge	Latham	Polis (CO)
						Fallin	LaTourette	Pomeroy
						Farr	Latta	Posey
						Fattah	Lee (CA)	Price (GA)
						Filner	Lee (NY)	Price (NC)
						Flake	Levin	Putnam
						Fleming	Lewis (CA)	Quigley
						Forbes	Lewis (GA)	Radanovich
						Fortenberry	Linder	Rahall
						Foster	Lipinski	Rangel
						Fox	LoBiondo	Rehberg
						Frank (MA)	Loeb sack	Reichert
						Franks (AZ)	Lofgren, Zoe	Reyes
						Frelinghuysen	Lowey	Richardson
						Fudge	Lucas	Rodriguez
						Gallely	Luetkemeyer	Roe (TN)
						Garrett (NJ)	Luján	Rogers (AL)
						Gerlach	Lummis	Rogers (KY)
						Giffords	Lungren, Daniel	Rogers (MI)
						Gingrey (GA)	E.	Rohrabacher
						Gohmert	Lynch	Rooney
						Gonzalez	Mack	Ros-Lehtinen
						Goodlatte	Maffei	Roskam
						Gordon (TN)	Maloney	Ross
						Granger	Manzullo	Rothman (NJ)
						Graves	Marchant	Roybal-Allard
						Grayson	Markey (CO)	Royce
						Green, Al	Markey (MA)	Ruppersberger
						Green, Gene	Marshall	Rush
						Griffith	Massa	Ryan (OH)
						Grijalva	Matheson	Ryan (WI)
						Guthrie	Matsui	Salazar
						Gutierrez	McCarthy (CA)	Sánchez, Linda
						Hall (NY)	McCarthy (NY)	T.
						Hall (TX)	McClintock	Sanchez, Loretta
						Halvorson	McCollum	Sarbanes
						Hare	McCotter	Scalise
						Harman	McDermott	Schakowsky
						Harper	McGovern	Schauer
						Hastings (FL)	McHenry	Schiff
						Hastings (WA)	McHenry	Schmidt
						Heinrich	McIntyre	Schock
						Heller	McKeon	Schrader
						Herger	McMahon	Schwartz
						Herseth Sandlin	McMorris	Scott (GA)
						Higgins	Rodgers	Scott (VA)
						Hill	McNerney	Sensenbrenner
						Himes	Meek (FL)	Serrano
						Hinchey	Meeks (NY)	Sessions
						Hinojosa	Mica	Shadegg
						Hirono	Michaud	Shea-Porter
						Hodes	Miller (FL)	Sherman
						Hoekstra	Miller (MI)	Shimkus
						Holden		

NOT VOTING—9

□ 1209

Messrs. SHUSTER, ROONEY, KLEIN of Florida and Mrs. BONO MACK changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

UTAH RECREATIONAL LAND EXCHANGE ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1275, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1275, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. PERLMUTTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 9, as follows:

[Roll No. 481]

AYES—423

Abercrombie	Bishop (GA)	Burton (IN)
Ackerman	Bishop (NY)	Buyer
Adersholt	Bishop (UT)	Calvert
Adler (NJ)	Blackburn	Camp
Akin	Blumenauer	Campbell
Alexander	Blunt	Cantor
Altmi re	Bocci eri	Cao
Andrews	Boehner	Capito
Arcuri	Bonner	Capps
Austria	Bono Mack	Capuano
Baca	Boozman	Carnahan
Bachmann	Boren	Carney
Bachus	Boswell	Carson (IN)
Baird	Boucher	Carter
Baldwin	Boustany	Cassidy
Barrow	Boyd	Castle
Bartlett	Brady (PA)	Castor (FL)
Barton (TX)	Brady (TX)	Chaffetz
Bean	Braley (IA)	Chandler
Becerra	Bright	Childers
Berkley	Brown (SC)	Clarke
Berman	Brown, Corrine	Clay
Berry	Brown-Waite,	Cleaver
Biggett	Ginny	Clyburn
Bilbray	Buchanan	Coble
Bilirakis	Burgess	Coffman (CO)

Shuler	Taylor	Wamp	Campbell	Halvorson	McCollum	Scalise	Souder	Van Hollen
Shuster	Teague	Wasserman	Cantor	Hare	McCotter	Schakowsky	Space	Velázquez
Simpson	Terry	Schultz	Cao	Harman	McDermott	Schauer	Speier	Visclosky
Sires	Thompson (CA)	Waters	Capito	Harper	McGovern	Schiff	Spratt	Walden
Skelton	Thompson (MS)	Watson	Capps	Hastings (FL)	McHenry	Schmidt	Stark	Walz
Slaughter	Thompson (PA)	Watt	Capuano	Hastings (WA)	McHugh	Schock	Stearns	Wamp
Smith (NE)	Thornberry	Waxman	Carnahan	Heinrich	McIntyre	Schrader	Stupak	Wasserman
Smith (NJ)	Tiahrt	Weiner	Carney	Heller	McKeon	Schwartz	Sullivan	Schultz
Smith (TX)	Tiberi	Welch	Carson (IN)	Herger	McMahon	Scott (GA)	Sutton	Waters
Smith (WA)	Tierney	Westmoreland	Carter	Herseeth Sandlin	McMorris	Scott (VA)	Tanner	Watson
Snyder	Titus	Wexler	Cassidy	Higgins	Rodgers	Serrano	Taylor	Watt
Souder	Tonko	Whitfield	Castle	Hill	McNerney	Sessions	Teague	Waxman
Space	Towns	Wilson (OH)	Castor (FL)	Himes	Meek (FL)	Shadegg	Terry	Weiner
Speier	Tsongas	Wilson (SC)	Chaffetz	Hinchee	Meeks (NY)	Shea-Porter	Thompson (CA)	Welch
Spratt	Turner	Wittman	Chandler	Hinojosa	Melancon	Sherman	Thompson (MS)	Westmoreland
Stark	Upton	Wolf	Childers	Hirono	Mica	Shimkus	Thompson (PA)	Wexler
Stearns	Van Hollen	Woolsey	Clarke	Hodes	Michaud	Shuler	Thornberry	Whitfield
Stupak	Velázquez	Wu	Clay	Hoekstra	Miller (FL)	Simpson	Tiahrt	Wilson (OH)
Sullivan	Visclosky	Yarmuth	Cleaver	Holden	Miller (MI)	Sires	Tiberi	Wilson (SC)
Sutton	Walden	Young (AK)	Clyburn	Holt	Miller (NC)	Skelton	Tierney	Wittman
Tanner	Walz	Young (FL)	Cohen	Honda	Miller, Gary	Slaughter	Titus	Wolf
			Cole	Hoyer	Miller, George	Smith (NE)	Tonko	Woolsey
			Conaway	Hunter	Minnick	Smith (NJ)	Towns	Wu
			Connolly (VA)	Inglis	Mitchell	Smith (TX)	Tsongas	Yarmuth
			Conyers	Inslee	Mollohan	Smith (WA)	Turner	Young (AK)
			Cooper	Israel	Moore (KS)	Snyder	Upton	Young (FL)
			Costa	Issa	Moore (WI)			
			Costello	Jackson (IL)	Moran (KS)			
			Courtney	Jackson-Lee	Moran (VA)			
			Crenshaw	(TX)	Murphy (CT)			
			Crowley	Jenkins	Murphy (NY)			
			Cuellar	Johnson (GA)	Murphy, Patrick			
			Culberson	Johnson (IL)	Murphy, Tim			
			Cummings	Johnson, E. B.	Murtha			
			Dahlkemper	Johnson, Sam	Myrick			
			Davis (AL)	Jones	Nadler (NY)			
			Davis (CA)	Jordan (OH)	Napolitano			
			Davis (IL)	Kagen	Neal (MA)			
			Davis (KY)	Kanjorski	Neugebauer			
			Davis (TN)	Kaptur	Nunes			
			Deal (GA)	Kennedy	Nye			
			DeFazio	Kildee	Oberstar			
			DeGette	Kilpatrick (MI)	Obey			
			Delahunt	Kilroy	Olson			
			DeLauro	Kind	Oliver			
			Dent	King (IA)	Ortiz			
			Diaz-Balart, L.	King (NY)	Pallone			
			Dicks	Kingston	Pascarell			
			Doggett	Kirk	Pastor (AZ)			
			Donnelly (IN)	Kirkpatrick (AZ)	Paulsen			
			Doyle	Kissell	Payne			
			Dreier	Klein (FL)	Pence			
			Driehaus	Kline (MN)	Perlmutter			
			Duncan	Kosmas	Perriello			
			Edwards (MD)	Kratovil	Peters			
			Edwards (TX)	Kucinich	Peterson			
			Ehlers	Lamborn	Petri			
			Ellison	Lance	Pingree (ME)			
			Emerson	Langevin	Pitts			
			Engel	Larsen (WA)	Platts			
			Eshoo	Larson (CT)	Poe (TX)			
			Etheridge	Latham	Polis (CO)			
			Fallin	LaTourette	Pomeroy			
			Farr	Latta	Posey			
			Fattah	Lee (CA)	Price (GA)			
			Filner	Levin	Price (NC)			
			Flake	Lewis (CA)	Putnam			
			Fleming	Lewis (GA)	Quigley			
			Forbes	Linder	Radanovich			
			Fortenberry	Lipinski	Rahall			
			Foster	LoBiondo	Rangel			
			Fox	Loeb	Rehberg			
			Frank (MA)	Lofgren, Zoe	Reichert			
			Franks (AZ)	Lowey	Reyes			
			Frelinghuysen	Lucas	Richardson			
			Fudge	Luetkemeyer	Rodriguez			
			Gallely	Lujan	Roe (TN)			
			Garrett (NJ)	Lummis	Rogers (AL)			
			Gerlach	Lungren, Daniel	Rogers (KY)			
			Giffords	E.	Rogers (MI)			
			Gingrey (GA)	Lynch	Rohrabacher			
			Gohmert	Mack	Rooney			
			Gonzalez	Maffei	Roskam			
			Goodlatte	Maloney	Ross			
			Gordon (TN)	Manzullo	Rothman (NJ)			
			Granger	Marchant	Roybal-Allard			
			Graves	Markey (CO)	Royce			
			Grayson	Markey (MA)	Ruppersberger			
			Green, Al	Marshall	Rush			
			Green, Gene	Massa	Ryan (OH)			
			Griffith	Matheson	Ryan (WI)			
			Grijalva	Matsui	Salazar			
			Guthrie	McCarthy (CA)	Sánchez, Linda			
			Gutierrez	McCarthy (NY)	T.			
			Hall (NY)	McCaul	Sanchez, Loretta			
			Hall (TX)	McClintock	Sarbanes			

NOT VOTING—9

Barrett (SC)	Cardoza	Hensarling
Brown (GA)	Dingell	Melancon
Butterfield	Ellsworth	Sestak

□ 1218

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TULE RIVER TRIBE WATER DEVELOPMENT ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1945.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1945.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 3, not voting 12, as follows:

[Roll No. 482]

AYES—417

Ackerman	Becerra	Boswell
Aderholt	Berkley	Boucher
Adler (NJ)	Berman	Boustany
Akin	Berry	Boyd
Alexander	Biggart	Brady (PA)
Altmire	Bilbray	Brady (TX)
Andrews	Bilirakis	Braley (IA)
Arcuri	Bishop (GA)	Bright
Austria	Bishop (NY)	Brown (SC)
Baca	Bishop (UT)	Brown, Corrine
Bachmann	Blackburn	Brown-Waite,
Bachus	Blumenauer	Ginny
Baird	Blunt	Buchanan
Baldwin	Boccieri	Burgess
Barrett (SC)	Boehner	Burton (IN)
Barrow	Bonner	Butterfield
Bartlett	Bono Mack	Buyer
Barton (TX)	Boozman	Calvert
Bean	Boren	Camp

NOES—3

Coble	Paul	Sensenbrenner
-------	------	---------------

NOT VOTING—12

Abercrombie	Diaz-Balart, M.	Lee (NY)
Brown (GA)	Dingell	Ros-Lehtinen
Cardoza	Ellsworth	Sestak
Coffman (CO)	Hensarling	Shuster

□ 1227

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 2965.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

ENHANCING SMALL BUSINESS RESEARCH AND INNOVATION ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 610 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2965.

□ 1228

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes, with Mr. Ross in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the Chair and ranking minority member of the Committee on Small Business and 20 minutes equally divided and controlled by the Chair and ranking minority member of the Committee on Science and Technology.

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 20 minutes, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Nebraska (Mr. SMITH) each will control 10 minutes.

The Chair recognizes the gentlewoman from New York.

□ 1230

Ms. VELÁZQUEZ. I rise in support of H.R. 2965, updating and enhancing the Small Business Administration's Small Business Innovation Research and Small Business Technology Transfer programs.

Mr. Chairman, I yield myself such time as I may consume. I rise in support of H.R. 2965, which will reauthorize and improve the SBA's SBIR and STTR programs. This bill has strong bipartisan support and would work to invest in entrepreneurial innovation and job growth.

While our economy is recovering, it still has a ways to go. Even now, we need to be focused on putting Americans back to work. We need growth that is lasting and industries that are sustainable. We need jobs that cannot be shipped overseas and will not evaporate in the next cycle of boom and bust. But those jobs aren't going to appear out of thin air. They need to be created. By expanding existing industries and unlocking new ones, H.R. 2965 will generate the jobs we need.

The SBIR and STTR programs are vital to small business growth. Year after year, they help jump-start 1,500 new companies. At the very least, that is 1,500 new employers. Over time, that is millions and millions of direct and indirect positions. But while these initiatives are crucial, they're not living up to their full potential. Through H.R. 2965, we can improve SBIR and STTR so they are running at maximum capacity.

Job creation, Mr. Chairman, is the primary goal of R&D. But in order to generate new positions, we have to first develop new industries. Commercialization is critical to that process. But, unfortunately, most research never makes it to the market.

To address that issue, we are creating commercialization benchmarks. We're also encouraging conversations between SBIR officers and purchasing agents. Ultimately, those dialogs will enhance the flow of information between buyers and sellers, helping more

ideas move from the drawing board to the marketplace.

When all is said and done, commercialization means more than new products—it means new jobs. Once a product hits the mainstream, it opens up a world of opportunity in a wide range of industries, from retail to manufacturing. By stimulating these sectors, we can help our economy on its route to recovery.

Even as our economy rebounds, small firms struggle to find funding—particularly equity investment. Just a year ago, venture capital firms drove \$5.7 billion into small companies. Today, we have seen almost a 50 percent decline. In terms of what that means for the economy, there are now \$3.7 billion fewer dollars to help our small businesses create jobs. The programs' current regulations only compound those challenges.

By shutting venture capital out of SBIR and STTR, we are blocking billions of dollars to create jobs and limiting our ability to innovate. What are we supposed to say to a venture-backed firm that is researching cures for pancreatic cancer? Are we supposed to shake our heads and say, Sorry, you've done some promising research, but we just can't help you find a cure?

Mr. Chairman, this program is better than that. That is why H.R. 2965 gives small firms—not Washington bureaucrats—the final say in how their firms are financed.

This bill provides for the reasonable use of venture capital, while maintaining important safeguards. Make no mistake, SBIR and STTR are—and forever will be—small business programs. This provision doesn't change that. What it does do is give small firms the funding they need to develop new products.

Even with the necessary capital, small firms struggle to see R&D from start to finish. That is because it is a complex process. Measures to block funding delays and increase efficiency will streamline R&D, helping more products make it out of the laboratory and into the marketplace. Meanwhile, we're going to broaden the scope of American innovation.

Silicon Valley doesn't hold a franchise on innovation, which is why H.R. 2965 reaches out to underserved rural areas. Through cutting edge technology and grassroots marketing, it also seeks to bring women, minorities, and veterans into the SBIR and STTR programs.

Innovation is the first step on the path to prosperity. By enhancing and expanding SBIR and STTR, we can encourage small business growth in all parts of the country. In doing so, we will help our small firms to grow, innovate, and—most importantly—create homegrown jobs.

Mr. Chairman, I reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009. Innovation happens every day. Whether it is a new development in the fight for cancer or a new computer system designed to protect our soldiers, more and more good ideas are coming from America's small businesses.

The Small Business Innovation Research, the SBIR, and the Small Business Technology Transfer, the STTR, programs help to take ideas and turn them into practical products. By all accounts, the SBIR and STTR programs are highly successful Federal initiatives designed to encourage economic growth and innovation within the small business community.

Created in 1982, the SBIR program offers competition-based awards to stimulate technological innovation among small private-sector businesses while providing government agencies with new, cost-effective solutions to meet their needs. This program is not only critical to the unique needs of each of the participating Federal agencies, but also to our national economy.

Small businesses invigorate the U.S. economy by introducing new products and lower cost methods of doing business, sometimes with substantial economic benefits. They play a key role in introducing new technologies to the market, often responding quickly to new market opportunities.

Our committee worked in a bipartisan manner to produce this legislation. We held several hearings on this topic over the last few months, inviting the Small Business Administration, SBIR and STTR program managers from Federal agencies, various small businesses, and academics to discuss the program successes and to consider amendments that would improve them. I'm happy to say that many of the ideas that were presented to the committee have found a way into this legislation.

For example, the topic that dominated much of the discussion at our hearings was the appropriate level of venture capital involvement in the SBIR program. Unfortunately, there have been several misconceptions stated about this provision in the bill.

In 2003, the Small Business Administration reversed a 20-year-old policy by ruling that small businesses that are majority-owned by venture capital companies can no longer compete for grants under the SBIR program, regardless of how few employees companies have. As a result, this has jeopardized the development of innovative treatments, therapies, and technologies.

The goal of our proposal is to ensure that America's small businesses continue to be the world's leader in innovative research and development and

to provide the best small companies with the greatest commercialization potential access to SBIR and STTR programs.

In addition, access to capital is a real concern for small businesses across all industries, and our provision provides small businesses another path to acquire the capital they need to be successful.

It is also important to keep in mind that these programs will remain open for competition among all small businesses, and Federal agencies will choose the best small business to win the award.

H.R. 2965 contains significant and dedicated safeguards to ensure that the SBIR program remains a small business program. It forbids a small business with one venture capital firm having over 50 percent ownership from qualifying for that small business award. The bill also has safeguards to prohibit large companies from taking control of the small business and receiving small business grants.

The legislation also bans a business whose board's majority is from a venture capital firm from participation in the program. Finally, because venture capital investments are often done as a group to reduce risk, the bill strictly limits the amount of participation of venture capital firms that are themselves owned by a business of over 500 employees.

Our comprehensive bill also takes significant strides to bring the programs into the 21st century by increasing the award sizes, enhancing data collection and reporting requirements for better oversight, and providing Federal agencies with the mechanism by which they can meet and share best practices.

Mr. Chairman, I urge my colleagues to support this bipartisan legislation.

I reserve the balance of my time.

Mr. WU. I yield myself such time as I may consume. In today's economy, small business is where innovation happens. The Science and Technology Committee intends to promote science and technology research that drives an innovation economy. That is why I rise in support of H.R. 2965, the Enhancing Small Business Research and Innovation Act.

At more than \$2.3 billion per year, the Small Business Innovation and Research and Small Business Technology Transfer programs comprise the largest source of Federal support for technological innovation in the private sector. Given the current economic climate, we need robust SBIR and STTR programs to create the next generation of companies that will provide high-paying jobs and grow our economy.

However, these programs originated more than 25 years ago. Given the economic changes we have seen during the past two decades, we need to update these programs to reflect the current

economic realities of our increasingly competitive innovation economy.

The Committee on Small Business and the Committee on Science and Technology have held numerous hearings on SBIR and STTR over the past several years. Witnesses shared many recommendations about how SBIR and STTR can be strengthened.

Recently, both committees overwhelmingly supported H.R. 2965, with each committee voting favorably to reauthorize SBIR and STTR through 2011 with some much needed modernization and changes.

The legislation has been endorsed by more than 100 organizations, including the American Association of Universities, BIO, the National Venture Capital Association, the Energy Sciences Coalition, and the Cystic Fibrosis Foundation.

The bill increases the award sizes for phase I and phase II to reflect the actual cost of doing high-tech research today. It also increases the flexibility of the SBIR by allowing cross-agency awards and allowing applicants to apply directly for phase II funding.

H.R. 2965 allows venture capital-backed small businesses to once again apply for awards and specifically defines their eligibility requirements. This temporary ban on venture capital majority ownership was the result of a ruling in 2003 by an administrative law judge in Boston.

For 20 years—from the inception of the program in 1983—to 2003, venture capital-funded companies could freely participate in these programs. There is no evidence, there is no evidence anywhere, that during that time there was any crowd-out of other businesses by VC-backed businesses.

There has been a lot of debate over the role of venture capital participation, but the National Academies recently released a report that states that venture-backed companies are important. They contribute greatly to technologic development and they do not—emphatically, do not—crowd out other small businesses.

The goal of SBIR is to encourage innovation. It is time that we fix the administrative ruling of a single judge and support more innovative small businesses and the best technology that we can help bring to market.

Today, we recognize our leadership by reauthorizing SBIR and STTR. I want to commend Chairwoman VELÁZQUEZ in particular for her commitment to small business innovation. I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. SMITH of Nebraska. I yield myself as much time as I may consume.

I'm pleased to rise today in support of H.R. 2965, the Enhancing Small Business Innovation Act of 2009. As the country continues to suffer through this deep economic recession, we have

regular debates in this House and in Washington regarding what policies will best help to alleviate the current downturn and accelerate recovery.

All too often in these debates it seems there is a tendency to overlook an important fundamental fact: The government does not create wealth and prosperity. It is created, rather, in the private sector, by risk-taking, entrepreneurial Americans with ideas and capital, and their own hard work. There is arguably no element of the private sector better equipped to drive the economic turnaround than America's high-tech small businesses.

□ 1245

To this end, there are ways the government can help turn our economy around, by minimizing its interference in the economy and fostering an environment where private sector innovators can flourish and their ideas can be developed into new goods and services which increase productivity and our quality of life. By providing small amounts of early-stage seed funding to entrepreneurs with cutting-edge ideas, the Small Business Innovative Research program and Small Business Technology Transfer program can help do that. With 12 participating agencies and total funding in excess of \$2.3 billion, the SBIR and STTR programs reauthorized in this bill serve to facilitate increased private sector commercialization of these promising ideas while helping the government advance its R&D goals and meet its technology needs.

The legislation before us today makes important improvements to this program, most notably by providing statutory clarity to what have been changing interpretations of the eligibility of majority venture capital-backed small businesses. Both the Science and Technology Committee and the Small Business Committee have considered this issue in detail in recent years, and I think the growing consensus in support of this legislation's proposed changes is a strong indication that they are on target, maximizing the eligibility of legitimate small businesses while minimizing inappropriate eligibility of large businesses.

I also want to note my strong support for title III of this bill, which includes amendment language I included in a similar version of this legislation last year. The language requires agencies to give priority consideration to applicants from rural areas so as to increase award recipients from these areas. This is important to reach areas such as my home State of Nebraska, which tends to have low participation in the programs but are, nonetheless, home to entrepreneurial and innovative small business owners who would benefit from consideration in the grant review and award process.

I want to commend Chairman GORDON, Ranking Member HALL and Chairman WU—as well as our colleagues on the Small Business Committee—for their work on this legislation. I look forward to working with them to ensure smooth and timely passage of this bill as it moves to the Senate and into conference.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 3 minutes to the Chair of the Subcommittee on Contracting and Technology who moved this legislation through the subcommittee, the gentleman from Virginia (Mr. NYE).

Mr. NYE. I would like to thank Chairwoman VELÁZQUEZ for her leadership here and also Ranking Member GRAVES.

Mr. Chair, as chairman of the Small Business Subcommittee on Contracting and Technology, together with Ranking Member SCHOCK, I've held several hearings to discuss how we can do more to help our small businesses research and develop the technologies of tomorrow. From those hearings two things became absolutely clear. Small businesses are the single most innovative sector of our economy; and with the right support, they have the power to lead us out of this recession. SBIR is a vital program that limits the risk that small business innovators face. The SBIR program is critical to innovative technology created by small businesses. Each year the program helps 1,500 companies get off the ground. Startups that receive SBIR grants are productive job creators. In fact, the employment growth rate for these businesses is nearly four times that of larger firms, employing 40 percent of all high-tech workers.

These firms have triggered extraordinary achievements. Take, for example, night vision goggles or technology for unmanned aviation. In fact, the SBIR program is crucial to improving tools that support our national security. At \$1.23 billion, the DOD makes up more than half of all SBIR funding. Were it not for SBIR, critical breakthroughs accounting for improvements of technologies from our defense to health care may have never made it to market. And yet countless other new technologies don't make it past the laboratory doors. Innovation is a risky, resource-intensive process. Without proper funding, even the most brilliant invention may never make it.

Mr. Chair, SBIR and STTR are important tools for developing new products but not just as a means for invention. By sparking innovation, they mark the surest path to unlocking new markets, expanding new industries and, most importantly, creating new jobs. This bill is an important step towards lasting growth, and I look forward to its passage.

Mr. GRAVES. Mr. Chairman, I yield 5 minutes to the ranking member of the

Contracting and Technology Subcommittee, the gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. Mr. Chair, I rise today in support of H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009. This bill incorporates the important language of legislation that I introduced in H.R. 2772, the SBIR and STTR Enhancement Act. I would like to thank first Chairwoman VELÁZQUEZ, Ranking Member GRAVES and Mr. ALTMIRE for working to move this important piece of legislation forward and doing so in such a bipartisan way. I also want to thank my colleague Congressman NYE for his work with me on the subcommittee level to ensure that the process of modernizing the Small Business Innovation Research program was done in an effective, efficient and bipartisan fashion with the input from those who are most important, that is, the small business sector who utilizes this important program.

The Small Business Innovation Research, or SBIR program, as we refer to it, was established over 20 years ago and is an important resource in assisting small business owners wishing to bring their technological advancements to the marketplace. While small business owners represent some of the brightest innovators our country has, because of the high cost of doing technological research for the government, small businesses are, unfortunately, often underrepresented in receiving such research-intensive government contracts. When the Federal Government looks to the private sector for the development of new technologies and ideas, they must look beyond simply large corporate conglomerates to the small businesses that truly drive our economy and create American jobs.

I am encouraged that this legislation and the language contained in it will make a number of necessary and overdue changes to the SBIR program, ensuring its continued use to help in the commercialization of those innovations made by small businesses. Additionally, this language will equip the SBIR program with important new tools to bring it more in line with the needs of small business owners in the 21st century. Included are important provisions to allow for increased oversight, more transparency and greater flow of information between the recipient and participating agencies. We will now have more timely solicitation responses from these agencies, the creation of an online database to properly study and measure the performance of businesses participating in the program and new restrictions regarding potential program abusers. These changes will help SBIR continue to be one of the few government assistance programs which actually works.

Finally, by responsively increasing the grant limits, which have not been altered in over 20 years since the pro-

gram's inception while simultaneously not increasing the total funding pool, we ensure that this program is streamlined to become more effective and efficient, to focus on granting funds to those potentially successful ideas that need this type of support to transition from concept to reality. Rather than throwing more taxpayer money at an unnecessarily large amount of grants, the SBIR program will now focus on investing in those ideas from small businesses which actually possess the potential to reach full commercialization phase.

Today this House will make these important changes to the SBIR program to ensure its continued use as a resource, which helps small businesses bring their new and novel ideas to the market while also providing a value to our economy, which we all know it so desperately needs. Knowing that over 60 percent of American citizens get their paycheck from a small business, it only seems right in these tough economic times that we focus on beefing up those support efforts here in the Federal Government to help the largest employers in our country, small businesses. I urge a "yes" vote and passage of this bill.

Mr. WU. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. TONKO), a leader in energy innovation.

Mr. TONKO. I thank the gentleman for yielding.

Mr. Chair, as you know, small businesses are the engine that will repower America's economy. Research and innovation in the small business venue have greatly contributed to advances in science and technology across the board. In fact, the city of Schenectady in my congressional district, the ninth largest city in New York State, was nicknamed "The Electric City" after Thomas Edison moved his company Edison Machine Works there in 1887, which was later followed by the opening of GE headquarters in 1892.

Today we are considering H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009. I rise in full support of H.R. 2965. This program has proven to be one of the most successful Federal programs for technological innovation in United States history, delivering more than 60,000 patents and hundreds of valuable innovations in agriculture, in defense, in energy, in health sciences, homeland security, space, transportation and other fields.

Through Phase I and Phase II SBIR, countless jobs have been created in the capital region of New York State. It is through programs such as SBIR that my district has developed the underpinnings of support for a boom in high technology innovation and economic development. In fact, just over a month ago a constituent of mine, Dr. James Woo of Interscience, Inc. in

Troy, New York, was at a national conference in Virginia. This conference was to showcase Navy SBIR Phase II projects to program managers and large defense contractors for transition. A great majority in attendance supported protecting the small business opportunities that have been part of this program. The reason is because small, innovative companies should have a genuine place at the Federal table. This place is for backyard inventors and local contractors, for small and very small businesses where the research is not likely a breakthrough in technology but a breakout of implementation.

At a time when our national unemployment is at 9.5 percent, we should do everything in our power to strengthen small businesses that generate 70 percent of new jobs in our country. It is important that we continue to favor small, innovative businesses.

There's simply no more effective way to boost our economy than to support the small business innovation that creates new jobs, new technologies and new American industries.

If the tavern was the cradle of democracy, then the garage is the cradle of enterprise.

Mr. SMITH of Nebraska. I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 4 minutes to the bill's sponsor, the gentleman from Pennsylvania, Mr. JASON ALTMIRE.

Mr. ALTMIRE. Mr. Chair, some of these innovative small businesses that are involved in this bill used to qualify for venture capital funding under the previous rulings that were in effect until the year 2003. I introduced the Enhancing Small Business Innovation and Research Act to modernize the key programs for this country's greatest innovators, America's small businesses.

Since its inception in 1983, the SBIR program has facilitated American competitiveness, providing quality research and spurring technological innovation. But technology has changed since the last reauthorization more than a decade ago, and my legislation reauthorizes the program to keep up with the needs of modern small businesses. Additionally, this bill expands the talent pool from which the programs can draw by broadening the types of businesses that can participate to a more diverse set of firms and making SBIR research available to all areas of the country, even those not traditionally considered to be hotbeds of R&D.

Under this bill, Federal funding for technology innovation will be focused on supporting the work most likely to develop new products by targeting resources towards small businesses with the highest likelihood of commercialization. Perhaps most important, this bill helps firms participating in the SBIR programs to attract private

investment. As we respond to the recession, SBIR and the Small Business Technology Transfer programs are two critical tools that provide valuable seed money for entrepreneurs who are willing to explore untested concepts and develop new products. Today it is difficult for small businesses to access financing by any means, venture capital or otherwise. We should be helping small firms raise capital, not penalizing those that do.

In my home region of western Pennsylvania, venture capital investments have spurred a resurgence of life science and biotech startups. Some of these innovative small businesses have even partnered with businesses in Cleveland, Ohio, to promote private investment and growth. And now more than 80 venture capital funds have invested in dozens of health care enterprises throughout this tech belt region. Allowing these cutting-edge firms to compete for SBIR grants will foster innovation and accelerate job growth.

Small businesses are our Nation's greatest innovators. I ask my colleagues to support the small businesses in their districts by supporting this bill.

□ 1300

Mr. GRAVES. Mr. Chairman, at this time, I reserve the balance of my time. I don't have any more speakers.

Mr. WU. Mr. Chairman, I would like to inquire how much time remains.

The CHAIR. The gentleman from Oregon has 4½ minutes remaining.

Mr. WU. Mr. Chairman, I recognize the Chair of the Investigations and Oversight Subcommittee, Mr. MILLER, the gentleman from North Carolina, for 2 minutes.

Mr. MILLER of North Carolina. I also rise to support this legislation. Others have spoken generally of the agility and the energy that small business innovation gives our economy and how SBIR and STTR contribute to that.

I want to talk about two companies in my district that have gotten SBIR and STTR grants. The first is Geophex, which got an SBIR grant from NASA in 2000 to develop a sensor to detect electromagnetic changes beneath the surface within 30 feet. NASA wants that technology so they can tell whether there is water beneath the surface of Mars, and that is reason enough to develop the technology. Geophex has found many commercial applications. They are using that technology now to determine if there is water beneath the surface of Earth. The Department of Defense is using that technology to detect landmines and mines in water. Construction companies are using the technology to detect buried cables, sewer lines and waterlines.

The second company is 3 Phoenix, which I visited recently. They are also developing a sensor technology, almost

all of which initially is for military applications. They are, for instance, developing a sensor that can detect a periscope peaking up above the surface of the water from 30 miles away. The Navy really wants that technology, and 3 Phoenix has gotten a little more than \$800,000 in several grants under SBIR so far. They already have contracts that will add up to almost \$9 million in billings. They have just begun to scratch the surface of the commercial applications.

If you have got a sensor that can spot a periscope 30 miles away, it is a snap to develop a sensor using the same technology to tell if there is a car in a parking space. They are now working to develop the technology that will tell drivers in a downtown where the closest empty parking space is. The potential that holds for relieving traffic congestion is enormous. It will save energy. It will save emissions. It will save frustration. Support this bill.

Mr. GRAVES. I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 4 minutes to the gentlewoman from Illinois, Mrs. HALVORSON, who authored several of the provisions of this bill.

Mrs. HALVORSON. Mr. Chair, I rise today in support of H.R. 2965, the Enhancing Small Business Research and Innovation Act. I want to thank Chairwoman VELÁZQUEZ, Ranking Member GRAVES, and Mr. ALTMIRE for their leadership on this important piece of legislation.

I am proud to be an original cosponsor of this bill, which includes language from legislation I introduced, H.R. 2747, the Rural Technology Development and Outreach Act. For nearly three decades, the Small Business Innovation Research program has sought to increase Federal funding for innovative small businesses that seek to develop new technology with commercial potential. Without funding assistance from SBIR, many small businesses would never have the opportunity to develop their research into products that can be brought to market.

Over the years, SBIR has helped build thousands of small startups into successful companies. Unfortunately, SBIR awards are often concentrated in a small number of States or regions. There are promising small firms that don't apply for SBIR because they are unaware of the programs and its benefits. Many of these firms are located in rural communities and other underserved areas.

Today, families living in rural communities throughout the country are struggling. Too many of these rural communities face a tremendous shortage of economic opportunities. As a result, unemployment has skyrocketed. In many communities in my district, the unemployment rate has reached 13 percent. The lack of economic development forces many talented individuals

to leave their community to seek out opportunities elsewhere.

Title III of H.R. 2965 includes language from my bill, the Rural Technology Development Outreach Act, that will seek to increase SBIR participation by small firms in rural areas, as well as by firms owned by women, minorities and veterans. H.R. 2965 will provide grant funding to organizations that conduct outreach regarding SBIR to these types of small businesses.

While small business growth is important in any community, it is especially critical in rural and underserved areas. The measure in this bill will encourage entrepreneurship in places where it is currently lagging. By promoting innovation within these communities, H.R. 2965 will set them on the path to economic recovery.

When most people hear the word “innovation,” they probably don’t think of rural regions, but the truth is that these are the areas with the most room for growth. If we are going to rebuild our economy, then we will have to unlock new markets everywhere, from Silicon Valley to the Midwest heartland. H.R. 2965 will do just that.

I ask my colleagues to join me in supporting its passage.

Mr. GRAVES. Mr. Chairman, I reserve the balance of my time.

Mr. WU. Mr. Chairman, I reserve my time.

Mr. SMITH of Nebraska. I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to inquire of the Chair how much time we have left.

The CHAIR. The gentlewoman from New York has 6½ minutes remaining.

Ms. VELÁZQUEZ. I yield to the gentlelady from New York (Ms. CLARKE) 3 minutes.

Ms. CLARKE. I rise today to take a strong stand for small business by supporting H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009, which reauthorizes the Small Business Innovation Research and the Small Business Technology Transfer grant programs. This very important piece of legislation will strengthen and solidify the foundation for the growth and ultimate success of our Nation’s small businesses and determine the subsequent success of our country’s economy.

The SBIR program is one of the most successful Federal programs for research and technology innovations. It has been central in the process of maintaining the U.S. as a leader in technological innovation, delivering over 60,000 patents and several hundred valuable innovations in all commercial areas, including defense and homeland security.

This 111th Congress, I have the honor of sitting on the Committee on Homeland Security and chairing the Subcommittee on Emerging Threats, Cybersecurity, and Science and Tech-

nology. And as the Representative of the 11th Congressional District located in central Brooklyn and a native New Yorker, I have witnessed firsthand the need for advanced technology to keep America and its citizens safe.

The events of 9/11 and subsequent war in Afghanistan and Iraq have catalyzed the need to develop both antiterrorism technology and defense systems that will defend our Nation and save precious American lives from terrorist action.

Moreover, this funding is integral in providing funding for women and minority-owned research firms that have historically been marginalized and locked out of the system and have had more difficulty navigating through the technology and innovation research arena.

There is no better time than now to encourage technological innovation, to meet the Federal research and development needs of our country, and to increase the quality and quantity of products in our market. And there is no other group better equipped to handle such a task than the small business community.

Currently, small businesses are responsible for creating roughly 70 percent of new jobs and employ half of the private sector workforce. They are truly the backbone of our economy and the conduit through which we will emerge from this recession. I have had a very longstanding commitment to the support of the technological entrepreneurship and the jobs it creates. In my district in Brooklyn, our State University Medical Center is home to Brooklyn’s first biotechnology incubator where small emerging entrepreneurs are developing the cures for our Nation’s illnesses and diseases. This legislation enables the vital support these entrepreneurs are desperately seeking. This is why I strongly support H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009.

I thank Chairwoman VELÁZQUEZ, Ranking Member GRAVES, Subcommittee Chairman NYE and Congressman ALTMIRE for taking charge on this bill.

Mr. GRAVES. I reserve the balance of my time, Mr. Chairman.

Mr. WU. I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield to the gentlewoman from Pennsylvania (Ms. SCHWARTZ) 2 minutes.

Ms. SCHWARTZ. I rise today in support of the Enhancing Small Business Research and Innovation Act.

Ingenuity and innovation are key to the U.S. economy. In Pennsylvania, the bioscience industry employs more than 77,000 people in good-paying jobs. The industry develops lifesaving pharmaceuticals, medical equipment and devices that are important here at home and around the world.

In order to develop these important technologies, these companies need access to early capital to move their products from the research phase into commercial development. Small business programs, particularly SBIR and STTR programs, are important tools for our country’s entrepreneurs to bring their ideas to market; however, under rules established by the previous administration, companies with large investments from venture capital were ineligible to participate in the SBIR program. This ruling created an unfortunate situation where companies had to choose between utilizing these Federal business incubator resources or raising essential venture capital investment, both important to growing their business.

The bill before us today overturns this prior policy and enables Pennsylvania and the bioscience companies and companies around the country to utilize these important Federal resources and seek private investment capital.

Former Congressman from Pennsylvania, Jim Greenwood, and now president of the Biotechnology Industry Organization, has said this bill “will help to ensure that small U.S. biotech companies have increased access to capital for meritorious cutting-edge, early-stage research.”

I urge my colleagues to support this legislation that will create jobs and keep American technology competitive in this global economy.

Mr. GRAVES. Mr. Chairman, I simply want to urge my colleagues to support the bill.

I don’t have any more speakers, and I yield back my time.

Mr. WU. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to recognize the staff who put many hard years of work into this legislation. On the Science Committee staff, I always say that you don’t have to be a rocket scientist to serve on the Science Committee, but you do have to be a rocket scientist to staff the Science Committee. I would like to recognize the good work of Mike Quear of my staff and Dennis Worden.

The bill that they have crafted is fundamentally about jobs. It is about turning research into new products and new services, but most importantly, good, high-wage jobs that tend not to go away. This is a 25-year-old-plus program that has worked, and we are here today making improvements. We are making the program more flexible by permitting cross-agency awards. We are permitting awardees to skip phase one and go straight to a phase two award if they have done that development work with private money. We are collecting data, because there is a dearth of data currently, data that will help us target this program even better in future reauthorizations.

For the first time in 5 years, we are going back to the prior rule, the pre-existing rule that was there for 20 years of permitting venture capitalists to participate more broadly in the program but with carefully crafted restrictions. This program remains the exclusive domain of small businesses, those businesses with 500 or fewer employees. It is the kind of bill that has brought together a bipartisan consensus, because we need it now more than ever under our economic circumstances. This is the kind of legislation that we should be working on all the time that turns research into new products, new services and new jobs.

I yield back the balance of my time.
Ms. VELÁZQUEZ. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, today we have an opportunity to invest in the two greatest sources of economic growth: entrepreneurship and innovation. We know that small firms create roughly 70 percent of all new jobs, and we recognize that new markets are the surest path to prosperity, so it only makes sense to strengthen small business innovation. H.R. 2965 does exactly that. This is a bipartisan bill, one that could not have been drafted without contributions from my colleagues, Mr. GRAVES, Mr. SCHOCK, Mrs. HALVORSON, Mr. BRIGHT, Mr. NYE, and most importantly, the bill sponsor, Mr. ALTMIRE.

□ 1315

I would also like to thank Science and Technology, both chairman and ranking member, and the subcommittee chairman, Mr. DAVID WU, and the ranking member.

Especially, I want to say thank you to the staff on both committees who have worked so diligently in working in a bipartisan manner.

This legislation has the support of 60 different organizations, including the U.S. Women's Chamber of Commerce, the Advanced Medical Technology Association and the Biotechnology Industry Organization. The SBIR and STTR programs are critical to small business resources. They helped 1,500 firms get off the ground every year, and in the past we have sparked breakthroughs in everything from antivirus software to defense technology.

Clearly, these programs hold enormous value. Even so, they haven't been modernized in over 8 years and are in sore need of enhancement. In improving SBIR and STTR, we are going to increase efficiency, expand the small business talent pool and boost commercialization.

Meanwhile, we are also going to give entrepreneurs more options for forming their ventures. Taken together these measures will do more than spark invention. They will help small firms market new products, open new industries and put more Americans back to work.

I will urge my colleagues to support this bill.

Mrs. BIGGERT. Mr. Chair, I rise today in strong support of H.R. 2965, a bill to reauthorize the Small Business Innovation Research (SBIR) and Small Business Technology Transfer Programs (STTR).

Too often, I hear from small businesses in my district about what I call the "valley of death"—that period when a firm has developed a new technology but faces difficulties commercializing it and moving it to the market.

In an economy where credit is scarce, the timing to provide stable resources for small-tech companies is now. There are hundreds of healthcare and energy solutions past discovery and development. They only need that one final push to advance to the marketplace.

H.R. 2965 will help them do just that. Reauthorizing the SBIR-STTR programs through 2011—with an emphasis on commercialization in the last phase—will deploy new technologies that improve the quality of our lives, drive economic growth, and create high paying jobs.

As the largest of the small business research and development programs, the SBIR-STTR awards are an important and successful element of the Federal R&D portfolio.

In fact, Illinois is one of the top ten states benefitting from SBIR research dollars.

Since 1983, over four hundred million dollars of grant awards went to my home state. Illinois small businesses utilizing these resources over the years have received over eight hundred patents for their innovative work and hired nearly five thousand high-tech employees.

I urge my colleagues to support this bill and support small business innovation. Doing so maintains our commitment to science and technology advancements, drives the American economy, creates jobs, and keeps American competitive.

Mr. JOHNSON of Georgia. Mr. Chair, I rise today in support of H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes. I would like to thank my colleague Representative JASON ALTMIRE from Pennsylvania for introducing this important piece of legislation.

I support this legislation because it increases the support of small businesses which are the lifeblood of the American economy. This legislation extends the previous termination date for SBIR and STTR programs to 2011, allowing more businesses to participate. It extends the authority to all agencies to develop programs supporting the commercialization of SBIR-funded research and increases the provision of funds to assist small businesses in rural areas. Importantly, it also provides for the special consideration of historically underrepresented groups, including small businesses operated by women, minorities, and service-disabled veterans.

Though I support this legislation, I have concerns over the provision extending eligibility of the SBIR and STTR programs to Venture Capital Operating Companies. The Small Business Administration defines small VCOCs as firms with annual earnings below \$6.5 million, effectively identifying large businesses as

small businesses under the text of this legislation. Furthermore, the bill does not include limits for the level VCOC participation, failing to safeguard the overcrowding of small businesses within the SBIR and STTR programs. Both the National Academy of Sciences and the Government Accountability Office have recommended such safeguards be included in this legislation, yet the text remains unchanged. I have always been a supporter of small businesses and I am the sponsor of the Fairness and Transparency in Contracting Act, which would ensure that small businesses can take full advantage of federal contracting opportunities. Although H.R. 2965 fails to include the safeguards necessary to protect small businesses, I believe it is a step in the right direction.

Small businesses represent 99 percent of employer firms, employ half of all private sector employees, and comprise 97 percent of identified exporters. In the state of Georgia, the more than 860,000 small businesses employ more than 3.6 million workers. I urge my colleagues to vote in support of enhancing small business innovation, small businesses research, employment, and the economy by supporting this legislation.

Mr. HOLT. Mr. Chair, I rise today in support of our nation's small businesses and for the passage of H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009.

Much of the economic success that we enjoy as a nation is the result of innovation and development by America's small business community. Small businesses employ more than half of all workers in the private sector and generate 60 to 80 percent of new jobs in this country. High-tech small businesses form a growing part of our national economy, particularly in New Jersey. According to the National Science Foundation, New Jersey ranks in the top five among states in both the number of high-tech businesses and the size of the workforce employed by those businesses. Restoring our economic growth will require focusing on this strength and improving it.

To continue our innovation advantage, we must ensure that these high-tech small businesses have a steady stream of new ideas, which are generated by translating basic scientific research into commercial products. A recent analysis by the Information Technology and Innovation Foundation found that 77 percent of the award-winning innovative technologies in 2006 came about because of ideas generated from federally funded scientific research. We must give our small businesses the necessary tools to continue to translate this research into innovative technologies and products.

The legislation before us today would help close this gap by expanding and improving two of the SBA's most successful programs: the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program. The SBIR program has proven to be a successful way to advance technological innovation, delivering more than 55,000 patents and hundreds of valuable innovations in agriculture, defense, energy, health sciences, homeland security, space, transportation, and other fields. The program is a unique collaboration, allowing

government agencies to fund projects to meet specific agency needs while expanding opportunities for small businesses. SBIR has enhanced the role of innovative small businesses and higher education research institutions in federally-funded research and development, while fostering competition, productivity, and economic growth. I support this program so that it will continue to provide a vital source of funding to establish and grow innovative small businesses.

Our nation's innovation infrastructure, and its underlying science and technology assets, lead the world across a wide range of measures. However, our successes have encouraged other countries to follow our example and boost their innovation infrastructures. Therefore, we must redouble our efforts to boost innovation through research and support high tech companies that will provide the innovation and jobs of the 21st Century. The legislation before us today will give these high-tech small businesses the tools that they need to succeed. I encourage my colleagues to support this legislation.

Mr. MARKEY of Massachusetts. Mr. Chair, I rise in opposition to H.R. 2965, the Enhancing Small Business Innovation and Research Act.

I must oppose this bill because I have serious concerns about changes made in the bill to the SBIR program that would allow SBIR awards to go to an unlimited number of businesses owned or controlled by Venture capital (VC) firms. The SBIR program, responsible for over 60,000 patents, has always focused on innovation from truly small businesses for whom commercial capital market funding is typically not an option. However, with the change made in this bill, the SBIR program would be wide open to applicants that already are well-capitalized due to VC participation, crowding out the small businesses that have been the focus of the highly successful SBIR program.

When the Rules Committee met yesterday, I offered an amendment to H.R. 2965 along with my colleagues Representative TSONGAS, Representative WELCH, and Representative HODES which would have resolved two major problems with H.R. 2965 that undermine the intent of the SBIR program.

The amendment we offered would have:

1. Allowed the National Institutes of Health (NIH) to direct up to 15% of its SBIR budget to majority venture backed businesses and allow every other federal agency to direct up to 5 percent of its SBIR budget to majority venture backed businesses. In this way, our amendment provided a sensible balance between the prohibition on VC participation, which is the current law, and enabling, without limitation, the participation in the SBIR program of businesses that are owned or controlled by VC firms. The safeguards included in our amendment were based on the recommendations from the National Academy of Sciences and Government Accountability Office (GAO).

2. Increased SBIR Phase I and Phase II awards to \$150,000 and \$1,000,000 respectively. This increase recognized the need to boost award size due to inflation, but did not increase the award size to such an extent that there will be fewer overall awards available.

While I support VC participation in the SBIR program—and our amendment specifically provided for it—enabling an unlimited amount of large VC majority-owned firms to qualify for SBIR funding calls into question whether this program, intended for genuinely small businesses, is, in fact, still focused on these firms.

Our amendment provided a needed compromise that recognized the importance of venture capital and recognized the need to hold central truly small business innovation.

Unfortunately, our amendment was not made in order by the Rules Committee. Without the protections in our amendment, we run the risk of taking the “Small” out of the Small Business Research Innovation Program.

At a time when our national unemployment rate is at 9.5 percent, we should do everything in our power to strengthen small businesses that generate 70 percent of new jobs in our country. H.R. 2965 does not do enough to ensure that small businesses are the focus of the SBIR program, and therefore I cannot support the bill.

Mr. KUCINICH. Mr. Chair, I rise today in opposition to H.R. 2965, the Enhancing Small Business Research and Innovation Act. This legislation undermines the very reason for the creation of the Small Business Innovation Research (SBIR) program and squanders the opportunity to provide vital resources to our country's small business community.

The Small Business Innovation Research program was created by Congress with the recognition that small businesses could not compete with their larger corporate competitors in the federal grantmaking process. This grant program provides small, innovative businesses across the nation with the necessary resources to significantly contribute to the federal government's research and development efforts. With the enactment of the SBIR program, Congress made clear its commitment to support the ingenuity and entrepreneurial spirit of small businesses.

Section 102 of H.R. 2965 would alter the ownership rule provision by providing venture capital firms and venture capital subsidiaries of large corporations the space to increase their ownership in small businesses applying for SBIR grants. Relaxing the venture capital standards for SBIR and STTR grant eligibility undermines the ability of the SBIR program to ensure that small business can address the disproportionate competitive advantages that large business have.

In a time of economic crisis, maintaining the integrity of the SBIR program could not be of more importance. We must recognize the significant contributions that small business makes to our economy and preserve the programs that drive their success.

Mr. TEAGUE. Mr. Chair, I rise today to express serious concerns with H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009. H.R. 2965 is a reauthorization of the Small Business Innovation Research (SBIR) program. SBIR provides \$26 million in research and development funding for companies in my home state of New Mexico every year. Over the past six years, that amounts to over \$160 million in funding, creating jobs and wealth across the state.

Rather than extending a successful program and changing it to fit the shifting needs of

American small businesses, however, I worry that the reauthorization proposed in this bill will open the program to businesses that aren't actually so small or actually in need of capital. I hesitate to change a law that is meant to provide an opportunity for small businesses to grow and prosper in such a way that would allow big venture capital firms access to our precious tax dollars. Small businesses are the foundation of our economy, and we should not jeopardize their access to this valuable program.

When this bill was being considered by the Rules Committee, an amendment was offered that would have ensured that the focus of the Small Business Innovation Research (SBIR) program remained on assisting small businesses. The amendment struck a sensible balance between the need to modernize eligibility guidelines for the program and protecting the participation of small businesses. The amendment, however, was not made in order.

Without setting these limits on the participation of venture capital in the SBIR program, small businesses without significant or any venture capital participation could potentially be crowded out of the program. We need to keep the “small business” in SBIR.

Mr. DINGELL. Mr. Chair, I rise today in support of H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009. Since 1982 the Small Business Innovative Research (SBIR) and the Small Business Technology Transfer (STTR) programs have assisted thousands of innovative, cutting-edge small businesses in successfully getting their products to the marketplace.

The SBIR and STTR programs provide small businesses the ability to compete for federal funding, thus ensuring the best companies are getting their products to the market. Firms across all fields, from alternative energy and biotechnology to national defense, have benefited from the ability to get seed money from the government to fully develop and market their products and technology. The modest investments the government makes in these firms have provided tremendous rewards, allowing 1500 new companies each year to get off the ground. In my home state of Michigan, the SBIR/STTR programs have invested \$534 million, \$215 million of which Michigan has received since 2003. Overall, 450 Michigan companies have benefited from SBIR/STTR, including two thriving firms in Michigan's 15th Congressional District, Adaptive Materials and AI23Systems.

Not only does H.R. 2965 reauthorize the SBIR/STTR programs which are set to expire on July 31, 2009, it also modernizes them, placing an emphasis on commercialization, expanding access for minority-owned and rural business, and creating a more efficient and streamlined process for participating companies.

The SBIR program is designed so that technology-driven firms have the chance to advance their ideas, develop them, and ultimately commercialize their products. This legislation is critically important for companies in Michigan, and across the country, as it gives them the ability to continue to get their products to the market, especially at a time when the economy is so badly hurting. I urge all my colleagues to vote for this important legislation.

Ms. SUTTON. Mr. Chair, I rise today in support of the underlying legislation, H.R. 2965, the Enhancing Small Business Research and Innovation Act.

This bill will ensure that small businesses have access to federal research and development money so they can continue to be the engines of economic growth and innovation that our economy so desperately needs.

This bill also contains a number of important developments—including a focus on the commercialization of products developed with SBIR funding.

A focus on commercialization is also a focus on jobs as technologies and innovations created by this funding enter the marketplace.

I am also pleased that a number of provisions that I championed have been included in the manager's amendment and the underlying bill.

One of these provisions requires agencies that administer SBIR programs to give special consideration to vital transportation and infrastructure research activities when reviewing grant applications.

Investing in our nation's transportation and infrastructure through small business is essential to our long term success and growth.

I also worked to include a preference for veterans who have so honorably served this country.

This is the least we can do for the 26 million brave men and women who sacrificed years of their lives to protect our country—many who are small business owners.

This bill will also increase outreach to service-disabled veterans and other underrepresented groups.

As I have said before and I will say again, it is not enough to simply pay tribute to our veterans with our words; we must show our appreciation through our actions.

I also strongly support the provision of this bill that I worked on with Representative BOWELL to require that priority be given to grant applicants from areas of the country that have lost a major source of employment.

Communities across this country, from Ohio to Iowa, are suffering as employers shut their doors. In Ohio, 83 of the 88 counties have experienced a mass layoff or plant closing since 2001.

Focusing funds in areas that have suffered the most and have endured major job losses will ensure that this money is helping people in the communities that need it most.

I urge a yes vote on the rule and the underlying bill.

Ms. VELÁZQUEZ. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

In lieu of the amendment recommended by the Committee on Science and Technology, the amendment in the nature of a substitute recommended by the Committee on Small Business printed in the bill shall be considered as the original bill for purpose of amendment under the 5-minute rule and shall be considered as read.

The text of the committee amendment is as follows:

H.R. 2965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “Enhancing Small Business Research and Innovation Act of 2009”.

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. *Short title; table of contents.*

TITLE I—PROGRAM EXTENSION AND VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT

Sec. 101. *Extension of termination dates.*

Sec. 102. *Ensuring that innovative small businesses with substantial investment from venture capital operating companies are able to participate in the SBIR and STTR programs.*

TITLE II—COMMERCIALIZATION ACTIVITIES AND RESEARCH TOPICS DESERVING SPECIAL CONSIDERATION

Sec. 201. *Focus on commercialization.*

Sec. 202. *Inclusion of energy-related research topics and rare disease-related research topics as deserving “special consideration” as SBIR research topics.*

Sec. 203. *Nanotechnology-related research topics.*

Sec. 204. *Clarifying the definition of “Phase Three”.*

Sec. 205. *Agency research goals.*

Sec. 206. *Commercialization programs.*

TITLE III—RURAL DEVELOPMENT AND OUTREACH

Sec. 301. *Outreach and support activities.*

Sec. 302. *Rural preference.*

Sec. 303. *Obtaining SBIR applicant's consent to release contact information to economic development organizations.*

Sec. 304. *Increased partnerships between SBIR awardees and prime contractors, venture capital investment companies, and larger businesses.*

TITLE IV—SBIR AND STTR ENHANCEMENT

Sec. 401. *Increased number of research topic solicitations annually and shortened period for final decisions on applications.*

Sec. 402. *Agencies should fund vital R&D projects with the potential for commercialization.*

Sec. 403. *Federal agency engagement with SBIR awardees that have been awarded multiple Phase One awards but have not been awarded Phase Two awards.*

Sec. 404. *Funding for administrative, oversight, and contract processing costs.*

Sec. 405. *Comptroller general audit of how Federal agencies calculate extramural research budgets.*

Sec. 406. *Agency databases to support program evaluation.*

Sec. 407. *Agency databases to support technology utilization.*

Sec. 408. *Interagency Policy Committee.*

Sec. 409. *National Research Council SBIR Study.*

Sec. 410. *Express authority to “fast-track” Phase Two awards for promising Phase One research.*

Sec. 411. *Increased SBIR and STTR award levels.*

Sec. 412. *Express authority for an agency to award sequential Phase Two awards for SBIR-funded projects.*

Sec. 413. *First phase required.*

Sec. 414. *Involvement of Chief Counsel for Advocacy.*

TITLE I—PROGRAM EXTENSION AND VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT

SEC. 101. EXTENSION OF TERMINATION DATES.

(a) *SBIR.*—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking “2008” and inserting “2011”.

(b) *STTR.*—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking “2009” and inserting “2011”.

SEC. 102. ENSURING THAT INNOVATIVE SMALL BUSINESSES WITH SUBSTANTIAL INVESTMENT FROM VENTURE CAPITAL OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN THE SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(aa) VENTURE CAPITAL OPERATING COMPANIES.—Effective only for the SBIR and STTR programs the following shall apply:

“(1) A business concern that has more than 500 employees shall not qualify as a small business concern.

“(2) In determining whether a small business concern is independently owned and operated under section 3(a)(1) or meets the small business size standards instituted under section 3(a)(2), the Administrator shall not consider a business concern to be affiliated with a venture capital operating company (or with any other business that the venture capital operating company has financed) if—

“(A) the venture capital operating company does not own 50 percent or more of the business concern; and

“(B) employees of the venture capital operating company do not constitute a majority of the board of directors of the business concern.

“(3) A business concern shall be deemed to be ‘independently owned and operated’ if—

“(A) it is owned in majority part by one or more natural persons or venture capital operating companies;

“(B) there is no single venture capital operating company that owns 50 percent or more of the business concern; and

“(C) there is no single venture capital operating company the employees of which constitute a majority of the board of directors of the business concern.

“(4) If a venture capital operating company controlled by a business with more than 500 employees (in this paragraph referred to as a ‘VCO’ under large business control’) has an ownership interest in a small business concern that is owned in majority part by venture capital operating companies, the small business concern is eligible to receive an award under the SBIR or STTR program only if—

“(A) not more than two VCOs under large business control have an ownership interest in the small business concern; and

“(B) the VCOs under large business control do not collectively own more than 20 percent of the small business concern.

“(5) The term ‘venture capital operating company’ means a business concern—

“(A) that—

“(i) is a Venture Capital Operating Company, as that term is defined in regulations promulgated by the Secretary of Labor; or

“(ii) is an entity that—

“(I) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–51 et seq.); or

“(II) is an investment company, as defined in section 3(c)(1) of such Act (15 U.S.C. 80a–3(c)(1)), which is not registered under such Act because it is beneficially owned by less than 100 persons; and

“(B) that is itself organized or incorporated and domiciled in the United States, or is controlled by a business concern that is incorporated and domiciled in the United States.”.

TITLE II—COMMERCIALIZATION ACTIVITIES AND RESEARCH TOPICS DESERVING SPECIAL CONSIDERATION

SEC. 201. FOCUS ON COMMERCIALIZATION.

Section 9(a) of the Small Business Act (15 U.S.C. 638(a)) is amended by adding at the end the following: "It is further the policy of Congress that the programs established in this section should focus on promoting research and development of projects governed by commercial business plans, which have significant potential to produce products or services for the marketplace or for acquisition by Federal agencies."

SEC. 202. INCLUSION OF ENERGY-RELATED RESEARCH TOPICS AND RARE DISEASE-RELATED RESEARCH TOPICS AS DESERVING "SPECIAL CONSIDERATION" AS SBIR RESEARCH TOPICS.

Section 9(g)(3) of the Small Business Act (15 U.S.C. 638(g)(3)) is amended—

(1) in the matter preceding subparagraph (A) by inserting after "critical technologies" the following: "or pressing research priorities";

(2) in subparagraph (A) by striking "or" at the end; and

(3) by adding at the end the following:

"(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in subsequent reports issued by the National Academy of Sciences on sustainability, energy, and alternative fuels;

"(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in subsequent reports issued by the National Institutes of Health on rare diseases research activities; or

"(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the United States Department of Transportation Research and Innovative Technology Administration, and in subsequent reports issued by the National Academy of Sciences and United States Department of Transportation on transportation and infrastructure;"

SEC. 203. NANOTECHNOLOGY-RELATED RESEARCH TOPICS.

(a) SBIR.—Section 9(g)(3) of the Small Business Act (15 U.S.C. 638(g)(3)), as amended, is further amended—

(1) in subparagraph (D) by striking "or" at the end;

(2) in subparagraph (E) by adding "or" at the end; and

(3) by adding at the end the following:

"(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in subsequent reports issued by the National Science and Technology Council Committee on Technology, focusing on areas of nanotechnology identified in such plan;"

(b) STTR.—Section 9(o)(3) of the Small Business Act (15 U.S.C. 638(o)(3)) is amended—

(1) in subparagraph (A) by striking "or" at the end;

(2) in subparagraph (B) by adding "or" at the end; and

(3) by adding at the end the following:

"(C) by the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in subsequent reports issued by the National Science and Technology Council Committee on Technology, focusing on areas of nanotechnology identified in such plan;"

SEC. 204. CLARIFYING THE DEFINITION OF "PHASE THREE".

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(C) in the matter preceding clause (i) by inserting after "a third phase" the following: "which shall consist of work that derives from, extends, or logically concludes efforts performed under prior SBIR funding agreements (which may be referred to as 'Phase III')";

(2) in paragraph (8) by striking "and" at the end;

(3) in paragraph (9) by striking the period at the end and inserting "and"; and

(4) by adding at the end the following:

"(10) the term 'commercialization' means the process of developing marketable products or services and producing and delivering products or services for sale (whether by the originating party or by others) to government or commercial markets."

SEC. 205. AGENCY RESEARCH GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by striking subsection (h) and inserting the following:

"(h) AGENCY RESEARCH GOALS.—

"(1) IN GENERAL.—In addition to the requirements of subsection (f), each Federal agency that is required by this section to have an SBIR program and that awards annually \$5,000,000,000 or more in procurement contracts shall, effective for fiscal year 2010 and each fiscal year thereafter, establish annual goals for commercialization of projects funded by SBIR awards.

"(2) SPECIFIC GOALS.—The goals required by paragraph (1) shall include specific goals for each of the following:

"(A) The percentage of SBIR projects that receive funding for the third phase (as defined in subsection (e)(4)(C)).

"(B) The percentage of SBIR projects that are successfully integrated into a program of record.

"(C) The amount of Federal dollars received by SBIR projects through Federal contracts, not including dollars received through the SBIR program.

"(3) SUBMISSION TO COMMITTEES.—For each fiscal year for which goals are required by paragraph (1), the agency shall submit to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate—

"(A) not later than 60 days after the beginning of the fiscal year, the goals; and

"(B) not later than 90 days after the end of the fiscal year, data on the extent to which the goals were met and a description of the methodology used to collect such data."

SEC. 206. COMMERCIALIZATION PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended, by adding at the end the following:

"(bb) COMMERCIALIZATION PROGRAMS.—

"(1) IN GENERAL.—Each agency required by this section to conduct an SBIR program shall establish a commercialization program that supports the progress of SBIR awardees to the third phase. The commercialization program may include activities such as partnership databases, partnership conferences, multiple second phases, mentoring between prime contractors and SBIR awardees, multiple second phases with matching private investment requirements, jumbo awards, SBIR helpdesks, and transition assistance programs. The agency shall include in its annual report an analysis of the various activities considered for inclusion in the commercialization program and a statement of the reasons why each activity considered was included or not included, as the case may be.

"(2) FUNDING FOR COMMERCIALIZATION PROGRAMS.—

"(A) IN GENERAL.—From amounts made available to carry out this paragraph, the Administrator may, on petition by agencies required by this section to conduct an SBIR program, transfer funds to such agencies to support the commercialization programs of such agencies.

"(B) PETITIONS.—The Administrator shall establish rules for making transfers under subparagraph (A). The initial set of rules shall be promulgated not later than 90 days after the date of the enactment of this paragraph.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this paragraph \$27,500,000 for fiscal year 2010 and each fiscal year thereafter.

"(3) FUNDING LIMITATION.—For payment of expenses incurred to administer the commercialization programs described in paragraphs (1) and (2), the head of an agency may use not more than an amount equal to 1 percent of the funds set aside for the agency's Small Business Innovation Research program. Such funds—

"(A) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

"(B) shall not be used for the purpose of funding costs associated with salaries and expenses of employees of the Federal Government."

TITLE III—RURAL DEVELOPMENT AND OUTREACH

SEC. 301. OUTREACH AND SUPPORT ACTIVITIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by inserting after subsection (r) the following:

"(s) OUTREACH AND SUPPORT ACTIVITIES.—

"(1) IN GENERAL.—Subject to the other provisions of this subsection, the Administrator shall make grants on a competitive basis to organizations, to be used by the organizations to do one or both of the following:

"(A) To conduct outreach efforts to increase participation in the programs under this section.

"(B) To provide application support and entrepreneurial and business skills support to prospective participants in the programs under this section.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator \$10,000,000 to carry out paragraph (1) for each of fiscal years 2010 and 2011.

"(3) AMOUNT OF ASSISTANCE.—For each of subparagraphs (A) and (B) of paragraph (1), the amount of assistance provided to an organization under that subparagraph in any fiscal year—

"(A) shall be equal to the total amount of matching funds from non-Federal sources provided by the organization; and

"(B) shall not exceed \$250,000.

"(4) DIRECTION.—An organization receiving funds under paragraph (1) shall, in using those funds, direct its activities at one or both of the following:

"(A) Small business concerns located in geographic areas that are underrepresented in the programs under this section.

"(B) Small business concerns owned and controlled by women, small business concerns owned and controlled by service-disabled veterans, and small business concerns owned and controlled by minorities.

"(5) ADVISORY BOARD.—

"(A) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this subsection, the Administrator shall establish an advisory board for the activities carried out under this subsection.

"(B) NON-APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board.

"(C) MEMBERS.—The members of the advisory board shall include the following:

"(i) The Administrator (or the Administrator's designee).

“(ii) For each Federal agency required by this section to conduct an SBIR program, the head of the agency (or the designee of the head of the agency).

“(iii) Representatives of small business concerns that are current or former recipients of SBIR awards, or representatives of organizations of such concerns.

“(iv) Representatives of service providers of SBIR outreach and assistance, or representatives of organizations of such service providers.

“(D) DUTIES.—The advisory board shall have the following duties:

“(i) To develop guidelines for awards under paragraph (1), including guidelines relating to award sizes, proposal requirements, measures for monitoring awardee performance, and measures for determining the overall value of the activities carried out by the awardees.

“(ii) To identify opportunities for coordinated outreach, technical assistance, and commercialization activities among Federal agencies, the recipients of the awards under paragraph (1), and applicants and recipients of SBIR awards, including opportunities such as—

“(I) podcasting or webcasting for conferences, training workshops, and other events;

“(II) shared online resources to match prospective applicants with the network of paragraph (1) recipients; and

“(III) venture capital conferences tied to technologies and sectors that cross agencies.

“(iii) To review and recommend revisions to activities under paragraph (1).

“(iv) To submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science and Technology of the House of Representatives an annual report on the activities carried out under paragraph (1) and the effectiveness and impact of those activities.

“(6) SELECTION CRITERIA.—In awarding grants under this subsection, the Administrator shall use selection criteria developed by the advisory board established under paragraph (5). The criteria shall include—

“(A) criteria designed to give preference to applicants who propose to carry out activities that will reach either an underperforming geographic area or an underrepresented population group (as measured by the number of SBIR applicants);

“(B) criteria designed to give preference to applicants who propose to carry out activities that complement, and are integrated into, the existing public-private innovation support system for the targeted region or population;

“(C) criteria designed to give preference to applicants who propose to measure the effectiveness of the proposed activities; and

“(D) criteria designed to give preference to applicants who include a Small Business Development Center program that is accredited for its technology services.

“(7) PEER REVIEW.—In awarding grants under this subsection, the Administrator shall use a peer review process. Reviewers shall include—

“(A) SBIR program managers for agencies required by this section to conduct SBIR programs; and

“(B) private individuals and organizations that are knowledgeable about SBIR, the innovation process, technology commercialization, and State and regional technology-based economic development programs.

“(8) PER-STATE LIMITATIONS.—

“(A) IN GENERAL.—To be eligible to receive a grant under this subsection, the applicant must have the written endorsement of the Governor of the State where the targeted regions or populations are located (if the regions or populations are located in more than one State, the applicant must have the written endorsement of the

Governor of each such State). Such an endorsement must indicate that the Governor will ensure that the activities to be carried out under the grant will be integrated with the balance of the State's portfolio of investments to help small business concerns commercialize technology.

“(B) LIMITATION.—Each fiscal year, a Governor may have in effect not more than one written endorsement for a grant under paragraph (1)(A), and not more than one written endorsement for a grant under paragraph (1)(B).

“(9) SPECIFIC REQUIREMENTS FOR AWARDS.—In making awards under paragraph (1) the Administrator shall ensure that each award shall be for a period of 2 fiscal years. The Administrator shall establish rules and performance goals for the disbursement of funds for the second fiscal year, and funds shall not be disbursed to a recipient for such a fiscal year until after the advisory board established under this subsection has determined that the recipient is in compliance with the rules and performance goals.”.

SEC. 302. RURAL PREFERENCE.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

“(cc) RURAL PREFERENCE.—In making awards under this section, Federal agencies shall give priority to applications so as to increase the number of SBIR and STTR award recipients from rural areas.”.

SEC. 303. OBTAINING SBIR APPLICANT'S CONSENT TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

“(dd) CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.—

“(1) ENABLING CONCERN TO GIVE CONSENT.—Each Federal agency required by this section to conduct an SBIR program shall enable a small business concern that is an SBIR applicant to indicate to the agency whether the agency has its consent to—

“(A) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant; and

“(B) release the concern's contact information to such organizations.

“(2) RULES.—The Administrator shall establish rules to implement this subsection. The rules shall include a requirement that the agency include in its SBIR application forms a provision through which the applicant can indicate consent for purposes of paragraph (1).”.

SEC. 304. INCREASED PARTNERSHIPS BETWEEN SBIR AWARDEES AND PRIME CONTRACTORS, VENTURE CAPITAL INVESTMENT COMPANIES, AND LARGER BUSINESSES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

“(ee) INCREASED PARTNERSHIPS.—

“(1) IN GENERAL.—Each agency required by this section to conduct an SBIR program shall establish initiatives by which the agency encourages partnerships between SBIR awardees and prime contractors, venture capital investment companies, business incubators, and larger businesses, for the purpose of facilitating the progress of the SBIR awardees to the third phase.

“(2) DEFINITION.—In this subsection, the term ‘business incubator’ means an entity that provides coordinated and specialized services to entrepreneurial businesses which meet selected criteria during the businesses' startup phases, including providing services such as shared office space and office services, access to equipment, access to telecommunications and technology services, flexible leases, specialized management assistance, access to financing, mentoring and

training services, or other coordinated business or technical support services designed to provide business development assistance to entrepreneurial businesses during these businesses' startup phases.”.

TITLE IV—SBIR AND STTR ENHANCEMENT

SEC. 401. INCREASED NUMBER OF RESEARCH TOPIC SOLICITATIONS ANNUALLY AND SHORTENED PERIOD FOR FINAL DECISIONS ON APPLICATIONS.

(a) INCREASED NUMBER OF RESEARCH TOPIC SOLICITATIONS ANNUALLY.—Section 9(g)(2) of the Small Business Act (15 U.S.C. 638(g)(2)) is amended by inserting before the semicolon at the end the following: “, but not less often than twice per year”.

(b) SHORTENED PERIOD FOR FINAL DECISIONS ON APPLICATIONS.—Section 9(g)(4) of the Small Business Act (15 U.S.C. 638(g)(4)) is amended by inserting before the semicolon at the end the following: “, but a final decision on each proposal shall be rendered not later than 90 days after the date on which the solicitation closes unless the Administrator determines, on a case by case basis, that a decision may be extended from 90 days to 180 days”.

SEC. 402. AGENCIES SHOULD FUND VITAL R&D PROJECTS WITH THE POTENTIAL FOR COMMERCIALIZATION.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

“(ff) MULTIPLE FIRST PHASE SBIR AWARDS REPORT.—The Administrator shall, on an annual basis, submit to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a list identifying each small business concern that, for the period covered by the preceding 5 fiscal years, received 15 or more first phase SBIR awards and no second phase SBIR awards.”.

SEC. 403. FEDERAL AGENCY ENGAGEMENT WITH SBIR AWARDEES THAT HAVE BEEN AWARDED MULTIPLE PHASE ONE AWARDS BUT HAVE NOT BEEN AWARDED PHASE TWO AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

“(gg) REQUIREMENTS RELATING TO FEDERAL AGENCY ENGAGEMENT WITH CERTAIN FIRST PHASE SBIR AWARDEES.—Each Federal agency required by this section to conduct an SBIR program shall engage with SBIR awardees that have been awarded multiple first phase SBIR awards but have not been awarded any second phase SBIR awards and shall develop performance measures with respect to awardee progression in the SBIR program.”.

SEC. 404. FUNDING FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

“(hh) ASSISTANCE FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.—

“(1) IN GENERAL.—From amounts made available to carry out this subsection, the Administrator may, on petition by Federal agencies required by this section to conduct an SBIR program, transfer funds to such agencies to assist with the administrative, oversight, and contract processing costs relating to such program.

“(2) PETITIONS.—The Administrator shall establish rules for making transfers under paragraph (1). The initial set of rules shall be promulgated not later than 180 days after the date of the enactment of this subsection.

“(3) LIMIT ON TRANSFER.—A Federal agency may not receive under this subsection in a fiscal

year an amount greater than 3 percent of the SBIR budget of such agency for such fiscal year.

“(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator to carry out this subsection \$27,500,000 for each of fiscal years 2010 and 2011.”.

SEC. 405. COMPTROLLER GENERAL AUDIT OF HOW FEDERAL AGENCIES CALCULATE EXTRAMURAL RESEARCH BUDGETS.

The Comptroller General of the United States shall carry out a detailed audit of how Federal agencies calculate extramural research budgets for purposes of calculating the size of the agencies' Small Business Innovation Research Program and Small Business Technology Transfer Program budgets. Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report on the results of the audit.

SEC. 406. AGENCY DATABASES TO SUPPORT PROGRAM EVALUATION.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)(A)—
(A) by striking “and” at the end of clause (ii);
(B) by inserting “and” at the end of clause (iii); and
(C) by adding at the end the following new clause:

“(iv) information on the ownership structure of award recipients, both at the time of receipt of the award and upon completion of the award period;”;

(2) by amending paragraph (3) to read as follows:

“(3) **UPDATING INFORMATION FOR DATABASE.**—

“(A) **IN GENERAL.**—A Federal agency shall not make a Phase I or Phase II payment to a small business concern under this section unless the small business concern has provided all information required under this subsection and available at the time with respect to the award under which the payment is made, and with respect to any other award under this section previously received by the small business concern or a predecessor in interest to the small business concern.

“(B) **APPORTIONMENT.**—In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

“(C) **ANNUAL UPDATES UPON TERMINATION.**—A small business concern receiving an award under this section shall—

“(i) in the case of a second phase award, update information in the databases required under paragraphs (2) and (6) concerning that award at the termination of the award period;

“(ii) in the case of award recipients not described in clause (iii), be requested to voluntarily update such information annually thereafter for a period of 5 years; and

“(iii) in the case of a small business concern applying for a subsequent first phase or second phase award, be required to update such information annually thereafter for a period of 5 years.”; and

(3) by adding at the end the following new paragraph:

“(6) **AGENCY PROGRAM EVALUATION DATABASES.**—Each Federal agency required to establish an SBIR or STTR program under this section shall develop and maintain, for the purpose of evaluating such programs, a database containing information required to be contained in the database under paragraph (2). Each such

database shall be designed to be accessible to other agencies that are required to maintain a database under this paragraph. Each such database shall be developed and operated in a manner to ensure that each such database is relevant to and contributes to the agency's oversight and evaluation of the SBIR and STTR programs. Paragraphs (4) and (5) apply to each database under this paragraph.”.

SEC. 407. AGENCY DATABASES TO SUPPORT TECHNOLOGY UTILIZATION.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)), as amended, is further amended by adding at the end the following new paragraph:

“(7) **AGENCY DATABASES TO SUPPORT TECHNOLOGY UTILIZATION.**—Each Federal agency with an SBIR or STTR program shall create and maintain a technology utilization database, which shall be available to the public and shall contain data supplied by the award recipients specifically to help them attract customers for the products and services generated under the SBIR or STTR project, and to attract additional investors and business partners. Each database created under this paragraph shall include information on the other databases created under this paragraph by other Federal agencies. Participation in a database under this paragraph shall be voluntary, except that such participation is required of all award recipients who received supplemental payments from SBIR and STTR program funds above their initial Phase II award. Each database created under this paragraph shall be developed and operated in a manner to ensure that each such database is relevant to and contributes to the agency's oversight and evaluation of the SBIR and STTR programs.”.

SEC. 408. INTERAGENCY POLICY COMMITTEE.

(a) **ESTABLISHMENT.**—The Director of the Office of Science and Technology Policy shall establish an Interagency SBIR/STTR Policy Committee comprised of one representative from each Federal agency with an SBIR program and the Office of Management and Budget.

(b) **COCHAIRS.**—The Director of the Office of Science and Technology Policy and the Director of the National Institute of Standards and Technology shall jointly chair the Interagency SBIR/STTR Policy Committee.

(c) **DUTIES.**—The Interagency SBIR/STTR Policy Committee shall review the following issues and make policy recommendations on ways to improve program effectiveness and efficiency:

(1) The public and government databases described in section 9(k) (1) and (2) of the Small Business Act (15 U.S.C. 638(k) (1) and (2)).

(2) Federal agency flexibility in establishing Phase I and II award sizes, and appropriate criteria to exercise such flexibility.

(3) Commercialization assistance best practices in Federal agencies with significant potential to be employed by other agencies, and the appropriate steps to achieve that leverage, as well as proposals for new initiatives to address funding gaps business concerns face after Phase II but before commercialization.

(4) Development and incorporation of a standard evaluation framework to enable systematic assessment of SBIR and STTR, including through improved tracking of awards and outcomes and development of performance measures for individual agency programs.

(d) **REPORTS.**—The Interagency SBIR/STTR Policy Committee shall transmit to the Committee on Science and Technology and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business and Entrepreneurship of the Senate—

(1) a report on its review and recommendations under subsections (c)(1) and (c)(4) not later than 1 year after the date of enactment of this Act;

(2) a report on its review and recommendations under subsection (c)(2) not later than 18 months after the date of enactment of this Act; and

(3) a report on its review and recommendations under subsection (c)(3) not later than 2 years after the date of enactment of this Act.

SEC. 409. NATIONAL RESEARCH COUNCIL SBIR STUDY.

Section 108(d) of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note), enacted into law by reference under section 1(a)(9) of the Consolidated Appropriations Act, 2001 (Public Law 106-554), is amended—

(1) by striking “of the Senate” and all that follows through “not later than 3” and inserting “of the Senate, not later than 3”; and

(2) by striking “; and” and all that follows through “update of such report”.

SEC. 410. EXPRESS AUTHORITY TO “FAST-TRACK” PHASE TWO AWARDS FOR PROMISING PHASE ONE RESEARCH.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

“(ii) **AUTHORITY TO “FAST-TRACK” PHASE TWO AWARDS FOR PROMISING PHASE ONE RESEARCH.**—To address the delay between an award for the first phase of an SBIR program and the application for and extension of an award for the second phase of such program, each Federal agency with an SBIR program may develop ‘fast-track’ programs to eliminate such delay by issuing second phase SBIR awards as soon as practicable, including in appropriate cases simultaneously with the issuance of the first phase SBIR award. The Administrator shall encourage the development of such ‘fast-track’ programs.”.

SEC. 411. INCREASED SBIR AND STTR AWARD LEVELS.

(a) **SBIR AWARD LEVEL AND ANNUAL ADJUSTMENTS.**—Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

“(4) **FURTHER ADDITIONAL MODIFICATIONS.**—Not later than 180 days after the date of enactment of this paragraph and notwithstanding paragraph (2)(D), the Administrator shall modify the policy directives issued pursuant to this subsection to provide for an increase to \$250,000 in the amount of funds which an agency may award in the first phase of an SBIR program, and to \$2,000,000 in the second phase of an SBIR program, and a mandatory annual adjustment of such amounts to reflect economic adjustments and programmatic considerations.”.

(b) **STTR AWARD LEVEL AND ANNUAL ADJUSTMENTS.**—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking “\$100,000” and “\$750,000” and inserting “\$250,000” and “\$2,000,000”, respectively; and

(2) by striking “greater or lesser amounts” and inserting “with a mandatory annual adjustment of such amounts to reflect economic adjustments and programmatic considerations, and with lesser amounts”.

(c) **LIMITATION ON CERTAIN AWARDS.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

“(jj) **LIMITATION ON PHASE I AND II AWARDS.**—No Federal agency shall issue an award under the SBIR program or the STTR program if the size of the award exceeds the amounts established under subsections (j)(4) and (p)(2)(B)(ix).”.

SEC. 412. EXPRESS AUTHORITY FOR AN AGENCY TO AWARD SEQUENTIAL PHASE TWO AWARDS FOR SBIR-FUNDED PROJECTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

“(kk) REQUIREMENTS RELATING TO ADDITIONAL SECOND PHASE SBIR AWARDS.—

“(1) IN GENERAL.—A small business concern that receives a second phase SBIR award for a project remains eligible to receive additional second phase SBIR awards for such project.

“(2) TECHNICAL OR WEAPONS SYSTEMS.—Agencies are expressly authorized to provide additional second phase SBIR awards for testing and evaluation assistance for the insertion of SBIR technologies into technical or weapons systems.”.

SEC. 413. FIRST PHASE REQUIRED.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

“(1) FIRST PHASE REQUIRED.—Under this section, a Federal agency shall provide to a small business concern an award for the second phase of an SBIR program with respect to a project only if such agency finds that the small business concern has been provided an award for the first phase of an SBIR program with respect to such project or has completed the determinations described in subsection (e)(4)(A) with respect to such project despite not having been provided an award for the first phase.”.

SEC. 414. INVOLVEMENT OF CHIEF COUNSEL FOR ADVOCACY.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

“(mm) INVOLVEMENT OF CHIEF COUNSEL FOR ADVOCACY.—The Chief Counsel for Advocacy, as described in section 201 of Public Law 94–305 (15 U.S.C. 634a), and any individual reporting to the Chief Counsel for Advocacy, without regard to whether such individual was hired under section 204 of Public Law 94–305 (15 U.S.C. 634d), may not provide to the Administrator, to any individual who reports directly or indirectly to the Administrator, or to any Federal agency any advice, guidance, oversight, or review with respect to the programs authorized under this section.”.

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–192. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The proponent of such amendment may modify its amendatory instructions before the question is put thereon.

AMENDMENT NO. 1 OFFERED BY MS. VELÁZQUEZ, AS MODIFIED

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–192.

Ms. VELÁZQUEZ. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. VELÁZQUEZ:

Page 7, line 10, strike “section 3(c)(1)” and insert “subsection (a)(1) of section 3”.

Page 7, line 11, strike “80a–3(c)(1)” and insert “80a–3”.

Page 7, beginning line 13, strike “it is beneficially owned by less than 100 persons” and

insert “of an exemption under subsection (c)(1) or subsection (c)(7) of such section”.

Add at the end of the bill the following:

SEC. 415. MINORITY INSTITUTION PROGRAM.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

“(nn) MINORITY INSTITUTION PROGRAM.—

“(1) ESTABLISHMENT.—From amounts made available to carry out this subsection, the Administrator shall establish and carry out a program to make grants to minority institutions that partner with nonprofit organizations that have experience developing relationships between industry, minority institutions, and other entities, for the purpose of increasing the number of SBIR and STTR program applications by minority-owned small businesses.

“(2) APPLICATION.—To be eligible to receive a grant under paragraph (1), a minority institution shall submit an application to the Administrator at such time, in such manner, and containing such information and assurances as the Administrator may require.

“(3) MATCHING REQUIREMENT.—As a condition of a grant under paragraph (1), the Administrator shall require that a minority institution provide a matching amount from a source other than the Federal Government that is equal to the amount of the grant.

“(4) MINORITY INSTITUTION DEFINED.—In this subsection, the term ‘minority institution’ has the meaning given that term in section 365(3) of the Higher Education Act of 1965 (20 U.S.C. 1067k(3)).

“(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$4,000,000 for each of fiscal years 2010 and 2011.”.

Add at the end of the bill the following:

SEC. 416. AREAS THAT HAVE LOST A MAJOR SOURCE OF EMPLOYMENT.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

“(oo) AREAS THAT HAVE LOST A MAJOR SOURCE OF EMPLOYMENT.—In making awards under this section, Federal agencies shall give priority to applications so as to increase the number of SBIR and STTR award recipients from geographic areas determined by the Administrator to have lost a major source of employment.”.

Add at the end of the bill the following:

SEC. 417. ENHANCING VETERAN PARTICIPATION IN SBIR.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

“(pp) ENHANCING VETERAN PARTICIPATION IN SBIR.—Notwithstanding any other provision of this section, a small business concern owned and controlled by veterans may—

“(1) receive an award in the amount of \$300,000 in the first phase of an SBIR program and in the amount of \$2,250,000 in the second phase of an SBIR program, with such amounts able to be exceeded if the Federal agency making the award notifies the Administrator of such excess; and

“(2) receive an award for the second phase of an SBIR program with respect to a project without having received a first phase award with respect to such project.”.

Page 13, line 7, strike “met and a” and insert “met, a”.

Page 13, line 8, insert after “such data” the following: “, and a description of the reasons why the goals were met or not met”.

Page 8, line 7, insert “renewable” before “energy-related”.

Page 8, line 16, after “priorities” insert “(including renewable energy-related technologies)”.

Add at the end of the bill the following:

SEC. 418. VETERAN PREFERENCE.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended, is further amended by adding at the end the following:

“(qq) VETERAN PREFERENCE.—In making awards under this section, Federal agencies shall give priority to applications so as to increase the number of SBIR and STTR award recipients that are small business concerns owned and controlled by veterans.”.

Add at the end of the bill the following:

TITLE V—IMPROVING WATER USE AND TRANSMISSION TECHNOLOGY

SEC. 501. IMPROVING WATER USE AND TRANSMISSION TECHNOLOGY.

Not later than 1 year after the date of the enactment of this Act, Federal agencies with an SBIR program, as appropriate, shall jointly develop and issue a small business innovation research solicitation that requests research proposals with respect to improving the efficiency of water delivery systems and usage patterns in the United States and its territories through the use of technology.

Page 16, line 19, strike “both” and insert “more”.

Page 17, after line 3, insert the following:

“(C) Small business concerns owned and controlled by Native Americans.

Page 22, line 8, strike “Rural preference” and insert “Preferences”.

Page 22, line 12, strike “Rural preference” and insert “Preferences”.

Page 22, line 15, strike “from rural areas.” and insert “that are from rural areas, or that are small business concerns owned and controlled by Native Americans. The Administrator shall submit an annual report to Congress setting forth how many small business concerns owned and controlled by Native Americans were recipients of assistance under this section.”.

Page 17, after line 3, insert the following:

“(D) Small business concerns located in geographic areas with an unemployment rate that exceeds the national unemployment rate.

Page 19, line 24, insert after “geographic area” the following: “(including geographic areas with an unemployment rate that exceeds the national unemployment rate)”.

Page 22, line 15, insert after “recipients” the following: “that are from areas with an unemployment rate that exceeds the national unemployment rate.”.

The CHAIR. Pursuant to House Resolution 610, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Pursuant to the rule, I send to the desk a modification to amendment No. 1.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 1 offered by Ms. VELÁZQUEZ:

The fourth amendatory instruction on page 4 is amended by striking “line 16” and inserting “line 15”.

The second amendatory instruction on page 5 is amended by striking “line 19” and inserting “line 17”.

The third amendatory instruction on page 5 is amended by striking “line 3” and inserting “line 2”.

The fourth amendatory instruction on page 5 is amended by striking “line 8” and inserting “line 4”.

The fifth amendatory instruction on page 5 is amended by striking "line 12" and inserting "line 8".

The first amendatory instruction on page 6 is amended by striking "line 15" and inserting "line 11".

The second amendatory instruction on page 6 is amended by striking "line 3" and inserting "line 2".

The third amendatory instruction on page 6 is amended by striking "line 24" and inserting "line 22" and by striking "geographic area" and inserting "area".

The fourth amendatory instruction on page 6 is amended by striking "line 15" and inserting "line 11".

Ms. VELÁZQUEZ (during the reading). Mr. Chairman, I ask unanimous consent to suspend the reading.

The CHAIR. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIR. The amendment is modified.

Ms. VELÁZQUEZ. Mr. Chairman, the manager's amendment makes technical and conforming changes to the underlying legislation. It also incorporates several important amendments offered by Members.

I would like to thank these Members for their contributions: Mr. BARROW, Mr. BOREN, Mr. BOSWELL, Ms. SUTTON, Mr. CARDOZA, Mr. CHILDERS, Mrs. DAHLKEMPER, Mrs. KIRKPATRICK, Mr. KRATOVIL, Ms. MARKEY, Mr. MCNERNEY, Ms. MCCOLLUM and Mr. PERLMUTTER.

Because of their contributions, we have a stronger bill before us today. The provisions that are included in the manager's amendment will foster what we are doing to help veteran small businesses. As a new generation of veterans returns home from the current conflicts in Iraq and Afghanistan, many of them will be seeking opportunities through entrepreneurship. Veterans are often well suited to be small business owners.

The manager's amendment will also enhance our outreach to women- and minority-owned businesses. Diversity has always been our Nation's greatest strength. By expanding the diversity of the firms that compete for SBIR grants, we will strengthen the overall SBIR program. The same can be said about the provisions in the manager's amendment that will encourage greater participation by rural businesses. Drawing these companies into the program will mean more ideas and better ideas.

In addition to encouraging greater diversity among participating firms, the manager's amendment targets SBIR and STTR groups toward a number of pressing problems where innovation and research are badly needed. For instance, language in the amendment clarifies that the programs shall make renewable energy a priority. Small businesses are already leading the way in constructing a green economy, and this provision will build on that success.

Lastly, the manager's amendment improves oversight. The 111th Congress has made oversight one of our top priorities to ensure that taxpayers' dollars are spent wisely and well.

This amendment continues that effort. SBIR and STTR are two of our Nation's most successful programs. It is our goal to ensure they continue functioning smoothly and effectively.

Mr. Chairman, I strongly encourage my colleagues to support this amendment.

I reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, I rise to claim time in opposition to the amendment, even though I do not oppose the amendment.

The CHAIR. Without objection, the gentleman from Missouri is recognized for 15 minutes.

There was no objection.

Mr. GRAVES. The gentlelady's amendment makes some needed technical changes to the bill. In addition, the amendment incorporates some suggestions from other House Members that will enhance the operations of the SBIR and STTR programs.

I thank the chairwoman for her thoughtful consideration in the development of this amendment.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 3 minutes to the gentlelady from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. I would like to thank Chairwoman VELÁZQUEZ and Ranking Member GRAVES for their leadership in bringing this legislation forward, and I rise today in strong support of the manager's amendment to H.R. 2965.

The manager's amendment makes a number of very good changes to the base bill, including my amendment on water conservation technology. My amendment would improve the efficiency of water delivery systems and usage patterns in the United States by including this as a topic for one of the small business innovation research solicitations.

Water scarcity is a growing concern throughout the United States. Multiyear droughts continue to plague regions and States around the country, including the Southeast, Texas, and California. For many municipalities, intense competition for water and diminished supplies will force local water agencies to make difficult decisions on water allocations to protect essential ecosystem services. This includes implementing tough restrictions that could harm our agriculture industry while diminishing economic growth and job creation.

In order for our country to achieve a more sustainable future for our children, we must act now to conserve one of our most precious resources, our water supply. By improving the technology of our water delivery systems, we can maximize our limited water resources and reduce our energy use.

Again, I thank the chairwoman for including this in her amendment, and I urge my colleagues to join me in support of this amendment's adoption.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Thank you, Madam Chairman, for allowing me to share this moment.

I rise in support of this legislation and the manager's amendment, the manager's amendment because the Enhancing Small Business Research and Innovation Act holds great promise for our Nation's most innovative minds and creative entrepreneurs.

In particular, I would like to thank the chairwoman for including in the manager's amendment language that will give priority for SBIR and STTR grants to applicants in areas that have suffered the loss of a major source of employment.

Having worked with Congresswoman SUTTON to pass these provisions in the 2008 reauthorization when it was considered by the full House, I know that both of us are very pleased this language has made its way to the floor again this year.

Almost 2 years ago, Maytag Corporation in Newton, Iowa, a town of 15,500 people, manufactured its last machine after being purchased by its larger competitor, losing more than 2,000 good-paying family jobs. Since then, this town has worked hard to rebuild itself, create jobs for the people of Newton and its surrounding communities.

Unfortunately, though, similar stories still devastate towns in my district, my State, and our country and yours as well. Local shops are closing doors, factories are being put out, and too many hardworking Americans have lost their jobs.

This bill will bring new jobs to towns whose hard leadership has been forced to close doors on its consumers and its employees. It will provide employment for those individuals who worked on the assembly line 50 miles down the road welding the frames.

The ongoing effects of bankrupt companies and lost liquidity are placing damaging effects on workers in all districts, on people who found pride in their jobs and now just want to provide for their families.

By enhancing and reauthorizing the SBIR and STTR program, we will put moms and dads back to work so they can put food on the table and pay the bills. College students graduating with debt will have increased opportunities in their communities, and we will tap into some of the most industrious and ambitious minds in America.

By passing this legislation today, we will empower other districts and provide our constituents with the resources they need to rebuild their communities.

I urge my colleagues to support this underlying bill and the manager's amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. McNERNEY).

Mr. McNERNEY. Mr. Chairman, the Small Business Innovative Research Program and the Small Business Technology Transfer Program have helped countless small businesses find funding opportunities in the science and technology sectors. That's why I am proud to rise in support of H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009, and the manager's amendment offered by Chairwoman VELÁZQUEZ. I am also pleased that the chairwoman's amendments include improvements include an amendment that I submitted to make sure that the SBIR program is accessible to businesses located in the areas that have been most hard hit by the economic downturn.

The State of California suffers from unemployment exceeding the national rate, and the San Joaquin Valley, a portion of which I am honored to represent, has been particularly hard hit.

The language I wrote ensures that organizations receiving funding to help small businesses access SBIR opportunities are able to direct their efforts towards companies located in the areas with the highest unemployment.

I have worked closely on this issue with my colleagues, Mr. CARDOZA and Mr. CHILDERS, and I would also like to thank them for their hard work and support.

I am fortunate to travel home to California nearly every single weekend. I have met with innovative small business owners whose product promised to change our country for the better. The manager's amendment will help small businesses in the San Joaquin Valley and elsewhere enjoy the full benefits of the SBIR Program. I am proud to support its passage.

Ms. VELÁZQUEZ. I urge adoption of the manager's amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ), as modified.

The amendment, as modified, was agreed to.

□ 1330

AMENDMENT NO. 2 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-192.

Ms. GINNY BROWN-WAITE of Florida. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. GINNY BROWN-WAITE of Florida:

Add at the end of the bill the following:

TITLE V—GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT

SEC. 501. GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT.

The Comptroller General of the United States shall carry out a study of the impact of requirements relating to venture capital operating company involvement under section 9(aa) of the Small Business Act, as added by section 102 of this Act. Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

The CHAIR. Pursuant to House Resolution 610, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise today first to applaud the House for working on legislation that is designed specifically to help small businesses. It is the most important thing that Congress can do for the economy, and I thank the chairwoman and the ranking member for their hard work on this issue.

I also rise today to bring one provision in the bill that will surely influence the effectiveness of the SBIR and STTR programs—either for good or ill.

Section 102 mandates that no single venture capital firm may own more than 49 percent of a small business for that small business to be eligible to participate in these programs. Multiple venture capital companies, however, in aggregate, may own a majority of the shares, but no single firm may have a controlling interest.

In essence, section 102 attempts to strike a balance between the two concerns. On the one hand, Congress does not want large venture capital firms scavenging and acquiring a large number of small businesses simply to take advantage of Federal tax dollars. On the other hand, Congress has an interest in making sure that any otherwise eligible small business is not unnecessarily excluded from participating simply because it has received all or a majority of its funding from a single angel, of sorts, investor.

Preventing large firms from “gaming” the system is the correct goal in my view, and I appreciate the committee's work to address this problem. Yet, Congress must do everything possible to ensure that we are not letting our pursuit of the perfect affect our ability to achieve the goals of this legislation.

Simply put, my amendment directs GAO to conduct a study on the effect that this ownership restriction has on participation. This will help Congress to determine if the right balance has been struck.

The bottom line, Mr. Chairman, is that in far too many cases thoughtful

and well-intended programs to assist small businesses have been unnecessarily hampered by arbitrary rules and restrictions that made sense at first glance.

The SBA's ARC loan program, for instance, which provides 100 percent guarantees for small business loans had been hampered because despite the guarantee, many banks are refusing, most banks are actually refusing to participate. Banks are being forced to hoard capital to satisfy stress test requirements, and while those requirements make sense for regulators, they inhibit the government's ability to administer its small business programs.

As my colleagues know, small businesses accounted for 70 percent of new job growth over the last 10 years. It is critical that Congress get these small business programs right and that they are implemented quickly. Over the long term, Congress must continue to do everything to support entrepreneurs through thoughtful policy and resist the temptation to replace them with bureaucrats.

This, Mr. Chairman, is a program that supports entrepreneurs, and I think that we owe it to them to make sure that the program is as effective as possible; and if it is not, to fix it until we get it right.

I believe this legislation has a chance to do what Congress should have done from the start in this economic crisis, and that is to help small businesses. However, if in a month from now Congress turns around and institutes employer mandates and taxes the health care benefits provided by small business owners, the House will again have taken a step back in supporting the recovery and growth of small businesses.

I urge the House's adoption of this amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, in the 111th Congress, this body has made oversight a top priority. Accountability is critical to the legislative process, and it is the principle that the Small Business Committee has consistently worked to promote. So I thank the gentlewoman from Florida for this amendment.

As I mentioned, my colleagues and I on the Small Business Committee have conducted a great deal of oversight. We have collaborated with GAO in the past, and I know they do good work. So I would be particularly interested to see them do a study on the effects of venture capital investment in the SBIR program.

In particular, I think it would be useful for all of Congress to understand

how both this legislation as well as the 2003 ruling blocking venture capital participation has affected the SBIR program. These questions are critical to our continued oversight of these initiatives, and I thank the gentlelady for her efforts in this area.

I think a study will shed light on the role that venture capital plays in the high-tech arena. For many small firms, access to capital is critical, and it is often equity investment that allows a small business to advance their research to the marketplace.

A recent study by the National Research Council, which this GAO investigation would complement, found that restricting venture capital investment adversely affected the most promising firms. GAO has the broad capabilities to investigate the impact of this legislation and the SBA's regulation in this area, across all SBIR agencies. This comprehensive review will shed light on both the historical patterns of venture capital financing throughout the program, and whether certain agencies are embracing such investment.

Like Ms. BROWN-WAITE, I am committed to keeping SBIR and STTR small business programs. I believe that this study will help ensure this. With the economy facing so many challenges, expanding access to capital for small businesses has never been more important.

I yield to the gentleman from Missouri (Mr. GRAVES) for any thoughts he may have.

Mr. GRAVES. Thank you, Madam Chair.

Mr. Chairman, I rise today in support of the amendment offered by the gentlewoman from Florida. I believe that an independent review of the SBIR and STTR programs by a trusted arm of Congress, the GAO, will prove beneficial when we reauthorize this program in a few years.

In conducting this study, I expect that the GAO will take its normal unbiased view without any preconceived notions on the value of the programs or the changes that we have made to them in H.R. 2965.

Mr. Chairman, I appreciate the gentlelady yielding.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentlelady is prepared to yield back, we are prepared to accept the amendment.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I appreciate the gentlelady from New York working with me on this amendment as a former New Yorker and as somebody who wants to make sure that this bill works. I really appreciate it.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I urge adoption of this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. KOSMAS, AS MODIFIED

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-192.

Ms. KOSMAS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. KOSMAS:

Page 14, after line 4, insert the following:

“(2) SPACE SHUTTLE PROGRAM.—Each agency required to establish a commercialization program under paragraph (1) and that carries out construction, assembly, or research and development activities with respect to the space shuttle program (also known as the space transportation system) shall include, as part of such commercialization program, activities to assist small business concerns affected by the termination of the space shuttle program to commercialize technologies through SBIR. Activities to assist such small business concerns may include activities described in paragraph (1) and other activities to assist small business concerns making the transition from work relating to the space shuttle program to work in related or unrelated industries.

Page 14, line 5, strike “(2)” and insert “(3)”.

Page 14, line 24, strike “(3)” and insert “(4)”.

Page 15, line 1, strike “paragraphs (1) and (2)” and insert “this subsection”.

The CHAIR. Pursuant to House Resolution 610, the gentlewoman from Florida (Ms. KOSMAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. KOSMAS. Mr. Chairman, pursuant to the rule, I send to the desk a modification of amendment No. 3.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 3 offered by Ms. KOSMAS:

The third amendatory instruction is amended by striking “line 24” and inserting “line 23”.

The fourth amendatory instruction is amended by striking “Page 15, line 1” and inserting “Page 14, line 25”.

The CHAIR. The amendment is modified.

Ms. KOSMAS. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of my amendment to H.R. 2965, the Enhancing Small Business Research and Innovation Act of 2009. I would like to thank the chairwoman for her support of this important amendment, which will assist small businesses in my District and across the Nation that support NASA's space shuttle program.

With suppliers in nearly every State, the retirement of the space shuttle program will have a significant economic impact. In my district alone, over 300 businesses work with NASA and these small businesses had over \$200 million in contracts last year.

This amendment will provide that these businesses have the opportunity to commercialize and that they get assistance in doing so so that they can continue to thrive and contribute to our economy following the expiration of the shuttle program. The contributions the shuttle program has made to our economy and to the improvement of our everyday lives are countless, and we must continue to utilize the knowledge, innovation, and unique workforce that has supported NASA throughout the years. Helping small businesses by increasing their potential to produce products for the marketplace will ensure that this exceptional workforce and this small business sector will not be dispersed and lost, but will be able to continue developing vital technologies and growing our economy.

NASA's innovative partnerships program has a strong history of engaging small businesses in developing technology for NASA needs and transferring that technology to the public benefit. In 2008, NASA's SBIR awards went to 205 firms spanning 31 States. NASA also identified 1,110 newly developed technologies last year that could lead to patenting and to transfer. Technologies developed by and for NASA lead to new products deployed to the fields of health and medicine, transportation, public safety, agriculture, industrial productivity, and of course computer technology.

Helping small businesses affected by the retirement of the shuttle program transition to work in related or unrelated industries will encourage cutting-edge research and development and preserve the unique workforce which has made us the world leader in innovation.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while I am not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Space exploration has long been a symbol of American innovation. Today, we are in the process of unwinding one of our most high-profile efforts in that arena. In the next year, NASA's space shuttle project will retire for good. As the program comes to an end, so will an estimated 8,000 contracting jobs. While the project is shutting down, its contractors and the innovation behind it shouldn't have to.

In the past, these firms contributed a great deal to NASA's space shuttle program. I believe they can do the same for other Federal agencies, and for other space initiatives such as the Mars Lander project. That is why Ms. KOSMAS's amendment is so important.

By retooling their operations and seeking new markets, space shuttle contractors can continue to offer high-

wage jobs to countless Americans, all while maintaining their commitment to science and technology.

This amendment offers transitional assistance to displaced firms, helping them identify and vie for other R&D projects. In doing so, it will ensure that even with the loss of the program, we don't lose our most innovative businesses.

I urge the adoption of this amendment.

I yield to the gentleman from Missouri (Mr. GRAVES) for any comments he wishes to make.

Mr. GRAVES. Thank you, Madam Chair.

I rise today in support of the amendment from the gentlelady from Florida. The space program has and continues to create new and exciting technologies, often by small businesses. The amendment will ensure that the creative ideas associated with the development of the space shuttle will not be lost and will be transferred to other new technologies.

I thank the gentlelady for the amendment.

Ms. VELÁZQUEZ. We are prepared to accept the amendment.

Ms. KOSMAS. Mr. Chairman, I urge adoption, and I yield back the balance of my time.

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. KOSMAS), as modified.

The question was taken; and the Chair announced that the ayes appeared to have it.

Ms. KOSMAS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida will be postponed.

□ 1345

AMENDMENT NO. 4 OFFERED BY MR. REICHERT,
AS MODIFIED

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-192.

Mr. REICHERT. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. REICHERT:
Page 20, after line 2, insert the following new subparagraph and redesignate subparagraphs (B) through (D) in lines 3 through 14 as (C) through (E) respectively:

“(B) criteria designed to give preference (i) to applicants serving underrepresented States and regions and (ii) to applicants who are women-, service-disabled veterans-, or minority-owned.”.

The CHAIR. Pursuant to House Resolution 610, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Mr. Chairman, pursuant to the rule, I send to the desk a modification of amendment No. 4.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 4 offered by Mr. REICHERT:

The amendatory instruction is amended to read as follows: “Page 20, line 1, insert the following new subparagraph and redesignate subparagraphs (B) through (D) on lines 1 through 12 as (C) through (E) respectively.”.

The CHAIR. The amendment is modified.

Mr. REICHERT. Mr. Chairman, I am pleased to offer this commonsense, bipartisan amendment with my colleague from Washington (Mr. SMITH).

Our amendment directs the Small Business Administration to prioritize giving grants used for outreach to disadvantaged small businesses to be given to similar organizations that can empathize and understand them.

Outreach to underserved areas and disadvantaged small businesses is essential. I have found, in my district and in my State, that many small businesses are completely unaware of the resources available to them and often incur unnecessary costs trying to navigate a complex government system just to apply for assistance.

Outreach and assistance can mean so much more when someone who overcame that same difficulty has an understanding of the needs of these disadvantaged small businesses and reaches out to them with a helping hand. For example, a wounded warrior may come home and start up a new business and go through all the processes, and I've heard many a frustrating story from those men and women who return home trying to get their lives back on track as they come back from serving our country. They really have a grasp as to what's been happening and how they achieved their goals, and so the intent of this legislation is so those people—wounded warriors, women, and those who represent minority-owned businesses—can reach out to those people and help them build their own business, create job opportunities for their families, and also create job opportunities for families across this country.

We all know that small businesses really generate the jobs in this country. Ninety-four percent of the jobs in Washington State are provided by small businesses, so this piece of legislation, Mr. Chairman, is absolutely essential.

I have a young wounded warrior working in my office who did two tours in Iraq and one in Afghanistan who fully understands what it's like to come back home and go through the process of receiving health care and finding a job here when he returned to

his home. Zach is there to help those wounded warriors as they call in to the office, and he can help them because he understands because he has been there, done that.

I would encourage my colleagues to support this commonsense, bipartisan amendment to help those people that we all respect and admire so greatly to find jobs and create businesses in their own communities.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, the legislation that we're debating today is designed to expand the pool of businesses that participate in the SBIR program. That is why this bill provides grants to economic development organizations so that they can educate rural entrepreneurs as well as businesses owned by women, minorities, and veterans about SBIR. By expanding the set of businesses that compete for grants and contribute creative ideas, we can further spur innovation and encourage the development of new, better products.

The amendment offered by the gentleman from Washington strengthens this part of the bill. By utilizing organizations that have experience with the communities we are trying to reach, it will expand the reach of the SBIR and STTR program, making this bill more effective.

It only makes sense to have the Small Business Administration leverage the knowledge of groups that already work closely with these populations. These organizations are already familiar with the small businesses in their communities and know which entrepreneurs will make strong SBIR candidates.

With this amendment, we will be able to broaden the pool of talent that competes for SBIR grants. That means more ideas, better ideas, and an improved return on investment for the taxpayer.

I, therefore, urge the adoption of this amendment and yield to the cosponsor of the bill, the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Chairman, I rise in support of this amendment, and I thank Congressman REICHERT for offering it.

These are two critical programs. And I thank the committee, as well, for their excellent work in reauthorizing these programs, the SBIR and the STTR programs, which are designed to help small businesses with innovative products get access to help from the Small Business Administration to promote those products, and in particular,

to emphasize help for veteran-owned businesses, small businesses, minorities, and underrepresented areas.

I applaud Mr. REICHERT for offering this amendment as we reach out to those people and try to make them aware of this program, which has been a significant challenge, as Mr. REICHERT outlined, of people being aware of the opportunities that are there. It makes a great deal of sense to those same veterans, minorities, and underrepresented areas to do that outreach. I think this is a well thought-out amendment that will help enormously in making sure those people get access to these critical programs.

As Mr. REICHERT mentioned, there are a large number of veterans coming back from fighting in Iraq and Afghanistan who are looking for these opportunities. This amendment will help make sure that our veterans get that help that they need to find those opportunities that are there.

And this will also be a huge boon to our economy. There are a lot of great ideas amongst these groups. If we can take those ideas, turn them into businesses and turn them into jobs, we all benefit from it, while at the same time helping our veterans who so richly deserve our help.

This is an important amendment that will help facilitate access by veteran-owned and other underrepresented businesses to the SBIR and STTR programs that we are discussing today.

As was already explained by my colleague, this amendment ensures that the outreach to underserved areas and underrepresented small businesses called for in this legislation will be conducted by organizations that include those which serve underrepresented States, regions, and businesses owned by women, persons of minority status, or service-disabled veterans.

As my district is home to many veterans who have gone on to start small businesses, and with many who will soon return home from service abroad and look to start businesses of their own, I am proud to offer this amendment with my colleague, Mr. REICHERT. This amendment will help to ensure that there are avenues available to those veterans and other underrepresented small business owners that would benefit from the assistance offered by the SBA.

I ask that my colleagues support this amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I reserve the balance of my time.

Mr. REICHERT. Mr. Chairman, I yield as much time as he may consume to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentleman from Washington.

Representing a State that has a significant rural base, the outreach program in H.R. 2965 should not overlook the creativity of any rural Americans. The amendment from the gentleman from Washington will help ensure that

no rural Americans will be overlooked in the SBIR and the STTR programs.

Mr. REICHERT. Mr. Chairman, I would just close by saying that I very much appreciate the support on this amendment from the other side of the aisle, my colleagues, especially the chairwoman and Mr. SMITH for their support, and also for the support of Mr. GRAVES.

Mr. Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, we are prepared to accept the amendment.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. PAULSEN

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-192.

Mr. PAULSEN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. PAULSEN: Add at the end of the bill the following:

SEC. 415. MEDICAL TECHNOLOGY.

Section 9(g)(3) of the Small Business Act (15 U.S.C. 638(g)(3)), as amended, is further amended in the matter preceding subparagraph (A) by inserting after "broad research topics" the following: "and research topics relating to medical technology".

The CHAIR. Pursuant to House Resolution 610, the gentleman from Minnesota (Mr. PAULSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PAULSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would add medical technology to the list of commercialization and research topics that deserve special consideration for SBIR funding.

According to a recent census study, 71 percent of medical device companies have less than 10 employees, small businesses. Despite the small size of these companies, they have a tremendous impact on our economy. Each medical technology job has been shown to create an additional two jobs by creating the need for secondary positions such as technicians and repairmen and by purchasing other inputs of production.

Each medical technology payroll dollar generates an additional \$1.12 in payroll to account for the increased number of positions and skills required to fill these jobs, and each dollar of medical technology sales generates an additional 90 cents in sales in that State by providing more citizens with disposable income.

While startup costs are high for many of these new technologies, they

do pay dividends down the road once the products get to market. We should help these companies by getting the funds they need into their hands so they can bring new lifesaving technologies to market.

The current challenge right now is that these are high-risk/high-reward investments. This amendment will go a long way to providing these firms with needed capital to continue innovating. In the last 10 years alone, there has been an 80 percent increase in patents for breakthrough medical technologies, and we must help these products get to market.

One such company recently testified before the Small Business Committee on the SBIR program; it was Micro-Transponder. In their testimony at the committee, they outlined how they have used the SBIR funds to develop treatments for chronic pain and other neurological disorders, including traumatic brain injury, posttraumatic stress disorder, motor disorders, autism, and others. Taken together, these conditions affect over 50 million people in the U.S. and represent a cost of over \$100 billion annually.

Mr. Chairman, as Congress moves towards health reform legislation, we should also consider ideas that are cost efficient and cost effective. Not only does medical technology create jobs and increase life expectancy, it also shows to reduce costs in countless cases.

So as the medical technology industry continues to grow and expand, we need to make sure that patients will see these benefits on an increasingly efficient basis that is more affordable and that are lifesaving technologies. That is why this amendment makes sense to target these resources.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while I am not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I thank the gentleman from Minnesota for his good amendment.

We all know that one area where SBIR has been most successful is medical research. From heart stents to pacemakers, advances in the medical technology field bring important benefits to the lives of ordinary Americans every day.

In addition to improving our quality of life, the medical technology industry is an important driver in the American economy. In 2006, this industry employed more than 350,000 people and paid \$21.5 billion in salaries. Clearly, this field, which is dominated by smaller firms, plays a vital role in providing jobs and fostering economic growth.

Many of these firms got their start thanks to SBIR funding. The kind of high-risk/high-reward research that medical technology companies engage in makes them strong candidates for SBIR grants, so already there is an important relationship between SBIR and advances in the medical technology field. Mr. PAULSEN's amendment would codify this relationship by putting a direct reference to medical technology in the act.

While a seemingly small change, this amendment will formalize SBIR's support for medical technology research. In that way, the amendment will support future research and may very well lead to the development of the medicines of tomorrow.

I believe this is a good amendment, and I yield to the ranking member, Mr. GRAVES, for any comments that he may have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentleman from Minnesota.

Medical technology represents a key component of the economy and also an important contributor to the quality of life in this country. The amendment makes a sensible recognition that medical technology should be a special focus of the SBIR and STTR programs.

Ms. VELAZQUEZ. Mr. Chairman, we are prepared to accept the amendment.

I yield back the balance of my time.

Mr. PAULSEN. Mr. Chairman, I thank the leadership, on a bipartisan basis, for their support of this amendment.

I would like to yield 2 minutes to an avid guitar player and staunch supporter of maintaining the United States' status as a world leader in medical technology, the gentleman from Tennessee (Mr. ROE).

Mr. ROE of Tennessee. Mr. Chairman, I rise in support of the Paulsen amendment to give special consideration to SBIR funding for medical technology.

The underlying legislation prioritizes projects that are related to energy and infectious diseases, and there is no question that these are deserving areas. But I believe the Paulsen amendment adds an important priority category that is left out, medical technology. The fact is, because of our health care system, we lead the world in medical technology advances. It's a huge competitive edge we hold and one I do not want to lose.

As a physician, I was able to take advantage of this technology over the course of my career, and I can give numerous examples of how care was improved for my patients. Prioritizing SBIR funding for medical technology projects is one step to help us maintain our edge.

While this amendment will take steps toward creating a fertile environment for medical technology advances, it is important not to take two steps back by creating a government-run health care system.

A major problem with care that is managed by Washington bureaucrats instead of patients and doctors is that bureaucrats are focused on cost rather than advancing care, and they inevitably require the use of older, less expensive technology because of its comparative effectiveness.

If the health care system refuses to use new technology until older technology is proven ineffective, we eliminate much, if not all, of the incentive for new medical technology developments and rob future generations of the chance to find cures for cancer, Alzheimer's, Parkinson's, and diabetes, just to name a few.

□ 1400

I urge adoption of the Paulsen amendment, which to me is just common sense, and hope this Congress does all it can to keep the health care system that rewards medical research and development.

Mr. PAULSEN. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. PAULSEN).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MS. KOSMAS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Ms. KOSMAS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 427, noes 4, not voting 7, as follows:

[Roll No. 483]

AYES—427

Abercrombie	Bishop (NY)	Buyer	Connelly (VA)	Hunter	Mitchell
Ackerman	Bishop (UT)	Calvert	Conyers	Inglis	Mollohan
Adersholt	Blackburn	Camp	Cooper	Inslee	Moore (KS)
Adler (NJ)	Blumenauer	Campbell	Costa	Israel	Moore (WI)
Akin	Blunt	Cantor	Costello	Issa	Moran (VA)
Alexander	Bocchieri	Cao	Courtney	Jackson (IL)	Moran (VA)
Altmire	Boehner	Capito	Crenshaw	Jackson-Lee	Murphy (CT)
Andrews	Bonner	Capps	Crowley	(TX)	Murphy (NY)
Arcuri	Bono Mack	Capuano	Cuellar	Jenkins	Murphy, Patrick
Austria	Boozman	Carnahan	Culberson	Johnson (GA)	Murphy, Tim
Baca	Bordallo	Carney	Cummings	Johnson (IL)	Murtha
Bachmann	Boren	Carson (IN)	Dahlkemper	Johnson, E. B.	Myrick
Bachus	Boswell	Carter	Davis (AL)	Johnson, Sam	Nadler (NY)
Baird	Boucher	Cassidy	Davis (CA)	Jones	Napolitano
Baldwin	Boustany	Castle	Davis (IL)	Jordan (OH)	Neal (MA)
Barrett (SC)	Boyd	Chaffetz	Davis (KY)	Kagen	Neugebauer
Barrow	Brady (PA)	Chandler	Davis (TN)	Kanjorski	Norton
Bartlett	Brady (TX)	Childers	Deal (GA)	Kaptur	Nunes
Barton (TX)	Braley (IA)	Christensen	DeFazio	Kennedy	Nye
Bean	Bright	Clarke	DeGette	Kildee	Oberstar
Becerra	Brown (SC)	Clay	DeLauro	Kilpatrick (MI)	Obey
Berkley	Brown, Corrine	Cleaver	Dent	Kilroy	Olson
Berman	Brown-Waite,	Clyburn	Diaz-Balart, L.	Kind	Olver
Berry	Ginny	Coble	Diaz-Balart, M.	King (NY)	Ortiz
Biggert	Buchanan	Coffman (CO)	Dicks	Kingston	Pallone
Bilbray	Burgess	Cohen	Dingell	Kirk	Pascarell
Bilirakis	Burton (IN)	Cole	Doggett	Kirkpatrick (AZ)	Pastor (AZ)
Bishop (GA)	Butterfield	Conaway	Donnelly (IN)	Kissell	Paul
			Doyle	Klein (FL)	Paulsen
			Dreier	Kline (MN)	Payne
			Driehaus	Kosmas	Pence
			Duncan	Kratovil	Perlmutter
			Edwards (MD)	Kucinich	Perriello
			Edwards (TX)	Lamborn	Peters
			Ehlers	Lance	Peterson
			Ellison	Langevin	Petri
			Emerson	Larsen (WA)	Pierluisi
			Engel	Larson (CT)	Pingree (ME)
			Eshoo	Latham	Pitts
			Etheridge	LaTourette	Platts
			Fallin	Latta	Poe (TX)
			Farr	Lee (CA)	Polis (CO)
			Fattah	Lee (NY)	Pomeroy
			Filner	Levin	Posey
			Fleming	Lewis (CA)	Price (NC)
			Forbes	Lewis (GA)	Putnam
			Fortenberry	Linder	Quigley
			Foster	Lipinski	Radanovich
			Frank (MA)	LoBiondo	Rahall
			Franks (AZ)	Loebach	Rangel
			Frelinghuysen	Lofgren, Zoe	Rehberg
			Fudge	Lowey	Reichert
			Gallegly	Lucas	Reyes
			Garrett (NJ)	Luetkemeyer	Richardson
			Gerlach	Lujan	Rodriguez
			Giffords	Lummis	Roe (TN)
			Gingrey (GA)	Lungren, Daniel	Rogers (AL)
			Gohmert	E.	Rogers (KY)
			Gonzalez	Lynch	Rogers (MI)
			Goodlatte	Maffei	Rohrabacher
			Gordon (TN)	Maloney	Rooney
			Granger	Manzullo	Ros-Lehtinen
			Graves	Marchant	Roskam
			Grayson	Markey (CO)	Ross
			Green, Al	Markey (MA)	Rothman (NJ)
			Green, Gene	Marshall	Roybal-Allard
			Griffith	Massa	Royle
			Grijalva	Matheson	Ruppersberger
			Guthrie	Matsui	Rush
			Gutierrez	McCarthy (CA)	Ryan (OH)
			Hall (NY)	McCarthy (NY)	Ryan (WI)
			Hall (TX)	McCauley	Sablan
			Halvorson	McClintock	Salazar
			Hare	McCollum	Sanchez, Linda
			Harman	McCotter	T.
			Harper	McDermott	Sanchez, Loretta
			Hastings (FL)	McGovern	Sarbanes
			Hastings (WA)	McHenry	Scalise
			Heinrich	McHugh	Schakowsky
			Heller	McIntyre	Schauer
			Hensarling	McKeon	Schiff
			Herger	McMahon	Schmidt
			Herseth Sandlin	McMorris	Schock
			Higgins	Rodgers	Schrader
			Hill	McNerney	Schwartz
			Himes	Meek (FL)	Scott (GA)
			Hinchee	Meeks (NY)	Scott (VA)
			Hinojosa	Melancon	Sensenbrenner
			Hirono	Mica	Serrano
			Hodes	Michaud	Sessions
			Hoekstra	Miller (FL)	Shadegg
			Holden	Miller (MI)	Shea-Porter
			Holt	Miller (NC)	Sherman
			Honda	Miller, Gary	Shimkus
			Hoyer	Miller, George	Shuler
				Minnick	Shuster

Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague

Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp

Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—4

Flake King (IA)
Foxy Price (GA)

NOT VOTING—7

Broun (GA) Ellsworth Sestak
Cardoza Faleomavaega
Castor (FL) Mack

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 5 minutes remaining on this vote.

□ 1428

Messrs. FLAKE, KING of Iowa, and PRICE of Georgia changed their vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. CARDOZA. Mr. Chair, I was unable to be present for several votes taken on the House floor earlier today as one of my children required immediate medical attention. As a result, I missed rollcall votes 480, 481, 482, and 483.

Had I been present, on rollcall vote 480 I would have voted “aye”; on rollcall vote 481 I would have voted “aye”; on rollcall vote 482 I would have voted “aye”; and on rollcall vote 483 I would have voted “aye.”

The CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JACKSON of Illinois) having assumed the chair, Mr. ROSS, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. H.R. 2965) to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes, pursuant to House Resolution 610, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 411, noes 15, not voting 6, as follows:

[Roll No. 484]

AYES—411

Abercrombie Cohen Hastings (WA)
Ackerman Cole Heinrich
Aderholt Conaway Heller
Adler (NJ) Connolly (VA)
Akin Conyers Herger
Alexander Cooper Herseth Sandlin
Altmire Costa Higgins
Andrews Costello Hill
Arcuri Courtney Himes
Austria Crenshaw Hinchey
Baca Crowley Hinojosa
Bachmann Cuellar Hirono
Bachus Culberson Hodes
Baird Cummings Hoekstra
Baldwin Dahlkemper Holden
Barrett (SC) Davis (AL) Holt
Barrow Davis (CA) Honda
Bartlett Davis (IL) Hoyer
Barton (TX) Davis (KY) Hunter
Bean Davis (TN) Inglis
Becerra Deal (GA) Inslee
Berkley DeFazio Israel
Berman DeGette Issa
Berry Delahunt Jackson (IL)
Biggett DeLauro Jackson-Lee
Bilbray Dent (TX)
Bilirakis Diaz-Balart, L. Jenkins
Bishop (GA) Diaz-Balart, M. Johnson (GA)
Bishop (NY) Dicks Johnson (IL)
Bishop (UT) Dingell Johnson, E. B.
Blackburn Doggett Johnson, Sam
Blumenauer Donnelly (IN) Jones
Blunt Doyle Jordan (OH)
Bocieri Dreier Kagen
Boehner Driehaus Kanjorski
Bonner Edwards (MD) Kaptur
Bono Mack Edwards (TX) Kennedy
Boozman Ehlers Kildee
Boren Ellison Kilpatrick (MI)
Boswell Emerson Kilroy
Boucher Engel Kind
Boustany Eshoo King (IA)
Boyd Etheridge King (NY)
Brady (PA) Fallin Kingston
Brady (TX) Farr Kirk
Braley (IA) Fattah Kirkpatrick (AZ)
Bright Filner Kissell
Brown (SC) Fleming Klein (FL)
Brown, Corrine Forbes Kline (MN)
Brown-Waite, Fortenberry Kosmas
Ginny Foster Kratovil
Buchanan Frank (MA) Kucinich
Burgess Lamborn
Burton (IN) Frelinghuysen
Butterfield Fudge Langevin
Buyer Gallegly Larsen (WA)
Calvert Garrett (NJ) Larson (CT)
Camp Giffords Latham
Campbell Gingrey (GA) LaTourette
Cantor Gohmert Latta
Cao Gonzalez Lee (CA)
Capito Goodlatte Lee (NY)
Capps Gordon (TN) Levin
Capuano Granger Lewis (CA)
Cardoza Graves Lewis (GA)
Carnahan Grayson Linder
Carney Green, Al Lipinski
Carson (IN) Green, Gene LoBiondo
Carter Griffith Loebach
Cassidy Grijalva Lofgren, Zoe
Castle Guthrie Lowey
Chandler Gutierrez Lucas
Childers Hall (NY) Luetkemeyer
Clarke Hall (TX) Luján
Clay Halvorson Lummis
Cleaver Hare Lungren, Daniel
Clyburn Harman E.
Coble Harper Lynch
Coffman (CO) Hastings (FL) Mack

Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
McRogers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne

Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polls (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuler
Shuster

Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—15

Chaffetz
Duncan
Flake
Foxy
Franks (AZ)
Manzullo
Marchant
McClintock
Miller (FL)
Paul
Petri
Poe (TX)
Ryan (WI)
Sensenbrenner
Shadegg

NOT VOTING—6

Broun (GA) Ellsworth Sestak
Castor (FL) Murtha Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1446

Mr. MOLLOHAN changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. SIMPSON. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SIMPSON. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Simpson moves to recommit the bill, H.R. 2965, to the Committee on Small Business with instructions to report the same back to the House forthwith with the following instructions:

At the end of the bill, insert the following new section:

SEC. . SENSE OF CONGRESS ON REGULAR ORDER ON APPROPRIATIONS BILLS.

Whereas it is the sense of the House that the statements regarding the appropriations process stated October 6, 2000, by the gentleman from Wisconsin, Mr. Obey, should be followed, when he stated:

"We have gotten so far from the regular order that I fear that if this continues, the House will not have the capacity to return to the precedents and procedures of the House that have given true meaning to the term 'representative democracy.' The reason that we have stuck to regular order as long as we have in this institution is to protect the rights of every Member to participate. And when we lose those rights, we lose the right to be called the greatest deliberative body left in the world."

Ms. VELÁZQUEZ. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The gentleman from Idaho is recognized for 5 minutes.

Mr. SIMPSON. Mr. Speaker, we offer this motion to recommit because I think everyone in this body realizes that we have gone far astray from regular order, and we know the damage that does to this Institution. We have done it in the name of expediency, as if we have to be done by some specific date on some arbitrary schedule that has been scratched out on some piece of paper.

We all know that we have work to do. We weren't here Monday. We could have worked. We could have done appropriation bills. But instead, what we have done is cut Members out not being able to offer amendments on the floor, not only minority Members but majority Members too.

We all know that we have gotten far away from regular order and that we need to return to regular order where Members have the right and the ability to represent their constituents that elected them here. That means offering amendments to appropriation bills. Our history has been that appropriation bills come to the floor under an open rule so that Members have the right to offer amendments.

Is it frustrating? Yes. Does it take a lot of time? Yes. Are there some amendments that we wish wouldn't be offered? Sure. But that is our job. Our job is to come here and debate issues,

not expediency, trying to get them done at a specific time. By doing that, what we do is cut off Members' ability to offer amendments and represent their constituencies.

I believe that Mr. OBEY was absolutely correct on October 6, 2000, when he said, We have gotten so far from regular order that I fear that if this continues, the House will not have the capacity to return to the precedents and procedures of the House that have given true meaning to the term "representative democracy." The reason we have stuck to regular order as long as we have in this Institution is to protect the rights of every Member to participate, minority Members and majority Members. And when we lose those rights, we lose the right to call this the greatest deliberative body left in the world.

He is absolutely right, and we need to adopt this as a sense of Congress that we need to return to regular order so that Members can represent their constituents and they can offer amendments. It will take long, yes, but people will have the opportunity to represent their constituents. And everyone here on both sides of the aisle knows in their heart this is what we need to do if we are going to be called a "representative democracy" instead of trying to get it done because we have an August recess coming up.

I am willing to stay and work. I am willing to stay on the weekends and work if that is necessary to get our work done. And you should be, too. That is what we are getting paid for, not to cut Members off.

So I would urge you to adopt this motion to recommit so that we can return to regular order and so that Members have the right and the ability to represent their constituents on this floor.

I fear, as I said the other day, I truly fear that you know not the damage that you do to this Institution with the rules that are closing off debate on the appropriations process. We need to return to regular order and open debate and let Members offer their amendments and represent their constituents in the manner for which they were elected.

POINT OF ORDER

Ms. VELÁZQUEZ. Mr. Speaker, I insist on my point of order.

Putting aside the gentleman's comments, let me just say that we spent almost 2 hours, 3 hours here debating the SBIR/STTR, and what we heard is people talking about the economic downturn and how can we grow this economy. This bill deals with title IX of the Small Business Act. As such, Mr. Speaker, under clause 7 of the House rule, the amendment is not in order and is not germane to the underlying bill.

The SPEAKER pro tempore. Does any other Member wish to be heard on

the point of order? If not, the Chair is prepared to rule.

The motion proposes an amendment expressing a sense of Congress on a wholly unrelated topic. That amendment is not germane. The point of order is sustained. The motion is not in order.

Mr. SIMPSON. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Ms. VELÁZQUEZ. Mr. Speaker, I move to table the appeal.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. VELÁZQUEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to table, if not followed by proceedings in recomittal, will be followed by 5-minute votes on passage; and approval of the Journal.

The vote was taken by electronic device, and there were—ayes 246, noes 181, not voting 5, as follows:

[Roll No. 485]

AYES—246

Abercrombie	Costa	Heinrich
Ackerman	Costello	Herseth Sandlin
Adler (NJ)	Courtney	Higgins
Altmire	Crowley	Hill
Andrews	Cuellar	Himes
Arcuri	Cummings	Hinche
Baca	Dahlkemper	Hinojosa
Baird	Davis (AL)	Hirono
Baldwin	Davis (CA)	Hodes
Barrow	Davis (IL)	Holden
Bean	Davis (TN)	Holt
Becerra	DeFazio	Honda
Berkley	DeGette	Hoyer
Berman	Delahunt	Inslee
Berry	DeLauro	Israel
Bishop (GA)	Dingell	Jackson (IL)
Bishop (NY)	Doggett	Jackson-Lee
Blumenauer	Donnelly (IN)	(TX)
Bocciari	Doyle	Johnson (GA)
Boren	Driebeaus	Johnson (IL)
Boswell	Edwards (MD)	Johnson, E. B.
Boucher	Edwards (TX)	Kagen
Boyd	Ellison	Kanjorski
Brady (PA)	Ellsworth	Kaptur
Braley (IA)	Engel	Kennedy
Brown, Corrine	Eshoo	Kildee
Buchanan	Etheridge	Kilpatrick (MI)
Butterfield	Farr	Kilroy
Capps	Fattah	Kind
Capuano	Filner	Kirkpatrick (AZ)
Cardoza	Foster	Kissell
Carnahan	Frank (MA)	Klein (FL)
Carney	Fudge	Kucinich
Carson (IN)	Giffords	Langevin
Castor (FL)	Gonzalez	Larsen (WA)
Chandler	Gordon (TN)	Larson (CT)
Childers	Grayson	Lee (CA)
Clarke	Green, Al	Levin
Clay	Green, Gene	Lewis (GA)
Cleaver	Grijalva	Lipinski
Clyburn	Gutierrez	Loebsock
Cohen	Hall (NY)	Lofgren, Zoe
Connelly (VA)	Halvorson	Lowe
Conyers	Hare	Lujan
Cooper	Hastings (FL)	Lynch

Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell

Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler

Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—181

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake

Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Ingalls
Issa
Jenkins
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)

McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)

Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt

Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield

NOT VOTING—5

Broun (GA)
Dicks

Harman
Melancon

Sestak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1512

Mr. GRIFFITH changed his vote from “aye” to “no.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. VELÁZQUEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 386, noes 41, not voting 5, as follows:

[Roll No. 486]

AYES—386

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccheri
Boehner
Bonner
Bono Mack
Boozman
Boren
Bowell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright

Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)

Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)

Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei

Maloney
Markey (CO)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Hirono
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney

Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—41

Franks (AZ)
Fudge
Hensarling
Herseth Sandlin
Hodes
Hoekstra
Issa
Jordan (OH)

Kingston
Kucinich
Lee (NY)
Linder
Manzullo
Marchant
Markey (MA)
McClintock

Miller, Gary	Rohrabacher	Taylor
Murphy (CT)	Royce	Teague
Paul	Schauer	Thornberry
Petri	Sensenbrenner	Tsongas
Poe (TX)	Sessions	Welch
Posey	Shadegg	

NOT VOTING—5

Broun (GA)	Harman	Watson
Conyers	Sestak	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1522

Mr. MURPHY of Connecticut and Mrs. BLACKBURN changed their vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

THE JOURNAL

The SPEAKER pro tempore (Mr. ALTMIRE). Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LAMBORN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 184, answered “present” 1, not voting 10, as follows:

[Roll No. 487]

AYES—237

Abercrombie	Aderholt	Andrews
Ackerman	Altmire	Baca

Baird	Hastings (FL)	Oberstar	Culberson	Lamborn	Rehberg
Baldwin	Heinrich	Obey	Davis (IL)	LaTourette	Reichert
Barrow	Heller	Oliver	Davis (KY)	Latta	Roe (TN)
Bean	Hereth Sandlin	Ortiz	Deal (GA)	Lee (NY)	Rogers (AL)
Becerra	Higgins	Pallone	Diaz-Balart, L.	Lewis (CA)	Rogers (KY)
Berkley	Himes	Pascarell	Diaz-Balart, M.	Linder	Rogers (MI)
Berman	Hinche	Pastor (AZ)	Donnelly (IN)	LoBiondo	Rohrabacher
Berry	Hinojosa	Paulsen	Duncan	Lucas	Rooney
Bishop (GA)	Hirono	Payne	Ellsworth	Luetkemeyer	Roskam
Bishop (NY)	Hodes	Perlmutter	Etheridge	Lummis	Royce
Blumenauer	Hoekstra	Perriello	Fallin	Lungren, Daniel	Ryan (WI)
Bocieri	Holden	Peters	Flake	E.	Scalise
Boucher	Holt	Pingree (ME)	Fleming	Mack	Schmidt
Boyd	Honda	Pitts	Forbes	Manzullo	Schock
Brady (PA)	Hoyer	Polis (CO)	Fox	Marchant	Sensenbrenner
Braley (IA)	Inslee	Pomeroy	Franks (AZ)	Markey (CO)	Sessions
Brown, Corrine	Israel	Posey	Frelinghuysen	Markey (MA)	Shadegg
Buchanan	Jackson (IL)	Price (NC)	Gallegly	McCarthy (CA)	Shimkus
Butterfield	Jackson-Lee	Quigley	Garrett (NJ)	McCotter	Shuler
Buyer	(TX)	Rahall	Gerlach	McHenry	Shuster
Capito	Johnson (GA)	Rangel	Giffords	McHugh	Simpson
Capps	Johnson (IL)	Reyes	Gingrey (GA)	McKeon	Smith (NE)
Capuano	Johnson, E. B.	Richardson	Goodlatte	McMorris	Smith (NJ)
Cardoza	Kagen	Rodriguez	Granger	Rodgers	Smith (TX)
Carnahan	Kanjorski	Ross	Graves	Mica	Souder
Carson (IN)	Kaptur	Rothman (NJ)	Griffith	Miller (FL)	Space
Castor (FL)	Kennedy	Roybal-Allard	Guthrie	Miller (MI)	Stearns
Chaffetz	Kildee	Ruppersberger	Hall (TX)	Miller, Gary	Stupak
Chandler	Kilpatrick (MI)	Rush	Halvorson	Minnick	Sullivan
Clarke	Kilroy	Ryan (OH)	Harper	Mitchell	Taylor
Clay	Kind	Salazar	Hastings (WA)	Moore (KS)	Terry
Cleaver	Kissell	Sánchez, Linda	Hensarling	Moran (KS)	Thompson (CA)
Clyburn	Klein (FL)	T.	Herger	Murphy (NY)	Thompson (PA)
Cohen	Kosmas	Sanchez, Loretta	Hill	Murphy, Tim	Thornberry
Cooper	Kucinich	Sarbanes	Hunter	Myrick	Tiahrt
Costa	Lance	Schakowsky	Inglis	Neugebauer	Tiberti
Costello	Langevin	Schauer	Issa	Nunes	Turner
Courtney	Larsen (WA)	Schiff	Jenkins	Nye	Upton
Crowley	Larson (CT)	Schrader	Johnson, Sam	Olson	Walden
Cuellar	Latham	Schwartz	Jones	Paul	Wamp
Cummings	Lee (CA)	Scott (GA)	Jordan (OH)	Pence	Petri
Dahlkemper	Levin	Scott (VA)	King (IA)	Peterson	Wilson (SC)
Davis (AL)	Lewis (GA)	Serrano	King (NY)	Platts	Wittman
Davis (CA)	Lipinski	Shea-Porter	Kingston	Poe (TX)	Wolf
Davis (TN)	Loebach	Sherman	Kirk	Price (GA)	Young (AK)
DeFazio	Loftgren, Zoe	Sires	Kirkpatrick (AZ)	Putnam	Young (FL)
DeGette	Lowe	Skelton	Kline (MN)	Radanovich	
Delahunt	Lujan	Slaughter	Kratovil		
DeLauro	Lynch	Smith (WA)			
Dent	Maffei	Snyder			
Dicks	Maloney	Speier			
Dingell	Marshall	Spratt			
Doggett	Massa	Stark			
Doyle	Matheson	Sutton			
Dreier	Matsui	Tanner			
Driehaus	McCarthy (NY)	Teague			
Edwards (MD)	McCaul	Thompson (MS)			
Edwards (TX)	McClintock	Tierney			
Ehlers	McCollum	Titus			
Ellison	McDermott	Tonko			
Engel	McGovern	Towns			
Eshoo	McIntyre	Tsongas			
Farr	McNerney	Van Hollen			
Fattah	Meek (FL)	Velázquez			
Filner	Meeks (NY)	Visclosky			
Fortenberry	Melancon	Walz			
Foster	Michaud	Wasserman			
Frank (MA)	Miller (NC)	Schultz			
Fudge	Miller, George	Waters			
Gonzalez	Mollohan	Watt			
Gordon (TN)	Moore (WI)	Waxman			
Grayson	Moran (VA)	Weiner			
Green, Al	Murphy (CT)	Welch			
Green, Gene	Murphy, Patrick	Wexler			
Grijalva	Murtha	Whitfield			
Gutierrez	Nadler (NY)	Wilson (OH)			
Hall (NY)	Napolitano	Woolsey			
Hare	Neal (MA)	Yarmuth			

NOES—184

Adler (NJ)	Blunt	Camp
Akin	Boehner	Campbell
Alexander	Bonner	Cantor
Arcuri	Bono Mack	Cao
Austria	Boozman	Carney
Bachmann	Boren	Carter
Bachus	Boswell	Cassidy
Barrett (SC)	Boustany	Castle
Bartlett	Brady (TX)	Childers
Barton (TX)	Brown (SC)	Coble
Biggart	Brown-Waite,	Coffman (CO)
Blibray	Ginny	Cole
Bilirakis	Burgess	Conaway
Bishop (UT)	Burton (IN)	Connolly (VA)
Blackburn	Calvert	Crenshaw

Davis (IL)	Lamborn	Rehberg
Davis (KY)	LaTourette	Reichert
Deal (GA)	Latta	Roe (TN)
Diaz-Balart, L.	Lee (NY)	Rogers (AL)
Diaz-Balart, M.	Lewis (CA)	Rogers (KY)
Donnelly (IN)	Linder	Rogers (MI)
Duncan	LoBiondo	Rohrabacher
Ellsworth	Lucas	Rooney
Etheridge	Luetkemeyer	Roskam
Fallin	Lummis	Royce
Flake	Lungren, Daniel	Ryan (WI)
Fleming	E.	Scalise
Forbes	Mack	Schmidt
Fox	Manzullo	Schock
Franks (AZ)	Marchant	Sensenbrenner
Frelinghuysen	Markey (CO)	Sessions
Gallegly	Markey (MA)	Shadegg
Garrett (NJ)	McCarthy (CA)	Shimkus
Gerlach	McCotter	Shuler
Giffords	McHenry	Shuster
Gingrey (GA)	McHugh	Simpson
Goodlatte	McKeon	Smith (NE)
Granger	McMorris	Smith (NJ)
Graves	Rodgers	Smith (TX)
Griffith	Mica	Souder
Guthrie	Miller (FL)	Space
Hall (TX)	Miller (MI)	Stearns
Halvorson	Miller, Gary	Stupak
Harper	Minnick	Sullivan
Hastings (WA)	Mitchell	Taylor
Hensarling	Moore (KS)	Terry
Herger	Moran (KS)	Thompson (CA)
Hill	Murphy (NY)	Thompson (PA)
Hunter	Murphy, Tim	Thornberry
Inglis	Myrick	Tiahrt
Issa	Neugebauer	Tiberti
Jenkins	Nunes	Turner
Johnson, Sam	Nye	Upton
Jones	Olson	Walden
Jordan (OH)	Paul	Wamp
King (IA)	Pence	Petri
King (NY)	Peterson	Wilson (SC)
Kingston	Platts	Wittman
Kirk	Poe (TX)	Wolf
Kirkpatrick (AZ)	Price (GA)	Young (AK)
Kline (MN)	Putnam	Young (FL)
Kratovil	Radanovich	

ANSWERED “PRESENT”—1

Gohmert

NOT VOTING—10

Bright	Harman	Watson
Broun (GA)	McMahon	Wu
Conyers	Ros-Lehtinen	
Emerson	Sestak	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1531

So the Journal was approved.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. WESTMORELAND. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WESTMORELAND. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 36, noes 364, not voting 32, as follows:

[Roll No. 488]

AYES—36

Bartlett	Gohmert	Olson
Barton (TX)	Halvorson	Paul
Bishop (UT)	Hensarling	Pence
Blackburn	Inglis	Price (GA)
Boehner	Issa	Shadegg
Campbell	Johnson (IL)	Souder
Chaffetz	Johnson, Sam	Thornberry
Coffman (CO)	King (IA)	Tiahrt
Connolly (VA)	Lewis (CA)	Tiberi
Flake	Luetkemeyer	Turner
Foxx	Mack	Waters
Garrett (NJ)	Marchant	Westmoreland

NOES—364

Abercrombie	Cummings	Jackson (IL)
Ackerman	Dahlkemper	Jenkins
Aderholt	Davis (AL)	Johnson (GA)
Adler (NJ)	Davis (CA)	Johnson, E. B.
Akin	Davis (IL)	Jones
Alexander	Davis (KY)	Jordan (OH)
Altmire	Davis (TN)	Kagen
Andrews	Deal (GA)	Kanjorski
Arcuri	DeFazio	Kaptur
Austria	DeGette	Kildee
Baca	DeLauro	Kilpatrick (MI)
Bachmann	Dent	Kilroy
Bachus	Diaz-Balart, L.	Kind
Baird	Diaz-Balart, M.	King (NY)
Baldwin	Dicks	Kingston
Barrett (SC)	Dingell	Kirk
Barrow	Doggett	Kirkpatrick (AZ)
Bean	Donnelly (IN)	Kissell
Becerra	Doyle	Klein (FL)
Berkley	Dreier	Kline (MN)
Berman	Drieaus	Kosmas
Berry	Duncan	Kratovil
Biggert	Edwards (MD)	Kucinich
Bilbray	Ehlers	Lance
Bishop (GA)	Ellison	Langevin
Bishop (NY)	Emerson	Larsen (WA)
Blumenauer	Eshoo	Larson (CT)
Blunt	Etheridge	Latham
Bocchieri	Fallin	LaTourette
Bonner	Farr	Latta
Bono Mack	Fattah	Lee (NY)
Boozman	Filner	Levin
Boren	Fleming	Lewis (GA)
Boswell	Forbes	Lipinski
Boucher	Fortenberry	LoBiondo
Boustany	Foster	Loebsack
Boyd	Franks (AZ)	Lofgren, Zoe
Brady (PA)	Frelinghuysen	Lowey
Brady (TX)	Fudge	Lucas
Braley (IA)	Gallely	Lummis
Bright	Gerlach	Lungren, Daniel
Brown (SC)	Giffords	E.
Brown, Corrine	Gingrey (GA)	Lynch
Buchanan	Gonzalez	Maffei
Burgess	Goodlatte	Maloney
Burton (IN)	Gordon (TN)	Manzullo
Butterfield	Granger	Markey (CO)
Buyer	Graves	Markey (MA)
Calvert	Grayson	Marshall
Camp	Green, Al	Massa
Cantor	Green, Gene	Matheson
Cao	Griffith	Matsui
Capito	Guthrie	McCarthy (CA)
Capps	Gutierrez	McCarthy (NY)
Capuano	Hall (NY)	McCaul
Cardoza	Hall (TX)	McClintock
Carnahan	Hare	McCollum
Carney	Harman	McCotter
Carson (IN)	Harper	McDermott
Carter	Hastings (FL)	McGovern
Cassidy	Hastings (WA)	McHenry
Castle	Heinrich	McHugh
Castor (FL)	Heller	McIntyre
Childers	Herseth Sandlin	McKeon
Clay	Higgins	McMahon
Cleaver	Hill	McMorris
Clyburn	Himes	Rodgers
Coble	Hinchey	McNerney
Cohen	Hinojosa	Meek (FL)
Cole	Hirono	Meeks (NY)
Conaway	Hodes	Melancon
Conyers	Hoekstra	Mica
Cooper	Holden	Michaud
Costa	Holt	Miller (FL)
Costello	Hoyer	Miller (MI)
Courtney	Hunter	Miller (NC)
Crenshaw	Inslee	Miller, Gary
Culberson	Israel	Minnick

Mitchell	Reyes	Smith (WA)
Mollohan	Richardson	Snyder
Moore (KS)	Rodriguez	Space
Moore (WI)	Roe (TN)	Speier
Moran (KS)	Rogers (AL)	Spratt
Moran (VA)	Rogers (KY)	Stark
Murphy (CT)	Rogers (MI)	Stearns
Murphy (NY)	Rohrabacher	Stupak
Murphy, Patrick	Rooney	Sullivan
Murphy, Tim	Ros-Lehtinen	Sutton
Murtha	Roskam	Tanner
Myrick	Ross	Taylor
Nadler (NY)	Rothman (NJ)	Teague
Neal (MA)	Roybal-Allard	Terry
Neugebauer	Royce	Thompson (CA)
Nunes	Ruppersberger	Thompson (MS)
Nye	Rush	Thompson (PA)
Oberstar	Ryan (OH)	Tierney
Obey	Ryan (WI)	Titus
Oliver	Salazar	Tonko
Ortiz	Sánchez, Linda	Towns
Pallone	T.	Tsongas
Pascarella	Sarbanes	Upton
Pastor (AZ)	Scalise	Van Hollen
Paulsen	Schakowsky	Velázquez
Payne	Schauer	Visclosky
Perlmutter	Schiff	Walden
Perriello	Schmidt	Walz
Peters	Schock	Wamp
Peterson	Schrader	Wasserman
Petri	Schwartz	Schultz
Pingree (ME)	Scott (GA)	Watt
Pitts	Scott (VA)	Waxman
Platts	Sensenbrenner	Weiner
Poe (TX)	Serrano	Welch
Polis (CO)	Shea-Porter	Whitfield
Pomeroy	Sherman	Wilson (OH)
Posey	Shuler	Wilson (SC)
Price (NC)	Shuster	Wittman
Putnam	Simpson	Wolf
Quigley	Sires	Woolsey
Rahall	Skelton	Yarmuth
Rangel	Slaughter	Young (AK)
Rehberg	Smith (NE)	Young (FL)
Reichert	Smith (TX)	

NOT VOTING—32

Bilirakis	Frank (MA)	Napolitano
Broun (GA)	Grijalva	Radanovich
Brown-Waite,	Herger	Sanchez, Loretta
	Honda	Sessions
Chandler	Jackson-Lee	Sestak
Clarke	(TX)	Shimkus
Crowley	Kennedy	Smith (NJ)
Cuellar	Lamborn	Watson
Delahunt	Lee (CA)	Wexler
Edwards (TX)	Linder	Wu
Ellsworth	Lujan	
Engel	Miller, George	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1549

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas on January 20, 2009, Barack Obama was inaugurated as President of the United States, and the outstanding public debt of the United States stood at \$10.627 trillion;

Whereas on January 20, 2009, in the President's Inaugural Address, he stated, "[T]hose

of us who manage the public's dollars will be held to account, to spend wisely, reform bad habits, and do our business in the light of day, because only then can we restore the vital trust between a people and their government.'";

Whereas on February 17, 2009, the President signed into public law H.R. 1, the American Recovery and Reinvestment Act of 2009;

Whereas the American Recovery and Reinvestment Act of 2009 included \$575 billion of new spending and \$212 billion of revenue reductions for a total deficit impact of \$787 billion;

Whereas the borrowing necessary to finance the American Recovery and Reinvestment Act of 2009 will cost an additional \$300 billion;

Whereas on February 26, 2009, the President unveiled his budget blueprint for FY 2010;

Whereas the President's budget for FY 2010 proposes the eleven highest annual deficits in U.S. history;

Whereas the President's budget for FY 2010 proposes to increase the national debt to \$23.1 trillion by FY 2019, more than doubling it from current levels;

Whereas on March 11, 2009, the President signed into public law H.R. 1105, the Omnibus Appropriations Act, 2009;

Whereas the Omnibus Appropriations Act, 2009 constitutes nine of the twelve appropriations bills for FY 2009 which had not been enacted before the start of the fiscal year;

Whereas the Omnibus Appropriations Act, 2009 spends \$19.1 billion more than the request of President Bush;

Whereas the Omnibus Appropriations Act, 2009 spends \$19.0 billion more than simply extending the continuing resolution for FY 2009;

Whereas on April 1, 2009, the House considered H. Con. Res. 85, Congressional Democrats' budget proposal for FY 2010;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes the six highest annual deficits in U.S. history;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes to increase the national debt to \$17.1 trillion over five years, \$5.3 trillion more than compared to the level on January 20, 2009;

Whereas Congressional Republicans produced an alternative budget proposal for FY 2010 which spends \$4.8 trillion less than the Congressional Democrats' budget over 10 years;

Whereas the Republican Study Committee produced an alternative budget proposal for FY 2010 which improves the budget outlook in every single year, balances the budget by FY 2019, and cuts the national debt by more than \$6 trillion compared to the President's budget;

Whereas on April 20, 2009, attempting to respond to public criticism, the President convened the first cabinet meeting of his Administration and challenged his cabinet to cut a collective \$100 million in the next 90 days;

Whereas the challenge to cut a collective \$100 million represents just 1/40,000 of the Federal budget;

Whereas on June 16, 2009, total outstanding Troubled Asset Relief Program, or TARP, funds to banks stood at \$197.6 billion;

Whereas on June 16, 2009, total outstanding TARP funds to AIG stood at \$69.8 billion;

Whereas on June 16, 2009, total outstanding TARP funds to domestic automotive manufacturers and their finance units stood at \$80 billion;

Whereas on June 19, 2009, the outstanding public debt of the United States was \$11.409 trillion;

Whereas on June 19, 2009, each citizen's share of the outstanding public debt of the United States came to \$37,236.88;

Whereas according to a New York Times/CBS News survey, three-fifths of Americans (60 percent) do not think the President has developed a clear plan for dealing with the current budget deficit (New York Times/CBS News, Conducted June 12-16, 2009, Survey of 895 Adults Nationwide);

Whereas the best means to develop a clear plan for dealing with runaway Federal spending is a real commitment to fiscal restraint and an open and transparent appropriations process in the House of Representatives;

Whereas before assuming control of the House of Representatives in January 2007, Congressional Democrats were committed to an open and transparent appropriations process;

Whereas according to a document by Congressional Democrats entitled "Democratic Declaration: Honest Leadership and Open Government," page 2 states, "Our goal is to restore accountability, honesty and openness at all levels of government.";

Whereas according to a document by Congressional Democrats entitled "A New Direction for America," page 29 states, "Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives, including a substitute.";

Whereas on November 21, 2006, The San Francisco Chronicle reported, "Speaker Pelosi pledged to restore 'minority rights'—including the right of Republicans to offer amendments to bills on the floor . . . The principle of civility and respect for minority participation in this House is something that we promised the American people, she said. 'It's the right thing to do.'" ("Pelosi's All Smiles through a Rough House Transition," The San Francisco Chronicle, November 21, 2006);

Whereas on December 6, 2006, Speaker Nancy Pelosi stated, "[We] promised the American people that we would have the most honest and open government and we will.";

Whereas on December 17, 2006, The Washington Post reported, "After a decade of bitter partisanship that has all but crippled efforts to deal with major national problems, Pelosi is determined to try to return the House to what it was in an earlier era—'where you debated ideas and listened to each others arguments.'" ("Pelosi's House Diplomacy," The Washington Post, December 17, 2006);

Whereas on December 5, 2006, Majority Leader Steny Hoyer stated, "We intend to have a Rules Committee . . . that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of the House." ("Hoyer Says Dems' Plans Unruffled by Approps Logjam," CongressDaily PM, December 5, 2006);

Whereas during debate on June 14, 2005, in the Congressional Record on page H4410, Chairwoman Louise M. Slaughter of the House Rules Committee stated, "If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under an open rule, not just appropriations bills, which are already restricted. An open process should be the norm and not the exception.";

Whereas since January 2007, there has been a failure to commit to an open and trans-

parent process in the House of Representatives;

Whereas more bills were considered under closed rules, 64 total, in the 110th Congress under Democratic control, than in the previous Congress, 49, under Republican control;

Whereas fewer bills were considered under open rules, 10 total, in the 110th Congress under Democratic control, than in the previous Congress, 22, under Republican control;

Whereas fewer amendments were allowed per bill, 7.68, in the 110th Congress under Democratic control, than in the previous Congress, 9.22, under Republican control;

Whereas the failure to commit to an open and transparent process in order to develop a clear plan for dealing with runaway Federal spending reached its pinnacle in the House's handling of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 contains \$64.4 billion in discretionary spending, 11.6 percent more than enacted in FY 2009;

Whereas on June 11, 2009, the House Rules Committee issued an announcement stating that amendments for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 must be pre-printed in the Congressional Record by the close of business on June 15, 2009;

Whereas both Republicans and Democrats filed 127 amendments in the Congressional Record for consideration on the House floor;

Whereas on June 15, 2009, the House Rules Committee reported H. Res. 544, a rule with a pre-printing requirement and unlimited pro forma amendments for purposes of debate;

Whereas on June 16, 2009, the House proceeded with one hour of general debate, or one minute to vet each \$1.07 billion in H.R. 2847, in the Committee of the Whole;

Whereas after one hour of general debate the House proceeded with amendment debate;

Whereas after just 22 minutes of amendment debate, or one minute to vet each \$3.02 billion in H.R. 2847, a motion that the Committee rise was offered by Congressional Democrats;

Whereas the House agreed on a motion that the Committee rise by a recorded vote of 179 Ayes to 124 Noes, with all votes in the affirmative being cast by Democrats;

Whereas afterwards, the House Rules Committee convened a special, untelevised meeting to dispense with further proceedings on H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas on June 17, 2009, the House Rules Committee reported H. Res. 552, a new and restrictive structured rule for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas every House Republican and 27 House Democrats voted against agreeing on H. Res. 552;

Whereas H. Res. 552 made in order just 23 amendments, with a possibility for 10 more amendments, out of the 127 amendments originally filed;

Whereas H. Res. 552 severely curtailed pro forma amendments for the purposes of debate;

Whereas the actions of Congressional Democrats to curtail debate and the number of amendments offered to H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 effectively ended the process to deal with runaway Fed-

eral spending in a positive and responsible manner;

Whereas Congressional Democrats continue to curtail debate and the number of amendments offered to appropriations bills;

Whereas on June 18, 2009, the House Rules Committee reported H. Res. 559, a restrictive structured rule for H.R. 2918, the Legislative Branch Appropriations Act, 2010;

Whereas H. Res. 559 made in order just one amendment out of the 20 amendments originally filed;

Whereas on June 23, 2009, the House Rules Committee reported H. Res. 573, a restrictive structured rule for H.R. 2892, the Department of Homeland Security Appropriations Act, 2010;

Whereas H. Res. 573 made in order just 9 amendments, with a possibility for 5 more amendments, out of the 91 amendments originally filed;

Whereas on June 24, 2009, the House Rules Committee reported H. Res. 578, a restrictive structured rule for H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010;

Whereas H. Res. 578 made in order just 8 amendments, with a possibility for 5 more amendments, out of the 105 amendments originally filed; and

Whereas the actions taken have resulted in indignity being visited upon the House of Representatives: Now, therefore, be it

Resolved, That—

(1) the House of Representatives recommit itself to fiscal restraint and develop a clear plan for dealing with runaway Federal spending;

(2) the House of Representatives return to its best traditions of an open and transparent appropriations process without a pre-printing requirement; and

(3) the House Rules Committee shall report out open rules for all general appropriations bills throughout the remainder of the 111th Congress.

□ 1600

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Georgia will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

PROVIDING FOR CONSIDERATION OF H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 609 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 609

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution; (2) the amendments printed in part B of the report of the Committee on Rules; (3) not to exceed one of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Campbell of California or his designee; (4) not to exceed three of the amendments printed in part D of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; and (5) not to exceed one of the amendments printed in part E of the report of the Committee on Rules if offered by Representative Hensarling of Texas or his designee. Each such amendment may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI and except that an amendment printed in part B through E of the report of the Committee on Rules may be offered only at the appropriate point in the reading. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 2997, the Chair may reduce to two minutes the

minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 609 because the resolution violates section 426(a) of the Congressional Budget Act. The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act, which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974. The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Arizona (Mr. FLAKE) and a Member opposed, the gentleman from Massachusetts (Mr. MCGOVERN), each will control 10 minutes of debate on the question of consideration.

After the debate the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from Arizona.

□ 1615

Mr. FLAKE. I thank the Chair.

Mr. Speaker, I raise this point of order not necessarily out of concern for unfunded mandates, although there are likely some in here. I raise a point of order because it's the only vehicle we've got to actually talk about this rule and this bill and how we are being denied the ability to actually offer the amendments that we would like to, to illuminate what's actually in this bill and how this is a break again from the hallmark and tradition of this House, which is to allow open debate on appropriation bills.

We've heard a lot about the sweeping reforms, particularly on earmarks, since 2007. Some of these reforms are good. Some of them—like requiring Members to put their names next to earmarks, requiring them to sign a certification letter that they have no financial interest in the earmark—are good reforms. They are reforms that many of us in this body have wanted for a long time. But we haven't drained the swamp. All we've done is we now know the depth of the mud that we're wading in, and we're simply not able to hold those accountable who should be held accountable. We have the transparency that we need, some of it, most of it; but with that transparency should come accountability. When you're denied the ability to offer amendments on the floor or are restricted in the number that you can

offer, then you aren't able to use that transparency to any good effect.

In fiscal year 2007 during the appropriations process, I was able to offer 40 earmark limitation amendments. These were bipartisan, including eight to the Agriculture appropriations bill. In fiscal year 2008 I offered nearly 50 bipartisan amendments, including five to the Ag appropriations bill. Now last year only one appropriations bill even moved through the House under regular order, the Military Construction-VA appropriations bill. This bill was jammed together with a so-called minibus with the Homeland Security bill and the Defense bill. This came to the House under a closed rule. There were no amendments allowed at all. The remaining bills were jammed into a must-pass omnibus bill earlier this year. Only a handful of those were even reported out of committee. That meant that there were over 7,000 earmarks worth more than \$8 billion air-dropped into this bill and not one limitation amendment, not one striking amendment, really not any amendments of any kind were even allowed on that bill. So we went through a whole year basically with virtually no amendments offered at all where these bills, these appropriations bills weren't even vetted.

So now we come to this year, and we're told we're going to get back to regular order, we're going to move appropriations bills one at a time and give Members the opportunity to offer limitation amendments. And what do we do? We close them down. The Rules Committee says, Okay, you've offered 12 amendments, maybe you can offer three of those amendments—you choose—on the floor. That's not real accountability. That's not the tradition of this House. That's not an open rule.

And when you see things like this—this is in Roll Call today—The Justice Department this week filed criminal charges against a defense contractor who has received millions of dollars worth of earmarks. Today's Roll Call. Today's Hill—Kickback charges against a defense contractor are putting people in this body, organizations here, in a hard position on whether to return campaign contributions back to the contractor charged with accepting kickbacks in return for earmarked dollars. And yet we're going to be considering the Defense appropriation bill later this month that will contain probably more than 1,000 earmarks from this body, most of them earmarks to for-profit companies, most of which will have executives who turn around and make campaign contributions to the Members who secured the earmarks for them.

Yet I would submit that the purpose of what we're going through now through these appropriation bills is to basically ready this body for the Defense appropriation bill, where people

will be used to not offering amendments. Then where we would be able to illuminate a little bit on the floor at least where these earmarks are going, is it proper for this earmark to go to a for-profit company whose executives turn around and make campaign contributions to the Member who secured that earmark for them? Basically Members getting earmarks for their campaign contributors. Instead of being able to stand up and illuminate that, we'll likely be restricted to one or two amendments, or maybe none. That's what we're going through right now, and that's what it's going to lead to.

Now people say that nobody pays attention to process outside of this body or outside of this town. That's largely true. It's tough to score political points saying, The majority party simply won't allow amendments offered on the floor. People typically don't pay attention to bad process. But bad process always begets bad results or bad policy. We learned it on this side. When you hold a vote open for 3 hours—like we did the prescription drug bill vote—and twist arms, you get a bad result. We added about \$11 trillion in unfunded liabilities for future generations. We had several of those, which I think on this side we're probably not proud of. But I can tell you, we always held appropriation bills up, though, and allowed open rules and allowed Members to offer amendments even though it might have been uncomfortable for Members to hear what was being brought to the floor. A departure from that means that we're going to have bad results. We've seen that in the last year or so. When we've restricted the ability of Members to actually offer results, then we have Justice Department investigations because the proper vetting was not done.

Now I would wish—I think all of us would wish—that some vetting would be done in the Appropriations Committee, but sadly it hasn't been done. The chairman of the committee has said many times that they simply don't have the time nor the resources to vet all of these earmark requests, and I believe them. But if that is the case, the answer isn't to shut the process down. The answer is, don't bring the bill to the floor with so many earmarks in it. But here instead of doing that, we're saying, "All right, we can't vet these earmarks, so we're simply going to close our eyes and pretend that these earmarks aren't there and not allow anybody to tell anybody that they're there. Let's not allow anybody to come to the floor and offer them." That is a bad process which leads to bad results.

Now make no mistake, as I mentioned, what we're going through now—I don't think the majority party or the minority party is so much concerned about how many amendments are of-

fered to the Agriculture bill as they are about setting a precedent for what might come later with the Defense appropriation bill. Remember, that is the important one with regard to earmarks for campaign contributors. If we allow a process to develop here where we shield Members and shield earmarks by not allowing Members to challenge them on the floor, then we will get more headlines like this one in the paper today, headlines that we see over and over and over again which have led to investigations by the Justice Department, which have led finally to our own Ethics Committee, finally, hopefully having launched its own investigation. It is unbelievable to me that we have this going on on the outside, and yet we will still go through a process where we allow Members of Congress here to earmark for their campaign contributors. And instead of allowing Members to come to the floor and actually challenge some of those, we shut down the process so they can't. We close the rule so very few earmark amendments, limitation amendments, are even allowed.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, just so there's no confusion, I want to remind my colleagues that we are dealing with the Agriculture appropriations bill and not the Defense appropriations bill or any other appropriations bill. This is the Agriculture appropriations bill.

Mr. Speaker, technically this point of order is about whether or not to consider this rule and ultimately the underlying bill. In reality, it's about trying to block this bill without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation itself.

Mr. Speaker, the underlying bill that we want to consider here is a bill that provides food and nutrition to some of the most desperate people in this country. It's a bill that will provide much-needed help to farmers in rural areas all across this country. This is an important bill for a number of reasons, and I think it's wrong to try to delay this bill or block this legislation from coming to the floor. I hope my colleagues will vote "yes" so that we can consider this important legislation on its merits and not stop it on a procedural obstructionist motion.

Those who oppose this bill can vote against it on final passage. We must consider this rule, and we must pass this legislation today. Mr. Speaker, I have the right to close; but in the end I will urge my colleagues to vote "yes" to consider the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman has 1 minute remaining.

Mr. FLAKE. I thank the gentleman. I will talk specifically about the Agriculture appropriations bill. This bill has hundreds and hundreds of earmarks in it. I think there are maybe half a dozen total earmark limitation amendments that are allowed under this rule. That's simply not sufficient, Mr. Speaker. That's not sufficient. We should be allowing more. I understand the other side wants to hide the fact that 64 percent of the earmarks in this legislation are going to just 25 percent of the body, that the Appropriations Committee, which makes up just under 14 percent of this body, actually comes away with 56 percent of the earmarks.

I understand that those who are in charge of this legislation don't want that to be known, but it's still not right to limit the number of amendments that can be offered and to limit the time. So I would plead to not go forward with consideration of this bill under this rule.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I can appreciate the tactics that my friends on the other side of the aisle are employing right now to try to delay and obstruct this legislation from moving forward. But, as I said, this legislation is important. It's important to a lot of people. The food stamp program is funded in this bill, WIC, a lot of important nutrition programs, plus a lot of important aid to farmers who are struggling in this tough economy. This is an important piece of legislation.

Again, I want to urge my colleagues to vote "yes" on this motion to consider so we can debate and pass this important piece of legislation today. I would urge my colleagues to vote "yes" and enough of these obstructionist tactics.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 244, nays 185, not voting 3, as follows:

[Roll No. 489]

YEAS—244

Abercrombie	Berman	Butterfield
Ackerman	Berry	Capps
Adler (NJ)	Bishop (GA)	Capuano
Altmire	Bishop (NY)	Cardoza
Andrews	Blumenauer	Carnahan
Arcuri	Boccheri	Carney
Baca	Boren	Carson (IN)
Baird	Boswell	Castor (FL)
Baldwin	Boucher	Chandler
Barrow	Boyd	Childers
Bean	Brady (PA)	Clarke
Becerra	Braley (IA)	Clay
Berkley	Brown, Corrine	Cleaver

Clyburn	Johnson, E. B.	Polis (CO)	Gohmert	Manzullo	Rogers (KY)
Cohen	Kagen	Pomeroy	Goodlatte	Marchant	Rogers (MI)
Connolly (VA)	Kanjorski	Price (NC)	Granger	McCarthy (CA)	Rohrabacher
Conyers	Kaptur	Quigley	Graves	McCaul	Rooney
Costa	Kennedy	Rahall	Guthrie	McClintock	Ros-Lehtinen
Costello	Kildee	Rangel	Hall (TX)	McCotter	Roskam
Courtney	Kilpatrick (MI)	Reyes	Harper	McHenry	Royce
Crowley	Kilroy	Richardson	Hastings (WA)	McHugh	Ryan (WI)
Cuellar	Kind	Rodriguez	Heller	McKeon	Scalise
Cummings	Kirkpatrick (AZ)	Ross	Hensarling	McMorris	Schmidt
Dahlkemper	Kissell	Rothman (NJ)	Herger	Rodgers	Schock
Davis (AL)	Klein (FL)	Roybal-Allard	Hoekstra	Mica	Sensenbrenner
Davis (CA)	Kosmas	Ruppersberger	Hunter	Miller (FL)	Sessions
Davis (IL)	Kratovil	Rush	Inglis	Miller (MI)	Shadegg
Davis (TN)	Kucinich	Ryan (OH)	Issa	Miller, Gary	Shimkus
DeFazio	Langevin	Salazar	Jenkins	Minnick	Shuster
DeGette	Larsen (WA)	Sánchez, Linda	Johnson (IL)	Mitchell	Simpson
Delahunt	Larson (CT)	T.	Johnson, Sam	Moran (KS)	Smith (NE)
DeLauro	Lee (CA)	Sanchez, Loretta	Jones	Murphy (NY)	Smith (NJ)
Dicks	Levin	Sanchez, Loretta	Jordan (OH)	Murphy, Tim	Smith (TX)
Dingell	Lewis (GA)	Schakowsky	King (IA)	Myrick	Souder
Doggett	Lipinski	Schauer	King (NY)	Neugebauer	Stearns
Donnelly (IN)	Loeb sack	Schiff	Kingston	Nunes	Sullivan
Doyle	Lofgren, Zoe	Schrader	Kirk	Nye	Taylor
Driehaus	Lowe y	Kline (MN)	Kline (MN)	Olson	Terry
Edwards (MD)	Lujan	Lamborn	Lamborn	Paul	Thompson (PA)
Edwards (TX)	Lynch	Lance	Lance	Paulsen	Thornberry
Ellison	Maffei	Latham	Latham	Pence	Tiahrt
Ellsworth	Maloney	LaTourette	LaTourette	Petri	Tiberi
Engel	Markey (CO)	Latta	Latta	Pitts	Turner
Eshoo	Markey (MA)	Lee (NY)	Lee (NY)	Platts	Upton
Farr	Marshall	Lewis (CA)	Lewis (CA)	Poe (TX)	Walden
Fattah	Massa	Linder	Linder	Posey	Wamp
Finer	Matheson	LoBiondo	LoBiondo	Price (GA)	Westmoreland
Foster	Matsui	Lucas	Lucas	Putnam	Whitfield
Frank (MA)	McCarthy (NY)	Luetkemeyer	Luetkemeyer	Radanovich	Wilson (SC)
Fudge	McCollum	Lummis	Lummis	Rehberg	Wolf
Giffords	McDermott	Lungren, Daniel	Lungren, Daniel	Reichert	Young (AK)
Gonzalez	McGovern	E.	E.	Roe (TN)	Young (FL)
Gordon (TN)	McIntyre	Mack	Mack	Rogers (AL)	
Grayson	McMahon				
Green, Al	McNerney				
Green, Gene	Meek (FL)				
Griffith	Meeks (NY)				
Grijalva	Melancon				
Gutierrez	Michaud				
Hall (NY)	Miller (NC)				
Halvorson	Miller, George				
Hare	Mollohan				
Harman	Moore (KS)				
Hastings (FL)	Moore (WI)				
Heinrich	Moran (VA)				
Herse th Sandlin	Murphy (CT)				
Higgins	Murphy, Patrick				
Hill	Murtha				
Himes	Nadler (NY)				
Hinche y	Neal (MA)				
Hinojosa	Oberstar				
Hirono	Obey				
Hodes	Oliver				
Holden	Ortiz				
Holt	Pallone				
Honda	Pascrell				
Hoyer	Pastor (AZ)				
Inslee	Payne				
Israel	Perlmutter				
Jackson (IL)	Perriello				
Jackson-Lee	Peters				
(TX)	Peterson				
Johnson (GA)	Pingree (ME)				

NOT VOTING—3

Napolitano Sestak Wittman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1652

Messrs. CALVERT, MACK, Mrs. MYRICK, Mr. EHLERS and Mrs. EMERSON changed their vote from “yea” to “nay.”

Ms. VELÁZQUEZ and Ms. CASTOR of Florida changed their vote from “nay” to “yea.”

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

Stated against:

Mr. WITTMAN. Mr. Speaker, on rollcall No. 489, I was unavoidably detained. Had I been present, I would have voted “nay.”

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlelady from North Carolina, Dr. Foxx. All time yielded for consideration of this rule is for debate only.

GENERAL LEAVE

Mr. McGOVERN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 609 will allow this body to consider H.R. 2997, the Fiscal Year 2010 Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act.

Mr. Speaker, this is a good bill that deserves the support of every single Member in this body.

The chairwoman, ROSA DELAULO, Ranking Member JACK KINGSTON, the subcommittee members and their staffs worked tirelessly to craft a bill that provides critical funding for the needs of rural America, conservation programs and two areas that are very important to me, domestic and international food nutrition.

Mr. Speaker, this bill is not perfect. There are programs that I think should be funded at higher levels and other programs that should be reduced. Other colleagues undoubtedly have different priorities. But I believe that this bill is a solid, thoughtful, good compromise.

The FY 2010 Agriculture Appropriations Act makes three major investments. It protects Americans' public health with increases in food safety and funding for the Food and Drug Administration. It delivers critical funding and support for domestic and international food and nutrition programs, and it provides important assistance for rural America by providing funds for rural development, animal and plant health, broadband service, and conservation programs.

Mr. Speaker, this bill provides \$22.9 billion for these critical programs. I should point out, less than President Obama's budget request.

With the economic crisis facing families across this Nation, the funding for rural America is more important today than ever. The rural development programs will create real opportunities for economic growth and development in small communities throughout our country. There is funding for rural housing, investments in rural businesses, and support for new community facility infrastructure. The funding for the Farm Service Agency and agriculture research is of vital importance as our farmers and ranchers continue to adapt their businesses into the 21st-century economy.

I particularly want to thank Chairwoman DELAULO for including critical funding for the eradication of the Asian long-horned beetle. This devastating insect has infiltrated my hometown of Worcester, Massachusetts, and surrounding towns. Because there is no natural predator, the only way to eradicate the insect is to eliminate the trees where they live. If this infestation is not stopped, you could devastate the hard wood forest of New England. This is an expensive but critically important endeavor and this bill provides significant funding for that effort.

Aderholt	Brown (SC)	Culberson
Akin	Brown-Waite,	Davis (KY)
Alexander	Ginny	Deal (GA)
Austria	Buchanan	Dent
Bachmann	Burgess	Diaz-Balart, L.
Bachus	Burton (IN)	Diaz-Balart, M.
Barrett (SC)	Buyer	Dreier
Bartlett	Calvert	Duncan
Barton (TX)	Camp	Ehlers
Biggert	Campbell	Emerson
Bilbray	Cantor	Etheridge
Bilirakis	Cao	Fallin
Bishop (UT)	Capito	Flake
Blackburn	Carter	Fleming
Blunt	Cassidy	Forbes
Boehner	Castle	Fortenberry
Bonner	Chaffetz	Foxx
Bono Mack	Coble	Franks (AZ)
Boozman	Coffman (CO)	Frelinghuysen
Boustany	Cole	Gallegly
Brady (TX)	Conaway	Garrett (NJ)
Bright	Cooper	Gerlach
Broun (GA)	Crenshaw	Gingrey (GA)

Mr. Speaker, as we have seen over the past few years, America's food supply is simply not as safe as it should be. We have seen salmonella and E. coli outbreaks in various parts of this country. And the continuing importation of food from around the world means we need to have a vigilant and dedicated effort to protect our food supply from contamination.

This bill provides funding specifically for the inspection of meat, poultry and egg products. There is also critical funding to improve the safety of domestic and imported food and medical products. These programs alone make this bill worth supporting, and I commend Chairwoman DELAURO for her steadfast support of this work.

Finally, Mr. Speaker, and of great importance to me, are the programs that provide food and nutrition to millions of people here at home and around the world. This bill provides significant funding for SNAP, formerly called food stamps; for WIC, the Commodity Supplemental Food Program and International Food Aid, both P.L. 480 title II and the McGovern-Dole Food for Education and Child Nutrition program.

I have long believed, Mr. Speaker, that hunger here at home and around the world is a political condition, that we have the resources to end hunger; but we simply haven't mustered the political will to do so. This bill is a major step forward in that fight to end hunger.

Domestically, this bill fully funds the Women, Infants and Children, or WIC, program. This is a vital program that provides healthy and nutritious food to pregnant mothers and their newborn children. The funding in this bill will help over 700,000 more women, infants, and children. That means over 10 million people will now be able to participate in this important program.

The bill also provides funding for the Commodity Supplemental Food Program, something the Bush administration never thought fit to fund, but which actually provides nutritious food to over 500,000 low-income women, infants and children and elderly people who struggle with high food costs. This bill also expands the CSFP participation into six States: Arkansas, Oklahoma, Delaware, Utah, New Jersey and Georgia.

The SNAP program, authorized in the farm bill, is funded through the FY2010 Agriculture Appropriations bill. This is one of the most important safety programs in the country. Low- and middle-income families who struggle to put food on their tables are able to turn to the SNAP program for help.

There are over 36 million people in this country who go without food during the year. Too often, families are forced to choose between rent, utilities, and food. SNAP allows families to receive funding so they can buy the

food they normally wouldn't be able to afford.

Mr. Speaker, healthy, nutritious food is a right, not a privilege. The notion that we should turn our backs on people who cannot afford it is unfathomable. Millions of Americans needed this help even before the economic downturn.

Today, the number of hungry Americans will undoubtedly be higher than last year; and without SNAP, millions of Americans would go to bed hungry every day. I am proud of the program, and I congratulate the Speaker of the House and Chairwoman DELAURO in their support for this and other anti-hunger efforts.

Finally, I am pleased that there is a significant investment in the International Food Aid provisions funded in this bill. Many of my colleagues may not know that International Food Aid is funded in the Agriculture Appropriations bill.

□ 1700

But this bill thanks the leadership of Chairwoman DELAURO, increases funding for P.L. 480 title II by \$464 million for a total of \$1.69 billion.

This bill also increases funding for the McGovern-Dole program, increasing the total to \$199.5 million. Based on our Nation's school meal program, the McGovern-Dole program provides food to millions of hungry kids at school, allowing children to receive both food and an education.

Mr. Speaker, this is a good bill. It funds the priorities of our Nation and it deserves our support.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague from Massachusetts for yielding me this time. While we often disagree on issues, it is clear that he is passionate about this issue.

Mr. Speaker, I come before you today deeply concerned about the closed rule we have before us. Throughout this appropriations season, the Democrat majority has taken unprecedented steps to silence both the minority and their own Democrat colleagues by offering all appropriations bills under closed rules. This has consistently eliminated the ability of Members to speak up for how their constituents believe their money should be spent.

But today marks a record in modern history. Today, the Democrat majority has gone even further by surpassing the number of restrictive rules ever offered during appropriations season in the House of Representatives.

Mr. Speaker, when Republicans were in the majority, the most regular appropriations bills considered under a restrictive rule in any single season was four in 1997 which was before my colleague, Mr. DREIER, was the chairman. Today, with the addition of this rule, the Democrat majority has exceeded that modern record.

After promising the American people during campaign season that this would be the most open and honest Congress in history, Speaker PELOSI has gone back on her word in the name of appropriations season by making

this the most closed and restrictive Congress in history.

Instead of having their ideas heard, the American people are being silenced with Speaker PELOSI's justification that, We won the election, so we decide.

As my colleagues have expressed during the past four appropriations debates this season, bringing appropriations bills to the floor under a closed rule is unprecedented. It does an injustice to both Republicans and Democrats who want to have the opportunity to offer amendments and participate in debate with their colleagues over pressing issues of our time.

By choosing to operate in this way, the majority has cut off the minority and their own colleagues from having any input in the legislative process.

Mr. Speaker, I urge my colleagues to vote "no" on this rule.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Ms. DELAURO), the Chair of the Agriculture Subcommittee.

Ms. DELAURO. Mr. Speaker, I thank the gentleman and appreciate him yielding me this time.

I want to say thank you to the ranking member of the subcommittee, Mr. KINGSTON, for his collaboration and input over the last few months. Our staffs have worked together effectively, and together we have crafted what I believe to be a very strong bipartisan bill.

In addition, I think this Agriculture-FDA Appropriations bill is a smarter, better piece of legislation thanks to the hard work of both the subcommittee and the full committee. We have looked at many, many different amendments that have come up over the course of the process of writing the bill, and together we have honed it into some very effective and worthy legislation.

We have had an open process throughout the subcommittee and committee markups. I believe this rule sets in motion what has been a fair process. I understand that close to 100 amendments were submitted to the committee. Clearly, my colleagues on the other side of the aisle have had an opportunity to speak their minds on these issues and have their amendments considered and made in order.

As it has in recent years, the bill focuses on several key areas, such as: protecting public health; bolstering food nutrition; investing in rural communities; supporting agricultural research; strengthening animal health and marketing programs; and conserving our natural resources.

The bill provides for \$22.9 billion in funding, an 11 percent increase over the 2009 levels, the vast majority of which went toward three program areas: the WIC program, FDA, and International Food Aid. Additionally, in order to make these important investments and use the resources available to it wisely, the bill proposes a number of cuts totaling more than \$735 million.

We protect the public health by providing a substantial increase for the Food and Drug Administration, almost \$373 million, 15 percent above 2009, in

an effort to hire additional inspectors and conduct more food and medical products inspection.

In addition, the bill provides over \$1 billion for the Food, Safety and Inspection Service at the USDA.

Conservation. We know that conserving our natural resources, cleaner water, reduced soil erosion and more wildlife habitat is critical. The bill makes a significant investment in USDA's natural resource conservation programs by appropriating \$980 million.

The bill rejects the administration's cuts to the Natural Resources Conservation Service's farm bill conservation programs, including the Wetlands Reserve Program, the Farm and Ranch Lands Protection Program, and the Wildlife Incentives Program.

In addition, the bill restores funding for other valuable programs, including the Resource Conservation and Development Program, and the Watershed and Flood Prevention Operations Program as well.

With regard to nutrition, to help those who are hit hardest by the economic crisis, the bill provides \$681 million, a 10 percent increase for WIC, to serve our Nation's vulnerable populations and to support participation of 10.1 million people. The bill also includes record funding of \$180 million for the Commodity Supplemental Food Program, or CSFP, and expands assistance to six new States: Arkansas, Oklahoma, Delaware, Utah, New Jersey, and Georgia.

International Food Aid. The bill expands America's traditional commitment to International Food Aid by providing an increase of \$464 million, a 27 percent increase, to P.L. 480, the United States' primary International Food Aid program. We also provided an additional \$99.5 million to the McGovern-Dole International Food for Education and Child Nutrition Program, doubling that number from 2009.

In terms of rural development, the bill creates opportunities for growth and development of the Nation's small town economies. It increases funding for water and wastewater infrastructure by \$73 million. There is \$8.7 billion for housing, \$541 million for community facilities, and \$9.3 billion for the rural utility programs.

Increased funding for agriculture. There are significant investments in agriculture research: \$1.2 billion for the Agricultural Research Service and \$1.2 billion for the Cooperative State Research, Education and Extension Service. That funding increases the opportunity for key programs such as the Hatch Act, Evans-Allen, the new competitive Agriculture and Food Research Initiative, Smith Lever, the 1890 programs, and the Veterinary Medical Services Act.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Ms. DELAURO. With the continued volatility in the futures markets, the bill provides the administration's request for the Commodity Futures Trading Commission, \$160.6 million, \$14.6 million over 2009.

Finally, the bill includes language which has been carried since fiscal year 2008 which prohibits the use of funds in the bill to establish or implement a rule allowing the importation of processed poultry products from China. When USDA determined that the Chinese food system was "equivalent" to ours, it used a flawed process in making that determination and placed trade considerations above public health. Recognizing that, as well as the many problems that have been identified with the Chinese food safety system, it is important that the language remain in the bill.

In closing, I thank the Rules Committee for considering this important bill. I am proud of the work we have done. I urge my colleagues to support this rule.

Ms. FOXX. Mr. Speaker, I now yield such time as he may consume to the distinguished ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend from Grandfather community for yielding me the time, and appreciate her fine service to the Rules Committee.

Sadly, she is on the minority side presiding over another very, very sad day for Democrats and Republicans and the American people. Mr. Speaker, if we pass this rule today, we will again set a record. The record we will be setting is the largest number of restrictive rules for consideration of appropriations in the history of the Republic.

Now, in the past we have had restrictive rules that have come about after an open amendment has begun on the floor, and the Rules Committee has taken action. In 1997 it happened on four occasions, and we ultimately did in fact put into place restrictive rules.

This is the fifth rule for consideration of an appropriations bill. And so by virtue of the action that I suspect this House will take, we have to remember that the rights of the American people, not the rights of Republicans, the rights of the American people, Democrats and Republicans, all are being subverted with this process that is being put into place. In fact, it is a sad day because by virtue of taking this action, Mr. Speaker, what is happening is we are now setting the new norm. The new norm is a restrictive process shutting down the rights of Democrats and Republicans from having an opportunity to amend appropriations bills.

What I have here is a copy of the House Rules and Manual. And tragically, tragically as we look at this appropriations process, our colleagues are going to, 10 or 20 years from now, be looking at the Rules and Manual and the moniker "open rule" will be little more than a footnote in the history of this institution based on the pattern we have set forward.

I know that is all inside baseball, but the fact of the matter is it comes down to the effort being made by the majority to not only shut out Members of their own party, Republicans, but what is happening is we are preventing Members from having an opportunity to

bring about any kind of reduction in spending. We know, with what we have seen under the actions of this Congress, what has happened, we spend too much, we tax too much, and we borrow too much. One of the things that has been great about the appropriations amendment process in the past has been simply that Democrats and Republicans could stand up and offer germane amendments that could bring about reductions in spending.

The gentleman from Ohio (Mr. JORDAN) has consistently gone up to the House Rules Committee, made an attempt to bring about some kind of opportunity for spending reduction. He has had very few opportunities to do that. It is denied again in this rule that is before us.

And so, Mr. Speaker, again it is a very unfortunate thing that when you look at the appropriations bills and see that the bill that we are considering up in the Rules Committee right now, the Foreign Operations bill, has a 33 percent increase. The Interior bill, a 17 percent increase. This Agriculture bill that we are considering the rule on right now, a nearly 12 percent spending increase.

Now the American people have sent a very clear message: They want to make sure they keep their jobs. They don't want to lose their businesses. They don't want to lose their homes. And they were promised by President Obama that if we passed a \$787 billion stimulus bill, that the unemployment would not exceed 8 percent. Well, it is now 9.5 percent, and so I think the message may be getting through to some people who heretofore may have been supportive of an increase in spending, that maybe that is not the best way. And so I think Democrats and Republicans alike may want to have an opportunity to bring about some kind of reduction in these 17 percent increases, the 11 to 12 percent increases, the 33 percent increases, when they in their family budgets are trying to hold onto their jobs. And obviously, if they have lost their jobs or homes, they are faced with tremendous reductions in their own personal budgets.

We recognize there is a proper role for the Federal Government. Spending needs to take place, but we should not in any way be continuing down the road that we are, denying Democrats and Republicans an opportunity to bring about even the most modest of spending cuts.

I think of our friend, Mr. BROWN from Georgia, who regularly comes before us to offer a one-half of 1 percent cut in appropriations spending, and we deny him through this process, which is now unprecedented, never been done before in the 220-year history of the country, denied an opportunity to do just that.

□ 1715

And so, again, Mr. Speaker, I hope very much that we will follow the direction that Ms. FOXX is providing us in voting "no" on this rule so that we can come back and have what has been the tradition up until this process, and that is an open, free, and fair debate so that Democrats and Republicans and, through their elected representatives,

the American people can finally be heard.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would like to submit into the RECORD the Statement of Administration Policy on this bill in which the Obama administration strongly supports this bill.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT
AND BUDGET,

Washington, DC, July 7, 2009.
(HOUSE RULES)

STATEMENT OF ADMINISTRATION POLICY

H.R. 2997—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010 (REP. OBEY, D—WISCONSIN)

The Administration strongly supports House passage of H.R. 2997, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010.

A strong, vibrant rural America is central to our country's future. The bill, as reported by the committee, makes important investments in infrastructure so economic progress does not bypass rural communities. The legislation provides the resources necessary to keep our food and our medicines safe and reliable. It provides critical support for farmers to continue the nation's leading role in feeding the world. This legislation also addresses chronic problems facing Americans, including poverty and nutrition and housing. It invests dollars in rural America for the benefit of all Americans.

In addition, the legislation responds to the President's call for investments in programs that work while ending programs that do not. This legislation gives priority to merit-based funding in critical infrastructure programs. The Administration urges the Congress to continue to apply high standards to funding decisions so as to shape fiscally responsible policies that provide solid returns on the taxpayers' investments.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

ADMINISTRATION PRIORITIES

Expand Broadband Access. The Administration appreciates the Committee's support for the President's goal of increasing access to broadband. However, the President's request provided an increase in loan funding which the Committee moves into grants, resulting in a decrease in loan support of \$132 million. This reduction will slow expansion of broadband into rural America.

Rural Revitalization. The FY 2010 Budget requested an increase of \$70 million for rural revitalization grants. The Administration is disappointed that the Committee provides less than \$10 million of the requested increase, including no increase for Secondary and Post-Secondary Education, Institution Challenge Grants, or the Quality of Life Program.

Renewable Energy. The Administration appreciates the support the Committee has provided to the United States Department of Agriculture's (USDA) Rural Business programs. However, the Administration urges the Congress to fund the Rural Energy for America program at the full requested amount. This program is necessary in promoting energy efficiency and renewable energy in rural communities.

Efficiencies and Cost-Saving Proposals. The Administration appreciates the Commit-

tee's support for some of the President's initiatives to terminate or reduce USDA programs that have outlived their usefulness, such as public broadcast grants to help the digital conversion, or that are duplicative of other USDA programs, such as high-cost energy grants. The Administration encourages the Congress to reconsider other proposals made by the Administration that would better target scarce resources and eliminate duplicative programs.

FOOD SAFETY AND INSPECTION SERVICE

The Administration is concerned with sections 723 and 724 of the bill which deal with food safety issues. The Administration would like to work with the Congress to address the issues raised by the Committee in a manner that would protect the Nation's food supply and be consistent with our international obligations.

FOOD AND NUTRITION SERVICES

The Administration is pleased with the Committee's support for strengthening nutrition assistance programs by including funding for food banks, community-based food providers, fully funding WIC, and by supporting a pilot initiative to help increase elderly participation in the Supplemental Nutrition Assistance Program.

FARM SERVICE AGENCY

The Administration appreciates that the Committee provides full funding to begin modernization of the Farm Service Agency's information technology network. Once completed, the multi-year stabilization and modernization plan, dubbed "MIDAS," will allow the agency to provide program benefits in a more efficient, accurate, and responsive manner.

RURAL DEVELOPMENT

The Administration appreciates that the Committee funds the majority of Rural Development at the President's requested levels. However, funding for the Rental Assistance Grants falls \$77 million short of the estimate needed to renew the expiring rental assistance contracts expected in FY 2010. The Administration urges the Congress to provide the full request of \$1.1 billion, which will continue the support of rents for USDA-financed properties on behalf of the tenants who receive subsidized rent.

FOOD AND DRUG ADMINISTRATION (FDA)

The Administration appreciates that the Committee provides the request to strengthen the FDA's efforts to make food and medical products safer. This funding will allow FDA to work with domestic and foreign industry to develop new control measures for all levels of the supply chain, improve and increase risk-based inspections, and respond more effectively with rapid and targeted product tracing when problems do occur.

CONSTITUTIONAL CONCERNS

Consistent with the Executive Branch's long-standing views regarding section 713, the Administration notes that section 713 raises constitutional concerns under the Recommendations Clause and should be eliminated.

I will also point out that the bill that has been reported by the Appropriations Committee is less in terms of spending than what the Obama administration originally requested.

I would also say, and I want to say this very strongly, that I support the increases in spending in this bill because they're mostly in two areas, food safety and food security, making sure

that the food that people buy in supermarkets is safe and making sure that people in this country who are hungry because of this lousy economic situation can have enough to eat, can put food on the table for their families.

We have a terrible situation in this country where the number of hungry people is in the tens of millions, and we can't just walk away from that. And my colleague talks about across-the-board cuts. Across-the-board cuts that make no sense and don't discriminate as to where they're going to cut means you're going to cut programs for food and nutrition that will literally take the food out of the mouths of hungry children. I don't want to do that.

This is a good bill. It has been worked on, I think, with great effort by both Democrats and Republicans, and I strongly support it.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to my colleague from Texas (Mr. CONAWAY).

Mr. CONAWAY. I thank the gentleman from North Carolina.

It's interesting that the debate is about the bill and not the rule itself. My colleagues on the other side continue to fail to defend their idea that we ought to have a closed rule in this process and that the amendments that would make this bill better are somehow trivial and shouldn't be debated on this floor. One of those amendments that I offered would have actually had an impact on the spending.

My colleague from California talked about the opportunity to reduce spending in these bills. The theater, or the fiction that is associated with this process, Mr. Speaker, is that we will walk through some amendments later on to reduce spending in this bill. Should those pass, should 218 of us say we disagree with the hard work that the Appropriations Committee has done and want to reduce that spending, as we did with the \$200,000 bicycle program recently at the end of June, that money still gets spent, Mr. Speaker. That money goes into the slush fund that allows the chairman of the Appropriations Committee to spend it in conference on deals that he wants to do, on rewards that he wants to make available to folks who have toed the line on the other side of the aisle.

The amendment that I would have proposed would have said that if 218 of us come to this floor and disagree with a particular provision in the bill that the Appropriations Committee has done, that money wouldn't get spent; that money would actually reduce the deficit. My colleagues on the other side are frightful of that issue because they're afraid, like on the \$200,000 with the bicycle program, that the will of this Congress may be that we disagree with the appropriations process.

The Appropriations Committee does yeoman's work. They have a hard job

to do in ferreting out priorities on spending. It's a job that I do not aspire to, but they should just get one bite at that apple. And my amendment would have simply said, Appropriations Committee, do the best work you can, bring that product to this floor, then allow the 435 of us, the rest of us who aren't on the Appropriations Committee, to have our say, to have the debate, to have the conversation about whether or not something is valid. And then if 218 of us disagree with the priorities that the appropriations process has set on this Ag spending, then that money simply would not be spent, they will not get a second bite at that apple.

But the Rules Committee, in their infinite wisdom, has said no, that's too complicated, that's too hard for this body to consider. And so, Mr. Speaker, as a result of that, I urge my colleagues to vote against this rule because it is flawed on its face.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

The gentleman, my good friend from Texas, said he wants to talk about process and procedure, so let's talk about process and procedure.

The amendment he brought before the Rules Committee was a violation of the House rules. Even under a complete open rule on the House floor, it would have been subject to a point of order because it was legislating on an appropriations bill. So you want to talk about process, we'll talk about process. The gentleman's amendment would have been not in order under any process.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to our colleague from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, we have heard of the problems with the rule, but that's not the thing that really bothers me. What bothers me is how much money we're spending.

Since last October, this is what we've spent: \$700 billion for TARP; \$70.3 billion for CHIP; \$1.16 trillion, that includes the interest, for the stimulus bill; \$625 billion, which includes interest, for the omnibus bill; \$125 billion for the war supplemental. The American people are struggling right now because of the economy, and we're spending money like it's going out of style.

This bill that we're talking about right now under this rule is going to have a \$2.4 billion increase over last year. That's 12 percent. And if you compare that to fiscal year 2008, the budget that the programs under this bill operated under until passage of the omnibus in February, it's \$4.8 billion more, or a 27 percent increase. And then they've also added \$7.9 billion of emergency designated spending during the current fiscal year. Where in the world are we going to get this money?

The American people are starting to realize that there is going to be very high inflation down the road because we can't pay for this stuff, so they're printing this money down at the Treasury Department. And when you print more money and it's chasing the same amount of goods and services, you're going to have inflation, and it's going to be high inflation. We had it in the early eighties when it was 14 percent, and they had to raise interest rates to 21 percent to stop the inflationary trend. And that is what's going to happen again if we don't get control of the spending.

This is the wrong approach. We need to cut spending instead of keep blowing this money.

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I would now like to yield 2 minutes to our colleague from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, the underlying bill contains an unnecessary and, I think, counterproductive provision banning the importation of poultry from China. The provision has no food safety basis but puts at risk American jobs and puts at risk at least \$350 million of American poultry sales to China that that country will reportedly block in retaliation.

The gentleman from Georgia (Mr. KINGSTON) offered an amendment to strike this dangerous provision, but the majority refused, unfortunately, to make it in order. This provision will effectively close off a huge export market for our farmers while leaving unchanged the amount of poultry we import from China—zero, by the way—because of our already strong food safety protections.

Even America's poultry industry doesn't support this provision. Even those who would benefit, supposedly, don't support this provision. I would like to submit for the RECORD a letter from a wide range of associations opposed to this language because of the impact here on American jobs. The White House has registered concerns as well with the provision.

I support science-based oversight of food safety, but this provision will backfire. It will hurt American farmers without any impact on food safety. At a time when our country is struggling with the economy, this Congress taking actions that hurt American jobs and hurt American farmers is exactly the wrong way to go. This provision should be left out of the final bill.

APRIL 30, 2009.

HON. BARACK OBAMA,
President, United States of America, The White House, Washington, DC

DEAR MR. PRESIDENT: We are writing to urge you to oppose any provisions in the annual appropriations bills that may be inconsistent with our trade obligations under the provisions of World Trade Organization (WTO) agreements. In particular, we urge your Administration to actively oppose a

provision that would bar implementation of a U.S. Department of Agriculture (USDA) Food Safety and Inspection Service (FSIS) regulation governing the importation of cooked poultry products from China. We respectfully request that your Administration work with Congress to amend the Omnibus Appropriations Act of 2009 to eliminate the current application of this provision and to help prevent its inclusion in future Appropriations measures.

We agree that the U.S. Government must effectively regulate the safety and quality of food products sold in this country. However, to maintain the effectiveness and integrity of the food safety system, such regulations must be based on sound science and an appropriate risk assessment. Laws and regulations must also be crafted such that the U.S. does not ignore its international trade obligations—obligations that the U.S. Government has helped to develop and in particular, to prevent other countries from adopting protectionist, non-science based measures against U.S. food and agriculture exports under the guise of food safety. At a time when U.S. producers are seeking to sell their goods and services abroad during a difficult global economic crisis, it is vital that we uphold our trade obligations, lest we find access to vital overseas markets cut off to American products.

Section 727 of the Omnibus Appropriations Act of 2009 forbids funds from being used to "establish or implement a rule allowing poultry products to be imported into the U.S. from the People's Republic of China." Similar provisions have been included in annual appropriations since FSIS issued a final rule on cooked chicken imports from China in 2006 and another prohibition is to be proposed for the bill for Fiscal Year 2010.

Section 727 and its predecessors effectively bar FSIS from conducting a necessary and appropriate risk assessment on whether imports of cooked chicken from China pose any risk to American consumers. Because the provision specifically targets imports from only one country, it conflicts with the U.S. obligation to treat trading partners equally. Indeed, the People's Republic of China has already filed a dispute settlement case against the U.S. at the WTO on this matter.

If there are concerns about the safety of cooked chicken imports from China—and we should note that this includes poultry that originates in the U.S.—they should be addressed through sound science in the regulatory channels, not through ad hoc legislation or appropriations bills. Section 727, however, precludes scientific analysis from being conducted, therefore adversely affecting U.S. credibility and potentially hindering U.S. market access overseas.

If the U.S. cannot uphold the basic rules of international trade, our trading partners may take similar actions against U.S. exports, which will ultimately harm American workers, farmers, businesses and the U.S. economy as a whole.

Respectfully,

Advanced Medical Technology Association, Agri Beef Company, AJC International, Incorporated, American Farm Bureau Federation, American Meat Institute, Animal Health Institute, Butterball, LLC, Cargill, Incorporated, DGM Commodities, Corporation, Edwards Lifesciences, Elanco, Emergency Committee for American Trade, Fieldale Farms Corporation, Grocery Manufacturers Association, Grove Services, Incorporated, Hormel Foods Corporation,

Interra International, Incorporated, JBS S.A., Keystone Foods, LLC, Kraft Foods, Incorporated, Maritime Products International, Mar-Jac Poultry, Incorporated, MetaFoods, LLC, Michigan Corn Growers Association, Monsanto Company, National Cattlemen's Beef Association, National Chicken Council, National Fisheries Institute, National Foreign Trade Council, National Meat Association, National Pork Producers Council, National Retail Federation.

Ms. FOXX. Mr. Speaker, I now would like to yield 4 minutes to our colleague from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentlewoman from North Carolina. I'm sorry for throwing you off a minute ago. I certainly appreciate the time.

I speak against this rule, Mr. Speaker, simply because it's a closed rule. You know, we come here, 435 Members representing 300 million people all across the United States of America with different ideas, and we are about to vote on a \$123.8 billion bill in which these 435 Members of Congress have different ideas of how to change it.

Now, you know the expression, you're dressed up with no place to go. That's what it's like being on the Appropriations Committee. Maybe even rehearsing for a dance, and when you get to the dance, you find out you're not even allowed to dance. Well, that's what happens.

Ms. DELAURO and I worked very closely over the last several months—and, indeed, over the last several years—working on agriculture issues. We have some sincere agreements, sincere disagreements, but we always have a dialogue going.

But now here, as we are in maybe not the home stretch, but at least the halfway point, we find out that the minority Members really can't participate today except for in a very narrowly focused gag rule. We submitted 90 amendments—we, Democrats and Republicans—in an effort to improve this bill, and of those, I believe 12 have been agreed upon. And of those, four are noncontroversial and five of them are a little bit superficial, if not routine.

I am just so disappointed in the fact that we can't get back to regular order. We have quoted DAVID OBEY, the chairman of the Appropriations Committee, many times on the House floor and his words to the effect that when he was in the minority, how disappointed he was. And he pointed out that when we lose the rights of the minority, we lose the right to be called the greatest deliberative body left in the world.

We had a good debate in the Rules Committee, and I thank my friend, Mr. MCGOVERN, for facilitating that debate last night. And I don't believe that the Rules Committee made the final decision. I think the final decision was made down the hall by some staffers. I just believe that this really tight-lipped, ironclad straitjacket on debate

is bad for the system, as Mr. OBEY lamented in 2006.

You know, there is a great line from "Fiddler on the Roof." The star of it, I think his name is Tevye—I'm not sure, but I know these are the words. And he said in the song, "If I Were a Rich Man," "Lord who made the lion and the lamb, you decreed I should be what I am. Would it spoil some vast eternal plan, if I were a wealthy man?"

And so my question to my friends on the Rules Committee is, would it really spoil some vast eternal plan if you had an open rule? And you know the answer is certainly not. And you know that when we were in charge for 12 years, we had open rules—7 out of 12 years we had open rules on every single appropriations bill except for Legislative Branch. And as respects the Ag bill, we only had 1 year that we had a modified closed rule, and that was after 16 hours of debate.

So what is the vast eternal plan that we would spoil if we were allowed, in a representative democracy, an open rule? What would really happen? Is it that the philosophies of the majority are so fragile that they are like a card house, that if a Republican sneezed in the form of an amendment the whole thing would tumble down and the Pelosi empire would come crashing to the floor and be exposed for some bad and evil thing? I don't believe that's the case.

I think, frankly, that this body would do well with open rules and more debates. And I think it would foster a spirit of bipartisanship, because I think what we would find out is what most legislative bodies find out in State legislatures, that you've got good ideas from Republicans and good ideas from Democrats.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman 1 minute.

Mr. KINGSTON. I thank the gentlewoman.

If you think about it, Mr. Speaker, some of the good ideas of Democrats melding—cross-pollination now—with good ideas of Republicans and good ideas of Independents, I think that would be a very healthy thing. And then this bill would go out of this Chamber to the other body, which we know has no good ideas whatsoever—just joking there. A little levity on the House floor is okay.

The point is we could get together as Democrats and Republicans on the House floor and then go debate the Senate, and maybe our ideas would prevail. And those ideas wouldn't necessarily be branded as Democrat or Republican, but they would be branded as American ideas, and they would be of a representative democracy.

So I hope we will vote this rule down and send it back to the Rules Committee, and then we will challenge that

vast eternal plan—maybe not the one of the Democrat Party, but maybe the one of our forefathers—that envisioned open debate in an open society as an underpinning of democracy.

□ 1730

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Thank you very much, Mr. MCGOVERN, for yielding.

Mr. Speaker, I rise in support of the rule and in support of the underlying bill.

I wasn't going to speak on it, but it just gets bothersome sometimes to see how much time we spend on debating a rule. I mean, this process is very open. There's no other process in the world that is as open as the process inside Congress. And to say that you're denied access to the hearings that set up the bill, to the markups, all of these things are very open.

I served for 13 years in the California legislature, a full-time professional legislature. We didn't have rules for each debate that we were going to conduct on the floor. So in all the years I have served in Congress, I have never been asked how did you vote on a rule or was the rule an open rule or a closed rule or whatever. These are pretty esoteric terms of inside Congress. And to suggest that that process is denying people access to a process to make a law and decide how to spend money on the U.S. Department of Agriculture and the Food and Drug Administration, I think, is an exercise in a little bit of futility.

The substance underlying here is very good. It's about how we spend the money, taxpayers' money, on these agencies that are responsible for overseeing our food safety, for overseeing the incredible array of agriculture that we have in this country unlike any other country in the world. The diversity is incredible. Just the county I represent grows 85 different crops. I don't think there's another county in the United States or the world that grows 85 different crops, \$3 billion in sales. So all fresh fruit and vegetables, things that you're eating in your salad today, a lot of it harvested by immigrants. It's an amazing thing because the Department of Agriculture also does the rural infrastructure, rural electric, rural water, rural farm work, farm worker housing and things like that, kind of the essence of a culture of a rural community. Broadband communication systems.

We have a very competent chairwoman, and she has brought a great bill to the floor, and I ask that you support the rule.

Ms. FOXX. Mr. Speaker, the majority party, because they bring bills to the floor, amendments to the floor at 3 a.m. and Members have no time to read the bills, have effectively taken away

the opportunity to read bills before we vote on them. And now to suggest that it's a waste of time to debate the bill is really taking this, I think, to an extreme. So I certainly hope that that idea doesn't catch on along with the idea of not letting people read the bills before they vote on them.

Mr. Speaker, I would now like to yield 2 minutes to my colleague from New York (Mr. LEE).

Mr. LEE of New York. I want to thank my friend for the time.

Mr. Speaker, I rise to oppose the rule for H.R. 2997.

Over the last year, the rapid decline in the price of milk has had a devastating impact on family farms in my district and throughout the Northeast region. This year farmers have reported receiving less than \$11 per hundredweight for their milk, which is less than the \$17.50 per hundredweight it costs to produce it. This gap is a killer for our dairy farmers and will lead to huge job losses in my region.

Dairy farmers in Livingston County, New York, are projected to lose more than \$23 million this year. In Wyoming County, New York, losses are projected at \$28 million. And in Genesee County, over \$60 million.

I cannot emphasize enough how important dairy is to the western New York region. It is the Nation's third largest dairy State, generating over \$2 billion in milk sales annually. More than 145,000 jobs in transporting, processing, and marketing milk are directly attributable to the region's dairy industry.

That is why I offered two common-sense proposals to help our struggling dairy farmers, including one to enhance the Milk Income Loss Contract program and another to raise the dairy product support price. This would help ensure our struggling dairy farmers can remain viable in these tough economic times.

Mr. Speaker, I regret that my amendments were not accepted. Our failure to act is reckless. Our dairy farmers are running out of time.

I urge my colleagues to vote down the rule so we can give this crisis the attention it deserves.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I want to respond to the gentleman from New York's comments. I realize that he's new, but the fact is that both of his amendments would have been a violation of the House rules even under an open rule. The gentleman was legislating on an appropriations bill. There are other ways for him to get his point across.

I share his concerns on the dairy issue. I come from a New England State. But the fact of the matter is that even under an open rule, his amendments would have been ruled out of order because they're legislating on an appropriations bill.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I want to thank my colleague from New York for raising the issue of the plight of dairy farmers in particular. All across my district, we see farmers of all types going out of business, but particularly hard hit are the dairy farmers. And there is no tougher type of farming than dairy farming in this country. My husband and I have done a lot of farming in our lives. We've never had a lot of cows, but we both grew up milking cows. And believe me, that is the toughest work in the world. You've got to be there every day, all day, and these folks are really struggling to stay in business. And the sad part about it is that with the cap-and-tax bill that passed last week and so many of the other policies of this administration and this Congress, we are going headlong into putting a lot of our farmers out of business, particularly the dairy farmers.

Again, the implication here is that we ought not to be spending a lot of time talking about the problems that we're facing in this country and that agriculture is facing, that all of our citizens are facing. But the Democrats in charge want to limit what ideas can be debated on the floor and what constituents can be represented in this House.

Our constituents in both Republican districts and Democrat districts are struggling to make ends meet, are facing unemployment, and yet are being shut out of participating in a debate over how their hard-earned taxpayer dollars are being borrowed and spent by the Federal Government.

It is a mystery as to why the majority is blocking debate on such important legislation. What are they afraid of? Are they protecting their Members from tough votes? Are they afraid of the democratic process? It's hard to know why they're doing it.

The Speaker has gone back on her word about making this the most open process in the world. Is she afraid that the American people will disagree with her? Is she keeping other Democrats from having to make tough decisions on difficult votes? Is she afraid of the very principles upon which our country is founded? We are very concerned, again, with the direction in which this Congress is going as far as the rules are concerned.

During the Independence Day break, I was at home. I went to a lot of functions. I spoke to my constituents. I spoke to hundreds of them. They told me over and over and over again how concerned they are about the direction this country is going. They used the word "frightened" over and over again. I talked to my colleagues on both sides of the aisle, and they say they are hearing the very same things from their constituents at home. They are

concerned about the amount of money that's being spent by this Congress, the policies that this administration is taking, and the direction in which they are moving.

We know that the Democrats have proposed spending \$1.89 trillion of American taxpayer money for discretionary government programs in the 2010 fiscal year. When all appropriation spending is combined, the Democrats have increased nondefense, nonveteran discretionary spending by 85 percent over the last 2 fiscal years. With millions of jobs lost since the passage of the stimulus, the President said this morning "there is nothing we would have done differently concerning the \$787 billion spending bill."

But that spending bill, which is really a trillion-dollar spending bill because of the cost of the bill, isn't creating the jobs Democrats promised. Even the Vice President said over the weekend this regarding the bill's poor returns: "The truth is we and everyone else misread the economy."

Well, no, not everyone else did that because Republicans all voted against the stimulus bill. You aren't going to hang that around our necks, Mr. Vice President.

House Democrats now want to spend another trillion dollars on a government-run health care bill after they have just crammed through a national energy tax.

At the same time, House Republicans are being denied the opportunity to offer cost-cutting amendments to save taxpayer money. Many Republican proposals could save billions in wasteful government spending and better prioritize how Washington spends taxpayer funds. But these ideas are being shut down. This is not the way to operate the greatest deliberative body in the world.

I am going again to suggest to my colleagues that they vote "no" on this rule because this is not the way we should be going.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

MOTION TO ADJOURN

Ms. FOXX. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 35, nays 368, not voting 29, as follows:

[Roll No. 490]

YEAS—35

Bartlett	Halvorson	Paul
Boehner	Hensarling	Pence
Broun (GA)	Inglis	Price (GA)
Campbell	Johnson (IL)	Rangel
Chaffetz	Johnson, Sam	Shadegg
Clay	King (IA)	Shinkus
Coffman (CO)	Kingston	Taylor
Connolly (VA)	Lamborn	Thornberry
Flake	Marchant	Tiahrt
Fox	McHenry	Westmoreland
Garrett (NJ)	Miller, Gary	Young (AK)
Gutierrez	Olson	

NAYS—368

Abercrombie	Culberson	Inslee
Aderholt	Dahlkemper	Israel
Adler (NJ)	Davis (AL)	Issa
Akin	Davis (CA)	Jackson (IL)
Alexander	Davis (IL)	Jackson-Lee
Altmire	Davis (KY)	(TX)
Arcuri	Davis (TN)	Jenkins
Austria	Deal (GA)	Johnson (GA)
Baca	DeFazio	Johnson, E. B.
Bachmann	DeGette	Jones
Bachus	Delahunt	Jordan (OH)
Baird	DeLauro	Kagen
Baldwin	Dent	Kanjorski
Barrett (SC)	Diaz-Balart, L.	Kapture
Barrow	Diaz-Balart, M.	Kennedy
Becerra	Dicks	Kildee
Berkley	Dingell	Kilpatrick (MI)
Berman	Doggett	Kilroy
Berry	Donnelly (IN)	Kind
Biggert	Dreier	King (NY)
Billbray	Driehaus	Kirk
Bilirakis	Duncan	Kirkpatrick (AZ)
Bishop (NY)	Edwards (MD)	Kissell
Bishop (UT)	Edwards (TX)	Klein (FL)
Blackburn	Ehlers	Kline (MN)
Blumenauer	Ellison	Kosmas
Blunt	Ellsworth	Kratovil
Boccieri	Emerson	Kucinich
Bonner	Engel	Lance
Bono Mack	Eshoo	Langevin
Boozman	Etheridge	Larsen (WA)
Boren	Fallin	Larson (CT)
Boswell	Farr	Latham
Boucher	Fattah	LaTourette
Boustany	Filner	Latta
Boyd	Fleming	Lee (CA)
Brady (PA)	Forbes	Lee (NY)
Brady (TX)	Fortenberry	Levin
Braley (IA)	Foster	Lewis (CA)
Bright	Frank (MA)	Lewis (GA)
Brown (SC)	Frelinghuysen	Linder
Brown, Corrine	Gallely	Lipinski
Brown-Waite,	Gerlach	LoBiondo
Ginny	Giffords	Loebuck
Buchanan	Gingrey (GA)	Lofgren, Zoe
Burgess	Gonzalez	Lowey
Burton (IN)	Goodlatte	Lucas
Butterfield	Gordon (TN)	Luetkemeyer
Buyer	Graves	Lujan
Calvert	Grayson	Lummis
Camp	Green, Al	Lungren, Daniel
Cantor	Green, Gene	E.
Cao	Griffith	Lynch
Capito	Grijalva	Mack
Capps	Guthrie	Maffei
Capuano	Hall (NY)	Maloney
Cardoza	Hall (TX)	Manzullo
Carnahan	Hare	Markey (CO)
Carney	Harman	Markey (MA)
Carson (IN)	Harper	Marshall
Carter	Hastings (FL)	Massa
Castle	Hastings (WA)	Matheson
Castor (FL)	Heinrich	Matsui
Chandler	Heller	McCarthy (CA)
Cleaver	Herger	McCarthy (NY)
Clyburn	Herseth Sandlin	McCaul
Coble	Higgins	McClintock
Cohen	Hill	McCollum
Cole	Himes	McCotter
Conaway	Hinchey	McDermott
Conyers	Hirono	McGovern
Cooper	Hodes	McHugh
Costa	Hoekstra	McIntyre
Costello	Holden	McKeon
Courtney	Holt	McMahon
Crenshaw	Honda	McMorris
Crowley	Hoyer	Rodgers
Cuellar	Hunter	McNerney

Meek (FL)	Pomeroy	Sires
Meeks (NY)	Posey	Skelton
Melancon	Price (NC)	Slaughter
Mica	Putnam	Smith (NE)
Michaud	Quigley	Smith (NJ)
Miller (FL)	Radanovich	Smith (TX)
Miller (MI)	Rahall	Smith (WA)
Miller (NC)	Rehberg	Snyder
Miller, George	Reichert	Space
Minnick	Reyes	Spratt
Mitchell	Richardson	Stark
Mollohan	Rodriguez	Stupak
Moore (KS)	Roe (TN)	Tanner
Moore (WI)	Rogers (AL)	Teague
Moran (KS)	Rogers (KY)	Terry
Murphy (CT)	Rogers (MI)	Thompson (CA)
Murphy (NY)	Rohrabacher	Thompson (MS)
Murphy, Patrick	Rooney	Thompson (PA)
Murphy, Tim	Ros-Lehtinen	Tiberi
Murtha	Roskam	Tierney
Myrick	Ross	Titus
Nadler (NY)	Rothman (NJ)	Tonko
Napolitano	Roybal-Allard	Towns
Neal (MA)	Royce	Tsongas
Neugebauer	Ruppersberger	Turner
Nunes	Ryan (WI)	Upton
Nye	Salazar	Van Hollen
Oberstar	Sanchez, Loretta	Velázquez
Obey	Sarbanes	Visclosky
Oliver	Scalise	Walden
Ortiz	Schakowsky	Walz
Pallone	Schauer	Wamp
Pascarell	Schiff	Waters
Pastor (AZ)	Schmidt	Watson
Paulsen	Schrader	Waxman
Payne	Schwartz	Welch
Perlmutter	Scott (GA)	Wexler
Perriello	Scott (VA)	Whitfield
Peters	Sensenbrenner	Wilson (OH)
Peterson	Serrano	Wilson (SC)
Petri	Sessions	Wittman
Pingree (ME)	Shea-Porter	Wolf
Pitts	Sherman	Woolsey
Platts	Shuler	Wu
Poe (TX)	Shuster	Yarmuth
Polis (CO)	Simpson	Young (FL)

NOT VOTING—29

Ackerman	Fudge	Souder
Andrews	Gohmert	Speier
Barton (TX)	Granger	Stearns
Bean	Hinojosa	Sullivan
Bishop (GA)	Moran (VA)	Sutton
Cassidy	Rush	Wasserman
Childers	Ryan (OH)	Schultz
Clarke	Sánchez, Linda	Watt
Cummings	T.	Weiner
Doyle	Schock	
Franks (AZ)	Sestak	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 5 minutes remaining in this vote.

□ 1805

Messrs. DANIEL E. LUNGREN of California, TIERNEY, HASTINGS of Florida, LEE of New York, and LATHAM changed their vote from “yea” to “nay.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2997, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. There are 17½ minutes remaining in debate.

Ms. FOXX. Mr. Speaker, I would now like to yield 2 minutes to my colleague from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker and my colleagues, I just want to take a couple of minutes of the House's attention on this rule. I'm not a happy camper tonight because my amendment was not accepted as part of this rule.

I have the honor and privilege of representing not only suburban and urban areas in central Florida, but I have some rural areas. Maybe you have some rural areas. I asked for a simple amendment to assist my potato farmers. Now you wouldn't think in Florida of potato farming being a big industry; but in part of my district and rural area, we had an incredible disaster hit several months ago. We had 25 to 30 inches of rain over several days, and it wiped out the potato crop. Have you ever seen rotten water-sogged potatoes? These are rotten water-sogged potatoes.

Now this may not mean a lot to many of the folks on the Rules Committee, but we've had a custom in the House of helping Members when they have a disaster in their district. I had a disaster in my district. This isn't affecting me personally. We're talking about \$45 million not that I even need appropriated, just that I need a small adjustment to get to these potato farmers, who are losing their livelihoods, who are closing down their farms.

Again, we had a disaster in my district. I asked for an amendment—one of many that were rejected—to give a little bit of leeway to farmers in central Florida who will lose their businesses, not be able to employ people, not to be able to have the money to plant the crops so next year they won't be in business. That amendment was rejected summarily by the Rules Committee. So I'm not a happy camper.

Now I thought of coming out here and calling a motion to adjourn after every bit of business that went on here in the House. I didn't do that. I still may take that option, I'm telling you, because I have people that don't have jobs, don't have the possibility of continuing their farm business. I have asked for a simple change, not more money—the money's there—but to allocate money through some of the existing programs so they can get the money now to put people to work, save their crops and save the next crop. I didn't get that cooperation, so I'm not a happy camper.

Mr. MCGOVERN. Mr. Speaker, I yield myself as much time as I may consume.

I appreciate that the gentleman is not a happy camper, and my sympathies go to his district for what it's going through. But as he knows, this is an appropriations bill. What he was doing was attempting to legislate on an appropriations bill, which would have been subject to a point of order under any circumstances. So maybe the gentleman could work with the appropriate committee to try to resolve

this issue. I surely would be willing to try to help him. But on this bill his amendment would have been made out of order under any circumstance.

I have no further speakers other than me. I would yield to the gentlelady to close, and I reserve the balance of my time.

The SPEAKER pro tempore. The gentlewoman from North Carolina has 3 minutes remaining.

Ms. FOXX. Mr. Speaker, the American people know that in these tough economic times, they should save, not spend money. However, the Federal Government does not reflect the common sense I see throughout my district. Instead, the Democrats in charge continue to borrow more and spend more, increasing our Federal deficit on the backs of our children and grandchildren. The bill facing us after this rule is a 12 percent overall increase in funding from last year's bill. The U.S. national deficit is currently \$11.5 trillion. With over 300 million people in the U.S. today, each citizen's share of this debt right now is \$37,500. This bill will increase the deficit even more by borrowing and spending money we do not have. The majority can no longer blame the deficit and economic difficulties today on the previous administration. The Democrats in charge have shown they do not care about the deficit by continuing to dig America into a bigger and bigger hole with more reckless spending. This borrowed money is all being spent by Speaker PELOSI, the Obama administration; and as a result, the unemployment rate continues to rise, and the deficit continues to skyrocket. There are 322 earmarks tucked into this bill, totaling \$220 million in borrowed money for pet projects. The bill contains \$1.3 billion in grant funding, awarded solely at the discretion of the administration.

Mr. Speaker, there is an article today in *Politico* that says that we have a train wreck in this country because of out-of-control Federal budget deficits. I would like to include that in the RECORD today.

I'm going to urge my colleagues to vote "no" on the previous question so I can amend the rule to allow all Members of Congress the opportunity to offer his or her amendment to the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill under an open rule.

I ask unanimous consent that the text of the amendment and extraneous material be placed in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. Again, I urge my colleagues to vote "no" on the previous question and "no" on the rule.

I yield back the balance of my time.

□ 1815

Mr. MCGOVERN. Mr. Speaker, we need to pass this rule and we need to pass this bill. This is a bill that provides funds to protect public health, moneys for the Food and Drug Administration, and it funds hunger and nutrition programs including fully funding WIC. There is money in here for rural development, conservation, oversight, and enforcement.

Let's be clear, Mr. Speaker, the reason why we need this bill is in large part due to the 8 years of Republican neglect and indifference on a lot of these issues. More people in America today are hungry than a year ago. And I will tell the gentlelady from North Carolina that yes, there are increases in this bill, although it still comes in under the requests of President Obama, but there are increases in this bill, especially to help deal with the fact that so many in this country can't afford to put food on the table.

I will also say to the gentlelady that these aren't just homeless people or these are not just people without jobs. These are increasingly working families, people who are working who can't afford to put food on their table in the United States of America, the richest country on this planet. That is shameful. And globally, because of a lack of leadership over the last 8 years, over 1 billion people are hungry. That may not bother some of my colleagues on the other side of the aisle, but it bothers me, it bothers my constituents, and it bothers the American people.

My friends can complain all they want, but it won't feed a single hungry child. My friends can try all the obstructionist tactics that they want, but it won't save a single rural family farm. The American people want relief. They want us to provide a helping hand. I think too many of my friends on the other side of the aisle seem to me more interested in delaying, obstructing, and killing important legislation than advancing it. That may be the advice of some high-priced political consultant at the Republican National Committee, but it is a bad way to serve the American people.

Our side has repeatedly tried to reach out and reach an accommodation on debate and on amendments with the minority, only to be rebuffed.

Mr. MICA. Will the gentleman yield?

Mr. MCGOVERN. No, I will not.

Be that as it may, our job as the majority party is to do the business of the American people, and passing this legislation is a part of doing that job.

I urge my colleagues to vote "yes" on the previous question, "yes" on the rule, and "yes" on the underlying bill.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 609 OFFERED BY MS. FOXX OF NORTH CAROLINA

Strike the resolved clause and all that follows and insert the following:

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate

vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here’s how the Rules Committee described the rule using information from Congressional Quarterly’s “American Congressional Dictionary”: “If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.”

Deschler’s Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority’s agenda and allows those with alternative views the opportunity to offer an alternative plan.

[July 8, 2009]

ECONOMIST DECLARES “TRAIN WRECK”

(By Victoria McGrane)

If you thought last week’s job numbers were bad, take a look at the latest from Morgan Stanley’s chief economist, Richard Berner.

In a research note that’s been making the rounds of economics blogs this week, Berner declares that “America’s long-awaited fiscal train wreck is now under way.”

By “train wreck,” he means out-of-control federal budget deficits that he’s sure will finally drag the economy under—as if we weren’t already feeling badly enough about its shaky state.

“Depending on policy actions taken now and over the next few years, federal deficits will likely average as much as 6 percent of [the gross domestic product] through 2019, contributing to a jump in debt held by the public to as high as 82 percent of GDP by then—a doubling over the next decade,” Berner writes on Morgan Stanley’s online Global Economic Forum.

“Worse, barring aggressive policy actions, deficits and debt will rise even more sharply thereafter as entitlement spending accelerates relative to GDP. Keeping entitlement promises would require unsustainable borrowing, taxes or both, severely testing the credibility of our policies and hurting our long-term ability to finance investment and sustain growth,” he adds. “And soaring debt will force up real interest rates, reducing capital and productivity and boosting debt service.”

“Not only will those factors steadily lower our standard of living,” Berner concludes, “but they will imperil economic and financial stability.”

Mr. MCGOVERN. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 609 will be followed by 5-minute votes on adopting that resolution, if ordered; and suspending the rules and adopting House Concurrent Resolution 142, if ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 183, not voting 10, as follows:

[Roll No. 491]

YEAS—239

Abercrombie	Edwards (MD)	Lowey
Ackerman	Edwards (TX)	Lujan
Adler (NJ)	Ellison	Lynch
Altmire	Ellsworth	Maffei
Arcuri	Engel	Maloney
Baca	Eshoo	Markey (CO)
Baird	Farr	Markey (MA)
Baldwin	Fattah	Marshall
Barrow	Filner	Massa
Bean	Foster	Matsui
Becerra	Frank (MA)	McCarthy (NY)
Berkley	Giffords	McCollum
Berman	Gonzalez	McDermott
Berry	Gordon (TN)	McGovern
Bishop (GA)	Grayson	McIntyre
Bishop (NY)	Green, Al	McMahon
Blumenauer	Green, Gene	McNerney
Boccieri	Griffith	Meek (FL)
Boren	Grijalva	Meeks (NY)
Boswell	Gutierrez	Melancon
Boucher	Hall (NY)	Mica
Boyd	Halvorson	Michaud
Brady (PA)	Hare	Miller (NC)
Braley (IA)	Harman	Miller, George
Bright	Hastings (FL)	Minnick
Brown, Corrine	Heinrich	Mollohan
Butterfield	Herseth Sandlin	Moore (KS)
Capps	Higgins	Moore (WI)
Capuano	Himes	Murphy (CT)
Cardoza	Hinchee	Murphy (NY)
Carnahan	Hirono	Murphy, Patrick
Carney	Hodes	Murtha
Carson (IN)	Holt	Nadler (NY)
Castor (FL)	Honda	Napolitano
Chandler	Hoyer	Neal (MA)
Childers	Inlee	Oberstar
Clarke	Israel	Obey
Clay	Jackson (IL)	Oliver
Cleaver	Jackson-Lee	Ortiz
Clyburn	(TX)	Pallone
Cohen	Johnson (GA)	Pascarell
Connolly (VA)	Johnson, E. B.	Pastor (AZ)
Conyers	Kagen	Payne
Cooper	Kanjorski	Perlmutter
Costa	Kaptur	Perriello
Costello	Kennedy	Peters
Courtney	Kildee	Peterson
Crowley	Kilpatrick (MI)	Pingree (ME)
Cuellar	Kilroy	Polis (CO)
Cummings	Kind	Pomeroy
Dahlkemper	Kirkpatrick (AZ)	Quigley
Davis (AL)	Kissell	Rahall
Davis (CA)	Klein (FL)	Rangel
Davis (IL)	Kosmas	Reyes
Davis (TN)	Kratovil	Richardson
DeFazio	Kucinich	Rodriguez
DeGette	Langevin	Ross
Delahunt	Larsen (WA)	Rothman (NJ)
DeLauro	Larson (CT)	Roybal-Allard
Dicks	Lee (CA)	Ruppersberger
Dingell	Levin	Rush
Doggett	Lewis (GA)	Ryan (OH)
Donnelly (IN)	Lipinski	Salazar
Doyle	Loeb sack	Sanchez, Loretta
Driehaus	Lofgren, Zoe	Sarbanes

Schakowsky	Spratt	Walz
Schauer	Stark	Wasserman
Schiff	Stupak	Schultz
Schrader	Sutton	Waters
Scott (GA)	Tanner	Watson
Scott (VA)	Teague	Watt
Serrano	Thompson (CA)	Waxman
Shea-Porter	Thompson (MS)	Weiner
Sherman	Tierney	Welch
Sires	Titus	Wexler
Skelton	Tonko	Wilson (OH)
Slaughter	Towns	Woolsey
Smith (WA)	Tsongas	Wu
Snyder	Van Hollen	Yarmuth
Space	Velázquez	
Speier	Visclosky	

NAYS—183

Aderholt	Frelinghuysen	Myrick
Akin	Gallegly	Neugebauer
Alexander	Garrett (NJ)	Nunes
Austria	Gerlach	Nye
Bachmann	Gingrey (GA)	Olson
Bachus	Gohmert	Paul
Barrett (SC)	Goodlatte	Paulsen
Bartlett	Granger	Pence
Barton (TX)	Graves	Petri
Biggert	Guthrie	Pitts
Bilbray	Hall (TX)	Platts
Bilirakis	Harper	Poe (TX)
Bishop (UT)	Hastings (WA)	Posey
Blackburn	Heller	Price (GA)
Blunt	Hensarling	Putnam
Boehner	Herger	Radanovich
Bonner	Hill	Rehberg
Bono Mack	Hoekstra	Reichert
Boozman	Hunter	Roe (TN)
Boustany	Inglis	Rogers (AL)
Brady (TX)	Issa	Rogers (KY)
Broun (GA)	Jenkins	Rogers (MI)
Brown (SC)	Johnson (IL)	Rohrabacher
Brown-Waite,	Johnson, Sam	Rooney
Ginny	Jones	Ros-Lehtinen
Buchanan	Jordan (OH)	Roskam
Burgess	King (IA)	Royce
Burton (IN)	King (NY)	Ryan (WI)
Buyer	Kingston	Scalise
Calvert	Kirk	Schmidt
Camp	Kline (MN)	Schock
Campbell	Lamborn	Schwartz
Cantor	Lance	Sensenbrenner
Cao	Latham	Sessions
Capito	LaTourette	Shadegg
Carter	Latta	Shimkus
Cassidy	Lee (NY)	Shuler
Castle	Lewis (CA)	Shuster
Chaffetz	Linder	Simpson
Coble	LoBiondo	Smith (NE)
Coffman (CO)	Lucas	Smith (NJ)
Cole	Luetkemeyer	Smith (TX)
Conaway	Lummis	Souder
Crenshaw	Lungren, Daniel	Stearns
Culberson	E.	Sullivan
Davis (KY)	Mack	Taylor
Deal (GA)	Manzullo	Terry
Dent	Marchant	Thompson (PA)
Diaz-Balart, L.	McCarthy (CA)	Thornberry
Diaz-Balart, M.	McCauley	Tiahrt
Dreier	McClintock	Tiberi
Duncan	McCotter	Turner
Ehlers	McHenry	Upton
Emerson	McHugh	Walden
Etheridge	McKeon	Wamp
Fallin	McMorris	Westmoreland
Flake	Rodgers	Whitfield
Fleming	Miller (FL)	Wilson (SC)
Forbes	Miller (MI)	Wittman
Fortenberry	Mitchell	Wolf
Fox	Moran (KS)	Young (AK)
Franks (AZ)	Murphy, Tim	Young (FL)

NOT VOTING—10

Andrews	Matheson	Sánchez, Linda
Fudge	Miller, Gary	T.
Hinojosa	Moran (VA)	Sestak
Holden	Price (NC)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1837

Ms. GRANGER changed her vote from "yea" to "nay."

Mr. KRATOVIL changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

HAPPY BIRTHDAY, JOHN DINGELL

Mr. HOYER. Mr. Speaker, my colleagues, I have two duties that I want to perform tonight. One is a very happy one, and I will do that first.

This institution has existed for a little over 200 years. One who sits among us has served for a quarter of that time. He is a historic figure. He is one of the most masterful legislators that ever has served in this body. He is a man of great integrity, intellect and, as I said, legislative skill.

He has chaired one of this Congress's and this House's most important committees with broad jurisdiction and has dealt with matters across the spectrum of the jurisdiction of that committee. But 25 years from now, when he retires, he will be remembered most for his leadership on health, on health care for all Americans, on a passion to ensure that each and every American has the availability of affordable, quality health care. We are engaged in that issue on a bill that will be sponsored by this gentleman.

Today, he is 83 years of age, 83 years young. My colleagues, as all of you know, JOHN DINGELL is revered by many, feared by some, respected by all.

Let me now yield to my colleague and friend, the Republican leader, Mr. BOEHNER.

Mr. BOEHNER. Let me thank my colleague for yielding and say, JOHN, that there's hardly a Member in this entire body that is more respected than you, because while you can be a fierce partisan, many of us know that you are someone that we can work with, and we have worked with, and there is a lot of mutual respect.

On behalf of all of our colleagues, JOHN, we love you and want to say happy birthday to you.

And while you are all standing, I have done this once before, it probably doesn't comply with the rules of the House, but for those of you who don't know the BOEHNER birthday song, the second verse is exactly like the first verse.

This is your birthday song. It doesn't last too long. Hey.

All right, everybody, ready. This is your birthday song. It doesn't last too long. Hey.

Happy birthday.

Mr. HOYER. Mr. Chairman, I know that every Member would, if we were going to take the time, rise to express their deep affection and respect and admiration for you, my friend. And I count it a great honor that you have

been my friend for every year that I have served in the Congress, and I am looking forward to being with you for a long time to come.

HONORING SALLY CROWE

Mr. HOYER. Now, ladies and gentlemen, I said I rose for two purposes, one was happy. Obviously, that was the happy one.

I came to Congress 29 years ago. JOHN DINGELL came to Congress 53 years ago. Sally Crowe came to Congress 57 years ago. You may not know Sally Crowe by name, but you know Sally Crowe.

Sally Crowe was the hostess who greeted all of us in the House restaurant. She was a wonderful spirit. She died while we were on break this month. She died after having had a very substantial fall. And others may have retired, as she surely could have. She chose not to retire, however, and she returned to the place that she loved and served so well.

We are all advantaged by those who are not known widely outside this institution, but who served this institution with a devotion to country, devotion to the institution, and devotion to each and every one of us and, in Sally's case, to the guests who came and visited with us and ate with us in the dining room or were visitors here and ate there.

She was courteous, kind, respectful, affectionate. I will remember Sally with great affection. Her family lives in my district.

I want to say on behalf of all of us to her family how much we appreciated her love, her service to us and to her country; and I want to yield to my friend, ZACH WAMP of Tennessee.

□ 1845

Mr. WAMP. I thank the leader, and on behalf of our side, we all rise to honor Sally's extraordinary life and service.

I think there is nothing we can do more than to serve those men and women in the uniform of our armed services, and Sally thought there was nothing she could do greater than to serve us. And she did that for 57 years.

She died at 92, and she didn't like to talk at all about how long she had worked here or how old she was. She was Irish to the core, and she loved her Irish blood. She was feisty, beautiful, always pleasant.

Many of you remember John Corbin who was her senior partner. He had 2 years seniority on her, and he passed a couple of years ago. And no one really ever got out of him how long he had been here except he had been here 2 years longer than Sally, and now we know that he literally served 57 years and he passed 2 years ago. He would leave the Members' Dining Room and go work the post office all the way through his life, and lived almost as long as Sally, and she worked and wanted to work as long as she could breathe.

She came here at 4:30 in the morning every day to beat the traffic. She was a creature of habit. She would sit there and wait for us to come in the morning. And I have to tell you, every one of you, the angels in Heaven are fascinated to be talking to Sally today. They are fascinated because she loved us and loved this House for 57 years. And we rise to honor her beautiful life. And her daughters today I hope will know that the full House appreciates Sally Crowe's life and service to us.

Mr. HOYER. I want to thank my friend, ZACH WAMP, for his memory of Sally and his expression of love on behalf of all of us.

Sally was awarded the John W. McCormack Annual Award of Excellence for Service to the House. Without Sally Crowe, life in this building would have ground to a halt in many respects. Now it won't grind to a halt, it won't grind to a halt because we are advantaged by so many who care for this institution. And we thank them all.

But today, we remember a wonderful, decent, good, loving human being, our friend, Sally Crowe. God rest her soul.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

MOTION TO RECONSIDER

Mr. MICA. Mr. Speaker, I move to reconsider the vote by which the previous question was ordered on the resolution, H. Res. 609.

The SPEAKER pro tempore. The question is on the motion to reconsider.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MICA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 251, not voting 6, as follows:

[Roll No. 492]

AYES—175

Aderholt	Boustany	Coffman (CO)
Akin	Brady (TX)	Cole
Alexander	Bright	Conaway
Arcuri	Broun (GA)	Crenshaw
Austria	Brown (SC)	Culberson
Bachmann	Brown-Waite,	Davis (KY)
Bachus	Ginny	Deal (GA)
Barrett (SC)	Buchanan	Dent
Bartlett	Burgess	Diaz-Balart, L.
Barton (TX)	Burton (IN)	Diaz-Balart, M.
Bean	Calvert	Dreier
Biggert	Camp	Duncan
Billray	Campbell	Ehlers
Bilirakis	Cantor	Fallin
Bishop (UT)	Cao	Flake
Blackburn	Capito	Fleming
Blunt	Carter	Forbes
Boehner	Cassidy	Fortenberry
Bonner	Castle	Fox
Bono Mack	Chaffetz	Franks (AZ)
Boozman	Coble	Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Lucas
Luetkemeyer
Lummis

Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
McMorris
Rogers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Sullivan
Nunes
Nye
Olson
Paulsen
Pence
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)

Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paul
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes

Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt

DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Farr
Fattah
Filner
Foster
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas

Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Space
Speier
Spratt
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—6

Andrews
Fudge

Granger
Hinojosa

Schwartz
Sestak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). Two minutes are remaining in the vote.

□ 1856

Messrs. ROTHMAN of New Jersey and ADLER of New Jersey changed their vote from “aye” to “no.”

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 492, had I been present, I would have voted “no.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 238, nays 186, not voting 8, as follows:

[Roll No. 493]

YEAS—238

Abercrombie
Ackerman
Adler (NJ)
Altmire
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio

NOES—251

DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Kucinich
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Luján
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)

Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Linder
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Bea
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)

Abercrombie
Ackerman
Adler (NJ)
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri

Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Clarke

Clay
Cleaver
Clyburn
Cohen
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert

NAYS—186

Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx

Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk

Kline (MN)	Murphy (NY)	Schock	Duncan	Lewis (CA)	Reichert	Michaud	Quigley	Spratt
Lamborn	Murphy, Tim	Sensenbrenner	Ehlers	Linder	Roe (TN)	Miller (NC)	Rahall	Stark
Lance	Myrick	Sessions	Emerson	LoBiondo	Rogers (AL)	Miller, George	Rangel	Stupak
Latham	Neugebauer	Shadegg	Fallin	Lucas	Rogers (KY)	Minnick	Reyes	Sutton
LaTourette	Nunes	Shimkus	Flake	Luetkemeyer	Rogers (MI)	Mitchell	Richardson	Tanner
Latta	Nye	Shuler	Fleming	Lummis	Rohrabacher	Mollohan	Rodriguez	Taylor
Lee (NY)	Olson	Shuster	Forbes	Lungren, Daniel E.	Rooney	Moore (KS)	Ross	Teague
Lewis (CA)	Paul	Simpson	Fortenberry	E.	Ros-Lehtinen	Moore (WI)	Rothman (NJ)	Terry
Linder	Paulsen	Smith (NE)	Fox	Mack	Roskam	Moran (VA)	Roybal-Allard	Thompson (CA)
LoBiondo	Pence	Smith (NJ)	Franks (AZ)	Manzullo	Murphy (CT)	Murphy (CT)	Ruppersberger	Thompson (MS)
Lucas	Petri	Smith (TX)	Frelinghuysen	Marchant	Royce	Murphy (NY)	Rush	Tierney
Luetkemeyer	Pitts	Snyder	Gallegly	McCarthy (CA)	Ryan (WI)	Murphy, Patrick	Ryan (OH)	Titus
Lummis	Platts	Souder	Garrett (NJ)	McCaul	Scalise	Murtha	Salazar	Tonko
Lungren, Daniel E.	Poe (TX)	Stearns	Gingrey (GA)	McClintock	Schmidt	Myrick	Sánchez, Linda T.	Towns
Mack	Posey	Sullivan	Gohmert	McCotter	Sensenbrenner	Nadler (NY)	Sanchez, Loretta	Tsongas
Manzullo	Price (GA)	Taylor	Goodlatte	McHenry	Sessions	Napolitano	Sarbanes	Van Hollen
Marchant	Putnam	Terry	Graves	McHugh	Shadegg	Neal (MA)	Schakowsky	Velázquez
McCarthy (CA)	Radanovich	Thompson (PA)	Guthrie	McKeon	Shimkus	Oberstar	Schauer	Visclosky
McCaul	Rehberg	Thornberry	Hall (TX)	McMorris	Shuler	Olver	Schiff	Walden
McClintock	Reichert	Tiahrt	Harper	Rodgers	Shuster	Ortiz	Schrader	Walz
McCotter	Roe (TN)	Tiberi	Hastings (WA)	Mica	Simpson	Pallone	Schwartz	Wasserman
McHenry	Rogers (AL)	Turner	Hensarling	Miller (FL)	Smith (NE)	Pascarell	Scott (GA)	Schultz
McHugh	Rogers (KY)	Upton	Herger	Miller (MI)	Smith (NJ)	Pastor (AZ)	Scott (VA)	Watson
McKeon	Rogers (MI)	Walden	Hoekstra	Miller, Gary	Smith (TX)	Paul	Serrano	Watt
McMorris	Rohrabacher	Wamp	Hunter	Murphy, Tim	Souder	Payne	Shea-Porter	Waxman
Rodgers	Rooney	Westmoreland	Inglis	Neugebauer	Stearns	Perlmutter	Sherman	Weiner
Miller (FL)	Ros-Lehtinen	Whitfield	Jenkins	Nunes	Sullivan	Perriello	Sires	Welch
Miller (MI)	Roskam	Wilson (SC)	Johnson (IL)	Nye	Thompson (PA)	Peters	Skelton	Wexler
Miller, Gary	Royce	Wittman	Jordan (OH)	Olson	Thornberry	Peterson	Slaughter	Wilson (OH)
Mitchell	Ryan (WI)	Wolf	King (IA)	Paulsen	Tiahrt	Pingree (ME)	Smith (WA)	Woolsey
Moran (KS)	Scalise	Young (AK)	King (NY)	Pence	Tiberi	Polis (CO)	Snyder	Wu
	Schmidt	Young (FL)	Kingston	Petri	Turner	Pomeroy	Space	Yarmuth
			Kirk	Pitts	Upton	Price (NC)	Speier	Young (AK)

NOT VOTING—8

Andrews
Fudge
Granger

Hinojosa
Jackson-Lee
(TX)

Sestak
Stark
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1904

So the resolution was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER

Mr. MICA. Mr. Speaker, I move to reconsider the vote on adoption of the resolution.

The SPEAKER pro tempore. The question is on the motion to reconsider the vote by which House Resolution 609 was adopted.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MICA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 254, not voting 8, as follows:

[Roll No. 494]

AYES—170

Aderholt	Bonner	Capito
Akin	Bono Mack	Carter
Alexander	Boozman	Cassidy
Arcuri	Boustany	Castle
Austria	Brady (TX)	Chaffetz
Bachmann	Bright	Coble
Bachus	Brown (GA)	Coffman (CO)
Barrett (SC)	Brown (SC)	Cole
Bartlett	Brown-Waite,	Conaway
Barton (TX)	Ginny	Crenshaw
Biggert	Buchanan	Culberson
Bilbray	Burton (IN)	Davis (KY)
Bilirakis	Buyer	Deal (GA)
Bishop (UT)	Calvert	Dent
Blackburn	Camp	Diaz-Balart, L.
Blunt	Campbell	Diaz-Balart, M.
Boehner	Cantor	Dreier

NOES—254

Davis (CA)	Inslee
Davis (IL)	Israel
Davis (TN)	Jackson (IL)
DeFazio	Jackson-Lee
DeGette	(TX)
Delahunt	Johnson (GA)
DeLauro	Johnson, E. B.
Dicks	Johnson, Sam
Dingell	Jones
Doggett	Kagen
Donnelly (IN)	Kanjorski
Doyle	Kaptur
Driehaus	Kennedy
Edwards (MD)	Kildee
Edwards (TX)	Kilpatrick (MI)
Ellison	Kilroy
Ellsworth	Kind
Engel	Kirkpatrick (AZ)
Eshoo	Kissell
Etheridge	Klein (FL)
Farr	Kosmas
Fattah	Kratovil
Filner	Kucinich
Foster	Langevin
Frank (MA)	Larsen (WA)
Gerlach	Larson (CT)
Giffords	Lee (CA)
Gonzalez	Levin
Gordon (TN)	Lewis (GA)
Grayson	Lipinski
Green, Al	Loebach
Green, Gene	Lofgren, Zoe
Griffith	Lowey
Grijalva	Luján
Gutierrez	Lynch
Hall (NY)	Maffei
Halvorson	Maloney
Hare	Markey (CO)
Hastings (FL)	Markey (MA)
Heinrich	Marshall
Heller	Massa
Herseth Sandlin	Matheson
Higgins	Matsui
Hill	McCarthy (NY)
Himes	McCollum
Hinchee	McDermott
Hirono	McGovern
Hodes	McIntyre
Holden	McMahon
Holt	McNerney
Honda	Meek (FL)
Hoyer	Melancon

NOT VOTING—8

Andrews
Fudge
Granger

Harman
Hinojosa
Meeks (NY)

Sestak
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1912

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3081, DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111-193) on the resolution (H. Res. 617) providing for consideration of the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2701, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111-194) on the resolution (H. Res. 618) providing for consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence and intelligence-related activities of the United States Government,

the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

SUPPORTING NATIONAL MEN'S HEALTH WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 142.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 142.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CONAWAY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 3, not voting 12, as follows:

[Roll No. 495]

AYES—417

Abercrombie	Bono Mack	Castle
Ackerman	Boozman	Castor (FL)
Aderholt	Boren	Chaffetz
Adler (NJ)	Boswell	Chandler
Akin	Boucher	Childers
Alexander	Boustany	Clarke
Altmire	Boyd	Clay
Arcuri	Brady (PA)	Clyburn
Austria	Brady (TX)	Coble
Baca	Braley (IA)	Coffman (CO)
Bachmann	Bright	Cohen
Bachus	Broun (GA)	Cole
Baird	Brown (SC)	Conaway
Baldwin	Brown, Corrine	Connolly (VA)
Barrett (SC)	Brown-Waite,	Conyers
Barrow	Ginny	Cooper
Bartlett	Buchanan	Costa
Barton (TX)	Burgess	Costello
Bean	Burton (IN)	Courtney
Becerra	Butterfield	Crenshaw
Berkley	Buyer	Crowley
Berman	Calvert	Cuellar
Berry	Camp	Culberson
Biggert	Campbell	Cummings
Bilbray	Cantor	Dahlkemper
Bilirakis	Cao	Davis (AL)
Bishop (GA)	Capito	Davis (CA)
Bishop (NY)	Capps	Davis (IL)
Bishop (UT)	Capuano	Davis (KY)
Blackburn	Cardoza	Davis (TN)
Blumenauer	Carnahan	Deal (GA)
Blunt	Carney	DeGette
Boccieri	Carson (IN)	Delahunt
Boehner	Carter	DeLauro
Bonner	Cassidy	Dent

Diaz-Balart, L.	King (NY)	Pastor (AZ)
Diaz-Balart, M.	Kirk	Paulsen
Dicks	Kirkpatrick (AZ)	Payne
Dingell	Kissell	Pence
Doggett	Klein (FL)	Perlmutter
Donnelly (IN)	Kline (MN)	Perriello
Doyle	Kosmas	Peters
Dreier	Kratovil	Peterson
Driehaus	Kucinich	Petri
Duncan	Lamborn	Pingree (ME)
Edwards (MD)	Lance	Pitts
Edwards (TX)	Langevin	Platts
Ehlers	Larsen (WA)	Poe (TX)
Ellison	Larson (CT)	Polis (CO)
Ellsworth	Latham	Pomeroy
Emerson	LaTourette	Posey
Engel	Latta	Price (GA)
Eshoo	Lee (CA)	Price (NC)
Etheridge	Lee (NY)	Putnam
Fallin	Levin	Quigley
Farr	Lewis (CA)	Radanovich
Fattah	Lewis (GA)	Rahall
Filner	Linder	Rangel
Fleming	Lipinski	Rehberg
Forbes	LoBiondo	Reichert
Fortenberry	Loeback	Reyes
Foster	Lofgren, Zoe	Richardson
Fox	Lowey	Rodriguez
Frank (MA)	Lucas	Roe (TN)
Franks (AZ)	Luetkemeyer	Rogers (AL)
Frelinghuysen	Lujan	Rogers (KY)
Gallely	Lummis	Rogers (MI)
Garrett (NJ)	Lungren, Daniel	Rohrabacher
Gerlach	E.	Rooney
Giffords	Lynch	Ros-Lehtinen
Gingrey (GA)	Mack	Roskam
Gohmert	Maffei	Ross
Gonzalez	Maloney	Rothman (NJ)
Goodlatte	Manzullo	Roybal-Allard
Gordon (TN)	Marchant	Royce
Graves	Markey (CO)	Ruppersberger
Grayson	Markey (MA)	Rush
Green, Al	Marshall	Ryan (OH)
Green, Gene	Massa	Ryan (WI)
Griffith	Matheson	Salazar
Grijalva	Matsui	Sanchez, Linda
Guthrie	McCarthy (CA)	T.
Gutierrez	McCarthy (NY)	Sanchez, Loretta
Hall (NY)	McCaul	Sarbanes
Hall (TX)	McClintock	Scalise
Halvorson	McCollum	Schakowsky
Hare	McCotter	Schauer
Harman	McDermott	Schiff
Harper	McGovern	Schmidt
Hastings (FL)	McHenry	Schock
Hastings (WA)	McHugh	Schrader
Heinrich	McIntyre	Schwartz
Heller	McKeon	Scott (GA)
Hensarling	McMahon	Scott (VA)
Herger	McMorris	Sensenbrenner
Herseth Sandlin	Rodgers	Serrano
Higgins	McNerney	Sessions
Hill	Meek (FL)	Shadegg
Himes	Meeks (NY)	Shea-Porter
Hinche	Mica	Sherman
Hirono	Michaud	Shimkus
Hodes	Miller (FL)	Shuler
Hoekstra	Miller (MI)	Shuster
Holden	Miller (NC)	Simpson
Holt	Miller, Gary	Sires
Honda	Miller, George	Skelton
Hoyer	Minnick	Slaughter
Hunter	Mitchell	Smith (NE)
Inglis	Mollohan	Smith (NJ)
Inslee	Moore (KS)	Smith (TX)
Israel	Moore (WI)	Smith (WA)
Issa	Moran (KS)	Snyder
Jackson (IL)	Moran (VA)	Souder
Jackson-Lee	Murphy (CT)	Space
(TX)	Murphy (NY)	Speier
Jenkins	Murphy, Patrick	Spratt
Johnson (GA)	Murphy, Tim	Stark
Johnson (IL)	Myrick	Stearns
Johnson, E. B.	Nadler (NY)	Stupak
Johnson, Sam	Napolitano	Sullivan
Jones	Neal (MA)	Sutton
Jordan (OH)	Neugebauer	Taylor
Kagen	Nunes	Teague
Kanjorski	Nye	Terry
Kaptur	Oberstar	Thompson (CA)
Kennedy	Obey	Thompson (MS)
Kildee	Olson	Thompson (PA)
Kilpatrick (MI)	Oliver	Thornberry
Kilroy	Ortiz	Tiahrt
Kind	Pallone	Tiberi
King (IA)	Pascarell	Tierney

Titus	Walz	Wexler
Tonko	Wamp	Whitfield
Towns	Wasserman	Wilson (OH)
Tsongas	Schultz	Wilson (SC)
Turner	Waters	Wittman
Upton	Watson	Wolf
Van Hollen	Watt	Wu
Velázquez	Waxman	Yarmuth
Visclosky	Welch	Young (AK)
Walden	Westmoreland	Young (FL)

NOES—3

Flake	Kingston	Paul
-------	----------	------

NOT VOTING—12

Andrews	Granger	Sestak
Cleaver	Hinojosa	Tanner
DeFazio	Melancon	Weiner
Fudge	Murtha	Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1920

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MICA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 41, noes 369, not voting 22, as follows:

[Roll No. 496]

AYES—41

Bartlett	Gohmert	Pence
Barton (TX)	Halvorson	Price (GA)
Blackburn	Hensarling	Sensenbrenner
Boccieri	Johnson (IL)	Sessions
Boehner	Johnson, Sam	Shadegg
Broun (GA)	Kilroy	Shimkus
Campbell	King (IA)	Smith (NE)
Chaffetz	Lamborn	Souder
Coffman (CO)	LaTourette	Thornberry
Connolly (VA)	McHenry	Tiahrt
Flake	Mica	Westmoreland
Fox	Miller, George	Young (AK)
Garrett (NJ)	Olson	Young (FL)
Gingrey (GA)	Paul	

NOES—369

Abercrombie	Becerra	Boustany
Ackerman	Berkley	Boyd
Aderholt	Berman	Brady (PA)
Adler (NJ)	Biggert	Brady (TX)
Akin	Bilbray	Braley (IA)
Alexander	Bilirakis	Bright
Altmire	Bishop (GA)	Brown (SC)
Arcuri	Bishop (NY)	Brown, Corrine
Austria	Bishop (UT)	Brown-Waite,
Baca	Blumenauer	Ginny
Bachmann	Blunt	Buchanan
Bachus	Bonner	Burgess
Baird	Bono Mack	Burton (IN)
Baldwin	Boozman	Butterfield
Barrett (SC)	Boren	Calvert
Barrow	Boswell	Camp
Bean	Boucher	Cantor

Cao	Higgins	Mitchell	Stupak	Tsongas	Watson
Capito	Hill	Mollohan	Sutton	Turner	Watt
Capps	Himes	Moore (KS)	Upton	Taylor	Waxman
Capuano	Hinchey	Moore (WI)	Teague	Van Hollen	Welch
Cardoza	Hirono	Moran (KS)	Terry	Velázquez	Wexler
Carnahan	Hodes	Moran (VA)	Thompson (CA)	Visclosky	Whitfield
Carney	Hoekstra	Murphy (CT)	Thompson (MS)	Walden	Wilson (OH)
Carson (IN)	Holden	Murphy (NY)	Thompson (PA)	Walz	Wilson (SC)
Carter	Holt	Murphy, Patrick	Tiberi	Wamp	Wittman
Cassidy	Honda	Murphy, Tim	Titus	Wasserman	Wolf
Castle	Hoyer	Myrick	Tonko	Schultz	Wu
Castor (FL)	Hunter	Nadler (NY)	Towns	Waters	Yarmuth
Chandler	Inglis	Napolitano			
Clarke	Inslee	Neal (MA)			
Clay	Israel	Neugebauer			
Cleaver	Issa	Nunes	Andrews	Hinojosa	Sires
Clyburn	Jackson (IL)	Nye	Berry	Linder	Sullivan
Coble	Jackson-Lee	Oberstar	Buyer	Maloney	Tanner
Cohen	(TX)	Obey	Childers	Matsui	Tierney
Cole	Jenkins	Olver	Dicks	Melancon	Weiner
Conaway	Johnson (GA)	Ortiz	Fudge	Murtha	Woolsey
Conyers	Johnson, E. B.	Pallone	Granger	Peterson	
Cooper	Jones	Pascarella	Gutierrez	Sestak	
Costa	Jordan (OH)	Pastor (AZ)			
Costello	Kagen	Paulsen			
Courtney	Kanjorski	Payne			
Crenshaw	Kaptur	Perlmutter			
Crowley	Kennedy	Perriello			
Cuellar	Kildee	Peters			
Culberson	Kilpatrick (MI)	Petri			
Cummings	Kind	Pingree (ME)			
Dahlkemper	King (NY)	Pitts			
Davis (AL)	Kingston	Platts			
Davis (CA)	Kirk	Poe (TX)			
Davis (IL)	Kirkpatrick (AZ)	Polis (CO)			
Davis (KY)	Kissell	Pomeroy			
Davis (TN)	Klein (FL)	Posey			
Deal (GA)	Kline (MN)	Price (NC)			
DeFazio	Kosmas	Putnam			
DeGette	Kratovil	Quigley			
DeLauro	Kucinich	Radanovich			
Dent	Lance	Rahall			
Diaz-Balart, L.	Langevin	Rangel			
Diaz-Balart, M.	Larsen (WA)	Rehberg			
Dingell	Larson (CT)	Reichert			
Doggett	Latham	Richardson			
Donnelly (IN)	Latta	Rodriguez			
Doyle	Lee (CA)	Roe (TN)			
Dreier	Lee (NY)	Rogers (AL)			
Driehaus	Levin	Rogers (KY)			
Duncan	Lewis (CA)	Rogers (MI)			
Edwards (MD)	Lewis (GA)	Rohrabacher			
Edwards (TX)	Lipinski	Rooney			
Ehlers	LoBiondo	Ros-Lehtinen			
Ellison	Loebach	Roskam			
Ellsworth	Lofgren, Zoe	Ross			
Emerson	Lowey	Rothman (NJ)			
Engel	Lucas	Roybal-Allard			
Eshoo	Luetkemeyer	Royce			
Etheridge	Lujan	Ruppersberger			
Fallin	Lummis	Rush			
Farr	Lungren, Daniel	Ryan (OH)			
Fattah	E.	Ryan (WI)			
Filner	Lynch	Salazar			
Fleming	Mack	Sánchez, Linda			
Forbes	Maffei	T.			
Fortenberry	Manzullo	Sanchez, Loretta			
Foster	Marchant	Sarbanes			
Frank (MA)	Markey (CO)	Scalise			
Franks (AZ)	Markey (MA)	Schakowsky			
Frelinghuysen	Marshall	Schauer			
Gallegly	Massa	Schiff			
Gerlach	Matheson	Schmidt			
Giffords	McCarthy (CA)	Schock			
Gonzalez	McCarthy (NY)	Schrader			
Goodlatte	McCaul	Schwartz			
Gordon (TN)	McClintock	Scott (GA)			
Graves	McCollum	Scott (VA)			
Grayson	McCotter	Serrano			
Green, Al	McDermott	Shea-Porter			
Green, Gene	McGovern	Sherman			
Griffith	McHugh	Shuler			
Grijalva	McIntyre	Shuster			
Guthrie	McKeon	Simpson			
Hall (NY)	McMahon	Skelton			
Hall (TX)	McMorris	Slaughter			
Hare	Rodgers	Smith (NJ)			
Harman	McNerney	Smith (TX)			
Harper	Meek (FL)	Smith (WA)			
Hastings (FL)	Meeks (NY)	Snyder			
Hastings (WA)	Michaud	Space			
Heinrich	Miller (FL)	Speier			
Heller	Miller (MI)	Spratt			
Herger	Miller (NC)	Stark			
Herseeth Sandlin	Miller, Gary	Stearns			
	Minnick				

NOT VOTING—22

Andrews
Berry
Buyer
Childers
Dicks
Fudge
Granger
Gutierrez

Hinojosa
Linder
Maloney
Matsui
Melancon
Murtha
Peterson
Sestak

Sires
Sullivan
Tanner
Tierney
Weiner
Woolsey

□ 1936

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Ms. DELAURO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 609 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2997.

□ 1937

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Georgia (Mr. KINGSTON) each will control 30 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

I'm delighted to present the 2010 Agriculture-FDA appropriations bill. I want to thank the ranking member,

Congressman KINGSTON, for his collaboration and his input over the last few months. I thank both the minority and majority staff as well for their tireless work. Lastly, and especially not least, a special thank you to Chairman OBEY for his counsel and for the resources he provided to make this bill possible and for his leadership and vision to ensure that we can continue to get things done and achieve our goals.

We stand today at a turning point. Today, we're talking about people's lives—struck hard by an economy in chaos, facing shrinking services and struggling with rising prices and unemployment.

I believe the administration's budget demonstrates that it is interested, after years of underinvestment in the Federal Government's capabilities, in protecting public health, supporting American agriculture, strengthening rural communities, and conserving the environment.

This bill proposes new investments in these priorities and the agencies that can help us meet them, while making specific and sensible budget cuts where feasible.

As in recent years, the bill focuses on several key areas, such as: Protecting public health; bolstering food nutrition programs; investing in rural communities; supporting agriculture research; strengthening animal health and marketing programs; and conserving our natural resources.

The fiscal year 2010 Agriculture-FDA appropriations bill provides for almost \$23 billion in funding. It is an 11 percent increase over 2009 levels, the vast majority of which went toward three program areas: The WIC program, the FDA, and International Food Aid. Additionally, in order to make these important investments, to use the resources available to it wisely, the bill proposes a number of cuts totaling more than \$735 million.

To protect the public health, the bill provides a substantial increase for the Food and Drug Administration to support a total discretionary funding level of almost \$3 billion, or a 15 percent increase—almost \$373 million. That is to hire additional inspectors, conduct more inspections of domestic and foreign food and medical products. And, as many of us know, the FDA has been underfunded for far too long. This is not only a matter of public health and consumer safety, it is a matter of national and economic security.

Not all of the dangers that threaten the health and safety of American families can be found in airports, border checkpoints, or harbor containers. Sometimes they lurk in our refrigerators and on our kitchen table. From E. coli in cookie dough to salmonella in peanut butter, we have seen very real threats posed by food contamination in recent years. And we just cannot afford to neglect our food safety system any longer.

The FDA's primary responsibility is to the American people to ensure the safety of the food they eat, the drugs they take, and the medical devices they rely on. With this increased funding, they will have the resources and manpower they need to keep us safe.

In addition, the bill fully funds the administration's request for the Food Safety and Inspection Service at the USDA, the Department of Agriculture. It puts in over \$1 billion dollars for FSIS for the first time in history.

In terms of conservation, the committee makes a significant investment in USDA's natural resource conservation programs. The bill appropriates a total of \$980 million for this purpose—a \$73 million increase over the administration's request.

The bill rejects the administration's cuts to the Natural Resources Conservation Service's farm bill conservation programs, which include the Wetlands Reserve Program, the Farm and Ranch Lands Protection Program, and the Wildlife Incentives Program.

It restores funding for other valuable programs, including the Resource Conservation and Development Program and the Watershed and Flood Prevention Operations Program.

In the area of nutrition, the bill works to improve nutrition and help those hit the hardest by the current economic crisis. Food costs and participation in WIC continue to increase at dramatic rates. And the bill provides \$7.5 billion for WIC to serve our Nation's vulnerable populations—10 percent above last year—to support participation of 10.1 million people.

WIC is a program that we simply cannot afford to underfund any longer, particularly given the gravity of the current economic climate. Our fundamental responsibility as legislators and as leaders, to say nothing of basic morality and fairness, demand that we do everything we can to help Americans suffering right now from poverty and malnutrition.

In the area of international food aid, the bill expands America's traditional commitment to international food aid by providing an increase of \$464 million to the P.L. 480 Title II Grants Program. We also provide an additional \$99.5 million to the McGovern-Dole International Food for Education and Child Nutrition Program.

In the area of rural development, the bill creates new opportunities for growth and development in the Nation's small town economies by increasing funding for water and wastewater infrastructure grants by \$73 million; provides \$8.7 billion for housing; \$541 million for community facilities; and \$9.3 billion for the rural utility programs.

In research, the bill makes significant investments in agricultural research: \$1.2 billion for the Agricultural Research Service; nearly \$1.2 billion for

the Cooperative State Research, Education, and Extension Service. That money is allocated to such programs as the Hatch Act, Evans-Allen, the new competitive Agriculture and Food Research Initiative, Smith Lever, the 1890 programs, and the Veterinary of Medical Services Act.

□ 1945

With continuing volatility in the futures market, the bill provides the administration's request for the Commodity Futures Trading Commission, the CFTC, \$160.6 million—\$14.6 million and 10 percent above 2009—in order to better secure the markets from improper speculation. Just yesterday the CFTC moved to stem heavy speculative trading in the oil, natural gas and energy markets. With this increased funding, the Commission will be better poised to ensure market integrity for all honest brokers.

In closing, I look forward to working with all of you today as we work to craft responsible agriculture legislation that alleviates short-term suffering, encourages long-term growth, invests in our future and reflects our priorities as a Nation.

Let me take a moment to say thank you to our staff who have worked diligently to help put this bill together. The subcommittee majority staff: Martha Foley, our clerk; Leslie Barrack; Matthew Smith; and Kerstin Millius have worked closely with David Gibbons on the minority staff. In addition, Brian Ronholm and Letty Mederos on my staff and Merritt Myers from Mr. KINGSTON's staff all have worked very, very hard to bring this bill to the floor this evening. I hope the Congress will seize this opportunity to help American farmers and families in these tough times and get us moving again on the path to recovery. I urge you to support this bill.

I reserve the balance of my time.

Mr. KINGSTON. I yield myself as much time as I may consume.

I thank the gentlewoman, my counterpart, the chairwoman of the committee, for her great introductory remarks. I certainly support many parts of this bill. I want to start out by complimenting her on the process that we have and the relationship that we have. We have an open and honest relationship. We can agree to disagree and do it in an agreeable fashion. We have a lot of fun on the committee. We've had a lot of hearings. Many hearings where we are interrupted by votes and then we had to go back over there, sometimes it's just the Chair and I who go back; and we have our way with the witnesses, which is always fun because here in Washington we'd rather be the ones with the microphone than having somebody else have the microphone. We just have a good time with this. I think the staff works well together, and I want to recognize the staff for all

their efforts at this time. On the majority staff, Martha Foley, Leslie Barrack, Jason Weller, Matt Smith, Kerstin Millius, Brian Ronholm and Letty Mederos. I thank everybody on that side for working with our folks. Our folks are Dave Gibbons, Merritt Myers, Meg Gilley, Bernie Tokarz and Jarr Rosenbaum who all worked closely with us over the years; and we appreciate the work of the staff.

I think that if you look at one of the things that this bill has also done in this atmosphere where earmarks are under a lot of scrutiny, in 2006 this bill had \$865 million in earmarks. The bill we are looking at tonight has \$219 million. That is a substantial reduction. In 2008 there were about 400 earmarks in the bill, and now we're down to about 322. So we're making a lot of progress in reducing the number of earmarks, and that is a good thing.

What this bill does not have though is spending reductions; and unfortunately, Mr. Chairman, we spend a lot of time talking about increase in spending, but we don't talk about efficiency and effectiveness. The purpose of Congress really shouldn't be just to spend more money on an authorized program. We should make sure that the programs are effective, they're efficient, and are doing their intended purpose. Increasing WIC or increasing food stamps, is that a good thing? I would challenge that premise that it's not necessarily a good thing. It may be a necessary thing to do. But just because we've increased food stamps or WIC spending, I don't think we can polish off our halos and pat ourselves on the back. I think it underscores a situation in society that we need to be addressing, some of it in this committee, some of it in the authorizing committee; but certainly all Members of Congress, what do you do to help encourage people to be more independent so they do not have to depend on the U.S. Congress year after year? Spending in this bill is up about 14 percent overall. It's a \$123.8 billion bill. The discretionary portion is up nearly 13 percent from about \$20 billion to nearly \$23 billion. The FDA is up 13 percent, from \$2.6 billion to about \$3 billion; and CFTC, the Commodity Futures Trading Commission, has gone from \$140 million to \$160 million, which is about a 14 percent increase.

Now for these increases, what will we get for the taxpayer dollar? What does it do for us? It just really, we know, grows the bureaucracy. It doesn't always get something done better or faster. I think that when we spend more money, we should have a measurement of the expectation, particularly in an economy that is floundering, an economy right now that has an \$11 trillion national debt. I think my colleagues here don't need me to remind them where money comes from. We print it; we tax it from those who

have earned it; or we borrow it from countries such as China, to whom we owe about \$622 billion right now. Truly the national debt is a big problem. It's not the 500-pound gorilla in the room. It's, rather, a whole lot of gorillas that are in the room.

I think as a Republican, one reason why we are in the minority is because we spent too much money. Republicans had a brand identity of being fiscal conservatives, and unfortunately we threw that away. There was a war. There was a hurricane. There were flooding problems. There was terrorism. There were domestic attacks. But that's not an excuse. However, now, particularly with this administration, spending seems to be on supercharge; and as government increases in size, the private sector seems to decrease in size.

Take, for example, the recently passed stimulus program, \$790 billion in deficit spending at a time when unemployment was 8 percent; and the President said we have to do something that will give us drastic and immediate results. Now instead of that unemployment rate being decreased, it's almost 10 percent; and 1.5 million new people are out of work since the passage of the stimulus program. Yet here we are again tonight, saying we can pass a bill with a 14 percent increase on it, and that is synonymous with good. Mr. LEWIS on the committee actually offered a substitute amendment in what we call the 302(b) allocation that would have actually held spending to a 2 percent increase over last year's level. That was rejected on a party-line vote. But I think Mr. LEWIS was trying to say, we've got to rein in control of the spending because it's clear more spending does not create more jobs.

There are other issues in this bill which we, in the minority, have tried to address through amendments. Now unfortunately despite the fact that we turned in to the Rules Committee 90 amendments—and I'll say I had not seen those amendments. I was trying to focus our minority efforts on about 8 to 10 to 12 particular amendments, amendments which I thought were substantial, substantive, that were good government, maybe philosophical disagreements here or there; and I had lots of communication with our Members. So I'm not sure where the other 70 to 80 amendments came from. But I do know with the prefilling of amendments that Members are more inclined to throw a lot of amendments out there to the Rules Committee in order to protect themselves should they decide to go forward on their amendments because if they don't prefill, then they can't even have consideration. But because of the continuing practice of closed rules, most of these amendments, of course, were rejected. Tonight I believe we're going to be looking at two or three substantive amend-

ments, then some earmark amendments, and then a couple of non-controversial amendments. And I'm appreciative of that. But I do think that we should open up this process a lot more.

There are other things that we should be discussing that are not in this bill, like a limitation on housing payments for illegal aliens. We need to be discussing categorical eligibility for food stamps; and this is a practice widespread right now in the States where if you qualify for one entitlement program, then you're automatically going to be enrolled in food stamps. What the unintended consequence of that is, some people who have substantial net worth are going to be able to get food stamps because they're unemployed. And we all know, tragically, a lot of people are unemployed right now; but some of them have a lot of assets in the bank. Yet under the State interpretations of categorical eligibility, they're automatically enrolled in food stamps. I think that's taking away food stamps from somebody who truly deserves it. We are unable to have an amendment on that. Also payment limitations to farmers who are ineligible for programs. From 2003 to 2006 the USDA discovered about \$50 million that was paid to farmers who were not eligible to receive payments. I think that should be addressed in this bill a little more closely than it is. We did offer an amendment on that, but it was not supported. In 2006 the food stamp program made \$1.29 billion in overpayments. An amendment that would have prohibited illegal recipients from getting the money I think would have been something good for this bill, but that was not accepted. There was another amendment offered on P.L. 480. It's interesting, P.L. 480, we have increased that substantially. That's our foreign food assistance program. It has popular, broad bipartisan support. But on the same hand, I don't think we had enough oversight, enough discussion as to why that spending needed to spike up to the tune of getting \$700 billion in a supplemental bill and then another \$464 million in this bill. These things are of great concern to me, and we will discuss some of these in more detail.

I look forward to the debate. I look forward to the amendments. Again, I want to close with where I started with my chairwoman. I enjoy working on the committee, enjoy working with the staff; and we're going to continue to be engaged in this process. It won't just end tonight. We're going to make sure that we follow this bill all the way through; and to the degree that the minority is able to participate, we will be there. But thank you for letting us work with you.

I reserve the balance of my time.

Ms. DELAURO. I yield 1 minute to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Chair, I rise today to voice my strong support for H.R. 2997, the Agriculture appropriations bill for fiscal year 2010.

I thank my good friend ROSA DELAURO for her leadership on this vital legislation which helps put food on the table for more needy families. Americans are suffering through the worst economic crisis since the Great Depression. More and more families are forced to seek assistance in order to feed themselves and their loved ones. As Chair of the Agriculture Subcommittee on Nutrition, I am pleased that this legislation makes a strong commitment to feeding the impoverished and ending hunger in America. Today's legislation provides more than \$7.5 million to ensure that some of the most wonderful in our society, women and young children, have access to nutritious foods during these tough times. These funds will ensure another 700,000 women, infants and children will have access to WIC benefits. In addition, H.R. 2997 provides \$180 million to give nutritious foods to over half a million low-income senior, disabled, and women and children through the Commodity Supplemental Foods Program. I urge my colleagues to support this legislation.

□ 2000

Mr. KINGSTON. Mr. Chairman, I yield 5 minutes to the gentleman from Florida.

Mr. MICA. I want to thank our ranking member, Mr. KINGSTON, for yielding time.

I would have liked to have actually spoken on the rule. As some of you may know, I protested the rule. I didn't bring the House business to a halt, but I did ask several reconsiderations and a motion to adjourn, exercising my right in the minority, and as a House Member, to proceed on business that I felt was only fair and equitable as far as treatment of a Member when a Member has a problem in his district.

I have the great honor and privilege of representing an urban area, a suburban area, and also a rural area from basically north of Orlando to just south of Jacksonville. The western part of the central and the center part of the northern part of the State is agriculture and rural. It is a great area. People work hard. They are some of the most dedicated, hardworking Americans I know.

Unfortunately, several months ago, we had a disastrous series of rains. We had up to 30 inches of rain in some of the areas. I have pictures of potato fields. My district is one of the largest potato growth and farm areas in the Nation. These fields behind me here were all covered with water and covered for multiple days with sun and rain. What happened is basically the potatoes rotted and we had \$50 million worth of damage, which really isn't a

huge amount of money when we deal with billions here, but it means the difference between life and death, between staying in business and keeping people employed in my district.

I had asked the Rules Committee for a small change in a program that is called Supplemental Review Assistance program, and those are Federal programs that farmers in my district paid premiums for, participated in, and were eligible for. In fact, 85 percent of the potato farmers were eligible for participation in those programs, but the problem that we had, in spite of their having this insurance, is that the timing of the disaster was such and the rules by which they assess eligibility and disaster payments under SURE would arrive after the crop losses, because some of the data has to be computed for payment rates a year after the harvest. Now, that doesn't help people who are trying to do plantings, and we have different seasons from other parts of the United States. It doesn't help people who are trying to keep folks employed in the farm business, and it doesn't help farmers who are trying to keep their door open.

I asked for a small change, and if you look at the rule, they actually put in some changes, and they were, I hate to say it, legislating on appropriations to help folks. And we normally do that. We help each other in the House of Representatives when our areas have a disaster.

Now, I wasn't asking for any more money. I wasn't asking for another bigger program. There is plenty of money there. It is the timing of the disaster and this particular requirement to get funds and make my farmers eligible and farmers through this devastated area eligible.

So I'm very disappointed. I must say that I have the highest respect for Mr. KINGSTON, and I have the greatest respect for Ms. DELAURO. They do a wonderful job. My argument, again, is not with you. My argument is with the Rules Committee that did not extend the courtesy to a Member to assist his district in a time of natural disaster. I intend to pursue this no matter what it takes. However, I have to get the attention of the House. We are going to find a way to bring aid to people in my district who just want to stay in business, who want to continue farming, and who want to create jobs in a very difficult economy and not be shut down. They have paid their dues. They have paid their fees.

We are not asking for any more money. We are just asking for a slight change in some of the language on the funds that are available, and there are plenty of funds available.

Mr. KINGSTON. I continue to reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I just would say to my colleague that I sympathize with the difficulties and the

disaster that has befallen your district, and I would urge you to speak to the authorizing committee and Mr. PETERSON in the Agriculture Committee for this effort.

With that, let me just yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, I thank the chairwoman for yielding.

I rise this evening to engage in a colloquy with the chairwoman of the subcommittee about the desperate state of the Nation's dairy industry which has experienced a disastrous collapse in prices over the past year. During the July recess, I had the honor of accompanying Chairwoman DELAURO on a visit to the Greenbacker Dairy Farm in Durham, Connecticut. During that visit, we heard firsthand from dairy farmers all across Connecticut about the difficulties that they are facing, particularly regarding the cost of production and the rapid decline of dairy prices over the past year.

I ask the chairwoman if she could speak to this issue and what relief might be available to these farmers.

Ms. DELAURO. I thank the gentleman for his efforts on behalf of the dairy industry. Over the past year, dairy farmers across the country have been challenged like never before. I support efforts to provide increased relief to these farmers. I thank you, Mr. COURTNEY, Mr. WELCH, Chairman PETERSON, and other Members for their efforts. I am committed to helping struggling dairy farmers and their families in Connecticut and across the country.

Mr. COURTNEY. I thank the Chair for her response and her staunch support of our State and national dairy farms.

I now yield to my distinguished colleague from Vermont (Mr. WELCH).

Mr. WELCH. We appreciate the gentlewoman's hard work on the Agriculture appropriations spending bill. As you know, dairy farmers are currently being paid \$11 per hundredweight on milk that costs them \$18 per hundredweight to produce. This upside-down pay scale is absolutely unsustainable. It has already forced dozens of Vermont farmers out of business.

We unsuccessfully offered an amendment to the bill to raise the payment rates on the Milk Income Loss Contract program from 45 percent to 79 percent. While the MILC program isn't perfect, it is really a way to put money back in the pocket of farmers.

We appreciate your support, and we believe that you agree that Congress must take action to help our struggling dairy farmers and we cannot wait for more farms to go out of business.

I thank the chairwoman and look forward to continuing to work with her and my colleague from Connecticut.

Ms. DELAURO. I thank my friend from Vermont for his leadership and

my friend from Connecticut. I applaud his continued efforts to help the dairy industry. I look forward to working with you.

Mr. KINGSTON. I continue to reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I commend the gentlelady for her work on the bill and thank her for supporting my amendment to protect the USDA's organic standards and labels and to enter into a colloquy now.

We must ensure that the Department of Agriculture's Inspector General has the resources to complete a thorough investigation, already underway, into whether current inspectors are upholding the most rigorous standards for organic certification and receiving adequate oversight. The Inspector General also needs resources to investigate whether nonorganic substances inappropriately remain in USDA-certified products. The number of nonorganic substances has ballooned from 77 in 2002 to 245 today, and only one has been removed. If we want the organic label to mean something, then there must be strong standards for organic certification and we must uphold them.

Ms. DELAURO. I agree with the gentleman about the importance of protecting and strengthening USDA's organic standards.

The CHAIR. The time of the gentlewoman has expired.

Ms. DELAURO. I yield myself 5 additional seconds.

I was pleased to incorporate it into today's chairman's amendment, the amendment to increase funding to the Office of the Inspector General.

Mr. KINGSTON. I continue to reserve the balance of my time.

Ms. DELAURO. I am pleased, Mr. Chairman, to yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Let me first thank the gentlelady from Connecticut for her hard work and her dedication to moving our Nation forward in the area of agriculture, nutrition, health safety, and all of the other issues that she tackles each and every day. This bill is going to help millions of Americans, and I am pleased to support it.

I rise today to enter into a colloquy to raise the important issue regarding the lifetime ban on food stamp eligibility for formerly incarcerated persons who were convicted of drug offenses. This is really a serious moral and ethical issue of concern to me and many members of the Congressional Black Caucus.

Our Constitution provides the appropriate groundwork for this issue in article 1, section 10 in the Fifth Amendment by declaring that individuals are not to be subject to double jeopardy or to be subject to ex post facto laws.

After offenders have served their time, Mr. Chairman, the formerly incarcerated reenter society looking to improve themselves and their lives. As a society, this is what we want to support to reduce recidivism and reduce crime; however, the current policy prevents them access to food stamps.

Food stamps and cash support are essential to the health and stability of families. Individuals with criminal convictions face considerable barriers, often needing transitional services and support to improve their ability to acquire gainful employment and transition after incarceration. The Personal Responsibility and Work Opportunity Reconciliation Act prohibits anyone convicted of a drug-related felony from receiving both federally-funded cash assistance—

The CHAIR. The time of the gentlewoman has expired.

Ms. DELAURO. I yield the gentlelady 30 additional seconds.

Ms. LEE of California. The point I wanted to make is that the Welfare Reform Act prevents anyone, and only those who were formerly convicted of drug felonies, from ever receiving cash assistance and food stamps, even after completing their sentence and overcoming an addiction.

So I have worked with the authorizing committee and introduced H.R. 5802, and I wanted to talk to the gentlelady tonight about this very important issue. I hope that sooner or later we can really repeal this ban because it is a barrier for those who have reentered society. They deserve to be able to be eligible for food stamps.

Ms. DELAURO. Mr. Chairman, I yield myself 15 seconds.

I assure the gentlewoman that we will work together to correct the inequity that has been in place since the 1996 welfare reform bill. I agree with you. The time has come to address this issue in a meaningful way. We are talking about individuals who have paid their debt to society. They should be given a new opportunity to make a new life, to provide food assistance for themselves and their families. It is the right thing to do.

Mr. KINGSTON. I continue to reserve the balance of my time.

Ms. DELAURO. Let me yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentlewoman. I rise to engage in a colloquy with the chairwoman of the subcommittee.

Reliable economic data is critical for any industry. Congress has historically supported the Economic Research Service of the USDA which has collected and analyzed segregated organic data. Organic farming is one of the fastest growing segments of the U.S. agriculture. The need and demand for this information will continue to increase.

Though language has been included in past Agriculture appropriation bills that dedicates funding for the Organic Production and Marketing Data Initiative, it is not included this year. Only \$500,000 of the \$82.5 million budget of the Economic Research Service would help meet the needs of the initiative. Is it the gentlelady's opinion that the funding for the initiative should remain strong?

Ms. DELAURO. The importance of the program is clear, Mr. KUCINICH, and you have raised a very valid point. I agree with you that the Organic Production and Marketing Data Initiative should be funded in order to compete with the rest of agricultural commodities.

Mr. KUCINICH. I thank the gentlelady.

Mr. KINGSTON. I continue to reserve the balance of my time.

Ms. DELAURO. I yield 1½ minutes to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. I thank the gentlewoman.

Mr. Chairman, I rise today to engage in a colloquy with the chairwoman of the subcommittee. I commend her efforts to expand the Child and Adult Care Food Program in this bill by increasing the total number of States authorized to serve supper through the At-Risk Afterschool Care program.

According to the Food Research Action Center, the average daily participation of children in Wisconsin in the Child and Adult Care Food Program is over 63,000 kids. There is a great deal of need in my State and across the Nation to ensure that young people have the opportunity to have three nutritious meals a day.

I would love to work with the gentlewoman and my colleague, Senator KOHL in the Senate, to authorize Wisconsin to serve suppers in Wisconsin through the Child and Adult Care Food Program.

Ms. DELAURO. I thank the gentlelady for her support of the Child and Adult Care Food Program, and I would like to work with her very much in the future to expand access to meals in the At-Risk Afterschool Care programs. Through CACFP, 3.1 million children and 108,000 adults receive nutritious meals and snacks each day as part of their day care. The bill before us today expands the afterschool meals program to additional areas. I want to ensure you that we will work together to expand this essential program.

Ms. MOORE of Wisconsin. With the increasing price of food and overall food insecurity among families and communities in today's economy, I welcome the opportunity to work to improve and expand the program.

□ 2015

Ms. DELAURO. I yield 2 minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Let me thank the distinguished chairwoman and the ranking member.

I rise today to support the underlying bill and to particularly focus on the question of hunger in America.

Madam Chairwoman, this past weekend I joined one of the more well-known constituents of mine, Beyonce, who is engaged in an online opportunity to ensure that food banks of America are taken care of. We realize that in this economic recession, although we are working very hard with stimulus funds, that many people are in need. Families who work are in need of extra assistance, and so I am particularly interested and concerned that this legislation, the appropriations, will be supportive of the works of the Nation's food banks and help the various food banks through a number of provisions that may ensure that food banks are a viable part of our economic food line.

We know that there are about 900 million, 923 million people-plus, that are hungry around the world or are lacking in what we call food security, the inability to secure the right kind of food. We know that developmental concerns occur in children who are not, in essence, able to participate or to have the kind of food security they need to have.

So I am very pleased that again the McGovern-Dole legislation has been supported as International Food Aid, providing some \$1.69 billion as requested and \$464 million above 2009. I am also very glad that this is able to meet emergency and nonemergency humanitarian food need in countries stricken with natural disasters and political strife, \$199.5 million food for the McGovern-Dole International Food for Education and Child Nutrition Program, the same as requested, and \$99.5 million above 2009 to support education, child development and food security to some of the world's poorest children.

The CHAIR. The time of the gentlewoman has expired.

Ms. DELAURO. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON-LEE of Texas. Might I also say that I am also glad that this legislation continues to support the Congressional Hunger Center, which many of us have been supporting over the years in terms of its funding. And, likewise, I would like to emphasize the importance, in conclusion, that hunger has not been overcome.

This bill deals with many issues, nutrition, Women, Infants and Children, the WIC program that is so very important, the commodities, the supplemental food program all again focusing on the large need from hunger, not only internationally, but domestically.

I want to thank the chairwoman again and would like to continue to work with her as this bill makes its way through the Congress.

The CHAIR. The time of the gentlewoman has again expired.

Ms. DELAURO. I yield the gentlewoman an additional 10 seconds.

Ms. JACKSON-LEE of Texas. I think you are well aware of the work that my former colleague, Mickey Leland, has done on hunger. And I want to continue to work to ensure that these programs are there for the continuously hungry and that we will be able to distinguish it.

Ms. DELAURO. I yield myself 10 seconds.

I want to assure the gentlewoman from Texas that it is of a high priority for me to make sure that we address the very serious issue of hunger in this country and internationally, and we will spend a lot of time in that effort.

Mr. KINGSTON. I yield myself such time as I may consume, Mr. Chairman.

I want to make a statement on behalf of myself and Mr. FRANK of Massachusetts and Ms. BROWN of Florida regarding the domestic catfish industry, and if the Chair wants to respond, fine; but we have discussed this.

And it actually came a little bit late in the hearing process to do anything about, but I wanted to give some background. In 2008 the farm bill created a new USDA catfish inspection program that requires the USDA to define what is considered a catfish.

Now, the reason this is important is because the FDA traditionally does the inspection on fish, not the USDA. But now we put in this farm bill, the USDA, in the catfish business. This was pushed by the domestic catfish industry, asserting that Chinese catfish processors would not be able to meet the USDA equivalency requirements of continuous inspection and thus could not export competing products to the United States.

And as somebody who comes from farm country, I know that dealing with foreign competition is very tough because sometimes they subsidize their producers, and maybe they have different regulatory requirements or they have some unfair advantage over the domestic producers. And yet at the same time, the ability to buy food internationally often brings down the price, increases the quality sometimes and increases the number of choices for our consumers. So it is a desirable thing for the United States Government to want to have people import food.

But the FDA uses a hazard analysis critical control point risk-based system that has worked very, very well. But now, under this, we are having the USDA get into the catfish inspection program, which probably is not as well, it's just not going to be as effective as the FDA program.

The problem is the Chinese begin to grow and export a catfish to the United States called the ictaluridae. And, meanwhile, the Vietnamese started

growing something called the pangasius. And these species are very different. Just like a human being is different from a baboon, so are these two different types of fish.

But what is happening now, the domestic catfish industry is pushing the USDA to adopt a broad definition of catfish beyond the ictaluridae and include the pangasius. And I know you got all of that, Mr. Chairman, because I did too the first time.

And the concern that I have is that the USDA really does not have the expertise to broaden their mission to start making definitions on a different type fish than what the farm bill asked them to look into. So I am very concerned about that, as is Mr. FRANK, as is Ms. BROWN from Florida. And I know other Members are as well, and we really do not want to see the USDA go beyond the mission and include this pangasius in their definition of catfish.

And if the chairwoman wants to respond, I would be glad to yield.

Ms. DELAURO. Yes, if the gentleman would yield, I would be happy to address the issue.

Mr. KINGSTON. I would be happy to yield.

Ms. DELAURO. I would just say to the gentleman that there is a need to improve inspections of seafood imports. As you know, less than 1 percent gets inspected each year. And there was a lot of discussion about this provision during the farm bill last year.

I, frankly, have some concerns that it would further complicate the organizational structure of food safety, instead of simplifying matters in moving that jurisdiction from the FDA to the USDA. Also, if USDA diverted resources to inspecting catfish, would it take away resources from meat and poultry inspection. And I would just say that we did plus-up funding to the USDA to be able to accommodate this new responsibility.

Another concern I had about this provision is that moving seafood inspection, or even catfish inspection, is more complicated than it seems. There is a substantial difference between preventing outbreaks in meat and poultry and preventing outbreaks in seafood. And the FSIS, the Food Safety and Inspection Service, has no experience with identifying seafood pathogens.

So I look forward to discussing this issue further with the gentleman in answering some of the questions that you have with regard to this.

Mr. KINGSTON. Well, I thank the gentlewoman, and as we both know, we have spent a lot of time talking also about the USDA and Chinese chicken and that issue. And one of the concerns that—this underscores the thing on catfish, that it is the USDA's domain, really. They have the expertise and the track record on fish, whereas the USDA has a track record on chicken, poultry and beef domestically; and I

know that you do have concerns in terms of their expertise to look at the reimportation of poultry products from China. And I wasn't going to really discuss that, but, certainly, if the gentlewoman would like to, we have had—

Ms. DELAURO. Well, certainly, we have had a discussion about it over time. And I think the gentleman knows my position on this issue, and my position has not changed in a number of years.

And it's my view that the decisions about the importation of food products from China are a public health issue that must not be entangled in trade discussions. And I understand that Chinese officials are suggesting a quid pro quo, if you will, and they are trying to link the exportation of poultry products with reopening U.S. beef exports to the People's Republic of China.

Those talks, in my view, should be separate and distinct. My position in this area has to do with the public health of this Nation. It is clear that the 2006 FSIS declaration that China's safety and inspection system was, quote, equivalent to the U.S. system for processed poultry products, was based on trade goals. From a public health and a safety perspective, the equivalency determination was deeply flawed and cannot be relied on to protect U.S. consumers' safety.

Equivalency was granted in the face of overwhelming evidence of contamination in Chinese processing plants and in Chinese slaughterhouses.

Therefore, in my view, the ban on poultry products from China must be maintained. And while USDA does have a process, as you pointed out, in place, that process, in making a determination of equivalency for processing U.S. chicken in China, was flawed and was broken and has not worked.

The committee, by the way, and you understand this, intends to undertake a thorough review of, convene hearings on the equivalency process in general. And what we will examine are audits of inspection, on-site reviews of processing facilities, laboratories, other control operations, increased level of port entry reinspection and information-sharing programs with other countries.

So I look forward to continuing this discussion and working with you as the committee moves forward with its examination. But in the meantime, the limitation in carrying out this rule needs to be maintained.

Mr. KINGSTON. Well, I thank the gentlewoman for those remarks, and I think that your uncertainty with the reliability of USDA on Chinese chicken I share with the USDA on catfish.

There is a lot to continue to discuss. And it's interesting, Mr. Chairman, as we talk about our trade relations, and I think that the gentlewoman does make a very good point that we have to be sure that our desire to trade with

countries doesn't blur the food safety mission that we also have.

I was reminded, though, on the 4th of July that of the \$211 million worth of fireworks that we exploded all around the Nation, most of it came from China. And of the flags and bunting that we displayed on the 4th of July, \$340 million worth, most of that came from China as well.

So we do have a great deal—we have got a big challenge in front of us as we look at our second largest trade partner in China to figure out, you know, what are some of these lines and boundaries.

Ms. DELAURO. I would just say to the gentleman that we have a responsibility that whatever the food product is coming, and that food product from anywhere, that the country that is producing this product or processing this product must have the same set of equivalent standards that we have domestically to ensure the public health of people in the United States. We have witnessed over and over again in the last several months that we will put the public health at risk when children die, when people are ill from either a product that's domestically produced or internationally produced. We, as a Nation, and those of us who serve in this body, I believe, have a moral responsibility to do something about it.

□ 2030

Mr. KINGSTON. I thank the gentleman. I have no further speakers on general debate, and I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Chair, I rise in support of the FY 2010 Agriculture, Rural Development, Food and Drug Administration Appropriations bill for the investments it makes in protecting the public health, bolstering food nutrition and conserving our natural resources.

I am pleased that the Food and Drug Administration will receive \$2.338 billion in discretionary funding, an increase of \$299 million over last year. Serious gaps have been exposed in FDA's ability to protect the American public due to recent outbreaks and recalls of food-borne illnesses. We need to ensure that the FDA has the necessary tools and resources to fulfill its vital mission in protecting the American public from unsafe products. This substantial investment in the FDA will significantly improve food and medical products safety. In addition, the bill fully funds the President's request for the Food Safety Inspection Service, providing over \$1 billion for FSIS for the first time in history for the inspection of meat, poultry and egg products.

To help those low-income and elderly Americans struggling with rising food costs in this current economic crisis, this bill strengthens food nutrition programs by providing \$61.4 billion for the Supplemental Nutrition Assistance Program, an increase of \$7.4 billion over last year's amount, and \$7.5 billion for the Women, Infants, and Children (WIC) program. The funding the legislation provides will help an additional 700,000 women, infants, and children, which will increase WIC participation to over ten million people.

As Co-Chair of the bipartisan Congressional Chesapeake Bay Watershed Task Force, I am particularly pleased that the bill provides almost \$4 million through the Natural Resources Conservation Services for Chesapeake Bay restoration activities. Providing adequate technical assistance to farmers, landowners, watershed groups and communities is critical to implementing the Farm Bill conservation programs that are the single most vital tool to improving the health of the Chesapeake Bay. This legislation provides \$980.3 million for the Natural Resources Conservation Program to help face the demands for cleaner water, reduced soil erosion, and more wildlife habitat.

Mr. Chair, I commend Chairwoman DELAURO, Ranking Member KINGSTON and the rest of the subcommittee for its work on this legislation and urge my colleagues' support.

Mrs. MILLER of Michigan. Mr. Chair, I rise today in strong support of the underlying legislation, H.R. 2997 the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act of 2010.

My district is home to some of the most fertile farm land as well as some of the hardest working families farmers in the nation.

As you drive through my district, you see fields full of dry beans, sugar beets, corn, wheat, soybeans, various vegetables, and other crops needed to feed our nation and indeed the world.

We have thriving cattle, pork, and dairy industries as well.

While so many identify Michigan with manufacturing, we sometimes forget that agriculture is Michigan's second leading industry—and the bright spot in a struggling Michigan economy.

This bill is important because it provides much needed funding for the Farm Services Agency which administers disaster and loan programs, farm commodities and conservation programs directed toward producers.

The bill also goes a long way in providing money for continued agriculture research which is so important in increasing yields and furthering education for our producers. This measure also includes essential programs to assist those living in rural communities and extends programs that keep the quality of our food safe.

Finally, this bill also provides an important benefit to the Great Lakes, a national treasure which represent 20% of the world's freshwater supply. This bill exceeds the President's Budget and the FY2009 levels for funding for the Natural Resources Conservation Service which help protect wetlands and wildlife habitat.

While there are certainly challenges with this bill—namely an increase in spending over last year—it is vital that we move this important funding bill forward. It is my hope that in conference we can find additional savings to bring total spending down, but this bill does represent spending that will provide sufficient support for an industry that is important to our national economy and necessary to make certain that America remains the greatest food producer in the world. I urge my colleagues to vote in favor of this bill.

Mr. KUCINICH. Mr. Chair, I rise in support of H.R. 2997, the Agriculture Appropriations bill. This bill wisely devotes half of the total appro-

priations in the entire bill to the Supplemental Nutrition Assistance Program (SNAP), formerly called the Food Stamp Program.

The face of hunger takes many forms. This week while driving in my district I saw a homeless woman who suffered from chronic hunger, begging on the street corner. When the most basic need for food goes unmet, the most basic functions of living that so many of us take for granted become difficult, if not impossible. It threatens the economic and social well-being of the affected person, and sometimes the entire family. And while this homeless and hungry soul is an apt example of the face of hunger, the truth is that food insecurity is hurting far more than just the severely disadvantaged. Food insecurity is hurting our middle class, our children and our seniors among others. During difficult economic times like these, hunger's invisibility belies its startling prevalence.

In the United States 1 in 8 or approximately 36 million Americans struggle with hunger, 13 million of which are children. According to the USDA 1 in 6 American children are food insecure. One out of every five children under five years of age is living at risk of hunger in 13 states around our nation.

In my home state of Ohio, 12.7 percent of Ohioans are food insecure; 18.7 percent of Ohio's children are food insecure; and 23.3 percent of children under the age of five are food insecure. Ohio has recently been reported to have the third highest rate of food insecure children under the age of 5 in the nation.

Uncertain times in our country and economy are even more uncertain for these children as their malnutrition will have a long-lasting impact on their future development. Proper nutrition throughout life is important but research tells us that for children three and under it is particularly important as this is the time that children build a foundation for the rest of their life. It is precisely the time when their brains and central nervous systems are growing the fastest. A good foundation is essential to a child's future health, including mental health, educational accomplishment and economic viability.

Recent reports indicate that across our nation, 33.8 million people were enrolled in SNAP in April 2009. This is a new record and an increase of 20 percent over last year. It is expected that SNAP will serve approximately 35 million Americans in Fiscal Year 2010. According to a study from the Center for Community Solutions, portions of my district, including Lakewood, Fairview Park and Parma, have experienced a 74 percent increase in participation in the Food Stamp Program (now called SNAP) between 2002 and 2007. Furthermore, our local food bank, the Cleveland Food Bank, has significantly increased distribution since the start of the current fiscal year. Already they have distributed three million more pounds of food in the current fiscal year than was distributed in the entire prior year. By October 2009 it is expected that this number will increase to four million pounds. In Northeast Ohio local food pantries have experienced a 35 percent increase in clients. Many of these clients are first time users of the food bank.

Policy Matters Ohio released a report in February 2009 that found that over 2.8 million

Ohioans—roughly 25 percent—are not earning enough income to meet their basic needs. The latest unemployment statistics for the State of Ohio show that unemployment is still on the rise at 10.8 percent. The national unemployment rate is 9.5 percent. These numbers are expected to increase in the coming weeks and months.

The resources that are allocated to SNAP by this bill are desperately needed. I support this bill and urge its passage.

Ms. HIRONO. Mr. Chair, I rise in strong support of H.R. 2997, the FY2010 Agriculture Appropriations bill, which makes important investments in agricultural research; conservation, rural development, and nutrition programs; as well as a number of other programs that support agriculture and rural communities in our nation.

I am very grateful to the Committee, and especially to Chair ROSA DELAURO, for support of many of my high-priority requests and for recognizing the special challenges faced by Hawaii farmers.

Yesterday as we were getting ready to begin debate, I was surprised to learn that another member had filed an amendment to eliminate funding for one of my Hawaii requests included in the final bill. The amendment would have eliminated a \$153,000 earmark, titled Agricultural Diversification in Hawaii, to assist Hawaii farmers succeed in growing and marketing new crops to replace sugarcane and pineapple. It was a bit disappointing because the amendment was drafted by a member from Texas, a state that enjoys far more substantial federal support for its farmers in the form of direct payments and other agricultural services than Hawaii.

Ultimately, the member from Texas decided not to offer his amendment. If he had, I would have offered the following defense for this important program.

Hawaii is the most geographically isolated state.

Hawaii imports 85 percent of the food consumed by residents and visitors and is estimated to have a 4–7 day food supply in the event of a shipping disruption of any kind.

Our major agricultural industries of sugar and pineapple production have declined precipitously in the last 15 years. Of our last two sugar companies, one announced it was going out of business last year. Our longstanding leaders in pineapple production have moved their fruit production operations out of the state. As a result, Hawaii has been making a difficult transition from plantation to diversified agriculture.

Increased food production for local and export markets is a key component to addressing food security in Hawaii.

Most of the research done in mainland university and research institutions does not have much relevance in Hawaii. We grow different crops and have a year-round growing season, which means year-round pest and disease issues.

There are no large national agricultural organizations to lobby for the interests of papaya, pineapple, banana, or coffee farmers. Rice and cotton growers in Texas can find support from growers in other states who will make sure that their needs are understood and met.

The Hawaii Agricultural Diversification program has evolved over time from identifying alternative crops to replace sugarcane and pineapple, to assessments on aquaculture crops, to the current emphasis on tropical fruits.

The overall tropical fruit industry in Hawaii comprises nearly 1300 farmers who produce crops for tropical fruit markets with an annual farm gate value of more than \$30 million.

Included in this agricultural industry are banana, guava, papaya, avocados, and wide range of tropical specialty fruits such as rambutan, lychee, and longan.

While the total acreage and the total number of farms increased in 2007, these growers are small farmers, averaging less than 5 acres per farm in production. These farmers have limited resources and do not have the means to conduct the R & D to support their industry. This funding provides means for stakeholder-driven research and development in support of the industry.

The main problems faced by Hawaii tropical fruit growers include pest management strategies, phytosanitary export protocols, and refined market information to guide production.

For example, two major Hawaii Tropical Specialty Fruits, rambutan and longan, are grown for export to the U.S. mainland but face stiff competition with foreign countries, such as from Thailand, where labor and other input costs are much lower. Research funds have been devoted to finding best management practices for post-harvest handling of rambutan and longan to identify the fungal diseases that damage fruit and accelerate spoilage during shipment. Research, done collaboratively with USDA Agricultural Research Service, has identified methods to extend rambutan and longan shelf-life and to maintain higher quality fruit during shipment, giving Hawaii growers a competitive advantage over cheap foreign competition.

Hawaii has an image of being a paradise. Hawaii is beautiful, but at the same time we are also very vulnerable to any downturn in the U.S. or international economies. Our biggest industry, tourism, has been hit hard by the recession. Our geographic isolation means that everything is more expensive, including inputs for agriculture.

My district, which includes all of Hawaii (7 inhabited islands) except for the city of Honolulu, is largely rural and most of our residents would like it to stay that way. We have a long agricultural tradition and history and are struggling to adjust to changing markets without the safety net that most states that grow program crops (like cotton, rice, and corn) enjoy. Despite the fact that Hawaii farmers are not able to take advantage of many of the programs that benefit mainland farmers, I have consistently supported farmers throughout the country and simply ask that my fellow members also support Hawaii's hard-working farmers.

Mr. ETHERIDGE. Mr. Chair, I rise tonight in reluctant support of this legislation. While H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010 provides critical funding for the United States Department of Agriculture, including important initiatives that I helped put in the 2008 Farm Bill, it falls short for some rural Americans.

USDA funding is critical to our nation, and H.R. 2997 ensures USDA can continue its good work. This bill provides more than \$2.8 billion for rural development, 4 percent more than in 2009, for investments such as rural housing, water projects, community facilities and economic development efforts. These rural initiatives not only sustain our rural communities, but also create new opportunities for growth and development in our nation's small towns. At a time when our rural economies are suffering, this funding provides a desperately needed hand up, and a way to spur continued growth and maintenance for existing infrastructure.

To protect American agriculture, the safety of our nation's food supply, and to spur the continued research that makes our land grant universities the pinnacle of the world's agriculture research centers, the bill provides nearly \$1.2 billion for the Agricultural Research Service, \$1.3 billion for important agricultural research at the National Institute for Food and Agriculture, and \$881 million to fund programs that protect American agriculture against animal and plant diseases. As the representative of the district that contains the main campus of North Carolina State University, one of our nation's finest land grant and agricultural research institutions, I am proud that the research funds within the bill will continue to allow these students and researchers to do their good work for American agriculture and the consumers who eat the healthy food American farmers produce, here at home and across the globe.

Conservation efforts were sadly diminished under the last Administration, but this bill provides \$980 million for conservation programs at USDA, 8 percent above the President's request and 1 percent above 2009. Funding provided in H.R. 2997 for the Natural Resources Conservation Service will improve service in the field, and deliver conservation to protect the environment. The bill rejects \$267 million in proposed cuts to farm bill conservation priorities, including the Wetlands Reserve Program, Farmland Protection Program, and Wildlife Habitat Incentives Program. These initiatives ensure that our children inherit the legacy of a clean environment and a healthy rural America. They deserve no less than what we enjoyed growing up.

To help the most needy in our society, H.R. 2997 provides more than \$7.5 billion to provide proper nutrition to mothers and their children, supporting healthy food for up to an additional 700,000 women, infants, and children. The funds provided in this bill will help bring needed WIC assistance to more than ten million people. It also sets aside \$125 million for the upcoming WIC reauthorization, including a number of program improvements such as increasing fruit and vegetable vouchers, implementing the electronic benefit transfer system, and expanding the breast feeding peer counseling program.

There are many good things in this bill. But while the bill provides basic support for our nation's farmers, it leaves out some of the farmers most in need and may harm many of our livestock and poultry producers.

Mr. Chair, the people who live in my district are suffering. With double digit unemployment in every county in my district, we are experiencing some of the worst economic conditions

in the nation. My farmers are suffering as well. I have poultry growers and livestock producers who are on the verge of losing their homes. This bill should include Section 32 funding, that I requested, for economic disaster assistance for these producers, producers who work hard to raise thousands of birds for our family tables but are not eligible for any traditional assistance at USDA. This provision would have helped nearly a thousand poultry producers in a dozen states who have lost their contracts. These folks have nowhere else to turn for a bridge that will allow them to keep their farms. When we are giving bailouts to Wall Street and the auto industry, we owe it to rural America to lend a hand to those who reside on Main Street. But, unfortunately, the committee did not include this provision.

I am also concerned about a provision put into this bill that extends a ban on imports of processed poultry meat from China. This is already threatening to hurt not only U.S. poultry producers, but also pork and beef producers who depend on the Chinese market. While I share Chairwoman DELAURO's desire to make sure that our food is safe, arbitrary restrictions do not forward our goals. Congress should rely on the food safety efforts of USDA and FDA, and insist on continued oversight of these agencies. We must work to improve Chinese food safety in a manner that protects U.S. consumers, but that is also consistent with our international obligations on fair trade. Singling out our largest trading partner may lead to retaliation that would threaten an already suffering industry. It is my hope that this provision will be removed from the bill during conference.

Mr. Chair, I will vote for H.R. 2997, and I urge my colleagues to do the same. But I also urge those in Leadership, and the Chair of this committee, to think of North Carolina's poultry farmers, and livestock producers across the country, as this bill goes to conference. I hope to work together in the future to ensure that future legislation is more inclusive of all of our farmers and people in need.

Mr. HOLT. Mr. Chair, I rise today in support of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill for Fiscal Year 2010, and commend Chairwoman DELAURO and the subcommittee for their hard work in crafting this bill. I urge my colleagues to support it.

This bill will increase funding to many important programs that American families rely on for their health and well-being, especially during these challenging economic times. For example, the bill will provide \$61.4 billion in funding for the Supplemental Nutrition Assistance Program (formerly Food Stamps), an increase of 15 percent above the funding currently available. With family incomes falling and unemployment rising, these funds are needed more than ever to enable low-income families to purchase food.

In addition, the bill provides \$16.8 billion in funding for child nutrition programs, an increase of 12 percent above the funding currently available, and \$7.5 billion for the Women, Infants and Children (WIC) nutrition program, a 10 percent increase above the currently available funding. These funds will enable children all over America to receive nutritious school lunches and breakfasts, and pro-

vide food packages containing nutritional supplements to children and pregnant and breastfeeding women who are nutritionally at risk because they lack the income to provide adequate nutrition.

The bill also includes \$180 million, 11 percent more than provided in the prior fiscal year, for the Commodity Supplement Food Program, to provide nutritious food to over a half million low-income women, infants, children, and elderly citizens struggling to make ends meet. The bill will expand this assistance beyond the 32 states currently receiving it, to six new states: Arkansas, Oklahoma, Delaware, Utah, Georgia and my home state of New Jersey. The Emergency Food Assistance Program and the Farmers Market Nutrition Program also receive substantial funding: \$50 million and \$20 million respectively.

And the bill contains substantial funding for international food assistance, including \$1.7 billion for the Food for Peace Program, 13 percent more than currently provided, and \$200 million for the McGovern-Dole International Food for Education and Child Nutrition Program, to provide food security and education and developmental support for the world's neediest children.

And I am particularly pleased that this bill includes the full amount of funding for most of the organic programs I had requested funding for. For example, it includes \$5 million for the Organic Transitions Research program, to facilitate the ability of farmers to convert to organic methods of production, \$20 million for the Organic Agriculture Research and Extension Initiative, and \$5 million each for the Community Food Projects and Hunger Free Communities programs, to facilitate the development of community gardens, community supported agriculture projects, farmers markets, and similar community food security projects.

Especially, I am also pleased that my amendment to the bill to protect and strengthen the U.S. Department of Agriculture's (USDA) organic standards was included in the Manager's Amendment to the bill on the floor today. It is incumbent upon us to ensure that the USDA Inspector General has the resources it needs to complete a thorough investigation, already underway, into whether or not current inspectors are ensuring that the most rigorous standards for certification are honored when determining if a product may bear the "USDA Organic" label. In addition, the Inspector General needs sufficient resources to investigate whether or not non-organic substances inappropriately remain allowed in small amounts in USDA certified products after organic alternatives have been discovered; as the Washington Post reported last week, since the list of allowable non-organic substances was created in 2002, the number of such non-organic substances has ballooned from 77 to 245, and only one such substance has been removed.

As noted in the Washington Post article, the program's lax standards are undermining the program and the law, prompting the author of the law, Senator LEAHY, to state pointedly that "it will unravel everything we've done if the standards can no longer be trusted . . . if we don't protect the brand, the organic label, the program is finished." Indeed, the explosive

growth of the industry itself requires us to increase our vigilance accordingly. Therefore, I thank and commend Chairwoman DELAURO for her support and leadership on this issue, and for including my amendment in the bill.

This bill funds many important nutritional and agricultural programs, and I urge my colleagues to support it.

Ms. DELAURO. Mr. Chairman, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

No amendment shall be in order except the amendments printed in part A and B of House Report 111-191, not to exceed one of the amendments printed in part C of the report if offered by the gentleman from California (Mr. CAMPBELL) or his designee; not to exceed three of the amendments printed in part D of the report if offered by the gentleman from Arizona (Mr. FLAKE) or his designee; and not to exceed one of the amendments printed in part E of the report if offered by the gentleman from Texas (Mr. HENSARLING) or his designee. Each amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question. An amendment printed in part B, C, D, or E of the report may be offered only at the appropriate point in the reading.

The Clerk will read.

The Clerk read as follows:

H.R. 2997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, namely:

PART A AMENDMENT NO. 1 OFFERED BY MS.

DELAURO

Ms. DELAURO. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Ms. DELAURO:

Page 3, line 19, after the dollar amount, insert "(reduced by \$1,000,000)".

Page 5, line 4, after the dollar amount, insert "(reduced by \$500,000)".

Page 5, line 5, after the dollar amount, insert "(reduced by \$500,000)".

Page 6, line 9, after the dollar amount, insert "(reduced by \$4,000,000)".

Page 8, line 1, after the dollar amount, insert "(increased by \$500,000)".

Page 9, line 10, after the dollar amount, insert "(increased by \$2,000,000)".

Page 10, line 25, after the dollar amount, insert "(increased by \$3,519,000)".

Page 11, line 8, after the dollar amount, insert "(increased by \$3,000,000)".

Page 11, line 23, after the dollar amount, insert "(increased by \$519,000)".

Page 25, line 22, after each of the dollar amounts, insert “(reduced by \$519,000)”.

Page 57, line 8, after the dollar amount, insert “(increased by \$235,000,000)”.

Page 57, line 20, strike “and”.

Page 57, line 23, insert before the colon the following: “; and \$235,000,000 shall be derived from tobacco product user fees authorized by section 919 of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of the Family Smoking Prevention and Tobacco Control Act (Public Law 111-31), and shall be credited to this account and remain available until expended”.

Page 57, line 25, strike “and animal generic drug” and insert “animal generic drug, and tobacco product”.

Page 58, line 21, strike “(7) not to exceed \$115,882,000” and insert the following: “(7) \$216,523,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed \$117,225,000”.

Page 58, line 25, strike “(8) not to exceed \$168,728,000” and insert “(9) not to exceed \$171,526,000”.

Page 59, line 2, strike “(9) not to exceed \$185,793,000” and insert “(10) not to exceed \$200,129,000”.

At the end of the bill (before the short title), insert the following:

SEC. _____. There is appropriated, for the grant program for the purpose of obtaining and adding to an anhydrous ammonia fertilizer nurse tank a substance to reduce the amount of methamphetamine that can be produced from any anhydrous ammonia removed from the nurse tank as authorized by section 14203 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 864a), hereby derived from the amount provided in this Act for “Rural Development Salaries and Expenses”, \$2,000,000.

SEC. _____. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

The CHAIR. Pursuant to House Resolution 609, the gentlewoman from Connecticut (Ms. DELAURO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, this is a good amendment, and it contains several provisions.

First, it appropriates the tobacco fees authorized in the recent tobacco bill to start up the new Tobacco Control Program as authorized under the Family Smoking Prevention and Tobacco Control Act.

The amendment also provides increases of \$2 million for the Agriculture Research Service and \$3 million for the National Institute of Food and Agriculture. It increases funding for the Office of the Inspector General. It raises the funding level for the Higher Education Multicultural Scholars Program to \$1.5 million; provides \$2 million for the Methamphetamine Inhibitor Grant Program authorized in the farm bill; and prohibits first-class travel by employees funded in the bill if it violates existing rules.

The increases are fully offset by small reductions to administrative pro-

grams. It is a noncontroversial amendment, and I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. I yield myself such time as I may consume.

Opposition of this amendment has nothing to do with the Agriculture Committee as much as it does the Rules Committee because there were so many amendments that the Rules Committee did not allow by the minority, and the reason that the Rules Committee said they did not allow them was because they were authorizing on an appropriation bill. This is authorizing on an appropriation bill. While there is a good reason for it, it is still something that I think is philosophically inconsistent with what the Rules Committee has been telling us for the last 24 hours. I will ask for a recorded vote on this.

I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I would just indicate that the Rules Committee did make the amendment in order. As I say, it is a noncontroversial amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. KINGSTON. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Connecticut will be postponed.

The Clerk will read.

The Clerk read as follows:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, \$5,285,000: *Provided*, That not to exceed \$11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

OFFICE OF TRIBAL RELATIONS

For necessary expenses of the Office of Tribal Relations, \$1,000,000, to support communication and consultation activities with Federally Recognized Tribes, as well as other requirements established by law.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

For necessary expenses of the Office of the Chief Economist, \$13,032,000.

PART B AMENDMENT NO. 2 OFFERED BY MR. BRADY OF TEXAS

Mr. BRADY of Texas. Mr. Chairman, I call up my amendment made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. BRADY of Texas:

Page 3, line 4, after the dollar amount, insert “(reduced by \$50,000)”.

Page 8, line 20, after the dollar amount, insert “(increased by \$50,000)”.

The CHAIR. Pursuant to House Resolution 609, the gentleman from Texas (Mr. BRADY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BRADY of Texas. Mr. Chairman, this amendment seeks to shift \$50,000 from the Office of the Chief Economist at the USDA to the Economic Research Service.

The goal of this amendment is to have the Office of the Chief Economist work jointly with the Economic Research Service and the Foreign Agriculture Service to conduct an independent, objective study on the potential growth in U.S. agriculture exports that would result from implementation of the pending trade promotion agreements with Colombia, Panama, and South Korea within 90 days of this legislation becoming law.

Additionally, the Department of Agriculture would also report on the potential impact of U.S. agriculture exports if these agreements are not implemented.

In each case, the USDA would analyze the impacts of changes in exports on agriculture sector jobs, wages, farm income, and commodity prices.

As many of you know, each of these countries have signed or are negotiating trade agreements with several countries that are major competitors for America's farmers and ranchers. I know we are all concerned about the potential loss of competitiveness that families and workers in our agriculture sector would face if the pending trade agreements are not implemented.

While there has been some analysis of the impact of the pending trade agreements on American farmers and ranchers, much of this analysis is outdated. For example, the study by the U.S. International Trade Commission on the U.S.-Colombia Trade Promotion Agreement was published in December 2006 and relied on trade data from 2005. Obviously, conditions have changed since then.

In these difficult economic times, Congress, now more than ever, must pursue policies to enhance the competitiveness of America's farmers and ranchers. And since 95 percent of all consumers live outside the United States, increasing exports, finding new customers for American farmers and ranchers, are a vital component of that effort.

The analysis conducted as a result of this amendment will help Members of

Congress understand fully the importance of leveling the playing field for America's farmers and ranchers by considering and implementing the pending trade agreements.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, although I plan to support the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from Connecticut is recognized for 5 minutes.

There was no objection.

Ms. DELAURO. I want to first say to the gentleman from Texas, to be clear and have real clarity about this amendment, this would transfer \$50,000 from the Office of the Chief Economist to the Economic Research Service.

The gentleman's amendment does not address trade or trade agreements. It is a simple transfer of funds from the Office of the Chief Economist to the ERS, without any designation of what the disposition of those funds are. I want to be absolutely clear about that.

I yield to the gentleman.

Mr. BRADY of Texas. Yes, Madam Chairman, we were very respectful of the House rules on those issues. Clearly an intent of this discussion tonight is to have this study conducted, but we were very respectful of the House rules.

Ms. DELAURO. As I said, I plan to support the amendment, but the amendment as I say makes that transfer. I did not choose the offset that is included, and we may need to revisit that in conference. But I would be happy to accept the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BRADY of Texas. Mr. Chair, I would like to call up my amendment, made in order under the rule, to shift \$50,000 from Office of the Chief Economist at USDA to the Economic Research Service (ERS).

The goal of this amendment is to have the Office of the Chief Economist work jointly with the Economic Research Service and the Foreign Agriculture Service to conduct a study on the potential growth in U.S. agriculture exports that would result from implementation of the pending trade promotion agreements with Colombia, Panama, and South Korea within 90 days of this legislation becoming law.

Additionally, USDA would also report on the potential impact on U.S. agriculture exports if these agreements are not implemented.

In each case, USDA would analyze the impacts of changes in exports on agriculture sector employment, wages, farm income, and commodity prices.

As I am sure you know, each of these countries has signed or is negotiating trade agreements with several countries that are major competitors for U.S. farmers and ranchers. I know we are all concerned about the potential loss of competitiveness the families and workers in our agriculture sector would face if the pending trade agreements are not implemented.

Previous studies by the International Trade Commission show the benefits of these agree-

ments. Taken together, they could increase all U.S. exports by over \$12 billion. This new study would give us an opportunity to update this information and focus specifically on the U.S. agriculture sector.

In these difficult economic times, Congress, now more than ever, must pursue policies to enhance the competitiveness of America's farmers and ranchers. Since 95 percent of all consumers are outside of the United States, increasing exports are a vital component of that effort.

The analysis conducted as a result of my amendment would help Members of Congress understand the importance of leveling the playing field for America's farmers and ranchers by implementing the pending trade agreements.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BRADY).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. BRADY of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, \$15,289,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, \$9,436,000.

OFFICE OF HOMELAND SECURITY

For necessary expenses of the Office of Homeland Security, \$2,494,000.

OFFICE OF ADVOCACY AND OUTREACH

For necessary expenses of the Office of Advocacy and Outreach, \$3,000,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, \$61,579,000.

PART B AMENDMENT NO. 4 OFFERED BY MRS. CAPITO

Mrs. CAPITO. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mrs. CAPITO:

Page 3, line 19, insert after the dollar amount the following: "(reduced by \$10,038,000)".

Page 46, line 18, insert after the dollar amount the following: "(increased by \$10,038,000)".

The CHAIR. Pursuant to House Resolution 609, the gentlewoman from West Virginia (Mrs. CAPITO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from West Virginia.

Mrs. CAPITO. Mr. Chairman, as we know, funding for rural water projects is vital to the quality of life in our local communities. Small communities

have the greatest difficulty providing safe, affordable public drinking water due to their limited resources, and this amendment is designed to help address this challenge.

Helping small communities better manage their water resources is absolutely critical to rural America. Across this country, over 90 percent of the community water systems serve a population of less than 10,000 people, and are eligible to receive support from the USDA Water and Waste Disposal programs.

USDA water loans and grants allow communities to build or extend water systems and repay the loans at reasonable rates and terms. These important programs provide small communities that possess limited technical and financial resources the tools they need to protect their drinking water quality.

Small and rural communities rely on technical assistance and training from their State rural water associations to overcome their lack of economies of scale, provide critical onsite technical expertise, and comply with Federal rules and regulations. Without this assistance, many could not construct new systems, expand existing ones, or comply with mandates.

My amendment would restore funding of the Rural Water and Wastewater Disposal program to the fiscal year 2009 level, and ensure that communities have access to the technical resources they need to supply safe and affordable water.

At the President's request, the committee reduced funding to the Rural Water and Wastewater Disposal program by \$10.038 million. But just yesterday, the Senate Appropriations Committee recommended the Rural Water and Waste Disposal program receive \$22.5 million above the President's request.

We must continue to protect important rural water systems which are critical to the economic viability of any small community by maintaining funding for the Rural Water and Wastewater Disposal program. I encourage my colleagues to support this amendment.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, although I plan to support the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from Connecticut is recognized for 5 minutes.

There was no objection.

Ms. DELAURO. This amendment does transfer \$10.038 million from the Office of Chief Information Officer to the Rural Water and Waste Disposal program. I support more funding for water and waste programs. I did not again here in this instance choose the offset that is included, and we may need to revisit that in the conference. I urge

adoption of the amendment. I ask for a "yes" vote on the amendment.

I yield back the balance of my time. Mrs. CAPITO. I thank the chairwoman for her support for this amendment. I would like to mention that I did circulate a letter in support of this program, and we had great bipartisan support in that letter and I appreciate the support across the aisle. I would like to thank the ranking member as well.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mrs. CAPITO. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from West Virginia will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, \$6,466,000: *Provided*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A-76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

PART B AMENDMENT NO. 5 OFFERED BY MR. FORTENBERRY

Mr. FORTENBERRY. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. FORTENBERRY:

Page 3, line 19, insert after the dollar amount the following: "(reduced by \$2,000,000)".

Page 46, line 5, insert after the dollar amount the following: "(increased by \$2,000,000)".

The CHAIR. Pursuant to House Resolution 609, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Mr. Chairman, I appreciate having an opportunity to offer this amendment to promote renewable energy in rural America.

America needs a bold new energy division, and I believe this amendment can help. Our sustainable energy future must include the integration of conservation, as well as new technologies, powered by clean renewable sources such as wind, solar, biomass and biofuels.

□ 2045

Specifically, Mr. Chairman, my amendment would transfer \$2 million from the United States Department of Agriculture Office of the Chief Information Officer to the Rural Energy for America Program.

While I do recognize the importance of funding for the Office of the Chief Information Officer and its role in providing enhanced technology at the Department of Agriculture, this appropriations bill does provide a \$44 million increase for the office compared to last year. I believe it is appropriate to transfer a small amount of that increase, \$2 million, to our Nation's renewable energy efforts. Specifically, again, my amendment shifts this funding to the Rural Energy for America Program, known as REAP. The REAP program funds a wide range of renewable energy projects that stimulate rural economies, help create jobs, and address environmental concerns. This funding promotes energy efficiency and renewable energy production and is directed to farming communities and rural small businesses.

I would also like to emphasize, Mr. Chairman, that in last year's farm bill there is included a new program that has parallel goals to REAP and is designed to create models of energy independence on a rural community level. This new program, the Rural Energy Self-Sufficiency Initiative, authorizes the Secretary of Agriculture to make grants to up to five eligible rural communities annually. The pilot program grants would be used to develop an integrated renewable energy system in order to increase energy self-sufficiency through technologies as well as other renewable sources, such as biofuels, biomass, biogas, geothermal, and wind and solar, resulting in model systems and best practices that could be replicated elsewhere in the Nation.

Because of the importance of this new program, it is my hope that the \$2 million provided in this amendment, should it pass, would be directed to the Rural Energy Self-Sufficiency Initiative as the appropriations process moves forward.

Mr. Chairman, I do believe that renewable energy is changing today's agriculture and rural communities. It is clearly in our national interest to help rural communities integrate a wide variety of renewable energy sources and technologies as we move toward energy independence and environmental security.

New development and signs of interest in renewable energy production are booming, Mr. Chairman, and I am proud that my own State, Nebraska, is a leader in creating green jobs in the country.

This amendment does strengthen Congress' resolve to creatively appropriate monies for the best practices in regards to renewable resources and de-

velop new energy options throughout our country.

I urge its adoption, and I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, though I plan to support the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from Connecticut is recognized for 5 minutes.

There was no objection.

Ms. DELAURO. This amendment, as has been stated, increases funding for the Rural Energy for America Program by \$2 million, taking that funding from the Office of the Chief Information Officer.

The 2008 farm bill provided significant amounts of mandatory funding for this program, and this bill before us today increases that investment towards energy independence. I did not choose the offset that's included, and we may need to revisit that in conference, but I am a strong supporter of these efforts.

I urge the adoption of the amendment and would ask for a "yes" vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FORTENBERRY. I would like to thank the chairwoman of the committee for her support of this amendment. It's important. Clearly, we have a similar vision on a bold, new, sustainable energy vision for the country, and I think this is important and will help very much.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Nebraska (Mr. FORTENBERRY).

The amendment was agreed to.

The CHAIR. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, \$888,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$23,922,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration, \$700,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings

and facilities, and for related costs, \$326,982,000, to remain available until expended, of which \$224,401,000 shall be available for payments to the General Services Administration for rent; of which \$13,500,000 for payment to the Department of Homeland Security for building security activities; and of which \$89,081,000 for buildings operations and maintenance expenses: *Provided*, That the Secretary can use up to \$69,000,000 of these funds to cover shortfalls incurred in prior year rental payments: *Provided further*, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.

HAZARDOUS MATERIALS MANAGEMENT (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), \$5,125,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION (INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, \$41,319,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558: *Provided further*, That of the amount appropriated, \$13,000,000 is for stabilization and reconstruction activities to be carried out under the authority provided by title XIV of the Food and Agriculture Act of 1977 (7 U.S.C. 3101 et seq.) and other applicable laws.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, \$3,968,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, \$9,722,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, \$88,781,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, \$43,601,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary expenses of the Office of the Under Secretary for Research, Education and Economics, \$620,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service, \$82,478,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, \$161,830,000, of which up to \$37,908,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,155,568,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$375,000, except for greenhouses or greenhouses which shall each be limited to \$1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed \$750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration,

and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$35,000,000, to remain available until expended.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$708,004,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a-i), \$215,000,000; for grants for cooperative forestry research (16 U.S.C. 582a through a-7), \$28,000,000; for payments to eligible institutions (7 U.S.C. 3222), \$48,000,000, provided that each institution receives no less than \$1,000,000; for special grants (7 U.S.C. 450i(c)), \$70,676,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), \$15,945,000; for competitive grants (7 U.S.C. 450(i)(b)), \$210,000,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), \$2,950,000; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103-382 (7 U.S.C. 301 note), \$1,610,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), \$983,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), \$3,859,000, to remain available until expended (7 U.S.C. 2209b); for a program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), \$4,000,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), \$5,654,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), \$981,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (under 7 U.S.C. 3241), \$10,000,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, \$3,196,000; for a secondary agriculture education program and two-year post-secondary education (7 U.S.C. 3152(j)), \$983,000; for aquaculture grants (7 U.S.C. 3322), \$3,928,000; for sustainable agriculture research and education (7 U.S.C. 5811), \$14,399,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, \$20,000,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103-382, \$3,342,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), \$1,000,000; for distance education grants for insular areas under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362), \$1,000,000; for competitive grants for the purpose of carrying out section 7526 of the Food, Conservation, and Energy Act of 2008 to eligible institutions, \$3,000,000; for a new era rural technology program pursuant to section 1473E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319e), \$1,000,000; and for necessary expenses of Research and Education Activities, \$38,498,000, of which \$2,704,000 for the Research, Education, and Economics Information System

and \$2,136,000 for the Electronic Grants Information System, are to remain available until expended.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103-382 (7 U.S.C. 301 note), \$11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, \$485,466,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93-471, for retirement and employees' compensation costs for extension agents, \$295,000,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$4,321,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, \$68,000,000; payments for the pest management program under section 3(d) of the Act, \$9,791,000; payments for the farm safety program under section 3(d) of the Act, \$4,863,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, \$1,500,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, \$21,000,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, \$8,396,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, \$479,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), \$4,008,000; payments for the federally recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, \$3,000,000; payments for sustainable agriculture programs under section 3(d) of the Act, \$4,568,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), \$44,000,000, provided that each institution receives no less than \$1,000,000; for grants to youth organizations pursuant to 7 U.S.C. 7630, \$1,800,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, \$806,000; and for necessary expenses of Extension Activities, \$13,934,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$60,022,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), \$45,148,000, including \$12,649,000 for the water quality program, \$14,596,000 for the food safety program, \$4,096,000 for the regional pest management centers program, \$4,388,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, \$1,365,000 for the crops affected by Food Quality Protection Act implementation, \$3,054,000 for the methyl bromide transition program, and \$5,000,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, \$3,000,000; for grants programs authorized

under section 2(c)(1)(B) of Public Law 89-106, as amended, \$732,000, to remain available until September 30, 2011, for the critical issues program; \$1,312,000 for the regional rural development centers program; and \$9,830,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, to remain available until September 30, 2011.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, \$753,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to \$30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), \$881,019,000, of which \$2,058,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which \$23,390,000 shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which \$60,243,000 shall be used to prevent and control avian influenza and shall remain available until expended: *Provided*, That funds provided for the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, cotton pests program, grasshopper and mormon cricket program, the plum pox program, the National Veterinary Stockpile, up to \$1,500,000 in the scrapie program for indemnities, up to \$1,000,000 for wildlife services methods development, up to \$1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program shall remain available until expended: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2010, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, \$4,712,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, \$90,848,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$64,583,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than \$20,000,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than \$20,056,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,334,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, \$41,964,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of

altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed \$42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, \$622,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$1,018,520,000; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That no fewer than 120 full-time equivalent positions shall be employed during fiscal year 2010 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: *Provided further*, That of the amount available under this heading, \$3,000,000 shall be obligated to maintain the Humane Animal Tracking System as part of the Public Health Data Communication Infrastructure System: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Ms. DELAURO (during the reading). I ask unanimous consent that the remainder of the bill through page 22, line 17, be considered as read.

The CHAIR. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The CHAIR. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services, \$662,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, \$1,253,777,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account.

PART B AMENDMENT NO. 6 OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Mr. GARRETT of New Jersey:

Page 23, line 5, insert after the dollar amount the following: “(reduced by \$5,000,000)”.

Page 29, line 7, insert after the dollar amount the following: “(increased by \$5,000,000)”.

The CHAIR. Pursuant to House Resolution 609, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, my amendment would add \$5 million to the Natural Resources Conservation Service's Conservation Operations Account and subtract \$5 million from the Farm Service Agency salaries.

More than 80 percent of the funds under the NRCS Conservation Operations Account provide technical support to help farmers and other landowners conserve and protect their land and resources. Currently, there is a significant backlog of requests for conservation assistance, and many farmers are turned away by the USDA when they apply to participate in conservation programs due to insufficient funding.

New Jersey, my home State, is one of the most densely populated States in the country, and more and more scarce land disappears every day. Our farmers are eager to share in the cost of protecting our environment, and we must ensure that they have the knowledge and the ability to do so in the appropriate manner.

So I would like to commend the chairwoman and the ranking member for their work in attempting to address this important issue. And while I do support very strongly the Farm Service Agency, their salaries and their expense account, under this bill it is slated for a \$92 million increase, and with so many of our Nation's farmers struggling to conserve their land and with development rapidly eating up our cherished resources, I believe this is a priority.

I will close with this: More than 19 years ago, when I first ran for public office in my State, I believed we were not doing enough to preserve our open space and our farmlands. I believe that this amendment continues to move us now in the right way and towards that goal. I ask all of my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, though I plan to support the amend-

ment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from Connecticut is recognized for 5 minutes.

There was no objection.

Ms. DELAURO. This amendment increases the funding for the Natural Resources Conservation Service Account by \$5 million by decreasing the Farm Service Agency salaries and expenses.

While I am very supportive of the efforts of this amendment with regard to technical support and of easing the backlog, I must say that I do not think it is a good offset, but we did not write the language, and we will fix the offset in conference.

With that, I urge the adoption of the amendment and ask for a “yes” vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. GARRETT of New Jersey. I appreciate that. I just have a question while we're on the floor, just for my edification. Are there other areas that you would suggest now where the offset should come from?

Ms. DELAURO. Well, what I would like to do is to see what the best opportunities are, but I have indicated my support for the amendment.

Mr. GARRETT of New Jersey. I understand. This is just for my edification.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

The CHAIR. The Clerk will read.

The Clerk read as follows:

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), \$4,000,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out well-head or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb-2), \$5,000,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM (INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387, 114 Stat. 1549A-12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land

acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), direct and guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, \$1,892,990,000, of which \$1,500,000,000 shall be for unsubsidized guaranteed loans and \$392,990,000 shall be for direct loans; operating loans, \$1,994,467,000, of which \$1,150,000,000 shall be for unsubsidized guaranteed loans, \$144,467,000 shall be for subsidized guaranteed loans and \$700,000,000 shall be for direct loans; Indian tribe land acquisition loans, \$3,940,000; conservation loans, \$150,000,000, of which \$75,000,000 shall be for guaranteed loans and \$75,000,000 shall be for direct loans; Indian highly fractionated land loans, \$10,000,000; and for boll weevil eradication program loans, \$100,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, \$21,584,000, of which \$5,550,000 shall be for unsubsidized guaranteed loans, and \$16,034,000 shall be for direct loans; operating loans, \$80,402,000, of which \$26,910,000 shall be for unsubsidized guaranteed loans, \$20,312,000 shall be for subsidized guaranteed loans, and \$33,180,000 shall be for direct loans; conservation loans, \$1,343,000, of which \$278,000 shall be for guaranteed loans, and \$1,065,000 shall be for direct loans; and Indian highly fractionated land loans, \$793,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$326,093,000, of which \$318,173,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, \$80,325,000: *Provided*, That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: *Provided further*, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND REIMBURSEMENT FOR NET REALIZED LOSSES (INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT (LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, \$774,000.

NATURAL RESOURCES CONSERVATION SERVICE CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$869,397,000, to remain available until September 30, 2011: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in

use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1005 and 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, \$20,000,000, to remain available until expended: *Provided*, That not to exceed \$12,000,000 of this appropriation shall be available for technical assistance.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, \$40,161,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010-1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a-f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), \$50,730,000: *Provided*, That not to exceed \$3,073,000 shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses of the Office of the Under Secretary for Rural Development, \$660,000.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$195,987,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than \$10,000 may be expended to provide modest nonmonetary awards to non-USA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$7,325,932,000 for loans to section 502 borrowers, of which \$1,121,488,000 shall be for direct loans, and of which \$6,204,444,000 shall be for unsubsidized guaranteed loans; \$34,412,000 for section 504 housing repair loans; \$80,000,000 for section 515 rental housing; \$129,090,000 for section 538 guaranteed multifamily housing loans; \$5,045,000 for section 524 site loans; \$11,448,000 for credit sales of

acquired property, of which up to \$1,448,000 may be for multi-family credit sales; and \$4,970,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$130,334,000, of which \$40,710,000 shall be for direct loans, and of which \$89,624,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, \$4,422,000; repair, rehabilitation, and new construction of section 515 rental housing, \$21,792,000; section 538 multi-family housing guaranteed loans, \$1,485,000; and credit sales of acquired property, \$556,000: *Provided*, That of the total amount appropriated in this paragraph, \$2,500,000 shall be available through June 30, 2010, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That section 538 multi-family housing guaranteed loans funded pursuant to this paragraph shall not be subject to a guarantee fee and the interest on such loans may not be subsidized: *Provided further*, That any balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized by Public Law 109-97 and Public Law 110-5 shall be transferred to and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account".

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$468,593,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$980,000,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, up to \$5,958,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed \$50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That of this amount not less than \$2,030,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than \$3,400,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2010 for a farm labor

multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, \$31,756,000, to remain available until expended: *Provided*, That of the funds made available under this heading, \$4,965,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: *Provided further*, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, \$1,791,000 shall be available for the cost of loans to private nonprofit organizations, or such nonprofit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: *Provided further*, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: *Provided further*, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: *Provided further*, That of the funds made available under this heading, \$25,000,000 shall be available for a demonstration program for the preservation and revitalization of the section 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reduc-

ing or eliminating interest; deferring loan payments, subordinating, reducing or amortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further*, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further*, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That if Congress enacts legislation to permanently authorize a section 515 multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$45,000,000, to remain available until expended: *Provided*, That of the total amount appropriated, \$1,000,000 shall be available through June 30, 2010, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS (INCLUDING TRANSFER OF FUNDS)

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, \$45,500,000, to remain available until expended, of which \$4,000,000 shall be for grants authorized by section 14204 of the Food, Conservation, and Energy Act of 2008: *Provided*, That of the total amount appropriated, \$1,200,000 shall be available through June 30, 2010, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108-447 and Public Law 109-97 shall be transferred to and merged with the "Rural Housing Service, Multi-family Housing Revitalization Program Account".

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, \$22,523,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$51,091,000, to remain available until expended: *Provided*, That \$6,256,000 of the amount appropriated under this heading

shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That \$10,000,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106-387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That \$3,972,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further*, That not to exceed \$1,000,000 of the amount appropriated under this heading shall be available through June 30, 2010, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL BUSINESS—COOPERATIVE SERVICE
RURAL BUSINESS PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, \$97,116,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, not to exceed \$500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and \$2,979,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further*, That \$4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including \$250,000 for a grant to

a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That not to exceed \$8,300,000 of the amount appropriated under this heading shall be available through June 30, 2010, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural business and cooperative development programs described in section 381E(d)(3) of the Consolidated Farm and Rural Development Act: *Provided further*, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL DEVELOPMENT LOAN FUND PROGRAM
ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), \$33,536,000.

For the cost of direct loans, \$8,464,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which \$1,035,000 shall be available through June 30, 2010, for Federally Recognized Native American Tribes and of which \$2,070,000 shall be available through June 30, 2010, for Mississippi Delta Region counties (as determined in accordance with Public Law 100-460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, \$880,000 shall be available through June 30, 2010, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, \$4,941,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS
PROGRAM ACCOUNT
(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, \$43,000,000 shall not be obligated and \$43,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$30,636,000, of which \$300,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which \$2,582,000 shall be for coopera-

tive agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed \$3,463,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, socially disadvantaged producers and whose governing board and/or membership is comprised of at least 75 percent socially disadvantaged members; and of which \$18,867,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees and grants, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), \$20,000,000: *Provided*, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM
ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, and 310B and described in sections 306C(a)(2), 306D, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, \$546,230,000, to remain available until expended, of which not to exceed \$497,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed \$993,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided*, That \$41,085,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) of the Consolidated Farm and Rural Development Act and for Federally recognized Native American Tribes authorized by 306C(a)(1): *Provided further*, That not to exceed \$19,500,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which \$6,000,000 shall be made available for a grant to a qualified nonprofit multi-state regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than \$800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further*, That not to exceed \$15,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That not to exceed \$12,700,000 of the amount appropriated under this heading shall be available through June 30, 2010, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as

Rural Economic Area Partnership Zones for the rural utilities programs described in section 381E(d)(2) of such Act: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, and 310B and described in sections 306C(a)(2), 306D, and 381E(d)(2) of such Act be transferred to and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, \$100,000,000; loans made pursuant to section 306 of that Act, rural electric, \$6,500,000,000; 5 percent rural telecommunications loans, \$145,000,000; cost of money rural telecommunications loans, \$250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$295,000,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$39,959,000, which shall be transferred to and merged with the appropriation for “Rural Development, Salaries and Expenses”.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, \$400,000,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$34,755,000, to remain available until expended: *Provided*, That the Secretary may use funds under this heading for grants authorized by 379(g) of the Consolidated Farm and Rural Development Act.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, \$28,960,000, to remain available until expended: *Provided*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, \$17,976,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services, \$623,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

In lieu of the amounts made available in section 14222(b) of the Food, Conservation, and Energy Act of 2008, for necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$16,799,584,000, to remain

available through September 30, 2011, of which \$10,051,707,000 is hereby appropriated and \$6,747,877,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That of the total amount available, \$5,000,000 shall be available to be awarded as competitive grants to implement section 4405 of the Food, Conservation, and Energy Act of 2008 (Public Law No. 110–246).

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM

FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$7,541,000,000, to remain available through September 30, 2011: *Provided*, That, notwithstanding section 17(h)(10)(A) of such Act, only the provisions of section 17(h)(10)(B)(i), section 17(h)(10)(B)(ii), and section 17(h)(10)(B)(iii) shall be effective in 2010: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), \$61,351,846,000, of which \$3,000,000,000, to remain available through September 30, 2011, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food and Nutrition Act of 2008: *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers’ Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$255,570,000, to remain available through September 30, 2011, of which \$5,000,000 shall be for emergency food program infrastructure grants authorized by section 209 of the Emergency Food Assistance Act of 1983: *Provided*, That of the amount provided, \$5,000,000 is to begin service in six additional states that have plans approved by the Department for the commodity supplemental food program: *Provided further*, That none of these funds shall be

available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2010 to support the Seniors Farmers’ Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2011: *Provided further*, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, \$147,801,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed \$158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$177,136,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That funds made available for the cost of agreements under title I of the Agricultural Trade Development and Assistance Act of 1954 and for title I ocean freight differential may be used interchangeably between the two accounts with prior notice to the Committees on Appropriations of both Houses of Congress.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the credit program of title I, Public Law 83–480 and the Food for Progress Act of 1985, \$2,812,000, to be transferred to and merged with the appropriation for “Farm Service Agency, Salaries and Expenses”.

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years’ costs, including interest thereon, under the Food for Peace Act (Public Law 83–480, as amended), for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,690,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation’s export guarantee program, GSM 102 and GSM 103, \$6,820,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which \$6,465,000 shall be

transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$355,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

MC GOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), \$199,500,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

Ms. DELAURO (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 56, line 14, be considered as read.

The CHAIR. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The CHAIR. The Clerk will read.

The Clerk read as follows:

TITLE VI

RELATED AGENCY AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION
SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$2,995,218,000: *Provided*, That of the amount provided under this heading, \$578,162,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2011 but collected in fiscal year 2010; \$57,014,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$17,280,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and \$5,106,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379f, and shall be credited to this account and shall remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, animal drug, and animal generic drug assessments for fiscal year 2010 received during fiscal year 2010, including any such fees assessed prior to fiscal year 2010 but credited for fiscal year 2010, shall be subject to the fiscal year 2010 limitations: *Provided further*, That none of these funds shall

be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) \$782,915,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) \$873,104,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) \$305,249,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$155,540,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$349,262,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$58,745,000 shall be for the National Center for Toxicological Research; (7) not to exceed \$115,882,000 shall be for Rent and Related activities, of which \$41,496,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) not to exceed \$168,728,000 shall be for payments to the General Services Administration for rent; and (9) \$185,793,000 shall be for other activities, including the Office of the Commissioner; the Office of Scientific and Medical Programs; the Office of Policy, Planning and Preparedness; the Office of International and Special Programs; the Office of Operations; and central services for these offices: *Provided further*, That none of the funds made available under this heading shall be used to transfer funds under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd): *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

PART B AMENDMENT NO. 3 OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. BROUN of Georgia:

Page 57, line 8, insert after the dollar amount the following: "(reduced by \$373,000,000)".

The CHAIR. Pursuant to House Resolution 609, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, I rise today to speak on behalf of my amendment to the fiscal year 2010 Agriculture Appropriations bill.

This amendment would simply maintain funding for the Food and Drug Administration at the same level as last year. It would save taxpayers \$373 million. As American families struggle to tighten their fiscal belts and spend less, I believe Congress should stop spending so much.

Tragically, many of my colleagues were not allowed the opportunity to bring their amendments up for debate today. Because Democratic leaders have changed the traditional process,

American families have missed over 70 opportunities to reduce wasteful programs and to fix what's broken here in Washington, the outrageous spending that we're doing.

You would think in these difficult times that Congress would be willing to restore the people's faith in the way that we spend their money. I think most people would like for us to be more frugal. For my part, I also tried to offer an amendment to reduce the bill's funding level by half of a percent, 0.5 percent, a reduction of just half a penny out of every dollar spent, but that amendment was not allowed to be offered on the floor today, as well as were many others that I offered.

Other amendments I offered would have saved hundreds of millions of taxpayer dollars by eliminating double dipping, maintaining other programs at the 2009 levels, and preventing the purchase of new Federal lands, but these amendments were not allowed either.

Mr. Chairman, as the House conducts one of its most important tasks, the appropriation of funds, we owe it to the American families and people to have an open debate, to allow all ideas to be heard, and to work towards real fiscal constraint here in Washington. We can do that in a bipartisan manner, but we're not allowed to do so by the leadership. In fact, the Democrats should be as outraged as I am that their voice is not heard either. Debate is being stifled, and it's not right. It's not fair not only to us, but it's not fair to the American people.

We have to stop this outrageous spending that we're doing. I urge my colleagues to support my modest and simple amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I strongly oppose this amendment.

This amendment would take away the entire increase over 2009 that is provided in this bill for the Food and Drug Administration. That increase will allow the agency to increase staffing, including staffing devoted to inspections and other field activities, make real improvements in FDA's work to ensure the safety of foods and medical products. For example, in the foods area, FDA will be able to conduct 1,150 more foreign and domestic food inspections and do 20,000 more examinations of imported food products. In the medical products area, FDA will conduct 3,300 more examinations of imported drug products and 4,400 more examinations of imported medical device products.

The FDA will also be able to update its labs with new equipment, will allow

it to do a faster analysis of examples. This is especially important during food-borne illness outbreaks. And we have watched what's happened in food-borne illness outbreaks not only in terms of the public health, but we have left industry out there to be exposed and to be able to lose their share, whether it is leafy greens, whether it's tomatoes, whatever it is, if we cannot allow these laboratories to function and to find out what's going on.

The investments reap benefits in the next several years. New inspectors hired with funds in this bill are fully trained, bringing significantly more domestic and foreign inspections and import field exams and other activities by increases in the bill.

We can do research on Salmonella and E. coli biomarkers, new methods of rapid detection of decontamination, improved ability to collect and analyze data on food-borne illnesses. And if you can't understand, when you listen to a mother who says my child of 2 years old died from E. coli contamination—

Mr. BROUN of Georgia. Would the gentlelady yield?

Ms. DELAURO. I am happy to have you speak again. You reserved time.

You know, we have just seen an E. coli outbreak in cookie dough. It highlights the importance of what these additional funds can help us to do. The E. coli bacteria lives inside animals, and that's why E. coli outbreaks are often associated with meat products. How, then, does E. coli get into cookie dough? Additional research on E. coli can help determine how it happened and results could prevent future outbreaks.

In addition to the work on food safety, the increased funds will help the FDA work on new screening tests for blood-borne disease to better understand the adverse events related to medical devices that are used in pediatric hospitals.

Another important tool that the additional funds will provide is to allow the FDA to make substantial investments in information technology for both foods and medical products. This allows the agency to receive and to better analyze adverse events electronically, support electronic submission of applications, and access old data for safety analyses.

□ 2100

I strongly urge a "no" vote on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BROUN of Georgia. Mr. Chairman, maybe the gentlewoman doesn't know that I'm a physician. I'm concerned about people's health. And my amendment won't do a thing to cut all those programs that you're accusing me of trying to cut. And I resent the fact that you're accusing me of trying to cut that because I'm not trying to

hurt people. I'm not trying to harm folks. I'm not trying to stop research. And my amendment wouldn't do that.

My amendment would simply put the funding at the current level. We are stealing our grandchildren's future by spending so much money, by creating a huge debt. I'm not picking on the FDA. What I'm trying to do is I'm trying to save my grandchildren's future. And what we have right now with this bill is a 14 percent increase in funding over last year. That's outrageous. And I resent the fact that you're saying that I'm going to cut all these programs, because my amendment will not.

And, frankly, I just don't understand this kind of emotional debate because it's not debate and it's not correct. The thing that I want to do is I want to save my grandchildren's future by stopping this outrageous, egregious spending that we're doing here. We don't have the money.

Let's keep all these programs. I would love to see us have continuing resolutions for all these appropriations bills across the board, freeze the spending for at least a year.

The people in my district are suffering. Most counties have a 13 to 14 percent unemployment rate. And what we are doing is we are increasing the budget for this bill, for this appropriations bill, by 14 percent. That's outrageous.

And I tell you, the American people should be outraged. They should be calling every single congressional office and saying "no" to these spending bills that are just basically stealing our children and grandchildren's future.

We have got to stop this spending. It's absolutely ridiculous. It's going to bankrupt this country, if we're not already bankrupt. And I'm just trying to save spending the taxpayers' dollars. It's absolutely critical that we do that.

The budget that was presented by our President increases the debt over the next 5 years more than every single President since George Washington. I hear your side keep talking about the debt President Bush created. I wasn't here during that time. I voted against all the bills that we have had since I've been up here, and I think George Bush was wrong in creating that much debt. But your President and my President is creating more debt than George Bush and every other President in history.

We need to stop this spending.

Ms. DELAURO. First of all, it's an 11 percent increase, not 14 percent. I'm trying to save your grandchildren's lives and other grandchildren's lives and my own as well.

We have watched over the last several months and the last couple of years, and the ranking member of this committee understands this and knows this, and we inspect 1 percent of the food that comes into this country from

overseas, 1 percent. And the cry has been that there have not been enough inspectors to be able to do that. We are unable to trace back what happened with regard to lettuce, to tomatoes, and others, all of which are putting our families at risk. Your cut, in fact, would put this agency back in jeopardy where it has been for the last several years.

I resent the fact that you as a physician do not understand the value of what the Food and Drug Administration does and that it is responsible for lives. These are not roads. These are not bridges or parks. This is an agency that has authority over people's lives and the public health.

I urge a "no" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are advised to direct their comments to the Chair.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, and priority review user fees authorized by 21 U.S.C. 360n may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$12,433,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, \$160,600,000, including not to exceed \$3,000 for official reception and representation expenses: *Provided*, That \$14,600,000 of the total amount appropriated under this heading shall not be available for obligation until the Commodity Futures Trading Commission submits an expenditure plan for fiscal year 2010 to the Committees on Appropriations of the House of Representatives and the Senate and the Committees approve the whole of the plan.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$54,500,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the

current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiver-ships.

TITLE VII GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 204 passenger motor vehicles, of which 170 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Food Safety and Inspection Service, Public Health Data Communication Infrastructure System; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without prior approval of the Committees on Appropriations of both Houses of Congress as required by section 712 of this Act.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. Appropriations to the Department of Agriculture for the cost of direct and

guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 707. Of the funds made available by this Act, not more than \$1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 708. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 709. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 710. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 711. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over \$25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 712. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

- (1) creates new programs;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;
- (4) relocates an office or employees;
- (5) reorganizes offices, programs, or activities; or
- (6) contracts out or privatizes any functions or activities presently performed by

Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture or the Secretary of Health and Human Services shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 713. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2011 appropriations Act.

SEC. 714. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery: *Provided*, That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.

SEC. 715. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

SEC. 716. None of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out an environmental quality incentives program authorized by chapter 4 of subtitle D of title

XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of \$1,180,000,000.

SEC. 717. None of the funds made available in fiscal year 2009 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of \$20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f-1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 718. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer the program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 719. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 and section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 720. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 721. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313(b)(2)(B) of such Act in the same manner as a borrower under such Act.

SEC. 722. Of the unobligated balances under section 32 of the Act of August 24, 1935, \$52,000,000 are hereby rescinded.

SEC. 723. None of the funds made available in this Act may be used to establish or implement a rule allowing poultry products to be imported into the United States from the People's Republic of China.

SEC. 724. None of the funds made available to the Department of Agriculture in this Act may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

SEC. 725. Notwithstanding any other provision of law, and until receipt of the decennial Census in the year 2010, the Secretary of Agriculture shall consider—

(1) the city of Lumberton, North Carolina, and the city of Sanford, North Carolina (including individuals and entities with projects within the city), eligible for loans and grants funded through the Rural Community Facilities Program account;

(2) the unincorporated area of Los Osos, California (including individuals and entities

with projects within the cities), eligible for loans and grants funded through the Rural Water and Waste Disposal Program account; and

(3) the city of Nogales, Arizona (including individuals and entities with projects within the city), eligible for loans and grants funded under the housing programs of the Rural Housing Service.

SEC. 726. There is hereby appropriated \$2,500,000 for section 4404 of Public Law 107-171.

SEC. 727. There is hereby appropriated:

(1) \$1,408,000 shall be for a grant to the Wisconsin Department of Agriculture, Trade, and Consumer Protection, as authorized by section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note);

(2) \$1,000,000 shall be for development of a prototype for a national carbon inventory and accounting system for forestry and agriculture, to be awarded under full and open competition;

(3) \$1,000,000 for the International Food Protection Training Institute; and

(4) \$200,000 for the Center for Foodborne Illness Research and Prevention.

SEC. 728. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance through the Watershed and Flood Prevention Operations program to carry out—

(1) the Alameda Creek Watershed Project in Alameda County, California;

(2) the Hurricane Katrina-Related Watershed Restoration project in Jackson County, Mississippi;

(3) the Pidcock-Mill Creeks Watershed project in Bucks County, Pennsylvania;

(4) the Farmington River Restoration project in Litchfield County, Connecticut;

(5) the Lake Oscawana Management and Restoration project in Putnam County, New York; and

(6) the Richland Creek Reservoir in Paulding County, Georgia.

SEC. 729. Section 17(r)(5) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—

(1) by inserting “the District of Columbia and” after the first instance of “institutions located in”;

(2) by striking “ten” and inserting “eleven”;

(3) by striking “eight” and inserting “nine”; and

(4) by inserting “Connecticut,” after the first instance of “States shall be”.

SEC. 730. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

SEC. 731. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to—

(1) inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104-127); or

(3) implement or enforce section 352.19 of title 9, Code of Federal Regulations.

SEC. 732. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum

amount of reconstituted liquid concentrate infant formula specified in 7 CFR 246.10 when issuing liquid concentrate infant formula to participants.

Ms. DELAURO (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 74, line 15 be considered as read.

The CHAIR. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 733. Of the unobligated balances provided pursuant to section 16(h)(1)(A) of the Food and Nutrition Act of 2008, \$11,000,000 is hereby rescinded.

SEC. 734. Of the prior year unobligated balances provided for the purpose of section 306D of the Consolidated Farm and Rural Development Act, \$25,008,000 is hereby rescinded.

PART B AMENDMENT NO. 1 OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Mrs. BLACKBURN:

At the end of the bill (before the short title), insert the following:

SEC. _____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

The CHAIR. Pursuant to House Resolution 609, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, tonight I rise in support of the American taxpayer.

Like a lot of my colleagues, I was home last week. I spent a lot of my time talking with constituents and listening to them and to their concerns. And it seems like wherever I went and whomever I spoke with, one concern overrode all of the others. They talked to us a lot about how astounded they were with cap-and-trade and they talked about their fears of what the liberal proposals were going to do to health care.

But the one thing that overrode them all, the commonality of concern, was with spending, the deficit, and national debt. Many times they used the term “I am dumbfounded” by what we are spending. Where is this money coming from? Is it coming from China? Is it coming from India? Are we just continuing to roll up the debt? And over and over they said, Tell me what we can do to stop this excessive spending.

Well, Mr. Chairman, my amendment is a good first step, and it is a way that we can begin to slow the Federal spending.

The approps bill before us represents nearly a 12 percent spending increase over last year. And if you add all the stimulus spending, which was \$26.5 billion, and the emergency spending, which was \$7.9 billion, these programs have benefited from about a 125 percent increase over the past 3 years. So can any of us say that spending 125 percent more than we did on these programs last year in this economic climate is responsible? Look at what that growth has been over a 3-year period of time.

Mr. Chairman, I am asking my colleagues to agree with me to give back just one nickel out of every dollar that is being appropriated and given to the bureaucracy, one nickel out of every single dollar.

As my colleagues all know, I am probably the proudest grandmother here on Capitol Hill. I have two adorable grandsons. My oldest grandson is barely a year old, and he and his brother, his 3-week-old brother, are each already in debt to the tune of about \$70,000 to the Federal Government.

I know that there are thousands of grandparents that are out there just like me. They are incredibly concerned about what they see happening. They fear that the exploding debt and the deficit will compromise and will cap the opportunity of those precious children and that we will trade their bright future for one that is limited by a national debt that makes this Nation so sluggish that the best and the brightest opportunities are going to end up going elsewhere. And where are we getting the money? We are getting the money from our grandchildren.

So I urge support of my amendment. Cut 5 percent across the board. Cut a nickel from every dollar. And require today's bureaucracy to find a way to do what the American taxpayer is doing, to tighten the belt and save that nickel out of a dollar for our future.

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to the gentlewoman's amendment, which would cut all the agencies and the programs in the bill by 5 percent. I understand. I have three beautiful grandchildren, and they are the light of my life. And for that reason, I'm opposed to this amendment.

This would represent a cut of \$1.1 billion from the bill. Now, this is exactly the wrong time to cut funding for critical programs under the bill that protect the public health, bolster food nutrition assistance programs, invests in rural communities, in agriculture research, strengthen animal health and marketing programs, and conserve our natural resources.

While the bill received a relatively large increase over 2009, it is important to understand that the large majority goes to fund just three priorities: \$681 million for higher WIC participation and for food costs, \$560 million for International Food Aid programs, and \$299 million for the Food and Drug Administration to better protect our public health. At the same time, the bill made cuts in a number of programs below 2009 totaling \$274 million. We also rejected \$735 million in increases in the budget request.

So rather than using targeted, precision cuts, as we have done with this bill, an across-the-board cut would hurt core programs, would increase the investment deficits our communities across the country have had to overcome in the past years regardless of the value of the program.

These increases are needed to support vital services and priorities, vital and effective programs which, quite frankly, have broad bipartisan support. The increases in these areas are needed to ensure adequate funding to support the food nutrition safety net for families that serve an estimated 10.1 million women and children in 2010, strengthen even more of America's commitment to meet humanitarian food aid needs, to enhance the FDA's capabilities to ensure the safety of our food and medical products.

The bill also uses a portion of the increase to make up for cuts to farm bill conservation programs. We did not accept the cuts to priority farm bill conservation programs that the 2010 budget proposed. That budget made significant cuts to wetlands research programs, farmland protection, wildlife habitat programs, all effective programs with backlogs of applications from farmers and from ranchers. All told, the committee bill provides hundreds of millions in funding above the 2010 budget for farm bill conservation programs. Thus the bill uses a significant portion of the increase to make up for the cuts.

In conclusion, I want to note that the increases in this bill are not based on the belief that we should just throw money at the challenges that we face. The increases are about meeting the Federal Government's obligations. Again, I think we need to take a look at core programs, whether it's USDA or FDA. The gentlewoman's amendment would force all of these agencies that cover rural development, food and drug safety, WIC, food stamps to seek drastic cuts in a time of acute need. I think this amendment is fiscally irresponsible. It will further harm our rural communities and our public health, and I urge my colleagues to oppose it.

Mr. Chairman, I reserve the balance of my time.

Mrs. BLACKBURN. Mr. Chairman, the gentlewoman mentioned fiscal irresponsibility. I think that growing pro-

grams by 12 percent when they have already seen enormous, enormous increases is irresponsible.

We are asking to curtail the growth 5 percent. Curtail that growth 5 percent. You know, the States have been a great lab of experimentation in this. And many States, including mine of Tennessee, have had across-the-board cuts, and they have used that to rein in the bureaucracy and say tighten your belts. Times are tough. Tighten your belts. And, Mr. Chairman, that is what we should do.

Priorities. She talked about priorities. How about the priority of the American taxpayer? How about the priority of the American farmer who writes that check to Uncle Sam every year and turns to his child and says, Guess what, you're not going to go to the university; you're going to go get another job and work another year before you can go.

□ 2115

These are priorities that are set aside while they meet our obligation to us. It is our responsibility to be good stewards of that dollar. And giving egregious raises—listen to this. McGovern-Dole International Food for Education and Child Nutrition Program grants, an increase of 99.5 percent; FDA salaries and expenses—and, trust me, Energy and Commerce, we've been after them for a long time—14.6 percent.

The list goes on and on.

The CHAIR. The time of the gentlewoman has expired.

Ms. DELAURO. How much time is available?

The CHAIR. The gentlewoman has 1½ minutes.

Ms. DELAURO. I would just like to say that this bill addresses the plight of the American farmers, rural America. And I don't come from rural America. I come from the Northeast. But I have farms.

I'm watching dairy farmers go out of business. That's happening all over the country. And watching the technical assistance programs with backlogs that are not addressing the needs of the American farmer.

This bill addresses those issues.

Mrs. BLACKBURN. If the gentlelady will yield.

Ms. DELAURO. I just have 1½ minutes left—and less than that now.

This bill is looking at how we can in fact meet the obligations that we have in a time of fiscal and economic crisis and economic insecurity all over this country. Under the jurisdiction of this bill is rural development. In addition to that, it protects the public health, which we're obligated to do. And when you see nine people die from peanut-based products because we cannot trace back, we cannot analyze, we do not have—

Mrs. BLACKBURN. If the gentlelady will yield, we have done plenty—

Ms. DELAURO. We do not have the tools that are necessary in order to be able to understand what happened. This bill addresses—

Mrs. BLACKBURN. Money doesn't solve that problem.

The CHAIR. The gentlewoman will suspend. The gentlewoman from Connecticut controls the time.

Ms. DELAURO. Across-the-board cuts apply a meat ax and don't have a precision cut and make a difference. I urge my colleagues to oppose the amendment.

The CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

PART E AMENDMENT NO. 6 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk, amendment No. 6.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part E amendment No. 6 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds provided in this Act under the heading "Animal and Plant Health Inspection Service—Salaries and Expenses" shall be available for the National Biodiversity Conservation Strategy project, Kiski Basin, Pennsylvania, and the amount otherwise provided under such heading is hereby reduced by \$200,000.

The CHAIR. Pursuant to House Resolution 609, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. This is an amendment that would strike an earmark, better known as pork barrel spending. Specifically, \$200,000 requested by the gentleman from Pennsylvania (Mr. MURTHA) for the Natural Biodiversity of Johnstown, Pennsylvania, for conservation strategy at the Kiski Basin.

If one goes to the Web site of Natural Biodiversity, they will learn that "they control invasive, nonnative plants."

"Holistic habitat management techniques are being used to restore riparian buffers on sites throughout the Kiski-Conemaugh and upper Juniata drainages." I hope I pronounced those properly.

Mr. Chairman, permit me to put this amendment into a broader context. Clearly, the national priority has got

to be job growth, economic growth. And, by any standard, the economic policies of this Democratic Congress, the economic policies of this administration have been an abject failure: 2.6 million jobs lost since February—467,000 jobs lost last month alone; 9.5 percent unemployment throughout the land—the highest unemployment in a quarter of a century.

Mr. Chairman, what do we have to show for it? Nothing but debt. Mountains and mountains of debt in spending for our children and grandchildren, already. \$9.810 per household to fund a \$1.13 trillion government stimulus plan; \$3,534 per household to fund a \$410 billion omnibus; \$31,000 per household to fund a \$3.6 trillion 2010 budget.

Tripling, tripling the Federal debt in 10 years. More debt in the next 10 years than in the previous 220; billions for Chrysler; billions for GM; billions for AIG. Borrowing 46 cents on the dollar, borrowing it from the Chinese, sending the bill to our children and grandchildren. That's the context, Mr. Chairman.

So I ask one and only one thing. Here's an opportunity. Here's an opportunity for the taxpayers to maybe save \$300,000. Not to borrow that money from the Chinese.

Now I have no idea—I have no doubt, I have no doubt that the gentleman from Pennsylvania is sincere. I'm sure good things can be done with this money by the Natural Biodiversity and their holistic habitat management program. I have no doubt that good things could be done with that money.

But let me tell you other good things that can be done with the money. That money could be used to go against the deficit so we don't borrow money from the Chinese, so we don't send the bill to our children and grandchildren. And if we're going to spend it, Mr. Chairman, maybe we ought to spend it on small businesses—small businesses that are capitalized with \$25,000, on average, according to the SBA. We could save eight small businesses in America.

But, most importantly right now, we could tell America that we know what the priorities are—and it's not weed management by Natural Biodiversity in the Kiski River Basin. I have no idea how this became a national priority.

I'm sure, again, that important things can be done with the money, but is it worth borrowing the money from the Chinese and sending the bill to our children and our grandchildren? I think not.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I claim time in opposition to this amendment.

The CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. DELAURO. Though the gentleman who sponsored this project could not be here tonight, he has provided me with the following information.

This is a conservation project for a not-for-profit volunteer program. Natural Biodiversity was initiated in response to citizens' concerns for invasive plant problems in the 1,887 square mile Kiski-Conemaugh drainage portion of the Allegheny River and Ohio River Basin.

Subsequent work has been expanded the geographic area to include the Juniata watershed of the Chesapeake Bay, the State of Pennsylvania, and a much larger mid-Atlantic region.

Invasive plant management work has led to innovative approaches, including native plant restoration and comprehensive land stewardship practices. Some of their early achievements have been the early detection and rapid response to noxious weeds and 32 invasive plant locations; education and outreach to 10,000 people, with a potential audience of 500,000 each year; development of a management plan for the 1,000-square-mile Raystown branch of the Juniata River.

So, again, it is a not-for-profit volunteer program that is dealing with a concern and a large area about invasive plant problems. And I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. HENSARLING. Well, it was an interesting discussion, Mr. Chairman. I'm not sure it's worthy of borrowing \$200,000 dollars from the Chinese and sending the bill to our children and grandchildren.

I'm sorry that the gentleman from Pennsylvania couldn't make it here tonight. I know he is busy with many, many earmarks. According to the April 19 edition of the Washington Post, MURTHA, dubbed the King of Pork by critics, consistently directs more Federal money to his district than any other Congressman—\$192 million in the 2008 budget.

I don't know what the unemployment rate is in Johnstown, Pennsylvania, but around the rest of the Nation it's averaging 9.5 percent. And if he would choose not to spend \$200,000 dollars for weed-whacking along this river basin, maybe we could have more jobs in the rest of America.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I was just going to make one comment, and that's about fiscal responsibility. I am delighted that the gentleman has gotten religion on fiscal responsibility. As I recall, he spent the last 8 years here witnessing the kinds of tax cuts that have provided the tax breaks for the wealthiest people in this Nation and now has brought this Nation to this fiscal crisis that we have and the indebtedness that we have. I think he must have been missing in action for these 8 years where we experienced this.

This indebtedness did not occur overnight. I once again urge my colleagues to vote in opposition to this amendment.

Mr. KINGSTON. Will the gentlelady yield?

Ms. DELAURO. I'd be happy to yield.

Mr. KINGSTON. I just wanted to say on behalf of the minority members I had planned to oppose this amendment and do believe that this research can be very helpful and know that many of the earmarks that have been in this bill have increased food safety and increased food supply and created jobs along the way and reduced food costs.

And so there are a lot of things that do kind of catch the eye that sometimes there is more to it than you can get out in a quick debate on it. But I do plan to oppose this, and wanted the chairwoman to know that.

Ms. DELAURO. I thank the gentleman. I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, may I inquire how much time I have remaining?

The CHAIR. Fifteen seconds.

Mr. HENSARLING. Mr. Chairman, I think it's very interesting to get a lecture from the gentlelady on fiscal responsibility, since she just voted for a budget that will triple the national debt over the next 10 years. When the deficit was \$300 billion and falling, the majority leader STENY HOYER called it fiscal child abuse. Here's an earmark to add \$200,000 to fiscal child abuse.

We ought to cut it out. And I urge adoption of my amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

PART C AMENDMENT NO. 2 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 2 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "National Institute of Food and Agriculture—Research and Education Activities" shall be available for the special grant for Specialty Crops in Indiana, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for special grants) are each hereby reduced by \$235,000.

The CHAIR. Pursuant to House Resolution 609, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, this amendment would eliminate a \$235,000 earmark for Specialty Crops in Indiana, and reduces funding in the overall bill by that amount. According to the statement from the sponsor of the earmark, the gentleman from Indiana, this earmark of the Specialty Crops Research Extension and Training Center at the Southwest-Purdue Agricultural Center would go to increase their staff and upgrade equipment for the center.

Mr. Chairman, I'm sure—and I expect we will hear from the gentleman from Indiana—and I'm sure that he will talk about what he believes the benefits of this program or this center or the additional equipment that this earmark would buy is going to be to that center.

But, Mr. Chairman, as has been mentioned by the previous several speakers, and I'm sure will be mentioned by others, we are in a period of great fiscal strain, where we have a \$2 trillion deficit running this year, another \$1 trillion deficit every year for as far as the eye can see, and 46 cents of every dollar we spend on the floor of this House, 46 of every dollar this year will be borrowed.

□ 2130

Even the Congressional Budget Office just 2 weeks ago said that the current budget and the current budget trajectory is "unsustainable." Mr. Chairman, given the situation that we're in, given the deficits we're running, given the debt we're building up, given the amount of money that we're borrowing, given the spending that we're going through, shouldn't we be limiting what we're spending now to true national priorities, true things that are really those things that we must do and can only do right now rather than things that are designed for a specific district, specific area or a specific industry? Mr. Chairman, I would suggest that this particular earmark is one of those things and does not rise to that level of national and critical importance that we should borrow another \$108,000 from, as was said before, the Chinese, the Indians, whomever in order to fund this particular earmark.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I yield to the gentleman from Indiana.

Mr. ELLSWORTH. Mr. Chair, I would like to thank the distinguished chairwoman of the subcommittee for yielding.

I would like to thank her and her colleagues on the Agriculture appropriations subcommittee for not only approving this this year but also last year, and I rise in opposition to the gentleman's amendment.

Mr. Chair, I got home from Afghanistan 2 days ago; and while I was there in the Khost province, I was fortunate enough to visit with the Indiana National Guard. And besides their soldiering duties, some of other things they were doing was helping the Afghanistan agriculture farmers to better their practices of farming in Afghanistan. I would guess that if I asked the 14,000 farmers in Indiana in my district and if Mr. CAMPBELL asked the 132 farmers in his district, according to the 2007 agriculture census, and I have 9,000 farms in my district and Mr. CAMPBELL has 72 farms in his district, according to the same document, that if we asked those farmers in our two respective districts, Should we spend money in Afghanistan on their agriculture or spend it right here in the United States, I'm just going to take a guess that they might say, let's spend some of it here. And that's what this amendment would try to preclude.

I'd like to take this opportunity, as Mr. CAMPBELL said, to defend this program because it was fully funded last year, and I'd ask that it would be funded this year again. This is the Specialty Crops Research, Extension, and Training Center at the Southwest-Purdue Agricultural Center. This project is a collaboration between Purdue University and Vincennes University. It is housed in Vincennes, Indiana. This farmland in Knox County, Indiana, is particularly well suited for growing fresh fruits and vegetables, and the Southwest-Purdue Agricultural Center provides an important resource for farmers to improve crop quality and yields and decrease pesticide use.

The request I submitted to the Appropriations Committee would direct funds, as Mr. CAMPBELL said, to the center for upgrades to their equipment and in personnel. Mr. Chair, they do a lot of great things there. This is critical for conducting research on crops in our area. I also will remind you that where I live in midwest Indiana is within a day's drive of 40 percent of the American population. Indiana is proud. We are proud of our farmers, and we're proud to supply food to the Midwest and across our country. And because approximately 40 percent of the Nation's population live within a day's drive of that area, we think it's extremely important to explore all of the possibilities of that area. And no one does it better than this extension and this agriculture center.

We all know the value of adding fresh fruits and vegetables to our diets, and Americans are struggling right now with obesity and related health issues. Proper diet and nutrition habits are critical components to making this country healthier. New expanded fruit and vegetable production is extremely critical. I think it's important to note that this is not new funding. This is in the USDA's appropriated funds. So

who's better to say where this money might be spent, the Congressman who drives the streets and the roads and the highways and on the farms and talks to the farmers and the ranchers in southern Indiana or a bureaucrat sitting in a booth somewhere in Washington, D.C., that says, "These people get this and these people get that"? I think it's the Congressman and the farmers from Indiana.

Ms. DELAURO. I reserve the balance of my time.

Mr. CAMPBELL. Mr. Chairman, as I said, I appreciate the gentleman from Indiana's eloquent defense of this, and I understand his point. But there are roughly 400 earmarks in this bill; and at some point, Mr. Chairman, we've got to stop. And one of the things the gentleman mentioned was that we're helping farmers in Afghanistan farm and should we do this or do that? But the fact is, we're doing both. And the fact is that many times in this Chamber we decide to spend money on everything. Let's spend money on this farm here and this farm here, and this crop here and this crop there, and this State here and this State there, and this country here and this country there. And it's that kind of spending where we aren't making the choices to spend on some things and not on others, where we aren't making the decision to spend within our means, where we aren't deciding that, we're not going to borrow the money, we're not going to tax them more money. We're going to take what we have, and we're going to allocate that as efficiently as we can to the places we think are the most important and not just do it to everything has got stop, Mr. Chairman. I would suggest to my friends on the other side of the aisle, I understand that perhaps you think this is important, but what's more important is \$2 trillion in additional debt this year, \$13 trillion in debt overall, 46 cents on every dollar being borrowed, and most of it being borrowed from foreign nations and that it doesn't ever stop. According to the President's budget, it goes on and on and on. We have got to stop that.

I would just suggest that maybe we start with things like this. It isn't about whether the bureaucracy spends this or not. This bill would save that \$235,000 and not borrow any more money. Whether it's here or somewhere else, at some point, Mr. Chairman, we have to begin to control the spending and not borrow and deficit spend so much. I just hope if we can't start tonight, let's start tomorrow.

I yield back the balance of my time.

Ms. DELAURO. How much time do I have?

The CHAIR. The gentlewoman from Connecticut has 1½ minutes remaining.

Ms. DELAURO. My colleague Mr. ELLSWORTH talked about this project and has defended it more than ade-

quately. But considering the openness and the scrutiny that has gone into the process this year, I would urge my colleagues to defeat this amendment and continue the good efforts of the proposal that Mr. ELLSWORTH has made and the whole issue of specialty crops. I share that interest in specialty crops coming from the State of Connecticut where, in fact, that is what we do; and the importance of the research in that area is critical. Support his effort, and oppose the gentleman from California's amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

PART D AMENDMENT NO. 9 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 9 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "Agricultural Research Service—Salaries and Expenses" shall be available for the Foundry Sand By-Products Utilization project in Beltsville, Maryland, and the aggregate amount otherwise provided under such heading is hereby reduced by \$638,000.

The CHAIR. Pursuant to House Resolution 609, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

Mr. Chairman, I know that it's a custom to address the Chair. I see the Speaker of the House is in the Chamber. If I could address her directly, what I would implore her to do is to—when we have the defense bill on the floor later this month, please make an open rule. Allow us the opportunity to challenge earmarks in the defense bill and then not limit us to just one or two or three. That defense bill will include literally hundreds and hundreds of earmarks that are no-bid contracts to private companies. And unless we have the ability to challenge them, they will go virtually unvetted because we know from sad experience they have not been vetted by the Appropriations Committee in the past.

I will just draw your attention to a headline in today's Roll Call, "Justice Department this week filed criminal

charges against a defense contractor who has received millions of dollars worth of earmarks." There will be another headline tomorrow and likely again the following day. We have investigations swirling outside. We have to be able to challenge these earmarks and to point out why it's wrong for this body to allow Members to earmark to their campaign contributors.

So while the Speaker is in the Chamber, I would just implore her—if I could speak to her directly—to allow an open rule, allow more debate on this subject.

But to the merits of the challenge to this earmark, this amendment would remove \$638,000 in funding for the Beltsville, Maryland, Agricultural Research Center and reduce the overall cost of the bill by a commensurate amount.

According to the report accompanying this bill, this earmark is described as the, quote, Foundry Sand By-Products Utilization in Beltsville, Maryland." But if you look at the table that is in the report for this bill, it says that that research project that is going to the Foundry Sand By-Product Utilization is actually completed. So it's a bit confusing as to what this earmark is actually for. There is a little different language in the certification letter and in the table that accompanies this bill. So I would ask the sponsor of this earmark to explain why we're earmarking funds seemingly for a project that has already been completed.

With that, I reserve the balance of my time.

Ms. DELAURO. Mr. Chair, I rise to claim time in opposition to this amendment.

The CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Although the gentleman could not be here tonight, he has provided me with the following information:

This amendment seeks to eliminate funding for a research project at the Environmental Management and By-product Utilization Laboratory at the Beltsville Agricultural Research Center. This amendment would deprive taxpayers of the expertise acquired by Federal researchers and scientists. I just want to reiterate here. These are Federal employees at a federally owned research center. The effort is to study the potential reuses of one industrial byproduct—sand used in metal casting. The experts have enabled us through research currently being reviewed by their peers to discover ways to deal with the over 7 million tons of foundry sands that are estimated to be disposed of in our landfills annually. I think we need to continue to use their expertise.

There is considerable need for ongoing funding to study the beneficial uses of other industrial byproducts in agriculture. This includes discovering ways

to prevent phosphorous from reaching our waterways, to improve soil characteristics and in sequestering carbon. The research also helps us to find ways to create new products from direct agricultural waste materials. Scientists, for example, as I understand this, have found a way to take carotene from chicken feathers, an example of a poultry byproduct to make high-quality biodegradable plastics for the horticultural industry. Finding these new uses not only would benefit American agricultural producers, it assists the American public and the environment by avoiding increasingly expensive options of sending these materials to a landfill. We need to allow these funds to be flexible as opposed to being directed at one specific material. For example, foundry sands. Since we cannot always be aware in advance of potential new beneficial uses of various industrially and agriculturally derived materials. I ask my colleagues to join me in opposing this amendment.

I reserve the balance of my time.

Mr. FLAKE. The gentlelady mentioned that these are Federal employees in a Federal institution and a Federal facility that would be receiving these earmarks and has great trust that they will do the right thing in executing this earmark. I just find that curious that the main reason that we have earmarks, supposedly—we continually are told—is because we're not going to let these faceless bureaucrats at Federal agencies decide where to spend our money. Yet we're saying that they can't make those decisions but they can carry out the earmark. I can tell you why it's done and why you will have both the minority and the majority in this House today on the Appropriations Committee oppose this amendment. It's because if you look in the ag amendments this year, 64 percent of the money, of the share of earmarks, 67 percent of the dollar value are going to either appropriators or powerful Members, either chairmen or ranking minority members of committees.

□ 2145

This is fairly consistent across all the appropriations bills we will do this year. It is a spoils system. That may be a pejorative way to say it, but I don't know how else to say it when 64 percent of the earmarks in this legislation will go to about 24 percent of the Members in this body. We continually say, like I said, that these faceless bureaucrats shouldn't be deciding where our money goes. If you are a rank-and-file Member in this House, I would take my chances with a faceless bureaucrat because you would probably fare better than you would before the Appropriations Committee. And this is how it is year after year after year.

Gratefully, we know it now because we have enough transparency where we

know who is requesting the earmark. But this isn't right, and there are other worthy projects that might deserve this funding, but because a powerful Member is able to request it, then it goes there. And this is, I think, the fourth time that money has been appropriated for this project, which, according to the Web site of the requesting Member, the project has been completed. So I'm not sure exactly where the money is going if the project has been already completed. I guess it is starting again.

With that, I reserve the balance of my time.

Ms. DELAURO. How much time remains, Mr. Chairman?

The CHAIR. The gentlewoman has 2½ minutes.

Ms. DELAURO. The funding, just to address that, enables those who have worked on the project to continue their successes. Look, I do not pretend to be a scientist, and I would not pretend to tell the scientists how to pursue their research. Quite frankly, coming from the subcommittee in which I serve on Labor, Health and Human Services and Education, where we do provide funding for the National Institutes of Health, we do not—again, I'm not a scientist. We do not tell them how, where, and what to focus the resources on or a particular illness.

As is often the case, research will uncover other discoveries. Look, I will give you a very good example. There is research that has been done with Taxol, which is at the NIH, which was presumed to be effective in helping women who were suffering fourth-stage ovarian cancer, which is a time when it is almost irreversible. But as researchers began to develop research on Taxol, they began to find that its properties were also useful for breast cancer and other types of cancers. So what research does is it opens up a whole variety of avenues, and that is where discoveries are made.

I think we should leave these kinds of efforts to the scientists. This project is producing, and it will continue to produce with the aid of this funding, peer-reviewed research. My colleague and I believe this will be of great benefit.

Once again, as I say, we have been very open. There has been a great deal of scrutiny that has gone into this process this year. There have been new requirements that Chairman OBEY put into practice to continue our efforts to ensure that the appropriations process is open, that it is transparent, and that it is worthy of the public's trust. In terms of vetting each request with the agency under whose jurisdiction the earmark would fall, there has been public disclosure on Members' Web sites, and the committee made earmark lists available after the subcommittee consideration on the bill on June 11, nearly 4 weeks ago. And as in-

dedicated in our report, the funding earmarks in the Agriculture appropriations bill in 2008, 2009, were well below 2006.

The CHAIR. The time of the gentlewoman has expired. The gentleman from Arizona has 30 seconds.

Mr. FLAKE. I agree with the gentlelady when she says there is more transparency in the system now. That is true. That is a good thing. But we haven't drained the swamp. We simply know how deep the mud we are now in is. That is the problem. And the problem is when we trust the Federal agencies to carry out an earmark like this but we don't trust them to direct it.

We should set parameters. We should tell the Federal agencies, Here is how you should distribute the money, instead of saying, All right, I'm a powerful member of the Appropriations Committee or of leadership and I'm going to direct that money to my district.

I urge support of the amendment, and I yield back.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART D AMENDMENT NO. 4 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 4 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "National Institute of Food and Agriculture—Research and Education Activities" shall be available for the special grant for the Agriculture Energy Innovation Center in Georgia, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for special grants) are each hereby reduced by \$1,000,000.

The CHAIR. Pursuant to House Resolution 609, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would remove \$1 million from the University of Georgia's Agricultural Energy Innovation Center, located in Tifton, Georgia, and reduce the overall cost of the legislation by a commensurate amount. According to the sponsor's Web site, this funding

would be used to advance farm efficiencies by coupling advanced information communication and control technologies with improved plant materials, byproducts use and energy capture and conversion techniques.

That sounds pretty impressive. I'm sure a lot of that is going on. The sponsor states this earmark is a good use of taxpayer dollars because the research and the demonstration project will facilitate the rapid advancement of new tools to increase the net production of energy from agriculture.

There is a lot of this going on around the country. We have appropriated a lot of money in a lot of bills to do this kind of thing, and it just strikes me as folly to, in a bill like this, just to be able to direct money for a Member to say, All right, the university in my district is going to get this research money. They won't have to compete for it on merit. They won't have to compete for it because I'm going to earmark it, and they are going to get it when maybe a university elsewhere, the University of Nebraska, the University of Minnesota or University of Arizona, might want to compete for that project but they can't because the money is earmarked and it goes specifically to this university.

With that, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. I thank the gentleman for bringing this amendment to the floor. As one who is very involved in this earmark, I now have the opportunity to discuss it in detail. This is a program that works on future food production and technology by decreasing the cost of production and looking at ways to have some fuel independence. But what I wanted to emphasize to the gentleman, as he doesn't seem to have a problem with the merit of the project as much as the process of directing it to the University of Georgia, and I want to point out that the University of Georgia is a land grant university with one of the oldest agricultural colleges in the country. And they do compete for competitive grants on a regular basis, and they do get competitive grants. When they have put skin in the game, Congress has, in fact, not just for the University of Georgia, but for a lot of universities, put some matching money in it.

Now, in this case, the money is really not matching as the college itself has already put in about \$5 million. And they have been working on this over the years, but they have gotten \$500,000 from private foundations in 2010 and 2011. They will get \$800,000 from private foundations. And then they have State money, and then they have university money in it. So it is not something where the \$1 million is a new start-up

for a program that is not out there. It is something that they have been going after.

Here is something from the State of Georgia, the Agriculture Energy Innovation Center, which we call GEFA. It is a letter in support of it, and of course, we do have something from the university itself supporting that the goal is in line with what colleges of agriculture and land grant universities do. But that is why the money went to the University of Georgia, and the Tifton campus is where they do much of their agricultural research.

I would invite the gentleman to come down and visit sometime and let me explain why the good people of Arizona should fund something like that in the State of Georgia, because often it is, well, why should everybody in the country support something that is going to a particular State? But when the end product is something that will help the whole Nation, that is what happens.

It is precision agriculture. One of the problems we have right now down on the farm is that you've got a lot of groups who are saying, All right, you're causing too much pollution. You're overfertilizing. You're using too much energy.

So, what we have here is a land grant university addressing those very issues which will not be proprietary in their results. It will be something that is shared throughout the Nation for other farmers to say, Now, look, here is how you can do it using high technology, using precision agriculture, saving lots of money and utilize those techniques all over the country.

With that, I will reserve the balance of my time.

Mr. FLAKE. According to the Georgia Department of Economic Development, Georgia currently has over \$2 billion worth of active renewable energy-related products and is a leader in the bioenergy revolution. I have no doubt that that is true. And because that is true and because if this Agriculture Energy Innovation Center truly has merit, then they should be able to compete for these grants with other land grant colleges, with other universities, and with other organizations that are doing this same research.

My question is why, if you have such a deserving, respectable program like this, why do we need to earmark these dollars at all? Surely they can compete for it and do well. But why do we circumvent the process of competition simply because we are on the committee or we are a powerful chairman or a ranking minority member or somebody who can get this funding and earmark it so that nobody else can compete for it? That simply doesn't make sense.

If we don't like the way that the agencies are disbursing this money,

then, by golly, we ought to address it. That is our job as Members of Congress. We have the power of the purse. But, instead, to say we don't like how that faceless bureaucrat is going to direct the spending so we are going to create a parallel process in Congress where we can just circumvent the process and earmark that money for our own university, that is simply not right, and it has gotten out of hand in this Congress.

Some people will point out that this year earmarks are down in this bill. That is a great thing, but they are not down far enough. We need a process that is competitive, that is based on merit and not based on the spoils system.

Again, I repeat, in this bill, 24 percent of the Members of this body will control more than two-thirds of the money that is directed through earmarks. Now, that is not because there is more merit in those programs. It is because we have powerful Members in those positions. And you can't make the argument that, oh, this is a land grant college or this is a deserving institution. If they were, they could compete for those dollars. But instead, we are circumventing that process of competition and awarding by earmark through the political process. Particularly when we have the kind of deficit that we have today, this legislation would strike this funding and reduce the cost of the bill by a commensurate amount.

How can any fiscal conservative say that we don't want to do that in this year when we are running a deficit that could reach \$2 trillion? I would say it is time. And if we can't do it here, where will we do it?

With that, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, how much time is left?

The CHAIR. The gentleman from Georgia has 90 seconds remaining.

Ms. DELAURO. Will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Connecticut.

Ms. DELAURO. Very quickly, I just want to tell the gentleman from Georgia that I will join him in urging a "no" vote on this amendment.

Mr. KINGSTON. I thank the gentleman.

And I want to say to my friend, number one, I am working on a number of amendments that we have offered in the subcommittee and in the full committee. Some were accepted, some were not. I have one that we will be discussing in a few minutes, a \$400 million reduction in the spending in this. And I have to say, it kills me to say this just about, but I have to hand it to the Democrats. In 2006, this bill had \$865 million worth of earmarks. Today's bill has \$219 million. And I know the gentleman will say that is still too many,

but one of the things that is real important is that there has been a reduction in earmarks.

In 2008, this bill had 623 earmarks, now it has 321. And it is still too much, but one of the things we still hear often is the proverbial Defense Department's \$500 hammer. Well, that is because there are so many problems in defense procurement. But it is the same in all branches of government. So I don't think that Congress should just blindly turn everything over to bureaucracy who are going to come up with competitive grant programs. I do think it is proper for Congress to have a role in congressionally directed spending. But I want to emphasize that of a \$5 million project, the University of Georgia has come up with \$4 million, so they have put their skin in the game.

With that, I will yield the balance of my time.

□ 2200

Mr. FLAKE. May I inquire as to the time remaining.

The CHAIR. The gentleman from Arizona has 1½ minutes remaining.

Mr. FLAKE. I am glad to hear the gentleman is introducing an amendment later that will save \$400 million. I will gladly vote for the gentleman's amendment. I hope we will vote for mine.

We need to not only save \$400 million; we need to save another million here. Why not, if it will reduce the cost of the bill by a commensurate amount, why wouldn't we take every opportunity to lower the deficit that we have and to pay down the debt?

We are in an awful fix here, and we are digging deeper and deeper with a bill like this that increases the overall spending by, I think, 12 percent from last year to this. Why not take every opportunity to cut the spending.

This is an opportunity. I plan to vote for every amendment that will cut any funding from this bill. But, please, if we have an opportunity here to cut \$1 million, I would hope that we would do so.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART D AMENDMENT NO. 12 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk designated as part D No. 12.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 12 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "National Institute of Food and Agriculture—Research and Education Activities" shall be available for special grants for Potato Research in Idaho, Oregon, and Washington, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for special grants) are each hereby reduced by \$1,037,000.

The CHAIR. Pursuant to House Resolution 609, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment would remove slightly more than \$1 million for potato research in Idaho, Oregon, Washington, and it would reduce the overall cost of the bill by a consistent amount.

Now, if you like earmarks, then this spud's for you, I guess. But if you don't, and if you think that we need to save some money somewhere, then I would urge support for this amendment.

According to one of the sponsors of the earmark, the potato industry generates about \$3.4 billion throughout the State of Washington. In Idaho, the potato industry contributes nearly half a billion dollars in wages. Potato sales equal about \$7 billion annually.

According to the USDA, last year potato farmers received nearly \$3.9 billion for their crop. Now, how is it that this industry that receives billions of dollars a year isn't expected to invest in its own research? I know that it does some, but why are the taxpayers year after year ponying up more money to a \$7 billion industry? This is a drop in the bucket to the industry, but a million dollars is a lot of money to the average American family.

According to one of the sponsors' Web sites, every dollar invested in potato research yields a \$39 return. I would submit that for those of us who believe in the free market, that any dollar invested that yields a \$39 return, then private industry will do well investing in its own research. We don't have to ask the taxpayer to pile on.

Potatoes were first introduced in the United States in the 1600s. They are now the fourth largest food crop in the world. They have sustained nations in time of famine due to their ability to survive in many climates, and they are inexpensive to harvest. Seventy-nine percent of U.S. households consume potatoes at least 1.8 times a week. I am included in that number.

I just don't know why we are asking, again, the taxpayer, to fund research over and over and over again for an industry that can clearly support itself here.

With that, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. With that, I will yield 2½ minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I appreciate the gentleman yielding.

I do admire my friend from Arizona. His persistence on this is absolutely incredible, and I share a lot of the goals that he is trying to accomplish.

I really think that the gentleman's problem is not so much with individual programs and maybe his problem is with the Ag-Research Service, and maybe the gentleman ought to introduce a bill to get rid of the Ag-Research Service, and that would probably take care of all the underlying problems.

But the point is the Ag-Research Service has been involved in research of a number of crops, including potatoes, for a number of years. This does go to the Northwest. Fifty percent of the potatoes that are grown in the United States are grown in Idaho, Washington and Oregon. There are three State universities that are involved. University of Idaho, Washington State University and Oregon State university submit funds for this research with these matching dollars.

In addition, the potato commissions in each of those respective States match those dollars. And as a result, we have developed varieties of potatoes now that are more disease resistant. I think the tonnage, for example, in the last 50 years has increased greatly in Washington State because of the new varieties, potatoes they have brought on the market. In fact, 100,000 acres are these new varieties that people may or may not like.

And, again, the issue is, okay, maybe we shouldn't have any research at all in government funded. That's another debate. And the gentleman had mentioned that only powerful Members of Congress, you know, get these earmarks. I would mention to the gentleman, before I came to Congress 15 years ago, this program was in existence and the funding this year is precisely level with last year. This is not new funding.

So I would suggest to the gentleman that in this case, with potatoes, they are not a program crop.

The CHAIR. The time of the gentleman has expired.

Mr. KINGSTON. I yield the gentleman an additional minute.

Mr. HASTINGS of Washington. When potato farmers go out and plant their crops, they are probably the biggest gamblers in the world. And yet they don't mind putting some of their hard-earned cash when they make a profit into this research, because that may make them an even bigger gambler next year with one of their varieties.

So I respect the gentleman with what he is trying to do, but his issue may not be with individual crops. And this amendment goes to an individual crop in my area. Maybe his issue is with Ag-Research Service in general, that's a matter for another debate.

Mr. FLAKE. My issue is with overall spending, one; two, is with the need to earmark. If this funding is receiving earmarks, basically, about a million dollars a year, when clearly you have an industry that is capable of funding its own research, now, I agree with the gentleman's point about this isn't one of the program crops; it's not wheat not corn. It's not a crop that gets massive subsidies under the farm bill. We shouldn't be doing those subsidies.

But two wrongs don't make a right. We shouldn't say, well, hey, we are subsidizing those, so we ought to bring some subsidy over here as well. The truth is we can't afford either of them now. We have a deficit of nearly \$2 trillion this year. When I came to this institution just 8 years ago, our entire Federal budget was just around \$2 trillion. Now we are going to have a deficit that equals that amount.

Can't we in this year at least say, you know, maybe we ought to cut back on potato research just a little. Maybe we ought to cut back on other earmarks in this bill because we are simply adding to the debt, adding to the deficit more than we can take.

So it's not just that I have an issue with agricultural research spending, but I do have an issue with the way it's allocated. Because, as I have already demonstrated, this is awarded based on a spoils system.

When just 14 percent of the Members in this body, those who are represented on the Appropriations Committee, direct more than half of the earmark spending in this bill, you have got a spoils system. I don't know what else to call it.

And that's one issue with this bill and why I am offering these amendments. And, two, if we don't like the way the Federal agencies are doing it, then we should direct them to do it differently. We should set parameters, but we shouldn't set up a parallel system and say, you award it that way, but we are going to direct ours this way.

I reserve the balance of my time.

Mr. KINGSTON. I yield 1 minute to the gentleman from Oregon (Mr. WU).

Mr. WU. I thank the gentleman.

And the reason why the gentleman from Arizona's amendment makes no sense at all is because the free market underinvests in public goods, public goods like education, like roads and research. The market will not put enough money into research, and the potato research program that Mr. FLAKE's amendment intends to cut has been highly successful in a multi-State effort in order to develop new commercial potato varieties.

The potatoes released from this program account for about 16 percent of current production. And the program not only creates new potato varieties for consumers; it also improves the nutritional value of potatoes and increases crop yields. In addition, this project provides significant environmental benefits, including reduction in the need for pesticides, water and fertilizer; and it fits into our overall goal of reducing energy consumption and increasing our production of the goods and services that we need.

Mr. FLAKE. I find it a curious assumption that the free market will not invest in research when one of the sponsors' Web sites, as I mentioned, states that every dollar invested in potato research results in a \$39 return.

Now, any, any hedge fund, any investor of any type.

Mr. WU. Will the gentleman yield?

Mr. FLAKE. You bet, sure.

Mr. WU. The reason why the free market will underinvest, even though given that rate of return, it's whoever pays for the research doesn't reap the benefits. It's a public good. It's a basic of capitalist economic theory which the gentleman should understand.

Mr. FLAKE. I don't understand. I am sorry. If the return on investment, if the potato industry gets a return on an investment of \$39 for every dollar returned, then it does reap some of the benefits. Yes, that potato is a public good, but it's also a private profit, unless we have socialized potato farming here, and I don't think we have.

The CHAIR. The time of the gentleman has expired.

Mr. FLAKE. I urge support of the amendment.

Mr. KINGSTON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. I appreciate the gentleman yielding and I do want to speak in opposition to this amendment, although I do support the gentleman from Arizona's effort to shine the late of day on spending, and I think that these debates are very important as we are making these decisions.

As has been mentioned, the funding in this bill does go for ongoing agricultural research, potatoes specifically in this amendment, and it does have a significant impact on the economy for the State of Washington and the Pacific Northwest. The ability of potato farmers to keep potato crops healthy and disease free, especially given the constant change in weather conditions and the arrival of new pests and disease, is an ongoing battle.

Yet through breeding research and variety development, potato growers have access to critical research that enables them to identify the strongest varieties for growth, production, storage and processing. Like most of us

here, I am concerned about out-of-control spending. But I am also concerned about these tough economic times, and we should support measures that are going to grow the economy. This research does exactly that.

I urge my colleagues to vote "no."

Mr. LARSEN of Washington. Mr. Chair, I rise in opposition to the Flake amendment to cut potato research.

Potatoes are an important part of our national diet and potato farming is an important part of our national economy.

The \$1 million included in this bill for Potato Research goes directly to developing potato varieties that provide profitable, sustainable production for the grower, and a healthy, inexpensive food supply for American consumers.

In Skagit County in my district, over 13,000 acres are devoted to potatoes.

However, late blight disease is a constant threat to my local farmers, and growers use the research provided them by this program to minimize their losses.

Washington state is second only behind Idaho in potato production in the country producing over 9 billion pounds of potatoes every year.

The economic value of the potato industry to Washington is approximately \$3.5 billion supporting nearly 20,000 farming jobs. These jobs can be found across our state, and it is critical that we protect them.

The potato breeding program in the Pacific Northwest, the target of this amendment, is a partnership among the USDA Agricultural Research Service, the University of Idaho, Oregon State University, Washington State University, and the potato commissions of the three states.

For every dollar invested in the Northwest Tri-State Potato breeding program, a value of \$39 results in improved quality and increased production.

Mr. Chairman, this funding is important to my district, my state, and our country—and I urge a "no" vote on this amendment.

Mr. KINGSTON. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART B AMENDMENT NO. 7 OFFERED BY MR. KINGSTON

Mr. KINGSTON. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 offered by Mr. KINGSTON:

Page 74, after line 22, insert the following:
SEC. _____. None of the funds made available in this Act may be used to administer, or pay the salary or expenses of personnel for

the administration of, the provision of broadband loans or loan guarantees made using authorities under this Act on or before September 15, 2010.

The CHAIR. Pursuant to House Resolution 609, the gentleman from Georgia (Mr. KINGSTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, for many years the funding level for broadband programs or Rural Loan Program was handled by the Rural Utility Service in the Department of Agriculture. That funding was about \$400 million. With the stimulus package that we passed in February, \$790 billion package, there was about \$7 billion for broadband grants and loan programs.

Two and a half billion of that money went to the Department of Agriculture, and the rest went to a brand-new program which really did the same thing and duplicated what is done in the Department of Agriculture. It all should have gone there. But if you think about a program going from 400 million to about 7 billion, that's not a plus-up. That's winning the lottery.

Now, I can only focus on \$2.5 trillion, and you can't even do that because that's already in the stimulus bill already passed into law, but we can't focus on the \$400 million.

□ 2215

What this amendment does, and frankly if I could have offered a cleaner amendment, I would have just had a straight cut of the \$400 million. But what this does, it is similar; it says you can't use the \$400 million that is in this until we have used the \$2.5 billion that has already been passed into law.

The reason why that is important is when the stimulus bill was passed, there was so much talk about we are going to use this money immediately, shovel-ready projects, jobs will be created. And as we know, that was when the unemployment level was 8 percent and now it is nearly 10 percent. It has not stopped the bleed and job loss. But the fact is that \$2.5 billion is still sitting there, and yet we are coming along now and giving another \$400 million.

What this amendment says is we can't use the \$400 million until the \$2.5 billion is paid down. I urge support of the amendment.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Mr. Chairman, rural broadband connects people and communities, gives them access to information on everything from health and housing and education to public safety and economic development. It also gives people access to opportunity.

As the Internet continues to grow and develop, and as it plays a larger and larger role in driving our 21st century economy, we simply cannot afford to let rural areas languish behind the rest of the country.

An earlier generation of leaders used Federal investment to help wire rural areas for electricity. What we are trying to do is give citizens in rural areas the tools they need to compete and excel in this economy.

By prohibiting funds from being used to administer or pay the salary of personnel who would administer USDA's broadband loans, the gentleman's amendment would gut this critical program at a time when we need to redouble our efforts in this area.

Let's be clear. In proposing to stop the administration of loans, the gentleman is also asking Congress to stop critical oversight and monitoring of existing borrowers, functions that the government cannot afford to lose, especially if we are to ensure that taxpayers' dollars are well spent.

No one can deny the need to expand access. The United States is currently 15th in the world in providing broadband service. Only 38 percent of those living in rural America now have broadband at home, compared to 55 percent of all adult Americans. In rural communities, 24 percent of dial-up users said broadband wasn't available where they lived, more than 7 times those in cities.

This is not a partisan issue. There is unanimous support for increased broadband service to rural communities. Few people disagree. Expanding broadband is the type of Federal program that cannot only connect rural areas to the global community, but also generate great growth in rural America and pay very big dividends for our Nation.

The bill makes important investments in rural broadband, provides \$418 million for broadband loans and grants. It includes an appropriation of \$81.6 million, an increase above \$18 million of the amount available for 2009.

It includes distance learning. The funding is there for distance learning and telemedicine grants, for broadband telecommunications loan subsidy. This is an investment that requires national leadership, which is why we included a significant amount in the recovery program. It was \$2.5 billion to rural utility services and more than \$7 billion in total. There is already a substantial demand for the funding. The funding increases in this legislation help to build on the investment that was made in the Recovery Act, and it will help us to realize a strong economic return. For every dollar invested in broadband, the economy sees a tenfold return on that investment.

As the Farm Bureau noted regarding new investments in broadband, the \$7.2 billion allocated for broadband will

help rural communities participate in a recovering economy, while modernizing rural education and health care. It creates an economic opportunity for rural Americans, allows farmers and ranchers to take advantage of the technology to help them remain profitable and competitive.

I do not think this is the time to be gutting this program, particularly given the delicate state of our economic recovery. We need to do everything we can right now to promote rather than stifle economic innovation in small towns. I urge my colleagues to oppose the Kingston amendment.

I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I want to say to my friend, the chairwoman of the committee, that is a very eloquent argument for the use of a broadband loan program, but it has nothing to do with this amendment because the broadband loan program is not under trial here.

But let me explain it this way to the Members who are not on the committee. I love going to Ryan's, and they probably have Ryan's in Connecticut, but Ryan's is one of those all-you-can-eat buffets. You go through the line and there is fried chicken and there is fried fish, and fried catfish, probably imported, who knows? There are all kinds of vegetables and desserts. You go through and you fill your plate up, and then you are allowed for the \$8 price to go back and get some more food.

Well, let's just think going through the line was the stimulus program, Mr. Chairman. We filled up our plates, and I often found myself as a father of four saying to my kids, you can't go get more food until you finish what is on your plate. It just makes sense. Go ahead and eat the four pieces of fried chicken that you got before you go and grab another one that you don't have and you don't need. That is all this amendment is. It is not a trial of broadband. Broadband is funded by \$2.5 billion under the RUS in the USDA under existing law, period. So \$2.5 billion.

And all I am saying to the oftentimes gluttonous government here in Washington, D.C., is, don't go back through the buffet line until you have consumed what you've got. And when you have emptied that plate, then you can go back and get that fifth piece of fried chicken in the form of \$400 million for broadband loans. At that point I don't know who we will be loaning the money to because, as I said earlier, there is another \$3.5 billion in another program in another department. But that, too, is a matter of law, and that is not under scrutiny either.

The only thing I am saying is what I have said to my four children over the years when we would go to the Ryan buffet: Don't get more food on your plate until you finish what you've got. I urge support of this.

I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, this amendment would be very much against the interest of rural America. There is no community in this country that will have a decent economic future if they cannot be competitive by being attached to modern technology, and that certainly includes broadband.

The gentleman has mentioned the economic recovery package and the funds that have been appropriated there, and he has made much of the fact that that money has not gone out. We are only 4 months into a program that is supposed to last 30 months, and so I urge the gentleman to wait a few months to see what happens on that project. I think you will see money moving out.

The only other point I would make is this: If you think there is too much money for broadband in the budget, the worst place in the world to take it out of is the USDA. When this program was first proposed in the stimulus package, the Obama administration proposed putting all of the money in the Commerce Department. People like me objected because we know the history of rural America. We understand why REAs had to be created to go into rural areas because the big power companies wouldn't bother, because they couldn't make enough money going into rural areas. It's the same score now. Your big companies don't want to go into rural areas without subsidy on broadband. The fact is you can trust the Agriculture Department to focus much more on the needs of rural America than you can the Commerce Department. That's why we put the additional money in. And to take \$400 million out of the Agriculture Department now would be a major mistake if you care about the future economic health of rural America.

Ms. DELAURO. I thank the gentleman.

You know, I think this is truly about the economic revitalization of a part of the country that has been so sorely lacking, and the application process—

The CHAIR. The time of the gentleman has expired.

Mr. KINGSTON. Mr. Chairman, I yield 10 seconds to my friend to finish her sentence.

Ms. DELAURO. Well, I was just saying that the process on the economic recovery package, the application process is underway. It began at the beginning of this month. That money is going out. The demand is up for broadband. Let's give rural America a fighting chance.

Mr. KINGSTON. Let me say this, representing a very rural district, a district where you can't get cell phone coverage, and a lot of the wireless technology is in already, I support what is

going on. I agree with the chairman; it would have been nice for all of the money to go into RUS and not the Department of Commerce because it was an existing infrastructure for making this loan program.

The only thing I am saying is you don't get the new money until you have spent the existing money.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. KINGSTON).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. KINGSTON. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

Ms. DELAURO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. KOSMOS) having assumed the chair, Mr. SNYDER, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF MEMBERS TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 88b-3, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the House of Representatives Page Board:

Mr. KILDEE, Michigan
Ms. DEGETTE, Colorado

COMMUNICATION FROM THE REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
June 2, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to 2 U.S.C. 88b-3, amended by section 2 of the House Page Board Revision Act of 2007, I am pleased to re-appoint the Honorable Rob Bishop of Utah and the Honorable Virginia Foxx of North Carolina to the Page Board. Both Mr. Bishop and Mrs. Foxx have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

REAPPOINTMENT AS MEMBERS TO HOUSE OF REPRESENTATIVES PAGE BOARD

The SPEAKER pro tempore. Pursuant to 2 U.S.C. 88b-3, amended by section 2 of the House Page Board Revision Act of 2007, and the order of the House of January 6, 2009, the Chair announces the Speaker's and minority leader's joint reappointment of the following individuals to the House of Representatives Page Board for a term of 1 year, effective July 8, 2009:

Ms. Lynn Silversmith Klein of Maryland

Mr. Adam Jones of Michigan

HEALTH CARE DEBATE

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. As we approach this debate on health care, there are Republican principles that have been out there a long time that are going to be followed this week by legislation. One of those principles is to ensure that medical decisions are made by patients and doctors, not by government bureaucrats.

I am going to insert in the RECORD an article from yesterday's Wall Street Journal. The title is "Of NICE and Men," NICE being the National Institute for Health and Clinical Excellence in Great Britain. And this article talks about what happens when you have rationed care.

Great Britain has one of the lowest survival rates in Europe from cancer. And in Europe generally, if you compare Europe to the United States, breast cancer survivors, 84 percent in the United States, 73 percent in Europe; prostate cancer survivors, 92 percent in the United States, 57 percent in Europe.

People need to have more choices, not less choices. We need a more competitive marketplace, not a less competitive marketplace. A government competitor will drive away all other competitors. That will be a critical part of this debate.

[From the Wall Street Journal, July 7, 2009]

OF NICE AND MEN

Speaking to the American Medical Association last month, President Obama waxed enthusiastic about countries that "spend less" than the U.S. on health care. He's right that many countries do, but what he doesn't want to explain is how they ration care to do it.

Take the United Kingdom, which is often praised for spending as little as half as much per capita on health care as the U.S. Credit for this cost containment goes in large part to the National Institute for Health and Clinical Excellence, or NICE. Americans should understand how NICE works because under ObamaCare it will eventually be coming to a hospital near you.

The British officials who established NICE in the late 1990s pitched it as a body that

would ensure that the government-run National Health System used “best practices” in medicine. As the *Guardian* reported in 1998: “Health ministers are setting up [NICE], designed to ensure that every treatment, operation, or medicine used is the proven best. It will root out under-performing doctors and useless treatments, spreading best practices everywhere.”

What NICE has become in practice is a rationing board. As health costs have exploded in Britain as in most developed countries, NICE has become the heavy that reduces spending by limiting the treatments that 61 million citizens are allowed to receive through the NHS. For example:

In March, NICE ruled against the use of two drugs, Lapatinib and Sutent, that prolong the life of those with certain forms of breast and stomach cancer. This followed on a 2008 ruling against drugs—including Sutent, which costs about \$50,000—that would help terminally ill kidney-cancer patients. After last year’s ruling, Peter Littlejohns, NICE’s clinical and public health director, noted that “there is a limited pot of money,” that the drugs were of “marginal benefit at quite often an extreme cost,” and the money might be better spent elsewhere.

In 2007, the board restricted access to two drugs for macular degeneration, a cause of blindness. The drug Macugen was blocked outright. The other, Lucentis, was limited to a particular category of individuals with the disease, restricting it to about one in five sufferers. Even then, the drug was only approved for use in one eye, meaning those lucky enough to get it would still go blind in the other. As Andrew Dillon, the chief executive of NICE, explained at the time: “When treatments are very expensive, we have to use them where they give the most benefit to patients.”

NICE has limited the use of Alzheimer’s drugs, including Aricept, for patients in the early stages of the disease. Doctors in the U.K. argued vociferously that the most effective way to slow the progress of the disease is to give drugs at the first sign of dementia. NICE ruled the drugs were not “cost effective” in early stages.

Other NICE rulings include the rejection of Kineret, a drug for rheumatoid arthritis; Avonex, which reduces the relapse rate in patients with multiple sclerosis; and lenalidomide, which fights multiple myeloma. Private U.S. insurers often cover all, or at least portions, of the cost of many of these NICE-denied drugs.

NICE has also produced guidance that restrains certain surgical operations and treatments. NICE has restrictions on fertility treatments, as well as on procedures for back pain, including surgeries and steroid injections. The U.K. has recently been absorbed by the cases of several young women who developed cervical cancer after being denied pap smears by a related health authority, the Cervical Screening Programme, which in order to reduce government healthcare spending has refused the screens to women under age 25.

We could go on. NICE is the target of frequent protests and lawsuits, and at times under political pressure has reversed or watered-down its rulings. But it has by now established the principle that the only way to control health-care costs is for this panel of medical high priests to dictate limits on certain kinds of care to certain classes of patients.

The NICE board even has a mathematical formula for doing so, based on a “quality ad-

justed life year.” While the guidelines are complex, NICE currently holds that, except in unusual cases, Britain cannot afford to spend more than about \$22,000 to extend a life by six months. Why \$22,000? It seems to be arbitrary, calculated mainly based on how much the government wants to spend on health care. That figure has remained fairly constant since NICE was established and doesn’t adjust for either overall or medical inflation.

Proponents argue that such cost-benefit analysis has to figure into health-care decisions, and that any medical system rations care in some way. And it is true that U.S. private insurers also deny reimbursement for some kinds of care. The core issue is whether those decisions are going to be dictated by the brute force of politics (NICE) or by prices (a private insurance system).

The last six months of life are a particularly difficult moral issue because that is when most health-care spending occurs. But who would you rather have making decisions about whether a treatment is worth the price—the combination of you, your doctor and a private insurer, or a government board that cuts everyone off at \$22,000?

One virtue of a private system is that competition allows choice and experimentation. To take an example from one of our recent editorials, Medicare today refuses to reimburse for the new, less invasive preventive treatment known as a virtual colonoscopy, but such private insurers as Cigna and United Healthcare do. As clinical evidence accumulates on the virtual colonoscopy, doctors and insurers will be able to adjust their practices accordingly. NICE merely issues orders, and patients have little recourse.

This has medical consequences. The Concord study published in 2008 showed that cancer survival rates in Britain are among the worst in Europe. Five-year survival rates among U.S. cancer patients are also significantly higher than in Europe: 84% vs. 73% for breast cancer, 92% vs. 57% for prostate cancer. While there is more than one reason for this difference, surely one is medical innovation and the greater U.S. willingness to reimburse for it.

The NICE precedent also undercuts the Obama Administration’s argument that vast health savings can be gleaned simply by automating health records or squeezing out “waste.” Britain has tried all of that but ultimately has concluded that it can only rein in costs by limiting care. The logic of a health-care system dominated by government is that it always ends up with some version of a NICE board that makes these life-or-death treatment decisions. The Administration’s new Council for Comparative Effectiveness Research currently lacks the authority of NICE. But over time, if the Obama plan passes and taxpayer costs inevitably soar, it could quickly gain it.

Mr. Obama and Democrats claim they can expand subsidies for tens of millions of Americans, while saving money and improving the quality of care. It can’t possibly be done. The inevitable result of their plan will be some version of a NICE board that will tell millions of Americans that they are too young, or too old, or too sick to be worth paying to care for.

of the House, the following Members will be recognized for 5 minutes each.

HONORING THE LIFE OF CAPTAIN MARK GARNER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I rise today to honor the extraordinary sacrifice, patriotism, and heroism of Captain Mark Garner from Elkin, North Carolina. Captain Garner, an officer in the 82nd Airborne Division, fell in the line of duty in Afghanistan Monday when a roadside bomb exploded under the vehicle in which he and three others were riding.

Captain Garner was assigned to B Company, 1st Battalion, 4th Infantry Regiment, Hohenfels, Germany. Dedicated to unyielding service to others, he was among seven U.S. troops killed in what was described as one of the deadliest days for U.S. troops in Afghanistan since 2001.

Captain Garner was an outstanding leader throughout high school, college, and in the United States military. He graduated from Elkin High School in 1997, where he excelled in sports and won several football, basketball, and baseball awards.

In 2002, Captain Garner graduated from the United States Military Academy at West Point as a second lieutenant. He was then assigned to an infantry unit at Fort Bragg, North Carolina.

Captain Garner leaves behind his loving parents and his wife, Nickayla. His absence leaves a hole in the hearts of the Garner and Myers families, the tight-knit community of Elkin, North Carolina, and the 82nd Airborne community.

Captain Garner was described by his friends and family as having lived to serve and sacrifice for others. From a young age, he aspired to be a soldier. He will long be remembered as a man who knew the meaning of service, sacrifice, and the call of duty to his family and his country.

Madam Speaker, my thoughts and prayers are with Captain Garner’s wife, parents, and extended family. May they feel God’s comforting presence during this difficult time.

We pause to honor his memory and express our gratitude to his great bravery and profound sacrifice. Our Nation is a better place for his having been among us and is blessed to call him an honored son. We mourn his passing, and we pledge our dedication to the family he left behind.

□ 2230

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, and under a previous order

NATO

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from California (Mr. ROHRBACHER) is recognized

for 60 minutes as the designee of the minority leader.

Mr. ROHRBACHER. Madam Speaker, I rise tonight on the return of President Obama from his perhaps groundbreaking visit to Russia. I, as well, have recently returned from Russia.

I was there just prior to President Obama's visit, and I rise tonight to discuss America's relationship with Russia, as well as our continued involvement in NATO, as well as today's threats of radical Islam and tomorrow's looming threat of a powerful Communist China.

First and foremost, I think it's important for us to take a look at history, take a look at the present, and take a look at the future concerning America's exact positioning overseas. First and foremost, that would mean today that we need to look at NATO, the North Atlantic Treaty Organization.

This organization, of course, if we are honest with ourselves, should be looked at not as an institution we should be relying on today but, instead, a relic of the cold war. Not only is it strategically irrelevant today, but it may be actually making the world less stable and our country less secure.

Of course the United States needs to cooperate with other countries, and as such we need to reach out to potential friends in every part of the world, but when a relationship with another country or a group of countries no longer serves the goals of freedom, security and prosperity, when we no longer share those interests that bind us together as a people, we need to dissolve those relationships and seek different ones.

We now have reached a point with NATO where we should take a second look at NATO and perhaps think about what type of relationships we can have in the future that would better serve our country and the cause of peace.

NATO was a vital component to American security and world peace efforts in the late 1940s. In fact, in 1949, it was what an international relations theorist might call a tenet of realistic theory that we should form a powerful alliance to counteract the hostility of the Soviet Union and the threat of the expanding realm of communism, tyranny and militarism. That was in the late 1940s.

It made sense to strengthen our NATO alliance during the 1950s while the USSR was forming its Warsaw Pact and while the fall of China to Communist tyrants and the Korean Wars halted the vision of a peaceful world that we had hoped for in the aftermath of World War II. But it is no longer the 1950s. The cold war is over. This is the 21st century, and NATO no longer serves its purposes and is, in many ways, counterproductive.

Ronald Reagan's visionary leadership and the unrelenting courage of the

American people brought an end to the USSR and the Warsaw Pact and also to the Berlin Wall. Eastern Europe was freed at this time. And in the 1990s, the Russian Federation, freed from its Soviet shackles, had a real opportunity to partner with the West, to embrace classical liberalism and free market economics. And we, of course, created this relic.

NATO had a major impact in defending the peace and deterring a war with Russia up until this point. And let this cold warrior, who was very deeply involved in the cold war and supported cold war policies to the hilt, let me shock you by suggesting that Russia, after the fall of communism, attempted to embrace classical liberalism and free market economics. The Russian people and the Russian Government wanted to be part of the western community of nations. The door was open, and the Russians were not only willing but anxious to leave the cold war hostilities behind.

Well, we squandered this historic opportunity. Worse than that, we let rotten elements in the West ally themselves with looters there in Russia who were there taking advantage of Russia's weakened and vulnerable condition. The Russian people, rejected and isolated when they expected to be partners in building a new world, sunk into deep despair.

Now, it's easy, in hindsight, to look at the end of the cold war and to point out the mistakes that have been made since the end of the cold war. And it's easy to do that now because it has become clear that many, many mistakes were made by us and by our European allies and friends. Now, however, is not the time to lay blame. Now is the time to admit what has been wrong and to try to set things right and to push, as President Obama has said and Secretary of State Clinton has said, to push a reset button with the Russians. And, I would add, probably push the reset button with Russia and pull the plug on NATO. So let's look to the future. Let's take actions today that will overcome past mistakes and lead the world to a bright and prosperous future.

Ronald Reagan used to say that the Oval Office was not his office; he was just a caretaker, a temporary occupant. Well, Americans today, all of us who are fortunate enough to live in this great country of ours, are merely caretakers of this place for a relatively short period of time. We have inherited this country from those brave freedom-loving souls who came before us, and we will pass it on to our children and our grandchildren just as it was passed on to us because that was the right thing to do, and those who came before us took those stands that were right and courageous.

The stand today meaning, for me, that I'm making a new world for my

children, my three small children, Anika, Tristan and Christian, who are now 5 years old, and will live in a country that will ensure liberty, justice, security, and hopefully prosperity, to its entire people. The decisions we make now will have long-term effects and be affecting my children and all the children of America today.

Reagan gave us two decades of peace and prosperity because he did the right thing. The consequences of our actions since Reagan, however, are becoming more evident and more alarming with each passing day. We must have the wisdom and the courage to confront the enormous foreign policy challenges facing us and prevail over those forces which would, if they could, destroy America and would destroy our way of life.

The national security threats before us are real and did not materialize out of thin air. But contrary to the dominant paradigm of our era, our ongoing relationship with NATO since the end of the cold war has not worked to our benefit, nor does it make peace, stability, or our Nation's security more likely.

NATO has recently engaged in a number of operations, for example, around the world, from fighting the Taliban to combating pirates, but whether one views these missions as relatively successful or a failure, one can hardly look at them and not realize that the cost of our continued involvement in NATO certainly outweighs the benefits.

In Afghanistan, the other 27 NATO countries sent a combined force of less than 5,000 troops, many in noncombatant positions. These 5,000 troops are there as part of a coalition force. While these fighters from our NATO partners are heroic and are helpful, they are dwarfed in comparison to the number of American boots on the ground.

The original members of NATO were the Americans, the French, the U.K., the Canadians, the Turks, and other European countries. Well, now add to that list Albania and Croatia, and others, and there is also talk about expanding NATO membership to other countries, smaller countries with little military relevance to the modern world.

One of the primary tenets of NATO membership is that any member will come to the defense of any other member if attacked. But realistically, is the United States going to come to the aid of these other countries at any time, and is the reverse of that proposition worth the cost to us? Do we need Albania or Croatia to come to our aid if we are attacked? The answer is obviously no.

And let us note that NATO's existence is unnecessary, and there is no strategic reason for us to stay in the alliance. And let us also admit that NATO can be counterproductive to the

peace by, for example, convincing people with territorial disputes, like the Government of Georgia, the United States—I think that an impartial analysis of what happened in Georgia is that the United States, through our discussions of NATO with that government, emboldened that government, the Government of Georgia, not to make compromises that were necessary for peace and stability in that region.

But not only did they not make the compromises, they perhaps were emboldened to conduct a military operation. And while the people of the United States were told over and over again that Russia had done something horrible in that part of the world and confronting Georgia and that it was all the Russians' fault, and all kinds of language that was used that would make it look like Russia was doing something evil and villainous, but the fact is that once you took a second look at what happened in Georgia, Georgian troops broke a truce that had been carried on for 7 years. And when it broke the truce and invaded two parts of what had been part of Georgia—let me note, the Osselians and the Abkhazians, who are the two areas that did not want to be part of Georgia, they had never been part of Georgia historically until Joseph Stalin made them part of Georgia.

□ 2245

And the Georgian Government, of course, emboldened by our talks with them about NATO's support, broke an agreement, a truce agreement, and conducted a military invasion of those two breakaway regions, which ended up, of course, in a major loss of life and a counterattack by Russia on Georgia.

Now, do we as Americans believe that we should have been involved in that? Does anyone believe that the United States should actually have Georgia as part of NATO or any of these other smaller countries in that part of the world as part of NATO so if there is a territorial dispute that we will send American troops into this far-off area and fight a battle perhaps with a country like Russia? Considering that this, of course, is in Russia's neighborhood and on the other side of the world from our country, that doesn't make sense. But it doesn't make sense at all for the United States to be in an alliance that might drag us into such conflicts that we have nothing to do with.

So if Georgia wants to become part of NATO or other countries like that, if Albania and Croatia, countries that I am very sympathetic with, and, by the way, I am sympathetic with Georgia. I am sympathetic with Georgia's wanting to be a separate country from what was then the Soviet Union and later became Russia and broke away. They had my total support in that, just as the Kosovars in Kosovo had a right not to be part of Serbia. But does that

mean that we are going to enter into agreements with Kosovo or with Georgia or any of these other countries saying that we will use U.S. troops as part of a NATO agreement to guarantee the borders that they claim? That's ridiculous. If Albania and Croatia, two good countries, countries I like and support, if they do want to become part of NATO, well, that's okay with me. But in this case, perhaps, if they're getting into NATO, we should be getting out of NATO.

Because Americans are an open-minded people, we are more than willing to enter into relationships with other countries. And I am not suggesting isolationism, nor am I suggesting that we should not have bilateral agreements, perhaps even defense agreements with other countries. We are by our very nature networkers. Even at young ages people are using Facebook and Twitter, perhaps talking to friends who are on the Internet all over the world. And it is that sort of a sense of building alliances and relationships that is natural to Americans. We do this sort of thing at the government level too. At the outset of the Cold War, we saw a clear and present Soviet threat, and we went to work strengthening our existing relationships with friendly countries and building new relationships with other countries. Well, we should create alliances, as I said, but we need to be realistic and honest in our assessment of the factors that are in play.

For whatever reason, perhaps just the lingering of Cold War attitudes and predispositions, Russia, which should have been a natural friend, Russia faces the same adversaries that the United States faces, but Russia has been positioned as our adversary. As I say, maybe that's a lingering of the Cold War mentality on our side, or maybe it's a lingering of the Cold War mentality on both sides that have brought us to this point, or maybe it's simply that we do not understand the Russian people and are wary about becoming their friends. But that would be contrary to America's personality. We are proud, and sometimes arrogantly so, but we are a friendly people. Whatever the reason, let this Cold warrior proclaim that the Russian people are a good-hearted people and they have the potential to be great friends to and allies of the United States of America. And that's us.

There was no more fierce opponent of the Soviet Government and of Marxist-Leninist tyranny than I was during the Cold War. During the Soviet war in Afghanistan, I went there to Afghanistan and fought briefly along the side of Afghan warriors, the mujahideen, who were engaged in battle against a Soviet Army occupying their country. I personally was engaged in combat operations against Soviet troops during the Cold War. Very few people can say that.

My chest swelled with pride every time Ronald Reagan spoke about the freedom for all subjugated peoples, including the Russian people, and I helped prepare some of those speeches that he gave as President. I was Ronald Reagan's speech writer for 7 years. When the President of the United States, Ronald Reagan, pleaded with Gorbachev to tear down the Berlin Wall, I was part of the team that broke through the foreign policy establishment's blockade that would have neutered this historic freedom statement even before Ronald Reagan gave it. And I cried with joy and retrospect when that wall finally came crashing down, hammered and chiseled down by freedom-loving people on both sides of that grotesquely evil barrier. I despised the Soviet Union because I loved freedom. Freedom for all people, including the Russian people.

I was just in Russia and I met a Russian who had been active in his government and active in fighting for his government during the Cold War, and I told him, I had been your worst enemy during the Cold War. And he stopped me and he said, No, no. You weren't the Russian people's worst enemy. You were the enemy of communist tyranny, and thank God for that. There are many Russians today that fully understand that they have left communist tyranny behind and it is a wonderful opportunity for them now.

But the Cold War was not a war between our people. We didn't have a fight with the Russian people. It was a conflict of ideologies. The Russian people were victimized by communism just as the people of the West were threatened by communism. But the Russians are a wonderful and a creative people. They share many personal values with us, their sense of humor, their love of children, of fun, of drink, of dance, and, yes, their reverence for God and faith that was never beaten out of them by atheistic communism, which held them in its grip for five decades. There was openness and vulnerability of these people as the Soviet Communist system collapsed. Yet they were vulnerable, and yet we did not do what was right by them.

The Russians and the Americans share more than cultural traits. We now share very real common threats to our countries. And those are radical Islam, which is upon us, and a totalitarian China, which is rapidly becoming an enormously negative power in the world.

The totalitarian Government of China is the world's worst human rights abuser. It is a natural enemy of the United States. It is also an enemy and a threat to Russia. Yet we embrace that government, the world's worst human rights abuser, Communist China, and we build their economy. We build their manufacturing base and their technological capabilities even

while simultaneously at the same time we find ways to continue hostilities and noncooperation with Russia. With open trade policies, credits, investment, and technology transfers, we run up massive trade deficits with China, and we haven't even been able to bring ourselves to officially end Jackson-Vanik economic restrictions on Russia. These are holdovers. The Jackson-Vanik restrictions on Russia are holdovers from the Cold War days. It is an insult and a sign of our own incompetence that we have not been able to lift the Jackson-Vanik restrictions on Russia. It's a joke, a cruel joke, when we even mention it to the Russians now after two decades of promising that these restrictions would be eliminated. All this, all this while we give China every benefit.

Well, this relationship with Russia as well as our relationship with China has been wrongheaded and gravely so. China, in stark contrast to the great changes in Russia, where there has been political reform, where you have opposition parties and, yes, there are imperfections, but you go there and there is talk radio show complaining about leadership in Russia. In Russia you do have opposition parties, but, of course, the current party that's in power by its very nature is more popular because it won the election. And there were people on the ballot, but they were not elected. Well, there has been reform in Russia, although it's not perfect. It's far from perfect.

But there has been no liberalization in China. China is not a worthy trading partner. China is not a worthy trading partner in any respect of the word, not an economic partner; and it's not a partner for peace nor is it a partner for world stability. China has had no reform of its political power structure, and it is, unfortunately, our most likely future enemy. Those words are very hard for me to say. They are not our enemy now, but it is clear that unless we have political reform in China, liberalization there, and the dictatorship there continues to grow stronger, it will be and it is today America's most likely future enemy. It is already a deadly economic competitor of our people, and it is also openly hostile to those basic values which make us Americans: a respect for human rights, religious freedom, the environmental stewardship that we have taken upon ourselves in recent years, treating each person with common decency. These things are not part of the Communist Chinese Government's agenda. In fact, they see these things as contrary to their basic concepts of what government should be all about and what their society should be all about, while we see these things as positive elements that should be fostered and nurtured in our society: human rights, religious freedom, environmental stewardship, prosperity, openness, opportunity.

Because of the irreconcilable differences between the United States and the Communist Party apparatus in China, our current relationship with China has resulted in an economic and security disaster for America. It is time to have the courage to admit this fact, and it is time to reverse the poor decisions and bad policies that have made the world that we live in and led us to this point. If these are not reversed, if the policies that have led us to this point are not reversed, the result will be national and, yes, global catastrophe.

Again, we are talking about government, a specific government, not its people. The Chinese people are hard-working, family-oriented people, and I have all the sympathy and respect for them in the world. They are, in fact, freedom's greatest ally, our greatest hope. The Chinese people, America's greatest hope, the American people's potentially greatest friends.

The Chinese Government, however, is a loathsome tyranny, a dictatorial clique that has enslaved their people in that country and is intent on dominating the rest of it. It is a government that, as I speak, is shooting down Muslim Uyghurs in East Turkistan, which is that far region in the western provinces of China. A government that arrests and murders Falun Gong religious practitioners. The Chinese Communist Government arrests and murders these Falun Gong, and who are they? Pay attention, America. Who are they? The Falun Gong want nothing more than the religious freedom that we hold so dear. And what do they believe in? They believe in yoga and meditation.

□ 2300

Yet, thousands of them were picked up by the Chinese Communist dictatorship, thrown into prisons. And often-times they never come out of those prisons. And too often we find that what is coming out of those prisons where Falun Gong members have been thrown, what do we find is coming out of those prisons? Body parts being sold to Americans and other people as medical body parts. Kidneys and organs of the body that have been extracted from people who were put in jail for religious purposes and murdered. That is the type of ghoulish regime that now controls the country of China and the Chinese people.

In China, there are no unions or workers' rights, there are no democratically created environmental standards. There are no concerns about human rights or considerations for the inherent dignity of all humankind. There is no liberty; no independent judiciary; no freedom of the press; no rule of law; no opposition parties; no right to criticize the nature of their government or to criticize the clique that rules it.

For these reasons, a billion working people are held in bondage so that

goods can be manufactured in China for far less than in the United States. And with the one-way free trade that we have permitted and the short-term profit desired by America's corporate elite, our country has been partners in building the Chinese economy into a monstrous threat, while at the same time weakening and destroying our own economic base.

Over the last two decades we have built China from a relatively backwards economy into a Frankenstein monster. When I say we, I mean the policies of the United States government have lifted the economic capabilities of a country that has had no political liberalization, no political reform of their dictatorial system, and a country that, yes, is also engaged in rebuilding its military. And, yes, we have built this Frankenstein monster. And that monster is slowly turning on its creator. It is turning on us.

We find ourselves today in an economic disaster. It is a severe recession. We can all feel it. It is around us. Our friends and neighbors and even our families are suffering. It is a Depression—perhaps not as dire as the one in the 1930s, but it might get there. It is devastating. People are losing their jobs and their houses. And who is to blame for this horrendous situation and what can be done about it? The blame, dear Brutus, lies with us.

We gave China Most Favored Nation status even though they have had no political liberalization. Despite our better judgment and despite the fact that China is a brutal dictatorship, we permitted them this advantageous economic relationship. We gave them this trading status because America's corporate elites wanted to make a quick buck for themselves with lots of good bonuses for the corporate elite and then to sell us goods—us, the American people—goods at a cheaper price. We should never have realistically expected to get goods that cheap, but at the same time there was a price to pay that was not on the pricetag.

What have we gotten? What was that price that we paid? It's called economic ruin of the United States of America.

We have given China everything and we are left wanting now, begging for favors. Small and mid-level manufacturing bases in the United States, our mid-level manufacturing base—small and mid-level—have been virtually destroyed. Our small and medium-sized and even large industry is gone. Our manufacturing jobs have gone.

And where have they gone to? They have gone to China so their people have the jobs. And their country is accumulating the wealth. And because we have had this Most Favored Nation status and had a relatively one-way free trade agreement, the Communist bosses have been able to set the rules and to manipulate the trade so that it benefits their power structure.

We were told that if we had Most Favored Nation status with China and that we had trade and we embraced them economically, there would be political liberalization. For 20 years, for 30 years we were told that. And that has not happened, but just the opposite has happened.

What we have now is with China a massive debt that can be purchased and is now being purchased by China. We have a massive debt here. Actually, just even this year's debt is going to be \$2 trillion higher—\$4 trillion budget, \$2 trillion in debt. And the Chinese are very happy to buy it because they are holding it over our head and grabbing us by the throat.

We have given China everything, and we are left with nothing but ruin and cheap, poorly manufactured goods, poisonous toys and, all too often, poisonous food.

We need first and foremost to demand that our policymakers who are negotiating trade agreements with foreign governments, that their primary concern be—and I say this emphatically—the primary concern of our negotiators should be what is good for the people of the United States and that those negotiators be patriots in their perspective and not globalists who are tied to some notion of what is good for the world or some philanthropist who wants to help other peoples and other countries at the expense of our own people, the American people. We have not had that.

We have permitted a trade policy with China and other countries that have drained our country of resources with basically one-way free trade agreements. In China, we could only export our manufactured goods if they were made in China. So our capitalists were anxious to go there. But they could certainly export everything they wanted to into our country.

That one-way free trade doesn't work, and it has been a major factor in the economic crisis we face today. And that policy was permitted to continue. Because people were telling us if we just do this with China, they will liberalize and become a liberal democracy. I call that "hug a Nazi, make a liberal." That's the theory. Hug a Nazi, make a liberal. No.

We can get as close to them and do favors for them all we want, but we should have demanded the political liberalization, which would have opened up a two-way free trade relationship rather than a one-way.

Proponents of liberalization of trade, as I say, frequently claim that even the one-way trade, even the liberalization of trade as it existed, would create jobs in the United States, create U.S. exports, and improve the trade deficit with China. That's what we heard. Not only just that it would liberalize China, but it would be good for us in the meantime.

President Clinton claimed that the agreement allowing China into the World Trade Organization, which was negotiated during his administration, and I quote President Clinton, "creates a win-win result for both countries."

Well, has it been a win-win result? Our country's, as I say—our country's small and mid-level and even large manufacturing units have been decimated. People who had good manufacturing jobs now have low-paying survival jobs. Their children have no really great aspirations to be industrial leaders or great entrepreneurs and businessmen because the lifeblood has been sucked out of our country as our manufacturing jobs have gone to China.

And while it's true that exports support jobs in the United States, as we were told, we must now recognize that it is equally true that imports destroy American jobs. Yes, that's right. Exports create American jobs, but imports do what?

I know that because in my two harbors, two ports that I represent, 90 percent of all the commerce coming through those ports are containers coming in from China and the East, and only 10 percent are going out.

We are destroying jobs of our people, those jobs that are necessary for people to live in homes, for people to have decent standards of living. The net result of the trade flow on unemployment, it's very clear when you see the trade imbalance that exists, why we have an increasing level of unemployment.

And those people who are employed and have been employed over the last 10 years are getting jobs that are far worse and not as uplifting and not as socially mobile upwards as those jobs that their parents were getting back in the fifties and in the sixties.

China's economy and China's as military capabilities have been growing and expanding even as our country has been declining. But the trouble of it is when you look at the economic and the military capabilities that are growing in China, it quite often is based on the utilization of technology that came from the United States. In fact, some of this technology was actually developed by American taxpayers, not even by these big corporate giants who go over there and set up their manufacturing units. They end up taking technologies that we have paid for, for the research, and doing what? Manufacturing it over in China.

Right now, there's a big issue. What is that issue? It's whether or not we should loosen some of the controls on our technology exports. Well, I have been insisting we do that only to Democratic countries—and we especially do not loosen the technology controls on China.

It was just about 15 years ago during the Clinton administration when they permitted American satellites to be

launched on Chinese rockets. At the time, I thought it was a good idea. I will have to admit that. I thought it was a good idea. But within a very short period of time I recognized what a horrendous reality was being created.

What we were doing were perfecting those Chinese rockets in order to send up our satellites at a cheaper rate. Thus, we undercut the development of our own missile and rocket industry, our own aerospace jobs, and at the same time we perfected the Chinese rockets and missiles so that they could more easily what? Carry military payloads as well as civilian payloads.

No, we shouldn't be loosening any of our technological restrictions on the transfer of technology to China. And even to this day, as we want to loosen them to democratic countries, there are moves here in Washington to try to take the exemption of China out.

I will make this very clear. I am part of the team that's trying to move forward legislation to permit our high-tech industries to export to friendly democratic countries. But I have personally put into and worked with my other Members of Congress to ensure that part of the legislation restricts that loosening of controls to China so that they won't be able to launch American satellites on Chinese Long March rockets, because we know that will result in a technological transfer and an upgrading of those rockets.

For example, we have developed a chip that serves as a gyroscope. Costs us hundreds of billions of dollars to develop that chip. That was 15, 20 years ago. Today, of course, because of what happened 15 years ago, all of the Chinese rockets have a gyro on a chip. It didn't cost them a cent.

And all of these other manufactured goods that are being shipped over here, the Chinese haven't had to pay for the development costs. We've paid for it. The taxpayers and the corporations. And when a corporate leader sends his company to China, guess what? Yes, he gives himself a bonus for a few years and then disappears with tens of millions of dollars of bonus while his own company, the stockholders, and especially the workers of that company, suffer the damages when their jobs are eliminated and actually when the company is taken over by the Chinese.

Well, ironically, we have liberalized our trade with China, but China has not even liberalized its own government. In fact, China has been getting worse over these last two decades, not better. It was Tiananmen Square that was the turning point. Up until Tiananmen Square, there was a legitimate reason for us to build the economy of China to create closer ties because there was a movement on to create a new and democratic China that would be friend of ours and the world. There was a positive evolution going on politically and economically in China.

□ 2315

When it reached its tipping point at Tiananmen Square, the United States didn't stand tall. If Ronald Reagan would have been President, I can assure you he would have sent a telegram to the leaders, I'd say, to the gang who controls the Government of China. And he would have said, if you turn loose the army and slaughter the democratic movement in Tiananmen Square, all of the economic understandings we have, all of the capital investments and technology transfers, it's off. Reagan would have done that in a heartbeat. But George W's father, George Herbert Walker Bush was President. He did not share that same commitment, and there was no message sent to the Chinese, which was the worst message of all, because they now understood they could manipulate even the highest level of people in our government and of industry for short-term profit and that our elite does not give a damn about democracy or any of the other values that we, the American people, hold dear.

So we let our corporate elite dictate to us, and our government, under George Herbert Walker Bush, took the easy way out. We acted like Tiananmen Square didn't count, and we let the corporations continue to make their quick buck so the corporate elites could give themselves their big bonuses. And in the end they were sending more jobs and more technology transfers and more capital investment to China, even though they had just slaughtered the democratic movement in Tiananmen Square. And now look at us. When we do something immoral, we come back and we pay a price for it.

Part of the reason we are in such economic hardship today can be traced right back to the immoral decision that I just mentioned. We've permitted this China, an authoritarian, totalitarian China, to have an open free-trade policy with the United States. But it was only free trade in one way, and there was no liberalization going on whatsoever. China should never have been given most-favored-nation status, and of course, we look at it now. China's been given that. Russia can't get anything. Russia can't even get the Jackson-Vanik restrictions to be taken off.

The tipping point in Russia came in 1991, which obviously caused a massive economic dislocation in Russia as it moved out of its socialist economy. So, in 1991, the great reforms were happening in China. The democratic movement wasn't slaughtered like it was in Tiananmen Square, but the Russian people were suffering hardship. The Russian economy collapsed, and there was a national despair in Russia, of course, and we watched this. While we built and fueled and invested in the Chinese economic machine, we said "No thanks" when it came to broad-

ening our relationship with a liberalizing Russia.

Russia's not a little country. Russia is not insignificant. On the contrary, in the long term and in the grand scheme of history, we need Russia just as much as the Russians need us. If we are to confront the menace of radical Islam and the terrorist threat, we are going to have to stop the rogue states that are trying to acquire nuclear weapons. We're going to do that or combat radical Islam.

If we're going to combat, as I say, Iran or North Korea, we need to work with the Russians. We need to be partners with the Russians, not antagonists, and we certainly should not be looking at them as an enemy at a time when they have been trying to liberalize their country and have had great strides of liberalization since the Stalinist days of the Soviet Union. To be scrupulously accurate, we did, indeed, start a number of Russian-American partnerships in the 1990s.

In 1992, Senators Sam Nunn and Richard Lugar pushed us to work with the Russians to secure and dismantle nuclear weapons arsenals in and around the former Soviet Union, a project that would make everybody safer. It was brilliant, and eventually it evolved into the Cooperative Threat Reduction program. This program, the CTR, was a joint exercise between the United States, Russia, other former Soviet states and various military contractors. For a while, it went very, very well even though it had its ups and downs, and it's still going well. Despite the fact that certain people in the United States are complaining about it, they complain about the costs, but mostly they complain about working with the Russians to secure the Russians' weapons.

Well, that makes all the sense in the world to me that we work with them to dismantle weapons, nuclear weapons, and that gets to the heart of the problem. The type of people who are now deadly against us even trying to help the Russians dismantle their own weapons. We have a chance. And President Obama—I will have to say I've been very critical of him in his dealings with countries like Iran and elsewhere where he's not being tough, but he's trying to reach out to the Russians, and I applaud that. What he's trying to do is to find something that is mutually beneficial to us and that would be a reduction in the number of nuclear weapons.

Nuclear weapons cost a lot of money to both of our countries, and we are building them so that they can't be used. We are praying they will never be used. So if we are going to have money for the military, which we have to use to defeat radical Islam and to confront China, we need to make an agreement with Russia to bring down the level, not to eliminate nuclear weapons but

bring down the level of those weapons that we believe should never be used so that we can afford to pay for the defense that we need to use.

And why aren't we doing that? I mean, Obama has laid the groundwork, but already we have people on my side of the aisle raising their voices with an ingrained sense of hostility towards Russia on any idea of reducing nuclear weapons. Well, how come we don't have that same antagonism towards China, who we are sending hundreds of billions of dollars to? The United States did withdraw from the Antiballistic Missile Treaty. I supported that, and I still do, even though I know the Russians didn't like that and thought it was a hostile act. I believe in missile defense. That's why we withdrew from that treaty.

I believe we should reduce our number of nuclear weapons and build a missile defense system, but I disagree with how the Bush administration rushed forward to deploy a system in the Czech and Polish Republics right on Russia's borders. We should have done what Ronald Reagan advised, and that is, if the Russians would withdraw from Eastern Europe and give up this Communist attitude of dominating the world, we should make the Russians partners in designing, building, maintaining and operating an antimissile system.

So, instead, we set up this system that we knew would be considered a hostile act and would antagonize the Russians even at the same time as we were inviting Chinese military observers to observe our own military operations. We've got it totally backwards. The country with no liberalization whose government hates our way of life and imprisons people for religious purposes, that government we're inviting to observe our military operations and cooperate with their military while Russia, which has had every liberalization, even though they're imperfect, that country which wanted and would love to work with us on missile defense, we set up a system which is aimed at Russia. Well, if we keep expanding NATO and inching around Russia, you can expect them to think that we're doing this as a hostile act. We do this even as we try to open up our relations even further with China.

We chastise Russia for its imperfections, but we have not bothered to make demands on China even as we have invited the Chinese military to observe our military operations. We keep expanding NATO, as I say, inching around, but we always have a negative word for Russia; yet, in China, there has been no reform of its tyrannical and repressive practices.

So what else have we done? We haven't even offered support for those elements in China that do believe in reform and democracy. We can't get ourselves to have strong condemnations of

the brutal massacres going on now with the Uyghurs, the Muslims or the Tibetans or the Falun Gong. We can't get our government to actually condemn China for the brutality, the massive brutality that they are perpetrating on their own people, much less, I might add, condemn them for their continued insistence on territorial claims.

China is not only an economic threat, but China is a massive threat to us as it builds its military, its rockets and missiles, in particular, as it claims huge territories of Russia and India and huge areas of the ocean right up to the shores of the Philippines. These are claims that China is making; yet the United States is not counteracting those claims even as we are antagonistic towards Russia.

If we are to have a free world, if we are to combat radical Islam, we need Russia on our side. If we are going to combat those rogue nations in Iran and North Korea, we need Russia on our side. And if we are to live at peace and to thwart these desires by China to dominate the world, we must have Russia on our side.

So far, American policy has been totally upside down in terms of Russia and China. We need to make sure that we enter new relationships. Instead of taking NATO and expanding it, we should now show Russia that we want a new coalition in this world and that Russia will be part of it.

I would suggest that as we leave NATO, that we instead form a new coalition, perhaps not formally, but a coalition of interests, of security interests with countries like India, Japan, Russia and the United States. They are the four legs to the table that will create stability for humankind. Other democratic countries will join with us. But we need to have a relationship, a viable relationship with those countries in order to combat those challenges that are upon us with radical Islam and that threat that looms over us, which is an ever-more increasingly powerful Communist China.

The future's up to us. We've got to be realists, but we've also got to remain true to our principles as Americans. And when we are not true to those principles, when we close our eyes to the repression going on in China, even as we speak at this moment, where Muslims are being shot down in parts of China because they are not willing to accept the repression of their own culture and the repression of their faith, or the Tibetans who have suffered the same, or the Falun Gong who want nothing more than to meditate and have yoga exercises, if we do not speak up for these persecuted people, we will be persecuted, and we will suffer as a result.

The economy is suffering because of incredibly stupid policies, economic policies, and the China trade policy has

been one of the worst. Our country will suffer in the future if we do not have a rational policy of security and cooperation with Russia, with India, and with Japan.

With that, I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, July 15.

Mr. GINGREY of Georgia, for 5 minutes, today, July 9 and 10.

Mr. JONES, for 5 minutes, July 15.

Mr. GOHMERT, for 5 minutes, today and July 9.

Ms. FOXX, for 5 minutes, today.

Mr. SHADEGG, for 5 minutes, July 9.

ADJOURNMENT

Mr. ROHRBACHER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Thursday, July 9, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2515. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Kingdom of Bahrain pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2516. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Norway pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2517. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Schedules of Controlled Substances: Placement of Tapentadol into Schedule II [Docket No.: DEA-319P] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2518. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — E-911 Grant Program [Docket No.: NHTSA-2008-0142] (RIN: 2127-AK37) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2519. A letter from the Acting Division Chief, TAPD, WCB, Federal Communications Commission, transmitting the Commission's

final rule — In the Matter of Jurisdictional Separations and Referral to the Federal-State Joint Board [CC Docket No.: 80-286] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2520. A letter from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Improving Public Safety Communications in the 800 MHz Band, Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels [WT Docket 02-55] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2521. A letter from the Acting Division Chief, CPD, WCB, Federal Communications Commission, transmitting the Commission's final rule — In the Matters of Local Number Portability Porting Interval and Validation Requirements [WC Docket No.: 07-244]; Telephone Number Portability [CC Docket No.: 95-116] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2522. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the System's Semiannual Report to Congress for the six-month period ending March 31, 2009, as required by the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

2523. A letter from the Secretary, Department of Education, transmitting the Department's semiannual report from the office of the Inspector General for the period ending March 31, 2009; to the Committee on Oversight and Government Reform.

2524. A letter from the Secretary, Department of Education, transmitting the Department's Semiannual Report of the Office of Inspector General for the six-month period ending March 31, 2009; to the Committee on Oversight and Government Reform.

2525. A letter from the Department of Transportation — Federal Aviation Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2526. A letter from the Department of Transportation — Federal Railroad Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2527. A letter from the Department of Transportation — Federal Transit Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2528. A letter from the Department of Transportation — Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2529. A letter from the Department of Transportation — Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2530. A letter from the Department of Transportation — Office of the Secretary, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2531. A letter from the Department of Transportation — Office of the Secretary,

transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2532. A letter from the Department of Transportation — Research and Innovative Technology Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2533. A letter from the Department of Transportation — Saint Lawrence Seaway Development Corporation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2534. A letter from the Acting Director, Director of the Peace Corps, transmitting the semi-annual report of the Inspector General of the Peace Corps for the period beginning October 1, 2008 and ending March 31, 2009; to the Committee on Oversight and Government Reform.

2535. A letter from the Office of the Administrator, Small Business Administration, transmitting the Administration's semi-annual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2536. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; Rockets Over the River; Bullhead City, Arizona [Docket No.: USCG-2009-0070] (RIN: 1625-AA00) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2537. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety zone; AVI July Fireworks Display; Laughlin, Nevada [Docket No.: USCG-2008-1261] (RIN: 1625-AA00) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2538. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Ohio River mile 265.2 to 266.2 and from Kanawha River mile 0.0 to 0.5, Point Pleasant, WV [USCG-2009-0191] (RIN: 1625-AA00) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2539. A letter from the Attorney — Advisor, Department of Homeland Security, transmitting the Department's final rule — Navigation and Navigable Waters; Technical, Organizations and Conforming Amendments [Docket No.: USCG-2009-0416] (RIN: 1625-ZA23) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2540. A letter from the Paralegal, Department of Transportation, transmitting the Department's final rule — Buy America Requirements; Bi-Metallic Composite Conducting Rail [Docket No.: FTA-2008-0057] (RIN: 2132-AA99) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2541. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30669; Amdt. No. 481] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2542. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30670 Amdt. No. 3324] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2543. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mount Sterling, IL, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2544. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Waverly, OH [Docket No.: FAA-2009-1236; Airspace Docket No. 08-AGL-16] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2545. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Cleveland, OH [Docket No.: FAA-2009-0127; Airspace Docket No. 09-AGL-4] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CARDOZA: Committee on Rules. House Resolution 617. Resolution providing for consideration of the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-193). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 618. Resolution providing for consideration of the bill (H.R. 2701) to authorize appropriations for fiscal year 2010 for intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 111-194). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CARNAHAN (for himself and Mr. AKIN):

H.R. 3122. A bill to confer upon the United States Court of Federal Claims jurisdiction to hear, determine, and render final judgment on any legal or equitable claim against the United States to receive just compensation for the taking of certain lands in the State of Missouri, and for other purposes; to the Committee on the Judiciary.

By Mr. LAMBORN:

H.R. 3123. A bill to direct the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes; to the Committee on Natural Resources.

By Ms. FUDGE (for herself, Mr. MASSA, Ms. LEE of California, Mr. LOEBACK,

Mr. HARE, Ms. EDDIE BERNICE JOHN-SON of Texas, Mr. CARSON of Indiana, Mr. ELLISON, Mr. CLEAVER, Mr. PAYNE, Mr. JOHNSON of Georgia, Ms. WATSON, Ms. KILPATRICK of Michigan, Ms. CLARKE, Mr. WATT, Ms. CORRINE BROWN of Florida, Mr. TOWNS, and Mr. GRAYSON):

H.R. 3124. A bill to provide for the use of improved health information technology with respect to certain safety net health care providers; to the Committee on Energy and Commerce, and in addition to the Committees on Veterans' Affairs, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. BOUCHER, Mr. BARTON of Texas, Mr. STEARNS, Mr. DINGELL, Mr. MARKEY of Massachusetts, Mr. DOYLE, Mr. GORDON of Tennessee, Mr. SPACE, Mr. MCNERNEY, Mr. INSLEE, Ms. ESHOO, Ms. MATSUI, Mr. STUPAK, Ms. CASTOR of Florida, Mr. BUYER, Mr. WELCH, and Mr. UPTON):

H.R. 3125. A bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission; to the Committee on Energy and Commerce.

By Mr. FRANK of Massachusetts (for himself, Ms. WATERS, Mrs. MALONEY, Mr. GUTIERREZ, Mr. WATT, Mr. ACKERMAN, Mr. SHERMAN, Mr. CAPUANO, Mr. MILLER of North Carolina, Mr. AL GREEN of Texas, Mr. ELLISON, Ms. SPEIER, and Mr. GRAYSON):

H.R. 3126. A bill to establish the Consumer Financial Protection Agency, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN (for himself and Mr. RANGEL):

H.R. 3127. A bill to direct the Architect of the Capitol to acquire a statue of "The Unknown Slave" for permanent display in Emancipation Hall in the Capitol Visitor Center, and for other purposes; to the Committee on House Administration.

By Mr. ELLISON:

H.R. 3128. A bill to amend the Federal Reserve Act to authorize Federal Reserve Banks to examine the methodologies of used by nationally recognized statistical rating organizations in analyzing and rating asset backed securities and structured finance products; to the Committee on Financial Services.

By Mr. LUETKEMEYER:

H.R. 3129. A bill to prohibit United States contributions to the Intergovernmental Panel on Climate Change; to the Committee on Foreign Affairs.

By Mr. PAYNE (for himself and Mr. GEORGE MILLER of California):

H.R. 3130. A bill to establish expanded learning time initiatives, and for other purposes; to the Committee on Education and Labor.

By Mr. POE of Texas (for himself and Mrs. BACHMANN):

H.R. 3131. A bill to make participation in the American Community Survey voluntary, except with respect to certain basic questions; to the Committee on the Judiciary,

and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN of New Jersey:

H.R. 3132. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to reauthorize the Matching Grant Program for School Security through fiscal year 2012; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself and Mr. DANIEL E. LUNGREN of California):

H.R. 3133. A bill to improve title 18 of the United States Code; to the Committee on the Judiciary.

By Ms. SCHWARTZ:

H.R. 3134. A bill to direct the Secretary of Health and Human Services to establish a Healthcare Innovation Zone pilot program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALZ (for himself, Mr. PETERSON, Mr. OBERSTAR, Mr. MCINTYRE, Mr. PERRIELLO, Mr. BOSWELL, Ms. MCCOLLUM, and Mr. RODRIGUEZ):

H.R. 3135. A bill to amend the Internal Revenue Code of 1986 to provide additional incentives for facilities producing electricity from wind; to the Committee on Ways and Means.

By Mr. WALZ (for himself, Mr. PETERSON, Mr. OBERSTAR, Mr. MCINTYRE, Mr. PERRIELLO, Mr. BOSWELL, Ms. MCCOLLUM, and Mr. RODRIGUEZ):

H.R. 3136. A bill to extend the program to provide grants for specified energy property in lieu of tax credits; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMBORN (for himself and Mr. GOODLATTE):

H. Con. Res. 161. Concurrent resolution recognizing and congratulating the City of Colorado Springs, Colorado, as the new official site of the National Emergency Medical Services Memorial Service and the National EMS Memorial honoring emergency medical services personnel who have died in the line of duty; to the Committee on Energy and Commerce.

By Mr. NYE:

H. Con. Res. 162. Concurrent resolution expressing the sense of Congress that any attempt at health care reform should ensure that patients have the right to choose their health care providers; to the Committee on Energy and Commerce.

By Mr. MORAN of Kansas (for himself, Mr. POMEROY, Ms. SHEA-PORTER, Mr. WHITFIELD, Mr. PAUL, Mr. DOYLE, Mr. ABERCROMBIE, Mr. VAN HOLLEN, Ms. CORINE BROWN of Florida, Mr. BACA, Mr. BRADY of Pennsylvania, Mr. SIRES, and Mr. LARSEN of Washington):

H. Con. Res. 163. Concurrent resolution expressing support for designation of September 23, 2009, as "National Job Corps Day"; to the Committee on Oversight and Government Reform.

By Mr. FLEMING (for himself, Mr. WILSON of South Carolina, Mr. BURTON of Indiana, Mr. BARTLETT, Mr. LINDER, Mr. GARRETT of New Jersey,

Mr. BLUNT, Mr. SCALISE, Mr. ALEXANDER, Mr. BONNER, Mr. LAMBORN, Mr. LUETKEMEYER, Mr. AKIN, Mr. BISHOP of Utah, Ms. FALLIN, Mr. COLE, Mr. GOHMERT, Mr. PENCE, Mr. HENSARLING, Mr. PITTS, Mr. POSEY, Mr. MARCHANT, Mrs. LUMMIS, Mr. BRADY of Texas, Mr. BOOZMAN, Mr. ROGERS of Alabama, Mr. POE of Texas, and Mr. BOUSTANY):

H. Res. 615. A resolution expressing the sense of the House of Representatives that Members who vote in favor of the establishment of a public, federal government run health insurance option are urged to forgo their right to participate in the Federal Employees Health Benefits Program (FEHBP) and agree to enroll under that public option; to the Committee on House Administration.

By Mr. CASSIDY (for himself, Mr. ALEXANDER, Mr. BOUSTANY, Mr. MELANCON, Mr. SCALISE, Mr. FLEMING, and Mr. CAO):

H. Res. 616. A resolution congratulating the Louisiana State University baseball team for winning the 2009 National Collegiate Athletic Association Division I College World Series; to the Committee on Education and Labor.

By Mr. MACK (for himself, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. ROHRBACHER, Mr. FORTENBERRY, Mr. POE of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. MCCOTTER, Mr. WAMP, and Mr. BILIRAKIS):

H. Res. 619. A resolution expressing the support of the House of Representatives for the people of Honduras; to the Committee on Foreign Affairs.

By Mr. SERRANO:

H. Res. 620. A resolution condemning the violence in Honduras and calling for the return of the duly elected President; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. RUSH.
H.R. 24: Ms. SCHAKOWSKY and Mr. FOSTER.
H.R. 39: Mr. GEORGE MILLER of California, Mr. HARE, Mr. VAN HOLLEN, and Ms. ESHOO.
H.R. 52: Mr. HINCHEY.
H.R. 147: Mr. ALTMIRE, Mr. SNYDER, Mr. SIRES, Mr. LUJAN, and Mr. KENNEDY.
H.R. 153: Mr. POSEY.
H.R. 154: Mr. POSEY.
H.R. 155: Mr. POSEY.
H.R. 197: Mr. HOLDEN, Mr. WALZ, and Mr. LATHAM.
H.R. 205: Mr. ROE of Tennessee.
H.R. 265: Mr. CONYERS.
H.R. 270: Mr. MASSA.
H.R. 275: Ms. MARKEY of Colorado, Mr. TURNER, Mrs. LUMMIS, Mr. ROE of Tennessee, Mrs. CAPITO, and Mr. DAVIS of Alabama.
H.R. 303: Mr. ROONEY and Mr. SHULER.
H.R. 420: Mr. OLSON.
H.R. 422: Mr. BLUNT.
H.R. 444: Mr. COURTNEY, Ms. CLARKE, and Ms. KAPTUR.
H.R. 513: Mr. MARIO DIAZ-BALART of Florida.
H.R. 560: Mr. MORAN of Kansas.
H.R. 568: Mr. CLAY.
H.R. 571: Mr. HODES and Mr. WESTMORELAND.
H.R. 621: Ms. HARMAN, Mr. PERRIELLO, Mr. ADERHOLT, Mr. MINNICK, Mr. BOOZMAN, Mr. SCALISE, Mr. MAFFEI, Ms. JACKSON-LEE of Texas, Mr. TURNER, and Ms. ZOE LOFGREN of California.

H.R. 644: Mr. BRALEY of Iowa.
H.R. 690: Ms. GINNY BROWN-WAITE of Florida, Mr. LEWIS of Georgia, and Mr. BRADY of Pennsylvania.

H.R. 722: Ms. SCHAKOWSKY and Mr. DOYLE.
H.R. 745: Mr. MOLLOHAN.

H.R. 764: Mr. GINGREY of Georgia and Mr. INGLIS.

H.R. 815: Ms. FUDGE.
H.R. 930: Ms. NORTON.

H.R. 932: Mr. LATOURETTE.

H.R. 948: Mr. MAFFEI.

H.R. 953: Mr. HALL of Texas and Mr. TIAHRT.

H.R. 981: Mr. CONNOLLY of Virginia.

H.R. 1074: Mr. SPACE, Mr. BUCHANAN, and Mr. WALZ.

H.R. 1093: Mr. BUTTERFIELD and Ms. ZOE LOFGREN of California.

H.R. 1094: Mr. MILLER of North Carolina and Ms. BERKLEY.

H.R. 1147: Mr. STARK and Mr. FATTAH.

H.R. 1177: Mr. PLATTS.

H.R. 1205: Mr. BRALEY of Iowa, Mr. CAO, Mrs. NAPOLITANO, Mr. PAYNE, Mr. FLEMING, Mr. TURNER, and Ms. JACKSON-LEE of Texas.

H.R. 1207: Mr. SULLIVAN, Mr. COURTNEY, Ms. HIRONO, and Mr. FARR.

H.R. 1245: Mr. TIM MURPHY of Pennsylvania.

H.R. 1283: Mr. LEVIN and Mr. BACA.

H.R. 1310: Ms. FUDGE and Mr. DOGGETT.

H.R. 1322: Mr. KENNEDY and Mr. ROTHMAN of New Jersey.

H.R. 1339: Mr. SCHIFF, Mr. BLUNT, and Ms. DEGETTE.

H.R. 1362: Mr. TURNER, Mr. CRENSHAW, Ms. BERKLEY, and Ms. MATSUI.

H.R. 1410: Mr. HOLT.

H.R. 1454: Mr. UPTON and Mr. SCHOCK.

H.R. 1458: Mr. LEE of New York, Mr. MEEKS of New York, Mr. MASSA, Mr. BLUMENAUER, Ms. RICHARDSON, Mr. TOWNS, Mr. MEEK of Florida, and Mr. CUMMINGS.

H.R. 1499: Mr. RAHALL.

H.R. 1523: Mr. PAYNE, Mr. MURPHY of Connecticut, Mr. ISRAEL, and Ms. MOORE of Wisconsin.

H.R. 1546: Mr. ALTMIRE.

H.R. 1548: Mr. BARTLETT.

H.R. 1549: Ms. KAPTUR, Mr. MCGOVERN, and Mr. BAIRD.

H.R. 1557: Mr. MITCHELL.

H.R. 1585: Mr. PLATTS, Mr. KUCINICH, and Ms. TITUS.

H.R. 1596: Mr. FILNER.

H.R. 1612: Ms. MATSUI, Ms. ZOE LOFGREN of California, Mr. TONKO, Mr. CONNOLLY of Virginia, Ms. HERSETH SANDLIN, Ms. MOORE of Wisconsin, Mr. KISSELL, Ms. MCCOLLUM, and Ms. SHEA-PORTER.

H.R. 1625: Mr. MASSA, Ms. SCHAKOWSKY, Mr. MURPHY of Connecticut, Ms. EDWARDS of Maryland, Mr. BISHOP of Georgia, and Mr. KILDEE.

H.R. 1643: Mr. BLUMENAUER.

H.R. 1646: Mr. BISHOP of Utah and Mr. YARMUTH.

H.R. 1660: Mr. COURTNEY.

H.R. 1700: Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. WOLF, and Mr. LOBIONDO.

H.R. 1723: Mr. BLUMENAUER.

H.R. 1763: Mr. POSEY.

H.R. 1799: Mr. CONAWAY and Mr. BONNER.

H.R. 1806: Mr. ARCURI.

H.R. 1819: Mr. BONNER, Mr. FALEOMAVAEGA, Mr. HONDA, Mr. MARIO DIAZ-BALART of Florida, and Mr. REHBERG.

H.R. 1835: Mr. SAM JOHNSON of Texas.

H.R. 1836: Mr. CHILDERS.

H.R. 1881: Ms. RICHARDSON, Ms. HARMAN, and Mr. CLAY.

H.R. 1894: Mr. CROWLEY and Mr. HIGGINS.

H.R. 1925: Mr. JOHNSON of Georgia, Mr. EHLERS, Ms. KAPTUR, and Mr. PASCRELL.

- H.R. 1955: Mr. EDWARDS of Texas.
H.R. 2000: Mr. STUPAK, Mrs. MYRICK, Mr. CARSON of Indiana, Mr. RYAN of Ohio, Mr. MITCHELL, Mr. FOSTER, and Mr. GENE GREEN of Texas.
H.R. 2017: Mr. Rooney, Mr. PRICE of Georgia, Mr. TIAHRT, Mr. ROSS, Mr. BERRY, Ms. MCCOLLUM, Mr. MASSA, and Mr. SNYDER.
H.R. 2030: Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. POE of Texas, Mr. KENNEDY, and Mr. SCHIFF.
H.R. 2060: Mr. RYAN of Ohio, Mr. FILNER, and Mr. CONYERS.
H.R. 2061: Mr. GOODLATTE.
H.R. 2097: Mr. FILNER, Mr. SMITH of New Jersey, Mr. MURPHY of Connecticut, Mr. PLATTS, and Mr. SHULER.
H.R. 2109: Mr. HIMES, Mr. NADLER of New York, Ms. LEE of California, Ms. NORTON, and Mr. BISHOP of Georgia.
H.R. 2119: Mr. PAULSEN and Mr. CAMPBELL.
H.R. 2125: Mr. CONAWAY.
H.R. 2136: Mr. BUTTERFIELD, Ms. KAPTUR, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, Mr. ARCURI, Mr. CHANDLER, Mr. CUMMINGS, Ms. DELAURO, Mr. DOYLE, Mr. ROTHMAN of New Jersey, Mr. SIRES, Mr. RYAN of Ohio, Mr. MEEK of Florida, Ms. KILPATRICK of Michigan, Mr. ORTIZ, Mr. RUSH, Mr. TAYLOR, Mr. CAPUANO, Mr. MARKEY of Massachusetts, Mr. AL GREEN of Texas, Mr. BRADY of Pennsylvania, Mr. CUELLAR, Mr. BONNER, Mr. ABERCROMBIE, Ms. CLARKE, Mr. LEWIS of Georgia, Mr. CLAY, and Mr. PASCRELL.
H.R. 2143: Mr. TIAHRT.
H.R. 2193: Mr. HEINRICH.
H.R. 2213: Mr. TIERNEY and Ms. LEE of California.
H.R. 2245: Mr. FLEMING, Mr. AUSTRIA, Mr. BURTON of Indiana, Mr. CONAWAY, Mr. HONDA, Mr. CLAY, Mr. CHILDERS, Mr. MELANCON, Mr. DANIEL E. LUNGREN of California, Mr. KUCINICH, Mr. ORTIZ, Mr. POE of Texas, Mr. EDWARDS of Texas, Mr. HARPER, Mr. BOSWELL, Mr. MCCARTHY of California, Ms. KILROY, Mr. SMITH of Texas, Mr. WITTMAN, and Mr. PALLONE.
H.R. 2251: Mr. QUIGLEY, Mr. CRENSHAW, Ms. KOSMAS, Mr. BLUMENAUER, Mr. BISHOP of New York, and Mr. HINCHEY.
H.R. 2256: Mr. MICA.
H.R. 2262: Mr. BOUCHER, Mr. KUCINICH, Mr. FILNER, and Mr. ENGEL.
H.R. 2272: Mr. PETERSON.
H.R. 2287: Mrs. EMERSON.
H.R. 2298: Mr. HALL of New York and Ms. SCHWARTZ.
H.R. 2304: Ms. MARKEY of Colorado and Mr. WOLF.
H.R. 2305: Mr. LUETKEMEYER and Mr. TIAHRT.
H.R. 2319: Mr. RYAN of Wisconsin.
H.R. 2363: Mr. MCGOVERN, Mr. COURTNEY, and Mrs. MALONEY.
H.R. 2393: Mr. BURGESS.
H.R. 2406: Mr. YOUNG of Alaska, Mr. MILLER of Florida, and Mr. SHADEGG.
H.R. 2413: Mr. MORAN of Virginia, Mr. PAYNE, Mr. RANGEL, Mr. CHILDERS, Mr. ROTHMAN of New Jersey, Mr. COSTELLO, Mrs. MCCARTHY of New York, Mr. MASSA, Mr. WAMP, and Ms. KAPTUR.
H.R. 2425: Mr. LATHAM.
H.R. 2438: Ms. JACKSON-LEE of Texas.
H.R. 2474: Ms. RICHARDSON.
H.R. 2476: Mr. LAMBORN and Mr. SALAZAR.
H.R. 2478: Mr. UPTON, Ms. VELÁZQUEZ, Mr. COURTNEY, and Mr. FARR.
H.R. 2497: Mr. CONNOLLY of Virginia.
H.R. 2499: Ms. TSONGAS.
H.R. 2502: Mr. CARDOZA.
H.R. 2516: Mr. ROONEY.
H.R. 2517: Ms. PINGREE of Maine.
H.R. 2521: Ms. JACKSON-LEE of Texas.
H.R. 2523: Mr. PALLONE, Mr. GRIJALVA, Mrs. BONO MACK, Mr. INSLEE, and Mr. BOREN.
H.R. 2525: Mr. BRALEY of Iowa and Ms. SHEA-PORTER.
H.R. 2527: Mr. MICHAUD.
H.R. 2537: Mr. STEARNS.
H.R. 2559: Mr. MCGOVERN.
H.R. 2562: Mr. YOUNG of Alaska.
H.R. 2574: Mr. MICHAUD.
H.R. 2580: Mr. CONNOLLY of Virginia.
H.R. 2590: Mr. MARSHALL.
H.R. 2626: Mr. NUNES.
H.R. 2632: Mr. GORDON of Tennessee, Mr. SESTAK, Mr. COHEN, Mr. INGLIS, Mr. BRADY of Pennsylvania, and Mr. MASSA.
H.R. 2653: Mr. SESTAK.
H.R. 2672: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2691: Mr. BERMAN and Mr. TOWNS.
H.R. 2702: Mr. WOLF.
H.R. 2732: Mr. PRICE of Georgia.
H.R. 2743: Mr. CASSIDY, Mr. AL GREEN of Texas, Mr. ROONEY, Mr. PASTOR of Arizona, Mr. SHADEGG, Mr. BUYER, Mr. LEWIS of Georgia, Mr. LUETKEMEYER, Mr. PUTNAM, Mr. WOLF, Mr. BOREN, Mr. GUTHRIE, Mr. NYE, Mr. KIND, Mr. LOBIONDO, Mr. SAM JOHNSON of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. MCINTYRE, and Mr. WAMP.
H.R. 2744: Mrs. NAPOLITANO and Ms. BALDWIN.
H.R. 2766: Mrs. MALONEY and Mrs. CAPPS.
H.R. 2773: Mr. WITTMAN.
H.R. 2786: Mr. HELLER.
H.R. 2794: Mr. DAVIS of Illinois, Mr. RANGEL, and Ms. LEE of California.
H.R. 2799: Mr. LATTA and Mr. POSEY.
H.R. 2801: Mr. JONES.
H.R. 2802: Mr. MCGOVERN.
H.R. 2818: Ms. BORDALLO.
H.R. 2828: Mr. TURNER.
H.R. 2835: Mr. FILNER.
H.R. 2842: Mr. SAM JOHNSON of Texas.
H.R. 2844: Ms. HERSETH SANDLIN.
H.R. 2846: Mr. KINGSTON, Mr. SULLIVAN, and Mr. POSEY.
H.R. 2852: Mr. RYAN of Ohio, Mr. ISRAEL, Mr. PAYNE, and Mr. MASSA.
H.R. 2857: Mr. WITTMAN.
H.R. 2881: Ms. FOXF.
H.R. 2891: Ms. NORTON and Mr. BOUCHER.
H.R. 2894: Mr. COURTNEY.
H.R. 2900: Mr. SHADEGG.
H.R. 2902: Ms. WOOLSEY.
H.R. 2913: Ms. KOSMAS, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. PUTNAM.
H.R. 2935: Mr. GEORGE MILLER of California, Mr. RODRIGUEZ, and Mr. UPTON.
H.R. 2939: Mr. KENNEDY and Mr. HIGGINS.
H.R. 2941: Mr. NEAL of Massachusetts and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 2963: Mr. MURTHA, Mr. GRIFFITH, Mr. SHULER, Mr. KENNEDY, Mr. PALLONE, and Mr. WAMP.
H.R. 2969: Mr. HINCHEY.
H.R. 2987: Ms. ROYBAL-ALLARD, Mr. TONKO, Mr. SALAZAR, and Ms. NORTON.
H.R. 3017: Ms. PINGREE of Maine and Mr. FARR.
H.R. 3036: Mr. PAUL, Mr. COBLE, and Mr. LOEBSACK.
H.R. 3043: Mr. PAUL, Mr. GONZALEZ, Mr. SIRES, Ms. JACKSON-LEE of Texas, and Mr. MCGOVERN.
H.R. 3047: Mr. HASTINGS of Florida.
H.R. 3074: Mr. BOSWELL.
H.R. 3091: Mr. RANGEL.
H.R. 3092: Mr. BLUMENAUER.
H.R. 3101: Ms. LINDA T. SÁNCHEZ of California and Ms. LEE of California.
H.R. 3105: Mr. CARDOZA, Mr. COSTA, Mr. RADANOVICH, and Mr. MCCARTHY of California.
H.R. 3119: Mrs. BONO MACK and Mr. BILBRAY.
H.J. Res. 47: Mr. MURTHA, Mr. MILLER of Florida, and Mr. TERRY.
H.J. Res. 50: Mr. JONES and Mr. GARY G. MILLER of California.
H.J. Res. 54: Mr. PENCE.
H. Con. Res. 74: Mr. COHEN.
H. Con. Res. 96: Mr. ROTHMAN of New Jersey.
H. Con. Res. 117: Mr. CARTER, Mr. SIMPSON, Mr. LATTA, and Mr. CHAFFETZ.
H. Con. Res. 121: Mr. SOUDER and Mr. CONAWAY.
H. Con. Res. 128: Mr. STARK, Mr. SNYDER, Mr. MORAN of Virginia, and Ms. FUDGE.
H. Con. Res. 151: Mr. WOLF and Ms. BORDALLO.
H. Con. Res. 156: Mr. GALLEGLY.
H. Con. Res. 160: Mr. NEAL of Massachusetts, Mr. SAM JOHNSON of Texas, Mr. SIMPSON, Ms. SCHWARTZ, and Mr. MCINTYRE.
H. Res. 175: Mrs. MYRICK and Mr. ROHR-ABACHER.
H. Res. 209: Mr. POE of Texas.
H. Res. 288: Mr. MCINTYRE, Mr. ELLISON, Mr. SNYDER, Ms. ZOE LOFGREN of California, and Mrs. NAPOLITANO.
H. Res. 314: Mr. POE of Texas.
H. Res. 397: Mr. GRAVES.
H. Res. 409: Mr. COSTA.
H. Res. 440: Mr. SCHOCK.
H. Res. 441: Mr. PAYNE, Mr. ARCURI, Mr. JONES, and Mr. MASSA.
H. Res. 468: Mr. PAYNE.
H. Res. 486: Mr. DUNCAN.
H. Res. 512: Ms. JACKSON-LEE of Texas and Ms. HIRONO.
H. Res. 549: Mr. ROONEY.
H. Res. 554: Mr. KLINE of Minnesota.
H. Res. 583: Mr. SKELTON.
H. Res. 601: Mr. KING of New York.
H. Res. 613: Mr. MAFFEI, Mr. INSLEE, Mr. DENT, Mr. MOORE of Kansas, and Mr. HOLDEN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Lowey, or a designee, to H.R. 3081, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f) or 9(g) of rule XXI.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. HOEKSTRA. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding that will benefit the Second Congressional District of Michigan as part of H.R. 2997.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Research Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI 48824

Description of Request: Provide funding of \$346,000 for fire blight research to be shared by Michigan State University in East Lansing Michigan and Cornell University in New York. Approximately, \$184,000 is for the salaries of laboratory and \$162,000 for field research personnel and for materials and supplies at Michigan State University. The remaining funds will be allocated to Cornell University in New York. Researchers at both universities will collaborate on findings. Michigan State University has obtained funding from the State of Michigan. Michigan Apple Committee and industry sources and will continue to fund the fire blight research at MSU at a level of \$112,000 in FY10.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 2997

Account: USDA/Cooperative State Research, Education and Extension Services Special Research Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 109 Agriculture Hall, East Lansing, Michigan 48824

Description of Request: Provide \$346,000 in funding for Phytophthora research at Michigan State University. Approximately 85 percent of the funding will go to researchers, technicians and students. Approximately 15 percent will be used for materials, supplies and administration. Michigan State University has received outside sources of funding for Phytophthora research as well. This funding is consistent with the authorized purpose of the Cooperative State Research Education and Extension Service.

EARMARK DECLARATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847, the Commerce, Justice, and Science Appropriations Bill:

Requesting Member: ADERHOLT

Bill Number: H.R. 2997, Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Account: CREES

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: Auburn University, 102 Samford Hall, Auburn, AL 36849

Description of Request: "Precision Agriculture, AL, \$419,000"

The funding would be used for the development and implementation of new geospatial tools to allow site-specific management of forestry and agriculture land along with alternative crops for bioenergy production.

Taxpayer Justification: The project has allowed the investigation of new technology and management practices to increase the efficiency of production. Results have led to establishing the best approach to implement precision agriculture/forestry technology and strategy while improving environmental stewardship. Differences in soil conditions, for example, can allow a reduced, and targeted, amount of fertilizer to be used. The requested level of funding is \$650,000 budgeted in the following manner: \$435,000 for personnel; \$65,000 for equipment; \$75,000 for supplies; \$75,000 for travel.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman MIKE ROGERS (MI-08)

Bill Number: H.R. 2996

Account: Environmental Protection Agency, STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: The City of Lansing

Address of Requesting Entity: Lansing Board of Water & Light located at 1232 Haco Drive, Lansing, Michigan, USA

Description of Request: Provide an earmark of \$500,000 for a more energy efficient drinking water system in Lansing, Michigan. The purpose of this funding would be to construct a more energy efficient drinking water system. This project would reduce energy use and costs through the deployment of energy efficient technologies on the drinking water system. Since the drinking water system is one of the largest electric users in Lansing, these changes are expected to cut energy use for water pumping by 20% and as a result, bring down utility costs. 20% of the federal funding will be used for project engineering, 40% for equipment purchases, and the remaining funds will be used for the installation of energy efficiency technology and improvements in the drinking water system.

Requesting Member: Congressman MIKE ROGERS (MI-08)

Bill Number: H.R. 2996

Account: United States Environmental Protection Agency's Science and Technology Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: Consortium for Plant Biotechnology Research, Inc., Georgia at P.O. Box 20634, St. Simons Island, Georgia, USA

Description of Request: Provide an earmark of \$1,000,000 for clean energy research for the Consortium for Plant Biotechnology Research. This funding would be used for research at Michigan State University and commercialization for clean energy, national energy security, and a cleaner environment. The purpose of this project is to fund research and technology transfers that have applications to energy security and the reduction of greenhouse gases through developing technologies in renewable energy, biofuels, "green" chemicals, and industrial manufacturing processes. Approximately 8% of the federal funds will be used for peer reviewed competitions and 92% is for research projects.

EARMARK DECLARATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. NEUGEBAUER. Madam Speaker, pursuant to the Republican standards on member requests, I am submitting the following information regarding congressionally directed appropriation projects I sponsored as part of H.R. 2997, FY 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Agency/Account: National Institute of Food and Agriculture RE/FA

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Amount: \$1,730,000

Requesting Entity: Texas Tech University, 2500 Broadway, Lubbock, TX 79409

The Cotton Production and Research Center is a multidisciplinary cotton research program for the Southwest cotton production region that serves as a market and policy analysis program for natural fibers. The research focuses on maximizing efficiency for regional and U.S. cotton production, marketing and trade. Overall, the project goals are to: develop new information and technologies, increase cotton and textile production, reduce costs, improve market efficiency, increase exports, and improve the U.S. textile industry's global competitiveness.

Agency/Account: National Institute of Food and Agriculture RE/FA

Amount: \$946,000

Requesting Entity: Texas Tech University, 2500 Broadway, Lubbock, TX 79409

The International Center for Food Industry Excellence proposes to build upon the expertise available at Texas Tech University and its collaborating institutions. Center-affiliated researchers will develop and evaluate food innovations that improve the security, safety, functional properties, nutritional quality, eating quality, and consumer acceptance and production characteristics of food available to U.S. consumers. Center scientists engage in innovative research across the farm-to-table continuum to improve food safety, expand uses for existing commodities and identify consumer behaviors and attributes that influence food acceptability and marketability.

Agency/Account: National Institute of Food and Agriculture SRG

Amount: \$515,000

Requesting Entity: Texas Tech University, 2500 Broadway, Lubbock, TX 79409

The Great Plains Sorghum Improvement and Utilization Center will build on the Kansas Sorghum Improvement Center, initiated in 2001, by pooling and integrating the research and extension resources for sorghum improvement, utilization, production and marketing located at Kansas State University, Texas Tech University, and Texas A&M University (including USDA-ARS scientists located on those campuses with assigned sorghum responsibilities). Efforts among the three institutions will be integrated to bring new technologies and knowledge together and focus on improvement of profitability in each stage of sorghum production, processing, and marketing.

CONGRATULATING VEVAY, INDIANA

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. HILL. Madam Speaker, on April 15th, CBS's Early Show announced Budget Travel Magazine's Top 10 "America's Coolest Small Towns", ranking Vevay, Indiana, Number 4. I would like to give my heartfelt congratulations to the Vevay community and all of Switzerland County.

Vevay was selected based on the "quality of life, arts and restaurant scenes and proximity

to nature" of the town. The Swiss Wine Festival, events such as First Fridays and Second Saturdays, art galleries, and local restaurants all contributed to receiving this honor. Close to 8,000 people voted for Vevay.

As Vevay's representative in Congress, I can certainly attest to its merit in winning this award. I always enjoy visiting Vevay, and while biased, think it should have been ranked Number 1!

Again, congratulations to the residents of Vevay. This distinction is much deserved, and I am proud to represent you in the Ninth District.

REMEMBERING MICHAEL JACKSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. RANGEL. Madam Speaker, I rise today to commemorate a consummate performer, Michael Jackson, a man whose music bridged racial and generational divides, whose generous charity combated global poverty, whose kind and gentle spirit endeared him to millions. Thousands of people gathered outside the historic Apollo Theatre in my district last week, standing for hours to enter an at-times raucous, at-times somber memorial to the late singer. Along with Rev. Al Sharpton, film director Spike Lee, and Apollo President and CEO Jonelle Procope, I joined a packed crowd of Jackson fans on the very stage he began his career in 1967, winning the Apollo's Amateur Night contest with his four brothers, the Jackson Five. We were there because his singing and dancing remain unmatched. We were there because he was as much an institution in our community as the legendary theatre we sat in. We were there because, all over this world, his love and warmth should and will be maintained.

As a young boy who dreamt big and often, Michael Jackson sustained a decades-long career he began as a child in Gary, Indiana. He is a testament to young people everywhere that dreams are worth pursuing—regardless of their size or scope. In this America, all great things are possible. He grew up before us all, adapting his style to match each passing decade and leaving a series of catchy, easily recognizable hits along the way. Jackson's music captured our imagination and never let go. His records are gifts he has left us and our posterity as remnants of a time that will live on in American history.

As a person of color, who came to be highly regarded by Americans of all colors, he opened the door for other minorities to dare to achieve big. His music and dance moves were welcomed into living rooms across the country, without regard to his race. It was a harbinger of great things to come—Tiger Woods remains the best athlete in a sport not known for its diversity, the Top 40 Billboard charts feature a mix of Black and White musicians alike, and last January, we inaugurated this country's first African American President. His legacy eclipses its impact on the recording industry, the entertainment business, or even Hollywood—his life taught us an important les-

son about race, about hard work, and about ourselves.

EARMARK DECLARATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Ms. ROS-LEHTINEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2847 Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 2487

Account: Department of Justice, Byrne Discretionary Grants

Amount: \$500,000

Project: Human Trafficking Initiative

Requested by: St. Thomas University, 16401 NW 37th Avenue Miami Gardens, FL 33054

St. Thomas University seeks support for an initiative that will provide essential educational and training services to law enforcement, immigration services, government employees directly involved with service providing to trafficking victims, as well as to private organizations and individuals as well as to generate awareness of this growing problem in the general public. The School of Law is committed to human rights dedicated to training the next generation of human rights leaders and advocates through its LL.M. and J.S.D. Programs in Intercultural Human Rights, and through the direct services of the Human Rights Institute.

A three-week winter academy is proposed to be held annually on the STU campus. It will include lectures and training on practical issues (such as how to identify victims of human trafficking, how to collect data on human trafficking, how to diversify treatment of victims for different cultures, laws and relief services available, etc.) simulating different agency work governmental and non-governmental, with potential visits to pertinent agencies to gain hands on experience. The participants interested in receiving a certificate on human trafficking will sit for a final exam. In order to increase the community outreach goal of the program, a free lecture open to the public at large, will be offered that will focus on the local human trafficking problem. The last segment of the academy will be a mini-conference where local and/or national voices, and the best experts in the field will be featured.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 2487

Account: Department of Justice, Byrne Discretionary Grants

Amount: \$500,000

Project: City of Miami Beach Afterschool Gang and Drug Prevention Program

Requested by: City of Miami Beach, 1700 Convention Center Drive Miami Beach, FL 33139

The primary goal of the Teen Club is to prevent and reduce delinquent behavior and keep

the community's at-risk youth in a positive environment to foster personal growth and encourage teens to become well-rounded individuals through the accumulation of new skills, awareness, and knowledge. Moreover, the program's aim is to promote health relationships that facilitate social skill development, decrease teen substance and alcohol abuse, and increase quality programming offerings that appeal to teenage youth. As a result, the participants involved in the Teen Club are less likely to entertain outside and detrimental participation in other unsupervised activities, including involvement in gangs and/or drugs. Current enrollment figures demonstrate more participants return for subsequent years in the program.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 2487

Account: Department of Justice, Juvenile Justice

Amount: \$500,000

Project: ARISE Life-Management Skills Intervention/Re-entry Program for High Risk Youth

Requested by: The ARISE Foundation. 824 US Hwy 1 North Palm Beach, FL 33408

ARISE serves approximately facilities in all 23 Florida congressional districts, including the Miami Dade Juvenile Detention Center in Miami. Over 156,618 hours of Life-Skills lessons have been taught at this facility. A recent study by Professor Mark A. Cohen, Vanderbilt University, December 2007, demonstrates why it is so important to target high-risk youth. Year by Year Costs Imposed by High Risk Offenders Cohen shows that the cost of one offender with at least six police contacts from childhood to age 32 totals \$3,172,998 in 2007 dollars. In other words, saving one child saves taxpayers more than 3 million. By comparison, the ARISE program costs \$1.70 per hour per youth. Stopping the cycle of crime and gang violence by helping this population learn the skills necessary to succeed in life is an investment in our children and in our communities, with the potential to save millions of dollars tomorrow.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 2487

Account: Department of Justice, Juvenile Justice

Amount: \$200,000

Project: At-Risk Youth and Child Abuse Prevention Program

Requested by: Ohel Children's Home and Family Services. 4233 Sheridan Road Miami Beach, FL 33140.

This program engages at-risk youth in elementary and high schools to enhance their social and emotional functioning, as well as prevent and treat risky behaviors, including those that often lead to addictions and violence. The program includes school-based services, community education, and teacher training. The programs interact with student and include the use of role playing, small discussion groups, videos and modeling exercises that use current topics of discussion. Training is provided for teachers, guidance counselors and principals, and workshops for parents emphasize communication with children. Through community seminars, Ohel offers public forums for parents, educators, and community leaders on topics including self esteem, conflict resolution

(bullying, anger management, etc.), relationship building (social skills training, peer pressure, etc.), and prevention of at-risk behaviors such as addictions, eating disorders, gambling and abuse. This program is a valuable use of taxpayer funds in that it prevents at-risk behaviors from spiraling into juvenile delinquency. In addition, the program assists children who are the victims of abuse or who are confronted with challenging circumstances in their lives so that these experiences do not lead to ongoing, destructive behavior. Further, the program benefits the federal government by putting at-risk kids back on a successful track and thus saving significant federal expenditures by keeping them out of the juvenile justice system.

RECOGNIZING ROBERT STEPHENSON, MICHIGAN TEACHER OF THE YEAR

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. ROGERS of Michigan. Madam Speaker, today I rise to pay tribute to Robert Stephenson on his selection as Michigan's 2009–2010 Teacher of the Year.

Over his 15-year teaching career, Robert Stephenson has helped to inspire and enlighten students across Mid-Michigan. Stephenson, a third grade teacher at Wardcliff Elementary School in East Lansing, was selected from 20 regional finalists statewide. The award recognizes excellence in teaching and aims to provide teachers with the opportunity to interact with policymakers, provide a public voice for educators, and focus public attention on the importance of teachers.

Using a hands-on approach, Stephenson's classroom activities engage students at a higher intellectual level. He is a role model to all his students and colleagues as he uses new and innovative teaching techniques to provide students a better learning experience.

Stephenson joins a unique class of teachers from Mid-Michigan. He is the fifth teacher from Mid-Michigan to receive this award in the last 29 years, and the fourth from Michigan's Eighth district in the last 10 years.

Madam Speaker, education is the cornerstone of our future and great teachers lay the foundation for our communities. I wish to extend my gratitude to Robert Stephenson for his many years of service to the students in Michigan. I ask my colleagues to join me in recognizing Mr. Stephenson for his years of dedication to teaching and his recent selection as Michigan's Teacher of the Year.

EARMARK DECLARATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. SULLIVAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclo-

sure and certification information for one project authorization request that I made and which was included within the text of H.R. 2647—National Defense Authorization Act for Fiscal Year 2010.

Project: High Density Power Conversion and Distribution Equipment

Project Amount: \$5 million

Account: Research and Development—Navy.

Legal Name of Requesting Entity: L-3 Westwood Corporation

Address of Requesting Entity: 12402 East 60th Street Tulsa, OK 74146.

Description of Request: Navy power switchboard technology has remained essentially the same for nearly 50 years. This technology is passed largely on past Navy applications (with lower power needs) and commercial practices (which are less volume and weight sensitive). The Navy's power needs (e.g., sensors, weapons, house loads) have escalated and the newest power architecture designs have added additional concerns (e.g., higher frequencies), but the size and weight of the power distribution equipment are still limited. The inline switchboard technology simplifies the switchboard arrangement to greatly decrease size, weight, and lifecycle cost. In summary, this will provide the Navy with technology that will result in \$0.25M/per year per destroyer/cruiser in maintenance savings plus an additional \$1 million per ship in overhaul savings. Additional savings are estimated in size and weight at 50 tons per ship and a space savings of 1000 sq.ft. Fuel savings due to the decreased weight are anticipated to be significant given the cost of fuel.

EARMARK DECLARATION

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Requesting Member: Rep. DENNY REHBERG

Bill Number: H.R. 2997

Account: Rural cooperative development Grants

Name and Address: National Center for Appropriate Technology, 3040 Continental Dr., Butte, MT 59701

Appropriate Technology Transfer for Rural Areas (ATTRA) provides information, educational resources and technical assistance to farmers, ranchers, and agricultural information providers across the U.S., with a special focus on sustainable ag technologies, farm energy, and information on marketing and adding value to farm products.

Amount: \$2,582,000

Requesting Member: Rep. DENNY REHBERG

Bill Number: H.R. 2997

Account: Buildings and facilities

Name and Address: Montana State University—Bozeman, 202 Linfield Hall, Bozeman, MT 59717

The progressive evolution of animal and range sciences has generated increasingly complex opportunities for research, teaching and outreach. The Animal Biosciences Research Facility will use the bovine genome sequence to identify ways to improve economic and environmental sustainability in the production of safe, high quality and consistent beef products by: identifying genes and their function; developing tools to control disease; improving nutrient utilization, management and production efficiency; and enhancing the nutrient composition of a safe supply of beef for the consumers in the United States and abroad.

Amount: \$3,654,000

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2997

Account: Science and Research Grant
Name and Address: Montana State University & National Barley Improvement Committee, 209 Plant Biosciences Building, Montana State University, Bozeman, MT 59717

This project addresses the critical need of growers in production agriculture to increase economic yield and on-farm income, enhance domestic and international market access, improve production technologies, and better compete with Canadian and European barley and barley value-added imports, and with Australia, Canada, and Europe in world export markets.

Amount: \$514,000

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2997

Account: Science and Research Grants
Name and Address: Montana State University—Bozeman, 202 Linfield Hall, Bozeman, MT 59717

B. abortus is a communicable disease that has already affected Montana's livestock industry and will continue to pose future threats until improved vaccines are developed. Montana must regain its Brucella-free status in order for the livestock industry to prosper. Furthermore, the presence of Brucella abortus in YNP poses a biosafety hazard to tourists that could impact the state's tourism industry, particularly, for southwestern Montana. Thus, efforts spearheaded by MSU are warranted, and the development of novel vaccines and study of livestock and bison immune responses will have a tremendously positive impact for Montana agriculture.

Amount: \$305,000

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2997

Account: Science and Research Grants
Name and Address: Montana State University—Bozeman, 202 Linfield Hall, Bozeman, MT 59717

Improving beef quality depends upon: (1) assisting producers with selection and management techniques to produce cattle that fit customer expectations for marbling, red meat yield and weight, (2) developing a cattle ID system that facilitates data collection and information feedback and reduces reliance on hot-iron branding and (3) continuing to develop and apply technology to enhance the safety of beef. The Montana Beef Network addresses each of these areas. Montana's beef cattle industry generates approximately \$900M dollars in yearly income and accounts for approximately one-half of the state's total agricul-

tural income. The stockgrowers of the state own approximately 1.6 million beef cows. It has been suggested that in the future, producer ability to market calves may require process verification of calves from birth until slaughter, so that vaccination history, breed, age and weight can be factored into subsequent management programs to guarantee food safety and ensure product quality and consistency.

Amount: \$682,000

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 2997

Account: EPA—Salaries and expenses

Name and Address: The Montana Department of Livestock, PO Box 202001, Helena, MT 59620-2001

To conduct brucellosis prevention, surveillance, control and eradication activities in Montana and the Greater Yellowstone Area (GYA), and to develop and implement brucellosis herd unit management plans.

Amount: \$650,000

CONGRATULATING THE SOCORRO BULLDOGS BASEBALL TEAM

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. REYES. Madam Speaker, I rise today to congratulate the Socorro High School baseball team for winning the 2009 Texas 5A State Baseball Championship. The Socorro High Bulldogs ended their championship season with an impressive record, becoming the second team in El Paso history to bring home the coveted state title.

The team was tested by fierce competitors from across the great State of Texas, one of the most competitive states in the entire nation for high school baseball. As the post-season progressed, the Bulldogs fended off tough challengers and finished with an impressive 35-4 record.

On Saturday, June 13th, the Bulldogs had their toughest test this year when they faced the Lufkin Panthers in the state championship game at the Dell Diamond in Round Rock, Texas, and were down 2-0 in the game's early innings. The talented young men on the Socorro Bulldog team never wavered and forged an impressive come-from-behind victory.

I am extremely proud of the dedication, determination, sportsmanship, and discipline of this talented baseball team and their Coach Chris Forbes. The members of this championship team are to be commended for their drive and perseverance. The 2009 team members include: Tavi Amparan, Chuy Diaz, Cory Falvey, Roger Favela, Chris Guzman, Eric Herrera, Bobby Mares, Sergio Mendoza, Marcus Molina, Armando Muniz, Jessirey Navarrete, Aaron Olivas, Josh Rodriguez, Rene Rodriguez, Oscar Sandate, Ivan Sigala, Angel Soria, George Stoltz, and Luis Yanez.

Head Coach Chris Forbes and his great team of assistant coaches, Joe Alvarez, Adrian Garcia, Federico Contreras, and Herbert Reyes, were the masterminds behind the team's success. Coach Forbes, in particular,

instilled a sense of hard work and discipline that kept the players motivated throughout the regular season and post-season. As part of his 25-year career in coaching, the former Austin High School baseball player has taken Socorro to 20 playoff appearances. Coach Forbes also boasts the most wins (576) of any varsity baseball coach in El Paso.

The Bulldogs' championship title energized El Paso sports fans, as over a thousand parents and members of the community made the long journey to Round Rock to cheer the team to victory. This team will forever be remembered for its historic victory that brought the State Championship Trophy to El Paso, 60 years after the storied Bowie Bears baseball team achieved the same feat in 1949. I am proud to join my constituents from the 16th District of Texas in commending the Socorro Bulldogs baseball team for a job well done.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997, The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 302 Administration Building, East Lansing, MI 48824

Description of Request: Provide funding of \$384,000 for the detailed investigation of the most promising technologies to determine the value proposition that is needed to interest commercial partners in the further development of bio based production of fuels, chemicals, and materials. Approximately, \$150,000 is for salaries; \$150,000 is for materials and supplies; and \$84,000 is for equipment purchases and travel costs.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI 48824

Description of Request: Provide funding of \$346,000 for fire blight research to be shared by Michigan State University in East Lansing Michigan and Cornell University in New York. Approximately, \$184,000 is for the salaries of laboratory and \$162,000 for field research personnel and for materials and supplies at Michigan State University. The remaining funds will

be allocated to Cornell University in New York. Researchers at both universities will collaborate on findings. Michigan State University has obtained funding from the State of Michigan, Michigan Apple Committee and industry sources and will continue to fund the fire blight research at MSU at a level of \$112,000 in FY10.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI 48824 Description of Request: Provide funding for \$104,000 for research of Armillaria Root Rot. Approximately, \$70,000 is for the salaries of laboratory researchers; \$13,000 is for operating costs; \$1000 is for travel to field sites; and \$20,000 is for equipment necessary.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI 48824

Description of Request: Provide funding of \$246,000 for research of Bovine Tuberculosis. Approximately, \$174,000 is for Salaries and support for 3 graduate students; \$60,000 is for Laboratory supplies; and \$12,000 for research related travel. Michigan State University will provide \$127,500 in-kind funding.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI 48824

Description of Request: Provide funding of \$147,000 to improve fruit practices for sugar beets and dry beans. Approximately, \$100,000 is for salaries and expenses and \$47,000 is for lab maintenance and equipment. In addition to the federal funds provided by this grant, this research is supported by personnel, equipment, and facilities funded by the Michigan agricultural Experiment Station and Michigan State University Extension.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI 48824

Description of Request: Provide funding of \$266,000 to enhance the environmental sustainability of food and agricultural systems under research at Michigan State University. Michigan State University expects to leverage at least \$150,000 in state, local, and private funds to expand the impacts of the special grant. Approximately, \$285,000 is for salaries of 11 researchers; \$15,000 is for travel expenses; \$10,000 is for farmer stipends; \$25,000 is for materials and supplies; and \$81,000 is for communication and outreach.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI 48824

Description of Request: Provide funding of \$4,545,000 for wood utilization research with Michigan's share being \$728,545. The requested funds will be used for salaries of key personal and graduate students. Grant funds will also be used to purchase equipment, materials and supplies needed. Michigan State University provides in excess of \$500,000 in support of this project annually through use of lab space, equipment, and personnel assigned to the project.

Requesting Member: Congressman MIKE ROGERS

Bill Number: H.R. 2997

Account: United States Department of Agriculture/Cooperative State Research, Education, and Extension Services (USDA/CSREES) Special Grants Account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: 484 Administration Building, East Lansing, MI 48824

Description of Request: Provide funding of \$346,000 for Phytophthora Capsici Research to reduce the loss experienced by Michigan vegetable growers from this disease. Approximately \$100,000 will be to fund graduate and undergraduate students and technical staff. \$246,000 will be for research, travel and equipment purchases.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. BOOZMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for FY 2010.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 2997

Account: Rural cooperative development grants

Legal Name of Requesting Entity: Appropriate Technology Transfer for Rural Areas (ATTRA)

Address of Requesting Entity: 207 W. Center St., P.O. Box 3657, Fayetteville, AR 72702

Description of Request: The funding would be used for the national sustainable agriculture information service, to offer technical information and assistance to farmers, ranchers and agricultural information providers

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 2997

Account: Rural-Business Cooperative Service

Legal Name of Requesting Entity: University of Arkansas Division of Agriculture

Address of Requesting Entity: 207 E212 AFLS Building, University of Arkansas, Fayetteville, AR 72701

Description of Request: The funding would be used for the continuation of University of Arkansas Division of Agriculture Endophyte Research programs

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 2997

Account: Salaries and expenses

Legal Name of Requesting Entity: National Agricultural Law Center, University of Arkansas School of Law

Address of Requesting Entity: 107 Waterman Hall, Fayetteville, AR 72701

Description of Request: The funding would be used to provide a leading source of objective, scholarly, and authoritative agricultural and food law research and information

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 2997

Account: SRG

Legal Name of Requesting Entity: Animal Science Food Safety Consortium, University of Arkansas Division of Agriculture

Address of Requesting Entity: E212 AFLS Building, University of Arkansas, Fayetteville, AR 72701

Description of Request: the funding would be used for the continuation of Animal Science and Food Safety Consortium programs

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 2997

Account: SRG Legal

Name of Requesting Entity: National Consortium for Rural Geospatial Innovations in America, RGIS—Mid-South Center for Advanced Spatial Technologies

Address of Requesting Entity: JBHT 304, University of Arkansas, Fayetteville, AR 72701

Description of Request: The funding would be used for the continuation of University of Arkansas participation in the National Consortium for Rural Geospatial Innovations in America (RGIS)

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 2997

Account: SRG

Legal Name of Requesting Entity: Institute of Food Science and Engineering, University of Arkansas Division of Agriculture

Address of Requesting Entity: E212 AFLS Building, University of Arkansas, Fayetteville, AR 72701

Description of Request: the funding would be used to provide multidisciplinary research on value-added processing, safety, nutritional value, packaging, storage, and distribution of food products

HONORING THE LIFETIME
ACHIEVEMENTS OF SISTER
ALINE ANTIL

HON. BILL DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in recognizing the distinguished and selflessly dedicated contributions of Sister Aline Antil, a native daughter of New Bedford, Massachusetts.

In February of 1959, Ms. Antil first entered the Congregation of the Holy Cross, a spiritual decision that would shape not only her life but those of the countless women, children, and families whom she has touched through her missionary work. Across New England—in North Grosvornordale, Connecticut; in West Franklin, New Hampshire; and in Springfield, Massachusetts—Sister Aline used her infectious positive attitude and love of learning to instill her elementary- and middle-school-aged pupils with wisdom, knowledge, and the highest moral values.

For the past 37 years, Sister Aline has served in various parts of Haiti, a country whose population depends upon the humanitarian efforts of those compassionate enough to answer the calling. Most recently, she served as principal of Ecole Presbyterale de Fleurenceau, St. Marc, a position she has held in other locations. In a country where most Americans would find conditions appalling, Sister Aline Antil has never looked down on her students with pity. Rather, she has treated them as equals and taken great pride in the opportunity to help them learn, grow, and understand their valuable role in the world.

Sister Aline speaks fluent French, English, and of course, Creole, the native tongue of the people with whom she lives and works. Those who know her well—her family and peers—will tell you that no matter where she is in a room, you'll know her by her laughter. Her optimism and enthusiastic love of life know no bounds, a trait that has allowed her to thrive and brought her comfort under trying circumstances that most of us can only imagine.

As she celebrates her 50th Jubilee this week, Sister Aline Antil deserves the highest praise and recognition for the difference she has made in lives both young and old. Her charitable example is a story of hope, love, and inspiration at a time when we all need it. Thank you, Sister Aline Antil, for your exemplary work. I wish you health, happiness, and all good things in the years to come.

EARMARK DECLARATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. KING of Iowa. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Account: Natural Resources Conservation Service, Conservation Operations

Amount: \$288,000

Legal Name of Requesting Entity: Iowa Soybean Assn.

Address of Requesting Entity: 4554 114th St., Urbandale, IA 50322

Description of Request: The public now demands from crop producers both increased production of food, fiber, fuel, and other biobased product feedstocks and increased, documented environmental performance to conserve soils, sequester carbon, improve water quality, reduce greenhouse gas emissions, improve energy efficiency and increase wildlife habitat. As independent business persons, farmers in the Upper Mississippi River Basin and across the country need management systems to help them incorporate the best tools of science and business to measure and improve both agronomic and environmental performance while sustaining profitability.

The Iowa Soybean Association's Certified Environmental Management Systems for Agriculture (CEMSA) program has developed and piloted the basic management system and the technical assistance model producers in Iowa, the UMR Basin, and other agricultural regions need to meet these 21st Century demands. Expanding the scale of CEMSA in FY10, integrating individual planning with watershed planning, linking performance reporting to NRCS's system, and documenting and providing aggregated performance data to the soy biodiesel and corn ethanol industry on advances in agriculture's environmental performance and energy efficiency have significant implications in transferability of CEMSA throughout the UMR Basin and in the future of the farm-belt biofuels industry. It benefits farmers by preparing them for participation in USDA conservation programs, helping them improve profitability through better management, helps them effectively implement and evaluate the impact on their business of conservation strategies they hold as top priorities, and verifies their success in achieving environmental and energy efficiency performance gains.

CEMSA is also providing national leadership for advancing production agriculture's environmental performance. It is one of the ISA programs recognized by the National Academy of Sciences National Research Council's study

on "Mississippi River Water Quality and the Clean Water Act" as exemplary of the performance-based, public-private partnership projects that should be expanded throughout the UMR Basin.

CEMSA's private sector partnership with a public agency (USDA NRCS) has a positive impact on the agency's ability to fulfill its mission. This multi-year cooperative agreement has facilitated a strong working relationship which helps diffuse private sector innovation in the local, state, and federal offices and expands agency outreach through ISA's multi-level outreach to farmers. This public-private partnership designed specifically for ISA's programs enables flexibility the agency would not have on its own to create resource-centric planning and implementation, rather than program-centric approaches to resources. It has created an effective way to deal with institutional barriers that often hinder effective program implementation, which can best be done by the private sector working with agencies, but is not otherwise supported by the market or by program funding.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Account: Natural Resources Conservation Service, Conservation Operations

Amount: \$282,000

Legal Name of Requesting Entity: Hungry Canyons Alliance

Address of Requesting Entity: 712 S. Hwy 6 & 59, Oakland, IA 51560

Description of Request: The goals of Hungry Canyons Alliance are: 1) To provide financial and technical assistance for streambed stabilization projects to the 23 counties of the deep loess region in western Iowa, 2) To conduct research in effective methods of streambed stabilization, and 3) To provide demonstration of streambed stabilization projects for members and for the public. With an estimated construction budget of \$1,243,900 for FY10, the HCA will build approximately 18 grade control structures to prevent streambed degradation in western Iowa, protecting \$5.27 million in infrastructure and property value and preventing 1.2 million tons of sediment from erosion.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Account: Natural Resources Conservation Service, Conservation Operations

Amount: \$134,000

Legal Name of Requesting Entity: Iowa Soybean Assn.

Address of Requesting Entity: 4554 114th St., Urbandale, IA 50322

Description of Request: The Iowa Soybean Association's Watershed Management and Demonstration Program is a continuing project that links public and private resources and expertise to provide technical assistance to individual farmers, groups of farmers, and other stakeholders in Iowa watersheds for the purpose of improving agriculture's environmental

performance and watershed health. The project design employs science-based applied evaluation tools at field, farm, and watershed level (such as water monitoring, soil sampling, and guided stalk sampling) to collect performance data that can be applied in a feedback loop to the planning process. The project supports expert staff to assist watershed organizations and groups of farmers in developing and maintaining these adaptive management plans and in measuring and reporting performance in optimizing fertilizer use efficiency, remediating agricultural pollutants, decreasing soil erosion, building soil carbon, improving on-farm energy efficiency, reducing greenhouse gas emissions, enhancing wildlife habitat, and maintaining or increasing yield and profitability. Private-public partnerships among agencies, private industry, producers, environmental groups, all levels of government, water utilities, and the university are fundamental to the design of this project, and those functioning partnerships to achieve the above project objectives are a measure of the project's success. This project also enables farmers to engage in watershed leadership and planning, employing their expertise and motivating more effective environmental management practices.

Federal funding will be used to support integration of watershed planning and privately funded conservation practices with planning and performance reporting conducted by USDA NRCS in Iowa; integration of watershed planning with individual producers' conservation planning in targeted watersheds in 4–6 additional targeted watersheds; development and evaluation of solutions to agricultural non-point source pollution targeted to prioritized Iowa watersheds; and integration of data collection and reporting focused on soil, atmosphere, and energy conservation as indirect attributes of water quality improvement efforts in agricultural watersheds. One of the greatest challenges to achieving and documenting actual improvements in water quality and watershed health where Rapid Watershed Assessment and Watershed Planning has taken place and where significant farmer participation in conservation planning and implementation is taking place is the lack of sustained funding for planning, technical assistance to farmers and watersheds, and water monitoring implementations. Previous appropriations for this project are helping meet that challenge in at least three major agricultural watersheds in Iowa—Raccoon, Boone, and Iowa River—Upper. FY10 funding will help continue to meet that challenge for the period of time required to achieve and document results and to demonstrate a performance-based model for achieving agronomic, environmental, and economic goals in farm-belt watersheds. The planning and monitoring infrastructure and watershed partnerships developed under previous federal funding are in place, and these appropriations help ensure the necessary scope and scale of implementation and the integration of otherwise discreet programs. The work being done in these watersheds, linked to sophisticated water monitoring and analysis and other resource monitoring tools, can have a significant impact on the ability of farmers and other agricultural watershed stakeholders to achieve and document real advances in wa-

tershed health and water quality, if given time to work. This can have significant impacts on the ability of agencies to tailor their program incentives, cost share, and delivery systems to be more effective in helping groups of producers in watershed achieve success in meeting natural resource conservation goals and improving water quality. It will also demonstrate effective models for the private sector's role in working with agencies to more efficiently and effectively meet environmental performance goals.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Account: Natural Resources Conservation Service, Watershed/Flood Prevention Operations

Amount: \$1,146,000

Legal Name of Requesting Entity: USDA—Natural Resources Conservation Services

Address of Requesting Entity: 210 Walnut Street, 693 Federal Building, Des Moines, IA 50309

Description of Request: The requested funding will be used to reduce flood damage, gully erosion damage, stream channel degradation, and to improve water quality within the Little Sioux River Watershed of western Iowa. The Little Sioux watershed in western Iowa is an area that is intensively farmed due to productive but easily erodible soils. This funding will help to provide landowners and communities much-needed assistance in installing soil and water conservation practices to slow water runoff and reduce erosion damage to agricultural land, public infrastructure including roads and bridges, and to reduce sediment and associated agricultural nutrients and pesticides being delivered to streams and rivers.

EARMARK DECLARATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. JOHNSON of Illinois. Madam Speaker, pursuant to the Republican Leadership standards on project funding, I am submitting the following information regarding project funding I requested as part of Fiscal Year 2010 Agriculture Appropriations bill—H.R. 2997:

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: H.R. 2997—Fiscal Year 2010 Agriculture Appropriations bill

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Agricultural, Consumer and Environmental Sciences, 1301 West Gregory Drive, Urbana, IL 61801

Description of Request: \$176,000 for the University of Illinois Extension to extend its MarketMaker information technology platform to a national level that will enable food producers, processors, wholesalers and retailers electronic access to geographically-referenced

data, thus enhancing the opportunity for food and agricultural entrepreneurs to identify and develop new and profitable markets and improve the efficiency and profitability of food systems in the United States and globally. Of this amount \$91,277 is for personnel; \$28,752 for Supplies; \$17,204 for Publications; \$13,198 for Services; \$13,679 for travel; and \$11,890 for USDA administrative costs.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: H.R. 2997—Fiscal Year 2010 Agriculture Appropriations bill

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Illinois—

Address of Requesting Entity: College of Veterinary Medicine, 1008 Hazelwood Dr., Urbana, IL 61802

Description of Request: \$235,000 for the Illinois Center for One Medicine, One Health at the University of Illinois which will focus on research, training and outreach efforts designed to improve our society's preparedness and response to natural and intentional exposures of biological, chemical and physical agents. Of this amount \$117,500 is for research; \$47,000 is for the instruction of courses various academic programs; and \$70,500 for training programs and exercises to serve state departments of agriculture and public health.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: H.R. 2997—Fiscal Year 2010 Agriculture Appropriations bill

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Agricultural, Consumer and Environmental Sciences, 1301 West Gregory Drive, Urbana, IL 61801

Description of Request: \$461,000 for the University of Illinois to conduct collaborative, multidisciplinary research to promote optimal human health by studying novel attributes of food. Of this amount \$322,300 is for Personnel; \$14,000 is for Participant/Trainee Support; \$60,600 for Supplies; \$3,300 for Publications; \$29,800 for Travel; and \$31,000 for USDA administrative costs.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: H.R. 2997—Fiscal Year 2010 Agriculture Appropriations bill

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: University of Illinois

Address of Requesting Entity: College of Agricultural, Consumer and Environmental Sciences, 1301 West Gregory Drive, Urbana, IL 61801

Description of Request: \$745,000 for the Soybean Disease Biotechnology Center, located within the National Soybean Research Laboratory (NSRL) at the University of Illinois, which provides cutting edge research and a first line of defense against major soybean diseases. Of this amount \$595,000 is for Personnel; \$80,000 for Supplies; \$20,000 for Travel; and \$50,000 for USDA administrative costs.

EARMARK DECLARATION

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. HARPER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 2997

Account: Cooperative State Research Education and Extension Service

Project Name: Genomics for Southern Crop Stress and Disease

Recipient and Address: Mississippi State University, P.O. Box 9800, Mississippi State, MS 39762

Amount: \$797,000

Description: Mississippi State will provide innovative genomics research solutions to address disease and climatic stressors in Mississippi's most valuable commodity crops. Forestry, Poultry, Catfish, and many more Mississippi industries will benefit from this research. Advances in understanding genomic responses to stress and disease are anticipated to have a beneficial impact on yields, costs, and environmental sustainability.

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 2997

Account: Cooperative State Research Education and Extension Service

Project Name: Biomass-based Energy Research Program

Recipient and Address: Mississippi State University, P.O. Box 9800, Mississippi State, MS 39762

Amount: \$839,000

Description: The Consortium is developing a unique gasification-catalytic process that utilizes all of the plant biomass, including the lignin, to produce liquid fuel. Mississippi State University and Oklahoma State University will cooperate in conducting technical and economic evaluation for the gasification-catalytic conversion process. Currently, MSU is conducting research to develop new catalysts to improve the conversion of syngas into liquid hydrocarbons.

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 2997

Account: Cooperative State Research Education and Extension Service

Project Name: Wood Utilization Project

Recipient and Address: Mississippi State University, P.O. Box 9680, Mississippi State, MS 39672

Amount: \$4,545,000

Description: Mississippi State University will conduct vital research and education on wood use to support the competitiveness of small and medium wood product manufacturers and the needs of the public through the Wood Utilization Research (WUR) Program. 12 Wood Utilization Research Centers at state universities across the U.S. will participate in this

program. Mississippi has the potential to economically grow much larger volumes of wood. Focused research is essential to enhance the development of the current industry and to create new wood-based industries such as that of energy and chemicals.

EARMARK DECLARATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647—National Defense Authorization Act for Fiscal Year 2010.

I requested one project in H.R. 2647.

In coordination with thirteen other Members of Congress, I sent a letter to the Chairman and Ranking Member requesting support for additional funding for the Army National Guard's H60 Black Hawk Helicopter modernization program. As a result of this letter, \$20.4 million was included in the Defense Authorization Act for this purpose. Army National Guard operational tempos are the highest they have ever been supporting the full spectrum of state missions including search and rescue, utility/lift, disaster relief, firefighting, medical evacuation, all while sustaining deployments to Iraq, Afghanistan and the Balkans. This high operational tempo is wearing out the National Guard H60 fleet much faster than planned and as a result of this request, we can ensure the National Guard has the tools and equipment they need to do their job.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2010. The entity to receive funding is the Pennsylvania State University, 117 Old Main, University Park, PA 16802, in the amount of \$133,000. Funding will be used to increase field research/demonstration in order to increase farmer and farm advisor exposure to sustainable cropping system practices.

PERSONAL EXPLANATION

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. BROWN of Georgia. Madam Speaker, on Tuesday, July 7, 2009, I missed the fol-

lowing votes: rollcall Nos. 478 and 479. If I had been able to make these votes, I would have voted "aye" on rollcall vote 478. I would have voted "nay" on rollcall vote 479.

PERSONAL EXPLANATION

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. KISSELL. Madam Speaker, on Tuesday, July 7, 2009, I missed two rollcall votes as I was attending a meeting in North Carolina concerning my state's higher educational system. Had I been present, I would have voted "aye" on rollcall numbers 478 and 479.

HONORING T. MICHAEL NICHOLSON

HON. ERIC J.J. MASSA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. MASSA. Madam Speaker, I rise today to honor T. Michael Nicholson, a man who has suffered tremendous personal loss but has used it as inspiration to help others.

Michael, at a young age, in a desire to help his community became a volunteer firefighter. He was only a junior in high school. He joined the Bushnell's Basin Volunteer Fire Department in the town of Perinton. Six months after joining he was struck by a car while directing traffic to a fire scene. Michael was severely injured and was given a 50% chance of living.

His legs were broken, his back was broken, and his skull was fractured. Michael was in a coma for three weeks which he was not expected to come out of.

The State of New York agreed to compensate Michael with eighty dollars a week for what they deemed partial disability.

However, the long term effects Michael suffered from prevented him from living a normal life and \$80 a week was insufficient to live on. He pled his case to an administration law judge with hopes of being allowed a total permanent disability status.

His request being denied, Michael was told, "If you want to do anything about this, then change the workers' compensation law."

So he did.

Using this as inspiration Michael has led a crusade to overhaul the way the workers compensation system treats firefighters. Against all odds he has scored victories in the State Senate and Assembly where a law was created to bring the weekly benefit rate up to \$400. This was a significant increase especially since some firefighters were trying to live off of \$25 a week.

On November 29th, 1992, the United States Department of Justice created the Public Safety Officer Disability Benefit which awards federal benefits to any Public Safety Officer in the United States who is permanently disabled from an "in the line-of-injury" suffered in their community.

Disabled firefighters have Michael Nicholson to thank for this. With his hard work and drive

he was able to fix what was unfair and it is for this reason I honor him.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 7, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2010. The entity to receive funding is the Pennsylvania State University, 117 Old Main, University Park, PA 16802, in the amount of \$349,000. Funding will be used for a project at Penn State that has a goal of improving dairy farm profitability throughout the Commonwealth.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. PUTNAM. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman ADAM H. PUTNAM

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture

Project Funding Amount: \$300,000

Legal Name of Requesting Entity: Hillsborough County/University of Florida

Address of Requesting Entity: University of Florida, Institute for Food and Agriculture Sciences, Post Office Box 110180, Gainesville, FL 32611-0180

Description of Request: The Hillsborough County—Ruskin Tropical Aquaculture Laboratory is a cooperative venture of Hillsborough County and the University of Florida. Research from the laboratory provides much needed science-based technologies in nutrition, reproduction, health, and water quality management issues for the tropical ornamental aquaculture industry, based primarily in the county.

Requesting Member: Congressman ADAM H. PUTNAM

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture

Project Funding Amount: \$1,217,000

Legal Name of Requesting Entity: University of Florida

Address of Requesting Entity: University of Florida, Institute for Food and Agriculture Sciences, Post Office Box 110180, Gainesville, FL 32611-0180

Description of Request: For critical continuation and expansion of vital Citrus Greening

and Citrus Canker research to improve technologies for treatment and detection, methods of movement and containment, and means to control and eliminate these devastating diseases.

Requesting Member: Congressman ADAM H. PUTNAM

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture

Project Funding Amount: \$6,677,000

Legal Name of Requesting Entity: University of Florida

Address of Requesting Entity: University of Florida, Institute for Food and Agriculture Sciences, Post Office Box 110180, Gainesville, FL 32611-0180

Description of Request: The Tropical/Subtropical Agricultural Research (T-STAR) program conducts research and education for interdictio, eradication, and suppression of invasive plants, animals, insects and disease. The objective of this critical initiative is to develop strategies and tactics to stem the influx of invasive species into the United States to protect American agriculture.

Requesting Member: Congressman ADAM H. PUTNAM

Bill Number: H.R. 2997

Account: Animal and Plant Health Inspection Service (APHIS)

Project Funding Amount: \$43.6 million

Legal Name of Requesting Entity: U.S. Department of Agriculture

Address of Requesting Entity: U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC 20250

Description of Request: Due to the rapidly spreading nature of citrus pests and disease and their enormous potential economic impact, it is important that the Federal government actively support a coordinated plan to control, suppress and prevent further spread of the Citrus Greening and Citrus Canker through the Citrus Health Response Plan.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2010. The entity to receive funding is the Pennsylvania State University, 117 Old Main, University Park, PA 16802, in the amount of \$771,000. Funding will be used for research that protects the safety of dairy products for Pennsylvania and the nation.

EARMARK DECLARATION

HON. LYNN JENKINS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Ms. JENKINS. Madam Speaker, pursuant to the Republican Leadership standards on ear-

marks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Agriculture Appropriations bill, H.R. 2997:

Earmark: Polymer Research at Pittsburg State University

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture, RE/FA Account

Legal Name of Requesting Entity: Pittsburg State University

Address of Requesting Entity: 1701 S Broadway, Pittsburg, KS 66762

Description of Request: Provide an earmark of \$1,500,000 to make contributions in the use of cellulosic fibers of wheat straw, corn stalks, and grasses (all grown in abundance in Kansas) to convert them to fillers for a new family of plastics that would be cheaper and require less energy to manufacture, and also be more friendly to the environment. This is a good fit at Pittsburg State University due to their certified program in Plastics Engineering Technology. Continued Federal endorsement and funding for these activities will build upon their past successes in the area of polymeric oils for use in polyurethanes. If the United States is to become independent of foreign oil producers, then we must pursue industrial sustainability by continuous innovation, improvement and use of clean technology to reduce pollution levels and consumption of resources. At the Kansas Polymer Research Center, they can apply knowledge of biochemistry to develop processes to produce new bio-based products more efficiently than the chemical processes we have been using.

Earmark: Wheat Genetic Research

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture, SRG Account

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: Anderson Hall, Manhattan, KS 66506

Description of Request: Provide an earmark of \$240,000 to map and sequence the wheat genome through the Wheat Genetic and Genomic Resources Center (WGGRC). The WGGRC gene bank currently maintains 12,000 lines and these collections are continuously expanding as the Center acquires, develops, and distributes new genetic and genomic resources to facilitate wheat genetics, genomics, and breeding research. Kansas State University and Kansas wheat producers have already made an investment of almost \$1.0 million towards the purchase of a DNA sequencer and a robot for arraying and printing of DNA filters. This request will collect, conserve, and distribute wheat genetic and genomic resources; develop improved germ plasm; develop genetic stocks; develop genomic resources; and support training and outreach.

Earmark: Grain Sorghum

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture, SRG Account

Legal Name of Requesting Entity: Kansas State University and Texas Tech University
 Address of Requesting Entity: Anderson Hall, Manhattan, KS 66506, and 2500 Broadway, Lubbock, TX 79409

Description of Request: Provide an earmark of \$515,000 to permit the Great Plains Sorghum Improvement and Utilization Center (GPSIUC) to expand existing research and educational programs, particularly in genetic improvement and sorghum utilization. Sorghum is one of the most drought tolerant crops in the world, offering many potential advantages as a food, feed and bioenergy crop to the rural economies of the Great Plains.

Earmark: Water Conservation

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture, SRG Account

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: Anderson Hall, Manhattan, KS 66506

Description of Request: To provide an earmark of \$69,000 to help: (1) agricultural producers, both crop and livestock; (2) rural communities in water-short areas; and (3) state and regional agencies to implement economical technologies and policies that will result in water conservation and prolong the life of the Ogallala aquifer in the face of increasing competition for declining aquifers and over-allocated surface waters. This effort is critical to the economic viability of western Kansas. In many parts of western Kansas, freshwater from both surface and groundwater is increasingly in short supply. Drought, aquifer and surface water depletion, and population shifts have stretched community and regional water supplies to their limits. As groundwater supplies decline or become cost prohibitive, better management of water through conservation, recycling, and treatment of poor quality water for secondary uses becomes even more important.

Earmark: Preharvest Food Safety

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture, SRG Account

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: Anderson Hall, Manhattan, KS 66506

Description of Request: To provide an earmark of \$142,000 to expand the University's investigations into (1) the ecology of *Salmonella* in beef cattle, (2) antimicrobial resistance in cattle, and (3) agroinformatics, and (4) animal health diagnostics. These four areas of research have great overlap and synergy and will allow Kansas State University to better identify emerging threats of food-borne and zoonotic diseases associated with food-producing animals. Currently, Kansas State University has an ongoing USDA special project on the ecology of *E. coli* O157:H7 in beef cattle and the environment. This bacterial organism is a major cause of food-borne illnesses in humans.

Earmark: National Agriculture Biosecurity Center

Requesting Member: Congresswoman LYNN JENKINS

Bill Number: H.R. 2997

Account: Animal and Plant Health Inspection Service, Salaries and Expenses Account

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: Anderson Hall, Manhattan, KS 66506

Description of Request: To provide an earmark of \$259,000 to fund the National Agriculture Biosecurity Center (NABC) for Phase III efforts for the development, enhancement and delivery of a targeted National Animal Health Laboratories Network (NAHLN) technical training support program. The funding is required to: (1) build and populate a lessons learned/best practices from NAHLN labs exercises and events; (2) expand animal health diagnostic screening capabilities regionally, including endemic and emerging pathogens (viruses, bacteria, and parasites) as well as prions such as BSE; (3) increase the testing capability and capacity of the Kansas State Veterinary Diagnostic Laboratory (KSVDL) in support of the NAHLN mission by conducting research on new methodologies and standardized operating procedures for enhancing and improving the efficiency of NAHLN equipment and laboratories; and (4) develop a training strategy framework for NAHLN laboratories.

EARMARK DECLARATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. LEWIS of California. Madam Speaker, pursuant to Republican earmark guidance, I am submitting the following projects that were included in H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010:

Requesting Member: Congressman JERRY LEWIS.

Bill Number: H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010

Project Name: Mojave Water Agency Non-Native Plant Removal

Account: Natural Resources Conservation Service (NRCS)

Legal Name of Requesting Entity: Mojave Water Agency

Address of Requesting Entity: 22450 Headquarters Drive, Apple Valley, CA 92307

Description of Request: \$667,000 will be provided to help complete a project to remove invasive weeds from the Mojave River area in cooperating with an ongoing local initiative. The Mojave River serves thousands of acres of federal land, including the Mojave National Preserve. Non-native plants are a constant threat to the Mojave River's ecosystem. Removing them will conserve vast amounts of water, which is a very precious resource in this area. Removal will also protect wildlife and dramatically reduce the risk of flood and fire.

Project Name: Prototype for a National Carbon Inventory and Accounting System

Account: General Provisions

Legal Name of Requesting Entity: Environmental Systems Research Institute

Address of Requesting Entity: 380 New York Street, Redlands, CA 92373-8100

Description of Request: This project will develop an online visual mapping and analysis system capable of measuring and displaying the amount of carbon produced and removed by our nation's farms, ranches, and forests. It will allow for better, timelier, and more coordinated conservation, land management, and environmental policies at the local, state, and national levels. The project will help improve the environment and help our nation's farms, ranches, and forests.

Project Name: Nutrition, Diet, and Lifestyle Research for Longevity and Healthy Aging

Account: National Institute of Food and Agriculture

Legal Name of Requesting Entity: Loma Linda University Adventist Health Sciences Center—Lifestyle Medicine Institute

Address of Requesting Entity: 11175 Campus St., Loma Linda, CA 92354

Description of Request: This project will build on fifty years of ongoing research to support the nation's priorities for wellbeing, prevention of disease, and healthy aging. The Institute will conduct research in nutrition and diet and compare the aspects of diet and lifestyle to health and longevity. It will utilize this research to improve the health care system, to increase wellness and prevention of diseases, and to educate the community on the healthiest lifestyles and activities, such as proper dieting and nutrition. The university is situated in Loma Linda, CA, which has one of the longest-living populations in the nation.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2010. The entity to receive funding is the Pennsylvania State University, 117 Old Main, University Park, PA 16802, in the amount of \$233,000. Funding will be used for farm- and community-level educational programs and assistance focused on value added activities. Objectives of this project are to provide research-based extension education to assist small farmers to maintain/develop new economically viable enterprises, provide support to assist small farmers develop and maintain economically viable enterprises, including applying for available and appropriate grants and loans, and helping to build community capacity to sustain growth and development of local agriculture and food sectors.

EARMARK DECLARATION

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. PLATTS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act.

Requesting Member: Congressman TODD RUSSELL PLATTS (PA-19), along with other Members

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act

Account: SRG

Legal Name of Requesting Entity: Penn State University

Address of Requesting Entity: 117 Old Main, University Park, PA 16802

Description of Request/Justification of Federal Funding:

Penn State University—Improved Dairy Management Practices: Penn State is a public university. Some of the most important challenges facing the dairy industry today lie in the areas of nutrient and emission management. Penn State faculty will use this funding to research nutrient management through cow nutrition modification and the impacts of emissions from dairy operations. In addition, funding will be used to develop new technologies to address problems associated with dairy production in Pennsylvania in an effort to improve water quality, lower impacts of air emissions, and use energy more efficiently. This is a good use of taxpayer funds because the sale of dairy products accounts for nearly half the farm gate value of Pennsylvania's agricultural income. The profitability of Pennsylvania dairy farms is inextricably tied to management decisions that are being made by farmers. (\$243,000)

Penn State University—Milk Safety Program: Penn State would use this funding to identify issues in milk and dairy products safety and seek interventions that can be transferred to producers, processors, distributors, and retailers to continue to improve consumer confidence in the quality of their food supply. This is a good use of taxpayer funds because dairy is the single largest economic component of the Pennsylvania agricultural portfolio. (\$771,000)

Penn State University—Sustainable Agriculture and Natural Resources: Penn State University would use this funding to create a new collaborative research and education program that will help diverse farm operations better adopt more sustainable farming practices. Investment in this special grant would increase field research and demonstration to increase the exposure of farm advisors and farmers to sustainable cropping system practices. Practices to be further investigated include: crop species and cultivars for inclusion in crop rotations that improve the performance of sustainable and organic cropping systems, especially for the Northeast; fine tuning of management guidelines for mechanical control

of cover crops and weeds in conservation and no-tillage systems to reduce or eliminate herbicides; factors that better promote conservation of biological control organisms and beneficial soil microorganisms for weed seed predation and management of other pests; and practices that increase soil organic matter. This is a good use of taxpayer funds because the demand for increased farmer understanding and adoption of sustainable farming practices continues to be a high priority in the agricultural community. (\$133,000)

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Tuesday, July 7, 2009.

Had I been present, I would have voted "aye" on rollcall vote No. 478 (Motion to Suspend the rules and Agree to H. Res. 135), "no" on rollcall vote No. 479 (Motion to Suspend the Rules and Agree to H.R. 1129).

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010. The entity to receive funding is the Haines Aaronsburg Municipal Authority, 420 Homes Street, Willowbank Building, Bellefonte, PA 16823, in the amount of \$250,000. Funding will be used the Haines Aaronsburg Municipal Authority Water Line Interconnection.

EARMARK DECLARATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. BARTON. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 2997—FY10 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill

Account: Capital Improvement and Maintenance (construction)

Legal Name of Receiving Entity: Texas Agrilife Research

Address of Receiving Entity: 1500 Research Parkway, Suite 150, 2259 TAMU, College Station, TX 77843-0001

Description of Request: I have secured \$336,000 in funding in H.R. 2997 in the Conservation Operations account for Texas Agrilife Research.

The funding would be used to determine how to slow or stop the decline of water quality in five Tarrant Regional Water District reservoirs.

EARMARK DECLARATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Ms. ROS-LEHTINEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2647, The National Defense Authorization Act of Fiscal Year 2010.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 2647

Account: Defense Wide R/D/T&E, USSOCOM

Amount: \$4,000,000

Project: Transformer Technology for Combat Submersibles (TTCS)

Requested by: STIDD Systems Inc. 86 Coco Plum Drive, Marathon, FL 33050

Funding for this request would enable U.S. Special Operations Command (USSOCOM) to evaluate a combat submersible boat with increased payload capacity. This technology demonstration craft would be manufactured by STIDD Systems, a private company, with testing and training facilities in Marathon, Florida. Funding for this project would bring much-needed, well-paying jobs to the Florida Keys.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. TIAHRT. Madam Speaker, in accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to H.R. 2997, the Fiscal Year 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Department of Agriculture—Preharvest Food Safety, Kansas: H.R. 2997, the FY 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act contains \$142,000 for Preharvest Food Safety and Security. The entity to receive funding for this project is the Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to expand its research in emerging threats of food-borne and zoonotic diseases associated with food-producing animals.

No matching funds are required for this Department of Agriculture project.

Department of Agriculture—Grain Sorghum, Kansas, Texas: H.R. 2997, the FY 2010 Agriculture, Rural Development, Food and Drug

Administration, and Related Agencies Appropriations Act contains \$515,000 for Grain Sorghum, Kansas and Texas, in the Cooperative State Research Education and Extension Service's Special Research Grants Account. The entity to receive funding for this project is the Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to expand existing research and education programs, particularly in genetic improvement and sorghum utilization.

No matching funds are required for this Department of Agriculture project.

Department of Agriculture—Water Conservation, Kansas: H.R. 2997, the FY 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act contains \$69,000 for Water Conservation, Kansas, in the Cooperative State Research Education and Extension Service's Special Research Grants Account. The entity to receive funding for this project is the Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to study ways to stop and reverse the depletion of the Ogallala Aquifer in Kansas.

No matching funds are required for this Department of Agriculture project.

Department of Agriculture—Wheat Genetic Research, Kansas: H.R. 2997, the FY 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act contains \$240,000 for Wheat Genetic Research, Kansas, in the Cooperative State Research Education and Extension Service's Special Research Grants Account. The entity to receive funding for this project is the Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to collect, conserve, and distribute wheat genetic and genomic resources; develop improved germ plasm; develop genetic stocks; develop genomic resources; and support training and outreach.

No matching funds are required for this Department of Agriculture project.

Department of Agriculture—National Agriculture Biosecurity Center, Kansas: H.R. 2997, the FY 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act contains \$259,000 for the National Agriculture Biosecurity Center, Kansas, in the Animal and Plant Health Inspection Service's Salaries and Expenses account. The entity to receive funding for this project is the Kansas State University, located at 110 Anderson Hall, Manhattan, Kansas 66506.

The funding would be used to implement international linkages for food animal and food crop disease surveillance, to expand animal health diagnostic screening capabilities in Kansas and the region, and to further develop a GLS-tracking system for pathogen monitoring.

No matching funds are required for this Department of Agriculture project.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2010. The entity to receive funding is the Pennsylvania State University, 117 Old Main, University Park, PA 16802, in the amount of \$233,000. Funding will be used to evaluate the impact new management tools will have on dairy farm profitability, and will work towards bringing these new tools to the industry based upon sound scientific study.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. BARTLETT. Madam Speaker, I submit the following:

Bill Number: H.R. 2847

Account: NOAA—Operations, Research and Facilities

Legal Name of Requesting Entity: University of Maryland

Address of Requesting Entity: Main Administration Bldg., College Park MD 20742

Description of Request: Earth System Information Delivery & Assessment. Funded \$150,000. The funding would be used for a one-year feasibility study in support of Earth System Information Delivery and Assessment. Such a capability would produce complete comprehensive and consistent space-time descriptions of all significant aspects of the Earth System. The end result of this transition across observational analysis, environmental predictions, and policy response will lead to better informed investment, adaption and policy options across the public and private sector.

Bill Number: H.R. 2847

Account: COPS Law Enforcement Technology

Legal Name of Requesting Entity: Washington County Sheriffs Office; Arthur Smith (Chief of Police)/Bruce Zimmerman (City Administrator)

Address of Requesting Entity: 1 East Frederick Street Room 202, Hagerstown, MD 21740

Description of Request: Hagerstown Radio Equipment Acquisition. Funded \$750,000. The funding would be used for the purpose ensure that the City's public safety communications system is compatible with the communications system used by Washington County and the State Highway Patrol's Hagerstown Barracks. Funds are being requested to support portable radio equipment for the City of Hagerstown.

Bill Number: H.R. 2847

Account: OJP—Juvenile Justice

Legal Name of Requesting Entity: Enough is Enough

Address of Requesting Entity: 746 Walker Road Suite 116, Great Falls, VA 22066

Description of Requesting Entity: Maryland Internet Safety 101: Empowering Parents Program. Funded \$250,000. The funding would be used for booklets and training to ensure that parents and other adult child caregivers are provided with the information needed to establish safety rules and to use appropriate software tools to protect children under their care, irrespective of any insecurities about technology or a lack of previous training or education. Funding will be dedicated to ramp-up Maryland state-wide outreach.

EARMARK DECLARATION

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. ROHRBACHER. Madam Speaker, I submit the following:

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: H.R. 2997

Name of Project: Smart Time Irrigation Controller Installation Program

Account: Conservation Operations

Legal Name of Requesting Entity: Municipal Water District of Orange County

Address of Requesting Entity: 18700 Ward Street, Fountain Valley, CA, 92708

Description of Request: I received \$134,000 for the Municipal Water of Orange County's Smart Time Irrigation Controller Installation Program. The application of smart irrigation controller technology will help Orange County and greater-Southern California manage its existing water supplies more efficiently. It will also help take pressure off our imported water supplies from Northern California and the Colorado River. Additionally, it will demonstrate for other areas with water supply challenges the effectiveness of these devices in achieving significant water savings. Finally, there are environmental protection benefits as the devices help reduce urban runoff, which is responsible for transporting pollutants and sediment into natural waterways and eventually to beaches and the ocean.

The application of Smart Irrigation Controller technology will help Orange County and greater-Southern California manage its existing water supplies more efficiently. It will also help take pressure off our imported water supplies from Northern California and the Colorado River. Additionally it will demonstrate for other parts of the county with water supply challenges the effectiveness of these devices in achieving significant water savings. Funds will be used for labor, professional services, and printing and marketing. It is my understanding that local and regional funding will contribute approximately seventy percent of the FY2010 cost.

CONGRATULATING DR. JOHN JOHNSON ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday July 8, 2009

Mr. BONNER. Madam Speaker, it is with great pride that I rise to honor the long and distinguished career of Dr. John Johnson, on the occasion of his retirement as president of Alabama Southern Community College.

Dr. Johnson received a bachelor's degree in mathematics and physics/chemistry from Troy University, a master's degree in counseling from the University of Alabama, and a Ph.D. in college administration from the University of Alabama.

He devoted almost four decades of his life to higher education. For the past 20 years, Dr. Johnson served as president of Alabama Southern Community College, and prior to his tenure as president, he served on the faculties of Birmingham-Southern College and the University of Alabama, as well as the Alabama Department of Postsecondary Education.

While serving as president, Dr. Johnson raised Alabama Southern Community College to new heights. During his tenure, Alabama Southern has been recognized by the Alabama Department of Postsecondary Education as having "achieved the most dramatic turnaround of any college in the history of the Alabama College System." Alabama Southern was selected as a top ten finalist for the 2006 Bellwether Award for Workforce Development and was also selected as the 2005 National Bellwether Award for Instructional Excellence by Community College Futures Assembly and National Council for Instructional Administrators.

In 2004, Alabama Southern was designated as a National Center for Pulp and Paper Technology Training, the highest award given by the National Science Foundation for Advanced Technology Education. This distinction made Alabama Southern the only national center in rural America. In 1998, Alabama Southern was selected as one of the 10 best examples of the management of change in the American Association of Community College's report *Managing Change: A Model for Community College Leaders*.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated educator and friend to many throughout Alabama. I am certain that his family—his wife, Laurie, and their three children, Adam, Russell, and Bess—along with the faculty and staff at Alabama Southern Community College and his many friends in Monroeville and throughout the State join me in praising his accomplishments and extending thanks for his considerable service to southwest Alabama. On behalf of a grateful community, I wish Dr. Johnson the very best of luck in all of his future endeavors.

HONORING THE MOSES AND AARON FOUNDATION SPECIAL FUND FOR CHILDREN

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. CROWLEY. Madam Speaker, I rise today to call attention to a worthy organization, one committed to special needs children and their families. The Moses and Aaron Foundation's significant and enduring efforts under the direction and visionary leadership of President Rabbi Yaacov Kaploun and Executive Vice President Yehuda Kaploun deserve the highest praise, as do the philanthropists who have given of themselves to fulfill its mission.

The Moses and Aaron Foundation Special Fund for Children, an all volunteer organization, is dedicated to assisting children with disabilities and their families with a wide range of programs including social, physical, financial and wheelchair assistance, as well as counseling and guidance.

It also provides scholarship funding to educational institutions; collects; purchases; and distributes clothing for children in need and remembers them with presents at holiday time or when hospitalized. The Foundation has arranged for sound and musical equipment in other institutions and has distributed gifts to thousands of children during the holiday seasons.

The corporate and individual supporters of the foundation include Metropolitan Lumber Company, Mr. Robert Gans, and the Croton Watch Company. Concert Chairmen Mr. and Mrs. Richard Gans, Mr. Avi and Dr. Laura Greenbaum, Mr. and Mrs. Elisha Rothman, Mr. Mark Selden and Patti Shlesinger.

On Saturday night August 1st, 2009 at the Sullivan County Community College, Lock Sheldrake, New York, the Moses and Aaron Foundation under the Honorary Chairmanship of Nobel Laureate Elie Wiesel, will sponsor its thirteenth Barmitzva Summer "Chazak-Strength" Concert honoring and paying tribute to special and outstanding children and their families. The Guests of Honor will be the Special and Outstanding children, many of whom will perform with the entertainers on stage. More than forty organizations, camps and schools serving the physically and mentally disabled children will be represented.

The Chazak Concert and the Moses and Aaron Foundation's other programs demonstrate a caring and compassionate concern for the quality and dignity of life of others and merit the appreciation of all those who have benefited from its services.

The program will feature a musical tribute in memory of Mr. Izzy Taubenfeld of Sameach Music, a lifelong friend and member of the Chazak family.

The Moses and Aaron Foundation was founded in memory of Rabbi Dr. Maurice I. Hecht of New Haven, Connecticut, and Aaron Kaploun, both of whom led lives of exemplary community service. It is in this sentiment of communal dedication that the Moses and Aaron Foundation has devoted itself to serving the needs of a unique group in the community.

I urge my colleagues to join me in honoring the Moses and Aaron Foundation an organiza-

tion which exemplifies the generosity of spirit in American Society.

EARMARK DECLARATION

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the Crop Production and Food Processing, Peoria, IL.

Bill Number: H.R. 2997, the Fiscal Year 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Provisions/Account: Agriculture Research Service, Salaries and Expenses

Name and Address of Requesting Entity: The entity to receive funding for this project is U.S. Department of Agriculture National Center for Agricultural Utilization Research (NCAUR), located at 1815 N. University Street, Peoria, IL, 61604.

Description of Request: This project conducts non-destructive and wet chemical analysis for soybean, wheat and new crop germplasm for the entire U.S. This research program directly supports 75 public soybean breeders for the assembly of a genetic database for soybeans and wheat.

EARMARK DECLARATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Ms. ROS-LEHTINEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892—Department of Homeland Security Appropriations Act, 2010.

Requested by Rep. ILEANA ROS-LEHTINEN

Bill number: H.R. 2892

Account: FEMA, Emergency Operations Center

Amount: \$200,000

Project: Monroe County Emergency Operations Center

Requested by: Monroe County, Florida. 1100 Simonton Street; Suite 205, Key West, FL 33040.

Currently, there is not an Emergency Operations Center (EOC) located in Monroe County that meets the existing state guidelines for an EOC. Monroe County is located in an area of high potential and historical hurricane landfall. Without a facility that meets the current EOC guidelines there is a life safety risk to emergency management staff who remain in the County during an event such as a hurricane. Presently, the EOC staff occupies a substandard, multipurpose government building which fails to meet structural requirements. The current structure risks that there might not be an operational facility for recovery efforts should there be an event such as a hurricane.

Requested by Rep. ILEANA ROS-LEHTINEN
 Bill number: H.R. 2892
 Account: FEMA, Pre-Disaster Mitigation Fund

Amount: \$600,000
 Project: City of Miami Stormwater Project
 Requested by: City of Miami, Florida. 3500 Pan American Drive, Miami, FL 33133

Flooding caused by future hurricanes and storm events can lead to severe infrastructure damage and water quality degradation within the projects drainage basin. The City of Miami Stormwater Project will significantly mitigate flood conditions caused by local storms and will result in a reduction of flood damage and an increase in public safety for the City of Miami by implementing stormwater drainage projects throughout the City. This project will also help control the discharge of stormwater into the Miami River and Biscayne Bay and will improve the overall water quality of Miami's waterways.

Requested by Rep. ILEANA ROS-LEHTINEN
 Bill number: H.R. 2892
 Account: FEMA, Pre-Disaster Mitigation Fund

Amount: \$500,000
 Project: Jackson Health System Hurricane Mitigation Structural Reinforcement

Requested by: Jackson Health System, 1161 NW 12th Avenue, Miami, FL 33136
 Jackson Health System (JHS) operated by Miami-Dade County's Public Health Trust and is the county's sole public health system; the primary provider for the county's indigent and uninsured and its sole trauma center. When a hurricane warning is issued, JHS serves as an emergency evacuation shelter for medically at risk individuals. Florida consistently has the greatest risk for a direct hit by a hurricane of any other location in the U.S. Given the anticipated demands placed on the Ryder Trauma Center in the event of a direct hit of a high category storm, it is imperative that the building be structurally safe, adequately secured, and operationally functional. This funding will be used to structurally reinforce and fortify the trauma center through an exterior skin upgrade. The current construction is unsuitable for a threat of a higher category storm. This project is wholly consistent with Federal and agency missions to provide pre-disaster mitigation assistance to critical public entities who serve as vital providers of emergency services. The frequency and foreseeable nature of natural disasters striking densely populated Miami-Dade County make the project a natural priority for federal participation in protecting a safety-net institution such as the Ryder Trauma Center.

ALEXANDRA JOY MASSA

HON. ERIC J.J. MASSA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. MASSA. Madam Speaker, I rise today to address this esteemed body regarding a young woman who at this moment, in my home town of Corning, New York, is preparing to close an important chapter in her life. Alexandra Joy Massa has spent the last decade

growing into the beautiful young woman that she is today, working tirelessly to achieve exceptional grades, to excel in sports and in theater, and to serve her community through multiple volunteer efforts. Alexandra is my daughter, and today is her graduation day from high school, a monumental moment in her life and in the life of her parents. It's impossible to believe that eighteen years have passed since she became a part of my life, and that soon she will be heading off to college.

Many of my colleagues have children of their own and they understand all too well the joys, fears, hopes, and anxieties that come with parenthood. Raising my daughter has caused me many frustrated days and sleepless nights, but I wouldn't have traded a minute of them for the world.

Alexandra has brought lots into my life and the lives of those around her, with her warm sense of humor and generosity of spirit. These are beyond measure. Words do not allow me to convey how proud I am of my daughter, of all that she has accomplished in her life, and all that she will become in the coming years.

Now, like all parents, I will have to let go and watch as my little girl leaves home and goes off into a world where her father isn't there to watch over her. She will no longer have to seek my or her mother's permission to stay out late with friends or to go to a movie. She will never again have to listen to my lectures. I can only hope she chooses instead to listen, if only to humor her old man. She has become the adult that her mother and I hoped she would become: independent and intelligent, perceptive and engaging, considerate, compassionate, and kind. Where my little girl stood only a short time ago, a woman now stands, ready to take on the challenges of the world.

It is a bittersweet moment, and a moment of immeasurable pride. In the future, Alexandra Massa will accomplish whatever she sets her sights upon. I ask only that she always remembers that her father will always love her with that special love only a father can have for a daughter, that only a parent can have for their child.

Thank You, Madam Speaker.

IN HONOR AND MEMORY OF OFFICER BRANDON SIGLER OF MOBILE, ALABAMA

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. BONNER. Madam Speaker, I rise today to honor the life of one of Alabama's finest who recently made the ultimate sacrifice in the service of his city and the people he protected.

Mobile Police Officer Brandon Sigler was killed in the line of duty earlier this month. Officer Sigler was shot while responding to a domestic disturbance. He was off-duty trying to break up a fight in the parking lot of his apartment complex.

Brandon Sigler was a bright light in the Mobile Police Department as well as in his community. Brandon attended McGill-Toolen High

School and was a graduate of Murphy High School. He played football at Tennessee Tech University and Delta State University. Brandon graduated from Faulkner University in 2006 with a Bachelor of Science degree in Criminal Justice. He served as an officer in the Mobile Police Department for less than two years and, in that short time, he became known as an outgoing and positive individual. He always had a smile, a smile by which so many came to know him.

Mobile Chief of Police Phillip Garrett told the hundreds of people who attended Brandon's funeral, "In his short years, he meant a lot to a lot of people. And every one of them talked about his smile."

Madam Speaker, I urge you and my colleagues to take a few moments to pay tribute to Officer Brandon Sigler of the Mobile Police Department. I ask that you remember him as a man who always put other people first. He was a young man who loved his family, friends, and community with unquestionable devotion. The city of Mobile has lost a true role model and hero.

We should also remember Brandon's parents, Nina Gordon and Herman Woods; his brothers, Timothy and Joel Gordon; his sisters, Sarita and Adrienne Woods; and his fiancée, LaKenda Craig; her daughter, Katlyn McCormick; and his colleagues at the Mobile Police Department—as well as his many other family members and friends. We should keep all of them in our prayers and ask that God will comfort them through the difficult days ahead.

Officer Brandon Sigler was an honorable and courageous man who died serving the city of Mobile. May he rest in peace.

EARMARK DISCLOSURE

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. KINGSTON. Madam Speaker, pursuant to the House Republican standards on congressionally directed funding, I am submitting the following information regarding funding included in H.R. 2997, the House Agriculture Appropriations bill of 2010.

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 2997

Account: CSREES, Special Grants

Legal Name of Recipient: University of Georgia College of Agriculture and Environmental Sciences

Address of Recipient: 101 Conner Hall, Athens, GA 30602

Description of Request: Funding in the amount of \$1,000,000 will be used to advance farm energy efficiencies by coupling advanced information, communication and control technologies with improved plant materials, by-product use and energy capture conversion techniques.

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 2997

Account: National Resources Conservation Service, Conservation Operations

Legal Name of Recipient: Georgia Soil and Water Conservation Commission
Address of Recipient: 4310 Lexington Rd, Athens, GA 30603

Description of Request: Funding in the amount of \$2,423,000 will help farmers address existing and emerging water supply issues with on-farm water storage.

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 2997

Account: CSREES, Special Grants

Legal Name of Recipient: University of Georgia College of Agriculture and Environmental Sciences

Address of Recipient: 101 Conner Hall, Athens, GA 30602

Description of Request: Funding in the amount of \$209,000 will allow for the development of new cultivars which combined with pre- and post-harvest management practices will increase production efficiency and improve quality of fruit delivered to consumers.

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 2997

Account: CSREES, Special Grants

Legal Name of Recipient: University of Georgia College of Agriculture and Environmental Sciences

Address of Recipient: 101 Conner Hall, Athens, GA 30602

Description of Request: Funding in the amount of \$346,000 will provide for the development of Web-based systems and in-field practices to provide water conservation alternatives that are distinct, direct and economical.

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 2997

Account: ARS, Salaries and Expenses

Legal Name of Recipient: ARS National Peanut Research Lab, Dawson, GA

Address of Recipient: 1011 Forrester Drive SE, Dawson, GA 39842

Description of Request: Funding in the amount of \$1,200,000 will be used to produce the best management practices that will lead to water conservation.

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 2997

Account: CSREES, Special Grants

Legal Name of Recipient: University of Georgia College of Agriculture and Environmental Sciences

Address of Recipient: 101 Conner Hall, Athens, GA 30602

Description of Request: Funding in the amount of \$178,000 will be used to evaluate new disease management tactics for control of Phytophthora blight. No treatments or combination of measures exist to effectively suppress Phytophthora losses which often devastate the production of vegetable crops.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Minor Use Animal Drug Program

Amount: \$429,000

Account: Research & Education

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The Minor Use Animal Drug program is used to identify animal drug needs for minor species and minor uses in major species, to generate and disseminate data for safe and effective therapeutic applications and to facilitate FDA approval for drugs identified as a priority for a minor species or minor use.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Northeast Iowa Community-Based Dairy Foundation

Amount: \$159,000

Account: National Institute of Food & Agriculture

Legal Name of Requesting Entity: Northeast Iowa Community-Based Dairy Foundation

Address of Requesting Entity: 1527 Hwy. 150, S., Calmar, IA 52132

Description of Request: The Dairy Education project aims to increase the success of American dairies by providing education on production technology, environmental stewardship, marketing and competitiveness. The project has goals of retaining, growing and fostering the development of the industry. The dairy industry is a major component of the Midwest's economy and the project aims to develop successful farms that are vital to local communities.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Center of Agricultural and Rural Development (CARD)

Amount: \$412,000

Account: National Institute of Food & Agriculture

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The Center for Agricultural and Rural Development (CARD) Biofuels Impact Analysis project at Iowa State University provides unbiased analyses of the effects of changes in technology and policy on the production of biofuels and on the cost and manufacturing of traditional agricultural and energy products. These analyses are based on supply and demand models of agricultural products, biofuels, and traditional, crude oil based energy markets, both domestically and internationally. Results of these analyses help key decision makers and citizens of Iowa and the U.S. make informed choices between alternative policy options, by providing answers to pressing questions about the impacts of those options on agricultural prices, net returns, production, consumption, and govern-

ment spending. Using existing measures of the net carbon emissions per unit of agricultural output for each agricultural commodity in each country, the CARD program also will develop a methodology to measure the worldwide carbon footprint of agriculture and incorporate this footprint measure into existing multi-country, multi-commodity models.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Animal Food Science & Food Safety Consortium

Amount: \$939,000

Account: National Institute of Food & Agriculture

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: Animal Food Science & Food Safety Consortium addresses potential threats to food safety during the production of the live animal, processing, distribution, and consumption. When necessary, this initiative develops sampling and testing strategies to rapidly identify contaminants and determine the distribution of the contaminant in the food supply. Additionally, program staff are working to establish intervention strategies to minimize the threat of contaminants and to assure a safe food supply. The program also is developing recovery strategies and training procedures for these industries in the event of a natural or intentional contamination event. The potential introduction of natural or intentional contaminants into agricultural products could have a dramatic impact on the United States: citizens' health would be at risk and the economy could suffer because of the likely loss of international markets for U.S. products.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Food and Agriculture Policy Research Institute (FAPRI)

Amount: \$1,139,000

Account: National Institute of Food & Agriculture

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The Food and Agriculture Policy Research Institute (FAPRI) project will be used to deploy an updated system to measure the impacts of large disruptions to world agricultural sectors such as new trade agreements, for ongoing estimation of the impact of the 2007 Energy Act on agriculture in the U.S. and around the world, and for evaluation of the use of carbon offset options for U.S. biofuel producers. With the new carbon model FAPRI researchers are uniquely placed to evaluate policies designed to reduce carbon emissions from agriculture. Research staff will use baseline projections from the analyses to determine the effect of various influences including agricultural prices, net returns, production, consumption, the net carbon balance, and government spending on the profitability of agriculture in the United States and in other major producing countries.

EARMARK DECLARATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. LATHAM. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Midwest Poultry Consortium
Amount: \$471,000

Account: National Institute of Food & Agriculture

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The Midwest Poultry Consortium provides a structure to encourage multi-disciplinary research networks which enhance limited state and industry resources. For example, the project can focus on respiratory diseases, such as avian pneumovirus, which have resulted in losses of millions per year in Midwestern states, rank among the most important factors affecting the competitiveness of the poultry industry and are responsible for millions in losses to turkey and broiler production nationwide each year. In total, disease costs in poultry are estimated to be in the \$15 billion/year range.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: New Century Farm
Amount: \$282,000

Account: National Institute of Food & Agriculture

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The New Century Farm is the first integrated and sustainable biofuel feedstock production system of its kind and will play a critical role in fulfilling this vision. It will serve as a living laboratory for developing and testing sustainable biomass systems through rigorous integration of agronomic, environmental, and socio-economic research. The New Century Farm at Iowa State University will be the first integrated, sustainable biofuel feedstock demonstration farm and research biorefinery in the United States, serving as a model for American biorenewable energy and bioproducts production and helping to transform the nation's agricultural enterprise to one that is feedstock ready.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Bio-Safety Institute for Genetically Modified Agriculture Products
Amount: \$259,000

Account: Animal Plant Health Inspection Service

Legal Name of Requesting Entity: Iowa State University

Address of Requesting Entity: 1750 Beardshear Hall, Ames, IA 50011

Description of Request: The Bio-Safety Institute for Genetically Modified Agriculture Products will assist enterprises seeking technical assistance on bio-product-related issues that would enable them to expand effectively. Helping these biobased product employers do so will improve the quality of the environment, revitalize the manufacturing sector and rural

America, and enhance national security by reducing U.S. dependency on foreign oil.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Certified Environmental Management Systems for Agriculture

Amount: \$288,000

Account: Natural Resource Conservation Service

Legal Name of Requesting Entity: Iowa Soybean Association

Address of Requesting Entity: 4554 114th St., Urbandale, IA 50322

Description of Request: The Certified Environmental Management Systems for Agriculture program provides innovative technical assistance to individual farmers, helping them document baseline and performance data to measure environmental and economic results of their management practices and incorporate that data into continual performance improvement. It is an adaptive management system based on ISO 14001, addressing energy efficiency in farming and environmental, agronomic, and economic performance goals. Appropriations will support continued technical assistance for current and new participants; expand the use of the energy efficiency module piloted in '08 and adjust documentation and data aggregation procedures to enable the soybean and corn industry to benefit from documented data revealing the improved energy efficiency, carbon savings, and reduced greenhouse gas emissions associated with current farming practices, as well as potential improvements made possible by CEMSA management planning; expand the use of the new carbon sequestration, greenhouse gas emission reduction, and wildlife habitat planning modules and indices being developed and piloted this year.

Bill Number: H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Project Name: Watershed Demonstration Project

Amount: \$134,000

Account: Natural Resource Conservation Service

Legal Name of Requesting Entity: Iowa Soybean Association

Address of Requesting Entity: 4554 114th St., Urbandale, IA 50322

Description of Request: The Watershed Demonstration Project will help Iowa farmers identify and reduce their contribution to water pollution by providing technical assistance to groups of farmers in targeted watersheds and by collaborating with other watershed stakeholders to plan and implement watershed-specific strategies, measure outcomes, and adjust practices to optimize results. The proper management of natural resources related to cropland and the planning and implementation of conservation systems on cropland, especially in watersheds of impaired streams, is part of the federal mission, which this project helps to further. The work of improving and maintaining watershed health and water quality in agricultural watersheds will always require federal investment, and due to the downstream impact of Midwest agricultural water quality concerns

all the way to estuary waters, such as the Gulf of Mexico, projects such as these are increasingly important.

PERSONAL EXPLANATION

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. CHILDERS. Madam Speaker, unfortunately Tuesday night, July 7, 2009, I was unable to cast my votes on H. Con. Res. 135 and H.R. 1129.

Had I been present for roll call No. 478, I would have voted "aye."

Had I been present for roll call No. 479, I would have voted "aye."

BILL AND ANN BELLAISS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Rev. William Bellais, Ed.D., and his wife, Ann Bellais, of Chillicothe, Missouri. Bill and Ann are very dedicated individuals who exemplify the finest qualities of citizenship and leadership. I thank Grace Episcopal Church for hosting a retirement reception in their honor on Sunday, July 12, 2009.

Bill has an impressive list of degrees, ranging from theological studies to history to counseling psychology. He received his Doctor of Education degree in higher education management and education psychology in 1988 from New Mexico State University.

Bill's dedication to his community and his country has been exceptional. He served three years in the U.S. Marine Corps, including service in Korea, as well as 17 years in the Army as an intelligence specialist, including two years of service in Vietnam, receiving over a dozen awards along the way. He has been the Rector at Grace Episcopal Church in Chillicothe since 1992, as well as an active member of the Diocese of West Missouri. Bill is the Chaplain for the Home Health and Hospice Department at Hedrick Medical Center in Chillicothe, and he also serves as an adjunct faculty staff member for several colleges. Bill is also active in countless community activities, serving on the Board of Directors for organizations such as Hope Haven Industries, the North Central Missouri Rural Housing Coalition, Chillicothe Area Habitat for Humanity, the Chillicothe Rotary Club, and many more.

Ann Bellais has been just as active in the community as her husband. She has been a strong leader in the Missouri State Society of the Daughters of the American Revolution for years, having been an active member of DAR for an incredible 49 years. She has served as President for both the Chillicothe Church Women United group and the Chillicothe Garden Club. She has also served on the board of Hope Haven Industries, and she has represented the area for two hospitals in Kansas City—serving St. Luke's Hospital on a Spiritual

Wellness Committee, and Children's Mercy Hospital on a regional council.

Madam Speaker, I proudly ask my colleagues to join me in commending Bill and Ann Bellais for their dedicated service to the community of Chillicothe, Missouri. I know their colleagues, family and friends join with me in thanking them for their commitment to others and wishing him happiness and good health in retirement.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. McHUGH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 2997

Account: Animal and Plant Health Inspection Service: Salaries and Expenses

Legal Name of Requesting Entity: SUNY Environmental School of Forestry

Address of Requesting Entity: SUNY ESF Bray Hall 224, Syracuse, NY 13210

Description: Provide an earmark of \$500,000 for the eradication of the Asian Long-Horned Beetle in New York State forest lands. The Asian Long-Horned Beetle is an invasive species that can have disastrous effects on forest areas. Several beetle infestations have already occurred in the U.S. including Chicago, NJ, Staten Island, NY and most recently in Worcester, Massachusetts in August 2008. In order to eradicate the beetle 30,000 trees were cut down in an effort to keep the beetle from spreading. While other methods are being explored, chopping down infested trees and burning the wood is currently the only way to eradicate the beetles which have no known natural predator in the U.S.

More than 61 percent of New York State is forested and highly vulnerable to an introduction of Asian Long-Horned Beetle. The trees preferred as hosts by the Asian Long-Horned Beetle are hardwoods, which also compose the majority of the Northeast United States mixed hardwood forests critical to New York rural economic vitality and the forest products and wood-based renewable energy industries, New York State water quality, sequestration of carbon and greenhouse gases known to contribute to climate change.

There is no wide scale proactive protection technology deployed today and the threat is moving north toward the Catskill and west toward the Adirondack and Southern Tier. The Asian Long-Horned Beetle infestation is an economic, social and environmental disaster waiting to happen. Presently, all therapies for Asian Long-Horned Beetle infestation are reactive; all the trees are removed for miles around.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. CALVERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 2892, the Department of Homeland Security Appropriations Bill, 2010.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture (NIFA)

Legal Name of Requesting Entity: University of California—Agriculture and Natural Resources

Address of Requesting Entity: 1111 Franklin Street, Room 6402, Oakland, California 94607

Description of Request: I have secured \$3,000,000 to continue the highly successful Pierce's Disease and Invasive Species Research Program. This program funds competitively awarded research grants to find solutions to this potentially devastating bacterial disease that threatens California's wine grape industry, as well as other grape varieties, citrus, almonds and tree fruit.

This program also focuses on other invasive species impacting California and the nation. These include pathogens (West Nile virus, Avian Influenza, Sudden Oak Death), insects (vine mealy bug, light brown apple moth), marine and fresh water species (green crab and quagga mussel), and weed species (yellow star thistle). Greater knowledge of these species, understanding of invasion biology parameters, and potential control and eradication strategies is critical for California and the U.S.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 2997

Account: Natural Resources and Conservation Service (NRCS)

Legal Name of Requesting Entity: Municipal Water District of Orange County (MWDOC)

Address of Requesting Entity: 18700 Ward St., Fountain Valley, California 92708

Description of Request: I have secured \$500,000 to expand an existing program and add an additional 5,500 Smart Irrigation Controllers to residential and commercial properties in Orange County, CA by 2011. These Smart Irrigation Controllers assist water customers in delivering the appropriate amount of water to residential and commercial landscapes by monitoring and accounting for soil type, slope, plant type, sun exposure and current weather conditions.

Smart Irrigation Controllers, as a part of MWDOC's overall Water Use Efficiency Program, will assist water users in the district in more efficiently utilizing water resources and reduce the dependence of the area on water imported from Northern California and the Colorado River. The implementation and demonstration of this technology can serve as a demonstration project for areas of the arid west and other regions of the United States subject to water shortages who may be interested in utilizing this technology to decrease water consumption.

EARMARK DECLARATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 Military Construction and Veterans Affairs Appropriations Act.

Requesting Member: Congressman JEFF MILLER

Project Name: Flight Test Operations Facility (413 FLTS)

Account: Air Force

Legal Name of Requesting Entity: Eglin Air Force Base

Address of Requesting Entity: Eglin Air Force Base, Florida, 32542

Description of Request: \$9,400,000—Flight Test Operations Facility (413 FLTS). I requested these funds to provide the 413th Flight Test Squadron the necessary facilities to conduct developmental and qualification testing of aircraft. The entity to receive funding for this project is Eglin Air Force Base, Florida, 32542. The funding would be used to upgrade facilities necessary to ensure mission success, minimize acquisition costs and fielding delays. Functional areas include administration, operations and special purpose areas including open storage area with SIPRNET, workshop/maintenance area with compressed air, a hoist system and an electrical system capable of providing multi-phase power and covered outside storage. The squadron is currently operating at 50% of the net office space recommended by AFH 32-1084. Aircrew life support equip lockers, printers, shredders and other office machines are stored and operated in hallways because of the lack of space and overcrowding. The unit does not have a dedicated facility but is provided space in other units' facilities. The 413th occupies 19,101SF in four separate facilities, two on base and two leased off base. I certify that this project does not have a direct and foreseeable effect on the pecuniary interest of my spouse or me. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY—

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997: Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act for FY 2010.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 2997

Account: Animal and Plant Health Inspection Service—Salaries and Expenses

Legal Name of Requesting Entity: State of New Jersey, Department of Agriculture

Address of Requesting Entity: 369 South Warren Street, P.O. Box 330, Trenton, NJ 08625

Description of Request: Provide an earmark of \$500,000 for the New Jersey Gypsy Moth Pest Management Program to support and enhance gypsy moth control on affected communities and public lands. Funds will be used to cost-share aerial treatments borne by local municipalities to develop a web-based interactive online map showing the distribution of gypsy moths in New Jersey and proposed treatment areas. The funds will also be used for technical support, salaries, and vehicle operation.

EARMARK DECLARATION

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. HASTINGS of Washington. Madam Speaker, to provide open disclosure, I am submitting the following information regarding a project that I support for inclusion in H.R. 2487, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2010. Amount: \$100,000

Account: U.S. Department of Justice
Entity receiving funds: Washington State Meth Initiative located at 510 Tacoma Avenue South, Tacoma, WA 98402.

Description: These funds will be used to implement this anti-methamphetamine initiative, which brings together law enforcement, prosecutors, and treatment professionals from across the state to work together to address all aspects of the meth epidemic.

EARMARK DECLARATION

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. LEE of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the FY10 Military Construction and Veterans Affairs Appropriations Act.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3082

Account: Military Construction—Air Force Reserve

Legal Name of Requesting Entity: Niagara Falls Air Reserve Station

Address of Requesting Entity: Niagara Falls Air Reserve Station, 2720 Kirkbridge Drive, Niagara Falls, NY 14304

Description of Request: Provide an earmark of \$5.7 million for Project #RVKQ 10-9091,

the Indoor Small Arms Range that would support the requirements of the Base wings, the units of the new Armed Forces Readiness Center and the Department of Homeland Security tenants.

Of the total project amount, approximately \$4.4 million (or 77.1%) is for construction of the range; \$44,000 (or 1%) is for force protection; \$640,000 (or 11.2%) is for supporting facilities; \$254,000 (or 5%) is for contingency costs; and \$304,000 (or 5.7%) is for inspection and overhead.

The current situation requires personnel to shoot at a range in Canada when utilizing the M-24B machine gun and M-249 rifle. Additionally, the current number of firing line positions is inadequate to satisfy the volume of monthly training requirements which has grown with the addition of the Regional Readiness Center at the Base.

Due to the fact that the existing range is outdoors and off-Base, students and instructors are exposed to the elements and extreme temperatures for extended periods of time. In addition, an exorbitant amount of time is wasted by personnel who must travel a distance to the range. Also, due to extreme weather conditions, the Wing loses several months of weapons qualifying each year. This new Small Arms Range will allow personnel to meet all necessary mandatory weapons training as well as meeting safety and environmental requirements.

EARMARK DECLARATION

HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. CAO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997—the Department of Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2010:

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 2997—the Department of Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2010, provides for Tulane University, New Orleans, LA in support of phytoestrogen research project. This is in the Agricultural Research Account in the amount of \$1,426,000. This will benefit Tulane University, 6823 St. Charles Avenue, New Orleans, LA 70118 in the form of funding to be used to partner the Tulane/Xavier Center for Bio-environmental Research (CBR) and the University of Toledo to manipulate phytoestrogen and phyto-antiestrogen levels in soybean seed and soy-based products. This project discovers new effects of natural dietary constituents (phytoestrogens) on health and disease in human; especially, estrogen-sensitive organs, such as breast, reproductive and cardiovascular systems.

CONGRATULATIONS TO MR. STEVE BARTELS

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. BOEHNER. Madam Speaker, I rise today to congratulate, thank, and recognize my constituent Mr. Steve Bartels. Steve is a testament to the hard-working nature of the agricultural community and he has been a staple of the Butler County, Ohio community for more than three decades.

As the agricultural educator for the Ohio State University Extension Butler County Office, Steve has spread the necessary knowledge that aids the success that the agriculture industry has had on the economy of not only Butler County, but the entire state of Ohio. His hands-on approach has assisted thousands of individuals in improving their farms or gardens. Steve is most widely-known for his exceptional involvement in the Farm-City Tours, which began in 1976. Farm-City Tours allow individuals to get a free up-close-and-personal tour of a family farm in Butler County. Whether it be cattle or Christmas tree farms, Steve has an extraordinary wealth of knowledge that he has been able to share with the citizens of Butler County for many years. His hard work on obtaining a grant that enabled the extension office to hire a fourth agent has allowed many more Butler County children to be educated on this vital industry.

Steve's contributions to the Ohio State University Extension Butler County Office will be felt for many years to come. While I and the Extension Office are sad to see him go, I would like to congratulate him on his accomplishments and wish him a long, happy, and healthy retirement.

PERSONAL EXPLANATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. BURTON of Indiana. Madam Speaker, due to mechanical difficulties involving my flight back to Washington, DC from Indianapolis, I was unable to be on the House Floor for roll call votes 478 and 479.

Had I been present I would have voted aye on Roll Call vote 478—Directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol; and nay on Roll Call vote 479—To create a new Federal grant program to facilitate an iron working training program for Native Americans.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I submit a listing of the congressionally directed projects I requested in my home state of Idaho that are contained in the report of H.R. 2997, the FY2010 Agriculture Appropriations bill.

Project Name: Aquaculture Research Initiative

Amount Received: \$529,000

Account: USDA/CSREES

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: Research and development of strains of barley for the production of high-value protein concentrates from barley and oats that can be used as fish feed. Increasingly, fish that are consumed worldwide originate from aquaculture. This increase has taxed global supplies of marine protein and oil traditionally used in aquafeeds resulting in record prices for these commodities. Idaho is a leader in the national aquaculture industry, producing over 70% of the nation's commercially grown rainbow trout and generating \$100 million per year. Funding would support innovative research to develop new ways of addressing problems in the industry.

Project Name: Barley for Rural Development

Amount Received: \$514,000

Account: USDA/CSREES

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: Funding for this program would support research directed at the continued development of improved malt, feed, cellulosic ethanol and food barley varieties for growers and value-added end-users in rural Idaho, Montana, and North Dakota communities. This research is starting to expand and meet market opportunities, addressing the critical need of growers in production agriculture to increase economic yield, enhance domestic and international market access, improve production technologies, better compete with Canadian imports and reduce dependence on government subsidies. Research supported by this project will increase the manufacture and sale of value-added barley products (malt, beer, fuel, food, livestock) in these states, having a substantial positive impact on their economies, supporting jobs, generating business activity, and federal, state, and local tax revenue. Maintenance of the strength of barley in the Idaho economy requires continual efforts to improve crop quality and productivity. This can only be accomplished by investing in strong research programs that keep the industry at the forefront.

Project Name: COOL Season Legume Research

Amount Received: \$235,000

Account: USDA/CSREES

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: This program is an aggressive cooperative research program between the USDA, the University of Idaho, and the University of Washington that seeks new, high-yielding, high-quality, nutritious dry pea, lentil, and chickpea varieties to meet producer and consumer needs. This research focuses on the breeding of new, superior varieties of legumes; management of nematodes, insects, plant diseases and weeds that can limit production; and reduction of soil erosion and water degradation associated with production, as well as the development of value-added new products. The technology being generated through the research is essential for the pea, lentil, and chickpea industries to remain competitive and profitable. Funding would be provided to the University of Idaho through the USDA ARS facility located at 29603 U of I Lane, Parma, Idaho 83660.

Project Name: Greater Yellowstone Interagency Brucellosis Committee

Amount Received: \$650,000

Account: USDA/APHIS

Recipient: Idaho State Department of Agriculture

Recipient's Street Address: 2270 Old Penitentiary Road, Boise, ID 83712

Description: Idaho, Montana, and Wyoming are each required by law to manage brucellosis-infected wildlife within their borders in order to prevent the spread of brucellosis to non-infected wildlife, cattle, or domestic bison. The Committee is coordinating with federal, state, and private actions in eliminating brucellosis from wildlife in the Greater Yellowstone Area and preventing transmission of this disease from wildlife to livestock. The funding will be used to develop and implement brucellosis herd unit management plans; to perform functions and duties of Idaho relative to the Greater Yellowstone Interagency Brucellosis Committee; to conduct brucellosis prevention, surveillance, control and eradication activities in Idaho and the Greater Yellowstone Area.

Project Name: Increasing Shelf-Life of Agricultural Commodities

Amount Received: \$603,000

Account: USDA/CSREES

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: In order to prevent serious food safety issues, this project will fund research and development of bio-electronic sensors that can detect the presence of microbial pathogens in food and food products. Preventative detection and treatment at the agricultural commodity level and fast, accurate detection of biological pathogens and dangerous food toxins is an important element for ensuring safety and shelf life. The research being conducted in this area at the University of Idaho will advance and expand previous work on biosensor systems to further enhance preventative detection and treatment of biological pathogens and dangerous food toxins.

Project Name: Nez Perce Bio-Control Center

Amount Received: \$176,000

Account: USDA/APHIS

Recipient: Nez Perce Tribe Bio-Control Center

Recipient's Street Address: 102 Agency Road, Lapwai, ID 83540

Description: The Nez Perce Bio-Control Center is authorized by the Noxious Weed Control and Eradication Act of 2004 and manages and establishes nurseries to increase biological control organism availability, distribute biological control organisms, monitor their impacts, and provide an increased number of annual technology transfer workshops to Cooperative Weed Management Areas and other landowners and managers regionally. This funding will continue the partnership between USDA and the Nez Perce Tribe to maximize the effectiveness of implementing a complete bio-control of weeds program in an Integrated Weed Management strategy. The Center will increase the availability of agents for landowners and managers throughout the region. Biological control offers long-term management of invasive weeds and can be used with other integrated pest management approaches.

Project Name: Potato Cyst Nematode Research

Amount Received: \$349,000

Account: USDA/CSREES

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: This funding would be used by the University of Idaho for research and development of means to eradicate and better protect the Idaho potato crop from the soil-borne pathogen potato cyst nematode, hardened nematode bodies filled with eggs which can persist in the soil for up to 25 years. Current eradication depends upon methyl bromide, which is not totally effective and which may be banned because of its ozone depleting properties, as well as other chemicals which are even less effective and several of which may also be banned. The funds will be used to maximize the efficiency of methyl bromide while it is available and develop new "green" replacement eradicates (such as green manure or biologically derived nematicides) and procedures (advance hatching frequency), as well as to improve planting material screening procedures and to study plant-vector-virus relationships, which may also lead to new ways to fight potato viruses. Previous funding established the groundwork and prepared the University of Idaho to fully implement the needed research. This project will work, in concert with the ongoing USDA eradication program by providing new methods of treatment. This crop pest can result in 80% yield reductions and has negatively affected agricultural trade. There is a good chance that if this threat is addressed with adequate research and treatment it can be eliminated.

Project Name: Potato Research/Multistate Potato Variety Development Program

Amount Received: \$1,037,000

Account: USDA/CSREES

Recipient: University of Idaho through CSREES

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: This funding would be used to support an on-going research program that provides critical support to the potato industry through the development of new potato varieties and resistance to disease and pests. The ARS research station at Aberdeen, Idaho, has produced eight new potato varieties, and it

has participated in the development of twelve other varieties nationwide. With the increasing threat of disease and pests, new varieties are crucial for America's agriculture community. Research will be performed at USDA's Pacific West Area ARS facility, located at 1691 S. 2700 W., Aberdeen, Idaho 83210.

Project Name: Small Fruit Research, ID, OR, WA

Amount Received: \$307,000

Account: USDA/CSREES

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: The Small Fruits Initiative—Plant Improvement project will build upon the strengths of existing cooperative research programs aligned through the Northwest Center for Small Fruits Research. This ongoing tri-state program supports the development of small fruits as an alternative agriculture crop in the Pacific Northwest. The funding will strengthen existing programs throughout the region and add key programs to fill in critical gaps that are not met by the existing infrastructure associated with the Center, providing key resources for Idaho scientists to address problems that negatively impact the emerging berry, grape, and wine industries in the Northwest.

Project Name: STEEP III—Water Quality in the Northwest

Amount Received: \$444,000

Account: USDA/CSREES

Recipient: University of Idaho

Recipient's Street Address: 875 Perimeter Drive, Moscow, ID 83844

Description: Soil erosion affects 10 million acres of cropland in the Inland Pacific Northwest, reducing farm productivity. STEEP is a coordinated research and technology transfer program designed to develop and implement erosion control practices for agriculture. Emerging environmental and human health concerns also require control of erosion and other environmental impacts of agriculture. New strategies and cropping systems for the protection of soil, water, and air resources are being developed and assessed through collaborative research conducted by scientists in the Pacific Northwest. The STEEP program continues to provide Pacific Northwest farmers and supporting agribusiness entities the new conservation technologies, tools, and understanding to meet evolving demands of agriculture, the environment, and Pacific Northwest residents.

Project Name: Tri-State Predatory Control

Amount Received: \$926,000

Account: USDA/APHIS

Recipient: USDA Animal Plant Health Inspection Service

Recipient's Street Address: 9134 West Blackeagle Drive, Boise, ID 83709

Description: This project would continue assistance to Idaho, Montana, and Wyoming to control wolves and other predators. The Yellowstone wolf population has reached levels 3 to 4 times the initial recovery goals, leading to a delisting from the ESA earlier this year for the wolves in Idaho and Montana and leaving states responsible for managing the increasing wolf populations. As a result, ranchers are facing increasing threats from these predators. The continuation of this program will ensure

that the tri-state area will be able to address predator management.

I appreciate the opportunity to provide a list of congressionally-directed projects I requested that have received funding in the Agriculture Appropriations Act for FY2010 and provide an explanation of my support for them.

A TRIBUTE TO HILL AVENUE GRACE LUTHERAN CHURCH

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. SCHIFF. Madam Speaker, I rise today to honor Hill Avenue Grace Lutheran Church of Pasadena, California. The church is celebrating its ninetieth anniversary with a year-long series of celebrations commemorating the church's significant history in Pasadena.

In 1914, Martha Thompson, Laura Tallakson, Christiana Ellingson, and Thea Thompson, members of a small Norwegian-speaking Lutheran congregation in Pasadena, founded the "Dorcas Club." The group grew steadily over the next few years and dedicated itself to forming an officially recognized mission church and in 1919, the United Lutheran Synod Church was established. The new church, with its first pastor, N.B. Thorpe presiding, held services in a storefront building on Lake Avenue in Pasadena. In 1923 the congregation purchased a church building at Mountain Street and Summit Avenue in Pasadena. Under the leadership of Pastor W.J. Maakestad, the church's name was changed to Grace Lutheran Church, and in 1926, church services changed from Norwegian to English.

By the late 1940s, after years of growth under Pastor Joseph Berg, the church needed more space, so the congregation built a new, larger church on Hill Avenue in Pasadena and changed the name to Hill Avenue Grace Lutheran Church. In 1966, the church was extensively remodeled, and the Sanctuary was rededicated under longtime Pastor Amon Johnson. Since then, Hill Avenue Grace Lutheran Church has continued to grow, adding a preschool and a new chapel, among other expansions.

Today, under the leadership of Pastor Anthony Auer, Hill Avenue Grace Lutheran Church is not only a vibrant Lutheran congregation but a dedicated community servant. Among its many other programs, church members run a weekly Food Shelf, help staff the Cold Weather Shelter, provide food vouchers for underprivileged students at Pasadena City College, and sew quilts and knit prayer shawls as part of the Prayers and Squares program. Alongside other Pasadena-area Lutheran churches, Hill Avenue Grace Lutheran Church has participated in operating Jacob House, a day shelter for homeless teens and adults, and Rachel House, a day shelter for women with children. The church also runs the Grace Christian Academy, a K-8 school dedicated to academic, social, physical, and spiritual growth.

I consider it a great privilege to represent Hill Avenue Grace Lutheran Church and I ask

all Members to join me in congratulating the congregation upon their 90th anniversary.

HONORING CHARITY TOWNSEND CALDWELL

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. COHEN. Madam Speaker, I rise today to honor the heroic acts of Charity Townsend Caldwell.

On May 2, 2009, Charity Townsend Caldwell, a great citizen of Memphis, TN gave someone a chance; but this chance wasn't a government program or a random act of kindness, it was the greatest gift of all . . . life. Charity Townsend Caldwell was arriving at her own graduation from nursing school, when her college dean had a heart attack, and was immediately surrounded by a crowd of people. Caldwell, following her instincts, ran through the crowd of people and immediately got down on her knees to assist her former administrator. Within seconds Caldwell had saved a man's life that would undoubtedly have been lost if she had not acted as quickly as she did.

What Charity Caldwell's actions prove is that when people are given great tools, they can do great things, despite their hardships. Caldwell was given a superb education from the Nursing School of Southwest Community College located in Memphis, TN, and the knowledge she gained from this institution prepared her to act in any situation, even at her own graduation. While Caldwell worked against the odds to save a man's life, it was nothing new for her, because she is very familiar with overcoming challenges. She was a single mother, held a fulltime job, and was doing this while attending nursing school. Because of Charity's tenacity and faith, she found herself saving a life at her own graduation. The story of Charity Caldwell proves, that when people are given a chance to excel, they do and in extraordinary ways. Again, I would just like to congratulate and thank Charity Townsend Caldwell for showing us that hard work and perseverance not only affect an individual's life, it can literally save another.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mrs. MALONEY. Madam Speaker, on June 26, 2009, I missed rollcall vote No. 466. Had I voted, I would have voted "yea" on rollcall vote No. 466, on agreeing to the resolution, H. Res. 587, providing for consideration of H.R. 2454, American Clean Energy and Security Act.

THE FIGHTING AGGIES OF TEXAS
A&M

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. POE of Texas. Madam Speaker, Texas A&M University was founded in 1876 as a land grant college under the Morrill Act. The university began as an all male military school until after World War II. Aggies have been serving with honor in the armed forces since the Spanish American War of 1898. In fact, Texas A&M is the largest provider of military officers outside of the Nations service academies. General George S. Patton said, Give me an army of West Point graduates, and I'll win a battle Give me a handful of Texas Aggies, and I'll win a war.

During the Spanish American War, eighty-nine Aggies served in the Army, and sixty-three Aggies served as officers. When the United States became involved in World War I, 702 A&M graduates served in the military, and 668 graduates were officers. Texas A&M trained over 4000 troops during World War I.

It was World War II, however, when Texas A&M exhibited its expertise in training soldiers as well as scholars. Twenty thousand Aggies served in World War II; fourteen thousand of these men were officers, and twenty-nine were generals. In order to speed up the process of sending more Aggies to the front lines of the war, Texas A&M instituted a twelve-month, three semester training program to prepare its soldiers. The entire graduating classes of 1941 and 1942 enlisted in the armed services immediately following graduation. Seven Congressional Medal of Honor winners during the second world war were graduates from Texas A&M. They included MAJ Horace S. Carswell, Jr., class of 1938; LT Thomas W. Fowler, class of 1943; LT Eli Whitely, class of 1941; SGT William Harrell, class of 1943; 2LT Lloyd Herbert "Pete" Hughes, class of 1943; LT Turney W. Leonard, class of 1942; and SGT George D. Keathley, class of 1937.

Six Aggies were survivors of the 131st Texas National Guard Field Artillery, best known as the Lost Battalion because it was three years before the fate of the men was known. They were captured on Java in 1942, and then transported to Burma, where they were forced to build the infamous Railway of Death depicted in the movie Bridge Over River Kwai.

Membership in the Corp of Cadets is now voluntary at Texas A&M; however, the university continues its tradition of training men and women to serve their country through military service.

And that's just the way it is.

EARMARK DECLARATION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. SHIMKUS. Madam Speaker, pursuant to the Republican Leadership standards on ear-

marks, I am submitting the following information regarding earmarks I received as part of H.R. 3082.

Requesting Member: JOHN M. SHIMKUS

Bill number: H.R. 3082

The Account: Air NG

Requesting Entity: Lincoln Capital Airport, 1200 Capital Airport Drive, Springfield, IL 62707.

The funding for this project will go towards relocating the entrance road at the Air National Guard Base at Abraham Lincoln Capital Airport. The relocation is necessary to meet the Homeland Security back requirements and will ensure that the base can remain one of the largest employers in Central Illinois.

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the House Republican standards on congressionally-directed funding, I am submitting the following information regarding funding included in H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2997

Account: Department of Agriculture, Natural Resources Conservation Service

Legal Name of Recipient: Kentucky Division of Conservation

Address of Recipient: 375 Versailles Road, Frankfort, KY 40601

Description of Request: Provide \$545,000 in directed funding for conservation technical assistance grants to the Kentucky Soil Conservation Districts. This locally-led program promotes Kentucky's natural resource priorities and assists in the implementation of various Farm Bill conservation programs on small family farms.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 2997

Account: Department of Agriculture, Natural Resources Conservation Service Legal Name of Recipient: Kentucky Division of Conservation

Address of Recipient: 375 Versailles Road, Frankfort, KY 40601

Description of Request: Provide \$724,000 for conservation technical assistance to the Kentucky Soil Erosion Control Cost Share Program. The Kentucky Cost Share Program is implemented in coordination with the Environmental Quality Incentives Program to address Kentucky's natural resource concerns. The funds will be used for engineering, designing, installing, and certification of systems/facilities in order to meet national conservation standards.

EARMARK DECLARATION

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. HASTINGS of Washington. Madam Speaker, to provide open disclosure, I am submitting the following information regarding projects that I support for inclusion in H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010.

Amount: \$254,000

Account: USDA's Agriculture Research Service

Entity receiving funds: Northwest Center for Small Fruits Research located at 4845 Southwest Dresden Avenue, Corvallis, OR 97333.

Description: These funds will be used to continue research on sustainability and pathology for small fruits, including berries and wine grapes, that is critical to the Pacific Northwest small fruits industry.

Amount: \$3,654,000

Account: USDA's Agriculture Research Service (ARS)—Buildings and Construction

Entity receiving funds: USDA's Agriculture Research Service's Pullman lab, located at 3003 ADBF, WSU, Pullman, WA 99164.

Description: These funds will be used to construct a new research facility in Pullman to be jointly used by Washington State University and Agriculture Research Service scientists.

Amount: \$245,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used for the development of biomass potential of aegilops cylindricum and similar grassy weeds.

Amount: \$173,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used to continue research to develop technologies, such as mechanized harvesters, that increase the competitiveness of the U.S. asparagus industry, which has been harmed by high levels of imported asparagus from Peru.

Amount: \$469,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used to continue the efforts of the International Marketing Program for Agriculture Commodities and Trade (IMPACT) Center at Washington State University, which develops new export marketing opportunities for Washington agricultural products.

Amount: \$235,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used to continue research to improve the efficiency of cool season legumes, including dry peas, fresh peas, lentils, and chickpeas, which are important rotational crops in the Northwest.

Amount: \$248,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used to continue research on organic cropping systems, nutrient and soil management, and organic seed production.

Amount: \$1,037,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used for the continued development and commercialization of new potato varieties.

Amount: \$471,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Oregon State University, located at 312 Kerr Administration Building, Corvallis, OR 97331, and Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used to continue the development of research to locate and characterize genes of economic importance and use these genes in applied barley breeding.

Amount: \$307,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Oregon State University, located at 312 Kerr Administration Building, Corvallis, OR 97331.

Description: These funds will be used for continued research on berry and grape crops, including plant breeding and pest management.

Amount: \$444,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used to continue research into the development of planting systems that reduce soil erosion.

Amount: \$223,000

Account: Cooperative State Research Education and Extension Services (CSREES)

Entity receiving funds: Washington State University's Office of Grant and Research Development, located at 423 Neill Hall, Pullman, WA 99164.

Description: These funds will be used to continue the development of virus-free plant material to Northwest wine grape growers to ensure the continued health of the industry.

RECOGNIZING THE 140TH ANNIVERSARY OF THE VILLAGE OF NEW HAVEN

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mrs. MILLER of Michigan. Madam Speaker, I have the distinct honor to represent the Village of New Haven located in Macomb County. On July 17th and 18th, its residents will join together to celebrate the Village's 140th Anniversary, and officially recognize the history, traditions, and culture that has been cultivated over that time.

This special occasion will be marked by a weekend of various festivities that the entire family can enjoy including a fireworks show, games, a tastefest, a classic car show, a musical concert, and numerous presentations commemorating the Village's history.

New Haven was incorporated and organized in 1869. It was later that Spring when Benjamin L. Bates was elected the first Village President and oversaw the population growth and economic expansion of local businesses and industries. During its early origins, the Village was home of the Detroit Grand Trunk Railroad, a sawmill, an electrical powerhouse, a general store, a lumberyard, and numerous family farms spread out across the village.

The Village of New Haven has witnessed significant changes and infrastructure upgrades that lead to its formation. From the first church ever built in 1854 and first telephone installed in 1885 to its current day proximity to easily access major transportation networks like Interstates 94 and 69 that lead to the City of Detroit and Canada; the Village remarkably has been able to preserve its unique identity and the closeness of a community that cares about its people.

I commend Village President Jammie Kincaid for his leadership in organizing this celebration. As important as it is to set a course for the future, it is equally important to remember where we've been. New Haven's ancestors built the village that is enjoyed today; it is our obligation to provide better opportunities for the generations to come.

I congratulate the citizens, officials, businesses, and sponsors on this extraordinary event, and offer my best wishes for a successful anniversary celebration and robust future for the Village of New Haven.

EARMARK DECLARATION

HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. CAO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997—the Department of Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2010:

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 2997—the Department of Agri-

culture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2010, provides for Tulane University, New Orleans, LA, in support of phytoestrogen research project. This is in the Agricultural Research Account in the amount of \$1,426,000. This will benefit Tulane University, 6823 St. Charles Avenue, New Orleans, LA 70118, in the form of funding to be used to partner the Tulane/Xavier Center for Bioenvironmental Research (CBR) and the University of Toledo to manipulate phytoestrogen and phyto-antiestrogen levels in soybean seed and soy-based products. This project discovers new effects of natural dietary constituents (phytoestrogens) on health and disease in human; especially, estrogen-sensitive organs, such as breast, reproductive and cardiovascular systems.

EARMARK DECLARATION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. INGLIS. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of HR 3081, Department of State, Foreign Operations and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman BOB INGLIS

Bill Number: HR 3081, Department of State, Foreign Operations and Related Agencies Appropriations Act, 2010

Account: Global Health and Child Survival
Legal Name of Requesting Entity: Christian Blind Mission International

Address of Requesting Entity: 450 E Park Avenue, Greenville, South Carolina 29601

Description of Request: Of the funding provided for vulnerable children, \$2,000,000 is included for child blindness programs to be administered in a manner that the maximum amount of funds are delivered to the field. USAID should consider the work of Christian Blind Mission (CBM) which acts upon the needs and rights of people with disabilities; 18 million people worldwide benefit from CBM's support. 1.5 million children are currently blind, and another 7 million suffer from poor vision. CBM's eye care programs focus on four preventable and reversible sources of blindness: cataract, river blindness, vitamin A deficiency and trachoma.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. ROGERS of Alabama. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 2997

Account: ARS, Salaries and expenses account, \$819,000

Legal Name of Requesting Entity: Auburn University, Auburn, AL

Address of Requesting Entity: 102 Samford Hall, Auburn, Alabama 36849

Description of Request: "Catfish Genomics Research" Taxpayer justification—It is my understanding that this funding, similar to other research dollars the Federal government provides to key universities throughout the United States, in this case would be used to utilize genetic information to help develop fish lines with superior genetic disease resistance. Other objectives of the research include the development of rapid and sensitive pathogen detection tests to help prevent the introduction of pathogens from domestic and foreign sources into the U.S. aquaculture industry. Given the paramount necessity of safeguarding our food supply and the importance that the aquaculture industry plays in the economies of Alabama and other states, this is a prudent use of taxpayers' dollars.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 2997

Account: NIFA, SRG account, \$1,748,000

Legal Name of Requesting Entity: Auburn University, Auburn, AL

Address of Requesting Entity: 102 Samford Hall, Auburn, Alabama 36849

Description of Request: "Auburn Research Center on Detection and Food Safety" Taxpayer justification—It is my understanding that the funding would be used to educate a new generation of engineers and scientists with depth of specific knowledge and breadth from traditional disciplines of engineering and biology that are capable of addressing and resolving complex issues in the food industry like rapidly identify, pinpoint and characterize, through an integration of sensor and information technology, problems that arise in the food supply chain.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 9, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 10

10 a.m.
Finance
To hold hearings to examine the nomination of William J. Wilkins, of the District of Columbia, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.
SD-215

JULY 13

10 a.m.
Judiciary
To hold hearings to examine the nomination of Sonia Sotomayor, of New York, to be an Associate Justice of the Supreme Court of the United States.
SH-216

JULY 14

Time to be announced
Foreign Relations
Business meeting to consider pending calendar business.
S-116, Capitol
9 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the creation of a Consumer Financial Protection Agency.
SD-538

9:30 a.m.
Veterans' Affairs
To hold hearings to examine bridging the gap in care of women veterans.
SR-418

10 a.m.
Commerce, Science, and Transportation
Consumer Protection, Product Safety, and Insurance Subcommittee
To hold hearings to examine consumer protection from fraud.
SR-253

Energy and Natural Resources
To hold hearings to examine S. 796, to modify the requirements applicable to locatable minerals on public domain land.
SD-366

Environment and Public Works
To hold hearings to examine economic opportunities for agriculture, forestry communities, and others in reducing global warming pollution.
SD-406

2:30 p.m.
Environment and Public Works
To hold hearings to examine transportation's role in climate change and reducing greenhouse gases.
SD-406

Intelligence
Closed business meeting to markup an original bill authorizing funds for fiscal year 2010 for the intelligence community.
S-407, Capitol

JULY 15

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the public safety impact of contraband cell phones in correctional facilities.
SR-253

Homeland Security and Governmental Affairs
To hold hearings to examine the REAL ID Act.
SD-342

2:30 p.m.

Commerce, Science, and Transportation
To hold hearings to examine the nominations of Mignon L. Clyburn, of South Carolina, and Meredith Attwell Baker, of Virginia, both to be a Member of the Federal Communications Commission.
SR-253

Energy and Natural Resources
National Parks Subcommittee

To hold hearings to examine S. 227, to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, S. 625, to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas, S. 853, to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System, S. 1053, to amend the National Law Enforcement Museum Act to extend the termination date, S. 1117, to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont, S. 1168 and H.R. 1694, bills to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program, and H.R. 714, to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park.
SD-366

Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee
To hold hearings to examine the regulation of hedge funds and other private investment pools.
SD-538

JULY 16

10 a.m.
Health, Education, Labor, and Pensions
Employment and Workplace Safety Subcommittee
To hold hearings to examine the Workforce Investment Act of 1998.
SD-430

2:30 p.m.
Homeland Security and Governmental Affairs
Contracting Oversight Subcommittee
To hold hearings to examine contracting for Alaska native corporations.
SD-342

JULY 21

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 561 and H.R. 1404, bills to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy.
SD-366

	JULY 22	Veterans Affairs for Congressional and Legislative Affairs.		JULY 29
10 a.m.	Veterans' Affairs		SR-418	9:30 a.m.
	To hold hearings to examine the nomina- tions of Raymond M. Jefferson, of Ha- waii, to be Assistant Secretary of Labor for Veterans' Employment and Training, and Joan M. Evans, of Or- egon, to be an Assistant Secretary of	2:30 p.m.	Agriculture, Nutrition, and Forestry	Veterans' Affairs
			To hold hearings to examine the role of agriculture and forestry in global warming legislation.	To hold hearings to examine veteran's disability compensation.
			SR-325	SR-418

SENATE—Thursday, July 9, 2009

The Senate met at 9:31 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Most merciful and gracious God, who has led this Nation through turbulent times in the past, keep us this day confident in the movements of Your loving providence. Ignite in our hearts the hope that out of the world's challenges and tragedies, Your spirit can guide us to a desired destination.

Today, give our lawmakers a clear sense of duty and honor in every decision. May they live and work not alone or by their own efforts but in Your strength and by Your wisdom. May Your justice, purity, and peace guide them to develop plans and make policies that will enable Your will to be done on Earth as it is done in Heaven.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 9, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be a period for morning business for 95 minutes. Senator DURBIN will control the first 5 minutes, the Republicans will control the next 60 minutes, and the majority will control the next 30 minutes. Following morning business, the Senate will resume consideration of H.R. 2892, the Homeland Security Appropriations bill. There will then be 10 minutes for debate prior to a vote in relation to a Kyl amendment, No. 1432. Additional rollcall votes are expected to occur throughout the day as we work toward completion of the appropriations bill.

I filed cloture last night on the substitute amendment and the underlying bill. As a result, germane first-degree amendments must be filed by 1 p.m. today.

There is a strong possibility—and I hope, on my behalf—that cloture will not be necessary and we will be able to complete action on the bill today. If we are unable to finish that bill, we will have cloture tomorrow morning, maybe into the weekend.

I acknowledge the cooperation and support of the Republicans in allowing us to move to the Defense bill, a very important bill. We are doing our best to accomplish what we set out to do this week and not have to be in this weekend. That would be better for everyone. We all have a lot of things to do. This weekend, if we have to be here, will be a series of cloture votes and we hope that is unnecessary.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SOTOMAYOR NOMINATION

Mr. MCCONNELL. Madam President, over the past several weeks, my colleagues and I have raised a number of serious questions about the judicial record and public statements of Judge Sonia Sotomayor in connection with her nomination and upcoming confirmation hearings to the U.S. Supreme Court. These questions are driven by a growing sense, based strictly on the record, that Judge Sotomayor has allowed her personal and political views to cloud her judgment in the courtroom, leading her to favor some groups over others.

All of us are impressed by Judge Sotomayor's remarkable life story. It

reaffirms not only to Americans but to people around the world that ours is a country in which one's willingness to dream and to work hard remain the only requirements for success.

And yet it is precisely this truth about America that makes it so important that our judges apply the law the same way to one individual or group as to every other.

This is why we have raised the questions we have. And this is why we will continue to raise them as the confirmation hearings for Judge Sotomayor proceed. This morning I would like to discuss an area of Judge Sotomayor's record that hasn't been touched upon yet, and that is her record on the fundamental right of free speech.

This right to free speech was considered so important by our Founders that they included it as the first amendment in the Bill of Rights, along with the freedom of the press and religion, and the right to assemble and petition the government. It is one of the bedrocks of our government and our culture. And it is one of the primary defenses the Founders established against the perennial threat of government intrusion.

So it is essential that we know what someone who has been nominated for a life-tenure on the Nation's highest court thinks about this issue. And when it comes to Judge Sotomayor, her record raises serious questions about her views on free speech.

Let's start with a law review article that Judge Sotomayor co-wrote in 1996 on one particular kind of speech, political speech. In the article, Judge Sotomayor makes a number of startling assertions which offer us a glimpse of her thoughts on the issue.

First, and perhaps most concerning, she equates campaign contributions to bribery, going so far as to assume that a "quid pro quo" relationship is at play every time anyone makes a contribution to a political campaign. She goes on to say that:

We would never condone private gifts to judges about to decide a case implicating the gift-givers' interests. Yet our system of election financing permits extensive private, including corporate, financing of candidates' campaigns, raising again and again the question of what the difference is between contributions and bribes and how legislators or other officials can operate objectively on behalf of the electorate.

In the same law review article, Judge Sotomayor calls into question the integrity of every elected official, Democrat and Republican alike, based solely on the fact that they collect contributions to run their political campaigns. She writes:

Can elected officials say with credibility that they are carrying out the mandate of a “democratic” society, representing only the general public good, when private money plays such a large role in their campaigns?

In my view, the suggestion that such contributions are tantamount to bribery should offend anyone who has ever contributed to a political campaign—including the millions of Americans who donated money in small and large amounts to the Presidential campaign of the man who nominated Judge Sotomayor to the Supreme Court.

Judge Sotomayor’s views on free speech would be important in any case. They are particularly important at the moment, however, since several related cases are now working their way through the judicial system—cases that could ultimately end up in front of the Supreme Court. One particularly important case on the issue, *Citizens United v. FEC*, will be reargued before the Supreme Court at the end of September.

Coincidentally, the most recent Supreme Court decision on the topic actually passed through the court on which Judge Sotomayor currently sits, presenting us with yet another avenue for evaluating her approach to questions of free speech—with one important difference: in the Law Review article I have already discussed, we got Judge Sotomayor’s opinion about campaign contributions. In the court case in question, *Randall v. Sorrell*, we get a glimpse of her actual application of the law.

Here is the background on the case. In 1997, the State of Vermont enacted a law which brought about stringent restrictions on the amount of money candidates could raise and spend. The law also limited party expenditures. Viewing these limits as violating their first amendment rights, a group of candidates, voters, and political action committees brought suit. The district court agreed with the plaintiffs in the case on two of the three points, finding only the contribution limits constitutional.

The case was then appealed to the Second Circuit, where a three-judge panel reversed the lower court and reinstated all limits in direct contradiction of nearly 20 years of precedents dating all the way back to the case of *Buckley v. Valeo*. It was in *Buckley* that the Supreme Court held that Congress overstepped its bounds in trying to restrict the amount of money that could be spent—so-called expenditure limits—but upheld the amount that could be raised—so-called contribution limits.

At that point, the petitioners in the Vermont case sought a rehearing by the entire Second Circuit, arguing that the blatant disregard of a precedent as well-settled as *Buckley* was grounds for review. Oddly enough, the judges on the Second Circuit, including Judge

Sotomayor, took a pass. They decided to let the Supreme Court clean up the confusion created when the three-judge panel decided to ignore *Buckley*.

Traditionally, errors like these are precisely the reason that motions for a rehearing of an entire circuit are designed. In fact, according to the Federal Rules of Appellate Procedure, a review by the full court, what is commonly referred to as an en banc rehearing, is specifically called for in cases where “the proceeding involves a question of exceptional importance.” And what could be more important for a lower court judge than following Supreme Court precedent and protecting and preserving the first amendment? But the Second Circuit declined.

In the end, the Supreme Court corrected the errors of the Second Circuit in a 6–3 opinion drafted by none other than Justice Breyer. Here is what Breyer wrote:

We hold that both sets of limitations [on contributions and expenditures] are inconsistent with the First Amendment. Well-established precedent—and here Justice Breyer was citing *Buckley*—makes clear that the expenditure limits violate the First Amendment.

One of the principal requirements for a nominee to the courts is a respect for the rule of law. In this instance, according to Justice Breyer, that respect for the law was sorely lacking.

More than two centuries ago, the States ratified the first amendment to the U.S. Constitution to protect the right of every American from that moment and for all time to express themselves freely. “Congress shall make no law,” it said, “respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for redress of grievances.”

You could say, as I have said many times, that with the first amendment, our forefathers adopted the ultimate campaign finance regulation. And yet this issue continues to come before the courts, and will continue to come up before the courts. It is an issue of fundamental importance, touching on one of our most basic rights. And based on the writings and decisions of Judge Sotomayor, I have strong reservations about whether this nominee will choose to follow the first amendment or attempt to steer the Court to a result grounded in the kind of personal ideology that she so clearly and troublingly expressed in the law review article I have described.

It is not just this issue about which those concerns arise. Over the past several weeks, we have heard about a number of instances in which Judge Sotomayor’s personal views seem to call into question her evenhanded application of the law.

Just last week, the Supreme Court reversed her decision to throw out a

discrimination suit filed by a group of mostly white firefighters who had clearly earned a promotion. Notably, this was the ninth time out of ten that the high court has rejected her handling of a case.

We have heard her call into question, repeatedly over the years, whether judges could even be impartial in most cases. And she has even said that her experience “will affect the facts that [she] chooses to see as a judge”.

Americans have a right to expect that judges will apply the law evenhandedly—that everyone in this country will get a fair shake, whether they are in small claims court or the Supreme Court, and whether the matter at hand is the right to be treated equally or the right to speak freely. Americans have a right to expect that the men and women who sit on our courts will respect the rule of law above their own personal or political views—and nowhere more so than on the Nation’s highest court.

COMMENDING NORM COLEMAN

Mr. McCONNELL. Madam President, it was a politician from Kentucky who introduced the expression “self-made man” into the lexicon. But even Henry Clay didn’t follow as unlikely a path as Norm Coleman did to the U.S. Senate. As Norm puts it, he never even knew a Republican or a Lutheran before he left home for college.

Yet this middle-class son of Brooklyn became one of the best senators the people of Minnesota have ever known. And he has always made sure to give them all the credit, even when the voters would have excused him for taking a little credit of his own.

Another great American politician said the U.S. Constitution was “the work of many heads and many hands.” Norm’s always had the same attitude about his own career. He is grateful for the opportunities he has had. He gives it everything he has. Then he is grateful when his efforts on behalf of others succeed, which is more often than not.

The day he got here he was asked how it felt. He had a simple response. He said he was humbled by the opportunity. “I believe that what I can do well, my gift,” he said, “is to serve people, and now I have this incredible opportunity to serve as a United States Senator.” Six years later, on the day he conceded defeat, his first impulse was again to thank others. He thanked his staff for the long hours and hard work they had put in on his behalf. And he said he would always be grateful to and humbled by the people had of Minnesota who had given him the honor to serve, and even more grateful for the patience and understanding they showed over these last several months.

It wasn't the outcome he wanted. It wasn't the outcome that his Republican friends and colleagues in the Senate wanted. But we couldn't have expected anything less from Norm Coleman than the class and graciousness he showed in the closing act of this phase in his career as a public servant.

As I said, Norm came to be a Republican Senator from Minnesota by a rather unusual route. He was a campus activist in the 1960s, and a rather prominent one at that. After college, Norm earned a scholarship to the University of Iowa Law School and came to love the people and the place.

From there, he went on to Minnesota to serve in the Minnesota Attorney General's Office. Later, he would use his talents as chief prosecutor for the state of Minnesota, and then as mayor of St. Paul, first as a Democrat and then as a Republican. In what has to go down as one of the more remarkable feats of bipartisanship in American politics, Norm has the distinction of serving as the 1996 cochairman of the committee to reelect Bill Clinton and 2000 State chairman for George W. Bush's campaign.

As a big-city mayor, Norm didn't disappoint. He showed a real knack for bringing business and government together. He led a downtown revitalization effort, created thousands of jobs, brought the National Hockey League to St. Paul and fought to keep taxes low. He left office with a 74 percent approval rating, after two terms that a local magazine called "by almost any measure . . . an unqualified success."

In 2002, Norm was still thinking about how he could serve on the State level when he got a call from the President asking him if he would run for the Senate. He accepted the challenge and then he fought a tough and principled campaign against our late beloved colleague Paul Wellstone before Paul's tragic death shortly before the end of that tumultuous campaign. Norm grieved with the rest of Minnesota at Paul's passing, defeated his replacement in the race, and was sworn in 2 months later as Laurie, their children, Jake and Sarah, and Norm's parents, Beverly and Norman, looked on. Laurie summed up the day like this: "It's incredible to think that he has this opportunity."

Norm didn't waste a day. An instant hit at Republican events across the country, he kept up the same torrid pace in the Senate he had set in his come-from-behind win the previous November. He pushed legislation that benefited Minnesotans and all Americans, and he never let up.

Norm spoke the other day about some of his accomplishments here. He mentioned a few areas in particular, including U.N. oversight, working with Minnesota farmers, and his work on energy independence. But he said his best ideas came from the people of Minnesota.

He was being humble. In a single term, Norm put together a remarkable record of results. On energy and conservation, he played a key role in establishing the renewable fuels standard. He helped pass an extension of the tax credits for wind, biomass, and other renewable fuels. He secured loan guarantees and tax incentives for clean coal power; protected fish populations; and supported conservation programs to protect Minnesota's lakes, rivers, and woodlands.

He led major anticorruption efforts, including a groundbreaking exposure of fraud at the U.N. He exposed more than a billion dollars in wasteful Medicare spending and uncovered serial tax evasion by defense contractors. Norm was also instrumental in passing the Conquer Childhood Cancer Act which increased funding for childhood cancer research.

The proud son of a World War II veteran, Norm has been a true friend to all veterans. The first piece of legislation he introduced was a bill requiring the Pentagon to cover the travel expenses of troops heading home from service abroad. Norm worked on a bipartisan basis to establish the first-ever national reintegration program for returning troops. And he worked hard, in the early years after 9/11, to strengthen homeland security.

Norm Coleman's service in the Senate has been marked by the same high level of distinction that has marked everything else he has done in three decades of public service. Today we honor our colleague and friend for that long career that we hope is far from over. And we punctuate an incredibly hard fought campaign that some people thought might never end.

In the end, it didn't turn out the way many of us had hoped it would. But none of us were surprised by the graciousness with which Norm Coleman accepted the verdict, and all of us can celebrate the 6 years of dedicated service he gave to the people of Minnesota.

After another setback some years back, Norm Coleman said that real defeat isn't getting knocked down. It is not getting back up. And I have no doubt that this is not the last we will hear from Norm Coleman. He already has a legacy to be proud of. But it is a legacy that is still very much in the works. More chapters will be written. And they will bear the same strong hand and commitment to people and principle that he has shown in every other endeavor of a long and distinguished career.

In private conversation Senator Coleman often talks about resting on the truths of his faith. It is an untold Washington story—the glue of faith that holds this city together. So as I say goodbye to Senator Coleman, I would like to do so with words from the Torah that he knows well:

The Lord bless you, and keep you; The Lord make His face shine on you, And be

gracious to you; The Lord lift up His countenance upon you, And give you peace.

And on behalf of the entire Senate family, I want to thank Norm for his service. We will miss him.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 95 minutes, with the Senator from Illinois, Mr. DURBIN, controlling the first 5 minutes, the Republicans controlling the next 60 minutes, and the majority controlling the final 30 minutes, with Senators permitted to speak for up to 10 minutes each.

The Senator from Illinois.

NORM COLEMAN

Mr. DURBIN. Madam President, first let me associate myself with the remarks of the Republican leader, Senator MCCONNELL, relative to our colleague Norm Coleman. I enjoyed serving with Norm. We worked together on a number of issues during our service in the Senate. I was actively supporting his opponent AL FRANKEN in the Minnesota race. I thought, as Senator MCCONNELL noted, that Senator Coleman showed extraordinary grace in conceding after the latest Minnesota Supreme Court decision. It was a relief to all involved and to the people of Minnesota to have two Senators representing them here in this Chamber. I wish Senator Coleman the very best in his future endeavors and again thank Senator MCCONNELL for his remarks which I know speak on behalf of all Senators from both sides of the aisle.

SOTOMAYOR NOMINATION

Mr. DURBIN. Madam President, Senator MCCONNELL spoke previously about the nomination of Judge Sotomayor to the Supreme Court. This is a rare, historic opportunity for the Senate to consider a nomination sent to us by the President. It doesn't happen very often. In my career, my 13th year in the Senate, this will be my third opportunity in the Judiciary Committee to actually ask questions of someone who aspires to serve on the highest Court of the land, a lifetime appointment and a very important appointment in terms of our Nation's history.

The question raised by Senator MCCONNELL is entirely appropriate. I commend him because his statement really goes to the heart of what this

process should be about. It wasn't about the personality of the judge or any personal trait, it was about her beliefs and whether they are the kinds of beliefs we would like to see enshrined in her service as a Supreme Court Justice.

Particularly, Senator MCCONNELL raised an issue which is very important to him. It is the issue of free speech in relation to political campaigns. I know this is important because Senator MCCONNELL took an exceptional position in being in opposition to McCain-Feingold campaign finance reform. This was a reform which these two Senators—one Republican and the other Democrat—brought to the Senate in an effort to reduce the impact of corporate contributions and large contributions in our political campaigns. It was their belief that the so-called soft money which avoided some of the restrictions that are applied to other contributions had gone too far in the extreme. Senator MCCONNELL was not alone, but he really was in the minority in opposing the McCain-Feingold position. He even went so far as to file documents before the courts arguing that this was a violation of free speech. The courts did not find in his favor and ruled that McCain-Feingold was, in fact, permissible and constitutional.

Now Senator MCCONNELL comes to the floor and argues that Judge Sotomayor apparently doesn't agree with his point of view either. That is certainly Senator MCCONNELL's right to do. But to question whether she should be allowed to serve on the Supreme Court because she disagrees with Senator MCCONNELL's minority views on McCain-Feingold and the use of money in political campaigns is an unfair characterization of her position. Keep in mind that Judge Sotomayor comes to this nomination with an extraordinary background. She brings more Federal judicial experience to the Supreme Court, if approved, than any Justice nominated in over 100 years and more overall judicial experience than anyone confirmed to the Court in the past 70 years.

She was first nominated by a Republican President to serve on the Federal court, President George Herbert Walker Bush. Then she was promoted to the next level court, the circuit court, by President Clinton, a Democratic President—bipartisan support, approval of the Senate both times, and no one suggested her views were radical or not in the mainstream of judicial thinking in America.

So when Senator MCCONNELL raises this point, it reflects the fact that his view of campaign finance, his view of restrictions on contributions is, in fact, a minority position, one that the court has not approved of and most Americans may not agree with. Most Americans believe we should keep a close eye on political contributions to

make sure they don't corrupt our political process. We want to honor free speech. Some of us believe the Court decision in *Buckley v. Valeo* went to an extreme and basically argued that the expenditure of money in a political campaign was an exercise of free speech. That argument leads to the conclusion that a millionaire is entitled to more free speech than the common person who couldn't spend that kind of money on a political campaign.

I might also add, we have been trying to move forward a piece of legislation that will give even more disclosure on political campaign financing. It would require the electronic filing of campaign finance reports. We have been trying to move this forward. There has been resistance on the other side of the aisle.

I think it is bipartisan and consistent with the goals of this Congress for us to have this kind of disclosure, for us to recognize that freedom of speech brings with it certain obligations, and that Judge Sotomayor's rulings in cases relating to free speech have been entirely consistent with the values of our country and in the mainstream of this Nation.

Next Monday, her nomination comes before the Senate Judiciary Committee.

The ACTING PRESIDENT pro tempore. The Senator has used his 5 minutes.

Mr. DURBIN. Madam President, it will go on for several days, and I will have a chance to speak then. I will yield the floor now. Thank you.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Thank you, Madam President.

COMMENDING COLEMAN

Mr. ALEXANDER. Madam President, in 1998, Norm Coleman ran for Governor of Minnesota against the son of one of the most revered Members of this body, Hubert Humphrey, who was also a former Vice President of the United States, and a noted wrestler, Jesse Ventura, who was elected Governor.

In 2002, Norm Coleman ran a campaign against Paul Wellstone, a beloved Member of this body who was tragically killed in an airplane crash a week or so before the election, bringing into the race a former Vice President of the United States, a former U.S. Senator and Ambassador, Walter Mondale. The whole country watched and was riveted by that race during that last week. Norm Coleman won that race.

This past year, Norm Coleman was a participant in a race that also riveted the Nation. He was opposed by a well-known television personality, AL FRANKEN, now a Member of this body. The race went on for 2 years, with

much publicity. Then it went on for another 8 months after election day.

If Norm Coleman could have found some way to make the 2000 Presidential election *Bush v. Gore v. Coleman*, Norm would have been a participant in every single one of the most spectacular political races of the last decade.

Norm and I arrived in the Senate on the same day in 2003. We not only were Members of the Senate family, which we often talk about here and which extends to both sides of the aisle, we were Members of the same class, and are good friends.

My wife, Honey, and I got to know Norm and his wife, Laurie, the mother of their two children. We know of his love for his family and of his deep religious faith. Each of us in the Senate has enjoyed the good humor and cheer and civil relationship that Norm has had with his colleagues, both Democrats and Republicans.

But most memorable—and the Republican leader spoke of some of this—is Norm Coleman's record of service to our country: Chief prosecutor for the State of Minnesota, mayor of St. Paul, Senator.

He has been a strong, eloquent, effective voice for the center of this country—an independent voice of the kind our country and the Republican Party needs to attract and represent and continue to bring into our party and into our political process the center.

The political campaigns of Norm Coleman have been more spectacular than those of any of us in the Senate. But the public service chapters of his life have been equally impressive. As this door closes, I am confident new ones will open.

When I was Governor of Tennessee, my chief of staff, a former Marine, came in and said to me during my last years: Governor, I would like to say to you that people remember the last thing you do. And I had no idea why he said that to me, but I never could get it out of my mind, and I think it is pretty good advice.

People will remember the last thing Norm Coleman did in this campaign. He proved to be determined and courageous and, in the Minnesota tradition, a happy warrior in attempting to make sure that every Minnesota vote counted in the race, which was decided by just a few votes.

But then, when the Minnesota Supreme Court made its decision, he immediately was gracious about accepting the rule of law and the court's decision and stepping aside and congratulating AL FRANKEN.

That is the picture of Norm Coleman that most Minnesotans and most Americans will remember. That may have been the last thing that Norm did in this race, but I am sure it is far from the last thing he is likely to do in public life.

Norm Coleman, after those three spectacular races, deserves an easy, humdrum, conventional political race someday. And Minnesota and the Nation can hope we will deserve and have many more years of Norm Coleman's public service.

Madam President, I thank the Chair and yield the floor.

I see my colleague from Florida.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Thank you, Madam President.

Madam President, I am here this morning to speak about my good friend and former colleague, Norm Coleman.

Norm and I first met when I was Secretary of Housing and Urban Development and Norm had been the mayor of St. Paul—I had been the mayor of Orange County, FL—and immediately we established a bond. We kind of spoke the same language, if you will. We understood each other. We had both been involved in the milieu of urban politics as well as the challenges and responsibilities of being a big city urban center mayor.

I remember our discussions about the problems of the cities and about the opportunities. Norm had been very successful in creating a new arena for the hockey team in St. Paul, and this was, I know, a tremendously proud thing for him, an accomplishment he had.

Little did I know our paths would again cross here in the Senate. I remember being in Miami at a radio station and there was a TV monitor on the screen during the election of 2002, and I remember it was a debate between Norm Coleman and former Vice President and Senator Walter Mondale. I remember being detained there watching him and thinking what a tough spot he landed in, what a complicated race it had been through the tragic death of Senator Wellstone, and how proud I was of him, of this fellow whom I did not know that well but whom I had met on a couple of occasions, and he was handling himself quite well. It turned out he was successful in that race.

Then, only a couple years later, we were reunited here in the Senate as colleagues. We both immediately found one another on the Foreign Relations Committee of the Senate. Norm, at that time, was the chair of the Western Hemisphere Subcommittee. I found in Norm someone who was uncommonly knowledgeable about the Western Hemisphere and carried out those responsibilities with a great sense of urgency.

Norm and I traveled in Latin America together. We traveled to Chile and to Colombia and perhaps a couple of other places where we conducted meetings trying to advance the United States agenda, promoting the rule of law, fighting against narcotrafficking that is such a blight upon our cities

and our communities, and trying to improve the conditions of democratic rule in the region.

I have no doubt that if Norm Coleman were in the Senate this week, he would have been side by side with us as we have watched closely the events in Honduras and have tried to promote a reasonable, fair, and democratic outcome to that country's troubled current moments of their living.

He was the original sponsor of efforts to build stronger relations with our neighbors to the south. I had the opportunity, as I said, to travel with him. Part of our traveling took us to Colombia where a tremendous challenge lies ahead for the people of Colombia as they fight for the rule of law and against the narcoterrorists in that country. I remember our meeting with President Uribe that he and I had.

Norm was also very committed and concerned about a stable Middle East, about advancing the peace process in the Middle East, but also about the security of Israel. He was a very strong voice for a strong United States-Israel relationship. He was a clear voice on the need for us to stop and not allow Iran to develop a capability that is nuclear and that would invite the opportunity for Iran to carry out the stated wishes of destroying the state of Israel. He was a friend of Israel.

He was also a friend of Cuban freedom. I remember when Norm was first in the Senate. He came to the Senate 2 years before I did. During that time, I was still Secretary of Housing and Urban Development. I heard that Norm Coleman was traveling to Cuba. I said to Norm: As you travel to Cuba, as a now sitting Senator, I hope you will remember there is a large and growing dissident movement on that island and they deserve the same recognition you would have given to Lech Walesa or Vaclav Havel had you been traveling to Eastern Europe in the 1980s.

Norm heard my voice and sought the opportunity to meet with the Cuban dissidents while he was on the island. This came as a great surprise to his host because the Cuban Government frowns upon visiting dignitaries meeting with anyone who would present the potential for a democratic opposition to a country that has not known democracy now for half a century.

But, in any event, Norm Coleman met with them, and not only met with them but while in Cuba made some very strong statements about the need for a democratic solution to the Cuban situation, about the need for the people of Cuba to have an opportunity to live in freedom, and he spoke highly about the dissidents. Needless to say, that is the last time Norm Coleman has been invited to visit Cuba by the Cuban Government. But I knew then I had found a friend who clearly understood the difference between freedom and oppression and who would clearly stand on the side of freedom.

Norm, as has been expressed here this morning, with great grace and courage, fought through a very difficult election, and that is in addition to the ups and downs of all that went on in the recount and the legal challenges that followed.

Norm, with great grace, moved aside. When the time was right, and when the legal challenges had been exhausted, he did so with the grace and dignity that is the hallmark of Norm Coleman.

Norm and Laurie are my friends. I wish them the very best as they go forward in their lives. I know they will find other opportunities to be of service to the people of Minnesota and to the people of the United States, and I might daresay also to the people of Florida because Norm has a great affection for my State, where he has spent a lot of his time—I would daresay particularly in the cold and bitter months when maybe it is a little more pleasant around my neck of the woods than it would be in Minnesota.

But we always welcome Norm to Florida. We hope he will continue to visit us frequently, where he has a multitude of friends and a multitude of people who love him, who appreciate him, and who thank him for his great service to our Nation and our State, and who thank him for the great concern he has demonstrated about people who are oppressed, as well as those who seek to live in freedom and peace without threat from their neighbors.

Madam President, I thank you and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Madam President, I am pleased to join with my colleagues in making some comments about our former colleague, Norm Coleman. I welcome Senator FRANKEN to the Senate. I welcome him to his service here and congratulate him on his victory. But it would come as no surprise that Senator Coleman will be sadly missed.

I had the experience of serving with him on the Homeland Security and Governmental Affairs Committee where he served as the chairman of the Permanent Subcommittee on Investigation. This is a subcommittee that has an interesting history. It has the history of some demagoguery if you go back into the past. It also has a history of some accomplishment of the various Senators who have served there. I think it unusual that a freshman Senator would serve in that capacity and serve as if he were not a freshman but a seasoned veteran. He took over that assignment and went after a number of areas of controversy, and with a persistence that served him and the Senate very well, pursued a number of difficulties.

So with all of the things we have heard about Norm Coleman—his intelligence, his grace, his willingness to work hard and at the same time do so

with a sense of class about him—I add my tribute to his ability to take on a difficult assignment and follow it through.

I wish him and his wife and his family well in their activities now. I will not go through the resume the Republican leader has established for us. I simply add my voice of gratitude for the opportunity of serving with Norm Coleman and my best wishes for him in his future activities. He is a young and vigorous enough man that I think we will hear far more from him in the years ahead.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk called the roll.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBLISS. Madam President, I rise to speak this morning for a few minutes about my dear friend, now former Senator, Norm Coleman, from the great State of Minnesota. Norm was a very unique individual in the Senate. He grew up in New York, was educated in Iowa, and wound up living in Minnesota. He was a student leader in undergraduate school as well as in law school, so his leadership qualities were certainly recognized early on.

Norm grew up in an era right behind me, which was the era of big rock bands, and Norm was right in with the majority of the crowd of young folks back then and, in fact, was a roadie with a rock band for a while. He spent his 20th birthday at Woodstock. We used to joke about that a lot in some of our conversations.

After law school, Norm obviously settled down in the State of Minnesota where he joined the Office of the Attorney General and eventually became the State solicitor general. He prosecuted any number of cases in both of those offices. He became the mayor of St. Paul, MN, in 1993, and, boy, did he ever take over a town that was headed south and bring it back to be a totally revitalized community in a way in which, frankly, I have never seen.

When you talk to the people of St. Paul today and you ask them about what Norm Coleman did for the downtown area of St. Paul, a smile immediately comes to the faces of those residents of St. Paul. He created thousands of new jobs and brought in more than \$3 billion of new development to the city. The one thing St. Paul residents, as well as Minneapolis residents, will tell you today about Norm Coleman from the standpoint of his legacy as mayor is that he brought the hockey

team back to Minneapolis-St. Paul, and that has had a tremendous economic influence on that community.

I think it is a real tribute to Norm and his leadership that after being elected as a Democrat in 1993, he became a Republican in 1996, and then ran for reelection as mayor in 1997 as a Republican, and was again elected mayor of St. Paul. Norm ran for Governor of Minnesota in 1998, and as a testament to the character, the integrity, and the dedication as a public servant of Norm Coleman, when he lost that race for Governor, he was still mayor of St. Paul, and the day after that election, he was back in his mayoral office at 8 o'clock in the morning taking care of the business of the people of St. Paul.

I was very privileged to know Norm in a way other than just being a colleague. We were very close personal friends. Having been elected together, individuals within classes tend to hang together from time to time, and Norm and I enjoyed many social moments outside of this Chamber, as well as many strong professional moments inside this Chamber. I will have to say that as chairman of the Committee on Agriculture, of which Norm was a member, there was no harder working member of that committee for his constituents, no more dedicated individual to agricultural interests in his State than was Norm Coleman. In fact, during the farm bill debate last year, Norm pounded on me every single day during the course of that farm bill debate about some issue that was of particular interest to his State. It may have been talking about some issue relative to ethanol, some issue relative to the issues surrounding corn, wheat, or sugar beets, but whatever it was, Norm was just a hard-working, dedicated man when it came to making sure his constituents' interests were protected in that piece of legislation which was so vitally important to the State he represented.

I had the opportunity to travel with Norm many times in the State of Minnesota, and he likewise traveled in my State. I remember very well going to the Minnesota State fair with Norm. While we were there, we visited with some of his corn growers whom I have gotten to know on a personal basis as a result of my relationship with Norm.

I will never forget that because coming from a cotton-growing State where we produce a fiber that is used in the manufacture of clothing, the folks in Minnesota have developed a way to produce a piece of cloth from by-products of corn and ethanol production. They gave me a shirt that day. It was a red shirt. They hadn't quite perfected this procedure at that point in time. I had a T-shirt on underneath the shirt I had on, and I immediately took my shirt off and put that red shirt on. It was hot as it could be that day. When

we got back to the hotel that night, I took that shirt off, and I had this pink undershirt on as a result of having that shirt on. The corn growers have reminded me of that. We have had a good laugh about that ever since.

Norm is just one of those guys who not only was a dedicated professional Member of this body, but he is a good guy. He is one of those individuals who folks on both sides of the aisle had, first of all, respect for as a Member of this body, but also from a personal standpoint Norm was easy to get along with, easy to work with, and he wanted to do what was in the best interests of Americans.

I think his work on the Foreign Relations Committee, particularly with respect to his investigation of the fraudulent activities ongoing at the United Nations, is unparalleled with respect to any investigation I have seen take place during my years in the Senate. He uncovered an awful lot of fraud and abuse.

As a result of Norm's dedicated work and his dogged determination, some changes have been made. Were Norm to have come back to the Senate, there is no question he would have continued to pursue that issue, and we will continue to receive benefits from Norm's investigative measures that were undertaken at the United Nations.

I think Norm's reputation as a fighter and as a strong advocate for Minnesotans is reflective in the way he handled his election. He fought hard in his election. It was very much an uphill battle. A lot of us had tough elections last year, but nobody had a tougher one than Norm on a day-to-day basis. But he wanted to make sure the people who voted for him, the people who supported him and worked hard in his election all across the State of Minnesota had their just due, and he wanted to make sure he could look every Minnesotan in the eye and say: I did everything I could do to make sure this election was fairly conducted and to make sure that every single vote I could possibly get was counted.

At the end of the day, when the election was finally decided, once again, in his very professional way, he conceded and decided, as some of us have to do in politics from time to time, that it is time to move on.

We are going to miss Norm Coleman in this body. We are going to miss his family. Laurie and my wife are very dear friends. They communicated from time to time both while the two of them were in Washington as well as being in communication back and forth while they were in their respective States. We will miss that personal relationship. His daughter Sarah and his son Jacob are two very fine young people and certainly are reflective of the fact that they have been raised by two very good parents.

So to Norm Coleman I simply say we will miss you in the Senate. We are not

going to let him go away, though. I still talk to him on a regular basis and will continue to do so and will seek his advice, his counsel on any number of issues because this is a man who has served the public just about all of his adult life. He has done so in a professional way and in a way that all of us wish to emulate.

Congratulations to Norm, and good luck on whatever road life now takes him.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

Ms. COLLINS. Madam President, I enjoyed hearing my colleague's comments about our friend Senator Norm Coleman because I share the same sentiments. I rise today to speak about the extraordinary service of this extraordinary individual.

When I became the chairman of the Governmental Affairs Committee in 2003, a freshman Senator took over the position that I had held as the chairman of the Permanent Subcommittee on Investigations. During the next 6 years, I came to know Senator Norm Coleman as an energetic, farsighted, and committed public servant, but most of all I came to know Norm as a dear friend.

As chairman, and later ranking member, of PSI, Norm demonstrated unfailing leadership and extraordinary dedication. Working with his colleague from across the aisle, Senator CARL LEVIN, Norm enhanced PSI's reputation as the Senate's premier investigative subcommittee. He undertook many complex and important investigations.

Under this team's leadership, the subcommittee was successful in ferreting out waste, fraud, and abuse to the tune of \$14 billion. I remember particularly well an investigation that exposed tax cheats in Medicare and in defense contracting.

Another success resulting from Norm's leadership was his highly successful and courageous "oil for food" investigation. Norm's investigation uncovered billions of dollars of fraud in this program operated by the United Nations. Norm was focused, determined, and undeterred in his pursuit of the facts, in his pursuit of the truth.

Norm's abiding concern for upholding the public trust is rooted in his background. As a former prosecutor, he is a champion of the rule of law. As a former mayor, he understands the concerns of State and local government. As a Senator, he always worked hard for the people he represented and for the people of this entire country.

These traits were evident in his service as a member of the Homeland Security and Governmental Affairs Committee. Norm's hard work ensured that the Special Inspector General for Iraq Reconstruction had the resources and

the authority necessary to do his work effectively. Norm's keen insight into local government was invaluable during our extensive investigation into the failed response to Hurricane Katrina. His insight—critical insight—helped to shape reform in so many areas, ranging from our intelligence agencies, the postal service, and government contracting.

Norm was also a passionate advocate for educational opportunity. His support for strengthening the Pell Grant Program demonstrated his belief that the benefits of higher education should be available to everyone with the determination and the desire to pursue more education.

In fact, the only quibble I have with Norm's public service dates back to his tenure as mayor of St. Paul. His success in bringing professional hockey back to Minnesota was certainly commendable, but it was based, as I understand it, on the flawed premise that Minnesota is the hockey capital of the United States. The people of Maine know better, of course, but this was typical of Norm's pride in his State.

The past election brought great disappointment, but it also revealed character. Norm ran a vigorous, honorable campaign, under very difficult circumstances. He never betrayed his constituents, nor compromised his principles. When the final court decision went against him, he graciously conceded defeat. In fact, I had the opportunity to talk with Norm right after the supreme court in Minnesota ruled against him. I was struck, once again, by his determination to do what he felt was best for his State, even though it was not best for him. I was also touched by his commitment, once again, to his constituents and to moving on and ensuring that they had two Senators representing them. He was not bitter. He was not hurt. He was at peace. He was at peace because he knew he had served the people of his State to the best of his ability and with all his heart and tremendous intellect.

It has been a true honor to serve with Norm Coleman in the Senate, and the American people—not just the people of Minnesota—are better off for his service. It has been a joy to develop our friendship—a friendship I will always cherish and always continue. I will miss serving with Norm day to day, but I know I will see him many times.

I wish Norm and his wonderful family all the best in the years to come.

Mr. KYL. Madam President, I join my Republican colleagues in thanking Senator Norm Coleman for his service in the Senate.

As a valued member of my whip team, Senator Coleman was devoted to solving problems in a practical and nonpartisan way. I could always expect from him a serious and interesting view of an issue and could count on

him for good advice. His thoughtful and unique perspective, as well as his talent and high energy, will be missed.

Senator Coleman ran a fine campaign and was a consummate gentleman throughout the long process of determining the winner of his seat.

I join my colleagues in wishing him all the best in his future endeavors, and know that he will remain an important voice in our party.

Mr. COCHRAN. Madam President, the Senate will continue to benefit in the years ahead from the service and example of Norm Coleman as a U.S. Senator.

He brought to the Senate a seriousness of purpose and a high level of energy which he used to help shape national policies and successfully address many important challenges faced by our country.

I enjoyed working with him and playing tennis with him. He brought to his service in the Senate a strong and determined commitment to solve the problems facing our country, especially as they affected farmers and workers in his State of Minnesota.

Norm Coleman's leadership will be missed in the Senate, but we will continue to benefit from his example and his contributions to this body for many years to come.

Mr. LUGAR. Madam President, I am pleased to join with other Senate colleagues in honoring a loyal and talented friend, Norm Coleman. For the past 6 years, it has been my privilege to serve with him in the Senate. During that time, we have worked together on many issues, and I have witnessed with admiration his character and his dedication to the United States and to the people of Minnesota.

As a former mayor of Indianapolis, I was very pleased to welcome another former mayor to the Senate in 2003 when Norm took his seat after an election that was decided by fewer than 50,000 votes. We talked frequently about our experiences in Indianapolis and St. Paul, and we shared many perspectives on domestic policy because of this common bond. He was devoted to principles of good government that deeply informed his service in the Senate. It also was clear to me that Senator Coleman had an extremely strong commitment to constituent service that was stimulated by his service as a mayor. He understood that serving his constituents was a 24 hour-a-day job, and he threw himself into the task of serving all Minnesotans.

I am especially sad to see Norm leave the Senate because he has been an outstanding partner in the work of the Foreign Relations Committee. I encouraged him to join our committee in 2003, and he played a prominent role in our work from the day he arrived. For 6 years, I sat with Norm through hundreds of Foreign Relations Committee hearings and meetings. He was one of

the most active members of the committee, and he could be counted on to bolster our debates and our efforts to achieve quorums. I greatly benefitted from the opportunity to exchange ideas with him, to compare perspectives on our witnesses, and to develop common approaches to problems.

His impact was especially profound as chairman of the Western Hemisphere Subcommittee from 2003 until 2006. He traveled frequently to Latin America and quickly developed an expertise in the region. He was an effective advocate for Plan Colombia, and he was one of our first leaders to recognize how important it was to ensure that Colombians had alternatives to economic and energy dependence on Venezuela. He performed important oversight of the Western Hemisphere Travel Initiative, the Peace Corps, and U.S. policy toward Haiti. Senator Coleman was the lead organizer of the U.S.-Chile Caucus, a group that allowed Senators to engage with Chileans to discuss issues of mutual interest.

Senator Coleman developed expertise that went well beyond Latin America. In April 2004, I chaired the Senate's first hearing that looked into the troubled Iraq Oil for Food Program. Senator Coleman took the lead from there, and as chairman of the Permanent Subcommittee on Investigations, he conducted an extensive, 2-year investigation into corruption and mismanagement related to the Oil for Food Program. Many of his conclusions were the basis of legislation that he and I introduced in 2005—the United Nations Management, Personnel, and Policy Reform Act. Senator Coleman also was a passionate and informed advocate for U.S. programs to combat HIV/AIDS and a careful student of Middle East politics.

I know how much Norm was stimulated by the daily opportunities of the Senate Foreign Relations Committee, and he made the most of them. Had he prevailed in his 2008 reelection bid, he would have been the second ranking Republican on the committee.

Senator Coleman leaves the Senate after 6 years, having established lifetime friendships. It was a special pleasure for Char and me to spend time with Norm and his wife Laurie at Aspen Institute events, giving us the opportunity to know much more about their family and life outside the Senate.

I will miss his good humor, his hard work, and his personal friendship. I have no doubts that he will continue to serve the United States and his fellow Americans in new ways, and I look forward to witnessing all that he will achieve in the future. I join the Senate in wishing him the best as he and his family move on to new adventures.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, I don't know much about the State of New York or the city of New York. I do know there is a high school there called James Madison High School, which has some pretty prominent graduates: Senator BERNIE SANDERS from Vermont, Senator CHUCK SCHUMER of New York, and Senator NORM COLEMAN from Minnesota was a graduate of that school. I believe Ruth Bader Ginsburg, a member of the Supreme Court, also graduated from that high school. I am sure there are others.

My message to Norm Coleman is that I have been involved in close elections. I lost an election for the Senate many years ago by 524 votes. I won one not too many years ago by 428 votes. So I have some appreciation for what Norm Coleman and his opponent, AL FRANKEN, went through.

My thoughts during the past 8 months have been directly toward the difficulty they have had in their lives as a result of that close election. One of my elections—the one I won by 428 votes—took 6 weeks. I cannot imagine one taking 8 months. It was a hard-fought campaign. Almost 3 million people voted, and it was decided by 312 votes.

I appreciate, as I think do the people of Minnesota, the Senate, and the country, Norm Coleman not taking this to the Supreme Court or a higher court. He could have done that. That speaks well of him.

Norm has a lot of fans, of course, in the State of Minnesota, but he is also a friend of a close personal friend of mine from the State of Nevada, Sig Rogich. Sig Rogich and I have been very close personal friends for a long time. He is a man of accomplishment. Having been born in Iceland, he came to America and was raised in Henderson, where I was raised. Actually, he is a wealthy man now, a very prominent businessman. One of Norm's biggest supporters around the country is Sig Rogich; he has a great pedigree. He was part of the Tuesday team of famous media developed for Ronald Reagan. He worked in the White House for the first President Bush. He is a very personal friend of the first President Bush and also is well known and was part of the second Bush team and knows him very well. My understanding of Sig Rogich's relationship with Norm Coleman is that they are friends. That speaks well of both of them, that they have such high-quality friends.

Norm Coleman's relationship with me—myself being a Democrat and he being a Republican—was always very

good. We spoke to each other often. He was always very courteous and always a gentleman with me. I never heard him say a negative word about me. I cannot ever recall saying anything negative about him. To show that he did do some legislation that I watched very closely, one piece of legislation he did was one that would allow people, when filing their income tax return, to designate part of their return to go to the National Guardsmen or Reservists, those who lose their jobs as a result of going into combat and their families are having trouble making the grade. The few dollars they get from the military doesn't make up for what their house payment is and everything. This would allow money to be put into a fund to be administered and allow this money to go toward the families of these people fighting overseas. I thought so much of that legislation that I have sponsored it. It is working its way through the Senate, and it is a fine piece of legislation. I acknowledge that I plagiarized this from Norm Coleman. It came from his friend and my friend, Sig Rogich.

I wish Norm and his family the very best. Recognizing that these campaigns come to an end, he is a relatively young man, and I am sure with his educational background and his notoriety in Minnesota, he will have a bright future.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMENDING NORM COLEMAN

Ms. KLOBUCHAR. Madam President, I am here today to speak about Senator Coleman, who was my colleague for my first 2 years in the Senate. As everyone knows, last week the Minnesota Supreme Court issued its ruling on the outcome of last November's Senate election. As I did this week, I congratulate AL FRANKEN for his hard-earned and long-awaited election victory. He has had a good first week in the Senate, and we all welcome him. But I do wish to take this time to talk about Norm Coleman.

First of all, after 6 months without having a second Senator, Senator Coleman made a very difficult decision, and he did it with such grace. He could have appealed that decision. He could have gone to Federal court. It was his right. But he made a decision which he felt was best for the State of Minnesota, and the State.

I wish to talk a little bit about what Norm Coleman meant to me to have him as a colleague in the Senate.

When I first came to the Senate, Norm had been a Senator for many years, and he was very gracious to me. He reached out with his staff. We basically got along from the moment I started to the end of his term as a Senator. We worked very hard at that. When we had disagreements, we talked them out and our staffs would talk them out because we felt the most important thing was that we represent the State of Minnesota.

Each one of us knows Norm in our own way, but I think all of us agree this is someone who cares so much about his family, his wife Laurie, and their two children, Jacob and Sarah. Theirs is a family that has known tremendous tragedy. Two of their children died in early infancy from a rare genetic disease. While Norm doesn't talk about this much, his reverence to life and his devotion to family are very clear.

Second only to his family has been his dedication to public service. It has literally defined his adult life. Maybe it was sheer destiny that he found his way to the Senate. After all, he is a graduate of James Madison High School in Brooklyn, which is also the alma mater of two of our Senate colleagues—CHUCK SCHUMER and BERNIE SANDERS.

Norm hit the ground running in politics, and he has not stopped. In college, he was a student activist, and in law school, he served as the president of his class. Immediately after getting his law degree, he joined the Minnesota Attorney General's Office, recruited by my good friend, legendary attorney general Warren Spannaus. Norm was in the Attorney General's Office 17 years, most of that time doing criminal prosecutions, ultimately rising to the position of solicitor general for the State of Minnesota.

In 1993, Norm was elected the mayor of St. Paul at a time when the city, especially its downtown, was suffering economically. During his 8 years as mayor, he worked to turn St. Paul around. Building public-private partnerships, he redeveloped the industrial riverfront into a recreational greenspace. A new Minnesota science museum was built overlooking the Mississippi River. Most famously, he brought hockey back to Minnesota, securing a new National Hockey League franchise that moved into the new arena. Hockey is very important in Minnesota.

In 1998, Norm was narrowly defeated in a three-way race for Minnesota Governor. The winner, of course, was Jesse Ventura—something not many people across the United States expected to happen. I think Norm once said that not everyone can say they lost to a candidate whose previous career highlight was being killed by an alien creature in the movie "Predator." But he took it in stride.

In 2002, Norm was elected to the Senate under tragic circumstances. Just days before the election, my good friends Paul Wellstone and his wife Sheila and their daughter Marcia and members of their staff were killed in a tragic plane crash in northern Minnesota. Norm became the Senator. Like Paul, Norm took his duties very seriously, and I could see that in my 2 years in the Senate. He cared deeply about the work he did in foreign relations, some of which people never really talked about, never made the front page of the newspaper, but it was something he cared deeply about.

Together, we worked on several issues in our State which were of key importance, legislation to benefit our State. The most dramatic example of this spirit of cooperation was our response to the sudden collapse of the Interstate 35W bridge into the Mississippi River on August 1, 2007. Thirteen people were killed and 150 were injured, many with severe and permanent injuries. Literally our cities came to a stop. For our State, out of this unprecedented disaster, this public trauma was something to which they immediately responded.

I still remember when Senator Coleman and I came in the very next morning—we flew in with the Secretary of Transportation, Mary Peters—and there were already billboards up, literally 12 hours later, directing people where to go with the traffic and how to get buses to get to where they had to go. As I said that day, a bridge in America should not just fall down, but when one does fall down, we rebuild it. In the 72 hours immediately following the bridge collapse, Norm and I worked together to secure \$250 million in emergency bridge construction funding. Representative JIM OBERSTAR led the way in the House. Approval of this funding came with remarkable speed and bipartisanship. Capitol Hill veterans tell me it was a rare feat, aided by unity among Minnesota's elected leaders across the aisle, across the political spectrum. I am pleased to report that just 13 months after that collapse, Minnesota drivers were able to drive over a safe new 35W bridge and eight-lane highway. That is just 13 months after the collapse.

While the bridge is the most visible example, Norm and I had many other opportunities to work together on issues that mattered to the people in our State.

There was another Minnesota disaster in August 2007 when severe flooding hit the southeastern corner of our State. We worked on this together, along with Congressman WALZ, to ensure a rapid, effective response by Federal agencies to help communities, businesses, and families in need.

We worked together on the Agriculture Committee. We both served on that committee. We succeeded in pass-

ing a new farm bill that was very important to our State.

We worked together with a bipartisan group of Senators on energy legislation, to move forward in unity.

We worked together in securing Federal funds for the security costs of the Democratic and Republican National Conventions, along with our colleagues in Colorado. I still remember standing before this Chamber saying that I stood tall to obtain the funding to protect the security of the Republican leadership from across this country. We did that together.

We joined to secure educational benefits owed to our National Guard and Reserve troops returning from Active Duty overseas. We are so proud of our National Guard in Minnesota. The Red Bulls have served longer in Iraq than any other National Guard unit in the country. And Norm and I worked together to make sure we expanded the Beyond the Yellow Ribbon Program to help those Guard and Reserve who really have no base to go home to but go home to little towns across our State. We worked on that together.

Our State has a proud tradition of electing both Democrats and Republicans to office. They expect us to work together. From the very beginning, Norm and I knew that was part of our duty to the people of our State, that was part of our obligation, no matter if we disagreed on issues, that we were going to work together.

So today I acknowledge my former colleague, Norm Coleman, for the strength he has shown during this long campaign, for the grace he showed last week when he made that difficult decision, and for the fine work he did for the people of Minnesota.

Madam President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOOD SAFETY SYSTEM REFORM

Ms. KLOBUCHAR. Madam President, I am here to talk briefly today about food safety, something about which I care deeply. As you probably know, the last few food epidemics, from the jalapeno peppers to peanut butter, would not have been solved except for the hard work of the University of Minnesota and the Minnesota Department of Health, which is a model for how we can solve these epidemics. Thirteen people died with the last peanut butter one. It was only when someone died and was sick in Minnesota that it got solved.

Clearly, while we are proud of the work we do, we have to bring out this model nationally. I am proud to be doing a bill with Senator CHAMBLISS to try to bring out this model for the rest of the country.

I do note today that the Washington Post has a strong editorial recommending we do something to improve the food safety of this Nation. I think it is worth reading that editorial. They are talking about the need to get something done. Just this week, the White House came out with its food safety recommendations which include, as I said, building a new national traceback and response system, including clear industry guidance, a new unified incidence command system, and improved use of technology to deliver individual food safety alerts to consumers. We can truly do better.

There is also a bill—the bill Senator CHAMBLISS and I have sponsored focuses on the end of this problem when a foodborne illness is out there—there is also a bill to prevent it in the first place, a bipartisan bill in the Senate. Senator DICK DURBIN is heading up that bill, along with JUDD GREGG, TED KENNEDY, RICHARD BURR, CHRIS DODD, and LAMAR ALEXANDER, and Senator CHAMBLISS and I are also sponsors of that legislation. The idea of that legislation is to beef up the FDA to improve our capacity to prevent food safety problems.

As we all know, the tragedy that happened in Georgia where the information did not get to the right people, where inspectors had come in or not enough inspections had come in—the information did not get up the food chain, so to say. No one knew what was going on, that there were violations at this plant, and 13 people died. That has to change.

We also have to improve our capacity to detect and respond with inspections, surveillance, and traceability. We also have in this bill ways to enhance U.S. food defense capabilities and to increase FDA resources. We have seen just recently the problem with the refrigerator cookie dough manufactured by Nestle. So we know this problem has not ended and it continues.

I am urging the Senate to take action, first of all, on the Food Safety Modernization Act of 2009, the bipartisan bill, to give the FDA more tools to do what it does. We have already seen the good work the Agriculture Department does with certain fields, and we need to build on this work and make sure we are able to catch these things before they get out into the food stream and the people of our country. Secondly, when it does happen, when salmonella or something does get out there, we have to respond quickly.

I also urge the Senate, as part of these FDA measures, to pass the Food Safety Rapid Response Act, a bill I have with Senator CHAMBLISS. This is a

smart bill. It uses these models of epidemiology tools that should be used all over the country.

It should not have to be the case that people have to get sick in Minnesota before we solve this problem. According to the Centers for Disease Control, foodborne disease causes about 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths in the United States every year.

We should not wait. We should be acting on these two bills. We have a full agenda, but we have before us two bills that have bipartisan support. We have not heard people attacking them. They are the way to go. We have food industry people involved in both of these bills who also want to get them passed. Obviously, they do not want to keep losing profits because of food scares across this country. Let's get these bills done and improve our food safety system in the United States of America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

COMMENDING NORM COLEMAN

Mr. THUNE. Madam President, I would like to join some of my colleagues today who have spoken previously in reflecting upon the service of our colleague, Norm Coleman. As we all know, the election process in Minnesota has come to a conclusion. We have welcomed his successor to the U.S. Senate. But I also want to just make some remarks about Senator Coleman's service in the Senate and sort of my recollections of that.

Obviously, all of us come here motivated to do different things. We all have reasons we want to be in public service, things we want to accomplish. Senator Coleman, obviously, came from the State of Minnesota, having been in an executive position where he served as mayor of St. Paul. He accomplished some wonderful things for the State, not the least of which was bringing hockey to Minnesota. That is something that any of us from that region of the country know was greatly appreciated by the citizens of his city and his State.

Norm and I came to the Senate under different circumstances. I recall having traveled around the country with Senator Coleman as we were campaigning together in 2002 trying to come to the Senate and having that opportunity to get to know him. When you travel with somebody on an ongoing basis, you get to know them not on a superficial basis—the way many of us here get to know people, sort of on a thin level—but you get a chance to really get a glimpse into the soul of people when you are in certain circumstances, when you are in tough campaigns. Certainly, Norm was no stranger to tough campaigns.

As it turned out, that 2002 election Norm was elected to the Senate. I lost my election in 2002 and didn't come here until a couple of years later. But during the course of the campaigns, and then having served with Norm Coleman—representing a neighbor State in South Dakota—we shared a lot of common interests. Whether it was agriculture or renewable energy or the economy in our States and trying to create jobs in the upper Midwest of this country, Norm Coleman was somebody who, more than anything else, cared about results.

There are so many instances here where we get drawn into debates in the Senate and the partisan lines get drawn and a lot of ideology comes into play. Obviously, that is part of the process as well. But the bottom line was that Norm Coleman cared about getting things done for the people of Minnesota. I think that was the kind of can-do attitude he brought to his job as mayor and to all the other areas of public service in which he was engaged during the course of his career in public life.

But coming to the Senate, I am sure, had to have been frustrating because this is a place where sometimes it is very difficult to see the result and the outcome of your efforts. Norm was someone who was focused. He was intent upon getting things done, getting things accomplished, and I think during his service here he did some great things for the people of Minnesota and for the people of this country.

If he were here, I think he would tell you that in coming to the Senate—and I would tell you the same thing—he can now look back on some of the things he was involved in getting done, such as being involved in the big debates over the confirmation of Chief Justice John Roberts or Justice Sam Alito—these were big debates in which we were all involved in seeing good people put on the Supreme Court of this country. We worked in areas that were specific to our States—again, agriculture, renewable energy, putting energy policies in place that I think will drive America's future in terms of trying to lessen our dependence upon foreign sources of energy and, obviously, trying to bring more economic opportunity to this country by promoting the energy sources we have right here, particularly in places such as the Midwest where we can produce biofuels and wind and all those sorts of things.

Those are the kinds of issues Norm Coleman was committed to because he understood the profound impact they had on the citizens of his State of Minnesota. I also think sometimes around here people tend to—as we all do because we all are elected to represent constituencies—sometimes feel pressured to make votes that might be more political. But I have seen Norm

Coleman time and again come in here and make votes—sometimes tough votes—that he thought were the right ones for the future of this country. That, too, is a quality that sometimes is lacking and can be rare in public life.

So I just wanted to express my appreciation for having had the opportunity to serve with Norm Coleman in the Senate. He is someone who I think was a tremendous reflection upon the State of Minnesota, the people of his State; someone who was intent upon doing the right thing for the future of this country; and, frankly, someone who, in my view, brought an authenticity and a genuineness to this body and to this world of politics in Washington, DC, which sometimes is lacking in those qualities. He was sincere, he was genuine, and you knew exactly where he was coming from. With Norm Coleman, what you saw was what you got.

I was pleased to have had the opportunity not only to serve with him in the Senate and to call him a colleague, but more importantly than that to call he and Laurie and their family friends because that is something that is also rare in Washington, DC. Sometimes the Senate can be a lonely place, and when you develop a friendship of the type and depth that I have with Norm Coleman, I find that to be very rare around here and something I will treasure and remember for some time to come.

I also know Norm Coleman will continue in whatever he chooses to do next to serve the people of Minnesota and the people of his country because for him it wasn't about the position or the title, it was about the difference he made, and he is making, and I know he will continue to do great things for this country. Whatever he chooses to do next, it will be with an eye toward how he can make a difference and contribute in a positive way to furthering and improving the quality of life for the people of the State and the people of this country.

If he were here today, Madam President, I think he would probably also enter into some of the great debates that we are having. Norm Coleman was someone who cared about fiscal responsibility, he cared about future generations, and he cared about making sure we secured a better and brighter future for those who will come after us. I think he would be very troubled by many of the things we see happening in the country, and certainly things we see happening with legislation that is moving in the Senate.

As we look at the big debates, whether it is dealing with the issue of the reform of health care in this country—which is one-sixth of the American economy—or whether it deals with the new national energy tax, recently passed in the House of Representatives—which is going to impose a crushing burden on all families across

this country and families in Minnesota and families in South Dakota—those are issues where I think we need to be careful. We need to be thoughtful and we need to scrutinize them as they come through the Congress.

We saw the House move very quickly the week before last on a 1,200-page bill that imposes a brandnew national energy tax on the American people. We can all debate about how much that tax is going to be, but one thing we know is that everybody in this country is going to pay higher energy taxes. Whether that is electricity, whether that is fuels, whether it is natural gas, or whether that is home heating oil, every American consumer—every American family, every American small business—is going to see their energy costs go up because of the legislation that was passed in the House last week, and if it is successful in passing in the Senate.

It is my hope we can put the brakes on that because it is not fair to the American people. At a time when many of them are losing their jobs, at a time when many of them are struggling to make ends meet, we should not be imposing a brandnew, top-down, bureaucratic, heavy-handed mandate that will have a crushing effect and crushing impact on the economy of this country and increase the bills and the taxes that American consumers are going to pay.

So I hope we will bring some reason to this debate; that the Senate will not act in the hasty way the House of Representatives did in throwing a 1,200-page bill on the floor, and then adopting a 309-page amendment in a minimum amount of time. We all know people didn't have an opportunity to read that bill. This is something that is a major consequence to this country and to our economy and we ought to do it with great regard for the American people and we should make sure they are engaged.

In travelling around my own State last week, I can tell you that at all the public events I attended it was loud and clear, people were unanimously opposed to this cap-and-trade—national energy tax—bill that is currently moving through the Congress.

I have described that and other things that are happening here. Whether it is the government ownership of the automobile industry or the financial system—banks—or insurance companies, that is a trend we don't want to see continued on a long-term basis. That is why I have introduced legislation called the Government Ownership Exit Plan, which would require the government to divest itself and to wind down its interest in these private companies in the next year. It gives an additional year, if necessary, if the Treasury determines that it is in the best interest of the taxpayers to do that. But we should put an end date out there so

we don't continue with this indefinite, long-term permanent ownership of the American economy by the Federal Government.

That, Madam President, is not consistent with the American way of doing things. It is not consistent with free enterprise and free markets and the freedoms we enjoy in this country and which have served as the foundation and made this American economy the strongest in the world. We need to get the Federal Government out of that type of ownership so it is not controlling the day-to-day decisions made by these businesses and creating all the inherent conflicts of interest that come with government ownership of a private economy.

So I hope we will move away from that ownership and that we will not use that as the precursor to a takeover of one-sixth of the American economy by having the government take over the American health care system. We all know we have issues with our health care system in this country—that we need to get costs under control, that we need to reform our system and make it more affordable to more people in this country. But the one thing we don't need is to have the government take over the American health care system—one-sixth of our entire economy. The cost for that, Madam President, we know, will be at least—at a minimum—\$1 trillion. Some of the estimates go up to \$2.5 trillion as the cost to have the government take over the American health care system.

These are the big debates that are before the Senate, Madam President, whether it is the cap-and-trade energy tax, whether it is the government takeover of our health care system, whether it is government ownership of auto manufacturers and insurance companies and banks, these are things I think make most Americans very uncomfortable. I believe it is the role of the Senate to put the brakes on things and make sure we are looking long and hard at what we are doing.

Frankly, my view is this is the wrong direction, the wrong path to pursue for this country. But at a minimum, we need to make sure as this legislation moves through here it is not hastily done, that it is not hurried, that it isn't rushed or jammed through here because somebody has a political agenda they want to get accomplished, and they want to do it without allowing the American people to hear about it or have the opportunity to read the fine print.

I think when the American people start reading the fine print, as they have with the cap-and-trade legislation, they will act in a very vigorous way and resist the notion of having the government take over one-sixth of the American economy by taking over the American health care system.

So, yes, we can do things better. We can all improve upon the health care

system we have today in terms of affordability. But the one thing I don't think the American people want to see is the Federal Government imposing itself in the middle of decisions that ought to be made by doctors and patients, by physicians and hospitals and consumers of health care—not by the Federal Government or that which is being talked about in the Congress and in the Senate.

I hope we will be able to put the brakes on, to slow this process down so the American people can engage in this debate in a way that will allow their voices to be heard and make sure that politicians in Washington aren't going down a pathway that could lead toward rationed care, that could lead to fewer choices, that could lead to bigger bills for the American taxpayers, and that could lead to more borrowing for future generations and depriving them and robbing them of a better and brighter future because we have handed them a crushing burden of debt.

When you look at trillion-dollar deficits as far as the eye can see and the notion of the government taking over health care and the notion of a new energy tax that will drive up the costs of energy for every American, I think these are policies that put the future of the American people in great peril. They need to be engaged in it, and we need to make sure we are not rushing these things through the Senate.

I am going to do everything I can to make sure there is a full and fair debate and that we don't go down the path that allows the government to take over one-sixth of the American economy and allows the government to make decisions that ought to rightfully be made by doctors and patients and we don't allow a new national energy tax to be imposed on the American people. These things are all going to cost average Americans and families enormous amounts of money at a time when they are trying to keep their jobs and trying to make ends meet and trying to balance their own budgets at home.

The American government—their government—ought to be doing what it can to balance its own budget and not spending like drunken sailors and borrowing from future generations in a way that will put the future of many Americans—many American families—at risk.

Madam President, I yield the floor and the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Madam President, I will yield back the remaining time on the Democratic side.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2892, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010 and for other purposes.

Pending:

Reid (for Byrd/Inouye) amendment No. 1373, in the nature of a substitute.

Vitter modified amendment No. 1375 (to amendment No. 1373) to prohibit amounts made available under this Act from being used to amend the final rule to hold employers accountable if they hire illegal aliens.

Grassley amendment No. 1415 (to amendment No. 1373), to authorize employers to voluntarily verify the immigration status of existing employees.

Kyl/McCain amendment No. 1432 (to amendment No. 1373), to strike the earmark for the City of Whitefish Emergency Operations Center.

Hatch amendment No. 1428 (to amendment No. 1373), to amend the Immigration and Nationality Act to extend the religious workers and Conrad-30 visa programs, to protect orphans and widows with pending or approved visa petitions.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. I ask unanimous consent the vote in relation to the Kyl amendment No. 1432 occur at 11:30 a.m., with the provisions of the previous order governing consideration of this amendment remaining in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1375, AS MODIFIED

Mrs. MURRAY. Madam President, I ask unanimous consent the Vitter amendment No. 1375 now be the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I rise to voice my reservations with Vitter amendment No. 1375.

The Vitter amendment would prohibit any funds in the Homeland Security Appropriations bill from being used to change the Bush administration's "no-match" letter regulation. This controversial regulation deals with the obligations of employers who receive what are known as no-match letters from the Social Security Administration.

The Social Security Administration sends no-match letters to employers when a Social Security number or other information provided by an employee does not match the agency's records. This is part of the Social Security Administration's efforts to improve the accuracy of their records, but

the Bush administration wanted to use no-match letters to get the Social Security Administration involved with enforcing our immigration laws. The theory was that an employee whose information doesn't match the Social Security Administration's database is probably an illegal immigrant. However, the reality is that the vast majority of people whose data does not match the Social Security Administration's information are U.S. citizens who changed their name when they married or whose information is wrong due to typographical or other clerical errors.

The Bush administration's no-match rule would make employers liable if they fail to take action on a no-match notice, even though no-matches are often caused by database errors. A small business owner that receives a no-match letter would be faced with the choice of firing the employee or following costly and burdensome requirements for resolving the no-match. The U.S. Chamber of Commerce estimates that the cost of the no-match rule would be at least \$1 billion annually. This is not a price we can afford, especially given the current condition of the American economy.

The no-match rule would also have a dramatic and harmful impact on millions of hard-working U.S. citizens who have done nothing wrong. Experts estimate that as many as 3.9 million authorized workers will be the subject of a no-match letter. And the U.S. Chamber of Commerce estimates that as many as 165,000 legal workers will be wrongfully fired if the no-match rule goes forward.

In addition to all these problems, the no-match rule would not actually improve the enforcement of our immigration laws. The Social Security Administration has repeatedly said that a no-match letter makes no statement about a worker's immigration status. And the Social Security Administration's databases do not have complete or accurate information about workers' immigration status. In fact, according to the Social Security Administration's inspector general, at least 3.3 million records in the administration's database have incorrect citizenship information.

The no-match regulation is opposed by a broad coalition of business, labor, civil rights, and religious groups, from the Chamber of Commerce to the AFL-CIO.

The no-match rule would turn the Social Security Administration into an immigration enforcement agency. This would detract from its primary mission of administering retirement benefits for tens of millions of Americans.

The no-match rule was blocked by a court order shortly after it was issued and two years later the rule still hasn't taken effect. The court found that the rule would "result in irreparable harm to innocent workers and employers."

Yesterday, DHS Secretary Janet Napolitano announced that she plans to rescind the no-match rule. She believes that using the Social Security Administration to enforce our immigration laws is ineffective and will harm millions of innocent small business owners and employees.

Instead, Secretary Napolitano plans to use electronic verification so that employers can determine whether their employees are legally authorized to work. There is work to be done to improve the current electronic verification system but this is a much more efficient approach than dragging the Social Security Administration into immigration enforcement.

At the same time, Secretary Napolitano is taking a different approach from the previous administration when it comes to worksite enforcement. Secretary Napolitano has launched a new effort to crack down on employers who knowingly hire illegal immigrants.

This is the right approach and I commend Secretary Napolitano for seeking to rescind the no-match rule and refocus DHS on unscrupulous employers who knowingly hire illegal immigrants.

The Vitter amendment would prevent DHS from going forward with its plan to rescind the no-match rule. Congress should not micromanage DHS's efforts to enforce our immigration laws.

For these reasons, I have serious reservations about the Vitter amendment and I will urge the conferees not to include it in the conference report.

Mrs. MURRAY. Madam President, I understand this amendment is acceptable to both sides.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1375), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1378 TO AMENDMENT NO. 1373

Mr. MCCAIN. I call up amendment No. 1378 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCain] proposes an amendment numbered 1378 to amendment No. 1373.

Mr. MCCAIN. I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the appropriation for the Advanced Training Center)

On page 9, lines 15 and 16, strike “, of which \$39,700,000 shall be for the Advanced Training Center”.

Mr. MCCAIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

AMENDMENT NO. 1432

Mr. KYL. Madam President, I believe there is now 5 minutes per side to debate the amendment I have offered, which is cosponsored by Senator McCain. I would appreciate it if the Chair will advise me when I have consumed 2 minutes. Senator McCain will talk for about 2 minutes, and I wish to reserve the last minute following Senator Tester.

The amendment is very simple. It strikes \$900,000 for an earmark for the city of Whitefish Emergency Operations Center in Montana. The administration terminated funding for these types of projects in its 2010 budget submission. This operations center has not been subject to a congressional hearing nor has it been authorized by Congress. It is a pure earmark. Not only did the administration not request funding for the project, it specifically zeroed out funding.

Senator Feingold had an amendment that would have subsumed this project along with several others. That amendment failed. But he noted in regard to his amendment that while we may not all agree on the appropriateness of earmarks in general, I certainly hope we can agree certain things ought not be earmarked, including FEMA grant programs such as those protecting Americans from terrorist attacks. I quote Senator Feingold, because this is precisely the view of the 9/11 Commission. From page 396 of that report it included this recommendation:

Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities . . . Congress should not use this money as a pork barrel.

The report goes on to state:

In a free-for-all over money, it is understandable that representatives will work to protect the interests of their home states or districts, but this issue is too important for politics as usual to prevail. Resources must be allocated according to vulnerabilities.

That is why in its budget submission the administration said this:

The administration is proposing to eliminate the Emergency Operations Center Grant Program in the 2010 budget because the program's award allocations are not based on a risk assessment. Also, other Department of Homeland Security grant programs can provide funding for the same purposes more effectively.

So you have the 9/11 Commission saying these programs should be eliminated; you have the administration saying, in its budget submission, they should be eliminated from the budget submission, that they should not be subject to earmarks. That is why our amendment is being offered.

The ACTING PRESIDENT pro tempore. The Senator has consumed his 2 minutes.

The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I thank my friend and colleague from Arizona for this amendment.

Look, it is all about the fact that there has been no analysis, no assessment, no debate on the merits of using Federal funds for a municipal improvement project. I am sure Whitefish needs municipal improvement. So do cities and towns all over America. Why was Whitefish picked?

By the way, it might be of interest to taxpayers, Whitefish, according to my information, has a population of 5,849 people. This earmark equals \$153.87 per inhabitant.

Cities all across America are operating out of inadequate facilities, including those in my own State. All we have asked for is to have these prioritized according to competition, assessment, and recommendations by agencies of government rather than inserted in the bill as an earmark and without any of that.

From the previous votes, we will probably lose on this one, but I want to tell my friend from Montana, sooner or later the American people are going to reject this kind of pork-barrel earmarking, \$153.87 for every resident in Whitefish, which may be warranted—it may be warranted—but there is no assessment, there is no study, there is no rationale besides the fact that this was inserted in this bill without any scrutiny or authorization.

We should reject this kind of practice. This is an egregious example of it.

I yield the floor.

Mr. TESTER. Madam President, I ask you inform me when I have 3 minutes left.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. TESTER. Madam President, I thank the two Senators from Arizona for the debate we have been having on this expenditure. This is not an egregious expenditure. The senior Senator from Arizona talked about 5,849 people living in Whitefish. In the 2000 census figures it is up to 8,500 now, but that is not the issue. The issue is Whitefish is here. This is it up here. We have a Canadian border 60 miles north. We have a park to the east of it. We have millions—millions of acres of Forest Service land all around it, north, south and to the west.

When we have emergencies, it is not necessarily just terrorism. They will tell you on the northern border, terrorism is the biggest threat. On the southern border, next to Arizona, it is illegal immigration. Not only do we have for this emergency operations center the potential—and let's hope it never happens—of terrorist threats coming down, whether it is in the park or north, along in Forest Service lands, we also have a very real threat again of forest fires occurring. They have happened with regularity.

The current building is one-third of the size needed. It is 100 years old. It is in a seismic zone. The truth of the matter is, we have Border Patrol, Forest Service, DEA—all rely on local law enforcement to assist them. We have radio interoperability between Federal, State, and county government that this will address. The truth is, this is for the region.

This money also leverages almost 9 to 1 in local grants—\$8 million, this \$900,000 leverages. So the local community is stepping up and they are picking up their fair share.

We don't want unfunded mandates put on local governments because we have potential national terrorist problems throughout this region.

The ACTING PRESIDENT pro tempore. There is 3 minutes remaining.

Mr. TESTER. The truth is that you can come up and look at a title and you can talk about it being egregious, but the truth is, millions of acres of forests, a national park, a border 60 miles away—we are talking about emergency services. The local community is supposed to pick up the entire tab for that? I don't think so and I don't think that is fair. That is why we have a \$900,000 expenditure in this bill to help local governments meet the needs of this country.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time? If neither side yields time, time will be charged equally on both sides.

The Senator from Arizona is recognized.

Mr. KYL. Madam President, it is appropriate for the sponsor of the amendment to have the final word. I wish to reserve my final minute to have the last response.

Mr. TESTER. Can I ask what the sponsor of the amendment has left for time?

The ACTING PRESIDENT pro tempore. The sponsor has 53 seconds and the Senator has 2 minutes 29 seconds.

Mr. TESTER. We have two Senators for every State in this country. Our forefathers drafted that out. The reason was we don't dictate on population, we don't dictate on landmass, we dictate on need.

The fact is, there are millions of acres of Forest Service grounds; a national park—one of the jewels of this country—to the east; a border to the north where there are real threats that we need to make secure and work with our neighborhoods to the north to make sure we do not have terrorist activity come across the border.

The truth is, the sponsor of this amendment talked about the President zeroing out this program. Why doesn't the amendment zero out the program? It doesn't. The sponsor cherry-picked one expenditure in the bill and said this isn't the way we should be spending money. I appreciate that. We are

having a debate here on that. But this is much needed for the security of this country and for the security of the region.

Mrs. MURRAY. Will the Senator from Montana yield?

Mr. TESTER. Yes, I would.

Mrs. MURRAY. My understanding is over the last decade there have been 28 Presidential disasters which occurred in that region.

Mr. TESTER. I believe that is correct.

Mrs. MURRAY. So 28 times in the last 10 years there has been a major disaster that has been responded to, whether it is a fire in the park, on the Federal land, or a border issue or whatever, so this is not just about Whitefish, am I correct?

Mr. TESTER. It is not about Whitefish at all.

Mrs. MURRAY. It is about the entire region and the ability for all the different agencies to respond, is that correct?

Mr. TESTER. That is correct.

Mr. MURRAY. That clarifies the importance for this emergency center. I thank the Senator.

Mr. TESTER. The Senator is spot on right. That is exactly right. It is not about Whitefish at all, it is about the region, it is about the location, and it is critically important we get this money for this project. I appreciate the sponsor bringing the amendment up but, truthfully, this is not pork. This is something that will help the country being secure.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I certainly accept the argument of my friend from Montana that this could be put to good purpose in Whitefish, MT. It could be put to good use in Yuma or Nogales or anywhere else in the country. That is why the 9/11 Commission said, and I quote again:

Homeland Security assistance should be based strictly on an assessment of risks and vulnerabilities . . . The Congress should not use this money as a pork barrel.

All we ask is, as the administration did, that the money be allocated based on the risk assessment from the Department of Homeland Security, not on the ability of a particular Congressman or Senator to get the money earmarked in a bill.

I ask unanimous consent that page 396 of the 9/11 Commission report be printed in the RECORD at the conclusion of my remarks, and again urge my colleagues to support this amendment, as at least one small step we can take to demonstrate that we agree with the 9/11 Commission and we agree with the administration that these grants should be based on risk, rather than earmarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE 9/11 COMMISSION REPORT, P. 396

Recommendation: Now, in 2004, Washington, D.C., and New York City are certainly at the top of any such list. We understand the contention that every state and city needs to have some minimum infrastructure for emergency response. But federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks or vulnerabilities that merit additional support.

The second question is, Can useful criteria to measure risk and vulnerability be developed that assess all the many variables? That assessment should consider such factors as population, population density, vulnerability, and the presence of critical infrastructure within each state. In addition, the federal government should require each state receiving federal emergency preparedness funds to provide an analysis based on the same criteria to justify the distribution of funds in that state.

We recommend that a panel of security experts be convened to develop written benchmarks for evaluating community needs. We further recommend that federal homeland security funds be allocated in accordance with those benchmarks, and that states be required to abide by those benchmarks in disbursing the federal funds. The benchmarks will be imperfect and subjective; they will continually evolve. But hard choices must be made. Those who would allocate money on a different basis should then defend their view of the national interest.

COMMAND, CONTROL, AND COMMUNICATIONS

The attacks on 9/11 demonstrated that even the most robust emergency response capabilities can be overwhelmed if an attack is large enough. Teamwork, collaboration, and cooperation at an incident site are critical to a successful response. Key decisionmakers who are represented at the incident command level help to ensure an effective response, the efficient use of resources, and responder safety. Regular joint training at all levels is, moreover, essential to ensuring close coordination during an actual incident.

Mr. KYL. I believe we need to ask for the yeas and nays, and I do at this time.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

Mrs. MURRAY. Has all the time been used on this amendment?

The ACTING PRESIDENT pro tempore. Yes, it has.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Washington (Ms. CANTWELL), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 59, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—36

Barrasso	Ensign	Lugar
Bennett	Enzi	Martinez
Brownback	Feingold	McCain
Bunning	Graham	McCaskill
Burr	Grassley	McConnell
Chambliss	Gregg	Murkowski
Coburn	Hatch	Risch
Collins	Hutchison	Roberts
Corker	Inhofe	Sessions
Cornyn	Isakson	Thune
Crapo	Johanns	Vitter
DeMint	Kyl	Wicker

NAYS—59

Akaka	Gillibrand	Nelson (FL)
Alexander	Hagan	Pryor
Baucus	Harkin	Reed
Bayh	Inouye	Reid
Begich	Johnson	Sanders
Bennet	Kaufman	Schumer
Bingaman	Kerry	Shaheen
Bond	Klobuchar	Shelby
Boxer	Kohl	Snowe
Brown	Landrieu	Specter
Burris	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Cochran	Lincoln	Voinovich
Conrad	Menendez	Warner
Dorgan	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murray	Wyden
Franken	Nelson (NE)	

NOT VOTING—5

Byrd	Dodd	Rockefeller
Cantwell	Kennedy	

The amendment (No. 1432) was rejected.

Mr. DURBIN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, Senator MCCAIN has an amendment that he will speak to in a moment. I wish to let all Senators know I appreciate their cooperation. We are working through a number of amendments on both sides that I am hoping we can get through this afternoon. Senator MCCAIN will speak to his amendment now, and we are hoping to have a vote around 2 to settle that and several others. If Members have an amendment they are working on and have some last-minute language to work on, please get it done because we would like to finish this bill today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

AMENDMENT NO. 1378

Mr. MCCAIN. Madam President, I ask for the immediate consideration of amendment No. 1378.

The PRESIDING OFFICER. The amendment is pending.

Mr. MCCAIN. I thank the Chair.

Madam President, this amendment strikes an earmark of \$39.7 million for an advanced training center in West Virginia, a training facility for U.S. Customs and border protection agents. The center features a range of training

environments, facilities, et cetera. The administration requested and the committee approved \$30.3 million to operate and equip the facility. While I have a problem with that, I do not intend for the amendment to affect the \$30 million the administration requested to operate and equip the facility. This amendment is not about that.

The committee earmarked an additional \$39.7 million to equip, furnish, and expand the Leadership Academy at the Center.

Let me be clear what the amendment does and does not do. It does not strike the requested funding for the training facility. It does strike an unrequested, unauthorized, unnecessary earmark of nearly \$40 million that was added to this bill at the direction of a senior Member of this body. I wish to make that perfectly clear. I am sure there will be opponents of this amendment but have no doubt: It does not affect the \$30 million the administration requested. This is an additional \$39.7 million to equip, furnish, and expand the Leadership Academy.

It might be of interest to our colleagues that today, at 9:23 a.m., the CBO is reporting that the year-to-date budget deficit tops a trillion dollars. We are considering a provision that adds an additional \$39.7 million in light of the Congressional Budget Office monthly budget review. Its key points are, the Federal budget deficit is \$1.1 trillion for the first 9 months of fiscal year 2009. Here we are with a bill loaded down with earmarks worth tens of millions of dollars on the very day that the deficit tops \$1 trillion; in fact, it is \$1.1 trillion. That is more than \$800 billion greater than the deficit recorded through June 2008. Outlays are 21 percent or \$457 billion higher than they were in the 9 months of 2008. Revenues have fallen by 18 percent, by some \$346 billion. Outlays for unemployment benefits so far this year are more than 2.5 times what they were at this point last year. About half this increase is driven by a higher unemployment rate and half is driven by legislation expanding unemployment.

The estimated deficit reflects outlays of \$147 billion for the Troubled Asset Relief Program, known as TARP, recorded on a net present value basis, and spending of \$83 billion in support of Fannie Mae and Freddie Mac. Interest payments have declined 25.5 percent as a result of lower short-term interest rates.

So here we are looking at business as usual on the earmarks and appropriations bills. Meanwhile, the year-to-date budget deficit tops \$1 trillion. Maybe it is approaching \$2 trillion by the end of the year—an incredible burden to lay on future generations of Americans.

I am sure—I am sure—this amendment will probably lose. I am sure proponents of the Advanced Training Center's Leadership Academy in West Vir-

ginia will stoutly defend it, and its essential functions will be graphically described by the opponents of this amendment.

It is time we stopped. Isn't a \$1.1 trillion deficit for the first 9 months of this year enough of a signal that maybe we ought to tighten our belts, that maybe we ought to stop adding \$39.7 million to an already requested \$30 million to operate and equip an advanced training center—a training facility that is located in the State of West Virginia? I understand that. Our thoughts and prayers go out for the senior Senator from West Virginia. We hope he regains his health soon. We hope he continues in his very effective membership and service in this body.

But the fact is, the committee—the committee—earmarked an additional \$39.7 million to equip, furnish, and expand the Leadership Academy at the Center. Can't we delay expanding, equipping, and furnishing a leadership academy? Can't we do that? Probably not. Probably not. Probably not.

But as long as Americans are bearing this incredible burden—a burgeoning deficit we are laying on our children and our grandchildren—I and some others will be coming to this floor to try to point out it is time we got rid of things that are maybe even necessary but not vital to our Nation's future.

Madam President, I ask for the yeas and nays on the amendment.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. VOINOVICH. Madam President, I do not think there is a Senator in this body who has talked more about deficits or our national debt than the senior Senator from Ohio.

Senator LIEBERMAN and I have a bill in to create a commission to deal with tax reform and entitlements. I have had a bill in called the SAFE Commission for the last 4 years: Saving America's Future Economy. There is no one more aware of where we are. We will have a deficit this year, I believe, of over \$2 trillion when you take into consideration the amount of money we are borrowing from our governmental trust funds.

That being said, I respectfully oppose the amendment offered by my good friend, the Senator from Arizona. This amendment seeks to strike the requirement in the bill for \$39.7 million for the Advanced Training Center.

This Advanced Training Center is designed to serve the specialized needs of U.S. Customs and Border Protection. It officially opened in August of 2005. There may be some people who object to the fact that it is in West Virginia, but the fact is it is in West Virginia.

This year alone, the Center will provide advanced training to over 3,200 U.S. Customs and Border Protection employees.

We have already mentioned we have increased the number of these employees substantially to do what most people want us to do; that is, to protect the border and to go after those individuals who are illegal immigrants. There is no question about that. But I also know from my work on the Governmental Affairs Committee and my Subcommittee on Oversight of Government Management, in the Federal workforce, the people we hire have to be trained. You just cannot bring them on. You have to train them.

So this is a critical training facility for frontline employees. In fact, the Department of Homeland Security and the Office of Management and Budget have endorsed the expansion of this facility as well when they approved and sent forward to Congress their 5-year master facility plan.

This is not a boondoggle. This is not a waste of money. This is something to support a facility that is there and needs to be expanded because we have decided we want to hire a lot more employees. When you hire employees, you have to provide them the training. And that is exactly what this is doing.

Again, I wish to emphasize, if we are going to secure the border, it is going to cost a lot of money, including training the people we are going to hire.

So we should oppose this amendment. The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Washington.

Mrs. MURRAY. Madam President, I thank my colleague from Ohio for his statement in opposition to the McCain amendment.

I rise as well to speak on behalf of Senator BYRD who, as we all know, is home recovering from a serious illness. The committee bill does include \$39.7 million for the continued expansion of the U.S. Customs and Border Protection, CBP, Advanced Training Center. The ATC, which opened back in 2005, provides advanced firearms and tactical training to CBP law enforcement personnel and personnel of other Federal agencies.

The center is expanding in phases. It is consistent with this master plan I hold in my hand. This plan actually was transmitted to Congress back in 2007 and was approved then by the Office of Management and Budget and the Department of Homeland Security.

This master plan accommodates advanced training consistent with the mission of securing our borders. CBP employees are stationed throughout the Nation at land and border crossings, at airports, at seaports, and other urban environments with a need for practical, unique, progressive, and flexible training.

There is no other training of this kind, I want my colleagues to know,

and there has never been a time that it has been needed more.

Senator BYRD strongly—he wants us to know—supports the Advanced Training Center and its mission and is going to continue to fight hard for the security of this great country. Customs and Border Protection needs and deserves the advanced training facility to assure that the more than 50,000 Customs and Border Protection agents, officers, and other personnel have the training they require when they are sent in harm's way.

This facility is expected to train over 3,200 law enforcement and other employees in fiscal year 2009, and that is expected to grow to more than 5,000 each year.

I urge our colleagues to vote against that plan.

I, again, would like everyone to know we are hoping Senator ROCKEFELLER will be back shortly. He will speak on this amendment. We are hoping to set up this amendment for a vote around 2 o'clock.

Madam President, with that, I rise to offer the Dodd-Lieberman amendment No. 1458, which I understand is at the desk.

Mr. VITTER. Madam President, I reserve the right to object.

The PRESIDING OFFICER. Does the Senator object?

Mr. VITTER. Yes, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

AMENDMENT NO. 1428, AS MODIFIED

Mr. HATCH. Madam President, I ask for the regular order.

The PRESIDING OFFICER. The Senator is asking for the regular order with respect to the Senator's pending amendment?

Mr. HATCH. With respect to a modification to amendment No. 1428. I send the modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The amendment is so modified.

The amendment (No. 1428), as modified, is as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. IMMIGRATION PROVISIONS.

(a) SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.—

(1) EXTENSION.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(27)(C)(ii)), as amended by section 2(a) of the Special Immigrant Nonminister Religious Worker Program Act (Public Law 110-391), is amended by striking “September 30, 2009” each place such term appears and inserting “September 30, 2012”.

(2) STUDY AND PLAN.—Not later than the earlier of 90 days after the date of the enactment of this Act or March 30, 2010, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(A) the results of a study conducted under the supervision of the Director to evaluate

the Special Immigrant Nonminister Religious Worker Program to identify the risks of fraud and noncompliance by program participants; and

(B) a detailed plan that describes the actions to be taken by the Department of Homeland Security against noncompliant program participants and future noncompliant program participants.

(3) PROGRESS REPORT.—Not later than the earlier of 90 days after the submission of the report under subsection (b) or June 30, 2010, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress made in reducing the number of noncompliant participants of the Special Immigrant Nonminister Religious Worker Program.

(b) CONRAD STATE 30 J-1 VISA WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

(c) RELIEF FOR SURVIVING SPOUSES.—

(1) IN GENERAL.—The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking “for at least 2 years at the time of the citizen's death”.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to all applications and petitions relating to immediate relative status under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) pending on or after the date of the enactment of this Act.

(B) TRANSITION CASES.—

(i) IN GENERAL.—Notwithstanding any other provision of law, an alien described in clause (ii) who seeks immediate relative status pursuant to the amendment made by paragraph (1) shall file a petition under section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)) not later than the date that is 2 years after the date of the enactment of this Act.

(ii) ALIENS DESCRIBED.—An alien is described in this clause if—

(I) the alien's United States citizen spouse died before the date of the enactment of this Act;

(II) the alien and the citizen spouse were married for less than 2 years at the time of the citizen spouse's death; and

(III) the alien has not remarried.

(d) HUMANITARIAN CONSIDERATION FOR PENDING PETITIONS AND APPLICATIONS.—

(1) AMENDMENT.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

“(1) HUMANITARIAN CONSIDERATION FOR PENDING PETITIONS AND APPLICATIONS.—

“(1) IN GENERAL.—An alien described in paragraph (2) who was the beneficiary or derivative beneficiary of a petition (as defined in section 204, 207, or 208) filed on behalf of the alien or principal beneficiary before the death of the qualifying relative and who continues to reside in the United States shall have such petition and any related or subsequent applications for adjustment of status to that of a person admitted for lawful permanent residence adjudicated as if the death had not occurred, unless the Secretary of Homeland Security determines, in the unreviewable discretion of the Secretary, that approval would not be in the public interest.”

“(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who, immediately prior to the death of his or her qualifying relative, was—

“(A) an immediate relative (as described in section 201(b)(2)(A)(i));

“(B) a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

“(C) a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d));

“(D) a spouse or child of a refugee (as described in section 207(c)(2)); or

“(E) an asylee (as described in section 208(b)(3)).”.

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1) may be construed to limit or waive any ground of removal, basis for denial of petition or application, or other criteria for adjudicating petitions or applications as otherwise provided under the immigration laws of the United States other than ineligibility based solely on the lack of a qualifying family relationship as specifically provided by such amendment.

Mr. HATCH. Madam President, I thank the Chair.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHANNIS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. JOHANNIS. Madam President, I ask unanimous consent to speak as in morning business for up to 7 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE ECONOMY

Mr. JOHANNIS. Madam President, I rise, I think, at a very appropriate time, while we are talking about the budget and deficits and numbers, to say that rarely has a crystal ball proved so regrettably accurate.

Many warned, as did I, that the stimulus would amount to a mountain of wasted money. It produced record deficits, and thus far it has produced little beyond that.

But I am not here to ask the Senate to take my word for this. You can read it in black and white in two reports that were released yesterday: a CBO report and a GAO report.

According to the nonpartisan Congressional Budget Office, the Federal budget deficit for the first 9 months, as Senator McCain mentioned, was a whopping \$1.1 trillion. This is the first time in our Nation's history that the annual deficit has been this high.

If that “Guinness Book” record-sized debt was not astonishing enough, we would all be floored that this debt is from only the first three-quarters of the year. It is mystifying to me, horrifying to the American taxpayers and

their children who eventually will have to pay the bill. It represents a dangerous reality for our future. Only 4 percent of the first stimulus funding has been spent, yet we are shattering national deficit records already.

This was easily predicted. Look back a few short months to February when we were debating the stimulus, a bill we were told we had to do right away. On February 4, 2009, I delivered my first speech as a Senator. I made some simple predictions based upon my experience as a city council member, a mayor, and as a Governor. Serving in those rolls, I learned a few things about how money is spent at the local level, especially the hidden costs of money from the Federal Government that seemingly comes with no strings attached. In that speech I warned what would happen with the so-called stimulus legislation. I predicted that State governments would use the funds to replace State dollars and shore up their budget problems. Well, sure enough, the Government Accountability Office, known as the GAO, reported this:

States reported using Recovery Act funds to stabilize State budgets and to cope with fiscal distress.

The report states that 90 percent of the money distributed has come in the form of increased Federal education and health care grants to State governments. This money has helped many State governments to partially offset what they are facing, which is budget shortfalls.

I also warned that the result of replacing State funds with Federal funds would lead to an enormous funding cliff for State budgets when that temporary stimulus money ran out. The GAO report sends up a warning flare, because States have not addressed the situation they will be in when the stimulus funding runs out or how they will come up with the funding to cushion the fall.

I wish I had been wrong in February—in fact, I think I said that at the time. I wish I had been wrong when I said that the transportation sector jobs estimated to be created by the major infrastructure projects wouldn't materialize because the funding would instead go to repaving. I urged my colleagues to reconsider because repaving projects would not lead to long-term economic growth or good jobs. So what is the consensus since the stimulus bill went into law? The GAO report states that nearly 50 percent of all transportation projects are for resurfacing and another 18 percent of the funds are being used to widen already existing roads. That adds up to nearly 70 percent on temporary road improvement projects.

Even though President Obama said there is nothing he would have done differently, I find that hard to believe considering his earlier remarks that predicted a much different result. In a speech on February 10, soon after becoming President, he said:

We can use a crisis and turn it into an opportunity. Because if we use this moment to address some things that we probably should have been doing over the last 10, 15, 20 years, then when we emerge from the crisis, the economy is going to be that much stronger.

I doubt he had repaving projects in mind.

As evidenced by the GAO report, the stimulus bill is not laying down the essential groundwork for sustained economic growth, long-term initiatives, or jobs. In fact, unemployment reached 9.5 percent, the highest rate in 26 years. This means that since the stimulus was signed into law, 2,964 jobs have been lost every hour of every workday. Clearly, the stimulus bill was sold to the American people as a quick fix to solve our economic woes, but it is failing.

The Obama administration and his supporters in Congress want to quickly tack on to the \$1 trillion stimulus a litany of big spending initiatives: health care reform, cap and tax, an overhaul of the financial system. The recklessness of proposed spending, new government programs, and increased deficits is sobering. What does all this proposed spending add up to? A huge train wreck with stacks of IOUs all the way to China as far as the eye can see. Yet some have the audacity to raise the possibility of a second stimulus. It defies logic.

I will conclude by saying that the last thing the Federal Government should do, directly or indirectly, is stifle American businesses and hard-working families just as they are trying their best to crawl out from the economic yoke of debt, taxes, and a stagnant economy. Before we drive the Federal budget off another cliff—and take State budgets down with us—we need to put our foot on the brakes, slow down, and correct our course.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Mr. WHITEHOUSE. Madam President, I am here to talk about Judge Sotomayor. I am looking forward to her confirmation hearing, which begins next Monday. I continue to review her record, and I will not make my ultimate judgment until after the hearing. But I must say I am very impressed with Judge Sotomayor's qualifications, including her restrained and fact-based

approach to deciding cases. I'm also impressed, as a former prosecutor myself, by her experience as a practicing attorney and as a line prosecutor. I think we are all impressed by her educational achievements.

Like millions of Americans, I have been inspired by her personal story. Frankly, it gives me goosebumps to think of that little girl growing up in the projects in the Bronx and growing into the woman we see before us now at the top of the legal profession, with a career of exemplary conduct, exemplary academic achievement, exemplary judicial experience behind her. It is really a great story of American discipline and achievement.

Unfortunately, critics of Judge Sotomayor's confirmation have unleashed an avalanche of innuendo meant to weaken the case for her confirmation. These criticisms began among the right-wing talking heads, but unfortunately, some of them are now voiced by my Republican colleagues here on the floor. Indeed, rather than waiting for the hearing to ask her about her record and her judicial philosophy, a number of my colleagues have come to the floor to attack her and her nomination.

Today, I would like to briefly address two particular and—frankly, very surprising—attacks on Judge Sotomayor: first, the suggestion that her judicial philosophy is somehow outside of the mainstream; and, second, the suggestion that her life experience is somehow unhelpful to the judgment she would bring to the Supreme Court.

First, Judge Sotomayor's judicial philosophy. My Republican colleagues like to suggest that judges appointed by Republican Presidents are neutral “umpires” and that judges appointed by Democratic Presidents are judicial “activists.” But Chief Justice Roberts himself, who, indeed, raised the “umpire” metaphor at his own confirmation hearing, reveals the falsity of that comparison. Jeffrey Toobin, a well-respected legal commentator, recently described a pronounced ideological predisposition in Chief Justice Roberts.

In every major case since he became the Nation's seventeenth Chief Justice, Roberts has sided with the prosecution over the defendant, the state over the condemned, the executive branch over the legislative, and the corporate defendant over the individual plaintiff.

Let me say that again:

In every major case since he became the Nation's seventeenth Chief Justice, Roberts has sided with the prosecution over the defendant, the state over the condemned, the executive branch over the legislative, and the corporate defendant over the individual plaintiff.

Maybe this is a pure coincidence, and maybe it is a further coincidence, to again quote Toobin, that this record “has served the interests, and reflected the values, of the contemporary Republican Party.” Maybe it is also a coinci-

dence that in the Heller decision, the DC gun law case, the Roberts-led conservative block of the Court discovered a new constitutional right that had previously gone unnoticed through 220 years of the United States Supreme Court's history, and which just happens to appeal to the NRA and the Republican base. Perhaps that is all a coincidence. But I will confess to you, I doubt it. I think this record goes a long way towards disproving the metaphor of the Republican judge as neutral umpire.

So let's put aside the notion that conservative men from the Federalist Society have no predispositions in legal matters but that anyone who differs from their views is the activist. That is just rhetoric, and what it's seeking to do is to normalize the right-wing activism that the Republican Party has calculatedly and over many years moved onto our Court.

If you want to decide whether Judge Sotomayor has an appropriate judicial philosophy, look at her full record. Throughout her long career as a Federal judge, longer than any Supreme Court nominee since the 19th century, Judge Sotomayor, has on every major issue, shown that the facts and the law drive her determination of cases. On the Second Circuit, Judge Sotomayor agreed with her more conservative colleagues far more frequently than she disagreed with them. In 434 published panel decisions where the panel included at least one judge appointed by a Republican President, she agreed with the result favored by the Republican appointee in 413 cases—413 out of 434. That is 95 percent of the time, and it is no record of extremism. Indeed, it would seem to put her on the conservative side of the mainstream. And consider what she told Chairman LEAHY:

Ultimately and completely, as a judge, you follow the law. There is not one law for one race or another. There is not one law for one color or another. There is not one law for rich and a different one for poor. There is only one law.

Furthermore, the idea that because the Supreme Court disagreed with Judge Sotomayor's Second Circuit panel decision in *Ricci v. DeStefano*, she is somehow outside the mainstream is patently absurd. First, four Justices of the Supreme Court agreed with the Second Circuit's interpretation of the law. Are Justices Stevens, Souter, Ginsburg, and Breyer outside of the mainstream? Hardly.

Second, Judge Sotomayor and her panel were faithfully applying the settled precedent of the Second Circuit when they rendered their decision—just what a circuit court judge of the United States is supposed to do. The five Justices on the Supreme Court in the *Ricci* majority, in deciding the case, invented an entirely new test for resolving Title VII claims that, according to legal experts reported in the

New York Times, “will change the landscape of civil rights law.” It is hardly fair to criticize Judge Sotomayor for not applying a test that did not even exist when she decided the case. Nor for failing to venture into landscape changes of civil rights law.

In the *Ricci* decision and others, Judge Sotomayor's record demonstrates a long career of faithfully applying the law to the facts of the case before her—and the careful exercise of judicial discretion.

That brings me to my second point. Wise exercise of judicial discretion is the longstanding tradition underlying the American system of law. It is harsh, narrow-minded, and ahistoric to contend that a rich life experience and natural empathy are at odds with that judicial tradition.

Any lawyer knows the importance of judicial discretion, both in our common law system and to the interpretation of the Constitution. As Justice John Paul Stevens has explained:

the work of federal judges from the days of John Marshall to the present . . . requires the exercise of judgment—a faculty that inevitably calls into play notions of justice, fairness, and concern about the future impact of a decision. . . .

That faculty has served the Nation well for over two centuries. Indeed, discretion is at the heart of the judicial role. Our legal system bears the imprint of the experience and wisdom of generations of judges. As Justice Holmes famously explained, “[t]he life of the law has not been logic: it has been experience.” Indeed, as Holmes continued,

[t]he law embodies the story of a nation's development through many centuries, and it cannot be dealt with as if it contained only the axioms and corollaries of a book of mathematics.

This discretion, of course, does not mean that judges are without bounds. But there exists a broad and lively discretion that falls far short of “judicial activism.” Justice Benjamin Cardozo put it this way:

The judge . . . is not to innovate at pleasure. He is not a knight-errant, roaming at will in pursuit of his own ideal of beauty or of goodness. He is to draw his inspiration from consecrated principles. . . . He is to exercise a discretion informed by tradition, methodized by analogy, disciplined by system, and subordinated to “the primordial necessity of order in the social life.” Wide enough in all conscience is the field of discretion that remains.

Madam President, within this wide field of discretion, judges do not, cannot, and should not close their minds to their experience of the world, nor to what their experience teaches them about the effects of their decisions on the world.

There has been plenty of empathy at the Supreme Court recently for the rich and powerful, resulting in decisions that frustrate congressional intent and deprive Americans of crucial

statutory and constitutional protections. There has been plenty of empathy for right-wing ideology and plenty of empathy for big corporations. Should we not also admit to the Court a nominee who has common sense, who can appreciate how American laws affect different citizens, and who can also empathize with the poor and the weak, as well as the more fortunate?

If reaching correct outcomes were as simple as plugging a few factors and elements into a computer, we would not need nine Supreme Court Justices. Quite simply, a broadened range of perspectives and experiences will make for better judgment by our Court.

One final thing is worth noting about the judicial branch of government. It is designed to be a check and balance to the elected branches. The Founders were keenly aware of the corruption and passing passions to which those elected branches are vulnerable, and they established the judiciary as a place where all were equal before the law, and where power, money, and influence were intended to hold no sway. The courtroom can be the only sanctuary for the little guy when the forces of society are arrayed against him, when proper opinion and elected officialdom will lend him no ear. This is a correct, a fitting, and an intended function of our judiciary, and the empathy President Obama saw in Judge Sotomayor has a constitutionally proper place in that structure.

If everyone on the Court always voted for the prosecution against the defendant, for the corporation against the plaintiff, and for the government against the condemned, a vital spark of American democracy would be extinguished. A courtroom is supposed to be a place where the status quo can be disrupted, where the comfortable can be afflicted, and the afflicted find some comfort when no one else will listen. A judge of the United States is not an orderly, neutered little functionary of the power structure. Judge Sotomayor's broad background and empathy prepare her better for that proper judicial role than would grooming in corporate boardrooms, scrubbing by the Federalist Society, and fealty to party ideology.

I am looking forward to Judge Sotomayor's hearing as an opportunity for her to finally reply to her right-wing detractors, to demonstrate her intellect and qualifications, and to explain her judicial philosophy. My preliminary review of her record suggests that she understands the importance of judicial restraint and modesty, of adherence to precedent, of respect for the legislative branch, and of the timeless values enshrined in the Constitution. And she has articulated a desire to be scrupulously fair by keeping sight of—not denying—the lessons she has learned during her extraordinary life.

Judge Sotomayor appears, more than anything else, to be a careful and con-

scientious judge. So let us not throw care and conscience to the wind by hurling unjustified, unhelpful, and tired labels at her; let us be proud to have a Justice of the Supreme Court with the type of broad life experience that will inform her good and proper judgment.

Thank you, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NASA NOMINATIONS

Mr. NELSON of Florida. Mr. President, yesterday the Commerce Committee had its hearing for the NASA Administrator and Deputy Administrator nominees. Charlie Bolden and Lori Garver respectively are the nominees for these two positions.

I have had the privilege of knowing Charlie Bolden for the better part of a quarter of a century. In addition to all of the numerous accolades that were heaped upon him yesterday by Members of the House and Senate, it came to the Commerce Committee to say a word on his behalf. Many talked about his distinguished career as a graduate of Annapolis, a marine test pilot, an astronaut, then back into the marines—after four times flying in space on the space shuttle, twice as pilot and twice as commander—and then in his various positions in the active-duty marines, retiring at the rank of major general. Those accolades were extensive and they were accurate.

I would merely add to those attributes describing him—all of which were very laudatory—the attribute, the characteristic, that Americans have come to honor, and that is that Charlie Bolden is an overcomer.

One of the first instances of this characteristic occurred in Charlie's native Columbia, SC, in 1964. He could not get an appointment to Annapolis from his congressional delegation because they were still embroiled with the fact that he was an African American. The administration, at that time—the Johnson administration—had appointed a retired judge with the specific purpose of going around the country and finding qualified minorities so they could go into the academies. This gentleman found Charlie and arranged for a Congressman from Chicago to appoint him to Annapolis. When Charlie arrived, he was promptly elected president of the freshman class.

Today, ADM Dennis Blair—now the Director of National Intelligence, and interestingly in the same class—alternated all 4 years at Annapolis being president of the class with Charlie Bolden. Therein is a story in and of itself where Charlie was an overcomer. But let tell you of another part of Charlie's life where he represented an overcomer.

Charlie went back into the Marine Corps after four space shuttle flights, and he came back in as a full bird colonel. The Marine Corps wasn't keen on promoting marine astronauts to general officer, and so the first time that Charlie was in the zone of consideration, they passed him over. Charlie said, instead of retiring, I want to go back to Annapolis and I want to give back to the institution that gave me so much, including an education. He did so as the deputy superintendent, which is a marine slot. His superiors were so impressed by his attitude and his service that the next time he was up for consideration as general officer, they promoted him. A second instance in Charlie's life.

I will mention one other instance of Charlie's being an overcomer. He was so well prepared and so expert at his task, that of a naval aviator and of a pilot astronaut, that 23½ years ago, after having the most delayed space flight in our country's history—that 24th flight of the space shuttle having been scrubbed four times in the course of a month—on the fifth try, the space shuttle lifted off. Charlie was the pilot sitting in the right seat. The commander sits in the left seat. The pilot, in NASA jargon, has all of the systems to monitor. As the shuttle had just cleared the launch tower on liftoff, on the intercom I could hear Charlie's voice: We have a problem. We have a helium leak.

Had that not been a faulty sensor—which ultimately we discovered, but at the time none of us knew that was a faulty sensor—a real helium leak would have caused a serious problem to the mission. But Charlie was all over those switches and those systems. He got it under control and we went on to have an almost flawless 6-day mission in space, only to return to Earth and, 10 days later, Challenger launches and blows up.

That was another instance of Charlie being an overcomer, being presented with an almost insurmountable problem which he overcame.

So with this little aspect of the life of GEN Charlie Bolden, is it any wonder there were so many people who came in front of the Senate Commerce Committee yesterday to say a word on his behalf? And now, as we will consider his nomination first in the Commerce Committee—which ought to happen very shortly—and then in front of the Senate, I don't think there is any expectation of any opposition. I believe

that Charlie, as the newly installed NASA Administrator, is going to take on this task where he is going to have to be an overcomer again, because NASA is at a crossroads. America's space program is at a crossroads, and it needs a vigorous leader. But NASA not only needs an administrator who will lead it, it needs to be led by the President of the United States, who is the only one who can be the leader of America's ventures into space. I am hoping the combination of the two of them will put us on a path of reliving a lot of the excitement and the magic this country lived several decades ago when we were achieving extraordinary achievements. It gave a whole new perspective to the human race when astronauts outside the bounds of Earth could look back at this extraordinary planet suspended in the middle of a void and recognize that is our home—planet Earth.

When astronaut John Glenn lifted off on the first American successful orbital flight: "Godspeed, John Glenn," said Scott Carpenter on that immortal day.

I think we in the Senate will unite in saying: Godspeed, Charlie Bolden, in your new assignment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, for the information of all Senators, we are hoping to get a vote in the next 15 minutes, about 2 o'clock, so we can continue to move this bill forward.

I note that there is a Senator here who wishes to speak in morning business. I am happy to accommodate him, but hopefully we will have this agreement and be able to move forward on that very shortly.

I wanted to advise all Senators.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEW STEM CELL RESEARCH POLICY

Mr. CARDIN. Mr. President, I rise today to applaud the administration for promptly issuing guidelines implementing President Obama's March 2009 Executive Order on stem cell research. This week, the administration removed the barriers to responsible scientific research involving embryonic stem cells that had been imposed by the previous administration in 2001. The new guidelines establish sound policy and procedures under which the Federal Government will fund such research

and help ensure that the research is ethically responsible, scientifically worthy, and conducted in accordance with applicable laws.

President Obama's action will have a profound impact on the long-term health and well-being of millions of Americans. More than 100 million Americans have chronic, debilitating diseases such as Parkinson's, Alzheimer's, diabetes, and ALS. In addition, many Americans have serious spinal cord injuries. Embryonic stem cell research offers hope for advancements in treatment that will improve the quality of life for countless numbers of Americans.

For the past 8 years, American scientists have received limited Federal funding for stem cell research. In 2001, soon after taking office, President Bush issued his stem cell policy. It permitted the use of Federal funds to support research only on the stem cell lines that were in existence as of the date of his Executive order, August 9, 2001.

The Bush compromise seemed reasonable to many in the scientific community at the time, as researchers at NIH believed between 60 and 78 stem cell lines would be available for use. In fact, only 22 lines were available and some of these were found to have been contaminated. In addition, the 22 available lines were developed using science that has since seen significant improvements. Scientists have testified that these lines lack the genetic diversity necessary to perform research for several diseases that disproportionately affect minority populations. In short, there were real deficiencies in the former administration's policy. It reduced the opportunities available to our scientists, undermined progress, and it discouraged scientific exploration.

Perhaps the best case for stem cell research comes from the patients in the communities we represent here in Congress. I have learned first hand of the importance of moving forward on groundbreaking scientific research through my friendships with three individuals.

A few years ago, my closest friend in law school, Larry Katz, was diagnosed with ALS. Once an active attorney in Baltimore, Larry's body experienced a rapid decline from the symptoms of this debilitating disease, and he died soon after his diagnosis.

Later, I was privileged to meet a young man named Josh Basile, who served as an intern in my House office. Three years before he came to Capitol Hill, he was a healthy young man, leading an active life. But while wading in the Atlantic Ocean, a wave caught him, and he became a quadriplegic overnight. Josh is determined to walk again, and he is making substantial progress. He is also dedicated to helping others make similar strides, and he

has established a foundation called "Determined-2-Heal." Through hard work and rehabilitation, Josh has regained movement that many doctors thought was impossible. Josh is also asking the Federal Government to do its part, by funding research and allowing scientists access to the tools they need to make medical advances possible.

Later, in 2006, I came to know Michael J. Fox, a brilliant and talented actor with a remarkable spirit. In 1991, Michael was diagnosed with Parkinson's disease. He has used his prominence as a tireless advocate for stem cell research.

The time I have spent with these three people has taught me much about the burden of debilitating diseases. Those of us who have loved ones experiencing these and similar circumstances share a responsibility to do everything we can to promote medical research. Our scientists need the tools to discover cures and treatments, and stem cell research holds hope for dramatic progress.

There is an added benefit for our Nation beyond improving the health and lives of patients. We are also talking about maintaining the international preeminence of the United States in the field of medical research. My State of Maryland is home to some of the world's leading research institutions, including Johns Hopkins University and the University of Maryland Medical Centers. These institutions have cutting-edge research technology and freeing up these important stem cell lines would jumpstart the numerous promising research tracks in this area.

I meet regularly with scientists like Dr. John Gearhart and Dr. Douglas Kerr to try to get a better understanding about this issue. I am not a scientist nor do I know all the technicalities, but I have had a chance to meet with these scientists to see what they are doing. They have been able to implant embryonic stem cell growth in mice and see movement where there had been paralysis. This research is extremely promising and is happening right now in my State.

The new National Institutes of Health funding guidelines for human embryonic stem cell research are the next important step to expand this research even further. It will result in the availability of approximately 700 lines for research, a dramatic increase over the number of currently available lines.

The new guidelines are based on solid principles. First, that Federal funding for responsible research with human embryonic stem cells has the potential to improve our understanding of human health and illness and discover new ways to prevent and treat illness. Second, individuals donating embryos for research purposes must do so freely, with voluntary and informed consent.

They must be derived from embryos that were created for in vitro fertilization and not for research purposes, and they must be excess embryos. To be eligible for NIH funding the embryonic stem cells cannot be obtained through monetary payments or other inducements.

Additionally, human embryonic stem cells eligible for testing must have originated from facilities with proper documentation that the embryos were obtained in a voluntary and legitimate manner. Finally, the guidelines prohibit Federal funding of research that would introduce human embryonic stem cells into breeding animals or into nonhuman primate blastocysts. These guidelines are responsible, have stringent safeguards, and they are ethically sound.

As the new NIH guidelines are implemented, America's knowledge of the potential of stem cell research will continue to broaden. President Obama's courageous actions will accelerate this process. The guidelines send a clear message to scientists across the United States that their important work is now backed by the confidence and resources of the Federal Government.

I commend the administration for this decisive action which will strengthen America's position as the global leader in medical research and for the tremendous hope and promise that its new policy is bringing to millions of Americans.

I yield the floor.

ADAMENDMENT NO. 1378

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent that at 2 p.m., the Senate proceed to vote in relation to the McCain amendment No. 1378, with the time between now and then equally divided and controlled in the usual form, with no amendment in order to the amendment prior to a vote in relation thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I rise in clear, strong opposition to this amendment. Let me just say that the fact that this is located in West Virginia is not part of my consideration. I am thinking about national security, Border Patrol. I served as chairman of the Intelligence Committee. I know something about these things. What the Senator from Arizona wants to do doesn't make any sense at all.

What we are talking about is a one-of-a-kind. It is the only one in the country that trains senior officers as well as others in border protection, customs, and other things regarding homeland security. There is no other place in the country that does this. There are 3,300 students there now. They are planning on 5,000 next year.

There is no other place where this can be done. If we cut this, there is no substitute. We talk about border control. We talk about all those things. Particularly senior officers side, this is where people are trained. There is a huge master plan which I will not hold up. It has been approved by the Office of Management and Budget, by the homeland security folks, and was submitted to Congress in 2007. The facility is used to train officers on waterborne tactics and operating ports of entry, things which are obscure but essential to national security. It includes a firing range which is not only used by CPB officers but local law enforcement, DEA, Fish and Wildlife personnel, as well as the Capitol Police. It is the only facility of its kind in the Nation. These are crucial jobs. There is no place to take its place. If we cut it, there is no way to make it up and carry out our responsibilities for homeland security.

It is a very grievously formulated amendment. I strongly urge my colleagues to vote against it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I thank the Senator from West Virginia for his remarks. I would remind him that this amendment strikes \$39.7 million which has been added to the \$30 million that is already there for the center. The \$39.7 million is described to equip, furnish, and expand a leadership academy at the center. So all the missions the Senator just described don't have anything to do with the additional \$39.7 million. It does strike an unrequested, unauthorized, unnecessary earmark. The administration didn't ask for the additional \$39.7 million, nearly \$40 million. No Member of Congress, regardless of position or seniority, should be able to spend \$40 million on a pet project with no scrutiny, no hearing, and no competitive bidding process.

I will take the word of the Senator from West Virginia. This is important. If it is important, why didn't we have a hearing on it before the Homeland Security Committee? Why didn't we have some competition from other parts of America? Why didn't we have a request for it from the administration?

This is just another one of these egregious earmarks that may or may not have merit. We may actually need a leadership academy that needs to be equipped, furnished, and expanded in some place in West Virginia, but no one will ever know that because we have never undergone the scrutiny that should be required before we spend \$40 million of the taxpayers' money.

I probably talked enough about this, and I would imagine that we will lose this amendment again. This is in the backdrop of a Federal budget which for the first 9 months of the fiscal year 2009—3 more months to go—is \$1.1 trillion. It is estimated to be as high as

\$1.8 trillion. The last budget deficit that was anywhere near this in recent history was about \$450 billion. We are looking at a deficit of massive proportions, and yet we have to pile on additional millions, tens of millions and even billions of dollars in projects that are of questionable value. They may even be valuable, but there has been no authorization, no request, no scrutiny, no competition. It is simply put into a bill in a process we call earmarking. That is not fair to the American taxpayers.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The time of the Senator has expired.

Mrs. MURRAY. I yield back the time on this side.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment No. 1378.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Missouri (Mr. BOND).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 61, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—35

Barrasso	Ensign	Martinez
Bayh	Enzi	McCain
Bennett	Feingold	McCaskill
Brownback	Graham	McConnell
Bunning	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Snowe
Corker	Isakson	Thune
Cornyn	Johanns	Vitter
Crapo	Kyl	Wicker
DeMint	Lugar	

NAYS—61

Akaka	Gregg	Nelson (FL)
Alexander	Hagan	Pryor
Baucus	Harkin	Reed
Begich	Inouye	Reid
Bennet	Johnson	Rockefeller
Bingaman	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Klobuchar	Shaheen
Burris	Kohl	Shelby
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lincoln	Voinovich
Conrad	Menendez	Warner
Dorgan	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden
Franken	Murray	
Gillibrand	Nelson (NE)	

NOT VOTING—4

Bond Dodd
Byrd Kennedy

The amendment (No. 1378) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, we are working with the Republicans at this time to come up with a list of remaining amendments this afternoon so we can make progress. We hope to be able to move forward shortly on a number of amendments that will be pending that we have agreed on.

While we are doing that, the Senator from Illinois would like to speak as in morning business. How much time does the Senator need?

Mr. BURRIS. I need 3 or 4 minutes.

Mrs. MURRAY. Mr. President, I yield 4 minutes to the Senator from Illinois for morning business.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENERAL JAMES E. CARTWRIGHT

Mr. BURRIS. Mr. President, as a member of the Senate Armed Services Committee, I often have the opportunity to meet with the fine men and women who serve this country in uniform. Every day we demand the very best from each of them—and in return, we owe them the best we have to offer. That means keeping our commitment to this Nation's veterans. But it also means supporting our troops in the field—with resources, equipment, and—perhaps most importantly—sound leadership at the very highest levels.

No one understands this better than GEN James Cartwright, the current Vice Chairman of the Joint Chiefs of Staff.

Our committee met with General Cartwright just this morning. The Senate has been asked to confirm his nomination for a second term as Vice Chairman. And I rise today to offer him my strongest support.

After speaking with General Cartwright, I am convinced that his long record of loyal service, impeccable judgment, and bold leadership make him the very best choice to continue in this important post. Up to this point, his tenure as a member of the Joint Chiefs has been marked by innovative thinking.

Along with Admiral Mullen, General Cartwright has helped to shape the modern American military as we confront a range of new threats from across the globe.

A native of my home State, General Cartwright was born in Rockford, IL, and began his service as a marine fight-

er pilot more than 30 years ago. He is a distinguished graduate of the Air Command and Staff College at Maxwell Air Force Base, and has served all over the world. As an aviator, he put his extensive training to good use on the front lines of our global defense network.

As a U.S. marine, he has never wavered in his commitment to the country we all love. And as a former head of the U.S. Strategic Command, General Cartwright has demonstrated his leadership skills and his deep understanding of the threats we face.

He has led the fight for cyber security technology at the Department of Defense, helping to protect America from the evolving threats of the 21st century.

He is a credit to the fighting men and women of our Armed Forces, and an asset to the elected leaders who depend on him every day. Time and again, he has answered the call.

When Secretary Gates first recommended him for nomination 2 years ago, he understood that James Cartwright was someone we can rely upon. Today, as we consider whether he should remain Vice Chairman of the Joint Chiefs, I believe his record speaks for itself.

I urge my colleagues to join me in supporting a speedy confirmation of General Cartwright.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. WICKER. Mr. President, we need serious, substantive health care reform. The reasons for reform are well known, and they have led to overwhelming consensus in Congress that something needs to be done to make health care more affordable and more accessible.

The desire for action extends beyond the walls of this great building. The American people also want us to act. But this desire for action should not give way to legislative haste. Americans do not want us to rush at the expense of getting it right. They have questions, and they deserve answers.

There are two very basic and important questions with regard to health care reform. No. 1, how much is it going to cost? And No. 2, how will we pay for it? First let's look at the question of cost.

The American public is alarmed about the massive debt we are accumulating. They realize that in the past year, on top of the almost \$1 trillion stimulus bill, the Federal Government

has also purchased banks, an insurance company, and an auto company, all using borrowed money that we, as taxpayers, will need to pay back. All this massive borrowing and spending was done quickly and with little debate. This was done, the public was told, in order to save the economy. How has that turned out?

At the beginning of the year, the Obama administration told the American people massive stimulus spending, if done quickly, would create 3 to 4 million jobs and would keep the country's unemployment rate at 8 percent. Today, sadly, unemployment is at 9.5 percent, the highest level since 1983. The jobs that were promised have not materialized. In fact, 467,000 additional jobs were lost last month alone.

The administration now says they misread the economy. Our government rushed to borrow and spend \$1 trillion, but now we are basically being told they were wrong. Vice President BIDEN said as much only a few days ago.

Unfortunately, the American taxpayers are not going to get a do-over on this spending. They are still on the hook for the almost \$1 trillion we borrowed, plus interest. Now there is talk of yet another expensive stimulus package to make up for the one that did not work.

So considering this, it is no surprise the American public is skeptical about the rush to spend yet another \$1 trillion or more to create a Washington-run health care scheme.

We have a number of proposals in Congress that attempt to fix health care. There are workable reform proposals that go at the problem in a way that does not incur such prohibitive costs for taxpayers. Unfortunately, however, our Democratic colleagues have plans accompanied by astronomical costs to taxpayers. The Finance Committee is struggling to keep its bill at \$1 trillion over 10 years. We are told that just a portion of the Health, Education, Labor, and Pensions Committee bill will cost over \$1 trillion. That is just a portion of their bill. Some have estimated the total cost for that bill will be over \$3 trillion. These are not scare tactics. These are Congressional Budget Office estimates.

On the other side of the Capitol, the House Democrats' bill is expected to cost closer to \$2 trillion. Over and above these Federal costs, there are frightening costs to the States. If the HELP Committee proposal to expand Medicaid is enacted, we can expect a wholesale collapse of State budgets and, of course, we are already seeing the collapse of some State budgets. They are already struggling under the unsustainable costs of the current program.

These spending figures are startling by themselves and even more troubling taken on top of the massive amount of debt we have already acquired.

Even more troubling is the expectation that costs of the Democratic proposals will continue to rise year after year, well beyond the 10-year budget window used to figure the pricetag of these proposals.

The Congressional Budget Office estimated the annual cost of the insurance subsidy program contained in an earlier version of the HELP bill would rise 6.7 percent per year until it is fully phased in. This potential spending explosion should not come as a surprise. Medicare and Medicaid, two programs we need to strengthen, help, and sustain, are both already on unsustainable paths with enormous unfunded liabilities.

This daunting amount of spending has taxpayers worried, and they are beginning to speak up. One of my Democratic colleagues acknowledged this recently saying: "The big challenge—and I actually heard this at home during the recess—is the sticker shock."

Other supporters of the President are also warning him and his Democratic colleagues in Congress to slow down and be more careful with taxpayer dollars.

On Sunday, former Secretary of State Colin Powell, an Obama supporter last year, warned the President about the ongoing spending spree, saying:

You can't have so many things on the table that you can't absorb it all.

To quote Secretary Powell:

And we can't pay for it all.

In addition to the massive costs associated with these proposals, no one can yet tell us where the money will come from to pay for it. All the proposals we have seen are creative in the way they spend tax dollars but very short on specifics on how to fund them.

Our colleagues on the other side of the aisle have vaguely outlined some ways they may pay for their plan, including a series of cuts to Medicare and Medicaid—I repeat, cuts to Medicare and Medicaid—along with new taxes. But they have not been as forthcoming and specific as they need to be with the American taxpayers.

There is a reason why more details have yet to be released. Since we do not have the money to pay for a government takeover of health care, there will need to be massive tax increases or more borrowing or a combination of the two. In fact, one leading Senate Democrat was quoted in Wednesday's Wall Street Journal as saying they were "broadening the search for revenue"—broadening the search for revenue—to pay for this massive plan. What that means, of course, is they are intensifying their search for ways to raise taxes on the American people, whether it be taxes on small business, which we have been hearing about lately, or on health insurance plans or surtaxes on soft drinks or anything else they can think of—massive tax in-

creases for the American people for plans which admittedly will only cover one-third of the uninsured persons in the United States of America. All the while, this is being done quickly and without time needed to provide the scrutiny the American public expects and deserves.

All Americans—Republicans, Democrats, and Independents—want health care reform, but they do not want a government-run health care plan. They do not want to pay for it with Medicare and Medicaid cuts. They do not want to drive up the debt. Getting it right is more important than getting it done quickly.

Let's learn from the mistakes that were made in hastily passing the stimulus bill. Massive new amounts of borrowing, spending, and taxes are not the way to successful health care reform.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. INHOFE. Madam President, I wish to speak as in morning business. However, if anybody comes to the Chamber with an amendment or anything, I will immediately stop. I want to make that clear.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAP AND TRADE LEGISLATION

Mr. INHOFE. Madam President, I only rise on the floor for one reason; and that is, it is my intention next week—probably Tuesday or Wednesday, whenever I get the floor time—to give a rather long history of the whole issue of the cap and trade. What I intend to do is start from the very beginning.

While the Presiding Officer was not presiding over the Senate back during the Kyoto Treaty some 11 years ago, I was. At that time, the Republicans were the majority, and I happened to be the chairman of the committee that had jurisdiction.

I have to tell you, at that time, I was a believer that manmade gas, anthropogenic gases, CO₂, methane were the cause of global warming. The reason is because everybody said that. Nobody had a dissenting view. It was not until the Wharton Econometrics Survey and said if we were to ratify the Kyoto Treaty and live by its emissions requirements, it would cost somewhere between \$300 billion and \$330 billion a year that I started thinking about that. I remember a tax increase that was enacted in 1993. That was the Clinton-Gore tax increase that at that time was the largest one in a long period of time. This

would have been 10 times greater than that.

So I thought: Let's be sure the science is there. That is when I discovered there were many scientists who had been intimidated through the use of manipulation in the awarding of grants from the Federal Government or from the Heinz Foundation or from many of these organizations. They had been suppressed very much like the man in the EPA was suppressed last week. In looking at that, we started examining it and finding out that many scientists around said: No, that is not the case.

I will be specific because this was back when President Clinton was in office and Al Gore was the Vice President. At that time, he wanted to determine how much we could accomplish if the developed nations ratified and lived by the Kyoto Treaty.

He went to Thomas Wigley, who was one of the top scientists at that time. He was chosen by the then-Vice President of the United States, Al Gore, who said: We want a study. Over a 50-year period, if all developed nations would ratify and live by the emissions standards of this treaty, how much would it reduce the temperature over a 50-year period?

When the results came out, it was seven one-hundredths of 1 degree Celsius; in other words, not even measurable. That is what began to catch on, and people realized it was a lot of pain, a lot of punishment, a lot of heavy taxes—like the current cap-and-trade proposal is, or like the one that passed the House—yet there is not any gain. Even if you were to believe—as I do not—that a major cause of global warming is CO₂, then what good would it do for us unilaterally to do it if the developing nations are not doing it?

We discovered something yesterday in a hearing. I have a great deal of respect for Lisa Jackson, who is the new Administrator of the EPA. Her honesty was incredible yesterday. Showing her a chart, I asked her a question, stating: This is what we used during the consideration, 13 months ago, of the Warner-Lieberman bill. The chart shows the numbers as to living within or without the limits of the CO₂ emissions. If we only did it in the United States, would it make any difference at all in the world amount of CO₂? She said: No, it would not.

I think that is the most significant thing. Because individuals, and well-meaning individuals who believe man-made gases are causing global warming, should realize that does not do it, even if you believed it. In fact, the reverse would be true. There is no doubt—and we have all kinds of studies to show it—if we had passed any of the last three cap-and-trade bills we considered on the floor of this Senate, that would have had the effect of pushing the manufacturing jobs out of America

into countries where they have no emissions requirements, such as China, and that would have caused a net increase—a net increase—of CO₂.

So I think that was a major thing yesterday that took place. It is my intention next week to go back through the history of this issue, to bring us up to the present time, and then to look into the future as to what we might be doing with this legislation.

I was very happy to hear, a few minutes ago, that Chairman BARBARA BOXER has decided not to come out of the committee with a bill until after the August recess. Quite frankly, I think it works in my favor. The longer we have to inform people as to some of the misinformation, the better I think it is going to be in terms of a vote that would take place. I cannot imagine that if there are only some 35, 36 votes that would have been there to pass the Warner-Lieberman bill 13 months ago, that there would be any way today to get up to 60 votes.

So, quite frankly, I do not think it is going to pass anyway. But I do think during the recess we are going to have an opportunity to talk about this issue.

Today, I visited with a national farm group, and we were talking about how it would disproportionately hurt the farmers. The fact is, 70 percent of their wheat cost is in fertilizer and energy. Fertilizer and energy are where the costs would be increased dramatically if we were to pass some kind of a cap-and-trade bill.

Then, of course, there is the regressive feature. The fact is, poor people in America have to have gasoline in their cars. They have to heat their homes. They spend a lot larger percentage of their disposable income on heating and in using energy than wealthy people do.

So I think, with all these things working right now, we are in a position to stand back and say, cap and trade is not going to work. It is going to be history. And we can start approaching this in ways, perhaps somewhat like President Bush tried to do with the Clear Skies Act, where he talked about real pollutants, such as SO_x, NO_x, and mercury, and have meaningful reductions in those to protect our environment.

That is what our plans are for next week, and I look forward to sharing these thoughts with anyone who is willing to listen.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded, just that I may speak for up to 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. VITTER. Madam President, as the manager of this bill, who has been very cooperative, and others on the floor know, I have been working hard to get a vote on my reimportation amendment. It is a very simple, straightforward amendment. It is a limitation amendment—at least it will be once it is perfected and modified. In fact, it is an amendment that has passed the Senate before, in 2006. So it is not new. It has actually passed the Senate before.

Unfortunately, because of the nature of the issue and, in fact, because of the powerful nature of the pharmaceutical interests who oppose this amendment, this is being blocked using every procedural tool in the book. That is unfortunate, but it seems as if that is going to be the case.

If I cannot get a fair hearing and a fair vote on this amendment, I am going to use the procedural tools available to me to block votes on other non-germane amendments, on other amendments that are subject to points of order—which I think are most, if not all, of the other pending amendments.

At this point, given the fairly certain nature of certain Members' fierce opposition to this reimportation provision, I simply suggest we move forward and not waste folks' time. I am certainly amenable to moving to dispense with any pending amendment which is germane, which does not have a point of order against it, move through those and then move to final passage of the bill as quickly as possible. I am certainly open to that and would encourage that and would like to move forward in that vein.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LONG TERM CARE REFORM

Mr. FEINGOLD. Madam President, I recently spoke to my colleagues about the urgent need to pass health care reform, and in particular about the importance of ensuring that reform includes a strong public option. Today, I want to discuss another one of my priorities for health care reform, and that is long-term care.

I have been working to reform long-term care since I began my career in public service. In 1982, during my first term as a Wisconsin State Senator, I became Chair of the State Senate Aging Committee. I was not yet 30 years old, so you can imagine that I was not the obvious candidate to chair a committee on aging. It was through my work on this committee that I was first exposed to the fractured system of

supports and services available to those needing long-term care, and learned about the efforts to reform that system which were just beginning in Wisconsin. Over the next 10 years, made long-term care reform a priority, authoring the State's Alzheimer's program and drawing attention and resources to the management of this devastating disease. I helped expand Wisconsin's Community Options Program, known as COP, which provided flexible, consumer-oriented and consumer-directed long-term care services in community-based settings, enabling thousands of people needing long-term care to remain in their own homes rather than going to a nursing home.

I have continued to fight for long-term care reform in the U.S. Senate. I served as Chair of the Long-Term Care Working Group at the request of then-Majority Leader George Mitchell during the 1994 attempt at health reform. The recommendations of our working group proved to be one of the least controversial aspects of health reform legislation. Our recommendations drew from the lessons and experiences of states on the cutting edge of long-term care, such as Wisconsin. But when overall reform efforts failed, our recommendations went nowhere.

Now, 15 years later, Congress is debating health reform legislation once again. And reform is even more necessary than it was in 1994. More and more families are struggling to provide care for loved ones who are disabled, ill, and aged. More and more families face the difficult decision of moving a loved one into a nursing facility because no other options exist. These families are stuck in an impossible situation—limited by financial resources and community programs, but dedicated to securing the best care for their family member. We can and must do better.

Long-term care reform is not a luxury, or a minor part of health care reform—it is needed in order to help achieve the goals of health care reform. Federal, State, local, and individual expenditures on health care, including long-term care, are unsustainable. In 2007, the Federal and State governments spent \$311 billion on long-term care, or just under 3 percent of the United States' gross domestic product.

Approximately three-quarters of this amount represents government spending on Medicaid and Medicare. Long-term care reform could be one of the most effective tools to ensure solvency for our entitlement programs, reducing the Medicaid burden on State budgets, and getting health care spending under control.

I have worked on these issues for the better part of three decades. And after devoting so much time to long-term care, a number of things are clear. First, we must have a cohesive strategy to care for those needing long-

term supports and services. Modern medicine has turned fatal diseases into chronic diseases, and enabled individuals to live much longer. These are tremendous accomplishments. But the reality is that these individuals need even more assistance because of medical advancements from their families, communities, and government.

Long-term care assistance is not something that most people can plan for or save for. This is a very important point. Of the 10 million Americans needing long-term care, 40 percent were working-age adults or children who have become disabled, or too ill, to live independently. This is something that the Trifunovich family in Cudahy, WI, knows all too well. At 33, Aleksandar Trifunovich suddenly suffered a deadly brain stem stroke, cruelly leaving him "locked in." His brain function, eyesight, and hearing remained normal, but his entire body was paralyzed. Against all odds, Aleksandar survived surgery and has made miraculous development through rehabilitation. Today, Aleksandar is no longer "locked in," but fights every day to preserve the progress he has made and regain even more of his mobility. Along the way, his sisters Vera and Andjelija have stepped in, as so many family members do, to support and care for their brother. The family is acutely aware of the current fractured long-term care system. Calling it "un navigable," they say that it is a daily battle to ensure Aleksandar has access to the care, supports, and services he needs to continue regaining his mobility and independence.

As for the 60 percent of older Americans and senior citizens needing long-term care, who theoretically might have had time to save for these medical needs, financing long-term care on their own is simply too expensive. Not only is the cost of long-term care growing at twice the rate of inflation, seniors are using long-term care supports and services earlier and more often. And families are feeling the strain. Studies estimate that over 85 percent of long-term care is provided by family and friends, but the cost of providing care and forgoing earnings elsewhere is not included in projections on long-term care spending. Long-term care reform is not an issue of making people be more responsible, save earlier, or save more. It is needed because the system, on a fundamental level, is strained to the breaking point.

Second, we do not necessarily need to spend more, but we must spend more wisely. This means establishing consumer-oriented and consumer-directed flexible benefits as well as making fundamental reforms to the linkages between the long-term care and acute care systems. For too long, long-term care has been synonymous with institutional care. Congress has a rare opportunity to redefine long-term care,

and put real weight and spending power behind home- and community-based long-term care options.

Central to this effort is creating a system of home- and community-based flexible services that respond to individual consumer choice and preference from the initial assessment right on through to ongoing services, with case managers and others regularly consulting with the consumer and family members to be sure their needs are met in a satisfying manner. I have been working with my colleagues on the Senate Finance Committee and Senate Health, Education, Labor and Pensions Committee for months now, to draw attention to the excellent programs we have in my home State of Wisconsin as we begin to fill the gaps in long-term care supports and services. Wisconsin's progress in long-term care should be used as a template for national reform, and I was pleased that Chairman BAUCUS included new incentives for home and community-based care programs like those Wisconsin uses today in the policy proposals he put forward earlier this year.

Wisconsin's progressive tradition is the driving force behind Family Care, our State entitlement program for low-income and disabled adults to receive necessary care, supports, and services in their homes and communities. Family Care currently operates in almost every county in the State, and provides a flexible benefit for beneficiaries to receive long-term care supports and services in the comfort of their own homes. Family Care has demonstrated two important things: First, it showed that you can establish a long-term care program that is flexible and able to respond to the needs of individual consumers; second, it showed that kind of flexible program could be a cost-effective alternative to nursing homes.

Family Care coordinates consumers with social workers, registered nurses, and local Aging and Disability Resource Centers to identify what each consumer needs to remain a productive and independent citizen. Entitlement benefits can be used for such purposes as hiring help with basic daily tasks like bathing, dressing, or shopping, or with challenges like shoveling snow, which in Wisconsin is not a trivial task.

Because of this benefit, long-term care consumers in the State are choosing to stay in their own homes and saving the State money in the process. One independent assessment of Family Care estimates that the program saves the State \$1.2 million each month by allowing long-term care consumers to arrange for the care they need to remain independent, and out of the nursing home. If overwhelming popularity and savings were not enough, counties with Family Care have seen decreases in nursing home admissions, emergency room use, and hospital readmit-

tance. Instead, long-term care consumers are seeing their primary care physicians more to maintain and manage their health.

How we care for those who need it most—seniors, people with disabilities and other who need long term care—is a key part of any effort to change our health care system. I have thought often of my work as Chair of the long-term care working group over the last 15 years. If just those recommendations we put together back then had been enacted, we might not be spending the trillions on health care that we are today. We can not continue to make the mistake of overlooking long-term care in the broader debate. Congress must place this critical issue front and center in the health care debate. It is time to put long-term care in the spotlight and use Family Care, Wisconsin's outstanding example of flexible and cost-effective care, as a model for broader reform.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Madam President, as soon as this amendment logjam is broken, it is my intention to offer an amendment which is cosponsored by Senators CARPER, CASEY, and KERRY. This amendment deals with an issue of significance to all 50 States in our country and maybe especially rural America.

In the midst of the financial crisis we are facing, our capabilities to support fire departments—both professional and volunteer—and the EMS services they provide is under great stress.

What my amendment would do is add \$100 million for the Assistance to Firefighters Grant Program as well as for another important program for fire departments, the Staffing for Adequate Fire and Emergency Response, or SAFER, Grant Program—\$50 million for each program. In the \$50 million for the SAFER Grant Program would be included \$30 million that would go for addressing the real crisis rural volunteer fire departments are facing.

I say to the Presiding Officer, I do not know what the situation is in New Hampshire, but in Vermont—and I think in many parts of the country—we are seeing a real problem with recruitment and retention. Many people in urban areas may not understand that. But in rural America, most folks get their fire service and most folks get their EMS, their first responder service, from volunteers. If there are not volunteers available for one or another

reason—and we have seen both recruitment and retention problems in volunteer fire departments—if those volunteers are not there, what is going to happen is, when fires happen, those fires are not going to be able to be contained. When somebody has a heart attack and dials 911, they are not going to get the kind of speedy ambulance service they need.

In the midst of this recession, what we are seeing is not only a reduction and a real stress on volunteer firefighting departments all over this country, and their EMS services, we are also seeing, in terms of professional firefighters, reductions in one part of the country after another part of the country, after another part of the country. Cities and towns under stress are cutting back, and they are doing it in ways which are certainly endangering the well-being and the health of the people in their communities.

Surveys by the International Association of Fire Fighters say that up to 5,000 firefighting jobs are in jeopardy. In Prince George's County, MD—not far from here—there is a new phenomenon called “brownouts.” This is where fire stations are closed, five at a time, to save money. In Atlanta, GA, the economic crisis has resulted in the shutting of five firehouses. In Flint, MI, 22 firefighters were laid off. Proposals in Columbus, OH, include laying off 238 firefighters. In Warren, OH, 17 firefighters received layoff notices. Orlando, FL, plans on laying off 46 firefighters. In Spokane, WA, up to 15 firefighting positions could be eliminated. There is also a serious problem about funding the equipment our firefighters need.

So we have a real problem. It seems to me at this moment this is a priority for this Nation, and it is something we should be addressing.

This amendment is supported by the volunteer firefighters of America.

Madam President, I ask unanimous consent to have printed in the RECORD a letter from the National Volunteer Fire Council. The National Volunteer Fire Council is strongly supporting this amendment, and they represent thousands of volunteer firefighters throughout this country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL VOLUNTEER FIRE COUNCIL,
Greenbelt, MD, July 9, 2009.

Hon. BERNIE SANDERS,
U.S. Senate,
Washington, DC.
Hon. ROBERT CASEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR SANDERS: I am writing to express the full support of the National Volunteer Fire Council (NVFC) for your amendment to increase funding for the Assistance to Firefighters Grant (AFG) program and the Staffing for Adequate Fire and Emergency Response (SAFER) grant program by \$50 million each in the FY 2010 Department of

Homeland Security Appropriations Act. The NVFC represents the interests of the more than one million volunteer firefighters and EMS personnel in the United States.

AFG helps fire departments and EMS agencies purchase desperately needed equipment, apparatus and training. Nearly 20,000 fire departments applied for more than \$3.1 billion in funding through AFG in FY 2009—more than five times the \$565 million appropriated for this year. The \$380 million allocation in the Committee-passed version of the FY 2010 DHS Appropriations Act represents a reduction of 33 percent from last year and is \$10 million below the House-passed companion bill.

AFG is a highly successful program that relies on input from the fire service and a direct grant process to ensure that funding quickly reaches the agencies that need it most. An FY 2007 review of AFG by DHS found the program to be 95 percent effective, the second highest rating of any program at DHS.

A needs assessment survey conducted by the Fireman's Fund Insurance Company recently found that 60 percent of respondents report that their fire department has delayed equipment replacement purchases due to the economic downturn. Fifty percent of respondents reported that if economic conditions do not improve within the next 12 months that it could affect their ability to provide service to their communities. Local fire and EMS agencies need AFG funding now more than ever.

SAFER funds assist fire departments to build staffing capacity through hiring of career firefighters and recruitment and retention of volunteers. There is no single more significant challenge facing the volunteer fire service than recruitment and retention. Since 1987, the percentage of volunteer firefighters under the age of 40 has shrunk from 65 percent to approximately 50 percent today. As this trend suggests, fire departments are increasingly having difficulty recruiting and retaining the next generation of volunteer firefighters. Volunteer fire departments can use recruitment and retention funds for a variety of activities from marketing campaigns to establishing modest incentive programs.

Your amendment would provide critical additional funding to assist first responders and signal to local fire and EMS agencies that they remain an important national priority even in these difficult budgetary times. Thank you again for offering this amendment.

Sincerely,

HEATHER SCHAFER,
Executive Director.

Mr. SANDERS. Madam President, I will be speaking about this amendment at a later time, but I wanted to let my colleagues know this issue is of great concern all over this country. It is a concern to the firefighting community, it is a concern to the EMS community, and it is certainly a concern to rural America.

I look forward to my colleagues supporting this amendment.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1459 AND 1455, AS MODIFIED,
TO AMENDMENT NO. 1373

Mrs. MURRAY. Madam President, I ask unanimous consent that the pending amendments be set aside and that it be in order for me to call up the following two amendments en bloc: amendment No. 1459 and amendment No. 1455, as modified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. TESTER, proposes an amendment numbered 1459 to amendment No. 1373.

The Senator from Washington [Mrs. MURRAY], for Mr. KYL, for himself, and Mr. McCAIN, proposes an amendment numbered 1455, as modified, to amendment No. 1373.

The amendments are as follows:

AMENDMENT NO. 1459

(Purpose: To condition funding for the National Bio and Agro-defense Facility)

On page 77, between lines 16 and 17, insert the following:

SEC. 5 _____. None of the funds made available under this Act may be obligated for the construction of the National Bio and Agro-defense Facility on the United States mainland until 90 days after the later of—

(1) the date on which the Secretary of Homeland Security completes a site-specific bio-safety and bio-security mitigation assessment to determine the requirements necessary to ensure safe operation of the National Bio and Agro-defense Facility at the preferred site identified in the January 16, 2009, record of decision published in Federal Register Vol. 74, Number 111;

(2) the date on which the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, submits to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that—

(A) describes the procedure that will be used to issue the permit to conduct foot-and-mouth disease live virus research under section 7524 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 113a note; Public Law 110-246); and

(B) includes plans to establish an emergency response plan with city, regional, and State officials in the event of an accidental release of foot-and-mouth disease or another hazardous pathogen.

AMENDMENT NO. 1455, AS MODIFIED

(Purpose: To require the Secretary of Homeland Security to submit a detailed report to Congress regarding the utilization and potential expansion of Operation Streamline programs)

At the appropriate place, insert the following:

SEC. _____. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General and the Administrative Office of the United States Courts, shall submit a report to the congressional committees set forth in subsection (b) that provides details about—

(1) additional Border Patrol sectors that should be utilizing Operation Streamline programs; and

(2) resources needed from the Department of Homeland Security, the Department of Justice, and the Judiciary, to increase the effectiveness of Operation Streamline programs at some Border Patrol sectors and to utilize such programs at additional sectors.

(b) The congressional committees set forth in this subsection are—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the House of Representatives;

(4) the Committee on the Judiciary of the House of Representatives, and

(5) the Committee on Homeland Security and Governmental Affairs of the Senate.

Mrs. MURRAY. Madam President, I ask unanimous consent that the amendments be agreed to en bloc and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 1459) and (No. 1455), as modified, were agreed to en bloc.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1458 TO AMENDMENT NO. 1373

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendments be set aside and that amendment No. 1458 be the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. DODD, for himself, Mr. LIEBERMAN and Mr. CARPER, proposes an amendment numbered 1458 to amendment No. 1373.

The amendment is as follows:

(Purpose: To provide additional funds for FIRE grants under section 33 of the Federal Fire Prevention and Control Act of 1974)

On page 77, between lines 16 and 17, insert the following:

SEC. — (a) The amount appropriated under the heading “firefighter assistance grants” under the heading “Federal Emergency Management Agency” under by title III for necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 is increased by \$10,000,000 for necessary expenses to carry out the programs authorized under section 33 of that Act (15 U.S.C. 2229).

(b) The total amount of appropriations under the heading “Aviation Security” under the heading “Transportation Security Administration” under title II, the amount for screening operations and the amount for explosives detection systems under the first proviso under that heading, and the amount for the purchase and installation of explo-

sives detection systems under the second proviso under that heading are reduced by \$4,500,000.

(c) From the unobligated balances of amounts appropriated before the date of enactment of this Act for the appropriations account under the heading “state and local programs” under the heading “Federal Emergency Management Agency” for “Trucking Industry Security Grants”, \$5,500,000 are rescinded.

Mrs. MURRAY. Mr. President, the amendment that is now pending is an amendment that increases fire grant programs by \$10 million. It is fully offset. The fire grant programs provide funds to equip, train, and hire our firefighters. The committee provided an increase in the bill because in 2007 there were over 20,731 applications, totaling \$3.1 billion, and FEMA could only approve 5,132 of those applications due to limited funds.

I hope we can move quickly to a vote on this amendment. We wish to move forward. I know several Senators have amendments they wish to offer, and if we can move to a vote on this fairly quickly, I think everybody would be amenable to that.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1467 TO AMENDMENT NO. 1458

Mr. VITTER. Mr. President, I certainly share the desire to move forward and resolve these issues and go through these votes. In that vein, I send to the desk a second-degree amendment to the Dodd amendment.

This is a straight limitation amendment. It is a germane amendment with no points of order against it, which would simply enact legislation that the Senate enacted in 2006 with regard to reimportation.

I would be happy to explain the amendment more fully if it is appropriate to have a debate either now or in the near future on it. But again, it enacts language that was previously enacted by the Senate in 2006. It is a straight limitation amendment, which is germane, and does not have points of order against it.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 1467 to amendment No. 1458.

Mr. VITTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent funds from being used to prevent individuals from importing prescription drugs under certain circumstances)

At the end add the following:

SEC. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section

801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That the prescription drug may not be—

Mr. VITTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that it be in order to consider a managers' package.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, in a moment I will send a managers' package to the desk. We are waiting for one quick decision. Hopefully, in a moment, I will be sending a managers' package to the desk with a number of amendments that have been worked out on both sides. We hope to adopt that package.

I know Members have been waiting to get to votes. We have several Senators who require votes on their amendments. We hope to start that fairly shortly, as soon as this package is adopted.

AMENDMENTS NOS. 1401; 1447; 1457; 1463, AS MODIFIED; 1456; 1454, AS MODIFIED; 1466, AS MODIFIED; 1465; AND 1464, AS MODIFIED, TO AMENDMENT NO. 1373

So, Mr. President, I send to the desk a managers' package, and I ask unanimous consent that the amendments be considered, and modified, as indicated, where indicated, and agreed to en bloc; and the motions to reconsider be laid upon the table en bloc; that the consideration of these amendments appear separately in the RECORD, and any statements relating to their consideration be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1401

(Purpose: To amend title 46, United States Code, to ensure that the prohibition on disclosure of maritime transportation security information is not used inappropriately to shield certain other information from public disclosure, and for other purposes)

SECTION —. MARITIME TRANSPORTATION SECURITY INFORMATION.

(a) SHORT TITLE.—This section may be cited as the “American Communities’ Right to Public Information Act”.

(b) IN GENERAL.—Section 70103(d) of title 46, United States Code, is amended to read as follows:

“(d) NONDISCLOSURE OF INFORMATION.—

“(1) IN GENERAL.—Information developed under this chapter is not required to be disclosed to the public, including—

“(A) facility security plans, vessel security plans, and port vulnerability assessments; and

“(B) other information related to security plans, procedures, or programs for vessels or facilities authorized under this chapter.

“(2) LIMITATIONS.—Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

“(A) to conceal a violation of law, inefficiency, or administrative error;

“(B) to prevent embarrassment to a person, organization, or agency;

“(C) to restrain competition; or

“(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.”

(c) CONFORMING AMENDMENTS.—

(1) Section 114(r) of title 49, United States Code, is amended by adding at the end thereof the following:

“(4) LIMITATIONS.—Nothing in this subsection, or any other provision of law, shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

“(A) to conceal a violation of law, inefficiency, or administrative error;

“(B) to prevent embarrassment to a person, organization, or agency;

“(C) to restrain competition; or

“(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.”

(2) Section 40119(b) of title 49, United States Code, is amended by adding at the end thereof the following:

“(3) Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations)—

“(A) to conceal a violation of law, inefficiency, or administrative error;

“(B) to prevent embarrassment to a person, organization, or agency;

“(C) to restrain competition; or

“(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.”

AMENDMENT NO. 1447

(Purpose: To clarify the definition of switchblade knives)

On page 77, between lines 16 and 17, add the following:

SEC. 556. DEFINITION OF SWITCHBLADE KNIVES.

Section 4 of the Act entitled “An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes” (commonly known as the Federal Switchblade Act) (15 U.S.C. 1244) is amended—

(1) by striking “or” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; or” and

(3) by adding at the end the following:

“(5) a knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires

exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife.”.

AMENDMENT NO. 1457

(Purpose: To protect taxpayers by improving financial accountability at the Department of Homeland Security)

On page 3, line 13, insert “: *Provided*, That of the total amount made available under this heading, \$5,000,000 shall not be obligated until the Chief Financial Officer or an individual acting in such capacity submits a financial management improvement plan that addresses the recommendations outlined in the Department of Homeland Security Office of Inspector General report # OIG-09-72, including yearly measurable milestones, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the plan described in the preceding proviso shall be submitted not later than January 4, 2010” before the period.

AMENDMENT NO. 1463, AS MODIFIED

(Purpose: To make a technical correction to the Federal Deposit Insurance Act)

On page 77, between lines 16 and 17 insert the following:

SEC. 556. FEDERAL DEPOSIT INSURANCE ACT TECHNICAL CORRECTION.

(a) APPLICABLE ANNUAL PERCENTAGE RATE OF INTEREST.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting “(or in the case of a governmental entity located in such State, paid)” after “received, or reserved”; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking “nondepository institution operating in such State” and inserting “governmental entity located in such State or any person that is not a depository institution described in subparagraph (A) doing business in such State”;;

(B) by redesignating clause (ii) as clause (iii);

(C) in clause (i)—

(i) in subclause (III)—

(I) in item (aa), by adding “and” at the end;

(II) in item (bb), by striking “, to facilitate” and all that follows through “2009”; and

(III) by striking item (cc); and

(ii) by adding after subclause (III) the following:

“(IV) the uniform accessibility of bonds and obligations issued under the American Recovery and Reinvestment Act of 2009”; and

(D) by inserting after clause (i) the following:

“(ii) to facilitate interstate commerce through the issuance of bonds and obligations under any provision of State law, including bonds and obligations for the purpose of economic development, education, and improvements to infrastructure; and”.

(b) EFFECTIVE PERIOD.—The amendments made by this section shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

AMENDMENT NO. 1456

(Purpose: To provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes)

At the appropriate place, insert the following:

SEC. ____ . DETAINEE PHOTOGRAPHIC RECORDS PROTECTION AND OPEN FREEDOM OF INFORMATION ACT.

(a) DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.—

(1) SHORT TITLE.—This subsection may be cited as the “Detainee Photographic Records Protection Act of 2009”.

(2) DEFINITIONS.—In this subsection:

(A) COVERED RECORD.—The term “covered record” means any record—

(i) that is a photograph that—

(I) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(II) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(ii) for which a certification by the Secretary of Defense under paragraph (3) is in effect.

(B) PHOTOGRAPH.—The term “photograph” encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(3) CERTIFICATION.—

(A) IN GENERAL.—For any photograph described under paragraph (2)(A)(i), the Secretary of Defense shall issue a certification, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger —

(i) citizens of the United States; or

(ii) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(B) CERTIFICATION EXPIRATION.—A certification under subparagraph (A) and a renewal of a certification under subparagraph (C) shall expire 3 years after the date on which the certification or renewal, as the case may be, is made.

(C) CERTIFICATION RENEWAL.—The Secretary of Defense may issue—

(i) a renewal of a certification in accordance with subparagraph (A) at any time; and

(ii) more than 1 renewal of a certification.

(D) NOTICE TO CONGRESS.—A timely notice of the Secretary’s certification shall be submitted to Congress.

(4) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(A) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(B) disclosure under any proceeding under that section.

(5) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to preclude the voluntary disclosure of a covered record.

(6) **EFFECTIVE DATE.**—This subsection shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

(b) **OPEN FREEDOM OF INFORMATION ACT.**—

(1) **SHORT TITLE.**—This subsection may be cited as the “OPEN FOIA Act of 2009”.

(2) **SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.**—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

“(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

“(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

“(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.”.

AMENDMENT NO. 1454, AS MODIFIED

(Purpose: To require the Secretary of Homeland Security to submit to Congress a report on reducing the time to travel between locations in the United States and locations in Ontario and Quebec by intercity passenger rail)

At the appropriate place, insert the following:

SEC. _____. (a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation with the entities specified in subsection (c), submit to Congress a report on improving cross-border inspection processes in an effort to reduce the time to travel between locations in the United States and locations in Ontario and Quebec by intercity passenger rail.

(b) **CONTENTS.**—The report required by subsection (a) shall include—

(1) an evaluation of potential cross-border inspection processes and methods including rolling inspections that comply with Department of Homeland Security requirements that would—

(A) reduce the time to perform inspections on routes between locations in the United States and locations in Ontario and Quebec by intercity passenger rail;

(2) an assessment of the extent to which improving or expanding infrastructure and increasing staffing could increase the efficiency with which intercity rail passengers are inspected at border crossings without decreasing security;

(3) an updated evaluation of the potential for pre-clearance by the Department of Homeland Security of intercity rail passengers at locations along routes between locations in the United States and locations in Ontario and Quebec, including through the joint use of inspection facilities with the Canada Border Services Agency, based on the report required by section 1523 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 121 Stat. 450);

(4) an estimate of the timeline for implementing the methods for reducing the time to perform inspections between locations in the United States and locations in Ontario and Quebec by intercity passenger rail based on the evaluations and assessments described in paragraphs (1), (2), and (3); and

(5) a description of how such evaluations and assessments would apply with respect to—

(A) all existing intercity passenger rail routes between locations in the United States and locations in Ontario and Quebec, including designated high-speed rail corridors;

(B) any intercity passenger rail routes between such locations that have been used over the past 20 years and on which cross-border passenger rail service does not exist as of the date of the enactment of this Act; and

(C) any potential future rail routes between such locations.

(c) **ENTITIES SPECIFIED.**—The entities to be consulted in the development of the report required by subsection (a) are—

(1) the Government of Canada, including the Canada Border Services Agency and Transport Canada and other agencies of the Government of Canada with responsibility for providing border services;

(2) the Provinces of Ontario and Quebec;

(3) the States of Maine, Massachusetts, New Hampshire, New York, and Vermont;

(4) the National Railroad Passenger Corporation; and

(5) the Federal Railroad Administration.

AMENDMENT NO. 1466, AS MODIFIED

(Purpose: To require a report)

On page 39, line 9, after “spending,” insert the following: “*Provided Further*, That not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit a report to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that includes (1) a plan for the acquisition of alternative temporary housing units, and (2) procedures for expanding repair of existing multi-family rental housing units authorized under section 689i(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 776(a)), semi-permanent, or permanent housing options:”.

AMENDMENT NO. 1465

(Purpose: To authorize the temporary reemployment of administrative law judge annuitants for disputes relating to certain public assistance applications under the Robert T. Stafford Disaster Relief and Emergency Assistance Act)

On page 77, between lines 16 and 17, insert the following:

SEC. 556. ADMINISTRATIVE LAW JUDGES.

The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary reemployment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 164).

AMENDMENT NO. 1464, AS MODIFIED

(Purpose: To protect the privacy of personal information provided by United States travelers who participated in the Registered Traveler program)

At the appropriate place, insert the following:

SEC. _____. PROPER DISPOSAL OF PERSONAL INFORMATION COLLECTED THROUGH THE REGISTERED TRAVELER PROGRAM.

(a) **IN GENERAL.**—Any company that collects or retains personal information directly from individuals who participated in the Registered Traveler program shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800-30, entitled “Risk Management Guide for Information Technology Systems”; and

(2) the National Institute for Standards and Technology Special Publication 800-53, Revision 3, entitled “Recommended Security Controls for Federal Information Systems and Organizations,”;

(3) any supplemental standards established by the Assistant Secretary, Transportation Security Administration (referred to in this section as the “Assistant Secretary”).

(b) **CERTIFICATION.**—The Assistant Secretary shall—

require any company through the sponsoring entity described in subsection (a) to provide, not later than 30 days after the date of the enactment of this Act, written certification to the sponsoring entity that such procedures are consistent with the minimum standards established under paragraph (a)(1)–(3) with a description of the procedures used to comply with such standards.

(c) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary shall submit a report to Congress that—

(1) describes the procedures that have been used to safeguard and dispose of personal information collected through the Registered Traveler program; and

(2) provides the status of the certification by any company described in subsection (a) that such procedures are consistent with the minimum standards established by paragraph (a)(1)–(3).

AMENDMENT NO. 1447

Mr. HATCH. Mr. President, I am proud to join with Senators CORNYN and PRYOR to offer this amendment to the Department of Homeland Security appropriations bill. This bipartisan amendment will bring clarity to the definition of what should be classified as a switchblade knife. This amendment is in response to a proposal by the U.S. Customs and Border Protection, CBP, to revoke four ruling letters that would change the definition of a switchblade knife.

The definition of what is a switchblade has been clear and settled since the Federal Switchblade Act was passed in 1958, and it has been reaffirmed by many years of legal decisions. The act is very clear that a switchblade must have an automatic mechanism that is activated by a button usually located on the handle. Without a button, it is not a switchblade, and this has been upheld by numerous cases on many levels over the years.

This amendment will clearly define that any knife that can be opened with one hand is not and should not be classified as a switchblade. This amendment conforms to the original intent of Congress when it passed the Federal Switchblade Act in 1958.

According to knife industry sources, 80 percent of pocketknives sold today are one-hand or assisted openers. On a daily basis, good working folks use these knives in their daily tasks as electricians, carpenters, and construction workers. As such, Leatherman-type multitools with one-hand opening features, as well as folding utility knives that have a stud on the blunt portion of the blade to assist one-hand opening, would have been defined as a switchblade. The amendment offered today will provide a permanent statutory remedy to this issue. This amendment will continue to prohibit switchblades, but not at the expense of knives that were never meant to be categorized as a switchblade. Because of that, I saw the need to offer this amendment.

I urge my colleagues to support this important amendment.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1428, AS MODIFIED

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Hatch amendment, No. 1428, as modified, be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1428), as modified, was agreed to.

Mr. NELSON of Florida. Mr. President, I come to the floor today to speak about an issue that I have been working on for several years and which has been addressed once and for all by the amendment that Senator HATCH has proposed—No. 1428—and that I have cosponsored, along with Senators CORNYN, BENNETT of Utah, SCHUMER, MENENDEZ, REID, KENNEDY, and GILLIBRAND. The amendment contains several important provisions, including my bill to put an end to what has become known as the “widow penalty.” This bipartisan support for this amendment has brought out the best in the Senate, and the Senate’s action today represents a great achievement.

Under our immigration laws, a foreigner who marries a U.S. citizen is entitled to become a permanent U.S. resident. Yet our own immigration service has been trying to deport several hundred widows and a few widowers—foreigners who had been married to American citizens when the Americans died.

To illustrate, here is a little story from a June 14 CBS “60 Minutes” rebroadcast:

Raquel Williams, a young nursing student from Brazil, was visiting Flor-

ida when one night she and three girl friends drove into a gas station. They caught the eye of a car full of guys who were also getting gas.

“I guess they noticed that we were, you know, not from here,” Raquel remembers, recalling when she first met her future husband. That chance meeting with Derek Williams led to love, marriage, and eventually parenthood. Two years after they met, their son Ian was born.

But then the unthinkable happened.

Raquel told “60 Minutes” she woke up about 4:30 a.m. one morning to find her husband lying on the couch. She could see something was wrong. He wasn’t breathing. Raquel called 911. “Please, please,” she pleaded, “come fast. Fast.”

But he was already gone. Derek had insomnia, so he would watch TV on their couch during the night. But he also had breathing problems and an irregular heartbeat, which proved fatal.

After he died, Raquel and Ian moved in with Derek’s parents. And 3 months after Derek died, Raquel finally had the immigration interview that she had been seeking for a year to gain status as a permanent U.S. resident.

She went to the interview with Ian, and brought all the documentation needed to prove she had been married to Derek; she also brought the death certificate.

Her case was denied. “They said, ‘You’re gonna have to go back to Brazil.’ And I said, ‘I have my son. You know? This is my son. He’s [an] American citizen.’ And they said that, ‘You can go. He can stay.’”

Ian was 5 months old at the time.

Raquel found herself caught in what is now referred to by many as the widow penalty—when a surviving spouse faces deportation because they had yet to be married 2 full years when their American husband or wife died.

Tragically, there are hundreds of cases in which men and women are crying out for common sense and reason to prevail. Earlier this year, I filed standalone legislation—the Fairness to Surviving Spouses Act of 2009—to put an end to the unfair and arbitrary widow penalty.

Then, 2 weeks ago, joined by Representative JIM MCGOVERN, the sponsor of the House counterpart to my bill, I held a meeting here in Washington with a number of surviving spouses from around the country. All of them today find themselves in Raquel’s situation.

They included Diana Engstrom, whose husband was killed working with the Army in Iraq, and Natalia Goukassian, a Florida woman who, like Raquel, lost her American husband and then found the Federal Government moving to deport her.

Natalia is but one of a few hundred spouses of deceased Americans whose legal status hangs in the balance, but

her story is illustrative. She came into the country legally from Russia and met her future husband. They married on June 30, 2006, and soon after they filed for Natalia’s permanent resident status in the Orlando office of Citizenship and Immigration Services. Tigran died on December 1, 2006, of an aggressive form of cancer related to his service in the U.S. military. Natalia was denied in March 2009. For now she is here legally, but that status soon will end unless this amendment becomes law.

Widows and widowers facing deportation were given a potential lifeline on June 9, when the Obama administration put plans to send them to their home country on hold. But the administration says they will need a permanent fix, legislation from Congress, to be able to keep them in the country.

Today, with the adoption of our amendment, we finally have given them one. Our amendment puts an end to the widow penalty once and for all. Surviving spouses would still need to prove their marriage was a bona fide marriage before receiving a green card. And they would still be counted against the overall cap of persons allowed to immigrate to this country each year. U.S. Citizenship and Immigration Services would retain the discretion to deny petitions, but they would no longer deny them automatically in response to the death of the citizen spouse.

The significance of the Senate’s action today to the surviving spouses who will benefit from its provisions cannot be overstated. Our government no longer will be “piling on” by responding to the tragic death of spouse with an order of deportation instead of an offer of condolences. On behalf of Diana Engstrom, Natalia Goukassian, Raquel Williams, and all the surviving spouses who will have the chance to continue their lives in this country, I thank my colleagues and look forward to seeing this provision, which reflects our values as Americans, embraced by the House so that it may finally become the law of the land.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I wish to present my second-degree amendment.

In a few minutes we will be voting on the Vitter second-degree amendment to the Dodd amendment. This is very straightforward and is something this body has considered very directly before. This amendment simply prohibits funds in the bill from being used by

Customs and Border security to prevent the reimportation of prescription drugs from Canada only and for personal use only. So it is a reimportation amendment but only from Canada and only for personal use. It is very limited in that regard.

Also, it only limits funds with regard to enforcement by Customs and Border security. There are numerous other agencies in the Federal Government, such as the Justice Department and many law enforcement agencies, which regularly are in the business of going after counterfeits and other problems in the drug trade. This amendment doesn't limit that activity in any way because it only impacts Customs and Border security.

Finally, this exact amendment was considered and passed by the Senate in July of 2006. It was not only passed by the Senate, but that Vitter amendment, essentially identical, was adopted 68 to 32. A few months later, modified language passed the entire Congress. It was somewhat modified, but it passed the entire Congress and is law now.

So based on all that history, I urge a strong bipartisan vote in favor of this amendment as we had in 2006. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise in opposition to my friend's amendment.

For the past several years, there has been a provision in this appropriations bill that says that Customs and Border Protection cannot stop an individual from bringing in on their person 90 days' worth of a prescription drug from Canada. While I am not crazy about that language, it has been law for some time and codifies what had been an existing practice at the border. However, my colleague from Louisiana is proposing to radically alter what happens at the border.

This amendment is bad policy, and I hope our colleagues will vote against it. It is not adequate to protect the public health, and it will not keep Americans safe.

This amendment would strike three important elements of existing law. Instead of just individuals, anyone could bring in drugs. There would be no license required for businesses to get into this line of work. There would be no inspections of their facilities, no minimum qualifications, no background checks, no limits on resale, no oversight whatsoever. This would be an open door for criminals to get into Americans' medicine cabinets.

The amendment removes the limit on the method of importation. Instead of bringing in the drugs on your person, you could do it by mail order or more likely via the Internet. This creates a problem with drugs coming not from Canada but through Canada. Many of the drugs ordered online today are pur-

ported to be from Canada, but when GAO and others investigate, they are found to be from other countries.

Finally, there would be no limits on the quantities permitted to be imported. Canada has only one-tenth the population of the United States. They cannot serve as our pharmacy. The drugs will be sourced from somewhere else. It is inevitable. While many people may be comfortable with drugs from Canada, I doubt they will have the same level of comfort with drugs from Pakistan, China, or Malta. There is nothing in this amendment to ensure that the drugs come from Canada, but there is every incentive for them not to come from Canada.

Most Americans who turn to imported drugs do so because of cost, but a counterfeit, tainted, or substandard drug is unsafe at any price. As we consider the issue of drug importation, the safety of our citizens must be our primary concern.

I support finding ways to reduce the cost of drugs but never at the expense of safety. So I urge my colleagues to oppose this amendment.

It is a well-intentioned amendment, I am sure. I care a great deal for my colleague, but I think we should oppose it and vote it down.

I yield the floor.

Mr. VITTER. Mr. President, I wish to briefly address some of the issues brought up by my distinguished colleague from Utah.

First, this amendment is only about individuals, and you can look at the clear language of the amendment. It is about individuals, not corporations, not mega businesses, not anything else but individuals.

Secondly, it is only about personal use. It is only about businesses not in the business of importing prescription drugs. So these individuals cannot be in that business, cannot be in that activity as a business. We specifically refer to the relevant portion of the Federal Food Drug and Cosmetic Act, section 801(g).

Third, it is for personal use because of that limitation.

Fourth, we are only limiting funds that go through border security for this purpose, not any other law enforcement agency; and there are many that are involved in the fight against counterfeits and other things, including the Department of Justice.

Fifth, and finally, this language was passed by this body in 2006 by a strong bipartisan vote of 68 to 32 and, as Senator HATCH said, a modified version was actually passed into law and has operated in law for 3 years, with no apparent safety problems that we are aware of.

I yield back my time and look forward to the vote.

Mr. HATCH. Mr. President, I yield back my time, also.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we just approved a 3-year extension of the Religious Workers Act, which has a good goal and a worthy motive. We need to do better with this program.

We did have, in this legislation that passed, a study of the program to see how well it is working. But in July of 2006, the Homeland Security Department conducted an evaluation of the program, and it was not a good report. Essentially, the situation is that a religious group would be entitled to ask for and petition for someone to be brought into the country to work in their religious entity. It is called a "religious worker program." It is usually not a minister, but some sort of lay worker.

The assessment was done by the Homeland Security group. It was an assessment of 200-plus cases, without any indication that any of those were fraudulent. They just took them at random and checked the 220 cases. Field inquiries were conducted where necessary, and fraud was determined to be the willful misrepresentation or falsification of a material fact—that means something that would probably have meant they were not entitled to the benefit of the program.

Under this evaluation, it was found that out of 220 cases evaluated, 72 were fraudulent; that is, 33 percent—or 1 out of 3—of the religious workers entering the country under this program entered fraudulently. That is not a good record. In fact, it appears to be the highest fraudulent record of any immigrant program we have in the country.

They cited some of the examples of abuses. For example, a beneficiary was invited into the country by a petitioner to work at a religious institution, and when they checked, the institution didn't exist. And the petitioner had filed a number of other petitions bringing in other people.

Another one dealt with a paper church—a church that didn't exist—and the addresses and all that were given were not legitimate.

Another one: Age 33, the beneficiary. The person who filed the petition to bring this foreign worker in couldn't be located, and there could be no connection between the person who petitioned and the group for which they claimed to be petitioning. So it appears that this individual petitioned for another individual to come and work at a school or a church, and the school or church they said they were going to work at didn't even know this was happening. Of course, when the person

came in, they were therefore just able to enter the country illegally and never worked at a church.

There are several more like that. Here is another one. The signer of the petition was no longer at the school, and the school board members interviewed said they didn't know who was invited to come through the petition and were not even aware a petition had been filed.

In another case, the petitioner had filed at least 82 petitions, with many fraudulent indicators, including the misrepresentation of the qualifications and duties of the beneficiary.

Another one dealt with a situation where the beneficiary couldn't be located, and the petitioner whose name was on the petition when found and interviewed said he didn't know anything about the filing. He didn't file it. So somebody just filed it and used his name and brought in somebody, supposedly to work at a religious institution, and it was all bogus.

So this is a program which has some real difficulties. I hope the study will help us figure out how to make it a more honest system that can meet the goals of our program without allowing for so much fraud and abuse.

Mr. President, I yield floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the following amendments be the only amendments remaining in order to the Byrd substitute amendment No. 1373 and H.R. 2892, and that at 8:25 p.m. the Senate proceed to vote in relation to the amendments in the order listed; that prior to each vote, there be 2 minutes of debate equally divided and controlled in the usual form; that no other amendments be in order; further, that upon disposition of the Vitter amendment No. 1467, the Dodd amendment No. 1458, as amended, if amended, be agreed to and the motion to reconsider be laid upon the table; that after the first vote in the sequence, the vote time be limited to 10 minutes each. The amendments in order are Vitter amendment No. 1467, Dodd amendment No. 1458, Coburn amendment No. 1433, Murray amendment No. 1468, Coburn amendment No. 1434, Grassley amendment No. 1415, and Sanders amendment No. 1430; that upon disposition of the listed amendments, the substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, and the Senate proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the

House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate and that members of the subcommittee be appointed as conferees; further, that if a budget point of order or any other point of order is raised and sustained, then it be in order for the majority manager to offer another substitute amendment minus any offending provision, but including any amendments which had been agreed to, and that no further amendments be in order; that the substitute amendment, as amended, if amended, be agreed to, and the remaining provisions beyond adoption of the substitute remaining in effect; and further, that the cloture motions be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VITTER AMENDMENT NO. 1467

Mrs. MURRAY. Mr. President, with that, we are ready to vote on the Vitter amendment.

Mr. VITTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

There is 2 minutes of debate equally divided prior to the vote.

Mr. VITTER. Mr. President, Senator HATCH and I have both spoken, and I am prepared to yield back the time.

Mrs. MURRAY. And I will yield back time.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to amendment No. 1467.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Florida (Mr. MARTINEZ), and the Senator from Oklahoma (Mr. INHOFE).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 36, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—55

Akaka	Conrad	Inouye
Baucus	Corker	Johnson
Begich	DeMint	Kaufman
Bennet	Dorgan	Klobuchar
Bingaman	Durbin	Kohl
Boxer	Feingold	Landrieu
Brown	Feinstein	Leahy
Cantwell	Franken	Levin
Cardin	Gillibrand	Lieberman
Casey	Grassley	Lincoln
Collins	Harkin	McCain

McCaskill	Sessions	Udall (NM)
Merkley	Shaheen	Vitter
Nelson (NE)	Shelby	Warner
Nelson (FL)	Snowe	Webb
Pryor	Specter	Whitehouse
Reid	Stabenow	Wyden
Sanders	Tester	
Schumer	Thune	

NAYS—36

Alexander	Crapo	Lautenberg
Barrasso	Ensign	Lugar
Bayh	Enzi	McConnell
Bennett	Graham	Menendez
Brownback	Gregg	Mikulski
Bunning	Hagan	Murkowski
Burr	Hatch	Murray
Carper	Hutchison	Risch
Chambliss	Isakson	Roberts
Coburn	Johanns	Udall (CO)
Cochran	Kerry	Voinovich
Cornyn	Kyl	Wicker

NOT VOTING—9

Bond	Dodd	Martinez
Burris	Inhofe	Reed
Byrd	Kennedy	Rockefeller

The amendment (No. 1467) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1458, AS AMENDED

The PRESIDING OFFICER. Under the previous order, amendment No. 1458, offered by the Senator from Connecticut, Mr. DODD, as amended, is agreed to, and the motion to reconsider is considered made and laid upon the table.

The amendment (No. 1458), as amended, was agreed to.

AMENDMENT NO. 1433 TO AMENDMENT NO. 1373

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1433, offered by the Senator from Oklahoma, Mr. COBURN.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I had a chance to discuss amendment No. 1433 with Senator COBURN during the previous vote. I believe he is willing to take a voice vote on it.

Mr. COBURN. Mr. President, I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1433 to amendment No. 1373.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the payment of bonuses to government contractors for poor performance)
At the appropriate place, insert the following:

PROPER AWARDING OF INCENTIVE FEES FOR CONTRACT PERFORMANCE

SEC. _____. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this

Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

Mr. COBURN. Mr. President, I agree with the Senator from Washington. This simply eliminates inappropriate bonuses at the Department of Human Services. We did that at the Department of Defense, which saved \$500 million. It is also an OMB reg for the agency.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1433) was agreed to.

AMENDMENT NO. 1468, TO AMENDMENT NO. 1373

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I call up amendment No. 1468.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk the read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 1468 to amendment number 1373.

The amendment is as follows:

At the appropriate place insert the following:

None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided on the amendment.

Mrs. MURRAY. Mr. President, for the information of all Senators, the amendment following the vote on the Murray amendment is a Coburn amendment about ensuring that government contracts are competitively awarded. I agree with the premise of the amendment that follows this. However, his amendment is drafted in a way that precludes certain types of contracts that are authorized by statute and have the strong support of Congress. For example, his amendment doesn't acknowledge contracts that are authorized by the Small Business Act, such as minority-owned businesses, women-owned businesses, businesses owned by service-disabled veterans. The Coburn language also ignores the AbilityOne Program, known as the Javits-Wagner-O'Day Program, which provides job opportunities for blind and disabled Americans through Federal contracts.

The amendment I am offering assures that we do award government con-

tracts competitively but does it in a way that makes sure we take care of small businesses and veteran-owned businesses and women-owned businesses.

I encourage all my colleagues to vote for the Murray amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. COBURN. Mr. President, if I understand this correctly, this will actually eliminate competitive bidding on grants so grants may be earmarked and would not have to be competitively bid. I believe it is important the American people know we competitively bid for contracts and we competitively bid for grants on the basis of priority and merit. Therefore, I am in opposition to this amendment and in support of my amendment.

The PRESIDING OFFICER. Is there further debate on the Murray amendment?

Mr. COBURN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1468.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Florida (Mr. MARTINEZ).

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 24, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—67

Akaka	Grassley	Murray
Alexander	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Bayh	Hatch	Pryor
Begich	Hutchison	Reid
Bennet	Inouye	Roberts
Bingaman	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kerry	Shaheen
Brownback	Klobuchar	Snowe
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dorgan	McCaskey	Webb
Durbin	McConnell	Whitehouse
Feingold	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murkowski	

NAYS—24

Barrasso	Crapo	Kyl
Bennett	DeMint	Lugar
Bunning	Ensign	McCain
Burr	Enzi	Risch
Chambliss	Graham	Sessions
Coburn	Gregg	Shelby
Corker	Isakson	Thune
Cornyn	Johanns	Vitter

NOT VOTING—9

Bond	Dodd	Martinez
Burris	Inhofe	Reed
Byrd	Kennedy	Rockefeller

The amendment (No. 1468) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. MENENDEZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1434 TO AMENDMENT NO. 1373

Mrs. MURRAY. Mr. President, I believe Coburn amendment No. 1434 is in order.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, this is a simple amendment. It is a common-sense amendment. It says we should competitively bid contracts at the Department of Homeland Security, and we should competitively bid grants. If you vote against my amendment, you are saying we should not. That is all there is to it.

Mr. President, I yield back.

The PRESIDING OFFICER. Is the Senator offering the amendment?

Mr. COBURN. Mr. President, I actually have to offer the amendment. I call up amendment No. 1434 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1434 to amendment No. 1373.

Mr. COBURN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit no bid contracts by requiring the use of competitive procedures to award contracts and grants funded under this Act)

At the appropriate place, insert the following:

COMPETITIVE BIDDING

SEC. ____ (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant unless the process used to award such grant uses competitive procedures to select the grantee or award recipient.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senate just adopted an amendment that ensures that the government contracts are competitively awarded. The amendment Senator COBURN is now offering will undo everything we just did to assure that all businesses—small business, minority-owned businesses, women-owned businesses, businesses owned by service-disabled veterans—will be eligible to bid on these contracts.

I urge the Senate to vote no.

Mr. COBURN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Florida (Mr. MARTINEZ).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 60, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—31

Barrasso	Ensign	McCaskill
Brownback	Enzi	McConnell
Bunning	Feingold	Risch
Burr	Graham	Sessions
Carper	Grassley	Shelby
Chambliss	Gregg	Thune
Coburn	Isakson	Vitter
Corker	Johanns	Webb
Cornyn	Kyl	Wicker
Crapo	Lugar	
DeMint	McCain	

NAYS—60

Akaka	Cochran	Johnson
Alexander	Collins	Kaufman
Baucus	Conrad	Kerry
Bayh	Dorgan	Klobuchar
Begich	Durbin	Kohl
Bennet	Feinstein	Landrieu
Bennett	Franken	Lautenberg
Bingaman	Gillibrand	Leahy
Boxer	Hagan	Levin
Brown	Harkin	Lieberman
Cantwell	Hatch	Lincoln
Cardin	Hutchison	Menendez
Casey	Inouye	Merkeley

Mikulski	Roberts	Tester
Murkowski	Sanders	Udall (CO)
Murray	Schumer	Udall (NM)
Nelson (NE)	Shaheen	Voinovich
Nelson (FL)	Snowe	Warner
Pryor	Specter	Whitehouse
Reid	Stabenow	Wyden

NOT VOTING—9

Bond	Dodd	Martinez
Burris	Inhofe	Reed
Byrd	Kennedy	Rockefeller

The amendment (No. 1434) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1415

Mrs. MURRAY. Mr. President, the next amendment in order is the Grassley amendment No. 1415. I have told the Senator we are willing to take it on a voice vote if he wants to offer it. I call up amendment No. 1415.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1415) was agreed to.

AMENDMENT NO. 1430 TO AMENDMENT NO. 1373

Mrs. MURRAY. Mr. President, the next amendment and final amendment in order is the Sanders amendment. I believe the Senator will speak.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, this amendment is cosponsored by Senator CASEY, Senator CARPER, and Senator KERRY. It is also supported by the National Volunteer Fire Council representing the interests of over 800,000 volunteer firefighters.

At a time when due to the economic crisis fire departments all over this country are laying off firefighters, and in rural America volunteer fire departments are finding it increasingly difficult to attract and retain those firefighters who not only help us, saving our property and our lives, but also are involved in EMS services, we are putting some of that \$100 million directly into recruitment and retention for volunteer firefighting efforts. The offset is the science and technology fund, which I have nothing against, but I think the priorities now have to be for firefighting and for volunteer fire departments.

I yield 15 seconds to Senator CASEY.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself, Mr. CASEY, Mr. KAUFMAN, and Mr. KERRY, proposes an amendment numbered 1430 to Amendment No. 1373.

The amendment is as follows:

(Purpose: To increase funding for firefighter assistance grants and recruitment and retention grants)

At the appropriate place, insert the following:

SEC. ____ FIREFIGHTER ASSISTANCE GRANTS AND RECRUITMENT AND RETENTION GRANTS.

For an additional amount for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) under the heading "FIREFIGHTER ASSISTANCE GRANTS" under the heading "FEDERAL EMERGENCY AND MANAGEMENT AGENCY" under title III there are appropriated \$100,000,000, of which \$50,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and \$50,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a) : *Provided*, That of the \$50,000,000 made available under this section to carry out section 34 of that Act (15 U.S.C. 2229a), \$20,000,000 shall be available for recruitment and retention grants under that section. The total amount of appropriations under the heading "RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS" under the heading "SCIENCE AND TECHNOLOGY" under title IV of this Act is reduced by \$100,000,000.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise in opposition to this amendment. I also want fire grants. I want everybody to understand that the committee amendment already has \$810 million in it for fire grants. That is an increase of \$35 million. We just adopted another amendment to add \$10 million to this.

The offset that is in this bill will eliminate all the technology development and design to address capabilities. It decimates the counter-improvised explosive device—IED—technology. It specifically eliminates mass transit-specific counter-IED technologies. It decimates cyber-security research and development. The Senate computers are being attacked today. It eliminates the research to make sure we can stop that. It eliminates development and assessment of high throughput cargo screening technology. The list goes on.

I believe we should be doing all we can for our firefighters. Even the International Association of Firefighters does not support this amendment—although I appreciate the Senator offering this amendment, and I agree with what he would like to do. But the offset decimates much of the technology we need to protect our citizens.

I urge a "no" vote.

Mr. SANDERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 1430.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote aye.

Mr. KYL. The following Seantors are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Florida (Mr. MARTINEZ).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 58, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—32

Baucus	Franken	Schumer
Bennet	Harkin	Shaheen
Boxer	Johanns	Snowe
Brown	Johnson	Specter
Cardin	Kaufman	Tester
Carper	Klobuchar	Thune
Casey	Kohl	Udall (CO)
Dorgan	Lincoln	Warner
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden
Feinstein	Sanders	

NAYS—58

Akaka	Ensign	McConnell
Alexander	Enzi	Menendez
Barrasso	Gillibrand	Murkowski
Bayh	Graham	Murray
Begich	Grassley	Nelson (NE)
Bennett	Gregg	Nelson (FL)
Bingaman	Hagan	Pryor
Brownback	Hatch	Reid
Bunning	Hutchison	Risch
Burr	Inouye	Roberts
Cantwell	Isakson	Sessions
Chambliss	Kerry	Shelby
Coburn	Kyl	Stabenow
Cochran	Landrieu	Udall (NM)
Collins	Lautenberg	Vitter
Conrad	Levin	Voinovich
Corker	Lieberman	Webb
Cornyn	Lugar	Wicker
Crapo	McCain	
DeMint	McCaskill	

NOT VOTING—10

Bond	Inhofe	Reed
Burr	Kennedy	Rockefeller
Byrd	Leahy	
Dodd	Martinez	

The amendment (No. 1430) was rejected.

Mr. REID. Mr. President, I move to reconsider.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RISK MAPPING, ASSESSMENT, AND PLANNING PROGRAM

Mr. MENENDEZ. Mr. President, I rise for the purpose of entering into a colloquy with the Senator to highlight a serious concern with regard to FEMA's subcontracting practices related to the Risk Mapping, Assessment, and Planning Program.

Mrs. MURRAY. I welcome a colloquy with my distinguished colleague.

Mr. MENENDEZ. I thank the Senator. I have constituents back in my home State of New Jersey who have highlighted a concern with a current FEMA solicitation for their Risk Mapping, Assessment, and Planning Program. I am concerned that this solicitation shuts out both small and medium sized businesses. After Hurricane Katrina, FEMA was, rightly so, criti-

cized for issuing sole-source contracts to three very large companies. We need to be sure this pattern is not repeating itself.

I agree that updating the Nation's flood map is critical to managing and reducing the Nation's flood risk, but operating the program to benefit taxpayers by utilizing local, highly qualified businesses, I am sure, will produce the best results for the region, the State, and the country as well.

In addition, I believe that taking local companies, with over a decade of experience and a track record of success, out of regional Indefinite Quantity and Indefinite Delivery contract work is counterproductive and has the potential to cost the taxpayers more money while providing an inferior product.

Mrs. MURRAY. I thank the Senator from New Jersey for highlighting this issue. I agree that the flood-map program is an instrumental tool in reducing the loss of life and property from floods. The Homeland Security Subcommittee will work with the Senator to review the recent contract solicitation. I am committed to ensuring that DHS invests acquisition dollars in projects that are well planned, competitively awarded, well managed, closely overseen, and best able to serve local needs.

Mr. MENENDEZ. I appreciate the Senator's comments on that. This is not just about the State of New Jersey, which has had a number of flooding problems in the past, but this is an important concern of fairness to address the issue of flooding across the country as well. I thank the Senator for her interest and willingness to work with me on this issue.

Mr. LIEBERMAN. Mr. President, I rise to say a few words about the fiscal year 2010 appropriations bill for the Department of Homeland Security.

First, let me thank my colleagues who have worked to develop this legislation, especially Senators BYRD and VOINOVICH, the chairman and ranking member, respectively, of the Appropriations subcommittee on Homeland Security. I also thank Senators INOUE and COCHRAN, the chairman and ranking member of the full Appropriations Committee. Finally, thanks also to Senator MURRAY for her skilled management of the appropriations bill in Senator BYRD's absence.

The bill before us is a fair, carefully balanced, and well-considered spending plan for the Department of Homeland Security. The resources provided in the bill are sufficient to carry out the Department's core missions of protecting the homeland against the threat of terrorism, securing our borders, enforcing our immigration laws, and preparing for and responding to terrorist attacks and natural disasters. While there are many programs and activities at DHS deserving of funding above the level

provided in this bill, we are in a time of serious economic challenge, and obviously tough choices had to be and were—made in putting this legislation together.

This bill reflects the priorities of a department that has made great strides in the last 6 years but still faces many hurdles before we can say it has fulfilled the mission Congress laid out for it in 2002. Senator COLLINS and I have worked together since DHS was created—alternating as chairman and ranking member of the primary authorizing committee for the Department—to strengthen the Department's ability to carry out its many national security missions, to strengthen its management, facilitate its integration, and to hold its leadership accountable to an American public that has a right to be safe and secure within the borders of our own nation.

In May, I wrote to Chairman BYRD and Ranking Member VOINOVICH setting forth what I believed to be the most significant appropriations priorities for the Department, and I am grateful that a number of my recommendations have been incorporated into this bill. Let me briefly discuss a few sections of this bill that I believe are particularly important to our homeland security.

First, I am pleased the Appropriations Committee recognized that the Department's management and operations accounts need adequate funding if DHS is to succeed as it must. Secretary Napolitano has emphasized the need to create "One DHS" where the Department's many components are working closely together. To accomplish this, the offices for policy, human capital, acquisition, and information technology need additional resources, and all received significant increases in their budgets. The additional investments in acquisition oversight is particularly gratifying, as it will improve the Department's ability to oversee the \$12 billion it spends each year on contracts with the private sector to better ensure our tax dollars are not wasted on bloated or ineffective programs.

In previous years, these management and operations accounts have often been used as offsets for amendments. I would urge my colleagues to refrain from offering amendments that would take away funds from management and operations; these funds are critical to the success of the entire Department.

Second, this bill, together with the funding provided in the fiscal year 2009 supplemental, significantly increases resources for combating violence on our southern border and includes the bulk of the \$500 million in border security funding Senator COLLINS and I successfully added to the Senate budget resolution in March. The FBI has said that the Mexican drug cartels are the No. 1 organized crime threat in America today, replacing the Mafia, and now

DHS will be able to send over 500 additional law enforcement officers to ports of entry. Almost half will help conduct southbound inspections to interdict the illegal flow of cash and guns into Mexico that is fueling the cartel-driven violence.

The funding will also add hundreds of ICE investigators to work on drug, currency, and firearms cases in the border region and will expand the Border Enforcement Security Task Force fusion centers that ICE has established along the southwest border. This funding was badly needed to help Federal, State, and local law enforcement agencies take down these sophisticated and dangerous drug-and-human smuggling networks. The Mexican drug cartels represent a clear and present threat to homeland security, and I remain fully committed to working with the administration to support our Federal law enforcement agencies in this crucial fight.

Third, this bill continues funding for the Homeland Security Grant Programs that our first responders need to prepare for acts of terrorism and natural disasters at the State, local, and tribal levels. Funding for the State Homeland Security Grant Program, which provides basic preparedness funds to all States and is the largest of DHS's grant programs, remains steady from last year at \$950 million, including \$60 million for grants focused on border security, essentially the full level authorized by Congress in the implementing recommendations of the 9/11 Commission Act of 2007. Funds for Urban Area Security Initiative, UASI, grants, which provide resources to the Nation's highest risk metropolitan areas, are increased by nearly \$50 million over last year.

I am also pleased that funding for SAFER grants, which assist local fire departments with the cost of hiring new firefighters, was doubled to \$420 million for fiscal year 2010. In this era of budget constraints, this funding will help ensure that communities are able to continue to staff their local fire houses. The Appropriations Committee has also wisely restored a significant portion of the funding cut from the President's budget for assistance to firefighter grants. These grants fund essential equipment, vehicles and training for firefighters. However, the \$380 million for these grants represents a cut of nearly one-third below the fiscal year 2009 appropriation.

Fourth, this bill wisely supports the administration's request for a significant increase in funding for cybersecurity at DHS, which has been identified as one of our top national security priorities. The Department needs resources to protect Federal civilian networks from cyber-related threats and to work with the private sector to protect their networks and infrastructures. The Homeland Security and Gov-

ernmental Affairs Committee is currently working to develop legislation that strengthens the government's authorities with respect to cybersecurity, so this funding decision is particularly important.

This bill makes other essential homeland security investments in port security, transit security, science and technology, and biosecurity, all of which are critical to the overall security of the Nation.

I am concerned that the bill cuts funding for FEMA's main operating account, making it difficult for FEMA to continue implementing the critical improvements necessary for it to become, nearly 4 years after Hurricane Katrina, the "new FEMA."

Also, insufficient funding has been appropriated for the Secret Service to make necessary improvements to its information technology systems, and, in particular, to complete essential work to allow secure communications between the Secret Service's White House detail and its field office.

Despite these particular concerns, however, I believe that overall this is a strong and essential piece of legislation. I thank the leadership and the members of the Appropriations Committee for their work on this bill and strongly urge my colleagues to support its passage.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this has been a long day, but I appreciate everyone's cooperation. It has taken a long time to get to where we are. We set out this week to accomplish a few things, and with the cooperation of the Members, we have been able to do it. We don't have to vote tomorrow; we don't have to vote over the weekend. Our first vote next week will be at 5:30 p.m. on the nomination of the Census Director, Mr. Groves. That is on cloture with Mr. Groves.

We are coming in at 10 a.m. tomorrow, but there will be no votes. Monday, we will be in at 11 a.m. Senators LEVIN and MCCAIN will begin managing the Defense Authorization bill, and we appreciate being able to start that. There are a lot of very big, important amendments on that bill.

Next week is the only disjointed week of this work period. As I indicated earlier, we will have no votes after 2 p.m. on Tuesday, and Friday has been long announced as a no-vote day, which means the following 3 weeks are going to be very grueling, and everyone should understand that.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are now moving to final passage on the Homeland Security Appropriations bill. I thank all our Senators, especially Senator VOINOVICH, for his cooperation. I want to thank all our staff members, and I will submit their

names for the RECORD. I thank everyone for helping us move this bill forward.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I would be remiss if I didn't thank, first of all, the chairman of our subcommittee, ROBERT BYRD, for the cooperation he has shown me and his staff. I particularly thank Senator MURRAY. I think this is my first opportunity to do one of these bills on the floor of the Senate, and it has been an interesting experience for me.

I also particularly thank Chuck for his work, and my great staff here, because without them, we wouldn't have been able to get this job done. I thank all of you for your cooperation in making this all happen.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Under the previous order, the substitute amendment, as amended, is agreed to.

The amendment (No. 1373), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill as amended, pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) would each vote "aye."

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Florida (Mr. MARTINEZ).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 84, nays 6, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—84

Akaka	Franken	Mikulski
Alexander	Gillibrand	Murkowski
Barrasso	Graham	Murray
Baucus	Grassley	Nelson (NE)
Begich	Gregg	Nelson (FL)
Bennet	Hagan	Pryor
Bennett	Harkin	Reid
Bingaman	Hatch	Risch
Boxer	Hutchison	Roberts
Brown	Inouye	Sanders
Brownback	Isakson	Schumer
Bunning	Johanns	Sessions
Cantwell	Johnson	Shaheen
Cardin	Kaufman	Shelby
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Cochran	Kyl	Tester
Collins	Landrieu	Thune
Conrad	Lautenberg	Udall (CO)
Corker	Levin	Udall (NM)
Cornyn	Lieberman	Vitter
Crapo	Lincoln	Voinovich
Dorgan	Lugar	Warner
Durbin	McCaskill	Webb
Enzi	McConnell	Whitehouse
Feingold	Menendez	Wicker
Feinstein	Merkley	Wyden

NAYS—6

Bayh	Coburn	Ensign
Burr	DeMint	McCain

NOT VOTING—10

Bond	Inhofe	Reed
Burris	Kennedy	Rockefeller
Byrd	Leahy	
Dodd	Martinez	

The bill (H.R. 2892), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

VOTE EXPLANATION

• Mr. REED. Mr. President, I was necessarily absent for tonight's votes on H.R. 2892, the Department of Homeland Security Appropriations Act, as I was attending a wake for a Rhode Island constituent. Had I been present for the vote on final passage, I would have voted in favor of this legislation. •

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer appointed Mr. BYRD, Mr. INOUE, Mr. LEAHY, Ms. MIKULSKI, Mrs. MURRAY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. TESTER, Mr. SPECTER, Mr. VOINOVICH, Mr. COCHRAN, Mr. GREGG, Mr. SHELBY, Mr. BROWNBACK, and Ms. MURKOWSKI conferees on the part of the Senate.

Mrs. MURRAY. Mr. President, I move to reconsider the vote and I move to lay that motion on the table on the last vote.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent the Senate proceed to morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUDAN ACCOUNTABILITY AND
DIVESTMENT ACT

Mr. DODD. Mr. President, just before we left for the Fourth of July work period, U.S. diplomats hosted a forum in Washington to bring together representatives from 33 countries, a host of nongovernmental organizations, and others interested in Sudan. The purpose of the gathering was to reiterate their support for Sudan's 2005 Comprehensive Peace Agreement, CPA, and to develop an effective way forward on Sudan. During the forum, leaders from Sudan's southern region and the Khartoum Government agreed to a joint communiqué highlighting "the importance of credible, peaceful and transparent nationwide elections" in 2010 and to holding a referendum on the south's secession in 2011.

While this appears to be a positive step on north-south relations, like many of my colleagues, I remain deeply concerned about the situation in the south and about the policies of Sudanese President Omar Bashir in the Darfur region—policies that have led to the murder of hundreds of thousands of innocent people. So while I appreciate the significance of the communiqué I remain skeptical of the Khartoum Government's commitment to the north-south peace process, and to fair elections, and hope the Obama administration will maintain pressure on the government of President Bashir and hold that government accountable for a change in direction and real results. Following up on this event, I wish to discuss the Sudan Accountability and Divestment Act of 2007 and to update my colleagues on its recent implementation.

In October of 2007, after months of consulting with interested stakeholders, I was joined by Ranking Member SHELBY in introducing a bill that empowered our country's State and local governments to divest from companies with business operations in Sudan. My colleagues, particularly Senators DURBIN and BROWNBACK, and I were very concerned about the ongoing violence in Sudan, especially in the southern and western regions such as Darfur where the Sudanese Government arms the militias which have ravaged communities and killed many innocent people. The international community has condemned President Omar Bashir for his role in authorizing this genocide, and he has been indicted by the International Criminal Court for these crimes. Given the developments in Sudan and a worsening situation there, we thought it was imperative that we help strengthen the growing movement in the United States of those interested in divesting from Sudanese businesses whose presence serves to bolster and support Sudan's Government, enabling its security forces, and those militias responsible to them, to continue to commit these atrocities.

By the time this bill was brought to the floor, 20 U.S. States had initiated some form of divestment from Sudanese firms, and divestment campaigns were underway in many other States. However, a Federal district court in Illinois had held the State's divestment law unconstitutional and permanently enjoined its enforcement. The Sudan Accountability and Divestment Act was written partly in response to these complications and designed to provide States and local governments, as well as businesses and investors, the authority and legal framework to proceed with divestment. The Senate passed the bill by unanimous consent, the House took it up and adopted it several days later, and the President signed it into law on December 31, 2007.

The law was deliberate in targeting four specific economic sectors widely recognized as key sources of revenue for the Sudanese Government: oil, power production, minerals, and military equipment. According to one former Sudanese Finance Minister, 70 percent of the Khartoum Government's share of oil profits was spent on military equipment used to bolster militias like the janjaweed.

According to the Sudan Divestment Task Force, since the enactment of our legislation, five more States have passed divestment laws targeting Sudan, with many State and local retirement funds divesting hundreds of millions of dollars in assets. Four States have prohibited contracting with corporations that provide support to the Sudanese Government, demonstrating broad-based support for the divestment movement.

The law also serves to enable acts of conscience in the private sector, allowing businesses and investors the right to divest from Sudan-related assets without violating their normal fiduciary responsibilities. The number of universities, companies, and investment funds, as well as international and religious organizations, engaged in divestment is growing. For example, shareholders of Vanguard and Fidelity funds and pensioners from TIAA-CREF recently assembled to ask their managers to withdraw investments from Sudan.

Finally, the act requires Federal Government contractors to certify that they are not conducting business operations in Sudan that bolster the Sudanese Government's capabilities. This provision was meant to ensure that U.S. taxpayers' money is not aiding, even indirectly, a regime that systematically murders its own population. Even so, some critics have suggested that the law's implementation at the Federal level has come up short, particularly regarding limits on U.S. Government procurement. It is critical that the U.S. Government enforces a fair and appropriate certification process on companies that are conducting

certain business sanctionable under the act. Additionally, updated information must be maintained by relevant contracting agencies. Such a process requires a concerted, interagency effort, not an ad hoc approach. Some work remains to be done to coordinate such a policy. I have been in contact with various Federal agencies to address these concerns and will continue to work with them to get this right.

Meanwhile, various nonprofit organizations such as the U.S.-based Genocide Intervention Network and its newly initiated Conflict Risk Network are providing innovative solutions to investors who feel motivated to divest out of moral and prudential obligations. Thanks to such efforts, investors can make well-informed assessments of Sudan's conflict zones and understand the political and reputational risks associated with investments in Sudan. Moreover, States and local governments now have more credible information on which to base their divestment decisions. Save Darfur, another nonprofit organization, continues to educate millions of people around the world about the ongoing atrocities in Sudan and provides activists with effective tools and resources. Others are following suit.

In the end, these efforts are being made to maintain pressure on the Sudanese Government and to effect positive change there. But much work remains to be done. Actions, not words, must be the true test of progress there.

As State and local governments, businesses, and private investors continue to press the government in Khartoum through their divestment efforts, they should be applauded. But we must maintain the pressure and closely monitor the situation. And the Obama administration must stay actively and assertively involved. The President understands this, and I am pleased that he has appointed a new special envoy to Sudan, retired general Jonathan Scott Gration, to coordinate U.S. policy on Sudan. I look forward to working with him on these important issues. I hope that the many ways the international community is seeking to press the Sudanese Government for real change, and the many ways our government is joining that effort—including by tough and thoroughgoing implementation of the Sudan Accountability and Divestment Act—will begin to bring critical change to this troubled region and to its suffering people.

HONORING OUR ARMED FORCES

SENIOR CHIEF PETTY OFFICER DANIEL HEALY

Mr. GREGG. Mr. President, it is my honor to rise today in special tribute to SCPO Daniel Healy of Exeter, NH. I am proud to recognize the dedication ceremony of the "SCPO Daniel Healy USN SEAL" Memorial Monument and Bridge in honor of his courageous service to the United States of America.

On June 28, 2005, Daniel lost his life when his helicopter was shot down during a rescue mission to save the lives of fellow soldiers in Kunar Province, Afghanistan. For his fearlessness under fire, Senior Chief Petty Officer Healy was posthumously awarded the Bronze Star with Combat "V" for Valor, the Purple Heart, and the Afghanistan Campaign Medal. In recognition of outstanding performance throughout his military career, Daniel was awarded the Navy and Marine Corps Achievement Medal, the Joint Meritorious Unit Award, the Meritorious Unit Commendation, the National Defense Service Medal, and the Good Conduct Medal.

On Sunday, July 19, 2009, the town of Exeter, NH, will honor Daniel by renaming the Guinea Road Bridge and Exeter Town Pool, in remembrance of his life and service. Although we can never truly do enough to honor his sacrifice, this bridge and monument will stand as a lasting testament to a dedicated individual that selflessly paid the ultimate sacrifice in support of his brothers in arms.

This dedication speaks volumes about Daniel's character. At a time when we have two wars ongoing, it is an extraordinary reminder of the kind of person who serves this country and commits him or herself to the protection of others, even until death. I am sure that Daniel would be the first to say that although this bridge and pool will bear his name, the honor truly belongs to everyone who proudly wears the uniform of our great Nation.

Daniel's kind and determined attitude will always be remembered by those who knew him and it is with the utmost respect that we remember his life with this entry into the official CONGRESSIONAL RECORD. On behalf of my wife Kathy, and myself, I want to express our deep gratitude and respect for a father, husband, son, brother, and true American hero. With this, I ask my colleagues to join me in thanking Daniel's family for his service to the Nation and his devotion to our freedom.

INDIA AND HONDURAS

Mr. CORNYN. Mr. President, today I would like to address America's policies toward two nations. Each of these nations has strong democratic institutions. Each of these nations is a key trading partner of the United States. And each of these nations offers even more potential for cooperation in the future—if the administration makes the right choices going forward. These two nations are India and Honduras.

First, I would like to discuss America's relationship with India. India is the world's largest democracy—and one of the world's largest and most dynamic economies. During this decade, India and the United States have co-

operated more closely than ever before. America is now India's largest trading and investment partner. Last year Congress authorized a new era in civil nuclear cooperation between our two countries—which I was proud to support. India has joined the United States and many nations in supporting the people of Afghanistan. India has committed more than \$1.2 billion to reconstruction efforts there. Our nations work closely together to fight terrorists—especially since the devastating attacks in Mumbai last year. And since 2004, India and the United States have built a strategic partnership—based on our common values—and committed to expanding opportunities in education, energy, and beyond.

As cochairman of the Senate's India Caucus, I strongly support closer ties with our strategic partner in South Asia. Yesterday, several of my colleagues and I had breakfast with Secretary Clinton at the State Department. I am pleased that she sees India as a top priority for our Nation's diplomatic engagement. I appreciate her determination to strengthen our strategic partnership with India in security, trade, and many other issues. I wished her well in her visit to India in the coming weeks.

I also took the opportunity to bend the Secretary's ear on the subject of Honduras. Honduras and the United States have been good friends and neighbors for many years. We are trade partners through the Central American Free Trade Agreement. Our two peoples cherish our independence and liberty—and have helped others claim their freedom. Honduras joined the United States as one of the first contributors to Operation Iraqi Freedom. Most of all, the people of Honduras and the United States respect the democratic institutions we have built—and we honor the rule of law.

Honoring the rule of law means that no one is above the law—including the President. In Honduras, the President is limited to a single term in office. Their Constitution—like the U.S. Constitution—places strict limits on the executive power. These limits are important to the Honduran people because of the history of authoritarian rule in their country—including periods of military dictatorship.

Unfortunately, President Zelaya was not happy with the limits to his power—so he tried to get the Constitution changed. First he tried to do so legally. Then he tried to do so illegally. Eventually he tried to order the military to help him get his way. In short, President Zelaya saw himself as the Honduran Hugo Chavez. And he has relied on Chavez's political and material support—including Venezuelan-owned media—in his quest for more power.

President Zelaya's attempts to subvert the Constitution became too much for the people of Honduras. It was too

much for their supreme court, for their Congress, and for their military—all of whom agreed that President Zelaya had acted way beyond the powers of his office. So the other branches of government acted and removed Mel Zelaya from office on June 28.

I met with representatives of the Honduran people yesterday. They included two former Presidents of Honduras, several Honduran Congressmen, and two leaders who helped draft their Constitution in 1982. They all agreed that the legislative and judicial branches of government acted properly. They acted justly. They acted constitutionally. I believe the United States should stand with the Honduran people and with the Constitution they wrote.

Unfortunately, the Obama administration has loudly taken the wrong view on Honduras. From day one, the White House and the State Department have issued strong statements in defense of Mel Zelaya and offered no support to all the other constitutional officers in Honduras.

Just this week in Moscow, President Obama again called for the return of Mel Zelaya to power—just as Hugo Chavez, Raul Castro, and Daniel Ortega are doing.

The United States should not be standing with the dictators and demagogues of our region—we should be standing with the people of Honduras and all who wish to live in freedom and under the rule of law.

So I told Secretary Clinton yesterday that she should rethink the administration's approach to Honduras. I said I shared her hope that mediation by President Arias of Costa Rica would be successful. Yet I also made clear that America's priority should be to nurture freedom and support the rule of law and not excuse or enable the ambitions of tyrants.

25TH ANNIVERSARY OF MINOR LEAGUE BASEBALL IN VERMONT

Mr. SANDERS. Mr. President, I rise today to commemorate the 25th anniversary of the return of professional baseball to Burlington, VT.

I recall that moment 25 years ago with great clarity, as it occurred when I was mayor of the city of Burlington. After a series of lengthy, but eventually productive, negotiations with the Eastern League and the owner of one of its teams, my administration with the help of some local and very dedicated baseball buffs—was successful in bringing the Vermont Reds to Burlington. This AA-league team thrilled baseball fans—young and old, who watched them play at Centennial Field, which boasts a grandstand that is the oldest complete grandstand structure in use in Minor League Baseball. We watched Barry Larkin, Jeff Montgomery, Rob Dibble, Chris Sabo, Paul O'Neill and Norm Charlton play for the Vermont

Reds. These fine athletes later went on to become the core of the 1990 World Champion Cincinnati Reds. Larkin won the National League MVP Award in 1995 and O'Neill won four more World Series rings with the New York Yankees. The Reds eventually left, to be replaced by the Vermont Mariners, and Vermont spectators had the thrill of watching certain Hall-of-Famer Ken Griffey Jr. speed around the bases as he played for our new team.

When the Mariners left, the Single-A Expos took their place; when Montreal's franchise moved to Washington, the Expos became a Washington Nationals farm team and were renamed the Vermont Lake Monsters. Today, the Lake Monsters fill the stands during the summer months, as baseball fans come to watch America's pastime in picturesque surroundings.

It is worth celebrating this quarter-century of baseball in Burlington, as Centennial Field has been called home by some outstanding players and amazing Minor League teams. Apart from those I have already mentioned—many of our players continued their careers in the Big Show. The scenic setting, the welcoming stands, the fan-based promotions, and of course the thrill of professional baseball all combine to make this a great family-friendly arena. Throughout the years, more than 2 million fans have enjoyed rooting for the home team.

As mayor of Burlington, my work was centered on building civic life and creating a vital community. Baseball proved to be an excellent catalyst for bringing people together and helping to foster a greater sense of community. Perhaps Minor League Baseball would be taken for granted in a big State or a big city, but in Burlington, VT, it is cherished by many. It is a source of pride to me that, working with a citizens committee led by local businessmen, I was able to bring Minor League Baseball to Vermont and that it has continued to thrive in the quarter of a century since.

As we look for a new dawn in this time of economic difficulty, the past 25 years of professional baseball in Burlington are a shining example of how important community-based activities are, and how much they can enrich a city and a State.

ADDITIONAL STATEMENTS

125TH ANNIVERSARY OF WHITE, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to recognize the community of White, SD, on reaching the 125th anniversary of its founding.

White was founded in 1884 as a railroad town and named after the original owner of the townsite, W. H. White. The community has a strong, patriotic

history, beginning with many original settlers who had served in the Civil War. During World War I, a Red Cross chapter was formed, and children sold Liberty Bonds. World War II saw scrap drives in the town to collect any useful materials for the war effort.

The White Area Historical Society, founded in 1983, owns the Afton Township No. 15 Schoolhouse, a log cabin from Oak Lake Township now on the museum site, and the museum itself, which is the former Methodist Church. It carries on the colorful stories of White for the future generations to reflect on their heritage and strong history.

The citizens of White will be celebrating the town's anniversary during the annual White Pioneer Days with a parade, chili cookoff, arm-wrestling tournament, and entertainment for all ages. I am proud to join with the community members of White in celebrating the last 125 years and look forward to a promising future. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:48 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1275. An act to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes.

H.R. 1945. An act to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation in the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes.

H.R. 2965. An act to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 142. Concurrent resolution supporting National Men's Health Week.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1275. An act to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1945. An act to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation in the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 142. Concurrent resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2282. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Limitation on Procurements on Behalf of Department of Defense (DFARS Case 2008-D005)" (RIN0750-AG24) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Armed Services.

EC-2283. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Lead System Integrators (DFARS Case 2006-D051)" (RIN0750-AF80) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Armed Services.

EC-2284. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (DFARS Case 2008-D011)" (RIN0750-AG23) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Armed Services.

EC-2285. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a Selected Acquisition Report relative to the Average Procurement Unit Cost for the H-1 Upgrades Program; to the Committee on Armed Services.

EC-2286. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Post 9/11 GI Bill" (RIN0790-AI43) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Armed Services.

EC-2287. A communication from the Assistant Secretary of Defense (Reserve Affairs),

transmitting, pursuant to law, the Annual Report on the National Guard Challenge Program for Fiscal Year 2008; to the Committee on Armed Services.

EC-2288. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Nancy E. Brown, United States Navy, and her advancement to the grade of Vice Admiral on the retired list; to the Committee on Armed Services.

EC-2289. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Authorization Validated End-User: List of Approved End-Users and Respective Eligible Items for India" (RIN0694-AE65) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2290. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2291. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2292. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((74 FR 28627) (Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2293. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2294. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Medicaid Integrity Program Report for Fiscal Year 2008; to the Committee on Finance.

EC-2295. A communication from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of a vacancy in the position of Inspector General of the Corporation for National and Community Service and designation of an acting officer for the position; to the Committee on Health, Education, Labor, and Pensions.

EC-2296. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guarantee Program, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits"

(29 CFR Parts 4022 and 4044) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-2297. A communication from the Director of Legal Affairs and Policy, Office of the Federal Register, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Availability and Official Status of the Compilation of Presidential Documents" (A.G. Order No. 3036-2009) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2298. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Abolishment of Santa Clara, California, as a Nonappropriated Fund Federal Wage System Wage Area" (RIN3206-AL74) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2299. A communication from the Director, National Legislative Commission, The American Legion, transmitting, pursuant to law, a report relative to the financial condition of The American Legion as of December 31, 2008; to the Committee on the Judiciary.

EC-2300. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Foreign Medical Program of the Department of Veterans Affairs—Hospital Care and Medical Services in Foreign Countries" (RIN2900-AN07) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-53. A joint resolution adopted by the General Assembly of the State of Tennessee urging Congress to extend the deadlines for all phases of the states' implementation of the REAL ID Act for at least an additional 2 years, or preferably, repeal the REAL ID Act of 2005 in its entirety; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 285

Whereas, the federal REAL ID Act of 2005, Public Law 109-12, creates a national identification card by mandating federal standards for state driver's licenses and identification cards and requires states to share their motor vehicle databases; and

Whereas, the REAL ID Act mandates the documents that states must require to issue driver's licenses and requires states to place uniform information on every driver's license in a standard, machine-readable format; and

Whereas, the REAL ID Act requires the creation of a massive public sector database containing information on every American that is accessible to all motor vehicle employees and law enforcement officers nationwide and that can be used to gather and manage information on citizens; and

Whereas, in addition to being terrible public policy, the REAL ID Act places a costly, unfunded mandate on states, with initial estimates for Tennessee of more than one hundred million dollars, plus the additional burden of millions of taxpayers dollars in ongoing annual expenses, and a national estimate

of more than eleven billion dollars over the five years following its implementation; and

Whereas, in these dire economic times, the massive costs that will be incurred by Tennessee, and other states, in implementing the REAL ID Act are especially onerous; and

Whereas, by December 1, 2014, Americans who are fifty (50) years of age and younger will be required to present REAL ID-compliant identification to board commercial aircraft and to access certain federal facilities; by December 1, 2017, all state-issued driver's licenses and identification cards must be REAL ID-compliant; and

Whereas, the deadline for the initial implementation of the REAL ID Act has already been extended for all fifty (50) states from May 11, 2008 until December 31, 2009: Now, therefore, be it

Resolved by the House of Representatives of the One Hundred Sixth General Assembly of the State of Tennessee, the Senate Concurring, That in light of the recessionary nature of our economy at this time and the many budgetary hardships being faced by state governments, this General Assembly hereby memorializes the United States Congress to extend the deadlines for all phases of the states' implementation of the REAL ID Act for at least an additional two (2) years, or preferably, repeal the REAL ID Act of 2005 in its entirety. Be it further

Resolved, That we strongly urge and encourage each member of Tennessee's delegation to the U.S. Congress to exert the full measure of his or her influence to accomplish the actions delineated in the first resolving clause. Be it further

Resolved, That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, and each member of Tennessee's Congressional delegation.

POM-54. A resolution adopted by the Senate of the State of Louisiana urging Congress to take actions as are necessary to create a national catastrophe fund; to the Committee on Homeland Security and Governmental Affairs.

SENATE RESOLUTION NO. 86

Whereas, the hurricane seasons of 2004, 2005, and 2008 were startling reminders of both the human and economic devastation that hurricanes, flooding, and other natural disasters can cause; and

Whereas, creation of a federal catastrophe fund is a comprehensive, integrated approach to help better prepare and protect the nation from natural catastrophes, such as hurricanes, tornadoes, wildfires, snowstorms, and earthquakes; and

Whereas, the current system of responses to catastrophes leaves many people and businesses at risk of being unable to replace what they lost, wastes tax dollars, increases insurance premiums, and leads to shortages of insurance needed to sustain our economy; and

Whereas, creation of a federal catastrophe fund would help stabilize insurance markets following a catastrophe and help stabilize insurance costs for consumers while making it possible for private insurance to be written in catastrophe-prone areas; and

Whereas, a portion of the premium collected by insurance companies could be deposited into such a fund which could be administered by the United States Treasury and grow tax free; and

Whereas, a portion of the interest earnings of the fund could be dedicated to emergency

responder efforts and public education and mitigation programs; and

Whereas, the federal catastrophe fund would operate as a "backstop" and could only be accessed when private insurers and state catastrophe funds have paid losses in excess of a defined threshold; and

Whereas, utilizing the capacity of the federal government would help smooth fluctuations which consumers currently experience in insurance prices and availability because of exposure to large catastrophic losses and would provide better protection at a lower price; and

Whereas, when there is a gap between the insurance protection consumers buy and the damage caused by a catastrophe, taxpayers across the country pay much of the difference, as congressional appropriations of billions for the after-the-fact disaster relief in the aftermath of Hurricane Katrina demonstrated; and

Whereas, on November 8, 2007, the United States House of Representatives passed the Homeowners' Defense Act of 2007 (H.R. 3355) that would help ensure that individuals and communities destroyed by natural catastrophes have the resources necessary to repair, rebuild, and recover in the aftermath of massive hurricanes, earthquakes, or other natural events; and

Whereas, the Homeowners' Defense Act of 2007 was sponsored by Florida Representatives Ron Klein, Tim Mahoney, and Ginny Brown-Waite and nearly four dozen cosponsors from around the country including then Congressman Bobby Jindal, now governor of the state of Louisiana; and

Whereas, President Barack Obama and members of both political parties have expressed support for a national catastrophe fund. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to take actions as are necessary to create a national catastrophe fund. Be it further

Resolved That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-55. A resolution adopted by the Senate of the State of Louisiana urging Congress to address the issue of global climate change through the adoption of a fair and effective approach that safeguards American jobs, ensures affordable energy for citizens, and maintains America's global competitiveness; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 91

Whereas, there is some scientific belief that greenhouse gases could impact the atmosphere; and

Whereas, the greenhouse gas emissions of developing countries are rising more rapidly than the emissions of the United States and have surpassed the greenhouse gas emissions of the United States and other developed countries; and

Whereas, the state of Louisiana accounts for only 0.48 percent of total global greenhouse gas emissions; and

Whereas, any system to regulate greenhouse gas emissions must not eliminate American jobs or diminish the ability of American industry to compete in the global marketplace; and

Whereas, any system to regulate greenhouse gas emissions must not add to the already high costs of power and gasoline; and

Whereas, any system to regulate greenhouse gas emissions must reward, and not punish, early adopters of energy efficient technologies and practice; and

Whereas, any system to regulate greenhouse gas emissions must adopt an international component to prevent "emissions leakage" and ensure that emissions do not simply migrate to another nation; and

Whereas, the only manner to quantify these emissions is through a domestic and international greenhouse gas emissions registry that is uniform, transparent, and verifiable; and

Whereas, any system to regulate greenhouse gases must ensure that the adopted regime does not result in the off-shoring of international trade sensitive industries; and

Whereas, the state of Louisiana has lost over thirty thousand one hundred manufacturing jobs since 1998, which is a sixteen percent decrease; and

Whereas, any system to regulate greenhouse gas emissions must ensure the availability of sufficient and affordable energy, including clean energy, before restricting emissions in a manner that could reduce the volume of energy available to consumers; and

Whereas, any system to regulate greenhouse gas emissions must provide credits or allowances to support operations, such as recycling and other practices, that reduce greenhouse gas emissions; and

Whereas, any action taken by Congress should be structured to:

- (1) Promote American jobs;
- (2) Save American citizens and industry from higher energy prices;
- (3) Reward early adopters of efficient practices and technologies;
- (4) Prevent "emissions leakage"; and
- (5) Champion the global competitiveness of American industry. Therefore, be it

Resolved That the Senate of the Legislature of Louisiana memorializes the Congress of the United States to address the issue of global climate change through the adoption of a fair and effective approach that safeguards American jobs, ensures affordable energy for citizens, and maintains America's global competitiveness. Be it further

Resolved That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States

POM-56. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to enact legislation to prohibit fetal torture and dismemberment; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 101

Whereas, the United States has ratified the United Nations Convention Against Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment which recognizes that equal and inalienable rights are afforded to all members of the human family, and are derived from the inherent dignity of the human person; and

Whereas, the United Nations Convention Against Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment defines torture as any act causing severe pain or suffering, whether physical or mental; and

Whereas, Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, provide that no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment; and

Whereas, the Declaration of Independence of the United States of America affirms, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just power from the consent of the governed . . ."; and

Whereas, Amendment No. 5 to the Constitution of the United States provides that no person shall be " . . . deprived of life, liberty, or property, without due process of law . . ."; and

Whereas, Amendment No. 8 of the federal constitution prohibits the infliction of " . . . cruel and unusual punishments . . ."; and

Whereas, President Obama has issued executive orders to close secret prisons operated by the Central Intelligence Agency and shut down the Guantanamo Bay detention camp, and he has declared that the United States will not use torture in pursuit of intelligence, announcing, "We must leave these methods where they belong—in the past. They are not who we are. They are not America."; and

Whereas, in President Barack Obama's speech on detainee policy and national security at the National Archives Museum, he stated, "I can stand here today, as President of the United States, and say without exception or equivocation that we do not torture. . . . And if we cannot stand for those core values, then we are not keeping faith with the documents that are enshrined in this hall"; and

Whereas, President Obama has acknowledged that in our world "the strong too often dominate the weak" and "find all manner of justification" for injustice and he has talked about health policies grounded "not only in sound science" but in "clear ethics" as well; and

Whereas, the Partial Birth Abortion Act of 2003 does not outlaw the fetal dismemberment procedure to terminate a pregnancy, which causes similar pain and suffering to the fetus, allowing for torture and dismemberment; and

Whereas, at least by twenty weeks after fertilization, an unborn child has the physical structures necessary to experience pain; and

Whereas, there is substantial evidence that by twenty weeks after fertilization, unborn children draw away from certain stimuli in a manner which in an infant or an adult would be interpreted as a response to pain; and

Whereas, expert testimony confirms that by twenty weeks after fertilization an unborn child may experience substantial pain even if the woman herself has received local analgesic or general anesthesia; and

Whereas, anesthesia is routinely administered to unborn children who have developed twenty weeks or more after fertilization who undergo prenatal surgery; and

Whereas, there is substantial evidence that the method to terminate pregnancy most commonly used twenty weeks or more after fertilization cause substantial pain to an unborn child, whether by dismemberment, poisoning, penetrating or crushing the skull, or other methods including, but are not limited to, the dilation and evacuation (D and E) method which is commonly performed in the second trimester of pregnancy, in which the unborn child's body parts are grasped with a long-toothed clamp, the fetal body parts are then torn from the body and pulled out of the vaginal canal, the remaining body parts

are grasped and pulled out until only the head remains, and the head is then grasped and crushed in order to remove it from the vaginal canal; and

Whereas, partial-birth abortion is a termination of pregnancy in which the practitioner delivers an unborn child's body until only the head remains inside the womb, punctures the back of the child's skull with a sharp instrument, and sucks the child's brains out before completing the delivery of the dead infant, and as further defined in federal law; and

Whereas, there is a valid federal government interest in preventing or reducing the infliction of pain on sentient creatures with examples being laws governing the use of laboratory animals and requiring pain-free methods of slaughtering livestock; and

Whereas, there is a valid federal government interest in preventing harm to developing human life at all stages and examples of this include regulations protecting fetal human subjects from risks of "harm or discomfort" in federally funded biomedical research. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes a the Congress of the United States to enact legislation to prohibit fetal torture and dismemberment. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-57. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to enact legislation and appropriate monies in order to provide additional homeland security funding for state maritime enforcement agencies; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 82

Whereas, before, during and after the events of September 11, 2001, state maritime enforcement agencies have assisted the United States Coast Guard in its maritime and port homeland security mission; and

Whereas, some of the state maritime enforcement agencies have entered into enforcement agreements with the United States Coast Guard to support the security of our nation's ports and waterways; and

Whereas, these enforcement agreements strengthen the close interagency and working relationships between the state maritime enforcement agencies and the United States Coast Guard, and take a major step forward in the creation of a seamless national maritime security blanket; and

Whereas, the supportive role that state maritime enforcement agencies have performed and continue to perform with the United States Coast Guard and other federal agencies is currently funded solely by state monies; and

Whereas, federal legislation and appropriation that provides additional homeland security funding for state maritime enforcement agencies should allow such monies to be used to pay for personnel overtime, use of existing equipment, maintenance and replacement of equipment, fuel, and training; and

Whereas, by adding to the current state-directed homeland security program funding and allowing the United States Coast Guard to administer a partnership program with state maritime enforcement agencies, such additional homeland security funding will help mitigate funding and security gaps in national maritime security; and

Whereas, despite the lack of financial support from the federal government, state maritime enforcement agencies are tasked with assignments outside of their core missions in order to ensure the safety and security of the United States of America. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact legislation and appropriate monies in order to provide additional homeland security funding for state maritime enforcement agencies. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana delegation to the United States Congress, to the secretary of the United States Department of Homeland Security, to the commandant of the United States Coast Guard, to the secretary of the Louisiana Department of Wildlife and Fisheries, to Louisiana's state boating law administrator, and to the president of the National Association of State Boating Law Administrators.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2010" (Rept. No. 111-42).

By Mr. DURBIN, from the Committee on Appropriations, without amendment:

S. 1432. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111-43).

By Mr. LEAHY, from the Committee on Appropriations, without amendment:

S. 1434. An original bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111-44).

By Mr. DORGAN, from the Committee on Appropriations, without amendment:

S. 1436. An original bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111-45).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. VITTER:

S. 1419. A bill to ensure efficiency and fairness in the awarding of Federal contracts in connection with natural disaster reconstruction efforts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 1420. A bill to provide for full and open competition for Federal contracts related to natural disaster reconstruction efforts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Mr. SCHUMER, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. DURBIN, and Ms. STABENOW):

S. 1421. A bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp; to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself, Mr. WEBB, Mr. DODD, Ms. MURKOWSKI, Ms. COLLINS, and Mr. BOND):

S. 1422. A bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mr. BEGICH):

S. 1423. A bill to amend title XIX of the Social Security Act to require coverage under the Medicaid Program for freestanding birth center services; to the Committee on Finance.

By Mrs. BOXER (for herself, Ms. STABENOW, and Mr. LEVIN):

S. 1424. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to increase the number of law enforcement officers on the streets by 5 to 10 percent in areas with high incidences of violent crime; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mrs. HUTCHISON, Ms. COLLINS, Ms. LANDRIEU, Mrs. SHAHEEN, Mr. SANDERS, Mr. CASEY, Mr. WHITEHOUSE, Mr. JOHNSON, and Mrs. GILLIBRAND):

S. 1425. A bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries; to the Committee on Foreign Relations.

By Mr. WYDEN:

S. 1426. A bill to amend title 10, United States Code, to provide for the retention on active duty after demobilization of members of the reserve components of the Armed Forces following extended deployments in contingency operations or homeland defense missions, and for other purposes; to the Committee on Armed Services.

By Mr. WYDEN (for himself and Mr. JOHANNES):

S. 1427. A bill to amend title 38, United States Code, to establish a Hospital Quality Report Card Initiative to report on health care quality in Department of Veterans Affairs Medical Centers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WHITEHOUSE (for himself, Mr. CARDIN, Mrs. FEINSTEIN, and Mr. FEINGOLD):

S. 1428. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WYDEN:

S. 1429. A bill to establish a commission on veterans and members of the Armed Forces with post traumatic stress disorder, traumatic brain injury, or other mental health disorders, to enhance the capacity of mental health care providers to assist such veterans and members, to ensure such veterans are not discriminated against, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. MURKOWSKI:

S. 1430. A bill to amend the Elementary and Secondary Education Act of 1965 regarding highly qualified teachers, growth models, adequate yearly progress, Native American language programs, and parental involvement, and for other purposes; to the Com-

mittee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida:

S. 1431. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, and for other purposes; to the Committee on Rules and Administration.

By Mr. DURBIN:

S. 1432. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. NELSON of Florida (for himself and Mr. LEVIN):

S. 1433. A bill to provide for interregional primary elections and caucuses for the selection of delegates to political party Presidential nominating conventions; to the Committee on Rules and Administration.

By Mr. LEAHY:

S. 1434. An original bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. CORKE, Mr. CORNYN, Mr. ENSIGN, Mr. GRAHAM, Mr. INHOFE, Mr. JOHANNES, Mr. KYL, Mr. MARTINEZ, Mr. MCCAIN, Mr. RISCH, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WICKER, and Mr. DEMINT):

S. 1435. A bill to amend title 18, United States Code, to prohibit human-animal hybrids; to the Committee on the Judiciary.

By Mr. DORGAN:

S. 1436. An original bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. HATCH:

S. 1437. A bill to clarify the definition of switchblade knives; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 254

At the request of Mrs. LINCOLN, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 259

At the request of Mr. BOND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 259, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 373

At the request of Mr. NELSON of Florida, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 373, a bill to amend title 18, United States Code, to include constrictor snakes of the species Python genera as an injurious animal.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 547

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 547, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 559

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 559, a bill to provide benefits under the Post-Deployment/Mobilization Respite Absence program for certain periods before the implementation of the program.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 752

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 775

At the request of Mr. VOINOVICH, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 799

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 799, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 833

At the request of Mr. SCHUMER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 846

At the request of Mr. DURBIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 994

At the request of Ms. KLOBUCHAR, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1106

At the request of Mrs. LINCOLN, the name of the Senator from West Vir-

ginia (Mr. BYRD) was added as a cosponsor of S. 1106, a bill to amend title 10, United States Code, to require the provision of medical and dental readiness services to certain members of the Selected Reserve and Individual Ready Reserve based on medical need, and for other purposes.

S. 1144

At the request of Mr. JOHNSON, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1144, a bill to improve transit services, including in rural States.

S. 1194

At the request of Ms. CANTWELL, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1194, a bill to reauthorize the Coast Guard for fiscal years 2010 and 2011, and for other purposes.

S. 1211

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1211, a bill to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the "Jack F. Kemp Post Office Building".

S. 1300

At the request of Ms. SNOWE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1300, a bill to amend title XVIII of the Social Security Act to clarify intent regarding the counting of residents in a nonhospital setting under the Medicare program.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from North Carolina (Mr. BURR) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1348

At the request of Mr. CHAMBLISS, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 1348, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 1361

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1361, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1380

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Is-

land (Mr. WHITEHOUSE) was added as a cosponsor of S. 1380, a bill to amend title XVIII of the Social Security Act to create a sensible infrastructure for delivery system reform by renaming the Medicare Payment Advisory Commission, making the commission an executive branch agency, and providing the Commission new resources and authority to implement Medicare payment policy.

S. 1415

At the request of Mr. SCHUMER, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1415, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

S.J. RES. 15

At the request of Mr. VITTER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S.J. Res. 15, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

AMENDMENT NO. 1428

At the request of Mr. HATCH, the names of the Senator from Texas (Mr. CORNYN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mr. SCHUMER) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of amendment No. 1428 proposed to H.R. 2892, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 1428 proposed to H.R. 2892, supra.

AMENDMENT NO. 1430

At the request of Mr. SANDERS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 1430 proposed to H.R. 2892, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 1447

At the request of Mr. PRYOR, his name and the name of the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 1447 proposed to H.R. 2892, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

At the request of Mr. HATCH, his name was added as a cosponsor of amendment No. 1447 proposed to H.R. 2892, *supra*.

At the request of Mr. CORNYN, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from South Dakota (Mr. THUNE), the Senator from Utah (Mr. BENNETT) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 1447 proposed to H.R. 2892, *supra*.

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 1447 proposed to H.R. 2892, *supra*.

At the request of Mr. NELSON of Nebraska, his name was added as a cosponsor of amendment No. 1447 proposed to H.R. 2892, *supra*.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr. VOINOVICH, Mr. SCHUMER, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. DURBIN, and Ms. STABENOW):

S. 1421. A bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, today I am introducing the Asian Carp Prevention and Control Act to list bighead carp as injurious under the Lacey Act, along with Senators VOINOVICH, SCHUMER, FEINGOLD, GILLIBRAND, DURBIN and STABENOW.

Asian carp are a significant threat to the Great Lakes because they are large, extremely prolific, and consume vast amounts of food. The Bighead carp grow quickly and can grow to over 50 pounds. In addition to the harmful ecological impact that the Bighead carp has had to native fisheries, these fish pose a considerable hazard to boaters and can cause human and property injuries.

The Bighead carp compete with native fish for food and habitat. The Bighead carp, along with the other species of Asian carp, account for the majority

of fish in the Missouri River. These fish have little economic or sport value compared to native fish.

The Bighead carp are used in aquaculture ponds in the South to control algae, and because of flooding in the 1990s, the fish escaped the aquaculture ponds and entered into the Mississippi River. They have spread to most of the Mississippi River watershed and the Missouri River. Because the Mississippi River is connected to the Great Lakes through a man-made sanitary and ship canal, the Asian carp are now close to invading the Great Lakes. Fortunately, the Corps of Engineers is operating an electric dispersal barrier to prevent the carp and other non-native fish from moving between the Mississippi River and the Great Lakes.

I want to make sure that all pathways to introduce the Bighead carp are blocked. The legislation that I am introducing today would list the Bighead carp as injurious under the Lacey Act. Listing the Bighead carp as injurious would minimize the risk of intentional introduction by prohibiting the importation and interstate transportation of live Asian carp without a permit. This legislation would not interfere with existing state regulations of the fish, and permits to transport or purchase live Bighead carp may be issued for research or educational purposes. The Fish and Wildlife Service has already listed three other species of Asian carp as injurious through rulemaking procedures.

I urge my colleagues to support this bill. This country is facing a serious challenge as a result of thousands of invasive species, like the Bighead carp, being introduced into this Nation.

By Mrs. MURRAY (for herself, Mr. WEBB, Mr. DOOD, Ms. MURKOWSKI, Ms. COLLINS, and Mr. BOND):

S. 1422. A bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the following colloquy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FLIGHT CREW TECHNICAL CORRECTIONS ACT

Mr. ENZI. Mr. President, I would like to engage my friend, the Senator from Washington and the Chairman of the Subcommittee on Employment and Workplace Safety, with whom I have been pleased to work on many initiatives on behalf of America's workforce, in a conversation about the bill she has just introduced. I would like to take this opportunity to clarify the treatment of workers contained in the Flight Crew Technical Corrections Act before us today that pertains to flight crews. Is it the Senator's understanding that her legislation resolves a problem unique to flight crews—meaning flight attendants and pilots—and

that no other group of workers is addressed under this bill?

Mrs. MURRAY. Yes, the Senator is correct. This bill is narrowly constructed to address the unique situation faced by flight attendants and pilots in the calculation of the hours they need to qualify for leave under the Family Medical Leave Act, FLMA. The FMLA eligibility calculation does not include paid vacation, sick, medical or personal leave unless otherwise agreed to in a collective bargaining agreement or the employers manual. This bill reflects the intent of the FMLA's original sponsors to provide an alternative way to include flight crews that addresses the airline industry's unique time-keeping methods. I am proud that the Flight Crew Technical Corrections Act fixes a technical problem that has left many full time flight crew members ineligible for Family Medical Leave for many years due to the unique way their work hours are calculated.

Mr. ENZI. In other words, is it the Senator's understanding that the bill should not be construed to apply to other occupational groups that operate under reserve systems such as health care, railway, and emergency services to seek similar treatment?

Mrs. MURRAY. Correct, this bill narrowly deals with flight crews only. The bill is a technical correction for language that was intended to be in the original Family Medical Leave Act, but for some reason or another was left out. Flight crews were specifically mentioned in the FLMA's legislative history. Thus, I believe that the correction is clearly appropriate for flight crews. If other groups were to attempt an adjustment in their FMLA eligibility requirements, I suggest that their situation and the ramifications of such an adjustment would need to be examined on a case by case basis.

Mr. ENZI. The Senator mentions the FLMA's legislative history. Is it the Senator's further understanding that this is the only group of employees which was intended to be included with an alternative eligibility standard?

Mrs. MURRAY. The Senator is correct. The original authors stated that they did not intend to exclude flight crews in unique circumstances from the bill's protection simply because of the airline industry's "unusual time keeping methods". They believed that these workers—flight attendants and pilots—were entitled to family and medical leave under the law based upon the situation they specifically faced.

This legislation received overwhelming bipartisan support in the House of Representatives. I am pleased to present it in the Senate with bipartisan support. This language was drafted through a process that included representatives from large and small airline carriers and carrier associations, and organized labor. I need to recognize the work that Senator Clinton did on this bill when she introduced its precursor in the 110th Congress.

Mr. ENZI. I would like to thank the Senator from Washington and the former Senator from New York for the deliberative process you both utilized while drafting this legislation. As you know I am a frequent advocate for following Senate Committee process so as to create the opportunity for all affected stakeholders to be included in the process. In this case, you have done an admirable job of vetting the legislation with most stakeholders and produced a better product.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Airline Flight Crew Technical Corrections Act”.

SEC. 2. LEAVE REQUIREMENT FOR AIRLINE FLIGHT CREWS.

(a) **INCLUSION OF AIRLINE FLIGHT CREWS.**—Section 101(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(2)) is amended by adding at the end the following:

“(D) **AIRLINE FLIGHT CREWS.**—

“(i) **DETERMINATION.**—For purposes of determining whether an employee who is a flight attendant or flight crewmember (as such terms are defined in regulations of the Federal Aviation Administration) meets the hours of service requirement specified in subparagraph (A)(ii), the employee will be considered to meet the requirement if—

“(I) the employee has worked or been paid for not less than 60 percent of the applicable total monthly guarantee, or the equivalent, for the previous 12-month period, for or by the employer with respect to whom leave is requested under section 102; and

“(II) the employee has worked or been paid for not less than 504 hours (not counting time spent on vacation leave or medical or sick leave) during the previous 12-month period, for or by that employer.

“(ii) **FILE.**—Each employer of an employee described in clause (i) shall maintain on file with the Secretary (in accordance with such regulations as the Secretary may prescribe) containing information specifying the applicable monthly guarantee with respect to each category of employee to which such guarantee applies.

“(iii) **DEFINITION.**—In this subparagraph, the term ‘applicable monthly guarantee’ means—

“(I) for an employee described in clause (i) other than an employee on reserve status, the minimum number of hours for which an employer has agreed to schedule such employment for any given month; and

“(II) for an employee described in clause (i) who is on reserve status, the number of hours for which an employer has agreed to pay such employee on reserve status for any given month, as established in the applicable collective bargaining agreement or, if none exists, in the employer’s policies.”.

(b) **CALCULATION OF LEAVE FOR AIRLINE FLIGHT CREWS.**—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

“(5) **CALCULATION OF LEAVE FOR AIRLINE FLIGHT CREWS.**—The Secretary may provide, by regulation, a method for calculating the leave described in paragraph (1) with respect to employees described in section 101(2)(D).”.

By Mrs. BOXER (for herself and Mr. BEGICH):

S. 1423. A bill to amend title XIX of the Social Security Act to require coverage under the Medicaid Program for freestanding birth center services; to the Committee on Finance.

Mrs. BOXER. Mr. President, I rise today to introduce the Medicaid Birth Center Reimbursement Act, which would help ensure that birth centers across our country can continue to provide quality and affordable care to thousands of mothers and newborns each year.

There are almost 200 birth centers nationwide that provide quality and cost effective health care services, particularly for low-income families. Since 1987, birth centers have participated in Medicaid, but recently the Centers for Medicare and Medicaid Services, CMS, has begun to cut off access to these providers in several States including Alaska, South Carolina, Texas and Washington State—because the agency lacks clear statutory authority to pay birth centers to care for Medicaid patients.

Although this problem has not yet affected my home State of California, if this policy is not reversed before the State begins to renegotiate its Medicaid plan, the same cuts will be forced on birth centers in California. Without reimbursement from Medicaid, birth centers in all States could be pushed to the brink of closure and thousands of low-income women could lose access to these vital services.

At a time when Congress and the administration are working hard to increase access to health care for all Americans, we cannot afford to close birth centers that provide essential services to thousands of women and newborns every year.

At a time when Congress and the administration are working hard to reduce waste, and cut down on costs in our nation’s health care system, we cannot afford to cut off access to such cost-effective maternity care.

The cost of care at birth centers is about \$1,900 per birth, compared to an estimated \$7,400 at hospitals. Right now as much as 27 percent of hospital charges under Medicaid go towards care for mothers and newborn infants. Just imagine how much unnecessary spending could be saved if more women were given the choice of going to a birth center to have their baby.

Cutting off access to birth centers that provide quality, cost-effective care is a step backward.

Taking away choices from pregnant women trying to get essential health care services is a step backward.

As I work with my colleagues to help push for comprehensive health reform, I urge them to join me in cosponsoring the Medicaid Birth Center Reimbursement Act, and taking an important step forward for mothers and newborns across our nation.

I would also like to thank Reps. SUSAN DAVIS and GUS BILIRAKIS, who have championed this legislation in the House. I hope that this important legislation can be included in the health care reform efforts of the 111th Congress.

By Mr. DURBIN (for himself, Mrs. HUTCHISON, Ms. COLLINS, Ms. LANDRIEU, Mrs. SHAHEEN, Mr. SANDERS, Mr. CASEY, Mr. WHITEHOUSE, Mr. JOHNSON, and Mrs. GILLIBRAND):

S. 1425. A bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Global Resources and Opportunities for Women To Thrive Act of 2009” or the “GROWTH Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and statement of purpose.

Sec. 3. Microfinance and microenterprise development assistance for women in developing countries.

Sec. 4. Support for women’s small- and medium-sized enterprises in developing countries.

Sec. 5. Support for private property rights and land tenure security for women in developing countries.

Sec. 6. Support for women’s access to employment in developing countries.

Sec. 7. Trade benefits for women in developing countries.

Sec. 8. Exchanges between United States entrepreneurs and women entrepreneurs in developing countries.

Sec. 9. Assistance under the Millennium Challenge Account.

Sec. 10. GROWTH Fund.

Sec. 11. Data collection.

Sec. 12. Support for women’s organizations in developing countries.

Sec. 13. Report.

Sec. 14. Authorization of appropriations.

SEC. 2. FINDINGS AND STATEMENT OF PURPOSE.

(a) **FINDINGS.**—Congress finds the following:

(1) Women around the world are especially vulnerable to poverty. They tend to work longer hours, are compensated less, and have less income stability and fewer economic opportunities than men.

(2) Women’s share of the labor force is increasing in almost all regions of the world. Women comprise more than 40 percent of the global labor force as well as 40 percent of the labor force in eastern and southeastern Asia, sub-Saharan Africa, and the Caribbean. Women comprise a third of the labor force in Central America and nearly a third of total employment in South Asia. About 250,000,000 young women will enter the labor force worldwide before 2015.

(3) Women are more likely to work in informal employment relationships in poor countries compared to men. In sub-Saharan Africa, 84 percent of women are employed informally compared to 71 percent of men. In the Middle East, 44 percent of women are employed informally compared to 29 percent of men. Informal employment is characterized by lower wages and greater variability of earnings, less stability, absence of labor organization, and fewer social protections than formal employment.

(4) Changes in the economy of a poor country affect women and men differently. Women are disproportionately affected by long-term recessions, crises, and economic restructuring and they often miss out on many of the benefits of growth.

(5) International trade can be an important tool for economic development and poverty reduction. The benefits of international trade should extend to all members of society, particularly the world's poor women.

(6) Policies that promote fair labor practices for women, and access to information, education, land, credit, physical capital, and social services can be a means of reducing poverty, ensuring food security, and boosting productivity and earnings for the economies of developing countries.

(7) Expanding economic opportunity for women in developing countries can have a positive effect on child nutrition, health, and education, as women often invest their income in their families. Increasing women's income can also decrease women's vulnerability to HIV/AIDS, gender-based violence, and trafficking, and make women more resistant to the impact of natural disasters.

(8) Policies that promote economic opportunities for women, including microfinance and microenterprise development and the promotion of women's small- and medium-sized businesses, can be a means of generating gainful, safe, and dignified employment for the poor.

(9) Women play a vital, but often unrecognized, role in averting violence, resolving conflict, and rebuilding economies in postconflict societies. Women in conflict-affected areas face even greater challenges than men do in accessing employment, training, property rights, credit, and financial and nonfinancial resources for business development. Policies designed to ensure economic opportunity for women in conflict-affected areas play a significant role in economic rehabilitation and consolidation of peace.

(10) Given the important role of women in the economies of poor countries, poverty alleviation programs funded by the United States in poor countries should seek to enhance the level of economic opportunity available to women in those countries.

(b) **STATEMENT OF PURPOSE.**—The purpose of this Act is to ensure that the policies of the United States actively promote development and economic opportunities for women, including programs and policies that—

(1) promote women's ability to start micro-, small-, or medium-sized business enterprises, and enable women to grow such enterprises, particularly from micro- to small-sized enterprises and from small- to medium-sized enterprises, or sustain current business capacity;

(2) promote the rights of women to own, manage, and inherit property, including land, encourage the adoption of laws and policies that support women in their efforts to enforce those rights in administrative and judicial tribunals, and address conflicts with country-specific legal regimes or practices (often known as "customary law") to increase the ability of women to inherit and own real property;

(3) increase women's access to employment, enable women to access higher quality jobs with better remuneration and working conditions in both informal and formal employment, and improve the quality of jobs in sectors dominated by women by improving the remuneration and working conditions for those jobs; and

(4) bring the benefits of international trade policy to women in developing countries and

continue to ensure that trade policies and agreements adequately reflect the respective needs of poor women and men.

SEC. 3. MICROFINANCE AND MICROENTERPRISE DEVELOPMENT ASSISTANCE FOR WOMEN IN DEVELOPING COUNTRIES.

(a) **AUTHORIZATION; IMPLEMENTATION; TARGETED ASSISTANCE.**—

(1) **AUTHORIZATION.**—Section 252(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a(a)) is amended—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(B) by striking "The President is" and inserting the following:

"(1) **IN GENERAL.**—The President is"; and

(C) by adding at the end the following:

"(2) **ASSISTANCE FOR WOMEN IN DEVELOPING COUNTRIES.**—In providing assistance under paragraph (1), the President shall pay special attention to the needs of women in developing countries, including by—

"(A) carrying out specific activities to enhance the empowerment of women in developing countries, such as providing leadership training, basic health and HIV/AIDS education, and assistance with the development of literacy skills;

"(B) carrying out initiatives to eliminate legal and institutional barriers to women's ownership of assets, access to credit, access to information and communication technologies, and engagement in business activities within or outside of the home;

"(C) providing assistance for capacity building for microfinance and microenterprise institutions to enable such institutions to better meet the credit, savings, insurance, and training needs of women who are microfinance and microenterprise clients; and

"(D) carrying out microfinance and microenterprise development programs that—

"(i) specifically target women with respect to outreach and marketing;

"(ii) provide products specifically designed to address women's assets and needs and the barriers women encounter with respect to participating in enterprise and financial services; and

"(iii) promote women's ability to grow micro-enterprises to small- and medium-sized enterprises.".

(2) **IMPLEMENTATION.**—Section 252(b)(2)(C) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a(b)(2)(C)) is amended—

(A) in clause (ii)—

(i) by striking "microenterprise development field" and inserting "microfinance and microenterprise development field"; and

(ii) by striking "and" at the end;

(B) in clause (iii)—

(i) by inserting after "competitive" the following: "take into consideration the anticipated impact of the proposals on the empowerment of women and men"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new clause:

"(iv) give preference to proposals from providers of assistance that demonstrate the greatest knowledge of clients' needs and capabilities, including proposals that ensure that women are involved in the design and implementation of services and programs.".

(3) **TARGETED ASSISTANCE.**—Section 252(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a(c)) is amended—

(A) in the first sentence, by inserting before the period the following: "and an effort shall be made to target such resources to women"; and

(B) in the second sentence, by striking "2006" and inserting "2011".

(b) **MONITORING SYSTEM.**—Section 253(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211b(b)(1)) is amended to read as follows:

"(1) The monitoring system shall include performance goals for the assistance and shall express such goals, to the extent feasible—

"(A) in an objective and quantifiable form;

"(B) in a manner that describes the effects of such goals on women and men, respectively; and

"(C) in a manner that describes the number of women and the number of men benefiting from the assistance.".

(c) **MICROENTERPRISE DEVELOPMENT CREDITS.**—Section 256(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2212(b)(2)) is amended by inserting before the semicolon the following: "especially the needs of clients who are women".

(d) **ADDITIONAL REPORT REQUIREMENTS.**—Section 258 of the Foreign Assistance Act of 1961 (22 U.S.C. 2214) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(12) An estimate of the potential global demand for microfinance and microenterprise development for women, determined in collaboration with practitioners in a cost-effective manner, and a description of the Agency's plan to help meet such demand.";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection:

"(c) **ADDITIONAL REQUIREMENT.**—All information in the report required by this section relating to beneficiaries of assistance authorized by this title shall be disaggregated by sex to the maximum extent practicable.".

SEC. 4. SUPPORT FOR WOMEN'S SMALL- AND MEDIUM-SIZED ENTERPRISES IN DEVELOPING COUNTRIES.

(a) **IN GENERAL.**—The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall—

(1) where appropriate, carry out programs, projects, and activities that meet the requirements described in subsection (b) for enterprise development for women in developing countries; and

(2) ensure that any programs, projects, and activities for enterprise development for women in developing countries that are carried out pursuant to assistance provided under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) meet the requirements described in subsection (b).

(b) **REQUIREMENTS.**—A program, project, or activity described in subsection (a) meets the requirements described in this subsection if the program, project, or activity—

(1) in coordination with the governments of developing countries and interested individuals and organizations, promotes the development or enhancement of laws, regulations, or practices (including practices with respect to the enforcement of such laws or regulations) that improve access to banking and financial services for women-owned small- and medium-sized enterprises;

(2) promotes access to information and communication technologies by providing training with respect to such technologies for women-owned small- and medium-sized enterprises;

(3) provides training, through local associations of women-owned enterprises or non-governmental organizations, with respect to

recordkeeping, financial and personnel management, international trade, business planning, marketing, policy advocacy, leadership development, and other areas relevant to running enterprises;

(4) provides resources to establish and enhance local, national, and international networks and associations of women-owned small- and medium-sized enterprises;

(5) provides incentives for nongovernmental organizations and financial service providers to develop products, services, and marketing and outreach strategies specifically designed to facilitate and promote women's participation in development programs for small- and medium-sized businesses by addressing women's assets and needs and the barriers women face to participating in enterprise and financial services; and

(6) seeks to award contracts to qualified small- and medium-sized enterprises owned by women, particularly indigenous women, including—

(A) for postconflict reconstruction; and

(B) to facilitate employment of women, particularly indigenous women in jobs not traditionally undertaken by women.

SEC. 5. SUPPORT FOR PRIVATE PROPERTY RIGHTS AND LAND TENURE SECURITY FOR WOMEN IN DEVELOPING COUNTRIES.

(a) **IN GENERAL.**—The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall—

(1) where appropriate, carry out programs, projects, and activities to promote private property rights and land tenure security for women in developing countries that—

(A) are implemented by local, indigenous, nongovernmental, and community-based organizations, especially women's organizations, that are dedicated to addressing the needs of women; and

(B) otherwise meet the requirements described in subsection (b); and

(2) ensure that any programs, projects, and activities to promote private property rights and land tenure security for women in developing countries that are carried out pursuant to assistance provided under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)—

(A) are implemented by local, indigenous, nongovernmental, and community-based organizations, especially women's organizations, that are dedicated to addressing the needs of women; and

(B) otherwise meet the requirements described in subsection (b).

(b) **REQUIREMENTS.**—A program, project, or activity described in subsection (a) meets the requirements described in this subsection if the program, project, or activity—

(1) advocates to amend and harmonize statutory and other country-specific legal regimes or practices to give women equal rights to own, use, and inherit property;

(2) promotes legal literacy among women and men about property rights for women and how to exercise such rights;

(3) assists women in making land claims and protecting existing land claims; and

(4) advocates for equitable land titling and registration for women.

(c) **AMENDMENT.**—Section 103(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a(b)(1)) is amended by inserting “, especially for women” after “establishment of more equitable and more secure land tenure arrangements”.

SEC. 6. SUPPORT FOR WOMEN'S ACCESS TO EMPLOYMENT IN DEVELOPING COUNTRIES.

The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall, where appropriate—

(1) support activities to increase the access of women in developing countries to employment and to higher quality employment, in informal and formal employment, with better remuneration, working conditions, and benefits (including health insurance and other social safety nets) in accordance with the core labor standards of the International Labour Organization, including—

(A) public education efforts to inform poor women and men of women's legal rights related to employment;

(B) education and vocational training tailored to enable poor women to access job opportunities, whether for formal or informal employment, in—

(i) sectors in their local economies with the potential for growth; and

(ii) sectors in which women are not traditionally highly represented;

(C) efforts to support self-employed poor women or wage workers to form or join independent unions or other labor associations to increase their incomes and improve their working conditions; and

(D) advocacy efforts to protect the rights of women in the workplace, including—

(i) developing programs with the participation of civil society to eliminate gender-based violence; and

(ii) providing capacity-building assistance to women's organizations to effectively research and monitor labor rights conditions; and

(2) provide assistance to governments and nongovernmental organizations in developing countries seeking to design and implement laws, regulations, and programs to improve working conditions for women and to facilitate the entry into, and advancement in, the workplace by women.

SEC. 7. TRADE BENEFITS FOR WOMEN IN DEVELOPING COUNTRIES.

In order to ensure that poor women in developing countries are able to benefit from international trade, the President, acting through the Secretary of State (acting through the Administrator of the United States Agency for International Development) and the heads of other appropriate departments and agencies of the United States, shall, where appropriate, provide the following training and education in developing countries:

(1) Training women in civil society organizations, including those organizations representing poor women, and women-owned enterprises and associations of such enterprises, on how to respond to economic opportunities created by trade preference programs, trade agreements, or other policies that create or facilitate market access. The training shall include information with respect to requirements and procedures for accessing the United States market.

(2) Training women entrepreneurs, including microentrepreneurs, with respect to production strategies, quality standards, formation of cooperatives, market research, and market development.

(3) Teaching women, including poor women, to promote diversification of products and value-added processing.

(4) Instructing negotiators officially representing the governments of developing countries in international trade negotiations in order to enhance the ability of the negotiators to formulate trade policy and nego-

tiate agreements that take into account the respective needs and priorities of poor women and men in developing countries.

(5) Educating local groups representing indigenous women in developing countries in order to enhance the ability of those groups to collect information and data, formulate proposals, and inform and impact negotiators described in paragraph (4) with respect to the respective needs and priorities of poor women and men in developing countries.

SEC. 8. EXCHANGES BETWEEN UNITED STATES ENTREPRENEURS AND WOMEN ENTREPRENEURS IN DEVELOPING COUNTRIES.

(a) **DEPARTMENT OF COMMERCE.**—The Secretary of Commerce shall, where appropriate, encourage representatives of United States businesses on trade missions to developing countries to—

(1) meet with representatives of women-owned small- and medium-sized enterprises in such countries; and

(2) promote internship opportunities for women owners of small- and medium-sized enterprises in such countries with United States businesses.

(b) **DEPARTMENT OF STATE.**—The Secretary of State shall promote exchange programs that offer representatives of women-owned small- and medium-sized enterprises in developing countries an opportunity to learn skills appropriate for promoting entrepreneurship by working with representatives of businesses in the United States.

SEC. 9. ASSISTANCE UNDER THE MILLENNIUM CHALLENGE ACCOUNT.

The Chief Executive Officer of the Millennium Challenge Corporation shall seek to ensure that contracts and employment opportunities resulting from assistance provided by the Corporation to the governments of developing countries are fairly and equitably distributed to qualified women-owned small- and medium-sized enterprises and other civil society organizations led by women, including nongovernmental and community-based organizations, for projects, including for infrastructure projects, that facilitate employment of women in jobs not traditionally undertaken by women.

SEC. 10. GROWTH FUND.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall establish the Global Resources and Opportunities for Women to Thrive (GROWTH) Fund (in this section referred to as the “Fund”) for the purpose of enhancing economic opportunities for very poor, poor, and low-income women in developing countries with a focus on—

(A) increasing the development of women-owned enterprises;

(B) increasing property rights for women;

(C) increasing women's access to financial services;

(D) increasing the number of women in leadership in implementing partner organizations (as defined in section 259(6) of the Foreign Assistance Act of 1961 (22 U.S.C. 2214a(6))), as well as financial service providers;

(E) improving the employment benefits and conditions available to women; and

(F) increasing the benefits of international trade available to women.

(2) **APPLICATION FOR FUNDS BY USAID MIS-**

SIONS.—(A) **IN GENERAL.**—A mission of the United States Agency for International Development may apply for funds from the Fund to

support specific activities, in addition to activities already carried out by that mission, that are described in subsection (b) and enhance economic opportunities for women in developing countries or integrate gender into economic opportunity programs.

(B) **SUPPLEMENT NOT SUPPLANT.**—Funds provided to a mission of the United States Agency for International Development pursuant to subparagraph (A) shall supplement and not supplant other funds available to that mission.

(b) **ACTIVITIES SUPPORTED.**—The activities described in this subsection are—

(1) activities described in title VI of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2211 et seq.), as amended by section 3 of this Act;

(2) activities described in sections 4 through 7 of this Act; and

(3) technical assistance to, and capacity building for, civil society organizations, particularly to carry out activities described in paragraphs (1) and (2), for—

(A) local and indigenous women's organizations to the maximum extent practicable; and

(B) local, indigenous, nongovernmental, and community-based organizations and financial service providers that demonstrate a commitment to gender equity in the leadership of such organizations and intermediaries either through current practice or through specific programs to increase the representation of women in the governance and management of such organizations and intermediaries.

SEC. 11. DATA COLLECTION.

The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall—

(1) provide support for tracking indicators on women's employment, property rights for women, women's access to financial services, and women's enterprise development, including microenterprises, in developing countries;

(2) to the extent practicable, track all foreign assistance funds provided by the United States to local, indigenous, nongovernmental, community-based organizations, and financial service providers in developing countries, including through subcontractors and grantees, disaggregated by the sex of the head of the organization, senior management, and composition of the boards of directors;

(3) encourage agencies of the United States that collect statistical data to provide support to agencies in developing countries that collect statistical data to collect data on the share of women in wage work and self-employment, disaggregated by type of employment; and

(4) provide funding to the International Labour Organization—

(A) to carry out technical assistance activities in developing countries; and

(B) to consolidate data indicators collected in different developing countries into cross-country data sets.

SEC. 12. SUPPORT FOR WOMEN'S ORGANIZATIONS IN DEVELOPING COUNTRIES.

(a) **AMENDMENTS.**—Section 102 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151-1) is amended—

(1) in subsection (a), by inserting after the ninth sentence the following new sentences: "Because men and women generally occupy different economic niches in poor countries, activities must address those differences in ways that enable both women and men to contribute to and benefit from development. Throughout the world, indigenous, local,

nongovernmental and community-based organizations, as well as financial service providers, are essential to addressing many of the development challenges facing countries and to creating stable, functioning democracies. Investing in the capacity of such organizations, including women's organizations, and in their roles in the development process shall be an important, cross-cutting objective of United States bilateral development assistance."; and

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following new sentence: "The principles described in this paragraph shall, among other strategies, be accomplished through partnerships with local, indigenous, nongovernmental, and community-based organizations, as well as financial service providers, that represent the interests of women."; and

(B) in paragraph (6), by adding at the end the following new sentence: "Such participation and improvement shall be encouraged and promoted by, among other strategies, investing in the capacity of and participation in local, indigenous, nongovernmental, and community-based organizations, especially women's organizations, dedicated to addressing the needs of women.".

(b) **ASSISTANCE.**—The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall, where appropriate—

(1) ensure project proposals include capacity building and technical assistance for local, indigenous, nongovernmental, organizations and community-based organizations dedicated to addressing the needs of women, especially women's organizations, to promote the long-term sustainability of projects;

(2) provide information and training to local, indigenous, nongovernmental, and community-based organizations, especially women's organizations, focused on women's empowerment in countries in which missions of the United States Agency for International Development are located in order to—

(A) provide technical assistance with respect to United States foreign assistance procurement procedures; and

(B) undertake culturally appropriate outreach measures to contact such organizations;

(3) encourage recipients of United States technical and financial aid to the maximum extent practicable, to provide financial support to local, indigenous, nongovernmental, and community-based organizations that focus on women's empowerment, including women's organizations and other organizations that may not have previously worked with the United States or a partner of the United States, in fulfilling project objectives;

(4) work with local governments to conduct outreach campaigns to register, as required by local laws and regulations, unofficial local, indigenous, nongovernmental, and community-based organizations, especially women's organizations; and

(5) support efforts of indigenous organizations, especially women's organizations, focused on women's empowerment to network with other indigenous women's groups to collectively access funding opportunities to implement United States foreign assistance programs.

SEC. 13. REPORT.

(a) **REPORT REQUIRED.**—Not later than June 30, 2011, the Secretary of State, acting through the Administrator of the United

States Agency for International Development, shall submit to Congress a report on the implementation of this Act and the amendments made by this Act.

(b) **UPDATE.**—Not later than June 30, 2012, the Secretary of State, acting through the Administrator of the United States Agency for International Development, shall submit to Congress an update of the report required by subsection (a).

(c) **AVAILABILITY TO PUBLIC.**—The report required by subsection (a) and the update required by subsection (b) shall be made available to the public on the Internet websites of the Department of State and the United States Agency for International Development.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary of State to carry out sections 10 and 11—

(1) \$40,000,000 for fiscal year 2011; and

(2) such sums as may be necessary for each of the fiscal years 2012 and 2013.

(b) **AVAILABILITY.**—Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

(1) are authorized to remain available until expended; and

(2) shall supplement and not supplant any other amounts available for the purposes described in sections 10 and 11.

By Ms. MURKOWSKI:

S. 1430. A bill to amend the Elementary and Secondary Education Act of 1965 regarding highly qualified teachers, growth models, adequate yearly progress, Native American language programs, and parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I rise today to introduce the School Accountability Improvements Act.

As you know, the 2001 reauthorization of the Elementary and Secondary Education Act, also known as the No Child Left Behind Act, or NCLB, made significant changes to Federal requirements for schools, school districts, and States. Many of these changes have been good, and were necessary.

Because of NCLB, there is more national attention being paid to ensuring that schools, districts, and States are held accountable for the achievement of students with disabilities, those who are economically disadvantaged, and minority students. In my own State of Alaska this has meant, for example, that our more urban school districts are paying more attention than ever to Alaska Native students' needs.

People across the nation are also more aware that a teacher's knowledge of the subject matter and his or her ability to teach that subject are the most important factors in ensuring a child's achievement in school.

Teachers, parents, administrators, and communities have more data than ever about the achievement of individual students, subgroups of students, and schools. With that data, changes are being made to school policies and procedures and more students are getting the help they need to succeed in schools.

While these are just a few of the positive effects of the No Child Left Behind Act, there have been problems. This is not surprising, as it is difficult to write one law that will work well for both New York City and Nuiqsut, AK.

My bill, the School Accountability Improvements Act is meant to address 6 issues that are of particular concern in Alaska and in other States around the nation.

First, my legislation would give flexibility to states regarding NCLB's "Highly Qualified Teacher" requirements. In very small, rural schools, it is common for one teacher to teach multiple core academic subjects in the middle and high school grades. NCLB requires that this teacher be "Highly Qualified" in each of those subjects.

While it is vital that teachers know the subjects they teach, it is also unreasonable to expect teachers in very tiny schools to meet the current requirements in every single subject. It is almost impossible for tiny, remote school districts to find and hire such teachers. Yet, students deserve to have teachers who know the subjects they teach.

My legislation would provide flexibility by allowing instruction to be provided by Highly Qualified teachers by distance delivery if they are assisted by teachers on site who are Highly Qualified in a different subject. This provision is offered as a compromise in those limited situations.

Second, my legislation would give credit to schools, rather than punish them, if students are improving but have not yet reached the State's proficiency goals by requiring the U.S. Department of Education to allow States to determine schools' success based on individual students' growth in proficiency. While it can be useful to teachers and administrators to know how one group of third graders compares to the next year's class, it is much more useful for educators, students, and parents to know how each child is progressing—is the child proficient, on track to be proficient, or falling behind? Many States now have the robust data systems that will allow them to track this information; NCLB should allow them to use the statistical model that will be most useful.

My bill also improves NCLB's requirements for school choice and tutoring. No Child Left Behind gave parents an opportunity to move their children out of dysfunctional schools. I support that. But the law requires school districts offer school choice, and to set aside funds to pay for transportation, in Year Two of Improvement Status. Schools do not have to tutor the students until the following year. This is backwards logic. Schools should be given the opportunity to help students learn first before transporting them all over town. I think most parents agree, and that is one reason why we are see-

ing fewer than 2 percent of parents choose to transfer their children to another school. My bill would require schools to offer tutoring first before providing school choice.

Mr. President, NCLB also requires schools to tutor and offer choice to students who are doing well at their neighborhood school. Schools should not be forced to set aside desperately needed funds to serve students who don't need those services. My bill would require schools to provide tutoring and choice only to those students who are not proficient. In addition, it would allow school districts to provide tutoring to students even if the district is in Improvement Status. While school districts may need improvement overall, those same districts employ teachers who are fully capable of providing effective tutoring.

Many educators and parents also have concerns about NCLB's requirements for Corrective Action and Restructuring. These are very significant requirements that can include firing staff and closing schools that don't meet the law's AYP requirements. They are even more significant if the actions are not based on reliable information.

As you know, assessing whether a child is proficient on state standards in a reliable and valid way is difficult. It is even more difficult when the child has a disability or has limited English proficiency. Some question whether or not the tests we are giving these two groups of students are valid and reliable. Yet, NCLB requires districts and States to impose significant corrective actions or restructure a school completely if a school or district does not make AYP for any subgroup repeatedly. For truly dysfunctional schools and districts, that may be appropriate.

But, how do we justify taking over a school, firing its teachers, turning its governance over to another entity, or other drastic measures if the students are learning but have not yet met the State's proficiency benchmarks? We can not.

That is why my bill would not allow a school or school district to be restructured if the school missed AYP for one or both of those subgroups alone and the school can show through a growth model that the students in those two subgroups are on track to be proficient in a reasonable amount of time. Schools that are improving student learning should not be dismantled based on potentially invalid test results.

In Alaska, Hawaii, and several other States, Native Americans are working hard to keep their indigenous languages and cultures alive. Teachers will tell you, and research supports them, that Alaska Native, Native Hawaiian, and American Indian students learn better when their heritage is a respected and vibrant part of their edu-

cation. This is true of any child, but particularly true for these groups of Americans.

Many schools around the country that serve these students have incorporated indigenous language programs into their curriculum. The problem is that in many instances, there is no valid and reliable way to assess whether or not the students have learned the state standards in that language. Neither is it valid to test what a student knows in a language they do not speak well. Research also tells us that students who are learning in a full language immersion program do not test well initially, but by 7th grade they do as well or better on State tests and they can speak two languages.

My legislation would allow schools with Native American language programs in States where there is no assessment in that language to calculate Adequate Yearly Progress for third graders by participation rate only. It would then allow the school to make AYP if those students are proficient or on track to be proficient in grades 4 through 7.

Finally, I know as a parent how important it is to my boys that their father and I have always been involved in their education. NCLB recognizes, in many ways, how important parents are in a child's education, but improvements can still be made. My bill would amend Title II of NCLB—which authorizes subgrants for preparing, training, and recruiting teachers and principals—to allow, but not mandate, more parental involvement in our schools. This section of my bill would allow parent-teacher associations and organizations to be members of federally funded partnerships formed to improve low-performing schools and to provide training to teachers and principals to improve parental engagement and school-parent communication.

I can tell you that as wonderful as our Nation's teachers are, very few of them graduate from college having had a course in how to effectively communicate with parents. Teachers are very busy people, and when a parent shows up at the classroom door and says, "Hi, I'm here to help" teachers often do not know how to react. Many teachers have difficulty communicating with parents who may be working two jobs, or who have a different cultural background or language. In my view, parents should be a part of improving their children's schools, and have insights into how communication between school and home can be improved.

I know that these 6 issues are not the only issues that my colleagues, Alaskans, and Americans may have with the No Child Left Behind Act. I have been talking with Alaskans about NCLB since I came to the Senate, and I look forward to working hard on the reauthorization of the law this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "School Accountability Improvements Act".

SEC. 2. HIGHLY QUALIFIED TEACHERS IN SMALL, RURAL, OR REMOTE SCHOOLS.

(a) PURPOSES.—The purposes of this section are—

(1) to ensure that local educational agencies have flexibility in the ways in which the local educational agencies may provide instruction in core academic subjects;

(2) to provide relief to teachers who are assigned to teach more than two core academic subjects in small, rural, or remote schools; and

(3) to provide assurances to students that their instructors will have appropriate knowledge of the core academic subjects the instructors teach.

(b) HIGHLY QUALIFIED TEACHERS OF MULTIPLE CORE ACADEMIC SUBJECTS IN SMALL SCHOOLS.—Section 1119(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)) is amended by adding at the end the following:

"(4) SPECIAL RULE FOR SMALL, RURAL, OR REMOTE SCHOOLS.—In the case of a local educational agency that is unable to provide a highly qualified teacher to serve as an on-site classroom teacher for a core academic subject in a small, rural, or remote school, the local educational agency may meet the requirements of this section by using distance learning to provide such instruction by a teacher who is highly qualified in the core academic subject, as long as—

"(A) the teacher who is highly qualified in the core academic subject—

"(i) is responsible for providing at least 50 percent of the direct instruction in the core academic subject through distance learning;

"(ii) is responsible for monitoring student progress; and

"(iii) is the teacher who assigns the students their grades; and

"(B) an on-site teacher who is highly qualified in a subject other than the core academic subject taught through distance learning is present in the classroom throughout the period of distance learning and provides supporting instruction and assistance to the students."

(c) SMALL, RURAL, OR REMOTE SCHOOLS.—Section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) is amended—

(1) by redesignating paragraphs (41) through (43) as paragraphs (42) through (44), respectively;

(2) in the undesignated paragraph following paragraph (39), by striking "STATE.—The" and inserting the following

"(41) STATE.—The"; and

(3) by inserting after paragraph (39) the following:

"(40) SMALL, RURAL, OR REMOTE SCHOOL.—The term 'small, rural, or remote school' means a school that—

"(A)(i) is served by a local educational agency that meets the eligibility requirements of section 6211(b) or 6221(b)(1)(B);

"(ii) has an average daily student membership of fewer than 500 students for grades

kindergarten through grade 12, inclusive, for the full school year preceding the school year for which the determination is being made under this paragraph; or

"(iii) has an average daily membership of fewer than 100 students in grades 7 through 12, inclusive, for such preceding full school year; and

"(B) has been unable, despite reasonable efforts to do so, to recruit, hire, or retain a sufficient number of teachers who are highly qualified in the core academic subjects for the school year for which the determination is being made under this paragraph."

SEC. 3. GROWTH MODELS.

Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) is amended by adding at the end the following:

"(L) GROWTH MODELS.—

"(i) IN GENERAL.—In the case of a State that desires to satisfy the requirements of a single, statewide State accountability system under subparagraph (A) through the use of a growth model, the Secretary shall approve such State's use of the growth model if—

"(I) the State plan ensures that 100 percent of students in each group described in subparagraph (C)(v)—

"(aa) meet or exceed the State's proficient level of academic achievement on the State assessments under paragraph (3) by the 2013–2014 school year; or

"(bb) are making sufficient progress to enable each student to meet or exceed the State's proficient level on such assessments for the student's corresponding grade level not later than the student's final year in secondary school;

"(II) the State plan complies with all of the requirements of this paragraph, except as provided in clause (ii);

"(III) the growth model is based on a fully approved assessment system;

"(IV) the growth model calculates growth in student proficiency for the purposes of determining adequate yearly progress either by individual students or by cohorts of students, and may use methodologies, such as confidence intervals and the State-approved minimum designations, that will yield statistically reliable data;

"(V) the growth model includes all students; and

"(VI) the State has the capacity to track and manage the data for the growth model efficiently and effectively.

"(ii) SPECIAL RULE.—Notwithstanding any other provision of law, for purposes of any provision that requires the calculation of a number or percentage of students who meet or exceed the proficient level of academic achievement on a State assessment under paragraph (3), a State using a growth model approved under clause (i) shall calculate such number or percentage by counting—

"(I) the students who meet or exceed the proficient level of academic achievement on the State assessment; and

"(II) the students who, as demonstrated through the growth model, are making sufficient progress to enable each student to meet or exceed the proficient level on the State assessment for the student's corresponding grade level not later than the student's final year in secondary school."

SEC. 4. SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES.

(a) SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES.—Section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (E) and inserting the following:

"(E) SUPPLEMENTAL EDUCATIONAL SERVICES.—In the case of a school identified for school improvement under this paragraph, the local educational agency shall, not later than the first day of the school year following such identification, make supplemental educational services available consistent with subsection (e)."; and

(B) by striking subparagraph (F);

(2) by striking paragraph (5) and inserting the following:

"(5) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS AFTER IDENTIFICATION.—

"(A) IN GENERAL.—In the case of any school served under this part that fails to make adequate yearly progress, as set out in the State's plan under section 1111(b)(2), not later than the first day of the second school year following identification under paragraph (1), the local educational agency serving such school shall—

"(i) provide students in grades 3 through 12 who are enrolled in the school and who did not meet or exceed the proficient level on the most recent State assessment in mathematics or in reading or language arts with the option to transfer to another public school served by the local educational agency in accordance with subparagraph (B);

"(ii) continue to make supplemental educational services available consistent with subsection (e)(1); and

"(iii) continue to provide technical assistance.

"(B) PUBLIC SCHOOL CHOICE.—In carrying out subparagraph (A)(i) with respect to a school, the local educational agency serving such school shall, not later than the first day of the school year following such identification, provide all students described in subparagraph (A)(i) with the option to transfer to another public school served by the local educational agency, which may include a public charter school, that has not been identified for school improvement under this paragraph, unless such an option is prohibited by State law.

"(C) TRANSFER.—Students who use the option to transfer under subparagraph (A)(i), paragraph (7)(C)(i) or (8)(A)(i), or subsection (c)(10)(C)(vii), shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school."

(3) in paragraph (7)(C)(i), by striking "all"; and

(4) in paragraph (8)(A)(i), by striking "all".

(b) SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS.—Section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)) is amended—

(1) by redesignating paragraph (12) as paragraph (13);

(2) by inserting after paragraph (11) the following:

"(12) RULE REGARDING PROVIDERS.—Notwithstanding paragraph (13)(B), a local educational agency identified under subsection (c) that is required to arrange for the provision of supplemental educational services under this subsection may serve as a provider of such services in accordance with this subsection."; and

(3) in paragraph (13)(A) (as redesignated by paragraph (1)), by inserting "who is in any of grades 3 through 12 and who did not meet or exceed the proficient level on the most recent State assessment in mathematics or in reading or language arts" before the semicolon.

SEC. 5. CALCULATING ADEQUATE YEARLY PROGRESS FOR STUDENTS WITH DISABILITIES AND STUDENTS WITH LIMITED ENGLISH PROFICIENCY.

Section 1116 of the Elementary and Secondary Education Act of 1965 (as amended by section 4) (20 U.S.C. 6316) is further amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

“(h) PARTIAL SATISFACTION OF AYP.—

“(1) SCHOOLS.—Notwithstanding this section or any other provision of law, in the case of a school that failed to make adequate yearly progress under section 1111(b)(2) solely because the school did not meet or exceed 1 or more annual measurable objectives set by the State under section 1111(b)(2)(G) for the subgroup of students with disabilities or students with limited English proficiency, or both such subgroups—

“(A) if such school is identified for school improvement under subsection (b)(1), such school shall only be required to develop or revise and implement a school plan under subsection (b)(3) with respect to each such subgroup that did not meet or exceed each annual measurable objective; and

“(B) if such school is identified for corrective action or restructuring under paragraph (7) or (8) of subsection (b), respectively, the local educational agency serving such school shall not be required to implement subsection (b)(7)(C)(iv) or subsection (b)(8)(B), respectively, if the local educational agency demonstrates to the State educational agency that the school would have made adequate yearly progress for each assessment and for each such subgroup for the most recent school year if the percentage of students who met or exceeded the proficient level of academic achievement on the State assessment was calculated by counting—

“(i) the students who met or exceeded such proficient level; and

“(ii) the students who are making sufficient progress to enable each such student to meet or exceed the proficient level on the assessment for the student's corresponding grade level not later than the student's final year in secondary school, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of section 1111(b)(2)(L)(i).

“(2) LOCAL EDUCATIONAL AGENCIES.—Notwithstanding this section or any other provision of law, in the case of a local educational agency that failed to make adequately yearly progress under subsection (c)(1) solely because the local educational agency did not meet or exceed 1 or more annual measurable objectives set by the State under section 1111(b)(2)(G) for the subgroup of students with disabilities or students with limited English proficiency, or both such subgroups—

“(A) if the local educational agency is identified for improvement under subsection (c)(3), the local educational agency shall only be required to develop or revise and implement a local educational agency plan under subsection (c)(7) with respect to each such subgroup that did not meet or exceed each annual measurable objective; and

“(B) if the local educational agency is identified for corrective action under subsection (c)(10), the State educational agency shall not be required to implement such subsection if the State educational agency demonstrates to the Secretary that the local educational agency would have made adequate yearly progress for each assessment and for each such subgroup if the percentage

of students who met or exceeded the proficient level of academic achievement on the State assessment was calculated by counting—

“(i) the students who meet or exceed such proficient level; and

“(ii) the students who are making sufficient progress to enable each such student to meet or exceed the proficient level on the assessment for the student's corresponding grade level not later than the student's final year in secondary school, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of section 1111(b)(2)(L)(i).”.

SEC. 6. NATIVE AMERICAN LANGUAGE PROGRAMS.

Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (as amended by section 3) (20 U.S.C. 6311(b)(2)) is further amended by adding at the end the following:

“(M) NATIVE AMERICAN LANGUAGE PROGRAMS.—Notwithstanding subparagraph (I) or any other provision of law—

“(i) a school serving students who receive not less than a half day of daily Native language instruction in an American Indian language, an Alaska Native language, or Hawaiian in at least grades kindergarten through grade 2 for a school year that does not have State assessments under paragraph (3) available in the Native American language taught at the school as provided for in paragraph (3)(C)(ix)(III)—

“(I) shall assess students in grade 3 as required under paragraph (3), and such students shall be included in determining if the school met the participation requirements for all groups of students as required under subparagraph (I)(ii) for such school year; and

“(II) shall not include such assessment results for students in grade 3 in determining if the school met or exceeded the annual measurable objectives for all groups of students as required under subparagraph (I)(i) for such school year; and

“(ii) in the case of a school serving students in any of grades 4 through 8 who received such Native American language instruction, such school shall count for purposes of calculating the percentage of students who met or exceeded the proficient level of academic achievement on the State assessment—

“(I) the students who met or exceeded such proficient level; and

“(II) the students who are making sufficient progress to enable each such student to meet or exceed such proficient level on the assessment for the student's corresponding grade level by the time the student enters grade 7, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of subparagraph (L)(i).”.

SEC. 7. IMPROVING EFFECTIVE PARENTAL INVOLVEMENT.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) in section 2131(1)(B) (20 U.S.C. 6631(1)(B)), by inserting “one or more parent teacher associations or organizations,” after “another local educational agency,”; and

(2) in section 2134 (20 U.S.C. 6634)—

(A) in subsection (a)(2)(C), by inserting “one or more parent teacher associations or organizations,” after “such local educational agencies,”;

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

“(b) OPTIONAL USE OF FUNDS.—An eligible partnership that receives a subgrant under

this section may use subgrant funds remaining after carrying out all of the activities described in subsection (a) for—

“(1) developing parental engagement strategies, with accountability goals, as a key part of the ongoing school improvement plan under section 1116(b)(3)(A) for a school identified for improvement under section 1116(b)(1); or

“(2) providing training to teachers, principals, and parents in skills that will enhance effective communication, which training shall—

“(A) include the research-based standards and methodologies of effective parent or family involvement programs; and

“(B) to the greatest extent possible, involve the members of the local and State parent teacher association or organization in such training activities and in the implementation of school improvement plans under section 1116(b)(3)(A).”.

SEC. 8. CONFORMING AMENDMENTS.

Section 1116 of the Elementary and Secondary Education Act of 1965 (as amended by sections 4 and 5) (20 U.S.C. 6316) is further amended—

(1) in subsection (b)—

(A) in paragraph (6)(F), by striking “(1)(E),”;

(B) in paragraph (7)(C)(i), by striking “paragraph (1)(E) and (F)” and inserting “subparagraphs (B) and (C) of paragraph (5)”;

(C) in paragraph (8)(A)(i), by striking “paragraph (1)(E) and (F)” and inserting “subparagraphs (B) and (C) of paragraph (5)”;

(D) in paragraph (9)—

(i) by striking “paragraph (1)(E)” and inserting “paragraph (5)(B)”;

(ii) by striking “(1)(A), (5),” and inserting “(5)(A),”;

(E) in paragraph (11), by striking “(1)(E),”;

(2) in subsection (c)(10)(C)(vii), by striking “subsections (b)(1)(E) and (F),” and inserting “subparagraphs (B) and (C) of subsection (b)(5)”;

(3) in subsection (e)(1), by inserting “(1),” after “described in paragraph”;

(4) in subsection (f)(1)(A)(ii), by inserting “(A)” after “(b)(5)”;

(5) in subsection (g)(3)(A), by striking “subsection (b)(1)(E)” and inserting “subsection (b)(5)(B)”.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1448. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 1449. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1450. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1451. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1452. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1453. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1454. Mr. SANDERS (for himself, Mr. LEAHY, Mr. SCHUMER, Mrs. GILLIBRAND, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1455. Mr. KYL (for himself and Mr. McCAIN) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1456. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1457. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1458. Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1459. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1460. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1461. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1462. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 1461 submitted by Ms. MURKOWSKI and intended to be proposed to the amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1463. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1464. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1465. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1466. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1467. Mr. VITTER proposed an amendment to amendment SA 1458 submitted by

Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) to the amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1468. Mrs. MURRAY proposed an amendment to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

TEXT OF AMENDMENTS

SA 1448. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . DETAINEE PHOTOGRAPHIC RECORDS PROTECTION AND OPEN FREEDOM OF INFORMATION ACT.

(a) DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.—

(1) SHORT TITLE.—This subsection may be cited as the “Detainee Photographic Records Protection Act of 2009”.

(2) DEFINITIONS.—In this subsection:

(A) COVERED RECORD.—The term “covered record” means any record—

(i) that is a photograph that—

(I) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(II) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(ii) for which a certification by the Secretary of Defense under paragraph (3) is in effect.

(B) PHOTOGRAPH.—The term “photograph” encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(3) CERTIFICATION.—

(A) IN GENERAL.—For any photograph described under paragraph (2)(A)(i), the Secretary of Defense shall certify, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger—

(i) citizens of the United States; or

(ii) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(B) CERTIFICATION EXPIRATION.—A certification submitted under subparagraph (A) and a renewal of a certification submitted under subparagraph (C) shall expire 3 years after the date on which the certification or renewal, as the case may be, is submitted to the President.

(C) CERTIFICATION RENEWAL.—The Secretary of Defense may submit to the President—

(i) a renewal of a certification in accordance with subparagraph (A) at any time; and

(ii) more than 1 renewal of a certification.

(D) NOTICE TO CONGRESS.—A timely notice of the Secretary’s certification shall be submitted to Congress.

(4) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(A) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(B) disclosure under any proceeding under that section.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to preclude the voluntary disclosure of a covered record.

(6) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

(b) OPEN FREEDOM OF INFORMATION ACT.—

(1) SHORT TITLE.—This subsection may be cited as the “OPEN FOIA Act of 2009”.

(2) SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

“(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

“(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

“(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.”.

SA 1449. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall, using funds made available under the heading “U.S. CUSTOMS AND BORDER PROTECTION” and under the subheading “SALARIES AND EXPENSES”, implement a demonstration program that is consistent with the technology acquisition and dissemination plan submitted under section 7201(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3810) to test the feasibility of using existing automated document authentication technology at select immigration benefit offices and ports of entry to determine the effectiveness of such technology in detecting fraudulent travel documents and reducing the ability of terrorists to enter the United States.

(b) If the demonstration program described in subsection (a) is carried out by a contractor, the Secretary of Homeland Security shall select such contractor on a competitive basis.

(c) Not later than 90 days after the date on which the demonstration program described in subsection (a) is completed, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))) a report on the results of the demonstration program.

SA 1450. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year

ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LOCAL DISASTER CONTRACTING FAIRNESS.

(a) **SHORT TITLE.**—This section may be cited as the “Local Disaster Contracting Fairness Act of 2009”.

(b) **DEFINITIONS.**—In this section:

(1) The term “executive agency” has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term “local subcontractor” means, with respect to a contract, a subcontractor who has a principal place of business or regularly conducts operations in the area in which work is to be performed under the contract by the subcontractor.

(3) The term “natural disaster reconstruction efforts” means reconstruction efforts undertaken in an area subject to a declaration by the President of a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(c) **FEDERAL CONTRACTING REQUIREMENTS.**—

(1) **IN GENERAL.**—The head of an executive agency may not enter into an agreement for debris removal or demolition services in connection with natural disaster reconstruction efforts unless the agreement specifies that—

(A) all of the work under the contract will be performed by the prime contractor or 1 or more subcontractors at 1 tier under the contract;

(B) any work performed under the contract by subcontractors will be performed by local subcontractors, except to the extent that local subcontractors are not available to perform such work;

(C) the prime contractor will act as the project manager or construction manager for the contract; and

(D) the prime contractor—

(i) has primary responsibility for managing all work under the contract; and

(ii) is to be paid a certain percentage of the overall value of the contract as sole compensation for assuming the risk associated with such responsibility.

(2) **PREFERENCE FOR SUBCONTRACTORS AFFECTED BY NATURAL DISASTERS.**—In entering into an agreement for debris removal or demolition services in connection with natural disaster reconstruction efforts, the head of an executive agency shall give a preference in the source selection process to each offeror who certifies that any work that is to be performed under the contract by subcontractors will be performed by local subcontractors.

(d) **APPLICABILITY.**—The requirements under subsection (c) shall apply to agreements entered into on or after the date of the enactment of this Act.

SA 1451. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . NATURAL DISASTER FAIRNESS IN CONTRACTING.

(a) **SHORT TITLE.**—This section may be cited as the “Natural Disaster Fairness in Contracting Act of 2009”.

(b) **DEFINITIONS.**—In this section:

(1) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) **FULL AND OPEN COMPETITIVE PROCEDURES.**—The term “full and open competitive procedures” has the meaning given the term “full and open competition” in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(3) **NATURAL DISASTER RECONSTRUCTION EFFORTS.**—The term “natural disaster reconstruction efforts” means reconstruction efforts undertaken in an area subject to a declaration by the President of a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(c) **COMPETITION REQUIREMENTS.**—

(1) **IN GENERAL.**—Except as provided under paragraph (2), the head of an executive agency, in entering into a contract to procure property or services in connection with natural disaster reconstruction efforts, shall comply with the requirements under section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

(2) **EXCEPTIONS.**—The exceptions to the requirement for competitive procedures provided under paragraphs (3), (4), and (7) of section 303(c) of such Act shall not apply to a contract described in paragraph (1).

(d) **WRITTEN APPROVAL FOR USE OF NON-COMPETITIVE PROCEDURES REQUIRED FOR CERTAIN CONTRACTS.**—

(1) **APPROVAL REQUIRED.**—The head of an executive agency may enter into a contract to procure property or services in connection with natural disaster reconstruction efforts using other than full and open competition only upon the written approval of the President or the President’s designee.

(2) **CONGRESSIONAL NOTIFICATION REQUIRED.**—

(A) **IN GENERAL.**—If procedures other than full and open competitive procedures are to be used to enter into a contract described in paragraph (1), the head of the executive agency negotiating such contract shall notify the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the standing committees of the Senate and the House of Representatives that have jurisdiction over the executive agency not later than 7 calendar days before the award of the contract.

(B) **JUSTIFICATION.**—The notification under subparagraph (A) shall include—

(i) the justification for the use of other than full and open competitive procedures;

(ii) a brief description of the contract’s scope;

(iii) the amount of the contract;

(iv) a discussion of how the contracting agency identified and solicited offers from contractors;

(v) a list of the contractors solicited; and

(vi) the justification and approval documents, required under section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)), upon which the determination of use of procedures other than full and open competitive procedures was based.

(3) **SCOPE OF REQUIREMENTS.**—

(A) **SIZE OF CONTRACTS.**—This subsection shall not apply to contracts of less than \$5,000,000.

(B) **APPLICABILITY.**—This subsection shall apply to any extension, amendment, or modification of a contract for the procurement of property or services in connection

with natural disaster reconstruction efforts entered into before the date of the enactment of this Act using other than full and open competitive procedures.

(C) **SMALL BUSINESS EXCEPTION.**—This subsection shall not apply to contracts authorized under the Small Business Act (15 U.S.C. 631 et seq.).

(e) **DISCLOSURE REQUIRED.**—

(1) **PUBLICATION AND PUBLIC AVAILABILITY.**—

(A) **IN GENERAL.**—The head of an executive agency that enters into a contract for the procurement of property or services in connection with natural disaster reconstruction efforts through the use of other than full and open competitive procedures shall publish in the Federal Register or Federal Business Opportunities, and otherwise make available to the public not later than 7 calendar days before the date on which the contract is finalized—

(i) the amount of the contract;

(ii) a brief description of the scope of the contract;

(iii) an explanation of how the executive agency identified, and solicited offers from, potential contractors to perform the contract, and a list of the potential contractors that were issued solicitations for the offers; and

(iv) the justification and approval documents, required under section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)), on which was based the determination to use procedures other than competitive procedures.

(B) **SCOPE OF REQUIREMENTS.**—

(i) **SIZE OF CONTRACTS.**—This subsection shall not apply to contracts of less than \$5,000,000.

(ii) **APPLICABILITY.**—This subsection shall apply to any extension, amendment, or modification of a contract entered into before the date of the enactment of this Act using other than full and open competitive procedures.

(iii) **SMALL BUSINESS EXCEPTION.**—This subsection shall not apply to contracts authorized under the Small Business Act (15 U.S.C. 631 et seq.).

(2) **RELATIONSHIP TO OTHER DISCLOSURE LAWS.**—Nothing in this subsection may be construed as affecting obligations to disclose United States Government information under any other provision of law.

(f) **CONTRACTS ENTERED INTO UNDER UNUSUAL AND COMPELLING URGENCY EXCEPTION.**—

(1) **REQUIREMENT FOR PERFORMANCE WITHIN 6-MONTH PERIOD.**—The head of an executive agency may not rely on the exception under section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) to enter into a contract to procure property or services in connection with natural disaster reconstruction efforts using procedures other than competitive procedures unless the contract will be performed within a 6-month period.

(2) **EXTENDED NOTIFICATION AND DISCLOSURE DEADLINES.**—The notification and disclosure deadlines under subsections (d)(2) and (e)(1)(A), respectively, shall be 7 calendar days after the date on which a contract described in paragraph (1) is finalized.

SA 1452. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds made available by this Act may be used to prohibit the use of a passport card issued to a national of the United States to serve as proof of identity and citizenship for the purpose of international travel by such national through all air ports of entry between the United States and Canada.

SA 1453. Ms. MIKULSKI submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 13, before the “.” insert:

Provided, That none of the funds made available for financial systems consolidation shall be obligated until the Secretary satisfies the recommendations of the Government Accountability Office (GAO-07-536) and the Office of Inspector General (OIG-08-47), including an independent cost benefit analysis and comprehensive review of alternatives.

SA 1454. Mr. SANDERS (for himself, Mr. LEAHY, Mr. SCHUMER, Mrs. GILLIBRAND, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. (A) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation with the entities specified in subsection (c), submit to Congress a report on improving cross-border inspection processes in an effort to reduce the time to travel between locations in the United States and locations in Ontario and Quebec by intercity passenger rail.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an evaluation of potential cross-border inspection processes and methods that comply with Department of Homeland Security requirements that would—

(A) reduce the time to travel on routes between locations in the United States and locations in Ontario and Quebec by intercity passenger rail; and

(B) increase the frequency of on-time arrivals by intercity passenger trains traveling on those routes;

(2) an assessment of the extent to which improving or expanding infrastructure and increasing staffing could increase the efficiency with which intercity rail passengers are screened at border crossings without decreasing security;

(3) an updated evaluation of the potential for pre-clearance by the Department of Homeland Security of intercity rail passengers at locations along routes between locations in the United States and locations in Ontario and Quebec, including through the joint use of inspection facilities with the Canada Border Services Agency, based on the report required by section 1523 of the Imple-

menting Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 121 Stat. 450);

(4) an estimate of the timeline for implementing the methods for reducing the time to travel between locations in the United States and locations in Ontario and Quebec by intercity passenger rail based on the evaluations and assessments described in paragraphs (1), (2), and (3); and

(5) a description of how such evaluations and assessments would apply with respect to—

(A) all existing intercity passenger rail routes between locations in the United States and locations in Ontario and Quebec, including designated high-speed rail corridors;

(B) any intercity passenger rail routes between such locations that have been used over the past 20 years and on which cross-border passenger rail service does not exist as of the date of the enactment of this Act; and

(C) any potential future rail routes between such locations.

(c) ENTITIES SPECIFIED.—The entities to be consulted in the development of the report required by subsection (a) are—

(1) the Government of Canada, including the Canada Border Services Agency and Transport Canada and other agencies of the Government of Canada with responsibility for providing border services;

(2) the Provinces of Ontario and Quebec;

(3) the States of Maine, Massachusetts, New Hampshire, New York, and Vermont;

(4) the National Railroad Passenger Corporation; and

(5) the Federal Railroad Administration.

SA 1455. Mr. KYL (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General and the Administrative Office of the United States Courts, shall submit a report to the congressional committees set forth in subsection (b) that provides details about—

(1) additional Border Patrol sectors that should be utilizing Operation Streamline programs; and

(2) resources needed from the Department of Homeland Security, the Department of Justice, and the Judiciary, to increase the effectiveness of Operation Streamline programs at some Border Patrol sectors and to utilize such programs at additional sectors.

(b) The congressional committees set forth in this subsection are—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

SA 1456. Mr. LIEBERMAN (for himself and Mr. GRAHAM) submitted an

amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. _____. DETAINEE PHOTOGRAPHIC RECORDS PROTECTION AND OPEN FREEDOM OF INFORMATION ACT.

(a) DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.—

(1) SHORT TITLE.—This subsection may be cited as the “Detainee Photographic Records Protection Act of 2009”.

(2) DEFINITIONS.—In this subsection:

(A) COVERED RECORD.—The term “covered record” means any record—

(i) that is a photograph that—

(I) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(II) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(ii) for which a certification by the Secretary of Defense under paragraph (3) is in effect.

(B) PHOTOGRAPH.—The term “photograph” encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(3) CERTIFICATION.—

(A) IN GENERAL.—For any photograph described under paragraph (2)(A)(i), the Secretary of Defense shall issue a certification, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger —

(i) citizens of the United States; or

(ii) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(B) CERTIFICATION EXPIRATION.—A certification under subparagraph (A) and a renewal of a certification under subparagraph (C) shall expire 3 years after the date on which the certification or renewal, as the case may be, is made.

(C) CERTIFICATION RENEWAL.—The Secretary of Defense may issue—

(i) a renewal of a certification in accordance with subparagraph (A) at any time; and

(ii) more than 1 renewal of a certification.

(D) NOTICE TO CONGRESS.—A timely notice of the Secretary’s certification shall be submitted to Congress.

(4) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(A) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(B) disclosure under any proceeding under that section.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to preclude the voluntary disclosure of a covered record.

(6) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

(b) OPEN FREEDOM OF INFORMATION ACT.—

(1) SHORT TITLE.—This subsection may be cited as the “OPEN FOIA Act of 2009”.

(2) SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.—Section 552(b) of title 5, United

States Code, is amended by striking paragraph (3) and inserting the following:

“(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

“(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

“(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

“(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.”.

SA 1457. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 13, insert “: *Provided*, That of the total amount made available under this heading, \$5,000,000 shall not be obligated until the Chief Financial Officer or an individual acting in such capacity submits a financial management improvement plan that addresses the recommendations outlined in the Department of Homeland Security Office of Inspector General report #OIG-09-72, including yearly measurable milestones, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the plan described in the preceding proviso shall be submitted not later than January 4, 2010” before the period.

SA 1458. Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. ____ (a) The amount appropriated under the heading “firefighter assistance grants” under the heading “Federal Emergency Management Agency” under by title III for necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 is increased by \$10,000,000 for necessary expenses to carry out the programs authorized under section 33 of that Act (15 U.S.C. 2229).

(b) The total amount of appropriations under the heading “Aviation Security” under the heading “Transportation Security Administration” under title II, the amount for screening operations and the amount for explosives detection systems under the first proviso under that heading, and the amount for the purchase and installation of explosives detection systems under the second proviso under that heading are reduced by \$4,500,000.

(c) From the unobligated balances of amounts appropriated before the date of enactment of this Act for the appropriations account under the heading “state and local programs” under the heading “Federal Emergency Management Agency” for “Trucking Industry Security Grants”, \$5,500,000 are rescinded.

SA 1459. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 5 ____ None of the funds made available under this Act may be obligated for the construction of the National Bio and Agro-defense Facility on the United States mainland until 90 days after the later of—

(1) the date on which the Secretary of Homeland Security completes a site-specific bio-safety and bio-security mitigation assessment to determine the requirements necessary to ensure safe operation of the National Bio and Agro-defense Facility at the preferred site identified in the January 16, 2009, record of decision published in Federal Register Vol. 74, Number 111;

(2) the date on which the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, submits to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that—

(A) describes the procedure that will be used to issue the permit to conduct foot-and-mouth disease live virus research under section 7524 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 113a note; Public Law 110-246); and

(B) includes plans to establish an emergency response plan with city, regional, and State officials in the event of an accidental release of foot-and-mouth disease or another hazardous pathogen.

SA 1460. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. EMERGENCY SHELTERS.

(a) RESCISSION.—Of amounts made available before the date of enactment of this Act from the appropriations account under the heading “DISASTER RELIEF” under the heading “FEDERAL EMERGENCY MANAGEMENT AGENCY” to the State of Louisiana pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) for Hurricane Katrina, \$150,000,000 are rescinded.

(b) APPROPRIATION.—There is appropriated for the fiscal year ending September 30, 2009, out of any money in the Treasury not otherwise appropriated, \$150,000,000, to remain available until expended, for the appropriations account under the heading “STATE AND LOCAL PROGRAMS” under the heading “FEDERAL EMERGENCY MANAGEMENT AGENCY” for a grant to the State of Louisiana for the construction of emergency shelters or modification of facilities to serve as emergency shelters. For purposes of Senate enforcement, the amount made available under this subsection is designated as an emergency requirement and necessary to meet emergency

needs pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 1461. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. CERTAIN DISASTER RELIEF.

Notwithstanding section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), the Administrator of the Federal Emergency Management Agency shall reimburse the Cordova Electric Cooperative, Incorporated, for not less than 75 percent of the cost of the reconstruction of the Humpback Creek Hydroelectric Project in Cordova, Alaska, pursuant to major disaster declaration FEMA-1669-DR (71 Fed. Reg. 75969), in accordance with the proposed reconstruction concept as described in Federal Energy Regulatory Commission, Cordova Electric Cooperative, Incorporated, Project No. 8889-046, Order Amending License, Approving Revised Exhibits And Revising Project Boundary (issued March 31, 2009, as corrected April 3, 2009).

SA 1462. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 1461 submitted by Ms. MURKOWSKI and intended to be proposed to the amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following: “Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency shall reimburse the Bay St. Louis-Waveland School District under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for 100 percent of the costs to replace all buildings located on the campus of Second Street Elementary, Bay St. Louis, Mississippi damaged by Hurricane Katrina of 2005.”.

SA 1463. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 77, between lines 16 and 17 insert the following:

SEC. 556. FEDERAL DEPOSIT INSURANCE ACT TECHNICAL CORRECTION.

(a) APPLICABLE ANNUAL PERCENTAGE RATE OF INTEREST.—Section 44(f)(1) of the Federal

Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting “(or in the case of a governmental entity located in such State, paid)” after “received, or reserved”; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking “nondepository institution operating in such State” and inserting “governmental entity located in such State and any person that is not a depository institution described in subparagraph (A) doing business in such State”;

(B) by redesignating clause (ii) as clause (iii);

(C) in clause (i)—

(i) in subclause (III)—

(I) in item (aa), by adding “and” at the end;

(II) in item (bb), by striking “, to facilitate” and all that follows through “2009”; and

(III) by striking item (cc); and

(ii) by adding after subclause (III) the following:

“(IV) the uniform accessibility of bonds and obligations issued under the American Recovery and Reinvestment Act of 2009;”;

(D) by inserting after clause (i) the following:

“(ii) to facilitate interstate commerce through the issuance of bonds and obligations under any provision of State law, including bonds and obligations for the purpose of economic development, education, and improvements to infrastructure; and”.

(b) EFFECTIVE PERIOD.—The amendments made by this section shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

SA 1464. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROPER DISPOSAL OF PERSONAL INFORMATION COLLECTED THROUGH THE REGISTERED TRAVELER PROGRAM.

(a) IN GENERAL.—Any company that collects or retains personal information from individuals who participated in the Registered Traveler program shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800-30, entitled “Risk Management Guide for Information Technology Systems”; and

(2) the National Institute for Standards and Technology Special Publication 800-53, Revision 3, entitled “Recommended Security Controls for Federal Information Systems and Organizations.”;

(3) any supplemental standards established by the Assistant Secretary, Transportation Security Administration (referred to in this section as the “Assistant Secretary”).

(b) CERTIFICATION.—The Assistant Secretary shall—

(1) review the procedures used to safeguard and dispose of such information; and

(2) require any company described in subsection (a) to provide, not later than 30 days

after the date of the enactment of this Act, written certification to the sponsoring aircraft operator or airport operator that such procedures are consistent with the minimum standards established under paragraph (1).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary shall submit a report to Congress that—

(1) describes the procedures that have been used to safeguard and dispose of personal information collected through the Registered Traveler program; and

(2) provides the status of the certification by any company described in subsection (a) that such procedures are consistent with the minimum standards established by the Assistant Secretary.

SA 1465. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. ADMINISTRATIVE LAW JUDGES.

The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary re-employment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 164).

SA 1466. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 39, line 9, after “spending:” insert the following: “*Provided further,* That not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that includes (1) a plan for the acquisition of alternative temporary housing units, and (2) procedures for expanding repair of existing multi-family rental housing units authorized under section 6891(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 776(a)), semi-permanent, or permanent housing options.”.

SA 1467. Mr. VITTER proposed an amendment to amendment SA 1458 submitted by Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) to the amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the end add the following:

SEC. ____. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided,* That the prescription drug may not be—

SA 1468. Mrs. MURRAY proposed an amendment to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place insert the following:

None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on Wednesday, July 22, 2009, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 635, to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System;

S. 715, to establish a pilot program to provide for the preservation and rehabilitation of historic lighthouses;

S. 742, to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, and for other purposes;

S. 1270, to modify the boundary of the Oregon Caves National Monument, and for other purposes;

S. 1418 and H.R. 2330, to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System; and

H.R. 2430, to direct the Secretary of the Interior to continue stocking fish

in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to anna_fox@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Anna Fox at (202) 224-1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 9, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 9, 2009, at 2 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Thursday, July 9, 2009, at 10 a.m. in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Thursday, July 9, 2009, at 10 a.m. to conduct a hearing entitled "Healthcare Reform: The Concerns and Priorities from the Perspective of Small Businesses."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 9, 2009, at 10 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO SENATOR COLEMAN

Mrs. MURRAY. Mr. President, I ask unanimous consent that the tributes to Senator Coleman in the CONGRESSIONAL RECORD be printed as a Senate document and that Senators be permitted to submit statements for inclusion until Friday, August 7, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, JULY 10, 2009

Mrs. MURRAY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Friday, July 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. MURRAY. As the majority leader announced earlier tonight, there will be no rollcall votes tomorrow. The next vote is expected to occur around 5:30 p.m. on Monday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mrs. MURRAY. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 10:08 p.m., adjourned until Friday, July 10, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

CHRISTOPHER P. BERTRAM, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE PHYLLIS F. SCHEINBERG, RESIGNED.

DEPARTMENT OF STATE

PHILIP D. MURPHY, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FRANCIS S. COLLINS, OF MARYLAND, TO BE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH, VICE ELIAS ADAM ZERHOUNI.

SHERRY GLIED, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE BENJAMIN ERIC SASSE, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

CRAIG BECKER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009, VICE DENNIS P. WALSH.

CRAIG BECKER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014. (REAPPOINTMENT)

BRIAN HAYES, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2012, VICE ROBERT J. BATTISTA, TERM EXPIRED.

MARK GASTON PEARCE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2013, VICE PETER N. KIRSANOW.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JAMES A. LEACH, OF IOWA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF FOUR YEARS, VICE BRUCE COLE.

ROLENA KLAHN ADORNO, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE ELIZABETH FOX-GENOVESE, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DANIEL L. YORK

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination under the authority of the order of the Senate of 01/07/09 and the nomination was placed on the Executive Calendar:

*GORDON S. HEDDELL, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—Thursday, July 9, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 9, 2009.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Reverend Anthony L. Bennett, Mount Aery Baptist Church, Bridgeport, Connecticut, offered the following prayer:

Good morning, God, our Creator, Provider and Sustainer. It is to You, our refuge, strength, and one God who is known by many names. To You God, we give thanks for this day; a day in which we have another chance to manifest Your divine essence upon the Earth. You have given us another opportunity to demonstrate Your love for us in how we treat one another.

And so, on today, I lift the Members and staff of this, the United States House of Representatives. I pray Your wisdom and guidance will consume them so that they understand the individuals, families and, yes, even the nations that will be impacted by their decisions today. So teach them and all of us to do justice, to love kindness, and to walk humbly with our God.

In the name of Jesus, I pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND ANTHONY L. BENNETT

The SPEAKER pro tempore. Without objection, the gentleman from Connecticut (Mr. HIMES) is recognized for 1 minute.

There was no objection.

Mr. HIMES. Mr. Speaker, it is an honor for me to introduce today to the Congress of the United States, Pastor Anthony L. Bennett of the Mount Aery Baptist Church in Bridgeport, Connecticut.

Pastor Bennett is accompanied today by his wife, First Lady Bennett, and their young and energetic son, Ahmad.

The Mount Aery Baptist Church draws its name from the biblical Mount Ararat where Noah's ark is believed to have come to rest after the cataclysmic floods. This is an apt metaphor because Mount Aery is a beacon, a refuge, a house of good works in a very troubled city, one of the poorest in Connecticut, in fact, one of the poorest in the Nation.

But under Pastor Bennett's leadership, the Mount Aery Church has sponsored ministries for children, for teenagers, for those at risk of dependency or recovering from dependency. He has fostered educational outreach programs that have made a difference in a very, very troubled location.

One of the most personally moving things I have experienced in the last several years was when the Mount Aery Baptist Church raised up recent high school graduates of the city of Bridgeport at a time and in a place where half of the city's high school students do not graduate from high school.

Pastor Bennett is a leader, a minister, and a pastor; and I can't help but thinking this morning that if all of us strove to match his example, we would be a better country, indeed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

PUBLIC OPTION IN HEALTH REFORM

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, I rise to voice my support for a strong public

option as part of our health reform bill. Health care is not a place for playing political games; it is simply too precious. That is why we need to pass a meaningful bill, one that actually achieves the goal of providing everyone with affordable access to quality care.

If private competition alone could have achieved this, it would have already. I am supporting comprehensive health reform for patients, for each one of us who has a loved one who has needed care but was denied by their insurance company and couldn't afford the out-of-pocket expenses. Let's give those companies a reason to provide us with better, more affordable coverage, and give patients greater choice in who will be their insurer.

I urge my colleagues to join me in supporting the inclusion of a viable public option in our health reform legislation.

HEALTH CARE REFORM IS DISASTER

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, health care reform is a disaster. The cost of the Democrat health care bill is \$1.5 trillion, and we still don't know how they intend to pay for it. That is on top of the fact that the Democrats have spent nearly \$1 trillion on the stimulus to create jobs that we have yet to see, plus \$400 billion on a so-called emergency spending bill.

They doled out billions to the auto industry, billions to Wall Street, and a whopping \$182 billion to AIG. And that is on top of the \$700 billion housing rescue. And now they want a \$1.5 trillion health care plan.

The problem with our health care system isn't that we don't spend enough; it is that we spend it inefficiently. We can and we must do better for our children and our grandchildren.

America, let's stop the red ink now.

HELP WITH HEALTH INSURANCE

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, over 45 million people in America have no health insurance, and over 8 million of them are children. Millions more don't have enough health insurance; that is dramatic, but abstract.

Let me make it more real and tell you about two of these people I met in

Hawaii last week. One woman told me that she is self-employed and pays all of her taxes. She works hard, but for her entire life she has taken care of herself because she can't afford health care. For years she self-treated a busted knee. It finally got to the point she had to see a doctor, but she couldn't afford it. She did something nobody should ever have to do: she used a friend's insurance card to get the care she needed.

Another man bravely told me he was homeless. He doesn't fit the stereotype. He has a college degree and works two jobs. One of his job provides him with health insurance, but he cannot afford the 20 percent copay. He needs that money to buy food for his wife and children, and to buy gasoline to drive his car to work. So he goes without regular doctor visits and hopes for the best.

These people aren't asking for a handout. They are asking for a little bit of help. It is time we provided it.

THE GREEN RELIGION SUPPRESSES FREE SPEECH

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the most toxic atmosphere today is the political climate. At the EPA, scientists are not allowed to disagree with the rabid dogma about climate change.

Recently, Alan Carlin, a 35-year veteran scientist at the EPA, issued a report that challenged the theory of global warming. Carlin pointed out serious problems with the science used to draw false EPA conclusions. He revealed new research that contradicts dire predictions that mankind is destroying the world. He pointed to evidence that the Earth is actually cooling. The EPA suppressed the report.

Carlin's boss warned him that he had better not talk about the report or disagree with the EPA's green agenda.

The suppression of speech and information undermines the very foundation of self-governance. Yet there is a systematic suppression of information that contradicts what has become a green religion at the EPA.

Thousands of scientists have challenged the claims of global warming. Science is supposed to be about the uncorrupted search for the truth and the facts. The EPA's actions are reminiscent of those who said the Earth was flat and persecuted the "heretics" who said it was round.

And that's just the way it is.

WELCOMING AMBASSADOR VASSILIS KASKARELIS

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, I rise today to welcome the new Ambassador from Greece to Washington. Ambassador Vassilis Kaskarelis has a long and distinguished diplomatic career having represented Greece at the U.N., NATO, and the E.U., among other posts. No doubt he will be an excellent partner as we move to strengthen Greek-American relations on issues like Cyprus and the ecumenical patriarch, for example, as well as on Greece's pivotal position in the geopolitics of the region and in the new global economy.

I also congratulate Greece on the recent opening of the spectacular Acropolis Museum. I was honored to represent President Obama and the United States at its inauguration. Built in stone from the region and bathed in natural light reflected from the nearby Aegean, it houses some of the world's greatest antiquities. Accordingly, it cries out for the return of the Parthenon Marbles from the British Museum.

USE WHAT YOU VOTE FOR

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, gradually the details of the Democrat health plan are leaking out to the American people. Call it whatever you like, this proposal is nothing more than a government-run health care plan if it has a government-run option. Interestingly, it exempts Members of Congress from having to join a government-run health care system.

As a physician for many years, I am amazed at the number of Congressmen who have enjoined high-quality, personalized health care in this country but are now willing to force post office-style medicine on our people.

In response to this, I have offered a resolution that will give Members of Congress an opportunity to finally be accountable for the decisions we make and how they affect the lives of ordinary Americans. Most Americans feel that Congressmen who vote for legislation creating a government-run health care plan should lead by example and enroll themselves in the same public plan. I agree with them. As a result, I have introduced House Resolution 615 with a number of cosponsors that simply says that if you vote for a government-run health care option, you agree to choose government-run health care for yourself and your family.

I ask Members of both parties to vote for my resolution.

CLEAN ENERGY TECHNOLOGY CREATES JOBS

(Mr. HALL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of New York. Mr. Speaker, I rise today to talk about how clean energy technology is creating jobs in my district and why we need the Senate to follow our lead and pass the American Clean Energy Security bill to create even more jobs in the Hudson Valley and throughout the country.

Mercury Solar in my district started 3 years ago with five employees and now employs 60 people, expecting to have 80 by year's end.

Spectra Watt, a solar cell manufacturer, will be employing 150 people in their new Dutchess County facility by next year.

Business is growing by leaps and bounds because of the market created by New York's renewable energy requirements, because of the Federal tax incentives that we passed here in Congress and because of the economic stimulus package. But more needs to be done, and that's why we need the Waxman-Markey bill, the Energy and Jobs bill, to be passed by the Senate.

It is time to invest in our future for America to reclaim first place in the field of energy technology and to create the middle class jobs of the 21st century.

I urge the Senate to quickly pass the Waxman-Markey Energy and Jobs bill.

AMERICANS DESERVE REAL PLAN, REAL RECOVERY

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, at the close of last year, it was obvious: America was sliding into a serious recession. And to this very day, the American people are struggling in this difficult economy.

Well, in February, this Democrat Congress passed a \$1 trillion stimulus bill, and the results are starting to come in: 1.6 million jobs lost since the stimulus bill was signed. Unemployment was 12.4 million; it is 14.7 million today. The unemployment rate was 7.5 percent; it is 9.5 percent today, the highest in 26 years. And, remarkably, the President last week said that the recovery bill had "done its job." Done its job?

Look, the American people are starting to get wise to the Democrat plan here. They understand the Democrat agenda is nothing more than more government, more debt, more spending, a national energy tax, and a government takeover of health care.

The Republican plan: fiscal discipline for Washington, D.C. and tax relief for working families, small businesses and family farms.

The American people are hurting. They deserve a real plan for a real recovery, not more spending, more taxes, more debt, and more unemployment.

□ 1015

LET'S FIX OUR BROKEN
IMMIGRATION SYSTEM

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Yesterday, the Senate voted to extend the border wall between the U.S. and Mexico and to expand E-Verify, making this flawed employment verification system both mandatory and permanent for Federal contractors.

The American people don't want to see political posturing; they want to see real, meaningful immigration reform. These provisions attempt to enforce immigration laws without getting to the heart of the issue. Building a bigger wall at the U.S.-Mexico border is going to spend millions of taxpayer dollars and will not stop illegal immigration; reforming our immigration system will.

Forcing Federal contractors to implement a costly employment verification program isn't going to stop illegal immigration. Instead, a mandatory E-Verify clause would force cash-strapped small businesses to make the painful decisions between losing government contracts and spending millions of dollars on a flawed and expensive employment verification system.

It's not that we shouldn't talk about border security or employment verification. We must. These are conversations we need to have as part of a larger debate on comprehensive immigration reform, not as amendments to an appropriations bill. Instead of trying to act tough, Members of Congress should be tough and fix our broken immigration system.

PRESCRIPTION OF THE DAY:
PHYSICIAN PAYMENT REFORM

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, here's the problem: Every 6, 12, or 18 months for the last several years, doctors who participate in Medicare, a public option, have faced steep payment cuts, threatening their ability to keep their doors open.

This Congress, and many Congresses before it, instead of biting the bullet and working to find a long-term and permanent solution to the problem, passes short-term fixes, leaving America's doctors uncertain about their ability to continue serving our Nation's seniors and practicing medicine. Doctors need a stable and reasonable predictor of their Medicare reimbursement rates, and the current formula, the Sustainable Growth Rate formula, is flawed and outdated.

For the past several years I have introduced legislation that will correct

this formula, and it is incumbent upon this Congress to address this issue. We need a permanent fix. Our doctors are forced to live under the ax of yearly cuts just for the privilege of seeing our Nation's seniors.

Reforms to the system are important. I urge constituents to go to the Web site healthcaucus.org, weigh in on this issue, and stay abreast on all of the health care debates that are going on in this Congress.

THE AMERICAN CLEAN ENERGY
AND SECURITY ACT

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to address the role of American energy sources as articulated in the recently passed Clean Energy and Security Act.

The leadership of the minority party claims that this legislation discriminates against energy sources such as coal, nuclear, and hydroelectric power. Nothing could be further from the truth. This act will make historic investments in coal technology. That's the reason that coal-dependent companies like Duke Energy and American Electric Power, as well as the United Mineworkers, have endorsed the bill.

The American Clean Energy and Security Act will strengthen market incentives for nuclear energy by deducting new nuclear from the baseline of renewable electricity standards. That's why Exelon and Entergy, America's first and second largest nuclear energy producers, have endorsed the bill.

The American Clean Energy and Security Act will create strong incentives for new hydroelectric generation when new turbines are placed on existing dams. That's why Pacific Gas and Electric and Seattle City Light, two utilities with substantial investments in hydroelectric, have endorsed the bill.

Mr. Speaker, don't take my word for it. These companies that rely on coal, nuclear, and hydro would not support the bill if it didn't help their industry.

HEALTH CARE'S PUBLIC OPTION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, some of my colleagues on the other side of the aisle want to see a so-called "public option" as a part of any health care reform plan. The key question for any public health option is, would this plan be subsidized with taxpayer money? If not, then the public option would simply be a nonprofit insurance business which anyone could create now. But if taxpayer money will subsidize this option, and I believe it will, the public

option will only serve to crowd out other choices.

A public option will not save any money; it will compete and undermine private plans. And I'm afraid many companies will end up dumping employees under the public plan. A public option is nothing more than a back door to government-owned health care which will ultimately result in rationed care and bureaucrats in charge of your health care choices.

COMBATING OBESITY IN AMERICA

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, as I travel throughout my district, the primary concern I hear over and over again from Republicans, Independents, and Democrats, is that we need to reform our Nation's health care system. However, any meaningful reform must begin by taking control over the skyrocketing costs of health care. As a clinical dietitian for 25 years, I know that this can only be achieved with serious commitment to healthy living and combating obesity in America.

A recent study by the National Center for Education Statistics found that one out of every five American 4-year-olds is obese. I would like to repeat that. One out of every five 4-year-olds in America is obese. Why is this a problem? The CDC estimated recently that the total cost of obesity in the United States is \$117 billion.

Mr. Speaker, as a Nation, if we are serious about reforming our health care system, we need to get serious about combating obesity. I urge my colleagues to join me in ensuring healthy living, wellness, and prevention are major components of the final health care bill. The success of our reform depends on it.

LET THE AMERICAN PEOPLE BE
HEARD ON HEALTH CARE REFORM

(Mr. WITTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WITTMAN. Mr. Speaker, I come here today to ask that you include all of our voices in crafting responsible health care reform legislation. This issue is too large and impacts too many people to write a bill from only one side of the aisle.

In my home State of Virginia, more than 1.1 million individuals are uninsured, and health care premiums grow another 10 percent annually. Back in the First District, I formed and work with a Health Care Advisory Council comprised of local patient advocates, physicians, nurses, students, insurance providers, hospitals, community health centers, and other stakeholders in the

health care reform debate. These folks have great ideas that deserve an opportunity to be heard. They are clear-cut ideas on which both sides can agree.

We must let Americans who like their health care coverage keep it and give all Americans the freedom to choose the health plan that best meets their needs. We must also focus on prevention, disease management, and wellness programs, as well as the development of new treatments and cures for life-threatening diseases.

We must also allow the Federal Government to partner with States to improve programs that guarantee access to affordable coverage for those with preexisting conditions.

Finally, we must increase transparency to improve patient access to the best health care information available.

These are things upon which Republicans and Democrats can agree in order to provide relief to the American people.

HEALTH CARE REFORM

(Mr. MAFFEI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAFFEI. Mr. Speaker, I hosted a town hall meeting in my district in Syracuse, New York. The town hall was extremely well attended, with over 400 constituents from across central New York in attendance, and everyone was interested. I think there may have even been 400 different opinions in the room. The ones who were the most passionate, of course, were the ones on both sides of it and the extreme sides of it. There was the crowd that wanted a government-run, single-payer health care system and wouldn't settle for much else, and then there were about an equal number equally convinced that the government should have absolutely no role in health care whatsoever and that any role at all would be socialism. I think most of the people in my district, though, are somewhere in the middle.

I would like to share just one story from my town hall. At the end of the evening, after some pretty heated rhetoric, a man named Doug West of Skaneateles, New York, came down to the front of the auditorium to show me his monthly insurance bill and how it went from about \$350 about 6 years ago to more than \$800 today. Doug is a retired engineer from a local company, and unless there are some dramatic changes, Doug is not going to be able to afford that rising cost forever.

Doug and his family are examples of the constituents that I will be focused on in my advocacy for higher quality and more affordable health care.

DEMOCRAT HEALTH CARE BILL

(Mr. STEARNS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, as both the House and Senate Democrats attempt to pass a multitrillion-dollar government-run health care bill, there are some facts that have come out that we can now all see.

These three facts are now evident about the House Democrat legislation:

First, the bill will force 114 million Americans out of their current health care coverage into a new government-controlled health care plan;

Second, the bipartisan Congressional Budget Office states that the bill will cost the American taxpayers \$1.5 trillion;

And third, 29 million Americans will still remain uninsured if this disastrous piece of legislation becomes law.

But 83 percent of Americans like the insurance they now have. Yes, we must reform the system to include those without insurance, but we must not throw out what is working.

The American people need real reforms, not government-run medicine.

HEALTH CARE REFORM

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. Mr. Speaker, as a mother of a young 2-year-old son, like millions of moms in America, health care is very important to me. And I want to know that I have the freedom to go to whatever doctor I choose and have the medical treatment that is best for my son, Cole.

We are facing a serious health care crisis, and we must do everything we can to fix the problem. Last week, I was back home in eastern Washington. Everywhere I went I heard about the lack of doctors and nurses, the high cost of health insurance, and the limited access to quality health care, especially in the rural areas. I also heard fears that the government may take over our health care, parents who are worried their child won't be able to see the pediatrician of their choice, or seniors who worry that the doctor they trusted for decades may drop his or her coverage because the government doesn't pay them enough to keep practicing.

During this debate, let us not forget that doctors are the true experts. We can reform our system and cover the uninsured without the Federal Government setting up shop as a health insurance company and a health care gatekeeper, and without sacrificing that important doctor-patient relationship.

REMEMBERING BOB SHORT

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Mr. Speaker, Bob Short died yesterday. Most people don't know the name Bob Short, but if you go back several decades and think back to the beginning of the first book series, "The Gospel According to Peanuts," you are reading Bob Short.

I got to know him later in life when he began attending my wife's church at Quapaw Quarter United Methodist Church in Little Rock, Arkansas, just a few years ago. He developed an illness several months ago, and we lost a great American, a man who had great impact on the thinking of a lot of Americans, particularly those who loved Charlie Schultz and the Peanuts comic strips. Bob Short will be missed.

MOTION TO ADJOURN

Mrs. McMORRIS RODGERS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mrs. McMORRIS RODGERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 31, nays 385, answered "present" 1, not voting 15, as follows:

[Roll No. 497]

YEAS—31

Bartlett	Gingrey (GA)	Paul
Barton (TX)	Gohmert	Price (GA)
Blackburn	Hensarling	Sessions
Broun (GA)	Johnson (IL)	Shadegg
Campbell	King (IA)	Souder
Chaffetz	Lamborn	Spratt
Coffman (CO)	Marchant	Thornberry
Connolly (VA)	McHenry	Tiahrt
Fleming	Murtha	Young (AK)
Fox	Olson	
Garrett (NJ)	Pascarella	

NAYS—385

Abercrombie	Boozman	Castor (FL)
Ackerman	Boren	Chandler
Aderholt	Boswell	Childers
Adler (NJ)	Boustany	Clarke
Akin	Boyd	Clay
Alexander	Brady (PA)	Cleaver
Altmire	Brady (TX)	Clyburn
Arcuri	Braley (IA)	Coble
Austria	Bright	Cohen
Baca	Brown (SC)	Cole
Bachmann	Brown, Corrine	Conaway
Bachus	Brown-Waite,	Conyers
Baldwin	Ginny	Cooper
Barrett (SC)	Buchanan	Costello
Barrow	Burgess	Courtney
Bean	Burton (IN)	Crenshaw
Becerra	Butterfield	Crowley
Berkley	Buyer	Cuellar
Berman	Calvert	Culberson
Berry	Camp	Cummings
Biggert	Cao	Dahlkemper
Billray	Capito	Davis (AL)
Bilirakis	Capps	Davis (CA)
Bishop (GA)	Capuano	Davis (IL)
Bishop (NY)	Cardoza	Davis (KY)
Blumenauer	Carnahan	Davis (TN)
Blunt	Carney	Deal (GA)
Boccheri	Carson (IN)	DeFazio
Boehner	Carter	DeGette
Bonner	Cassidy	Delahunt
Bono Mack	Castle	DeLauro

Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Forbes
Fortenberry
Foster
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseeth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inlee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)

Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsock
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts

Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Townes
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch

Wexler
Whitfield
Wilson (OH)
Wilson (SC)

Wittman
Wolf
Woolsey
Wu

Yarmuth
Young (FL)

ANSWERED "PRESENT"—1

Bishop (UT)

NOT VOTING—15

Andrews
Baird
Boucher
Cantor
Costa

Doyle
Engel
Fudge
Granger
Murphy (NY)

Murphy, Patrick
Ruppersberger
Shuler
Slaughter
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining in this vote.

□ 1054

Messrs. CARNEY, McCLINTOCK, Ms. KILPATRICK of Michigan, Mr. BRIGHT, Mrs. NAPOLITANO, Mr. BERRY, Ms. CLARKE, Messrs. COHEN and DICKS changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 609 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2997.

□ 1054

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose on Wednesday, July 8, 2009, a request for a recorded vote on amendment No. 7 printed in part B of House Report 111–191 by the gentleman from Georgia (Mr. KINGSTON) had been postponed and the bill had been read through page 74, line 22.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–191 on which further proceedings were postponed, in the following order:

Amendment No. 1 printed in part A by Ms. DELAURO of Connecticut.

Amendment No. 2 printed in part B by Mr. BRADY of Texas.

Amendment No. 4 printed in part B by Mrs. CAPITO of West Virginia.

Amendment No. 3 printed in part B by Mr. BROUN of Georgia.

Amendment No. 1 printed in part B by Mrs. BLACKBURN of Tennessee.

Amendment No. 6 printed in part E by Mr. HENSARLING of Texas.

Amendment No. 2 printed in part C by Mr. CAMPBELL of California.

Amendment No. 9 printed in part D by Mr. FLAKE of Arizona.

Amendment No. 4 printed in part D by Mr. FLAKE of Arizona.

Amendment No. 12 printed in part D by Mr. FLAKE of Arizona.

Amendment No. 7 printed in part B by Mr. KINGSTON of Georgia.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

PARLIAMENTARY INQUIRY

Mr. MICA. Parliamentary inquiry, Mr. Chair.

The CHAIR. The gentleman will state his parliamentary inquiry.

Mr. MICA. Mr. Chair, it is my understanding that the first amendment that will be considered is the DeLauro amendment, which is a manager's amendment that incorporates a number of provisions that do, in fact, legislate on an appropriations measure.

Is it not correct, Mr. Chair, that within the rule, H. Res. 609, providing for consideration of this measure before the House, all points of order were waived against any objection to legislating on an appropriations measure?

So, in fact, Mr. Chair, is it not correct that we are legislating on an appropriations measure with some of the provisions contained in this first amendment to be voted on by the House and, in fact, that a provision of the rule does waive any point of order against that action?

The CHAIR. The Chair does not interpret the content of the amendment.

Mr. MICA. Does it not, in fact, contain measures that are new?

The CHAIR. The gentleman is not stating a parliamentary inquiry.

Mr. MICA. Point of order. This does legislate on an appropriations measure which I was denied the opportunity to do but in fact they're doing in this first amendment?

The CHAIR. The gentleman has not made a point of order.

Mr. MICA. I appeal the decision of the Chair.

The CHAIR. The Chair has not conferred recognition at this point to make a point of order. That decision is not subject to appeal.

Mr. MICA. I thank the Chair.

PART A AMENDMENT NO. 1 OFFERED BY MS.

DELAURO

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Ms. DELAUNO:

Page 3, line 19, after the dollar amount, insert “(reduced by \$1,000,000)”.

Page 5, line 4, after the dollar amount, insert “(reduced by \$500,000)”.

Page 5, line 5, after the dollar amount, insert “(reduced by \$500,000)”.

Page 6, line 9, after the dollar amount, insert “(reduced by \$4,000,000)”.

Page 8, line 1, after the dollar amount, insert “(increased by \$500,000)”.

Page 9, line 10, after the dollar amount, insert “(increased by \$2,000,000)”.

Page 10, line 25, after the dollar amount, insert “(increased by \$3,519,000)”.

Page 11, line 8, after the dollar amount, insert “(increased by \$3,000,000)”.

Page 11, line 23, after the dollar amount, insert “(increased by \$519,000)”.

Page 25, line 22, after each of the dollar amounts, insert “(reduced by \$519,000)”.

Page 57, line 8, after the dollar amount, insert “(increased by \$235,000,000)”.

Page 57, line 20, strike “and”.

Page 57, line 23, insert before the colon the following: “; and \$235,000,000 shall be derived from tobacco product user fees authorized by section 919 of the Federal Food, Drug, and Cosmetic Act, as added by section 101 of the Family Smoking Prevention and Tobacco Control Act (Public Law 111-31), and shall be credited to this account and remain available until expended”.

Page 57, line 25, strike “and animal generic drug” and insert “animal generic drug, and tobacco product”.

Page 58, line 21, strike “(7) not to exceed \$115,882,000” and insert the following: “(7) \$216,523,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed \$117,225,000”.

Page 58, line 25, strike “(8) not to exceed \$168,728,000” and insert “(9) not to exceed \$171,526,000”.

Page 59, line 2, strike “(9) not to exceed \$185,793,000” and insert “(10) not to exceed \$200,129,000”.

At the end of the bill (before the short title), insert the following:

SEC. _____. There is appropriated, for the grant program for the purpose of obtaining and adding to an anhydrous ammonia fertilizer nurse tank a substance to reduce the amount of methamphetamine that can be produced from any anhydrous ammonia removed from the nurse tank as authorized by section 14203 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 864a), hereby derived from the amount provided in this Act for “Rural Development Salaries and Expenses”, \$2,000,000.

SEC. _____. None of the funds appropriated or otherwise made available by this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 266, noes 161, not voting 11, as follows:

[Roll No. 498]

AYES—266

Abercrombie	Griffith	Norton
Ackerman	Grijalva	Nye
Adler (NJ)	Gutierrez	Oberstar
Altmire	Hall (NY)	Obey
Andrews	Halvorson	Olver
Arcuri	Hare	Ortiz
Baca	Harman	Pallone
Baldwin	Hastings (FL)	Pascarell
Barrow	Heinrich	Pastor (AZ)
Bean	Heller	Paulsen
Becerra	Hereth Sandlin	Payne
Berkley	Higgins	Perlmutter
Berman	Hill	Perriello
Berry	Himes	Peters
Bishop (GA)	Hinche	Peterson
Bishop (NY)	Hinojosa	Pierluisi
Blumenauer	Hirono	Pingree (ME)
Boccieri	Hodes	Platts
Bordallo	Holden	Polis (CO)
Boren	Holt	Pomeroy
Boswell	Honda	Price (GA)
Boucher	Hoyer	Price (NC)
Boyd	Insee	Putnam
Brady (PA)	Israel	Quigley
Braley (IA)	Jackson (IL)	Rahall
Bright	Jackson-Lee	Rangel
Brown, Corrine	(TX)	Reyes
Brown-Waite,	Johnson (GA)	Richardson
Ginny	Johnson (IL)	Rodriguez
Butterfield	Johnson, E. B.	Ross
Cao	Kagen	Rothman (NJ)
Capps	Kanjorski	Roybal-Allard
Capuano	Kaptur	Ruppersberger
Cardoza	Kennedy	Rush
Carnahan	Kildee	Ryan (OH)
Carney	Kilpatrick (MI)	Sablan
Carson (IN)	Kilroy	Salazar
Castor (FL)	Kind	Sánchez, Linda
Chandler	Kirk	T.
Childers	Kirkpatrick (AZ)	Sanchez, Loretta
Christensen	Kissell	Sarbanes
Clarke	Klein (FL)	Schauer
Clay	Kosmas	Schiff
Cleaver	Kucinich	Schock
Clyburn	Langvin	Schrader
Cohen	Larsen (WA)	Schwartz
Connolly (VA)	Larson (CT)	Scott (GA)
Conyers	Lee (CA)	Scott (VA)
Cooper	Levin	Serrano
Costa	Lewis (GA)	Sestak
Costello	Lipinski	Shea-Porter
Courtney	LoBiondo	Sherman
Crowley	Loeb sack	Sires
Cuellar	Lofgren, Zoe	Skelton
Cummings	Lowe	Smith (NJ)
Dahlkemper	Lujan	Smith (WA)
Davis (AL)	Lynch	Snyder
Davis (CA)	Maffei	Space
Davis (IL)	Maloney	Speier
Davis (TN)	Markey (CO)	Spratt
DeFazio	Markey (MA)	Stark
DeGette	Marshall	Sutton
Delahunt	Massa	Tanner
DeLauro	Matheson	Taylor
Dent	Matsui	Teague
Dicks	McCollum	Terry
Dingell	McDermott	Thompson (CA)
Doggett	McGovern	Thompson (MS)
Donnelly (IN)	McMahon	Tierney
Doyle	McMorris	Titus
Driehaus	Rodgers	Towns
Edwards (MD)	McNerney	Tsongas
Edwards (TX)	Meek (FL)	Van Hollen
Ellison	Meeks (NY)	Velázquez
Ellsworth	Melancon	Visclosky
Engel	Michaud	Walz
Eshoo	Miller (NC)	Wasserman
Faleomavaega	Miller, George	Schultz
Farr	Minnick	Waters
Fattah	Mitchell	Watson
Filner	Mollohan	Watt
Fortenberry	Moore (KS)	Weiner
Foster	Moore (WI)	Welch
Frank (MA)	Moran (VA)	Wexler
Gerlach	Murphy (CT)	Wilson (OH)
Giffords	Murphy, Patrick	Wittman
Gonzalez	Murphy, Tim	Woolsey
Gordon (TN)	Murtha	Wu
Grayson	Nadler (NY)	Yarmuth
Green, Al	Napolitano	
Green, Gene	Neal (MA)	

NOES—161

Aderholt	Forbes	Miller (MI)
Akin	Fox	Miller, Gary
Alexander	Franks (AZ)	Moran (KS)
Austria	Frelinghuysen	Myrick
Bachmann	Gallely	Neugebauer
Bachus	Garrett (NJ)	Nunes
Barrett (SC)	Gingrey (GA)	Olson
Bartlett	Gohmert	Paul
Barton (TX)	Goodlatte	Pence
Biggart	Graves	Petri
Bilbray	Guthrie	Pitts
Bilirakis	Hall (TX)	Poe (TX)
Bishop (UT)	Harper	Posey
Blackburn	Hastings (WA)	Radanovich
Blunt	Hensarling	Rehberg
Boehner	Herger	Reichert
Bonner	Hoekstra	Roe (TN)
Bono Mack	Hunter	Rogers (AL)
Boozman	Issa	Rogers (KY)
Boustany	Jenkins	Rogers (MI)
Brady (TX)	Johnson, Sam	Rohrabacher
Broun (GA)	Jones	Rooney
Brown (SC)	Jordan (OH)	Ros-Lehtinen
Buchanan	King (IA)	Roskam
Burgess	King (NY)	Royce
Burton (IN)	Kingston	Ryan (WI)
Buyer	Kline (MN)	Scalise
Calvert	Kratovil	Schmidt
Camp	Lamborn	Sensenbrenner
Campbell	Lance	Sessions
Cantor	Latham	Shadegg
Capito	LaTourette	Shimkus
Carter	Latta	Shuler
Cassidy	Lee (NY)	Shuster
Castle	Lewis (CA)	Simpson
Chaffetz	Linder	Smith (NE)
Coble	Lucas	Smith (TX)
Coffman (CO)	Luetkemeyer	Souder
Cole	Lummis	Stearns
Conaway	Lungren, Daniel	Sullivan
Crenshaw	E.	Thompson (PA)
Culberson	Mack	Thornberry
Davis (KY)	Manzullo	Tiahrt
Deal (GA)	Marchant	Tiberi
Diaz-Balart, L.	McCarthy (CA)	Turner
Diaz-Balart, M.	McCauley	Upton
Dreier	McClintock	Walden
Duncan	McCotter	Wamp
Ehlers	McHenry	Westmoreland
Emerson	McHugh	Whitfield
Etheridge	McIntyre	Wilson (SC)
Fallin	McKeon	Wolf
Flake	Mica	Young (AK)
Fleming	Miller (FL)	Young (FL)

NOT VOTING—11

Baird	McCarthy (NY)	Stupak
Fudge	Murphy (NY)	Tonko
Granger	Schakowsky	Waxman
Inglis	Slaughter	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 5 minutes remaining on the vote.

□ 1116

Messrs. SHULER and MARCHANT changed their vote from “aye” to “no.”

Mr. WITTMAN changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. TONKO. Mr. Chair, on rollcall No. 498, I was unavoidably detained at a science and technology subcommittee hearing, as I was questioning a witness who had presented testimony on energy turbine efficiency. Had I been present, I would have voted “aye.”

PART B AMENDMENT NO. 2 OFFERED BY MR. BRADY OF TEXAS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BRADY) on

which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. BRADY of Texas:

Page 3, line 4, after the dollar amount, insert “(reduced by \$50,000)”.

Page 8, line 20, after the dollar amount, insert “(increased by \$50,000)”.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 404, noes 27, not voting 7, as follows:

[Roll No. 499]

AYES—404

Abercrombie	Carnahan	Flake
Ackerman	Carney	Fleming
Aderholt	Carson (IN)	Forbes
Adler (NJ)	Carter	Fortenberry
Akin	Cassidy	Foster
Alexander	Castle	Fox
Altmire	Castor (FL)	Frank (MA)
Andrews	Chaffetz	Franks (AZ)
Arcuri	Chandler	Frelinghuysen
Austria	Childers	Gallely
Baca	Christensen	Garrett (NJ)
Bachmann	Clarke	Gerlach
Bachus	Clay	Giffords
Baird	Cleaver	Gingrey (GA)
Baldwin	Clyburn	Gohmert
Barrett (SC)	Coble	Gonzalez
Barrow	Coffman (CO)	Goodlatte
Bartlett	Cohen	Gordon (TN)
Barton (TX)	Cole	Graves
Bean	Conaway	Grayson
Becerra	Connolly (VA)	Green, Al
Berkley	Conyers	Green, Gene
Berman	Cooper	Griffith
Berry	Costa	Grijalva
Biggart	Costello	Guthrie
Bilbray	Crenshaw	Gutierrez
Bilirakis	Crowley	Hall (NY)
Bishop (GA)	Cuellar	Hall (TX)
Bishop (NY)	Culberson	Harman
Blackburn	Cummings	Harper
Blunt	Dahlkemper	Hastings (FL)
Bocciari	Davis (AL)	Hastings (WA)
Boehner	Davis (CA)	Heinrich
Bonner	Davis (IL)	Heller
Bono Mack	Davis (KY)	Hensarling
Boozman	Deal (GA)	Herger
Bordallo	DeGette	Herseth Sandlin
Boren	Delahunt	Higgins
Boswell	DeLauro	Hill
Boucher	Dent	Himes
Boustany	Diaz-Balart, L.	Hinche
Boyd	Diaz-Balart, M.	Hinojosa
Brady (PA)	Dicks	Hirono
Brady (TX)	Dingell	Holden
Bright	Doggett	Holt
Brown (GA)	Donnelly (IN)	Honda
Brown (SC)	Doyle	Hoyer
Brown, Corrine	Dreier	Hunter
Brown-Waite,	Driebehaus	Inglis
Ginny	Duncan	Inslee
Buchanan	Edwards (MD)	Israel
Burgess	Edwards (TX)	Issa
Burton (IN)	Ehlers	Jackson (IL)
Butterfield	Ellison	Jackson-Lee
Buyer	Ellsworth	(TX)
Calvert	Emerson	Jenkins
Camp	Engel	Johnson (GA)
Campbell	Eshoo	Johnson (IL)
Cantor	Etheridge	Johnson, E. B.
Cao	Faleomavaega	Johnson, Sam
Capito	Fallin	Jordan (OH)
Capps	Farr	Kagen
Capuano	Fattah	Kanjorski
Cardoza	Filner	Kennedy

Kildee	Mollohan	Schock
Kilpatrick (MI)	Moore (KS)	Schrader
Kilroy	Moore (WI)	Schwartz
Kind	Moran (KS)	Scott (GA)
King (IA)	Moran (VA)	Scott (VA)
King (NY)	Murphy (CT)	Sensenbrenner
Kingston	Murphy, Patrick	Serrano
Kirk	Murphy, Tim	Sessions
Kirkpatrick (AZ)	Murtha	Sestak
Klein (FL)	Myrick	Shadegg
Kline (MN)	Napolitano	Shea-Porter
Kosmas	Neal (MA)	Shimkus
Kratovil	Neugebauer	Shuler
Lamborn	Norton	Shuster
Lance	Nunes	Simpson
Langevin	Oberstar	Sires
Larsen (WA)	Obey	Skelton
Larson (CT)	Olson	Slaughter
Latham	Oliver	Smith (NE)
LaTourette	Ortiz	Smith (NJ)
Latta	Pallone	Smith (TX)
Lee (CA)	Pascarella	Smith (WA)
Lee (NY)	Pastor (AZ)	Snyder
Levin	Paul	Souder
Lewis (CA)	Paulsen	Space
Lewis (GA)	Payne	Speier
Linder	Pence	Spratt
Lipinski	Perlmuter	Stark
LoBiondo	Perriello	Stearns
Lofgren, Zoe	Peters	Stupak
Lowey	Peterson	Sullivan
Lucas	Petri	Tanner
Luetkemeyer	Pierluisi	Terry
Lujan	Pitts	Thompson (CA)
Lummis	Platts	Thompson (MS)
Lungren, Daniel	Poe (TX)	Thompson (PA)
E.	Polis (CO)	Thornberry
Lynch	Pomeroy	Tiahrt
Mack	Posey	Tiberi
Maloney	Price (GA)	Tierney
Manzullo	Price (NC)	Titus
Marchant	Putnam	Tonko
Markey (CO)	Quigley	Towns
Markey (MA)	Radanovich	Tsongas
Massa	Rahall	Turner
Matheson	Rangel	Upton
Matsui	Rehberg	Van Hollen
McCarthy (CA)	Reichert	Velázquez
McCarthy (NY)	Reyes	Visclosky
McCaul	Richardson	Walden
McClintock	Rodriguez	Walz
McCollum	Roe (TN)	Wamp
McDermott	Rogers (KY)	Wasserman
McGovern	Rogers (MI)	Schultz
McHenry	Rohrabacher	Waters
McHugh	Rooney	Watson
McIntyre	Ros-Lehtinen	Watt
McKeon	Roskam	Waxman
McMahon	Ross	Weiner
McMorris	Rothman (NJ)	Welch
Rodgers	Roybal-Allard	Westmoreland
McNerney	Royce	Wexler
Meek (FL)	Ruppersberger	Whitfield
Meeks (NY)	Ryan (WI)	Wilson (OH)
Melancon	Sablan	Wilson (SC)
Mica	Salazar	Wittman
Miller (FL)	Sánchez, Linda	Wolf
Miller (MI)	T.	Woolsey
Miller (NC)	Sanchez, Loretta	Wu
Miller, Gary	Sarbanes	Yarmuth
Miller, George	Scalise	Young (AK)
Minnick	Schiff	Young (FL)
Mitchell	Schmidt	

NOES—27

Blumenauer	Jones	Nadler (NY)
Braley (IA)	Kaptur	Nye
Courtney	Kissell	Pingree (ME)
Davis (TN)	Kucinich	Rogers (AL)
DeFazio	Loeb sack	Schauer
Halvorson	Maffei	Sherman
Hare	Marshall	Sutton
Hodes	McCotter	Taylor
Hoekstra	Michaud	Teague

NOT VOTING—7

Bishop (UT)	Murphy (NY)	Schakowsky
Fudge	Rush	
Granger	Ryan (OH)	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1120

So the amendment was agreed to.
The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 4 OFFERED BY MRS. CAPITO

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mrs. CAPITO:

Page 3, line 19, insert after the dollar amount the following: “(reduced by \$10,038,000)”.

Page 46, line 18, insert after the dollar amount the following: “(increased by \$10,038,000)”.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 426, noes 3, not voting 9, as follows:

[Roll No. 500]

AYES—426

Abercrombie	Brown (SC)	Davis (CA)
Ackerman	Brown, Corrine	Davis (IL)
Aderholt	Brown-Waite,	Davis (KY)
Adler (NJ)	Ginny	Davis (TN)
Akin	Buchanan	Deal (GA)
Alexander	Burgess	DeFazio
Altmire	Burton (IN)	DeGette
Andrews	Butterfield	Delahunt
Arcuri	Buyer	DeLauro
Austria	Calvert	Dent
Baca	Camp	Diaz-Balart, L.
Bachmann	Campbell	Diaz-Balart, M.
Bachus	Cantor	Dicks
Baird	Cao	Dingell
Baldwin	Capito	Doggett
Barrett (SC)	Capps	Donnelly (IN)
Barrow	Capuano	Doyle
Bartlett	Cardoza	Dreier
Barton (TX)	Carnahan	Driebehaus
Bean	Carney	Duncan
Becerra	Carson (IN)	Edwards (MD)
Berkley	Carter	Edwards (TX)
Berman	Cassidy	Ehlers
Berry	Castle	Ellison
Biggart	Castor (FL)	Ellsworth
Bilbray	Chaffetz	Emerson
Bilirakis	Chandler	Engel
Bishop (GA)	Childers	Eshoo
Bishop (NY)	Clarke	Etheridge
Bishop (UT)	Clay	Faleomavaega
Blackburn	Cleaver	Fallin
Blumenauer	Clyburn	Fattah
Blunt	Coble	Filner
Bocciari	Coffman (CO)	Flake
Boehner	Cohen	Fleming
Bonner	Cole	Forbes
Bono Mack	Conaway	Fortenberry
Boozman	Conyers	Foster
Bordallo	Cooper	Fox
Boren	Costa	Frank (MA)
Boswell	Costello	Franks (AZ)
Boucher	Courtney	Frelinghuysen
Boustany	Crenshaw	Gallely
Boyd	Crowley	Garrett (NJ)
Brady (PA)	Cuellar	Gerlach
Brady (TX)	Culberson	Giffords
Bright	Cummings	Gingrey (GA)
Brown (GA)	Dahlkemper	Gohmert
Brown (SC)	Davis (AL)	Gonzalez

Goodlatte
Gordon (TN)
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei

Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen

Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wofford
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—3

Connolly (VA) Lofgren, Zoe Moran (VA)
Christensen Granger Murphy (NY)
Farr Honda Reyes
Fudge McDermott Schakowsky

NOT VOTING—9

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1124

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 3 OFFERED BY MR.

BROUN OF GEORGIA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. BROUN of Georgia:

Page 57, line 8, insert after the dollar amount the following: “(reduced by \$373,000,000)”.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 135, noes 292, not voting 11, as follows:

[Roll No. 501]

AYES—135

Adler (NJ) Ehlers Lungren, Daniel
Akin Emerson E.
Alexander Fallin Mack
Austria Flake Manzullo
Bachmann Fleming Marchant
Bachus Poxx McCarthy (CA)
Barrett (SC) Franks (AZ) McClintock
Bartlett Gallegly McCotter
Barton (TX) Garrett (NJ) McHenry
Berkley Gohmert McKeon
Bilbray Goodlatte McMorris
Bishop (UT) Graves Rodgers
Blackburn Guthrie
Boehner Hall (TX) Miller (FL)
Bonner Harper Miller (MI)
Bono Mack Hastings (WA) Miller, Gary
Boozman Heller Moran (KS)
Boustany Hensarling Myrick
Bright Herger Neugebauer
Broun (GA) Hunter Nunes
Brown (SC) Issa Olson
Buchanan Johnson (IL) Paul
Burton (IN) Johnson, Sam Paulsen
Calvert Jones Pence
Campbell Jordan (OH) Petri
Cantor King (IA) Pitts
Capito King (NY) Poe (TX)
Carter Kingston Posey
Chaffetz Kline (MN) Price (GA)
Coble Lamborn Radanovich
Coffman (CO) Lance Rehberg
Cole Latham Reichert
Conaway Latta Roe (TN)
Crenshaw Lee (NY) Rogers (KY)
Culberson Lewis (CA) Rohrabacher
Diaz-Balart, L. Linder Rooney
Diaz-Balart, M. Lucas Ros-Lehtinen
Dreier Luetkemeyer Royce
Duncan Lummis Ryan (WI)

Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shuster

Smith (NE)
Smith (TX)
Souder
Stearns
Terry
Thompson (PA)
Thornberry

Tiahrt
Turner
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wolf

NOES—292

Abercrombie
Ackerman
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bocciari
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Butterfield
Buyer
Camp
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge

Faleomavaega
Farr
Fattah
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowe
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott

McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rodriguez
Rogers (AL)
Rogers (MI)
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier

Spratt	Tonko	Waxman	Franks (AZ)	Lucas	Radanovich	Murphy (CT)	Roybal-Allard	Stupak
Stark	Tsongas	Weiner	Frelinghuysen	Luetkemeyer	Rehberg	Murphy, Tim	Ruppersberger	Sutton
Stupak	Upton	Welch	Gallegly	Lummis	Reichert	Murtha	Rush	Tanner
Sullivan	Van Hollen	Wexler	Garrett (NJ)	Lungren, Daniel	Roe (TN)	Nadler (NY)	Ryan (OH)	Teague
Sutton	Velázquez	Wilson (OH)	Gerlach	E.	Rogers (KY)	Napolitano	Sablan	Thompson (CA)
Tanner	Visclosky	Wittman	Gingrey (GA)	Mack	Rogers (MI)	Neal (MA)	Salazar	Thompson (MS)
Taylor	Walden	Woolsey	Gohmert	Manzullo	Rohrabacher	Norton	Sánchez, Linda	Tiberi
Teague	Walz	Wu	Goodlatte	Marchant	Rooney	Oberstar	T.	Tierney
Thompson (CA)	Wasserman	Yarmuth	Graves	Massa	Ros-Lehtinen	Obey	Sanchez, Loretta	Titus
Thompson (MS)	Schultz	Young (AK)	Guthrie	McCarthy (CA)	Roskam	Olver	Sarbanes	Tonko
Tiberi	Waters	Young (FL)	Hall (TX)	McCaul	Royce	Ortiz	Schakowsky	Towns
Tierney	Watson		Harper	McClintock	Ryan (WI)	Pallone	Schauer	Tsongas
Titus	Watt		Hastings (WA)	McCotter	Scalise	Pascarell	Schiff	Turner

NOT VOTING—11

Aderholt	Gutierrez	Murphy (NY)
Christensen	Jackson-Lee	Reyes
Fudge	(TX)	Richardson
Granger	Kosmas	Towns

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1127

Mr. CARSON of Indiana changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 1 OFFERED BY MRS. BLACKBURN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mrs. BLACKBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of amendment is as follows:

Part B amendment No. 1 offered by Mrs. BLACKBURN:

At the end of the bill (before the short title), insert the following:

SEC. _____. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 248, not voting 5, as follows:

[Roll No. 502]

AYES—185

Aderholt	Boren	Coffman (CO)
Adler (NJ)	Boustany	Cole
Akin	Brady (TX)	Conaway
Alexander	Bright	Cooper
Altmire	Broun (GA)	Crenshaw
Arcuri	Brown (SC)	Culberson
Austria	Brown-Waite,	Davis (KY)
Bachmann	Ginny	Deal (GA)
Bachus	Buchanan	Dent
Barrett (SC)	Burgess	Diaz-Balart, L.
Bartlett	Burton (IN)	Diaz-Balart, M.
Barton (TX)	Calvert	Donnelly (IN)
Bean	Camp	Dreier
Biggert	Campbell	Driehaus
Bilbray	Cantor	Duncan
Bilirakis	Capito	Ehlers
Blackburn	Carter	Emerson
Blunt	Cassidy	Fallin
Boehner	Castle	Flake
Bonner	Chaffetz	Fleming
Bono Mack	Childers	Forbes
Boozman	Coble	Fox

Abercrombie	DeGette	Johnson, E. B.
Ackerman	Delahunt	Kagen
Andrews	DeLauro	Kanjorski
Baca	Dicks	Kaptur
Baird	Dingell	Kennedy
Baldwin	Doggett	Kildee
Barrow	Doyle	Kilpatrick (MI)
Becerra	Edwards (MD)	Kilroy
Berkley	Edwards (TX)	Kind
Berman	Ellison	King (NY)
Berry	Ellsworth	Kissell
Bishop (GA)	Engel	Klein (FL)
Bishop (NY)	Eshoo	Kucinich
Blumenauer	Etheridge	Langevin
Boccheri	Faleomavaega	Larsen (WA)
Bordallo	Farr	Larson (CT)
Boswell	Fattah	LaTourette
Boucher	Filner	Lee (CA)
Boyd	Fortenberry	Levin
Brady (PA)	Poster	Lewis (GA)
Braley (IA)	Frank (MA)	Lipinski
Brown, Corrine	Giffords	LoBiondo
Butterfield	Gonzalez	Loeb
Buyer	Gordon (TN)	Lofgren, Zoe
Cao	Grayson	Lowey
Capps	Green, Al	Lujan
Capuano	Green, Gene	Lynch
Cardoza	Griffith	Maffei
Carnahan	Grijalva	Maloney
Carney	Gutierrez	Markey (CO)
Carson (IN)	Hall (NY)	Markey (MA)
Castor (FL)	Halvorson	Marshall
Chandler	Hare	Matheson
Clarke	Harman	Matsui
Clay	Hastings (FL)	McCarthy (NY)
Cleaver	Herseth Sandlin	McCollum
Clyburn	Higgins	McDermott
Cohen	Hill	McGovern
Connolly (VA)	Hinchey	McHugh
Conyers	Hinojosa	McIntyre
Costa	Hirono	McMahon
Costello	Hodes	McNerney
Courtney	Holden	Meek (FL)
Crowley	Holt	Meeks (NY)
Cuellar	Honda	Melancon
Cummings	Hoyer	Michaud
Dahlkemper	Inslee	Miller (NC)
Davis (AL)	Israel	Miller, George
Davis (CA)	Jackson (IL)	Mollohan
Davis (IL)	Jackson-Lee	Moore (KS)
Davis (TN)	(TX)	Moore (WI)
DeFazio	Johnson (GA)	Moran (VA)

NOES—248

Johnson, E. B.	Kagen	Kanjorski	Kaptur	Kennedy	Kildee	Kilpatrick (MI)	Kilroy	Kind	King (NY)	Kissell	Klein (FL)	Kucinich	Langevin	Larsen (WA)	Larson (CT)	LaTourette	Lee (CA)	Levin	Lewis (GA)	Lipinski	LoBiondo	Loeb	Lofgren, Zoe	Lowey	Lujan	Lynch	Maffei	Maloney	Markey (CO)	Markey (MA)	Marshall	Matheson	Matsui	McCarthy (NY)	McCollum	McDermott	McGovern	McHugh	McIntyre	McMahon	McNerney	Meek (FL)	Meeks (NY)	Melancon	Michaud	Miller (NC)	Miller, George	Mollohan	Moore (KS)	Moore (WI)	Moran (VA)
----------------	-------	-----------	--------	---------	--------	-----------------	--------	------	-----------	---------	------------	----------	----------	-------------	-------------	------------	----------	-------	------------	----------	----------	------	--------------	-------	-------	-------	--------	---------	-------------	-------------	----------	----------	--------	---------------	----------	-----------	----------	--------	----------	---------	----------	-----------	------------	----------	---------	-------------	----------------	----------	------------	------------	------------

NOT VOTING—5

Bishop (UT)	Fudge	Murphy (NY)
Christensen	Granger	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1130

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART E AMENDMENT NO. 6 OFFERED BY MR. HENSARLING

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part E amendment No. 6 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading “Animal and Plant Health Inspection Service—Salaries and Expenses” shall be available for the National Biodiversity Conservation Strategy project, Kiski Basin, Pennsylvania, and the amount otherwise provided under such heading is hereby reduced by \$200,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 122, noes 307, not voting 9, as follows:

[Roll No. 503]

AYES—122

Akin	Barrett (SC)	Bishop (UT)
Austria	Barton (TX)	Blackburn
Bachmann	Bean	Blunt
Bachus	Bilbray	Boehner

Bono Mack
Boozman
Brady (TX)
Bright
Broun (GA)
Buchanan
Burgess
Burton (IN)
Buyer
Camp
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Conaway
Cooper
Crenshaw
Deal (GA)
Duncan
Fallin
Flake
Fleming
Forbes
Foster
Foxy
Franks (AZ)
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Hall (TX)
Harper
Heller
Hensarling

NOES—307

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Biggart
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)

Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Kucinich
Lamborn
Lance
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Minnick
Mitchell
Myrick
Neugebauer
Nunes
Olson

Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman
Wolf

Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchee
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee
Donnelly (IN)
Doyle
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski

LoBiondo
Loeback
Lofgren, Zoe
Lowey
Lucas
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mehaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Oberly
Oliver
Ortiz
Pallone

Brown-Waite,
Ginny
Carnahan
Fudge

Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schradner
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter

NOT VOTING—9

Granger
Gutierrez
Kosmas
Murphy (NY)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1134

Mrs. CAPITO changed her vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MORAN of Kansas. Mr. Chair, I submit clarification of my vote on rollcall No. 503 the Hensarling Amendment No. 6, to H.R. 2997. I mistakenly voted “nay” when I intended to vote “yea.”

PART C AMENDMENT NO. 2 OFFERED BY MR.

CAMPBELL

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part C amendment No. 2 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading “National Institute of Food and Agriculture—Research and Education Activities” shall be available for the special grant for Specialty Crops in Indiana, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for special grants) are each hereby reduced by \$235,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 111, noes 320, not voting 7, as follows:

[Roll No. 504]

AYES—111

Akin	Gerlach	Myrick
Austria	Gingrey (GA)	Neugebauer
Bachmann	Goodlatte	Nunes
Barrett (SC)	Graves	Olson
Barton (TX)	Hall (TX)	Paul
Bilbray	Heller	Paulsen
Bilirakis	Hensarling	Pence
Blackburn	Herger	Petri
Blunt	Hoekstra	Pitts
Boehner	Inglis	Platts
Bono Mack	Issa	Poe (TX)
Boozman	Jenkins	Posey
Boustany	Johnson, Sam	Price (GA)
Brady (TX)	Jordan (OH)	Radanovich
Broun (GA)	King (IA)	Roe (TN)
Brown-Waite,	Kline (MN)	Rogers (MI)
Ginny	Lamborn	Rohrabacher
Buchanan	Lance	Rooney
Burgess	Latta	Roskam
Burton (IN)	Linder	Royce
Campbell	Luetkemeyer	Ryan (WI)
Cantor	Lummis	Scalise
Cassidy	Lungren, Daniel	Sensenbrenner
Chaffetz	E.	Sessions
Coble	Mack	Shadegg
Coffman (CO)	Manzullo	Shuster
Conaway	Marchant	Smith (NE)
Cooper	McCarthy (CA)	Stearns
Deal (GA)	McCaul	Sullivan
Duncan	McClintock	Terry
Ehlers	McCotter	Thornberry
Fallin	McHenry	Tiahrt
Flake	Mica	Tiberi
Fleming	Miller (FL)	Wamp
Forbes	Miller (MI)	Westmoreland
Foxy	Minnick	Wilson (SC)
Franks (AZ)	Mitchell	Wittman
Garrett (NJ)	Moran (KS)	

NOES—320

Abercrombie	Brady (PA)	Costa
Ackerman	Braley (IA)	Costello
Aderholt	Bright	Courtney
Adler (NJ)	Brown (SC)	Crenshaw
Alexander	Brown, Corrine	Crowley
Altmire	Butterfield	Cuellar
Andrews	Buyer	Culberson
Arcuri	Calvert	Cummings
Baca	Camp	Dahlkemper
Bachus	Cao	Davis (AL)
Baird	Capito	Davis (CA)
Baldwin	Capps	Davis (IL)
Barrow	Capuano	Davis (KY)
Bartlett	Cardoza	Davis (TN)
Bean	Carnahan	DeFazio
Becerra	Carney	DeGette
Berkley	Carson (IN)	DeLauro
Berman	Carter	Dent
Berry	Castle	Diaz-Balart, L.
Biggart	Castor (FL)	Diaz-Balart, M.
Bishop (GA)	Chandler	Dicks
Bishop (NY)	Childers	Dingell
Bishop (UT)	Christensen	Doggett
Blumenauer	Clarke	Donnelly (IN)
Bocieri	Clay	Doyle
Bonner	Cleaver	Dreier
Bordallo	Clyburn	Driehaus
Boren	Cohen	Edwards (MD)
Boswell	Cole	Edwards (TX)
Boucher	Connolly (VA)	Ellison
Boyd	Conyers	Ellsworth

Emerson	Lewis (CA)	Ros-Lehtinen
Engel	Lewis (GA)	Ross
Eshoo	Lipinski	Rothman (NJ)
Etheridge	LoBiondo	Roybal-Allard
Faleomavaega	Loeb sack	Ruppersberger
Farr	Lofgren, Zoe	Rush
Fattah	Lowey	Ryan (OH)
Filner	Lucas	Sablan
Fortenberry	Luján	Salazar
Foster	Lynch	Sánchez, Linda T.
Frelinghuysen	Maffei	Sanchez, Loretta
Gallegly	Maloney	Sarbanes
Giffords	Markey (CO)	Schakowsky
Gohmert	Markey (MA)	Schauer
Gonzalez	Marshall	Schiff
Gordon (TN)	Massa	Schmidt
Grayson	Matheson	Schock
Green, Al	Matsui	Schrader
Green, Gene	McCarthy (NY)	Schwartz
Griffith	McCollum	Scott (GA)
Grijalva	McDermott	Scott (VA)
Guthrie	McGovern	Serrano
Gutierrez	McHugh	Sestak
Hall (NY)	McIntyre	Shea-Porter
Halvorson	McKeon	Sherman
Hare	McMahon	Shimkus
Harman	McMorris	Shuler
Harper	Rodgers	Simpson
Hastings (FL)	McNerney	Sires
Hastings (WA)	Meek (FL)	Skelton
Heinrich	Meeks (NY)	Slaughter
Herseth Sandlin	Melancon	Smith (NJ)
Higgins	Michaud	Smith (TX)
Hill	Miller (NC)	Smith (WA)
Himes	Miller, Gary	Snyder
Hinchey	Miller, George	Souder
Hinojosa	Mollohan	Space
Hirono	Moore (KS)	Spratt
Hodes	Moore (WI)	Stark
Holden	Moran (VA)	Stupak
Holt	Murphy (CT)	Sutton
Honda	Murphy, Patrick	Tanner
Hoyer	Murphy, Tim	Taylor
Hunter	Murtha	Teague
Inslee	Nadler (NY)	Thompson (CA)
Israel	Napolitano	Thompson (MS)
Jackson (IL)	Neal (MA)	Thompson (PA)
Jackson-Lee	Norton	Tierney
(TX)	Nye	Titus
Johnson (GA)	Oberstar	Tonko
Johnson (IL)	Obey	Towns
Johnson, E. B.	Olver	Tsongas
Jones	Ortiz	Turner
Kagen	Pallone	Upton
Kanjorski	Pascarell	Van Hollen
Kaptur	Pastor (AZ)	Velázquez
Kennedy	Payne	Visclosky
Kildee	Perlmutter	Walzen
Kilpatrick (MI)	Perriello	Wasserman
Kilroy	Peters	Schultz
Kind	Peterson	Waters
King (NY)	Pierluisi	Watson
Kingston	Pingree (ME)	Watt
Kirk	Polis (CO)	Waxman
Kirkpatrick (AZ)	Pomeroy	Weiner
Kissell	Price (NC)	Welch
Klein (FL)	Putnam	Wexler
Kosmas	Quigley	Whitfield
Kratovil	Rahall	Wilson (OH)
Kucinich	Rangel	Wolf
Langevin	Rehberg	Woolsey
Larsen (WA)	Reichert	Wu
Larson (CT)	Reyes	Yarmuth
LaTourette	Richardson	Young (AK)
Lee (CA)	Rodriguez	Young (FL)
Lee (NY)	Rogers (AL)	
Levin	Rogers (KY)	

NOT VOTING—7

Delahunt	Granger	Speier
Frank (MA)	Latham	
Fudge	Murphy (NY)	

□ 1137

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART D AMENDMENT NO. 9 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on

which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part D amendment No. 9 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading “Agricultural Research Service—Salaries and Expenses” shall be available for the Foundry Sand By-Products Utilization project in Beltsville, Maryland, and the aggregate amount otherwise provided under such heading is hereby reduced by \$638,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 115, noes 319, not voting 4, as follows:

[Roll No. 505]

AYES—115

Akin	Goodlatte	Minnick
Austria	Graves	Moran (KS)
Bachmann	Hall (TX)	Myrick
Barrett (SC)	Heller	Neugebauer
Barton (TX)	Hensarling	Nunes
Bilbray	Herger	Olson
Bilirakis	Hoekstra	Paul
Bishop (UT)	Hunter	Paulsen
Blackburn	Inglis	Pence
Boehner	Issa	Petri
Bono Mack	Jenkins	Pitts
Boozman	Johnson (IL)	Posey
Boustany	Johnson, Sam	Price (GA)
Brady (TX)	Jordan (OH)	Radanovich
Broun (GA)	Kind	Roe (TN)
Buchanan	King (IA)	Rohrabacher
Burgess	Kingston	Rooney
Burton (IN)	Kirk	Roskam
Buyer	Kline (MN)	Royce
Campbell	Lamborn	Ryan (WI)
Cantor	Lance	Scalise
Cassidy	Latta	Schmidt
Castle	Linder	Schock
Chaffetz	Luetkemeyer	Sensenbrenner
Coffman (CO)	Lummis	Sessions
Conaway	Lungren, Daniel E.	Shadegg
Cooper	Mack	Shimkus
Deal (GA)	Marchant	Smith (NE)
Duncan	McCarthy (CA)	Stearns
Ehlers	McCaul	Sullivan
Fallin	McClintock	Terry
Flake	McCotter	Thornberry
Fleming	McHenry	Tiahrt
Forbes	McMorris	Tiberi
Fox	Rodgers	Walden
Franks (AZ)	Garrett (NJ)	Wamp
Garrett (NJ)	Gingrey (GA)	Westmoreland
Gingrey (GA)	Gohmert	Miller (FL)
Gohmert		Miller (MI)
		Wittman

NOES—319

Abercrombie	Berry	Brown-Waite,
Ackerman	Biggart	Ginny
Aderholt	Bishop (GA)	Butterfield
Adler (NJ)	Bishop (NY)	Calvert
Alexander	Blumenauer	Camp
Altmire	Blunt	Cao
Andrews	Bocchieri	Capito
Arcuri	Bonner	Capps
Baca	Bordallo	Capuano
Bachus	Boren	Cardoza
Baird	Boswell	Carnahan
Baldwin	Boucher	Carney
Barrow	Boyd	Carson (IN)
Bartlett	Brady (PA)	Carter
Bean	Braley (IA)	Castor (FL)
Becerra	Bright	Chandler
Berkley	Brown (SC)	Childers
Berman	Brown, Corrine	Christensen

Clarke	Johnson, E. B.	Pomeroy
Clay	Jones	Price (NC)
Cleaver	Kagen	Putnam
Clyburn	Kanjorski	Quigley
Coble	Kaptur	Rahall
Cohen	Kennedy	Rangel
Cole	Kildee	Rehberg
Connolly (VA)	Kilpatrick (MI)	Reichert
Conyers	Kilroy	Reyes
Costa	King (NY)	Richardson
Costello	Kirkpatrick (AZ)	Rodriguez
Courtney	Kissell	Rogers (AL)
Crenshaw	Klein (FL)	Rogers (KY)
Crowley	Kosmas	Rogers (MI)
Cuellar	Kratovil	Ros-Lehtinen
Culberson	Kucinich	Ross
Cummings	Langevin	Rothman (NJ)
Dahlkemper	Larsen (WA)	Roybal-Allard
Davis (AL)	Larson (CT)	Ruppersberger
Davis (CA)	Latham	Rush
Davis (IL)	LaTourette	Ryan (OH)
Davis (KY)	Lee (CA)	Sablan
Davis (TN)	Lee (NY)	Salazar
DeFazio	Levin	Sánchez, Linda T.
DeGette	Lewis (CA)	Sanchez, Loretta
DeLauro	Lewis (GA)	Sarbanes
Dent	Lipinski	Schakowsky
Diaz-Balart, L.	LoBiondo	Schauer
Diaz-Balart, M.	Loeb sack	Schiff
Dicks	Lofgren, Zoe	Schrader
Dingell	Lowey	Schwartz
Doggett	Lucas	Scott (GA)
Donnelly (IN)	Luján	Scott (VA)
Doyle	Lynch	Serrano
Dreier	Maffei	Sestak
Driehaus	Maloney	Shea-Porter
Edwards (MD)	Manzullo	Sherman
Edwards (TX)	Markey (CO)	Shuler
Ellison	Markey (MA)	Shuster
Ellsworth	Marshall	Simpson
Emerson	Massa	Sires
Engel	Matheson	Skelton
Eshoo	Matsui	Slaughter
Etheridge	McCarthy (NY)	Smith (NJ)
Faleomavaega	McCollum	Smith (TX)
Farr	McDermott	Smith (WA)
Fattah	McGovern	Snyder
Filner	McHugh	Souder
Fortenberry	McIntyre	Space
Foster	McKeon	Speier
Frank (MA)	McMahon	Stark
Frelinghuysen	McNerney	Stupak
Gallegly	Meek (FL)	Sutton
Gerlach	Meeks (NY)	Tanner
Giffords	Melancon	Taylor
Gonzalez	Michaud	Teague
Gordon (TN)	Miller (NC)	Thompson (CA)
Grayson	Miller, Gary	Thompson (MS)
Green, Al	Miller, George	Thompson (PA)
Green, Gene	Mitchell	Tierney
Griffith	Mollohan	Titus
Grijalva	Moore (KS)	Tonko
Guthrie	Moore (WI)	Towns
Gutierrez	Moran (VA)	Tsongas
Hall (NY)	Murphy (CT)	Turner
Halvorson	Murphy, Patrick	Upton
Hare	Murphy, Tim	Van Hollen
Harman	Murtha	Velázquez
Harper	Nadler (NY)	Visclosky
Hastings (FL)	Napolitano	Walz
Hastings (WA)	Neal (MA)	Wasserman
Heinrich	Norton	Schultz
Herseth Sandlin	Nye	Waters
Higgins	Oberstar	Watson
Hill	Obey	Watt
Himes	Olver	Waxman
Hinchey	Ortiz	Weiner
Hinojosa	Pallone	Welch
Hirono	Pascarell	Wexler
Hodes	Pastor (AZ)	Whitfield
Holden	Payne	Wilson (OH)
Holt	Perlmutter	Wolf
Honda	Perriello	Woolsey
Hoyer	Peters	Wu
Inslee	Peterson	Yarmuth
Israel	Pierluisi	Young (AK)
Jackson (IL)	Pingree (ME)	Young (FL)
Jackson-Lee	Platts	
(TX)	Poe (TX)	
Johnson (GA)	Polis (CO)	

NOT VOTING—4

Delahunt	Granger
Fudge	Murphy (NY)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on the vote.

□ 1140

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART D AMENDMENT NO. 4 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part D amendment No. 4 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "National Institute of Food and Agriculture—Research and Education Activities" shall be available for the special grant for the Agriculture Energy Innovation Center in Georgia, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for special grants) are each hereby reduced by \$1,000,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 103, noes 328, not voting 7, as follows:

[Roll No. 506]

AYES—103

Akin	Heller	Moran (KS)
Bachmann	Hensarling	Myrick
Barrett (SC)	Herger	Neugebauer
Bilbray	Hoekstra	Nunes
Blackburn	Ingليس	Nye
Boehner	Issa	Olson
Bono Mack	Jenkins	Paul
Boozman	Johnson (IL)	Paulsen
Boustany	Johnson, Sam	Pence
Bright	Jordan (OH)	Petri
Broun (GA)	Kind	Pitts
Buchanan	King (IA)	Poe (TX)
Burgess	Kline (MN)	Posey
Burton (IN)	Lamborn	Price (GA)
Campbell	Lance	Radanovich
Cassidy	Latta	Roe (TN)
Castle	Linder	Royce
Chaffetz	Lofgren, Zoe	Ryan (WI)
Coble	Luetkemeyer	Scalise
Coffman (CO)	Lummis	Sensenbrenner
Conaway	Lungren, Daniel	Sessions
Cooper	E.	Shadegg
Duncan	Mack	Smith (NE)
Ehlers	Manzullo	Souder
Fallin	Marchant	Speier
Flake	McCarthy (CA)	Stearns
Fleming	McCaul	Sullivan
Forbes	McClintock	Thornberry
Fox	McCotter	Tiberi
Franks (AZ)	McHenry	Upton
Garrett (NJ)	McKeon	Wamp
Giffords	Miller (FL)	Westmoreland
Goodlatte	Miller (MI)	Wilson (SC)
Graves	Minnick	Wittman
Hall (TX)	Mitchell	

NOES—328

Abercrombie	Doyle	Maloney
Ackerman	Dreier	Markey (CO)
Aderholt	Driehaus	Markey (MA)
Adler (NJ)	Edwards (MD)	Marshall
Alexander	Edwards (TX)	Massa
Altmire	Ellison	Matheson
Andrews	Ellsworth	Matsui
Arcuri	Emerson	McCarthy (NY)
Austria	Engel	McCollum
Baca	Eshoo	McDermott
Bachus	Etheridge	McGovern
Baird	Faleomavaega	McHugh
Baldwin	Farr	McIntyre
Barrow	Fattah	McMahon
Bartlett	Engel	McMorris
Barton (TX)	Finer	Rodgers
Bean	Fortenberry	McNerney
Becerra	Foster	Meek (FL)
Berkley	Frank (MA)	Meeks (NY)
Berman	Frelinghuysen	Melancon
Berry	Gallely	Mica
Biggert	Gerlach	Michaud
Bilirakis	Gingrey (GA)	Miller (NC)
Bishop (GA)	Gohmert	Miller, Gary
Bishop (NY)	Gonzalez	Miller, George
Bishop (UT)	Gordon (TN)	Mollohan
Blumenauer	Grayson	Moore (KS)
Blunt	Green, Al	Moore (WI)
Boccieri	Green, Gene	Moran (VA)
Bonner	Griffith	Murphy, Patrick
Bordallo	Grijalva	Murphy, Tim
Boren	Guthrie	Murtha
Boswell	Gutierrez	Nadler (NY)
Boucher	Hall (NY)	Napolitano
Boyd	Halvorson	Neal (MA)
Brady (PA)	Hare	Norton
Brady (TX)	Harman	Oberstar
Braley (IA)	Harper	Obey
Brown (SC)	Hastings (FL)	Oliver
Brown, Corrine	Hastings (WA)	Ortiz
Brown-Waite,	Heinrich	Pallone
Ginny	Hereth Sandlin	Pastor (AZ)
Butterfield	Higgins	Payne
Buyer	Hill	Perlmutter
Calvert	Himes	Perriello
Camp	Hinchee	Peters
Cantor	Hinojosa	Peterson
Cao	Hirono	Pierluisi
Capito	Hodes	Pingree (ME)
Capps	Holden	Platts
Capuano	Holt	Polis (CO)
Cardoza	Honda	Pomeroy
Carnahan	Hoyer	Price (NC)
Carney	Hunter	Putnam
Carson (IN)	Inslee	Quigley
Carter	Israel	Rahall
Castor (FL)	Jackson (IL)	Rangel
Chandler	Jackson-Lee	Rehberg
Childers	(TX)	Reichert
Christensen	Johnson (GA)	Reyes
Clarke	Johnson, E. B.	Richardson
Clay	Jones	Rodriguez
Cleaver	Kanjorski	Rogers (AL)
Clyburn	Kaptur	Rogers (KY)
Cohen	Kennedy	Rogers (MI)
Cole	Kildee	Rohrabacher
Connolly (VA)	Kilpatrick (MI)	Rooney
Conyers	Kilroy	Ros-Lehtinen
Costa	King (NY)	Roskam
Costello	Kingston	Ross
Courtney	Kirk	Rothman (NJ)
Crenshaw	Kirkpatrick (AZ)	Roybal-Allard
Crowley	Kissell	Ruppersberger
Cuellar	Klein (FL)	Rush
Culberson	Kosmas	Ryan (OH)
Cummings	Kratovil	Sablan
Dahlkemper	Kucinich	Salazar
Davis (AL)	Langevin	Sánchez, Linda
Davis (CA)	Larsen (WA)	T.
Davis (KY)	Larson (CT)	Sanchez, Loretta
Davis (TN)	Latham	Sarbanes
Deal (GA)	LaTourette	Schakowsky
DeFazio	Lee (CA)	Schauer
DeGette	Lee (NY)	Schiff
Delahunt	Levin	Schmidt
DeLauro	Lewis (CA)	Schock
Dent	Lewis (GA)	Schrader
Diaz-Balart, L.	Lipinski	Schwartz
Diaz-Balart, M.	LoBiondo	Scott (GA)
Dicks	Loebuck	Scott (VA)
Dingell	Lowey	Serrano
Doggett	Lucas	Sestak
Donnelly (IN)	Lujan	Shea-Porter
	Lynch	Sherman
	Maffei	

Shimkus	Taylor	Walz
Shuler	Teague	Wasserman
Shuster	Terry	Schultz
Simpson	Thompson (CA)	Waters
Sires	Thompson (MS)	Watson
Skellton	Thompson (PA)	Watt
Slaughter	Tiahrt	Waxman
Smith (NJ)	Tierney	Weiner
Smith (TX)	Titus	Welch
Smith (WA)	Tonko	Wexler
Snyder	Towns	Whitfield
Space	Tsongas	Wilson (OH)
Spratt	Turner	Wolf
Stark	Van Hollen	Wu
Stupak	Velázquez	Yarmuth
Sutton	Visclosky	Young (AK)
Tanner	Walden	Young (FL)

NOT VOTING—7

Fudge	Murphy (CT)	Woolsey
Granger	Murphy (NY)	
Kagen	Pascarell	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1143

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART D AMENDMENT NO. 12 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part D amendment No. 12 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act under the heading "National Institute of Food and Agriculture—Research and Education Activities" shall be available for special grants for Potato Research in Idaho, Oregon, and Washington, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for special grants) are each hereby reduced by \$1,037,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 97, noes 333, not voting 8, as follows:

[Roll No. 507]

AYES—97

Akin	Chaffetz	Giffords
Bachmann	Coble	Gingrey (GA)
Barrett (SC)	Coffman (CO)	Gohmert
Bean	Conaway	Goodlatte
Blackburn	Cooper	Graves
Boehner	Deal (GA)	Hall (TX)
Bono Mack	Duncan	Heller
Boozman	Ehlers	Hensarling
Boustany	Fallin	Herger
Bright	Flake	Hodes
Broun (GA)	Fleming	Ingليس
Burgess	Forbes	Issa
Burton (IN)	Foster	Jenkins
Campbell	Fox	Johnson (IL)
Cantor	Franks (AZ)	Johnson, Sam
Cassidy	Garrett (NJ)	Jordan (OH)

Kind
Kline (MN)
Lamborn
Lance
Latta
Linder
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCauley
McClintock
McCotter
McHenry
McKeon

NOES—333

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bocieri
Bonner
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper

Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski

Roskam
Royce
Ryan (WI)
Scalise
Sensenbrenner
Sessions
Shadegg
Souder
Speier
Stearns
Sullivan
Thornberry
Wamp
Westmoreland
Wilson (SC)
Wittman

Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourrette
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowe
Lucas
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nunes
Nye
Oberstar
Obey
Oliver
Ortiz

Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)

Buchanan
Costello
Fudge

Salablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shinkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor

NOT VOTING—8

Granger
King (IA)
Luetkemeyer

Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

Murphy (NY)
Smith (NE)

[Roll No. 508]

AYES—140

Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Graves
Guthrie
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
McCarthy (CA)
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick

NOES—292

Cassidy
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo

Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Pitts
Posey
Price (GA)
Putnam
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shinkus
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Speier
Stearns
Sullivan
Thompson (PA)
Thornberry
Tiberi
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wolf
Young (FL)

ANNOUNCEMENT BY THE CHAIR
The CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 1147

So the amendment was rejected.
The result of the vote was announced as above recorded.

Stated for:
Mr. SMITH of Nebraska. Mr. Chair, on roll-call No. 507, I was unavoidably detained. Had I been present, I would have voted "aye."

PART B AMENDMENT NO. 7 OFFERED BY MR.

KINGSTON

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. KINGSTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 7 offered by Mr. KINGSTON:

Page 74, after line 22, insert the following:
SEC. _____. None of the funds made available in this Act may be used to administer, or pay the salary or expenses of personnel for the administration of, the provision of broadband loans or loan guarantees made using authorities under this Act on or before September 15, 2010.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote. The vote was taken by electronic device, and there were—ayes 140, noes 292, not voting 6, as follows:

Jenkins	Miller (MI)	Sarbanes
Johnson (GA)	Miller (NC)	Schakowsky
Johnson (IL)	Miller, George	Schauer
Johnson, E. B.	Mitchell	Schiff
Kagen	Mollohan	Schrader
Kanjorski	Moore (KS)	Schwartz
Kaptur	Moore (WI)	Scott (GA)
Kennedy	Moran (KS)	Scott (VA)
Kildee	Moran (VA)	Serrano
Kilpatrick (MI)	Murphy (CT)	Shea-Porter
Kilroy	Murphy, Patrick	Sherman
Kind	Murphy, Tim	Shuler
Kirkpatrick (AZ)	Murtha	Shuster
Kissell	Nadler (NY)	Sires
Klein (FL)	Napolitano	Skelton
Kosmas	Neal (MA)	Slaughter
Kratovil	Norton	Smith (WA)
Kucinich	Nye	Snyder
Lance	Oberstar	Souder
Langevin	Obey	Space
Larsen (WA)	Oliver	Spratt
Larson (CT)	Ortiz	Stark
Latham	Pallone	Stupak
LaTourette	Pascarell	Sutton
Lee (CA)	Pastor (AZ)	Tanner
Lee (NY)	Payne	Taylor
Levin	Perlmutter	Teague
Lewis (GA)	Perriello	Terry
Lipinski	Peters	Thompson (CA)
Loeback	Peterson	Thompson (MS)
Lofgren, Zoe	Petri	Tiahrt
Lowe	Pierluisi	Tierney
Lucas	Pingree (ME)	Titus
Lujan	Platts	Tonko
Lynch	Poe (TX)	Towns
Maffei	Polis (CO)	Tsongas
Maloney	Pomeroy	Turner
Marchant	Price (NC)	Van Hollen
Markey (CO)	Quigley	Velázquez
Markey (MA)	Radanovich	Visclosky
Marshall	Rahall	Walz
Massa	Rangel	Wasserman
Matheson	Rehberg	Schultz
Matsui	Reyes	Waters
McCarthy (NY)	Richardson	Watson
McCaul	Rodriguez	Watt
McCollum	Rooney	Waxman
McDermott	Ross	Weiner
McGovern	Rothman (NJ)	Welch
McHugh	Roybal-Allard	Wexler
McIntyre	Ruppersberger	Wilson (OH)
McMahon	Rush	Wittman
McNerney	Sablan	Woolsey
Meek (FL)	Salazar	Wu
Meeks (NY)	Sánchez, Linda	Yarmuth
Melancon	T.	Young (AK)
Michaud	Sanchez, Loretta	

NOT VOTING—6

Bordallo	Granger	Ryan (OH)
Fudge	Murphy (NY)	Sestak

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute is remaining on the vote.

□ 1150

Mr. BRIGHT changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010”.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS) having assumed the chair, Mr. SNYDER, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2997) making appropriations for Agriculture, Rural Development, Food and

Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 609, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, is it true that under this rule, we cannot get separate votes in the House on each amendment that was adopted in the Committee of the Whole?

The SPEAKER pro tempore. Pursuant to the rule, the Chair will put the question on the amendments en gros.

Mr. WESTMORELAND. So is it true that we will not be able to get a separate vote on the amendments that were passed in the Committee of the Whole?

The SPEAKER pro tempore. The Chair will put the question on the amendments en gros pursuant to the rule.

Mr. WESTMORELAND. Thank you, Mr. Speaker. I'm assuming that is a “no” answer.

The SPEAKER pro tempore. Pursuant to House Resolution 609, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. KINGSTON. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KINGSTON. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kingston moves to recommit the bill back to the Committee on Appropriations with instructions to report the same back forthwith with the following amendment:

At the end of the bill, insert the following new section:

SEC. . REGULAR ORDER ON APPROPRIATIONS BILLS.

(a) FINDINGS.—

(1) On October 6, 2000, the gentleman from Wisconsin, Mr. Obey, made the following statement regarding the appropriations process: “We have gotten so far from the regular order that I fear that if this continues, the House will not have the capacity to return to the precedents and procedures of the House that have given true meaning to the term

‘representative democracy’. The reason that we have stuck to regular order as long as we have in this institution is to protect the rights of every Member to participate. And when we lose those rights, we lose the right to be called the greatest deliberative body left in the world.”

(2) On that same day, the gentleman from Wisconsin, Mr. Obey went on to say, “I believe that this incredible centralization of decision-making in the hands of staff in the House leadership offices means that for most Members representing their districts in this body is diminishing every day in terms of their ability to have a say in what goes on around here.”

(3) On July 8, 2009, the House adopted a rule governing consideration of this bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010 that deviated from the regular order by making in order no more than 13 amendments and by specifically preventing 39 Members from offering amendments that they had publicly indicated a desire to have debated.

(4) The following Members were specifically denied the right to participate in the deliberations on this bill by having one or more of their amendments denied the right to be debated:

The gentlewoman from Illinois, Ms. Bean;
The gentlewoman from Tennessee, Ms. Blackburn;

The gentleman from Texas, Mr. Brady;
The gentleman from Georgia, Mr. Broun;
The gentleman from North Carolina, Mr. Butterfield;

The gentleman from California, Mr. Campbell;

The gentleman from Pennsylvania, Mr. Carney;

The gentleman from Louisiana, Mr. Cassidy;

The gentleman from Utah, Mr. Chaffetz;
The gentleman from Texas, Mr. Conaway;
The gentleman from Connecticut, Mr. Courtney;

The gentleman from Oregon, Mr. DeFazio;
The gentleman from Arizona, Mr. Flake;
The gentleman from Georgia, Mr. Gingrey;
The gentleman from New York, Mr. Hall;
The gentleman from Texas, Mr. Hensarling;

The gentleman from New York, Mr. Higgins;

The gentleman from New Hampshire, Mr. Hodes;

The gentleman from Ohio, Mr. Jordan;
The gentleman from Georgia, Mr. Kingston;

The gentleman from Ohio, Mr. Kucinich;
The gentleman from New York, Mr. Lee;
The gentleman from Oklahoma, Mr. Lucas;
The gentlewoman from Wyoming, Ms. Lummis;

The gentleman from Florida, Mr. Mack;
The gentleman from Texas, Mr. McCaul;
The gentlewoman from Washington, Ms. McMorris Rodgers;

The gentleman from Florida, Mr. Mica;
The gentleman from Pennsylvania, Mr. Murphy;

The gentleman from Georgia, Mr. Price;
The gentleman from Florida, Mr. Putnam;
The gentlewoman from New Hampshire, Ms. Shea-Porter;

The gentleman from Florida, Mr. Stearns;
The gentleman from Michigan, Mr. Stupak;

The gentleman from Kansas, Mr. Tiahrt;
The gentleman from New York, Mr. Tonko;
The gentleman from New York, Mr. Weiner;

The gentleman from Vermont, Mr. Welch; and,

The gentleman from Virginia, Mr. Wittman.

(5) As each of these Members represents approximately 650,000 Americans, approximately 25,350,000 Americans were denied their right to be represented because the restrictive rule supported by the gentleman from Wisconsin, Mr. Obey, failed to follow the precedents and procedures of the House;

(6) The gentleman from Wisconsin, Mr. Obey, was correct that a true representative democracy is impossible when 25,350,000 Americans have their representative to Congress shut-out of the legislative process;

(7) As a result of the restrictive rule implemented by the Democratic majority, the House was not allowed to vote or even debate pertinent issues such as:

An amendment that would reduce spending by 1 percent saving taxpayers \$229,000,000;

An amendment to prohibit ineligible individual from receiving food stamps;

An amendment that would reduce the cost of construction projects in rural areas;

An amendment to end taxpayer subsidies for mohair producers;

An amendment to prevent Federal employees from being paid to do union activities during their official work hours;

An amendment to permit Federal agencies to purchase alternative fuels;

An amendment to terminate taxpayer funded marketing programs for private companies;

An amendment to reduce this bill and the deficit by \$4,800,000,000;

An amendment to ensure that Federal contractors only hire legal workers;

An amendment to prohibit the provision of taxpayer funded rental housing to illegal aliens;

An amendment to support our dairy farmers in the northeast;

An amendment to assist farmers in Florida hit by a natural disaster;

An amendment to prohibit funds in the bill from being spent on projects named after sitting Members of Congress;

An amendment to ensure that the Federal government works with state agencies on food safety issues;

An amendment to protect whistleblower employees from retaliation for providing Congress or the public with information; and,

An amendment to terminate taxpayer subsidies for wool producers.

(8) The gentleman from Wisconsin, Mr. Obey, was correct that the House loses the right to be called the "greatest deliberative body left in the world" if it refuses to even debate, let alone vote, on these issues.

(b) **POLICY.**—It is the policy of the U.S. House of Representatives that this bill should be reopened for amendment under the regular order procedures advocated by the gentleman from Wisconsin, Mr. Obey, on October 6, 2000.

Ms. DELAURO (during the reading). Mr. Speaker, I reserve a point of order on the gentleman's motion.

The SPEAKER pro tempore. A point of order is reserved.

□ 1200

POINT OF ORDER

Ms. DELAURO. I make a point of order against the motion to recommit because it is in violation of clause 2, rule XXI, legislating.

I ask for a ruling of the Chair.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

Mr. KINGSTON. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The gentleman from Georgia is recognized.

Mr. KINGSTON. I thank my colleague from Connecticut for the opportunity to speak on this. And I want to talk to the Members of the House on why this motion to recommit is important to all of us.

We are on the verge of voting on a \$123.8 billion bill which represents a 14 percent increase over last year's spending level in the backdrop of a nation that has an \$11 trillion national debt.

The SPEAKER pro tempore. The gentleman will confine his remarks to the point of order.

The gentleman may proceed.

Mr. KINGSTON. Mr. Speaker, this administration has spent nearly \$2 trillion in deficit spending. Now, what this motion to recommit does is says that we were not allowed to vote on 90 different amendments offered by Democrats and Republicans, representing nearly 650,000 people each. These amendments, had we had the opportunity to vote on them, would have improved the bill. One of them, for example, was a 1 percent savings—

The SPEAKER pro tempore. The gentleman will confine his remarks to the point of order.

The gentleman may proceed.

Mr. KINGSTON. Mr. Speaker, the motion does not change existing law; therefore, the gentleman's point of order is invalid.

The SPEAKER pro tempore. The Chair is prepared to rule.

Mr. MICA. Mr. Speaker, I wanted to speak to the point of order.

The SPEAKER pro tempore. The gentleman is recognized on the point of order.

Mr. MICA. Mr. Speaker, in order to properly address the point of order, I think it is important that we look at House Resolution 609, which was adopted by the Rules Committee to set the order and the consideration of the legislation that's before the House today. It also excluded a large number of amendments that were crafted, Mr. Speaker, to the objection—the same objection that's being raised here—that in fact those amendments were legislating on an appropriations bill, which in fact is out of order because of the way this was crafted.

Now, the gentleman from Georgia has in fact offered a motion that does contain some provisions that would change the law, but only the appropriations which this part of the bill deals with. And this point has been raised against the motion to recommit.

So, in fact, what I was denied was the opportunity, Mr. Speaker, to offer one of the amendments. And I believe the reading clerk—I couldn't hear, but I be-

lieve the reading clerk mentioned my name among the names of those who were denied an amendment that would legislate on appropriations.

The SPEAKER pro tempore. The gentleman will confine his remarks to the point of order.

The gentleman may proceed.

Mr. MICA. Again, I think the point of order is that the Rules Committee crafted a rule, and we adopted previous amendments—one by the gentleman who is now objecting—that did in fact legislate on an appropriation matter, no different from what the gentleman from Georgia is now attempting to do. The precedence of the House—Mr. YOUNG, I talked to him earlier, he said he's been here 39 years and he has never seen appropriations handled in this unfair manner.

So, again, I think the point is that the gentleman from Georgia is proceeding in good faith, in fact, in the order that has been presented by the Rules Committee on the order to proceed.

The SPEAKER pro tempore. The Chair will only hear argument on whether the proposed amendment violates clause 2 of Rule XXI. The Chair is prepared to rule.

The motion to recommit offered by the gentleman from Georgia proposes an amendment addressing a policy regarding special orders of business for consideration of appropriation bills. That is not a matter of appropriation or limitation thereof; rather, it is wholly legislative in character. As such, it violates clause 2 of rule XXI.

The point of order is sustained. The motion is not in order.

Mr. KINGSTON. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Ms. DELAURO. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KINGSTON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, noes 179, not voting 7, as follows:

[Roll No. 509]

AYES—246

Abercrombie	Barrow	Bocieri
Ackerman	Bean	Boren
Adler (NJ)	Becerra	Boswell
Altmire	Berkley	Boucher
Andrews	Berman	Boyd
Arcuri	Berry	Brady (PA)
Baca	Bishop (GA)	Braley (IA)
Baird	Bishop (NY)	Bright
Baldwin	Blumenauer	Brown, Corrine

Butterfield	Holt	Perlmutter	Fortenberry	Lucas	Roe (TN)
Capps	Honda	Perriello	Fox	Luetkemeyer	Rogers (AL)
Capuano	Hoyer	Peters	Franks (AZ)	Lummis	Rogers (KY)
Cardoza	Inslee	Peterson	Frelinghuysen	Lungren, Daniel E.	Rogers (MI)
Carnahan	Israel	Polis (CO)	Gallegly	Mack	Rohrabacher
Carney	Jackson (IL)	Pomeroy	Garrett (NJ)	Manzullo	Rooney
Carson (IN)	Jackson-Lee	Price (NC)	Gerlach	Marchant	Ros-Lehtinen
Castor (FL)	(TX)	Quigley	Gingrey (GA)	McCarthy (CA)	Roskam
Chandler	Johnson (GA)	Rahall	Goodlatte	McCaul	Royce
Childers	Johnson, E. B.	Rangel	Graves	McClintock	Ryan (WI)
Clarke	Kagen	Reyes	Guthrie	McCotter	Scalise
Clay	Kanjorski	Richardson	Hall (TX)	McHenry	Schmidt
Cleaver	Kaptur	Rodriguez	Harper	McHugh	Schock
Clyburn	Kennedy	Ross	Hastings (WA)	McKeon	Sensenbrenner
Cohen	Kildee	Rothman (NJ)	Heller	McMorris	Sessions
Connolly (VA)	Kilpatrick (MI)	Roybal-Allard	Hensarling	Rodgers	Shadegg
Conyers	Kilroy	Ruppersberger	Herger	Mica	Shimkus
Cooper	Kind	Rush	Hoekstra	Miller (FL)	Shuster
Costa	Kirkpatrick (AZ)	Ryan (OH)	Hunter	Miller (MI)	Simpson
Costello	Kissell	Salazar	Inglis	Miller, Gary	Smith (NE)
Courtney	Klein (FL)	Sánchez, Linda T.	Issa	Minnick	Smith (NJ)
Crowley	Kucinich	Sanchez, Loretta	Jenkins	Moran (KS)	Smith (TX)
Cuellar	Langevin	Sarbanes	Johnson (IL)	Murphy, Tim	Souder
Cummings	Larsen (WA)	Schakowsky	Johnson, Sam	Myrick	Stearns
Dahlkemper	Larson (CT)	Schauer	Jones	Neugebauer	Sullivan
Davis (AL)	Lee (CA)	Schiff	Jordan (OH)	Nunes	Terry
Davis (CA)	Levin	Schrader	King (IA)	Nye	Thompson (PA)
Davis (IL)	Lewis (GA)	Schwartz	King (NY)	Olson	Thornberry
Davis (TN)	Lipinski	Scott (GA)	Kingston	Paul	Tiahrt
DeFazio	Loebach	Scott (VA)	Kirk	Paulsen	Tiberi
DeGette	Lofgren, Zoe	Serrano	Kline (MN)	Pence	Turner
Delahunt	Lowe	Sestak	Kosmas	Petri	Upton
DeLauro	Lujan	Shea-Porter	Kratovil	Pitts	Walden
Dicks	Lynch	Sherman	Lamborn	Platts	Wamp
Dingell	Maffei	Shuler	Lance	Poe (TX)	Westmoreland
Doggett	Maloney	Sires	Latham	Posey	Whitfield
Donnelly (IN)	Markey (CO)	Skelton	LaTourette	Price (GA)	Wilson (SC)
Doyle	Markey (MA)	Slaughter	Latta	Putnam	Wittman
Edwards (MD)	Marshall	Smith (WA)	Lee (NY)	Radanovich	Wolf
Edwards (TX)	Massa	Snyder	Lewis (CA)	Rehberg	Young (AK)
Ellison	Matheson	Space	Linder	Reichert	Young (FL)
Ellsworth	Matsui	Speier	LoBiondo		
Engel	McCarthy (NY)	Spratt			
Eshoo	McCollum	Stark			
Etheridge	McDermott	Stupak			
Farr	McGovern	Sutton			
Fattah	McIntyre	Tanner			
Filner	McMahon	Taylor			
Foster	McNerney	Teague			
Frank (MA)	Meek (FL)	Thompson (CA)			
Giffords	Meeks (NY)	Thompson (MS)			
Gonzalez	Melancon	Tierney			
Gordon (TN)	Michaud	Titus			
Grayson	Miller (NC)	Tonko			
Green, Al	Miller, George	Towns			
Green, Gene	Mitchell	Tsongas			
Griffith	Mollohan	Van Hollen			
Grijalva	Moore (KS)	Velázquez			
Gutierrez	Moore (WI)	Visclosky			
Hall (NY)	Moran (VA)	Walz			
Halvorson	Murphy (CT)	Wasserman			
Hare	Murphy, Patrick	Schultz			
Harman	Murtha	Waters			
Hastings (FL)	Nadler (NY)	Watson			
Heinrich	Napolitano	Watt			
Herseth Sandlin	Neal (MA)	Waxman			
Higgins	Oberstar	Weiner			
Hill	Obey	Welch			
Himes	Olver	Wexler			
Hinche	Ortiz	Wilson (OH)			
Hinojosa	Pallone	Woolsey			
Hirono	Pascarella	Wu			
Hodes	Pastor (AZ)	Yarmuth			
Holden	Payne				

NOES—179

Aderholt	Brady (TX)	Coffman (CO)
Akin	Broun (GA)	Cole
Alexander	Brown (SC)	Conaway
Austria	Brown-Waite,	Crenshaw
Bachmann	Ginny	Culberson
Bachus	Buchanan	Davis (KY)
Barrett (SC)	Burgess	Deal (GA)
Bartlett	Burton (IN)	Dent
Barton (TX)	Buyer	Diaz-Balart, L.
Biggart	Calvert	Diaz-Balart, M.
Bilbray	Camp	Dreier
Bilirakis	Campbell	Driehaus
Bishop (UT)	Cantor	Duncan
Blackburn	Cao	Ehlers
Blunt	Capito	Emerson
Bonner	Cassidy	Fallin
Bono Mack	Castle	Flake
Boozman	Chaffetz	Fleming
Boustany	Coble	Forbes

NOT VOTING—7

Boehner	Gohmert	Pingree (ME)
Carter	Granger	
Fudge	Murphy (NY)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1225

Messrs. BILIRAKIS, ISSA, and KRATOVIL changed their vote from “aye” to “no.”

Mr. HOLDEN and Ms. SLAUGHTER changed their vote from “no” to “aye.”

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO RECOMMIT

Mr. KINGSTON. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KINGSTON. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kingston moves to recommit the bill H.R. 2997 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 3, line 19, after the dollar amount insert “(reduced by \$30,000,000)”.

Page 5, line 4, after the dollar amount insert “(reduced by \$50,000,000)”.

Page 5, line 5, after the dollar amount insert “(reduced by \$50,000,000)”.

Page 5, line 11, after the dollar amount insert “(reduced by \$50,000,000)”.

Page 40, line 9, after the dollar amount insert “(increased by \$20,000,000)”.

Page 46, line 18, after the dollar amount insert “(increased by \$20,000,000)”.

Page 55, line 15, after the dollar amount insert “(reduced by \$20,000,000)”.

Page 68, line 21, strike “\$1,180,000,000” and insert “\$1,240,000,000”.

Mr. KINGSTON (during the reading). Mr. Speaker, I ask unanimous consent that the Clerk dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Ms. DELAURO. I object.

Mr. SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from California.

Mr. NUNES. I thank the gentleman for yielding.

Mr. Speaker, article I, section 8 of the United States Constitution says that the Congress shall have the power to provide for the general welfare of the United States.

Congress has the basic responsibility to provide water to its citizens, Mr. Speaker. To say it bluntly, this Congress has failed in its constitutional duty to provide water to its citizens.

It's been 651 days since I warned this government of the imposed drought in California, the government-imposed drought. Since then, the Democrat leadership in this country has sat back and watched the vibrant economy of the San Joaquin Valley deteriorate to a level similar to a third world country. Unemployment in the San Joaquin Valley of California is nearing 20 percent, with some communities at 40 percent. Despite this economic catastrophe, the Democrat leadership in this country has remained silent.

Thankfully, around midnight on Tuesday, Mr. Speaker, my friend from California (Mr. CALVERT) offered an amendment, during the Energy and Water Appropriations markup, which would have restored the flow of water to communities. A 30-minute debate followed this, which included absolutely outrageous and outright threatening statements.

□ 1230

One of my colleagues on the committee opined that California's water is critical to salmon and other endangered species, like the killer whale.

Mr. Speaker, I ask my colleagues, killer whales, these orcas live up here north of Washington. Mr. Speaker, what do killer whales have to do with landlocked farmers way down here? How is this possible?

Then my colleague went on to say, “The culprit is not the Endangered Species Act but climate change.” Mr.

Speaker, what does climate change have to do with 40,000 people without jobs? I find it ironic that my colleague in 2003 didn't have the same concern when he supported the energy and water bill which overturned the Endangered Species Act on the silvery minnow. In fact, 31 of my Democrat colleagues on the Appropriations Committee supported the exact same bill in 2003 to protect the silvery minnow. What has changed for my Democrat colleagues? The silvery minnow and the delta smelt are both 3-inch bait fish.

Another member of the committee declared that the Calvert amendment was a "wish amendment." Wish is certainly the right word to use. My constituents wish that the Democrats in this body would do their job. The same Member went on to threaten members of the committee that if they supported the Calvert amendment, they would lose their earmarks. It's amazing what happens around this place when the clock strikes midnight and they think no one is watching what people say. My message to you is, we are watching. I put the entire hearing up on YouTube for everyone in the world to see the pathetic excuses that were made in that committee that night.

My colleagues have complained that California farmers are putting fishermen out of work. But the truth is, the Federal Government put the salmon fishermen out of work. In fact, the Federal Government paid \$100 million to the salmon fishermen not to fish. It doesn't take \$100 million to solve the crisis in California, Mr. Speaker. It doesn't even take a penny. Just turn on the pumps, and restore the flow of water, is all we're asking.

It's unfortunate that the Democrat majority has made it quite clear they are going to ignore their constitutional duty to provide for the general welfare of its citizens. The other night my good friend from Idaho (Mr. SIMPSON) said during the debate, "The Endangered Species Act wasn't written by God. It was written by man. If we can't make exceptions to it when necessary, what kind of Representatives are we?" The gentleman from Idaho is correct. My constituents don't want your welfare. They want the Democrat leadership in this body to do their job.

Mr. KINGSTON. The gentleman from California is correct. The people from California want water, not welfare.

I withdraw the motion.

The SPEAKER pro tempore. The motion is withdrawn.

The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 266, nays 160, not voting 6, as follows:

[Roll No. 510]

YEAS—266

Abercrombie	Hall (NY)	Obey
Ackerman	Hall (TX)	Oliver
Andrews	Halvorson	Ortiz
Arcuri	Hare	Pallone
Austria	Harman	Pascrell
Baca	Harper	Pastor (AZ)
Baird	Hastings (FL)	Payne
Baldwin	Heinrich	Perlmutter
Barrow	Herseth Sandlin	Perriello
Becerra	Higgins	Peterson
Berkley	Himes	Pingree (ME)
Berman	Hinchee	Polis (CO)
Berry	Hinojosa	Pomeroy
Bishop (GA)	Hirono	Price (NC)
Bishop (NY)	Hodes	Putnam
Blumenauer	Holden	Quigley
Boccheri	Holt	Rahall
Boren	Honda	Rangel
Boswell	Hoyer	Reyes
Boucher	Inslie	Richardson
Boyd	Israel	Rodriguez
Brady (PA)	Jackson (IL)	Rogers (AL)
Brady (IA)	Jackson-Lee	Rooney
Bright	(TX)	Ros-Lehtinen
Brown, Corrine	Jenkins	Ross
Brown-Waite,	Johnson (GA)	Rothman (NJ)
Ginny	Johnson, E. B.	Roybal-Allard
Butterfield	Jones	Ruppersberger
Cao	Kagen	Rush
Capps	Kanjorski	Ryan (OH)
Capuano	Kaptur	Salazar
Cardoza	Kennedy	Sanchez, Linda
Carnahan	Kildee	T.
Carney	Kilpatrick (MI)	Sanchez, Loretta
Carson (IN)	Kilroy	Sarbanes
Castor (FL)	Kirkpatrick (AZ)	Schakowsky
Chandler	Kissell	Schauer
Childers	Klein (FL)	Schiff
Clarke	Kosmas	Schock
Clay	Kratovil	Schrader
Cleaver	Kucinich	Schwartz
Clyburn	Langevin	Scott (GA)
Cohen	Larsen (WA)	Scott (VA)
Connolly (VA)	Larson (CT)	Serrano
Conyers	LaTourrette	Sestak
Cooper	Lee (CA)	Shea-Porter
Costa	Levin	Sherman
Costello	Lewis (GA)	Shimkus
Courtney	Lipinski	Shuler
Crowley	LoBiondo	Sires
Cuellar	Loeb sack	Skelton
Cummings	Lofgren, Zoe	Slaughter
Dahlkemper	Lowe	Smith (NJ)
Davis (AL)	Luetkemeyer	Smith (WA)
Davis (CA)	Luján	Snyder
Davis (IL)	Lynch	Souder
Davis (TN)	Maffei	Space
DeGette	Maloney	Speier
Delahunt	Markey (MA)	Spratt
DeLauro	Marshall	Stark
Diaz-Balart, L.	Massa	Stupak
Diaz-Balart, M.	Matsui	Sutton
Dicks	McCarthy (NY)	Tanner
Dingell	McCollum	Teague
Doggett	McDermott	Thompson (CA)
Donnelly (IN)	McGovern	Thompson (MS)
Doyle	McHugh	Thompson (PA)
Driehaus	McIntyre	Tierney
Edwards (MD)	McMahon	Titus
Edwards (TX)	McNerney	Tonko
Ellison	Meek (FL)	Towns
Ellsworth	Meeks (NY)	Tsongas
Emerson	Melancon	Turner
Engel	Michaud	Van Hollen
Eshoo	Miller (MI)	Velázquez
Etheridge	Miller (NC)	Visclosky
Farr	Miller, George	Walz
Fattah	Minnick	Wasserman
Filner	Mollohan	Schultz
Fortenberry	Moore (KS)	Waters
Foster	Moore (WI)	Watson
Frank (MA)	Moran (VA)	Watt
Giffords	Murphy (CT)	Waxman
Gonzalez	Murphy, Patrick	Weiner
Gordon (TN)	Murphy, Tim	Welch
Grayson	Murtha	Wexler
Green, Al	Nadler (NY)	Wilson (OH)
Griffith	Napolitano	Woolsey
Grijalva	Neal (MA)	Wu
Gutierrez	Oberstar	Yarmuth

NAYS—160

Aderholt	Fox	Miller, Gary
Adler (NJ)	Franks (AZ)	Mitchell
Akin	Frelinghuysen	Moran (KS)
Alexander	Gallely	Myrick
Altmire	Garrett (NJ)	Neugebauer
Bachmann	Gerlach	Nunes
Bachus	Gingrey (GA)	Nye
Barrett (SC)	Gohmert	Olson
Bartlett	Goodlatte	Paul
Barton (TX)	Graves	Paulsen
Bean	Guthrie	Pence
Biggart	Hastings (WA)	Peters
Bilbray	Heller	Petri
Bilirakis	Hensarling	Platts
Bishop (UT)	Herger	Poe (TX)
Blackburn	Hill	Posey
Blunt	Hoekstra	Price (GA)
Boehner	Hunter	Radanovich
Bonner	Inglis	Rehberg
Bono Mack	Issa	Reichert
Boozman	Johnson (IL)	Roe (TN)
Boustany	Johnson, Sam	Rogers (KY)
Brady (TX)	Jordan (OH)	Rogers (MI)
Brown (GA)	Kind	Rohrabacher
Brown (SC)	King (IA)	Roskam
Buchanan	King (NY)	Royce
Burgess	Kingston	Ryan (WI)
Burton (IN)	Kirk	Scalise
Buyer	Kline (MN)	Schmidt
Calvert	Lamborn	Sensenbrenner
Camp	Lance	Sessions
Campbell	Latham	Shadegg
Cantor	Latta	Shuster
Capito	Lee (NY)	Simpson
Carter	Lewis (CA)	Smith (NE)
Cassidy	Linder	Smith (TX)
Castle	Lucas	Stearns
Chaffetz	Lummis	Sullivan
Coble	Lungren, Daniel	Taylor
Coffman (CO)	E.	Terry
Cole	Mack	Thornberry
Conaway	Manzullo	Tiahrt
Crenshaw	Marchant	Tiberi
Culberson	Matheson	Upton
Davis (KY)	McCarthy (CA)	Walden
Deal (GA)	McCaul	Wamp
Dent	McClintock	Westmoreland
Dreier	McCotter	Whitfield
Duncan	McHenry	Wilson (SC)
Ehlers	McKeon	Wittman
Fallin	McMorris	Wolf
Flake	Rodgers	Young (AK)
Fleming	Mica	Young (FL)
Forbes	Miller (FL)	

NOT VOTING—6

DeFazio	Granger	Markey (CO)
Fudge	Green, Gene	Murphy (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes to vote.

□ 1250

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. MARKEY of Colorado. Mr. Speaker, on rollcall No. 510 on the Agriculture appropriations bill, had I been present, I would have voted "yea."

MOTION TO ADJOURN

Mr. MICA. Mr. Speaker, reluctantly, but on behalf of my potato farmers who were not addressed by the amendment, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The motion to adjourn was rejected.

PROVIDING FOR CONSIDERATION OF H.R. 3081, DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 617 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 617

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution; and (2) the amendments printed in part B of the report of the Committee on Rules. Each such amendment may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI and except that an amendment printed in part B of the report of the Committee on Rules may be offered only at the appropriate point in the reading. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 3081, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore (Mr. SNYDER). The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, my good friend, Mr. LINCOLN DIAZ-BALART. All time yielded for consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 617.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 617 provides for consideration of H.R. 3081, the Department of State, Foreign Operations, and Related Programs appropriations bill for the fiscal year 2010, under a structured rule.

The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against the bill and its consideration except those arising under clause 9 or clause 10 of rule XXI. The rule also waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI.

The bill makes in order the amendment printed in part A of the committee report and the amendments printed in part B of the committee report accompanying this resolution. Each amendment is debatable for 10 minutes. Finally, the rule also provides one motion to recommit with or without instructions.

Mr. Speaker, the legislation that we will consider today, H.R. 3081, funds the Department of State, Foreign Operations, and related programs for fiscal year 2010.

This bipartisan bill reflects four key priorities: it protects our national security and combats terrorism; provides critical resources to meet global health and development challenges; ensures adequate oversight and accountability of our foreign assistance; and most importantly reforms and rebuilds America's diplomatic and development capacity.

In total, the bill provides \$48.8 billion for fiscal year 2010. This is \$3.2 billion less than the President's request, and \$1.2 billion below the fiscal year 2009 enacted level including supplemental funding, a reasonable level of funding

during these unprecedented fiscal times.

To protect national security and combat terrorism, the State-Foreign Operations appropriations bill provides \$2.2 billion to Israel, provides \$2.7 billion in assistance for Afghanistan and \$1.5 billion for Pakistan, and it provides \$1.8 billion total in economic and security assistance for Egypt and Jordan, two of our key allies in the Middle East.

It also requires a report on the status and progress of diplomatic efforts to prevent Iran from acquiring nuclear weapons, and it continues a reporting requirement on bilateral and multilateral sanctions against Iran. Further, it prevents the Export-Import Bank from providing financing to any energy producers or refiners that contribute to Iran's refined petroleum resources.

The bill also continues to take aim at the war on drugs by setting aside \$319 million for Mexico and Central America for counternarcotics and law enforcement programs. It also includes \$520 million for Colombia to fight narcotics and criminal gangs and to promote alternatives to drug production.

The State-Foreign Operations bill makes great strides in increasing global health by providing funding increases for international HIV/AIDS treatment and prevention, tuberculosis and malaria prevention, safe water and hygiene, and child and maternal health programs. These global health investments are critical, not just in saving lives overseas, but in protecting the health of countless Americans from disease.

The State-Foreign Operations bill also ensures that the United States continues to meet our moral and humanitarian obligations abroad. The bill provides funding for countries facing long-term development challenges, improving foreign agriculture and food security programs and helping countries struggling with food shortages, supporting basic education needs, helping displaced people around the world with food, water, shelter and other basic needs, and providing lifesaving assistance during worldwide natural disasters.

□ 1300

It also provides \$450 million for the Peace Corps. This is \$77 million above the President's request, which accelerates the President's commitment to expanding the Peace Corps, one of the most valuable programs our government can fund.

The lack of capacity in our civilian agencies has resulted in an increased reliance on American troops to carry out diplomatic missions. Besides placing an additional workload on our already overburdened troops and taking their focus away from their critical core missions, it is not in the best interests of our Nation to place diplomatic missions with our military.

Secretary Clinton, Secretary Gates, and the Chairman of the Joint Chiefs of Staff have all stressed the need to increase the capacity of the State Department and USAID. As such, the bill provides resources to hire 1,000 new State Department personnel and 300 new USAID personnel so our country can take the necessary steps to begin rebuilding and restoring our diplomatic capabilities that we shortchanged and underappreciated for far too long.

Finally, the bill also improves and continues the Democrats' commitment to oversight and accountability. It provides nearly \$150 million for activities of the Inspector General of the Department of State and USAID, as well as for the Special Inspectors General for both Iraq and Afghanistan reconstruction. In addition, this bill reverses years of accounting gimmickry through supplemental appropriations. Instead, it provides upfront, honest and transparent accounting of the true costs of meeting our critical foreign policy and national security initiatives.

Mr. Speaker, this is a good bill. In these tough economic times, it is also a fair bill. And, most importantly, this is a bipartisan bill that goes a long way towards restoring the strength and capabilities of the United States both here and abroad.

I commend the chairwoman, Mrs. LOWEY, for her admirable efforts in ensuring our needs are met, both here and abroad, and to ensure that the national security and foreign policy commitments of the United States remain strong for many days to come.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank my friend, the gentleman from California (Mr. CARDOZA) for the time.

I would like to thank Chairwoman LOWEY and Ranking Member GRANGER for their efforts on this important legislation. This bill provides almost \$50 billion in funding for a number of U.S. government programs and activities, including the State Department, the U.S. Agency for International Development, foreign economic and military assistance, contributions to international organizations, and international broadcasting programs.

In today's world, foreign assistance is as important to our national interest as it is ethical. I am pleased that the legislation recognizes our shared democratic values and our special friendship with Israel, and includes \$2.2 billion in Foreign Military Financing programs, FMF assistance, for that great friend and ally.

Our aid to Israel is especially important as the ruthless tyranny in Iran threatens to wipe it off the face of the map and rockets continue to rain down

on Israel from terrorist groups, whether they be Hamas or Hezbollah. Israel is a true friend and partner of the United States, and we must now, more than ever, show unwavering support for our friends, not only through this legislation, but through every other available means.

I am deeply concerned about the funding provided in this legislation to the United Nations Relief and Works Agency. Without determining that the agency does not have members of Hamas on its payroll, U.N. agencies such as that, for example, such as the so-called Human Rights Council, a club of tyrannies, do not deserve American taxpayer support, just like the useless embarrassment that is the Organization of American States.

Now, there are some good things, very good things in this legislation.

The legislation provides \$165 million in Economic Support Funds, for example, for Haiti, to help the authorities consolidate democratic gains and promote development.

Since the recent devastating storms hit Haiti, I have called, first on the Bush administration and then on the Obama administration, to grant temporary protected status to Haitian nationals in the United States.

I visited Haiti last month, and my visit reinforced my belief that TPS for Haiti is well overdue. Again, I call on the Obama administration to finally grant TPS for Haitians. The Obama administration needs to stop dragging its feet on this important issue.

I wish to thank the Appropriations Committee for the \$20 million in Economic Support Funds for pro-democracy activities in Cuba in this bill. Those funds will support efforts for a transition to democracy and freedom in the only totalitarian dictatorship in the Western Hemisphere, through support for dissidents, human rights activists, independent librarians and others who risk their lives each day struggling for freedom in that enslaved island, the only country in the Western Hemisphere where free elections have been denied to its people for over 50 years.

The legislation includes \$1.4 billion for the Millennium Challenge Corporation, MCC. Assistance to foreign nations from the MCC is linked to greater responsibilities from those nations. The new responsibilities those developing nations accept in exchange for the funds ensure that the assistance we provide does not go to waste and has the greatest possible impact on those who need the help the most.

I have been a longtime supporter of the MCC. But last year I learned that one recipient country may not be keeping up their end of the bargain. APR Energy, a Florida company, has an ongoing contract dispute with Tanzania, which I understand Tanzania has failed to resolve. I urge the Tanzanian gov-

ernment to comply with both the contract with APR Energy and their MCC compact and expeditiously resolve the dispute with APR Energy pursuant to the law and the utmost transparency.

I have concerns with the increased funding levels in two areas of the bill, the United Nations Population Fund and international family planning. In the past, this United Nations fund has been found to support and participate in programs of coercive abortion or involuntary sterilization. While the international family planning money doesn't go directly to fund abortions, it will go to organizations that promote and provide advocacy for abortion.

I do not think this is an appropriate use of taxpayer dollars. Even though the majority on the Rules Committee last night rejected the Smith-Stupak amendment on this issue, I continue to hope that the issue will be addressed in conference.

I commend the committee, the Appropriations Committee, for recognizing many other important foreign policy priorities in the bill, \$21 million for the American Institute in Taiwan, for example, and over \$740 million for broadcasting through such important media outlets as the Voice of America, Radio Free Europe/Radio Liberty and for Radio and TV Marti. I also commend the committee for maintaining the Greek language broadcasts in the Voice of America and also for wisely providing assistance to promote as much as possible the reconciliation to end the violence in Sri Lanka.

Mr. Speaker, while I support the underlying legislation, I must oppose the rule by which the majority is bringing this bill to the floor. Last month, the majority set a dangerous precedent to limit debate on appropriations bills, debate that historically was almost always considered under open rules, open debate process. Today we are set to consider the sixth of 12 appropriations bills, and every bill considered so far has been considered under a structured rule that severely limits the ability of all Members of this House to introduce amendments and have them debated.

During yesterday's Rules Committee hearing, Appropriations Ranking Member LEWIS testified that there is still time to undo the majority's new precedent restricting the ability of Members to offer amendments on appropriations bills. He asked the majority to reconsider the use of structured rules on appropriations bills, to return to regular order, to historical order, to the tradition of an open debate process on appropriations bills. He even offered his services to persuade Members to not offer dilatory amendments which would hamper the ability of Congress to complete its appropriations work on time.

Rules Ranking Member DREIER and I also offered to help Ranking Member LEWIS rein in any errant Members, any

Members who wished to prolong unnecessarily the appropriations process. I really hoped the majority on the Rules Committee would heed Mr. LEWIS' thoughtful suggestion and accept his offer to help move the process along if an open debate process was returned to. However, the majority once again blocked Members from both sides of the aisle from offering amendments.

Mr. Speaker, the majority has simply not understood the damage, unnecessarily, that it is causing this House by closing debate on appropriations bills, by breaking two centuries of precedence. How myopic. How sad.

I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield 1 minute to the chairwoman of the committee, Mrs. LOWEY.

Mrs. LOWEY. Mr. Speaker, I rise today in strong support of the rule and in support of H.R. 3081. This is a very good bill. It was drafted in a bipartisan manner, and it should enjoy the support of Members of both sides of the aisle.

I know that my colleagues on the other side would have preferred an open rule. However, there is much business that needs to be completed in the month of July, and I believe this rule will allow us to complete our work in an expeditious manner.

The rule makes in order a number of amendments from the minority, including one from the ranking member of my subcommittee and one from the ranking member of the full committee. I hope that Members on both sides will recognize the importance of this bill in protecting our national security and advancing our foreign policy.

There were necessary compromises on both sides that allowed this bill to come forward today, and I want to thank all the members of my subcommittee, Republicans and Democrats, for their contributions. Most especially, in closing, I want to thank my ranking member, KAY GRANGER. Unfortunately, she called me this morning, that because of health issues, she could not be with us. She was going to try to get here in time to cast the vote.

I personally want to make it clear to all my colleagues on both sides of the aisle, because of the bipartisan approach, this is a good bill. It's a strong bill, and we are proud to present it to you.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding. I join him in opposition to this rule. I think all of these deadlines that suddenly we have realized are there are not reasons to go away from the traditions of the House.

Like the gentleman, I applaud many of the efforts in the bill itself, certainly aid for our friend, Israel, the de-

mocracy, the pillar of democracy in the Middle East, and hopefully other countries in that area will rally around that example. Aid for Israel is important in this bill.

On the other hand, an amendment that I had that had 74 cosponsors as a bill in the last Congress that would limit funds transferred to any entity of the Palestinian Authority until the President certifies to the appropriate committees that the ruling Fatah Party has taken the clauses out of their constitution that called for the destruction of Israel would have added to this bill and would have added to this debate. It should have been allowed. I am disappointed it wasn't.

I am also concerned that we didn't allow the amendment that I offered on the Law of the Sea Treaty, that simply would have prevented funds in the bill from being used for a contribution to the Seabed Authority. That's an authority, a global entity, that would be responsible for collecting taxes on U.S. energy companies for deep seabed mining if the United States ratifies the Law of the Sea Treaty. Those are only two examples of many of the amendments that were offered that were rejected and that we should have found time to debate those and add them to the bill.

I oppose the rule.

Mr. CARDOZA. Mr. Speaker, I now yield 2 minutes to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. I want to thank the gentleman for yielding.

I rise today in strong support of the rule for the Fiscal Year 2010 State Department and Foreign Operations appropriations bill, H.R. 3081. I sincerely want to thank the chairwoman, NITA LOWEY, and her staff for their diligent work on this appropriations bill and for their efforts and their help in securing an additional \$10 million for maternal health in the manager's amendment.

I sincerely thank the gentlelady for her support and for her work and for addressing one of the most serious issues facing women on this planet. The need to act to address the global maternal mortality rate and to save mothers' lives is very clear, and the time to act is now.

The recent words of the First Lady of Sierra Leone are haunting, but all too true for too many women in the world and their families and their communities. She stated, "We know too well that a pregnant woman in Kigali or Freetown has one foot in the grave," which is why many "say goodbye to our mothers and sisters as they go into labor."

□ 1315

Mr. Speaker, pregnancy is a time when we should be welcoming life into the world, not saying goodbye. For every woman's death we fail to prevent by boosting investments in critical ma-

ternal health programs, we fail newborns who now face an increased risk of dying themselves. We fail the family, including children pulled from schools to support their families and pick up the duties of the now deceased mother, and we fail those communities by undermining economic development and poverty reduction efforts in the wider community.

This investment into maternal health will save lives. We can and must continue to do what we can to reduce the needless suffering of millions of women around the world from childbirth and pregnancy-related complications. Too much is at stake if we fail to deliver for these women.

Mr. LINCOLN DIAZ-BALART of Florida. I yield 4 minutes to my friend, the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding.

Mr. Speaker, last night, Mr. STUPAK and I respectfully requested that an amendment reinstating the Mexico City Policy be made in order so that the full House would have the opportunity to vote up or down on this critically important issue.

This year's Foreign Ops Appropriations bill increases population control funding by a whopping 40 percent over the 2008 levels to a record \$648 million. Our amendment would simply ensure that this huge allocation of taxpayer grant money not be awarded to foreign nongovernmental organizations that perform abortions on demand or lobby for abortion on demand in developing countries.

Today, most African and Latin countries protect the lives of their unborn children, and the real threat to those laws and policies are coming from the United States and European nongovernmental organizations and the money behind them.

Indeed, prior to January, Mr. Speaker, the pro-life Mexico City Policy guaranteed that unborn children in Asia, Africa, Latin America, and elsewhere not be put at risk of death by the NGOs that we fund.

Every human life is precious, Mr. Speaker, and sacred and worthy of respect. No one, no one is expendable. Thus, family planning funds and the NGOs that they empower cannot be allowed to be the Trojan Horse for a global abortion industry.

On an encouraging note, Americans agree with our efforts to reinstate the Mexico City Policy. The Gallup Poll recently found by a margin of 2-1, 65 percent to 35 percent, Americans oppose President Obama's Executive order reversing the Mexico City Policy. They support his other Executive orders, but not that one.

Another Gallup Poll found that, for the first time, 51 percent to 42 percent, Americans are identifying as pro-life. Ultrasound technology—the window to

the womb—is finally shattering the myth that an unborn child is somehow not a person.

Mr. Speaker, stripped of its many euphemisms, abortion is violence against children and often harms women emotionally and psychologically and physically. Abortion methods either dismember the fragile body of a baby to death or poisons the infant or chemically induces premature labor, leaving the immature child unable to cope with his or her new environment.

You know, in Congress we often speak and enact laws and policies designed to reduce infant mortality, and that's a wonderful and necessary goal. Can we not see or appreciate or understand that abortion is infant mortality?

An unborn child's immaturity and dependence should in no way mitigate, negate, or nullify an unborn child's inherent humanity. Human rights ought to be about inclusion, not exclusion, especially of the weakest and the most vulnerable.

Finally, can we not see or appreciate or understand that birth is an event and not the beginning of a child's life? And the stunning breakthroughs over the last three decades in treating unborn children who are diagnosed with diseases or disabilities only brings into sharp focus that the child in the womb must be regarded as a patient in need of benign and compassionate interventions. Not poison shots or razor-sharp curettes that kill, but medicines and procedures that cure.

The Mexico City Policy holds children harmless in our family planning programs throughout the world. Tragically, the rule before us precludes so much as a vote on the Mexico City Policy.

Mr. Speaker, I truly believe that the right to life is the most fundamental human right issue on Earth. Unfortunately, abortion and the promotion of abortion is the only violation of that basic human right that has the audacity to call itself a right.

I therefore will be voting "no" on the rule as well as the underlying bill.

Mr. CARDOZA. The gentleman is very sincere, and I appreciate his friendship and his words. I would just make one correction, and that is when he speaks of a 40 percent increase in this bill, what we are doing in this bill is increasing the transparency from a situation where all the dollars that we're spending here were in the past few years put into supplemental bills and pretended like they didn't really count. We're taking that supplemental spending and putting it in a transparent process that we can all appreciate.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Would the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I yield 30 seconds to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I'm sure it was unwitting, but my friend from the other side of the isle misspoke. Just to make very clear, the population account, the money that was allocated in FY 2008, was approximately \$460 million. It is now at \$648 million. That is approximately a 40 percent increase. And then other moneys potentially could be going to these foreign non-governmental organizations that promote abortion as well, like Planned Parenthood, Marie Stopes International, and others. So we have a very serious problem. They are American surrogates in foreign countries. They speak for us. They certainly don't speak and act for millions of pro-life Americans.

Yes, do family planning. Our amendment would leave that in tact. It would not touch the amount of money for family planning. We ought argue that abortion is not family planning and has no legitimate place in any compassionate program of health care. It is the killing of an unborn child.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank my colleague for yielding.

You know, I think the American people would like to see us debate the issues that they're very concerned about on this floor, and there are many of these issues we're not going to be able to debate because of this closed rule.

I'd just like to cite a couple of amendments that I introduced that I think the American people, many of them, would really like to hear debated.

One of them was a sense of Congress bill or amendment that would expand the economic sanctions against Iran. Iran is a terrorist state developing nuclear weapons. A sense of Congress resolution saying we should put severe economic standards on them, sanctions on them, and get our allies to do it, is something that should have been debated and passed, because I think Americans are concerned about this terrorist state and they want us to stop their nuclear program and to put pressure on them.

Another amendment would have prohibited funds from being used to establish diplomatic or commercial ties in or with Iran until these changes are made, until they stop their nuclear development program, which threatens the Middle East oil supplies, our energy supplies, and the whole world.

Finally, we had one that dealt with putting pressure on terrorist organizations until they recognize Israel's right to exist. I think all of us support Israel and we want to make sure Israel's right to exist is guaranteed. So why wouldn't we want to have an amendment on the floor which said that the

organizations that are trying to destroy Israel should be put under extreme pressure to make sure that they recognize Israel's right to exist?

Finally, one of the things that really concerns me is the United Nations is going to spend almost \$900,000 in legal fees for Benon Sevan. He is the man who ran the Oil-for-Food program, and it was a corrupt program. He was working with Saddam Hussein.

The man has fled the country. He has been charged with bribery and wire fraud, and the U.S. Federal and State prosecutors are looking for this guy, and they're using our taxpayer dollars to defend him, to help him with his legal fees.

What I said in this amendment is we should withhold the amount of money that would go for his legal fees from our commitment to the United Nations, and I think the American people would agree with that.

So I can't understand why the chairman and the members of the Rules Committee didn't make these in order. I hope in the future they will be a little more openminded about this, because the American people want these issues debated in the people's House.

Mr. CARDOZA. I yield 2 minutes to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. I want to just rise to thank Chairwoman NITA LOWEY and Ranking Member KAY GRANGER for their great work on this bill and focus particularly on this bill's commitment to global development issues.

I'm the chair of the Terrorism Subcommittee of the Committee on Armed Services and have been working very, very closely with our military as we attempt to combat terrorism and violent extremist groups throughout the globe. Certainly, there is a big military component to that.

What we have increasingly learned in the military and elsewhere is that we will never win that battle and that fight if we are not equally committed to global development.

We have seen a major commitment in this bill on the central focus in our efforts right now, which is in Pakistan and Afghanistan. I applaud that effort. But also understand that this bill recognizes that it is broader than just Pakistan and Afghanistan. Throughout the Middle East, throughout Africa, throughout Southeast Asia, failed and failing states are a major contributor to instability and the rise of violent extremist groups. Getting our global development policy right is critical to stopping that effort. This bill makes that commitment.

I also want to say that this is not just a matter of more money. It is a matter of improving the quality of our global development, of coordinating it, of figuring out what works and making sure that our programs are more efficient and more effectively delivered.

On that point, I also support the committee and support the Foreign Relations Committee and Foreign Affairs Committee as well for putting pressure on the administration to make fundamental changes in the way we do global development, to make sure that it is better coordinated, more effective, and works better.

We have a lot of work to do on this front, but this appropriation bill reflects the priority of global development policy, funding it and supporting it, if we are ever to be triumphant in our efforts to stop violent extremist groups and reduce instability throughout the globe.

Mr. LINCOLN DIAZ-BALART of Florida. I yield 2 minutes to the distinguished gentleman from Florida (Mr. MACK).

Mr. MACK. I would like to thank my colleague for yielding time.

I rise today to speak against the rule for this bill, a rule that shuts out our ability to offer amendments on the floor is an unprecedented abuse of the rules and debate on appropriation bills.

Why is the majority so afraid to hear what we have to say? Why is the majority so afraid of what we might have to offer? Isn't this the place to have debate, real debate, on the important issues that are facing the United States and the citizens of the United States? If you can't have the debate here on the floor of the House, where can you have it?

This is where we should be debating the issues, and changing the rules and the process does the people of this country a disservice.

If I were able to offer an amendment to the Foreign Ops bill, I would offer an amendment that would make sure that aid to Honduras is not cut off. Mr. Speaker, the administration has cut funding to the people of Honduras because some have claimed that a military coup has occurred in Honduras. Instead of being responsible on the matter, the administration has gotten itself involved with the likes of Chavez, Morales, Ortega, and too quickly reacted in a knee-jerk fashion.

To cut the aid, be it humanitarian, military, or what have you, is the wrong thing to do, and if I were able to offer an amendment, I would have fought hard to make sure that aid to Honduras was not cut.

This process makes a mockery of our democratic system, and I urge all of my colleagues to vote against this rule and support an open process, but also support the people of Honduras.

□ 1330

Mr. CARDOZA. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. I rise to express my support for the State and Foreign Operations Appropriations.

For the first time in a long time, we have a President with a balanced for-

eign policy focused on smart power that balances might and right.

Having worked in Afghanistan, I know firsthand the importance of diplomacy and the rule of law. Our success internationally depends on both the full funding and support of our military and of our diplomatic corps. Every crisis averted through good diplomacy, multinational cooperation and economic development reduces the burden on our military and our military families.

This bill also includes support language for the City of Hope project. This project is managed by the nonprofit Teamwork Ministries International based in my district in Martinsville, Virginia. Their work to help educate, nourish and train future leaders of Africa is a worthy investment to bring hope to communities and to nations around the globe. This project is a great example of dedicated yet humble Americans putting their values into action, being the face of the greatest of all nations to those who are suffering the most. I thank the team at the City of Hope project, and I thank the chairman for this great step forward for our country's security and its greatest values.

This project is making a difference in the lives of children who have been orphaned as a result of the HIV/AIDS crisis affecting Tanzania and other countries in sub-Saharan Africa. Duke University, the University of Virginia, Campbell University, Howard University, St. Mary's University of Tanzania, and Teamwork Ministries International are working together to advance the City of Hope project.

The HIV/AIDS epidemic has left millions of African children alone, homeless, and without hope. UNICEF estimates there are over 12 million orphaned children in sub-Saharan Africa, and over 1.5 million in Tanzania alone. In some communities, the majority of adults have either died or are infected with HIV/AIDS, and their children carry the burden of raising the family. These children are at a high risk of being misused and exploited at the work place as they try to earn a living to support their siblings. Many of these children wander into towns, live on the streets, and resort to stealing in order to survive. Others are kidnapped and sold as slaves.

The City of Hope is a revolutionary concept, of building facilities and initiating assistance programs not only to provide living quarters, health care, clean drinking water, food and education for children, but also to help educate and train future leaders of Africa. It is an innovative way of bringing transformation to those in despair, and bringing hope to communities and to nations.

Through construction of campuses for orphans in Tanzania providing clean drinking water, residential facilities, schools, and health care facilities, the City of Hope project will provide safe havens for children in the region. A principal objective is to provide training in leadership skills and in microenterprise, especially agribusiness and sustainable farming, and environmentally beneficial land-use practices. This approach is intended to provide

economic opportunities for future leaders in an area in which 80 percent of the economy is agricultural.

Teamwork Ministries is benefiting from the commitment of skilled professionals in such areas as medicine, nursing, nutrition and health, sustainable agricultural practices, and design of "green buildings" to conserve energy. The government of Tanzania is assigning doctors and medical staff to the City of Hope project, and Duke University School of Nursing, the University of Virginia, Campbell University, Howard University, and St. Mary's University of Tanzania are all offering their expertise.

In 2009, the first City of Hope campus in the northern Tanzanian community of Ntagatcha will be home to 300 orphaned children and will provide employment and health care to benefit adults in the local community. Teamwork Ministries' objective is to replicate the City of Hope model elsewhere, to serve communities in which the need is greatest. With adequate funding and support in the years ahead, Teamwork Ministries' goal is to establish up to 100 Cities of Hope throughout Tanzania and other sub-Saharan African countries.

I want to thank the State, Foreign Operations Appropriations Subcommittee Chair, Congresswoman LOWEY, and my colleague Congressman DAVID PRICE, a member of the Appropriations Committee, for their support of the City of Hope project. I believe this project, which has strong support in my Congressional District, will be a worthwhile expenditure of USAID funding.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank my friend from Florida. I rise in opposition to the rule. I think at a time when so many controversial decisions are being made in foreign policy, we should have free and open debate. I continue my concerns about the lack of free and open debate.

At the same time, I am going to support the underlying bill, but not without deep concerns. I have concerns about the spending in the bill. I have concerns about the administration's policy in about every country except Canada, and I have some reservations even in their policy with Canada. But at the end of the day, and as the gentleman from New Jersey (Mr. SMITH) said, for those of us who spent our entire lives working on the pro-life movement, to be forced into choices with this Mexico City policy combined with family planning is terrible.

But at the end of the day, I stand with Israel and the funding for Israel. We will have votes on other issues, but this is really our only vote of importance to supporting our friends in Israel.

Without this military funding to help provide superiority and technology in developing their military capability to keep their military superiority over neighbors who would wipe them from the face of the Earth the second they don't have that superiority, they very

possibly might not survive. I have concerns about this administration's policy on Israel. It seems to me we are doing a lot of bullying of a government elected there. They elect different parties, they have different positions, and ultimately they have to make their decisions on what is best for them to survive. They are the best example of democracy in the region. They elect governments that make the different decisions, and we stand with them because we believe it is in our best interest and our obligation to stand with Israel, even if we may disagree with certain policies.

So I even have concerns about the administration's policies regarding Israel; but at the same time, fundamentally, this is our Israel vote. Because I recognize the fundamental reason for the creation of Israel, because I understand their forced diaspora and their persecution around the world, and I understand why Israel was recreated and reestablished in 1948. And I understand the anti-Semitism and rising anti-Semitism around the world, and I understand the anger and commitment to the destruction of their very nation. I think it is important with all of the other difficult issues that we show bipartisan support in this way to our friends in Israel who are in tough straits right now.

So it is reluctantly that I will vote for the bill, but I will vote for the bill and oppose the rule.

Mr. CARDOZA. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I would like to extend my thanks to my colleagues, Chairwoman NITA LOWEY and Congressman EARL BLUMENAUER, for their tireless work over the years to make safe drinking water and basic sanitation more accessible to the world's poor.

In recent years, we have strengthened the United States commitment to this cause not only by increasing the amount of moneys for safe water and drinking water and sanitation, but also making sure that these moneys are appropriately spent in the proper countries, in line with the Senator Paul Simon Water for the Poor Act of 2005.

The continual increase in funding has allowed USAID to hire new technical staff with drinking water and sanitation expertise, to leverage host government involvement, to increase matching funds available to NGOs, and to conduct a range of tested and pilot approaches to increase water and sanitation coverage in individual host countries. It is essential that we continue on this upward trajectory, and I applaud Congresswoman LOWEY for making an additional \$25 million available for this effort.

Water and sanitation have increasingly played a major role in how individuals interact with one another and

how governments govern. Today, approximately 1 billion people lack access to safe drinking water, and an estimated 2.6 billion people live in environments where they do not have access to proper toilet facilities and human waste cannot be properly disposed of.

Chronic water scarcity has fueled instability and hinders economic and social development. In such places as Zimbabwe, Mexico and Gaza, the lack of access to safe drinking water has had detrimental ramifications for the people who live there. For example, over 1.6 million people die every year from easily preventable diseases, and 90 percent of the children are under 5.

I certainly commend Congresswoman LOWEY, and I would like to say that is why Congressman BLUMENAUER and I introduced the Paul Simon bill, and I urge its support.

The lack of access to safe drinking water and basic sanitation affects everything from how food is grown and prepared to the ability of girls and young women to attend school. Water and sanitation is an obvious issue of health but also one of dignity, physical safety and development.

In 2002, the world's leaders gathered together and pledged to halve the proportion, by 2015, of people who lack access to clean water and basic sanitation. The U.S. Congress took this pledge and passed the Senator Paul Simon Water for the Poor Act of 2005. We made the pledge to bring safe and affordable drinking water to the world's poor. Since its enactment in 2005, the U.S. has been able to bring inexpensive potable water to millions of people. While some parts of the world are on track to halve the percent of people who lack access to safe drinking water and basic sanitation, some regions like Africa are behind schedule. That is why Congressman EARL BLUMENAUER and I introduced the Senator Paul Simon Water for the World Act of 2009. This bill is calling for the U.S. Government to elevate the pledge we made in 2002 to a diplomatic and policy priority. It would create offices within the Department of State and USAID and would increase the level of U.S. Government cooperation with local and NGO partners. Most importantly, it would bring first-time access to safe drinking water to an additional 100 million people.

As we, in Congress, debate the State and Foreign Operations Appropriations Act which will rebuild our diplomatic and development activities, strengthen national security and combat terrorism and address global HIV/AIDS, let us not forget that safe drinking water and sanitation are key to the achievement of these other goals. I thank Chairwoman LOWEY for recognizing this crucial fact and increasing our commitment an additional \$25 million to \$335 million.

Mr. LINCOLN DIAZ-BALART of Florida. I reserve the balance of my time.

Mr. CARDOZA. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Speaker, I want to thank Mr. CARDOZA for the time.

I want to begin my comments by congratulating Chairwoman NITA LOWEY for drafting the bill before us today. I also want to thank Ranking Member GRANGER for working with the majority, and I also want to recognize both the majority and minority subcommittee staff for their professionalism and tireless work in producing this bill.

Mr. Speaker, I rise today to voice my strong support of H.R. 3081, the State, Foreign Operations and Related Programs Appropriations bill. There are few things that we do on an annual basis that are more important and crucial to the success of U.S. foreign policy than passing this bill.

U.S. foreign policy can only be successful if we make crucial investments in the three D's: defense, diplomacy, and development. Ideally, all three, defense, diplomacy and development, should be considered equal legs of the same stool. However, this is currently not the case. This year we are going to spend somewhere north of \$500 billion for defense. This bill, diplomacy and development, only totals \$48 billion.

Despite the fact that the allocation for this bill is \$3.2 billion below the President's request, and \$1.2 billion below the comparable fiscal year 2009 level, this is a well-written and measured bill, taking into account the concerns of both the majority and the minority. However, I am worried about some of the amendments that have been made in order by the rule that would eviscerate some of the vital programs in this bill in the name of fiscal discipline.

I am worried, Mr. Speaker, because yesterday in the developing world nearly 15,000 to 20,000 people died of extreme poverty. Today in the developing world, 15,000 to 20,000 people will die of extreme poverty. Tomorrow in the developing world, 15,000 to 20,000 people will die of extreme poverty.

Extreme poverty, like malnutrition and disease, are claiming tens of thousands of lives every day, despite the fact that we know how to save many of these lives. The bill before us has the real potential to reverse these facts. Look at what has been done to date with our foreign aid: smallpox eradication began in the 1960s; control of river blindness in the 1970s; increased child immunizations in the 1980s; initiatives to fight Guinea worm, trachoma and leprosy in the 1990s; and the effort to end polio in this decade. Measurable results produced with the dollars in this bill.

Mr. Speaker, let me point out some of the highlights of this measure. This bill improves our diplomatic capabilities by funding 1,000 new foreign service professionals and improves our development capabilities by funding 300 new USAID personnel.

This bill provides funds for both our multilateral and bilateral peacekeeping operations. The bill provides

increases for global health programs that fight the scourge of HIV, TB and malaria. The bill provides increases for development assistance programs. Some of these funds are educating children and providing clean drinking water and sanitation around the world.

The bill provides \$224 million for Liberia, a shining example of a post-conflict country that is now on the road to recovery instead of becoming a potential failed state and a potential haven for terrorists.

Now, I understand that some of the Members plan to offer amendments to cut key increases in programs in this bill; but this is penny wise and pound foolish. Again, for our foreign policy to be successful, we can't just use sticks; we also have to use carrots. We need to invest in diplomacy and development the same way we do defense.

I am sure some will defend their amendments by saying in tough economic times we don't need to spend one dime overseas. These arguments also are shortsighted. The money we spend on development and humanitarian programs overseas is an investment in more stability, more security, and more sustainability. It is an investment in our long-term national security interests. It is an investment in a safer, freer, and more democratic world.

Not only is there a strong rational reason to support this bill and oppose all of the amendments to cut these vital programs; there is a moral one as well. When we were debating the fiscal year 2008 Foreign Operations bill, Chairman FRANK WOLF, former ranking member, said it best when he said, "I believe this bill has the potential to do a lot of good, and I want to say that this bill will help save a lot of lives not only here but around the world. This is the work of the Lord," FRANK WOLF said. "This bill," he said, "is really to feed the poor, the hungry, the naked, the sick. Almost a better title of this bill," FRANK WOLF said, "would be the Matthew 25 bill."

I urge my colleagues to vote for this bill, Mr. Speaker, and to look closely at some of these amendments because some of these amendments would cut the Lord's work by 5 percent across the board. Others would cut the Lord's work by \$1.2 billion. And other amendments, Mr. Speaker, eviscerate programs that are designed to help the poorest amongst the poor. Support this bill; support this rule; and support this measure.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to reiterate again my gratitude both to Chairwoman LOWEY and Ranking Member GRANGER of this appropriations subcommittee, and all of the members of the subcommittee. They have done great work.

When Chairwoman LOWEY appeared yesterday in the Rules Committee, it

was really remarkable how on a bipartisan basis she received the commendation and admiration of all of us, and, quite frankly, I think in representation of the entire House. So I thank her.

And she has a wonderful ranking member, KAY GRANGER, who also works extremely diligently in a way that has made the House also admire her deeply.

I think we have had a good debate on the underlying legislation. I think it is most unfortunate that the tradition of two centuries of open debate on appropriations bills has been broken by the majority. And so, Mr. Speaker, I will be asking for a "no" vote on the previous question on this rule so that we can amend the rule and allow an open rule.

The rule that the majority has brought forth today will only cement the dangerous and unnecessary precedent that it has already set. So let's have an open rule. Let's revert to tradition. Let's return to an open process.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment and extraneous materials immediately prior to the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I urge all of my colleagues, and I am sure many of my colleagues on the other side of the aisle agree with us, that this unnecessary lessening of the House, this diminishing of each of the Members' rights is most unfortunate. And so we should return, as Ranking Member LEWIS said before the Rules Committee last evening, let's return. There is still time, let's return to the tradition of two centuries and have an open rule.

□ 1345

And we pledge, as Ranking Member LEWIS did last night before the Rules Committee, full cooperation, consistent with that tradition, after debate has begun on these appropriations bills that still remain to be considered, to work out unanimous consent agreements to limit time and allow the process to be finished in a timely way. So let's return to that tradition of two centuries and preserve the rights of each of the Members of this House.

I urge a "no" vote on the previous question in order to return to those two centuries of tradition, to return to open rules on appropriations bills.

Mr. Speaker, I yield back the balance of my time.

Mr. CARDOZA. Mr. Speaker, I thank my friend and colleague from Florida for his words.

I concede that it is quite unfortunate that we stand here today, where we stand today, with regard to what has transpired over the past few weeks. It is not the way we want things to operate in the people's house, it's not the

way my friends on the other side want to operate either.

A trust and agreement have been breached. Republicans have chosen not to be able to come to an agreement from our very first appropriation bill. There was a marker laid down with dilatory tactics which could have prevented us from tending to the people's business. While Democrats have continued choosing to try and legislate and move forward and do what the voters and those who elected us to do, we have seen that there has been continuing obstructionist tactics.

The State-Foreign Ops appropriations bill gets to the heart of our national security interests, and it is one of the most important appropriations bills we consider each year. This bill has no place for obstructionism and partisan politics. That has to stop at the water's edge. We simply cannot risk the people's business coming to a screeching halt on such a critical national security measure.

Mr. Speaker, for the good of this institution, we must put aside our political differences and find the common ground. But until that time, we must also do what's necessary to continue doing the people's business and ensure that nothing stands in the way of providing for the safety and security of this great Nation.

Mr. Speaker, simply put, the State-Foreign Ops Appropriations bill funds the United States' diplomatic and development priorities. It is a cornerstone of our national security. It is critical that we send a strong, united message to the world about the United States' foreign policy commitments, about our priorities, about supporting this bill with overwhelming bipartisan support today.

Mr. Speaker, I urge a "yes" vote on this rule and on the previous question.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 617 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Strike the resolved clause and all that follows and insert the following:

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the

Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution—The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection

of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. CARDOZA. Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. PRICE of Georgia. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas on January 20, 2009, Barack Obama was inaugurated as President of the United States, and the outstanding public debt of the United States stood at \$10.627 trillion;

Whereas on January 20, 2009, in the President's Inaugural Address, he stated, "[T]hose of us who manage the public's dollars will be held to account, to spend wisely, reform bad habits, and do our business in the light of day, because only then can we restore the vital trust between a people and their government.";

Whereas on February 17, 2009, the President signed into public law H.R. 1, the American Recovery and Reinvestment Act of 2009;

Whereas the American Recovery and Reinvestment Act of 2009 included \$575 billion of new spending and \$212 billion of revenue reductions for a total deficit impact of \$787 billion;

Whereas the borrowing necessary to finance the American Recovery and Reinvestment Act of 2009 will cost an additional \$300 billion;

Whereas on February 26, 2009, the President unveiled his budget blueprint for FY 2010;

Whereas the President's budget for FY 2010 proposes the eleven highest annual deficits in U.S. history;

Whereas the President's budget for FY 2010 proposes to increase the national debt to \$23.1 trillion by FY 2019, more than doubling it from current levels;

Whereas on March 11, 2009, the President signed into public law H.R. 1105, the Omnibus Appropriations Act, 2009;

Whereas the Omnibus Appropriations Act, 2009 constitutes nine of the twelve appropriations bills for FY 2009 which had not been enacted before the start of the fiscal year;

Whereas the Omnibus Appropriations Act, 2009 spends \$19.1 billion more than the request of President Bush;

Whereas the Omnibus Appropriations Act, 2009 spends \$19.0 billion more than simply extending the continuing resolution for FY 2009;

Whereas on April 1, 2009, the House considered H. Con. Res. 85, Congressional Democrats' budget proposal for FY 2010;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes the six highest annual deficits in U.S. history;

Whereas the Congressional Democrats' budget proposal for FY 2010, H. Con. Res. 85, proposes to increase the national debt to \$17.1 trillion over five years, \$5.3 trillion more than compared to the level on January 20, 2009;

Whereas Congressional Republicans produced an alternative budget proposal for FY 2010 which spends \$4.8 trillion less than the Congressional Democrats' budget over 10 years;

Whereas the Republican Study Committee produced an alternative budget proposal for FY 2010 which improves the budget outlook in every single year, balances the budget by FY 2019, and cuts the national debt by more than \$6 trillion compared to the President's budget;

Whereas on April 20, 2009, attempting to respond to public criticism, the President convened the first cabinet meeting of his Administration and challenged his cabinet to cut a collective \$100 million in the next 90 days;

Whereas the challenge to cut a collective \$100 million represents just 1/40,000 of the Federal budget;

Whereas on June 16, 2009, total outstanding Troubled Asset Relief Program, or TARP, funds to banks stood at \$197.6 billion;

Whereas on June 16, 2009, total outstanding TARP funds to AIG stood at \$69.8 billion;

Whereas on June 16, 2009, total outstanding TARP funds to domestic automotive manufacturers and their finance units stood at \$80 billion;

Whereas on June 19, 2009, the outstanding public debt of the United States was \$11.409 trillion;

Whereas on June 19, 2009, each citizen's share of the outstanding public debt of the United States came to \$37,236.88;

Whereas according to a New York Times/CBS News survey, three-fifths of Americans (60 percent) do not think the President has developed a clear plan for dealing with the current budget deficit (New York Times/CBS News, Conducted June 12-16, 2009, Survey of 895 Adults Nationwide);

Whereas the best means to develop a clear plan for dealing with runaway Federal spending is a real commitment to fiscal restraint and an open and transparent appropriations process in the House of Representatives;

Whereas before assuming control of the House of Representatives in January 2007, Congressional Democrats were committed to an open and transparent appropriations process;

Whereas according to a document by Congressional Democrats entitled "Democratic Declaration: Honest Leadership and Open Government," page 2 states, "Our goal is to restore accountability, honesty and openness at all levels of government.";

Whereas according to a document by Congressional Democrats entitled "A New Direction for America," page 29 states, "Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives, including a substitute.";

Whereas on November 21, 2006, The San Francisco Chronicle reported, "Speaker Pelosi pledged to restore 'minority rights'—including the right of Republicans to offer amendments to bills on the floor . . . The principle of civility and respect for minority participation in this House is something that we promised the American people, she said. 'It's the right thing to do.'" ("Pelosi's All Smiles through a Rough House Transition," The San Francisco Chronicle, November 21, 2006);

Whereas on December 6, 2006, Speaker Nancy Pelosi stated, "[We] promised the American people that we would have the most honest and open government and we will.";

Whereas on December 17, 2006, The Washington Post reported, "After a decade of bitter partisanship that has all but crippled efforts to deal with major national problems, Pelosi is determined to try to return the House to what it was in an earlier era—'where you debated ideas and listened to each others arguments.'" ("Pelosi's House Diplomacy," The Washington Post, December 17, 2006);

Whereas on December 5, 2006, Majority Leader Steny Hoyer stated, "We intend to have a Rules Committee . . . that gives opposition voices and alternative proposals the ability to be heard and considered on the floor of the House." ("Hoyer Says Dems' Plans Unruffled by Approps Logjam," CongressDaily PM, December 5, 2006);

Whereas during debate on June 14, 2005, in the Congressional Record on page H4410, Chairwoman Louise M. Slaughter of the House Rules Committee stated, "If we want to foster democracy in this body, we should take the time and thoughtfulness to debate all major legislation under an open rule, not just appropriations bills, which are already restricted. An open process should be the norm and not the exception.";

Whereas since January 2007, there has been a failure to commit to an open and transparent process in the House of Representatives;

Whereas more bills were considered under closed rules, 64 total, in the 110th Congress under Democratic control, than in the previous Congress, 49, under Republican control;

Whereas fewer bills were considered under open rules, 10 total, in the 110th Congress under Democratic control, than in the previous Congress, 22, under Republican control;

Whereas fewer amendments were allowed per bill, 7.68, in the 110th Congress under Democratic control, than in the previous Congress, 9.22, under Republican control;

Whereas the failure to commit to an open and transparent process in order to develop a clear plan for dealing with runaway Federal spending reached its pinnacle in the House's handling of H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 contains \$64.4 billion in discretionary spending, 11.6 percent more than enacted in FY 2009;

Whereas on June 11, 2009, the House Rules Committee issued an announcement stating that amendments for H.R. 2847, the Com-

merce, Justice, Science, and Related Agencies Appropriations Act, 2010 must be pre-printed in the Congressional Record by the close of business on June 15, 2009;

Whereas both Republicans and Democrats filed 127 amendments in the Congressional Record for consideration on the House floor;

Whereas on June 15, 2009, the House Rules Committee reported H. Res. 544, a rule with a pre-printing requirement and unlimited pro forma amendments for purposes of debate;

Whereas on June 16, 2009, the House proceeded with one hour of general debate, or one minute to vet each \$1.07 billion in H.R. 2847, in the Committee of the Whole;

Whereas after one hour of general debate the House proceeded with amendment debate;

Whereas after just 22 minutes of amendment debate, or one minute to vet each \$3.02 billion in H.R. 2847, a motion that the Committee rise was offered by Congressional Democrats;

Whereas the House agreed on a motion that the Committee rise by a recorded vote of 179 Ayes to 124 Noes, with all votes in the affirmative being cast by Democrats;

Whereas afterwards, the House Rules Committee convened a special, untelevised meeting to dispense with further proceedings on H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas on June 17, 2009, the House Rules Committee reported H. Res. 552, a new and restrictive structured rule for H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010;

Whereas every House Republican and 27 House Democrats voted against agreeing on H. Res. 552;

Whereas H. Res. 552 made in order just 23 amendments, with a possibility for 10 more amendments, out of the 127 amendments originally filed;

Whereas H. Res. 552 severely curtailed pro forma amendments for the purposes of debate;

Whereas the actions of Congressional Democrats to curtail debate and the number of amendments offered to H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010 effectively ended the process to deal with runaway Federal spending in a positive and responsible manner;

Whereas Congressional Democrats continue to curtail debate and the number of amendments offered to appropriations bills;

Whereas on June 18, 2009, the House Rules Committee reported H. Res. 559, a restrictive structured rule for H.R. 2918, the Legislative Branch Appropriations Act, 2010;

Whereas H. Res. 559 made in order just one amendment out of the 20 amendments originally filed;

Whereas on June 23, 2009, the House Rules Committee reported H. Res. 573, a restrictive structured rule for H.R. 2892, the Department of Homeland Security Appropriations Act, 2010;

Whereas H. Res. 573 made in order just 9 amendments, with a possibility for 5 more amendments, out of the 91 amendments originally filed;

Whereas on June 24, 2009, the House Rules Committee reported H. Res. 578, a restrictive structured rule for H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010;

Whereas H. Res. 578 made in order just 8 amendments, with a possibility for 5 more amendments, out of the 105 amendments originally filed; and

Whereas the actions taken have resulted in indignity being visited upon the House of Representatives: Now, therefore, be it

Resolved, That—

(1) the House of Representatives recommit itself to fiscal restraint and develop a clear plan for dealing with runaway Federal spending;

(2) the House of Representatives return to its best traditions of an open and transparent appropriations process without a pre-printing requirement; and

(3) the House Rules Committee shall report out open rules for all general appropriations bills throughout the remainder of the 111th Congress.

□ 1400

The SPEAKER pro tempore. Does the gentleman from Georgia wish to present argument on why the resolution is privileged for immediate consideration?

Mr. PRICE of Georgia. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. PRICE of Georgia. Mr. Speaker, rule IX regarding questions of the privilege of the House states that questions of privilege shall be first those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings. The integrity of its proceedings.

Mr. Speaker, clearly, the unprecedented actions that have been taken by the Democrats in charge have disenfranchised every single Member of this House. Appropriations bills have been, by tradition and previously by rule, brought to the floor under what's called an "open rule," which means that every single Member of the House has an opportunity to affect the bill, to represent his or her constituents.

Each of us represents basically the same number of folks, 650,000, 675,000. When Members are not allowed to bring amendments to the floor on the spending of their constituents' tax money, that disenfranchises those Members. That is an affront to the House. It presents an indignity to the House.

Mr. Speaker, I understand that the closed rule that was passed recently, yesterday, resulted in more closed rules on appropriations bills in this House of Representatives by this leadership, by these Democrats in charge, more than any in the history, not of this decade, not of this century, but in the history of this Republic. Mr. Speaker, in the history of this Republic.

Now, I know my friend from California says that this is not the way we want things to operate, but, Mr. Speaker, they control the process. They control the process. They control this tyranny. Mr. Speaker, it is indeed tyranny. It's tyranny by the majority. It's what de Tocqueville warned about over 150 years ago when he said that the majority can indeed shut down the rights of the minority. And that's exactly

what is happening, which is why this resolution ought to be a privileged resolution, because what it directs the Rules Committee to do is to return to regular order; return to a process that allows each and every one of us to represent our constituents; return to a process that Mr. OBEY, then in the minority on the Appropriations Committee, said, "We have gotten so far from the regular order that I fear that if this continues, the House will not have the capacity to return to the precedents and procedures of the House that have given true meaning to the term 'representative democracy.' The reason we have stuck to regular order as long as we have in this Institution is to protect the rights of every Member to participate. And when we lose those rights, we lose the right to be called the greatest deliberative body in the world."

Mr. Speaker, the tyranny of this majority, the tyranny of the folks in charge right now, have resulted in an affront on this House. Those actions, these actions have clearly violated the integrity of our proceedings. Therefore, I believe that this resolution qualifies as a privileged resolution of this House. I yield back.

The SPEAKER pro tempore. The Chair is prepared to rule.

In evaluating the resolution offered by the gentleman from Georgia under the standards of rule IX, the Chair must be mindful of a fundamental principle illuminated by annotations of precedent in section 706 of the House Rules and Manual. That basic principle is that a question of the privileges of the House may not be invoked to prescribe a special order of business for the House.

The Chair finds that the resolution offered by the gentleman from Georgia, by directing the Committee on Rules to report a certain kind of resolution, proposes a special order of business. Under a long and well-settled line of precedent presently culminating in the ruling of June 25, 2009, such a resolution cannot qualify as a question of the privileges of the House.

The Chair therefore holds that the resolution is not privileged under rule IX for consideration ahead of other business. Instead, the resolution may be submitted through the hopper in the regular course.

Mr. PRICE of Georgia. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. CARDOZA. Mr. Speaker, I move that the appeal of the ruling of the Chair be laid on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on tabling the appeal of the ruling of the Chair will be followed by 5-minute votes on:

ordering the previous question on H. Res. 617;

adopting H. Res. 617, if ordered;

suspending the rules and adopting House Concurrent Resolution 127, if ordered; and

suspending the rules and adopting House Concurrent Resolution 131, if ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 179, not voting 13, as follows:

[Roll No. 511]

AYES—240

Abercrombie	Edwards (MD)	Lowey
Ackerman	Edwards (TX)	Lujan
Adler (NJ)	Ellison	Lynch
Altmire	Ellsworth	Maffei
Andrews	Engel	Maloney
Arcuri	Eshoo	Markey (CO)
Baca	Etheridge	Markey (MA)
Baird	Farr	Marshall
Baldwin	Fattah	Massa
Barrow	Filner	Matheson
Bean	Frank (MA)	Matsui
Becerra	Giffords	McCarthy (NY)
Berkley	Gonzalez	McCollum
Berman	Grayson	McDermott
Berry	Green, Al	McGovern
Bishop (GA)	Green, Gene	McIntyre
Bishop (NY)	Griffith	McMahon
Blumenauer	Grijalva	McNerney
Bocchieri	Gutierrez	Meek (FL)
Boren	Hall (NY)	Meeks (NY)
Boswell	Halvorson	Melancon
Boucher	Hare	Michaud
Boyd	Harman	Miller (NC)
Brady (PA)	Hastings (FL)	Miller, George
Braleigh (IA)	Heinrich	Minnick
Bright	Hereth Sandlin	Mitchell
Brown, Corrine	Higgins	Mollohan
Butterfield	Hill	Moore (KS)
Capps	Himes	Moore (WI)
Capuano	Hinchee	Murphy (CT)
Cardoza	Hinojosa	Murphy, Patrick
Carnahan	Hirono	Murtha
Carney	Hodes	Nadler (NY)
Carson (IN)	Holden	Napolitano
Castor (FL)	Holt	Neal (MA)
Chandler	Honda	Oberstar
Childers	Hoyer	Obey
Clarke	Inslee	Oliver
Clay	Israel	Ortiz
Cleaver	Jackson (IL)	Pallone
Clyburn	Jackson-Lee	Pascarell
Cohen	(TX)	Pastor (AZ)
Connolly (VA)	Johnson, E. B.	Payne
Conyers	Kagen	Perlmutter
Cooper	Kanjorski	Perriello
Costa	Kaptur	Peters
Costello	Kennedy	Peterson
Courtney	Kildee	Pingree (ME)
Crowley	Kilpatrick (MI)	Polis (CO)
Cuellar	Kilroy	Pomeroy
Cummings	Kind	Price (NC)
Dahlkemper	Kirkpatrick (AZ)	Quigley
Davis (AL)	Kissell	Rahall
Davis (CA)	Klein (FL)	Reyes
Davis (IL)	Kosmas	Richardson
Davis (TN)	Kucinich	Rodriguez
DeFazio	Langevin	Ross
DeGette	Larsen (WA)	Rothman (NJ)
Delahunt	Larson (CT)	Roybal-Allard
Dicks	Lee (CA)	Ruppersberger
Dingell	Levin	Rush
Doggett	Lewis (GA)	Ryan (OH)
Donnelly (IN)	Lipinski	Salazar
Doyle	Loeb sack	Sanchez, Linda
Driehaus	Lofgren, Zoe	T.

Sanchez, Loretta	Smith (WA)
Sarbanes	Snyder
Schauer	Space
Schiff	Speier
Schrader	Spratt
Schwartz	Stark
Scott (GA)	Stupak
Scott (VA)	Sutton
Serrano	Tanner
Sestak	Teague
Shea-Porter	Thompson (CA)
Sherman	Thompson (MS)
Shuler	Tierney
Sires	Titus
Skelton	Tonko
Slaughter	Towns

Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Wilson (OH)
Wu
Yarmuth

NOES—179

Aderholt	Franks (AZ)	Moran (KS)
Akin	Frelinghuysen	Murphy, Tim
Alexander	Gallely	Myrick
Austria	Garrett (NJ)	Neugebauer
Bachmann	Gerlach	Nunes
Bachus	Gingrey (GA)	Nye
Barrett (SC)	Gohmert	Olson
Bartlett	Goodlatte	Paul
Barton (TX)	Graves	Paulsen
Biggart	Guthrie	Pence
Bilbray	Hall (TX)	Petri
Bilirakis	Harper	Pitts
Bishop (UT)	Hastings (WA)	Platts
Blackburn	Heller	Poe (TX)
Blunt	Hensarling	Posey
Boehner	Herger	Price (GA)
Bonner	Hoekstra	Putnam
Bono Mack	Hunter	Radanovich
Boozman	Inglis	Rehberg
Boustany	Issa	Reichert
Brady (TX)	Jenkins	Roe (TN)
Brown (GA)	Johnson (IL)	Rogers (AL)
Brown (SC)	Johnson, Sam	Rogers (KY)
Brown-Waite,	Jones	Rogers (MI)
Ginny	Jordan (OH)	Rohrabacher
Buchanan	King (IA)	Rooney
Burgess	King (NY)	Ros-Lehtinen
Burton (IN)	Kingston	Roskam
Buyer	Kirk	Royce
Calvert	Kline (MN)	Ryan (WI)
Camp	Kratovil	Scalise
Campbell	Lamborn	Schmidt
Cantor	Lance	Schock
Cao	Latham	Sensenbrenner
Capito	LaTourette	Sessions
Carter	Latta	Shadegg
Cassidy	Lee (NY)	Shimkus
Castle	Lewis (CA)	Shuster
Chaffetz	Linder	Simpson
Coble	LoBiondo	Smith (NE)
Coffman (CO)	Lucas	Smith (TX)
Cole	Luetkemeyer	Souder
Conaway	Lummis	Stearns
Crenshaw	Lungren, Daniel	Sullivan
Culberson	E.	Terry
Davis (KY)	Mack	Thompson (PA)
Deal (GA)	Manzullo	Thornberry
Dent	Marchant	Tiahrt
Diaz-Balart, L.	McCarthy (CA)	Tiberi
Diaz-Balart, M.	McCaul	Turner
Dreier	McClintock	Upton
Duncan	McCotter	Walden
Ehlers	McHenry	Wamp
Emerson	McHugh	Westmoreland
Fallin	McKeon	Whitfield
Flake	McMorris	Wilson (SC)
Fleming	Rodgers	Wittman
Forbes	Mica	Wolf
Fortenberry	Miller (FL)	Young (AK)
Foster	Miller (MI)	Young (FL)
Fox	Miller, Gary	

NOT VOTING—13

DeLauro	Moran (VA)	Taylor
Fudge	Murphy (NY)	Waxman
Gordon (TN)	Rangel	Woolsey
Granger	Schakowsky	
Johnson (GA)	Smith (NJ)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1432

Messrs. LUETKEMEYER and LEWIS of California changed their vote from “aye” to “no.”

Messrs. KUCINICH and BERMAN and Ms. LINDA T. SANCHEZ of California changed their vote from “no” to “aye.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3081, DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 617 on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 217, nays 187, not voting 28, as follows:

[Roll No. 512]

YEAS—217

Abercrombie	Davis (TN)	Kilpatrick (MI)
Ackerman	DeFazio	Kilroy
Altmire	DeGette	Kind
Andrews	Delahunt	Kirkpatrick (AZ)
Arcuri	Dingell	Kissell
Baca	Doggett	Klein (FL)
Baird	Doyle	Kosmas
Baldwin	Edwards (MD)	Kucinich
Barrow	Edwards (TX)	Langevin
Bean	Ellsworth	Larsen (WA)
Becerra	Engel	Larson (CT)
Berkley	Etheridge	Lee (CA)
Berman	Farr	Levin
Berry	Fattah	Lewis (GA)
Bishop (GA)	Filner	Loeb sack
Bishop (NY)	Foster	Lofgren, Zoe
Blumenauer	Frank (MA)	Lowe y
Boccheri	Giffords	Lujan
Boren	Gonzalez	Lynch
Boswell	Gordon (TN)	Maffei
Boucher	Grayson	Maloney
Boyd	Green, Al	Markey (CO)
Brady (PA)	Green, Gene	Markey (MA)
Braley (IA)	Grijalva	Marshall
Brown, Corrine	Gutierrez	Massa
Butterfield	Hall (NY)	Matheson
Capps	Halvorson	Matsui
Capuano	Hare	McCarthy (NY)
Carnahan	Harman	McCollum
Carney	Hastings (FL)	McDermott
Carson (IN)	Heinrich	McGovern
Castor (FL)	Herseth Sandlin	McMahon
Chandler	Higgins	McNerney
Clarke	Himes	Meek (FL)
Clay	Hinche y	Meeks (NY)
Clyburn	Hinojosa	Michaud
Cohen	Hodes	Miller (NC)
Connolly (VA)	Holt	Mollohan
Conyers	Hoyer	Moore (KS)
Cooper	Inslee	Moore (WI)
Costello	Israel	Moran (VA)
Courtney	Jackson (IL)	Murphy (CT)
Crowley	Jackson-Lee	Murphy, Patrick
Cuellar	(TX)	Murtha
Cummings	Johnson (GA)	Nadler (NY)
Dahlkemper	Johnson, E. B.	Neal (MA)
Davis (AL)	Kaptur	Nye
Davis (CA)	Kennedy	Oberstar
Davis (IL)	Kildee	Obey

Oliver	Sanchez, Loretta	Thompson (MS)
Ortiz	Sarbanes	Tierney
Pallone	Shakowsky	Titus
Pascarell	Schauer	Tonko
Pastor (AZ)	Schiff	Towns
Payne	Schrader	Tsongas
Perlmutter	Schwartz	Van Hollen
Perriello	Scott (GA)	Velázquez
Peters	Scott (VA)	Visclosky
Peterson	Serrano	Walz
Pingree (ME)	Sestak	Wasserman
Polis (CO)	Shea-Porter	Schultz
Price (NC)	Sherman	Waters
Quigley	Sires	Watson
Reyes	Skelton	Watt
Richardson	Slaughter	Waxman
Rodriguez	Smith (WA)	Weiner
Ross	Snyder	Welch
Rothman (NJ)	Space	Wexler
Roybal-Allard	Speier	Wilson (OH)
Ruppersberger	Spratt	Woolsey
Rush	Stark	Wu
Ryan (OH)	Sutton	Yarmuth
Sánchez, Linda T.	Tanner	
	Teague	

NAYS—187

Akin	Garrett (NJ)	Minnick
Alexander	Gerlach	Mitchell
Austria	Gingrey (GA)	Moran (KS)
Bachmann	Gohmert	Murphy, Tim
Bachus	Goodlatte	Myrick
Barrett (SC)	Graves	Neugebauer
Bartlett	Griffith	Nunes
Barton (TX)	Guthrie	Olson
Biggart	Hall (TX)	Paul
Bilbray	Harper	Paulsen
Bilirakis	Hastings (WA)	Pence
Bishop (UT)	Heller	Petri
Blackburn	Hensarling	Pitts
Blunt	Herger	Platts
Bonner	Hill	Poe (TX)
Bono Mack	Hoekstra	Posey
Boozman	Holden	Price (GA)
Boustany	Hunter	Putnam
Brady (TX)	Inglis	Radanovich
Bright	Issa	Rahall
Brown (GA)	Jenkins	Rehberg
Brown (SC)	Johnson (IL)	Reichert
Brown-Waite,	Johnson, Sam	Roe (TN)
Ginny	Jones	Rogers (AL)
Buchanan	Jordan (OH)	Rogers (KY)
Burgess	King (IA)	Rohrabacher
Burton (IN)	King (NY)	Rooney
Buyer	Kingston	Ros-Lehtinen
Calvert	Kirk	Roskam
Camp	Kline (MN)	Royce
Campbell	Kratovil	Ryan (WI)
Cao	Lamborn	Scalise
Capito	Lance	Schmidt
Carter	Latham	Schock
Cassidy	LaTourette	Sensenbrenner
Castle	Latta	Sessions
Chaffetz	Lee (NY)	Shimkus
Childers	Lewis (CA)	Shuler
Coble	Linder	Shuster
Coffman (CO)	Lipinski	Simpson
Cole	LoBiondo	Smith (NE)
Conaway	Lucas	Smith (NJ)
Crenshaw	Luetkemeyer	Smith (TX)
Culberson	Lummis	Souder
Davis (KY)	Lungren, Daniel E.	Stearns
Deal (GA)	Mack	Stupak
Dent	Manzullo	Sullivan
Diaz-Balart, L.	Marchant	Terry
Diaz-Balart, M.	McCarthy (CA)	Thompson (PA)
Donnelly (IN)	McCauly	Thornberry
Dreier	McClintock	Tiahrt
Driehaus	McCotter	Tiberi
Duncan	McHenry	Turner
Ehlers	McHugh	Upton
Emerson	McIntyre	Walden
Fallin	McKeon	Wamp
Flake	McMorris	Westmoreland
Fleming	Rodgers	Whitfield
Forbes	Melancon	Wilson (SC)
Fortenberry	Mica	Wittman
Fox	Miller (FL)	Wolf
Franks (AZ)	Miller (MI)	Young (AK)
Frelinghuysen	Miller, Gary	
Gallegly		

NOT VOTING—28

Aderholt	Boehner	Cardoza
Adler (NJ)	Cantor	Cleaver

Costa	Honda	Rogers (MI)
DeLauro	Kagen	Salazar
Dicks	Kanjorski	Shadegg
Ellison	Miller, George	Taylor
Eshoo	Murphy (NY)	Thompson (CA)
Fudge	Napolitano	Young (FL)
Granger	Pomeroy	
Hirono	Rangel	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on the vote.

□ 1438

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Ms. HIRONO. Madam Speaker, on rollcall No. 512, had I been present, I would have voted “yea.”

Ms. ESHOO. Madam Speaker, I was not present during the rollcall vote No. 512 on July 9, 2009. I would like the RECORD to reflect how I would have voted:

On rollcall vote No. 512 I would have voted “aye.”

(By unanimous consent, Ms. WASSERMAN SCHULTZ was allowed to speak out of order.)

CONGRESSIONAL WOMEN’S SOFTBALL GAME

Ms. WASSERMAN SCHULTZ. Ladies and gentlemen of the House, colleagues, the gentlewoman from Missouri and I would like to invite you to see how softball is really played when women come together in a bipartisan, bicameral effort to bring the parties together and to raise money for a good cause.

We encourage you all to come out this Tuesday, July 14, at 7:30 at Guy Mason Field for the first annual historic, bicameral and bipartisan congressional women’s softball game.

We have been practicing now for a month and have the assistance of several of our colleagues who are veterans of the congressional baseball team. A few of them were out there today. We were having a great time. The women have gotten to know each other and have been engaging in bonding.

It is my privilege to yield to my friend from Missouri (Mrs. EMERSON).

Mrs. EMERSON. We really do hope that you will come. You will be amazed at not how badly we play at all, but how good we have become, and at how, as DEBBIE says, we have really come together as a team. We all know how to play softball. We are going to be playing some of the women of the Democratic and Republican National Committees. We are at least twice their age.

We will be doing it, as DEBBIE said, next week on Tuesday at 7:30 at Guy Mason Field. It is at 3600 Calvert Street NW at Calvert and Wisconsin behind the Vice President’s house. We really, really want all of you to come.

We also want to thank all of our teammates. We have about 15 of us. We are pleased that we have also three of the men helping coach us. I think we

won't let you down, and we really want you to come. There will be food there and good things to drink and eat.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, we encourage everyone to come out and engage in a little off-campus, bipartisan fun and cheer on the congressional women's softball team.

Mr. HOYER. Will the gentlelady yield?

Ms. WASSERMAN SCHULTZ. I will be happy to yield.

Mr. HOYER. I want to announce to the House that because of the importance of this event, I want to assure all Members that we are going to make sure that the schedule accommodates the event.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 200, not voting 9, as follows:

[Roll No. 513]

YEAS—223

Abercrombie	Crowley	Hinojosa
Ackerman	Cuellar	Hirono
Adler (NJ)	Cummings	Hodes
Andrews	Davis (AL)	Holt
Arcuri	Davis (CA)	Honda
Baca	Davis (IL)	Hoyer
Baird	Davis (TN)	Inslee
Baldwin	DeFazio	Israel
Barrow	DeGette	Jackson (IL)
Bean	Delahunt	Jackson-Lee
Berkley	Dicks	(TX)
Berman	Dingell	Johnson (GA)
Berry	Doggett	Johnson, E. B.
Bishop (GA)	Doyle	Kagen
Bishop (NY)	Edwards (MD)	Kaptur
Blumenauer	Edwards (TX)	Kennedy
Boren	Ellison	Kildee
Boswell	Engel	Kilpatrick (MI)
Boucher	Eshoo	Kilroy
Boyd	Etheridge	Kind
Brady (PA)	Farr	Kirkpatrick (AZ)
Braley (IA)	Fattah	Kissell
Brown, Corrine	Filner	Klein (FL)
Butterfield	Foster	Kosmas
Capps	Frank (MA)	Kucinich
Capuano	Giffords	Langevin
Cardoza	Gonzalez	Larsen (WA)
Carnahan	Gordon (TN)	Lee (CA)
Carney	Grayson	Levin
Carson (IN)	Green, Al	Lewis (GA)
Castor (FL)	Green, Gene	Loeb
Chandler	Griffith	Lofgren, Zoe
Clarke	Grijalva	Lowey
Clay	Gutierrez	Lujan
Cleaver	Hall (NY)	Lynch
Clyburn	Halvorson	Maffei
Cohen	Hare	Maloney
Connolly (VA)	Harman	Markley (CO)
Conyers	Hastings (FL)	Markey (MA)
Cooper	Heinrich	Marshall
Costa	Higgins	Massa
Costello	Himes	Matheson
Courtney	Hinchey	Matsui

McCarthy (NY)	Peterson	Smith (WA)
McCollum	Pingree (ME)	Space
McDermott	Polis (CO)	Speier
McGovern	Price (NC)	Spratt
McMahon	Quigley	Stark
McNerney	Rangel	Sutton
Meek (FL)	Reyes	Tanner
Meeks (NY)	Richardson	Teague
Michaud	Rodriguez	Thompson (CA)
Miller (NC)	Ross	Thompson (MS)
Miller, George	Rothman (NJ)	Titus
Mollohan	Roybal-Allard	Tonko
Moore (KS)	Ruppersberger	Towns
Moore (WI)	Rush	Tsongas
Moran (VA)	Ryan (OH)	Van Hollen
Murphy (CT)	Salazar	Velázquez
Murphy, Patrick	Sánchez, Linda T.	Visclosky
Murtha	Sanchez, Loretta	Walz
Nadler (NY)	Sarbanes	Wasserman
Napolitano	Schakowsky	Schultz
Neal (MA)	Schauer	Waters
Nye	Schiff	Watson
Oberstar	Schrader	Watt
Obey	Schwartz	Waxman
Oliver	Scott (GA)	Weiner
Ortiz	Scott (VA)	Welch
Pallone	Serrano	Wexler
Pascarella	Sestak	Wilson (OH)
Pastor (AZ)	Shea-Porter	Woolsey
Payne	Sherman	Wu
Perlmutter	Sires	Yarmuth
Perriello	Slaughter	
Peters		

NAYS—200

Aderholt	Ellsworth	Marchant
Akin	Emerson	McCarthy (CA)
Alexander	Fallin	McCaul
Altmire	Flake	McClintock
Austria	Fleming	McCotter
Bachmann	Forbes	McHenry
Bachus	Fortenberry	McHugh
Barrett (SC)	Fox	McIntyre
Bartlett	Franks (AZ)	McKeon
Barton (TX)	Frelinghuysen	McMorris
Biggert	Gallely	Rodgers
Bilbray	Garrett (NJ)	Melancon
Bilirakis	Gerlach	Mica
Bishop (UT)	Gingrey (GA)	Miller (FL)
Blackburn	Gohmert	Miller (MI)
Blunt	Goodlatte	Miller, Gary
Bocieri	Graves	Minnick
Boehner	Guthrie	Mitchell
Bonner	Hall (TX)	Moran (KS)
Bono Mack	Harper	Murphy, Tim
Boozman	Hastings (WA)	Myrick
Boustany	Heller	Neugebauer
Brady (TX)	Hensarling	Nunes
Bright	Herger	Olson
Broun (GA)	Hereth Sandlin	Paul
Brown (SC)	Hill	Paulsen
Brown-Waite,	Hoekstra	Pence
Ginny	Holden	Petri
Buchanan	Hunter	Pitts
Burgess	Inglis	Platts
Burton (IN)	Issa	Poe (TX)
Buyer	Jenkins	Posey
Calvert	Johnson (IL)	Price (GA)
Camp	Johnson, Sam	Putnam
Campbell	Jones	Radanovich
Cantor	Jordan (OH)	Rahall
Cao	Kanjorski	Rehberg
Capito	King (IA)	Reichert
Carter	King (NY)	Roe (TN)
Cassidy	Kingston	Rogers (AL)
Castle	Kirk	Rogers (KY)
Chaffetz	Kline (MN)	Rogers (MI)
Childers	Kratovil	Rohrabacher
Coble	Lamborn	Rooney
Coffman (CO)	Lance	Ros-Lehtinen
Cole	Latham	Roskam
Conaway	LaTourette	Royce
Crenshaw	Lat	Ryan (WI)
Culberson	Lee (NY)	Scalise
Dahlkemper	Lewis (CA)	Schmidt
Davis (KY)	Linder	Schuck
Deal (GA)	Lipinski	Sensenbrenner
Dent	LoBiondo	Sessions
Diaz-Balart, L.	Lucas	Shadegg
Diaz-Balart, M.	Luetkemeyer	Shimkus
Donnelly (IN)	Lummis	Shuler
Dreier	Lungren, Daniel E.	Shuster
Driehaus	Mack	Simpson
Duncan	Manzullo	Skelton
Ehlers		Smith (NE)

Smith (NJ)	Terry	Wamp
Smith (TX)	Thompson (PA)	Westmoreland
Snyder	Thornberry	Whitfield
Souder	Tiahrt	Wilson (SC)
Stearns	Tiberi	Wittman
Stupak	Turner	Young (AK)
Sullivan	Upton	Young (FL)
Taylor	Walden	

NOT VOTING—9

Becerra	Granger	Pomeroy
DeLauro	Larson (CT)	Tierney
Fudge	Murphy (NY)	Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on the vote.

□ 1448

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING NATIONAL CARIBBEAN-AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 127.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 127.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 9, as follows:

[Roll No. 514]

YEAS—423

Abercrombie	Bilbray	Brown, Corrine
Ackerman	Bilirakis	Brown-Waite,
Aderholt	Bishop (GA)	Ginny
Adler (NJ)	Bishop (NY)	Buchanan
Akin	Bishop (UT)	Burgess
Alexander	Blackburn	Burton (IN)
Altmire	Blumenauer	Butterfield
Andrews	Blunt	Buyer
Arcuri	Bocieri	Calvert
Austria	Boehner	Camp
Baca	Bonner	Campbell
Bachus	Bono Mack	Cantor
Baird	Boozman	Cao
Baldwin	Boren	Capito
Barrett (SC)	Boswell	Capps
Barrow	Boucher	Capuano
Bartlett	Boustany	Cardoza
Barton (TX)	Boyd	Carnahan
Bean	Brady (PA)	Carney
Becerra	Brady (TX)	Carson (IN)
Berkley	Braley (IA)	Carter
Berman	Bright	Cassidy
Berry	Broun (GA)	Castle
Biggert	Brown (SC)	Castor (FL)

Chaffetz	Hill	McNerney	Sessions	Stupak	Walden	Barrett (SC)	Doyle	Kucinich
Chandler	Himes	Meek (FL)	Sestak	Sullivan	Walz	Barrow	Dreier	Lamborn
Childers	Hinche	Meeks (NY)	Shadegg	Sutton	Wamp	Bartlett	Drieaus	Lance
Clarke	Hinojosa	Melancon	Shea-Porter	Tanner	Wasserman	Barton (TX)	Duncan	Langevin
Clay	Hirono	Mica	Sherman	Taylor	Schultz	Bean	Edwards (TX)	Larsen (WA)
Cleaver	Hodes	Michaud	Shinkus	Teague	Waters	Becerra	Ehlers	Latham
Clyburn	Hoekstra	Miller (FL)	Shuler	Terry	Watson	Berkley	Ellison	LaTourette
Coble	Holden	Miller (MI)	Shuster	Thompson (CA)	Watt	Berman	Ellsworth	Latta
Coffman (CO)	Holt	Miller (NC)	Simpson	Thompson (MS)	Waxman	Berry	Emerson	Lee (CA)
Cohen	Honda	Miller, Gary	Sires	Thompson (PA)	Weiner	Biggert	Engel	Lee (NY)
Cole	Hoyer	Miller, George	Skelton	Thornberry	Welch	Bilbray	Eshoo	Levin
Conaway	Hunter	Minnick	Slaughter	Tiaht	Westmoreland	Bilirakis	Etheridge	Lewis (CA)
Connolly (VA)	Inglis	Mitchell	Smith (NE)	Tiberi	Wexler	Bishop (GA)	Fallin	Lewis (GA)
Conyers	Inlee	Mollohan	Smith (NJ)	Tierney	Whitfield	Bishop (NY)	Fattah	Lipinski
Cooper	Israel	Moore (KS)	Smith (TX)	Titus	Wilson (OH)	Bishop (UT)	Filner	LoBiondo
Costa	Issa	Moore (WI)	Smith (WA)	Tonko	Wilson (SC)	Blackburn	Flake	Loebach
Costello	Jackson (IL)	Moran (KS)	Snyder	Towns	Wittman	Blumenauer	Fleming	Lofgren, Zoe
Courtney	Jackson-Lee	Moran (VA)	Souder	Tsongas	Wolf	Blunt	Forbes	Lowey
Crenshaw	(TX)	Murphy (CT)	Space	Turner	Woolsey	Bocieri	Fortenberry	Lucas
Crowley	Jenkins	Murphy, Patrick	Speier	Upton	Wu	Boehner	Foster	Luetkemeyer
Cuellar	Johnson (GA)	Murphy, Tim	Spratt	Van Hollen	Yarmuth	Bonner	Fox	Lujan
Culberson	Johnson (IL)	Myrick	Stark	Velázquez	Young (AK)	Bono Mack	Frank (MA)	Lummis
Cummings	Johnson, E. B.	Nadler (NY)	Stearns	Visclosky	Young (FL)	Boozman	Franks (AZ)	Lungren, Daniel
Dahlkemper	Johnson, Sam	Napolitano				Boren	Frelinghuysen	E.
Davis (AL)	Jones	Neal (MA)				Boswell	Gallely	Lynch
Davis (CA)	Jordan (OH)	Neugebauer				Boucher	Garrett (NJ)	Mack
Davis (IL)	Kagen	Nunes	Bachmann	Fudge	Murphy (NY)	Boustany	Gerlach	Maffei
Davis (KY)	Kanjorski	Nye	DeLauro	Granger	Murtha	Boyd	Giffords	Maloney
Davis (TN)	Kaptur	Oberstar	Fattah	Larson (CT)	Schrader	Brady (PA)	Gingrey (GA)	Manzullo
Deal (GA)	Kennedy	Obey				Brady (TX)	Gohmert	Marchant
DeFazio	Kildee	Olson				Brady (IA)	Gonzalez	Markey (CO)
DeGette	Kilpatrick (MI)	Olver				Bright	Goodlatte	Markey (MA)
Delahunt	Kilroy	Ortiz				Brown (GA)	Gordon (TN)	Marshall
Dent	Kind	Pallone				Brown (SC)	Graves	Massa
Diaz-Balart, L.	King (IA)	Pascarell				Brown, Corrine	Grayson	Matheson
Diaz-Balart, M.	King (NY)	Pastor (AZ)				Brown-Waite,	Green, Al	Matsui
Dicks	Kingston	Paul				Ginny	Green, Gene	McCarthy (CA)
Dingell	Kirk	Paulsen				Buchanan	Griffith	McCarthy (NY)
Doggett	Kirkpatrick (AZ)	Payne				Burgess	Grijalva	McCaul
Donnelly (IN)	Kissell	Pence				Burton (IN)	Guthrie	McClintock
Doyle	Klein (FL)	Perlmutter				Butterfield	Gutierrez	McCollum
Dreier	Kline (MN)	Perriello				Calvert	Hall (NY)	McCotter
Drieaus	Kosmas	Peters				Camp	Hall (TX)	McGovern
Duncan	Kratovil	Peterson				Campbell	Halvorson	McHugh
Edwards (MD)	Kucinich	Petri				Cantor	Hare	McIntyre
Edwards (TX)	Lamborn	Pingree (ME)				Cao	Harman	McKeon
Ehlers	Lance	Pitts				Capito	Harper	McMahon
Ellison	Langevin	Platts				Capps	Hastings (FL)	McMorris
Ellsworth	Larsen (WA)	Poe (TX)				Capuano	Hastings (WA)	Rodgers
Emerson	Latham	Polis (CO)				Cardoza	Heinrich	McNerney
Engel	LaTourette	Pomeroy				Carnahan	Heller	Meek (FL)
Eshoo	Latta	Posey				Carney	Hensarling	Meeks (NY)
Etheridge	Lee (CA)	Price (GA)				Carson (IN)	Herger	Melancon
Fallin	Lee (NY)	Price (NC)				Carter	Herseth Sandlin	Mica
Farr	Levin	Putnam				Cassidy	Higgins	Michaud
Filner	Lewis (CA)	Quigley				Castle	Hill	Miller (FL)
Flake	Lewis (GA)	Radanovich				Castor (FL)	Himes	Miller (MI)
Fleming	Linder	Rahall				Chaffetz	Hinche	Miller (NC)
Forbes	Lipinski	Rangel				Chandler	Hinojosa	Miller, Gary
Fortenberry	LoBiondo	Rehberg				Childers	Hodes	Miller, George
Foster	Loebach	Reichert				Clarke	Hoekstra	Minnick
Fox	Lofgren, Zoe	Reyes				Clay	Holden	Mitchell
Frank (MA)	Lowey	Richardson				Cleaver	Holt	Mollohan
Franks (AZ)	Lucas	Rodriguez				Clyburn	Hoyer	Moore (KS)
Frelinghuysen	Luetkemeyer	Roe (TN)				Coble	Hunter	Moore (WI)
Gallely	Lujan	Rogers (AL)				Coffman (CO)	Inglis	Moran (KS)
Gerlach	Lummis	Rogers (KY)				Cohen	Inlee	Murphy (CT)
Giffords	Lungren, Daniel	Rogers (MI)				Cole	Israel	Murphy, Patrick
Gingrey (GA)	E.	Rohrabacher				Conaway	Issa	Murphy, Tim
Gohmert	Lynch	Rooney				Connolly (VA)	Jackson (IL)	Myrick
Gonzalez	Mack	Ros-Lehtinen				Cooper	Jackson-Lee	Nadler (NY)
Goodlatte	Maffei	Roskam				Costa	(TX)	Napolitano
Goodlatte	Maloney	Ross				Costello	Jenkins	Neal (MA)
Gordon (TN)	Manzullo	Rothman (NJ)				Courtney	Johnson (GA)	Neugebauer
Graves	Marchant	Roybal-Allard				Crenshaw	Johnson (IL)	Nunes
Grayson	Markey (CO)	Royce				Crowley	Johnson, E. B.	Nye
Green, Al	Markey (MA)	Ruppersberger				Cuellar	Johnson, Sam	Oberstar
Green, Gene	Marshall	Rush				Culberson	Jones	Obey
Griffith	Massa	Ryan (OH)				Cummings	Jordan (OH)	Olson
Grijalva	Matheson	Ryan (WI)				Dahlkemper	Kagen	Olver
Guthrie	Matsui	Salazar				Davis (AL)	Kanjorski	Ortiz
Gutierrez	McCarthy (CA)	Sanchez, Linda				Davis (CA)	Kennedy	Pallone
Hall (NY)	McCarthy (NY)	T.				Davis (IL)	Kildee	Pascarell
Hall (TX)	McCaul	Sanchez, Loretta				Davis (KY)	Kilpatrick (MI)	Pastor (AZ)
Halvorson	McClintock	Sarbanes				Davis (TN)	Kilroy	Paulsen
Hare	McCollum	Scalise				Deal (GA)	Kind	Payne
Harman	McCotter	Schakowsky				DeFazio	King (IA)	Pence
Harper	McDermott	Schauer				DeGette	King (NY)	Perlmutter
Hastings (FL)	McGovern	Schiff				Delahunt	Kingston	Perriello
Hastings (WA)	McHenry	Schmidt				Dent	Kirk	Peters
Heinrich	McHugh	Schock				Diaz-Balart, L.	Kirkpatrick (AZ)	Peterson
Heller	McIntyre	Schwartz				Diaz-Balart, M.	Kissell	Petri
Hensarling	McKeon	Scott (GA)				Dicks	Klein (FL)	Pingree (ME)
Herger	McMahon	Scott (VA)				Dingell	Kline (MN)	Pitts
Herseth Sandlin	McMorris	Sensenbrenner				Doggett	Kosmas	Platts
Higgins	Rodgers	Serrano				Donnelly (IN)	Kratovil	Poe (TX)

NOT VOTING—9

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on the vote.

□ 1455

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR ENGRAVEMENTS
IN CAPITOL VISITOR CENTER

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 131.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 131.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. KLINE of Minnesota. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 410, noes 8, answered “present” 2, not voting 12, as follows:

[Roll No. 515]

AYES—410

Abercrombie	Alexander	Baca
Ackerman	Altmire	Bachmann
Aderholt	Andrews	Bachus
Adler (NJ)	Arcuri	Baird
Akin	Austria	Baldwin

Polis (CO)	Schauer	Thompson (PA)
Pomeroy	Schiff	Thornberry
Posey	Schmidt	Tiahrt
Price (GA)	Schock	Tiberi
Price (NC)	Schrader	Tierney
Putnam	Schwartz	Titus
Quigley	Scott (GA)	Tonko
Radanovich	Sensenbrenner	Towns
Rahall	Serrano	Tsongas
Rangel	Sessions	Turner
Rehberg	Sestak	Upton
Reichert	Shadegg	Van Hollen
Reyes	Shea-Porter	Velázquez
Richardson	Shimkus	Visclosky
Rodríguez	Shuler	Walden
Roe (TN)	Shuster	Walz
Rogers (AL)	Simpson	Wamp
Rogers (KY)	Sires	Wasserman
Rogers (MI)	Skelton	Schultz
Rohrabacher	Slaughter	Waters
Rooney	Smith (NE)	Watson
Ros-Lehtinen	Smith (NJ)	Watt
Roskam	Smith (TX)	Waxman
Ross	Smith (WA)	Weiner
Rothman (NJ)	Snyder	Welch
Roybal-Allard	Souder	Westmoreland
Royce	Space	Wexler
Ruppersberger	Speier	Whitfield
Rush	Spratt	Wilson (OH)
Ryan (OH)	Stearns	Wilson (SC)
Ryan (WI)	Sullivan	Wittman
Salazar	Sutton	Wolf
Sánchez, Linda	Tanner	Woolsey
T.	Taylor	Wu
Sanchez, Loretta	Teague	Yarmuth
Sarbanes	Terry	Young (AK)
Scalise	Thompson (CA)	Young (FL)
Schakowsky	Thompson (MS)	

NOES—8

Conyers	Honda	Scott (VA)
Edwards (MD)	McDermott	Stark
Hirono	Paul	

ANSWERED "PRESENT"—2

Farr	Moran (VA)
------	------------

NOT VOTING—12

Buyer	Kaptur	Murphy (NY)
DeLauro	Larson (CT)	Murtha
Fudge	Linder	Sherman
Granger	McHenry	Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1501

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. LOWEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3081.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 617 and rule XVIII, the Chair declares the House in

the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3081.

□ 1503

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes, with Mr. CAPUANO in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from New York (Mrs. LOWEY) and the gentleman from Illinois (Mr. KIRK) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I'm pleased to present H.R. 3081, the fiscal year 2010 appropriations bill for the Department of State, Foreign Operations, and Related Programs. I am deeply appreciative to my ranking member, KAY GRANGER, for her key role in drafting this bill. This reflects our bipartisan priorities and is a better product as a result of our collaboration.

After all the hard work that Ms. GRANGER put into this bill, I am deeply saddened that she's unable to be on the House floor with us today to see the passage of our bipartisan product. I would like to extend my heartfelt thanks to my friend, Ms. GRANGER, and I know all of us wish for her a speedy recovery. Her presence is missed today on the floor, but I know her thoughts are with us, and I look forward to continuing to work closely with her as we move forward with the bill.

The bill has also benefited from the input of our very informed and engaged subcommittee members. The bill totals \$48.843 billion, \$3.2 billion below the request and \$1.2 billion below the fiscal year 2009 enacted level, including supplemental appropriations.

The bill provides an upfront and transparent accounting of the resources needed to fund our foreign policy and national security interests to end the reliance on supplemental appropriations to fund anticipated needs.

Let there be no doubt, this bill, which funds the U.S.'s diplomatic and development priorities, is a cornerstone of U.S. national security. It includes \$4.7 billion for assistance to Afghanistan, Pakistan, and Iraq to help stabilize, strengthen, and rebuild these critical countries.

In conjunction with funding in the 2009 supplemental, the bill fully funds the U.S. commitments to our allies and partners in the Middle East, including

a total of \$2.775 billion in FMF pursuant to the MOU between the United States and our ally Israel and our commitments to Egypt and Jordan.

The bill provides \$987 million to continue support for counternarcotics and alternate development programs in Mexico, Central America, the Caribbean Basin, and Colombia and Peru.

The bill continues the congressional commitment to increasing the capacity of our civilian agencies to carry out diplomatic and development missions and provides resources to hire, train, support, and provide security for 1,000 new Department of State personnel and 300 new USAID personnel.

H.R. 3081 provides \$7.6 billion for global activities, including \$5.7 billion for global HIV/AIDS, which is \$150 million above the President's request. Not less than \$750 million will support the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and the bill includes \$648 million for voluntary family planning services in the developing world, of which \$60 million is for the United Nations Population Fund.

Addressing pandemics and other health concerns overseas before they reach our shores is one of the best investments the United States can make to protect American citizens while saving lives overseas. To this end, the bill provides \$75 million to address pandemic preparedness and response, in addition to \$50 million in the supplemental appropriations act of 2009.

Now, while I continue to be personally committed to permanently repealing the global gag rule, in the interest of bipartisan cooperation, the bill does not change any provisions of law that restrict funding for abortion or otherwise condition family planning assistance.

The bill increases funding for key long-term development priorities, including \$1.2 billion to improve access to quality basic and higher education and provide alternatives to madrassas where youth are often exposed to extremism; \$1 billion for food security and agricultural development to respond to the global food crisis; over \$1.2 billion in bilateral and multilateral assistance for clean energy, biodiversity and climate change initiatives; and \$310 million to expand access to safe water and sanitation.

It includes \$2.4 billion in refugee and disaster assistance to meet growing humanitarian needs, including in Pakistan and Afghanistan.

The bill also provides \$450 million for the Peace Corps to jump-start the President's pledge to increase the number of volunteers.

Finally, oversight is a bipartisan priority, and in order to improve accountability, the bill provides a total of \$146.5 million for the activities of the Inspectors General of the Department of State and USAID, as well as for the Special Inspectors General for Iraq and Afghanistan Reconstruction.

I want to take a moment to thank all of the staff that have worked so hard on this bill, especially Nisha Desai, our clerk, and her team: Craig Higgins, Steve Marchese, Michele Sumilas, Celia Alvarado, Courtney Dunn. I also want to thank Ann Vaughan, Jennie Munoz, and Elizabeth Stanley on my staff for their work.

And I would also like to thank our hardworking minority staff, including Ann Marie Chotvacs, the minority clerk, and Alice Hogans, Mike Ringler, Jason Small, and Rachel Carter for all their work.

Mr. Chairman, the bipartisan foreign assistance package before you preserves our Nation's interests. I urge my colleagues to give this bill our bipartisan support.

I reserve the balance of my time.

Mr. KIRK. Mr. Chairman, I yield myself such time as I may consume.

I'm pleased to join Chairwoman LOWEY at the beginning of the consideration of this bill making appropriations for fiscal year 2010 for the Department of State, Foreign Operations, and Related Programs. This bill funds programs that safeguard our national security and promote U.S. interests abroad.

It was first founded under the auspices of the Marshall Plan under the understanding that good diplomacy and development can dramatically reduce national security problems and troop deployments for the United States.

I want to commend Chairwoman LOWEY for her bipartisan work on this bill. She's listened to concerns of Members on this side of the aisle and worked to address them.

I also want to thank the staff both on this and the other side of the aisle for so many long hours of work on this. That's Nisha Desai-Biswal, Craig Higgins, Steve Marchese, Michele Sumilas, Cecilia Alvarado, and Courtney Dunn. I also particularly want to thank Ann Marie Chotvacs, Mike Ringler, Alice Hogans, and Jason Small.

I know that Ms. LOWEY and Ranking Member GRANGER, who is out today, appreciate their personal office staffs' work on this bill, especially Ann Vaughan and Rachel Carter. And I particularly want to thank my staff, particularly Rich Goldberg.

Now, on this legislation, we make one big key change, and that is with regard to the International Atomic Energy Agency's new report on the Iran nuclear program and related responses of the United States to their report. They showed that after producing low-enriched uranium at a rate of 40 kilograms per month over a 21-month period, Iran has now increased its stockpile by 60 percent in just 6 months, doubling its rate to over 80 kilograms of enriched uranium per month.

We know that Iran's greatest weakness remains her economic dependence

on foreign gasoline. And we can all agree that the United States taxpayers should not be asked to help increase the supply of gasoline to Iran, especially now, especially after what we saw after the Iranian elections. Surprisingly, this is exactly what our taxpayer dollars have been doing.

In 2007 and 2008, the U.S. Export-Import Bank approved two separate loan guarantees totaling \$900 million to expand the largest refinery owned by Reliance Industries Limited, an Indian company that provides roughly one-third of Iran's daily import of gasoline. In effect, the U.S. taxpayer is underwriting the increased supplies of gasoline to Iran.

This bill includes the Kirk-Sherman amendment to prohibit further use of taxpayer dollars to guarantee or insure or extend credit to any company that supplies gasoline to Iran. I think that is a very important step that leads off to legislation that Chairman BERMAN and I have put forward that we hope, later in the year from the authorizing committee, that will begin to truly squeeze Iran and her need for foreign gasoline.

□ 1515

Now with regard to the overall bill, I am disappointed that we have departed from the tradition of considering appropriations under an open rule. I first worked on the Foreign Operations bill of fiscal year 1984. I was taught appropriations at the foot of Appropriations chairmen Jamie Whitten and Bill Natcher. It was under these historic chairmen that we always considered appropriations bills under an open rule, protected under clause 2 of rule XXI that only monetary amendments could be offered.

Now we have departed from the long tradition established by Jamie Whitten and Bill Natcher. The rule that governs this bill makes in order only eight of 89 amendments, a 90 percent death rate for amendments in the Rules Committee on what used to be an open rule.

I would suggest that the partisan pressures under Speaker Wright, under Speaker Foley, were as bad or worse as now, but we are responding with highly restrictive rules that I think hurt our committee in the long run. I hope that we can address this soon and return to what I would call the Whitten-Natcher tradition.

Now let me turn to the substance of this bill, the product of work of especially Chairwoman LOWEY and Ranking Member GRANGER.

The American people are aware that we face many global challenges that are well addressed in this bill. The funds provide security assistance to our allies in support countries living in some pretty dangerous neighborhoods.

There is another reality of this bill and that is the financial crisis that we see and that we are helping countries

through so that they do not collapse, triggering some sort of new global economic downturn.

The allocation given to the subcommittee, \$48.8 billion, is an amount, when strictly compared to last year's base, that is very high. But the administration has pledged to eliminate the wartime supplemental spending in favor of a regular appropriations process. If it sticks to that plan, then funding levels in this bill appear to be much more reasonable, and it includes programs for State and USAID operations that I support.

I have to admit, though, I remain in doubt whether the administration really will not request a supplemental next year. In fact, I probably would lay a dollar bet with anyone that we probably will see a supplemental. I hope not. Chairman MURTHA has already suggested that supplemental funds may be needed to sustain our troops because of the 302(b) allocation that his Defense Subcommittee received that in his view may not cover all of the FY 2010 needs. In that case, I hope we could restrict funding under this bill.

Now, I know Chairwoman LOWEY and Ms. GRANGER have worked together on a number of very good governance provisions such as language to strengthen oversight of hiring, training and deployment of new staff funded by this bill; and a provision that launches a comprehensive review of roughly \$8 billion in global health funding provided by this bill. Too often we forget that the United States has made the largest commitment of health funding ever in the history of mankind. It is something that the United States hasn't yet received enough credit for.

They also agree to language that closely mirrors the fiscal year 2008 bill which prevents U.S. taxpayer dollars from going to organizations that support or participate in involuntary or coercive methods of family planning, and that was the bipartisan commitment that Chairwoman LOWEY just alluded to.

The bill also includes amendments from several of my colleagues offered in full committee, particularly like a provision requiring the Secretary of State to report to Congress on deals brokered with foreign nations that receive detainees from Guantanamo Bay, Cuba, like Palau.

The June 10, 2009, New York Times reported that the United States has agreed to provide Palau with \$200 million in return for receiving 17 suspected Uyghur terrorists from Guantanamo Bay. Now, according to the CIA Factbook, Palau has a population of only 20,796 people. Its GDP is only \$164 million. Under this commitment then, the U.S. would be paying the Republic of Palau nearly \$11.7 million per Uyghur terrorist.

With average incomes in the United States of \$56,000, \$200 million would

support incomes of over 3,500 Americans; with tuition at \$25,000 a year annually, it could put 7,000 students through college for a year. And \$200 million also compares poorly to the cost of Guantanamo Bay itself. Guantanamo Bay, as a total facility, cost just \$54 million to build. This would be four times that amount for just 17 Uyghurs.

There is also an amendment in this bill for new oversight and sunset restrictions on funding provided to the International Monetary Fund in the fiscal year 2009 supplemental, and language affirming intellectual property rights protections for U.S. energy and environmental technologies, critical in the G-8 discussions right now and the coming Copenhagen discussions in which China and India have pledged to require compulsory licensing over all climate change and energy technology. Compulsory licensing is a code word for stealing U.S. patents. There will be no green jobs if that provision goes through in the Copenhagen treaty. I am very happy that the House voted nearly unanimously on the Larson-Kirk amendment to prevent that.

Now, Chairwoman LOWEY has also described highlights of the bill. I will simply reiterate three very important items related to our national security. This bill includes \$1.4 billion for the expanded work of the Millennium Challenge Corporation, a \$525 million increase to support prosperity and security of our partners around the developing world, a very important program that underlies the key point you cannot have long-term development without policy reform. You can build a dam, but if the government steals everything, all you will have is an empty structure a few years later. The MCC works to address that very problem in an effective way.

When taken together with supplemental funds, this bill fully funds our security assistance request for our strategic allies in the Middle East like Israel, Egypt, and Jordan, and continues the fight against illegal drug trafficking in this hemisphere. I think especially with Ranking Member GRANGER's full backing, we have full funding for the pending request for Mexico and Central America by providing \$7 million above the request, also for continued gains made in Colombia.

In summary, this bill is focused on furthering foreign policy and national security interests. It monitors the wise use of our tax dollars and achieves some fairly balanced solutions to some complex problems leading to what I hope will be a fairly bipartisan debate today.

I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield to a distinguished member of the committee, the gentlewoman from California (Ms. LEE), for a unanimous consent request.

Ms. LEE of California. Mr. Chairman, I ask unanimous consent to put my statement into the RECORD in support of this very good bill, H.R. 3081, and to especially thank you for working to increase funding for two very important issues: support for the global fund to fight AIDS, tuberculosis, malaria, and also our bilateral tuberculosis program.

Mr. Chairman, I rise in strong support of H.R. 3081, the FY10 Department of State and Foreign Operations Appropriations bill.

I would also like to thank Chairwoman LOWEY, Ranking Member GRANGER, and all the staff on the State, Foreign Operations Subcommittee of which I am a member for their hard work and dedication in putting this bill together.

H.R. 3081 includes many valuable provisions and much-needed resources to extend the United States' arm of diplomacy in the interest of development, progress, and peace.

This bill will provide for the hiring of more than 1000 new foreign service officers and approximately 300 new employees at USAID.

Rebuilding the capacity of these two departments will transform our ability to put America's "smart" power to work, strengthen our national security, and have a dramatic and lasting impact on individuals and communities throughout the world.

I especially want to thank the Chairwoman for working with me to increase funding for two issues that I believe are critical—support for the Global Fund to Fight AIDS, Tuberculosis, and Malaria, and for our bilateral tuberculosis programs.

This bill includes \$7.8 billion for global health programs, including \$5.75 billion for HIV/AIDS initiatives, which for years have been a strong bipartisan priority.

These programs continue to save millions of lives while helping us to stop the spread of this devastating global pandemic. I am hopeful in the future we can further increase resources for these programs in order to meet their unprecedented demand.

I am also pleased that this legislation provides \$450 million to meet President Obama's campaign pledge to double the size of the Peace Corps over several years.

As countries throughout the world seek assistance to combat poverty, hunger, disease, and environmental degradation, this commitment to the Peace Corps' mission of peace and friendship through service is particularly timely.

Lastly, I am greatly encouraged by the steps taken in this bill, and other appropriations measures, to avoid future reliance on supplemental appropriations that in the past have undermined efforts to obtain an honest accounting of the costs of conflict and war which our efforts in diplomacy and development seek to avoid.

I urge my colleagues to support this effort and to support this bill.

Mrs. LOWEY. I would like to yield for a unanimous consent to my distinguished colleague from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentlewoman for her leadership on this bill, and I rise in support of this bill, and par-

ticularly commend the chairwoman for her leadership on the United Nations Population Fund, which was denied funding for 7 years under the prior administration, and will save women's lives; and her focus on helping the women under the oppressive Taliban regime in Afghanistan with over \$100 million focused on female NGOs and the security of our country and the help for our allies. A great bill. I appreciate your allowing me to include my statement.

Mr. Chairman, I rise today in strong support of the Foreign Operations Appropriations bill and commend Chairwoman LOWEY and Ranking Member GRANGER for their hard work in crafting this important bill.

I am particularly pleased that it includes \$60 million for the critical work done by UNFPA (the United Nations Population Fund).

Every minute of every day, a woman dies needlessly in pregnancy or childbirth, most in the developing world—this translates into 10 million women lost per generation.

4 million newborns also die every year of similarly preventable causes. UNFPA has worked to end these deaths since it became operational in 1969.

It has provided significant assistance to improve the health and quality of life and to promote the health and rights of women worldwide.

UNFPA is the largest source of international assistance for women's reproductive health in the world and despite the past 7 years during which the previous Administration withheld funding for UNFPA, the United States Congress has demonstrated its strong support of the organization by approving U.S. financial support for UNFPA each year.

Fully 42 percent of all pregnancies worldwide suffer complications and in 15 percent of all pregnancies, the complications are life-threatening.

In too many places, maternal health still receives inadequate attention and funding.

Fortunately for women around the world, UNFPA operates in 154 countries specifically to combat maternal mortality and to promote safe motherhood.

The impact of losing U.S. funding over the past 7 years has been devastating.

For each of these years, UNFPA could have helped to prevent 2 million unintended pregnancies, 800,000 abortions, 4,700 mothers' deaths, and more than 77,000 infant and child deaths.

In 2001, the U.S. Agency for International Development estimated the global economic impact of maternal and newborn mortality at \$15 billion per year in lost potential production, half associated with women and half with newborns.

Investing in UNFPA actually reduces healthcare costs, and teaching and promoting safe motherhood enables adequate time between births for women's bodies to better carry another pregnancy.

Mr. Chairman, this funding will help to restore the United States' standing in the global community while demonstrating its commitment to the lifesaving work of UNFPA.

Mrs. LOWEY. I yield 1 minute to the gentlewoman from Minnesota (Ms.

MCCOLLUM) who has been an outstanding member of the committee and has made it a great bill because of her important work.

Ms. MCCOLLUM. Mr. Chairman, I applaud the chairwoman and ranking member for both of their work in crafting a bill that everyone in this House can be proud to support.

This bill commits about 1 percent of the total Federal budget to confront all of the global challenges we face: poverty, conflict, famine, drought, disease and global climate change. If we ignore these issues, they will threaten our way of life.

This year's bill makes bold, necessary investments in areas of global health, agriculture and climate change, and it puts America back onto the path of doubling the number of Peace Corps volunteers proudly serving our country.

I look forward to working with the chairwoman and President Obama to increase our investment in child survival and maternal health and to meet America's commitment to the Millennium development goals.

Today, we start building a safer, healthier world for America's children and all of the world's children.

Mr. KIRK. I yield 3 minutes to the gentleman from Florida (Mr. CRENSHAW), a distinguished member of the subcommittee.

Mr. CRENSHAW. I thank the gentleman for yielding me this time, and I want to compliment the chairwoman and our ranking member for the hard work that they have put into this good bill. I rise in strong support.

There are a lot of reasons why I think Members should vote for this bill, but let me just mention two. One is I think when you talk about foreign policy, it is really like a three-legged stool. Part of it is defense, part of it is diplomacy, and part of it is development. You can't have one without the other two. I think what this bill does, it brings into balance these three areas. When you have the appropriate diplomacy, when you have the appropriate folks to do the development, then you free up those in the defense to focus on their mission. So I think this bill brings that into balance and I think that is a good thing overall in terms of foreign policy, in terms of national security.

And in particular, I like the Millennium Challenge Corporation. As someone who has a business background, I have watched this corporation grow, and this is the fifth year we have had it in place. I think it is a great example of how we can provide foreign assistance in a smart way. No longer do we simply write a blank check to some country and never know where the money is going to go or what the results are. Now we enter into a compact, a contract, if you will, between the country receiving the money and our

country. If they want to build a power plant or build a dam, whatever, in return, they agree to try to meet certain standards in terms of openness and democracy and transparency and accountability and human rights. So they have an incentive to follow through on this contract. It is smart aid, in my view. It is the right way to give assistance, and I think this fifth year of the Millennium Challenge Corporation is a very critical time because sometimes these contracts are entered into for a long period of time. It is adequately funded this year. For those reasons, I urge Members to support this good bill.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to an outstanding member of our committee who has made major contributions and has helped make this bill the good bill that it is, the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN of New Jersey. I thank my distinguished chairwoman.

I rise today in strong support of this bill. First, I would like to thank Chairwoman Lowey for her amazing leadership, and as well our ranking member, KAY GRANGER, who is not with us, and my fellow subcommittee members, including Congressman KIRK, who is taking the lead on the floor today for the great leadership efforts that they have shown in ensuring that this bill puts partisan differences behind, and that this bill makes sure that we promote our Nation's foreign policy and national security interests by funding economic development, health, and education around the world, and diplomacy.

This bill also includes in particular language that would improve transparency and accountability, Mr. Chairman, at the United Nations Relief and Works Agency for Palestine refugees in the Near East, commonly called UNRWA. For almost 60 years, UNRWA has provided humanitarian services to Palestinians living in refugee camps throughout the Middle East.

Unfortunately, as UNRWA has grown over the years, it has not taken nearly enough steps to ensure that it does not employ, affiliate with, or provide benefits to known terrorists. The problem with UNRWA is fundamental. There is a remarkable lack of available information.

That is why I am so grateful to Chairwoman LOWEY and our ranking member and my colleagues for including in the bill requirements that the information available regarding textbooks being used to teach the next generation of Palestinians be provided, and more money being provided for that information, and to require the State Department to undertake a review of those educational materials and UNRWA schools to ensure that there are no calls for hatred or intolerance, including anti-Semitism, in these

textbooks provided by UNRWA to the Palestinian refugees.

□ 1530

In addition, the legislation requires the State Department to report on whether UNRWA is complying with current U.S. law, which states appropriately that no American taxpayer dollars be directed to terrorists or to further terrorist propaganda.

I stand in strong support of this bill. I thank my distinguished chairwoman and my colleagues for this wonderful bill and I urge its passage.

Mr. KIRK. Mr. Chairman, I yield myself 1 minute.

I just want to thank my colleague from New Jersey for his leadership on this.

UNRWA is an organization that is utterly irresponsibly run. Any corporation in America of UNRWA's size—which is \$400 million a year—would have an outside independent audit, and yet UNRWA has never had that—and in fact doesn't want it. UNRWA's staff has met with Republicans and Democrats up here and admitted that they, indeed, do make martyr payments to people that have carried out attacks against the people of Israel. And then we've seen all the video of mortar rocket attacks being used from UNRWA schools where UNRWA security personnel clearly could have prevented that.

This bill helps increase the heat on UNRWA, one of the least accountable U.N. agencies. And I really want to thank the gentleman for his leadership on that.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to an outstanding member of our committee, the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the distinguished chairwoman, my extraordinary colleague from New York.

Mr. Chairman, I am so pleased to rise in support of this bill. This is one of the finest State-Foreign Operations bills we have had in many years.

I am especially indebted to the chairwoman for allowing me to include two provisions in this bill. One is language that I have been interested in for several years since visiting India on an energy congressional delegation, learning what India is doing with respect to renewable energy and learning that there were six women in the Sunderbonds, a remote Delta region, who were lighting their entire village with a solar panel.

If you ask the Department of Defense what we need in order to promote stability and security and affluence and prosperity, they will tell you we need a robust defense budget, something I agree with. But in the Sunderbonds, they are doing it with a solar panel which charges solar lanterns, which these six women rent to other villagers. And so you have all the elements that you need for stability and

security; you have the empowerment of women, you have a sustainable small business model, and you have light.

As a result of the chairwoman's support and the support of the ranking member, we have included \$10 million to establish the Solar Villages Initiative in the State Department to replicate this project.

I further want to thank the chairwoman and the ranking member for their support of the National Solidarity Program in Afghanistan. The essential lesson that Afghanistan teaches us is that order cannot be imposed from above—Alexander the Great tried it, Genghis Khan tried it, the British tried it, the Soviets tried it. We can try it, but it does not succeed.

Afghanistan is stable when order comes from the Afghan people, when they are empowered to achieve their own solutions. And as a result of the chairwoman's support and the support from the minority, we have included \$175 million for the multidonor National Solidarity Program, which is the leading program rebuilding Afghanistan. That allows local villages to secure some funding to plan their own projects, to plan their own future, to bring women into governing councils, to establish those projects which will secure those villages and promote long-term security and stability.

These are two programs, among many, which make this a product that both sides of the aisle can be very proud of. It is the best investment that we can make. And I again thank the chairwoman for her support.

Mr. KIRK. Mr. Chairman, I yield myself 2 minutes.

I want to thank the gentleman because I have worked very closely with him to support I think one of the key combat-support elements of this bill, which is the National Solidarity Program of the Government of Afghanistan.

We won the war in El Salvador largely through the help of a program called Mayors in Action, in which we funded programs totaling between \$5,000 and then \$10,000, as long as the community could come together and decide on what project. Having government services and activities in support of the El Salvadoran Government quickly undercut the insurgency and helped win a counterinsurgency campaign there.

Based on the success of that program and others, the National Solidarity Program is now operating in Afghanistan. This bill provides \$175 million, largely through the leadership of the gentleman from New York.

When I deployed to Afghanistan in December, I spent quite a lot of time working with Monty Greer and Minister Zia, who described how this program is now in hundreds of villages throughout Afghanistan, but they had a funding shortfall. And working with General Nicholson of ISAF Region

South, we put together a plan so that this bill would fund community development programs right behind the advance of U.S. troops.

It has been little noticed so far in this body that 2 weeks ago the United States Marine Corps launched an offensive in the key poppy-growing region of Afghanistan called Helmand Province, and it was that funding shortfall which would have not enabled U.S. troops to have the money to do community development projects right in the wake of their advance, along with the Afghan troops. This legislation allows them to have those tools right away so that the Afghan people will see progress in community development right behind the battlefield. It makes our chances of success much greater. It makes the sustainment and expansion of the Afghan Government much more likely. And bottom line, I think it will save a number of lives, especially for those of our constituents right now working for what sometimes has been called "Uncle Sam's misguided children," otherwise known as the United States Marine Corps.

I yield to the gentleman who has worked with me so much with Minister Zia on this.

Mr. ISRAEL. Well, I thank the gentleman for his personal commitment and participation in this project.

Mrs. LOWEY. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. LYNCH) for a colloquy.

Mr. LYNCH. I thank the gentleman for yielding.

As the co-Chair of the House Task Force on Terrorist Financing and Nonproliferation, I rise to engage in a colloquy with my distinguished colleague, Chairwoman LOWEY.

I would like to confirm that the \$57 million requested by President Obama for nonproliferation, antiterrorism, demining, and related programs in Afghanistan, will be fully funded.

Is it the chairwoman's intent that those critical security and humanitarian-related activities will be funded at the President's requested level?

Mrs. LOWEY. Reclaiming my time, first, I thank my friend for raising this important issue.

Yes, it is the committee's intent to fully fund Afghanistan's nonproliferation, antiterrorism, demining, and related programs at the President's requested level. We agree these programs are vital to our success in Afghanistan. And as we developed the bill, our funding assumption was, unless otherwise noted, that the President's full request for Afghanistan was met.

I yield to the gentleman.

Mr. LYNCH. Thank you.

Is it also the chairwoman's view that the State Department should ensure that these funds are used to support the range of programs, such as export control and border security, antiterrorism assistance, terrorist interdiction

activities, counterterrorism financing, humanitarian demining, and destruction of small arms and other weapons?

Mrs. LOWEY. Reclaiming my time, yes, it is the committee's intent to support these activities.

And I yield to the gentleman.

Mr. LYNCH. Thank you. I want to thank the chairwoman for her courtesy, and to the gentleman from Illinois for his bipartisanship on this and all of our critical efforts in Afghanistan.

Mr. KIRK. Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. I am pleased to yield 2 minutes to the distinguished gentleman from California, an outstanding member of the committee, Mr. SCHIFF.

Mr. SCHIFF. I thank the gentleman.

I rise in strong support of the 2010 State-Foreign Ops Appropriations bill and congratulate my Chair and friend, NITA LOWEY, for her leadership in crafting a bill that not only addresses critical national security needs, but does so in a cost-effective manner.

After too many years in which diplomacy and smart power were shunted aside, this legislation is a reassertion of American leadership in helping to assure a brighter, more peaceful future for America's children and for children around the world.

I am particularly concerned about Somalia's renewed descent into chaos and the prospect that al Qaeda, which is under increasing pressure along the Afghan/Pakistan frontier, will take advantage of the power vacuum in that country as it did in Afghanistan during the 1990s.

This must not be allowed to happen. And the U.S. must be willing to work with the United Nations, the African Union, and nongovernmental organizations to help stabilize Somalia and create an atmosphere in which governance and security are again possible.

This will be a long and difficult process, and in the main it must be driven by the Somalis themselves. But I was gratified that the bill includes aid above the President's request to foster economic growth, encourages the State Department to continue its support of Somali refugees in neighboring countries and, most importantly, provides \$102 million to support both the African Union mission in Somalia and security sector reform within Somalia itself.

In this bill, even as we have provided funding for important initiatives like that, and we provided robust funding to increase the size of our Foreign Service and USAID professionals to revamp our aid to Pakistan and to help it to better confront the threat from al Qaeda, to provide crucial aid to key Middle Eastern allies Israel, Jordan and Egypt, to ramp up our efforts to fight the scourges of malaria, HIV/AIDS, and tuberculosis, and fully meet our obligations to the United Nations, Ms.

Lowey, Ranking Member GRANGER, and the staff of the subcommittee have also been mindful of the state of our economy here at home. In fact, this bill is \$1.2 billion, or 2.4 percent, below the President's spending, and \$3.2 billion, or 6 percent, below the administration's request.

Finally, I am very pleased the bill includes \$48 million in economic assistance to Armenia, as well as an increase in humanitarian assistance to Karabakh to \$10 million, and maintains military assistance parity to both countries at \$3 million, and the IMET assistance at \$450,000 each.

Importantly, the report accompanying the bill references the policy of parity in military assistance provided to Armenia and Azerbaijan.

Mr. KIRK. I yield myself such time as I may consume.

It's also important to note that this bill carries forward the Kirk amendment that now prohibits any U.S. assistance to a Palestinian Authority that includes Hamas—a terrorist organization, as designated by the United States, President Clinton, President Bush and I believe now President Obama—unless every member of the new Palestinian Government has publicly, in writing, recognized Israel's right to exist and renounced terrorism. Over 20 United States citizens have been murdered directly by Hamas, and having this provision included in this legislation I think is very important.

Also, this legislation reverses the administration's proposed cut for U.S. assistance to Armenia. We provide \$48 million in economic aid and \$3 million in military aid for Armenia while maintaining military funding parity with Azerbaijan and providing \$10 million in assistance to Nagorno-Karabakh. The bill also includes a new requirement for the administration to consult with Congress before exercising its waiver authority for assistance to Azerbaijan granted under section 907 of the Foreign Assistance Act.

Now, according to the Congressional Research Service, between 100,000 and 500,000 Korean Americans still have family living in North Korea. Almost all of them have not seen their loved ones since the end of the Korean War, while many have not seen family members even since World War II. In the absence of diplomatic relations between the two countries, elderly Korean Americans are forced to contact their relatives without the protection of the U.S. Embassy or help from the State Department. Families are at the mercy of a black market group of smuggling rings that control access to North Korea.

This legislation urges the State Department Policy Coordinator for North Korea to make the issue of divided American citizen families who have their relatives in North Korea a priority and to establish a coordinator for this issue.

One last thing I want to highlight. As the United States draws down our troop commitment to Iraq, and we have tremendous concerns about safe and secure and sustainable homes and businesses for Iraq's embattled Christian minority, this bill provides a historic \$20 million dedicated to religious minorities in Iraq, a big step forward for building an autonomous administrative region for Chaldo Assyrians in the Nineveh Plain. It's an important group that we should be concerned about, especially as the United States leaves Iraq.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself 2 minutes for a colloquy with the gentlewoman from California (Ms. WOOLSEY).

I am pleased to yield to Ms. WOOLSEY.

Ms. WOOLSEY. I thank the chairwoman and applaud her leadership on behalf of women's health. No one in Congress has done more to prioritize the needs of women and children in our foreign assistance spending.

As you well know, Madam Chairwoman, every minute somewhere in the world a woman dies during pregnancy or childbirth. In the poorest regions, one out of 22 women will die from these causes compared to one in 4,800 in the United States. In the developing world, mothers routinely face death or injury as a result of uncontrolled bleeding, infection, seizures, hypertensive disorders, birth obstruction, or other complications.

□ 1545

A pregnancy should be a joyful time in a woman's life, not a death threat.

The good news is that practical interventions exist. We just need to leverage the necessary resources and sufficiently focus our assistance on maternal health.

Mrs. LOWEY. I thank the gentlewoman for her kind words and for her support for women's health at home and abroad. Healthier mothers will enjoy safer pregnancies and childbirths, enabling them to better care for their children. Bolstering maternal health initiatives can help reduce the 4 million newborn deaths each year in the developing world. The committee has directed USAID to undertake a detailed review of its maternal health portfolio, and I look forward to working with my colleagues on this important issue.

Ms. WOOLSEY. I thank the chairwoman. I look forward to working with her on this issue to ensure that not one more mother has to replace a birth announcement with a death notice.

Mrs. LOWEY. Mr. Chairman, I reserve the balance of my time.

Mr. KIRK. Mr. Chairman, I yield myself 2 minutes.

We rarely do this under this legislation, but we also have an important

tradition of highlighting human rights cases, especially if they set a particularly dangerous precedent. And one of the most concerning precedents is the one set by the Government of Egypt when they imprisoned Kareem Amer, who is the first blogger ever to be arrested for what he wrote on his Internet blog, calling for reconciliation between Muslims and Jews on his personal blog. He was convicted. He's currently serving in prison, and it is a particularly dangerous precedent to have set that merely what you may write in your Internet blog will land you in jail.

It's interesting to me, too, that of all the Muslim countries around the world, Egypt set the precedent, and of all the countries around the world that could have set this precedent against the freedom of speech on the Internet, it was one of the largest recipients of U.S. foreign assistance under this act. We have not gone to the step yet of dramatically affecting the U.S. assistance provided by this, but we do have to highlight Abdel Kareem Nabil Soliman, his full legal name, and his time in jail, a very dangerous precedent under Egyptian law and one that should be highlighted here.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California for the purpose of a colloquy.

Ms. ESHOO. I thank the very distinguished chairwoman of the State, Foreign Operations Appropriations Subcommittee, Mrs. LOWEY, who is a great friend, and I want to thank her staff for their diligence in working with us. They have been absolutely more than wonderful on an important issue.

My intention today is to confirm that the \$20 million provided by the subcommittee for religious minorities in Iraq is intended to focus on the needs of the Nineveh Plains region.

Did the subcommittee intend that this funding for ethnoreligious minorities focus on the Assyrian/Chaldean/Syriac/Christians of the Nineveh Plains region since that is the primary location of these displaced persons?

I yield to the gentlewoman.

Mrs. LOWEY. Yes. The committee is aware that this region is home to most of the displaced ethnoreligious minorities in Iraq.

Ms. ESHOO. Is the chairwoman's view that the State Department should ensure that these funds are used to support a range of programs such as security, small microenterprise development, agriculture capacity building, economic development, educational institution capacity building, health care enhancement, and democratization programs, including the dialogue on the Nineveh Plain Administrative Unit?

Mrs. LOWEY. Yes. It is the committee's intent to support these types of activities.

Ms. ESHOO. Would the chairwoman support the award of these funds to nongovernmental organizations that are already working tirelessly in the region such as the Dominican Sisters, the Assyrian Aid Society, the Nineveh Center for Research and Development, the Hammurabi Human Rights Organization, and other groups that provide services to all people on a nondiscriminatory basis?

Mrs. LOWEY. Yes. There are a number of organizations that have provided health, education, and other assistance in the region and should be considered as potential alternatives to governmental entities. I expect the State Department to continue to use a competitive bidding process to ensure that the most appropriate and effective organizations receive U.S. Government assistance.

Ms. ESHOO. I can't thank the chairwoman enough for her support of funding to alleviate the plight of these ancient people so critical to the future of Iraq. Her efforts are going to help hundreds of thousands of displaced ethnoreligious minorities. And I know that our colleagues Congresswoman JAN SCHAKOWSKY, Congressman GARY PETERS, and certainly Congressman FRANK WOLF thank you for your leadership and for your attention to this issue that matters to so many. God bless you.

Mrs. LOWEY. I thank the gentleman.

Mr. KIRK. Mr. Chairman, I yield 2 minutes to the distinguished minority whip, Mr. CANTOR.

Mr. CANTOR. I thank the gentleman for yielding.

Mr. Chairman, the legislation before us provides \$2.22 billion worth of vital security assistance to the State of Israel, our most dependable and democratic ally in the Middle East. The funding in this bill will help ensure Israel maintains its qualitative military advantage in the region. That means Israel can defend itself against the existential threat posed by Iran and against Iranian terrorist proxies, Hamas and Hezbollah, both sworn to Israel's destruction.

A strong Israel means a more stable Middle East. A weakened Israel only gives momentum to the radicals in the region determined to sow discord and harm U.S. interests. Joint cooperation with Israel has also yielded tangible benefits to America since Israel is a leader in methods of fighting terrorism and preventing civilian casualties in terrorist attacks.

Mr. Chairman, there is no doubt in my mind that Israel is a pillar in the national security interests of the United States, and it is, in my opinion, essential that we provide this assistance to Israel because it is in the best interests of the United States. That's why I support this legislation, and I urge my colleagues to do the same.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Chairman, let me congratulate the chairwoman. I served on this subcommittee for a few years, and this is an extraordinary bill. I think it's the best Foreign Operations bill in more than a couple of decades in this House on a range of issues, but I'm only here to speak about one.

I want to thank the chairwoman for her continued support, and notice in the bill and in the accompanying report the effort around safe blood in Africa, in sub-Saharan Africa. When we began talking about this issue a few years ago, there were no safe blood centers and there are now 35. It wouldn't have happened without the chairwoman's support and understanding the correlation and nexus between malaria and blood transfusions and, therefore, increases in AIDS when you have unsafe blood being used in those transfusions. So I want to thank her and congratulate her on a great bill.

Mr. KIRK. Mr. Chairman, I yield myself 1 minute.

I want to highlight a key provision of this bill, section 7006, which withholds 10 percent of the funding under this legislation for the Board of International Broadcasting, Radio Deewa. This is a service actually that the chairwoman and I helped sponsor and get rolling because of our perception that there was very little international broadcasting service and outside information in the main language of northwest Pakistan and Afghanistan of Pashtun. But we found that they were putting Batula Massoud on the U.S. taxpayer-funded radio, giving him a platform just 6 days after the Secretary of State put him on the Rewards for Justice terrorism list for his crimes against a number of terrorist targets, including the Prime Minister of Pakistan. So I really want to thank the chairwoman for including this because we sent a very clear signal that we want open and free communication with accurate news, but we do not give platforms to terrorists on the Rewards for Justice list of the State Department.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to a leader in this Congress who understands the importance of water, in addition to bicycles, and has been a tireless advocate for a whole range of important causes, my good friend Mr. BLUMENAUER.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this, as I appreciate her leadership in being able to advance a cause that's near and dear to both of our hearts.

Mr. Chairman, I will speak for 2 minutes. In the course of that time, about

10 children around the world will die needlessly from waterborne disease. We have been working, over the course of the last 5 years, for the United States to exercise its appropriate leadership to try to eliminate this tragedy.

I deeply appreciate the work that the subcommittee has done. Indeed, in the manager's amendment it takes an increase from last year and has a further increase of \$25 million, meaning \$335 million to help implement our Water for the Poor Act, dealing the world's number one public health problem.

Mr. Chairman, we have more than a billion people worldwide who lack access to both sanitation and clean drinking water, without which children cannot learn in school; the sick, including those with HIV/AIDS, cannot take their medication; stable societies cannot be built; and millions needlessly continue to die. Entirely preventable tragedies trap countries in poverty and diminish our own development and security efforts. It's no coincidence that the Middle East and North Africa, the most water-stressed region in the world has some of the most complex security issues. The State Department has said securing fresh drinking water is a significant part of the Middle East peace process and one that brings people together rather than dividing them.

I deeply appreciate the chairwoman and her staff for working with me and my colleague DON PAYNE, who has been tireless in advancing this issue. I hope that the administration, with the leadership of Secretary Clinton, will join in this effort so that we can make the progress that poor people around the world deserve and that we all need.

Mr. KIRK. Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. I am very pleased to yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

□ 1600

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me thank the chairman of the committee and the ranking member for their work.

I rise today in support of a provision in the manager's amendment to increase the amount of funds available for human rights and democratic initiatives of the U.S. Department of State and the U.S. Agency for International Development. Specifically, the Democracy Fund in this appropriations bill will be, in large, helping countless people across the globe.

I'd like to thank my colleagues, the Honorable NITA LOWEY and the Honorable KAY GRANGER for accepting my amendment; and I commend them for their hard work on this bill. This really is an important bill. At this moment in history, I cannot help but be reminded of particular problems we are facing internationally. Although we have developed and maintained a high standard of living in our own country, we

must remember that so many people across the globe cannot think about democracy because, frankly, they're so busy trying to survive, and they don't share the same luxuries and comforts that we take for granted in the United States. Basic human rights are a pillar of our democracy, and we seek to live in a stable and peaceful world. I work with women from around the world, trying to help build a culture of peace in this world. So this really is a very important part of it for me. The Democracy Fund does just this. It gives countless people a way to identify with a country of democracy.

I ask my fellow colleagues to join me in supporting the manager's amendment, which seeks to expand and encourage democratic and human rights initiatives globally.

Mrs. LOWEY. If the gentleman has no more speakers, I am prepared to close if he wishes to yield back the balance of his time.

Mr. KIRK. Let me just say this bill also contains one last program—and then I will close—and that is called the Near East Regional Democracy program. It used to be called the Iran democracy program, and I hope that's still exactly what it does. We're providing \$40 million for this, and it's very important. Following the suppression of democracy in Iran, we're particularly concerned about key minority groups there. The Azeris, representing 40 percent of the country, including the leading candidate for president whose vote was suppressed; the Kurds that we worked with so well in northern Iraq; and the Baluch, in which a significant Iranian military presence is there. And I want to pay particular attention to the plight of the Baha'i. The National Assembly of the Baha'i Faith is located in my district; but this is the faith that was founded in Persia, now Iran. There are 330,000 Baha'is in Iran right now. Under this regime, we have now seen that they have been told to register their businesses and place of address, that this is the bureaucratic machinery that we have seen in other countries in other uniforms before. It is the machinery of oppression and potentially worse. We have seen now that just following the time President Ahmadinejad claimed that he had won the election—remembering, of course, that in 150 Iranian cities, the votes totaled more than the number of people living in those cities—that just following their claim to have won the election after only 2 hours of counting the ballots, that he moved against the Baha'i leaders, putting them on trial for their lives in that country. The Near East Regional Democracy program can help us build alternative voices in that country, all the more important.

Let me close on this bill by saying that this bill has one key and major component, which is assistance to the

State of Israel for us. In my view, land for peace generally means no land and even more war, as we saw with Israel's withdrawal from Gaza where an area that used to be used for agricultural produce is now used for mortars and rockets against southern Israel, especially Sderot and Ashkelon. My worry is that we might have more of that kind of adventurism by the other side further if we see instability in southern Lebanon and especially on the West Bank. This legislation helps us underscore our commitment to the Israeli Air Force, their missile defense system and, especially, to their army to at least encourage the states in that region to make sure that no adventurism like we saw, especially in 1973, can move forward against our best allies in the Middle East. My hope is that we have very strong commitment for this on the floor today and in the United States Senate because I think this bill, more than any other, makes any potential conflict in the Middle East less likely; and that is good for us all.

With that, I recommend passage of the bill. I want to commend our chairwoman and our greatly missed Ranking Minority Member KAY GRANGER, who's out today, for bringing us a bill that adheres to the key principle that I try to follow at every possible turn, and that is the aphorism that we say, that partisanship should end at the water's edge. In my service in the United States military, I generally found that when we were being shot at, they weren't shooting at Democrats or Republicans. They were shooting at American citizens. The United States has bipartisan interests overseas, and this bill fulfills this.

I yield back the balance of my time.

Mrs. LOWEY. As we close this debate, I want to thank KAY GRANGER again, the ranking member of this committee, who has been an invaluable partner in creating what we think is a very, very good bill. I also want to thank Mr. KIRK for his leadership not only in the committee but certainly in his role in presenting this bill today. We really have an outstanding subcommittee. Again, it's because the subcommittee members and the staff on both sides, who I acknowledged in my opening statement, and the ranking member; as well as the Chair of the overall Appropriations Committee, Mr. OBEY. Everyone contributed to making this a really important bill.

I just must say in closing that, for me, it's a real privilege to be a Chair of this committee, to wake up every day and know that you can contribute to the great challenges we have internationally; and every day we are presented with an additional challenge that we have to face. As the leader of the free world, the United States of America has a key role to play, and I know that all the members of this committee understand our responsibility.

So this is a good bill. I appreciate your support. I hope we can get support from the majority of Members on your side of the aisle and our side of the aisle because this is an important bill; and as we move forward, it's extremely important that all of us support these efforts.

Mr. KLEIN of Florida. I rise to support H.R. 3081, the State, Foreign Operations and Related Programs Appropriations Act of 2010.

This legislation addresses our most urgent national security needs, rebuilds our diplomatic infrastructure for the long term, and maintains our commitment to fiscally responsible government. The total for this bill comes in \$3.2 billion below the President's budget request, meaning that we cut spending tremendously but still managed to fund the most vital programs around the globe. I'd like to touch on some of these programs.

This legislation requires that the Administration report to Congress on the status and progress of diplomatic efforts to prevent Iran from acquiring nuclear weapons. I support the President's current efforts to stop Iran's dangerous nuclear weapons program; however, diplomacy should not be open-ended. This legislation makes it clear that Congress will exercise its oversight authority over these negotiations to ensure that there is a plan to stop Iran from building a nuclear weapon.

Furthermore, the legislation prevents the U.S. Export-Import Bank from providing or guaranteeing credit to companies that provide Iran with significant amounts of refined petroleum. Iran imports about 40 percent of its refined petroleum. Then-Presidential candidate Barack Obama stated that restricting these imports could be a valuable lever in persuading Iran to cease its efforts to acquire nuclear weapons capabilities. We start that process today, and I am proud to support legislation that takes the first step in instituting crippling sanctions against the Iranian government.

Iran represents a great threat to the United States and our allies throughout the world. This legislation helps mitigate that threat to our allies by ensuring that countries that Iran would seek to destroy or destabilize receive support from the United States. U.S. aid to Israel represents a cornerstone in the strong relationship that our two countries share. I visited Israel right after the signing of the 10-year Memorandum of Understanding between the United States and Israel, and it was clear that this agreement would help cement our long-term friendship. This legislation fully funds our commitment under this accord and serves as an assurance to Israel that we will work together to ensure Israel's security during a time when Israel faces several powerful threats.

In addition, this legislation helps put us and our allies on a path to energy independence, funding clean energy initiatives that reduce our dependence on oil and make us more energy efficient. By partnering with other countries, we can share these important technologies and learn from others about new innovations.

Finally, I would like to briefly mention my support for the amendment by the gentleman from New York, Mr. WEINER. This amendment sends a strong statement to Saudi Arabia to cease its funding of terrorism and stop its incitement against Israel, Jews and America.

While the bill prohibits aid to Saudi Arabia, it leaves the door open in case the President deems that aid is necessary. This amendment shuts that door. Common sense tells us that Saudi Arabia has enough American dollars from money that we waste on our dependence on oil.

In closing, this bill fulfills the American imperative to lead the world in commitment to democracy, human rights and security. I am proud to support this legislation.

Mr. VAN HOLLEN. Mr. Chair, I rise in support of the 2010 State and Foreign Operations Appropriations Bill. This bill reflects the bipartisan priorities of Congress in the areas of national security and counterterrorism, diplomacy, development, global health and oversight.

This bill appropriates \$48.8 billion for State Department operations, programs and foreign aid, including \$13.4 billion for national security, counterterrorism and counternarcotics programs, \$7.8 billion for global health programs, \$5.8 billion to combat HIV/AIDS, \$2.5 billion for general development aid, and \$2.4 billion for the Child Survival and Disease Fund. And, to assist and enhance our diplomatic efforts around the world, the bill provides funding for over a thousand new Foreign Service officers and \$746 million for international broadcasting activities such as the Voice of America.

To honor our strategic and diplomatic commitments to our partners around the world, the bill appropriates \$2.2 billion in aid for Israel, \$1.3 billion for Egypt, and \$513 million in economic and security aid for Jordan. The bill also funds such commitments closer to home in Mexico where in 2008, more than 6,200 people died in drug-related violence, more than twice the number killed in 2007. More than 1,000 people have died so far in 2009.

This problem has grown so severe that the Department of Homeland Security is reviewing ways to assist Mexican law enforcement to stop the flow of guns, assault rifles, and cash from the U.S. into Mexico. This bill recognizes this challenge and provides \$987 million to support counter narcotics and alternative development programs in Mexico, Central American, the Caribbean Basin, Colombia and Peru.

U.S. peacekeeping and humanitarian efforts are also served by this bill. The bill appropriates \$2.4 billion for various peacekeeping operations, including missions in Darfur and Somalia, where the United States continues to be the leading donor for emergency refugee and humanitarian assistance. For Sudan alone, this bill provides over \$700 million in combined assistance for African Union and United Nations missions there.

I want to thank Chairman LOWEY and Ranking Member GRANGER and all the members of the Appropriations Committee for crafting a bipartisan bill that responsibly satisfies our strategic, development and diplomatic commitments around the world. I encourage my colleagues to join me in supporting it.

Mrs. MILLER of Michigan. Mr. Chair, I rise today in support of H.R. 3081—Department of State, Foreign Operations Appropriations Act for 2010.

Providing funding to our friend and steadfast ally Israel is in our national interest, and this bill provides \$2.2 Billion Dollars for Israel in the form of Military Assistance.

In a turbulent part of the world, we can count on the friendship of Israel because we share the important values of freedom of religion, speech and thought—values that aren't universally shared across the Middle East.

Israel is the only mature democracy in a region that hungers for freedom from dictators and tyrants and whose people are distracted by a steady stream of vitriol directed at the Jewish people.

We recently saw that hunger for freedom displayed on the streets of Iran in the wake of the disputed election and how it was brutally suppressed by the Iranian government, resulting in the death of several protesters.

Freedom and Democracy should be supported wherever we find it and this bill supports a vital ally, who shares our commitment to the rule of law, and freedom of assembly.

Israel has showed extraordinary restraint in response to terrorism and daily rocket attacks emanating from fanatical Hamas militants in the Gaza Strip. I can think of no country in the world that would have shown such restraint in the face of direct attacks on their civilians.

Every government of Israel has worked towards peace. Yet, except for Egypt and Jordan, no Arab government has even recognized the State of Israel. This bill calls for all Arab League States to normalize relations with Israel, which is an important step on the road to a durable peace in the region.

I was happy to see that no support will be provided to support a Palestinian state unless the Secretary of State determines that they have demonstrated a commitment to peaceful coexistence with Israel and is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza.

This bill provides essential support to our friend and ally Israel, so I urge my colleagues to support this bill, and I yield back the balance of my time.

Mr. PETERS. Mr. Chair, I rise today in strong support of H.R. 3081. I would like to thank Chairwoman LOWEY and Ranking Member GRANGER for their hard work on this important legislation.

I am pleased that this bill provides \$2.2 billion to one of our most important allies: the State of Israel. Israel is a strategic partner and this funding will help ensure Israel has the resources it needs to protect her borders and citizens. Ever since the United States became the first nation to recognize Israel's independence our two nations have shared a special friendship and I am pleased that this bill continues that close relationship.

I am also proud to support report language that will provide at least \$20 million to provide relief to religious minorities in Iraq, including assistance for displaced and refugee populations. In the last year thousands of Iraqi Christians have sought refuge in Southeast Michigan and thousands more are expected in the years to come. This funding will aid refugee populations in Iraq that are most in need of our assistance I thank Chairwoman LOWEY and Representative ESHOO for their work on this issue.

This bill ensures that America will continue to be the leader in spreading security and opportunity throughout the world and I urge its passage.

Ms. WATERS. Mr. Chair, I rise to support this bill, which protects our security and pro-

motes our values by funding humanitarian assistance, health care, education, poverty reduction, and disaster relief throughout our world, and especially in countries like Haiti, a poverty-stricken but democratic nation close to our shores.

I oppose amendments to cut funding for these critical programs. I am especially concerned about the Lewis amendment, which cuts more than \$500 million from multilateral development programs, including debt relief for the world's poorest countries. Debt relief has already helped more than 20 poor countries, freeing up billions of dollars for investments in health care, education, clean water, and poverty reduction. The United States played a critical role in negotiating poor country debt relief, and we did it with bipartisan support from this Congress.

In the last Congress, I introduced H.R. 2634, the Jubilee Act for Responsible Lending and Expanded Debt Cancellation, to expand poor country debt relief. The House passed this bill last year, although the Senate was not able to complete consideration of it. I will reintroduce the Jubilee Act later this year.

Both Bread for the World and Catholic Relief Services strongly supported debt relief, and now they are calling on Members of Congress to support this bill and oppose amendments like the Lewis amendment.

I urge my colleagues to support this bill.

Mr. SMITH of Washington. Mr. Chair, I rise in support of the Fiscal Year 2010 State and Foreign Operations Appropriations Bill. I'd like to thank Chairwoman LOWEY and Ranking Member GRANGER for their hard work on this bill and take a moment to explain the need for this important piece of legislation.

This bill improves America's leadership in the fight against global poverty and disease. As Congress continues to debate the efficacy of our foreign aid against the backdrop of a post-9/11 world, many Americans do not make the connection between national security and development.

It's more than just a moral problem that billions of people around the world are struggling to survive. It is also in our security interest as a nation. Populations that struggle in extreme poverty are more likely to become mired in destabilizing conflicts, or worse, become havens or recruiting grounds for terrorist organizations. Taking action to help lift people out of poverty and addressing the critical issues that go hand-in-hand with poverty will help prevent threats to U.S. security, and will also help create goodwill toward the U.S. in places where it is desperately needed.

The United States sits near the bottom of government aid donations by country wealth, donating just 0.18% of our national income. Now is the time to bolster our funding and development efforts to developing countries. The current economic climate is seriously impacting developing countries and they are in dire need of our assistance. According to the Organization for Economic Co-operation and Development, world trade is in the largest decline since 1929, and commodity prices, particularly for exports from developing countries, are falling.

I am pleased to see that this legislation contains \$13.4 billion for national security,

counterterrorism and counternarcotics programs, including significant funding for Afghanistan, Pakistan and Iraq. Yet, the funding focus in recent years on defense, while vital in our fight against extremism, has left behind the other D's—diplomacy and development. This bill helps remedy that by reforming and rebuilding America's diplomatic and development capacity. While it does not meet the full request by the President, the bill provides funding to hire 1,000 new State Department personnel and 300 new USAID personnel.

Unfortunately, U.S. efforts remain insufficient to counter violent extremist narratives around the world. Terrorist groups aggressively push their narrative through new and traditional media. I was pleased to see increased funding for public diplomacy programs in the FY2010 bill. The increase would support at least 20 new public diplomacy positions. Importantly, the funding also continues imperative programs which include the counterterrorism communication center, and the digital outreach team focused on engaging Arabic language websites to impart accurate information and counter misinformation about the United States. Strategic communication and public diplomacy should be at the front-and-center as we work to roll back al-Qaeda's and other violent extremists' influence among disaffected populations.

I would be remiss not to mention funding for the Millennium Challenge Account (MCA) which was increased over the current level. I am disappointed, however, that the allocation was less than the President's request. As the bill progresses I would urge continued support for global poverty reduction by funding the MCA at no less than the \$1.4 billion allocated in this legislation. The Millennium Challenge Corporation's (MCC's) model of combating global poverty through initiatives that remove barriers to economic growth has not only been hailed as innovative, it has provided an effective complement to existing development aid streams.

The bill also provides \$156 million for health and development assistance in the Democratic Republic of Congo (DRC) and prioritizes peacekeeping operations funding for the country. I witnessed the urgent need for this funding first hand when I visited the DRC earlier this spring. This bill includes funding for addressing gender-based violence and I would hope that priority is given to the areas in conflict and post-conflict such as the DRC which are afflicted most by these dehumanizing acts. Too often in these areas acts of rape and sexual abuse are, unfortunately, common events. Gender-based violence is a major public health and human rights problem throughout the world and it is most apparent in the DRC. There, a devastatingly high percentage of girls are reported to have been raped. Yet, this is only a fraction of the actual number as most cases are unreported.

Again, I thank Chairwoman LOWEY and Ranking Member GRANGER for their work on this legislation and urge my colleagues to support its passage. This bill would advance our ability to combat global poverty and is critical to our country's ability to address today's threats.

Mr. HOLT. Mr. Chair, I rise today in support of H.R. 3081, the Department of State, For-

eign Operations, and Related Programs Appropriations Act for Fiscal Year 2010. In addition to providing for operations at the State Department and the U.S. Agency for International Development, the bill includes important funding for broader diplomatic and development efforts around the world. It provides needed assistance for Afghanistan, Pakistan, and Iraq; fulfills the U.S. commitment to assist the security of our ally Israel; and maintains vital support for peacekeeping missions in places like Darfur, Haiti, Lebanon, and Somalia.

I applaud the amendment by Chairwoman LOWEY to restrict military assistance to the Government of Sri Lanka. As the process of rebuilding from that nation's long conflict begins, the United States must ensure that the Sri Lankan Government protects the rights of all its citizens and allows humanitarian assistance to reach all those in need.

Other important provisions in H.R. 3081 will advance global health, including the fights against HIV/AIDS, malaria, and tuberculosis. The bill makes available \$1 billion each for programs that will improve access to basic education worldwide and provide for global food security and agricultural development. I am pleased that H.R. 3081 provides increased funding to expand the Peace Corps; enhance educational and cultural exchanges; and strengthen microfinance programs that help the world's poorest people, especially women, lift themselves out of poverty.

This is a good bill that will help our Nation accomplish many important tasks. However, there is one area that I believe deserves greater attention, and that role is that science should play in American diplomacy and foreign aid. The fundamental role of science and technology in international development has long been recognized, but over time we have dismantled our staffing and support structure in this area. We must refurbish the science and technology workforce at USAID so that we can effectively address global challenges like health, poverty, environmental hazards, and food security. U.S. scientists, working alongside their foreign counterparts, can help other countries build the indigenous institutions and expertise that will create sustainable, domestic solutions to pressing issues. At the same time, these efforts generate respect and affinity around the world for the United States, one of the many underappreciated benefits that will accrue from more fully integrating science and scientists into our diplomatic efforts. H.R. 3081 makes important strides toward rebuilding our diplomatic capacity, but as part of that effort, we should focus on enhancing the scientific expertise and capacity at the State Department.

The U.S. also should support more robust scientist exchange programs, which foster lasting ties between individuals and allow societies to share discoveries that advance our collective knowledge. Similarly, international research facilities provide a setting to generate productive science while advancing cultural understanding and building bridges between nations. One example is the Synchrotron-light for Experimental Science and Applications in the Middle East. Known as "SESAME," this project is being completed in Jordan under the auspices of the United Nations Educational,

Scientific, and Cultural Organization (UNESCO). The facility will bring together Arabs, Israelis, and other scientists from the region to work cooperatively on dozens of simultaneous experiments in fields ranging from biological and medical sciences to archaeology.

The U.S. should vigorously support and participate in these types of initiatives. We have much to offer the rest of the world with respect to science and technology, but we also have much to learn and much to gain by scientific engagement. I look forward to working with the Administration and my colleagues in Congress to strengthen our international efforts and diplomatic capability in these areas.

Mr. KUCINICH. Mr. Chair, we must take measurable actions to replace policies of aggression with policies of dialogue, adherence to international law and an unwavering dedication to the protection of human rights. As such, I oppose the bill based on the inclusion of funding for programs and support for policies that fail to meet these important goals.

This bill continues funding for the International Military Education and Training (IMET) program. IMET is one of the three funding sources that support the Western Hemisphere Institute for Security Cooperation (WHINSEC), formerly known as the School of the Americas (SOA).

This combat-training facility for security personnel in Latin America is notorious for graduating human rights offenders. In its 59 years of existence, the SOA trained over 60,000 Latin American soldiers in counterinsurgency techniques, sniper training, commando and psychological warfare, military intelligence and interrogation tactics. These graduates have consistently targeted educators, union organizers, religious workers, student leaders, and others who work for the rights of the poor. Hundreds of thousands of Latin Americans have been victims of SOA graduates.

A particularly egregious example shows Americans have been affected too. In 1980, Sisters Dorothy and Jean Donovan of Cleveland, along with two other churchwomen from the U.S., Sister Maura Clarke and Sister Ita Forde, were raped and murdered by members of the armed forces of El Salvador. Three of the five officers involved were graduates of the School of the Americas.

I oppose the continuation of funding for the Merida Initiative and expansion of this flawed program to the Caribbean countries. Time and again, research has demonstrated that illicit drug production in developing countries stems from pervasive rural poverty and lack of sustainable sources of income. More money for guns and other tools of destruction will do nothing to ease the suffering of those struggling with addiction or alleviate the social problems that compel people to produce and/or traffic drugs.

I also oppose the Import-Export Bank provision in Section 7043 of the bill regarding Iran. Sanctions can be an effective diplomatic tool in the right circumstances. However, sanctions are meant to cripple economies and as such can have disastrous consequences for the citizens of any sanctioned country. Iran is experiencing extreme turmoil among its citizens. Recent events make it very clear that the people of Iran are to be commended for their courage, not strangled by an increasingly crippled

economy as the fabric of their society is being ripped apart. Furthermore, the provision will undoubtedly target countries that are our allies who will have a role to play as the U.S. moves forward diplomatically with Iran and in the region generally. With the global economic crisis, this policy will cause the U.S. to fall far short of our diplomatic goals in the region.

These are policies that take us down the wrong path. I cannot support this bill.

Mr. ETHERIDGE. Mr. Chair, I rise today in support of H.R. 3081, 2010 State and Foreign Operations Appropriations Bill. This legislation provides \$48.843 billion for the Department of State, the U.S. Agency for International Development, and related agencies to help the U.S. meet its foreign policy goals of economic stability and poverty reduction, advance the global fight against the HIV/AIDS epidemic and other health crises.

This bill helps protect our national security through effective diplomacy and international development projects. It provides needed assistance to Afghanistan, Pakistan and Iraq and it promotes security, economic development, health, and education around the world. The bill also provides vital resources to rebuild the capacity of the State Department and USAID. It reverses a decade of reliance on supplemental appropriations and provides an honest accounting of the true cost of critical national security initiatives.

To rebuild our diplomatic and development capacity, the bill provides funding for approximately 1,000 new positions at the Department of State and approximately 300 new employees at USAID as part of the Development Leadership Initiative, creating jobs that hard-working Americans can fill. This bill also provides a total of \$7.684 billion for global health programs, including \$5.7 billion in total funding for global HIV/AIDS prevention and health initiatives. Diseases like HIV/AIDS, tuberculosis, and malaria continue to threaten the lives of millions of people as well as stability in the developing world, and this bill will advance our security interests while also fulfilling our moral obligation to fight this scourge.

Mr. Chair, H.R. 3081 enhances our ability to keep our Nation secure and our citizens safe. I urge my colleagues to join me in supporting this legislation.

Ms. FOXX. Mr. Chair, the vote that I took this afternoon on H.R. 3081 was one of the toughest votes that I have had to take in this House since I have been here in my 4½ years. The problem with the bill and with the decision that had to be made is because the bill contained funding for aid to Israel, our best friend in the world.

I have always been and will continue to be an extremely strong supporter of Israel. Israel has always been a good friend to the United States, the people of this country and the people of Israel share the same values. However, the bill had so many flaws that it made it very difficult for a pro-life, fiscal conservative such as I to vote for the bill despite my very strong support for Israel.

Israel is a vital American ally in the Middle East and deserves our full support as it serves as the preeminent democracy in the region. Throughout the history of our relations with Israel, the U.S. has stood by this nation and supported her even when she seemed hemmed in by insurmountable forces.

Today the very existence of Israel is a testament to the power of freedom and democracy, particularly in a region known more for despotic regimes than for its beacons of liberty. That is why I am proud to stand with our ally Israel and support policies that help maintain our strong ties with this critical nation in the Middle East.

My strong support for Israel is what makes me so disappointed about this appropriations bill. This bill, when emergency supplemental funds were not taken into account, was still 32 percent more than the regular fiscal year 2009 appropriations. I am taking the liberty of using some of the figures from my colleague, the gentleman from Georgia (Mr. PRICE), which were also presented today on the floor in terms of explaining the bill that we voted on this afternoon.

We are facing a fiscal crisis in this country. This administration and this Congress, led by Speaker PELOSI, are spending this country into a terrible, terrible situation. We are mortgaging our children and grandchildren's future with excess spending; and it has to stop somewhere.

Had this bill merely contained the funding for Israel, it would have been very easy for me to have supported it, although I was quite concerned that the bill reduced the funding for Israel by 7.2 percent below last year's funding level and 23.3 percent below the request. But, as I said earlier, the total bill had an increase of 33.8 percent compared to last year. What kind of message does it send when we increase overall spending levels in this bill by a third and yet cut funding to a critical ally and democratic partner in the Middle East?

One of the most troubling increases in this bill was a 20 percent increase to the United Nations Population Fund and a 19 percent increase to International Family Planning. The United Nations Population Fund aids China's one-child policy, coercive abortion, and sterilization. International Family Planning goes to organizations that promote and provide abortion services through International Planned Parenthood Federation and Marie Stokes International.

In addition, the Democrats had rejected four cost-cutting Republican amendments that had been presented which could have made this bill a lot more palatable to the 97 Republicans who voted against it.

Another problem with the bill is that there was a false assumption that the Obama administration will live up to its promise of no more war supplementals for Iraq and Afghanistan. The President has gone back on every promise that he made during the campaign. He has already asked for a supplemental this year, says it was a carryover from last year, but that won't happen again. However, before the ink was dry on the amended full committee report of this bill, the chairman of the Defense Appropriations Subcommittee, Congressman MURTHA, publicly stated that another supplemental is necessary to fund the troops because of the low fiscal year 2010 Defense allocation.

So the promise was that all of the money for the war was going to be here and we wouldn't have to do more supplementals. That isn't going to happen.

This bill also avoids making hard fiscal choices about spending abroad while we face

a financial crisis here. This is not the way we should be going. We should be funding our friends and our allies. We should be helping Israel which is the only true democracy in the Middle East and who stands by us year after year, day after day. But funding things like abortion and international family planning is not the way to go.

Mrs. LOWEY. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

No amendment shall be in order except the amendments printed in part A and B of House Report 111-193. Each amendment may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to a demand for division of the question. An amendment printed in part B of the report may be offered only at the appropriate point in the reading.

The Clerk will read.

The Clerk read as follows:

H.R. 3081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, \$8,229,000,000, of which \$1,577,427,000 is for Worldwide Security Protection (to remain available until expended): *Provided*, That the Secretary of State may transfer up to \$137,600,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That, consistent with existing law and regulation, the Secretary of State shall notify in writing the member of the House of Representatives representing the district of a left-behind parent when the parent reports an international child abduction to the Department of State and the Secretary shall maintain a computerized data tracking system to track and monitor such reported international child abduction cases: *Provided further*, That the requirements of the previous proviso shall not apply to cases where the left-behind parent does not consent to the Secretary taking such actions: *Provided further*, That funds made available under this heading shall be allocated as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and

classification laws of persons on a temporary basis (not to exceed \$700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, \$2,667,130,000 to remain available until September 30, 2011, of which not less than \$138,075,000 shall be available only for public diplomacy American salaries, and, \$220,840,000 is for Worldwide Security Protection and shall remain available until expended.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, \$2,497,158,000, to remain available until September 30, 2011, of which not less than \$381,800,000 shall be available only for public diplomacy international information programs.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, \$892,012,000, to remain available until September 30, 2011.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, \$2,172,700,000, to remain available until September 30, 2011, of which, \$1,356,587,000 is for Worldwide Security Protection and shall remain available until expended.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) not to exceed \$1,653,305 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, \$490,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed \$6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed \$15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

(6) TRANSFER AND REPROGRAMMING.—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed \$10,000,000 may be transferred to, and merged with, funds made available by this Act under the heading "Emergencies in the Diplomatic and Consular Service", to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

PART A AMENDMENT NO. 1 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I have an amendment to the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mrs. LOWEY:

Page 2, line 10, after the first dollar amount, insert "(increased by \$300,000)".

Page 3, line 22, after the dollar amount, insert "(increased by \$300,000)".

Page 7, line 15, after the dollar amount, insert "(decreased by \$25,300,000)".

Page 7, line 21, after the dollar amount, insert "(increased by \$8,000,000)".

Page 7, line 23, after the dollar amount, insert "(increased by \$2,000,000)".

Page 7, line 25, after the dollar amount, insert "(increased by \$2,000,000)".

Page 24, line 17, after the dollar amount, insert "(decreased by \$28,000,000)".

Page 25, line 19, after the dollar amount, insert "(increased by \$10,000,000)".

Page 31, line 11, after the dollar amount, insert "(increased by \$25,000,000)".

Page 32, line 1, after the dollar amount, insert "(increased by \$25,000,000)".

Page 38, line 15, after the dollar amount, insert "(increased by \$10,000,000)".

At the end of the bill (before the short title) insert the following:

LIMITATION ON ASSISTANCE TO SRI LANKA

SEC. 70XX. None of the funds made available in this Act under the heading "Foreign Military Financing Program" may be available for assistance for the Government of Sri Lanka.

PROHIBITION ON CERTAIN FIRST-CLASS TRAVEL

SEC. 70XX. None of the funds made available in this Act may be used for first-class travel by employees of agencies funded by this Act in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

The CHAIR. Pursuant to House Resolution 617, the gentlewoman from New York (Mrs. LOWEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. LOWEY. I yield myself as much time as I may consume.

My amendment makes several modifications to the bill. Specifically, it would increase funding for safe water and sanitation programs by \$25 million and democracy programs by \$10 million. It would provide \$300,000 for the implementation of the U.S.-Brazil Joint Action Plan to eliminate racial and ethnic discrimination and promote equality; increase funding for maternal health programs by \$10 million; and ensure proper use of taxpayer dollars by increasing funding for oversight of Department of State and USAID programs by \$8 million. These additions would be offset by reductions to the Department of State Capital Investment Fund and USAID's Capital Investment Fund. The amendment would also restrict foreign military financing to Sri Lanka, but I would note that the base bill includes up to \$1 million for demining activities under the non-

proliferation, anti-terrorism, demining, and related programs' account to continue the work with the Sri Lankan Government to help the displaced Tamil population return to their homes. Lastly, this amendment includes a restriction on first-class travel by employees of agencies funded by this act.

I am pleased to have worked with Representatives EARL BLUMENAUER, HENRY CUELLAR, ALCEE HASTINGS, EDDIE BERNICE JOHNSON, JIM MARSHALL and GWEN MOORE to address these concerns. I urge all of my colleagues to support this amendment.

I reserve the balance of my time.

Mr. KIRK. Mr. Chair, I seek time in opposition.

The CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. KIRK. I yield myself 4 minutes. I rise in reluctant opposition to this amendment. There are many parts of the amendment that I support, like moving funds away from accounts that received a significant increase in the stimulus bill in order to increase funds for safe drinking water and sanitation programs.

Unfortunately, I oppose this amendment for what it represents. We are continuing the movement away from bipartisan consideration of amendments because it appears that the new practice under the Rules Committee is to take a number of Democratic amendments and put them in one group under the chairman's aegis so that it looks like we have a balanced list of amendments offered but really a much larger number of Democratic amendments are being considered. This is a very troubling practice that has now entered into the appropriations bills.

Once again, I would point out, under clause 2 of rule XXI, the only amendments that are allowed under our rules on the floor are money amendments that cut or rearrange funds, not policy amendments. That gives awesome power to the committee on both sides to limit debate on this bill. It's very odd that in all the consideration of appropriations bills before, we haven't really made this a standard practice like is happening now.

Mrs. LOWEY. Will the gentleman yield?

Mr. KIRK. I yield to the gentlewoman from New York.

Mrs. LOWEY. I just want to note that KAY GRANGER, the ranking member's amendment, is not a money amendment. It's a policy amendment as well.

Mr. KIRK. I stand corrected. Under the rule it's allowed, but we didn't need rules for appropriations bills. I would reiterate my admiration for Bill Natcher who insisted that his legislation always come to the floor without a rule because it was protected under clause 2 of rule XXI.

I'm also worried about this amendment because it cuts off FMF, Foreign Military Financing, for Sri Lanka. Now the Sri Lankan-elected democratic government was fighting the Tamil Tigers, registered as a terrorist organization by the State Department. Their victory over the Tamil Tigers will bring human rights and democracy to the whole country and remove the need for any kind of military operations which could tempt either side to hurt civilians.

The victory of the Sri Lankan military against the Tamil Tigers is exactly what will bring order, rule of law and democracy to that country. So we're now sending a signal that a democracy who is fighting a terrorist organization and wins will be cut off in its financing by the United States. I would put it to you that if we ever had a rebel terrorist organization operating in our country, maybe like the Confederate States after our victory, it would be odd, indeed, to see some country cutting off funding for us. Yet that's exactly what we did in our civil war. And I would say that a cutoff now is an odd signal when I would expect that the record of human rights, respect for the individual rule of law and especially in democracy will definitely go up now that the Sri Lankan Government controls all of their territory.

I reserve the balance of my time.

□ 1615

Mrs. LOWEY. I thank the gentleman for his remarks but I just want to emphasize, again, that we are providing up to \$1 million for demining activities under NADR for the Sri Lankan Government to help the displaced Tamil population return to their home. And in addition to the terrorism that occurred on the part of the Tamil Tigers, we do have many civilians that have been displaced. And I think it is essential that the Government of Sri Lanka respond to that challenge and help those people return to their homes. So I know that we will continue to follow this issue to be sure that the policy that is in place adjusts to the actions that the government takes.

I urge all of my colleagues to support this amendment, and I yield back the balance of my time.

Mr. KIRK. I yield myself such time as I have remaining.

I would say that I think with this amendment it would have been better to have handled it under a different procedure. But the key point that I would make here is there are many good parts of this amendment. I particularly love the part about no first class travel and hope that that goes into the final bill.

I would urge us in conference to reconsider sending the signal that we are sending to Sri Lanka. The general signal should be that when a democratic government engages a terrorist organi-

zation, we support the democratic government. When that democratic government wins against that terrorist organization, we should support them. That means that we should support all the aspects of that government that can effect good order and a return to normalcy, which means helping refugees and which means helping the government, but it means helping also to maintain a good relationship with that democracy that just did a good thing in making sure that the world has one less terrorist organization.

So I would urge opposition to the amendment.

I yield back.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mrs. LOWEY).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. KIRK. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

PART B AMENDMENT NO. 2 OFFERED BY MR. BUYER

Mr. BUYER. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. BUYER:

Page 2, line 10, after the first dollar amount, insert "(reduced by \$1,200,000,000)".

Page 21, line 25, after the first dollar amount, insert "(reduced by \$330,000,000)".

Page 25, line 19, after the dollar amount, insert "(reduced by \$670,000,000)".

The CHAIR. Pursuant to House Resolution 617, the gentleman from Indiana (Mr. BUYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUYER. Mr. Chairman, I yield myself 3 minutes.

It is very clear that Americans are feeling the burden of a shrinking economy, empty pocketbooks and also economic uncertainty. What is clear is that the American people are hurting and that we are continuing to lose jobs.

The Obama administration and congressional Democratic leadership promised that their trillion-dollar stimulus would create jobs immediately and gave the assurance to the American people that unemployment would not rise above 8 percent. In June alone, almost one-half million jobs were lost, driving unemployment now to 9.5 percent, the highest level in almost three decades.

I believe the American people know we cannot tax and spend nor bail our way out to a growing economy. So what are we doing here today? We are

continuing this practice of reckless spending. Now what is clever is that there is a release that was sent out by the chairman of the Appropriations Committee that said, well, it appears as though perhaps we are cutting, actually this bill is cutting, foreign spending. No, it is not.

What has to be clear here is that you have to be careful to this appropriations language called "enacted" level of spending. So when you look at 2008 and as we go into 2009, we had a continuing resolution, and then from the CR we go into an omnibus. On top of the omnibus, we go into supplemental spending. And now we go into the 2010 bill. So we have this 33 percent increase.

What I'm doing is I look at three specific accounts here in Foreign Operations. And I'm saying, okay, fine, keep your increases. But let's try to hold the line with regard to our Federal spending. I have great respect for the men and women that represent our country in Foreign Service abroad. They are serving on America's outposts, and I salute them. They deserve the best the Nation can provide to them. What I oppose is the continued habit of reckless and seemingly endless spending that this bill represents. So with the interests of our Nation's financial integrity at stake, I offer this amendment that cuts \$2.2 billion from the bill to remedy this bloated increase.

The amendment reduces three accounts to match the fiscal year 2009 enacted funding levels: number one, the diplomatic and consular programs account reduced by \$1.2 billion; secondly, the operating expense of USAID by \$330 million; and the global health account reduced by \$670 million. This represents a total savings of \$2.2 billion left in the Treasury and not borrowed against our children's and grandchildren's future.

With that, I reserve the balance of my time.

Mrs. LOWEY. I claim time in opposition to the gentleman's amendment.

The CHAIR. The gentlewoman is recognized for 5 minutes.

Mrs. LOWEY. Ms. GRANGER and I have worked hard to craft a bill that strengthens the civilian diplomatic and development capacity of the U.S. Government.

President Obama, Secretary of State Clinton, former Secretary of State Rice, Secretary of Defense Gates and many of us in this Chamber have said time and time again that the State Department and USAID have to start leading U.S. Government efforts to address the global threats of the 21st century, including preventing and responding to conflict. As our new administration sets priorities, develops strategies and creates greater efficiencies and harmony in our foreign policy, this requires an expansion of people and resources.

The proposed cuts in this amendment, to USAID's operating expenses and the Department of State's operating account, strike at the very heart of the bill's efforts to strengthen our civilian capacity. This amendment would have a devastating impact on USAID and the Department of State's ability to carry out their diplomatic, development, and reconstruction mission.

For USAID operating expenses, the amendment would halt support for over 200 existing personnel, including in Afghanistan, Pakistan and Sudan, putting the U.S. Government missions in those countries in jeopardy.

The amendment would stop the construction of secure and safe facilities for USAID employees in nearly 30 countries overseas and halt the hiring of 350 new Foreign Service officers as planned in the development leadership initiative which is intended to rebuild the civilian development workforce.

Within the Department of State's operating account, the amendment would eliminate \$328 million to add 1,000 foreign and civil service officers to fill the 12 percent vacancy rate at the 260 diplomatic posts worldwide and to fill urgently needed positions here in D.C., eliminate \$213 million to add nearly 300 diplomatic security positions to better protect and secure diplomatic and development personnel, and reduce by nearly \$700 million funding to regularize diplomatic operations in Iraq.

USAID is a global leader on health, and the proposed cuts would hamper their ability to save the lives of hundreds of thousands of people. The proposed cut in this amendment could result in 18.3 million women being without access to voluntary family planning services, which could lead to an estimated 5.5 million additional unintended pregnancies, 300,000 additional under-5 deaths per year and 15,000 additional maternal deaths per year, and approximately 800,000 people in four high-burden countries going without planned multidrug resistance tuberculosis diagnosis and treatment services.

Congress must strengthen civilian agencies to respond to foreign policy crises and not cut core programs in our diplomacy and development initiatives, as this amendment seeks to do.

So I urge my colleagues to vote "no" on this amendment.

I reserve the balance of my time.

Mr. BUYER. I yield myself such time as I may consume.

I would say the gentlelady's comments still don't address the reason I brought this amendment. I will use two words that you just used to the gentlelady: "jeopardy" and "devastate." That is exactly what Congress is doing to America's economy if we do not get our fiscal house in order.

This isn't my quote; this is OMB's. In May, OMB projected that if we con-

tinue this type of spending, the Federal debt will grow to \$23.3 trillion in 2019. That is within 10 years, \$23 trillion. I think the American people are getting numb to these numbers. Now to get \$1 billion, to get \$1 billion, if I take, excluding corporate income tax receipts, every individual working in my congressional district, if I take their Federal income tax revenue, I can get \$1 billion. That is just \$1 billion. So I think about all the hard work and labor of people in my congressional district in Indiana, that is \$1 billion. So you throw numbers around here as though it is just nothing, it is just money. It is more than money. It represents the hard labor of people. They give it to us, and they make sure that we spend it in a fiscally responsible manner. At a time when America's economy is hurting, you plead to me in response, Mr. Chairman, the plea here is that all Members should weep and cry about the challenges that are all around the world. Well, what about the challenges in America? That is what I'm talking about. We are engaged here in a two-front war, actually, a multi-front war, but in two fronts right now in Afghanistan and Iraq.

I appreciate the leadership of our ranking member and what he is doing. But don't stand here on the floor and talk about we need more money for "family planning," which is a code word for us to pay for abortions overseas. No, this is a moment in time. And I am going to ask for a recorded vote on something like this because I want a signal to be sent to the American people to take a look at this vote. That is what I will say to America, Mr. Chairman: watch this vote.

Do we have what it takes to cut \$2.2 billion or not? I'm even saying, guess what? I will take your 33 percent increase that you had over the baseline. I will just take us back to the 33 percent increase. And, America, watch what this Congress will do. Will they be fiscally responsible with your dollar? Or will they continue the reckless policies that have been going on in this Congress?

I urge everyone to support this amendment, and I yield back.

Mrs. LOWEY. Mr. Chairman, I just want to respond to my friend, the gentleman, Mr. BUYER. I agree. And I think most of us in this Congress would agree that we have to get our fiscal house in order. However, we put this bill together in a bipartisan way. And I again regret that Ms. GRANGER who worked so hard on this bill couldn't be here with us today. And I want to make it very clear that cutting funding for our diplomats who are serving our great Nation in very difficult parts of the world, whether it is Pakistan, Afghanistan, whether it is in Iraq, and I could go on and on, is irresponsible.

So I think it is fine to say that we have to put our house in order. How-

ever, I would like to remind you that in the past administration, diplomacy, development and defense were considered the three pillars of our national security. So just to say we can cut \$1 billion here and \$1 billion there and not to have the consequences, have great impact on the security of our people who are fighting for our Nation, I think is irresponsible.

Again, I ask for a "no" vote on this amendment.

I yield back.

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. BUYER. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

Mrs. LOWEY. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 46, line 4 be considered as read.

The CHAIR. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The text of that portion of the bill is as follows:

CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to establish, support, maintain, mobilize, and deploy a civilian response corps in coordination with the United States Agency for International Development, and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, \$125,000,000, to remain available until expended: *Provided*, That funds made available under this heading may be made available in fiscal year 2010 to provide administrative expenses for the Office of the Coordinator for Reconstruction and Stabilization: *Provided further*, That notwithstanding any other provision of law and following consultation with the Committees on Appropriations, the President may exercise transfer authorities contained in the Foreign Assistance Act of 1961 for reconstruction and stabilization assistance managed by the Office of the Coordinator for Reconstruction and Stabilization, United States Department of State, only to support an actively deployed civilian response corps, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That not later than 45 days after enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall submit a coordinated joint spending plan for funds made available under this heading and under the heading "Civilian Stabilization Initiative" in title II of this Act.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, \$160,000,000, to remain available until expended, as authorized: *Provided*, That section 135(e) of Public Law 103-236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$100,000,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96-465), as it relates to post inspections, of which \$23,000,000 shall be for the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and \$23,000,000 shall be for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, \$600,000,000, to remain available until expended: *Provided*, That not to exceed \$5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, \$8,175,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, \$28,500,000, to remain available until September 30, 2011.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292-303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, \$876,850,000, to remain available until expended as authorized, of which not to exceed \$25,000 may be used for domestic and overseas representation as authorized: *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, \$847,300,000, to remain available until expended.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, \$10,000,000, to remain available until expended as authorized, of which not to exceed \$1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading "Repatriation Loans Program Account", subject to the same terms and conditions.

BUYING POWER MAINTENANCE ACCOUNT

To offset adverse fluctuations in foreign currency exchange rates and/or overseas wage and price changes, as authorized by section 24(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)), \$7,500,000, to remain available until expended.

REPATRIATION LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$739,000, as authorized: *Provided*, That such costs, including

the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses necessary to carry out the direct loan program, \$711,000, which may be transferred to, and merged with, funds made available under the heading "Diplomatic and Consular Programs".

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96-8), \$21,174,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, \$158,900,000.

INTERNATIONAL ORGANIZATIONS
CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, \$1,697,000,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further*, That any payment of arrearages under this title shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, \$2,125,000,000, of which 15 percent shall remain available until September 30, 2011: *Provided*, That none of the funds made available by this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least 15 days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations are notified of the estimated cost and length of the mission, the national interest that will be served, and the planned exit strategy; (2) the Committees on Appropriations are notified that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in any United Nations peacekeeping

mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission, including the prosecution in their home countries of such individuals in connection with such acts; and (3) notification pursuant to section 7015 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the Committees on Appropriations that American manufacturers and suppliers are being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed \$6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, \$33,000,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, \$43,250,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by Public Law 103-182, \$12,608,000: *Provided*, That of the amount provided under this heading for the International Joint Commission, \$9,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, \$48,576,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324. *Provided further*, That, in addition to other funds available for such purposes, funds available under this heading may be used to make payments necessary to fulfill the United States' obligations under the Pacific Salmon Treaty.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors, as authorized, to carry out international communication activities, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase, lease, and installation

of necessary equipment for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, \$733,788,000: *Provided*, That of the total amount in this heading, not to exceed \$16,000 may be used for official receptions within the United States as authorized, not to exceed \$35,000 may be used for representation abroad as authorized, and not to exceed \$39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, notwithstanding any other provision of law, not to exceed \$2,000,000 in receipts from advertising and revenue from business ventures, not to exceed \$500,000 in receipts from cooperating international organizations, and not to exceed \$1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, \$12,662,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by the Asia Foundation Act (22 U.S.C. 4402), \$19,000,000, to remain available until expended, as authorized.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, \$49,220,000, to remain available until September 30, 2011.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2010, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204-5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2010, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2010, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, \$100,000,000, to remain available until expended, of which not less than \$250,000 shall be for human rights and democracy programs relating to Tibet: *Provided*, That the President of the National Endowment for Democracy shall provide to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis: *Provided further*, That funds made available by this Act for the promotion of democracy may be made available for the National Endowment for Democracy notwithstanding any other provision of law or regulation.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, \$635,000, as authorized by section 1303 of Public Law 99-83.

COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105-292), \$4,300,000, to remain available until September 30, 2011.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, \$2,610,000, to remain available until September 30, 2011.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, \$2,000,000, including not more than \$3,000 for the purpose of official representation, to remain available until September 30, 2011.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, \$3,500,000, including not more than \$4,000 for the purpose of official representation, to remain available until September 30, 2011: *Provided*, That the Commission shall provide to the Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by the Commission during any previous fiscal year: *Provided further*, That section 308(e) of the United States-China Relations Act of 2000 (22 U.S.C. 6918(e)) (relating to the treatment of employees as Congressional employees), and section 309 of such Act (22 U.S.C. 6919) (relating to printing and binding costs), shall apply to the Commission in the same manner as such section applies to the Congressional-Executive Commission on the People's Republic of China: *Provided further*, That the Commission shall comply with chapter 43 of title 5, United States Code, regarding the establishment and regular review of employee performance

appraisals: *Provided further*, That the Commission shall comply with section 4505a of title 5, United States Code, with respect to limitations on payment of performance-based cash awards: *Provided further*, That compensation for the executive director of the Commission may not exceed the rate payable for level II of the Executive Schedule under section 5313 of title 5, United States Code: *Provided further*, That travel by members of the Commission and its staff shall be arranged and conducted under the rules and procedures applying to travel by members of the House of Representatives and its staff.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FUNDS APPROPRIATED TO THE PRESIDENT OPERATING EXPENSES (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$1,388,800,000, of which up to \$105,000,000 may remain available until September 30, 2011: *Provided*, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further*, That the previous proviso shall not apply when the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed \$1,000,000: *Provided further*, That of the funds made available under this heading for capital investments related to the Development Leadership Initiative, up to \$245,000,000 may remain available until September 30, 2014: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: *Provided further*, That any decision to open a new USAID overseas mission or office or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses" in accordance with the provisions of those sections: *Provided further*, That of the funds appropriated or made available under this heading, not to exceed \$250,000 may be available for representation and entertainment allowances, of which not to exceed \$5,000 may be available for entertainment allowances for USAID during the current fiscal year: *Provided further*, That no such entertainment funds may be used for the purposes listed in section 7020 of this Act: *Provided further*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to carry out section 667 of the Foreign Assistance Act of 1961 for the United States Agency for International Development (USAID) to establish, support, maintain, mobilize, and deploy a civilian response corps in coordination with the Department of State, and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, \$30,000,000, to remain available until expended: *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State and the USAID Administrator shall submit a coordinated joint spending plan for funds made available under this heading and under the heading "Civilian Stabilization Initiative" in title I of this Act.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, \$213,000,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, \$46,500,000, to remain available until September 30, 2011, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2010, unless otherwise specified herein, as follows:

GLOBAL HEALTH AND CHILD SURVIVAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, \$2,375,000,000, to remain available until September 30, 2011, and which shall be apportioned directly to the United States Agency for International Development: *Provided*, That this amount shall be made available for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: *Provided further*, That none of the funds appropriated under this paragraph may be made available for nonproject assistance, ex-

cept that funds may be made available for such assistance for ongoing health activities: *Provided further*, That of the funds appropriated under this paragraph, not to exceed \$400,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: *Provided further*, That of the funds appropriated under this paragraph, \$77,000,000 should be made available for a United States contribution to The GAVI Fund: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be made no later than six months after the date of enactment of this Act, and must be accompanied by a comprehensive analysis as well as the complete evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits;

and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That to the maximum extent feasible, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement shall be made available only for the procurement of condoms manufactured in the United States: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, \$5,409,000,000, to remain available until expended, and which shall be apportioned directly to the Department of State: *Provided*, That of the funds appropriated under this paragraph, not less than \$750,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108-25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2010 may be made available to the United States Agency for International Development for technical assistance related to the activities of the Global Fund: *Provided further*, That of the funds appropriated under this paragraph, up to \$14,000,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the Office of the Global AIDS Coordinator.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$2,465,000,000, to remain available until September 30, 2011: *Provided*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims

of war, not to exceed \$44,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That of the funds appropriated by this Act, not less than \$265,000,000 shall be made available for microenterprise and microfinance development programs for the poor, especially women: *Provided further*, That of the funds appropriated under this heading, not less than \$24,000,000 shall be made available for the American Schools and Hospitals Abroad program: *Provided further*, That of the funds appropriated by this Act, not less than \$310,000,000 shall be made available for water and sanitation supply projects pursuant to the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109-121): *Provided further*, That of the funds appropriated by title III of this Act, not less than \$1,000,000,000 shall be made available for food security and agricultural development programs, of which \$32,000,000 shall be made available for Collaborative Research Support Programs: *Provided further*, That prior to the obligation of funds pursuant to the previous proviso and after consultation with other relevant Federal departments and agencies, the Committees on Appropriations, and relevant nongovernmental organizations, the Administrator of the United States Agency for International Development shall submit to the Committees on Appropriations a strategy for achieving the food security and agricultural development program goals: *Provided further*, That of the funds appropriated under this heading for food security and agricultural development programs, \$10,000,000 shall be made available for a United States contribution to the endowment of the Global Crop Diversity Trust pursuant to section 3202 of Public Law 110-246: *Provided further*, That of the funds appropriated under this heading, not less than \$20,000,000 shall be made available for programs to improve women's leadership capacity in recipient countries.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, \$830,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, \$100,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That of the funds made available under this heading, up to \$50,000,000 may be made available for a Rapid Response Fund: *Provided further*, That none of the funds made available for the Rapid Response Fund may be obligated until the Administrator of the United States Agency for International Development consults with the Committees on Appropriations on the country that will receive assistance, the level of assistance proposed for such country, a description of the proposed programs, projects and activities, and the implementing agencies or departments of the United States Government: *Provided further*, That the United States Agency for International Development shall submit a

report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

DEVELOPMENT CREDIT AUTHORITY (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to \$25,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Europe, Eurasia and Central Asia": *Provided*, That funds provided under this paragraph and funds provided as a gift pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: *Provided further*, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to \$700,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, \$8,600,000, which may be transferred to, and merged with, funds made available under the heading "Operating Expenses" in title II of this Act: *Provided*, That funds made available under this heading shall remain available until September 30, 2012.

ECONOMIC SUPPORT FUND (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$6,370,096,000, to remain available until September 30, 2011: *Provided*, That of the funds appropriated under this heading, \$250,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic and democratic reforms which are additional to those which were undertaken in previous fiscal years: *Provided further*, That of the funds appropriated under this heading for assistance for Egypt, not less than \$25,000,000 shall be made available for democracy, human rights and governance programs, and not less than \$25,000,000 shall be made available for education programs: *Provided further*, That \$11,000,000 of the funds appropriated under this heading should be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicomunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace

and cooperation between the two communities on Cyprus: *Provided further*, That of the funds appropriated under this heading, not less than \$363,000,000 shall be made available only for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading not more than \$400,400,000 may be made available for assistance for the West Bank and Gaza, of which not to exceed \$2,000,000 may be used for administrative expenses of the United States Agency for International Development (USAID), in addition to funds otherwise available for such purposes, to carry out programs in the West Bank and Gaza: *Provided further*, That not more than \$150,000,000 of the funds provided for the West Bank and Gaza shall be for cash transfer assistance: *Provided further*, That of the funds appropriated under this heading for assistance for Afghanistan and Pakistan, assistance may be provided notwithstanding any provision of law that restricts assistance to foreign countries for cross border stabilization and development programs between Afghanistan and Pakistan or between either country and the Central Asian republics: *Provided further*, That \$300,000,000 of the funds made available for assistance for Afghanistan under this heading may be obligated for such assistance only after the Secretary of State certifies to the Committees on Appropriations that the Government of Afghanistan at both the national and provincial level is cooperating fully with United States-funded poppy eradication and interdiction efforts in Afghanistan: *Provided further*, That the President may waive the previous proviso if the President determines and reports to the Committees on Appropriations that to do so is vital to the national security interests of the United States: *Provided further*, That of the funds appropriated under this heading, \$200,660,000 shall be apportioned directly to USAID for alternative development/institution building programs in Colombia: *Provided further*, That of the funds appropriated under this heading that are available for Colombia, not less than \$4,500,000 shall be transferred to, and merged with, funds appropriated under the heading "Migration and Refugee Assistance" and shall be made available only for assistance to nongovernmental organizations that provide emergency relief aid to Colombian refugees in neighboring countries.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, \$120,000,000, to remain available until September 30, 2011, of which \$70,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and \$50,000,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development: *Provided*, That funds appropriated by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy, any regulation: *Provided further*, That with respect to the provision of assistance for democracy, human rights and governance activities in this Act, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$18,000,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 2011.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, \$722,253,000, to remain available until September 30, 2011, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for countries identified in section 3 of the FREEDOM Support Act and section 3(c) of the SEED Act: *Provided*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further*, That notwithstanding any provision of this or any other Act, funds appropriated in prior years under the headings "Independent States of the Former Soviet Union" and similar headings and "Assistance for Eastern Europe and the Baltic States" and similar headings, and currencies generated by or converted from such funds, shall be available for use in any country for which funds are made available under this heading without regard to the geographic limitations of the heading under which such funds were originally appropriated: *Provided further*, That funds made available for the Southern Caucasus region may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of conflicts, including in Nagorno-Karabagh.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, \$1,630,000,000, to remain available until September 30, 2011: *Provided*, That during fiscal year 2010, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country or international organization under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That assistance provided with funds appropriated under this

heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That none of the funds appropriated under this heading for assistance for Afghanistan may be made available for eradication programs through the aerial spraying of herbicides unless the Secretary of State determines and reports to the Committees on Appropriations that the President of Afghanistan has requested assistance for such aerial spraying programs for counternarcotics purposes: *Provided further*, That in the event the Secretary of State makes a determination pursuant to the previous proviso, the Secretary shall consult with the Committees on Appropriations prior to the obligation of funds for such eradication programs: *Provided further*, That none of the funds appropriated under this heading for assistance for Colombia shall be made available for budget support or as cash payments: *Provided further*, That funds appropriated under this heading that are made available for assistance for the Bolivian military and police may be made available for such purposes only if the Secretary of State certifies to the Committees on Appropriations that the Bolivian military and police are respecting internationally recognized human rights and cooperating fully with investigations and prosecutions by civilian judicial authorities of military and police personnel who have been credibly alleged to have violated such rights: *Provided further*, That in order to enhance border security and cooperation in law enforcement efforts between the United States and Mexico, funds appropriated under this heading for assistance for Mexico may be made available for the procurement of law enforcement communications equipment only if such equipment utilizes open standards and is compatible with, and capable of operating with, radio communications systems and related equipment utilized by Federal law enforcement agencies in the United States to enhance border security and cooperation in law enforcement efforts between Mexico and the United States.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, \$717,430,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That of this amount not to exceed \$75,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation, disarmament and weapons destruction: *Provided further*, That such funds may also be used for such countries other

than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds made available for the Nonproliferation and Disarmament Fund shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That funds appropriated under this heading may be made available for IAEA only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That of the funds appropriated under this heading, not more than \$500,000 may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract: *Provided further*, That of the funds made available for demining and related activities, not to exceed \$700,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further*, That funds appropriated under this heading that are available for "Anti-terrorism Assistance" and "Export Control and Border Security" shall remain available until September 30, 2011.

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses, not otherwise provided for, to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, \$1,480,444,000, to remain available until expended, of which not less than \$25,000,000 shall be made available for refugees resettling in Israel.

□ 1630

The CHAIR. The Clerk will read.
The Clerk read as follows:

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), \$75,000,000, to remain available until expended.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501-2523), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, \$450,000,000 to remain available until September 30, 2011: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed \$5,000,000: *Provided further*, That funds transferred pursuant to the previous proviso

may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed \$4,000 may be made available for entertainment expenses: *Provided further*, That any decision to open a new domestic office or to close, or significantly reduce the number of personnel of, any office, shall be subject to the regular notification procedures of the Committees on Appropriations.

□ 1630

PART B AMENDMENT NO. 6 OFFERED BY MR. STEARNS

Mr. STEARNS. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Mr. STEARNS:

Page 46, line 18, after the dollar amount, insert “(reduced by \$76,560,000)”.

The CHAIR. Pursuant to House Resolution 617, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. Mr. Chairman, the gentlelady from New York talked about bipartisanship. This is a bipartisan amendment.

The President has requested \$373 million be allocated to the Peace Corps under the State-Foreign Operations bill and related appropriations. The gentlelady should realize, all my amendment does is ensure that we fund the Peace Corps at simply the level the President requested.

So when you look at this amendment, it's really an President Obama-Stearns amendment in which he is saying, I think we can get it done, the Peace Corps allocation under the Foreign Operations bill, for \$373 million. And when you look at the facts, I think you will probably agree with me. In fact, I think, obviously, the President must agree because that's what he has allocated.

In 2009, the Peace Corps was funded at \$340 million. President Obama has requested \$373.4 million, so this is an increase of \$33 million. So there is an increase, 10 percent, it's right there, I agree with him. Let's go ahead and approve it this afternoon at what the President requested.

Now, I support the Peace Corps, but I think what you have done is allocated \$450 million, which is almost \$77 million increase from what President Obama has requested. That's \$110 million above the FY 2009 level.

So what you are trying to do is increase the Peace Corps by 33 percent over last year's level and, frankly, to the gentlelady from New York, with the economy the way it is we should keep the money in America and not in 76 other countries. Certainly the money that we are spending overseas

could be used in this country. So I think President Obama tried to be conservative in saying let's allocate \$373 million rather than your number of \$450 million.

So I think again, with the severe economic crises, and all of us agree, we must consider carefully how we use taxpayers dollars. We certainly don't want to send them overseas when we can use them here in the United States. As Mr. Buyer mentioned we are spending Federal tax dollars at a rate we can't sustain, and we are putting ourselves into deeper debt.

Today our national debt stands at almost \$12 trillion. You know, adoption of my amendment, my simple amendment, will demonstrate a positive step towards restoring fiscal balance and responsibility but also staying in line with what President Obama has requested.

So with that, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I claim time in opposition.

The CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. I would like to remind my good friend, Mr. STEARNS, that the Peace Corps is also a job-creating program. These are our young people here who are going abroad to serve our country. So it is also a job-creation program for our young people. The Peace Corps, which is funded at \$450 million in this bill, has long been one of America's most effective tools in directly reaching citizens of other countries, demonstrating firsthand the best of American values and generating goodwill for our Nation around the world.

Just last year, Peace Corps volunteers helped train 148,000 teachers, health care workers and other professionals overseas. Their efforts improved the lives of over 2 million people in developing countries, including countries that are vital to our national security interests.

In recent years, the Peace Corps has been chronically underfunded. Last year the agency was forced to cut 500 new positions. Funding the Peace Corps at the authorized \$450 million level lays the groundwork to fulfill the President's pledge to increase the number of Peace Corps volunteers at a responsible pace. In addition, the bill calls for the GAO to conduct a management review to ensure that every dollar is well spent and every volunteer's effort is well placed.

In recent weeks I and other Members have heard from thousands of Peace Corps' 200,000 alumni. I am sure there are some in Florida, Mr. STEARNS, and other constituents calling for this increase. In fact, the gentleman from Florida may have heard from some of the nearly 7,000 Peace Corps current and former volunteers from the State of Florida.

I hope my colleagues will support me in opposing this amendment.

I reserve the balance of my time.

Mr. STEARNS. Mr. Chairman, it's obvious that the gentlelady from New York does not agree with her President. Her President has offered a funding level. He said he thinks this will do the job, and you obviously don't agree with him.

So I am a little surprised if the President of the United States, your President, indicates he thinks the job can be done with those dollars, then why don't you agree with him? Using your argument, you want to increase spending so that we can send jobs for people in America to go overseas.

And the question is, a simple question for you is, why not let these people have jobs here in the United States? Why not take the money, give the jobs to the people in the United States so they don't have to go overseas?

It is cheaper. It is cheaper to give a job to a student, a college graduate, here in the United States than to send them overseas into all these 76—100 countries that we have allocated it for. It's also cheaper logistically. So I think if the Democrats will look at this, why aren't you agreeing with your President on the allocation for the Peace Corps, and why do you want to spend more money overseas when we can put the jobs here in this country.

I reserve the balance of my time.

Mrs. LOWEY. I am very pleased to yield 1 minute to SAM FARR, a former Peace Corps worker, from California.

Mr. FARR. Thank you very much, Madam Chair.

I rise in strong support of this. And the answer to your question is the President has not endorsed your position. He has not asked us to cut this amount. The reason is that there are 12,000 Americans that applied for Peace Corps jobs that can't be filled because there isn't enough money to fill them.

There are 20 other countries that want Peace Corps in them. We can't expand the program because there isn't enough money for it. That's why the committee put more money in it. This is the most effective foreign aid program, the most effective domestic program. If we are going to curtail violence in the world, we have got to do it through initiating what is best in America by sending more and more Peace Corps volunteers to countries who want them.

To the people who apply for the jobs, there is only room for one out of every four applicants because of the money. So this \$450 million is exactly what President Obama has said in his campaign speeches—that he wanted to double the Peace Corps. You can't double it without putting more money in it.

So I object to your opinion that Mr. Obama, President Obama, supports your amendment. He does not, and neither do the people in this House or the other House.

Mr. Chairman, I submit for the RECORD Senator CHRISTOPHER BOND's letter asking for \$450 million from the Senate for an Appropriations Committee.

U.S. SENATE,
Washington, DC, July 9, 2009.

Hon. PATRICK LEAHY,
Senate Appropriations Committee, Subcommittee
on Foreign Operations,
Senate Dirksen Building, Washington, DC.
Hon. JUDD GREGG,
Senate Appropriations Committee, Subcommittee
on Foreign Operations,
Senate Dirksen Building, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GREGG:

President Obama pledged to double the number of Peace Corps volunteers by 2011—a goal I strongly support—but unfortunately failed to provide the necessary funding to do so in his budget request. The House of Representatives has already acted to correct this oversight by increasing funds for the Peace Corps to \$450 million for fiscal year 2010. I hope that in the House-Senate Conference Committee the Senate's conferees will support providing additional resources the Peace Corps needs to accomplish their critical mission.

The need for the Peace Corps has never been more important. There is no doubt that anti-Americanism is growing throughout the world. One of the most effective tools to combat, this anti-Americanism and other extremist ideologies is the Peace Corps, which remains one of the United States' most effective grassroots diplomacy and development programs.

In addition to the growing need for the Peace Corps, the demand is up as well. The Peace Corps reports that as many as twenty nations are interested in starting Peace Corps programs where none currently exist, and there are real opportunities to expand and improve upon existing programs.

An increased investment in Peace Corps will support an expansion of Americans serving our country as volunteers, enable new country programs to be established in strategic—and too long ignored—countries like Indonesia, and continue the collaboration and integration of volunteers into our foreign assistance priority program areas, like basic education, agriculture and nutrition, global health, and HIV/AIDS prevention and treatment. Expanding and strengthening our Peace Corps would provide an immediate opportunity to realize America's commitment to global leadership and citizen service.

Smart Power initiatives like the Peace Corps should be a cornerstone in our foreign policy and in our efforts to combat extremism and terrorism around the world. Your recognition and support of these critical efforts is invaluable. Chairmen Leahy and Ranking Member Gregg, I appreciate your difficult task of balancing the many competing Smart Power priorities with limited resources and I appreciate the subcommittee's support for my additional Smart Power requests like international exchanges, biotechnology research and public diplomacy to name a few. However, I also believe it is critical that we work together to support an increased investment in the Peace Corps above the President's request. Our nation must reinvigorate the Peace Corps as part of its overall effort to strengthen our Smart Power efforts.

Sincerely,

CHRISTOPHER S. BOND.

Mr. STEARNS. Mr. Chairman, President Obama certainly doesn't endorse

your plan because he did not propose \$450 million. He proposed a lot less. He proposed a 10 percent increase; you proposed a 33 percent increase.

Really, although the President hasn't called me up to say he endorses my amendment, frankly, I have endorsed his. I have endorsed his legislative initiative. What he has proposed, is a 10 percent increase, I think this is fair. I am just asking you folks to recognize what he has proposed is fair.

Why not adopt my amendment and let it go at that. Why do you want to increase the Peace Corp 33 percent and send these jobs overseas when, frankly, we can keep them here cheaper, and logistically it's easier. So again I ask you to explain to me why you don't want to agree with the President's request.

I reserve the balance of my time.

Mrs. LOWEY. I am pleased to yield 1 minute to a great advocate of the Peace Corps and a distinguished member of the committee, BETTY MCCOLLUM.

Ms. MCCOLLUM. Thank you, Madam Chair. I am very proud of my staff and the other staff and Members who have served in the Peace Corps who are in this House.

Mr. Chairman, today the Peace Corps, one of the most successful foreign policy initiatives, is at a crossroads. Since 1961, over 200,000 Americans have served our country by helping others around the world. Today's Peace Corps needs to be reenergized. Peace Corps is not capable of meeting the demand of Americans of all ages who want to serve. As I said, Peace Corps is at a crossroads.

We have an opportunity here today in this moment to reinvigorate Peace Corps for the next new century, but it's going to take leadership from Congress. The President's request simply was not enough, even though the President does propose to double, increase and fully fund Peace Corps out into the years.

We have an opportunity to do it today. Chairwoman LOWEY is leading with \$450 million, a commitment to Peace Corps to put the agency back on track to double those numbers.

President Bush spoke up from this Chamber and President Obama spoke too in his inaugural address.

We have an opportunity to make history today. Support the Peace Corps.

Mr. STEARNS. The gentlelady says the Peace Corps is not meeting the demands around the world. I think the American taxpayers want the people to meet the demands of the American people here at home.

I yield back.

Mrs. LOWEY. I am pleased to yield 1 minute to the gentleman from Ohio (Mr. DRIEHAUS), who is a former Peace Corps volunteer.

Mr. DRIEHAUS. Mr. Chairman, I am a former Peace Corps volunteer, and I

am an American, and the money was spent wisely. As a matter of fact, I don't know if the sponsor is familiar at all with the Peace Corps, but we spend \$225 a month on a Peace Corps volunteer. That's what the salary is for a Peace Corps volunteer.

Now, find me a job anywhere else where America's dollars are better spent on foreign policy than for \$225 a month. The total cost of the Peace Corps is less than two F-22 fighters, almost 1½ planes. That's what we spend to send hundreds of thousands of Americans across the globe to help people better understand this United States. That's what we spend, less than two F-22 fighters.

The Peace Corps is critical to the foreign policy of this United States. That is why the Obama administration did not, did not object to this funding increase, because they know it is the right thing to do. It is the most cost-effective foreign policy program we have.

I would urge my colleagues to support the Peace Corps and reject this amendment.

Mr. HONDA. Mr. Chair, I rise today in opposition to the Stearns amendment, which would reduce the amount appropriated to the Peace Corps from a much needed \$450 million to a little more than \$373 million. As a former Peace Corps Volunteer and a member of the House Appropriations committee, I was pleased to see Chairwoman LOWEY answer President Obama's call to double the size of the Peace Corps, beginning with increased funding.

Since President John F. Kennedy's call to serve in 1960, over 195,000 people have served as Peace Corps Volunteers spanning 139 countries. The Peace Corp gives Volunteers the chance to travel the world and help some of the most impoverished people in the world develop better lives for themselves and their communities. Beyond that, my experience as a Peace Corps volunteer in El Salvador was a defining moment in my life—I developed both personally and professionally, and tested my physical, emotional, and spiritual limits. I returned with a passion for teaching, and quickly put my skills, including fluency in Spanish, to use in Santa Clara county schools and started a lifelong commitment to public service.

There are currently just under 8,000 Peace Corps volunteers serving around the world, with thousands more ready, willing, and eager to join, but held back by the lack of funding and opportunity. A \$450 million dollar funding level is necessary to help the Peace Corps modernize its systems, optimize the number of Volunteers and staff in existing countries, strengthen and expand recruiting and diversity efforts, expand to new nations, and maximize safety and security training and compliance efforts. I hope that with increased funding, a commitment to double the size of the Peace Corps, and a renewed call to service by President Barack Obama, people from all walks of life will bear the torch of peace and goodwill that many Americans in the past have carried proudly to other countries.

The Peace Corp's budget is 1% of the foreign policy budget of the United States, which,

in itself, is only 1% of the entire federal budget. For the good this does around the world, it is a critical investment. With a bleak economic outlook and an international community under pressure, the Peace Corps mission is more vital than ever, and so I urge my colleagues to oppose the Stearns Amendment and urge full funding of the Peace Corps at the \$450 million level agreed upon by the Appropriations Committee.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chair announced that the yeas appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

The Clerk will read.

The Clerk read as follows:

MILLENNIUM CHALLENGE CORPORATION
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, \$1,400,000,000 to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to \$95,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): *Provided further*, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for fiscal year 2010: *Provided further*, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That the Corporation should reimburse the United States Agency for International Development (USAID) for all expenses incurred by USAID with funds appropriated under this heading in assisting the Corporation in carrying out the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.), including administrative costs for compact development, negotiation, and implementation: *Provided further*, That the Chief Executive Officer of the Millennium Challenge Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program: *Provided further*, That of the funds appropriated under this heading, not to exceed \$100,000 may be available for representation and entertainment allowances, of which not to exceed \$5,000 may be available for entertainment allowances.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation

in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, \$22,760,000, to remain available until September 30, 2011: *Provided*, That of the funds appropriated under this heading, not to exceed \$2,000 may be available for entertainment and representation allowances.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96-533), \$30,000,000, to remain available until September 30, 2011: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the Foundation may waive the \$250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to \$10,000 if the increase is due solely to foreign currency fluctuation: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF THE TREASURY
INTERNATIONAL AFFAIRS TECHNICAL
ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, \$25,000,000, to remain available until September 30, 2012, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106-113, \$60,000,000, to remain available until September 30, 2012: *Provided*, That not less than \$20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: *Provided further*, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

- (1) the Inter-American Development Bank;
 - (2) the African Development Fund;
 - (3) the African Development Bank; and
 - (4) the Central American Bank for Economic Integration:
- Provided further*, That funds may not be paid to the HIPC Trust Fund for the benefit of

any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: *Provided further*, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: *Provided further*, That the Secretary of the Treasury shall notify the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: *Provided further*, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as “enclave” loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: *Provided further*, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

TITLE IV

INTERNATIONAL SECURITY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, \$331,500,000: *Provided*, That funds appropriated under this heading may be used, notwithstanding section 660 of the Foreign Assistance Act, to provide assistance to enhance the capacity of foreign security forces, including gendarmes, to participate in peacekeeping operations: *Provided further*, That of the funds made available under this heading, not less than \$26,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: *Provided further*, That up to \$102,000,000 may be made available for assistance for Somalia, of which up to \$55,000,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia: *Provided further*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, \$110,283,000, of which up to \$4,000,000 may remain available until expended and may only be provided through the regular notification procedures of the Committees on Appropriations: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds made available under this heading for assistance for Haiti, Guatemala, the Democratic Republic of the Congo, Nigeria, Sri Lanka, Nepal, Ethiopia, Bangladesh, Libya, and Angola may only be provided through the regular notification procedures of the Committees on Appropriations and any such notification shall include a detailed description of proposed activities: *Provided further*, That of the funds appropriated under this heading, not to exceed \$55,000 may be available for entertainment allowances.

FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, \$4,260,000,000: *Provided*, That to expedite the provision of assistance to foreign countries and international organizations, the Secretary of State may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: *Provided further*, That the Department of State shall consult with the Committees on Appropriations prior to exercising the authority contained in the previous proviso: *Provided further*, That of the funds appropriated under this heading, not less than \$2,220,000,000 shall be available for grants only for Israel, and not less than \$1,040,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than \$583,860,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That funds appropriated under this heading estimated to be outlayed for Egypt during fiscal year 2010 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act: *Provided further*, That of the funds appropriated by this paragraph, \$150,000,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading, not more than \$60,000,000 shall be available for Colombia, of which \$12,500,000 is available to support maritime interdiction and riverine operations: *Provided further*, That funds appropriated under this heading for assistance for Pakistan may be made available only for border security, counter-terrorism and law enforcement activities directed against Al Qaeda, the Taliban and associated terrorist groups: *Provided further*, That none of the

funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456) unless the Department of State, in coordination with the Department of Defense, has justified such program to the Committees on Appropriations: *Provided further*, That funds appropriated or otherwise made available by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That none of the funds appropriated under this heading may be made available for assistance for Nepal, Sri Lanka, Pakistan, Bangladesh, Philippines, Indonesia, Bosnia and Herzegovina, Haiti, Guatemala, Ethiopia, and the Democratic Republic of the Congo except pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than \$54,464,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading for general costs of administering military assistance and sales, not to exceed \$4,000 may be available for entertainment expenses and not to exceed \$130,000 may be available for representation allowances: *Provided further*, That not more than \$550,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during

fiscal year 2010 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, \$395,091,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, \$86,500,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, \$1,235,000,000, to remain available until expended.

CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For contributions to the multilateral Clean Technology Fund, \$225,000,000, to remain available until expended: *Provided*, That none of the funds made available under this heading may be obligated without specific authorization in a subsequent Act of Congress.

CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

For contributions to the multilateral Strategic Climate Fund, \$75,000,000, to remain available until expended: *Provided*, That none of the funds made available under this heading may be obligated without specific authorization in a subsequent Act of Congress: *Provided further*, That the Secretary of the Treasury shall consult with the Committees on Appropriations on the proposed uses of these funds prior to making a contribution to the Strategic Climate Fund.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, \$4,670,000, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, \$25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, \$115,250,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in

resources of the African Development Fund, \$159,885,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND
FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, \$30,000,000, to remain available until expended.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE
EXPORT-IMPORT BANK OF THE UNITED STATES
INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$2,500,000, to remain available until September 30, 2011.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further*, That notwithstanding section 1(c) of Public Law 103-428, as amended, sections 1(a) and (b) of Public Law 103-428 shall remain in effect through October 1, 2010: *Provided further*, That not less than 10 percent of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank under this Act should be used for renewable energy technologies or energy efficient end-use technologies.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed \$58,000,000: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds shall remain available until September 30, 2025, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2010, 2011, 2012 and 2013: *Provided further*, That none of the funds appropriated by this Act or any prior Acts appropriating funds for the Department of State, foreign operations, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance

programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed \$83,880,000: *Provided*, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2010.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at \$0: *Provided further*, That of amounts collected in fiscal year 2010 in excess of obligations, up to \$50,000,000, shall become available on September 1, 2010 and shall remain available until September 30, 2013.

OVERSEAS PRIVATE INVESTMENT CORPORATION
NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$52,310,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, \$29,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2010, 2011, and 2012: *Provided further*, That funds so obligated in fiscal year 2010 remain available for disbursement through 2018; funds obligated in fiscal year 2011 remain available for disbursement through 2019; and funds obligated in fiscal year 2012 remain available for disbursement through 2020: *Provided further*, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be

subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$55,200,000, to remain available until September 30, 2011: *Provided*, That of the funds appropriated under this heading, not to exceed \$4,000 may be made available for representation and entertainment allowances.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any Department or Agency to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative balances by program, project, and activity of the funds received by such Department or Agency in this fiscal year or any previous fiscal year that remain unobligated and unexpended.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

EMBASSY CONSTRUCTION

SEC. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this

Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERNATIONAL BROADCASTING

SEC. 7006. (a) Of the funds appropriated in this Act under the heading "International Broadcasting Operations" for programming to the Middle East, Afghanistan, and Pakistan, 10 percent of the funds shall not be available for obligation until the Broadcasting Board of Governors reports to the Committees on Appropriations that each relevant language service or grantee is abiding by the standards and principles set forth in the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b)), is in compliance with the relevant Journalistic Code of Ethics, and have a policy, including appropriate management controls, of not providing an open platform for terrorists or those who support terrorists.

(b) The Broadcasting Board of Governors shall notify the Committees on Appropriations within 15 days of any determination by the Board that any of its broadcast entities, including its grantee organizations, was found to be in violation of the principles, standards, or journalistic code of ethics referenced in subsection (a).

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act

may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) EXPORT FINANCING TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2010, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—

(1) None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: *Provided*, That funds transferred under such authority may be made available for the cost of such audits.

REPORTING REQUIREMENT

SEC. 7010. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2010, and for each fiscal

quarter, a report in writing on the uses of funds made available under the headings "Foreign Military Financing Program", "International Military Education and Training", and "Peacekeeping Operations": *Provided*, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 661, section 667, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings "Assistance for Europe, Eurasia and Central Asia" and "Development Credit Authority", shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2010 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2011 and

allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) **DE MINIMIS EXCEPTION.**—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) **REPROGRAMMING OF FUNDS.**—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) **DETERMINATIONS.**—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) **IMPLEMENTATION.**—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) **DEFINITIONS.**—As used in this section—

(1) the terms “taxes” and “taxation” refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term “bilateral agreement” refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

RESERVATIONS OF FUNDS

SEC. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines

and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) closes or opens a mission or post; (6) reorganizes or renames offices; (7) reorganizes programs or activities; or (8) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agency or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency or department funded by title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under titles II through V in this Act under the headings “Global Health and Child Survival”, “Development Assistance”, “International Organizations and Programs”, “Trade and Development Agency”, “International Narcotics Control and Law

Enforcement”, “Assistance for Europe, Eurasia and Central Asia”, “Economic Support Fund”, “Democracy Fund”, “Peacekeeping Operations”, “Capital Investment Fund”, “Operating Expenses”, “Civilian Stabilization Initiative”, “Office of Inspector General”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “Millennium Challenge Corporation”, “Foreign Military Financing Program”, “International Military Education and Training”, “Peace Corps”, and “Migration and Refugee Assistance”, shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That this subsection shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

(d) Notwithstanding any other provision of law, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development, and funds made available for programs authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) None of the funds appropriated under titles III through VI of this Act shall be obligated or expended for assistance for Serbia, Sudan, Zimbabwe, Pakistan, Dominican Republic, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Colombia, Mexico, Kazakhstan, or Cambodia and countries listed in section 7045(c)(2) and (f)(2) of this Act except as provided through the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act

of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at \$7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles III through VI of this Act or any previously enacted Act making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2011.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

ALLOCATIONS

SEC. 7019. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

“Civilian Stabilization Initiative”.
 “Educational and Cultural Exchange Programs”.
 “International Fisheries Commissions”.
 “International Broadcasting Operations”.
 “Global Health and Child Survival”.
 “Economic Support Fund”.
 “Assistance for Europe, Eurasia and Central Asia”.
 “International Narcotics Control and Law Enforcement”.

“Nonproliferation, Anti-terrorism, Demineralization and Related Programs”.

“Foreign Military Financing Program”.

“Peacekeeping Operations”.

“International Organizations and Programs”.

(b) For the purposes of implementing this section and only with respect to the tables included in the report accompanying this Act, the Secretary of State, the Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

(c) The requirements contained in subsection (a) shall apply to the table under the heading “Bilateral Economic Assistance” in such report.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act under the headings “International Military Education and Training” or “Foreign Military Financing Program” for Informational Program activities or under the headings “Global Health and Child Survival”, “Development Assistance”, and “Economic Support Fund” may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) None of the funds appropriated or otherwise made available by titles III through VI of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a government that supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the President makes a determination pursuant to subsection (b), the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 7022. (a) Funds appropriated for bilateral assistance under any heading in titles III through VI of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of

this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or
 (2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

AUTHORIZATION REQUIREMENTS

SEC. 7023. Funds appropriated by this Act, except funds appropriated under the heading “Trade and Development Agency”, may be obligated and expended notwithstanding section 10 of Public Law 91–672, section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7024. For the purpose of titles II through VI of this Act “program, project, and activity” shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: “Economic Support Fund” and “Foreign Military Financing Program”, “program, project, and activity” shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development “program, project, and activity” shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 7025. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7026. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation

shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c) The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to titles III through VI of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

SEPARATE ACCOUNTS

SEC. 7027. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98-1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the regular notification procedures of the Committees on Appropriations.

ELIGIBILITY FOR ASSISTANCE

SEC. 7028. (a) ASSISTANCE THROUGH NON-GOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”: *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2010, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7029. None of the funds appropriated under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and

small-scale enterprise, and smallholder agriculture.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7030. (a) None of the funds appropriated in title V of this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on health care or education; and to promote government spending on health care, education, food aid, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

(d) For purposes of this section "international financial institutions" are the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

DEBT-FOR-DEVELOPMENT

SEC. 7031. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 7032. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in ac-

cordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 7033. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the

United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

SPECIAL AUTHORITIES

SEC. 7034. (a) AFGHANISTAN, IRAQ, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated under titles III through VI of this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles III and VI of this Act that are made available for Iraq, Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the

Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b)(1) **WAIVER.**—The President may waive the provisions of section 1003 of Public Law 100-204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) **PERIOD OF APPLICATION OF WAIVER.**—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(c) **SMALL BUSINESS.**—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(d) **VIETNAMESE REFUGEES.**—Section 594(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2005 (enacted as division D of Public Law 108-447; 118 Stat. 3038) is amended by striking “2010” and inserting “2011”.

(e) **RECONSTITUTING CIVILIAN POLICE AUTHORITY.**—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other subnational entity emerging from instability, as well as a nation emerging from instability.

(f) **INTERNATIONAL PRISON CONDITIONS.**—Funds appropriated by this Act to carry out the provisions of chapters 1 and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available notwithstanding section 660 of the Foreign Assistance Act of 1961 for assistance to address inhumane conditions in prisons and other detention facilities administered by foreign governments that the Secretary of State determines are making efforts to address, among other things, prisoners’ health, sanitation, nutrition and other basic needs.

(g) **EXTENSION OF AUTHORITY.**—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking “and 2009” and inserting “2009, and 2010”; and

(B) in subsection (e), by striking “2009” each place it appears and inserting “2010”; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking “2009” and inserting “2010”.

(h) **WORLD FOOD PROGRAM.**—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for International Development, from this or any other Act, not less than \$10,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(i) **DISARMAMENT, DEMOBILIZATION AND REINTEGRATION.**—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings “Eco-

nomie Support Fund”, “Peacekeeping Operations”, “International Disaster Assistance”, and “Transition Initiatives” should be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: *Provided further*, That for the purposes of this subsection the term “foreign terrorist organization” means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(j) **PROGRAM FOR RESEARCH AND TRAINING ON EASTERN EUROPE AND THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.**—Of the funds appropriated by this Act under the heading, “Economic Support Fund”, not less than \$5,000,000 shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union (title VIII) as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501–4508, as amended).

(k) **MIDDLE EAST FOUNDATION.**—Funds appropriated by this Act and prior Acts for a Middle East Foundation shall be subject to the regular notification procedures of the Committees on Appropriations.

(l) **INTERPARLIAMENTARY EXCHANGES.**—Of the unobligated funds in the “Educational and Cultural Exchange Programs” appropriation account, \$411,687 shall be transferred to the permanent appropriation for delegation expenses provided under Section 303 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1988, as enacted into law by section 101(a) of Public Law 100-202 (22 USC 276e Note), for the purpose of conducting Interparliamentary Exchanges and shall remain available until expended.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

SEC. 7036. (a) **LIMITATION ON ASSISTANCE.**—None of the funds appropriated under titles

III through VI of this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) the governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures, and is cooperating with appropriate Israeli and other appropriate security organizations; and

(2) the Palestinian Authority (or the governing entity of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) **WAIVER.**—The President may waive subsection (a) if he determines that it is important to the national security interests of the United States to do so.

(d) **EXEMPTION.**—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act (“Limitation on Assistance to the Palestinian Authority”).

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations

other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE
PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2010, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading “Economic Support Fund” for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading “Economic Support Fund” for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity’s governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations act, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and sub-grantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to \$500,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2010 under the heading “Economic Support Fund”. The audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109-13.

LIMITATION ON ASSISTANCE FOR THE
PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed. The report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated

for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas or any power-sharing government of which Hamas is a member.

(2) Notwithstanding the limitation of subsection (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109-446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1) (A) and (B) of the Foreign Assistance Act of 1961, as amended. The report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

□ 1645

Mrs. LOWEY (during the reading). Mr. Chair, I ask unanimous consent that the remainder of the bill through page 126, line 19, be considered as read.

The CHAIR. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIR. The Clerk will read.

The Clerk read as follows:

SAUDI ARABIA

SEC. 7041. None of the funds made available in this Act may be obligated or expended to finance any assistance to Saudi Arabia unless the President certifies that Saudi Arabia is fully cooperating with efforts to combat international terrorism and such assistance will facilitate these efforts.

PART B AMENDMENT NO. 7 OFFERED BY MR.
WEINER

Mr. WEINER. I have an amendment made in order by the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 7 offered by Mr. WEINER:

Page 126, beginning on line 23, strike “unless the President certifies that Saudi Arabia is fully cooperating with efforts to combat international terrorism and such assistance will facilitate these efforts”.

The CHAIR. Pursuant to House Resolution 617, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. WEINER. I thank the Chair and I thank the body for its patience, allowing me to breathlessly run over and offer my amendment.

Let me begin with a noncontroversial statement. The American people and this body of their representatives believes that there should be no money, no taxpayer dollars, going from the people of the United States of America to the Kingdom of Saudi Arabia.

I can say that with some confidence because in fiscal year 2007, 312 Members said so. In fiscal year 2006, 293 Members said so. I can say that with some certitude because the bill we have before us says that no money in this bill will go to the Kingdom of Saudi Arabia.

Yet, despite the fact that we in this House keep expressing that sentiment loudly and clearly, for reasons that would be mysterious anyplace else but Washington, money continues to flow. That has to stop.

The reason it happens, by the way, is because we always feel this sense that we have to include language in the bill offering an exemption, a loophole you can drive a truck through, that says: Unless the President says so.

Well, I have news for you, my colleagues. Democrat and Republican alike, Presidents seem to develop a love affair with the notion of Saudi Arabia based on what they say. They say they want to be friends to the United States. They say they want to be a fulcrum against terrorism. They say they want to be a moderate force in the Middle East. And yet, year after year, we see evidence that they do the opposite.

We know this, for example, by reading the human rights reports over the last several years that see more and more stories like the one of a 75-year-old woman being sentenced to be lashed nearly to death for having the audacity of being in a home of two unrelated men.

We know, based on research that was done this year by my office, that they continue to teach hate in their textbooks now; things that teach ninth-graders, for example, to say things like, The hour of judgment will not come until the Muslims fight the Jews and kill them. If there is a Jew behind me, come kill him. This is what ninth-graders are being taught.

We know, for example, that 15 of the 19 homicide bombers that attacked my city on September 11th were Saudis, and we also know, based on evidence that came out in the lawsuit against the Saudi Government, that these were agents that were not acting apart from the Saudi Government but, in many cases, were intertwined.

So my amendment does something simple. It takes the very good work of the Chair of the subcommittee that says, No money, and takes out the

loophole. Because, to be honest with you, even if the administration certifies something, I can tell you already that the United States Department of International Narcotics Control Strategy said in February of this year that the Saudis were responsible for laundering money that "continues," in their words, "to be a significant jurisdictional source for terrorism financing worldwide."

If you believe that there should not be money going to the Saudis, like I guarantee your constituents do, you have to vote "yes" on the Weiner amendment. If you want to kind of have it both ways, that you get to vote and then but you really want the money to go, then vote "no." But I believe overwhelmingly in a bipartisan way in this House we have made it clear.

I reserve the balance of my time.

Mr. ELLISON. I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. ELLISON. It's important to get the facts out as to what this foreign assistance is. This is simply American-to-Saudi joint military training. This is an opportunity for Americans and Saudis to work in concert so that we can continue to build a bridge with our historic ally so that we can be in a better position to influence Saudi society and we can learn from them what they have to offer.

The fact is that this particular amendment does not bring America safety, doesn't bring it security. It brings it the opposite.

This new administration, this new Congress is about opening a new era of foreign policy, a new page in diplomacy that is smarter, more respectful of other countries, more appreciative of our allies. Saudi Arabia is one of the most important allies in the Middle East.

King Abdullah of Saudi Arabia is one who proposed the Arab Peace Initiative, which has recently been endorsed by the Arab League. President Obama himself expressed support for this initiative in the early days of his Presidency.

I would go on, but I do want to yield time to a distinguished Member from Florida, Congressman CRENSHAW, who is here today to offer his views on why this amendment is not good.

Before I yield to the gentleman, let me say that the 2008 U.S. State Department Country Report on Terrorism praised Saudi Arabia in Saudi counterterrorism practices, credited Saudi cooperation with U.S. counterterrorism efforts as significant, and characterized Saudi anti-extremism initiatives as aggressive, directly contrary to the gentleman from New York's representation of what Saudi Arabia is doing.

I urge Members not to perpetuate prejudice, but to try to build a bridge

of understanding with the rest of the world.

I yield to the gentleman from Florida (Mr. CRENSHAW).

Mr. CRENSHAW. I thank the gentleman for yielding.

Let me just give you a little perspective on this. I think we ought to reject this amendment because I think it's the wrong policy.

Every year, the State Foreign Operations Subcommittee on Appropriations includes a little bit of foreign assistance for Saudi Arabia. It's usually less than half a million dollars. Some of it's for military training, sometimes it's for counterterrorism. The last couple of years Mr. WEINER has offered an amendment to say we want to restrict that flow of foreign assistance unless the President waives that.

He offered that amendment in 2007 and it passed. Again, it had the language saying unless the President deems in his wisdom that we need to waive that. It passed again in 2008.

So this year, in the bill that we have before us is that language, the language that Mr. WEINER always wanted to put, and we put it in there. It wasn't unanimous, but it's in the bill today. It says that no foreign assistance will be paid to Saudi Arabia unless the President waives that provision.

Now he wants to go a step further and take out that provision that he's always had before and say, Under no circumstances, no circumstances can the President find that there might be a need for foreign assistance to Saudi Arabia.

I don't think he really wants to do that to this new President, who we all hope somehow, some way can negotiate around the world, do a great job of foreign affairs, national security. Give him that option. Why would you want to tie his hands in his first year?

No matter what he thinks, no matter what he thinks is important to the national security of America, he's not going to have the opportunity to exercise his Presidential authority. I think that's a step too far. I think it's wrong. I think we should reject the amendment.

Mr. WEINER. Would the gentleman yield on that point?

Mr. CRENSHAW. Yes, sir.

Mr. WEINER. I guess the question is what are we doing here. I think what we're doing here with this entire bill is saying what we, the Representatives of this country, who have the power of the purse, think should and should not be in the bill.

What's the purpose of doing that, I ask the gentleman, if year after year after year, despite the preferences of this Congress, Presidents, Democrat and Republican alike, say, We don't really care what Members of Congress say.

What is this exercise for? Why not have one giant waiver authority on everything and say we don't want to tie

his hands. We do want to tie his hands; 319 of us say we do want to tie his hands. And if it wasn't abused year after year, I wouldn't be standing here.

Mr. CRENSHAW. Why did you put, every time the amendment that you always offer to say no foreign assistance unless—unless—the President has a waiver? That's what you've always said.

Mr. WEINER. Actually, that's not true.

Mr. CRENSHAW. And now you want to go one step further. All I'm saying is you got what you wanted.

Mr. WEINER. If the gentleman would yield, first of all, the last time when it passed the House and died in the Senate, I had the waiver struck in that amendment as well, in fairness.

Mr. ELLISON. I'd like to reclaim the time, Mr. Chair, and I want to thank the gentleman from Florida. I actually just want to submit that I see the gentleman has a poster board up there, and it's extremely unfortunate that that poster board, I would submit to the American people, is extremely upsetting to me because, first of all, it has to do with something called Hadith, and that is disputed. It's not necessarily even authentic.

Mr. WEINER. Will the gentleman yield?

Mr. ELLISON. No, no. I will not yield. I didn't yield, Mr. Chairman. I will not yield.

The CHAIR. The gentleman's time has expired.

Mr. ELLISON. So that is the kind of thing that will promote prejudice and religious bigotry. And I'm very ashamed for this body that he would do what he's doing right now.

The CHAIR. The gentleman's time has expired.

Mr. WEINER. First of all, I would ask the gentleman to observe decorum on the floor, referring to the gentleman in the first person, but I will respond.

Do you know whose words these are? This is the Saudi Arabian Department of Education teaching to its ninth-graders. I did not write this. Now, I did translate it, but I did not write it. If the translation is incorrect, the gentleman will be the first to ever point that out.

But I will say this. The simple question is this for my colleagues: If you want aid to go to Saudi Arabia, if, as the gentleman says, you somehow believe they need our foreign assistance, one of the richest kingdoms, on our blood money, that there is on Earth—

Mr. CRENSHAW. Will the gentleman yield?

Mr. WEINER. I would ask the gentlemen to let me continue my point, because it's a good one.

If he believes that our paying \$80 a barrel for oil when the Saudis would do nothing to help us with it is a good idea, vote "no" on this, but don't say it's because you don't want to tie hands.

Mr. CRENSHAW. Will the gentleman yield?

Mr. WEINER. What we want to do here is tie the President's hands to finally live up to what this Congress has said, which is not a dollar, not a shekel, not a pound, not a dime going to the Saudi Arabians of our tax dollars.

Enough is enough. And I think that the gentlelady has it exactly right. No money. And you can't have it both ways. You can't say, Yes, I want no money, but I want there to be some wiggle room.

We want no wiggle room in this case, I say to my colleagues. We want there to be no money going to this nation. They have blood on their hands. They say one thing and do something else. We all know it. 319 of us—and maybe with some help around here we'll get closer to 419 of us—have said, Enough is enough.

Year in and year out. 2004, 217 said no more money; \$960,000 went. In 2005, 293; \$1.5 million went. 2006, 312 Members said no money, and \$319,000.

Have you no sense of dignity around here?

Mr. CRENSHAW. Will the gentleman yield?

Mr. WEINER. Let me just finish. I'm reaching a crescendo.

□ 1700

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

The CHAIR. The Clerk will read.

The Clerk read as follows:

IRAQ

SEC. 7042. (a) MATCHING REQUIREMENT.—Funds appropriated in this Act for assistance for Iraq shall be made available in accordance with the Department of State's April 9, 2009, "Guidelines for Government of Iraq Financial Participation in United States Government-Funded Civilian Foreign Assistance Programs and Projects".

(b) BASE RIGHTS.—None of the funds made available in this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

IRAN

SEC. 7043. (a) DIPLOMACY WITH IRAN.—Not later than 90 days after the enactment of this Act and every 90 days thereafter, the Secretary of State shall report to the Committees on Appropriations, in classified form if necessary, on the status and progress of diplomatic efforts aimed at curtailing the pursuit by Iran of nuclear weapons technology.

(b) LIMITATION ON THE USE OF FUNDS BY THE EXPORT-IMPORT BANK RELATED TO IRAN.—None of the funds made available in Title VI under the headings "Program Account" and

"Subsidy Appropriation" may be used by the Export-Import Bank of the United States to guarantee, insure, or extend credit for any project controlled by an energy producer or refiner that provides the Islamic Republic of Iran with significant refined petroleum resources, that materially contributes to Iran's capability to import refined petroleum resources, or that allows Iran to maintain or expand, in any material respect, its domestic production of refined petroleum resources, including any assistance in refinery construction, modernization, or repair.

(c) SANCTIONS REPORT.—Not later than 90 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations on the status of multilateral and bilateral United States sanctions against Iran and actions taken by the United States and the international community to enforce sanctions against Iran. The report, which may be submitted in classified form if necessary, shall include the following:

(1) A list of all current United States bilateral and multilateral sanctions against Iran;

(2) A list of all United States and foreign registered entities which the Secretary of State has reason to believe may be in violation of existing United States bilateral and multilateral sanctions;

(3) A detailed description of United States efforts to enforce sanctions, including a list of all investigations initiated in the 12 months preceding the enactment of this Act that have resulted in a determination that a sanctions violation has occurred and United States government actions taken pursuant to the determination;

(4) In the instances when sanctions were waived or otherwise not imposed against entities that were determined to have violated United States bilateral or multilateral sanctions, the reason in each instance of why action was not taken to sanction the entity; and

(5) A description of United States diplomatic efforts to expand bilateral and multilateral sanctions against Iran and strengthen international efforts to enforce existing sanctions.

LEBANON

SEC. 7044. (a) Funds appropriated under the heading "Foreign Military Financing Program" in this Act for assistance for Lebanon shall be made available only to professionalize the Lebanese Armed Forces and to strengthen border security and combat terrorism, including training and equipping the Lebanese Armed Forces to secure Lebanon's borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups and implementing United Nations Security Council Resolution 1701.

(b) None of the funds in subsection (a) may be made available for obligation until after the Secretary of State provides the Committees on Appropriations a detailed spending plan, which shall include a strategy for professionalizing the Lebanese Armed Forces, strengthening border security and combating terrorism in Lebanon.

WESTERN HEMISPHERE

SEC. 7045. (a) FREE TRADE AGREEMENTS.—Of the funds appropriated by this Act not less than \$10,000,000 from "Development Assistance" and not less than \$10,000,000 from "Economic Support Fund" shall be made available for labor and environmental capacity building activities relating to the free trade agreements with countries of Central America, Peru and the Dominican Republic.

(b) ASSISTANCE FOR HAITI.—

(1) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(2) Of the funds appropriated by this Act under titles III and IV, not less than \$300,000,000 shall be made available for assistance for Haiti.

(3) None of the funds made available by this Act under the heading “International Narcotics Control and Law Enforcement” may be used to transfer excess weapons, ammunition or other lethal property of an agency of the United States Government to the Government of Haiti for use by the Haitian National Police until the Secretary of State reports to the Committees on Appropriations that any members of the Haitian National Police who have been credibly alleged to have committed serious crimes, including drug trafficking and violations of internationally recognized human rights, have been suspended.

(c) CARIBBEAN BASIN SECURITY INITIATIVE.—Of the funds appropriated under the headings “Development Assistance”, “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, and “Foreign Military Financing Program” in this Act, up to \$37,000,000 may be made available to provide equipment and training for counter-narcotics forces to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, education, anti-corruption, rule of law activities, and maritime security, of which not less than \$21,100,000 shall be made available for social justice and education programs to include vocational training, workforce development and juvenile justice activities: *Provided*, That none of the funds made available under this subsection shall be made available for budget support or as cash payments.—

(1) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for funds appropriated or otherwise made available for the countries of the Caribbean Basin by this Act, with concrete goals, actions to be taken, budget proposals, and anticipated results.

(2) DEFINITION.—For the purposes of this subsection, the term “countries of the Caribbean Basin” means Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

(d) ASSISTANCE FOR GUATEMALA.—

(1) Of the funds appropriated by this Act under the heading “International Narcotics Control and Law Enforcement” not less than \$3,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala (CICIG).

(2) Funds appropriated by this Act under the heading “International Military Education and Training” (IMET) that are available for assistance for Guatemala, other than for expanded IMET, may be made available only for the Guatemalan Air Force, Navy and Army Corps of Engineers: *Provided*, That assistance for the Army Corps of Engineers shall only be available for training to improve disaster response capabilities and to participate in international peacekeeping operations: *Provided further*, That such funds may be made available only if the Secretary of State certifies that the Air Force, Navy

and Army Corps of Engineers are respecting internationally recognized human rights and cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of such rights, and with the CICIG by granting access to CICIG personnel, providing evidence to CICIG, and allowing witness testimony.

(3) Of the funds appropriated by this Act under the heading “Foreign Military Financing Program”, not more than \$1,000,000 may be made available for the Guatemalan Air Force, Navy and Army Corps of Engineers: *Provided*, That assistance for the Army Corps of Engineers shall only be available for training to improve disaster response capabilities and to participate in international peacekeeping operations: *Provided further*, That such funds may be made available only if the Secretary of State certifies that the Air Force, Navy and Army Corps of Engineers are respecting internationally recognized human rights and cooperating with civilian judicial investigations and prosecutions of current and retired military personnel who have been credibly alleged to have committed violations of such rights, including protecting and providing to the Attorney General’s office all military archives pertaining to the internal armed conflict, and cooperating with the CICIG by granting access to CICIG personnel, providing evidence to CICIG, and allowing witness testimony.

(e) ASSISTANCE FOR MEXICO.—

(1) ASSISTANCE.—Of the funds appropriated under the headings “International Narcotics Control and Law Enforcement”, “Foreign Military Financing Program”, and “Economic Support Fund” in this Act, not more than \$235,825,000 may be made available for assistance for Mexico, only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, and rule of law activities: *Provided*, That none of the funds made available under this subsection shall be made available for budget support or as cash payments.

(2) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—The provisions of paragraphs (1) through (3) of section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) shall apply to funds appropriated or otherwise made available by this Act for assistance for Mexico to the same extent and in the same manner as such provisions of law applied to funds appropriated or otherwise made available by such other Act for assistance for Mexico.

(f) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—Of the funds appropriated under the headings “International Narcotics Control and Law Enforcement”, and “Foreign Military Financing Program”, \$83,000,000 may be made available for assistance for the countries of Central America only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, rule of law activities, and maritime security: *Provided*, That none of the funds made available under this subsection shall be made available for budget support or as cash payments.

(1) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—The provisions of paragraphs (1) through (4) of section 7045(f) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) shall apply to funds appropriated or otherwise made avail-

able by this Act for assistance for countries of Central America to the same extent and in the same manner as such provisions of law applied to funds appropriated or otherwise made available by such other Act for assistance for the countries of Central America.

(2) DEFINITION.—For the purposes of this subsection, the term “countries of Central America” means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

(g) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act should be borne by the recipient country.

COLOMBIA

SEC. 7046. (a) ASSISTANCE FOR COLOMBIA.—Of the funds appropriated under the headings “Economic Support Fund”, “International Narcotics Control and Law Enforcement”, “Nonproliferation, Anti-terrorism, Demining and Related Programs”, “International Military Education and Training”, and “Foreign Military Financing Program” in this Act, not more than \$520,000,000 shall be available for assistance for Colombia.

(b) FUNDING.—

(1) Funds appropriated by this Act and made available to the Department of State for assistance to the Government of Colombia may be used to support a unified campaign against narcotics trafficking and organizations designated as Foreign Terrorist Organizations and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided*, That assistance made available in prior Acts for the Government of Colombia to protect the Cano-Limon pipeline may also be used for purposes for which funds are made available under the heading “International Narcotics Control and Law Enforcement”: *Provided further*, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: *Provided further*, That rotary and fixed wing aircraft supported with funds appropriated under the heading “International Narcotics Control and Law Enforcement” for assistance for Colombia may be used for aerial or manual drug eradication and interdiction including to transport personnel and supplies and to provide security for such operations, and to provide transport in support of alternative development programs and investigations of cases under the jurisdiction of the Attorney General, the Procuraduría General de la Nación, and the Defensoría del Pueblo: *Provided further*, That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, is used to aid or abet the operations of any illegal self-defense group, paramilitary organization, illegal security cooperative or successor organizations in Colombia, such helicopter shall be immediately returned to the United States.

(2) Of the funds available under the heading “International Narcotics Control and Law Enforcement” in this Act for the Colombian national police for the procurement of chemicals for aerial coca and poppy eradication programs, not more than 20 percent of such funds may be made available for such eradication programs unless the Secretary of State certifies to the Committees on Appropriations that: (1) the herbicide is being used in accordance with EPA label requirements

for comparable use in the United States and with Colombian laws; and (2) the herbicide, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment, including endemic species: *Provided*, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that complaints of harm to health or licit crops caused by such aerial eradication are thoroughly evaluated and fair compensation is being paid in a timely manner for meritorious claims: *Provided further*, That such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication: *Provided further*, That none of the funds appropriated by this Act for assistance for Colombia shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people: *Provided further*, That funds appropriated by this Act may be used for aerial eradication in Colombia's national parks or reserves only if the Secretary of State certifies to the Committees on Appropriations on a case-by-case basis that there are no effective alternatives and the eradication is conducted in accordance with Colombian laws.

(c) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of subsections (b) through (f) of section 7046 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111-8) shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia to the same extent and in the same manner as such provisions of law applied to funds appropriated or otherwise made available by such other Act for assistance for Colombia.

(2) EXCEPTIONS.—The following provisions of section 7046 of division H of Public Law 111-8 shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia as follows:

(A) Subsection (b)(1)(B) is amended by striking clause (iv) and inserting the following:

“(iv) That the Government of Colombia is respecting the rights of human rights defenders, journalists, trade unionists, political opposition and religious leaders, and indigenous and Afro-Colombian communities, and the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants in their operations.”

(B) Subsection (b)(2) is amended by striking “July 31, 2009” and inserting “July 31, 2010”.

(C) Subsection (b)(3) is amended by striking “Andean Counterdrug Programs” and inserting “International Narcotics Control and Law Enforcement”.

(D) Subsection (c) is amended by striking “September 30, 2009” and inserting “September 30, 2010”.

(E) Subsection (d)(1) is amended—

(i) by striking “\$16,769,000” and inserting “\$18,606,000”; and

(ii) by striking “fiscal year 2009” and inserting “fiscal year 2010”.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7047. (a) AUTHORITY.—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7048. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 7049. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to \$30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That funds shall be made available subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING MISSIONS

SEC. 7050. None of the funds made available under title I of this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds that: (1) the United Nations undertaking is a peacekeeping mission; (2) such undertaking will involve United States Armed Forces under the command or operational control of a foreign national; and (3) the President's military advisors have not submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has not submitted to the Congress such a recommendation.

PEACEKEEPING ASSESSMENT

SEC. 7051. Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal

Years 1994 and 1995, (22 U.S.C. 287e note) is amended by striking clause (v) and inserting in lieu thereof:

“(v) For assessments made during each of the calendar years 2005, 2006, 2007, 2008, 2009, and 2010, 27.1 percent.”

UNITED NATIONS HUMAN RIGHTS COUNCIL

SEC. 7052. The Secretary of State shall report to the Committees on Appropriations not later than 30 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2010, on the resolutions proposed and adopted in the United Nations Human Rights Council: *Provided*, That the report shall include a summary of each proposed and adopted resolution; the sponsor and a record of how member nations voted.

ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 7053. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations that such attendance is in the national interest: *Provided*, That for purposes of this section the term “international conference” shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 7054. None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7055. (a) Subject to subsection (c), of the funds appropriated under titles III through VI by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the Committees on Appropriations stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the Committees on Appropriations, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a)

with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) In this section:

(1) The term “fully adjudicated” includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(2) The term “parking fines and penalties” means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997, through September 30, 2009.

(3) The term “unpaid property taxes” means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

LANDMINES AND CLUSTER MUNITIONS

SEC. 7056. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

(b) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions have a 99 percent or higher functioning rate; and

(2) the agreement applicable to the assistance, transfer, or sale of the cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present.

LIMITATION ON RESIDENCE EXPENSES

SEC. 7057. Of the funds appropriated or made available pursuant to title II of this Act, not to exceed \$100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That

appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT (INCLUDING TRANSFER OF FUNDS)

SEC. 7058. (a) AUTHORITY.—Up to \$93,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2011.

(c) CONDITIONS.—The authority of subsection (a) may only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other non-direct hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, are eliminated.

(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other non-direct hire personnel.

(e) CONSULTATIONS.—The USAID Administrator shall consult with the Committees on Appropriations at least on a quarterly basis concerning the implementation of this section.

(f) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate. Funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading “Operating Expenses”.

(g) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(h) JUNIOR OFFICER PLACEMENT AUTHORITY.—Of the funds made available in subsection (a), USAID may use, in addition to funds otherwise available for such purposes, up to \$15,000,000 to fund overseas support costs of members of the Foreign Service with a Foreign Service rank of four or below: *Provided*, That such authority is only used to reduce USAID's reliance on overseas personal services contractors or other non-direct hire employees compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”.

(i) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading “Assistance for Europe, Eurasia and Central Asia”, may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters.

(j) TECHNICAL ADVISORS.—Up to \$13,500,000 of the funds made available by this Act in title III for assistance under the heading “Global Health and Child Survival”, may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, USAID for the purpose of carrying out activities under that heading: *Provided*, That up to \$3,500,000 of the funds made available by this Act for assistance under the heading “Development Assistance” may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities.

(k) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That not more than 15 of such contractors shall be for activities related to USAID's Afghanistan program: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(l) HIRING AUTHORITY.—Notwithstanding section 307 of the Foreign Service Act of 1980, the USAID Administrator may hire up to 30 individuals under the Development Leadership Initiative: *Provided*, That the authority contained in this subsection shall expire on September 30, 2011.

GLOBAL HEALTH ACTIVITIES

SEC. 7059. Funds appropriated by titles III and IV of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading “Global Health and Child Survival” and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than \$648,457,000 should be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

DEVELOPMENT GRANTS PROGRAM

SEC. 7060. Of the funds appropriated in title III of this Act, not less than \$40,000,000 shall be made available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110-161) and of which, \$15,000,000 shall be for grants for organizations focused on building women's leadership capacity, addressing women's unique development needs, or directly benefitting women and girls: *Provided*, That funds made available under this section are in addition to other funds available for such purposes including funds designated by this Act by section 7064.

WOMEN IN DEVELOPMENT

SEC. 7061. (a) Programs funded under title III of this Act shall include, where appropriate, gender considerations in the planning, assessment, implementation, monitoring and evaluation of such programs.

(b) Funds made available under title III of this Act shall be made available to support programs to enhance economic opportunities for poor women in developing countries, including increasing the number and capacity of women-owned enterprises, improving property rights for women, increasing access to financial services, and improving women's ability to participate in the global economy, including expanding their access to markets.

(c) Funds made available under title III of this Act for food security and agricultural development shall take into consideration the unique needs of women in agriculture development and technical assistance for women farmers should be a priority.

GENDER-BASED VIOLENCE

SEC. 7062. (a) Funds appropriated under the headings "Development Assistance" and "Economic Support Fund" in this Act shall be made available for programs to address sexual and gender-based violence.

(b) Programs and activities funded under titles III and IV of this Act that provide training for foreign police, judicial, and military officials shall address, where appropriate, gender-based violence.

EDUCATION

SEC. 7063. (a) BASIC EDUCATION.—

(1) Of the funds appropriated by title III of this Act, not less than \$1,000,000,000 should be made available for assistance for basic education, of which not less than \$365,000,000 shall be made available under the heading "Development Assistance".

(2) There shall continue to be a Coordinator of United States government basic education assistance in developing countries as established in section 664 of division J of Public Law 110-161.

(3) The United States Agency for International Development (USAID) shall ensure that programs supported by funding appropriated for basic education in this Act, and prior Acts, are fully integrated with other health, agriculture and economic development funding. Programs should provide access to a quality education and funding from other accounts should be integrated into the economic and social needs of the broader community. Schools supported by funding in this Act and in prior Acts should serve as "Communities of Learning" and should be the focal point for health, education and development activities.

(4) USAID shall ensure that pilot programs implemented pursuant to section 664 of division J of Public Law 110-161 include "Communities of Learning" in the five-year strategic plans.

(b) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act, not less than \$200,000,000 should be made available for assistance for higher education, of which not less than \$20,000,000 shall be made available to expand higher education activities in Africa.

RECONCILIATION PROGRAMS

SEC. 7064. Of the funds appropriated by title III of this Act under the headings "Economic Support Fund" and "Development Assistance", \$27,000,000 shall be made available to support people to people reconciliation programs which bring together individuals of different ethnic, religious and political backgrounds from areas of civil conflict and war, of which \$11,000,000 shall be made available to support programs in the Middle East: *Provided*, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the most effective uses of such funds.

COMPREHENSIVE EXPENDITURES REPORT

SEC. 7065. Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the total amount of United States Government expenditures in fiscal years 2008 and 2009, by Federal agency, for assistance programs and activities in each foreign country, identifying the line item as presented in the President's Budget Appendix and the purpose for which the funds were provided: *Provided*, That if required, information may be submitted in classified form.

REQUESTS FOR DOCUMENTS

SEC. 7066. None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

SENIOR POLICY OPERATING GROUP

SEC. 7067. (a) The Senior Policy Operating Group on Trafficking in Persons, established under section 105(f) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(f)) to coordinate agency activities regarding policies (including grants and grant policies) involving the international trafficking in persons, shall coordinate all such policies related to the activities of traffickers and victims of severe forms of trafficking.

(b) None of the funds provided under title I of this or any other Act making appropriations for the Department of State, foreign operations, and related programs shall be expended to perform functions that duplicate coordinating responsibilities of the Operating Group.

(c) The Operating Group shall continue to report only to the authorities that appointed them pursuant to section 105(f).

PROHIBITION ON USE OF TORTURE

SEC. 7068. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

AFRICA

SEC. 7069. (a) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) Funds appropriated under the heading "International Military Education and

Training" in this Act that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Cote D'Ivoire, Guinea and Zimbabwe may be made available only for expanded international military education and training.

(2) None of the funds appropriated under the heading "International Military Education and Training" in this Act may be made available for assistance for Equatorial Guinea or Somalia.

(b) SUDAN LIMITATION ON ASSISTANCE.—

(1) Subject to subsection (2):

(A) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(B) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(2) Subsection (b)(1) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that:

(A) The Government of Sudan honors its pledges to cease attacks upon civilians and disarms and demobilizes the Janjaweed and other government-supported militias.

(B) The Government of Sudan and all government-supported militia groups are honoring their commitments made in all previous cease-fire agreements.

(C) The Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and has the support of the United States.

(3) EXCEPTIONS.—The provisions of subsection (b)(1) shall not apply to—

(A) humanitarian assistance;

(B) assistance for the Darfur region, Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei; and

(C) assistance to support implementation of the Comprehensive Peace Agreement and the Darfur Peace Agreement or any other internationally-recognized viable peace agreement in Sudan.

(4) DEFINITIONS.—For the purposes of this Act, the term "Government of Sudan" shall not include the Government of Southern Sudan.

(5) Notwithstanding any other provision of law, assistance in this Act may be made available to the Government of Southern Sudan to provide non-lethal military assistance, military education and training, and defense services controlled under the International Traffic in Arms Regulations (22 CFR 120.1 et seq.) if the Secretary of State—

(A) determines that the provision of such items is in the national interest of the United States; and

(B) not later than 15 days before the provision of any such assistance, notifies the Committees on Appropriations of such determination.

(c) WAR CRIMES IN AFRICA.—

(1) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act, including funds for debt restructuring, may be

made available for assistance for the central government of a country in which individuals indicted by ICTR and SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees in a timely manner: *Provided*, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title VI of this Act: *Provided further*, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(3) The prohibition in subsection (2) may be waived on a country-by-country basis if the President determines that doing so is in the national security interest of the United States: *Provided*, That prior to exercising such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

(A) the steps being taken to obtain the cooperation of the government in surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and

(C) the justification for exercising the waiver authority.

(d) ZIMBABWE.—

(1) The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association, and a transition government has been established that reflects the will of the people as they voted in the March 2008 elections.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central government of Zimbabwe, except with respect to funds made available for macroeconomic growth assistance, unless the Secretary of State makes the determination pursuant to subsection (d)(1).

ASIA

SEC. 7070. (a) TIBET.—

(1) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, not less than \$7,300,000 of the funds appropriated by this Act under the heading “Economic Support Fund” should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autono-

mous Region and in other Tibetan communities in China.

(b) BURMA.—

(1) The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose and vote against the extension by such institution any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(2) Of the funds appropriated by this Act under the heading “Economic Support Fund”, up to \$12,000,000 may be made available for humanitarian assistance for individuals and communities impacted by Cyclone Nargis and to support democracy activities in Burma, and not less than \$20,000,000 shall be made available for assistance along the Burma-Thailand border, for activities of Burmese student groups and other organizations located outside Burma, and for the purpose of supporting the provision of humanitarian assistance to displaced Burmese along Burma’s borders: *Provided*, That such funds may be made available notwithstanding any other provision of law: *Provided further*, That in addition to assistance for Burmese refugees provided under the heading “Migration and Refugee Assistance” in this Act, not less than \$4,000,000 shall be made available for community-based organizations operating in Thailand to provide food, medical and other humanitarian assistance to internally displaced persons in eastern Burma: *Provided further*, That funds made available under this paragraph shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) INDONESIA.—

(1) Of the funds appropriated by this Act under the heading “Foreign Military Financing Program”, not to exceed \$20,000,000 shall be made available for assistance for Indonesia, of which \$2,000,000 shall be made available only after the Secretary of State submits to the Committees on Appropriations the report on Indonesia detailed under such heading in the report accompanying this Act.

(2) Of the funds appropriated by this Act under the heading “Economic Support Fund” that are available for assistance for Indonesia, not less than \$300,000 should be made available for grants for capacity building of Indonesian human rights organizations, including in Papua.

(d) NORTH KOREA.—

(1) Funds made available under the heading “Migration and Refugee Assistance” in this Act should be made available for assistance for refugees from North Korea.

(2) Of the funds made available under the heading “International Broadcasting Operations” in title I of this Act, not less than \$7,800,000 shall be made available for broadcasts into North Korea.

(3) None of the funds made available under the heading “Economic Support Fund” may be made available for assistance for the Government of North Korea unless the Secretary of State determines and reports to the Committees on Appropriations in writing that North Korea is fulfilling its commitments under the Six Party Talks agreements.

(e) PEOPLE’S REPUBLIC OF CHINA.—

(1) None of the funds appropriated under the heading “Diplomatic and Consular Programs” in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People’s Republic of China

unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People’s Liberation Army (PLA) of the People’s Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(f) PHILIPPINES.—Of the funds appropriated by this Act under the heading “Foreign Military Financing Program”, not to exceed \$30,000,000 may be made available for assistance for the Philippines, of which \$2,000,000 may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that—

(1) the Government of the Philippines is taking effective steps to implement the recommendations of the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, to include prosecutions and convictions for extrajudicial executions; sustaining the decline in the number of extrajudicial executions; addressing allegations of a death squad in Davao City; and strengthening government institutions working to eliminate extrajudicial executions;

(2) the Government of the Philippines is implementing a policy of promoting military personnel who demonstrate professionalism and respect for internationally recognized human rights, and is investigating and prosecuting military personnel and others who have been credibly alleged to have violated such rights; and

(3) the Philippine Armed Forces do not have a policy of, and are not engaging in, acts of intimidation or violence against members of legal organizations who advocate for human rights.

(g) VIETNAM.—Notwithstanding any other provision of law, funds appropriated under the heading “Development Assistance” in this Act may be made available for programs and activities in the central highlands of Vietnam, and shall be made available for environmental remediation and related health activities in Vietnam.

SERBIA

SEC. 7071. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2010, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2010, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia subject to the conditions in subsection (c).

(c) The determination and certification referred to in subsection (a) is a determination and a certification by the President to the Committees on Appropriations that the Government of Serbia is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, timely information on the location, movement, and sources of financial support of indictees, and the surrender and transfer of indictees or assistance

in their apprehension, including Ratko Mladic;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) This section shall not apply to humanitarian assistance or assistance to promote democracy.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7072. (a) None of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(b) Funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" for the Russian Federation, Armenia, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(c)(1) Of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international nongovernmental organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(d) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104-201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

REPRESSION IN THE RUSSIAN FEDERATION

SEC. 7073. (a) None of the funds appropriated under the heading "Assistance for Europe, Eurasia and Central Asia" in this Act may be made available for the Government of the Russian Federation, after 180 days from the date of the enactment of this Act, unless the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(1) has implemented no statute, Executive order, regulation or similar government action that would discriminate, or which has as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party; and

(2) is—

(A) honoring its international obligations regarding freedom of expression, assembly, and press, as well as due process;

(B) is investigating and prosecuting law enforcement personnel credibly alleged to have committed human rights abuses against political leaders, activists and journalists; and

(C) is immediately releasing political leaders, activists and journalists who remain in detention.

UZBEKISTAN

SEC. 7074. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Uzbekistan only if the Secretary of State determines and reports to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress—

(1) in meeting its commitments under the "Declaration on the Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America", including respect for internationally recognized human rights, establishing a genuine multi-party system, and ensuring free and fair elections, freedom of expression, and the independence of the media; and

(2) in investigating and prosecuting the individuals responsible for the deliberate killings of civilians in Andijan in May 2005.

(b) If the Secretary of State has credible evidence that any current or former official of the Government of Uzbekistan was responsible for the deliberate killings of civilians in Andijan in May 2005, or for other violations of internationally recognized human rights in Uzbekistan, not later than 6 months after enactment of this Act any person identified by the Secretary pursuant to this subsection shall be ineligible for admission to the United States.

(c) The restriction in subsection (b) shall cease to apply if the Secretary determines and reports to the Committees on Appropriations that the Government of Uzbekistan has taken concrete and measurable steps to improve respect for internationally recognized human rights, including allowing peaceful political and religious expression, releasing imprisoned human rights defenders, and implementing recommendations made by the United Nations on torture.

(d) The Secretary may waive the application of subsection (b) if the Secretary determines that admission to the United States is necessary to attend the United Nations or to further United States law enforcement objectives.

(e) For the purpose of this section "assistance" shall include excess defense articles.

AFGHANISTAN

SEC. 7075. (a) IN GENERAL.—Funds appropriated under the heading "Economic Support Fund" that are available for assistance for Afghanistan shall be made available, to the maximum extent practicable, in a manner that utilizes Afghan entities and emphasizes the participation of Afghan women and directly improves the security, economic and social well-being, and political status, of Afghan women and girls.

(b) ASSISTANCE FOR WOMEN AND GIRLS.—

(1) Funds appropriated in title III of this Act for assistance for Afghanistan shall comply with sections 7061 and 7062 of this Act and shall be made available to support programs that increase participation by women in the political process, including at the national, provincial, and sub-provincial levels, and in efforts to improve security in Afghanistan.

(2) Of the funds appropriated under the headings "Economic Support Fund" and "International Narcotics Control and Law Enforcement", not less than \$175,000,000 shall be made available to support programs that directly address the needs of Afghan women and girls, including for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and for women-led nongovernmental organizations.

(c) NATIONAL SOLIDARITY PROGRAM.—Of the funds appropriated under the heading "Economic Support Fund" that are available for assistance for Afghanistan, not less than \$175,000,000 shall be made available for the National Solidarity Program.

(d) ANTICORRUPTION.—Ten percent of the funds appropriated under the heading "International Narcotics Control and Law Enforcement" that are available for assistance for the Government of Afghanistan shall be withheld from obligation until the Secretary of State reports to the Committees on Appropriations that the Government of Afghanistan is implementing a policy to promptly remove from office any government official who is credibly alleged to have engaged in narcotics trafficking, gross violations of internationally recognized human rights, or other major crimes.

(e) BASE RIGHTS.—None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

ENTERPRISE FUNDS

SEC. 7076. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles III through VI of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and shall be subject to the regular notification procedures of the Committees on Appropriations.

UNITED NATIONS POPULATION FUND

SEC. 7077. (a) CONTRIBUTION.—Of the funds made available under the heading "International Organizations and Programs" in this Act for fiscal year 2010, \$60,000,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be

transferred to the "Global Health and Child Survival" account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) **PROHIBITION ON USE OF FUNDS IN CHINA.**—None of the funds made available by this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) **CONDITIONS ON AVAILABILITY OF FUNDS.**—Funds made available by this Act for UNFPA may not be made available to UNFPA unless—

(1) UNFPA maintains funds made available to UNFPA under this section in an account separate from other accounts of UNFPA;

(2) UNFPA does not commingle amounts made available to UNFPA under this section with other sums; and

(3) UNFPA does not fund abortions.

(e) **REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.**—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7078. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided*, That not to exceed \$25,000 may be made available to carry out the provisions of section 316 of Public Law 96-533.

OPIC

(INCLUDING TRANSFER OF FUNDS)

SEC. 7079. Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of \$20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided*, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further*, That designated funding levels in this Act shall not be transferred pursuant to this section: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

EXTRADITION

SEC. 7080. (a) None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings "International Narcotics Control and Law Enforcement", "Migration and Refugee Assistance", "Emergency Migration and Refugee Assistance", and "Nonproliferation, Anti-terrorism, Demining and Related Assistance") for the central government of a country which has notified the Department

of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

ENERGY AND ENVIRONMENT

SEC. 7081. (a) **CLEAN ENERGY.**—Of the funds appropriated by title III of this Act, not less than \$180,000,000 shall be made available to the United States Agency for International Development (USAID), in addition to funds otherwise made available for such purposes, for programs and activities that reduce global warming by promoting the sustainable use of renewable energy technologies and energy efficient end-use technologies, carbon sequestration, and carbon accounting: *Provided*, That of the amount made available to USAID for clean energy programs, \$10,000,000 shall be made available for the "Solar Energy Microfinance Initiative".

(b) **CLIMATE CHANGE ADAPTATION.**—Funds appropriated by this Act may be made available for a United States contribution to the Least Developed Countries Fund and to the Special Climate Change Fund to support grants for climate change adaptation programs and activities, if the Global Environment Facility makes publicly available on its website an annual report detailing the criteria used to determine which programs and activities receive funds, the manner in which such programs and activities meet such criteria, the extent of local involvement in such programs and activities, the amount of funds provided, and the results achieved.

(c) **BIODIVERSITY.**—Of the funds appropriated by title III of this Act, not less than \$200,000,000 shall be made available for programs and activities which directly protect biodiversity, including tropical forests and wildlife, in developing countries, of which not less than \$25,000,000 shall be made available for USAID's conservation programs in the Amazon Basin: *Provided*, That of the funds made available under this paragraph, not less than \$17,500,000 shall be made available for the Congo Basin Forest Partnership: *Provided further*, That funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: *Provided further*, That funds appropriated under the heading "Development Assistance" may be made available as a contribution to the Galapagos Invasive Species Fund.

(d) EXTRACTION OF NATURAL RESOURCES.

(1) The Secretary of the Treasury shall inform the managements of the international financial institutions and the public that it is the policy of the United States to oppose any assistance by such institutions (including but not limited to any loan, credit,

grant, or guarantee) for the extraction and export of oil, gas, coal, timber, or other natural resource unless the government of the country has in place functioning systems for:

(A) accurately accounting for payments for companies involved in the extraction and export of natural resources;

(B) the independent auditing of accounts receiving such payments and the widespread public dissemination of the findings of such audits; and

(C) verifying government receipts against company payments including widespread dissemination of such payment information, and disclosing such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(2) Not later than 180 days after the enactment of this Act, the Secretary of the Treasury shall submit a report to the Committees on Appropriations describing, for each international financial institution, the amount and type of assistance provided, by country, for the extraction and export of oil, gas, coal, timber, or other natural resources in the preceding 12 months, and whether each institution considered, in its proposal for such assistance, the extent to which the country has functioning systems described in paragraph (1).

PROHIBITION ON PROMOTION OF TOBACCO

SEC. 7082. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7083. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

TRANSPARENCY AND ACCOUNTABILITY

SEC. 7084. (a) **UNITED NATIONS.**—Funds made available by this Act shall be made available to continue reform efforts at the United Nations: *Provided*, That not later than September 30, 2010, the Secretary of State shall submit a report to the Committees on Appropriations detailing actions taken by United Nations organizations under the headings "Contributions to International Organizations" and "International Organizations and Programs" to continue reform of United Nations financial management systems and program oversight.

(b) NATIONAL BUDGET TRANSPARENCY.

(1) None of the funds appropriated by this Act may be made available for assistance for the central government of any country that fails to make publicly available on an annual

basis its national budget, to include income and expenditures.

(2) The Secretary of State may waive the requirements of paragraph (1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that to do so is important to the national interest of the United States.

SRI LANKA

SEC. 7085. (a) IN GENERAL.—Funds appropriated in title III of this Act that are available for assistance for Sri Lanka shall be made available to fund programs that promote reconciliation between the ethnic Sinhalese and Tamil communities, support post-conflict reconstruction, and establish a meaningful and inclusive role for Tamil and other minorities in national, political, and economic life.

(b) SECURITY ASSISTANCE.—Funds made available in title IV of this Act that are available for assistance for Sri Lanka should encourage programs that include the recruitment and training of Tamils into the Sri Lankan Security Forces, Tamil language training for Sinhalese forces, and human rights training for all security forces.

(c) DEMINING.—In addition to subsection (a), up to \$1,000,000 of the funds appropriated under the heading “Nonproliferation, Antiterrorism, Demining and Related Programs” shall be provided for demining of conflict affected areas.

(d) REPORTING REQUIREMENT.—Not later than 60 days after enactment of this Act, the Secretary of State shall report to the Committee on Appropriations on the extent to which the Government of Sri Lanka’s is:

(1) providing unrestricted humanitarian access to the displaced within camps;

(2) providing protection for internally displaced persons (IDPs) and humanitarian workers, including the International Committee of the Red Cross at all sites where the military and police conduct security screening;

(3) permitting freedom of movement for IDPs once they have completed security screening, including allowing the displaced to return home or move to other safe locations;

(4) allowing civilian authorities to run without interference camps and hospitals that house the displaced; and

(5) allowing for the safe and timely return of IDPs to their homes.

UNRWA ACCOUNTABILITY

SEC. 7086. The Secretary of State shall prepare and submit to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on whether UNRWA is:

(1) continuing to utilize Operations Support Officers in the West Bank and Gaza to inspect UNRWA installations and report any inappropriate use;

(2) dealing promptly with any staff or beneficiary violations of its own policies (including the policies on neutrality and impartiality of employees) and the legal requirements under section 301(c) of the Foreign Assistance Act of 1961;

(3) taking necessary and appropriate measures to ensure it is operating in compliance with the conditions of section 301(c) of the Foreign Assistance Act of 1961;

(4) continuing regular reporting to the Department of State on actions it has taken to ensure conformance with the conditions of section 301(c) of the Foreign Assistance Act of 1961;

(5) taking steps to improve the transparency of all educational materials cur-

rently in use in UNRWA-administered schools;

(6) continuing to use curriculum materials in UNRWA-supported schools and summer camps designed to promote tolerance, non-violent conflict resolution and human rights;

(7) not engaging in operations with financial institutions or related entities in violation of relevant United States law and is enhancing its transparency and financial due diligence and working to diversify its banking operations in the region; and

(8) in compliance with the United Nations Board of Auditors’ biennial audit requirements and is implementing in a timely fashion the Board’s recommendations.

LIMITATION ON FUNDS RELATING TO TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA

SEC. 7087. None of the funds made available in this Act, or any other Act, may be obligated for any country, including a state with a compact of free association with the United States, that concludes an agreement with the United States to receive by transfer or release individuals detained at Naval Station, Guantanamo Bay, Cuba, unless, not later than 5 days after the conclusion of the agreement but prior to implementation of the agreement, the Secretary of State notifies the Committees on Appropriations in writing of the terms of the agreement.

IMF PROVISIONS

SEC. 7088. (a) OPPOSITION TO IMF PROVIDING HARD CURRENCY FOR SDRS RECEIVED BY TERRORIST COUNTRIES.—The Secretary of the Treasury shall instruct the United States Executive Director at the International Monetary Fund to use the voice, vote, and influence of the United States to oppose the provision by the Fund of United States dollars, euros, or Japanese yen to any country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, or section 40 of the Arms Export Control Act, to be a government that has repeatedly provided support for acts of international terrorism, in exchange for any Special Drawing Rights received by the country pursuant to the amendments to the Articles of Agreement of the Fund as described in section 64 of the Bretton Woods Agreements Act.

(b) SUNSET ON AUTHORITY TO MAKE LOANS TO FUND THE NEW ARRANGEMENTS TO BORROW.—Section 17(a)(2) of the Bretton Woods Agreements Act (22 U.S.C. 286e-2(a)(2)) is amended by inserting “: *Provided further*, That the authority to make loans under this section shall expire on the date that is 5 years after the date of the enactment of this proviso” before the period.

(c) LIMITATION ON PERCENTAGE OF NEW ARRANGEMENTS TO BORROW TO BE FUNDED BY THE UNITED STATES.—At any time during fiscal years 2009 through 2014, no United States contribution to the New Arrangements to Borrow may cause the total amount of United States Government contributions to the New Arrangements to Borrow to exceed 20 percent of the total amount of funds contributed to the New Arrangements to Borrow from all sources.

(d) REPORTING REQUIREMENTS.—Not later than December 15, 2009, and semiannually thereafter, the Secretary of the Treasury, in consultation with other appropriate Federal agencies, shall submit to the Committees on Appropriations a report on the loans made and programs carried out using financing provided by or through the New Arrange-

ments to Borrow. Each such report shall include the following:

(1) A description of the economies of countries requiring the assistance from the New Arrangements to Borrow, including the monetary, fiscal, and exchange rate policies of the countries.

(2) A description of the degree to which the countries requiring the assistance have fully implemented domestic reforms including—

(A) the enactment and implementation of appropriate financial reform legislation;

(B) strengthening the domestic financial system and improving transparency and supervision;

(C) opening domestic capital markets; and

(D) making nontransparent conglomerate practices more transparent through the application of internationally accepted accounting practices, independent external audits, full disclosure, and provision of consolidated statements.

(3) A detailed description of the trade policies of the countries, including any unfair trade practices or adverse effects of the trade policies on the United States.

(4) The amount, rate of interest, and disbursement and repayment schedules of any funds disbursed by the International Monetary Fund pursuant to the New Arrangements to Borrow.

Mrs. LOWEY (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 197, line 10, be considered as read.

The CHAIR. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIR. The Clerk will read.

The Clerk read as follows:

INTELLECTUAL PROPERTY RIGHTS PROTECTIONS

SEC. 7089. Prior to the obligation of the funds made available in this Act for “Contribution to the Clean Technology Fund” or “Strategic Climate Fund” of the World Bank, the Secretary of State shall certify in writing to the Committees on Appropriations that all actions taken during the negotiations of the United Nations Framework Convention on Climate Change ensure robust compliance with and enforcement of existing international legal requirements as of the date of the enactment of this Act that respect intellectual property rights and effective intellectual property rights protection and enforcement for energy and environment technology, including wind, solar, biomass, geothermal, hydro, landfill gas, natural gas, marine, trash combustion, fuel cell, hydrogen, microturbine, nuclear, clean coal, electric battery, alternative fuel, alternative refueling infrastructure, advanced vehicle, electric grid, or energy efficiency-related technologies.

PART B AMENDMENT NO. 5 OFFERED BY MR. CULBERSON

Mr. CULBERSON. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. CULBERSON:

At the end of the bill (before the short title), insert the following:

SEC. 70XX. Appropriations made in title V of this Act are hereby reduced in the amount of \$505,896,000.

The CHAIR. Pursuant to House Resolution 617, the gentleman from Texas (Mr. CULBERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CULBERSON. Mr. Chairman, as the designee of Mr. LEWIS, I am pleased to offer this amendment today to give the House an opportunity to keep funding for multilateral assistance at last year's level. In fact, this is actually a 1 percent increase, trying to keep it as close to inflation as we can. I would prefer, as a fiscal conservative, to cut far more at this time of record debt, record deficit, of increasing unemployment; but we want to give the liberal majority some opportunity to cut somewhere. And if we will not cut foreign multilateral assistance simply by keeping the level of funding at last year's level, plus a little 1 percent bump, where will we cut?

In our personal lives, if we have a financial downturn, someone in the family loses a job, if there has been a financial hardship of some type in your personal life, if as a business you have suffered a dramatic downturn in sales, if you lose money or your income is reduced, then all of us in our private lives in the private sector understand that you start to cut expenses. The first thing to go, for example, in the private sector certainly is discretionary dollars in advertising. Or in a personal life, as much as I might like to have a swimming pool or expand the house, you just don't do it when your income is reduced; and the United States of America is in a similar situation.

The Nation is hurting. Unemployment is climbing. We have lost a record number of jobs. Under the new liberal leadership of this Congress, our new liberal administration in the White House, this Congress, this President has spent more money in less time than any Congress in the history of the United States.

In the first 6 months of this year under the budget adopted by this new liberal majority, the amount of debt created in the first 6 months of this year exceeds the amount of debt created from the time of George Washington to President George W. Bush. The national debt now exceeds \$11 trillion. The deficit exceeds a trillion dollars. We as a Nation are on a path to become Argentina if we don't stop spending money.

So those of us in the fiscally conservative minority have offered in the Appropriations Committee multiple amendments. We have offered amendments on the floor to the limited extent we can under these very restrictive guidelines. We, in the conservative minority, have offered amendments to cut 5 percent; 1 percent; 10 percent. On every bill on every occasion, we have searched for some way, somehow that

the liberal majority might try to save some of our kids' money.

It hasn't happened yet. I haven't seen a cut yet that the liberal majority will agree to. This amendment today is simply to title V, multilateral assistance, asking that we keep funding at 2009 levels. In fact, the 2009 spending level is a 16 percent increase over 2008. And the programs, the international organizations that are included under title V, include Global Environmental Facility, a clean technology fund. There is even a new and completely unauthorized climate technology fund and strategic climate fund that costs a total of \$300 million. These have not been approved by Congress, and they are just stuck into this bill. I know there are a lot of noble, good things accomplished by our foreign aid bill.

One that is near and dear to my heart is my support for the State of Israel. I personally support Mr. WEINER's amendment. I think Saudi Arabia can certainly afford to pull their own weight. But our good friends in Israel, I think one of the reasons God blesses the United States of America is America is the sword and shield of Israel. We have an obligation as a Nation to stand behind our friends around the world and help them. But at a time of economic downturn, at a time when so many Americans are losing their jobs, and at a time as we as guardians of the U.S. Treasury have an obligation to try to save money everywhere we can and follow Dave Ramsey's advice, don't spend money you don't have; don't borrow money to pay off borrowed money, the amendment is offered today in all sincerity to try to hold the line.

And if we won't cut here, Mr. Chairman, where will we cut? If we won't cut spending for multilateral assistance to foreign aid, which all of our constituents get, if we won't cut at the edges in money that we don't need to spend at this level for foreign assistance, where will we cut?

Are we not going to save any money anywhere, folks? This is a \$500 million savings to keep us at 2009 levels.

The CHAIR. The gentleman's time has expired.

Mrs. LOWEY. I claim the time in opposition to the gentleman's amendment.

The CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. I understand that it is quite easy in a time of fiscal belt tightening to offer an amendment to reduce funding for the international financial institutions, but I would encourage my colleagues to recognize that voting in favor of this amendment has serious consequences to U.S. interests.

It would cut funding for the Asian Development Fund which provides basic loans and grants to support health care, education, infrastructure and economic development resources for Afghanistan and Pakistan.

The World Bank, which provides debt relief to developing countries, is supporting an integrated agricultural initiative to address the global food crisis. The Global Environmental Facility and the International Fund for Agricultural Development provide loans and grants. This amendment would undermine the ability of the United States to meet its commitments to global debt relief efforts and to countries around the world that rely on our assistance.

Remember, this is in the interest of our national security. These institutions fund valuable initiatives that provide opportunities to millions of people.

I urge my colleagues to vote "no" on this amendment.

I yield the balance of my time to my good friend, the gentleman from Massachusetts (Mr. FRANK), the Chair of the Financial Services Committee.

Mr. FRANK of Massachusetts. I thank the gentlewoman.

As I listened to the gentleman from Texas, I recall these ferocious debates we have had, led by a true fiscal conservative, the gentleman from Arizona, as he assailed earmarks. And I heard the gentleman from Texas's voice in the earmarks debate. But then I realized I was a little confused: he was defending his earmark.

So the gentleman's ferocity on behalf of fiscal conservatism does not extend, apparently, to every earmark, including his own. Now I understand that. But it did seem to me a little inconsistent with the uncompromising ferocity of his rhetoric. The gentleman does not come here with quite the credentials as, for instance, the gentleman from Arizona.

As to the money here being spent, I would say this: the gentleman said, Where will we cut? I would like to cut the F-22 spending which we no longer need. I supported the President's proposals for cuts in agriculture spending. This notion that it is always the liberals who want to spend and the conservatives who don't want to spend is fallacious. When it comes to unnecessary Cold War weapons and when it comes to American troops being stationed overseas in countries where they should be able to defend themselves, you know, we could save a lot more money overseas by telling our wealthy allies that it is time for them to defend themselves. That is a lot better, in my mind, than cutting a much smaller amount of money that goes to feed poor children and that goes to prevent preventable deaths in the health care areas. And it would also save us because there has been the correct perception by a whole range of people, including Secretary Gates, including Colin Powell, a number of distinguished Republicans who have served in national security positions, that it is far better to spend money sensibly to

avoid the kind of social conditions that don't cause terrorism, the terrorists are sick people with no justification, but it makes support for them. It recruits for them, and we should be undercutting their recruiting by these kinds of things.

The gentleman almost sneeringly said, well, it is global environmental, let's be national. Well, it may pain the gentleman, but it is kind of hard to confine the environment to the borders of the United States. The environment does not respect borders. So if you want to deal with the environment, it has to be done globally. Many of us feel, in fact, that it would be a grave error for us to go ahead with tough climate issues here unless we also did them internationally.

I was very proud, along with SPENCER BACHUS and Jim Leach and MAXINE WATERS, at the urging of the late Pope John Paul the Second and others to do debt relief for the poorest countries in the world, to take money that would otherwise go to pay off debts and give it to the poor children and to health care, and this would threaten that kind of problem.

So the half a billion dollars here, it pales in comparison, not in general because it is a lot of money, but to money spent on unnecessary Cold War weapons, on money that goes for agricultural subsidies to farmers who do not need it, on sending human beings to Mars.

I don't know how the gentleman plans to vote on that. I plan to vote, if that comes up, against that.

Mr. CULBERSON. Will the gentleman yield?

Mr. FRANK of Massachusetts. I would yield.

Mr. CULBERSON. Thank you very much for yielding. I did vote against \$2.6 trillion of spending under President Bush, and I voted against the farm bills. And I voted against—

Mr. FRANK of Massachusetts. I appreciate that. I take back my time to explain to the gentleman, I wasn't questioning his credentials except on his earmark. Everybody is entitled to a little earmark.

I'm sorry, I did not yield again. I said the gentleman made cuts elsewhere. I wasn't saying that the gentleman didn't vote for cuts; I was refuting his notion that liberals don't vote for cuts.

I have voted for many cuts, including to bring down the overall budget.

Mr. Chairman, does the gentleman need an instruction on the rules of the House?

The CHAIR. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. The point is that the gentleman used up his time unwisely. He should have reserved a little time; he didn't do it. That is the way it goes.

The fact is that alleviating poverty overseas, going to the aid of children

who will die of measles, who will die of diarrhea and who will die of these other illnesses, it is a far better use of our money morally and also in terms of national security because I repeat again what Secretary Gates and what Colin Powell have said, what sensible military leaders have said, a much smaller amount of money spent in these ways on sensible efforts to alleviate the miserable conditions that lead to support for terrorism, not the terrorists themselves, is a very good way to preserve the national security much more cheaply in terms of human lives and in terms of money than a purely military solution.

I thank the gentlewoman for her leadership.

Mr. BRADY of Texas. Mr. Chair, I commend Mr. LEWIS for his leadership and work to reduce spending increases in this bill and other appropriations bills this year.

But I do have concern about the consequence of limiting funding for the World Bank's International Development Association. Doing so I believe could harm American credibility and leadership abroad. The Bank is doing critical work to help the world's poorest nations weather the global economic crisis, limit hunger, and provide for greater security in volatile areas of the world.

In Afghanistan, the World Bank helped build and reform the nation's telecommunications sector. This helped to attract \$500 million in private investment, accounting for 60% of all foreign direct investment in Afghanistan. The Bank also helped train health care workers in Afghanistan, to help increase access to health care there.

As we seek to cut the deficit and prioritize funding, we must also consider that we may ultimately lose leverage over the priorities and direction of the World Bank should the U.S. fail to live up to its commitments.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. CULBERSON).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. CULBERSON. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

PART B AMENDMENT NO. 4 OFFERED BY MR. KIRK

Mr. KIRK. I have an amendment for Ms. GRANGER under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. KIRK:

Page 198, after line 3, insert the following:
LIMITATION ON USE OF FUNDS TO NEGOTIATE
AGREEMENT IN CONTRAVENTION OF CERTAIN
LAWS

SEC. _____. None of the funds made available in this Act may be used by the Secretary of the Treasury to negotiate an agreement in contravention of section 1626 or 1627 of the International Financial Institutions

Act, section 1112 or 1403 of the Supplemental Appropriations Act, 2009 (Public Law 111-32), or the provision added to the end of title XVI of the International Financial Institutions Act by section 1404 of the Supplemental Appropriations Act, 2009 (Public Law 111-32).

The CHAIR. Pursuant to House Resolution 617, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. KIRK. Mr. Chairman, I rise to offer this amendment which refers to the following situation:

Last month through the 2009 supplemental bill, Congress provided an expansion of resources and powers to the International Monetary Fund as requested by President Obama. This included \$108 billion in new funding and approval for the IMF to sell 13 million ounces of gold to fund their internal operating expenses. As part of that bill, and consistent with its oversight role, Congress gave the administration clear guidelines on how an expanded IMF should function.

On June 24, President Obama decided to disregard those congressionally mandated guidelines. Upon signing the 2009 supplemental into law, the President issued a signing statement that said he would ignore sections 1110, 1112, 1403 and 1404 of the supplemental.

These provisions provide some of the only oversight that the United States exercises over the IMF, an organization that will triple in size this year.

The Granger amendment, which I offer here, would prohibit funds in this bill from being used by the Secretary of Treasury to negotiate any agreement in contravention of these statutorily enacted provisions in the supplemental.

One provision requires the U.S. to oppose IMF loans to countries that are supporters of terrorism, countries like Iran. The Congress consulted the Department of Treasury while drafting this provision.

□ 1715

Additionally, the provisions give the administration guidance from the Congress as to how the United States should vote at the IMF on health care, education, labor rights, and transparency issues.

This Congress, Democrats and Republicans, should not allow any administration to disregard a statutory mandate, especially on issues of transparency and accountability. The Congress voted to provide oversight for the IMF, and we should stand by those provisions.

Giving \$108 billion to the IMF without a clear path for the future is not a policy we would support. And so, therefore, I urge my colleagues to support this Granger amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, though I plan to support the amendment, I ask

unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Mrs. LOWEY. I want to again thank the gentlewoman who couldn't be with us today for her work on oversight and our assistance to the International Monetary Fund.

I recognize her concerns about the use of the signing statement by the President to interpret congressionally imposed mandates that apply to the World Bank and IMF in the fiscal year 2009 Supplemental Appropriations bill. It is my understanding that this issue was included in the signing statement because of concerns regarding constitutional authority and not because of underlying policy differences with the Congress.

Mr. Chairman, I yield 1 minute to the chairman of the Financial Services Committee, Mr. FRANK of Massachusetts.

Mr. FRANK of Massachusetts. I welcome this amendment from the gentlewoman from Texas and the gentleman from Illinois.

The Chair of the subcommittee, who does a great job, said that the administration says this is constitutional and not substantive, and I've been told by Treasury they intend to abide by them. That's not good enough. Let me give my constitutional friends over there another constitutional lesson: They won't have anything to put a signing statement to if we don't pass it.

I was asked by the administration and worked hard to get that money for the IMF with some reasonable conditions. There are some things in there that make sure that it ends the previous IMF practice of being unfair to low-income people.

The notion that the administration can take the money and pick and choose what it wants to do with the conditions is unacceptable. So let me say, as chairman of the committee that authorizes these and as someone who works closely with the appropriators in doing it, if the administration does not withdraw this claim that they can ignore conditions we put on it, then they will have nothing to ignore because there won't be any conditions and there won't be any money. And that's right there in the Constitution.

I thank the gentlewoman.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to my chairman, Mr. OBEY.

Mr. OBEY. Mr. Chairman, let me simply say I agree with every word uttered by the gentleman and rise also in support of the amendment.

The way the system works is that the administration asks the Congress for money. Many times that is not a popular request. Sometimes the only way that the votes can be found to provide the money the administration wants is

to provide certain limitations on the use of that money. For any administration to say, Well, we will accept the money, but ignore the limitations is to greatly increase the likelihood that they will not get the money. That is not in the interest of the administration, and it certainly does not respect the rightful traditions and prerogatives of the Congress. And so I very much am in agreement with the amendment and congratulate the gentlewoman from Texas for offering the amendment and the gentleman from Illinois for offering it in her stead.

Mrs. LOWEY. Mr. Chairman, I yield back the balance of my time.

Mr. KIRK. Mr. Chairman, may I inquire as to how much time I have remaining?

The CHAIR. The gentleman from Illinois has 2½ minutes remaining.

Mr. KIRK. I yield myself such time as I may consume.

Mr. Chairman, when we consider legislation in this body, we have several different ways to put forward an idea or policy of the Congress—a Dear Colleague letter, filing a bill or a resolution. When we speak with more authority, we use report language to accompany a bill, which says a general direction that can be ignored, but at the peril of the administration. But when it is in a statute, that is, under the law of the land, the supreme authority, absent being overridden by a provision of the Constitution.

I really want to thank the clear, bipartisan message that we are sending here by virtue of the chairwoman of the subcommittee, the chairman of the full committee, and the chairman of the authorizing committee here, because I think this is a rare example of showing bipartisan concern on behalf of this institution against the executive branch.

Now, I would shudder to think that if ever we concede somehow the abuse of signing statements—which I am not really that in favor of, and I don't think have received any long-term sanction by the Supreme Court to try to override a statute—basic law 101 would provide that.

I yield briefly to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I would only make one correction. We do this—I'm sure he agrees with me, it's a wording change—we do this not on behalf of this institution, but literally on behalf of democracy, on behalf of the process by which people get elected and deliberate and do this. And there is a kind of a unilateralism, in an undemocratic, unreachable way, to these signing statements that is the opposite of what we do here. So I thank the gentleman.

Mr. KIRK. And I thank the gentleman because he was critical of signing statements under the previous administration and is now being critical

of signing statements under this administration.

But there is a much more important legal point here, which is that a signing statement which attempts to override a statute enacted by the Congress of the United States should not require litigation before the Supreme Court. And that's why the statement of the full committee chairman, Mr. OBEY, is so critical here. Because in the end, the way that we enforce this absent court litigation is simply to deny funding. I learned that under Chairman Whitten, when I think I remember he defunded the Office of Legislative Affairs at the Department of Agriculture when he had a problem.

So the signal that we've sent to the Treasury is very clear: Ignore statute at your extreme peril. And this is on behalf of a bipartisan, overwhelming majority. We will be asking for a recorded vote on this and send a very clear signal to the Secretary of the Treasury.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. KIRK. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

PART B AMENDMENT NO. 3 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 3 in part B.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TERMINATION OF ONE-TIME SPECIAL EDUCATIONAL, PROFESSIONAL, AND CULTURAL EXCHANGE GRANTS PROGRAM

SEC. _____. None of the funds provided in this Act under the heading "Department of State—Administration of Foreign Affairs—Educational and Cultural Exchange Programs" shall be available for the one-time special educational, professional, and cultural exchange grants program, and the amount otherwise provided under such heading is hereby reduced by \$8,000,000.

The CHAIR. Pursuant to House Resolution 617, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, on page 128 of the report accompanying this legislation it states, Neither the bill nor this report contain any congressional earmarks. I would have to disagree. The legislation will provide \$8

million for the "one-time special educational, professional, and cultural exchange grant program" begun in fiscal year 2008. These one-time grants can go for up to a half-million dollars, and the Department of State is to award these proposals on a competitive basis.

Now, I have been a long supporter of cultural exchange programs, both having Americans go overseas and foreigners to come here. I am also supportive of these grants being awarded on a competitive basis. The problem here is the fact that the report also says, The Secretary is encouraged to consider the following proposals for this competitive program, and then it lists several specific exchange programs.

The recommendations of funding for these 12 specific programs certainly look like earmarks to me and certainly look like earmarks to a handful of Members who requested them, so much so that they actually listed the earmark requests on their Web sites—a number of them did. So to them it looked like an earmark; they're putting it in the report.

This year, the Appropriations Committee is telling us that earmarks aren't really earmarks; they're just suggestions to the agencies who are under no obligation to fund them. So my question would be, what is the difference here? And why, if in other bills there are disclosure requirements—certification letters, put your name next to the earmark, other things that we have to do, if those are mere suggestions to the agencies—a "look see" we are told by the Appropriations Committee—what is the difference here where we list several programs that the Secretary should consider?

Mr. Chairman, I reserve the balance of my time and hope to be illuminated on this question.

Mrs. LOWEY. Mr. Chairman, I claim time in opposition to the amendment of the gentleman from Arizona.

The CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. The bill before the House contains an increase of 11 percent for education and cultural exchanges and is \$33 million below the amount requested in the budget.

The gentleman's amendment would reduce by \$8 million funding for international exchange programs, bringing the amount in the bill to over \$40 million below the request. It also would prohibit funding for the one-time special grants program begun in fiscal year 2008.

Grants under this program are required to be competitively awarded and support exchanges for people who do not benefit through existing programs. None of the entities and organizations listed in the report are earmarks. All entities highlighted in the report under the Special Grants Program must compete with all other applicants, whether

listed in the report or not. And for example, of the 39 entities listed in the explanatory statement accompanying the State, Foreign Operations, and Related Programs Appropriations Act, 2008, only 12, or less than one-third, received funding.

So, I say to my friend, respectfully, these are not earmarks. This program fills a void in our international exchange portfolio. It is a targeted, one-time, competitive opportunity for an organization to address either a regional or population gap in international exchanges and should be continued.

So I urge my colleagues to reject the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. The gentlelady mentioned FY 2008, mentioned there were some 36 listed. Only 24 of those 36 were actually eligible for funding. Half of those that were eligible for funding did receive the funding, which took over half of the funding that was eligible to be dispersed. And so there is quite an uncanny alignment between what is put out there and what is actually then awarded.

And my question is, with the rest of our appropriations this year, if, as we are told, simply giving the agencies a list of recommendations or a "look see," why is it that the so-called "hard earmarks" in other bills require a certification letter, require transparency, and other things, and these soft earmarks here, which act pretty much the same way, require no such disclosure or no such transparency? That's my concern here. And it's long been the concern of many with these soft earmarks.

The agencies have told us that their hands are sometimes too much tied by the soft earmarks. They have programs, and then Members of Congress will say, Oh, yes, we're appropriating money, but it needs to be spent here, here and here. And we all know that the agency knows who butters their bread, who appropriates their money. And they're inclined, particularly when it's the case of a powerful Member, to go along with the recommendations made.

So that's the question I have. It is more of transparency here; why are these earmarks treated differently than earmarks in other legislation?

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. I certainly understand the gentleman's concern, but I would like to reiterate again, there were 39 entities listed, 24 applied; and of that 24, only 12 received the grants. So I think it's very different from an earmark where, if you list an earmark on many of the subcommittees, it is expected that those items listed will get the grants. So, if there were 12 of the 24, it's clear to me that this is a com-

petitive grant. And so I certainly rest my case that this is not an earmark.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining?

The CHAIR. The gentleman from Arizona has 1½ minutes.

Mr. FLAKE. I thank the gentlelady.

I have to say, when we debated the Homeland Security bill just a few days ago, I challenged an earmark for a for-profit company, Global Solar.

□ 1730

I was told, no. Even though in the report language it says that the money is to go to Global Solar and there was a certification letter filled out by the Member saying the money is to go to Global Solar at this address, we were told there, well, no, it's going to be competitively bid, so don't worry about that language. It really doesn't mean anything.

So I just don't know what to believe here, if we are told that, well, this isn't like a hard earmark in other bills, and that's what I am being told now, but then I was told on the other bills, well, this isn't really a hard earmark either, but we did have the disclosure requirements there and we don't have them here. So I think it behooves us, until we can figure that out, until we can figure out are these hard earmarks or are they soft earmarks? Are they to be treated differently? Certainly the Members who requested them who actually listed them on their Web site as appropriation requests, they see them as earmarks. So I would think that we need to be careful here.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. I would like to just say to the gentleman that in the bill that you referenced, there were a hundred applications, and 51 received funding of the hundred. And of the 24 that applied that were listed in the bill, 12 received funding. So that sounds like a competitive grant to me. It looks like a competitive grant. In my judgment, it is a competitive grant.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. I would ask the gentlewoman, if that's the case, why list them? If they have to compete competitively, why do we list them? Why do we say to the agencies, well, you have a competitive program but we want you to look at these programs, we want you to look at this exchange program, this sister city program, and we're going to list it here in the report? If it's not an earmark, then don't list it and simply have those organizations compete like everyone else does.

Mrs. LOWEY. I would like to say to the gentleman, Members understand their districts. They have respect for some organizations and not for others. They have a right, certainly, to recommend to include, to reference specific groups. That doesn't mean they

are directing the agency to give them the earmarks. So, again, a hundred applied, 51 received them, and of the 24 that were referenced as suggested by Members, 12 of those received funding. So, again, they had to compete. But if the Members may believe that a particular group has done laudable work in their district, I think they have every right. As long as there is no guarantee, it is not an earmark.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-193 on which further proceedings were postponed, in the following order:

Amendment No. 1 printed in part A by Mrs. LOWEY of New York.

Amendment No. 2 printed in part B by Mr. BUYER of Indiana.

Amendment No. 6 printed in part B by Mr. STEARNS of Florida.

Amendment No. 7 printed in part B by Mr. WEINER of New York.

Amendment No. 5 printed in part B by Mr. CULBERSON of Texas.

Amendment No. 4 printed in part B by Mr. KIRK of Illinois.

Amendment No. 3 printed in part B by Mr. FLAKE of Arizona.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

PART A AMENDMENT NO. 1 OFFERED BY MRS. LOWEY

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mrs. LOWEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 168, not voting 9, as follows:

[Roll No. 516]

AYES—261

Abercrombie	Arcuri	Bean
Ackerman	Baca	Becerra
Adler (NJ)	Baird	Berkley
Altmire	Baldwin	Berman
Andrews	Barrow	Berry

Bishop (GA)	Hill	Pascarell
Bishop (NY)	Himes	Pastor (AZ)
Blumenauer	Hinchey	Payne
Boccheri	Hirono	Perlmutter
Bordallo	Hodes	Perriello
Boren	Holden	Peters
Boswell	Holt	Peterson
Boucher	Honda	Pierluisi
Boyd	Hoyer	Pingree (ME)
Brady (PA)	Inslee	Platts
Braley (IA)	Israel	Polis (CO)
Bright	Jackson (IL)	Pomeroy
Brown, Corrine	Jackson-Lee	Price (NC)
Butterfield	(TX)	Quigley
Cao	Johnson (GA)	Rahall
Capps	Johnson, E. B.	Rangel
Capuano	Kagen	Reichert
Cardoza	Kanjorski	Reyes
Carnahan	Kaptur	Richardson
Carney	Kennedy	Rodriguez
Carson (IN)	Kildee	Ross
Castor (FL)	Kilpatrick (MI)	Rothman (NJ)
Chandler	Kilroy	Roybal-Allard
Childers	Kind	Ruppersberger
Christensen	Kirkpatrick (AZ)	Rush
Clarke	Kissell	Ryan (OH)
Clay	Klein (FL)	Sablan
Cleaver	Kosmas	Salazar
Clyburn	Kratovil	Sánchez, Linda
Cohen	Kucinich	T.
Connolly (VA)	Langevin	Sanchez, Loretta
Conyers	Larsen (WA)	Sarbanes
Cooper	Lee (CA)	Schakowsky
Costa	Levin	Schauer
Costello	Lewis (GA)	Schiff
Courtney	Lipinski	Schock
Crowley	LoBiondo	Schrader
Cummings	Loebbeck	Schwartz
Dahikemper	Loftgren, Zoe	Scott (GA)
Davis (AL)	Lowe	Scott (VA)
Davis (CA)	Lujan	Serrano
Davis (IL)	Lynch	Sestak
Davis (TN)	Maffei	Shea-Porter
DeFazio	Maloney	Sherman
DeGette	Markey (CO)	Sires
Delahunt	Markey (MA)	Skelton
Dicks	Marshall	Slaughter
Dingell	Massa	Smith (WA)
Doggett	Matheson	Snyder
Donnelly (IN)	Matsui	Space
Doyle	McCarthy (NY)	Speier
Driehaus	McCollum	Spratt
Edwards (MD)	McDermott	Stark
Edwards (TX)	McGovern	Stupak
Ellison	McHugh	Sutton
Ellsworth	McIntyre	Tanner
Emerson	McMahon	Taylor
Engel	McNerney	Thompson (CA)
Eshoo	Meek (FL)	Thompson (MS)
Etheridge	Meeks (NY)	Tierney
Faleomavaega	Melancon	Titus
Farr	Michaud	Tonko
Fattah	Miller (NC)	Towns
Filner	Miller, George	Tsongas
Foster	Minnick	Van Hollen
Frank (MA)	Mitchell	Velázquez
Giffords	Mollohan	Visclosky
Gonzalez	Moore (KS)	Walden
Gordon (TN)	Moore (WI)	Walz
Grayson	Moran (VA)	Wasserman
Green, Al	Murphy (CT)	Schultz
Green, Gene	Murphy, Patrick	Waters
Griffith	Murtha	Watson
Grijalva	Nadler (NY)	Watt
Gutierrez	Napolitano	Waxman
Hall (NY)	Neal (MA)	Weiner
Halvorson	Norton	Welch
Hare	Nye	Wexler
Harman	Oberstar	Wilson (OH)
Hastings (FL)	Obey	Woolsey
Heinrich	Olver	Wu
Herseht Sandlin	Ortiz	Yarmuth
Higgins	Pallone	Young (AK)

NOES—168

Aderholt	Bilbray	Brady (TX)
Akin	Billirakis	Brown (GA)
Alexander	Bishop (UT)	Brown (SC)
Austria	Blackburn	Brown-Waite,
Bachmann	Blunt	Ginny
Bachus	Boehner	Buchanan
Barrett (SC)	Bonner	Burgess
Bartlett	Bono Mack	Burton (IN)
Barton (TX)	Boozman	Buyer
Biggert	Boustany	Calvert

Camp	Issa	Petri
Campbell	Jenkins	Pitts
Cantor	Johnson (IL)	Poe (TX)
Capito	Johnson, Sam	Posey
Carter	Jones	Price (GA)
Cassidy	King (IA)	Putnam
Castle	King (NY)	Radanovich
Chaffetz	Kingston	Rehberg
Coble	Kirk	Roe (TN)
Coffman (CO)	Kline (MN)	Rogers (AL)
Cole	Lamborn	Rogers (KY)
Conaway	Lance	Rogers (MI)
Crenshaw	Latham	Rohrabacher
Cuellar	LaTourette	Rooney
Culberson	Latta	Ros-Lehtinen
Davis (KY)	Lee (NY)	Roskam
Deal (GA)	Lewis (CA)	Royce
Dent	Linder	Ryan (WI)
Diaz-Balart, L.	Lucas	Scalise
Diaz-Balart, M.	Luetkemeyer	Schmidt
Dreier	Lummis	Sensenbrenner
Duncan	Lungren, Daniel	Shadegg
Ehlers	E.	Shimkus
Fallin	Mack	Shuler
Flake	Manzullo	Shuster
Fleming	Marchant	Simpson
Forbes	McCarthy (CA)	Smith (NE)
Fortenberry	McCaul	Smith (TX)
Fox	McClintock	Souder
Franks (AZ)	McCotter	Stearns
Frelinghuysen	McHenry	Sullivan
Gallegly	McKeon	Teague
Garrett (NJ)	McMorris	Terry
Gerlach	Rodgers	Thompson (PA)
Gingrey (GA)	Mica	Thornberry
Gohmert	Miller (FL)	Tiahrt
Goodlatte	Miller (MI)	Tiberi
Graves	Miller, Gary	Turner
Guthrie	Moran (KS)	Upton
Hall (TX)	Murphy, Tim	Wamp
Harper	Myrick	Westmoreland
Hastings (WA)	Neugebauer	Whitfield
Hensarling	Nunes	Wilson (SC)
Herger	Olson	Wittman
Hoekstra	Paul	Wolf
Hunter	Paulsen	Young (FL)
Inglis	Pence	

NOT VOTING—9

DeLauro	Heller	Larson (CT)
Fudge	Hinojosa	Murphy (NY)
Granger	Jordan (OH)	Smith (NJ)

□ 1800

Messrs. CAMP and ROGERS of Michigan changed their vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Mr. Chair, on rollcall No. 516, had I been present, I would have voted “aye.”

Stated against:

Mr. HELLER. Mr. Chair, on rollcall No. 516, had I been present, I would have voted “no.”

(By unanimous consent, Ms. GIFFORDS was allowed to speak out of order.)

MOMENT OF SILENCE IN MEMORY OF THE HONORABLE JAMES F. McNULTY, FORMER MEMBER OF CONGRESS

Ms. GIFFORDS. Mr. Chairman, today I rise in remembrance of James F. McNulty, an Arizonan, a patriot, a statesman and a former Member of this body. Mr. McNulty passed away in Tucson on the 30th of June.

During his long life of service of 83 years, Jim McNulty was many things. He was a World War II veteran, a proud University of Arizona alumnus, a father of three, a successful attorney, a member of the Catholic Church, a Peace Corps volunteer, and a legislator.

In 1982, Jim was elected to the U.S. House of Representatives, the fifth seat in the district of Arizona, a newly created seat. Though he only served for one single term, he was widely praised for his passionate advocacy for his community and for his constituents.

On behalf of the entire Arizona delegation, I would like to request that all Members please stand and observe a moment of silence in memory of our dear friend and former colleague, Jim McNulty.

The CHAIR. Members will please rise and observe a moment of silence.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

PART B AMENDMENT NO. 2 OFFERED BY MR. BUYER

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. BUYER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 271, not voting 11, as follows:

[Roll No. 517]

AYES—156

Aderholt	Deal (GA)	Latta
Akin	Dent	Lewis (CA)
Alexander	Diaz-Balart, L.	Linder
Austria	Diaz-Balart, M.	Lucas
Bachmann	Dreier	Luetkemeyer
Bachus	Duncan	Lummis
Barrett (SC)	Fallin	Mack
Bartlett	Flake	Manzullo
Barton (TX)	Fleming	Marchant
Bilbray	Forbes	McCarthy (CA)
Bilirakis	Fox	McCauley
Bishop (UT)	Franks (AZ)	McClintock
Blackburn	Frelinghuysen	McCotter
Blunt	Gallely	McHenry
Boehner	Garrett (NJ)	McKeon
Bonner	Gerlach	McMorris
Bono Mack	Gingrey (GA)	Rodgers
Boozman	Goodlatte	Mica
Boustany	Graves	Miller (FL)
Brady (TX)	Guthrie	Miller, Gary
Bright	Hall (TX)	Moran (KS)
Brown (GA)	Harper	Murphy, Tim
Brown (SC)	Hastings (WA)	Myrick
Buchanan	Hensarling	Neugebauer
Burgess	Herger	Nunes
Burton (IN)	Hoekstra	Olson
Buyer	Hunter	Paul
Calvert	Inglis	Paulsen
Camp	Issa	Pence
Campbell	Jenkins	Petri
Cantor	Johnson (IL)	Pitts
Carter	Johnson, Sam	Poe (TX)
Cassidy	Jones	Posey
Chaffetz	Jordan (OH)	Price (GA)
Childers	King (IA)	Putnam
Coble	Kingston	Radanovich
Coffman (CO)	Kirkpatrick (AZ)	Rehberg
Cole	Kline (MN)	Roe (TN)
Conaway	Lamborn	Rogers (KY)
Culberson	Latham	Rogers (MI)

Rohrabacher	Shimkus
Rooney	Shuster
Ros-Lehtinen	Simpson
Roskam	Smith (NE)
Royce	Smith (TX)
Ryan (WI)	Souder
Scalise	Stearns
Schmidt	Sullivan
Schock	Taylor
Schwartz	Teague
Sensenbrenner	Terry
Sessions	Thompson (PA)
Shadegg	Thornberry

NOES—271

Abercrombie	Etheridge	McCarthy (NY)
Ackerman	Faleomavaega	McCollum
Adler (NJ)	Farr	McDermott
Altmire	Fattah	McGovern
Andrews	Filner	McHugh
Arcuri	Portenberry	McIntyre
Baca	Foster	McMahon
Baird	Frank (MA)	McNerney
Baldwin	Giffords	Meek (FL)
Barrow	Gonzalez	Meeks (NY)
Bean	Gordon (TN)	Melancon
Becerra	Grayson	Michaud
Berkley	Green, Al	Miller (MI)
Berman	Green, Gene	Miller (NC)
Berry	Griffith	Miller, George
Biggert	Grijalva	Minnick
Bishop (GA)	Gutierrez	Mitchell
Bishop (NY)	Hall (NY)	Mollohan
Blumenauer	Halvorson	Moore (KS)
Boccieri	Hare	Moore (WI)
Bordallo	Harman	Moran (VA)
Boren	Hastings (FL)	Murphy (CT)
Boswell	Heinrich	Murphy, Patrick
Boucher	Hereth Sandlin	Murtha
Boyd	Higgins	Nadler (NY)
Brady (PA)	Himes	Napolitano
Braley (IA)	Hinchee	Neal (MA)
Brown, Corrine	Hirono	Norton
Brown-Waite,	Hodes	Nye
Ginny	Holden	Oberstar
Butterfield	Holt	Obey
Cao	Honda	Olver
Capito	Hoyer	Ortiz
Capps	Inslee	Pallone
Capuano	Israel	Pascrell
Carnahan	Jackson (IL)	Pastor (AZ)
Carney	Jackson-Lee	Payne
Carson (IN)	(TX)	Perlmutter
Castle	Johnson (GA)	Perriello
Castor (FL)	Johnson, E. B.	Peters
Chandler	Kagen	Peterson
Christensen	Kanjorski	Pierluisi
Clarke	Kaptur	Pingree (ME)
Clay	Kennedy	Platts
Cleaver	Kildee	Polis (CO)
Clyburn	Kilpatrick (MI)	Pomeroy
Cohen	Kilroy	Price (NC)
Connolly (VA)	Kind	Quigley
Conyers	King (NY)	Rahall
Cooper	Kirk	Rangel
Costa	Kissell	Reichert
Costello	Klein (FL)	Reyes
Courtney	Kosmas	Richardson
Crenshaw	Kratovil	Rodriguez
Crowley	Kucinich	Rogers (AL)
Cuellar	Lance	Rothman (NJ)
Cummings	Langevin	Roybal-Allard
Dahlkemper	Larsen (WA)	Ruppersberger
Davis (AL)	LaTourette	Rush
Davis (CA)	Lee (CA)	Ryan (OH)
Davis (IL)	Lee (NY)	Sablan
Davis (KY)	Levin	Salazar
Davis (TN)	Lewis (GA)	Sanchez, Linda
DeFazio	Lipinski	T.
DeGette	LoBlundo	Sanchez, Loretta
DeLaunt	Loeb	Sarbanes
Dicks	Lofgren, Zoe	Schakowsky
Dingell	Lowe	Schauer
Doggett	Lujan	Schiff
Donnelly (IN)	Lungren, Daniel	Schrader
Doyle	E.	Scott (GA)
Driehaus	Lynch	Scott (VA)
Edwards (MD)	Maffei	Serrano
Edwards (TX)	Maloney	Sestak
Ehlers	Markey (CO)	Shea-Porter
Ellison	Markey (MA)	Sherman
Ellsworth	Marshall	Shuler
Emerson	Massa	Sires
Engel	Matheson	Skelton
Eshoo	Matsui	Slaughter

Smith (NJ)	Tierney	Waters
Smith (WA)	Titus	Watson
Snyder	Tonko	Watt
Space	Towns	Waxman
Speier	Tsongas	Weiner
Spratt	Upton	Welch
Stark	Van Hollen	Wexler
Stupak	Velázquez	Whitfield
Sutton	Visclosky	Wilson (OH)
Tanner	Walz	Woolsey
Thompson (CA)	Wasserman	Wu
Thompson (MS)	Schultz	Yarmuth

NOT VOTING—11

Cardoza	Granger	Larson (CT)
DeLauro	Heller	Murphy (NY)
Fudge	Hill	Ross
Gohmert	Hinojosa	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining on this vote.

□ 1809

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HELLER, Mr. Chair, on rollcall No. 517, had I been present, I would have voted "aye."

Stated against:

Mr. HINOJOSA. Mr. Chair, on rollcall No. 517, had I been present, I would have voted "no."

PART B AMENDMENT NO. 6 OFFERED BY MR. STEARNS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 259, not voting 7, as follows:

[Roll No. 518]

AYES—172

Aderholt	Brown-Waite	Duncan
Adler (NJ)	Ginny	Ellsworth
Akin	Buchanan	Fallin
Alexander	Burgess	Flake
Austria	Burton (IN)	Fleming
Bachmann	Buyer	Forbes
Bachus	Calvert	Fortenberry
Barrett (SC)	Camp	Fox
Bartlett	Campbell	Franks (AZ)
Barton (TX)	Cantor	Frelinghuysen
Bean	Cao	Gallely
Biggert	Capito	Garrett (NJ)
Bilbray	Carter	Gerlach
Bilirakis	Cassidy	Gingrey (GA)
Bishop (UT)	Castle	Gohmert
Blackburn	Chaffetz	Goodlatte
Blunt	Childers	Graves
Boehner	Coble	Guthrie
Bonner	Coffman (CO)	Hall (TX)
Bono Mack	Cole	Halvorson
Boozman	Conaway	Harper
Boustany	Culberson	Hastings (WA)
Brady (TX)	Deal (GA)	Hensarling
Bright	Dent	Herger
Brown (GA)	Diaz-Balart, L.	Hoekstra
Brown (SC)	Diaz-Balart, M.	Hunter
	Dreier	Inglis

Putnam
Quigley
Radanovich
Rangel
Rehberg
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrbacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda
T.
Sánchez, Loretta
Scalise

Braley (IA)
Brown, Corrine
Capps
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Christensen

Clay Johnson (GA)
 Cleaver Johnson, E. B.
 Clyburn Johnson, Sam
 Conaway Kanjorski
 Conyers Kilpatrick (MI)
 Costa King (IA)
 Courtney King (NY)
 Crenshaw Kingston
 Cuellar Kline (MN)
 Dahlkemper Kucinich
 Davis (KY) Larsen (WA)
 Delahunt Latham
 Diaz-Balart, L. Lee (CA)
 Diaz-Balart, M. Linder
 Dingell Loeb sack
 Duncan Lofgren, Zoe
 Edwards (MD) Mack
 Ehlers Marshall
 Ellison Matsui
 Eshoo McCollum
 Etheridge McDermott
 Fattah McGovern
 Fleming McKeon
 Fortenberry McNeerney
 Frelinghuysen Meeks (NY)
 Gonzalez Michaud
 Grijalva Miller (NC)
 Harman Miller, George
 Hastings (FL) Minnick
 Hinchey Moore (WI)
 Hirono Moran (VA)
 Honda Napolitano
 Inslee Norton
 Issa Oberstar
 Jackson (IL) Obey
 Jackson-Lee Oliver
 (TX) Pastor (AZ)

NOT VOTING—6

DeLauro Granger Larson (CT)
 Fudge Heller Murphy (NY)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1824

Mr. INSLEE changed his vote from “aye” to “no.”

Ms. MARKEY of Colorado, Messrs. GINGREY of Georgia, BROUN of Georgia, AL GREEN of Texas and MEEK of Florida changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. HELLER. Mr. Chair, on rollcall No. 519, had I been present, I would have voted “aye.”

PART B AMENDMENT NO. 5 OFFERED BY MR. CULBERSON

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. CULBERSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 256, not voting 8, as follows:

Payne Peterson
 Pierluisi
 Pingree (ME)
 Price (NC)
 Rahall
 Reichert
 Rogers (MI)
 Roybal-Allard
 Rumpersberger
 Ryan (WI)
 Sarbanes
 Schakowsky
 Schiff
 Schmidt
 Schrock
 Scott (GA)
 Serrano
 Sestak
 Shea-Porter
 Skelton
 Snyder
 Spratt
 Stark
 Stupak
 Thompson (MS)
 Thornberry
 Tsongas
 Van Hollen
 Velázquez
 Walz
 Watt
 Welch
 Wexler
 Woolsey

[Roll No. 520]

AYES—174

Aderholt
 Akin
 Alexander
 Altmire
 Austria
 Bachmann
 Barrett (SC)
 Bartlett
 Barton (TX)
 Bilbray
 Bilirakis
 Bishop (UT)
 Blackburn
 Boocieri
 Boccia
 Hastings (WA)
 Hensarling
 Herger
 Hoekstra
 Holden
 Hunter
 Issa
 Jenkins
 Johnson (IL)
 Johnson, Sam
 Jones
 Jordan (OH)
 King (IA)
 Kingston
 Kirk
 Kirkpatrick (AZ)
 Kline (MN)
 Lamborn
 Lance
 Latham
 LaTourette
 Latta
 Lee (NY)
 Lewis (CA)
 Linder
 LoBiondo
 Lucas
 Luetkemeyer
 Lummis
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McKeon
 McMorris
 Rodgers
 Mica
 Miller (FL)
 Miller (MI)

NOES—256

Abercrombie
 Ackerman
 Adler (NJ)
 Andrews
 Arcuri
 Baca
 Bachus
 Baird
 Baldwin
 Barrow
 Bean
 Becerra
 Berkeley
 Berman
 Berry
 Biggert
 Bishop (GA)
 Bishop (NY)
 Blumenauer
 Blunt
 Bordallo
 Boren
 Boswell
 Boucher
 Boyd
 Brady (PA)
 Brady (TX)
 Bralley (IA)
 Brown, Corrine
 Butterfield
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Castor (FL)
 Chandler
 Christensen
 Clarke
 Clay
 Cleaver
 Clyburn
 Cohen
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Crowley
 Cuellar
 Cummings
 Dahlkemper
 Davis (AL)
 Davis (CA)
 Davis (IL)
 Davis (TN)
 DeGette
 Delahunt
 Dicks
 Dingell

Herseth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Holt
 Honda
 Hoyer
 Inglis
 Inslee
 Israel
 Jackson (IL)
 Jackson-Lee
 (TX)
 Johnson (GA)
 Johnson, E. B.
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kind
 King (NY)
 Kissell
 Klein (FL)
 Kosmas
 Kratovil
 Kucinich
 Langevin
 Larsen (WA)
 Lee (CA)
 Levin
 Lewis (GA)
 Lipinski
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lujan
 Lynch
 Maffei
 Maloney
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matheson
 Matsui
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McHugh
 McIntyre
 McMahon
 McNeerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Michaud
 Miller (NC)
 Miller, George
 Minnick
 Mitchell
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (VA)
 Murphy, Patrick
 Murtha
 Nadler (NY)
 Napolitano
 Neal (MA)
 Norton
 Nye
 Oberstar
 Obey
 Oliver
 Ortiz
 Pallone
 Pascarell
 Pastor (AZ)
 Payne
 Perlmutter
 Perriello
 Peters
 Peterson
 Pierluisi
 Pingree (ME)
 Polis (CO)
 Pomeroy
 Price (NC)
 Quigley
 Rahall
 Rangel
 Reichert
 Reyes
 Richardson
 Rodriguez
 Rogers (AL)
 Roskam
 Ross
 Rothman (NJ)
 Roybal-Allard
 Rumpersberger
 Rush
 Ryan (OH)
 Sablan
 Salazar
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schauer
 Schiff
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Serrano
 Sestak
 Shea-Porter
 Sherman
 Shuler
 Sires
 Skelton
 Slaughter
 Smith (WA)
 Snyder
 Space
 Speier
 Spratt
 Stark
 Stupak
 Sutton
 Tanner
 Thompson (CA)
 Thompson (MS)
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Van Hollen
 Velázquez
 Visclosky
 Walden
 Walz
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Wexler
 Wilson (OH)
 Woolsey
 Wu
 Yarmuth

NOT VOTING—8

DeLauro Granger Murphy (CT)
 Edwards (TX) Heller Murphy (NY)
 Fudge Larson (CT)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1831

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HELLER. Mr. Chair, on rollcall No. 520, had I been present, I would have voted “aye.”

PART B AMENDMENT NO. 4 OFFERED BY MR. KIRK

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. KIRK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 429, noes 2, not voting 7, as follows:

[Roll No. 521]

AYES—429

Abercrombie	Conyers	Hinojosa
Ackerman	Cooper	Hirono
Aderholt	Costa	Hodes
Adler (NJ)	Costello	Hoekstra
Akin	Courtney	Holden
Alexander	Crenshaw	Holt
Altmire	Crowley	Honda
Andrews	Cuellar	Hoyer
Arcuri	Culberson	Hunter
Austria	Cummings	Inglis
Baca	Dahlkemper	Inslee
Bachmann	Davis (AL)	Israel
Bachus	Davis (CA)	Issa
Baird	Davis (IL)	Jackson (IL)
Baldwin	Davis (KY)	Jackson-Lee
Barrett (SC)	Davis (TN)	(TX)
Barrow	Deal (GA)	Jenkins
Bartlett	DeFazio	Johnson (GA)
Barton (TX)	DeGette	Johnson (IL)
Bean	Delahunt	Johnson, E. B.
Berkley	Dent	Johnson, Sam
Berman	Diaz-Balart, L.	Jones
Berry	Diaz-Balart, M.	Jordan (OH)
Biggert	Dicks	Kagen
Bilbray	Dingell	Kanjorski
Bilirakis	Doggett	Kaptur
Bishop (GA)	Donnelly (IN)	Kennedy
Bishop (NY)	Doyle	Kildee
Bishop (UT)	Dreier	Kilpatrick (MI)
Blackburn	Driehaus	Kilroy
Blumenauer	Duncan	Kind
Blunt	Edwards (MD)	King (IA)
Boccieri	Edwards (TX)	King (NY)
Boehner	Ehlers	Kingston
Bonner	Ellison	Kirk
Bono Mack	Ellsworth	Kirkpatrick (AZ)
Boozman	Emerson	Kissell
Bordallo	Engel	Klein (FL)
Boren	Eshoo	Kline (MN)
Boswell	Etheridge	Kosmas
Boucher	Faleomavaega	Kratovil
Boustany	Fallin	Lamborn
Boyd	Farr	Lance
Brady (PA)	Fattah	Langevin
Brady (TX)	Filner	Larsen (WA)
Braley (IA)	Flake	Latham
Bright	Fleming	LaTourette
Broun (GA)	Forbes	Latta
Brown (SC)	Fortenberry	Lee (CA)
Brown, Corrine	Foster	Lee (NY)
Brown-Waite,	Fox	Levin
Ginny	Frank (MA)	Lewis (CA)
Buchanan	Franks (AZ)	Lewis (GA)
Burgess	Frelinghuysen	Linder
Burton (IN)	Gallely	Lipinski
Butterfield	Garrett (NJ)	LoBiondo
Buyer	Gerlach	Loebsack
Calvert	Giffords	Lofgren, Zoe
Camp	Gingrey (GA)	Lowey
Campbell	Gohmert	Lucas
Cantor	Gonzalez	Luetkemeyer
Cao	Goodlatte	Lujan
Capito	Gordon (TN)	Lummis
Capps	Graves	Lungren, Daniel
Capuano	Grayson	E.
Cardoza	Green, Al	Lynch
Carnahan	Green, Gene	Mack
Carney	Griffith	Maffei
Carson (IN)	Grijalva	Maloney
Carter	Guthrie	Manzullo
Cassidy	Gutierrez	Marchant
Castle	Hall (NY)	Markey (CO)
Castor (FL)	Hall (TX)	Markey (MA)
Chaffetz	Halvorson	Marshall
Chandler	Hare	Massa
Childers	Harman	Matheson
Christensen	Harper	Matsui
Clarke	Hastings (FL)	McCarthy (CA)
Clay	Hastings (WA)	McCarthy (NY)
Cleaver	Heinrich	McCauley
Clyburn	Hensarling	McClintock
Coble	Herger	McCollum
Coffman (CO)	Herseth Sandlin	McCotter
Cohen	Higgins	McDermott
Cole	Hill	McGovern
Conaway	Himes	McHenry
Connolly (VA)	Hinchey	McHugh

McIntyre	Pomeroy	Skelton
McKeon	Posey	Slaughter
McMahon	Price (GA)	Smith (NE)
McMorris	Price (NC)	Smith (NJ)
Rodgers	Putnam	Smith (TX)
McNerney	Quigley	Smith (WA)
Meek (FL)	Radanovich	Snyder
Meeks (NY)	Rahall	Souder
Melancon	Rangel	Space
Mica	Rehberg	Speier
Michaud	Reichert	Spratt
Costa	Reyes	Stearns
Miller (FL)	Richardson	Stupak
Miller (MI)	Rodriguez	Sullivan
Miller (NC)	Roe (TN)	Sutton
Miller, Gary	Rogers (AL)	Tanner
Miller, George	Rogers (KY)	Taylor
Minnick	Rogers (MI)	Teague
Mitchell	Rohrabacher	Terry
Mollohan	Rooney	Thompson (CA)
Moore (KS)	Ros-Lehtinen	Thompson (MS)
Moore (WI)	Roskam	Thompson (PA)
Moran (KS)	Ross	Thornberry
Moran (VA)	Rothman (NJ)	Tiahrt
Murphy (CT)	Roybal-Allard	Tiberi
Murphy, Patrick	Royce	Tierney
Murphy, Tim	Ruppersberger	Titus
Murtha	Rush	Tonko
Myrick	Nadler (NY)	Towns
Nadler (NY)	Napolitano	Tsongas
Neapolitano	Neal (MA)	Turner
Neal (MA)	Neugebauer	Upton
Neugebauer	Norton	Van Hollen
Norton	Nunes	Velazquez
Nunes	Nye	Visclosky
Nye	Oberstar	Walden
Oberstar	Obey	Walz
Obey	Olson	Wamp
Olson	Oliver	Wasserman
Oliver	Ortiz	Schultz
Pallone	Pallone	Waters
Pascarella	Pascarella	Watson
Pastor (AZ)	Pastor (AZ)	Watt
Paul	Paul	Waxman
Paulsen	Paulsen	Weiner
Payne	Payne	Welch
Pence	Sensenbrenner	Westmoreland
Perlmutter	Serrano	Wexler
Perriello	Sessions	Whitfield
Peters	Sestak	Wilson (OH)
Peterson	Shadegg	Wilson (SC)
Petri	Shea-Porter	Wittman
Pierluisi	Sherman	Wolf
Pingree (ME)	Shimkus	Woolsey
Pitts	Shuler	Wu
Platts	Shuster	Yarmuth
Poe (TX)	Simpson	Young (AK)
Polis (CO)	Sires	Young (FL)

NOES—2

NOT VOTING—7

Becerra	Granger	Murphy (NY)
DeLauro	Heller	
Fudge	Larson (CT)	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1839

So the amendment was agreed to.
The result of the vote was announced as above recorded.

Stated for:
Mr. HELLER. Mr. Chair, on rollcall No. 521, had I been present, I would have voted “aye.”

PART B AMENDMENT NO. 3 OFFERED BY MR.

FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 268, not voting 6, as follows:

[Roll No. 522]

AYES—164

Akin	Garrett (NJ)	Miller, Gary
Alexander	Gerlach	Minnick
Altmire	Giffords	Moran (KS)
Austria	Gingrey (GA)	Myrick
Bachmann	Gohmert	Neugebauer
Barrett (SC)	Goodlatte	Nunes
Bartlett	Graves	Olson
Barton (TX)	Guthrie	Paul
Bilbray	Hall (TX)	Paulsen
Bilirakis	Halvorson	Pence
Bishop (UT)	Harper	Petri
Blackburn	Hastings (WA)	Pitts
Boehner	Hensarling	Platts
Bonner	Herger	Poe (TX)
Bono Mack	Hodes	Poe (TX)
Boozman	Hoekstra	Poe (TX)
Boustany	Hunter	Posey
Brady (TX)	Inglis	Price (GA)
Bright	Issa	Putnam
Broun (GA)	Jenkins	Radanovich
Brown (SC)	Johnson (IL)	Rehberg
Brown-Waite,	Johnson, Sam	Roe (TN)
Ginny	Jones	Rogers (KY)
Buchanan	Jordan (OH)	Rogers (MI)
Burgess	King (IA)	Rohrabacher
Burton (IN)	Kingston	Rooney
Buyer	Kirk	Ros-Lehtinen
Calvert	Kirkpatrick (AZ)	Roskam
Camp	Kline (MN)	Royce
Campbell	Kratovil	Ryan (WI)
Cantor	Lamborn	Scalise
Capito	Lance	Schmidt
Carter	Latta	Schock
Cassidy	Lee (NY)	Sensenbrenner
Chaffetz	Lewis (CA)	Sessions
Coble	Linder	Shadegg
Coffman (CO)	LoBiondo	Shuler
Cohen	Lucas	Shuster
Cole	Luetkemeyer	Smith (NE)
Conaway	Lummis	Smith (TX)
Culberson	Lungren, Daniel	Souder
Dahlkemper	E.	Stearns
Davis (KY)	Mack	Sullivan
Deal (GA)	Manzullo	Taylor
Dent	Marchant	Terry
Dreier	McCarthy (CA)	Thornberry
Duncan	McCauley	Tiahrt
Ehlers	McClintock	Tiberi
Fallin	McCotter	Titus
Flake	McHenry	Walden
Fleming	McKeon	Wamp
Forbes	McMorris	Westmoreland
Fox	Rodgers	Whitfield
Franks (AZ)	Mica	Wilson (SC)
Frelinghuysen	Miller (FL)	Wittman
Gallely	Miller (MI)	Young (AK)
		Young (FL)

NOES—268

Abercrombie	Boccieri	Christensen
Ackerman	Bordallo	Clarke
Aderholt	Boren	Clay
Adler (NJ)	Boswell	Cleaver
Andrews	Boucher	Clyburn
Arcuri	Boyd	Connolly (VA)
Baca	Brady (PA)	Conyers
Bachus	Braley (IA)	Cooper
Baird	Brown, Corrine	Costa
Baldwin	Butterfield	Costello
Barrow	Cao	Courtney
Bean	Capps	Crenshaw
Becerra	Capuano	Crowley
Berkley	Cardoza	Cuellar
Berman	Carnahan	Cummings
Berry	Carney	Davis (AL)
Biggert	Carson (IN)	Davis (CA)
Bishop (GA)	Castle	Davis (IL)
Bishop (NY)	Castor (FL)	Davis (TN)
Blumenauer	Chandler	DeFazio
Blunt	Childers	DeGette

Delahunt	Latham	Rodriguez
Diaz-Balart, L.	LaTourette	Rogers (AL)
Diaz-Balart, M.	Lee (CA)	Ross
Dicks	Levin	Rothman (NJ)
Dingell	Lewis (GA)	Roybal-Allard
Doggett	Lipinski	Ruppersberger
Donnelly (IN)	Loeb	Rush
Doyle	Loftgren, Zoe	Ryan (OH)
Driehaus	Lowey	Sablan
Edwards (MD)	Lujan	Salazar
Edwards (TX)	Lynch	Sánchez, Linda
Ellison	Maffei	T.
Ellsworth	Maloney	Sanchez, Loretta
Emerson	Markey (CO)	Sarbanes
Engel	Markey (MA)	Schakowsky
Eshoo	Marshall	Schauer
Etheridge	Massa	Schiff
Faleomavaega	Matheson	Schrader
Farr	Matsui	Schwartz
Fattah	McCarthy (NY)	Scott (GA)
Filner	McCollum	Scott (VA)
Fortenberry	McDermott	Serrano
Foster	McGovern	Sestak
Frank (MA)	McHugh	Shea-Porter
Gonzalez	McIntyre	Sherman
Gordon (TN)	McMahon	Shimkus
Grayson	McNerney	Simpson
Green, Al	Meek (FL)	Sires
Green, Gene	Meeks (NY)	Skelton
Griffith	Melancon	Slaughter
Grijalva	Michaud	Smith (NJ)
Gutierrez	Miller (NC)	Smith (WA)
Hall (NY)	Miller, George	Snyder
Hare	Mitchell	Space
Harman	Mollohan	Speier
Hastings (FL)	Moore (KS)	Spratt
Heinrich	Moore (WI)	Stark
Herseth Sandlin	Moran (VA)	Stupak
Higgins	Murphy (CT)	Sutton
Hill	Murphy, Patrick	Tanner
Himes	Murphy, Tim	Teague
Hinchee	Murtha	Thompson (CA)
Hinojosa	Nadler (NY)	Thompson (MS)
Hirono	Napolitano	Thompson (PA)
Holden	Neal (MA)	Tierney
Holt	Norton	Tonko
Honda	Nye	Towns
Hoyer	Oberstar	Tsongas
Inslee	Obey	Turner
Israel	Oliver	Upton
Jackson (IL)	Ortiz	Van Hollen
Jackson-Lee	Pallone	Velázquez
(TX)	Pascrell	Visclosky
Johnson (GA)	Pastor (AZ)	Walz
Johnson, E. B.	Payne	Wasserman
Kagen	Perlmutter	Schultz
Kanjorski	Perriello	Waters
Kaptur	Peters	Watson
Kennedy	Peterson	Watt
Kildee	Pierluisi	Waxman
Kilpatrick (MI)	Pingree (ME)	Weiner
Kilroy	Polis (CO)	Welch
Kind	Pomeroy	Wexler
King (NY)	Price (NC)	Wilson (OH)
Kissell	Quigley	Wolf
Klein (FL)	Rahall	Woolsey
Kosmas	Rangel	Wu
Kucinich	Reichert	Yarmuth
Langevin	Reyes	
Larsen (WA)	Richardson	

NOT VOTING—6

DeLauro	Granger	Larson (CT)
Fudge	Heller	Murphy (NY)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes remain on the vote.

□ 1846

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HELLER. Mr. Chair, on rollcall No. 522, had I been present, I would have voted "aye."

The CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010".

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HOLDEN) having assumed the chair, Mr. CAPUANO, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 617, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 617, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. KIRK. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KIRK. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kirk moves to recommit the bill back to the Committee on Appropriations with instructions to report the same back forthwith with the following amendment:

At the end of the bill, insert the following new section:

SEC. . REGULAR ORDER ON APPROPRIATIONS BILLS.

(a) FINDINGS.—

(1) On October 6, 2000, the gentleman from Wisconsin, Mr. Obey, made the following statement regarding the appropriations process: "We have gotten so far from the regular order that I fear that if this continues, the House will not have the capacity to return to the precedents and procedures of the House that have given true meaning to the term 'representative democracy'. The reason that we have stuck to regular order as long as we have in this institution is to protect the rights of every Member to participate. And when we lose those rights, we lose the right to be called the greatest deliberative body left in the world."

(2) On that same day, the gentleman from Wisconsin, Mr. Obey went on to say, "I believe that this incredible centralization of decision-making in the hands of staff in the House leadership offices means that for most Members representing their districts in this body is diminishing every day in terms of their ability to have a say in what goes on around here."

(3) On July 9, 2009, the House adopted a rule governing consideration of this bill making appropriations for the Department of State, foreign operations, and related pro-

grams for the fiscal year ending September 30, 2010 that deviated from the regular order by making in order no more than eight amendments and by specifically preventing 39 Members from offering amendments that they had publicly indicated a desire to have debated.

(4) The following Members were specifically denied the right to participate in the deliberations on this bill by having one or more of their amendments denied the right to be debated:

The gentlewoman from Illinois, Ms. Bean;
The gentleman from California, Mr. Bilbray;

The gentlewoman from Tennessee, Ms. Blackburn;

The gentleman from Missouri, Mr. Blunt;

The gentleman from Georgia, Mr. Broun;

The gentlewoman from Florida, Ms. Brown-Waite;

The gentleman from Indiana, Mr. Burton;

The gentleman from Delaware, Mr. Castle;

The gentleman from Texas, Mr. Conaway;

The gentleman from Oregon, Mr. DeFazio;

The gentleman from Pennsylvania, Mr. Dent;

The gentleman from Nebraska, Mr. Forten-

berry;

The gentleman from New Jersey, Mr. Gar-

rett;

The gentleman from Georgia, Mr. Gingrey;

The gentleman from Virginia, Mr. Good-

latte;

The gentleman from Arizona, Mr. Grijalva;

The gentleman from Nevada, Mr. Heller;

The gentleman from Texas, Mr. Hen-

sarling;

The gentlewoman from South Dakota, Ms. Herseth Sandlin;

The gentleman from New Hampshire, Mr. Hodes;

The gentleman from Ohio, Mr. Jordan;

The gentleman from Iowa, Mr. King;

The gentleman from Missouri, Mr. Luetke-

meyer;

The gentleman from Florida, Mr. Mack;

The gentleman from Georgia, Mr. Mar-

shall;

The gentleman from Texas, Mr. McCaul;

The gentleman from Pennsylvania, Mr. Murphy;

The gentleman from Texas, Mr. Neuge-

bauer;

The gentleman from New Jersey, Mr. Payne;

The gentleman from Georgia, Mr. Price;

The gentlewoman from Florida, Ms. Ros-

Lehtinen;

The gentleman from Illinois, Mr. Roskam;

The gentleman from Wisconsin, Mr. Sen-

senbrenner;

The gentleman from New Jersey, Mr. Smith;

The gentleman from Florida, Mr. Stearns;

The gentleman from Michigan, Mr. Stu-

pak;

The gentlewoman from California, Ms. Waters;

The gentleman from New York, Mr. Wei-

ner; and

The gentleman from Virginia, Mr. Witt-

man.

(5) As each of these Members represents ap-

proximately 650,000 Americans, approx-

imately 25,350,000 Americans were denied

their right to be represented because the re-

strictive rule supported by the gentleman

from Wisconsin, Mr. Obey, failed to follow

the precedents and procedures of the House;

(6) The gentleman from Wisconsin, Mr.

Obey, was correct that a true representative

democracy is impossible when 25,350,000

Americans have their representative to Con-

gress shut-out of the legislative process;

(7) As a result of the restrictive rule implemented by the Democratic majority, the House was not allowed to vote or even debate pertinent issues such as:

An amendment that would prohibit funding for the Palestinian Authority until the ruling Fatah Party abandons the clauses in its Party Constitution that call for the destruction of Israel;

An amendment that would reduce subsidies for the Export-Import Bank;

An amendment to prohibit funding for a new international organization that proposes to tax American energy companies;

An amendment that would increase aid to Israel;

An amendment that would reduce spending by 15 percent from the 2009 levels, reducing the deficit by \$17,700,000,000;

An amendment to permit Federal agencies to purchase alternative fuels;

An amendment to prevent U.S. funds from being used to pay for the legal expenses of United Nations employees who have been charged with malfeasance;

An amendment to prohibit funds from being used to establish commercial ties with Iran;

An amendment to prohibit diplomatic relations with Cuba unless they agree to extradite to the United States convicted cop killers;

An amendment to prohibit assistance to members of foreign terrorist organizations;

An amendment to prohibit the use of taxpayer funds to pay Federal employees to do union activities while on official time;

An amendment to rescind funding for the International Monetary Fund;

An amendment to prohibit funds from being used to promote abortions;

An amendment to terminate the visa lottery program;

An amendment to prohibit taxpayer funds from being used to employ illegal aliens;

An amendment to help eliminate waste, fraud and abuse of taxpayer funds by providing additional resources to the Inspectors General;

An amendment to prohibit funds from being used to fund projects named after sitting Members of Congress;

An amendment to reallocate funds from the Organization for American States to the National Endowment for Democracy;

An amendment to provide support for those advocating democracy in Iran;

An amendment to prohibit funding for international organizations headed by Iran;

An amendment to prohibit funding for organizations that perform abortions, and

Several amendments to reform the International Monetary Fund.

(8) The gentleman from Wisconsin, Mr. Obey, was correct that the House loses the right to be called the "greatest deliberative body left in the world" if it refuses to even debate, let alone vote, on these issues.

(b) **POLICY.**—It is the policy of the U.S. House of Representatives that this bill should be reopened for amendment under the regular order procedures advocated by the gentleman from Wisconsin, Mr. Obey, on October 6, 2000.

Mrs. LOWEY (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the motion.

Mr. KIRK. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will continue to read.

The Clerk continued to read.

POINT OF ORDER

Mrs. LOWEY (during the reading). Mr. Speaker, I wish to insist on a point of order under clause 2 of rule XXI and believe that the Chair has heard enough of the reading to dispose of such a question.

Mr. KIRK. Mr. Speaker, I object.

The SPEAKER pro tempore. An amendment being offered and the reading having begun, a point of order may interrupt the reading and the Chair may rule the amendment out if enough has been read to show that it is out of order.

Mr. KIRK. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The Chair will entertain argument over the point of order. Does the gentleman wish to speak on the point of order?

Mr. KIRK. I do.

The SPEAKER pro tempore. The gentleman from Illinois is recognized on the point of order.

Mr. KIRK. Mr. Speaker, the question I would ask is: How would the Chair know that a point of order lies if we haven't even read the underlying motion to recommit?

I would worry that we would enter into a parliamentary procedure something like the election counting in Iran where we quickly find out a result before—

The SPEAKER pro tempore. An amendment being ordered and the reading having begun, a point of order may interrupt the reading and the Chair may rule the amendment out if enough has been read to show that it is out of order.

Mr. KIRK. Mr. Speaker, on that I appeal the ruling of the Chair.

The SPEAKER pro tempore. The Chair has yet to rule on a point of order.

Does the gentleman wish to be heard on the underlying point of order?

Mr. KIRK. I continue to wish to be heard.

On that I would think that due consideration would be to have the House hear the motion to recommit, and once you have understood its full import, we would then be able to hear from the Chair and have the body decide if it wanted to appeal the ruling or not.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

The Chair is prepared to rule.

Mrs. LOWEY. I insist on my point of order.

PARLIAMENTARY INQUIRY

Mr. KIRK. Parliamentary Inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. KIRK. What is the point of order against reading the actual resolution that we have before us?

The SPEAKER pro tempore. The gentlewoman from New York stated clause 2 of rule XXI as the basis.

Mr. FRANK of Massachusetts. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. FRANK of Massachusetts. Mr. Speaker, the logic of this point of order being in order now is that in the alternative, those Members who suffer from Senate envy could write a 700-page nongermane amendment.

The SPEAKER pro tempore. The Chair is prepared to rule.

Mr. FRANK of Massachusetts. Mr. Speaker, I believe I have the floor.

The SPEAKER pro tempore. Does any other Member wish to be heard?

Mr. FRANK of Massachusetts. Mr. Speaker, I would like to continue my remarks which are that we have a—Mr. Speaker, let me amend what I said.

Let me amend what I said and refer to those thin-skinned Members with Senate envy.

Mr. Speaker, the point is that the point of order is necessary to disallow filibuster by reading a nongermane amendment that could last for hours. That is why I speak in support of the point of order.

The SPEAKER pro tempore. Does any other Member wish to be heard?

The Chair is prepared to rule. For the reasons stated by the gentlewoman from New York, and as held in similar circumstances earlier today, the proposed amendment violates clause 2 of rule XXI. The point of order is sustained. The motion is not in order.

Mr. KIRK. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mrs. LOWEY. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KIRK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 180, not voting 14, as follows:

[Roll No. 523]

AYES—238

Abercrombie	Berry	Brown, Corrine
Ackerman	Bishop (GA)	Butterfield
Adler (NJ)	Bishop (NY)	Capps
Altmire	Blumenauer	Capuano
Baca	Bocieri	Cardoza
Baird	Boren	Carnahan
Baldwin	Boswell	Carson (IN)
Barrow	Boucher	Castor (FL)
Bean	Boyd	Chandler
Becerra	Brady (PA)	Childers
Berkley	Braley (IA)	Clarke
Berman	Bright	Clay

Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.

Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsock
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson

NOES—180

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)

Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carney
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)

Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Klumborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)

Andrews
Boehner
DeLauro
Fudge
Gordon (TN)
Granger
Heller
Hill
Larson (CT)
Miller, George

NOT VOTING—14

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1913

Ms. KILPATRICK of Michigan changed her vote from “no” to “aye.” So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HELLER. Mr. Speaker, on rollcall No. 523, had I been present, I would have voted “no.”

MOTION TO RECOMMIT

Mr. KIRK. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KIRK. I am, in its current form. The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Kirk moves to recommit the bill back to the Committee on Appropriations with instructions to report the same back forthwith with the following amendment:

Page 11, line 7, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 18, line 11, after the dollar amount, insert “(increased by \$15,000,000)”.

Mr. KIRK (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mrs. LOWEY. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. KIRK. Mr. Speaker, in my judgment, we should support organizations that advance democracy and reduce the increase in funding for organizations which are ambivalent.

Under this bill, the National Endowment for Democracy was cut \$15 million. Conversely, the Organization of American States and other international institutions got a \$92 million increase. Yet, the OAS invited Fidel Castro back into the organization—by the way, Fidel then said no—and the OAS also leads support for the Honduran leader even after his supreme court ruled that he could not extend his term.

□ 1915

Now many countries are forced into a dilemma by a would-be dictator who calls a vote but then ends all votes. Cuba has no votes. Venezuela has few remaining. And now Honduras was saved by a Supreme Court. Therefore, in my judgment, we should reduce the increase for the OAS, which doesn't know if it supports democracy, and give that money to the National Endowment for Democracy, which does.

I yield the balance of my time to the ranking member of the Foreign Affairs Committee, Ileana Ros-Lehtinen.

Ms. ROS-LEHTINEN. I thank the gentleman from Illinois for his time.

Mr. Speaker, as he explained, our motion to recommit would reduce the United States' contribution to the Organization of American States by \$15 million and instead direct that funding to NED, the National Endowment for Democracy, for democracy promotion programs.

Recent events call into question the commitment of the OAS to its historic values of democracy and human rights.

The OAS on Cuba? In spite of hundreds of political prisoners languishing in jail, having committed no crime but speaking on behalf of freedom; in spite of there being no elections; in spite of there being only one political party allowed to operate in Cuba, the Communist Party; in spite of no labor unions allowed to operate; no human rights respected, what did the OAS do? It passed a resolution lifting the 1962 suspension of Cuba from the OAS.

Regarding the events in Honduras, the OAS ignored President Zelaya's ongoing constitutional violations and remained silent when the Honduran Supreme Court acted, when the Attorney General decided, when the Human Rights Ombudsman decided, when the National Congress voted, all declaring his referendum illegal.

The United States is footing 60 percent of the entire budget bill for the OAS while that organization pursues an agenda of appeasement toward repressive governments in the hemisphere. The hard-earned dollars of your constituents go to fund this sham.

There are clearly much better uses of U.S. taxpayer funds in order to advance an agenda of freedom and democracy. The National Endowment for Democracy has a long record of fighting for fundamental freedoms, for democracies around the world. The \$15 million will be better spent by NED to support dissidents and those struggling to advance freedom in the countries of the Americas.

A few examples of the OAS actions, I wish I had more time, but in February, following the attack of a prominent synagogue in Venezuela which highlighted the growing anti-Semitic campaign facilitated and tolerated by the Chavez regime, the then U.S. Ambassador to the OAS called for a condemnation. What did the OAS do? Nada. They did nothing. And the Secretary General expressed confidence in the system of Chavez and their investigation of the incident.

What about Nicaragua? In November of 2008, during their municipal elections, the OAS again did nada, nothing about reports that thousands of Sandinista supporters wielding homemade rocket launchers continued to arrive in Managua from all over the country gathering outside the Supreme Electoral Council's building to demand a final verdict on the elections. The OAS also did nada, nothing about the destruction of three opposition radio stations in the city of Leon during these municipal elections.

U.S. taxpayer funds are better spent supporting the work of the bipartisan National Endowment for Democracy that helps strengthen democratic institutions around the world. Let's help NED do something. Let's stop the OAS from doing nada.

Mr. KIRK. Mr. Speaker, I would recommend that this House adopt the motion to recommit so that we can say that we don't want to cut the National Endowment for Democracy and that we want to support that organization rather than the Organization of American States, which has done nada.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, OAS is the preeminent multilateral organization in our hemisphere. It helps resolve or minimize many threats, including terrorism, narcotics, and political conflicts. It also plays an important role in promoting sustainable development in Central America, supports the election process in places like Ecuador, Paraguay, Haiti, and El Salvador.

While we may not agree with every issue and every member in the OAS, it is the key conduit for discussions among all of our hemispheric partners. We have made an international commitment as a member of OAS to pay our dues. Cutting our assessment payment will create arrears and undermine the work of the Secretariat, located here in Washington. The OAS is an international organization, and the United States has a legal commitment to provide our assessed contribution.

The OAS is the only regional organization in the Western Hemisphere that has all of the democratically elected members of the region, and all of them strive to enhance and secure democratic principles and values as embodied in the Inter-American Democratic Charter, which was accepted by all of the members.

The OAS is the prime defender of human rights in the region. OAS plays a major role in helping the people of Haiti as they struggle to establish a sustainable democratic regime, with assistance elections and civil society programs and rule of law. The OAS is one of the world's most recognized election observation experts, sending missions all over Latin America and the Caribbean.

It would be a disastrous sign of our commitment as the main contributor to the OAS for us to unilaterally cut off funding.

Mr. Speaker, I yield to the gentleman from California, the Chair of the Foreign Relations Committee, Mr. BERMAN.

Mr. BERMAN. Mr. Speaker, I just want everybody to understand the party proposing this motion to recommit is the same party that held the White House for 8 years where our policies and relationships towards the entire Latin American region so degraded our reputation and our effectiveness that they should be embarrassed to make suggestions.

Secondly, I am a great fan of the National Endowment for Democracy. I tell you they don't want this amendment to pass.

Thirdly, the real agenda here, this is an organization that has refused to bring back a member that does not meet the democratic criteria of that organization in great part because of the excellent work of our administration here at the most recent OAS meeting.

And, fourthly, the real agenda here is because some people here don't care that people they like better in a country called Honduras—and I understand why they like them better and in some ways they may be better—are willing to resort to a military coup and a totally antidemocratic approach to changing leadership but don't want to bring that into the debate because they're embarrassed to be associated with a military coup in Honduras. That's the goal of these people.

I urge a "no" vote on this amendment.

Mrs. LOWEY. Mr. Speaker, I yield to the gentleman from New York (Mr. ENGEL), chairman of the Subcommittee on the Western Hemisphere.

Mr. ENGEL. I thank my friend, the gentlewoman from New York, for yielding to me.

As the chairman of the Western Hemisphere Subcommittee for the past 2 years, I can tell you wherever I go in South America, Central America, the Caribbean, people say that the United States has been neglectful over the past 8 years, that we haven't looked towards our own brothers and sisters in the Western Hemisphere, and I think that what we ought to be doing now is supporting organizations like the OAS. Even if we don't agree with everything they do, now is not the time to turn away or to cut funding for the OAS.

We need to be engaged. We need to work with our brother and sister countries in the hemisphere so that we can show that we are with them. And all cutting aid does is make it more difficult for our country to carry out our own foreign policy objectives.

I think there should be more money for the National Endowment for Democracy. This is not the way to do it. Cutting aid to the OAS would be a grave mistake, and I oppose the motion.

Mrs. LOWEY. Mr. Speaker, I urge a "no" vote, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KIRK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 192, noes 233, not voting 7, as follows:

[Roll No. 524]

AYES—192

Aderholt	Blackburn	Burton (IN)
Akin	Blunt	Buyer
Alexander	Bonner	Calvert
Altmire	Bono Mack	Camp
Arcuri	Boozman	Campbell
Austria	Boren	Cantor
Bachmann	Boustany	Cao
Bachus	Brady (TX)	Capito
Barrett (SC)	Bright	Carney
Bartlett	Brown (GA)	Carter
Barton (TX)	Brown (SC)	Cassidy
Biggart	Brown-Waite,	Castle
Blibray	Ginny	Chaffetz
Bilirakis	Buchanan	Childers
Bishop (UT)	Burgess	Coble

Coffman (CO)	Lamborn	Reichert	Lynch	Pascarell	Shea-Porter	Cohen	Kennedy	Putnam
Cole	Lance	Roe (TN)	Maffei	Pastor (AZ)	Sherman	Cole	Kildee	Quigley
Conaway	Latham	Rogers (AL)	Maloney	Paul	Skelton	Connolly (VA)	Kilpatrick (MI)	Rahall
Crenshaw	LaTourette	Rogers (KY)	Markey (CO)	Payne	Slaughter	Conyers	Kilroy	Rangel
Culberson	Latta	Rogers (MI)	Markey (MA)	Perlmutter	Smith (WA)	Cooper	Kind	Reichert
Dahlkemper	Lee (NY)	Rohrabacher	Marshall	Perriello	Snyder	Costa	King (NY)	Reyes
Davis (KY)	Lewis (CA)	Rooney	Massa	Peters	Speier	Costello	Kirk	Richardson
Deal (GA)	Linder	Ros-Lehtinen	Matheson	Peterson	Spratt	Courtney	Kirkpatrick (AZ)	Rodriguez
Dent	LoBiondo	Roskam	Matsui	Pingree (ME)	Stark	Crenshaw	Kissell	Roe (TN)
Diaz-Balart, L.	Lucas	Royce	McCarthy (NY)	Polis (CO)	Stupak	Crowley	Klein (FL)	Rogers (AL)
Diaz-Balart, M.	Luetkemeyer	Ryan (WI)	McCollum	Pomeroy	Sutton	Cuellar	Kline (MN)	Rooney
Donnelly (IN)	Lummis	Scalise	McDermott	Price (NC)	Tanner	Cummings	Kosmas	Ros-Lehtinen
Dreier	Lungren, Daniel	Schauer	McGovern	Quigley	Taylor	Dahlkemper	Kratovil	Roskam
Duncan	E.	Schmidt	McIntyre	Rahall	Thompson (CA)	Davis (AL)	Lamborn	Ross
Ehlers	Mack	Schock	McNerney	Rangel	Thompson (MS)	Davis (CA)	Lance	Rothman (NJ)
Emerson	Manzullo	Sensenbrenner	Meeks (NY)	Reyes	Tierney	Davis (IL)	Langevin	Roybal-Allard
Fallin	Marchant	Sessions	Melancon	Richardson	Titus	Davis (TN)	Larsen (WA)	Ruppersberger
Fleming	McCarthy (CA)	Shadegg	Michaud	Rodriguez	DeFazio	DeFazio	LaTourette	Rush
Forbes	McCaul	Shinkus	Miller (NC)	Ross	DeGette	DeGette	Lee (CA)	Ryan (OH)
Fortenberry	McClintock	Shulster	Miller, George	Rothman (NJ)	Delahunt	Delahunt	Lee (NY)	Salazar
Fox	McCotter	Shuster	Minnick	Roybal-Allard	Dent	Dent	Levin	Sánchez, Linda
Franks (AZ)	McHenry	Simpson	Mitchell	Ruppersberger	Diaz-Balart, L.	Diaz-Balart, M.	Lewis (GA)	T.
Frelinghuysen	McHugh	Sires	Mollohan	Rush	Velázquez	Dicks	Lipinski	Sanchez, Loretta
Gallely	McKeon	Smith (NE)	Moore (KS)	Ryan (OH)	Visclosky	Dingell	LoBiondo	Sarbanes
Garrett (NJ)	McMahon	Smith (NJ)	Moore (WI)	Salazar	Walz	Doggett	Loeb	Scalise
Gerlach	McMorris	Smith (TX)	Moran (VA)	Sánchez, Linda	Waters	Donnelly (IN)	Lofgren, Zoe	Schakowsky
Gingrey (GA)	Rodgers	Souder	Murphy (CT)	T.	Watson	Doyle	Lowe	Schauer
Gohmert	Meek (FL)	Space	Murtha	Sanchez, Loretta	Watt	Dreier	Lujan	Schiff
Goodlatte	Mica	Stearns	Nadler (NY)	Sarbanes	Waxman	Drie	Lynch	Schmidt
Griffith	Miller (FL)	Sullivan	Napolitano	Schack	Weiner	Dreier	Mack	Schock
Guthrie	Miller (MI)	Teague	Neal (MA)	Schiff	Welch	Dreier	Maffei	Schrader
Hall (TX)	Miller, Gary	Terry	Nye	Schrader	Wexler	Dreier	Maloney	Schwartz
Harper	Moran (KS)	Thompson (PA)	Oberstar	Schwartz	Wilson (OH)	Ellison	Markey (CO)	Scott (GA)
Hastings (WA)	Murphy (NY)	Thornberry	Obey	Scott (GA)	Woolsey	Ellsworth	Markey (MA)	Scott (VA)
Hensarling	Murphy, Patrick	Tiahrt	Olver	Scott (VA)	Wu	Engel	Marshall	Serrano
Herger	Murphy, Tim	Tiberi	Ortiz	Serrano	Yarmuth	Eshoo	Massa	Sessions
Hoekstra	Myrick	Turner	Pallone	Sestak		Etheridge	Matsui	Sestak
Hunter	Neugebauer	Upton				Farr	McCarthy (CA)	Shadegg
Inglis	Nunes	Walden				Fattah	McCarthy (NY)	Shea-Porter
Issa	Olson	Wamp	Boehner	Granger	Larson (CT)	Filner	McCollum	Sherman
Jenkins	Paulsen	Wasserman	DeLauro	Graves		Fleming	McCotter	Shuster
Johnson (IL)	Pence	Schultz	Fudge	Heller		Foster	McDermott	Shuster
Johnson, Sam	Petri	Westmoreland				Frank (MA)	McGovern	Sires
Jones	Pitts	Whitfield				Frelinghuysen	McHugh	Skelton
Jordan (OH)	Platts	Wilson (SC)				Garrett (NJ)	McMahon	Slaughter
King (IA)	Poe (TX)	Wittman				Gerlach	McNerney	Smith (WA)
King (NY)	Posey	Wolf				Giffords	Meek (FL)	Snyder
Kingston	Price (GA)	Young (AK)				Gonzalez	Meeks (NY)	Souder
Kirk	Putnam	Young (FL)				Gordon (TN)	Melancon	Space
Klein (FL)	Radanovich					Grayson	Michaud	Speier
Kline (MN)	Rehberg					Green, Al	Miller (MI)	Spratt

NOES—233

Abercrombie	Crowley	Hersteth Sandlin	So the motion to recommit was rejected.			Grijalva	Minnick	Sutton
Ackerman	Cuellar	Higgins	The result of the vote was announced as above recorded.			Guthrie	Mitchell	Tanner
Adler (NJ)	Cummings	Hill	Stated for:			Gutierrez	Mollohan	Terry
Andrews	Davis (AL)	Himes	Mr. HELLER. Mr. Speaker, on rollcall No. 524, had I been present, I would have voted "aye."			Hall (NY)	Moore (KS)	Thompson (CA)
Baca	Davis (CA)	Hinchey				Halvorson	Moore (WI)	Thompson (MS)
Baird	Davis (IL)	Hinojosa				Hare	Moran (KS)	Thompson (PA)
Baldwin	Davis (TN)	Hirono				Harman	Moran (VA)	Tiahrt
Barrow	DeFazio	Hodes				Harper	Murphy (CT)	Tiberi
Bean	DeGette	Holden				Hastings (FL)	Murphy (NY)	Tierney
Becerra	Delahunt	Holt	The SPEAKER pro tempore. The question is on the passage of the bill.			Heinrich	Murphy, Patrick	Titus
Berkley	Dicks	Honda	Under clause 10 of rule XX, the yeas and nays are ordered.			Higgins	Murphy, Tim	Tonko
Berman	Dingell	Hoyer	This will be a 5-minute vote.			Hill	Murtha	Towns
Berry	Doggett	Inslée	The vote was taken by electronic device, and there were—yeas 318, nays 106, not voting 8, as follows:			Himes	Nadler (NY)	Tsongas
Bishop (GA)	Doyle	Israel	[Roll No. 525]			Hinchey	Napolitano	Turner
Bishop (NY)	Driehaus	Jackson (IL)	YEAS—318			Hinojosa	Neal (MA)	Van Hollen
Blumenauer	Edwards (MD)	Jackson-Lee (TX)				Hirono	Nye	Velázquez
Bocieri	Edwards (TX)	Johnson (GA)				Hodes	Oberstar	Visclosky
Boswell	Ellison	Johnson, E. B.				Holden	Obey	Walz
Boucher	Ellsworth	Kagen				Holt	Oliver	Wasserman
Boyd	Engel	Kanjorski				Honda	Ortiz	Schultz
Brady (PA)	Eshoo	Kaptur				Hoyer	Pallone	Waters
Braley (IA)	Etheridge	Kennedy				Hunter	Pascrell	Watson
Brown, Corrine	Farr	Kildee				Inglis	Pastor (AZ)	Watt
Butterfield	Fattah	Kilpatrick (MI)				Inslée	Paulsen	Waxman
Capps	Filner	Kilroy				Israel	Payne	Weiner
Capuano	Flake	Kind				Issa	Pence	Welch
Cardoza	Foster	Kirkpatrick (AZ)				Jackson (IL)	Perlmutter	Westmoreland
Carnahan	Frank (MA)	Kissell				Jackson-Lee	Perriello	Wexler
Carson (IN)	Giffords	Kosmas				(TX)	Peters	Whitfield
Castor (FL)	Gonzalez	Kratovil				Jenkins	Pingree (ME)	Wilson (OH)
Chandler	Gordon (TN)	Kucinich				Johnson (GA)	Platts	Wilson (SC)
Clarke	Grayson	Langevin				Johnson, E. B.	Polis (CO)	Woolsey
Clay	Green, Al	Larsen (WA)				Kagen	Pomeroy	Wu
Cleaver	Green, Gene	Lee (CA)				Kanjorski	Price (GA)	Yarmuth
Clyburn	Grijalva	Levin				Kaptur	Price (NC)	Young (AK)
Cohen	Gutierrez	Lewis (GA)				NAYS—106		
Connolly (VA)	Hall (NY)	Lipinski				Bachus	Bishop (UT)	Brady (TX)
Conyers	Halvorson	Loeb				Barrett (SC)	Blackburn	Brown (GA)
Cooper	Hare	Loeb				Blunt	Blunt	Brown (SC)
Costa	Harman	Lowey				Barton (TX)	Boozman	Brown-Waite,
Costello	Hastings (FL)	Lujan				Bilbray	Boustany	Ginny
Courtney	Heinrich	Berry						

Burgess	Johnson, Sam	Paul
Buyer	Jones	Peterson
Calvert	Jordan (OH)	Petri
Camp	King (IA)	Pitts
Campbell	Kingston	Poe (TX)
Carter	Kucinich	Posey
Chaffetz	Latham	Radanovich
Coble	Latta	Rehberg
Conaway	Lewis (CA)	Rogers (KY)
Culberson	Linder	Rogers (MI)
Davis (KY)	Lucas	Rohrabacher
Deal (GA)	Luetkemeyer	Royce
Duncan	Lummis	Ryan (WI)
Ehlers	Lungren, Daniel	Sensenbrenner
Emerson	E.	Shimkus
Fallin	Manzullo	Simpson
Flake	Marchant	Smith (NE)
Forbes	Matheson	Smith (NJ)
Fortenberry	McCaul	Smith (TX)
Fox	McClintock	Stark
Franks (AZ)	McHenry	Stupak
Gallely	McIntyre	Taylor
Gingrey (GA)	McKeon	Teague
Gohmert	McMorris	Thornberry
Goodlatte	Rodgers	Upton
Hall (TX)	Mica	Walden
Hastings (WA)	Miller (FL)	Wamp
Hensarling	Miller, Gary	Wittman
Herger	Myrick	Wolf
Herseth Sandlin	Neugebauer	Young (FL)
Hoekstra	Nunes	
Johnson (IL)	Olson	

NOT VOTING—8

Akin	Fudge	Heller
Boehner	Granger	Larson (CT)
DeLauro	Graves	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1949

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HELLER. Mr. Speaker, on rollcall No. 525, had I been present, I would have voted "nay."

Mr. AKIN. Mr. Speaker, on rollcall No. 525, had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, on July 9, 2009 I missed votes because I was attending a funeral. Had I been present, I would have voted "yea" on rollcall votes 513, 514, 515, 516, 519, 521, 523 and 525. I would have voted "no" on rollcall votes 517, 518, 520, 522, 524.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3082, MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2010

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-195) on the resolution (H. Res. 622) providing for consideration of the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HONORING AUGUST PROVOST III

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to mourn and to salute August Provost III, a seaman at Camp Pendleton in California and to recognize the tragic way in which he lost his life in the line of duty. August Provost III was a young man, a constituent of the 18th Congressional District and coming from the famous Acres Home community. It was only a few days ago that his mother received the terrible news that he was shot dead on the base of Camp Pendleton, shot in the chest, shot in the back of the head and his body burned.

We cannot seem to find any definite information, Mr. Speaker. The allegation is that this is a hate crime. The reason why I rise today is that he will be funeralized tomorrow as a hero. We, as an American people, must stand against hateful acts on the basis of someone's difference. And to the United States military, for which I hold in the greatest respect, there must be a thorough, in-depth, full and broad investigation, not a cover-up, to find out why this valiant, young African American died on this military base in his uniform by being shot by an alleged fellow sailor.

The uniform of the United States military must be what it is, upstanding and respectful. And we cannot tolerate violence against fellow military personnel because of difference and should not exist in the United States of American military.

I mourn with the family. I pay tribute to him as he is laid to rest as an American hero. He will be forever an American hero in our hearts and in this Nation.

August, we thank you for your service. God bless you, and God bless the family.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE IRANIAN MASSACRE HAS BEGUN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the people of Iran are embroiled in a noble struggle against tyranny. The Government of Iran is engaged in the massacre of its own people. And what is their crime? They dare to speak out against fraud and corruption in their

own government. They question the results of an election steeped in fraud.

Their peaceful dissent has resulted in violent and brutal crackdowns from the hard-line government, a government that has shed the blood of the innocent.

The people of Iran have boldly and bravely exercised the first basic human right, the right of free speech. The crackdown is startling news to the students who believed their government, despite its flaws, had the best interests of its people at heart. That veil has been forever lifted from their eyes.

In America, we faced a similar awakening to the brutality of the Government of England when that ruled us. The city of Boston was occupied by British troops to enforce harsh taxes and punishments intended to exert control over American colonies by force and intimidation. Citizens took to the streets to vocally decry the tyranny. Tense words were exchanged, and the British soldiers opened fire on a group of unarmed patriots. Five people were killed and eight others were injured.

We call it the Boston Massacre. The Boston Massacre has ended, but the Iranian Massacre has begun. And the silent voices of the slain still cry from the graves of the martyred oppressed.

These students have embraced the ideals of liberty and freedom. They value human life and dignity. Now they are faced with the realization that the republic they were taught to believe is not what it claims to be. They suffer the consequences of demanding human rights from a violent and tyrannical government.

The streets of Iran are eerily silent now, but the opposition does continue. A quiet and righteous anger builds in these oppressed and brutalized young people. One young student said, "My friend, a 26-year-old fellow student, was on the streets last week. She is now home with a broken arm and a broken leg. 'I saw hell right before my eyes last week,'" she said. 'You can never imagine the sight of a huge man beating you to death.'"

It looks to me, Mr. Speaker, that these young students of Iran, these sons of liberty and daughters of democracy, have joined the few, the noble few who throughout history have stood and faced vicious tyrants.

A noted historian once said, "You see these dictators on their pedestals, surrounded by the bayonets of their soldiers. Yet in their hearts there is unspoken, unspeakable fear. They are afraid of words and thoughts, words spoken and thoughts stirring at home that are all the more powerful because they are forbidden to be spoken."

These young students are not alone, Mr. Speaker. We are kindred spirits. America has earned its freedom through struggle and shed its blood in many countries around the world in defense of freedom and liberty.

You see, Mr. Speaker, each of us throughout the ages of time are born with the unbroken spirit in our soul to be free, to desire liberty and freedom. Tyrants have always tried to enslave people in a brutal dark nightmare for the sake of their personal political power and financial gain. Indeed, the price of liberty is eternal vigilance.

The closing words written by this young Iranian student could have come right from the pages of America's own history books in the fight for our liberty.

He said, "One thing we know for certain. This isn't a fight that will end tomorrow or next month. It is not a fight that any group or party can fight alone. The path is uncertain, the road ahead is quite bleak. But my generation, born on the sidelines only to watch and to obey, has now been given the opportunity to write its own history, to tell its own story. And to the best of our ability, we will do that."

Americans should stand with these young people of Iran who have suffered much in their struggle for human rights and human dignity. Their courage in the face of overwhelming odds is an example to all who honor freedom. They have earned their own place of honor in the pages of history among those who have so valiantly fought and died for the cause of human dignity.

Sam Adams was one of America's sons of liberty, and he said, "It does not require a majority to prevail, but rather an irate, tireless minority keen to set brush fires in the minds of people."

May the students of Iran prevail in their holy cause of freedom.

And that's just the way it is.

□ 2000

HONORING THE CAPE COD BASEBALL LEAGUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 5 minutes.

Mr. DELAHUNT. Mr. Speaker, I rise today so that my colleagues in the House of Representatives can join me in recognizing a special piece of Americana, the Cape Cod Baseball League of Cape Cod, Massachusetts, on the occasion of its 125th anniversary.

Widely renowned as the best summer collegiate league in the Nation, the Cape Cod Baseball League today consists of 10 franchises in two, five-team divisions. In its early years, during World War I and World War II, the league was largely populated by young GIs fresh from their service overseas. The modern era of the Cape Cod Baseball League commenced in 1963, when it was officially sanctioned by the NCAA.

Throughout its existence, the league has been responsible for several Cy Young and Most Valuable Player

awards in the Bigs and many Hall of Famers and renowned scouts and managers, all of whom received their start in the Cape Cod Baseball League. Entering its 125th season, the league continues to offer the most talented baseball players from across the country the opportunity to demonstrate their skills in front of professional scouts.

As a pioneer among the Nation's summer leagues in many respects, including the use of wooden bats, the Cape Cod Baseball League is truly America's league. The young players learned the importance of sportsmanship and modesty, not only on the diamond and in the dugout, but also through the generosity of generations of Cape Cod families who open their homes to host them during the summer season.

At a time that has not always been conducive to preserving the integrity of the game, the Cape Cod Baseball League continues to embody the golden American tradition of our wholesome national pastime. That pastime has been kept alive in its pure and amateur state owing to the outstanding efforts of this volunteer organization, which enables fans to enjoy games at no expense where visions of Red Sox, Cracker Jack and lemonade evoke feelings of nostalgia for the bygone days of America's favorite sport, baseball.

The Cape Cod Baseball League stands out as a national treasure that can captivate any young man or woman through nine heart-pounding innings. On this historic occasion I am particularly proud to honor the Cape Cod Baseball League for 125 years of success and its well established, beloved reputation among Cape Cod residents and tourists alike.

Congratulations to the Cape Cod Baseball League, and may you forever be, as the saying goes, "Where the Stars of Tomorrow Shine Tonight."

TAXPAYER-FUNDED SPENDING SPREE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. OLSON) is recognized for 5 minutes.

Mr. OLSON. Mr. Speaker, when Congress passed the American Recovery and Reinvestment Act early this spring, the administration and congressional Democrats argued that a \$800 billion taxpayer-funded spending spree was necessary to create jobs and grow the struggling economy. It was rushed through with little time to review the policies that would implement this massive spending plan.

I opposed this unwise scheme for many reasons. It will put an unbearable burden of debt upon our children and our grandchildren. It was loaded down with pork-barrel projects to pay back liberal special interest groups.

But I also opposed it because I believe and continue to believe that it

will not grow jobs in our economy. The government is not nor should it be an employment service that mandates private-sector hiring decisions. Predictably, we are now seeing that these reckless spending decisions are not growing our economy. The June unemployment numbers saw the unemployment rate rise to a 26-year high of 9.5 percent. This translates into 467,000 jobs lost in the month of June alone.

Before passage of the ARRA, the Obama administration predicted that unemployment would peak at 8 percent before decreasing this fall. But unemployment has already reached 9.5 percent, and the situation is not likely to improve until long after the White House predicted.

However, the administration hardly has cause to be surprised. In fact, after they sold this massive Federal spending spree as a job creation measure, it turns out that jobs don't seem to be a priority at all.

I would like to bring my colleagues' attention to the funding announcement for the Smart Grid Investment Grants, which received \$3.9 billion in the Recovery Act. The Vice President himself announced this grant in April when he said this is about jobs, jobs.

In the information provided to the applicants for this grant funding, one of the frequently asked questions is, Will DOE use a number of jobs estimated to be created and/or retained as a criterion for rating a proposal for funding? The answer: "No."

Let me repeat that again. Will jobs be used as a criteria to determine whether or not this project will be funded? The answer from the DOE is no.

In fact, the guidance goes on to say that DOE removed the criterion on the extent of jobs creation and now will require applicants to report quarterly on the number of jobs created and retained. Job creation was supposed to be the primary requisite for receiving recovery funds, and yet now has been changed to simply a reporting requirement. This is typical Washington. Instead of creating more jobs, we are creating more paperwork.

The Vice President now says they misread the economy, but the truth is they misread the solution. The stimulus bill was a grab bag of Democrat spending priorities, not a timely, targeted and temporary stimulus package. Government spending does not, does not, create jobs or wealth. It consumes it and destroys it.

We are throwing money at a problem that is not increasing consumer confidence, financial certainty or provide a business environment that will encourage job growth. Democrat policies are clearly, clearly, not creating jobs. I cannot, I cannot in good conscience justify throwing good money after bad. That only leaves a legacy of debt for our children and our grandchildren to pay.

I will continue to oppose policies that I believe hurt the American people and the people I represent, and I will gladly, gladly work with my colleagues across the aisle whenever there is an opportunity to do so because good policies that help Texans and help Americans aren't Republican, and they aren't Democrat; they are the right thing to do.

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. SARBANES) is recognized for 5 minutes.

Mr. SARBANES. Mr. Speaker, I just wanted to take a few minutes today and talk about health care, because that is really the most pressing issue that's facing our country right now. It's inextricably tied to the economic situation of millions of Americans. So even as we struggle to deal with this difficult economy, we can't lose sight of the importance of health care reform.

Now, we have in this country a real paradox with our health care system, because on the one hand America has the best doctors, it has the best nurses, it has highly, highly trained professionals. And I believe, having worked with caregivers for almost 20 years representing providers in Maryland, I think we have the most compassionate caregivers you can find any place.

We have wonderful, fine institutions in my district—the University of Maryland medical system, Johns Hopkins health system. These are some of the finest institutions in the world, year after year being identified at the top of their class.

And we have amazing technology. Every year the advances in technology make it easier for us to address some of the most persistent health care problems in our country. So that's on the one side of the equation.

On the other side we have the highest health care costs in the developed world, we have tremendous shortages of our caregivers, shortages of physicians, shortages of nurses and many other categories of those who provide care.

We have millions of people, millions of people who have no health insurance, and we argue over the number. Some say it's 47 million, some say it's less. But we're talking about tens of millions of people who don't have health insurance coverage in this country. Means we have got a problem.

There are millions more who are underinsured. What does that mean? That means that they have health coverage, but they are one serious health crisis away from pitching over the edge in terms of their families and themselves.

And then those who do have coverage, adequate coverage, are paying

premiums that go up by 15, 20, 25 percent a year. So we are all in it together. We all understand at some level that the current system is broken. This is our chance, this is our time. This is the moment to fix it. The American people have been clamoring for this for decades.

So we have to take up the charge. We are not going to borrow anybody's model. We are not going to import a model from England or Canada or France. We are going to design our own brand of American health care, and we are going to fix this system. We can do that.

There are two parts of the discussion. There is a coverage discussion. How do we get to where everybody has decent access to care? I think we ought to pursue this public plan option, because it will keep costs down. It will compete with the private health insurance plans who had kind of a stranglehold on the system, and Americans understand this.

They have moved past this in the discussion. They know we need the public option, because it will create a more level playing field. And, in the words of the President, it will keep the insurance companies honest.

But on the other side of the equation, in addition to the coverage issue, is the delivery of care. And we have got to look at investing in our workforce, and I am glad to say I have introduced legislation that attempts to do that, the health care Workforce Investment Act of 2009, which would create a national workforce advisory board to do just this, look at this question of filling in the workforce.

We have got to focus more on primary and preventive care so we can keep people healthy on the front end instead of just looking after them after they get sick on the back end. We need to change our system and move in that direction.

I like the idea of play space health care. What is that? Instead of expecting people to come to the health system let's figure out how we can take the health care system to people where they are already gathered. Let's go to our schools, where 98 percent of the people between the ages of 5 and 16 can be found 5 days a week, and let's intervene there.

Let's go to senior centers and provide care to our seniors where they are already gathering. And let's go to workplaces and incentivize with tax breaks and tax incentives large employers to put clinics in place to serve working adults right there where they are in the workplace.

These are all things we can do to improve the delivery system.

So let me just close with this: As this health care reform leaves the station, there are three things that need to be on that train so that it's a train to somewhere, not a train to nowhere.

Those three things are universal access to coverage, and I think this public plan option is a wonderful way to go. Second, investment in our workforce, and, third, focusing on primary and preventive care. If we do that, we are going to fix this health care system for millions of Americans across this country.

□ 2015

IN MEMORY OF LANCE CORPORAL SETH SHARP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY of Georgia. Mr. Speaker, today, the residents of Adairsville, Georgia, in my district, the 11th, are saying good-bye to a local hero who died while bravely serving his Nation in Afghanistan. Lance Corporal Seth Sharp was killed in action on July 2, 2009, from a gunshot wound to his neck during one of the biggest United States military operations in Afghanistan since the global war on terror began back in 2001.

Later this week, I will join Seth's family, his friends and supporters at his funeral in honor of the life of this brave soldier, a life given as the ultimate sacrifice, a sacrifice of duty and love. For, as it is written in John, "Greater love hath no man than this, that a man lay down his life for his friends."

This was not Seth's first deployment in the global war on terror. He enlisted with the Marines at age 17 and was serving his Nation in Iraq at age 18. Even at such a young age, Seth embraced the challenge of the Marine Corps and took pride in serving his country. His service and his sacrifice will never be forgotten.

Lance Corporal Sharp leaves behind his fiancée and lifelong sweetheart, Katie McMahon; his father and his stepmother, Rick and Tiffany Sharp of Adairsville, Georgia; his mother, Angela Preston of Alligator Point, Florida; as well as many other close relatives and friends spread out all across the country.

Mr. Speaker, my prayers go out to his family, and my most heartfelt gratitude goes out to Lance Corporal Seth Sharp for his selfless sacrifice for this Nation. I ask all Members to please join me in honoring the distinguished memory of Lance Corporal Seth Sharp.

CLEAN ENERGY AND THE GREAT LAKES REGION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, tomorrow, hundreds and hundreds of Americans will gather in Massena, New York,

to celebrate the 50th anniversary of the Saint Lawrence Seaway Development Corporation, the fourth seacoast of our country, stretching all the way from Duluth, Minnesota, all the way out to the Atlantic Ocean, and for communities such as Toledo and Port Clinton and Sandusky in my own congressional district, the Saint Lawrence Seaway waterborne corridor is our gateway to the Atlantic and the world beyond.

The seaway is the linchpin in our efforts to create sophisticated, modern, multimodal distribution hubs that can skirt the congestion in coastal ports in our country. The seaway, our corridor that we share with the Canadians, is the vital link of commerce between our Nation's heartland and world markets. Therefore, investments in the seaway are not only investments in our economic future for the Great Lakes States but for the Nation.

As the United States Congress considers clean energy legislation and a national power generation policy, it is important that that policy remediate a major national energy inequity that must be included in any reform bill.

Power costs are just horrendous in the Great Lakes States, in fact, double and triple the rates of our western and southern brethren and southeastern brethren in our country. And when you think about those regions having had the luxury of Federal power support for nearly 75 years—and they have enjoyed those power supports—they were really a product of a Nation that believed in growing to the west and the south. And we made it happen.

But our Great Lakes region, along with some northeastern States, are the only parts of our country without equal access to Federal benefit for electric power generation and transmission, thus denying competitive rates to our residential, commercial, and industrial consumers.

The high costs of power just in my district here in northern Ohio—at 14 to 18 cents a kilowatt hour—is a serious factor contributing to job loss. In fact, the Midwest is put at a competitive disadvantage with the entire rest of the country, not because we have fewer resources or less skilled workers, but because Federal subsidies encourage development in western and southern areas, but not in ours.

The House version of the energy bill includes a provision members of the Great Lakes States worked very hard to incorporate. It begins the process of leveling the energy playing field for these Great Lakes States and creating the startup of Federal energy parity.

The Great Lakes region is home to 116 million people that account for well over a third of our Nation's gross domestic product, and we've long endured these serious competitive disadvantages because of the absence of Federal power parity.

This provision aims to level the playing field with all other regions of the

country—the South, the West, the Southeast, the Tennessee Valley Authority—that have benefited for over 75 years from Federal power assistance to develop their economies.

These regions borrow at very favorable Federal funds rates and also receive significant energy infrastructure investments annually, with the Western Power Authority alone receiving over \$228 million just in the last year.

In the recovery bill passed earlier this year, there was an additional \$6.5 billion just for Bonneville Power Authority and the Western Area Power Authority, along with \$10 million for added infrastructure and administration.

For infrastructure, for renewable power generation, really, these Federal supports provide a huge strategic advantage. The language we're offering would propose a similar \$3.5 billion borrowing authority to create jobs through the development of clean energy platforms, and if we don't do this in our region, those green energy jobs are going to flow to the other parts of the country.

This provision would allow a Federal instrumentality such as the Saint Lawrence Seaway Development Corporation to undertake these green energy development activities across Great Lakes communities. And as the energy bill moves to the Senate, Members of this body must continue to demand equal treatment from the Federal Government for all regions of our Nation.

Our region's track record is commendable. It speaks for itself. We're among the three top solar centers in the hemisphere. We have massive biofuels industries, the first solar plant at a U.S. National Guard base, establishment of clean energy incubators at many of our advanced universities, and an expanding roster of startup green companies that are pursuing exciting opportunities in solar, wind, and other green power sectors.

The Great Lakes deserve to be a part of the solution to clean energy in our country, but in order to do this, we need to have that Federal energy power parity with the other regions of the country that have now developed as a result of what the Midwest and Northeast did for them over three-quarters of a century ago.

A true revolution in green energy can only be ushered in in a balanced way when the Great Lakes have the same instrumentalities that ushered in generations of western and southern growth.

ARE WE REDISTRIBUTING THE WEALTH?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

Mr. INGLIS. Today, the Obama administration has floated an idea that

really is rather shocking and is quite different than what I thought we were going to do with the TARP money that's coming back to us. In fact, last week I had two town meetings where I talked to folks in South Carolina's Fourth District about how it is that the \$350 billion of TARP I is now coming back to us, the taxpayers of the United States. In fact, \$70 billion has been repaid.

We're earning interest ranging from 5 to 9 percent on that. And the last reports we had, it's totaling \$4.5 billion that's paid back to us in interest. So you have the principal return of about \$70 billion. We have interest coming back to us in the form of the magnitude of somewhere around \$4.5 billion.

Today's story indicates that really it's a larger amount of interest; it's \$6.5 billion.

Now, what the Obama administration is talking about doing—and this truly is shocking, Mr. Speaker—is that that money would not come back to pay down the deficit from whence cometh the \$350 billion that we spent on TARP but, rather, they would divert this money to troubled homeowners.

There are two problems with this, Mr. Speaker. One is a real constitutional question, which is: What gives? The administration gets to decide, not Congress. The administration gets to decide, the Executive gets to decide about how to redistribute this money so that they can basically take it and use it for the Treasury purposes to do something else besides pay back to the deficit or pay back to the Federal Treasury? I don't think so, Mr. Speaker. It's a constitutional problem with that. That's the first objection.

The second is: Is this administration absolutely intent on redistributing wealth? Isn't that what they're doing here? This money is America's money that we invested in trying to save our banking system from collapse, putting \$350 million in TARP I into this effort to stop the collapse of our banking system.

When that money is paid back, it should come to all of us, all American taxpayers. We invested it; we should get it back. This is what I was telling in town meetings last week is that we're going to get this money back. And we've got a shot at getting back TARP I, maybe even at a profit.

But now the Obama administration is talking about redistributing that money, not giving it back to all the taxpayers; rather, doting on constituencies that they find favorable or that they are favorable to. So they pick up on a sympathetic case, which is maybe troubled homeowners, and they decide that we'll just slough the money to them rather than pay it back to the Treasury and have it enjoyed by all the taxpayers who invested the \$350 billion to the banking system.

So I ask you, Mr. Speaker and Members of the House, there's a constitutional objection here that we really should be concerned about as a Congress, and then there's this real question about how far will this administration go in attempting to redistribute wealth.

This money belongs to all of the American people. This money we pledged together to try to rescue the banking system. As it comes back, paid back to us, it should be paid back to all of us, not just to troubled homeowners, not just to sympathetic cases but, rather, to all American taxpayers.

So I urge my colleagues to join with me in watching the constitutional question here and watching the redistribution of wealth, which we must object to, Mr. Speaker.

AGREEMENT ON NUCLEAR ARMS CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. QUIGLEY) is recognized for 5 minutes.

Mr. QUIGLEY. I rise today to congratulate President Obama on reaching an agreement on nuclear arms control with Russian President Medvedev. This agreement will cut American and Russian nuclear arsenals by at least one quarter. This represents a critical step towards more substantial arms control, as well as a milestone in confronting our nuclear legacy.

I, like most Americans, was born in the nuclear age. The 1945 bombings of Hiroshima and Nagasaki marked its beginning, establishing an uncertain peace in a war-weary world.

□ 2030

But with the global proliferation of nuclear weapons, the threat of catastrophe grew ever closer. Confrontations in Berlin, in Cuba and the Middle East were one miscalculation away from disaster. But rather than learning from these close calls and taking dramatic steps to reduce our stockpiles of nuclear arms, we built more, and so did the Soviet Union.

Our arms control efforts were limited at best, and at worst they collapsed under the pressure of pursuing a global containment strategy against the Soviet Union. Today, the United States and Russia each deploy over 2,000 nuclear warheads. Although both countries exercise extreme care in managing these weapons, only one mistake in judgment could be fatal. That risk has grown as seven other countries have joined the so-called nuclear club over the past half century.

Our nuclear warheads are also expensive to maintain and draw badly needed funding away from other priorities. As former President Eisenhower said, "Every gun that is made, every warship launched, every rocket fired, sig-

nifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed."

For this reason I stand here today not only to congratulate President Obama on his progress in Moscow, but also to urge him to take further steps toward reducing the global stockpile of nuclear weapons. Like President Obama, I recognize that we live in a world in which threats to peace are no longer confined to the traditional great powers.

I echo President Obama's sentiment that in this "strange turn of history, the threat of global nuclear war has gone down, but the risk of nuclear attack has gone up."

Rogue states and terrorist organizations are dedicated to acquiring nuclear weapons. We must be vigilant in controlling these weapons and making sure that they do not fall into the wrong hands. A nuclear arms treaty with Russia to replace the expiring START treaty is a good place to start. We should also ratify the Comprehensive Test Ban Treaty which aims to limit the proliferation of nuclear weapons around the world.

We must confront the terrible legacy of the Cold War. We must recognize that although this legacy belongs to another generation, it is now our responsibility to enact change. We must stop wasting money on the excesses of the Cold War and start thinking about improving the present. We must show the world that we are committed to reducing this nuclear threat. We must do everything we can to ensure that nuclear weapons are never used again.

TROUBLING INCREASES IN STATE-FOREIGN OPERATIONS APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, the vote that I took this afternoon on H.R. 3081 was one of the toughest votes that I have had to take in this House since I have been here in my 4½ years. The problem with the bill and with the decision that had to be made is because the bill contained funding for aid to Israel, our best friend in the world.

I have always been and will continue to be an extremely strong supporter of Israel. Israel has always been a good friend to the United States, and the people of this country and the people of Israel share the same values. However, the bill had so many flaws that it made it very difficult for a pro-life fiscal conservative such as myself to vote for the bill despite my very strong support for Israel.

The bill, when emergency supplemental funds were not taken into account, was still 32 percent more than

the regular fiscal year 2009 appropriations. I am taking the liberty of using some of the figures from my colleague, the gentleman from Georgia (Mr. PRICE), which were also presented today on the floor in terms of explaining the bill that we voted on this afternoon.

We are facing a fiscal crisis in this country. This administration and this Congress, led by Speaker PELOSI, are spending this country into a terrible, terrible situation. We are mortgaging our children and grandchildren's future with excess spending; and it has to stop somewhere.

Had this bill merely contained the funding for Israel, it would have been very easy for me to have supported it, although I was quite concerned that the bill reduced the funding for Israel by 7.2 percent below last year's funding level and 23.3 percent below the request. But, as I said earlier, the total bill had an increase of 33.8 percent compared to last year.

One of the most troubling increases in this bill was a 20 percent increase to the United Nations Population Fund and a 19 percent increase to International Family Planning. The United Nations Population Fund aids China's one-child policy, coercive abortion, and sterilization. International Family Planning goes to organizations that promote and provide abortion services through International Planned Parenthood Federation and Marie Stokes International.

In addition, the Democrats had rejected four cost-cutting Republican amendments that had been presented which could have made this bill a lot more palatable to the 97 Republicans who voted against it.

Another problem with the bill is that there was a false assumption that the Obama administration will live up to its promise of no more war supplementals for Iraq and Afghanistan. The President has gone back on every promise that he made during the campaign. He has already asked for a supplemental this year, says it was a carryover from last year, but that won't happen again. However, before the ink was dry on the amended full committee report of this bill, the chairman of the Defense Appropriations Subcommittee, Congressman MURTHA, publicly stated that another supplemental is necessary to fund the troops because of the low fiscal year 2010 Defense allocation.

So the promise was that all of the money for the war was going to be here and we wouldn't have to do more supplementals. That isn't going to happen.

This bill also avoids making hard fiscal choices about spending abroad while we face a financial crisis here. This is not the way we should be going. We should be funding our friends and our allies. We should be helping Israel

which is the only true democracy in the Middle East and who stands by us year after year, day after day. But funding things like abortion and international family planning is not the way to go.

WASHINGTON IS OUT OF CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

Mr. PRICE of Georgia. Mr. Speaker, America has been the light of liberty and a beacon of hope to the world for centuries, truly centuries. We are the greatest Nation the world has ever known. We have provided more hope and more opportunity and more liberty and more freedom for more individuals than any nation in the history of mankind.

But today, July 9, 2009, folks in my district and folks across this land are not just concerned; they are fearful. They are afraid that the very Nation that they know and love and that has been the greatest Nation in the history of the world is slipping away from them—in so many ways, so many ways.

Mr. Speaker, we all just got back to Washington from a week many of us spent at home over the July 4 break, and I heard people come up to me and tell me that they were concerned and worried and fearful about the amount of spending and the amount of borrowing and the amount of taxing coming out of Washington. They say Washington is out of control. Mr. Speaker, they are right. They are absolutely right. The deficit this year, \$1.8 trillion; four times the largest previous deficit. Four times.

Borrowing. We are borrowing 50 cents of every single dollar we are spending. Mr. Speaker, it is out of control. Taxing, raising taxes on every single American. I don't care what the President tells you, Mr. Speaker, it is not true. They are raising taxes on every single American.

Now the solution, one of the solutions, is to allow this deliberative body, this greatest deliberative body in the history of the world the opportunity to allow the Representatives in this body to work their will, to say I believe I am going to represent my constituents in this way and offer this amendment on this bill and thereby allow the House to make a decision.

We are in appropriations season, Mr. Speaker. It is a time when we decide how to spend Americans' hard-earned money, the money that they send to Washington. During that season in the past, the House has allowed appropriations bills to come to the floor under what is called an open rule which means that everybody gets the opportunity to amend the appropriations bill. They get the opportunity to offer an amendment in the House, and the House gets to vote on the amendment.

There have been amendments offered on recent bills that have not been allowed. In fact, this is the most repressive majority ever in the history of the Republic if you use the number of closed rules, not allowing amendments to come to the floor.

This, Mr. Speaker, this is the most repressive majority ever in the history of this Republic.

An amendment that was offered but not allowed to the bill we voted on today would have prohibited funding for any new international organization for the purposes that would tax American energy companies from abroad. The only conclusion I can draw is that the Speaker and the Democrats in charge want American energy companies to be taxed by foreign governments.

An amendment that wasn't allowed would have reduced the spending 15 percent on this bill to 2009 levels, a savings of \$17 billion. That amendment, Mr. Speaker, was not allowed. I can only assume that the Speaker and the Democrats in charge want to increase spending by \$17 billion over 2009 levels.

An amendment that wasn't allowed, an amendment to prevent U.S. funds from being used to pay the legal expenses of United Nations employees who have been charged with malfeasance, not allowed. Mr. Speaker, I can only conclude that the Speaker of the House and the Democrats in charge want the American taxpayers to pay the legal expenses for United Nations employees who are charged with malfeasance.

Mr. Speaker, an amendment that wasn't allowed would have prohibited assistance to members of foreign terrorist organizations. Mr. Speaker, the only thing I am left to conclude and the American people are left to conclude is that this Speaker and the Democrats in charge want the American taxpayer to provide assistance to members of foreign terrorist organizations.

Mr. Speaker, this isn't the way the House is supposed to be run. It is not the way that the House has been run for the last 233 years. It is not the way that the American people learned about democracy, that their Representatives would be allowed to represent them actively and aggressively so that people had the opportunity to represent their constituents equally with every other Member.

Mr. Speaker, right now in this Chamber we have tyranny from the majority, tyranny that is not allowing the voice of the people to be heard. Mr. Speaker, I demand that this Chamber, that these Members of this House of Representatives make certain that the rules are appropriately followed and end the tyranny of the majority in this Chamber now.

DEMOCRATS ABUSE RULES PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, I want to follow up on what my friend from Georgia was saying, about tyranny in this House. We were promised the most open government in the Nation's history. That's what we were promised.

There is the Speaker's Web site that even talks about how open it is going to be. Well, it isn't. And as a result, the Nation is being punished because some of the things that our friends across the aisle said before they were elected to the majority to control this city and this country were true.

□ 2045

You do better when you have open government and open amendments and can debate these ideas. But that's not what we've gotten. Oh, no. We've had an abuse of the rule process. Why? Because they can.

I was asked, as I was around the district this last week, Why do you let them get away with all these things that are going on? And I said, Well, you're not following what's going on. Every time we make a privileged motion, we try to enforce the rules, it's tabled every time, so it's not going anywhere. So no one is held to account for abuses. Why? Because they can—and they didn't want an open government.

You know, the founding of this country tells so much. Those guys were so brilliant. They were so much better read than most of the people in this body now. They knew what government led to. They knew what the abuse of power led to. And so they weren't content to have one body elected, they said, let's have two. And not only should we have two bodies, let's make them at odds with each other. We need friction so that there is not this abuse.

And not only that, we don't want to do like we've seen some parliaments do where they elect their executive. No, no, no, no. We want the people to elect an executive, and then he will be at odds with those two houses and he will be able to veto what they do. That will give us some protection—because you can't have enough protection from government—but that's not enough. We want another branch. We will have a judicial branch, and then they can veto things that are inappropriate and outside the Constitution. They saw all this coming, and they knew it could be abused if they didn't have these safeguards in the way.

But what's happened? Well, we can have an executive that the Congress just says, well, whatever you want. Oh, you wanted an Auto Task Force that will meet behind closed doors, be accountable to nobody? Put together a

bill, a plan that is signed by a lazy bankruptcy judge because he doesn't want to have all the hearings the law requires, and it puts people out of business. It's a constitutional taking, but where is the Supreme Court? They start to stop the process and then they say, Go ahead, we'll let you be unconstitutional, we won't stop it.

And what has the Congress done? Well, look, Mr. President, if you'll let us keep abusing and running this country into the dust heap of history then we will let you keep doing what you want. It's abusing the process.

That's why we had a bill this evening that should have been clean, it should have given money to a friend, a good friend like Israel, but, oh, no, we've got to put all this baloney in there that ends up doing more harm to the purposes for which this Nation was founded than good. So I couldn't vote for it in the end.

The stimulus. We couldn't do anything with that—presented at the last minute where no one could amend it. I tried to tell the President and friends in here, look, how about a tax holiday for the people that earn the money? How about that? You let them have it, then you'll see stimulation. And what happened? The President liked the idea. And I heard him on the radio talking about, We're going to leave money in your check—except he said if you jump through all the obstacles, then you could have \$65, maybe, in your check. I was talking about \$6,000, not \$65. Then you would have seen stimulation of the economy. But the process won't let us do that.

With the "crap and trade" bill, we're driving jobs out of America. We're sending manufacturers to countries that pollute four to 10 times more than we do. How does that help the environment? It doesn't.

And a health care bill that's being written behind closed doors so that we will not be able to get the best ideas in there. I'm trying to get a bill put through. Leg counsel said, Well, the Democratic leadership is taking all our time, we can't put yours in a form to bring to the floor. So we're having to try to go around behind other ways to get it done.

There are Nation-ending things that are happening, and the Founders put in place ways to stop it. We need to start following those ways.

AMERICANS ARE ABOUT TO LOSE THE HEALTH CARE THEY HAVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. SHADEGG) is recognized for 5 minutes.

Mr. SHADEGG. Mr. Speaker, I rise tonight to warn the American people that they are about to lose the health care they have, to warn the 83 percent of Americans who like the health care

coverage they already have and to caution them that it is about to be taken away. It is about to be taken away, quite frankly, in an undemocratic process that will occur essentially in the dark of night. You see, as you have just heard from the last two speakers, democracy does not exist in this body today as it has in the past.

I sit on the primary committee that should be writing this health care bill. I have not been allowed to participate in any way, shape, or form, not in any way, shape or form. The majority has written their bill all alone, behind closed doors, consulting only the majority. They can roll right over the minority, and they don't care. But that's wrong, that's dead wrong, and only the American people can stop it.

Now, you heard me say, I rise to warn you that you are about to lose the health care you have. And you may have said to yourself, No, wait, Congressman, I've heard the President say again and again and again that if you like the care you have, you may keep it. I, too, have heard the President say those words, but they are not true. They are absolutely not true.

You see, while we do not have a bill to read yet, we have a discussion draft. We will mark up a bill next week in all three committees with jurisdiction, but we don't have a bill yet. But we do have a discussion draft. That discussion draft makes the most sweeping changes to American health care—in deed, it is the most sweeping piece of legislation I have seen in my 15-year career in the Congress, and the most dramatic piece of legislation in decades. And yet, it will completely change health care in America, it will change one-sixth of our Nation's economy, and it will destroy the health care you have now.

If you like what you have now, if you're one of those 83 percent of Americans who like their health care—maybe it's not perfect, its cost is going up too fast, you would like more control over it, but your employer has the control or the plan has the control; you would like to pick your doctor, but you can't; you would like a better system, but you still like what you have now? If you like it, be prepared to lose it because, under this bill, you will lose it.

Every health care plan in America will change. The bill says that in almost those exact words. It says that they are creating a new health care bureaucracy to exist between you and your doctor. This chart shows that bureaucracy. You are the patient up here in the upper left-hand corner, your doctor is in the lower right-hand corner. Every single little box you see is a newly created agency, bureaucracy, program, plan, or bureaucrat standing between you and your doctor.

But here's the one that counts in terms of changing the plan you have. They are creating a new, nicely named

board. This nicely named board is called the American Health Care Benefits Advisory Committee. I love the word "advisory"; it sounds like they're going to give you some advice. Wrong. This board will be a Federal board that will decide what is in every health care plan in America. If your employer has a plan today and it doesn't fit every dot and tittle of what the new Health Benefits Advisory Committee requires, it must change. And that means every plan in America will change.

Now, they're being gracious; they will let the current plans stand for those who already have them for 5 years, but at the end of that 5 years every plan will change. If you like what you have, it will change. They are inserting all of these bureaucrats between you and your doctor, 48 new agencies.

Here's the Health Choices Administration, one of the new agencies they're creating, the risk pooling mechanism, the Health Benefits Advisory Committee, the many government health care plans. Here is the Public Health Investment Fund, the QHBP Ombudsman, the Medicare Trust Fund—we already have that one—and on and on and on and on. And they're putting them between you and your doctor. If you like what you have, be prepared to lose it because that's the mandate of this bill.

Now, what are some of the other mandates? Every employer in America must provide health care coverage for every full-time employee and every part-time employee. Every. You heard me say "every" employer in America, not every big employer, but in the House bill, every employer. If you employ yourself, you must insure yourself and create a plan that meets the demands of this new government agency.

Now, they do have a small business exemption, but guess what? In the House bill, there is no definition of small business—it's left blank. I wonder why. I guess they don't want to tell us that they can define a small business as as little as one employee.

It creates a new government health care plan. That government health care plan will compete with your plan. Very interesting. The President was asked on ABC television last week, Mr. President, you've said if Americans like the health care plan they have, they can keep it, and yet it appears you're going to take things away. What do you mean by that, Mr. President? And the President of the United States responded, The government will not, on its own and directly, abolish any plan. And the interviewer said, Well, but wait a minute, what if you write a new set of rules that makes it impossible for American employers to offer the plan they're currently offering? The President's response was, Well, that's not the government taking away your plan; that's your employer taking

away your plan. If you believe that, then I've got some land in Florida to sell you.

The American people need health care reform. We can give them better health care reform. We can give them choice and control over their own health care. We do not have to choose between the flawed current system and a government takeover of American health care.

Americans, now is the time to engage. You don't have another minute to waste. Please get involved in this debate.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes as the designee of the minority leader.

Mr. BURGESS. I thank the Speaker. I also want to thank the minority leader and the leadership on the minority side for providing this hour for us to talk in some detail about health care and what is pending before this Congress over the next 3 weeks.

Mr. Speaker, it is ironic that as we sit here on the literal eve of the markup of this bill in the Committees of Energy and Commerce, Ways and Means, and Education and the Workforce, all beginning next week when we return from our districts, as we sit here on the eve of that markup, there is no House bill. And it makes it very, very difficult. We're told, if you have amendments, let's get them all together because we want to have a good look at them before we start the markup. How do you amend a bill that you haven't seen yet? Well, that's the task that's before many of us on the committee and that's where we have been placing our efforts during this past week, but it is a task made much more difficult.

Mr. Speaker, I will just tell you, as someone who was involved in the campaigns last fall, I was a surrogate for Senator McCain. It meant that I went all over the country debating health care with surrogates for President Obama. It seemed a virtual lock that there would be a presidential directive for a health care bill that would come shortly after the election, and certainly by Inauguration Day. In fact, Senator BAUCUS convened a great group over at the Library of Congress at the end of last October and produced a white paper that for all the world looked like a blueprint for a plan for a health care bill.

Election Day came and went, President Obama won, no health care bill. We had the holidays, Christmas, New Years, no health care bill. The Inauguration, all the festivities that took over Washington, but no health care bill. And here we are, the week after the July 4 recess, still waiting for that

bill. What happened to the promises on the campaign trail last fall? Were they really that ephemeral that they could not be condensed into legislative language and produced for the House floor? Well, that's where we find ourselves.

Now, in March of this year, the President did convene a group of us down at the White House. He spoke very eloquently. He said the words you've already heard spoken on the floor of this House tonight, If you like what you have, you can keep it. Let me emphasize that, he repeated it, If you like what you have, you can keep it. And of course he says if you like what you have you can keep it because polls show anywhere between 60 to 80 percent of Americans like what they have and want to keep it; 160 million Americans receive their health care through employer-sponsored insurance, another 10-15 million through individual insurance policies, and they like what they have and they want to keep it. In fact, their greatest fear is that something will happen to their employment or their ability to make those premium payments, and they will lose what they have because they like what they have and they want to keep it.

□ 2100

But the second thing the President said was, The only thing I will not accept out of this Congress is the status quo. But wait a minute. If you like what you have, you can keep it would imply if you like what you have, you can keep it. How do you do that? How do you keep what you have and not accept the status quo? And therein is the quandary that has been presented to the other side, and that is what has taken the incredible length of time.

Now, coupled with that are the beginnings of some bills began to leak out of the Senate side at the end of June. We got into the issue of cost and coverage. And the initial reports that came out of the Senate Committee on Health, Education, Labor, and Pensions was a price tag of \$1 trillion. That wasn't the whole bill because we hadn't quite figured out all the Medicaid parts, but \$1 trillion for the opening salvo, and it would cover about a third of the reported uninsured. Well, that's not a great bargain. That's not great value for your dollar.

The Senate Finance Committee came up with another bill. Another score was given to that bill, and the cost was over \$1.5 trillion. And they immediately went back and started to rework the bill to bring that price down to at least \$1 trillion. That appears to be now the new high-water mark for health care legislation.

The House bill, as scored through the Committee on Ways and Means just this week, also scored at \$1.5 trillion. No word, no word on the number of people that would be covered. If you

like what you have, you can keep it right up until the time we tell you that you can't. And that apparently is the game plan, is the mission statement for the health care bill that will be brought to us from the Democratic majority.

Mr. Speaker, I'm joined by a number of other people who wish to speak on this very important topic, and I do want to give everyone the appropriate amount of time.

Just one housekeeping detail, the Congressional Doctors Caucus had an open forum during this past week down at George Washington University. Different from the White House informal on health care, this was an open forum. It was open to anyone who could come in and question Members of Congress who also happened to be physicians. It turned out all of us who were Republicans who showed up, but they could come and question the Republican House physicians on the issues related to what is going on with changes in the health care system. And we had a very lively hour and 45 minutes, a number of questions that were delivered by the staff and faculty there at George Washington and a number of questions that just came from the audience. But it was a lively hour.

The event was Webcast live at the time that it was carried out, and that Webcast has been archived and is available on the Congressional Health Care Caucus Web site. That's www.healthcaucus.org. Go to the appropriate tab for archived events, and the George Washington health care event has been archived on that Web site.

Well, again, we are joined by many Members of Congress. People are eager to speak about this. Goodness knows we're not going to get a chance to have a legislative hearing in our committee. But let us begin this evening, and we are going to hear from one of the doctors who was there at the forum at George Washington, an orthopedist from the great State of Georgia, a member of G-7, Dr. TOM PRICE.

Mr. PRICE of Georgia. Thank you so much, Dr. BURGESS, for your leadership on this issue and so many others. And I want to thank you for your participation we had at the event at George Washington University and really the wonderful perspective that you bring as a physician to the table.

In my previous life, I was an orthopedic surgeon. I spent 20-plus years practicing orthopedic surgery in the Atlanta area.

As we move forward with health care reform, it's clear that something is coming. And I get asked by folks: What kinds of things don't we want? What kinds of things can they do to us that would be bad? And I would suggest, Dr. BURGESS and colleagues, three things that would be a death knell for quality health care in the United States.

The first is ceding the definition of quality to the Federal Government. If we say as a society that we are going to allow the bureaucrats, nonmedical individuals, to decide what quality health care is, as has been proposed by the President through his Comparative Effectiveness Research Council and others with the list of programs that you've heard Mr. SHADEGG describe just a moment ago, then that would be a death knell for American medicine. Quality truly is only known by compassionate, caring physicians and patients and their families who know what is best for them because there is no way that the government can define what's best for each and every individual.

The second death knell for quality health care I believe to be any mandate, any individual or employer mandate. If individuals are required to purchase health insurance, that's a death knell. If employers are required to provide health insurance, that's a death knell. Why? Well, it's a mandate, which is a bad idea. But more importantly, when we here in Washington mandate something, what we do is define what we are mandating, and in this instance we would demand what qualified as health insurance or health coverage.

Dr. BURGESS, you well know that this Congress would define something that doesn't include all sorts of robust things already out there in the marketplace like health savings accounts, medical savings accounts, high-deductible catastrophic plans, some cafeteria plans. They wouldn't only be unavailable, they'd be illegal. This Congress would make them illegal. So the notion that if you like what you have, you can keep it is just folly. It's power fiction.

And the final death knell to the quality of American health care I believe to be any government-run program, any government takeover of any portion of our health care system beyond where it already is, the public option as it's described, which is a euphemism for a government takeover. And why is that? Well, I would ask my friends on the other side of the aisle, and really folks across this land, to think about your health care principles. What are your health care principles? What do you believe ought to be foremost in any bill that we produce? I've got six of them. They're accessibility, we ought to have accessibility to the health care system for all Americans; affordability, it ought to be affordable. It ought not to have the costs rise more than they should; quality, we need to have the highest quality of health care; responsiveness and innovation, we need a system that's responsive and innovative; and then choices, we need choices.

Those are my six: Accessibility, affordability, quality, responsiveness, innovation, and choices. I would suggest to my colleagues that none of those, in

fact, I would suggest that none of the principles that any American could come up with, are improved by the intervention of the Federal Government. None of them are improved by more government control. None of them are improved by an administration that believes that a health czar is what we need as opposed to the highest quality of medicine.

There are wonderful solutions, and I know we will be talking about them this evening.

I want to commend my colleague from Texas, Dr. BURGESS, for his leadership on this issue and can only hope that as we move forward, we are allowed to have an open and a vibrant discussion so that the Congress of the United States can have the benefit of the wonderful experience of people on both sides of the aisle as we move forward to solve this remarkable challenge in the area of health care.

Mr. SHADEGG. I commend the gentleman from Arizona for his comments about mandates, and I couldn't agree more. But I thought maybe it would be useful for the audience to illustrate the kind of poster child for mandates that the other side often recites and talks about, and that's mandatory auto insurance.

The gentleman pointed out that individual mandates tend not to work, and, indeed, the individual mandates in the health care plan in Massachusetts are not working. People are refusing to go along with those. People are choosing to be fined instead of complying with the government mandate to buy health care. But as the gentleman knows, most of the States, as a matter of fact, 48 out of the 50 States, mandate auto insurance.

I wonder if you and I could have a little discussion about how well mandatory auto insurance works, because that's the reason we're told, well, if mandatory auto insurance works, why not mandatory health insurance?

Mr. PRICE of Georgia. I appreciate my friend from Arizona's comparing it to auto insurance because that's what you oftentimes hear. You hear folks say, well, we require folks to have automobile insurance, why shouldn't we require them to have health insurance? And you allude to the fact that mandatory automobile insurance doesn't result in everybody having automobile insurance.

Mr. SHADEGG. It actually doesn't work.

Mr. PRICE of Georgia. It doesn't work. That's why you don't do it for health insurance.

But more importantly, if one mandated health coverage, then we, again, cede the definition of what that coverage would be to the Federal Government. And ceding the definition of what automobile insurance is is one thing; ceding the definition of quality health care, something so personal to

each and every one of us and our families, I would suggest is a step in the wrong direction.

Mr. SHADEGG. I agree with the gentleman completely. But we don't mandate a single auto insurance policy for the entire country in auto insurance. We let the 50 States define what constitutes auto insurance in their State.

But let's talk about how mandatory auto insurance actually works. I don't know if the gentleman knows it, but 48 States have mandatory auto insurance. So if you own and drive a car, you are compelled by law to buy liability insurance. Two States don't: Wisconsin and New Hampshire. Guess what? The percentage of people in those two States who are uninsured is lower than the average percentage in the States where it's mandatory. That's right. In the 48 States where the government says you must have auto insurance, fewer or a lower percentage are actually insured than in the two States where they don't have mandatory auto insurance. I think that proves mandatory auto insurance doesn't work.

But what I really love when the other side cites the beauty of mandatory auto insurance is of the 48 States that mandate that you cannot drive a car in that State without auto insurance, 22 of those States mandate that you must also buy uninsured motorist coverage.

Wait a minute. Let me see if I understand this. We have told all the people you must buy, as a matter of law, auto insurance, but in 22 of the States where they've done that, they are so confident that many people will break that law that they mandate also, the government putting a gun at your head, uninsured motorist coverage. Now, if everybody was going to comply with the first law and buy auto insurance, why in God's name would you need the second law? And the answer is mandates don't work. In at least those 22 States, the legislatures have openly acknowledged that mandatory auto insurance doesn't work, so we're going to require mandatory uninsured motorist coverage.

Mr. PRICE of Georgia. You said that 48 States mandate auto insurance, two States don't, but the two States that don't have a higher level of insured motorists?

Mr. SHADEGG. A higher level of insured and a lower level of uninsured.

Mr. PRICE of Georgia. So the moral of the story is?

Mr. SHADEGG. Mandates don't work.

Mr. PRICE of Georgia. Mandates don't work.

Mr. BURGESS. Reclaiming my time briefly, for a mandate to work, there has to be a broad recognition that the mandate exists and there has to be a broad understanding of the penalty involved, and the penalty administered must be significant.

If we look at the number of the rate of insured in this country, it's about 85

percent of people voluntarily carrying health insurance and 15 percent do not. Well, there is a model for that broad recognition that there is a requirement that you do something and a very swift and severe penalty if you don't?

Certainly the IRS fits that bill. Everyone knows in this country you must pay your income taxes, that you must file on time or face a swift and sure penalty. And I'm not even entirely sure what the penalties are, but I do know I don't ever want to experience those penalties. And what do we see with compliance rates with the IRS in this country? We see 85 percent comply and 15 percent do not. In other words, it is unchanged from the voluntary compliance that we have under health insurance.

Mandates are an anathema in a free society. Rather than trying to create the mandates and requiring people to do something that they are disinclined to do, what if we tried to build programs that would attract people just as we did with the part D part of Medicare where Dr. McClellan, to his credit, created the protected classes of drugs, created the programs that people actually wanted, and what do we have now? We have 92 percent of seniors with credible drug coverage, satisfaction rates in excess of 90 percent. So that's a success story from a government program that actually worked because the emphasis was put on delivering value to the customer, value to the patient in this case, value to the Medicare recipient in this case, rather than just simply you do what we tell you to do because we can. We are a free society, after all.

Mr. SHADEGG. Will my colleague from Texas yield?

Mr. BURGESS. I would be happy to yield.

Mr. SHADEGG. Briefly, we serve on the Commerce Committee. We're going to get to have a markup next week on this bill, but we will not have ever had a hearing on the bill. And as we pointed out earlier, there is no bill yet. But in the discussion draft that has been released, there is stunning information. It's one thing to talk about the stuff in the bill that's goofy; it's something else to talk about stuff in the bill that's outright absurd.

□ 2115

The gentleman talked about penalties. There is a provision in the bill that is outright absurd, and it goes to the point the gentleman just raised. The bill not only has a mandate that individuals must buy care, it has a mandate that employers must provide care. Okay. Maybe that's a good rule. But guess what—here's the absurdity. If you, as an employer in America, comply with that law, and you buy health insurance for every single one of your employees, and one of your employees says, "You know what, I don't want your insurance. I decline it," you,

the employer, must pay a penalty of 8 percent of that employee's salary because the employee chose to turn down the coverage. So you are penalized not for failing to offer the care. You are penalized because the employee said they didn't want it. What if the employee didn't want it because they preferred their spouse's coverage? That's the story in the SHADEGG family. For years my wife worked for the school district in Arizona. She was offered health care coverage. She declined it because she took it under my coverage. There's no point in buying two policies. Apparently under this bill, were she to decline it in the future, the Federal Government, that pays my health insurance, would have to pay a fine—of course they wouldn't apply the penalties to the government—of 8 percent of her salary because she turned down the care. You've got to be kidding me. You can't come up with stuff that goofy, but they did.

Mr. BURGESS. That is a very valid point brought up by the gentleman.

I want to now go to our other doctor from Georgia, a fellow obstetrician, Dr. GINGREY, who was actually the leader in bringing the Doctors Caucus together for that rather spirited and insightful afternoon down at George Washington earlier this week. I will yield him the floor for whatever time he will consume.

Mr. GINGREY of Georgia. Mr. Speaker, I thank my colleague for organizing the hour tonight and for bringing this important issue before the Members of this body and the American people. Of course, as my colleagues have said, next week in the Energy and Commerce Committee, the Ways and Means Committee, the Education and Labor Committee of this House, markups are going to begin on this bill. So we are at the dividing point where people need to understand what this is all about. And as my colleague from Texas said, yes, we have formed a Doctors Caucus on the Republican side. We asked the Members of the Democratic side who are also health care providers to join that group. They declined. But we have a group of about 14, including a number of doctors who are on the floor tonight participating in this special hour, with over 330 years of clinical health care experience and has any one of that group—and in that group, I think we're talking about 10 or 11 physicians. We're talking about an optometrist, a clinical psychologist and three dentists. And not one of those Members, Mr. Speaker, has been asked to participate in the drafting and crafting of legislation that would improve the health care system that we have in this country.

And when I talk about improvement, I mean exactly that, Mr. Speaker. We do not need to destroy a good system. We need to make it better, and we can do that. That's why the District of Co-

lumbia Medical Society at George Washington Hospital this week invited this group of physicians, this group of health care providers to come and be on a panel and to answer questions from their doctors, from employees of the hospital, from nurses, from people from all walks of life, really, to let's talk about this issue and give an opportunity for another town hall meeting. President Obama had one with ABC or NBC, one of the major networks, coming from the White House, but it was totally one-sided. So as my colleagues have said, we can fix this system. We can do it. We don't need to throw the baby out with the bath water, as the old expression goes. We feel that if there are 10 million people in this country who cannot afford health insurance or are denied it because of a pre-existing condition, that's too many.

There are a number of things that we can do, and I will just briefly mention a couple. Clearly we can agree with our colleagues on the other side of the aisle with regard to the efficacy and money-saving aspects of electronic medical records. I would hope that our colleagues on the other side of the aisle could agree with us that meaningful tort reforms, where doctors weren't constantly having to order just tons of unnecessary tests, and hospitals doing the same thing, knowing that they're unnecessary and maybe downright harmful to the patient. But with this fear, this constant fear of frivolous lawsuits facing them, all this extra money is spent for naught. So these are just a couple of things that we can do. Certainly the insurance industry, the health insurance industry needs to reform. There are a number of things that they could do, and hopefully later in the hour we can get back to that. But I think the most important thing for our colleagues and the American people to understand is that we do have the best health care system in the world, and we have the capability of coming together in a bipartisan way. My colleagues who have already spoken have plans, have bills that they've worked on for years. But do they get to see the light of day? Absolutely not. The President and this majority is so focused on this public plan. One of my colleagues is going to speak in a few minutes; and he is going to talk about, Well, since that public option is so darn good, then maybe President Obama, Mrs. Obama and those two precious children ought to be on that public option plan rather than a Blue Cross/Blue Shield or some other Federal Employees Health Benefits plan. If it's good enough for the general public, it ought to be good enough for Members of Congress. I may be stealing somebody else's thunder. At this point I will yield back to my colleague from Texas, as he continues to control this time.

Mr. BURGESS. I thank the gentleman for his insight. I thank him for the passion that he has brought to this. I wonder if, just very briefly, I could go back to the gentleman from Arizona on the issue that he brought up in an earlier speech he gave on the House floor which wasn't part of this hour. I want to be certain that we have it for the DVD that's prepared, Mr. Speaker, if we were to prepare a DVD of this transaction.

But you have talked about an advisory panel or an advisory board. Health care czar is a term we've heard, commissioner or commissar of health care, putting someone in there to make a decision for us. I wonder if you would briefly expound upon that again so we could have that as part of the CONGRESSIONAL RECORD of this discussion.

Mr. SHADEGG. I would be happy to. I thank the gentleman for yielding.

I have worked on health care reform since I got here in 1995. It is a passion that I have. I believe we can do better than the current system, and I applaud the President for calling for health care reform. I personally believe the current system is damaged by the fact that it's controlled by third parties. Your employer picks your plan, and your plan picks your doctor. What I heard the President say and what I heard, quite frankly, the current Secretary of State, Mrs. Clinton, say when she was a candidate was, "If you like what you have, you can keep it." You know, I think if most Americans hear that, they're going to be fairly comfortable because many of us are worried really about two things: We're worried about the cost escalating too quickly, and we're worried about the uninsured. But as I said earlier, some 83 percent of Americans are satisfied with their care. Guess what—that promise "If you like what you have, you can keep it," by the current President and by Democrats in this Congress, is simply untrue if you read the discussion draft that's out there. It is blatantly, patently, clearly, unquestionably untrue. Here's why: As the gentleman from Texas points out, the legislation creates the Health Benefits Advisory Committee. As my colleague from Georgia pointed out, what that committee is going to do is it's going to define what constitutes health insurance in America. It's going to set the standard for every single health care policy sold in America. We are going to have literally a one-size-fits-all mandate or dictate from this Health Benefits Advisory Committee. They're going to say, "That's a policy, and it qualifies." "That's not a policy, and it doesn't qualify." There is no chance that the rules they issue will, in fact, allow the policies sold all the way across America today to all of the employers who provide health care to actually fit into their new rules. So as a practical matter, virtually every

American—I suggest indeed every American in the span of 5 years—will lose the health care plan they have. So if the statement, "If you like what you have, you can keep it" turns out not to be true because, as my colleague Mr. PRICE from Georgia pointed out, we're going to have a board that constitutes a policy, no policy currently sold by employers will fit what that board dictates. Therefore, in 5 years they will no longer be able to give you that plan. You might lose your health care plan the first year, but you will certainly lose your health care plan and not be able to keep what you have in 5 years because the law says, In 5 years every plan must fit the dictates of that new advisory board. So if you like what you have—as I said today earlier, and I say it again—if you like what you have, be prepared to lose it because you are going to lose it.

I thank the gentleman.

Mr. BURGESS. I thank the gentleman for his quick summation of that.

We've also been joined this evening, very fortunately, by the ranking Republican on the Committee on Energy and Commerce, one of the true leaders on our side on this issue who as I started this hour, I said, Here we are on the literal eve of the markup of this bill without a bill; and apparently the ranking member has some new information about when we might expect that bill and what we might find contained therein.

So I'll yield such time as he may consume to the ranking member of the committee, Mr. BARTON from Texas.

Mr. BARTON of Texas. I thank the gentleman from Texas. I want to apologize to Dr. FLEMING for coming ahead of him.

I was watching the debate in my office, catching up with some paperwork. I was very impressed that Congressman SHADEGG has apparently read the draft—or his staff has—so we have at least one Member. And I'm sure Dr. PRICE, Dr. GINGREY, Dr. FLEMING, Mr. GOHMERT and Dr. BROWN have also read it. But I am the senior Republican on the committee of primary jurisdiction, the Energy and Commerce Committee; and as such, I communicate with the chairman of that committee, Congressman WAXMAN of California, and my chief of staff with his chief of staff. As you all know, we had scheduled opening statements next Monday. We were going to start the markup on Tuesday. At least until today we were led to believe that it would be a full and fair open markup. Well, we just got word about 30 minutes ago that apparently, as Congressman SHADEGG has said, there is still no bill. As we are here on a Thursday evening, there is no bill to mark up. There is not going to be a bill tomorrow, apparently. There may be a bill over the weekend. There may be a bill on Monday, but there may not be.

We had asked that there be a hearing once the CBO, the Congressional Budget Office, scores whatever it is they are going to mark up, that we have a day of hearings, which is normal procedure. Well, apparently we're not going to get a hearing. We're going to get a closed-door briefing, and we're going to start opening statements on Tuesday of next week. Then we're going to start the markup. Assuming that there is a bill to mark up, we'll have a markup that begins on Wednesday, and they will conclude it by next Friday. So I just want the country and Members of Congress and those who are in their offices, like I was, listening to the debate to understand, the health care industry, which is 15 percent or 20 percent of our GDP, in which the preliminary scores on the draft and the bill in the Senate is somewhere between \$1 and \$2 trillion over 10 years, which is somewhere between \$100 billion and \$200 billion per year, which is 2 percent of GDP. A bill that's going to add 2 percent of GDP, which is not yet written, if we're really, really lucky next week, we may get 2 days of markup in the committee of primary jurisdiction.

Now I want to put that in context. I've been in this body 25 years. I have seen major bills that were not half as important as this bill have weeks of hearings on the legislation once the legislation was out and weeks or months of markup.

□ 2130

Former chairman of the committee, JOHN DINGELL, in the Clean Air Act in the 1990s marked that bill up in committee. He worked on it for several Congresses, but the final work product he marked up over I want to say a 6-month period.

It is arrogance beyond explanation not just to the minority Members of this body, to the moderates and conservatives on the majority side, but to the American people that we can attempt to move a bill that affects 20 to 25 percent of our GDP, which adds 2 percent of our GDP cost per year for the next 10 years, not even have that out so that it can be studied today. When they get around to introducing it sometime next week, they are going to start marking it up on Wednesday and report it out on Friday.

Now the reason I came over to ask time to speak is because right now I am in a debate with the administrator at the EPA, Administrator Jackson, in which back in April, they issued an endangerment finding on CO₂ saying that CO₂ is a harm to public health. It is a dangerous element, and therefore it has to be regulated to protect the public health. We have e-mails that show a reputable senior Ph.D., a doctor, a researcher within the EPA, prepared a report, as required by law, that stated that the science that they had based the endangerment findings on

was faulty and out of date, and in all probability there really wasn't a danger. That report was not made a part of the official record. The e-mail says it wasn't because his direct supervisor says that the decision has been made at levels above you. We are going to go forward with this regardless of what the facts are.

So here we have on climate change and cap-and-trade the facts be darned, we are going forward. And now we are coming to the next big issue in the Obama administration, and they are saying, the public be darned, we don't want anybody to know what is in the bill. We are going to make the majority vote for it no matter what. And we are going to do it in 2 days.

Now most of you here are medically trained. You went to medical school for years. You had an intern program for several years. Most of you practiced in private practice for decades. You have got experience. You had your patients that trusted you because you were open and transparent and you had experience behind you.

The majority that is running this body doesn't have enough trust in the population to tell them what is in their bill a week or two ahead of time so we can study it, prepare amendments, and have an open and fair markup process.

I think that is outrageous. We don't know what is in the bill. Mr. SHADEGG has done a pretty good job of going through the draft. And he knows that the draft is scary enough that we ought to have a long, fair markup on it. Most of that stuff will probably be in the final bill. But we don't know. So the reason I came over, Congressman BURGESS, was to encourage you and all the other Members that are participating in this Special Order and the people that are watching it. They need to get on the phone tomorrow. We want openness. We want transparency. We want time to see what the bill is. We want to post it on official Web sites so that the public can understand it. We want to give Members on both sides of the aisle the opportunity to draft amendments. And we want a markup process in the committees of jurisdiction that those amendments can be made, they can be debated, and they can be voted on in public. And maybe, just maybe, the work product that comes from that will be worthy of being reported to the floor.

But one thing I'm certain of, the bill that we don't have that has been drafted in secret is not worthy of becoming public law. I can say that sight unseen.

In the Revolutionary War, "one if by land, two if by sea, the British are coming," rationed health care is coming. No-doctor-choice is coming. Private insurance is going away if we let this—I'm trying to think of a polite way to describe what is about to happen. But it is a travesty of the process. It is a policy that will do much more

harm than good to health care in America.

Mr. BURGESS. We had, of course, a meeting of our committee this afternoon where we talked about amendments. We thought we had 3 or 4 days, which, in fact, seemed pitifully short in that context. I know our office had submitted 50 amendments. I think I saw a list of almost 200 amendments that was being discussed.

There is no way in the 10 to 12 hours that will be available to us to debate that bill to allow Members on our side, let alone if any Members on the majority have ideas about how the bill might be improved. It is a virtual guarantee that only a very limited number of voices are going to be heard, if any, to try to improve that bill in the time that we have allotted to us.

I will yield back to the ranking member.

Mr. BARTON of Texas. I plan on talking to Chairman WAXMAN immediately in the morning and saying at a minimum we need a day to look at the bill once it is out. We need several days to prepare amendments. And then we need at least 1 week or 2 weeks to do markup. It is not just the minority Members, but there are a number of Members on the majority side that have substantive concerns and substantive amendments.

This Congress can do good work. But it can't do good work in the dark with a handful of Members making deals in the back room and then forcing the majority to almost automatically rubber-stamp that product.

What you're doing here is excellent work. I commend you and the other Members. But I strongly, strongly encourage people that if they believe in an open and fair process, we need to figure out a way to get this bill out there in public and give us enough time to study it before we go forward and try to mark it up.

Mr. GOHMERT. Do you think there is any chance that something as ridiculous as amendments being filed in the middle of the night might happen? Do you think it is possible around here?

Mr. BARTON of Texas. Apparently, if they do what they have been doing in the past, we won't get the product that is going to be marked up until Chairman WAXMAN introduces a manager's amendment in the nature of a substitute sometime Wednesday afternoon.

Mr. GOHMERT. Or 3:09 a.m. perhaps?

Mr. BARTON of Texas. He has to put something in play to actually start the markup. But if the past is a predictor of the future, whatever he puts in play will not be what is going to be marked up. It will just be a placeholder.

Mr. BROUN of Georgia. I congratulate the gentleman for suggesting the American people contact their Members of Congress. I just want to say I just explained to the American people

when we as Members of Congress say I associate myself with those comments, that means I agree wholeheartedly. And I do associate myself with those comments.

I want to remind the American people that former U.S. Senator Dirksen one time said that when he feels the heat, he sees the light. The American people need to put heat on the Members of Congress in the House and the Senate because the Senate has a bill too that is disastrous. It will do just the things that Mr. SHADEGG was talking about. In our shop we have looked at those proposals over there on the Senate side, and it is going to be disastrous if that bill as we see it thus far is passed.

The only way we are going to stop it is for the American people to get on the telephone, to call their Members of Congress, call their U.S. House of Representatives as well as their U.S. Senators and say "no." We as Republicans have been accused of being the Party of No, n-o. Frankly, we are the Party of Know, k-n-o-w. We know how to fix this problem. We know how to lower the cost of health care. We know how to give patients choice and give them ownership of their health care plan. We know how to fix this problem. We know that government intrusion into health care decisions and the health care decision-making process and reimbursement and all the reasons it is so high and unaffordable today.

I just wanted to associate myself with the comments that you made and encourage the American people to get on the telephone, to get on their e-mail, to get on their fax machines, to call their neighbors and their friends all over this country and encourage their neighbors, friends and family to contact their Members of Congress. Let's shut the telephone system down tomorrow, across this Nation, people calling, faxing and e-mailing to say "no" to this travesty, "no" to this piece of garbage. I will be outright and say it. You were looking for a nice word. But it is garbage. And it is going to destroy the quality of health care.

I am a medical doctor. I practiced medicine for 38 years. And this is going to place a government bureaucrat between the doctor and the patient. It is going to be extremely expensive. The quality is going to go down. Innovation is going to be for naught, and it is going to go away. People are not going to like this, and we need to have it in an open process.

Mr. BARTON of Texas. The comment ought to be "show us the bill."

Mr. BURGESS. Let me reclaim the time briefly. I appreciate the ranking member taking the time out of his evening and spending some time with us. There are a number of Web sites where people can go and sign online petitions. Americasolutions.com has a petition, galen.org has a petition, another group called Let Freedom Ring

actually has a downloadable responsible health care pledge where you ask your Member of Congress or Senator to have at least read the bill in its entirety and have the bill available for 72 hours on a Web site so the public can view this bill prior to a vote being taken in the House of Representatives.

He has been very patient. He is a new Member. And he is probably more patient than I deserve him to be, but Dr. FLEMING is from my neighboring State of Louisiana. He is one of two new Louisiana doctors who have joined the Republican Caucus. I want to thank him for his time tonight. He has a very interesting proposition that he wanted to share with us.

So I yield whatever time he may consume, bearing in mind we have 15 minutes left of the hour.

Mr. FLEMING. Well, I thank the gentleman, and I will be quick here because I do have something very important. I want to draw the camera's attention to this placard and particularly the Web site outlined below, fleming.house.gov regarding House Resolution 615 that really gets to the meat of the matter. And again this is another effort to appeal to the grass-roots.

Over the past few weeks, Members of Congress and the American people have come to know the details of the proposed health care plan advanced by the administration and the Democrats. Call it whatever you like, but at the end of the day, the proposal is still a government-run health care system.

Now with its health care plan, the administration and the liberal leadership of this Congress are guaranteeing this democracy is on the solid path towards socialism. As a physician, I am amazed at the number of bureaucrats in this House who are quick to claim a government-run health care plan is the reform this country needs.

So I come before this body to announce a resolution that I just mentioned, House Resolution 615, saying very simply that any Members of Congress who votes for legislation creating a government-run health care plan should lead by example and enroll themselves and their family in the same public plan.

Again, to repeat that, very simply, any Members of Congress who vote for this legislation, that is one that includes a single-payer or government-run health care plan, should be willing to commit to enroll themselves in that. You see, it is very interesting how Congress tends to carve itself out and create sort of a lead state in many things, and this is one good example. The plans that we see thus far, which we don't know the details of, of course, suggest to us that for the next 5 years the Congressmembers will be still on the Federal health plan exchange and not be part of the single-payer system.

In closing, I just want to suggest that to those who are viewing this evening

and along the lines of Dr. BROWN and Dr. GINGREY, is yes, please call. Call your Representatives. Call your friends. Let everybody know we need to defeat this single-payer system. And the way to do it is to hold our Congressmen accountable for what they do. If it is good for you, it should be good for them as well.

□ 2145

Mr. BURGESS. I yield to the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. I realize we are running short on time, but I just wanted to comment on the gentleman from Louisiana, Dr. FLEMING's resolution. Mr. Speaker, it would be akin to a member of a public school board, let's say in your own community or in my community. In fact, I was on a public school board, and do you think I would have had the audacity to have my children enrolled in a private school while I served on the local public school board? Absolutely not. All four of my children went to that public school. It wasn't a perfect school, but it was my job to make it perfect, as perfect as I could.

And so for this Democratic majority, and this President, I would take it a step further than what Dr. FLEMING said. I would say to the President, and to Mrs. Obama and to the children, you know, Sign up for this public health plan, because you are purporting it to be the best thing since sliced bread, better than any private, Blue Cross/Blue Shield, WellPoint, whatever is out there in the private market.

This is a wonderful hour, and I thank the gentleman from Louisiana for bringing up this commonsense point.

Mr. BURGESS. I also would thank the gentleman from Louisiana. I would also point out that in the last Congress I introduced a bill that would remove Members of Congress from the Federal employee health benefit plan and give them a \$3,000 voucher to go out into the individual market and purchase insurance, figuring that if we became uninsured it would make us more creative about seeking solutions for people who seek this problem.

I did not get any cosponsors. I did offer it to then-Senator Obama through his surrogates at several points, but I never got any takers.

I also prepared an amendment, when we do get our bill in committee, and I have hesitated on this, because I don't want my more conservative friends getting angry at me for expanding an entitlement, but I have prepared an amendment that would make Medicaid available to every Member of Congress. In fact, to make Congress a mandatory population to be covered under Medicaid, so that again we could experience for ourselves firsthand the frustration that patients find when they go to find a Medicaid provider, because in many States, my home State of Texas,

Medicare reimburses poorly, Medicaid reimburses abysmally. And it's very, very difficult to find a provider on Medicaid. But I think the gentleman is on the right track, and I thank them for bringing that to us this evening.

I would like to take a few minutes. We have two doctors from Georgia, two from Louisiana. I was only able to attract one doctor from Texas, which is me, but I do have a Texas judge. I yield to him if he has a few comments to make on the subject of the evening.

Mr. GOHMERT. I wanted to thank my friend, Dr. BURGESS, and to be among such wonderful physicians. And I have been listening, a trained judge, I got to listen a great deal. And I heard so much wisdom from my friend Dr. PRICE, Dr. FLEMING, Dr. GINGREY, Dr. BROWN and Dr. BURGESS over the last 4½ years I have been here, and I have come to know their hearts and know their heart is for the good of America.

When we hear about transparency, and we look at what's been happening, look at the Federal Reserve. My goodness, what's going on? And you look at the auto task force and what they have done with that, and now they are going to do that with health care? It's the doctors that save our lives. It's the health care that will save lives.

Well, that's what it used to be.

And so then we hear, and I don't know if, Mr. Speaker, if the American public knows what former Chairman BARTON was saying, but manager's amendments have been filed after committees have done their work, and what little work was done.

And the manager's amendment just completely replaces all the work that was done, and it's put in at the last minute. And then we have amendments, as we did on crap-and-trade, that were filed at 3:09 and then supersede everything and then right up here at the Speaker's desk. There was not a complete copy, as that was made clear.

And I have been listening to these things, and I appreciate so much the work of all of these people trying to come together with a plan. And I have been trying to get alleged counsel to put together a compilation of these ideas in a bill, but they will not. They have not so far. Former Chairman BARTON has submitted this request, and I hope we have a bill so America can know about what's out there.

But I think Dr. FLEMING has a great point. Congress ought to be part of anything we make anybody else comply with. And that's why how about a system where instead of Medicare, Medicaid and SCHIP, we just put money in a health savings account that the patient controls and get out of what Mr. SHADEGG was pointing out, all this bureaucracy, all these insurance companies coming between the patient and the doctor, and then have catastrophic care to cover everything

above the health savings account amount where the patient and the doctor decide on treatment. These are things we could do. These are things that will be good for America. These are things that all of us, we have talked about, we would be willing to do ourselves. That's what we ought to do for America.

And I am broken-hearted for what this body is going to cram down into the lives of people. And if they think they didn't like some of the things that were dictated from Washington, wait till Washington gets to control your life, because I am guaranteeing you, when the government takes over health care, they have every right to tell you what to do, what to eat, how to live. They will have a right to monitor your credit card receipts. Oops, you had too many Twinkies you bought last month.

I mean, that stuff is coming once the government controls your health care. It controls your life.

Mr. BURGESS. I thank the gentleman from Texas for his valuable insight. It brings up a valid point, Mr. Speaker, and the American people are going to be asked to undergo significant change in the way they receive their health care.

Yes, it may be change they voted for in November. Yes, it may be change they can believe in, but I don't know that it's necessarily going to be change they like.

So I do, Mr. Speaker, if I could, I know I must address my comments to the Chair and not to the public at large, but, Mr. Speaker, if I could address the public at large, I would tell them they need to be very, very skeptical of what this body is doing, typically in the middle of the night, without much scrutiny and without much study of these bills and processes as they go through.

The individual Members of Congress do need to hear from their constituents on this issue. It's too important, too important for the American people to remain silent. There are Web sites out there where there are petitions that may be signed, AmericanSolutions.com, galen.org are two that I know have petitions up. This one that I was recently made aware of, Let Freedom Ring, which has a responsible health care pledge that they have posted online.

These are very worthwhile efforts that the American people can undertake and make certain that their representatives know how they want it to be, how they want to be represented.

And it is, I think, people got the message on cap-and-trade but they got the message a little late. We may, in fact, have been able to turn that vote had we been able to have one additional half day of debate on that topic.

Let me now turn to the doctor from Georgia, who we heard from briefly earlier. He may have some wrap-up

comments that he wants to offer the body.

Mr. BROUN of Georgia. American people need to understand what is in this bill, as little as we know about it. There are some things that we do know about it. Our friend, JOHN SHADEGG, just talked about that, the untruth of your being able to keep the health care policy that you currently have, is absolutely in this bill. People are not going to be able to keep their health care policy. We know that.

We also know, without a question, that there is going to be a Washington bureaucrat put between the doctor and the patient. So a Washington bureaucrat is going to be making your health care decisions, is my message to the American people, Mr. Speaker. It's going to make your health care decisions for you, Mr. Speaker.

You doctor is not just going to be able to make those decisions. You are not going to be able to make those decisions. Your family is not going to be able to make those decisions. And the decisions are going to be rationed. In other words, some Federal bureaucrat, some Washington bureaucrat is going to tell the patient what tests that they can have, what medicines they can have, what surgeries they can have, what X-rays they can have and what they can't have.

And there are going to be more can't-haves than can-haves, because this is going to be extremely expensive.

We know this that's in this bill: Right now, today, when people have insurance provided by their employer, that is a tax-free benefit. We already know that this Democratic bill is going to put taxes on your health insurance, and you're going to have to pay those. So what you're getting now, Mr. Speaker, the American people, at no tax consequences to you, you're going to have to pay taxes on it.

We know this, too—that Mr. Obama said a few weeks ago that he had to push through this, what I call cap-and-tax bill, the cap-and-trade bill, that it wasn't about the environment, because he said himself that he needed those taxes to pay for his health insurance program, this single-party payer program that we're going to; some Washington, bureaucratic-directed health care system. He needs those taxes to pay for it. So people's taxes are going to go up. Business taxes are going to go up. We're going to have these energy taxes, which is going to increase the cost of all goods and services—gasoline, heating oil, natural gas, food, medicine, everything is going to go up because of the energy tax that's over in the Senate. And I hope the American people will call and tell their Senators "no" to that, too.

It's critical at this late hour, which should be a very, very early hour but it's a late hour because the majority is going to force down the throat of the

American people this health care plan that's going to be disastrous and take their choices away, increase their taxes. It's going to destroy our economy, and it's going to destroy the quality of health care. I hope they'll call, fax, e-mail their Members of Congress and say no, let's put everything out in the open so that we can know what it is and so that alternative systems can be looked at.

I thank the gentleman for yielding.

Mr. BURGESS. I thank the doctor for coming down and participating. It may be late on the East coast but it's early on the West Coast, and he has a perfect point to make—that your voices must be heard. Again, the Webcast of the Doctors Caucus meeting over at George Washington earlier this week. The open forum that was held on health care, The Web site www.healthcaucus.org has an archive of that.

Additionally, there are many, many interviews with other thought leaders and headline-makers in health care that have been accumulated on this site in the last 6 months. I do encourage, Mr. Speaker, people to consider going. Americansolutions.com has a petition, galen.org has a petition; and there is the Let Freedom Ring group that is available on your search engine that also has a petition. I would encourage people to weigh in with that.

Don't discount calling the Speaker's office. You can find that at www.speaker.gov, hit the "Contact Us" button and find the number to call into the Speaker's office to weigh in on this important issue. And finally your calls and faxes, Mr. Speaker, that constituents will make to their individual Member's office are going to be extremely important in this endeavor. I hear all the time from people back home, What can we do to help you? Now is the time. You need to make your voices heard on this very important issue. Whichever side you may reside, wherever your feelings lie on this, you need to make your feelings known to your Member of Congress. The time for that action is now. The markup starts next week. We will vote this out of the House of Representatives by the end of the month. Don't ask me why we have that arbitrary, condensed timeline, but that's what we've been given by the Speaker of the House.

So now is the time to make your voices heard on this very, very important matter. As the ranking member of the committee said, this is the "one-if-by-land, two-if-by-sea" moment. The American people need to make their voices heard on this very critical matter, which will affect not only their future, their children's future and their grandchildren's future.

Thank you, Mr. Speaker, for the time.

□ 2200

PATIENTS BEFORE PROFITS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Mr. Speaker, I am KEITH ELLISON and I am a Member of the Progressive Caucus. It is late and the hour is moving toward when a lot of people are looking to retire for the evening, but we have to talk health care. Before I do, let me introduce the Progressive Caucus message that we have for people tonight. The Progressive Caucus message is we come to this Chamber every week to talk about a progressive vision for America.

What is a progressive vision for America? It is a vision, Mr. Speaker, in which people can live free of discrimination; people can live in harmony with the Earth; workers can work with dignity. Workers can have respect and safety on the job and earn decent pay. Where all Americans can have health care and enjoy the benefits and the bounty of this great country of ours.

A progressive vision, a vision similar to the one that Martin Luther King had for our country, a vision similar to the one that the great Rachel Carson, author of "Silent Spring," had for our country. A vision similar to one which Walter Reuther, a great labor leader, had for our country, a progressive vision which embraces all, which includes all, where human beings live in harmony, free from fear who do not disrespect or abuse our environment, believe all people have dignity, and we should have health care so people can have a decent standard of living.

This is the progressive vision that we talk about with the progressive message and it is what we do when we come to the House floor to talk on this House floor about what we believe in.

The Congressional Progressive Caucus is the group that I speak for tonight. This is our Web site, Mr. Speaker, which is cpc/grijalva.house.gov.

What are we talking about tonight? We are talking about health care reform, patients before profits.

Tonight, Mr. Speaker, I think this presentation could not be possibly more different, it could not possibly be more different from the hour you just heard because the hour you just heard a moment ago talked about what we couldn't do, who couldn't get care, why we have to have the status quo, why things have to be the way they are and why we cannot have reform. That is what you just heard, horror stories and fear-mongering like we have been hearing for many decades.

It was the same thing in 1994. Remember the Harry and Louise ads? Oh, the government is going to take your health care away; the government is

going to make medical decisions for you.

It is not true. Don't fear. The American people should not fear health care reform. The American people, 300 million strong, know that 50 million, nearly 50 million of our number, are without any health care at all. The 250 million who do have health care know that the private insurance companies have been reaping enormous profits while you've been paying higher deductibles and higher copay, and you have been paying higher premiums and you have been being denied coverage for pre-existing conditions. The time for change is now.

I think for the first time in a long time, real change is right within our hands. Mr. Speaker, if the American people have a will for a greater level of health care, for a greater level of quality of life in which all Americans don't have to go to bed at night afraid that they are going to be without, this is the time for them to raise their voices.

I think a few things are important to know, and that is, just like as in 1994, the scare tactics that we just heard and will probably hear again tonight are in full force. And if the American people don't step forward, you don't know which vision of America will prevail: a progressive vision where all Americans have health care and access to care that says prevention, that says long-term care, that says we are going to have a public option which we desperately need, or this situation which leaves 50 million Americans out with escalating costs and preexisting costs which doom people to a medical nightmare. We will talk more about that in a moment.

First, I want to say that the fight is on. It is raging. It is happening. And if the people want to be heard, Mr. Speaker, they need to be heard now.

Let me say this: in the first 3 months of 2009, in the first 3 months of 2009, the Chamber of Commerce and the Pharmaceutical Researchers and Manufacturers of America, PhRMA, played lobbyists a combined \$22.5 million to promote their interests. Okay, you didn't hear me: \$22.5 million to lobby people like me, Mr. Speaker, to not give the American people health care, to keep the status quo, to let it be how it is, to let these preexisting condition exclusions continue on, to leave 50 million Americans out in the cold, to continue the increasing premiums and these ridiculous copays people are having to pay.

You didn't hear me? The first 3 months of 2009, the U.S. Chamber of Commerce and the Pharmaceutical Researchers and Manufacturers of America, PhRMA, laid lobbyists a combined \$22.5 million to promote their interests; \$22.5 million in January, February, and March.

You think that is a lot of money, Mr. Speaker? It's nothing if you compare it

to the amount of money they made by denying Americans health care, by denying enrolled Americans health care, as they have been doing and saying we don't cover that. And by reaping all of these excessive profits, oh, \$22 million is a rounding error for them, but it is an enormous amount of money for us.

Monday, July 6, The Washington Post said: Familiar players in health care bill lobbying.

The largest insurers, hospitals and medical groups have hired more than 350 former government staff members and retired Members of Congress in hopes of influencing their old bosses and colleagues.

That is not quite one for every Member of Congress, but it is nearly one for every Member of Congress, and that is just counting the former Members of Congress and former staffers. Just to try to twist an arm to say leave the status quo as it is.

Three out of every four major health care firms have at least one former insider on their payrolls, according to Washington Post analysis. Nearly half of the insiders previously worked for key committees and lawmakers currently debating whether to adopt a public insurance option which is opposed by major industry.

So they are getting people who used to work here to try to stop progress and keep us from a progressive vision because they care more about profits before patients. We, in the Progressive Caucus, care about patients before profits.

The hirings are part of a record-breaking influence campaign by the health care industry. This is according to The Washington Post, record-breaking influence peddling campaign by the health care industry. You know, Mr. Speaker, you may have been dazzled, shocked, and amazed by what you saw in 1994 when they in fact killed health care. Now they are pulling out all of the stops, and they are going to make sure that they set a record in the amount of influence that they are trying to campaign for to defeat health care reform.

They want the status quo. We want a progressive vision. Mr. Speaker, just hold onto something because this number might stagger you: \$1.4 million a day, nearly \$1.5 million a day to stop health care reform by paying lobbyists, and this is just according to what has been disclosed in their records. So \$1.4 million a day just to lobby against health care reform? Yes.

So, Mr. Speaker, if the American people want health care reform, they better say something because \$1.4 million a day can speak pretty loud.

The Pharmaceutical Researchers and Manufacturers of America doubled its spending, nearly \$7 million in the first quarter of 2009, followed by Pfizer with more than \$6 million. If they are right, if this system is good, why have they

spent all of this money? Can't they just let the facts speak for themselves? No, the facts need to be adjusted for them.

The Post examined federally required disclosure reports submitted by health care firms that spent more than \$100,000 lobbying in the first quarter of this year, and it used current and past filings to identify former lawmakers, congressional staff, and executive branch officials.

□ 2210

This is a quote: "The revolving door offers a shortcut to a Member of Congress to the highest bidder," said Sheila Krumholz, who is the executive director for the Center for Responsive Politics, which compiled some of the data used in the Post analysis. Here's her quote—and this is really a shocker, Mr. Speaker: "It's a small cost of doing business relative to the profits that they garner."

So again, \$1.4 million a day seems like a whole lot of money to me, but when you think about the money that is reaped from the status quo in their denial of claims, in their denial of pre-existing conditions, and all of this stuff, it's really not a big deal at all.

Mr. Speaker, let me show folks just what this profit is doing. Projected spending on health care as a percentage of gross domestic product, Mr. Speaker, has been doing nothing but going up and up and up. If you look at just projected costs in 2007, we're talking about an enormous upward slide from about 15 percent upward to nearly 50 percent if these numbers are projected to 2008. Medicare going up and Medicaid going up, but those lines are relatively flat. If you look at all the other health care costs, it's just jumping up. This is spending, and whatever I spend, somebody else makes. This represents the enormous amount of money that will be made under the status quo, and it represents why they're willing to drop \$1.4 million a day just to defeat the real change that we need.

Mr. Speaker, let me just also point out a few other facts that I think are important. We have a growing number of Members of this body, the House of Representatives—many of whom are Progressive Caucus members—who are saying they won't vote for any plan unless it includes a public option. I'm one of those. I know I've been accused of being doctrinaire, of drawing a line in the sand and not being flexible. Well, they're right; I'm flexible, but not on this. No public option means a red vote, which means no for me.

We've got to have a public option. We have to have it. And I'm proud to say that Speaker PELOSI, CHARLIE RANGEL, and leaders in this body have said that we're going to have our public option. And it's because people out there have raised their voices, Mr. Speaker, and the people in this body haven't let the people in America down and they've stood up for change.

But it's not just in the House, Mr. Speaker. I'm happy to say that Members of the other body, Senator RUSS FEINGOLD, Senator BERNIE SANDERS, and Senator CHUCK SCHUMER are standing up and speaking out for a public option right now. Senator FEINGOLD, Senator SANDERS, and Senator SCHUMER haven't been quiet, Mr. Speaker; they're trying to make sure that we get this public option through the Senate as we work for it in the House.

What we really need, Mr. Speaker, is for Americans to let their voices be heard. Because if they say, Oh, well, the leaders in Congress got it all under control, that's exactly when we lose it. The American people are like the wind that pushes the boat through the sea. I don't care how big your sail is, how pretty it is, or what you put on it, if there's no wind, it doesn't move. And that's how this democracy is going to work.

As I praise Senator RUSS FEINGOLD, let me tell you what he said on June 18 that deserves our respect, Mr. Speaker. Senator FEINGOLD said, "A strong public health insurance option is consistent with a healthy private market and effective private insurance plans. We have several insurers that operate in my home State of Wisconsin that provide great health coverage to their beneficiaries. Responsible insurers should have no trouble competing with a public insurance option on the merits of their plans, but a strong public health insurance option will provide a powerful incentive for less responsible insurers to reevaluate their own cost-sharing and benefit plans to ensure that they are actually an attractive option for consumers." That's what RUSS FEINGOLD said, Mr. Speaker.

And he went on to add, "There is another benefit of a public health insurance option which hits particularly close to home. My hometown of Janesville, Wisconsin—that's RUSS FEINGOLD's hometown—has one of the highest unemployment rates in the State of Wisconsin. Recently, our GM assembly plant ceased production, and other related businesses throughout the community are struggling to stay afloat during these tough economic times." Of course these challenges are shared by many other communities across the State and, I would add, across the Nation.

Back to the Feingold quote. "A public health insurance option would be invaluable to families in Janesville and many other cities across America who have recently been laid off because it is a guaranteed affordable option that can travel with an individual from job to job. A public health insurance option would also make a tremendous difference for our small business owners who are facing crippling health care costs while trying to keep their businesses open." That is the great Senator RUSS FEINGOLD as he spoke passion-

ately and convincingly about a public option.

I just want the American people to know, Mr. Speaker, that in the House of Representatives and in the Senate there are leaders who have heard the cries of the American people, who have heard the demands for change, and who are going to stand up for a public option. And Mr. Speaker, I just want to take a second to say thank you to all those Members in the House, but also these three Senators—FEINGOLD, SANDERS and SCHUMER—and many others who have gone on record for a public option.

Mr. Speaker, I also want to share a few other points that I think are real important at this time as we've just discussed this critical thing. The fact is that what we need is a real focus on patients, not profits. The way the health care proposal is working now in the draft is that there are basically three prongs.

One is, employer-based health care insurance. If you like the insurance you have, you can keep it. Don't listen to that stuff you heard in the last hour, Mr. Speaker. The truth is, you get to keep your health insurance if that's what you want.

Two, people who are over 65 or who qualify for Medicaid can get health insurance. Those folks who are in those government programs already can share in that benefit.

But the third option is this exchange where private insurance plans and a public option will be available for people and people can bid on these options and purchase their health care. There will be a subsidy up to about 400 percent of the poverty guidelines.

We would ban the exclusion of people with preexisting conditions. And there is a proposal that anyone who wants to put their plan in that exchange would have to have a medical loss ratio of about 85 percent, which would mean that actual health care delivered to people, the money would have to be 85 percent of their overall budget, and that 15 percent would be on administrative costs and other things like that. Medicare already does a whole lot better than that, and so does the VA.

So that's basically an outline, Mr. Speaker. That's basically what it is. But I just wanted to make sure that we really hit this idea of this public option tonight.

Our system wastes roughly about \$700 billion on treatments and procedures that cannot be shown to improve health outcomes right now. A public option would make charging these kind of fees to just generate money something they really can't afford to do because you've got real competition that's not driven by a profit motive but is driven by quality health care.

The fact is, Mr. Speaker, we need ways to drive waste out of the system

and we need ways to make private insurers really compete with this public option, which they do not.

As you know, Mr. Speaker, under the McCarran-Ferguson Act, insurance companies are not required to compete with each other. They have an exemption from antitrust laws, and therefore can legally collude. And so we need this public option so that we can make them actually compete.

You know, Mr. Speaker, I don't have to get up here and tell you or anyone else that health care costs in America are crushing America's businesses and families, but I will offer a few examples. Our manufacturers spend more per hour on health care than do their counterparts in Canada, Japan, and the U.K. combined. What I'm saying is that if you have a company that is international in scope and has places in Canada and subsidiaries in Japan and the U.K.—that's England and the United Kingdom—their American manufacturers spend more per hour on health care than all these other subsidiaries combined.

□ 2220

That's making America noncompetitive and putting us at a competitive disadvantage.

Mr. Speaker, I bet you didn't know, and maybe you did, that health care costs for small businesses have grown 30 percent since the year 2000 alone. We need health care. We need a public option. The average family premium costs \$1,100 more per year because our health care system fails to cover everyone. The average individual premium costs \$400 or more. Mr. Speaker, we need a public option. We need health care reform.

In 2004, half of all people filing for bankruptcy cited medical problems as a cause. That's half. Well, Mr. Speaker, I have got a chart right here where this is definitely an out-of-date figure because it's much higher than half now. Medical bills underlie 60 percent of U.S. bankruptcies, according to a recent study. Washington Reuters, that's the news company: Medical bills are involved in more than 60 percent of U.S. personal bankruptcies, an increase of 50 percent in just 6 years, U.S. researchers reported on Thursday. More than 75 percent of these bankrupt families had health insurance but were still overwhelmed by their medical debts, the team at Harvard Medical Law School, Harvard Medical School, and the Ohio University reported in the *American Journal of Medicine*.

"Using a conservative definition, 62.1 percent of all bankruptcies in 2007 were medical; 92 percent of these medical debtors had medical debts over \$5,000 or 10 percent of pretax family income," the researchers wrote. "Most medical debtors were well educated, owned homes, and had middle class occupations."

Mr. Speaker, this scenario is what the speakers in the previous hour were trying to defend. Is that not crazy? That is not what the American people want. That is not what the American people deserve. The speakers in the previous hour were literally defending this system and standing in the way of reform.

A few more facts, Mr. Speaker. In 2008, just last year, half of all people filing home foreclosures cited medical problems as a cause. Again, medical problems and our broken health care system deeply implicated even in the foreclosure crisis. The fact is high costs lead to people losing coverage, and 14,000 Americans are losing coverage every day in the midst of this economic crisis. The numbers are staggering, and at some point your eyes just gloss over it and you can't really hear them. So sometimes numbers don't even bring as much light to the subject as one would want. But let me just say 14,000 Americans are losing coverage every day in the midst of this economic crisis. Why? Because as unemployment creeps toward 10 percent, when you lose your job, you lose your health care because we have an employer-based health care system.

Mr. Speaker, again, a serious problem. Last month 400,000-plus jobs lost by Americans. Every one of them is either dealing with no health care or has to carry an enormous COBRA payment on their back. Mr. Speaker, that's not good. And 60 percent of Americans say that they or a member of their household have delayed or skipped health care in the last year.

Mr. Speaker, we need to reform our health care system. I hope that's obvious to everybody. Actually, you and I both know it's not obvious to everybody though we wish that it was. But let me just talk a little bit about it for a moment. I will bring back up this poster, Patients Before Profits.

Mr. Speaker, reform will alleviate the burden on families by lowering costs. Ensuring timely access to affordable, quality health care, making sure everyone has access to preventative care will help keep the American people healthy and allowing workers to change jobs without worrying about losing health care. Imagine being stuck in the job you have, and maybe you don't even want to be there, but you can't leave because you've got health care.

Mr. Speaker, I talked to a dear friend of mine whom I have known for many years, many years, Mr. Speaker. And I know you know what I mean when you've known someone for years and years and years, but there is something I didn't know about this friend of mine when I had a health care forum in my district in Minneapolis a few weeks ago. I won't mention this friend of mine's name because I'm going to protect her privacy, but this friend of

mine whom I've known for years, I didn't know this fact about her. Let's call her Ann. That's not her name.

Ann, after a health care forum that I held in my district in Minneapolis in which 220 people showed up because they demand health care reform, waited around after everybody left after the health care forum and said she needed to talk to me. And I said, Ann, sure, I'll take a minute and we can talk. And this is a strong woman. She is not someone who is easily given over to tears, but she was in tears. She's only about 37, 36 years old, and she has a beautiful family, and she's just a great person all around. Anyway, Ann sat me down and she looked me straight in the eye. And when she looked me in the eye, Mr. Speaker, I knew she was serious, serious, serious. And what she said to me, Mr. Speaker, was this: I'm on my job and I have health care insurance at my job, but members of my family, including my sisters and my mom, have had breast cancer. And, Mr. Speaker, she told me that she is afraid to go get a test to determine whether she may develop breast cancer because if she gets this test, Mr. Speaker, then a health care company might decide she has a preexisting condition and then drop her from the policy. But if she doesn't go find out, Mr. Speaker, if she might develop breast cancer, she can't get treatment that she needs that may save her life one day. And she's a young mom. She's only about 37, 36 years old, and she has kids whom she's trying to rear. So, Mr. Speaker, imagine being in the case where you can't go get the test to find out whether you have breast cancer because if you do, that's going to be a preexisting condition, and yet you can't afford not to do it because if you don't do it, like your mother and your sister, you may develop breast cancer.

This is the system that these folks who are standing in the way of reform are trying to preserve. And, Mr. Speaker, it is wrong. It's time for reform to take place, and the time for reform is now.

Reform will alleviate the burden on families by lowering costs. Reform will alleviate the burden on our economy by creating more efficient insurance and a delivery system which will reduce waste and allow a more rational financing system where everyone contributes instead of shifting costs from some people onto others. Reform will alleviate the burden on business that has been hindered in their ability to compete because of these enormous health care costs.

Mr. Speaker, we have got to have a public option. I explained the public option a moment ago. A public option is just one of other health insurance coverage programs that will be offered on the exchange. But, Mr. Speaker, the public option needs to be understood. What the public option is is giving the

uninsured an option to enroll in a public health care plan that's like Medicare. The public insurance option would compete directly with health care insurers. Why are they afraid to compete? What are they scared of? The uninsured individuals would get to choose which plan is best for them, which could be a private one or the public option.

Why is having a public option so important? A broad array of research has confirmed that a public health insurance option is a key component of cost containment because it will introduce more competition, something conservatives say they like whenever it makes them exorbitant money. It will lower administrative expenses. I talked about the medical loss ratio a moment ago of 85 percent. I have a bill personally that will raise it to 90, which I think would be better.

□ 2230

Medicare would still outcompete them because they can do better than that and drive cost-saving innovation. According to research from the Commonwealth Fund, the net administrative costs for Medicare and Medicaid were 5 percent and 8 percent respectively. That's why I think a medical loss ratio of 90 percent would be good. They should be able to do it. Mr. Speaker, if you look up the top five health insurance companies, their administrative costs were 17 percent, and the average administrative cost for private insurance is 14 percent. The fact is, they're inefficient, they like it that way, and they don't want to change. But a public option would make them change.

Members of the Congressional Progressive Caucus signed a letter to Speaker PELOSI and to the Democratic leadership, clearly stating that a robust public option must be in the mix. This year in the Congress we must act on health care reform, and that health care reform must include a public option. We believe that only a health care plan with a robust public option will provide more Americans with greater access to treatment and doctors with less interference and obstruction from big insurance companies and other profit-driven special interests.

Mr. Speaker, if you listened to the hour just before I came on, you heard people spinning scenarios and imaginary ghosts and demons and goblins in the air in which a patient would have a government bureaucrat—their words—in between the doctor. Well, that hasn't happened. That's imaginary. It's not going to happen. But now today a patient has to deal with a bureaucrat in an insurance company before they can get the medical treatment that they need. Their claims have been excluded. Some bureaucrat has said, "Oh, we're not going to approve that." "Oh, we're going to deny that." "Oh, we're

not going to allow that procedure to happen," even though a doctor has recommended it. That's reality. What they were talking about an hour ago was fantasy, and it's kind of like on the Freddy Krueger order, nothing but a nightmare and a horror film.

We urgently need to fix health care for American families. Every day Americans worry not simply about getting well but whether they can afford to get well. Millions of Americans wonder if they can afford the routine care to stay well. Premiums have doubled over the last 9 years, three times faster than wages. The average American family already pays an extra \$1,100 in premiums every year for a broken system that supports 46.5 million uninsured Americans. We need the change for American business. Soaring health care costs put American companies at a competitive disadvantage in a global economy. Small businesses are forced to choose between coverage and layoffs. That's a choice they should never have to make. But what about the fiscal future of America? We have the most expensive health care system in the world. We spend almost 50 percent more per person on health care than the next most costly nation, and we're no healthier for it. We're spending all this money, but we're not healthier for it. If you look at national rankings of Americans' health and wellness, we're not at the top, although spending is at the top. We're at the bottom when it comes to diabetes, when it comes to heart disease, when it comes to cancer, when it comes to all these critical things. What are we going to do about it? We'd better step up and do something, and that something cannot wait. If we do nothing, in a decade we'll be spending \$1 out of every \$5 on health care. In 30 years it will be \$1 out of every \$3. Health care reform is necessary, and it's deficit reduction because reform will drive down costs.

What we want to offer is cost reduction, choice, security and quality. President Obama and this Congress want to reduce health care costs and offer people a choice of doctors and plans and guarantee affordable quality health care for all. That's what we're trying to do. This is an American solution. You always hear people talking about what they do in Canada, what they do in the U.K., what they do in France. We're not talking about any of those countries. We're talking about a uniquely American solution. We are not trying to be like anybody else, Mr. Speaker. The fact of the matter is, 36 other countries in the world and every industrialized country has national health insurance. We don't. That's why their outcomes are better and their costs are lower. But we're not comparing ourselves to some other country. We're not talking about what other countries do. We're talking about an American solution that will ensure

every child in America is covered, that will invest in prevention and wellness, where we'll ensure that doctors and nurses get the information they need to provide individuals with the best care available and never again will your coverage be denied because of a pre-existing condition or your age or your gender or ending a system where profits come before people and millions go without vital health care. Never again. Never again should we make life or a job decision based on coverage, and never again should we let our families suffer financial catastrophe or bankruptcy because of these high costs.

Mr. Speaker, I'm coming to the point where we're probably going to wind up in not too long; but I do want to just make a few more points before I take my seat. One of the things I want to do before we take our seats is just to point out the fact that scare tactics and fear tactics have not served the American people well, not back in 1994 when health care was defeated then, and they won't work now. We've learned a lot since 1994, and we're not going for it. The fact is, health care is a social imperative. It's an economic necessity. And the new study by the President's Council of Economic Advisers demonstrates that the current health care system is on an unsustainable path. Without reform, escalating health care insurance premiums will continue to cause American workers and families to experience eroding health care benefits and stagnating wages while rising spending on health care and Medicaid will lead to massive unsustainable Federal budget deficits. The fact is, we need change.

I just have a few more points to make, and then I will hand it over to my colleagues on the other side of the aisle. I don't know what they're talking about; but if they talk about health care, I want you to remember what I said, Mr. Speaker, because these facts are critical, and we cannot allow anyone to scare us away from the reform that is necessary today. The fact is, the American people want change, and they're going to get change, and they're going to be much, much better for it. The fact is that we do need this public option. We do need health care reform. The fact is that we do need the change, and we can't allow it to be denied. It's time for the American people to raise their voices, Mr. Speaker, if they want to be heard. I talked about my friend Ann—whose name isn't really Ann—but I talked about her fear of going to get that test to determine whether she has breast cancer or not because, as I said, if she gets the test, she could be denied for a pre-existing condition or dropped from her insurance. And if she doesn't get the test, she won't be able to get the treatment that she needs to fight off that breast cancer. She's in a terrible position. But she's not the only one.

I want to talk about a few other folks before I yield the microphone. I want to talk about Mary from Minneapolis. Mary says, "My daughter needed her wisdom teeth out. At the time with insurance we were told to pay \$375, which we did. Then I got billed for over \$1,000, resubmitted, and eventually the amount was reduced to \$750. Meantime, my husband had no paycheck. I have calcium deposits in my back which make it difficult to walk. I can't afford the copays, so I'm waiting until it is so bad that I can't walk." That's what Mary from Minneapolis said which is the status quo, which some people in this body want to preserve.

Denise from Minneapolis says, "I find more and more often that my family and I are skipping doctor visits for preventive care or when we would have made a visit to the doctor in the past, but now can't afford the copayment to be seen. This is especially true for childhood illnesses as well as allergy visits and medication, dental problems that could potentially be very serious, and injuries that, in reality, should be checked out by a doctor.

□ 2240

"My family is insured, yet because of our current employment situation combined with rising health care costs, it has become out of our reach to have the kind of care that we have enjoyed in the past. I feel we are being left behind for an inability to be able to bear the burden of the cost. This may mean that we will pay dearly in the future for things that could have been prevented or less serious had we been able to see a doctor initially." That is Denise from Minneapolis.

Here is Janice from Golden Valley, Minnesota, also in my district: "I have worked every day since the day I turned 15, and I am currently 51, married with two teenage children. I have a college degree. We have always lived a balanced and frugal life. We do not take exotic trips and mostly buy generic groceries and thrift or discount store clothing. I do not and never have smoked or drank. And I have been in my job for over 20 years, yet I bring home less and less each year due primarily to health care premiums and costs. Health care premiums and copays cost about 25 to 30 percent of my income. Health care premiums cost me more than my Federal, State, Social Security, union dues and retirement plan deduction combined from each paycheck. The increase has been so great that we have stopped being able to contribute to savings for about 4 years ago. The one thing I fear more than anything is me or a family member getting sick because of what treatment will cost even beyond the premium costs. When I have a strange new sensation in my eye, or vein hurting in my leg, or dull pain in my chest, I just pray it will go away on its own because

I'm afraid of what it will cost me. We pay out so much for health insurance, yet we cannot afford to really even use it. And I feel even worse for those who have no health care insurance at all. This reflects so badly on what America has become, a place where only the wealthiest survive and the profit by the few takes priority over the basic needs of all."

Janice, I want you to know that we are fighting for patients before profits today.

I want you to know, Mr. Speaker, about Anita from Roseville, which is not in my district, but it is very close by. Anita says, "I work for a public school and my husband stayed home with our daughter. We started paying family health insurance in 2002 at \$10,000 out of pocket. This year, we are paying over \$12,000 out of pocket, and our copays are \$40 and \$50 per visit. Our daughter is school-aged now, but my husband started looking for work when the economy took its downturn last summer and still does not have a job. Health insurance costs severely limit our quality of life by using up our disposable income."

Let me talk about Priscilla from Minnesota. Priscilla says this: "I got on my husband's insurance after the job I had discontinued coverage for me. We paid over \$500 a month for this coverage. I had health issues that came on suddenly with breathing problems. It took several hospitalizations and ICU care before they finally figured out what the problem was. My husband's insurance refused to pay for any of it, calling it a "preexisting condition."

And by the way, these would be banned under the plan offered by Democrats.

"And we were left with a medical bill over \$25,000 to pay ourselves. This was at the same time we were spending \$500 per month on premiums. The provider sent our bill to collections. It has been a nightmare. My husband is now disabled, and we have no coverage, yet his condition requires regular CAT scans and nine different medications to make sure his condition is stable."

I urge my colleagues who stand in the way of reform to listen to these good, decent people. They deserve better. They deserve better. Let's not worry about what the Chamber of Commerce and what PhRMA want. Let's worry about our constituents and the patients of America.

I'm going to just read one more story from Doug, Mr. Speaker. And then after that I will make some closing comments.

"I recently refilled my mail-order prescriptions. I get as many generics as possible. However, I am a diabetic, and both types of my insulin are not generic, neither are blood pressure medication nor a cholesterol medication and glucose test strips. My insurance company in a bid to force generic drugs

have made them 'free' for mail-order while nongenerics doubled in price. So I had to choose which ones I didn't need. I chose the glucose test strips because I can buy them over the counter for the same price and 'ration' them by testing less than I should. I'm still spending more money than I can afford, and I am afraid that my bank account will be overdrawn. If that happens, I will not be able to afford food or gas for myself and my son. I could borrow from my elderly mother, but it looks like they will be losing their insurance coverage from a failing car company. I have a good job with good benefits." That is what Doug said.

His last line was: "I have a good job with 'good' benefits."

Mr. Speaker, I have a lot more stories, and I hope none of the constituents will be disappointed because I wasn't able to get to every story. But we got a bunch of stories on our Web site and stories people submitted to us, Mary from Minneapolis, Denise from Minneapolis, Janice from Golden Valley, Anita from Roseville, Minnesota, Verona from Mora, Minnesota, Mary from Minnesota, Priscilla from Minnesota, Maria from Minnesota, Cynthia from Minnesota, Doug from Minnesota all calling in, sharing very courageously their health care nightmare that they need to be relieved of.

They need reform, Mr. Speaker. And the time for change is now. They need reform, Mr. Speaker, and the time for change is now.

Let me wrap up my comments by just saying that it is wrong that in the first 3 months of 2009 that the U.S. Chamber of Commerce and PhRMA paid lobbyists to combine \$22.5 million to promote their interests which is to thwart reform of health care. And it is also very disturbing that The Washington Post had to report recently that the Nation's largest insurers have hired more than 350 former government staffers and retired Members of Congress in hopes of influencing us to thwart reform. And it is actually disgusting that the health care industry is spending more than \$1.4 million a day lobbying to thwart health care reform.

Mr. Speaker, as a member of the Progressive Caucus who has a vision of an America where people who are sick can go to the doctor, Mr. Speaker, as a member of the Progressive Caucus that has a vision that we all can have decent, affordable health care, I urge my colleagues, Mr. Speaker, to think about these decent people, Anita, Janice, Priscilla and others, because surely in their districts they have people just like these good people who need change.

Let's say "yes" to the American people, Mr. Speaker.

It has been an hour appearing here on the House floor with the progressive message and with the Progressive Caucus message. Mr. Speaker, people can

communicate by going to this Web site, cpc.grijalva.house.gov to let us know how they really feel.

□ 2250

SOCIALIZED MEDICINE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for half of the remaining time until midnight.

Mr. KING of Iowa. Mr. Speaker I appreciate the honor and privilege of addressing you here on the floor of the House of Representatives. As I gather here in my preparation for this discussion, I understood the remarks made by the gentleman from Minnesota that he would be glad if I would, perhaps, address the health insurance and the health care issue here in the country, and I would be glad to do that. And I believe also my friend from Texas would be glad to do that.

What stands out in my mind is this: That the President of the United States campaigned on a promise that he wanted to deliver. It looks to me like a national health care act. It's what I would call socialized medicine. That's what we called it when it was Hillary Care, and I think that's what we will call it if it becomes Obama Care.

But the American people are for the most part very satisfied with their health insurance program, and they are almost completely satisfied with the health care that they get when they do, when they do require that kind of care. The kind of care they get in clinics, the kind of care they get in hospitals, the kind of care that's provided by our doctors and our nurses and our various practitioners is number one in the world.

And, for example, the Canadian people that have an Obama Care plan come to the United States when they really need medical care. And I happen to notice that the people that have a socialized medicine program in the European Union, where sometimes their queue is longer in France than it is in Italy, longer in Germany than it is in Spain. And people that need care might have to move all around the European Union and get in the shorter queue to try to get in to get their hip replacement or their surgery or whatever it might be.

It's not the kind of care that I want to see in the United States of America. We don't have people waiting in line. We don't have people sitting outside the emergency room in a long queue, and we don't have people that are coming to the emergency room for care because it's more convenient to them—unless, of course, somebody else is paying the bill.

Because we have at least the incentive and a component of the free market system. Even though the Federal

Government pays for a large share of health care, the reason our health care system in the United States is so good, and the biggest reason that our pharmaceuticals have raced so far ahead in their research and development of the rest of the world, and the reason that we have so much technology, and such high-quality health care, one of those reasons is because of the altruism of the practitioners that are there, they are in the business for the right reason. They want to help people. They want to provide good health care services.

But on top of that, there is at least an incentive for profit. And if you dial that out, if you take it away, it discourages people from going off to medical school and discourages them from developing their skills and education, and it discourages the entrepreneurs and the innovators from producing more and more innovation when it comes to health care.

And so the rest of the world's opportunity to benefit from the innovativeness of the United States would be diminished if we adopted socialized medicine here in the United States.

And what are we trying to go fix. I would suggest this: The argument is that there are 44 to 47 million people in America that don't have health insurance. Now, no one should be very alarmed at that when they understand that everyone in America has access to health care. And, yes, it might be in the emergency room and it might not, and it's more often than not covered by somebody else's contribution, or there would be, through their workplace sometimes, or through some kind of government program or Medicare or Medicaid. But they all have access to health care. And a large percentage of us have health insurance.

And the number of 44 to 47 million that are uninsured, according to those who, on this side of the aisle who never come down here to ask me to yield and rebut my arguments, they just simply, apparently, are bewildered by the truth—so I would be happy to yield if any of you have an argument that you would like to make that would add some substance to this argument, but you don't—44 to 47 million uninsured by your numbers. But when you start carving out of that those who are illegally in the United States, if ICE, the Immigration and Customs Enforcement, were to deliver a voucher that were to provide for about half of these uninsured, pay for their insurance premium, they will be compelled by law to deposit them rather than hand them the voucher check.

So you can cut that number down substantially, you know that to be true. Then if you take out of these 44 million, the numbers of people who are in transition from one health insurance policy to another, and if you take out of that also the young people that just haven't gotten into a program yet be-

cause partly because they don't want to pay the premiums for people who have higher health care costs, that 20-to-30, early 30s area, you are down to this number. They are chronically uninsured; according to a recent study, totals about 4 percent of the population.

Now, if we establish socialized medicine, we are going to maybe get covered 99 percent of the population, and we are at this point now where the chronically uninsured are only 4 percent of the population. So why would we upset and completely transform the best health care system in the world to try to narrow down the 4 percent chronically uninsured and maybe, if they would just sign up or participate, we could get them down to 1 percent.

For that 3 percent, we would upset the entire system. It does not make sense to me, and you cannot, you cannot save money in this health care program by turning it all into government unless you ration.

And what's happening now is Medicare is driving down the costs and pushing the costs over on the private carriers. That's the real circumstance.

And I want to also say, Mr. Speaker, to you, I want to make sure the American people hear this.

When President Obama says, don't worry if you like your health insurance program that you have, you get to keep it, he is only the President of the United States. He doesn't get to promise Americans they get to keep their policy. He is setting up and wants to set up a national health care act, a socialized medicine program, an insurance program that competes directly with the private sector.

And when you use taxpayer dollars to subsidize funding directly against the private sector, you necessarily will shrink and outcompete the private sector because it's going to be subsidized from—without the public—the government insurance program, will be subsidized by taxpayers.

And if it is, it can outcompete that of the private sector. It's just a matter of the formula.

And so if you are an insurance company that has to have your costs all added in, your administrative costs added, a margin for the profit, always competing for the best kind of bargain that is out there, which adds to the efficiencies, I will add. And the government comes in, and they say we are going to take you head to head, but we are going to pump in 25 percent of our costs out of the taxpayers here to funnel this in. That means they will be able to lower the premiums down and take these private health insurers out.

I can tell you what happened in Germany. Otto von Bismarck established a national health care plan there more than 100 years ago, sometime in the late 1800s. And today 90 percent of Germans are covered by the public plan,

the government plan, the taxpayer subsidized plan. Everybody is required to have a plan, about 99 percent do have a plan. But about 10 percent of them are covered by private insurance. That's all that's left.

They pushed out all of the private carriers except for about 10 percent. That 10 percent are for people who are self-employed who can opt into that, who want a little bit better health care program. That's what's kept that little 10 percent margin there. I don't think 10 percent is a legitimate competition.

And when the government owns and runs everything in the United States, what do you think happens to your prices and your efficiencies and your service? Price goes up, service goes down. Health care gets rationed. President Obama cannot promise the American people that you get to keep your health insurance plan because they are going to drive the health insurance companies out of business.

And even if they don't, the employers who control those policies and the employee providers of health insurance will be making that decision on whether they want to opt into the government plan or whether they want to maintain the same or a different private plan for their employees. Yes, you can weigh in with your employer, you can make a request with your employer, but your employer will have to make a decision on the bottom line. The bottom line will be, is it cheaper to use taxpayer-subsidized health insurance for the employees, or cheaper to provide for the unsubsidized health insurance premiums from the private insurance companies?

That decision will be made on a dollar-per-dollar basis in what looks like it's the best thing for the mid term, short term and long term. And it won't be a decision made by President Obama; it will be a decision made by the employer.

So if the government offers a government plan, and the government plan saves the employer money, and you are an employee that is covered by your employer-provided plan, you can kiss it goodbye. It will be a government plan. It will be a national health care plan. It will be socialized medicine, and you will have one-size-fits-all medicine in the United States of America eventually under President Obama's proposal.

That's a fact. It really is logically irrefutable. No matter how many times they repeat the same mantra over and over again, it comes back to the same conclusion, which is: The American people won't get to decide that they keep their own plan. Employers, if they provide that insurance, will decide. And the government will subsidize the competition to the point where it drives out the private sector providers, and then it's all one-size-fits-all, all one government plan, all socialized medicine, all Canadian model, all

United Kingdom model, all European Union model.

And what a cruel thing to do to the Canadians, Mr. Speaker, what a cruel thing.

□ 2300

A good Canadian company today will hire people and promise them this: you have to accept the Canadian one-size-fits-all plan with its rationing and its long lines and its inefficiencies and people waiting in line, dying in line. You have to accept that because it is against the law in Canada to treat somebody without an order of processing. You have to get in the queue. They enforce it differently province to province, but the law exists.

So let's say you need a hip replacement. You get in line with the people who need hip replacements and there is written criteria on what the priorities are. So you are standing in line. No matter how badly you need the hip replacement, you can't cut in front of the line; you are just stuck in that line. So employers, they want to offer a good package to their employees, will package up with this a health insurance plan that flies them out of Canada into the United States so they can get American health care. Now that is a nice plum. Let's say you have two people of such tremendous skill that you want to hire them because that is what it takes to keep your company. That is what the President thought about Tim Geithner, by the way, who will be before our committee tomorrow, that he was such a valuable person, the fact that he had not paid his taxes was not a large enough factor to weigh against him. If you have those kind of people that you can hire in Canada, you offer them this nice package, which when it is convenient for you, use the Canadian plan. But when you need the health care, we will fly you to Houston and give you heart surgery. Your heart gives you trouble today, we will operate on you tomorrow. Maybe even today if it is early enough in the morning.

That is what happens in Canada: people are flown to the United States of America for their health care because it is rationed in Canada.

Now that is not enough, Mr. Speaker. Would anybody go out and go through the Web sites and the Yellow Pages in Canada and look at the travel companies that package up health care trips to the United States?

Hip replacement is easy to figure out. Let's say you live in British Columbia. No, how about Calgary in Alberta. You have a bad hip, and you finally get into the government doctor and he looks at you and says your socket is burned out, you have to have a hip replacement.

Yes, I stood in hours or days to have you tell me that. I want it fixed.

Well, we have a line over here. Let's say it is 400 long; we do a couple a

week. So 52 weeks in a year, about 4 years or so. And I don't know that these are real numbers or hypothetical. But you understand you are in a long queue in Canada. So you understand you can go on the Internet, do a little search and come up with a nice little travel health care company, and there are a number of them in Canada who are in the business of packaging up the health care services.

They will say, you don't want to drive because we will do this surgery in Seattle. We will set this up. We will set up your transportation, fly you down to Seattle, and then here is your transportation.

You can get to the airport?

Yes, I will drive my car.

Park your car here; get on this plane. We will fly you from Calgary down to Seattle, and you can pick up the shuttle to the hotel, the hotel is next to the hospital, check into the hotel, go over to the clinic, the doctor will look you over and schedule you for surgery, which will be the following morning at 8 a.m. You go under the knife. You get your new hip socket. They give you a day and a half of therapy. We will bring you back to the hotel, and from the hotel they will shuttle you back to the airport and you can fly back to Calgary and you can go back home.

All of that for what, turn key. They will cut you a deal turn key so you know what it will cost you to pack it all up from transportation, hotel room, doctors' visits, surgery costs, all of things that you get, including the therapy, the physical therapy on the tail end, and get you back home again, write one check or put it on your credit card. There is a company for you. They are the entrepreneurs that have survived in Canada in the face of socialized medicine because it created a demand for people to come to the United States.

Do we shut that all off? Would we destroy the opportunities for the entrepreneurs in Canada that have so adeptly found and met a market demand? I say, no, we should not do that in this Congress. And I don't know if there is anybody in this Congress who knows that better than Judge, the gentleman from Texas (Mr. GOHMERT). I would be very happy to yield to my friend from Texas.

Mr. GOHMERT. I thank my friend from Iowa, and I appreciate the chance to participate here.

The prior Republican hour, we discussed health care and this socialized medicine that is coming and supposedly is going to be jammed down America's throat next week, at least as far as the House is concerned.

And then I got back to my office and listened to my friend from across the aisle talk about his socialized—well, he called it progressive, but you look at the history of the progressive movement. It is a nationalization of things;

it is a socialization of things. That is where it is all headed.

I was intrigued as I listened to my friend from Iowa talk about these horror stories from Canada and we keep hearing horror stories from England and other places that have socialized medicine, and I was struck by our friend on the other side of the aisle saying this isn't Canada, this isn't England, this is America, we are going to do it right. We are going to do it better.

I was struck, and if it weren't so tragic and if it didn't mean that going to socialized medicine as they want, we are going to have people I love dying unnecessarily, it would be a joke. But it is no joke; it is tragic. Because for years, for years we have listened to people say we need to have nationalized health care like Canada. We need to have nationalized health care like England where everybody has all the care they need. That's what we have heard for years.

So some of us, like my friend from Iowa, have gone to the trouble to find out more about this socialized medicine, this nationalized care, this public care in Canada, in England, in Europe and in other places.

What we find is this isn't something we want. So now we are no longer hearing we need to be like Canada and England and just have public health care, whatever the term is they want to use that particular day, because now we know more of the truth.

I talked to a man from Canada last week who was visiting with me. He was telling me about his father who died a year or so ago from a heart attack. And his father knew he needed a bypass surgery and he had to go on the list to get a doctor's appointment. When he finally got the appointment and finally got the diagnostic care, he found out he needed a bypass. So then he went on the list to get bypass surgery. And he was on it for nearly 2 years.

I said I knew the lines were long, and my friend from Iowa pointed out there are people in Canada that will just fly you down to Houston if you are with a company that makes enough money that they can do that, but rank-and-file Canadians can't do that. Rank-and-file Americans have no place to go. They can't do that. They would stay in the line and they would die, like his father did.

I asked, How was it he stayed in the line so long?

Well, he said, bureaucrats moved people in front of him. For over a year, they kept moving people.

I said, Wait a minute, I know enough about Canadian care, and I know this bureaucratic, socialized piece of crap they have up there, it gives them a generalized standard of care. And I know they are very caring doctors. In fact, back 30-some years ago, my mother after a brain tumor was found had

checked with one who was revolutionizing some areas of brain surgery. Not any more. You come here for that.

But anyway, my mother got the best care that medicine could provide because there are very caring doctors in this country and because there were no lines.

But with his father, I said as I understand, anywhere you have socialized medicine, you have to have people waiting in line because if you don't, the system goes broke.

□ 2310

You can't give people all the care they need when they need it or you go broke because the government can't collect enough tax to pay everything like that. The government can't do that because the government has no money of its own, it has to rely on taxes until it goes socialist completely—as the Soviet Union did, and then they were able to last 70 years because they would kill people and put them in prison if they didn't do exactly what they said. So they set a record, 70 years of socialism. We won't last that long once we get there, if we don't get it turned around.

But anyway, you have to put people in line, let them die waiting for treatment and care. But I also know you have to make it a crime for people to move themselves up the list or pay somebody to move them up the list. And so how was it that people kept moving in front of your father, they kept bumping him down the list to get the bypass? And he said, Well, you're right, it is a crime to do something to get yourself moved up. But bureaucrats are allowed to sit in their little cubicle or office somewhere and at their whim decide whoever they may guess ought to be moved up; this guy may need bypass surgery worse than he does, and they kept moving people in front of him. Well, the bureaucrat guessed wrong. The man that needed the bypass surgery the worst died because some bureaucrat wouldn't let him move up the list in a timely manner. That stuff is coming to America.

And so when we were promised about this great, nationalized or public—you know, people have figured out socialized care is not something they want, and so now we're hearing it's public, it's a public care thing. Well, I heard my friend across the aisle say, well, an hour before me they talked about a bureaucrat being between you and your doctor. And he said what they talked about an hour ago was fantasy. Well, if we go to the program they're proposing, it may end up seeming like it's fantasy, but it will be a nightmare, and there will be no waking up and walking away from it. You get stuck in that system until it breaks your country because none that I know of have ever been able to successfully come out of it.

I was an exchange student to the Soviet Union back in 1973. I visited their medical schools. I visited with doctors. I met with doctors. I met families of doctors. People were embarrassed to tell me one of their parents was a doctor because they didn't pay them much. Now, if you were an assistant to the factory manager, you got a couple of weeks on the Niobrara River and you got some benefits, and that was a good thing, but people were embarrassed because doctors didn't get paid much. Folks, that's where this goes.

And I know we've even got some doctors that have said we ought to go to this thing—you know, insurance companies, we hate them, they delay payments, and things need to be done; maybe we need a public health care insurance. The problem is, they may reimburse for a little bit, but eventually you'll get to the salary, eventually the salary does not cover the education it takes to have the level of care we get now and so you have to dumb down the education. Your best and brightest don't apply. I like the top people in my class being the ones that go to medical school. I was encouraged to do that. I had one doctor saying, Lou, you would be such a good doctor, please don't throw your life away and go to law school, but I did.

But nonetheless, we're talking about a nightmare for the American people. And when I hear the sob stories about, you know, if we just had public health care, if we had socialized medicine, then these people would be able to get the mammograms, and they would get the care and they would find out about their breast cancer, and they would get treatment. Well, I've got some hard news for you. The fact is that in this country, for localized tumors we have a 98 percent survival rate at 5 years. That is incredible the progress that's been made. Things like the Komen efforts for the cure, I mean, just done great work.

Ninety-eight percent survival at 5 years for a localized tumor. Well, if you go to the socialized medicine countries, you find about 20 percent worse results. You get it? One in five people have to die because they went to socialized medicine. Now, I've got three daughters and a wife, I would hate to think that among five women, one of them is going to die because we go to socialized care and we have to have these long lists to get a mammogram, once you find it, to get treatment. It is insane.

Now, I agree with my friends, we need change. And I have been to the emergency room, and I've been with my kids, and I've been with my in-laws, and it is not a fun place to be sitting there in long lines. But what you realize is the lines are long because we are having to provide free health care to people that don't pay. And many are undocumented, illegal aliens—whatever you want to call it, and that's why

the plan that I proposed is one in which you have to deal with that because that is causing unnecessary pain and suffering in the health care being provided to people that need it, who pay their way, who have health insurance, who have Medicare and Medicaid and SCHIP, they shouldn't have to wait and pay for people who are here to get free care.

Now, the plan I have starts with the fact that if, because we know that we are moving to, as one of my friends, Jim Frogue, just pointed out in some research he has done, we're moving toward a \$22 trillion a year Medicare/Medicaid system, \$22 trillion—we got about \$2.5 trillion in income tax last year, you cannot sustain a Nation at a \$22 trillion socialized medicine or Medicare/Medicaid system. We have got to do something. We can make it better and cheaper, but we can't have the government bureaucracy handling it.

So the proposal says, first of all, this is a matter of national security. Our health care is a matter of national security. We saw what happened in the Soviet Union; when you can't pay your bills, you go broke and you cease to exist.

So if we're going to continue to attract people from around the world, then we need to have a country that is not going broke. So under my proposed plan that we're trying to get into a bill—there have been other more pressing things, you know; we had to get a resolution for Michael Jackson, other more pressing things—but under this plan it makes clear that we have to deal with this issue.

So if you're going to ask for a visa into our country so that we will continue to have a country that you will want to come to, then you have to show proof that you will have a health savings account which you will be part of when you get here, and you will have catastrophic coverage to cover everything over that. And if you don't have proof of that, then you don't get a visa and get to come into this country.

Now, we've been told by the Supreme Court that the law of the land is that if you're here in this country, even if you're here illegally, then we have to provide you health care. So that is what we'll do, we'll follow the law. If you're here illegally, you have no health savings account, you have no insurance, then, yes, we will treat you, we will get you well enough to transport, and then you will be deported. And then because this is a matter of national security and our country is entirely at risk here of going broke and ceasing to exist, if you come back into the country after we've given you free health care and you present for further health care or you're caught here, then you're a risk to our national security to break the country and you will be put in jail. It will be a felony offense if

you have taken free health care, been deported, and come back. It's too serious not to make it a Federal felony.

Mr. KING of Iowa. Will the gentleman briefly yield?

Mr. GOHMERT. Yes, I will certainly yield.

Mr. KING of Iowa. I thank the gentleman from Texas. And I would point out that, yes, Federal law is that a health care provider can't deny health care to illegals in their locale, and because of that there are no trauma centers in southern Arizona south of Tucson. They have all gone broke providing free health care for illegals that are flowing across our border. But it goes beyond that. We are even providing free health care for people who get injured in Mexico and are brought into the United States for free health care services.

And I point this out, it's not something that you see in any of the data that we have here in Congress, you find these things out by doing things like dropping in on a surprise visit down at Sasabe, Arizona, at the point of entry where I stopped a couple of years ago. I went in and I thought I would introduce myself, it was a surprise visit, but I said, I'm Congressman STEVE KING from Iowa. And the first officer said, I can't talk to you. So I went to the next officer and said, I'm Congressman STEVE KING from Iowa, just dropped in to see how things are going. Can't talk to you. Talk to Mike over there; he's the shift supervisor, and he's ready to retire and he has terminal cancer. He'll talk to you.

□ 2320

Okay. That much fear in place about simply divulging what's going on.

So I was standing there talking to Mike, whom I pray is still alive and doing well, but I'm not very confident that he is, and as he began to tell me what was going on at Sasabe at the port of entry, some of that discussion about how many illegal ports there are east and west of their crossing the border, he got a phone call and he said, Excuse me a moment. He went away for a minute or so and he came back and he said, Well, I got a call. There's been an emergency that has been created on the Mexican side of the border in this town where they stage illegals, and it looks like there was a fight there. He didn't know if it was a drug fight or a booze fight or both, but there was an individual that was knifed. So he said they'd be bringing him across the border pretty soon in a Mexican ambulance, and I have called the helicopter to come down from Tucson and U.S. ambulances to come in with oxygen because we can't really stabilize the patient with what's on a Mexican ambulance.

I happened to have a paramedic with me, so I asked him, Mike, will you take a look at this man when he comes? I

want you to get in there and help save his life if you can, and I also want to know what's going on.

He went in and went to work. And actually the Mexican ambulance came over the border, and the paramedic with me jumped right to work to try to save the fellow who had been stabbed right underneath the ribcage, into his liver it turned out. There was no oxygen. There was nothing in the Mexican ambulance except a little bit of gauze and some surgical gloves. That was it. Nothing else. No other medical supplies. So it was an ambulance that looked like an ambulance, but on the inside it was just simply an empty chamber.

So he did what he could to stabilize him until the two U.S. ambulances showed up. Then they put him on oxygen. Then they stabilized him. Then we loaded him into the helicopter, and he flew off to Tucson University Hospital. Stabbed in the liver in Mexico, brought into Mexico in a Mexican ambulance, transferred out of that onto the care of two U.S. ambulances, and then put on a Life Flight to go up to Tucson where the next morning I stopped to visit to see how our guy was doing. And, by the way, he was covered with tattoos and all kinds of signs of being a bad hombre, and he'd been in a nasty fight and stabbed with something that looked like it was a knife about 3½ inches wide, apparently, was the blade and deep enough to go into his liver.

I went to the hospital and asked to visit him. And as I went up there, I found out, and here's a short version of it, the net cost to the American taxpayers was \$30,000, roughly, for the helicopter, for the medical care that he got. He was on parole into the United States to get health care, and he would be escorted back to the border when he was stabilized. All of that paid for by American people, American taxpayers, or American health care, health insurance premium payers, out of those pockets.

So I sat down while I was there with the chief financial officer of Tucson University Hospital. And there they rolled out some numbers where their annual cost was, and this is my recollection, around \$14.5 million of health care that they provided to illegals. They told of a circumstance where there had been a bus full of illegals that had been in a wreck and about 25 in there that were injured, and 15 of them were so badly injured that they were brought into the intensive care unit. ICU was packed full of 15 illegals. No room for any people in Tucson who had been paying their health insurance premium to provide for that kind of emergency care. So they were Life Flighting the residents of Tucson up to Phoenix to go into the ICU in Phoenix, and then their families had to drive there to visit because the ICU in Tucson was full. And that is the only and

the most southerly trauma center in Arizona.

Another situation where there was a mother that was pregnant with multiple babies, five of them. So in order to avoid the high cost of multiple births in Tucson, and she was from Mexico, lived in Mexico, but they found out about this. They had been sending people down there to train the health care providers in Mexico. They trained them on how to deal with a multiple birth, set it all up so they didn't have this high cost of these anchor babies coming into the United States. Five new American citizens created to go on the rolls of the burden to the taxpayers.

The SPEAKER pro tempore (Mr. HIMES). The time of the gentleman has expired.

Mr. KING of Iowa. Mr. Speaker, I ask unanimous consent to extend the time for the duration.

The SPEAKER pro tempore. The gentleman is recognized for an additional 25 minutes.

Mr. KING of Iowa. Mr. Speaker, the multiple births that were to take place in the home country of Mexico where they had sent American health care workers down to train Mexican health care workers, in spite of all of that investment to prevent the extra costs and five new anchor babies, as soon as she got ready to go into labor, she sneaked into the United States and they had her there anyway. That was \$125,000 for that little turn.

This is a thing that's going on because of this law, and I wanted to inject that in. We aren't just providing health care for everybody in the United States, legal or illegal. We are also providing it occasionally for people who are injured in other countries and brought into the United States because we have such a good health care system here. And our taxpayers pay for it, our rate payers pay for it, and the people in the communities pay for it.

I yield back to the gentleman from Texas and ask him to carry on with the thought process that I interrupted.

Mr. GOHMERT. I appreciate so much my friend from Iowa and those wonderful illustrations of exactly what we are talking about.

I know that there are some people in America have concern and I have heard people say, well, I'm afraid, you know, there are so many immigrants coming in, especially from south of the border, that we are going to lose our American culture. And my own personal feeling is that really I think America was blessed with three really central things. One is a faith in God throughout our history, another was a love and devotion to family, and the other was a very good, hard work ethic. So when I see most of the people I know that have come from south of the border up here that have faith in God, that have got a love and devotion to family, and

they've got a strong work ethic, I'm actually hopeful that that will strengthen our American social scene here where people have lost faith in God, where they have lost devotion to family, where they don't want to work.

But the problem is we have to be unified. Out of many, one means we speak one language. And that means you don't teach kids in some foreign language. You teach them in a language so they have got a chance to be president of a company, not the manual laborer for the company. So I'm still hopeful that when people come legally and assimilate, it is going to make this country stronger and better. But it has to be legal. We cannot ignore the rule of law. That is what has allowed us to be maybe the greatest economy in the world or maybe in history.

And the country just south of us should be one of the top 10 economies in the world, but it's not because they pay no mind at all to the rule of law. There is graft and corruption. I appreciate the efforts of the President across the border trying to clean things up, and I hope and pray he has some success.

But I wanted to also respond to my friend from across the aisle who said it's time for change now. It seems like I heard a Presidential candidate saying that last fall. And then what we have gotten is about 10 to 20 times more deficit spending than we had when he took office and is about to break the country. So I agree it's time for a change, and let's quit having so much deficit spending. I agree it's time for a change in health care. We cannot allow our government, our country to be brought down because of runaway health care costs. And there's a way to fix this, and it's an American system.

I mean, for somebody to come in here and say before God and America and everybody, we are not talking Canada or England here. We are talking about a uniquely American, basically, socialism.

My friend from Iowa knows I was a history major. I'm a student of history. And sometimes I am just amazed by the thinking in this body that somehow we are so smart and so much better than all of those who have gone on before us that we can do the same thing that's been done throughout history and get a different result. But if you're smart enough to learn from history, you know, and everybody in this body is smart enough to learn from history, if they just will. And you learn that if you do the same things that historically over and over and over have been tried and gotten the same result, you're going to get the same result too, and you should try something different.

□ 2330

So that's why we've got to fix Medicare, we've got to fix Medicaid, and we

can't keep on this course of SCHIP getting bigger and bigger and bigger. So what I came up with, after consulting with experts in all these different areas, is, you know what, for 2007 the latest numbers we've got—we've spent \$9,215, with the best Census Bureau estimate of how many households are in America—\$9,200 roughly for every one of the 112 million households in America between Medicare and Medicaid. So you look at it, and you put your pencil to it, and you realize that, at most, there were 93 million Americans who either got Medicare, Medicaid or some form of SCHIP or some form of combination. We're better off saying, Folks, we want you to have the best care possible. I want my mother-in-law, who's still grieving over the loss of her husband last August, I want her to have the best care. If you're in America and you are an American legally here, then we want you to have \$3,500 in your health savings account that you will control with a debit card, and we'll put that \$3,500 cash from the government in your health savings account. You control it with your own debit card, and then we'll pay for catastrophic insurance to cover everything above that. Now that's health care that people can believe in and deserve and look at the cost. Less than a third of Americans would need that or be entitled to that. Those who are on Medicare, Medicaid, that are below the poverty level that we really need to help because they can't help themselves, we're better off doing that. Then not only will it cost less than \$9,200, as it is now, but you're doing it for less than a third of the American people. So we should be able to save hundreds of billions of dollars, not this \$100 million like the President. We will eventually get to that. Man, we're saving hundreds of billions of dollars. We'll get the country on track. We'll get people the health care they deserve. But of course one of the problems is, you can't keep allowing people to immigrate into this country legally or illegally and give free health care because it's not free. It costs everybody.

So that's something I came up with. Hopefully there are not too many other resolutions being drafted by Leg Counsel so that they can get around to putting ours in the form of a bill, where we can get a CBO score on it because you can't get a CBO score unless you have it done by Leg Counsel and get a real bill. So we're trying to get that done, and I hope we can get that done.

Then one other thing, if I might. You've got to have complete transparency on health care costs because we don't have them now. You get a notice from the hospital, the doctor, you know, \$10,000, \$20,000, whatever the cost was. "Wow, thank goodness I had insurance or Medicare. I would have been bankrupt." That's not what it costs. It costs a fraction of that. So under this

proposal, every health care provider will have to give the exact cost that they charge different entities. They don't have to give the names but the descriptions and how much they charge so that you know what it's going to cost you when you go up there before you give them your debit card to swipe. The card would be coded for health care only. If you try to pay something that's not health care, it wouldn't accept it, and people will get back to controlling their futures. We'll save this runaway health care cost, as it is, and I think save the country as a result.

My friend from Iowa has been so very patient and lenient, but this is something that is so passionate to me. I've known too many people who need good health care, and I am sick of insurance companies or government being between me and my doctor. I want patients to be able to get with their doctor, and I don't want socialized medicine. I've seen that. I've seen the results. You can look at the numbers. My friend from Iowa has all these wonderful examples that just break your heart. I don't want my American friends and our kids and their kids to suffer on our watch in this body because we didn't have the nerve to stand up and call it like it was. So I appreciate my friend for yielding, and I yield back to him.

Mr. KING of Iowa. Reclaiming my time, and looking at the list of house-keeping that I have to do, I'd like to conclude this discussion on health care. I would just point out that Judge GOHMERT from Texas anticipated the item that was on my mind and flowed into the transparency of the costs of health care. As far as I know, we're the only two people in this Congress that are talking about transparency on health care costs. How this works is this: If Medicare doesn't pay the costs of providing the services, if other providers don't pay or if other insurance companies, like the largest ones, they will drive that down, they'll track Medicare reimbursement rates down. That means that somebody else has to pay the difference. It's like pushing on a balloon one way or the other, and that's the transparency that's necessary.

I keep going back to the hip replacement because that's a simple one to understand. If a hip replacement costs somebody on Medicare—let's put a number on it just to pull it out of the air. Let's say it costs somebody on Medicare \$7,500, and it costs somebody that's going to write a check out of their billfold \$10,000, and somebody who is covered by a good private health insurance company maybe is going to cost them \$9,000. Why is that? It's because the government has pushed down the reimbursement rates under Medicare; and because of that, the losses have to be made up somewhere else.

I will go another step beyond the complete transparency that Mr. GOH-

MERT calls for, and I will say this: If Bill Gates pulls into a gas station and the sign says \$2.49 a gallon, Bill Gates, Warren Buffett and the other rich people in the world buy their gas at \$2.49 a gallon. The poorest person in the world has a rattle-trap old car, and they went out and scraped together enough money to go buy 10 gallons of gas to put in their rattle-trap car. They are going to pay \$2.49 a gallon, sitting at the pump right there with Bill Gates in his Lexus or Mercedes or whatever it might be and Warren Buffett, who probably doesn't drive that nice of a car, actually. Well, why would a gallon of gas be the same price for the poor and the rich but have a hip replacement be different prices for people, depending on whether it's paid for by the taxpayers under Medicare or a private payer who is, let's say, self-insured who has a nice big checkbook and decides not to pay that premium or somebody who has a private health insurance premium? Why three or more different prices? The reason is because the government has pushed down those costs, and they get averaged out through balanced billing and cost shifting from the health care providers. That is one of the root causes of the problems we have with our health providers today. It's kind of like the elephant in the room. Nobody wants to talk about it because it's too hard to fix.

I yield to the gentleman from Texas.

Mr. GOHMERT. I appreciate that. And just on a follow-up on what he's pointing out about transparency, a personal situation, a person I know—I had permission to know about—got hit by another driver. It was totally the other driver's fault. She had 2 days of hospitalization, had all the diagnostic tests, the ambulance, the doctors that she saw. And when all the bills were gathered from all those sources to deal with the car insurance company, it was right about \$10,000 in health care. You say, Well, that's kind of consistent with the kind of bills I've seen, people that have been in a hospital 2 days, all the tests and doctors they see. That's about normal. Yet when it came down to the conclusion and the determination had to be made as to how much was actually paid and by whom, all of those health care provider bills that added up to \$10,000 said they had been paid in full, consistent with their contract with the health insurance company. So then in checking with the health insurance company as to how much they were actually out of pocket in paying those \$10,000 in claims in full, it was \$800. Now, if we get to the transparency that my friend from Iowa is talking about, then everybody in America gets the same deal that health insurance company did at \$800. So you could have 2 days of hospitalization, and it doesn't even take but a fraction of your health savings account up.

The other thing I wanted to point out that kind of segues into a topic that I think my friend wanted to get into before he concluded, that is this business of the same costs. And what we saw in the last 2 weeks over the crap-and-trade bill that got shoved down America's throat through the House, at least—and I am hoping and praying that it won't get through the Senate—we're talking about skyrocketing electric bills, as the President promised a year ago back when he was a Senator running for President.

□ 2340

We are talking about skyrocketing gasoline prices. What is so very tragic about what my friend from Iowa pointed out is that with gasoline, it is the same price whether you're rich or poor. Those high electric rates, those high gasoline rates and the high propane rates are going to be inconvenient for Bill Gates. But they are going to devastate the people I know in east Texas and the people I have met in Iowa. They are going to devastate rank-and-file Americans.

We really need America to respond and say we can't handle that. Inconvenience for the rich is one thing, but devastation to rank-and-file Americans is something we should not have Congress do.

I yield back to my friend.

Mr. KING of Iowa. Reclaiming my time, and I thank the gentleman from Texas. I say, but, Mr. Speaker, we have a stimulus plan. We have a \$787 billion stimulus plan that is going to jumpstart this economy and get us out of the doldrums and solve this problem with unemployment and put Americans back to work and get the Dow Jones back up above 8,200 or somewhere and make America feel good again and give confidence in the venture capitalists that are out there and in the markets and in the Dow and in the entrepreneurs.

Well, all of that was part of a stimulus plan. I came down on this floor while that was being debated, and I put up a poster that looks a lot like this. Only it didn't have \$16.1 million on it. It had \$32 million on it. And it had the quote from President Obama here rather than the quote from Speaker PELOSI. And the quote from President Obama was: "We are not going to do earmarks. We are not going to do Member-sponsored initiatives. And I'm not going to sign any bill that has earmarks in it." Well, it depended on how you counted it. It seems to me that the number of earmarks in that bill came to around 9,000, maybe a little less, 8,500, depending on how you defined the earmarks.

This is a picture of this cute little guy. I don't know if it is a girl or a guy. Do you see how cute he is? He is a pet project. This is Speaker PELOSI's pet project, her pet mouse project. This is the not quite yet infamous—and here

is what he is. He is the salt water marsh harvest mouse. Now that is SWMHM for short. This little mouse lives out there in the marsh near San Francisco. And he has been a special project of the Speaker. For years, she has tried to get earmarks for this mouse.

Now, take a close look there. You don't see it, but there is an earmark there. Even though I said that this stimulus plan had an earmark in it for the salt water marsh harvest mouse, everybody that spoke for the Speaker and the people on this side of the aisle said, oh, no, that is radical reactionism. There aren't any earmarks in this bill. And, furthermore, the salt water marsh harvest mouse is not going to be one of those earmarks, because that would be a pet project—a pet project—for the Speaker, and that would be inappropriate given that the President has ordered that there will not be pet projects.

Well, this is what the Speaker said on January 25, 2009. After the beginning of this 111th Congress, she said, I don't want to have legislation that is used as an engine for people to put on things that are not going to do what we are setting out to do, which is to turn this economy around. I have the most to prove with this package. The most to prove. The choices we are making are those that will work, that must work. Our economy requires it. America's families need it. This is urgent.

Well, the mouse family may need it. Maybe it is a good thing, \$16.1 million for this little old mouse that couldn't quite rise high enough in the priority scale in any previous process of the United States Congress. But here in the desperate straits of 14½ million unemployed and another 5.8 or 9 million looking for a job, 20 million people out there who would like to have an opportunity to fend for themselves, we are going to drop not \$32 million any longer, it has been carved down, we are going to put \$16.1 million into the salt water marsh harvest mouse earmarked in this little pet project. This little pet project is earmarked now for \$16.1 million.

All the people over there that said, oh, STEVE KING is a reactionary and a radical. He is making up things that aren't in the bill. It isn't going to happen. We wouldn't do a thing like that, including the Speaker who has defined that she won't do a thing like that now has \$16.1 million going into the marsh for the salt water marsh harvest mouse. His viability—I presume he is doing okay without this earmark. If we need jobs and an economy that works, we don't need to be dumping money into the salt water marsh harvest mouse.

By the way, that is an earmark. It is a pet project. His ears are notched. That is what we do. And that is where the name came from.

I wanted to point that out, Mr. Speaker, while this microphone is still alive here on this day, that this is the day that there was confirmation that the people who pointed this out back then in about this period in time in January or early February were right, and those who defended the Speaker and said it will never happen were wrong; \$16.1 million was dropped in to the salt water marsh harvest mouse.

And that should give a person a little bit of pause.

Now I want to put something else into the RECORD here this evening, and that is you have had a couple of votes this week, one today and one the night before last, that I think are important. On the night before last, we had a vote on a resolution that would place a stone in the Capitol Visitor Center that honors the slaves that contributed to the construction of this Capitol Building. They did do that. They contributed to the construction. We ought to acknowledge that. But, you know, we had the huge room over in the Capitol Visitor Center that was designated as the Great Hall. Now the Great Hall brings to mind the Great Hall in Ellis Island. It would honor all of the immigrants that came to America, those that came voluntarily and those that came involuntarily. And it is an image that is very, very moving when you walk through the Great Hall in Ellis Island. I was very happy to name the room over in the visitor center the Great Hall.

But it had to be changed because of the objections of the Congressional Black Caucus that wanted a higher acknowledgment for slavery in this country. So the Great Hall's name was changed to Emancipation Hall.

Okay. No objection here. Emancipation was a big thing for the world when we put an end to slavery here in the United States. At great cost, however. A resolution to do so was traded off in a quid pro quo, and for those people who didn't go to law school like myself, I have to tell you, there was a deal made. The deal that was made was this: the Architect of the Capitol who has been trying to scrub every reference to faith from anything that's developed from this point forward around this Capitol complex and even refusing to allow when a flag is flown over this Capitol, the certificate that certifies that it was flown, if you want to say, July 10 in the year of our Lord, 2009, he wants to scrub "the year of our Lord" out of there because that's a reference to religion. Never mind above the Speaker's seat: it says, In God We Trust. It's been there for a long time, that is our national motto, and the Architect of the Capitol sought to block our national motto from being displayed in the Congressional Visitor Center along with the Pledge of Allegiance.

So in order to require the Architect to recognize our national motto In God

We Trust and "one nation under God" in our Pledge of Allegiance, there had to be a quid pro quo, a deal made, that in addition to Emancipation Hall, there would be an extra monument put up to recognize slavery.

All right. I'm fine with recognizing slavery. I would have been an abolitionist if I had been born back in those years prior to the Civil War. It's an article of faith, it's an article of Christian fundamentalism that slavery is a sin against God. And a good thing that happened when this country put an end to it, at great cost in blood. But if it's going to be the kind of devil's bargain that if you're going to have a reference to God in the Congressional Visitor Center you first have to pass another way to recognize slavery, in order to pacify the Congressional Black Caucus, a separatist organization in this Congress, in order to get a reference to God, the quid pro quo was, pass this resolution first and then we'll bring up the resolution that lets you vote on whether there's going to be In God We Trust in our visitor center. That took place today. The vote 2 days ago was 399-1. I voted "no" on the slavery marker because it was making a deal with requiring that to pass before the word God could go up in the Congressional Visitor Center, even though it's a direct replica of what's right behind me above the Speaker's chair right now. That resolution passed tonight with eight Members of Congress voting against putting our national motto up in the visitor center and against putting up the Pledge of Allegiance in the visitor center because there's a reference to God in each one. Eight voted no. Two voted present. Ten couldn't bring themselves to acknowledge that God's a great big part of what formed this country and those words will stand no matter who stands against it.

Mr. Speaker, I thank you for being recognized, and I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MURPHY of New York (at the request of Mr. HOYER) for today on account of official business in district.

Mr. HELLER (at the request of Mr. BOEHNER) for today after 5 p.m. and the balance of the week on account of his eldest daughter's wedding.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SARBANES) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DELAHUNT, for 5 minutes, today.
 Mr. SARBANES, for 5 minutes, today.
 Ms. KAPTUR, for 5 minutes, today.
 Mr. QUIGLEY, for 5 minutes, today.
 Mrs. MALONEY, for 5 minutes, today.
 (The following Members (at the request of Ms. FOXX) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, July 16.

Mr. JONES, for 5 minutes, July 16.
 Mr. PRICE of Georgia, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.
 Mr. INGLIS, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Friday, July 10, 2009, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2546. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Significant Price Discovery Contracts on Exempt Commercial Markets (RIN: 3038-AC76) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2547. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Butenedioic acid (2Z)—, monobutyl ester, Polymer with methoxyethene, sodium salt; Tolerance Exemption [EPA-HQ-OPP-2008-0851; FRL-8418-7] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2548. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid, butyl ester, polymer with ethyl 2-propenoate and N-(hydroxymethyl)-2-propenamide; Tolerance Exemption [EPA-HQ-OPP-2009-0047; FRL-8418-4] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2549. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Acetochlor; Pesticide Tolerances [EPA-HQ-OPP-2008-0384; FRL-8417-8] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2550. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Data Requirements for Antimicrobial Pesticides; Technical Amendment [EPA-HQ-OPP-2004-0387; FRL-8418-5] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2551. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Glyphosate; Pesticide Tolerances [EPA-HQ-OPP-2009-0007; FRL-8417-5] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2552. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oxirane, 2-methyl-, Polymer with Oxirane; Tolerance Exemption [EPA-HQ-OPP-2008-0861; FRL-8420-9] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2553. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Starch, oxidized, polymers with Bu acrylate, tert-Bu acrylate and styrene; Tolerance Exemption [EPA-HQ-OPP-2008-0856; FRL-8418-8] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2554. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Michigan; Redesignation of the Detroit-Ann Arbor Area to Attainment for Ozone [EPA-R05-OAR-2009-0219; FRL-8921-2] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2555. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Minor Correction to Stage 2 Disinfectants and Disinfection By-products Rule and Changes in References to Analytical Methods [EPA-HQ-OW-2008-0644; FRL-8920-8] (RIN: 2040-AF00) received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2556. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Volatile Organic Compound Emission Standards for Aerosol Coatings [EPA-HQ-OAR-2006-0971; FRL-8920-7] (RIN: 2060-AP33) received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2557. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revision of Source Category List for Standards Under Section 112(k) of the Clean Air Act; National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries [EPA-HQ-OAR-2008-0236; FRL-8920-9] received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2558. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2008-0252; FRL-8417-6] (RIN: 2070-AB27) received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2559. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Sufficiency Review of the Water and Sewer Authority's Fiscal Year 2009 Revenue Estimate In Support of the Issuance of \$300,000,000 in Public Utility Senior Lien Revenue Bonds (Series 2009A)", pur-

suant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

2560. A letter from the Chairman, Federal Accounting Standards Advisory Board, transmitting the Board's Statement of Federal Financial Accounting Standard 35 entitled, "Estimating the Historical Cost of General Property, Plant, and Equipment: Amending Statements of Federal Financial Accounting Standards 6 and 23", pursuant to Section 307 of the Chief Financial Officers Act of 1990; to the Committee on Oversight and Government Reform.

2561. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the Fresno and Stockton, CA, Appropriated Fund Federal Wage System Wage Areas (RIN: 3206-AL79) received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2562. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2009 through June 30, 2009 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 111—56); to the Committee on House Administration and ordered to be printed.

2563. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Upper Mississippi River Valley Viticultural Area (2007R-055P) [Docket No.: TTB-2008-0007; T.D. TTB-77; Re: Notice No. 88] (RIN: 1513-AB40) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2564. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Implementation of Statutory Amendments Requiring the Qualification of Manufacturers and Importers of Processed Tobacco and Other Amendments Related to Permit Requirements, and the Expanded Definition of Roll-Your-Own Tobacco [Docket No.: TTB-2009-0002; T.D. TTB-78; Re: Notice No. 95] (RIN: 1513-AB72) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2565. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance Necessary to Facilitate Business Election Filing; Finalization of Controlled Group Qualification Rules [TD 9451] (RIN: 1545-BF25) received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2566. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Tribal Economic Development Bonds [Notice 2009-51] received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2567. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Recovery Zone Bond Volume Cap Allocations [Notice 2009-50] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2568. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 42-Low-Income Housing Credit [Notice 2009-44] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2569. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I Issue — Section 965 Foreign Earnings Repatriations Directives #3 [LMSB Control No: LMSB-4-0409-017] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2570. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Application of Sections 7702 and 7702A to Life Insurance Contracts that Mature After Age 100 [Notice 2009-47] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2571. A letter from the Office Manager, Department of Health and Human Service, transmitting the Department's final rule — Medicaid Program; Health Care-Related Taxes [CMS-2275-F2] (RIN: 0938-AP74) received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

2572. A letter from the Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program: Rescission of School-Based Administration/Transportation Final Rule, Outpatient Hospital Services Final Rule, and Partial Rescission of Case Management Interim Final Rule [CMS-2287-F2; CMS-2213-F2; CMS 2237-F] (RIN: 0938-AP75) received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

2573. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the 24th Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts as of December 31, 2007, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. PINGREE of Maine: Committee on Rules. House Resolution 622. Resolution providing for consideration of the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-195). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ISSA:

H.R. 3137. A bill to amend title 39, United States Code, to provide clarification relating to the authority of the United States Postal Service to accept donations as an additional source of funding for commemorative plaques; to the Committee on Oversight and Government Reform.

By Mr. HILL:

H.R. 3138. A bill to amend title XI of the Social Security Act to provide for transparency in the relationship between physicians and manufacturers of drugs, devices, biologicals, or medical supplies for which

payment is made under Medicare, Medicaid, or SCHIP; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mrs. CAPITO, Ms. MATSUI, Ms. SPEIER, Mr. JONES, Mr. BLUMENAUER, Mr. KANJORSKI, Mr. GERLACH, and Mr. HINOJOSA):

H.R. 3139. A bill to extend the authorization of the National Flood Insurance Program, and for other purposes; to the Committee on Financial Services.

By Mr. PRICE of Georgia (for himself, Mr. JORDAN of Ohio, and Mr. GARRETT of New Jersey):

H.R. 3140. A bill to rescind unobligated appropriations and repeal certain provisions in the American Recovery and Reinvestment Act of 2009, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Energy and Commerce, Appropriations, Ways and Means, Transportation and Infrastructure, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SULLIVAN (for himself, Mr. BOREN, Mr. LUCAS, and Mr. COLE):

H.R. 3141. A bill to amend title XIX of the Social Security Act to provide for a DSH redistribution pool from unexpended Medicaid DSH allotments in order to increase Medicaid DSH allotments for low DSH States and to provide grants for health access networks serving the uninsured; to the Committee on Energy and Commerce.

By Mr. FATTAH:

H.R. 3142. A bill to establish a program to assist homeowners experiencing unavoidable, temporary difficulty making payments on home mortgages; to the Committee on Financial Services.

By Mr. REHBERG:

H.R. 3143. A bill to amend the Fort Peck Reservation Rural Water System Act of 2000, to extend the authorization of appropriations for that Act; to the Committee on Natural Resources.

By Mrs. DAHLKEMPER:

H.R. 3144. A bill to amend the Public Health Service Act to promote obesity prevention, including proper nutrition and exercise; to the Committee on Energy and Commerce.

By Ms. WATERS:

H.R. 3145. A bill to amend the securities laws to prohibit credit default swaps and to provide the Securities and Exchange Commission with the authority to regulate swap agreements; to the Committee on Financial Services.

By Mr. ADLER of New Jersey (for himself, Mr. LEE of New York, Mr. HIMES, and Mr. LANCE):

H.R. 3146. A bill to make improvements to the FHA mortgage insurance programs of the Department of Housing and Urban Development, and for other purposes; to the Committee on Financial Services.

By Mr. CARSON of Indiana (for himself, Mrs. MCCARTHY of New York, Mr. SESTAK, Ms. KILPATRICK of Michigan, Ms. WATERS, Ms. BORDALLO, Mr. MORAN of Virginia, Mr. REYES, Ms. MOORE of Wisconsin, Mr. MEEK of Florida, and Mr. ELLISON):

H.R. 3147. A bill to establish a grant program in the Department of the Treasury to fund the establishment of centers of excellence to support research, development and planning, implementation, and evaluation of effective programs in financial literacy education for young adults and families ages 15-24 years old, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN (for herself, Ms. LEE of California, Mrs. CAPPS, Mr. ELLISON, Mr. THOMPSON of Mississippi, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATSON, Mr. HASTINGS of Florida, Mr. BUTTERFIELD, Mr. CLYBURN, Mr. WATT, Mr. JACKSON of Illinois, Mr. PAYNE, Mr. CARSON of Indiana, Mr. CLAY, Mr. CLEAVER, Mr. DAVIS of Alabama, Ms. CLARKE, Mr. DAVIS of Illinois, Ms. WATERS, Mr. LEWIS of Georgia, Mr. TOWNS, Ms. BORDALLO, Mr. CONYERS, Mr. CUMMINGS, Mr. FATTAH, Mr. SCOTT of Virginia, Mr. RUSH, Ms. NORTON, Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, Mr. WEINER, Mr. AL GREEN of Texas, Ms. RICHARDSON, Ms. EDWARDS of Maryland, Mr. PALONE, Ms. FUDGE, Ms. MATSUI, Ms. CORRINE BROWN of Florida, and Ms. ROYBAL-ALLARD):

H.R. 3148. A bill to amend the Congressional Budget Act of 1974 respecting the scoring of preventive health savings; to the Committee on the Budget.

By Mr. COHEN (for himself, Mr. GUTIERREZ, Mr. MEEK of Florida, Ms. EDWARDS of Maryland, Mr. CONYERS, Mr. AL GREEN of Texas, Ms. WATERS, Ms. CLARKE, Mr. JOHNSON of Georgia, Ms. KILPATRICK of Michigan, Ms. WATSON, Ms. MOORE of Wisconsin, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DAVIS of Illinois, Mr. ELLISON, Mr. MCGOVERN, Mr. GRIJALVA, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Ms. SUTTON, Mr. LEWIS of Georgia, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. RUSH, and Mr. MEEKS of New York):

H.R. 3149. A bill to amend the Fair Credit Reporting Act to prohibit the use of consumer credit checks against prospective and current employees for the purposes of making adverse employment decisions; to the Committee on Financial Services.

By Mr. ETHERIDGE (for himself, Mr. ROSS, Mr. KISSELL, Mr. MCINTYRE, Mr. HOLDEN, and Mr. BISHOP of Georgia):

H.R. 3150. A bill to require the Secretary of Agriculture to use section 32 of the Act of August 24, 1935, to provide compensation to certain poultry producers whose poultry production contracts were terminated or not renewed because of the closure of poultry processing plants and other cost cutting measures undertaken by a poultry processing company in bankruptcy protection; to the Committee on Agriculture.

By Mr. HARE (for himself and Mr. JOHNSON of Illinois):

H.R. 3151. A bill to permit pass-through payment for reasonable costs of certified

registered nurse anesthetist services in critical access hospitals notwithstanding the reclassification of such hospitals as urban hospitals, including hospitals located in "Lugar counties"; and for on-call and standby costs for such services; to the Committee on Ways and Means.

By Mr. HOLT (for himself and Mr. DOGGETT):

H.R. 3152. A bill to amend titles XVIII of the Social Security Act to ensure that low-income beneficiaries have improved access to prescription drugs under the Medicare and Medicaid programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut:

H.R. 3153. A bill to amend the Internal Revenue Code of 1986 to impose a tax on over-the-counter derivatives transactions, and for other purposes; to the Committee on Ways and Means.

By Ms. LEE of California (for herself, Ms. KILPATRICK of Michigan, Mr. JOHNSON of Georgia, and Ms. FUDGE):

H.R. 3154. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to increase the number of law enforcement officers on the streets by 5 to 10 percent in areas with high incidences of violent crime; to the Committee on the Judiciary.

By Mr. MICHAUD (for himself, Mr. RODRIGUEZ, Mrs. HALVORSON, Mr. TEAGUE, and Mr. DONNELLY of Indiana):

H.R. 3155. A bill to amend title 38, United States Code, to provide certain caregivers of veterans with training, support, and medical care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PAYNE (for himself, Mr. LEWIS of Georgia, Mr. BRADY of Texas, and Mr. MEEK of Florida):

H.R. 3156. A bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for expenses paid or incurred in non-clinical research for neglected diseases; to the Committee on Ways and Means.

By Mr. PETERSON:

H.R. 3157. A bill to name the Department of Veterans Affairs outpatient clinic in Alexandria, Minnesota, as the "Max J. Beilke Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

By Mr. SARBANES:

H.R. 3158. A bill to reform health care delivery by providing incentives for place-based health care, which seeks to bring health services to the patient by locating community health centers, federally qualified health centers, and community integrated health centers in or near settings that already serve a particular target population, such as schools, workplaces, and senior services facilities; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Nebraska (for himself, Mr. KISSELL, and Mr. SHUSTER):

H.R. 3159. A bill to provide for the apportionment of funds to airports for fiscal years 2011 and 2012 based on passenger boardings during calendar year 2008 to prevent addi-

tional harm to airports already harmed by the financial crisis, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey:

H.R. 3160. A bill making appropriations for foreign assistance to Israel for fiscal year 2010; to the Committee on Appropriations.

By Mr. STUPAK:

H.R. 3161. A bill to amend title 28, United States Code, to provide for an additional judgeship for the western district of Michigan; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 3162. A bill to amend title 5, United States Code, to make family members of public safety officers killed in the line of duty eligible for coverage under the Federal Employees Health Benefits Program, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. STUPAK:

H.R. 3163. A bill to establish certain requirements relating to area mail processing studies; to the Committee on Oversight and Government Reform.

By Ms. TITUS (for herself, Mr. FILNER, Mr. GRIJALVA, Mr. HARE, Ms. HIRONO, Mr. ROSS, Mr. SABLON, and Ms. SHEA-PORTER):

H.R. 3164. A bill to amend the Internal Revenue Code of 1986 to increase, make permanent, and index for inflation the deduction for certain expenses of elementary and secondary school teachers and to modify the definition of eligible educator for purposes of such deduction to include preschool educators; to the Committee on Ways and Means.

By Mr. TONKO:

H.R. 3165. A bill to provide for a program of wind energy research, development, and demonstration, and for other purposes; to the Committee on Science and Technology.

By Mr. WELCH (for himself, Mr. CARNEY, Mr. HIGGINS, Mr. COURTNEY, Mr. ARCURI, Mr. LEE of New York, Ms. SHEA-PORTER, Mr. THOMPSON of Pennsylvania, and Mr. HODES):

H.R. 3166. A bill to amend the Food, Conservation, and Energy Act of 2008 to index for inflation the payment rate for payments under the Milk Income Loss Contract Program; to the Committee on Agriculture.

By Mr. STUPAK:

H.J. Res. 59. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

By Mrs. McMORRIS RODGERS:

H. Res. 621. A resolution ensuring access to affordable and quality health care without increasing the Federal budget or contributing to market inflation while providing greater choices for patient-focused care for individuals and families; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H. Res. 623. A resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in National Night Out, which occurs the first Tuesday of August each year, including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of Rule XXII,

102. The SPEAKER presented a memorial of the General Assembly of the State of Indiana, relative to SENATE RESOLUTION NO. 42 Urging the honorable Barack Obama, President of the United States, the President of the Senate, the Majority Leader of the Senate, and the Speaker of the House of Representatives of the United States in Congress assembled, and the President of the Senate and Speaker of the House of Representatives of each State's legislature of the United States of America to cease and desist, effective immediately, any and all mandates that are beyond the scope of their constitutionally delegated power; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. TAYLOR.
H.R. 22: Mr. SCHOCK.
H.R. 39: Ms. HIRONO and Mr. KENNEDY.
H.R. 49: Mr. SHADEGG.
H.R. 147: Mr. CONYERS, Mr. AL GREEN of Texas, and Mr. KANJORSKI.
H.R. 197: Mr. LARSEN of Washington and Mr. THOMPSON of Pennsylvania.
H.R. 204: Mrs. MALONEY and Ms. CORRINE BROWN of Florida.
H.R. 211: Mr. CAPUANO, Mr. COHEN, Ms. JACKSON-LEE of Texas, and Mr. MURPHY of Connecticut.
H.R. 393: Mr. CAMP.
H.R. 413: Mr. RAHALL, Mr. MARIO DIAZ-BALART of Florida, Mr. REHBERG, Mr. RODRIGUEZ, and Mr. DELAHUNT.
H.R. 470: Mr. ALEXANDER.
H.R. 555: Ms. CORRINE BROWN of Florida, Mr. ELLISON, Mr. HOLT, Ms. NORTON, and Mr. STARK.
H.R. 571: Mr. TIERNEY.
H.R. 635: Mr. KILDEE.
H.R. 649: Mr. FORBES.
H.R. 676: Mr. MURTHA and Mr. WEINER.
H.R. 690: Mr. YOUNG of Alaska.
H.R. 750: Ms. ROS-LEHTINEN.
H.R. 775: Mr. SARBANES and Mr. MACK.
H.R. 836: Ms. KILROY.
H.R. 847: Mr. HODES and Ms. SCHWARTZ.
H.R. 873: Mr. PRICE of North Carolina.
H.R. 874: Mr. HALL of New York.
H.R. 876: Ms. BERKLEY.
H.R. 916: Mr. LUJAN.
H.R. 930: Mr. GONZALEZ.
H.R. 1064: Mr. SCHRADER, Ms. MARKEY of Colorado, and Mr. PETERS.
H.R. 1067: Mr. BOOZMAN.
H.R. 1074: Mr. BURGESS and Mr. AKIN.
H.R. 1132: Mr. BOYD, Mr. CHILDERS, Mr. McDERMOTT, Mrs. LUMMIS, Mr. SULLIVAN, and Mr. HOLDEN.
H.R. 1147: Mr. BACA and Mr. CONYERS.
H.R. 1177: Mr. CASSIDY and Mrs. BONO MACK.
H.R. 1179: Mr. MOLLOHAN and Mr. BARTLETT.
H.R. 1188: Mr. PAYNE, Mr. ROE of Tennessee, and Mr. PAULSEN.
H.R. 1203: Mr. ROSS, Mr. PAULSEN, Mr. MILLER of North Carolina, Ms. MARKEY of Colorado, and Ms. RICHARDSON.
H.R. 1207: Mr. MURPHY of New York and Ms. FUDGE.
H.R. 1250: Mr. BURTON of Indiana, Mr. MICHAUD, Mr. FILNER, Mr. JONES, Mr. WOLF, and Mr. ROE of Tennessee.
H.R. 1255: Mr. PAULSEN, Mr. MELANCON, and Mr. MARCHANT.

- H.R. 1283: Mrs. DAHLKEMPER and Ms. CORRINE BROWN of Florida.
H.R. 1293: Mr. BROWN of South Carolina.
H.R. 1294: Mr. HENSARLING.
H.R. 1349: Mr. MELANCON.
H.R. 1352: Mr. SOUDER.
H.R. 1354: Mr. COFFMAN of Colorado.
H.R. 1392: Mr. BUTTERFIELD, Mr. COBLE, and Mr. UPTON.
H.R. 1398: Mr. ROTHMAN of New Jersey.
H.R. 1402: Mr. MICHAUD.
H.R. 1415: Mr. WILSON of South Carolina, Mrs. MYRICK, Mr. LATOURETTE, Mr. PRICE of Georgia, Mr. SPACE, and Ms. BERKLEY.
H.R. 1454: Mr. FRANKS of Arizona and Mr. CAMP.
H.R. 1458: Mr. JACKSON of Illinois.
H.R. 1468: Mr. SESSIONS and Ms. GRANGER.
H.R. 1474: Mr. BLUMENAUER.
H.R. 1503: Mr. MARCHANT.
H.R. 1521: Mr. GARRETT of New Jersey, Mr. SHADEGG, and Mr. POSEY.
H.R. 1525: Mrs. CAPPS.
H.R. 1547: Mr. SESSIONS.
H.R. 1548: Mr. MILLER of North Carolina, Mr. HASTINGS of Florida, Ms. WOOLSEY, Mr. AUSTRIA, Mr. CONYERS, Mr. WU, Mr. KENNEDY, Mr. CONNOLLY of Virginia, Ms. WATERS, Mr. REICHERT, Mr. MCHENRY, and Mr. BOUSTANY.
H.R. 1570: Mr. CRENSHAW.
H.R. 1588: Mr. CARNEY.
H.R. 1625: Mr. MATHESON and Ms. KILPATRICK of Michigan.
H.R. 1645: Mr. CARSON of Indiana.
H.R. 1670: Mr. RAHALL.
H.R. 1693: Mr. BLUMENAUER and Mr. ROTHMAN of New Jersey.
H.R. 1702: Mr. PAYNE and Mr. HONDA.
H.R. 1708: Mr. MOORE of Kansas.
H.R. 1751: Mr. TIERNEY, Mr. RANGEL, and Mr. PRICE of North Carolina.
H.R. 1766: Mr. BLUMENAUER and Ms. FUDGE.
H.R. 1776: Mr. ISRAEL, Mr. LOEBSACK, and Mr. MATHESON.
H.R. 1799: Mr. ARCURI and Mr. BOOZMAN.
H.R. 1829: Mr. ROTHMAN of New Jersey.
H.R. 1831: Mr. SMITH of Texas, Mr. MILLER of Florida, Mr. RYAN of Wisconsin, Mr. FILNER, Mr. INGLIS, Mr. HILL, Mrs. MILLER of Michigan, Mr. EDWARDS of Texas, and Mr. TERRY.
H.R. 1833: Mr. SAM JOHNSON of Texas.
H.R. 1846: Mr. JOHNSON of Georgia.
H.R. 1881: Mr. STUPAK.
H.R. 1884: Mr. LATHAM, Mr. TONKO, and Mr. LARSON of Connecticut.
H.R. 1894: Mr. WELCH.
H.R. 1970: Mr. NEUGEBAUER.
H.R. 1977: Mr. POSEY.
H.R. 2006: Mrs. MALONEY and Ms. LINDA T. SÁNCHEZ of California.
H.R. 2017: Mr. BRIGHT, Mr. MILLER of Florida, Mr. LEE of New York, and Mr. KISSELL.
H.R. 2055: Mr. LARSEN of Washington and Mr. NADLER of New York.
H.R. 2060: Mr. PRICE of North Carolina.
H.R. 2062: Ms. ESHOO.
H.R. 2068: Mr. PAULSEN.
H.R. 2095: Mr. FILNER.
H.R. 2097: Mr. BOSWELL, Mr. NEAL of Massachusetts, Ms. ROS-LEHTINEN, Mr. ROONEY, Mrs. CHRISTENSEN, Ms. FALLIN, Mr. ORTIZ, Mr. HINOJOSA, Mr. HASTINGS of Florida, Mr. HALL of Texas, Mr. RYAN of Ohio, Ms. HIRONO, Mr. SESSIONS, Ms. JACKSON-LEE of Texas, Ms. HARMAN, Mr. BARRETT of South Carolina, Mr. GONZALEZ, Mr. BACA, Mr. REYES, Mrs. NAPOLITANO, Mr. GENE GREEN of Texas, Mr. SIREN, Mr. LUJÁN, Ms. MARKEY of Colorado, Mr. WILSON of Ohio, Mr. KLEIN of Florida, Mr. HILL, Mr. ETHERIDGE, Ms. BEAN, Mr. MCMAHON, Mr. GRIJALVA, Mr. SPRATT, Mr. MCINTYRE, Mr. MOORE of Kansas, Ms. LINDA T. SÁNCHEZ of California, Mr. ELLISON, Mr. SHERMAN, Mr. BAIRD, Ms. SHEA-PORTER, Mr. FOSTER, Ms. BALDWIN, Mr. KINGSTON, Mr. ELLSWORTH, Mr. BOREN, Mr. BOYD, Mr. DEFazio, Mr. MARSHALL, Mr. WOLF, Mr. LIPINSKI, Mr. ABERCROMBIE, Mr. COSTELLO, Ms. LORETTA SANCHEZ of California, Mr. TIERNEY, Mr. DUNCAN, Ms. PELOSI, Mr. MURPHY of New York, Ms. HERSETH SANDLIN, Mr. COSTA, Ms. WATSON, Mr. CROWLEY, Mr. DRIEHAUS, Mr. INSLEE, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mrs. LOWEY, Mr. LARSON of Connecticut, Mr. SCHRADER, Mr. OBERSTAR, Mr. PASCRELL, Mrs. DAHLKEMPER, Mr. MCDERMOTT, Mr. COOPER, Mr. COHEN, Mr. GRIFFITH, Mr. LOEBSACK, Mr. PETERSON, Mr. NYE, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. MARKEY of Massachusetts.
H.R. 2124: Mr. WITTMAN, Mr. CAPUANO, and Mr. FLEMING.
H.R. 2137: Mr. PAYNE.
H.R. 2139: Mr. COURTNEY, Mr. SCHRADER, and Mr. COSTA.
H.R. 2141: Mr. WEXLER.
H.R. 2142: Ms. KOSMAS.
H.R. 2189: Mr. POSEY.
H.R. 2203: Mr. LUETKEMEYER, Mr. MILLER of Florida, and Mr. BARRETT of South Carolina.
H.R. 2205: Mr. WU.
H.R. 2277: Mr. FILNER.
H.R. 2296: Mr. LATHAM, Mrs. LUMMIS, Mr. HILL, Mr. SHUSTER, Mr. THOMPSON of Pennsylvania, Mr. GARRETT of New Jersey, Mr. MURPHY of New York, Mr. DINGELL, Mr. LINDER, Mr. KANJORSKI, Mr. ROGERS of Kentucky, Mr. ELLSWORTH, Mr. DONNELLY of Indiana, Mr. REHBERG, Mr. HELLER, Mr. PRICE of Georgia, and Mr. STEARNS.
H.R. 2302: Mr. BRADY of Pennsylvania.
H.R. 2304: Mr. BOOZMAN.
H.R. 2329: Mr. CONYERS, Mrs. MALONEY, and Mr. VAN HOLLEN.
H.R. 2345: Mr. MCHENRY, Mrs. LUMMIS, Mr. LUETKEMEYER, Mr. MANZULLO, and Mr. POSEY.
H.R. 2350: Mr. KILDEE.
H.R. 2373: Mr. RAHALL and Mr. TERRY.
H.R. 2400: Mr. GENE GREEN of Texas and Ms. BALDWIN.
H.R. 2413: Ms. CASTOR of Florida, Mr. YARMUTH, Mr. BOOZMAN, and Mr. MCCOTTER.
H.R. 2414: Mr. ROTHMAN of New Jersey and Mr. MCNERNEY.
H.R. 2425: Mr. SARBANES and Mr. WELCH.
H.R. 2443: Mr. KILDEE and Mr. GERLACH.
H.R. 2452: Mr. LATHAM and Ms. ZOE LOFGREEN of California.
H.R. 2456: Mr. OBERSTAR and Mr. LANGEVIN.
H.R. 2478: Mr. MURPHY of Connecticut, Mr. KIRK, Mr. GINGREY of Georgia, and Mr. ISSA.
H.R. 2480: Mr. PETERS, Mr. WELCH, and Mr. GRIJALVA.
H.R. 2492: Mr. MCCOTTER.
H.R. 2523: Mr. BACA and Mrs. LUMMIS.
H.R. 2570: Mrs. MCCARTHY of New York.
H.R. 2575: Ms. CLARKE and Mr. KING of New York.
H.R. 2594: Mr. REHBERG.
H.R. 2597: Mr. HOLDEN.
H.R. 2662: Mr. BARTLETT, Mr. ELLSWORTH, and Mr. MARKEY of Massachusetts.
H.R. 2672: Mr. BOCCIERI.
H.R. 2688: Mr. PAYNE.
H.R. 2698: Mr. AKIN.
H.R. 2699: Mr. AKIN.
H.R. 2702: Mr. MASSA.
H.R. 2740: Mrs. MALONEY, Mrs. McMORRIS RODGERS, Mr. McGOVERN, Mr. SABLON, and Mr. MEEK of Florida.
H.R. 2743: Mr. GARRETT of New Jersey, Mr. BILIRAKIS, Mr. RADANOVICH, Mr. PAYNE, Mr. PETRI, Mr. HARPER, Mr. KLEIN of Florida, Mr. FORBES, and Mr. YOUNG of Alaska.
H.R. 2796: Mr. JORDAN of Ohio.
H.R. 2804: Mr. EDWARDS of Texas and Mr. DOGGETT.
H.R. 2805: Mr. DOGGETT.
H.R. 2811: Mr. ROONEY.
H.R. 2828: Mr. CAMPBELL.
H.R. 2845: Mr. DANIEL E. LUNGREN of California.
H.R. 2852: Mr. JACKSON of Illinois and Mr. SCHAUER.
H.R. 2855: Mr. DEFazio and Ms. LEE of California.
H.R. 2866: Mr. KILDEE and Mr. BACHUS.
H.R. 2906: Mr. HARE, Mr. MCDERMOTT, and Mr. PLATTS.
H.R. 2932: Ms. CORRINE BROWN of Florida, Mr. MORAN of Virginia, Mr. FILNER, and Mr. HONDA.
H.R. 2935: Mr. BILBRAY.
H.R. 2936: Mr. RYAN of Ohio.
H.R. 2941: Mr. HOLDEN and Mr. SNYDER.
H.R. 2943: Mr. CAPUANO.
H.R. 2963: Mr. DELAHUNT and Mr. MICHAUD.
H.R. 3003: Mr. COURTNEY and Mr. COHEN.
H.R. 3006: Mr. BERMAN and Mr. PRICE of North Carolina.
H.R. 3012: Ms. LORETTA SANCHEZ of California.
H.R. 3017: Mr. HALL of New York and Mr. MICHAUD.
H.R. 3040: Mr. POE of Texas.
H.R. 3044: Mr. PAUL, Mr. MANZULLO, Mrs. BACHMANN, Mr. GALLEGLY, Mrs. LUMMIS, Mr. MINNICK, Mr. JONES, Ms. JACKSON-LEE of Texas, Mr. MICHAUD, Mr. GUTHRIE, Mr. SHULER, Mr. CASSIDY, and Mr. POSEY.
H.R. 3045: Ms. LEE of California.
H.R. 3085: Mr. COURTNEY.
H.R. 3088: Mr. MCMAHON.
H.R. 3092: Mr. RYAN of Ohio and Mr. PETERSON.
H.R. 3119: Ms. HIRONO, Mr. FALEOMAVAEGA, Mr. GALLEGLY, Mr. CAO, Mr. GARY G. MILLER of California, and Mr. CAMPBELL.
H.J. Res. 10: Mrs. McMORRIS RODGERS.
H.J. Res. 47: Mrs. CAPITO.
H. Con. Res. 59: Mr. WELCH.
H. Con. Res. 74: Mr. MORAN of Virginia, Mr. McGOVERN, and Mr. JACKSON of Illinois.
H. Con. Res. 158: Mr. KIND, Ms. ROS-LEHTINEN, and Mr. WOLF.
H. Con. Res. 161: Mr. WITTMAN.
H. Res. 89: Mr. BRADY of Pennsylvania, Mr. BURTON of Indiana, Mr. ELLISON, Mr. RODRIGUEZ, Ms. GIFFORDS, Mr. CAO, Mr. TAYLOR, Mr. DONNELLY of Indiana, and Mr. SKELTON.
H. Res. 111: Mr. SIMPSON, Mr. LARSEN of Washington, and Mr. CAMP.
H. Res. 175: Mr. MARCHANT and Ms. WOOLSEY.
H. Res. 191: Mr. MOORE of Kansas.
H. Res. 241: Mr. HOLT.
H. Res. 333: Mr. GRIJALVA.
H. Res. 363: Mr. GRIJALVA, Mr. FATTAH, and Mr. HINCHEY.
H. Res. 397: Mr. LATHAM.
H. Res. 414: Mr. ISSA.
H. Res. 440: Mrs. McMORRIS RODGERS and Mr. CHAFFETZ.
H. Res. 441: Mr. LUJÁN, Mrs. MALONEY, Mr. MOORE of Kansas, Mr. LANGEVIN, Ms. FUDGE, Mr. PASCRELL, Mrs. KIRKPATRICK of Arizona, Mr. TAYLOR, Mr. CARNEY, Mr. HINOJOSA, Mr. SHERMAN, and Mr. BOCCIERI.
H. Res. 445: Mr. BRIGHT.
H. Res. 483: Mr. PETERSON.
H. Res. 494: Mr. GORDON of Tennessee.
H. Res. 533: Mr. McGOVERN.
H. Res. 536: Mr. PITTS and Mr. BRALEY of Iowa.
H. Res. 550: Mr. BRADY of Pennsylvania.
H. Res. 592: Ms. JACKSON-LEE of Texas, Mr. COHEN, Mr. MEEKS of New York, Mr. RANGEL, Mr. PAYNE, Ms. ROS-LEHTINEN, Ms. RICHARDSON, and Mr. SIREN.

H. Res. 600: Mr. FALEOMAVAEGA, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. POLIS, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. ELLISON, Ms. CLARKE, Mr. KUCINICH, and Mr. CUMMINGS.

H. Res. 605: Mr. PLATTS, Mr. GARRETT of New Jersey, Ms. JACKSON-LEE of Texas, Mr. GUTIERREZ, Mr. WOLF, Mr. MCCOTTER, Mr. MOORE of Kansas, Mr. LAMBORN, Mr. HOLT,

Mr. NEAL of Massachusetts, Mr. CLAY, Mr. SMITH of New Jersey, Mr. INGLIS, Mr. PAYNE, Mr. ROGERS of Alabama, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DANIEL E. LUNGREN of California, Mr. BISHOP of Utah, and Mr. ROYCE.

H. Res. 615: Mr. WESTMORELAND, Mr. HELLER, and Mr. MORAN of Kansas.

H. Res. 616: Mr. SMITH of Nebraska, Mr. BONNER, Mr. FORTENBERRY, Mr. GRIFFITH, Mr. REHBERG, Mr. KRATOVIL, Mr. MINNICK, Mr. CHILDERS, Mr. TAYLOR, Mr. HENSARLING, Mr. GOHMERT, Mr. COLE, Mr. LUCAS, Mr. SULLIVAN, Mr. LEE of New York, Mr. ROE of Tennessee, Mrs. BIGGERT, and Mr. COFFMAN of Colorado.

EXTENSIONS OF REMARKS

IN HONOR OF THE 95TH BIRTHDAY
OF FRANK WEINMAN**HON. NANCY PELOSI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Ms. PELOSI. Madam Speaker, I rise today to pay tribute to a great American, Frank Weinman, on the occasion of his 95th birthday.

Born in 1914 in Vienna, Austria, Frank has overcome great hardships and adversity on life's path, escaping the terror of Hitler's Europe to settle with his family in the United States.

Working in his father's paint factory in Bratislava, Czechoslovakia, Frank fell in love with his future wife, Teri, a Hungarian citizen. When the Germans occupied Austria, Frank was left stateless, because, as a Jew, he could not return to Vienna, and was forced to flee to Prague. In Prague, Frank assisted Jews immigrating illegally to Palestine, undoubtedly saving many lives.

On the run from the Nazis, Frank and Teri were secretly married on October 25, 1939 in Prague. Separated often over the next 18 months, Frank received word that his brother Charles, who had emigrated to America, had procured visas for them, and Frank made a daring journey by foot over mountainous terrain to Hungary, where Teri was staying with her family. While waiting for exit visas in Kosice, Hungary, Frank and Teri were arrested and sent to Hungarian concentration camps, before being released due to their American visas.

Forced to leave behind family, Frank and Teri made a harrowing journey across Austria and Germany to Spain, where they found passage across the Atlantic on a small Spanish ship. They arrived to the New World, free from the fear and oppression they had narrowly escaped, on October 12, 1941, Columbus Day.

Frank and Teri lived together until Teri's passing in 1975, having raised a family of two daughters in Illinois. Frank married Frances Alt in 1977, and they moved to the Great State of California in 1988.

Though Frances has since passed away, Frank Weinman celebrates his 95th birthday in Walnut Creek, California today with daughters Francie and Linda, and their husbands, Stuart and Alex, along with four loving grandchildren.

He is also blessed to have a devoted stepdaughter, Judy, and her husband Maynard, and stepson George and his wife Maureen. Thanks to them, Frank has three more adoring grandchildren and six great-grandchildren.

Frank's story is an inspiration to us all, and we are reminded of the importance of family, perseverance, and faith. I encourage all Members of Congress to join me in wishing Frank a happy birthday, and may he celebrate many more.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Ms. WOOLSEY. Madam Speaker, on July 8, 2009, I was unavoidably detained and was not able to record my vote for rollcall No. 495–496.

Had I been present I would have voted: rollcall No. 495—"yes"—Supporting National Men's Health Week; rollcall No. 496—"no"—On Motion to Adjourn.

EARMARK DECLARATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. YOUNG of Florida. Madam Speaker, pursuant to the House Republican Standards on Congressional appropriations initiatives, I am submitting the following information regarding a project that was included at my request in Fiscal Year 2010 Military Construction—Veterans Affairs Appropriations Bill (H.R. 3082).

CONSOLIDATE COMMUNICATIONS FACILITY

Account: Military Construction, U.S. Air Force

Legal name and address of requesting entity: MacDill Air Force Base, Tampa, Florida.

Description of request: \$21,000,000 for a Consolidated Communication Facility (Project Number NVZR033702). MacDill Air Force Base, Tampa, Florida does not have an adequate Consolidated Communication Facility for the Joint Components of USSOCOM and USCENCOM forces. This Consolidated Communication Facility would provide for all communication circuits (both digital and analog) entering and exiting MacDill AFB. The Department of Defense Unified Facilities Criteria Anti-Terrorism and Force Protection guidance requires that essential communication equipment be located in a secure environment. Base Network Control Center functions currently located in Bldg 260 will be relocated to the new secure facility.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. BISHOP of Utah. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am submitting the following

earmark disclosure information regarding project funding I had requested and which was included within the legislation H.R. 3082, as reported. To the best of my knowledge, funding for this project: (1) is not directed to an entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements for matching funds. I further certify that neither my spouse, nor I, have any personal financial interests in this request.

Project Title: PCC Apron NW End Taxiway A

Amount: \$5.1 million

Requesting Member: ROB BISHOP (UT)

Bill Number: H.R. 3082

Account: Air Force Military Construction

Address of Requesting Entity: Hill Air Force Base, Utah

Location: 75th Air Base Wing, 7285 4th Street, Hill AFB, UT 84056.

Matching Funds: Not Applicable

Detailed Spending Plan: Not Applicable.

Description and Justification: Project funding is needed to construct additional taxiway space for the flight preparation of fighter aircraft using the Utah Test and Training Range, to increase flight efficiency and safety by accommodating additional aircraft at the same time on the ramp which will also reduce jet fuel costs.

CONGRATULATING GEORGE GASCON
ON BEING SELECTED AS
SAN FRANCISCO'S NEW CHIEF OF
POLICE**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate George Gascon, who will soon take over as the Chief of Police in San Francisco after three years of extraordinary service as the City of Mesa's Police Chief. The city of Mesa has seen tremendous growth and innovation in its public safety programs under Chief Gascon, and he has earned him the respect and admiration of that community during his tenure.

Chief Gascon's distinguished service began long before he joined the Mesa Police Department. He honorably served for nearly 29 years in the Los Angeles Police Department, overseeing police operations and working as the Assistant Police Chief for the department.

After taking over the Department in Mesa, Chief Gascon was instrumental in reducing the city's crime rate and fostering a culture of respect for diversity within the department. He was also involved in the implementation of a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

new police accountability and training program, COMPSTAT, which has raised the standard of excellence for the department's management accountability system.

The fortunate citizens of San Francisco will learn that Chief Gascon is just as dedicated to the community in his private life as he is while wearing a badge. He has volunteered his time and talents to the MARC Center of Mesa, the East Valley Crime and Gang Information Fusion Center, the M.E.S.A. Program, among many others.

I would like to wish Chief Gascon all the best as he embarks on a new chapter in his life. I am confident that the city of San Francisco will come to see the same benefits from his knowledge, leadership and dedication to the community that Mesa has experienced.

EARMARK DECLARATION

HON. STEVEN C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. LATOURETTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 2997

Account: Cooperative State Research Education and Extension Service/CSREES

Legal Name of Requesting Entity: The Ohio State University, College of Food, Agriculture, and Environmental Studies

Address of Requesting Entity: 100 N. Agricultural Administration Building, 2120 Fyfe Road, Columbus, OH 43210

Description of Request: Provide an earmark of \$105,000 for the Center for Farmland Policy Innovation in carrying out its work with local communities to develop locally-driven farmland protection policy demonstrations. This project will continue to develop policies and initiatives throughout the State of Ohio, including the valuable nursery and farmland areas in Lake, Geauga and Ashtabula counties.

EARMARK DECLARATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. WILSON of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010.

Requesting Member: Congressman JOE WILSON.

Bill Number: H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010.

Account: Military Construction, Air National Guard.

Legal Name of Requesting Entity: South Carolina Air National Guard, McEntire JNGB.

Address of Requesting Entity: McEntire JNGB, 1325 South Carolina Rd., Eastover, SC 29044.

Description of Request: I have secured \$1,300,000 for the Joint Use Headquarters Building at McEntire Joint National Guard Base. This is the SC Air National Guard portion of the construction money for the SCNG Joint Use Headquarters Building currently funded as part of the fiscal year 2010 FYDP. Number One on the Chief of the National Guard Bureau's "Essential 10" capabilities list, the Joint Forces Headquarters is the most critical transformation the National Guard has undergone since 2001. What used to be the State Area Command (STARCOM) and Air Guard State Headquarters, administrative organizations for peacetime control of units, has developed into a sophisticated headquarters and communications node capable of assuming command and control of units from all services and components when responding to a domestic emergency. Tested and proven during multiple National Security Events in 2004, these headquarters were further validated by hurricanes Katrina and Rita. However, the ANG and ARNG State headquarters functions and the TAG Joint Staff are inefficiently dispersed currently. Consolidation in one location will optimize operations and ensure critical Operational and Communications Security. Matching funds are not applicable. I certify that neither I nor my spouse has any financial interest in this project.

HONORING THE MEMORY OF ARTHUR "LU" CAMPBELL

HON. RALPH M. HALL

TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. HALL of Texas. Madam Speaker, I rise today to pay tribute to the life of a true American hero, Arthur "Lu" Campbell of Rockwall, Texas, who passed away earlier this year on February 18, 2009 at the age of 89.

Born August 21, 1919 in Rigby, Idaho, Mr. Campbell was the son of Herbert and Effie Campbell. He proudly served his country in the United States Army Air Corps during World War II and was a prisoner of war. His unit was captured in April of 1942. Mr. Campbell was a POW first in the Philippines before being moved to Manchuria where the Japanese subjected him to extreme torture for medical experiments. When he was rescued by the Soviets who liberated the POW camp three and a half years later, Mr. Campbell weighed just 94 pounds.

Following his military service, Mr. Campbell worked in El Centro, California before retiring to Rockwall, TX in 1975. He was a member of the Church of Christ of Latter-Day Saints, but also attended the Presbyterian Church of Rockwall with his wife, Frances, who preceded him in death in 2005. He was involved in the Kiwanis Club, the Elk Club, Veterans of Foreign Wars, and was a member of the American Defenders of Bataan and Corregidor.

Mr. Campbell is a true patriot who demonstrated bravery and strength of will in the most difficult of circumstances. He received the Presidential Citation for Valor, the Purple Heart on three separate occasions, a Bronze Star, and a Silver Star.

Madam Speaker, I ask my colleagues to join me in celebrating the life and service of this American hero, Mr. Arthur Campbell.

REVEREND RICHARDSON ARMSTRONG LIBBY

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. SARBANES. Madam Speaker, I rise today to recognize the Reverend Richardson Armstrong Libby, a community leader in Annapolis, MD, that is highly regarded for his dedication toward historic preservation—a natural pastime in our State's capital. He has become rather famous locally because of an important discovery he recently made concerning the history of the United States Flag.

A navigator and intercept controller for the U.S. Air Force during the Korean war, Rev. Libby has spent the past 40 years in service to the Episcopal Church. Throughout this time, he has maintained a strong interest in U.S. History, especially in the flags of the Revolutionary War.

Following his retirement from the Episcopal Diocese of Connecticut, Rev. Libby and his wife Kathryn moved to Annapolis in 1999, where he reconnected with his passion for historic preservation. He is a member of the Maryland Historical Society, the Historic Annapolis Foundation, and Board of Trustees for the Hammond-Harwood House. While following that passion, he managed to correct the history of one of Annapolis's proudest moments.

In 1783, Maryland's governor commissioned the "Shaw Flag," designed by a local cabinet maker named John Shaw, to fly over the State House when it served as the home to the U.S. Congress. This flag flew over the building when General George Washington resigned his commission as commander of the Continental Army—an unprecedented act of selfless leadership and enduring symbol of democratic government. It was also atop the State House during the signing of the Treaty of Paris. After the Revolutionary War ended and the Congress moved to Trenton, the Shaw Flag was lowered and virtually lost to the history books with no replicas available.

In 1983, a reproduction of the Shaw Flag was designed to celebrate the bicentennial of Annapolis' time as our Nation's capital. The flag had 13 red and white stripes and 13 stars in a blue field in the upper left corner of the flag. Later, Rev. Libby was enjoying a watercolor painting by Cotton Millbourne from 1794 that hangs in the Hammond-Harwood House in Annapolis when he made a surprising discovery. The painting depicted the State House during the same era but the flag in the painting contained a blue field running vertically the entire length of the flag. This discovery

prompted Rev. Libby to conduct more thorough research on the Shaw Flag and ultimately resulted in a correction of the reproduction. It was this corrected flag that hung in our State's capitol this Flag Day, June 14.

Madam Speaker, it is an honor to represent Rev. Libby in the U.S. House of Representatives. I appreciate his service to our Nation and the State of Maryland, as well as his keen interest in historic preservation and our national symbols.

HONORING ADMIRAL JAMES G.
STAVRIDIS OF THE UNITED
STATES NAVY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. MEEK of Florida. Madam Speaker, I would like to take this opportunity to recognize and commend ADM James G. Stavridis of the United States Navy for his leadership of U.S. Southern Command. It has been a privilege to work so closely with Admiral Stavridis over these past few years and I know that many of my colleagues join me in congratulating him on a job well done and in wishing him well as he moves on to his new position as the Commander of U.S. European Command, USEUCOM, and NATO's Supreme Allied Commander Europe, SACEUR.

Admiral Stavridis served as the Commander of SOUTHCOM from October 19, 2006, until June 25, 2009, with distinction. His efforts in SOUTHCOM's area of focus have paid rich dividends in how the United States is viewed by nations in that area, it has greatly enhanced our relationships with military partners in the nations of that region and in how we intertwine our diplomatic, humanitarian, economic and military means to achieve our strategic goals.

As his official biography states, Admiral Stavridis is a 1976 distinguished graduate of the U.S. Naval Academy and a native of south Florida. A Surface Warfare Officer, Admiral Stavridis commanded the Destroyer *USS Barry* DDG-52 from 1993-1995, completing deployments to Haiti, Bosnia, and the Persian Gulf. Barry won the Battenberg Cup as the top ship in the Atlantic Fleet under his command. In 1998, he commanded Destroyer Squadron 21 and deployed to the Persian Gulf, winning the Navy League's John Paul Jones Award for Inspirational Leadership. From 2002-2004, Admiral Stavridis commanded Enterprise Carrier Strike Group, conducting combat operations in the Persian Gulf in support of both Operation Iraqi Freedom and Operation Enduring Freedom. Ashore, Admiral Stavridis has served as a strategic and long-range planner on the staffs of the Chief of Naval Operations and the Chairman of the Joint Chiefs of Staff. At the start of the Global War on Terror, he was selected as the director of the Navy Operations Group, Deep Blue. He has also served as the executive assistant to the Secretary of the Navy and the senior military assistant to the Secretary of Defense. Admiral Stavridis earned a doctorate and a masters degree from the Fletcher School of Law and Diplo-

macy at Tufts University in International Relations in 1984, where he won the Gullion Prize as outstanding student. He is also a distinguished graduate of both the National and Naval War Colleges.

His background is tailor made for the challenges we currently face and his long record of admirable service and his distinguished command of U.S. Southern Command augur well on the success he will have in his new billet. I believe that at this sensitive juncture in our Nation's history, Admiral Stavridis is just the sort of individual that we should have in place at EUCOM and heading NATO. He is a firm believer in the juxtaposition of military power, economic power and diplomacy that will help implement a more intelligent future and application of 'smart power.'

On a personal note, I have enjoyed tremendously working with Admiral Stavridis especially on our trips to Haiti together, drug interdiction in the Caribbean and also for the efforts he put forth to assisting hurricane victims in Florida. Despite the monumental task of pursuing the strategic goals of the Command, he continually made himself accessible to me and my staff by whatever means were available to him. I am thankful for the support he has offered to me and my staff on these and so many other occasions and I wish him and his family fair winds and following seas as he leaves south Florida.

HONORING THE LIFE AND ACCOMPLISHMENTS OF ALONZO JOHN WEMPLE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. HALL of Texas. Madam Speaker, I rise today to honor the life and accomplishments of Alonzo John Wemple, who enjoyed a long and memorable career as a railroad engineer and fireman, much of which was spent in Bonham, Texas.

Alonzo J. Wemple was born in Schenectady, New York on October 1, 1833. He spent his entire professional life as a railroad man, which allowed him to witness some of the most important events of his time. He got his first taste of the railroad at the age of 17, and later became known as one of the "oldest locomotive engineers in America."

One of the most significant events Mr. Wemple witnessed was the funeral procession of President Abraham Lincoln. He was one of the engineers who transported Lincoln's body from Washington D.C., through Maryland, Pennsylvania, New York, Ohio, Indiana, Chicago, and then on to its final resting place in Springfield, Illinois. In addition, he was working as a switch engineer in Chicago when the great fire broke out on October 8, 1871, and while working for the Central Railroad, he transported captured Confederate soldiers to Union Prison Camps during the Civil War.

After the Civil War, Mr. Wemple moved to Bonham, Texas, where he worked for the Texas and Pacific Railroad as a switch engineer in the Bonham Railroad yards until he retired in 1927. After he retired, he went to live

with his son Judie Newton Wemple in Fort Worth, Texas. Mr. Wemple died on January 21, 1929, at the age of 95.

Alonzo J. Wemple's first wife was Charlotte Pennington and their children included Frances, Minnie, Frederick, Mary, Charles, and Charlotte. After Charlotte passed away in 1892, Alonzo Wemple married Pearly Williams, and they had one son, Judie.

Madam Speaker, I rise today to commemorate the life of Alonzo John Wemple and his role in the history of our Nation. A perfect way to sum up the life of Alonzo John Wemple is a statement made in the resolution passed by the Texas State Legislature last month: "History is made not only by the deeds of the famous but also by the accumulated experience of countless individuals, and although Alonzo Wemple played only a small part, he was a witness to some of the most important events of his time."

COMMEMORATING THE GREAT
LAKES SAINT LAWRENCE SEA-
WAY SYSTEM'S 50TH ANNIVER-
SARY

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. McHUGH. Madam Speaker, I am proud to rise today to ask my colleagues to join me in commemorating the 50th anniversary of one of the world's great waterways, built and operated by the United States and Canada: the Great Lakes Saint Lawrence Seaway System. On June 26, 1959 in Montreal, President Dwight E. Eisenhower and Her Majesty Queen Elizabeth II officially opened the Seaway, followed the next day by the dedication on U.S. soil in Massena, New York, of the two U.S. locks, Snell and Eisenhower. At that ceremony in Northern New York, Vice President Richard M. Nixon and Queen Elizabeth presided to celebrate the completion of these last two of the seven Montreal-Lake Ontario locks.

This historic anniversary year provides a perfect opportunity to celebrate the beneficial impacts the Seaway System, and its many users, have had on the Great Lakes region. The Seaway links the many cities of North America's heartland to the Atlantic Ocean and to ports across the world, providing a vital trade corridor for business and industry. It directly serves an eight-state, two-province region that accounts for 29 percent of the U.S. gross domestic product (GDP), 60 percent of Canada's GDP, 55 percent of North America's manufacturing and services industries, and is home to one-quarter of the continent's population. At age 50, the Seaway has facilitated the movement of over 2.5 billion metric tons of cargo, valued in excess of \$375 billion. Maritime commerce on the Great Lakes Seaway System impacts 150,000 U.S. jobs, \$12 million per day in wages, \$9 million per day in business revenues, and provides approximately \$3.6 billion in annual transportation cost savings compared to the next least costly mode of transportation.

At its height, the massive Seaway construction project employed 22,000 workers on both

sides of the St. Lawrence River. The undertaking required 210 million cubic yards of excavation, 6.1 million cubic yards of concrete, 45 miles of dikes, 69 miles of channels, the relocation of 9,000 people, the rerouting of 47 miles of highway and 40 miles of double-track railroad. The engineering challenges and magnitude of the work was staggering, not only for its time, but by today's standards as well. The St. Lawrence Seaway/Power project was subsequently recognized as one of the top ten public works projects of the century by the American Public Works Association.

The Seaway has been a shining example of how two nations, the U.S. and Canada, can work together cooperatively to achieve a common goal. The U.S. Saint Lawrence Seaway Development Corporation coordinates its activities with its Canadian counterpart, the St. Lawrence Seaway Management Corporation, particularly with respect to rules and regulations, overall day-to-day operations, traffic management, navigation aids, safety, environmental issues, and trade development programs. The unique binational nature of the Seaway System requires 24-hour, year-round coordination and the two Seaway agencies work hand-in-hand to provide seamless operation and management of this vital U.S. and Canadian asset.

While a lot has changed in 50 years, the Great Lakes Saint Lawrence Seaway System remains the safest, most efficient, environmentally-friendly mode of transportation available for moving cargo in and out of North America's heartland. It has been a model of performance and dependability, achieving a 99 percent reliability rate over its history. It is truly a cornerstone of the region's economy and culture.

This year's 50th anniversary opening ceremony will be held at the Eisenhower Lock Visitors' Center in Massena, New York on Friday, July 10. A number of U.S. and Canadian dignitaries will be speaking at the event, including U.S. Secretary of Transportation Ray LaHood; Canadian Consul General Georges Rioux; Congressman JAMES OBERSTAR (D-MN); Congresswoman MARCY KAPTUR (D-OH); U.S. Seaway Administrator Collister Johnson, Jr.; Canadian Seaway President Dick Corfe; Susan Eisenhower, granddaughter of President Dwight D. Eisenhower and President of the Eisenhower Group; Richard Kessel, President of the New York Power Authority; Karl Weissenbach, Eisenhower Presidential Library and Museum Director; and John B. Adams, former U.S. Army Corps of Engineers Seaway construction project engineer.

Madam Speaker, please join me in congratulating the Seaway on this milestone anniversary and wishing them a memorable celebration weekend and an enduring future.

HONORING MAYOR ED BABBITT

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. TERRY. Madam Speaker, I rise today to pay tribute to a great public servant—Bellevue, Nebraska Mayor Ed Babbitt. Ed passed away suddenly this week.

Ed was born on a farm near Elliot, Iowa and earned a degree in business administration from what is now the University of Nebraska at Omaha. He received a master's in business administration from Creighton University.

He has four wonderful children and has been married to his devoted wife Barbara since 1962. Robyn and I have Barbara and the family in our thoughts and prayers.

Ed was elected to the Bellevue City Council in 1974; he served for eight years and then returned to the council in 1992. He was elected Mayor in 2006 by defeating a two-term incumbent in one of the year's biggest upsets.

As mayor of Nebraska's third largest city his love for his family, community and the people around him was always evident. He was a dedicated public servant who had big dreams for Bellevue's future.

Over the years he worked hard to make the city of Bellevue what it is today—a city of growth, suburb quality of life and pro business. His work will not be forgotten and his memory shall live on forever. Ed, thanks for your tireless work, Bellevue and all your friends will miss you.

EARMARK DECLARATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3082, Military Construction and Veterans Affairs Appropriations Act FY2010.

Requesting Member: Congresswoman CATHY McMORRIS RODGERS

Bill Number: H.R. 3082

Account: Air Force

Legal Name of Requesting Entity: Fairchild Air Force Base, Washington

Address of Requesting Entity: Spokane, WA

Description of Request: The addition of \$4,150,000 for the Refueling Vehicle Maintenance Facility will provide more space, closer proximity, and indoor maintenance for those who service and repair the refueling vehicle fleet in support of the flying mission. Right now, the Fuels Management Flight of 100 personnel rely heavily on 15 maintenance people who service and repair the refueling vehicle fleet in support of the flying mission. These people work in undersized, substandard, environmentally deficient facilities separated from each other. This new facility is a multi-bay, 5,005 square foot building that will accommodate Associate 92d & 141st Air Refueling Wings under Total Force Integration (TFI).

EARMARK DECLARATION

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. WHITFIELD. Madam Speaker, pursuant to the Republican Leadership standards on

earmarks, I am submitting the following information regarding earmarks I received as part of the FY2010 Military Construction and Veterans Affairs Appropriations Act.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 3082, the Military Construction and Veterans Affairs Appropriations Act of Fiscal Year 2010

Account: Army

Legal Name of Requesting Entity: Ft. Campbell, KY

Address of Requesting Entity: Fort Campbell, 39 Normandy Ave, Ft. Campbell, KY 42223

Description of Request: The money (\$900,000) will be used to construct a standard design Medium Physical Fitness Complex. The Physical Fitness Facility is composed of multipurpose physical training and equipment center. Sustainable Design and Development (SDD) and Energy Policy Act of 2005 (EPAct05) features will be provided. An upgrade to an existing transformer station is required. Measures in accordance with the Department of Defense (DoD) Minimum Antiterrorism for Buildings standards will be provided. Access for individuals with disabilities will be available. Comprehensive building and furnishings related interior design services are required.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 3082, the Military Construction and Veterans Affairs Appropriations Act of Fiscal Year 2010

Account: Army

Legal Name of Requesting Entity: Ft. Campbell, KY

Address of Requesting Entity: Fort Campbell, 39 Normandy Ave, Ft. Campbell, KY 42223

Description of Request: The money (\$14,400,000) will be used to construct a 1,200-seat (32,900 SF) chapel/family life multipurpose facility which includes a worship center, activity/fellowship center, chaplain family life and pastoral care center, resource center, multimedia center, multi-purpose education classrooms, kitchen, storage areas, restrooms, and circulation area.

HONORING THE LIFE AND ACCOMPLISHMENTS OF LLOYD FRANKLIN PITTS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. HALL of Texas. Madam Speaker, I rise today to honor the distinguished and productive life of independent oilman Lloyd Franklin Pitts, a dear friend who passed away in March at the age of 98.

Born on October 7, 1910 to Addie Mae Sandifer and John Loyd Pitts in Wesson, Mississippi, Frank graduated from Copiah-Lincoln Community College in Wesson, Mississippi in 1930, and attended Northwestern University in Evanston, Illinois. In 1935, he married Mary Martha McCann of Brookhaven, Mississippi. Married for 58 years, she was Frank's companion, confidante and "sweetheart." She died in 1993.

Recognized by his peers and the major trade organizations in the oil and gas industry for his leadership over 68 years, Frank began his business career in Chicago with Nu-Enamel Paint Company. He lived in Europe from 1934–37, where he opened paint stores throughout the Continent. His close observation of the rise of fascism in Italy and Germany engendered an intense patriotism and appreciation for the American democratic way of life. At the age of 29, he was elected President of the International Company. Involved in politics from an early age, he was Chairman of Young Democrats for Roosevelt in 1932, and campaigned in seven states on his behalf for President. He maintained a keen interest in current affairs throughout his life.

Frank appreciated his business associates at Pitts Oil Company, where he was actively involved until recently. An independent oil and natural gas producer for almost seven decades, Frank participated in the drilling of more than 3,000 wells in exploration for oil and natural gas. For 12 years, he was Chief Executive Officer of an international geophysical company. Frank was actively involved in a wide range of industry associations and political action groups. He served two terms as President of Texas Independent Producers and Royalty Owners Association (TIPRO). He was a member of the National Petroleum Council, an advisory group to the Secretary of the Department of Energy, and served under every Secretary since the inception of the Department in 1977. He served on the Natural Gas Committee of the Independent Petroleum Association of America (IPAA). He was the 1978–1979 Chairman of the Industry Forum of the American Petroleum Institute. In 1984, Texas Governor Mark White appointed Frank to the Interstate Oil and Gas Compact Commission, an organization headed by the governors of 29 oil and gas producing states, and continuously served under appointment of all the subsequent Texas Governors. In 1988, he became one of the first independent oilmen to serve on the Board of Directors of Gas Research Institute in Chicago, where he served for 10 years. He served as a Trustee of the Southwest Research Institute from 1989 to 2003, and was a founding Trustee of the American Gas Foundation. In 1991, Frank was selected to become a member of All-American Wildcatters.

The many honors awarded him by industry associates include the Chief Roughneck Award presented at the IPAA Annual Meeting in 1979; the 2001 Pioneer of the Year Award presented by the Texas Railroad Commission; the 1993 IPAA Karney Cochran Award to honor a lifetime of distinguished service to community, industry, and country; the 1989 Texas Independent Producers and Royalty Owners' highest honor, the Mr. TIPRO Award; the 1998 Texas Oil & Gas Association's Distinguished Service Award; American Association of Petroleum Landmen's Distinguished Service Award and Special Award for Industry Leadership; and the 1996 Southwestern Legal Foundation's John Rogers Award. In 2006, the Interstate Oil and Gas Compact Commission presented him with the Warwick Downing Award, and on April 25th, Frank was honored with the 2009 Hero of Industry Award presented by the National Stripper Well Associa-

tion. As a dynamic spokesman for the energy industry in the United States, he was a frequent expert witness and conferee in Washington with members of the Senate, the House of Representatives, and Executive leadership concerned with oil and natural gas policy. Frank was also active with state government leaders in Austin. In 2003, the Texas Alliance of Energy Producers named Frank as a Legend Award recipient and he was recognized by Governor Rick Perry.

While he was an activist in his industry, Frank also made time for involvement in a significant number of community organizations. He helped found the Dallas Council on World Affairs (now the World Affairs Council of Dallas/Fort Worth) and served as Chairman of the Board and Chairman Emeritus. In 1994 he received the Council's H. Neil Mallon Award for Distinguished Civic Service. He also helped in the formation of the Dallas Opera, serving on various committees and remained a Trustee. He worked with the Baylor University Medical Foundation, serving as Chairman of the Board and a member of the Executive Committee. Frank was a member and past President of Park Cities Rotary Club, a member of Dallas Citizens Council and a lifetime Deacon of Park Cities Baptist Church, where he was a member for 60 years. Copiah-Lincoln Community College honored him as Alumnus of the Year in 1973, and again in 2003, with the Distinguished Alumni Leadership Award. At SMU, where he was a member of the Board of Advisors of the Maguire Energy Institute, he established four endowed Presidential Scholarships, a Scholars Fund and an endowed lecture series in oil and gas.

Known as "Papa" by his family, his wisdom, discipline, perseverance and judgment have been a source of inspiration and guidance in each of their lives. Lloyd is survived by his daughter, Linda, and her husband, William A. Custard, three grandchildren: W. Allen Custard III and his wife, Mason, Martha E. Custard, Laura Custard Hurt and her husband, G. Ellison Hurt III, and four great-grandchildren, all of Dallas; a brother, Troy N. Pitts of Wesson, Mississippi, a sister-in-law, Ida M. Olson of Alexandria, Virginia, a cousin, Dr. Charles L. Lloyd, Jr. and his wife, Sandy, of Dallas and numerous nieces, nephews and cousins. He was preceded in death by his beloved wife, Mary Martha, young son, Lloyd Franklin Pitts, Jr., his great-grandson, Elijah Christian Noel Hurt, and his brother, Shelby D. Pitts, of Dallas.

I count it an honor to have been friends with this great public servant and his wonderful family. What our world needs today are a few more Lloyd Franklin Pitts. Please join me as we honor his memory and celebrate his 98 years of life.

EARMARK DECLARATION

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. LAMBORN. Madam Speaker, pursuant to the Republican Leadership standards, I am submitting the following information regarding

member requests I received as part of H.R. 3082, the Military Construction and Veterans Affairs Appropriations Act, 2010:

Requesting Member: Representative DOUG LAMBORN, CO–05

Bill Number: H.R. 3082

Account: MCAF

Legal Name of the Requesting Entity: Peterson Air Force Base

Legal Address of the Requesting Entity: Peterson Air Force Base, Colorado Springs, CO 80914

Description of the Request: Requesting \$7.2 million funding for the East Gate realignment at Peterson Air Force Base. This project demolishes the existing gate house and road system at the East Gate of Peterson AFB and constructs a new, realigned entry road, gate house, check stations, vehicle inspection buildings and anti-terrorism/force protection measures.

EARMARK DECLARATION

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. MORAN of Kansas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 2997

Agency/Account: Animal and Plant Health Inspection Service, Salaries and Expenses

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS 66506

Description of Project: I have secured \$259,000 for The National Agricultural Biosecurity Center (NABC) at Kansas State University. NABC was established to help protect the U.S. agricultural infrastructure and economy from endemic and emerging biological threats. Funding will be used for Phase III efforts for the development, enhancement, and delivery of a targeted National Animal Health Laboratories Network (NAHLN) technical training support program. The funding is required to: (1) build and populate a lessons learned/best practices from NAHLN lab exercises and events; (2) expand animal health diagnostic screening capabilities regionally, including endemic and emerging pathogens (viruses, bacteria, and parasites) as well as prions such as BSE; (3) increase the testing capability and capacity of the Kansas State Veterinary Diagnostic Laboratory (KSVDL) in support of the NAHLN mission by conducting research on new methodologies and standardized operating procedures for enhancing and improving the efficiency of NAHLN equipment and laboratories; and (4) develop a training strategy framework for NAHLN laboratories. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 2997

Agency/Account: National Institute for Food and Agriculture/SRG

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured \$515,000 Great Plains Sorghum Improvement and Utilization Center. Kansas State University, along with Texas Tech University and Texas A&M University, initiated the GPSIUC in 2006. The focus of the center is on genetic improvement; production systems to enhance water and nutrient use; innovative strategies to provide improved weed control; utilization of sorghum in human food products, animal feed, and as a bioenergy and industrial feedstock; plus marketing and policy analysis in support of the U.S. sorghum industry. Sorghum seed companies are rapidly integrating new technology released by the GPSIUC into their seed offerings, with the first commercial hybrids expected to be available in 2011. Funding will be used for GPSIUC to expand existing research and educational programs, particularly in genetic improvement and sorghum utilization. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 2997

Agency/Account: National Institute of Food and Agriculture/SRG

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured \$142,000 for Preharvest Food Safety and Security program. Kansas State University has an ongoing USDA special project on the ecology of *E. coli* 0157:H7 in beef cattle and the environment. This bacterial organism is a major cause of food-borne illnesses in humans. Funding will be used to expand its investigations into (1) the ecology of *Salmonella* in beef cattle, (2) antimicrobial resistance in cattle, and (3) agroinformatics and animal health diagnostics. These four areas of research have great overlap and synergy and will allow Kansas State University to better identify emerging threats of food-borne and zoonotic diseases associated with food-producing animals. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 2997

Agency/Account: National Institute of Food and Agriculture/SRG

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured \$69,000 to study water conservation in the Ogallala Region of Kansas. This effort is critical to the economic viability of western Kansas. In many parts of western Kansas, freshwater from both surface and groundwater is

increasingly in short supply. Drought, aquifer and surface water depletion, and population shifts have stretched community and regional water supplies to their limits. As groundwater supplies decline or become cost prohibitive, better management of water through conservation, recycling, and treatment of poor quality water for use becomes even more important. Funding for this project will be used to help: (1) agricultural producers, both crop and livestock; (2) rural communities in water-short areas; and (3) state agencies to implement economical technologies and policies that will result in water conservation and prolonged life of the Ogallala aquifer in the face of increasing competition for declining aquifers and over allocated surface waters. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 1105

Agency/Account: Cooperative State Research Education and Extension Service/SRG
Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS, 66506

Description of Project: I have secured \$240,000 for Wheat Genetic Research. Wheat is the world's most important grain for human nutrition, but genomics and biotechnology research have lagged behind. The WGGRC is leading an international effort to map and sequence the wheat genome. The WGGRC gene bank currently maintains 12,000 lines and these collections are continuously expanding as the Center acquires, develops, and distributes new genetic and genomic resources to facilitate wheat genetics, genomics, and breeding research. Kansas State University and Kansas wheat producers have already made an investment of almost \$1.0 million towards the purchase of a DNA sequencer and a robot for arraying and printing of DNA filters. Funding will be used collect, conserve, and distribute wheat genetic and genomic resources; develop improved germ plasm; develop genetic stocks; develop genomic resources; and support training and outreach. I certify that neither I nor my spouse has any financial interest in this project.

HONORING THE LIFE OF MARY ALICE TERRY SKAGGS

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. HALL of Texas. Madam Speaker, I rise today to honor the memory and accomplishments of a woman who dedicated more than fifty years of her life to educate and help others, Mary Alice Terry Skaggs of Plano Texas, who passed away this past March.

Mrs. Mary Skaggs was born in Celina, Texas on April 22, 1908. She attended high school at Gunter Bible College and Kidd-Key College in Sherman. Mary received both her bachelor's and master's degrees from Austin College in Sherman, leading her later become the first Independent School District teacher to hold a master's degree.

Mary Skaggs taught English, economics, and journalism in Plano where her expertise in educating others did not go unnoticed. The Texas Federation of Women's Clubs acknowledged Mary as Teacher of the Year in 1958, and the Plano Business and Professional Women's Club honored her with the Career Achievement Award in 1968.

Mary's legacy to better educate, mentor, and improve young lives in the community at large are immortalized in a 2006 No Child Left Behind Ribbon School, the Mary Alice Skaggs Elementary, established by the Plano school district. In recognition of her 30 years as a Plano teacher, the school has been a source of exemplary education since its opening in 1996.

Mary was preceded in death by her husband James Harold Skaggs. She will be missed by her two sisters Addie Lee Cox and Benny Cox, and her niece, and the countless lives that were touched and influenced by her years as an outstanding educator.

Madam Speaker, I commend Mary Alice Terry Skaggs for her lifelong devotion to education and her community.

COMMODITY SUPPLEMENTAL FOOD PROGRAM

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. LEVIN. Madam Speaker, last Thursday I attended an event back home in Michigan where a coalition of community organizations came together and committed to delivering 575,000 meals to those in need this summer in southeast Michigan. The Ford Foundation and two Ford dealerships provided new mobile pantries. Gleaners Community Food Bank, Forgotten Harvest, and the United Way are partnering to ensure that the pantries will be fully stocked and sent to the areas which need it the most.

The need for assistance in our country is staggering. In southeast Michigan 600,000 people are at risk of hunger. Food banks and pantries nationwide are seeing a 30 percent increase in demand for emergency food assistance, with some food banks reporting as high as a 65 percent increase in need, according to Feeding America. An astonishing 72 percent of food banks report that they are not able to adequately meet the needs of their communities without adjusting the amount of food distributed due to rising unemployment and food prices.

The federal government has a vital role to play in providing emergency food assistance. We provided some relief in the Recovery Act earlier this year. The Agriculture Appropriation bill before the House continues this investment by providing a 10 percent increase to the Women, Infants and Children (WIC) food aid program as well as a \$19.6 million increase for the Commodity Supplemental Food Program.

I want to highlight the Commodity Supplemental Food Program because it reaches out to low-income seniors—a group of people who too often fall through the cracks of our food

safety net. The program, which has 41,000 monthly participants in southeast Michigan, comes from a partnership between the government and local community organizations. Ninety-three percent of CSFP participants are seniors and many who receive delivery of their food packages are unable to leave their homes. The food packages, as well as the visit from the volunteer, are important in assisting them to maintain their independence and a healthier lifestyle.

Under this bill, the CSFP will be able to increase the number of eligible individuals who participate for the first time since 2003. The program, which currently operates in only 32 states, will expand to six new states, some of which have programs and seniors that have been waiting for six years. The program will grow in Michigan and overall expand from 475,000 participants to 622,000.

Much more must be done. I will introduce legislation soon that will provide an additional incentive for farmers, ranchers, small businesses, and restaurateurs to donate wholesome food to food banks and pantries to replenish the shelves for hungry Americans.

According to a report released by USDA last November, 36.2 million Americans, including 12.4 million children, are food insecure. The report paints a stark picture of the pervasiveness of hunger in our nation, a picture that has only grown worse as the recession has deepened since the report data was collected in 2007. Hunger puts our children's health, learning, and development at risk; hunger causes unnecessary pain and suffering on already stressed working poor families, and hunger causes our elderly to make difficult choices between buying food or medicine. I applaud the work of the community organizations who work tirelessly to alleviate hunger, and the Appropriations Committee for providing them with more resources. Hunger poses a real threat to our children, seniors, and everyone in our communities. Our progress is important, but we cannot stop here.

ASSESSING THE OBAMA ADMINISTRATION ON HUMAN RIGHTS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. WOLF. Madam Speaker, a May 5 Washington Post article opened with these words: "The Obama administration has backed away from overt expressions of support for human rights and democracy in favor of a more subtle approach, worrying advocates who say that the issues are being given short shrift as President Obama seeks to rebuild relations with allies and reach out to adversaries."

I join the ranks of those who are deeply troubled by the trajectory of this administration on human rights.

In a February visit to Asia, Secretary of State Clinton plainly indicated that human rights would not be a priority in her engagement with China. She said, "We pretty much know what they [the Chinese government] are going to say" on human rights issues.

With that logic, the administration will rarely find it advisable to raise human rights concerns with any country, particularly the worst offenders.

Clinton went on, "We have to continue to press them. But our pressing on those issues can't interfere with the global economic crisis, the global climate change crisis, and the security crisis."

Human rights organizations were dismayed. How had impassioned advocacy for the dignity of every person been relegated to a position of mere interference? And this in spite of Obama campaign promises to "be frank with the Chinese" and "press them to respect human rights."

Following Secretary Clinton's Asia comments and subsequent remarks during a visit to the Middle East where she indicated that Egypt's abuses would not negatively affect our bilateral relations, the Washington Post editorialized on March 11, "Ms. Clinton is doing a disservice to her own department—and sending the wrong message to rulers around the world that their abuses won't be taken seriously by this U.S. administration."

Against this backdrop, President Obama in April moved to lift restrictions on travel and remittances for Cuban Americans absent any commitment by the Castro brothers to release even one of the hundreds of political prisoners who languish in jails.

Frank Calzon of the Center for a Free Cuba cautioned, "Lifting the travel ban means the most hostile elements of the Cuban government will get an injection of our currency . . . The tourist industry is controlled and staffed by the Cuban government. If Washington wants to transfer dollars to the Cuban military, that's one way of doing it."

Cuba is still characterized by our own State Department as a "totalitarian state." This year's National Endowment for Democracy's (NED) annual Democracy Award recently went to five courageous leaders of Cuba's pro-democracy movement. The Washington Post editorial page on June 25 pointed out that in both the Bush and Clinton administrations, NED awardees were given either an audience with the president or a statement of support. Not so this year.

According to the Post, the White House issued a "hastily drafted statement" only after the paper inquired about the president's silence. These brave Cuban democracy activists are, in the words of the Post's editorial page, "hoping that the American president will focus his policy on supporting them. Yet for now, Mr. Obama's diplomacy is clearly centered on their oppressors."

Or consider Sudan. During the campaign, when asked about Darfur, Barack Obama said, "We can't say 'never again' and then allow it to happen again. And, as President of the United States, I don't intend to . . . turn a blind eye to slaughter." He also spoke of "ratcheting up sanctions."

Now, almost six months into the administration, the State Department is still conducting a much vaunted "comprehensive review" of U.S.-Sudan policy. Nothing concrete has emerged. The little that has leaked out in press reports is disturbing.

The administration appears divided at the highest levels over whether genocide is even

still taking place in Darfur. Furthermore, they are making overtures to Khartoum which are, at best, naïve.

As recently as June 18, The Post reported that Special Envoy Graton "has advocated easing some American sanctions and upgrading U.S. diplomatic relations with Sudan's government to induce cooperation."

And more recently on the Iranian elections, while the president's tone has toughened a bit in the face of increased pressure and bloodshed, his initial response was painfully muted. Asked about whether there was "any red line" his administration wouldn't cross where the "offer [to talk to Iran's leaders] will be shut off," the president simply replied, "We're waiting to see how it plays itself out."

A July 6 National Review Online posting on the plight of seven imprisoned Baha'i leaders set to go on trial later this week, pointed out that a "restrained approach" to human rights advocacy "may not work for the seven imprisoned Baha'i in Iran, who face trial on July 11. The Iranian regime needs to understand that such blatant religious persecution has consequences. Silence may convince the Iranian leadership that they can get away with murder."

The Baha'is are not the only minority faith in the region under duress. In the president's much anticipated Cairo speech, he only made fleeting reference to Egypt's Coptic Christians, saying that "religious diversity must be upheld." But far more than diversity is at stake.

A June 26 press release by the bipartisan U.S. Commission on International Religious Freedom following recent reported attacks on Egyptian Copts describes the pattern of persecution endured by this community. The commission indicated that "initial reports say that state security services did little to prevent the violence from occurring. This repeats the established pattern that security services do not adequately protect Christian citizens in many localities. For all Christians in Egypt, government permission is required to build a new church or repair an existing one, and the approval process for church construction is time-consuming and inflexible. Even some permits that have been approved cannot be acted upon because of interference by the state security services at both the local and national levels."

A May 7 Washington Post editorial described the Obama administration as rushing to "embrace Egypt's 81-year-old strongman," in reference to Egyptian President Hosni Mubarak. The editorial went on to say that the administration is retreating from raising human rights abuses and that "the pullback is not only rhetorical." Funding for democracy promotion in Egypt, reportedly at the request of the U.S. ambassador to Egypt, was initially cut from \$50 million to \$20 million this year. That number has since been bumped by \$5 million as the funding bill has moved through the committee process—but even with that increase, the funding amounts to half of the previous year's figure. Given that millions of dollars in unconditioned foreign aid has gone to the Egyptian government in the years following the Camp David accords, this slash in civil society funding is an embarrassment.

One of the darkest places on the globe is North Korea. More than 200,000 North Koreans—including children—are being held in political prison camps. It is estimated that between 400,000 and one million people have died in these camps, having been worked to death or starved to death.

A June 16 op-ed in the Wall Street Journal featured a quote from a North Korean refugee woman who said, "If I had a chance to meet with President Obama, I would first like to tell him how North Korean women are being sold like livestock in China and, second, to know that North Korean labor camps are hell on earth."

Even in the face of North Korea's nuclear ambitions it is inexcusable for their abhorrent human rights record to not just be relegated to the back burner, but seemingly removed from the agenda altogether. Unlike past administrations, this administration had nothing to say, no public statement, acknowledging North Korea Human Rights Week this April, and Secretary Clinton, who was in town, could not find time in her schedule to meet with any of the 30 brave North Korean defectors in the nation's capital to mark the occasion.

Or consider Vietnam. In its 2009 annual report, the U.S. Commission on International Religious Freedom found that, "Individuals continue to be imprisoned or detained for reasons related to their religious activity or religious freedom advocacy; police and government officials are not held fully accountable for abuses; independent religious activity remains illegal; and legal protections for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors." The commission recommended that Vietnam be placed back on the State Department's Countries of Particular Concern (CPC) list, a list reserved for the world's worst offenders of religious freedom.

But a June 25 Washington Times article reported that "U.S. Ambassador to Vietnam Michael W. Michalak recently rejected calls by the U.S. Commission on International Religious Freedom (USCIRF) to put Vietnam back on the CPC watch list. He cited that there was not enough evidence of religious persecution."

This is the same ambassador who recently gave a 4th of July speech in which he cited the timeless words of our own Declaration of Independence, but then had nothing to say about the oppression and lack of freedom in Vietnam. It is worth noting that Ambassador Michalak is a career foreign service officer who has been in his current position since the last years of the Bush administration. He is well acquainted with my concerns regarding his apparent disregard for human rights in Vietnam and his failure to make the U.S. embassy an island of freedom.

I was quick to criticize the Bush administration when it seemed that they were missing opportunities to be a voice for the voiceless. Too often in the previous administration the public rhetoric failed to match action. But in this new, young administration, even the rhetoric is absent.

Reports of the President's trip to Russia quote a top National Security Council adviser as saying the Obama administration "came to the conclusion that us waving our fingers

around the world is a strategy that hasn't worked very well in the past." This same adviser later conceded to Politico that human rights were never raised in Obama's meeting with Russian President Putin.

It seems this administration could learn a lesson from history . . . from another Russian in fact.

The year was 1975. Famed Soviet dissident Aleksandr Solzhenitsyn was set to visit Washington. The city's foreign policy establishment, among them Henry Kissinger, sought to obstruct him at every turn. He was refused a meeting with President Ford, who declined to meet with him fearing it would sour an upcoming meeting with Soviet leader Brezhnev. When Solzhenitsyn delivered a major speech at the AFL-CIO, State Department employees were forbidden from attending.

Ronald Reagan, former governor of California, was angered at the snub and wrote a column which appeared in papers across the country exposing the White House's motives for refusing an audience with this renowned dissident, author of *Gulag Archipelago*. Reagan wrote, "the real reason for the snub surfaced: a visit with Solzhenitsyn would violate the 'spirit of détente.'"

Fast forward eight years. Now president, Mr. Reagan delivers an electrifying speech where he refers to the Soviet Union as the "evil empire."

Another Soviet dissident, Natan Sharansky, wrote in his book of how word of that speech penetrated the gulag. "Tapping on walls and talking through toilets, word of Reagan's 'provocation' quickly spread through the prison. The dissidents were ecstatic. Finally the leader of the free world had spoken the truth—a truth that burned inside the heart of each and every one of us."

Nearly 30 years later, much has changed, but much remains the same. Speaking truth to power will always place America on the right side of history. Speaking out for those who have no voice will always be a source of hope for people in the darkest corners of the globe.

This President and this Secretary of State need to remember that the surest way to accomplish their stated goal of bolstering America's standing in the world is to find common cause not with oppressors, but with those they repress.

HONORING THE LEGACY OF PAUL
M. WEYRICH

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. HALL of Texas. Madam Speaker, it is with deep respect that I rise today to pay tribute to an outstanding American, a great champion of conservative values, and my good friend, Paul M. Weyrich, who passed away last December 18, 2008. His contributions to American conservative politics over the past 35 years have been tremendous. Paul co-founded the Heritage Foundation in 1973, and in 1974 organized the Committee for the Survival of Free Congress, which later reorganized into the Free Congress Foundation on

which he served as Chairman and CEO. By 1977, both the Heritage Foundation and Free Congress Foundation were ranked in the top 5 most influential and best funded conservative think tanks. Paul also held the highest honorary position in the Council for National Policy.

Born in Racine, Wisconsin to Ignatius and Virginia Weyrich, Paul began his interest in politics while attending the University of Wisconsin-Madison. At the age of 19, he joined the Racine County Young Republicans where he was active for the next three years until 1964, when he chose to take part in Barry Goldwater's presidential campaign. In 1966 he became the press secretary to Republican U.S. Senator Gordon L. Allott of Colorado. While there he became acquainted with Jack Wilson, an aide to Joseph Coors of the Coors Brewing family. This contact spurred a series of events, which resulted in the formation of the Heritage Foundation.

The Free Congress Foundation, established shortly after the formation of the Heritage Foundation, and where Mr. Weyrich served as President from 1977 until 2002, is yet another milestone in his long list of achievements. The FCF served as a format to train and mobilize conservative activists, recruit conservative candidates, as well as raise funds for conservative causes. To raise funds, the FCF became one of the first organizations to utilize evangelical churches for recruiting support for conservative politics.

A titan in the world of conservative politics, Mr. Weyrich worked ceaselessly. His contributions include co-founding the Christian Voice with Robert Grant in 1977; co-founding the Moral Majority with Jerry Falwell in 1979; founding the American Legislative Exchange Council; founding the Council for National Policy; co-publishing the magazine *Conservative Digest*; serving as the National Chairman of Coalitions for America; founding the Washington, D.C. based satellite television station "National Empowerment Television (NET)", which later re-launched as "America's Voice"; serving as President of the Kriebel Institute from 1989 to 1996, a unit of FCF which trained activists to support democracy movements and establish small businesses in Eastern Europe and the former Soviet Union. Mr. Weyrich was also an ardent supporter of rail mass transit; his expertise in this area was utilized while he served as an AMTRAK Director and a National Surface Transportation Policy and Revenue Study Commissioner. In and after 1989, Mr. Weyrich traveled to the formerly Communist Soviet Union where he organized training courses for the promotion of democracy and individual rights. In 2005 Mr. Weyrich won the Heritage Foundation's prestigious Clare Booth Luce Award.

These accomplishments are a testament to his unwavering commitment and passion for conservatism. A leader in his faith, as well as in the political realm, Paul was ordained in 1990 as a deacon in the Melkite Greek Eparchy, a conservative Catholic Church.

A few years ago he was diagnosed with a spinal injury, arachnoiditis, and as his illness progressed over the years, he was confined to a wheelchair. Despite these limitations, Paul persisted in his pursuit to better the nation and world through conservatism. He continued to

play key roles as a political advisor and speaker, even finding time to organize summit meetings on the future of conservatism, and write opinion pieces for his own foundation and for news organizations.

On December 18, 2008, Paul passed away in Fairfax, Virginia, and our country lost one of its strongest champions for conservatism. He is survived by his wife of 45 years, Joyce, their five children and thirteen grandchildren.

Revered Louis P. Sheldon commented on the life of his friend, stating "Paul Weyrich was a pioneer of the conservative movement and a staunch defender of traditional values. He was a brilliant strategist, an aggressive defender of the faith, and a determined foe against the failed philosophy of liberalism. Most of all, he was a good friend, confidante and someone who could be relied upon to do the right thing for our nation and for the Christian faith, which he embraced. We will miss him—and the conservative movement has lost a giant whose influence will be felt for years to come."

Though Paul is no longer with us, he leaves a powerful legacy that will be remembered for generations to come. Madam Speaker, I ask those here today to join me in remembering and celebrating the life and achievements of this great American, Mr. Paul M. Weyrich.

VOTE CLARIFICATION ON ROLL-CALL NO. 503 THE HENSARLING AMENDMENT NO. 6 TO H.R. 2997, THE AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. MORAN of Kansas. Madam speaker, I submit a clarification of my vote on Rollcall No. 503 the Hensarling Amendment No. 6, to H.R. 2997. I mistakenly voted "nay" when I intended to vote "yea". The amendment would have Prohibited funds from the Animal and Plant Health Inspection Service from being used for an earmark for the National Biodiversity Conservation Strategy project, Kiski Basin, Pennsylvania, and reduces the overall amount of the appropriations in the bill by \$200,000.

I had mistakenly believed that I had voted yea and it was not until after the vote had closed that I realized that I had pressed the wrong button and voted "nay". My vote against the Hensarling amendment was purely accidental and I regret my error and appreciate the opportunity for clarification.

HONORING THE LIFE AND ACCOMPLISHMENTS OF MARY SUE ALEXANDER

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. HALL of Texas. Madam Speaker, I rise today to celebrate the life of Mary Sue Alex-

ander, a lifelong resident of Greenville, Texas, who passed away earlier this year at the age of 90.

Born in Greenville, Texas to Ed. B. Williams Sr. and Susie Lee Joiner, Mrs. Alexander found meaning in her family, her community, and her faith. She married her husband of 38 years, Sam Reeves Alexander, on June 5, 1937, and they had two daughters.

In her community, Mrs. Alexander was a member of the Junior Palace Club and the Dirtbobbies Garden Club. She enjoyed entertaining, cooking, and participated in two bridge clubs. Mrs. Alexander was a loyal member of Wesley United Methodist Church in Greenville for 79 years.

She is survived by her two daughters, Patricia DeVeney and Sue Ann Harting, former mayor of Greenville; three grandchildren, Dianne DeVeney, David DeVeney, and Alexandra Alexander; one great-granddaughter, Shannon Nicole DeVeney; one sister, Rosabel Warren; and many nieces and nephews.

Mrs. Alexander was beloved by her family and many friends, and I join them today in paying our last respects to this wonderful woman, Mrs. Mary Sue Alexander.

CELEBRATING 100TH BIRTHDAY OF MR. HENRY E. BAUER

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. ELLISON. Madam Speaker, I rise today to honor a World War II veteran from Minneapolis, Minnesota, Mr. Henry E. Bauer, who will celebrate his 100th birthday on July 15, 2009. Every American who served in the military during World War II has a unique story, and Mr. Bauer is no exception.

He joined the Army Air Corps on June 5, 1942, at the age of 33. The desire of our country's youth to serve in the war was unprecedented and like so many others, Mr. Bauer answered the call of service to protect our Nation at a time of great need. Henry landed at Omaha Beach on D-Day, June 6, 1944, little more than a month away from his 35th birthday. He was discharged as a Staff Sergeant after the war and returned to his family and friends on November 21, 1945.

At the age of 100 years, his life is a testament to the fact that we can all accomplish amazing feats regardless of age or station.

On behalf of myself and the residents of Minnesota's Fifth Congressional District, I want to offer Mr. Henry E. Bauer the thanks of a grateful country and community and the best wishes for a very happy 100th birthday.

IN HONOR AND RECOGNITION OF THE WEST PARK UNITED CHURCH OF CHRIST

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of the West

Park United Church of Christ, as they celebrate one hundred and fifty years of faith, hope and community service throughout the neighborhoods of Kamm's Corners on Cleveland's west side.

West Park United Church of Christ was founded in 1859 by nine individuals, including Charter members and community leaders Benjamin Mastick and Lavinia Trisket. The Church was established to serve as a haven of faith and a center for community outreach, through which diversity is embraced and social programs and community groups expand and thrive. The Church quickly became and continues to serve as an anchor of strength for the Kamm's Corner community.

Since 1859, the members of the West Park United Church of Christ have strengthened the community by encouraging diversity and reaching out as messengers of hope, peace and comfort. Since its founding, the church has witnessed major renovations and expansion over the years and today, the church has 320 members, all of whom are active community volunteers. Members have volunteered as aides at Fairview Hospital, tutors at local schools, and workers at homeless shelters, emergency food pantries, and the Meals on Wheels program.

Madam Speaker and Colleagues, please join me in honor and recognition of the West Park United Church of Christ of Cleveland and their members as they celebrate 150 years of faith, community and public service throughout Cleveland's Kamm's Corners neighborhood.

PERSONAL EXPLANATION

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. CARNAHAN. Madam Speaker, due to being unavoidably delayed, I missed the vote on final passage on H.R. 2647 (Roll No. 460). I would have voted in favor of H.R. 2647, had I been present to record my vote. I was present for votes on the previous question, the rule, and amendments; each of which reflect my strong support for this bill.

EARMARK DECLARATION

HON. FRANK A. LOBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. LOBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 2997:

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 2997

Account: National Institute of Food and Agriculture—SRG

Legal Name of Requesting Entity: Rutgers University Marucci Center for Blueberry and Cranberry Research and Extension

Address of Requesting Entity: 125A Oswego Road, Chatsworth, NJ 08019.

Description of Request: Provide an earmark of \$451,000 for the Cranberry/Blueberry Disease Project for research on breeding and pest management will provide continued support for the \$50 million a year industry. Past research has found bacterial anti-adherence mechanisms helping to fight urinary tract infection and dental caries, and other antioxidant properties. A major effort within the breeding program aims to enhance these health beneficial properties.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 2997

Account: Animal and Plant Health Inspection Service—Salaries and Expenses

Legal Name of Requesting Entity: State of New Jersey, Department of Agriculture

Address of Requesting Entity: 369 S. Warren Street, P.O. Box 330, Trenton, NJ 08625

Description of Request: Provide an earmark of \$500,000 for the New Jersey Gypsy Moth Pest Management Program to support and enhance gypsy moth control on affected communities and public lands. Funds will be used to cost share aerial treatments borne by local municipalities; for outreach in developing a Web-based interactive online map showing the distribution of gypsy moth in New Jersey and proposed treatment areas; and for technical support for salaries for field scouts and vehicle operation.

CONGRATULATING JEFF OLSEN

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. FOSTER. Madam Speaker, I rise today to congratulate and record my strong and enthusiastic support for Jeff Olsen, a constituent of mine who is being recognized by the American Legion for his patriotism.

Olsen, a resident of South Elgin and local sanitation worker, collected discarded American flags along his route to properly dispose of them. He would fold and carefully package each flag before giving them to the local American Legion to destroy them in the traditional ceremony.

To date, Olsen has saved and donated over 250 American flags to the American Legion. Many of his colleagues at the Elgin Waste Management office also work to ensure that American flags which are improperly disposed of are treated with the utmost respect; however, the number of flags discovered by Olsen is nothing short of remarkable.

Olsen was honored by both the local American Legion and Elks Lodge with an Americanism Award in recognition of his actions on June 14, 2009, Flag Day. His actions should be recognized as not only a caring act of patriotism, but also as an effort to raise awareness to the general public on how to properly dispose of an American flag. As a lasting symbol of freedom and democracy, the American flag should be treated with nothing less than great care and respect.

I would like to congratulate Mr. Olsen on his award, and extend my deepest gratitude for his efforts. I can only hope that his story will inspire others to take similar action.

HONORING THE 350TH ANNIVERSARY OF QUOGUE, NEW YORK

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. BISHOP of New York. Madam Speaker, in these fast-moving times, it is a comfort to know that some wonderful places are in no hurry to change. I rise today to celebrate the 350th anniversary of the community of Quogue, a picturesque village on the South Shore of Long Island.

European settlement in Quogue began in 1649 when Englishman John Ogden purchased a large tract on Shinnecock Bay from Chief Wiandance Sachem to establish farming and grazing lands. By the 1800s, residents of New York City had begun to discover Eastern Long Island's rustic natural beauty and pleasant climate, establishing summer communities and boarding houses.

While Quogue prospered with the arrival of seasonal visitors, it retained a quaint charm and family atmosphere that is still recognizable today. In fact, Quogue is known as the "Quiet Hampton" to distinguish it from its more famous—and hectic—neighbors to the east.

Madam Speaker, small towns like Quogue represent the best of the American community spirit. I am happy to offer its citizens my best wishes for a successful anniversary celebration and for a long future as a true American original.

IN HONOR OF THE THOMAS F. MCCAFFERTY HEALTH CENTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Thomas F. McCafferty Health Center and in recognition the staff and volunteer's commitment to providing quality health care services continues to serve the needs of the residents of Cleveland's west side for nearly four decades.

The McCafferty Health Center opened in 1971 and was named for well-known physician, Dr. Thomas F. McCafferty. The Center continues the mission of Dr. McCafferty in tailoring medical services to meet the needs of those in the surrounding communities who may not otherwise have access to quality health care services.

The McCafferty Center, a bilingual clinic, provides health care in the areas of family practice, pulmonary, obstetrics and gynecology, pediatrics, and cardiology, as well as social work and nutrition services. Within these areas are clinics for women's health, veterans, TB testing, testing and counseling for STD and HIV/AIDS and free vaccinations for infants, children, and teens.

The Center serves over 32,000 patients a year, over half of whom are Hispanic. Evident in their programs and clinics, the Center has a legacy of embracing the community's vibrant diversity, including a concerted effort in out-

reach and service to Cleveland's lesbian, gay, bisexual, and transgendered community. Additionally, the Center's Community Advocacy Program works to remove legal barriers that may exist to improve the health outcomes of their patients.

Madam Speaker and Colleagues, please join me in honor of the staff and volunteers of the Thomas F. McCafferty Health Center, whose collective and individual commitment to providing quality health care continues to uplift the lives of countless individuals and families throughout Cleveland's west side community.

HONORING THE LIFE OF MR. BRUCE PHILLIPS DAVIS

HON. THADDEUS G. MCCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. MCCOTTER. Madam Speaker, today I rise to honor Bruce Phillips Davis, a devoted husband, father, and Veteran; and to mourn him upon his passing at age 44.

Bruce was born on March 18, 1965. He attended Lincoln Elementary School, Frost Junior High, Bentley High School and Cleary University, where he earned a Bachelor's degree in Business. He became a consultant with DTE Energy, a position in which Bruce excelled for twenty years. Following in his father's and brother's courageous footsteps, Bruce heeded a higher call of service and joined our United States military; and nobly served us and defended human freedom during Operation Desert Storm. A lover of life whose company brought joy to all he knew, Bruce enjoyed numerous outdoor activities and giving back to his community through his memberships in the Fraternal Order of Eagles and American Legion.

On July 6, 2009, Bruce succumbed in his ongoing struggle with pulmonary hypertension. He will be remembered as a father devoted to his family, especially his wife, Penny, and daughter, and to his many nieces and nephews. Bruce was a wonderful man, kind to all he encountered; and he will be truly, and sorrowfully missed.

Madam Speaker, during his lifetime, Bruce Phillips Davis enriched the lives of everyone around him. As we bid farewell to this wonderful individual, I ask my colleagues to join me in mourning his passing and honoring his years of loyal service to our community and country.

Goodbye and God Bless, "Tiger!"

EARMARK DECLARATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. GERLACH. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the earmark I received as part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act of 2010.

Rodale Institute, Kutztown PA—\$349,000 for crop-rotation research to improve air, soil and water quality.

EARMARK DECLARATION

REP. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010:

Requesting Member: Rep. DENNY REHBERG
Bill Number: H.R. 3082

Account: Army NG

Name and Address: Montana Army National Guard, 1956 Mt Majo Street, Fort Harrison, Helena, MT 59636-4789

Description: An increased number of Periodic Health Assessments has led to serious overcrowding of waiting areas, exam rooms, treatment facilities and administrative areas at the Fort Harrison Troop Medical Facility in Helena, Montana. This overcrowding presents both a risk to patient safety and patient privacy as required by HIPAA. The \$1.75 million in funding will be used to expand and renovate the current facility to handle the increased patient load and improve both safety and patient privacy.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. KINGSTON. Madam Speaker, I submit the following:

City of Kingsland, Kingsland, GA

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 2996, FY2010 Interior and Environment Appropriations

Account: EPA-STAG

Legal Name of Requesting Entity: City of Kingsland, GA

Address of Requesting Entity: 107 South Lee Street P.O. Box 250 Kingsland, GA 31548

Description of Request: expand water and sewer infrastructure for the purposes of a new affordable housing development. Project would spur economic development in an underserved area.

Metropolitan North Georgia Water Planning District, Atlanta, GA

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 2996, FY2010 Interior and Environment Appropriations Account: EPA-STAG

Proposed Recipient: Metropolitan North Georgia Water Planning District

Address of Recipient: 40 Courtland Street, NE Atlanta, Georgia 30303-

Description of Request: funding received would be used to help local governments meet

water resource plan requirements and be used for various stages of design and construction for several water projects including watershed management, wastewater treatment and water conservation.

COMMENDING THE SERVICE OF
REAR ADMIRAL GARY T. BLORE
AS ASSISTANT COMMANDANT OF
THE UNITED STATES COAST
GUARD

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. CUMMINGS. Madam Speaker, as Chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise to recognize Rear Admiral Gary T. Blore for his distinguished service as the Assistant Commandant for Acquisition and Chief Acquisition Officer for the United States Coast Guard. Having completed his tour at Coast Guard Headquarters, he has now assumed command of the Coast Guard's 13th District, located in the Pacific Northwest.

Admiral Blore took the helm of Coast Guard acquisition programs at a time when these programs were facing significant challenges. Early procurements in the Deepwater program—a multi-billion dollar program intended to repair or replace the Coast Guard's air and surface assets—had failed.

Additionally, the decision made years earlier to manage the Deepwater procurements outside the service's existing acquisition management structure had created serious oversight and even morale challenges.

The Coast Guard needed to completely revamp its acquisition management systems to create a structure equal to the size of its acquisition initiatives and capable of effectively overseeing its contractors and obtaining best value for the expenditure of taxpayer resources.

Admiral Blore has ably led that change and, working closely with the Subcommittee on Coast Guard and Maritime Transportation, has modernized the Coast Guard's acquisition management systems.

His leadership guided the reorganization of several stalled projects that have now produced an unprecedented number of urgently needed capital assets for the Coast Guard, including modern helicopters, airplanes, boats, large cutters, and sophisticated shore, air and sea-based command and control systems.

Responding to the extensive criticisms of the early Deepwater effort and the Rescue-21 program, Admiral Blore led the organization of a new Acquisition Directorate. He issued and updated a Blueprint for Acquisition Reform, which continues to guide the creation of acquisition management systems within the new Directorate. Further, he oversaw the successful extraction of the Deepwater procurements from the Integrated Coast Guard System team and brought the Lead Systems Integration functions back in-house.

Additionally, Admiral Blore updated the Coast Guard's Major Systems Acquisition Manual, published an Acquisition Human Cap-

ital Strategic Plan, and developed 30-year air and surface asset recapitalization plans that will guide the service's ongoing effort to effectively plan future capital needs.

I believe that under the leadership of Commandant Thad Allen and Admiral Blore, the Coast Guard has positioned itself to more effectively manage its acquisition efforts and to produce assets that will significantly enhance the Coast Guard's mission readiness.

To ensure that these and other needed acquisition management reforms are solidly established, I introduced legislation during this Congress—the Coast Guard Acquisition Reform Act of 2009, H.R. 1665—which builds on and institutionalizes the many reforms that Admiral Blore has introduced.

This measure will strengthen the Coast Guard's ability to manage complex acquisition projects and I look forward to its full consideration and passage by the House.

Admiral Blore has had a long and distinguished career in service to our Nation. He is an accomplished Coast Guard aviator; this fall, he will relieve Vice Admiral Vivien Crea as the Coast Guard's Ancient Albatross—the service's longest-serving active duty aviator.

I know Admiral Blore to be a man of unyielding integrity who has forthrightly presented to me and to the Congress the full extent of the problems he has confronted. I also know him to be an effective and deliberate manager who has diligently addressed the problems he faced and who leaves a modern acquisition organization that reflects his dedication to excellence.

I am honored to pay tribute to Admiral Blore in the United States Congress and on behalf of the Representatives and staff who have been fortunate enough to work with him. I wish him, his wife Vera, his son David, and his daughter Anna the very best.

RECOGNIZING THE CONGREGATION
OF THE ST. JOHN MISSIONARY
BAPTIST CHURCH FOR ITS DEDICATION TO OUR COMMUNITY

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. TANNER. Madam Speaker, I rise today to congratulate the St. John Missionary Baptist Church congregation on the recent dedication of its rebuilt church, restored following a fire that tragically destroyed the building shortly after the church's 100th anniversary celebration in January of 2006.

At the beginning of the 20th century a group of men and women, former slaves and sons and daughters of slaves, began to congregate and conduct church services in Haywood County, Tennessee, which I am honored to represent in this chamber. The first church building of St. John Missionary Baptist Church was a small log building erected on land given to the congregation by Deacon Charlie Wilkerson and was known as simply St. John's "across the river."

On November 16, 1904, papers were drawn up to purchase 33 acres of land from W.H. Ford approximately one and a half miles from

Dancyville, Tennessee. The deed was filed on January 20, 1906, with the church paying \$425 for the land. Marion Sweet and William Graves served as master carpenters for the new structure, and they, along with the tireless effort of countless others, laid the foundation and built a frame structure that served as a place of worship for numerous years.

Throughout the 20th century, the congregation continued to grow in number as well as in presence within West Tennessee and became known throughout the area for its leadership, dedication to God and love of fellow man. The congregation continued to improve the structure of St. John Missionary Baptist Church with expanding facilities to aid in worship and assist with the growing number of congregants. The frame church was bricked in the late 1950's with additions and renovations through the latter portion of the 20th century.

Tragedy struck on September 20, 2006, when the building was destroyed by fire. Undeterred, the congregation held meetings at Raul's Funeral Home in Brownsville and soon began the process of rebuilding their historic church.

The congregation's ability to rebuild the church is both a testament to their dedication to worship as well as their commitment to what the church has represented to our community for more than 100 years. From their humble beginnings in a small log church building near the corner of Highway 76 South and the Qualls Road intersection to the beautiful church they have just restored, St. John Missionary Baptist Church has served as a symbol of hope, faith and devotion. We know that tradition will continue under the leadership of my friend and an outstanding public servant, Reverend Johnny W. Shaw.

Madam Speaker, we hope you and our colleagues will join me as we congratulate the St. John Missionary Baptist Church on the dedication of its new church, and thank members of the congregation for all they do to help West Tennessee.

CONGRATULATING SERGEANT
FIRST CLASS BLAKE SIMMS AND
SERGEANT FIRST CLASS CHAD
STACKPOLE

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. WESTMORELAND. Madam Speaker, I rise today to congratulate Sergeant First Class Blake Simms and Sergeant First Class Chad Stackpole, winners of the 2009 Best Ranger Competition, a rigorous contest at Fort Benning, Ga., between elite two-man teams.

Simms and Stackpole won a home-court victory, as they hail from Benning's 4th Ranger Training Battalion.

The Best Ranger Competition started out as a contest between the best two-man teams at Fort Benning in the early 1980s but quickly expanded Army-wide. It easily rates as one of the toughest, most physically demanding competitions in the world. Contestants endure extreme demands of their physical, mental and technical abilities as Rangers, and they must

deliver at levels that far exceed the expectations of average soldiers.

Today, the competition pits the best of the best against each other. It's an honor to simply win a spot in the contest, making Simms and Stackpole's accomplishment all the more extraordinary. The event lasts three days and teams face elimination unless they complete all events, which include marksmanship, climbing a 60-foot rope and long, wet hikes. It's easy to see why of the 49 teams that entered only 24 finished all courses.

Both Sergeant First Class Blake Simms and Sergeant First Class Chad Stackpole have been awarded many medals, including the Army Commendation Medal, the Army Achievement Medal, the Valorous Unit Award and many others.

Simms, from Columbus, GA, joined the service after high school in 1999. He has served one tour in Iraq and also participated in the humanitarian aid to New Orleans following the aftermath of Hurricane Katrina. Simms had competed in the Best Ranger Competition twice before. He is married with two children.

Stackpole, from Bowling Green, KY, has served since 1998 and has deployed to Iraq twice. He and his wife Andrea have two children. Stackpole has competed in the competition twice with a 5th place finish last year.

Sergeant First Class Blake Simms and Sergeant First Class Chad Stackpole have dedicated their lives to the service of this nation and have dedicated years of their lives to fighting on the front lines of the war on terrorism in Afghanistan and Iraq. With a combination of hard work, dedication and talent, they have proven on the field of battle and on the field of competition that they rank amongst the best soldiers in the U.S. Army—the greatest fighting force in the history of the world.

Madam Speaker, I call on the U.S. House of Representatives to join me and the people of Georgia's 3rd Congressional District in honoring the service and applauding the stellar achievements of Sergeant First Class Blake Simms and Sergeant First Class Chad Stackpole. They are a tribute to Fort Benning, the U.S. Army Rangers, and the United States.

EARMARK DECLARATION

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. GARY G. MILLER of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act.

Requesting Member: Congressman GARY G. MILLER

Bill Number: H.R. 2997

Account: Natural Resources Conservation Service, Conservation Operations

Legal Name of Requesting Entity: Municipal Water District of Orange County

Address of Requesting Entity: P.O. Box 20895, Fountain Valley, California 92728
Funding Secured: \$134,000

Description of Request: In the arid climate of Southern California, it is critically important to provide a coordinated effort to conserve water resources by controlling water usage. In particular, Orange County's growing population requires extensive conservation measures to adequately provide sufficient water resources for its residents. Funding for the Irrigation Controller Installation Program would allow for the installation of a smart irrigation controller system that uses innovative technology to regulate the amount of water that is delivered based on weather conditions, soil, slope, and type of landscape. Supported by local government entities and the Natural Resources Conservation Service, this computerized landscape sprinkler system will save the residents of Orange County 30,000 acre-feet of water every year, directly benefiting more than two million Orange County residents. This program has direct national significance by relieving pressure from imported water sources such as the Colorado River Aqueduct and the San Francisco Bay Delta. In addition, its implementation will help reduce urban runoff, preventing pollutants from reaching natural waterways and the ocean.

CONGRATULATING ARJUN
KANDASWAMY

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. WU. Madam Speaker, I rise today to offer my congratulations to Arjun Kandaswamy for his accomplishments in the Oregon State Geography Bee and in the National Geographic 21st Annual Geography Bee.

Arjun is an exceptional middle school student who participates in Oregon's Summa Program for gifted students. After winning the State of Oregon Geography Bee, Arjun represented Oregon in the National Geographic Bee, one of the most difficult in the nation. At the age of fourteen, Arjun topped 53 students from across the nation and earned second place and an accompanying college scholarship.

I, therefore, again gladly extend my congratulations to Arjun and wish him a bright academic future and continued success in all his endeavors.

CONGRATULATING THE CLARKSON
UNIVERSITY RACQUETBALL
TEAM UPON WINNING THE 2009
NATIONAL INTERCOLLEGIATE
RACQUETBALL CHAMPIONSHIP

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. McHUGH. Madam Speaker, I rise today to congratulate the Clarkson University Golden Knights upon winning the 2009 NCAA Division

II Racquetball National Championship, their second national championship since 2005. I am proud to represent Clarkson University and the community of Potsdam.

In April, Clarkson University won the Division II National Championship in Tempe, Arizona, which involved 330 players representing more than 50 colleges and universities. The Golden Knights did so by having the highest combined total of the men's and women's team points, which were attained by defeating competing players in individual matches.

The Clarkson men's team included Marco B. Fontana, Joseph V. Kapas, Justin A. Konopaske, Brian C. Robertshaw, Brian T. Straub, and Joseph E. Tabor of Nicholville, New York, which is located in New York's 23rd Congressional District. The women's team was comprised of Michelle E. Turk and Rachel D. Weiss, captain of the combined teams. Professor Norbert Ackermann has served as the team's advisor for more than a decade.

Madam Speaker, it takes a tremendous amount of dedication, hard work, perseverance, and teamwork to win a national collegiate championship. Thus, I am pleased to extend my congratulations to these young men and women, and I ask my colleagues to join me in recognizing the entire Clarkson University Golden Knights racquetball team for this very significant accomplishment.

PERSONAL EXPLANATION

HON. PAUL C. BROWN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. BROWN of Georgia. Madam Speaker, on Wednesday, July 8, 2009, I missed the following votes: rollcall Nos. 480, 481, 482, 483, 484, 485, 486, 487, and 488. If I had been able to make these votes, I would have voted "aye" on rollcall votes 481 and 488. I would have voted "nay" on rollcall votes 480, 482, 483, 484, 485, 486, 487.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. BARRETT of South Carolina. Madam Speaker, due to unforeseen circumstances, I unfortunately missed two recorded votes on the House floor on Wednesday, July 8, 2009.

Had I been present, I would have voted "no" on rollcall vote No. 480 (On agreeing to H. Res. 610) and "aye" on rollcall vote No. 481 (on motion to suspend the rules and pass H.R. 1275).

PERSONAL EXPLANATION

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. ELLSWORTH. Madam Speaker, on Tuesday, July 7, 2009, I missed rollcall votes

Nos. 478 and 479 and on Wednesday, July 8, 2009, I missed rollcall votes Nos. 480, 481, 482, 483, 484, and 488. I missed these rollcall votes due to having the flu.

Had I been present for rollcall 478, on motion to suspend the rules and agree to H. Con. Res. 135, I would have voted "aye."

Had I been present for rollcall 479, on motion to suspend the rules and pass H.R. 1129, I would have voted "aye."

Had I been present for rollcall 480, on agreeing to the resolution H. Res. 610 providing for consideration of H.R. 2965, I would have voted "aye."

Had I been present for rollcall 481, on motion to suspend the rules and pass, as amended H.R. 1278, I would have voted "aye."

Had I been present for rollcall 482, on motion to suspend the rules and pass H.R. 1945, I would have voted "aye."

Had I been present for rollcall 483, on agreeing to the Kosmas Amendment to H.R. 2965, I would have voted "aye."

Had I been present for rollcall 484, on agreeing to the Amendment in the Nature of a Substitute to H.R. 2965, I would have voted "aye."

Had I been present for rollcall 488, on motion to adjourn, I would have voted "no."

INTRODUCTION OF THE FOREWARN ACT (H.R. 3042)

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. McHUGH. Madam Speaker, I rise today regarding the Forewarn Act (H.R. 3042), which was introduced on June 25, 2009, in an effort to help American workers by updating and improving the Worker Adjustment and Retraining Notification (WARN) Act (P.L. 100-379). I am pleased to have had the opportunity to work with the Gentleman from California, Mr. MILLER, the chairman of the House Committee on Education and Labor, to craft this important legislation.

Congress enacted the WARN Act over two decades ago in August 1988 in an effort to help American workers better prepare for and overcome the difficulties resulting from the loss of a job due to a mass layoff or plant closure. Specifically, through the WARN Act, Congress required that employers give workers 60 days advance notice of mass-layoffs to facilitate their efforts to find a new job, obtain retraining, or otherwise prepare for the significant consequences of lost employment. Simultaneously, to maximize the assistance provided to workers under such difficult circumstances, Congress also required the same 60-day notice be provided to State dislocated worker entities and the chief elected official of the pertinent local government.

Last Congress, I was prompted to closely review the WARN Act and its requirements in the wake of a decision by the General Motors (GM) Corporation to phase out 500 jobs and close its Powertrain facility in Massena, New York, which I represent. As a result of this examination, on September 25, 2007, I introduced the Forewarn Act of 2007 (H.R. 3662)

to strengthen the WARN Act by expanding its scope and increasing its notice requirements to 90 days. Additionally, H.R. 3662 sought to enhance compliance by increasing the back pay penalty, clarifying that the notice period should be determined by the use of "calendar" rather than "business" days, and giving the Secretary of Labor or appropriate State attorney general the ability to enforce the law. I was later pleased to vote for similar provisions when the House considered the Trade and Globalization Assistance Act of 2007 (H.R. 3920) authored by Mr. MILLER to reauthorize the Trade Adjustment Assistance Act. Unfortunately, H.R. 3920 did not become law before the conclusion of the 110th Congress.

Since that time, economic circumstances have reinforced the need to modernize and expand the WARN Act. From December 2007 through May 2009, seven million Americans have become unemployed and in the 11 counties encompassed by New York's 23rd Congressional District, over 34,000 people are without work. Moreover, during that timeframe, there have been 37,059 mass layoffs across the Nation involving over 3.8 million workers. In the face of such circumstances, it is incumbent upon Congress to ensure that American workers have as much notice as practicable and that the law providing such notice and associated rights is understandable and enforceable.

Thus, as the Gentleman from California and I reviewed the WARN Act, one of our goals was to clarify provisions that had caused confusion and resulted in litigation. For example, the question of whether the notice period required under the Act was to be determined by counting "calendar" days or "business" days has long been litigated. In our recently introduced bill (H.R. 3042), we seek to clarify that "calendar" days are indeed to be used when calculating the notice period. Likewise, there has been confusion as to whether or not an employer's "good faith" could be used as a complete defense to liability under the Act. When Congress enacted the WARN Act, it clearly intended that an employer's good faith should only be used by a court to reduce the damages owed—not to entirely eliminate liability—and we have sought to reinforce Congress' original intent through Section 2(c)(3) of this proposal.

As in the legislation (H.R. 3920) passed by the House in the 110th Congress, the current Forewarn Act (H.R. 3042) would require employers to give 90 days, rather than 60 days, notice of mass-layoffs and plant closures to employees. However, H.R. 3042 would expand the bill's reach to those employers who have 75 or more employees, including those who are new or part-time, and lower the threshold number of affected employees from 50 to 25 employees. In addition, our measure would require employers to give notice to the Governor of the pertinent State, as well as to the U.S. Secretary of Labor, who in turn would be required to give notice to the appropriate Senators and Members of the House of Representatives.

To better ensure compliance, as H.R. 3662 and H.R. 3920 would have done last Congress, the current Forewarn Act (H.R. 3042) would increase the remedies available to employees in instances where proper notice was

not given. For example, employees could receive damages in the amount of double back pay for each calendar day they were not provided with the requisite notice and the Secretary of Labor could initiate an enforcement action on their behalf. The bill (H.R. 3042) would make clear that the appropriate statute of limitations is two years and provide further protections to workers by precluding waivers of their rights under the law unless they were made by the Secretary of Labor, an attorney general, or with the assistance of counsel. We have also clarified that parent companies are ultimately responsible for the actions or inactions of their subsidiaries.

Finally, to increase assistance to workers, our bill (H.R. 3042) requires employers to post notices regarding worker rights under the WARN Act and to permit on-site access to rapid response teams. Likewise, it requires the Secretary of Labor to prepare a guide of benefits and services that may be available to unemployed workers.

Madam Speaker, as Congress continues its efforts to address our Nation's current economic circumstances, it should favorably consider the Forewarn Act.

ANNIVERSARY OF THE IMPRISONMENT OF THE SEVEN-MEMBER NATIONAL COMMITTEE OF THE IRANIAN BAHÁ'IS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. WOLF. Madam Speaker, May 14 marked the one-year anniversary of the imprisonment of the seven-member national committee of the Iranian Baha'is. They have been unjustly held for over a year without formal charges or access to their attorneys.

According to The New York Times, the seven Baha'is are scheduled to face trial this Saturday, July 11.

They will reportedly be charged with "espionage for Israel," a crime which is punishable by death.

The United States Commission on International Religious Freedom recently released their 2009 report which recommends that the State Department designate Iran a country of particular concern due to its gross violations of religious freedom.

Such violations include the execution of over 200 Baha'i leaders since 1979, the desecration of Baha'i cemeteries and places of worship and the violent arrest and harassment of members of the Baha'i faith.

As the administration seeks diplomatic engagement with Iran, I urge them to make human rights and religious freedom, including the persecuted Baha'is, an integral part of the dialogue.

Human dignity and freedom must not be relegated to the sidelines.

EXPRESSING APPRECIATION FOR KELLY HOLMES' SERVICE TO WEST TENNESSEE

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. TANNER. Madam Speaker, I rise today to honor Kelly Holmes, a long-time public servant who retired June 30 after many years as Madison County Fire Chief alongside his wife Willadene. Under Chief Holmes' leadership, the Madison County Fire Department grew from a volunteer force with Army surplus equipment to 16 stations with 162 firefighters.

Kelly Holmes is a native of Bemis, Tennessee, and was raised in Madison County, which I am honored to represent in this chamber. After serving in the United States Army during the Korean War, Kelly returned home in 1955 to work at Consolidated Aluminum Corporation, where he worked for more than 20 years.

During that time, in 1958, Kelly helped organize the all-volunteer Madison County Fire Department to help protect our community. The following year, he was promoted to the rank of Captain, and in 1963 assumed the role of Fire Chief. He served in that position as a volunteer for 13 years; in 1976, the needs of Madison County had grown so much that the position of Fire Chief became a full-time, paid position.

In his more than 50 years with the Madison County Fire Department, Chief Holmes has served on the Board of Directors for the Tennessee Fire Chiefs Association and served from 1978 to 1980 as President of that association. He has received many awards, including the Good Conduct Medal, the Army's National Defense Service Medal, the Jackson Exchange Club's "Man of the Year" Award in 1975, and the First American Red Cross Humanitarian Service Award in 2005. In 1965, he appeared in "Outstanding Young Men of America." Chief Holmes has also held various leadership roles at the Bemis United Methodist Church, to which he and his family belong.

Fire protection service to our community is important to the entire Holmes family. Kelly says "his number one assistant" is his wife, Willadene, who has also served the Madison County Fire Department for 50 years as a dispatcher and secretary. For 30 years, his son Ralph served the Jackson Fire Department, from which he retired as Battalion Chief, and spent his off days as Head of Maintenance and Captain for the Madison County Fire Department. Chief Holmes' grandson Joe has served 4 years with the Madison County Fire Department as a firefighter.

Among Chief Holmes' greatest moments of service was his leadership in responding to a 1978 train derailment and propane explosion in Waverly, Tennessee, that had killed several, including the local police and fire chiefs, and destroyed several city blocks. Chief Holmes and the firefighters serving with him put their lives on the line in a very precarious situation, knowing that a second propane car at the center of the fire could have exploded at any time. Tennesseans were grateful for the courage and dedication displayed by Chief Holmes and other responders.

Madam Speaker, I have long been proud to call Chief Kelly Holmes my friend. I thank you and our colleagues for joining me in expressing gratitude for his service protecting West Tennessee families and congratulating him on his retirement, which will allow him to spend time with his family and—in his words—"enjoy the country life." We wish him all the best.

THE NATIONAL EXCHANGE CLUB'S FIGHT AGAINST CHILD ABUSE

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. CRENSHAW. Madam Speaker, I rise to commend the National Exchange Club and the Jacksonville and Jacksonville Beaches Exchange clubs on their continuing commitment to fight child abuse and to recognize those in our communities who fight against it on a daily basis. Members remind me that "These are America's children and this is America's responsibility."

From July 14–18, 2009, local and national leaders and concerned citizens will gather at Metropolitan Park for a Healing Field flag memorial. At that time, 1530 American flags will be flying. Each flag will be in honor of a child abuse victim. 146 of the flags represent children of Florida. The display will be a colorful reminder that child abuse is a national problem, and we all must work to prevent it.

During this weeklong event, flags will also fly to honor Jacksonville's fallen military in the current conflict, and fallen police and fire officers.

Also at this time, the 91st annual convention of the National Exchange Club will be hosted in Jacksonville. Club members will erect the display and maintain this awe-inspiring memorial during the convention. This patriotic display was established by the Healing Field Foundation to shine light on an ugly subject—child abuse in America.

Recently, at one of my local Exchange Clubs, I congratulated those who work in the field to prevent child abuse on their commitment to children from families who often are in fragile situations. Talk about unsung heroes! For every child who finds a sanctuary, hundreds are living day-to-day in often precarious situations. The flags represent those who paid a terrible price for something they did not do. These children depend on you and me to become aware and help extend them a lifeline.

My wife Kitty and I are concerned about the growing problem of child abuse not only in America but across the globe. As the economic situation worsens, it is our fear that more children will become victims. I hope that families in Jacksonville will go to Metropolitan Park with their children and experience this moving and patriotic display. None of us can do this alone but there is tremendous strength in our combined actions. It is too late for those memorialized in the Healing Field but for more of our children life is a risky business.

The National Exchange Club and its local clubs are willing to step forward to illuminate a growing problem in our nation. I hope that the Healing Field will move us to action. I

thank the Speaker for the time to address the House on this important issue.

EARMARK DECLARATION

HON. JOHN FLEMING

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. FLEMING. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3082, the "Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2010."

I have requested funding for the Multi-Purpose Machine Gun Range project in Fiscal Year 2010. The entity to receive the funding for this project is the United States Army, located at Fort Polk/Joint Readiness Training Center, Louisiana. FY10 funds would provide for the construction of a standard design Multi-Purpose Machine Gun Range, required to train and test soldiers on the skills necessary to detect, identify, engage and defeat targets in a tactical environment. Fort Polk does not currently have a suitable training area that meets the requirements needed for machine gunnery. Without this facility, the soldiers of Fort Polk, Reserve, and National Guard units will not be able to maintain efficiency for live fire training for machine gun engagements.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge, this request: (1) is not directed to an entity or program that will be named after a sitting Member of Congress, (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark, and (3) meets or exceeds all statutory requirements for matching funds where applicable. I also hereby certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, Fiscal Year 2010.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, Fiscal Year 2010

Account: Military Construction—Army

Legal Name of Requesting Entity: SOUTHCOM Headquarters, Incr 3

Address of Requesting Entity: United States Southern Command, Doral, FL 33122

Description of Request: I have secured \$55,400,000 to complete construction of a

new headquarters for the United States Southern Command in Doral, Florida adjacent to the existing facility. Currently, the Department of Defense is leasing the land on which SOUTHCOM is now located from a private individual. The land for this facility is leased from the State of Florida. SOUTHCOM received \$100 million in the FY08 Military Construction Appropriations bill and \$81.6 million in the FY09 Military Construction Appropriations bill as the first two installments of \$237 million, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 504).

HONORING RETIRING
MURFREESBORO CITY MANAGER
ROGER HALEY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor Murfreesboro City Manager Roger Haley. After serving the citizens of Murfreesboro for the last 20 years, Roger will retire on August 1. Before becoming city manager in 1989, Roger was a Murfreesboro City Councilman for nine years.

In the last 20 years, Murfreesboro's population has increased from 44,000 to over 100,000. It is currently the sixth largest city in Tennessee and the largest city with a city council/manager style of governance. Despite the growth in population and the expanded services that come with such growth, the city has not had an increase in its property taxes in the past 14 years. This is probably one of many reasons why Roger was named the 2009 City Manager of the Year by the Tennessee City Manager Association.

As city manager, Roger has overseen the expansion of businesses, schools, and recreational opportunities that have given the residents of Murfreesboro a greater quality of life. The recent addition of the shops at the Avenue and the hospital and business and medical offices at the 400-acre Gateway are examples of such developments. Roger has worked on numerous recreation projects that residents of Murfreesboro enjoy, such as the Murfreesboro Greenway system, SportsCom, the Patterson Park Community Center, the wetlands at Murphree Springs, Murfreesboro Bark Park, and the Siegel Park and Soccer Complex.

As a life-long resident of Rutherford County, Roger has always been an active member of the community. He owned and operated several local businesses, including Murfreesboro Supply Company and Mr. Tool Rent-All. Roger was one of the organizers of First City Bank of Murfreesboro. He attended Middle Tennessee State University and served in the U.S. Army for two years in the Judge Advocate General Corps.

Roger leaves both his position and the City of Murfreesboro in top-notch shape. I've enjoyed working with him on many projects over the years. I hope Roger will enjoy the fruits of his labor, as he starts his retirement, and new time shared with friends and family.

EARMARK DECLARATION

HON. JOHN M. MCHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. MCHUGH. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3082, the Fiscal Year 2010 Military Construction and Veterans Affairs Appropriations bill.

Requesting Member: JOHN M. MCHUGH

Bill Number: H. R. 3082

Account: Military Construction, Army

Name of Military Installation: Fort Drum

Address of Requesting Entity: Fort Drum, New York 13601

Description: Provide an earmark of \$8,200,000 in MCA to build an All Weather Marksmanship Facility at Fort Drum, New York. Currently, Fort Drum has only one operational All Weather Marksmanship Facility. The project is required to provide year round live fire training to more efficiently support soldiers in meeting weapons proficiency and qualification standards, and minimize the amount of time required to complete training. The Light Infantry Doctrine and the missions of the 10th Mountain Division require higher than normal levels of marksmanship proficiency and fire discipline.

IN RECOGNITION OF DAVID H.
DELL

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize David H. Dell of Dale City, Virginia. Mr. Dell is a retired 20-year veteran of the United States Army and an active Dale City resident.

Mr. Dell's military service began in 1959 at the age of 17. His age required that he gain parental consent to join the Army, and his father proudly granted him approval hoping it would provide his son with new opportunities. Mr. Dell worked to make the most of those opportunities. He served a long and distinguished career in the Army, receiving the Joint Service Commendation in 1973 for his service in Korea. In 1976, he received a diploma from the U.S. Army Transportation School shortly before exiting the Army with an Honorable Discharge in 1979.

Mr. Dell has long been devoted to the quality of life and sense of community in Dale City. As a member of the Dale City Volunteer Fire Department he has spent countless nights on duty, sacrificing his time and safety for the protection of his neighbors and friends. Mr. Dell is a Life Member of both the Veterans of Foreign Wars Post 1503 and the Dale City Civic Association. He also serves as the Staging Director of the Dale City Independence Day Parade. This year, more than 100 organizations and thousands of participants marched in the parade. Thousands of spectators

watched the procession make its way through the heart of Dale City and terminate at the Fourth of July Family Fun Day. Mr. Dell's participation in civic life contributes to a robust and vibrant sense of community in Dale City.

Mr. Dell's loyalty and passion for service extend into his professional life. On May 1, 2009, Mr. Dell commemorated 20 years of service with First Transit Incorporated, contractor for the Prince William County COMMUTERIDE bus system. This is a remarkable milestone, and Mr. Dell's years in the bus system have benefited Prince William County commuters and residents.

Madam Speaker, I ask that my colleagues join me in applauding David H. Dell's accomplishments. His service to his country and community represents the ideals we hope to instill in future generations, and by commending his accomplishments may we inspire them to follow his example.

CELEBRATING THE BRYAN-
BENNETT LIBRARY CENTENNIAL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to mark the Centennial Celebration of the Bryan-Bennett Library in Salem, Illinois.

The Bryan-Bennett Library was established by Salem native William Jennings Bryan and his friend, Philo Bennett. In a letter to the mayor of Salem in 1905, Bryan stated that "the library (was) established because of my attachment to the city of my birth and to the friends of my childhood."

William Jennings Bryan was born in 1860 in Salem, Illinois. He had a distinguished career serving as a lawyer, a member of the U.S. House of Representatives and as Secretary of State during the Wilson Administration.

Through the tribulations and successes of his professional life, William Jennings Bryan gained an appreciation for education. His desire to share that passion with his community inspired Bryan to bring a new library to Salem. With assistance from Philo Bennett, he spearheaded the construction of the Bryan-Bennett library. On June 9, 1909, William Jennings Bryan gave his "Price of a Soul" speech to dedicate the opening of the library.

The original location of the library was on South Broadway Street, the site of Bryan's childhood home. It has since been moved with the generous contributions by Joe and Anna Hale of Salem and the support of the Illinois State Library's Live and Learn Grant.

On August 15, the Bryan-Bennett Library will formally celebrate its Centennial and dedicate its new site to Joe and Anna Hale.

I would like to congratulate the citizens of Salem, Illinois and the men and women who serve at the Bryan-Bennett Library to preserve the living legacy of William Jennings Bryan.

HONORING JEFFREY C. PACK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jeffrey C. Pack, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1692, and in earning the most prestigious award of Eagle Scout.

Jeffrey has been very active with his troop participating in many scout activities. Over the many years Jeffrey has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jeffrey C. Pack for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE OF HENRY
ARISTIDE "RED" BOUCHER

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise to honor the life of Henry Aristide "Red" Boucher, 88, who died June 19, 2009. Mr. Boucher was a civic and political institution in his adopted home state of Alaska. He also was a dedicated family man with 12 children, 27 grandchildren and nine great-grandchildren. I became aware of Mr. Boucher through a family friendship with his daughter, Jennifer McNelly, and her family, who live in my district.

Mr. Boucher moved to Fairbanks, Alaska in 1958, after serving the United States Navy for 20 years. The New Hampshire native's move to Alaska was strongly influenced by a suggestion from a young Senator by the name of John F. Kennedy, for whom Mr. Boucher had campaigned. The future President told Mr. Boucher, "There is great potential in the northern territory."

Just eight years after he arrived in Fairbanks, Mr. Boucher was elected mayor and held the position for four years. During his term, he guided the city through one of its greatest natural disasters, the flood of 1967. After his term as mayor, Mr. Boucher served as Alaska's lieutenant governor from 1970 to 1974 under Gov. Bill Egan. He also served as a representative in Alaska's state house from 1985 to 1990.

While his passion for politics will never be questioned, his legacy is likely to be the baseball team he founded in 1959, the Alaska Goldpanners of the Alaska Baseball League. The Goldpanners are well-known for carrying more than 200 future major league players on its rosters through the years.

Mr. Boucher also was a staunch supporter of telecommunications and led a campaign to increase Internet access in remote villages.

Madam Speaker, I ask my colleagues to join me in honoring the memory of this great American and extending our sympathies to his family and the people of Alaska.

HONORING THE METRO-EAST LUTHERAN
KNIGHTS BASEBALL
TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to honor one of the top high school baseball teams in Illinois.

The Metro-East Lutheran Knights of Edwardsville, Illinois, competed in the Illinois High School Association Class AA baseball state finals, and came away with a second place trophy. This year's appearance was the first visit to the state finals for the Knights in baseball, making our region proud. In the semifinals, the Knights beat a strong Morrison club, before falling in the championship to the defending state champions from Olympia.

As a former baseball coach for the Knights, I want to congratulate this year's head coach Scott Downing and assistant coaches Tom Hitt, Brian Brynildsen, Joel Rempfer and Brian Hipkiss on their great achievement. I especially want to congratulate the members of the 2009 Metro-East Lutheran Knights state runner-up squad: Brian Berry, Matt Brynildsen, TC Collins, Trevor Engelke, Nick Hoff, Chris Hoffman, Simon Hoffman, Conor Judge, Taylor Judge, Andrew Langendorf, Joe McCall, Alex Robinson, Josh Schelp, Andrew Scheumann, Isaac Schoeber, Dusty Shimkus and Jon Trampe.

These outstanding student-athletes have put together a season to be proud of, and I want to join with the other members of this House in congratulating them and wishing them well in all their endeavors, both on and off the field.

PERSONAL EXPLANATION

HON. BEN RAY LUJÁN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. LUJÁN. Madam Speaker, due to scheduling conflicts, I was unable to be present for rollcall Vote No. 488. Had I been present, I would have voted "no."

IN RECOGNITION OF THE KOREAN
WAR

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. WILSON of South Carolina. Madam Speaker, as we recognize the fifty-ninth anniversary of the Korean War, it is fitting that we have a renewed appreciation for the courage of the American military. This was a conflict

initiated by a surprise attack from North Korea mercilessly against the people of South Korea. Throughout the war, American servicemen resisted North Korean attacks and provided security for the people of South Korea. This has enabled that nation to become one of the world's most successful economies with a dynamic democratic form of government. They are a model for our allies in Iraq and Afghanistan which shows that from the ashes of war a thriving civil society can emerge.

Poet Albert Carey Caswell, an appreciated Capitol tour guide, has authored the following poetic tribute for America's military:

THE KOREAN WAR

The Korean War . . .
Was but the one for sure . . .
One hell of a fight, all the more!
Where, brave hearts of America so for sure
Would so bring their light to insure . . .
That Communism could not endure . . .
A time when the world, would test that
dream . . .
Of the United Nation, as now it all so clearly
seems!
From all across America's shores . . .
As came such fine brave hearts, who would
somehow endure . . .
But, the very face of hell . . . whose fine
hearts so chose to swell . . .
All for our freedom to insure!
From The Frozen Chosen, to Pork Chop hill
Such brave hearts, of iron wills!
MacArthur's Men of Might, who but bore
that fight . . .
Who so heroically upon those deadly hills
burned bright!
As just when things looked far gone,
But came that surprising landing at Inchon!
For America had Seoul . . .
The kind that we must so teach our children,
in hearts to so hold!
All in hearts of honor which soar . . .
All in America's quest, to freedom to so insure . . .
As all throughout the centuries,
Have such magnificents, so bought our
peace!
The one's who have so lived and died . . .
Whose loved ones were left behind to cry!
Who fought in one of the most bloodiest wars
Fine patriots, who so heroically headed
north!
With Communist on the march, as cried
these boys . . .
Men of honor, "not on my watch" were heard
their voices . . .
Cold is Cold, for there could be no colder
days in hell of course . . .
All in what this war would spell . . .
And 'Oh what heartache and misery . . .
For all of these finest of all souls, would be
And all those in that air war,
Sent them running back across those Yalu
shores . . .
For they too were the men of the hour,
For the air support gave us such power!
And all those on the high seas . . . dropping
b's . . .
Softening up those commies . . .
And all of those MIA's,
Whose loved ones their fine hearts still muse
this very day . . .
About where there loved ones now so lie . . .
For only now, their precious souls are seen
all in our lord's eyes!

And all of those who returned home, without
arms and legs . . .
Teaching us all what the word hero so con-
veys!

And eyes, who now so live without this day
For some call it the Forgotten War!
But not so in our Lord's eyes, for sure!
For of these, were the finest of all Men . . .
Who Live on this day . . .
All in America's greatest of all heroic lores!
As was, The Korean War . . .

IN HONOR OF THE BIG SUR HEALTH CENTER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. FARR. Madam Speaker, I rise today to honor the 30th anniversary of the Big Sur Health Center, an independent, state-licensed, not-for-profit, community clinic, nestled in the heart of the beautiful Big Sur Valley. The Center is the only source of out-patient care for the 1,500 residents of the over 100 miles of remote and mountainous Big Sur coast. The Center also serves nearly 3,000,000 tourists who visit the Big Sur coast each year. It is crucial to the welfare of the Big Sur Community. As a Big Sur resident myself, I applaud the work of the health center staff and volunteers who do so much for their neighbors and visitors alike.

The Center grew out of a local, grass-roots effort in the late 1970s, to meet the needs of this rural community to provide quality comprehensive medical care to all in Big Sur regardless of a patient's ability to pay. At that time, I represented Big Sur as a Monterey County Supervisor. I had the great pleasure of working with Ray Sanborn, Dr. Saul Kunitz and other community leaders.

The Center finally opened its doors in September 1979. By 1985, it had become a 501(c)(3) corporation with a volunteer Board of Directors. That same year BSHC relocated from the Big Sur Grange Hall to its current location on the grounds of the All Saints Episcopal Church. In 2004, following a community-wide fundraising effort, the Center moved out of its old trailers into a new building at that site. Over the years the Center has developed into a busy family practice with over 2,600 patient visits annually. In the last few years the Center has also embarked on several important outreach initiatives. These included an oral health program emphasizing childhood dental care, a program to work with families and school districts to reverse growing rates of childhood obesity, and a multi year effort to reach out to the Big Sur coast's substantial Spanish speaking population.

This spirit of service and professionalism was apparent during the summer and fall of 2008 when the second largest wildfire in California's history besieged the Big Sur community for the better part of two months. The Center staff worked hand in hand with the fire response authorities to help treat injured fire fighters so that they could return to their crews to continue their important work.

Looking to the future, the Center has fully embraced the move to electronic medical

records championed by the Congress and President Obama. The Big Sur Health Center has developed and implemented an information technology system that provides practice management, electronic medical records and electronic health information exchange, and assures the protection of critical patient data in the event of a disaster that threatens or destroys the facility. In addition, this system allows for remote access to documents and facilitates patient management in the event of after-hours emergency room visits, or during a community disaster that closes the center. Retrieval of information for disease management in key populations, quality measures reporting, tracking of data and State-mandated annual clinic reporting is no longer the cumbersome and time consuming project of past times. Electronic retrieval and reactivation of patient health records is now done rapidly and accurately. The result is great savings to the Center and faster, better, more attentive care to the patient.

Madam Speaker, the Big Sur Health Center is a national treasure. It exemplifies a kind of dedicated grass-roots based health service that will be a key ingredient in a reformed American healthcare system—first rate medical care, cutting edge technology, in a community based setting. I know I speak for the whole House in extending our congratulations to the Center for a successful thirty years and our wishes for many more to come.

CONGRATULATING RALPH F. KORTE

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to congratulate Ralph F. Korte for his 2008 induction in the Southern Illinois University of Edwardsville Alumni Association Hall of Fame.

Ralph Korte is the founder and chairman emeritus of the board of Korte Company. The company was established by Mr. Korte in 1958 after he returned from Korea, serving in the U.S. Army. He was asked to build a milk-ing parlor by his neighbor and a few weeks later he created an innovative, state-of-the-art business structure that is still used today.

In 1959 Korte decided to go to college and utilized the financial aid of the G.I. Bill. He took two night classes a week for 5 years until his G.I. benefits ran out. Korte realized his business courses were helping him manage his company, so he stayed in college. After 4 more years of schooling, he graduated from SIUE School of Business. Korte attributes his success in business to the quality of education he received at SIUE.

By 2005 the Korte Company was operating in 37 states and by 2008 it celebrated its 50th anniversary. The company is a nationally recognized industry leader with more than 1,800 jobs completed across the country. "I'm proud to say that more than 80 percent of our business comes from returning customers," Korte said. "We work smart, and we know how to get things done."

In addition to his work with the Korte Company, Ralph Korte has been involved with the

creation and implementation of several initiatives on the SIUE campus. These initiatives include: the addition of the Construction Program in the fall of 1979; the construction of the Ralph Korte Stadium in 1993; the donation of the Ralph and Donna Korte Classroom, the creation of the Ralph and Donna Korte Fund for Leadership and Innovation in Business Education in 1999; and the launch of the SIUE Construction Leadership Institute in 2004.

I would like to congratulate Mr. Korte for his achievements in business and receiving this honor from Southern Illinois University of Edwardsville.

EARMARK DECLARATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. WAMP. Madam Speaker, as a leader on earmark reform, I am committed to protecting taxpayers' money and providing greater transparency and a fully accountable process H.R. 3082, Military Construction, Veterans Affairs, and Related Agencies Appropriations Bill for 2010 contains the following funding that I requested:

Requesting Member: Rep. ZACH WAMP

Bill Number: H.R. 3082

Account: Army

Legal Name Requesting Entity: Fort Campbell, Kentucky

Address: 39 Normandy Avenue, Fort Campbell, Kentucky

Description of Request: There is inadequate chapel space at Ft. Campbell. The current facilities are scattered across the entire installation in several substandard World War II buildings that are in disrepair. The construction of a chapel complex will provide every Fort Campbell soldier, their family members and retirees a quality facility in which to worship and practice their religious faith. As overseas deployments remain high, an increasing number of soldiers and families will rely on the chapel to support their spiritual needs. The local Clarksville Chamber of Commerce has strongly advocated for a new chapel on Ft. Campbell.

Distribution of funding:

Chapel—72 percent

Antiterrorism/Force Protection Measures—1 percent

Infrastructure (electric, water)—11 percent

Supervision, Inspection and Overhead—16 percent

EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. FRELINGHUYSEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding a request for funding I made of the House Appropriations Committee for inclusion in H.R. 3082 the Mil-

itary Construction—Veterans Affairs Appropriations bill for Fiscal Year 2010.

Specifically, the project will be included in Title 1, Military Construction—Army.

H.R. 3082 includes \$10.2 million for Phase 2 of the Ballistic Evaluation Facility in the Fiscal Year 2010 National Defense Authorization Act. The entity to receive the funding for this project is the United States Army, specifically the Armament Research Development and Engineering Center (ARDEC) located at Picatinny Arsenal, Picatinny, New Jersey, 07806–5000.

The actual design and construction will be executed by the U.S. Army Corps of Engineers.

The funding will be used for planning, design and construction of a state-of-the-art Ballistic Experimentation Facility (BEF) for Large Caliber Armaments at Picatinny Arsenal. This process will produce a one-of-kind research and testing facility which will reduce Army's operational overhead and maintenance costs and improve safety for Army employees. The use of U.S. taxpayer funding is justified because this construction will provide near-term and long-range benefits to the joint warfighter—Army, Marines, Navy and Air Force.

HONORING SOUTHWESTERN HIGH SCHOOL PIASA BIRDS SOFTBALL PROGRAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to acknowledge the achievements of one of the top softball programs in Illinois.

Last month, the Piasa Birds of Southwestern High School took second place in the Illinois High School Association's state finals. It was the third time in four years that Southwestern reached the finals, and it tied for the best finish in school history. The Piasa Birds finished the year with 28 wins and four losses. They won an extra-inning thriller against West Carroll in the semifinals before falling to Olympia in the state championship.

I want to congratulate head coach Erin McAfee and assistant coach Michelle Woelfel on their achievement. Most of all, I want to congratulate the members of the 2009 Southwestern Piasa Birds state runner-up softball team: Amanda Hany, Niki Davis, Lizzy McAfee, Rebecca Wolff, Amanda Roberts, Samantha Boucher, Sydney Shelton, Ashley Jenkins, Ellie Thomas, Shauni Hernandez, Amanda Mitchell, Megan Smith, Samatha Davis, Katie Trombetta and Leslie Davis.

They have represented themselves, their school and the community very well, and I join with the other members of this House in wishing them continued success both on and off the field.

CONGRATULATING SYCAMORE SHOALS STATE HISTORIC AREA

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. ROE of Tennessee. Madam Speaker, I rise today to congratulate Sycamore Shoals State Historic Area on their play "Liberty!" being recognized by the Tennessee General Assembly as the official outdoor drama of the State of Tennessee.

"Liberty!" has been performed annually during the month of July for 31 consecutive years. "Liberty!" tells the story of Tennessee's frontier beginnings by portraying the relationships between the American settlers and the native Cherokee Indians.

Hundreds of gifted local volunteers come together at the location where these historic events actually occurred and celebrate the lives of the people and depict important episodes that helped shape the heritage of this great state and country.

I want to congratulate and sincerely thank all of the volunteers that contribute their time and efforts to "Liberty!" for honoring our great state of Tennessee.

HONORING CHRISTOPHER M. PACK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher M. Pack, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1692, and in earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop participating in many scout activities. Over the many years Christopher has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Christopher M. Pack for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING CHATHAM GLENWOOD HIGH SCHOOL TITANS BASEBALL PROGRAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to honor a group of talented student-athletes from Chatham, Illinois.

The Chatham Glenwood High School Titans defeated the LaSalle-Peru Cavaliers in a 2–1 game to advance to the Illinois High School Association Class 3A state baseball championship. The Titans finished runners-up after a hard fought championship game.

My congratulations go to Head Coach Pat Moomey and assistant coaches John Hyde and Kyle Moomey for their work with this outstanding group of student-athletes. But most of all, I want to congratulate the members of the 2009 Chatham Glenwood High School Titans state champion runners-up baseball team: Nino Mattera, Derek Piper, Jake Ingold, Derek Crouch, Ryan Williams, Jacob Reese, Connor Bryant, Ben Parks, Tim Sullivan, Michael Fiaush, Max Xanders, Phillip Maton, Jake Fulks, Matt Green, Jared Turner, Tristan Molumby, Aaron Hearn, Bryce Sablotny, Jake Lance, Zack Joos, Patrick Woerner, Chris Sekardi and Dallas Henderson..

They have represented themselves, their school and the community in an exemplary fashion, and I want to join with the other members of this House in wishing them the best of luck in their future endeavors, both on and off the field.

HAYLEY AND DERRIC SMITH
AGGIES FOREVER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. POE of Texas. Madam Speaker, it is with great pleasure that I rise today to congratulate Hayley and Derric Smith on their marriage on Saturday, May 23, 2009.

Hayley is from Bridgeport, Texas and Derric is from Hobbs, New Mexico. The two met in college while attending Texas A&M. Hayley graduated with a Communications degree in 2008 and Derric earned an Agriculture Leadership and Development Degree in 2007. After graduation they both moved to Washington, D.C. where Derric proposed to Hayley in Statuary Hall located in our nations Capitol.

Derric has been accepted to law school at Southern Methodist University in the fall of 2009 and Hayley and Derric will be moving to Dallas, Texas. While I know Hayley and Derric will go on to achieve great things, I will miss Hayley's spirit, work ethic, and Texas pride that comes from an Aggie graduate.

Hayley has truly been an asset to my office over the last year. I know that she looks forward to getting back to the great state of Texas and hoping the Aggies can pull off an upset over the Texas Longhorns at some point.

The commitment that Hayley and Derric have to each other will only get stronger as they begin a new chapter in their lives together. I would like to congratulate them again on their marriage and wish them the very best in all of their future endeavors.

And that's just the way it is.

EARMARK DECLARATIONS

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. CRENSHAW. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010

Account: Navy

Legal Name of Receiving Entity: MCSF Blount Island, FL

Address of Receiving Entity: Channel View Boulevard Jacksonville, FL 32226

Description of Request: I have secured \$3,760,000 in funding in H.R. 3082 in the Navy Account for the Port Operations Facility at MCSF Blount Island, FL.

The purpose of this funding is to construct a new multi-story waterfront operations support facility to include a container operations office, harbor security office and a multiple user waterfront operations building.

This is a valuable use of taxpayer funding because it would support the MCSF Blount Island, FL facility which is responsible for the United States Marine Corps' Maritime Prepositioning Ships (MPS) Maintenance Cycle operations and oversight of the Marine Corps Prepositioning Program-Norway (MCPPN).

There are no matching funds required or allowed for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010

Account: Navy

Legal Name of Receiving Entity: Naval Air Station Jacksonville

Address of Receiving Entity: Roosevelt Blvd Jacksonville, FL 32212

Description of Request: I have secured \$5,917,000 in funding in H.R. 3082 in the Navy Account for the P-8A Multi-Mission Maritime Aircraft (MMA) Facilities Modification at NAS Jacksonville, FL.

The purpose of this funding is to upgrade the existing airfield facilities to support the operation and maintenance of the new P-8A Multi-Mission Maritime Aircraft (MMA).

The MMA is programmed for a phased replacement of the P-3C aircraft between 2011 and 2018. NAS Jacksonville has been identified as a main operating base for this phased replacement. Modification of existing facilities is required to support this new mission.

There are no matching funds required or allowed for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010

Account: Navy

Legal Name of Receiving Entity: Naval Station Mayport

Address of Receiving Entity: Mayport Road Jacksonville, FL 32228

Description of Request: I have secured \$29,682,000 in funding in H.R. 3082 in the Navy Account for Wharf Charlie Repair at Naval Station Mayport.

The purpose of this funding is to recapitalize Charlie One (C-1) Wharf by reconstructing the 608 foot general purpose berthing wharf with a new second deck wharf.

This is a valuable use of taxpayer funds because failure to recapitalize C-1 Wharf will re-

sult in increasing steel deterioration of the bulkhead, formation of holes and loss of back-fill material. Loss of material will cause voids, failure of wharf deck paving, potential utility outages from broken piping. Resultant live load restrictions would eliminate crane and truck operations on the wharf.

Wharf C-1 could no longer be effectively used as an ordnance handling berth which would severely restrict weapons on load/off-load within the Mayport basin, require increased ships movements within the basin and could possibly delay ships operational schedules.

There are no matching funds required or allowed for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010

Account: Navy

Legal Name of Receiving Entity: Naval Station Mayport

Address of Receiving Entity: Mayport Road Jacksonville, FL 32228

Description of Request: I have secured \$46,303,000 in funding in H.R. 3082 in the Navy Account for Channel Dredging at Naval Station Mayport.

The purpose of this funding is to remove an estimated 5.2 million cubic yards of sediment from the turning basin, inner entrance channel and Jacksonville Harbor Bar Cut (outer channel) to the prescribed project depths (approximately 50 feet) and deposit the dredged material in the permitted open ocean disposal areas.

As most of you are aware, the Department of Defense has decided to further review the Navy's earlier decision to establish a second nuclear aircraft carrier homeport at Naval Station Mayport, Florida within the 2010 Quadrennial Defense Review (QDR).

HOWEVER, the current leadership in the Department of Defense, Secretary Gates and Deputy Secretary Lynn, have declared that at the very least there MUST be alternate location to dock our nuclear carriers in case of a natural or man-made emergency at Naval Station Norfolk.

There are no matching funds required or allowed for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010

Account: Navy

Legal Name of Receiving Entity: Naval Station Mayport

Address of Receiving Entity: Mayport Road Jacksonville, FL 32228

Description of Request: I have secured \$26,360,000 in funding in H.R. 3082 in the Navy Account for a Fitness Center at Naval Station Mayport.

The purpose of this funding is to construct a new fitness center at Mayport to replace a 35 year old out dated and non-compliant structure.

This is a valuable use of taxpayer funds because it will upgrade readiness, training and the quality of life of sailors at and their families at Naval Station Mayport.

There are no matching funds required or allowed for this project.

HONORING GLENWOOD HIGH
SCHOOL SOCCER PROGRAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to honor one of the top high school soccer programs in Illinois.

The Titans from Glenwood High School in Chatham, Illinois, took third place at the Illinois High School Association Class 2A state finals last month. It was the school's third trip to state in six years, and it capped off an 18-4-1 season.

This year's squad avenged last year's loss to Belleville Althoff in the super-sectional by winning the rematch and advancing to the state finals. Once there, they fell to Lemont 1-0, but bounced back to take a 2-1 victory over Sycamore in the third place game.

I want to congratulate head coach Jay Lipe and assistant coaches Greg Lipe, Pam Hogan and Bethany Rollet on their success with this group of student-athletes. I especially want to congratulate the members of the 2009 Glenwood Titans' state third place soccer team: Cara Moody, Erin Egolf, Sydney Alstott, Ashley Kulavic, Lindsey Koch, Dani Torrey, Eryn Sullivan, Rylie Sullivan, Ali Traina, Bree Gardner, Annie Kwedar, Jenny Mosley, Emily Stockton, Elena Pappas, Abby Vorreyer, Colleen Quick, Rachel Kobayashi, Alise Wisniewski, Kaylee Walsh and Abby Juhlin.

These students have represented themselves, their school and the community very well, and I want to join with the other members of this House in congratulating them, and wishing them all the best in their future endeavors, both on and off the field.

TRIBUTE TO DELORES "SUGAR"
POINDEXTER

HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. CARSON of Indiana. Madam Speaker, I rise today to honor Delores "Sugar" Poindexter for her phenomenal career in the gospel music industry and as a spiritual healer.

Sugar's stunning soprano voice is and will always remain legendary within the gospel music industry. She sang with many of the great pioneers of gospel music such as the Roberta Martin Singers and the Beatrice Brown Singers. In addition to singing, she was the Chairperson of the Back Stage Committee for the Gospel Music Workshop of America Inc. Sugar served as the Vice Chairperson of the Gospel Announcers Guild of the Gospel Music Workshop of America Inc., and as a co-host on Black Entertainment Television's Bobby Jones Gospel show.

Sugar is a remarkable woman who has achieved many firsts in her lifetime. She is a

giant in the Indianapolis community whose vision of service has touched the lives of many less fortunate individuals. In the span of over three decades, Sugar was the first African American woman to host her own gospel program on the airwaves of WTLC, which was formerly known as 104.5 FM. She was the first African American licensed disc jockey on WTLC and again the first to host her show from the Marion County Jail on Thanksgiving Day, a tradition she continued for 20 years.

Despite her many achievements, Sugar's greatest legacy is that of a healer. She ran her own prison ministry providing hope and spiritual fulfillment to the women at the Indiana State Prison.

I urge my colleagues to join me in honoring Delores "Sugar" Poindexter, a woman who shared the gospel and its message of compassion, humanity and peace through music. Sugar firmly believed in the saying that, "to whom much is given much is expected."

GULFPORT, FLORIDA MOURNS THE
PASSING OF ROBERT W.
CALDWELL, JR.

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. YOUNG of Florida. Madam Speaker, it is with a deep sadness that I share with my colleagues the passing of my good friend and constituent Robert W. Caldwell, Jr. of Gulfport, Florida.

There was no more patriotic American than R. W. Caldwell, Jr. who died this past Fourth of July at the age of 88. He moved to Gulfport as a young boy during the 1920's and never left. During those more than 80 years, he fell in love with this small Florida city and throughout his lifetime he always strived to make it a better place to live. He built and sold homes in Gulfport, throughout Pinellas County and the state of Florida.

Bob also understood the value of preserving the history of our area and as such led community efforts to support the Gulfport Historical Society and restore some of its landmark sites including Scout Hall.

It was most appropriate that this past April, the City of Gulfport honored R. W. Caldwell, Jr. by naming a park in his honor. The City will turn out Saturday at this park to pay their respects to the life of this special man and to thank him for his lifelong contributions to making Gulfport such a special place in which to live, to learn, to work and to play.

Following my remarks, I will include for the benefit of my colleagues an article and obituary from The St. Petersburg Times about Bob's life.

Madam Speaker, my special thoughts go out to Bob's wife of 63 years Adele, his daughters April and Elise, his son Bill, and three grandchildren. In addition to his wife and family, one of R. W. Caldwell Jr.'s other loves of his life was fishing the beautiful waters of Florida and the Gulf of Mexico. It is my hope that his family always remembers this giant of our community when they pass by one of our waterways, see a fisherman casting out a line,

and watch one of Florida's trademark sunsets over the Gulf of Mexico. May R. W. Caldwell, Jr. rest in peace.

[From the St. Petersburg Times, July 8, 2009]
LONGTIME BUILDER 'SKETCHED OUT
GULFPORT'

(By Andrew Meacham)

GULFPORT.—R.W. Caldwell didn't just develop Gulfport, he lived there, putting down roots in its sandy soil. He lived for the outdoors and fishing—priorities that never changed even as his company became one of the Tampa Bay area's most recognizable names in real estate.

He added construction to a company that specialized in real estate and insurance. The expansion resulted in hundreds of new homes in Pinellas, Pasco and Charlotte counties, including some of the area's largest subdivisions and an influx of high-end homes to Gulfport.

Mr. Caldwell died of a stroke Saturday. He was 88.

"He was a remarkable pioneer," said Gulfport Mayor Michael Yakes. "He really sketched out Gulfport in his own right."

While franchises of huge companies like Coldwell Banker and Keller Williams dominate coast to coast, Mr. Caldwell's name has endured locally.

"The whole real estate industry was started by fellows like R.W. Caldwell," said Victor Adamo, chairman of the Pinellas Realtor Organization.

After getting a degree at M.I.T. and working as an aeronautical engineer in California, Mr. Caldwell moved back home to rejoin his father's business in 1951.

He had foresight, buying properties dense in trees, then endeavoring to save as many as possible in subdivisions. He predicted the coming of multifamily homes as cities built to their boundaries.

"What has happened in Gulfport will, in many cases, happen elsewhere in Pinellas," he wrote in a guest column for the Times in 1960.

He trusted his know-how, maintaining his 1994 Chevrolet station wagon himself. The car still runs with 200,000 miles on it. He built a single-engine boat he later took to the Bahamas for a fishing trip.

Mr. Caldwell also trusted his instincts with people, quietly helping those he believed were doing all they could for themselves. At least twice, he shipped \$12,000 worth of beans to Haiti.

When his housekeeper couldn't qualify for a mortgage, Mr. Caldwell took one out himself, then collected monthly payments. When the housekeeper's family finished the payments years later, he handed over the deed.

He enjoyed a daily martini with his wife, Adele, and eating smoked mullet with childhood friends, including the mayor and other city officials.

After selling Jordan-Caldwell, the construction arm, to U.S. Homes in 1972, Mr. Caldwell stayed with U.S. Homes until the late 1970s. He remained with the family company as an adviser.

"There are a lot of developers who have taken their piece of the pie and not made a better place to live," said Tina Douglass, wife of former St. Pete Beach Mayor Bob Douglass. "Wherever R. W. was, he always made it a better place. He left a good mark."

OBITUARY

CALDWELL, Robert W. Jr. 88, of Gulfport and Boca Grande, was born on Aug. 20, 1920 in Meadville, PA to Gail Jarrell Caldwell and Robert W. Caldwell Sr. He died in Bayfront Medical Center in St. Petersburg this past

Saturday, July 4, 2009. His maternal grandparents, George and Abigail Jarrell first brought him to Gulfport in the 1920s. Because of the two week quarantine of new Florida students to avoid bringing in infectious diseases, he fished with his grandparents daily, in lieu of school. After the quarantine, he first attended Roser Park and then the brand new Gulfport Elementary School. He fished at the Gulfport Pier nearly everyday. Back then, Gulfport was open to the Gulf; there was no Bayway, and the waters were turquoise and teeming with fish. When his grandparents opened the Gulfport Market, he helped them out along with his mom and his Aunts Isabel, Anne and Helen. He attended Disston Junior High and St. Petersburg High School. He continued to fish at every chance and took advantage of every opportunity to assist local boat captains. He was an excellent boatsman and fisherman. Known as Bo in the 1920s and '30s, Bob was always an excellent student, too. He graduated St. Pete High in 1938, and, after attending St. Petersburg Junior College for a year, enrolled in the Massachusetts Institute of Technology. While at MIT, Bob captained the lightweight crew. He had excellent skills with tools that he had learned from his grandfather Jarrell and returned to Gulfport summers during college and built homes for his father and Ed Markham. He graduated MIT during World War II in January, 1943 with a degree in aeronautical engineering. From many job offers, he chose Convair in San Diego, which later became part of General Dynamics. He built B-24s and other aircraft. He married Adele Allport in 1945. All three of their children were born in La Jolla, CA. Bob arrived back in Gulfport with his family on July 4, 1951. His plan was to work with his Dad and open the building division of R.W. Caldwell, Inc., a real estate and insurance business originally started by his father in 1937. In late 1952, Bob found himself running the entire company after his father's untimely death. He was a successful investor and land developer and was elected in 1954 President of the Contractors and Builders Association of Pinellas County. Bob was the first President of the Gulfport Chamber of Commerce and was President of the Friends of the Gulfport Library when the new library was built at 28th and Beach Boulevard. He was an over 50 year member of the St. Petersburg Yacht Club. Some of the subdivisions he developed in his career included Pelican Creek and Catalina Gardens plus he built hundreds of individual homes throughout Pinellas County. He was an organizing director and built the First Bank of Gulfport, was chairman of the Pinellas County branches of Royal Trust Bank and was an organizing director of First Gulf Bank. He was President of Jordan-Caldwell, Inc. that developed San Clemente East in Pasco County. When bought by U.S. Home Corp., Bob became, among other projects, the original developer of Timber Oaks in Pasco County and then became vice president of U.S. Home Corp. in charge of construction for the Central Florida Division. Bob's largest Gulfport business venture was when he became the Managing Partner of the Pasadena Partnership that bought the land known as Skimmer Point and later Pelican Bay and arranged the annexation of this part of Pasadena Yacht and Country Club into Gulfport. Further, he was currently President of Palm Island investment Corp. in Charlotte County and Chairman of R.W. Caldwell, Inc. in Gulfport. Bob lived a very modest life style. He maintained both his boat and auto engines himself. He even built his own 26 foot single

engine boat from scratch in his front driveway in the late 1950s and took it on a five week adventure to the Bahamas with his wife and his wife's sister and brother-in-law. He enjoyed along with his wife in taking their children on car trips in the family station wagon to visit many of America's national parks, frequently camping out along the way, and, a generation later, repeating those car trips with their grandchildren. Growing up in the fifties and sixties, Caldwell family weekends were for water recreation and fishing trips. Those were idyllic happy times. Bob was active and smart with a good sense of humor to his last days and enjoyed driving all about town in his 1994 Chevy station wagon. He loved fishing till his end and really enjoyed a fishing trip he took this past Father's Day weekend with his son when they went over 55 nautical miles out into the Gulf of Mexico, and Bob showed that he was still an expert at catching 'em. Bob quietly and without fanfare helped many area people in need, but he had a special feeling for people suffering in Haiti. He personally donated, in the last few years at least four entire containers full of more than 150,000 pounds of beans through For HAITI, With Love to help feed the hungry Haitian people. Bob is survived by his loving and devoted wife of over 63 years, Adele A. Caldwell; three children; a daughter, April Caldwell Hornsleth (Poul); a daughter, Elise 'Desi' Caldwell McCarthy (Vaughn); a son, R.W. 'Bill' Caldwell, III (Katie), and three grandchildren, Poul Hornsleth, III, Jody Hornsleth Sepúlveda (Rob) and Kyle McCarthy. There will be a memorial gathering this Saturday, July 11th at 10 am in R.W. Caldwell Park at 64th Street and Gulfport Boulevard. Parking will be available, and a reception will follow. R.W. Caldwell Park was dedicated just this past April 18th, less than three months ago. The entire Caldwell family is very grateful and appreciative to the City and citizenry of Gulfport that their patriarch, R.W. 'Bob' Caldwell Jr., who first came to Gulfport more than 80 years ago, was able to receive and appreciate this wonderful honor before he died. In lieu of flowers, the family asks that donations be made to either For HAITI, With Love, the Gulfport Historical Society or the Friends of the Gulfport Library. Arrangements by R. Lee Williams & Son Funeral Home 5730 15th Avenue South Gulfport 33707 727-345-7797 www.rlwilliams.com.

HONORING CHATHAM GLENWOOD HIGH SCHOOL TITANS SOFTBALL PROGRAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to honor a group of talented student-athletes from Chatham, Illinois.

The Chatham Glenwood High School Titans defeated the Glenbard South Raiders in a 4-2 victory to advance to the Illinois High School Association Class 3A state softball championship. The Titans finished runners-up after a hard fought championship game.

My congratulations go to Head Coach Vondel Edgar and assistant coaches Terry McDewitt, Brittany Koester and Paul Gray for their work with this outstanding group of stu-

dent-athletes. But most of all, I want to congratulate the members of the 2009 Chatham Glenwood High School Titans state champion runners-up softball team: Sami Estill, Erin Fleischacker, Alyssa Esperum, Mariah Cole, Cassandra Harvill, Kaitlyn England, Kim Franke, Lauren Galloway, Abbie Xanders, Jessica Meyer, Kasey Oliver, Ashley Backus, Sarah Garrison, Liz Rupel, Shelbi Tudor, Brittany Osborn, Brittany Hembrough and Beka Ferguson.

They have represented themselves, their school and the community in an exemplary fashion, and I want to join with the other members of this House in wishing them the best of luck in their future endeavors, both on and off the field.

HONORING BRANDON SCOTT UNDERWOOD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Brandon Scott Underwood, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 218, and in earning the most prestigious award of Eagle Scout.

Brandon has been very active with his troop participating in many scout activities. Over the many years Brandon has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Brandon Scott Underwood for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING PORTLAND, TENNESSEE'S 150TH YEAR

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor the city of Portland, Tennessee on its 150th year anniversary.

Portland is located in Sumner County near Interstate 65, just five miles south of Kentucky and 35 miles north of Nashville. The area was first settled in 1792 by the James Gwin family.

On October 31, 1859, the Louisville and Nashville train made its first stop at the Richland Station depot. The Richland Station depot was built on land belonging to Thomas Buntin, who later became Richland's first postmaster.

During its first year, the City of Richland expanded with the opening of James Goostree's general store. The City of Portland was originally named Richland, but changed its name in 1888 to avoid being confused with another

town in Tennessee of the same name. In April 1904, the Tennessee State Legislature enacted legislation incorporating the City of Portland.

In the 1920s, strawberries became a booming business for the area, and in 1941, the city held the first Middle Tennessee Strawberry Festival to celebrate the importance of the crop to both Portland and the state. The Middle Tennessee Strawberry Festival became an annual event that is still celebrated every May.

Portland boasts a thriving economy, with employment numbers that exceed its population. The city is home to excellent parks and recreation system, a full-service public library, local radio station WQKR and hometown newspaper, the Portland Leader. With a population of just 10,000, Portland is still a close-knit and rural community.

HONORING LINCOLNWOOD HIGH
SCHOOL LANCERS BASEBALL
TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 9, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to honor a state championship baseball team from Raymond, Illinois.

The Lincolnwood High School Lancers knocked off Marissa 3–1 to capture their first state championship in baseball. The championship game win at Silver Cross Stadium in Joliet capped off an amazing season in which the Lancers won their first 27 games and ended up with 34 wins against just two losses.

My congratulations go to Head Coach Chris Paproth and assistant coaches Josh Stone

and Lance Glick for their work with this outstanding group of student-athletes. But most of all, I want to congratulate the members of the 2009 Lincolnwood High School Lancers state champion baseball team: Aaron Pope, Luke Leonard, Chase Jaeger, Trevor Riggs, Clayton Clarke, Tyler Walch, Josh Glick, Adam Lemon, Nick Arter, Sam Elmore, Shane Herschelman, Lucas Stieren, Ethan Eliason, Randall Brockmeyer, Michael Stephenson, Kendall Wagaoff, Kyle Snyder, Jake Leonard, Kendall Crawford, Landon Weitekamp and Shane Burbridge.

They have represented themselves, their school and the community in a first-rate fashion, and I want to join with the other members of this House in wishing them the best of luck in their future endeavors, both on and off the field.

SENATE—Friday, July 10, 2009

The Senate met at 10 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Help us, O Lord, to run when we can, to walk when we ought, and to wait when we must.

Today, give wisdom to our lawmakers. May they leave undone that for which they are not ready as they open their minds to discern Your will. Lord, help them to not pray for tasks fitted for their strength but for strength which fits them for their tasks. Conform their lives more and more to Your likeness. Continue to lift the light of Your countenance upon them and fill them with Your peace.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 10, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period

for the transaction of morning business. Senators will be allowed to speak for up to 10 minutes each. There will be no rollcall votes during today's session of the Senate.

HEALTH CARE

Mr. REID. Mr. President, many Americans are fortunate to have health insurance to help them pay for their prescriptions, treatments, or even doctor visits. Like any kind of insurance, we hope we never have to use it, but it is comforting to know it is there. But what happens if the system designed to give us that sense of security and stability is not itself secure or stable? Where does one turn when that certainty is taken away? That is the fear too many middle-class families in America have. They see the jobs around them disappear. For some, one of those jobs may be their own job. They see their paychecks get smaller, or they struggle each week because that paycheck simply does not go far enough. They may have insurance today, but they don't know if they will be able to say the same tomorrow.

Too many families in the greatest country and the largest economy in the world, by far, live just one illness or one accident or one pink slip away from losing that sense of security—their health insurance.

Far too many families have to make a decision when their children get sick: Do they buy them new school supplies or do they buy them clothes? Do they buy some extra groceries for the family or are they going to be able to take them to the doctor? As I say, do they get them new clothes when they grow out of their old ones or do they get the treatment they need to stay healthy or even to get healthy? Far too many hard-working Americans have to make a choice when their doctor gives them a prescription for chronic illness, or what insurance companies like to call a preexisting condition. Do they get that medicine or do they add that little piece of paper to a top of a mounting pile of bills they cannot afford to pay?

What about small businesses, those entrepreneurs in big cities and small towns that innovate, invent, and fuel our economy? They do have a choice to make. Do they hire new employees? Do they lay off more hard-working Americans or do they just simply cancel their health insurance for their employees because it is too expensive? Businessmen and businesswomen do not have a lack of insurance because they are cheap or they do not care about their employees, they do not

have health insurance because they cannot afford it. It is too expensive.

Taking your child to the doctor, filling a prescription, and giving your workers health insurance should not have to be choices. They should not end in question marks. That is exactly why we are working to bring stability and security back to health care. Health care reform means making sure every American can afford access and care. Reform means making sure that if you lose your job, your health care will not go with the job you have lost. It means if you change jobs, your health care stays with you. Reforming health care means that if your mother had breast cancer or you had minor surgery last year or your kid gets allergies every spring, your insurance company cannot say: I am sorry, you are just too much of a risk for us to cover anymore. Health care reform means lowering the cost of care and keeping it low. It means improving the quality of care you get and keeping the quality high. It means that premiums you pay every month will not go up just because your insurance company feels as if they should.

Senator PATTY MURRAY of Washington told a story. I was at an event with her yesterday. She got up yesterday morning to find in the Washington press an insurance company that insures 135,000 Washingtonians will have a 17.5-percent increase immediately in their health insurance premiums. That is an average. Some are higher, some are lower. Reform means the premiums you pay every month will not go up just because your insurance company feels like it. It means keeping costs stable so the price of staying healthy does not fluctuate like a gallon of gas. It not only means making sure you can keep going to your family doctor or keep your health care plan if you like it but also that you can afford to do so.

No one can predict when the next accident might come, when one might get laid off. We don't know when we will get sick or when one of our loved ones will get sick. But we can put people in control of their own health care.

A doctor's first job when someone comes into the emergency room is to stabilize the patient. When it comes to addressing the emergency care in our health system, our job is to do the same—stabilize it. We have to cure the uncertainty in health care. We must fix our broken health care system so that when you open your medicine cabinet, you can be certain the prescription you need to get better will be there. When you open your wallet, you should be certain you can afford to go to the doctor. And when you open that small

business in your hometown, you can be certain you can hire employees to grow your company, put your ideas into motion, realize your American dream, and have your employees covered with health insurance.

The status quo is ruining our country's financial stability. Right now, one-sixth of every dollar spent in America goes for health care. If we do not change this, by the year 2020—that is a little over 10 years away—it will be 35 cents of every dollar spent will be on health care. It will bankrupt our country. We must change this.

I ask my Republican colleagues: Let's not make this a partisan issue. Let's work together. That is why I so appreciated a number of valiant Republicans on the Finance Committee working together to try to come up with a health care plan that can be supported by Democrats and Republicans in the Senate. We can do it alone. Democrats can do it alone. We do not want to do it alone because it would be under something we call reconciliation, and it changes the rules. And instead of being able to do a large amount of health care, we are only going to be able to do a little health care. We want to work with our Republican colleagues. This is not a partisan issue. People losing their health care are not Democrats, Republicans, or Independents; they are Americans, whether from the State of Oregon or the State of Nevada.

The Presiding Officer represents the State of Oregon. There is extremely high unemployment in Oregon, higher than in Nevada, and we are over 11 percent. In 1 month, we went from 10.4 percent to 11.3 percent unemployment. So the people losing their jobs, losing their health care in Oregon and Nevada and all the rest of the States are not partisans. They want something done to restore their jobs, to get them new jobs, and to give them health insurance, if they do not have it, and make sure it is not taken away from them.

I reach out to my Republican colleagues to join with us in this necessity of doing something about health care. This is not something we are looking for work to do. We are doing it because it is absolutely essential. Right now, I repeat, one-sixth of every dollar spent goes to health care in America. If we do not change this, in just a few years it will be 35 cents of every dollar. We cannot sustain that.

Mr. President, it is my understanding you are going to open morning business.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. MCCAIN. Mr. President, I wish to note, in the context of my remarks, the announcement yesterday that the deficit for the first 9 months of this year is now \$1.1 trillion, headed for, at the end of this year, \$1.8 trillion, perhaps the highest percentage of GDP in the history of this country outside of wartime. We are now in the process of adding amendment after amendment in the HELP Committee without any idea of the cost. As one of my colleagues who proposed a massive expansion of women's health care yesterday said in the committee: It is not the cost that is important; it is the cause. A remarkable approach to the fact that we are mortgaging our children and grandchildren's futures in a fashion which is the commission of generational theft.

Chairman DODD received a new score on his bill last week by hiding the real cost of the bill. A few weeks ago, the preliminary cost was over \$1 trillion. Now it is at \$900 billion—same bill, just different numbers. On the one hand, we are told reform is urgent and, at the same time, they don't implement the bill for 4 years; conveniently, after the next Presidential election. Then they will tax employers with a job-killing employer health mandate, collect \$52 billion from small employers, the engine that will take us out of our recession. Nobody disagrees about the role of small business in our economy. Then this latest proposal hides the cost of the additional hundreds of billions of dollars of Medicaid expansion.

The State of California is offering IOUs to pay their bills. They have a \$26 billion deficit. We are going to increase Medicaid's burden on the States to the tune, in the case of California, of several more billion dollars. How are they going to pay for it? It is an impossible task.

I am told that is not about the cost, but it is about the cost. Just as the stimulus package was about the cost, just as the continued bailout of industries such as the automotive industry, banks, financial institutions and anybody who is "too big to fail," when small business people all over America

are closing their doors because they are too small to save.

For the first 9 months, the deficit is \$1.1 trillion. That is \$800 billion greater than the deficit recorded last year. The American people have a right to know what this health care bill will cost, what it will cost now and what it will cost our grandchildren.

The Washington Post today tells us how not to reform health care, in opposing the government insurance President Obama now says is so critical. According to today's Washington Post:

... it would be tragic if this issue were to drag down health reform or make it impossible to secure Republican votes. Restructuring the health-care system is risky enough that Democrats would be wise not to try to accomplish it entirely on their own.

I certainly hope my friends on the other side of the aisle pay attention to that comment. It has turned into a partisan effort, and it is too bad.

From today's Wall Street Journal, "Democrats Hoodwinked the Health Lobby. Americans's health-care CEOs are being taken for a ride by Congress and their own lobbyists."

It is a very interesting article by Kimberly Strassel.

The industry's calculation is that by cutting deals, it can set the terms of its contributions to "reform" and even wangle up-sides. The insurers came first, promising to squeeze \$2 trillion in costs out of the system. Democrats are letting Ms. Ignagni believe that in return she will get a mandate to require all Americans to carry insurance (which her members will supply) and be spared a public option (which would decimate her industry).

It goes on to talk about Mr. Tauzin who:

... came along pledging that drug makers would cough up \$80 billion to narrow a gap in Medicare drug coverage. He's been led to think that Washington will forgo its plans to allow drug reimportation or give him a hand on generics.

The word is that the administration is now saying drug reimportation is not important, in exchange for this deal with Mr. Tauzin. How unsavory is that. Drug reimportation will save the American people \$50 billion a year. It is a fact. PhRMA, the large prescription drug lobby—a very powerful one here in our Nation's capital—in return for saying they will save \$80 billion, the administration in return will give up their support for what would save the American people \$50 billion, when the \$80 billion they are talking about is purely illusory, to say the least.

The Wall Street Journal article goes on to say:

Democrats have complemented their smiling encouragements with behind-the-scene threats. After retaking the House in 2006, the party made clear that companies that did not hire Democratic lobbyists would not get a hearing in Washington. The ruling party is now seeing the fruits of its bullying. These days a meeting of health-care lobbyists is better described as a reunion of Senate finance Chairman Max Baucus's former aides.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

Health-care lobbying has been turned on its head: The new cabal of Democratic lobbyists does not exist to protect the industry from Congress. It exists to present Democratic ultimatums to business.

When Senate Republicans last month hosted a meeting to discuss reform ideas, Mr. BAUCUS's office called in a block of these Democratic lobbyists to deliver a message. "They said, 'Republicans are having this meeting and you need to let all of your clients know if they have someone there, that will be viewed as a hostile act,'" reported one attendee to the Baucus caucus.

Interesting.

All these actions—the White House meetings, the strung-out negotiations, the muzzling—have been taken with one aim: To buy silence. President Barack Obama is committed to a public option. Liberal Democrats intend to make the private sector fund their plans. They figure by the time they drop a bill that contains odious elements, it'll be too late for any industry player—big or small—to cut a Harry & Louise ad.

Industry players this week got a glimpse of how they will be treated. House Energy and Commerce Chairman Henry Waxman dismissed the \$80 billion drug deal, claiming it did not have House support, and moreover that the White House "told us they are not bound to that agreement."

The question is just how long it is going to take for America's health-care CEOs to realize they are being taken for a ride both by Congress and their own lobbyists. Americans are wary enough about ObamaCare to maybe appreciate some straight talk from corporate America. If only corporate America can find the smarts to give it.

The debate and discussion continues in the House and the Senate. They still haven't found a way to pay for the health care reforms they want to make. It is still around a trillion dollars. We hear everything from a 10-cent tax on soft drinks to the employer benefit proposal which was so strongly derided and attacked during the last campaign. So far we are talking about laying another trillion or two of debt on the American people, in addition to the \$1.8 trillion deficit we have already amassed this year.

Again, I urge colleagues and the administration to sit down in true negotiations, in bipartisan fashion together, and maybe we can solve this issue. We all know the quality of health care in America is the highest in the world. But the costs of health care in America and the inflation associated with it are something we must address so that health care is affordable and available to all Americans.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BIOLOGICS

Mr. BROWN. Mr. President, this week Congress is deciding whether to broaden access to affordable generic drugs for millions of Americans. As we all argue our points, it is important to remember what this issue is all about. Broadening access to generic drugs is not about Republicans or Democrats. It is not even about the drug companies, the biologic makers, or the other pharmaceutical companies. It is about men and women in my State and the State of the Presiding Officer and around the country. Broadening access to generic drugs is about the 192,370 new cases of breast cancer that will be diagnosed in American women this year, and the \$48,000 average annually is what it will cost to treat their disease with the biologic drug Herceptin, \$48,000 annually. This is about the 1.3 million adults affected by rheumatoid arthritis each year and the \$2,000 average annually it cost to treat their difficult disease with the biologic drug Remicade. Broadening access to generics is about the 148,610 men and women diagnosed with colon cancer each year and the \$100,000 it costs them each year to treat the disease with the biologic drug Avastin.

Let me mention a few other noteworthy numbers: \$1.2 billion represents the average cost to develop a new biotech product; this includes research and development and the costs lost to products that never make it to market. It is not just \$1.2 billion for the product itself that makes it to market. It is about the false starts and includes all that too. Continuing, \$9.2 billion represents the 2008 sales of Genentech's biologic colon cancer treatment Avastin. I said it cost \$100,000 per patient to treat with that drug. Eight billion represents the 2008 sales of Amgen's biologic arthritis treatment Enbrel. Finally, \$7 million represents how much money PhRMA spent in the first 3 months of 2009 to lobby Congress; \$7 million to lobby Congress in the first 3 months of this year. That is before we started the most intense part of working on this bill.

I encourage colleagues on both sides of the aisle to keep all of these numbers in mind as we go through the debate this week and next week—the numbers of patients who depend on these drugs, the cost to the patients one by one by one for each of these drugs, the amount of money the drug companies, the biologic companies have made on these drugs, and the amount of money they are spending lobbying Congress to have their way on these issues.

Countless Americans cannot afford expensive brandname drugs, known as biologics. These drugs provide promise and hope—and we are very indebted to these companies for developing these drugs; they clearly save lives—these drugs provide promise and hope to

those suffering from devastating diseases and chronic illnesses, including cancer, Parkinson's, diabetes, Alzheimer's, and MS.

For example, annual treatment for breast cancer with the biologic drug Herceptin costs \$48,000 a year. The annual treatment for rheumatoid arthritis with Remicade, as I said, costs approximately \$20,000 a year. These drugs are simply too expensive for so many people to afford.

The average household income in Ohio for 2007 was \$46,597. For the patient who cannot afford a treatment, it does not matter if it is a breakthrough and it does not matter if it is life-saving, he or she simply cannot afford it.

There is currently—to put this in context—no FDA approval process for biogenerics, biologic generic equivalents, comparable to the process that enables generic drugs to compete against their brandname counterparts.

We all have seen the money you can save when you go to your doctor for a typical drug that has a generic substitute. It is the same drug with the same active ingredients, and a physician will encourage their patient to buy the generic equivalent. That is true for the chemical drugs we have had for many years. It is not true for the biologics. There is no generic equivalent. There is no pathway allowed for generics to compete against the biologics.

Absent that process, there is no free market exerting downward pressure on biologic prices, so prices remain high, so prices remain \$20,000 a year or sometimes as high as \$7,000 or \$8,000 a month for some of these biologics.

That is the problem in a nutshell, but behind it—this is all talking public policy up here—but behind it, underneath it, are the lives of hundreds of thousands of Americans, situations in which Americans cannot afford treatments that prevent disability and, in some cases, prevent death.

Early this year, Ohio representatives from the Arthritis Foundation visited my office to talk about soaring health care costs and the limitations of our current system. These individuals spoke of extreme and prolonged physical pain, pain that could be alleviated if only the treatments existed—which they do—and only if they were affordable—which too often they are not.

Biologics provide great promise and hope to those suffering from devastating diseases and chronic illnesses. But absent competition, absent what we call follow-on biologics, absent a generic substitute to compete—but absent competition—countless Americans will be unable to benefit from these medicines.

It would be irresponsible on our part not to pursue a safe and efficient path to biogenerics. And it would be irresponsible on our part to pursue a pathway that allows for over a decade of

monopoly protections for brandname products.

We did not do that with the generic drugs, the so-called Hatch-Waxman bill, which everyone in this body is familiar with. Most people at home around our country—most people in Toledo and Akron and Cincinnati and Dayton and Springfield and Mansfield—have benefited from Hatch-Waxman, the generic drug law, which cut prices for brandname drugs 50, 60, 70, 80 percent. But you cannot do that with biologics because we have not written the law to open up the process to allow follow-on biologics, to allow generic biologics, to allow competition in the system.

But next week, as the Presiding Officer knows, in the Health, Education, Labor and Pensions Committee, we have the opportunity to make affordable generic drugs more accessible for our seniors, more accessible for our Nation's middle class, more accessible for the hundreds of thousands—no, the millions—of Americans who are suffering from these diseases. But so many of them are unable to afford these expensive biologics.

Health care reform must broaden access to generic alternatives to biologics, the most expensive kinds of prescription drugs. Failing to do so is not just bad policy, bad public policy; failing to do so means we are letting down millions of our sickest citizens.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF ROBERT M. GROVES TO BE DIRECTOR OF THE CENSUS

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 169, the nomination of Robert M. Groves to be the Director of the Census for our country.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read the nomination of Robert M. Groves, of Michigan, to be Director of the Census.

CLOTURE MOTION

Mr. REID. Mr. President, I now send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been

presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Robert M. Groves, of Michigan, to be Director of the Census.

Harry Reid, John D. Rockefeller, IV, Christopher J. Dodd, Arlen Specter, Richard J. Durbin, Mark Begich, Mark Udall, Michael F. Bennet, Jeff Bingaman, Robert P. Casey, Jr., Frank R. Lautenberg, Blanche L. Lincoln, Tom Udall, Bill Nelson, Byron L. Dorgan, Claire McCaskill, Kirsten E. Gillibrand.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I now ask unanimous consent that on Monday, July 13, at 4:30 p.m., the Senate proceed to executive session, and there be 1 hour of debate prior to a vote on the motion to invoke cloture on the nomination, with the time divided as follows: 15 minutes each for Senators COLLINS, SHELBY, and VITTER, with 15 minutes equally divided between Senators LIEBERMAN and CARPER; that at 5:30 p.m., the Senate vote on the motion to invoke cloture; that if cloture is invoked, then all postcloture time be yielded back and the Senate immediately vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be laid upon the table; no further motions be in order; the President then be immediately notified of the Senate's action; and the Senate resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, are we in morning business?

The ACTING PRESIDENT pro tempore. We are not in morning business.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nebraska.

HEALTH CARE

Mr. JOHANNES. Mr. President, late last week, media reports heralded the decrease in the pricetag of the HELP Committee's health care proposal. But I would suggest that before we uncork the champagne, before we celebrate a

great accomplishment, let's study more closely the untold story. I believe we will find accounting gymnastics that have been employed.

While the headlines may have touted a HELP Committee bill that scored at \$611 billion over 10 years, the real pricetag, when fully implemented, actually totals about \$2 trillion.

That is a big darn difference. An almost \$1.5 trillion discrepancy simply cannot be swept under the rug. It is too big to be a rounding error—even in the Federal Government—and too much of a budget buster to be ignored. So where is the difference?

First, the Congressional Budget Office assumes it will take the Federal bureaucrats over 4 years to get the government-run health care and other subsidies up and running. So while the \$611 billion score claims to be a 10-year number, essentially it only covers 6 years of the costs.

If you look at the CBO score for the first 10 years after the program is fully implemented, the actual spending is closer to \$1.5 trillion. In addition, while the press releases were claiming credit for increased insurance coverage, they were actually leaving out what it actually cost to make that happen.

That euphoric claim that 97 percent of Americans would be covered under the HELP proposal is not even in the HELP Committee proposal. Only in Washington can you assume something to be, take credit for the accomplishment, and then not pay the bill.

The 97-percent statistic is based on an assumption. The assumption is that Medicaid will be expanded up to 150 percent of the Federal poverty level. This expansion is estimated to bring 20 million new people into a government-run health care plan.

However, CBO estimates that it will cost around \$500 billion over 10 years. Nowhere is that cost yet considered. And this is only the Federal share of the program. It does not take into account the State taxes that will need to be raised in order for each State to pay its share of this bill.

At one point, I was a Governor. In my own State of Nebraska, this expansion will cost the State taxpayers \$73 million a year when they have to assume the costs of the program. That is a lot of money to come up with in these tough economic times.

The American people, I believe, deserve more than budgetary tricks. Let's be honest about what we are trying to do here, and let's be very candid with people about the real costs, the fully implemented costs of the program. Let's also be very upfront about the realities of what a government-run program can or cannot accomplish in actually bringing down health care costs.

Some claim that a government-run plan will serve as competition for private insurance and, thus, will bring

down the cost of those insurance premiums. However, the CBO score makes it clear that if a government-run plan competes on a truly level playing field, it is not going to lower health care costs. The only way a government-run program can offer reduced insurance premiums is if they pay providers and hospitals at rates equivalent to current government programs. But this wouldn't cover costs. Instead, it would create cost shifting under private insurance, which is already happening today. CBO cautioned that reducing payment rates would only increase the access problems we have with current government programs.

Currently, we know 40 percent of doctors don't take Medicaid patients. It is not that they don't want to; it is because the rates are so low they don't cover their costs. This directly contradicts President Obama's message: If you like your doctors, you will be able to keep them.

The reality is, on this government program—Medicaid—which is due to insure more, that is not the case. The CBO score actually confirms that many employees would lose their employer-based health care should this bill become law.

Let me put up a chart, if I might.

In fact, the HELP Committee's bill seems to directly encourage employers to dump their employees into a government-run plan. In the committee draft, businesses that employ 25 or more employees would be required to pay an annual penalty, which is shown here, of \$750 for a full-time employee, if they choose not to provide private health insurance for the employees. When you do the math, though, this isn't a penalty at all compared to the cost of private insurance.

Looking again at the chart, in 2008, the average employer's cost for an individual in a group plan was \$3,983. So putting their employees on the public plan option is actually a savings. It is a savings, as the chart shows, of \$3,233 a year for each employee for that employer.

Paying the so-called penalty to get out from underneath the private insurance costs looks like a pretty smart business decision. In fact, I don't think it is a coincidence that a very large retailer recently came out in support of the employer mandate. When I heard this news, my initial reaction was, What is the catch?

Well, I think we found the catch. With over 1.4 million employees, this company reports that 51.8 percent of their employees have coverage through an employee health care plan. If all of these employees end up on the public plan, it would save this company \$2.4 billion a year. The employees, members of our middle class, lose their insurance plan and the promise is not kept.

It is no surprise the company does very well: \$2.4 billion goes to the bot-

tom line. Also no surprise, this company is supporting an employer mandate. Ultimately, people will not have a choice to keep their employer-based coverage and will not receive the same level of care when their employer dumps them onto the government plan to make their bottom line look better. This will directly impact the ability of the middle class to choose the doctor they want. It will inject government bureaucrats into their medical decisions because they have no choice. It is an employer's choice to move you to the government plan. To promise otherwise is misleading.

False promises will not help us achieve true solutions. Congress has been tasked with solving this problem, and we must work together to resolve the problem of reining in soaring costs. Adding another \$2 trillion entitlement program onto a budget that is already in serious trouble doesn't make sense.

The American people have sent us to Washington to identify the problem and fix it, not exacerbate it. Let's not put together bad policy and end up with another financial debacle. This time there is far more than money on the line. Americans treasure their ability to choose their doctors, to receive treatment, to have control of their life. They don't want a Federal bureaucrat in the middle of it. So let's be candid with the American people and put together a good bill that actually addresses the real problems. Let's get it right this time.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE

Mr. KAUFMAN. Mr. President, I rise today to talk about health care and why Congress needs to pass reform now.

There are three simple truths to healthcare reform:

First, if we don't pass healthcare reform this year, the stars will not align for another opportunity to pass a major reform bill for years and years to come.

Don't kid yourself: The last time Congress failed to pass major health care reform, 15 years passed until today.

If the Congress fails to enact a health care reform bill this year, with a new President in his first year in office who has a strong relationship with Congress, it simply will not be done until years from now when the system has collapsed into truly catastrophic shape.

And that leads to the second simple truth: We must pass reform now because the consequences of failure are not that we will be stuck with the health care system we have today. The consequences of failure are a very ugly health care reality our system is quickly becoming.

Our health care system has become a gigantic resource-eating machine which over time sucks in more money and yet delivers fewer options and decreased quality care, rising premiums, uncertain coverage, decreased quality.

That is the reality.

The comparison of failing to enact reform is not to the system we have today but to a very ugly destiny we will face relatively soon.

For example, if we do nothing, by 2016 health care premiums are projected to grow to an average of \$24,000 per family. Let me repeat, by 2016, \$24,000 on average for health care costs per family every year. That is simply unacceptable.

The third simple truth of health care reform is that if you like what you have today, we need health care reform so you can keep it.

We need reform to maintain stable coverage that can't be taken away from you; to maintain stable costs, that will not eat away at your paycheck and will not put coverage out of reach; and to maintain stable quality, so you get the treatment you need, when you need it, and from the doctor you choose.

Only reform keeps and improves on the best of our current system. Failure to act leads to a catastrophic health care future. I am not exaggerating.

This is where we are. The pressures on the system are building. If we fail to act now, those pressures will cause rising costs, decreased choice, the loss of access to current quality health care and basically worse health care outcomes across the board than we face today.

Let me add some additional statistics and projections.

Health care spending is swallowing up our gross domestic product, GDP. In 2009, health care will account for 18 percent of our GDP.

Eighteen cents of every dollar we spend is dedicated to health care. If we do nothing, this will rise to 28 percent of GDP in 2030 and 34 percent in 2040. This trajectory is unsustainable.

Today, the average premium for family coverage is just over \$12,000—an increase of 119 percent in 9 years. As I said, if we sit by and do nothing, by 2016, a family premium will be estimated to cost at least \$24,000—another increase of 83 percent. And in my home State of Delaware, it will be even higher, with a family insurance policy purchased through an employer estimated to cost over \$28,000.

Can you imagine paying for that? And that doesn't even include out-of-

pocket costs such as deductibles and copayments. When health insurance premiums grow at a rate five times as fast as wages, something has to change.

There also has been an increasing prevalence of medical bankruptcies. A recent study published in the *American Journal of Medicine* showed that bankruptcies involving medical bills now account for more than 60 percent of U.S. personal bankruptcies, an increase of 50 percent in just 6 years.

In fact, more than 75 percent of families entering bankruptcy because of health care costs actually have health insurance. Most are middle-class, well educated, and own their homes. They just can't keep up with the alarming rise in out-of-pocket costs associated with medical care.

Passing health care reform is important, but not easy. But for the reasons I have mentioned, this year is different. This year, the call for reform is coming from people and organizations that in the past opposed reform.

This year businesses, unions, insurers, provider groups and patient advocacy groups are all looking for reform.

And why is that? Because the growing health care dollars involved threaten virtually to bankrupt us all. We need reform to stabilize the system.

I think it is important to keep in mind that this is not just about an alarming set of numbers, statistics and cost projections.

Behind all these numbers are real people who need quality and affordable health care, including people who struggle every day to get health care or keep the health insurance they already have.

Let me take just a few minutes to talk about some people from my home State of Delaware and why we need health reform for them, as well as for millions of Americans like them in all parts of the country.

We need health reform because of people such as Angela Austin.

Angela is a recent mother who lives in Dover. She works as a bartender. Most of her earnings come from tips. She doesn't get health insurance through her employer. When Angela became pregnant she tried to find private health insurance, but she was repeatedly denied coverage because her pregnancy was considered a preexisting condition. She applied for Medicaid—to find prenatal care for herself and the baby—but was denied coverage because she earned \$200 more than the monthly income limit allowed. She called organizations and clinics and was unable to find a payment plan she could afford.

Midway through her pregnancy, Angela decided to cut back her work hours so she could qualify for Medicaid. Thankfully, Angela was finally able to get services at Christiana Care's Wilmington Hospital, where they provide prenatal care and delivery on a sliding

scale for those who can't afford insurance.

She worked all 9 months of the pregnancy and delivered the baby on May 27. The Medicaid coverage was especially crucial because she had complications from hyperthyroidism and was able to get the necessary prescriptions to control the condition.

The sad part of this story is that when Angela was so anxious that everything possible be done to insure a healthy baby, the system threw up road blocks. Pregnancy should not be considered a preexisting condition. What is more, no one should be denied coverage because of a preexisting condition, and no one should be forced to choose poverty to qualify for Medicaid.

We also need health reform for small businessmen such as Ian Kaufman of Georgetown. By the way, Ian is not a relative of mine.

Ian moved to Delaware right out of college in 1990. He was laid off from his job this past January and decided to start a small business. In the process, Ian picked up COBRA coverage to ensure that his family maintained their health care insurance.

When he first signed up for the COBRA coverage, his monthly premium was \$1,800. That is a lot of money. Thanks to the COBRA provisions in the Recovery Act, Ian saw his payments reduced by 66 percent—which made his monthly premiums much more manageable.

However, this premium assistance will run out sometime this fall, and he will once again have to pay \$1,800 a month.

In anticipation of higher COBRA payments, Ian applied for coverage from Blue Cross and Blue Shield but was turned down. They never gave him a reason for denying him coverage, but he suspects it was because of a pre-existing condition of one of his daughters.

Ian worries that the high cost of providing health care for his family, in addition to the difficulty of even finding a willing policy provider, will affect his ability to stick with his startup business.

Unfortunately, Ian's health insurance predicament as a self-employed businessman is not uncommon. There are too many sole proprietors and small businesses that cannot afford health policies for themselves, their families and any employees they might have. It should not be this way.

But it is not always just a problem of finding private health insurance. We also need health reform for people such as Bonita Sponsler from Dagsboro so they don't slip through the cracks of our existing safety net of Medicaid and Medicare.

Bonita was laid off from her job in March 2007. Three weeks later she suffered a brain aneurysm. Bonita applied for Social Security disability and was

awarded benefits, but as with everyone who qualifies for such coverage, she has to wait 2 years before Medicare coverage kicks in.

Meanwhile, Bonita has suffered two additional aneurysms since her initial episode, and it is advised that she receive an arteriogram to monitor her condition. Unfortunately, she can't afford to pay the several thousands of dollars it costs for an arteriogram, so she is taking her chances until she becomes eligible for Medicare in October. This is a considerable risk due to her propensity for aneurysms, but it is the only option she can afford. In fact, she has had to cancel a scheduled arteriogram in September because she still would not have coverage by then. It should not be this way.

Finally, we need health reform for people who pile up insurmountable debt, many times due to accidents or injuries they never caused and couldn't avoid.

Without using her name, I want to highlight the situation of a Delaware woman who is a victim of domestic violence.

She suffered major eye damage and has had three surgeries. She has no health insurance and by late 2008 owed almost \$30,000 in hospital and anesthesia bills, in addition to \$6,000 in personal bills.

She received lost wages from the Violent Crimes Compensation Board. She applied for Medicaid but was turned down. She then applied for Social Security disability but was also turned down as her eye condition was not considered to be permanent and could be repaired with additional surgery.

After waiting many months, she was finally able to get the eye surgery she needed because the doctor who performed the procedure reduced the fee from \$12,000 to \$3,000 and allowed her to go on a payment plan.

However, she still owes \$20,000 to \$30,000 for the prior surgeries. She is presently not working and does not have health insurance. She could have had COBRA following the loss of her job, but it was \$890 a month and she could not afford it. She presently can see well enough to drive. However, she is due for yet another surgery and the financial arrangements for that will again be extremely difficult if not impossible. It shouldn't be this way.

These stories help to show why we can no longer wait for health reform.

These stories require us to put our differences aside and come together to make certain that Americans have access to affordable, quality health care when they need it.

In my short time in the Senate, I have had the pleasure of presiding over the floor at the President's desk. I have listened to many of my colleagues give good, passionate speeches staking out their position on where we need to go on health reform. I can truly say I have

learned a lot from those speeches, many of which have helped shape my own views on the health reform debate.

That said, I have also heard some speeches that give me cause for concern, as some colleagues seem to have prejudged the legislation before it has even appeared.

I have heard about the dangers of a British or Canadian-style government-run health care system.

I have been warned about rationing and bureaucrats getting between Americans and their doctors.

I have listened to stories about patients from other countries that come here to get care they can't receive in a timely manner back in their own country.

I have heard over and over about a government-run takeover of health care.

I do not doubt the sincerity of my colleagues who see potential pitfalls in health care reform. But when I hear these speeches, I often wonder what legislation they are warning us about.

So far, I have not seen any bill being discussed in committee that calls for a government-run, single-payer system such as Canada or Great Britain.

I have not seen any legislative text that puts restrictions on what treatments doctors can provide or what they can discuss with their patients.

I have not read any language that rations any sort of health care.

I hope that the fears about change in our health care system do not hurt our chances of enacting reform this year.

I hope the debate over the bill is centered around what is actually in the legislation, not extrapolations about provisions in the bill or frightening projections of a health care system in other countries that are not actually being proposed here in Congress.

I hope that as the debate moves forward, all of us in the Senate will step back, take a breath, and remember why we need to reform health care. We are moving quickly toward a health care system that Americans will no longer be able to afford. The system is quickly hurtling out of control.

Yes, we do need to keep what works, and we need to fix what is broken.

We need to make certain that Americans can get affordable health insurance without worrying about pre-existing conditions.

We need to help Americans avoid bankruptcy because of out-of-control medical bills.

We need to ensure stability in the system so that Americans maintain insurance options and their choice of doctor.

Most important, we as a country need to take control of our health care destiny. We can have a future in which Americans can have stable coverage, with stable costs and stable quality. Or if we do nothing, we will have a future of rapidly increasing premiums, uncertain coverage and decreased quality.

I urge my colleagues to gather their collective will, realize what is best for our country and do the right thing during this historic opportunity by passing health care reform.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

HEALTH CARE REFORM

Mr. KYL. Mr. President, I wanted to deliver these remarks on the same subject of health care earlier in the week. I had been back home in Arizona during the July recess and had spoken to many of my constituents about the subject. I didn't have the opportunity to address this subject until today. I note that health care is very much on their minds. They have been asking a lot of questions. My constituents have been following the health care debate, and the majority I have spoken with are very much in favor of reform.

I think all of us in this body realize there are things we have to do to lower the cost of health care and ensure everybody has an opportunity to be covered.

I can also tell you they are very concerned about the reforms that have been proposed by the President. They wonder whether they, in fact, will work to their best interests. Cost is an issue that has come up repeatedly when I have spoken with my constituents. They want to know why we have to spend so much money in order to—allegedly—save money and how much it will cost. I tell them it is projected to cost at least a trillion dollars. This is not a fanciful figure; this is what the two bills pending before the Senate are being scored at, meaning that the Congressional Budget Office has said that is about how much they are going to cost. The ultimate price tag could be even higher because in the case of one of the bills, not everything that is going to be in it has already been scored by the CBO, and as to the Finance Committee bill, it is still very much a work in progress.

The usual reaction people have to a trillion dollar-plus health care bill is that they cannot believe we would want to spend that much money or that we can't afford to spend that much. They know already that there are only two ways the Federal Government can pay for such a massive program: one, either borrow more money or, two, impose new taxes or some combination of the two. Naturally, they don't like either alternative.

Most Arizonans think Washington has already borrowed more money than taxpayers can handle, after the President's \$1.2 trillion stimulus bill, the \$400 billion Omnibus appropriations bill, and the \$3.4 trillion, 10-year budget. Now we hear talk about adding an additional trillion dollars on top of

that. The folks in Arizona think that is just too much. In fact, by the end of the fiscal year, our publicly held debt will be about 57 percent of our gross domestic product, and deficits of a trillion dollars a year are projected for the next decade. We just got the statistics for the deficit this year. It is already at \$1.1 trillion. By the end of the year, it could easily be another half-trillion dollars above that. This will drive the debt to at least 82 percent of the gross domestic product by 2019. To give you an idea of what that means, the GDP is how much money we make as a country. It would be the same as saying that for a family that has an income of \$100,000, its credit card debt is \$89,000. Try paying off an \$89,000 credit card debt on a \$100,000 income. The interest payments on the debt will soon make up the single-largest item in our budget. So, obviously, when we talk about spending another trillion dollars we don't have, my constituents are very wary of this. They are wary about the debt, and, to say the least, they don't think it is fair for Washington to pass another trillion-dollar bill, with the costs being transferred to our children and grandchildren—especially after what happened with the stimulus, which has, frankly, included a great deal of waste and obviously has failed to contain unemployment.

A lot of folks have expressed skepticism that spending another trillion dollars is the right way to reduce health care costs. Frankly, I agree with them. Somebody has to pay the trillion dollars. They are also concerned about the new taxes that have been proposed to pay for this because, in fact, part of this trillion dollars is proposed to be paid for through new taxes. There have been all kinds of ideas proposed, such as a tax on beer, soda, juice, and snack food. Those are really small items, but they hit people right where it counts when they go to the grocery store.

There is also a new value-added tax idea. This hits the small business men and women, who are especially concerned because of the new taxes that some are suggesting they should pay—as much as a 10 percentage point increase in the amount of taxes they would have to pay. This is important because, in our economic downturn today, we know it is small businesses that are going to create the jobs that will bring us out of the recession. This would not be just a job killer but an economic growth and recovery killer with that kind of tax imposed on these folks.

My constituents want to know—and, frankly, I want to know—if the President will fulfill his campaign pledge not to raise taxes one single dime on the middle class and whether he will veto any legislation that includes the kinds of taxes of which I am speaking that would fall directly on families.

They believe and I believe there ought to be a different way to achieve the health care we want—in other words, without this new round of spending and taxes.

They have heard the President argue in his pitches for Washington to change our health care system that if we spend all this money on health care now, we will somehow save money later. Americans have some commonsense questions about this claim: How will the government actually do this? Will their health care be rationed? If they are privately insured, will they be able to keep the health care they already have? Eighty-five percent of persons are already insured and are happy with what they have. Yet proposals in the pending legislation would cause many of them to lose that insurance and go onto government programs. That, of course, then raises questions like rationing, as I have discussed many times before.

A Washington-run health care system would likely try to suppress costs by denying or delaying care. Administration officials are already talking about using comparative effectiveness research for this purpose. This is not a fanciful or hypothetical notion. As we know, this is exactly what has happened in countries such as Canada and the United Kingdom, two countries with government-run health care systems. In a “20/20” health care segment, they reported that Norwood, Ontario, holds a lottery each week to give one winner a trip to a family doctor. The show filmed the town clerk pulling a name from a box and calling the name of an elated winner. Is that what we want in the United States? The average emergency room wait in Canada is 23 hours—if you are even considered sick enough to be admitted. In Britain, in 2007, the government set a goal to reduce the average wait time to see a physician to fewer than 18 weeks. That is 4½ months waiting to see a doctor. Do Americans want that?

That is how government-run health care works: You make something free and demand soars. To reduce costs, bureaucrats deny or delay treatment or tests or procedures they deem too expensive. The way it works is simple: You set a budget of how much you are going to spend on health care every year. It doesn't matter how sick your folks get; it has to fit within that budget. Think about that for your family. Say you set a budget and you are going to spend no more than \$5,000 on health care this year. A good friend of mine in Arizona had an automobile accident; it was very serious. He had to have his spleen removed. He is still in recovery, and it is obviously going to cost a lot of money—more than \$5,000. Well, if he set a budget and said that is all he is going to spend, what is he to do? Does he not get the treatment he needs as a result of that accident? You

cannot reform health care or reduce costs by rationing care to patients.

One of the things Republicans will insist on is that the way we do the reform doesn't hurt what we already have, which is a system that allows you to get to the emergency room and allows you to see a doctor. You can choose your own doctor. If you have insurance, you get to keep it. We don't want to take care of the few who are unable to get insurance today in a way that requires us to change what everybody else has, if it is already working for them.

It is true that you won't find the words “ration” or “denial” of care or “withholding coverage” in these bills. Obviously, they don't state it that way. But the results are precisely what are required by the policies in the bill. The results are easily masked by all kinds of terminology, but the rules, the forms, the legal obligations, and the provider reimbursement schemes all result in the ability of the government to tell you whether something is going to be covered, whether you and your doctor think it is necessary for your care or not.

I have heard some respond by saying that at least in the Canadian system they may ration care, but everybody has access to a doctor. Not true. The Fraser Institute, a Canadian think tank, released a study this year that found that 1.7 million people—out of a country of 33 million—were unable to see a physician in 2007. That number does not include those who have a doctor but are on a waiting list.

As I said earlier, many of my constituents also worry about losing their current coverage if a new Washington-run health care system is implemented. True, they have heard the President say repeatedly that if you have health insurance, you get to keep it. But they have also heard the other side of the story, and I have read at least one of the bills—in fact, there are two specific provisions—that render this statement untrue—that if you have health insurance, you get to keep it. Not true. The Congressional Budget Office has estimated that just part of one of the proposed plans shows that millions of people would lose their existing coverage and be told to enroll in government health care. The Lewin study specifically mentioned 119 million people who would be shifted from their current employer-provided coverage onto the government plan.

Many of my constituents also want to know if the President would veto legislation that has the potential to cause Americans to lose the private insurance they currently enjoy.

There is a final concern, and this concerns me. It goes to America's seniors. We have made some very strong commitments to our seniors through the Medicare Program. Our seniors obviously are more susceptible to needing

health care. They have a greater number of health concerns than younger Americans. And we have said to them: We will, through Medicare, ensure that your health concerns will be taken care of. They are obviously very concerned about rationing if Medicare were somehow to be cut in order to raise money to solve the problem for others in our society. That is precisely what at least one of these bills proposes to do—cut Medicare and take that money and apply it to the new costs that we are going to be incurring as a result of this so-called health care reform.

Seniors are worried these cuts in Medicare will adversely affect their ability to get care. They also fret that adding the 47 million uninsured Americans—which would be just for starters—to health insurance rolls, including government insurance rolls, would impact the care they now receive by crowding the system. In other words, leading to wait times, rationing for them or even potentially denial of care. We must not implement a new health care system that would suddenly erode the quality of care for Medicare beneficiaries.

My constituents want high-quality, patient-centered health care. Most already have good health insurance for themselves. They are concerned about its cost. They are also concerned that there are some who need to be insured who are not. But what they want to hear are fresh new ideas about how to achieve this result without, in effect, throwing the baby out with the bathwater; without adversely affecting the system that currently takes care of them, whether it is seniors being cared for in Medicare or it is the vast majority of Americans who are already insured and like the insurance they have. They do not want us to rush a costly new plan through the Congress.

I think the President was correct when he said: If we don't do this quickly, we might not do it at all. Well, what did he mean by that? In effect, what he was saying is that if the American people have a long enough time to study and debate exactly what is being proposed, they may not like what they see. I think that is exactly what is happening here.

There is a bill that is going to be marked up next week in the House of Representatives, and I don't think the American people are going to like what they see in that bill. We have a bill that has been marked up in the HELP Committee in the Senate, and much of my criticisms go to that particular bill. There is one section in that bill, for example, that spends \$400 billion over 7 years to subsidize health care for families making between \$66,000 a year and 80,000-some dollars a year. Is that what we want to cut Medicare to pay for?

As I said, the more Americans understand the details of these bills, the

more questions I think they are going to ask. We owe it to our constituents to allow them the time to understand it and to ask us those questions. I want to be able to go back to Arizona and say: All right, here are the three bills—or two bills or however many there are—and here is what they do. Do you like it or not? If not, how would you change it? We need the time and the ability to get the reaction from our constituents if we are going to be true to our position as representatives of the people.

So when the President says: If we don't do this quickly, we might not do it at all, he is probably right. But it is better to get it right; to take our time to do it right and not make mistakes, than to rush something through that is going to add \$1 trillion in new spending; that is going to potentially impact the coverage we already have, potentially impact Medicare for our seniors and perhaps not achieve the results we want. This is one of the most important things this Congress—the American Congress—will have done in years. It is complicated, it is hard, and we have to get it right.

One of the first things a physician learns in medical school, when confronting a patient to see what is wrong with that patient and to begin the treatment, is to, first, do no harm. It is possible to do harm to a patient. So the physician, first of all, is admonished: The body is a wonderful thing, it recovers pretty well; don't do anything to harm. The same thing is true with our economy and with the policies with respect to health care. There are a lot of good things being done in health care—physicians are working very hard to take good care of us, most people have good insurance, seniors rely on Medicare. Let's not do harm to what we have in order to take a small segment of our population and make sure they can get insurance.

That is the primary position we are taking when we say: Let's don't rush this. Let's do it right. At the end of the day, we can all be proud of the fact that we have reformed our health care system to reduce, not increase, some of the expenses and to ensure that those who don't have insurance can, in fact, be covered.

I said I wished to give these remarks earlier in the week, having talked with a lot of my constituents in Arizona. I also wished, toward the end of this week, to comment on the President's trip to Russia. He is going to be returning home soon, and his trip to Russia produced some very important announcements, which I wished to discuss today.

PRESIDENT OBAMA'S VISIT TO RUSSIA

I am going to switch subjects now and discuss the President's trip to Moscow and his summit with the President of Russia.

The most significant object of that summit, as we know, was the discus-

sion of further strategic arms reductions. I personally believe it is important that the verification and confidence-building measures of the 1991 START agreement not expire without some measure to continue them, possibly including a legally binding replacement treaty. I know that is one of the purposes of the President's visit. But I am also cognizant of the fact that a follow-on to the 1991 START agreement does not address the most current threats to the United States and the West; namely, those posed by nuclear proliferation and nuclear terrorism. The two subjects are barely related.

For example, the threat from Iran and the history of Russian support for the Iranian nuclear weapons and ballistic missile program is well known. It is probably even going on today. This should have been at the top of the President's agenda with Russia, if, in fact, he is going to address the threats that are most currently before us, rather than a decades-old arms control agreement with Russia.

Additionally, there is the ongoing nuclear weapon ambitions of North Korea. Some press reports suggest it may be sharing its technology with countries such as Syria and Burma. Given the well-known willingness of these rogue states—and I speak of North Korea and Iran—to support terrorism, their unchecked nuclear ambitions will surely hasten the day when terrorists are able to acquire nuclear weapons. I believe nuclear proliferation and nuclear terrorism are the greatest threats to our Nation today, and we should be focused much more on those threats, as I said, than going back and negotiating an arms control agreement with Russia, which obviously is not a current threat to the United States.

The main focus of the President's trip when he was in Moscow appears to have been on the subject of a strategic arms reduction treaty with Russia. That being the case, the Senate has a great responsibility—if the administration seeks our advice and consent by submitting the treaty to us for ratification—to understand what the proposal is and to provide our advice to the President before it is negotiated and, if appropriate, our consent to ratify. Obviously, the Constitution requires this process of advise and consent when it comes to treaty making.

Here are some of the questions I think we need to answer. First of all, what does the United States get from such a new treaty when it appears that the Russians are on their way to reaching the levels of weaponry announced without a treaty? They are going to do it anyway.

Second, why has the United States bent to Russian demands to take tactical nuclear weapons off the table when the Russians have a 10-to-1 advantage in tactical nuclear weapons

over the United States and have openly talked in their military doctrine about using tactical nuclear weapons in conflict?

How will the administration provide for the modernization of U.S. nuclear forces, including the warheads and the complex of infrastructure that sustains them and the nuclear weapons delivery systems, the bombers and the missiles and submarines that must accompany any START ratification process? That is perhaps the most critical question of all.

A number of these questions and recommended courses of action have recently been articulated by some of this country's leading experts on arms control and nonproliferation policy, including Ambassador James Woolsey, Dr. Fred Ikle, Ambassador John Bolton, and many others.

Mr. President, I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, a document entitled "U.S.-Russian START Renewal Negotiations: Guidelines to Protect U.S. Interests."

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. I thank the Chair.

I also urge my colleagues to study materials recently released by the New Deterrent Working Group involved with the Center for Security Policy, a respected think tank here in Washington, that has studied these issues for years; and also a very objective and important guide for how we should approach our thinking on these negotiations from the Hudson Institute. These are outstanding compilations of expert opinions for Senators to familiarize themselves with as we head into a treaty ratification process. They are too lengthy to insert in the RECORD, but I am happy to provide these papers to any of my colleagues who would like to read them.

Another important question concerns missile defense. Just before the summit, it appeared the White House was taking a strong line in refusing to accept Russian demands to link missile defenses with a follow-on treaty. The Russians have said: We are not even going to talk about the START numbers unless we can also talk about U.S. missile defense. The Russians don't like it. They would like to have us put some limitations on that. The administration recognized not only should there be no constraint on the development of missile defenses, but, moreover, any treaty—any treaty—that limits U.S. missile defenses would be dead on arrival in the Senate if we tied the two subjects together.

This past week, I joined Senators WICKER, JOHANNIS, MCCAIN, HATCH, LIEBERMAN, BEN NELSON, and BEGICH in sending a letter to the President in

which we confirmed that “linking missile defense plans to offensive force negotiations runs contrary to American strategic interests and would undermine our security.”

Mr. President, I ask unanimous consent to have printed in the RECORD the letter to which I just referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 2, 2009.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: In anticipation of your upcoming visit to the Russian Federation, we write to express our concern about recent comments by Russian leaders suggesting limitations on U.S. missile defense plans in Europe as a prerequisite for agreeing to a successor to the Strategic Arms Reduction Treaty (START). We urge you to not combine discussions about U.S. missile defense efforts and the ongoing START negotiations.

Speaking on May 20, Russian Foreign Minister Sergey Lavrov said that an agreement on a START replacement would be “impossible . . . without taking into account the situation in the missile defense sphere.” Russian President Dmitry Medvedev also noted during an April speech that “(a)nother aspect of security is the relationship between offensive and defensive weapons.” Prime Minister Vladimir Putin likewise suggested a quid pro quo between START and missile defense during a visit to Japan on May 10, when he said that “Russia will link missile defense to strategic offensive armaments.”

We feel strongly that linking missile defense plans to offensive force negotiations in this way runs contrary to America’s strategic interests and would undermine our security. As you have noted, the planned European missile defense system is limited in scope to defend the United States and its allies against the rising threat posed by Iranian long-range ballistic missiles, but it poses no threat to Russia’s strategic missiles.

We support your determination to bring into force a follow-on agreement to START prior to its lapse on December 5th of this year. However, we will be reluctant to support any agreement that is explicitly conditioned on U.S. abandonment of missile defenses in Europe or otherwise linked to a U.S. decision to curtail or abandon those defenses.

Given that negotiations for a follow-on treaty to START are being conducted on a relatively short timeline, we believe that the paramount goal this year is to ensure that the verification and confidence building measures from the 1991 START treaty do not lapse.

The United States and the Russian Federation will need to find ways to cooperate on many issues in the coming years and we hope that your representatives bear in mind the broader strategic context in which these negotiations with Moscow are taking place.

Sincerely,

James M. Inhofe, Joseph I. Lieberman,
Jon Kyl, Ben Nelson, John S. McCain,
Mark Begich, Jeff Sessions, Mike
Johanns, Roger Wicker, Orrin Hatch,
United States Senators.

Mr. KYL. Notwithstanding what I have said, buried in the joint under-

standing—which has now been made public—reached by President Obama and Medvedev is inclusion of the following language suggesting an accession to the Russian demand to include missile defense in the follow-on treaty:

A provision on the interrelationships of strategic offensive and strategic defensive arms.

I ask unanimous consent that the text of the Joint Understanding be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. KYL. This last statement is a dangerous connection to make and one the administration must not negotiate. U.S. missile defenses exist to protect against ballistic missile threats by rogue regimes and the threat of accidental or unauthorized launches. They are not about Russia. Consequently, we should not allow Russia to attempt to limit our defenses, and that is what I fear these words from the Joint Understanding may allow to occur. Such a linkage in the START agreement will be rejected by Members of the Senate.

I would also like to call attention to a curious statement by the President which was quoted in this past Sunday’s New York Times:

It’s naive for us to think that we can grow our nuclear stockpiles, the Russians continue to grow their nuclear stockpiles, and our allies grow their nuclear stockpiles, and that in that environment we’re going to be able to pressure countries like Iran and North Korea not to pursue nuclear weapons themselves.

The fact is, the United States has not been growing or even modernizing its nuclear stockpile. Why did the President make such a false statement? Yes, the Russians are growing theirs, at least modernizing it. Britain and France are modernizing their stockpiles, though not growing them, as far as I have seen in the press. India, Pakistan, and North Korea are all growing their stockpiles; and, of course, we are all familiar with Iran’s actions. All of this has occurred in the absence of the United States growing its stockpile. What the President said is not true. In fact, it has all occurred while the United States has undertaken substantial nuclear force reductions. We haven’t modernized our nuclear weapons, and we haven’t conducted an underground nuclear test for 17 years. One would think this history would put to rest the naive assumption that the U.S. movement toward disarmament will be reciprocated by other nations, including those that threaten our national security.

I would also like to submit for the RECORD a Wall Street Journal op-ed written by Steve Rademaker, former Assistant Secretary of State for International Security and Nonproliferation in the last administration. I ask unani-

mous consent to have printed in the RECORD at the conclusion of my remarks that letter.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

Mr. KYL. Mr. Rademaker correctly observes:

The critics are not impressed that by 2012 the U.S. will have reduced its deployed strategic warheads by 80 percent. They will not be satisfied if the U.S. reduces by 99 percent. So long as there is one nuclear weapon remaining in the U.S. inventory, he says, they will point to this as the root cause of nuclear proliferation.

As I indicated a few moments ago, there are real concerns facing the Senate at this time as we consider the START follow-on treaty. It is imperative that the President understand the true situation as he negotiates with his Russian counterparts.

This is all the more important as we begin to understand the highly significant reductions the administration apparently wants to negotiate in a follow-on agreement. According to the Joint Understanding from which I quoted before, the President plans to reach an agreement that represents a significant departure from current force levels.

I note that the 1,700 to 2,200 deployed strategic nuclear force level—actually on the high end of that range—was considered the minimum force level required for deterrence and assurance just last year when the Departments of Energy and Defense issued an unclassified white paper, “National Security and Nuclear Weapons in the 21st Century.”

Given yesterday’s announcement, I am curious to understand how estimates of necessary force levels could have changed so dramatically in the 10 months since that paper was issued. I am also very concerned about the implications for our triad and for our conventional arms modernization, if we lock in a launcher limit at anything close to 500.

The triad is the combination of our strategic bomber force, our intercontinental ballistic missiles based on land in silos, and ICBMs in submarines. Those are the three parts of our strategic triad. If we were to reduce the numbers as dramatically low as this paper would indicate, it is very clear the triad would be jeopardized; that is to say, not all elements of it would have the weaponry to be part of our strategic deterrent.

Moreover, these numbers would suggest that parts of this triad can be used for conventional purposes. Bombers can drop high explosive bombs. They don’t just drop nuclear weapons. A missile—we have a lot of cruise missiles that send high-explosive warheads to their destination. It doesn’t have to be a nuclear warhead. If we reduce the number of delivery systems down below

a certain level, we not only impact our strategic nuclear deterrent but also our conventional deterrent and conventional capability.

This may be very advantageous for Russia. In fact, Russia is headed to a low level anyway because of their economy. But I believe it is a grave risk for the United States and our allies. I think these are issues that will warrant the highest level of scrutiny by the Senate. We can't be rushed in our work. These are very important existential questions.

I note that the Senate had over 425 days between the signature on the START I agreement and the eventual ratification of that treaty. There were 1,119 days between the signing and ratification of START II. And the Chemical Weapons Convention allowed the Senate 1,563 days of review, deliberation, and debate. The last successful arms control treaty with the Russians, the Strategic Offensive Reductions Treaty, or SORT, permitted the Senate 287 days to review.

I say again, there is no need for a rush. As the Wall Street Journal reported yesterday, July 8:

The White House Coordinator for Weapons of Mass Destruction, Security and Arms Control, Gary Samore, said on Sunday that the Administration may have to enact certain provisions of a treaty by executive order and on a 'provisional basis' to meet the December deadline.

Clearly, there are options available to ensure that the Senate has all the time it needs to thoughtfully consider a treaty and to make sure a nuclear weapons modernization program is in place and funded before the Senate proceeds to ratification of the START follow-on.

Mr. President, according to press reports, Russian President Medvedev has indicated that his nation would like to reduce the number of strategic launchers several times below the number currently permitted under START. This is reflected in the launcher limits outlined in the Joint Understanding.

This sounds good, but it is unclear that Russia is actually giving anything up.

In recent testimony before the House Committee on Foreign Affairs, Dr. Keith Payne, a former official of the Defense Department and a member of the bipartisan Congressional Commission on the Strategic Posture, cautioned "We should be very careful about moving toward lower launcher numbers because it would provide significant advantages for the Russian Federation, but significant disadvantages for U.S. strategy."

As Dr. Payne noted in his testimony, Russia's strategic ICBMs, SLBMs and bombers will drop dramatically with or without a new arms control agreement.

Specifically, Dr. Payne stated: "within 8 or 9 years, the number of Russian strategic launchers will have dropped

from approximately 680 launchers (some of which already are not operational) to approximately 270 launchers simply as a result of aging of their systems and the pace of their modernization program. In contrast, the service life of existing U.S. systems extends several decades."

Dr. Payne continues: "Despite spending up to 25% of the Russian military budget on the strategic forces, Russia's strategic nuclear forces will decline steeply with or without arms control."

Consequently, Russia isn't giving up anything by agreeing to these reductions. At the same time, reductions in delivery vehicles could have consequences for the U.S., in terms of prompt global strike capabilities and conventional strike modernization.

Dr. Payne also wrote about these facts in a recent Wall Street Journal piece, and I ask unanimous consent to print it in the RECORD as well.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 4.)

Mr. KYL. Additionally, in order to get a follow-on START agreement with Russia—one that appears to be much more to Russia's advantage than ours—we have also decided we will not seek to get the Russians to give up a very real advantage they possess: their tactical nuclear weapons, also known as nonstrategic nuclear weapons.

While the United States and Russia have a rough equivalence in their strategic nuclear weapons, there is a significant imbalance in tactical nuclear weapons that favors Russia.

This imbalance is exacerbated by the fact that Russia maintains an active nuclear weapons production complex, while the United States does not.

According to the recently concluded report of the bipartisan Perry-Schlesinger Commission, there is a growing asymmetry between United States and Russian nuclear weapons capabilities thanks to a longstanding problem whereby the Russian Federation has maintained far greater numbers of tactical nuclear weapons than the United States.

According to the commission, the Russians have approximately 3,800 of these weapons, while the United States has only a few hundred.

And according to a recent CRS report, the Russians may have as many as 8,000.

Despite this asymmetry, we are told that the forthcoming START follow-on will not deal with Russian tactical nuclear weapons, at Russian demand.

Yet, it is clear that our allies who rely on our extended deterrent are increasingly concerned.

For example, the Perry-Schlesinger report stated: "The combination of new warhead designs, the estimated production capability for new nuclear warheads, and precision delivery systems

such as the Iskander short-range tactical ballistic missile (known as the SS-26 in the West), open up new possibilities for Russian efforts to threaten to use nuclear weapons to influence regional conflicts."

And according to that report, "The United States should not cede to Russia a posture of superiority in the name of deemphasizing nuclear weapons in U.S. military strategy. There seems no near-term prospect of such a result in the balance of operationally deployed strategic nuclear weapons. But that balance does not exist in nonstrategic nuclear forces, where Russia enjoys a sizeable numerical advantage. As noted above, it stores thousands of these weapons in apparent support of possible military operations west of the Urals. The United States deploys a small fraction of that number in support of nuclear sharing agreements in NATO. Precise numbers for the U.S. deployments are classified but their total is only about five percent of the total at the height of the Cold War. Strict U.S.-Russian equivalence in NSNF numbers is unnecessary. But the current imbalance is stark and worrisome to some U.S. allies in Central Europe. If and as reductions continue in the number of operationally deployed strategic nuclear weapons, this imbalance will become more apparent and allies less assured."

It is therefore inexplicable to me that we will not be negotiating with the Russians about reductions in those nuclear forces.

Moreover, I am concerned by suggestions that discussions of these forces will have to wait for the "next treaty" which may not ever arrive. In the meantime, this follow-on agreement may lock in a significant disadvantage for the United States and our allies.

In recent months, it has become clear that the state of our nuclear deterrent is in need of serious attention.

As high an authority as Secretary of Defense Robert Gates warned: "At a certain point, it will become impossible to keep extending the life of our arsenal, especially in light of our testing moratorium. It also makes it harder to reduce existing stockpiles, because eventually we won't have as much confidence in the efficacy of the weapons we do have."

Secretary Gates continued this argument when he said: "To be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program."

This is a statement of significant import. Secretary Gates has warned that without a modernization program, such as the Reliable Replacement Warhead RRW, which Congress rejected during the last administration, we will be unable to reduce the number of weapons we maintain.

In fact, we are not even certain we can modernize without testing, but we would be a lot closer to knowing the answer to that question if Congress had approved the RRW studies.

As the Perry-Schlesinger Commission noted, our nuclear weapons and their delivery platforms are long overdue for a needed modernization program and will continue to experience safety, reliability and credibility problems until that modernization is in place.

In fact, even in its Interim Report, the commission stated: "High confidence in stockpile reliability not only is important for maintaining deterrence, it is also vital for making substantial reductions in the size of our stockpile."

Thus, it should not be surprising that the commission made the following findings and recommendations that are of such importance that I want to read them into the RECORD in their entirety:

i. For the indefinite future, the United States must maintain a viable nuclear deterrent. The other NPT-recognized nuclear-weapon states have put in place comprehensive programs to modernize their forces to meet new international circumstances.

ii. The Stockpile Stewardship Program has had some remarkable achievements. But in recent years, the level of funding provided to support these safeguards has been inadequate.

iii. The Life Extension Program has to date been effective in dealing with the problem of modernizing the arsenal. But it is becoming increasingly difficult to continue within the constraints of a rigid adherence to original materials and design as the stockpile continues to age.

iv. As the reductions have proceeded over the period since the end of the Cold War, the potential to deal with technical surprise has been reduced, as the diversity of types of weapons in the stockpile has shrunk.

v. The infrastructure that supports two thirds of the strategic deterrent triad—the SLBMs and ICBMs is not being sustained.

Mr. President, it is clear that not only is a modernization program for our nuclear weapons, the complex that supports it, and the delivery systems associated with it long overdue, it is also inextricably linked to safely reducing our nuclear arsenal further and must be considered by the Senate simultaneously to, if not before, the START follow-on is submitted.

Such a modernization program should take into account issues raised by the Nuclear Weapons Council in its December 24, 2008, letter to the NNSA administrator.

I ask unanimous consent to print the letter in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 5.)

Mr. KYL. It should also take into account the commission's recommendations, which noted that as long as modernization takes place within current policies regarding testing and military

characteristics, there should be no political controversy.

The administration should request a modernization program that in its first year includes: increases to stockpile surveillance; LEP studies for W76 and B61 that add safety, reliability and credibility; increases to directed stockpile work; certification and safety at the Nevada Test Site; accelerated funding of the Los Alamos CMRR facility and the Y-12 UPF; and, increases to advanced computing platform and code work.

Mr. President, lastly, I wish to discuss an important but so far overlooked component of the pending arms control discussions, namely Russia's history of violating its obligations.

The unclassified version of the 2005 State Department Report on Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments makes clear, and not for the first time, that Russia has not lived up to all of its agreements under the 1991 START agreement.

Dr. Payne noted this in his recent testimony, and I quote, "in my opinion, the most important of these violations has been discussed openly in Russian publications. It is the Russian testing of the SS-27 ICBM with MIRVs in direct violation of START. The SS-27 is listed as a single-warhead ICBM and can only be tested and deployed with a single warhead under START. Russian Sources place the number of MIRVs on this forthcoming missile at 4 or more."

These are not the only such issues regarding the Russians compliance with START. I ask unanimous consent that the START section of the unclassified Compliance Report be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 6.)

Mr. KYL. Additionally, the Commission on the Strategic Posture noted that the Russians are in violation of their commitments concerning tactical nuclear weapons under the 1990-91 Presidential Nuclear Initiatives.

I remind my colleagues these are the same tactical nuclear weapons that Russia refuses to discuss in the follow-on treaty, a demand the administration seems to have accepted.

Clearly, if the United States is going to negotiate a successor to the 1991 START agreement with the Russians, we must have a way to reconcile past compliance failures and ensure that future violations, if any, are resolved in a timely manner.

As I have articulated, there are significant issues that the Senate will have to follow closely and scrutinize as a part of the process of advice and consent.

This is a two-way process of consultation between the administration and the Senate.

I remind my colleagues and the administration, it is more important that this be done right than quickly.

Arrangements can be made to ensure that the provisions of START that enjoy almost universal support in this body do not expire, as administration officials have freely admitted.

I urge the administration to continue consulting regularly with the Senate, including the National Security Working Group that I cochair with my colleague from West Virginia, Senator BYRD.

I yield the floor.

EXHIBIT 1

U.S.-RUSSIAN START RENEWAL NEGOTIATIONS—GUIDELINES TO PROTECT U.S. INTERESTS

Recognize that the U.S. nuclear deterrent force is a key element in the defense of the United States and of our allies and friends.

U.S. nuclear umbrella is crucial non-proliferation tool. The U.S. nuclear umbrella is perhaps the most important nonproliferation tool we possess, as many of our allies and friends rely on our deterrent force. Absent a U.S. nuclear deterrent seen to be credible, effective and safe, those nations would have to consider developing their own nuclear weapons.

Analyze first, then negotiate. The U.S. Defense Department should complete a proper Nuclear Posture Review, as mandated by Congress, before the U.S. concludes a new treaty with Russia on further nuclear weapons reductions.

Limit Russian advantage in "tactical" nuclear weapons—A new U.S.-Russian agreement should aim to reduce the current Russian superiority over the U.S. in numbers of "tactical" nuclear weapons. Russia has approximately ten times the number of such weapons in the U.S. arsenal.

Address before U.S. leverage shrinks—The U.S. will have less leverage to address this issue once a START renewal agreement has been concluded.

Recognize the significance of Russia's large advantage in "tactical" nuclear weapons. The distinction between strategic and tactical nuclear weapons is an artifact of the Cold War that facilitated arms control agreements on very high levels of nuclear forces.

Today, the size of nuclear arsenals is much smaller and the importance of large numbers of smaller-yield weapons is much greater.

To U.S. allies and friends, all nuclear weapons are strategic.

An agreement that preserves the large imbalance in total numbers of deployed nuclear weapons in Russia's favor will, over time, affect the views of U.S. allies and friends on the reliability of the U.S. nuclear umbrella.

U.S. policy for decades—in administrations of both parties—has been to maintain a nuclear capability second to none. That policy would be undermined by an agreement that further reduces strategic weapons while leaving so-called non-strategic weapons unlimited.

Recognize existence of risks in strategic reductions below current levels—There is no compelling reason for the U.S. and Russia to reduce deployed strategic nuclear warheads below the current range of 1700-2200, as set in the Strategic Offensive Reductions Treaty (SORT). This level of offensive strategic nuclear arms, the lowest in decades, was based on analysis that took into account the dangers and uncertainties of the security environment. Quickly reducing to an arbitrary

number like 1500, does not take into account these risks.

Don't pay for what's free—According to credible Russian sources, Russia's strategic nuclear weapons will be reduced by approximately 60% over the next decade in any event—with or without a START renewal treaty—due to the aging or planned modernization of systems. The United States should not make concessions for the purpose of inducing Russia to make reductions that will occur anyway.

Certain reductions may be harmful—Whether a reduction below the 1700-2200 range is prudent depends on a number of considerations, especially preserving deterrence and taking account of all potential adversaries.

Preserve deterrence and extended deterrence—Any reductions should allow the U.S. to preserve not only deterrence of threats directly against the U.S. but also extended deterrence—for allies and partners who depend on the U.S. to deter potential nuclear aggressors.

Effect on triad—In particular, any reductions should allow the U.S. to maintain a robust nuclear triad of land-based, sea-based and bomber-delivered weapons.

Importance of triad—It is important to maintain the triad, lest the survivability and flexibility of the U.S. strategic posture be undermined.

Consider all potential adversaries—In assessing the sufficiency of the U.S. deterrent, the potential nuclear capabilities of all possible adversaries of the U.S. and of allies and partners who depend on that deterrent should be considered, not just the capabilities of Russia.

Don't incentivize proliferation—The U.S. nuclear posture should not be constrained to the point that other current or potential nuclear powers come to believe they can create a nuclear arsenal that would give them significant strategic leverage against the U.S.

In any case, exercise caution in limiting delivery systems—In the interest of stability and flexibility, the U.S. should not agree to reduce the number of delivery systems in a way that would increase the vulnerability of our deterrent (including our extended deterrent that protects U.S. allies and partners).

Don't incentivize MIRVs—For the same reasons, a new agreement should not restrain or penalize "de-MIRVing"—that is, converting multiple-warhead missiles into single-warhead missiles.

Severe limits on the number of delivery systems create pressure for the parties to arm missiles with multiple warheads.

Preserve U.S. ability to modernize for safety and reliability—Any agreement should preserve the right of the U.S. to develop new warheads to be able to react to unforeseen circumstances.

A crucial requirement: A comprehensive modernization plan—The Senate should not consent to any treaty until the Administration has proposed to Congress a satisfactory, comprehensive modernization plan that fulfills the modernization recommendations of the bipartisan Congressional Commission on the Strategic Posture of the United States, especially the maintenance of a safe, reliable and credible U.S. nuclear deterrent, including an extended deterrent for the protection of U.S. allies and partners.

Don't constrain missile defense—A new U.S.-Russian arms control agreement should not constrain the U.S. ability to develop and deploy missile defenses.

Don't constrain advanced conventional weapons—A new U.S.-Russian agreement

should not constrain or penalize (1) U.S. development of advanced conventional—that is, non-nuclear weapons, including those capable of strategic strike, or (2) U.S. deployment of such weapons to replace nuclear weapons.

Take account of unpredictability of technology developments—We cannot now predict what conventional weapons developments may be possible.

Consider effects on programs of the future—Thus, the effect of a given treaty limitation cannot be measured only by how it would impact programs already on the books.

Address Russian compliance problems—Devise a mechanism that ensures treaty violations are investigated and parties to an agreement adhere to their obligations.

From the outset, the Russians have failed to comply fully with their obligations.

For example, according to an August 2005 U.S. State Department report, Russia has prevented U.S. inspectors from verifying warhead limits on certain ICBMs.

Update START verification—A key U.S. objective in an agreement with Russia should be to update START verification provisions to take account of new circumstances and fix problems.

Verification regime extendable—Obama administration officials have a sense of urgency because the START Treaty expires in December 2009 and they want to ensure that the treaty's verification regime does not lapse. But the US and Russia can agree to extend the verification regime without having to rush to reach agreement on further weapons reductions.

Endorsed by:

John Bolton, Ambassador to United Nations, Under Secretary of State for Arms Control and International Security (G.W. Bush);

Seth Cropsey, Deputy Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict (G.H.W. Bush);

Jack David, Deputy Assistant Secretary of Defense for Combating Weapons of Mass Destruction and Negotiations Policy (G.W. Bush);

Paula DeSutter, Assistant Secretary of State for Verification, Compliance and Implementation (G.W. Bush);

Michael M. Dunn, Lieutenant General, U.S.A.F. (ret.); President, National Defense University;

Eric Edelman, Under Secretary of Defense for Policy (G.W. Bush)

Douglas J. Feith, Under Secretary of Defense for Policy (G.W. Bush);

Fred C. Iklé, Under Secretary of Defense for Policy (Reagan); Director, Arms Control and Disarmament Agency (Ford);

Robert Joseph, Under Secretary of State for Arms Control and International Security (G.W. Bush);

Stephen Rademaker, Assistant Secretary of State for International Security and Nonproliferation (G.W. Bush);

Abram N. Shulsky, Director, Strategic Arms Control Policy, Office of Secretary of Defense; Secretary of Defense Representative to Defense and Space Talks (Reagan);

James Woolsey, Director, Central Intelligence Agency (Clinton).

EXHIBIT 2

JOINT UNDERSTANDING

The President of the United States of America and the President of the Russian Federation have decided on further reductions and limitations of their nations' strategic offensive arms and on concluding at an early date a new legally binding agreement

to replace the current START Treaty, and directed that the new treaty contain, inter alia, the following elements:

1. A provision to the effect that each Party will reduce and limit its strategic offensive arms so that seven years after entry into force of the treaty and thereafter, the limits will be in the range of 500-1100 for strategic delivery vehicles, and in the range of 1500-1675 for their associated warheads.

The specific numbers to be recorded in the treaty for these limits will be agreed through further negotiations.

2. Provisions for calculating these limits.

3. Provisions on definitions, data exchanges, notifications, eliminations, inspections and verification procedures, as well as confidence building and transparency measures, as adapted, simplified, and made less costly, as appropriate, in comparison to the START Treaty.

4. A provision to the effect that each Party will determine for itself the composition and structure of its strategic offensive arms.

5. A provision on the interrelationship of strategic offensive and strategic defensive arms.

6. A provision on the impact of intercontinental ballistic missiles and submarine-launched ballistic missiles in a non-nuclear configuration on strategic stability.

7. A provision on basing strategic offensive arms exclusively on the national territory of each Party.

8. Establishment of an implementation body to resolve questions related to treaty implementation.

9. A provision to the effect that the treaty will not apply to existing patterns of cooperation in the area of strategic offensive arms between a Party and a third state.

10. A duration of the treaty of ten years, unless it is superseded before that time by a subsequent treaty on the reduction of strategic offensive arms.

The Presidents direct their negotiators to finish their work on the treaty at an early date so that they may sign and submit it for ratification in their respective countries.

Signed at Moscow, this sixth day of July, 2009, in duplicate, in the English and Russian languages.

FOR THE UNITED STATES OF AMERICA:

FOR THE RUSSIAN FEDERATION:

EXHIBIT 3

[From the Wall Street Journal, May 7, 2007]

BLAME AMERICA FIRST

(By Stephen Rademaker)

Two groups with diametrically opposed agendas have for years argued that the likes of Iran and North Korea will not be deterred in their quest for nuclear weapons so long as the U.S. and the other nuclear powers are ignoring their obligation under the Nuclear Nonproliferation Treaty (NPT) to give up their nuclear arsenals. Apologists for the proliferators, who care not at all about nuclear disarmament, and arms control activists, to whom there is no higher priority than nuclear disarmament, have long agreed about this and little else.

Jimmy Carter spoke for the latter group when he wrote, in an op-ed in the Washington Post a while back, "The United States is the major culprit in this erosion of the NPT." The key to ending nuclear proliferation, according to Mr. Carter and the many others who share this point of view, is for the U.S. to demonstrate leadership by moving decisively to eliminate its nuclear weapons. This perspective is likely to be heard more frequently as international efforts to constrain the nuclear ambitions of Iran and North Korea appear to falter.

There are, however, two basic flaws in the suggestion that nuclear proliferation is rooted in U.S. nuclear policy. First, the reasons why Iran, North Korea and other would-be proliferators seek nuclear weapons have nothing to do with Washington's nuclear policy. Second, the claim that the U.S. is disregarding its legal obligations under the NPT does not withstand scrutiny.

To recognize that the motivations of today's nuclear proliferators have nothing to do with U.S. nuclear policy, it is necessary only to consider one question: Would Iran's Mahmoud Ahmadinejad or North Korea's Kim Jong Il be any less interested in having nuclear weapons if the U.S. gave up its nuclear weapons? In both cases, the answer is clearly no.

President Ahmadinejad, by his own statements, is bent on dominating the Middle East and destroying the state of Israel. Nuclear weapons afford a shortcut to the realization of these objectives and therefore the Iranian regime wants them. Whether or not the U.S. has nuclear weapons is irrelevant to this calculus. Mr. Ahmadinejad may occasionally find it a convenient talking point to draw comparisons with the nuclear programs of other countries, but there is little doubt his policy would be the same even in the absence of that talking point.

In the case of North Korea, the pursuit of nuclear weapons appears to stem from Kim Jong Il's hunger for prestige and power. All indications are that Kim would be even more interested in having nuclear weapons if he thought he could be the only leader on Earth to possess them.

Those who argue that the U.S. has disregarded its nuclear disarmament obligations under the NPT are quick to make categorical assertions about the treaty's requirements, but almost never quote the pertinent language of the NPT, for the simple reason that it provides no support for their claims. The key provision, Article VI of the treaty, consists of only one sentence: "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control."

It is impossible to discern from this language a binding legal obligation on the U.S. and the other four nuclear-weapon states to give up nuclear weapons. The operative legal requirement is to "pursue negotiations in good faith on effective measures relating . . . to nuclear disarmament. . . ."

The U.S. has not only negotiated on such matters for more than three decades, but it has signed and implemented a series of arms control agreements beginning in 1972 that have ended the nuclear arms race and substantially reduced the U.S. nuclear inventory. When the latest arms control agreement with Russia expires in 2012, the U.S. will have reduced by about 80% the number of strategic nuclear warheads deployed at the height of the Cold War.

Significantly, the obligations of Article VI apply not just to the five countries allowed by the treaty to have nuclear weapons, but to all parties to the NPT. Article VI clearly links the obligation to negotiate on nuclear disarmament with an obligation on the part of all NPT parties to negotiate "a Treaty on general and complete disarmament."

The treaty also does not assume that nuclear disarmament must be a prerequisite to general and complete disarmament. To the contrary, one of the treaty's introductory

paragraphs spells out the expectation of the parties that actual "elimination from national arsenals of nuclear weapons" would take place not prior to, but "pursuant to a Treaty on general and complete disarmament."

Those who in essence agree with the views of a Noam Chomsky that "The United States has led the way in refusal to abide by the Article VI obligations," notwithstanding more than 30 years of nuclear arms control, need to explain why they are not similarly exercised by the failure of all other NPT states to satisfy their Article VI obligations. In particular, they need to explain why the U.S. must do more to comply with Article VI's nuclear disarmament provisions, in the absence of even token steps by anyone else to comply with that Article's general and complete disarmament requirements.

Because the language of Article VI does not actually say what proponents of nuclear disarmament want it to say, they have worked for decades to reinterpret it. They have, for example, promoted declarations by international conferences reformulating the requirements of Article VI, and then argued that these reformulations are legally binding on the U.S., without approval by the U.S. Senate. These efforts have succeeded to a remarkable degree, at least as measured by popular conceptions of the NPT's nuclear-disarmament requirements.

And so the critics are not impressed that by 2012 the U.S. will have reduced its deployed strategic nuclear warheads by 80%. They will not be satisfied if the U.S. reduces by 99%. So long as there is one nuclear weapon remaining in the U.S. inventory, they will point to this as a root cause of nuclear proliferation.

Few serious students of nuclear strategy believe that the stockpiles of the nuclear weapon states can be reduced to zero in the foreseeable future. Fortunately our reliance on nuclear weapons has been declining, and the U.S. should continue to eliminate unnecessary nuclear weapons based on considered judgments about our national security requirements. But we should not base such decisions about our nuclear force structure on wishful thinking that we can earn the goodwill of nuclear proliferators and other critics whose agendas are advanced by blaming America for nuclear proliferation.

EXHIBIT 4

[From the Wall Street Journal, July 8, 2009]

ARMS CONTROL AMNESIA

(By Keith B. Payne)

Three hours after arriving at the Kremlin yesterday, President Barack Obama signed a preliminary agreement on a new nuclear arms-control treaty with Russian President Dmitry Medvedev. The agreement—a clear road map for a new strategic Arms Reduction Treaty (START)—commits the U.S. and Russia to cut their nuclear weapons to the lowest levels since the early years of the Cold War.

Mr. Obama praised the agreement as a step forward, away from the "suspicion and rivalry of the past," while Mr. Medvedev hailed it as a "reasonable compromise." In fact, given the range of force levels it permits, this agreement has the potential to compromise U.S. security—depending on what happens next.

In the first place, locking in specific reductions for U.S. forces prior to the conclusion of the ongoing Nuclear Posture Review is putting the cart before the horse. The Obama administration's team at the Pentagon is currently examining U.S. strategic force re-

quirements. Before specific limits are set on U.S. forces, it should complete the review. Strategic requirements should drive force numbers; arms-control numbers should not dictate strategy.

Second, the new agreement not only calls for reductions in the number of nuclear warheads (to between 1,500 and 1,675), but for cuts in the number of strategic force launchers. Under the 1991 START I Treaty, each side was limited to 1,600 launchers. Yesterday's agreement calls for each side to be limited to between 500 and 1,100 launchers each.

According to open Russian sources, it was Russia that pushed for the lower limit of 500 launchers in negotiations. In the weeks leading up to this summit, it also has been openly stated that Moscow would like the number of deployed intercontinental ballistic missiles (ICBMs), submarine-launched missiles (SLBMs), and strategic bombers to be reduced "several times" below the current limit of 1,600. Moving toward very low numbers of launchers is a smart position for Russia, but not for the U.S.

Why? Because the number of deployed Russian strategic ICBMs, SLBMs, and bombers will drop dramatically simply as a result of their aging. In other words, a large number of Russian launchers will be removed from service with or without a new arms-control agreement.

The Obama administration will undoubtedly come under heavy pressure to move to the low end of the 500–1,100 limit on launchers in order to match Russian reductions. But it need not and should not do so. Based solely on open Russian sources, by 2017–2018 Russia will likely have fewer than half of the approximately 680 operational launchers it has today. With a gross domestic product less than that of California, Russia is confronting the dilemma of how to maintain parity with the U.S. while retiring its many aged strategic forces.

Mr. Medvedev's solution is to negotiate, inviting the U.S. to make real cuts, while Russia eliminates nothing that it wouldn't retire in any event.

This isn't just my conclusion—it's the conclusion of many Russian officials and commentators. Russian Gen. Nikolay Solovtsov, commander of the Strategic Missile Troops, was recently quoted by Moscow Interfax-AVN Online as saying that "not a single Russian launcher" with "remaining service life" will be withdrawn under a new agreement. Noted Russian journalist Pavel Felgengauer observed in *Novaya Gazeta* that Russian leaders "have demanded of the Americans unilateral concessions on all points, offering practically nothing in exchange." Precisely.

Beyond the bad negotiating principle of giving up something for nothing, there will be serious downsides if the U.S. actually reduces its strategic launchers as much as Moscow wishes. The bipartisan Congressional Strategic Posture Commission—headed by former secretaries of defense William J. Perry and James R. Schlesinger—concluded that the U.S. could make reductions "if this were done while also preserving the resilience and survivability of U.S. forces." Having very low numbers of launchers would make the U.S. more vulnerable to destabilizing first-strike dangers, and would reduce or eliminate the U.S. ability to adapt its nuclear deterrent to an increasingly diverse set of post-Cold War nuclear and biological weapons threats.

Accepting low launcher numbers would also encourage placing more warheads on the remaining ICBMs—i.e., "MIRVing," or adding multiple independently targeted warheads on a single missile. This is what the

Russians openly say they are planning to do. Yet the U.S. has long sought to move away from MIRVed ICBMs as part of START, because heavy MIRVing can make each ICBM a more tempting target. One measure of U.S. success will be in resisting the Russian claim that severely reducing launcher numbers is somehow necessary and "stabilizing." It would be neither.

Third, the new agreement appears to defer the matter of so-called tactical nuclear weapons. Russia has some 4,000 tactical nuclear weapons and many thousands more in reserve; U.S. officials have said that Russia has an astounding 10 to 1 numerical advantage. These weapons are of greatest concern with regard to the potential for nuclear war, and they should be our focus for arms reduction. The Perry-Schlesinger commission report identified Russian tactical nuclear weapons as an "urgent" problem. Yet at this point, they appear to be off the table.

The administration may hope to negotiate reductions in tactical nuclear weapons later. But Russia has rejected this in the past, and nothing seems to have changed. As Gen. Vladimir Dvorkin of the Russian Academy of Sciences said recently in Moscow Interfax-AVN Online, "A treaty on the limitation and reduction of tactical nuclear weapons looks absolutely unrealistic." If the U.S. hopes to address this real problem, it must maintain negotiating leverage in the form of strategic launchers and weapons.

Fourth, Mr. Medvedev was quoted recently in RIA Novosti as saying that strategic reductions are possible only if the U.S. alleviates Russian concerns about "U.S. plans to create a global missile defense." There will surely be domestic and international pressure on the U.S. to limit missile defense to facilitate Russian reductions under the new treaty. But the U.S. need for missile defense has little to do with Russia. And the value of missile defense could not be clearer given recent North Korean belligerence. The Russians are demanding this linkage, at least in part to kill our missile defense site in Europe intended to defend against Iranian missiles. Another measure of U.S. success will be to avoid such linkages.

In short, Russian leaders hope to control or eliminate many elements of U.S. military power in exchange for strategic force reductions they will have to make anyway. U.S. leaders should not agree to pay Russia many times over for essentially an empty box.

Finally, Russian violations of its existing arms-control commitments must be addressed along with any new commitments. According to an August 2005 State Department report, Russia has violated START verification and other arms-control commitments in multiple ways. One significant violation has even been discussed openly in Russian publications—the testing of the SS-27 ICBM with MIRVs in direct violation of START I.

President Obama should recall Winston Churchill's warning: "Be careful above all things not to let go of the atomic weapon until you are sure and more than sure that other means of preserving peace are in your hands." There is no need for the U.S. to accept Russian demands for missile-defense linkage, or deep reductions in the number of our ICBMs, SLBMs and bombers, to realize much lower numbers of Russian strategic systems. There is also no basis for expecting Russian goodwill if we do so.

EXHIBIT 5

DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY NUCLEAR WEAPONS COUNCIL,

Washington, DC, December 24, 2008.

Hon. THOMAS P. D'AGOSTINO,
Administrator, National Nuclear Security Administration, Department of Energy, Washington, DC.

DEAR MR. D'AGOSTINO: The Department of Defense (DoD) and the National Nuclear Security Administration (NNSA), have joint responsibility to maintain a safe, secure, and reliable nuclear weapons stockpile and supporting infrastructure to provide the United States a credible nuclear deterrent. I understand that NNSA is implementing Records of Decision (RODs), in connection with the recently completed Supplemental Programmatic Environmental Impact Statement (SPEIS), regarding the future U.S. nuclear weapons complex. Our staffs have been working together to address the detailed issues associated with the SPEIS decisions, including specific requirements the nuclear weapons complex must achieve to enable stockpile and infrastructure transformation.

The U.S. nuclear deterrent continues to serve as the ultimate guarantor of U.S. security and our security commitments to allies. The required size and composition of the nuclear weapons stockpile is dependent on the global security environment and the ability to respond to unanticipated technical problems. We cannot know with certainty the future global security environment, nor can we predict the nature or extent of potential problems with warheads or delivery systems. These factors argue for a flexible nuclear weapons infrastructure capable of responding to future geopolitical or technical challenges.

To minimize stockpile size and reduce the likelihood that a return to underground nuclear testing will be needed in the future, DoD will require a warhead with modern safety, security, and use control features. In addition, DoD will continue to rely on life extension of legacy warheads and therefore requires an infrastructure capable of developing and producing these warheads. Of critical importance, and independent of future stockpile planning, our nuclear infrastructure must ensure that our future stockpile is:

Safe and Secure: To the degree feasible, refurbished or replacement warheads will incorporate enhanced safety features such as: insensitive high explosives, multipoint safety, meet all other safety-related Military Characteristics, and be protected against theft and sabotage including the possibility of unauthorized or accidental detonation.

Reliable: U.S. nuclear forces must be able to hold at risk those critical capabilities of our potential enemies that are defined by presidential guidance. Increased performance margins should be pursued in weapon refurbishment or replacement programs, ensuring with high confidence that our nuclear weapons are reliable and credible while reducing the likelihood of a return to underground nuclear testing.

Adaptable: The NNSA should employ, to the maximum extent possible in refurbished or replacement weapons, modular designs that are interoperable between multiple delivery platforms.

In light of these standards and the need to achieve and modernize a responsive nuclear infrastructure, the DoD recommends the NNSA RODs regarding the future of the nuclear weapons complex take into account the following:

Independent of the size of the future nuclear weapons stockpile, provide a plutonium research, development, and manufacturing capability that will ensure (1) continued excellence in plutonium research, (2) an ability to conduct surveillance of plutonium pits, and (3) a capacity to deliver newly manufactured pits with actual production rates determined by NNSA that, when coupled with full exercise of analytical chemistry and other quality control processes, will demonstrate key capabilities and meet stockpile requirements. As stated in the March 2008 "National Security and Nuclear Weapons in the 21st Century" paper signed by Secretaries Gates and Bodman, planned pit production facilities should be capable of providing an estimated maximum capacity of 50-80 pits per year. Near-term planning for pit manufacturing capacity should be executed in a way that does not foreclose appropriate adjustments in capacity if necessary in the future.

Provide an infrastructure to produce, with sufficient capacity, uranium and other components of nuclear warhead canned sub-assemblies, and to support surveillance and dismantlement activities.

Maintain the ability to produce tritium in quantities sufficient to support the stockpile.

Maintain the ability to conduct surveillance of all components of nuclear warheads so that potential reliability issues can be quickly identified, allowing responsive correction.

Provide sufficient capacity for warhead assembly and disassembly that takes into account upcoming warhead life extension programs, the potential introduction of replacement warheads with enhanced surety features, and the capability to address future and emerging requirements, while at the same time addressing the growing number of warheads slated for dismantlement resulting from recent stockpile reductions directed by the President.

Complete and sustain the research and development, scientific, computational and experimental facilities and capabilities, including warhead design, engineering and production skills needed to support the future stockpile.

Ensure a 24-36 month preparedness to conduct, as may be required, an underground nuclear test to help resolve a safety or technical problem in the stockpile.

As you implement the RODs regarding the future complex, I trust that you will fully consider these requirements and request that you update the Nuclear Weapons Council on progress at an upcoming meeting.

(For John J. Young, Jr., Chairman).

EXHIBIT 6

BUREAU OF VERIFICATION AND COMPLIANCE, Washington, DC, August 30, 2005.

ADHERENCE TO AND COMPLIANCE WITH ARMS CONTROL, NONPROLIFERATION, AND DISARMAMENT AGREEMENTS AND COMMITMENTS
B. THE STRATEGIC ARMS REDUCTION TREATY (START)

Belarus, Kazakhstan, Russia, and Ukraine are in compliance with the START strategic offensive arms (SOA) central limits. Both the United States and Russia met the START seven-year reduction final ceilings of 1,600 delivery vehicles and 6,000 attributed warheads by the December 4, 2001, deadline. By December 2001, these four Former Soviet Union (FSU) successor states had reduced their aggregate forces to 1,136 deployed

launchers, 5,518 deployed warheads, and 4,894 deployed ballistic missile warheads, as defined by Article II of the Treaty, and all strategic weapons had been removed or eliminated from the territories of Ukraine, Belarus, and Kazakhstan. Additionally, START required the four FSU successor states to eliminate at least 154 heavy ICBM (SS-18) silo launchers by December 2001. In the original MOU, dated September 1, 1990, the Soviet Union declared 308 SS-18 heavy ICBM silo launchers. As of November 30, 2001, a total of 158 SS-18 silo launchers had been eliminated—104 in Kazakhstan and 54 in Russia—leaving a total of 150 deployed heavy ICBMs.

Notwithstanding the overall success of START implementation, a significant number of longstanding compliance issues that have been raised in the START Treaty's Joint Compliance and Inspection Commission (JCIC) remain unresolved. The Parties continue to work through diplomatic channels and in the JCIC to ensure smooth implementation of the Treaty and effective resolution of compliance issues and questions.

The United States raised six new compliance issues during the period of this report. The United States considers four of these to have been closed. However, several previous—often long-standing—compliance issues remain unresolved. A number of these issues, some of which originated as early as the first year of Treaty implementation, highlight the different interpretations of the Parties about how to implement the complex inspection and verification provisions of the START Treaty.

ICBM ISSUES

Inability to Confirm during Reentry Vehicle Inspections (RVOSIs) that the Number of Attributed ICBM Warheads Has Not Been Exceeded. During RVOSIs of deployed Russian ICBMs, U.S. inspectors have been hampered, in some cases, from ascertaining whether the missile had a front section, or that the front section contained no more reentry vehicles (RVs) than the number of warheads attributed to a missile of the declared type under the Treaty.

The purpose of an RVOSI, as set forth in paragraph 6 of Article XI of the Treaty, is to confirm that a ballistic missile contains no more RVs than the number of warheads attributed to a missile of that type.

The RVOSI procedures are referenced in paragraph 16 of Section IX of the Inspection Protocol and contained in Annex 3 to the Inspection Protocol. Paragraph 11 of Annex 3 allows the inspected Party to cover RVs. Inspectors have a right to view these covers and to measure hard covers prior to their placement on the RVs. The covers are then installed on the RVs before the inspectors view the front section. Under the Treaty, such covers must not hamper inspectors in ascertaining that the front section contains no more RVs than the number of warheads attributed to a missile of that type. Russian RV covers, in some instances, are too large; consequently, they fail to meet this requirement.

During certain RVOSIs, Russia did not demonstrate to the satisfaction of the U.S. inspection team that additional covered objects located on the front section, and declared by Russia not to be RVs, were not RVs. Although START does not differentiate between nuclear and non-nuclear RVs, Russia's willingness to use radiation detection equipment (RDE) during such RVOSIs to establish that the extra objects were not nuclear has been useful for resolving some, but not all, U.S. concerns.

FINDING. Russian RV covers, and their method of emplacement, have in some cases hampered U.S. inspectors from ascertaining that the front section of the missiles contains no more RVs than the number of warheads attributed to a missile of that type under the Treaty. Russian cooperation in the use of RDE and other measures has been helpful in addressing some, but not all, of the difficulties encountered by U.S. inspectors.

Russian Road-Mobile Launchers' "Break-in." Russia has failed to declare certain road-mobile launchers of ICBMs when they first leave their production facility, as required by the Treaty. Russia has moved some of these launchers to an undeclared "break-in" area located over 60 miles from the production facility without declaring that they have left the production facility and are accountable under the Treaty.

Pursuant to paragraph 6(b) of Article III of the Treaty, a mobile launcher of ICBMs becomes subject to the Treaty limitations when it first leaves a production facility. Not later than five days following the first exit of such a newly produced non-deployed road-mobile launcher, and its entry into Treaty accountability, Section I of the Notification Protocol requires the Party producing the new Treaty-accountable item to provide a notification of this change in data. Except for transits, Parties are proscribed from locating non-deployed mobile launchers outside the boundaries of the START-declared facilities identified in subparagraph 9(b) of Article IV of the Treaty.

FINDING. Russia continues to violate START provisions relevant to these obligations.

Deployed SS-25 Road-Mobile Launchers Based Outside Their Designated Restricted Areas. Russia based some deployed SS-25 road-mobile launchers outside their declared restricted areas (RAs) at two road-mobile ICBM bases while these RAs were under construction. The United States and Russia concluded a temporary, interim policy arrangement regarding the conduct of inspections and cooperative measures at the facilities where the launchers were housed during the period of construction. This arrangement permitted U.S. inspectors to conduct data update inspections and RVOSIs that they had not previously been able to perform, and allowed Russia to cooperate fully with providing cooperative measures access for the launchers that were previously unavailable. All of these road-mobile ICBMs and their launchers have since been transferred from their bases, and their declared RAs have been eliminated as START facilities.

FINDING. Notwithstanding the interim policy arrangement, Russia's practice of locating deployed SS-25 road-mobile launchers outside their declared RAs for long periods of time constituted basing in a manner that violated the provisions of paragraphs 1 and 9 of Article VI of the Treaty. This practice has ceased and the United States considers this issue closed.

Denial of the Right to Measure Certain Deployed ICBM Launch Canisters on Mobile Launchers. U.S. inspectors have been prevented from exercising the Treaty right to measure certain ICBM launch canisters on mobile launchers, both deployed and non-deployed, that are encountered during data update inspections to confirm data regarding the type of item of inspection. Russia, for instance, has prevented U.S. inspectors from measuring launch canisters for SS-24 ICBMs contained in rail-mobile launchers that are located within the boundaries of an inspec-

tion site. Similar concerns have arisen with regard to launch canisters for SS-25 and SS-27 mobile ICBMs located on road-mobile launchers. With regard to launch canisters for these latter types, Russia and the United States have agreed upon a policy arrangement to address this issue, though it has not yet been implemented for the SS-27 ICBM.

Subparagraph 20(a) of Section VI of the Inspection Protocol identifies ICBM launch canisters as one of the items of inspection for data update inspections. In accordance with the procedures in Annex 1 to the Inspection Protocol, inspectors have the right to confirm the number and, if applicable, the types of items of inspection that are specified for the facility to be inspected and declared for the inspection site, and the right to confirm the absence of any other item of inspection at the inspection site. Pursuant to paragraph 6 of Annex 1, inspectors may view and measure the dimensions of a launch canister declared to contain an item of inspection to confirm it is of the declared type.

FINDING. Russia prevented U.S. inspectors from exercising their Treaty right to measure launch canisters for SS-24 ICBMs contained in rail-mobile launchers that are located within the boundaries of an inspection site, in contravention of paragraphs 1 and 6 of Annex 1 to the Inspection Protocol. With regard to launch canisters for SS-25 and SS-27 ICBMs located on road-mobile launchers, the Parties have agreed upon a policy arrangement to address this issue, but it has not yet been implemented for the SS-27 ICBM.

TELEMETRY ISSUES

As part of the START verification regime, the Parties are obligated to notify each other of missile flight tests and to exchange telemetry tapes, tape summaries, interpretive data, and acceleration profiles for each flight test of a START-accountable ICBM or SLBM. The United States has raised several concerns regarding Russia's failure to provide all Treaty-required telemetry materials for some START-accountable flight tests in violation of paragraphs 4 and 5 of Article X of the Treaty, and paragraph 1 of Section I and paragraphs 1 and 2 of Section II of the Telemetry Protocol.

FINDING. Russia has in some instances failed to comply with Treaty requirements regarding the provision of telemetry information on missile flight testing pursuant to Article X of the START Treaty and Sections I and II of the Telemetry Protocol.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Arizona for his courtesy. I enjoyed hearing his remarks. No Senator on either side of the aisle has been a more consistent spokesman on military preparedness than Senator KYL has been over the years. His concern about our nuclear stockpile is well known and very important. I hope all Americans will pay close attention to what he had to say.

I ask unanimous consent to speak for up to 20 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CHECKS AND BALANCES

Mr. ALEXANDER. Mr. President, our job in the Senate is to debate. We are

said to be the greatest deliberative body in the world. The great conflicts in our country come here so that we can resolve them. After 6 months of President Obama's administration, Americans admire him, like him, like his family, and appreciate his seriousness of purpose. But Americans are beginning to see some significant differences of opinion between the kind of country the Democrats are imagining for our Nation and the kind of country Republicans and many independents are imagining. There is concern in Tennessee, as well as around the country, about the lack of checks and balances on too much debt and too many Washington takeovers.

In terms of debt, we see the President's proposals for debt for the next 10 years are nearly three times as much as all of the money the United States spent in World War II. As far as Washington takeovers, it seems to be a weekly running reality show. First the banks; then the insurance companies; then the student loans; then the car companies even, according to recent legislation; your farm pond, according to some Federal legislation; and now maybe even health care.

But people have a right to say to us on this side of the aisle: What would you Republicans do? You can't just point with alarm—although that is part of our job. What would Republicans do?

I wanted to mention three areas where Republicans have a different opinion than the current administration and where we hope we might persuade the American people and many Democrats and even the President to join us on a different path for the country. The first has to do with the Government's ownership of General Motors. We want to give the stock back to the people who paid for it, the taxpayers. The second has to do with health care. We want to begin at the other end of the discussion. We want to start with the 250 million Americans who already have health care and make sure they can afford it. After we are through making sure of that, that they can afford their government, because they can't afford these trillion-dollar additions to health care we keep hearing about.

Third, on clean energy, we want clean energy as well as the President does. But we also want energy that Americans can afford. We know cheap energy is key to our economic success. We want jobs to be made. We want cars to be made in Michigan and Ohio and Tennessee and not Mexico or Japan. We have a plan for clean energy that is low cost, that will reduce utility bills and keep jobs here which would compare with the Waxman-Markey climate change bill passed by the House and headed our way.

I would like to talk about each of those three very briefly. First, General

Motors. I congratulate the new GM for emerging from bankruptcy today. General Motors has meant a great deal to our country and a great deal to our State, Tennessee. When General Motors decided nearly 25 years ago to put the Saturn plant in Tennessee, we had very few auto jobs. Nissan had already made a decision to come to our State. That was a pioneering decision because most auto plants were in the Midwest. Today there are a dozen such auto plants, including the General Motors plant in Spring Hill. In Tennessee, instead of having a few auto jobs, a third of our manufacturing jobs are auto jobs.

So we are grateful to General Motors for its decision 24 years ago, and we want it to succeed. We want that Spring Hill plant to be making some GM products soon and believe that it will be because of all the natural advantages it has.

What are the best ways we in Washington can help General Motors succeed? That was the question asked of me last week in Tennessee. The answer is to get the General Motors stock that is owned by the government out of Washington, DC, and into the hands of the taxpayers. I have legislation I have introduced, and I am looking for the opportunity to amend an appropriate bill on the Senate floor that is cosponsored by the Republican leader and Senator KYL and a variety of others. It would take the 60 percent of General Motors the U.S. Government owns and give it to the 120 million Americans who pay taxes on April 15.

What is the reason for doing that? They paid for it. They should own it. What is the second reason for doing that? If the stock stays here, we find that Washington bureaucrats and those of us in Congress can't keep our hands off the car company.

We have the President calling up the mayor of Detroit saying: Yes, I think the headquarters ought to be in Detroit instead of Warren, MI. We have the Congressman from Massachusetts calling up the president of General Motors saying: Don't close the warehouse in my district. And you have the delegation from Tennessee and from Indiana and Michigan saying: Put a car plant here. And you have 60 committees in Congress authorized to summon the executives here—we own the company, after all; let's hear what they have to say—and tell them what to do. Paint it this color. Get your battery from this district. Make it this way.

What are the poor executives going to do? Drive in their congressionally approved hybrid cars from Detroit to Washington to testify before 60 subcommittees while Toyota is busy making cars?

GM will never succeed if we keep this incestuous political meddling alive.

There are a variety of ways to get the stock out of the government and

back in the hands of the people. The President has said he would like to do it. He has also said he wants to keep his hands off it. But that has not been the practice so far.

Senator BENNETT of Utah and I have introduced this legislation that would give the stock to the taxpayers who paid for it. That is the best way to do it, in my opinion. That would happen within a year. It would be a fairly common occurrence in the American corporate world. It is what Procter & Gamble did with Clorox a few years ago. It is what PepsiCo did with its restaurant businesses a few years ago. The company decided it had a subsidiary that did not fit the role of the major company, and so it spun it off—a stock distribution, a corporate spinoff.

I think we can all agree—at least 90 percent of the American people agree, according to surveys—that the government in Washington has no business whatsoever trying to run a car company. What do we know about it? So the best way to get rid of it is to give it to the people who paid for it.

There are other ways to do it, and several Senators—Senator CORKER, for example, has suggested an ownership trust to try to make sure that while it is here, the government keeps its hands off the day-to-day operations. Senator JOHANNIS and Senator THUNE also have bills of this kind, as does Senator NELSON of Nebraska.

But my point is, now that General Motors has emerged from bankruptcy, let's celebrate that by taking the 60 percent of the stock the American taxpayers paid \$50 billion for and giving it to those same taxpayers and getting our hands off the company and cheer them on.

There is another reason this would be a good idea. Most of us know the Green Bay Packers are a popular team, especially in their home area. Why is that? Because the fans own the team. That would be the same thing we would have with the General Motors stock distribution. Just as Green Bay Packer fans have a special interest in who the quarterback might be because they own the team, if 120 million Americans had a little bit of GM stock, they might be a little more interested in the next Chevrolet, and that might create a nice fan investor base for the new GM as it seeks to move ahead.

So that is the first idea we Republicans have: get the government stock ownership of the car companies out of Washington and back in the hands of the marketplace where it belongs.

Here is the second idea we have. It has to do with health care. We would start at the other end of the debate. We would start with the 250 million Americans who already have health care and say to them: We want to make sure you can afford your health care, that you can choose your health care, and that when we are done fixing it in this

health care reform—that we would like to do this year along with our Democratic friends—we want to make sure you can afford your government as well. That is our message.

Our friends on the other side—the Democrats—have more votes than we do, so they have set the agenda and they are writing the bill. In the Health, Education, Labor, and Pensions Committee, on which I serve, they are being very polite and collegial and nice to us, but they are taking almost none of our ideas and recommendations, and they are starting at the other end. And their other end is not going very well.

It is not going very well in terms of costs and debt because the Congressional Budget Office has begun to tell us how much some of these proposals will cost; and we are talking about \$2 trillion in addition to all the trillions we have been spending this year.

This Nation cannot afford that. Even though we are adding \$1 trillion or \$2 trillion to the debt in order to have this sort of health care reform that is being proposed, it does not begin to cover the uninsured people in America.

We would like to cover the uninsured people, too, but we think we ought to do that after we make sure we keep the costs down for the 250 million who already have health insurance, including the small businesses of this country. That is our main goal: to lower costs. And we do not want to end up with a health care plan that adds debt to the government either.

That is why we have introduced a number of plans. Senator COBURN and Senator BURR have introduced one. Senator GREGG of New Hampshire has introduced one. Senator HATCH has introduced a health care plan that gives the States more responsibility in figuring out exactly how to provide health care, especially to low-income Americans.

The essential differences between our approaches and the Democratic approaches that are being presented is that, one, ours do not add to the debt; and, two, the government does not run ours.

The essential nature of the Democratic proposals is to expand one failed government program for low-income people that is called the Medicaid Program and to create another, which we believe will tend to drive out your choices and your competition and not do very much to reduce your costs, while adding heavily to the national debt we already have.

That is a major difference we have. And we have our proposals on the table. The discussion is not going very well because it is one-sided. I suggested, 3 weeks ago, when we began to discuss the Kennedy bill, we ought to start over and suggested they might want to take some of our ideas.

There is a Wyden-Bennett piece of legislation I did not even mention. Mr.

President, 14 of us—8 Democrats and 6 Republicans—are cosponsors of that legislation. It has a zero addition to the national debt, according to the Congressional Budget Office. The principle of it is basically to take the dollars we have available and give them to Americans and let them buy their health care insurance, so instead of expanding government programs, including for low-income Americans, you get the dollars, you get the health care, and that takes care of virtually everybody.

All the plans from this side of the aisle, like those on the other side, say everybody needs to be insured. You are not disqualified for a preexisting condition. And the cost has to be affordable. All of us agree on that. The difference is whether it is going to be government programs or whether you are going to have dollars you can choose. That is the big difference, and we hope the American people will pay attention to the differences we are offering. We believe they will because, as you look at the Democratic plans, the costs are becoming alarming.

The first cost we saw was to the national debt, which was to expand between \$1 trillion and \$2 trillion, at least in the bill we have been considering in the HELP Committee. But then in the new versions of it, the sponsors began to shift the costs. Well, where do they shift it? The first place they shift it is to employers. It is a bad idea.

We have a 10-percent unemployment rate in the country today. People work for employers, and all the evidence shows, if we add costs to employers, one of a couple things happens. One is, the wages of the employees are reduced because the employer has to pay higher taxes. The second thing is, you add costs to employers and some of those employers go overseas.

I was in Tennessee last week talking to a lot of auto suppliers, air-conditioning manufacturers. They watch their costs every day. They are in discussions with their companies about that if costs of electricity or health care or anything else go up too much, they begin to go overseas and look for lower costs. We have already seen what has happened to the automobile industry in the Midwest because of high health care costs. So why is it such a good idea to begin to shift the costs and have every employer pay at least a \$750-per-employee tax as a way of reducing the cost of health care?

Then the other place these plans begin to shift the costs is to the States. That is a convenient place to shift it. I used to see that as Governor. The Acting President pro tempore was speaker of the house in his State. We are familiar with Members of Congress who hold big press conferences and announce a good idea and take credit for it, and then they send the bill to the Governor

or the speaker of the house or the legislature or the mayor and say: Here, you pay for it. It is called an unfunded Federal mandate.

The unfunded Federal mandate in this case is to the Medicaid Program. The Medicaid Program, in my view, is a terrible choice for a way to expand coverage for low-income families. Already, 60 million Americans get their health care through their State Medicaid Program, which is usually funded about 60 percent by the Federal Government. But the problem is, it is so poorly run and so underfunded the way it is managed that 40 percent of doctors will not see Medicaid patients.

So when you expand the Medicaid Program and dump more low-income Americans into it, you are giving people a bus ticket to a company that does not have very many buses. So they do not get good health care service. That is not the way we should be doing this. But that is the way we are trying to do it.

Then there is another person who is going to be affected by that expansion of Medicaid, the government program, and that is the taxpayer. The costs of the expansions that are being discussed when you expand the program to 150 percent of the Federal poverty level—and when you, in addition to that, try to attract more doctors and hospitals to serve Medicaid patients, and you require States to pay more to doctors and more to hospitals than they are today—the numbers are staggering.

The Congressional Budget Office has said: It is a \$500 billion figure over 10 years, or maybe it is \$700 billion if you go to the fourth year and go for 10 years after that, or maybe it is more than that, depending on the various formulas you come up with. And we will assume all that at the Federal level? Maybe we will start with, but after a few years, it will go back to the States. We say that easily here because we have a printing press, and we have suddenly gotten used to talking about trillions of dollars. But States cannot do that. States do not have printing presses. They have to balance their budgets.

I did a little calculation. If we expanded the Medicaid Program by 150 percent of the Federal poverty level and required States to put everyone in there, and if we increased the payments to doctors and to hospitals to 110 percent of Medicare levels, which is still significantly below what private plans pay, it would add about \$1.2 billion every year to the budget just for the State's share of Medicaid. That is about a 10-percent new State income tax in our State to pay.

So that is the shifting of a cost. That is not just a little cost shift. That is an impossible cost shift. That is not even in the area of reality. I think as employers begin to discover what they are going to be taxed and when States discover what they are going to be taxed

and Medicaid recipients realize if they get into this program that 40 percent of the doctors will not see them, this is not going to be a very popular alternative.

Then, last week, we heard about Medicare cuts. Some of the Democrats in the Senate have made an agreement with the hospitals to cut Medicare. That is not so bad, they say. But what is even worse—even worse—is they are going to take the savings from Medicare cuts and spend it on a different program. We all know that the biggest problem we have with the Federal budget is the rising cost of Medicare, and we have to bring that under some control—control the growth of Medicare.

But if we are going to take any money out of the Medicare Program, it ought to be spent on the Medicare Program for the seniors who are in it. We ought not to take money from the Medicare Program and use it to pay for some new program we are talking about passing.

So all these plans that are being talked about are shifting the costs. First, they are adding to the Federal deficit by maybe \$1 trillion. And then they are shifting the rest of the cost to employers who are struggling, to States who are broke, to taxpayers in the States, 10 percent of whom are unemployed. Then they are taking money out of Medicare and spending it instead of spending it on Medicare.

I do not think this is going to work. So I suggest my advice at the beginning of this discussion 3 weeks ago is still good: Start over. Start over with one of the Republican plans or with a bipartisan Wyden-Bennett plan. Fourteen Senators are already there: 8 Democrats and 6 Republicans. And let's begin with the 250 million Americans who are already covered and make sure their costs are appropriate, that they can afford their health care, and that when we get through with this health care fix, that Americans can afford their government.

One other area of an idea that I hope—and we hope—our friends on the Democratic side will agree with and the President eventually will agree with and the American people will agree with has to do with how we go about having clean energy.

On Monday, I will be making a speech at the National Press Club at 11 a.m. about a blueprint for 100 new nuclear powerplants. This is a part of the Republican clean energy strategy which has four provisions to it. The first is 100 new nuclear powerplants in the next 20 years. The second is: electrify our cars and trucks. I believe we can electrify half of them in 20 years. The third is: explore offshore for natural gas and oil. And fourth is: double research and development of energy. I would call it mini-Manhattan projects to help make alternative energy, such

as solar, cost competitive with fossil fuels, so the use can be more widespread or for carbon recapture so our coal plants can be cleaner or for advanced biofuels from crops we do not eat to make that fuel more competitive with gasoline or even with fusion and green buildings. These are the kinds of things we should be doing.

The Republican energy plan, which is based on 100 nuclear powerplants, is a cheap energy plan. It is cheap and clean energy. The Waxman-Markey bill, the so-called climate change energy bill that is coming from the House, the Democratic plan, is a high-cost clean energy bill.

Let's stop and think about the kind of America we would like to have. We want an America in which we have good jobs, and that is going to take plenty of energy. We use 25 percent of all of the energy in the world. We want an America in which we don't create excessive carbon so we can reduce global warming. We want clean air—that kind of an America. We want one, too, in which we are not creating a renewable energy sprawl where these gigantic machines are spreading across landscapes we have spent a century preserving. Of course, we want the hundreds of thousands of green jobs that can come from renewable energy, but we don't want to do it in a way that kills the tens of millions of red, white, and blue jobs that most of us work in. We don't want to run our manufacturing and technology, high-tech companies overseas looking for cheap electricity because of the strategy we take for clean energy.

The strategy that is coming toward us from the House, the Democratic proposal, is a high-cost strategy. It is a \$100 billion a year burden on the economy which is unnecessary. It is high taxes, and it is more mandates, and it is a new utility bill for every American family.

What Republicans want to say is there is a different approach that will get us to about the same place. I actually think it will get us there faster. This approach starts with 100 new nuclear powerplants. That means we will have electricity that is cheap enough so that cars can be built in Michigan and Ohio, as well as Tennessee, instead of Mexico and Japan. It means we would be producing more of our energy at home. It means our air will be cleaner. Nuclear power is 70 percent of our pollution-free, carbon-free electricity today, while solar and wind, for example, is 6 percent. And it will do what we need to do to reduce global warming. In fact, our plan should put us within the Kyoto limits by 2030, because nuclear power produces 70 percent of the carbon-free electricity, and carbon is the principal greenhouse gas that contributes to global warming.

So my question would be: Why would we adopt this contraption headed this

way from the House—\$100 billion of taxes on the economy, giveaways, pay-offs, surprises, complications, cow taxes—why would we do that? Why would we raise our prices deliberately when we can deliberately lower our prices with the technology we already have?

We haven't built a new nuclear plant in 30 years, but France has. They are 80 percent nuclear. So European plants are moving to Spain. France has among the lowest electric rates in the European Union and among the lowest carbon emissions in the European Union. India and China are building nuclear plants, with our help, our technology, and we are helping them do it. Japan is building a nuclear powerplant about every year, and the President has even said Iran can do it. Then why don't we get in the game? We know how to do it and we should, and we should be doing it.

On Monday, I will be suggesting at the National Press Club on behalf of Republicans—but I want to recognize right at the outset that we are not trying to make this a Republican—it is a Republican initiative, but we don't want to end up there. We know that several of our friends on the other side are strong supporters of nuclear power. We would like for more of them to be. We would like for the President to be. I would like for him to be half as interested in 100 new nuclear powerplants as he already is in windmills. I think he would get a lot farther with a plan that includes 100 new nuclear powerplants.

All this needs is Presidential leadership. It doesn't need a lot of money. The financing systems we need to help get the first six or eight nuclear plants up and going are designed so the taxpayer doesn't lose a cent. The first 100 nuclear powerplants which were built in about 20 years were built by the utilities with ratepayer money, not government money.

As far as safety, as far as what do we do with the waste, we have come a long way in the last 30 years. Our plants are safely operated. Dr. Chu, the distinguished scientist who is the Energy Secretary, said that to me at a hearing this week. We have operated safely our nuclear reactors and our nuclear submarines since the 1950s. We sometimes forget about that. France and Japan and Germany and India and China all know that if they want clean air and cheap energy for good jobs, they will have to use nuclear power. So we need to do that as well. And the waste? Let's call it used nuclear fuel. Scientists assure us that used nuclear fuel can be safely stored on site—and there is not very much of it in mass—safely stored on site for the next 40 or 60 years. That is step one. Step two is a mini-Manhattan Project of the kind we had during World War II to explore all of the most important ways to safely recycle the nuclear fuel so we can use it again and

never create plutonium in the process. Scientists believe we can do that, figure that out in 8, 10, 12 years. We already have acceptable ways to do it. France is doing it that way now. But while we store it, we can figure that out. The United States is smart enough to do it.

So that would be our proposal on Monday. All 40 Republican Senators are united on it. We are looking for support on the other side. I think more support will come, because as Americans look at this \$100 billion economy-wide cap and trade, they are going to say, Whoa, I hope that is not the answer to this problem.

Let me give you one example. The economy-wide cap and trade applies to fuel. That is the gasoline in your car or your truck. One thing we know for sure: It will raise the price of your gasoline at the pump. You will be paying 10 or 20 or 30 cents more. You might be paying 50 cents more, but it probably won't reduce the carbon that comes out of it. Gasoline fuel produces a third of the carbon we are worried about, but they have adopted in the House a device called the economy-wide cap and trade that won't do anything about it. We have had plenty of testimony on that, because if it goes up 10 or 20 or 30 cents, that is not enough to change the behavior of Americans.

The better way to do it is a low carbon fuel standard that gradually reduces the amount of carbon as people shift to other fuels. That is why we are for electric cars, because we have so much unused electricity at night that we can plug in our cars and trucks at night until we have electrified half of them without building one new powerplant. So why in the world would they go to the trouble of creating this 1,400-page contraption of mandates and taxes and rules that raises prices and doesn't reduce the carbon they are aiming at? Of course, on the coal plants, they are 40 percent of the carbon. If we can begin to build nuclear powerplants, then the utilities will probably close some of the dirtiest coal plants.

Our vision is, as we look ahead 20 years, we can see 40 percent of our electricity from nuclear; maybe 25 percent from natural gas—that is a little more than we have today; maybe 8 or 10 percent from solar and wind and geothermal and biomass and some of these renewable energies; another 10 percent from hydroelectric; the rest from coal—a significant amount, still. Hopefully, along that way one of these mini-Manhattan projects will have found an even better way to capture carbon from coal plants.

This is the real clean energy policy. That would get us to the Kyoto protocol. What is more important is that we want to reindustrialize this country with cheap energy, cheap electricity. We don't want to run jobs overseas.

Then the final part of this for the dream of energy is that it is cheap. People around the world are poor, and the single thing that would help them most is to have low-cost or no-cost energy. We are on the verge of doing that with nuclear power. We should be pursuing that instead of deliberately raising the price of energy in an ineffective way toward a goal—in this case combating global warming—that seems to be completely lost—completely lost—in the manufacturing of this contraption that came from the House of Representatives that is going to give you a new utility bill every month.

So those are three Republican ideas that we have and that we hope our Democratic colleagues will be interested in. We hope the President will see them as constructive suggestions. We hope they will provide a check and a balance on the excessive debt and the number of Washington takeovers we are beginning to see in Washington.

First, we congratulate General Motors on its coming out of bankruptcy, and a good way to celebrate would be to give all of the stocks to the taxpayers who paid taxes on April 15, stop the incestuous political meddling in the car companies, give them an investor fan base to cheer on the new Chevy.

Second, let's start over on health care costs. Let's start at the right end. Let's start with the 250 million Americans who already have health care and make sure it is good health care, and that they can afford it, and that when we are through with our reforms, they can afford the government that they are left with and they don't have trillions more dollars in debt. To do that, we have four or five proposals on the table which fundamentally say: Take the dollars we have and give them to Americans and let them buy their own insurance rather than stuff them into government programs.

Finally, we want clean energy, but we want low-cost clean energy. We want clean air. We want global warming dealt with. We want American independence, but we want energy at a cost that will keep our manufacturing jobs and our high-tech jobs right here at home and not overseas looking for cheap energy. We have a way to do it: 100 new nuclear powerplants, electric cars, offshore exploration for natural gas—that is low-carbon oil. We are still going to need it, so we might as well use our own, although we will use less. Finally, several mini-Manhattan projects for research and development on solar and fusion and other areas that will help us change the energy picture, maybe after 20 years.

These are exciting times. We are glad to be able to contribute our ideas to the debate, and we hope the American people will listen and, eventually, we hope our friends on the other side will join us, and that even the President will take some of our ideas and make them a part of his agenda.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INDONESIAN PRESIDENTIAL ELECTION

Mr. BOND. Mr. President, I rise today to talk about a very recent event that is important to the United States and which should have received a lot greater publicity than it did. I know the occupant of the chair, who is from Alaska, understands the importance of Southeast Asia to our economy and to security for the world. This is where the event took place. On July 8, the people of Indonesia elected democratically their second democratically elected president, Susilio Bambang Yudoyono. For obvious reasons, he is known by the initials SBY. He enjoyed a victory, according to preliminary results by the national election commission, of 62 percent of the vote, based on more than 18.7 million ballots counted. He needed 50 percent of the ballots to win in one round.

His challengers, former President Megawati Sukarnoputri, came in second, with 28 percent, and his previous vice president, Jusuf Kalla, finished third with 10 percent. We will have an official result released by the election commission by July 27.

I think it is very clear that SBY won an overwhelming election. This would put Mr. Yudoyono well over the 50-percent threshold to avoid a second-round runoff. Those who watch Southeast Asia believe that such an emphatic election victory for a man who became the democratically elected President 5 years ago will cement his position, quicken the pace of reform, and strengthen the country that is very important to that region and, thus, to the United States.

Mr. Yudoyono rose under the dictator Suharto, who was forced out 11 years ago after more than three decades in power, to a position in the army, where he was a general. But when he became President, he set aside his military uniform and took on civilian garb. He is a liberal who provided much needed stability. Despite the challenges of dismal infrastructure and 30 million Indonesians living below the poverty line, a country that extends through some 17,000 islands at low water, and 13,000 islands at high tide level, it is a country that is the largest Muslim country in the world. A population of 240 million people makes it the fifth largest country in the world. It has 90 percent of its population as

Muslims. So this is the key to dealing with a Muslim nation.

Mr. Yudhoyono is credited with bringing economic prosperity with an economy set to grow even in the face of the global downturn, expected to grow by 4 percent this year. Independent observers declared that the Presidential election was largely free and fair, despite an accusation of fraud by his opponents. There is no evidence of that, and we believe it was a free election. It is key to our national interest because it is the keystone for Southeast Asia.

Southeast Asia includes a number of countries, perhaps better known to the United States—Thailand, Singapore, Malaysia, and many smaller countries. It is the fifth largest trading partner of the United States. On top of that, it controls the Strait of Malaka, through which about 50 percent of the world's oil supply travels. It is also an area which offers tremendous opportunity for economic growth for them and increased trade and economic benefits to the United States.

SBY was a general in the national army during the last decade of the Suharto years. During that time, fortunately, he attended the International Military Education Training Institute at Fort Leavenworth, KS. There, leaders of friendly countries come to learn from our military how a military should operate in the modern era where military is under civilian control, where human rights and individuals are respected, where the army does not control the political process, where the army is subordinate to and the protector of the population, rather than one which runs the population.

During his first tenure, as I said, he faced many challenges, and they were successful. He chose as his running mate Mr. Boediono, who we believe raises expectations of accelerating reform in the second term of SBY. Boediono is a technocrat with no party affiliation. He possesses an impeccable track record for clean governance. He is an advocate, as is SBY, of market-led growth, with government acting as an impartial regulator rather than a state actor. The duo campaigned on a ticket of clean governance and reform to promote broad-based economic growth. This was a vote by the predominantly Muslim country for a moderate prodemocratic path that Indonesia has already taken. They still face many challenges—not just poverty—with the economic problems in the country. They face a long tradition of corruption that has to be dealt with. SBY has taken steps to deal with that and needs to take more steps.

They also face the challenge from radical Islamists who want to establish Sharia law, a government by theocracy rather than by a popularly elected, constitutionally governed government. I will speak more about that in a minute.

Let me give you a little taste of the rest of it. His closest rival, Megawati Sukarnoputri, was the daughter of Sukarno, Indonesia's founding father. Ms. Megawati failed to impress voters during her term as President from 2001 to 2004, and she partnered with a general who was indicted for human rights abuse and was a former son-in-law of a previous authoritarian dictator. They ran a nationalistic campaign that was rejected by the voters of Indonesia.

The third ticket, comprised of current Vice President Jusuf Kalla and a former chief of the army, Wiranto, championed a similar ideological platform, with the difference being that Jusuf Kalla was a link between big national businesses and the government, which we thought he would probably enhance. This sets up an opportunity for the United States.

We are dealing with a very important Islamic country. I believe that it is time for us to realize this is an area where we can make significant progress, if we learn how to work with and provide significant support to a democratically elected head of an Islamic country, who wants to move on the path toward greater economic ties, free from corruption, open to trade and business.

I happen to have laid all this out in a book called "The Next Front," coauthored with Lewis Simons, a Pulitzer Prize-winning reporter. It will be published by Wiley Books in October. We call it "The Next Front" because what people did not realize until recently was that, after 9/11, one of the indigenous terrorist groups in Indonesia, Jema Islamia, which we will call JI, was a close ally of al-Qaida, and still is. That is a terrorist organization that has spread from Indonesia into the Philippines, and potentially other parts of Asia. The leader of JI was tasked by al-Qaida with carrying out the second attack following 9/11, which was to be on Los Angeles. Fortunately, our CIA, by aggressive tactics and military tactics, prevented that attack.

There is still a real danger to not only peace and stability and progress in Southeast Asia, but to the security of the United States, unless we ensure that a government such as Yudhoyono's manages to provide security and prevent the development of terrorist training areas and agencies, where they are willing and able to carry out operations, disrupt terrorist organizations.

In "The Next Front," we argue, as I have, that the best way to do that is through significantly increasing contact between the United States and those governments that are dealing with those problems, that are on the wrong track, which have the potential to provide security and peace and prosperity for their own homeland. When they have too many young males who cannot find a job, they are often lured

by the radical religious extremists into the terrorist organizations and convinced to undertake terrorist attacks on Americans, on democratically elected governments.

We believe that steps that were taken yesterday in the Foreign Operations Committee, under the able leadership of Chairman LEAHY, to put us on the path to increasing significantly the assistance and the contact we have with Southeast Asia. We increased to \$65 million the amount of economic support fund assistance. They also instituted other programs to provide more assistance for Peace Corps. An expansion of the Peace Corps is one way to get American sandals on the ground now, so that we don't have to put American boots on the ground later.

Smart Power says that when you are faced with a radical, violent extremist group like al-Qaida, or the Taliban, which we face in Afghanistan and Pakistan now, you have to use force to deal with them. At the same time you are using force, you must build up the economy and meet the needs of the local leaders, so that they will work with the forces who are trying to drive the extremists out. That was the secret to the success of General Petraeus in Iraq with the counterinsurgency strategy, who said we will not only clear an area but we will go in and hold it and build, looking to local leaders to tell us what they are doing.

My son, who is a marine, an intel officer who served two tours there, said the first time he was there they couldn't get support from the local government because they were getting no assistance from Baghdad. They were Sunnis in Fallujah. The government in Baghdad was not Sunni; they were Shia, and they didn't provide assistance. The second time, the counterinsurgency and our government were working through the popularly elected Iraqi Government to provide support and assistance to the Sunnis in Fallujah. They were able to cooperate and provide assistance and make sure they kept that area safe.

We are trying to do the same thing now in Afghanistan. I am proud that the Missouri National Guard is leading the way, along with 10 other States' national guards, and we are sending over agricultural development teams to help the local farmers develop a more effective means of producing crops. We saw, last year, in Kandahar province, where the Missouri National Guard operated for 1 year. They started producing much more high-valued crops. As a result, they no longer needed to produce the poppies needed by the drug lords to manufacture cocaine and dope and opium. They were able to drive the poppy producers—put them into productive use and take the drug lords out, and the Taliban which normally follows them. This is working in Afghanistan.

In areas where we have peaceful governments that are threatened by extremist groups, it makes sense that we increase economic assistance but primarily personal assistance—one-on-one assistance from American volunteers going there—economic assistance, encouraging American firms to invest there, to help them develop small- and medium-sized enterprises; opening up free trade so their products can come into the United States so we can trade with them and so they can build their economies. We need significantly to increase educational exchanges between our countries and theirs.

I mentioned earlier that President Yudhoyono had served in the IMET Program at Fort Leavenworth. I first met him as President—well, I met him before—when I went to Indonesia after the tsunami in Bugatchi, and we talked about the work we were doing to help them recover from that tragic event. But I also extended an invitation for him to come to Webster University in St. Louis, MO, from which he had also gotten a degree. They gave him an honorary degree, and I was pleased to introduce him when he came to St. Louis to Webster University.

His is just one of hundreds, thousands, millions of examples where we have helped develop leaders in countries with which we are allied and which can be even stronger allies. They could take the information we develop, take the learning and the skills we have, and provide the assistance they need to strengthen their country, to provide not only security but a good livelihood for their people so there will no longer be unemployed young men who are willing to take blood money from the terrorists in exchange for a pittance for their family to conduct terrorist attacks.

We think we have a great opportunity not only in Indonesia, following these steps—expanding on the Smart Power that has been used in Iraq, is now being used in Afghanistan—to show that people who work with the United States can expect not domination but help in establishing their own free country, their own democratically elected principles, respect for human rights, and a respect for religious differences so that we respect Muslims and they respect Christians and Jews and Buddhists and Hindus.

That was the original idea of the country of Indonesia when it was founded in the 1940s. They laid out the principles of Pancasila—in which we recognize diversity; we recognize there are different religions; we will learn from and tolerate differences, particularly in religion.

We have a challenge facing us in Indonesia and others where extremists want to establish shariah law, which has mullahs and ayatollahs who prescribe very harsh penalties for women who step out of place, who appear with-

out total cover in broad daylight, where anybody who commits a violent crime is either thrashed or has a hand cut off or is put to death. This kind of backward approach to maintaining law and order is a threat to the civilized world and progress as we know it.

In Indonesia, we have the opportunity to move forward, and I congratulate the people of Indonesia. I particularly congratulate Susilo Bambang Yudhoyono and Vice President Boediono on their election—reelection—on July 8, and we look forward to seeing the final results certified on July 27. I hope I will have the support of my colleagues for the robust foreign operations support for Smart Power. It is the wave of the future.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. WYDEN. Mr. President, as the Congress focuses on health care reform, I wanted to take a few minutes to discuss one approach that has been documented by the Congressional Budget Office as producing significant cost savings in American health care. That approach is free choice and rewards for selecting health care wisely.

Today, 85 percent of American businesses that offer health care coverage offer no choices. That is not because they would not like to. Quite the contrary; they would very much like to offer additional private sector choices. But for example, if you are a small businessperson—and I know the distinguished Senator from Alaska identifies with this—and you go out into that broken private insurance market, with huge administrative costs very often approaching 30 percent, you can't offer choices. Without choices there can't be real competition and accountability in health care. As a result, costs go up and care for our workers and our employers and small businesses and others becomes less affordable.

Some in America enjoy a better system, one where they have a full array of private sector health care choices. Everyone in this Chamber knows what that is all about because it is the system we have as Members of Congress. We get a menu—a menu of private health plan offerings. The plans that are offered to Members of Congress can't discriminate, for example, against someone with a preexisting illness.

You go into a large group where you have a lot of bargaining power, which

means you can hold down costs, and you don't face discrimination on the basis of age. That is particularly important because it looks as if under some of the approaches that are being discussed in the Congress there could be significant discrimination against older workers.

I believe all Americans should have the opportunity to be part of a health care system where they have more choices, and they are in a position to benefit from the wise selection of those kinds of choices. I think that will lead to reduced costs, and I think it will lead to more affordable health care coverage.

The legislation that is being developed in the Congress would not allow most people to have the free choice of insurance exchange plans. In fact, it wouldn't allow them to have free choice of health plans generally, whether they are in a private plan or a public plan. Without choice, there won't be competition to hold down costs.

So I very much hope in the weeks ahead Democrats and Republicans alike will come to see what the Budget Office has documented, and that is free choice of an increased menu of private sector health care—where the insurance companies can't cherry-pick, where they can't discriminate against someone with a preexisting illness, where people would go into a large group, and where you don't have older workers being discriminated against—will hold down skyrocketing health care costs and help keep quality health coverage affordable. I would hope Democrats and Republicans would see that kind of approach, with expanded choices, would help hold down health care costs and make health care more affordable for our people.

The reason I have focused on this question of holding down costs, making coverage more affordable by expanding choices—free choice, as I call it—is in light of the discussion we have held this week in the Senate on the costs of health care reform.

I note my friend from Utah, Senator HATCH, is here. He is someone who has, in my view, done so much good work on health care for children, for community health centers, for a variety of needs in our country. He and I participated in discussions, particularly in the Senate Finance Committee, about how to come up with additional money to expand coverage, particularly for the more than 45 million Americans who don't have coverage.

The Finance Committee is going to continue to grapple with this issue, but I only wanted to talk about cost savings through free choice today because I believe that is what most Americans look at first.

Most Americans feel very strongly that they want to get all our people covered. They know it is a disgrace

that, in a country as rich and strong and good as ours, that close to 50 million people do not have coverage.

But they are also very concerned about the idea that, when you are already spending \$2.5 trillion annually on health care, before you go out and spend a trillion dollars or more to pay for expanding coverage, you better have a plan to save money through choice, through the kinds of approaches I have been talking about in order to be credible. It is not credible to go to the American people and say we need \$1 trillion or more to expand coverage, expand coverage and pay this huge sum on top of the \$2.5 trillion being spent today, unless you have an actual plan to hold down costs and generate savings.

That is why I hope the Democrats and Republicans will look at how the Congressional Budget Office has documented that, through choice, you can generate significant cost savings and make health care more affordable.

I am concerned that the point I have made this morning has gotten a bit lost as the focus this week has been on the question of paying this very large additional sum to finance coverage expansion. There is no question that at a time of soaring deficits, the Congress must pay attention to what it costs to pay for health reform.

It would be fiscally irresponsible to pass health reform that is not paid for. But it would be equally irresponsible to pass a bill that is labeled health reform that fails to put a lid on the skyrocketing costs of our health care system. The two go hand in hand.

So what will provide significant savings? All the experts agree that we need to change incentives and behavior to change how people buy and use their health care.

First, show that you can generate cost savings for all Americans through increasing choice and rewarding those who make a wise selection of their coverage. That, in my view, ought to be built around what the Congressional Budget Office has documented, which is savings through an approach very much like what Members of Congress have. If you do that first, then you have the credibility to go back and say to the American people: Here are the choices in front of us for expanding coverage to the close to 50 million people who do not have it today.

What I have tried to describe this morning is a way to keep faith with the small business owners who are across this country, from Coos Bay, OR, to Oyster Bay, Long Island. Let's keep faith with them by showing we are going to hold down costs and then also, in a bipartisan way, come together and grapple with the question Senator HATCH and I were discussing with our colleagues this week, which is how to best and most responsibly finance coverage for the close to 50 mil-

lion Americans who do not have it. I believe we can do it. I believe the approach I have outlined this morning is one path to do it.

I have never said, in the course of health reform debates, that it is my way or the highway. But I think we certainly ought to learn from the constructive analyses done by the Congressional Budget Office that show it is possible to get hard cost savings, not within a decade but within a matter of years, by expanding choices for our people and rewarding those who make a wise selection from that menu of choices.

I yield the floor.

Mr. HATCH. Mr. President, I note the Senator from Oregon has to read some things, but I have a brief additional comment to make and then I ask unanimous consent I be given the floor thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, the distinguished Senator from Oregon is one of the leading figures on health care in this Congress and has been in the past. He is thoughtful. He works very hard. He is one of the most contributing members of the Senate Finance Committee and I, personally, respect him very much and we have a very dear friendship. I appreciate the kind remarks he has expressed about me here today.

Mr. WYDEN. Mr. President, I have unanimous consent requests to make. Before I do that, I wish to say, again, how much I appreciate the Senator from Utah and his involvement and particularly his leadership on health care issues. When you look at the array of important legislation that has clearly improved American health care, Senator HATCH's name is all over that legislation.

Think about landmark legislation for children. It could not have happened without Senator HATCH. He and I have written legislation together. One of the accomplishments of which I am most proud is that we found a bipartisan way to increase coverage for community health centers by lowering their malpractice costs. I think it was an example of the way Senator HATCH approaches that kind of legislation. He brought together advocates of low-income people, trial lawyers, community health centers. Everybody said you could not find common ground among those kinds of organizations, and with Senator HATCH's leadership we were able to do it.

I am going to make a unanimous consent request, but I wish to tell the Senator from Utah I am convinced this year we are going to be able to pass health reform. One of the reasons we are going to be able to do it is because of both the good will and the expertise of the Senator from Utah. I am very much looking forward to working with him on that.

Mr. HATCH. I thank the distinguished Senator from Oregon and appreciate his remarks.

The PRESIDING OFFICER. The Senator from Utah.

OBAMANOMICS

Mr. HATCH. Mr. President, I rise today to talk about the richest man in the world, the new king of the hill. No, you won't find this financial titan in Forbes magazine's list of the world's billionaires. He hasn't started a mega-computer software company like Bill Gates. Nor has he made shrewd investments like Warren Buffet or even inherited this money like the Walton family of Wal-Mart fame.

No, the billions amassed over the years by those business magnates are chump change compared to that collected by the current champ, who has ascended to the title of the world's wealthiest man by collecting trillions of dollars in a mere 155 days.

He now owns two auto-manufacturing companies, oil sands and offshore drilling leases, interest in several hundred banks, and enough real estate holdings to make Donald Trump envious. In fact, managing this vast portfolio has become too time-consuming and too much for him to handle. He recently said, "I don't want to run auto companies. I don't want to run banks. I've got two wars I've got to run already. I've got more than enough to do. So the sooner we can get out of that business, the better off we're going to be."

I doubt even John D. Rockefeller, Cornelius Vanderbilt, Andrew Carnegie or William Randolph Hearst could ever have dreamed about having that amount of control. But despite his professed eagerness to divest himself of his newfound, unprecedented wealth, the reigning world's richest man, President Obama, seems reluctant to relinquish his vast holdings.

Indeed, I am beginning to think he actually enjoys this—well, what I call "Obamanopoly." Soon, he will own all the railroads, all the utilities, Park Place and Boardwalk. And when taxpayers pick up the yellow or orange cards from the stacks, they will have to dig deeper in their wallet to fund this high-stakes Obamanopoly.

OK, I realize that our President does not really personally own all this wealth. But while I am speaking tongue in cheek, my remarks do point to the very real serious consequences of an ever-expanding U.S. Government. I care a great deal for the President, and I don't want to personally offend him. But I think the point is made.

We are moving toward what I have referred to as the "Europeanization of America." On the spectrum between anarchy and a centralized government invested with complete power and control, our current government is so far

removed from the limited government that our Founding Fathers intended that they must be rolling over in their graves.

There is method to this unprecedented meddling in the private sector. As the government acquires more auto manufacturers, banks, insurance companies and other private-sector businesses, we become more dependent on the government. The Obama administration's answer to everything is to take control of companies, increase regulation and spend, spend, spend. They are now talking about taxing and taxing more.

Not only does the government have more control over the economy, but it has a freer rein to regulate and restrict free speech. Modern political thought is, in many respects, based on a distinction between the public and private spheres. Liberal democracies—using the word “liberal” in the classical sense—have historically been based on the notion that there are realms that are ripe for government involvement—the public sphere—and others that should remain unaffected by government—the private sphere.

This was one of the central ideas behind the drafting of our Constitution and the founding of our Nation. Indeed, the Founding Fathers were all too aware of the problems that could arise under a government that is too expansive and too powerful. As James Madison, one of the main architects of the Constitution argued, “All men having power ought to be distrusted to a certain degree.”

Because of this inherent distrust of those holding power, our Nation's Founders devised a government that was allowed to exercise its enumerated powers. As Alexander Hamilton stated, when it comes to framing a desirable government, “[Y]ou must first enable the government to control the governed, and in the next place, oblige it to control itself.” He also said, “Indeed, the genius of our Constitution is that it provides an effective government that is subject to strict limitations.”

But it isn't only in the Constitution that we can observe the relevance of this public-private distinction during the Founding Fathers' generation. The beliefs, practices, and culture of that era further demonstrate just how separate and distinct our nation has traditionally viewed the public and private spheres. French political philosopher Alexis de Tocqueville, in observing the uniqueness of American government and culture, described how private citizens in America addressed needs in their communities. He stated:

When a private individual mediates an undertaking, however directly connected it may be with the welfare of society, he never thinks of soliciting the cooperation of the Government, but he publishes his plan, offers to execute it himself, courts the assistance of other individuals, and struggles manfully

against all obstacles. Undoubtedly he is often less successful than the State might have been in his position; but in the end the sum of these private undertakings far exceeds all that the Government could have done.

I believe this spirit of private determination still exists in our country today. I have argued many times that the American people are the most inventive and innovative people in the world. However, in an era when the President can impact huge portions of the American economy, that spirit is given little opportunity to work its magic in the private sector. Indeed, James Madison argued that “there are more instances of the abridgement of freedom of the people by gradual and silent encroachments by those in power than by violent and sudden usurpations.” I wonder how Madison would have viewed some of our current President's recent decisions.

Ours is a government that from the very beginning has been limited in what it can do and how far in may encroach into the private sphere. Those limits are not defined by the Nation's economic circumstances or political winds. There is not an exception in the Constitution that allows popular Presidents to exercise more power than unpopular ones. Ours is the oldest functioning constitutional republic on the planet, not because of change, hope, or adaptation, but because of consistency and respect for the limitations imposed upon our institutions. I believe many of the times we have struggled have been those in which we have strayed from the principal obligation that our Constitution imposes on the Federal Government—the obligation to control itself.

One such example—one often cited by the administration and my Democratic colleagues to justify the steps the President has taken—is the Great Depression. Some may say the Great Depression was the last time we saw such an expansion of government power. It came in the form of FDR's New Deal, which is now the model for how the majority and this President intend to remake the Federal Government and our economy. They credit the New Deal with ending the depression and claim that this new expansion will cure our current economic ills.

I hope, for our country's sake, that they are wrong.

What New Deal proponents don't mention when making their case, is that even with Roosevelt's policies in place, the depression lasted for over a decade and, in fact, deepened in the late 1930s. Coincidentally—and I use that word sarcastically—the New Deal's supposed effect wasn't fully realized until the United States entered World War II.

Now, I don't mean to argue that our current situation is directly comparable to the Great Depression. I would say it is far from it. But I do

hope that the Democrats' long-term plan isn't to keep expanding the Federal Government for several years, wait for an unforeseen outside calamity to take place and rescue the economy, and then take credit for the recovery.

To be sure, Roosevelt's New Deal was not without some success. But it largely failed to restore prosperity to the American economy because instead of implementing policies aimed at fostering economic growth and expansion, it was designed as a top-down restructuring of the economy—making the government the major decisionmaker in economic matters. The results were labor policies designed to preset wages at levels preferred by unions, regardless of market conditions; trade and manufacturing policies designed to set production at levels other than those set by supply and demand; and taxes on businesses that stifled growth and prevented them from hiring new employees.

Sadly, the President and the majority leadership in Congress have apparently decided that despite these shortcomings, the New Deal should be repeated. We have seen it in the President's efforts to seize control of auto companies, only to hand it over to his labor union supporters. We see it in proposals here in Congress to use the bankruptcy code to basically preset interest rates for lenders—and at a time when credit is already getting harder to come by. And we are seeing it in their proposals to raise taxes on small businesses despite harsh economic times and rising unemployment.

President Obama may be the richest man in America these days, but he is doing so on the back of the American taxpayers. If history is any indication, his efforts will not leave anyone else in America any richer or better off.

It is not hard to find examples of the government growing at an exceptionally fast pace. Just by looking at the number of government employees as a percentage of America's population, one can easily see how we have increased the size of the government. In 1815, the U.S. numbered 8.3 million people, 4,837 of which were government employees. In other words, only about one-twentieth of 1 percent of Americans worked for the government. In 2007, our Nation numbered 281 million Americans, 2.7 million of them government workers. That is nearly 1 percent of the population, or about 20 times the number of government employees in 1815. That percentage will certainly increase, given this President's budget, which contains 121 new government programs.

Another indication of the growth of government power can be illustrated through the amount of government spending. Organization of Economic Cooperation and Development figures show that government spending in the

U.S. is on the rise, comparable with that of many European countries. In fact, government spending has decreased in most European nations, while it has increased in the United States.

In France, for example, government spending is close to 50 percent of GDP, while England's government spending is roughly 44 percent of GDP, and Germany's is 45 percent of GDP. In the United States, Federal Government spending has been around 20 percent. However, to accurately compare the U.S. to European nations, it is necessary to include State and local spending.

Once that is factored in, U.S. Government spending exceeds 37 percent of GDP, and that is before President Obama's stimulus package and budget for this year are taken into account. Thus, it is almost a forgone conclusion that by the end of this year, total government spending in the United States will approach that of many European governments. We have jumped way ahead from the 2008 figure, with the current figure on that chart, just barely behind the European countries.

If you take a look at President Obama's past 5 months in office, you will see the largest proposed 10-year spending increase in our Nation's history. We have a stimulus bill worth \$787 billion, or close to \$1.3 trillion if interest is taken into account. We have nearly exhausted the \$700 billion Troubled Asset Relief Program, and we have a budget proposal estimated to create a \$9 trillion deficit over the next 10 years. According to the Congressional Budget Office, that is what is going to happen.

To put that another way, Federal spending would be nearly 24 percent of our Nation's GDP. Government spending, alone, in 2009 will reach 27 percent. That is Federal Government spending alone. In 2009, it will reach 27 percent. When you add in State and local spending, that would put us nearly on par in total government spending with Germany. You can see from this chart, we are almost right there.

The American people, especially Utahans, are speaking out against this increase in the size of government. They are organizing "Tax Enough Already," or TEA, rallies around the country, and they are fed up with government bailout after bailout. They correctly wonder when or if this government expansion will ever stop.

That is why I have introduced two pieces of legislation to reduce government spending. One is called the Limitation on Government Spending Act, the LOGS Act, to limit government spending to 20 percent of GDP. The second is called the Stop TARP Asset Recycling Act, the STAR Act, and that is to prevent perpetual bailouts and to repay our national debt with returned TARP funds—don't just take them and

spend more. Give them back to the taxpayers. Give them back to the government so we can pay down some of these deficits and some of these problems that are going on. They are two very important bills.

Let me discuss them again. The Limitation on Government Spending Act would limit government spending to the national historic average of 20 percent of GDP. While I believe government spending should be much lower than that, the least we can do is ensure that government spending does not get out of control like the way it is currently headed.

Furthermore, the Stop TARP Asset Recycling Act would require all funds paid out of the Troubled Asset Relief Program, or TARP—and that amounted to \$700 billion—as to all those funds that are returned or paid back, they must be placed in the general fund to pay down the Nation's debt instead of being recycled back into TARP or more spending. Otherwise, TARP could become a revolving slush fund for the Treasury Department to bail out or seize companies. It is time we put an end to that.

The Obama administration's honeymoon is over. More Americans than ever agree we need to rein in this administration's runaway government spending. I might add, we better be prepared for massive taxation too. Their belief is to spend and tax and build the Federal Government at all costs. More Americans than ever agree we need to rein in this administration's runaway government spending.

According to a Washington Post-ABC News poll, barely half of Americans are now confident that President Obama's \$787 billion stimulus measure will boost the economy. Think about it: barely half of all Americans. Furthermore, a USA Today poll reveals that a 51-percent majority disapproved of the job he has done in controlling Federal spending. Even President Obama agrees with this.

After the massive amounts of government spending he has signed into law, President Obama had the audacity to proclaim in an April 18 weekly address that we need to restore responsibility and accountability to our Federal budget. Who are we kidding? The President cannot put us on the course to a \$9 trillion deficit and then tell us we need to be more fiscally responsible. That is akin to someone killing their parents, and then complaining about being an orphan.

In the same address, the President continued this hypocrisy by saying, "We are on an unsustainable course" and "we need to restore the people's confidence in government by spending their money wisely." But wait. It gets even better. After signing into law a \$787 billion stimulus and a \$3 trillion deficit, he nobly stated:

If we want to spend, we need to find somewhere else to cut.

If you doubt the hypocrisy, you do not have to look further than the current health care debate or the cap-and-trade program he proposes to pay for by levying even more taxes. The closest the President has come to cutting spending was by calling upon his Department heads to find \$100 million in savings—\$100 million. I guess you would call that "pocket change" we can believe in.

Enough is enough. No more spending. No more taxes. No more government expansion. We are not looking for a new New Deal. We are looking for smaller, more efficient government. We are not looking for another government bailout. Whatever happened to: Ask not what your country can do for you, ask what you can do for your country?

Where "Obamanopoly" is concerned, it is time to say: Game over. It is time to pull the reins on this headlong rush toward the Europeanization of America. As former President Gerald Ford said:

A government that is big enough to give you all you want is big enough to take it all away.

I am concerned about what is going on. I admit that President Obama is a very attractive human being. I personally like him. But I think this tax-and-spend set of policies we are seeing is taking our country down to the point of ruin, and we have to stand up and stop it. I have to tell you, if we do not do it, our kids and our grandkids and our great-grandkids—and Elaine and I have all three—are going to be paying a huge price.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT

Mr. DODD. Mr. President, yesterday I was unable to be here for the consideration and final passage of the Homeland Security Appropriations Act because of a death in my family, but I would like to submit my support for this important legislation for the RECORD.

Whether it is a natural disaster or an act of terrorism, we must maintain the ability to respond quickly and efficiently to security challenges. No job is more important than keeping our citizens safe, and no one does that job better than our front line public safety officials. This legislation provides them with the resources they need.

My fellow Connecticut residents and I know first hand how important it is to be prepared. Just last week, officials from FEMA and DHS toured Farmington and Wethersfield after tornadoes toppled trees and utility lines, damaging buildings and closing roads. The worst of the storm hit Wethersfield square-on, severely damaging 70 houses and leaving several to be condemned.

It is rare that a tornado touches down in Connecticut, but it reminds us

that disaster can happen anytime, anyplace, anywhere.

At these moments of crisis, we must be assured that our communities have the first-responder personnel, training, and equipment necessary to keep families safe.

That is why I authored and continue to support the Assistance to Firefighters, FIRE, Grant Program to help equip and train firefighters, and the Staffing for Adequate Fire and Emergency Response, SAFER, Grant Program to increase the number of firefighting personnel.

We have made the Federal Government a partner to our Nation's firefighters and because we did, we have delivered more than \$55 million to Connecticut communities in the last decade.

This year's bill includes \$420 million in SAFER grants—double the amount appropriated last year. This funding will help to stem the tide of layoffs so that our communities can be protected by an adequate number of dedicated firefighters.

In addition, I was pleased that the Senate accepted an amendment I offered that provides an additional \$10 million to the FIRE Grant Program. This increase will help more local fire departments equip and train first responders in Connecticut and across the country.

The bill also provides \$300,000 for the Coast Guard Academy in New London to begin work on Eagle Pier, which will be the permanent home of the EAGLE, the historic tall ship seized from Germany during World War II.

For more than 60 years, Eagle Pier was the home of the Coast Guard Training Vessel EAGLE, but in recent years, as the aging pier has fallen into disrepair, the EAGLE has been homeported at a pier at Fort Trumbull.

The EAGLE is a Connecticut icon and one of only two remaining commissioned sailing vessels in American Government service, the other being Boston's USS Constitution.

In addition to showcasing a rich history, the EAGLE serves as a modern day seagoing classroom for Coast Guard Cadets, providing hands-on maritime instruction to supplement the students' rigorous classroom workload.

This bill makes important investments in our domestic security, first responders, and the State of Connecticut, and I am proud to support it.

AMENDMENT NO. 1430

Mr. CASEY. Mr. President, today, I join with Senator SANDERS, my colleague from Vermont, and Senator CARPER, my colleague from Delaware, in supporting an increase in funding for two essential programs in the fiscal year 2010 Homeland Security appropriations bill to support our brave firefighters: assistance to firefighter grants, AFG, and staffing for adequate fire and emergency response grants, SAFER.

The Assistance to Firefighter Grants, AFG, Program, commonly referred to as fire grants, helps fund the purchase of urgently needed emergency response equipment, apparatus, and training. The AFG Program relies on direct input from the locally affected fire services in the grant process to ensure funding reaches those agencies that are most in need. A fiscal year 2007 review of AFG by the Department of Homeland Security found this program to be 95 percent effective, the second highest rating of any program at the Department.

A recent needs assessment survey conducted by the Fireman's Fund Insurance Company found that 60 percent of respondents report that their local fire department has delayed equipment replacement purchases due to the economic downturn, and 50 percent reported that if economic conditions do not improve in the next year, it could affect their ability to provide service to their communities. Local fire department and EMS agencies need fire grants to continue to ensure the safety of citizens across the country.

A fire company in McAdoo County, located in east-central Pennsylvania, used its fire grant to purchase an automatic defibrillator. The biggest killer of firefighters in the line of duty is heart attacks, and now the brave men and women at McAdoo Fire Company are better protected as they risk their lives every day to help those in emergency situations.

SAFER grants assist fire departments in the hiring of career firefighters and the recruitment and retention of volunteer firefighters. The single most significant challenge facing volunteer fire service is recruitment and retention. Over the past two decades, the percentage of volunteer firefighters under the age of 40 has shrunk from 65 percent to 50 percent. The SAFER Grant program was created to provide funding directly to fire departments and volunteer firefighter organizations in order to help them increase the number of trained, "front-line" firefighters available in their local communities. SAFER grants enhance the ability of local fire departments to comply with staffing, response and operational standards.

The Center Township Volunteer Fire Department, located in western Pennsylvania, received a SAFER grant in March of 2009. With that funding, they can recruit more volunteer firefighters and retain those who already give so generously of themselves in efforts to protect and help others. SAFER grants are particularly beneficial to municipalities that are growing by expanding the number of firefighters in conjunction with increased population growth and greater housing development. I am proud of the courage and self-sacrifice of volunteer firefighters in my home State and across the Nation and want

to ensure that the Federal Government supports their dedication.

This amendment offers critical funding assistance to emergency first responders and ensures that the safety of our citizens remains a national priority.

COMMENDING NORM COLEMAN

Mr. HATCH. Mr. President, I wish to speak in honor of the service of my good friend, Senator Norm Coleman. Senator Coleman was among the more thoughtful and intelligent Senators that I have known. His presence in this Chamber will be sorely missed.

Senator Coleman came to the Senate with more insight into the lives and needs of his constituents than most obtain after years of service in Congress. He was elected mayor of St. Paul, MN, in 1993. Of course, at that time he was a Democrat, but I don't hold it against him. He eventually realized the error of his ways and was reelected as a Republican in 1997. He became the most popular and well known mayor in Minnesota, mostly because he shared something in common with Minnesotans: a love of hockey.

In 1993, the Minnesota North Stars became the Dallas Stars, leaving the State of Minnesota without a franchise in the National Hockey League. Norm shared the view of probably every Minnesotan that this was just not right. Honestly, how can you have an NHL without a team in Minnesota? Due in large part to Mayor Coleman's lobbying efforts the NHL awarded St. Paul an expansion franchise in 1997, the Minnesota Wild.

You would think that bringing hockey back to Minnesota would be enough to get him elected to any office he wanted in the state. But, as many have observed, the people of Minnesota are unpredictable. In the 1998 gubernatorial election, in a race that grabbed the attention of many people throughout the country, Norm finished just 3 percentage points behind Jesse Ventura, whose preGovernor career was, to put it lightly, a colorful one.

Though this result had to be difficult for Norm, I think we all ultimately benefited from the outcome of that race. Norm was elected to the Senate in 2002 and immediately became known for his thoughtful demeanor and his dedication to the people of Minnesota. He was a loyal Republican, but he was also willing to work with those in the opposing party to help the State of Minnesota and the Nation as a whole. He supported President Bush, but, as should be expected of any loyal supporter, he was not afraid to express his disagreement or offer his advice with regard to changes and reforms. Indeed, I think Republicans and Democrats alike have had a good working relationship with Senator Coleman because, as many have noted here today,

he was more concerned with getting things done and being true to his convictions than he was about being political and towing the party line.

Mr. President, while I welcome Senator Coleman's successor, I must admit that I was disappointed when I heard of the final decision of the Minnesota Supreme Court. Obviously, I don't like seeing the number of Republicans in the Chamber go down. But, more importantly, I am sad to see the Senate lose such a vibrant and intelligent voice. Indeed, I think his views and statements on the legislation being considered by the Senate this year would add greatly to the debate.

I want to wish Senator Coleman the best of luck in his future endeavors. While I am sure that he will be a valuable asset for any effort with which he becomes involved, I am more certain that he will be missed here in the Senate.

CHILDREN'S HOSPITAL OF PHILADELPHIA

Mr. SPECTER. Mr. President, I have sought recognition today to congratulate and recognize a tremendous asset to the children of Philadelphia, PA, the United States, and really the world—the Children's Hospital of Philadelphia. The hospital, or CHOP as it is known, has been ranked first in children's cancer, diabetes and endocrine disorders, neonatal care, respiratory disorders and urology care by U.S. News & World Report. I congratulate the hospital's president and chief executive officer, Dr. Steven Altschuler, and his team of over 10,000 employees for this tremendous accomplishment.

CHOP was the Nation's first established children's hospital, growing from its original structure with 12 beds on Philadelphia's Watts Street to a sprawling campus in West Philadelphia with over 40 outpatient locations throughout southeast Pennsylvania and New Jersey, providing care to over 1 million patients last year.

CHOP notably provides the highest level of pediatric care and conducts groundbreaking research through funding from the National Institutes of Health. When I came to the Senate in 1981, funding for the NIH totaled \$3.6 billion. Since becoming LHHS Chairman in 1996, Senator HARKIN and I have successfully worked to more than double NIH funding, which was \$12.7 billion at that time. In the fiscal year 2009 Senate LHHS Appropriations Subcommittee bill, we provided \$30.2 billion for NIH funding, a \$1 billion increase from fiscal year 2008. We also secured an additional \$10 billion in funding through an amendment to the American Recovery and Reinvestment Act. I recently visited CHOP for a townhall meeting and was able to see firsthand some major discoveries that have occurred there as a result of NIH-funded research.

In a conversation with Dr. Philip Johnson, the director of CHOP's Research Institute, I learned about an experimental therapy developed at CHOP using elements of the body's immune system to improve cure rates for children with neuroblastoma, a challenging cancer of the nervous system. This type of cancer is very aggressive, causing 15 percent of all childhood cancer deaths. I am told that patients who received this therapy were 20 percent more likely to live disease-free two years after treatment. Shortly after visiting CHOP, I also learned of a study led by Dr. Johnson that could lead to an HIV vaccine, by inserting a gene into the muscle that can cause it to produce protective antibodies. AIDS is one of the most devastating pandemics, having killed more than 25 million people. Such a vaccine appears years away from realization; however, with continued investment from the NIH, it is possible that this work could save millions of lives.

I have fought and will continue to fight for increased funding for the NIH because medical research saves and improves lives. The medical research at CHOP, through federally funded NIH support, provides children with a real chance to be cured so that they may continue to grow and prosper.

As we continue the debate around health reform, it is important that we recognize the unique needs of children. As I stated, CHOP served over 1 million patients last year. When it opened in 1855, it treated just 63 patients in its first year. Clearly the demand for highly specialized, pediatric care is growing not only in Pennsylvania but throughout the United States; however, there are shortages in the number of pediatric specialists able to treat children with very particular needs. That is why it is important to support programs, such as the Children's Hospitals Graduate Medical Education Program, to help children's hospitals train future pediatricians. I have supported ample funding for this program because it helps address a national dilemma and provides children's hospitals with the resources they need to foster innovation and improve quality.

Mr. President, the accomplishments seen at the Children's Hospital of Philadelphia are unique and revolutionary. I am proud of CHOP for their efforts to improve children's health care and promote health and wellness.

MOLDOVA'S UPCOMING ELECTION

Mr. CARDIN. Mr. President, the Republic of Moldova holds repeated parliamentary elections on July 29, after previous elections on April 5 this year were followed by youth protests to display their lack of trust in the electoral process. These protests turned violent and led to arrests of hundreds of protesters, their severe beatings, and in-

humane treatment while in police custody. Even an independent member of Parliament, Valentina Cusnir, was abused and beaten by police, suffering injuries. Three young men have died, and the cause of death is reported to be injuries from the beatings they received. Foreign journalists were expelled and local reporters were arrested and intimidated, their equipment was confiscated. The parliamentarian opposition parties, which accused the Communist Party in power of election fraud, have boycotted elections of the new President that, ultimately, triggered repeated elections. The Organization for Security and Cooperation in Europe stated that Moldova's recent elections had "shortcomings that challenged some OSCE commitments, in particular the disregard for due process in adjudicating complaints of alleged irregularities and deficiencies in the compilation of voter lists lodged by opposition political parties."

On July 29, the Government of Moldova has another chance to show her citizens and the international community that it remains committed to democratic principles and international standards. Moldovan authorities must provide access for all electoral participants and civil society experts to public media outlets, as well as ensure the ability of voters abroad to participate in this important poll. The United States should condition good relations with the new government of Moldova based on its respect for the rule of law and human rights. The U.S. Helsinki Commission, which I chair, will continue to monitor the conduct of the electoral process in Moldova and will hold a public briefing following the elections.

ADDITIONAL STATEMENTS

TRIBUTE TO LOUISIANA WWII VETERANS

• Ms. LANDRIEU. Mr. President, I am proud to honor a group of 92 World War II veterans from all over Louisiana who will travel to Washington, DC on May 16 to visit the various memorials and monuments that recognize the sacrifices of our Nation's invaluable servicemembers.

Louisiana HonorAir, a group based in Lafayette, LA, sponsored this trip to the Nation's Capital. The organization is honoring surviving World War II Louisiana veterans by giving them an opportunity to see the memorials dedicated to their service. The veterans will visit the World War II, Korea, Vietnam, and Iwo Jima memorials. They will also travel to Arlington National Cemetery.

This was the final of four flights Louisiana HonorAir made to Washington, DC, this spring. It is the 17th flight to depart from Louisiana, which has sent

more HonorAir flights than any other State to the Nation's Capital.

World War II was one of America's greatest triumphs but was also a conflict rife with individual sacrifice and tragedy. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American servicemembers were slain during the long war. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of American soldiers, sailors, airmen, and marines. The years 1941 to 1945 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

In Louisiana, there remain today more than 30,000 living WWII veterans, and each one has a heroic tale of achieving the noble victory of freedom over tyranny. This group had 32 veterans who served in the U.S. Army, 16 in the U.S. Air Force, 37 in the Navy, 4 in the Coast Guard, 2 in the Marine Corps, and 1 in WAVES.

Our heroes, many of them from the Shreveport area, trekked the world for their country. They fought in Germany, France, Italy, Africa, Japan, Guam, Bougainville, Guadalcanal, China, Iwo Jima, Okinawa, the Philippines, Tarawa, New Guinea, Korea, Thailand, and Saipan. Their journeys included the invasions of North Africa, Sicily and Normandy, New Georgia, and the Battle of Midway. Their fight for freedom even extended to Iceland and the Marshall and Solomon Islands.

One of our Navy veterans received the Asiatic Pacific Purple Heart, and an Army veteran fought at Normandy and received EAME Campaign and Bronze Service Star medals. Yet another Army veteran fought five major battles of European theatre.

A USMC veteran was one of four brothers serving in the Marines and fought in Guadalcanal, Bougainville, Guam, Saipan, and Okinawa. He lost his twin brother in Guam.

A Navy veteran observed the atomic bomb test at Bikini and was in Tokyo Bay the morning of the Japanese surrender. Another veteran was awarded five naval battle stars for his service in the invasions of Bougainville, Saipan, Iwo Jima, and Okinawa.

I ask the Senate to join me in honoring these 92 veterans, all Louisiana heroes, who visited Washington, and Louisiana HonorAir for making these trips a reality.●

MESSAGE FROM THE HOUSE

At 10:59 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2997. An act making appropriations for Agriculture, Rural Development, Food

and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 127. Concurrent resolution recognizing the significance of National Caribbean-American Heritage Month.

H. Con. Res. 131. Concurrent resolution directing the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of "In God we trust" in the Capitol Visitor Center.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 127. Concurrent resolution recognizing the significance of National Caribbean-American Heritage Month; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2997. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. GILLIBRAND:

S. 1438. A bill to express the sense of Congress on improving cybersecurity globally, to require the Secretary of State to submit a report to Congress on improving cybersecurity, and for other purposes; to the Committee on Foreign Relations.

By Mr. WYDEN (for himself, Mr. CRAPO, Ms. CANTWELL, Mr. ENZI, and Mr. SCHUMER):

S. 1439. A bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes; to the Committee on Finance.

By Mr. WYDEN:

S. 1440. A bill to establish requirements applicable across the military departments for the retention in the Armed Forces of members who seek to remain in the Armed Forces following injury or disability incurred in the line of duty in the Armed Forces; to the Committee on Armed Services.

By Mr. WYDEN:

S. 1441. A bill to amend title 38, United States Code, to grant family of members of the uniformed services temporary annual leave during the deployment of such members; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Ms. SNOWE, and Mr. UDALL of New Mexico):

S. 1442. A bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce,

and the Interior to provide service-learning opportunities on public lands, establish a grant program for Indian Youth Service Corps, help restore the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Mr. CORNYN, and Mr. VITTER):

S. 1443. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to modify State responsibilities under such Act; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 42

At the request of Mr. ENSIGN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 42, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 348

At the request of Mr. ROCKEFELLER, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 348, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 457

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 457, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 475

At the request of Mr. BURR, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Texas (Mr. CORNYN) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 559

At the request of Mr. WYDEN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 559, a bill to provide benefits under the Post-Deployment/Mobilization Respite Absence program for

certain periods before the implementation of the program.

S. 629

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 629, a bill to facilitate the part-time reemployment of annuitants, and for other purposes.

S. 694

At the request of Mr. DODD, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 711

At the request of Mr. BAUCUS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 823

At the request of Ms. SNOWE, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 891

At the request of Mr. BROWNBAC, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 934

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 934, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science.

S. 935

At the request of Mr. CONRAD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 935, a bill to extend subsections (c) and (d) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) to provide for regulatory stability during the development of facility and patient criteria for long-term care hospitals under the Medicare program, and for other purposes.

S. 1157

At the request of Mr. THUNE, his name was added as a cosponsor of S.

1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1265

At the request of Mr. CORNYN, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Arizona (Mr. KYL) were added as cosponsors of S. 1265, a bill to amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes.

S. 1284

At the request of Ms. SNOWE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1284, a bill to require the implementation of certain recommendations of the National Transportation Safety Board, to require the establishment of national standards with respect to flight requirements for pilots, to require the development of fatigue management plans, and for other purposes.

S. 1304

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1415

At the request of Mr. SCHUMER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1415, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. CRAPO, Ms. CANTWELL, Mr. ENZI, and Mr. SCHUMER):

S. 1439. A bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes; to the Committee on Finance

Mr. WYDEN. Mr. President, I rise today to introduce the U.S. Outdoor Act. There is no denying that this economy has got Americans worried. People are stressed, and with good reason. One thing that we see time and again during recessions is that people look to get their minds off the tough times for just a little while with low-cost, simple activities that the whole family can enjoy. Outdoor recreation fits that bill; it makes people healthier and happier too.

But recreational performance outerwear—jackets and pants used for skiing and snowboarding, mountaineering, hunting, fishing, and dozens of other outdoor activities—are assessed some of the highest duty rates applied to any products imported into the U.S. These disproportionately high tariffs, let us call them what they are, taxes, were originally implemented to protect U.S. outerwear manufacturers from foreign competition. Instead, now these import taxes stifle innovation, add substantial costs for outdoor businesses, and ultimately raise the prices we all pay at the cash register. We can fix this, help these companies to better compete globally while investing in eco-friendly technology and jobs here in the U.S., and help consumers in these tough times so more people can get out and enjoy the great outdoors.

So today, I am proud to introduce the U.S. Optimal Use of Trade to Develop Outerwear and Outdoor Recreation Act, or the U.S. Outdoor Act. This bill is the result of partnership between performance outerwear manufacturers and the domestic textile and apparel industry. In 2007, the U.S. International Trade Commission found that there was no commercially viable production of performance outerwear in the U.S.. This legislation reflects those findings, and makes a solid investment in U.S. jobs. It spurs outdoor recreation and its industry, which accounts for \$730 billion dollars and 65 million jobs across the U.S., with 73,000 jobs in Oregon, and this bill can potentially create many more. This would also help lower costs for consumers, who pay \$289 billion in outdoor retail sales and services across the country, with \$4.6 billion in Oregon.

The U.S. Outdoor Act eliminates the import duty for qualifying recreational performance outerwear, bringing duties that can be as high as 28 percent down to zero. It also establishes the Sustainable Textile and Apparel Research, STAR, fund, which invests in U.S. technologies and jobs that focus on

sustainable, environmentally conscious manufacturing, helping textile and apparel companies work towards minimizing their energy and water use, reducing waste and their carbon footprint, and incorporating efficiencies that help them better compete globally.

The U.S. Outdoor Act reduces the costs for U.S. companies and consumers, encourages Americans to take part in healthy and active lifestyles through outdoor recreation, spurs economic activity, invests in the U.S. textile industry, supports American jobs and competitiveness, and encourages sustainable business practices to benefit the environment so we all can continue to enjoy the beauty that is the great outdoors.

I want to thank the Outdoor Industry Association, for their tireless work with my office, and with the U.S. ITC and other agencies in perfecting this bill. I also want to acknowledge and thank those in the U.S. textile and apparel industry who have partnered with the outdoor industry to develop a thoughtful and well balanced bill that supports American jobs and U.S. technologies. I thank my house colleague, Congressman BLUMENAUER, who had introduced an earlier version of this bill in the last Congress and is introducing companion legislation. Finally, thank you to my Senate colleagues, Senator CRAPO, who is an original cosponsor of this bill, Senator CANTWELL, Senator ENZI, and Senator SCHUMER.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

On Thursday, July 9, the Senate passed H.R. 2892, as amended, as follows:

H.R. 2892

Resolved, That the bill from the House of Representatives (H.R. 2892) entitled "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, \$149,268,000: Provided, That not to exceed \$60,000 shall be for official reception and representation expenses, of which \$20,000 shall be made available to the Office of Policy solely to host Visa Waiver Program nego-

tiations in Washington, DC: Provided further, That \$20,000,000 shall not be available for obligation for the Office of Policy until the Secretary submits an expenditure plan for the Office of Policy for fiscal year 2010.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), \$307,690,000, of which not to exceed \$3,000 shall be for official reception and representation expenses: Provided, That of the total amount, \$5,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and \$17,131,000 shall remain available until expended for the Human Resources Information Technology program.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), \$63,530,000, of which \$11,000,000 shall remain available until expended for financial systems consolidation efforts: Provided, That of the total amount made available under this heading, \$5,000,000 shall not be obligated until the Chief Financial Officer or an individual acting in such capacity submits a financial management improvement plan that addresses the recommendations outlined in the Department of Homeland Security Office of Inspector General report # OIG-09-72, including yearly measurable milestones, to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the plan described in the preceding proviso shall be submitted not later than January 4, 2010.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, \$338,393,000; of which \$86,912,000 shall be available for salaries and expenses; and of which \$251,481,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: Provided, That of the total amount appropriated, not less than \$82,788,000 shall be available for data center development, of which not less than \$38,540,145 shall be available for power capabilities upgrades at Data Center One (National Center for Critical Information Processing and Storage): Provided further, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: Provided further, That key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project.

ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$347,845,000, of which not to exceed \$5,000 shall be for official reception and representation expenses; and of which \$208,145,000 shall remain available until September 30, 2011.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, \$2,000,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$115,874,000, of which not to exceed \$150,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 4,500 (4,000 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; \$8,075,649,000, of which \$3,226,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed \$45,000 shall be for official reception and representation expenses; of which not less than \$309,629,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: Provided, That for fiscal year 2010, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be \$35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: Provided further, That of the total amount provided, \$1,700,000 shall remain available until September 30, 2011, for the Global Advanced Passenger Information/Passenger Name Record Program.

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, \$462,445,000, to remain available until expended, of which not less than \$267,960,000 shall be for the development of the Automated Commercial Environment: Provided, That of the total amount made available under this heading, \$167,960,000 may not be obligated for the Automated Commercial Environment program until 30 days after the Committees on Appropriations of the Senate and the House of Representatives receive a report on the results to date and plans for the program from the Department of Homeland Security.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, \$800,000,000, to remain available until expended: Provided, That of the amount provided under this heading, \$50,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure, prepared by the Secretary of Homeland Security and submitted not later than 90 days after the date of the enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States of fencing and vehicle barriers, where practicable, and other forms of tactical infrastructure and technology.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aerial systems, and other related equipment of the air and marine program, including operational training and mission-related travel, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, \$515,826,000, to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2010 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, \$316,070,000, to remain available until expended, of which \$39,700,000 shall be for the Advanced Training Center: Provided, That for fiscal year 2011 and thereafter, the annual budget submission of U.S. Customs and Border Protection for "Construction and Facilities Management" shall, in consultation with the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; \$5,360,100,000, of which not to exceed \$7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed \$15,000 shall be for official reception and representation expenses; of which not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than \$305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities; of which not less than \$5,400,000 shall

be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, \$15,770,000 shall be for activities in fiscal year 2010 to enforce laws against forced child labor, of which not to exceed \$6,000,000 shall remain available until expended: Provided further, That of the total amount available, not less than \$1,000,000,000 shall be available to identify aliens convicted of a crime, and who may be deportable, and to remove them from the United States once they are judged deportable: Provided further, That the Secretary, or the designee of the Secretary, shall report to the Committees on Appropriations of the Senate and the House of Representatives, at least quarterly, on progress implementing the preceding proviso, and the funds obligated during that quarter to make that progress: Provided further, That funding made available under this heading shall maintain a level of not less than 33,400 detention beds through September 30, 2010: Provided further, That of the total amount provided, not less than \$2,539,180,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: Provided further, That of the total amount provided, \$6,800,000 shall remain available until September 30, 2011, for the Visa Security Program: Provided further, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, \$85,000,000, to remain available until expended: Provided, That of the funds made available under this heading, \$10,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan prepared by the Secretary of Homeland Security.

TRANSPORTATION SECURITY ADMINISTRATION AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$5,237,828,000, to remain available until September 30, 2011, of which not to exceed \$10,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed \$4,395,195,000 shall be for screening operations, of which \$1,154,775,000 shall be available for explosives detection systems; and not to exceed \$842,633,000 shall be for aviation security direction and enforcement: Provided further, That of the amount made available in the preceding proviso for explosives detection systems, \$806,669,000 shall be available for the purchase and installation of these systems, of which not less than 28 percent shall be available for the purchase and installation of certified explosives detection systems at medium- and small-sized

airports: Provided further, That any award to deploy explosives detection systems shall be based on risk, the airports current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: Provided further, That any funds collected and made available from aviation security fees pursuant to section 44940(i) of title 49, United States Code, may, notwithstanding paragraph (4) of such section 44940(i), be expended for the purpose of improving screening at airport screening checkpoints, which may include the purchase and utilization of emerging technology equipment; the refurbishment and replacement of current equipment; the installation of surveillance systems to monitor checkpoint activities; the modification of checkpoint infrastructure to support checkpoint reconfigurations; and the creation of additional checkpoints to screen aviation passengers and airport personnel: Provided further, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year appropriation from the general fund estimated at not more than \$3,137,828,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2011: Provided further, That Members of the United States House of Representatives and United States Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the United States Attorney General and Assistant Attorneys General and the United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, \$142,616,000, to remain available until September 30, 2011.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, \$171,999,000, to remain available until September 30, 2011.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107-71; 115 Stat. 597; 49 U.S.C. 40101 note), \$999,580,000, to remain available until September 30, 2011: Provided, That of the funds appropriated under this heading, \$20,000,000 may not be obligated for headquarters administration until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, and for checkpoint support and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2010: Provided further, That these plans shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, \$860,111,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; for purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than \$700,000) and for repairs and service-life replacements, not to exceed a total of \$26,000,000; minor shore construction projects not exceeding \$1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97-377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; \$6,838,291,000, of which \$581,503,000 shall be for defense-related activities, \$241,503,000 of which are designated as being for overseas deployments and other activities pursuant to sections 401(c)(4) and 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010; of which \$24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which not to exceed \$20,000 shall be for official reception and representation expenses; and of which \$3,600,000 shall be available until expended for the cost of repairing, rehabilitating, altering, modifying, and making improvements, including customized tenant improvements, to any replacement or expanded Operations Systems Center facility: Provided, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: Provided further, That the Coast Guard shall comply with the requirements of section 527 of Public Law 108-136 with respect to the Coast Guard Academy: Provided further, That of the funds provided under this heading, \$30,000,000 is withheld from obligation from Headquarters Directorates until the second quarter acquisition report required by Public Law 108-7 and the fiscal year 2008 joint explanatory statement accompanying Public Law 110-161 is received by the Committees on Appropriations of the Senate and the House of Representatives.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, \$13,198,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; \$133,632,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; \$1,597,580,000, of which \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which \$123,000,000 shall be

available until September 30, 2014, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which \$147,500,000 shall be available until September 30, 2012, for other equipment; of which \$27,100,000 shall be available until September 30, 2012, for shore facilities and aids to navigation facilities, including not less than \$300,000 for the Coast Guard Academy Pier and not less than \$16,800,000 for Coast Guard Station Cleveland Harbor; of which \$105,200,000 shall be available for personnel compensation and benefits and related costs; and of which \$1,194,780,000 shall be available until September 30, 2014, for the Integrated Deepwater Systems program: Provided, That of the funds made available for the Integrated Deepwater Systems program, \$305,500,000 is for aircraft and \$734,680,000 is for surface ships: Provided further, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2011 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Integrated Deepwater Systems program assets to pre-Deepwater legacy assets; a status report of legacy assets; a detailed explanation of how the costs of legacy assets are being accounted for within the Integrated Deepwater Systems program; and the earned value management system gold card data for each Integrated Deepwater Systems program asset: Provided further, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every 5 years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: Provided further, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: Provided further, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: Provided further, That subsections (a) and (b) of section 6402 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28) shall apply to fiscal year 2010.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C.

516), \$4,000,000, to remain available until expended: Provided, That of the amounts made available under this heading, \$4,000,000 shall be for the Fort Madison Bridge in Fort Madison, Iowa.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; \$29,745,000, to remain available until expended, of which \$500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,361,245,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 652 vehicles for police-type use, of which 652 shall be for replacement only, and hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; \$1,482,709,000; of which not to exceed \$25,000 shall be for official reception and representation expenses; of which not to exceed \$100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which \$2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which \$6,000,000 shall be for a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: Provided, That up to \$18,000,000 provided for protective travel shall remain available until September 30, 2011: Provided further, That up to \$1,000,000 for National Special Security

Events shall remain available until expended: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: Provided further, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of \$35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: Provided further, That none of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided further, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis: Provided further, That the United States Secret Service shall open an international field office in Tallinn, Estonia to combat electronic crimes with funds made available under this heading in Public Law 110-329: Provided further, That \$4,040,000 shall not be made available for obligation until enactment into law of authorizing legislation that incorporates the authorities of the United States Secret Service Uniformed Division into the United States Code, including restructuring the United States Secret Service Uniformed Division's pay chart.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, \$3,975,000, to remain available until expended.

TITLE III PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

SALARIES AND EXPENSES

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, \$44,577,000: Provided, That not to exceed \$5,000 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), \$901,416,000, of which \$760,755,000 shall remain available until September 30, 2011: Provided, That of the total amount provided, \$20,000,000 is for necessary expenses of the National Infrastructure Simulation and Analysis Center.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), \$378,194,000, to remain available until expended: Provided, That of the total amount made available under this heading, \$75,000,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of

Representatives receive a plan for expenditure prepared by the Secretary of Homeland Security not later than 90 days after the date of enactment of this Act: Provided further, That not less than \$28,000,000 of unobligated balances of prior year appropriations shall remain available and be obligated solely for implementation of a biometric air exit capability.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: Provided, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives no later than December 31, 2009, that the operations of the Federal Protective Service will be fully funded in fiscal year 2010 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,200 full-time equivalent staff and 900 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as "in-service field staff").

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, \$135,000,000, of which \$30,411,000 is for salaries and expenses; and of which \$104,589,000 is to remain available until September 30, 2011, for biosurveillance, BioWatch, medical readiness planning, chemical response, and other activities: Provided, That not to exceed \$3,000 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, \$859,700,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1394): Provided, That not to exceed \$3,000 shall be for official reception and representation expenses: Provided further, That the President's budget submitted under section 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: Provided further, That of the total amount made available under this heading, \$32,500,000 shall be for the Urban Search and Rescue Response System, of which not to exceed \$1,600,000 may be made available for administrative costs; and \$6,995,000 shall be for the Office of National Capital Region Coordination: Provided further, That for purposes of planning, coordination, execution, and decision-making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Pub-

lic Law 107-296, the Homeland Security Act of 2002.

STATE AND LOCAL PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, \$3,067,200,000 shall be allocated as follows:

(1) \$950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): Provided, That of the amount provided by this paragraph, \$60,000,000 shall be for Operation Stoneyard.

(2) \$887,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which, notwithstanding subsection (c)(1) of such section, \$20,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) \$35,000,000 shall be for Regional Catastrophic Preparedness Grants.

(4) \$40,000,000 shall be for the Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(5) \$15,000,000 shall be for the Citizen Corps Program.

(6) \$356,000,000 shall be for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1135, 1163, and 1182), of which not less than \$25,000,000 shall be for Amtrak security, and not less than \$6,000,000 shall be for Over-the-Road Bus Security Assistance.

(7) \$350,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107.

(8) \$50,000,000 shall be for Buffer Zone Protection Program Grants.

(9) \$50,000,000 shall be for Driver's License Security Grants Program, pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109-13).

(10) \$50,000,000 shall be for the Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

(11) \$20,000,000 shall be for grants for Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c), of which no less than \$1,500,000 shall be for the Ohio Emergency Management Agency Emergency Operations Center, Columbus, Ohio; no less than \$1,000,000 shall be for the City of Chicago Emergency Operations Center, Chicago, Illinois; no less than \$600,000 shall be for the Ames Emergency Operations Center, Ames, Iowa; no less than \$353,000 shall be for the County of Union Emergency Operations Center, Union County, New Jersey; no less than \$300,000 shall be for the City of Hackensack Emergency Operations Center, Hackensack, New Jersey; no less than \$247,000 shall be for the Township of South Orange Village Emergency Operations Center, South Orange, New Jersey; no less than \$1,000,000 shall be for the City of Mount Vernon Emergency Operations Center, Mount Vernon, New York; no less than \$900,000 shall be for the City of Whitefish Emergency Operations Center, Whitefish, Montana; no less than \$1,000,000 shall be for the Lincoln County Emergency Operations Center, Lincoln County, Washington; no less than \$980,000 shall be for the City of Providence Emergency Operations Center, Providence, Rhode Island; no less than \$980,000 for the North Louisiana Regional Emergency Operations Center, Lincoln Parish, Louisiana; and

no less than \$900,000 for the City of North Little Rock Emergency Operations Center, North Little Rock, Arkansas.

(12) \$264,200,000 shall be for training, exercises, technical assistance, and other programs, of which—

(A) \$164,500,000 is for purposes of training in accordance with section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102), of which \$62,500,000 shall be for the Center for Domestic Preparedness; \$23,000,000 shall be for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; \$23,000,000 shall be for the National Center for Biomedical Research and Training, Louisiana State University; \$23,000,000 shall be for the National Emergency Response and Rescue Training Center, Texas A&M University; \$23,000,000 shall be for the National Exercise, Test, and Training Center, Nevada Test Site; \$5,000,000 shall be for the Transportation Technology Center, Incorporated, in Pueblo, Colorado; and \$5,000,000 shall be for the Natural Disaster Preparedness Training Center, University of Hawaii, Honolulu, Hawaii; and

(B) \$1,700,000 shall be for the Center for Counterterrorism and Cyber Crime, Norwich University, Northfield, Vermont:

Provided, That 4.1 percent of the amounts provided under this heading shall be transferred to the Federal Emergency Management Agency "Management and Administration" account for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act: Provided further, That, notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: Provided further, That for grants under paragraphs (1) through (5), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, that eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: Provided further, That for grants under paragraphs (6) through (10), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, that eligible applicants shall submit applications within 45 days after the grant announcement, and that the Federal Emergency Management Agency shall act not later than 60 days after receipt of an application: Provided further, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: Provided further, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary: Provided further, That (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended, (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the pri-

mary mission of the Center to train State and local emergency response providers.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), \$800,000,000, of which \$380,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and \$420,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2010: Provided, That 5 percent of the amount available under this heading shall be for program administration, and an expenditure plan for program administration shall be provided to the Committees on Appropriations of the Senate and the House of Representatives within 60 days of the date of enactment of this Act.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), \$350,000,000: Provided, That total administrative costs shall be 3 percent of the total amount appropriated under this heading.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2010, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2010, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), \$45,588,000.

DISASTER RELIEF (INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$1,456,866,000, to remain available until expended: Provided, That the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support within 60 days after the date of enactment of this Act: Provided further, That the Federal Emergency Management Agency shall provide a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending: Provided further, That not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit a report to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate that in-

cludes (1) a plan for the acquisition of alternative temporary housing units, and (2) procedures for expanding repair of existing multifamily rental housing units authorized under section 689i(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 776(a)), semi-permanent, or permanent housing options: Provided further, That of the total amount provided, \$16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: Provided further, That up to \$50,000,000 may be transferred to Federal Emergency Management Agency "Management and Administration" for management and administration functions: Provided further, That the amount provided in the previous proviso shall not be available for transfer to "Management and Administration" until the Federal Emergency Management Agency submits an implementation plan to the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That the Federal Emergency Management Agency shall submit the monthly "Disaster Relief" report, as specified in Public Law 110-161, to the Committees on Appropriations of the Senate and the House of Representatives, and include the amounts provided to each Federal agency for mission assignments: Provided further, That for any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department policies on—
(1) the detailed information required in supporting documentation for reimbursements; and
(2) the necessity for timeliness of agency billings.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), \$295,000 is for the cost of direct loans: Provided, That gross obligations for the principal amount of direct loans shall not exceed \$25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), \$220,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), \$159,469,000, which shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), which is available as follows: (1) not to exceed \$52,149,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) no less than \$107,320,000 for flood plain management and flood mapping, which shall remain available until September 30, 2011: Provided, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance

Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: Provided further, That in fiscal year 2010, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) \$85,000,000 for operating expenses; (2) \$969,370,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) \$120,000,000, which shall remain available until expended for flood mitigation actions, of which \$70,000,000 is for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a), of which \$10,000,000 is for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030), and of which \$40,000,000 is for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017): Provided further, That amounts collected under section 102 of the Flood Disaster Protection Act of 1973 and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding 42 U.S.C. 4012a(f)(8), 4104c(i), and 4104d(b)(2)-(3): Provided further, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), \$120,000,000, to remain available until expended: Provided, That the total administrative costs associated with such grants shall not exceed 3 percent of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), \$175,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, \$135,700,000, of which \$5,000,000 is for the processing of military naturalization applications and \$118,500,000 is for the E-Verify program to assist United States employers with maintaining a legal workforce: Provided, That of the amount provided for the E-Verify program, \$10,000,000 is available until expended for E-Verify process and system enhancements: Provided further, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, dispose of and replace up to five vehicles, of which two are for replacement only, for areas where the Administrator of General Services does not provide vehicles for lease: Provided further, That the Director of United States Citizenship and Immigration Services may authorize employees who are assigned to those areas to use such vehicles between the employees' residences and places of employment.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; \$244,356,000, of which up to \$47,751,000 shall remain available until September 30, 2011, for materials and support costs of Federal law enforcement basic training; of which \$300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed \$12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That section 1202(a) of Public Law 107-206 (42 U.S.C. 3771 note), as amended by Public Law 110-329 (122 Stat. 3677), is further amended by striking "December 31, 2011" and inserting "December 31, 2012": Provided further, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors: Provided further, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, \$43,456,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), \$143,200,000: Provided, That not to exceed \$10,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; ac-

quisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); \$851,729,000, to remain available until September 30, 2011: Provided, That not less than \$20,865,000 shall be available for the Southeast Region Research Initiative at the Oak Ridge National Laboratory: Provided further, That not less than \$3,000,000 shall be available for Distributed Environment for Critical Infrastructure Decisionmaking Exercises: Provided further, That not less than \$12,000,000 is for construction expenses of the Pacific Northwest National Laboratory: Provided further, That not less than \$2,000,000 shall be for the Cincinnati Urban Area partnership established through the Regional Technology Integration Initiative: Provided further, That not less than \$36,312,000 shall be for the National Bio and Agro-defense Facility.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.) for management and administration of programs and activities, \$37,500,000: Provided, That not to exceed \$3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear research, development, testing, evaluation, and operations, \$326,537,000, to remain available until September 30, 2011.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, \$10,000,000, to remain available until September 30, 2011: Provided, That none of the funds appropriated under this heading in this Act or any other Act shall be obligated for full-scale procurement of Advanced Spectroscopic Portal monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved: Provided further, That the Secretary shall submit separate and distinct certifications prior to the procurement of Advanced Spectroscopic Portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: Provided further, That the Secretary shall continue to consult with the National Academy of Sciences before making such certifications: Provided further, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain

available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program, project, or activity; (2) eliminates a program, project, office, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2010 Budget Appendix for the Department of Homeland Security, as modified by the explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of \$5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of Public Law 103-356 (31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2010: Provided, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2010 budget: Provided further, That funds provided to the Working Capital Fund shall be available for obligation

until expended to carry out the purposes of the Working Capital Fund: Provided further, That all departmental components shall be charged only for direct usage of each Working Capital Fund service: Provided further, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: Provided further, That such fund shall be paid in advance or reimbursed at rates which will return the full cost of each service: Provided further, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations for salaries and expenses for fiscal year 2010 in this Act shall remain available through September 30, 2011, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of an Act authorizing intelligence activities for fiscal year 2010.

SEC. 507. None of the funds made available by this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, Other Transaction Agreement, or to issue a letter of intent totaling in excess of \$1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: Provided, That if the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued: Provided further, That no notification shall involve funds that are not available for obligation: Provided further, That the notification shall include the amount of the award, the fiscal year in which the funds for the award were appropriated, and the account from which the funds are being drawn: Provided further, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under the State Homeland Security Grant Program; Urban Area Security Initiative; and the Regional Catastrophic Preparedness Grant Program.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be

used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 519, 520, 528, and 531 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110-161; 121 Stat. 2073, 2074) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation of the Secure Flight program or any other follow-on or successor passenger screening program that: (1) utilizes or tests algorithms assigning risk to passengers whose names are not on Government watch lists; or (2) uses data or a database that is obtained from or remains under the control of a non-Federal entity: Provided, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

SEC. 513. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 514. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A-76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 515. (a) The Assistant Secretary of Homeland Security (Transportation Security Administration) shall work with air carriers and airports to ensure that the screening of cargo carried on passenger aircraft, as defined in section 44901(g)(5) of title 49, United States Code, increases incrementally each quarter until the requirement of section 44901(g)(2)(B) of title 49 are met.

(b) Not later than 45 days after the end of each quarter, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on air cargo inspection statistics by airport and air carrier detailing the incremental progress being made to meet the requirement of section 44901(g)(2)(B) of title 49, United States Code.

SEC. 516. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration "Aviation Security", "Administration" and "Transportation Security Support" for fiscal years 2004, 2005, 2006, 2007, and 2008 that are recovered or deobligated shall be available only for the procurement or installation of explosives detection systems, for air cargo, baggage, and checkpoint screening systems, subject to notification: Provided, That quarterly reports shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives on any funds that are recovered or deobligated.

SEC. 517. Any funds appropriated to United States Coast Guard, "Acquisition, Construction, and Improvements" for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110-123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation,

mediation, or litigation, shall be available until expended for the Replacement Patrol Boat (FRC-B) program.

SEC. 518. (a)(1) Except as provided in paragraph (2), none of the funds provided in this or any other Act shall be available to commence or continue operations of the National Applications Office until—

(A) the Secretary certifies that: (i) National Applications Office programs comply with all existing laws, including all applicable privacy and civil liberties standards; and, (ii) that clear definitions of all proposed domains are established and are auditable;

(B) the Comptroller General of the United States notifies the Committees on Appropriations of the Senate and the House of Representatives and the Secretary that the Comptroller has reviewed such certification; and

(C) the Secretary notifies the Committees of all funds to be expended on the National Applications Office pursuant to section 503 of this Act.

(2) Paragraph (1) shall not apply with respect to any use of funds for activities substantially similar to such activities conducted by the Department of the Interior as set forth in the 1975 charter for the Civil Applications Committee under the provisions of law codified at section 31 of title 43, United States Code.

(b) The Inspector General shall provide to the Committees on Appropriations of the Senate and the House of Representatives a classified report on a quarterly basis containing a review of the data collected by the National Applications Office, including a description of the collection purposes and the legal authority under which the collection activities were authorized: Provided, That the report shall also include a listing of all data collection activities carried out on behalf of the National Applications Office by any component of the National Guard.

(c) None of the funds provided in this or any other Act shall be available to commence operations of the National Immigration Information Sharing Operation until the Secretary certifies that such program complies with all existing laws, including all applicable privacy and civil liberties standards, the Comptroller General of the United States notifies the Committees on Appropriations of the Senate and the House of Representatives and the Secretary that the Comptroller has reviewed such certification, and the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives of all funds to be expended on the National Immigration Information Sharing Operation pursuant to section 503.

SEC. 519. Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees by office.

SEC. 520. Section 532(a) of Public Law 109-295 (120 Stat. 1384) is amended by striking "2009" and inserting "2010".

SEC. 521. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 522. (a) None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any portion of a human resources management system authorized by 5 U.S.C. 9701(a), or by regulations prescribed pursuant to such section, for an employee as defined in 5 U.S.C. 7103(a)(2).

(b) The Secretary of Homeland Security shall collaborate with employee representatives in the

manner prescribed in 5 U.S.C. 9701(e), in the planning, testing, and development of any portion of a human resources management system that is developed, tested, or deployed for persons excluded from the definition of employee as that term is defined in 5 U.S.C. 7103(a)(2).

SEC. 523. None of the funds made available in this or any other Act may be used to enforce section 4025(1) of Public Law 108-458 unless the Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 524. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of the enactment of this Act.

SEC. 525. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer, may be obligated for a grant or contract funded under such headings by a means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, such as the AbilityOne Program, that is authorized under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);

(2) under the Small Business Act (15 U.S.C. 631 et seq.);

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by another Federal agency using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the application of this section for the award of a contract in the interest of national security or if failure to do so would pose a substantial risk to human health or welfare.

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the applicable contract and an explanation of why the waiver authority was used. The Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by this section, the Inspector General for the Department of Homeland Security shall review departmental contracts awarded through other than full and open competition to assess departmental compliance with applicable laws and regulations: Provided, That the Inspector General shall review selected contracts awarded in the previous fiscal year through other than full and open competition: Provided further, That in determining which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and

such other factors as the Inspector General deems relevant: Provided further, That the Inspector General shall report the results of the reviews to the Committees on Appropriations of the Senate and the House of Representatives no later than February 5, 2010.

SEC. 526. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services, and the results do not preclude the granting of the benefit.

SEC. 527. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 528. None of the funds provided in this Act shall be available to carry out section 872 of Public Law 107-296.

SEC. 529. None of the funds provided in this Act under the heading "Office of the Chief Information Officer" shall be used for data center development other than for Data Center One (National Center for Critical Information Processing and Storage) until the Chief Information Officer certifies that Data Center One (National Center for Critical Information Processing and Storage) is fully utilized as the Department's primary data storage center at the highest capacity throughout the fiscal year.

SEC. 530. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its government-employed or contract staff levels.

SEC. 531. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A-76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 532. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 533. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 534. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 535. None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to

issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Non-agricultural Services or Labor (H-2B) set out beginning on 70 Fed. Reg. 3984 (January 27, 2005).

SEC. 536. Section 537 of the Department of Homeland Security Appropriations Act, 2009 (division D of Public Law 110-329; 122 Stat. 3682) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 537. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 538. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event and any appeal is completed, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term “Administrator” means the Administrator of the Federal Emergency Management Agency; and

(2) the term “major disaster” has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 539. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that the National Bio and Agro-defense Facility be located at a site other than Plum Island, New York, the Secretary shall have the Administrator of General Services sell through public sale all real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as necessary to protect government interests and meet program requirements: Provided, That the gross proceeds of such sale shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology “Research, Development, Acquisition, and Operations” account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration which shall not exceed 1 percent of the sale price or \$5,000,000, whichever is greater: Provided further, That after the completion of construction and environmental remediation, the unexpended balances of funds appropriated for costs in the preceding proviso shall be available for transfer to the appropriate account for design and construction of a consolidated Department of Homeland Security Headquarters project, excluding daily operations and maintenance costs, notwithstanding section 503 of this Act, and the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to such transfer.

SEC. 540. Any official that is required by this Act to report or certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 541. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under 31 U.S.C. 9703.2(g)(4)(B) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security.

SEC. 542. (a) Not later than 3 months from the date of enactment of this Act, the Secretary of Homeland Security shall consult with the Secretaries of Defense and Transportation and develop a concept of operations for unmanned aerial systems in the United States national airspace system for the purposes of border and maritime security operations.

(b) The Secretary of Homeland Security shall report to the Committees on Appropriations of the Senate and the House of Representatives not later than 30 days after the date of enactment of this Act on any foreseeable challenges to complying with subsection (a).

SEC. 543. If the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that an airport does not need to participate in the basic pilot program, the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result by such non-participation.

SEC. 544. For fiscal year 2010 and thereafter, the Secretary may provide to personnel appointed or assigned to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1990 (22 U.S.C. 4081 et seq.).

SEC. 545. Section 144 of the Continuing Appropriations Resolution, 2009 (division A of Public Law 110-329; 122 Stat. 3581), as amended by section 101 of division J of the Omnibus Appropriations Act, 2009 (Public Law 111-8; 123 Stat. 988), is further amended by striking “September 30, 2009” and inserting “September 30, 2012”.

SEC. 546. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended by striking “Unless” and all that follows.

SEC. 547. The head of each agency or department of the United States that enters into a contract shall require, as a condition of the contract, that the contractor participate in the pilot program described in 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-209; 8 U.S.C. 1324a note) to verify the employment eligibility of—

(1) all individuals hired during the term of the contract by the contractor to perform employment duties within the United States; and

(2) all individuals assigned by the contractor to perform work within the United States under such contract.

SEC. 548. (a)(1) Sections 401(c)(1), 403(a), 403(b)(1), 403(c)(1), and 405(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) are amended by striking “basic pilot program” each place that term appears and inserting “E-Verify Program”.

(2) The heading of section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by striking “BASIC PILOT” and inserting “E-VERIFY”.

(b) Section 404(h)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 8 U.S.C. 1324a note) is

amended by striking “under a pilot program” and inserting “under this subtitle”.

SEC. 549. Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking “pilot” each place it appears; and

(2) in subsection (b), by striking “for 15 years”.

SEC. 550. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that specific U.S. Immigration and Customs Enforcement Service Processing Centers, or other U.S. Immigration and Customs Enforcement owned detention facilities, no longer meet the mission need, the Secretary is authorized to dispose of individual Service Processing Centers, or other U.S. Immigration and Customs Enforcement owned detention facilities, by directing the Administrator of General Services to sell all real and related personal property which support Service Processing Centers, or other U.S. Immigration and Customs Enforcement owned detention facilities, operations, subject to such terms and conditions as necessary to protect government interests and meet program requirements: Provided, That the proceeds, net of the costs of sale incurred by the General Services Administration and U.S. Immigration and Customs Enforcement shall be deposited as offsetting collections into a separate account that shall be available, subject to appropriation, until expended for other real property capital asset needs of existing U.S. Immigration and Customs Enforcement assets, excluding daily operations and maintenance costs, as the Secretary deems appropriate.

SEC. 551. Section 550 of Public Law 109-295 is amended in subsection (b) by deleting from the last proviso “three years after the date of enactment of this Act” and inserting in lieu thereof “October 4, 2010”.

SEC. 552. For fiscal year 2010 and thereafter, the Secretary of Homeland Security may collect fees from any non-Federal participant in a conference, seminar, exhibition, symposium, or similar meeting conducted by the Department of Homeland Security in advance of the conference, either directly or by contract, and those fees shall be credited to the appropriation or account from which the costs of the conference, seminar, exhibition, symposium, or similar meeting are paid and shall be available to pay the costs of the Department of Homeland Security with respect to the conference or to reimburse the Department for costs incurred with respect to the conference: Provided, That in the event the total amount of fees collected with respect to a conference exceeds the actual costs of the Department of Homeland Security with respect to the conference, the amount of such excess shall be deposited into the Treasury as miscellaneous receipts: Provided further, That the Secretary shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives not later than January 5, 2011, providing the level of collections and a summary by agency of the purposes and levels of expenditures for the prior fiscal year, and shall report annually thereafter.

SEC. 553. For purposes of section 210C of the Homeland Security Act of 2002 (6 U.S.C. 124j) a rural area shall also include any area that is located in a metropolitan statistical area and a county, borough, parish, or area under the jurisdiction of an Indian tribe with a population of not more than 50,000.

SEC. 554. From the unobligated balances of prior year appropriations made available for “Analysis and Operations”, \$5,000,000 are rescinded.

SEC. 555. From the unobligated balances of prior year appropriations made available for

U.S. Immigration and Customs Enforcement "Construction", \$7,000,000 are rescinded.

SEC. 556. From the unobligated balances of prior year appropriations made available for National Protection and Programs Directorate "Infrastructure Protection and Information Security", \$8,000,000 are rescinded.

SEC. 557. From the unobligated balances of prior year appropriations made available for Science and Technology "Research, Development, Acquisition, and Operations", \$7,500,000 are rescinded.

SEC. 558. From the unobligated balances of prior year appropriations made available for Domestic Nuclear Detection Office "Research, Development, and Operations", \$8,000,000 are rescinded.

SEC. 559. (a) Subject to subsection (b), none of the funds appropriated or otherwise made available by this Act may be available to operate the Loran-C signal after January 4, 2010.

(b) The limitation in subsection (a) shall take effect only if the Commandant of the Coast Guard certifies that—

(1) the termination of the operation of the Loran-C signal as of the date specified in subsection (a) will not adversely impact the safety of maritime navigation; and

(2) the Loran-C system infrastructure is not needed as a backup to the Global Positioning System or any other Federal navigation requirement.

(c) If the Commandant makes the certification described in subsection (b), the Coast Guard shall, commencing January 4, 2010, terminate the operation of the Loran-C signal and commence a phased decommissioning of the Loran-C system infrastructure.

(d) Not later than 30 days after such certification pursuant to subsection (b), the Commandant shall submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth a proposed schedule for the phased decommissioning of the Loran-C system infrastructure in the event of the decommissioning of such infrastructure in accordance to subsection (c).

(e) If the Commandant makes the certification described in subsection (b), the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may, notwithstanding any other provision of law, sell any real and personal property under the administrative control of the Coast Guard and used for the Loran system, by directing the Administrator of General Services to sell such real and personal property, subject to such terms and conditions that the Secretary believes to be necessary to protect government interests and program requirements of the Coast Guard: Provided, That the proceeds, less the costs of sale incurred by the General Services Administration, shall be deposited as offsetting collections into the Coast Guard "Environmental Compliance and Restoration" account and, subject to appropriation, shall be available until expended for environmental compliance and restoration purposes associated with the Loran system, for the demolition of improvements on such real property, and for the costs associated with the sale of such real and personal property, including due diligence requirements, necessary environmental remediation, and reimbursement of expenses incurred by the General Services Administration: Provided further, That after the completion of such activities, the unexpended balances shall be available for any other environmental compliance and restoration activities of the Coast Guard.

BORDER FENCE COMPLETION

SEC. 560. (a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: "Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.";

(2) in subparagraph (B)—

(A) in clause (i), by striking "and" at the end; (B) in clause (ii), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iii) not later than December 31, 2010, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A)."; and

(3) in subparagraph (C), by adding at the end the following:

"(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i)."

(b) REPORT.—Not later than September 30, 2009, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by this Act; and

(2) the plans for completing such fencing before December 31, 2010.

SEC. 561. None of the amounts made available under this Act may be used to implement changes to the final rule describing the process for employers to follow after receiving a "no match" letter in order to qualify for "safe harbor" status (promulgated on August 15, 2007).

SEC. 562. None of the funds made available under this Act may be obligated for the construction of the National Bio and Agro-defense Facility on the United States mainland until 90 days after the later of—

(1) the date on which the Secretary of Homeland Security completes a site-specific bio-safety and bio-security mitigation assessment to determine the requirements necessary to ensure safe operation of the National Bio and Agro-defense Facility at the preferred site identified in the January 16, 2009, Record of Decision published in Federal Register Vol. 74, Number 111; or

(2) the date on which the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, submits to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that—

(A) describes the procedure that will be used to issue the permit to conduct foot-and-mouth disease live virus research under section 7524 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 113a note; Public Law 110-246); and

(B) includes plans to establish an emergency response plan with city, regional, and State officials in the event of an accidental release of foot-and-mouth disease or another hazardous pathogen.

SEC. 563. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General and the Administrative Office of the United States Courts, shall submit a report to the congressional committees set forth in subsection (b) that provides details about—

(1) additional Border Patrol sectors that should be utilizing Operation Streamline programs; and

(2) resources needed from the Department of Homeland Security, the Department of Justice, and the Judiciary, to increase the effectiveness of Operation Streamline programs at some Border Patrol sectors and to utilize such programs at additional sectors.

(b) The congressional committees set forth in this subsection are—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the House of Representatives;

(4) the Committee on the Judiciary of the House of Representatives; and

(5) the Committee on Homeland Security and Governmental Affairs of the Senate.

MARITIME TRANSPORTATION SECURITY INFORMATION

SEC. 564. (a) SHORT TITLE.—This section may be cited as the "American Communities' Right to Public Information Act".

(b) IN GENERAL.—Section 70103(d) of title 46, United States Code, is amended to read as follows:

"(d) NONDISCLOSURE OF INFORMATION.—

"(1) IN GENERAL.—Information developed under this chapter is not required to be disclosed to the public, including—

"(A) facility security plans, vessel security plans, and port vulnerability assessments; and

"(B) other information related to security plans, procedures, or programs for vessels or facilities authorized under this chapter.

"(2) LIMITATIONS.—Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

"(A) to conceal a violation of law, inefficiency, or administrative error;

"(B) to prevent embarrassment to a person, organization, or agency;

"(C) to restrain competition; or

"(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security."

(c) CONFORMING AMENDMENTS.—

(1) Section 114(r) of title 49, United States Code, is amended by adding at the end thereof the following:

"(4) LIMITATIONS.—Nothing in this subsection, or any other provision of law, shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

"(A) to conceal a violation of law, inefficiency, or administrative error;

"(B) to prevent embarrassment to a person, organization, or agency;

"(C) to restrain competition; or

"(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security."

(2) Section 40119(b) of title 49, United States Code, is amended by adding at the end thereof the following:

"(3) Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations)—

"(A) to conceal a violation of law, inefficiency, or administrative error;

"(B) to prevent embarrassment to a person, organization, or agency;

"(C) to restrain competition; or

"(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security."

DEFINITION OF SWITCHBLADE KNIVES

SEC. 565. Section 4 of the Act entitled "An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes" (commonly known as the Federal Switchblade Act) (15 U.S.C. 1244) is amended—

(1) by striking “or” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; or” and

(3) by adding at the end the following:

“(5) a knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife.”.

FEDERAL DEPOSIT INSURANCE ACT TECHNICAL CORRECTION

SEC. 566. (a) APPLICABLE ANNUAL PERCENTAGE RATE OF INTEREST.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting “(or in the case of a governmental entity located in such State, paid)” after “received, or reserved”; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking “nondepository institution operating in such State” and inserting “governmental entity located in such State or any person that is not a depository institution described in subparagraph (A) doing business in such State”;

(B) by redesignating clause (ii) as clause (iii);

(C) in clause (i)—

(i) in subclause (III)—

(I) in item (aa), by adding “and” at the end;

(II) in item (bb), by striking “, to facilitate” and all that follows through “2009”; and

(III) by striking item (cc); and

(ii) by adding after subclause (III) the following:

“(IV) the uniform accessibility of bonds and obligations issued under the American Recovery and Reinvestment Act of 2009;”; and

(D) by inserting after clause (i) the following:

“(ii) to facilitate interstate commerce through the issuance of bonds and obligations under any provision of State law, including bonds and obligations for the purpose of economic development, education, and improvements to infrastructure; and”.

(b) EFFECTIVE PERIOD.—The amendments made by this section shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

DETAINEE PHOTOGRAPHIC RECORDS PROTECTION AND OPEN FREEDOM OF INFORMATION ACT

SEC. 567. (a) DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.—(1) SHORT TITLE.—This subsection may be cited as the “Detainee Photographic Records Protection Act of 2009”.

(2) DEFINITIONS.—In this subsection:

(A) COVERED RECORD.—The term “covered record” means any record—

(i) that is a photograph that—

(I) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(II) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(ii) for which a certification by the Secretary of Defense under paragraph (3) is in effect.

(B) PHOTOGRAPH.—The term “photograph” encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(3) CERTIFICATION.—

(A) IN GENERAL.—For any photograph described under paragraph (2)(A)(i), the Secretary of Defense shall issue a certification, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger—

(i) citizens of the United States; or

(ii) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(B) CERTIFICATION EXPIRATION.—A certification under subparagraph (A) and a renewal of a certification under subparagraph (C) shall expire 3 years after the date on which the certification or renewal, as the case may be, is made.

(C) CERTIFICATION RENEWAL.—The Secretary of Defense may issue—

(i) a renewal of a certification in accordance with subparagraph (A) at any time; and

(ii) more than 1 renewal of a certification.

(D) NOTICE TO CONGRESS.—A timely notice of the Secretary’s certification shall be submitted to Congress.

(4) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(A) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(B) disclosure under any proceeding under that section.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to preclude the voluntary disclosure of a covered record.

(6) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

(b) OPEN FREEDOM OF INFORMATION ACT.—

(1) SHORT TITLE.—This subsection may be cited as the “OPEN FOIA Act of 2009”.

(2) SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

“(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

“(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

“(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

“(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.”.

SEC. 568. (a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation with the entities specified in subsection (c), submit to Congress a report on improving cross-border inspection processes in an effort to reduce the time to travel between locations in the United States and locations in Ontario and Quebec by intercity passenger rail.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an evaluation of potential cross-border inspection processes and methods including rolling inspections that comply with Department of Homeland Security requirements that would reduce the time to perform inspections on routes between locations in the United States and locations in Ontario and Quebec by intercity passenger rail;

(2) an assessment of the extent to which improving or expanding infrastructure and increasing staffing could increase the efficiency with which intercity rail passengers are inspected at border crossings without decreasing security;

(3) an updated evaluation of the potential for pre-clearance by the Department of Homeland Security of intercity rail passengers at locations along routes between locations in the United States and locations in Ontario and Quebec, including through the joint use of inspection facilities with the Canada Border Services Agency, based on the report required by section 1523

of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 121 Stat. 450);

(4) an estimate of the timeline for implementing the methods for reducing the time to perform inspections between locations in the United States and locations in Ontario and Quebec by intercity passenger rail based on the evaluations and assessments described in paragraphs (1), (2), and (3); and

(5) a description of how such evaluations and assessments would apply with respect to—

(A) all existing intercity passenger rail routes between locations in the United States and locations in Ontario and Quebec, including designated high-speed rail corridors;

(B) any intercity passenger rail routes between such locations that have been used over the past 20 years and on which cross-border passenger rail service does not exist as of the date of the enactment of this Act; and

(C) any potential future rail routes between such locations.

(c) ENTITIES SPECIFIED.—The entities to be consulted in the development of the report required by subsection (a) are—

(1) the Government of Canada, including the Canada Border Services Agency and Transport Canada and other agencies of the Government of Canada with responsibility for providing border services;

(2) the Provinces of Ontario and Quebec;

(3) the States of Maine, Massachusetts, New Hampshire, New York, and Vermont;

(4) the National Railroad Passenger Corporation; and

(5) the Federal Railroad Administration.

ADMINISTRATIVE LAW JUDGES

SEC. 569. The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary reemployment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 164).

PROPER DISPOSAL OF PERSONAL INFORMATION COLLECTED THROUGH THE REGISTERED TRAVELER PROGRAM

SEC. 570. (a) IN GENERAL.—Any company that collects or retains personal information directly from individuals who participated in the Registered Traveler program shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled “Risk Management Guide for Information Technology Systems”; and

(2) the National Institute for Standards and Technology Special Publication 800–53, Revision 3, entitled “Recommended Security Controls for Federal Information Systems and Organizations”;;

(3) any supplemental standards established by the Assistant Secretary, Transportation Security Administration (referred to in this section as the “Assistant Secretary”).

(b) CERTIFICATION.—The Assistant Secretary shall require any company through the sponsoring entity described in subsection (a) to provide, not later than 30 days after the date of the enactment of this Act, written certification to the sponsoring entity that such procedures are consistent with the minimum standards established under paragraph (a)(1–3) with a description of the procedures used to comply with such standards.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary shall submit a report to Congress that—

(1) describes the procedures that have been used to safeguard and dispose of personal information collected through the Registered Traveler program; and

(2) provides the status of the certification by any company described in subsection (a) that such procedures are consistent with the minimum standards established by paragraph (a)(1–3).

IMMIGRATION PROVISIONS

SEC. 571. (a) SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.—

(1) EXTENSION.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(27)(C)(ii)), as amended by section 2(a) of the Special Immigrant Nonminister Religious Worker Program Act (Public Law 110–391), is amended by striking “September 30, 2009” each place such term appears and inserting “September 30, 2012”.

(2) STUDY AND PLAN.—Not later than the earlier of 90 days after the date of the enactment of this Act or March 30, 2010, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(A) the results of a study conducted under the supervision of the Director to evaluate the Special Immigrant Nonminister Religious Worker Program to identify the risks of fraud and non-compliance by program participants; and

(B) a detailed plan that describes the actions to be taken by the Department of Homeland Security against noncompliant program participants and future noncompliant program participants.

(3) PROGRESS REPORT.—Not later than the earlier of 90 days after the submission of the report under subsection (b) or June 30, 2010, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress made in reducing the number of noncompliant participants of the Special Immigrant Nonminister Religious Worker Program.

(b) CONRAD STATE 30 J–1 VISA WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking “September 30, 2009” and inserting “September 30, 2012”.

(c) RELIEF FOR SURVIVING SPOUSES.—

(1) IN GENERAL.—The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking “for at least 2 years at the time of the citizen’s death”.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to all applications and petitions relating to immediate relative status under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) pending on or after the date of the enactment of this Act.

(B) TRANSITION CASES.—

(i) IN GENERAL.—Notwithstanding any other provision of law, an alien described in clause (ii) who seeks immediate relative status pursuant to the amendment made by paragraph (1) shall file a petition under section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)) not later than the date that is 2 years after the date of the enactment of this Act.

(ii) ALIENS DESCRIBED.—An alien is described in this clause if—

(1) the alien’s United States citizen spouse died before the date of the enactment of this Act;

(II) the alien and the citizen spouse were married for less than 2 years at the time of the citizen spouse’s death; and

(III) the alien has not remarried.

(d) HUMANITARIAN CONSIDERATION FOR PENDING PETITIONS AND APPLICATIONS.—

(1) AMENDMENT.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

“(1) HUMANITARIAN CONSIDERATION FOR PENDING PETITIONS AND APPLICATIONS.—

“(1) IN GENERAL.—An alien described in paragraph (2) who was the beneficiary or derivative beneficiary of a petition (as defined in section 204, 207, or 208) filed on behalf of the alien or principal beneficiary before the death of the qualifying relative and who continues to reside in the United States shall have such petition and any related or subsequent applications for adjustment of status to that of a person admitted for lawful permanent residence adjudicated as if the death had not occurred, unless the Secretary of Homeland Security determines, in the unreviewable discretion of the Secretary, that approval would not be in the public interest.

“(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who, immediately prior to the death of his or her qualifying relative, was—

“(A) an immediate relative (as described in section 201(b)(2)(A)(i));

“(B) a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

“(C) a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d));

“(D) a spouse or child of a refugee (as described in section 207(c)(2)); or

“(E) an asylee (as described in section 208(b)(3)).”.

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1) may be construed to limit or waive any ground of removal, basis for denial of petition or application, or other criteria for adjudicating petitions or applications as otherwise provided under the immigration laws of the United States other than ineligibility based solely on the lack of a qualifying family relationship as specifically provided by such amendment.

SEC. 572. (a) The amount appropriated under the heading “Firefighter Assistance Grants” under the heading “Federal Emergency Management Agency” under by title III for necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 is increased by \$10,000,000 for necessary expenses to carry out the programs authorized under section 33 of that Act (15 U.S.C. 2229).

(b) The total amount of appropriations under the heading “Aviation Security” under the heading “Transportation Security Administration” under title II, the amount for screening operations and the amount for explosives detection systems under the first proviso under that heading and the amount for the purchase and installation of explosives detection systems under the second proviso under that heading are reduced by \$4,500,000.

(c) From the unobligated balances of amounts appropriated before the date of enactment of this Act for the appropriations account under the heading “State and Local Programs” under the heading “Federal Emergency Management Agency” for “Trucking Industry Security Grants”, \$5,500,000 are rescinded.

SEC. 573. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act:

Provided, That the prescription drug may not be—

PROPER AWARDING OF INCENTIVE FEES FOR CONTRACT PERFORMANCE

SEC. 574. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SEC. 575. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

CHECKING THE IMMIGRATION STATUS OF EMPLOYEES

SEC. 576. Section 403(a)(3)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1324a note) is amended—

(1) by striking “The person” and inserting the following:

“(i) UPON HIRING.—The person”; and

(2) by adding at the end the following:

“(ii) EXISTING EMPLOYEES.—An employer that elects to verify the employment eligibility of existing employees shall verify the employment eligibility of all such employees not later than 10 days after notifying the Secretary of Homeland Security of such election.”.

This Act may be cited as the “Department of Homeland Security Appropriations Act, 2010”.

DIRECTING THE ARCHITECT OF THE CAPITOL TO ENGRAVE THE PLEDGE OF ALLEGIANCE TO THE FLAG AND THE NATIONAL MOTTO IN THE CAPITOL VISITOR CENTER

Mr. WYDEN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H. Con. Res. 131 at the desk and just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 131) directing the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of “In God We Trust” in the Capitol Visitor Center.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WYDEN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 131) was agreed to.

DIRECTING THE ARCHITECT OF THE CAPITOL TO PLACE A MARKER IN EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 135 at the desk, just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 135) directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. WYDEN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the concurrent resolution be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 135) was agreed to.

The preamble was agreed to.

JUVENILE SURVIVORS PROTECTION ACT OF 2009

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 88, S. 1107.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1107) to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. WYDEN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1107) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Survivors Protection Act of 2009".

SEC. 2. DEFINITIONS.

In this Act:

(1) The term "judicial official" refers to incumbent officials defined under section 376(a) of title 28, United States Code.

(2) The term "Judicial Survivors' Annuities Fund" means the fund established under section 3 of the Judicial Survivors' Annuities Reform Act (28 U.S.C. 376 note; Public Law 94-554; 90 Stat. 2611).

(3) The term "Judicial Survivors' Annuities System" means the program established under section 376 of title 28, United States Code.

SEC. 3. PERSONS NOT CURRENTLY PARTICIPATING IN THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

(a) ELECTION OF JUDICIAL SURVIVORS' ANNUITIES SYSTEM COVERAGE.—An eligible judicial official may elect to participate in the Judicial Survivors' Annuities System during the open enrollment period specified in subsection (d).

(b) MANNER OF MAKING ELECTIONS.—An election under this section shall be made in writing, signed by the person making the election, and received by the Director of the Administrative Office of the United States Courts before the end of the open enrollment period.

(c) EFFECTIVE DATE FOR ELECTIONS.—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Director.

(d) OPEN ENROLLMENT PERIOD DEFINED.—The open enrollment period under this section is the 6-month period beginning 30 days after the date of enactment of this Act.

SEC. 4. JUDICIAL OFFICERS' CONTRIBUTIONS FOR OPEN ENROLLMENT ELECTION.

(a) CONTRIBUTION RATE.—Every active judicial official who files a written notification of his or her intention to participate in the Judicial Survivors' Annuities System during the open enrollment period shall be deemed thereby to consent and agree to having deducted from his or her salary a sum equal to 2.75 percent of that salary or a sum equal to 3.5 percent of his or her retirement salary, except that the deduction from any retirement salary—

(1) of a justice or judge of the United States retired from regular active service under section 371(b) or 372(a) of title 28, United States Code;

(2) of a judge of the United States Court of Federal Claims retired under section 178 of title 28, United States Code; or

(3) of a judicial official on recall under section 155(b), 373(c)(4), 375, or 636(h) of title 28, United States Code,

shall be an amount equal to 2.75 percent of retirement salary.

(b) CONTRIBUTIONS TO BE CREDITED TO JUDICIAL SURVIVORS' ANNUITIES FUND.—Contributions made under subsection (a) shall be credited to the Judicial Survivors' Annuities Fund.

SEC. 5. DEPOSIT FOR PRIOR CREDITABLE SERVICE.

(a) LUMP SUM DEPOSIT.—Any judicial official who files a written notification of his or her intention to participate in the Judicial Survivors' Annuities System during the open enrollment period may make a deposit equaling 2.75 percent of salary, plus 3 percent annual, compounded interest, for the last 18 months of prior service, to receive the credit for prior judicial service required for immediate coverage and protection of the official's survivors. Any such deposit shall be made on or before the closure of the open enrollment period.

(b) DEPOSITS TO BE CREDITED TO JUDICIAL SURVIVORS' ANNUITIES FUND.—Deposits made under subsection (a) shall be credited to the Judicial Survivors' Annuities Fund.

SEC. 6. VOLUNTARY CONTRIBUTIONS TO ENLARGE SURVIVORS' ANNUITY.

Section 376 of title 28, United States Code, is amended by adding at the end the following:

"(y) For each year of Federal judicial service completed, judicial officials who are enrolled in the Judicial Survivors' Annuities System on the date of enactment of the Judicial Survivors Protection Act of 2009 may purchase, in 3-month increments, up to an additional year of service credit, under the terms set forth in this section. In the case of judicial officials who elect to enroll in the Judicial Survivors' Annuities System during the statutory open enrollment period authorized under the Judicial Survivors Protection Act of 2009, for each year of Federal judicial service completed, such an official may purchase, in 3-month increments, up to an additional year of service credit for each year of Federal judicial service completed, under the terms set forth in section 4(a) of that Act."

SEC. 7. EFFECTIVE DATE.

This Act, including the amendment made by section 6, shall take effect on the date of enactment of this Act.

FOREIGN EVIDENCE REQUEST EFFICIENCY ACT OF 2009

Mr. WYDEN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1289, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1289) to improve title 18 of the United States Code.

There being no objection, the Senate proceeded to consider the bill.

Mr. WYDEN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1289) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Evidence Request Efficiency Act of 2009".

SEC. 2. IMPROVEMENTS TO TITLE 18.

Title 18 of the United States Code is amended—

(1) in section 2703—

(A) in subsection (a), by striking "by a court with jurisdiction over the offense

under investigation or an equivalent State warrant" and inserting "(or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction";

(B) in subsection (b)(1)(A), by striking "by a court with jurisdiction over the offense under investigation or an equivalent State warrant" and inserting "(or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction"; and

(C) in subsection (c)(1)(A), by striking "by a court with jurisdiction over the offense under investigation or an equivalent State warrant" and inserting "(or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction";

(2) in section 2711(3), by striking "has the meaning assigned by section 3127, and includes any Federal court within that definition, without geographic limitation; and" and inserting the following: "includes—

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals that—

"(i) has jurisdiction over the offense being investigated;

"(ii) is in or for a district in which the provider of a wire or electronic communication service is located or in which the wire or electronic communications, records, or other information are stored; or

"(iii) is acting on a request for foreign assistance pursuant to section 3512 of this title; or

"(B) a court of general criminal jurisdiction of a State authorized by the law of that State to issue search warrants; and";

(3) in section 3127(2)(A), by striking "having jurisdiction over the offense being investigated;" and inserting the following: "that—

"(i) has jurisdiction over the offense being investigated;

"(ii) is in or for a district in which the provider of a wire or electronic communication service is located;

"(iii) is in or for a district in which a landlord, custodian, or other person subject to subsections (a) or (b) of section 3124 of this title is located; or

"(iv) is acting on a request for foreign assistance pursuant to section 3512 of this title;";

(4) in chapter 223, by adding at the end the following:

"§ 3512. Foreign requests for assistance in criminal investigations and prosecutions

"(a) EXECUTION OF REQUEST FOR ASSISTANCE.—

"(1) IN GENERAL.—Upon application, duly authorized by an appropriate official of the Department of Justice, of an attorney for the Government, a Federal judge may issue such orders as may be necessary to execute a request from a foreign authority for assistance in the investigation or prosecution of criminal offenses, or in proceedings related to the prosecution of criminal offenses, including proceedings regarding forfeiture, sentencing, and restitution.

"(2) SCOPE OF ORDERS.—Any order issued by a Federal judge pursuant to paragraph (1) may include the issuance of—

"(A) a search warrant, as provided under Rule 41 of the Federal Rules of Criminal Procedure;

"(B) a warrant or order for contents of stored wire or electronic communications or for records related thereto, as provided under section 2703 of this title;

"(C) an order for a pen register or trap and trace device as provided under section 3123 of this title; or

"(D) an order requiring the appearance of a person for the purpose of providing testimony or a statement, or requiring the production of documents or other things, or both.

"(b) APPOINTMENT OF PERSONS TO TAKE TESTIMONY OR STATEMENTS.—

"(1) IN GENERAL.—In response to an application for execution of a request from a foreign authority as described under subsection (a), a Federal judge may also issue an order appointing a person to direct the taking of testimony or statements or of the production of documents or other things, or both.

"(2) AUTHORITY OF APPOINTED PERSON.—Any person appointed under an order issued pursuant to paragraph (1) may—

"(A) issue orders requiring the appearance of a person, or the production of documents or other things, or both;

"(B) administer any necessary oath; and

"(C) take testimony or statements and receive documents or other things.

"(c) FILING OF REQUESTS.—Except as provided under subsection (d), an application for execution of a request from a foreign authority under this section may be filed—

"(1) in the district in which a person who may be required to appear resides or is located or in which the documents or things to be produced are located;

"(2) in cases in which the request seeks the appearance of persons or production of documents or things that may be located in multiple districts, in any one of the districts in which such a person, documents, or things may be located; or

"(3) in any case, the district in which a related Federal criminal investigation or prosecution is being conducted, or in the District of Columbia.

"(d) SEARCH WARRANT LIMITATION.—An application for execution of a request for a search warrant from a foreign authority under this section, other than an application for a warrant issued as provided under section 2703 of this title, shall be filed in the district in which the place or person to be searched is located.

"(e) SEARCH WARRANT STANDARD.—A Federal judge may issue a search warrant under this section only if the foreign offense for which the evidence is sought involves conduct that, if committed in the United States, would be considered an offense punishable by imprisonment for more than one year under Federal or State law.

"(f) SERVICE OF ORDER OR WARRANT.—Except as provided under subsection (d), an order or warrant issued pursuant to this section may be served or executed in any place in the United States.

"(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preclude any foreign authority or an interested person from obtaining assistance in a criminal investigation or prosecution pursuant to section 1782 of title 28, United States Code.

"(h) DEFINITIONS.—As used in this section, the following definitions shall apply:

"(1) FEDERAL JUDGE.—The terms 'Federal judge' and 'attorney for the Government' have the meaning given such terms for the purposes of the Federal Rules of Criminal Procedure.

"(2) FOREIGN AUTHORITY.—The term 'foreign authority' means a foreign judicial authority, a foreign authority responsible for the investigation or prosecution of criminal offenses or for proceedings related to the prosecution of criminal offenses, or an au-

thority designated as a competent authority or central authority for the purpose of making requests for assistance pursuant to an agreement or treaty with the United States regarding assistance in criminal matters."; and

(5) in the table of sections for chapter 223, by adding at the end the following:

"3512. Foreign requests for assistance in criminal investigations and prosecutions.".

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendars Nos. 195, 196, 261, 262, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, and 279; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order, that any statements relating thereto be printed in the RECORD, the President of the United States be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed, en bloc, are as follows:

ENVIRONMENTAL PROTECTION AGENCY

Peter Silva Silva, of California, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF TRANSPORTATION

Victor M. Mendez, of Arizona, to be Administrator of the Federal Highway Administration.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Raphael William Bostic, of California, to be an Assistant Secretary of Housing and Urban Development.

David H. Stevens, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF STATE

Christopher William Dell, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kosovo.

Charles H. Rivkin, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Monaco.

Louis B. Susman, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

Laurie Susan Fulton, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

Timothy J. Roemer, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

Gordon Gray, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United

States of America to the Republic of Tunisia.

Richard J. Schmierer, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

Mark Henry Gitenstein, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

DEPARTMENT OF LABOR

Phyllis Corrine Borzi, of Maryland, to be an Assistant Secretary of Labor.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Nicole Lurie, of Maryland, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services.

DEPARTMENT OF DEFENSE

Gordon S. Heddell, of the District of Columbia, to be Inspector General, Department of Defense.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

ORDERS FOR MONDAY, JULY 13, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. on Monday, July 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to the consideration of Calendar No. 89, S. 1390, the Department of Defense Authorization

bill, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. On Monday, the Senate will begin consideration of the Defense authorization bill. I expect next week to be a busy week as we work through amendments to this bill.

Under a previous order, at 4:30 p.m. on Monday, the Senate will turn to executive session to consider the nomination of Robert M. Groves to be Director of the Census. That vote will occur at 5:30.

As previously announced, there will be no rollcall votes after 2 p.m. on Tuesday, July 14.

ADJOURNMENT UNTIL 11 A.M., MONDAY, JULY 13, 2009

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 1:37 p.m., adjourned until Monday, July 13, 2009, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, July 10, 2009:

ENVIRONMENTAL PROTECTION AGENCY

PETER SILVA SILVA, OF CALIFORNIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF TRANSPORTATION

VICTOR M. MENDEZ, OF ARIZONA, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION.

DEPARTMENT OF STATE

CHRISTOPHER WILLIAM DELL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE,

CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOSOVO.

CHARLES H. RIVKIN, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO FRANCE, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONACO.

LOUIS B. SUSMAN, OF ILLINOIS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

LAURIE SUSAN FULTON, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO DENMARK.

TIMOTHY J. ROEMER, OF INDIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO INDIA.

GORDON GRAY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA.

RICHARD J. SCHMIERER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SULTANATE OF OMAN.

MARK HENRY GITENSTEIN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ROMANIA.

DEPARTMENT OF LABOR

PHYLLIS CORRINE BORZI, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NICOLE LURIE, OF MARYLAND, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE ASSISTANT SECRETARY FOR PREPAREDNESS AND RESPONSE, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

DEPARTMENT OF DEFENSE

GORDON S. HEDDELL, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RAPHAEL WILLIAM BOSTIC, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DAVID H. STEVENS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

HOUSE OF REPRESENTATIVES—Friday, July 10, 2009

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. WEINER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

July 10, 2009.

I hereby appoint the Honorable ANTHONY D. WEINER to act as Speaker pro tempore on this day.

NANCY PELOSI,

Speaker of the House of Representatives.

PRAYER

Dr. Alan N. Keiran, Office of the Senate Chaplain, offered the following prayer:

Father God, as the challenging winds of change blow across our beloved Nation, we ask You to empower and encourage our leaders. Release in them vibrant faith in Your word and grant them supernatural wisdom to solve the daunting problems facing our country and our world.

Lord God Almighty, only You can lead us out of darkness and into the wonderful light of Your redeeming love. Open our eyes that we may see and our ears that we may hear what Your Holy Spirit is saying in these trying times. Protect us from the spirit of fear and anoint us with power, love and sound minds. Establish within us the tenacious resolve needed to overcome any obstacles inspired by the enemy of our souls.

Father, please bless and encourage the Members of this House, their families and staff members. As they seek Your counsel, speak tender words of encouragement and direction into their hearts. As they study Your word, may they feel renewed and enlightened. And as they worship, let them experience Your transforming presence and abundant love.

All this I pray in the name of Him who is the light of the world. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Alabama (Mr. BRIGHT)

come forward and lead the House in the Pledge of Allegiance.

Mr. BRIGHT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute speeches on each side of the aisle.

GUARANTEEING ALL AMERICANS HEALTH CARE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, one of the tragic and laughable conceits of the entire health care debate is that people love their for-profit health insurance companies, so hands off the private insurers.

These are the same insurance companies whose premiums, copays and deductibles are forcing millions of Americans into poverty. Sixty percent of all U.S. bankruptcies are tied to people not being able to pay their hospital bills, and most of these people were insured. But people love their insurance companies.

Now, everyone knows that insurance companies make money not providing health care. But people love their insurance companies, so we have to leave them in the game, right?

People love for-profit insurers, so government ought to give the insurance companies a bailout and subsidize private insurers, because people love their insurance companies, right?

Well, I don't think that people love for-profit insurance. I think people want a not-for-profit system that guarantees all Americans health care.

AMERICANS DESERVE A PROPER DEBATE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Democrats are beholden to the failed policies of big government. That is why they refuse to acknowledge the commonsense proposals House Republicans have provided to make this Nation stronger, energy more affordable and Americans healthier.

Rather than have the reasonable debate that the American people deserve, Democrats want to spend their time presenting false choices. But despite the tired rhetoric we hear from the other side of the aisle, House Republicans continue to offer commonsense solutions to improve the economy and create jobs through relief for families and small businesses.

We are fighting for patient-first health care solutions that will help Americans afford insurance, protect the doctor-patient relationship and keep Washington out of your private health care decision. We are standing up for the middle-class families who cannot afford a massive national energy tax.

The American people deserve a debate on the ideas, not more rhetoric and false choices from this administration and their allies.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism.

HONORING GREG GAMBRIL AND DARYL BAILEY

(Mr. BRIGHT asked and was given permission to address the House for 1 minute.)

Mr. BRIGHT. Mr. Speaker, I rise today to honor two very talented law enforcement officials in my district. Last week, Greg Gambril and Daryl Bailey received the highest honors in their respective fields from the Alabama District Attorney's Association.

Greg received the Brad Morris Memorial DA of the Year Award. He has served in the Covington County DA's office since 1992 and elected as district attorney in 2004.

Daryl Bailey began in the Montgomery County DA's office in 1997 and has served as Chief Deputy District Attorney since 2002. He was named Assistant District Attorney of the Year and he has prosecuted capital murders as well as the domestic violence cases in his district.

Again, congratulations to Greg, along can his wife Julie and sons, Joseph and Charlie, and to Daryl Bailey and his wife, Tracy, and children, Laura and Jake, for their achievements and dedicated service to our communities.

PRESCRIPTION OF THE DAY: ENSURING A STRONG FUTURE PHYSICIAN WORKFORCE

(Mr. BURGESS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, "Are we running out of doctors?" was a question posed by the Texas Medical Association last year. The United States population continues to grow and there is concern that there may not be enough physicians to care for Americans.

If we do nothing to assist the training of new physicians, waiting lines will grow longer, lapses in treatment will occur, and many of our smaller and rural communities will be at risk of not having physicians.

What is the prescription? Helping doctors as they enter training in medical school and continuing assistance throughout their residency in high-need specialties and medically-underserved areas to make certain that when you need help, your doctor is in.

Two bills, H.R. 914 and H.R. 916, bipartisan bills to help offer incentives for physicians to practice in rural and underserved areas of the country, will help to ensure that health care coverage actually equals access to a doctor for all Americans.

All of the recent discussion on health care reform has been on cost and coverage, but it matters not if there are not enough doctors for America's patients. Ensuring that our Nation has a strong physician workforce is critical and must be part of this national health care debate.

For more information, please visit my Website, healthcaucus.org.

ACKNOWLEDGING THE PROGRESS AND IMPORTANCE OF GHANA

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, today I rise to applaud the efforts of Ghana in promoting good governance and civic participation. President Obama will wrap up the third leg of his international trip in Ghana. He will be there today.

I am reminded of the important role this democratic nation plays in the international world. Ghana is an active participant in the United Nations and the African Union. In its region, it has been extremely active in international peacekeeping.

Ghana, the first state in Sub-Saharan Africa to gain its independence, has shown that it is a stable nation whose government and people are accountable to one another. These acts are a good first step in developing future relationships between our Nation and Ghana.

One of my constituents, five-time karate and kickboxing champion, Anthony "Amp" Elmore, fulfilled his lifelong dream by visiting Ghana in 1998. The champ visited Accra, and it has changed his life.

After returning to Memphis, Amp developed his vision of educating and en-

lightening people about the cultural and economic importance of Africa as a continent, as well as Ghana. At his home and throughout the city, he showcased African artifacts, fabrics and arts.

This weekend, on Friday and Saturday both, he will be honoring Africa at his home and inviting the public and having a fashion show and an African dinner. I will be there. Next year, I will visit Ghana and hope to develop trade between our city, Ghana and our Nation.

COMMENDING SERVICE ORGANIZATIONS

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, in the midst of intense policy debates, we must not forget that we are here for one reason, to serve. Thankfully I have constant reminders of that spirit of service throughout my district. During the past week, I visited two amazing service organizations where I had the great honor of joining their efforts.

Interfaith Outreach and Community Partners helps people who are facing a crisis, whether it be sudden job loss or dealing with serious health care issues. Along with operating a local food shelf, they offer emergency financial assistance to those in need.

Feed My Starving Children provides hand-packed meals formulated specifically for children suffering from malnourishment and starvation. They ship those meals to over 60 countries, partnering with like-minded organizations worldwide. They have helped children regain their health.

The spirit of service embodied by these employees and volunteers at these organizations is something we should all be proud of and something we should strive for each day.

HEALTH CARE INNOVATION ZONE PROGRAM ACT

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Mr. Speaker, finding a uniquely American solution to our Nation's health care challenges means expanding access to high quality health coverage, containing health care costs, improving the quality of care and achieving better health outcomes. To achieve these goals, we have to think in new ways about how to bridge the current system's fragmentation, encourage coordination and promote collaboration by health care providers.

Meaningful health care reform requires that we expand delivery of care models that encourage teamwork among providers, improve efficiencies,

and ensure that Americans get better value for their health dollars spent. This includes patient-centered medical homes and greater access to primary care. We should also expand opportunities for doctors and hospitals, including those based in community and academic medical centers, to design, implement and evaluate such models of care delivery.

I have introduced the Health Care Innovation Zone Program Act to create and expand these innovative models of care. When we provide incentives to payers and providers to work together to improve care to communities of patients, we will undoubtedly see better health care, better health care outcomes and lower costs for all of us.

REPUBLICANS OFFER A BETTER PLAN FOR HEALTH CARE REFORM

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, at some point every American will see a doctor or require some form of emergency care. Whether it is the birth of a child or an aging parent sick with cancer, families are praying for the best health care possible for their loved ones. But right now, Democrats are pushing for a government takeover of health care that would severely limit many patients' access to life-saving treatment.

House Republicans know that health care run by government bureaucrats doesn't work, because it has been tried and failed in other countries. Tragedies result when government controls health care and makes decisions best left to doctors and their patients.

Republicans will offer a better plan for health care reform, one that provides patients and their families with the peace of mind that comes with having the care they need when they need it.

DEVELOPING A CLEAN ENERGY FUTURE FOR MAINE

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute.)

Ms. PINGREE of Maine. Mr. Speaker, in Maine we are witnessing the birth of an industry, a clean energy industry that will create the jobs and supply the renewable energy we will need to grow our economy. In Maine, we have the people, the technology and the resources to develop and grow this industry.

Last week, Maine hosted the International Energy Ocean Conference, where hundreds of clean energy experts from around the world gathered and saw firsthand how serious our State is about developing renewable energy.

Also last week the Maine Wind Industry Initiative went public. MWII has

organized the complete wind power industry supply chain, from large organizations like Bath Iron Works to smaller companies that specialize in precision composite manufacturing.

Mr. Speaker, Maine has an important role to play in Maine's clean energy future, and Maine people are ready to be part of it.

WHY ARE AMERICANS FORCED TO PAY FOR THE HEALTH CARE OF ILLEGALS?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the government control crowd is pushing for universal government takeover of health care. They say only Dr. Uncle Sam can cure the high cost of medicine.

Well, one way to keep down the high cost of health care that no one dares mention is to secure the borders. The flood of illegals coming here for free health care services costs taxpayers billions every year. California spends \$1.5 billion a year in medical costs just for illegals. No wonder they are going broke. Texas spends \$700 million a year. Virginia spends \$100 million a year, and they are not even a border state.

That doesn't count the cost to hospitals that treat illegals. Hospitals aren't allowed to check citizenship, so illegals use expensive emergency rooms to treat minor ailments. The hospital then must charge more to citizens and legal immigrants just to stay in business. Illegals also drive up the cost of medical insurance for everybody else.

Mr. Speaker, if we stop paying for medical coverage for illegals, then citizens and legal immigrants could obtain affordable health care. Americans should not be forced and coerced to pay for the health care of people illegally in the United States.

And that's just the way it is.

□ 0915

PROVIDING FOR CONSIDERATION OF H.R. 3082, MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2010

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 622 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 622

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3082) making

appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 58, line 6. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto for final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After disposition of the amendments specified in the first section of the resolution, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 3082, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against H. Res. 622 because the resolution violates section 426(a) of the Congressional Budget Act.

The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Arizona and a Member opposed each will control 10 minutes of debate on the question of consideration. After the debate, the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, there may well be unfunded mandates in this bill, but that's not why I rise today. I rise because it's about the only mechanism we have to talk about the fact that we are bringing appropriation bills to the floor under closed or structured rules, which violates basically every precept we've had in this House about openness and transparency on appropriation bills.

For years—and decades—appropriation bills have been brought to the floor under an open rule, allowing Members to offer amendments to various sections of the bill and not be precluded from that. But these bills are being brought to the floor all year under closed or structured rules, allowing very, very few amendments. Let me tell you why that's important.

Here, in the past, when Republicans were in the majority, we were lacking a lot of transparency on earmarks. I would come to the floor and offer sometimes a dozen earmark amendments on the floor to strike earmarks, and I had no idea most times when I would come to the floor whose earmark I was challenging. I would simply come and challenge it. And sometimes the sponsor of the earmark would come down to the floor to defend it, sometimes they wouldn't; but at least I had the opportunity to come down and challenge the earmark and there was some type of back and forth and discussion of it. Now we have some transparency rules, which is good. Some of us have pushed for these transparency rules for a while. Now we know whose earmark we're challenging on the floor. Now we know because there is a name next to it, and Members are required to fill out a certification letter stating that they have no financial interest in the earmark that they are sponsoring.

Those are good reforms; I'm glad we have them. The Speaker of the House said during the campaign a couple of years ago that we were going to drain the swamp, referring to some of the corruption that had gone on, much of it due to earmarking. And I am pleased that some of these transparency rules have come into being. It's a good thing. The problem is we have not drained the swamp; we simply know how deep the mud is. We know that we have a problem, but we have not done much to correct that problem. Let me give you an

example. And this is the case here with this rule and the rules on other appropriation bills this year.

Now we know whose earmarks are in the bills, and we know that some of them raise questions, particularly in the Defense bill that is upcoming later this month. There are numerous investigations going on by the Department of Justice right now examining the relationship between earmarks and campaign contributions. Our own Ethics Committee issues guidance that says if you receive a campaign contribution in close proximity to an earmark that you've sponsored, that doesn't necessarily constitute financial interest; in other words, go ahead and do it. And we have many examples of earmarks going out and campaign contributions flowing in to the sponsor of the earmark. We may not see that as a problem here, but clearly the Justice Department seems to see there is a problem with that.

And so what do we do here in the House? Instead of allowing Members to come to the floor during debate and saying, what about this earmark, what about the campaign contributions that seem to have been received as soon as that earmark was sponsored, as soon as that report came to the floor saying that that earmark was in the bill, why did campaign contributions flow in response to that—instead of being able to examine those things, we've decided to cut off debate.

And so we have transparency rules where we now know whose earmark is in the bill, but we've prohibited Members from actually coming to the floor to examine that. So you have some more transparency, but you've cut out accountability.

Now, we've done a number of appropriation bills, and some amendments have been allowed—very few. I think in one bill there were more than 100 amendments that were prefiled and only maybe 20 or so were allowed. I myself have submitted, in one of the latest bills, about a dozen amendments and was only allowed to offer three on the floor. My guess is that these are going to be narrowed further and further until we get to the Defense bill later this month, which we have allowed only one day of debate for. Keep in mind, this is going to be a bill that will have, likely, if tradition holds, more than 1,000 House earmarks in it, several hundred of which will constitute no-bid contracts for private companies, nearly all of which there will be a pattern of campaign contributions flowing back to the Member who sponsored that earmark.

Now, I am not a fan of public funding of campaigns. That's not the direction we should go. And campaign contributions typically flow to Members who share the philosophy of the person who is making the contribution. But when you have a pattern, as the press has

duly noted, accurately noted, that as soon as an earmark is sponsored, often there are campaign checks that come directly to that Member who sponsored the earmarks. There is an appearance of impropriety that we simply have to take account of here in the House.

Our role here in the House and the role of the Ethics Committee is to make sure that we uphold the dignity of this institution, and we simply can't do that when you have the appearance of impropriety. And when you give a no-bid contract to a private company whose executives turn around and make large campaign contributions back to that Member who sponsored the no-bid contract to them, you have the appearance of impropriety. And it is simply wrong for us now to shut down debate on that and to say, all right, now we used to allow Members to challenge these things on the floor, but now that we know that there's an appearance of impropriety, we're simply going to shut down debate, we're not going to talk about it, we're not going to allow that debate to occur on the House floor.

Now, I would hope that these earmarks would be talked about and discussed and vetted in the Appropriations Committee, but clearly that is not the case. If it were the case, if these were properly vetted in the Appropriations Committee, we wouldn't see the scandals that we've seen. We wouldn't have Members of Congress behind bars right now for sponsoring earmarks and taking money for them.

Now, I'm not saying that that's occurring now, but that has in the past. And when we clearly haven't vetted these properly—and we don't do this body any service by cutting off debate on the House floor and saying we're just going to turn a blind eye because there might be a problem, and if we stand on the floor and debate these things, then people might see that there is a problem.

So it's good to have transparency rules. That's wonderful. But once you do have transparency, you need accountability. And when you cut off debate and cut off amendments coming to the floor and bring appropriation bills under closed rules in violation of every tradition we've had in this House, then we've got a problem.

It is said that people outside of the beltway don't care about process, and that may be true. It's tough to make political points about process because it's tough to understand the process of this institution. But bad process always yields bad results and bad policy. It happened when we were in the majority, when we held votes open for 3 hours to allow leadership and others to twist arms. That violated every tradition of the House where you're supposed to only hold votes open for 15 minutes or slightly longer. There's a problem with that. People may not un-

derstand that outside, but it leads to bad results. And I would submit that if you shut down appropriation bills, if you shut down the process allowing Members to offer amendments on the floor and just turn a blind eye to what might be occurring, then you're going to have a problem, and you're going to increase the cynicism, rightfully, that people have about this institution.

I have served in the House of Representatives for 9 years. This is a wonderful institution, it really is; and we owe this body much more than we're giving it. And I would hope that the leadership here would exhibit maybe more of a vested interest in upholding the dignity of this institution instead of sweeping these things under the rug and saying let's just not have debate on the House floor because people might see what is occurring.

Mr. Speaker, I hope that, particularly when we get to the Defense bill later, where there are going to be hundreds and hundreds of earmarks that represent no-bid contracts to private companies, that we allow amendments to come to the floor to examine some of these instead of sweeping the process under the rug and hoping that nobody pays attention.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The gentlewoman from Maine is recognized in opposition.

Ms. PINGREE of Maine. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Arizona has made some eloquent points this morning. And I certainly hope if he really wants to resolve this issue, he will join me in supporting the bill that is in the House right now on public financing. Since both he and I come from States, Arizona and Maine, that have had great success with this system in removing some of the corruption from the process, I think that we could make a good team on that issue.

But, Mr. Speaker, we know that this point of order is not about unfunded mandates, as he mentioned—or, in fact, even about earmarks. It's about delaying consideration of this bill and ultimately stopping it altogether.

□ 0930

Since I do come from the State of Maine, where nearly one-fifth of our residents are veterans or active-duty members of our armed services, I know that this bill we are about to talk about today is extremely important, and passing this rule to allow for consideration of this bill and move forward on these issues around access to health care, making sure our veterans get the benefits that they deserve, is extremely important to the residents of my State and certainly people across this country.

I hope my colleagues will see through this attempt and will vote "yes" so

that we can consider this legislation on its merits and not stop it with a procedural motion. The last thing that people want to see happening in the House of Representatives is endless conversation about things that have nothing to do with the issues before us but not moving forward with the things that we care about.

Those who oppose this bill can vote against it on the final passage. We must consider this rule. We must pass this legislation today.

I urge my colleagues to vote "yes" to consider this rule.

Mr. FLAKE. Will the gentlewoman yield?

Ms. PINGREE of Maine. I will.

Mr. FLAKE. I appreciate that. I'm not going to call a vote on this. I'm not trying to delay the process. We're just given so little time to speak because we're not allowed to bring amendments to the floor that we have to take every opportunity that we can.

I appreciate your yielding.

Ms. PINGREE of Maine. Again, I urge my colleagues to vote "yes" on this motion to consider so that we can debate and pass this important legislation today.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. Mr. Speaker, I ask unanimous consent that all Members may be given 5 legislative days in which to revise and extend their remarks on House Resolution 622.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 622 provides for consideration of H.R. 3082, the Military Construction and Veterans Affairs Appropriations Act, 2010, under a structured rule.

For the past 8 years, our country has been engaged in two conflicts halfway around the world. The number of wounded military personnel in Iraq and Afghanistan has put a financial strain on the Department of Veterans Affairs. The Veterans Health Administration estimates that they will treat more than 6 million patients in 2010, includ-

ing over 400,000 veterans from Iraq and Afghanistan. In addition, the consistent training, deployment, and redeployment of our troops have put a significant burden on our military.

H.R. 3082 appropriates over \$133 billion in fiscal year 2010 for military construction, veterans programs, and four related agencies. The bill provides \$24.6 billion for construction and improvements to military bases, facilities, and housing units. The bill provides \$450 million to accelerate the modernization of trainee housing and \$2 billion to construct and maintain houses for military families.

The bill also provides \$200 million in additional funding for the Guard and Reserves to address critical unfunded requirements as a result of prolonged and repeated deployments. Maine is home to thousands of Guard and Reservists who have made an invaluable contribution to our national defense, and I am proud to see funding included in this bill for them.

H.R. 3082 also renews our commitment to redevelop closed military bases and their surrounding communities. The bill provides \$7.5 billion to implement the 2005 BRAC and \$537 million to address an enormous backlog of environmental cleanup projects from the previous BRAC rounds. This funding is essential to communities across the country, including the town of Brunswick in my district, which is already experiencing economic difficulties from the closing of Naval Air Station Brunswick.

While the investments in military construction are vital, they are only a small portion of this bill. More than 80 percent of the bill's funding in this legislation is devoted to veterans programs. The bill provides over \$108 billion for veterans' medical care, claims processors, and facility improvements. H.R. 3082 increases appropriations by 14 percent or \$12.9 billion over the current level. This bill includes \$45 billion for the Veterans Health Administration, with increased funding for mental health services, assistance programs for homeless veterans, and innovative services for veterans in rural areas.

The bill also provides \$85 million for States to build and renovate extended care facilities and \$3 billion to fund new technological initiatives which will increase processing time and improve electronic record keeping.

Perhaps most importantly, the bill provides for a significant and historic change in the way we fund health care of our veterans. H.R. 3082 provides \$48.2 billion in advance appropriations for fiscal year 2011 for the medical services, medical facilities, and medical administration accounts.

While the Congress has always taken on the challenges of this country, these issues have not always been shielded from partisan battles and political delays. This Congress in the past few

weeks has been no exception, but there are some issues which should not be subject to politics and doubt. There is no doubt that the men and women of the armed services have bravely served our country. They have fought without question and without debate, and in doing so, they have sacrificed time with their families, risked their own well-being, and all too often they have sacrificed their lives. By providing advance appropriations for the health care of our veterans, we can take the steps to ensure that these benefits are not subject to politics as usual.

I strongly support this rule, which provides for consideration of this essential and important bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the gentlewoman's yielding me the time.

Mr. Speaker, I rise in opposition to a structured rule, a structured appropriations rule, and also I am opposed to how my Democrat colleagues continue to shut out the minority voice with this structured rule.

Before taking control of the House of Representatives in 2007, our Democrat friends promised the American public that this would be the most open, honest, and most ethical Congress in history. Yet that is not the case for the past 2½ years. You heard my colleague, the gentleman Mr. FLAKE, talking about the process, the process that's happening not just today but has been happening for now 2½ years on this floor.

For the last few weeks, this Democrat majority has been forcing spending bills through the House of Representatives. My friends on the other side of the aisle have been using extremely restrictive rules to accomplish this legislative business.

During the Republican majority, the most appropriations bills considered under a restrictive rule in any single season was four, and that was back in 1997.

This majority has set a new record forcing every appropriations bill under a strict structured rule. So far the Democrat majority has limited debate on the six spending bills that the House has already passed, and today's bill is the seventh. Mr. Speaker, that is not open, honest, or ethical. Chairman OBEY set an arbitrary timeline to finish the fiscal year 2010 spending bills, which has forced this Democrat-run Rules Committee to limit every single Republican and Democrat's chances to offer amendments on this floor. Hundreds of amendments have been offered by all of my colleagues, and they have been rejected also, rejected in an unprecedented fashion.

What the heck is the majority afraid of? Why don't they want to take the normal time, the normal process? Why

won't they allow for an open and honest debate, the one that they called for?

Mr. Speaker, with that said, I would like to thank the majority in the Rules Committee for allowing at least my amendment to be made in order on the floor today. The care of our Nation's troops and veterans is extremely important to me and every single Member, I believe, of this body, and it's my hope that my amendment will pass on the House floor today. But, Mr. Speaker, every single Member should have had that opportunity. The opportunity to be able to come to this floor under an open rule to talk about the things that are important to them.

Today we are here to discuss the rule for the Military Construction and Veterans Affairs Appropriations Act of 2010, and I note that my dear friend the young gentleman from Tennessee, Mr. ZACH WAMP, is the Republican lead on this bill. And I am very pleased with the work that not only Mr. WAMP has done but how he has led in such a way to make sure that the men and women of the military understand his dedication and devotion to this process.

It's my intent to discuss the importance of the underlying bill as well as some of the concerns in the legislation, and I would also like to highlight the Democrat majority's large increase in spending across the board for appropriations bills. This is unacceptable, especially in a time of huge deficits and exceptionally high unemployment.

Mr. Speaker, I think we should aim for a balanced budget, not unlimited spending. I think this body should have to make tough decisions and set priorities, not set the bar so high, or in this case so low, for just spending so much money that we cannot and do not have to make tougher decisions.

This bill provides crucial funding needed for military construction and housing funding for our troops and their families and other quality-of-life projects, and the Congress should have to go through those projects one by one and make a determination about what is in the best interest not only for the country but also for our military.

I know that the funding priorities for all essential programs the Department of Veterans Affairs and related agencies have asked for in their budgets are important. And I also know that this bill honors our Nation's heroes who are serving in our volunteer military, those who have served, and also honors those who are fallen victims as well. This bill illustrates the deep commitment that Congress has to our military and to our veterans. And I do recognize that the gentleman Mr. WAMP and the gentleman Mr. EDWARDS from Texas as they spoke to the Rules Committee yesterday not only told that story but also a source of pride about how this Congress needs to make sure that we're paying attention to those members of our military.

I join Ranking Member LEWIS in his concern regarding the ability for the VA, however, to effectively absorb large funding increases provided by this bill. The Appropriations Committee report was critical of the slow rate of the multibillion dollar major construction account for the VA, and points out that the spending rates are "woefully slow," having only spent \$1.9 billion of the \$4.4 billion that was appropriated between the fiscal year 2005 and fiscal year 2008. When you add fiscal year 2009 and this bill, that account then grows to \$6.5 billion. I believe that the current funding project should be exhausted before receiving additional moneys. Mr. LEWIS agreed also and so did all the Republicans on the committee.

Mr. Speaker, the bill before us today includes over a 15 percent increase from fiscal year 2009 spending, which assists with TRICARE, mortgage assistance, child care, and other necessary personnel-related accounts. Yet it is important to note that a couple weeks ago, Congress passed the Defense Authorization bill, increasing defense-related funding by only 4 percent. This Nation is at war, and my Democrat colleagues only modestly increased our defense and strategic capacities, while all other appropriations bills are increasing 10, 15, 19, and even 33 percent more than last year's levels. Mr. Speaker, this disparity sends a dangerous message to our enemies and one to our troops that are in the field.

To help curb some out-of-control Democrat spending, Ranking Member JERRY LEWIS offered an amendment in the full committee that would prioritize funding increases for defense, military construction, and our veterans by providing a 6 percent increase for these programs, a 4 percent increase for homeland security, and holding all other subcommittees to a very reasonable 2 percent increase.

□ 0945

Unfortunately, the amendment was defeated. Out of the 12 appropriations bills, this amendment would have reduced the burden on the American public by \$35 billion. The American people know that you shouldn't spend what you don't have, and that is exactly what this Democrat majority is doing and continues to do. According to the Congressional Budget Office, the Obama administration is on its way to doubling the national debt in 5 years. In doing so, it would drive the debt-to-GDP ratio from 41 percent today to a staggering 71 percent in the near future, 2014.

The Congressional Budget Office on Wednesday of just this week released a monthly budget review that states that the Federal budget deficit was \$1.1 trillion for the first 9 months of this fiscal year. CBO states that this is more than \$800 billion greater than the deficit

record in June of 2008. The United States is looking at a record \$1.8 trillion deficit this year alone.

Congress should be promoting policies that reduce spending and grow job growth in this country. Unemployment continues to rise while our friends on the other side of the aisle continue to tax, borrow and spend their way into record deficits. The Congressional Budget Office estimates that the unemployment benefits spending is now more than 2½ times what it was at this point last year. The current unemployment rate is over 9.5 percent for the first time since 1983.

Where are the jobs? It's a question that should continue to be asked on this floor. Where are the jobs that were promised from this economic stimulus from this President and our Speaker, NANCY PELOSI.

Mr. Speaker, now is the time when the economy should be bouncing back. But this is a time when the Democrat Congress is forcing Americans to pay for a failed trillion dollar stimulus package, a bailout for those who defaulted on their mortgages, a bailout for those who abuse their credit cards, a bailout for credit and America's bad decisionmaking from corporate offices, a new national energy tax and a possible \$1.5 trillion health care reform package that will force 120 million Americans off their current health care coverage. When does the spending stop? Not today in this House.

In closing, Mr. Speaker, every Member of this body understands the importance of adequate and appropriate funding for our Nation's military and our veterans, and we give thanks to them. This bill provides the necessary benefits to our service men and women, their families and our veterans, and I am proud of that. But I would continue to point out to my friends on the other side of the aisle that we cannot tax, spend and borrow our way out of this recession. This recession is a national crisis and puts all of us at risk.

Rising unemployment and record deficits cannot be remedied with massive increases in spending. Americans back home are tightening their belts, and the United States Congress would be well advised to do the same.

Mr. Speaker, I encourage a "no" vote on the rule.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes of my time to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I thank Ms. PINGREE for the opportunity to speak on this rule, and I just want to thank my friends CHET EDWARDS and ZACH WAMP for their leadership and hard work in crafting this bill and their unfailing support of American servicemembers and veterans. With wars in Iraq and Afghanistan ongoing and an increasingly

high volume of men and women servicemembers returning home, funding their needs remains a top priority.

As much now as ever, Congress needs to be making critical investments in construction projects which support servicemembers, safety and quality of life at home and on the battlefield. We must also make good our promise to our soldiers returning home from war, by improving their health care facilities and services and by providing them with the best care possible. We also need to aid them in their transition to civilian life by fully funding the Department of Veterans Affairs.

Our veterans deserve a bill which honors their remarkable service in the protection of our country. That's what this bill does that we are going to hear here today. The bill increases funding for the Veterans Health Administration by \$4.4 billion over last year. This improves access to medical services for veterans for key programs in treating mental health issues, assistance for homeless veterans, and measures to improve access to health care for many veterans who live in rural areas such as those in Colorado.

The bill also expands funding for essential investments in information technology which speed processing of benefits, claims, and makes needed improvements in the accuracy and efficiency with the expanded use of electronic health records. I especially want to thank the Veterans' Committee, the Appropriations Committee in taking a good look and a hard look at processing claims, which for a long time were lagging and people were not getting their claims heard. There has been a tremendous effort and focus over the last couple of years to make the claims process much quicker, much faster, much more accurate.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. PINGREE of Maine. I yield the gentleman an additional minute.

Mr. PERLMUTTER. I would also like to thank my friends for their assistance in creating what will be a state-of-the-art health care facility in Colorado.

The veterans in Colorado have been promised for years and years and years that they would get a facility that was equal to the service they gave to this country. And with the hard work of the committee, the hard work of the Colorado delegation, assistance from both sides of the aisle, we are going to get that facility built in Colorado.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 3 minutes to the distinguished young gentleman from Miami, a member of the Rules Committee, Mr. LINCOLN DIAZ-BALART.

Mr. LINCOLN DIAZ-BALART of Florida. I want to thank my dear friend from Texas, a great leader in this House, Mr. SESSIONS, for the time.

Mr. Speaker, I rise because this legislation that we are bringing to the floor

today includes the last installment in a project that is very important to the community that I represent. The Southern Command is in the congressional district that I represent, and it is receiving in this legislation \$55.4 million that completes the \$237 million required for the new headquarters of the Southern Command, which is extremely important to the national security of the Nation and of the hemisphere, the defense of the hemisphere, and obviously to the community that I am honored to represent.

SOUTHCOM personnel and supporting services have contributed over \$1.2 billion and over 20,000 jobs to south Florida, and south Florida is the right place for SOUTHCOM. And we have been, for many years, working to make sure that it stays in south Florida.

I want to thank Chairman EDWARDS and Ranking Member WAMP and really all of the members of the Florida delegation and others who have worked so hard in a united fashion to make this a reality, a permanent facility for SOUTHCOM.

It's in a location that is leased from the State of Florida for the great total of \$1 a year, long-term lease, \$1 a year. That's what it is going to be costing the taxpayer.

So I want to thank former Governor Bush, Jeb Bush, for his help, in making this a reality, as well as Governor Charlie Crist, who has also demonstrated great leadership in making this project a reality.

We have worked with the county. We have worked with Mayor Bermudez of the City of Doral. The City of Doral has been marvelous in its cooperation with the men and women of SOUTHCOM; so, too, General Craddock, with whom we began working on this important project; and then Admiral Stavridis, who has done a tremendous job as the head of SOUTHCOM, and now he is leaving us to go to Europe and defend that continent; and now General Fraser, who has joined SOUTHCOM as the new head. All of them have done a tremendous job, along with all of the men and women there at the Southern Command.

So I thank all who have had an important role in this development and wish the men and women of SOUTHCOM well as I congratulate them, because Congress has done its job in funding the new headquarters.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Speaker, I rise today in support of the Fiscal Year 2010 Military Construction and Veterans Affairs Appropriations Act, and I thank Chairman EDWARDS and Ranking Member WAMP for their work in crafting this legislation.

As someone who represents tens of thousands of military veterans and

their families, I believe that we have an obligation to provide them with the benefits and treatment they deserve for their years of service. This legislation accomplishes that by providing \$109 billion for the Department of Veterans Affairs, a \$14.5 billion increase over 2009, when not factoring stimulus or supplemental funding.

It is estimated that the VA will treat more than 6.1 million patients in 2010, including more than 419,000 veterans of Iraq and Afghanistan. To meet this demand, the bill provides important funding for mental health programs, assistance to homeless veterans, and to improve access for veterans in rural areas.

The bill also provides vital funding to hire additional claims processors to support the Department's continued efforts to reduce the backlog of benefits claims. I believe these are two of the most important issues that we deal with, making sure that we deal with the PTSD issues which continue to be a significant problem and also to make sure that we have the services available to provide for the large number of wounded veterans who are coming back from our wars in Iraq and Afghanistan.

I was also pleased to see that the committee included a provision to provide advanced budget authority and funding for fiscal year 2011 for medical-related accounts. This is a step to ensure that the VA health care system continues to receive a timely and predictable stream of funding without subjecting it to the delays that can arise due to the larger annual budget debates.

Again, I thank the chairman and ranking member for their work on this important legislation and urge my colleagues to support its passage.

Mr. SESSIONS. Mr. Speaker, we have a lot of members of the Republican conference who want to come down and speak about this bill, but we are joined today by the gentleman, from Georgia, Dr. GINGREY. I yield 2 minutes to the gentleman from Georgia.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for yielding, and I stand to strongly oppose this rule on the Military Construction and Veterans Affairs Appropriations Act of 2010.

Mr. Speaker, this is unconscionable, what the Democrat majority is doing regarding these appropriations bills. I think this is about the fourth or fifth appropriation bill that we brought to the floor with a structured rule, and this has never happened, to my knowledge, in the history of this Congress.

These should be open rules so that every Member, not just members of the Appropriations Committee, the 40 or 50 members that study these bills, but every single Member of this body who represent 675,000 people across this country and these 50 States should have an opportunity to offer amendments.

I have offered 10 amendments to these five bills. Not one, not one, Mr. Speaker, has been made in order, and not one of these amendments are dilatory.

As an example, on this particular bill, the Veterans Administration Appropriation, I have an amendment that says no party, no Republican or Democratic majority should hold that bill hostage once it passes to put it in the form of a minibus, combine it with some other legislation to pass something that we don't want to pass, and hold our veterans hostage so that they don't get the pay raise they need, they don't get the benefits they need, they don't get the health care they need.

That, Mr. Speaker, is unconscionable.

□ 1000

For that reason I stand strongly opposed to this rule. The rule should be open, and the chairman of the Appropriations Committee knows that, and I challenge him to bring these bills to the floor in an open fashion, which we have always done on both sides of the aisle.

It is time to end this mendacity and this unconscionable activity. Let's all vote against this rule. Let's send it back. Let's bring forward an open rule and a fair process so that veterans in every congressional district across these 50 States will have an opportunity to be heard.

Ms. PINGREE of Maine. I'm very pleased to yield 5 minutes of my time to the Chair of the Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentlewoman for the time. I would like to respond to the fiction that I just heard from the previous speaker. The previous speaker indicated that never in the history of the Congress have we had structured rules for appropriation bills. I would like to suggest that he ought to read a little history.

We have 12 appropriations bills we have to bring to the floor each year. He will find that during the Republican control of this House, at least 6 of the 12 bills were brought to this floor under structured rules. He will find that almost 20 times that is the case.

Mr. GINGREY of Georgia. Will the gentleman yield?

Mr. OBEY. No, I would not. I have 5 minutes. You attacked me. I will respond without interruption. I would ask the Chair to prevent further interruptions.

The fact is that I would like to ask the House a question: Why is it that some Members of this House believe that the Appropriations Committee must bring bills to the floor that are totally open when the Ways and Means Committee, when it brings tax bills to the floor, is entitled to have a totally closed rule?

Now, there is no inherent difference between the two, but there is one historical difference, and that is that the Ways and Means Committee used to be the committee that handed out committee assignments to Members of the House. And so the message went out: "Don't mess with the Ways and Means Committee because they determine your career path in this institution."

There is no great historical or moral or substantive reason to have that differentiation. It is simply a question of power relationships in the House that determined that.

I would also like to point out the Appropriations Committee has the right to bring to the floor its appropriation bills without ever going to the Rules Committee, and in fact we have had subcommittee Chairs who have done that. The advantage to the Appropriations Committee in doing that is that when the bills come to the floor without going to the Rules Committee, what happens is that any legislation on an appropriation bill—which under the House Rules is off limits—any legislation will be stricken on a point of order.

I remember when Neal Smith used to bring his bill to the floor, and within about 20 minutes the bill was shredded. There were a few paragraphs left in the bill. It took about an hour to finish the bill and then Neal could go off and have a conference with the Senate and do anything he wanted to do because there were no limitations.

So it has been an advantage to individual House Members for the Appropriations Committee to go to the Rules Committee, whether or not there's a totally open rule or whether there's a structured rule, because at least then individual Members have some capacity to influence the results.

Now, we have made quite clear to the minority side we would like to proceed in as open a fashion as possible. Mr. HOYER, the majority leader, and I went to the Republican leadership weeks and weeks ago and asked them if there was some way that we could work out time agreements so that we can finish these 12 bills before we go home for the August recess.

The minority says they want us to do all of these bills individually. Not wrap them up in a CR. But then they proceeded to demand a procedure which will, in the end, result in bills going into a CR.

And so we asked the minority leadership, "Will you agree to time limits?" And the response was, "Well, if we did that, our caucus would elect somebody else."

Mr. DREIER. Will the gentleman yield?

Mr. OBEY. No, I will not yield. We asked the leadership, "Would you be willing to go by a process in which we'll give you the opportunity to offer 10 or 15 amendments, the majority

party will offer 5 or 6? You pick the amendments." And they said, "No." They didn't want to do that.

There are a limited number of hours between now and the time we recess. If we want to get our work done, we have to limit the debate time that we spend on these bills.

So there is nothing radically new about this. We're simply trying to get the job done. And we're going to do that if it takes all summer.

Mr. SESSIONS. Mr. Speaker, I'm delighted today to yield 3 minutes to the ranking member of the Rules Committee, the distinguished young gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I'm happy to engage in a colloquy with the distinguished Chair of the Committee on Appropriations. I'll look forward enthusiastically to yielding to him after I make a couple of points.

First, the gentleman has ended his remarks by talking about the need for some kind of outside time limit. In fact, just yesterday I pulled out of my coat pocket the schedule that we have seen. We all understand that getting the appropriations work done is important. It's a priority for Democrats and Republicans alike.

The fact of the matter is the Rules Committee, with a great deal of ease, could in fact simply report out a special rule which would establish an outside time limit on the amendment process at all and we could proceed, as has been the case for the last 220 years, with an open amendment process.

Now my friend also referred to the fact, and I know that my friend from Marietta didn't say that it was unprecedented to have unstructured rules when we deal with appropriations bills, but it is unusual.

And I will remind my friend who talked about the history that back in 1997, when we did in fact have five appropriations bills considered under structured rules, it was done so after, in the case of one, it came to the floor. As our late colleague, the former chairman of the committee, Mr. Natcher, used to always say, bills should be considered as privileged.

The disparity between a measure emerging from the Ways and Means Committee and the privileged structure for consideration of appropriations bills is something that is very easily understood in the rules of the House of Representatives.

And so I'd be happy to yield to my friend if he would like to respond to the notion of the fact that we began those measures that ultimately were considered under structured rules, we began them, one, under a privileged structure, which meant that the Rules Committee did not even need to act because points of order could be raised against the work product of the measure itself and also to the point of time limits.

The Rules Committee could easily report out a rule that would establish an outside time limit. That's all we'd need to do. And then we could consider the measure under an open amendment process.

I'm happy to yield to my friend.

Mr. OBEY. Let me simply say to the gentleman, I don't see any need to continue chewing this cud over and over and over again. We've made our points.

Mr. DREIER. Mr. Speaker, if I could reclaim my time.

Mr. OBEY. I didn't ask for the time. You offered it to me and I'm accepting it.

Mr. DREIER. I would simply say to my friend, I was downstairs in the meeting and my friend stood up and began talking about the fact that we considered measures under structured rules in the past, and it's frankly important for us in the name of Democrats and Republicans alike who are denied amendments and the American people whose Representatives are not able to participate in the very important constitutional article I section 9 responsibility of appropriations here. That's why there is in fact bipartisan concern on this issue, Mr. Speaker.

Ms. PINGREE of Maine. I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, at this time I yield 5 minutes to a young man who serves as coach of our baseball team, but perhaps even better than that, just showing his acumen really as an all-American, a dedicated veteran of the first gulf war and served as a colonel in the United States Army Reserves and he's the ranking member of the House Veterans' Affairs Committee, the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. I rise today in opposition to this rule because H.R. 3082 represents a dramatic shift in the way that we provide funding for VA medical care by providing advance appropriations for medical services, medical facilities, and medical supports and compliance accounts.

Now I have some great concerns because the stress placed on the budget model could place us in the VA supplemental business. It also leaves out the IT and medical research accounts.

So my amendment that was not made in order under this rule tried to correct what I viewed as a flawed process. The amendment would have added the VA information technology systems and the VA medical and prosthetic research accounts to the other VA medical care accounts that are included in the advance appropriations section.

Now many issues were raised about the potential legislative proposals that authorize advance appropriations for certain Veterans Health Administration accounts at the Committee on Veterans Affairs' oversight hearing on the future funding of the VA, including

the following: funding some accounts under an advanced appropriation and some accounts under regular fiscal appropriation could potentially create accounting complexities.

Secretary Shinseki expressed concern that the VA's information technology is very much integrated into the medical care accounts and should be considered for advance appropriation.

The Congressional Research Service observed that not including IT in advance appropriations could "create a situation whereby, for example, VHA could not purchase computer software although it has procured medical equipment that needs the IT software," or would not be able to provide the necessary IT infrastructure for new Community-Based Outpatient Clinics.

CRS also pointed out the failure to include medical and prosthetic research could potentially raise an issue with regard to the timing of funding research projects and research support such as personnel costs and administrative support.

When I offered a similar amendment at the full committee markup of H.R. 1016, as amended, which is the bill that authorized the advanced appropriations proposal, it received broad bipartisan support and passed the Veterans' Affairs authorizing committee 17-8.

Since the language of my amendment was also part of the final version of the bill when it passed the House, all I was trying to do was bring consistency between H.R. 1016, as amended, and the bill before us today.

Every member of the Rules Committee voted in favor of H.R. 1016, so I'm disappointed to see that the very same provision was not made in order. The American people—in particular, our veterans—deserve a fair and open process of debate on this issue, and it's unfortunate that this opportunity has been blocked by the Rules Committee for partisan reasons.

Since open debate on this issue was disallowed, it's my hope to continue to work with Chairman EDWARDS and Ranking Member WAMP to include these accounts in next year's budget resolution and then in the 2011 appropriations bill. That's the only choice that I now have.

So I will attempt to work with you if you want to work with me. What I've learned around this place is bipartisanship is a choice. It's a choice. And I have been here now for 17 years and I've listened to Chairman OBEY not only in the majority, in the minority, and now back in the majority, and being consistent—to my good friend—is really important.

So if you can remember what you were like in the minority, be consistent to how you're like in the majority. And that's how you ensure respect from all of us. And that's just my good counsel to my good friend.

Ms. PINGREE of Maine. I yield 2 minutes to a member of the Rules Committee, the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. I rise today in support of H.R. 3082, the Military Construction and Veterans Affairs Appropriation Act for fiscal year 2010, and the rule. I'd like to thank Chairman EDWARDS of the Military Construction and Veterans' Affairs Appropriation Committee as well as Chairman OBEY for their hard work and as well the dedicated work of their staff in bringing this bill before us.

This legislation truly reflects our commitment to improving the quality of life for our service men and women as well as our veterans, who have given so much to defend the freedoms that we enjoy every day.

□ 1015

In the midst of an economic crisis and a war on two fronts, fully funding the Veterans Affairs bill is critical to our country's ability to address the needs of our veterans and our military families. This bill authorizes funding for the Department of Veterans Affairs to fund a number of worthy projects, such as building housing for our troops, mental health services and grants for the construction of extended care facilities and veterans' cemeteries.

As a Coloradan, I am particularly pleased to see that the Fitzsimons Veterans Affairs Hospital in Aurora, Colorado, will receive \$119 million as part of the Military Construction bill. It is absolutely crucial for the State of Colorado and for the veterans in my district to have access to quality care close to their homes.

I am very grateful to Secretary Shinseki and his staff, who invited those of us from the Colorado delegation to the Department of Veterans Affairs to make this announcement last month. They have truly recognized the urgency of completing a project that has been torn by uncertainty and going back to the drawing board for many, many years and finally moved forward in funding this Military Construction and Veterans Affairs Act. This bill will help ensure that the Obama administration continues to move quickly forward. I urge my colleagues to vote "yes" on the rule and vote "yes" on final passage of H.R. 3082.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Minnetonka, Minnesota (Mr. PAULSEN).

Mr. PAULSEN. Mr. Speaker, I rise in opposition to the rule. As Congress moves forward in the debate on health care, we should ensure that any national health care reform plan preserves the unique needs of our veterans and servicemembers as well as protects the unique identity and role of the successful programs and insurance that they depend on. If we subject these benefits to new taxation or if we foolishly fold them into a large government-run program, the quality and the

availability of care for our Nation's veterans will suffer, and an erosion of the quality of these benefits could undermine recruiting, retention and, ultimately, national security.

I had hoped today to offer an amendment to make sure that any new health care program would not undercut the services currently available for our men and women in uniform. Unfortunately I was not allowed to do so today because of the closed rule. It is frustrating when good ideas cannot move forward.

Mr. Speaker, the servicemembers and veterans in our country who have served our Nation have unique health care needs that we fulfill through specific mechanisms, such as the VA, TRICARE and others. These entities are essential to ensuring that we meet our Nation's obligations to those who serve in uniform and that we do so in a most personal and effective way. Military health benefits provide specific needed coverage that recognizes the extraordinary sacrifices that are inherent to those who serve in our military. Similarly, there are unique and specialized VA programs that recognize the government responsibilities to those who incur injuries and illness as a result of their service. Moreover, specific services and programs for families of those who have served help ensure that our grateful Nation gives back to those who have sacrificed so much for all of us. It's too bad that we are unable to move forward on my amendment because it would have recognized and protected the government's special responsibilities to our servicemembers and veterans in any health care package moving through Congress.

Ms. PINGREE of Maine. Mr. Speaker, I am the last speaker on my side, so I'm going to reserve the balance of my time until the gentleman closes for his side.

Mr. SESSIONS. Mr. Speaker, Republicans are down on the floor today talking a lot about process. But I think it's real interesting that two of our newest Members, who are from Colorado and Maine, have never even seen an open rule. They've only served for 6 months, but they could have served for almost 2 years and never would have seen an open rule on this floor. And that's really the measure of what Republicans are trying to talk about. We're teaching our newest Members what things should not look like. We need open rules.

As a result of that, Mr. Speaker, I am going to be asking for a "no" vote on the previous question so that we can amend this rule and allow for an open rule because that's the way we should teach, especially new Members, that open rules should be a part of regular process. There's no question that the rule the majority brings forth today will only cement the dangerous precedent that the majority has been setting

now for over 2 years. It will only damage bipartisanship, and it harms us in our committees. It's a part of most conversations in committees about what this Speaker is doing.

I urge my colleagues to consider what we're about to do and to vote "no" to say no to this so we can allow free and open debate on appropriations bills and uphold the rights of millions of Americans—and not just for Republicans but for Democrats also because they are also being shut out by their own party. This is not open; it's not honest; and I believe the majority will come to regret this decision to close down this deliberative process here on the floor during appropriations seasons.

I ask unanimous consent to insert the text of my amendment and extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. I urge a "no" vote on the previous question and a "no" vote on the rule.

Mr. Speaker, thank you for listening to Republicans today. We believe it's not just our right but the right thing to do to come and speak forthrightly about our ideas about members of the military, about VA hospitals that are in our districts and about Veterans Affairs Centers that need to operate in a more efficient way. We're proud of the men and women who serve our military. I was proud today to have the gentleman, Mr. BUYER, a Gulf War veteran, come and speak forthrightly about what we think ought to happen. We're proud of this country. We're proud of our military. But we think we also ought to make more deliberate decisions in this House.

I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I just want to point out as we're closing that there has been a tremendous amount of conversation on the floor today about the open rule, about the process here. And I want to point out to the Members that even under an open rule, nearly two-thirds of the amendments that were submitted to the Rules Committee were in violation of House rules and would have been subject to points of order. They wouldn't have been able to proceed on the House floor. In fact, the majority of amendments you have heard about this morning from my good friend from Minnesota, from my colleague from Georgia, those are amendments that would have been in violation of House rules, would have been subject to a point of order. And while they made good points about why they wanted to have their amendments moved forward, the fact is, that wouldn't have happened today anyway, even if we had been under an open rule.

Let me say one last thing. My colleague from Texas mentioned that a few of us who are new here, who haven't been through the appropriations process under open rules—and I will say as a new Member of this body, most of the bills that come to the floor come under structured rules. There may have been a tradition in the past of appropriations bills coming under more of an open rule, but I balance that with the remarks of our colleague from the Appropriations Committee, Mr. OBEY, who talked to us this morning about the tremendous amount of work we're expected to get done. I can tell you, from my constituents back in the State of Maine, they say to me, you know, you've got a lot of work to do on renewable energy, on health care. We want to see you move forward on those issues. We want to see appropriations bills, like the one we're talking about today, that are going to provide vital services for our veterans. We want to see those get done. We want to see the Members of Congress get their work done. We don't want to listen to you with hours of endless debate, particularly on things that would be subject to points of order and wouldn't even be allowed to be discussed. We want to see you get your work done.

As a very proud member of the Rules Committee, I have the opportunity to listen to a tremendous number of the amendments that come before us; and I feel very good about the way we're moving forward with our work and about the challenges that we are facing for the American public and all that is before us and the importance of getting our work done.

I do want to remind us today that in spite of all the other conversation that has gone on, this particular rule is a vital step forward towards improving our military infrastructure and ensuring the quality care of our veterans and their families, making sure it is worthy of their sacrifice. That is why we are here on the floor this morning to talk about our veterans, to talk about military construction, to talk about making sure that we are there for them.

My home State of Maine has one of the highest populations of veterans in the country. In a State of not even 2 million people, Maine is home to over 155,000 veterans, nearly one-fifth of our population. These men and women have served without question, without politics and certainly without delay. We must make a promise to them and to all of our veterans that we will do the same. We must provide them with health care and the benefits they deserve without question, without politics and without delay. Passing H.R. 3082, we will begin to keep that promise. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 622 OFFERED BY MR.
SESSIONS OF TEXAS

Strike the resolved clause and all that follows and insert the following:

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the house resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the house with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution—The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate

vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. PINGREE of Maine. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 244, nays 174, not voting 14, as follows:

[Roll No. 526]

YEAS—244

Abercrombie	Brady (PA)	Costa
Ackerman	Braley (IA)	Costello
Adler (NJ)	Bright	Courtney
Altmire	Brown, Corrine	Crowley
Andrews	Butterfield	Cuellar
Arcuri	Capps	Cummings
Baca	Capuano	Dahlkemper
Baird	Cardoza	Davis (AL)
Baldwin	Carnahan	Davis (CA)
Barrow	Carney	Davis (IL)
Bean	Carson (IN)	Davis (TN)
Becerra	Castor (FL)	DeFazio
Berkley	Chandler	DeGette
Berman	Childers	DeLauro
Berry	Clarke	Dicks
Bishop (GA)	Clay	Dingell
Bishop (NY)	Cleaver	Doggett
Blumenauer	Clyburn	Donnelly (IN)
Boccieri	Cohen	Doyle
Boren	Connolly (VA)	Driehaus
Boswell	Conyers	Edwards (MD)
Boyd	Cooper	Edwards (TX)

Ellison	Lewis (GA)	Rothman (NJ)
Ellsworth	Lipinski	Roybal-Allard
Engel	Loeb	Ruppersberger
Eshoo	Loeb	Rush
Etheridge	Lofgren, Zoe	Ryan (OH)
Farr	Lowey	Salazar
Fattah	Lujan	Sanchez, Linda
Filner	Lynch	T.
Foster	Maffei	Sanchez, Loretta
Frank (MA)	Maloney	Sarbanes
Giffords	Markey (CO)	Schakowsky
Gonzalez	Markey (MA)	Schauer
Gordon (TN)	Marshall	Schiff
Grayson	Massa	Schrader
Green, Al	Matheson	Schwartz
Green, Gene	Matsui	Scott (GA)
Griffith	McCarthy (NY)	Scott (VA)
Grijalva	McCollum	Serrano
Gutierrez	McDermott	Sestak
Hall (NY)	McGovern	Shea-Porter
Halvorson	McIntyre	Sherman
Hare	McMahon	Sires
Harman	McNerney	Skelton
Hastings (FL)	Meek (FL)	Slaughter
Heinrich	Meeks (NY)	Smith (WA)
Herseth Sandlin	Michaud	Snyder
Higgins	Miller (NC)	Space
Himes	Miller, George	Speier
Hinchey	Mitchell	Spratt
Hinojosa	Mollohan	Stark
Hirono	Moore (WI)	Stupak
Hodes	Moran (VA)	Sutton
Holden	Murphy (CT)	Tanner
Holt	Murphy (NY)	Taylor
Honda	Murtha	Teague
Hoyer	Nadler (NY)	Thompson (CA)
Inslee	Napolitano	Thompson (MS)
Israel	Neal (MA)	Tierney
Jackson (IL)	Nye	Titus
Jackson-Lee	Oberstar	Tonko
(TX)	Obey	Towns
Johnson (GA)	Oliver	Tsongas
Johnson, E. B.	Ortiz	Van Hollen
Kagen	Pallone	Velázquez
Kanjorski	Pascrell	Visclosky
Kaptur	Pastor (AZ)	Walz
Kennedy	Payne	Wasserman
Kildee	Perlmutter	Schultz
Kilpatrick (MI)	Perriello	Waters
Kilroy	Peters	Watson
Kind	Peterson	Watt
Kirkpatrick (AZ)	Pingree (ME)	Waxman
Kissell	Polis (CO)	Weiner
Kosmas	Pomeroy	Welch
Kratovil	Price (NC)	Wexler
Kucinich	Quigley	Wilson (OH)
Langevin	Rahall	Woolsey
Larsen (WA)	Rangel	Wu
Larson (CT)	Reyes	Yarmuth
Lee (CA)	Richardson	
Levin	Rodriguez	
	Ross	

NAYS—174

Aderholt	Capito	Gohmert
Akin	Carter	Goodlatte
Alexander	Cassidy	Guthrie
Austria	Castle	Hall (TX)
Bachmann	Chaffetz	Harper
Bachus	Coble	Hastings (WA)
Bartlett	Coffman (CO)	Hensarling
Barton (TX)	Cole	Herger
Biggert	Conaway	Hill
Bilbray	Crenshaw	Hunter
Billirakis	Culberson	Inglis
Blackburn	Davis (KY)	Issa
Blunt	Deal (GA)	Jenkins
Boehner	Dent	Johnson (IL)
Bonner	Diaz-Balart, L.	Johnson, Sam
Bono Mack	Diaz-Balart, M.	Jones
Boozman	Dreier	Jordan (OH)
Boustany	Duncan	King (IA)
Brady (TX)	Ehlers	King (NY)
Broun (GA)	Emerson	Kingston
Brown (SC)	Fallin	Kirk
Brown-Waite,	Flake	Kline (MN)
Ginny	Fleming	Lamborn
Buchanan	Forbes	Lance
Burgess	Fortenberry	Latham
Burton (IN)	Fox	LaTourette
Buyer	Franks (AZ)	Latta
Calvert	Frelinghuysen	Lee (NY)
Camp	Gallely	Lewis (CA)
Campbell	Garrett (NJ)	Linder
Cantor	Gerlach	LoBiondo
Cao	Gingrey (GA)	Lucas

Luetkemeyer	Nunes	Shadegg	Gordon (TN)	Maffei	Ryan (OH)	McMorris	Radanovich	Smith (NE)
Lummis	Olson	Shimkus	Grayson	Maloney	Salazar	Rodgers	Rehberg	Smith (NJ)
Lungren, Daniel E.	Paulsen	Shuler	Green, Al	Markey (CO)	Sánchez, Linda T.	Melancon	Reichert	Smith (TX)
Mack	Pence	Shuster	Green, Gene	Markey (MA)	Sanchez, Loretta	Mica	Roe (TN)	Snyder
Manzullo	Petri	Simpson	Griffith	Marshall	Sarbanes	Miller (FL)	Rogers (AL)	Souder
Marchant	Pitts	Smith (NE)	Grijalva	Massa	Schakowsky	Miller (MI)	Rogers (KY)	Stearns
McCarthy (CA)	Poe (TX)	Smith (NJ)	Gutierrez	Matheson	Schauer	Miller, Gary	Rogers (MI)	Sullivan
McCaul	Posey	Smith (TX)	Hall (NY)	Matsui	Moore (KS)	Moore (KS)	Rohrabacher	Terry
McClintock	Price (GA)	Souder	Halvorson	McCarthy (NY)	Moran (KS)	Moran (KS)	Rooney	Thompson (PA)
McCotter	Putnam	Stearns	Hare	McCollum	Murphy (NY)	Murphy (NY)	Ros-Lehtinen	Thornberry
McHenry	Radanovich	Sullivan	Harman	McDermott	Murphy, Tim	Murphy, Tim	Roskam	Tiahrt
McHugh	Rehberg	Terry	Hastings (FL)	McGovern	Myrick	Myrick	Royce	Tiberi
McKeon	Reichert	Thompson (PA)	Heinrich	McIntyre	Neugebauer	Neugebauer	Rush	Turner
McMorris	Roe (TN)	Thornberry	Herseth Sandlin	McMahon	Nunes	Nunes	Ryan (WI)	Upton
Rodgers	Rogers (AL)	Tiahrt	Higgins	McNerney	Olson	Olson	Scalise	Walden
Melancon	Rogers (KY)	Tiberi	Himes	Meek (FL)	Paulsen	Paulsen	Schmidt	Wamp
Mica	Rogers (MI)	Turner	Hinchey	Meeks (NY)	Pence	Pence	Schock	Westmoreland
Miller (FL)	Rooney	Upton	Hinojosa	Michaud	Petri	Petri	Sensenbrenner	Whitfield
Miller (MI)	Ros-Lehtinen	Walden	Hirono	Miller (NC)	Pitts	Pitts	Sessions	Wilson (SC)
Miller, Gary	Roskam	Wamp	Hodes	Miller, George	Platts	Platts	Shadegg	Wittman
Minnick	Royce	Westmoreland	Holden	Minnick	Poe (TX)	Poe (TX)	Shimkus	Wolf
Moore (KS)	Ryan (WI)	Whitfield	Holt	Mitchell	Posey	Posey	Shuler	Young (AK)
Moran (KS)	Scalise	Wilson (SC)	Honda	Mollohan	Price (GA)	Price (GA)	Shuster	Young (FL)
Murphy, Tim	Schmidt	Wittman	Hoyer	Moore (WI)	Putnam	Putnam	Simpson	
Myrick	Schock	Wolf	Inslee	Moran (VA)				
Neugebauer	Sensenbrenner	Young (AK)	Israel	Murphy (CT)				
	Sessions	Young (FL)	Jackson (IL)	Murtha				
			Jackson-Lee (TX)	Nadler (NY)				
			Johnson (GA)	Napolitano				
			Johnson, E. B.	Neal (MA)				
			Kagen	Nye				
			Kanjorski	Oberstar				
			Kaptur	Obey				
			Kennedy	Oliver				
			Kildee	Ortiz				
			Kilpatrick (MI)	Pallone				
			Kilroy	Pascrell				
			Kind	Pastor (AZ)				
			Kirkpatrick (AZ)	Payne				
			Kissell	Perlmutter				
			Kosmas	Perriello				
			Kratovil	Peters				
			Kucinich	Peterson				
			Langevin	Pingree (ME)				
			Larsen (WA)	Polis (CO)				
			Larson (CT)	Pomeroy				
			Lee (CA)	Price (NC)				
			Levin	Quigley				
			Lewis (GA)	Rahall				
			Lipinski	Reyes				
			Loeb sack	Richardson				
			Lofgren, Zoe	Rodriguez				
			Lowe y	Ross				
			Lujan	Rothman (NJ)				
			Lynch	Roybal-Allard				
				Ruppersberger				

NOT VOTING—14

Barrett (SC)	Granger	Murphy, Patrick
Bishop (UT)	Graves	Paul
Boucher	Heller	Platts
Delahunt	Hoekstra	Rohrabacher
Fudge	Klein (FL)	

□ 1050

Mr. SIREs changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. HELLER. Mr. Speaker, on rollcall No. 526, had I been present, I would have voted “nay.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 179, not voting 12, as follows:

[Roll No. 527]

AYES—241

Abercrombie	Butterfield	Davis (CA)
Ackerman	Capps	Davis (IL)
Adler (NJ)	Capuano	Davis (TN)
Altmire	Cardoza	DeFazio
Andrews	Carnahan	DeGette
Arcuri	Carney	Delahunt
Baca	Carson (IN)	DeLauro
Baird	Castor (FL)	Dicks
Baldwin	Chandler	Dingell
Barrow	Childers	Doggett
Bean	Clarke	Donnelly (IN)
Becerra	Clay	Doyle
Berkley	Cleaver	Drie haus
Berman	Clyburn	Edwards (MD)
Berry	Cohen	Edwards (TX)
Bishop (GA)	Connolly (VA)	Ellison
Bishop (NY)	Conyers	Ellsworth
Blumenauer	Cooper	Engel
Bocieri	Costa	Eshoo
Boren	Costello	Etheridge
Boswell	Courtney	Fattah
Boucher	Crowley	Filner
Boyd	Cuellar	Foster
Brady (PA)	Cummings	Frank (MA)
Braley (IA)	Dahlkemper	Giffords
Brown, Corrine	Davis (AL)	Gonzalez

NOES—179

Aderholt	Chaffetz	Hunter
Akin	Coble	Inglis
Alexander	Coffman (CO)	Issa
Austria	Cole	Jenkins
Bachmann	Conaway	Johnson (IL)
Bachus	Crenshaw	Johnson, Sam
Bartlett	Culberson	Jones
Barton (TX)	Davis (KY)	Jordan (OH)
Biggett	Deal (GA)	King (IA)
Bilbray	Dent	King (NY)
Bilirakis	Diaz-Balart, L.	Kingston
Bishop (UT)	Diaz-Balart, M.	Kirk
Blackburn	Dreier	Kline (MN)
Blunt	Duncan	Lamborn
Boehner	Ehlers	Lance
Bonner	Emerson	Latham
Bono Mack	Fallin	LaTourette
Boozman	Flake	Latta
Boustany	Fleming	Lee (NY)
Brady (TX)	Forbes	Lewis (CA)
Bright	Fortenberry	Linder
Broun (GA)	Foxx	LoBiondo
Brown (SC)	Franks (AZ)	Lucas
Brown-Waite,	Frelinghuysen	Luetkemeyer
Ginny	Gallegly	Lummis
Buchanan	Garrett (NJ)	Lungren, Daniel E.
Burgess	Gerlach	Mack
Burton (IN)	Gingrey (GA)	Manzullo
Calvert	Gohmert	Marchant
Camp	Goodlatte	McCarthy (CA)
Campbell	Guthrie	McCaul
Cantor	Hall (TX)	McClintock
Cao	Harper	McCotter
Capito	Hastings (WA)	McHenry
Cassidy	Hensarling	McHugh
Castle	Herger	McKeon
	Hill	

NOT VOTING—12

Barrett (SC)	Granger	Klein (FL)
Buyer	Graves	Murphy, Patrick
Farr	Heller	Paul
Fudge	Hoekstra	Rangel

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1058

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HELLER. Mr. Speaker, on rollcall No. 527, had I been present, I would have voted “no.”

GENERAL LEAVE

Mr. EDWARDS of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on H.R. 3082.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 622 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3082.

□ 1058

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with Ms. BALDWIN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time. The gentleman from Texas (Mr. EDWARDS) and the gentleman from Tennessee (Mr. WAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

□ 1100

Mr. EDWARDS of Texas. Madam Chair, I yield myself such time as I may consume.

Madam Chair, Members, on behalf of America's service men and women, our veterans, and their families, it is a privilege for me to present the Fiscal Year 2010 Military Construction/Veterans Affairs Appropriations bill.

I believe this bill and the work we have done since January of 2007 is work that all of us, Democrats and Republicans alike, can be very proud of. In this time of war, we have continued our tradition of a bipartisan Military Construction and Veterans Affairs Appropriations bill, a bill that honors in a meaningful way the service and sacrifice of our service men and women, our veterans, and their families.

In the past 2½ years, along with the passage of this bill, the Congress will have increased veterans health care and benefits funding by 58 percent. That is unprecedented in the history of this country, and I believe our veterans and their families have earned every dime of that funding.

In addition, we have a new 21st-century GI Education bill. And, recently, President Obama signed into law a provision amending that bill that will provide a college scholarship to every child who has lost a mother or father in military service to our country since September 11, 2001.

In 2½ years, this Congress will have done a number of things on behalf of our veterans and troops, including adding 8,300 VA processors to reduce the unconscionable backlog that veterans are having to stand in in order to receive their earned benefits.

We will have provided funding for an additional 115 VA community-based outpatient clinics, and this bill adds 30 more. We will have provided an additional 42 vet centers, and this bill adds 28 more.

We have allowed the Veterans Health Administration to hire an additional 2,657 doctors, 11,509 nurses, and other critical additional staff. We will increase the travel reimbursement rate, the per-mileage reimbursement rate for veterans having to travel, in some cases, hundreds of miles to VA hospitals—which has not been increased since 1979—we will increase that from 11 cents per mile to 41.5 cents per mile. To many in America, that extra 30 cents may not sound like much. To many of America's finest, our veterans, it's the difference between them being

able to afford to drive to get the VA health care they need and deserve, or not.

Our increased funding for veterans in this bill and over the past 2½ years means our veterans have better access to health care they need and deserve and have earned. It means improved access to health care for veterans in rural areas. And it means the opening of the doors of our VA hospitals and clinics to many middle- and low-income veterans that have not been allowed the opportunity that they've earned through their military service. Additionally, these resources ensure that our veterans will have shorter waiting times for doctor appointments.

We have also worked hard to make sure that our service men and women know that Congress deeply respects the sacrifices that they and the unsung heroes of America's defense—their families—have made each and every day to keep our Nation safe. We've heard time and again in testimony that the best support we can give our military when they're deployed overseas is the knowledge that their families are cared for here at home. We have listened to that voice and have tried to fund a number of key initiatives for our troops.

For example, in the past year, this subcommittee will have added \$2.8 billion for new military hospitals so that our service men and women know that their families will get the best possible health care in high-quality facilities while they are serving overseas. We've added \$1 billion for new child care centers to serve 20,000 additional military children, and \$570 million in additional funding for barracks because Congress needs to show our volunteer forces from day one that we appreciate their decision to serve.

The Subcommittee for Military Construction and Veterans Affairs did not accomplish this alone. There are several key leaders that worked tirelessly behind the scenes to support these efforts. I want to especially commend Speaker PELOSI, who promised over 3 years ago that if she became Speaker she would make supporting our veterans and their families one of Congress' highest priorities. Speaker PELOSI has kept that promise to those who have kept their promise to serve our Nation, and I salute her for that.

I want to salute Chairman OBEY, another one of the unsung heroes in supporting America's veterans, our military, the service men and women, and their families. While Mr. WAMP and I, as ranking member and chairman of the subcommittee, have often been out front on this, Chairman OBEY has provided the allocations, the unprecedented historic increased allocations for our subcommittee that has allowed us to accomplish many of the goals and achievements that I have mentioned in the last few minutes.

In particular, above all other things that he has done, I want to thank

Chairman OBEY for providing a green light and encouraging and supporting and facilitating a historic initiative in this bill, which is, for the first time ever we will provide forward funding for veterans health care funding. That would not have happened without Mr. OBEY's support.

In addition, Chairman SPRATT—not a member of our subcommittee, but the chairman of the House Budget Committee—has played a key role, along with Chairman FILNER, the chairman of the Veterans Affairs Committee.

And, finally, but absolutely not least, I want to thank my colleague, my friend, and the ranking member of this committee, Mr. WAMP of Tennessee. He has been a partner and a leader at every step of the way in supporting our troops and our veterans and their families. His commitment to our military and our veterans is deep, is genuine, and he puts it to work every day by working hard on their behalf. I want to thank him for his vital role in not only shaping this bill, but our bill last year as well.

Madam Chair, let me try to focus, rather than on a long list of numbers, on some of the major initiatives in this bill.

As I referenced, for the first time in history we provide an advanced appropriation for VA medical care. This will allow the VA to invest taxpayer dollars more efficiently and more effectively. And I want to thank Mr. OBEY, Mr. SPRATT, Mr. WAMP and Speaker PELOSI for making this possible. I want to salute America's veteran service organizations, leaders of our veterans organizations who have made this one of their highest priorities.

Second, we provide \$450 million to build new troop housing for Army trainees, over 60,000 of whom are presently living in barracks that don't even meet minimum DOD standards. You know, 18- and 19-year-old military recruits don't have many lobbyists running around Capitol Hill on their behalf, but they deserve our Nation's respect and support for their decision to serve in the military.

Third, we provide \$200 million for the Guard and Reserve Construction Initiative, recognizing the vital role these troops are playing in Iraq and Afghanistan and in our Nation's defense. And particularly, in addition to his other efforts, I want to thank Mr. WAMP for taking a leadership role on this Guard and Reserve Initiative.

Fourth, this bill begins a process of funding our operations in Iraq and Afghanistan through the regular appropriations process, and we include \$1.4 billion for vital military construction to support our troops in Afghanistan.

Fifth, recognizing that the mental wounds of war can sometimes be as painful and long lasting as the physical wounds of war, we provide \$4.6 billion

for the VA to continue its improvements in PTSD and mental health care for America's vets.

Six, this bill includes funding for the 1,200 new claims processors to reduce the backlog of veterans receiving the benefits they've earned.

Seven, this bill also continues to open up, as I referenced briefly, VA medical care to more middle- and low-income veterans, many of whom have been locked out since a cap was placed on income thresholds back in 2003.

Finally, and this is important, we want to ensure that the historic increases for VA health care and benefits, that those dollars are spent wisely. And I know Mr. WAMP and I share a strong commitment to this; we want to see that every dime of that is spent for the highest priority needs of our veterans, so together we supported increasing the VA Office of Inspector General by \$19.2 million. And we have every intention, through our subcommittee, of exercising increased oversight of the VA to see that these tax dollars are spent effectively and efficiently.

Just a few basic numbers: overall, this bill totals \$77.9 billion in discretionary funding for fiscal year 2010. This is \$239 million above President Obama's request and \$5 billion more than fiscal year 2009. The bill will include \$48.2 billion in fiscal year 2011 advanced funding for VA medical services, medical support and compliance, and medical facilities, an 8.3 percent increase over the historic funding level of 2010.

In military construction, family housing, and BRAC, the bill provides \$24.6 billion and fully funds BRAC 05 at \$7.5 billion. For the VA in fiscal year 2010, the bill provides \$53 billion in discretionary funding. This is \$5.4 billion above the 2009 funding and matches President Obama's VA request, which I should point out was the largest increase requested by any President in over three decades. The fiscal year 2010 increase for the Veterans Health Administration is \$4.4 billion, which is 11 percent over fiscal year 2009.

Finally, I want to thank the people who work every day—in fact, day and night—behind the scenes without pub-

lic applause for our veterans and our troops and their families. These are the people who make up the staff of the Military Construction and VA Appropriations Subcommittee, and I want to thank them by name: the minority staff, led by Martin Delgado, Liz Dawson and Kelly Shea, and Erin Fogelman and Juan Alvarez from Mr. WAMP's staff. The majority staff: led by my subcommittee clerk Carol Murphy, Tim Peterson, Mary Arnold, Walter Hearne, and Donna Shahbaz, and Lindsey Davis on my staff.

I would also like to add a special thanks to John Conger, who has recently left my staff to work for the military as an employee of the Pentagon. All of these people have helped continue the long, proud tradition and legacy of this subcommittee to work on a bipartisan—frankly, a non-partisan—basis, always putting our troops and veterans first. And as I say that, I once again thank our ranking member for always fighting and putting first our troops and our veterans.

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2010 (H.R. 3082)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE					
Military construction, Army.....	4,692,648	3,660,779	3,630,422	-1,062,226	-30,357
Rescission.....	-51,320	---	-59,500	-8,180	-59,500
Emergency appropriations (P.L. 111-5).....	180,000	---	---	-180,000	---
Overseas contingency operations.....	---	923,884	924,484	+924,484	+600
Overseas contingency operations (P.L. 111-32).....	1,182,989	---	---	-1,182,989	---
Overseas contingency operations (P.L. 111-32) (emergency).....	143,242	---	---	-143,242	---
Overseas contingency operations (P.L. 111-32) (rescission) (emergency).....	-143,242	---	---	+143,242	---
Total.....	6,004,317	4,584,663	4,495,406	-1,508,911	-89,257
Military construction, Navy and Marine Corps.....	3,333,369	3,763,264	3,757,330	+423,961	-5,934
Emergency appropriations (P.L. 111-5).....	280,000	---	---	-280,000	---
Overseas contingency operations (P.L. 111-32).....	235,881	---	---	-235,881	---
Total.....	3,849,250	3,763,264	3,757,330	-91,920	-5,934
Military construction, Air Force.....	1,117,746	1,145,434	1,359,171	+241,425	+213,737
Rescission.....	-20,821	---	---	+20,821	---
Emergency appropriations (P.L. 111-5).....	180,000	---	---	-180,000	---
Overseas contingency operations.....	---	474,500	474,500	+474,500	---
Overseas contingency operations (P.L. 111-32).....	281,620	---	---	-281,620	---
Total.....	1,558,545	1,619,934	1,833,671	+275,126	+213,737
Military construction, Defense-Wide.....	1,695,204	3,097,526	2,743,526	+1,048,322	-354,000
Rescission.....	-3,589	---	-25,800	-22,211	-25,800
Emergency appropriations (P.L. 111-5).....	1,450,000	---	---	-1,450,000	---
Overseas contingency operations.....	---	6,600	---	---	-6,600
Overseas contingency operations (P.L. 111-32).....	661,552	---	---	-661,552	---
Total.....	3,803,167	3,104,126	2,717,726	-1,085,441	-386,400
Total, Active components.....	15,215,279	13,071,987	12,804,133	-2,411,146	-267,854
Military construction, Army National Guard.....	736,317	426,491	529,129	-207,188	+102,638
Rescission.....	-1,400	---	---	+1,400	---
Emergency appropriations (P.L. 111-5).....	50,000	---	---	-50,000	---
Total.....	784,917	426,491	529,129	-255,788	+102,638
Military construction, Air National Guard.....	242,924	128,261	226,126	-16,798	+97,865
Emergency appropriations (111-5).....	50,000	---	---	-50,000	---
Total.....	292,924	128,261	226,126	-66,798	+97,865
Military construction, Army Reserve.....	282,607	374,862	432,516	+149,909	+57,654
Military construction, Navy Reserve.....	57,045	64,124	125,874	+68,829	+61,750
Military construction, Air Force Reserve.....	36,958	27,476	103,169	+66,211	+75,693
Total, Reserve components.....	1,454,451	1,021,214	1,416,814	-37,637	+395,600
Total, Military construction.....	16,669,730	14,093,201	14,220,947	-2,448,783	+127,746
Appropriations.....	(12,194,818)	(12,688,217)	(12,907,263)	(+712,445)	(+219,046)
Rescissions.....	(-77,130)	---	(-85,300)	(-8,170)	(-85,300)
Emergency appropriations.....	(2,190,000)	---	---	(-2,190,000)	---
Overseas contingency operations.....	(2,362,042)	(1,404,984)	(1,398,984)	(-963,058)	(-6,000)
North Atlantic Treaty Organization Security Investment Program.....	230,867	276,314	234,914	+4,047	-41,400
Overseas contingency operations (P.L. 111-32)...	100,000	---	---	-100,000	---
Total.....	330,867	276,314	234,914	-95,953	-41,400

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2010 (H.R. 3082)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Family housing construction, Army.....	646,580	273,236	273,236	-373,344	---
Emergency appropriations (111-5).....	34,507	---	---	-34,507	---
Total.....	681,087	273,236	273,236	-407,851	---
Family housing operation and maintenance, Army.....	716,110	523,418	523,418	-192,692	---
Emergency appropriations (P.L. 111-5).....	3,932	---	---	-3,932	---
Total.....	720,042	523,418	523,418	-196,624	---
Family housing construction, Navy and Marine Corps....	380,123	146,569	146,569	-233,554	---
Family housing operation and maintenance, Navy and Marine Corps.....	376,062	368,540	368,540	-7,522	---
Family housing construction, Air Force.....	395,879	66,101	66,101	-329,778	---
Emergency appropriations (P.L. 111-5).....	80,100	---	---	-80,100	---
Total.....	475,979	66,101	66,101	-409,878	---
Family housing operation and maintenance, Air Force...	594,465	502,936	502,936	-91,529	---
Emergency appropriations (P.L. 111-5).....	16,461	---	---	-16,461	---
Total.....	610,926	502,936	502,936	-107,990	---
Family housing construction, Defense-Wide.....	---	2,859	2,859	+2,859	---
Rescission.....	-6,040	---	---	+6,040	---
Total.....	-6,040	2,859	2,859	+8,899	---
Family housing operation and maintenance, Defense-Wide	49,231	49,214	49,214	-17	---
Department of Defense Family Housing Improvement Fund.....	850	2,600	2,600	+1,750	---
Homeowners assistance fund.....	4,500	23,225	23,225	+18,725	---
Emergency appropriations (P.L. 111-5).....	555,000	---	---	-555,000	---
Total.....	559,500	23,225	23,225	-536,275	---
Total, Family housing.....	3,847,760	1,958,698	1,958,698	-1,889,062	---
Appropriations.....	(3,163,800)	(1,958,698)	(1,958,698)	(-1,205,102)	---
Rescissions.....	(-6,040)	---	---	(+6,040)	---
Emergency appropriations.....	(690,000)	---	---	(-690,000)	---
Chemical demilitarization construction, Defense-Wide..	144,278	146,541	146,541	+2,263	---
Base realignment and closure:					
Base realignment and closure account, 1990.....	458,377	396,768	536,768	+78,391	+140,000
Base realignment and closure account, 2005.....	8,765,613	7,479,498	7,479,498	-1,286,115	---
Overseas contingency operations (P.L. 111-32).....	263,300	---	---	-263,300	---
Total.....	9,028,913	7,479,498	7,479,498	-1,549,415	---
Total, Base realignment and closure.....	9,487,290	7,876,266	8,016,266	-1,471,024	+140,000
Air National Guard Fire Stations (Sec. 131).....	28,000	---	---	-28,000	---
Army National Guard Aviation and Training (Sec. 132)...	147,000	---	---	-147,000	---
Total, title I.....	30,654,925	24,351,020	24,577,366	-6,077,559	+226,346
Appropriations.....	(25,132,753)	(22,946,036)	(23,263,682)	(-1,869,071)	(+317,646)
Rescissions.....	(-83,170)	---	(-85,300)	(-2,130)	(-85,300)
Emergency appropriations.....	(2,880,000)	---	---	(-2,880,000)	---
Overseas contingency operations.....	(2,725,342)	(1,404,984)	(1,398,984)	(-1,326,358)	(-6,000)

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2010 (H.R. 3082)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II - DEPARTMENT OF VETERANS AFFAIRS					
Veterans Benefits Administration					
Compensation and pensions.....	43,111,681	47,218,207	47,218,207	+4,106,526	---
Readjustment benefits.....	3,832,944	8,663,624	8,663,624	+4,830,680	---
Veterans insurance and indemnities.....	42,300	49,288	49,288	+6,988	---
Veterans housing benefit program fund (indefinite).....	2,000	23,553	23,553	+21,553	---
(Limitation on direct loans).....	(500)	(500)	(500)	---	---
Credit subsidy.....	-246,000	-133,000	-133,000	+113,000	---
Administrative expenses.....	157,210	165,082	165,082	+7,872	---
Guaranteed Transitional Housing Loans for Homeless Veterans.....	(750)	(750)	(750)	---	---
Vocational rehabilitation loans program account.....	61	29	29	-32	---
(Limitation on direct loans).....	(3,180)	(2,298)	(2,298)	(-882)	---
Administrative expenses.....	320	328	328	+8	---
Native American veteran housing loan program account..	646	664	664	+18	---
Total, Veterans Benefits Administration.....	46,901,162	55,987,775	55,987,775	+9,086,613	---
Veterans Health Administration					
Medical services.....	30,969,903	34,704,500	34,704,500	+3,734,597	---
Advance appropriation, FY 2011.....	---	---	37,136,000	+37,136,000	+37,136,000
Subtotal.....	30,969,903	34,704,500	71,840,500	+40,870,597	+37,136,000
Medical support and compliance.....	4,450,000	5,100,000	4,900,000	+450,000	-200,000
Advance appropriation, FY 2011.....	---	---	5,307,000	+5,307,000	+5,307,000
Subtotal.....	4,450,000	5,100,000	10,207,000	+5,757,000	+5,107,000
Medical facilities.....	5,029,000	4,693,000	4,893,000	-136,000	+200,000
Emergency appropriations (P.L. 111-5).....	1,000,000	---	---	-1,000,000	---
Advance appropriation, FY 2011.....	---	---	5,740,000	+5,740,000	+5,740,000
Subtotal.....	6,029,000	4,693,000	10,633,000	+4,604,000	+5,940,000
Medical and prosthetic research.....	510,000	580,000	580,000	+70,000	---
Medical care cost recovery collections:					
Offsetting collections.....	-2,544,000	-2,954,000	-2,954,000	-410,000	---
Appropriations (indefinite).....	2,544,000	2,954,000	2,954,000	+410,000	---
Total, Veterans Health Administration.....	41,958,903	45,077,500	93,260,500	+51,301,597	+48,183,000
Appropriations.....	(40,958,903)	(45,077,500)	(45,077,500)	(+4,118,597)	---
Emergency appropriations.....	(1,000,000)	---	---	(-1,000,000)	---
Advance appropriations, FY 2011.....	---	---	(48,183,000)	(+48,183,000)	(+48,183,000)
National Cemetery Administration					
National Cemetery Administration.....	230,000	242,000	250,000	+20,000	+8,000
Emergency appropriations (P.L. 111-5).....	50,000	---	---	-50,000	---
Total, National Cemetery Administration.....	280,000	242,000	250,000	-30,000	+8,000
Emergency appropriations.....	(50,000)	---	---	(-50,000)	---
Departmental Administration					
General operating expenses.....	1,801,867	2,218,500	2,083,700	+281,833	-134,800
Emergency appropriations (P.L. 111-5).....	150,000	---	---	-150,000	---
Subtotal.....	1,951,867	2,218,500	2,083,700	+131,833	-134,800

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2010 (H.R. 3082)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request
Information technology systems.....	2,489,391	3,307,000	3,307,000	+817,609	---
Emergency appropriations (P.L. 111-5).....	50,000	---	---	-50,000	---
Subtotal.....	2,539,391	3,307,000	3,307,000	+767,609	---
Office of Inspector General.....	87,818	107,000	107,000	+19,182	---
Emergency appropriations (P.L. 111-5).....	1,000	---	---	-1,000	---
Subtotal.....	88,818	107,000	107,000	+18,182	---
Construction, major projects.....	923,382	1,194,000	1,194,000	+270,618	---
Construction, minor projects.....	741,534	600,000	726,800	-14,734	+126,800
Grants for construction of State extended care facilities.....	175,000	85,000	85,000	-90,000	---
Emergency appropriations (P.L. 111-5).....	150,000	---	---	-150,000	---
Subtotal.....	325,000	85,000	85,000	-240,000	---
Grants for the construction of State veterans cemeteries.....	42,000	42,000	42,000	---	---
Total, Departmental Administration.....	6,611,992	7,553,500	7,545,500	+933,508	-8,000
Appropriations.....	(6,260,992)	(7,553,500)	(7,545,500)	(+1,284,508)	(-8,000)
Emergency appropriations.....	(351,000)	---	---	(-351,000)	---
Administrative Provisions					
IRS income verification.....	-2,000	---	---	+2,000	---
Sec. 160 Filipino Veterans Compensation Fund (P.L. 110-329) (emergency).....	198,000	---	---	-198,000	---
Total, title II.....	95,948,057	108,860,775	157,043,775	+61,095,718	+48,183,000
Appropriations.....	(94,349,057)	(108,860,775)	(108,860,775)	(+14,511,718)	---
Emergency appropriations.....	(1,599,000)	---	---	(-1,599,000)	---
Rescissions (emergency appropriations).....	---	---	---	---	---
Advance appropriations, FY 2011.....	---	---	(48,183,000)	(+48,183,000)	(+48,183,000)
(Limitation on direct loans).....	(3,680)	(2,798)	(2,798)	(-882)	---
Discretionary.....	(49,205,132)	(53,039,103)	(101,222,103)	(+52,016,971)	(+48,183,000)
Mandatory.....	(46,742,925)	(55,821,672)	(55,821,672)	(+9,078,747)	---
TITLE III - RELATED AGENCIES					
American Battle Monuments Commission					
Salaries and expenses.....	59,470	60,300	61,800	+2,330	+1,500
(By transfer).....	(500)	---	---	(-500)	---
Foreign currency fluctuations account.....	17,100	17,100	17,100	---	---
Total, American Battle Monuments Commission.....	76,570	77,400	78,900	+2,330	+1,500
U.S. Court of Appeals for Veterans Claims					
Salaries and expenses.....	30,975	27,115	27,115	-3,860	---
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses.....	36,730	37,200	42,500	+5,770	+5,300

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2010 (H.R. 3082)
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Bill	Bill vs. Enacted	Bill vs. Request

Armed Forces Retirement Home					
Operation and maintenance.....	54,985	62,000	62,000	+7,015	---
Capital program.....	8,025	72,000	72,000	+63,975	---

Total, Armed Forces Retirement Home.....	63,010	134,000	134,000	+70,990	---
=====					
Total, title III.....	207,285	275,715	282,515	+75,230	+6,800
(By transfer).....	(500)	---	---	(-500)	---
=====					
Grand total.....	126,810,267	133,487,510	181,903,656	+55,093,389	+48,416,146
Appropriations.....	(119,689,095)	(132,082,526)	(132,406,972)	(+12,717,877)	(+324,446)
Rescissions.....	(-83,170)	---	(-85,300)	(-2,130)	(-85,300)
Emergency appropriations.....	(4,479,000)	---	---	(-4,479,000)	---
Advance appropriations, FY 2011.....	---	---	(48,183,000)	(+48,183,000)	(+48,183,000)
Overseas contingency operations.....	(2,725,342)	(1,404,984)	(1,398,984)	(-1,326,358)	(-6,000)
(By transfer).....	(500)	---	---	(-500)	---
(Limitation on direct loans).....	(3,680)	(2,798)	(2,798)	(-882)	---
=====					
Scorekeeping adjustments:					
Emergency appropriation defense.....	-2,880,000	---	---	+2,880,000	---
Emergency appropriation non-defense.....	-1,599,000	---	---	+1,599,000	---
Veterans Health Administration:					
Less advance appropriations.....	---	---	-48,183,000	-48,183,000	-48,183,000
Overseas contingency operations (P.L. 111-32).....	---	---	6,000	+6,000	+6,000

Total, adjustments.....	-4,479,000	---	-48,177,000	-43,698,000	-48,177,000
=====					
Total (including adjustments).....	122,331,267	133,487,510	133,726,656	+11,395,389	+239,146

With that, I reserve the balance of my time.

Mr. WAMP. Madam Chairman, I yield myself such time as I may consume.

It is, indeed, a high privilege and a great honor to stand on the floor today with Chairman EDWARDS and present the 2010 Military Construction Veterans Affairs and Related Agencies Appropriations bill.

Indeed, this bill is not about us, it's not about our individual districts. It's about them, those that volunteer to serve our country in the uniform of our Armed Forces, past, present, and future, their willingness to stand between a threat and our civilian population, extend freedom from this generation to the next, and join the thousands of others that have preserved our freedoms and protected our way of life.

This is a very important bill; it is worthy of our support. It is a bipartisan product. As the chairman said earlier, this bill is not pushed by lobbyists or outside interests other than the veteran service organizations and the families of those that are serving and have served.

It is our honor, and frankly our sacred duty, to make sure that we give these great Americans what they deserve and what they need. I think if you ask our men and women in harm's way today, what can we do for you, the first thing they would say is take care of our families while we're serving and, when we come home, support us. This bill does that, and I'm grateful for that.

I can't thank Chairman EDWARDS enough. He is diligent, he is fair, he is honorable, and he is totally committed to these men and women in uniform. And we are working together to guarantee the efficiencies of these resources and the investments that we're making.

This bill funds the needs for military construction and family housing for our troops, their families, the quality of life construction projects, and provides funding for all the programs that the Veterans Administration and related agencies have asked for in their budget request. This bill literally touches every soldier, sailor, aviator, marine, military spouse, child, every veteran who participates in VA programs; and it takes good care of our national cemeteries and monuments that are funded in this bill as well.

We worked together through 18 hearings. We asked a lot of questions; we had very good witnesses. So a totally cooperative effort.

I want to thank all of our subcommittees from both sides. Specifically today I want to thank Mr. FARR and Mr. CRENSHAW, who really supported the chairman and myself through this process, Mr. FARR as vice chairman, Mr. CRENSHAW when I could not be there on certain days; outstanding work by them.

□ 1115

This bill reflects bipartisan input and cooperation, and that is the tradition of this bill, and we have honored that tradition and worked very well together, and it truly is a bipartisan bill.

I want to just talk about a couple of initiatives in the bill without going into specific numbers because Chairman EDWARDS has already highlighted many of the numbers.

The Guard and Reserve initiative is extremely important because we have been fighting terrorists since September the 11th, 2001. The op tempo of our National Guard and Reserve forces remains at a very high level. It's very likely to remain that way for the foreseeable future. The Guard and Reserve have had more than 719,000 activations since September the 11th, including the current level of 142,000. So I'm pleased to join Chairman EDWARDS in supporting the additional \$200 million in this bill to address urgent unfunded requirements for the Army and Air National Guard and for the Reserve forces of the Army, Navy, Marine Corps, and Air Force.

On BRAC, the BRAC 2005 account in the President's budget request is \$7.5 billion. The department and the services have testified that it's going to be absolutely critical for them to have this funding on October 1 of this year in order to meet their September 15, 2011, statutory deadline to complete BRAC 2005. I will continue to work with Chairman EDWARDS to make sure that this gets done on time. However, the House-passed defense authorization bill cuts \$350 million from this BRAC account for this year on the cost of the provision that requires prevailing wage equivalency with Hawaii for military construction on Guam related to the relocation of our Marines from Japan. The CBO has scored this provision as costing \$10 billion over the next 10 years. That's twice the amount of the entire relocation from Japan to Guam, and this is the largest Milcon investment in a generation, and it's really important that we address this issue throughout this process. I spoke at the Rules Committee yesterday to raise this issue. We have spoken with the leadership of the House. We have spoken with the leadership of the Congress to say this is a problem and it has to be addressed as this bill moves forward and as the process moves forward because we simply can't afford to double the cost of the relocation from Japan to Guam based on a prevailing wage issue. It's too much. Too much. We've got to resolve it.

On the advanced appropriations issue, the chairman spoke eloquently about this. We reached a bipartisan agreement. I am very pleased with the way they allowed Ranking Member Mr. LEWIS and me to weigh in because none of us want to retreat from our constitutional prerogative or obligation

we have to oversee all the funding on an annual basis. However, we share the goal of making sure that the VA has the money they need in a timely manner and can make decisions that maximize their effectiveness because it's a big bureaucracy, and when the money is in doubt, the changes and reforms necessary to improve efficiency can't be met. The bill contains \$48.2 billion for advanced appropriations for medical services, medical support and compliance, and medical facilities, which is \$3.7 billion above the amount recommended in the fiscal year 2010 bill on these accounts.

On VA spending I continue to be concerned, as is Ranking Member LEWIS, about the ability of the VA to absorb large funding increases provided in this bill. I'm very pleased to support the increases, but it is absolutely our job to make sure not just that we raise the funding levels but that the money is well spent, spent in a timely manner, that it's effectively spent, and that there is accountability through the entire process. So we continue to raise this issue. I think there is a bipartisan commitment to this, and I want to point that out as well.

Mr. LEWIS of California. Will the gentleman yield?

Mr. WAMP. I'm happy to yield to the ranking member.

Mr. LEWIS of California. It had not been my intention to speak on this measure in order to save time, but you're making a point that's really very fundamental. I would like to commend both of you, the chairman and the ranking member, for the fabulous job here.

But, most importantly, some years ago I had the opportunity to Chair the VA Appropriations Subcommittee. During those years, we were most concerned that, while there was bipartisan support on the House floor and funding rose for veterans, that the various organizations that support funding and veterans here in Washington were not helping us much out there where the people really get their service at the veterans hospitals. There has been a radical change in our ability to make sure that service is being delivered effectively. And it's due to the work of the two of you and the bipartisan effort here that we have had this success. So thank you.

Mr. WAMP. Reclaiming my time, on this same front, the information technology account is a significant increase, \$833 million above the 2009 enacted level, an increase of \$559 million above the 2009 level when the reprogramming action that was approved is taken into consideration. It is a large, unchecked spending increase to one account, and the GAO and the OIG and others have documented the VA's inability to effectively manage these resources. I agree with Secretary Shinseki when he testified that he's

going to need IT to be a key part of his plan to transform the VA. However, with the documented concerns about this account, it remains doubtful that this will occur.

Not more than 3 hours after our subcommittee markup, the staff participated in a briefing at the request of VA's Assistant Secretary for IT. The purpose of this briefing was to provide the committee an update on a thorough analysis that the VA was undertaking to review their IT portfolio. The VA reported that there are a number of IT programs that are more than 13 months behind schedule and more than 50 percent over budget. We asked for the list of these projects along with the 2009 and 2010 costs for these programs. More than 3 weeks have now passed, and the VA has yet to provide the list to show the costs for these troubled IT projects. That is an example of how increasing the funding can be very helpful if the checks are in place to make sure that the money gets to where it's supposed to go. So it's not just increasing the funding; it's making sure that the veterans benefit from this increased funding, to make sure that the bureaucracy of the VA is held accountable, to make sure that we insist on efficiencies and that the money flows down in a timely manner.

And then the National Cemetery Administration—I want to note the increased funding for this account, \$20 million above the 2009 enacted level of \$230 million, and that will go a long way to allow the VA to meet the current needs as well as giving the ability to look at cemetery expansion in areas where expansion is needed. That includes Chattanooga, where we have a very historic national cemetery.

Without mentioning names, because the chairman already has, I can't say enough about this professional staff, those behind me, those behind him. It's an honor for all of us to be part of this team. I don't think there is a higher privilege that any of us could ask for than to serve the men and women in uniform of our Armed Forces past, present, and future.

Madam Chairman, as I conclude, I want to thank Mr. LEWIS and Mr. OBEY, who serve as the distinguished ranking member and chairman of this committee. This is a good bill. It deserves our support. I look forward to continuing our work through the conference committee, and I want to encourage Chairman EDWARDS and Chairman OBEY to insist that we have a conference committee, that we meet with the Senate, that we look eye to eye and we resolve any of our differences. I think that is the regular order that we desire to return to.

Madam Chairman, I reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, if there is a single unsung hero in this Congress on behalf of America's

veterans, it's the gentleman from Wisconsin, the chairman of the full Appropriations Committee, Mr. OBEY. And for that reason, I yield 2 minutes to him for any remarks he would care to make.

Mr. OBEY. I thank the gentleman for yielding.

I simply have one question for the gentleman from Tennessee. Are you really sure you want us to meet with the Senate?

Mr. WAMP. I'm running for Governor, sir.

Mr. OBEY. Does that mean you're running away from the Senate?

Madam Chair, let me simply congratulate both the gentleman from Tennessee and the gentleman from Texas for the fine work they have done on this bill. I think every Member of the House can be proud of what has happened in terms of our delivering of benefits to veterans on the health care front and on the education front.

Over the past 3 years or so, we have had very significant increases in veterans health benefits. We also last year passed a landmark, an historic, expansion of the GI Bill education benefits by passage of the Webb amendment. In the supplemental appropriation bill this year, we enhanced the ability of spouses and children of veterans to receive transfer benefits to allow them to use the education benefits that would otherwise have accrued to a veteran. There had been a hole in the law which did not include the children of veterans who had died, and that has been corrected, and now this bill goes a whole lot more down the road in dealing with their needs.

When we go into wars, we have an obligation to provide all the support that's necessary to the warriors during and after the wars, and that's in part what this bill tries to do. And I congratulate both gentlemen for the work they have done and urge support for the bill.

Mr. WAMP. Madam Chairman, at this time I yield 3 minutes to the former chairman of the House Appropriations Committee and the current ranking member of the Defense Appropriations Subcommittee who also serves as a very valuable member of our subcommittee, Mr. YOUNG of Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding to me.

Madam Chairman, I just want today to start by saying most of us in our jobs have parts of our job that we like better than other parts of our job. Serving on this subcommittee is part of the job that I really like, not only because of the importance of the subject, dealing with and providing for the members of our military and those veterans who have served in the past in the military and, as Mr. WAMP said, those who will serve in the future, but also because of the way this sub-

committee does its work. With the leadership of Chairman EDWARDS and the leadership of Ranking Member ZACH WAMP, this subcommittee works together for the good of this country. And while we may have some objection to the process on how appropriations bills are brought to the floor without totally open rules, you will be hard-pressed to find something wrong with this bill or some reason to vote against this bill. It's just not there.

There are some problems in the Veterans Administration, which is a huge bureaucracy, that can't be solved by money. The money that the committee has made available adequately meets the requirements as proposed to us by the administration.

There is something else that this committee does that seldom gets mentioned. And I want to just take a brief comment and talk about—General Colin Powell was visiting in Europe. General Powell was asked a rather critical question that, in effect, the question criticized the United States for our arrogance and how we do things that are not good for other people. And General Powell thought for a minute, and he said, You know, the only thing that we have asked from you in Europe is enough ground to bury our dead.

There are 22 American cemeteries in Europe. The subcommittee has responsibility to provide funding to maintain those military cemeteries, and they do a good job and they are beautiful. And for those Members who haven't had a chance to visit them, you really should.

□ 1130

There are 22 American cemeteries, graves of 106,757 American soldiers who lost their lives freeing the people of Europe from the oppression of Hitler's Nazis.

This subcommittee has that responsibility and does a really good job, and I am proud to work with CHET EDWARDS and I am proud to work with ZACH WAMP and all the other members of the subcommittee and the staff who are so dedicated to meeting our mission, to doing the job that we were responsible for doing.

As I want to say to our chairman and to my ranking member, this is the part of the job that I really like around here. There are a lot of other parts that I like too, but I really like this one. Working with you two gentlemen is just very, very special.

This bill appropriates \$108.9 billion for the Department of Veterans Affairs for 2010, a 15.4 percent increase in the funds for veterans medical and services available this year. This bill funds the expanded GI Bill benefits authorized last year by the 110th Congress, it funds an additional 1,200 claims processors to reduce the backlog of veterans' disability claims, and it expands programs to help homeless veterans.

Our subcommittee also reaffirms its longstanding support for veterans medical care

programs by providing \$34.7 billion for VA medical services, a 13 percent increase over current year funding. The members of our subcommittee also approved a new method of funding veterans medical care to ensure that the uncertainty of our legislative cycle does not negatively impact the ability of the Department of Veterans Affairs to plan for and deliver the best in medical care for those who served our nation. In addition to providing funding for VA medical care in Fiscal Year 2010, it also provides advanced funding for the following year, Fiscal Year 2011.

Our committee also continues to place the highest priority on providing the best care and services for our service members who have returned from Iraq and Afghanistan and have been diagnosed with Post Traumatic Stress Disorder and Traumatic Brain Injury. One of our nation's centers for the treatment of PTSD and TBI is the Department of Veterans Affairs Medical Center at Bay Pines, which I have the privilege to represent. Included in the bill we consider today is \$96,800,000 to build a state-of-the-art medical facility at Bay Pines to better screen our returning service members for mental health problems and to provide the state-of-the-art facilities in which to treat them. The Committee approved my request for the design and engineering funding for this project last year to accelerate the construction of this vitally needed unit.

We also include in the bill \$371,300,000 for a new VA medical facility in Orlando that will benefit veterans throughout the state. Florida continues to experience one of the largest inflows of veterans of any state in our nation. All of Florida's VA medical facilities feel the strain of a growing caseload, especially during the winter months. The construction of this long anticipated VA hospital in central Florida will ease that burden on all the existing hospitals.

Madam Chair, this legislation honors those who wore the uniform in the defense of our nation and freedom here and throughout the world. We also honor those who wear the uniform today by ensuring that they live and work in the best facilities today whether it be on U.S. soil or on our bases in the furthest points of the world.

This includes the facilities for the forces leading the worldwide battle against terrorism which is being directed by U.S. Central Command and U.S. Special Operations Command at MacDill Air Force Base in Tampa, Florida, which neighbors the 10th Congressional District I represent.

Just this week, I joined General David Petraeus, the Commander of U.S. Central Command, to break ground on a new headquarters facility that was supported by this committee and for which this committee approved my request four years ago to accelerate the funding to begin its design and engineering. Our bill this year includes \$21,000,000 to accelerate construction of a Consolidated Communications Facility to support the Joint Components of Central and Special Operations Command at MacDill. Communications is critical for both commands to manage operations that are underway half a world away. This facility will ensure that our war fighters will have the most up-to-date and secure communication capabilities for them to do their job.

This legislation also includes \$15,300,000 for the Central Command Commandant Facility which will coordinate air operations for Central Command's commanding officers and support staff to enable them to deploy rapidly and efficiently. This is imperative given the geographic distance and the number of crises that continue in the Middle East and Southwest Asia.

This facility will provide a secure facility to accommodate the Joint Special Operations Air Component, train increasing numbers of personnel, and store authorized equipment. In addition it will provide a Sensitive Compartmented Intelligence Facility to conduct analysis and assessments to provide Central Command with accurate and comprehensive situational awareness for our forward deployed forces.

Another \$7,000,000 is included for a much needed Child Development Center to care for the children of our service members who work around the clock to support their missions. This facility is designed to accommodate and care for the many families of our many working parents at MacDill Air Force Base. And \$16,000,000 is included here for a new dormitory to provide unaccompanied enlisted personnel with safe, energy efficient housing.

Madam Chair, this is a good bill. It fulfills our nation's promise and commitment to care for our nation's veterans, those who serve; those have served in the past, and those who will serve our nation in the future.

Mr. EDWARDS of Texas. Madam Chair, I consider it an honor to be even able to speak after Mr. YOUNG, who has committed his lifetime and his heart to our servicemen and -women and our veterans. He and his wife commit every week to going out to our DOD and VA hospitals to let those great Americans know that their sacrifices are not forgotten. I want to thank him for inspiring all of us to remember the sacrifice our troops and veterans have made.

With that, it's a privilege for me to recognize the vice chair of our subcommittee, who has been a leader at every step of the way on so many issues on behalf of our veterans, Mr. FARR of California, for 2 minutes.

Mr. FARR. Thank you very much, Chairman EDWARDS, for yielding.

Madam Chairman, I just want to rise to speak on this bill, and I just want to say something following Congressman YOUNG's points.

What I love about this committee, more than any other committee I have ever served on in the State legislature or here in Congress, I think it's the best listening committee I have ever been on. We listen to people, and what I call the felt needs, and we respond.

I think what we are so proud about is the fiscal year 2010 military construction and veterans spending bill responds to what we heard and addresses those issues. What I think is remarkably progressively happening in this country is that for the first time these two huge agencies, the Department of Defense and the Department of Veterans Affairs, are beginning to be seamless in a sense.

I mean, you can't be a veteran without going through the Department of Defense. And the new Secretary of Veterans Affairs Shinseki has said that the minute you enroll in the Department of Defense you are automatically enrolled in the Department of Veterans Affairs. So you are going to begin seeing this, rather than having these lost records and folders and everything that needs to be done, that it will be administratively clean.

What I also really appreciate about this committee that probably is not recognized is that we hear over and over again about the health care of our veterans. And I can't think of two more sensitive people than Chairman EDWARDS and Ranking Member WAMP and our colleague on the committee, PATRICK KENNEDY, that listened so profoundly to the needs of mental health care for veterans, not only those coming back with posttraumatic stress syndrome from Iraq and Afghanistan, but we have about 270,000 veterans that sleep on the streets of America.

That's the biggest embarrassment that this country has. We have not been that good at taking care of them. This budget puts \$800 million more in mental health and does the outreach for homeless veterans.

I am very proud of that and would urge support of the legislation.

Mr. WAMP. Madam Chairman, I yield 3 minutes to ANDER CRENSHAW from Jacksonville, Florida, who would be the vice ranking member if there were such a position, but he is an incredibly valuable asset on our subcommittee and has done just an extraordinary job this year.

Mr. CRENSHAW. I thank the gentleman, Mr. WAMP, for yielding the time. I thank him for his hard work in the subcommittee and working with our Chairman EDWARDS, thank you for your leadership and your bipartisan spirit. And thank you both for involving all the members of the subcommittee and drafting this legislation that I think we can all support.

I ran for Congress in the first place because I believe the number one responsibility of the Federal Government is to protect American lives, and I think the best way to keep America safe is to keep America strong. But I have been on this subcommittee now for 7 years, and I think we have a tremendous responsibility not only to modernize and upgrade these bases all around the world that we oversee, but we have a responsibility to make sure that we take care of the men and women that volunteer to defend our country. Nobody forces them to do that. Nobody forces them to go into harm's way. They do it because they care about America. And I think we have a responsibility to take care of them, and that's what this bill does.

I think in terms of housing, there was a time when people that served in

our military lived in substandard housing, something they couldn't be proud of. Through using some of the private sector ideas like privatization, now over 90 percent of our military men and women live in adequate housing that they can be proud of.

When they go off to deployment, they can be sure that their families are going to be taken care of back home with a good quality of life. They are going to have a peace of mind when they are gone and when they are fighting for us.

And when they come home and they leave the service, now they know they have a Veterans Administration that cares about them. This bill continues the work that we have done to make sure that we have more clinics, to make sure we have more doctors and nurses, more people to process those claims. They don't have to wait in line. We are making some giant strides.

And, finally, this bill, as has been pointed out, deals with national cemeteries, to give those veterans a final resting place that they so richly deserve.

And I know in my home district in Jacksonville, Florida, we opened a new veterans cemetery this year. And I don't think I have ever been more proud to be a Member of Congress, to be a part of that ceremony, to see the sense of gratitude in these people's eyes knowing they are going to have a place, a final resting place because of the way they have defended our country.

Madam Chairman, I think this is a bill we can all support. I am again thankful to our chairman, our ranking member, and all the members of the subcommittee for the work that we put in that we can be so proud of, so I urge adoption.

Mr. EDWARDS of Texas. Madam Chair, I would like to recognize a member of our committee, the gentleman from Colorado (Mr. SALAZAR), an Army veteran who has been a strong voice on behalf of our veterans and military, for 1 minute.

Mr. SALAZAR. I want to take a moment to recognize both Chairman EDWARDS and Ranking Member WAMP for their valiant effort in putting this bill together. I don't think there are any greater champions for military veterans and their families. All 17.5 million in the United States should applaud the chairman and the ranking member for their diligent fight.

Madam Chair, I would like to bring one specific project in the bill forward and not only thank the chairman and the ranking member, but also Secretary Shinseki and President Obama and the chairman of the Veterans' Affairs Committee, Mr. FILNER, for including the \$119 million for the new Fitzsimmons Veterans Hospital in Denver, Colorado.

This facility will provide full service to half a million veterans currently re-

siding in my home State of Colorado and many across the Rocky Mountain west. This new facility will be open and begin serving veterans by 2013. The 200-bed hospital will reach over a million square feet in size and include 30 special beds for spinal cord injuries.

I am proud that after over a decade of waiting, the veterans of the Rocky Mountain west and my State will finally benefit from this state-of-the-art facility.

Mr. WAMP. Madam Chairman, I yield 3 minutes to my friend, the gentleman from Indiana and the ranking member of the Committee on Veterans' Affairs, Mr. BUYER, for the purpose of a colloquy.

Mr. BUYER. I want to commend my friend Mr. WAMP and Chairman EDWARDS for your strong advocacy on behalf of America's veterans.

Mr. Chairman, last year, as you may remember, I offered an amendment that would have provided direct funding for VA to advance projects at 16 VA medical centers that were identified for the use of solar photovoltaic roof applications, but the amendment was ruled out of order on a technical issue.

You and I have had several conversations about renewable energy issues and, however, working with the Secretary, as I had indicated, I was able to ensure that the VA funded these projects with the overall amount that included the fiscal year 2009 appropriations act, of which you had no objection.

Subsequently, at the beginning of this Congress, with the prospect of a forthcoming stimulus bill, I had met with the Secretary of the VA on renewable energy projects to benefit our veterans and to provide additional funding to invest in these renewable energy projects at the VA. I was pleased the stimulus bill provided the VA with more than \$1.4 billion. That's almost half a billion more than what I even submitted in the request, so I thank the chairman.

And the VA stimulus spending for the additional 31 solar photovoltaic feasibility studies also included studies for cogeneration, of which the chairman must have done, along with wind and geothermal projects. And based on those study results, the VA plans to fund up to eight solar projects, nine cogenerations, six wind, and five geothermal using stimulus dollars.

Mr. Chairman, the VA also expects to implement the remaining 23 solar projects, 29 cogeneration, 4 wind and 4 geothermal in fiscal year 2010, subject to the feasibility determinations.

With this in mind, I want to ask my friend: Do I have your assurance that the bill before us would provide the sufficient funds for the VA to move forward with these renewable energy projects?

I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I first want to thank Mr. BUYER for taking the lead

and for fighting to ensure that alternative sources of energy are utilized by the VA. This is an important issue and initiative.

Our bill does take into consideration this important need, and VA plans to fund a significant number of renewable energy projects with resources in this bill. I want to assure you that I will emphasize to the VA the importance of this effort.

I recognize, and I think this is critical, the result of your efforts, that every dollar saved through energy conservation in the VA will result in an additional dollar going directly to better health care and benefits for veterans.

I further look forward to continuing to work with you to ensure that the VA appropriately employs the use of solar technology to reduce energy costs and to benefit our environment.

Mr. WAMP. I want to thank the chairman for this commitment and express my strong support for funding these renewable energy projects, compliment Mr. BUYER for his tenacity and perseverance here on this front, because I know that we can reduce VA's high energy costs with the use of these new renewable energy technologies. I look forward to working with each of you as we continue to advance renewable energy projects at VA facilities.

The CHAIR. The time of the gentleman has expired.

Mr. WAMP. I yield the gentleman an additional 15 seconds.

Mr. BUYER. I would thank the leadership of Mr. EDWARDS and Mr. WAMP for your commitment for renewable energy within the VA.

Mr. EDWARDS of Texas. Madam Chair, I would like to yield 3 minutes to the gentleman from Rhode Island (Mr. KENNEDY) who has been the leading voice in this subcommittee and the House for improving mental health care services for America's veterans and services to homeless veterans.

Mr. KENNEDY. I want to thank the chairman of the Appropriations Subcommittee on Veterans Affairs, Chairman Edwards, for his leadership on what has been an amazing increase in funding for veterans in this country. As chairman of the Appropriations Committee, we have seen in the last cycle the largest single increase in veterans funding in the 76-year history of the Veterans Administration in the last cycle. And, as such, that has carried over till this cycle and will in the succeeding years ahead as we continue to increase the veterans appropriations.

And, again, this year, we are seeing another large, large increase in the veterans spending, including increases in veterans mental health. And that, my friends, is what I am so pleased to see, especially in the wake of the terrible tragedy at Camp Victory, where we saw a murder-suicide, once again

highlighting the terrible tragedy that so many of our veterans are facing with the psychological wounds that they are facing and the combat that they are so readily seeing on a day-to-day basis. They are not only suffering the physical wounds of war but the psychological and mental wounds of war.

I would like to acknowledge the ranking member, ZACH WAMP, for the incredible support that he has given to our veterans in the area of mental health services.

We have seen in this bill \$4.6 billion for mental health services in this bill. We have seen an additional \$3.2 billion for homeless veterans. It's a tragedy, as my friend SAM FARR said, that the single largest percentage of the homeless population in this country are veterans. That should not be the case. In this bill, we seek to try to end that situation.

Madam Chairman, I am also pleased to see that this committee responds to the veterans of America in providing advance funding for veterans funding for the succeeding years, so that veterans do not have to wait on Congress to provide those funds, and that we provide an additional \$48 billion in the 2011 budget.

□ 1145

And that, my friends, is a result of General Shinseki, the VA Secretary's strong advocacy and this President's commitment to our veterans to make sure that they don't have to wait—they don't have to wait for a budget in order to know that they're going to get the funds they need to take care of our veterans.

For these and all the reasons, I'm so proud to be part of this committee and to see that this country lives up to its promise to our Nation's veterans. And I thank the chairman for all the good work that he does, and I thank the ranking member for all the good work that he does. And I'm proud to be on this committee.

Mr. WAMP. Madam Chairman, I yield myself 3 minutes and yield to the gentleman from Delaware (Mr. CASTLE) for the purpose of a colloquy.

Mr. CASTLE. I thank the distinguished gentleman for yielding. Madam Chairman, I'd like to speak about the Dover Air Force Base and what it's doing with respect to its port mortuary.

For more than 50 years, Dover Air Force Base has been home to the United States military's port mortuary. It's here that Dover's expert staff receives from theater the remains of fallen American soldiers, sailors, airmen, and marines and conducts a solemn, dignified transfer from the aircraft to the port mortuary. The base and the community in Dover take this responsibility very seriously and treat all fallen servicemembers and their families with dignity, honor, and respect.

As you know, in March of this year the Department of Defense announced a new policy regarding media access to the dignified transfer of remains at the Dover Air Force Base. Under the new policy, the decision regarding media coverage is made on an individual basis by the families of the fallen. The new policy also expands the Department's support to those family members wishing to attend the dignified transfer by paying for travel to Dover and increasing the availability of grief counseling and chaplain support services.

The immediate result of this policy change is that many more families of fallen soldiers from across the country travel to Dover to attend. Unfortunately, the wing commander and his staff at Dover Air Force Base have expressed concern they do not have adequate chapel facilities to provide for on-base memorial services, worship, and counseling. This lack of chapel facilities would be particularly evident in the unfortunate event of a mass casualty situation in the theater of operations.

The base has submitted a proposal to build a new main base chapel center to include private space for the expressed purpose of receiving grieving families. I understand that the office of the Secretary of Defense is supportive of this project, and I look forward to working with the committee at the earliest possible opportunity to solve this pressing matter.

Mr. EDWARDS of Texas. Will the ranking member yield?

Mr. WAMP. I yield to the chairman of the subcommittee.

Mr. EDWARDS of Texas. The gentleman from Delaware has raised a very important issue, and as someone who once represented Fort Hood, Texas, through three combat deployments, I strongly believe in the need to treat our fallen and their families with the utmost dignity and respect.

So it will be a privilege for me to work with the gentleman on this issue. And I am hopeful that we can rectify this problem by the time we get through conference.

Mr. WAMP. Reclaiming my time, I stand with you, Mr. Chairman, and will work with Mr. CASTLE as well to resolve this matter in conference.

I yield to Mr. CASTLE.

Mr. CASTLE. I thank both the distinguished chairman of the committee and the ranking member, Mr. EDWARDS and Mr. WAMP, for their work on this legislation as well as discussing this particular issue. I look forward to working with you and all of the servicemembers and families who would be involved with this, and hopefully we can work it out in the near future.

Mr. WAMP. I reserve the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I'd like to yield 1 minute to an active voice on our subcommittee on

behalf of veterans and our troops, the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the chairman. Madam Chair, this bill addresses one of the biggest concerns that I and many others have, and that is homeless veterans. The bill provides \$420 million over last year's level for assistance and treatment for homeless veterans.

Tonight, Madam Chair, 154,000 veterans will go to bed without a home. One out of four homeless men served in the United States military at some point. They fought for our country, they came home, but they don't have a house. They served in jungles, they served in cities, they served in deserts and bases on the high seas, and they're sleeping on sidewalks this evening in America.

That is a national shame. But thanks to the bipartisanship of this subcommittee, we are making a bold leap on behalf of those homeless veterans. We are making the investments necessary to stop this outrage and to do what every nation must do, and that is to treat its veterans as heroes, and in this case, heroes with a home. I thank the gentleman and the ranking member for their cooperation.

Mr. EDWARDS of Texas. Madam Chair, I yield myself 2 minutes and yield to the gentleman from Michigan (Mr. DINGELL) for the purposes of a colloquy.

Mr. DINGELL. Madam Chairman, I rise to enter into a colloquy with my dear friend, the distinguished chairman of the subcommittee, regarding language contained in the House report, Veterans Affairs and Related Appropriations Bill for 2010.

I'm concerned the language could have the effect of postponing activation of a much-needed clinic for our veterans in Toledo. Clearly, it is not in the best interest of our veterans to postpone activation of a new clinic that will better address a higher workload, especially in light of the increasing numbers of veterans returning from the wars in Iraq and Afghanistan.

I yield to my good friend.

Mr. EDWARDS of Texas. I thank the gentleman. I agree with the gentleman that our veterans deserve quality health care. It's crucial to move forward to get the new clinic operational as soon as possible. The VA is recognized as a leader in quality health care, and we want to do everything possible to enhance that reputation.

Mr. DINGELL. To continue, the existing clinic is undersized for its current caseload. The VA has been working for several years to establish larger replacements. It is my understanding if we move forward with the current plans, which have been reviewed by the majority of the impacted veterans service organizations, the VA is prepared to have a new, larger LEED-certified clinic in the fall of 2011.

Mr. EDWARDS of Texas. Will the gentleman yield?

Mr. DINGELL. I will yield to the gentleman.

Mr. EDWARDS of Texas. It's of the utmost importance that we address these concerns in a timely and expeditious manner so we can continue to get the quality health care the VA provides to the veterans in question.

I know that this matter has also been of concern to the veterans in the district of the gentlewoman from Ohio, Ms. KAPTUR, and I know that she wants their concerns addressed as well.

The language in the committee report is not designed to needlessly delay the activation of the Toledo clinic, but simply to ensure some of the concerns raised by veterans are responded to.

Mr. DINGELL. I want to also express great respect and affection for the gentlewoman from Ohio, Ms. KAPTUR. As a veteran myself, I couldn't agree more that we need more quality care for our veterans in a timely manner. As already mentioned, given the increased workload because of the veterans returning from Iraq and Afghanistan, doubling the size of the existing clinic will help us to meet that goal.

Mr. EDWARDS of Texas. Madam Chair, I reserve the balance of my time.

Mr. WAMP. Madam Chair, may I inquire as to the time remaining on each side.

The CHAIR. The gentleman from Tennessee controls 6¼ minutes. The gentleman from Texas controls 7½ minutes.

Mr. WAMP. I continue to reserve.

Mr. EDWARDS of Texas. Madam Chair, I yield myself 2 minutes, and I'd like to yield to the gentleman from California (Mr. THOMPSON) for the purposes of a colloquy.

Mr. THOMPSON of California. Thank you, Mr. Chairman. I appreciate the great work that this chairman does on behalf of veterans. He's a true friend and has done so much for so many veterans, and I appreciate that.

Mr. Chairman, I just want you to know that I went to college on the GI Bill, and I voted for the Post-9/11 GI Bill with my experience in the GI Bill and in school and what it did for me in mind. And I did so to ensure that all veterans would have the same access to this great educational opportunity that I had.

Unfortunately, today in California, California veterans are being denied this important chance to get the college education so that they can have a better future. According to the Department of Veterans Administration, veterans living in California are entitled to zero dollars toward their private tuition bill, simply because California charges "fees," not "tuition," to attend college.

So because zero "tuition" is charged in California, according to the VA's

tortured logic, zero tuition can be paid to veterans seeking to attend private schools in California.

This simple semantic difference means that nearly 5,000 Iraq and Afghanistan veterans residing in California, veterans who served our Nation honorably, are not eligible to receive financial assistance to attend the college of their choice. This is unlike every other Iraq and Afghanistan veteran in the other 49 States.

My California colleagues and I sent a letter to the VA requesting the Department fix this issue administratively. Six weeks later—6 weeks later they sent a two-paragraph response denying—denying our request.

This is not fair to our veterans, and Congress should not stand by as these brave men and women are denied the benefits they have earned.

I'd now like to yield to my colleague from California (Mr. McKEON).

Mr. McKEON. I thank the gentleman for yielding. As the gentleman and I both know, this spring the VA released its Post-9/11 GI Bill tuition benefit rates. Unfortunately, the VA has misinterpreted the intent of Congress and by doing so will prevent veterans from attending private institutions in California.

The CHAIR. The time of the gentleman has expired.

Mr. EDWARDS of Texas. I yield myself 1 additional minute.

Mr. McKEON. By doing so, they will prevent veterans attending private institutions of higher education in California.

Certainly, when my home State enacted free in-State tuition, they didn't anticipate the VA would use that to restrict our vets from attending private universities as they are allowed to do in 49 other States under the Post-9/11 GI Bill.

It's important that we provide Californians parity by enacting legislation like H.R. 2474 that the gentleman from California and I introduced in May. This legislation, which has near unanimous support from our delegation, allows veterans in California to use their full fee benefit towards tuition and fee expenses.

As the gentleman knows, it's important we act quickly, as this program begins implementation on August 1, 2009. Without action, many veterans could be unpleasantly surprised when they receive no tuition assistance.

Can the chairman assure us that this exclusion of California veterans from this important benefit was not the intent of the Congress in the Post-9/11 GI Bill?

Mr. EDWARDS of Texas. The committee believes this exclusion of California veterans was not the intent of Congress when it passed the Post-9/11 GI Bill. The committee will ask the VA to work with the affected States, including the State of California, to en-

sure that veterans attending private institutions can participate fully in the Post-9/11 educational assistance program.

Mr. WAMP. I continue to reserve.

Mr. EDWARDS of Texas. Madam Chair, I yield myself 2 minutes and yield to the gentleman from Pennsylvania (Mr. ALTMIRE) for the purpose of a colloquy.

Mr. ALTMIRE. Let me thank Chairman EDWARDS for the excellent work he's done on this important bill, which funds our military construction projects and provides for the benefits and assistance that our Nation's veterans have so clearly earned.

It's out of concern for our Nation's veterans, specifically veterans in my home region of western Pennsylvania, that I requested this colloquy.

Pittsburgh's Veterans Benefits Administration employees are alleged to have manipulated an employee bonus reward system by delaying processing veterans' claims to my district to secure additional employee bonuses.

I yield to the distinguished gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS of Texas. I'm familiar with the unfortunate situation that occurred in Pittsburgh. There was a report issued by the Office of Inspector General, correct?

Mr. ALTMIRE. That's right. I thank the chairman for his awareness of our concerns, and I would comment that this report issued by the Inspector General was insufficient given the gravity of these allegations. It failed to determine the sources of the problem. And I would suggest the Office of the Inspector General should conduct a second investigation of the Pittsburgh Veterans Benefits Administration employee misconduct in delaying benefit processing to receive bonuses and submit a more thorough report.

And this strikes me as particularly possible in light of the \$19 million increase in the Inspector General's budget from last year.

I would yield again to the chairman.

Mr. EDWARDS of Texas. Given the increases we've provided the Office of Inspector General at the VA, I look forward to working with the gentleman to see if we can't get the IG to take a second look at this serious issue in Pennsylvania.

□ 1200

Mr. WAMP. Madam Chair, I yield myself the balance of our time.

As we close the general debate on the 2010 Military Construction and Veterans Affairs appropriations bill, I want to tell a brief story because today the President of the United States is in Italy at the G-8; and photographs show him with my friend, the Prime Minister of Australia, Kevin Rudd, over the last couple of days. I have to tell you—I was with my friend, the Prime Minister, a couple of months ago here in

Washington, and I asked him about the extraordinary challenges that our country faces today. And when I think of the men and women in uniform of our Armed Forces—and I know in my heart that that is truly what our country is all about, people volunteering, even sacrificing for each other—I said to Kevin Rudd, “What’s the attitude in Australia and around the world about these tremendous challenges that we face? And what do you think about the United States of America’s ability to deal with these many challenges?” He said, “Well, we’re optimistic. We’ve read your history. We understand how extraordinarily difficult it was during the Civil War and the great World Wars. We know that you came out of the Great Depression and that you have overcome extraordinary adversity. We’ve seen your free enterprise system, your brilliance and your innovation, and we know how resilient your people are. So we have great confidence that you will do it again,” he said with a smile on his face.

And I would just say to all those men and women that served us in uniform—because they are the true patriots of our time. Yet again, they stand on the shoulders of those that have come before us, and our veterans are our most important citizens—that the burden is on us to extend our way of life and preserve freedom and to try to secure our liberty. This is the challenge of our time, and the world is counting on us. This bill goes a long way to meeting these needs, and we do truly stand at the water’s edge together today. There is a lot of rancor and division in the House over process in other appropriations bills, but not today. Today we come together to do what’s right for our men and women in uniform, for our military installations around the world under every command, for our veterans and their families and for the quality of life of our troops.

I yield back the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I yield myself 1 minute, and I yield to the gentleman from Texas (Mr. CUELLAR) for the purpose of a colloquy.

Mr. CUELLAR. I thank the chairman for yielding to me.

Most of the claims from veterans of my district in south Texas are processed at the Houston VA Regional Office. A recent article in the Houston Chronicle, which I will submit for the RECORD, notes that nearly 18,000 veterans are waiting for their disability applications, and 26 percent of these claims have been pending over a year and a half. The number of claims on appeal from Houston are about 11,389, which is the highest in the country.

I have written a letter to the Secretary of the VA that brings attention to this problem, which I would like to be submitted into the RECORD. Mr. Chairman, I ask for your help to address this very serious problem so we can provide service to our veterans.

Mr. EDWARDS of Texas. I share the gentleman’s concerns and look forward to working with him and the VA to see that we address those problems. Veterans serving out of the Houston office should not have to wait the amount of time they are having to wait to receive their earned benefits.

BACKLOG OF VA CLAIMS IN HOUSTON ONE OF COUNTRY’S HIGHEST

HOUSTON.—Houston has one of the biggest backlogs and some of the longest waiting times in processing veterans’ claims for disability benefits in the nation, according to the most recent data released by the U.S. Department of Veterans Affairs.

Nearly 18,000 veterans are waiting for the Houston VA Regional Office to process their applications for disability benefits, the Houston Chronicle reported Saturday. Also, 26 percent of the Houston claims have been pending for more than half a year, compared with the national average of 21 percent.

Total claims in Houston, including nondisability compensations and pensions, add up to almost 24,000, with 24 percent pending for more than six months. That percentage is also higher than the national average.

The number of claims on appeal from Houston—11,389—is the highest in the country. “The situation at VA’s Houston office is among the worst in America,” said Paul Sullivan, executive director of Veterans for Common Sense, a national advocacy group. “Our veterans and their families deserve better.”

Nationwide, the total number of VA claims has increased from 638,648 this time last year to 723,152, as of June 20.

The number of claims received by the Houston VA Regional Office has increased by 26 percent since last year, more than twice the national average of 12 percent, said spokeswoman Valerie Martinez.

The Houston office has outsourced some of its claims processing to other VA facilities, and it has been authorized to hire 105 employees to improve efficiency, Martinez said.

At a congressional hearing in Washington last week, VA Deputy Undersecretary for Benefits Michael Walcott said it is incorrect to designate all claims around the country as a backlog because the total number “includes all claims received, whether pending for just a few hours or as long as six months.”

HOUSE OF REPRESENTATIVES,
Washington, DC, July 10, 2009.

Hon. ERIC K. SHINSEKI,
Secretary,
Washington, DC.

DEAR SECRETARY SHINSEKI: Congratulations on your appointment as Secretary of the Department of Veterans Affairs. I look forward to working with you as we provide for those who have served our country admirably in the United States Military.

I was recently made aware of the attached article regarding veterans’ disability benefit applications. Most of the disability benefit applications that come from my congressional district are processed at the Houston VA Regional Office. As the article explains, this office has one of the largest backlogs in the nation.

In the last two fiscal years, funds have been made available to hire more case workers in an effort to reduce the application backlogs present in many parts of our nation. I respectfully request that priority be given to the Houston VA Regional Office as workers are being allocated to address this important problem.

Thank you in advance for your consideration of this request. If my staff or I may be of any more assistance, please do not hesitate to call upon us.

Sincerely,

HENRY CUELLAR,
Member of Congress.

Mr. EDWARDS of Texas. Madam Chair, may I inquire as to how much time I have remaining?

The CHAIR. The gentleman controls 2 minutes.

Mr. EDWARDS of Texas. I yield 1 minute to the gentlewoman from Houston, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished chairman and ranking member. Thank you very much, Mr. EDWARDS, for the grand work that you have done over the years in helping our soldiers. I rise today to support the underlying bill but to particularly focus on the medical services, the \$34.7 billion; the mental health services, \$4.6 billion; and the assistance for homeless vets, \$3.2 billion. In my congressional district I work with these populations in particular, visiting them, listening to their situations; and as well, in my own community we have had a high number of suicides among active duty soldiers. I am very glad to announce that because of the legislation of this particular appropriation and the leadership of Chairman EDWARDS, we are now looking forward to having an offsite opportunity for a PTS treatment center; and as well it will be able to secure funding in the future for prospective TRICARE recipients. I am proud to have worked with Riverside Hospital. We need to be able to provide more services for PTSD, for the soldiers that are coming home. Believe it or not, Houston has been cited as the city that has the largest number of returnees or active duty soldiers who have been in Iraq and now, subsequently, will be coming from Afghanistan. Today as I speak, Madam Chair, we are burying a young seaman in my district. It is tragic, but we realize that we have to provide for these soldiers. I am very glad to support the rule and the underlying bill.

The CHAIR. The gentleman from Texas is recognized for 1 remaining minute.

Mr. EDWARDS of Texas. Madam Chair, as I finish this debate, I want to add in my thanks to others. I want to thank the gentleman from California (Mr. LEWIS). He, along with Mr. YOUNG, has spent his entire congressional career dedicated to fighting for a strong national defense and for seeing that the men and women who provide that defense are respected in a meaningful way, and that once they have taken off our Nation’s uniform, they continue to be respected as veterans. He has been an active leader as chairman of the committee, as ranking member of the committee and in our subcommittee deliberations has continued to be an active voice on behalf of our troops,

our veterans and their families; and I thank the gentleman for that.

Finally, I think it's appropriate, Madam Chair, that the last word in this debate from my side are not the words of my own, but the words of America's veterans. I would like to include in the RECORD of this debate letters in support of this legislation from the DAV, the Veterans of Foreign Wars, The American Legion, the Paralyzed Veterans of America, and the AMVETS.

DISABLED AMERICAN VETERANS

Washington DC, July 9, 2009.

Hon. CHET EDWARDS,
Chairman, Subcommittee on Military Construction, Veterans' Affairs and Related Agencies, House Appropriations Committee, Washington, DC.

DEAR CHAIRMAN EDWARDS: On behalf of the 1.4 million members of the Disabled American Veterans (DAV) and its Auxiliary, I would like to express our strongest support for H.R. 3082, the FY 2010 Military Construction, Veterans Affairs and Related Agencies Appropriations Act, which provides record funding levels for Department of Veterans Affairs (VA) health care and benefits programs for fiscal year 2010.

Perhaps even more significant than the FY 2010 funding, the legislation also contains \$48.2 billion in advance appropriations for VA medical care for fiscal year 2011. As you know, advance appropriations for VA health care has been the highest legislative priority for DAV and many other veterans service organizations in recent years. We applaud you, Chairman Obey, House Leadership and other Members whose support led to its inclusion in this bill.

Once enacted into law, advance appropriations for VA medical care will prevent budget stalemates from threatening the quality and timeliness of veterans health care services, a problem that has plagued VA for decades. With this crucial budget reform in place, VA will have the time and assurance necessary to effectively plan how to meet the health care needs of our nation's sick, injured and disabled veterans.

The House vote to approve H.R. 3082 will be a major milestone towards ensuring sufficient, timely and predictable funding for veterans health care programs, and DAV urges all Members of the House to vote in favor of this legislation.

Again, thank you for all that you have done to ensure that veterans, especially disabled veterans, have access to timely and quality medical care today, and for years to come. I look forward to continuing to work with you in the future to build better lives for America's disabled veterans and their families.

Sincerely,

RAYMOND E. DEMPSEY,
National Commander.

VETERANS OF FOREIGN WARS,
OF THE UNITED STATES,
Washington, DC, July 9, 2009.

Hon. CHET EDWARDS,
Chairman, Appropriations Subcommittee on Military Construction, Veterans Affairs and Related Agencies, House of Representatives, Washington, DC.

DEAR CHAIRMAN EDWARDS: On behalf of the 2.2 million men and women of the Veterans of Foreign Wars of the U.S. and its Auxiliaries. I would like to offer our strong support for H.R. 3082, the FY 2010 Military Construction and Veterans Affairs Appropria-

tion, which we understand will be up for a vote on the floor of the House of Representatives this Friday. It is our assessment that this funding legislation will dramatically improve the health care and benefits this nation provides for its former defenders.

Notably, the legislation would transform the health care funding system by, for the first time, providing an advanced appropriation for veterans' health care. Enacting an advanced appropriation is one of the VFW's highest priorities. We strongly believe that this mechanism along with the funding provided in this bill for FY 2011 medical programs will far better allow the Department of Veterans Affairs (VA) to properly invest in its health care resources, including hiring and retaining top quality health care and other professionals.

The VFW also applauds this bill's historic funding levels for FY 2010. The bill includes \$77.9 billion in finding for veterans programs with \$45.1 billion targeted for veterans' health care. Within that, there is additional funding aimed at some of the biggest issues confronting the veteran population: mental health, access to rural health care and assistance for homeless veterans.

Additionally, we are especially appreciative of the \$1.9 billion in major and minor construction funding contained within the bill. This extra funding, which represents a \$256 million increase over the current year's funding level, will better allow VA to reduce the major projects construction backlog, as well as increasing the number of minor construction projects, many of which are targeted towards safety issues that directly affect the well-being of veterans.

The VFW thanks you for your continuing efforts on behalf of America's veterans. The record funding levels contained in H.R. 3082 demonstrates the ongoing commitment of all veteran's supporters in the House to those who have served the nation in uniform. We salute your leadership and advocacy in support of this bill, and we look forward to working with you to ensure its passage.

Very truly yours,

ROBERT E. WALLACE,
Executive Director.

THE AMERICAN LEGION,
Washington, DC, July 9, 2009.

Hon. CHET EDWARDS,
Chairman, Subcommittee on Military Construction, Veterans Affairs and Related Agencies, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CHAIRMAN EDWARDS: As you and your colleagues consider H.R. 3028, the Military Construction, Veterans' Affairs' and Related Appropriations for FY 2010, The American Legion offers its full support, especially for the advance appropriations provision for the Department of Veterans Affairs' (VA's) Veterans Health Administration (VHA) in FY 2011.

Overall, H.R. 3028 would provide \$77.9 billion in discretionary spending for FY 2010, including Overseas Contingency Operations funding.

The bill would provide \$48.2 billion in advance appropriations for FY 2011 for three medical accounts of VA: Medical Services; Medical Support and Compliance; and Medical Facilities. This is an eight percent increase compared to FY 2010 and will provide reliable and timely funding to support the delivery of medical care. The amount included in this bill would provide FY 2010 current services level for the start of FY 2011. It is intended to give the Administration stability in execution, provide the sub-

committee with continued oversight and the ability to address new initiatives, and allow veterans to have peace of mind when funding bills are delayed.

The FY 2010 recommendation in the bill for Military Construction, Family Housing and BRAC is \$24.6 billion. This funding level fully funds BRAC 2005 at \$7.5 billion, provides an increase of \$140 million for BRAC 1990 to enhance the cleanup of installations closed in prior BRAC rounds, and provides for the modernization of training facilities, as well as the building of child care centers, barracks, and homes. The recommendation reflects the success of the housing privatization program with a reduced need for additional federal funding for family housing construction. It also ensures that the active forces will have a better environment in which to train and operate, as well as an improved quality of life. It also would provide funds to support additional requirements for operations in Afghanistan at \$1.4 billion.

This bill includes two major military construction initiatives. First, it provides \$450 million to accelerate the Army's program to modernize troop housing facilities for trainees. Second, the bill provides an additional \$200 million for a Guard and Reserve initiative to address critical unfunded requirements. This funding would go toward critical unfunded requirements for Army and Air National Guard, as well as the Army, Navy, Marine Corps, and Air Force Reserves.

This bill would also provide \$53.0 billion in discretionary funding for VA for FY 2010. Within this funding increase is provided funding for the Veterans Benefits Administration to hire 1,200 new claims processors.

This increase also would provide for an additional \$4.4 billion for VHA. These funds will allow VA to increase access to services, ensure safer facilities and improve treatment including:

\$4.6 billion for mental health services;
\$3.2 billion for homeless veterans to include the \$26 million for the Presidential Initiative to combat homelessness, \$150 million for the homeless grants and per diem program, and \$20 million for supportive services for low income veterans and families;

\$580 million for medical research to include a \$48 million increase for research to address the critical needs of Operation Enduring Freedom and Operation Iraqi Freedom veterans;

\$1.1 billion to address the backlog in non-recurring maintenance at our medical facilities; and

28 new Vet Centers and 30 new CBOCs.

Additionally, this bill continues the rural health initiative and beneficiary travel rates that we provided last year. Language has been included to continue oversight of VHA to ensure that VA provides funding to the medical facilities in a timely manner, delivers comprehensive mental health and substance abuse services, and improves the delivery of care to veterans who live in rural areas.

The National Cemetery Administration is funded at \$250 million, an increase of \$20 million above the FY 2009 appropriation. With 164 cemeteries in 39 states and Puerto Rico, the Administration has an extensive backlog of maintenance. The increase will give the Administration additional resources to improve the appearance and condition of cemeteries as identified in the study on veterans' cemeteries which was submitted to the Congress in 2002.

H.R. 3028 would provide an additional \$19.2 million for the Office of Inspector General to provide additional personnel to accomplish

financial audit and increased oversight of medical and information technology programs.

The bill includes \$33 billion for Information Technology Systems. This funding will continue the Department's development of improvements to its electronic health record. Other major programs include development of a new financial management system, paperless benefits processing, and cyber security initiatives.

This bill would provide \$1.9 billion for VA's construction—\$256 million above FY 2009. The bill will provide needed funding for five ongoing major construction projects, planning and design funding for seven new projects, and funding for approximately 100 minor construction projects that can be completed in FY 2010.

Finally, the increased funding will enable the Armed Forces Retirement Home to undertake a major capital construction project on its Washington, DC campus as well as begin operations at the Gulfport, Mississippi campus which is being rebuilt from damage it sustained by hurricane Katrina. The increase also would provide \$5.3 million for a project at Arlington National Cemetery to relocate power and telephone lines to allow for an additional 8,000 to 10,000 gravesites.

The American Legion applauds you and your colleagues for their hard work on this critical piece of legislation.

Thank you for your continued commitment to America's veterans and their families.

Sincerely,

STEVE ROBERTSON,
Director, National Legislative Commission.

PARALYZED VETERANS OF AMERICA,
Washington, DC, July 9, 2009.

Hon. CHET EDWARDS,
Chairman, Subcommittee on Military Construction and Veterans Affairs House Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN EDWARDS: On behalf of Paralyzed Veterans of America, I would like to take this opportunity to thank you for your unwavering support for our nation's sick and disabled veterans, as well as all of the men and women who have so honorably served this country.

PVA appreciates your efforts as Chairman of the House Appropriations Subcommittee on Military Construction and Veterans' Affairs to achieve a historic funding level for the Department of Veterans Affairs (VA) once again this year. Through your leadership, the VA will receive funding for FY 2010 that meets and in some cases exceeds the recommendations of The Independent Budget, co-authored by PVA, AMVETS, Disabled American Veterans, and Veterans of Foreign Wars.

More importantly, the Military Construction and Veterans Affairs appropriations bill also includes approximately \$48.2 billion in advance appropriations for VA medical care accounts—Medical Services, Medical Support and Compliance, and Medical Facilities—for FY 2011. By providing the VA with an advance appropriation for FY 2011, the VA will be able to better plan for hiring critical new staff and addressing demand on the health care system. Approval of advance appropriations represents a truly historic accomplishment that will benefit all veterans.

These actions reflect the priority that you and the House leadership have placed on the needs of the men and women who have so honorably served this country. Once again, we thank you for your tireless efforts on behalf of veterans. We look forward to working

with you and all members to ensure that the Military Construction and Veterans' Affairs appropriations bill is approved by the full House.

Sincerely,

CARL BLAKE,
National Legislative Director,
Paralyzed Veterans of America.

AMVETS,
Lanham, MD, July 9, 2009.

Hon. CHET EDWARDS,
Chairman, Subcommittee on Military Construction and Veterans Affairs, House Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN EDWARDS: On behalf of AMVETS I would like to take this opportunity to thank you for your leadership and continued, undaunting support of America's veterans, servicemembers and their families.

AMVETS wants to recognize your efforts as the Chairman of the House Appropriations Subcommittee on Military Construction and Veterans' Affairs for fighting for and securing yet another year of incomparable funding for the Department of Veterans Affairs. Because of your efforts, the VA will receive an unparalleled budget for Fiscal Year 2010.

AMVETS also would like to extend our deepest gratitude for your efforts in including approximately \$48.2 billion in advanced appropriations for FY 2011. By providing the VA with advanced appropriations for 2011, VA will now have sufficient, timely and predictable funding. This will allow VA to better coordinate for the use of valuable resources, to include hiring of key medical staff and other demands that are unique to the health care setting.

Passage of advanced appropriations is a historic event that will be looked back on as one of the most important improvements to the VA health care system. It is with that, I want to thank you, the House leadership, and all members of Congress who have seen the value in advanced appropriations and have made it a reality.

Again, thank you for your continued support and advocacy for America's veterans.

Veterans serving veterans.

RAYMOND C. KELLEY,
National Legislative Director, AMVETS.

Mr. LOBIONDO. Madam Chair, as per the requirements of the Republican Conference Rules on member requests, I secured the following earmarks in H.R. 3082.

Requesting Member: Congressman FRANK LOBIONDO (NJ—02)

Bill Number: H.R. 3082

Account: Air Force, Military Construction, Air National Guard

Legal Name of Requesting Entity: 177th Fighter Wing

Address of Requesting Entity: 400 Langley Road, Egg Harbor Township, NJ 08234

Description of Request: Provide \$1.7 million for the construction of a properly sited, adequately sized, and configured functional space to support conventional munitions administration, training and maintenance in support of 18 PAA F-16 aircraft to better enable the 177th to perform its Air Sovereignty Alert mission in defense of the homeland.

Mr. SMITH of Washington. Madam Chair, I rise today in support of the Fiscal Year 2010 Military Construction and Veterans Affairs appropriations bill and thank Chairman EDWARDS and Ranking Member WAMP for their work in crafting this legislation.

As someone who represents thousands of military veterans and their families, I believe

that we have an obligation to provide them with the benefits and treatment they deserve for their years of faithful service. This legislation accomplishes that by providing \$108.9 billion for the Department of Veterans Affairs, a \$14.5 billion increase over Fiscal Year 2009, when not factoring in stimulus or supplemental funding.

It is estimated that the VA will treat more than 6.1 million patients in 2010, including more than 419,000 veterans of Iraq and Afghanistan. To meet this demand, the bill provides important funding for mental health programs, assistance to homeless veterans, and to improve access for veterans in rural areas. The bill also provides vital funding to hire additional claims processors to support the Department's continued effort to reduce the backlog of benefit claims.

I was also pleased to see that the committee included a provision to provide advanced budget authority and funding for fiscal year 2011 for medical related accounts. This is a step to ensure that the VA healthcare system continues to receive a timely and predictable stream of funding without subjecting it to the delays that can arise due to the larger annual budget debates.

In addition to the funds provided for our nation's veterans, I also applaud the committee's work in providing the necessary funding to meet the construction needs of our military. The bill provides \$24.6 billion for construction, facility modernization, and environmental cleanup. Among other construction projects at Ft. Lewis and McChord, I was specifically pleased to see funds included in the bill for the construction of a Joint Access Road between Ft. Lewis and McChord Air Force Base, a project that I specifically requested funding for. These funds will help provide a link between the two installations, alleviate congestion, and provide a deployment route for the air transportation of Army vehicles and equipment.

Again, I thank the Chairman and Ranking Member for their work on this legislation and urge my colleagues to support its passage.

Mr. KUCINICH. Madam Chair, the increases in funding for veterans services contained in the Military Construction and Veterans Affairs Appropriations bill are overdue and welcome. It continues increases in veterans' health care funding by providing \$53 billion for the Department of Veterans Affairs. It also provides advanced appropriations for FY 2011 for medical accounts. I have long supported advance appropriations for veterans because it helps to stabilize funding instability and ultimately results in higher quality care for veterans. The bill provides \$3.2 billion, a 40 percent increase over last year, to combat homelessness. It provides \$4.6 billion for mental health care to help address the rising incidence of Post Traumatic Stress Disorder in our newer veterans. It provides for the hiring of 1,200 additional claims processors to continue to work to eliminate the backlog of benefits claims.

Unfortunately, the bill also includes funds for building extensive infrastructure to support our military operations in Afghanistan. It is clear that this construction will support the expansion of ongoing operations in the region. This is particularly troubling because the Administration is still without an exit strategy for Afghanistan. Additionally, U.S. presence in the

region has served to foment anti-American sentiment. I remain concerned that this combination of factors will not ensure U.S. "success" in the region but will ensure that the months and perhaps years ahead will be deadly for our brave troops and for the Afghan people.

It is unacceptable to fund a more permanent presence in Afghanistan in a bill that gives our veterans services they need. Our veterans deserve more than we could ever repay. I must support this bill.

Mr. DINGELL. Madam Chair, I rise today in support of H.R. 3082, the Military Construction, Department of Veterans Affairs, and Related Agencies Appropriations Act for Fiscal Year 2010. This legislation continues the Democratic-Congress' dedication to our veterans by providing \$109 billion to the Department of Veterans Affairs (VA).

I am proud to support the passage of a bill which does so much for our veterans. This year, like every other year, our veterans deserve quality and affordable health care, the services needed to transition into civilian life and prevent homelessness, and other important benefits that will help them succeed in their personal and professional lives. I am particularly pleased the bill provides \$4.6 billion for mental health care treatment, especially in light of the growing number of returning Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF) veterans with post traumatic stress disorder. The bill also provides \$440 million to increase access for veterans who live in rural areas, \$580 million for research in prosthetics, \$533 million to expand eligibility for VA health care to an estimated 266,000 "Priority 8" veterans, or those non-service-disabled veterans earning more than \$30,000 a year, and \$1.1 billion for improving our VA medical facilities.

Madam Chair, of particular concern to me are VA medical facilities in Southeast Michigan, where many of my constituents receive care. The Department of Veterans Affairs Ann Arbor Health System (VAAHS) staff believe that any plan to make the Toledo Community-based Outpatient Clinic administratively separate will have the effect of reducing their budget and inhibit their ability to provide services, including specialty services to their constituencies.

I share this concern. The VAAHS is the only VA medical facility in Michigan providing cardiac surgery, interventional cardiology, and neurosurgery. We must ensure they can continue doing so. The VAAHS has a plan that would double the size of the existing clinic in Toledo, allowing Toledo-area veterans to receive an increased amount of care at the Toledo clinic, from 75 percent currently to 90 percent. We must ensure that we move forward with plans for the existing clinic without impairing the care that is provided to veterans by VA hospitals in Southeast Michigan, including the VA hospitals Battle Creek, Detroit, and especially the one in Ann Arbor.

Madam Chair, as a veteran of World War II, I have the utmost respect for those who have served our nation. I also believe that the VA provides veterans with excellent health services, and should continue to stand out as a leader in health care provision in our country. I urge my colleagues to join with me in supporting this legislation.

Mr. BACA. Madam Chair, I rise today in support of H.R. 3082, FY 2010 Military Construction and Veterans Affairs Appropriations Act.

As we welcome our returning valiant soldiers from abroad and near, let us not forget what they so desperately need.

Their fight is not over once they return home.

Congress has a responsibility to provide for our sons and daughters that we send overseas.

Today, this bill will provide for much needed funding assistance for our soldiers who continue to struggle with PTSD and other mental health illnesses.

We will fund 28 new Vet Centers and 30 new Community Based Outpatient Centers to provide readjustment aid to those returning veterans and their families, because we must fight for them like they have fought for us.

This bill will help house those homeless and low-income veterans, who may otherwise be left in the cold and in the streets.

I am especially pleased with the funding to add 1,200 necessary personnel to streamline the process of veterans' claims to ensure that all our men and women are properly taken care of.

I urge my colleagues to vote for the passage of H.R. 3082, and recognize that veteran care must and should be a priority.

Mr. ISSA. Madam Chair, I rise in support of H.R. 3082, the "Military Construction and Veterans Affairs Appropriations Act, 2010." This bill will fund our nation's military construction projects and veterans' benefits for Fiscal Year 2010.

While I supported this bill, and what it provides for our military and veterans, it is unfortunate the Democratic leadership in Congress refused to allow debate on many amendments including an amendment proposed by Rep. CONNIE MACK that would have reduced the labor costs of each construction project funded by this legislation.

Currently, federal construction projects which cost more than \$2,000 must follow Davis-Bacon wage requirements. The Davis-Bacon Act requires employers to pay workers at least the "locally prevailing wage," as determined by the Department of Labor. Of the reports investigated by the Office of Inspector General, 100% of the wage surveys, used to set the "prevailing wage," contained one or more errors.

According to the Beacon Hill Institute at Suffolk University, Davis-Bacon wage requirements over-estimate wages, inflating construction costs by almost 10%. This amounts to \$8.6 billion taxpayer waste per year. For our military and veterans, this is billions that could have been used to update the Vietnam-era quanzi-huts still in use at Camp Pendleton Marine Corps Base or to fix the Post 9/11 GI bill error that will unfairly reduce California veterans' education benefits.

In this time of fiscal uncertainty, Congress must set priorities and spend wisely. Shutting out debate on an archaic measure that unnecessarily increases cost moves our nation in the wrong direction.

Mr. ETHERIDGE. Madam Chair, I rise in support of H.R. 3082, the Military Construction and Veterans Affairs Appropriations Act for

Fiscal Year 2010. This legislation continues our commitment to the men and women who sacrifice so much to keep our nation safe, supporting members of our military on base, in theater, and when they return home.

As the representative of Fort Bragg, Pope Air Force Base, and many members of our National Guard and Reserves, I am pleased that this bill invests in the infrastructure needed to prepare our troops for battle and improve military equipment. Fort Bragg is becoming one of the largest military facilities in the country through the 2005 Base Realignment and Closure (BRAC) process, and this bill will provide more than \$200 million for a variety of projects on the base in support of Army activity, special operations forces, and the National Guard. Nationwide, H.R. 3082 contains significant funding for new facilities including \$450 million to modernize troop housing, \$2 billion to improve military family housing, and \$7.5 billion for BRAC. In recognition of the historic contributions of National Guard and Reserve personnel to operations in Iraq and Afghanistan, as well as their support of emergency assistance and homeland security, this bill provides \$200 million for National Guard and Reserve construction. H.R. 3082 also includes \$1.4 billion for needs related to operations and troop increases in Afghanistan. Overall, this bill ensures that our military infrastructure keeps up with the needs of our modern fighting forces and operations overseas.

As an Army veteran, I am also pleased that H.R. 3082 continues to build on our promise to take care of all those who have served our country with honor. It provides nearly \$109 billion for veteran's services, including medical care and facilities. Together with increases of the last two years, enactment of this bill will have increased veteran's funding by nearly 50 percent, in recognition of the service of our soldiers in Iraq and Afghanistan. The bill provides \$34.7 billion to improve access to medical services for all veterans and \$4.6 billion for mental health care, and will add 1,200 new claims processors to reduce the claims backlog and ensure veterans receive care and payment in a timely manner. It also makes significant investments in medical research and information technology. As the representative of a predominantly rural district, I am aware that more than 40 percent of veterans live in rural areas. This bill invests \$440 million to improve access to care for these veterans, who often have to travel long distances to receive care.

Madam Chair, this bill takes care of those who are keeping America safe. I urge my colleagues to join me in support of H.R. 3082, to fulfill our continued obligations to our nation's military.

Mr. EDWARDS of Texas. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and the bill shall be considered read through page 58, line 6.

The text of that portion of the bill is as follows:

H.R. 3082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums

are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$4,554,906,000, to remain available until September 30, 2014, of which \$924,484,000 is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, and of which \$450,000,000 shall be for trainee troop housing facilities: *Provided*, That of this amount, not to exceed \$187,872,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for trainee troop housing facilities: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Army" and under the headings "Army" in the tables entitled "Military Construction" and "Overseas Contingency Operations" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill: *Provided further*, That of the funds appropriated for "Military Construction, Army" under Public Law 110-329, \$59,500,000 are hereby rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$3,757,330,000, to remain available until September 30, 2014: *Provided*, That of this amount, not to exceed \$182,569,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Navy and Marine Corps" and under the headings "Navy" in

the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,833,671,000, to remain available until September 30, 2014, of which \$474,500,000 is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided*, That of this amount, not to exceed \$93,407,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Air Force" and under the headings "Air Force" in the tables entitled "Military Construction" and "Overseas Contingency Operations" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, DEFENSE-WIDE
(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$2,743,526,000, to remain available until September 30, 2014: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed \$121,442,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Defense-Wide" and under the headings "Defense-Wide" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill: *Provided further*, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 110-329, \$25,800,000 are hereby rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions

therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$529,129,000, to remain available until September 30, 2014, of which \$30,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed \$40,488,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Director of the Army National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Army National Guard" and under the headings "Army National Guard" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$226,126,000, to remain available until September 30, 2014, of which \$30,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed \$12,021,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Director of the Air National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Air National Guard" and under the headings "Air National Guard" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$432,516,000, to remain available until September 30, 2014, of which \$30,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed \$25,016,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the

Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Chief of Army Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Army Reserve" and under the headings "Army Reserve" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$125,874,000, to remain available until September 30, 2014, of which \$20,000,000 shall be for critical unfunded requirements of the Navy Reserve and \$35,000,000 shall be for critical unfunded requirements of the Marine Forces Reserve: *Provided*, That of the amount appropriated, not to exceed \$2,951,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Chief of Navy Reserve and the Commander, Marine Forces Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Navy Reserve" and under the headings "Navy Reserve" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$103,169,000, to remain available until September 30, 2014, of which \$55,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed \$4,669,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Chief of Air Force Reserve shall submit to the Committees on Appropriations of both

Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Military Construction, Air Force Reserve" and under the headings "Air Force Reserve" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$234,914,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$273,236,000, to remain available until September 30, 2014: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Family Housing Construction, Army" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$523,418,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$146,569,000, to remain available until September 30, 2014: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Family Housing Construction, Navy and Marine Corps" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$368,540,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$66,101,000, to remain available until September 30, 2014: *Provided*, That the amount appropriated in this paragraph shall

be for the projects and activities, and in the amounts, specified under the heading "Family Housing Construction, Air Force" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$502,936,000.

FAMILY HOUSING CONSTRUCTION, DEFENSE- WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$2,859,000, to remain available until September 30, 2014: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading "Family Housing Construction, Defense-Wide" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$49,214,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$2,600,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), \$23,225,000, to remain available until expended.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, \$146,541,000, to remain available until September 30, 2014: *Provided*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings "Chemical Demilitarization Construction, Defense-Wide" in the table entitled "Military Construction" in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established

by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$536,768,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE
ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$7,479,498,000, to remain available until expended: *Provided*, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or \$2,000,000, whichever is less: *Provided further*, That the previous proviso shall not apply to projects costing less than \$5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under section 2805 of title 10, United States Code.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to initiate construction of new installations for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fab-

ricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 111. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 112. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 113. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 116. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

SEC. 117. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department

of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883, of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 119. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred

under 42 USC 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 121. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 122. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

SEC. 123. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of canceling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: *Provided*, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 124. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense", to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 125. None of the funds appropriated or otherwise made available in this title may be used for any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

SEC. 126. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in the report of the Committee on Appropriations of the House of Representatives to accompany this bill and in the guidance for military construction reprogrammings and notifications contained in Department of Defense Financial Management Regulation 7000.14-R, Volume 3, Chapter 7, of December 1996, as in effect on the date of enactment of this Act.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, \$47,218,207,000, to remain available until expended: *Provided*, That not to exceed \$29,283,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses", "Medical support and compliance", and "Information technology systems" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, \$8,663,624,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapters 19 and 21, \$49,288,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2010, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$165,082,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$29,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$2,298,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$328,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$664,000.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 20 of title 38, United States Code, not to exceed \$750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical support and compliance" may be expended.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United

States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; \$71,840,500,000, plus reimbursements, of which \$37,136,000,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011: *Provided*, That, of the amount made available under this heading for fiscal year 2010, not to exceed \$1,015,000,000 shall remain available until September 30, 2011: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of \$15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$10,207,000,000, plus reimbursements, of which \$5,307,000,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011: *Provided*, That, of the amount made available under this heading for fiscal year 2010, not to exceed \$145,000,000 shall remain available until September 30, 2011.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials;

for leases of facilities; and for laundry services, \$10,633,000,000, plus reimbursements, of which \$5,740,000,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011: *Provided*, That, of the amount made available under this heading for fiscal year 2010, not to exceed \$145,000,000 shall remain available until September 30, 2011: *Provided further*, That, of the amount available for fiscal year 2010, \$200,000,000 for non-recurring maintenance shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, \$580,000,000, plus reimbursements, to remain available until September 30, 2011.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemetery expenses as authorized by law; purchase of one passenger motor vehicle for use in cemetery operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, \$250,000,000, of which not to exceed \$24,200,000 shall be available until September 30, 2011.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$2,083,700,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That the Veterans Benefits Administration shall be funded at not less than \$1,690,200,000: *Provided further*, That of the funds made available under this heading, not to exceed \$111,000,000 shall be available for obligation until September 30, 2011: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated cost; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of

title 5, United States Code, \$3,307,000,000, plus reimbursements, to be available until September 30, 2011: *Provided*, That none of the funds made available under this heading may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: *Provided further*, That within 30 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$107,000,000, of which \$6,000,000 shall be available until September 30, 2011.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$1,194,000,000, to remain available until expended, of which \$16,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds made available under this heading for fiscal year 2010, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2010; and (2) by the awarding of a construction contract by September 30, 2011: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the

Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further*, That of the funds made available under this heading, \$933,030,000 shall be for the projects and activities, and in the amounts, specified under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$726,800,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, \$85,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$42,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2010 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal

year 2010, in this Act or any other Act, under the "Medical services", "Medical support and compliance", and "Medical facilities" accounts may be transferred among the accounts: *Provided*, That any transfers between the "Medical services" and "Medical support and compliance" accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers between the "Medical services" and "Medical support and compliance" accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the "Medical facilities" account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2009.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from "Compensation and pensions".

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2010, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of

title 38, United States Code, reimburse the "General operating expenses" and "Information technology systems" accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2010 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2010 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed \$35,257,000 for the Office of Resolution Management and \$3,287,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the "General operating expenses" and "Information technology systems" accounts for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental cost is more than \$1,000,000, unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived

from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 214. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of that account.

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans who are eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds available to the Department of Veterans Affairs, in this Act, or any other Act, may be used to replace the current system by which the Veterans Integrated Services Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 219. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 220. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available under the "Medical services", "Medical support and compliance", "Medical facilities", "General operating expenses", and "National Cemetery Administration" accounts for fiscal year 2010, may be transferred to or from

the "Information technology systems" account: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 222. Amounts made available for the "Information technology systems" account may be transferred between projects: *Provided*, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 223. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with—

(1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109-115; 119 Stat. 2506); or

(2) section 8110(a)(5) of title 38, United States Code.

SEC. 224. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2010, in this Act or any other Act, under the "Medical facilities" account for non-recurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of that fiscal year: *Provided*, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

SEC. 225. Section 1925(d)(3) of title 38, United States Code, is amended by striking "appropriation 'General Operating Expenses, Department of Veterans Affairs'" and inserting "appropriations for 'General Operating Expenses and Information Technology Systems, Department of Veterans Affairs'".

SEC. 226. Section 1922(a) of title 38, United States Code, is amended by striking "administrative costs to the Government for the costs of" and inserting "administrative support financed by the appropriations for 'General Operating Expenses, Department of Veterans Affairs' and 'Information Technology Systems, Department of Veterans Affairs' for".

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$61,800,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, \$27,115,000, of which \$1,820,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-229.

DEPARTMENT OF DEFENSE—CIVIL CEMETERIAL EXPENSES, ARMY SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$42,500,000, to remain available until expended: *Provided*, That none of the funds available under this heading shall be for construction of a perimeter wall at Arlington National Cemetery. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally-owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$134,000,000, of which \$72,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulport, Mississippi.

TITLE IV

GENERAL PROVISIONS

SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 402. Such sums as may be necessary for fiscal year 2010 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication,

radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 408. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States Congress.

The CHAIR. No amendment shall be in order except the amendments printed in House Report 111-195. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to a demand for division of the question.

After disposition of the amendments specified in the first section of House Resolution 622, the Chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

AMENDMENT NO. 1 OFFERED BY MR. EDWARDS OF TEXAS

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-195.

Mr. EDWARDS of Texas. Madam Chair, I ask unanimous consent that I be allowed to offer the amendment on behalf of Mr. COHEN of Tennessee. It's an important amendment. I don't think there's any objection to it.

The CHAIR. The gentleman shall be considered the designee of the gentleman from Tennessee (Mr. COHEN).

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. EDWARDS of Texas:

Page 33, line 16, after the dollar amount insert the following: "(increased by \$1,000,000)".

Page 37, line 14, after the dollar amount insert the following: "(reduced by \$1,000,000)".

The CHAIR. Pursuant to House Resolution 622, the gentleman from Texas (Mr. EDWARDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. EDWARDS of Texas. I thank the Chair.

I want to salute Mr. COHEN of Tennessee for his leadership in bringing this issue to the House. We are facing tremendous challenges. The number of veterans who need mental health care services, including PTSD services face a tremendous challenge finding enough psychiatrists, psychologists and mental health care professionals to provide the services that these great Americans so very much need. Mr. COHEN has taken the lead in this amendment in providing an additional \$1 million for educational debt forgiveness for mental health care professionals who agree to employment at the Department of Veterans Affairs. I have actually had a number of discussions with VA employees in my district, and I think there is a sense that this kind of incentive might really encourage mental health care professionals who otherwise would not go into the VA system to do so. So I think this is a very important amendment, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. WAMP. Madam Chairman, I claim the time in opposition but not to oppose this amendment but to support this amendment.

The CHAIR. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. WAMP. I thank my colleague from the State of Tennessee (Mr. COHEN) for this amendment. We support the amendment, Mr. Chairman.

Mr. COHEN. Madam Chair, my amendment offered by Mr. EDWARDS of Texas increases the Medical Services account at the Veterans Administration by \$1M with an offset of the same amount to the General Operating Expenses account.

It is my hope that this modest increase could be used toward the budget of the VA's Education Debt Reduction Program (EDRP).

Started in 1998, the Education and Debt Reduction Program is an excellent asset to VA. The program is a loan repayment and debt cancellation program specifically for VA medical personnel. It helps the VA to recruit and retain the most competitive and qualified professionals.

Over the course of the year, I have encouraged the VA to review its processes for hiring and retaining its doctors, nurses, clinicians, psychologists, psychiatrists and other employees that are so critical to the treatment and care of our veterans.

In years passed, more medical personnel have wanted to participate in EDRP but were unable to enroll because of funding restrictions.

This amendment could directly address this program and I strongly encourage my colleagues to support it.

In closing, Madam Chair, I want to thank Congresswoman SLAUGHTER and staff for considering my amendment.

I also want to applaud Chairman OBEY, subcommittee Chair CHET EDWARDS and staff for crafting a fiscally responsible appropriations bill that will benefit military construction projects, the veterans' affairs administration, and veterans throughout this country.

This appropriations bill took into consideration the most feasible parts of the President's requests as well as the concerns of our veterans and veterans groups.

For years, the Veterans Administration, Veterans Service Organizations, and veterans across the country have fought for advanced funding to ensure that the VA Healthcare system is funded in a timely and predictable fashion.

For the first time, Congress is providing advanced appropriations not just for the upcoming fiscal year but for two years ahead of time. This advanced funding will affect the medical services, medical support and compliance, and medical facilities accounts and will enable the Veterans Hospital in Memphis and Veterans Hospitals throughout the country to plan and implement its programs early.

It offers \$4.6 billion for mental health, the same as the President's request and \$800 million above the budget for 2009. This increase will allow the VA to better deal with the mental health diagnosis, care, and treatment of our courageous veterans.

I support this bill and again I ask for your support of my amendment as offered by Mr. EDWARDS of Texas.

Mr. WAMP. I yield back the balance of my time.

Mr. EDWARDS of Texas. I yield back the balance of my time.

The CHAIR. All time for debate on the amendment having expired, the question is on the amendment offered by the gentleman from Texas (Mr. EDWARDS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. FILNER

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-195.

Mr. FILNER. Madam Chair, I rise to offer amendment No. 2.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FILNER:

Page 35, line 4, after the dollar amount insert the following: "(reduced by \$3,500,000)".

Page 37, line 14, after the dollar amount insert the following: "(increased by \$3,500,000)".

The CHAIR. Pursuant to House Resolution 622, the gentleman from California (Mr. FILNER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. I thank the Chair. I would like to thank Chairman EDWARDS and Chairman OBEY for the incredible work they have done on this budget for the last, now, 2½ years. As I understand it, we have increased the

health care budget in that time 60 percent. In this bill we have raised the health care budget 11 percent; and in a revolutionary kind of approach, I think, we forward fund the health care items for the VA, and the increase is 8 percent. This is an incredible victory for veterans; and we thank, again, Mr. EDWARDS and Mr. OBEY for leading the charge on this.

You know, in the last 22 years I think we've only had the VA budget approved on time in three out of those 22 years. From now on that VA budget will be approved a year in advance. It will make sure that we have timely and adequate funding, for the VA health care system needs to know what its budget is in order to be able to run efficiently and at high quality. So we thank Mr. EDWARDS for these items. I know there are numerable things in here that we're going to pass that will strengthen health care for our Nation's veterans.

Some of my colleagues may recall that last year we authorized the VA to fund the Office of National Veterans Sports Programs and Special Events at a \$10-million authorization which we believe is the appropriate amount to enhance and improve the quality of life for the men and women who have made a tremendous sacrifice for our country. The underlying bill provides \$6.5 million, as requested by the administration, but it does not provide the full authorized amount. But what this amount does is it increases the level of funding by \$3.5 million. I strongly believe that providing this program the needed funding to assist our injured servicemembers and veterans will enhance and improve the quality of life for these men and women while they heal from their wounds.

Madam Chair, I think all of us have been inspired whenever we have a chance to watch these warrior athletes, those who have been "disabled"—and I put that in quotes—perform at an incredibly high level in these Paralympics with their training. It obviously strengthens their quality of life and their optimism, but it helps us all as we realize not only do people sacrifice life and limb for their country, but we can provide the resources to make sure that they have a full and productive life. So I ask my colleagues to join me in supporting this amendment.

Mr. EDWARDS of Texas. Will the gentleman yield?

Mr. FILNER. I yield to the gentleman from Texas.

Mr. EDWARDS of Texas. I would like to take this time to thank the gentleman and Mr. LANGEVIN for their leadership on this amendment. I also want to thank the gentleman for everything he has done in the past 2½ years. Our subcommittee cannot appropriate without his subcommittee authorizing it, and all the accomplish-

ments we've listed absolutely would not have happened without the leadership of Mr. FILNER. And a particular thanks to Mr. FILNER who has been the national champion in the Congress for advance funding. It's truly a historic initiative this year.

□ 1215

Mr. FILNER. I thank the gentleman. I would yield the balance of my time to the cosponsor of this amendment, Madam Chair, the gentleman from Rhode Island (Mr. LANGEVIN). I thank him for his leadership on these issues.

The CHAIR. The gentleman is recognized for 1½ minutes.

Mr. LANGEVIN. I want to thank the gentleman for yielding.

Madam Chairman, I rise today in strong support of the Filner-Langevin amendment to provide full funding to the United States Olympic Committee's Paralympic Veterans Program.

I would like to thank in particular Chairman EDWARDS for his great work in support of our service men and women through increased funding levels in the underlying bill and Chairman FILNER for his continued advocacy for our disabled veterans especially.

The USOC Paralympic program provides a unique opportunity for personal recovery and achievement for our wounded servicemembers who return from combat with serious and life-changing injuries.

Daily physical activity is often the most critical mental and physical aspect of the rehabilitation process. It reduces stress, depression and secondary medical conditions while increasing self-esteem, employment rates and quality of life.

Full funding of the U.S. Paralympic Adaptive Sports Program will expedite the expansion of services and programs to injured veterans.

The USOC has created Paralympic programs in 99 communities, providing access to physical activity and sports opportunities, regardless of skill level, for over 5,000 injured servicemembers and veterans.

Paralympic, community and veteran organizations are partnering with the USOC to invest more than \$40 million in private resources annually to develop programs, provide Paralympic mentors and expand to 250 U.S. communities serving over 8,000 injured servicemembers by 2012.

After all our servicemembers have sacrificed for our country, we have an obligation to provide services and opportunities for them as they return home.

The Paralympic program has already touched thousands of lives, and with additional resources, it can help countless more veterans regain both physical strength and self-esteem. And I urge my colleagues to support the Filner-Langevin amendment.

Mr. WAMP. Madam Chairman, I rise to claim the time in opposition, even though we support the amendment.

The CHAIR. Without objection, the gentleman from Tennessee is recognized for 5 minutes.

There was no objection.

Mr. WAMP. I yield our time to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Is there any remaining time on the majority side?

The CHAIR. No.

Mr. BUYER. Madam Chair, I rise in support of this amendment to increase funding for the Office of National Veterans Sports Programs and Special Events by \$3.5 million.

Seven or eight years ago, I had the opportunity to visit the U.S. Olympic training center in San Diego, and I was inspired by the attitude and positive example that our Olympians that train there continue to set for all Americans. It is truly a remarkable place.

Then as I drove away from the training center, I was also upset. I was upset because at that time in history the United States Olympic Committee was embroiled in a scandal. I was very bothered that individuals were seeking to profit off of someone else's ideal, the pursuit of excellence. I then set the course to help reorganize the United States Olympic Committee. I am very pleased that the committee was reorganized. They did great things as we went into the 2004 Olympics and then the 2008 Olympics, summer Olympics on both. Based on the experience and the relationships that developed with the Olympic Committee and the relationships of the VA, we were able to create a memorandum of understanding between the Olympic Committee and the VA to further create these sports programs. That led then to our bipartisan legislation, Public Law 110-389, to authorize a total of \$10 million to fund a VA grant program to increase participation in sports at all levels by disabled athletes.

This program creates a partnership between the VA and the United States Paralympic program and grassroots disabled sports programs such as those sponsored by the Veterans Service Organizations, Disabled Sports U.S.A., and local parks and recreation organizations.

Madam Chair, it is well known that sports are a great venue to rehabilitate a wounded veteran both physically and mentally. We need to offer every possible avenue for our wounded heroes to regain their self-esteem in the face of what are often severe disabilities. By increasing the funding to the full authorization, we will ensure a fast start for the program and maximize its impact on the disabled veteran community.

I want to thank Chairman EDWARDS and Mr. WAMP for meeting this request. I ask all Members to support my amendment. You say, STEVE, "my" amendment? What do you mean? Well, the amendment before the House—are you ready for this—is word for word,

comma for comma, period for period the amendment that I submitted to the Rules Committee.

Now bipartisanship is an affirmative act. It requires two people. It is a choice. You can either do things the partisan way or you can do things the bipartisan way. You see, when I drafted this amendment, I sent my staff down to speak with Mr. FILNER's staff. I made an offer to him that if he wanted to be on this amendment. His staff then said, Mr. FILNER is working on an amendment. The two staffs then exchanged both amendments. My staff said to Mr. FILNER's staff, Your amendment could be subject to a point of order, but if you would like Mr. BUYER to be on your amendment, that's fine.

Mr. FILNER made a choice. He wanted to have his own amendment. So he submitted his amendment to the Rules Committee, which was subject to a point of order. I submitted my amendment to the Rules Committee clean. Clean. It is mystical, almost magical, how my amendment ends up with somebody else's name on it before the House floor. It is truly magic. But in the end, bipartisanship is a wonderful thing, because through that magic and mystery that is what we have here, Mr. Chairman. We got our bipartisanship in the end because the most important thing is these disabled veterans will have an opportunity to use a platform of healing. That is what we are about.

So it is important that we get rid of the politics. That is my quest here. That is why I enjoy working with you, Mr. EDWARDS and ZACK. Stop the games. And I would yield to the gentleman.

Mr. EDWARDS of Texas. I thank the gentleman for yielding.

I don't know all the processes of the timing and who had what amendment, but what I do want to make clear is Mr. BUYER obviously clearly has been a real leader on this effort. So I salute you for your leadership on it and commend you for it.

There was no intention of any partisan politics being involved in this. I'm glad, as you are, at the end of the day because of your work and Mr. FILNER's work and Mr. LANGEVIN's work that these great Americans will be honored. I salute the gentleman for that.

Mr. BUYER. I reclaim my time, you are absolutely right. I applaud Mr. FILNER for his legislation. He worked with me to create that legislation.

But, Mr. FILNER, I want to work with you, and it is a choice. You chose not to, but in the end, through mystery and magic, we got our bipartisanship. So I will continue to extend my arm of the magic dust.

I ask for everyone to support this mystical and magical amendment.

I yield back.

The CHAIR. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from California (Mr. FILNER).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MRS. CAPITO

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-195.

Mrs. CAPITO. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mrs. CAPITO:

Page 39, line 14, after the first dollar amount insert the following: "(reduced by \$1,000,000)".

Page 54, line 21, after each dollar amount insert the following: "(increased by \$1,000,000)".

The CHAIR. Pursuant to House Resolution 622, the gentlewoman from West Virginia (Mrs. CAPITO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from West Virginia.

Mrs. CAPITO. Madam Chairwoman, I would like to thank the chairman of the subcommittee and the ranking member for the great work they do for veterans and our military construction around the world.

I appreciate the opportunity today to rise to offer an amendment to the Military Construction and Veterans Affairs Appropriations bill that would increase funding for a program that provides free legal services to our veterans under the U.S. Court of Appeals for Veterans Claims Account.

I am sure all of us as Members of Congress have talked to a veteran that has not received the benefits that they feel they are fairly entitled to. And if that happens, they can appeal the decision in the Court of Appeals for Veterans Claims. However, as many veterans are on fixed incomes, they cannot afford the costly legal services associated with appealing a Department of Veterans Affairs decision.

The present law entitles certain veterans who wish to appeal to free legal services so that they can receive a fair hearing that they are entitled to without the burden of huge legal fees.

Veterans from throughout my district have expressed their concern that many veterans are struggling with the appeals process, and with so many of our warriors returning from Iraq and Afghanistan, we must take measures to ensure that all of our veterans' needs are provided for.

My amendment would increase the veterans' legal services account by \$1 million, providing for more services for our brave veterans.

I urge all of my colleagues to support this very important amendment. I appreciate the opportunity to offer it.

I reserve my time.

Mr. EDWARDS of Texas. Madam Chair, I rise to claim time in opposi-

tion. I want to clarify that I support this amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. EDWARDS of Texas. It is a good amendment. I thank the gentlewoman for offering it. I just want to say I think it is important to send a message that we want all veterans, regardless of their income levels, to have access to the full appeals process. That is what this amendment is about. I support it.

I yield back the balance of my time.

Mrs. CAPITO. I appreciate the chairman's support and the support of the ranking member. I yield back my time.

The CHAIR. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. GARRETT OF NEW JERSEY

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-195.

Mr. GARRETT of New Jersey. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. GARRETT of New Jersey:

Page 42, line 5, after the dollar amount insert the following: "(decreased by \$4,000,000)".

Page 43, line 6, after the dollar amount insert the following: "(increased by \$4,000,000)".

The CHAIR. Pursuant to House Resolution 622, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. My amendment seeks to increase funding for the Grants for Construction of State Veterans Cemeteries account by \$4 million and decrease funding for the Grants for Construction, Minor Projects account by \$4 million.

I have met with a number of veterans in my district for a period of time, and one of the topics we have discussed at length was funding for our veterans cemeteries. There are basically two types of veterans cemeteries: Federal and State. When the original Federal cemeteries began to run out of room, the Federal Government created an optional program, the State Cemetery Grant Program that is administered by the Veterans' Administration.

The Veterans' Administration provides funding for State Cemeteries through this grant program. And all pending projects are evaluated by the VA and ranked in priority of order. This is not an earmarked program. It is a competitive type and ranking process.

The current priority list, however, shows there are \$151 million worth of projects where the State matching funds are in place and ready to go. In other words, there are at present more than \$150 million worth of unfunded State Cemetery Projects waiting for the Federal matching grant.

Yet the appropriations bill that we now consider provides only \$42 million. Of course the very first priority for the State Cemetery Program is to provide funding for new cemeteries and existing cemeteries that are in need right now. However, this means that many cemeteries which require expansion, and improvement projects will not receive the funding if we keep it at the current level.

To make matters worse, the program has been underfunded for years even though the number of World War II veterans needing interments will increase rapidly.

My State of New Jersey is home to the BGWC Doyle Veterans Memorial Cemetery. This cemetery has two improvement projects that are waiting for Federal funding.

I communicated this with several VA officials in New Jersey, and they agreed that there is a need for an overall increase in the annual budget for this program, and my amendment would do just that. My amendment will simultaneously decrease the Grants for Construction for Minor Projects. It basically means we will put the money today for the use of the veterans that need it today and deal later with some administrative changes and costs like that.

Mr. EDWARDS of Texas. Madam Chair, I rise to claim my time in opposition, although I do not oppose the amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. EDWARDS of Texas. Madam Chair, I rise in support of the amendment. I commend the gentleman for this. I have seen firsthand what it means to our living veterans to know that they will have a place of honor to be remembered by their loved ones and the country which they served.

The State Veterans Cemetery Program is a great State-Federal partnership. This is a tremendously important amendment. I'm glad to support it.

I yield back the rest of my time.

□ 1230

Mr. GARRETT of New Jersey. Before the gentleman sits down, I wanted to say thank you to the gentleman on the area of cemeteries and dealing with our heroes in the past for the work we have done together here, and the comments he made years ago in the Budget Committee dealing with the situation of spouses of our veterans as well and making sure that they are adequately

taken care of as well. Besides this matter that is before us today, I just want to say thanks for your work in those areas as well.

Mr. EDWARDS of Texas. I thank the gentleman for his leadership.

Mr. GARRETT of New Jersey. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. SESSIONS

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-195.

Mr. SESSIONS. Madam Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SESSIONS: Page 58, after line 6, insert the following:

SEC. 409. Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report detailing the current and planned use of Hyperbaric Oxygen Therapy (hereinafter in this section referred to as "HBOT") in Department of Veterans Affairs medical facilities. Such report shall include the number of veterans being treated with HBOT, the types of conditions being treated with HBOT and their respective success rates, and the current inventory of hyperbaric chambers.

The CHAIR. Pursuant to House Resolution 622, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Madam Chairman, the amendment that I bring forth today requires the Secretary of Veterans Affairs to submit a report to Congress on the use of hyperbaric oxygen therapy, commonly known as HBOT, in VA medical facilities. My active interests in hyperbaric therapy over the last 3 years has led me to more understanding of the critical function it has performed and performs even today, and the promising potential it has for injured active-duty soldiers and veterans.

I would like to briefly comment on the currently approved uses of HBOT and the promising research into hyperbaric therapy as a possible treatment for traumatic brain injury, known as TBI.

Hyperbaric oxygen therapy uses a chamber to administer oxygen in particular dosages for already FDA-approved treatments, many of which provide remarkable benefits to our injured veterans. The oxygen acts as a catalyst in healing wounds which often fail to respond to other medical and surgical procedures and usually lack the blood circulation and blood oxygen levels necessary to heal.

These treatments include, but are not limited to: treating nonhealing dia-

betic foot wounds; advancing healing for crush injuries such as gunshot wounds, falls, and vehicle accidents; support for individuals suffering from exceptional blood loss; and advanced assistance in reconstructing complex wounds which require the transferring of tissues from one part of the body to another.

HBOT frequently saves a veteran from an expensive, painful, life-altering, and potentially life-threatening amputation of an arm, a leg or a foot. This therapy has been extremely impressive, and I look forward to hearing the VA's report on its current and planned use of hyperbaric therapy in its medical facilities.

Since 2006, I have been actively engaged in researching a new cross-application of hyperbaric therapy for treating another very common and life-threatening nonhealing wound: TBI, traumatic brain injury. I have held numerous meetings with physicians, Ph.D.'s, scientists, government officials, and our service men and women, the Department of Defense, the Department of Veterans Affairs, all regarding the treatment of TBI with hyperbaric therapy being available to them.

Over the past year, I have seen a multitude of evidence from numerous cases that show substantial progress in brain function of our injured soldiers after treatment with hyperbaric oxygen.

As we speak today, veterans all across our country are suffering from TBI, and they are in the process of receiving hyperbaric therapy from private physicians with amazing real-world results. Many of these soldiers who could not hold a job or properly care for their families, they sometimes can't even leave their own bed, or others who have suicidal tendencies, have returned to active duty, employment, school, and perhaps more importantly, to the life of their own families.

These results have led me to believe in the promising potential of healing our brain-injured soldiers suffering from TBI and PTSD.

The Defense Center on Excellence for Psychological Health and Traumatic Brain Injury, under the command of Brigadier General Loree Sutton, is conducting a study into hyperbaric therapy for the treatment of TBI, and it is scheduled to be delivering study results in December of 2010. I highly encourage my colleague to join me over the next few months in engaging with General Sutton and the Department of Defense on this promising new application of hyperbaric therapy.

My amendment today is very simple. It asks for the VA to submit a report on their current and planned use of hyperbaric oxygen therapy. By knowing today how it is used, we can have a greater understanding of how we can assist our injured veterans tomorrow. So we are asking how the VA uses it

today and where those facilities are so we can be prepared to work, when the Department of Defense has their answer available soon, to where we then coincide that with the veterans who are home with us today.

Madam Chairman, I want to say that the gentleman from Texas (Mr. EDWARDS) and the gentleman from Tennessee (Mr. WAMP) both engaged me yesterday in the Rules Committee on this amendment. I believe there could be widespread agreement that this is a good application for both of us to vote for.

Mr. EDWARDS of Texas. Madam Chairman, I rise to claim the time in opposition to the amendment, but let me make it clear I am very honored to support this amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. EDWARDS of Texas. I commend Mr. SESSIONS for his interest in pursuing innovative health care procedures for our veterans. We provided tremendous

increases for health care funding for our veterans over the last 2½ years. In addition to that funding and the oversight of that funding, we need to encourage the VA to be innovative. We want them to be prudent and careful. Perhaps, as we go through to conference, we should encourage the VA not only to provide a report on where it is used and how often it is using hyperbaric oxygen therapy, but perhaps we ought to work with them, encouraging them to do some studies to look into the potential opportunities of this type of care making a real difference in the lives of our veterans.

I am proud to join with the gentleman in support of his amendment.

I yield to the ranking member, Mr. WAMP, for any comments he would care to make.

Mr. WAMP. I thank the gentleman for yielding. I want to thank, actually, the Rules Committee yesterday for agreeing to this amendment coming before the House today.

Mr. SESSIONS has persevered on this issue now for some time. He deserves

great credit. It has tremendous potential, and I look forward to working with the chairman and Mr. SESSIONS as we go forward. I also support the amendment.

Mr. EDWARDS of Texas. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-195.

Mr. FLAKE. Madam Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds provided in this Act shall be available from the following Department of Defense military construction accounts for the following projects:

Account	Location	Project	Amount
Army	Alabama: Anniston Depot	Industrial Area Electric System Upgrade.	\$3,300,000
Army	Alabama: Fort Rucker	Water Survival Training Facility	\$401,000
Army	Alabama: Redstone Arsenal	Gate 7 Access Control Point	\$3,550,000
Air Force	Arkansas: Little Rock AFB	Security Forces Operations Facility	\$1,400,000
Army NG	Arkansas: West Memphis	Readiness Center	\$1,240,000
Army	Arizona: Fort Huachuca	Fire Station, Two Company	\$6,700,000
Navy	California: Bridgeport MWTC	Commissary	\$6,830,000
Air Force	California: Los Angeles AFB	Consolidated Parking Area Ph 1	\$8,000,000
Air Reserve	California: March ARB	Small Arms Firing Range	\$9,800,000
Navy	California: Monterey NSA	Marine Meteorology Center	\$10,240,000
Navy	California: Point Loma NB	Add/Alt Marine Mammal Surgical Center.	\$2,330,000
Air Force	California: Travis AFB	Taxiway Mike Bypass Road	\$6,000,000
Air Force	Colorado: Peterson AFB	East Gate Realignment	\$7,200,000
Air NG	Connecticut: Bradley IAP	CNAF Beddown—Upgrade Facilities	\$9,000,000
Navy	Connecticut: New London NSB	MK-48 Torpedo Magazine	\$6,570,000
Air Force	Florida: Eglin AFB	Flight Test Operations Facility (413 FLTS).	\$9,400,000
Air Force	Florida: MacDill AFB	Mission Support Facility	\$384,000
Air Force	Florida: MacDill AFB	Consolidated Communications Facility	\$21,000,000
Navy	Florida: Mayport NS	Fitness Center	\$26,360,000
Navy	Florida: Panama City NSA	Joint Diver A-School Dormitory	\$520,000
Navy	Georgia: Albany MCLB	Weapons Maintenance Hardstand Facility.	\$4,870,000
Army NG	Georgia: Hunter AAF	Readiness Center	\$8,967,000
Air Force	Georgia: Robins AFB	Hot Cargo Pad/Taxiway	\$6,200,000
Air Force	Hawaii: Hickam AFB	Ground Control Tower	\$4,000,000
Army NG	Hawaii: Kapolei	Readiness Center (JFHQ)	\$5,446,000
Navy	Hawaii: Pearl Harbor NSY	Drydock 2 Starboard Waterfront Facility.	\$850,000
Army NG	Iowa: Camp Dodge	Motor Vehicle Storage Buildings, Freedom Center.	\$1,963,000
Army NG	Iowa: Davenport	Army Aviation Support Facility Add/Alt.	\$2,000,000
Army NG	Iowa: Fairfield	Field Maintenance Shop Add/Alt	\$2,000,000
Army NG	Iowa: Iowa Falls	Add/Alt Readiness Center	\$2,000,000
Air Force	Idaho: Mountain Home AFB	Civil Engineer Maintenance Complex	\$690,000
Air NG	Illinois: Lincoln Capital Airport	Relocate Base Entrance	\$3,000,000
Air Force	Illinois: Scott AFB	Aeromedical Evacuation Facility	\$7,400,000
Navy	Indiana: Crane NSWC	Strategic Weapons System Engineering Facility.	\$510,000
Air NG	Kansas: McConnell AFB	Upgrade DCGS	\$8,700,000
Army	Kentucky: Fort Campbell	Physical Fitness Complex	\$900,000
Army	Kentucky: Fort Campbell	Chapel Complex	\$14,400,000
Army NG	Kentucky: Frankfort	Joint Forces Headquarters	\$334,000
Army NG	Kentucky: London	Phase IV Aviation Operations Facility	\$1,805,000
Air NG	Kentucky: Standiford Field	Contingency Response Group Facility ..	\$600,000
Army	Louisiana: Fort Polk	Multipurpose Machine Gun Range	\$6,400,000
Navy	Maine: Portsmouth NSY	Consolidation of Structural Shops	\$2,000,000

Account	Location	Project	Amount
Navy	Maine: Portsmouth NSY	Gate 2 Security Improvements	\$7,090,000
Army	Maryland: Aberdeen Proving Ground	Information Processing Node, Ph 2	\$956,000
Air Force	Maryland: Andrews AFB	Physical Fitness Facility	\$930,000
Navy	Maryland: Carderock NSWC DET	RDTE Support Facility, Ph 2	\$6,520,000
Army	Maryland: Fort Detrick	Auditorium and Training Center Expansion.	\$7,400,000
Army	Maryland: Fort Meade	Intersection, Rockenbach Road & Cooper Avenue.	\$2,350,000
Navy	Maryland: Indian Head NSWC	Advanced Energetics Research Lab Complex, Ph 2.	\$16,460,000
Air NG	Massachusetts: Barnes ANGB	F-15 Aircraft Ready Shelters	\$8,100,000
Air NG	Massachusetts: Hanscom AFB	Joint Forces Operations Center--ANG Share.	\$1,500,000
Army NG	Michigan: Camp Grayling	Barracks Replacement, Ph 2	\$440,000
Army NG	Michigan: Fort Custer (Augusta)	Organizational Maintenance Shop (ADRS).	\$7,732,000
Air NG	Minnesota: Minneapolis-St.Paul IAP	Add/Alt Starbase Facility	\$1,900,000
Air NG	Mississippi: Gulfport-Biloxi RAP	Relocate Base Entrance	\$6,500,000
Army	Missouri: Fort Leonard Wood	Health Clinic	\$7,800,000
Air Force	Missouri: Whiteman AFB	EOD Operations Complex	\$7,400,000
Air Force	Missouri: Whiteman AFB	Land Acquisition North and South Boundaries.	\$5,500,000
Army NG	Montana: Fort Harrison	Add/Alt Troop Medical Facility	\$1,750,000
Army NG	Nevada: Las Vegas	Civil Support Team Ready Building	\$727,000
Air NG	New Jersey: Atlantic City IAP	Munitions Administration Facility	\$1,700,000
Air Force	New Jersey: McGuire AFB	Warfighter and Family Support Center	\$7,900,000
Army	New Jersey: Picatinny Arsenal	Ballistic Evaluation Facility, Ph 2	\$10,200,000
Air Force	New Mexico: Cannon AFB	Dormitory (96 RM)	\$450,000
Air Force	New Mexico: Holloman AFB	Fire/Crash Rescue Station	\$10,400,000
Air Force	New Mexico: Kirtland AFB	Add to Space RDTE Operations Center	\$5,800,000
Army	New York: Fort Drum	All Weather Marksmanship Facility	\$8,200,000
Air NG	New York: Fort Drum	Reaper LRE Beddown (Wheeler Sack AAF).	\$2,700,000
Air Reserve	New York: Niagara Falls ARS	Indoor Small Arms Range	\$5,700,000
Army NG	North Carolina: East Flat Rock	Readiness Center Add/Alt	\$2,516,000
Army	North Carolina: Fort Bragg	Field Support Brigade Headquarters	\$720,000
Army NG	North Carolina: Fort Bragg	Tactical UAS Support Facility	\$6,038,000
Air Force	North Carolina: Seymour Johnson AFB	Radar Approach Control Complex, Ph 1	\$6,900,000
Air Force	North Dakota: Minot AFB	Control Tower/Base Operations Facility	\$1,710,000
Army NG	Ohio: Beightler Armory	Joint Forces Headquarters (JOC) Addition.	\$2,000,000
Army NG	Ohio: Ravenna	Shoot House	\$2,000,000
Air NG	Ohio: Toledo Express Airport	Multi-Use Instructional Facility	\$2,000,000
Air Force	Ohio: Wright-Patterson AFB	Replace West Ramp, Ph 2	\$10,600,000
Air NG	Ohio: Zanesville ANGS	New Supply Warehouse	\$1,000,000
Air Force	Oklahoma: Tinker AFB	T-9 Noise Suppressor	\$5,100,000
Army NG	Oregon: Camp Rilea	Water Supply System	\$368,000
Army NG	Oregon: Polk County	Readiness Center	\$12,100,000
Army NG	Pennsylvania: Luzerne	Readiness Center	\$924,000
Navy	Rhode Island: Newport NS	Renovate Perry Hall	\$8,530,000
Air NG	South Carolina: McEntire JRB	Joint Use Armed Forces Reserve Center	\$1,300,000
Air Force	South Carolina: Shaw AFB	Add/Alter USAFCENT Headquarters	\$21,183,000
Air NG	South Dakota: Joe Foss Field	Add to Munitions Maintenance Complex	\$1,300,000
Army Reserve	Texas: Bryan	Army Reserve Center	\$12,200,000
Army	Texas: Fort Bliss	Access Control Points	\$6,500,000
Army	Texas: Fort Hood	Family Life Center	\$8,500,000
Navy Reserve	Texas: Fort Worth NAS/JRB	Replace Joint Base Communications Building.	\$6,170,000
Air NG	Texas: Kelly Field Annex	Add/Alt Aircraft Maintenance Shops	\$7,900,000
Navy	Texas: Kingsville NAS	Solar Panel Array	\$4,470,000
Army Reserve	Texas: Robstown	Tactical Equipment Maintenance Facility.	\$10,200,000
Air Force	Utah: Hill AFB	PCC Apron NW End Taxiway A	\$5,100,000
Army NG	Vermont: Ethan Allen Range	BOQ Add/Alt	\$1,996,000
Navy	Virginia: Dahlgren NSWC	Electromagnetic Research & Engineering Fac Ph 2.	\$3,660,000
Defense-Wide	Virginia: Dam Neck Annex	SOF Force Protection Improvements	\$4,100,000
Army	Virginia: Fort Lee	Defense Access Roads	\$5,000,000
Navy	Washington: Everett NS	Small Craft Launch	\$3,810,000
Air Force	Washington: Fairchild AFB	Refueling Vehicle Maintenance Facility	\$4,150,000
Army	Washington: Fort Lewis	Fort Lewis-McChord AFB Joint Access	\$9,000,000
Navy	Washington: Indian Island NM	Ordnance Storage Pads with Covers	\$13,130,000
Army NG	West Virginia: Logan/Mingo County	Readiness Center	\$501,000
Army NG	West Virginia: Parkersburg	Readiness Center	\$2,234,000
Army NG	West Virginia: Parkersburg	Field Maintenance Shop	\$967,000
Air NG	Wisconsin: General Mitchell IAP	Add/Alt KC-135 Corrosion Control Hangar.	\$5,000,000
Air Force	Guam: Andersen AFB	Postal Service Center	\$3,500,000
Army NG	Puerto Rico: Camp Santiago	Urban Assault Course	\$1,669,000

The CHAIR. Pursuant to House Resolution 622, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Chairman, this amendment would simply strike funding for all of the Member-requested earmarks for military construction projects and would return the money to the various accounts.

I am not here to dispute the merits of any of the earmarks in this account. I have no doubt that each of these projects will vastly improve the quality of life for military servicemembers and for their families, but that is not the issue here. I am here to draw attention to what we have talked about before, and that is the spoils system that these earmarks represent.

There are 109 Member-requested earmarks in the bill; 43 of them are going to powerful Members of Congress who serve in leadership or as appropriators, committee chairs, or ranking members. That represents about 40 percent of the share of earmarks being taken by less than 24 percent of the Members of the House.

I am sure my colleagues will tell me that these projects are sorely needed at the military bases they are earmarked for and that servicemembers will suffer without them, but what about the many installations that don't receive Member-requested earmarks in the bill and the servicemembers stationed there?

Neither Camp Lejeune nor Camp Pendleton received any Member-requested earmarks in the bill. Each of these camps houses a Marine Expeditionary Force comprised of tens of thousands of marines who deploy with great frequency. I am willing to bet that each of these installations have suggestions for new structures to build. Why haven't they received any earmarks in this bill? The answer is pretty simple: Neither of them resides in a district represented by a powerful Member of Congress.

The earmarks in this bill total more than \$578 million. That is just a little bit less than the earmark totals for the CJS and Ag bills put together. Of that dollar amount, more than \$240 million are being taken home by powerful Members of Congress. That is nearly 41 percent. When you take into account earmark dollars secured by rank-and-file Members in conjunction with powerful Members, that number jumps to more than \$300 million, or 52 percent.

So just to reiterate, the earmarks in this bill favor powerful Members by a ratio of 2 to 1. One-quarter of the Members of this House are associated with more than half of the earmark dollars in this bill.

I wish I could say that this is an anomaly, but this is pretty consistent with the rest of the appropriation bills

we have considered so far this year, and I have a chart that demonstrates that.

Earmark dollars associated with powerful Members of Congress. Again, those are committee chairs, leadership, or those on the Appropriations Committee, representing 24 percent of the Members in this body. In the CJS bill that we considered earlier, 58 percent of the earmarked dollars went to just 24 percent of the Members.

In the Homeland Security bill, 68 percent of the earmarked dollars went to just 24 percent of the Members of the House.

In the Interior bill, 64 percent of the earmarked dollars went to just 24 percent of the Members of the House.

In the Agriculture bill, 67 percent of the earmarked dollars go to just 24 percent of the Members of the House.

And in this bill, 52 percent of the earmarked dollars go to just 24 percent of the Members of this House. That is a pretty stark pattern.

There are different types of earmarks, obviously. There are those that are simply wasteful. We see those for the Rock and Roll Hall of Fame and whatever else that is easy to laugh at. Sometimes it is small amounts of money and sometimes it is a lot larger.

And then there are those, particularly in defense bills, where you are giving no-bid contracts to private companies. There is often a pattern of campaign contributions coming back to Members who secure no-bid contracts in private companies. That does not describe what is going on here.

These earmarks, as I mentioned, I have no doubt that they are for a legitimate purpose. But here is another problem with earmarking: It represents a spoils system where rank-and-file Members of the House are not given access to those that others are.

In the Homeland Security bill, it was particularly stark. As I mentioned, a huge percentage, nearly 70 percent, went to just 24 percent of the body. In fact, more than 50 percent went to just 14 percent, those represented on the Appropriations Committee, and these were for predisaster mitigation programs, flood control districts and the like. I don't think Mother Nature decides, I'm going to hit those districts represented by appropriators more than I am going to hit other districts. It is just because they are able to do it, and so they do it. So the rest of the country that competes for these grants on a competitive basis has, at least in that case, 25 percent of that account is earmarked before they can even compete for the rest of the grants that are given out on a competitive basis. Madam Chair, that is just not fair. That is just not the way we should do this. I think we ought to rethink this and we ought to strike that funding in this bill.

Mr. EDWARDS of Texas. Madam Chair, I rise to claim the time in

strong opposition to this ill-advised amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. EDWARDS of Texas. I would like to begin by yielding to the gentleman from Texas (Mr. ORTIZ), the chairman of the House Armed Services Readiness Subcommittee.

Mr. ORTIZ. Madam Chairman, I want to thank Chairman EDWARDS and my good friend, Mr. WAMP—and to my other good friend, Mr. FLAKE—for bringing this responsible bill to the floor.

□ 1245

I rise in opposition to the Flake amendment. The Military Construction authorization and appropriations process is a tedious process, and it requires close coordination with my good friends on both sides of the aisle, Chairman EDWARDS and Mr. WAMP, and members of the committee. It also requires extensive coordination with the Department of Defense.

The committees critically review the administration's request and ensure that facilities are built for a sound requirement. The committees also ensure that the projects are executable and validated for the correct costs.

This process forces a dialogue with the local installation commanders that requires that they communicate their needs to their Representatives in Congress. This dialogue is critical to ensuring Members of Congress that they have a complete understanding of local military requirements and can correctly advocate for our Nation's defense. It is a hard process, but in the end it ensures that the right facilities are built at the right time and at the right location. I would not be executing my oath of office if we did anything else.

I would remind my colleagues that each of these projects has already been debated in the National Defense Authorization Act.

I recommend that my colleagues vote "no" on the Flake amendment.

Mr. EDWARDS of Texas. Madam Chair, reclaiming the rest of my time, I have great respect for the principled position of Mr. FLAKE. I disagree with it. He believes that basically the administration should decide in 100 percent of the cases where America's tax dollars should go. I believe article I of the Constitution gives the Congress the responsibility for that.

And I feel very strongly that, while he has a principled position, he misstates and inaccurately states the process by which these project decisions were made. These were made based on what was right for our military troops and their families. The vast majority of these congressionally designated projects have gone through the Department of Defense approval process, and the Department of Defense said they were needed.

Now, he said he simply wanted to strike the earmarks. Despite his intentions, let me tell you the impact, because it's not simple intentions; it's actual impact where amendments make a difference.

If his amendment passes, we will cut \$56 million for 16 National Guard readiness centers and Reserve centers. We will cut \$44 million for nine military ranges and training facilities. We will cut \$83 million for 16 quality-of-life facilities such as housing, clinics, and military family centers. We will cut \$98 million for 16 projects to improve force protection, facilities for emergency responders, and flightline safety. We will cut \$86 million for 18 equipment maintenance and storage facilities and \$47 million for seven military research and testing facilities.

We will cut a project to provide properly sized and configured storage space for Mark-48 torpedoes at one of our key submarine bases, and a new hardstand for weapons maintenance at the Marine Corps' East Coast Logistics Base will be lost.

The gentleman would cut a new chapel complex to replace more than 15,000 square feet of trailers and World War II-era facilities. And he would cut a platoon-sized machine gun range at the Army's Joint Readiness Training Center.

I know he has no intention of harming our military—I would never accuse him of that—but in my opinion, he misrepresented the process by which these decisions were made. And I think not only Democrats, but my Republican colleagues, would agree that this has been a fair, legitimate process.

And by the way, it should be no surprise to anyone that Members of Congress who ask to be on the Armed Services Committee and the Military Construction Appropriations Committee are Members who represent military installations. So the allegation that because they get a higher percentage of congressionally designated funding compared to other Members somehow suggests a spoils system is just simply dead wrong, and I reject it categorically.

I would yield any time to my friend, the ranking member, Mr. WAMP, for any comments he would care to make.

Mr. FLAKE. Will the gentleman yield for a 15-second clarification?

Mr. EDWARDS of Texas. I will yield the gentleman 15 seconds.

Mr. FLAKE. I thank the gentleman.

The gentleman mentioned that this would cut several programs. This does not cut one dollar. It simply returns the money to the account and the military services would decide where to best—

Mr. EDWARDS of Texas. Reclaiming my time, the amendment would cut these projects out of this bill.

I would be glad to yield to Mr. WAMP for any comments he would like to make.

The CHAIR. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

The Chair understands that amendment No. 7 will not be offered.

AMENDMENT NO. 8 OFFERED BY MS. MOORE OF WISCONSIN

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-195.

Ms. MOORE of Wisconsin. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. MOORE of Wisconsin:

At the end of the bill (before the short title) insert the following:

SEC. ____ None of the funds made available in this Act may be used for the processing of new enhanced use leases in the three original National Homes for Disabled Volunteer Soldiers (soldier's home branches) established before 1868.

The CHAIR. Pursuant to House Resolution 622, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE of Wisconsin. Madam Chair, I rise today to offer my amendment which would prohibit the use of funds in this bill for the processing of enhanced use leases at the original National Homes for Disabled Volunteer Soldiers or Soldiers' Homes established before 1868.

My amendment would protect these soldiers' homes established before 1868, these historic Civil War-era buildings or the campuses on which they reside, from diversion from veteran activities to commercial purposes and it would retain these national treasures for future generations of veterans, their families, and an interested public.

The concept of a National Asylum for Disabled Volunteer Soldiers was first established by congressional legislation and approved by President Abraham Lincoln on March 3, 1865. The National Asylum was established for officers and men of the volunteer forces of the United States who had been totally disabled by wounds received or sickness contracted while in the line of duty during the Civil War. In all, 11 national soldiers' homes across the country were opened and eventually integrated into the newly established Veterans Administration in 1930. These old

homes reflect how the Forefathers chose to care for and honor the soldiers who fought to keep the country united as one Nation. Their creation changed the Nation's attitude toward the care of soldiers after battle.

Built in 1867, the Milwaukee Soldiers' Home, located in my district in the Fourth Congressional District of Wisconsin, was one of the three original soldiers' homes; the other two are located in Maine and Ohio.

In late 2005, I learned that the VA and the city of Milwaukee were aggressively pursuing an enhanced use lease proposal that included the possible commercial development of several 19th century soldiers' homes buildings located on the Milwaukee VA grounds, much to the dismay and against the wishes of the Milwaukee veterans community, who wanted to protect these historic buildings for veterans purposes.

The Allied Council of Veterans and their membership approached my office with their concerns and they alerted me to the potential outcomes of the proposal and reported that they had had no input in the ongoing lease discussions.

Currently, the Milwaukee Soldiers' Home is on the National Park Service list to be designated for a place on its National Register of Historic Places. This will give the veterans an even stronger voice against any attempts to lease out for commercial purposes these historic buildings.

I urge my colleagues, on a bipartisan basis, to join me in standing with veterans to protect these historic soldiers' homes grounds for veterans' uses by voting "yes" on my amendment.

Madam Chair, I yield back the balance of my time.

Mr. EDWARDS of Texas. Madam Chair, I rise to claim the time in opposition to the amendment, although I don't oppose this amendment. I support this amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. EDWARDS of Texas. I want to thank the gentlewoman for raising this issue, and I am glad to support her effort on this.

With that, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 62, noes 358, not voting 18, as follows:

[Roll No. 528]

AYES—62

Bachmann	Gohmert	Minnick
Barton (TX)	Goodlatte	Myrick
Boustany	Hall (TX)	Neugebauer
Brady (TX)	Hensarling	Nunes
Broun (GA)	Inglis	Pence
Brown (SC)	Issa	Petri
Campbell	Jenkins	Pitts
Cantor	Johnson (IL)	Price (GA)
Cassidy	Kirk	Roe (TN)
Chaffetz	Kline (MN)	Rogers (MI)
Coffman (CO)	Lamborn	Rohrabacher
Conaway	Lance	Ryan (WI)
Cooper	Linder	Sensenbrenner
Deal (GA)	Luetkemeyer	Sessions
Duncan	Lummis	Shadegg
Ehlers	Marchant	Stearns
Flake	Marshall	Sullivan
Foxx	McCaul	Tiberi
Franks (AZ)	McClintock	Westmoreland
Garrett (NJ)	McCotter	Wilson (SC)
Gingrey (GA)	McHenry	

NOES—358

Abercrombie	Carney	Forbes
Ackerman	Carson (IN)	Fortenberry
Aderholt	Carter	Foster
Adler (NJ)	Castle	Frank (MA)
Akin	Castor (FL)	Frelinghuysen
Alexander	Chandler	Gallegly
Altmire	Childers	Gerlach
Andrews	Christensen	Giffords
Arcuri	Clarke	Gonzalez
Austria	Clay	Gordon (TN)
Baca	Cleaver	Grayson
Bachus	Clyburn	Green, Al
Baird	Coble	Green, Gene
Baldwin	Cohen	Griffith
Barrow	Cole	Grijalva
Bartlett	Connolly (VA)	Guthrie
Bean	Conyers	Gutierrez
Becerra	Costa	Hall (NY)
Berkley	Costello	Halvorson
Berman	Courtney	Hare
Berry	Crenshaw	Harman
Biggert	Crowley	Harper
Bilbray	Cuellar	Hastings (FL)
Billirakis	Culberson	Hastings (WA)
Bishop (GA)	Cummings	Heinrich
Bishop (NY)	Dahlkemper	Heger
Blackburn	Davis (AL)	Herseeth Sandlin
Blumenauer	Davis (CA)	Higgins
Boccheri	Davis (IL)	Hill
Boehner	Davis (KY)	Himes
Bonner	Davis (TN)	Hinche
Bono Mack	DeFazio	Hinojosa
Boozman	DeGette	Hirono
Bordallo	Delahunt	Hodes
Boren	DeLauro	Holden
Boswell	Dent	Holt
Boucher	Diaz-Balart, L.	Honda
Boyd	Diaz-Balart, M.	Hoyer
Brady (PA)	Dicks	Hunter
Braley (IA)	Dingell	Inslie
Bright	Doggett	Israel
Brown, Corrine	Donnelly (IN)	Jackson (IL)
Brown-Waite,	Doyle	Johnson (GA)
Ginny	Dreier	Johnson, E. B.
Buchanan	Driehaus	Johnson, Sam
Burgess	Edwards (MD)	Jones
Burton (IN)	Edwards (TX)	Jordan (OH)
Butterfield	Ellison	Kagen
Buyer	Ellsworth	Kanjorski
Calvert	Emerson	Kennedy
Camp	Eshoo	Kildee
Cao	Etheridge	Kilpatrick (MI)
Capito	Fallin	Kilroy
Capps	Farr	Kind
Capuano	Fattah	King (IA)
Cardoza	Filner	King (NY)
Carnahan	Fleming	Kingston

Kirkpatrick (AZ)	Murphy, Tim	Scott (VA)
Kissell	Murtha	Serrano
Kosmas	Nadler (NY)	Sestak
Kratovil	Napolitano	Shea-Porter
Kucinich	Neal (MA)	Sherman
Langevin	Nye	Shimkus
Larsen (WA)	Oberstar	Shuler
Larson (CT)	Obey	Shuster
Latham	Olson	Simpson
LaTourette	Olver	Sires
Latta	Ortiz	Skelton
Lee (CA)	Pallone	Slaughter
Lee (NY)	Pascarella	Smith (NE)
Levin	Pastor (AZ)	Smith (NJ)
Lewis (CA)	Paulsen	Smith (TX)
Lewis (GA)	Perlmutter	Smith (WA)
Lipinski	Perriello	Snyder
LoBiondo	Peters	Souder
Loebach	Peterson	Space
Lofgren, Zoe	Pierluisi	Speier
Lowey	Pingree (ME)	Spratt
Lucas	Platts	Stark
Lujan	Poe (TX)	Stupak
Lungren, Daniel	Polis (CO)	Sutton
E.	Pomeroy	Tanner
Lynch	Posey	Taylor
Maffei	Price (NC)	Teague
Maloney	Putnam	Terry
Manzullo	Quigley	Thompson (CA)
Markey (CO)	Radanovich	Thompson (MS)
Markey (MA)	Rahall	Thompson (PA)
Massa	Rangel	Thornberry
Matheson	Rehberg	Tiahrt
Matsui	Reichert	Tierney
McCarthy (CA)	Reyes	Titus
McCarthy (NY)	Richardson	Tonko
McCollum	Rodriguez	Towns
McDermott	Rogers (AL)	Tsongas
McGovern	Rogers (KY)	Turner
McIntyre	Rooney	Upton
McKeon	Ros-Lehtinen	Van Hollen
McMahon	Roskam	Velázquez
McMorris	Ross	Visclosky
Rodgers	Rothman (NJ)	Walden
McNerney	Roybal-Allard	Walz
Meek (FL)	Royce	Wamp
Meeks (NY)	Ruppersberger	Wasserman
Melancon	Rush	Schultz
Mica	Ryan (OH)	Waters
Michaud	Sablan	Watson
Miller (FL)	Salazar	Watt
Miller (MI)	Sánchez, Linda	Waxman
Miller (NC)	T.	Weiner
Miller, Gary	Sanchez, Loretta	Welch
Miller, George	Sarbanes	Wexler
Mitchell	Scalise	Whitfield
Mollohan	Schakowsky	Wilson (OH)
Moore (KS)	Schauer	Wittman
Moore (WI)	Schiff	Wolf
Moran (KS)	Schmidt	Woolsey
Moran (VA)	Schock	Wu
Murphy (CT)	Schrader	Yarmuth
Murphy (NY)	Schwartz	Young (AK)
Murphy, Patrick	Scott (GA)	Young (FL)

NOT VOTING—18

Barrett (SC)	Graves	Mack
Bishop (UT)	Heller	McHugh
Blunt	Hoekstra	Norton
Engel	Jackson-Lee	Paul
Faleomavaega	(TX)	Payne
Fudge	Kaptur	
Granger	Klein (FL)	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1320

Messrs. DAVIS of Illinois, BOEHNER, Mrs. SCHMIDT, Messrs. MOORE of Kansas, JOHNSON of Georgia, BURTON of Indiana, AKIN and MORAN of Kansas changed their vote from “aye” to “no.”

Messrs. BROWN of South Carolina and HALL of Texas changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HELLER. Madam Chair, on rollcall No. 528, had I been present, I would have voted “aye.”

The CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the “Military Construction and Veterans Affairs Appropriations Act, 2010”.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Ms. BALDWIN, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3082) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 622, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 622, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 3, not voting 14, as follows:

[Roll No. 529]

YEAS—415

Abercrombie	Boehner	Carney
Ackerman	Bonner	Carson (IN)
Adler (NJ)	Bono Mack	Carter
Akin	Boozman	Cassidy
Alexander	Boren	Castle
Altmire	Boswell	Castor (FL)
Andrews	Boucher	Chaffetz
Arcuri	Boustany	Chandler
Austria	Boyd	Childers
Baca	Brady (PA)	Clarke
Bachmann	Brady (TX)	Clay
Bachus	Braley (IA)	Cleaver
Baird	Bright	Clyburn
Baldwin	Broun (GA)	Coble
Barrow	Brown (SC)	Coffman (CO)
Bartlett	Brown, Corrine	Cohen
Barton (TX)	Brown-Waite,	Cole
Bean	Ginny	Conaway
Becerra	Buchanan	Connolly (VA)
Berkley	Burgess	Conyers
Berman	Burton (IN)	Cooper
Berry	Butterfield	Costa
Biggert	Buyer	Costello
Bilbray	Calvert	Courtney
Billirakis	Camp	Crenshaw
Bishop (GA)	Cantor	Crowley
Bishop (NY)	Cao	Cuellar
Bishop (UT)	Capito	Culberson
Blackburn	Capps	Cummings
Blumenauer	Capuano	Dahlkemper
Blunt	Cardoza	Davis (AL)
Boccheri	Carnahan	Davis (CA)

Davis (IL)
 Davis (KY)
 Davis (TN)
 Deal (GA)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Dreier
 Driehaus
 Duncan
 Edwards (MD)
 Edwards (TX)
 Ehlers
 Ellison
 Ellsworth
 Emerson
 Engel
 Eshoo
 Etheridge
 Fallin
 Farr
 Fattah
 Filner
 Fleming
 Forbes
 Fortenberry
 Foster
 Foxx
 Frank (MA)
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Garrett (NJ)
 Gerlach
 Giffords
 Gingrey (GA)
 Gohmert
 Gonzalez
 Goodlatte
 Gordon (TN)
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Guthrie
 Gutierrez
 Hall (NY)
 Hall (TX)
 Halvorson
 Hare
 Harman
 Harper
 Hastings (FL)
 Hastings (WA)
 Heinrich
 Hensarling
 Herger
 Herseth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Holden
 Holt
 Honda
 Hoyer
 Hunter
 Inglis
 Inslee
 Israel
 Issa
 Jackson (IL)
 Jackson-Lee
 (TX)
 Jenkins
 Johnson (GA)
 Johnson (IL)
 Johnson, E. B.
 Johnson, Sam
 Jones
 Jordan (OH)
 Kagen
 Kanjorski

Kennedy
 Kildee
 Kilroy
 Kind
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kirkpatrick (AZ)
 Kissell
 Kline (MN)
 Kosmas
 Kratovil
 Kucinich
 Lamborn
 Lance
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Latta
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (CA)
 Lewis (GA)
 Linder
 Lipinski
 LoBiondo
 Loebsock
 Lofgren, Zoe
 Lowey
 Lucas
 Luetkemeyer
 Lujan
 Lummis
 Lungren, Daniel
 E.
 Lynch
 Mack
 Maffei
 Maloney
 Manzullo
 Markey (CO)
 Markey (MA)
 Massa
 Matheson
 Matsui
 McCarthy (CA)
 McCarthy (NY)
 McCaul
 McClintock
 McCollum
 McCotter
 McDermott
 McGovern
 McHenry
 McIntyre
 McKeon
 McMahon
 McMorris
 Rodgers
 McNeerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Minnick
 Mitchell
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murphy, Tim
 Murtha
 Myrick
 Nadler (NY)
 Napolitano
 Neal (MA)
 Neugebauer
 Nunes
 Nye
 Oberstar
 Obey
 Olson

Olver
 Ortiz
 Pallone
 Pascarell
 Pastor (AZ)
 Paulsen
 Payne
 Pence
 Perlmutter
 Perriello
 Peters
 Peterson
 Petri
 Pingree (ME)
 Pitts
 Platts
 Poe (TX)
 Polis (CO)
 Pomeroy
 Posey
 Price (GA)
 Price (NC)
 Putnam
 Quigley
 Radanovich
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson
 Rodriguez
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rooney
 Ros-Lehtinen
 Roskam
 Ross
 Rothman (NJ)
 Roybal-Allard
 Royce
 Ruppersberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Salazar
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schauer
 Schiff
 Schmidt
 McHenry
 Schock
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Serrano
 Sessions
 Sestak
 Shadegg
 Shea-Porter
 Sherman
 Shimkus
 Shuler
 Shuster
 Simpson
 Sires
 Skelton
 Slaughter
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Souder
 Space
 Speier
 Spratt
 Stearns
 Stupak
 Sullivan
 Sutton
 Tanner
 Taylor
 Teague
 Terry
 Thompson (CA)
 Thompson (MS)

Thompson (PA)
 Thornberry
 Tiahrt
 Tiberi
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Turner
 Upton
 Van Hollen
 Velázquez

Visclosky
 Walden
 Walz
 Wamp
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Westmoreland

Wexler
 Whitfield
 Wilson (OH)
 Wilson (SC)
 Wittman
 Wolf
 Woolsey
 Wu
 Yarmuth
 Young (AK)
 Young (FL)

NAYS—3

Campbell Flake Stark

NOT VOTING—14

Aderholt
 Barrett (SC)
 Fudge
 Granger
 Graves
 Heller
 Hoekstra
 Kaptur
 Kilpatrick (MI)
 Klein (FL)
 Marchant
 Marshall
 McHugh
 Paul

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are less than 2 minutes remaining in this vote.

□ 1337

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HELLER. Mr. Speaker, on rollcall No. 529, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MCHUGH. Mr. Speaker, due to official business, I missed two rollcall votes on Friday, July 10, 2009. I would have voted "no" on rollcall No. 528 and "yea" on rollcall vote No. 529 of H.R. 3082, the Fiscal Year 2010 Military Construction and Veterans Affairs Appropriations bill.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I missed the vote on the amendment to H.R. 3082 of Mr. FLAKE because we were detained in a hearing on the Honduran coup. Had I been present on the floor of the House, I would have voted "no."

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Madam Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the gentleman for yielding. On Monday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30 p.m. On Tuesday, the House will meet at 10:30 a.m. for morning-hour debate and noon for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legisla-

tive business. On Friday, the House will meet at 9 a.m.

We will consider several bills under suspension of the rules. The complete list of suspensions bills, as is the custom, will be announced at the close of business today.

In addition to the suspension bills, we will also consider the 2010 Energy and Water Development and Related Agencies Appropriation Act and the 2010 Financial Services and General Government Appropriations Act.

Mr. CANTOR. Madam Speaker, this is our first colloquy since the July 4 recess, and we are scheduled to be in session for 3 more weeks before the next recess. So, Madam Speaker, I'd ask the gentleman if he could give us a sense of what will be considered on the floor beyond next week.

Mr. HOYER. Well, I expect to complete the appropriations bills and also the large item that will be on the agenda is the health care legislation that we hope to pass before we leave on the August break. Prior to that, I intend to have on the floor a provision dealing with statutory PAYGO.

□ 1345

We have not yet determined exactly whether that bill will be free standing or whether it will be on another bill that would be reported to the House. In addition, the food safety bill is possible. The committees are still working on other matters, and we hope to have the food safety issue resolved. That came out of the Energy and Commerce Committee, but there are a number of other committees, including the Agriculture Committee and your own committee, Ways and Means, that have expressed interest in that.

Those are essentially the items that we intend to deal with between now and the August break.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, the Senate is scheduled to be in session 1 week longer than we are in the House, and I ask the gentleman if he expects us or anticipates our working into August, as the Senate is scheduled to do.

I yield.

Mr. HOYER. I thank the gentleman for yielding.

As the gentleman I think knows, because I think he got a preliminary schedule from my office which had us working the first week in August, I received comments from both sides of the aisle from a lot of Members who have young children, school-aged children. One of the realities is, we called around the country, and a lot of the schools are going back into session anywhere between August 15 and August 25, some later, but a lot of the schools, and Members on both sides of the aisle were concerned that if we did not break on July 31 that they would be unable to have a vacation with their children during the summer months. As a result, we concluded that we would end

our session on the 31st, a week before the Senate concluded. Originally, as I say, we were both scheduled to be in the first week of August. Obviously, as the gentleman knows, the good news is that because of our rules, we are able to get our work done more quickly than the Senate is able to get its work done. So we think that we can accomplish what we need to accomplish within the time frame available.

Mr. CANTOR. I thank the gentleman.

Speaking of rules, I want to, first of all, thank the gentleman for the ongoing dialogue that he and I have had over the last several weeks regarding how the House will go forward in terms of deliberating on appropriations bills. I sincerely express my gratitude for his engagement, his patience and the back and forth; and I know that we have been unsuccessful thus far in getting to what I believe is a mutually desirable goal, which is to return to the precedents of the House in terms of open rules surrounding appropriations bills.

Madam Speaker, I'd say to the gentleman, he has noticed two approps bills for next week, and I would like to ask him, what kind of rules does he expect these bills to be considered under?

Mr. HOYER. I thank the gentleman for his observation with respect to trying to work together to reach an agreement under which we would have confidence that we could consider the appropriation bills within the time frame available to us. We are on a good schedule now. As you know, we have passed seven of the 12 bills from the House. We have five more left to go. My expectation is that we will complete those.

Let me say that he and I have now been talking, I think, for somewhere in the neighborhood of about 3½ months about this issue. Early on I made a proposal that, from my perspective, did two things: one, it provided for time frames in which we would consider legislation; and two, it provided to the minority party, which does not control the Rules Committee—we were both in that situation for a period of time—but nevertheless, provided your party with the opportunity to offer such amendments as it deemed desirable, that it wanted to offer.

With respect to the two bills that you asked me about, I have not had an opportunity to discuss with Mr. OBEY or with the subcommittee Chairs of those two committees the specific rule that they are looking for and whether or not they've been able to reach any agreements with their counterparts, the ranking members on those two subcommittees. So I can't answer your question at this point in time; but as we have had discussions, I want those discussions to continue. I will say to my friend that I had a discussion with one of your Members who is on the Appropriations Committee today who came over to this side of the aisle. We were talking about it, again, with a

continuing effort to see if there is some way we can provide for the objectives of, I think, both of us.

Mr. CANTOR. I do want to, again, express my gratitude for his belief, as a former appropriator, that we ought to be operating under open rules and an open process when we are talking about deliberating and executing our constitutionally mandated role of expending and authorizing taxpayer dollars. And I do know that the gentleman shares my belief that we ought to get there. And I do also know and the gentleman has been very forthright in telling me and the leader on our side about his desire to want to get the work done of the people. I don't think that we disagree on trying to get the work done. I do believe, though, that we do owe to the American public the ability to see our work and the ability to have a full discussion on the separate issues that surround each appropriations bill. As the gentleman knows even more than many in this House, as he has served here and on the Appropriations Committee, the precedents of the House is open rules. And he and I have had discussions about what, perhaps, our party did when it was in the majority. During the Republican majority, the most appropriations bills ever to be considered under a restrictive rule during any one year was in 1997 when there were four bills discussed under a restrictive rule. Again, that was in 1997. As the gentleman knows, so far this year—it's his party in the majority—there have been six bills that have been deliberated and discussed and debated under a restrictive rule, and we, seemingly, are on track for 12.

Again, I know from the gentleman's discussions with me that we agree that we need to be under an open process. But as the gentleman has told me, it is the chairman of the Appropriations Committee, the gentleman from Wisconsin, who has basically overruled nearly all of us here in the House. And essentially, Madam Speaker, it seems that the gentleman who is the chairman of the Appropriations Committee closed down the process again this week, prevented Members on our side and the other side from exercising their constitutional duties while disenfranchising the millions of American citizens that they represent. So I, for the life of me, don't understand how it is that any individual, much less the chairman of the Appropriations Committee, is content to spend the taxpayer dollars without allowing there to be a full and open debate. In fact, I would bring a quote to the majority leader's attention from the gentleman from Wisconsin from October 6, 2000, when Mr. OBEY of Wisconsin said, in the context of discussing the need for open and full debate, "We have gotten so far from regular order that I fear that if this continues, the House will not have the capacity to return to its

precedence and procedures of the House that have given true meaning to the term representative democracy." He went on to say, "The reason that we have stuck to regular order as long as we have in this institution is to protect the rights of every Member to participate; and we lose those rights, we lose the right to be called 'the greatest deliberative body left in the world.'" And I say that and I bring that to the gentleman's attention for exactly the point of what he and I have been trying to achieve. Let's open up the process. Again, bearing in mind, Madam Speaker, the gentleman's goal of trying to finish the work, I know that he knows—I have represented—I will do all we can; and we on this side feel that we can meet his time frame. I would ask the gentleman if he is still in the posture of being able to deliver the ability for us to have the choice of the amendments that we offer. So if we were to now say—and I'm willing to offer this to the gentleman—if we were to say, fine, as the gentleman suggested 2 months ago outside the precedents of the House, if we were to agree to time limits, then we could have the ability to offer the amendments and have full and open discussion on the appropriations bills, as he had asked several months ago; and I yield.

Mr. HOYER. I thank the gentleman for yielding.

First of all, the gentleman puts a lot of thoughts and words into my mouth that aren't necessarily there. Let me say to the gentleman that as he knows, some 3½ months ago I did, in fact, come to the gentleman, I subsequently came to the leader and indicated that I thought that we could reach agreement if, in fact, we could reach an agreement on time limits; and I was prepared under those agreements to have the minority choose such amendments as they wanted to offer, rather than have the Rules Committee do that. That offer was rejected, as the gentleman knows. It was rejected relatively emphatically by Mr. BOEHNER in a meeting in my office, attended by Mr. LEWIS, Mr. OBEY, Mr. BOEHNER and myself.

Now you quote Mr. OBEY. In November of '06 the American public decided that they wanted to change the leadership in the House and Senate. They did so. Mr. OBEY took over as chairman of the committee, as he had been chairman in years past. Of the 12 bills, Mr. OBEY brought 10 bills to the floor under open rules. We did so under the understanding that you would give to us exactly what we gave to you under time agreements. Notwithstanding that, we debated those bills for 50 hours longer than the time constraints that we had agreed in '06 with you, the year before, when you were in charge of the House of Representatives.

So Mr. OBEY concluded—and I did as well—that those time agreements

would not be honored and were not honored. Now I know there is a disagreement between your side and our side as to why they weren't honored. But there is no disagreement that they took 50 hours longer to consider those bills than was the case in '06.

Now having said that, we then went to Rules. I offered an agreement some 3½ months ago that was rejected. We then went to the bills, and we had gone to markups. Now we had a markup just the other day in committee on the Financial Services bill and the Energy and Water bill. I'm not sure exactly the number of amendments that were offered but most of which were not germane to the bills. That markup took until after 1 a.m. in the morning on nongermane amendments.

You and I have been discussing, trying to come to grips with time constraints. But I will tell you that time constraints—and you've indicated, trust us on good faith. I tried to get some indication of what "good faith" means, what criteria could I judge good faith on. We haven't reached agreement on that. But I will tell you that during the CJS debate on the rule, Mr. LEWIS was asked on the bill that came to the floor under an open rule—Mr. LEWIS said this after being asked, "Can we reach a time agreement?" He said, "Because of that—referring to the 127 amendments, et cetera, et cetera, that were preprinted in the bill, 104 of which were Republican amendments."

Now under an open rule, of course, as the gentleman well knows—which, by the way, he serves on a committee that hardly ever reports its bills under an open rule. Hardly ever does a bill come out of the Ways and Means Committee that has an open rule. It's closed. You guys decide what to do, you bring the bill to the floor, and say, "Take it or leave it."

Now here's what Mr. LEWIS said in response to that question: "I think the time limitation you were discussing was like for 8 hours or something," which is essentially what the bill took in the year 2006 when you were in charge. "I'm afraid my conference might very well have a revolution on its hands, and you might have a new ranking member," was in response to, could he agree to time constraints.

So I tell my friend that he is right. I have tried to reach an agreement on where we could have a time agreement, and you would offer such amendments as you deemed to be appropriate within the time frame agreed upon. Unfortunately we didn't reach such agreement. I talked to Mr. OBEY about that, and I talked to the Speaker about that. I believe that had we reached agreement, we would have proceeded on that course.

Now that does not mean because we did not proceed on that course that I don't want to continue discussing it. I want to assure the gentleman of that,

because I believe that the more open our debate is, the better we are. The gentleman is correct when he characterizes my feeling as that. But it has to be within the context of being able to get the American people's work done in a timely fashion. I know the gentleman has indicated he agrees with that. Unfortunately in 2007, the last time we really did appropriation bills—we didn't do them last year, again, because extraneous amendments were offered to a number of the bills in the Appropriations Committee, and we didn't move ahead on those, as you did not move ahead in some of your years. I think that was, from my standpoint, unfortunate.

But I tell the gentleman in closing that I am hopeful that as we move ahead, we can do so perhaps through agreement. Now in terms of Mr. OBEY, Mr. OBEY is the chairman of the committee. Mr. OBEY and Mr. LEWIS have talked. They have not reached agreement, as Mr. LEWIS indicated he could not. And frankly, the subcommittee chairmen have not reached agreement. I'm sure that the gentleman understands that, as majority leader, I'm very concerned about what the chairmen of both the committee and the subcommittee feel in terms of how their bills are handled on the floor, and we try to accommodate them.

□ 1400

Mr. CANTOR. Mr. Speaker, I thank the gentleman.

He and I have talked about Ways and Means, and again, he and I both agree that as far as the duty of this House to deliberate on appropriations bills, precedent has always been, by and large, for open rules. We have diverted from that precedent wholly at this point, and we are just trying to see if we can turn back to some open and full debate around the bills.

So I hear the gentleman, and he, as he properly says, accurately reflects discussions that have gone on between a variety of individuals. But I'm here to tell you, Mr. Speaker, that the gentleman has asked for us to commit, and he wants to know what is reasonable and fair and what our good faith means.

So I would respond to the gentleman by saying this: Because we were unable to fulfill the full return to the precedents of the House, although I do think that the gentleman from Maryland would like to, because Mr. OBEY has seemed to get his way in shutting out the millions of American people, I will sit here and tell the gentleman that in consultation with our leader, JOHN BOEHNER, as well as the ranking member, JERRY LEWIS, we are committed to fulfilling the leader's desire to finish the appropriations bills in a timely manner, but with full and open ability of our side to discuss the issues that we and our constituents feel should be discussed.

So I would ask the gentleman, is he in the position to readily accept at this point the ability for our side to have 20 amendments, 20 amendments, and give our side 10 minutes on each amendment to discuss those? That is a fair and good faith proposition, largely divergent from the precedents of this House. But in trying to meet the majority's desire to do what it can, the minority then proffers this offer.

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding, and I will certainly have a discussion with that. It sounds to me a little bit like the offer that I made 3½ months ago, so I certainly am going to consider it in light of the fact it sounds a lot like the offer I made. I will be in further discussions with the gentleman.

Mr. CANTOR. I thank the gentleman.

At this time, Mr. Speaker, I would like to yield to the ranking member of the Rules Committee, the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank the gentleman for yielding.

I have to say, Mr. Speaker, as I listened to the very thoughtful remarks coming from my friend, the distinguished majority leader, I am reminded that he came to Congress just a few months after I came in 1980. And I am reminded how we stood here on opposite sides engaging in the first Oxford-style debate, if the gentleman recalls, Mr. Speaker, on the issue of trade policy being used to enforce human rights. That was the discussion we had two decades ago. I simply put that forward, Mr. Speaker, in an attempt to underscore the fact that we are both institutionalists. We both served nearly three decades here, and we feel strongly about this institution and about the responsibility that we have to the American people.

I know that my friend understands full well that if one looks at the Constitution and the precedents that have been set in the past, there is a clear differentiation between the Ways and Means Committee's work and the Appropriations Committee's work. And there is also clearly an understanding of the disparity between the notion of opening up the Tax Code to a completely open amendment process and dealing with the appropriations process through an open amendment process which has, for 220 years, been the case, with some exceptions.

The interesting thing about those exceptions, and I know we have had both private discussions and we are engaging in public discussion now, and I thank my friend, the distinguished Republican Whip, for yielding to me, one of the things that I believe has not been tried, I know has not been tried in this process, is to allow not the top elected leaders of the party to make these kinds of decisions, not even the chairman and ranking member of the full committee.

But just to report to my friends here, Mr. Speaker, in the Rules Committee the day before yesterday we had an opportunity to hear from the distinguished Chair of the Agriculture subcommittee, Ms. DELAURO, and the ranking member of that committee, Mr. KINGSTON. And recognizing that there has been difficulty, recognizing that sometimes the appropriation process has, as my friend correctly has said, seen Members engage in dilatory practices, Mr. KINGSTON made it clear that if we were to have an open amendment process, that he would do everything within his power to ensure that shenanigans would not take place on our side of the aisle that could delay the process, because we all acknowledge that we want to get the work done. Mr. CANTOR has said that. Mr. LEWIS has said that. We very much want that to take place.

What we are arguing is that if you look at when we have had structured rules in the past, they have, in almost every instance, followed the inability of the subcommittee chair and ranking member to successfully propound a unanimous-consent agreement.

So while Mr. CANTOR just made an offer, I frankly believe that we should do everything we can to at least attempt, just take one of the appropriations bills, and see if, not the majority leader and the Republican Whip, or the Republican leader and the Speaker or whatever, the top elected positions within our party, rather let the subcommittee chairmen make an attempt at doing that.

I say that, Mr. Speaker, because as we look at even the notion of what we began with, which was what created the high level of frustration for us—and yesterday I did a “Dear Colleague” explaining this process, the notion of somehow having a preprinting requirement does create undue constraint on both Democrats and Republicans when it comes to the appropriations process. And that is what led to the over-100 amendments being filed, because of the fact that when we considered the bill that we just passed 1 hour ago, in this House, last year, the unfortunate thing was there was no chance for even perfecting amendments to be offered to technical concerns that were there. In light of that, we felt very concerned about even having the preprinting requirement.

So my request would be, since we have now—unfortunately, having passed the five appropriations bills that we have, I guess it is six now that we have passed, six now as of this afternoon—we are unfortunately creating what I’m describing as the “new norm.” I know that as an institutional, the majority leader would not like to see that continue.

I hope very much, Mr. Speaker, that we are able to at least make an attempt to embolden, as has been the

case in the past, our Chairs and ranking members of the appropriations subcommittees, who are expert on these bills, to work on them and work with our colleagues on that.

I thank my friend for yielding. I hope very much we can at least make that attempt on one bill as we move forward.

Mr. CANTOR. I thank the gentleman from California. He really echoes the remarks, I think, and my sense in the beginning of this discussion many, many weeks ago that he and I have spoken, as well as spoken with the gentleman from Maryland. I do think the gentleman from Maryland agrees.

But I would just leave this subject, Mr. Speaker, with that fact that the gentleman from Maryland has said he will get back to me in terms of the offer that is on the table. And as he may know, and certainly the chairman of the Appropriations Committee does know, that in the year 2007, when the Republicans became the minority, it took 23.3 days to discuss appropriations bills for a total of 170¼ hours. If we compare that, and I’m sure that the chairman of the Appropriations Committee does know this, or could find this out, in 1995, the first year that his party took minority status or was relegated to that status, the appropriations bills took 31 days and 205 hours. So we are not talking about anything other than the RECORD here, and the RECORD indicates the minority in 1995 took a lot more time than we did in 2007.

Now, in keeping with the gentleman from Maryland’s desire to get the work done, the gentleman from California says he shares that, as do I, as does our leader, as does our ranking member on the Appropriations Committee. We are committed to doing that. I look forward to the gentleman’s return in terms of the offer that I have expressed. And my friend, the gentleman from California, I will yield.

Mr. DREIER. I thank my friend for yielding.

One other caveat, as we talk about these committees, one of the things that I think my colleague should know about the Rules Committee is that we have the ability to do virtually anything that we want in the Rules Committee. And as we have heard over the past few weeks, the concern that has been raised is this calendar issue, trying to get this work done before we head into the August recess to deal with these issues.

I think that it is clear that after this process goes on, an outside time limit could be put into place on each of the appropriations bills. That could be the rule that comes down, if that is something that the majority chooses to do. The concern that I have as we look at the amendments, traditionally there have been opportunities for bringing about real spending cuts in appropriations bills.

As we look at these double-digit increases in the appropriations bills, unfortunately, cherry-picking amendments, which is really what has happened so far with this process—and I understand the offer that my friend made early on about minority amendments and the opportunity to offer that. But right now what we have is a situation where the Rules Committee is choosing these amendments. If, in fact, it simply is a time issue, rather than choosing those at all, the Rules Committee could, as my friend has pointed to the 200 hours that have been spent, it would be very easy to simply say, 8, 10, 12 hours would be the outside time limit for the appropriation work of a subcommittee here on the floor, and then we can do it under an open amendment process.

I thank my friend for yielding.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, we are wondering on this side, having read the news reports, having listened to the gentleman this past Sunday on FOX News about his, in my opinion, refreshing comments about his disappointment as to where we are in this economy and the stimulus that was supposed to have addressed this economy. Again, “refreshing” not because the economy is bad, but simply because I think there is a recognition that the “stimulus” bill, that it was called, that passed has not delivered on the promise that this administration made about keeping unemployment down.

I would ask, since we see unemployment nearing 10 percent, since the promises that were made of the stimulus bill was that we would stave off that unemployment, and it would be no higher than 8½ percent, I would ask the gentleman if he expects to be able to return to the subject and be able to put in place a plan to really do something to create or foster an environment to create jobs, or should I believe the reports that I am reading that perhaps we are going to have yet another stimulus bill the likes of which we have already seen that has not worked?

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

First, before I go to the gentleman’s specific issue, I want to make it very clear that, first of all, Mr. OBEY, contrary to what was represented, did not make his decisions in a vacuum. This was discussed. I don’t want any implication that Mr. OBEY arbitrarily and capriciously acted on his own.

When the determination was made, as a result of the conversations that ensued between chair and ranking members, both of the full committee and of the subcommittees, that was a collective decision that was made. It was not Mr. OBEY’s alone. So any implication that that was the case is not accurate, I tell my friend.

□ 1415

Now, with respect to the stimulus package, the Recovery and Reinvestment Act, we believe the Recovery and Reinvestment Act is working. We believe there are an awful lot of policemen, firemen, teachers, who are still protecting the public safety, fire and police. And teaching our children, class sizes have not increased because of the Recovery and Reinvestment Act, because of the investment we made in States to try to stabilize their fiscal condition, which is very, very bad, as the gentleman knows.

The gentleman was not here, of course, but in 2001 and 2003, Mr. DREIER and I were here, some others on the floor were here. We adopted an economic program that the leader, your present leader said, and others said, Mr. DeLay said and other members of your leadership said, and the President of the United States said, would build an extraordinarily robust economy, would take our country to new heights of economic well-being.

The gentleman I am sure probably knows these figures, but during the last year of the Bush administration, after having passed, without the Democrats stopping it or changing it or modifying it, after adopting the economic program and pursuing it for 7 years, from 2001 to December of 2008, in the last year from January to December, we lost 3.189 million jobs. 3,189,000 jobs were lost, the worst economic performance of any administration over 8 years in the last 75 years. In other words, since Herbert Hoover. The worst performance.

Now, in the last year of the Clinton administration, I tell my friend, we gained. In the last year, when, as you recall, there was a slight slowdown, we gained 1.9 million jobs. So the turnaround from the last year of the Clinton administration and the last year of the Bush administration was 5 million jobs. That was the economic status that was left, the legacy of the Bush administration and of the policies adopted by the Republican Congress from 2001 to 2006 which was not changed, as you recall, because President Bush had, of course, the veto.

The fact of the matter is that the Clinton administration created an average of 216,000 jobs per month on average over 96 months. The Bush administration, under the economic policy that you promoted then and are promoting now, I don't mean you personally, but your party is promoting. And let me say this again, under the Clinton administration, 96 months, an average of 216,000 jobs a month were created, plus. Under the Bush administration, the average job performance over 96 months was 4,240 jobs per month. You need 100,000-plus to stay even in America.

Now let me give you an additional figure. In the last 3 months of the Bush

administration, you lost an average of 650,000 per month. Over the last three months, we have lost far too many, but an average of 450,000 per month. In other words, while we are not in the plus place, which is why I expressed on Fox News my disappointment, I can't imagine there is anybody in this Chamber, the President is disappointed, the Vice President is disappointed, the American people are disappointed that we are not creating those 216,000 jobs per month that we did under the Clinton administration, and we are still losing jobs because of the disastrous economy that was inherited.

I tell my friend that it was not just the facts that argue that, but Secretary Paulson, Ben Bernanke and President Bush said we had a disastrous economic crisis that confronted us at the end of the Bush administration's economic policy conclusion and asked us to respond very vigorously to that.

As you know, during the course of the Bush administration, we did that. Unfortunately, it has not been enough. We did that again with the Recovery and Reinvestment Act which we think is succeeding. But my friend would, I think, fairly observe that his 2001 tax cut after 130 days had not turned America around; in fact, in my view, never turned America around.

Now your leader talked about on that same show, well, we created 5 million jobs. There was a spike up, and a disastrous spike down, which is why, as I said, 3.18 million jobs were lost during the last year of the Bush administration.

We believe that the Recovery Act can work. We think it will work. We hope this economy comes back from where it was left us on January 20, 2009. America is experiencing pain. Too many of our people are experiencing pain. We regret that. It is disappointing. We need to take such efforts as we can to correct that.

I will tell my friend in addition to that, at this point in time there is no intent to have an additional bill on the floor. The administration is not talking about it. We are not talking about it. I was asked a question in the press and I said rightfully, we certainly wouldn't put that off the table. We will consider steps that need to be taken in order to address the economic crisis that confronts our Nation, but there is no plan at this point in time to offer an additional bill of that type.

Mr. CANTOR. I thank the gentleman for his remarks, and just say historical facts can be applied and used at will, and that there were plenty of opportunities to point and cast blame and claim credit as there were Republican Congresses and Democratic Presidential administrations and the like. So we could go on for a long time about the past.

My point, Mr. Speaker, in posing the question to the gentleman is as a re-

sult of the mere fact that promises were made by this administration, goals were set. We were told this stimulus bill, if we were to act in haste, the way this Congress acted, and in fact no one in this body read that bill of 1,100 pages, we were told if we were to pass that bill and it were to be signed into law that unemployment in this country would not exceed 8.5 percent. As we know, as the gentleman knows, in many parts of the country it is well in excess of 10 percent. Nationally, we are on the way to 10 percent.

We must and should, Mr. Speaker, in this House do all we can to try and get this economy back on track. It is not that we should repeat the mistakes of the past in that stimulus bill, and we await the administration, the gentleman's prescription as to how to address, as he says, the very real pain that America's families are experiencing.

Mr. HOYER. If the gentleman would yield, let me say that looking in the past is not fruitful unless you learn from the past.

The point of my recitation was that the policies proposed in 2001 and 2003 demonstrably did not work, and I read the results of those policies which were the policies of the Bush administration. What I pointed out is that it is the same formula that is being recommended once again from your side of the aisle. So it is instructive to learn from what didn't work in the past.

I reject your assertion that the Recovery and Reinvestment Act hasn't worked. I have pointed out to you that we have lost a third less jobs over the last 3 months than we lost during the last 3 months of the Bush administration.

Is losing one job one too many? It is. Is it a disappointment? It is. But after a quarter and a little more of effectiveness, 95 percent of Americans got a tax cut, got money in their pocket, as you know, as a result of the Recovery and Reinvestment Act. There is \$65 billion of construction jobs being affected. Has it gone out fast enough? It hasn't. Is it starting to pick up? It is. Was the thought 10 to 15 percent would be spent within the time frame we are now talking about? Yes, that was the projection. Has that happened? Yes, it has. So that projection was correct. Is unemployment higher than we anticipated? Yes, it is, because the recession and almost depression, according to Bernanke, that we inherited from the last administration was so deep and so endemic that we are having real trouble getting out of it.

Mr. CANTOR. I thank the gentleman, and in closing, I would leave the gentleman with two points: one, the plan that the House Republicans put on the table and presented to this President was focused on small businesses. If he looks at that plan as the President did,

and the President clearly said there is nothing crazy in this plan, which meant that these are things that could work.

The President also, to my second point, claimed that we may have philosophical differences on tax policy and the rest, but he said to me, "I won." So it is, Mr. Speaker, this President's and this Congress's economy. We stand ready and willing to proffer up yet again our plan to address the economic woes of the American families. We have a plan that would be at half the cost of that stimulus bill and produce twice the jobs.

ADJOURNMENT TO MONDAY, JULY 13, 2009

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate, and further, when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Tuesday, July 14, 2009, for morning-hour debate.

The SPEAKER pro tempore (Mr. KISSELL). Is there objection to the request of the gentleman from Maryland? There was no objection.

REPORT ON H.R. 3170, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010

Mr. SERRANO, from the Committee on Appropriations, submitted a privileged report (Rept. No. 111-202) on the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

UNINFORMED OR MISINFORMED

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, Mark Twain once said, "If you don't read the newspaper, you are uninformed; if you do read the newspaper, you are misinformed."

Both might be true for those who rely on the national media for all the facts. For example, you might not know that the unemployment rate jumped to 9.5 percent last month, the highest rate in almost 30 years.

Or that the Vice President this week admitted the Obama administration misread the economy.

Or that President Obama has given more than a dozen ambassadorships to

individuals who raised a total of over \$4 million for his campaign.

Or that while the media report that 46 million people lack health insurance, there really are only 10 million people who can't afford or can't get health insurance.

The national media should report all the facts so Americans are not uninformed or misinformed about major issues.

□ 1430

HONORING HAZEL HAINESWORTH YOUNG

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise with great pride and a deep sense of sadness. Pride because I'm honoring Hazel Hainesworth Young, 103 years old, who passed just a week ago in my own hometown of Houston, Texas.

I am honored to say that she was an educator all of her life, a school teacher. She, in essence, set the standard for our famous Jack Yates High School and Phillis Wheatley High School. Phillis Wheatley High School was the school that Congressman Mickey Leland graduated from and Congresswoman Barbara Jordan.

Hazel Hainesworth Young was a magnificent soul, someone who nurtured the leaders of today, who was the dean of girls at Wheatley High School, whose daughter, Maryann Young, followed in her footsteps as a teacher. She was a Soror. She was a wonderful icon of Alpha Kappa Alpha Sorority. But she was a public citizen.

Her brother, of course, part of the, if you will, the intelligentsia and the excellence of legal prominence in the civil rights movement, but she brought about the civil rights movement by teaching to young Negro children—yes, Negro children—the opportunity to go forth and to shoot for the stars. There were no barriers to her teaching.

She was honored in her lifetime because so many were guided and inspired by this wonderful, beautiful woman. I had the chance to be mentored by her, and I will go home to honor her, but she is honored today on the floor of the House. What a wonderful woman. Hazel Hainesworth Young, 103. She passed, but she will live on forever.

HEALTH CARE

(Mr. REICHERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REICHERT. Mr. Speaker, Americans all agree, and even Members of this body, Members of Congress, agree

on the broad major concepts of health care reform. We all agree that health care should be cost effective, easily accessed, high quality with choices, focused on the patient, and it should be for everyone.

A government takeover, though, wouldn't be affordable. It will cost \$1.6 trillion. Easy access? Ain't gonna happen. High quality? I don't think so. Customer service? You've got to be kidding. Doctors might say you need an x ray; but under the government-run plan, you may just get told you've been X'd.

NEW HEALTH CARE WILL COST AN ARM, A LEG, AND A WHOLE LOT OF TAXES

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, the people of this country want to know how we're going to pay for this health care plan that the Democrat majority is going to put forth.

Last week, on "Fox News Sunday," Mr. Wallace asked this question of Congressman HOYER, the majority leader, he said, How are you going to pay for it specifically? What taxes are you willing to raise, and are you going to tax health care benefits? And Mr. HOYER said, "Well, I'm not going to go into—that's a proposal on the table in the Senate, not in the House, as you know. The pay-fors are going to be tough. Nobody wants to pay for what we're buying. And very frankly, our financial status in America has gone down." In other words, he didn't want to tell how the American people were going to have to pay for that program.

And then the President of the United States, at his town meeting last week, said, Now, one-third of it we're going to pay for by increased revenues—that's increased taxes—and the cost will be between \$1 trillion and \$3 trillion, probably closer to \$3 trillion. So he's saying they're going to have to raise at least \$1 trillion in new taxes.

And then he went on to say about two-thirds of it would come from reallocating money that's currently in the system. Now, where in the world are they going to get \$2 trillion out of other programs to pay for the extra two-thirds?

The people of this country are being hoodwinked. This health care program they're talking about, this socialized medicine, is going to cost an arm, a leg, a lot of taxes, and inflation because they're going to spend money we do not have.

HEALTH CARE: MEND IT, DON'T END IT

(Mr. COFFMAN of Colorado asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Mr. Speaker, soon we will be debating health care reform on the floor of the United States House of Representatives. The goal is to pass legislation before the upcoming August recess. No doubt one of the most significant features of the debate on health care reform will involve what is now known as the "public option."

The public option is a government-run health care program. The President has said that anyone who has private health care insurance will be allowed to either keep it or join the government plan. Mr. Speaker, the public option is the first step to a complete government takeover of our private health insurance system. The public option will have advantages by virtue of being a government entity. It will destroy the private health care insurance market, turning the entire system over to a Federal bureaucracy.

The Federal Government's record of managing Medicare, Medicaid, and the care of our veterans is one of allowing massive fraud, inefficiencies, and the abuse of patients.

Mr. Speaker, our private health insurance is in need of reform, but I would urge my fellow Members of Congress to mend it and not end it.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to without amendment in which the concurrence of the House is requested, concurrent resolutions of the House of the following titles:

H. Con. Res. 131. Concurrent resolution directing the Architect of the Capitol to engrave the Pledge of Allegiance to the Flag and the National Motto of "In God we trust" in the Capitol Visitor Center.

H. Con. Res. 135. Concurrent resolution directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1007. An act to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes.

S. 1289. An act to improve title 18 of the United States Code.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order

of the House, the following Members will be recognized for 5 minutes each.

DREAM ACT AND IMMIGRATION REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. POLIS) is recognized for 5 minutes.

Mr. POLIS. Mr. Speaker, last week, hundreds of thousands of people throughout the country, many of whom were in Colorado, picked up their phones and called Secretary of Homeland Security Janet Napolitano to ask her to delay the deportation of a young man from Miami, Florida, Walter Lara.

Let me tell you a little bit about Walter. Walter moved to the United States from Argentina when he was 3 years old, and he has never left. He has dedicated thousands of hours to serving his community, tutoring children in mathematics and computers. He stood out in high school as an honor student and graduated from Miami Dade Honors College in 2007. But instead of following his dream and pursuing a promising career in computer animation and Web design, Walter's graduation gift was an imminent deportation order.

Walter was scheduled to be deported over the 4th of July weekend, but thanks to a week of intense activism by congressional leaders, the SEIU, bloggers, and thousands of grass-roots activists who made calls and sent letters on Walter Lara's behalf, the Department of Homeland Security moved to defer 23-year-old Lara's scheduled deportation back an entire year until July 3 of 2010.

While I was thrilled to hear that Walter's deportation has been delayed and he would be able to stay in the United States, this action alone is far from enough. What will happen to Walter in 2010 if we don't pass comprehensive immigration reform? What does it mean for the hundreds of thousands of Walters throughout the country who came to the United States as children, excelled in school, played by the rules, only to face deportation?

Despite meeting State residency requirements, immigrant students in most States are charged out-of-state or international tuition rates which effectively render college inaccessible. These kids, Mr. Speaker, are as American as anybody else, but for far too long they have had their dreams shattered by an education system that ignores their good grades and hard work.

Educational opportunity is a right, and something that we are all taught that if you work hard in this country and you don't give up, you can achieve anything. But the doors to opportunity have been shut for thousands of hard-working students who have been raised and educated in our country.

Even though Walter was able to stay, the U.S. Government deports thou-

sands of students just like Walter and will continue to do so until we pass the DREAM Act as part of comprehensive immigration reform. The DREAM Act will ensure that children who have grown up in the United States and studied in American schools can remain here and work and pay taxes and live in our country.

Under the American DREAM Act, qualified students would be eligible for temporary legal immigration status upon high school graduation that could lead to permanent legal residency if they attend college or serve in the military.

Students like Walter are our greatest natural resource, and they should have access to higher education, the key to both individual success and our Nation's economic growth and prosperity.

I recently had the opportunity to visit an immigrant detention facility in Aurora, Colorado. These are young people, people of all ages, who are picked up. They might have broken the speed limit, they might have a tail-light out on their car, they might simply have been loitering, and now, with taxpayer money, we are putting them up at \$120 a day of our hard-earned money rather than them being out working and paying taxes to reduce our deficit.

Mr. Speaker, in this era of budget deficit, putting Walter and people like him in a government hotel that taxpayers are paying for for \$120 a day makes absolutely no sense when Walter would rather be out working and paying taxes to help reduce our deficit.

To help the hundreds of thousands of Walters across the country, now is the time to pass comprehensive immigration reform, and I strongly urge my colleagues to support it.

WE NEED TO CUT TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the people of this country many times get so frustrated because they think that we here in Congress don't hear them, we don't listen to them. I have a couple of letters here I would like to read into the RECORD—at least part of them—so that my colleagues in the House can get some flavor for what the people in mid-America are thinking right now.

This letter is from a lady named Emmaline P. Henn in Huntington, Indiana. And she says: "Dear Congressman Burton, it was great to hear you and speak with you at Huntington's Lincoln Day Dinner, but we want to stress the things we said then. We do have confidence in you"—which I really appreciate.

She says: "We are appalled by what is happening in Washington. Now in

our 80s, we have seen many administrations; none has been as frightening as this one. In less than 6 months, President Obama and his team have drawn the U.S. Government deep into private business. The government's business is governing, not business.

"There is no doubt the President and his team have taken us far on the road to socialism, so far that we fear there may be no return. Their spending is out of this world, and it will not save the economy.

"In the long run, bailouts don't work. The health care issue, the credit card issue, the card check issue, and more, are taking us far from free enterprise and are causing many citizens to give up on self-reliance and responsibility in favor of relying on the government. There is little incentive for talented people to innovate, work hard, and create business. What a terrible lesson.

"We pray you fight for this movement. At the same time, we pray you will support keeping the United States safe in every way you possibly can."

You can hear the frustration in this lady by the way her letter sounds. But then there is another one here from a General Motors dealer in Wabash, Indiana. And I will just read part of this letter because I think it really—I want to put the whole thing in the RECORD, but I want to read part of it because it tells you the frustration that small business people have in this country.

It is from David and Kay Dorais. And she says: "My husband, David Dorais, and I are the owners and operators of Dorais Chevrolet in Wabash, Indiana. This business was started over 60 years ago by my husband's grandfather, Gus Dorais.

"Gus was the first All American in football from Notre Dame University. He came to Wabash, Indiana, from Detroit. He began a Chevrolet dealership operating under the philosophy of 'give back to the community that has given so much to you.' This is the philosophy we have strived to operate under.

"We have always been extremely loyal to General Motors and to our community. Small business is what helped to build this great country of ours, and loyalty is what makes all of us successful. We have always given back whenever asked, often times without being asked. We have always paid taxes. We have always voted. We have always made contributions. We've always participated in the programs that General Motors asked us to participate in."

And then they go on to say that they had an attorney that was talking to them about the way they're being treated by the government and by General Motors, which is now controlled by the government—Government Motors now, no longer General Motors. And they say: "We are now no longer to be a part of the 'new General Motors.' We are no longer good enough, even

though we were part of the faction that helped to support them for years.

"Yesterday I listened to an attorney representing auto dealers speak. He is the first person I have heard make any sense in this mess. He asked, where are your elected representatives? Where are the elected officials that you donated to? Where are the elected officials that you voted for? He further added that these people never hesitated to ask for your help, but where are they now? The most important question asked was, why are you allowing them to turn their backs on you?"

And I would just like to say, if I were talking to my colleagues in the House, my friends in the Senate, or if I were talking to the President, I would say, it's time for us to pay attention to these people. Instead of putting everything under government control, instead of trying to bail out everything by printing money that we don't have, we ought to be cutting taxes like they did under Ronald Reagan.

We cut taxes across the board when we had terrible problems back in the early eighties. We had 14 percent inflation, we had 12 percent unemployment—worse than we have right now, and when Reagan came in, instead of throwing money at everything what he did was said, we're going to give people some of their money back, we're going to cut their taxes. We're going to cut business taxes because if we do that, they will have more income and more money to spend on expanding our economy to buy products, to produce new products. And he did that.

□ 1445

And because of that, we had one of the longest periods of economic expansion in this country's history.

You compare that to what we're seeing today where businesses are being driven out of business. This business has been there for 60 years, and they're going out of business because we're trying to solve the problems by letting government solve everything. Sixty-one percent of General Motors is going to be run by the unions now, and we've spent \$57 billion bailing these companies out when we could have done it the way Ronald Reagan did.

I want to end by just saying I feel real frustration when I get these letters from my constituents, and I hope my colleagues are paying attention and the people at the White House are paying attention, because instead of printing more money and throwing more money and putting more government control in charge of everything, we ought to be giving the American people the right to have some of their money back so they can expand this economy, because government sure isn't doing it.

JUNE 3, 2008.

Congressman DAN BURTON,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN BURTON: My husband, David Dorais, and I are the owners and oper-

ators of Dorais Chevrolet in Wabash, Indiana. This business was started over 60 years ago by my husband's grandfather, Gus Dorais. Gus Dorais was the first All American in football from Notre Dame University. He came to Wabash, Indiana from Detroit. He began a Chevrolet dealership operating under the philosophy of "give back to the community that has given so much to you". This is the philosophy we have strived to operate under.

We have always been extremely loyal to General Motors and to our community. Small business is what helped to build this great country of ours and loyalty is what makes all of us successful. We have always given back whenever asked, often times without being asked. We have always paid taxes. We have always voted. We have always made contributions. We have always participated in the programs that General Motors asked us to participate in. We have even participated in extra programs that General Motors did not request, such as an advertisement group. My husband served as an officer in this group for years. We employ many people, who also help to keep our community alive. We pay our employees a fair and honest wage and we provide insurance to them. We feel we have done everything that an American citizen should do. We have been voted Small Business of the Year in our community, the only auto dealer to receive this award.

May 15th, 2009 we received a letter from General Motors that stated they will not be renewing our contract with them. Our American Dream became our American Nightmare. The Automotive Task Force (none of which drive American cars) handed down their decree. We are now no longer to be a part of the "New General Motors". We are no longer "good enough", even though we are a part of the faction that helped to support them for years. Yesterday I listened to the attorney representing auto dealers speak. He is the first person I have heard make any sense in this mess. He asked, where are your elected representatives? Where are the elected officials that you donated to? Where are the elected officials that you voted for? He further added that these people never hesitated to ask for your help, but where are they now. The most important question asked was, "Why are you allowing them to turn their backs on you?"

These are the people that wanted your support to put them in their present position. It is a position that is to help the people. Where are they and why are you not furious that they are turning their backs on you". It did give me reason to think. Politicians run on the premise of helping the people. Yet, when you are actually needed, where are you? Has a political office simply become a place to sit and receive a check? Are campaign promises simply empty words used to become elected. During the last election it was all about the Middle Class, all about small business, it was all about keeping business alive, it was all about keeping people employed. What happened? Was it all simply political rhetoric, business as usual.

As previously stated, we are a small business. We do believe in helping and giving back. We believe in helping and supporting those around us. We have even managed to keep doing this in these difficult economic times. We are a small business in Wabash, Indiana that does give back in every way possible. We are a small business in which the owners do not take huge paychecks in order to give back to a community that we are loyal to. We received the Small Business

Award because of our loyalty. It is our hope that this is not a word that has been forgotten in government. No, we are not as profitable as we once were. Yet these are difficult times and they will pass. Given the opportunity, we will again be profitable—even more profitable than in the past. It is our hope that you will look at this Small Business of the Year in Wabash, Indiana. Look at the contributions we make to the people who live here. It is our hope that you have not turned your back on us.

Sincerely,

DAVID and KAY DORAIS.

MAY 27, 2009.

Representative DAN BURTON,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN BURTON. It was great to hear you and speak with you at Huntington's Lincoln Day Dinner, but we want to stress the things we said then. We do have confidence in you.

We are appalled by what is happening in Washington. Now in our eighties, we have seen many administrations. None has been as frightening as this one. In less than six months President Obama and his team have drawn the U.S. Government deep into private business. The government's business is governing not business.

There is no doubt the President and his team have taken us far on the road to socialism, so far that we fear there may be no return. Their spending is out of this world and it's not what will save the economy. In the long run bailouts don't work.

The health care issue, the credit card issue, the card check issue and more are taking us far from free enterprise, and are causing many citizens to give up self-reliance and responsibility in favor of relying on the government. There is little incentive for talented people to innovate, work hard and create business. What a terrible lesson!!

We pray you fight this movement!!

At the same time, we pray you will support keeping the United States safe in every way you can.

Sincerely,

EMMALINE P. HENN.

THE HEALTH CARE BILL'S PUBLIC OPTION WILL DENY THE AMERICAN PEOPLE CHOICES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. BROUN) is recognized for 60 minutes as the designee of the minority leader.

Mr. BROUN of Georgia. Mr. Speaker, I came to talk about the health care problems here in America. I'm a medical doctor. I have practiced medicine for three-and-a-half decades. I'm an old-time general practitioner. I treat infants all the way to the elderly. My patients are like family. They're like friends. They are friends. They are family. And I'm very concerned about where we are going as a Nation.

Certainly health care in this country has become extremely expensive. In fact, I myself, prior to being elected to Congress, being a small businessman, could not afford a comprehensive health care insurance policy. I had a catastrophic health care policy because

that's all I could afford. There are many small businessmen and women all across this country that are in the same category that I was in. Now, since I have been elected to Congress, I buy into the government health care insurance program that all Federal employees can buy into.

We hear from our President that everybody in this country should have a public option, an option that they can buy into. Last night my good friend JOHN SHADEGG in a Special Order was talking about the draft of the bill that Energy and Commerce is going to be looking at next week. And during Mr. SHADEGG's discussion last night on this floor, he said that the public health care option is not an option at all. And, in fact, the American people, if I could speak to them, Mr. Speaker, I would ask them to look at what is being proposed and how quickly this major policy change is being brought to the forefront.

Next week on Tuesday, the Energy and Commerce Committee is going to start their process of looking at the health care reform bill. Tuesday they are scheduled to have opening statements by the members of the committee. Wednesday and Thursday they're going to have markup. And, Mr. Speaker, I don't think the American public quite understands that term. It's a term that we use, as you know, where the committee goes through a bill line by line, issue by issue, section by section, and amendments are offered, voted on, and are put in place in the final product.

Well, the chairman of the Energy and Commerce Committee has decided to not go through the regular order process of letting the Health Subcommittee look at the bill. He wants the whole committee to do so. Why? Well, it's reported that the reason that he wants to do that is because he's concerned about the subcommittee's taking too much time and maybe not even passing out this bill.

The majority, Mr. Speaker, it seems to me, is trying to force this down the throats of the American people in a very expeditious manner. Why would they want to do that? Well, I think the American people, if they knew what was going on, Mr. Speaker, would understand that this major policy change is being hastened through the legislative process so that it can be put in place so that the American people don't have the light of day shed upon this bill so that the American people can say anything about it.

Over and over again, Mr. Speaker, in this House with these appropriation bills, we have seen a change, an historical change, of how regular order is carried out. Normally an appropriations bill is brought to the floor with an open rule. Both sides agree on amendments that are introduced. Both sides agree on time limits, and we can

go through a regular order. But the majority has declined to allow that to happen. Even leadership, some of the leadership on the other side, reportedly, would like to do so. But the Speaker and the chairman are declining to allow that to happen.

So we're getting bill after bill presented to the floor that nobody has had the opportunity to read. The public can't read it. The Members of Congress can't read it.

We've had thousand-page bills, such as the nonstimulus bill that was presented by the President and was introduced in the dead of night, and we voted on it on this floor where no human being anywhere had had the opportunity to read that bill. No one, Mr. Speaker, had the opportunity to read that bill. It was 1,100 pages. Our leader, Mr. BOEHNER, had that large stack of paper and dropped it on the floor. No one had the opportunity to read that bill.

We don't have a health care bill. I have not seen it. No member of the Energy and Commerce Committee has seen it on either side, Democrat or Republican, because it has not been produced. Though Tuesday morning they're going to start opening statements on that bill.

We here in Congress have not seen the bill. We here in Congress have no way to evaluate the bill. We here in Congress have no way to understand what the bill says in totality and how we can introduce amendments to the bill to make it better. Democrats and Republicans alike are being denied their opportunity to allow amendments to all these appropriations bills and to a lot of the authorization bills, such as the tax-and-cap bill, which is going to be a disaster economically for America. This process is blatantly unfair. It's unfair to Democrats. It's unfair to Republicans. But most of all, it's unfair to the American people. The American people should demand better.

Our Speaker, when she came to office in the prior Congress, said we're going to have a new era of openness and honesty, high ethics, transparency. Nothing could be further from the truth. That's what went on in the last Congress and is particularly going on in this Congress. And we are having this health care reform bill being put together by just a small handful of the committee leadership and the leadership of this House, Democrats. The medical doctors, health care professionals, at least on our side, aren't even being consulted. We have, I'm not sure, 10 or 11 of us on our side. Not the first one of us has been consulted about what my patients and all of our patients need in health care reform.

We are being shut out of the process, and that's not fair to the American people, Mr. Speaker. The American people should demand more. They should demand openness. They should demand transparency.

We've had resolutions where we wanted to have at least 72 hours of every bill being posted on the Internet so that the American people could look at those bills. The American people have been denied that opportunity by the leadership of this House and of the U.S. Senate. It's not fair. It's not fair to the American people.

We are having a major change in health care policy being shoved down the throats of the American people, Mr. Speaker. The American people need to rise up and say "no" to this cloaked-in-darkness process, where members of the public across this country should be able to take their reading glasses and put them on and read the bill, where Members of Congress should be able to take their reading glasses and put them on and look and see what's being proposed by the majority. The minority is being totally shut out of this process.

Now, we do know some things that are in the bill. And the American people need to understand what the ramifications of those things that are in the bill that we know about are all about.

The first thing, we hear all the time by the majority, we heard it during Special Orders, we've heard it during the 1 minutes this morning, we hear it over and over again in all the debate and discussion going around here in the House, about people need to have a public option. Well, the American people need to understand, Mr. Speaker, that that public option is going to deny them choices. It's going to put a bureaucrat, a Washington bureaucrat, between them and their doctor. And that Washington bureaucrat is going to make their health care decisions for them about what tests they can have, what medicines they can have, whether they can have surgery or not. And what it's going to do is it's going to shift people, as Mr. SHADEGG was saying last night, over the next 5 years off their employer-based health care insurance over to a single-party payer government insurance.

We are told if people like their health insurance, fine, keep it. And most American people will say, yes, that's right, I like my American insurance policy that I have today. I don't like the insurance companies. I don't like the costs. But I'm satisfied with my insurance.

But, Mr. Speaker, if I could speak to each individual in America today, I'd warn them that, Mr. and Mrs. America, you're not going to be able to keep your private insurance. You're going to be forced into a government-run, socialistic medicine health care system where some Washington bureaucrat is going to tell you whether you can go to the hospital or not, whether you can get an MRI or not, whether you can have the new treatments for cancer or hypertension or diabetes. It's going to destroy the health care system that we know today.

We have the finest health care system in the world. That's the reason people from Canada come to America to get their health care, even when they could buy the private health care in their own country. But they come to the United States. People in Great Britain come to the United States. Even if they can afford to go through the private sector in the United Kingdom, they come here because we have the finest health care system in the world.

But, Mr. Speaker, if I could tell the people in America, if I was allowed to through the rules of the House, I would tell them that that health care system that you're enjoying today, the quality of health care, the medications, the treatments, the tests, surgeries, and all of the things that make us have the highest quality of health care in the world, is going to be destroyed by this bill that's going to be started through the legislative process next week.

□ 1500

I have been joined in this hour by a physician colleague from Tennessee, Dr. ROE, who has tremendous experience with TennCare in his home State of Tennessee. I welcome him to join us today, and I ask the doctor, I yield to the doctor to give us some insights about TennCare and what it produced in Tennessee and about the cost and quality and how things were affected there and whatever the gentleman wants to inform the Speaker.

Dr. ROE, if you could speak to the American people. I know you would like to speak to them, but you have to speak to the Speaker and me.

I yield to the gentleman from Tennessee.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Madam Speaker, I think when you are looking at health care, and I practiced medicine in the State of Tennessee for over 30 years in an OB/GYN practice, delivered a lot of babies. And I can tell you, having watched this very complex system, it's unfair to the American people. We are not talking about Democrats or Republicans. We are talking about the American people here who are going to be affected, all 300 million of us are.

And when we look at the issues out there that we are dealing with, first of all, there isn't any American that doesn't want to have quality, affordable health care for all of our citizens. I don't think any of us in this body, all 435 of us want that. It's how do we get there and how do we afford it when we do get there and not break the bank.

We have, if you read various publications, around 47 million people in America who are uninsured. And of that 47 people who are uninsured, approximately 10 million, these are estimates, but are approximately 10 million are illegal in this country.

Of the remaining 35 to 37 million, we have about 12 to 14 million who currently qualify for plans that are out there, SCHIP or Medicaid, but who are not on it. So we need to find out who these individuals are and make those assets available for them.

About 9 million people make over \$75,000 a year and choose not to buy health insurance. Now, in my part of the world, in the First District of Tennessee, that's a lot of money, and I assume in a lot of places in Georgia and other places around this country that's a lot of money. We have about 8 million people who make between \$50,000 and \$70,000 a year who are uninsured. And certainly for those, if there are families, there are ways, very inexpensive ways to make sure affordable health care is available to them.

When I first heard—when I first came to D.C., I heard the argument of the President's plan, and it turns out, I don't think the President had a plan. But the plan that was coming out of the House of Representatives is that we are going to have private health insurance and we are going to have a competitive government-sponsored plan. And I said, What exactly is that supposed to do? And they told me, and I said, Wait a minute. 16 years ago, we did this plan in Tennessee. It was called TennCare. We got a waiver from Medicaid, HHS, to provide health care for as many citizens in the State as we could. And as you know, Tennessee is not a wealthy State. We have a much lower than average per capita income in the country. So it was a noble goal. And it was the government, the managed care plans, put a very rich plan together; in other words, it was very generous in benefits.

And what happened was almost 50 percent, 45-plus percent of the people who got on TennCare had private health insurance. And what we found, and for them it was fine. I mean, they had a plan that paid the coverage, paid to see a doctor. The problem with it was it didn't pay the cost. And when I started asking, digging into this plan, I said, How much of the cost of the providers—I am speaking of hospital outpatient surgery centers. What percent of cost does this plan pay? It paid 60 percent. Medicare, another government-run plan, pays about 90 percent of costs.

So what happened was you had costs shifted to the private insurers. And these private insurers—that would be the other businesses in Tennessee—their costs went up and up and up when they tried to buy health insurance. So more and more people were dumped into the plan because businesses couldn't afford it.

How did the State of Tennessee handle this?

Mr. BROUN of Georgia. I want to make that crystal clear. Businesses could not afford to continue paying for

the private insurance, and so people went from private insurance, and they were being forced over to the government plan; is that correct?

Mr. ROE of Tennessee. Exactly. They made a perfectly logical decision. It was cheaper to go into the subsidized government plan than it was for businesses that were struggling to survive anyway.

And when you add this extra cost, they dropped that cost onto the public plan. Well, what happened was the State couldn't even afford even paying 60 percent of the cost of the care. There were so many people on it, the health care part was getting more than all the education and the other things that the State was providing.

So our Governor, who is a Democrat in the State of Tennessee, and a Republican legislature, they had to cut the rolls. You only have two choices: You can either cut the rolls or you can ration care. So I predict to you, Dr. BROUN and Madam Speaker, that when this public option comes out there, that it will be exactly like that. It will be a very generous plan subsidized by the taxpayers and supported by that. And businesses, especially small businesses first—the ones who provide most of the jobs in this country are small businesses, and you want to make it easier for them to provide the benefit, not more difficult—they will drop that. And over time, this will morph into a single-payer system.

Now, some people, Madam Speaker, would say, Is that a bad idea or a good idea? I think some people would be happy with the single-payer system. I believe health care decisions should be made between patients, their families, and their doctors. And you don't need a bureaucrat, no pun intended, injecting himself into this very important decision, in health care decisions. That's what will happen.

In this plan in England, they have a comparative effectiveness, as you well know, called NICE. And what an acronym for NICE, and let me explain that to the viewers out there. What happens in a public system where it's funded by a single payer—for instance, the taxpayer, in England the government—a board or committee is put together by the government to evaluate the outcomes of certain treatments.

Well, they have, for instance, if they estimate in England that you are in your last 6 months of life—and a cancer, for instance, a cancer treatment, they might invest as much as \$22,000 in you, about what a used Honda would be.

Well, I don't think the American people, I know the American people, I know the American people in my district, Madam Speaker, in your District, are not ready to let the government decide that your life and your family's life is worth that. So that is sort of, in a nutshell, where we were or are in Tennessee dealing with this.

There are a lot of other options out there. I think these mandates for, in this particular legislation which we haven't seen other than just a synopsis of it, we haven't seen the full legislation. And, of course, the devil is always in the details.

So I want to sit here and look at the American people and tell them that the Doctors Caucus, the conservatives in this House, I think both the Republicans and the Democrats, want to be sure that the patient and the doctor are making those very important health care decisions and not the Federal Government.

Mr. BROUN of Georgia. I wanted to bring out a point. I have got an article here that came from Capitalism Magazine. The title of the article is "Health Care to Die for in Britain" by Ralph Reiland, from February 6, 2005. I just want to read a couple of points that Mr. Reiland makes in this article.

He says, "Among women with breast cancer, for example, there's a 46 percent chance of dying from it in Britain, versus a 25 percent chance in the United States. 'Britain has one of the worst survival rates in the advanced world,' writes Bartholomew, 'and America has the best.'"

He is quoting an issue in the Spectator Magazine, the British magazine, where James Bartholomew was talking about the British health care system.

The point of that, and the American people, I hope, will understand as we look at this, their single-payer system—now, in Great Britain, if you are extremely wealthy, you have to be extremely wealthy, you can buy private health insurance. And we have seen a lot of those people who are extremely wealthy actually come to the United States for their health care.

But unless you are extremely, extremely wealthy and you are in that single-payer system—and that's where we are headed, in my belief, in the United States—you have almost a half chance, and that's in a 5-year survival rate in Great Britain, of dying, where actually it's less than 25 percent today in America.

I think you have quoted some statistics on breast cancer. Do you have those at hand that you could give?

Mr. ROE of Tennessee. I do. When I began my medical practice, we had the same survival statistics that they did, 50 percent 30 years ago. In stage 1 disease now in America now it's as high as 98 percent 5-year survival. So when the patient comes to us, Dr. BROUN and Madam Speaker, and they say, Dr. ROE, what are my chances of living? I am going to look at that patient, I am going to look at her and say, It may be tough, you may have some down days, you probably will, but you are going to make it. You are going to be okay.

And we can provide that kind of hope in this country for our patients. I look at St. Jude's Children's Research Hos-

pital in Memphis where I was a medical student, and when I first went there, 80 percent of children died of childhood leukemias and cancers. Today, over 80 percent live.

I had one of the greatest evenings this last Monday night of a young boy I had delivered 16 years ago, and 2½ years ago his mother called me and said, Dr. ROE, I am afraid my son has cancer. And we were there for that 16th birthday to celebrate. He is cancer free, and that is a wonderful, wonderful thing to celebrate. And my joy goes out to that family and that community. The whole community celebrated. And that's the kinds of things we have seen, I think, in America, with our health care system.

And I think back, Dr. BROUN and Madam Speaker, when I began my medical practice, we had only five high blood pressure medicines. Three of them made you sicker than high blood pressure did. Today, over 50. Antibiotics, there was one type of cephalosporin antibiotic. Today, over 50.

We have all of the new robotic surgeries, laparoscopic surgeries that I was able to do and privileged to do in this Nation and provide everyone. I was at a business meeting not long ago, a year or so ago, and they said the health care system, certainly there are excesses, we need to do a better job of managing the system. They said, You need to run this like Southwest Airlines. I said—well, I was in Washington when I was told that. And I said, I will tell you what we will do. We will go over to Reagan National and we will pick a guy up who lives under the bridge there, a homeless person, and we will show up at Southwest Airlines. And I will go in my pocket, and I will pull my credit card out and I will say, here, I want to fly and the guy with me can fly, but the man that has no money can't.

And in America, if we all three get in there and go back to George Washington University's emergency room, day or night, 24 hours a day, 7 days a week, regardless of your ability to pay, in America we will take care of you. Now is that the best way to do it, and I would argue it is not. And that's what this debate should be about is how we better use those resources.

Mr. BROUN of Georgia. Let's make this perfectly clear for Madam Speaker and for the American public. You just made a statement that I want to focus upon. You say somebody could go to the emergency room, and it's really an emergency room in the United States, and they will get health care provided to them; is that correct?

Mr. ROE of Tennessee. That is correct.

Mr. BROUN of Georgia. And there is a Federal law actually called EMTALA, the Emergency Medical Treatment and Labor Act, that requires emergency rooms to evaluate

and essentially treat everybody who walks in the door, whether they can pay or not, whether they are here legally or not or any other way; is that correct?

Mr. ROE of Tennessee. That is correct.

Mr. BROUN of Georgia. And then the point I keep hearing, particularly from those on the other side that want this socialized medicine program, this Washington-based, Washington bureaucratic administered health care system, that everybody needs access to health care.

But you just made a statement that the American people need to understand, and, Madam Speaker, I hope that they will understand. Everybody in this country has access to health care by walking into an emergency room.

And the question is, really, where people are going to get their health care provided to them, who is going to pay for it and what cost. Is that correct?

Mr. ROE of Tennessee. Yes. I know that only you can show up at an emergency at any time, but the only hospital that I have had patients denied care because of some bureaucratic snafu, they didn't qualify, was a government hospital, the VA. I have never had a patient refused care that I have taken care of if I said this patient has to be in the hospital. Our problem is not the quality of the care; it's figuring out a system to best pay for it. That's what we are dealing with here. And we are not going to wrap this up and be fair to the American people in 2 weeks.

□ 1515

It's too complicated. I was speaking with a friend of mine this Monday in Kingsport, Tennessee, Dr. Jerry Miller, and he and I were in a very detailed discussion about how complex when you're looking at home health care, oxygen infusion, devices, occupational therapy, physical therapy. All of that goes with increasing and improving the quality of your life. That's what we're dealing with, an incredibly complex system. And I don't believe that the government can best run this system. I think that the private sector is much more equipped to deal with new technologies.

I'll give you an example. I think if we were waiting on the government to develop a da Vinci robot, you wouldn't be having your da Vinci robotic surgery right now.

We see radical prostatectomies for prostate cancer that now are done in a couple of hours or less with very minimal blood loss. I mean, before radical prostatectomies, it was several hundred cc's of blood. Now it may be 75 or a 100 cc's. Minimal blood loss. Patients are leaving the hospital in a day or two and resuming normal activities incredibly fast.

Mr. BROUN of Georgia. Would the gentleman yield?

Mr. ROE of Tennessee. Yes.

Mr. BROUN of Georgia. I want to interject here just a moment. With the current technology we have on that radical prostatectomy, as we call it in medicine—taking the prostate out, all the prostate out—in the past, when we did it with the nonrobotic surgery, the chances of that gentleman having to wear a condom catheter because they cannot control the urine and they just have a constant leakage of urine out of their bladder was very high compared to today.

Their chances, if they're a young man, of having impotence prior to that—in other words, they cannot perform sexually—was a pretty good chance that they were going to have problems with that. But with the robotic surgery, the incidence of impotence, the incidence of incontinence, which is where the urine leaks out, is very low.

It's because of that technology that the development of that technology is going to come to a screeching halt, I believe. Would you agree with that?

Mr. ROE of Tennessee. I would agree with that. I think the biggest problem you have when you don't have enough resources in the system to develop new medications and new technologies, new treatments, new pieces of equipment, there's no question that you freeze in time where you are.

I recall it wasn't a day that I would go to the operating room that I wouldn't see somebody back in the seventies getting operated on for an ulcer, bleeding ulcer. It's almost unheard of now because of medical treatments and other endoscopic treatment. You have almost eliminated that very invasive surgery. We certainly don't want this to slow down.

One of the things that I think we value in America—I know we do—is we value every human life. Every life has great value here. And that's one of the things that I've seen in my practice. Whether you are rich or you are poor, you are valuable to the American people and to the health care system. And we're going to take care of you.

Dr. BROUN, Madam Speaker, one of the things that's an untold problem in the health care system is the availability of care—the accessibility of it, I should say. In the next 10 years, 50 percent of our registered nurses are able to retire. Fifty percent. We need a million more nurses by 2016. That's only 7 years from now.

So we need to be encouraging young people to go into these very needed specialties in medicine and as physicians. We're already behind the curve. In the next 10 years we will have more physicians retiring or dying than we're producing in this country. And the population is growing and the baby boomers are going to need more care. And guess

what we're doing? We're living longer than we've ever lived in the history of the world.

So we have a multipronged problem. It's not just that; it's do we have access. Am I going to be able to find a nurse and a doctor to take care of me. I yield to the gentleman.

Mr. BROUN of Georgia. Well, you're exactly right, Dr. ROE. We have a critical shortage today of medical care personnel, nurses and doctors, as you're saying. In fact, my alma mater, the Medical College of Georgia in Augusta, is starting to develop some satellite campuses to try to train more physicians in the State of Georgia.

In fact, one is going to be opening within the next 2 years in Athens, Georgia, where the University of Georgia is, near where I live. I live outside of Athens in Watkinsville.

But we still are going to be behind even with this new training. But what I have seen, and I think Dr. ROE will probably corroborate this, is that we have seen doctors stop taking Medicaid, stop taking Medicare because of the poor reimbursement rates. And if we go to this supposedly two systems of one private and one public, as has been projected by the leadership and many people on the other side, what is going to happen is that you're going to have, because of the very poor reimbursements rates, you're going to have hospitals fail; you're going to have doctors not take those patients on the public plan. So that in itself is going to take choices away. Plus, you're going to have a Washington bureaucrat telling the patient what medicines that they can have.

You mentioned, Dr. ROE, just a moment ago about all the cephalosporins, one of the powerful antibiotics. When you and I came along—we were almost contemporaries in medical school, though you went to Tennessee and I went to the Medical College of Georgia—we had antibiotics that were very limited.

We have got bacteria today—in fact, a patient that's very close to me personally has pseudomonas pneumonia. When I went to medical school, that patient would have died within a matter of weeks. She now has a PIC line. She's gotten IV antibiotics over and over again. That's not going to be available to her in this new public-option plan, this government-run plan, and she's just going to die. She's 85 years old. And she's going to die. She's had this pneumonia for about 6 months now. And she's still living. When I was in medical school, she would have died within a matter of days.

Life is precious. Some would say, Well, she's 85 years of age; we should just let her die. And that's exactly what's going on in Canada and Great Britain today. They don't have the appreciation of life as we do in our society, evidently.

Dr. ROE, a lot of people are going to die. This program, government option that's being touted as being this panacea, the savior of allowing people to have quality health care at an affordable price, is going to kill people.

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. BROUN of Georgia. Yes, sir.

Mr. ROE of Tennessee. I think, Madam Speaker, what we need to do is look at the problem we're faced with. What are people concerned with? Well, affordability. Certainly, we've got to deal with this.

Number two is accessibility. We have talked about that somewhat. Thirdly, when we have a job, our health insurance is tied to our job. So we're concerned if I lose my employment, I lose my job.

Do you need an entire government takeover of medicine to address those issues? No, you don't. When you look at portability, that's certainly one thing that I think can be done with very minimal government involvement.

I will give you another quick example. Many of us have children. And today is a very poor work environment. So when you see young people come out of college or out of high school today, it's very difficult for them in this market to find a job.

But guess what happens to them when they graduate from East Tennessee State University or the University of Georgia, wherever, and there's no job available? They lose their health insurance coverage. Why not just leave them on their parents' plan until they're 25 years old? It wouldn't cost the government a nickel.

Do you know how many people that would cover, estimated, in this country? Seven million young people. And I know for all three of my children, when they got out of school, they all needed help with their health insurance coverage. I had to go out and buy a private health insurance plan, which was not tax deductible.

Another example I'll give you is myself. Last year, when I worked in my medical practice, I provided health benefits. That was one of the benefits we have for our employees and for me. I retired from my medical practice to run for Congress. The next day, my health premiums went up 33 percent because they were no longer deductible.

That's not expensive for the government to do. Simply allow individuals out there who want to purchase their own private health insurance plan—if you're a farmer or small business person, let them deduct that exactly like GE does, or any other large business.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. ROE of Tennessee. Yes.

Mr. BROUN of Georgia. You made a great point there. The vast majority of

employees in this country are employees of small businesses. The small businesses are having a hard time paying these high premiums. And so if we could just have some tax changes to allow deductibility for the individual or for the small business, which is not in law today—it's only the large businesses that can deduct and not pay taxes on that benefit to their employees or the employee not have to pay tax on that benefit. It's only applicable to large businesses.

Most people who are employed, most of the uninsured in this country who have a hard time affording it, most small businesses who have a hard time affording to pay for health insurance for their employees are in that situation because it's not deductible. And if we made some tax changes to make it deductible for everybody for their health premium, that in itself would take care of a lot of those people that you were talking about earlier who are not insured today?

Mr. ROE of Tennessee. Will the gentleman yield?

Mr. BROUN of Georgia. Yes, sir.

Mr. ROE of Tennessee. I would like to know the logic. I haven't had anyone yet since I've been in this body give me the logic of why a corporation with multiple assets is allowed to take a—let's say a small businessman. Let's take someone who is in a small landscaping business, who takes care of my yard—I should be mowing it myself—but who takes care of my yard.

Why shouldn't he be able to deduct as an individual employer—he's just got himself, is all he works for—why can't he deduct his health insurance just like General Motors does? I've never had anyone yet explain to me. You could help a tremendous number of people in this country if we did that simple thing.

I yield back.

Mr. BROUN of Georgia. Well, I thank the gentleman for yielding. You're exactly right. I hear the majority Members over and over again, many Members of the Democratic side talk about the Republican Party as the Party of No, N-O, because we say "no" to this energy tax, "no"—they're going to accuse us of being the Party of No on this health care reform bill that they're going to shove down our throats—down the American people's throats, this socialistic, Washington government-based, Washington bureaucratic-run health care system. They're going to accuse of us being the Party of No, N-O.

But I submit that the Republican Party is the Party of Know, K-N-O-W, because just that one point, if we would make that one tax change, it would pull into the insurance pool privately administered, no cost to the taxpayer, no cost to our children and grandchildren. It would not increase the deficit. Bring in that one thing of a

tax policy change and it would ensure on a private basis a lot of those people who are uninsured today.

Mr. ROE of Tennessee. Would the gentleman yield?

Mr. BROUN of Georgia. Yes, sir.

Mr. ROE of Tennessee. I would argue that would even do more than that, because it would do just the opposite of what the public plan will do. What it will do is, if you make that available where the uninsured can afford it to this tax break, it will make less people uninsured and therefore less cost-shifting to the people who already have health insurance.

I would argue it would do exactly the opposite. I bet you if we try, it will work immediately.

The challenge we have in a down economy, there's no question, is when people lose their job, they lose their health insurance. And it can't be COBRA. As you all know, Bill Gates can't afford COBRA, it's so expensive.

We have to have a plan that is affordable for people when they're unemployed. That's a real challenge, there's no question.

I yield back.

Mr. BROUN of Georgia. I thank Dr. ROE for yielding back. In fact, I'm developing a bill in my office right now that will give patients the ownership of their health insurance, whether they buy it themselves or whether it's paid for by their company. If the patient owns the health insurance, that will stop that portability problem because the patient owns it; and if they leave one job and go to another, they take the insurance with them. That's what I'm talking about. We as Republicans are the Party of Know because we know how to make insurance portable.

We have numerous Members over on our Republican side that are putting together proposals that the American people will never see. Why? Because the leadership of this House will not allow the American people to see my bill or your bill, Mr. SHADEGG's bill, Mr. RYAN's bill, the Health Working Group of the Republican conference.

Bill after bill are being proposed to be introduced that will never see the light of day. The American people won't see it, the Members of this House won't see it, Members of Congress in either House won't see those. Why? Because the leadership of this House is forcing in a dictatorial manner their health care bill that's going to destroy the quality of health care.

□ 1530

Mr. ROE of Tennessee. I am going to make an impassioned plea to the American people. A week ago we saw a cap-and-trade tax here that was brought before this House, not thoroughly vetted, a very, very important issue, and not read. Let me say this again—and I get angry when I think about this, something that affects every single

American. Not one Congressman of the 219 that voted for that ever read the bill, and it will affect every American. I want to challenge this body right here and now not to bring a bill here in 2 weeks which no one has read, which affects the most precious decision, the care of you and your family and your children, and you haven't even read it. The American people need to know every dot and T in that bill before we have the audacity to pass that bill on to the U.S. Senate.

I yield back.

Mr. BROUN of Georgia. Dr. ROE, I agree with you wholeheartedly. The American people need to demand that the bill be presented to the American people so that they can understand how it's going to affect them because it's going to affect every single person. There's a lot of people who work for big companies that say, Well, I've got good insurance through my employer, and I like it. Well, they need to understand that they're not going to be able to keep it because in 5 years, whether they are in a big multinational corporation that's paying for their health insurance today, they're going to be forced out of that into their single-payer government program where that Washington bureaucrat is going to be making their health care decisions. That's the first thing. Secondly, it's going to be extremely expensive for everybody. Government intrusion into the health care system is what's driving up the cost. Dr. ROE and Madam Speaker, let me give you a good example that happened in my own medical practice of how government intrusion has affected the cost of insurance and health care across the country, whether it's government-paid health insurance, such as Medicare, Medicaid or SCHIP, or whether it's private insurance.

I was practicing in a one-man office. I had three employees down in Americus, Georgia, and I had a small automated lab in my office. If a patient came in to see me, a doctor, and they had a red sore throat, they might have white patches on their throat, they were running a fever, coughing, and aching all over, maybe their nose is running, maybe they're coughing up some stuff, I, as a physician, knew that they may have a bacterial infection or they may have a viral infection or they may even have allergies. An allergy can actually show those same symptom complexes. I was taught in medical school not to abuse antibiotics because the overprescription of antibiotics causes a whole lot of problems for patients and causes a whole lot of increased cost. Well, Congress passed a bill called CLIA, the Clinical Laboratory Improvement Act, which basically shut down my small automated lab that had quality control. I wanted to make sure that whenever I ran a test that I had good, proper results. Well,

Congress passed a bill, the Clinical Laboratory Improvement Act, CLIA, that shut down my lab; and if a patient came in with a red sore throat, coughing or aching all over, I would do a CBC, a complete blood count, to find out if they had a bacterial infection and, thus, needed antibiotics or had a viral infection and did not need the expense or the exposure to those antibiotics. I charged \$12 for that CBC. CLIA shut down my lab. I had to send patients over to the hospital. So they had to drive from an office over there. It took an hour or two to do all the paperwork to get into the hospital and have their blood drawn. Then they'd come back to my office and sit and wait, frequently for several hours before I got the results of the test back. But I was charging \$12 for that test, CBC. It took 5 minutes to do. It is a good quality control test, proper results, \$12, 5 minutes. The hospital charged \$75, and it took 2 to 3 hours. You take that one test. It jumped from \$12 to \$75 for one test. What does that do to costs for insurance across this country? It markedly increases the cost of everybody's insurance and makes it less affordable for everybody. HIPAA—let me bring another critter out. I call CLIA and HIPAA and all these things critters. I tell my constituents in the 10th Congressional District of Georgia that if they see these congressionally creative critters, HIPAA, CLIA and all those other acronyms, that they'd better hold onto their wallets because it's going to take a big bite out of their wallets. Well, the Health Insurance Portability and Accountability Act, HIPAA, was passed, and it's cost the health care system billions of dollars and has not paid for the first aspirin to treat the headaches it's created. It's totally unneeded legislation. So government intrusion into the health care system has created this mess of unaffordability, and the more government intrusion we get into the health care system, the less affordable it's going to be.

I will yield.

Mr. ROE of Tennessee. Just to amplify what you've said. Madam Speaker, years ago we had a test in our office, which we did about 10,000 of them a year. We contacted a local pathologist and said, We'd like to pay \$10 for this test; and they said, Well it's \$100,000 of income. We'll be glad to. Well, we couldn't do that because—guess what—it was \$5 less than what Medicare paid. So we had to charge all of our patients \$15 for this test. So that one little office, that one test ended up costing our patients another \$50,000 in one medical practice in little old Johnson City, Tennessee. Now I've seen that already. You can amplify that across the country, and you can imagine the billions of dollars that are being wasted because of a lack of competition in the health care system.

I yield back.

Mr. BROUN of Georgia. Well, I thank the gentleman for bringing that test up. It's just a good example of how government intrusion in the system creates higher costs for everybody, whether it's a privately insured plan that a patient has or whether it is the government-insured plan that the patient has, government involvement creates higher costs. And we know, at least on our side, that we have some solutions. We can literally lower the cost of health care if we change health care tax policy and make it deductible for everybody, if we allowed the patients to have some input into how health care decisions are made. In the plan that I'm developing in our office, we have a plan that would make patients be in charge, whether they're government insured or not. We create a marked expansion of health savings accounts. We need to have health savings accounts for Medicare patients where the Medicare patients and the Medicaid patients control that health savings account. It seems as if some in this body have decided it's a God-given right for people to own health insurance. Maybe it is. I don't know. I don't find it in the Constitution of the United States. And we haven't had that until Medicare came along and then Medicaid, where government intrusion in the health care system really has created this boondoggle that we have today. But government intrusion already is rationing care for my patients and yours. It's already causing problems for patients to find providers that will accept their insurance. It's already causing the high cost. It's already causing rationing of care. And to go down this road that's going to create a bigger government intrusion, which is going to destroy the quality of care, stop innovation, it's going to stop all of these life-saving drugs and treatment modalities that we see in the health care industry today, it's going to stop all of that because of that cost effectiveness that the gentleman from Tennessee was talking about.

I will yield.

Mr. ROE of Tennessee. I think the thing that I want the American people to understand is that for 30-something years I have had to look at patients, some who had health insurance and some who we had to try to figure out, How do we get this patient care? And that is certainly a patient we want to find out. We're the ones who go to the emergency room at 3 o'clock in the morning and treat a sick child or see a youngster who has a fractured arm or whatever. We're the ones who provide this and go out there along with the other health care providers. We want a way for that system to flourish as efficiently and as cost effectively as we can. And we can do this. We have solutions out there. The solution is not the government running your health care.

That will be a problem. It will be a problem as far as innovation is concerned, as you've pointed out. It will be a problem as far as access is concerned. Access is already a major problem that we have to address.

I want to tell the American people—I want you to be engaged in this, learn about this. Call us. Tell us what you think. One of the last patients that I saw in my practice was a 60-something-year-old woman who worked, who didn't have health insurance. And quite frankly, that is a problem. She is 60 years old, just before Medicare. It's something that can be dealt with, though, without a complete takeover of the government health care system. The people had better pay attention. These next 2 weeks will be the most critical debate about health care that's occurred in the last 45 years.

I yield back.

Mr. BROWN of Georgia. I appreciate it. I want to ask the gentleman this: During my three and a half decades-plus of practicing medicine, I know in my own medical practice, and I know with colleagues that I've been associated with in Georgia, which is where I practiced medicine, that all of us have given away our services and not gotten paid. I don't resent that. I don't regret that. It's just part of what I did as a family doctor. Now under Federal law if I was accepting Medicare as a preferred provider, if somebody were to come into my office to see me—I did a full-time house call practice. I still practice medicine. I still see patients when I go home today. So I am still practicing medicine. I am actively practicing. But I don't take Medicare or Medicaid. I just see those patients and treat them. If they pay me, great. If they can't, that's great too. I don't care. I went to medical school to serve people. I think you did the same thing, Dr. ROE. But under current Federal law, if I were a physician that was a preferred provider in the Medicare system, and I had a young man, young woman who came into my office, was working, trying to make ends meet, had a health care problem, and they just could not afford to pay my bill, literally under the laws of this country today if I told them, "Don't worry about it. Don't worry about it. I will treat you for free," as I've done to literally thousands of patients, given away hundreds of thousands of dollars of my services over my career practicing medicine. If I did that to one patient in the Medicare system, if they knew about it, they could fine me for every single Medicare claim I ever made, ask for all that money back, and can put me in jail for seeing a patient for free. That's insane. It's absolutely stupid. If we change how government insurance is provided and get the Medicare, Medicaid, State Children's Health Insurance Program, all the government insurers so that the patients own the

policy and the insurance is what it's supposed to be, to help those people manage their finances, to help them manage their expenses for their health care that they purchase, that they go see the doctor, go to the hospital, if we could give them the ownership and give them their rights to make those decisions, then doctors could see patients for free, if they needed to be. Doctors could make those decisions; patients could make those decisions; and that's what we want to do on our side. But those philosophies are never, ever going to come to this floor because the leadership won't allow it to happen. We can literally lower—and I think by at least a third to half of what the costs are today for medicines, health insurance, hospital bills, doctors' bills, oxygen, wheelchairs, all those things—we can lower the cost of those things if the Republicans' proposals could ever see the light of day and be passed into law.

□ 1545

I yield to the gentleman from Louisiana.

Mr. FLEMING. Madam Speaker, I think one of the things that Dr. BROWN brings out so eloquently is that it is a true privilege to do what we have done, to practice medicine and try to heal the sick and take care of those folks. That is what we want to do, to be able to continue to provide those services where patients and doctors make those decisions, not the government.

I yield back.

Mr. BROWN of Georgia. I thank the gentleman for yielding. We have just a moment or two.

Madam Speaker, if I can speak to the American public today, what I would say to the American people is that starting next week the majority is going to force this health insurance reform down the throats of the American people. It is going to adversely affect every single American. The American people should stand up and say No, we want transparency.

Madam Speaker, if I could speak to every individual across this country, I would tell the American people to get on the phone, e-mail, fax, or visit your Congressman, your U.S. Senator, and say, Let's slow this process down. Let's get it right. Let's don't hasten in this process of trying to force something down the throats of the American people in the blackness of night where people can't see what's going on. Let us see, as Americans, what you are proposing, so we can look at the bill, so we can evaluate the bill, and so that everybody's voice across this country can be heard.

The former U.S. Senator Everett Dirksen once said that when he feels the heat, he sees the light.

The American people, Madam Speaker, need to put the heat on every single Member of Congress in the U.S. House

and the U.S. Senate by calling, writing, faxing, e-mailing and visiting their offices and say "no" to this process of not allowing people to read the bill.

The American people need to demand that this health care policy be looked at and be available for the American people to evaluate and not be forced down their throats like it is being done today.

Not only that, Madam Speaker, I invite the American people to call their family and friends and ask them to do the same thing. We have to light a grass fire of grassroots support all across this country to slow this process down. Demand transparency. Demand fairness. Demand openness. We are not getting that today, Madam Speaker. We have to demand it. The only way that is going to happen is if the American people will stand up and say "no" and tell their Member of Congress, particularly here in this House, between now and next Wednesday, they need to tell their Congressman to stop this process, allow fairness and allow transparency.

Let's have reform that makes sense. Republicans want that. Democrats want to have reform. But we don't need to do something that is going to break the system, destroy the quality of health care and be extremely expensive for everybody. We need to say "no."

OMISSION FROM THE CONGRESSIONAL RECORD OF FRIDAY, JUNE 19, 2009, AT PAGE 15777

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced her signature to enrolled bills of the Senate of the following titles:

S. 614. An act to award a Congressional Gold Medal to the Women Airforce Service Pilots ("WASP").

S. 615. An act to provide additional personnel authorities for the special Inspector General for Afghanistan Reconstruction. Referred to homeland Security and Governmental Affairs.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. POLIS) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. POLIS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, July 13, 14, 15, 16 and 17.

Mr. REICHERT, for 5 minutes, today.

Mr. JONES, for 5 minutes, July 17.

Mr. POE of Texas, for 5 minutes, July 17.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1107. An act to amend title 28, United States Code, to provide for a limited 6-month period for Federal judges to opt into the Judicial Survivors' Annuities System and begin contributing toward an annuity for their spouse and dependent children upon their death, and for other purposes; to the Committee on the Judiciary.

S. 1289. An act to improve title 18 of the United States Code; to the Committee on the Judiciary.

ADJOURNMENT

Mr. BROUN of Georgia. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until Monday, July 13, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2574. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chlorantraniliprole; Pesticide Tolerances [EPA-HQ-OPP-2008-0770; FRL-8413-6] received June 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2575. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Triallate; Pesticide Tolerances [EPA-HQ-OPP-2008-0386; FRL-8421-2] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2576. A letter from the Secretary of the Navy, Department of Defense, transmitting notification of both an Average Procurement Unit Cost (APUC) and a Program Acquisition Unit Cost (PAUC) breach for the enclosed program, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

2577. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2008-0020] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2578. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Striving Readers — received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2579. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — New York: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R02-RCRA-2009-0346; FRL-8916-7] received June 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2580. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Oxides of Nitrogen Regulations, Phase II [EPA-R05-OAR-2007-1131; FRL-8921-5] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2581. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Revisions to the Knox County Portion [EPA-R04-OAR-2008-0676-200820 (a); FRL-8903-6] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2582. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2009 [EPA-HQ-OAR-2008-0503; FRL-8922-7] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2583. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulations of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard Program Requirements [EPA-HQ-OAR-2005-0161; FRL-8922-6] received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2584. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-31, pursuant to section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 09-31; to the Committee on Foreign Affairs.

2585. A letter from the Acting Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-26, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2586. A letter from the Federal Co-Chairman, Delta Regional Authority, transmitting in compliance with the Accountability for Tax Dollars Act of 2002 (ATDA), a copy of the Authority's Audited Financial Statements for FY 2008; to the Committee on Oversight and Government Reform.

2587. A letter from the President, Federal Home Loan Bank of Cincinnati, transmitting the 2008 management report and statements on system of internal controls of the Federal Home Loan Bank of Cincinnati, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2588. A letter from the Acting Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, United States Agency for International Development, transmitting the Agency's report on the amount of acquisitions made from entities that manufacture the articles, materials, or supplies outside the United States in Fiscal Year 2008; to the Committee on Oversight and Government Reform.

2589. A letter from the Chief Financial Officer, Library of Congress, transmitting ac-

tivities of the United States Capitol Preservation Fund for the six-month period which ended on March 31, 2009, pursuant to 40 U.S.C. 188a-3; to the Committee on House Administration.

2590. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Required Fees for Mining Claims or Sites [LLWO3200000-L1999000.PP0000] (RIN: 1004-AE09) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2591. A letter from the Administrator, Office of Policy Development and Research, ETA, Department of Labor, transmitting the Department's final rule — Temporary Employment of H-2A Aliens in the United States (RIN: 1205-AB55) received June 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2592. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting report on the Secretary of State's decision to designate an entity and its aliases as a "foreign terrorist organization", pursuant to Section 219 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1189); to the Committee on the Judiciary.

2593. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Civil Monetary Penalty Inflation Adjustment — received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2594. A letter from the Deputy, Regulations and Security Standards, Department of Homeland Security, transmitting the Department's final rule — False Statements Regarding Security Background Checks [Docket No.: TSA-2008-0011] (RIN: 1625-AA65) received June 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

2595. A letter from the Secretary of Energy, Department of Energy, transmitting the Department's report to Congress concerning the Mixed Oxide (MOX) Fuel Fabrication Facility being constructed at the Department's Savannah River Site near Aiken, South Carolina, pursuant to 50 U.S.C. 4306(A)(3); jointly to the Committees on Armed Services and Energy and Commerce.

2596. A letter from the General Counsel, Office of Compliance, transmitting the Office's biennial report entitled "Report on Occupational Safety and Health Act Inspections" conducted during the 110th Congress and pursuant to the Congressional Accountability Act of 1995; jointly to the Committees on Education and Labor and House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 860. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; with an amendment (Rept. 111-196). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 129. A bill to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in

California; with an amendment (Rept. 111-197). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1442. A bill to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909; with an amendment (Rept. 111-198). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 409. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; with an amendment (Rept. 111-199). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 509. A bill to reauthorize the Marine Turtle Conservation Act of 2004; with an amendment (Rept. 111-200). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2188. A bill to authorize the Secretary of the Interior, through the United States Fish and Wildlife Service, to conduct a Joint Venture Program to protect, restore, enhance, and manage migratory bird populations, their habitats, and the ecosystems they rely on, through voluntary actions on public and private lands, and for other purposes; with an amendment (Rept. 111-201). Referred to the Committee of the Whole House on the State of the Union.

Mr. SERRANO: Committee on Appropriations. H.R. 3170. A bill making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-202). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ (for himself and Mr. LYNCH):

H.R. 3167. A bill to allow mail carriers to serve in temporary enumerator positions in connection with the 2010 decennial census; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER (for himself, Mr. WALDEN, Ms. TSONGAS, Mr. POLIS, Mr. ISSA, and Mr. MATHESON):

H.R. 3168. A bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCALISE:

H.R. 3169. A bill to require the Secretary of the Army to carry out a study to determine the most effective manner by which to carry out the Lake Pontchartrain flood control project, to authorize the Secretary of the Army to construct a new pumping station at Lake Pontchartrain, Louisiana, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BACA:

H.R. 3171. A bill to help stabilize and restore the economy by providing for greater access to credit for the underbanked, the unbanked, and consumers with low credit scores through the establishment of bridging bank depository institutions, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself and Mr. TANNER):

H.R. 3172. A bill to amend title XVIII of the Social Security Act to provide for advanced illness care management services for Medicare beneficiaries, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. EHLERS, Mr. DAVIS of Kentucky, Mrs. BONO MACK, Mr. MANZULLO, Mr. SCHOCK, Mr. DENT, Mr. SOUDER, Mr. LANCE, Mr. ROSKAM, Mr. SHIMKUS, Mrs. MILLER of Michigan, Mr. KIRK, Mr. LEE of New York, and Mr. CULBERSON):

H.R. 3173. A bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp; to the Committee on the Judiciary.

By Mrs. BLACKBURN (for herself, Mrs. MYRICK, Mr. HERGER, Mr. GARY G. MILLER of California, Mr. POE of Texas, Mr. LAMBORN, Mr. ROE of Tennessee, Mr. SAM JOHNSON of Texas, Mr. ROHRBACHER, Mr. BILBRAY, Mr. MILLER of Florida, Mr. GINGREY of Georgia, Mr. GARRETT of New Jersey, Mr. HOEKSTRA, and Mr. SMITH of Texas):

H.R. 3174. A bill to provide that only certain forms of identification of individuals may be accepted by the Federal Government and by financial institutions; to the Committee on Oversight and Government Reform, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LINCOLN DIAZ-BALART of Florida:

H.R. 3175. A bill to direct the Secretary of Agriculture to convey to Miami-Dade County certain federally owned land in Florida, and for other purposes; to the Committee on Agriculture.

By Mr. ENGEL (for himself and Mr. SULLIVAN):

H.R. 3176. A bill to amend title XIX of the Social Security Act to require Medicaid coverage of professional medical services of optometrists; to the Committee on Energy and Commerce.

By Ms. ZOE LOFGREN of California (for herself, Mr. INGLIS, Ms. BALDWIN, Mr. BILBRAY, Mr. CALVERT, Mr. CAPUANO, Mr. CARSON of Indiana, Mr. FOSTER, Mr. GRAYSON, Mr. HOLT, Mr. HONDA, Mr. INSLEE, Mr. DANIEL E. LUNGREN of California, Mr. MCNERNEY, and Mr. OLVER):

H.R. 3177. A bill to promote the development of practical fusion energy, and for

other purposes; to the Committee on Science and Technology.

By Ms. MARKEY of Colorado (for herself, Mr. LUETKEMEYER, Mr. GRAYSON, Mr. PAUL, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. BRIGHT, and Mrs. KIRKPATRICK of Arizona):

H.R. 3178. A bill to amend the Internal Revenue Code of 1986 to allow the expensing of certain real property; to the Committee on Ways and Means.

By Mr. PAULSEN:

H.R. 3179. A bill to amend the Emergency Economic Stabilization Act of 2008 to require the Special Inspector General for the Troubled Asset Relief Program to include the effect of the Troubled Asset Relief Program on small businesses in the oversight, audits, and reports provided by the Special Inspector General, and for other purposes; to the Committee on Financial Services.

By Mr. PERRIELLO:

H.R. 3180. A bill to establish the National Advisory Committee on Rural Education in the Department of Education; to the Committee on Education and Labor.

By Mr. SABLON (for himself, Mr. ABERCROMBIE, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. GRIJALVA, Mr. HARE, Ms. HIRONO, Mr. KILDEE, Mr. GEORGE MILLER of California, Mr. PIERLUISI, Mr. POLIS, Mr. SCOTT of Virginia, Mr. TITUS, Ms. WOOLSEY, and Mr. WU):

H.R. 3181. A bill to amend the Workforce Investment Act of 1998 to permit the establishment of Jobs Corps centers in territories of the United States; to the Committee on Education and Labor.

By Mr. MCGOVERN (for himself and Mrs. EMERSON):

H. Con. Res. 164. Concurrent resolution recognizing the 40th anniversary of the Food and Nutrition Service of the Department of Agriculture; to the Committee on Agriculture.

By Mr. DELAHUNT (for himself and Mr. ROHRBACHER):

H. Res. 624. A resolution condemning all violent repression by the Government of the People's Republic of China of peaceful Uighur protests; to the Committee on Foreign Affairs.

By Mrs. MCMORRIS RODGERS (for herself, Mr. LARSEN of Washington, Mr. INSLEE, and Mr. REICHERT):

H. Res. 625. A resolution recognizing and commending the 2009 National Veterans Wheelchair Games, to be held in Spokane, Washington, July 13 through 18, 2009; to the Committee on Veterans' Affairs.

By Mr. DAVIS of Alabama:

H. Res. 626. A resolution expressing the sense of the House of Representatives that Members of Congress who participate in the Federal Employees Health Benefits Program (FEHBP) should be automatically enrolled in the public plan; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. DICKS, Mr. LARSEN of Washington, Mr. REICHERT, Mrs. MCMORRIS RODGERS, Mr. BAIRD, Mr. MCDERMOTT, Mr. HASTINGS of Washington, and Mr. INSLEE):

H. Res. 627. A resolution honoring the citizen-soldiers of the National Guard of the State of Washington, including the 81st Brigade Combat Team (Heavy) of the Washington Army National Guard; to the Committee on Armed Services.

By Mr. DREIER (for himself and Mr. KUCINICH):

H. Res. 628. A resolution expressing the sense of the House of Representatives that the United States should pursue the global elimination of obstacles to the proliferation of technologies and services that science has proven are necessary to address the most pressing environmental problems of our time; to the Committee on Foreign Affairs.

By Mr. BLUMENAUER:

H. Res. 629. A resolution recognizing the accomplishments of the U.S. General Services Administration since its creation in 1949 for providing policy leadership and expertly managed space, products, services, and solutions, at the best value, to enable Federal employees to accomplish their missions; to the Committee on Oversight and Government Reform.

By Mr. DELAHUNT (for himself, Mr. MCGOVERN, Mr. MARKEY of Massachusetts, Mr. SERRANO, Mr. FARR, Mr. OBERSTAR, Mr. GUTIERREZ, Mr. CONYERS, Mr. HINCHEY, Mr. FILNER, Ms. SCHAKOWSKY, Ms. LEE of California, Mr. GRIJALVA, and Ms. BALDWIN):

H. Res. 630. A resolution condemning the June 28, 2009, coup d'etat in Honduras, calling for the reinstatement of President Jose Manuel Zelaya Rosales, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GENE GREEN of Texas (for himself, Mr. BRADY of Texas, Mr. EDWARDS of Texas, Mr. HINOJOSA, Mr. OLSON, and Mr. ROTHMAN of New Jersey):

H. Res. 631. A resolution congratulating Continental Airlines on its 75th Anniversary; to the Committee on Science and Technology.

By Mr. MELANCON:

H. Res. 632. A resolution congratulating Jockey Calvin Borel for his victory at the 135th Kentucky Derby; to the Committee on Oversight and Government Reform.

By Mr. SIREs (for himself, Mr. CROWLEY, Mr. DELAHUNT, Mr. MILLER of North Carolina, Mr. WEXLER, Mr. CARNAHAN, Mr. MEEKS of New York, Mr. COSTA, Mr. ELLISON, and Mr. HARE):

H. Res. 633. A resolution supporting the goals and ideals of the United Nations Office on Sport for Development and Peace; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. DUNCAN introduced a bill (H.R. 3182) for the relief of Hotaru Nakama Ferschke; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 155: Mr. SMITH of Texas and Mrs. BONO Mack.
H.R. 156: Mr. GRIFFITH.
H.R. 275: Mr. CARDOZA.
H.R. 276: Mr. MCCOTTER.
H.R. 442: Mr. ROGERS of Michigan.
H.R. 450: Mr. PRICE of Georgia and Mr. DEAL of Georgia.
H.R. 481: Mr. WALZ.
H.R. 621: Ms. MARKEY of Colorado, Ms. BALDWIN, Mr. BISHOP of New York, Mr. CROW-

LEY, Mr. WEINER, Mrs. MCCARTHY of New York, Mr. MCMAHON, Mr. PALLONE, Ms. CLARKE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PERLMUTTER, Mr. GRAYSON, Ms. WATSON, Mr. MOLLOHAN, Mr. KILDEE, Ms. DELAURO, Mr. LYNCH, Ms. WATERS, Mr. CONYERS, Mr. BLUMENAUER, Mr. KIND, Mr. DEFAZIO, Ms. CORRINE BROWN of Florida, Mr. TAYLOR, Mr. ALTMIRE, Mr. POMEROY, Mr. PENCE, Mr. BARRETT of South Carolina, Mr. DONNELLY of Indiana, Mr. MATHESON, Mr. TANNER, Mr. BACA, Mr. DAVIS of Tennessee, Mr. HELLER, Mr. TERRY, Mr. CASSIDY, Mr. BARTON of Texas, Mr. CUELLAR, Mr. CHAFFETZ, Mr. MCHENRY, Mr. BUCHANAN, Mr. BAIRD, Mr. POSEY, Mr. PITTS, Ms. GINNY BROWN-WAITE of Florida, Mr. MICA, Mr. ENGEL, and Mr. INGALLS.

H.R. 622: Ms. KOSMAS and Mr. HASTINGS of Washington.

H.R. 678: Mr. ISRAEL.
H.R. 682: Mr. KUCINICH.
H.R. 734: Mr. FOSTER and Mr. CONYERS.
H.R. 897: Mr. PAULSEN and Mr. GOODLATTE.
H.R. 932: Ms. SCHWARTZ.
H.R. 936: Mr. RUSH.
H.R. 950: Mr. CONNOLLY of Virginia and Mr. SALAZAR.

H.R. 1017: Mr. ROONEY.
H.R. 1024: Mr. INSLEE.
H.R. 1064: Mr. LEVIN.
H.R. 1159: Mr. KING of New York.
H.R. 1173: Mr. COBLE.
H.R. 1177: Mr. BARRETT of South Carolina, Mr. MICHAUD, and Mr. BURTON of Indiana.
H.R. 1179: Ms. EDWARDS of Maryland, Mr. PRICE of North Carolina, and Mr. SCOTT of Virginia.

H.R. 1197: Mr. BROWN of South Carolina.
H.R. 1207: Mr. MELANCON, Mr. BAIRD, Mr. BISHOP of New York, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1215: Mr. MORAN of Virginia and Mr. JACKSON of Illinois.

H.R. 1255: Mr. ALEXANDER and Mr. NEUGEBAUER.

H.R. 1283: Ms. WATERS, Mr. MAFFEI, Mr. MOLLOHAN, and Mr. CLYBURN.
H.R. 1293: Mr. LAMBORN.
H.R. 1339: Ms. RICHARDSON.
H.R. 1347: Mr. HOLT.
H.R. 1361: Ms. ZOE LOFGREN of California and Mr. KUCINICH.

H.R. 1389: Mr. KING of New York.
H.R. 1392: Ms. ESHOO.

H.R. 1428: Mr. KENNEDY, Mr. SCHAUER, and Mr. GRIFFITH.

H.R. 1454: Mr. ROSKAM.
H.R. 1458: Mr. COHEN and Mr. RUSH.
H.R. 1485: Mr. HASTINGS of Florida.
H.R. 1547: Mr. DAVIS of Alabama and Mr. CARNEY.

H.R. 1548: Mr. REHBERG, and Mr. HIMES.
H.R. 1549: Mr. POLIS and Mr. KENNEDY.

H.R. 1557: Mr. PITTS and Mr. GERLACH.

H.R. 1612: Mr. DICKS, Mr. HASTINGS of Florida, Ms. ESHOO, Mr. MILLER of North Carolina, and Mr. JACKSON of Illinois.

H.R. 1616: Mr. CAPUANO, Ms. VELÁZQUEZ, and Mr. WELCH.

H.R. 1618: Mr. FARR, Mr. COSTELLO, Mr. GALLEGLY, Mr. CONYERS, and Mr. AKIN.

H.R. 1633: Mr. REHBERG.
H.R. 1643: Mr. ORTIZ.

H.R. 1677: Mr. MARSHALL.
H.R. 1678: Mr. MICHAUD.

H.R. 1682: Mr. GERLACH.
H.R. 1708: Mr. HALL of New York.

H.R. 1744: Mr. BRADY of Pennsylvania, Mr. HARE, Mr. FORBES, and Mr. SHUSTER.

H.R. 1751: Mr. DELAHUNT.
H.R. 1800: Mr. HONDA.

H.R. 1826: Mrs. MALONEY.
H.R. 1835: Mr. CARTER.

H.R. 1868: Mr. SHADEGG.

H.R. 1870: Mr. FILNER.

H.R. 1881: Mr. COSTELLO.

H.R. 1894: Mr. KISSELL.

H.R. 1981: Mr. FORBES.

H.R. 2000: Mr. CONNOLLY of Virginia, Mr. SCHOCK, Mr. PRICE of North Carolina, Mr. TIERNEY, Mr. PALLONE, and Mr. FARR.

H.R. 2017: Mr. MITCHELL, Mr. ROGERS of Kentucky, Mr. BILIRAKIS, Mr. THORNBERRY, Ms. SHEA-PORTER, Mr. LINCOLN DIAZ-BALART of Florida, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2057: Ms. ZOE LOFGREN of California and Mr. HINCHEY.

H.R. 2060: Mr. OLVER.

H.R. 2067: Mr. MEEKS of New York.

H.R. 2068: Mr. DENT.

H.R. 2097: Mr. ACKERMAN, Mr. KISSELL, Mr. TEAGUE, Ms. PINGREE of Maine, Mr. SCHAUER, Mr. COURTNEY, Mr. CLAY, Mr. CLEAVER, Mr. MEEK of Florida, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. HODES, Mr. TOWNS, Ms. CLARKE, Mr. LANGEVIN, Mr. WALZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. SCOTT of Georgia, Mr. PERLMUTTER, Mr. BECERRA, Mr. CLYBURN, Mr. DOYLE, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Mr. MCNERNEY, Mr. CONYERS, Ms. SPEIER, Mr. SESTAK, Mr. BERMAN, Mr. LARSEN of Washington, Mr. ALTMIRE, Mr. BISHOP of New York, Mr. BRADY of Pennsylvania, Mr. STUPAK, Mr. MURTHA, Mr. AL GREEN of Texas, Ms. RICHARDSON, Mr. CONNOLLY of Virginia, Mr. ENGEL, Mr. QUIGLEY, Mr. DINGELL, Mr. PETRI, Mr. PENCE, Mr. CAMPBELL, Mr. WAMP, Mrs. EMERSON, Mr. FALEOMAVAEGA, Mr. HENSARLING, Mr. LINDER, Ms. GINNY BROWN-WAITE of Florida, Mr. MCGOVERN, Ms. WATERS, Mr. SKELTON, Mr. CARNEY, Mr. PETERS, Mr. TONKO, Mr. HIMES, Mr. DOGGETT, Mr. WEXLER, Mr. VISCLOSKEY, Mrs. DAVIS of California, Ms. KILROY, Mr. MAFFEI, Ms. SUTTON, Mr. DONNELLY of Indiana, Ms. MOORE of Wisconsin, Ms. KOSMAS, Mr. ISRAEL, Mr. TIM MURPHY of Pennsylvania, Ms. TSONGAS, Mrs. HALVORSON, Ms. TITUS, Mrs. MCCARTHY of New York, Mr. KANJORSKI, Mr. HOLDEN, Mr. MILLER of North Carolina, Mr. POLIS, Mr. ANDREWS, Mr. STEARNS, Mr. TIAHRT, Mr. SIMPSON, Mr. FRELINGHUYSEN, Mr. NUNES, Mr. MCCOTTER, Mr. TIBERI, Mr. MICA, Mr. CASTLE, Mr. MILLER of Florida, Mr. AKIN, Mr. FORBES, Ms. WOOLSEY, Mr. WHITFIELD, Mr. CULBERSON, Mr. JONES, Mr. FORTENBERRY, Mr. ALEXANDER, Mr. SCALISE, Mr. SCOTT of Virginia, Mr. COLE, Mr. JOHNSON of Illinois, Mr. KING of New York, Mr. DELAHUNT, Ms. SLAUGHTER, Mr. GINGREY of Georgia, Mr. KIND, Mr. DENT, Ms. GIFFORDS, Mr. SMITH of Washington, Mr. BURTON of Indiana, Mr. THORNBERRY, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. NEUGEBAUER, Mr. TURNER, Mr. ISSA, Mr. GOHMERT, Mr. MCCLINTOCK, Mr. SHADEGG, Ms. FOXX, Mr. ROGERS of Michigan, Mr. WESTMORELAND, Mr. KING of Iowa, Mr. ROE of Tennessee, Mr. KLINE of Minnesota, Mr. CANTOR, Mr. GEORGE MILLER of California, Mr. FLAKE, Mr. REICHERT, Mr. SMITH of Texas, Mrs. BIGGERT, Mr. ROSKAM, Mrs. LUMMIS, and Mr. OLSON.

H.R. 2102: Mr. CARNAHAN, Mr. CLAY, and Mr. LANGEVIN.

H.R. 2105: Mr. MORAN of Kansas.

H.R. 2106: Mr. MORAN of Kansas.

H.R. 2119: Mr. WOLF.

H.R. 2139: Mr. YARMUTH.

H.R. 2160: Mr. WU.

H.R. 2178: Mr. CAPUANO, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. PAUL, and Ms. CLARKE.

H.R. 2194: Mr. NUNES, Mr. MANZULLO, Mr. COURTNEY, Mr. POSEY, Mrs. EMERSON, Ms. JENKINS, Mr. BRADY of Texas, Mr. SHIMKUS,

Mr. LINDER, Mr. BARRETT of South Carolina, Ms. MARKEY of Colorado, and Ms. KOSMAS.
 H.R. 2227: Mr. DAVIS of Alabama.
 H.R. 2246: Mr. BOOZMAN.
 H.R. 2254: Mr. SALAZAR and Mrs. EMERSON.
 H.R. 2271: Mr. WU.
 H.R. 2287: Mr. GOODLATTE.
 H.R. 2296: Mr. ROGERS of Michigan, Mr. COFFMAN of Colorado, and Mr. GUTHRIE.
 H.R. 2314: Mrs. CHRISTENSEN.
 H.R. 2324: Mr. STARK, Mr. NADLER of New York, Ms. SCHWARTZ, Ms. MCCOLLUM, and Mr. ACKERMAN.
 H.R. 2349: Mr. DRIEHAUS.
 H.R. 2363: Mr. HOLT, Mr. OLVER, and Mr. ELLISON.
 H.R. 2378: Mr. DONNELLY of Indiana.
 H.R. 2448: Mr. HINCHEY.
 H.R. 2518: Mr. INGLIS.
 H.R. 2542: Mr. MICA.
 H.R. 2567: Ms. EDDIE BERNICE JOHNSON of Texas.
 H.R. 2575: Mr. MCGOVERN.
 H.R. 2584: Mr. YOUNG of Alaska and Mr. CONAWAY.
 H.R. 2605: Mr. MORAN of Kansas.
 H.R. 2625: Mr. BLUMENAUER.
 H.R. 2626: Mrs. MCMORRIS RODGERS.
 H.R. 2632: Mr. ACKERMAN, Mr. ALTMIRE, Ms. CORRINE BROWN of Florida, Mr. CONAWAY, Mr. CARNEY, Ms. FUDGE, Mr. CLEAVER, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. SMITH of Texas.
 H.R. 2697: Mr. FILNER.
 H.R. 2743: Mr. BARTON of Texas, Ms. EDWARDS of Maryland, Mr. MICA, Ms. BALDWIN, Ms. SCHWARTZ, Mr. LANCE, Mr. SCHIFF, and Mr. THOMPSON of Pennsylvania.
 H.R. 2746: Mr. GUTIERREZ, Mr. MURTHA, Mr. PAYNE, Mr. CLEAVER, and Mr. SCOTT of Georgia.
 H.R. 2770: Mr. COURTNEY and Mr. LAMBORN.
 H.R. 2796: Mr. BARTON of Texas.
 H.R. 2811: Ms. HIRONO.
 H.R. 2852: Mr. PRICE of North Carolina.
 H.R. 2882: Ms. WOOLSEY and Mr. PASTOR of Arizona.
 H.R. 2910: Mr. PETRI.
 H.R. 2920: Mr. DICKS and Mr. KILDEE.
 H.R. 2963: Mr. NYE, Mr. BACA, Mr. DAVIS of Tennessee, and Mr. MILLER of North Carolina.
 H.R. 2969: Mrs. CHRISTENSEN.
 H.R. 2982: Mr. BARTLETT.

H.R. 3001: Mr. MORAN of Virginia.
 H.R. 3006: Mrs. NAPOLITANO.
 H.R. 3012: Mr. KENNEDY and Mrs. CHRISTENSEN.
 H.R. 3015: Mr. CULBERSON.
 H.R. 3017: Mr. PASTOR of Arizona and Mr. BISHOP of New York.
 H.R. 3040: Mr. JOHNSON of Georgia.
 H.R. 3042: Mr. NADLER of New York and Mr. FRANK of Massachusetts.
 H.R. 3044: Mr. GENE GREEN of Texas, Mr. DAVIS of Tennessee, Mr. ROONEY, Mr. MCCARTHY of California, and Mr. GERLACH.
 H.R. 3047: Mr. JACKSON of Illinois and Mr. BRADY of Pennsylvania.
 H.R. 3109: Mr. FILNER, Mr. ORTIZ, and Mr. REYES.
 H.R. 3119: Mr. DANIEL E. LUNGREN of California.
 H.R. 3141: Ms. FALLIN.
 H.R. 3147: Mr. CARNAHAN.
 H. Con. Res. 16: Mr. FLEMING.
 H. Con. Res. 87: Mr. OLVER and Mr. POE of Texas.
 H. Con. Res. 121: Mr. DEAL of Georgia.
 H. Con. Res. 144: Mr. PRICE of North Carolina, Mr. LINCOLN DIAZ-BALART of Florida, Ms. WOOLSEY, Mr. TEAGUE, Mr. MCNERNEY, Mr. NADLER of New York, Mr. TIBERI, Ms. PINGREE of Maine, and Mr. ABERCROMBIE.
 H. Con. Res. 156: Mr. BERMAN.
 H. Con. Res. 163: Mr. CONYERS, Mr. ETHERIDGE, Mr. BOOZMAN, Mr. FILNER, and Mr. KANJORSKI.
 H. Res. 93: Mr. MINNICK and Ms. LORETTA SANCHEZ of California.
 H. Res. 175: Mr. KILDEE.
 H. Res. 402: Mr. FORTENBERRY.
 H. Res. 409: Mrs. MYRICK.
 H. Res. 433: Mr. KENNEDY.
 H. Res. 441: Mr. REYES, Mr. RANGEL, Mr. OBERSTAR, Mr. TONKO, Ms. FOXX, and Mr. LATHAM.
 H. Res. 487: Mr. DINGELL, Mr. EHLERS, Mr. MCCAUL, Mr. CAMP, Mr. CONYERS, and Mrs. MILLER of Michigan.
 H. Res. 496: Mr. GALLEGLY.
 H. Res. 531: Mr. KIRK.
 H. Res. 555: Ms. HARMAN, Mr. BERMAN, Mr. FALEOMAVAEGA, Ms. JACKSON-LEE of Texas, Mr. POE of Texas, Mr. ROSS, Mr. CROWLEY, Mr. MCMAHON, Mr. GORDON of Tennessee, Mr. GENE GREEN of Texas, Mr. ACKERMAN, Mr. GUTIERREZ, Mr. KINGSTON, Mr. MANZULLO,

Mr. DANIEL E. LUNGREN of California, Ms. ROS-LEHTINEN, Mr. WEINER, Mr. SHERMAN, Mr. COSTA, Mr. CARDOZA, Mr. ELLISON, Ms. LEE of California, Mr. PAYNE, Mr. SCOTT of Georgia, Mrs. DAVIS of California, Mr. SNYDER, Mr. GRAYSON, Ms. WATSON, Mr. TANNER, Mr. ABERCROMBIE, Mr. INSLEE, Ms. WOOLSEY, Mr. WEXLER, Mr. FRANKS of Arizona, Mr. MORAN of Virginia, Ms. LORETTA SANCHEZ of California, Mr. INGLIS, Mr. TOWNS, and Mr. PASCRELL.
 H. Res. 558: Mr. HONDA.
 H. Res. 561: Mr. HIGGINS, Mr. TOWNS, Mr. ARCURI, Mr. ACKERMAN, Mr. KING of New York, Mrs. HALVORSON, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. TONKO, Ms. WASSERMAN SCHULTZ, Mr. LEE of New York, and Mr. HIMES.
 H. Res. 562: Mr. DENT, Mrs. MALONEY, Mr. TOWNS, Mr. ARCURI, Mr. LEE of New York, Mr. ACKERMAN, Mr. KING of New York, Mr. HIGGINS, Mr. TONKO, Mrs. HALVORSON, Mr. POMEROY, Mr. PRICE of North Carolina, and Mr. HIMES.
 H. Res. 563: Mr. HIGGINS, Mr. TOWNS, Mr. ARCURI, Mr. LEE of New York, Mr. ACKERMAN, Mr. KING of New York, Mrs. HALVORSON, Mr. POMEROY, Mr. PRICE of North Carolina, Mr. TONKO, Ms. WASSERMAN SCHULTZ, and Mr. HIMES.
 H. Res. 574: Mr. GRIJALVA and Ms. JACKSON-LEE of Texas.
 H. Res. 577: Mr. RADANOVICH and Mr. HILL.
 H. Res. 590: Mr. SMITH of New Jersey.
 H. Res. 613: Mr. WOLF, Mr. LARSON of Connecticut, and Mrs. MCMORRIS RODGERS.
 H. Res. 615: Mr. GINGREY of Georgia, Mr. MILLER of Florida, and Mr. CANTOR.
 H. Res. 619: Mr. HOEKSTRA.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 3 by Mr. LaTOURETTE on House Resolution 359: Tim Murphy, Ed Whitfield, Cathy McMorris Rodgers, Lamar Smith, Nathan Deal, Roy Blunt, Michele Bachmann, Mark E. Souder, and Michael N. Castle.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. JONES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of HR 3082—Military Construction and Veterans Affairs Appropriations Act, 2010.

Rep. WALTER B. JONES

Project: Radar Approach Control (RAPCON) Complex at Seymour Johnson Air Force Base Phase 1

Recipient: Seymour Johnson Air Force Base, 1510 Wright Brothers Ave., Seymour Johnson AFB, NC 27531

Account: Military Construction, Air Force
Amount: \$6,900,000

Explanation: The existing Radar Approach Control (RAPCON) Complex and Ground to Air Transmitter/Receiver (GATR) at Seymour Johnson Air Force Base are inadequately configured for today's mission and high-tech equipment. Replacing these facilities would improve Air Force operations and safety and save money by sharply reducing the cost of maintaining the existing outdated infrastructure.

EARMARK DECLARATION

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. BLUNT. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H. R. 2996, The Department of Interior Appropriations Act for FY2010.

Requesting Member: Congressman ROY BLUNT

Priority Name: McDonald County for Wastewater Infrastructure—Public Water Supply District #1 of McDonald County

Authorized Amount: \$244,000

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: McDonald County, Missouri

Address of Requesting Entity: PO Box 345, Pineville, MO 64856

Description of Request: This funding will be used by Public Water Supply District (PWSD) #1 toward the second phase of a wastewater expansion project to augment recently constructed infrastructure financed from PWSD funds. The proposed project will supply the Village of Jane with needed sewer service. The Village of Jane is a small but rapidly

growing community in south-central McDonald County on the bank of Little Sugar Creek, a 303d impaired waterway.

The use of taxpayer funds is justified because in addition to the benefits of improved water quality within the Little Sugar Creek watershed and encouraging additional commercial and residential development in the area, the proposed project will also provide needed wastewater service to properties recently purchased by the McDonald County R-1 School District and Crowder College to house a second high school campus and a community college campus respectively.

HONORING THE PUBLIC SERVICE AND RETIREMENT OF KATHY MELSTON

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. HALL of Texas. Madam Speaker, I rise today to honor a true public servant who has dedicated her life to promoting reading and library use, Ms. Kathy Melston, who recently retired as Library Director of the Rockwall County Library in my hometown.

Early on, Kathy recognized the emerging need for adult literacy. As a result, the award-winning Reading for Adults program was established in 2000. This program has grown from two students and five tutors to 68 volunteer tutors and 300 students, of which many have earned GEDs and their citizenship through this process. The innovative "Rock and Read" fundraiser supporting the program won the literacy award from the Texas State Reading Association.

Kathy is accredited by many for promoting bond propositions to purchase land and construct a new state-of-the-art library in Rockwall. County Commissioner Lorie Grinnan maintains that with Kathy's intelligence, extensive knowledge base and dedication, she has been able to steer Rockwall County through a time of tremendous growth and change. Kathy's belief that the main purpose of a library is to serve its community has been the foundation of the loyalty and dedication of her staff, volunteers and the Friends of the Library.

During her 20 years as Library Director, Kathy has provided vision, enthusiasm, and results in Rockwall County. She was named the Rockwall Soroptimist Professional Woman of the Year, served on several RISD committees, and was President and Secretary of the Public Library Administrators of North America. She is a member of Delta Kappa Gamma and is a Lector and Eucharistic Minister at her church.

Kathy's recent retirement is bittersweet for those who know, love and respect her. They

are happy for this new phase of her life which will be filled with travel, home projects, volunteering and a chance to read all of the books for which she will finally have the time. But, at the same time, they feel some distress at the loss of personal connections established between Kathy and the library patrons.

In September, at the grand opening of the new library, many noticed a large corner spot with a beautiful view, filled with flowers and cards with a brass plaque on the door identifying the Kathleen Melston Quiet Reading Room. This tribute from staff, friends and volunteers recognizes Kathy's enormous impact on the community.

Madam Speaker, I am proud to join the Rockwall County Library, Friends of the Library, and Rockwall citizens in congratulating Ms. Kathy Melston on her retirement. I can't think of a better testament to public service than educating tomorrow's leaders, and Ms. Melston is to be commended for her commitment to the advancement of reading literacy. Please join me in honoring her on this prestigious occasion.

PERSONAL EXPLANATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. THOMPSON of California. Madam Speaker, on July 9, 2009, I was unavoidably unable to cast my vote for rollcall 512. Had I been present, I would have voted "aye."

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. ROGERS of Alabama. Madam Speaker, in accordance with the Republican Conference standards regarding Member initiatives, I am submitting the following information regarding the earmark I received as part of the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman MIKE ROGERS (Alabama)

Bill Number: H.R. 3082, Military Construction—Veterans Affairs Appropriations Act for FY 2010

Account: Military Construction, Army

Legal Name of Receiving Entity: Congressman MIKE ROGERS

Address of Receiving Entity: Anniston Army Depot, 7 Frankford Avenue, Anniston, AL 36201

Description of Request: Provide \$3,300,000 in funding for the Industrial Area Electrical

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

System Upgrade. This funding will be used to construct electrical system upgrades to the area south of Third Avenue in the industrial area. Construction will include new power poles, cross arms, insulators, cutouts, re closers, anchor systems, wire, transformers, underground duct and circuit breakers for a couplet 12470 volt electrical service system in the area south of Third Avenue in the industrial area. This construction will provide upgraded overhead lines and underground service from the power poles to pad mounted transformers that supply each building. Construct the secondary for a 10.5 MVA 44.000/12/470 volt substation. The substation secondary will consist of vacuum breakers, voltage regulator, bypass switches and the structural steel. Anti-terrorism/force protection measures will include observance of vehicle access sitting distances, landscaping berms, exterior lighting, laminated glass, and walkway bollards.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I submit a list of the congressionally-directed projects I have requested in my home state of Idaho that are contained in the report of H.R. 3082, the FY2010 House Military Construction, Veterans Affairs and Related Agencies Bill.

Project Name: Civil Engineer Maintenance Complex at Mountain Home Air Force Base
Amount Received: \$690,000

Account: Air Force Military Construction Account

Recipient: 366th Wing, Mountain Home Air Force Base, Idaho

Recipient's Street Address: 366 Gunfighter Avenue, Ste 107, Mountain Home Air Force Base, Idaho, 83648

Description: The civil engineer functions are currently dispersed among 10 WWII-era wood-frame and Korean War-era facilities. Wood frame facilities have a RAC 2 due to failing roof structures and cracked and spreading concrete foundations that have contributed to failing floors and trusses, presenting risk to squadron members who work in the facilities. Currently, employees must evacuate during heavy snowfall or high winds. The fire safety deficiencies are endemic to all buildings, the patchwork electric wiring is maxed out, which increases fire risk, and the HVAC systems can't keep buildings heated and cooled. The dispersed locations and failing conditions of existing facilities adversely affects all daily Civil Engineering operations and negatively impacts the Wing's mission. This funding will be used for planning and design.

Project Name: Logistics Readiness Center
Amount Received: \$20,000,000

Account: Air Force Military Construction Account

Recipient: 366th Wing, Mountain Home Air Force Base, Idaho

Recipient's Street Address: 366 Gunfighter Avenue, Ste 107, Mountain Home Air Force Base, Idaho, 83648

Description: The existing Logistics Supply is a condemned 53-year-old wooden structure beyond economical repair. The roof is held up with temporary structural supports. The building is evacuated and now 60% of base supply functions operate from temporary spaces across base, creating significant delays in troop/equipment mobilization. This negatively impacts the Wing's ability to demolish and relocate from other substandard facilities on base. When funded, the Logistics Readiness Center will provide command and control for all materials in-bound and outbound, including freight processing, packing, crating, pallet buildup shop, and provide bulk and bin storage. The facility will also support secure storage, an armory, and have administrative areas.

I appreciate the opportunity to provide a list of Congressionally-directed projects in the report accompanying the FY2010 Military Construction, Veterans Affairs and Related Agencies Appropriations bill on behalf of Idaho and provide an explanation of my support for them.

TRIBUTE TO LIEUTENANT GENERAL FRANCES C. WILSON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. SKELTON. Madam Speaker, let me take this time to honor a dedicated military educator, Lieutenant General Frances C. Wilson, who will be retiring as the President of the National Defense University, after having served this nation for 37 years in the United States Marine Corps.

Culminating with her appointment as President of the National Defense University in 2006, General Wilson has, throughout her career, focused on professional education while working tirelessly to create an educated and well-trained class of American warriors. She has completed seven advanced training courses, including Harvard's Senior Executive Course in National Security, and earned four Master degrees along with a Doctorate in Education. Through these impressive academic undertakings, General Wilson acquired the knowledge and skills needed to prepare America's future officers for the complex contemporary world.

Most impressively, General Wilson has relentlessly used her extensive education to increase the capabilities of our Armed Forces. She commanded the Fourth Recruit Training Battalion at Parris Island, directed the Manpower Management Division at Marine Corps Headquarters, and managed the military's Reserve forces while a member of the Reserve Force Policy Board. Through her leadership in these posts, General Wilson greatly advanced the professional development of the marines under her command and helped to mold a vibrant military education system.

As President of the National Defense University, General Wilson understood the critical need for National Security Professionals within the Executive Branch. She spearheaded the development of the National Security Education Consortium and, recognizing the impor-

tance of international cooperation, established educational partnerships with 79 nations, especially our NATO allies. Additionally, she added three Masters degrees to the University's curriculum while managing NDU's reaccreditation process. As a strong proponent of military education myself, I could not be more pleased with General Wilson's efforts or the many accolades she has received over her long career.

General Wilson's leadership has strengthened both the Marine Corps and the professional military education system. As a staunch believer in continuous education for professional soldiers, I am proud of her commitment to lifelong study and the development of America's warriors. I trust that Members of the House will join me in congratulating General Wilson for her contributions to the United States of America.

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. TIAHRT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks in H.R. 3082—Military Construction and Veterans Affairs Appropriations Act. H.R. 3082 contains \$8,700,000 for TFI—Upgrade DCGS Facilities (PRQE089032) in the Air Force, Military Construction account. This project is for Air National Guard at McConnell Air Force Base located 57837 Coffeyville St., Kansas, 67221.

The funds will build an adequately sized and properly configured facility for personnel, equipment, and materials, for near-real time intelligence mission conducting the processing, exploitation, and dissemination of U-2, MQ-1 Predator, and RQ-4 Global Hawk sensor data around the world in support of warfighters by the growing 161st Intelligence Squadron of the new 184th Intelligence Group. Security features, high-capacity environmental control equipment, high-capacity secure fiber optics, and redundant power supplies are all prerequisites to accommodate the sophisticated Intelligence, Surveillance, and Reconnaissance (ISR) Operation Center. No matching funds are required for this military construction project.

HONORING THE LIFE OF MOODY NEWELL SIEBMAN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. HALL of Texas. Madam Speaker, I rise today to honor the memory and accomplishments of a man who dedicated his life to showing generosity towards others, Moody Newell Siebman of Pottsboro, Texas, who passed away last year.

Mr. Siebman was born March 27, 1932 in Wichita Falls, Texas, to school teachers

Moody Nugent Siebman and Rudy Steedman Siebman. He married Carol Sue Gillum on March 8, 1958 in Collinsville, Texas and they had two children, my good friend and outstanding citizen Clyde Siebman, their daughter Annette Skupin, and four grandchildren, Elizabeth Siebman and Katie, Becca and Sam Skupin. Mr. Siebman was proud to be a fifth generation resident of Grayson County whose great-grandfather, S.D. Steedman was a Grayson County Judge in the 1800s.

Much of Mr. Siebman's professional life was dedicated to the transportation industry, where he worked in all aspects of the industry from long-haul truck driver to owner and manager of multi-truck fleets. He also worked as a traffic manager for twelve years and in 1998 as a senior driver for the United States Brass Corporation.

After retirement, Mr. Siebman spent his remaining years devoted to his family, hunting and fishing. He was a tireless worker for conservative candidates in local political campaigns. He was known for his generosity and for being a loyal friend and neighbor.

The family and friends of Moody Newell Siebman will long remember his devotion to his family and to his community, and the legacy of this fifth-generation Texan will continue in the lives of his children and grandchildren.

**CELEBRATING THE U.S. GENERAL
SERVICES ADMINISTRATION'S
60TH ANNIVERSARY**

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. BLUMENAUER. Madam Speaker, today I am proud to introduce a resolution honoring the General Services Administration (GSA) for their sixty years of hard work and dedication to federal employees. On June 30, 1949, President Harry S. Truman signed legislation to create GSA and streamline the administrative work of the federal government. The Federal Property and Administrative Services Act of 1949 took effect almost 60 years ago today, on July 1, 1949.

GSA consolidated the National Archives Establishment, the Federal Works Agency and its Public Buildings Administration, the Bureau of Federal Supply, the Office of Contract Settlement and the War Assets Administration. GSA was tasked with administering supplies and providing workplaces for federal employees.

GSA's original mission was to dispose of war surplus goods, manage and store government records, handle emergency preparedness, and stockpile strategic supplies for wartime. GSA also regulated the sale of office supplies to federal agencies.

Today, through the Public Buildings Service, Federal Acquisition Service, various staff offices and 11 regional offices nationwide, GSA provides workspace to more than 1 million federal civilian workers. It oversees the preservation of more than 408 historic buildings. It facilitates the purchase of high-quality, low-cost goods and services from quality commercial vendors.

GSA has a history of providing environmentally sound or sustainable products and

services that reduce waste and pollution, and providing federal employees with healthy work environments. GSA's efforts to design, build and manage federal properties in a sustainable and environmentally sensitive manner helps reduce energy consumption by the federal government.

Today, GSA touches the lives of nearly every U.S. citizen by providing goods, services, and workplaces at best value to its federal agency clients. The GSA has worked to ensure that the federal government leads by example—promoting fiscal fitness and environmental responsibility throughout the federal government.

As we mark its 60th anniversary, the GSA is playing a critical role in revitalizing our economy. The American Recovery and Reinvestment Act included \$5.5 billion for GSA building projects and \$300 million for energy efficient motor vehicles. Just as importantly, GSA is assisting other federal agencies in meeting their goals under the legislation, and has used its technical expertise to support Recovery.gov as part of the government's commitment to openness and transparency.

As GSA enters its seventh decade of service, it does so with a new slogan: "A Legacy of Service, a Pursuit of Excellence," that articulates the agency's storied history and continued excellence on behalf of its customers and American citizens.

I am proud to offer this resolution honoring the men and women who work to keep our government running.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mrs. MCCARTHY of New York. Mr. Chair, on rollcall No. 498, on agreeing to the DeLauro of Connecticut Amendment to H.R. 2997, I would have voted "aye."

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the House Republican standards on congressionally directed funding, I am submitting the following information regarding funding included in H.R. 3082, the Military Construction and Veterans Affairs Appropriations Act, 2010.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3082

Account: MILCON, Army National Guard

Legal Name of Requesting Entity: Kentucky Department of Military Affairs

Address of Requesting Entity: Boone National Guard Center, 100 Minuteman Parkway, Frankfort, Kentucky 40601

Description of Request: Provide directed funding of \$1.805 million to complete construc-

tion of the Phase IV Aviation Operation Facility—London Joint Readiness Center located in Laurel County, Kentucky. The funding will be used for the construction of two additional (11,400 SF) unheated aircraft storage buildings at the facility. The project is required to fully house the Joint Support Operations equipment and personnel in one facility located in the vicinity of operations. At the conclusion of this project, the unit will be able to respond quicker and in a much more efficient manner which will allow a greater return on investment funds spent on the operation.

**HONORING THE LIFE OF JOHN
WISE "JAY" ADKISSON**

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. HALL of Texas. Madam Speaker, I rise today to honor the memory of a dedicated serviceman, excellent businessman, and community activist, Mr. John Wise "Jay" Adkisson of Greenville, Texas.

Born on October 5, 1920, to John Wise Adkisson Sr. and Lenna McCandless Adkisson in Greenville, Texas, Jay graduated from Greenville High School in 1938 and from Texas A&M University in 1942, with a Bachelor of Science Degree in landscaping architecture. He was also a member of the Fightin' Texas Aggie Band. Shortly thereafter, he attended the U.S. Naval Midshipmen's School at Columbia University in New York, NY and upon graduation, was commissioned an ensign in the U.S. Navy. For the remainder of WWII, he served in the South Pacific as commanding officer of a Landing Ship Medium (LSM) and was honorably discharged having obtained the rank of full lieutenant.

In 1946, Jay returned to Greenville to join in the operations of the family business, Wise Adkisson & Sons Florist, Greenhouse, and Nursery. In 1996, Jay was elected as President of the Texas State Florists Association (TSFA) and in 1978 he received the TSFA Lifetime Achievement Award in recognition of his numerous contributions to the floral industry.

In addition to his work in the floral business, Jay was a dedicated public servant. He was elected for two terms as Greenville City Councilman and Mayor Pro tem in the 1960s, served as Chairman of the Administrative Board for Kavanaugh United Methodist Church, member of the Greenville Lions Club, and Director of the Greenville Lake Club. He was also involved in the adult leadership of Boy Scouts of America and the Hunt County Aggie Club.

Jay is survived by his wife of 61 years, and business partner Nita Lee "Tubby", son Richard Wise Adkisson and wife Jan, son John Jay Adkisson and three grandchildren, Benjamin, Rebecca and Rob Adkisson, sister Mary Ward, brother Dr. Mike Adkisson and wife Beverly, great-granddaughter Bailey, and numerous nieces and nephews.

Madam Speaker, I am privileged to have known such a wonderful citizen of Greenville, Texas, who leaves a legacy of service that will be long remembered.

HONORING THE SERVICE AND
BIRTHDAY OF JAMES R.
PAULSON, UNITED STATES NAVY

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. ISSA. Madam Speaker, I rise today to join in celebrating the 90th birthday of James R. Paulson, a veteran of World War II, a philanthropist and a leader in business.

As a lieutenant in the U.S. Navy, James R. Paulson was the skipper of a Sub Chaser "SC671", conducting mine-sweeping operations in Alaska's treacherous seas along the Aleutian Islands from the North Pacific to Japan during WWII.

Jim met his beautiful wife Marijane Lewis in 1938 and they were married four years later, just days before he deployed to the North Pacific. Together they raised four wonderful children.

He received his undergraduate degree from University of Puget Sound, in WA. His career as a Certified Public Accountant brought him much acclaim and he sat on the Board of Regents for 25 years at University of Puget Sound.

He was one of the founders of the Tacoma Foundation and was a major supporter of it.

He was a consultant and service provider with the Weyerhaeuser family, and headed a group of companies he brought together under the holding company name "Comerco." These companies included Alaska Fish Fertilizer, Olympic Stain, Dawson Insurance and 23 other companies. They merged with the Clorox Company and at that time Big Jim, as he is known by his friends, served on the board of directors of Clorox.

Not one to stand on the sidelines, Jim has been a lifelong public activist, working to protect the American way of life and the sacrifices that he and so many Americans have made to protect our freedom.

Jim stands as a testament to the American spirit. Born of immigrant parents from Norway, he made his own way in the world, and made significant contributions to his family and his country. From nothing, he built a corporate network providing high quality careers for thousands of employees and providing valuable services and products to the nation and the world.

We are fortunate to have James R. Paulson as a friend and fellow American.

CONGRATULATING NEW CITIZENS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure and sincerity that I take this time to congratulate the individuals who will take their oath of citizenship on July 4, 2009. In true patriotic fashion, on the day of our great Nation's celebration of independence, a naturalization ceremony will take place, welcoming new citizens of the United States of

America. This memorable occasion, coordinated by the Hammond Public Library and presided over by Magistrate Judge Andrew Rodovich, will be held at Harrison Park in Hammond, Indiana.

America is a country founded by immigrants. From its beginning, settlers have come from countries around the globe to the United States in search of better lives for themselves and their families. The upcoming oath ceremony will be a shining example of what is so great about the United States of America—that people from all over the world can come together and unite as members of a free, democratic nation. These individuals realize the great things America has to offer. They realize that there is nowhere else in the world that offers a better opportunity for success and a good life than here in America.

On July 4, 2009, the following individuals, representing many countries throughout the world, will take their oath of citizenship in Hammond, Indiana: Daniele Giuseppe Manfre, Ugochi Genevieve Okoro, Ilidoro Natanael Nevarez Rivas, Ravindranath Chigurupati, Leela Rani Chigurupati, Tran Quynh Nguyen, Miroslav Tepavac, Du Lin, Rosalia Navarrete, Igor Dmitriy Harris, Lubov Mullens, Rogelio Hernandez Plata, Erika Blacburn, Dhanwant Singh Sidhu, Konstantina Andreas Prokopos, Oluwabusola Anuoluwapo Binutu, Jori Benjaminovitch Tsvik, Nelia Prokophievna Repkina, Abdulla Hussein Aheldqader, Ikram Sharawi, Juan Montoya Garcia, Jesus Loe Baeza, Humaira Sameer Minhas, Maribel Orozco De Loe, Marilyn Vincoy Morana, Anatoly Fedorovich Kolesnichenko, Inna Veniaminovna Borysova, Vesna Balac, Ruchira Shukla, Jacklyn Luong, Joanna Jadwiga Pierce, Rolee Khurana, Nikoleta Maginas, Yousef Shurri Qarbeit Al Armani, Said Yousef Musleh, Mohammed Ben Wanes, Juan Jose Lopez Moreno, Milena Losic, Alma Laura Nunez, Ramadan Amzai, Jose Antonio Garcia Guzman, Dao Chieu Anh Hui, Yasmeen Mohammad Yaseen ShreeiQun, Kamila Hendzel, Natalia Pelc, Truc Phuong Thi Lai, Katarzyna Jowita Przybyla-Kelly, Tanja Ognenovska, Suwit John Sangkaratana, Chirag Patel.

Though each individual has sought to become a citizen of the United States for his or her own reasons, be it for education, occupation, or to offer their loved ones better lives, each is inspired by the fact that the United States of America is, as Abraham Lincoln described it, a country "...of the people, by the people, and for the people." They realize that the United States is truly a free nation. By seeking American citizenship, they have made the decision that they want to live in a place where, as guaranteed by the First Amendment of the Bill of Rights, they can practice religion as they choose, speak their minds without fear of punishment, and assemble in peaceful protest should they choose to do so.

Madam Speaker, I ask you and my other distinguished colleagues to join me in congratulating these individuals, who will become citizens of the United States of America on July 4, 2009, the day of our Nation's independence. They, too, will be American citizens, and they, too, will be guaranteed the inalienable rights to life, liberty, and the pursuit of happiness. We, as a free and democratic society, congratulate them and welcome them.

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. CALVERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the House-passed version of H.R. 3082, the Military Construction and Veterans Affairs Appropriations Act, Fiscal Year 2010.

Requesting Member: Congressman KEN CALVERT

Bill Number: H.R. 3082

Account: Military Construction, Air Force Reserve

Legal Name of Requesting Entity: March Air Reserve Base, Riverside, CA

Address of Requesting Entity: March Air Reserve Base, 610 Meyer Drive, Riverside, California 92518-2166

Description of Request: I have secured \$9,800,000 for the Small Arms Firing Range, March Air Reserve Base. It is my understanding that the funds will be used to construct an adequately sized and configured small arms firing range which is required for training and maintaining the standard of current Air Force preparedness. The project also includes office space, classrooms, and equipment with fire protection and security alarm, lightning protection and explosion proof electrical which would bring the facility up to current force protection standards. The existing firing range was built in 1942 and is sub-standard as a training facility. It is located approximately 5 miles away from March ARB and creates security, safety, and health and maintenance problems. Without funding the current facility will deteriorate further and will not be able to meet the training and readiness requirements of the base. Security, health and safety will be a concern and may cause the existing firing range to shut down. The range closure will seriously impact the small arms training, Force Protection and Personnel Combat Arms requirement for Reserve and National Guard units.

HONORING THE RETIREMENT OF
LIEUTENANT CLAUDE FRISBIE,
AFTER 35 YEARS

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor a dedicated public servant from Chester County, Pennsylvania has retired after a 35-year career with the West Whiteland Township Police Department.

Lieutenant Claude A. "Friz" Frisbie was among the first police officers hired when West Whiteland established its department in 1974. After courageously serving his country during two tours in Vietnam with the 101st Airborne Division, Lieutenant Frisbie was eager to play a leading role in the newly formed West Whiteland department.

He supervised the Patrol Division and directed operations, coordinated training, and provided scheduling for four patrol teams. One of Lieutenant Frisbie's first initiatives was creating a Traffic Unit to address the substantial traffic issues in the Township and to better serve its citizens.

Lieutenant Frisbie's valor and professionalism in the line of duty have earned him several Commendations of Merit, Heroism and Bravery. He also has earned the respect of his peers and served as mentor and source of inspiration to younger officers.

Lieutenant Frisbie's remarkable career and accomplishments will be celebrated on Friday, July 17, 2009 during a dinner at the Downingtown Country Club.

Madam Speaker, I ask that my colleagues join me today in praising the outstanding service of Lieutenant Claude A. Frisbie, and all those who take an oath to serve and protect their communities.

RECOGNIZING THE SUNSET BAY VOLUNTEER FIRE COMPANY NO. 1

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. HIGGINS. Madam Speaker, I rise today to recognize the Sunset Bay Volunteer Fire Company No. 1, Inc. for its outstanding service to the Western New York Community. On July 18th, 2009 the Sunset Bay Volunteer Fire Company No. 1 will be celebrating its 60th anniversary.

Located in the town of Hanover in Chautauqua County, the Sunset Bay Volunteer Fire Co. No. 1 was formed in 1949 and incorporated in 1950. Since then, this 100% volunteer fire company has grown to have 35 active volunteer fire members. They are led by Fire Chief Robert "Rob" Weiskerger and President Jack Fecio who have a long history of serving with Sunset Bay Volunteer Fire Company. Each year, the volunteers dedicate endless hours to promoting and protecting the safety of their friends and neighbors. I commend these firefighters for their selfless service and overwhelming commitment to the Town of Hanover and the Sunset Bay area in particular.

Madam Speaker, I ask that my colleagues join me in honoring the members, past and present, of the Sunset Bay Volunteer Fire Company, No. 1, Inc. The dedication of these community volunteers has ensured that the Town of Hanover will remain a safe and robust community. These brave men and women have ensured the objective of their fire company, "The protection of life and property from fire and the promotion of social intercourse among its members."

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on ear-

marks, I am submitting the following information regarding earmarks I received as part of H.R. 3082, Military Construction and Veterans Affairs Appropriations Act, 2010

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3082

Account: Military Construction

Legal Name of Requesting Entity: Fort Lee

Address of Requesting Entity: 3901 A Avenue, Fort Lee, VA 23801

Description of Request: Provides \$5,000,000 to fund a roundabout at Adams Avenue at the entrance to Fort Lee to alleviate traffic congestion and improve vehicular and pedestrian safety.

COMMEMORATING THE 14TH ANNI- VERSARY OF THE SREBRENICA MASSACRE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to remember the events that took place 14 years ago in Srebrenica in Bosnia and Herzegovina.

July 11, 2009 marks the 14th anniversary of the Srebrenica Massacre in the eastern region of Bosnia and Herzegovina. The acts of violence that took place resulted in the deaths of several thousand Bosniaks and the displacement of even more Bosniak families from their homes. It is particularly startling to know that roughly five hundred of the victims were under the age of 18 years old, and several dozen were women and children. This tragic event is regarded as one of the worst cases of ethnic cleansing in the past fifty years, and today, I continue to offer my deepest condolences to the victims of these crimes and to those victims' families.

I remain hopeful, however, that Bosniaks and the various ethnic communities within Bosnia and Herzegovina are on a path to recovery and reconciliation. Over the past fourteen years, Bosniaks have dedicated themselves to rehabilitation, slowly readapting and assimilating into their new lives. Great strides have been made to ensure that a lasting peace endures in Bosnia and Herzegovina, and I believe that through continued work and determination, this will be achieved.

I ask my fellow colleagues to join me today to remember the victims of this terrible massacre and to resolve anew to work towards a stable and permanent peace in Bosnia and Herzegovina.

60TH ANNIVERSARY OF BROOKS CATSUP BOTTLE IN COLLINS- VILLE, IL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to mark the 60th anniversary of the landmark

Brooks Catsup Bottle in Collinsville, IL—widely regarded as "The World's Largest Catsup Bottle."

According to the landmark's official website, catsupbottle.com, The World's Largest Catsup Bottle® stands proudly next to Illinois Route 159, just south of downtown Collinsville. This unique 170-foot-tall water tower was built in 1949 by W.E. Caldwell Company for the G.S. Suppiger catsup bottling plant, bottlers of Brooks Old Original Rich & Tangy catsup.

In 1995, due to the efforts of the Catsup Bottle Preservation Group, this famous roadside attraction was saved from demolition and beautifully restored to its original appearance.

Recognized the world over as an excellent example of 20th century roadside Americana, the World's Largest Catsup Bottle garners national attention and attracts visitors and tourists every day.

In August of 2002, "The World's Largest Catsup Bottle" was named to the National Register of Historic Places.

I would like to commend those who maintain this historic landmark and wish them continued success.

CONGRATULATING THE LADY FIGHTING IRISH OF HACKETT CATHOLIC CENTRAL HIGH SCHOOL

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. UPTON. Madam Speaker, I rise today to congratulate the Lady Fighting Irish of Hackett Catholic Central High School in Kalamazoo, Michigan on being named the 2009 Division 4 State Soccer Champions. This team of young ladies, lead by Coach Tim Halloran and assisted by Coaches Erin Moore, Alyssa Chludzinski and Trainer Cailee Servais, has put in endless hours of hard work and dedication to bring home the their third state championship trophy since 2002.

Winning a state championship is a memory that will last a lifetime. It is a remarkable achievement that few teams ever experience, and it is a legacy that will live with the 2009 Lady Fighting Irish forever. This young team, lead by captains Maddie Brennan, Julie Ross and Stephanie Johnson, played a close game against the Madison Heights Bishop Foley Ventures and came out victorious beating the Ventures 1-0.

It is an honor to pay tribute to the entire Lady Fighting Irish team: Rebecca Farrer, Kalani Bates, Sara Howard, Maria Escamillia, Megan Putnam, Johanna Hamilton, Stephanie Walley, Christina Pinon, Aleks Svikis, Maddie Brennan, Ana Villalobos, Emma Forster, Neil Locke, Claire Sorek, Stephanie Johnson, Casey Lamp, Erin May, Mallory Busso, Maggie Wenzel, Ashleigh Reisterer and Julie Ross. We are so proud of all of you.

On behalf of all the residents of southwest Michigan, congratulations again to the Lady Fighting Irish, Coach Halloran and the entire greater Kalamazoo community—you are an inspiration to us all. It is Hackett Catholic Central pride at its finest. Go Fighting Irish!

HAPPY 80TH BIRTHDAY, MR.
ALBERT MCCALL, SR.

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mrs. BLACKBURN. Madam Speaker, I rise today to ask my colleagues to join me in honoring the 80th birthday of one of Tennessee's finest citizens, Mr. Albert McCall, Sr., of Carthage, Tennessee.

Born and raised in Smith County, Tennessee, Mr. McCall earned two degrees—a bachelor's at Tennessee Polytechnic Institute and a master's at the University of Missouri—before serving as an Army Artillery Officer and in the dangerous position of a forward observer during the Korean war.

After returning home from the war, he married Miss Virginia Olive Doran in 1955 and began working in the family business, DT McCall and Sons, founded by his father and still a vital business and significant employer in Tennessee some 100 years later.

Mr. McCall has two fine children, Albert McCall II and Menda Elizabeth McCall Holmes, and four grandchildren: Alex, Kate, Monica and Derek. He is a member of the First Baptist Church in Carthage and has been active in civic affairs for many years across Tennessee. His leadership has been crucial to the success of our State, and I am humbly grateful to him for the many years of hard work and sacrifice he has provided.

Madam Speaker, I congratulate Albert on a life well-lived and ask my colleagues to join me in celebrating his past, present, and future accomplishments.

EARMARK DECLARATION

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the Illinois: Lincoln Capital Airport Relocate Base Entrance.

Bill Number: H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010.

Provisions/Account: Department of Justice, COPS Law Enforcement Technology

Name and Address of Requesting Entity: The entity to receive funding for this project is Abraham Lincoln Capital Airport (ANG), Illinois Capital Airport, Springfield, IL 62704.

Description of Request: The funding would be used to relocate the base entrance to include realignment of existing four lane airport entrance, two lane base entry road and reconfigure intersection with state highway to ensure the facility meets DoD security requirements.

HONORING MR. THOMAS
TRADEWELL

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. SENSENBRENNER. Madam Speaker, I rise today to acknowledge one of my constituents, Mr. Thomas Tradewell, who is slated to become the newly elected National Commander of the Veterans of Foreign Wars of the United States.

Mr. Tradewell will soon begin working in this prestigious position of leadership. His honorable service to our country, along with his numerous awards recognizing his service exemplifies his outstanding commitment to ensuring America's freedom. I join many other Americans in expressing my deep appreciation for his efforts to assist and lead our nation's veterans.

I am proud that Mr. Tradewell is a citizen of Wisconsin's Fifth Congressional District and I wish him well in his new position as National Commander. Mr. Speaker, I ask my colleagues to join me today in recognizing Mr. Tradewell for his notable career achievements, his exemplary leadership, and his dedication to our country.

HONORING THE STUDENTS OF OUR LADY OF LOURDES ACADEMY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to recognize the students from Our Lady of Lourdes Academy on their honorable mention in the 2009 "We the People: The Citizen and the Constitution" program held in Washington, DC.

I would like to give a special mention to the students who participated in the competition: Michelle Azzi, Daniela Chediak, Kina de Cordoba, Brianna Donnet, Tiffany Fan, Bertila Fernandez Gabrielle Fernandez, Miranda Garcia, Victoria Garcia, Maria Gonzalez, Rebecca Hubert, Kristina Jacomino, Julia Longoria, Isabelle Martinez, Victoria Moreno, Katerina Ona, Elizabeth Rasco, Natalie San Juan, and Kelly Scott.

I would also like to congratulate their teacher Rosie Heffernan for her tireless efforts on behalf of the students. Her students' success is a testament to her selfless dedication.

I pray for the utmost success on all of the future endeavors of these excellent young women and expect to hear more great accomplishments from every one of them.

PERSONAL EXPLANATION

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. ISSA. Madam Speaker, on Wednesday, July 8, 2009, the House voted on final pas-

sage of H.R. 2965, the "Enhancing Small Business Research and Innovation Act of 2009," rollcall No. 486.

My vote was recorded as "no" but in keeping with my past votes on the Small Business Research and Innovation Act, my vote should have been a "yes." The Small Business Innovation Research Program and the Small Business Technology Transfer Program are critical to increasing small business research and project development capabilities, and I strongly support their continued funding.

IN RECOGNITION OF CHARLES H. CARLAN UPON HIS RETIREMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Charles Carlan, a northwest Florida community leader and businessman who is retiring after over 40 years of professional engineering and consulting. Mr. Carlan spent his life serving others, and I am proud to honor his dedication and service.

Born in DeFuniak Springs, Florida, Charles has been an integral part of the Northwest Florida community ever since. He graduated from Walton High School and went on to play baseball at Auburn University. After a brief stint in professional baseball with the Milwaukee Braves, Charles earned his Bachelor of Civil Engineering from Auburn in 1960. He began his career as a professional engineer, where he served in a variety of capacities over the years. His professional history includes working as City Engineer for the City of Pensacola, Maintenance Engineer of the Florida Department of Transportation, and Staff Director of the Florida Senate Transportation Committee. As President of CarlanKillam Consulting Group, Charles grew the firm to become one of the largest engineering firms in Northwest Florida. After being acquired by Hatch Mott MacDonald in 2001, Charles remained at his firm until his retirement.

Although widely known for his commercial ventures, Charles' business success pales in comparison to his outstanding service to the local community. He has served as Treasurer of the University of West Florida Foundation, President of the Pensacola Junior College Foundation, and Chairman of the Administrative Board of the First United Methodist Church. Charles has actively promoted the engineering profession by working as President of the Florida Engineering Society and the Professional Surveyors of Florida. The Florida Institute of Consulting Engineers recognized this dedication to his field and awarded him with the Governor A.W. Gilchrist Award for Outstanding Service to the Engineering Profession and Community. In one of Charles' most remarkable service achievements, he has attained 20 years of perfect attendance at the Pensacola Five Flags Rotary Club.

The list of Mr. Carlan's accomplishments extends far beyond what is noted here, but they all highlight his devotion to improving the lives of those around him and to bettering his community through service.

Madam Speaker, on behalf of the United States Congress, I am privileged to honor Charles Carlan for his lifetime of service to Northwest Florida. My wife Vicki and I wish all the best for Charles and his wife, Carol, as they embark on this latest journey in their lives.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. KINGSTON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3082, the Military Construction and Veterans Affairs Appropriations Act for Fiscal Year 2010.

Request information: Representative JACK KINGSTON

H.R. 3082

Department of Defense, Army National Guard Account

Recipient information: Georgia Army National Guard, Hunter Army Aviation Facility, Savannah GA

Description: The Georgia Army National Guard received an earmark in the amount of \$8,967,000.

The current facility has exceeded its useful life with several irreparable leaks. The unit is devoting considerable time in overcoming these obstacles to meet its current requirements for training, planning and storage of weapons and information technology.

HONORING COLONEL DARRELL E. ADAMS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. TANNER. Madam Speaker, I rise today to recognize and pay tribute to Colonel Darrell E. Adams, for 27 years of exceptional service and dedication to the United States Air Force. He will be retiring from active duty on September 30, 2009.

In his most recent assignment, he served as the Chief of the Strategy and Assessments Division, Secretary of the Air Force, Directorate of Public Affairs.

Colonel Adams grew up in McIntosh, Alabama. He entered the Air Force in 1982 as a distinguished graduate of the Reserve Officers' Training Corps at Alabama State University. Following undergraduate missile training, his operational assignments included duties as a Minuteman III Intercontinental Ballistic Missile crew commander at Grand Forks Air Force Base, North Dakota and Ground Launched Cruise Missile crew commander at Florennes Air Base, Belgium, during the period of the Cold War.

Colonel Adams has served in a variety of staff and leadership positions both stateside and overseas. He has been a training officer,

protocol officer, command and control officer at the wing and Headquarters level. Most notably, he was the on-duty Senior Controller at Headquarters Fifteenth Air Force when President George H.W. Bush directed the nuclear stand-down for B-52 bombers, tanker aircraft, and missiles in promoting peace and stability between the United States and the Soviet Union. He has been a squadron commander, deputy group commander; he has two assignments as a congressional liaison officer.

Prior to his current assignment, Colonel Adams served as the Chief of the Congressional Inquiries Division, Office of Legislative Liaison. He managed on behalf of the Department of the Air Force, all constituent inquiries from the White House, Office of the Vice President, Members of Congress and state and local governments. He also managed the Air Force Legislative Fellowship program where selected Air Force officers served as Congressional Fellows on Capitol Hill.

Over the past 4 years Colonel Adams escorted many Members of Congress on Congressional Delegations, in furtherance of their oversight responsibilities. He assisted me and Members of the U.S. House delegation to the NATO Parliamentary Assembly on multiple trips to Europe including Russia, Africa, and Afghanistan. The logistics of such trips are often complicated and require lengthy and detailed preparation. He always upheld the highest standards of professional conduct and his thorough and efficient planning assured that these trips were a complete success. He will be missed.

I ask my Colleagues to join me in expressing our sincere thanks to Darrell, his wife Lisa, their daughter Regis, and their two sons Kalon and Jared, for their unwavering support of our country and the freedom we hold so dear. We congratulate Colonel Adams on the completion of an exemplary active-duty career and wish him well in the next phase of his life.

EARMARK DECLARATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. CARTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the National Defense Authorization Act for Fiscal Year 2010.

Project Name: Family Life Center

Account: Military Construction—Army

Project Recipient and Address: Fort Hood, TX U.S. Army Garrison, Fort Hood, Bldg. 1001, Rm W321, Fort Hood, TX, 75544

Amount Provided: \$8,500,000

Project Description: Construct a large standard design Chapel Family Life Center that includes an activity center with kitchen, gymnasium, religious education and military community classrooms, administrative space, gathering areas, information systems, fire protection and alarm systems, Intrusion Detection System (IDS) installation, and Energy Monitoring Control Systems (EMCS) connection, and Sustainable Design and Development

(SDD) and Energy Policy Act of 2005 (EPAct05) features. Supporting facilities include site development, utilities and connections, lighting, paving, parking, walks, curbs and gutters, storm drainage, information systems, landscaping and signage. Heating provided by self contained natural gas systems. Measures are in accordance with the Department of Defense (DoD) Minimum Antiterrorism for Buildings standards provided. Building and furnishings related interior design services are required. Access for individuals with disabilities will be provided.

Benefit to Taxpayers: This project is required to create a Religious and Family Readiness Campus on Fort Hood. This endeavor needs consolidated facilities to support religious ceremonies, on-site childcare, counseling services, adult and child religious education, family readiness groups, and memorial services. All other chapel facilities on Fort Hood lack proximity to housing and community support areas. Fort Hood's Chapels provides insufficient space for reception, counseling, and storage of materials.

Spending Plan:

PRIMARY FACILITY 7,549

Family Life Center SF 17,000 250.00 (4,250)

Family Life Center—Activity Center SF 10,000 250.00 (2,500)

Special Foundations LS—(324)

EMCS Connection LS—(25)

SDD and EPAct05 LS—(135)

Total from Continuation page(s) (315)

SUPPORTING FACILITIES 1,910

Electric Service LS—(450)

Water, Sewer, Gas LS—(350)

Paving, Walks, Curbs And Gutters LS—(250)

Storm Drainage LS—(100)

Site Imp(600) Demo() LS—(600)

Information Systems LS—(112)

Antiterrorism Measures LS—(48)

ESTIMATED CONTRACT COST 9,459

CONTINGENCY PERCENT (5.00%) 473

SUBTOTAL 9,932

SUPERVISION, INSPECTION & OVER-HEAD (5.70%) 566

DESIGN/BUILD—DESIGN COST (4.0000%) 397

TOTAL REQUEST 10,895

TOTAL REQUEST (ROUNDED) 10,800

Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Project Name: Range Revegetation for Fort Hood, Texas

Account: Natural Resources Conservation Service—Conservation Operations

Project Recipient and Address: Texas AgriLife Research & Extension, Texas A&M University, 1500 Research Parkway, Suite 255, 2259 TAMU

Amount Provided: \$333,000

Project Description: The Range Revegetation Pilot Project at Fort Hood, Texas, focuses on maintaining the quality of soldier training areas on the base. The project demonstrates the use of soil amendments, soils and vegetation management, seeding, and erosion control structures to reduce erosion impacting

training on maneuver areas. Research results document practice impacts on vegetation and water quality. In addition, the project is utilizing composted dairy manure from the North Bosque River watershed aiding the regions' efforts to meet total maximum daily load requirements for nutrients.

Benefit to Taxpayers: Primary benefits of the program focus on increasing the training capacity of Fort Hood maneuver training lands and insuring relevant military training landscapes for Fort Hood personnel. Beyond these benefits, the program focuses on restoration of disturbed rangelands and increasing the sustainability of the training areas in an effort to minimize off-site environmental concerns such as sedimentation of Belton Lake and other water bodies.

Spending Plan:

The total cost for this research is \$525,000, with 50% to support salary and benefits of researchers, 30% for purchasing supplies and materials for research efforts, 5% for travel and the remaining 15% for other costs.

Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2010

Project Name: Family Life Center

Account: Military Construction—Army

Project Recipient and Address: Fort Hood, TX U.S. Army Garrison, Fort Hood, Bldg. 1001, Rm W321, Fort Hood, TX, 75544

Amount Provided: \$8,500,000

Project Description: Construct a large standard design Chapel Family Life Center that includes an activity center with kitchen, gymnasium, religious education and military community classrooms, administrative space, gathering areas, information systems, fire protection and alarm systems, Intrusion Detection System (IDS) installation, and Energy Monitoring Control Systems (EMCS) connection, and Sustainable Design and Development (SDD) and Energy Policy Act of 2005 (EPA05) features. Supporting facilities include site development, utilities and connections, lighting, paving, parking, walks, curbs and gutters, storm drainage, information systems, landscaping and signage. Heating provided by self contained natural gas systems. Measures are in accordance with the Department of Defense (DoD) Minimum Antiterrorism for Buildings standards provided. Building and furnishings related interior design services are required. Access for individuals with disabilities will be provided.

Benefit to Taxpayers: This project is required to create a Religious and Family Readiness Campus on Fort Hood. This endeavor needs consolidated facilities to support religious ceremonies, on-site childcare, counseling services, adult and child religious education, family readiness groups, and memorial services. All other chapel facilities on Fort Hood lack proximity to housing and community support areas. Fort Hood's Chapels provides insufficient space for reception, counseling, and storage of materials.

Spending Plan:

PRIMARY FACILITY 7,549

Family Life Center SF 17,000 250.00 (4,250)

Family Life Center—Activity Center SF 10,000 250.00 (2,500)

Special Foundations LS—(324)

EMCS Connection LS—(25)

SDD and EPA05 LS—(135)

Total from Continuation page(s) (315)

SUPPORTING FACILITIES 1,910

Electric Service LS—(450)

Water, Sewer, Gas LS—(350)

Paving, Walks, Curbs And Gutters LS—(250)

Storm Drainage LS—(100)

Site Imp(600) Demo() LS—(600)

Information Systems LS—(112)

Antiterrorism Measures LS—(48)

ESTIMATED CONTRACT COST 9,459

CONTINGENCY PERCENT (5.00%) 473

SUBTOTAL 9,932

SUPERVISION, INSPECTION & OVER-HEAD (5.70%) 566

DESIGN/BUILD—DESIGN COST (4.0000%) 397

TOTAL REQUEST 10,895

TOTAL REQUEST (ROUNDED) 10,800

HONORING THE LEGACY OF
JIMMIE CANNON

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 8, 2009

Mr. FILNER. Madam Speaker, Jimmie Cannon, 80, an Imperial Valley legend, passed away on Thursday, May 21, 2009, at El Centro Regional Medical Center. Jimmie Cannon had a profound effect on the musical culture of the Imperial Valley and his students; he brought and nurtured music and jazz in the region for five generations. He will be remembered as a truly great and inspirational teacher whose lasting effect will be felt for many years to come.

After fulfilling his military obligation in the Army, Cannon graduated from Philander Smith College, in Little Rock, Arkansas. While studying music, he was also a member of the football and track teams. Following his graduation, he began teaching music at Jones High School in North Little Rock, where we met and married his wife of 50 years, Maxine Sutton. They moved to Mahaska, Kansas in 1959, where he taught general music from kindergarten to 12th grades.

In 1964, the family moved to El Centro, where he taught elementary and junior high music. In 1966, he became the band director of The Great Spartan Band at Central Union High School, where he distinguished himself as a teacher and band director for 30 years.

Bands from Central High received many awards and honors from the Orange Coast College Jazz Festivals, El Centro Navy Base Jazz Festival, Southwestern College Jazz Festival, Imperial Valley College Jazz Festival, USC Concert of the Bands, UCLA Band Festival, Holiday Bowl Music Festivals, Columbus Day Parade, Mother Goose Parade, and the Disneyland Parades and concerts in 1975, 1976, 1977, and 1987.

The Great Spartan Band traveled extensively beginning in 1972 with a trip to Mexico City, where they were honored by the Presi-

dent of Mexico. The band traveled four times to the Mardi Gras in New Orleans, and twice to Hawaii. The bands last trip before his retirement in 1996, was to Disneyworld in Florida (1995), where they participated in the Magic Kingdom Easter Parade. Throughout the years, the band performed for numerous local events.

He received the Teacher of the Year Award in 1988, which led to the Imperial Valley Arts Council sponsorship of Valley Jazz; a non-profit big band that sponsors scholarships and provides local musicians with performance opportunities.

He is survived by his wife, Maxine; two sons, Derek (Jenee), of La Mesa, and Mike of El Centro; one daughter, Janine of El Centro; three grandchildren, Breanne, Carley, and Brenna of San Diego; two nephews, Hardy Thrower Jr. (Susan), of Sparks, Nevada, and Eric Thrower, (Sandra), of San Diego.

Funeral services were held on Sunday, May 31st, at the Southwest High School Center for the Performing Arts where hundreds of friends, former students and fellow musicians gathered to honor his life and lasting legacy which became synonymous with jazz.

HONORING THE LIFE AND SERVICE
OF REINA ARCE LEDDY

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Ms. BORDALLO. Madam Speaker, I rise today to honor Reina Arce Leddy, President of the Guam Chamber of Commerce, for her dedication and service to our community. Reina passed away on Thursday morning, July 2, 2009, on Guam.

In November 2007, Reina was appointed President of the Guam Chamber of Commerce. As the Chamber's President and Chief Executive Officer, Reina led and promoted the Chamber's programs. Before assuming the Presidency, Reina worked with the Chamber since 1991 as an assistant to the President. In that capacity Reina supervised Chamber staff, and managed all aspects of Chamber's community relations, special events and publications. An energetic and focused professional, Reina staffed the Chamber's Committees on the Armed Forces, Maritime Affairs, Small Business, Tourism, and Retail-Wholesale Merchants. Reina also served as the Chamber chief administrative officer where she was entrusted by the Board of Directors with managing the Chamber's organizational structure, with the effective execution of its policies and procedures, the maintenance of its membership and the organization's long range planning.

Reina graduated from the University of Guam where she majored in Finance and Economics and East Asian Studies with an emphasis on Japan. While at UOG she also pursued a minor in Management. The government of Japan awarded Reina a Japanese Government Scholarship as a research student at Hiroshima University's Intensive Japanese Language Course. She also studied at Kagawa University.

In addition to her duties as Chamber President, Reina is a member of the American Chambers of Commerce Executives (ACCE), the Asia Pacific Council of American Chambers of Commerce (APCAC) and the Civilian Advisory Council at Andersen Air Force Base.

Reina's spirit of community extends to her home village of Mangilao and the parish of Santa Teresita Catholic Church. An accomplished pianist, Reina, and her husband, David, a professional guitarist, shared their love of music as the leaders of their church choir. Born on November 24, 1963, to Reynaldo Arce and Consolacion San Nicolas Mendiola, and married to David P. Leddy on May 31, 1986, Reina left us at the young age of 45 but leaves behind a legacy that will live for many years to come.

My condolences, sympathies and prayers go out to her family and loved ones and to all who knew her and were touched by her joyous spirit and never-ending smile.

DID FIRED OC AIR MARSHAL ENDANGER FLYING PUBLIC OR PROTECT IT?

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. CALVERT. Madam Speaker, I rise today to discuss the article titled "Did Fired OC Air Marshal Endanger Flying Public, or Protect It?" The article was posted online on May 8, 2009 and I believe my colleagues in Congress will benefit from the article and the topic of whistleblower protection.

DID FIRED OC AIR MARSHAL ENDANGER FLYING PUBLIC, OR PROTECT IT?

(By Teri Sforza)

On July 26, 2003, the Department of Homeland Security issued an alert to all U.S. airlines, airport security managers and federal air marshals:

A possible hijacking plot was in the works, involving five-man teams that might try to seize planes and fly them into government, military or economic targets.

Robert MacLean of Ladera Ranch had been working as a federal air marshal since shortly after 9/11. So it struck him as particularly bizarre when—just three days later—a text message popped up on his government-issued mobile phone:

Overnight missions involving federal air marshals will be cancelled from late July through early August.

What? No overnights? That meant no air marshals on long-distance flights. To save money on hotel rooms, MacLean would come to understand.

This, thought MacLean, was crazy. The 9/11 hijackers targeted long-distance flights because they hauled the most fuel and could do the most damage. Pulling air marshals from such flights, precisely when there was warning of a possible attack, was gross mismanagement—and a "specific threat to public safety that could lead to catastrophic loss of life," he'd say later in court papers.

So MacLean took his concerns to his supervisor and other officials.

He didn't get far.

TOP SECRET?

That text message, MacLean would later argue, wasn't marked as sensitive informa-

tion. It arrived on his mobile phone, not on his secure PDA.

And so, on July 29, 2003, MacLean disclosed the message to—gasp!—a member of the press. NBC.

Fallout was fast and furious. Lawmakers decried the idea as foolish; Sen. Barbara Boxer offered to send the Transportation Security Administration a list of hotels near San Francisco International Airport where rooms cost less than \$100 a night. Officials said they had made no final decisions yet; and overnight missions continued, as per usual, on the full schedule of cross-country and international flights.

ALL'S WELL THAT ENDS WELL?

Not quite.

Nearly three years later—in April 2006—MacLean was fired from his job as a federal air marshal. Grounds for dismissal: disclosing sensitive information to the media.

The message didn't need to be marked "sensitive," the government argued; all details regarding the deployment, number and operations of federal air marshals were protected information.

"Your unauthorized media appearance and unauthorized release of SSI (sensitive security) information to the media raise serious doubts about your judgment and trustworthiness," says MacLean's dismissal notice, signed by Frank Donzanti, special agent in charge with the Transportation Security Administration.

"Moreover, the disclosure of this SSI had the potential to reveal vulnerabilities in the aviation security system, and as such, was extremely dangerous to the public we serve. As such, I find little chance for your rehabilitation as a FAM (federal air marshal). Based on the egregiousness of your actions I have lost confidence in your ability to perform and find that removal from Federal employment for your unauthorized disclosure of SSI is necessary to promote the effectiveness of the FAM Service," the letter says.

LEGAL LABYRINTH

So was MacLean endangering the public safety by revealing the message? Or was he protecting it?

Is he a villain, or a hero?

MacLean argues that he should be protected as a federal whistleblower, and filed a whistleblower suit against the government. Many machinations have followed, in that tortured, slow, legal sort of way. "I want to get back to federal law enforcement," said MacLean, 39, who says he has applied at a dozen local police departments, but remains jobless. "I want to go back to serving as if I had never blown the whistle before."

MacLean was a Border Patrol agent in San Clemente for six years, and a federal air marshal for four years. He has a wife and two daughters, 5 and 7. They've moved in with his parents. These days he spends time tracking the fits and starts of whistleblower-protection legislation that seems to come up every year, and die every year.

THIS TIME, MORE HOPE

Last week, a letter signed by seven congressmen and women went to President Obama, urging him to swift action on the issue of whistleblower protection for federal employees.

"Whistleblowers are our nation's best resource against fraud and abuse of the public trust," the letter says. "Legal victories for employees who have been retaliated against for blowing the whistle are almost nonexistent. We encourage you to support congressional efforts to reform the inadequate system of whistleblower protections, such as

H.R. 1507. . . . In addition to these forward-looking reforms, we encourage you to take action to restore the careers of employees who were wrongly terminated or marginalized by previous administrations after blowing the whistle."

And other lawmakers are getting on board as well. There have been meetings at the White House. MacLean's documents live on the Project on Government Oversight's web site. He has his own page on Wikipedia. Officials did not rush to get back to us to discuss his case; but he has made appearances on many news programs and is not shy about pressing the righteousness of his position.

He hopes for a resolution soon.

CONGRATULATING PORTAGE NORTHERN HIGH SCHOOL FORENSIC TEAM

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. UPTON. Madam Speaker, I rise today to congratulate the Portage Northern High School Forensic Team on its eighth consecutive state championship at the Michigan Inter-scholastic Forensic Association state finals.

Portage Northern's forensic program, led by Coach Laurel Scheidt, has a rich 44 year history with 11 state titles to its name. The team had a successful 2009 season with first-place finishes at every invitational and an excellent performance at both the district and regional competitions. At this year's state competition over 80 schools and 800 students participated. The Northern team dominated the Class A division, qualifying the maximum 28 entries to the tournament with 45 students. Northern collected a record 1,066 sweepstake points defeating second place finisher Birmingham Seaholm High School by over 330 points.

It is an honor to congratulate the entire 2009 Portage Northern Forensic Team and pay special tribute to first-place finishers Andrew Beckner, Spencer Dudd, John Kramer, Kasey McSoley, Brennan Mange, Bryce Maurer, Nich Mueller, Nathan Novaria, Brady O'Brien, Caitlin Utt, Allyson Williams and Amanda Willoughby.

On behalf of all residents of southwest Michigan, congratulations again to the Portage Northern Forensic Team, Coach Laurel Scheidt and the entire Portage Community—you are an inspiration to us all. Go Huskies!

EARMARK DECLARATION

HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Ms. FALLIN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the earmark I received as part of "H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010."

Title of Project: T-9 Noise Suppressor Support

Amount of Project: \$5,100,000

Account: Air Force, Military Construction
Project Recipient: Tinker Air Force Base
3001 Staff Drive, Tinker AFB, OK 73145

At my request, \$5,100,000 was included in H.R. 3082, the Military Construction and Veterans Affairs Appropriations Act, 2010, to fund the construction of foundations and supporting facilities for two T-9 noise suppression systems at Tinker AFB, Oklahoma. This project would consist of the construction of reinforced concrete footings and slabs capable of supporting T-9 style engine testing facilities, a 20,000 gallon jet engine fuel storage and delivery system, utilities, access driveways, and a small office/restroom/break facility. Current engine test facilities are aging and unable to support the current test mission.

With the completion of the new Tinker Aerospace Complex (TAC) and the transfer of engine maintenance to this facility, construction of these test cells near the TAC will allow contiguous support of military jet engine repair, decrease maintenance downtime, and associated cost. This will allow the 76th Maintenance Wing and the 76th Propulsion Maintenance Group the capabilities to meet its mission of delivering engines on time and on cost and position Tinker AFB for increased mission capabilities in the future.

INTRODUCING THE UNITED STATES OPTIMAL USE OF TRADE TO DEVELOP OUTERWEAR AND OUTDOOR RECREATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. BLUMENAUER. Madam Speaker, more than 75 percent of Americans participate in active outdoor recreation each year, experiencing America's wild lands and outdoor spaces in ways large and small. In recognition of this group, I am introducing the "United States Optimal Use of Trade to Develop Outerwear and Outdoor Recreation Act" or the "U.S. OUTDOOR Act". This legislation will reduce the high tariffs on outdoor apparel and will invest in research to shrink the environmental footprint of the American textile industry while increasing its international competitiveness.

According to recent surveys, roughly 33 million Americans went fishing last year and 56 million went hiking. Through healthy outdoor activities like bird watching, ice climbing, hiking, and bass fishing, outdoor recreation contributes \$730 billion and 6.5 million jobs to the U.S. economy.

Unfortunately, recreational performance outerwear—jackets and pants used for skiing and snowboarding, mountaineering, hunting, fishing and dozens of other outdoor activities—is assessed some of the highest duty rates applied to any products imported into the United States. While the average duty on imports is less than 2 percent, the rates on recreational performance outerwear average 17 percent, with some as high as 28 percent.

These disproportionately high tariffs were originally implemented to protect U.S. manufacturers from foreign competition, but now no

longer serve that purpose. Instead, they stifle innovation and raise costs throughout our economy. In a recent report, the U.S. International Trade Commission recently found that there was no commercially viable production of recreational performance outerwear in the United States.

To better reflect this economic reality, the U.S. OUTDOOR Act will establish new tariff classifications for these products and will eliminate the disproportionately high tariffs assessed on them.

The legislation will also establish the Sustainable Textile and Apparel Research (STAR) Fund. Access to STAR Fund grants will be made available to certain non-profit organizations through a competitive process, with the overarching purpose of advancing U.S. competitiveness in lean manufacturing technologies and supply chain analysis. The STAR Fund will ultimately help the global textile and apparel industry in minimizing energy and water use, reducing waste and carbon emissions and incorporating sustainable practices into a product's entire life cycle.

Through these mechanisms, this legislation will support the outdoor industry, consumers of outdoor products, and environmental practices throughout the textile industry supply chain. I look forward to working with my colleagues to pass this important legislation.

CONGRATULATING MICHAEL SULLIVAN ON THE OCCASION OF HIS RETIREMENT

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. BONNER. Madam Speaker, it is with great pride and pleasure that I rise to honor the distinguished career of Michael Sullivan on the occasion of his retirement as executive director of the Gulf Coast Exploreum Science Center after 11 years of service.

Mike served as a consultant for the Gulf Coast Exploreum for eight years before becoming its executive director in 1998. He and his wife, Eleanor Kulin, worked together planning and marketing the museum's major events.

In 1998, Mike oversaw the museum's relocation to its high-tech home at Government and Water Streets. Throughout his career, Mike brought 28 traveling exhibitions and 46 large-format films to the J.L. Bedsole IMAX Theater. The Exploreum was also named Alabama's Attraction of the Year in 2008 during the Governor's Conference on Tourism. The Exploreum was the most visited attraction in south Alabama and the seventh most visited in the state.

Under Mike's leadership, the Exploreum has brought one "blockbuster" exhibit after another to Mobile—bringing hundreds of thousands of visitors and millions of dollars to the local economy. In 2005, "The Dead Sea Scrolls" attracted 205,661 visitors to Mobile and an estimated \$13.4 million to the local economy—in just 109 days.

In recognition of his many remarkable accomplishments, Mobile Mayor Sam Jones de-

clared "W. Michael Sullivan Day" earlier this year. The J.L. Bedsole IMAX Dome Theater lobby was named in Mike's honor by the Exploreum board of trustees.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated leader and friend to many throughout the Gulf Coast. On behalf of all those who have benefited from the Gulf Coast Exploreum, permit me to extend thanks for enriching the lives of so many.

On behalf of a grateful community, I wish Mike and Eleanor the best of luck in all of their future endeavors.

THE CENTRAL VALLEY PROJECT

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. DICKS. Madam Speaker, as the chairman of the Interior and Environment Appropriations Subcommittee and someone who shares the concern of many in this House about the need to protect and restore threatened and endangered species, I wish to bring to the attention of my colleagues a report recently released by NOAA's National Marine Fisheries Service on the effects of the long-term operation of California's Central Valley Project and State Water Project.

The Central Valley Project is a Federal Bureau of Reclamation water project which supplies irrigation and municipal water to inland California from the Sacramento-San Joaquin River Delta. The Sacramento River, along with the American River, was once among the top salmon spawning rivers on the West Coast, behind only the Columbia and Snake Rivers. The Sacramento was the only river in the West with four salmon runs, with returning fish numbered in the millions. Now one run is gone, and two are endangered, and the fourth could be listed soon. The scientists concluded in this most recent biological opinion that without wild salmon from the Sacramento and American Rivers, the killer whales known so well throughout the Puget Sound would likely face extinction.

These findings only stress the interconnectivity of our biosphere and the need to find a balance between the demands of irrigation and agriculture with those required by the species that once thrived in these rivers. In Washington State, we have worked very hard to find compromises between agriculture, power generation, and salmon restoration. While there is still work to be done, we have made great strides in implementing a mark selective fishery, one of the best tools for restoring wild salmon runs.

I look forward to working with my colleagues in California, Oregon, and Washington, in establishing a comprehensive plan to ensure the recovery and survival of our legendary wild salmon and killer whales.

In closing, Madam Speaker, I am submitting an article recently published by McClatchy Newspapers, which provides an excellent overview of the biological opinion, the history of wild salmon in California, and the recent decline of the killer whales.

[From McClatchy Newspapers, July 5, 2009]
 CALIFORNIA WATER PLAN AIMS TO SAVE
 PUGET SOUND ORCAS
 (By Les Blumenthal)

WASHINGTON.—A plan to restore salmon runs on California's Sacramento River also could help revive killer whale populations 700 miles to the north in Puget Sound, as federal scientists struggle to protect endangered species in a complex ecosystem that stretches along the Pacific coast from California to Alaska.

Without wild salmon from the Sacramento and American rivers as part of their diet, the killer whales might face extinction, scientists concluded in a biological opinion that could result in even more severe water restrictions for farmers in the drought-stricken, 400-mile-long Central Valley of California. The valley is the nation's most productive farm region.

The plan has faced heated criticism from agricultural interests and politicians in California, but environmentalists said it represented a welcome departure by the Obama administration from its predecessor in dealing with Endangered Species Act issues.

The Sacramento plan, they add, is in sharp contrast to the plan for restoring wild salmon populations on the Columbia and Snake rivers in Washington state and Idaho. That plan, written by the Bush administration, essentially concluded that the long-term decline in those federally protected runs didn't jeopardize the killer whales' existence because hatchery fish could make up the difference.

The 85 orcas of the southern resident killer whale population travel in three separate pods, spending much of their time roaming the inland waters of Washington state from the San Juan Islands to south Puget Sound. During the winter they've been found offshore, ranging as far south as Monterey Bay in California and as far north as British Columbia's Queen Charlotte Islands. Each orca has distinctive markings, which allows them to be tracked.

In the mid-1990s, there were nearly 100 orcas in the three southern resident pods. The population fell to fewer than 80 in 2001. In 2005, they were granted federal protection as an endangered species. They've been studied closely for only 30 years or so, but historically there may have been up to 200 southern resident orcas.

Researchers think that the decline has resulted from pollution—which could cause immune- or reproductive-system dysfunction—and from oil spills, noise and other vessel disturbances, along with a reduced quantity and quality of prey.

With the largest 27 feet long and weighing 10,000 pounds, orcas are constantly on the prowl for food. They've been known to hunt in packs. Their meal of choice: salmon, particularly chinook salmon.

By some estimates, the orcas eat about 500,000 salmon a year.

"We are trying to figure out how killer whales fit in," said Bradley Hanson, a wildlife biologist with the National Marine Fisheries Services in Seattle who studies orcas. "We don't have a lot of information on the movement of southern resident whales down the coast. We don't have a lot of information on adult salmon movements off the coast."

Before 2000, Hanson said, no one was quite sure where the killer whales went when they went to sea. It was a surprise when they showed up near Monterey Bay, he said.

The Sacramento and American river systems combined were once among the top salmon-spawning rivers on the West Coast, trailing only the Columbia and Snake rivers.

Prompted by lawsuits, the National Marine Fisheries Service last month published its latest plan for the Sacramento and American rivers' winter and fall chinook salmon runs. Without further curtailments of water for the federal Central Valley Project—a several-hundred-mile network of dams, canals and pumping plants—and the California State Water Project—the nation's largest state-built water and power development and conveyance system, which supplies water for 23 million Californians—the two runs are in jeopardy of extinction, the plan said.

Without changes, the southern resident killer whales, a run of steelhead and a population of North American green sturgeon almost certainly would disappear, according to the plan.

The killer whale population is extremely fragile, and scientists said the loss or serious injury to just one could appreciably reduce the odds that the southern resident pods would recover or survive.

The scientists who wrote the Sacramento plan also said that hatchery-raised salmon couldn't be counted on to sustain the killer whales' survival.

"Healthy wild salmon populations are important to the long-term maintenance of prey populations available to southern residents, because it is uncertain whether a hatchery-only stock could be sustained indefinitely," the scientists said.

Not only are there concerns about long-term funding for the hatcheries, but scientists also have questions about whether hatchery fish are as genetically strong and healthy as wild ones. Though changes to the hatcheries could improve the fish they produce, there's no agreement on what needs to be done and no guarantees that the changes would work.

The latest plan for the Columbia-Snake wild salmon runs concluded that continued operation of the federal hydroelectric dams on the two rivers was "not likely to adversely affect" the killer whales. Earlier, federal scientists found that "perhaps the single greatest change in food availability for resident killer whales since the late 1800s has been the decline of salmon from the Columbia River basin."

Despite the decline in wild runs, the scientists who worked on the Columbia plan concluded that hatchery fish would be able to make up any deficit in the orcas' diet.

Though the Columbia-Snake salmon plan acknowledges the potential problems with hatchery fish, it dismisses, at least for now, their impact on killer whale food supplies.

Lynne Barre, a National Marine Fisheries Service scientist in Seattle who helped write both plans, downplays any differences.

"I think we say the same thing in both opinions," Barre said, adding that both plans recognize that hatchery fish could be a short-term substitute for wild fish but that there were concerns about whether hatchery fish could be a long-term food source for orcas. "The general principles are similar."

Environmentalists, however, say that the differences couldn't be more obvious.

"The contrasts are striking," said Todd True, a lawyer for the Seattle office of Earthjustice, which has challenged the Columbia-Snake plan in a lawsuit in federal court in Portland, Ore.

True said the Sacramento salmon plan was a "candid piece of work that had a strong independent review and the absence of political interference." As for the Columbia-Snake plan, True said that it "pretends there isn't a problem."

The judge in the Portland case has given the Obama administration until Aug. 15 to

indicate whether it'll stick with the Columbia-Snake salmon plan written during the Bush administration or offer a new one. True said he'd raise the orca issue again.

Other environmentalists said that Jane Lubchenco, who heads the National Oceanic and Atmospheric Administration, which includes the fisheries service, must be aware of the differences in how the two salmon plans addressed killer whales. Lubchenco is a marine biologist who taught at Oregon State University.

"They need to decide which of the contradictory statements are correct," said Pat Ford of Save Our Wild Salmon.

CONGRATULATIONS TO LADY VIKINGS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. UPTON. Madam Speaker, I rise today to congratulate the Lady Vikings of Niles High School who recently won their first ever state championship in school history. These outstanding women were on a mission all season long, and this was a team of firsts—last season they were the first in school history to win a regional championship, and in 2009, they completed the mission and cemented their legacy as the first state champions in women's athletics at Niles High School.

Winning a state title is something that will last forever. It is a truly remarkable accomplishment that few teams in southwest Michigan ever experience, and it is a legacy that will live with the 2009 Lady Vikings forever. While the Vikings were led by the best pitcher in the State of Michigan, Jenna Ignowski, they were a team that worked hard to improve every part of their game. These Lady Vikings improved their defense throughout the season and there were no easy outs up and down the Viking lineup.

It is an honor to pay tribute to the entire Lady Vikings team and head coach Gary Collins.

On behalf of all of the residents of southwest Michigan, congratulations again to the Lady Vikings, Coach Collins and the entire Niles community—you are an inspiration to us all.

It is Viking Pride at its finest. Go vikings!

CONGRATULATING KAYEM FOODS, INC. OF CHELSEA, MASSACHUSETTS ON ITS 100TH ANNIVERSARY

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. CAPUANO. Madam Speaker, I rise today to congratulate Kayem Foods, Inc. of Chelsea, Massachusetts on its 100th anniversary. From humble beginnings in 1909 to a much higher profile in 2009 after being named the official hot dog of historic Fenway Park and Red Sox Nation, Kayem has developed a stellar reputation in the Greater Boston community for its dedication to quality products and community causes.

In 1909, Kazimierz Monkiewicz emigrated from Poland with his wife, Helena, and started a small business making kielbasa—native sausages from Poland—in their backyard in Chelsea. From there, he went on to achieve the American Dream, laying strong roots in the community and establishing a successful family business called Kayem—so named for Mr. Monkiewicz's initials.

As Kayem's reputation for quality meats spread, Monkiewicz began delivering to nearby communities via horse-drawn carriage. As the business grew further, Monkiewicz's four sons assumed roles in the burgeoning family enterprise. A century later, Kayem is still a family business with grandson Ray, recently retired as company president, now serving as chairman of the board of directors and 13 other family members working there as well.

In recent years, Kayem has expanded its market beyond New England. In addition to making 1 million hot dogs each day, Kayem is now known for its al fresco all natural chicken sausages, which have received several "best of" awards from national publications, and its line of delicious Kayem Brats.

Through its successful enterprise, Kayem is the city of Chelsea's largest employer, with more than 500 workers representing immigrants from more than 25 different nations. Kayem serves the Greater Boston community in ways beyond being a stable employer. A leading supporter of Chelsea institutions like the Jordan Boys & Girls Club, Centro Latino, and Bunker Hill Community College, Kayem is known for its generosity, including regular food donations to dozens of local charitable events. Kayem recently established "Kayem Cares," a program that supports the fight against breast cancer through donations based on sales.

For its commendable history and contributions to the community over the past 100 years, I would like to extend my congratulations to Kayem Foods and the Monkiewicz family.

PERSONAL EXPLANATION

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. BARROW. Madam Speaker, had I been present to vote on the Stearns (FL) amendment to H.R. 3081 the Department of State, Foreign Operations, and Related Programs Appropriations Act of 2010, I would have voted "no."

HONORING PHYLLIS BUSANSKY

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Ms. CASTOR of Florida. Madam Speaker, I rise today in honor of my friend Phyllis Busansky. Phyllis served my community in so many ways. Her last post was the Supervisor of Elections for Hillsborough County, Florida. Phyllis will always be remembered in our

hearts for her brave leadership, for her open, gregarious style and for her ability and zeal to fix problems that were tough to tackle.

Phyllis served under Florida Governors Lawton Chiles and Jeb Bush and established the Welfare-to-Work program, which helped the state's poor find employment and financial stability.

After graduating from Wheaton College, Phyllis earned her master's of business administration from Brandeis University. She taught leadership and coalition building at Columbia University's School of Public Health. A native of Connecticut, Phyllis lived in Tampa for nearly three decades, and she and her husband, Sheldon, raised their three children there.

Before being elected Supervisor of Elections for Hillsborough County in 2008, Phyllis served our seniors as director of Hillsborough's Department for Aging Services and our entire community on the Hillsborough County Hospital Authority. In 1988 she was elected to serve two terms as a County Commissioner. There Phyllis led the fight to provide innovative and visionary countywide health care for poor and working folks. Her legacy as the primary author of the Hillsborough County Health Care Plan lives on every day in the improved health of our neighbors and our community. She was truly passionate about making sure those who could least afford health care or had limited access had a fighter on their side. She was already showing her same passion as Supervisor of Elections, working tirelessly to guarantee that voters' rights were protected.

Phyllis was proud to be a "happy warrior" for so many causes. It is especially poignant to lose her during this crucial time when the Congress struggles to make health care a reality for all our neighbors. We will all need to draw on her energy and commitment and, being mindful of the huge gap she has left us, vow to work even harder.

Phyllis' big heart resulted in her describing many in our community as "fabulous," but the truth is that few are or ever will be as fabulous as Phyllis.

Madam Speaker, my thoughts and prayers are with her husband, Sheldon, and all her family. She will be sorely missed.

INTRODUCING THE SMALL BUSINESS GROWTH ACT

HON. BETSY MARKEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Ms. MARKEY of Colorado. Madam Speaker, today I introduced The Small Business Growth Act along with Representatives BLAINE LUETKEMEYER, ALAN GRAYSON, RON PAUL, GINNY BROWN-WAITE, VERN BUCHANAN, BOBBY BRIGHT, and ANN KIRKPATRICK. I thank them for their support.

As we all know small business is the economic backbone of America; small businesses provide nearly 70 million workers employment and 80 percent of all new jobs in America. Small businesses are struggling in these tough economic times. We must do more to help

small business which will turn our economy around.

Under Section 179 of the Internal Revenue Code small business can expense machinery, equipment and furniture but not "real property"—new structures (buildings), renovations and structural components; this legislation corrects this matter.

The Small Business Growth Act is targeted to small businesses which have gross receipts of less than \$5 million for the past three years. The legislation makes permanent a tax deduction for capital improvements that small businesses make to their facilities allowing them to take up to \$125,000. An immediate tax deduction, rather than depreciation, will help small businesses to put money towards expanding their facility, purchasing a new piece of equipment, or hiring another worker—all of which creates jobs and stimulates our economy.

I urge all members to support The Small Business Growth Act.

THE COMPREHENSIVE NATIONAL CYBERSECURITY INITIATIVE

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. SMITH of Nebraska. Madam Speaker, in early 2008, President Bush established the Comprehensive National Cybersecurity Initiative to address cyberattacks on Federal networks and President Obama has committed to fully continue this effort under his administration.

Awareness of our vulnerabilities to cyberattack and the need for action is nearly universal and goes beyond party lines.

The seriousness of this situation was brought into focus this week, when it was revealed a powerful attack overwhelmed computers at U.S. and South Korean government Web sites.

Other targets included the National Security Agency, the State Department, and the New York Stock Exchange.

It is our responsibility as a Congress—and my commitment as a Member of the House Science and Technology Committee—to ensure we get this issue right, and ensure taxpayer dollars provide a return in the form of lasting and effective security, while also protecting privacy.

The need is real, the threat is present and clear, and I want to make sure our country is prepared.

PERSONAL EXPLANATION

HON. SCOTT MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. MURPHY of New York. Madam Speaker, on Thursday, July 9, 2009, I was absent from U.S. House of Representatives while on official business in my district.

Had I been present, I would have voted as follows: "no" on rollcall 497; "aye" on rollcall

498; "aye" on rollcall 499; "aye" on rollcall 500; "no" on rollcall 501; "aye" on rollcall 502; "no" on rollcall 503; "no" on rollcall 504; "no" on rollcall 505; "no" on rollcall 506; "no" on rollcall 507; "no" on rollcall 508; "aye" on rollcall 509; "aye" on rollcall 510; "aye" on rollcall 511; "aye" on rollcall 512; "no" on rollcall 513; "aye" on rollcall 514; "aye" on rollcall 515; "aye" on rollcall 516; "no" on rollcall 517; "no" on rollcall 518; "aye" on rollcall 519; "no" on rollcall 520; "aye" on rollcall 521; "no" on rollcall 522.

HONORING THE MEMORY OF MR.
LEROY HILL

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. BONNER. Madam Speaker, south Alabama and indeed the entire state recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Leroy Hill was born in Eagle Lake, Florida, and was a longtime resident of Grand Bay. He served in the Korean war as a staff sergeant ranger in the Airborne division of the U.S. Army.

Following his career in the Army, Mr. Hill moved to Savannah, Georgia, and began his career in the coffee business. He worked as a Maxwell House route man for the Belford Company earning \$40 a week. In 1956, he transferred to Mobile and created his own coffee business, the Leroy Hill Coffee Company, Inc. Mr. Hill purchased the Mobile operation of the Belford Company in 1968 and soon expanded the company into the Florida panhandle. Leroy Hill Coffee Company, Inc. today has 22 locations throughout the Southeast, and its products can be found in restaurants, grocery stores, and convenience stores.

Mr. Hill and his wife, Debbie, also ran a successful cattle business that started with the purchase of his first acreage in Grand Bay in the late 1960s. He was a longtime member of the Alabama Cattlemen's Association and ABBA Shrine. He also made many charitable donations as a way of thanking his community; he donated the playground equipment for Breitling Elementary School in Grand Bay.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout the state of Alabama. Leroy Hill will be deeply missed by his family—his wife, Debbie; his three sons, Roy Wayne, Todd, and Brian; his daughter, Debra Stewart; his stepdaughter, Brandy Ramsay; his 13 grandchildren; and his two sisters, Doris Gatlin and Dorothy Brooks Hicks—as well as the countless friends he leaves behind.

Our thoughts and prayers are with his family at this difficult time.

HONORING EIGHTH DISTRICT OF
WASHINGTON HIGH SCHOOLS

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. REICHERT. Madam Speaker, I rise today in recognition of five high schools located in the Eighth District of Washington that for the third year in a row were named to Newsweek Magazine's ranking of the top 1,500 public high schools in the country in academics. In 2009, all five high schools earned "top 100" recognition—the most coveted honor in the magazine.

The International School, Interlake High School, Newport High School, Sammamish High School, and Bellevue High School each earned the prestigious "top 100" recognition and two of the schools, Interlake High School and Sammamish High School, moved several places higher on the list than their positions last year.

During my tenure in the House, I've remained an outspoken advocate for investing in public education and the need for welcoming and safe learning environments. The five schools singled out for recognition by Newsweek have clearly developed a wonderful and unique learning environment to help students reach their full academic potential. The selfless, hardworking teachers and administrators who serve in these schools deserve equal recognition for the time and energy they devote to educating our children; they deserve our admiration and gratitude for their efforts.

EARMARK DECLARATION

HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. POSEY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of Rule XXI, I am submitting the following information regarding earmarks for my Congressional District as a part of H.R. 2847, Commerce, Justice, Science Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman BILL POSEY

Project Funding Amount \$600,000

Bill Number: H.R. 2847

Account: COPS, Technology

Legal Name of Requesting Entity: City of Palm Bay, Palm Bay, FL

Address of Requesting Entity: City of Palm Bay, 120 Malabar Road, Palm Bay, Florida 32907.

Description of Request: In order for our law enforcement officers to respond to critical incidents quickly and effectively, they need the proper resources. This funding would be used to help the City of Palm Bay outfit a vehicle with technology to provide on-site command, control, and coordination during critical incidents. Accordingly, the command center will be used as a headquarters for on-scene investigations and provide various agencies the

necessary resources required to respond and complete missions.

PERSONAL EXPLANATION

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. MURPHY of Connecticut. Madam Speaker, on June 24, 2009, I missed rollcall 450, a vote on final passage of the Fiscal Year 2010 Homeland Security Appropriations bill. I was detained off the House Floor with legislative business.

If I had been present for the vote, I would have voted "aye."

HONORING THE MEMORY OF BERT
BANK

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. BONNER. Madam Speaker, the state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory. Bert Bank, a World War II hero, an Alabama state legislator and radio pioneer, was an Alabama legend.

Mr. Bank attended the University of Alabama Law School and graduated in 1940. He served his country in the Air Force during World War II rising to the rank of major. He survived the Bataan Death March as a prisoner of war for 33 brutal months. When he returned to the United States, he spent two years in the Valley Forge General Hospital recovering from malnutrition. He later wrote the book *Back From the Living Dead*, which recounted his experiences as a prisoner of war.

When he returned to Tuscaloosa, he started the radio stations WTBC-AM and WUOA-FM and, in 1953, he started the University of Alabama Football Network.

In 1966, Mr. Bank was elected to the House of Representatives and served two terms. In 1974, he was elected to the Alabama Senate and served one term before running for lieutenant governor. During his twelve years in the Alabama House and Senate, he introduced legislation making it a felony to burn the American flag—Alabama was the first state to pass such legislation. He also authored legislation to make it a felony to burn a draft card, another first for the state of Alabama.

Mr. Bank was a champion for veterans. He introduced legislation that made it possible for veterans of the Gulf War to participate in the state sponsored college education program. He also authored legislation that rewarded the 21 Alabama Vietnam Prisoners of War with a \$500 bonus.

Mr. Bank's years of service to Tuscaloosa, the broadcast industry, and the state of Alabama were recognized with numerous awards throughout his life. He received the Thad Holt Distinguished Broadcasters Award in 1969 and the Alabama Broadcasters Association Lifetime Achievement Award. In 2008, he was

inducted into the Alabama Broadcasters Association Hall of Fame. He was also awarded the Silver Medal as Man of the Year by the Tuscaloosa Advertising Club and was named a Distinguished Service and Outstanding Alumnus by the University of Alabama College of Communication and Information Sciences. Mr. Bank was also presented the Bronze Star by the U.S. Air Force for his service during World War II.

Mr. Bank was a member of the disabled American Veterans, the American Legion, and the Veterans of Foreign Wars. He also established The Bert Bank Endowed Patriotism Scholarship Fund at the University of Alabama.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout the state of Alabama. Mr. Bert Bank will be deeply missed by his family—his wife, Gertrude, and his two sons, Jimmy and Ralph—as well as his many friends. Our thoughts and prayers are with them all at this difficult time.

CONGRATULATIONS TO LADY
MUSTANGS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. UPTON. Madam Speaker, I rise today to congratulate the Lady Mustangs of Portage Central High School on being named the 2009 Division 1 State Soccer Champions. This team of young ladies, lead by 24-year Mustang Coach Pat Norman, has put in endless hours of hard work and dedication making them the first program west of Ann Arbor and Saginaw to win a Division 1 Women's Soccer State Title since the debut of women's soccer in 1971.

Winning a state championship is a memory that will last a lifetime. It is a remarkable achievement that few teams ever experience, and it is a legacy that will live with the 2009 Lady Mustangs forever. This young team, lead by captains Shannon Bennett, Lauren Brown, and Courtney Havens-Mitchell, played a close game against the Utica Eisenhower Eagles and came out victorious beating the Eagles 3–2 in overtime.

It is an honor to pay tribute to the entire Lady Mustang team: Lindsey Arnett, Mara Bennett, Shannon Bennett, Samantha Bowditch, Lauren Brown, Lunden Carpenter, Natalie Hall, Katie Hamilton, Courtney Havens-Mitchell, Shelby Humphries, Jaime Morton, Taylor Peterson, Lindsay Shafer, Charlie Socia, Meghan Sokolowski, Colleen Unsworth, Katelyn Weissert, Paige Wester, and Jordan Wolf. We are so proud of all of you.

On behalf of all the residents of southwest Michigan, congratulations again to the Lady Mustangs, Coach Norman and the entire Portage community—you are an inspiration to us all. It is Portage Central Pride at its finest. Go Mustangs!

CONGRATULATIONS TO THE LA-
FAYETTE-LEXINGTON DAUGH-
TERS OF THE AMERICAN REVO-
LUTION CHAPTER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. SKELTON. Madam Speaker, let me take this moment to recognize the Lafayette-Lexington Daughters of the American Revolution Chapter for creating the Susan Skelton Memorial Scholarship. The scholarship was created in memory of my late wife Susan Anding Skelton, honoring her dedication to higher education and Lafayette County.

Susie, a native Missourian, graduated with a bachelor's degree in education from the University of Missouri, Columbia in 1958. In 1976, she served as the first president of the 95th Congress group, the organization representing spouses of new Members of Congress. Susie also played a prominent role in the Congressional Club, serving as treasurer for 2 years and then as president. She was only the second Missourian to serve in that position. As president, she presided over one of the largest memberships in the history of the organization. Additionally, she was president and vice president of International Club III, an organization for spouses of Members of Congress and Ambassadors and was a member of the Congressional Families for Drug-Free Youth.

In Missouri, Susie served two consecutive terms as Regent of the Lafayette-Lexington Chapter D.A.R. She also served 4 years on the Democratic State Committee during the 1970s. In Lexington, she taught Sunday school, was a Cub Scout den mother, and a local first grade teacher. Susie was also active in Missouri University Alumni Association events in Lafayette County.

Our family friend, LaVeda Cross, was aware of Susie's great involvement in both Washington, DC, and Missouri. As a result, LaVeda and the Lafayette-Lexington D.A.R. Chapter have offered a collegiate scholarship to those individuals that embody the values of Susie. I appreciate the D.A.R. chapter for recognizing the achievements and contributions of Susie. The scholarship is open to any female student who is a permanent resident of Lafayette County and a graduate of one of the following schools: Concordia R–H, Lafayette County C–1, Lexington R–V, St. Paul's Lutheran, or Wellington-Napoleon R–IX and plans to attend college after graduation.

Madam Speaker, Susie was influential in Lafayette County and Washington, DC. I am honored that the D.A.R. has created this scholarship in her name. I know the Members of the House will join me in recognizing the Lafayette-Lexington D.A.R. Chapter for assisting hard-working young women in achieving a higher education.

CENTENNIAL CELEBRATION OF
THE MASTER BUILDERS ASSO-
CIATION OF KING AND SNOHO-
MISH COUNTIES

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. REICHERT. Madam Speaker, I rise today in recognition of the Centennial celebration of the Master Builders Association of King and Snohomish Counties in my home state of Washington—the oldest and largest local homebuilders association belonging to the National Association of Home Builders. For one hundred years, the Master Builders have been committed to creating well-built homes and utilizing solid business practices to help in making the Pacific Northwest a wonderful place to live.

Even as our country struggles through an economic downturn and many sectors of our economy, especially home builders, are feeling the negative effects of a reduced workload, the Masters Builders continue to work hard to better families, communities, and the environment.

The Master Builders continue to place an emphasis on community projects such as building free access ramps for disabled homeowners and building and maintaining shelters for the homeless. The Master Builders work with community-centered organizations like Vision House in Renton, Washington, and the Mercer Slough Environment Center in Bellevue, Washington. The Master Builders are celebrating their Centennial by performing 100 community service projects in King and Snohomish counties throughout 2009—projects that guarantee improvement in communities where people work, live, or play.

The Master Builders also formed Built Green, an environmentally-friendly, non-profit, residential building program to provide sustainable housing in the region and actively reach out to all levels of government to ensure our laws protect the environment and provide attractive and affordable communities.

I am pleased to consider the Master Builders as partners in our efforts to protect our environment and build up our communities. I congratulate them on this milestone and wish them continued success in their current and future projects.

EARMARK DECLARATION

HON. BILL POSEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 10, 2009

Mr. POSEY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of Rule XXI, I am submitting the following information regarding earmarks for my Congressional District as a part of H.R. 2997, the Agriculture Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman BILL POSEY (along with other Representatives)

July 10, 2009

EXTENSIONS OF REMARKS, Vol. 155, Pt. 13

17489

Project Funding Amount \$1,217,000	Address of Requesting Entity: University of	and Citrus Canker research to improve tech-
Bill Number: H.R. 2997	Florida, Institute for Food and Agriculture	nologies for treatment and detection, methods
Account: National Institute of Food and Agri-	Sciences, Post Office Box 110180, Gaines-	of movement and containment, and means to
culture	ville, FL 32611-0180	control and eliminate these devastating dis-
Legal Name of Requesting Entity: University	Description of Request: For critical continu-	eases.
of Florida	ation and expansion of vital Citrus Greening	

HOUSE OF REPRESENTATIVES—Monday, July 13, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CUELLAR).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 13, 2009.

I hereby appoint the Honorable HENRY CUELLAR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

VIOLENCE IN XINJIANG

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Mr. Speaker, I rise today with great concern regarding the recent violence and loss of life in Xinjiang Uyghur autonomous region.

While much is still unknown about the events which transpired over the past week, due to the Chinese Government's strict control and monitoring of foreign journalists, the situation devolved into an explosion of anger between Han Chinese and Uyghur citizens.

President Hu and senior Chinese officials have vowed to severely punish individuals connected to the protests, including through the use of the death penalty.

The Chinese Government's longstanding persecution and repression of the Uyghur people is well documented, including by our own Department of State, as is the government's history of covering up abuses and reacting violently in the face of peaceful protests.

The Chinese Government must allow an independent, international investigation into the events surrounding the week's past violence. I have urged

the State Department to work toward that end.

The Chinese Government has blamed the unrest on Nobel Peace Prize nominee and human rights activist Rebiya Kadeer. This is eerily reminiscent of the Chinese Government blaming last year's protests in Tibet on the Dalai Lama. Both the Dalai Lama and Rebiya Kadeer have been made scapegoats by the Chinese communist government, and both are champions for their people.

Rebiya Kadeer suffered in prison for 5 years before she was released to come to the United States. After her release, two of her sons were arrested and remain today languishing in jail for crimes they did not commit.

Amazingly, the reach of the Chinese Government does not stop at its borders. In 2006, Rebiya Kadeer called my office seeking assistance because she noticed a suspicious vehicle outside her home in northern Virginia. After checking with the FBI, we learned that the vehicle had been rented by individuals connected with the Chinese Government.

In a recent opinion piece she wrote for the Wall Street Journal, Rebiya Kadeer condemned the use of violence on both sides and called on the United States to speak out against oppression in China and monitor daily human rights abuses perpetrated by the Chinese Government.

Today, I sent a letter to President Obama asking that senior officials of the National Security Council and the State Department immediately meet with Ms. Kadeer to discuss the events in Xinjiang and the U.S. response.

President Obama is a father and Secretary Clinton is a mother, so they can understand well the anguish that Rebiya Kadeer feels as she considers the fate of her own children and grandchildren, particularly in light of this most recent violence and unrest.

Failure to meet with Rebiya Kadeer would be reminiscent of 1975 when famed Soviet dissident Aleksandr Solzhenitsyn visited Washington, D.C. and the city's foreign policy establishment sought to obstruct him at every turn. He was refused a meeting with President Ford, who declined to meet with him fearing it would sour an upcoming meeting with Soviet leader Brezhnev.

I sincerely hope this administration does not repeat this mistake.

WATCHING OUT FOR AMERICA'S JOB CREATORS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from

North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, today our Nation is suffering with tremendous economic problems, with unemployment reaching a 26-year high at 9.5 percent. Last month alone, our economy shed 467,000 jobs.

In December 2006, the U.S. had had 54 straight months of job growth, the longest in the history of this country. Democrats took over the Congress in January 2007, and our economy has been going downhill since then. Since January 2009 when President Obama became President and the Democrats continued to control Congress, things have really gone downhill.

Americans of all walks of life are hurting and cutting back as consumer spending slumps and more families find themselves with a breadwinner without work.

What we need to get us out of this slump are policies aimed at helping employers create jobs. When employers create jobs and start hiring, the unemployed can get back to work and rejoin the ranks of the workers that make our Nation great.

And what kind of policies encourage employers to create jobs? Policies that reduce the burden of government mandates and keep the tax man from dipping too deep into the pockets of those who create jobs: small business owners. What we are talking about is cutting back the jungle of red tape and keeping taxes low for the entrepreneurs who always lead the way to economic recovery.

In 1802, Thomas Jefferson put it this way: "If we can prevent the government from wasting the labors of the people, under the pretense of taking care of them, they must become happy." He was voicing a common insight into the tendency of government to quickly put burdensome mandates on entrepreneurs and job-creating small businesses under the guise of lending a helping hand. Today we know this syndrome as big government.

Unfortunately for the real engines of job creation in America, the Ways and Means Committee Democrats floated a massive tax hike in the past few days that will fall squarely on small business owners and entrepreneurs. Sure, they will market their \$540 billion tax increase as "a surtax" on "the wealthy." And you can bet your last dollar that anyone who dares to question this tax will be called a defender of the wealthy.

How about defending the small businesses that will help pull us out of the

recession? How about looking out for innovators and risk takers whose ideas and products create jobs and grow our economy. These are the people who will be shelling out for this new \$540 billion tax. And they are the very same people who could be hiring the unemployed and creating jobs if we just give them the breathing room they need instead of hiking their taxes one more time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 40 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God, Eternal Lawgiver, we bless and praise You. Your very laws of nature form a balance of power and an orderly pattern for the study of science.

The blessed people of this Nation are those who choose each day to be law-abiding citizens, in business, in matters of justice, and even in traffic. Freedom is found and served when obeying the law is seen as preserving the common good and choosing a higher good rather than self-interest.

Good laws not only embody standards of behavior and ideals for us, they also unite us in an orderly pattern of living together and become a common endeavor for each of us to model freedom and responsibility for the rest of the world.

Therefore, Lord, guide and protect the lawmakers of this Nation. Preserve them from all illusions tied to their hopes and free them from prejudice which blinds anyone from equal justice.

By Your Spirit, work in and through the Members of the House of Representatives, that seeing their good work, all may give You glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arkansas (Mr. BOOZ-

MAN) come forward and lead the House in the Pledge of Allegiance.

Mr. BOOZMAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 13, 2009.

HON. NANCY PELOSI,
Speaker, The Capitol,
House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 13, 2009, at 9:14 a.m.:

That the Senate passed with an amendment, requests a conference with the House, and appoints conferees H.R. 2892.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

REPORT ON H.R. 3183, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. OBEY, from the Committee on Appropriations, submitted a privileged report (Rept. No. 111-203) on the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

HONORING ALLBRITTON COMMUNICATIONS FOR ITS GENEROUS CONTRIBUTION TO THE UNIVERSITY OF ARKANSAS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. I rise today to honor the Joe L. Allbritton family, the Allbritton Communications Company, and the Little Rock, Arkansas, ABC affiliate KATV for their generous contribution of an extensive video collection of historical events to the University of Arkansas.

Through a partnership formed between Allbritton Communications and KATV with the David and Barbara Pryor Center for Arkansas Oral and Visual History, KATV's video library,

the largest in the State and one of the largest in the Nation, will be a treasure that all Americans can enjoy.

This Master Cassette Recording Library contains more than half a century of KATV news coverage, including more than 26,000 hours of Arkansas history collected over the past 50 years. The bulk of this video footage has never been made available to the public, and with the additional funds from this gift, the Pryor Center will be able to offer this footage online.

Arkansans and all Americans will be able to benefit from this great historical database that depicts the history of The Natural State.

CONGRESSIONAL "CREDIT CARD" REFORM

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Mr. Speaker, on Friday, the Democrats on the House Ways and Means Committee announced their intention to finance a Washington takeover of health care by raising taxes. For those of you keeping score, the Democrats' economic plan has been to spend billions of new dollars on programs that generated no economic activity in a stimulus package, increase regular appropriations spending at a rate that is sure to increase inflation, implement a national energy tax, and now, create a tax on those the Democrats call wealthy but who you and I call job creators and entrepreneurs. While I'm no economist, I'm pretty certain that no one in their right minds would call this a "pro-growth" agenda.

Remember earlier this year when Congress cracked down on abusive practices by credit card companies? Supporters argued this plan was needed because too many saw credit cards as a license to spend with little or no financial repercussions. Well, maybe we need a congressional "credit card" reform. While there are some in this Chamber who use the U.S. Treasury like a credit card with no limit, our children and grandchildren will be paying for this shortsightedness.

Let's start by rejecting this trillion-plus-dollar fiasco being billed as health care "reform."

POSITIVE SOLUTIONS NEEDED

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, our Nation is enduring one of the most troubling economic periods in its history: 3.5 million Americans have been laid off since this Congress began. Unemployment is approaching 10 percent.

Americans are looking for leadership and real solutions to promote economic

growth and create good jobs, but the Democrats in charge only offer more borrowing and spending that's delaying recovery and job growth. Americans have lost confidence and trust in this majority to lead us to recovery.

Republicans have positive solutions that the American people support: in the economy, to encourage small business, the job creation engine of this Nation; in the area of energy, an all-you-can-create energy policy that would make us independent from foreign oil; and in the area of health care, no government takeover, but putting patients and their families, along with doctors, in charge.

Positive solutions are needed, and we ask all House Members of reason to work together for these positive solutions.

RESOLUTION OF INQUIRY

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I rise today to introduce a resolution of inquiry directing the Attorney General to transmit to the House information in his possession relating to the attempted transfer of detainees held at Guantanamo Bay into the United States.

I have respectfully asked Attorney General Holder on three occasions—March 13, April 23, and May 13—for specific information about his intentions with regard to the transfer of detainees to the U.S. and how he would protect the communities surrounding detainees held in the U.S. I do not believe these were unusual, unreasonable requests.

After waiting 118 days for a response, I received only a cursory letter from the Justice Department's Office of Legislative Affairs last Thursday that failed to address a single question. Worse, the information included was nothing more than a summary of press releases.

The Attorney General's failure to respond to legitimate congressional inquiries is a disservice to the President and the American people.

This resolution would hold the Attorney General to the President's public commitment to transparency and accountability.

DAMAGING EFFECTS OF CAP-AND-TRADE

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. I know there was a pause in the cap-and-tax debate last week, but don't worry, for my colleagues on the other side, we're going to continue to talk about the damaging effects of cap-and-tax. Why? Because jobs will be lost.

The 212-219 vote was a victory for us who were opposing the cap-and-tax bill. In fact, it was a bipartisan "no" vote. It was a bipartisan "no" vote against job loss.

This is a picture of miners who lost their jobs in the last Clean Air Act amendments; 1,200 in this one mine alone.

What's our solution? An all-of-the-above strategy that opens up the Outer Continental Shelf for revenues for renewable fuels, coal for electricity and fuel, wind and solar, nuclear power, renewable fuels.

Those are the job-creating engines that will help us get out of this economic recession. We can't do that by raising energy prices. We can only do that by lowering it. That's the all-of-the-above energy strategy that we have brought to the floor as Republicans. We have to vote against the cap-and-tax bill.

GEORGE WASHINGTON'S RESIGNATION ADDRESS

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. We heard our President say that we're not a Christian Nation—and he may be right, but for those like the President whose education was lacking a great deal in the fullness of our history, I wanted to refer to the greatest resignation of all times.

When George Washington led the military in the Revolution, he did what no man has ever done before or since—won the Revolution and resigned and went home.

In his resolution, the last paragraph on this document said, "I now make it my earnest prayer, that God would have you, and the State over which you preside, in His holy protection, that He would incline the hearts of the citizens to cultivate a spirit of subordination and obedience to government; to entertain a brotherly affection and love for one another, for their fellow citizens of the United States, and particularly for the brethren who have served in the field; and finally, that He would most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that charity, humility and pacific temper of mind, which were the characteristics of the divine author of our blessed religion, and without a humble imitation of whose example in these things we can never hope to be a happy Nation."

That was George Washington.

NEED FOR FISCAL DISCIPLINE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. As most Americans know, in February of this year, this

Democrat Congress and this administration passed a \$1 trillion stimulus bill, with the promise that we would see immediate relief. Even at the Web site for the Recovery Act there is the statement, The Recovery Act is providing immediate fiscal relief, et cetera, et cetera. But the facts tell a different story, Mr. Speaker.

The administration said that if the stimulus bill was passed, that unemployment wouldn't pass 8 percent. It's 9.5 today. Almost 2 million Americans have lost their job since the stimulus was passed.

Remarkably, this administration continues to argue that the stimulus is working. The President of the United States actually said the stimulus had "done its job," and in fact told CNN over the weekend that the stimulus was "working exactly as we anticipated."

His own Treasury Secretary said that the country was "going through a necessary and healthy adjustment." A healthy economy, a stimulus bill that had done it's job?

Mr. Speaker, the American people know better. What we need in this Congress is not another big, old giveaway stimulus bill. What we need is fiscal discipline for Washington, D.C., and tax relief for working families, small businesses, and family farms. That's the Republican prescription for a real recovery, and we ought to get on with it.

□ 1415

THE ELITIST VIEW OF CAP-AND-TRADE

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, we voted on cap-and-trade, or cap-and-tax, here in this House; and a lot of people are wondering what the American people think about it, what does the rest of the country think about it, and what does the world think about it. Well, the votes are in from the elitists. We've just heard from Great Britain's Prince Charles who tells us unless the rest of the world follows us, we only have 96 months until basically the end of this planet. He says, We ought to stop this idea of consumerism, and we've got to stop the little people from being able to advance themselves. Oh, only the elites. Then there is Vice President Gore; and he, appearing across the pond, said, The passage of cap-and-trade is the best step towards global governance that we've ever seen.

So you may wonder what the people in Detroit think. You may wonder what the people out of work in my district think. But we know what the elites think, Thank God for cap-and-

trade so we can keep the little people where they belong. They don't deserve any advancement in the economy. But let the princes of the world continue lecturing the rest of us.

HOLD CONGRESS ACCOUNTABLE FOR HEALTH CARE VOTES

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, last week I offered House Resolution 615 which, paraphrased, says, Members of Congress who vote for a government-run health care option agree to opt out of the current congressional exchange of private insurance choices and accept the same government-run program for themselves. The people are tired of this body making laws and crafting programs without having to face the consequences of the votes cast for them. So I challenge Members to cosponsor my resolution and publicly pledge that they will use the same government-run plan they vote for to care for themselves and their families. If it is good enough for American families, it should be good enough for families of Members of Congress. Furthermore, I challenge the American people to hold their Representatives responsible for their actions in this regard by urging their Representatives to support this resolution. The American people deserve health care that is affordable but does not allow the government to interfere with the sacred doctor-patient relationship.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend—

Mr. BROUN of Georgia. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The Chair has not recognized for that motion. There is no question before the House at this time.

PARLIAMENTARY INQUIRY

Mr. BROUN of Georgia. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. BROUN of Georgia. When I stood up, the Speaker, if I'm not mistaken, recognized me. Is that not correct?

The SPEAKER pro tempore. That is not correct.

Mr. BROUN of Georgia. When I said, "Mr. Speaker," you said, "The gentleman from Georgia," and then I made my motion. You didn't ask why I was standing. You just recognized me, Mr. Speaker.

The SPEAKER pro tempore. The announcement that the gentleman from

Georgia seeks recognition to offer a motion to adjourn does not render such a motion pending. Until the Chair has actually conferred recognition for the motion it cannot become the pending question.

As stated by the Chair under similar circumstances on October 28, 1997, when no question is pending, the Chair may declare a recess pursuant to clause 12(a) of rule I.

RECESS

The SPEAKER pro tempore. There being no question pending at this point, pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 20 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1802

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPPS) at 6 o'clock and 2 minutes p.m.

RESIGNATION AS LEGISLATIVE COUNSEL AND APPOINTMENT AS LEGISLATIVE COUNSEL OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation as Legislative Counsel of the House of Representatives:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE LEGISLATIVE COUNSEL,
Washington, DC, July 6, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I hereby submit my resignation as Legislative Counsel of the United States House of Representatives, effective at the close of business July 13, 2009.

It has been a great honor and privilege to serve as Legislative Counsel.

Sincerely,

M. POPE BARROW.

The SPEAKER pro tempore. With great regret the Speaker accepts the resignation of the distinguished Legislative Counsel, M. Pope Barrow, Jr., effective July 13, 2009.

Pursuant to section 521 of the Legislative Reorganization Act of 1970 (2 U.S.C. 282), the Speaker appoints Sandra L. Strokoff as legislative counsel of the United States House of Representatives to succeed M. Pope Barrow, Jr., resigned.

EXPRESSING THE GRATITUDE OF THE HOUSE OF REPRESENTA- TIVES FOR THE SERVICE OF M. POPE BARROW, JR.

Mr. DINGELL. Madam Speaker, I send to the desk a resolution and ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 635

Whereas M. Pope Barrow, Jr., was appointed to the Office of the Legislative Counsel of the House of Representatives in 1968;

Whereas M. Pope Barrow, Jr., has provided 40 years of service to the House as a member of the Office of the Legislative Counsel under eight successive Speakers;

Whereas M. Pope Barrow, Jr., has served as the Legislative Counsel for 12 years, following his service as the Deputy Legislative Counsel for 4 years;

Whereas M. Pope Barrow, Jr., has been the principal drafter over the past 30 years of Federal laws that protect the environment, preserve public lands and waterways, and promote the production and efficient use of energy resources;

Whereas M. Pope Barrow, Jr., has provided exemplary leadership in undertaking significant programs to modernize the operations of the Office of the Legislative Counsel and the House; and

Whereas M. Pope Barrow, Jr., has provided steady guidance in continuing the professional, nonpartisan service to which the Office of the Legislative Counsel is dedicated: Now, therefore, be it

Resolved, That the House of Representatives expresses its gratitude to—

(1) M. Pope Barrow, Jr., for his 40 years of service to the House; and

(2) the Office of the Legislative Counsel for its more than 90 years of assistance in the drafting of legislation considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 1 hour.

Mr. DINGELL. Madam Speaker, I yield 30 minutes for purposes of debate only to my good friend, the distinguished gentleman from California (Mr. DANIEL E. LUNGREN).

Madam Speaker, I yield to myself 4 minutes.

Madam Speaker, this a great institution in which we all take great pride in serving. And it is that because of the great Constitution, but also because of the Members who have served here over so many years. And we can be proud of those who have served as elected Members. Beyond those Members who have been elected, there are large numbers of people who have served here by appointment as essentially servants of the House, or perhaps more better said, as public servants.

None of those has been more distinguished than the resolution honors. I am very proud to handle this time and to have the privilege of honoring a dear friend. I am also very proud and very happy that we are able to send him off with the dignity, respect and the affection that his long and distinguished service has done.

One of the things that enables us to be very proud of people like Pope Barrow is the dedication, the decency and

the integrity that they bring to their job. In the case of Pope Barrow, he has done this with extraordinary dedication. But beyond that, he has also done it with extraordinary ability, indeed, remarkable ability. One of the things I like to chuckle about is the way that he and the people who have worked for him have made it possible for the House to serve well and Members of this House to serve well, by giving us the best possible legal advice on the handling and the construction of legislation.

From his first day of nearly 40 years of service at the Office of Legislative Counsel, Pope Barrow has been an outstanding public servant. He served first as a law assistant and then more later in higher and higher positions until he served as Legislative Counsel. He has served this country, this Chamber and all of the Members of this body with great distinction and wholly selflessly.

I have worked together with him, as have most of the Members, throughout my years in Congress. He worked on the complicated and arduous Clean Air Act amendments. At that time, I promised him that no longer would we ever allow this legislation to be opened up to public consideration. And those of you who remember the 1990 Clean Air Act will understand how he would thank me profusely for that commitment.

All of us, including myself, have much relied on his expertise in energy, in the environment and public lands. He has been impartial. He has been nonpartisan. He has shown extraordinary judgment. And he has expressed in his deeds an extraordinary sense of duty that has proven to be invaluable to this Chamber. These qualities are reflected in the high regard in which he is held by Members and staff all across the political spectrum and all during his long period of service.

If you speak to the attorneys and staff in the Office of the Legislative Counsel, you will see the impact of Pope's leadership and guidance. He has set high standards in the Office while supporting the attorneys and the staff in their professional and personal pursuits. This balance has set a positive, proactive tone at the Legislative Counsel and has served us all, the Congress and the public at large, extraordinarily well.

I remember years ago, when Pope and I were young, perhaps we were as young as 50, members of my staff would run back and forth to the Office of the Legislative Counsel to drop off drafting requests.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DINGELL. I yield myself 2 additional minutes, Madam Speaker.

Today, in no small part of because of the extraordinary leadership of Pope, the Office of Legislative Counsel has

been modernized. The dedicated and hard-working staff members of the Legislative Counsel are able to utilize technology to provide the critically important service upon which we all rely.

I want to wish him well, on my own behalf and on behalf of my wife, Deborah, as well as the entire body of the House, as he retires to spend more time with his children, Isabel, Pope and Rebecca, and to express to him our good wishes for happiness and to give him a chance to spend more time with the family which he treasures. Perhaps retirement will allow him more time to kayak white-water rivers and to sail across seas. I will surely miss Pope, and I will wish him well on behalf of myself and all of us.

I want to also congratulate Sandy Strokoff on her appointment as Legislative Counsel, and I look forward to working with her in the future.

I reserve the balance of my time, and I ask unanimous consent, Madam Speaker, that my good friend, the distinguished gentleman from Georgia (Mr. BARROW) may control the remaining time on this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H. Res. 635 expressing the gratitude of the House of Representatives for the service of M. Pope Barrow, Jr. In 1970, as a student at Georgetown Law School, I had the opportunity to take a class from a colleague of Mr. Barrow's who was then working in the Legislative Counsel's Office. It was to teach those of us who were law students what the legislative process was really all about, how you made an idea a law. I recall at the time marveling at the command of the rules and the use of the English language that was presented by that Office, and how they were an integral part of the workings of the House of Representatives.

Later when I came to the House of Representatives the first time in 1979, I made it a practice for my office to regularly consult with the Legislative Counsel's Office to ensure that we, in fact, were doing what ought to be done in order to make legislation a reality on this floor. And although a member of the minority party for all 10 years of my first service in this House, I never despaired of the possibility that I might actually pass legislation. So we wanted to make sure that it was done in the right way, and the work of the Legislative Counsel's Office was always extraordinary. Their ability to continue to work tremendous hours is something to behold.

I would also say that they always acted in a nonpartisan way, so that

those of us on the minority side, and then during my return here to the House, my first 2 years on the majority side, which I might say I did enjoy that short period of time, and now once again on the minority, I never noticed a change in the attitude of anybody in the Legislative Counsel's Office with respect to the professional job they did to help those of us who are elected by our constituents to ensure that we get the people's work done in this House.

So, therefore, I am pleased to rise to honor a longstanding member of this Institution's support staff, or Legislative Counsel, Pope Barrow. The House Office of the Legislative Counsel is, as I mentioned, a significant resource and an absolute contributor to the effective execution of a Member's legislative efforts, contributing nonpartisan service to bring important policy objectives to fruition.

□ 1815

I can recall some of the most disappointing moments on the floor of the House when Members have turned to me as we were discussing legislation and I have pointed out what certain words are and they say, don't worry about it; the courts will decide. That's an abrogation of our responsibility under the Constitution. And as one who has had the opportunity to actually see the product of legislation effectively impact the law, that is, as a trial attorney, you know that a word, a phrase, a misplaced comma, an incorrect grammatical presentation can make all the difference in the world in terms of a decision, a real-life decision with litigants before the court. We also know that it impacts the lives of many individuals as they are the beneficiaries of government services or government programs, so it is important for us to attempt to get it right, and Barrow has been one of those people who has dedicated his life to ensure that we do that.

In his various capacities with the Office of Legislative Counsel, he has continued his family's legacy of service to the United States Congress. That legacy, which I understand includes three former Members of the House of Representatives and one Member of the U.S. Senate, is further enriched by the alternate and complementary role that Pope Barrow has served as legislative counsel. He has dutifully served the House of Representatives, guided by the principle that his service might necessarily be equally diligent, regardless of the petitioning partisan, aiming to minimize the enormous cost to society of having law out there that nobody understands. Those are words to live by in this House.

For his many years of service to this body and his commitment to drafting a body of legislation that is intelligible and coherent, I extend my sincere thanks to Pope Barrow, and I would

urge a unanimous vote in support of this resolution.

At this time, I reserve the balance of my time.

GENERAL LEAVE

Mr. BARROW. Resuming our time, Madam Speaker, at the outset, I would like to ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in the RECORD on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARROW. Madam Speaker, I yield myself such time as I may consume.

There are a lot of lives that you can live in the law. You can live the life of the fighter, the champion on the white horse, the litigator, the trial lawyer. You can live the life of the counselor, the deal maker, the advisor, the person who helps to plot his client's course through uncertain waters. There are a lot of lives you can live in the law.

If you are going to be a deal maker though, if you are going to be a counselor, I venture to say that there are very few callings in the world that can call upon as much in the services of the personal lawyer as serving as counsel to a legislative body. In this country, the greatest calling of that sort would be to serve as counsel to the House of Representatives in the U.S. Congress. The biggest deals in the country are made in this Chamber. Certainly this Chamber possesses the body, unlike any court, to trample upon, to barge in upon, to stumble upon, to mess up, settled bodies of law that have slowly emerged and evolved over decades and in other institutions. And short of only the Constitution of the United States, there is nothing to stop a body such as this in messing up in all kinds of ways. And so it's essential that the advice that we have be the best, the best counsel, in order to make sure that the laws we make, that we plan for the future, are fully informed and have the best counsel behind them.

You know, if the Hollywood mogul said that an oral contract ain't worth the paper it's written on, or as a client of mine once said, if it can't be read, it hadn't been said, then it is essential that the deals, the understanding, the undertakings that are made by Members of this body that are oral, that are over a handshake, they have to be reduced to writing, and those writings have to be clear. They have to be understandable. They have to be able to be read and interpreted by all of the parties, as Mr. Lungren so ably said, who have to interpret and rely upon their counsel.

Over the last 50 years, I venture to say, if Carlisle is right, he is the one who said there is no such thing as history; there's just the great man theory of government. There is no history. It's

just the biography of great men. If that's true, then if you subscribe to the lawyer theory of history, then there is no history of law beyond the biography of great lawyers.

In the last 50 years, I'd venture to say the legislative record of this government is probably in the personal biography of Mr. JOHN DINGELL. Over the last 40 years, the legislative record of this Congress has been the professional biography of Middleton Pope Barrow who, more than any other, has guided this House in the undertakings it has made by giving them the language to embody the deals and the understandings that are made here in this body.

A fellow named Charles Black once said, the *prima materia* of all tragedy is the failure to recognize kinship. If that is true in relations between country and relations between people, it's also true in the law. Not to understand what we do and its kinship to what the courts are doing, the regulatory agencies are doing, the States are doing, what this government has done in prior years, in prior Congresses, the failure to recognize that kinship can lead to all kinds of trouble.

I think it's a matter of personal regard, a great personal matter of personal pride for me that I recognize a different kind of kinship with the gentleman we honor today with this resolution, because we have a kinship of a much more basic and prosaic kind. His father's father's father and my father's father's father are one and the same man, the first of this name, Middleton Pope Barrow, and I am very proud to claim kinship with the gentleman we honor today. I am kind of reminded, though, of old Ambrose Bierce's definition of genealogy. Genealogy is the study of one's descent from ancestors who did not necessarily care to know their own.

Well, I do care to know my own. I care to know the descendants of a common ancestor, Mr. Pope Barrow. It's not for me to say how well our district is represented in this House of Representatives, but I think I speak for every member of my family in saying that we feel extremely well represented by the services that Middleton Pope Barrow has rendered this House over the last four decades. We wish you God speed, and God bless in all of your undertakings.

With that, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. I continue to reserve.

Mr. BARROW. I yield 5 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank you very much, my good friend from Georgia. "Wordsmithology" must run in the family, Pope, as I listened to JOHN offer his congratulatory remarks from a cousin.

Madam Speaker, I rise to offer my sincere gratitude and appreciation for Pope Barrow, who, on today, announced his resignation as the sixth legislative counsel for the House of Representatives. Pope has rendered a great service to his country throughout his 40-year career, working his way from a law assistant in 1968 to his current position, which he obtained by appointment by then Speaker of the House, Newt Gingrich in 1997.

I don't know how many bills he's drafted since 1968. He probably doesn't know either, but I can tell you that a great many of our Nation's laws on matters from clean air to taxes, to war powers, to crime, owe much of their language to him. Although his may not be a household name, all of our lives in this great country have been and continue to be impacted by his efforts.

As an aside, I came in direct contact with Pope in seeking additional space for his good offices, and thanks to Speaker PELOSI and her staff, we had a modicum of success. And I said to Pope today, I knew the need for space because, as a young lawyer, I worked in cramped quarters, and I certainly felt that the people who do the people's business here in drafting legislation deserved appropriate space. And I would hope that we continue those efforts to make sure that they are comfortable.

Madam Speaker, it's hard not to understand Pope's commendable dedication to congressional work; indeed, it runs in his family. Several of his relatives have served in the House and Senate, going back to the early 19th century when his great, great, great grandfather, Wilson Lumpkin, served the State of Georgia as a Representative, Senator and Governor. And of course, Pope's cousin, is the gentleman from Georgia's 12th Congressional District, my good friend, JOHN BARROW.

Pope and his staff's steadfast commitment to impartiality, practicality, and parsimony in the drafting of laws have been of great benefit to me over the years, and I am sure that all of our colleagues in the House feel the same. I, as they, have always been able to count on the Office of the Legislative Counsel to ably assist us and our staffs in carefully drafting policies to minimize confusion and maximize the benefits of intended legislation. I looked, during his tenure, to his staff and his staff's guidance, and they never disappointed.

Madam Speaker, while the House of Representatives is losing a devoted member of our body, one who will be sorely missed, I have a sneaking suspicion that while Pope pursues his passion for white-water kayaking, and I heard the Dean of the House say and traveling seas and other activities, his thoughts may only occasionally turn to us here. Nevertheless, I hope that he will visit us often and soon.

We thank Pope for his service and wish him all the best in the next chapter of his life. He leaves an iconic legacy for his successor, whom I compliment, along with our colleague, Ms. Sandra Strokoff. And I urge the passage of this legislation for a gentleman who may have labored in the shadows of this institution but cast a long shadow of his own over the legislation that many of us have provided for our constituents.

Thank you, Madam Speaker. Good luck, Pope.

Mr. LUNGREN of California. Madam Speaker, I would yield to the gentleman from California (Mr. DREIER) such time as he may consume.

Mr. DREIER. Madam Speaker, let me express my appreciation to my colleagues, Mr. LUNGREN, Mr. BARROW, the very thoughtful remarks of my Rules Committee colleague, the gentleman from Ft. Lauderdale, Mr. HASTINGS.

I simply want to chime in and say that four decades of extraordinary service to this institution is, frankly, quite rare. I see the Dean of the House sitting here, and we all know he's been here a little more than a decade beyond that. But it still is extraordinary when we have someone who has taken on what is one of the least recognized, but what is clearly one of the most important, responsibilities in this institution. Bringing the office into the 21st century has been something that has been made possible because of that four decades of experience.

Members have the task of trying to put together legislative packages, and often work, as we all know, is done very late at night. Often, many changes are made which are challenged on both sides, but the professionalism that has been shown by Mr. Barrow and the entire office is something that I can say, as a minority member of the House Committee on Rules, does not go unnoticed or unappreciated.

We are going to have challenging days ahead, and I believe that that four decades of work has laid the groundwork for what I know will be continued professionalism as we deal with these many challenges.

Mr. BARROW. Madam Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from California, the chairman of the Energy and Commerce Committee, Mr. WAXMAN.

Mr. WAXMAN. Madam Speaker, I rise to recognize the tremendous contributions Pope Barrow has made to the House of Representatives and to the country in his service with the Office of Legislative Counsel.

If you watch the floor debate long enough, you will hear Members of Congress correctly noting that hard-working staff never get enough credit around here. Well, there is another group of professionals that often get even less credit for their good work, and that's the staff at the Office of the Legislative Counsel.

Pope Barrow exemplifies the finest characteristics of the men and women who actually draft much of the legislation that becomes law: hardworking, good-natured, and committed to professional standards.

Pope has had a hand in crafting virtually every major energy and environmental initiative that has moved through the Committee on Energy and Commerce in over three decades of my service in the Congress. From clean air to safe drinking water, Pope has worked to draft the laws that the American people count on Congress to get right. He's also worked on laws that are less in the public spotlight, such as laws that regulate our energy markets, laws that require white-water releases from hydroelectric projects.

No matter what the subject of his work, Pope has demonstrated a rare and invaluable ability to refine complicated concepts into comprehensible law.

□ 1830

Pope also has an unusual way of handling the pressures of the job. When Congress was considering the Clean Air Act Amendments of 1990, he would leave the office to kayak down the Potomac River where it gets steep, forceful and challenging through the narrow Mather Gorge at Great Falls just outside of Washington, D.C. I guess he thought, if he could survive that, he could survive anything JOHN DINGELL and I might throw at him.

Moving major legislation is a huge undertaking. It can take months of negotiation. Tensions can get high working under tight deadlines with major consequences at stake. Throughout these times, Pope kept an even keel, and could lighten the mood with a wacky but amazingly apt comparison or metaphor. It made him a pleasure to work with and a legend around here. In that spirit, I'd call Pope the Clark Kent of legislative drafters—mild mannered but delivering a superhuman effort and performance.

Pope displayed immense dedication to his work even up to the very end of his tenure. This spring, when we marked up the energy bill, Pope worked hard to help the committee meet the goal of reporting the bill by the Memorial Day recess. He would work late into the night, but would come in even earlier in the morning.

With Pope's retirement, the House is losing an extraordinary public servant. I know it will be odd for me to look down at the counsel's table during our next energy or environmental markup and not see Pope Barrow there. His contributions have been many, and his presence will be sorely missed.

I want to join all of those in wishing him the best in his next adventures.

Mr. DANIEL E. LUNGREN of California. I yield myself such time as I may consume.

Madam Speaker, we've talked about the professionalism, the dedication of Mr. Barrow. I'd just like to relate a particular incident that came to my attention. It was the day after the House office buildings were shut down because of the anthrax attack. At that time, the Committee on Resources was still in business, bringing bills to the floor for consideration.

So how did they do this?

Well, the only way the committee was able to bring its legislation forward was through the efforts of Pope Barrow, who was working from a dark corner in a conference room in the GAO building, using two BlackBerrys, an aged laptop and the phone. He was able to produce the necessary legislative materials, and the House was able to continue its work but only because of his ingenuity and resourcefulness. It is that kind of dedication, when he could have used any excuse not to be able to perform his job at that time, that has marked his tenure as the legislative counsel, and for that, we thank him profusely.

Madam Speaker, I have no more speakers on my side, so if the gentleman has no more on his side, I will be happy to yield back the balance of my time while urging support of this resolution.

Mr. BARROW. Madam Speaker, I would like to note for the record that colleagues of ours who want very much to be here to express, in person, their congratulations and best wishes to Pope Barrow on this occasion cannot be here because of conflicts that make it impossible for them to come.

Chairman MARKEY of Massachusetts sends his regards. Chairman RANGEL of New York sends his regards. Chairman SLAUGHTER of New York also sends her regards. All planned on coming here to pay tribute in person to the life and work of Pope Barrow, but conflicts in their meeting schedules make it impossible for them to come, and so I merely wish to note for the record their support of this resolution.

Having no other speakers on our side, Madam Speaker, I will wrap up on a personal note.

The poet Robert Frost wrote a short poem that says an awful lot. It is entitled "Devotion," and it goes something like this:

"The heart can think of no devotion greater than being shore to ocean—holding the curve of one position, counting an endless repetition."

When I think of his 40 years of service to this House—20 Congresses, of the gun having to start on legislation that has been on the table for years, having to be started over and over again with new Members coming, all the folks coming and bringing the same ideas back to the table and new ideas emerging throughout all of that. I can't think of any greater devotion than being able to hold the point of serving as counsel to this body.

More to the point, it is not for lack of something better to do that someone like Pope Barrow serves in this body for 40 years. It is because of his devotion to the work of this House and the unique opportunity that he has as counsel to this House and that he has had of serving as counselor to the folks who are making the biggest and most important deals in the country. It is that devotion that we recognize today and certainly not for a lack of anything better to do or that which is more productive in other spheres. So that is the spirit in which I hope we will all acknowledge his service as one of great devotion to our country. With that, it is with a great deal of pride of association—not accomplishment but of association—that I urge the support of this resolution.

Ms. PELOSI. Madam Speaker, I rise today to pay tribute to one of the many proud Americans who have dedicated their professional lives to the House of Representatives: Mr. Pope Barrow.

Pope retires today after more than 40 years of service to Congress—longer than most Members—and a decade as the House's Legislative Counsel.

In this capacity, Pope has drafted legislation that has affected every American: from the air that we breathe, to the food that we eat, to the public lands that belong to all of us.

He has always done so with the utmost impartiality, and with the closest attention to ensuring that the laws that we pass here perform as Congress intends.

It is through these consistent efforts that Pope has earned the trust of his staff, staff from other offices, and Members of Congress.

Pope Barrow's service in the Congress has benefitted all Americans, but I would particularly like to recognize his work on behalf of San Franciscans.

Working with me and many other Members of Congress, Pope Barrow was relentless in his determination to create a viable Presidio Trust for the successful future of America's premier urban national park. He worked countless hours to craft the right language that would ensure bipartisan support and ultimately, passage into law.

May the Presidio long stand as a tribute to Pope's decades of service in the House!

As we honor Pope, we must also recognize his children, Isabel, Pope Jr., and Rebecca, who have also sacrificed so that he could serve along with us.

I would also like to note that Pope comes from a family with many who have dedicated their lives to public service. Pope's great-great-grandfather served in the House, Senate, and as a Governor from Georgia. His great grandfather also served in the Senate. And today, Pope's cousin, Congressman JOHN BARROW, is a distinguished member of this body.

Madam Speaker, Pope Barrow represents the many among us who toil in relative obscurity, but proudly serve our country, as staff in the House of Representatives.

In saluting Pope today, we recognize all of his colleagues who work extremely long hours, and who consistently rise to the call of duty and exceed expectations.

I know Pope intends to pursue his diverse interests: sailing, gardening, and travel. On behalf of the entire House of Representatives, we thank him and honor him for his lifetime of service.

Mr. BOEHNER. Madam Speaker, it's been said before on similar occasions, but bears repeating today: This institution simply could not function without the assistance of the many gifted professional staffers who serve us—and serve our country—here in the House of Representatives.

I rise today to honor the service of one such individual, Pope Barrow, whose talents and tireless dedication have improved countless pieces of legislation during his 41 years as a legislative counsel in the House.

Often, Members of Congress are described by the media as "law makers." Well, Pope Barrow is a "law writer"—and one of the very best ever to serve in that capacity, going all the way back to the days when laws were written by hand, with pens, on parchment. He's that good.

You know, it's not easy—in fact, it's darned hard—to translate the complex and often confusing ideas we come up with around here into clear, concise legislative language that accurately reflects the will of the Congress. But that's precisely the work Pope Barrow dreamed of doing when he came to Washington in 1968, fresh out of Harvard Law School, to start his new job in the Office of the Legislative Counsel.

It was an impressive office to be sure, but young Pope Barrow began at the very bottom of the ladder as a Law Assistant. Over time, he moved steadily up the ranks, first to Assistant Counsel, then to Deputy Legislative Counsel, until in 1997 he was appointed "The" Legislative Counsel to the House.

That's when Pope Barrow's work first came to my attention—because a short time later I became chairman of the Education and Workforce Committee. Pope and his top-notch team in the Office of Legislative Counsel were invaluable to me and my staff during those years. Their assistance helped ensure that our bills were properly prepared and ready on time at each stage of the legislative process. They willingly lent their expertise from the early development of a rough concept to the consideration and final passage of a bill and its eventual signature into law.

Pope's work was always completed in a professional and timely manner no matter how challenging the circumstances. Indeed, Pope and his team continued assisting my committee even during evacuations of the Capitol complex on September 11, 2001, and the deadly anthrax attack several weeks later.

Pope was also instrumental in modernizing the Office of the Legislative Counsel to make it more efficient and effective; he worked tirelessly to upgrade the computer programs used to produce legislative documents, and to make all information available in a user friendly electronic medium.

Madam Speaker, much of what I've just said emphasizes why Pope Barrow's service has mattered to the House. But the best explanation I've ever heard of why the work of the House Legislative Counsel matters to the American people came from Pope Barrow himself. So let me take a moment and share

with all of my colleagues here today something Pope said several years ago:

If there is one thing that we can do here, it is to minimize the enormous cost to society of having laws out there that nobody understands, with everybody having to feud and fight over what it's supposed to do and what it means; and with agencies struggling to put out regulations when they don't really know what the underlying statutes are supposed to mean. Then people have to puzzle over it and fight over it and courts have to litigate it. It is really much better to get the bills written clearly in the first place.

Now I'm sure that Pope Barrow would be the first to tell you that far too often Congress misses that target, sometimes by a country mile. But what he won't tell you is that when our legislation is confusing or seems contradictory, it's almost always in spite of—not because of—the outstanding efforts of Pope Barrow and the dedicated professionals who serve under him.

Madam Speaker, at a time when fewer Americans than ever before spend an entire career working in one place—for the same employer—the United States House of Representatives has benefited greatly from Pope Barrow's commitment to serve here for more than four decades.

Over the past 41 years he has left an indelible mark on laws that have kept our country safe and touched the lives of Americans in ways far too numerous to list. That's a legacy of which Pope Barrow and his family should be truly proud—and for which those of us who serve in the House of Representatives are deeply grateful.

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to honor the career of Mr. Pope Barrow, a man with a distinguished record of service in the House Office of the Legislative Counsel. After more than 40 years, we gather here to celebrate Pope's career and wish him well in retirement.

Pope joined Legislative Counsel in 1968 as a Law Assistant after graduating from Harvard Law School. Over the years he advanced within the Office, working as Assistant Counsel and Deputy Legislative Counsel. In 1993, then Speaker Newt Gingrich appointed Pope as the sixth Legislative Counsel, where he continued under Speaker Hastert and our current Speaker.

Drawing on his broad legislative experience, Pope has led the House Office of the Legislative Counsel in fulfilling, and exceeding its mission to provide impartial and confidential assistance in legislative drafting. Legislative Counsel has consistently provided dedicated service to the Committee on Education and Labor. Whether we required help drafting a bill or amendment, Pope and his staff has always conducted themselves with the utmost professionalism.

For almost 40 years, Pope Barrow has worked with tireless dedication drafting legislation and providing impartial advice and analysis on numerous issues. During his tenure as Legislative Counsel he has remained actively involved in legislative activities, demonstrating time and again, his commitment to the House. In fact, he himself undertook the drafting of the recently passed Head Start bill when one of his staff attorneys faced a family emergency. Without such efforts, our Committee

would not have been able to have put forth such high quality of legislation.

The achievements of the House Office of the Legislative Counsel under the leadership of Pope are numerous. His presence and expertise will be sorely missed, but I have no doubt that the Office will continue its record or high quality work.

Madam Speaker, I commend the many years of service of Mr. Barrow and wish him nothing but the best in retirement.

Ms. SLAUGHTER. Madam Speaker, I want to take a minute to pay tribute to Pope Barrow.

Mr. Barrow heads the Office of the Legislative Counsel, an office that advises and assists Members to effect a "clear, faithful, and coherent expression of legislative policies." While it's optional to use the services provided by Legislative Counsel, most members have learned over the years that it's worth the time to cooperate with the experts. The office provides legal assistance in connection with virtually every bill, resolution, amendment, and conference report introduced or offered in the House or one of its committees.

Pope has led the operation since 1999 after joining the office back in 1968. He has worked on legislation in a variety of different fields including: taxation; foreign affairs; war powers; pensions; environmental law; public land law; and energy law. Even after being appointed to the top job he continued to work on energy law in addition to his management responsibilities.

The son of a United States Marine, Pope was born in Savannah, Georgia in 1942 near Parris Island, South Carolina. He grew up on a farm near here, in Maryland. He attended Yale College and then Harvard Law School before beginning his distinguished career in the House of Representatives.

In recent years, Pope has worked very closely with the Rules Committee, the committee that I have the privilege to chair. Pope is a true professional, nonpartisan, neutral, and serving both parties equally. Over the years, he has provided drafting assistance to Members representing all political viewpoints and it is a credit to his reputation that he and his staff always managed to maintain confidentiality with each client.

The pressures of the legislative agenda have only grown over the years since Pope was appointed Legislative Counsel.

But in that time he has guided his staff of 45 attorneys and 16 support staff through some of the most taxing legislative sessions, producing literally tens of thousands of professionally drafted documents each year. His expertise, willingness to be part of the solution, and lively spirit will be sorely missed in this House.

Today, the Rules Committee and the Congress is losing one of its greatest resources. We wish Mr. Barrow all the best in his life after he leaves behind the hectic amendment deadlines and late night drafting and moves on to new challenges. In fact, Pope recently sailed across the Atlantic in 21 days—not bad for an attorney—and we hope he now finds time to sail across the Pacific.

Mr. RAHALL. Madam Speaker, I join with my colleagues in paying tribute to the service of Mr. Pope Barrow to the House of Rep-

resentatives in the Office of Legislative Counsel. It is with regret that I learned recently that Pope has announced his retirement after a career of stellar service to this body.

Serving 40 years with the Office of Legislative Counsel, Pope has held a number of positions of increasing responsibility including Counsel, Senior Counsel, Deputy Legislative Counsel and lastly Legislative Counsel. His service to the House has been exemplary and the legislation passed by this House is better because of his efforts.

For many years, Pope was the go to guy in the Legislative Counsel's office on natural resource legislation. As a 33-year member of the Natural Resources Committee, I and my staff have called upon Pope numerous times to draft important and complex natural resource legislation. I am grateful for Pope's efforts in drafting legislation that led to the designation in my home State of West Virginia of the Gauley River National Recreation Area and the Bluestone Wild and Scenic River.

Madam Speaker, I know that my colleagues will be able to elaborate on Pope's legislative efforts but I want to make note of Pope's skills outside the legislative workplace. Some of my colleagues may not be aware that Pope is an accomplished kayaker. On more than one occasion when I was in my district I would run into Pope who was in West Virginia to kayak the beautiful and challenging whitewater found in my State. But Members did not have to go to West Virginia to find Pope on the water. He is a well-known fixture on the local kayaking scene and could often be found challenging the whitewater rapids of the Great Falls of the Potomac River.

Madam Speaker, while I have noted Pope's legislative and kayaking prowess, I would be remiss if I did not mention his greatest attribute; he is genuinely a nice guy. Fair and level-headed, he is proof that nice guys do not always finish last.

On behalf of myself and the many Natural Resources Committee staff that Pope has worked with, I want to wish Pope all the best in his retirement and thank him again for the many services he has provided Members and staff over the years.

Mr. RANGEL. Madam Speaker I rise today to pay tribute to the hard working individuals in the Office of the House Legislative Counsel, and to applaud their work on behalf of the House of Representatives.

This marks an historic day in the Office of the Legislative Counsel, as we celebrate the retirement of Mr. Pope Barrow, after decades of hard work, and welcome the leadership of the new Legislative Counsel, Ms. Sandy Strokoff.

Members of the House of Representatives have a long relationship with the Office of the Legislative Counsel. We rely on their technical expertise, historical knowledge, and attention to detail as we work on legislation to better our country.

Their body of work, and their devotion to making the laws that the people of this country live under intelligible and coherent, contribute greatly to our lawful society.

My Committee in particular, the Ways and Means Committee, quite possibly has had the longest relationship with the Office. Many of you may not know that over 90 years ago,

when the Office of the Legislative Counsel first opened, the dedicated attorneys in that office drafted revenue provisions exclusively.

Over the years, the Office has grown and hired attorneys with an extremely extensive and expansive breadth of knowledge in almost any area you can imagine. I think every Member and staffer in this body would agree that it is impossible to overestimate our reliance on their judgment and professionalism as we do our jobs.

Pope Barrow first joined the Office of the Legislative Counsel in 1968. A quick calculation will show that his tenure has spanned almost half the existence of the office—a testament to his commitment and dedication to his position and this body.

Mr. Barrow rose up the ranks in the Office of the Legislative Counsel, starting as a Law Assistant, followed by promotions to Assistant Counsel, Deputy Legislative Counsel, and finally, in August 1997, attaining the position of Legislative Counsel.

Forty-one years after he first joined, I congratulate Mr. Barrow on his lifetime of achievements, not just in the legislative world, but also in his commitment to preserving and enjoying our Nation's whitewater rivers. I wish him the best in his retirement, and I hope he can continue to satisfy his adventurous spirit for years to come.

In this transition, I would also like to take the opportunity to congratulate Ms. Sandy Strokoff on her historic appointment as House Legislative Counsel. Ms. Strokoff is the first woman to attain this position, which is quite fitting during these exciting times filled with so many "firsts" for this great Nation of ours.

Ms. Strokoff also presents a long history with the Office of the Legislative Counsel. She first joined the Office in 1975 as Assistant Counsel, rising to Senior Counsel in 2000, and today, achieving the title of House Legislative Counsel.

Over the years, she has built a vast portfolio of legislative experience, but in particular, her expertise in international trade matters has been invaluable to me and my Committee Members.

I would like to congratulate Ms. Strokoff on her achievement, and let her know that I look forward to the work I and my staff will do with her office in the future.

Mr. MARKEY of Massachusetts. Madam Speaker, I rise to join in celebrating the career of Pope Barrow, who is stepping down as House Legislative Counsel.

I have served in this House since 1976, and I have known and worked closely with Pope Barrow throughout my 33 years in this body.

Pope is a true professional—for the last 40 years he has been the House's very own Pontiff of Paper, performing miracles in translating Members' ideas and concepts into well-crafted bills, amendments, and resolutions. He began his career in the Office of Legislative Counsel in 1968, and in 1997 he was appointed to serve as the Sixth House Legislative Counsel since that office was first created in 1918. Today, Pope Barrow leaves his post as head of the Office, and I and many other Members and staff who have worked with him over the years will miss him.

Over the years, Pope has assisted hundreds of Members and their staffs in the drafting of a wide range of legislation. He helped

to draft the War Powers Act; he drafted education laws, tax laws, and pension laws. But, it is really in the field of Energy and Environmental law that Pope has made his mark.

Pope helped draft the Clean Air Act, the Safe Drinking Water Act, the Solid Waste Disposal Act, the Superfund law, the Public Utility Regulatory Policies Act, various amendments to the Federal Power Act. He has worked on each and every omnibus energy bill of the last three decades, including the Energy Policy Act of 1992, the Energy Policy Act of 2005, the Energy Independence and Security Act of 2007. In intervening years, he has worked on other smaller energy bills that are too numerous to mention.

Pope Barrow has also spent years drafting public lands, mining, parks and recreation laws. He was, for example, the principal draftsman of the National Parks and Recreation Act of 1978, which passed under former Representatives Mo Udall and Phil Burton's leadership. He drafted the Alaskan Lands Act with Mo Udall and former Representative John Seiberling.

Just a few days ago, Pope stood on the floor of this House as we took up the Waxman-Markey American Clean Energy and Security bill. Like so many other energy and environmental bills before it, this was a bill drafted in part by Pope Barrow, and the other attorneys he has trained and mentored. But, Pope and his colleagues also drafted many of the amendments offered to the bill by the bill's opponents. For that is the duty of the lawyers that this House has chosen to serve as our legislative scribes. They must serve all of the Members of this House, regardless of party and regardless of position. They must maintain the confidentiality of their contacts with various Member and Committee offices. They must remain neutral as to issues of legislative policy.

Pope and his colleagues in the Office of Legislative Counsel are truly a national treasure. They work very hard to make sure that the bills, resolutions and amendments that we offer are as clearly written, as understandable, and as reflective of legislative intent as is humanly possible. He and his colleagues work long hours, nights, and sometimes weekends, and for some very demanding clients. They truly are public servants. We simply could not do our job around here without their assistance.

When I think of a markup in the Energy and Commerce Committee, or in the Natural Resources Committee, I think of Pope Barrow sitting down at the Counsel's table, ready to assist the Members as we work our way through whatever legislation is before us. Pope, we will miss you down at your usual spot in the counsel's chair.

But we also know that Pope Barrow does have interests outside of the office. Over the years, Pope has been an active whitewater kayaker who has paddled rapids across the country and all around the world. While he still kayaks, Pope reports that it has been years since he has run the Class V waterfalls at Great Falls on the Potomac.

Pope is also an avid sailor, who has sailed up and down the East Coast from Nova Scotia to Key West, and who has sailed across the Atlantic and all around the Mediterranean. In

fact, on one ill-fated sailing expedition back in the 1970s, Pope and his father capsized their boat off the coast of Florida in a bad storm and spent several hours in the ocean before floating ashore.

Pope, we salute your service to this House of Representatives. We thank you for all that you have done for the hundreds of Members and thousands of staffers you have done work for. We wish you all the best as you leave this People's House to enjoy your retirement. Please keep an eye on the weather reports for squalls, check those river gauges, and keep both your paddling gear ready for the river and your sailboat ready for sea. Best wishes to you and to your family as you embark on the next chapter of your life.

Mr. GORDON of Tennessee. Madam Speaker, I rise today to honor retiring Legislative Counsel M. Pope Barrow, Jr., a true public servant who has dedicated over forty years to the House of Representatives.

Pope Barrow has worked in the House Office of Legislative Counsel since 1968, beginning as a Law Assistant and serving in the Office until his appointment as the sixth Legislative Counsel in 1997. The House Office of Legislative Counsel plays a critical, often behind-the-scenes, role in the legislative process. The Office is responsible for ensuring that legislation is drafted in a clear, intelligible, and coherent manner that accurately reflects Members' or Committees' legislative objectives. Pope Barrow has ably served the Office of Legislative Counsel and the House of Representatives throughout his forty-plus year career on Capitol Hill.

During his distinguished career in the Office of Legislative Counsel, Pope has drafted important legislation dealing with energy and environmental issues, foreign assistance, criminal law, and pension reform, among many other issues. In addition to drafting key pieces of legislation, in his role as Legislative Counsel Pope has been responsible for modernizing and implementing significant improvements to the operations of the Office.

Madam Speaker, I would like to congratulate Pope Barrow on his 40-plus years of dedicated public service, and wish him all the best in his retirement. We know that Pope is an avid whitewater enthusiast and river conservationist. He has explored whitewater rivers throughout the United States and internationally, and was recognized for his conservation efforts with the River Conservationist of the Year award in 1987. We hope he will continue these endeavors in retirement. We wish Pope and his family well. Please join me in honoring him on this special occasion.

Mr. BARTON of Texas. Madam Speaker, it is my honor today to highlight the career of Pope Barrow, Legislative Counsel of the United States House of Representatives, who retires after over 40 years of service to this body.

In honoring Pope Barrow, a man who has spent his career making sense of our words and intent, I can best encapsulate the meaning and value of his service with Pope's own words: "Our intended role has always been the same, which is the role of trying to create a body of legislation that is intelligible and coherent and administrable by agencies and that can be interpreted by the courts and give peo-

ple clear guidance on what rules they have to live by in the Federal law. That's our goal. It's a simple one." And throughout his 40 years of service, Pope has achieved this goal time and time again.

Pope joined the legislative counsel's office as a Law Assistant upon graduation from Harvard Law School in 1968, quickly rising to Assistant Counsel in 1969, and then to Deputy Legislative Counsel in 1993. In 1997, Speaker Newt Gingrich appointed Pope to be the head of the office responsible for the management of the House legislative counsels. This is a position he has continued under Speakers Hastert and PELOSI. During his tenure as Legislative Counsel, Pope has undertaken a significant program of modernization and improvements in the operations of the Office and has skillfully enlisted the help of all personnel in this endeavor.

Pope has been involved in most major energy and environmental legislation considered by the Energy and Commerce Committee during his tenure with Legislative Counsel. Throughout my years with the Energy and Commerce Committee, Pope has worked on more bills and amendments for me than I can count. Highlighted pieces of legislation include the Barton/Clement amendment on nuclear relicensing which was included in the Energy Policy Act of 1992; the Clean Air Act amendments of 1990; and the Energy Policy Act of 2005. Under Pope's leadership, the House Legislative Counsel was responsible for all drafting throughout the EPACT 2005 conference. Pope is the consummate professional, once describing the work of the Legislative Counsel by explaining: "We are impartial, like an umpire. You call it as you see it. You don't try to give one side an advantage over another side. You try to do as good a drafting job for the majority as you do for the minority and vice versa, and try to put as much thought and energy and work into each one."

Pope has continued his excellent, impartial service to all regardless of which party controlled Congress. My staff has checked, and even though Pope descends from a family that has included two U.S. Representatives, two U.S. Senators, and one Governor—all from Georgia—and is cousins with current U.S. Representative JOHN BARROW from Georgia's 12th District—Pope is responsible for more pieces of legislation becoming law than all of them combined.

In addition to being the father of three, Isabel, Pope, and Rebecca, Pope is an avid whitewater enthusiast, kayaker, and sailor, who has explored whitewater rivers throughout the United States, Canada, Mexico, Costa Rica, and Chile. In 1987, Pope received the River Conservationist of the Year Award. He is co-author of *Rivers at Risk* and the editor of *Nationwide Whitewater Inventory*.

As an avid whitewater kayaker, Pope Barrow knows that a fork in the river is a choice between two courses, and with his retirement he is choosing his next adventure. On behalf of all of us who have benefited from Pope's excellent counsel, his dedication to the rule of law, and his enthusiasm for collaborating with Members and staff alike, I thank him for his more than 40 years of service and wish him the best of luck.

Mr. CAMP. Madam Speaker, I rise today to pay tribute to a man who, as Legislative Counsel, has truly been an unsung hero of the Congress. Pope Barrow has loyally, diligently and selflessly served the U.S. House of Representatives and the American people for nearly forty years in a role that brought him no public accolades but the deep appreciation of Members of this great Chamber.

As Legislative Counsel, Pope has carried out the often thankless task of turning ideas for bills and amendments into statutory text, and he has done so with an unfailing dedication to the office's commitment to serving as a non-partisan resource in a task where politics is the name of the game.

Legislative Counsel's key role in the process is to quickly and accurately turn the ideas of legislators and staff into statutory text. As my colleagues on the Ways and Means Committee will attest, this challenge is especially acute in the world of tax, as a single missed word or incorrect cross-reference can turn into a multi-billion dollar tax loophole.

The difficulty of accurately drafting bills and amendments, often on tight timelines, is daunting, to say the least. Mr. Barrow performed this task with unwavering diligence, commanding the respect of his fellow colleagues and the appreciation of Members and staff over the years, all while keeping the confidences necessary to be trusted by Republicans and Democrats working on opposite sides of the same issue. Though he often flew under the radar, his tireless efforts and years of service have not gone unnoticed. I am pleased to rise today to thank him for that.

Madam Speaker, on behalf of the U.S. Congress, I thank Pope Barrow for his exemplary years of hard work and dedication to making democracy work. I wish him nothing but the best in his retirement.

Congratulations and best of luck.

Mr. ISSA. Madam Speaker, I just want to take a brief moment to commend Pope Barrow on his service to the House.

He has been a witness to history—serving through a succession of speakers, passage of landmark legislation, and unprecedented political change. But he and his team have served as a steady hand throughout.

The professionals in the Legislative Counsel's office are truly instrumental to the function of the House and our legislative process. They participate from the initial concept, through multiple rewrites and phone calls, until we have something that hopefully respects the law and the Constitution.

At times we are in a rush, pushed and pulled by the demand of policy and politics to move hastily. Under Mr. Barrow's able leadership, however, he and his team always guided and assisted us with a steady hand, providing timely, professional, and nonpartisan advice.

Madam Speaker, I simply want to express my gratitude to him for his service, and express my thanks to everyone in the Legislative Counsel's office for their work.

Mr. BRADY of Pennsylvania. Madam Speaker, there are many people who work very hard behind the scenes to enable the House to fulfill its legislative responsibilities, and Pope Barrow is unsurpassed in his craft. As "the" House Legislative Counsel for the past dozen years, and as "a" legislative coun-

sel for 28 years before that, Barrow has helped me and every Member to prepare and perfect our legislation, that is, the actual words on the papers that Congress enacts into the law of the land. He is a gruff yet genial fellow who takes great pride in his work, and rightly so. He has much to be proud of over the course of his career, as many of my colleagues have already described.

I frankly don't know about Barrow's other genres, but as Legislative Counsel his professional work product here can be indecipherable. Even Shakespeare's prose makes lighter reading. With the Bard one needs only an English-language dictionary nearby. For Barrow's works, one needs, at a minimum, not only Webster's but Black's Law Dictionary, the Revised Statutes of the United States, the Statutes-at-Large, the United States Code, and a pot of strong coffee.

Writing federal legislation is obviously a unique skill and a decorative art form. Pope Barrow and his office colleagues have mastered it. As a practical matter, all of us Members untrained as lawyers in our former lives would always find ourselves at a disadvantage in any legislature, so we owe Pope Barrow and his colleagues an extraordinary debt of gratitude. He evens the playing field so a carpenter like me can compete with any other Member in this place.

Madam Speaker, on behalf of myself and my own staff, and on behalf of the staff of the House Administration Committee, I wish Pope well in his next endeavors, whatever they may be. May Pope Barrow always look back over his 40 years here as fondly as will his office colleagues and every Member of this House.

Mr. BARROW. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the resolution is adopted and a motion to reconsider is laid upon the table.

There was no objection.

ADJOURNMENT

Mr. HASTINGS of Florida. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 208, nays 172, not voting 52, as follows:

[Roll No. 530]

YEAS—208

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman

Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Burton (IN)
Capps

Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver

Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Fudge
Giffords
Gonzalez
Grayson
Green, Al
Green, Gene
Griffith
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.

Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Markey (CO)
Markey (MA)
Marshall
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meek (FL)
Melancon
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paul
Payne
Perlmutter

Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rangel
Richardson
Rodriguez
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Serrano
Shea-Porter
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Taylor
Teague
Thompson (CA)
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Watt
Waxman
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—172

Adersholt
Adler (NJ)
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Bartlett
Berry
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boccheri
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Buyer
Calvert
Camp
Campbell
Cao
Capito

Carney
Carter
Cassidy
Castle
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger

Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hunter
Inglis
Issa
Jenkins
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kucinich
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
LoBiondo
Lucas
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Massa
McCarthy (CA)

McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
McMorris
Rodgers
McNerney
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Moran (VA)
Murphy, Tim
Myrick
Nunes
Paulsen
Pence
Perriello

Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner

Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Tanner
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

Akin
Barrett (SC)
Barton (TX)
Bono Mack
Brown, Corrine
Brown-Waite,
Ginny
Butterfield
Cantor
Coble
Conyers
Costello
Davis (IL)
Deal (GA)
Engel
Frank (MA)
Gerlach
Gordon (TN)

NOT VOTING—52

Graves
Grijalva
Gutierrez
Hersteth Sandlin
Hill
Hincey
Hoekstra
Johnson (IL)
Linder
Lipinski
Luetkemeyer
Mack
Maloney
Matheson
Meeks (NY)
Mollohan
Murphy (NY)
Murtha
Neugebauer
Reyes
Rohrabacher
Ross
Rothman (NJ)
Schauer
Schrader
Scott (VA)
Sestak
Sires
Stearns
Tierney
Upton
Waters
Watson
Weiner
Young (FL)

BERGER, HIGGINS, Ms. MARKEY of Colorado, Ms. HIRONO, Ms. HARMAN, Messrs. RUSH, EDWARDS of Texas, BACA, FARR, Mrs. LOWEY, Mr. RANGEL and Ms. ESHOO changed their vote from “nay” to “yea.”

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. CONYERS. Madam Speaker, this evening, I was called away on personal business. I regret that I was not present to vote on the motion to adjourn for the day. Had I been present, I would have voted “yea.”

Accordingly (at 7 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 14, 2009, at 10:30 a.m., for morning-hour debate.

□ 1902

Messrs. BROUN of Georgia and DONNELLY of Indiana changed their vote from “yea” to “nay.”

Ms. MATSUI, Mr. GONZALEZ, Ms. VELAZQUEZ, Messrs. RUPPERS-

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the first quarter and second quarter of 2009 pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CHINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24 AND MAY 30, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Nancy Pelosi, Speaker	5/24	5/30	China		2,557.00		(³)				2,557.00
Hon. James Sensenbrenner	5/24	5/30	China		2,557.00		(³)				2,557.00
Hon. Edward Markey	5/24	5/30	China		2,557.00		(³)				2,557.00
Hon. Earl Blumenauer	5/24	5/30	China		2,557.00		(³)				2,557.00
Hon. Jay Inslee	5/25	5/30	China		2,376.00		^{3 4} 4,363.00				6,739.00
Hon. Jackie Speier	5/24	5/30	China		1,241.00		^{3 4} 6,184.00				7,425.00
Wilson Livingood	5/24	5/30	China		2,557.00		(³)				2,557.00
Brian Monaghan	5/24	5/30	China		2,557.00		(³)				2,557.00
Wyndee Parker	5/24	5/30	China		2,557.00		(³)				2,557.00
Jonathan Stivers	5/24	5/30	China		2,557.00		(³)				2,557.00
Brendan Daly	5/24	5/30	China		2,557.00		(³)				2,557.00
Karen Wayland	5/24	5/30	China		2,557.00		(³)				2,557.00
Bridget Fallon	5/24	5/30	China		2,557.00		(³)				2,557.00
Michael Long	5/24	5/30	China		2,557.00		(³)				2,557.00
Thomas Schreifel	5/24	5/30	China		2,557.00		(³)				2,557.00
Gerry Waldron	5/24	5/30	China		2,557.00		(³)				2,557.00
Steve Rusnak	5/24	5/30	China		2,557.00		(³)				2,557.00
Committee total					52,519.00						52,519.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

⁴ USD amounts in transportation column reflect commercial airline costs for those Members.

HON. NANCY PELOSI, Speaker of the House, June 24, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NATO PARLIAMENTARY ASSEMBLY SPRING MEETINGS IN OSLO, NORWAY, STOCKHOLM, SWEDEN, AND HELSINKI, FINLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 22 AND MAY 31, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. John Tanner	5/22	5/26	Norway		1,781.57		(³)				2,950.10
	5/26	5/28	Finland		649.53		(³)				
	5/28	5/31	Sweden		519.00		(³)				
Hon. John Boozman	5/22	5/26	Norway		1,781.57		(³)				2,924.77
	5/26	5/28	Finland		624.20		(³)				
	5/28	5/31	Sweden		519.00		(³)				
Hon. Ben Chandler	5/22	5/26	Norway		1,781.57		(³)				2,924.77
	5/26	5/28	Finland		624.20		(³)				
	5/28	5/31	Sweden		519.00		(³)				
Hon. Jo Ann Emerson	5/22	5/26	Norway		1,781.57		(³)				2,924.77
	5/26	5/28	Finland		624.20		(³)				
	5/28	5/31	Sweden		519.00		(³)				
Hon. Kendrick Meek	5/22	5/26	Norway		1,781.57		^{3 4} 2,264.01				4,045.58
Hon. Jeff Miller	5/22	5/26	Norway		1,781.57		(³)				2,924.77
	5/26	5/28	Finland		624.20		(³)				
	5/28	5/31	Sweden		519.00		(³)				
Hon. Dennis Moore	5/22	5/26	Norway		1,781.57		(³)				2,924.77
	5/26	5/28	Finland		624.20		(³)				
	5/28	5/31	Sweden		519.00		(³)				
Hon. Mike Ross	5/22	5/26	Norway		1,781.57		(³)				2,924.77
	5/26	5/28	Finland		624.20		(³)				
	5/28	5/31	Sweden		519.00		(³)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NATO PARLIAMENTARY ASSEMBLY SPRING MEETINGS IN OSLO, NORWAY, STOCKHOLM, SWEDEN, AND HELSINKI, FINLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 22 AND MAY 31, 2009—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. David Scott	5/22	5/26	Norway		1,781.57		³ 4,345.00				5,840.99
	5/26	5/28	Finland		624.42						
Hon. John Shimkus	5/22	5/26	Norway		1,781.57		³ 4,216.05				
Hon. Mike Turner	5/22	5/26	Norway		1,781.57		(⁴)				2,924.99
	5/26	5/28	Finland		624.42		(⁴)				
	5/28	5/31	Sweden		519.00		(⁴)				
Melissa Adamson	5/22	5/26	Norway		1,781.57		(⁴)				2,924.99
	5/26	5/28	Finland		624.42		(⁴)				
	5/28	5/31	Sweden		519.00		(⁴)				
Kathy Becker	5/22	5/26	Norway		1,781.57		(⁴)				2,924.99
	5/26	5/28	Finland		624.42		(⁴)				
	5/28	5/31	Sweden		519.00		(⁴)				
Vince Morelli	5/22	5/26	Norway		1,781.57		(⁴)				2,924.9
	5/26	5/28	Finland		624.42		(⁴)				
	5/28	5/31	Sweden		519.00		(⁴)				
Delegation Expenses:											
Representational Funds									9,662.30		9,662.30
Miscellaneous											
Committee total					38,167.81		7,815.06		9,662.30		55,645.17

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

⁴ USD amounts in transportation column reflect commercial airline costs for those Members.

Hon. JOHN S. TANNER, Chairman, June 30, 2009.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2597. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1052] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2598. A letter from the Regulatory Specialist, LRAD, Department of Treasury, transmitting the Department's final rule — Assessment of Fees [Docket No.: OCC-2008-0001] (RIN: 1557-AD06) received June 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2599. A letter from the Chief Operating Officer, Community Development Financial Institutions Fund, Department of Treasury, transmitting the Department's final rule — Bank Enterprise Award Program (RIN: 1505-AA91) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2600. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Risk-Based Capital Guidelines—Money Market Mutual Funds [Docket ID: OCC-2008-0015] (RIN: 1557-AD15) received June 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2601. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Prior Approval for Enterprise Products (RIN: 2590-AA17) received June 25, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2602. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2603. A letter from the Secretary, Department of the Treasury, transmitting the De-

partment's semiannual reports from the Office of the Treasury Inspector General and the Treasury Inspector General for Tax Administration, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

2604. A letter from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting the 2008 management report and statements on system of internal controls of the Federal Home Loan Bank of Atlanta, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2605. A letter from the Associate Special Counsel for Legal Counsel and Policy, Office of Special Counsel, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2606. A letter from the Inspector General, transmitting the Office's final report on the Member Centralized Servers project (Report No. 09-CAO-12); to the Committee on House Administration.

2607. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a special report pertaining to the Department's most comprehensive study of stalking to date confirming that stalking is pervasive, women are at higher risk of being stalked, and there is a dangerous intersection between stalking and more violent crimes; to the Committee on the Judiciary.

2608. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Calculation of Noise Levels Published in Advisory Circular 36-3 — received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2609. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Emission Standards for Turbine Engine Powered Airplanes; Correction [Docket No.: FAA-2009-0112; Amendment No. 34-4] (RIN: 2120-AJ41) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2610. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace, Modification of Class E

Airspace; Bunnell, FL [Docket No.: FAA-2009-0327; Airspace Docket 09-ASO-014] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2611. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Mount Sterling, IL [Docket No.: FAA-2009-0115; Airspace Docket No. 09-AGL-3] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2612. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Cleveland, OH [Docket No.: FAA-2009-0127; Airspace Docket No. 09-AGL-4] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2613. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Waverly, OH [Docket No.: FAA-2009-1236; Airspace Docket No. 08-AGL-16] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2614. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30671; Amdt. No. 3325] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2615. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes; Model A300 B4-601, B4-603, B4-620, B4-622, B4-605R, B4-622R, F4-605R, F4-622R, and C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310 Airplanes [Docket No.: FAA-2008-1082; Directorate Identifier 2007-NM-337-AD; Amendment 39-15925; AD 2009-12-02] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2616. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-201, -202, -203, -223, -243, -301, -302, -303, -321, -322, -323, -341, -342, and -343 Series Airplanes [Docket No.: FAA-2009-0262; Directorate Identifier 2008-NM-208-AD; Amendment 39-15946; AD 2009-13-07] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2617. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No.: FAA-2009-0133; Directorate Identifier 2008-NM-107-AD; Amendment 39-15933; AD 2009-12-10] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2618. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DORNIER LUFTFAHRT GmbH Models Dornier 228-100, Dornier 228-101, Dornier 228-200, Dornier 228-201, Dornier 228-202, and Dornier 228-212 Airplanes [Docket No.: FAA-2009-0261 Directorate Identifier 2009-CE-017-AD; Amendment 39-15943; AD 2009-13-04] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2619. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. PA-23, PA-31, and PA-42 Series Airplanes [Docket No.: FAA-2009-0218; Directorate Identifier 2009-CE-006-AD; Amendment 39-15944; AD 2009-13-06] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2620. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Model TBM 700 Airplanes [Docket No.: FAA-2009-0557; Directorate Identifier 2009-CE-031-AD; Amendment 39-15944; AD 2009-13-05] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2621. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No.: FAA-2009-0133; Directorate Identifier 2008-NM-107-AD; Amendment 39-15933; AD 2009-12-10] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2622. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-92A Helicopters [Docket No.: FAA-2009-0518; Directorate Identifier 2009-SW-22-AD; Amendment 39-15940; AD 2009-13-01] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2623. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes; Model A300 B4-601, B4-603, B4-620, B4-622, B4-605R, B4-622R, F4-605R, F4-622R, and C4-605R

Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310 Airplanes [Docket No.: FAA-2008-1082; Directorate Identifier 2007-NM-337-AD; Amendment 39-15925; AD 2009-12-02] (RIN: 2120-AA64) received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2624. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "Fundamental Properties of Asphalts and Modified Asphalts — III", pursuant to Pub. L. 109-59, Sec. 5204(g)(1); to the Committee on Transportation and Infrastructure.

2625. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a joint report that describes activities related to the Proliferation Security Initiative, including associated funding, that are planned to be carried out by the United States over the next three fiscal years, pursuant to Public Law 110-53, section 1821(b); jointly to the Committees on Foreign Affairs and Armed Services.

2626. A letter from the Director, National Film Preservation Foundation, transmitting the Foundation's Report to the U.S. Congress for the Year Ending December 31, 2008; jointly to the Committees on the Judiciary and House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PASTOR of Arizona: Committee on Appropriations. H.R. 3183. A bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-203). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBEY: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2010 (Rept. 111-204). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. THOMPSON of Mississippi: Committee on Homeland Security. H.R. 2868. A bill to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes; with an amendment (Rept. 111-205 Pt. 1); referred to the Committee on Judiciary for a period ending not later than July 31, 2009, for consideration of such provisions of the bill and the amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2868. Referral to the Committee on Energy and Commerce extended for a period ending not later than July 31, 2009.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LANGEVIN (for himself, Mr. YOUNG of Alaska, Mr. KUCINICH, Mr. MCGOVERN, Mr. BISHOP of Georgia, Mr. SMITH of New Jersey, Mr. FARR, Mr. KENNEDY, Mr. MARKEY of Massachusetts, Mr. HOLT, Mr. CARSON of Indiana, Mr. OLVER, and Mr. CARNAHAN):

H.R. 3184. A bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 3185. A bill to amend title XVIII of the Social Security Act to provide payment to hospitals for costs of expanded advanced practice nurse training programs; to the Committee on Ways and Means.

By Mr. CONNOLLY of Virginia:

H.R. 3186. A bill to provide for the more accurate computation of retirement benefits for certain firefighters employed by the Federal Government; to the Committee on Oversight and Government Reform.

By Mr. CROWLEY (for himself and Mrs. BONO MACK):

H.R. 3187. A bill to reduce and eliminate the tax credit for alcohol fuel mixtures and the tariff on imported ethanol; to the Committee on Ways and Means.

By Mr. GINGREY of Georgia (for himself, Mrs. BLACKBURN, Mr. LATTA, Mr. MARCHANT, Mr. AKIN, Mr. BARTLETT, Mr. PITTS, Mr. BARRETT of South Carolina, Mr. PENCE, Mr. POSEY, Mr. HENSARLING, and Mr. BRADY of Texas):

H.R. 3188. A bill to prohibit Federal funding or other assistance for mandatory human papillomavirus (HPV) vaccination programs; to the Committee on Energy and Commerce.

By Mr. HELLER (for himself, Mr. TIBERI, Mr. CHAFFETZ, Mr. LATTA, Mrs. LUMMIS, and Mr. ROSKAM):

H.R. 3189. A bill to prohibit any increase in the amount established for the Members' Representational Allowance during a period of high unemployment and public debt; to the Committee on House Administration.

By Mr. JOHNSON of Georgia (for himself and Mr. CONYERS):

H.R. 3190. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the price below which the manufacturer's product or service cannot be sold violates the Sherman Act; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Ms. ROS-LEHTINEN, and Mr. DAVIS of Illinois):

H.R. 3191. A bill to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LARSEN of Washington (for himself, Mr. HERGER, Mr. CROWLEY, and Mr. BRADY of Texas):

H.R. 3192. A bill to require the Secretary of Homeland Security, in consultation with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes; to the Committee on Homeland Security.

By Mr. ROONEY (for himself, Ms. ROSELEHTINEN, Mr. MACK, Mr. CRENSHAW, Mr. MILLER of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. KLEIN of Florida, and Mr. HASTINGS of Florida):

H.R. 3193. A bill to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. BERMAN (for himself (by request) and Ms. ROSELEHTINEN):

H.J. Res. 60. A joint resolution providing for the approval of the Congress of the proposed agreement for cooperation between the United States and the United Arab Emirates pursuant to the Atomic Energy Act of 1954; to the Committee on Foreign Affairs.

By Mr. CROWLEY (for himself, Mrs. MALONEY, Mr. ACKERMAN, Mr. ISRAEL, Mr. ENGEL, Mr. ARCURI, Mr. MASSA, Mr. HINCHEY, Mr. HALL of New York, Mr. MCMAHON, Mrs. MCCARTHY of New York, Mr. SERRANO, Mr. FILNER, Mr. MURPHY of New York, and Mr. NADLER of New York):

H. Res. 634. A resolution acknowledging the 25th anniversary of the nomination of Representative Geraldine A. Ferraro as the first woman selected by a major political party as its candidate for Vice President; to the Committee on House Administration.

By Mr. DINGELL:

H. Res. 635. A resolution expressing the gratitude of the House of Representatives for the service of M. Pope Barrow, Jr.; considered and agreed to.

By Mr. WOLF:

H. Res. 636. A resolution directing the Attorney General to transmit to the House of Representatives all information in the Attorney General's possession relating to the transfer or release of detainees held at Naval Station, Guantanamo Bay, Cuba, into the United States; to the Committee on the Judiciary.

By Mr. BILBRAY (for himself, Mr. ROYCE, Mr. HUNTER, Mr. FILNER, Mrs. DAVIS of California, Mr. LEWIS of California, Mr. DREIER, Mr. ROHRABACHER, Mr. CAMPBELL, Mr. GARY G. MILLER of California, Mr. CALVERT, Mrs. BONO MACK, and Mr. ISSA):

H. Res. 637. A resolution honoring the life and accomplishments of Herbert Klein and expressing condolences on his passing; to the Committee on Oversight and Government Reform.

By Ms. FOXX (for herself, Mr. SNYDER, Mr. COHEN, Mr. HASTINGS of Florida, Mr. WHITFIELD, Mr. WEXLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. SCHMIDT, Mr. LATTI, Mr. CASSIDY, Ms. JACKSON-LEE of Texas, and Mr. WILSON of South Carolina):

H. Res. 638. A resolution congratulating the government and people of Turkey as they celebrate Republic Day, and for other purposes; to the Committee on Foreign Affairs.

By Mr. INGLIS:

H. Res. 639. A resolution expressing the sense of the House of Representatives that

any interest or dividends repaid to the government through the Troubled Asset Relief Program should be used solely for debt reduction, consistent with the authorizing legislation and Article One, Section Nine of the United States Constitution; to the Committee on Financial Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WILSON of South Carolina introduced a bill (H.R. 3194) for the relief of Sainey H. Fatty; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mrs. KIRKPATRICK of Arizona.
H.R. 39: Mr. POLIS of Colorado, Mr. MORAN of Virginia, Mr. MICHAUD, and Ms. JACKSON-LEE of Texas.
H.R. 43: Mr. MARKEY of Massachusetts, Mr. BLUMENAUER, and Mr. CARSON of Indiana.
H.R. 147: Mr. ABERCROMBIE, Mr. TONKO, and Mr. CARDOZA.
H.R. 155: Ms. FUDGE.
H.R. 235: Mr. HUNTER.
H.R. 327: Mr. CRENSHAW.
H.R. 362: Mr. FILNER.
H.R. 468: Mr. PAYNE.
H.R. 503: Mr. CRENSHAW.
H.R. 510: Mr. JORDAN of Ohio.
H.R. 517: Ms. KILROY.
H.R. 571: Mr. BILBRAY and Mr. COHEN.
H.R. 593: Mrs. KIRKPATRICK of Arizona.
H.R. 621: Mr. LANCE, Mr. CARTER, Mr. CHANDLER, Mr. PAULSEN, Mr. TIM MURPHY of Pennsylvania, and Mr. KAGEN.
H.R. 653: Ms. CORRINE BROWN of Florida and Ms. JACKSON-LEE of Texas.
H.R. 678: Mr. KIND.
H.R. 690: Mr. BLUMENAUER.
H.R. 716: Mr. BAIRD.
H.R. 764: Mr. BROUN of Georgia.
H.R. 848: Mrs. MALONEY.
H.R. 878: Mr. BAIRD.
H.R. 881: Mr. BOUSTANY, Mr. POE of Texas, Mr. JONES, and Mr. TIM MURPHY of Pennsylvania.
H.R. 936: Ms. DEGETTE.
H.R. 953: Mr. THOMPSON of Pennsylvania.
H.R. 1074: Mr. SIMPSON, Mrs. MILLER of Michigan, and Mr. BOUSTANY.
H.R. 1166: Mr. COBLE.
H.R. 1173: Mr. DELAHUNT.
H.R. 1177: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 1207: Mr. WU.
H.R. 1210: Ms. KILROY.
H.R. 1213: Mr. BOUSTANY.
H.R. 1215: Mrs. MALONEY.
H.R. 1255: Mr. SCALISE and Mr. FILNER.
H.R. 1293: Mr. BUCHANAN and Mr. MICHAUD.
H.R. 1326: Mr. RUSH, Mr. MCNERNEY, and Mr. WELCH.
H.R. 1327: Mr. SHIMKUS and Mr. STUPAK.
H.R. 1392: Mr. AUSTRIA and Mr. DEAL of Georgia.
H.R. 1427: Mr. CONYERS.
H.R. 1454: Mr. MOORE of Kansas.
H.R. 1458: Mr. ABERCROMBIE.
H.R. 1470: Mr. COFFMAN of Colorado.
H.R. 1476: Mr. JOHNSON of Georgia and Mr. COHEN.
H.R. 1546: Mr. MICHAUD.
H.R. 1548: Mr. OLSON, Mr. RODRIGUEZ, Mr. MURPHY of New York, and Mr. TANNER.

H.R. 1600: Mr. HINCHEY.

H.R. 1615: Mr. ROTHMAN of New Jersey.

H.R. 1618: Mr. MORAN of Virginia and Mr. PALLONE.

H.R. 1670: Ms. KILROY, Mr. LATHAM, Mr. HASTINGS of Florida, and Mr. ROTHMAN of New Jersey.

H.R. 1721: Ms. KILROY and Ms. DEGETTE.

H.R. 1722: Mr. WITTMAN and Mr. HIMES.

H.R. 1828: Mr. FILNER and Mr. SPACE.

H.R. 1831: Mr. HOEKSTRA and Mr. MEEK of Florida.

H.R. 1927: Mr. MCINTYRE.

H.R. 1933: Mr. MEEK of Florida.

H.R. 1941: Mr. ROYCE and Mr. SCHIFF.

H.R. 2000: Mr. QUIGLEY, Mr. LIPINSKI, and Mr. GRIJALVA.

H.R. 2002: Mr. TIBERI.

H.R. 2016: Mr. ROTHMAN of New Jersey.

H.R. 2017: Mr. MILLER of North Carolina, Mrs. BONO MACK, Mr. TIM MURPHY of Pennsylvania, and Mrs. MCMORRIS RODGERS.

H.R. 2060: Mr. TONKO.

H.R. 2136: Mr. ETHERIDGE and Mr. BISHOP of Georgia.

H.R. 2139: Mr. CARNAHAN.

H.R. 2149: Mr. MCINTYRE.

H.R. 2160: Mr. MOORE of Kansas, Mr. BOOZMAN, and Mr. FILNER.

H.R. 2178: Mr. PAYNE and Mr. BRADY of Pennsylvania.

H.R. 2190: Mr. HALL of New York, Ms. SPEIER, and Mrs. CAPPS.

H.R. 2203: Mr. BOOZMAN.

H.R. 2245: Mr. HOLT, Mr. THOMPSON of California, Mr. YOUNG of Alaska, Mr. ROHRABACHER, Mr. BOCCIERI, Ms. SCHAKOWSKY, Ms. WATSON, Ms. BERKLEY, Mrs. HALVORSON, Ms. HIRONO, Ms. WOOLSEY, Ms. TITUS, Mr. BARROW, Ms. BALDWIN, Mr. MILLER of North Carolina, Mr. BRADY of Pennsylvania, Mr. HINCHEY, Mrs. DAVIS of California, Mr. TIERNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ABERCROMBIE, Mr. SPRATT, Mr. HIGGINS, Mr. SCHAUER, Mr. NADLER of New York, Mr. KISSELL, Mr. GRIJALVA, Mrs. DAHLKEMPER, Mr. CROWLEY, Mr. ALTMIRE, Mr. ADLER of New Jersey, Mr. PERRIELLO, Mr. KRATOVL, Mr. FILNER, Ms. VELÁZQUEZ, Mr. BACA, Mr. SARBANES, Mr. SALAZAR, Mr. POLIS of Colorado, Mr. SESTAK, Mr. YARMUTH, Mr. COHEN, Ms. CLARKE, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. WATT, Mr. MARKEY of Massachusetts, Mr. WEINER, Mr. MCNERNEY, Mr. CARNAHAN, Mr. DAVIS of Illinois, Mr. RYAN of Ohio, Mr. ARCURI, Mr. MCKEON, Mr. HEINRICH, Mr. POMEROY, Ms. KILPATRICK of Michigan, Mr. KIND, Mr. MURTHA, Mr. FATTAH, Mr. RAHALL, Mr. DAVIS of Tennessee, Ms. TSONGAS, Mrs. MCCARTHY of New York, Mr. FOSTER, Ms. EDWARDS of Maryland, Ms. WASSERMAN SCHULTZ, Mr. PETERS, Mr. BERRY, Mr. PERLMUTTER, Mr. FRANK of Massachusetts, Ms. HARMAN, Mr. JOHNSON of Georgia, Mr. MOORE of Kansas, Mr. TEAGUE, Mr. LOEBBACH, Mr. STUPAK, Mr. CARNEY, Mr. SHULER, Ms. KAPTUR, Ms. CASTOR of Florida, Mr. LANCE, Mr. BECERRA, Mr. DONNELLY of Indiana, Mr. CUELLAR, Mr. STARK, Mr. GONZALEZ, Mr. SCOTT of Virginia, Mr. CONYERS, Mr. KILDEE, Mr. BLUMENAUER, Ms. MCCOLLUM, Mr. GUTIERREZ, Mr. LYNCH, Mr. BERMAN, Mr. MINNICK, Mr. TAYLOR, Mr. SMITH of Washington, Mr. LEVIN, Mrs. CAPPS, Ms. ZOE LOFGREN of California, Mr. LARSEN of Washington, Mr. BOREN, Mr. CHANDLER, Mr. ELLSWORTH, Mr. OBEY, Mr. FALEOMAVAEGA, Mr. OLVER, Mr. MCMAHON, Mr. SNYDER, Mr. CLYBURN, Mr. COOPER, Mr. CARDOZA, Ms. DEGETTE, Ms. DELAUNO, Mr. ELLISON, Mr. HASTINGS of Florida, Ms. HERSETH SANDLIN, Mr. HOYER, Mr. KAGEN, Mr. MURPHY of Connecticut, Ms. PINGREE of Maine, Mr. THOMPSON of Mississippi, Mr. SERRANO, Mr. VAN

HOLLEN, Ms. SCHWARTZ, Mr. INSLEE, Mr. GARRETT of New Jersey, Mr. ADERHOLT, Mr. MOLLOHAN, Mrs. NAPOLITANO, Mr. DELAHUNT, Mrs. EMERSON, Mr. TURNER, Mr. PITTS, Mr. BAIRD, and Ms. SUTTON.
 H.R. 2254: Mr. BOREN.
 H.R. 2259: Ms. SUTTON and Mrs. HALVORSON.
 H.R. 2296: Mr. WHITFIELD, Mr. HOEKSTRA, Mr. BISHOP of Georgia, Mr. NEUGEBAUER, and Mr. LEE of New York.
 H.R. 2298: Mr. MILLER of North Carolina.
 H.R. 2329: Mr. PASTOR of Arizona and Ms. LINDA T. SANCHEZ of California.
 H.R. 2350: Mr. HALL of New York.
 H.R. 2360: Mr. TEAGUE.
 H.R. 2393: Mr. WALDEN.
 H.R. 2404: Mr. BISHOP of New York.
 H.R. 2450: Mr. MOORE of Kansas.
 H.R. 2456: Ms. JACKSON-LEE of Texas.
 H.R. 2478: Mr. FRANK of Massachusetts, Ms. TSONGAS, Ms. WATERS, Mr. TIM MURPHY of Pennsylvania, and Mr. GORDON of Tennessee.
 H.R. 2539: Mr. TERRY.
 H.R. 2546: Mr. PAULSEN.
 H.R. 2560: Mr. SCHRADER.
 H.R. 2567: Mr. DEFazio.
 H.R. 2570: Mr. TONKO and Mr. NADLER of New York.
 H.R. 2632: Mr. FOSTER, Mr. GALLEGLY, Mr. REHBERG, Mr. RYAN of Ohio, Mr. COBLE, Mr. SOUDER, Mr. BOREN, Mr. TIM MURPHY of Pennsylvania, Mr. MCGOVERN, Mr. REICHERT, Mr. ROYCE, Ms. JACKSON-LEE of Texas, Mr. MINNICK, and Mr. MARCHANT.
 H.R. 2648: Mr. CALVERT and Mr. YARMUTH.
 H.R. 2652: Mr. DELAHUNT.
 H.R. 2659: Mr. SABLAN.
 H.R. 2690: Mr. CONYERS and Mr. RUSH.
 H.R. 2692: Mr. SOUDER.
 H.R. 2695: Mr. MCGOVERN, Mr. JACKSON of Illinois, Mr. SCHRADER, and Ms. LINDA T. SANCHEZ of California.
 H.R. 2709: Mr. FARR.
 H.R. 2716: Ms. SCHAKOWSKY and Mr. PAYNE.
 H.R. 2729: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2740: Mr. SHERMAN and Ms. BORDALLO.
 H.R. 2743: Mr. BRADY of Pennsylvania, Mr. KENNEDY, Ms. MARKEY of Colorado, and Mr. LIPINSKI.
 H.R. 2759: Mr. UPTON, Mr. FOSTER, Mr. HINCHEY, and Mr. OBERSTAR.
 H.R. 2802: Mr. OLVER.
 H.R. 2835: Mr. KUCINICH.
 H.R. 2852: Mr. SULLIVAN.
 H.R. 2866: Mrs. BONO MACK.
 H.R. 2882: Ms. KILROY.
 H.R. 2935: Mr. STEARNS and Mr. MCMAHON.
 H.R. 2941: Ms. SHEA-PORTER, Mrs. CHRISTENSEN, Mr. SESSIONS, and Mr. MURPHY of New York.
 H.R. 2963: Mr. LEE of New York.
 H.R. 2969: Ms. ESHOO.
 H.R. 3006: Mr. PLATTS.
 H.R. 3012: Mr. DAVIS of Illinois and Mr. MILLER of North Carolina.
 H.R. 3017: Ms. JACKSON-LEE of Texas, Mr. KIND, Ms. WATERS, Mr. COHEN, and Mr. ACKERMAN.
 H.R. 3025: Mr. NYE, Mr. ROSS, Mr. DONNELLY of Indiana, and Mr. BISHOP of Georgia.
 H.R. 3040: Mr. BERMAN and Mr. NADLER of New York.
 H.R. 3042: Mr. BISHOP of New York, Ms. DELAULO, Mr. WILSON of Ohio, and Mr. HINCHEY.
 H.R. 3050: Mr. BISHOP of New York.
 H.R. 3060: Mr. FORBES.
 H.R. 3083: Ms. DELAULO and Mr. LIPINSKI.
 H.R. 3104: Mr. SMITH of New Jersey and Mr. HOLT.
 H.R. 3119: Mr. ABERCROMBIE and Mr. SABLAN.
 H.R. 3154: Ms. JACKSON-LEE of Texas.
 H.R. 3165: Mr. LUJAN.
 H.R. 3168: Mr. AKIN.
 H.R. 3173: Mrs. CAPITO, Mr. BARTLETT, Mr. HARE, and Mr. QUIGLEY.
 H. Con. Res. 156: Mr. WEINER.
 H. Con. Res. 163: Ms. JACKSON-LEE of Texas, Ms. BALDWIN, and Mr. CARNEY.
 H. Res. 111: Mr. LUCAS.

H. Res. 285: Mr. LIPINSKI.
 H. Res. 440: Mr. SOUDER.
 H. Res. 465: Mr. HASTINGS of Florida.
 H. Res. 480: Mrs. MALONEY.
 H. Res. 494: Mr. ABERCROMBIE, Mr. SHULER, Mr. MCINTYRE, and Mr. ETHERIDGE.
 H. Res. 533: Mr. SABLAN, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. SCHIFF, Mr. FILLNER, and Ms. MATSUI.
 H. Res. 557: Mr. LAMBORN, Mr. GERLACH, Mrs. BACHMANN, and Mrs. MCMORRIS RODGERS.
 H. Res. 558: Ms. EDDIE BERNICE JOHNSON of Texas.
 H. Res. 598: Mr. WAXMAN, Mr. LEWIS of Georgia, Mr. GUTIERREZ, and Mr. GRIJALVA.
 H. Res. 600: Mr. SERRANO.
 H. Res. 607: Mr. BRADY of Texas, Mr. ROHRABACHER, Mr. POE of Texas, Mr. CONAWAY, Mr. CULBERSON, Mr. SMITH of Texas, Mr. EHLERS, Mr. ROONEY, Ms. ROS-LEHTINEN, Mr. POSEY, Mrs. MILLER of Michigan, Mr. CALVERT, Mr. SIMPSON, Mr. CAMPBELL, Mr. SEXTAK, Mr. MINNICK, Mr. BOCCIERI, Mr. COHEN, Ms. EDWARDS of Maryland, Mr. INSLEE, Mr. TAYLOR, Mr. WOLF, Mr. MCCOTTER, Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. ISRAEL, Mr. GRIFFITH, Mr. MASSA, Ms. KOSMAS, Mr. WAXMAN, Ms. HARMAN, Mr. WU, Mr. WILSON of Ohio, Mr. MORAN of Virginia, Mr. BRIGHT, Mr. ADERHOLT, Ms. FUDGE, Ms. ESHOO, Mr. GRAYSON, Mr. PAUL, Mr. TERRY, and Mr. POLIS of Colorado.
 H. Res. 615: Mr. BOEHNER, Mr. WITTMAN, Mr. BURGESS, and Mr. SAM JOHNSON of Texas.
 H. Res. 630: Ms. JACKSON-LEE of Texas.
 H. Res. 631: Ms. BORDALLO, Mr. MCCAUL, Mr. CULBERSON, Mr. PAUL, Mr. TIBERI, Mr. PAYNE, Mr. PALLONE, Mr. LANCE, Mr. BURGESS, Mr. EHLERS, Mr. DUNCAN, Mr. CARTER, Mr. LOBIONDO, Mr. SIREN, and Mr. PASCRELL.
 H. Res. 633: Mr. PAYNE and Ms. JACKSON-LEE of Texas.

SENATE—Monday, July 13, 2009

The Senate met at 11 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, infinite sovereign Lord, our lawmakers face complex issues that challenge the best of human thoughts and actions. As You gave insight to King Solomon, impart wisdom to Your servants in the Senate. Help them to believe that You are real and relevant and a ready helper for all their challenges. May they recognize their need for divine intervention and develop the necessary humility to seek it. Lord, shower them with wisdom and strength far beyond their own to face these critical days. In their worries and cares, give them the joy of knowing You are with them. We pray in the Name of Him who is all wise, all powerful, and all loving. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK UDALL, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 13, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, we will begin consider-

ation of S. 1390, the Department of Defense authorization bill. At 4:30 today, the Senate will turn to executive session to consider the nomination of Robert Groves to be the Director of the Census and debate the nomination for 1 hour.

At 5:30 p.m., the Senate will proceed to a cloture vote on the nomination. Under an agreement reached last week, if cloture is invoked, all postcloture debate time will be yielded back and the Senate will immediately proceed to a vote on confirmation of the nomination. I expect that if cloture is invoked, the vote on confirmation would be a voice vote.

Upon disposition of the nomination, the Senate will resume consideration of the Department of Defense authorization bill. As previously announced, there will be no rollcall votes after 2:00 or so tomorrow afternoon.

HEALTH CARE AND THE SOTOMAYOR NOMINATION

Mr. REID. Mr. President, the coming weeks are a critical time, not just here in the Congress but in our country. This month we will work to stabilize our broken health care system and lower costs for the middle class. This month we will also discuss, debate and, I am confident, ultimately confirm President Obama's outstanding nominee, Judge Sonia Sotomayor.

These goals require both sides to work together. I repeat. These goals require both sides to work together. Each will require all of us to work in good faith. If we are to do what our country needs us to do, we must work as partners, not partisans.

We have said all along we strongly prefer to fix health care as one collaborative body, not as two competing parties. I had a positive meeting with four senior Republican Senators about the road ahead for health care, and it is health care reform we talked about. We finished the meeting and there was a general agreement we needed health care reform, and it should be done on a bipartisan basis, not resort to what we call reconciliation, which requires only a simple majority.

I appreciate very much the commitment of those four Republicans to getting this done. I look forward to more Republicans showing the same commitment.

The Finance and HELP Committee chairmen are working tirelessly to mark up the health care bills. Our goal remains the same. We would like to see those bills on the floor in July. I hope our Republican colleagues will work with us to achieve that goal.

Just as our commitment to a bipartisan plan has not changed, neither have our principles about that plan: lowering skyrocketing costs, and bringing stability and security back to health care. We are committed to passing a plan that protects what works and fixes what is broken. A plan that ensures that if you like the coverage you have, you can keep it.

We will make sure people can still choose their own doctors, hospitals, and health plans. Americans need affordable health care they can count on. Too many families live just one illness or one accident or one pink slip away from financial ruin. The cost of inaction is too great and the status quo is no longer an option. The status quo simply is not something we need to look to.

On another subject, today is a historic day in America. Right now, they are having opening statements in the Senate Judiciary Committee, Democrats and Republicans, regarding Sonia Sotomayor. She will, later today, testify before that committee as President Obama's nominee for the highest Court in our country. As we all know, she is the first Hispanic American to do so.

Judge Sotomayor has a wide range of experience, not just in the legal world but in the real world. Her understanding of the law is grounded not only in theory but also in practice. Her record and qualifications are tremendous. She has worked at almost every level of our judicial system—as a prosecutor, as a litigator, a trial court judge, and appellate judge.

That is the exact type of experience we need on the Supreme Court. When she is confirmed, she will bring to the bench more judicial experience than any sitting Justice had when they joined the Court.

Judge Sotomayor has been nominated by both Democratic and Republican Presidents. She has been confirmed twice by the Senate with strong bipartisan support. Her record is well known and well respected. We are committed to ensuring that she has a rigorous and reasonable confirmation hearing. We expect both sides to ask tough questions and we expect both the questions and their answers to be fair and honest before she is confirmed.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

SOTOMAYOR CONFIRMATION
HEARINGS

Mr. McCONNELL. Mr. President, today the Senate Judiciary Committee will begin its hearings on the nomination of Judge Sonia Sotomayor to be an Associate Justice on the U.S. Supreme Court. The consideration of a Supreme Court nominee is always a historic event. Since our Nation's founding, only 110 people have served on the High Court, and 10 of those were nominated by George Washington. There are few duties more consequential for a Member of the U.S. Senate than to vote on a Supreme Court nominee.

This particular nominee comes before the Judiciary Committee with a compelling life story. Like so many other Americans before her, Judge Sotomayor has overcome great adversity. In this, she has reaffirmed once again that ours is a nation in which one's willingness to work hard and apply one's talents are the principal requirements for success. And yet, as we begin these hearings, it is important to remind ourselves that our obligation as Senators under the Constitution's advice and consent clause requires us to do more than confirm someone to a lifetime position on our Nation's highest court based on their life story. Rather, it requires us to determine whether he or she will be able to fulfill the requirements of the oath taken by all Federal judges, that they will, "administer justice without respect to persons, and do equal right to the poor and to the rich, and that [they] will faithfully and impartially discharge and perform all the duties incumbent upon [them] under the Constitution and laws of the United States."

The emphasis here is on the equal treatment of everyone, without respect to person, status, or belief, that everyone in America can expect that when they enter a courtroom, they will not be treated any differently than anyone else. That is what justice is, after all. And that is what Americans expect of our judicial system, equality under the law.

Now, President Obama has made it abundantly clear, as a Senator, as a candidate for President, and now as President, that he has a somewhat different requirement for his appointees to the Federal bench. He has repeatedly emphasized that his "criterion" for a federal judge is their ability to "empathize" with certain groups. That is a great standard, if you are a member of one of those specific groups. It is not so great, though, if you are not. So it might be useful to consider some of the groups who have found themselves on the short end of the "empathy" standard.

First, there are those who rely on the first amendment's right to engage in political speech. Then there are those Americans who want to lawfully exer-

cise their right to bear arms under the second amendment. Next, those who want protection under the fifth amendment's requirement that private property cannot be taken for a public purpose without just compensation, and that it should not be taken for another person's preferred private use at all. Also, there are those who want protection from unfair employment practices under the 14th amendment's guarantee of the equal protection of the law.

I mention these specific groups because Judge Sotomayor has had to handle cases in each of these areas. And looking at her record, it appears the President has nominated just the kind of judge he said he would, someone who appears to have "empathy" for certain groups who appear before her, but not for others.

As I discussed last week, Judge Sotomayor kicked out of court the claims of New Haven, CT, firefighters who had been denied promotions because some minority firefighters had not performed as well as a group of mostly White firefighters on a race-neutral exam. The Supreme Court reversed her decision in this matter, her third reversal just this term, with all nine justices finding that she misapplied the law. Her treatment of this case, the Ricci case, has been criticized across the political spectrum as "perfunctory" and "peculiar," and it called into question whether her dismissive handling of the firefighters' important claims was unduly influenced by her past advocacy in the area of employment preferences and quotas.

I also spoke last week about provocative comments Judge Sotomayor had made about campaign speech, including her claim that merely donating money to a candidate is akin to bribery. It is her prerogative to make such statements, as provocative as they may be. But it is not her prerogative as a judge to fail to follow clear Supreme Court precedent in favor of her political beliefs. Yet when she had the chance to vote on whether to correct a clear failure to follow Supreme Court precedent by her circuit in this very area of the law, she voted against doing so. Ultimately, the Supreme Court, in an opinion authored by Justice Breyer, corrected this error by her circuit on the grounds that it had failed to follow precedent.

There are other areas of concern.

Judge Sotomayor also brushed aside a person's claim that their private property had been taken in violation of the fifth amendment's "takings clause." As in the Ricci case, her panel kicked the plaintiffs' claims out of court in an unsigned, unpublished, summary order, giving them only a brief, one paragraph explanation as to why. Moreover, in the course of doing so, she dramatically expanded the Supreme Court's controversial 2005 decision in *Kelo v. New London*. In *Kelo*,

the Supreme Court broadened the meaning of "public purpose" that allows the government to take someone's private property. Judge Sotomayor, in the case of *Didden v. Village of Port Chester*, broadened the government's power even further.

Her panel's ruling in *Didden* now makes it easier for a person's private property to be taken for the purpose of conferring a private benefit on another private party. This result is at odds with both the plain language of the fifth amendment's takings clause, and with the Supreme Court's statements in *Kelo*. And, as in Ricci, she did it without providing a thorough analysis of the law. Her panel devoted just one paragraph to analyzing the plaintiffs' important Fifth Amendment claims. It is no wonder then that property law expert Professor Ilya Somin at George Mason University Law School called it "one of the worst property rights decisions in recent years." Professor Richard Epstein at the University of Chicago College of Law called it not only "wrong" and "ill thought out," but "about as naked an abuse of government power as could be imagined."

There is more. Judge Sotomayor has twice ruled that the second amendment is not a fundamental right and thus does not protect Americans from actions by states and localities that prevent them from lawfully exercising their ability to bear arms. As with the Ricci and Didden cases, Judge Sotomayor gave the losing party's claims in these cases short shrift and did not thoroughly explain her analysis. In one case, she disposed of the party's second amendment claim in a mere one-sentence footnote. In the other case, which was argued after the Supreme Court's seminal second amendment decision in *District of Columbia v. Heller*, she gave this important precedent cursory treatment, devoting only one paragraph in an unsigned opinion to this important issue, which is unusual for a case of this significance.

The losing parties in these cases might not have belonged to the groups that the President had in mind when he was articulating his "empathy" standard. But they certainly underscore the hazards of such a standard. They had important constitutional claims, and they deserved to have their claims treated seriously and adjudicated fairly under the law, regardless of what Judge Sotomayor's personal and political agendas might be. Yet it strikes me that the losing parties in these cases did not in fact get the fair treatment they deserved.

Indeed, taken together, these cases strongly suggest a pattern of unequal treatment in Judge Sotomayor's judicial record, particularly in high-profile cases. This pattern is particularly disturbing in light of Judge Sotomayor's numerous comments about her view of

the role of a judge, such as questioning a judge's ability to be impartial "even in most cases," asserting that appellate courts "are where policy is made," and concluding that her experiences and views affect the facts that she "chooses to see" in deciding cases.

Republicans take very seriously our obligation to review anyone who is nominated to a lifetime position on our Nation's highest court. That is why Senators have taken time to review Judge Sotomayor's record to make sure she has the same basic qualities we look for in any Federal judge: superb legal ability, personal integrity, sound temperament, and, most importantly, a commitment to read the law evenhandedly. At the beginning of this process, I noted that some of Judge Sotomayor's past statements and decisions raised concerns. As we begin the confirmation hearings, those concerns have only multiplied.

Boiled down, my concern is this: that Judge Sotomayor's record suggests a history of allowing her personal and political beliefs to seep into her judgments on the bench, which has repeatedly resulted in unequal treatment for those who stand before her.

But that is what these hearings are all about: giving nominees an opportunity to address the concerns that Senators might have about a nominee's record. In this case, the list is long.

So we welcome Judge Sotomayor as she comes before the Judiciary Committee today. And we look forward to a full and thorough hearing on her record and her views.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of S. 1390, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1390) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, on behalf of the Armed Services Committee, I am pleased to bring S. 1390, the National Defense Authorization Act for Fiscal Year 2010, to the Senate floor. This bill will fully fund the year 2010 budget request of \$680 billion for national secu-

rity activities in the Department of Defense and the Department of Energy.

The Senate Armed Services Committee has a long tradition of setting aside partisanship and working together in the interest of the national defense. This year follows that tradition. I am pleased that S. 1390 was reported to the Senate on a unanimous 26-to-nothing vote of the committee. This vote stands as a testament to the common commitment of all of our Members to supporting our men and women in uniform. I particularly thank Senator MCCAIN, our ranking minority member, for his strong support throughout the committee process and, of course, for the dedication he has shown to national defense throughout his Senate career.

Earlier this year, the Armed Services Committee reported out the Weapons Systems Acquisition Reform Act of 2009 with similar bipartisan support. In less than 2 months, we were able to get the bill passed by the Senate, complete conference with the House, and have the President sign it into law. It is my hope that we will be able to move with similar dispatch on the bill now before us.

This bill contains many important provisions that will improve the quality of life of our men and women in uniform, provide needed support and assistance to our troops on the battlefields in Iraq and Afghanistan, make the investments we need to meet the challenges of the 21st century, and require needed reforms in the management of the Department of Defense.

First and foremost, the bill before us continues the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world. For example, the bill contains provisions that would, first, authorize a 3.4-percent across-the-board pay raise for all uniformed military personnel, and that represents half a percent more than the budget request and the annual rate of inflation. The bill authorizes a 30,000 increase in the Army's Active-Duty end strength during fiscal years 2011 and 2012 in order to increase dwell time and reduce the stress created by repeated deployments. The bill authorizes payment of over 25 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by Active-Duty and Reserve military personnel. We increase the authorization for the Homeowners' Assistance Program by \$350 million in order to provide relief to homeowners in the Armed Forces who are required to relocate because of base closures or change of station orders. And we increase the maximum amount of supplemental subsistence allowance from \$500 to \$1,100 per month to ensure that servicemembers and their families do not have to be dependent on food stamps.

The bill also includes important funding and authorities needed to provide our troops the equipment and support they will continue to need as long as they remain on the battlefields in Iraq and Afghanistan. For example, the bill contains provisions that would provide \$6.7 billion for the Mine Resistant Ambush Protected, MRAP, vehicle fund, including an increase of \$1.2 billion above the President's budget request for MRAP all-terrain vehicles which will be deployed in Afghanistan. The bill fully funds the President's budget request for U.S. Special Operations Command and adds \$131 million for unfunded requirements identified by the commander of Special Operations Command. The bill provides full funding for the Joint Improvised Explosive Device Defeat Organization to continue the development and deployment of technologies to defeat these attacks. And we provide nearly \$7.5 billion to train and equip the Afghan National Army and the Afghan National Police so they can carry more of the burden of defending their own country against the Taliban.

The bill would also implement most of the budget recommendations made by the Secretary of Defense to terminate troubled programs and apply the savings to higher priority activities of the Department. For example, the bill will terminate the Air Force Combat Search and Rescue-X helicopter program, CSAR-X. It will terminate the VH-71 Presidential helicopter. It would cancel and restructure the manned ground vehicle portion of the Army's Future Combat System Program. It would stop the growth of the Army brigade combat teams, the BCTs, at 45 instead of 48, while maintaining the planned increase in end strength. It would end production of the C-17 Program. It would terminate the Multiple Kill Vehicle Program, cancel the kinetic energy interceptor, cancel the second airborne laser prototype aircraft, and it would authorize \$900 million of additional funding in the budget request to field more theater missile defense systems, the Terminal High Altitude Area Defense, the THAAD, and the standard missile-3 interceptors, and converting additional AEGIS ships for missile defense to defend our forward-deployed forces and allies against the many short- and medium-range missiles held by countries such as North Korea and Iran.

The bill supports the decision of Secretary Gates to stop deployment of the ground-based interceptors at 30 missiles and to focus on improving the capability of this system to be more reliable and effective than the current system against the limited threat of long-range missiles.

The bill also supports the decision to continue production of those ground-based interceptors that are on contract and to use them as test missiles and as

spares. By fielding the most modern version of the interceptor, using modern silos and conducting operationally realistic testing with the additional missiles instead of putting them in silos, the system will provide, in Secretary Gates' words, a "robust capability" that is "fully adequate to protect us against a North Korean threat for a number of years." According to testimony to the committee, the Joint Chiefs of Staff and the combatant commanders agreed that their highest priority for the GMD—ground missile defense—system was to have 30 interceptors with improved reliability, availability, and effectiveness. The bill before us again supports Secretary Gates' decision to field that improved capability.

I am disappointed that the committee voted on a very close vote not to terminate the F-22 aircraft production program, as requested by the Secretary of Defense and as supported by the Joint Chiefs of Staff. I plan to join with Senator McCain in seeking to overturn that decision during floor consideration of this bill.

Finally, the bill contains a number of provisions that will help improve the management of the Department of Defense and other Federal agencies. For example, the bill contains provisions that would, first, improve Department of Defense financial management by requiring the Department to engage in business process reengineering before acquiring new information technology systems and to submit regular reports on its progress toward auditable financial statements.

Second, it requires the Department of Defense to develop a comprehensive plan to address longstanding problems in its inventory management systems which lead it to acquire and store hundreds of millions of dollars worth of unneeded items.

Third, it places a moratorium on public-private competitions under OMB circular A-76 until the Department complies with an existing statutory requirement to develop information needed to manage its service contractors, plan for its civilian employee workforce, and identify functions that would be subject to public-private competition.

Fourth, we would authorize the Secretary to establish a new defense civilian leadership program to help recruit, train, and retain highly qualified civilian employees to help lead the Department of Defense over the next 20 years.

A very important provision in this bill is section 1031, which would address the problems that exist with military commissions. The military commissions provisions we have in law today do not provide basic guarantees of fairness identified by our Supreme Court. The existing provisions place a cloud, therefore, over military commissions and have led some to conclude that the

use of military commissions can never be fair, credible, or consistent with our basic principles of justice.

Earlier this year, the President stated that military commissions can be reformed to meet basic standards of fairness needed for them to play a legitimate role in prosecuting violations of the law of war. In his May 21, 2009, speech at the National Archives, President Obama stated that:

Military commissions have a history in the United States dating back to George Washington and the Revolutionary War. They are an appropriate venue for trying detainees for violations of the laws of war. They allow for the protection of sensitive sources and methods of intelligence-gathering; they allow for the safety and security of participants; and for the presentation of evidence gathered from the battlefield that cannot always be effectively presented in federal courts.

The President continued:

... Instead of using the flawed commissions of the last seven years, my administration is bringing our commissions in line with the rule of law. ... [W]e will make our military commissions a more credible and effective means of administering justice, and I will work with Congress and members of both parties, as well as legal authorities across the political spectrum, on legislation to ensure that these commissions are fair, legitimate, and effective.

We agree with the President, and section 1031 reflects our determination to reform the commissions. In its 2006 decision in the Hamdan case, the Supreme Court held that Common Article 3 of the Geneva Conventions requires that the trial of detainees for violations of the law of war be conducted in a manner consistent with the procedures applicable in trials by courts-martial and that any deviation from those procedures be justified by "evident practical need." The Supreme Court said that the "uniformity principle is not an inflexible one; it does not preclude all departures from the procedures dictated for use by courts martial. But any departure must be tailored to the exigency that necessitates it." That is the standard the Armed Services Committee has tried to apply in adopting the procedures for military commissions that we have included in our bill.

This new language addresses a long series of problems with the procedures currently in law. For example, relative to the admissibility of coerced testimony, the provision in our bill would eliminate the double standard in existing law under which coerced statements are admissible if they were obtained prior to December 30, 2005. They would be inadmissible regardless of when the coercion occurred. Relative to the use of hearsay evidence, the provision in our bill would eliminate the extraordinary language in the existing law which places the burden on detainees to prove that hearsay evidence introduced against them is not reliable and probative. Relative to the issue of access to classified evidence and excul-

patory evidence, the provision in our bill would eliminate the unique procedures and requirements which have hampered the ability of defense teams to obtain information and which have led to so much litigation. We would substitute more established procedures based on the Uniform Code of Military Justice, the UCMJ, with modest changes to ensure that the government cannot be required to disclose classified information to unauthorized persons.

Even if we are able to enact new legislation that successfully addresses the problems in existing law, we will have a ways to go to restore public confidence in military commissions and the justice they produce. However, we will not be able to restore confidence in military commissions at all unless we first substitute new procedures and language to address the problems with the existing statute.

As of today, we have almost 130,000 U.S. soldiers, sailors, airmen, and marines on the ground in Iraq. Over the course of the next fiscal year, we will undertake the difficult task of drawing down these Iraqi numbers while maintaining security and stability on the ground. At the same time, we have increased our forces in Afghanistan, with close to 60,000 troops engaged in increasingly active combat and combat support operations, and more are on the way.

While there are many issues where there may not be a consensus, we all know—and there is a consensus on this—that we must provide our troops the support they need as long as they remain in harm's way. Senate action on the National Defense Authorization Act for fiscal year 2010 will improve the quality of life for our men and women in uniform. It will give them the tools they need to remain the most effective fighting force in the world. And very importantly, it will send an important message that we, as a nation, stand behind them and are deeply grateful for their service.

So we look forward to working with colleagues to pass this important legislation. Again, I thank Senator McCain for all he and his staff have done to bring this bill to the floor.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCain. Mr. President, I thank Chairman Levin, and I share his gratitude in thanking our subcommittee chairmen and ranking members who contributed so much to writing this bill. They held numerous hearings on many important issues, and I thank them all for their hard work. And they were ably assisted by our extremely competent committee staff. Bringing this bill to the floor each year is a tremendous undertaking, and it would not be possible without the hard work of our outstanding professional staff who ensure that the process goes smoothly.

I also extend my special thanks to Chairman LEVIN, with whom I have worked for many years now. I commend him on his leadership, grace, and integrity in shepherding this bill. It is not easy managing the competing interests, views, and opinions of 26 Senators, but Chairman LEVIN does an outstanding job at ensuring we all feel heard and understood, even if we do not always agree. I continue to admire his steadfast dedication to the committee's long tradition of bipartisan cooperation.

Chairman LEVIN, you are a friend and great colleague, and I appreciate your support in both regards.

Consistent with the longstanding, bipartisan practice of the Armed Services Committee, this bill reflects our committee's continued strong support for the brave men and women of the U.S. Armed Forces. It is, for the most part, an excellent bill, and I believe the committee has made informed decisions regarding the authorization of over \$680 billion in base and overseas contingency operations funding for fiscal year 2010. To a great extent, it reflects the priorities laid out by the Secretary of Defense and the administration. It also reflects his decision to end troubled programs and focus our limited resources on today's threats and the lessons we have learned after more than 8 years of war.

While the provisions in the bill demonstrate our commitment to provide our soldiers, sailors, airmen, and marines the very best available equipment, training, and support in order to provide them with the best possible tools to undertake their missions, I believe we can and should improve the bill in certain respects, and I will offer amendments during our floor debate to do so.

The bill takes care of our men and women in uniform and their families by providing military members with a 3.4-percent pay raise. It expands care for wounded warriors, supports families, and improves military health care. It fully funds the growth of the Army and Marine Corps. Indeed, it authorizes further growth of the Army should that be necessary to sustain our combat operations and further reduce the strain on our forces.

The bill retains a balanced capability to deter aggression by increasing intelligence, surveillance, and reconnaissance capabilities, investing in tactical aircraft and ships, and accelerating the purchase of mine-resistant all-terrain vehicles for our troops in Afghanistan.

This bill acknowledges that the United States has a vital national security interest in ensuring that Afghanistan does not once again become a safe haven for terrorists. It supports a comprehensive counterinsurgency strategy that is adequately resourced and funded by Congress based on identified needs to date and calls on the

President to provide our U.S. military commanders with the military forces they require in order to succeed.

In Iraq, the committee ensures that the Congress will support the President's plan to redeploy combat forces while providing our commanders the flexibility to hold hard-fought security gains and ensure the safety of our forces.

One of the toughest issues this committee has taken a leading role in—both in past years and in this bill—is detainee policy. Since 2005, this committee has developed legislation on detainee matters—sometimes in cooperation with the White House and sometimes over its strong objections—because it is critical to our national security and the preservation of our democratic principles.

This bill makes changes to the Military Commissions Act of 2006. We have all—Senator LEVIN, Senator GRAHAM, and others—worked closely together to address some of these difficult issues.

We have not resolved all of the challenges military commissions and other aspects of detainee policy present, but I believe we have made substantial progress that will strengthen the military commissions system during appellate review, provide a careful balance between protection of national security and American values, and allow the trials to move forward with greater efficiency toward a just and fair result.

The committee also had a healthy debate on the future of missile defense and our strategic deterrence capabilities. I welcome and share President Obama's aspirations, hope for a nuclear-free world. However, I believe we must also be prudent and practical in our reductions and remain vigilant about the global proliferation of advance missile and nuclear technology. While recently much of our national defense posture supports combating terrorists, we cannot grow complacent to the danger that rogue nations such as North Korea and Iran pose to us—whether it is missile launches within range of Hawaii or transferring weapons to Hezbollah or Hamas.

We must strengthen our commitment to enforcing the Non-Proliferation Treaty and the existing inspections regime. We must lead an international effort to interdict and prevent the world's most dangerous weapons from getting into the hands of the world's worst actors. I know there are varying views on the future of missile defense and our long-term strategic force posture, and I look forward to those debates.

The bipartisan nature of our committee allows for candid discussion, lively debate, and, at times, disagreement. In that spirit, there are some items in the bill I do not support and were not in the President's budget request, such as continuation of the F-22 aircraft production line, funding for

the Joint Strike Fighter alternate engine, and earmarks totaling approximately \$6.4 billion. I was disappointed that, in spite of a veto threat from the White House, our committee chose to add \$1.75 billion for seven F-22 aircraft and at least \$439 million for an alternate engine for the Joint Strike Fighter. Neither the President nor the Pentagon asked for F-22s or the alternate engine in the budget request, nor were they part of the Service's Unfunded Priority List. Secretary Gates has consistently opposed the need for additional F-22 aircraft and has indicated on a number of occasions that additional F-22 aircraft are not required to meet potential threats posed by near-term adversaries. I strongly support Secretary Gates' decision to end the F-22 production line at 187 aircraft and his commitment—and the President's commitment—to building a fifth-generation tactical fighter capability by focusing on the timely delivery of the F-35 Joint Strike Fighter to the Air Force, Navy, and Marines.

I look forward to lively debates on these and other important issues over the next few days.

I want to make very clear to my colleagues, the reason Senator LEVIN and I support the administration's and Secretary Gates' proposal to terminate at 187 the F-22 fighter aircraft is not because we believe we are going to leave the Nation undefended. We need the next-generation F-35 Joint Strike Fighter. Our armed services are counting on them. We want to increase funding for the F-35 Joint Strike Fighter, an aircraft and weapon system that in the view of many experts—including my view—would be far more capable of meeting the emerging threats of the future. So I want my colleagues to understand this debate is not just about cutting a weapon system or bringing to an end, frankly, the line of a fighter aircraft; it is bringing to the end the line of one fighter aircraft and moving forward with another generation—for all three services, a very capable weapons system, one that meets the threats of the 21st century.

So I think it is important that we look at the argument that will come forward about jobs created or jobs lost. There will be jobs created, but the rationale for defense weapons systems should never be the creation of jobs. It should only be about the best way to defend this Nation in a very dangerous world.

So it is my understanding it is the wish of the chairman—and I join him—that the first amendment for debate will be the administration proposal to finish the F-22 aircraft production line, saving some \$1.75 billion. So I look forward to that debate. I look forward to my colleagues coming to the floor who would oppose that amendment. I hope my colleagues understand we would like to get this done this week, if possible.

One more comment about the F-22 and the alternate engine for the Joint Strike Fighter: The President of the United States, I am told, and the Secretary of Defense have made it very clear a veto is very likely if the Congress does not act to end production of the F-22 line. I would strongly recommend the President of the United States go ahead and veto this bill if the F-22 is included. At some point, with unemployment at 9.5 percent, with people not being able to stay in their jobs, with health care being less available and less affordable in America, we cannot afford to spend \$1.7 billion additional taxpayer dollars for a system that can be replaced by a more capable weapons system and one that can defend our Nation with greater efficiency and less cost.

So I believe, frankly, there is more at stake than just whether we adopt the Levin-McCain amendment to terminate production of the F-22 as originally scheduled. I think this is a much larger issue, and I hope my colleagues understand the importance of it. I hope, if the Levin-McCain amendment is defeated—I hope it is not because I believe Senator LEVIN and I can make a convincing argument on behalf of the administration and the Secretary of Defense—but if it is, that there be no doubt that the President of the United States would veto this bill.

I say that with great reluctance. I say it with almost a sense of deep regret because there are so many things in this bill that are important to the defense of our Nation, whether it be the care and pay raises and hospitalization and care of our wounded warriors, along with many other issues. But at some point this Congress and this Nation have to exercise the fiscal discipline the economic crisis we are in today demands.

I again wish to thank Senator LEVIN for the long and close relationship and work we have done together. Sometimes we have had very spirited but very informative discussions, and I know those will continue as we address this very important legislation before the Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD material in support of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 8, 2009.

DEAR SENATOR, The undersigned groups urge you to eliminate funding for seven unneeded F-22 Raptor fighter jets from the National Defense Authorization Act of 2010.

The addition of these F-22s demonstrates not only wasteful spending that serves parochial interests but irresponsible, smoke and mirrors budgeting. Just as our national security strategy is based upon anticipating probable threats, our defense budget must also rely upon realistic sources of future income.

We are particularly concerned by recent media reports indicating that funding for the

F-22 will rely on anticipated savings from defense procurement reform, even though the Congressional Budget Office has said there is no basis for determining these savings. Other sources report that the money will also take hundreds of millions from operations and maintenance accounts, a common budgeting gimmick that directly impacts our soldiers in the field.

Additionally, we are dismayed by proposals to pay for F-22s by taking \$146 million from the Joint Strike Fighter's management reserve fund. This fund, which has historically experienced shortfalls, is needed to address any unexpected issues in the program, and removing money may disrupt the Joint Strike Fighter's development. Both the Secretary of Defense and the Secretary of the Air Force have stressed that the Joint Strike Fighter program is critical to our national security, and both support ending F-22 procurement at 187 planes.

In a June 24 Statement of Administration Policy, the President's advisers said they would be forced to recommend a veto if the National Defense Authorization Act includes advance procurement of the F-22 or spending that would seriously disrupt the Joint Strike Fighter program. Procurement of additional F-22s does not serve our national security needs and jeopardizes the Department of Defense's higher priorities. We ask you to take a stand against wasteful and irresponsible spending and support amendments that will delete this funding from the 2010 defense authorization bill.

DANIELLE BRIAN,
Project On Government Oversight.

RYAN ALEXANDER,
Taxpayers for Common Sense.

PROJECT ON GOVERNMENT OVERSIGHT,
Washington, DC, July 9, 2009.

HARRY REID,
Majority Leader, U.S. Senate, Hart Senate Office Bldg, Washington, DC.

MITCH MCCONNELL,
Minority Leader, U.S. Senate, Russell Senate Office Building, Washington, DC.

CARL LEVIN,
Chairman, Senate Armed Services Committee, Russell Senate Office Building, Washington, DC.

JOHN MCCAIN,
Ranking Member, Senate Armed Services Committee, Russell Senate Office Building, Washington, DC.

DEAR SENATORS, The Project On Government Oversight (POGO) is writing to express our serious concerns about the integrity of the process to add seven unneeded F-22s to the Senate's version of the National Defense Authorization Act of 2010.

Numerous congressional hearings and press reports have demonstrated that Air Force leadership supports Defense Secretary Robert Gates' decision to end production of the F-22 at 187 aircraft. But it appears that even after Air Force leadership informed Senator SAXBY CHAMBLISS (R-GA) of their support of the Secretary's decision to end production of the F-22, the Senator continued to pursue funding for the program—made in Marietta, Georgia—by soliciting a request from Air National Guard Director Lieutenant General Harry M. Wyatt III, which the Director not surprisingly provided.

The Director's request flies directly in the face of the overarching strategic needs expressed by the Secretary of Defense and repeated by the Vice Chairman of the Joint Chiefs of Staff as recently as this morning.

Beyond the appalling nature of this solicitation, POGO is concerned by the "Additional Views of Senator Chambliss" section of the National Defense Authorization Act for Fiscal Year 2010 that encourages the Air Force to position F-22s in Massachusetts, California, Oregon, Louisiana, Florida, Alaska, and Hawaii. It appears that the specificity of this request may have been a politically motivated decision to garner support from the Senators and Governors of these states.

National security spending should be based solely upon strategic needs. Parochial interests have no place in our national defense. Both the Secretary of Defense and Air Force leadership have made it clear that continued procurement of the F-22 does not support our national security. To sell our national security as part of a horse-trade calls the integrity of Congress's procurement process into question.

We would welcome an opportunity to share our concerns. Sincerely,

DANIELLE BRIAN.

[From the Philadelphia Inquirer, July 9, 2009]

A JET EVEN THE MILITARY DOESN'T WANT

(By Lawrence Korb and Krisila Benson)

Congress decided to end production of the costly F-22 Raptor fighter jet at 187 planes after a debate on the 2009 supplemental war budget last month. But the very next day, the House Armed Services Committee stripped \$369 million for environmental cleanup from the fiscal 2010 budget to fund an additional 12 F-22s. The Senate Armed Services Committee went a step further, providing \$1.75 billion for seven more F-22s without clearly identifying the source of funds.

The F-22 costs nearly \$150 million per plane—twice what was projected at the outset of the program. Factoring in development costs, the price tag increases to about \$350 million per plane for the current fleet of 187.

It may look as if the House Armed Services Committee has added "only" \$369 million. But given that it would provide funds for 12 additional F-22s, each with a price tag of \$150 million (excluding development costs), the real cost to American taxpayers would be about \$2 billion.

The F-22 is the most capable air-to-air fighter in the Air Force inventory. Yet it has only limited air-to-ground attack capabilities, which makes it unsuitable for today's counter-insurgency operations. In fact, the F-22 has never been used in either Iraq or Afghanistan. It was designed to fight next-generation Soviet fighters that never materialized, and, as Defense Secretary Robert Gates has noted, it is nearly useless for irregular warfare.

The F-22 has no known enemy. It is the most advanced fighter plane in the world, and there are no other planes that could threaten its supremacy in air-to-air combat. The United States already has 187 F-22s on hand or on order—a silver-bullet force that is more than adequate to deal with any likely contingency. In fact, Gates said that even if he had \$50 billion more to spend, he would not buy any more F-22s.

The Air Force leadership itself no longer supports continued production of the F-22. Air Force Secretary Michael Donley and Air Force Chief of Staff Gen. Norton Schwartz have publicly said they would prefer to move on. The plane is not in the Defense Department's proposed budget for fiscal 2010 (which begins in October). It's not even on the Air

Force's list of unfunded requests, which consists of items excluded from the budget for which it would nevertheless like funding—a wish list of sorts.

Why are congressional committees willing to override the military and civilian leadership of the Pentagon on the F-22? The latest in a string of arguments offered by proponents in Congress is the need to protect our industrial base—as if our technical capacity to develop and produce fighter planes is in immediate, grave danger. This argument overlooks the fact that the Obama administration's fiscal 2010 budget includes 28 F-35 Joint Strike Fighters—planes better suited for air-to-ground combat.

Moreover, as has been noted by the chairman of the Joint Chiefs of Staff, Adm. Mike Mullen, the era of producing manned aircraft is coming to an end. Mullen correctly points out that there will be a shift toward unmanned aircraft.

The F-22 is not an isolated case of unnecessary congressional equipment purchases. Congress has added \$2.7 billion to the 2009 supplemental budget to buy more C-17 and C-130 aircraft—planes neither requested nor needed by the Defense Department. It also added \$600 million to the 2010 budget for an unneeded alternate engine for the F-35, which will mean buying 50 fewer aircraft.

An administration policy statement issued on June 24 said the president's senior advisers would recommend a veto of a bill containing funding for more F-22s. If the entire Congress approves either of the armed services committees' recommendations on the F-22, President Obama should indeed veto the bill. Only then will Congress get the message that in this era of exploding national debt, we cannot waste billions on unnecessary military equipment.

Mr. MCCAIN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 1469

Mr. LEVIN. Mr. President, on behalf of myself and Senator MCCAIN, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. MCCAIN, proposes an amendment numbered 1469.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike \$1,750,000,000 in Procurement, Air Force funding for F-22A aircraft procurement, and to restore operation and maintenance, military personnel, and other funding in divisions A and B that was reduced in order to authorize such appropriation)

At the end of subtitle A of title I, add the following:

SEC. 106. ELIMINATION OF F-22A AIRCRAFT PROCUREMENT FUNDING.

(a) ELIMINATION OF FUNDING.—The amount authorized to be appropriated by section 103(1) for procurement for the Air Force for aircraft procurement is hereby decreased by \$1,750,000,000, with the amount of the decrease to be derived from amounts available for F-22A aircraft procurement.

(b) RESTORED FUNDING.—

(1) OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by \$350,000,000.

(2) OPERATION AND MAINTENANCE, NAVY.—The amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby increased by \$100,000,000.

(3) OPERATION AND MAINTENANCE, AIR FORCE.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby increased by \$250,000,000.

(4) OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by \$150,000,000.

(5) MILITARY PERSONNEL.—The amount authorized to be appropriated by section 421(a)(1) for military personnel is hereby increased by \$400,000,000.

(6) DIVISION A AND DIVISION B GENERALLY.—In addition to the amounts specified in paragraphs (1) through (5), the total amount authorized to be appropriated for the Department of Defense by divisions A and B is hereby increased by \$500,000,000.

Mr. LEVIN. Mr. President, this amendment is the F-22 amendment, which would delete the \$1.75 billion in the bill that was added in a very close vote in the Armed Services Committee, with strong opposition of the administration.

I may say that this is not the first administration that has attempted to end the F-22 line. President Bush also attempted to end this line at 183 planes.

Unless my friend from Arizona wants to speak, I will ask unanimous consent that the Senate recess until 1 p.m.

Mr. MCCAIN. No, I will not speak.

RECESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate stand in recess until 1 p.m.

There being no objection, the Senate, at 12:01 p.m., recessed until 1 p.m. and reassembled when called to order by the Presiding Officer (Mrs. HAGAN).

The PRESIDING OFFICER. The Senator from Michigan.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—Continued

AMENDMENT NO. 1469

Mr. LEVIN. Madam President, the pending amendment Senator MCCAIN and I have offered would strike the \$1.75 billion that was added to the bill by a very close vote in committee to purchase additional F-22 aircraft that the military does not want, that the Secretary of Defense does not want, that the Chairman of the Joint Chiefs and all the Joint Chiefs do not want, that President Bush did not want, that the prior Chairman of the Joint Chiefs did not want, and they all say the same thing: The expenditure of these funds jeopardizes other programs which are important, and they provide aircraft we do not need.

These are fairly powerful statements from our leaders, both civilian and military leaders, in this country. I hope the Senate will heed them and reverse the action that was taken on a very close vote in the Armed Services Committee.

We received a few minutes ago a letter from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff. A letter is on its way also from the President. When I get that letter, I will, of course, read the President's letter. But for the time being, let me start with the letter we have received from the Chairman of the Joint Chiefs, as well as the Secretary of Defense, because it is succinct. It is to the point. It states the case for not adding additional F-22s as well as anything I have seen.

Dear Senators Levin and McCain: We are writing to express our strong objection to the provisions in the Fiscal Year 2010 National Defense Authorization Act allocating \$1.75 billion for seven additional F-22s. I believe it is critically important to complete the F-22 buy at 187—the program of record since 2005, plus four additional aircraft.

There is no doubt that the F-22 is an important capability for our Nation's defense. To meet future scenarios, however, the Department of Defense has determined that 187 aircraft are sufficient, especially considering the future roles of Unmanned Aerial Systems and the significant number of 5th generation Stealth F-35s coming on-line in our combat air portfolio.

It is important to note that the F-35 is a half generation newer aircraft than the F-22, and more capable in a number of areas such as electronic warfare and combating enemy air defenses. To sustain U.S. overall air dominance, the Department's plan is to buy roughly 500 F-35s over the next five years and more than 2,400 over the life of the program.

Furthermore, under this plan, the U.S. by 2020 is projected to have some 2,500 manned fighter aircraft. Almost 1,100 of them will be 5th generation F-35s and F-22s. China, by contrast, is expected to have only slightly more than half as many manned fighter aircraft by 2010, none of them 5th generation.

The F-22 program proposed in the President's budget reflects the judgment of two different Presidents, two different Secretaries of Defense, three chairmen of the

Joint Chiefs of Staff, and the current secretary and chief of staff of the Air Force.

If the Air Force is forced to buy additional F-22s beyond what has been requested, it will come at the expense of other Air Force and Department of Defense priorities—and require deferring capabilities in areas we believe are much more critical for our Nation's defense.

The letter concludes with the following very pointed paragraph:

For all these reasons, we strongly believe that the time has come to close the F-22 production line. If the Congress sends legislation to the President that requires the acquisition of additional F-22 aircraft beyond Fiscal Year 2009, the Secretary of Defense will strongly recommend he veto it.

It is signed by Secretary of Defense Gates and the Chairman of the Joint Chiefs of Staff Mullen.

The determination of the Department of Defense to end the production of the F-22 is not new. Secretary Rumsfeld, President Bush, as well as the current President and Secretary of Defense and Chairman of the Joint Chiefs, are recommending the same thing. We have testimony on the record at the Armed Services Committee from the Chairman of the Joint Chiefs and the Vice Chairman of the Joint Chiefs, both urging us strongly to end the production of the F-22.

Let me read, first, Secretary Gates's testimony on May 14 of this year:

... [The fact is that the F-22 is not going to be the only aircraft in the TACAIR arsenal, and it does not include the fact that, for example, we are going to be building, ramping up to 48 Reapers unmanned aerial vehicles in this budget.

The F-35, he said, is critically important to take into account.

... and the fact is that based on the information given to me before these hearings, the first training squadron for the F-35 at Eglin Air Force Base is on track for 2011. The additional money for the F-35 in this budget is to provide for a more robust developmental and test program over the next few years to ensure that the program does stay on the anticipated budget.

You can say irrespective of previous administrations, but the fact remains two Presidents, two Secretaries of Defense, and three Chairmen of the Joint Chiefs of Staff have supported the 183 build when you look at the entire TACAIR inventory of the United States.

And when you look at potential threats, for example, in 2020, the United States will have 2,700 TACAIR. . . .

The Vice Chairman of the Joint Chiefs, General Cartwright, just a few days ago, on July 9, told the Senate Armed Services Committee the following:

I was probably one of the more vocal and ardent supporters for the termination of the F-22 production. The reason's twofold. First, there is a study in the Joint Staff that we just completed and partnered with the Air Force on that, number one, said that proliferating within the United States military fifth-generation fighters to all three services was going to be more significant than having them based solidly in just one service, because of the way we deploy and because of the diversity of our deployments.

Point number two is, in the production of the F-35 Joint Strike Fighter, the first aircraft variant will support the Air Force replacement of their F-16s and F-15s. It is a very capable aircraft. It is 10 years newer—

He is referring here to the F-35—

It is 10 years newer in advancement in avionics and capabilities in comparison to the F-22. It is a better, more rounded, capable fighter.

He goes on relative to point No. 2:

... the second variant is the variant that goes to the Marine Corps. The Marine Corps made a conscious decision to forgo buying the F-18E/F in order to wait for the F-35. So the F-35 variant that has the VSTOL capability, which goes to the Marine Corps, is number two coming off the line. And the third variant coming off the line is the Navy variant, the carrier-suitable variant.

Another thing that weighed heavily, and certainly my calculus, was the input of the combatant commanders. And one of the highest issues of concern from the combatant commanders is our ability to conduct electronic warfare. That electronic warfare is carried on board the F-18. And so looking at the lines we would have in hot production, number one priority was to get fifth-generation fighters to all of the services; number two priority was to ensure that we had a hot-production line in case there was a problem; and number three was to have that hot-production line producing the F-18 Gs which support the electronic-warfare fight.

General Cartwright concluded:

So those issues stacked up to a solid position . . . that it was time to terminate the F-22. It is a good airplane. It is a fifth-generation fighter. But we needed to proliferate those fifth-generation fighters to all of the services. And we need to ensure that we were capable of continuing to produce aircraft for the electronic-warfare capability. And that was the F-18. In the F-18 we can also produce front-line fighters that are more than capable of addressing any threat that we'll face for the next five to 10 years.

The letter to which I referred from President Obama has now been received. I know Senator McCain has received a similar letter. I will read the one I have just received:

Dear Senator Levin: I share with you a deep commitment to protecting our Nation and the men and women who serve it in the Armed Forces. Your leadership on national security is unrivaled, and I value your counsel on these matters.

It is with this in mind that I am writing to you about S. 1390, the Senate Armed Services Committee-reported National Defense Authorization Act for Fiscal Year 2010, and in particular to convey my strong support for terminating procurement of additional F-22 fighter aircraft when the current multiyear procurement contract ends. As Secretary Gates and the military leadership have determined, we do not need these planes. That is why I will veto any bill that supports acquisition of F-22s beyond the 187 already funded by Congress.

In December 2004, the Department of Defense determined that 183 F-22s would be sufficient to meet its military needs. This determination was not made casually. The Department conducted several analyses which support this position based on the length and type of wars that the Department thinks it might have to fight in the future, and an estimate of the future capabilities of likely ad-

versaries. To continue to procure additional F-22s would be to waste valuable resources that should be more usefully employed to provide our troops with the weapons that they actually do need.

He concludes:

I urge you to approve our request to end the production of the F-22.

This is no longer a simple recommendation of the President's staff that they would make to the President should we add additional F-22s. This is now clear. It is crystal clear, and there is no way a President of the United States can say more directly than President Obama has said this afternoon that he will veto any bill that supports acquisition of F-22s beyond the 187 already funded by Congress. That should clear the air on a very important issue, and that is would the President veto this bill if it contained the extra F-22s the military doesn't want or wouldn't he. That speculation is no longer out there. It is now resolved, and it ought to be resolved in our minds, and we ought to realize then that those who support the added F-22s are supporting a provision which, if it is included, will result in the veto of a bill which is critically important to the men and women of our military and to their missions and operations in Iraq and Afghanistan.

Madam President, not only does the amendment which was adopted by the committee on a very close vote add planes which our uniform—our military—and civilian leaders do not want, and say we do not need, but the amendment also pays for these additional F-22s in the following ways:

No. 1, it cuts operation and maintenance. No. 2, it cuts civilian pay funds that need to be available. No. 3, it also reduces the balances that have to be kept available for military personnel. And No. 4, it assumes that there are going to be near-term savings in fiscal year 2010 from the acquisition reform legislation that we recently adopted and the business process reengineering provision that is in the bill that was adopted by the Armed Services Committee.

Each of those places cannot afford those cuts. We are talking here about operations and maintenance. This is the readiness accounts of our Armed Forces. These are the pay accounts of our Armed Forces. And in the case of at least one of the four sources, the assumption is unwarranted that we are going to make savings this year from the acquisition reform legislation, the very focus of which was to make changes in acquisition reform in the short term, which may actually cost us money—to save money—significant money—in the long term. But there is no assessment I know of that says we are going to make savings in 2010 from our acquisition reform legislation.

As the Presiding Officer knows, because she was a strong supporter of

this acquisition reform, as were all of us on the Armed Services Committee, we believed very strongly that we had to make these changes in the way in which we acquire equipment and weapons. Senator McCain has been fighting this battle for as long as I can remember—change these acquisition reform procedures—and I have been involved for about as long as I can remember as well in these efforts. The Armed Services Committee put a lot of energy in the acquisition reform that we adopted unanimously and was ultimately passed and signed by the President. But to say we can't make savings this year in no way knocks the importance of that acquisition reform or minimizes the importance of that acquisition reform. The fact is, as we said at the time, there are going to be major savings, we believe, from that reform, but they are not going to come in the short term. They are surely not coming in 2010. Yet the amendment which added the F-22s made an assumption that there are going to be savings in 2010 from the acquisition reform legislation.

Let me spend a minute on some of the other sources of funds for the F-22, unobligated balances for operations and maintenance—O&M. We already reduced by \$100 million the funds in those accounts, and we did so consistent with the report and assessment of the Government Accountability Office. So we acted in a way that would not affect readiness, would not affect O&M, and we had the guidance there of the Government Accountability Office. But what the amendment did that added the F-22s is reduced by \$700 million more those O&M accounts.

The original bill we adopted avoided cutting O&M funds from the Army and from the Marines because readiness rates across the board have continued to suffer after several years in combat. Yet half of the reduction made by the amendment which added the F-22s was assessed against O&M Army. It is a dangerous thing to do. It is an unwise thing to do.

We also now face an increase in the price of oil—an increase above what the accounts assumed would be the cost of energy. So we have an additional challenge to those O&M accounts which would be made far more difficult and those reductions far more problematic in that regard as well.

Another source of funds which was used to add the F-22s was in the civilian pay accounts. Civilian pay had already been reduced by almost \$400 million in the Air Force, and we did that consistent with, again, the assessments of the Government Accountability Office. Further, civilian pay reductions of \$150 million to help fund the F-22s can have a negative effect on readiness, and we simply cannot take that risk. Also, that cut does not take into effect the likely additional civilian pay raise

that we will have to absorb in these budgets if, as is likely, using historical acts, Congress increases the civilian pay raise to match the increased military pay raise.

Deep cuts in funds available for civilian pay will have that effect, but also these cuts will undermine the Secretary's efforts and our efforts to hire significant numbers of new employees for the acquisition workforce, it is going to set back our effort to implement acquisition reform, and it is going to cost us a lot more money in the long run.

Another source of the money for the additional F-22s came from the military personnel accounts. Our bill already has taken \$400 million in unobligated balances from the military personnel accounts in order to pay for additional personnel pay and benefits, and we did that, again, in line with the recommendation of the Government Accountability Office. The Department's top line, so called, for military personnel was intact until the committee adopted the F-22 increase amendment. And if we reduce military personnel accounts for nonpersonnel matters, it is going to result in a military personnel authorization that is less than was requested, and it is going to hinder the Department's ability to execute its military personnel funding in the year 2010. That is going to be particularly problematic this year, because the Army and Marine Corps have moved their increased end strengths to the base budget. They did that because we urged them to do that.

So the cost of personnel continues to rise, and yet one of the sources of the funding for the F-22 increase came from that very military personnel account.

There is another impact of the amendment—which was barely adopted in the Armed Services Committee—and that is it is going to cause the Department of Defense to cut back in so-called nondirect pay areas, such as bonuses or other personnel support measures, which could have a very significant impact—a negative impact—on the long-term management of the all-volunteer force. It is very likely that the Department will then have to either seek a reprogramming during the next fiscal year to cover personnel costs or they may even have to file a supplemental request.

We have worked hard as a Congress to get the administration—any administration, as we tried during the Bush years and we try again during the Obama years—to make sure that its budget request is solid; that it will not require reprogramming; that it will not require a supplemental request. With this amendment—which was again adopted by just two votes in the Armed Services Committee—we are jeopardizing that longstanding effort on the part of Congress to make sure that the

budget request of the administration in fact is a realistic request when it comes to the various accounts. And particularly this year, as the Army and Marine Corps have moved their increased end strengths to the base budget, as we have pressed them to do for many years, it is a mistake for us to be taking funds from that account.

I have talked about acquisition reform and the fact that the amendment which was adopted in committee assumed savings from acquisition reform. I have pointed out, and will not repeat, that while the acquisition reform, strongly supported obviously by our committee and by the Congress, is likely to result in major savings, it cannot be assumed to produce savings in the short term.

I hope this body is going to adopt the Levin-McCain amendment. Two administrations now have made an effort to end the F-22 line. This is not a partisan issue. This is a Republican and a Democratic administration that have made this effort. Our top civilian leaders and our top uniform leaders are unanimous. The Secretary of Defense, Chairman of the Joint Chiefs, Vice Chairman of the Joint Chiefs have joined in supporting the President's request, just as they did President Bush's determination to end the F-22 line. We have to make some choices in this budget and in other budgets, and this is a choice which our military is urging us to make.

We all know the effect that this has on jobs in many of our States, and that varies from State to State, but probably a majority of our States will have some jobs impacted by a termination of the F-22 line. But we cannot continue to produce weapon systems forever. They have a purpose. They have a mission. And those missions and those purposes can be carried out by 187 F-22s. That is not me speaking as Chairman of the Armed Services Committee, that is not Senator McCain speaking as the ranking Republican on the Armed Services Committee, that is both of us saying that we must make difficult choices and we have to build the systems we need. The F-35 is a system which all of the services need. It cuts across the services. It has greater capabilities in electronics than does the F-22. It is a half of a generation advance on the F-22. This is not to minimize the importance of the F-22. We have and will have 187 in our inventory. While not minimizing the importance of the F-22, it points out how important it is that we modernize, and in order to do that—and that means the F-35—we have to at some point say we have enough F-22s. We tried it last year. We could not succeed last year. But this year, not only does the President oppose the increase, as did President Bush, President Obama has now said in writing today that he will veto a bill that contains the unneeded F-22s.

Our men and women in the military deserve a defense authorization bill. This has a pay increase even larger than that requested. It has benefits that are essential. It has bonuses and other programs to help recruitment and retention. It helps our families. It modernizes our weapon systems. At some point, we have to acknowledge that a weapon system production, extremely valuable, has come to a logical end and that it is time to then pick up its continuity with a different plane, a different weapon system which will benefit our military and support the men and women in uniform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. I thank Senator LEVIN for his eloquent statement and comments concerning this amendment. I thank him for his leadership on it.

I have been for many years engaged in the Senate consideration of the Defense authorization bill. This is probably one of the most interesting—I think my colleague will agree—because we are beginning with a measure that, if not passed, will result in a veto by the President of the United States of America.

I appreciate this letter the President of the United States sent to Senator LEVIN and to me and to the entire Senate. I appreciate the President's courage because right now the votes are not there. Right now I think my friend from Michigan would agree the votes are not there to pass this amendment.

What the President has said, not only do we need to stop the production of the F-22, of which we have already constructed 187, but we need to do business differently. We need to have a change in the way we do business in order to save the taxpayers billions of dollars spent unnecessarily. So this will be kind of an interesting moment in the history of a new Presidency and a new administration and, frankly, an old Secretary of Defense. I say "old" in the respect that he obviously covers both administrations. I do not know of a Secretary of Defense who has had more appreciation and admiration from both sides of the aisle than Secretary Gates. I appreciate very much Secretary Gates' letter, also, where he describes in some detail, as does the Chairman of the Joint Chiefs, why we need to have this amendment passed to remove the additional F-22s. I want to emphasize "additional."

I wish to pay special appreciation to President Obama for taking a very courageous step in making it very clear, as he says:

As Secretary Gates and the military leadership have determined, we do not need these planes. That is why I will veto any acquisition of F-22s beyond the 187 already funded by Congress.

The statement is very clear. I appreciate it. I hope it has a significant im-

pact on my colleagues on both sides of the aisle.

Again, my appreciation to President Obama and my appreciation to the Chairman of the Joint Chiefs of Staff, as well as the Secretary of Defense, who lay out in more detail why it is that we need to eliminate this unneeded \$1.75 billion for seven additional F-22s.

I emphasize to my colleagues that these funds will go to the acquisition of the F-35, the Joint Strike Fighter, which when produced will provide a careful balance between the air superiority provided by the F-22 and the other capabilities of the Joint Strike Fighter, which is also badly needed. This argument is not about the capability of the F-22, although that will be brought to the floor and I intend to talk a little bit about many of the difficulties the F-22 has had. But I would also like to point out that the F-22 has never flown in Iraq or Afghanistan. That is a remarkable statement. It has been in production since December 2005. We are in July of 2009, and the F-22 has yet to fly in combat in the two wars in which we are engaged. It has been plagued with some significant maintenance problems, not to mention dramatic cost overruns.

This is not an argument about whether the F-22 is an important capability for our Nation's defense. It is. The question is, When do we stop buying them?

I quote from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff letter:

It is important to note that the F-35 is a half generation newer aircraft than the F-22, and more capable in a number of areas such as electronic warfare and combating enemy air defenses. To sustain U.S. overall air dominance, the Department's plan is to buy roughly 500 F-35s over the next five years and more than 2,400 over the life of the program.

So I think arguments that may be made on the floor that somehow we are curtailing or inhibiting the ability of the U.S. Air Force to carry out its responsibilities to defend this Nation are contradicted at least by the views of the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Chief of Staff of the Air Force, and literally every other individual or position that is involved in this debate.

The Secretary of Defense goes on to say:

Furthermore, under this plan the United States by 2020 is projected to have some 2,500 manned fighter aircraft. Almost 1,100 of them will be fifth generation F-35s and F-22s.

There is going to be a lot of debate and discussion about China and its emerging capabilities.

The Secretary of Defense goes on to say:

China, by contrast, is expected to have only slightly more than half as many manned fighter aircraft by 2020, none of them fifth generation.

I am concerned about the rising military capabilities of China. They are increasing their naval and maritime capabilities. They are increasing the efficiency of their army and their entire overall inventories, and it is of great concern. But with the combination of the F-35 and the F-22, we will clearly have a significant advantage over the Chinese for some period of time. That is not to in any way denigrate the long-term aspect of the Chinese military buildup. But in the short term, this is the best way to make sure we maintain complete superiority with a mixture of the F-35 and the F-22.

The Secretary goes on to say:

The F-22 program proposed in the President's budget reflects the judgment of two different Presidents, two different Secretaries of Defense, three chairmen of the Joint Chiefs of Staff, and the current secretary and chief of staff of the Air Force.

My colleagues are going to come to the floor and say the Chairman of the Air National Guard says we need additional F-22s. We do not disregard that opinion, but we do weigh that opinion as opposed to the opinion and judgment of the individuals whom I just cited.

If the Air Force is forced to buy additional F-22s beyond what has been requested, it will come at the expense of other Air Force and Department of Defense priorities—and require deferring capabilities in areas we believe are much more critical for our Nation's defense.

There is no free lunch. There is no free \$1.75 billion. There is no free money. Here we are with a projected \$1.8 trillion deficit, a decrease overall in some defense areas that is coming sooner or later, and we cannot afford a \$1.75 billion procurement that is not absolutely needed.

Again, I wish to state very clearly, F-22 is a good airplane. The fact that it has not flown in Iraq or Afghanistan is telling, and some of the issues I will mention later on are telling. But this is not an attack on the F-22. What it is is an assessment of the Nation's national security needs and what we need in its inventory to maintain our superiority over all other nations and meet various threats ranging from radical Islamic extremism to the conventional capabilities of a rising power in the east.

Again, I wish to say thanks for the great leadership of our Secretary of Defense and Admiral Mullen, the Chairman of the Joint Chiefs of Staff, and the importance they place on this amendment.

I would like to refer my colleagues to an article that appeared last Friday in the Washington Post. It was entitled "Premier U.S. Fighter Jet Has Major Shortcomings."

I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post]

PREMIER U.S. FIGHTER JET HAS MAJOR
SHORTCOMINGS

(By R. Jeffrey Smith)

The United States' top fighter jet, the Lockheed Martin F-22, has recently required more than 30 hours of maintenance for every hour in the skies, pushing its hourly cost of flying to more than \$44,000, a far higher figure than for the warplane it replaces, confidential Pentagon test results show.

The aircraft's radar-absorbing metallic skin is the principal cause of its maintenance troubles, with unexpected shortcomings—such as vulnerability to rain and other abrasion—challenging Air Force and contractor technicians since the mid-1990s, according to Pentagon officials, internal documents and a former engineer.

While most aircraft fleets become easier and less costly to repair as they mature, key maintenance trends for the F-22 have been negative in recent years, and on average from October last year to this May, just 55 percent of the deployed F-22 fleet has been available to fulfill missions guarding U.S. airspace, the Defense Department acknowledged this week. The F-22 has never been flown over Iraq or Afghanistan.

Sensitive information about troubles with the nation's foremost air-defense fighter is emerging in the midst of a fight between the Obama administration and the Democrat-controlled Congress over whether the program should be halted next year at 187 planes, far short of what the Air Force and the F-22's contractors around the country had anticipated.

"It is a disgrace that you can fly a plane [an average of] only 1.7 hours before it gets a critical failure" that jeopardizes success of the aircraft's mission, said a Defense Department critic of the plane who is not authorized to speak on the record. Other skeptics inside the Pentagon note that the planes, designed 30 years ago to combat a Cold War adversary, have cost an average of \$350 million apiece and say they are not a priority in the age of small wars and terrorist threats.

But other defense officials—reflecting sharp divisions inside the Pentagon about the wisdom of ending one of the largest arms programs in U.S. history—emphasize the plane's unsurpassed flying abilities, express renewed optimism that the troubles will abate and say the plane is worth the unexpected costs.

Votes by the House and Senate armed services committees last month to spend \$369 million to \$1.75 billion more to keep the F-22 production line open were propelled by mixed messages from the Air Force—including a quiet campaign for the plane that includes snazzy new Lockheed videos for key lawmakers—and intense political support from states where the F-22's components are made. The full House ratified the vote on June 25, and the Senate is scheduled to begin consideration of F-22 spending Monday.

After deciding to cancel the program, Defense Secretary Robert M. Gates called the \$65 billion fleet a "niche silver-bullet solution" to a major aerial war threat that remains distant. He described the House's decision as "a big problem" and has promised to urge President Obama to veto the military spending bill if the full Senate retains F-22 funding.

The administration's position is supported by military reform groups that have long criticized what they consider to be poor procurement practices surrounding the F-22, and by former senior Pentagon officials such as Thomas Christie, the top weapons testing

expert from 2001 to 2005. Christie says that because of the plane's huge costs, the Air Force lacks money to modernize its other forces adequately and has "embarked on what we used to call unilateral disarmament."

David G. Ahern, a senior Pentagon procurement official who helps oversee the F-22 program, said in an interview that "I think we've executed very well," and attributed its troubles mostly to the challenge of meeting ambitious goals with unstable funding.

A spokeswoman for Lockheed added that the F-22 has "unmatched capabilities, sustainability and affordability" and that any problems are being resolved in close coordination with the Air Force.

Designed during the early 1980s to ensure long-term American military dominance of the skies, the F-22 was conceived to win dogfights with advanced Soviet fighters that Russia is still trying to develop.

Lt. Gen. Harry M. Wyatt III, director of the Air National Guard, said in a letter this week to Sen. Saxby Chambliss (R-Ga.) that he likes the F-22 because its speed and electronics enable it to handle "a full spectrum of threats" that current defensive aircraft "are not capable of addressing."

"There is really no comparison to the F-22," said Air Force Maj. David Skalicky, a 32-year-old former F-15 pilot who now shows off the F-22's impressive maneuverability at air shows. Citing the critical help provided by its computers in flying radical angles of attack and tight turns, he said "it is one of the easiest planes to fly, from the pilot's perspective."

Its troubles have been detailed in dozens of Government Accountability Office reports and Pentagon audits. But Pierre Sprey, a key designer in the 1970s and 1980s of the F-16 and A-10 warplanes, said that from the beginning, the Air Force designed it to be "too big to fail, that is, to be cancellation-proof."

Lockheed farmed out more than 1,000 subcontracts to vendors in more than 40 states, and Sprey—now a prominent critic of the plane—said that by the time skeptics "could point out the failed tests, the combat flaws, and the exploding costs, most congressmen were already defending their subcontractors' revenues."

John Hamre, the Pentagon's comptroller from 1993 to 1997, says the department approved the plane with a budget it knew was too low because projecting the real costs would have been politically unpalatable on Capitol Hill.

"We knew that the F-22 was going to cost more than the Air Force thought it was going to cost and we budgeted the lower number, and I was there," Hamre told the Senate Armed Services Committee in April. "I'm not proud of it," Hamre added in a recent interview.

When limited production began in 2001, the plane was "substantially behind its plan to achieve reliability goals," the GAO said in a report the following year. Structural problems that turned up in subsequent testing forced retrofits to the frame and changes in the fuel flow. Computer flaws, combined with defective software diagnostics, forced the frequent retesting of millions of lines of code, said two Defense officials with access to internal reports.

Skin problems—often requiring re-gluing small surfaces that can take more than a day to dry—helped force more frequent and time-consuming repairs, according to the confidential data drawn from tests conducted by the Pentagon's independent Office of Operational Test and Evaluation between 2004 and 2008.

Over the four-year period, the F-22's average maintenance time per hour of flight grew from 20 hours to 34, with skin repairs accounting for more than half of that time—and more than half the hourly flying costs—last year, according to the test and evaluation office.

The Air Force says the F-22 cost \$44,259 per flying hour in 2008; the Office of the Secretary of Defense said the figure was \$49,808. The F-15, the F-22's predecessor, has a fleet average cost of \$30,818.

Darrol Olsen, a specialist in stealth coatings who worked at Lockheed's testing laboratory in Marietta, Ga., from 1995 to 1999, said the current troubles are unsurprising. In a lawsuit filed under seal in 2007, he charged the company with violating the False Claims Act for ordering and using coatings that it knew were defective while hiding the failings from the Air Force.

He has cited a July 1998 report that said test results "yield the same problems as documented previously" in the skin's quality and durability, and another in December that year saying, "Baseline coatings failed." A Lockheed briefing that September assured the Air Force that the effort was "meeting requirements with optimized products."

"When I got into this thing . . . I could not believe the compromises" made by Lockheed to meet the Air Force's request for quick results, said Olsen, who had a top-secret clearance. "I suggested we go to the Air Force and tell them we had some difficulties . . . and they would not do that. I was squashed. I knew from the get-go that this material was bad, that this correcting it in the field was never going to work."

Olsen, who said Lockheed fired him over a medical leave, heard from colleagues as recently as 2005 that problems persisted with coatings and radar absorbing materials in the plane's skin, including what one described as vulnerability to rain. Invited to join his lawsuit, the Justice Department filed a court notice last month saying it was not doing so "at this time"—a term that means it is still investigating the matter, according to a department spokesman.

Ahern said the Pentagon could not comment on the allegations. Lockheed spokeswoman Mary Jo Polidore said that "the issues raised in the complaint are at least 10 years old," and that the plane meets or exceeds requirements established by the Air Force. "We deny Mr. Olsen's allegations and will vigorously defend this matter."

There have been other legal complications. In late 2005, Boeing learned of defects in titanium booms connecting the wings to the plane, which the company, in a subsequent lawsuit against its supplier, said posed the risk of "catastrophic loss of the aircraft." But rather than shut down the production line—an act that would have incurred large Air Force penalties—Boeing reached an accord with the Air Force to resolve the problem through increased inspections over the life of the fleet, with expenses to be mostly paid by the Air Force.

Sprey said engineers who worked on it told him that because of Lockheed's use of hundreds of subcontractors, quality control was so poor that workers had to create a "shim line" at the Georgia plant where they retooled badly designed or poorly manufactured components. "Each plane wound up with all these hand-fitted parts that caused huge fits in maintenance," he said. "They were not interchangeable."

Polidore confirmed that some early parts required modifications but denied that such a shim line existed and said "our supplier base is the best in the industry."

The plane's million-dollar radar-absorbing canopy has also caused problems, with a stuck hatch imprisoning a pilot for hours in 2006 and engineers unable to extend the canopy's lifespan beyond about 18 months of flying time. It delaminates, "loses its strength and finish," said an official privy to Air Force data.

In the interview, Ahern and Air Force Gen. C.D. Moore confirmed that canopy visibility has been declining more rapidly than expected, with brown spots and peeling forcing \$120,000 refurbishments at 331 hours of flying time, on average, instead of the stipulated 800 hours.

There has been some gradual progress. At the plane's first operational flight test in September 2004, it fully met two of 22 key requirements and had a total of 351 deficiencies; in 2006, it fully met five; in 2008, when squadrons were deployed at six U.S. bases, it fully met seven.

"It flunked on suitability measures—availability, reliability, and maintenance," said Christie about the first of those tests. "There was no consequence. It did not faze anybody who was in the decision loop" for approving the plane's full production. This outcome was hardly unique, Christie adds. During his tenure in the job from 2001 to 2005, "16 or 17 major weapons systems flunked" during initial operational tests, and "not one was stopped as a result."

"I don't accept that this is still early in the program," Christie said, explaining that he does not recall a plane with such a low capability to fulfill its mission due to maintenance problems at this point in its tenure as the F-22. The Pentagon said 64 percent of the fleet is currently "mission capable." After four years of rigorous testing and operations, "the trends are not good," he added.

Pentagon officials respond that measuring hourly flying costs for aircraft fleets that have not reached 100,000 flying hours is problematic, because sorties become more frequent after that point; Ahern also said some improvements have been made since the 2008 testing, and added: "We're going to get better." He said the F-22s are on track to meet all of what the Air Force calls its KPP—key performance parameters—by next year.

But last Nov. 20, John J. Young Jr., who was then undersecretary of defense and Ahern's boss, said that officials continue to struggle with the F-22's skin. "There's clearly work that needs to be done there to make that airplane both capable and affordable to operate," he said.

When Gates decided this spring to spend \$785 million on four more planes and then end production of the F-22, he also kept alive an \$8 billion improvement effort. It will, among other things, give F-22 pilots the ability to communicate with other types of warplanes; it currently is the only such warplane to lack that capability.

The cancellation decision got public support from the Air Force's top two civilian and military leaders, who said the F-22 was not a top priority in a constrained budget. But the leaders' message was muddled in a June 9 letter from Air Combat Cmdr. John D.W. Corley to Chambliss that said halting production would put "execution of our current national military strategy at high risk in the near to mid-term." The right size for the fleet, he said, is 381.

One of the last four planes Gates supported buying is meant to replace an F-22 that crashed during a test flight north of Los Angeles on March 25, during his review of the program. The Air Force has declined to discuss the cause, but a classified internal acci-

dent report completed the following month states that the plane flew into the ground after poorly executing a high-speed run with its weapons-bay doors open, according to three government officials familiar with its contents. The Lockheed test pilot died.

Several sources said the flight was part of a bid to make the F-22 relevant to current conflicts by giving it a capability to conduct precision bombing raids, not just aerial dogfights. The Air Force is still probing who should be held accountable for the accident.

Mr. MCCAIN. I will quote in part from this article, which I think is worthy of my colleagues' examination. It is by Mr. R. Jeffrey Smith, a person who is widely respected on defense issues. He says:

The United States' top fighter jet, the Lockheed Martin F-22, has recently required more than 30 hours of maintenance for every hour in the skies, pushing its hourly cost of flying to more than \$44,000, a far higher figure than for the warplane it replaces, confidential Pentagon test results show.

It goes on to talk about some of the problems it has experienced. It goes on to say:

While most aircraft fleets become easier and less costly to repair as they mature, key maintenance trends for the F-22 have been negative in recent years, and on average from October last year to this May, just 55 percent of the deployed F-22 fleet has been available to fulfill missions guarding U.S. airspace, the Defense Department acknowledged this week. The F-22 has never been flown over Iraq or Afghanistan.

I point out that the cost per aircraft is around \$350 million, depending on how you calculate it. We have a \$350 million airplane investment by the taxpayers of America that has never been flown over Iraq or Afghanistan, the two conflicts in which we are engaged. We know for a fact that much older aircraft—the A-10, the F-18, many of the older aircraft are flying routine missions, plus our newest kinds of technology in drone and predator aircraft.

Sensitive information about troubles with the nation's foremost air-defense fighter is emerging in the midst of a fight between the Obama administration and the Democrat-controlled Congress—

I point out to my colleagues, the Democrat-controlled Congress—

over whether the program should be halted next year at 187 planes, far short of what the Air Force and the F-22's contractors around the country had anticipated.

There are divisions over in the Pentagon.

It says:

Votes by the House and Senate armed services committees last month to spend \$369 million to \$1.75 billion more to keep the F-22 production line open were propelled by mixed messages from the Air Force—including a quiet campaign for the plane that includes snazzy new Lockheed videos for lawmakers—

I do not think that the chairman or I received the snazzy new Lockheed video—

and intense political support for States where the F-22's components are made. The

full House ratified the vote on June 25, and the Senate is scheduled to begin consideration.

After deciding to cancel the program, Defense Secretary Robert Gates called the \$65 billion fleet a "niche" silver-bullet solution to a major aerial war threat that remains distant. He described the House's decision as "a big problem," and has promised to urge President Obama to veto the bill.

The administration's position is supported by military reform groups.

In the article it talks about pilots who have flown the aircraft who talk about its impressive capability. I do not disagree with those assessments at all. Its troubles have been detailed in dozens of Government Accountability Office reports and Pentagon audits. But Pierre Sprey, a key designer in the 1970s and 1980s of the F-16 and A-10 warplanes, said that from the beginning, the Air Force designed it to be "too big to fail, that is, to be cancellation proof."

Lockheed farmed out more than 1,000 subcontracts to vendors in more than 40 States. I would like to repeat that. Lockheed farmed out more than 1,000 subcontracts to vendors in more than 40 States. And Sprey, now a prominent critic of the plane, said that by the time skeptics "could point out the failed tests, the combat flaws, and the exploding costs, most Congressmen were already defending their contractors' revenues."

John Hamre—this is an individual known to all of us—a very capable individual, who was on the Senate Armed Service Committee staff and served in previous administrations, was the Pentagon Comptroller from 1993 to 1997. He says the Department approved the plane with a budget it knew was too low because projecting the real costs would have been politically unpalatable on Capitol Hill.

We knew that the F-22 was going to cost more than the Air Force thought it was going to cost and we budgeted the lower number, and I was there [Hamre told the Senate Armed Services committee in April.]

"I am not proud of it," Hamre added in a recent interview, which I think is a mark of the quality of the individual, that he admits he made a mistake, as we all do from some time to another.

So I do not want to quote and spend too much time on this article because it is a long one. But it is an important item for our colleagues to consider when we consider the vote on this amendment.

The cancellation decision got public support from the Air Force's top two civilian and military leaders who said the F-22 was not a top priority in a constrained budget. But the leaders' message was muddled in a June 9 letter from Air Combat Commander John D. W. Corley to Chambliss [that is Senator Chambliss, the Senator from Georgia] that said halting production would put "execution of our national military strategy at high risk in the near to mid-term." The right size of the fleet, he said, is 381.

So it is enough to say that given our overall joint capability to obtain air

superiority, stopping the F-22 at 187 fighters is vital to achieving the correct balance.

I have discussed already the importance of a fifth-generation aircraft. I discussed earlier the importance of us making these tough decisions. Not irrelevant to this debate is the view of the Vice Chairman of the Joint Chiefs of Staff, General Cartwright. He is a Marine General aviator. He is the Vice Chairman of the Joint Chiefs of Staff, and he serves as the Chairman of the Joint Chiefs' most senior adviser on joint operational requirements.

In recent testimony before the Armed Services Committee, General Cartwright outlined why, in his best military judgment, the F-22 program should be terminated. He said:

Looking at the lines in hot production, the number one priority was to get fifth generation fighters to all of the services. Number two priority was to ensure that we had a hot production line in case there was a problem. And, number three, was to have that hot production line producing F-18Gs, which support the electronic warfare fight.

In General Cartwright's view:

Those issues stacked up to a solid position that it was time to terminate the F-22. It is a good airplane. It is a fifth-generation fighter. But we needed to proliferate those fifth-generation fighters to all of the services, and we needed to ensure that we were capable of continuing to produce aircraft for the electronic warfare capability. In the F-18, we can also produce front-line fighters that are more capable of addressing any threat that we'll face for the next 5 to 10 years.

Interesting comment. He is saying, in the F-18, we can also produce frontline fighters that are more capable of addressing any threat we will face for the next 5 to 10 years.

In any case, let me clear up the record on some discussions about the risk the Air Force is taking on by ending the F-22 line at 187 aircraft. References to some of that discussion appear to have been taken out of context. The Air Force's acceptance of risk by discontinuing the program needs to be understood in the context of the Air Force's overall combat Air Force restructure plan, a plan that is intended to bridge the Air Force's current fleet to the predominantly fifth-generation force of the future. Basically, that plan works by restructuring the Air Force's current fleet of fighters now and directing the results and savings to fund modifying newer or more reliable fighters in the legacy fleet, weapons procurement, and joint enablers.

Under this plan, those investments will help create a more capable fleet that can bridge the Air Force to a future fleet with a smaller, more capable force. As you can imagine, the effectiveness of the plan depends on a lot of moving parts, perhaps most importantly stopping the F-22 program at 187 fighters now.

While some short-term risks in the Air Force's fighter force may arise

from stopping the program at 187 aircraft, the Combat Air Force Restructure Plan is designed to accept that risk to ensure a more capable fleet in the long term. I believe this strategy is sound and needs the support of this body. Please do not be deluded by references to risk associated with ending the F-22 program.

Given the strength of the reasons cited by the National Command Authority, the best professional military advice by the Chairman and Vice Chairman of the Joint Chiefs of Staff, and the considered recommendations of the service Secretaries, I can find no good reason why I should replace their judgment on this critical national defense issue with my own and call for funding for the continuation of the F-22 program. I, respectfully, suggest the Members of this body do the same and support the amendment under consideration.

I understand where votes are. I understand that right now, probably this morning, anyway, and I hope that the very forceful letter by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff and the very strong letter from the President of the United States will move my colleagues in support of this amendment.

But I have no illusions about the influence of the military industrial complex in this town. Long ago, President Eisenhower, when he left office—probably the most noted military leader or certainly one of the most noted military leaders ever to occupy the White House—warned America about the military industrial complex and the power and the increasing influence he saw that military industrial complex having over the decisionmaking made in the Congress and in the administration and in the funding of different programs and the expenditure of the taxpayers' hard-earned dollars.

We are at a very interesting moment, if not a seminal one, in the history of this administration. If we accept the threat of the President of the United States to veto and overcome the individual concerns, I think it will be a great step forward to providing the taxpayer with a far better usage of their hard-earned dollars.

These are difficult and terrible economic times for America. We cannot afford business as usual. We cannot afford to continue to purchase weapons systems that are not absolutely vital to this Nation's security. I would point out, again, and maybe it is not appropriate to keep mentioning, this plane has never been flown over Iraq or Afghanistan. It is never part of the two wars we have been in. It is a good airplane. It will probably be important, the 187 of them we are procuring, to the security of the Nation.

But to continue production and procurement at some \$350 million a copy, when in the judgment of the people we

give the responsibility to make the judgment in the strongest possible terms have told us: We need to move on to another aircraft. We need the Joint Strike Fighter, and we do not need any more of the F-22 aircraft, it is a very interesting time. I look forward to the debate and vote on this amendment as soon as possible. I respect the views of my colleagues who feel very strongly that we need to continue the production of this aircraft. But I think it is wrong. I hope we can have an enlightened and respected debate on this issue.

I understand the passion that some of my colleagues have about it and the importance it is to jobs in their States and communities. I would point out, again, defending this Nation and expenditures of the taxpayers' dollars for its defense should not be based on jobs. It should be based on our national security needs. There are not unlimited amounts of money.

I wish to thank my colleague, the distinguished chairman again. I am sure that both those letters have been included in the RECORD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first, let me thank Senator MCCAIN for his strong and very powerful statement about this amendment. I cannot remember a President ever saying in advance that if a specific provision in the Defense bill is included, he will veto it. Now, there may be such precedent. But this is what the stakes are here now. This is whether we are going to be supporting a bill that has essential provisions in it for the men and women of the military, including a significant pay raise and other important benefits, including support for our wounded warriors, including support for weapons systems they need.

I would hope that even those Senators who have indicated they would support the additional F-22s might reconsider their position in terms of what is involved in this bill for our men and women, given the President's statement that he will veto this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER.) Without objection, it is so ordered.

Mr. MCCAIN. I ask unanimous consent to engage in a colloquy with my colleague, the distinguished chairman.

Can I ask the distinguished chairman what he thinks is going to be the situation as regarding the disposition of this amendment?

Mr. LEVIN. I thank my friend from Arizona. The answer is, it will depend,

I guess, on how many people wish to speak either in support of our amendment or in opposition to it and how long they want to speak. I do not have yet an indication of that.

Mr. MCCAIN. Could I say to my friend, the distinguished chairman, from our past experience, there will be at least a couple hundred pending other amendments. I do not mean to diminish the importance of this one. But I would hope we could spend whatever time in debate that anyone might want to talk about the amendment today and into tomorrow and at least have a target to have a final disposition on this amendment tomorrow, since we will have many other amendments. Would that be the desire of the chairman?

Mr. LEVIN. I would be a little more optimistic even in the question. I am optimistic, and I would hope we would have a vote on this amendment by noon tomorrow.

I understand there will not be votes in the afternoon as previously agreed to. I hope prior to noon tomorrow we can have a vote on our amendment.

Mr. MCCAIN. Mr. President, we encourage colleagues to come to the Senate floor so we can debate this important amendment.

Mr. LEVIN. There are two or three things for which we hope our colleagues will come to the Chamber: One is to speak on this amendment; secondly, to speak generally about the bill. We have a number of colleagues on the committee who have worked so hard on this bill who do want to speak on it. I hope they will do that this afternoon. Third, we can begin to receive amendments that we might want to consider during this week. I hope we can finish this bill this week. That may be an optimistic goal, but it would be achievable if everybody cooperates and brings to us and our staffs amendments they are thinking about offering.

Mr. MCCAIN. I thank the chairman. I hope all colleagues will bring their amendments as well as debate on the pending amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WICKER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. WICKER. Mr. President, as more and more Americans become familiar with the details of the Democrats' proposal for a Washington takeover of the health care system, the wheels are beginning to fall off, and for good reason. It is no longer just the Republicans who are sounding the alarm. It is Independents and centrist Democrats who are showing genuine concern. We still

do not have a good answer about the cost of the two major Senate proposals—one from the Finance Committee and the other from the HELP Committee—but we do know they will be enormously expensive once they are finally scored. There is also the House proposal from Speaker PELOSI and Chairman WAXMAN which is believed to cost \$1 trillion over a 10-year period.

One great aspect of a representative democracy is elected officials still listen to the people who sent them here. Even Senators with 6-year terms go back to their respective States often and have their fingers on the pulse of public opinion. What they heard over the recent Independence Day break was alarm over the amount of money the Federal Government is spending in such a short period and over the monstrous debt we are incurring. We also heard from the voters. We heard from taxpayers that they are concerned over the direction health care legislation is heading.

A recent CNN poll found that a broad majority of Americans have concluded that their health care costs would go up, not down, under the Democrats' plan. The poll found that 54 percent say their medical insurance costs will increase if the Democratic plan is adopted, while only 17 percent of Americans believe their costs will decrease. Only one out of five said their family would be better off if the Democrats' reforms are enacted.

This lack of enthusiasm for the Democrats' plan is not just driven by partisan opposition. A recent Rasmussen survey found skepticism high among independent voters, with a plurality, some 39 percent of those not affiliated with either party, strongly opposed to the Democrats' plan.

I want health care reform enacted this year. As a matter of fact, I wanted health care reform enacted in the last Congress. But I want a plan that is closer to President Obama's campaign promise of last year, one that allows Americans to keep their insurance plans, if they are satisfied with them, and one that actually saves money for the American economy.

Last year candidate Obama stated that the United States is spending too much money on medical care. He vowed to put forth a plan to save money. I want to see that proposal. I want to see a proposal that would save money, not one that would spend another \$1, \$2, or \$3 trillion we don't have and for which we will have to borrow from our grandchildren and great-grandchildren.

I hope my colleagues on the other side of the aisle will not characterize these legitimate concerns as scare tactics. The figures that have the Americans frightened were ones published from the Congressional Budget Office, not from some right-of-center think tank in Washington. In addition, sug-

gestions about how to pay for this gigantic scheme for a Federal takeover are just as troubling.

The Kennedy bill, for example, includes a \$58 billion tax on workers that would be imposed to create a government insurance program for long-term care. The bill also includes an additional \$36 billion in penalties on individuals for not purchasing a government-approved health coverage policy. Another \$52 billion would come from new taxes on employers. The House is considering a \$540 billion proposal to put a 1- to 3-percent surtax on small businesses. There are also plans to tax beverages that contain sugar and proposals to place payroll taxes on capital gains earnings.

All of these tax increases would come during a recession and would still not be enough. There would have to be hundreds of billions of dollars in cuts to the Medicare Program. In essence, to finance this scheme we will have to agree to tax workers and job creators and to cut benefits for senior citizens.

Two opinion pieces from the Washington Post last Friday provide clear evidence of honest concerns over the way the Democratic legislation is heading. In its own editorial, the Washington Post, hardly a rightwing publication, noted discouraging developments on Capitol Hill. Among other things, the Washington Post expressed disagreement over the Democrats' continued insistence on a public option. The editorial went on to say:

Restructuring the health care system is risky enough that the Democrats would be wise not to try to accomplish it entirely on their own.

This is sound advice from a leading newspaper that endorsed Senator Obama when he was running for President last year.

In another op-ed on the same topic, columnist Michael Kinsley points out:

People, even liberals, are starting to get unnerved by the cost of all this.

He cites two risks for health care reform. One is that it would not pass and an opportunity will be lost. The second is that if it passes, it would not work. I ask my colleagues: If we pass a \$1 trillion or \$3 trillion plan that does not work, how will we ever reverse that mistake? How will we ever get the genie back in the bottle?

Mr. Kinsley rightly urges the President to slow things down on health care reform in order to get it right. Then Mr. Kinsley goes on to suggest that the President not try for a total overhaul of health care but, instead, seek smaller successes or low-hanging fruit. He advocates medical malpractice reform, outcomes research, and eliminating paperwork and waste as a starting position. I believe such an approach is sound and could be on the President's desk by the end of September.

When Michael Kinsley and the Washington Post editorial board begin asking advocates of an enormous Washington takeover to pause and reflect, it is time for all Americans—from the left, from the right, and from the political center—to sit up and take notice.

The good news from these developments is this: We now have a better opportunity for health care reform that does not break the bank. I hope the congressional leadership will go back to the drawing board and write a targeted bill that addresses the real problems, such as coverage for the uninsured.

Congress should listen to Michael Kinsley. Congress should listen to the Washington Post editorial board and the growing chorus of concerns and develop a plan that makes health care more portable, more affordable, and more accessible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, last week and again this morning, my good friend, the majority leader, came to the floor and said he wants to work with Republicans on health care reform. I welcome his comments. As a step in that direction, I would point out one of the major concerns Americans have about health care reform is the pricetag.

Last week, we learned the Federal deficit is now more than \$1 trillion so far this year for the first time in our Nation's history. To give people an idea of how dramatically the Federal deficit has grown in just the last several months, I would note the current deficit for this year is \$800 billion more than it was at this point last year—\$800 billion more than at this point last year. So the need for fiscal discipline could not be greater than at the current moment. Yet all the Democratic proposals we are hearing on health care would only increase our Nation's already staggering debt without even addressing the full extent of the problems we all agree should be addressed as part of a comprehensive reform. Americans do, indeed, want health care reform, but they don't want to see their children and their grandchildren buried deeper and deeper in debt without even solving the problem.

Every proposal we have seen would cost a fortune by any standard. Even

worse, some of these estimates are totally misleading. In some cases 10-year estimates are based on proposals that wouldn't even go into effect for 4 years. In other words, what is being sold as a 10-year cost would actually cost that much over 6 years.

We also know from our experience with Medicare that cost estimates on health care often prove to be wildly inaccurate. When Medicare Part A was enacted in 1965, it was projected that in 1990 it would spend \$9.1 billion on hospital services and related administration. As it turned out, spending in 1990 totaled almost \$67 billion, more than seven times the original prediction.

Today, Medicare is already paying out more than it is taking in and will soon go bankrupt. So if history is any guide, the actual cost of reform could be far greater than the estimates we are getting now—estimates that are already giving Americans serious sticker shock.

Also troubling are some of the proposals we have heard to pay for these so-called reforms. The advocates of government-run health care have been searching frantically for a way to cover costs, and they seem to have settled on two groups: the elderly and small business owners in the form of Medicare cuts and higher taxes.

As for Medicare, it is my view any savings from Medicare should be used to strengthen and protect Medicare, not fund another government-run system that is all but certain to have the same fiscal problems down the road Medicare does. Raiding one insolvent government-run program to create another is not reform; it is using an outdated model to solve a problem that will require a fresh approach and new ideas.

As for higher taxes, advocates of the government takeover of health care have set their sights on small business owners to help pay for the proposals. It should go without saying that this is precisely the wrong approach in the middle of a recession. Small businesses are the engine of our economy, and they have created approximately two-thirds of all new jobs in the last decade. At a time when the unemployment rate is approaching 10 percent, we need to help small businesses not hurt them. Yet according to news reports, Democrats in Congress are considering doing just that.

In recent congressional testimony, the President of the National Federation of Independent Business said some of these proposals could destroy more than 1.5 million jobs. Aside from killing jobs, these so-called reforms could actually cause millions to end up with worse care than they already have, and they could come at a higher cost to individuals and families in the form of higher premiums.

Some have also proposed raising income taxes and limiting tax deductions

for charitable giving. Others are reportedly considering an increase on the employee Medicare tax which would take money out of the paychecks of American workers, a new national sales tax, and taxes on soda and juice boxes. These proposals would hit low-income Americans especially hard. All of these are bad ideas, but it is unlikely they would cover the long-term cost of the proposal we have seen so far in any event. The rest would simply be added to the national debt.

In his comments last week, the majority leader said health care reform is not a partisan issue. That is why some of us have for weeks put forward ideas that should be pretty easy for everybody to support, such as reforming medical malpractice laws to get rid of junk lawsuits, encouraging wellness and prevention programs such as the programs that help people quit smoking or overcome obesity that have been shown to cut costs, and increasing competition in the private market.

Americans would like for the two parties to work together to reform health care—to cut costs without sacrificing the things Americans like about our current health care system. Embracing the ideas I have mentioned and finding responsible ways to pay for health care reform is an obvious and commonsense place to start.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, this week, the Health, Education, Labor, Pension Committee is planning to finish marking up our health care reform legislation. A vital part of this legislation is ensuring that Americans have access to affordable generic versions of brandname biologic drugs. These medicines are crucial to those suffering from Parkinson's, from multiple sclerosis, from arthritis, from diabetes, from cancer, and from all kinds of debilitating and deadly diseases. Yet for countless Americans, these drugs are simply too expensive.

More than 190,000 new cases of breast cancer will be diagnosed in American women in 2009. To treat these cases using the biologic drug Herceptin costs approximately \$48,000 a year. That is almost \$1,000 a week to treat breast cancer with this drug. Each year, more than 1.3 million Americans are afflicted with rheumatoid arthritis. To

treat these cases using the brandname biologic drug Remicade costs more than \$20,000 a year. And here is another number. Between 350,000 and 500,000 people in the United States suffer from multiple sclerosis. To treat these cases using brandname biologic drugs, either Avonex or Betaseron, costs more than \$24,000 a year.

To put these numbers in perspective, the average annual household income in my State of Ohio—whether you live in Dayton, in Cleveland, in Akron, Cincinnati, or Youngstown—is \$46,000. For far too long, Ohioans such as Jerrold, from Miami County, have had to choose between paying for their medication or their mortgage.

Jerrold, who served in the Marines, had to retire early because he was experiencing severe seizures. Soon after, his wife had to retire early because she was diagnosed with leukemia and was battling other medical problems. Between the expensive medications needed to treat their conditions, Jerrold and his wife were forced to put their house up for sale. Jerrold wrote to me saying he didn't expect his golden years would be losing his home because of unaffordable health care costs.

Health care reform must include an FDA approval process for generic biologics comparable to the process that ensures access to traditional generic drugs. Remember that only 15 years ago the most effective, best known cancer drug was a chemical drug, with ingredients that were not considered live ingredients, but was a chemical drug known as Taxol. Taxol cost about \$4,000 a year. We thought that was outrageously expensive. But because of Hatch-Waxman, because of the generic approval process, because we can bring generic drugs to market, we have been able to get those costs under control.

But \$4,000 for a drug for cancer only 15 years ago—Taxol—today, a drug for cancer costs upwards of \$40,000, and there is no Hatch-Waxman, there is no generic process, there is no road to keep those prices in check. The companies that make those drugs can charge whatever they want.

Absent that generic process, there is no free market exerting downward pressure on biologic prices, so prices remain high for families such as Kimberly's, also from Miami County. Kimberly wrote to me explaining how her brother depends on Remicade infusions every 6 to 8 weeks to treat ulcerative colitis. The annual cost of Remicade can top \$31,000 a year. Again, there is no competition, there is no generic equivalent allowed to be developed under U.S. law. Kimberly is worried if her parents lose their insurance her brother will no longer be able to get his infusions and his conditions would not be covered by a new insurer.

Biotechnology is a high-risk and high-cost business, but we cannot give companies open-ended protection from

generic competition. With no protection from generics, pharmaceutical companies have enjoyed profits of the tens of billions of dollars after they recoup their R&D costs.

I say absolutely they should recoup their R&D costs. They should have a generous profit for the risks they undertook and the investment they made and even for the opportunity costs of their investment. But when you look at the kind of returns they are making, the number of years they can continue to charge these high prices, what good is it to develop these wonderful drugs, these wonderful biologic drugs, if people such as Kimberly and Jerrold and others can't afford them?

If you divide the total R&D budget of a typical biotech by the number of biotech companies that actually make it to market—the number of biologics that make it to market, the R&D cost per successful drug is about \$1.2 billion. That counts all the drugs including the ones that do not make it to market, including the ones that are failures, including the ones where the research is dead end—\$1.2 billion.

The top biologic companies are able to make up their costs in as little as a year and a half and go on to make profits worth billions, year after year—after decade, for that matter—because there is no generic path. There is no path to follow in biologics.

Why should there be—under the proposals of some people in this body—why should there be a 13-year monopoly period, as some of my colleagues want? That is a good question. President Obama has said 7 years is enough and the FTC has directly stated that 12 years or more of exclusivity would—counterintuitively, perhaps—actually harm new innovation by discouraging biotech companies from searching for new sources of revenue. Why should they, when they are raking in dollars from their current monopolies, giving them exclusivity for far more years than either the FTC or the President or the AARP or the bipartisan legislation sponsored by Senators MARTINEZ, VITTER, SCHUMER, and me—why should these companies, with that kind of long exclusivity period, even bother to do innovation? That is what the FTC says. That is clearly true.

AARP says 12 years, much less 13 years, is too long. Insurance companies say it, patient advocates say it, disease groups say it, major consumer groups say it—that 12 years is much too long. The only group advocating for 12 years or greater is, no surprise, the drug industry.

With their army of lobbyists and their deep pockets that produce spectacular campaign contributions, the drug industry is all over Capitol Hill, trying to convince Members of Congress that drug companies are different from other companies. The drug companies want us to believe that they de-

serve something special, they deserve decades-long monopolies for their products. No one else has that in the entire consumer market, even if those monopolies leave patients without access to the lifesaving medicines.

I might add that much of the research that these companies have done, much of the research they build upon, is taxpayer funded through the National Institutes of Health.

I know in the State of the Presiding Officer, as in mine, there are all kinds of NIH dollars spent by startup companies, by universities, by people developing spectacular drugs. That is a good thing. But, understand, taxpayer money goes into a lot of this at the beginning. Taxpayers at least deserve competitive prices after the product has been developed.

A biotech industry group called the Biotech Industry Association, a lobbying group, spent nearly \$2 million in the first quarter alone lobbying on this issue that prevents generic drugs from making their way to people in Gallipolis and Zanesville and Springfield and Xenia and Findlay and Lima, OH. The drug industry is a profit-making enterprise, of course. It is going to lobby Congress to do whatever is in the drug industry's best interests, of course. There is no reason to believe it would selflessly advocate for patients. It never has, it never will. It is all about the bottom line, which it should be. It is their responsibility to argue for the bottom line. It is their responsibility to maximize profits. But it is our responsibility in this institution—in the House of Representatives, in the Senate—it is our responsibility to bring in competition to restrain costs so that through competition—not through rules but through competition—American consumers have the opportunity to buy these drugs that our tax dollars helped to develop.

I want to tell you about a letter I received recently from one of my constituents. A registered nurse from Cleveland, Mary, wrote to me that she works with families who often must decide between visiting a doctor and buying their child's medication to manage seizures or other diseases. Mary is a nurse, as I said. Mary writes that drug costs keep many parents from doing what they know is right. Safe and effective generic biologic drugs will bring billions of dollars of savings to consumers, the health care community, and to our economy.

It will help Ohioans such as Brynna, from Cleveland, who wrote to me how, after being diagnosed with a rare immunological disorder, she lost her job and lost her insurance.

After receiving Social Security disability, Brynna had to rely on sample medications from her doctor—a doctor who obviously cared about her patient because Brynna cannot afford the expensive medications she needs to stay healthy and stay strong.

Get this. Brynna juggles her medications depending on which part of her immune system is the weakest and what she can afford.

Why should that happen? That only happens because this institution has abdicated its responsibility. The drug industry, of course, is going to maximize its profits. It is up to us—100 Members of the Senate, 435 Members of the House of Representatives and President Obama to inject competition, to allow competition so these prices come down.

Of course it would be irresponsible not to pursue a safe and efficient path to generic versions of name-brand biologic drugs. It would be irresponsible to pursue a pathway that gives biologic manufacturers more than a decade of monopoly rights over a market that provides lifesaving products to American patients.

That is how high the stakes are. Every year we give to highly profitable drug companies inflates taxpayer costs for health care, causes businesses struggling with paying for health care for their employees more onerous, burdensome costs, and prevents Americans from obtaining medicines that can treat disabling and life-threatening conditions.

We must not kowtow to the drug industry. We can and we must stand up for patients. We must and we have an opportunity to do what is right on the follow-on biologics issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is considering S. 1390.

Mr. LEAHY. Mr. President, moments ago I left the Judiciary Committee hearing room where we are considering the nomination of Judge Sotomayor to be an Associate Justice on the Supreme Court. In considering this historic and well-qualified nominee, many Americans may believe our country has completely turned the corner in terms of equality and civil rights. While I certainly hope Judge Sotomayor's nomination will unite us as a nation, I am aware that there is a lot more that still has to be done to protect the civil rights of all Americans.

I plan to offer the Matthew Shepard Hate Crimes Prevention Act of 2009 as an amendment to the pending National Defense authorization bill. I thank Senator COLLINS, Senator SNOWE, and a number of other bipartisan cosponsors for their support. This measure has long been a priority bill for Senator TED KENNEDY. I commend him for his steadfast leadership over the last decade in working to expand our Federal hate crime laws.

The amendment I will offer aims to address the serious and growing prob-

lem of hate crimes. We all saw the recent event at the Holocaust Museum here in Washington which made it clear that these vicious crimes continue to haunt our country. This bipartisan legislation is carefully designed to help law enforcement most effectively respond to this problem. It has been stalled for far too long. The time to act is now.

The Matthew Shepard Hate Crimes Prevention Act has been pending for more than a decade and has actually passed the Senate several times. Despite its long history in the Senate, and despite the fact that it is cosponsored by both Democratic and Republican Senators, it continues to draw the same tired, old attacks. Less than 2 years ago the Senate passed a hate crimes bill as an amendment to the Defense Authorization Act. It also passed the Senate in 2004, in 2000, and 1999.

Last month, at the request of the ranking Republican on the Judiciary Committee, Senator SESSIONS, and all Republican members of the committee, I chaired a hearing on this bill to assure that this legislation has been adequately discussed and considered, and to allow an opportunity to explore the minor changes that were made to the bill in this Congress.

It is no doubt a testament to the urgency of this legislation that the Attorney General of the United States returned to the Judiciary Committee to testify in support of the bill. I say it reflects the urgency of it because the Attorney General had been before the committee less than a week before in an oversight hearing. Normally we would not see him before the committee for another 6 to 10 months. Yet, he came back within 6 days so he could testify in support of this important legislation. I commend Attorney General Holder for that. We have also heard from State and local law enforcement organizations, all supportive of the measure, and our committee record includes support letters from dozens of leaders of the faith community and the civil rights community.

I agreed with Senator SESSIONS when he commented at the end of the hearing that it was a good hearing with a good exchange of views. We have now had more than enough process and consideration of this bill, and it is time to bring it to another Senate vote.

The hate crimes amendment will improve existing law by making it easier for Federal authorities to investigate and prosecute crimes of racial, ethnic, or religious violence. Victims will no longer have to engage in a narrow range of activities, such as serving as a juror, to be protected under Federal law. It also focuses the attention and resources of the Federal Government on the problem of crimes committed against people because of their sexual orientation, gender, gender identity, or disability, which is a long overdue pro-

tection. In addition, the hate crimes amendment will provide assistance and resources to State and local and tribal law enforcement to address hate crimes.

Last Congress this legislation was attached to the Department of Defense authorization bill and had the bipartisan support of 60 Senators, and I expect we will have even more support today.

President Obama supports the immediate passage of hate crime legislation. In his first few months in office, he has acted to ensure that Federal benefits are awarded more equitably, regardless of sexual orientation. He has shown through his selection of a nominee for the Supreme Court that he understands the greatest talent and experience and the highest devotion to law exists across lines of gender and ethnicity. Unlike in previous years, our bipartisan hate crimes bill does not face a veto threat because we have a President who understands that crimes motivated by bias are particularly pernicious crimes that affect more than just their victims and those victims' families.

I know. In a previous career, I prosecuted crimes that were committed based solely or primarily on bias against the victims. It is a hateful, terrible thing. It is hateful to the victim, to the victim's family, the victim's friends.

Hate crimes instill fear in those who have no connection to the victim other than a shared characteristic such as race or sexual orientation. If you feel somebody with whom you share that connection may have been the victim of a hate crime, you may fear that you will be next.

For nearly 150 years, we have responded as a nation to deter and punish violent denials of civil rights by enacting Federal laws to protect the civil rights of all of our citizens. The Matthew Shepard Hate Crimes Prevention Act of 2009 continues that great and honorable tradition. That is why so many law enforcement—State and local, Federal—support this legislation. Adoption of this amendment will show, once again, that America values tolerance and protects all of its people. I urge the opponents of this measure to consider the message it sends when, year after year, we have been prevented from enacting this broadly supported legislation. The victims of hate deserve better, and those who fear they may be the next victim of a hate crime deserve better. So I hope all Senators will join me in support of this important amendment.

At the appropriate point, I will call up the amendment. I ask unanimous consent that the letters in support of this amendment from the Human Rights Campaign dated July 14, 2009, and the Leadership Conference on Civil Rights dated July 9, 2009, be printed in

the RECORD. I also ask unanimous consent that the list of supporters for the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HUMAN RIGHTS CAMPAIGN,
Washington, DC, July 14, 2009.

DEAR SENATOR: On behalf of the Human Rights Campaign and our more than 750,000 members and supporters nationwide, we are writing today to urge you to support the Leahy/Collins/Kennedy/Snowe Matthew Shepard Hate Crimes Prevention Act amendment to the Department of Defense Authorization Act for Fiscal Year 2010 (S. 1391) and to reject any secondary amendments. These will be key votes for the Human Rights Campaign.

The Matthew Shepard Hate Crimes Prevention Act has strong bipartisan support. On April 29, 2009 the House of Representatives passed a virtually identical bill (H.R. 1913) by a vote of 249-175. The Senate has previously supported substantially similar legislation on four separate occasions by wide bipartisan margins, most recently as an amendment to the 2008 Department of Defense Authorization bill by a vote of 60 to 39. In addition to public opinion polling that consistently finds an overwhelming majority of Americans in support of such legislation, the Matthew Shepard Hate Crimes Prevention Act has the support of more than 300 law enforcement, civil rights, civic and religious organizations.

Since the Federal Bureau of Investigation (FBI) began collecting hate crimes statistics in 1991, reported bias-motivated crimes based on sexual orientation more than tripled; yet the federal government has no jurisdiction to assist states and localities in dealing with even the most violent hate crimes against lesbian, gay, bisexual and transgender Americans. The FBI's 2007 Uniform Crime Reports—the most recent year for which we have statistics—showed that reported violent crimes based on sexual orientation constituted 16.6 percent of all hate crimes in 2007, with 1,265 reported for the year.

By passing this common sense anti-hate crime measure, we would bring our nation's laws into the 21st century. The Matthew Shepard Hate Crimes Prevention Act is a logical extension of existing federal law. Since 1969, 18 U.S.C. §245 has permitted federal prosecution of a hate crime if the crime was motivated by bias based on race, religion, national origin, or color, and because the victim was exercising a "federally protected right" (e.g. voting, attending school, etc.). After forty years, it has become clear that the statute needs to be amended.

This bill adds actual or perceived sexual orientation, gender, disability and gender-identity to the list of covered categories and removes the federally protected activity requirement, thus bringing a much needed comprehensiveness to federal law. Removing the outdated intent requirement, would untie the federal government's hands and allow them to partner with state and local officials in combating serious hate crimes that involve death and bodily injury.

We urge you to vote for this historic piece of legislation. For more information, please contact Allison Herwitt, Legislative Director, or David Stacy, Senior Public Policy Advocate. Thank you.

Sincerely,

JOE SOLMONESE,
President.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,

Washington, DC, July 9, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. PATRICK LEAHY,
U.S. Senate,
Washington, DC.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATORS: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, with more than 200 member organizations, we thank you for your support and leadership of the Matthew Shepard Hate Crimes Prevention Act (S. 909) (HCPA) and applaud your commitment to pass it before the August recess.

LCCR appreciates your continued support for this bill, and we are grateful for Senator Levin's willingness to allow an attempt to attach HCPA to the Department of Defense (DOD) Authorization, and for Senator Leahy's leadership in offering the amendment on the Senate floor. As you know, due to pressure from outside of the Senate, we have tried but failed to find an appropriate vehicle on which to attach the HCPA. We recognize and appreciate that the DOD Authorization bill is the best and only option to ensure passage before the August recess.

We know that you understand well the importance of S. 909. The testimony of Attorney General Holder at the Senate Judiciary Hearing on June 25th, indicating the administration's strong support for this bill, is an encouraging reminder that after eleven years of efforts, we will finally be able to pass the law necessary to protect victims of violent, bias-motivated attacks. The HCPA would enhance the federal response to hate crime violence by covering all violent crimes based on race, color, religion, or national origin. In addition, the HCPA would permit federal involvement in the prosecution of bias-motivated crimes based on the victim's gender, gender identity, sexual orientation, or disability. This expansion is critical in order to protect Americans from this most egregious form of discrimination.

While LCCR recognizes that bigotry cannot be legislated out of existence, a forceful, moral response to hate violence is required of us all. This legislation passed the House of Representatives with a strong bipartisan majority (249-175) and has the support of more than 300 law enforcement, civil rights, civic, and religious organizations. We know that you strongly believe, as we do, that Congress must do everything possible to empower the federal government to assist in local hate crime prosecutions and, where appropriate, expand existing federal authority to permit a wider range of investigations and prosecutions. We sincerely appreciate your efforts and leadership in making this happen.

Please contact Rob Randhava, LCCR Counsel, Lisa Bornstein, LCCR Senior Counsel, or Nancy Zirkin with any questions. Thank you again for your support and leadership.

Sincerely,

WADE HENDERSON,
President & CEO.

NANCY ZIRKIN,
Executive Vice President.

SUPPORT LETTER LIST

9to5 Bay Area (CA); 9to5 Colorado; 9to5 Milwaukee; 9to5 National Association of Working Women; A. Philip Randolph Insti-

tute; AAMR—American Association on Mental Retardation; AAPD—American Association of People with Disabilities; ACLU—American Civil Liberties Union; AFL-CIO Department of Civil, Human and Women's Rights; African American Ministers in Action; African-American Women's Clergy Association; Agudath Israel; AIDS National Interfaith Network; Alexander Graham Bell Association for the Deaf and Hard of Hearing (AG Bell); Alliance for Rehabilitation Counseling; Alliance of Baptists; American Association for Affirmative Action; American Association of People with Disabilities (AAPD); American Association of University Women; American Association on Health and Disability.

American Association on Intellectual and Developmental Disabilities (AAIDD); American Citizens for Justice; American Conference of Cantors; American Council of the Blind; American Counseling Association; American Dance Therapy Association; American Diabetes Association; American Ethical Union, Washington Office; American Federation of Government Employees; American Federation of Musicians; American Federation of State, County, and Municipal Employees, AFL-CIO; American Federation of Teachers, AFL-CIO; American Foundation for the Blind; American Islamic Congress; American Jewish Committee; American Jewish Congress; American Medical Association; American Medical Rehabilitation Providers Association (AMRPA); American Music Therapy Association; American Network of Community Options and Resources (ANCOR).

American Nurses Association; American Occupational Therapy Association (AOTA); American Psychological Association; American Rehabilitation Association; American Speech-Language Hearing Association; American Therapeutic Recreation Association; American Veterans Committee; American-Arab Anti-Discrimination Committee; American-Arab Discrimination Committee; Americans for Democratic Action; Amputee Coalition of America; AMRPA—American Rehabilitation Providers Association; ANCOR—American Network of Community Options and Resources; Anti-Defamation League; AOTA—American Occupational Therapy Association; Aplastic Anemia Foundation of America, Inc.; Arab American Institute; Arab-American Anti-Discrimination Committee; Asian American Justice Center; Asian American Legal Defense & Education Fund.

Asian Law Caucus; Asian Pacific American Labor Alliance; Asian Pacific American Legal Center; Association for Gender Equity Leadership in Education; ATAP—Association of Assistive Technology Act Programs; Atlanta 9 to 5; AUCD—Association of University Centers on Disabilities; Autism Society of America; Autistic Self Advocacy Network; AYUDA; B'Nai Brith International; Bazelon Center for Mental Health Law; Bi-Net; Brain Injury Association of America; Break the Cycle; Buddhist Peace Fellowship; Business and Professional Women, USA; Catholics for Free Choice; CCASA—Colorado Coalition Against Sexual Assault; Center for Community Change.

Center for Democratic Renewal; Center for the Study of Hate & Extremism; Center for Women Policy Studies; Central Conference of American Rabbis; Chinese American Citizens Alliance; Christian Church Capital Area; Church Women United; Coalition of Black Trade Unionists; Coalition of Labor Union Women; Communications Workers of America, AFL-CIO; Congress of National Black Churches; Consortium for Citizens

with Disabilities; Consortium of Developmental Disabilities Councils; COPAA—Council of Parent Attorneys and Advocates; Council for Learning Disabilities; Council of State Administrators of Vocational Rehabilitation; Cuban American National Council; Cuban American National Council; Democrats.com; Disability Policy Collaboration.

Disability Rights Education and Defense Fund; Disabled Action Committee; Disciples Justice Action Network; Disciples of Christ Advocacy Washington Network; Easter Seals; Epilepsy Foundation; Equal Partners in Faith; Equal Rights Advocates, Inc.; Evangelical Lutheran Church of America, Office for Government Affairs; Fair Employment Council of Greater Washington; Faith Trust Institute; Family Equality Council; Family Pride Coalition; Federal Law Enforcement Officers Association; Federally Employed Women; Feminist Majority; Friends Committee on National Legislation; Gay, Lesbian, and Straight Education Network; Gender Public Advocacy Coalition (GenderPAC); GenderWatchers.

General Board of Church & Society of the United Methodist Church; General Federation of Women's Clubs; Goodwill Industries International, Inc.; Hadassah, the Women's Zionist Organization of America; Helen Keller National Center; Higher Education Consortium for Special Education; Hindu American Foundation; Hispanic American Police Command Officers Association; Hispanic National Law Enforcement Association; Human Rights Campaign; Human Rights First; Interfaith Alliance; Interfaith Coalition; International Association of Chiefs of Police; International Association of Jewish Lawyers and Jurists; International Association of Jewish Vocational Services; International Brotherhood of Police Officers; International Brotherhood of Teamsters; International Dyslexia Association; International Federation of Black Pride.

International Union of United Aerospace and Agricultural Implements; Islamic Society of North America; JAC—Joint Action Committee; Japanese American Citizens League; Jewish Council for Public Affairs; Jewish Labor Committee; Jewish Reconstructionist Federation; Jewish War Veterans of the USA; Jewish Women International; Justice for All; Labor Council for Latin American Advancement; Latino/a, Lesbian, Gay, Bisexual & Transgender Organization; Lawyers' Committee for Civil Rights Under Law; Leadership Conference of Civil Rights; League of Women Voters; LEAP—Leadership Education for Asian Pacifics, Inc.; Learning Disabilities Association of America; Legal Momentum; LGBT Community Centers; Log Cabin Republicans.

Los Angeles 9 to 5; LULAC—League of United Latin American Citizens; Major Cities Chiefs Association; MALDEF—Mexican American Legal Defense & Education Fund; MANA—A National Latina Organization; Maryland State Department of Education; Matthew Shepard Foundation; Mental Health America; Methodist Federation for Social Action; Metropolitan Community Churches; Moderator's Global Justice Team of Metropolitan Community Churches; Muslim Advocates; Muslim Public Affairs Council; NA'AMAT; NA'AMAT USA; NAACP; NAACP Legal Defense and Educational Fund, Inc.; NACDD—National Association of Councils on Developmental Disabilities; NAKASEC—National Korean American Service & Education Consortium, Inc; NALEO—National Association of Latino Elected and Appointed Officials.

NAMI—National Alliance on Mental Illness; National Abortion Federation; National Advocacy Center of the Sisters of the Good Shepherd; National Alliance of Faith and Justice; National Alliance of Postal and Federal Employees; National Asian Pacific American Bar Association; National Asian Pacific American Women's Forum; National Asian Peace Officers Association; National Association for Multicultural Education; National Association for the Education and Advancement of Cambodian, Laotian and Vietnamese Americans; National Association of Collegiate Women Athletics Administrators; National Association of Commissions for Women; National Association of County Behavioral Health and Developmental Disability Directors; National Association of Lesbian, Gay, Bisexual and Transgender Community Centers (on House Vote); National Association of People with AIDS; National Association of Private Schools for Exceptional Children; National Association of Rehabilitation Research and Training Centers; National Association of School Psychologists; National Association of Social Workers; National Association of State Head Injury Administrators.

National Association of the Deaf; National Black Justice Coalition; National Black Police Association; National Black Women's Health Project; National Center for Learning Disabilities; National Center for Lesbian Rights; National Center for Transgender Equality; National Center for Victims of Crime; National Center for Women & Policing; National Center on Domestic and Sexual Violence; National Coalition Against Domestic Violence; National Coalition for Asian American Community Development; National Coalition of Anti-Violence Programs; National Coalition of Public Safety Officers; National Coalition on Deaf-Blindness; National Congress of American Indians; National Congress of Black Women; National Council of Churches of Christ in the USA; National Council of Jewish Women.

National Council of Women's Organizations; National Council on Independent Living; National District Attorneys Association; National Down Syndrome Congress; National Fragile X Foundation; National Latino Police Officers Association; National Organization for Women; National Organization of Black Law Enforcement Executives; National Organization of Social Security Claimants' Representatives; National Partnership for Women & Families; National Rehabilitation Association; National Women's Conference; National Women's Conference Committee; National Women's Law Center; NCAVP: National Coalition of Anti-Violence Programs; NCCJ—National Conference for Community and Justice; NCR—National Respite Coalition; NDRN—National Disability Rights Network; NDSS—National Down Syndrome Society; NETWORK: A National Catholic Social Justice Lobby.

NISE; North American Federation of Temple Youth; Northwest Women's Law Center; NSSTA—National Structured Settlement Trade Association; NWC—National Women's Committee; Organization of Chinese Americans; Police Executive Research Forum; Police Foundation; Presbyterian Church (USA), Washington Office; PVA—Paralyzed Veterans of America; Rabbinical Assembly; Religious Action Center; Religious Institute on Sexual Morality, Justice, and Healing; Research Institute for Independent Living; SAALT—South Asian Americans Leading Together; Sargent Shriver National Center on Poverty Law; School Social Work Association of America; SCORE—Sikh Council on

Religion and Education; Spina Bifida Association; Catholic University of America; TASH; The Anti-Defamation League; The Arc of the United States; The Episcopal Church; The Indian American Center for Political Awareness.

The Latino Coalition; The McAuley Institute; The Women's Institute for Freedom of the Press; Third Way, Religious Leaders; U.S. Conference of Mayors; Union for Reform Judaism; Unitarian Universalist Association; Unitarian Universalist Association of Congregations; United Cerebral Palsy; United Church of Christ, Justice and Witness Ministries; United Methodist Church, General Board of Church and Society; United Methodist Church, General Commission on Religion and Race; UNITED SIKHS; United Spinal Association; United Synagogue of Conservative Judaism; Washington Teachers Union; WID—World Institute on Disability; Women Employed; Women of Reform Judaism; Women's Alliance for Theology, Ethics and Ritual; Women's Law Center of Maryland, Inc.; WREI—Women's Research & Education Institute; YWCA USA.

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to speak in favor of S. 1390. But before I do, let me thank Senator LEAHY for his leadership in introducing this anti-hate crime amendment. I am honored to be one of its cosponsors. I hope the Senate works its will and, in the interests of justice, adopts the amendment in due course.

As I said, I rise to support S. 1390, the National Defense Authorization Act for fiscal year 2010, the matter before the Senate today and this week. I wish to begin by commending Chairman LEVIN, the chairman of our Senate Armed Services Committee, and Senator MCCAIN, the ranking Republican member, for their leadership and for the bipartisan example they have set in drafting and reporting out this bill.

This bill will keep our Nation safe and provide our troops with the support they deserve, and that is exactly what it ought to do. The bill will establish new programs to support the fiscal and mental well-being of our troops and their families. It will provide our fighting men and women a 3.4-percent increase in compensation. The fact is, nothing is more important than taking care of this extraordinary, gifted, brave generation of men and women who have volunteered to defend our country at a time of war.

I am also very pleased this bill will authorize the Secretary of Defense to grow the size of the Army in 2011 and 2012, a period when our soldiers will still be under stress, real stress, as the Army shifts its focus from operations in Iraq and Afghanistan but the overall level of deployment will probably rise. There is so much we can do to reduce the stress on those who serve us in the military and on their families. One critical thing we can do is to simply increase the number of men and women in uniform, particularly in the Army, because the more supply there is of

troops, no matter what the demand, the amount of time every soldier can look forward to being back at base, back with families, not deployed in a battle zone, will decrease the stress they are under.

The additional troops—"end strength," as it is called in the vocabulary of this legislation—that are provided for in 2011 and 2012 will ease the strain on our soldiers who have already been asked to do so much on our behalf. I intend to work with my colleagues in the Senate this week to amend this bill to extend the application of the method to increase end strength from 547,000 to 577,000 so it can begin in the next fiscal year, the year 2010, because that is probably when it will be most needed, as we are reducing our presence in Iraq but in a slightly more accelerated way increasing our presence in Afghanistan.

Let me focus, if I may, on the parts of this legislation that have come out of our Airland Subcommittee of the Senate Armed Services Committee, a subcommittee which I have the honor of chairing.

I wish to start by thanking Senator JOHN THUNE for his service as ranking member of the subcommittee. It is a pleasure to work with Senator THUNE on behalf of our Army and Air Force and all involved in air and land programs. We work closely together in a completely bipartisan manner to carry out our responsibilities concerning the matters in the jurisdiction of our subcommittee.

The Airland Subcommittee has broad responsibility for policy oversight over substantial parts of the Army and Air Force budgets but also, to a lesser extent, to a real extent, the Navy and the Marine Corps. So the subcommittee's portion of this year's National Defense Authorization Act is a large one. Our goal was direct: to promote and improve the current and, as best we can, the future readiness of our ground and air forces, while at the same time ensuring the most efficient and effective use of taxpayer dollars.

This year, the portion of the budget request falling under the Airland Subcommittee's jurisdiction included a total of \$71.1 billion. That is made up of \$55.4 billion in procurement and \$15.7 billion in all-important research and development. As it stands right now, the full committee's recommendation is a net addition to the President's budget request of \$2.9 billion to support activities under the Airland Subcommittee's jurisdiction.

In the past, the Armed Services Committee and the Senate have supported stability and funding levels as requested for Army readiness and modernization programs. This has been particularly true for the Army's Future Combat Systems, which has been the major modernization program of the Army.

However, the Army was forced to make some tough decisions in these tough budget times and decided in April to restructure the Future Combat Systems Program, including termination of the manned ground vehicle portion of that program. The Department has reoriented the Army modernization plans that have been in place for the last 6 years. That is the necessity the Army felt both for budgetary reasons and I believe for reasons of effectiveness. So the bill before us today supports the Department's decision, the Army's decision, with respect to the restructuring of the Future Combat Systems Program and recommends full funding for the "spin out" portions, the network portions of that program that will be carried forward.

This is a remarkable application of modern technology to the battlefield. The history of warfare shows, generally speaking, that any developments, any technological advances that have occurred over history, from the first fires that were made, to the wheel, and on to the railroad, et cetera, have found their way—obviously the ability to fly—into military use. And so it is with the remarkable capability to communicate with one another, to use telecommunications, and the computer particularly, that has found its way into applications in combat which greatly expand the capabilities of our soldiers, each and every one of them, to see the battlefield beyond what they can see with their eyes and to conduct the most effective warfare on our behalf.

The bill also requires and recommends full funding for a new ground combat vehicle research and development program, as the Secretary of Defense agreed the Army needs.

In addition, this bill will direct the Department to establish a development program for a next-generation, self-propelled howitzer to take advantage of technologies already matured as part of the Future Combat System non-line of sight cannon program.

In other words, what we are trying to do, in the aftermath of Secretary Gates' decision to terminate the series of programs under the Future Combat Systems Program, is to harvest technological advances that were made as part of those now terminated programs.

To support our forces in Afghanistan, this bill also recommends a large sum for an important purpose, \$6.7 billion for the Mine Resistant Ambush Protected vehicle fund, which is an increase of \$1.2 billion above the President's budget request for what is normally known as the MRAP—in this case, the MRAP all-terrain vehicles, a later version of the MRAPs, a more agile version of the MRAPs that have done so much to protect the lives and well-being of our soldiers in Iraq from

the impact of IEDs and of bombs our enemies have set off. These MRAP ATVs will now be of tremendous assistance to the growing number of troops we are sending to Afghanistan. This is a version of the MRAP made particularly for our troops now fighting for us in Afghanistan.

In addition, in response to the Army Chief of Staff's unfunded priorities list, the bill also recommends adding \$179 million to procure additional Force XXI Battlefield Command Brigade and Below systems to enhance the operational effectiveness of small units fighting on our behalf in Afghanistan and Iraq.

When it comes to air power, the bill also recommends an additional \$560 million to buy FA-18E/F aircraft in fiscal year 2010 as originally planned in the program of record, rather than the nine aircraft requested by the President's budget. Our subcommittee believes these added aircraft are a sensible investment to make against a looming dangerous shortfall in our Nation's tactical aviation aircraft inventory. In other words, the new generation of tactical airfighters coming on will not be there early enough to help the Navy overcome the running out of the lifespan of the series of tactical aircraft they have now. That will put them way below what the Navy believes it needs in the years ahead.

The subcommittee has also recommended an additional \$1.75 billion to buy seven F-22A Raptor aircraft rather than terminating the production program as requested by the Department. This was a judgment made by the full committee when it received our subcommittee report. Although this was a hard decision, the continued production of the Raptor will guarantee that we have balanced combat air forces in the future and support the transition between F-22A and the F-35 Joint Strike Fighter programs.

The bill also includes an additional \$20.4 million to support 12 additional Blackhawk A-to-L model conversions to accelerate modernization of the Army's Active and Reserve component fleets.

In the area of efficiencies, the bill recommends making adjustments or reductions as follows: a decrease of \$209.5 million for the C-130 Avionics Modernization Program because of the delays in beginning the production program and a decrease of \$90 million for the CSAR-X, the search and rescue helicopter program, because of the availability of prior year funds to cover fiscal year 2010 requirements.

There is one provision of this bill about which I myself have grave reservations. The full committee overturned the recommendation of our subcommittee that concerns the development of the alternate engine for the Joint Strike Fighter, a second engine for the Joint Strike Fighter. President

Obama, as President Bush before him, concluded, after the competition was held, the one engine met the needs of our military for the Joint Strike Fighter Program without the additional cost required for a second engine development program.

The full committee overturned the judgment of the subcommittee and provided \$439 million in the coming fiscal year for the second engine. The President, incidentally, has singled out that engine as an example of one that he says “do[es] nothing to keep us safe” and has said if the second engine is included in the bill, he will consider vetoing the bill. I intend to work with my colleagues this week to hopefully remove the funding for the alternative engine and restore it to where it was intended, which was to fund the development of the Joint Strike Fighter and to pay for 10 UH-1Y helicopters, familiarly known as Hueys, that were cut to pay for this program that otherwise would go to the Marines. Both the Commandant of the Marine Corps and the Vice Chairman of Joint Chiefs of Staff have described this as critical for our Marines fighting in Afghanistan. They need those 10 Hueys.

Despite that one reservation, the legislation and funding in the bill would end the Airland Subcommittee’s jurisdiction. Indeed, the bill in general strongly supports our Armed Forces in a time of war and supports the flexibility the Department, under Secretary Gates, has requested as it charts a path to military modernization. I praised Chairman LEVIN in his absence. I don’t want to miss the opportunity to praise him in his presence, along with Senator McCAIN, for the leadership both have brought to this committee and the extraordinary example of bipartisanship in the interest of national security that they together have demonstrated through their work on the committee.

There will be a lot of amendments and some will be controversial. But when it is all over and we come to adoption of the legislation, I hope, with confidence, that my colleagues on both sides of the aisle will give the National Defense Authorization Act for fiscal year 2010 the resounding bipartisan support it and our military deserve.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Michigan.

MR. LEVIN. Madam President, let me thank Senator LIEBERMAN for all the work he has done on our committee, for coming to the Chamber and setting out the parts of the bill he not only strongly supports but had a great deal of effort he put forth, with colleagues on the committee, to make happen. We are grateful for that. He also indicated where the differences are so we can begin to focus on some of the amendments we will need to consider this week. I hope other colleagues will fol-

low his lead and come to the floor to indicate where they may be wanting to offer amendments so we can make progress. We are waiting for those notifications, and we very much appreciate it.

I thank him.

I see Senator NELSON on the Senate floor. I know he will be recognized next. Senator NELSON has a very important subcommittee into which he has put a huge amount of time. He is an invaluable member of our committee.

The PRESIDING OFFICER. The Senator from Florida.

MR. NELSON of Florida. Madam President, I am happy to be here to support our committee work product. We had a full complement of hearings and briefings for the Members in a very complicated area: the strategic defense systems of our national defense policy. I have the privilege of chairing the Strategic Forces Subcommittee. I wish to give a few examples.

On the whole question of missile defense, which has been so controversial over the course of the last two and half decades, we had a good bit of consensus when we got down to the end. It is funded at the amount of the budget request by the President. We did a little bit of rearranging from what the President had recommended but stuck basically with the theory that we will have 44 ground-based interceptors, and 30 of them will be in the actual silos so that they will be reliable, available, and effective.

This has been a system where we are absolutely insisting that there is robust testing, testing not only of a missile that would be fired at an incoming threat but that there would be a volley of them, that there would be a missile that would shoot at a target. It would assess that target, and it would shoot a second missile at that target to make sure, if that were an inbound ICBM coming into the United States, that we would be sure we could hit it before it ever reached its target in the United States.

Part of this was, we adopted an amendment that would be part of the Quadrennial Defense Review and the Ballistic Missile Defense Review which are now both underway. It would give a detailed assessment of the ground-based midcourse defense system. That report would also require a detailed plan for how the Department of Defense is going to sustain the planned ground-based missile deployment capability. The Department would provide that assessment and the plan to Congress with the submission of next year’s budget.

At the end of the day, what we are looking for is that we have a missile defense system that works and that we know it works in case some rogue state, such as North Korea or Iran, were to try to pull off an attack on the

United States so we could knock that attack down.

We have a lot of other systems in place besides the ground-based interceptors. For example, we have our Aegis system of ships. We have the standard missile 3 that is land based that, on a lot of these threats coming, as I suggested, if it were from Iran or North Korea, we could get them in the boost phase of their threatening missile. But this missile defense system we are talking about, the ground-based interceptors in the silos in Alaska and California right now, this would get them in midcourse so that when an ICBM would be launched against us, if we did not get it in its initial phase, the boost phase, we would get it in its midcourse phase before it comes in to its terminal phase. The terminal phase would be the last part coming into the target.

We are going to have a layered system that is going to give us a lot of capability to protect ourselves in the future from anybody who wants to try to threaten us with an ICBM. That is a part of what we have done.

The Secretary of Defense has said he wants 44 of these missiles. We are planning for that. But at any one time, 30 of them would be in the silos in the ground, ready to go, knowing that if the balloon went up and that we had to strike, we would strike with accuracy and with redundancy in order to knock those threats out of the sky before they ever got to us.

In other strategic systems, we want to look at the bombers. We want to make sure we have the future technologies that, if it is the decision of the United States Government to develop a future bomber, in addition to what we have now, which is the B-52s, the B-1s, and the B-2s, we would have that capability by developing the technologies.

Part of our strategic systems are also our space systems; that is, the satellites in orbit that watch and listen in order to protect our national security. We have funded something called operationally responsive space. It includes funds for a new satellite which was not in the Air Force budget. It was on what they called their unfunded priority list. Our recommendation is to develop that satellite, an ORS-1 satellite.

Then we are looking to the future to go out for competition on developing a next generation kind of satellite that would be a very small satellite that would be to observe but would be a lot more economical and quicker to launch. We want the Air Force to have space situational awareness information at all times, including from our commercial operators. We have a lot of commercial satellites up there. They take a lot of pictures. That is of a value to us in the government, to utilize those pictures in addition to the others we receive.

We also have added funding to look at a new low cost imaging satellite for

future application. In our Strategic Force Subcommittee we also deal in intelligence. We have asked the Department of Defense to look at some of these commercial imaging satellites to utilize that information, maybe even a new kind of commercial imaging satellite that would be capable and would give us information on how to disseminate that information.

We also, being concerned about the spread of nuclear weapons, have requested a report on the proliferation of nuclear weapons and materials. The Department of Energy is a part of our Strategic Forces Subcommittee. That is the part that is involved in weapons activity. We decided to increase their budget by \$106 million to a total of \$6.4 billion. It is focused on making sure that the stockpile we have is effective and that it is safe and that we continue the process, under the treaties, of dismantling.

There is a provision that directs the Department of Energy to carry out a stockpile life extension program, to do what I had said, which is to modernize and maintain the stockpile and to make it even safer, and to do all of that without testing. We have added additional funds for nuclear weapons laboratories to provide technical support and analysis to the intelligence community.

So there is another issue; that is, what we are going to do with some of the pensions at the Department of Energy contractor-operated sites. There is another real issue which we have addressed, which is what are we going to do with some of this nuclear waste—the waste from the weapons processing plants? And how do you go about making sure that waste is safe? And, ultimately, how is it disposed of?

So the Strategic Forces Subcommittee was quite active. It has been my privilege to work with the chairman of the committee, Senator LEVIN. What could have been a very contentious part of the Defense authorization bill ended up being where we got very wide and very considerable bipartisan support. It is my privilege to have been a part of that process.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, when the Senator from Florida says the subcommittee has been active, it is a true understatement. It has been extremely active. It has been very creative. It has operated on a bipartisan basis under Senator NELSON's leadership. It is a very challenging position he holds as that subcommittee chair because of the subject matter, and I wish to thank him and commend him for all the great work he does.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF ROBERT M. GROVES TO BE DIRECTOR OF THE CENSUS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The legislative clerk read the nomination of Robert M. Groves, of Michigan, to be Director of the Census.

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour of debate prior to a vote on the motion to invoke cloture.

Who yields time?

The Senator from Louisiana is recognized.

Mr. VITTER. Madam President, I rise to oppose cloture on the nomination of Robert Groves to be Census Director.

As we all know, the 2010 Census is right around the corner. This is a very important process that should not be taken lightly. The census, of course, is an official count of the country's population mandated by the U.S. Constitution, and it is used to determine distribution of taxpayer money through grants and appropriations and the apportionment of the 435 seats in the House of Representatives.

Every U.S. household unit, including those occupied by noncitizens and illegal immigrants, must be counted. We must take every effort to make this a fair and accurate census that is not skewed in any way by political influence or using poor statistical material. With that in mind, I have very serious concerns about some of the administration's plans for the census, particularly with regard to ACORN, the Association of Community Organizations for Reform Now.

ACORN signed up in February 2009 to assist the U.S. Census Bureau as a national partner, and they signed up specifically to help recruit 1.4 million temporary workers needed to go door-to-door to count every person in the United States. So they are a "2010 census partner"—an official census partner given this delineation by the U.S. Census Bureau. There was a very full report on this by the Wall Street Journal just last month, in June of this year. I have very serious concerns about this.

As did Senator SHELBY, I wrote the administration asking for assurances that ACORN would have no role whatsoever in the Census. I believe Senator SHELBY originally wrote his letter in March. I sent my letter in early June.

Today we have gotten absolutely no response.

Let me remind my colleagues why this should be a very serious concern for all of us. And we don't have to look far in terms of history to understand these concerns; the last election cycle will do. In May 2009, Nevada filed charges against ACORN. The complaint includes 26 counts of voter fraud and 13 counts for compensating those registering voters, both felonies. From July 27 through October 2 of 2008, ACORN in Nevada also provided additional compensation under a bonus program called Blackjack or 21-Plus that was based on the total number of voters a person registered. A canvasser who brought in 21 or more completed voter registration forms per shift would be paid a bonus of \$5.

There are other serious complaints that have been made against ACORN. In March 2008, an ACORN worker in Pennsylvania was sentenced for making 29 phony voter registration forms. In 2007, Washington State filed felony charges against several paid ACORN employees and supervisors for more than 1,700 fraudulent voter registrations.

I think it is fair to say the American public does have strong concerns about ACORN because of this long history of voter registration and voter fraud. So why should this organization be signed up as an official 2010 census partner to do exactly the sort of activity of listing people, signing up people as they did fraudulently with regard to voter registration?

Again, this is very worrisome. What is even more worrisome is that for months, these clear concerns have been brought before the Obama administration, and the administration has done absolutely nothing to dispel these very deep and very legitimate concerns. Again, my colleague, Senator SHELBY, who will be speaking in a moment, sent his letter in March of this year outlining these strong concerns, asking the administration to state categorically that ACORN would have nothing to do with the census. I sent a similar followup letter in June of this year. To date, we have gotten no response.

As it stands now, we are going to sign up ACORN to do exactly the sort of activity they have done over and over and over again fraudulently, illegally, with regard to voter registration. It is outrageous when so much is on the line with this next very important census.

For these reasons, I will strongly oppose this cloture vote for the census nominee. I continue to urge the administration to assure us that ACORN will have nothing to do with the process, after they have built up a long and storied record, unfortunately, of fraud with regard to similar activity in terms of voter registration.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Madam President, I rise with concern regarding the nomination of Mr. Robert Groves to serve as Director of the Census. I have some of the same concerns my colleague from Louisiana has.

Conducting the census is a vital constitutional obligation. Under the U.S. Constitution, the country conducts a census every 10 years to determine apportionment to Congress. Article I, section 2 of the Constitution mandates "enumeration" to determine the allocation of seats for each State in the U.S. House of Representatives, as the Chair well knows. By extension, the census also determines the composition of the electoral college which chooses the President of the United States. The information collected from the census has a significant impact on the distribution of political power in this country.

The results of this process are a major factor in deciding where congressional district lines are drawn within each State. Through redistricting, political parties can maximize their own party's clout, while minimizing the opposition. If the census were politicized, the party in control could arguably perpetuate its hold on political power.

The results of the census are also enormously important in another way—the allocation of Federal funds. Theoretically, if the census were to become politicized, the political party controlling the census process could disproportionately steer Federal funding to areas dominated by its own Members through a skewing of census numbers. This could shift billions of Federal dollars for roads, schools, and hospitals over the next 10 years from some parts of the country to others because of the population-driven financing formula.

The census is vastly important and must proceed in as reliable and accurate a manner as possible.

On March 20 of this year, I wrote to President Obama regarding reports that the Association of Community Organizations for Reform Now known as ACORN—that is what they go by—has signed as a national partner with the U.S. Census Bureau to assist with recruiting temporary census workers. I wish to say this again because it was disturbing to me: On March 20, I wrote to President Obama regarding reports that the Association of Community Organizations for Reform Now—ACORN—had signed as a national partner with the U.S. Census Bureau to assist the census with recruiting temporary Census workers. That letter remains unanswered.

I cannot support the nomination of Mr. Groves when the administration he works for would partner with such a questionable organization as ACORN.

Further, I am dismayed that Mr. Groves, the nominee to head the U.S.

Census Bureau, would not denounce ACORN's role in the census. Let me tell my colleagues a little about ACORN, as I understand it.

ACORN has had numerous allegations of fraud which should raise great concern about the accuracy of the data it would provide to the census. For example, Washington State filed felony charges in 2007 against several paid ACORN employees and supervisors for falsifying 1,700 fraudulent voter registration cards. An ACORN worker in the State of Pennsylvania was sentenced in 2008 for fabricating 29 falsified voter registration forms. In Ohio, in 2004, a worker for one affiliate of ACORN was given crack cocaine in exchange for fraudulent registrations that included underaged as well as dead voters. ACORN has been implicated in similar voter registration schemes around the country, and its activities were frequently questioned throughout the 2008 Presidential election.

I believe the census must be non-partisan. It must be totally above reproach. It must be honest. We cannot allow a biased, politically active organization to take any type of official role in the process, let alone recruit workers for the census. While overcounting here and undercounting there, manipulation could take place solely for political gain. Using ACORN to mobilize hundreds of thousands of temporary workers can surely lead to abuses for those who want to gain political advantage, as we saw with the voter registration issues in past elections.

The laws that govern voter fraud were not enough to dissuade those with the intent to throw an election. It is doubtful the laws governing fraud in the census will be any more effective against such deceitful intents.

The people of this Nation deserve a census that is conducted in a fair and accurate manner, using the best methods to determine the outcome, and that is free from political tampering. Given ACORN's history and political connections, the U.S. Census Bureau should not partner with an organization that has systemic problems with both accuracy and legitimacy.

While I cannot support Mr. Groves' nomination, I hope he will carefully review this issue and terminate ACORN's role in the 2010 census. It would be a big first step for him. We must not let the census become a blatant political tool in this country.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, this is not about ACORN. ACORN is not going to be hired or out there recruiting folks to go door-to-door to do the enumeration for the census. ACORN isn't going to be out there getting any money or grants. In fact, no Census Bureau partners are receiving money or grants, and ACORN is no exception. As

the Census Bureau has reiterated, ACORN is actually one of thousands of organizations whose purpose in this whole matter is to try to encourage people to respond to the census. That is what they are about, trying to make sure people respond to the census.

Right here is a copy of the Constitution that lays out one of the few responsibilities we have as a Federal Government. It is actually spelled out in the Constitution and says we are expected to do this. Every 10 years, we are supposed to conduct the census. It says we are supposed to count everybody. We are supposed to count everybody. Just as a ship needs a good captain, a school needs a good principal, the country needs a good President, the Census Bureau needs a good Director.

We have been 7 months without a Census Bureau Director. The Census Bureau is supposed to turn a light switch on next April 1 and do the census. It is a big deal. Hundreds of thousands of people are involved, years of effort, in making sure we count everybody as closely or as nearly as we can and in a cost-effective way. It is a constitutional requirement.

Gary Locke, Governor of Washington, was nominated to be Secretary of Commerce, and the census falls within the Commerce Department. I ran into him the day after, I think, his name was put out for nominee from Commerce, and I said: I have three things I want you to think about: (1) the Census Bureau Director; (2) the Census Bureau Director; and (3) the Census Bureau Director. I told him: We don't have anybody, and if you have any names of folks you think would be good, let us have them.

Ironically, a week or so later, I held a subcommittee hearing focused on the census, getting ready for April of 2010—without a Bureau Director. We had before us that day folks who were involved in the census in 1970, 1980, 1990, and 2000. At the end of the hearing, I said we need somebody really good to run this operation. Dr. Murdock had been the Census Bureau Director the previous year. He was only with us for a year, but I said we need somebody that good or even better. I said: By the close of this week, I want each of you to give me one or two names of who you think would be a terrific Director for the Census Bureau. Guess whose name I got back from almost every one of the witnesses. Robert Groves.

Dr. Groves, in my view, is an inspired choice for this position. His extensive expertise in statistics, social research and survey methodology, and the administration of large-scale surveys makes him ideally suited for this position. He served once as the Associate Director for the Census Bureau, I think about 10 years ago. Dr. Groves knows how it operates. He has been involved in the census. He knows what the employees need, and he will be able to

successfully implement the census and other programs. Those experiences have prepared him extraordinarily well to lead the census at a time when rapid changes are occurring.

He elevated the University of Michigan's survey research organization. I am an Ohio State undergraduate, and I am raising the flag and promoting a fellow from Michigan, so you know he has to be good for me to do that. I said to my colleagues on this floor that we are lucky to have somebody this good and willing at this late stage to lead us into doing a great job on the census. Numerous Federal and State agencies and policymakers have sought his expertise on survey design and response.

Dr. Groves has been accessible to Senators and our staffs throughout this process. Requests to meet with Dr. Groves were extended to every member of the Homeland Security and Governmental Affairs Committee in the Senate. He also met with every Senator, as far as I know, who requested a meeting, regardless of committee assignment. Dr. Groves received two questions for the record after his hearing. They were answered within hours—not days or weeks—of the hearing's end. Every Senator who agreed to meet with Dr. Groves, Republican and Democrat alike, decided to support him.

Dr. Groves—or whoever will be our next Census Bureau Director, and I hope it will be he—will undoubtedly face a host of operational and management challenges as we move closer to the 2010 census. I am confident he is extraordinarily well equipped to understand the agency's inner workings, to lead his staff, and to be a national spokesman for the 2010 census and the agency's other equally ongoing survey programs.

Somewhere here, I have some questions that were asked of him at our hearing. Let's see if I can find one of them. I know this has been mentioned on the floor.

I see Senator COLLINS, who is the ranking Republican on the committee. I think it might have been Senator COLLINS who actually questioned Dr. Groves about sampling and whether we are going to just sample as opposed to actually counting people and making sure things are right. The Census Bureau has been very clear that it will not adjust the 2010 census counts. The plans and designs for the 2010 census have been in place for nearly a decade. The operations are already underway. The Bureau began to address canvassing this spring, which is finding out all of the addresses—not necessarily who lives there but the addresses—and try to automate that. The Secretary of Commerce reiterated that sampling is not included in the design for the 2010 census. It couldn't be even if we wanted it to be. At this late stage of the game, not only do we not want it to be, but it couldn't be.

As to what 2020 will bring or need, it is too early to tell. First, until we know how we are going to perform in 2010, what works best, and where we can improve, we cannot begin to dictate the design of the 2020 census; neither should we attempt to prescribe for the future in the Congress and in the scientific community that which we cannot, frankly, foresee.

How much time have I consumed?

The PRESIDING OFFICER. The Senator has consumed 7 minutes.

Mr. CARPER. I will reserve the remainder of my time. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Madam President, I rise in support of the nomination of Dr. Robert Groves to be the next Director of the Census Bureau. Our committee, the Homeland Security and Governmental Affairs Committee, scrutinized this nominee very carefully. First, I wish to give some background on why it is so critical that we have a well-qualified individual heading the Census Bureau as quickly as possible and then talk to my colleagues about why I believe Dr. Groves is, indeed, the right person for that critical position.

With the 2010 census fast approaching, the Director of the Census Bureau will need to quickly take action to ensure an accurate, actual enumeration of all those residing in the United States, as set forth and required by our Constitution.

The decennial census is a complex and extensive operation. The information collected has significant impact on the distribution of political power because, after all, it governs the allocation of seats in the House of Representatives and it also affects the allocation of more than \$300 billion in Federal resources. With so much at stake, it is essential that the results of the census be accurate, objective, credible, and free from even the appearance of political influence.

The Census Bureau, unfortunately, faces significant operational and organizational challenges. Bureau officials acknowledged in 2008 that they were experiencing critical problems in the management and testing of key information technology systems.

Due to the leadership and investigative work of Senator CARPER and Senator COBURN, our committee held numerous hearings looking at the failed procurements of the Census Bureau. Believe me, it has not been a pretty picture. These problems have resulted in a dramatic increase in the cost of the 2010 census, and it is particularly

alarming in this day and age of technology that millions of dollars invested by the Census Bureau in handheld computers have gone to waste. The Bureau, in fact, has once again returned to the use of paper and pencil to gather important data. Isn't that extraordinary in this day and age? It is clear there are woefully inadequate and wasteful procurement practices and even gross mismanagement at the Bureau. We simply cannot afford to waste time and money on critical programs that do not produce results, particularly when it comes to a constitutionally mandated task such as the census.

The next Director of the Census Bureau must take steps right now to address the current shortcomings and to prepare for the current and future census challenges. He will be responsible for ensuring that the Bureau fulfills its mission in accordance with the U.S. Constitution, without undue political influence and with careful management of taxpayer dollars.

I have concluded that Dr. Groves is superbly well qualified for this important position. That is why our committee unanimously voted, by a voice vote, to confirm him. Our committee spans the political spectrum, and all of us felt Dr. Groves was well qualified for this critical position.

Madam President, personally, I have had the opportunity to meet with Dr. Groves, to scrutinize his qualifications and background, and to question him intensely about the issues that have caused a few of my colleagues concern. I say to my colleagues, look at the hearing record, look at Dr. Groves' responses. I pressed him, as Senator CARPER has pointed out, about the need to conduct the census free of any political influence, and I specifically asked him about the use of sampling for the 2010 census and the 2020 census. Dr. Groves not only committed to keeping politics out of the population count but also said he would resign and actively work to stop any action to improperly influence the census for political gain. He further stated, under oath, that he had no intention of seeking an adjustment of either the 2010 census or the 2020 census.

Let me read from the committee transcript because I, too, am very concerned about this problem. There were some initial indications that this White House might, in fact, be looking to influence the census in an improper way. That is why I wanted to get Dr. Groves on the record, under oath, on this important issue.

Here is what I asked him:

Dr. Groves, would you be prepared to resign if you were asked or pressured to do something or take some action to satisfy a political concern?

Doctor Groves responded to me:

More than that, Senator. If I resign, I promise you today that after I resign, I would be active in stopping the abuse from outside the system.

In other words, Dr. Groves told me that if political pressure were put on him, he would not only resign, he would go public and he would lead the fight to protect the census from undue political influence. He committed to a transparent census process, stating:

Sunshine, doing one's work in an open environment, having an ongoing dialog with all of the stakeholders is one way to insulate the Census Bureau from that political partisanship.

He went on to add:

Transparency is a very powerful antidote to attempts for partisan influence.

What could be clearer than that? Here we have a nominee who has pledged that he would resign if political influence were brought to bear on his office. I don't know what more you could ask, and this is the commitment given at a public hearing, under oath, as well as privately to me when we met in my office.

Let me go on to the second issue that has been raised. Again, an important issue. I agree with my colleagues on my side of the aisle who have been concerned about whether sampling would be used rather than the actual count mandated by the Constitution. On this issue of sampling, I asked Dr. Groves:

Will you advocate for the statistical adjustment or use of sampling for the 2010 census?

Dr. Groves's response:

No, Senator.

That is an unqualified response: "No, Senator."

Then asked him a further question: "Will you advocate for the statistical adjustment of the 2020 census," since, after all, maybe there is not time to adjust the 2010 census to have sampling or a statistical adjustment, given how close we are to the 2010 census. So I asked him about the 2020 census.

Dr. Groves's response:

I have no plans to do that for 2020.

Dr. Groves's record of service and leadership and scientific research spans the academic, government, and private sectors, both within the United States and internationally. As the director of the University of Michigan Survey Research Center, a very well-known prestigious research center; as the former director of the Joint Program in Service Methodology; and the former associate director of Statistical Design Standards and Methodology at the Census Bureau, he is considered to be one of a half dozen most highly regarded service research experts in the world.

He is extraordinarily well qualified. He is not a political person. He is a scientist, a researcher, a statistician. That is why it is not surprising that Dr. Groves's nomination has received strong support from a number of organizations, including the American Statistical Association. I will concede, I did not know that such an organization existed prior to this nominee. But they

have endorsed him, as well as some, perhaps, groups better known to us, such as the U.S. Conference of Mayors, the National League of Cities, and the Population Reference Bureau.

But here is what is more telling. Six former Census Directors from both Democratic and Republican administrations have also endorsed Mr. Groves's nomination. Six from both parties, from both sides of the aisle, from Democratic and Republican administrations. This is a testament to the respect that Dr. Groves's peers have for his work.

Dr. Groves has the leadership and professional experience that is needed to lead the Bureau through the 2010 census to plan for the 2020 census and to direct the Bureau's other vital programs. I would be the first to be here in opposition if I believed he was going to use sampling or if I believed he was going to be susceptible to political pressure. There is nothing in the record or in his testimony that suggests that.

I, therefore, urge my colleagues to support this nomination and to let us get on with the critical work that needs to be done at this Bureau which, regrettably, has been so poorly managed in the last few years.

I look forward to working with Dr. Groves. I urge our colleagues to support his nomination.

Mr. CARDIN. Madam President, I rise today to express my support for the nomination of Robert M. Groves to serve as the Director of the U.S. Bureau of the Census. I believe that he is extremely qualified to serve in this position. Dr. Groves is highly recognized by the academic community for his extraordinary work in survey methodology. He has previously held positions at the Census Bureau, including Associate Director and visiting researcher. His extensive academic and professional background makes him well suited for the responsibilities and challenges he will face as U.S. Census Director.

As the year 2010 draws near, the Census Bureau is preparing to conduct the 23rd census of the United States. This national decennial census, as mandated by our Constitution, will yield results that will affect each and every citizen. The census serves to determine the apportionment of legislative seats, the distribution of Federal funding, and it provides important data as to what community resources are needed and how these resources should be allocated. Additionally, census data can offer a better understanding of the changing dynamics of our country. Thus, it is imperative that the census count be accurate. The Census Bureau must be led by a Director who understands the challenges presented by this daunting task. Mr. Groves is ready to face these challenges with the help of a comprehensive technology strategy and a dedicated workforce.

I am proud to say that many members of this dedicated staff are based at the U.S. Census Bureau Headquarters in Suitland, MD. Since 1942, the U.S. Census Bureau has been headquartered in Suitland. Currently, approximately 4,300 individuals are employed there, working hard to ensure that we have the data necessary to make important decisions affecting the lives of all Americans. I commend each of them for their valuable work.

Coordinating the census is a herculean task. To compile socio-economic data on each and every individual in this country is a daunting, mind-boggling task. The timeliness, relevancy, and quality of the data collected and services provided by the men and women at the Census Bureau Headquarters with Dr. Groves at the helm will ensure the successful completion of the upcoming decennial census and the future of the Census Bureau.

I am pleased to support the nomination of Robert M. Groves as Director of the U.S. Census Bureau and encourage my colleagues to do the same.

The PRESIDING OFFICER. Who yields time?

Ms. COLLINS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Madam President, I yield myself 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I am very pleased to support the nomination of Bob Groves to be Director of the U.S. Census Bureau. Dr. Groves is not just a well-qualified candidate; he may be the best qualified candidate ever nominated for this position.

Dr. Groves has been endorsed by many scientific and professional associations, including the American Statistical Association, the American Sociological Association, and the Council of American Survey Research Organizations. He has also been endorsed by six former Directors of the U.S. Census Bureau who were appointed by both Republican and Democratic Presidents.

I ask unanimous consent to have printed in the RECORD a letter of endorsement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CENSUS PROJECT,
Washington, DC, April 14, 2009.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security
and Governmental Affairs, Washington, DC.

DEAR CHAIRMAN LIEBERMAN: We, the undersigned former Directors of the U.S. Census

Bureau who are familiar with the career of Robert M. Groves, want to endorse his nomination as the next Director and urge his speedy confirmation.

It is a plus that Dr. Groves has had experience at the Census Bureau, where he was brought in to reinvigorate the Statistical Methods Division. He built a strong research team who did much of the early research for improving the 2000 census. He came to the Census Bureau under the condition that the Bureau would provide positions in his division for him to recruit a small number of research specialists from academic institutions, other federal statistical agencies, and from within the Census Bureau for his team. Everyone he asked to join that team considered it a career plus to join him.

Dr. Groves is a nonpartisan, academic researcher who has focused much of his research on non-response to household surveys and survey error, has published three of the most-cited textbooks and numerous journal articles on survey research, and has mentored many graduate students who now staff most of the major academic and private sector survey organizations in the field. As Director of the University of Michigan's prestigious Survey Research Center/Institute of Social Research, he is one of the half dozen most highly regarded survey research methodologists not only in the United States but in the world.

As you know, time is short, and his speedy confirmation can help achieve a 2010 census that is as accurate as possible.

Sincerely,

CHARLES LOUIS KINCANNON
(2002–2008);
KENNETH PREWITT
(1998–2001);
MARTHA FARNSWORTH
RICHE
(1994–1998);
BARBARA EVERITT BRYANT
(1989–1993);
JOHN G. KEANE
(1984–1989);
VINCENT BARABBA
(1973–1976; 1979–1981).

Mr. LEVIN. In 2001, Dr. Groves was elected by his peers to lead the Institute for Social Research and the Survey Research Center at the University of Michigan. This is the largest academic-based research institute of its kind in the world. It has educated many of our Nation's scientific leaders in the field of survey statistics. We sometimes talk about peer review. Well, he has been peer reviewed, and he was selected by his peers to lead that prestigious institution.

Dr. Groves is a longtime Michigan resident. He has been part of the University of Michigan community since he began his master's studies in Ann Arbor in 1970. He graduated *summa cum laude* from Dartmouth College with a degree in sociology and earned master's degrees in statistics and sociology and a doctorate in sociology from the University of Michigan.

He is truly a highly respected expert in survey methodology and statistics, and he will bring greatly needed leadership to the Census Bureau as it continues to prepare for and execute the 2010 census. Dr. Groves deserves the overwhelming support of the Senate.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Madam President, I think we are going to vote in about 12 minutes or so, but I just wanted to reiterate a couple of things that have been said.

First of all, our Constitution doesn't talk about a lot of the things we do to run our government in this country, but one of the things it talks about at some length is the census. It says to do it every 10 years. We have tried to do that and do it well. It has gotten more difficult. We have a lot more people, and far flung. We have a lot more people to count next year than we did 10 years ago. People have concerns about privacy, and folks in this country speak a lot of different languages, just like they did when the first census was done.

We are going to use technology. We are not going to use the technology we ought to. We need a Director who understands that and is in a position to make sure the technology we do plan to use in 2010 we use well, and when 2020 rolls around, we will use it a whole lot more effectively.

It would be great to have a Census Director who was well schooled, well educated in doing the kind of work that is called on in conducting a census—counting large numbers of people. This fellow's credentials are superb. It would be great if we had someone who had actually worked at a high level in the census and demonstrated by his work his ability to run a large organization. He has done that, and at the University of Michigan he has headed up a very large organization of some of the smartest people in this country who work on these sorts of issues and has done so, from everyone we have heard, with great aplomb and great ability.

As I said earlier, at the hearing I conducted several months ago with some of our colleagues on the Homeland Security and Governmental Affairs Committee, we reached out to people who have run the census in the last 30 or 40 years. We asked some of these folks to tell us who they thought would be good, and virtually everyone who has been involved in the census in a high leadership position has said not only would we be lucky to get a fellow with Dr. Groves's reputation, his leadership and ability, but we would be lucky to have somebody with this kind of experience.

For me, and I know for my colleagues, an important issue is what is

the character and the integrity of the person taking this position. I think it was Senator COLLINS who asked the question: If you believe political influence is being used in the conduct of the 2010 census, would you be willing to look into resigning as a form of protest against any kind of political involvement?

And he said: Not only would I be willing to resign, I will resign. I would use whatever ability I could to bring to light the kind of behavior that led to my resignation, to discredit that behavior, and make it clear that is what I think we should not do, and that, literally, that behavior caused me to resign as the Census Director.

I think it would be great if we had somebody who is interested in this job, willing to do the job, is well qualified, and who was willing to meet with anybody who wanted to meet with him whether they were on the committee of jurisdiction—Homeland Security and Governmental Affairs—or not; whether they were a Democrat or not. To my knowledge, he has met with all of us who wanted to spend time with him.

The last thing I would say—and one of the things I found so refreshing—is that he is not a political guy. This is someone who is a scientist. He is a statistician. He is good at leading a large organization. He gets this stuff. He enjoys this stuff. How lucky we are to get someone who wants to take on this challenge for us in our Nation's history.

For these reasons and others that Senator COLLINS and I have mentioned, he deserves our support. I hope in 10 minutes or so, when we have the opportunity to vote, we will vote for him in very large, overwhelming numbers.

Madam President, how much time remains on our side?

The PRESIDING OFFICER. Twenty seconds remain.

Mr. CARPER. Madam President, I reserve the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Robert M. Groves, of Michigan, to be Director of the Census.

Harry Reid, John D. Rockefeller, IV, Christopher J. Dodd, Arlen Specter, Richard J. Durbin, Mark Begich, Mark Udall, Michael F. Bennet, Jeff Bingaman, Robert P. Casey, Jr., Frank R. Lautenberg, Blanche L. Lincoln, Tom Udall, Bill Nelson, Byron L. Dorgan, Claire McCaskill, Kirsten E. Gillibrand.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Robert M. Groves, of Michigan, to be Director of the Census, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from South Carolina (Mr. DEMINT), the Senator from Texas (Mrs. HUTCHISON), the Senator from Indiana (Mr. LUGAR), and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 76, nays 15, as follows:

[Rollcall Vote No. 230 Ex.]

YEAS—76

Akaka	Franken	McConnell
Alexander	Gillibrand	Menendez
Baucus	Graham	Merkley
Bayh	Grassley	Mikulski
Begich	Gregg	Murkowski
Bennet	Hagan	Murray
Bingaman	Harkin	Nelson (NE)
Bond	Hatch	Nelson (FL)
Boxer	Inhofe	Pryor
Brown	Inouye	Reed
Burr	Johanns	Reid
Burr	Johnson	Sanders
Cantwell	Kaufman	Schumer
Cardin	Kerry	Shaheen
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Coburn	Kyl	Tester
Cochran	Landrieu	Thune
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Corker	Levin	Warner
Dodd	Lieberman	Webb
Dorgan	Lincoln	Whitehouse
Durbin	Martinez	Wyden
Feingold	McCain	
Feinstein	McCaskill	

NAYS—15

Barrasso	Crapo	Roberts
Brownback	Ensign	Sessions
Bunning	Enzi	Shelby
Chambliss	Isakson	Vitter
Cornyn	Risch	Wicker

NOT VOTING—9

Bennett	Hutchison	Rockefeller
Byrd	Kennedy	Stabenow
DeMint	Lugar	Voinovich

The PRESIDING OFFICER. On this vote, the yeas are 76, the nays are 15.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, all postcloture time is yielded back. The question is on agreeing to the confirmation of the nominee.

The nomination was confirmed.

Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Ms. STABENOW. Madam President, I was necessarily absent for tonight's vote on the nomination of Robert M. Groves, of Michigan, to be Director of the Bureau of the Census at the Department of Commerce. I was in Michigan attending an event with the Secretary of Agriculture. Had I been present for the vote on this nomination, I would have voted in favor of both the motion to invoke cloture and on confirmation of the nomination. •

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—Continued

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. DODD. Madam President, I rise this evening to express my opposition to the Levin-McCain amendment which would cut short the production of the F-22 fighter. I understand my position on this puts me at odds with our President, President Obama, as well as the chairman and ranking member of the Senate Armed Services Committee, both fine public servants for whom I have a tremendous amount of respect and with whom I have worked on numerous occasions, and I look forward to doing so in the future once we get beyond this.

I also think I have a duty to stand up for an airplane built by constituents of mine. I wouldn't make the case strictly on job loss in an individual State. That is not a legitimate argument to make to 99 of my colleagues from around the country. If we made the case that job losses would occur in our own respective districts or States, obviously it would lead to chaos and we wouldn't have a situation like that.

My argument in support of this F-22 goes far beyond the potential job losses in my State, although that is not insignificant. Some 2,000 jobs could be lost potentially in Connecticut. More important than the job loss, as important as that is, is the potential loss of the industrial base that is absolutely critical to maintaining the ability to produce the superior engines that we historically have been able to produce at the Pratt & Whitney Division of United Technologies, a corporation in my home State. The work being done by machinists and engineers and technicians in my State and others all across the country not only produce quality work but also make a significant difference in saving lives and in giving us the superior ability to deal with potential threats that our Nation faces. That has been a hallmark of every generation that has come before us, not to achieve parity with potential adversaries but to be in a superior position to potential adversaries.

So let me begin with my concerns over this amendment's potential impact on our national security. Since the advent of modern warfare, military strategists have sought the highest ground on the battlefield to gain technical advantage. In the age of the fighter jet, that means commanding the skies. In a modern era, air superiority has become a cornerstone of American strategy. The F-22 is the reason we can lay claim to this superiority at this critical time. It is a fast plane, reaching speeds of mach 1.5 in 90 seconds. That is without thrusters. It is stealthy. It also has the ability to engage targets before it can be detected. It is highly equipped with advanced intelligence, surveillance, and reconnaissance tools.

As an instrument of air superiority, the F-22 Raptor is unmatched by any foreign competitor, including the much heralded MiG-29, the Russian-built MiG-29 flown by various militaries around the world.

I am going to point to this particular chart I have, which is rather difficult to read even from where the Presiding Officer is, given it is a map, obviously, of the world, and there are a series of color-coded dots on this map. Let me explain what the dots are, and then I will explain what we are looking at in existing technologies in the fourth generation of development of aircraft technology and what is being done on a fifth generation by nation states, particularly the Russians and the Chinese.

The countries in red on this chart indicate those nations that already operate or have ordered fourth generation fighters, and there are a number of countries around the world in that category. The yellow coded areas are expected to order by the year 2010, these fourth generation fighters. You get an idea in the Middle East, some of the North African States, and some out in

the Far East as well. The red dots themselves operate or have ordered advanced surface-to-air missiles. Again, this is critical technology that has the capacity to take out our aircraft. Then the yellow dots, the round dots, they are ordering or are considering advanced surface-to-air missiles.

So we get some idea of what is occurring.

Thus over here: Air dominance is not guaranteed, is the point I wanted to make with this chart. According to the information on this map sanctioned by the Air Force, there are Russian-made aircraft known as SU-27s, which have air-to-air capability, more of the dogfight kind of capability. Those planes are operated already by Algeria, Belarus, China, Eritrea, Ethiopia, India, Indonesia, Kazakhstan, Malaysia, Mexico, Russia, the Ukraine, Uzbekistan, Venezuela, and Vietnam. And then there is the MiG-29, which is both an air-to-air and an air-to-ground fighter. It is also a Russian-built aircraft, and is capable of challenging our current fleet of F-15s and F-16s. The MiG-29 is operated by the militaries of Algeria, Armenia, Azerbaijan, Bangladesh, Belarus, Bulgaria, Cuba, Eritrea, Hungary, India, Iran, Kazakhstan, Malaysia, Myanmar, North Korea, Peru, Poland, Russia, Serbia, Slovakia, Sudan, Syria, Turkmenistan, Ukraine, Uzbekistan, and Yemen. Again, widespread globally, that air-to-ground capability and air-to-air capability.

Today, there is a fifth generation being developed that will be highly competitive with the F-22 and the F-35. That fifth generation fighter is currently being developed by Russia and China to challenge the F-22 and the F-35. So that gives us some sense of where we are today. These are very sophisticated aircraft operating today. The surface-to-air missiles are very sophisticated and in countries today that can take out, in fact, our existing technology in many areas.

Of course, the fifth generation is what we are talking about being ready for the midpart of this century. Our air superiority has not gone unnoticed by others in many ways, as identified by this map. All the countries in red, as I have pointed out, have an air capability comparable to the MiG. That means they are all on a par with our current aircraft technology; specifically, the F-15 and F-16 fighters known as the fourth generation of jets.

So our F-15 and F-16 are very competent, very good, and they are on parity—they are not superior but on parity—with these aircraft.

To give my colleagues some idea of what I mean by the comparison of generations, an exercise was conducted in January 2007, in which the F-22 was matched up against the F-15 and F/A-18, to demonstrate how each aircraft would fare in actual dogfights with one another. The F-22 in comparative bat-

ties beat the F-15 and F/A-18, 144 to 0—144 to 0—to give my colleagues an idea of how much more superior the F-22 can be in command of the airspace as opposed to what is comparable to the F-15 today. So the F-22 is a very important piece of technology when it comes to regaining the superior capabilities that are absolutely essential.

According to the Air Force, what is more, this map shows that 30 nations are at parity with or exceeding the capabilities of the F-15 and F-16, and that puts our missions and the lives of our pilots at risk. On top of that, Russia and China are currently both developing their own fifth generation of fighter to counter the F-22 and the F-35. There are a dozen nations around the world, marked by these red dots, that are today operating surface-to-air missile launchers capable of shooting down the F-15 Strike Eagles that the F-22 would replace.

The yellow dots indicate other countries considering the purchase of such weapons, and I pointed those out as well.

Our current fourth generation fighter jets are vulnerable to these threats because they don't have the stealth technology found in the F-22. Regrettably, we witnessed this danger during Operation Desert Storm when 37 of our non-stealthy aircraft were shot down and 40 more were damaged, and an early stealth fighter, the F-117, as well as the F-16, were brought down during the 1999 Kosovo operations by rudimentary Serbian surface-to-air missiles. These are risks that we shouldn't have to take and don't have to take. These are risks we don't have to force upon our pilots. These are risks that are entirely preventable if we arm ourselves with the next generation, and that is why the F-22 is so critically important.

If this amendment is being offered to strike and eliminate the F-22, then we cannot guarantee America's continuing air dominance. Our allies will not always look like those we faced in Afghanistan in 2001 or Iraq in 2003, enemies whose air defenses were in tatters. We do not always choose when and where our battles are going to be fought. We must be prepared and we must retain our competitive edge for the sake of our national security and the lives, obviously, of our troops.

If the pending amendment is approved, our F-22 fleet will be limited to 187 aircraft. According to military officials, such a figure is simply not enough to address the current capabilities of our military's competitors.

I have a letter dated June 9 of this year from GEN John Corley who is currently in charge of Air Combat Command for the Air Force. In this letter he reiterated his perception. I think my colleagues will understand as well that when we have a general serving in charge of air combat and command missions for the Air Force who dis-

agrees with the Secretary of Defense in a public way, we get some idea of the depth of feeling that occurs with a matter like this.

Let me quote:

At Air Combat Command, we have held the need for 381 F-22s. . . . In my opinion, a fleet of 187 F-22s puts execution of our current national security strategy at high risk in the near to mid term. To my knowledge, there are no studies that demonstrate 187 F-22s are adequate to support our national military strategy. Air Combat Command analysis, done in concert with Headquarters Air Force, shows a moderate risk force can be obtained with an F-22 fleet of approximately 250 aircraft.

General Corley, responsible for the aircraft readiness of the U.S. Air Force, says we will incur moderate risk with even 250 aircraft, and the command needs 381 aircraft to be fully capable. Yet we insist on giving them only 187.

That is deeply troubling. I think we owe to it our troops to give them what they need to protect our Nation as well.

Our security also depends on a robust manufacturing base, and the proposed amendment could be devastating to our critical aerospace industrial capabilities.

If this amendment we are talking about passes, the F-22 assembly will halt at 2011, and fighter jet production lines will run down until 2014, when the F-35 manufacturing begins in earnest.

What does this mean for the aerospace industry in this Nation?

In Connecticut, we are blessed to have a large contingent of skilled aerospace workers who keep our country safe and produce, of course, magnificent engines. They are highly skilled engineers, machinists, and technicians and, on average, they are in their mid to late forties. They may retire, obviously, they may pack up and relocate, they may leave the trade entirely; but they won't sit idle for 3 years. Our Nation cannot afford to lose them.

That is represented by this area here on the chart. To lay these people off and then to once again rehire them—in many cases, they will be in their midfifties—is unrealistic. That synergy that is critically important is going to be lost.

The Commission on the Future of the U.S. Aerospace Industry recently recommended “that the Nation immediately reverse the decline in and promote the growth of a scientifically and technologically trained U.S. aerospace workforce . . .” adding that “the breakdown of America's intellectual and industrial capacity is a threat to national security and our capability to continue as a world leader.”

The Commission also stated that resolving the crisis will require government, industry, labor, and academia to work together to reverse this trend.

I am afraid this amendment does the opposite of what we are being warned

to try to stop. According to the Aerospace Industry Association, the industry faces impending retirements and a shortage of trained technical graduates, a situation already expected to worsen within the decade.

Some companies address this issue by outsourcing work around the globe. In aerospace and defense, however, security requirements dictate that most design work on military systems must be done by U.S. citizens. Thus, the need for U.S.-developed technical talent is particularly acute if we want to ensure a world-class aerospace workforce ready to lead in a global economy of the 21st century.

On this chart, this is the F-22 production, which ends in 2011, marked by this point here. This is the F-35 production, which begins in 2014. This gap represents hundreds of jobs at Pratt & Whitney—as many as 2,000 in Connecticut—and it represents tens of thousands of jobs across the nation. You can take those numbers—and I cannot speak for other places around the Nation, but you end up with that kind of loss in an economy that our people are already struggling with. That is not the only argument that I make, but we ought to keep people working on a new defense system. The most important issue is our national security. You ought to understand that even if you decide to ramp up F-35 production after 2014, because F-22 production will prematurely end under this amendment, you will lose a workforce that is critical, and it gets harder and harder to reconstitute.

In fact, the Defense Department recognized this gap years ago. In the 2006 Quadrennial Defense Review, published by the military to identify the needs and strategy of our Armed Forces, they stated that F-22 production should be extended “through fiscal year 2010 with a multiyear acquisition contract, to ensure the Department does not have a gap in fifth generation stealth capabilities.”

That is a direct quote from the Quadrennial Defense review report in 2006.

The military identified in 2006, the most recent published report of this type, that our Nation would suffer a loss in aerospace manufacturing capabilities if fighter production doesn’t have a seamless transition.

Yet, for some reason, we find ourselves in the very position the military had, only 3 years ago, realized we should avoid.

In addition to our national security and the readiness of our aerospace production industry, this amendment would have a negative impact on jobs. Our unemployment rate is at 9.5 percent, and we continue to face the worst economic conditions in decades.

That is why the administration and this Congress have taken unprecedented steps to put Americans back to work. It is why the government has

stepped in to save critical manufacturing sectors, such as the domestic automobile industry.

This amendment suggests that the same government doesn’t believe our tactical aircraft manufacturing sector warrants similar treatment.

In my State, where the impact of the Recovery Act is just beginning to be felt, the success of this amendment would be a devastating blow. I am determined to do everything I can to see that we can avoid it. I don’t want to see America’s aerospace workers—among the finest workers in the world—remain under assault.

Allow me to introduce two such workers, Frank Lentini and Rocco Marone. They are workers at the Pratt & Whitney plant in Middletown, CT, which manufactures the engine for the F-22. They are both engine test mechanics.

In this picture, the two of them are preparing an F-22 engine for testing by attaching instrumentation used to collect data as the engine goes through a series of computerized tests. The highly advanced nature of this engine requires countless hours of testing and retesting, inspection and reinspection, to ensure that when it is shipped to the assembly plant, it operates flawlessly.

These workers understand that a mistake on their part could cost the lives of our American forces. That is why it is so important that these gentlemen have years of experience to ensure that only the best quality engines are put on these aircraft.

These are the same workers who will build the F-35 Joint Strike Fighter’s engine—but only if the F-22 production is allowed to continue for the next 4 years.

Frank, the one in the blue shirt, has worked in the Middletown plant for 31 years, starting on the assembly line, finally rising to his current job on the test line for the plant’s most advanced engine, the F-22. He is married, with two sons, ages 17 and 12, whom he hopes to send off to college.

The prospect of cutting the F-22 production makes him worry every day about his sons’ futures, not only about whether he will be able to send them to college but also whether there will be any jobs for the next generation of children in Connecticut’s aerospace industry.

Rocco Marone—known as Rocky—has worked at the Pratt & Whitney engine facility in Middletown for 34 years. Like Frank, he is an engine test mechanic. He trains and works with the younger mechanics and imparts his experience to them, both from his time on the assembly line and working in the test cell.

It is workers such as these two men at the Middletown plant in Middletown CT—with a combined 65 years, taking that knowledge they have acquired and building the finest engines in the world

for the past 80 years—the plant has. It is these seasoned workers who, by training the next generation, will ensure that the trade secrets of engine building are never lost. This amendment puts all of that at risk.

As I mentioned, if the F-22 is canceled in 2011 at 187 aircraft—the numbers we are now talking about—then these two individuals and tens of thousands of others in our country will face very difficult odds. These highly skilled, quality control experts will be left wondering what lies ahead for them and their families. Will they retain their jobs? How many of their colleagues will be signing on to the unemployment rolls? What other opportunities exist for workers with such highly refined but specialized skill sets?

If we end the F-22 before 2014, we will all be wondering something as well: When these gentlemen walk out the door, and take decades of experience and skills with them, will we ever get them back again?

I urge my colleagues to reject the amendment being offered by the chairman and ranking member of the Armed Services Committee. I have tremendous respect for both these individuals, but I think it is important not just on a parochial basis—I couldn’t stand here and ask my colleagues merely to vote for this program because of jobs in my State. I also want them to understand what happens to people. This isn’t just numbers we are talk about. There are lives, skill sets, and there is a valuable resource at risk when we cast our votes on whether to continue this program and allow for that seamless transition that will maintain the superiority and effectiveness necessary for our aircraft in the 21st century.

On the chart I showed you of these nations around the world—others are not sitting idly by. They are developing surface-to-air missiles and the fifth generation of fighters to challenge us. We find ourselves in a situation where we might be taking a backseat at a time when I think we can least afford it. This is not inexpensive to do this. Senator CHAMBLISS provided an offset in committee for the cost of continuing this program until 2014. That is an important consideration.

I respect the members of the committee who wrestle with these issues. I wished to share with my colleagues this information, and particularly what it means in a State such as mine that has an 80-year history of producing these terrific engines, and workers such as the two individuals I have introduced to you this evening, whose talents and abilities we will potentially lose as a result of this decision. It is one of great importance to our country, to our national security, and to the people who provide the wonderful skill sets that give us these remarkable engines.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, I ask unanimous consent that I be recognized for up to 5 minutes and that Senator THUNE be recognized immediately thereafter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ISAKSON. Madam President, I rise to affirm everything the Senator from Connecticut said. He made an articulate, detailed case for the F-22, in opposition to the amendment. I commend him.

I wish to add three thoughts, three good reasons, for the F-22 and not to adopt the amendment: No. 1, when the U.S. Air Force wrote the RFP for the weapon system of the 21st century to replace three existing, aging aircraft, the F-22 met and exceeded every single part of the RFP. No. 2, for those who say the cost is some \$2,000 an hour more for maintenance, you have to quantify that. Look what you are buying. You are buying stealth technology that exists nowhere else in the world and the ability to deliver munitions and leave without ever having been seen. Most recently, in Alaska, the F-22, in a mock battle, destroyed 144 aircraft before it lost its first one.

Lastly, and most importantly, while it may not be the plane exactly for Afghanistan and Iraq today, what about North Korea? What about Iran? What about what happened to us in the Balkans in the late 1990s, when President Clinton deployed our air strength to put together what was a terrible situation? We must be prepared for whatever will come in the 21st century. If there is anything we have learned, you cannot underestimate what may come. I commend the Senator for his articulate statement and affirm everything he said in support of not adopting the amendment and to continue to purchase the F-22 beyond the 187 currently being capped—or asked to be capped at. I commend the Senator for his remarks.

Mr. DODD. I thank the Senator. That number of 144, I suspect people won't believe that number, but that is a real number. Pilots don't always necessarily comment on these matters. I am told by those who have been interviewed, pilots who fly the F-22 use superlatives to describe that aircraft they have never used about any other aircraft, including the ability to reach the speed of Mach 1.5 in 90 seconds, the stealthy quality, the maneuverability, and the agility exceeds anything else that exists anywhere else in the world.

There is a generation coming along in nations with whom we have pretty good relationships, but we can never predict what is going to happen. We have seen what happened with the SU-27 and the MiG 29, where those are widely disseminated worldwide now.

They pose a parity with the aircraft we have. We need to have that superior quality.

I thank my colleague.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Michigan. Mr. LEVIN. Mr. President, I thank, first of all, my friend from South Dakota for yielding to me for just a moment. He was to be next recognized. This will take just a moment.

We have been attempting to work out a unanimous consent agreement so we could first vote tomorrow. That was not convenient for a number of Senators. We then tried to work out a unanimous consent agreement for first thing on Wednesday morning to vote on the Levin-McCain amendment. We have so far been unsuccessful in getting that agreement. We will continue to work tomorrow to see if we cannot get such an agreement. In the meantime, that is where it stands.

Again, I thank my friend from South Dakota for yielding.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for not more than 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

TRIBUTE TO EMILY COX

Mr. ISAKSON. Mr. President, I wish to pause for a second and tell everybody in the Senate that on the 1st day of August of this coming month, in Waynesboro, GA, there is going to be birthday party for a 96-year-old lady, Emily Cox. She is not just another 96-year-old lady.

Emily Cox was the mother of Jackson Elliot Cox, my best friend in college. When he graduated from college, he left to join the U.S. Marine Corps, went through OCS, went to Vietnam, and he died on behalf of his country. Miss Emily was saddened, obviously, by the tragedy, as was her husband Sidney.

When Alex Crumbley, myself, and Pierre Howard went to be at the wake and to wait for the body to return and to try to soothe Miss Emily, she soothed us for the loss of our best friend. Since that day, Miss Emily Cox has traveled our State on behalf of veterans, on behalf of the U.S. Marine Corps, and on behalf of our country. She is a living legend in Georgia for her sweetness, for her strength, for her love of country, and for her sacrifice.

While I will not be able to be in Waynesboro, GA, on August 1 to celebrate her 96th birthday, from the floor of the Senate, I send her my greetings

and my thanks. She has been a rock for me, a rock for her community.

Miss Emily, we love you, and happy birthday.

The PRESIDING OFFICER. The Senator from South Dakota.

CAP-AND-TRADE LEGISLATION

Mr. THUNE. Mr. President, this week we work on the Defense authorization bill. As a member of the Armed Services Committee, that is something in which I have a keen interest. Many of the discussions you heard already and we will hear throughout the course of the week will deal fundamentally with our Nation's national security interests, making sure we continue to fund our troops at the appropriate level; making sure, in terms of pay and benefits, recruiting and retaining the finest men and women in uniform in the world, that they have the very best of technology to use when it comes to doing their jobs. You already heard a discussion about some of those various technologies, platforms—the F-22s and F-35s. I am very interested in the next generation of bombers and the importance of having long-range strike capability so we are able to continue to penetrate some of the more sophisticated air defense systems that are being developed by our adversaries and potential adversaries around the world. It is a great debate to have. It is one we have annually. I look forward to engaging in some of the discussions on these very important and critical national security issues.

I wish to speak this evening to some of the things going on on the domestic front. I always believe if we do not get national security right, the rest is conversation, which is why this Defense authorization bill is so important. But when we do get past the Defense authorization bill, I think we have a couple of big, epic battles that are going to be waged in the Senate coming up perhaps this month; if not, I suggest certainly in the fall. One deals with a bill that passed the House a little over a week ago now, the cap-and-trade legislation. The other deals with the issue of health care reform, which is one-sixth of America's economy. We are talking about an enormous amount of money that is spent in this country every single year on health care.

There is legislation that is moving through the House, and there are discussions in the Senate. The markup has been going on several days now in the Health, Education, Labor, and Pensions Committee in the Senate to report out a health care reform bill that at some point will come to the floor of the Senate and be debated. But these are huge issues of consequence for the American people.

I think the American people need to be engaged. What struck me about the debate that was held in the House of

Representatives a couple of weeks ago—which, incidentally, the cap-and-trade legislation passed in the House of Representatives by a 219-to-212 margin. It was hurried through. It was done very quickly. It was a 1,200-some page bill. There was a 309-page amendment that was offered on the floor. I submit that very few, if any, Members of the House of Representatives had an opportunity to read the entire bill, let alone the amendment that was offered to it. It moved very quickly. And this has dramatic consequences for the American economy.

When you start talking about a cap-and-trade bill that will impose essentially what is a tax on carbon that supposedly is directed at polluters but ultimately is going to be paid by consumers in this country, it is very clear that this is going to drive up the cost of energy in this country, whether that is electricity, whether that is fuels, whether that is natural gas, home heating oil. All those things the American people use every single day in their daily lives, they are going to see the costs go up. You can talk about how much, and we have lots of varying estimates about what it would cost. The CBO recently came out with an estimate—and this was highly touted by proponents of the legislation—that it was only going to cost each household \$175 a year. CBO also said that in the year 2020, the average cost on a per-household basis would be considerably higher than that; that it would be \$890 per household in 2020, with the top quintile paying an average of \$1,380.

After some generous assumptions about the enormous government-run wealth redistribution scheme that would be conducted via auction and the free allowances, the CBO came back to this number of \$175 per household on average, with the middle quintile facing the highest net cost of \$340. However, the figure is only the budgetary cost per household, not a comprehensive economic analysis, and moreover it examines only 1 year of the program, a year that CBO optimistically assumes is relatively low cost and after the expensive transition years. As a result, CBO's estimate really only captures some of the cost of cap and trade, as the report acknowledges. But even at that, the CBO average estimate gross cost by 2020 is \$890 additional per household per year in energy costs and with the top quintile paying an average of \$1,380.

What is interesting about that is that study did not take into consideration different regions of the country or different demographic groups, different sectors of the economy, different income brackets. All of those are issues that have not been contemplated fully to date and what some of these impacts would make.

I suggest there are going to be significant regional disparities because

there are going to be certain areas of the country that are going to pay much more in additional power costs than other parts of the country. I think the transition is going to be particularly difficult for those areas of the country that are employed in industry, such as coal, or living in areas that produce coal or rely heavily on coal-fired power for their electricity generation, and the costs are going to be borne much more significantly by those areas of the country. So the regional differences are going to be especially dramatic when it comes to the electricity sector of the economy. I suggest places such as my home area of South Dakota and the upper Midwest are going to disproportionately pay way more of this burden than are other parts of the country.

A lot of this data, a lot of this information has yet to make it out into the hands of the American people. When the American people find out what is actually happening here in Washington with this cap-and-trade proposal, they get very exercised about it, as I think most Members of Congress found out during the Fourth of July holidays. They went out and traveled across their respective States. They heard, I suspect, what I did—that people are very upset about the notion that we are going to see energy costs go up significantly and they are going to be paying the bill. They have not, I don't think, determined at this point that there is any benefit they are going to derive from it.

The argument is going to be made by proponents of the legislation that this is going to be a good thing because we are going to see significant reductions in CO₂ emissions and therefore that is good for the global climate. Frankly, as we heard last week at the G-8 meeting, there are other countries around the world that do not have a real concern about doing anything quickly, and they have no intention of following the lead of the United States in that regard. As a consequence, we are not going to see anywhere close to the reductions that have been promised. So we have what is pretty clearly a minimal environmental benefit as a result of a gargantuan cost increase—tax, if you will—on the American economy in the form of higher energy costs.

I submit that the cap-and-trade legislation is going to have a profound impact on the economy, and it is something that should not be hurried through. I hope the Senate, if and when it comes to the floor—frankly, I hope it doesn't because I don't think right now this is an issue that ought to be occupying the time of the Senate when we are trying to get the economy growing again. We are talking about with this cap-and-trade legislation actually putting a new tax on the American economy at a time when we ought to be trying to get small businesses invested

again, reducing the overall tax and regulatory burden they face, and trying to create jobs and expand the economy, rather than putting a new crushing mandate, top-down, heavy-handed bureaucratic mandate, cap-and-trade program on top of an economy that is already struggling and, as we saw last week, unemployment rates now topping 9.5 percent, perhaps going higher before it is all said and done.

What is interesting to me is there does not seem to be any debate that this is going to raise energy costs. When people get into this argument, it is not a question of if, it is a question of how much.

There are even some on the House side—Representative JOHN DINGELL, for many years the chairman of the Energy and Commerce Committee in the House of Representatives, said:

Cap and trade is a tax and it's a great big one.

Representative CHARLIE RANGEL said:

Whether you call it a tax, every one agrees that it is going to increase the cost to the consumer.

I could go on and on. Secretary Geithner. The President himself, when he talked about this particular idea, indicated that costs would necessarily skyrocket. So there is no question but this is going to increase costs to the American consumer. At a time when we can least afford it and at a time when we are trying to get our economy on a pathway of recovery, we ought to be lessening the burden on Americans, not increasing it.

There is a better way. If we look at some of the alternatives that are out there, to me it makes more sense if you can incentivize a certain type of investment as opposed to trying to mandate some regulatory regime. That is a much better way of doing business.

If we want to do something legislatively when it comes to lowering the cost of energy in this country, we ought to focus on reducing emissions by lowering the cost of renewables, by aggressively investing in research and supporting an increased role for types of power that have not been used in this country. We are way underutilizing nuclear power. France gets 80 percent of its electricity from nuclear power. In the United States, we are about 20 percent. We can do better than that. There is no reason the United States cannot be a leader when it comes to clean green energy. One of the things we need to do is build more nuclear plants. That is one of the items on our agenda that we would like to see as part of an energy bill.

I also think there are things we can do in investing in non-carbon-emitting types of technology. I come from a part of the country where we have vast amounts of wind. Some people argue South Dakota is the Saudi Arabia of wind. If we can figure out a way to harness that wind energy, I think we are

going to see an increase in economic activity in the upper Midwest. South Dakota would be a great place for that. I hope we can see more investment in wind. We need to make sure we are providing the necessary and appropriate incentives and policy incentives for investment in wind energy.

Solar is something, obviously, where we have a lot of room to grow. Conservation, carbon storage, infusion—all kinds of technologies that are carbon-free sources of energy. But I believe the way we get more of those is to incentivize investments in those areas. It seems to me that would be a much preferable outcome and, frankly, one in which we could get our global partners a lot more interested in and participating in. In fact, it has been suggested—Bjorn Lomborg suggested countries around the world devote a portion of their GDP to these types of non-carbon-emitting energy technologies in research and investing in those so that the burdens are shared equally. I would suggest every country might do it a little differently.

If I were going to put a plan together like that for South Dakota, I would make it very wind heavy. Other parts of the country might make it nuclear heavy. There are clean green renewable sources of energy available in this country, but trying to impose a heavy tax that will be paid by the American consumer ultimately, to me, seems like a wrongheaded approach, especially at a time when the economy is struggling.

HEALTH CARE REFORM

Mr. THUNE. I think that sort of segues into the other big issue, the big epic battles we are going to face in the Congress, and that is what to do to reform our health care system so that we can make the cost more affordable for American families and consumers. I don't think anybody argues that we don't need to reform our health care system; that there aren't things we can do better, more efficiently, more cost effectively.

I certainly would not for a minute suggest—as some have suggested about Republicans—that Republicans in the Senate don't want to do anything. We all believe we need to do something. We all believe there is much that can be done that will help improve coverage and lower costs for people in this country. But it can be done in a way that doesn't turn everything over—the keys of the health care system—to the Federal Government.

Much of what we are seeing right now in terms of the plans that are moving through the Congress is that the House of Representatives will pass a bill, perhaps first, which will come over to the Senate. What is being debated—at least at the committee level in the Senate—consists of what they

call a public plan option which, in effect, is a government plan. It is a—I would characterize it—government takeover of the health care system in this country because when the government goes into competition with the private sector, I think it will be very difficult for the private sector to compete.

There are many, obviously, already competing plans out there. In fact, George Will noted there are 1,300 entities offering health care plans in this country. Another one isn't going to change that. But the larger problem we have when the Federal Government gets into competition with private business is that the Federal Government becomes not a competitor but a predator. I think the government plan is not going to compete with the private market, but rather it will destroy the private market. A lot of studies bear that out.

If you look at the independent estimates—and in fact the Lewin Group studied this very carefully—they suggest that nearly 6 out of 10 Americans with private coverage, or about 118 million Americans, would lose their current health care coverage and be forced into a government-run health care plan. In fact, John Shields of the Lewin Group said:

If we created this public plan which is priced so much lower than private insurance, that will draw a lot of people in. Then you will wake up one morning and say: Wow, there is only one payer.

Essentially, what would happen, Mr. President, in my view, is we would see the private companies that are offering insurance, or small businesses that are offering coverage to their employees who would say: I can't compete with the Federal Government. I am just going to have all my employees move over into the government-run program. So that essentially, by default, we would see this government takeover of our health care system, and the government plan would become the plan in the country. Eventually, over time, I would argue, it would evolve into a single-payer system.

We are talking about one-sixth of the American economy. Certainly there are shortcomings in our current way of doing things. When we spend 17 percent or one-sixth of our entire GDP on health care, the assumption is that we are not spending enough money on health care. It is probably that we are not spending it wisely enough or not spending it smarter. We have lots of ideas about how to spend smarter that don't involve putting another \$1 trillion or \$2 trillion in tax burden on Americans in order to pay for this new system or, perhaps even worse yet, borrowing it from future generations, which is what we have been doing routinely around here for the past several months to fund many of these new initiatives. But those are both bad solutions.

A \$1 trillion tax or upwards of that, depending on which estimate we look at, up to \$2 trillion in additional cost for the plan that is being proposed by Democrats in the House and the Senate—we have to finance it somehow. It is going to be paid for. It is either going to be paid for in the form of higher taxes on the American economy or borrowing from future generations, neither of which, in my view, is an option we ought to pursue.

On the other hand, we ought to look at how we can make the current system—the 17 percent of our economy or the \$2.5 trillion we spend annually on health care—more efficient and more effective. How can we emphasize wellness? How can we emphasize prevention? How can we allow individuals and small businesses to join larger groups to get the benefit of group purchasing power and buying in volume? How can we create competition by allowing people to buy across State lines? How do we get the cost of defensive medicine down by reforming our medical malpractice laws so the doctors aren't in fear of being sued or in fear of liability, overutilizing and therefore practicing defensive medicine, which has been suggested by the Health and Human Services Department in a study they did in 2003.

If we put it in today's dollars, it suggests we could save about \$180 billion a year in health care costs by doing something about medical malpractice reform.

So these are all things that we are for. We have lots of ideas about how to improve health care in this country or improve at least the delivery of health care and drive down the cost of health care but do it in a way that doesn't impede upon that important relationship between a physician and a patient; in a way that prevents the government from imposing itself into that situation and the government then making a decision about which procedures are going to be covered, how much is going to be paid for each procedure, and essentially becoming the decider when it comes to health care in this country.

We think the decisions that are made with respect to people's health care ought to be made by patients, by providers, and not having the government dictating and getting in the way of that basic fundamental relationship.

The CBO has said about the Kennedy-Dodd bill, which is the only one we know of right now that is moving its way through the committee process and that is currently being marked up, the government plan was not projected to have premiums lower than those charged by private insurance plans. But how, then, is the government going to offer any benefit?

The government plan is going to be, in my view, redundant to what is already out there unless it comes in and tries to undercut private insurance,

which would put private insurance options out of business and force, as I said before, many small businesses offering coverage to push those employees into the government-run program.

So, Mr. President, these are both, just as I said before, in terms of size, scope, scale, and magnitude, enormous issues in terms of our domestic economy, and we shouldn't be hurrying these issues through. There is some suggestion that the health care bill, as it comes over from the House, might be returned to the floor of the Senate, put on the floor under rule XIV, and an attempt made to get it passed before the August recess. That is not the way to conduct the business of the Senate. That is not the way to deal with one-sixth of the American economy. It is not the way, certainly, to deal with something as complex as the American health care system.

To allow the government takeover of that system, it seems to me, is something most Americans, if they were aware was happening, would not be for. I think the survey numbers bear that out. I think, as is true with cap and trade, the more the American people are engaged in this debate, the more they hear about it, the more objections they are going to have to the government takeover of health care in this country.

So these are both issues which need to be done thoughtfully and carefully and, frankly, they shouldn't be rushed out of here. We shouldn't be trying to pass health care out of the Senate before the August break. We shouldn't be talking about doing cap and trade—although I think that is now being pushed back into the fall.

These both have huge impacts on America's economy and get at the heart of the issue of how we are going to retain and create new jobs and expand our economy. These are very consequential issues and shouldn't be rushed. So I hope the Senate will take its time. I hope it will allow for full debate and that we will have an opportunity to put some of our ideas out there, some of the alternatives we think, in fact, would improve health care in this country and make it more affordable for more Americans.

Mr. President, I yield the floor.

GROWTH ACT OF 2009

Mr. DURBIN. Mr. President, today I come to the floor to urge my colleagues to join me in addressing challenges facing women in the developing world. Senator HUTCHISON and I introduced the GROWTH Act to focus U.S. developmental assistance and strengthen the role of women in developing countries.

Families, particularly in the developing world, would not survive were it not for the critical contributions of women. Rural women produce 50 per-

cent of the world's total food, 60–80 percent of the food in the developing world, and most of the staples, such as rice, wheat, and maize, that provide up to 90 percent of the rural poor's food intake.

Yet these women often bear the brunt of economic, legal, and social inequality.

For example, because of the inequality in inheritance laws or the lack of enforcement of such laws, women are often dispossessed of their property when their husbands die. In fact, even though they overwhelmingly tend the fields and produce the food that keep their families alive, women in the developing world own less than 15 percent of land and in many African countries less than 1 percent.

Economic, legal, and social inequalities have had a measureable impact on the ability of women in the developing world to earn an adequate living and support their families. The statistics are sobering—women make up 60 percent of the world's working poor, 70 percent of the hungry, and 67 percent of the illiterate.

Thus, improving the economic conditions of women is key to improving economic conditions in the developing world. Even more importantly, improving the economic conditions of women is key to the future of the children in these countries.

Study after study shows that women in developing countries are more likely to use their income for food, health care and education for their children. As a result, greater economic opportunities for women means that their babies are more likely to survive infancy, their children, especially their daughters, are more likely to attend school, and their families are more likely to eat nutritious meals.

One way to improve economic opportunity is to expand women's access to microcredit programs. Microcredit is an economically viable model of extending very small loans, at competitive interest rates, to the very poor. These loans allow the recipients, who are overwhelmingly women, to open or expand businesses and often allow them to lift their family out of poverty.

When you talk about microcredit, you must talk about Dr. Muhammad Yunus. Dr. Yunus is the recognized developer of the microcredit model. In 1976, he launched what has become a global movement to create economic and social development from below with a loan of just \$27 from his own pockets to 42 crafts persons in a small village in Bangladesh. Today, the Grameen Bank, which he founded to carry out his work, operates in more than 84,000 villages and has provided more than \$8 billion in low-interest loans to nearly 8 million people.

Over the past 30 years, his microcredit model has changed millions of

lives, directly and indirectly positively affecting the lives of as many as 155 million people.

In 2006, Dr. Yunus was awarded the Nobel Peace prize for developing this microcredit model.

The award of the Noble Peace Prize to Dr. Yunus recognized that lasting peace and prosperity cannot be achieved unless large numbers of the world's poor have the means to break out of poverty.

Earlier this year, Senator BENNETT and I offered the Dr. Muhammad Yunus Gold Medal Act, S. 864, to honor Dr. Yunus's efforts. I thank my 59 colleagues who have already agreed to cosponsor S. 864 and urge the rest of my colleagues to do the same.

Today I also urge my colleagues to support S. 1425, the Global Resources and Opportunities for Women to Thrive, or GROWTH, Act of 2009. Senator HUTCHISON and I offered the GROWTH Act on July 9 to expand on Dr. Yunus's microcredit model and focus U.S. developmental assistance on tackling many of the obstacles to economic empowerment of women in the developing world.

The GROWTH Act would not only empower women by giving them the financial tools to start and grow their own businesses, it would create broader opportunities through educational, legal, and community building programs.

The GROWTH Act is comprehensive legislation that, among other efforts, increases women's ability to start and develop businesses through enhanced microfinance, microenterprise loans, and related financial tools. It also supports various efforts to enhance women's land and property rights, and increases women's employment opportunities and improves working conditions for women through education, skills training, and advocacy programs.

The GROWTH Act is an important step forward in attacking the underlying economic inequalities in the developing world that hold women back from their full potential.

I thank Senator HUTCHISON for again joining me in offering the GROWTH Act, as well as Senators COLLINS, LANDRIEU, SHAHEEN, GILLIBRAND, SANDERS, CASEY, WHITEHOUSE, and JOHNSON for joining the effort as cosponsors. I urge the rest of my colleagues to empower women in the developing world by supporting S. 1425.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

MATTHEW SHEPARD HATE CRIMES PREVENTION ACT

• Mr. KENNEDY. Mr. President, I urge my colleagues on both sides of the aisle to join in supporting the Matthew Shepard Hate Crimes Prevention Act.

We need to pass this bill without further delay. The House passed a hate

crimes bill with a vote of 249 to 175 in April. President Obama has repeatedly stated that he supports swift enactment of hate crimes legislation. The Department of Justice has expressed a need to strengthen our Federal hate crimes law. And, over 300 law enforcement, religious, civil rights, and community organizations have stated their support for this act. We need to make certain that every American is protected from hate crimes. No one should be a victim of violence because of who they are.

In fact, hate crimes are domestic terrorism. Like all terrorist acts, they seek to bring fear to whole communities through violence on a few. We have committed ourselves to protecting our country from terrorists that strike from abroad, so we must make the same commitment to protecting Americans from homegrown terrorism.

Only weeks ago, a small distance from this Capitol, James von Brunn, a formerly convicted criminal and a known anti-Semite, entered the DC Holocaust Memorial Museum and began firing a rifle. During the attack, von Brunn shot and killed security guard Stephen Johns. As tragic as this incident was, the heroism of Stephen Johns, and the heroism of other members of the museum's security team, prevented von Brunn from conducting a violent massacre of innocent men, women, and children. Von Brunn planned a hate crime, an act of domestic terrorism. Our society recognizes that such a crime cannot be tolerated. Attacks like these send shockwaves through American communities and must be prosecuted as terrorizing crimes.

The original hate crime statute, enacted in 1968, criminalized violent acts based on a victim's race, color, religion, or national origin. Over the past 40 years, we have learned from experience that hate crime perpetrators often target communities unprotected by the original statute. This amendment strengthens that statute to protect victims targeted with violence because of their gender, their sexual orientation, their gender identity, or their disability.

In Boston on August 24, 2008, Jonathan Howard and three friends were viciously attacked by four men while walking home from a Boston nightclub. The assault began when a Honda pulled up beside the victims. The four men in the vehicle began yelling obscenities and homophobic slurs at the group. The perpetrators told Howard to die and repeatedly kicked his head into the pavement. After the event, Howard stated that "the type of assault that we encountered was completely random, unprovoked, and unforgivable." This type of attack was just as much a hate crime as the attack by James von Brunn, and it needs to be recognized as a Federal hate crime.

The victims did nothing to provoke their attack. They did not deserve to be the subjects of violence. No member of the LGBT community should be terrified to walk down the street for fear of hateful violence. Hate crimes perpetrators must not be allowed to place our communities in fear.

On May 11, the Boston Globe reported that the historic election of President Barack Obama spurred a wave of hate crime violence. The article cites a study by the Southern Poverty Law Center that shows the number of White extremist groups in the United States has increased by nearly 50 percent since 2000, and that White extremist activity has sharply increased over the past several months.

Last November 5, following the election of President Barack Obama, four men rampaged across Staten Island, assaulting African Americans in response to President Obama's victory. The attackers beat a 17-year-old boy with a pipe. They physically assaulted another man to the ground, verbally harassed individuals suspected of voting for President Obama, and slammed into a man with a car because they mistakenly believed he was African American. None of these victims were known to their attackers. None of these victims could have prevented the attacks. The victims were terrorized because their attackers wanted to send a violent message of hate to the African American community.

Last July 12, in Shenandoah, PA, Luis Ramirez, a 25-year-old Mexican and father of two, was beaten by several drunken students from the local high school. Authorities said the teenagers yelled ethnic slurs as they punched and kicked Mr. Ramirez, causing him to lose consciousness and begin to foam at the mouth. As a result of the attack, Mr. Ramirez died 2 days later. During the attack, one of the assailants reportedly yelled, "tell your . . . Mexican friends to get . . . out of Shenandoah . . ." According to Pennsylvania Governor Rendell, "Luis Ramirez was targeted, beaten, and killed because he was Mexican." Yet after a jury trial in State court, the killers were acquitted of the most serious charges and convicted of simple assault—yes, simple assault.

As the result of this case, the Justice Department is currently investigating civil rights violations with one hand tied behind their back. Because the incident occurred while the victim was walking by a park, and because walking by a park may not be considered a "federally protected activity," the Justice Department is not able to fully investigate and prosecute this crime. This legislation closes the flagrant loophole that prevents prosecution of a hate crime when a victim is not engaged in a federally protected activity. It provides that hate crime perpetrators may be prosecuted, regardless of

where their victim was or what they were doing when he or she was attacked.

In addition, this bill authorizes the Justice Department to make grants to State, local, and tribal authorities to combat, investigate, and prosecute hate crimes more effectively. During these times of economic crisis, State and local authorities are cash-strapped to deal with costly hate crime incidents. Investigations tend to be expensive. They require considerable law enforcement effort and extensive use of grand juries. To ease the extraordinary costs and complexity of such cases, the bill authorizes \$5 million in Justice Department grants to State, local, and tribal law enforcement officials who have incurred extraordinary expenses associated with investigating and prosecuting hate crimes.

The legislation also authorizes the Justice Department to make grants for State, local, and tribal programs that combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes. With hate crimes against Latinos on the rise, and hate crimes against LGBT individuals on the rise, and hate group activity on the rise, we must ensure that our State and local law enforcement authorities have all the tools and resources they need to combat, investigate, and prosecute hate crimes.

I am proud to take this opportunity to recognize the work of the Boston Police Department as the only major police department to incorporate hate crimes training into its mandatory training program. Unfortunately, many police departments around the country do not have the resources necessary to provide such training. This bill specifically authorizes the Justice Department to allocate funds for training so that other police departments may follow the example set by the Boston PD.

Violent attacks based on race, color, religion, national origin, gender, sexual orientation, gender identity, or disability deserve to be criminalized by Federal law. Our Nation must show that it will not permit these communities to be terrorized—one victim at a time.

For the past 10 years, the Senate and the House of Representatives have each passed this legislation on multiple occasions—only to face political setbacks that have prevented the measure from being enacted. Now, we must finish the job and send this legislation to the President for his signature. By doing so, Congress will be reflecting the will of the American people. We will be sending a strong message that hate crime violence will not be tolerated—and that every citizen deserves Federal protection against such crimes.

Religious leaders across the country support the amendment. As my colleagues know, the Golden Rule is recognized as one of the deepest principles in virtually every religious tradition. It is the simple principle that we ought to treat others as we ourselves would like to be treated. In the book of Matthew, chapter 7, Jesus says, "So whatever you wish that others would do to you, do also to them, for this is the Law and the Prophets." This amendment embodies the Golden Rule by extending protection to individuals in communities that are vulnerable to violence fueled by hatred.

Religious leader, Pastor Joel C. Hunter, has said, "I would think that the followers of Jesus would be first in line to protect any group from hate crimes . . . This bill protects both the rights of conservative religious people to voice passionately their interpretations of their scriptures and protects their fellow citizens from physical attack."

Many religious groups have expressed their support for the bill, including the Episcopal Church, the Evangelical Lutheran Church of America, the Interfaith Alliance, the Presbyterian Church, the United Synagogue of Conservative Judaism, the United Methodist Church, and the Congress of National Black Churches.

Over 10 years have passed since the Matthew Shepard Hate Crimes Prevention Act was first introduced in the Senate. Over 10 years have passed since Matthew Shepard was robbed, pistol whipped, tortured, tied to a fence, and left to die because he was gay. I commend Matthew's mother, Judy Shepard, for her years of inspiring advocacy that have brought us to this moment. Now is the time for the Senate to vote and show that we will not allow domestic terrorism to tear apart the fabric of our Nation and take the lives of innocent Americans. I urge my colleagues in the Senate to follow their hearts and minds and vote in favor of this legislation.●

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY SUB- COMMITTEES

Mr. HARKIN. Mr. President, the Committee on Agriculture, Nutrition, and Forestry has adopted subcommittees for the 111th Congress. On behalf of myself and Senator CHAMBLISS, I ask unanimous consent that a copy of the subcommittees be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE COMMITTEE ON AGRICULTURE, NUTRITION & FORESTRY SUBCOMMITTEE ASSIGNMENTS—111TH CONGRESS

Subcommittee on Rural Revitalization, Conservation, Forestry and Credit: Rural economic revitalization and quality of life;

rural job and business growth; rural electrification, telecommunications and utilities; conservation, protection and stewardship of natural resources; state, local and private forests and general forestry; agricultural and rural credit.

Sen. Lincoln, Chair; Sen. Leahy; Sen. Stabenow; Sen. Nelson; Sen. Casey; Sen. Bennet. Republican Designee, Ranking; Sen. Cochran; Sen. McConnell; Sen. Grassley; Sen. Thune.

Subcommittee on Energy, Science and Technology: Renewable energy production and energy efficiency improvement on farms and ranches and in rural communities; food and agricultural research, education, economics and extension; innovation in the use of agricultural commodities and materials.

Sen. Stabenow, Chair; Sen. Conrad; Sen. Nelson; Sen. Brown; Sen. Klobuchar; Sen. Bennet; Sen. Gillibrand.

Sen. Thune, Ranking; Sen. Lugar; Sen. Roberts; Sen. Johanns; Sen. Grassley; Republican Designee.

Subcommittee on Hunger, Nutrition, and Family Farms: Domestic and international nutrition and food assistance and hunger prevention; school and child nutrition programs; local and healthy food initiatives; futures, options and derivatives; pesticides; and general legislation.

Sen. Brown, Chair; Sen. Leahy; Sen. Baucus; Sen. Lincoln; Sen. Stabenow; Sen. Casey; Sen. Klobuchar; Sen. Bennet; Sen. Gillibrand.

Sen. Lugar, Ranking; Sen. Cochran; Sen. McConnell; Republican Designee.

Subcommittee on Production, Income Protection and Price Support: Production of agricultural crops, commodities and products; farm and ranch income protection and assistance; commodity price support programs; insurance and risk protection; fresh water food production.

Sen. Casey Chair; Sen. Leahy; Sen. Conrad; Sen. Baucus; Sen. Lincoln; Sen. Brown.

Sen. Roberts, Ranking; Sen. Cochran; Sen. Johanns; Sen. Grassley; Sen. Thune.

Subcommittee on Domestic and Foreign Marketing, Inspection, and Plant & Animal Health: Agricultural trade; foreign market development; domestic marketing and product promotion; marketing orders and regulation of agricultural markets and animal welfare; inspection and certification of plants, animals and products; plant and animal diseases and health protection.

Sen. Gillibrand, Chair; Sen. Conrad; Sen. Baucus; Sen. Nelson; Sen. Klobuchar.

Sen. Johanns, Ranking; Sen. Lugar; Sen. McConnell; Sen. Roberts.

COMMENDING PETER ROGOFF

Mrs. MURRAY. Mr. President, I would like to take a moment to recognize a very special member of my staff who has recently been confirmed by the Senate to take on a critical role in the Obama administration.

Peter Rogoff has served on the Appropriations Committee staff for the last 22 years and he has been the committee's senior transportation adviser for the majority of those years. For the past 9 years, as I have served as either chairman or ranking member of the Transportation Appropriations Subcommittee, I have had the opportunity to work closely with Peter.

Peter has been a trusted adviser to me and a dedicated public servant to

the constituents of both my home State of Washington and the constituents of every member of the subcommittee. I know that Peter's drive, knowledge, and experience will be an outstanding asset to President Obama and Transportation Secretary LaHood's team.

Peter and I have worked together through many challenges over the years, none greater than the events of September 11 and the transportation security issues that we were confronted with after. Peter's efforts weren't just limited to aviation security but also included initiatives to strengthen security in passenger rail, transit systems, our ports and all the systems that connect them. During those difficult times, Peter's understanding of our transportation safety systems was fully evident.

It is a knowledge that comes with experience. And not just the kind of experience you gain from studying policy at your desk, although I can attest that Peter has done a lot of that. It is the kind of experience you get from traveling out to accident sites, talking with inspectors, meeting with families, and working hands-on to ensure that we are taking steps to ensure that accidents are not repeated.

In the time that I have worked with Peter, he has regularly traveled across the country to participate in aviation, rail and ship inspections, and he has voluntarily gone to many accident sites. The expertise gained from these experiences has served this Congress and our country well in some very critical situations.

In fact, I still remember clearly the evening 2 years ago when we all watched in horror as the 1-35 bridge collapsed in Minneapolis. Immediately after that tragedy, I dispatched Peter to accompany Senator KLOBUCHAR to the scene, because I knew that he could help her identify the core issues and how the Federal Government could help.

Now I know that as FTA Administrator, Peter will face a set of wide-ranging challenges. But I also know that he has the transit know-how to hit the ground running. Peter will bring over two decades of working knowledge on financing, building, and safeguarding our country's transit systems.

I thank Peter for the guidance, enthusiasm, and expertise he has shown in the years he has led my efforts on addressing our country's transportation, housing and urban development needs. I also wish him luck as he takes on this tremendous responsibility and opportunity.

While his departure represents a big loss for our Appropriations Committee and my appropriations subcommittee, I respect and commend President Obama's decision to put Peter's expertise to work on addressing our country's transit future.

COMMENDING CAPTAIN B. HARL ROMINE JR.

Mrs. HUTCHISON. Mr. President, on behalf of myself and Senators SNOWE, ENSIGN, DEMINT, THUNE, WICKER, ISAKSON, VITTER, BROWNBACK, MARTINEZ, and JOHANNIS, we would like to thank Captain Harl Romine for his service to the Nation and the U.S. Coast Guard.

Captain Romine has a long and distinguished career with the Coast Guard. From his enrollment in the U.S. Coast Guard Academy through his retirement later this month, Captain Romine has spent the better part of the last three decades serving his countrymen and protecting our Nation in the U.S. Coast Guard. During his service in the Coast Guard Captain Romine has exhibited the best characteristics of a Coast Guard officer: a deep dedication to duty, unsurpassed professionalism, superior technical and operational expertise, and compassion as a pilot, leader, mentor, and friend.

Captain Romine has a distinguished career that is worthy of recognition by this Senate. Harl Romine—the son of a career Coast Guard officer—attended high school in Chantilly, VA, and graduated from the U.S. Coast Guard Academy in 1985 with a bachelor of science degree in government. Immediately following graduation he joined the fleet and served as a deck watch officer, law enforcement boarding officer, and weapons officer aboard the U.S. Coast Guard Cutter CHEROKEE. Upon completing his tour on the CHEROKEE, Captain Romine attended Navy Flight School to begin his career as a Coast Guard aviator a role in which he would truly distinguish himself. Upon receiving his “wings of gold” at flight school in Pensacola, Captain Romine began a career of service that would take him from the warm waters of the Gulf of Mexico to frigid seas of the Gulf of Alaska.

His first aviation assignment was to the Coast Guard's largest and busiest air station—Air Station Clearwater, FL, where he served as a duty standing pilot in the HH-3F “Pelican” helicopter performing a wide range of missions in the Atlantic and Caribbean regions, including Search and Rescue and drug enforcement operations.

In 1991 he was assigned to Air Station Kodiak where he continued to fly the HH-3F and then transitioned to the HH-60J “Jayhawk.” Four years later, he was transferred to Coast Guard Group Astoria, OR, where he served as the administration officer, supervising the administrative and personnel support for over 300 Coast Guard personnel.

In 1998, Captain Romine was assigned as the HH-60J standardization branch chief at the Coast Guard's Aviation Training Center in Mobile, AL. The young pilots trained under the tutelage of Captain Romine were a large part of the impressive Coast Guard Team that

performed so heroically in the aftermath of Hurricanes Katrina and Rita.

In 2001, Captain Romine qualified in the HC-130H “Hercules” and returned to Kodiak, AK, where he served as the operations officer for Coast Guard Air Station Kodiak. During this tour he maintained a qualification in both the HH-60J “Jayhawk” and the HC-130 “Hercules” airframes and has the unique distinction of standing duty in both airframes during the same week and successfully executing a search and rescue case in both airframes during that week.

In 2004, Captain Romine received the ultimate honor and demonstration of the Coast Guard's trust in his abilities, when he received orders to serve as the commanding officer of Coast Guard Air Station Sitka, AK.

At the heart of his career of distinguished service is commitment to rescuing those in distress. Over his career Captain Romine has personally flown, coordinated or supervised over 800 search and rescue cases resulting in over 600 lives saved. When Americans watch with pride as an orange helicopter plucks shipwrecked mariners from an icy sea or pulls stranded men and women off of roof tops in a flooded city, they should all know that it is men and women like Harl Romine who are piloting the aircraft risking their lives to save someone else's.

Captain Romine's service has not gone unrecognized by his commanders. For his distinguished and heroic service, he has been awarded the Meritorious Service Medal, the Air Medal, four Coast Guard Commendation Medals and three Coast Guard Achievement Medals.

Finally, for the last 3 years, Captain Romine has distinguished himself while serving as a Coast Guard fellow on the Senate Commerce Committee's Oceans, Atmosphere, Fisheries and Coast Guard Subcommittee. With the same technical expertise and devotion to duty demonstrated throughout his career as an aviator, Captain Romine earned the respect of all who have worked with him and has been an invaluable member of the Commerce Committee staff and will be sorely missed.

On July 17, Captain Romine will be retiring from the Coast Guard and will be bringing his impressive and distinguished career in the Coast Guard to an end. We would be remiss if we did not thank his family for “loaning” Harl to the Coast Guard for so many years. Life in the Coast Guard places great stress on families as well as servicemen. We want to thank Harl's wife Laura, and his sons Hank, Carson, and Sonny for all the sacrifices they have made.

Throughout his service to our Nation, whether standing the watch, teaching the next generation of pilots who now stand the watch, or com-

manding those who protected our Nation's mariners, Captain Romine has upheld the highest traditions of the Coast Guard. We would like to take this opportunity to personally commend Captain Romine for his service to our Nation, the Coast Guard and the Senate and thank him for all he has done in service to his country.

ADDITIONAL STATEMENTS

REMEMBERING MAJOR GENERAL ROGER W. GILBERT

• Mr. GRASSLEY. Mr. President, today I wish to honor the life of Major General Roger W. Gilbert who passed away on June 13, 2009 in Lenexa, KS. I would like to express my condolences to Major General Gilbert's family, in particular his wife of 58 years, Ruthie, his two daughters Carol and Marilee, his three granddaughters Brooke, Britni, and Allison, and his sister Beverly. They are in my thoughts and prayers.

Major General Gilbert led an honorable and extensive career which began upon his enlistment in the Army Air Corps in 1943 while he was a student at Drake University. After his pilot training, he courageously took two combat tours in Europe during World War II. He flew 50 missions in B-17s and Mosquitoes and upon his accomplishment he was awarded with the Distinguished Flying Cross, the Air Medal with five clusters and five battle stars.

In 1946, he joined the Air National Guard and flew another 50 combat missions in B-26 bombers during the Korean war. He then became squadron and later on wing commander of the Air Guard units and accumulated 7,200 hours of pilot time, 4,000 of which were served as a jet pilot. Major General Gilbert amassed a large amount of medals throughout his service career, including the Legion of Merit with one oak leaf cluster and another 38 awards.

Major General Gilbert retired from his career of 42 years of service in the Air Force and Air Guard. He previously was the adjutant general of the Iowa National Guard, as well as the former commander of the 132nd Fighter Wing of the Iowa National Guard, which was given three national recognitions as being an outstanding unit of the Air Force. After retirement, he spent his time hunting, skeet shooting, and taking his golden retriever, Major, out to the field.

The career of Major General Gilbert was a distinguished one and his 42-year commitment to serving the people of the United States and the State of Iowa is worthy of much admiration and honor. I am grateful for his service and pay tribute to his patriotism.●

REMEMBERING JACK
EBERSPACHER

• Mr. JOHANNIS. Mr. President, today I wish to pay tribute to a leader in American agriculture.

Jack Eberspacher, president and chief executive officer of the Agricultural Retailers Association, passed away on July 5, 2009, in Reston, VA. He had been courageously fighting cancer since April.

Jack was a dynamic leader and was admired throughout the industry as a strong and effective advocate for agriculture.

Jack was born in Seward, NE, in 1954. He earned an animal science degree at the University of Nebraska and completed coursework toward a master's degree in business administration at Texas Tech University.

After several years working in various agribusiness positions throughout the United States, Jack was named the chief executive officer of the National Grain Sorghum Producers Association in 1989. His colleagues there remember him as a creative man who loved pushing the envelope and emphasizing new ideas. He focused the Association's efforts on the needs of the producers and bringing stakeholders together.

In 1998, Jack accepted a new challenge as the chief executive officer of the National Association of Wheat Growers in Washington, DC. With his leadership, the association achieved a positive financial turnaround.

In 2001, Jack was appointed president and chief executive officer of the Agricultural Retailers Association, where he served until his death. He worked tirelessly to build the association into a strong voice for agricultural retailers and distributors in the Nation's Capital.

Jack was an active member of the Bennett Roundtable of the Farm Foundation of Chicago, Illinois, and recipient of the Alpha Gamma Rho Fraternity Brother of the Century Award. He also served as a member of the Bush-Cheney Agricultural Transition Team.

Jack is survived by his wife Ginger and their two children Sam and Maggie; his parents Max and Lois Eberspacher; his sister and brother, as well as nieces, nephews, relatives and friends.

I am personally thankful for his contributions and service to American agriculture. His legacy will be remembered, and he will truly be missed by many. My prayers are with his family during this difficult time.●

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3081. An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 3082. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

MEASURES PLACED ON THE
CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3081. An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 3082. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

INTRODUCTION OF BILLS AND
JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 1444. A bill to amend title 38, United States Code, to clarify the meaning of "combat with the enemy" for purposes of service-connection of disabilities; to the Committee on Veterans' Affairs.

By Mr. KERRY (for himself and Mr. LUGAR) (by request):

S.J. Res. 18. A joint resolution relating to the approval of the proposed agreement for nuclear cooperation between the United States and the United Arab Emirates; to the Committee on Foreign Relations for not to exceed 45 days pursuant to 42 U.S.C. 2159.

ADDITIONAL COSPONSORS

S. 229

At the request of Mrs. BOXER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 266

At the request of Mr. NELSON of Florida, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 266, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 428

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 428, a bill to allow travel between the United States and Cuba.

S. 571

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 571, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 599

At the request of Mr. CARPER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 662

At the request of Mr. CONRAD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 696

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 696, a bill to amend the Federal Water Pollution Control Act to include a definition of fill material.

S. 714

At the request of Mr. WEBB, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 718

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 718, a bill to amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

S. 730

At the request of Mr. ENSIGN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 730, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear, and for other purposes.

S. 755

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 755, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 777

At the request of Mr. BROWN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 777, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

S. 779

At the request of Mr. LAUTENBERG, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 779, a bill to amend titles 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes.

S. 832

At the request of Mr. NELSON of Florida, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from West Virginia (Mr. BYRD) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 846

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 850

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 883

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 883, a bill to require the Secretary

of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 908

At the request of Mr. BAYH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 951

At the request of Mr. NELSON of Florida, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 951, a bill to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn Jr.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1066

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1066, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 1067

At the request of Mr. FEINGOLD, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resist-

ance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1163

At the request of Mr. SCHUMER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1163, a bill to add 1 member with aviation safety expertise to the Federal Aviation Administration Management Advisory Council.

S. 1217

At the request of Ms. STABENOW, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1217, a bill to amend title XIX of the Social Security Act to improve and protect rehabilitative services and case management services provided under Medicaid to improve the health and welfare of the nation's most vulnerable seniors and children.

S. 1283

At the request of Mr. SCHUMER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1283, a bill to require persons that operate Internet websites that sell airline tickets to disclose to the purchaser of each ticket the air carrier that operates each segment of the flight, and for other purposes.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1337

At the request of Mr. AKAKA, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1337, a bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.

S. 1374

At the request of Mr. BROWN, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 1374, a bill to amend the Worker Adjustment and Retraining Notification Act to minimize the adverse effects of employment dislocation, and for other purposes.

S. 1375

At the request of Mr. ROBERTS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1375, a bill to amend the Agricultural Credit Act of 1987 to reauthorize State mediation programs.

S. 1415

At the request of Mr. SCHUMER, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 1415, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

At the request of Mrs. FEINSTEIN, the names of the Senator from Colorado (Mr. BENNET), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S.J. Res. 17, *supra*.

S. RES. 200

At the request of Mr. UDALL of Colorado, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. Res. 200, a resolution designating September 12, 2009, as "National Childhood Cancer Awareness Day".

S. RES. 210

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 1444. A bill to amend title 38, United States Code, to clarify the meaning of "combat with the enemy" for purposes of service-connection of disabilities; to the Committee on Veterans' Affairs.

Mr. KERRY. Mr. President, in order to reduce a 400,000 case backlog in disability claims, I am introducing legislation to make it easier for our veterans to enroll in Department of Veterans Affairs', VA, disability programs.

Specifically, the Compensation Owed for Mental Health Based on Activities in Theater Post-Traumatic Stress Disorder Act or COMBAT PTSD Act will change the definition of "combat with the enemy" so veterans can more easily be enrolled in PTSD programs.

It has become apparent that the nature of modern warfare is vastly different than it was in previous generations. In the past veterans were confronted with an identifiable enemy, on a battlefield that was much more easily discernible. This is no longer the case forcing our military to adapt to the changes of the battlefield. They have done so admirably—their ability to shift from a force designed to deliver quick decisive blows to a full spectrum force has been extremely impressive. Every American can agree that the men and women in uniform today deserve nothing but the best resources available to them.

Unfortunately, when our veterans return home they too often find a wait of approximately six months for their claims to the VA to be filed. This is unacceptable. It most certainly does not reflect the level of sacrifice and commitment that they have given to this nation. I know we can do better.

During previous conflicts the definition of "combat with the enemy" was simply determined by an individual's appearance on the front lines. However, today's battlefields may not include a front line as they have in past conflicts. We are using a 20th century model to diagnose and treat individuals returning from a 21st century conflict.

My legislation reflects these changes in conflict to ensure that our men and women in the military gain access to VA programs as soon as possible. It changes the VA's definition of "combat with the enemy" to include those that have served in a theater of operations, or in combat against a hostile force during a period of hostilities. This will more accurately reflect the current face of conflict.

President Obama's recent increase in the number of VA claim processors is certainly a good start, but those of us in Congress need to do our part to support this effort. With nearly 400,000 claims unprocessed it is time that we expedite this process. The men and women who have served honorably in our Nation's military who need our help cannot return to a bureaucratic maze.

I ask all my colleagues to support this legislation.

By Mr. KERRY (for himself and Mr. LUGAR) (by request):

S.J. Res. 18. A joint resolution relating to the approval of the proposed agreement for nuclear cooperation between the United States and the United Arab Emirates; to the Committee on Foreign Relations for not to exceed 45 days pursuant to 42 U.S.C. 2159.

Mr. KERRY. Mr. President, today Senator LUGAR and I introduce, by request, a joint resolution of approval of the proposed agreement for peaceful nuclear cooperation between the United States and the United Arab Emirates, which the President transmitted to Congress on May 21, 2009, pursuant to section 123b. and 123d. of the Atomic Energy Act of 1954, as amended. Pursuant to Section 130i.(2) of that Act, the majority and minority leaders have designated Senator LUGAR and me to introduce this joint resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1469. Mr. LEVIN (for himself and Mr. MCCAIN) proposed an amendment to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 1470. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1390, *supra*; which was ordered to lie on the table.

SA 1471. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1390, *supra*; which was ordered to lie on the table.

SA 1472. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1390, *supra*; which was ordered to lie on the table.

SA 1473. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1390, *supra*; which was ordered to lie on the table.

SA 1474. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1390, *supra*; which was ordered to lie on the table.

SA 1475. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1390, *supra*; which was ordered to lie on the table.

SA 1476. Mr. REID (for himself, Mr. CRAPO, Mr. MERKLEY, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 1390, *supra*; which was ordered to lie on the table.

SA 1477. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, *supra*; which was ordered to lie on the table.

SA 1478. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, *supra*; which was ordered to lie on the table.

SA 1479. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, *supra*; which was ordered to lie on the table.

SA 1480. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, *supra*; which was ordered to lie on the table.

SA 1481. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, *supra*; which was ordered to lie on the table.

SA 1482. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 1390, *supra*; which was ordered to lie on the table.

SA 1483. Mr. BURRIS submitted an amendment intended to be proposed by him to the

bill S. 1390, supra; which was ordered to lie on the table.

SA 1484. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1485. Mr. LEAHY (for himself, Mr. BINGAMAN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1486. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1487. Mrs. LINCOLN (for herself, Mr. CORNYN, Ms. LANDRIEU, Mr. RISCH, Mr. ROCKEFELLER, Mr. WYDEN, Mrs. HAGAN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1488. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1489. Mr. BROWNBACK (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1490. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1491. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1492. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1493. Mr. GREGG (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1494. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1495. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1496. Mr. THUNE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1497. Mr. INHOFE (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1498. Mr. INHOFE (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1499. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1500. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1501. Mr. BOND (for himself, Mr. LEAHY, Mr. PRYOR, and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1502. Mr. REID (for Mr. COBURN (for himself and Mr. FEINGOLD)) proposed an amendment to the bill S. 1233, to reauthorize and improve the SBIR and STTR programs and for other purposes.

SA 1503. Mr. NELSON, of Florida (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1504. Mrs. LINCOLN (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1469. Mr. LEVIN (for himself and Mr. MCCAIN) proposed an amendment to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle A of title I, add the following:

SEC. 106. ELIMINATION OF F-22A AIRCRAFT PROCUREMENT FUNDING.

(a) **ELIMINATION OF FUNDING.**—The amount authorized to be appropriated by section 103(1) for procurement for the Air Force for aircraft procurement is hereby decreased by \$1,750,000,000, with the amount of the decrease to be derived from amounts available for F-22A aircraft procurement.

(b) **RESTORED FUNDING.**—

(1) **OPERATION AND MAINTENANCE, ARMY.**—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by \$350,000,000.

(2) **OPERATION AND MAINTENANCE, NAVY.**—The amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby increased by \$100,000,000.

(3) **OPERATION AND MAINTENANCE, AIR FORCE.**—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby increased by \$250,000,000.

(4) **OPERATION AND MAINTENANCE, DEFENSE-WIDE.**—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by \$150,000,000.

(5) **MILITARY PERSONNEL.**—The amount authorized to be appropriated by section 421(a)(1) for military personnel is hereby increased by \$400,000,000.

(6) **DIVISION A AND DIVISION B GENERALLY.**—In addition to the amounts specified in paragraphs (1) through (5), the total amount authorized to be appropriated for the Department of Defense by divisions A and B is hereby increased by \$500,000,000.

SA 1470. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 7 and 8, insert the following:

SEC. 125. REPEAL OF REQUIREMENT TO MAINTAIN CERTAIN C-130E AIRCRAFT.

Section 134 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 31) is amended—

(1) in subsection (b), by striking “specified in subsection (d)” and inserting “specified in subsection (c)”;

(2) by striking subsection (c); and

(3) by redesignating subsection (d) as subsection (c).

SA 1471. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. RELEASE OF REVERSIONARY INTEREST.

The United States releases to the State of Arkansas the reversionary interest described in sections 2 and 3 of the Act entitled “An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas”, approved June 30, 1950 (64 Stat. 311, chapter 429), in and to the surface estate of the land constituting Camp Joseph T. Robinson, Arkansas, which is comprised of 40.515 acres of land to be acquired by the United States of America and 40.513 acres to be acquired by the City of North Little Rock, Arkansas, and lies in sections 6, 8, and 9 of township 2 North, Range 12 West, Pulaski County, Arkansas.

SA 1472. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

SEC. 252. MODIFICATION OF REPORTING REQUIREMENT FOR DEFENSE NANOTECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

Section 246 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 2358 note) is amended by striking subsection (e) and inserting the following new subsection (e):

“(e) **REPORTS.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the National Science and Technology Council information on the program that covers the information described in paragraphs (1) through (5) of section 2(d) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(d)) to be included in the annual report submitted by the Council under that section.”.

SA 1473. Mr. BINGAMAN submitted an amendment intended to be proposed

by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 590, lines 7 through 9, strike “for the National Nuclear Security Administration or for defense environmental cleanup”.

SA 1474. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 125. AC-130 GUNSHIPS.

(a) **REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOYMENT.**—Not later than December 31, 2009, the Secretary of the Air Force shall submit to the congressional defense committees an assessment of the reduction in the service life of AC-130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo continues at a rate per year of the average of their operating rate for the last five years.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An estimate by series of the maintenance costs for the AC-130 gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period.

(2) A description by series of the age, serviceability, and capabilities of the armament systems of the AC-130 gunships.

(3) An estimate by series of the costs of modernizing the armament systems of the AC-130 gunships to achieve any necessary capability improvements.

(4) A description by series of the age and capabilities of the electronic warfare systems of the AC-130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(5) A description by series of the age of the avionics systems of the AC-130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(6) An estimate of the costs of replacing the AC-130 gunships with AC-130J gunships, including—

(A) a description of the time required for the replacement of every AC-130 gunship with an AC-130J gunship; and

(B) a comparative analysis of the costs of operation of AC-130 gunships by series, including costs of operation, maintenance, and personnel, with the anticipated costs of operation of AC-130J gunships.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 1475. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 724. PRESCRIPTION OF ANTIDEPRESSANTS FOR TROOPS SERVING IN IRAQ AND AFGHANISTAN.

(a) **REPORT.**—

(1) **IN GENERAL.**—Not later than June 30, 2010, and annually thereafter until June 30, 2015, the Secretary of Defense shall submit to Congress a report on the prescription of antidepressants and drugs to treat anxiety for troops serving in Iraq and Afghanistan.

(2) **CONTENT.**—The report required under paragraph (1) shall include—

(A) the numbers and percentages of troops that have served or are serving in Iraq and Afghanistan since January 1, 2005, who have been prescribed antidepressants or drugs to treat anxiety, including psychotropic drugs such as Selective Serotonin Reuptake Inhibitors (SSRIs); and

(B) the policies and patient management practices of the Department of Defense with respect to the prescription of such drugs.

(b) **NATIONAL INSTITUTE OF MENTAL HEALTH STUDY.**—

(1) **STUDY.**—The National Institute of Mental Health shall conduct a study on the potential relationship between the increased number of suicides and attempted suicides by members of the Armed Forces and the increased number of antidepressants, drugs to treat anxiety, other psychotropics, and other behavior modifying prescription medications being prescribed, including any combination or interactions of such prescriptions. The Department of Defense shall immediately make available to the National Institute of Mental Health all data necessary to complete the study.

(2) **REPORT ON FINDINGS.**—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the findings of the study conducted pursuant to paragraph (1).

SA 1476. Mr. REID (for himself, Mr. CRAPO, Mr. MERKLEY, and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXIII, add the following:

SEC. 23. CONVEYANCE TO INDIAN TRIBES OF CERTAIN HOUSING UNITS.

(a) **DEFINITIONS.**—In this section:

(1) **EXECUTIVE DIRECTOR.**—The term “Executive Director” means the Executive Director of Walking Shield, Inc.

(2) **INDIAN TRIBE.**—The term “Indian tribe” means any Indian tribe included on the list

published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C.479a-1).

(b) **REQUESTS FOR CONVEYANCE.**—

(1) **IN GENERAL.**—The Executive Director may submit to the Secretary of the Air Force, on behalf of any Indian tribe located in the State of Idaho, Nevada, North Dakota, Oregon, South Dakota, Montana, or Minnesota, a request for conveyance of any relocatable military housing unit located at Grand Forks Air Force Base, Minot Air Force Base, Malmstrom Air Force Base, Ellsworth Air Force Base, or Mountain Home Air Force Base.

(2) **CONFLICTS.**—The Executive Director shall resolve any conflict among requests of Indian tribes for housing units described in paragraph (1) before submitting a request to the Secretary of the Air Force under this subsection.

(c) **CONVEYANCE BY SECRETARY.**—Notwithstanding any other provision of law, on receipt of a request under subsection (c)(1), the Secretary of the Air Force may convey to the Indian tribe that is the subject of the request, at no cost to the Air Force and without consideration, any relocatable military housing unit described in subsection (c)(1) that, as determined by the Secretary, is in excess of the needs of the military.

SA 1477. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. ____ . MODIFICATION OF OFFSET AGAINST COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

Section 1413a(b)(3) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “shall be reduced” and all that follows through “exceeds” and inserting “may not, when combined with the amount of retirement pay payable to the retiree after any reduction under sections 5304 and 5305 of title 38, cause the total of such combination to exceed”; and

(2) in subparagraph (B), by striking “shall be reduced” and all that follows through “exceeds” and inserting “may not, when combined with the amount of retirement pay payable to the retiree after any reduction under sections 5304 and 5305 of title 38, cause the total of such combination to exceed”.

SA 1478. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 652. PHASED EXPANSION OF ELIGIBILITY FOR CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

(a) PHASED EXPANSION.—Subsection (a) of section 1414 of title 10, United States Code, is amended to read as follows:

“(a) PAYMENT OF BOTH RETIRED PAY AND COMPENSATION.—

“(1) PAYMENT OF BOTH REQUIRED.—

“(A) IN GENERAL.—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans' disability compensation for a qualifying service-connected disability (in this section referred to as a ‘qualified retiree’) is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.

“(B) GENERAL APPLICABILITY OF PHASE-IN OF FULL CONCURRENT RECEIPT.—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree under this subsection is subject to subsection (c).

“(C) EXCEPTION FROM PHASE-IN FOR 100 PERCENT DISABLED RETIREES.—Payment of retired pay under this subsection is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following:

“(i) A qualified retiree receiving veterans' disability compensation for a disability rated as 100 percent.

“(ii) A qualified retiree receiving veterans' disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.

“(D) EXCEPTION FROM PHASE-IN FOR CERTAIN CHAPTER 61 RETIREES.—Subject to subsection (b), on or after January 1, 2010, payment of retired pay under this subsection is not subject to subsection (c) in the case of a qualified retiree described in subparagraph (B) or (C) of paragraph (2).

“(2) QUALIFYING SERVICE-CONNECTED DISABILITY.—In this section, the term ‘qualifying service-connected disability’ means the following:

“(A) In the case of a member or former member receiving retired pay under any provision of law other than chapter 61 of this title, or under chapter 61 with 20 years or more of service otherwise creditable under section 1405 or computed under section 12732 of this title, a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs.

“(B) In the case of a member or former member receiving retired pay under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 or computed under section 12732 of this title, a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (and is effective on or after the date specified in the applicable clause):

“(i) January 1, 2010, rated 100 percent, or a rate payable at 100 percent by reason of individual unemployability or rated 90 percent.

“(ii) January 1, 2011, rated 80 percent or 70 percent.

“(iii) January 1, 2012, rated 60 percent or 50 percent.

“(C) In the case of a member or former member receiving retired pay under chapter 61 regardless of years of service, a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following

clauses (and is effective on or after the date specified in the applicable clause):

“(i) January 1, 2013, rated 40 percent or 30 percent.

“(ii) January 1, 2014, any rating.”.

(b) CONFORMING SPECIAL RULE MODIFICATION.—Subsection (b) of such section is amended to read as follows:

“(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.—

“(1) GENERAL RULE.—The retired pay of a member retired under chapter 61 of this title is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

“(2) SPECIAL RULE FOR RETIREES WITH LESS THAN 20 YEARS OF SERVICE.—The retired pay of a member retired under chapter 61 of this title with less than 20 years of creditable service otherwise creditable under section 1405 or computed under section 12732 of this title, is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.”.

(c) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking “the second sentence of”.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

“§ 1414. Concurrent receipt of retired pay and veterans' disability compensation”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item related to section 1414 and inserting the following new item:

“1414. Concurrent receipt of retired pay and veterans' disability compensation.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.

SA 1479. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DESIGNATION OF OVERPAYMENTS TO SUPPORT RESERVISTS AND NATIONAL GUARD MEMBERS.

(a) DESIGNATION.—Subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

“PART IX—DESIGNATION OF OVERPAYMENTS TO RESERVE INCOME REPLACEMENT PROGRAM

“Sec. 6097. Designation.

“SEC. 6097. DESIGNATION.

“(a) IN GENERAL.—In the case of an individual, with respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such taxpayer may designate that a specified portion (not less than \$5) of any overpayment of tax for such taxable year be paid over to the Reserve Income Replacement Program (RIRP) under section 910 of title 37, United States Code.

“(b) MANNER AND TIME OF DESIGNATION.—A designation under subsection (a) may be made with respect to any taxable year only at the time of filing the return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made in such manner as the Secretary prescribes by regulations except that such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature.

“(c) OVERPAYMENTS TREATED AS REFUNDED.—For purposes of this title, any portion of an overpayment of tax designated under subsection (a) shall be treated as—

“(1) being refunded to the taxpayer as of the last date prescribed for filing the return of tax imposed by chapter 1 (determined without regard to extensions) or, if later, the date the return is filed, and

“(2) a contribution made by such taxpayer on such date to the United States.”.

(b) TRANSFERS TO RESERVE INCOME REPLACEMENT PROGRAM.—The Secretary of the Treasury shall, from time to time, transfer to the Reserve Income Replacement Program (RIRP) under section 910 of title 37, United States Code, the amounts designated under section 6097 of the Internal Revenue Code of 1986, under regulations jointly prescribed by the Secretary of the Treasury and the Secretary of Defense.

(c) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 61 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“PART IX. DESIGNATION OF OVERPAYMENTS TO RESERVE INCOME REPLACEMENT PROGRAM”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SA 1480. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

SEC. 3136. SENSE OF CONGRESS AND REPORT ON EXPANDING THE MISSION OF THE NEVADA TEST SITE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Nevada Test Site of the National Nuclear Security Administration can play an effective and essential role in developing and demonstrating—

(A) innovative and effective methods for treaty verification and the detection of nuclear weapons and other materials; and

(B) related threat reduction technologies; and

(2) the Administrator for Nuclear Security should expand the mission of the Nevada Test Site to carry out the role described in paragraph (1), including by—

(A) fully utilizing the inherent capabilities and uniquely secure location of the Site;

(B) continuing to support the Nation's nuclear weapons program and other national security programs; and

(C) renaming the Site to reflect the expanded mission of the Site.

(b) **REPORT ON EXPANDED MISSION FOR THE NEVADA TEST SITE.**—Not later than one year after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a plan for improving the infrastructure of the Nevada Test Site of the National Nuclear Security Administration—

(1) to fulfill the expanded mission of the Site described in subsection (a); and

(2) to make the Site available to support the threat reduction programs of the entire national security community, including threat reduction programs of the National Nuclear Security Administration, the Defense Threat Reduction Agency, the Department of Homeland Security, and other agencies as appropriate.

SA 1481. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON AIR AMERICA.

(a) **DEFINITIONS.**—In this section:

(1) **AIR AMERICA.**—The term “Air America” means Air America, Incorporated.

(2) **ASSOCIATED COMPANY.**—The term “associated company” means any entity associated with, predecessor to, or subsidiary to Air America, including Air Asia Company Limited, CAT Incorporated, Civil Air Transport Company Limited, and the Pacific Division of Southern Air Transport during the period when such an entity was owned and controlled by the United States Government.

(b) **REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such citizens prior to 1977 as employees of Air America or an associated company during a period when Air America or the associated company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(2) **REPORT ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) The history of Air America and the associated companies prior to 1977, including a description of—

(i) the relationship between Air American and the associated companies and the Central Intelligence Agency or any other element of the United States Government;

(ii) the workforce of Air America and the associated companies;

(iii) the missions performed by Air America, the associated companies, and their employees for the United States; and

(iv) the casualties suffered by employees of Air America and the associated companies in the course of their employment.

(B) A description of—

(i) the retirement benefits contracted for or promised to the employees of Air America and the associated companies prior to 1977;

(ii) the contributions made by such employees for such benefits;

(iii) the retirement benefits actually paid such employees;

(iv) the entitlement of such employees to the payment of future retirement benefits; and

(v) the likelihood that such employees will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of Air America and the associated companies have received or will receive by virtue of their employment with Air America and the associated companies; and

(ii) the retirement benefits that such employees would have received or be eligible to receive if such employment was deemed to be employment by the United States Government and their service during such employment was credited as Federal service for the purpose of Federal retirement benefits.

(D)(i) Any recommendations regarding the advisability of legislative action to treat such employment as Federal service for the purpose of Federal retirement benefits in light of the relationship between Air America and the associated companies and the United States Government and the services and sacrifices of such employees to and for the United States.

(ii) If legislative action is considered advisable under clause (i), a proposal for such action and an assessment of its costs.

(E) The opinions of the Director of the Central Intelligence Agency, if any, on any matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(3) **ASSISTANCE OF COMPTROLLER GENERAL.**—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by paragraph (1).

(4) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SA 1482. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, between lines 18 and 19, insert the following:

SEC. 342. PLAN FOR MANAGING VEGETATIVE ENCROACHMENT AT TRAINING RANGES.

Section 366(a)(5) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 113 note) is amended—

(1) by striking “(5) At the same time” and inserting “(5)(A) At the same time”; and

(2) by adding at the end the following new subparagraph:

“(B) Beginning with the report submitted to Congress at the same time as the President submits the budget for fiscal year 2011,

the report required under this subsection shall include the following:

“(i) The results of a service-wide survey of vegetative encroachment at training ranges, including a description of the extent of loss of training range acreage to vegetation encroachment and the types of vegetation involved at each training range.

“(ii) A plan for managing vegetative encroachment at each training range that is negatively impacted by such encroachment.

“(iii) A detailed description of funding data and budgetary resources necessary to carry out the plan developed pursuant to clause (ii).”

SA 1483. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. ____ . STUDY ON PROVIDING DISLOCATION ALLOWANCES TO MEMBERS OF THE UNIFORMED SERVICES FOR ORDERS FROM LAST DUTY STATION.

(a) **STUDY REQUIRED.**—The Secretary of Defense shall carry out a study on the feasibility and advisability of providing dislocation allowances under section 407 of title 37, United States Code, to members of the uniformed services described in subsection (a)(2) of such section when a member is ordered from the member's last duty station to the member's home.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study required by subsection (a).

SA 1484. Mr. GREGG submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. ____ . SIGNAGE.

(a) **SHORT TITLE.**—This section may be cited as the “Axe the Stimulus Plaques Act”.

(b) **PROHIBITION.**—Notwithstanding any other provision of law, none of the funds made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) may be used for physical signage to indicate that a project is being funded by that Act.

SA 1485. Mr. LEAHY (for himself, Mr. BINGAMAN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 483, between lines 8 and 9, insert the following:

SEC. 1232. PROVIDING ASSISTANCE TO CIVILIANS FOR LOSSES INCIDENT TO COMBAT ACTIVITIES OF THE ARMED FORCES IN OVERSEAS CONTINGENCY OPERATIONS.

(a) FINDINGS.—Congress makes the following findings:

(1) All armed conflicts result in civilian casualties. While the United States military makes extensive efforts to minimize civilian casualties, civilians continue to be injured or killed, and to suffer property damage, during United States combat activities in overseas contingency operations.

(2) Civilians harmed as a result of United States combat activities may suffer injury and loss that continues long after the incident. Their capacity to provide for their family or to live a fulfilling life may be severely limited. They may also harbor resentment and anger towards the United States and its military personnel when no recognition or assistance is promptly provided for their loss.

(3) In most armed conflicts since Vietnam, the United States Armed Forces has carried out programs to provide payments to civilians harmed by United States military personnel in combat operations. Military lawyers and commanders have consistently recognized the need to assist victims in rebuilding their lives and communities. Military strategists have also recognized the need to compensate or provide assistance to such victims in order to win the hearts and minds of the people, promote stability, and enhance the safety of United States personnel.

(4) Such programs implemented by the United States with respect to its combat operations have been ad hoc, hastily formulated, and applied differently in each operational setting, limiting their effectiveness and producing inconsistent and inequitable results for civilian victims. Each ad hoc program has also limited the capabilities of United States military officers to provide victims with adequate compensation.

(5) A uniform assistance program is needed in overseas contingency operations. Such a program would provide the United States Armed Forces the authority and discretion to offer civilians harmed with equitable and prompt assistance, without the problems of improvised efforts by local military commanders and their legal advisors.

(6) In the event such a program is considered to be appropriate by the United States Armed Forces, victims would receive an amount commensurate with their losses suffered as a result of United States combat operations, as determined pursuant to regulations formulated by the Department of Defense and based on an assessment of cultural appropriateness and prevailing economic conditions.

(7) A uniform assistance program would help to promote and maintain friendly relations with civilian populations in combat zones, thereby helping the United States Armed Forces to successfully complete its mission and demonstrating that the United States is a compassionate Nation that highly values innocent life.

(b) DETERMINATION OF ASSISTANCE.—

(1) IN GENERAL.—To promote and maintain friendly relations through the prompt administration of assistance to civilian casual-

ties, the Secretary concerned, or an officer or employee designated by the Secretary, may appoint, under such regulations as the Secretary may prescribe, local military commanders to provide monetary assistance in an amount commensurate with the loss suffered for—

(A) damage to, or loss of, real property of the inhabitant, including damage or loss incident to use and occupancy;

(B) damage to, or loss of, personal property of any inhabitant of a foreign country; or

(C) personal injury to, or death of, any inhabitant of a foreign country;

if the damage, loss, personal injury, or death occurs outside the United States, or the Commonwealths or possessions, and is caused by, or is otherwise incident to, combat activities in foreign contingency operations of the Armed Forces under the local military commander's command, or is caused by a member thereof or by a civilian employee of the military department concerned or the Coast Guard, as the case may be. A commander will provide assistance under regulations of the Department of Defense.

(2) CONDITIONS.—Assistance authorized by this section may be allowed only if—

(A) an application therefor is presented within two years after the occurrence of the incident concerned;

(B) the applicant is determined by the local military commander to be friendly to the United States;

(C) the incident results directly or indirectly from an act of the Armed Forces in combat, an act of the Armed Forces indirectly related to combat, or an act of the Armed Forces occurring while preparing for, going to, or returning from a combat mission; and

(D) the incident does not arise directly from action by an enemy, unless the local military commander determines that it in the best military interest to offer assistance in such case.

(c) TERMS OF ASSISTANCE.—Except as provided in subsection (d), no assistance may be paid under this section unless the amount tendered is accepted by the applicant in full satisfaction.

(d) TYPE OF ASSISTANCE.—Satisfaction under this section shall be made through payment in local currency when possible. However, satisfaction under this section may be made through the provision of services or in-kind compensation if such satisfaction is considered appropriate by the legal advisor and the local military commander concerned and accepted by the claimant.

(e) LEGAL ADVICE REQUIREMENT.—Local military commanders shall receive legal advice before authorizing assistance. The legal advisor, under regulations of the Department of Defense, shall determine whether the applicant for assistance is properly an applicant, whether the facts support the provision of assistance, and what amount is commensurate with the loss suffered. The legal advisor shall then make a recommendation to the local military commander who will determine if assistance is to be provided.

(f) CONSIDERATION OF APPLICATIONS.—Any application appropriately made for assistance resulting from United States military operations will be considered on the merits. If assistance is not offered or provided to an applicant, documentation of the denial shall be maintained by the Department of Defense. The applicant shall be informed of any decision made by a commander in a timely manner.

(g) DESIGNATION OF ASSISTANCE PROVIDERS.—The Secretary of Defense may des-

ignate any local military commander appointed under subsection (a) to provide assistance for damage, loss, injury, or death caused by a civilian employee of the Department of Defense other than an employee of a military department. Payments under this subsection shall be made from appropriations as provided by law.

(h) TREATMENT OF OTHER COMPENSATION RECEIVED.—In the event compensation for damage, loss, injury, or death covered by this section is received through a separate program operated by the United States Government, receipt of compensation in such amount may be considered by the legal advisor or commander determining the appropriate assistance under subsection (a).

(i) REPORTING.—

(1) RECORDS OF APPLICATIONS FOR ASSISTANCE.—A written record of any assistance offered or denied will be kept by the local commander and on a timely basis submitted to the appropriate office in the Department of Defense as determined by the Secretary of Defense.

(2) BIENNIAL REPORT.—The Secretary of Defense shall report to Congress on a biennial basis the efficacy of the civilian assistance program, including the number of cases considered, amounts offered, and any necessary adjustments.

SA 1486. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 537. ADDITIONAL ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ADDITIONAL ASSISTANCE FOR SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPARTMENT STUDENTS.—

(1) ADDITIONAL AMOUNT.—The amount available under section 531(a) is hereby increased by \$10,000,000.

(2) OFFSET.—The amount authorized to be appropriated by section 301(a)(5) for operation and maintenance for Defense-wide activities is hereby reduced by \$10,000,000.

(b) CLARIFICATION OF AGENCIES ELIGIBLE FOR ASSISTANCE.—Section 572(a)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3271; 20 U.S.C. 7703b) is amended by adding at the end the following new sentence: "An eligible local educational agency under this subsection includes a local educational agency described in section 8002(i)(2) of such Act (20 U.S.C. 7702(i)(2))."

SA 1487. Mrs. LINCOLN (for herself, Mr. CORNYN, Ms. LANDRIEU, Mr. RISCH, Mr. ROCKEFELLER, Mr. WYDEN, Mrs. HAGAN, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 573. MODIFICATION OF DEPARTMENT OF DEFENSE SHARE OF EXPENSES UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) **MODIFICATION.**—Section 509(d)(1) of title 32, United States Code, is amended by striking “may not exceed” and all that follows and inserting “may not exceed the amount as follows:

“(A) In the case of a State program of the Program in either of its first two years of operation, an amount equal to 100 percent of the costs of operating the State program in that fiscal year.

“(B) In the case of any other State program of the Program, an amount equal to 75 percent of the costs of operating the State program in that fiscal year.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date.

SA 1488. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 125, between lines 9 and 10, insert the following:

(H) The extent to which the options referred to in paragraph (2) would improve the quality of education available for students with special needs, including students with learning disabilities and gifted students.

SA 1489. Mr. BROWNBACK (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 479, between lines 18 and 19, insert the following:

SEC. 1222. REPORT ON MILITARY POWER OF IRAN.

(a) **ANNUAL REPORT.**—Not later than March 1, 2010, and annually thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, on the current and future military strategy of the Islamic Republic of Iran. The report shall address the current and probable future course of military developments on the Army, Air Force, Navy, and Revolutionary Guard Corps of the Government of Iran, and the tenets and probable development of the grand strategy, security strategy, military strategy, and military organizations and operational concepts of the Government of Iran.

(b) **MATTERS TO BE INCLUDED.**—The report required under subsection (a) shall include the following elements:

(1) An assessment of the grand strategy, security strategy, and military strategy of the Government of Iran, including the following:

(A) The goals of the grand strategy, security strategy, and military strategy.

(B) Trends in the strategies that would be designed to establish Iran as the leading power in the Middle East and to enhance the influence of Iran in other regions of the world.

(C) The security situation in the Persian Gulf and the Levant.

(D) Iranian strategy regarding other countries in the region, including Israel, Lebanon, Syria, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(2) An assessment of the capabilities of the conventional forces of the Government of Iran, including the following:

(A) The size, location, and capabilities of the conventional forces.

(B) A detailed analysis of the conventional forces of the Government of Iran facing United States forces in the region and other countries in the region, including Israel, Lebanon, Syria, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(C) Major developments in Iranian military doctrine.

(D) An estimate of the funding provided for each branch of the conventional forces of the Government of Iran.

(3) An assessment of the unconventional forces of the Government of Iran, including the following:

(A) The size and capability of special operations units, including the Iranian Revolutionary Guard Corps-Quds Force.

(B) The types and amount of support provided to groups designated by the United States as terrorist organizations, including Hezbollah, Hamas, and the Special Groups in Iraq, in particular those forces as having been assessed as to be willing to carry out terrorist operations on behalf of Iran or in response to a military attack by another country on Iran.

(C) A detailed analysis of the unconventional forces of the Government of Iran facing United States forces in the region and other countries in the region, including Israel, Lebanon, Syria, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(D) An estimate of the amount of funds spent by the Government of Iran to develop and support special operations forces and terrorist groups.

(4) An assessment of the capabilities of the Government of Iran related to nuclear and missile forces, including the following:

(A) A summary of nuclear capabilities and developments in the preceding year, including the location of major facilities believed to be involved in a nuclear weapons program.

(B) A summary of the capabilities of the strategic missile forces of the Government of Iran, including the size of the strategic missile arsenal and the locations of missile launch sites.

(C) A summary of the capabilities of the short range and cruise missile forces of the Government of Iran, including the size and locations of the short range and cruise missile arsenal.

(D) A detailed analysis of the strategic missile forces of the Government of Iran fac-

ing United States forces in the region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(E) A detailed analysis of the short range and cruise missile forces of the Government of Iran facing United States forces in the region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(F) An estimate of the amount of funding expended by the Government of Iran on programs to develop a capability to build nuclear weapons or to enhance strategic missile, short range, and cruise missile capabilities of the Government of Iran.

(c) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(2) **CONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.**—The term “conventional forces of the Government of Iran” means—

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran’s unconventional forces and Iran’s strategic missile forces; and

(B) includes Iran’s Army, Iran’s Air Force, Iran’s Navy, and elements of the Iranian Revolutionary Guard Corps, other than the Iranian Revolutionary Guard Corps-Quds Force.

(3) **STRATEGIC MISSILE FORCES OF THE GOVERNMENT OF IRAN.**—The term “strategic missile forces of the Government of Iran” means those elements of the military forces of the Islamic Republic of Iran that employ missiles capable of flights in excess of 500 kilometers.

(4) **UNCONVENTIONAL FORCES OF THE GOVERNMENT OF IRAN.**—The term “unconventional forces of the Government of Iran” means—

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iranian Revolutionary Guard Corps-Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States;

(II) receives assistance from the Government of Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of the Government of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on Iran.

SA 1490. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, between lines 14 and 15, insert the following:

SEC. 1083. SENSE OF CONGRESS ON MANNED AIRBORNE IRREGULAR WARFARE PLATFORMS.

It is the sense of Congress that the Secretary of Defense, with regard to the development of manned airborne irregular warfare platforms, should—

(1) coordinate across the military services, including the National Guard and Reserves, the requirements, concept development, demonstration, and platform development; and

(2) be informed by the on-going Air National Guard AT-6B demonstration program.

SA 1491. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 552, line 25, strike “installations; and” and all that follows through page 553, line 6, and insert the following: “installations;

(2) to comprehensively assess the needs and degree of Federal assistance to communities to effectively implement the various initiatives of the Department of Defense while aiding communities to either recover quickly from closures or to accommodate growth associated with troop influxes; and

(3) that the methods of property disposal, including public benefit transfers, economic development conveyances at cost and no cost, negotiated sales, other conveyances, and public sales are equally assessed and decided with consideration to the needs of affected communities.

SA 1492. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, add the following:

SEC. 2832. LAND CONVEYANCE, F.E. WARREN AIR FORCE BASE, CHEYENNE, WYOMING.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to the County of Laramie, Wyoming (in this section referred to as the “County”) all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 73 acres along the southeastern boundary of F.E. Warren Air Force Base, Cheyenne, Wyoming, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property for healthcare facilities.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall provide the United States consider-

ation, whether by cash payment, in-kind consideration as described under paragraph (2), or a combination thereof, in an amount that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(2) IN-KIND CONSIDERATION.—In-kind consideration provided by the County under paragraph (1) may include the acquisition, construction, provision, improvement, maintenance, repair, or restoration (including environmental restoration), or combination thereof, of any facilities or infrastructure relating to the security of F.E. Warren Air Force Base, that the Secretary considers acceptable.

(3) RELATION TO OTHER LAWS.—Sections 2662 and 2802 of title 10, United States Code, shall not apply to any new facilities or infrastructure received by the United States as in-kind consideration under paragraph (2).

(4) NOTICE TO CONGRESS.—The Secretary shall provide written notification to the congressional defense committees of the types and value of consideration provided the United States under paragraph (1).

(5) TREATMENT OF CASH CONSIDERATION RECEIVED.—Any cash payment received by the United States under paragraph (1) shall be deposited in the special account in the Treasury established under subsection (b) of section 572 of title 40, United States Code, and shall be available in accordance with paragraph (5)(B)(ii) of such subsection.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the County is not using the property conveyed under subsection (a) in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(2) RELEASE OF REVERSIONARY INTEREST.—The Secretary shall release, without consideration, the reversionary interest retained by the United States under paragraph (1) if—

(A) F.E. Warren Air Force Base, Cheyenne Wyoming, is no longer being used for Department of Defense activities; or

(B) the Secretary determines that the reversionary interest is otherwise unnecessary to protect the interests of the United States.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a) and implement the receipt of in-kind consideration under paragraph (b), including survey costs, appraisal costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of in-kind consideration. If amounts are received from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance and implementing the receipt of

in-kind consideration. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 1493. Mr. GREGG (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 553, between lines 15 and 16, insert the following:

SEC. 2707. RELOCATION OF UNITS FROM PAUL DOBLE ARMY RESERVE CENTER, PORTSMOUTH, NEW HAMPSHIRE.

With respect to the closure of the Paul Doble Army Reserve Center in Portsmouth, New Hampshire, and the relocation of units to a new reserve center and associated training and maintenance facilities, the new reserve center and associated training and maintenance facilities may be located adjacent to or in the vicinity of Pease Air National Guard Base, New Hampshire.

SA 1494. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON CRITERIA FOR SELECTION OF STRATEGIC EMBARKATION PORTS AND SHIP LAYBERTHING LOCATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Transportation Command shall submit to the congressional defense committees a report with criteria for the selection of strategic embarkation ports and ship layberthing locations.

(b) DEVELOPMENT OF CRITERIA.—The criteria included in the report required under subsection (a) shall—

(1) prioritize the facilitation of strategic deployment and reduction of combatant commander force closure timelines;

(2) take into account—

(A) time required to crew, activate, and sail sealift vessels to embarkation ports;

(B) distance and travel times for the forces from assigned installation to embarkation ports;

(C) availability of adequate infrastructure to transport forces from assigned installation to embarkation ports; and

(D) time required to move forces from embarkation ports to likely areas of force deployment around the world; and

(3) inform the selection of strategic embarkation ports and the procurement of ship layberthing services.

SA 1495. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, insert the following:

SEC. 2832. LAND CONVEYANCE, LACKLAND AIR FORCE BASE, TEXAS.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey to an eligible entity, all right, title, and interest of the United States to not more than 250 acres of real property and associated easements and improvements on Lackland Air Force Base, Texas, in exchange for real property adjacent to or near the installation for the purpose of relocating and consolidating Air Force tenants located on the former Kelly Air Force Base, Texas, onto the main portion of Lackland Air Force Base.

(b) **CONDITION OF CONVEYANCE.**—The conveyance under subsection (a) shall be subject to the condition that the eligible entity accept the real property in its condition at the time of the conveyance, commonly known as conveyance “as is” and not subject to the requirements for covenants in deed under section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

(c) **ELIGIBLE ENTITIES.**—A conveyance under this section may be made to the City of San Antonio, Texas, or an organization or agency chartered or sponsored by the local or State government.

(d) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the eligible entity shall provide the Air Force with real property or real property improvements, or a combination of both, of equal value, as determined by the Secretary. If the fair market value of the real property or real property improvements, or combination thereof, is less than the fair market value of the real property to be conveyed by the Air Force, the eligible entity shall provide cash payment to the Air Force, or provide Lackland Air Force Base with in-kind consideration of an amount equal to the difference in the fair market values. Any cash payment received by the Air Force for the conveyance authorized by subsection (a) shall be deposited in the special account described in section 2667(e) of title 10, United States Code, and shall be available to the Secretary for the same uses and subject to the same limitations as provided in that section.

(e) **PAYMENT OF COSTS OF CONVEYANCE.**—

(1) **IN GENERAL.**—The Secretary may require the eligible entity to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyances under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the

conveyances. If amounts are collected from the eligible entity in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the eligible entity.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyances. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SA 1496. Mr. THUNE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, add the following:

SEC. 2832. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) **CHANGE IN RECIPIENT UNDER EXISTING AUTHORITY.**—

(1) **IN GENERAL.**—Section 2863(a) of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2010), as amended by section 2865(a) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-435), is further amended by striking “West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the ‘Foundation’)” and inserting “South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this section referred to as the ‘Authority’)”.

(2) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 2863 of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2010), as amended by section 2865(b) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-435), is further amended—

(A) by striking “Foundation” each place it appears in subsections (c) and (e) and inserting “Authority”;

(B) in subsection (b)(1)—

(i) in subparagraph (B), by striking “137.56 acres” and inserting “120.70 acres”; and

(ii) by striking subparagraphs (C), (D), and (E).

(b) **NEW CONVEYANCE AUTHORITY.**—

(1) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey, without consideration, to the South Dakota Ellsworth Development Authority, Pierre, South

Dakota (in this subsection referred to as the “Authority”), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in paragraph (2).

(2) **COVERED PROPERTY.**—The real property referred to in paragraph (1) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 2.37 acres and comprising the 11000 West Communications Annex.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 6.643 acres and comprising the South Nike Education Annex.

(3) **CONDITION.**—As a condition of the conveyance under this subsection, the Authority, and any person or entity to which the Authority transfers the property, shall comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(4) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the real property conveyed under paragraph (1) is not being used in compliance with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this paragraph shall be made on the record after an opportunity for a hearing.

(5) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be exchanged under this subsection shall be determined by surveys satisfactory to the Secretary.

(6) **PAYMENT OF COSTS OF CONVEYANCES.**—

(A) **PAYMENT REQUIRED.**—The Secretary shall require the Authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under this subsection, including survey costs related to the conveyance. If amounts are collected from the Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Authority.

(B) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received under subparagraph (A) as reimbursement for costs incurred by the Secretary to carry out the conveyance under this subsection shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(7) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

SA 1497. Mr. INHOFE (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him

to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, between lines 14 and 15, insert the following:

SEC. 1083. MODIFICATION OF STATE RESPONSIBILITIES.

(a) IN GENERAL.—Section 102(a)(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)(1)) is amended by inserting “by ensuring that absentee ballots are sent to such voters not later than 45 days before the deadline of such State for receiving absentee ballots in order to be counted in the election for Federal office” before the semicolon at the end.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to elections for Federal office held on or after November 1, 2010.

SA 1498. Mr. INHOFE (for himself and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 358, strike lines 17 through 21 and insert the following:

“(C) the accused pleads guilty or was convicted of the offense by the concurrence of all the members present at the time the vote is taken; and

“(D) if the accused was convicted by a military commission, all members present at the time the vote was taken concurred in the sentence of death.

SA 1499. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, before line 1, insert the following:

SEC. 524. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.

(a) IN GENERAL.—Chapter 903 of title 10, United States Code, is amended by inserting after section 9361 the following new section:

“§ 9362. Air Force Academy athletic programs support

“(a) ESTABLISHMENT AUTHORIZED.—

“(1) IN GENERAL.—The Secretary of the Air Force may, in accordance with the laws of the State of incorporation, establish a corporation to support the athletic programs of the Academy (in this section referred to as the ‘corporation’). All stock of the corporation shall be owned by the United States and held in the name of and voted by the Secretary of the Air Force.

“(2) PURPOSE.—The corporation shall operate exclusively for charitable, educational, and civic purposes to support the athletic programs of the Academy.

“(b) CORPORATE ORGANIZATION.—The corporation shall be organized and operated—

“(1) as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986;

“(2) in accordance with this section; and

“(3) pursuant to the laws of the State of incorporation, its articles of incorporation, and its bylaws.

“(c) CORPORATE BOARD OF DIRECTORS.—

“(1) COMPENSATION.—The members of the board of directors shall serve without compensation, except for reasonable travel and other related expenses for attendance at meetings.

“(2) AIR FORCE PERSONNEL.—The Secretary of the Air Force may authorize military and civilian personnel of the Air Force under section 1033 of this title to serve, in their official capacities, as members of the board of directors, but such personnel shall not hold more than one third of the directorships.

“(d) TRANSFER FROM NONAPPROPRIATED FUND OPERATION.—The Secretary of the Air Force may, subject to the acceptance of the corporation, transfer to the corporation all title to and ownership of the assets and liabilities of the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic programs of the Academy, including bank accounts and financial reserves in its accounts, equipment, supplies, and other personal property, but excluding any interest in real property.

“(e) ACCEPTANCE OF GIFTS.—The Secretary of the Air Force may accept from the corporation funds, supplies, and services for the support of cadets and Academy personnel during their participation in, or in support of, Academy or corporate events related to the Academy athletic programs.

“(f) LEASING.—The Secretary of the Air Force may, in accordance with section 2667 of this title, lease real and personal property to the corporation for purposes related to the Academy athletic programs. Money rentals received from any such lease may be retained and spent by the Secretary to support athletic programs of the Academy.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9361 the following new item:

“9362. Air Force Academy athletic programs support.”

SA 1500. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 428, between lines 21 and 22, insert the following:

(3) A sample of military whistleblower reprisal appeals (as selected by the Comptroller General for the purposes of this section) heard by the Boards for the Correction of Military Records referred to in section 1552 of title 10, United States Code, of each military department.

SA 1501. Mr. BOND (for himself, Mr. LEAHY, Mr. PRYOR, and Mr. BYRD) sub-

mitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IX, add the following:

Subtitle E—National Guard Empowerment and State-National Defense Integration

SEC. 941. SHORT TITLE.

This subtitle may be cited as the “National Guard Empowerment and State-National Defense Integration Act of 2009”.

SEC. 942. EXPANDED AUTHORITY OF THE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) MEMBERSHIP ON JOINT CHIEFS OF STAFF.—

(1) IN GENERAL.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(7) The Chief of the National Guard Bureau.”

(2) CONFORMING AMENDMENT.—Section 10502 of such title is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following new subsection (d):

“(d) MEMBER OF JOINT CHIEFS OF STAFF.—The Chief of the National Guard Bureau shall perform the duties prescribed for him or her as a member of the Joint Chiefs of Staff under section 151 of this title.”

(b) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the following:

“(1) The requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.

“(2) The requirements referred to in paragraph (1) for which funding is to be requested in the next budget for a fiscal year under section 10544 of this title.

“(3) The requirements referred to in paragraph (1) for which funding will not be requested in the next budget for a fiscal year under section 10544 of this title.”

SEC. 943. EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of title 10, United States Code, is amended by inserting after section 10503 the following new section:

“§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

“(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

“(1) identify gaps between Federal and State military capabilities to prepare for and respond to emergencies; and

“(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

“(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the adjutants general of the States, have responsibilities as follows:

“(1) To validate the requirements of the several States and territories with respect to military assistance to civil authorities.

“(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

“(3) To acquire equipment, materiel, and other supplies and services for the provision of military assistance to civil authorities.

“(4) To assist the Secretary of Defense in preparing the budget required under section 10544 of this title.

“(5) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

“(6) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

“(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

“(d) CONSULTATION.—(1) The Chief of the National Guard Bureau shall carry out activities under this section through and utilizing an integrated planning process established by the Chief of the National Guard Bureau for purposes of this subsection. The planning process may be known as the ‘National Guard Bureau Strategic Integrated Planning Process’.

“(2)(A) Under the integrated planning process established under paragraph (1)—

“(i) the planning committee described in subparagraph (B) shall develop and submit to the planning directorate described in subparagraph (C) plans and proposals on such matters under the planning process as the Chief of the National Guard Bureau shall designate for purposes of this subsection; and

“(ii) the planning directorate shall review and make recommendations to the Chief of the National Guard Bureau on the plans and proposals submitted to the planning directorate under clause (i).

“(B) The planning committee described in this subparagraph is a planning committee (to be known as the ‘State Strategic Integrated Planning Committee’) composed of the adjutant general of each of the several States, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and the District of Columbia.

“(C) The planning directorate described in this subparagraph is a planning directorate (to be known as the ‘Federal Strategic Integrated Planning Directorate’) composed of the following (as designated by the Secretary of Defense for purposes of this subsection):

“(i) A major general of the Army National Guard.

“(ii) A major general of the Air National Guard.

“(iii) A major general of the regular Army.

“(iv) A major general of the regular Air Force.

“(v) A major general (other than a major general under clauses (iii) and (iv)) of the United States Northern Command.

“(vi) The Vice Chief of the National Guard Bureau.

“(vii) Seven adjutants general from the planning committee under paragraph (B).”.

(b) BUDGETING FOR TRAINING AND EQUIPMENT AND MILITARY CONSTRUCTION FOR MILITARY ASSISTANCE TO CIVIL AUTHORITIES AND OTHER DOMESTIC MISSIONS.—Chapter 1013 of such title is amended by adding at the end the following new section:

“§ 10544. National Guard training and equipment and military construction: budget for military assistance to civil authorities and for other domestic operations

“(a) IN GENERAL.—The budget justification documents materials submitted to Congress in support of the budget of the President for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) shall specify separate amounts for the National Guard for purposes of military assistance to civil authorities and for other domestic operations during such fiscal year as follows:

“(1) Amounts for training and equipment, including critical dual-use equipment.

“(2) Amounts for military construction, including critical dual-use capital construction.

“(b) SCOPE OF FUNDING.—The amounts specified under subsection (a) for a fiscal year shall be sufficient for purposes as follows:

“(1) The development and implementation of doctrine and training requirements applicable to the assistance and operations described in subsection (a) for such fiscal year.

“(2) The acquisition of equipment, materiel, and other supplies and services necessary for the provision of such assistance and such operations in such fiscal year.”.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 1011 of such title is amended by inserting after the item relating to section 10503 the following new item:

“10503a. Functions of National Guard Bureau: military assistance to civil authorities.”.

(2) The table of sections at the beginning of chapter 1013 of such title is amended by adding at the end the following new item:

“10544. National Guard training and equipment and military construction: budget for military assistance to civil authorities and for other domestic operations.”.

SEC. 944. REESTABLISHMENT OF POSITION OF VICE CHIEF OF THE NATIONAL GUARD BUREAU.

(a) REESTABLISHMENT OF POSITION.—

(1) IN GENERAL.—Chapter 1011 of title 10, United States Code, is amended—

(A) by redesignating section 10505 as section 10505a; and

(B) by inserting after section 10504 the following new section 10505:

“§ 10505. Vice Chief of the National Guard Bureau

“(a) APPOINTMENT.—(1) There is a Vice Chief of the National Guard Bureau, selected by the Secretary of Defense from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

“(A) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

“(B) have had at least 10 years of federally recognized service in an active status in the National Guard; and

“(C) are in a grade above the grade of colonel.

“(2) The Chief and Vice Chief of the National Guard Bureau may not both be members of the Army or of the Air Force.

“(3)(A) Except as provided in subparagraph (B), an officer appointed as Vice Chief of the National Guard Bureau serves for a term of four years, but may be removed from office at any time for cause.

“(B) The term of the Vice Chief of the National Guard Bureau shall end within a reasonable time (as determined by the Secretary of Defense) following the appointment of a Chief of the National Guard Bureau who is a member of the same armed force as the Vice Chief.

“(b) DUTIES.—The Vice Chief of the National Guard Bureau performs such duties as may be prescribed by the Chief of the National Guard Bureau.

“(c) GRADE.—The Vice Chief of the National Guard Bureau shall be appointed to serve in the grade of lieutenant general.

“(d) FUNCTIONS AS ACTING CHIEF.—When there is a vacancy in the office of the Chief of the National Guard Bureau or in the absence or disability of the Chief, the Vice Chief of the National Guard Bureau acts as Chief and performs the duties of the Chief until a successor is appointed or the absence of disability ceases.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10505 and inserting the following new items:

“10505. Vice Chief of the National Guard Bureau.

“10505a. Director of the Joint Staff of the National Guard Bureau.”.

(b) CONFORMING AMENDMENT.—Section 10506(a)(1) of such title is amended by striking “and the Director of the Joint Staff of the National Guard Bureau” and inserting “, the Vice Chief of the National Guard Bureau, and the Director of the Joint Staff of the National Guard Bureau”.

SEC. 945. STATE CONTROL OF FEDERAL MILITARY FORCES ENGAGED IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS.

(a) IN GENERAL.—Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 15 the following new chapter:

“CHAPTER 16—CONTROL OF THE ARMED FORCES IN ACTIVITIES WITHIN THE STATES AND POSSESSIONS

“Sec.

“341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities.

“§ 341. Tactical control of the armed forces engaged in activities within the States and possessions: emergency response activities

“(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations policies and procedures to assure that tactical control of the armed forces on active duty within a State or possession is vested in the governor of the State or possession, as the case may be, when such forces are engaged in a domestic operation, including emergency response, within such State or possession.

“(b) DISCHARGE THROUGH JOINT FORCE HEADQUARTERS.—The policies and procedures required under subsection (a) shall provide for the discharge of tactical control by the governor of a State or possession as described in that subsection through the Joint Force Headquarters of the National Guard in the State or possession, as the case may be, acting through the officer of the National Guard in command of the Headquarters.

“(c) POSSESSIONS DEFINED.—Notwithstanding any provision of section 101(a) of this title, in this section, the term ‘possessions’ means the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.”.

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 10, United

States Code, and at the beginning of part I of subtitle A of such title, are each amended by inserting after the item relating to chapter 15 the following new item:

"16. Control of the Armed Forces in Activities Within the States and Possessions 341".

SEC. 946. FISCAL YEAR 2010 FUNDING FOR THE NATIONAL GUARD FOR CERTAIN DOMESTIC ACTIVITIES.

(a) CONTINUITY OF OPERATIONS, CONTINUITY OF GOVERNMENT, AND CONSEQUENCE MANAGEMENT.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense amounts as follows:

(A) For National Guard Personnel, Army, \$11,000,000.

(B) For National Guard Personnel, Air Force, \$3,500,000.

(C) For Operation and Maintenance, Army National Guard, \$11,000,000.

(2) AVAILABILITY.—The amounts authorized to be appropriated by paragraph (1) shall be available to the Army National Guard and the Air National Guard, as applicable, for costs of personnel in training and operations with respect to continuity of operations, continuity of government, and consequence management in connection with response to terrorist and other attacks on the United States homeland and natural and man-made catastrophes in the United States.

(b) DOMESTIC OPERATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense, \$300,000,000 for Operation and Maintenance, Defense-wide.

(2) AVAILABILITY.—The amount authorized to be appropriated by paragraph (1) shall be available for the Army National Guard and the Air National Guard for emergency preparedness and response activities of the National Guard while in State status under title 32, United States Code.

(3) TRANSFER.—Amounts under the amount authorized to be appropriated by paragraph (1) shall be available for transfer to accounts for National Guard Personnel, Army, and National Guard Personnel, Air Force, for purposes of the pay and allowances of members of the National Guard in conducting activities described in paragraph (2).

(c) JOINT OPERATIONS COORDINATION CENTERS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2010 for the Department of Defense amounts as follows:

(A) For National Guard Personnel, Army, \$28,000,000.

(B) For National Guard Personnel, Air Force, \$7,000,000.

(2) AVAILABILITY.—The amounts authorized to be appropriated by paragraph (1) shall be available to the Army National Guard and the Air National Guard, as applicable, for costs of personnel in continuously staffing a Joint Operations Coordination Center (JOCC) in the Joint Forces Headquarters of the National Guard in each State and Territory for command and control and activation of forces in response to terrorist and other attacks on the United States homeland and natural and man-made catastrophes in the United States.

(d) SUPPLEMENT NOT SUPPLANT.—The amounts authorized to be appropriated by subsections (a), (b), and (c) for the purposes set forth in such subsections are in addition to any other amounts authorized to be appropriated for fiscal year 2010 for the Department of Defense for such purposes.

SEC. 947. ENHANCEMENT OF AUTHORITIES RELATING TO THE UNITED STATES NORTHERN COMMAND AND OTHER COMBATANT COMMANDS.

(a) COMMANDS RESPONSIBLE FOR SUPPORT TO CIVIL AUTHORITIES IN THE UNITED STATES.—The United States Northern Command and the United States Pacific Command shall be the combatant commands of the Armed Forces that are principally responsible for the support of civil authorities in the United States by the Armed Forces.

(b) DISCHARGE OF RESPONSIBILITY.—In discharging the responsibility set forth in subsection (a), the Commander of the United States Northern Command and the Commander of the United States Pacific Command shall each—

(1) in consultation with and acting through the Chief of the National Guard Bureau and the Joint Force Headquarters of the National Guard of the State or States concerned, assist the States in the employment of the National Guard under State control, including National Guard operations conducted in State active duty or under title 32, United States Code; and

(2) facilitate the deployment of the Armed Forces on active duty under title 10, United States Code, as necessary to augment and support the National Guard in its support of civil authorities when National Guard operations are conducted under State control, whether in State active duty or under title 32, United States Code.

(c) MEMORANDUM OF UNDERSTANDING.—

(1) MEMORANDUM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau shall, with the approval of the Secretary of Defense, jointly enter into a memorandum of understanding setting forth the operational relationships, and individual roles and responsibilities, during responses to domestic emergencies among the United States Northern Command, the United States Pacific Command, and the National Guard Bureau.

(2) MODIFICATION.—The Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau may from time to time modify the memorandum of understanding under this subsection to address changes in circumstances and for such other purposes as the Commander of the United States Northern Command, the Commander of the United States Pacific Command, and the Chief of the National Guard Bureau jointly consider appropriate. Each such modification shall be subject to the approval of the Secretary of Defense.

(d) AUTHORITY TO MODIFY ASSIGNMENT OF COMMAND RESPONSIBILITY.—Nothing in this section shall be construed as altering or limiting the power of the President or the Secretary of Defense to modify the Unified Command Plan in order to assign all or part of the responsibility described in subsection (a) to a combatant command other than the United States Northern Command or the United States Pacific Command.

(e) REGULATIONS.—The Secretary of Defense shall prescribe regulations for purposes of aiding the expeditious implementation of the authorities and responsibilities in this section.

SEC. 948. REQUIREMENTS RELATING TO NATIONAL GUARD OFFICERS IN CERTAIN COMMAND POSITIONS.

(a) COMMANDER OF ARMY NORTH COMMAND.—The officer serving in the position of

Commander, Army North Command, shall be an officer in the Army National Guard of the United States.

(b) COMMANDER OF AIR FORCE NORTH COMMAND.—The officer serving in the position of Commander, Air Force North Command, shall be an officer in the Air National Guard of the United States.

(c) SENSE OF CONGRESS.—It is the sense of Congress that, in assigning officers to the command positions specified in subsections (a) and (b), the President should afford a preference in assigning officers in the Army National Guard of the United States or Air National Guard of the United States, as applicable, who have served as the adjutant general of a State.

SA 1502. Mr. REID (for Mr. COBURN (for himself and Mr. FEINGOLD)) proposed an amendment to the bill S. 1233, to reauthorize and improve the SBIR and STTR programs and for other purposes; as follows:

On page 61, line 20, strike "2023" and insert "2017".

On page 61, line 23, strike "2023" and insert "2017".

At the end, add the following:

SEC. 402. PRIORITIES FOR CERTAIN RESEARCH INITIATIVES.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

"(hh) RESEARCH INITIATIVES.—To the extent that such projects relate to the mission of the Federal agency, each Federal agency participating in the SBIR program or STTR program shall encourage the submission of applications for support of projects relating to security, energy, transportation, or improving the security and quality of the water supply of the United States to such program."

(b) SUNSET.—Effective October 1, 2014, section 9(hh) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 403. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

"(i) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

"(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

"(A) are science-based and statistically driven;

"(B) reflect the mission of the Federal agency; and

"(C) include factors relating to the economic impact of the programs.

"(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

"(A) the SBIR program and the STTR program of the Federal agency; and

"(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

"(3) REPORT.—

"(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of

Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

“(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

“(C) DEFINITION.—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Small Business and Entrepreneurship of the Senate; and

“(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.”.

SEC. 404. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(jj) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.”.

SA 1503. Mr. NELSON of Florida (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 419, strike line 10 and all that follows through page 420, line 2, and insert the following:

(a) IN GENERAL.—Section 2281(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “the Secretary of Defense” and inserting “the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing,”; and

(B) by striking “the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives” and inserting “Congress”; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) In preparing each report required under paragraph (1), the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing, shall consult with the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security.”.

SA 1504. Mrs. LINCOLN (for herself and Mr. CRAPO) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 524. MODIFICATION OF BASIS FOR ANNUAL ADJUSTMENTS IN AMOUNTS OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) IN GENERAL.—Section 16131(b)(2) of title 10, United States Code, is amended by striking “equal to” and all that follows and inserting “not less than the percentage by which—

“(A) the average cost of undergraduate tuition in the United States, as determined by the National Center for Education Statistics, for the last academic year preceding the beginning of the fiscal year for which the increase is made, exceeds

“(B) the average cost of undergraduate tuition in the United States, as so determined, for the academic year preceding the academic year described in subparagraph (A).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply to adjustments in amounts of educational assistance for members of the Selected Reserve that are made for fiscal years beginning on or after that date.

NOTICE OF HEARING

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, July 15, 2009, at 9:30 a.m. to conduct a markup of S. 1415, the Military and Overseas Voter Empowerment Act.

For further information regarding this hearing, please contact Jean Bordewich at the Rules and Administration Committee, 202–224–6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Monday, July 13, 2009, at 2 p.m. in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 13, 2009, at 10 a.m., in room SH–216 of the Hart Senate Office Building, to conduct a hearing on the nomination of Sonia Sotomayor to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MCCAIN. I ask unanimous consent that LCDR Ryan Farris, Mr. Yariv

Pierce, and Mr. Stratton Kirton be granted the privileges of the floor for the remainder of the week on the behalf of Senator NELSON of Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, on behalf of Senator DODD, I ask unanimous consent the military fellow in his office, CPT Lindsay George, be granted the privilege of the floor for the remainder of this legislation session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, on behalf of the majority leader, I ask unanimous consent that LTC Joseph J. Martin, a U.S. Army Special Forces officer currently serving as his military legislative fellow this year, be granted the privilege of the floor for the duration of S. 1390, the National Defense Authorization Act for fiscal year 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Madam President, on behalf of Senator BOXER, I ask unanimous consent that Mara Boggs, an Army fellow with the office of Senator BOXER be granted the privilege of the floor during consideration of S. 1390, the defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SBIR/STTR REAUTHORIZATION ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 94, S. 1233.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1233) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Small Business and Entrepreneurship, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “SBIR/STTR Reauthorization Act of 2009”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.*
- Sec. 2. Table of contents.*
- Sec. 3. Definitions.*

TITLE I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

- Sec. 101. Extension of termination dates.*
- Sec. 102. Status of the Office of Technology.*
- Sec. 103. SBIR allocation increase.*
- Sec. 104. STTR allocation increase.*
- Sec. 105. SBIR and STTR award levels.*
- Sec. 106. Agency and program collaboration.*
- Sec. 107. Elimination of Phase II invitations.*
- Sec. 108. Majority-venture investments in SBIR firms.*
- Sec. 109. SBIR and STTR special acquisition preference.*

Sec. 110. Collaborating with Federal laboratories and research and development centers.

Sec. 111. Notice requirement.

TITLE II—OUTREACH AND COMMERCIALIZATION INITIATIVES

Sec. 201. Rural and State outreach.

Sec. 202. SBIR—STEM Workforce Development Grant Pilot Program.

Sec. 203. Technical assistance for awardees.

Sec. 204. Commercialization program at Department of Defense.

Sec. 205. Commercialization Pilot Program for civilian agencies.

Sec. 206. Nanotechnology initiative.

Sec. 207. Accelerating cures.

TITLE III—OVERSIGHT AND EVALUATION

Sec. 301. Streamlining annual evaluation requirements.

Sec. 302. Data collection from agencies for SBIR.

Sec. 303. Data collection from agencies for STTR.

Sec. 304. Public database.

Sec. 305. Government database.

Sec. 306. Accuracy in funding base calculations.

Sec. 307. Continued evaluation by the National Academy of Sciences.

Sec. 308. Technology insertion reporting requirements.

Sec. 309. Intellectual property protections.

TITLE IV—POLICY DIRECTIVES

Sec. 401. Conforming amendments to the SBIR and the STTR Policy Directives.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms “extramural budget”, “Federal agency”, “Small Business Innovation Research Program”, “SBIR”, “Small Business Technology Transfer Program”, and “STTR” have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term “small business concern” has the same meaning as under section 3 of the Small Business Act (15 U.S.C. 632).

TITLE I—AUTHORIZATION OF THE SBIR AND STTR PROGRAMS

SEC. 101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking “2008” and inserting “2023”.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking “2009” and inserting “2023”.

SEC. 102. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”;

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

“(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—

“(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

“(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.”.

SEC. 103. SBIR ALLOCATION INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “Each” and inserting “Except as provided in paragraph (2)(C), each”;

(B) in subparagraph (B), by striking “and” at the end; and

(C) by striking subparagraph (C) and inserting the following:

“(C) not less than 2.5 percent of such budget in each of fiscal years 2009 and 2010;

“(D) not less than 2.6 percent of such budget in fiscal year 2011;

“(E) not less than 2.7 percent of such budget in fiscal year 2012;

“(F) not less than 2.8 percent of such budget in fiscal year 2013;

“(G) not less than 2.9 percent of such budget in fiscal year 2014;

“(H) not less than 3.0 percent of such budget in fiscal year 2015;

“(I) not less than 3.1 percent of such budget in fiscal year 2016;

“(J) not less than 3.2 percent of such budget in fiscal year 2017;

“(K) not less than 3.3 percent of such budget in fiscal year 2018;

“(L) not less than 3.4 percent of such budget in fiscal year 2019; and

“(M) not less than 3.5 percent of such budget in fiscal year 2020 and each fiscal year thereafter.”; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking “A Federal agency” and inserting the following:

“(A) IN GENERAL.—A Federal agency”; and

(C) by adding at the end the following:

“(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—

“(i) may not be used for new Phase I or Phase II awards; and

“(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.”.

SEC. 104. STTR ALLOCATION INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking “and” at the end;

(2) in clause (ii), by striking “thereafter.” and inserting “through fiscal year 2010.”; and

(3) by adding at the end the following:

“(iii) 0.4 percent for fiscal years 2011 and 2012;

“(iv) 0.5 percent for fiscal years 2013 and 2014; and

“(v) 0.6 percent for fiscal year 2015 and each fiscal year thereafter.”.

SEC. 105. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(c) TRIENNIAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D)—

(A) by striking “5 years” and inserting “3 years”; and

(B) by striking “and programmatic considerations”; and

(2) in subsection (p)(2)(B)(ix) by striking “greater or lesser amounts to be awarded at the discretion of the awarding agency,” and inserting “an adjustment for inflation of such amounts once every 3 years.”.

(d) LIMITATION ON CERTAIN AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(aa) LIMITATION ON CERTAIN AWARDS.—

“(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

“(2) MAINTAINANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

“(A) the amount of each award;

“(B) a justification for exceeding the award amount;

“(C) the identity and location of each award recipient; and

“(D) whether a recipient has received any venture capital investment and, if so, whether the recipient is majority-owned and controlled by multiple venture capital companies.

“(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.”.

SEC. 106. AGENCY AND PROGRAM COLLABORATION.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(bb) SUBSEQUENT PHASES.—

“(1) AGENCY COLLABORATION.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive an award for a subsequent phase from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

“(2) SBIR AND STTR COLLABORATION.—A small business concern which received an award under this section under the SBIR program or the STTR program may receive an award under this section for a subsequent phase in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).”.

SEC. 107. ELIMINATION OF PHASE II INVITATIONS.

(a) IN GENERAL.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking “to further” and inserting: “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further”;

(2) in paragraph (6)(B), by striking “to further develop proposed ideas to” and inserting “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 638) is amended—

- (I) in section 9—
- (A) in subsection (e)—
- (i) in paragraph (8), by striking “and” at the end;
- (ii) in paragraph (9)—
- (I) by striking “the second or the third phase” and inserting “Phase II or Phase III”; and
- (II) by striking the period at the end and inserting a semicolon; and
- (iii) by adding at the end the following:
 - “(10) the term ‘Phase I’ means—
 - “(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and
 - “(B) with respect to the STTR program, the first phase described in paragraph (6)(A);
 - “(11) the term ‘Phase II’ means—
 - “(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and
 - “(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and
 - “(12) the term ‘Phase III’ means—
 - “(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and
 - “(B) with respect to the STTR program, the third phase described in paragraph (6)(C).”;
- (B) in subsection (j)—
- (i) in paragraph (1)(B), by striking “phase two” and inserting “Phase II”;
- (ii) in paragraph (2)—
- (I) in subparagraph (B)—
- (aa) by striking “the third phase” each place it appears and inserting “Phase III”; and
- (bb) by striking “the second phase” and inserting “Phase II”;
- (II) in subparagraph (D)—
- (aa) by striking “the first phase” and inserting “Phase I”; and
- (bb) by striking “the second phase” and inserting “Phase II”;
- (III) in subparagraph (F), by striking “the third phase” and inserting “Phase III”;
- (IV) in subparagraph (G)—
- (aa) by striking “the first phase” and inserting “Phase I”; and
- (bb) by striking “the second phase” and inserting “Phase II”; and
- (V) in subparagraph (H)—
- (aa) by striking “the first phase” and inserting “Phase I”;
- (bb) by striking “second phase” each place it appears and inserting “Phase II”; and
- (cc) by striking “third phase” and inserting “Phase III”; and
- (iii) in paragraph (3)—
- (I) in subparagraph (A)—
- (aa) by striking “the first phase (as described in subsection (e)(4)(A))” and inserting “Phase I”;
- (bb) by striking “the second phase (as described in subsection (e)(4)(B))” and inserting “Phase II”; and
- (cc) by striking “the third phase (as described in subsection (e)(4)(C))” and inserting “Phase III”; and
- (II) in subparagraph (B), by striking “second phase” and inserting “Phase II”;
- (C) in subsection (k)—
- (i) by striking “first phase” each place it appears and inserting “Phase I”; and
- (ii) by striking “second phase” each place it appears and inserting “Phase II”;
- (D) in subsection (l)(2)—
- (i) by striking “the first phase” and inserting “Phase I”; and
- (ii) by striking “the second phase” and inserting “Phase II”;
- (E) in subsection (o)(13)—
- (i) in subparagraph (B), by striking “second phase” and inserting “Phase II”; and
- (ii) in subparagraph (C), by striking “third phase” and inserting “Phase III”;

- (F) in subsection (p)—
- (i) in paragraph (2)(B)—
- (I) in clause (vi)—
- (aa) by striking “the second phase” and inserting “Phase II”; and
- (bb) by striking “the third phase” and inserting “Phase III”; and
- (II) in clause (ix)—
- (aa) by striking “the first phase” and inserting “Phase I”; and
- (bb) by striking “the second phase” and inserting “Phase II”; and
- (ii) in paragraph (3)—
- (I) by striking “the first phase (as described in subsection (e)(6)(A))” and inserting “Phase I”;
- (II) by striking “the second phase (as described in subsection (e)(6)(B))” and inserting “Phase II”; and
- (III) by striking “the third phase (as described in subsection (e)(6)(A))” and inserting “Phase III”;
- (G) in subsection (q)(3)—
- (i) in subparagraph (A)—
- (I) in the subparagraph heading, by striking “FIRST PHASE” and inserting “PHASE I”; and
- (II) by striking “first phase” and inserting “Phase I”; and
- (ii) in subparagraph (B)—
- (I) in the subparagraph heading, by striking “SECOND PHASE” and inserting “PHASE II”; and
- (II) by striking “second phase” and inserting “Phase II”;
- (H) in subsection (r)—
- (i) in the subsection heading, by striking “THIRD PHASE” and inserting “PHASE III”;
- (ii) in paragraph (1)—
- (I) in the first sentence—
- (aa) by striking “for the second phase” and inserting “for Phase II”;
- (bb) by striking “third phase” and inserting “Phase III”; and
- (cc) by striking “second phase period” and inserting “Phase II period”; and
- (II) in the second sentence—
- (aa) by striking “second phase” and inserting “Phase II”; and
- (bb) by striking “third phase” and inserting “Phase III”; and
- (iii) in paragraph (2), by striking “third phase” and inserting “Phase III”; and
- (I) in subsection (u)(2)(B), by striking “the first phase” and inserting “Phase I”;
- (2) in section 34—
- (A) in subsection (c)(2)(B)(ii), by striking “first phase and second phase SBIR awards” and inserting “Phase I and Phase II SBIR awards (as defined in section 9(e))”; and
- (B) in subsection (e)(2)(A)—
- (i) in clause (i), by striking “first phase awards” and all that follows and inserting “Phase I awards (as defined in section 9(e))”; and
- (ii) by striking “first phase” each place it appears and inserting “Phase I”; and
- (3) in section 35(c)(2)(B)(vii), by striking “third phase” and inserting “Phase III”.

SEC. 108. MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.

- (a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:
 - “(cc) MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.—
 - “(1) AUTHORITY AND DETERMINATION.—
 - “(A) IN GENERAL.—Upon a written determination provided not later than 30 days in advance to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives—
 - “(i) the Director of the National Institutes of Health may award not more than 18 percent of the SBIR funds of the National Institutes of Health allocated in accordance with this Act, in

the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are owned in majority part by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns; and

“(ii) the head of any other Federal agency participating in the SBIR program may award not more than 8 percent of the SBIR funds of the Federal agency allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are majority owned by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns.

“(B) DETERMINATION.—A written determination made under subparagraph (A) shall explain how the use of the authority under that subparagraph will induce additional venture capital funding of small business innovations, substantially contribute to the mission of the funding Federal agency, demonstrate a need for public research, and otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

“(2) QUALIFICATION REQUIREMENTS.—The Administrator shall establish requirements relating to the affiliation by small business concerns with venture capital companies, which may not exclude a United States small business concern from participation in the program under paragraph (1) on the basis that the small business concern is owned in majority part by, or controlled by, more than 1 United States venture capital company, so long as no single venture capital company owns more than 49 percent of the small business concern.

“(3) REGISTRATION.—A small business concern that is majority owned and controlled by multiple venture capital companies and qualified for participation in the program authorized under paragraph (1) shall—

“(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

“(B) indicate whether the small business concern is registered under subparagraph (A) in any SBIR proposal.

“(4) COMPLIANCE.—A Federal agency described in paragraph (1) shall collect data regarding the number and dollar amounts of phase I, phase II, and all other categories of awards under the SBIR program, and the Administrator shall report on the data and the compliance of each such Federal agency with the maximum amounts under paragraph (1) as part of the annual report by the Administration under subsection (b)(7).

“(5) ENFORCEMENT.—If a Federal agency awards more than the amount authorized under paragraph (1) for a purpose described in paragraph (1), the amount awarded in excess of the amount authorized under paragraph (1) shall be transferred to the funds for general SBIR programs from the non-SBIR research and development funds of the Federal agency within 60 days of the date on which the Federal agency awarded more than the amount authorized under paragraph (1) for a purpose described in paragraph (1).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

“(t) VENTURE CAPITAL COMPANY.—In this Act, the term ‘venture capital company’ means an

entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto).”.

(c) ASSISTANCE FOR DETERMINING AFFILIATES.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration (with a direct link displayed on the homepage of the website of the Administration or the SBIR website of the Administration)—

(1) a clear explanation of the SBIR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(2) contact information for officers or employees of the Administration who—

(A) upon request, shall review an issue relating to the rules described in paragraph (1); and

(B) shall respond to a request under subparagraph (A) not later than 20 business days after the date on which the request is received.

SEC. 109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

“(4) PHASE III AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology.”.

SEC. 110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

“(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each participating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

“(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

“(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

“(2) PROHIBITION.—No Federal agency shall—

“(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award;

“(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

“(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

“(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

“(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

“(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award.”.

SEC. 111. NOTICE REQUIREMENT.

The head of any Federal agency involved in a case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program or the STTR program shall provide timely notice, as determined by the Administrator, of the case or controversy to the Administrator.

TITLE II—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 201. RURAL AND STATE OUTREACH.

(a) OUTREACH.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

“(s) OUTREACH.—

“(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term ‘eligible State’ means a State—

“(A) for which the total value of contracts awarded to the State under this section during the most recent fiscal year for which data is available was less than \$5,000,000; and

“(B) that certifies to the Administrator that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

“(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for each of fiscal years 2010 through 2014, the Administrator may expend with eligible States not more than \$5,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

“(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

“(A) shall be equal to not more than 50 percent of the total amount of matching funds from non-Federal sources provided by the State; and

“(B) shall not exceed \$100,000.

“(4) USE OF ASSISTANCE.—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

“(A) the establishment of quantifiable performance goals, including goals relating to—

“(i) the number of program awards under this section made to small business concerns in the State; and

“(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

“(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development; and

“(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State.”.

(b) FEDERAL AND STATE PROGRAM EXTENSION.—Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (h), by striking “2001 through 2005” each place it appears and inserting “2010 through 2014”; and

(2) in subsection (i), by striking “2005” and inserting “2014”.

(c) MATCHING REQUIREMENTS.—Section 34(e)(2) of the Small Business Act (15 U.S.C. 657d(e)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “50 cents” and inserting “35 cents”; and

(B) in clause (iii), by striking “75 cents” and inserting “50 cents”;;

(2) in subparagraph (B), by striking “50 cents” and inserting “35 cents”;;

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(4) by inserting after subparagraph (B) the following:

“(C) RURAL AREAS.—

“(i) IN GENERAL.—Except as provided in clause (ii), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in a rural area.

“(ii) ENHANCED RURAL AWARDS.—For a recipient located in a rural area that is located in a State described in subparagraph (A)(i), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in the rural area.

“(iii) DEFINITION OF RURAL AREA.—In this subparagraph, the term ‘rural area’ has the meaning given that term in section 1393(a)(2) of the Internal Revenue Code of 1986.”.

SEC. 202. SBIR-STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) PILOT PROGRAM ESTABLISHED.—From amounts made available to carry out this section, the Administrator shall establish a SBIR-STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities for college students, in the fields of science, technology, engineering, and math (in this section referred to as “STEM college students”), by providing a SBIR bonus grant.

(b) ELIGIBLE ENTITIES DEFINED.—In this section the term “eligible entity” means a grantee receiving a grant under the SBIR Program on the date of the bonus grant under subsection (a) that provides an internship program for STEM college students.

(c) AWARDS.—An eligible entity shall receive a bonus grant equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than \$10,000 per year.

(d) EVALUATION.—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the SBIR-STEM Workforce Development Grant Pilot Program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

- (1) \$1,000,000 for fiscal year 2011;
- (2) \$1,000,000 for fiscal year 2012;
- (3) \$1,000,000 for fiscal year 2013;
- (4) \$1,000,000 for fiscal year 2014; and
- (5) \$1,000,000 for fiscal year 2015.

SEC. 203. TECHNICAL ASSISTANCE FOR AWARD-EES.

Section 9(q)(3) of the Small Business Act (15 U.S.C. 638(q)(3)) is amended—

(1) in subparagraph (A), by striking “\$4,000” and inserting “\$5,000”;;

(2) in subparagraph (B)—

(A) by striking “, with funds available from their SBIR awards,”; and

(B) by striking “\$4,000 per year” and inserting “\$5,000 per year, which shall be in addition to the amount of the recipient’s award”; and

(3) by adding at the end the following:

“(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient

that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

“(D) LIMITATION.—A Federal agency may not—

“(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

“(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.”.

SEC. 204. COMMERCIALIZATION PROGRAM AT DEPARTMENT OF DEFENSE.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in the subsection heading, by striking “PILOT”;

(2) by striking “Pilot” each place that term appears;

(3) in paragraph (1)—

(A) by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”; and

(B) by adding at the end the following: “The authority to create and administer a Commercialization Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).”;

(4) in paragraph (2), by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”;

(5) in paragraph (4), by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”;

(6) by striking paragraph (6);

(7) by redesignating paragraph (5) as paragraph (7); and

(8) by inserting after paragraph (4) the following:

“(5) INSERTION INCENTIVES.—For any contract with a value of not less than \$100,000,000, the Secretary of Defense is authorized to—

“(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

“(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

“(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

“(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

“(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

“(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Program and efforts to transition these technologies into programs of record or fielded systems.”.

SEC. 205. COMMERCIALIZATION PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ee) PILOT PROGRAM.—

“(1) AUTHORIZATION.—The head of each covered Federal agency may set aside not more than 10 percent of the SBIR and STTR funds of such agency for further technology development, testing, and evaluation of SBIR and STTR Phase II technologies.

“(2) APPLICATION BY FEDERAL AGENCY.—

“(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless such agency makes a written application to the Administrator, not later than 90 days before to the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

“(B) DETERMINATION.—The Administrator shall—

“(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

“(ii) publish the determination in the Federal Register; and

“(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

“(3) MAXIMUM AMOUNT OF AWARD.—The head of a Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

“(4) MATCHING.—The head of a Federal agency may not make an award under a pilot program for SBIR or STTR Phase II technology that will be acquired by the Federal Government unless new private, Federal non-SBIR, or Federal non-STTR funding that at least matches the award from the Federal agency is provided for the SBIR or STTR Phase II technology.

“(5) ELIGIBILITY FOR AWARD.—The head of a Federal agency may make an award under a pilot program to any applicant that is eligible to receive a Phase III award related to technology developed in Phase II of an SBIR or STTR project.

“(6) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

“(7) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

“(8) DEFINITIONS.—In this section—

“(A) the term ‘covered Federal agency’—

“(i) means a Federal agency participating in the SBIR program or the STTR program; and

“(ii) does not include the Department of Defense; and

“(B) the term ‘pilot program’ means the program established under paragraph (1).”.

SEC. 206. NANOTECHNOLOGY INITIATIVE.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ff) NANOTECHNOLOGY INITIATIVE.—Each Federal agency participating in the SBIR or STTR program shall encourage the submission of applications for support of nanotechnology related projects to such program.”.

(b) SUNSET.—Effective October 1, 2014, subsection (ff) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 207. ACCELERATING CURES.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

“SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

“(a) NIH CURES PILOT.—

“(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the ‘advisory board’) to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the ‘NIH’) institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The advisory board shall consist of—

“(i) the Director of the NIH;

“(ii) the Director of the SBIR program of the NIH;

“(iii) senior NIH agency managers, selected by the Director of NIH;

“(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

“(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

“(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

“(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

“(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academies of Science entitled ‘An Assessment of the Small Business Innovation Research Program at the NIH’.

“(c) PILOT PROGRAM.—

“(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

“(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

“(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

“(e) SBIR GRANTS AND CONTRACTS.—

“(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall place an emphasis on applications that identify products and services that may enhance the development of cures and therapies.

“(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall

evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

“(3) **PHASE I AND II.**—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 6 months.

“(f) **LIMIT.**—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).

“(g) **SUNSET.**—This section shall cease to be effective on the date that is 5 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009.”.

TITLE III—OVERSIGHT AND EVALUATION

SEC. 301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 102 of this Act, is amended—

(1) in paragraph (7)—

(A) by striking “STTR programs, including the data” and inserting the following: “STTR programs, including—

“(A) the data”;

(B) by striking “(g)(10), (o)(9), and (o)(15), the number” and all that follows through “under each of the SBIR and STTR programs, and a description” and inserting the following: “(g)(8) and (o)(9); and

“(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority owned and controlled by multiple venture capital firms) under each of the SBIR and STTR programs;

“(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

“(D) general information about the implementation and compliance with the allocation of funds required under subsection (cc) for firms majority owned and controlled by multiple venture capital firms under each of the SBIR and STTR programs;

“(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR and the STTR Policy Directives filed by the Administrator with Federal agencies; and

“(F) a description”;

(2) by inserting after paragraph (7) the following:

“(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data”;

SEC. 302. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively;

(3) by inserting after paragraph (7) the following:

“(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including informa-

tion necessary to maintain the database described in subsection (k), including—

“(A) whether an awardee—

“(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

“(I) the amount of venture capital that the awardee has received as of the date of the award; and

“(II) the amount of additional capital that the awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State described in subsection (u)(3); and

“(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;”;

(4) in paragraph (10), as so redesignated, by adding “and” at the end.

SEC. 303. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (9) and inserting the following:

“(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an applicant or awardee—

“(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

“(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

“(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and

“(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;”;

(2) in paragraph (14), by adding “and” at the end;

(3) by striking paragraph (15); and

(4) by redesignating paragraph (16) as paragraph (15).

SEC. 304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

“(i) has venture capital and, if so, whether the small business concern is registered as majority owned and controlled by multiple venture capital companies as required under subsection (cc)(3);

“(ii) is owned by a woman or has a woman as a principal investigator;

“(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(iv) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

“(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

SEC. 305. GOVERNMENT DATABASE.

Section 9(k)(2) of the Small Business Act (15 U.S.C. 638(k)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(2) by inserting after subparagraph (B) the following:

“(C) includes, for each awardee—

“(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

“(ii) whether the awardee has venture capital, and, if so—

“(I) the amount of venture capital as of the date of the award;

“(II) the percentage of ownership of the awardee held by a venture capital firm, including whether the awardee is majority owned and controlled by multiple venture capital firms; and

“(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

“(iii) the names and locations of any affiliates of the awardee;

“(iv) the number of employees of the awardee;

“(v) the number of employees of the affiliates of the awardee; and

“(vi) the names of, and the percentage of ownership of the awardee held by—

“(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

“(II) any person that is not an individual and is not organized under the laws of a State or the United States;” and

(3) in subparagraph (D), as so redesignated—
(A) in clause (ii), by striking “and” at the end; and

(B) by adding at the end, the following:

“(iv) whether the applicant was majority owned and controlled by multiple venture capital firms; and

“(v) the number of employees of the applicant.”.

SEC. 306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) *IN GENERAL.*—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) *DEFINITION OF APPLICABLE PERIOD.*—In this section, the term “applicable period” means—

(1) for the first report submitted under this section, the period beginning on October 1, 2000, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

“(e) *EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.*—

“(1) *IN GENERAL.*—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, the head of each agency described in subsection (a), in consultation with the Small Business Administration,

shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to conduct a study described in subsection (a)(1) and make recommendations described in subsection (a)(2) not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter.

“(2) *REPORTING.*—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).”.

SEC. 308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(gg) *PHASE III REPORTING.*—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

“(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

“(2) the name of the small business concern or individual receiving the Phase III award; and

“(3) the dollar amount of the Phase III award.”.

SEC. 309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) *IN GENERAL.*—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) *REPORT.*—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

TITLE IV—POLICY DIRECTIVES

SEC. 401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) *IN GENERAL.*—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this Act and the amendments made by this Act.

(b) *PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.*—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

Ms. LANDRIEU. Mr. President, I ask my colleagues to support passage of S. 1233, the SBIR/STTR Reauthorization

Act of 2009, with an amendment from Dr. COBURN and Senator FEINGOLD.

This legislation is important because it reauthorizes two extremely successful programs—the Small Business Innovation Research and Small Business Technology Transfer programs—otherwise known as SBIR and STTR. These programs foster partnerships between small businesses and the Federal Government to develop cutting-edge products and technologies important to our country. The bill makes improvements to these programs that will allow them to work better for small businesses, while contributing to our economy, fulfilling the priority research needs of the Nation, and expanding and diversifying our military's supply base.

The SBIR program expires on July 31, 2009, so time is of the essence for Congress to pass this legislation and get it to President Obama's desk. While we need to act fast, we have not acted in haste. We have given these programs full deliberation with numerous hearings, roundtables, and meetings since 2006, including a hearing on July 12, 2006, a roundtable on August 1, 2007, a roundtable on October 18, 2007, and a roundtable on June 4, 2009. We have also reviewed the nine studies by the National Research Council, and studies by the Government Accountability Office, on the SBIR program since it was last authorized in 2000 to help guide the committee in drafting not only this bill, S. 1233, but also the SBIR and STTR reauthorization bills that the committee adopted unanimously in the 109th Congress, S. 3778, and in the 110th Congress, S. 3362.

The SBIR and STTR programs are two of the very few Federal programs that tap into the scientific and technical community found in America's small businesses. As I noted earlier, these programs foster government-industry partnerships by making competitive awards to firms with the best scientific proposals in response to the research needs of our agencies and by helping to move technologies from the lab to the marketplace or from the lab to insertion in a government program or system.

The SBIR program was designed in 1982 to harness the innovative capacity of America's small businesses to meet the needs of our Federal agencies and to help grow small, high-tech firms that, in turn, grow local economies all across the Nation. The STTR program was originally created as a pilot program in 1992 to stimulate partnerships between small businesses and nonprofit research institutions, such as universities like LSU and Louisiana Tech.

Since their inception, both programs have exceeded all expectations, playing an unprecedented role in stimulating technological innovation, in allowing small business to meet Federal research and development needs, and in

providing seed capital for small business to develop ideas until they are able to attract outside investment.

The SBIR program has awarded more than \$24 billion to more than 100,000 projects since it started. Recipients of SBIR and STTR awards have produced more than 85,000 patents and have generated millions of well-paying jobs across all 50 States. Both programs have garnered high praise from well-respected sources, and governments around the world are increasingly adopting SBIR-type programs to encourage innovation in their countries.

In drafting this bill, we had many policy goals and interests to balance. We wanted to improve the diversity of the programs, geographically and otherwise, so that more States and individuals could participate in Federal research and development for our country. We also wanted to maintain a fair playing field so true small businesses could continue to compete for this very small percent of the overall Federal R&D budget. We wanted to encourage exploration of high-risk, cutting-edge research. These goals, along with many others, were taken into consideration in forging this bill. We made a number of important compromises in this legislation—and the result is a fair bill that will maintain the strength of these programs.

To keep these innovation programs strong, the bill reauthorizes the programs for 8 years, as reflected in the amendment by Dr. COBURN, instead of 14 years as adopted by the committee; increases the SBIR program allocation by 1 percent, from 2.5 to 3.5 percent, at all agencies, including the NIH, spread out over 10 years; increases the STTR program allocation from .3 percent to .6 percent spread out over 6 years; makes firms majority owned and controlled by multiple venture capital firms eligible for up to 18 percent of the SBIR funds at NIH and up to 8 percent of the funds at the other agencies; and increases the award guidelines for SBIR and STTR awards from \$100,000 to \$150,000 for Phase I and from \$750,000 to \$1 million for Phase II.

The bill also reauthorizes and enhances the Federal and State Technology Partnership Program, or FAST Program, that was created by Senator BOND in 2000, and the Rural Outreach Program, programs that have been very effective in States such as Louisiana and Missouri in increasing the participation of small business in Federal research and development and the start-up of high-tech firms; strengthens the Office of Technology at the SBA so that it has the authority and resources to carry out its duty to oversee the SBIR and STTR programs across the government; streamlines and improves data collection and reporting requirements for the SBIR and STTR programs, including developing metrics for annual evaluations by each

participating agency, as reflected in the amendment by Dr. COBURN; helps SBIR and STTR companies move their technologies across the “valley of death” between the lab and the marketplace and into products and technologies for the agencies; and addresses “jumbo” awards, those awards that have greatly exceeded the \$100,000 and \$750,000 guidelines for Phase I and Phase II and cut out other businesses.

Reauthorizing these programs will ensure that small businesses continue to play a part in our Federal research and development. Currently, small businesses receive only about 4 percent of Federal research and development dollars despite the fact that they employ nearly 40 percent of America’s scientists and engineers, produce more than 14 times more patents than large businesses and universities, and produce patents that are of higher quality and are more than twice as likely to be cited. This legislation will help maintain and improve the role of small businesses in our Federal research and development.

The SBIR and STTR programs have spurred so many amazing technologies. I would just like to share a few of them with you here today. Among the technologies pioneered by SBIR-funded small businesses are a machine that uses lasers and computer cameras to sort and inspect bullets at a much finer level than the human eye can manage, the technology that creates the “invisible” condensation trail of the B-2 bomber, a therapeutic drug to treat chronic inflammatory disease, and a nerve gas protection system.

With regard to the bullet sorting technology, developed by CyberNet Systems, a small, women-owned business located in Ann Arbor, MI, and currently in use in Iraq and Afghanistan, that SBIR technology is estimated to have saved taxpayers more than \$300 million. Those are real cost savings and tangible technological improvement.

In Louisiana, one company that has had great success in recent years is Network Foundation Technologies, known as NiFTy. I visited this company in Ruston, LA, a rural part of the State, in August 2008 and was extremely impressed. NiFTy used an SBIR grant from the National Science Foundation to develop technology that permits live streaming video over the Internet without using large amounts of bandwidth. They have been particularly successful bringing sporting events live over the Internet. NiFTy has grown to more than 40 employees, many drawn from the ranks of the Louisiana Tech science and engineering programs. These are new, high-paying jobs that have been a strong asset to north Louisiana’s economy.

SBIR is a program that helps spur technology research and innovation in areas you would not normally think of

as high-tech corridors. Folks think of California or Massachusetts, but not our growing high-tech corridor in rural north Louisiana. LA Tech, UL-Monroe, Grambling University, LSU-Shreveport, and Centenary College are all in that corridor. For those who don’t know, Ruston is between Monroe and Shreveport, and LA Tech helps attract good companies because we have good scientists and engineers. With SBIR and STTR, those entrepreneurs started a company.

It is stories such as these that make the SBIR and STTR programs so special to the economic and technological growth of this country. I want to once again thank all those involved for their hard work on this legislation, particularly our ranking member, Senator SNOWE, and her staff, as well as Senator LEVIN and his staff on the Committee on Armed Services, Senator DURBIN and his Appropriations staff, and Dr. COBURN and Senator FEINGOLD on the final amendment to the bill. It is my hope that we can now pass this bill in the Senate and work expeditiously with the House to get a bill on President Obama’s desk before July 31.

Mr. REID. Mr. President, Senators COBURN and FEINGOLD have an amendment at the desk, and I ask unanimous consent for its consideration; that the amendment be agreed to and the motion to reconsider be laid upon the table; that the committee-reported substitute, as amended, be agreed to and the motion to reconsider be laid upon the table; that the bill, as amended, be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1502) was agreed to, as follows:

On page 61, line 20, strike “2023” and insert “2017”.

On page 61, line 23, strike “2023” and insert “2017”.

At the end, add the following:

SEC. 402. PRIORITIES FOR CERTAIN RESEARCH INITIATIVES.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(hh) RESEARCH INITIATIVES.—To the extent that such projects relate to the mission of the Federal agency, each Federal agency participating in the SBIR program or STTR program shall encourage the submission of applications for support of projects relating to security, energy, transportation, or improving the security and quality of the water supply of the United States to such program.”.

(b) SUNSET.—Effective October 1, 2014, section 9(hh) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 403. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ii) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

“(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

“(A) are science-based and statistically driven;

“(B) reflect the mission of the Federal agency; and

“(C) include factors relating to the economic impact of the programs.

“(2) EVALUATION.—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

“(A) the SBIR program and the STTR program of the Federal agency; and

“(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

“(3) REPORT.—

“(A) IN GENERAL.—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing in detail the results of an evaluation conducted under paragraph (2).

“(B) PUBLIC AVAILABILITY OF REPORT.—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

“(C) DEFINITION.—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Small Business and Entrepreneurship of the Senate; and

“(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.”.

SEC. 404. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(jj) COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.”.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1233), as amended, was ordered to be engrossed for a third reading, and was read the third time.

Mr. REID. Mr. President, I now ask unanimous consent that the Senate proceed to H.R. 2965, the House companion, which is at the desk; that all after the enacting clause be stricken and the text of S. 1233, as amended, be inserted in lieu thereof; the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table; that upon passage of H.R. 2965, S. 1233 be returned to the calendar, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 2965), as amended, was passed, as follows:

H.R. 2965

Resolved, That the bill from the House of Representatives (H.R. 2965) entitled “An Act to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes.”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “SBIR/STTR Reauthorization Act of 2009”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Definitions.

TITLE I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

Sec. 101. Extension of termination dates.

Sec. 102. Status of the Office of Technology.

Sec. 103. SBIR allocation increase.

Sec. 104. STTR allocation increase.

Sec. 105. SBIR and STTR award levels.

Sec. 106. Agency and program collaboration.

Sec. 107. Elimination of Phase II invitations.

Sec. 108. Majority-venture investments in SBIR firms.

Sec. 109. SBIR and STTR special acquisition preference.

Sec. 110. Collaborating with Federal laboratories and research and development centers.

Sec. 111. Notice requirement.

TITLE II—OUTREACH AND COMMERCIALIZATION INITIATIVES

Sec. 201. Rural and State outreach.

Sec. 202. SBIR–STEM Workforce Development Grant Pilot Program.

Sec. 203. Technical assistance for awardees.

Sec. 204. Commercialization program at Department of Defense.

Sec. 205. Commercialization Pilot Program for civilian agencies.

Sec. 206. Nanotechnology initiative.

Sec. 207. Accelerating cures.

TITLE III—OVERSIGHT AND EVALUATION

Sec. 301. Streamlining annual evaluation requirements.

Sec. 302. Data collection from agencies for SBIR.

Sec. 303. Data collection from agencies for STTR.

Sec. 304. Public database.

Sec. 305. Government database.

Sec. 306. Accuracy in funding base calculations.

Sec. 307. Continued evaluation by the National Academy of Sciences.

Sec. 308. Technology insertion reporting requirements.

Sec. 309. Intellectual property protections.

TITLE IV—POLICY DIRECTIVES

Sec. 401. Conforming amendments to the SBIR and the STTR Policy Directives.

Sec. 402. Priorities for certain research initiatives.

Sec. 403. Report on SBIR and STTR program goals.

Sec. 404. Competitive selection procedures for SBIR and STTR programs.

SEC. 3. DEFINITIONS.

In this Act—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the terms “extramural budget”, “Federal agency”, “Small Business Innovation Research Program”, “SBIR”, “Small Business Tech-

nology Transfer Program”, and “STTR” have the meanings given such terms in section 9 of the Small Business Act (15 U.S.C. 638); and

(3) the term “small business concern” has the same meaning as under section 3 of the Small Business Act (15 U.S.C. 632).

TITLE I—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

SEC. 101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking “2008” and inserting “2017”.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking “2009” and inserting “2017”.

SEC. 102. STATUS OF THE OFFICE OF TECHNOLOGY.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”;

(3) by redesignating paragraph (8) as paragraph (9); and

(4) by adding at the end the following:

“(10) to maintain an Office of Technology to carry out the responsibilities of the Administration under this section, which shall be—

“(A) headed by the Assistant Administrator for Technology, who shall report directly to the Administrator; and

“(B) independent from the Office of Government Contracting of the Administration and sufficiently staffed and funded to comply with the oversight, reporting, and public database responsibilities assigned to the Office of Technology by the Administrator.”.

SEC. 103. SBIR ALLOCATION INCREASE.

Section 9(f) of the Small Business Act (15 U.S.C. 638(f)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “Each” and inserting “Except as provided in paragraph (2)(C), each”;

(B) in subparagraph (B), by striking “and” at the end; and

(C) by striking subparagraph (C) and inserting the following:

“(C) not less than 2.5 percent of such budget in each of fiscal years 2009 and 2010;

“(D) not less than 2.6 percent of such budget in fiscal year 2011;

“(E) not less than 2.7 percent of such budget in fiscal year 2012;

“(F) not less than 2.8 percent of such budget in fiscal year 2013;

“(G) not less than 2.9 percent of such budget in fiscal year 2014;

“(H) not less than 3.0 percent of such budget in fiscal year 2015;

“(I) not less than 3.1 percent of such budget in fiscal year 2016;

“(J) not less than 3.2 percent of such budget in fiscal year 2017;

“(K) not less than 3.3 percent of such budget in fiscal year 2018;

“(L) not less than 3.4 percent of such budget in fiscal year 2019; and

“(M) not less than 3.5 percent of such budget in fiscal year 2020 and each fiscal year thereafter,”; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(B) by striking “A Federal agency” and inserting the following:

“(A) IN GENERAL.—A Federal agency”;

(C) by adding at the end the following:

“(B) DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.—For the Department of Defense and the Department of Energy, to the

greatest extent practicable, the percentage of the extramural budget in excess of 2.5 percent required to be expended with small business concerns under subparagraphs (D) through (M) of paragraph (1)—

“(i) may not be used for new Phase I or Phase II awards; and

“(ii) shall be used for activities that further the readiness levels of technologies developed under Phase II awards, including conducting testing and evaluation to promote the transition of such technologies into commercial or defense products, or systems furthering the mission needs of the Department of Defense or the Department of Energy, as the case may be.”.

SEC. 104. STTR ALLOCATION INCREASE.

Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking “and” at the end; and

(2) in clause (ii), by striking “thereafter.” and inserting “through fiscal year 2010;”; and

(3) by adding at the end the following:
“(iii) 0.4 percent for fiscal years 2011 and 2012;
“(iv) 0.5 percent for fiscal years 2013 and 2014; and

“(v) 0.6 percent for fiscal year 2015 and each fiscal year thereafter.”.

SEC. 105. SBIR AND STTR AWARD LEVELS.

(a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended—

(1) by striking “\$100,000” and inserting “\$150,000”; and

(2) by striking “\$750,000” and inserting “\$1,000,000”.

(c) TRIENNIAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D)—

(A) by striking “5 years” and inserting “3 years”; and

(B) by striking “and programmatic considerations”; and

(2) in subsection (p)(2)(B)(ix) by striking “greater or lesser amounts to be awarded at the discretion of the awarding agency,” and inserting “an adjustment for inflation of such amounts once every 3 years.”.

(d) LIMITATION ON CERTAIN AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(aa) LIMITATION ON CERTAIN AWARDS.—

“(1) LIMITATION.—No Federal agency may issue an award under the SBIR program or the STTR program if the size of the award exceeds the award guidelines established under this section by more than 50 percent.

“(2) MAINTENANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—

“(A) the amount of each award;

“(B) a justification for exceeding the award amount;

“(C) the identity and location of each award recipient; and

“(D) whether a recipient has received any venture capital investment and, if so, whether the recipient is majority-owned and controlled by multiple venture capital companies.

“(3) REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.

“(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using

funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.”.

SEC. 106. AGENCY AND PROGRAM COLLABORATION.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(bb) SUBSEQUENT PHASES.—

“(1) AGENCY COLLABORATION.—A small business concern that received an award from a Federal agency under this section shall be eligible to receive an award for a subsequent phase from another Federal agency, if the head of each relevant Federal agency or the relevant component of the Federal agency makes a written determination that the topics of the relevant awards are the same and both agencies report the awards to the Administrator for inclusion in the public database under subsection (k).

“(2) SBIR AND STTR COLLABORATION.—A small business concern which received an award under this section under the SBIR program or the STTR program may receive an award under this section for a subsequent phase in either the SBIR program or the STTR program and the participating agency or agencies shall report the awards to the Administrator for inclusion in the public database under subsection (k).”.

SEC. 107. ELIMINATION OF PHASE II INVITATIONS.

(a) IN GENERAL.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(B), by striking “to further” and inserting: “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further”; and

(2) in paragraph (6)(B), by striking “to further develop proposed ideas to” and inserting “which shall not include any invitation, pre-screening, pre-selection, or down-selection process for eligibility for the second phase, that will further develop proposals that”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 638) is amended—

(1) in section 9—

(A) in subsection (e)—

(i) in paragraph (8), by striking “and” at the end;

(ii) in paragraph (9)—

(I) by striking “the second or the third phase” and inserting “Phase II or Phase III”; and

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(10) the term ‘Phase I’ means—

“(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

“(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

“(11) the term ‘Phase II’ means—

“(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

“(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

“(12) the term ‘Phase III’ means—

“(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

“(B) with respect to the STTR program, the third phase described in paragraph (6)(C).”.

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking “phase two” and inserting “Phase II”; and

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking “the third phase” each place it appears and inserting “Phase III”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(III) in subparagraph (F), by striking “the third phase” and inserting “Phase III”; and

(IV) in subparagraph (G)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(V) in subparagraph (H)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “second phase” each place it appears and inserting “Phase II”; and

(cc) by striking “third phase” and inserting “Phase III”; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking “the first phase (as described in subsection (e)(4)(A))” and inserting “Phase I”; and

(bb) by striking “the second phase (as described in subsection (e)(4)(B))” and inserting “Phase II”; and

(cc) by striking “the third phase (as described in subsection (e)(4)(C))” and inserting “Phase III”; and

(II) in subparagraph (B), by striking “second phase” and inserting “Phase II”; and

(C) in subsection (k)—

(i) by striking “first phase” each place it appears and inserting “Phase I”; and

(ii) by striking “second phase” each place it appears and inserting “Phase II”; and

(D) in subsection (l)(2)—

(i) by striking “the first phase” and inserting “Phase I”; and

(ii) by striking “the second phase” and inserting “Phase II”; and

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking “second phase” and inserting “Phase II”; and

(ii) in subparagraph (C), by striking “third phase” and inserting “Phase III”; and

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking “the second phase” and inserting “Phase II”; and

(bb) by striking “the third phase” and inserting “Phase III”; and

(II) in clause (ix)—

(aa) by striking “the first phase” and inserting “Phase I”; and

(bb) by striking “the second phase” and inserting “Phase II”; and

(ii) in paragraph (3)—

(I) by striking “the first phase (as described in subsection (e)(6)(A))” and inserting “Phase I”; and

(II) by striking “the second phase (as described in subsection (e)(6)(B))” and inserting “Phase II”; and

(III) by striking “the third phase (as described in subsection (e)(6)(A))” and inserting “Phase III”; and

(G) in subsection (q)(3)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking “FIRST PHASE” and inserting “PHASE I”; and

(II) by striking “first phase” and inserting “Phase I”; and

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking “SECOND PHASE” and inserting “PHASE II”; and

(II) by striking “second phase” and inserting “Phase II”; and

(H) in subsection (r)—

(i) in the subsection heading, by striking “THIRD PHASE” and inserting “PHASE III”; and

(ii) in paragraph (1)—

(I) in the first sentence—

(aa) by striking “for the second phase” and inserting “for Phase II”; and

(bb) by striking “third phase” and inserting “Phase III”; and

(cc) by striking "second phase period" and inserting "Phase II period"; and

(II) in the second sentence—

(aa) by striking "second phase" and inserting "Phase II"; and

(bb) by striking "third phase" and inserting "Phase III"; and

(iii) in paragraph (2), by striking "third phase" and inserting "Phase III"; and

(I) in subsection (u)(2)(B), by striking "the first phase" and inserting "Phase I";

(2) in section 34—

(A) in subsection (c)(2)(B)(ii), by striking "first phase and second phase SBIR awards" and inserting "Phase I and Phase II SBIR awards (as defined in section 9(e))"; and

(B) in subsection (e)(2)(A)—

(i) in clause (i), by striking "first phase awards" and all that follows and inserting "Phase I awards (as defined in section 9(e))"; and

(ii) by striking "first phase" each place it appears and inserting "Phase I"; and

(3) in section 35(c)(2)(B)(vii), by striking "third phase" and inserting "Phase III".

SEC. 108. MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

"(cc) MAJORITY-VENTURE INVESTMENTS IN SBIR FIRMS.—

"(1) AUTHORITY AND DETERMINATION.—

"(A) IN GENERAL.—Upon a written determination provided not later than 30 days in advance to the Administrator and to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives—

"(i) the Director of the National Institutes of Health may award not more than 18 percent of the SBIR funds of the National Institutes of Health allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are owned in majority part by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns; and

"(ii) the head of any other Federal agency participating in the SBIR program may award not more than 8 percent of the SBIR funds of the Federal agency allocated in accordance with this Act, in the first full fiscal year beginning after the date of enactment of this subsection, and each fiscal year thereafter, to small business concerns that are majority owned by venture capital companies and that satisfy the qualification requirements under paragraph (2) through competitive, merit-based procedures that are open to all eligible small business concerns.

"(B) DETERMINATION.—A written determination made under subparagraph (A) shall explain how the use of the authority under that subparagraph will induce additional venture capital funding of small business innovations, substantially contribute to the mission of the funding Federal agency, demonstrate a need for public research, and otherwise fulfill the capital needs of small business concerns for additional financing for the SBIR project.

"(2) QUALIFICATION REQUIREMENTS.—The Administrator shall establish requirements relating to the affiliation by small business concerns with venture capital companies, which may not exclude a United States small business concern from participation in the program under paragraph (1) on the basis that the small business concern is owned in majority part by, or controlled by, more than 1 United States venture capital company, so long as no single venture

capital company owns more than 49 percent of the small business concern.

"(3) REGISTRATION.—A small business concern that is majority owned and controlled by multiple venture capital companies and qualified for participation in the program authorized under paragraph (1) shall—

"(A) register with the Administrator on the date that the small business concern submits an application for an award under the SBIR program; and

"(B) indicate whether the small business concern is registered under subparagraph (A) in any SBIR proposal.

"(4) COMPLIANCE.—A Federal agency described in paragraph (1) shall collect data regarding the number and dollar amounts of phase I, phase II, and all other categories of awards under the SBIR program, and the Administrator shall report on the data and the compliance of each such Federal agency with the maximum amounts under paragraph (1) as part of the annual report by the Administration under subsection (b)(7).

"(5) ENFORCEMENT.—If a Federal agency awards more than the amount authorized under paragraph (1) for a purpose described in paragraph (1), the amount awarded in excess of the amount authorized under paragraph (1) shall be transferred to the funds for general SBIR programs from the non-SBIR research and development funds of the Federal agency within 60 days of the date on which the Federal agency awarded more than the amount authorized under paragraph (1) for a purpose described in paragraph (1)."

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

"(t) VENTURE CAPITAL COMPANY.—In this Act, the term 'venture capital company' means an entity described in clause (i), (v), or (vi) of section 121.103(b)(5) of title 13, Code of Federal Regulations (or any successor thereto)."

(c) ASSISTANCE FOR DETERMINING AFFILIATES.—Not later than 30 days after the date of enactment of this Act, the Administrator shall post on the website of the Administration (with a direct link displayed on the homepage of the website of the Administration or the SBIR website of the Administration)—

(1) a clear explanation of the SBIR affiliation rules under part 121 of title 13, Code of Federal Regulations; and

(2) contact information for officers or employees of the Administration who—

(A) upon request, shall review an issue relating to the rules described in paragraph (1); and

(B) shall respond to a request under subparagraph (A) not later than 20 business days after the date on which the request is received.

SEC. 109. SBIR AND STTR SPECIAL ACQUISITION PREFERENCE.

Section 9(r) of the Small Business Act (15 U.S.C. 638(r)) is amended by adding at the end the following:

"(4) PHASE III AWARDS.—To the greatest extent practicable, Federal agencies and Federal prime contractors shall issue Phase III awards relating to technology, including sole source awards, to the SBIR and STTR award recipients that developed the technology."

SEC. 110. COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

"(dd) COLLABORATING WITH FEDERAL LABORATORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

"(1) AUTHORIZATION.—Subject to the limitations under this section, the head of each par-

ticipating Federal agency may make SBIR and STTR awards to any eligible small business concern that—

"(A) intends to enter into an agreement with a Federal laboratory or federally funded research and development center for portions of the activities to be performed under that award; or

"(B) has entered into a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))) with a Federal laboratory.

"(2) PROHIBITION.—No Federal agency shall—

"(A) condition an SBIR or STTR award upon entering into agreement with any Federal laboratory or any federally funded laboratory or research and development center for any portion of the activities to be performed under that award; or

"(B) approve an agreement between a small business concern receiving a SBIR or STTR award and a Federal laboratory or federally funded laboratory or research and development center, if the small business concern performs a lesser portion of the activities to be performed under that award than required by this section and by the SBIR Policy Directive and the STTR Policy Directive of the Administrator; or

"(C) approve an agreement that violates any provision, including any data rights protections provision, of this section or the SBIR and the STTR Policy Directives.

"(3) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall modify the SBIR Policy Directive and the STTR Policy Directive issued under this section to ensure that small business concerns—

"(A) have the flexibility to use the resources of the Federal laboratories and federally funded research and development centers; and

"(B) are not mandated to enter into agreement with any Federal laboratory or any federally funded laboratory or research and development center as a condition of an award."

SEC. 111. NOTICE REQUIREMENT.

The head of any Federal agency involved in a case or controversy before any Federal judicial or administrative tribunal concerning the SBIR program or the STTR program shall provide timely notice, as determined by the Administrator, of the case or controversy to the Administrator.

TITLE II—OUTREACH AND COMMERCIALIZATION INITIATIVES

SEC. 201. RURAL AND STATE OUTREACH.

(a) OUTREACH.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

"(s) OUTREACH.—

"(1) DEFINITION OF ELIGIBLE STATE.—In this subsection, the term 'eligible State' means a State—

"(A) for which the total value of contracts awarded to the State under this section during the most recent fiscal year for which data is available was less than \$5,000,000; and

"(B) that certifies to the Administrator that the State will, upon receipt of assistance under this subsection, provide matching funds from non-Federal sources in an amount that is not less than 50 percent of the amount provided under this subsection.

"(2) PROGRAM AUTHORITY.—Of amounts made available to carry out this section for each of fiscal years 2010 through 2014, the Administrator may expend with eligible States not more than \$5,000,000 in each such fiscal year in order to increase the participation of small business concerns located in those States in the programs under this section.

"(3) AMOUNT OF ASSISTANCE.—The amount of assistance provided to an eligible State under this subsection in any fiscal year—

“(A) shall be equal to not more than 50 percent of the total amount of matching funds from non-Federal sources provided by the State; and
“(B) shall not exceed \$100,000.”

“(4) **USE OF ASSISTANCE.**—Assistance provided to an eligible State under this subsection shall be used by the State, in consultation with State and local departments and agencies, for programs and activities to increase the participation of small business concerns located in the State in the programs under this section, including—

“(A) the establishment of quantifiable performance goals, including goals relating to—

“(i) the number of program awards under this section made to small business concerns in the State; and

“(ii) the total amount of Federal research and development contracts awarded to small business concerns in the State;

“(B) the provision of competition outreach support to small business concerns in the State that are involved in research and development; and

“(C) the development and dissemination of educational and promotional information relating to the programs under this section to small business concerns in the State.”

(b) **FEDERAL AND STATE PROGRAM EXTENSION.**—Section 34 of the Small Business Act (15 U.S.C. 657d) is amended—

(1) in subsection (h), by striking “2001 through 2005” each place it appears and inserting “2010 through 2014”; and

(2) in subsection (i), by striking “2005” and inserting “2014”.

(c) **MATCHING REQUIREMENTS.**—Section 34(e)(2) of the Small Business Act (15 U.S.C. 657d(e)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “50 cents” and inserting “35 cents”; and

(B) in clause (iii), by striking “75 cents” and inserting “50 cents”;

(2) in subparagraph (B), by striking “50 cents” and inserting “35 cents”;

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(4) by inserting after subparagraph (B) the following:

“(C) **RURAL AREAS.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 35 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in a rural area.

“(ii) **ENHANCED RURAL AWARDS.**—For a recipient located in a rural area that is located in a State described in subparagraph (A)(i), the non-Federal share of the cost of the activity carried out using an award or under a cooperative agreement under this section shall be 15 cents for each Federal dollar that will be directly allocated by a recipient described in paragraph (A) to serve small business concerns located in the rural area.

“(iii) **DEFINITION OF RURAL AREA.**—In this subparagraph, the term ‘rural area’ has the meaning given that term in section 1393(a)(2) of the Internal Revenue Code of 1986.”

SEC. 202. SBIR-STEM WORKFORCE DEVELOPMENT GRANT PILOT PROGRAM.

(a) **PILOT PROGRAM ESTABLISHED.**—From amounts made available to carry out this section, the Administrator shall establish a SBIR-STEM Workforce Development Grant Pilot Program to encourage the business community to provide workforce development opportunities for college students, in the fields of science, technology, engineering, and math (in this section

referred to as “STEM college students”), by providing a SBIR bonus grant.

(b) **ELIGIBLE ENTITIES DEFINED.**—In this section the term “eligible entity” means a grantee receiving a grant under the SBIR Program on the date of the bonus grant under subsection (a) that provides an internship program for STEM college students.

(c) **AWARDS.**—An eligible entity shall receive a bonus grant equal to 10 percent of either a Phase I or Phase II grant, as applicable, with a total award maximum of not more than \$10,000 per year.

(d) **EVALUATION.**—Following the fourth year of funding under this section, the Administrator shall submit a report to Congress on the results of the SBIR-STEM Workforce Development Grant Pilot Program.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section—

(1) \$1,000,000 for fiscal year 2011;

(2) \$1,000,000 for fiscal year 2012;

(3) \$1,000,000 for fiscal year 2013;

(4) \$1,000,000 for fiscal year 2014; and

(5) \$1,000,000 for fiscal year 2015.

SEC. 203. TECHNICAL ASSISTANCE FOR AWARDEES.

Section 9(q)(3) of the Small Business Act (15 U.S.C. 638(q)(3)) is amended—

(1) in subparagraph (A), by striking “\$4,000” and inserting “\$5,000”;

(2) in subparagraph (B)—

(A) by striking “, with funds available from their SBIR awards,”; and

(B) by striking “\$4,000 per year” and inserting “\$5,000 per year, which shall be in addition to the amount of the recipient’s award”; and

(3) by adding at the end the following:

“(C) **FLEXIBILITY.**—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

“(D) **LIMITATION.**—A Federal agency may not—

“(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

“(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.”

SEC. 204. COMMERCIALIZATION PROGRAM AT DEPARTMENT OF DEFENSE.

Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in the subsection heading, by striking “PILOT”;

(2) by striking “Pilot” each place that term appears;

(3) in paragraph (1)—

(A) by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”; and

(B) by adding at the end the following: “The authority to create and administer a Commercialization Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3136).”

(4) in paragraph (2), by inserting “or Small Business Technology Transfer Program” after “Small Business Innovation Research Program”;

(5) in paragraph (4), by inserting “or Small Business Technology Transfer Program” after

“Small Business Innovation Research Program”;

(6) by striking paragraph (6);

(7) by redesignating paragraph (5) as paragraph (7); and

(8) by inserting after paragraph (4) the following:

“(5) **INSERTION INCENTIVES.**—For any contract with a value of not less than \$100,000,000, the Secretary of Defense is authorized to—

“(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

“(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

“(6) **GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.**—The Secretary of Defense shall—

“(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

“(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2009, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

“(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Program and efforts to transition these technologies into programs of record or fielded systems.”

SEC. 205. COMMERCIALIZATION PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ee) **PILOT PROGRAM.**—

“(1) **AUTHORIZATION.**—The head of each covered Federal agency may set aside not more than 10 percent of the SBIR and STTR funds of such agency for further technology development, testing, and evaluation of SBIR and STTR Phase II technologies.

“(2) **APPLICATION BY FEDERAL AGENCY.**—

“(A) **IN GENERAL.**—A covered Federal agency may not establish a pilot program unless such agency makes a written application to the Administrator, not later than 90 days before the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

“(B) **DETERMINATION.**—The Administrator shall—

“(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

“(ii) publish the determination in the Federal Register; and

“(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

“(3) **MAXIMUM AMOUNT OF AWARD.**—The head of a Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

“(4) **MATCHING.**—The head of a Federal agency may not make an award under a pilot program for SBIR or STTR Phase II technology

that will be acquired by the Federal Government unless new private, Federal non-SBIR, or Federal non-STTR funding that at least matches the award from the Federal agency is provided for the SBIR or STTR Phase II technology.

“(5) **ELIGIBILITY FOR AWARD.**—The head of a Federal agency may make an award under a pilot program to any applicant that is eligible to receive a Phase III award related to technology developed in Phase II of an SBIR or STTR project.

“(6) **REGISTRATION.**—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

“(7) **TERMINATION.**—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

“(8) **DEFINITIONS.**—In this section—

“(A) the term ‘covered Federal agency’—

“(i) means a Federal agency participating in the SBIR program or the STTR program; and

“(ii) does not include the Department of Defense; and

“(B) the term ‘pilot program’ means the program established under paragraph (1).”

SEC. 206. NANOTECHNOLOGY INITIATIVE.

(a) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ff) **NANOTECHNOLOGY INITIATIVE.**—Each Federal agency participating in the SBIR or STTR program shall encourage the submission of applications for support of nanotechnology related projects to such program.”

(b) **SUNSET.**—Effective October 1, 2014, subsection (ff) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 207. ACCELERATING CURES.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

“SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

“(a) **NIH CURES PILOT.**—

“(1) **ESTABLISHMENT.**—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the ‘advisory board’) to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the ‘NIH’) institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

“(2) **MEMBERSHIP.**—

“(A) **IN GENERAL.**—The advisory board shall consist of—

“(i) the Director of the NIH;

“(ii) the Director of the SBIR program of the NIH;

“(iii) senior NIH agency managers, selected by the Director of NIH;

“(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

“(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

“(B) **NUMBER OF MEMBERS.**—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

“(C) **EQUAL REPRESENTATION.**—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

“(b) **ADDRESSING DATA GAPS.**—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academies of Science entitled ‘An Assessment of the Small Business Innovation Research Program at the NIH’.

“(c) **PILOT PROGRAM.**—

“(1) **IN GENERAL.**—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

“(2) **CONSIDERATIONS.**—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

“(d) **REPORT TO CONGRESS.**—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

“(e) **SBIR GRANTS AND CONTRACTS.**—

“(1) **IN GENERAL.**—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall place an emphasis on applications that identify products and services that may enhance the development of cures and therapies.

“(2) **EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.**—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

“(3) **PHASE I AND II.**—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 6 months.

“(f) **LIMIT.**—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).

“(g) **SUNSET.**—This section shall cease to be effective on the date that is 5 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009.”

TITLE III—OVERSIGHT AND EVALUATION

SEC. 301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 102 of this Act, is amended—

(1) in paragraph (7)—

(A) by striking “STTR programs, including the data” and inserting the following: “STTR programs, including—

“(A) the data”;

(B) by striking “(g)(10), (o)(9), and (o)(15), the number” and all that follows through “under each of the SBIR and STTR programs, and a description” and inserting the following: “(g)(8) and (o)(9); and

“(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority owned and controlled by multiple venture capital firms) under each of the SBIR and STTR programs;

“(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

“(D) general information about the implementation and compliance with the allocation of funds required under subsection (cc) for firms majority owned and controlled by multiple venture capital firms under each of the SBIR and STTR programs;

“(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR and the STTR Policy Directives filed by the Administrator with Federal agencies; and

“(F) a description”; and

(2) by inserting after paragraph (7) the following:

“(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;”

SEC. 302. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively;

(3) by inserting after paragraph (7) the following:

“(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an awardee—

“(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

“(I) the amount of venture capital that the awardee has received as of the date of the award; and

“(II) the amount of additional capital that the awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State described in subsection (u)(3); and

“(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;”

(4) in paragraph (10), as so redesignated, by adding “and” at the end.

SEC. 303. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(1) by striking paragraph (9) and inserting the following:

“(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

“(A) whether an applicant or awardee—

“(i) has venture capital or is majority owned and controlled by multiple venture capital firms, and, if so—

“(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

“(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

“(ii) has an investor that—

“(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

“(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

“(iii) is owned by a woman or has a woman as a principal investigator;

“(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

“(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

“(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; and

“(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;”;

(2) in paragraph (14), by adding “and” at the end;

(3) by striking paragraph (15); and

(4) by redesignating paragraph (16) as paragraph (15).

SEC. 304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

“(i) has venture capital and, if so, whether the small business concern is registered as majority owned and controlled by multiple venture capital companies as required under subsection (cc)(3);

“(ii) is owned by a woman or has a woman as a principal investigator;

“(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

“(iv) received assistance under the FAST program under section 34 or the outreach program under subsection (s); or

“(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”.

SEC. 305. GOVERNMENT DATABASE.

Section 9(k)(2) of the Small Business Act (15 U.S.C. 638(k)(2)) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively;

(2) by inserting after subparagraph (B) the following:

“(C) includes, for each awardee—

“(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

“(ii) whether the awardee has venture capital, and, if so—

“(I) the amount of venture capital as of the date of the award;

“(II) the percentage of ownership of the awardee held by a venture capital firm, including whether the awardee is majority owned and controlled by multiple venture capital firms; and

“(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

“(iii) the names and locations of any affiliates of the awardee;

“(iv) the number of employees of the awardee;

“(v) the number of employees of the affiliates of the awardee; and

“(vi) the names of, and the percentage of ownership of the awardee held by—

“(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

“(II) any person that is not an individual and is not organized under the laws of a State or the United States;”;

(3) in subparagraph (D), as so redesignated—

(A) in clause (ii), by striking “and” at the end; and

(B) by adding at the end, the following:

“(iv) whether the applicant was majority owned and controlled by multiple venture capital firms; and

“(v) the number of employees of the applicant;”.

SEC. 306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit appli-

cants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term “applicable period” means—

(1) for the first report submitted under this section, the period beginning on October 1, 2000, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

“(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

“(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to conduct a study described in subsection (a)(1) and make recommendations described in subsection (a)(2) not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter.

“(2) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2009, and every 4 years thereafter, the National Research Council shall submit to the head of the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).”.

SEC. 308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(gg) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

“(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

“(2) the name of the small business concern or individual receiving the Phase III award; and

“(3) the dollar amount of the Phase III award.”.

SEC. 309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

TITLE IV—POLICY DIRECTIVES

SEC. 401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this Act and the amendments made by this Act.

(b) **PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

SEC. 402. PRIORITIES FOR CERTAIN RESEARCH INITIATIVES.

(a) **IN GENERAL.**—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(hh) **RESEARCH INITIATIVES.**—To the extent that such projects relate to the mission of the Federal agency, each Federal agency participating in the SBIR program or STTR program shall encourage the submission of applications for support of projects relating to security, energy, transportation, or improving the security and quality of the water supply of the United States to such program.”

(b) **SUNSET.**—Effective October 1, 2014, section 9(hh) of the Small Business Act, as added by subsection (a) of this section, is repealed.

SEC. 403. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(ii) **ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.**—

“(1) **DEVELOPMENT OF METRICS.**—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

“(A) are science-based and statistically driven;

“(B) reflect the mission of the Federal agency; and

“(C) include factors relating to the economic impact of the programs.

“(2) **EVALUATION.**—The head of each Federal agency described in paragraph (1) shall conduct an annual evaluation using the metrics developed under paragraph (1) of—

“(A) the SBIR program and the STTR program of the Federal agency; and

“(B) the benefits to the people of the United States of the SBIR program and the STTR program of the Federal agency.

“(3) **REPORT.**—

“(A) **IN GENERAL.**—The head of each Federal agency described in paragraph (1) shall submit to the appropriate committees of Congress and the Administrator an annual report describing

in detail the results of an evaluation conducted under paragraph (2).

“(B) **PUBLIC AVAILABILITY OF REPORT.**—The head of each Federal agency described in paragraph (1) shall make each report submitted under subparagraph (A) available to the public online.

“(C) **DEFINITION.**—In this paragraph, the term ‘appropriate committees of Congress’ means—

“(i) the Committee on Small Business and Entrepreneurship of the Senate; and

“(ii) the Committee on Small Business and the Committee on Science and Technology of the House of Representatives.”

SEC. 404. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

“(jj) **COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.**—All funds awarded, appropriated, or otherwise made available in accordance with subsection (f) or (n) must be awarded pursuant to competitive and merit-based selection procedures.”

ORDERS FOR TUESDAY, JULY 14, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, July 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and then there be a period for morning business of 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half, with Senators permitted to speak for up to 10 minutes each; further, that following morning business, the Senate resume consideration of Calendar No. 89, S. 1390, the Department of Defense authorization bill; then I ask the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M., TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:30 p.m., adjourned until Tuesday, July 14, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE INTERIOR

JONATHAN B. JARVIS, OF CALIFORNIA, TO BE DIRECTOR OF THE NATIONAL PARK SERVICE, VICE MARY AMELIA BOMAR, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

BRYAN HAYES SAMUELS, OF ILLINOIS, TO BE COMMISSIONER ON CHILDREN, YOUTH, AND FAMILIES, DEPART-

MENT OF HEALTH AND HUMAN SERVICES, VICE JOAN E. OHL, RESIGNED.

DEPARTMENT OF STATE

GLYN T. DAVIES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

GLYN T. DAVIES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

BRANDON T. GROVER

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

STEPHEN H. MONTALDI

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CHARLES R. WHITSETT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DALLAS A. WINGATE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

HOLMES C. AITA

ANN BEHREND

STEPHANIE CALHOUNJAMISON

MYUNGSOOK CHO

SO B. CHOI

STEPHEN E. CLARY

KENNETH J. ERLEY

WILLIE R. FAISON

CRAIG M. GAYTON

MARRERO J. GONZALEZ

BRETT H. HENSON

TINA R. JONESFAISON

ADAM J. MCKISSOCK

NEIL E. MOREY

TODD E. PIENKOS

JASON C. STRANGE

MICHAEL S. TROUT

RYAN J. WANG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

JAYSON D. AYDELOTTE

DOUGLAS A. BADZIK

REGINALD L. BAKER

KEVIN P. BANKS

THERESA A. BENCHOFF

REONO BERTAGNOLLI

DANIEL P. BIGLEY

ROGER D. BROCKBANK

ADAM G. BUCHANAN

JEANETTE R. BURGESS

RICARDO M. BURGOS

MARK G. CARMICHAEL

AUTUMN H. CAYCEDO

MARIO CAYCEDO

MICHAEL N. CLEMENSHAW

MATTHEW A. CODY

MARC A. COOPER

RICARDO CORTEZ

JAMES V. CRAWFORD

REID E. CULTON

STEVEN J. CURRIER

BRIAN B. CUSHING

SCOTT R. DALTON

KEPLER A. DAVIS

MICHAEL D. DAVIS

ROBERT W. DAVIS

ALAN J. DEANGELO

RHONDA DEEN

JAMES A. DICKERSON II

MINHLUAN N. DOAN

MARTIN DOPERAK

MARTEN B. DUNCAN

ROBERT E. ECKART

JESS D. EDISON
HERBERT C. EIDT
ANTHONY R. ELIAS
BRYAN A. FISK
LISA M. FOGLIA
SUSAN R. FONDY
DION L. FRANGA
ERIC R. FRIZZELL
DAVID Y. GAITONDE
VINAYA A. GARDE
STEVEN J. GAYDOS
BABETTE GLISTERCARLSON
JOHN GODINO
RODNEY S. GONZALEZ
JENNIFER L. GOTKIN
SCOTT R. GRIFFITH
DAVID D. HAIGHT
KATRINA D. HALL
MOHAMAD I. HAQUE
MARLA R. HEMPHILL
DUANE R. HENNION
LANCE R. HOOVER
JOSEPH R. HSU
KERMIT D. HUEBNER
ANTHONY E. JOHNSON
CHRISTOPHER M. JOHNSON
JEREMIAH J. JOHNSON
DANIEL T. JOHNSTON
DANIEL B. JUDD
ANDREW C. KIM
KEVIN M. KING
MICHAEL V. KRASNOKUTSKY
CRAIG S. LABUDA
MICHAEL T. LAKE

JAMES G. LAMPHEAR
CHRISTINE E. LANG
PETROS G. LEINONEN
CHRISTOPHER J. LETTIERI
JEFFREY A. LEVY
FELISA S. LEWIS
PETER A. LINDENBERG
YINCE LOH
JAMES H. LYNCH IV
ROBERT L. MABRY
MARSHALL J. MALINOWSKI
JAMES D. MANCUSO
BRYANT G. MARCHANT
LAWRENCE N. MASULLO
DOUGLAS MAURER
JAMES R. MAXWELL, JR.
STEWART C. MCCARVER
CRAIG C. MCFARLAND
CRAIG H. MCHOOD
JOEL W. MCMASTERS
CHRISTOPHER D. MEDELLIN
COLIN A. MEGHOO
CHRISTIAN J. MEKO
CECILIA P. MIKITA
SCOTT C. MORAN
MOHAMMAD NAEEM
CHRISTOPHER NEWTON
MARK W. NOLLER
SETH D. OBRIEN
MARK S. OCHOA
JOHN S. OH
ROBERT C. OH
ERIK C. OSBORN
BRETT D. OWENS
LAURA A. PACHA
MAUREEN M. PETERSEN
SCOTT M. PETERSEN
MICHAEL PIESMAN
MICHAEL W. PRICE
ROBERT C. PRICE
ELDEN R. RAND
JOSEPH W. REARDON
KYLE N. REMICK
THOMAS B. REPINE
JOEL C. REYNOLDS
TRAVIS B. RICHARDSON
STEPHEN S. ROBERTS
ERIK J. RUPARD
JOHN D. SCHABER
CARRIE L. SCHMITT
RAFAEL A. SCHULZE
MICHAEL G. STANLEY
ANN M. STRAIGHT
TIMOTHY M. STRAIGHT
TING J. TAI
CHRISTOPHER E. TEBROCK
SIMON H. TELIAN
ALEXANDER G. TRUESDELL
VU TRUONG
CREIGHTON C. TUBB
RICHARD L. URSONE
FRANK E. VALENTIN
WENDI M. WAITS
MATTHEW C. WAKEFIELD
BRENDAN M. WEISS
DEREK C. WHITAKER
JENNIFER S. WINK
ROBERT N. WOODMORRIS
GERALD E. YORK II
AMY L. YOUNG

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JOHNSON MING-YU LIU

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ROBERTO M. ABUBO
LUKE ARKINS
ELIZABETH K. DALTON
JAMES D. DANNELS, JR.
GARY B. FROST
BRIAN H. GAINES
THOMAS M. GOREY III
JON C. GRANT
JAMES B. HADLEY
CHARLES E. HARRISON
CHARLOTTE M. HURD
GLEN P. JACKSON
GREGORY J. KAYSER
LOWELL R. KURZ
THOMAS J. LALLY
DANIEL MCGUINNESS
ANDREW J. MCMENAMIN
DARYL PIERCE
ALONZA J. ROSS
KEITH J. ROWE
GEORGE R. SHARP
RICHARD S. SHERMAN
RICHARD E. SIMPSON
VINCENT E. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

TIMOTHY A. ANDERSON
BRADY A. BROWN
CHRISTY G. COWAN
DAMON B. DIXON
CLAUDE F. GAHARD, JR.
STEVEN MANCINI
DEXTER A. NEWTON
RONALD J. PIRET
JUSTIN M. REEVES
SEAN D. ROBINSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JACOB A. BAILEYDAYSTAR
MICHAEL K. BEIDLER
JOSE M. DELAFUENTE
ROBERT K. FEDERAL III
DANIEL C. HEDRICK
THOMAS H. KIERSTEAD IV
TONY S. W. PARK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BROOK DEWALT
DOUGLAS GABOS
KIMBERLY S. MARKS
KENNETH C. MARSHALL
STEVEN J. MAVICA
PHILIP R. ROSI II
JASON P. SALATA
WENDY L. SNYDER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

SONOW S. AHN
STEVEN A. ATTENWEILER
ERIC G. BROOKS
ANDREW J. CHARLES
ROBERT F. HIGHT, JR.
ROBERT P. JOHNS
JEFFREY L. JOHNSON
ERIC E. LAHTI
KYLE L. LEESE
JOHN B. MARKLEY
JEFFREY G. MAYBERRY
JOHN C. MYERS
KEVIN E. NELSON
MICHAEL P. OHARA
DAVID M. OVERCASH
CARLOS A. PLAZAS, JR.
PAUL A. POSTOLAKI
JEREMIAH J. RABITOR
PAUL S. ROSE
BRIAN K. ROWER
JAMES R. SANDERS
JAMES F. SCARCELLI
FRANK G. SCHLERETH III
JONATHAN E. SCHWARTZ
PETER N. SHEPARD
HENRY A. STEPHENSON
ROBERT A. WACHTEL
SETH A. WALTERS
CHAD D. WEST
DANIEL L. WHITEHURST
CRAIG M. WHITTINGHILL
SCOTT D. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JASON B. BABCOCK
ALAN J. CHACE
JAMES C. COUDEYRAS
PATRICK A. COUNT
JOEL D. DAVIS
JOSEPH E. DUPRE
MICHAEL C. ELLIOT
CLARENCE FRANKLIN, JR.
ETHAN C. GIBSON
DAVID A. GLEESON
JOSHUA C. HANSEN
JENNA K. HAUSVIK
JAMES H. HENDERSONCOFFEY
CYNTHIA M. KEITH
FRED L. LINDY
SHAWN W. MCGINNIS
KRISTOFER D. MICHAUD
KURTIS A. MOLE
DONOVAN I. OUBRE
CESAR G. RIOS, JR.
WILLIAM L. RODGERS III
DANIEL J. SANDER
TRISHA R. SNYDER
MICHAEL J. TODD
ALLISA M. WALKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

BYRON V. T. ALEXANDER
MARK B. BAEHR
RANDALL W. BOSTICK
EMMA J. M. BROWN
JOAQUIN S. CORREIA
MICHAEL C. DEWALT
BLAKE D. EIKENBERRY
JAMES B. GATEAU
JODY H. GRADY
BOBBY L. HAND, JR.
DAMEN O. HOFHEINZ
JOHN C. JOHNSON, JR.
BRADLEY L. KINKEAD
EDWARD A. KRUK
MICHAEL D. LEBU
ADONIS R. MASON
RICKY MCIVER
SHAWN A. ROBERTS
JOSEPH ROTH
VINCENT S. TIONQUIAO
STEVEN M. WENDELIN
MARCIA L. ZIEMBA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOHN A. BLOCKER
ERROL A. CAMPBELL, JR.
JOSEPH A. CASCIO
WILLIAM M. CRANE
CHRISTOPHER R. DESENA
JOHN E. DOUGHERTY IV
SCOTT DRAYTON
MATTHEW W. EDWARDS
KENNETH W. GRZYMALSKI
CHARLES N. HACKARD, JR.
TROY C. HICKS
THOMAS H. HOOVER
PATRICK L. MODLIN
MICHAEL M. PEREIRA
JEFFREY M. VICARIO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ANGEL BELLIDO
RICHARD A. BRAUNBECK III
JOSE R. CORDERO
THOMAS C. ENGLAND
ALLEN R. FORD
LOUIS P. GONCALVES
GRANT GORTON
ANTHONY K. JARAMILLO
WESLEY J. JOSHWAY
HUMPHERY G. LEE
STEVE PADRON
DAVID R. SCALF
BRET A. WASHBURN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

LEE G. BAIRD
ROBERT C. BANDY
ROBERT E. BEBERMEYER
VINCENT S. CHERNESKY
JOSEPH DITURI
KENNETH A. EBERT
ALLAN S. FELICIANO
GREGORY E. FENNELL
BALDOMERO GARCIA, JR.
JONATHAN C. GARCIA
DANIELLE N. GEORGE

BRIAN K. HARBISON
DAVID T. HART
VINCENT J. JANOWIAK
ERIC K. LIND
ERIK A. NESTERUK
CAREY M. PANTLING
JASON L. RHOADS
FRANCIS D. ROCHFORD
GREGORY D. ROSE
RONALD J. RUTAN
STEPHEN F. SARAR
TRACIE A. SEVERSON
NEIL G. SEXTON
PETER D. SMALL
JOHN D. STEVENS
STEVEN R. VONHEEDER
DWIGHT S. WARNOCK
GODFREY D. WEEKES
BRENT F. WEST
DOUGLAS L. WILLIAMS
ROBERT A. WOLF
DANIEL F. YOUCH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JERRY L. ALEXANDER, JR.
DOUGLAS L. BARNARD
JOHNNY E. BOWEN
AQUILLA J. CAUSEY
CLAY S. CHILSON
THAVEEPHO DOUANGAPHAIVONG
MITZI A. ELLIS
JOHN M. GRAF
DAVID W. HILL
ANTHONY S. KAPUSCHANSKY
SABRA D. KOUNTZ
STORMI J. LOONEY
PATRICK S. MARTIN
HELEN M. MURPHY
LEE A. C. NEWTON
CYNTHIA A. RAMSEY
RENEE J. SQUIER
MARIA T. WILKE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

RYAN D. AARON
CHARLES S. ABBOT
ALAN C. ABER
RAFAEL A. ACEVEDO
DAVID C. ADAMS
JOHN R. ADAMS
ALLEN D. ADKINS
RAYMOND J. ALBARADO II
JOSEPH W. ALDEN
LUIS A. ALVAREZ
DAMON K. AMARAL
ALYSA L. AMBROSE
BRIAN P. ANDERSON
JON M. ANDERSON
MICHAEL S. ANSLEY
PETER L. ANTONACCI
DERICK S. ARMSTRONG
DEREK J. ATKINSON
SCOTT A. AVERY
DAVID N. BACK
CHRISTOPHER G. BAILEY
SHAWN T. BAILEY
VINCE W. BAKER
STEPHEN D. BALKA
WILLIAM J. BARD
ANTHONY C. BARNES
JOHN J. BARNETT
SEAN L. BARTLETT
DAVID H. BASSETT
JAMES S. BATES II
STEWART L. BATESHANSKY
DAVID E. BAUER
PATRICK A. BECKER
RYAN J. BEDNER
CLAYBORNE H. BEERS
STEVEN J. BELLACK
JERRIS L. BENNETT
ANDREE E. BERGMANN
MARCUS J. BESLIN
ANDREW M. BIEHN
JEFFREY M. BIERLEY
MICHAEL E. BIERY
MICHAEL E. BISSELL
CORY J. BLASER
GREGORY D. BLYDEN
WALTER BONILLA
MARC D. BORAN
MATT L. BOREN
MOLLY J. BORON
MATTHEW J. BOWEN
FRANK E. BRANDON
JASON K. BRANDT
JOHN A. BRATTAIN
EDWARD A. BRAY
ERIC D. BRAY
BRADLEY E. BREWER
MICHAEL W. BRIGGS
WESLEY P. BRINGHAM
TIMOTHY M. BROSNAN
COREY L. BROWN

DARRYL BROWN
JAMES A. BROWNLEE
ROBERT M. BRUCE
BRANDON S. BRYAN
ROBERT B. BRYANT
MARK R. BRZEZINSKI
WILLIAM H. BUCEY III
ROBERT B. BUCHANAN
ARON F. BUCKLES
DANIEL A. BUHR
THEODORE M. BURK
DAVID E. BURKE
WILLIAM A. BURNS
MATTHEW S. BURTON
BRADLEY W. BUSCH
CHRISTOPHER R. CALDWELL
DANIEL B. CALDWELL
GARRETT I. CAMPBELL
ANDREW F. CARLSON
GARY J. CARLSON
SCOTT A. CARROLL
GREGORY R. CASKEY
ARTHUR D. CASTILLO, JR.
YONG K. CHA
ANDREW G. CHICOINE
JEFFERY E. CHISM
KYUJIN J. CHOI
DAVID A. CISNEROS
BRIAN J. CLARK
DIEGO E. CODOSEA
BRET B. COLBY
WILLIAM E. COLEMAN, JR.
MATTHEW K. CONLIFFE
MICHAEL R. CONNER
BENJAMIN R. COOK
CHRISTIAN E. COOK
JEFFREY M. COOPER
MARK E. COOPER
WESLEY W. COOPER
JENNIFER S. COUTURE
JOHN C. COWAN
CHRISTOPHER A. COX
BRIAN T. COXSON
TREMAYNE G. CRINER
HERMAN A. CRUZ
MICHAEL B. DAVIES
MICHAEL F. DAVIS
JOSHUA H. DECARO
PHILIP M. DECKER
WILLIAM F. DEGIROLAMO
CONSTANTINO F. DELACRUZ
BRIAN E. DELANEY
THOMAS C. DELARGE
ANDREW P. DEMONTE
WILLIAM F. DENTON
JOHN W. DEPREE
DAVID J. DERMODY
JERROD E. DEVINE
MICHAEL B. DEVORE
EDWARD A. DEWINTER
STEPHEN R. DICKERSON
THOMAS J. DICKINSON
ROBERT L. DINUNZIO
JOSH E. DITTMAR
CHRISTOPHER G. DOBSON
KEVIN T. DONEY
LAMAR B. DOUBERLY
JAKE B. DOUGLAS
KEITH B. DOWLING
KEVIN J. DOWNEY
JAY W. DRISKELL
DAVID G. DUFF
ERIC A. DUKAT
DAVID S. DULL
STEVEN M. DUPONT
WILLIAM J. ELLIS
JOE M. EMMERT
CHRISTIAN C. ENTENZA
BRIAN C. ERICKSON
RICARDO M. ESCANDON
FERMIN ESPINOZA
VICTOR ESPINOZA
TREVOR B. ESTES
JAMES J. FABISZAK
SCOTT D. FAIRBANK
DENNIS L. FARRELL
MARK R. FEGLEY
JOSEPH D. FEMINO
PAUL S. FERMO
PETER R. FEY
HOWARD D. FIELDEN
TODD A. FIGANBAUM
RONALD L. FINCH, JR.
BRIAN M. FITZPATRICK
CAMILLE G. FLAHERTY
DEREK A. FLECK
CHRISTOPHER D. FLIS
MICHAEL A. FLYNN
CHRISTOPHER G. FOLLIN
DONALD M. FOSS, JR.
THOMAS F. FOSTER, JR.
DARREN A. FOUTS
BRODY L. FRAILEY
RAY A. FRANKLIN II
EUGENE N. FRANKS
FRANCIS G. FRANKY
TODD C. FREISCHLAG
MATTHEW M. FRICK
SEAN D. FUJIMOTO
DONALD L. GAINES II
JORGE F. GARCIA
NICKOLAS G. GARCIA

VINCENT D. GARCIA
DAVID M. GARDELLA
JOSEPH L. GEARY
ROBERT E. F. GENTRY
JOSEPH C. GIRARD
TODD S. GLASSER
ADAM N. GOETZ
ANTHONY R. GONZALEZ
NOEL D. GONZALEZ
JONATHAN T. GOOD
JASON E. GOODALL
WILLIAM B. GOSS
HENRY L. GOURDINE
WAYNE J. GOVEIA
STEVEN M. GRANT
JOHN H. GRIMES
GREGORY L. GUIDRY
CRAIG M. GUMMER
JAMES B. GUNDY
STEVEN R. GUNTHER
JUAN J. GUTIERREZ
LEIF E. HAMMERSMARK
JOHN S. HANNON
KENNETH L. HANSEN
MICHAEL A. HARBISON
ISRAEL M. HARDEN
SCOTT A. HARDY
BENJAMIN W. HARRIS
CHRISTOPHER J. HARRIS
GARRY A. HARSANYI
DIRK J. HART
JAMES F. HARTMAN
JEREMY J. HAWKS
ROBERT E. HAWTHORNE III
STEPHEN C. HAYES
DION C. HAYLE
RYAN J. HEILMAN
ROGER D. HEINKEN, JR.
SCOTT W. HEMELSTRAND
LEONARD W. HENNESSY III
CHAD F. HENNINGS
CHRISTOPHER H. HERR
KRISTEN M. HERRGARRETT
BRETT C. HERSHMAN
TRENTON D. HESSLINK
JOHN W. HEWITT
CHRISTOPHER S. HEWLETT
MATTHEW P. HILL
RICHARD B. HILL
CURTIS E. HOLIWAY
DANIEL P. HOPKINS
MICHAEL L. HORN
JOHN L. HOWREY
MICHAEL G. HRITZ
FRANKLIN R. HUBBARD
JESSIE D. HUGHES, JR.
CHRISTOPHER H. INSKEEP
DENNIS J. JACKO
WAYMON J. JACKSON
JEFFERY P. JACOBY
DONALD R. JAMIOLA, JR.
SCOTT P. JANIK
KURT E. JANKE
PATRICK E. JANKOWSKI
BYRON W. JENKINS
MATTHEW J. JERBI
ROBERT B. JOHNS
STEPHEN E. JOHNSON
JEREMY P. JURKOIC
DANIEL S. JURTA
MARK S. KAHLER
MATTHEW D. KASLIK
MATTHEW J. KAWAS
DENNIS P. KECK
GARY F. KEITH
BLAIR A. KEITHLEY
KREG L. KELLY
CHAD J. KENNEDY
KEVIN M. KENNEDY
GEORGE A. KESSLER, JR.
RYAN T. KEYS
CHRISTOPHER A. KIJEK
MARK S. KLOSTER
RICHARD P. KNAPP
LARRY D. KNOCK
BRIAN S. KNOWLES
NEIL A. KOPROWSKI
RICHARD S. KRAMARIK
JUSTIN A. KUBU
DANIEL W. KURIGER
ROBERT M. KUROSU
BRIAN C. KURZEJA
KURT A. KYLE
DUANE E. LAMBERT
KEVIN A. LANE
LANCE C. LANTIER
MICHAEL C. LAPAGLIA
WILLIAM M. LAUPER
JASON R. LEACH
JOHN H. LENOX III
DAVID A. LEVY
TODD A. LIBBY
DAVID R. LIEVANOS
ABDEL I. LOPEZ
MARCUS LOPEZ
SCOTT C. LUERS
FREDERICK R. LYDA
MATTHEW M. LYLE
HANS E. LYNCH
JERRY F. LYNCH
PAUL A. MADDOX
CHRISTOPHER S. MALONE

CHARLES T. MANSFIELD
BOGOLJUB MARKOVICH, JR.
CHRISTOPHER D. MARRS
BRANDON J. MARSOWICZ
MICHAEL A. MARSTON
RICHARD M. MASICA
CLAYTON E. MASON
CRAIG T. MATTINGLY
SCOTT C. MCCLELLAND
CHARLES G. MCKINNEY
ZACHARY C. MCMECHAN
MATTHEW S. MEMMELAAR
TODD B. MENCKE
MICHAEL W. MEREDITH
GREGORY A. MEYER
ROBERT J. MICHAEL II
TRACY L. MICHAUD
ELVIS T. MIKEL
ANDREW T. MILLER
BRIAN J. MILLER
SCOTT T. MILLER
LEONARD H. J. MILLIKEN
TAVONYA S. MINER
JAMES R. MIREs
PETER T. MIRISOLA
PAUL J. MITCHELL
JOHN M. MONTAGNET
JOHN T. MONTONYE
MICHAEL E. MORERA
JON H. MORETTY
GEORGE E. MORRILL IV
MURZBAN F. MORRIS
RICHARD B. MORRISON
MATTHEW J. MOWAD
NICHOLAS A. MUNGAS
MICHAEL D. MURNANE
MATTHEW W. MURPHY
SEAN M. MUTH
BRIAN T. MUTTY
DEREK F. NALEWAJKO
DAVID D. NEAL
CHRISTOPHER M. NELSON
EDWARD F. NEWBY
KENNETH C. NIELSEN III
MATTHEW D. NORRIS
SCOTT M. NOVINGER
DANIEL A. NOWICKI
DAVID M. ODEN
ROBERT F. OGDEN
PATRICK N. OLSEN
CRAIG R. OLSON
DANIEL ORCHARDHAYS
JUSTIN P. ORLICH
DAVID A. ORLOSKY
ANTON D. ORR
MICHAEL J. ORR
ERIN P. OSBORNE
WILLIAM A. PATTERSON
KEITH E. PATTON
SAMUEL E. PENNINGTON
ANDREW G. PETERSON III
JOHN M. PETHEL
SHAWN D. PETRE
TRAVIS M. PETZOLDT
PAUL E. PEVERLY
PATRICK L. PFANZ
MATTHEW F. PHELPS
TIMOTHY J. PHELPS
JOHN P. PIENKOWSKI
HENRY P. PIERCE
ROBERT F. PIERONI
ROSS H. PIPER III
JOHN T. PITTA
GELL T. L. PITTMAN III
JEFFREY M. PLAISANCE
JOSE D. PLANAS
TIMOTHY J. POE
MICHELE A. POOLE
GLENN H. PORTERFIELD
HARTLEY A. POSTLETHWAITE
WILLIAM R. POTTS
NORMAN N. PRESECAN
WESLEY A. PRICE

JOHN J. PUDLOSKI
DJAMAL PULLOM
ADRIAN D. RAGLAND
RUBEN RAMOS
BARTLEY A. RANDALL
BRIAN J. RASMUSSEN
MICHAEL E. RAY
MICHAEL J. REAGAN
WILLIAM E. REAGAN
CHRISTOPHER A. REAGHARD
VERNON J. RED
WILLIAM R. REED
VIRGLE D. REEVES
LINCOLN M. REIFSTECK
JOHN R. REINERTSON
LLOYD R. REINHOLD
ARISTIDES G. REYES
FRANK A. RHODES IV
JOHN D. RHODES
DAVID K. RICHARDSON
JASON E. RIMMER
ERNESTO A. RIVERA
ROBERT A. RIVERA
GREGORY G. ROBERTS
JAMES A. ROBINSON
PAUL M. ROCHE, JR.
BARRY F. RODRIGUES
JESUS A. RODRIGUEZ
KENNETH D. ROGERS
BRADLEY N. ROSEN
JUSTIN N. RUBINO
STEVEN E. RUMPH
MICHAEL K. RUNKLE
SEAN X. RUSH
JOSHUA A. SAGER
JOSEPH E. SANTOS
SARA L. SANTOSKI
HEATH H. SARVIS
CHRISTOPHER D. SAUFLEY
DAVID R. SAUVE
KEVIN J. SCHMIDT
JASON J. SCHNEIDER
BRUCE G. SCHUETTE
EDWARD J. SCHWEIGHARDT
MARK A. SCORGIE
ADAM T. SCOTT
JAMES E. SCOTT
MARK S. SEELBACH
GEORGE E. SEGREDO
JOHN J. SEIFERT
JOHN M. SEIP
JULIE L. SELLERBERG
STEPHEN F. SHEDD
MICHAEL E. SHEEDY
KELLY M. SHEKITKA
KENNETH S. SHEPARD
WILLIAM R. SHERROD
BENJAMIN A. SHUPP
MARK D. SIBON
ROBERT V. SIMONE
JOHN W. SKARIN
CHARLES W. SMITH
CLINTON T. SMITH
DAVID E. SMITH
EDWARD S. SMITH
J. W. SMITH
JEROME F. SMITH III
ROBIN S. SMITH
SCOTT P. SMITH
SHERRY L. SMITH
JOHN H. SNYDER, JR.
JAMES R. SPOSATO
BRAD L. STALLINGS
DAVID W. STALLWORTH
ZACHARY H. STAPLES
SYLVESTER L. STEELE
ROBERT L. STEPHENSON, JR.
KENNETH B. STERBENZ
JASON D. STEVENS
CHARLES M. STICKNEY
MICHAEL J. STINSON
MONIKA W. STOKER
JOHN D. STONER, JR.

THOMAS D. STOREY
ROBERT W. STOVER
ERIC J. STPETER
SCOTT A. STRINGER
BRENT M. STRONG
DAVID C. SULLIVAN, JR.
GRETCHEN M. SWANSON
CHRISTOPHER A. SWARTZ
SEAN K. SZYMANSKI
WILLIAM R. TAFF, JR.
CHRISTOPHER J. TARSA
MARK W. TERRELL
PAMELA E. THIEN
PATRICK C. THIEN
HEATH A. THOMAS
JOHN A. THOMPSON
LANCE E. THOMPSON
JAMES M. THORNTON
GREGORY S. THOROMAN
ERIK M. THORS
TIMOTHY D. TIPPETT
SHANNON K. TOLLIVER
BRIAN L. TOTHERO
JAMES K. TRAN
ROBERT S. TREPETA
COREY J. TURNER
MATTHEW D. TURNER
TIMOTHY T. URBAN
MARK J. VAGEDES
DANIEL W. VALASCHO
JOSEPH W. VANDELAC
GABRIEL A. VARELA
MICHAEL VECERKAUSKAS
JASON P. VELIVLIS
GEOFFREY K. VICKERS
DENNIS J. VIGEANT
MICHAEL R. VITALI
DANIEL S. VOGEL
THEODORE A. VOLTZ
MICKEY M. WALKER II
RONALD L. WALKER
WAYNE C. WALL
RICHARD F. WEBB
SCOTT L. WEBER
MICHAEL L. WEELDREYER
BRIAN D. WEISS
RICHARD H. WEITZEL
ERIC C. WEVER
LANCE R. WIESE
DONALD D. WILLIAMS
FLOYD M. WILLIAMS, JR.
ROBERT R. WILLIAMS
ARTHUR E. WILLS
CLAY R. WILSON
TIMOTHY A. WILSON
MICHAEL L. WITHERSPOON
COREY D. WOFFORD
CHAD A. WORTHLEY
MARK D. YEHL
MICHAEL B. J. YESUNAS
RYAN M. YOST
FORREST O. YOUNG
TIMOTHY H. YOUNG
JAMES A. YSLAS
GLENN M. ZEIGLER
DAVID G. ZOOK

CONFIRMATION

Executive nomination confirmed by
the Senate, July 13, 2009:

DEPARTMENT OF COMMERCE

ROBERT M. GROVES, OF MICHIGAN, TO BE DIRECTOR OF
THE CENSUS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO
THE NOMINEE'S COMMITMENT TO RESPOND TO RE-
QUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY
CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. YOUNG of Florida. Madam Speaker, pursuant to the House Republican Standards on Congressional appropriations initiatives, I am submitting the following information regarding projects that were included at my request in H.R. 3170, the Fiscal Year 2010 Financial Services Appropriations Bill:

Pinellas County Business Assistance Partnership Network

Account: Small Business Administration

Legal name and address of requesting entity: Pinellas County Board of County Commissioners, 315 Court Street, Clearwater, FL 33756

Description of request: \$262,000 is included in the bill for Pinellas County to support the Business Assistance Partnership Network, an innovative partnership program to grow small businesses and entrepreneurs in Pinellas County. The Pinellas County Economic Development office has implemented and seeks to expand, a tri-partnership with many of the county's municipalities, chambers of commerce, and libraries that provides free business planning, financial resources, and technical assistance services on issues ranging from start-ups and major expansions to permitting and zoning information and workforce development. Business development services include, but are not limited to: financing assistance with SBA loans, micro loans and conventional loans; commercial and real estate financing programs; reference library featuring a full-range of business publications; computer workstations and maintenance and enhancement of website portal; assistance with contacts, business agreements and business/marketing plans; qualification assistance for industrial revenue bonds; training classes for business start-up, entrepreneurial assessment, business financing, tax regulations, book-keeping/accounting methods, marketing, and procurement opportunities; business counseling services, education training courses, customized business start-up guides, marketing plans and business plans, international export assistance, government contracts and certification assistance. The Business Assistance Partnership Network has a proven record of success. Since its inception in 1998, over 10,000 businesses have participated in face to face interviews and provided more than 35,000 business and technical solutions for local entrepreneurs. In the last three years, the program has secured more than \$2,300,000 in business loans to create or retain more than 300 jobs. It is anticipated that a continuation of the program would sustain 10 positions and potentially create/sustain 125–200 jobs annually. The Business Assist-

ance Partnership Network provides services essential to small business entrepreneurs hurt by current economic conditions and will help secure public sector jobs. Partner organizations include: Clearwater Regional Chamber of Commerce; Largo Mid-Pinellas Chamber of Commerce; Upper Tampa Bay Chamber of Commerce; Palm Harbor Chamber of Commerce; Pinellas Park/Gateway Chamber of Commerce; Safety Harbor Chamber of Commerce; Seminole Chamber of Commerce; St. Petersburg Area Chamber of Commerce; Hispanic Business Initiative Fund; Tarpon Springs Chamber of Commerce; Florida High Tech Corridor; STAR TECH; Tampa Bay Technology Forum; and regional local governments. No previous federal funding has been requested for this project.

Southwest Florida Partnership for Developing Business Infrastructure in Software Engineering

Account: Small Business Administration

Legal name and address of requesting entity: Florida Gulf Coast University, 10501 Florida Gulf Coast University Boulevard South, Fort Myers, FL 33965

Description of request: \$261,000 is included in the bill for Florida Gulf Coast University to establish a partnership with five other Florida state universities through its departments of Computer Science and Computer Information Systems, and local industrial companies active in software service industries, to spur innovation activities in a broad area of Information Technology. The primary objective of the proposed activities will include the interaction with small businesses whose primary line of business is software development, to foster commercialization of selected innovative software technologies developed jointly by FGCU and its industrial partners. Initial commitments have been obtained from a number of local companies in the following sectors: e-commerce, transportation, hospitality management, health care, financial services, and technology. Their participation has been documented recently by establishing two important initiatives: (1) Software Technologies Distinguished Lecture Series, conducted for the past two years (<http://lectureseries.fgcu.edu>), and (2) Southwest Florida Regional Technology Partnership (<http://www.swfrtp.org/>). Two supportive activities to achieve this major objective will be also conducted: (1) establishing the infrastructure for software innovation at FGCU by expanding a software engineering educational and training program and a software engineering lab; (2) systematically educating the workforce in innovative software technologies to help strengthen the local job market. The project will have economic and societal impact by establishing the innovation infrastructure in the region, producing graduates in software engineering specialization to feed the local industries, and, in the long run, by helping move to the knowledge-based economy. The project will boost software innovations originating in

the region and thus change the structure of workforce and employment base by increasing the number of knowledge-based jobs and generating different employment patterns. No previous federal funding was requested for this project.

Turnaround Business Assistance Program

Account: Small Business Administration

Legal name and address of requesting entity: University of West Florida, 11000 University Parkway, Pensacola, FL 32514

Description of request: \$262,000 is included in the bill for the University of West Florida, in partnership with four other Florida universities, for its Turnaround Business Assistance Program which will become a statewide intensive technical assistance program for the statewide business community to halt the accelerated number of business failures and closures and enhance the survivability rate of small businesses. The program will use an innovative approach to assist these second stage businesses through the creation of an on-line turnaround tips training portal that includes emails, video clips and a blog to share effective tips on turnaround strategies; a comprehensive "intensive care" treatment package that includes use of an assessment tool to identify critical issues in marketing, finance, technology and management practices; and specialized training workshops on turnaround strategies. Reportable metrics will include items such as in-business status, employee retention/ growth, change in sales, and workshop attendance. The program will operate through the Florida Small Business Development Center Network's infrastructure of 33 centers located from Key West to Pensacola as well as utilize the outreach capacity of two mobile assistance centers to deliver and promote its services. This program will be implemented and administered by the highly successful Florida Small Business Development Center Network, designated through Florida statutes as the state's principal small business assistance program. The Florida SBDC program has shown a positive revenue impact on the state's budget and has directly assisted in the creation of more than 280,000 jobs and started more than 5,500 new businesses. No previous funding was requested for this project.

RECOGNITION TO THE FRANK LOWRY FAMILY FOR BEING SELECTED THE 2009 OUTSTANDING FARM FAMILY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. MILLER of Florida. Madam Speaker, it is a great honor for me to rise today to extend congratulations to the Frank and Melinda

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Lowry family for being selected the 2009 Santa Rosa County Outstanding Farm Family.

Frank is the youngest of 14 children and is a third generation farmer. His dad was a row-crop farmer, had a dairy, and a herd of beef cattle. Frank took over the farm from his oldest brother Clifton and has been farming for the past 40 years. Today the Lowrys raise a variety of produce and row crops on 800 acres. This year's crops include vegetables, corn, soybeans, wheat, cotton, and peanuts.

Frank and his wife, Melinda, contribute their success on the farm to their six children who are instrumental in the operation of and activity on the farm. They have three sons: Jeremy, Ryan, and Jacob, and three daughters: Lindsey, Candice Gilbreath and Tabatha Hawthorne. Jeremy and wife, Araon, have three children: Eli, Layna, and Bailey. Candice and husband, Drek, have two children: Kade and Kaylee. Tabatha and husband, Jeff, have a daughter, Presley.

Frank and Melinda are very proud of their children for all their hard work and thankful for all the blessings they have received.

Madam Speaker, on behalf of the United States Congress, I would like to offer my sincere commendation to a family's tireless work, their dedication to family, faith and trade. They are a role model family for all of us. A deep sense of civic contribution and values has been instilled through all the generations of the Lowry family. It is my hope that this family's tradition continues for many more generations.

EARMARK DECLARATION

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. ALEXANDER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Defense Authorization and Homeland Security Appropriations bills.

Congressman RODNEY ALEXANDER

H.R. 2892

Homeland Security—FEMA State and Local Programs

Louisiana State University located at 156 Thomas Boyd Hall, Baton Rouge, LA 70803

National Domestic Preparedness Consortium. Louisiana State University's (LSU) National Center for Biomedical Research and Training (NCBRT), Academy of Counter-Terrorist Education is a founding member of the Consortium which consists of LSU, New Mexico Tech, Texas A&M University, U.S. Department of Energy's Nevada Test Site, University of Hawaii, Transportation Technology Center, Inc., and the U.S. Department of Homeland Security's Center for Domestic Preparedness. The National Domestic Preparedness Consortium shall identify, develop, test, and deliver training to State, local, and tribal emergency response providers, provide on-site and mobile training at the performance and management and planning levels, and facilitate the delivery of training by the training partners of the U.S. Department of Homeland Security. The

current mission of the Consortium is to enhance the preparedness of federal, state, local, and tribal emergency responders/first responders and teams, including non-governmental organizations and the private sector, to reduce the Nation's vulnerability to incidents involving weapons of mass destruction, terrorism and all-hazard high-consequence events by developing, delivering and assessing plans, training, technical assistance and exercises.

Congressman RODNEY ALEXANDER

H.R. 2892

Homeland Security—FEMA State and Local Programs

Lincoln Parish Sheriff Department; 100 W Texas Ave., Ruston, LA 71270

Emergency Operations Center, Lincoln Parish Sheriff Department \$300,000. The funding requested will be used to construct The Lincoln Parish Public Safety Complex and Regional EOC. A Regional EOC in the northern part of the state will provide a fully capable emergency operation facility giving the state a much needed resource that can be utilized during any and all major emergencies throughout the state and bordering states. The Regional EOC located at the Lincoln Parish Public Safety Complex will provide a central location from which government at any level can provide interagency coordination and executive decision-making in support of incident response. The implementation of Regionalization will be established throughout the region and in the state of Louisiana. The project includes the construction of a 24,000 square foot; single-story building that will be designed to withstand hurricane force winds and will have a finished floor elevation above the 100-year flood elevation established for the area. The Regional EOC located at the Lincoln Parish Public Safety Complex will provide a central location from which government at any level can provide interagency coordination and executive decision-making in support of incident response. Region 8 is sitting in the middle of Region 6 & 7 with the major highways connecting to all parts of the state. Regions 6, 7 & 8 have a combined population of 1,180,558 or 27% of the state's population and 22,188 square miles or 43% of the land mass and 29 of the 64 parishes or 45%. This Regional EOC will be an ideal staging and holding area for emergency responders and resources. This will give the state a staging area for all emergency response agencies.

Congressman RODNEY ALEXANDER

H.R. 2847

Department of Justice—COPS Tech

Louisiana Sheriff's Association, 1175 Nicholson Drive, Baton Rouge, LA 70802

Law Enforcement Technology and Equipment; \$300,000. This funding request is for equipment for a new project and is a one-time expense. This funding is for the proposed LSA Institute, which will serve as an education and training center for local and state law enforcement officers. This funding will serve dual purposes in providing critical technology such as video, audio and communication equipment used for training/education purposes and real life emergency responses. In addition, the LSA Institute will also serve as a hub for the Louisiana Sheriffs' Emergency Task Force, a task force comprised of deputies across the state

who respond to emergency events when needed. The LSA Institute will be housed at 1175 Nicholson Drive, Baton Rouge, LA 70802. The LSA is uniquely positioned to perform this function as it is governed by the Sheriffs, and it is the Sheriffs who have the greatest Constitutional responsibility for law enforcement and public safety at the local level, and who have the manpower necessary to cover such functions. Additionally, the long history of cooperation and coordination among LSA, the Chiefs of Police, and other local first responder agencies, as well as the state, make this project a logical next step toward providing this training (i.e. emergency response, FEMA/DHS rules and regulations, etc.) and securing the resources necessary to respond to the next catastrophic event in a timely, well organized manner.

Congressman RODNEY ALEXANDER

H.R. 2647

Department of Defense—APA

Army National Guard; 111 S. George Mason Dr., Arlington, VA 22204

UH-60A to UH-60L Upgrade \$20,400,000.

The UH-60A to UH-60A recap program includes an airframe life extension, fleet-wide product improvements and the replacement of components with the latest UH-60L configuration. While performing this recapitalization, the addition of the UH-60L transmission and UH-60L 701D engines to complete the upgrade costs an approximate \$1.7M per aircraft.

Congressman RODNEY ALEXANDER

H.R. 2647

Department of Defense—RDN

The Breast Foundation; 17050 Medical Center Dr., Baton Rouge, LA 70816

U.S. Navy Vaccine Program \$4,000,000. The funding will be used for research, study and administration of cancer vaccines.

A TRIBUTE TO M. POPE BARROW, JR., FOR 40 YEARS OF PUBLIC SERVICE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. LEWIS of California. Madam Speaker, I would like to pay tribute to an extraordinary individual, M. Pope Barrow, Jr., who is leaving the House after 40 extraordinary years of public service. It is the rare individual who commits himself to such selfless work and Pope has done so with great distinction.

Pope Barrow was appointed to the Office of Legislative Counsel of the House in 1968 and has served under eight successive Speakers. During this time, he has served as the Legislative Counsel for 12 years and Deputy Legislative Counsel for 4 years. Over the years, he has been involved in drafting practically every major piece of energy and environmental legislation passed by the House of Representatives. As a result, he has been instrumental in the creation of the Clean Air Act, the Safe Drinking Water Act, the Solid Waste Disposal Act, and omnibus energy bills too numerous to mention.

Pope has worked extensively on legislation addressing public land law, mining law, as well

as measures focused on parks, trails, and wild and scenic rivers. He also played a major role in writing the National Parks and Recreation Act of 1978, which was shepherded through the House by Phil Burton and the Alaska Lands Act working with Mo Udall and John Seiberling. Pope also played a major role in drafting the California Desert Protection Act, which created the Death Valley National Park, Joshua Tree National Park, and the East Mojave Preserve in my own congressional district.

It's worth noting that at a time of increased partisanship in the House, Pope Barrow has provided a consistently steady hand in maintaining the professional, non-partisan nature of the Office of the Legislative Counsel. It is also my understanding that he has literally transformed the Office of the Legislative Counsel through personnel additions and technological innovations to meet the incredible increased demands placed upon the office.

Beyond his professional legislative work, Pope is an avid outdoorsman who has literally kayaked and sailed the world. I am told that he has kayaked rivers in Chile, Canada, Alaska, California, Washington, Idaho, West Virginia, New York, Maine, Tennessee, North Carolina, Pennsylvania, and many other locations, including hundreds of times running Great Falls in Virginia. He has also sailed the entire East Coast up to Nova Scotia and down to Key West, the San Juan Islands, San Francisco Bay, the Bahamas and Virgin Islands, the Windward Islands, the Leeward Islands, from St. Martin to Bermuda, off the coast of Croatia and Italy, and across the Atlantic Ocean from Martinique to Portugal. It is reported that these sailing adventures were not entirely without incident. During one such adventure in the 1970s Pope and his dad lost one boat at sea off the coast of Florida and floated to shore in a bad storm. He has apparently been paying more attention to marine weather forecasts since that time.

Most importantly, Madam Speaker, Pope Barrow is a gentleman who dearly loves his three children and genuinely cares about the people with whom he works and the institution of Congress that he has called home over the last 40 years. Over the years, he has been a mentor to many and an inspiration to all of us who have had the pleasure of working with him. I ask that you join me and our colleagues in recognizing Pope for his commitment to meeting the needs of Members and staff and for his tireless service to the House. We all wish him calm seas and a steady breeze at his back as he begins the next chapter in his life.

PERSONAL EXPLANATION

HON. MARCIA L. FUDGE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Ms. FUDGE. Madam Speaker, on Thursday, July 9th and Friday, July 10th, 2009, due to unavoidable circumstances, I missed the following votes: rollcall No. 520, making appropriations for the Agricultural, Rural Development, Food & Drug Administration and Related Agencies programs for fiscal year 2010;

rollcall No. 525, making appropriation for the Department of State, foreign operations and related programs for fiscal year 2010; and rollcall No. 529, making appropriations for military construction, Department of Veterans Affairs and related agencies for fiscal year 2010. Had I been present, I would have voted "yea" on all of the aforementioned votes.

ON THE INTRODUCTION OF THE RESOLUTION OF INQUIRY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. WOLF. Madam Speaker, I rise today to introduce a resolution of inquiry directing the attorney general to transmit to the House information in his possession relating to the attempted transfer of detainees held at Guantanamo Bay into the United States.

Congress has a well-established and essential obligation to provide robust oversight of executive branch agencies. When agency officials obstruct congressional efforts to conduct this oversight, the resolution of inquiry provides members of the House a tool to compel consideration of this request for information.

I have respectfully asked Attorney General Holder on three occasions—March 13, April 23, and May 13—for specific information about his intentions with regard to the transfer of detainees to the U.S. and how he would protect communities surrounding detainees held in the U.S. I do not believe that these were unreasonable requests.

As ranking member of the Commerce-Justice-Science Appropriations subcommittee—which funds the Department of Justice—this information is particularly relevant given the subcommittee's jurisdiction over the department's spending.

However, when it came to my attention that Mr. Holder attempted to orchestrate a secret transfer of Uyghur detainees to northern Virginia for release earlier this spring, it became clear that he had no intention of informing Congress of his intentions.

According to Newsweek magazine, "As part of their efforts to shut down the Guantanamo Bay detention center, Obama Administration officials were poised in late April to make a bold, stealthy move: they instructed the U.S. Marshals Service to prepare an aircraft and a Special Ops group to fly two Chinese Uyghurs, and up to five more on subsequent flights, from Gitmo to northern Virginia for resettlement. In a conference call overseen by the National Security Council, Justice and Pentagon officials had been warned that any public statements about Gitmo transfers would inflame congressional Republicans, according to a law-enforcement official who asked not to be named discussing internal deliberations."

The article reported that efforts to transfer and release these detainees in the U.S. were scrapped when members of Congress became aware of the operation.

Once it became clear that the Justice Department's intended modus operandi were clandestine transfers, I began speaking out publicly on the House floor about my serious.

I also offered an amendment to the fiscal year 2009 supplemental appropriations to prohibit the transfer of any detainees into the U.S. during the current fiscal year—allowing Congress the time needed to get additional information from Mr. Holder about his intentions.

Still I continued to wait for answers to very basic questions from my three letters.

After waiting 118 days for a response, I received only a cursory letter from the Justice Department's Office of Legislative Affairs last Thursday that failed to answer a single question. Worse, the information included was nothing more than summary and rehash of old DOJ press releases.

I can come to no other conclusion than the attorney general intends to continue to stone-wall the American people. This is unacceptable.

During his May 21 speech at the National Archives, President Obama stated, "I ran for President promising transparency, and I meant what I said. That is why, whenever possible, we will make information available to the American people so that they can make informed judgments and hold us accountable. . . . In this system of checks and balances, someone must always watch over the watchers."

The attorney general's failure to respond to legitimate congressional inquiries is a disservice to this president and the American people.

This resolution would hold the attorney general to the president's public commitment to transparency and accountability.

I urge my colleagues on the Judiciary Committee to move quickly to consider this resolution and direct the attorney general to furnish this important information.

Madam Speaker, I also submit a copy of my resolution.

H. RES.—

Resolved, That the Attorney General is directed to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of any document, memo, or correspondence of the Department of Justice, including the Federal Bureau of Investigation and United States Marshal Service, or any portion of any such document, memo, or correspondence, that refers or relates to—

(1) any guidance, recommendations, or logistical preparations made since January 20, 2009, for the transfer or release of the detainees held at Naval Station, Guantanamo Bay, Cuba, into the United States;

(2) the identities of any detainees that have been cleared for release into the United States and as any information about the capture, detention, and threat assessment of such detainees;

(3) the countries that have been contacted by Government officials to request their acceptance of detainees currently held at Naval Station, Guantanamo Bay, Cuba; and

(4) the legal guidance regarding the transfer, detention or release of detainees held at Naval Station, Guantanamo Bay, Cuba, into the United States.

COMMENDING JAMES E. BRADFORD ON THE OCCASION OF HIS RETIREMENT

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. ALEXANDER. Madam Speaker, it is with great pride and pleasure that I rise today to commend James E. Bradford, a former Jackson Parish Police Juror of District 10, on the occasion of his retirement.

A man of many dimensions, Bradford's career includes 39 years with Smurfit-Stone Container Corp., where he most recently held the position of Central Regional Manager of Government Affairs. In addition, he spent five years as a high school teacher, totaling 44 years of career service.

Over the past few decades, he has been heavily involved in citizenship activities and community organizations. Among his many civic accomplishments, Bradford founded the Jackson Parish Community Action Center (now Pine Belt Multi-Purpose Community Action Agency), and served as the President of the Grambling State University National Alumni Association from 1992 until he retired from that position December 31, 2006. He has received numerous recognitions and awards for his invaluable leadership and dedication to his community.

Bradford also served as a member of the Jackson Parish Police Jury, District 10, where I had the opportunity to work alongside this devoted public servant. Not only did I have the privilege of calling him a colleague, but it was here, that I first had the honor of knowing him as a friend.

Beyond his professional career, Bradford and his late wife, Mae Calahan Bradford, have three children, Roderick, Berkita and D'Andra. They are the proud grandparents of William and Kiara, and their great-grandson, Kameron.

I ask my colleagues to join me in congratulating James E. Bradford, a man who has served the people of Jackson Parish for many years. His commitment, compassion and leadership warrant this laudable recognition.

IN HONOR OF LITTLETON P. "LIT" MITCHELL

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. CASTLE. Madam Speaker, it is with a heavy heart but great honor that I rise today to pay tribute to the life of Littleton P. Mitchell. Mr. Mitchell, a man of great compassion and understanding, was a life-long advocate for human and civil rights. His influence and contributions have reached far and wide, both within and beyond our state and continue to have an effect on all of Delaware's communities.

Born and raised in a period when Delaware offered but one high school for black students, Littleton would hitchhike to Wilmington's Howard High School—a distance of more than 60

miles from his hometown of Milford. At a young age and upon the encouragement of his mother, Littleton joined Delaware's chapter of the National Association for the Advancement of Colored People (NAACP). It was through his involvement in the NAACP that Lit developed his impressive talent for public and inspirational speaking. During WWII, he left his studies at West Chester University and served as a Tuskegee Airman. He later finished school and used his degree to become an educator at the Governor Bacon Health Center and the first black teacher in Delaware to teach white students.

Littleton considered Louis L. Redding, the Delaware lawyer who was instrumental in the landmark decision of *Brown v. Board of Education*, as a close friend and mentor. Though the two may not have always agreed on strategy, Lit credited Redding with giving him sound and sage advice—advice that would help him challenge the status quo in his quest to bring justice and equality to all people. A public servant to the highest degree, Littleton helped secure a job for the first black state trooper; coordinated marches and boycotts that confronted public officials and those in power; and worked tirelessly and successfully to eliminate the poor conditions of migrant camps. As President of Delaware's NAACP for more than 30 years, including during the height of the civil rights movement, Lit led efforts to secure fair housing, equal access to public resources, and equal education and employment opportunities.

During his lifetime, Lit was honored by many groups and organizations and served on numerous committees and commissions, including the *Brown v. Board of Education* 50th Anniversary Commission, established by Congress in 2001. In 1993, the University of Delaware awarded Lit their Medal of Merit in recognition of his unwavering commitment to community service and his trailblazing efforts in the pursuit of civil rights. This was a special honor for Lit as Jane, his high school sweetheart and wife of more than 60 years, had been awarded with the Medal of Merit 13 years prior. Referred to by Lit as his role model and the person whom he admired the most, Jane was the first black nurse to work in a state hospital and later served as the director of nursing at Delaware State Hospital. The two of them worked together to successfully end segregation in Delaware hospitals. Littleton, with Jane always by his side, was a steadfast and committed leader, universally acknowledged as a trailblazer in Delaware's civil rights movement.

An educator who advocated for the dignity and respect owed to every human being, Lit was the active and leading force behind so many of Delaware's historical "firsts." He dedicated his time and his energy to what he felt in his heart to be true. He was blessed with the ability to motivate others and to organize a community. Referred to by a young man who knew him well as a "gentle soldier," Lit was able to fight intolerance and bigotry in a manner that put people at ease. He had a truly great and peaceful approach to how he pursued his justice, and, with a way of getting things done by bringing people together, he used his extraordinary sense of understanding and his exceptional talent for speaking (what

Lit himself referred to as his "acid tongue") to bring change and progress to our state. Not afraid to stand up and speak out, Lit was a man whom I greatly admired and considered a friend, a man of his convictions—just and fair with a compassionate soul and an infectious smile. He was a man who may have intimidated some, but was beloved by many and respected by all. I take this opportunity to recognize Littleton P. Mitchell for his unending dedication and his immeasurable contributions and to honor his life—a life spent in service to his state and his country.

EARMARK DECLARATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. CONAWAY. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170—Energy and Water Development and Related Agencies Appropriations Act, 2010.

In the Army Corps of Engineers Operations and Maintenance account, an earmark to complete a study in the Lower Colorado River Basin of Texas was included on behalf of the President and me. The entity to receive funding for this project is the Lower Colorado River Authority. LCRA Headquarters are located at 3700 Lake Austin Boulevard, Austin, Texas, 78703. The funding would be used to complete the draft interim feasibility studies for the highland lakes. The study area is bounded by the Guadalupe, Lavaca, and Colorado-Lavaca river basins on the west, and the Brazos and Brazos-Colorado basins on the east. This study is investigating water resource problems, needs, and opportunities to determine whether improvements for flood risk management, ecosystem restoration and protection, water quality, water supply and allied purposes have a Federal interest.

In the Army Corps of Engineers Operations and Maintenance account, an earmark for Hords Creek Lake, Texas was included on behalf of the President and me. The entity to receive funding for this project is Army Corps of Engineers Fort Worth District. The District offices are located at 819 Taylor Street, Ft. Worth, Texas, 76102. The project is in Coleman County about 13 miles west of the city of Coleman, Texas. The funding would be used to for operations and routine maintenance.

In the Army Corps of Engineers Operations and Maintenance account, an earmark for the O.C. Fisher Dam and Lake, Texas was included on behalf of the President and me. The entity to receive funding for this project is Army Corps of Engineers Fort Worth District. The District offices are located at 819 Taylor Street, Ft. Worth, Texas, 76102. The project is located in Tom Green County, on the North Concho River, near the City of San Angelo, Texas. The funding would be used to for operations and routine maintenance.

In the Army Corps of Engineers Operations and Maintenance account, an earmark for Proctor Lake, Texas was included on behalf of

the President and me. The entity to receive funding for this project is Army Corps of Engineers Fort Worth District. The District offices are located at 819 Taylor Street, Ft. Worth, Texas, 76102. The project is in Comanche County on the Leon River, about eight miles northeast of the city of Comanche, Texas. The funding would be used to for operations and routine maintenance.

INTRODUCTION OF THE DISCOUNT PRICING CONSUMER PROTECTION ACT OF 2009

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. JOHNSON of Georgia. Madam Speaker, today I am pleased to introduce the Discount Pricing Consumer Protection Act of 2009. I am joined in my efforts by the honorable Chairman of the Judiciary Committee, Representative JOHN CONYERS of Michigan.

The purpose of this bill is to undo the harm to consumers posed by the Supreme Court's 2007 decision in *Leegin Creative Leather Products, Inc. v. PSKS, Inc.* In *Leegin*, the Supreme Court overturned 95 years of antitrust jurisprudence by reversing its 1911 decision in *Dr. Miles Med. Co. v. John D. Park & Sons, Co.*, which had expressly prohibited agreements between manufacturers and distributors on a minimum retail price for their products. Under the precedent set by *Leegin*, manufacturers are free to pursue this type of anti-competitive price fixing. This bill would negate the *Leegin* decision by making any such agreements a violation of Section 1 of the Sherman Act.

The philosophical foundation of our nation's antitrust policies is simple: competition benefits consumers. When competitors have no choice but to compete aggressively with one another, it is the customer who benefits from lower prices, better service, increased variety, etc.

The *Leegin* decision runs contrary to that philosophy. Consumers do not benefit from price fixing. In his dissent in *Leegin*, Justice Breyer writes that even if only 10 percent of manufacturers implement minimum price fixing policies, the average annual shopping bill for a family of four would increase by between \$750 and \$1000 annually. In this time of economic hardship, preserving competition and delivering value to consumers is as important as it has ever been.

Retail price competition is essential to promoting this country's culture of entrepreneurship. Small businesses often get their start by offering consumers something they're not getting from more established retailers. In the Internet space, this frequently involves selling goods available in retail locations at lower prices. Here again, where there is competition among retailers, the consumer wins.

The *Leegin* decision undermines retail competition by making it possible to set a floor price on goods sold in every conceivable outlet. Thus, the retailer who operates with lower overhead or a better cost structure is prevented from passing those cost savings on to

consumers. The Supreme Court decision gives manufacturers the cover to strong-arm discount merchants into sustaining artificially high retail prices. True, the *Leegin* decision doesn't make every such agreement legal; it simply removes the prohibition that made any such agreement illegal on its face. But, as practicing antitrust attorneys will tell you, the enormous evidentiary burdens that a plaintiff faces post-*Leegin* makes litigating such cases cost-prohibitive. The real-world effect, then, of *Leegin* is to make such agreements legal.

The benefits of the *Leegin* decision are dubious. Supporters claim that the decision prevents the "free riding" problem, in which customers do their research at higher-priced bricks-and-mortar outlets but then purchase the product at a lower-priced online retailer. In this manner, the bricks-and-mortar outlet, which invested in the customer service, is denied the benefit of the sale; the online retailer thus "free rides" off of its competitor. But I question this presumption. My children will search out all of the information they can find on high-priced gadgets before going to a store to check them out. Sometimes they buy them on the spot if they don't want to wait for shipping. Which begs the question: who is free-riding off of whom?

A second argument that crops up frequently is that minimum retail prices benefit new entrants. This is so reasonable-sounding that even supporters of the *Dr. Miles* decision will acknowledge it somewhat apologetically as an exception. But for the 95 years that *Dr. Miles* controlled, we saw innovation and new entry in every industry. Supporters of *Leegin* say that minimum retail prices give big retailers the security they need to take a chance on promoting a new product. But many of these concerns can be addressed contractually, in the form of contracts for services, contracts for buybacks, etc. There is no need to overturn settled antitrust law to accomplish indirectly what may be contracted for directly.

The harms of minimum retail price fixing are real and proven. In 1937, Congress passed the Miller-Tydings Act to shield from the federal antitrust laws so-called state "fair trade" laws that permitted manufacturers to set minimum retail prices for their goods. The results were bad for competition and bad for consumers. Studies conducted by the DOJ found that minimum retail price fixing on average increased prices for the affected goods by between 18 and 27 percent, and that elimination of the practice would save consumers \$1.2 billion. Congress responded by overturning Miller-Tydings with the passage of the Consumer Goods Pricing Act of 1975. In doing so, Congress examined and rejected various justifications for minimum retail price fixing, finding that the practice served little purpose other than to raise prices for consumers.

The bill I introduce today takes a stand for the consumer. It challenges manufacturers to remain innovative and aggressive, and not rely on side agreements with retailers to guarantee their own profits at the expense of a working family's paycheck. The federal antitrust laws are not an administrative inconvenience, to be done away with when threatened by the challenges of the free market. They are the greatest protection consumers have against the dangers that corporate greed, left unchecked, can pose.

SALUTING THE NEW YORK DAILY NEWS, AND THE WINNERS OF THE DEAR LADY LIBERTY ESSAY CONTEST

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. WEINER. Madam Speaker, I rise to recognize the accomplishments of five young people who demonstrate the best of our Nation's values. This not only includes understanding what it means to be a patriotic American, but also understanding what it means to keep a connection with your parents, your grandparents and your great grandparents.

I want to thank these exceptional New Yorkers for taking the time to submit their essays and for understanding what it means to celebrate our country and to celebrate the Statue of Liberty. As the first public visitors to walk up the steps to the crown the Statue of Liberty since September 11th, 2001, I asked these young essayists to try and remember the millions of new Americans that came by that beautiful Lady and what it meant for them.

The Statue of Liberty is more than just a tourist site, it is something that connects us with our immigrant tradition. It is one of those symbols that unify us as Americans. We often are drawn to focusing on our weaknesses, our foibles and our conflicts, but it's good every so often to take a deep breath and remember some of the things that we have to be grateful for. These students and the dozens like them that submitted essays to the Daily News are to be celebrated for taking the time to help us remember why America is great.

I would also like to express my gratitude to the Daily News for keeping the reopening of the crown of the Statue of Liberty on the front page and hammering away in 23 editorials when the Statue of Liberty was closed. You know, as with any campaign, it is not one person banging a drum, it is our whole community. And the Daily News jumped in there when it was time to figure out how to raise money to reopen the Statue of Liberty, and then when it became clear that the National Park Service was doing worse than dragging their feet, but refusing to open it, the Daily News wouldn't let up. And every time, whether it was passing an amendment or having hearings, every time I ran up this hill in Washington, I knew I had the Daily News behind me. And I think every one else knew—they were either going to be on that Daily News bandwagon, or under it.

When the Statue of Liberty was closed after the tragic events of 9/11, it symbolized Americans coming to terms with new threats, but while every other national monument reopened, the crown remained closed. With the reopening of the Crown on July 4, we were able to once again show our appreciation for the diversity that has always been the foundation of our Nation's strength.

To recognize these young patriots I submit the following essays.

DEAR LADY LIBERTY,

The Statue of Liberty and Ellis Island are both very important in U.S. history because they both changed the lives of many people

in and out of the U.S.A. Ellis Island gave great opportunities and hope to people in other countries.

If Ellis Island was never created, then the dreamers (from other countries) who wanted so desperately to come to America and be an American, wouldn't have had their dreams come true. In addition, without Ellis Island, America wouldn't have experienced new cultures, new food and of course new religions.

Personally, to me Lady Liberty expresses the freedom of our beautiful country. With her hand up in the air, holding that torch, she shows that we have won the battle for our freedom! As you can see, Ellis Island and the Statue of Liberty will always be an important part of American history.

MONA PLATT.

DEAR LADY LIBERTY,

My name is Anthony Guarino, I am 8 years old. I live in Brooklyn, New York, and I am proud of the Statue of Liberty and Ellis Island.

The Statue of Liberty and Ellis Island are important to me because it represents the most important thing that makes our country great and it is "Freedom." The Statue of Liberty is a symbol that all dreams are possible. Ellis Island is important to me because it was a welcoming place for all people wanting the American dream.

Thanks to Ellis Island, my great-grandparents were able to come from Italy by boat, with one thing in mind: an opportunity to improve their children's lives and the lives of their future grandchildren. My great-grandparents' dream of coming to Ellis Island gave me opportunities that many people can only dream of.

I am thankful to France because the Statue of Liberty was their gift of friendship to us. I am thankful to the Statue of Liberty because she gave this friendship back to many other people from different countries all over the world.

I will always be proud when I look at the Statue of Liberty and remember, because of her, I am a proud American.

ANTHONY GUARINO.

DEAR LADY LIBERTY,

I first saw you in the pictures my mom sent me, when I was in the Philippines, three years ago. You looked marvelous! Now when I visit you and see you, I am so proud because I feel that you are my friend.

To me, you are a remembrance of freedom, justice and friendship. You remind me of the Philippine and American history, when the U.S. returned full leadership to the Filipino people. You remind me of a respectful friendship and intense bonding when my great-grandfather was fighting side by side with the American soldiers during World War II.

You and Ellis Island have a soft spot in my heart. As an immigrant, Ellis Island symbolizes the main gate of liberty and hope. It reminds me of my family's struggle, courage and determination to leave my country and find a future here in the U.S.

Lady Liberty, I feel so proud watching you, being near you and being a part of history. Continue to inspire.

God Bless the USA!

NICA GARANA.

DEAR LADY LIBERTY,

The Statue of Liberty is important to me because I know it is the first thing that my great-grandmother saw when she came to this country. She was only 12 years old, my exact age, and she was fleeing Poland, a country where she was being persecuted.

Poland was not a friendly country for the Jews, like my great-grandmother. She constantly had to worry about being beaten up by policemen for no reason. There were often "pogroms," which were when the people of the town decided to invade the Jewish areas and ransack the homes and kill Jews for no reason as well. The Jews lived in constant fear of being attacked, robbed or killed just because they were Jewish.

My great-grandmother wanted to live in a country and raise her children in a place where there was freedom and no fear. She knew she could walk the streets here with a clear head and a hope for opportunity. When my great-grandmother looked at Lady Liberty, she saw a beautiful woman who held out her arm to welcome her and tell her that her children, her grandchildren and great-grandchildren would live freely and thrive here. So when my great-grandmother saw Lady Liberty and smiled at her, I am sure she felt the statue smiling back at her for more reasons than one.

ALLAN MARCUS.

DEAR LADY LIBERTY,

The Statue of Liberty and Ellis Island, home to New York Harbor, hold much importance to me.

I know that millions of people, including my own ancestors from Ireland and Italy who arrived by boat in the late 1800s and early 1900s, made their first stop in this country right on Ellis Island. For all those newcomers, the sight of that beautiful, tall, green statue signified the end of their long, grueling journey and, at the same time, the beginning of a new and opportunistic life here in America.

But for me personally, each time I see that statue, whether I'm crossing the Verrazano Bridge or riding to Manhattan on a ferry, the Lady in the Harbor makes me feel like I'm home, and home here in New York surely is the greatest place to be; how lucky I am.

JULIET SULLIVAN.

EARMARK DECLARATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. LEWIS of California. Madam Speaker, pursuant to Republican earmark guidance, I am submitting the following: in regards to Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman JERRY LEWIS.

Project Name: Desert Hot Springs
Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: Mission Springs Water District

Address of Requesting Entity: 66575 2nd Street, Desert Hot Springs, California 92240

Description of Request: This project will construct a municipal wastewater collection and treatment system that will eliminate individual wastewater disposal systems that overlie the Mission Creek and Desert Hot Springs aquifers. To accomplish this, the district needs to replace roughly 4000 individual sewage disposal systems that lie in a very concentrated area over the primary inflow of the groundwater that supplies nearly 400,000 people.

Amount: \$100,000

Requesting Member: Congressman JERRY LEWIS.

Project Name: Hi-Desert Wastewater Collection and Reuse

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Hi-Desert Water District

Address of Requesting Entity: 55439 29 Palms Hwy, Yucca Valley, CA 92284

Description of Request: The mission of Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner. The Hi-Desert Wastewater Collection and Reuse Facility will protect the groundwater quality in the area and provide reclaimed water to be used directly for irrigation and commercial purposes that are normally supplied by potable water. Using reclaimed water to meet non-potable demand will off set the demands for potable water.

Amount: \$100,000

Requesting Member: Congressman JERRY LEWIS.

Project Name: Seven Oaks Water Conservation Study

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: San Bernardino Valley Municipal Water District

Address of Requesting Entity: 300 East Vanderbilt Way, San Bernardino, California 92408

Description of Request: The rains of the winter of 2005 demonstrated beyond question that water conservation at Seven Oaks Dam can provide a major supplemental source of water for an increasingly water starved region. Unfortunately, by holding water behind the dam the water is degraded so far as to be unusable. Work is being done to determine the appropriate method to improve water quality while continuing to conserve behind the dam.

Amount: \$800,000

Requesting Member: Congressman JERRY LEWIS.

Project Name: Transfer Authority: Seven Oaks Water Conservation Study

Account: Army Corps of Engineers, General Provisions

Legal Name of Requesting Entity: San Bernardino Valley Municipal Water District

Address of Requesting Entity: 300 East Vanderbilt Way, San Bernardino, California 92408

Description of Request: The rains of the winter of 2005 demonstrated beyond question that water conservation at Seven Oaks Dam can provide a major supplemental source of water for an increasingly water starved region. Unfortunately, by holding water behind the dam the water is degraded so far as to be unusable. Work is being done to determine the appropriate method to improve water quality while continuing to conserve behind the dam.

Amount: \$1,500,000

Requesting Member: Congressman JERRY LEWIS.

Project Name: Santa Ana River and Tributaries Ecosystem Restoration

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: City of Yucaipa

Address of Requesting Entity: 34272 Yucaipa Boulevard, Yucaipa, California 92399
 Description of Request: This project will study a flood control and environmental restoration project in Yucaipa, California. This community is located just north of Interstate-10, a major transportation hub that is threatened by 100-year level flooding. The study will look at the viability of detention basins, flood channels, and habitat to reduce the threat downstream.

Amount: \$1,000,000

Requesting Member: Congressman JERRY LEWIS.

Project Name: Santa Ana River and Tributaries, Big Bear Lake, CA

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: Big Bear Municipal Water District

Address of Requesting Entity: 40524 Lakeview Drive, Big Bear Lake, CA 92315

Description of Request: This project will implement aquatic habitat restoration in Big Bear Lake. The removal of nutrient laden sediment that has accumulated since the Lake was constructed in 1884 is critical to improving the Lake's water quality, controlling nuisance aquatic plant growth, enhancing the wildlife habitat and maintaining boating and fishing access. The Lake is on the State of California's 303d list of impaired water bodies with listings for mercury, nutrients, and aquatic plants.

Amount: \$800,000

Requesting Member: Congressman JERRY LEWIS.

Project Name: Upper Mojave River Well Field

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Mojave Water Agency

Address of Requesting Entity: 22450 Headquarters Drive, Apple Valley, CA 92307

Description of Request: The project is one component of a comprehensive effort to ensure a balance water supply in the Mojave region for decades to come. It will balance supply and demand, address basin overdraft, enhance the maintenance of riparian ecosystems and address subarea interaction issues.

Amount: \$100,000

Requesting Member: Congressman JERRY LEWIS.

Project Name: San Bernardino MWD, CA
 Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: San Bernardino Municipal Water Department

Address of Requesting Entity: 300 North D Street, San Bernardino, CA 92418

Description of Request: The funding requested here will go toward a clean water factory to recycle water for groundwater recharge. It will increase water supply reliability and serves the State's goal to maximize recycled water facilities and its regional water quality plans.

Amount: \$1,000,000

Requesting Member: Congressman JERRY LEWIS.

Project Name: Southern California Investigations Program (Lake Arrowhead)

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Lake Arrowhead Community Services District

Address of Requesting Entity: 28200 State Highway 189, Building 03, Suite 160, Lake Arrowhead, CA 92352

Description of Request: Lake Arrowhead Community Services District has been working closely with the Bureau of Reclamation to develop an Integrated Water Resources Program (IWRP), which includes, among other alternatives, the development of a surface and groundwater monitoring and management plan. The district is proceeding with implementing the strategies in the IWRP to increase local water supplies with the development of projects, such as groundwater wells, conservation, and recycled water.

Amount: \$1,000,000

Requesting Member: Congressman JERRY LEWIS.

Project Name: City of Redlands Facilities Upgrades to Improve Energy Efficiency

Account: Department of Energy, EERE

Legal Name of Requesting Entity: City of Redlands

Address of Requesting Entity: 35 Cajon Street, Redlands, CA 92373

Description of Request: The funding will be used to conduct an assessment and to upgrade the heating, ventilation, and cooling systems in the City facilities. Upgrades will enable significant energy savings in energy consumptions and operational expenses. Mandates from federal, state, and local utilities have made it necessary for the City to assess energy consumption.

Amount: \$900,000

Requesting Member: Congressman JERRY LEWIS.

Project Name: Running Springs Retreat Center Solar Upgrade

Account: Department of Energy, EERE

Legal Name of Requesting Entity: Chabad of Running Springs

Address of Requesting Entity: 3500 Seymour Road, Running Springs, CA 92382

Description of Request: In order to reduce energy consumption, the Running Springs Retreat Center will construct solar electric power capabilities on its major service building. The project will save 624,000 kwh of energy from being drawn off the California grid annually.

Amount: \$1,000,000

Requesting Member: Congressman JERRY LEWIS.

Project Name: Solar Energy Parking Canopy Demonstration Project

Account: Department of Energy, EERE

Legal Name of Requesting Entity: Bear Valley Electric Service

Address of Requesting Entity: 42020 Garstin Road, Big Bear Lake, CA 92315

Description of Request: The Project entails construction of three parking structures with solar photovoltaic roof panels in the mountain community of Big Bear Lake. It will be a pilot program, jointly sponsored by Bear Valley Electric Service, the City of Big Bear Lake, and the Bear Valley Unified School District. The goal of the project is to measure the viability of using photovoltaic technology in a mountain community environment for city and commercial purposes.

Amount: \$3,000,000

EARMARK DECLARATION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. CALVERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks that I requested on behalf of local government entities in my congressional district in conjunction with the Fiscal Year 2010 Energy and Water Development Appropriations Act.

Requesting Member: Congressman KEN CALVERT

Account: Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: City of Norco

Address of Requesting Entity: 2870 Clark Avenue, Norco, CA 92860

Description of Request: The Fiscal Year 2010 Energy and Water Development Appropriations Act provides \$750,000 for the City of Norco's Waste-to-Energy Facility. Last year, a preliminary feasibility study prepared for the City of Norco showed that thermal conversion of horse manure and bedding material into electricity appears to be a viable proposition, both technologically and financially. The city is now taking steps towards a contract for the design and construction of a manure-to-energy facility. The requested funding will allow the city to design and engineer the project. When complete, the project will allow the city to reduce its carbon footprint by providing an environmentally friendly "green" source of renewable energy to citizens of Norco and surrounding communities. The City of Norco will provide the non-federal cost-share of the project.

Requesting Member: Congressman KEN CALVERT

Account: Water and Related Resources

Legal Name of Requesting Entity: Inland Empire Utilities Agency

Address of Requesting Entity: 6075 Kimball Avenue, Chino, CA 91708

Description of Request: The Fiscal Year 2010 Energy and Water Development Appropriations Act provides \$100,000 for the Inland Empire Utilities Agency's Inland Empire Regional Water Recycling Project. The Inland Empire Regional Water Recycling Project will produce 100,000 acre-feet of recycled water per year when the project is complete. The water will be used for outdoor irrigation, industrial processes and recharging groundwater basins, thereby serving the needs of 800,000 current residents in the Inland Empire. The requested funding will be allocated to engineering design and construction of the project. The non-federal funding will be provided by the Inland Empire Utilities Agency.

Requesting Member: Congressman KEN CALVERT

Account: Construction, U.S. Army Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Requesting Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: The Fiscal Year 2010 Energy and Water Development Appropriations Act provides \$2,000,000 for the Army

Corps of Engineers' Murrieta Creek project. Murrieta Creek poses a severe flood threat to the cities of Murrieta and Temecula, where overflow flooding from this undersized creek with a tributary watershed of over 220 square miles has periodically wreaked havoc, most recently in 1993 when the public and private sectors incurred flood-related damages of nearly \$20 million, and nearby Camp Pendleton Marine Base suffered \$88 million in damages. The project, developed jointly by the Corps of Engineers and the local sponsor, not only provides flood protection for these two communities, but also includes other elements such as environmental restoration and recreation that will serve as the lynchpin for regional economic development. The requested funding will be used to award and construct the project's entire Phase II reach, which includes protection for Old Town Temecula, as well as to complete the Design Documentation Report (DDR) and the preparation of plans and specifications for Phase III's Multi-Purpose Detention Basin.

Requesting Member: Congressman KEN CALVERT

Account: Water and Related Resources

Legal Name of Requesting Entity: Orange County Water District

Address of Requesting Entity: 18700 Ward Street, Fountain Valley, CA 92708

Description of Request: The Fiscal Year 2010 Energy and Water Development Appropriations Act provides \$100,000 for the Orange County Water District's Orange County Regional Water Reclamation Project. The Orange County Water District diverts secondary treated waste water from the Orange County Sanitation District that would otherwise be disposed of in the ocean. The waste water is highly treated using microfiltration, reverse osmosis, and ultra violet light with hydrogen peroxide. Currently, half of the collected water is injected into groundwater basin along the coast to create a barrier preventing seawater from intruding our precious drinking water supplies and is pumped to the District recharge basins for percolation into the groundwater basin. The project would expand the capacity of the current plant by an additional 18 million gallons per day. Additional microfiltration, reverse osmosis, and ultraviolet light treatment equipment would be purchased and installed. A significant portion of the infrastructure has already been constructed to accommodate an expansion. This includes the yard piping, pump stations, and the electrical backbone. When the Ground Water Replenishment System was designed and constructed, all piping, facilities, electrical systems, and the site were designed for an ultimate capacity of 130 million gallons per day.

Requesting Member: Congressman KEN CALVERT

Account: Water and Related Resources

Legal Name of Requesting Entity: Western Municipal Water District

Address of Requesting Entity: 450 Alessandro Boulevard, Riverside, CA 92508

Description of Request: The Fiscal Year 2010 Energy and Water Development Appropriations Act provides \$1,000,000 for the Western Municipal Water District's Riverside-Corona Feeder project. The Riverside-Corona Feeder project captures and stores new water

to increase firm water supplies, reduce water costs and improve water quality as well as reduces regional dependence upon increasingly unreliable imported supplies from the State Water Project, the Colorado River and the northern Bay-Delta. The project will also be equipped to clean plumes of perchlorate and VOCs in the Bunker Hill basin, and will provide a link among groundwater basins in the region. In addition to the Bunker Hill Basin, the Feeder will allow water supplies to be conjunctively used in the Chino, Riverside and Arlington groundwater basins, further enhancing the ability of the region to withstand droughts and providing a mechanism to allow treatment and recovery of poor quality groundwater found in these basins.

Requesting Member: Congressman KEN CALVERT

Account: Investigations, U.S. Army Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Requesting Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: The Fiscal Year 2010 Energy and Water Development Appropriations Act provides \$221,000 for the Army Corps of Engineers' Riverside County Special Area Management Plan. The Corps is developing the nation's largest Special Area Management Plan (SAMP) for both the San Jacinto and Upper Santa Margarita Watersheds, which by assisting federal, state and local agencies with their decision making and permitting authority, will position those agencies to protect, restore and enhance aquatic resources while also accommodating various types of development activities and public infrastructure projects. The Corps has already made significant progress on a "Landscape Level Aquatic Resource Delineation" and "Functional Assessment" to help in determining the value of area waters and wetlands. Once completed, the plan will not only streamline the permitting process to foster regional economic development, but it will also create and protect woodlands, wetlands, freshwater marshes, vernal pools, streams, lakes and rivers. The Corps had developed alternatives incorporating Riverside County's previously approved Multi-Species Habitat Conservation Plan and the General Plan and the information learned from the Landscape Level Delineation and Functional Assessments. They have also started the process of preparing environmental documents for NEPA and CEQA compliance. The requested funding will be used to complete the EIR/EIS, complete the development of the Abbreviated Permits and complete the Resource Conservation Plan to adequately mitigate for impacts to jurisdictional waters authorized through the issuance of SAMP permits.

Requesting Member: Congressman KEN CALVERT

Account: Investigations, U.S. Army Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Requesting Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: The Fiscal Year 2010 Energy and Water Development Appropriations Act provides \$100,000 for the Army

Corps of Engineers' San Clemente Shoreline project. Erosion of the protective beach in San Clemente has caused much of the study area to have little if any beach, particularly during the winter season. Storm induced waves have become a serious threat over the past several years to City facilities, the Lossan railroad, commercial properties, infrastructure, and coastal residencies. The public components of these facilities threatened by erosion and coastal storms have a value of over \$10 million. Also, there have been emergency revetments placed in several areas along the study area to prevent damage to the railroad from storms. It is estimated that the railroad will be required to spend \$14-\$20 million in the future to protect the rail line. Restoration of a protective beach will reduce these costs for protection. The requested funding will allow the Corps of Engineers to complete work on the feasibility study and move towards the project's design.

Requesting Member: Congressman KEN CALVERT

Account: Construction, U.S. Army Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Requesting Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: The Fiscal Year 2010 Energy and Water Development Appropriations Act provides \$582,000 for the Army Corps of Engineers' San Juan Creek, South Orange County, project. The Corps of Engineers began the San Juan Creek Watershed Feasibility Study in 1998 and the initial study phase was completed in 2003. The project has now moved into what the Corps calls a "spin-off" study. The spin-off study is a more focused and narrowly defined study of flood control and ecosystem restoration alternatives in the very bottom of the watershed in the cities of Dana Point and San Juan Capistrano. With sufficient federal appropriations in FY2010 and FY2011, the study will be completed. The project has taken on additional importance with the failure of 1,500 linear feet of concrete channel lining on January 9, 2005. About 3,200 residents in the Cities of Dana Point and San Juan Capistrano were evacuated in the early morning hours. The County of Orange declared an emergency and together with the Corps of Engineers placed large rock on the exposed earthen slope as a temporary repair.

Requesting Member: Congressman KEN CALVERT

Account: Construction, U.S. Army Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Los Angeles District

Address of Requesting Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: The Fiscal Year 2010 Energy and Water Development Appropriations Act provides \$52,193,000 for the Army Corps of Engineers' Santa Ana River Mainstem project. The Santa Ana River Mainstem Project is being constructed to address what the Corps of Engineers identified in the 1980s as "the worst flood threat west of the Mississippi River"—which then impacted three million people and 110,000 acres located in the three Southern California counties

of Orange, Riverside, and San Bernardino, with estimated loss of 3,000 lives and \$15 billion in economic losses (1987–8 price levels). To date, the Federal Government and the flood control districts of the impacted counties have spent over \$1 billion on the Project. Continued funding is necessary to complete the Project and ensure the level of protection as planned. Specifically, funding is needed to complete the Reach 9 component, which is the last section of the Santa Ana River, between Prado Dam and the Pacific Ocean, to be improved as part of the project. Until the Reach 9 channel and levee improvements are completed, this reach of the river will not be able to convey the maximum 30,000 cubic feet per second outflow from the new Prado Dam outlet works. The completion of Reach 9 is necessary to provide the level of protection envisioned by the authorized project. The overflow from Reach 9 would destroy local businesses, commercial properties and homes and the adjacent sections of the State 91 freeway, a major transportation artery in the region. Interior dikes in the Prado Dam flood control basin and the construction of a new Prado Dam spillway are additional components of the project that must be funded.

Requesting Member: Congressman KEN CALVERT

Account: Construction, U.S. Army Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Los Angeles

District Address of Requesting Entity: 915 Wilshire Blvd. Suite 980, Los Angeles, CA 90017

Description of Request: The Fiscal Year 2010 Energy and Water Development Appropriations Act provides \$800,000 for the Army Corps of Engineers' Seven Oaks Dam Water Conservation Study. The requested funding would allow the Corps of Engineers to perform much needed studies and amend the water control plan to permit Seven Oaks Dam to be used for water conservation. The winter rains of 2005 demonstrated beyond question that water conservation at Seven Oaks Dam can provide a major supplemental source of water to for this increasingly water-short region. Specifically, the studies will update the environmental documents relating to water conservation at Seven Oaks. The studies will also address the problem of anaerobic conditions that developed during the summer of 2004 so as to ensure that such conditions do not contaminate water stored for human consumption in the future.

EARMARK DECLARATION

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. SAM JOHNSON of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I, SAM JOHNSON, am submitting the following information regarding an earmark I received as part of H.R. 3183 Energy and Water Development and Related Agencies Appropriations Act, 2010. The entity to receive funding is the Center for En-

ergy Storage Research at The University of Texas at Dallas, 800 West Campbell Rd. MP-15, Richardson, TX, USA 75080.

This project is funded through the Department of Energy's Energy Efficiency and Renewable Energy account. The \$1,000,000 in funding will be used to continue to develop next generation energy storage materials and systems by analyzing the role nanomaterial components can play in functional energy storage systems.

The rapid increase in world energy consumption has raised a serious challenge to develop renewable energy sources which can sustain the global energy infrastructure. The majority of renewable energy sources are converted into electrical energy, which serves as a convenient energy carrier. For future renewable energy applications, electrical energy storage systems will be a critical enabling infrastructure requirement. Currently available electrical energy storage systems include electrochemical capacitors (ECs), batteries, and hydrogen storage combined with fuel cells. Compared to hydrocarbon fossil fuels combined with internal combustion engine (ICE), these energy storage systems do not have sufficient energy storage density or power density. To enable a large scale energy storage application, it will be important to explore the possibilities of developing energy storage systems which approach the energy and power density of ICE.

HONORING ZYGIMANTAS ZALYS

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize an outstanding public servant and dedicated father, Firefighter Zygimantas Zalus of Woodbridge, Virginia. Firefighter Zalus currently serves his community as a member of the City of Manassas Fire and Rescue Department. "Z", as he is known around the fire station, marked two years with the Manassas Department in April of 2009 and has three additional years of firefighting experience with the Occoquan Woodbridge Lorton Volunteer Fire Department.

Firefighter Zalus immigrated to the United States from Lithuania and embraced the spirit of public service in his adopted country. In his role as a firefighter, he has shown a commitment to public welfare and a willingness to sacrifice his personal well-being for the safety of his neighbors and community. He bears this responsibility with a wife and 14-month-old son awaiting his return home from every shift.

It came as a shock to the Zalus family when "Z" was recently diagnosed with advanced pancreatic and liver cancer. "Z", so accustomed to protecting others, found the fire department offering its unconditional support. Firefighters, emergency medical technicians and police officers have volunteered their time and energy to help the Zalus family. The International Association of Fire Fighters Local 4466 responded by organizing a softball tournament. The "Z" Tournament will raise funds for the Zalus family's medical bills and help to

supplement their income during this time of need. The response from the region's public safety departments has been a lesson in community.

Madam Speaker, I ask that my colleagues join the public safety community in this remarkable show of solidarity. Firefighter Zalus and his family are not alone in their fight against this devastating disease. Men and women dedicated to the selfless protection of others stand together in the face of adversity, bonded by sacrifice and a sense of duty.

HONORING THE MONITOR

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. HENSARLING. Madam Speaker, I rise today to congratulate a Fifth District newspaper, The Monitor, on the tremendous honors it received at the 2009 Texas Press Association Convention.

The Monitor is a fixture in Mabank, Texas, and it represented the community proudly in the Semi-Weekly Division of the annual Texas Press Association's Better Newspaper Contest.

Mr. Kerry Yancey, Editor of The Monitor, received 1st place in the Sports Photo category, 3rd place in Featured Photo and 4th place in Sports Coverage.

Ms. Pearl Cantrell, Managing Editor of The Monitor, and Mr. Yancey teamed-up to win 3rd place in News Writing.

As the Congressman of the Fifth District and subscriber to The Monitor, I am extremely pleased to see their hard work receive such deserving recognition. On behalf of the residents of the Fifth District of Texas, I would like to congratulate Mr. Kerry Yancey and Ms. Pearl Cantrell, as well as the entire staff at The Monitor, on these accomplishments.

H.R. 1511, THE "TORTURE VICTIMS RELIEF REAUTHORIZATION ACT OF 2009"

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Ms. JACKSON-LEE of Texas. Madam Speaker, I support H.R. 1511, the "Torture Victims Relief Reauthorization Act of 2009." This bill was sponsored by Representative CHRISTOPHER SMITH of New Jersey. The bill's purpose is to amend the Torture Victims Relief Act of 1998 to authorize appropriations for FY2010–FY2011 which will provide assistance for domestic and foreign programs and centers for the treatment of victims of torture. I support this bill and I urge my colleagues to support this bill as it provides needed rehabilitation treatment to those who have been impacted by the effects of torture.

H.R. 1511, the Torture Victims Relief Reauthorization Act of 2009, authorizes appropriations for the Department of Health and Human Services (HHS) to provide grants to programs

in the United States to cover the costs of services provided by domestic treatment centers in the rehabilitation of victims of torture (including treatment of the physical and psychological effects of torture). It will also allow the centers to provide social and legal services as well as research and training of health care providers outside of treatment centers or programs to enable them to provide such services. It authorizes the President to provide grants to treatment centers and programs in foreign countries that carry out projects and activities specifically designed to treat victims of torture for the physical and psychological effects of torture. In addition, it provides grants to the United Nations Voluntary Fund for Victims of Torture.

This bill is not only important, it is necessary. The Abu Ghraib prisoner abuse scandal and the myriad of consequential allegations of prisoner abuse across both Iraq and Afghanistan have cast a heavy shadow over our role in Iraq and our country as a whole. Under the Bush Administration, evidence indicates that torture was conducted on prisoners which included methods such as: waterboarding, weeklong sleep deprivation, forced nudity, use of painful positions, belly-slap and the exploitation of prisoners' fears of animals or insects. President Obama has since denounced these inhumane integration practices and has vowed that the United States does not condone torture. H.R. 1511 supports the President's vow by providing treatment to victims which is designed to enable the victim to step back from the trauma, learn to identify and accept it and gradually become reintegrated into society and/or the working world. This treatment will also serve a social purpose in that it will enable the victim to restore ties that were severed by an array of clinical symptoms caused by being tortured.

In the wake of the Abu Ghraib scandal, the U.S. has gone to great pains to persuade the world that U.S. policy does not condone torture. If Congress enacts this legislation, it would reaffirm America's commitment to a world without torture and show the rest of the world that the U.S. is committed to rehabilitating those who have suffered at the hands of torture.

We as a nation must set a clear example that we do not support torture, nor do we condone such practices. For the benefit of our troops, for the good of Iraq, for the good of America, and for the safety of the World, we must heal the wounds caused by torture to those victims domestic and foreign. A strong bipartisan message of support needs to be displayed by this body to right the wrongs and send a message to the world that America is committed to ending what President Obama called a "dark and painful chapter in our history," by providing treatment to the victims of torture. I invite my colleagues to stand with me today and support this important legislation.

EARMARK DECLARATION

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. BUYER. Madam Speaker, pursuant to the House Republican standards on earmarks,

I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act for Fiscal Year 2010.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 3183

Account: Energy and Water Development and Related Agencies Appropriations Act, 2010

Legal Name of Requesting Entity: Brookston Wind Turbines Study, Brookston, IN

Address of Requesting Entity: Town of Brookston and Chalmers, Indiana, 205 East 3rd Street, Brookston, IN 47923

Description of Request: Provide an earmark of \$75,000 in Energy Efficiency and Renewable Energy money to conduct a study to determine where wind turbines may be placed to generate 6 megawatts of power to replace what they currently use from coal fired power plants. The study will include not only technical requirements, but also regulatory and administrative requirements and needed backup power to ensure uninterrupted power supply to the municipalities.

Requesting Member: Congressman STEVE BUYER

Bill Number: H.R. 3183

Account: Energy and Water Development and Related Agencies Appropriations Act, 2010

Legal Name of Requesting Entity: Purdue Solar Energy Utilization Laboratory, West Lafayette, IN

Address of Requesting Entity: Purdue University, Indiana, Hovde Hall, Room 233, Purdue Mall, West Lafayette, IN 49707

Description of Request: Provide an earmark of \$475,000 in Energy Efficiency and Renewable Energy money to facilitate the development of conversion devices to reduce the cost and scale of solar equipment and devices to use concentrated sunlight on smaller devices and solutions to other disruptive solar energy issues in Indiana.

MOURNING LOSS OF KELLY MURRAY

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. NUNES. Madam Speaker, I come before you today to mourn the loss of a remarkable individual in our community. Kelly Murray grew up in my district in the City of Visalia, CA, and destiny led her away from her place of provenance, touching the lives of so many whom she met along the way. A former Navy officer with an exceptional career, she had just received tenure at the Loyola College Graduate Center in Columbia, Maryland, when she became the victim of a tragic accident that claimed her life as well as that of her 7-year-old daughter, Sloane Murray, late last month.

Kelly Murray, PhD., graduated from Exeter High School and studied at Occidental College. She eventually went on to earn a Master's degree and a Doctorate degree from the California School of Professional Psychology.

Her career in the Navy was notable and distinguished. She held several postings across the country, including that of Psychologist at the Naval Hospital and at the Marine Corps Air-Ground Combat Center at Twentynine Palms, California; Staff Psychologist at the National Naval Medical Center in Bethesda, Maryland; and Instructor of Psychology and Leadership at the U.S. Naval Academy in Annapolis, Maryland. Kelly's shining career also included an invitation to work at the White House counseling federal employees soon after September 11, 2001.

Kelly Murray was a practicing psychologist who, with her husband Sean, was raising 6 children. She coached multiple youth soccer teams and organized an annual summer camp to bolster girls' self-esteem.

Kelly was a positive force in her community; she will be dearly missed by her family, friends, and all those who knew her. I offer my heartfelt condolences to her family, and wish great strength upon them all that they may cope with this extraordinary loss.

Kelly is survived by her husband, Sean Murray, and their 5 other daughters, Jillian, Meghan, Maeve, Catherine Quinn, and Kieran. She is also survived by her parents, James and JoAnn Welter of Exeter, California, and sister, Tammy Tuttle of Powell Butte, Oregon.

TARP PROGRAM

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. KUCINICH. Madam Speaker, information is necessary for the proper functioning of our economy, as well as our political system. Investors, consumers and voters need quality information to make informed choices. Capitalism and democracy require full information for the most ideal outcomes, namely, efficiency and representativeness.

But anyone looking at this past year in American business and government would have to conclude we are a long way from achieving the ideal. On the contrary, we are embroiled, in significant part, in the consequences of a profound lack of transparency. Our economic and political systems suffer an information deficit, and the lack of transparency is costing dollars as well as public trust.

As chairman of an investigative subcommittee in the House of Representatives, my own work has largely been devoted to identifying and remedying that fundamental flaw.

A couple relevant examples:

My subcommittee held a hearing this past March on the questions, What does Treasury know about what TARP recipient banks are doing with the funds they've received? My staff identified a couple billion dollar examples. One bank arranged financing worth \$8 billion for governmental entities in Dubai; another made a \$7 billion investment in a Chinese Construction Bank, and a third made a \$1 billion investment in its operations in India. None of these are illegal, of course. They may even represent sound business judgment. But at the

time those decisions were announced, those banks had received many billions of taxpayer dollars to help cure a liquidity crisis in the United States. Is that what Congress really had in mind when it created TARP? I think the answer is obvious.

What we learned was that Treasury was making no significant effort to find out what federally-supported banks were doing. TARP program makes no demands on TARP recipients for detailed information about their spending. Even though the statute obligates Treasury to be able to prevent waste and abuse of TARP monies, Mr. Paulson's Treasury Department did not even bother to set standards for waste and abuse of TARP funds. "We trust them" was essentially what passed for oversight of the Capital Purchase Plan. Treasury has no concrete idea of how TARP monies are being used. They did not ask questions of TARP recipients about their use of funds, and did not gather sufficiently detailed information from TARP recipients to know what to ask about.

It was even the opinion of Treasury that an answer to the question is nearly meaningless, because money is fungible.

Of course money is fungible. So is gravel. But if you want to know where the gravel is, you look for roads. So to this end, one of our witnesses provided a detailed examination of lending practices by several top TARP recipients and found, as we have all since learned, that net new lending was nearly zero. By integrating not only new loans but also contraction in credit, in the form of foreclosures, shortened credit lines and so on, this witness was able to independently estimate actual new lending—one of the key purposes of the TARP capital infusions—something Treasury had been completely dependent on the TARP recipient companies for producing.

I understand that Treasury has made some improvement in other TARP programs created since our hearing.

Then more recently, my subcommittee has been engaged in an investigation of the circumstances around a merger that received considerable emergency assistance from Treasury and the Federal Reserve. Here too the transparency issue arose. One of the main problems the systemic regulators were trying to deal with was predictable investor surprise around the unexpectedly huge losses the merger was suffering. Our investigation found that unmistakable warning signs of those losses were known to the acquiring company before their shareholders were asked to ratify the merger, but the company did not share the information with its shareholders. Furthermore, our investigation showed that the Fed was completely aware of the possible securities fraud even as it was orchestrating a bailout to deal with the consequences of a misinformed investor community.

Now the Fed is an interesting example of an institution that is statutorily protected from transparency. First a bit of background: As you know, Congress depends upon the Government Accountability Office to perform directed and statutorily required audits and reviews, which Congress uses as one important source of information and analysis for government oversight. But a little known statute called the Federal Banking Agency Audit Act

of 1978 barred GAO from reviewing the Fed's monetary functions. Along comes the financial crisis and the Fed engages in a number of extraordinary measures, spends over \$1 trillion dollars so far, invokes emergency powers to purchase and lend against assets it has never before held, and yet the Fed's interventions enjoy complete protection from GAO scrutiny of these crisis interventions because it calls them monetary policy. This is certainly debatable, and the Oversight and Government Reform Committee adopted unanimously my amendment to authorize GAO to conduct reviews of the special facilities created by the Fed to deal with the financial crisis. But we have a long and difficult road ahead before we see the Kucinich amendment become law, in spite of the fact that we are in a crisis due in significant part to the lack of transparency.

So I will leave you with these thoughts: Our economy and our political system and its institutions are in severe need of greater transparency. We are living with the consequences of a lack of transparency. And yet, it will be difficult to administer the medicine we will all benefit from. I look forward to working with you to see that we get the transparency we desperately need.

EARMARK DECLARATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. EHLERS. Madam Speaker, pursuant to the Republican Leadership standards, I am submitting the following information regarding projects I received funding for as part of H.R. 3183, the Energy and Water Development Appropriations Act for fiscal year 2010.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 3183

Agency: Department of Energy

Account: Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: The City of Grand Rapids

Address of Requesting Entity: 300 Monroe Ave. NW, Grand Rapids, MI 49503

Description of Request: This bill provides \$250,000 for the City of Grand Rapids to purchase and install an estimated 400 solar panels on the roofs of several City buildings to demonstrate the benefits of onsite solar panels. This funding is a valuable use of taxpayer money because the panels will help reduce the city's energy consumption and dependency on the national grid by drawing from a localized energy source. Approximately three-quarters of the funding will be used to purchase the solar panels, and approximately one-quarter of the funding will be applied to the installation of the panels. This project is of national significance and a good use of taxpayer dollars because it will support local "green" jobs and promote more widespread commercial use of solar technology whose value is proven, but whose cost must become more competitive with conventional sources of energy.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 3183

Agency: U.S. Army Corps of Engineers

Account: Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: U.S. Army Engineer District, Chicago, 111 North Canal Street, Suite 600, Chicago, IL 60606

Description of Request: This bill provides \$7,575,000 for the Chicago Sanitary and Ship Canal Dispersal Barrier. This funding is a valuable use of taxpayer money because, historically, the Great Lakes and the Mississippi River were separated naturally by a landmass. However, since the completion of the Chicago Sanitary and Ship Canal, aquatic species can move freely between the two water systems. A temporary dispersal barrier (Barrier I) has been operating for nearly 7 years, and construction of a permanent barrier (Barrier IIA) will be completed this year.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 3183

Agency: U.S. Army Corps of Engineers

Account: Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: U.S. Army Engineer District, Chicago, 111 North Canal Street, Suite 600, Chicago, IL 60606

Description of Request: This bill provides \$3,200,000 for the Great Lakes Fishery and Ecosystem Restoration program. The Great Lakes sustain a nationally and internationally significant fishery that has been degraded by habitat losses, contamination, and invasive species. This funding is a valuable use of taxpayer money because under this program, the Corps will coordinate with other Federal, State, and local agencies and the Great Lakes Fishery Commission to plan, implement, and evaluate projects supporting the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes. A range of aquatic habitat restoration projects can be done under this program including riparian habitat and wetland restoration, dam removal to reestablish free flowing tributaries, fish passages, and erosion and sedimentation control. This program is an important component of the Great Lakes Strategy developed by the U.S. Policy Committee in 2000 as well as the 2005 Great Lakes Regional Collaboration Strategy.

Requesting Member: Congressman VERNON J. EHLERS

Bill Number: H.R. 3183

Agency: U.S. Army Corps of Engineers

Account: Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: U.S. Army Engineer District, Chicago, 111 North Canal Street, Suite 600, Chicago, IL 60606

Description of Request: This bill provides \$4,000,000 for technical assistance to Remedial Action Plans (RAP) Committees. This funding is a valuable use of taxpayer money because, under the 1987 Great Lakes Water Quality Agreement, the United States and Canada agreed to develop remedial action plans for each of the 43 internationally recognized Areas of Concern (26 U.S. sites and 5 shared U.S. and Canadian sites). RAPs embody a comprehensive ecosystem approach to

restoring and protecting beneficial uses and to identifying specific actions to resolve pollution problems. This Corps of Engineers program authorizes the Corps to provide technical support to states and local organizations in the development and implementation of RAPs. The Corps' expertise in dredging and sediment management is valuable for the planning and designing of contaminated sediment cleanups. State and local agencies from 25 RAPs in Indiana (Grand Calumet River), Ohio (Black, Maumee and Cuyahoga Rivers), New York (Buffalo River, Eighteen Mile Creek, Rochester Embayment and St. Lawrence River), Michigan (Deer Lake, Torch Lake, Muskegon Lake and White Lake), New Raisin, Rouge, Saginaw, St. Marys, St. Clair, Detroit, and Clinton Rivers), Minnesota (St. Louis River), Wisconsin (Milwaukee Bay, Menominee, Sheboygan, and Fox Rivers), and Pennsylvania (Presque Isle Bay) have requested funding.

IN SUPPORT OF H. RES. 519

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Ms. JACKSON-LEE of Texas. Madam Speaker, I would like to begin by thanking Congressman BART STUPAK, for introducing this legislation. Every year on July 1st, I look forward to officially celebrating the establishment of Canada and all of her wonderful accomplishments. Canada has proven to be one of this nation's most trusted allies and as a member of the Homeland Security Committee, I personally work closely with Canadian officials to ensure the 5,500-mile border that we share remains secure. In this era of heightened security, the United States and Canada have renewed cooperative efforts to safeguard the movement of people and goods, improve information-sharing, and strengthen border infrastructure and technology across the border.

In a world in which too many nations still choose conflict over cooperation, and erect barriers instead of bridges, the U.S.-Canadian partnership has been and must ever be a model for others, and the foundation on which to build a common future. Indeed, our relationship is centered on a shared continent, shared values, shared aspirations, and real respect for our differences.

Over the years, our nations have forged the most comprehensive ties of any two nations on Earth. They bind not only our governments, but also our economies, our cultures, and our people. From NORAD to NAFTA, Canadians and Americans have seized opportunities to provide for our common security and prosperity. We've tackled tough problems from acid rain and water pollution to differences over beer and grain in the spirit of friendship and in pragmatism.

Addressing the Canadian parliament 50 years ago, President Truman declared that the success of the U.S.-Canadian relationship was due to "one part proximity, and nine parts good will and common sense." Good will and common sense remain the foundation of our friendship.

In Texas, the territory of the Consulate General in Dallas and the Canadian Consulate in Houston encompasses five states with over 36 million people. Bilateral trade with the region is over \$30 billion each year; therefore I am very aware of how important a strong trade relationship is for both countries.

Specifically the cities of Alberta and Houston share a number of distinguishing features which make them sister cities. Over the past 10 years Alberta has had the strongest economy in Canada, with an average rate of growth of 3.7 per cent per year, while Houston continues to thrive as the energy capital of the United States. Canada is the U.S. most important trading partner, with over \$570 billion dollars in goods and services being traded between the two countries in 2006. Canada and the U.S. enjoy an interdependent energy relationship, trading oil, natural gas, coal, and electricity. Canada has a reported 178.8 billion barrels of oil reserves as of 2006, second only to Saudi Arabia. Over 95% of these reserves are in oil sands deposits in Alberta. Moreover, Canadian oil sands in Alberta have made Canada the largest exporter of oil to the U.S. and have helped alleviate our dependence on foreign sources of oil from parts of the world which geopolitically face much more risks than our neighbor to the north. Recent proposals by Canadian companies such as Enbridge and Altex to build oil pipelines from Alberta to Houston seem very promising, and I look forward to the progress they make. These 2,000 mile pipelines, which are targeted to be in service by 2010, will send over 500,000 barrels of oil per day.

I would like to congratulate Canada on its many accomplishments over the years and remain appreciative to the people and Government of Canada for their long history of friendship and cooperation with the people and Government of the United States.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. KLEIN of Florida. Madam Speaker, I rise today to submit a record of how I would have voted on July 10, 2009 when I was unavoidably detained.

Had I voted, I would have voted "yes" on rollcall No. 526; "yes" on rollcall No. 527; "no" on rollcall No. 528; "yes" on rollcall No. 529.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Ms. WOOLSEY. Madam Speaker, on July 9, 2009, I was unavoidably detained and was not able to record my vote for rollcall No. 506 and No. 511.

Had I been present I would have voted: rollcall No. 506—no—Flake of Arizona Part D Amendment No. 4; rollcall No. 511—yes—Table Appeal of the Ruling of the Chair.

DEFENSE AUTHORIZATION ACT,
H.R. 2647

HON. ALAN GRAYSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mr. GRAYSON. Mr. Chair, amendment 106 to the Defense Authorization Act, H.R. 2647, requires a justification for the use of factors other than cost or price as predominant factors in evaluating competitive proposals for defense procurement contracts. The intent of this provision is to mandate that officials of the Department of Defense weight cost or price as the predominant factor in solicitations for defense procurement contracts, with only occasional and well-justified exceptions.

This amendment requires quantification of the relative weight of evaluation factors in the evaluation scheme, insofar as this is necessary to ensure compliance with the amendment.

The purposes of this amendment are twofold. First, the use of cost or price as the predominant evaluation factor will result more frequently in the selection of the low-cost or a lower-cost offeror, which will save the Government money. Second, the use of cost or price as the predominant evaluation factor will encourage and incentivize offerors to submit "lean" proposals that will save the Government money.

Defense Secretary Robert Gates recently criticized military systems that "have grown ever more baroque, have become ever more costly, are taking longer to build, and are being fielded in ever-dwindling quantities." This amendment combats that trend.

Another recent reminder of the risk of "gold plating" comes from the "Marine One" Presidential helicopter procurement program. It would be difficult to identify any commercial helicopter that costs as much as \$40 million, but the VH-71 helicopters being purchased are likely to cost ten times that much. This is more than the cost of the Boeing 747s employed in the "Air Force One" program, even when that cost is adjusted for inflation.

Agencies may avoid the use of cost or price as predominant factors in solicitations only if the procurement officer or agency head determines that employing cost or price as predominant factors would—

(1) Materially increase the risk of failure of the mission or missions in which the item being procured will be employed, in an ascertainable manner specific to the mission or missions involved;

(2) Demonstrably threaten the safety or health of members of the Armed Forces or persons in their custody or care;

(3) Result in foreseeable and quantifiable additional defense expenditures outside the context of the procurement at hand that exceed any savings expected from employing cost or price as predominant factors;

(4) Deprive the Government of post-performance rights or property, such as warranties or intellectual property, the quantifiable value of which exceeds any savings expected from employing cost or price as predominant factors; or

(5) Violate an international agreement.

Justifications that are not satisfactory include:

- (1) Preexisting law, other than international agreements;
- (2) A generalized preference for quality, reliability, experience or high performance;
- (3) Evolving technical requirements;
- (4) Concerns about contractor responsibility; and
- (5) Any other reason not enumerated as a valid justification above.

The justification required by this provision generally should follow the same procedures as the justifications required for other than full and open competition, as currently set forth in Federal Acquisition Regulation sections 6.303 and 6.304. In all cases in which extrinsic savings or risks are the justification, they shall be described in detail, with a description of how they were derived.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 14, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 15

9:30 a.m.

Foreign Relations

To hold hearings to examine the nominations of Vilma S. Martinez, of California, to be Ambassador to Argentina, Nicole A. Avant, of California, to be Ambassador to the Commonwealth of The Bahamas, Vinai K. Thummalapally, of Colorado, to be Ambassador to Belize, and John R. Nay, of Michigan, to be Ambassador to the Republic of Suriname, all of the Department of State.

SD-419

Rules and Administration

Business meeting to markup S. 1415, to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted.

SR-301

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the public safety impact of contraband cell phones in correctional facilities.

SR-253

Homeland Security and Governmental Affairs

To hold hearings to examine the REAL ID Act.

SD-342

10:30 a.m.

Environment and Public Works

Business meeting to consider an original bill to extend the programs of SAFETEA-LU, and the nominations of Robert Perciasepe, of New York, to be Deputy Administrator, and Craig E. Hooks, of Kansas, to be an Assistant Administrator, both of the Environmental Protection Agency.

SD-406

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Mignon L. Clyburn, of South Carolina, and Meredith Attwell Baker, of Virginia, both to be a Member of the Federal Communications Commission.

SR-253

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine maritime disputes and sovereignty issues in East Asia.

SD-419

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 227, to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, S. 625, to authorize the Secretary of the Interior to establish the Waco Mammoth National Monument in the State of Texas, S. 853, to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System, S. 1053, to amend the National Law Enforcement Museum Act to extend the termination date, S. 1117, to authorize the Secretary of the Interior to provide assistance in implementing cultural heritage, conservation, and recreational activities in the Connecticut River watershed of the States of New Hampshire and Vermont, S. 1168 and H.R. 1694, bills to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program, and H.R. 714, to authorize the Secretary of the Interior to lease certain lands in Virgin Islands National Park.

SD-366

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine the regulation of hedge funds and other private investment pools.

SD-538

Intelligence

Closed business meeting to markup an original bill authorizing funds for fiscal

year 2010 for the intelligence community.

S-407, Capitol

JULY 16

9 a.m.

Armed Services

To receive a closed briefing to examine the START Treaty follow-on agreement.

SVC-217

Budget

To hold hearings to examine the long-term budget outlook.

SD-608

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine how to prevent home foreclosures.

SD-538

Foreign Relations

East Asian and Pacific Affairs Subcommittee

To hold hearings to examine instability, terrorism, and economic disruption in relation to oil.

SD-419

Environment and Public Works

To hold hearings to examine moving toward a clean energy economy.

SD-406

10 a.m.

Commerce, Science, and Transportation

Consumer Protection, Product Safety, and Insurance Subcommittee

To hold hearings to examine competition in the health care marketplace.

SR-253

Health, Education, Labor, and Pensions

Employment and Workplace Safety Subcommittee

To hold hearings to examine the Workforce Investment Act of 1998.

SD-430

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Christine M. Griffin, of Massachusetts, to be Deputy Director, Office of Personnel Management, and Stuart Gordon Nash, to be an Associate Judge of the Superior Court of the District of Columbia.

SD-342

2 p.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine the impact of the Iran crisis on its OSCE neighbors.

B318, Rayburn Building

2:30 p.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine contracting for Alaska native corporations.

SD-342

Foreign Relations

To hold hearings to examine the nominations of Anne Elizabeth Derse, of Maryland, to be Ambassador to the Republic of Lithuania, Donald Sternoff Beyer, Jr., of Virginia, to be Ambassador to Switzerland, and to serve concurrently and without additional compensation as Ambassador to the Principality of Liechtenstein, Howard W. Gutman, of Maryland, to be Ambassador to Belgium, and David H. Thorne, of Massachusetts, to be Ambassador to the

Italian Republic, and to serve concurrently and without additional compensation as Ambassador to the Republic of San Marino, all of the Department of State.

SD-419

JULY 17

10 a.m.

Banking, Housing, and Urban Affairs
Economic Policy Subcommittee

To hold hearings to examine the elements of a national manufacturing strategy.

SD-538

JULY 21

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 561 and H.R. 1404, bills to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy.

SD-366

Homeland Security and Governmental Affairs

To hold hearings to examine stimulus spending, transparency, and fraud prevention.

SD-342

2:15 p.m.

Foreign Relations

Business meeting to consider pending calendar business.

S-116, Capitol

2:30 p.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine the wheat market.

SD-342

JULY 22

10 a.m.

Veterans' Affairs

To hold hearings to examine the nominations of Raymond M. Jefferson, of Hawaii, to be Assistant Secretary of Labor for Veterans' Employment and Training, and Joan M. Evans, of Oregon, to be an Assistant Secretary of Veterans Affairs for Congressional and Legislative Affairs.

SR-418

2:30 p.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the role of agriculture and forestry in global warming legislation.

SR-325

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 635, to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek

in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System, S. 715, to establish a pilot program to provide for the preservation and rehabilitation of historic lighthouses, S. 742, to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, S. 1270, to modify the boundary of the Oregon Caves National Monument, S. 1418 and H.R. 2330, bills to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System, and H.R. 2430, to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

SD-366

JULY 29

9:30 a.m.

Veterans' Affairs

To hold hearings to examine veteran's disability compensation.

SR-418

SENATE—Tuesday, July 14, 2009

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, our help in ages past and our hope for years to come, thank You for the demonstrated durability of our governmental institutions and for those who serve You faithfully by preserving our freedom. Bless our Senators as they strive to do Your will.

Lord, manifest Your presence and power in their daily work so that they will not become weary in doing good. Move them toward the deeper dedication and the higher purpose of providing hope for the marginalized in our world. Show them what they can do to bring about the moral and spiritual renewal of this Nation in order to hasten the coming day of justice and peace in our world. We pray in the Name of the King of Kings. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 14, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business, with Senators allowed to speak for up to 10 minutes each. The majority will control the first 30 minutes, the Republicans will control the final 30 minutes. Following morning business, the Senate will resume consideration of the Department of Defense authorization bill.

Pending is an amendment dealing with the airplane, the F-22. That amendment has been offered by Senators LEVIN and MCCAIN, the two managers of this bill. The President has indicated if the F-22 language stays in the bill, he will veto it.

A decision has to be made today as to how we are going to dispose of this amendment, either by passing it or by moving beyond it in some way. We will recess today from 12:30 until 2:15 to allow for the weekly policy lunches.

There will be no rollcall votes after 2 or 2:30 today.

HEALTH CARE REFORM

Mr. REID. Mr. President, I think nearly every one of us has gone to the doctor and taken home advice to help us get better or to live healthier. Maybe at one point in our lives, we were told, for example, to exercise more. Maybe we were told to cut something out of our diet, lose some weight, add something to it, gain some weight, change your diet in some way.

Maybe we were prescribed medication for a short while or for a long while. People within the sound of my voice in this Senate Chamber all have been to doctors, and many are taking medicine now. It is not always easy to hear the advice doctors give or to follow the advice they give. It is never easy to change your lifestyle, even if you know you will be better in the long run.

But you also know the risk of not following your doctor's orders and the consequences of not taking your medicine. The costs of doing nothing are far greater. You know that if you do not do something this time, the news after your next checkup may even be worse; it will take even more drastic steps or more difficult changes to get healthy again.

Well, America has had its checkup, and the prognosis is not promising. Our health care system is sick. It is not healthy. Our doctor's orders are very clear: If we do not start taking better care of ourselves, it is only going to get worse. This is the message America has.

The costs of health care today are staggering. Families in every part of Nevada and in every State feel this every day. But the costs could get much higher. If we do not act, they will get worse, much worse, much higher.

If we do not act, they will get higher.

The average American family today pays twice as much for its health care then it did a decade ago. If we do not act, less than a decade from now those costs will double again. Families are not making more money, but they are paying more trying to get healthy and to stay healthy. If we do not act, less than a decade from now you will spend almost half your family's income on health care. No one can be expected to afford that. No one should have to afford that.

After a while, the trillions of dollars millions of families spend start to add up. Our country spends on health care twice as much per person than any other developed nation on the planet. Health care costs consume almost 20 cents of every dollar we spend. That is of every dollar spent in America. If we do not act, in a generation it will consume more than one-third of every dollar.

You may be fortunate enough to afford health care this year, but if we do not act, you may not be able to say the same next year. If we do not act, your children will likely not be able to say the same when they grow up.

Last Thursday, I was in an event with Senator MURRAY, where she got notice from the State of Washington that 135,000 people who are beneficiaries of a health insurance plan in her State got a notice that the average rate of increase to the 135,000 recipients of health care in that plan will have an increase on an average of 17.5 percent.

Staggering. We have all read the charts and seen the numbers repeated by those who oppose fixing our broken health care system. There are charts and there are conversations all toward maintaining the status quo, keeping things the way they are. But it is as if they have not bothered to do the math on the costs of doing nothing.

Health care reform is economic reform. That is why we want to lower skyrocketing costs and bring stability and security back to health care. That is why we are committed to passing a plan that protects what works and fixes what does not. I am encouraged by the cooperation and commitment of several Republican Senators willing to work with us to get that done and to get it done before it is too late.

I appreciate the tireless work of our Finance and HELP Committees, Democrats and Republicans, as they write a

prescription for America that will work. I had a call last night about 10 from CHRIS DODD, indicating the progress that has been made in the HELP Committee.

Republicans have offered hundreds of amendments—hundreds of amendments—and they are working their way through those. Those Republican amendments sometimes improve the legislation. For example, Senator DODD said he was very pleased they were able to work something out on biogenerics—that is a prescription physicians get—and there is some real activity out there as to how that is going to be treated.

An amendment offered by Senator HATCH was adopted by the committee. I appreciate the work of our Finance and HELP Committees as they write a prescription for America that will work.

I still aim to bring the bill to the floor this month, but it appears somewhat to ignore the doctor's orders. I wish I could say they do so at their own peril. Yet if a handful of Senators stand in the way of the change we so drastically need, urgently need, they will endanger not just them but all of us. They will endanger families of every background, businesses of every size, and our Nation's collective future.

We have already seen what happens when we do nothing. Over the past 8 years of inaction, the cost of health care rose to record levels, and the number of Americans who cannot afford insurance did the same. Senator PATTY MURRAY's story is certainly relevant. For the 135,000 people in the State of Washington, a 17.5-percent increase, on average, of their policies, is what they have to pay.

For the millions of families who file for foreclosure because they cannot afford both their house and health care, not acting is not an option. For the millions of Americans who file for bankruptcy because their medical bills grow higher and higher and higher, not acting is not an option. For the millions of Americans who have skipped a doctor's visit or treatments they need to stay healthy or who never fill a prescription their doctor gives them because health care is simply too expensive, not acting is not an option.

Our health care system is not healthy. Americans' physical health and America's fiscal health are at stake, and not acting is not an option.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

HEALTH CARE WEEK VI, DAY II

Mr. McCONNELL. Mr. President, as both parties work together on reforming health care, Americans have been

clear about what they want to see in a result. Americans want health care that is more affordable and accessible, but they also want to preserve the choice and quality that our current system provides.

We also know what Americans do not want. They do not want a government plan that forces them off their current insurance; denies, delays, and rations care; or costs trillions of dollars, only to leave millions of Americans with worse health care than they currently have.

And Americans certainly do not want us to throw together some patchwork plan that nobody has had a chance to look at, and then rush it out the door the way the stimulus bill was, just so politicians in Washington can say they accomplished something.

Americans are increasingly concerned about some of the proposals coming out of Washington, and they are concerned about the cost, about who gets stuck with the bill.

And they are concerned for good reason.

All the cost estimates we have seen for Democrat reform proposals have been staggering, and most of them only hint at what the true cost of these changes might be.

Moreover, some estimates claim to cover a 10-year period but actually only cover a 6 year period.

We also know from hard experience with programs like Medicare and Medicaid that government-run health plans are likely to cost far more in the long run than original estimates suggest.

And we have seen that with the current administration initial estimates and assurances are not always on target. Earlier this year, the Administration predicted the stimulus bill would keep unemployment below 8 percent. It is now approaching 10 percent.

So Americans are increasingly concerned about cost. This is why the advocates of government-run health care are scrambling for a way to pay for it. But in their rush to find the money, they have come up with some terrible ideas, such as forcing small business owners and seniors to pick up the tab through higher taxes and cuts to Medicare.

Let me repeat that: the advocates for government-run health care now want small business owners and seniors to pay for their plan through higher taxes and cuts to Medicare. This is exactly the wrong approach. Raiding one insolvent government-run program to create another is not reform. It is using old ideas to solve a problem that calls for fresh thinking. Medicare should be strengthened for future generations, not used as a piggy bank to fund more government programs.

As for tax hikes on small business owners, this is the last thing we should be doing to the people who have created approximately two-thirds of

America's jobs over the past decade at a time when the unemployment rate is approaching 10 percent. According to the President of the National Federation of Independent Business, some proposals currently being considered in Congress could kill more than 1.5 million jobs. And there is strong evidence that low-wage workers, minorities, and women would be hardest hit. In the middle of a recession, we should be looking for ways to create jobs, not destroy them. We should be looking for ways to help workers, not hurt them.

Americans want health care reform. But they do not want so-called reforms that could cost trillions of dollars, that could increase insurance premiums, or that could cause millions to end up with worse care than they now have. And they certainly do not want a slapped-together plan that's paid for on the backs of seniors and small business owners.

Instead, Americans want us to work together on proposals that are likely to garner strong bipartisan support. I have listed many of these proposals repeatedly over the past several weeks, such as reforming medical malpractice laws to get rid of junk lawsuits and bring down costs, and encouraging wellness and prevention programs such as those that help people quit smoking and overcome obesity, programs that have already been shown to cut costs. These are some of the commonsense ideas Americans are looking for on health care reform.

Health care reform will not be easy. But it does not have to bury our children and grandchildren deeper in debt when so far this year we're already spending an average of \$500 million a day in interest on the national debt. The proposal I have mentioned should be easy for everyone to agree on. They would lead to measurable results. And they would not force anyone to lose the care they have, see cuts to Medicare, or foist higher taxes on small businesses.

Americans are concerned about the cost of reform. We should work hard to assure them that we are too.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there

will be a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from New Hampshire.

SUICIDE PREVENTION

Mrs. SHAHEEN. Mr. President, I rise today to speak about an amendment that I have filed to the National Defense Authorization Act of 2010. This amendment is to ensure that comprehensive suicide prevention services will be offered to our National Guard and Reservists as part of the Yellow Ribbon Reintegration Program.

Sadly, too often we hear about the death of an armed services member from an unnecessary and preventable suicide. Suicide has become an increasingly severe problem across the Armed Forces. For the first time in history, the number of battlefield suicides in early 2009 was higher than the number of combat deaths. I am pleased that the Defense Authorization Act we are considering supports increased efforts to prevent suicide among active duty personnel. However, there is currently no requirement that all National Guard members and communities have access to a comprehensive suicide prevention program.

Even in the wake of suicides, Guard members are often called back to active duty and redeployed into dangerous and intense combat situations. Suicide devastates not only military families but also military communities and fellow soldiers. Currently, while active duty soldiers receive suicide prevention training programs, there are no established programs to train National Guardsmen and Reservists to prevent suicides when they return to their communities from deployment. And the families of Guardsmen and Reservists do not receive training under Yellow Ribbon to recognize the warning signs of suicide.

In Afghanistan and Iraq, we increasingly rely on our National Guard and Reservists. We see that first-hand in New Hampshire: Recently, more than 1,100 members of the 197th Fires Brigade, which includes units from Berlin, Franklin and Manchester, NH, received notice that they can expect to be deployed to the Middle East. Fortunately, when these soldiers return home from battle, they and their communities will have comprehensive suicide prevention training available to them. That is thanks to the initiative of New Hampshire's National Guard's pilot program, the Connect Program, that has gone beyond the Yellow Ribbon Program.

To date, the Connect Program, which is administered by the National Alli-

ance on Mental Illness in New Hampshire, has provided hundreds of officers, Chaplains and other Guardsmen with an interactive, community-based suicide prevention training. Through Connect, a Guard member who returns home from duty learns how to recognize the warning signs of suicidal behavior, how to respond to someone who shows those signs, and where to point that person to the services he or she needs.

But the program doesn't end with the Guard member. It also provides this training to the Guard member's community. The Guard member's commanding officers are trained to recognize suicidal tendencies in the soldiers who they command. Guard families, who often have no experience with mental illness and suicide, are also provided with that training. This is especially critical because, unlike active duty personnel, Guard members don't see their fellow soldiers every day when they come back from being deployed. Instead, they go back to their families and civilian communities, which simply aren't capable of recognizing the warning signs of suicidal behavior. The Connect Program fills a crucial gap because it uses interactive training to emphasize that mental health is a community responsibility.

The Connect Program also ensures that community members know how to cope with and respond to a suicide in the Guard community. People who know someone who has died by suicide are statistically at increased risk of taking their own life. The program helps communities reduce that risk and promote healing in response to a suicide, which is an essential element of any suicide prevention program. Thanks to their effective work in response to suicides, Connect has been designated as a National Best Practice Program in Suicide Prevention and its work with the National Guard was recently recognized as a model program by the Substance Abuse Mental Health Services Administration in the Department of Health and Human Services, HHS.

But not all State National Guards offer such comprehensive suicide prevention programs after deployment. In the Army National Guard alone, there have been 29 confirmed suicides this year among Army Guardsmen who were not on active duty. I rise today because we need to extend these critical services across the country before even more soldiers fall through the cracks.

The Yellow Ribbon Reintegration Program has been a tremendously important and successful effort to transition our Guard members back to civilian life. However, these Guard and Reservist suicides have made clear that Yellow Ribbon is simply incomplete without an established, nationally implemented program that trains Guard

members, communities and families to recognize the warning signs of suicide after deployment and to cope with the loss of a loved one.

Fortunately for us in New Hampshire, our National Guard identified that need early and went above and beyond Yellow Ribbon, creating a pilot program to ensure that the New Hampshire Guard community has the tools they need to prevent suicides when soldiers return from battle. Studies of the Connect Program have shown that people who receive this training feel particularly well-prepared to not only recognize the warning signs of suicide, but also to respond to suicides in their communities.

But others across the country may not be so fortunate. That is why this amendment would require the Office for Reintegration Programs to establish a program to provide these members, their families, and their communities with training in suicide prevention and community healing in response to suicide. The principals of the program would be modeled on the nationally recognized pilot program that has worked so well in New Hampshire.

I am pleased that the amendment is supported by the National Guard Association of the United States. Please join us in making these critical services a standard part of our outreach to National Guard members, families, and communities across the country.

Mr. President, I ask unanimous consent that a copy of the amendment be printed in the RECORD at this point.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

On page 161, after line 23, add the following:

SEC. 557. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 10101 note) is amended—

- (1) in subsection (h)—
 - (A) by striking paragraph (3); and
 - (B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and
- (2) by adding at the end the following new subsection:

“(i) SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE PROGRAM.—

“(1) ESTABLISHMENT.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members, their families, and their communities with training in suicide prevention and community healing and response to suicide.

“(2) DESIGN.—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

“(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death for National Guard and Reserve members; and

“(B) the adjutant general of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

“(3) OPERATION.—

“(A) SUICIDE PREVENTION TRAINING.—The Office for Reintegration Programs shall provide National Guard and Reserve members with training in suicide prevention. Such training shall include—

“(i) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

“(ii) examining the influence of military culture on risk and protective factors for suicide; and

“(iii) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

“(B) COMMUNITY HEALING AND RESPONSE TRAINING.—The Office for Reintegration Programs shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that promote individual and community healing. Such training shall include—

“(i) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

“(ii) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

“(iii) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

“(iv) managing resources to assist key community and military service providers in helping the families, friends, and fellow soldiers of a suicide victim through the processes of grieving and healing.

“(C) COLLABORATION WITH CENTERS OF EXCELLENCE.—The Office for Reintegration Programs, in consultation with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, shall collect and analyze ‘lessons learned’ and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.”

Mrs. SHAHEEN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. ALEXANDER. Mr. President, I assume the order is to begin the Republican 30 minutes of morning business. I would like to take the first 20 minutes and be informed when I have 1 minute left, and Senator GREGG will take the last 10 minutes. Then the Democratic time remaining will be reserved for the Democratic side when they want to use it.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Thank you, Mr. President.

HEALTH CARE REFORM COST

Mr. ALEXANDER. Mr. President, the President has expressed several times his concern about our Nation's debt. We Republicans have a great concern about the amount of debt being stacked up in this country.

President Obama's proposals will, over the next 10 years, add three times as much to the national debt, almost, as was spent during World War II, according to the Washington Post. The President has had a summit on entitlement spending, which is the principal cause of the debt. He has said we need to pay for programs as we go. If we spend a dollar, we should save a dollar or tax a dollar. More recently he has said that health care legislation has to be paid for.

Well, Mr. President, we are rushing down a road to pass a bill without knowing what it costs. I just left the work we are doing in the HELP Committee. The Finance Committee is working hard. We had a bipartisan breakfast of nearly 20 Senators this morning discussing how we could have a bipartisan result in health care this year.

But we cannot do it unless we know how much it costs. It affects 16 percent of our entire national budget. We do not have a bill yet. The HELP Committee may have one by the end of the week, in which Republicans have had almost no input. The Finance Committee is trying to develop a bipartisan bill, but they are not going to begin writing a bill until next week. Then it will take several weeks to know what it costs. We need to know, not just so we do not add to the debt, but so we can understand what the various options are and how much they cost.

We are talking about Medicare cuts and spending Grandma's Medicare money on somebody else. How much does that cost? We are talking about taxes on employers. How much does that cost? We are talking about adding to the debt. By exactly how much? We are talking about a surtax on incomes. We are talking about extensive increases in State costs in Medicaid.

So we want a health care bill. But we want something Americans can afford, and after we are through fixing health care, we want to make sure they have a government they can afford. We agree with the President. We cannot responsibly pass a bill on this floor until we know what it costs.

So why the rush? Let's do it right. We are talking about one of the most important pieces of legislation ever, and we are talking about trillions of dollars.

CLEAN ENERGY

Mr. ALEXANDER. Mr. President, I delivered an address yesterday at the

National Press Club about the Republican plan for clean energy. We call it a low-cost clean energy plan. It begins with the idea of building 100 new nuclear power plants in the next 20 years; electrifying half our cars and trucks in the next 20 years; exploring for natural gas, which is low carbon, and oil offshore—if we are going to continue to use oil, it might as well be our own—and then, finally, doubling our research and development budget, as President Obama has proposed, so we can have ‘mini Manhattan Projects’ in renewable energy to try to reduce renewable energy technologies' costs and make them more reliable so they can contribute to our energy needs.

I would like to make a few remarks today on our low-cost plan for clean, renewable energy and compare it with what is coming over from the House, which is a high-cost plan.

Our country is at a critical point. The recession is the most severe in decades. Unemployment is nearing 10 percent. We have too much national debt. A gathering storm threatens the technological edge that has given Americans—only about 5 percent of the world's people—a remarkable standard of living that comes from producing 25 percent of the world's wealth. We remember last year's high oil prices. We know we are relying too much on other countries for energy. There is the unfinished job of cleaning our air, and, for many, the global warming of our planet is an urgent concern.

It is against this backdrop that for the first time ever legislation dealing broadly with climate change and energy is coming out of the House. We are working on the same subjects in the Senate. The decisions we make will affect our well-being for years to come.

The House has chosen the high-cost solution to clean energy and climate change. Its economy-wide cap-and-trade and renewable energy mandate is a job-killing, \$100 billion-a-year national energy tax that will add a new utility bill to every American family budget.

Republican Senators offer a different approach, a low-cost plan for clean energy based upon four steps: 100 new nuclear plants in 20 years, electric cars for conservation, offshore exploration for natural gas and oil, and doubling energy research and development to make renewable energy cost competitive. The Republican plan will lower utility bills and create jobs and should put the United States within the goals of the Kyoto protocol on global warming by 2030. Our plan should not add to the Federal budget since ratepayers will pay for building the new nuclear plants. Federal loan financing for the first nuclear plants is designed not to cost the taxpayers money, and nuclear plants insure one another. Offshore exploration should produce revenues through royalties to pay for programs

to encourage electric cars and trucks; and doubling energy research and development should cost about \$8 billion more per year, which is consistent with the President's budget proposals for 2009 and 2010.

So in furtherance of that Republican plan, I have offered my own blueprint as one Senator about how to build 100 nuclear power plants in the next 20 years, and I am looking for support on the Republican side and on the Democratic side, in and out of Congress. For those who are watching and listening, I would like to have your comments and suggestions at www.alexander.senate.gov.

This is a good time to stop and ask: Just what are we trying to accomplish with energy and climate change legislation? What kind of America do we want to create during the next 20 years?

Well, first, we should want to see an America running on energy that is clean, cheap, reliable, and abundant. In order to produce nearly 25 percent of the world's wealth, we consume about 25 percent of the world's energy. We should want an America in which we create hundreds of thousands of green jobs, but not at the expense of destroying tens of millions of red, white, and blue jobs. In other words, it doesn't make any sense to put people to work in the renewable energy sector if we are throwing them out of work in manufacturing and high tech. That is what will happen if these new technologies raise the price of electricity and send manufacturing and other energy-intensive industries overseas, searching for cheap energy. We want clean, new, energy-efficient cars, but we want them built in Michigan and Ohio and Tennessee and not in Japan and Mexico.

We should want an America capable of producing enough of our own energy so we can't be held hostage by some other country.

We should want an America in which we are the unquestioned leader in cutting-edge, job-creating scientific research.

We should want an America producing less carbon. I don't think we ought to be throwing 29 billion tons of carbon dioxide into the environment every year, so that means less reliance on fossil fuels.

We want an America with cleaner air where smog and soot in Los Angeles and in the Great Smoky Mountains are a thing of the past and where our children are less likely to suffer asthma attacks brought on by breathing pollutants.

Finally, we should want an America in which we are not creating "energy sprawl" by occupying vast tracts of farmlands, deserts, and mountaintops with energy installations that ruin the scenic landscapes. The great American outdoors is a revered part of the American character. We have spent a cen-

tury preserving it. There is no need to destroy the environment in the name of saving the environment.

None of these goals are met by the House-passed Waxman-Markey bill. What started out as an effort to address global warming by reducing carbon emissions has ended up as a contraption of taxes and mandates that will impose a huge and unnecessary burden on the economy. Renewable energies such as wind and solar and biomass are intriguing and promising as a supplement to America's energy requirements. Yet the Waxman-Markey bill proves once again that one of the government's biggest mistakes can be taking a good idea and expanding it until it doesn't work anymore.

Trying to expand these forms of renewable energy to the point where they become our prime source of energy has huge costs and obvious flaws. What is worse, it creates what some conservationists call "the renewable energy sprawl," where we are asked to sacrifice the American landscape and overwhelm fragile ecosystems with thousands of massive energy machines in an effort to take care of our energy needs.

For example, one big solar power plant in the western desert where they line up mirrors to focus the Sun's rays and which spreads across more than 30 square miles—that is more than 5 miles on each side—produces just the same 1,000 megawatts you can get from a single coal or nuclear plant that sits on 1 square mile. And to generate the same 1,000 megawatts with wind, you need 270 square miles of 50-story turbines. Generating 20 percent of our Nation's electricity from wind would cover an area the size of West Virginia.

To those of us in the Southeast where the wind blows less than 20 percent of the time, they say "use biomass," which is burning wood products, sort of a controlled bonfire. That is a good idea. It might reduce forest fires and conserve resources, but let's not expect too much. We would need a forest a lot larger than the Great Smoky Mountains National Park to feed a 1,000-megawatt biomass plant on a sustained basis. And think of all of the energy used and the carbon produced by the hundreds of trucks it will take every day to haul the stuff to that one plant.

Already we are beginning to see the problems. Boone Pickens, who said that wind turbines are "too ugly," in his words, to put on his own ranch, last week postponed what was to be America's largest wind farm because of the difficulty of building transmission lines from West Texas to population centers. And the Sacramento Municipal Utility District pulled out of another huge project to bring wind energy in from the Sierra Nevada for the same reason. According to the Wall Street Journal, California officials are worried that the State's renewable

mandates have created "a high risk to the state economy . . . and that the state may be short on power by 2011 if problems continue to pile up."

Add to that a point that many forget: Wind and solar energy is only available about a third of the time because today it can't be stored—you use it or you lose it. Solar's great advantage is that the Sun shines during peak usage hours, while the wind often blows at night when there is plenty of unused electricity. But with either, if you want to be sure your lights turn on or that your factory opens its doors when you go to work, you still need other power plants to back it up.

Is this really the picture of America we want to see 20 years from now? There is a much better option. We should take another long, hard look at nuclear power. It is already our best source for large amounts of cheap, reliable, clean energy. It provides only 20 percent of our Nation's electricity but 70 percent of our carbon-free, pollution-free electricity. It is already far and away our best defense against global warming. So why not build 100 new nuclear plants in the next 20 years? American utilities built 100 reactors between 1970 and 1990 with their own (ratepayers') money. Why can't we do that again? Other countries are already forging ahead of us. France gets 80 percent of its electricity from 50 reactors, and it has among the cheapest electricity rates and the lowest carbon emissions in Europe. Japan is building reactors from start to finish in 4 years. China is planning 60 new reactors. Russia is selling its nuclear technology all over the world. We are helping India get ready to build nuclear plants. President Obama has even said Iran has the right to use nuclear power for energy. Yet we haven't built a new nuclear plant in 30 years, and we invented the technology. Why don't we get back in the game?

There seem to be a couple of main things holding us back: first, a failure to appreciate just how different nuclear is from other technologies, how its tremendous energy density translates into a vanishingly small environmental footprint, and second, an exaggerated fear of nuclear technology.

Many have forgotten that nuclear power plants were the result of President Eisenhower's "Atoms For Peace" program. The idea was to take perhaps the greatest invention of the last century and use it to provide low-cost energy to reduce poverty around the world.

There is also a misconception that nuclear plants are uninsurable and can't exist without a big Federal subsidy. There is a Federal insurance program for nuclear plants called Price-Anderson, but it has never paid a dime of insurance. Today, the way it works is every one of the 104 nuclear plants in

the country can be assessed \$100 million in damages for an accident at another reactor. So that is another factor adding to safety consciousness.

Most reactors have revenue of \$2 million a day, which pays for the \$5 billion construction loans and still makes possible low rates for consumers. For example, when the Tennessee Valley Authority restarted its Brown's Ferry Unit 1 reactor 2 years ago, TVA thought it would take 10 years to pay off the \$1.8 billion construction debt. It took 3 years. When oil prices were skyrocketing, Connecticut proposed putting a windfall profits tax on the state's two reactors because they were making so much money.

Nuclear power is the obvious first step to a policy of clean and low-cost energy. One hundred new plants in 20 years would double U.S. nuclear production, making it about 40 percent of all electricity production. Add 10 percent for Sun and wind and other renewable sources. Add another 10 percent for hydroelectric, maybe 5 percent for natural gas, and we begin to have a cheap, as well as a clean, energy policy.

Step two is to electrify half our cars and trucks. According to estimates by Brookings Institution scholars, there is so much unused electricity at night that we can also do this in 20 years without building one new power plant if we plug in vehicles while we sleep. This is the fastest way to reduce dependence on foreign oil, keep fuel prices low, and reduce the one-third of carbon that comes from gasoline engines.

Step three is to explore offshore for natural gas—it is low carbon—and oil—using less, but using our own.

The final step is to double funding for energy research and development and launch mini Manhattan Projects such as the one we had in World War II, this time to meet seven grand energy challenges: improving batteries for plug-in vehicles; making solar power cost-competitive with fossil fuels; making carbon capture a reality for coal-burning plants; safely recycling used nuclear fuel; making advanced biofuels—crops we don't eat—cost-competitive with gasoline; making more buildings green buildings; and providing energy from fusion.

We can't wait any longer to start building our future of clean, reliable, and affordable energy. The time has come for action. We must open our minds to the possibilities and potential of nuclear power. We have a clear choice between a high-cost clean energy plan coming from the House—one that is filled with taxes and mandates and a new utility bill for every American family, one that will drive jobs overseas searching for cheap energy—or we can enact our own cheap and clean energy policy and lower utility bills and keep jobs here and produce food here at a price that is low so Americans can afford to buy it.

This is the sensible way to go: nuclear power, electric cars, exploration offshore, and doubling research and development. This policy of cheap and clean energy will help family budgets and create jobs. It will also prove to be the fastest way to increase American energy independence, clean our air, and reduce global warming.

I hope those listening will let me know their thoughts about our blueprint for 100 nuclear power plants in the next 20 years. The way to do that is to visit www.alexander.senate.gov.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The Senator from New Hampshire.

NATIONAL DEBT

Mr. GREGG. Madam President, yesterday was not a great day for our Nation. For the first time in our history, the deficit of this Nation passed \$1 trillion—\$1 trillion. That is a number I do not think anybody ever expected to see as a deficit for our country.

To try to put it in perspective, as a percentage of our GDP, that is about 13 percent. We have not had that size deficit since we were in World War II. The implications of that deficit are staggering for us as a nation but, more importantly, it represents a clear and present danger to our children and our children's children and to this Nation's fiscal solvency.

Remember, we are not through the fiscal year yet. It is estimated that this deficit will continue up for the rest of the year. It is estimated that \$1.8 trillion will be the deficit we will be facing in 2010, and over \$1 trillion the next year. These are numbers which are so huge they are incomprehensible—incomprehensible to myself and to most Americans. But they translate into a very significant problem, which is that we will be passing on to our children, as a result of all this debt, a nation which they cannot afford.

What is the cause of this debt? What is causing this massive expansion in deficits? Primarily it is spending. It is not that we are a nation that is undertaxed. It is that we are a nation that is simply spending too much.

My colleague on the other side of the aisle, the chairman of the Budget Committee, Mr. CONRAD, is fond of saying the debt is the threat. He is absolutely right because that is the threat to this Nation.

It is important to put in context, though, that this is not a momentary event. We are not running up these deficits just today. But as we look into the outyears under the Obama budget, the deficits go up astronomically for as far as the eye can see, leading to debt which is unsustainable.

Over the next 10 years, the average deficit of this Nation will be \$1 trillion.

Again, let's try to put that in context. That is about 4 to 5 percent of our gross national product every year.

If you were in Europe and you wanted to get into the European Union, which is a legitimate group of industrialized nations, they have rules for how fiscally solvent you must be as a nation. One of their rules says your deficit cannot exceed 3 percent of your gross national product. Yet under President Obama and his proposed budget, our deficit will average 4.5 percent to 5 percent of our gross national product for the next 10 years, over \$1 trillion a year.

To what does this lead? It leads to massive expansion of debt, as this chart shows, a debt which will be 85 percent of our GDP. What does that mean, 85 percent of our GDP? The public debt of a nation is the debt held by other people, specifically Americans and other countries, primarily, in our case, China. They are the biggest holder of our debt. Historically, whether a country or individuals are willing to buy the debt of a nation depends on whether that nation is seen as being able to pay off that debt, that there is a reasonable likelihood of that, or whether the Nation has the strength to pay off that debt.

There are rules of thumb here too. Again, in order to get into the European Union, you have to have a ratio of less than 60 percent public debt to your nation's debt, to your nation's GNP, gross national product.

Yesterday, under this proposal, under this administration, as we are seeing in action as we passed the \$1 trillion debt line yesterday, that public debt goes well past 65 percent very quickly within the next 2 years, and then it continues to head up to 80 percent. In other words, our public debt will be so high we would be considered so irresponsible as a nation fiscally that the European nations, which are industrialized countries, under their rules would not be able to allow us into the European Union. Not that we wish to seek entry, but clearly that is a standard at which we should look.

If you look at it historically, our public debt—and what most economists agree is reasonable—has been between 30 and 40 percent of gross national product. That is a manageable public debt. But when you double that debt as a percent of GDP, you are putting us on a path, a spiraling path downward into fiscal insolvency and a nation which cannot sustain its own debt.

To try to address this in another way, President Obama's proposals for spending will more than double the debt in the next 5 years and triple it in the next 10 years. In fact, if you take all the debt that has been run up in our Nation from the beginning when George Washington was President through George W. Bush's term in office, take all that debt, President

Obama has proposed and is spending—this government is spending—at a rate that will double that debt in just 5 years. It is an inexcusable action to pass this much debt on to our children.

This chart, called the “Wall of Debt,” puts it in numerical terms. We can see how it goes up and up and up and up. By the end of this budget, the debt will have increased three times—three times from about \$6 billion to \$16 billion, about \$5.5 to \$16 trillion—excuse me, trillion dollars. It is hard to use the term “trillion.”

This is intolerable.

How do we address this situation? We need to control spending, and we need, to the extent we raise taxes, to use those taxes to reduce our debt, not expand the size of government. Yet what are the proposals we are seeing coming from this administration and Members on the other side of the aisle?

We have seen a House of Representatives proposal in the area of energy called the cap-and-trade bill, which should be more accurately described as the cap-and-tax bill because it creates a national sales tax of inordinate size. We have never seen anything of this size before. Every time you hit your light switch, you are going to end up paying a new tax under this bill for the purpose of addressing climate change and energy policy. Yet it does not really accomplish any of that.

The primary polluter in America today is the automobile. All that the new tax that is being put in place from the House bill does is increase the cost or increase the tax on gasoline. It does not reduce the mileage. It does not reduce the pollution. It just increases the tax.

As Senator ALEXANDER spoke prior to my speaking, in the area of energy production, electrical production, cap and trade simply becomes a windfall, a pure and simple corporate welfare program for a lot of large, major electrical producers. They get this asset, a certificate to sell, which we have seen generate huge amounts of income to them, in exchange for theoretically reducing the amount of emissions that go into the atmosphere.

If you wanted to address this issue, you don't do it with a massive new tax on American workers, which is then basically given back to the industry which uses it, which gets an advantage from it. Rather, you should use the ideas Senator ALEXANDER has talked about and we have been talking about on this side. Build 100 nuclear powerplants in the next 20 years, move the automobile fleet to at least half electrical by the year 2020 so that you have actually brought online nonpolluting electrical power and you have put in place automobiles which do not pollute also.

That is not the proposal. The proposal is this massive new tax, not used to reduce the debt or the deficit but ba-

sically used in many areas to expand the government with lots of new programs but also to underwrite a huge corporate welfare program.

Then the other proposal we have from the administration that is major public policy is the issue of health care. Again, proposals are about expanding dramatically the size of government. In fact, the bill being worked on in the HELP Committee, by its own scoring, is at least \$1 trillion unfunded. That adds to the debt. That is going to go on top of this debt.

To the extent there are new taxes being talked about—and there are a lot of them, especially in the House of Representatives—those taxes are not being used to reduce the debt. They are being used to grow the size of government, to increase the government. As a result, the debt does not go down; the government's size goes up when we should be focusing on this debt issue.

It is unconscionable that we as one generation would be running up these types of deficits and passing this type of debt on to our children. There may be an excuse for it during a period of recession—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. Madam President, I ask for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Madam President, there may be an excuse for it during a recession—and we are in a recession, a severe one—but there is no excuse for it as we move out of this recession, and we are moving out of this recession. There is no excuse for having deficits that are \$1 trillion for the next 10 years. There is no excuse for running deficits of 4 to 5 percent of GDP for the next \$1 trillion. There is absolutely no excuse for putting a debt on our children's backs that is 80 percent of the GDP of this country because what we are doing is passing on to our children a nation with fiscal policies that are unsustainable and which will basically give them less of a lifestyle than we received from our parents. No generation should do that to another generation. Yet there are no policy proposals coming forward from this administration which would turn this debt line down. None. Instead, their policy proposals increase the size of government and increase the tax burdens of Americans without reducing our debt by any significance. It is an unfortunate situation and a difficult situation and one which we better start addressing for the sake of this country and for our children's future.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, the pending business, I understand, is the DOD authorization bill.

The PRESIDING OFFICER. The Senate is still in morning business, and the Democrats control the remaining time.

Mr. MCCAIN. And when does that time expire?

The PRESIDING OFFICER. There is 7 minutes remaining.

Mr. MCCAIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1390, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1390) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Levin/McCain amendment No. 1469, to strike \$1,750 million in procurement, Air Force funding for F-22A aircraft procurement, and to restore operation and maintenance, military personnel, and other funding in divisions A and B that was reduced in order to authorize such appropriation.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, the Levin-McCain amendment which is before the Senate would strike \$1.75 billion in funding for the F-22 aircraft that is in the committee bill that was adopted on a very close vote, and we would also restore some very serious reductions that had to be adopted in order to pay for that increase.

I come to this debate as somebody who supported the F-22 program until the numbers were achieved that were needed by the Air Force. This debate is not about whether we are going to have the capability of the F-22, it is a debate about how many F-22 aircraft we should have and at what cost. And we are talking here about whether we should accept the recommendations of two Commanders in Chief, two Secretaries of Defense, two Chairmen of the Joint Chiefs of Staff, and the Joint Chiefs of Staff that 187 F-22s is what we need and all we can afford and all we should buy.

Madam President, yesterday we put in the RECORD two letters, one from the President of the United States saying he would veto a bill—not consider a veto but actually veto a bill—that has more than 187 F-22s that are to be provided. We also put a letter from the Secretary of Defense and the Chairman of the Joint Chiefs of Staff in the RECORD yesterday going through all the reasons they strongly oppose any additional F-22s and oppose the committee language which costs \$1.75 billion, taking it away from some very important programs.

Today, I wish to read briefly and then put in the RECORD a letter that came from the Secretary of the Air Force yesterday afternoon and from the Chief of Staff of the Air Force opposing the additional F-22s that are in the committee bill. This letter reads in part:

As we prepared the fiscal year 2010 funding submission, and mindful that the final lot of aircraft is scheduled for completion over the next year, we methodically reviewed this issue from multiple perspectives. These included: emerging joint war-fighting requirements; complementary F-22 and F-35 roles in the future security environment; potential advantages of continuing a warm F-22 production line as insurance against possible delays/failures in the F-35 program; potential impacts to the Services and international partners if resources were realigned from the F-35 to the F-22; overall tactical aircraft force structure; and funding implications, given that extending F-22 production to 243 aircraft would create an unfunded requirement estimated at over \$13 billion.

And then they summarized—this is the Air Force speaking; top civilian, top military leader in the U.S. Air Force—as follows:

We assessed the F-22 decision from all angles, taking into account competing strategic priorities and complementary programs and alternatives, all balanced within the context of available resources. We did not and do not recommend F-22s be included in the FY10 defense budget. This is a difficult decision but one with which we are comfortable. Most importantly, in this and other budget decisions, we believe it is important for Air Force leaders to make clear choices, balancing requirements across a range of Air Force contributions to joint capabilities.

Madam President, I ask unanimous consent to have printed in the RECORD the entire letter from the Secretary of the Air Force and the Chief of Staff of the Air Force at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF THE AIR FORCE,
Washington, DC, July 13, 2009.

Hon. CARL LEVIN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Senate considers the FY10 Defense Authorization Bill, we write to reiterate our personal and professional views concerning the future of the F-22 program, and why we recommended to the Secretary of Defense that the Air Force not pursue F-22 production beyond 187 aircraft.

The F-22 is the most capable fighter in our military inventory and, arguably, the world. Among its principal advantages are stealth and speed; and while optimized for air-to-air combat, it also has a ground attack capability. Requirements for the F-22 have changed significantly over the past 20 years, as DoD has continued to reassess potential threats, scenarios, and force structure—to include the number of major combat operations we might be challenged to conduct and their timing/phasing.

Broadly speaking, previous assessments have concluded that a progressively more sophisticated mix of aircraft, weapons, and networking capabilities will, over time and within practical limits, enable us to produce needed combat power with fewer platforms. As the overall requirements for fighter inventories have declined, including F-22s, the rising F-22 program costs also led to smaller buys. Together these trends, coupled with constrained resources, ultimately led to a DoD-imposed funding cap and a December 2004 approved program of 183 aircraft (later adjusted to 187).

As we prepared the Fiscal Year 10 funding submission, and mindful that the final lot of aircraft is scheduled for completion over the next year, we methodically reviewed this issue from multiple perspectives. These included: emerging joint warfighting requirements; complementary F-22 and F-35 roles in the future security environment; potential advantages of continuing a warm F-22 production line as insurance against possible delays/failures in the F-35 program; potential impacts to the Services and international partners if resources were realigned from the F-35 to the F-22; overall tactical aircraft force structure; and funding implications, given that extending F-22 production to 243 aircraft would create an unfunded requirement estimated at over \$13 billion.

This review concluded with a holistic and balanced set of recommendations for our fighter force: 1) focus procurement on modern 5th generation aircraft rather than less capable F-15s and F-16s; 2) given that the F-35 will constitute the majority of the future fighter force, transition as quickly as is prudent to F-35 production; 3) complete F-22 procurement at 187 aircraft, while continuing plans for future F-22 upgrades; and 4) accelerate the retirements of the oldest 4th generation aircraft and modify the remaining aircraft with necessary upgrades in capability.

And finally, while it is tempting to focus only on whether the Air Force would benefit from additional F-22s, which we acknowledge some in the airpower community have advocated, this decision has increasingly become a zero-sum game. Within a fixed Air Force and DoD budget, however large or small, our challenge is to decide among many competing joint warfighting needs; to include intelligence, surveillance and reconnaissance; command and control; and related needs in the space and cyber domains. At the same time, we are working to repair years of institutional neglect of our nuclear forces, rebuild our acquisition workforce, and taking steps to improve Air Force capabilities for irregular warfare. Ultimately, buying more F-22s means doing less of something else and we did not recommend displacement of these other priorities to fund additional F-22s.

In summary, we assessed the F-22 decision from all angles, taking into account competing strategic priorities and complementary programs and alternatives, all balanced within the context of available resources. We did not and do not recommend F-22s be in-

cluded in the FY10 defense budget. This is a difficult decision but one with which we are comfortable. Most importantly, in this and other budget decisions, we believe it is important for Air Force leaders to make clear choices, balancing requirements across a range of Air Force contributions to joint capabilities.

Make no mistake: air superiority is and remains an essential capability for joint warfighting today and in the future. The F-22 is a vital tool in the military toolbox and will remain in our inventory for decades to come.

NORTON A. SCHWARTZ,
Chief of Staff.
MICHAEL B. DONLEY,
Secretary of the Air Force.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, at this point, I thank Chairman LEVIN for his important comments, especially about the letters from the Secretary of the Air Force and the Chief of Staff of the Air Force on this issue. Let me repeat that this debate is not about depriving, in my view, the U.S. Air Force of a much needed part of our arsenal to defend this Nation's national security; it is about whether we will continue to spend money on the F-22, of which we are already acquiring 187, and additionally adding the F-35, the Joint Strike Fighter, which is very badly needed by the other services as well. I believe the F-35, the Joint Strike Fighter, is a very important counterpart to the F-22. The F-22 has great capabilities in certain areas, and the Joint Strike Fighter does too. So this debate is not just about removing the funds for the F-22. What it is about is removing funds for the F-22 and moving forward with the Joint Strike Fighter to give the U.S. Air Force, Marine Corps, and Navy a balanced inventory that will maintain the Air Force, Navy, and Marine Corps as the most powerful projections of air power in the world for a long time to come.

So I emphasize, this is not so much about terminating a program as it is ending a much needed program and supplementing it with another. I think that sometimes this argument is portrayed simply in the area of the F-22 itself. It is not. I know the chairman and I and the majority of the committee want a balanced, powerful, capable Air Force, Marine Corps, and Navy throughout the 21st century.

There have been various points raised and arguments made during this debate. I would like to respond to several of those arguments that have been made so far and probably will be raised again during the rest of this debate.

The first argument addresses the fact that 187 F-22s will not meet operational demands at an acceptable level of risk.

In the view of some Air Force officials, including the Air Combat Command general, John Corley, for example, a total of 381 F-22s would be sufficient to meet operational demands at a

low level of risk and a total of 243 to 250 would be sufficient to meet operational demands with a moderate level of risk. That is the view of some very credible individuals.

Our response to that is that in December 2004, the Department of Defense determined that 183 F-22s was sufficient to meet its military requirements. This is back in December of 2004. The Department conducted several analyses which affirmed that number based on a number of variables, including the lengths and types of wars the Department of Defense believes it will have to fight in the future and future capabilities of likely adversaries.

The President, the Secretary of Defense, the Chairman and Vice Chairman of the Joint Chiefs of Staff, the Air Force Chief of Staff, and the Secretary of the Air Force have all stated that 187 F-22s is sufficient to meet operational requirements, particularly when combined with other U.S. military assets, including cyber warfare, strike fighter aircraft, long-range standoff precision weapons to counter enemy aircraft and surface-to-air missile systems in the future from potential adversaries.

We need to look at this in the entirety of its inventory. That means cyber warfare, it means long-range standoff precision weapons, it means the dramatic increase in capability of unmanned aircraft. Look at the role unmanned aircraft have played in Iraq and Afghanistan. In all candor, look at the role the F-22 has not played in Iraq and Afghanistan. It has not been deployed to Iraq and Afghanistan; whereas, our unmanned aircraft, our Predators, have had an incredible effect in identifying, locating, and destroying the enemy. I think General Petraeus will attest to that in a very persuasive fashion.

In response to the argument that more F-22s are necessary to close a gap in fifth-generation fighters between the United States and China, on May 14, Secretary Gates noted, "[W]hen you look at potential threats—for example, in 2020, the United States will have 2,700 TACAIR. China will have 1,700. But, of ours, 1,000 will be fifth-generation aircraft, including the F-22 and the F-35. And, in 2025, that gap gets even bigger. So, the notion that a gap or a United States lead over China alone of 1,700 fifth-generation aircraft in 2025 does not provide additional fifth-generation aircraft, including F-22s, to take on a secondary threat seems to be unrealistic."

Secretary Gates summarized his position on the operational need issue on June 18, when he said that "the U.S. military has to have the flexibility across the spectrum of conflict to handle the threats of the future" and that "this will mean a huge investment for the future, one that is endangered by continuing the F-22 Raptor program."

He concluded, "frankly, to be blunt about it, the notion that not buying 60 more F-22s imperils the national security of the United States, I find complete nonsense."

As military deputy to the Assistant Secretary of the Air Force for Acquisition GEN Mark D. Shackelford said, "the capability that we get out of the 187 F-22s we believe is more than sufficient for the type of threat that the Secretary of Defense is addressing in the future". Whatever moderate risk may arise from ending the F-22 program, now is merely short term and, under the Air Force's Combat Air Force—CAF—restructure plan, necessary for the Air Force to transition the current fleet to a smaller, more capable fifth-generation fighter force for all the Services.

The next argument being made is buying more F-22s could help mitigate a projected fighter shortfall of up to 800 aircraft by 2024 that Air Force leaders identified in 2008 and a projected gap recently identified within the Air National Guard's fighter inventory. Such purchases could also hedge the United States against the risk of unexpected age-related problems developing in the Air Force's legacy force.

Our response to that is the fighter gap that the Air Force identified is questionable, given that it turns on various assumptions regarding threats and whether the United States will fight by itself or as part of a coalition. In any event, the Air Force has put in place a plan that will both mitigate any shortfall in fighter capability and bridge the current fleet to a smaller, more capable fifth-generation fighter force. An essential element of that plan—called the Combat Air Force—CAF—restructure plan—is to stop investing in the F-22 program after the current program of record of 187. That plan addresses possible shortfalls in fighter capability more cost-effectively than simply buying more F-22s. It does so by restructuring the Air Force's current fleet of fighters now and directing resulting savings to modifying newer or more reliable fighters in the legacy fleet, including, upgraded F-15s and F-16s, procuring less expensive aircraft, including the F-35 Joint Strike Fighter, and investing in joint enablers. Under the plan, those investments will help create a more capable fleet that can bridge the Air Force to a future fleet with a smaller, more capable force.

In addition, in the years ahead, the Department of Defense needs to focus on improving its capabilities for irregular warfare operations, and the F-22 is not a key program for improving those capabilities. While the F-22 is an extraordinarily capable "air superiority" platform, its limited air-to-ground capability makes it less appropriate for supporting counterinsurgency operations—so much so that, as Secretary

Gates has pointed out several times, "the reality is we are fighting two wars, in Iraq and Afghanistan, and the F-22 has not performed a single mission in either theater."

The next argument is the decision to end the F-22 program is purely budget driven.

Secretary Gates has indicated numerous times that his decision to end the program is not resource driven. He announced that decision on April 6, weeks before his plan was even submitted to the Office of Management and Budget for vetting. On April 30, Secretary Gates plainly stated, "if my top-line were \$50 billion higher, I would make the same decision [regarding the F-22 program]." That having been said, given the current fiscal crisis, buying more F-22s would likely reduce funding for other more critically needed aircraft, such as the F-35, F/A-18E/F, and EA-18G, which unlike the F-22 are equipped with electronic warfare capability—the combatant commanders' number one priority. In that sense, continuing to purchase of F-22s could create operational risks for the United States military in the near term.

The next argument is buying more F-22s will ensure the Air National Guard gets modernized fighter aircraft sooner.

Our response is that under the Total Force policy, all the Services, including the Air National Guard, will receive Joint Strike Fighters at the appropriate time and at the appropriate rate to replace their aging F-15 and F-16 aircraft. The only requirement that the Air National Guard obtain Joint Strike Fighters "sooner" arises from the "additional views" of Senator CHAMBLISS in the report accompanying the fiscal year 2010 authorization bill.

In a letter to Senator CHAMBLISS, the head of the Air National Guard LTG Harry M. Wyatt III noted, "I believe the current and future asymmetric threats to our nation, particularly from seaborne cruise missiles, requires a fighter platform" such as the F-22. However, that threat is simply not present today. This is something that is being closely looked at now in the on-going QDR debate. When asked about the cruise missile threat during our committee hearing recently, Secretary Gates correctly noted that the most effective counter to these sorts of threats is an aircraft that doesn't have a pilot inside of it.

The next argument is that large-scale production of F-35 Joint Strike Fighters has only recently begun and has not yet increased to planned higher annual rates. Until production of the Joint Strike Fighter has been successfully demonstrated at those planned higher annual rates, it would be imprudent to shut down the F-22 production line, which is the only "hot" fifth-generation production line.

Our response is that given how relatively similar the development and

manufacturing efforts supporting the Joint Strike Fighter are to those supporting the F-22, concerns about an overall compromise in the industrial base appear to be overstated. In addition, whatever moderate risk may arise from ending the F-22 program now is operationally acceptable: it is short-term in duration and, under the Air Force's Combat Air Force—CAF—restructure plan, necessary for the Air Force to transition the current fleet to a smaller, more capable fifth-generation fighter force for all the Services.

It is true that although "full-rate production" of the Joint Strike Fighter isn't anticipated until 2015, the program is making very meaningful progress. But, maturation in the technical, software, production-processes, and testing aspects of the program are on track to plan and are in fact exceeding legacy standards—including those for the F-22. All 19 "systems development and demonstration" aircraft will roll out by the end of the year and major assembly on the 14 aircraft comprising the earlier "low-rate initial production," L-RIP, lots have begun. I can assure the Members of this body that Senator LEVIN and I and our capable staffs will be keeping a very close eye on the Joint Strike Fighter production. It is vital that aircraft meet its cost estimates and meet its time schedules.

At this point, the first of those copies is expected to be delivered on time to Eglin Air Force Base in May 2010, and the first operationally capable versions of the fighter are expected to be delivered to the Marine Corps in 2012, the Air Force in 2013, and the Navy in 2015.

This is not to say we should take, as I said, our eyes off the program. We need to track continuous progress on the F-35 to ensure that development costs leading to production remain stable.

I am persuaded, as I hope the majority of this body will be, that on the issue of whether the F-22 program should continue, the President, the Secretary of Defense, the Chairman and Vice Chairman of the Joint Chiefs of Staff, the Air Force Chief of Staff and the Secretary of the Air Force are all correct: Ending the F-22 program now is vital to enabling the Department to bridge its current fighter capability to a more capable fifth-generation fighter force that is best equipped to both meet the needs of our deployed forces today and the emerging threats of tomorrow.

Finally, the chairman and I are not unaware that this will lead to the loss of jobs in certain States in certain production facilities around the country. We know this is very tough, particularly in times of high unemployment across the country. But I would like to make the argument, No. 1, that the F-35, the Joint Strike Fighter, once it gets into production, will also be a job creator.

But I would also point out that the purpose of building weapons is not to create jobs. The purpose is simply to defend this Nation's national security. We have an obligation to be careful stewards of all our taxpayers' dollars but, most importantly, those taxpayers' dollars that go to the defense of this Nation should be first and foremost what can best defend the Nation's national security in times when we are in two wars and facing future threats that are, indeed, formidable in the view of most.

We are not without sympathy for the parts of our country, including the State of Georgia, where there are a large number of jobs that are at risk. Our sympathy is with them, and we will do everything we can to provide job opportunities, including in the defense industries across this country. But we cannot argue that we should spend taxpayers' dollars for weapons systems simply to create or keep jobs. That is not the use of taxpayers' dollars. If we want to do that, then there are many other programs we should fully fund to help create jobs and small business opportunities across this Nation.

This issue, I hope, will continue to be debated today and that we could resolve it, hopefully, sometime tomorrow morning with a final vote.

I know, from previous experience, there are perhaps 100 or more amendments that await the consideration of this body on the Department of Defense authorization bill. This is, obviously, a very important issue. This issue, perhaps, is maybe even more important than the \$1.75 billion we are talking about. This debate is about whether we are going to make the tough decisions to most wisely and most expeditiously defend this Nation and spend those dollars wisely.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, first let me thank Senator MCCAIN for his very comprehensive, thorough, and compelling argument relative to the F-22.

This last point about the number of amendments which we expect would be, if not offered, at least proposed and considered, we need those amendments to come to the floor.

We have a lot of work ahead of us. I know it is a statement of high ambition to suggest that we try to finish the bill this week. But I think we are obligated to use the time wisely. There are not going to be votes today. We attempted to schedule a vote prior to lunch today, but as an accommodation to some Senators, we did not do that. We then attempted to schedule a vote for tomorrow morning. That effort did not succeed last night. But as Senator MCCAIN said, we are trying to see if we can't schedule that today.

In the meantime, while we are awaiting some other speakers, apparently on this amendment, we would welcome those who are considering amendments; that they get those to us and our staffs so we can begin the arduous work of going through those amendments and determining which ones we might be able to accept, which ones we cannot, so that those who want to proceed, even if we cannot accept those amendments, can then indicate they wish to debate.

The floor is open now to debate. We await other speakers.

I yield the floor.

Mr. MCCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNET. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. Madam President, I rise to speak in support of the Levin-McCain amendment to strike excessive funding in this bill for the F-22. I want to briefly outline why this amendment is in the best interests of our national defense and our fiscal future.

This amendment represents the best of leadership that our Nation has to offer. Senator MCCAIN and President Obama have put political parties aside and have acted to protect taxpayers at a time when our fiscal circumstances require us to make difficult choices. And Chairman LEVIN has supported their efforts. They are willing to make hard choices. Congress must follow their wise leadership.

The media has reported that our budget deficit now exceeds \$1 trillion. We have provided middle class tax cuts, first-time homebuyer tax credits and invested resources in order to turn this economy around. But we have to reexamine our other spending choices and say no to excessive spending. The F-22 embodies spending to an excess, and it borrows from key operations and maintenance and personnel accounts to do so.

The Secretary of Defense, Chairman of the Joint Chiefs of Staff, and our Commander-in-Chief have said we do not need any more F-22s. In fact, they say that the costs of acquiring and maintaining these aircraft, which have ballooned far beyond the Pentagon's original estimates, are hindering our ability to make much-needed investments in other necessary programs.

It is not only the Obama administration. President Bush and Secretary Rumsfeld also agreed that this is an area where we can show restraint and help strained taxpayers. The Levin-McCain amendment is the right policy for the country—armed services leadership and Presidents from both parties agree.

We should be listening when the Air Force tells us that the 187 F-22s that we have are enough. Our President has shown the wisdom to listen to our uniformed leaders. Now only Congress stands in the way of saving taxpayers \$1.75 billion.

The F-22 has never supported a single mission in Iraq or Afghanistan. It is time to reassert the actual military priorities of today. It is true that the F-22 supports jobs, sprinkled around our nation. But we need to focus on weapons programs that create jobs and also serve a modern military purpose. As the chairman and ranking member of the Senate Armed Services Committee have said, the F-35 represents the future of our fighter fleet. As we look to the future, I simply cannot lend my support to this effort to allow unnecessary expansion of a program at the expense of the American and Colorado taxpayer.

There are far more useful ways to create and maintain jobs that actually enhance our military readiness. Phasing out expansion of the F-22 fleet will allow needed funding to be reallocated to more important, pressing needs of our military. Let's pass a Defense authorization bill which actually contains the requests that our military has made. Madam President, \$1.75 billion for the F-22 has not been requested, and I agree with Chairman LEVIN, Senator MCCAIN, Presidents Obama and Bush.

I urge my colleagues to join in this effort to show fiscal restraint. Support the Levin-McCain amendment. The best way to defend our country is to listen to our military when it tells us to change the way we invest. Our fiscal health and our national security both depend on it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. LEVIN. Madam President, I ask unanimous consent that the Senate stand in recess until 2:15.

There being no objection, the Senate, at 12:12 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—Continued

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I ask unanimous consent to proceed as in

morning business to speak about the health care deliberations we are undertaking. I know we are under the Defense authorization bill. My remarks should not take that long.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, as I indicated, I rise today to talk about health care reform and the hard truths that have so far been not hidden but I do not think have been very much aware to many Americans.

I was inspired to come to the Senate floor today because we are holding hearings in the HELP Committee—and we are holding hearings in the Finance Committee—and a series of events in the Health, Education, Labor, and Pensions Committee made me recall the observations of a well-respected public opinion analyst, pollster Daniel Yankelovich, founder of the New York Times/Yankelovich Poll.

The HELP Committee has been struggling—well, we have been working hard; “struggling” probably is not the right word; and many thanks to the chairman, CHRIS DODD, our ranking member, MIKE ENZI, and the members of the HELP Committee—but we have been going through a multiweek markup that I think has been characterized by some very wishful thinking on the part of the majority members of that committee; namely, the hope or the wish that they can somehow not reveal the very real costs and tradeoffs raised by their health care reform bill. I think the American people ought to become more and more aware of this.

The bill the HELP Committee is marking up establishes all sorts of new government programs, all sorts of new government mandates and controls—all justified by the need to “rein in health care costs” and “increase health insurance coverage.” I know those are two very good and noble pursuits, which I support wholeheartedly. As a matter of fact, I think Republicans now have about six bills to do the same thing. They do not get much attention, but we have six bills.

But there is a big problem with this bill. It does neither of these things, in my opinion. It neither reduces costs, nor does it significantly increase coverage. In fact, it significantly increases costs for very little gain—“costs,” c-o-s-t-s. Remember that word. But my colleagues on the HELP Committee continue to wish and to hope they can obscure this reality through a barrage, really, of speeches and rhetoric and what I call misleading figures.

It has been this behavior that has caused me to recall Mr. Yankelovich's observations on something called the evolution of opinion. I am going to use that as the basis of my remarks—the evolution of opinion. The article was in Fortune magazine, and it jogged my memory in this regard. But, in any

event, I think it serves as an important illustration of the health care reform process so far. Mr. Yankelovich observed that the evolution of a person's opinion could be traced through a continuum of seven stages. That is a fancy way of saying there are steps you go through when you are trying to think something through.

First, we have had daunting awareness: the realization that our health care system was not working for every American and needed to be addressed. I think everybody understands that.

The second stage, greater urgency: the economy began to go south and people who used to rely on their employer for health insurance began losing their jobs.

Then there is the third stage: reaching for solutions. Our committee has held hearings and began to meet with stakeholders. The administration met with stakeholders. The stakeholders, I think, probably met in good faith. And it has only been recently they have discovered they may have signed on to something that is very illusory, to say the least.

Fourth, the stage where many on the HELP Committee and elsewhere have arrived at today: the wishful thinking stage, the well-intentioned, romantic, simplistic, perhaps naive moment where all one sees are the benefits, without considering the consequences—the law of unintended effects. For example: the totally misleading claim by the majority that the new data from the Congressional Budget Office revealed a much lower score for this bill, \$597 billion—a lot of money—while still expanding health insurance coverage to 97 percent of Americans. This claim is the very definition of “wishful thinking.” But facts are stubborn things. The actual CBO numbers say this bill leaves 34 million people still uninsured. That is not 97 percent coverage. In order to gain anywhere near 97 percent coverage, we would have to significantly expand Medicaid—a very expensive proposition which, according to CBO, adds about \$500 billion or more to the cost of this bill.

More wishful thinking: The \$597 billion cost was further artificially lowered through several budget maneuvers, such as a multiyear phase-in and a long-term care insurance program that will increase costs significantly outside the 10-year budget window CBO is required to use. Here we are passing a long-term insurance bill that goes beyond 10 years that CBO cannot even score.

After taking these realities into account, a more accurate 10-year score of this bill is closer to \$2 trillion. I said that right: not \$1 trillion—\$2 trillion.

This is when we should arrive at the fifth stage of opinion making: weighing the choices. Since the true cost of this bill is approximately \$2 trillion, we

must own up to the American public about the tradeoffs. We must finally understand that the tradeoffs threaten a health care system that polls tell us has a 77-percent satisfaction rate.

This is not to say we should not undertake any reforms, but we need to honestly discuss the costs and benefits of reform proposals. And the majority's proposal is high on cost and low on benefits.

The No. 1 tradeoff that Americans need to know is, higher taxes. Remember when the President promised: If you make under \$250,000, you will not see your taxes increased, that you would actually see a tax cut. Well, like so many other pledges, those promises had an expiration date, and that date is rapidly approaching.

The bill raises \$36 billion in the first 10 years in new taxes on individuals who do not purchase health insurance. That is a penalty. It raises another \$52 billion in new taxes on employers who do not offer their employees health insurance.

As an aside, guess who suffers when the employer's taxes get raised? It certainly is not the employer. It is the employee who gets laid off or does not get a raise. It is the applicant who does not get hired. Even President Obama's own Budget Director admits this fact.

At least one economic survey estimates that an employer mandate to provide health insurance, such as the one in the Kennedy-Dodd bill, would put 33 percent of uninsured workers at risk for being laid off—33 percent of uninsured workers. The study went on to say that "workers who would lose their jobs are disproportionately likely to be high school dropouts, minority, and female." It is a job killer for the very people whom the bill ostensibly seeks to help.

These new taxes do not come close to paying for this bill, and the ideas that have been coming out of the Finance Committee, on which I am also privileged to serve, the House of Representatives—the so-called people's body—and the administration prove that these new taxes will be just the first of many.

One option: a new and higher income tax on taxpayers with earnings in the top income tax brackets—there is some press on that as of now—including small businesses—essentially a small business surtax—to pay for government-run health care. Keep in mind that this surtax is in addition to the higher income taxes the President is already calling for in his budget.

The President's budget proposal calls for raising the top two individual tax rates in 2011. Many small businesses file their tax returns as individual returns, and the National Federation of Independent Businesses, NFIB, estimates that 50 percent of the small business owners who employ 20 to 249 workers fall into the top two brackets.

When these higher income taxes are combined with the proposed surtax to pay for the government-run health care, it means that a small business could see its tax bills go up by as much as 11 percent—11 percent—when this health care reform bill finally takes effect—an income tax rate increase of about 33 percent over what they pay today.

But it does not stop there. Under the proposal the House is expected to unveil, possibly today, they leave the door open for even more tax increases on small businesses. That proposal is expected to allow, in 2013, for the small business surtax to be raised by several additional percentage points if health care costs are higher than expected, which is likely.

These higher income taxes would be a devastating hit on our Nation's small businesses—the same small businesses that create roughly 70 percent of the jobs in this country and are the backbone of our economy. We should not be raising taxes on these job creators if we want our economy to rebound and grow and expand.

Small businesses in Kansas tell me they feel they are already stretched to the limit, and they worry that to pay the additional taxes called for in the President's budget, not to mention an additional small business surtax to pay for a government-run health care program, they will have to cut back elsewhere—"cut back," meaning layoffs; cutbacks, meaning really it is the worst thing you could do for the economic catalyst of our country, the small business community. Make no mistake, these will be difficult choices. They will have to reduce the wages and benefits of current employees. They will have to pass their costs on to their customers. They will have to lay off workers or not hire new employees. None of these are good options for workers, small businesses, or our economy.

But higher taxes are just one of the ways the majority wants to pay for this massive expansion of government. The other method? The other method will be cuts to Medicare. You heard me right: Medicare, cuts to Medicare, cuts to the reimbursements to providers to our senior citizens, cuts we have been trying to prevent, where we have added money in almost every session we have been in.

There would be \$150 billion from the hospitals. The hospitals have agreed to this with their national organizations but funny thing: The hospitals from Kansas came back to me and said: Not on your life. For a person who has worked hard to prevent cuts in that market basket of provider reimbursements to keep our rural health care delivery system whole, it comes to me as a great surprise that their national organizations would sit down and say: OK, we are going to give up \$150 billion,

only to learn a couple days or weeks later that some in the House say: That is not enough. So they didn't have a deal—and another few hundred billion from the physicians. I haven't heard any agreement on that from the physicians.

Tens of billions from home health care agencies and radiology and home oxygen and PhRMA. Let's don't forget PhRMA, who agreed to a certain amount of cuts—I think it was \$80 billion—but now they have learned that figure isn't firm. So whoever else gets strong-armed or weak-kneed into making a deal with this administration, you better be careful.

Again, when doctors and hospitals and pharmacists and home health agencies get their reimbursements slashed by Medicare or Medicaid, who pays the price? It is not the provider, at least not at first. It is the people with private insurance who pay a hidden tax to make up the difference—some \$88.8 billion per year, according to a recent Milliman study. Once the provider runs out of private payers to shift this cost deficiency onto, who pays? It is the patients who lose access to a doctor or a hospital or a pharmacist or a home health agency.

In addition to cutting Medicare payments, this bill will dump, by some estimates, well over a million new people onto a government-run health care plan which will never pay providers enough to cover their costs, despite any rhetoric otherwise. As this number grows and the private market shrinks, the decrease in the number of doctors and hospitals and other providers will be inevitable. We see that already. We already have rationing. We already have shortages. We already have doctors and providers who say: I am sorry, I am not reimbursed to the extent I can stay in business and offer you Medicare. So rationing is not a scare word, it is something that is happening now. It will simply not be possible for them to keep their doors open on the margins that the government will pay them. And that is when rationing of health care will become a way of life in this country.

Oh, I can see it now. It will either be by age or by test or by the comparative effectiveness research golden ring that CMS—that is another acronym—an outfit that works for the Department of Health and Human Services. These are the bean counters who look in this way at health care and don't look at the real effects, and I see what can happen.

These are the tradeoffs the American people need to know about in this bill. Yep, \$2 trillion in new spending, higher taxes, job-killing employer mandates, and rationed health care. And for what? To overhaul a system with which 77 percent of Americans are satisfied.

I offered several amendments in the HELP markup just this morning, attempting to force the committee to face stage 5—remember my *Fortune* magazine and my stages of evolution of thought—to truly weigh the choices, that is the next stage. My amendments would have prevented Federal health subsidies from being funded through higher taxes on employers, higher taxes on individuals and families or through cuts to Medicare. All three were defeated in a party-line vote. I wasn't alone in trying to get the committee to weigh the choices in this bill. Senator ALEXANDER spoke very credibly as a former State governor about the fiscal catastrophe that expanding Medicaid eligibility will cause for the States. Again, he was defeated by a party-line vote.

How can we ignore the very real consequences of raising taxes on individuals and employers in a recession—some say the worst recession since in the 1930s? How can we deny that further cutting Medicare will increase costs for everyone else and possibly eliminate access to health care for our seniors? How can we turn a blind eye to all the States that are already facing a financial meltdown and force them to take on billions of dollars of new Medicaid obligations?

Some are still stuck in stage 4, still hanging on to their wishful thinking.

Well, I am ready to move on to stage 6, and probably everybody else is as well here on the floor. It is called taking a stand. I hope we can all take a stand to preserve the system that works well for the vast majority of Americans and to consider a more cost-conscious, realistic, and patient-friendly approach to greater health care reform.

By far the most important stage for us is—yes, the final stage—stage 7: making a responsible judgment. The policies in this bill are very expensive, and the American people need to know that someday, somehow they will have to pay for them. So we must thoroughly examine the cost and the trade-offs in health care reform. We cannot simply engage in wishful thinking. The American people expect us to make responsible judgments. There is simply too much at stake.

I understand the leadership of this body is in a dash, a rush to finish the hearings in the HELP Committee to produce a bill, as well as to force the Finance Committee to come up with a markup of a bill to pay for all this. I don't know how you pay for \$2 trillion while the Finance Committee is talking about \$350 billion and those are very controversial. I have a suggestion. I think we ought to put a big banner right up here where the President is not, right over there. I don't think the President would mind very much, and it could just say, "Do No Harm." Then maybe we could put something under-

neath that and say: "Slow Down" or maybe in the language of my State "Whoa." And then put that in the back of the HELP Committee, put in the back of the Finance Committee, and let's do the job right.

Mr. WICKER. Will the Senator yield?

Mr. ROBERTS. I am delighted to yield.

Mr. WICKER. I thank the Senator from Kansas for his remarks. I think it is interesting and perhaps symbolic that his cell phone was ringing off the wall or off of his belt when he was beginning to make his remarks. I think perhaps that is symbolic of what we are beginning to hear in the Senate as well as in the House of Representatives from the public. It is not just from the rightwing; it is from Main Street media. It is from the Washington Post last Friday. It is from liberal commentators such as Michael Kensley last Friday who say: Let's slow down on this.

I think what the American people might be saying is that they have gone through this hierarchy of decision-making and that this is not the kind of health care they were promised last year. We were told health care would save money for Americans. Now we are hearing it is going to cost \$1 trillion to \$2 trillion, perhaps even \$3 trillion. We were told that if Americans were satisfied with their insurance, they would be able to keep it. Now we are told they would be moved into a public plan. We didn't hear about cuts to Medicare when this was being debated last year in the Presidential campaign, and we certainly didn't hear about higher taxes on middle-income Americans.

So I was glad to help the Senator from Kansas avoid taking those phone calls while he was speaking.

Mr. ROBERTS. If my distinguished colleague—well, I will take back my time and yield back for any comments he may want to make. The person on the other end of the phone call, was he for the health care bill or was he against it?

Mr. WICKER. Well, I would not have presumed to answer the Senator's phone call. I simply put it back in the cloakroom. But I am hoping it is symbolic of the American people—

Mr. ROBERTS. Whether for or against, I hope the Senator from Mississippi would have explained that we both have some real concerns, and we hope we can get real health care reform.

Mr. WICKER. I thank the Senator.

Mr. ROBERTS. I also thank the Senator.

Let me just give one quick example of what I am talking about with regard to Medicare. The President of the Kansas Pharmacists Association is from a very small town out West. We conduct a lot of listening tours, and we go into the pharmacy. The pharmacists, we

ought to give them a GS-15 salary because they are the people who deal with Medicare Part D. That is the prescription drug program we give to seniors; it is very popular.

Let's say a lady named Mildred came in to see her pharmacist there and Mildred talked to Tom, the pharmacist, and said: What is this doughnut hole? And Tom says: Well, that is where you have to pay a bigger copayment. And she says: Well, can't I get a new kind of program or something else that will help me out here? He said: Yes, there are 47 new programs you can choose from. Mildred, the one that you want is right here. She says: Good. Then I am not going to get hurt with the cost of the prescriptions I need. He says: But I can't offer it to you? Why? Because I only get reimbursed 71 percent.

That is about the national average. How on Earth can we expect every pharmacist all around the country to administer—and they are the ones doing the administering; it isn't the Area Agency on Aging or the 1-800-Medicare. So he had to tell her that the program in Medicare Part D that would cover the doughnut hole, he didn't get reimbursed enough and couldn't offer it. Well, he helped her out. All pharmacists try to do that. That is where we are.

Or if Mildred goes to the doctor and the doctor says: I am sorry, I can't take any more Medicare patients—that is happening. It is real. This bill exacerbates that—exacerbates it. That is why I am so upset and why I came to the floor today.

I will go back to the HELP Committee in good faith to work with my colleagues and we will try to make it bipartisan. I know on Thursday we are supposed to have a markup in the Finance Committee—marching orders from the leadership around here, right in the middle of a Defense authorization bill. We don't need marching orders. We need to slow down. We need to slow down and get this right.

Thank you, Mr. President. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I wish to thank the members of the Armed Services Committee for their tireless work on this bill. I thank Chairman LEVIN and Senator MCCAIN for their amendment to strike \$1.75 billion in unnecessary funding for the F-22 aircraft.

I strongly support those provisions of the Defense authorization bill which aim to support critical defense spending priorities such as providing fair compensation and health care to members of the Armed Forces and their families, enhancing the capability of our troops to conduct successful counterinsurgency operations in Iraq and Afghanistan, improving our ability to

counter nontraditional and asymmetric threats and terminating troubled and wasteful military spending programs in favor of those which are deemed more efficient and effective.

Also, I strongly support the recommendation of Secretary Gates that we must rebalance the Defense budget in order to institutionalize and enhance our capabilities to fight current wars as well as likely future threats. As events in Iraq and Afghanistan have demonstrated, the military challenges currently before us are unlike conventional wars of the past. I am pleased this bill provides the resources necessary to protect our troops in counterinsurgency missions by providing additional funding for Mine Resistant Ambush Protected Vehicles or MRAPs; U.S. Special Operations Command, or SOCOM, and the Joint Improvised Explosive Device Defeat Organization, as well as supporting the vital train and equip mission for Afghan security forces. This training is an essential prerequisite for achieving stability and security in Afghanistan and succeeding in our ongoing counterinsurgency mission.

These and other provisions of the bill aim to institutionalize many of the administration's recommendations regarding future Defense priorities based on the conclusion of military officials—including Secretary Gates, Admiral Mullen, and General Petraeus—that irregular warfare is not just a short-term challenge; rather, it is a long-term reality that requires realignment of both military strategy and spending. As Secretary Gates has said, this rebalancing need not come at the expense of conventional weapon programs, which are deeply embedded in the Department of Defense, in its bureaucracy, in the defense industry, and in the Congress. At the same time, we must move away from funding Cold War-era weapons programs with an eye toward the future and accept that threat requirements have changed. This requires difficult decisions, sacrifice, and change, such as ending the F-22 production line which the White House and the Department of Defense have concluded will save valuable resources that could be more usefully employed.

As President Obama explained yesterday in a letter to the Senate, this determination was not made casually. It was the result of several analyses conducted by the Department of Defense regarding future U.S. military needs and an estimate of likely future capabilities of our adversaries.

The F-22 has never flown over Iraq or Afghanistan because it is not the most efficient or effective aircraft to meet the current needs of the military. Its readiness has been questioned, it has proven too costly, and continued production will come at the expense of more critical defense priorities. I say

critical defense priorities. But this debate is really not about the future of the F-22. This is just the first test as to whether we are ready to end unnecessary spending and rebalance the defense budget to better reflect the reality of counterinsurgency missions.

Today I voice my support for the Levin-McCain amendment which terminates procurement of additional F-22 fighter aircraft when the current contract ends at 187 jets.

In December 2004, the Department of Defense concluded that 183 F-22s were sufficient to meet our military needs, especially given the future role of the F-35 Joint Strike Fighter, which is a half generation newer aircraft and more capable in a number of areas, including electronic warfare and combating enemy air defenses.

Ending the F-22 production line at 187 meets the needs of our military and allows us to purchase equipment deemed more efficient and effective. According to Secretary Gates and Admiral Mullen:

If the Air Force is forced to buy additional F-22s beyond what has been requested, it will come at the expense of other . . . priorities—and require deferring capabilities in the areas we believe are much more critical for our national defense.

Some of my colleagues have argued that ending the procurement of F-22s will have a significant impact in terms of jobs. Of course, I share the concern of keeping jobs and am focused, first and foremost, on preserving jobs and job creation. At the same time, however, I believe job losses incurred in the F-22 line will be offset by an increased F-35 production. Moreover, I agree with my colleague, Senator McCain, that “in these difficult economic times, we cannot afford business as usual. We cannot afford to continue to purchase weapons systems that are not absolutely vital . . .” to our national security interests.

I urge my colleagues to join me in supporting the Levin-McCain amendment which reaffirms America's commitments to our troops by ending wasteful spending and enhancing military readiness. This reflects the sound and bipartisan judgment of two U.S. Presidents, two Secretaries of Defense, three Joint Chiefs of Staff, as well as the current Secretary and Chief of Staff of the Air Force. I hope we can pass a Defense authorization bill that supports the sound judgment of our military leaders and President and avoid wasteful spending of precious national resources.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENSLAVED AFRICAN AMERICANS

Mrs. LINCOLN. Mr. President, I rise today to thank the Senate for adopting

my resolution that authorizes a marker to be placed in the new Capitol Visitor Center. The marker recognizes the role of African Americans in the building of this great U.S. Capitol Building.

I also thank Susan and my legislative director, Jim Stowers, who have been tireless in their work and certainly have done an incredible job in bringing forth this resolution, along with many others we have been working on to try and recognize the tremendous work and labor that was put into building this magnificent symbol of our freedom and particularly that which was done by the slave labor in this country when the Capitol was built. Those two individuals have done a remarkable job in working on this resolution. I am very grateful to them and all of the work they have put into it.

I also thank Congressman JOHN LEWIS for his unbelievable leadership in moving this resolution through the House and for his leadership of the Slave Labor Task Force. I had the privilege of serving with Congressman LEWIS in the House, and upon my election to the Senate, we worked together on a number of issues, including funding for the Little Rock Central High Visitor Center and the Slave Labor Task Force. It has been an honor to work with him on these very important issues. He is a tremendous gentleman to work with on all issues, but I have had the particular pleasure of being able to work with him on these two. It has been a great learning experience for me and certainly an honor.

The crowning feature of our Nation's Capitol is the majestic statue that stands atop its dome. It was designed by an American, Thomas Crawford, to represent “Freedom triumphant in War and Peace.” It has become known simply as the Statue of Freedom to those of us who come in and out of the Capitol on a daily basis.

Thomas Crawford cast the five-piece plaster model of his statue at his studio in Rome, Italy. Before it was shipped to the United States to be cast, Crawford passed away. Once it arrived in Washington, DC, problems soon arose. A workman who assembled the plaster model for all to see, just as it is downstairs, soon got into a pay dispute, and when it came time to disassemble it and move it to a mill in Maryland where it would be cast in bronze, he refused to reveal how it had been taken apart. Work on the statue stalled until a man named Philip Reid solved the mystery.

Mr. Reid was an enslaved African American who worked for the owner of the foundry selected to cast the bronze statue. Mr. Reid figured out how to disassemble the plaster model by attaching an iron hook to the statue's head, and he gently lifted the top section until a hairline crack appeared. The

crack indicated where the joint was located. Then he repeated that operation until all five sections were visible.

If you go down to the Capitol Visitor Center, you can see this huge plaster cast and you can see how large it is, how cumbersome it is, and how difficult it would be to work with even in today's age with the tools and all of the mechanics we have. Yet this gentleman on his own figured it out with very little other than just a hook to be able to pull up and figure out where he would find that path of least resistance.

We know about Philip Reid today because Fisk Mills, the son of the foundry owner, told the story to a historian who recorded it in 1869. It describes Philip Reid as an "expert and an admirable workman" and "highly esteemed by all who know him."

Philip Reid's story is probably the best known among the enslaved African Americans who worked so diligently on our Nation's Capitol. Unfortunately, there are many others who worked in obscurity.

When the Capitol was first being built in the late 1700s and early 1800s, enslaved African Americans worked in all facets of its construction. They worked in carpentry, masonry, carting, rafting, roofing, plastering, glazing, painting, and sawing. These slaves were rented from their owners by the Federal Government for about \$60 a year.

For nearly 200 years, the stories of these slave laborers were mostly unknown to the visitors of this great building, our Capitol. Then in 1999, old pay stubs were discovered that showed slaves were directly involved in the construction of the U.S. Capitol.

To recognize these contributions, I sponsored a resolution in July of 2000 to establish a special task force to make recommendations to honor the slave laborers who worked on the construction of this great Capitol.

The bicameral, bipartisan Slave Labor Task Force brought together historians and interested officials to work on this issue. In 2007, the task force presented the congressional leadership with our recommendations.

This resolution fulfills one of those recommendations, the resolution we passed in the Senate. It authorizes a marker to be placed in Emancipation Hall to serve as a formal public recognition of the critical role that enslaved African Americans played in the construction of the Capitol.

Much of the original Capitol no longer stands, due to the fires of war and renovations to create more space for the ever-growing body. In fact, some of the stones that were removed when the Capitol was renovated have been stored in Rock Creek Park. It is our hope that those very stones that were quarried years and years ago by the slaves will be used to make the

CVC marker we hope to place in the CVC.

I also would like to take a moment to remember one of the members of the Slave Labor Task Force, Curtis Sykes, who was a native of Little Rock, AR, and an original member of Arkansas's Black Advisory Committee.

I asked Mr. Sykes if he would come and serve on this committee. I selected him because he was, first and foremost, an educator. During his time on the task force, he was focused on the need to ensure that as many citizens as possible be made aware of the contribution of enslaved African Americans in the building of this great U.S. Capitol.

Unfortunately, Mr. Sykes passed away before our work was completed. Nevertheless, he made important and lasting contributions to our work. I know he is looking down with a great sense of pride for what we have been able to accomplish.

The heart of this effort and the mission of the Capitol Visitor Center is education. It was at the root of what Mr. Sykes stood for, and it certainly has been at the root of what our task force has been professing and wanting more than anything to create for the visitors who come through our Nation's Capitol. That is why there is no more appropriate place for this marker to recognize those who built the Capitol than our new Capitol Visitor Center, an education model in itself.

The plaster model of the Statue of Freedom, the same one that was separated by Philip Reid, now stands tall in Emancipation Hall of the CVC for all visitors to see. Visitors look at the model each and every day and can compare it to the actual statue standing atop the Capitol dome. I want to make sure every visitor who comes to the CVC, our Capitol Visitor Center, knows how that statue got up there and that they know the story of Philip Reid and the other enslaved African Americans who played such a critical part in the building of this Capitol—our symbol of freedom in this Nation.

In closing, I thank Chairman SCHUMER and Ranking Member BENNETT of the Rules Committee for their help and guidance on this resolution. I also certainly cannot finish my remarks without offering my tremendous thanks to my colleague and friend, Senator CHAMBLISS from Georgia, who, along with Senator SCHUMER, was an original cosponsor of this resolution.

Senator CHAMBLISS has done a tremendous job. He is a delight to work with, and I am not only grateful for the hard work he has put in on this issue but other issues we have worked on, but without a doubt for his friendship in working on so many issues.

Mr. President, I thank my colleagues for again adopting this resolution in the Senate. We look forward to being able to add many other of those recommendations of the task force as we

move forward and as our Capitol Visitor Center continues to grow.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today to concur with my good friend from Arkansas with respect to H. Con. Res. 135, which acknowledges the role slave labor played in constructing the U.S. Capitol and thank her for her leadership on this issue. Once again, she and I had an opportunity to work on an issue that is important to America and to Americans.

Senator LINCOLN has been a true champion for the common man, as well as for all Americans, on any number of issues. It has been a great pleasure to work with her on any number of issues over the years. I do thank her for her great leadership on this resolution.

The story of the very building in which we are standing is a story of freedom. It is a story of how people from every corner of the globe arrived to have a chance to steer their own lives, shape their own destinies, and toil at tasks of their own choosing, not those dictated by birth or caste.

Sadly, however, that shot at freedom was not given to everyone. For those who were brought here against their will and forced to toil for someone else's gain, freedom was a vague concept—for others but not for them. Slavery will forever remain a shameful tarnish on the shining city that is America. Unbeknownst to most Americans, slave labor helped build our Nation's Capitol. It is one of the saddest ironies of our history that the very foundation of this building in which we have debated the most fundamental questions of liberty was laid by those in shackles. They labored in the heat, cold, and dust of quarries in Virginia and Maryland to cut the stone upon which rests this temple of liberty.

We know very little about these workers and artisans, and of the few records that were kept at the time, only several first names survived, next to those of their owners and sums paid for the grueling labor. From 1793 to 1826, up to 800 slaves at one time painted, roofed, sawed, glazed, and perfected this building which represents a freedom most of them were never to know. They laid the foundation still visible at the Capitol's east front. They carved the marble columns that witnessed so many of the deliberations on the future of our Nation in the old Senate Chamber. They erected and polished the tall marble columns that lend Statuary Hall such elegance and grace.

As the Civil War ripped this Nation asunder over the very issues of human liberty, a slave artisan named Philip Reid cast the statue that crowns this very building, aptly named "Freedom." I am pleased to join with my colleague from Arkansas and my House colleague

from my home State of Georgia, Congressman JOHN LEWIS, in the submission of S. Con. Res. 135, which directs the Architect of the Capitol to place a marker in Emancipation Hall of the Capitol Visitor Center acknowledging the role these slave laborers played in the construction of this building and to accurately reflect its history. I would especially like to thank Congressman LEWIS for his work in heading the Slave Laborer's Task Force, which recommended that such a marker be designated and erected.

This marker is a small way of showing our gratitude to these Americans, but it is a necessary and proper one.

AMENDMENT NO. 1469

Mr. President, I now wish to move to another issue. It is the issue of the McCain-Levin amendment that is before us on the Defense authorization bill. In the Defense authorization mark, we filed an amendment seeking to add seven F-22s for additional procurement by the Air Force. And as a part of that amendment, we provided all the offsets necessary within the budget to purchase those seven aircraft. That amendment passed in the full committee and now is a permanent part of the mark. The amendment by Senators McCain and Levin seeks to strip those seven airplanes out of that mark and to deny—to basically shut down—the production line for the F-22.

First, with respect to this debate, let me put it in context and draw from a statement by a Washington expert in this area who is known for being bipartisan and level-headed, and that is John Hamre, President and CEO of CSIS, and a former Pentagon Assistant Secretary under the Clinton administration. In an April newsletter, Mr. Hamre stated as follows:

All of the systems proposed for termination by Secretary Gates in his budget have valid missions and real requirements. None of them is a wasteful program. This is a case of priorities. Secretary Gates has decided that these programs don't enjoy the priority of other programs in a constrained budget, but Congress can and should legitimately question spending priorities. Every individual has a unique calculus for prudent risk. Secretary Gates has rendered his judgment. Not only is it appropriate but necessary for Congress to pass final judgment on this question.

Mr. Hamre goes on to say:

I admire Secretary Gates, but it is the duty and obligation of Members of Congress to question his recommendations. These recommendations merit serious and dispassionate debate, not sloganeering. Secretary Gates has made a series of recommendations. Only the Congress can decide what to do for the Nation.

Congress is the branch of government most directly connected to the American people. We have a crucial role in the budget process, which we should not shy away from. Some will say this is a debate about jobs and pork-barrel spending, unnecessary spending and

powerful defense contractors. Hopefully, Mr. Hamre's statements have at least partially dispelled what is truly a myth in this respect.

Clearly, jobs are at stake—lots of jobs—and good-paying jobs at that. About 95,000 jobs are going to be lost if the McCain-Levin amendment passes—95,000 good-paying jobs across America. Several thousand of those jobs are in my home State.

But this is not a debate about jobs. This is a debate about the security of the United States of America, and I am going to talk in greater detail about that in a minute.

Since the Korean War, our military has been able to maintain what we call air dominance and air superiority. And what that means is that our Air Force has been able to control the skies, to rid the skies of any enemy aircraft. We have been able to control the skies by having the capability of taking out any surface-to-air missile that might seek to shoot down one of our planes in any conflict with an adversary. Since the Korean War, the United States of America has not lost a foot soldier to tactical enemy aircraft because of our ability to maintain air dominance and air superiority. Well, if we do not have the F-22, our ability to maintain air dominance and air superiority is in jeopardy.

Over the years, we have been in conflicts in different parts of the world with different adversaries, and there will be additional conflicts down the road at some point in time. We hope not, but we know one thing, and that is if we have an inventory—the capability of taking away the enemy's ability to come after us—then it puts our enemy in a difficult position from the standpoint of ever wanting to engage us.

Let me respond now to some comments that Senator MCCAIN made yesterday, and which he and others have made often, about the power of the military industrial complex. Our industrial complex is powerful, but it is not all powerful. If there were not serious national security interests at stake here, we wouldn't be having this debate.

Also, there is absolutely nothing unique about the role of outside interests in the case of the F-22. Anyone involved in the current debate we are having in this body over health care, and even this week's hearings regarding Sotomayor, knows that outside interests, including industry, are intimately involved in trying to influence the process in regard to those issues. It is simply part of the process in a democracy, and there is absolutely nothing unique to it in relation to the F-22. We wouldn't be here if there were not serious national security issues at stake that are worth debating.

However, most importantly, this debate is about what kind of military we need today and what kind of military

these young people who are sitting before us today are going to need in the future. It is about the balance between needing to maintain both the ability to win current wars and guard against future challenges. The United States is a global power, with global commitments and responsibilities that exceed Iraq and Afghanistan. We are also a nation that has fought and won wars through the use of technology and not just a total reliance on manpower.

Lastly, we are a nation for whom the basic war-planning assumption for the last 50 years has been that we will control the skies—air dominance and air superiority. If that assumption goes away, so does one tenet of American military strategy and the planning assumptions attached to maintaining air dominance.

A criticism of the F-22s in the bill is that it is funding something DOD does not want. Defense budgets, as enacted into law, always—and I emphasize always—contain measures, be they weapons systems or other programs, that DOD does and does not want. As John Hamre said, it is the job of Congress to assess what DOD requests and to render judgment thereon. If we do not do that, we have given up our oversight role with which the constitution entrusts us. Congress is the branch of government most connected to the American people. It has an important role to play, and we should not shirk that role and be afraid to challenge DOD's priority, when necessary, and when we know they are wrong. This is a debate about military priorities and what kind of military we need. We cannot and should not assume that future challenges will be like today. In predicting where the next threat will come from, the United States of America and our tacticians have a perfect record: We have been wrong every single time.

Jobs are at stake, and a variety of different interests are at stake but, most importantly, what is at stake is our national security and our ability to execute our global responsibilities. That is what is at stake and that is what I am going to focus on in my remarks today.

I would also like to rebut one point critics make about the F-22 not flying in missions in Iraq and Afghanistan. Senator MCCAIN and Secretary Gates have made this point often and over and over again. But there are numerous and very expensive weapon systems in this budget that we are going to be voting on in the next couple weeks that have not, and hopefully will not, be needed in Iraq and Afghanistan—the Trident missiles, the ballistic missile system, the DDG 1000. There is a long list of items that are not going to be used in Iraq and Afghanistan that are very expensive and that are contained within this authorization bill. That does not mean these systems are not

needed. It is merely that they are intended to address a different threat. To argue against the need for a system because it is not being used in the current conflict is shortsighted and betrays a very short-term perspective on our national security.

Frankly, if the Pentagon had wanted to use the F-22 in the current conflicts, they could have been used. I don't know whether a conscious decision was made otherwise, but the conflict in Afghanistan is not over, and we are going to be in that area of the world for a long time to come. I suspect that before it is over, we will have F-22s flying in the region.

Let me just add that these numerous projects that DOD did not request—and there are several DOD projects which DOD did not request—have drawn little or no attention. For example, \$560 million for unrequested FA-18s, \$1.2 billion for unrequested MRAPs, and significant funds to support a pay raise above what was recommended by the President. We spent a lot more money on these items than what DOD requested. So to come up here and say: Well, DOD didn't request any F-22s and, therefore, we are to salute and go marching on is something we have never done, we did not do in this bill, and we should not have done in this bill.

Let me also address the veto threat regarding the F-22 funding. A veto is a serious step and one that should only be taken when the welfare of our troops or national security is at stake. After doing extensive research of Defense bills as far back as data is available, I have been unable to find one single example where a veto has been threatened or issued in relation to funding that correctly supports an unmet military requirement, as funding for the F-22s in this bill does. It is regrettable the administration needs to issue a veto threat for funding intended to meet a real national security requirement that has been consistently confirmed by our uniform military leaders.

Specifically, in his letter to Senators LEVIN and MCCAIN, President Obama states as follows:

The Department conducted several analyses which support this position to terminate F-22 production at 187.

I am not sure who was advising the President on this, but that statement is simply not true. Of the countless studies—and I emphasize study after study after study—that DOD has done, only one recommended 187 F-22s, and that study was based on one major contingency operation that has not even been factored into our national security strategy.

There are numerous other studies—again, numerous other studies—including one commissioned by the DOD itself in 2007, which support buying a minimum of 250 F-22s, not 187.

I would also like to offer a few comments on the letter from Secretary

Gates and Admiral Mullen. Like General Cartwright did at last week's hearing, Secretary Gates and Admiral Mullen talk about the importance of UAVs in obviating the need for F-22s. That means taking pilots out of the air when it comes to destroying critical adversarial weapon systems that are on the ground or in the air trying to take out our men and women.

What they don't note is that of the UAVs we are procuring in this budget—and I am a big fan of UAVs; we need them in certain scenarios, but of the UAVs we will be procuring in this budget, that we will be procuring in additional budgets, virtually none of them will have any stealth capability, and they will be useless in a situation that requires penetrating denied airspace.

In other words, if we need to fly a UAV into a country—and there are a number of countries in the world today that have the Russian-made SU-30 surface-to-air missiles—those UAVs get shot down every single time. The F-22 is the only weapon system in our inventory that has the capability of penetrating that airspace and firing not one shot, not two shots, but three shots and getting out of that enemy territory before the enemy ever knows the F-22 is in the theater. There is nothing in our inventory or on the drawing board that has that kind of capability—certainly not the UAVs.

As they did in hearings before the Armed Services Committee, Secretary Gates and Admiral Mullen also do not address the issue of surface-to-air missiles and that the F-22 is more capable against those systems.

Lastly, their letter notes the decision to terminate the F-22 program at 187 has been consistent across administrations. Again, let me just say it was Secretary Gates himself, as the Secretary of Defense at the end of the Bush administration, who decided to procure additional F-22s. We just procured those four F-22s in the supplemental we passed a month ago, or 6 weeks ago—that is additional F-22s beyond the program of record—to keep the option for additional F-22 procurement open for the next administration. So that has not been a decision of previous administrations. It is this administration that is making the decision to terminate the best tactical airplane ever conceived in the history of the world.

In relation to the letter sent yesterday from Secretary Gates and Admiral Mullen, I would like to quote from a letter I received from Rebecca Grant, a military expert who is at the Mitchell Institute for Air Power Studies. Here is what she says:

In the letter of July 13, from Admiral Mullen and Secretary Gates, the characterization of F-35 as a half generation newer aircraft than F-22 and more capable in a number of areas such as electronic warfare

and combating enemy air defenses is incorrect and misleading. Air Force Secretary Donley and General Schwartz have repeatedly stated, "The F-22 is unquestionably the most capable fighter in our military inventory." And citing a Washington Post article of April 13, 2009:

The F-22 was designed with twice the fighting speed and altitude of the F-35, to preserve U.S. advantages in the air even if adversaries can test our countermeasures or reach parity with us. If electronic jamming fails, the speed, altitude and maneuverability advantages of the F-22 remain. The F-35 was designed to operate after F-22s have secured the airspace, and does not have the inherent altitude and speed advantages to survive every time against peers with electronic countermeasures. America has no unmanned system programs in production today that can cope with modern air defenses such as those possessed by Iran. The Navy UCASS demonstrator program may produce such a system in several years for carrier-based operations only. However, together, China and Russia have 12 open production lines for fighters and fighter bombers. Only 5 F-35s are flying today. The F-35 has completed less than half its testing. Developmental tests will not be complete until 2013. It is impossible to assess the full capabilities of the F-35 until operational test is complete in 2014.

Let me just add right here, in the history of the United States of America, when it comes to tactical aircraft, we have never ever purchased a tactical air fighter while it was still in test and development stage. We always allow that to be completed because we know there are going to be deficiencies.

Going back to the letter from Ms. Grant:

The United States Air Force will not have a robust F-35 force structure for another 10 years. In addition, the Pentagon removed funding for the F-35 to reach the rate of 110 per year as desired by the Air Force. Departing Air Force Secretary for Acquisition Sue Payton recently warned of potential cost growth in F-35, upon her departure. Cost growth, or a Nunn-McCurdy breach, could slow down the rate at which the United States Air Force takes delivery of the F-35. The letter misrepresents the position of former Chairman of the Joint Chiefs of Staff General Richard Myers.

I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From Rebecca Grant, Director, Mitchell Institute for Airpower Studies, Air Force Association.

In the letter of July 13 from Admiral Mullen and Secretary Gates, the characterization of F-35 as a "half generation newer aircraft than F-22 and more capable in a number of areas such as electronic warfare and combating enemy air defenses" is incorrect and misleading.

Air Force Secretary Donley and General Schwartz have repeatedly stated: "The F-22 is, unquestionably, the most capable fighter in our military inventory." (Washington Post, April 13, 2009.)

The F-22 was designed with twice the fighting speed and altitude of F-35 to preserve US advantages in the air even if adversaries contest our electronic countermeasures or reach parity with us.

For example, the Russian-made Gardenia series jammer fits the Su-27 or MiG-29 aircraft and detects radar signal threats and defeats them by processing and returning the same signals with jamming modulation. This jammer has been exported to nations such as Israel which may have modified and improved the jammer. It is made by the Kaluga Scientific Institute of Radio Technology which has other advanced jammers in the works.

New digital technologies enable advanced SAMs to switch rapidly between different frequencies for jamming which greatly complicates our electronic countermeasures. The advanced SAMs are therefore much more difficult to defeat than the analog SA-6s and SA-2s designed in the 1960s.

If electronic jamming fails, the speed, altitude and maneuverability advantages of F-22 remain. The F-35 was designed to operate after F-22s secured the airspace and does not have the inherent altitude and speed advantages to survive every time against peers with electronic countermeasures.

America has no unmanned systems programs in production today that can cope with modern air defenses such as those possessed by Iran. (The Navy UCAS demonstrator program may produce such a system in several years for carrier-based operations only.) However, together China and Russia have 12 open production lines for fighters and fighter-bombers.

Only five F-35s are flying today. The F-35 has completed less than half its testing. Developmental test will not be complete until 2013. It is impossible to assess the full capabilities of F-35 until operational test is complete in 2014.

The USAF will not have a robust F-35 force structure for another ten years. In addition, the Pentagon removed funding for the F-35 to reach the rate of 110 per year as desired by the Air Force.

Departing Air Force Assistant Secretary for Acquisition Sue Payton recently warned of potential cost growth in F-35 upon her departure. Cost growth or a Nunn-McCurdy breach could slow down the rate at which the USAF takes delivery of F-35.

The letter misrepresents the position of former Chairman of the Joint Chiefs of Staff General Richard Myers.

Mr. CHAMBLISS. As I mentioned earlier, we see this debate and vote about the need to maintain the ability to win current wars and to guard against future challenges. While respecting Secretary Gates and his desire to emphasize winning current conflicts, we feel his stance with respect to the F-22 does not adequately account for other kinds of threats.

Specifically, I find DOD's assumption that F-22s will only be required in one major contingency or theater to be totally unrealistic. This is the assumption the 187 number is based on. Given the ability and proliferation of advanced surface-to-air missiles which require stealth to counter, and numerous hostile nations' desire for these SAMs, the likelihood of an adversary outside east Asia requiring these systems in the near to midterm is increasingly likely.

In fact, in the press recently there have been reports about a potential adversary seeking to buy the S-30s from Russia. The F-22 is the only weapon

system America has that is capable of penetrating the S-30. There is a follow-on, more sophisticated surface-to-air missile being produced by the Russians today. That missile, again, will proliferate around the world at some point in time, and the only weapon system in the inventory of the United States that has capability of penetrating airspace where those weapons exist is the F-22.

The administration's current plan for F-22 basing would result in no F-22s being stationed in Europe or being available to address a crisis situation requiring penetrating denied airspace in the Middle East.

At the press conference announcing his budget recommendations on April 6, 2009, Secretary Gates said there was no military requirement—I emphasize that, “military requirement”—beyond 187 F-22s, and the Air Force agreed.

On this specific issue, either Secretary Gates misspoke or he was given incorrect information. In any case, this statement has been repeatedly contradicted by his Air Force leadership.

The Chief of Staff of the Air Force, General Schwartz, in February of 2009, said he suggested he would request some additional 60 F-22s and present analysis supporting that number to the Secretary of Defense during formulation of the fiscal year 2010 budget. He commented that this request was driven by analysis as opposed to some other formulation and spoke of 243 as being a moderate-risk number of F-22s.

On April 16, 2009, after Secretary Gates's budget announcement, while speaking at a National Aeronautics Association event, General Schwartz stated, regarding the F-22: “243 is the military requirement.” He commented that 243 would have been a moderate-risk inventory.

On May 19, 2009, before the House Armed Services Committee, General Schwartz testified 243 is the right number of F-22s. Before the Senate Armed Services Committee on April 21 of this year, General Schwartz said he gauged the risk of a fleet of 187 F-22s as “moderate to high.”

Mr. President, 187 F-22s puts America in a “moderate to high” risk category, according to the Chief of Staff of the United States Air Force.

There have been other generals who have made statements with respect to the F-22. I commend these gentlemen because they are, frankly, putting their military future at risk. I know they probably received some harsh phone calls from the leadership. But I know this too. They have also received a lot of calls from majors and captains and lieutenants and Air Force academy students today, as well as Army foot soldiers, just like I have. I know they have gotten those phone calls because I have gotten those phone calls thanking me for being willing to stand up and say: Mr. Secretary, you are wrong about this, and we need more F-22s.

Air Combat Command holds the need for 381 F-22s to provide air superiority to our combatant commanders and protect against potential adversaries.

General Corley, who is the Commander of Air Combat Command, stated that a fleet of 187 F-22s puts execution of our national military strategy at high risk in the near to midterm. Air Combat Command analysis shows a moderate risk force can be obtained with an F-22 fleet of approximately 250 aircraft.

The F-22 underpins our ability to dissuade and defer. Simply put, 243 gives us the required global coverage with 180 combat-coded jets versus 115 to 126 combat-coded jets that we are going to get if we terminate this program with 187 F-22s being purchased.

Mr. President, 180 combat deployed F-22s allows us to quickly win major contingencies with a moderate risk. Lower numbers of F-22s would sacrifice global coverage during a major contingency, encouraging adversaries to take advantage of a diminished ability to ensure air sovereignty. Out of dozens of studies conducted by DOD regarding the F-22, every study except one recommended procuring at least 243 F-22s.

The one study that did not was conducted by the DOD staff without any Air Force input and was based on the assumption that F-22s would only be required in one scenario, which, as stated earlier, is an unrealistic assumption.

General Schwartz and Secretary of the Air Force Donley have spoken often on this issue in the last several months, including an op-ed they put in the paper on April 13. I understand there is another letter coming from them. I look forward to reading it, although I am not sure it can say anything new.

In order to better understand his position, I, along with six other Senators, sent General Schwartz a letter on May 4 of this year. Let me quote from his letter. General Schwartz stated:

We have been consistent in defining a long-term requirement of 381 F-22s as the low-risk fleet, and 243 as the moderate-risk for both warfighting capability and fleet sustainment. The F-22 program of record represents the minimum number for current force planning at higher risk. While 60 more F-22s are desirable, they are simply unaffordable.

I think these comments from General Schwartz confirm what we all already know, that the decision to limit production to 187 is budget driven, pure and simple, and 187 is a high-risk fleet and does not meet the full military requirement.

I would simply like to ask my colleagues: Why should the United States of America accept a moderate to high-risk situation in our ability to carry out the mission of the United States Air Force in the first place?

Substituting F-22s with other aircraft will not serve the Nation's interest. Some have suggested filling the remaining F-22 requirements with other aircraft such as the F-35, the Joint Strike Fighter. I am a big fan of the Joint Strike Fighter. It is going to be a great airplane. But as Ms. Grant stated, we have five flying today that are being tested. We are simply a long way away from the F-35 reaching a full production rate and having the capability for which it was designed. That mission that the F-35 is being designed for is entirely different from the mission of the F-22.

The Joint Strike Fighter is designed for multirole strike missions and not optimized for the air dominance mission of the F-22. All the force structure studies have determined that a complementary mix of F-22 and F-35s is the best way to balance risk, cost, and capability. The F-22 is the only proven fifth-generation fighter in production.

The Air National Guard is charged with providing homeland air defense for the United States and is primarily responsible for executing the air sovereignty alert mission. In addition to the over 1,600 Air National Guard men and women who carry out this mission on a daily basis, the Air National Guard relies on legacy F-15 and F-16 fighter aircraft.

The projected retirements of these legacy aircraft—and we have in this budget that we are going to retire 250 F-15 and F-16s. I have no reason to think we will not retire at least another 250 next year, and this trend is going to continue.

Those retirements leave the Guard short of the required number of aircraft to execute this mission. GAO has commented:

Unless the Air Force modifies its current fielding schedules or extends the service lives of the F-15s and F-16s, it will lack viable aircraft to conduct ASA operations at some of the current ASA sites after fiscal year 2015.

The F-15 has been a great airplane. The F-16 has been a great airplane. It has served us so well over the 30 to almost 40 years we have been flying those airplanes. In my home State at Robins Air Force Base, we have an Air Force Depot, a maintenance depot for aircraft. Last year, an F-15 literally fell out of the sky. It crashed.

Those airplanes were immediately sent to Robins Air Force Base. A number of those airplanes were sent to Robins Air Force Base to be checked out. They figured out what the problem was. We have now fixed the problem. But that is the kind of aircraft we are putting our brave men and women who are flying for the U.S. Air Force in today, and we are talking about extending the life of those airplanes for a period of time to meet the mission of the National Guard.

No plan has been developed to fill the shortfall through either modernized

legacy aircraft or new aircraft procurement if we stop the production of F-22s at 187. Some 80 percent of the F-16s will be gone in 8 years.

According to LTG Harry Wyatt, the Director of the Air National Guard, the nature of the current and future asymmetric threats to our Nation requires a fighter platform with the requisite speed and detection to address them. The F-22's unique capability in this arena enables it to handle a full spectrum of threats that the Air National Guard's current legacy systems are not capable of addressing. Basing F-22 and eventually F-35s at Air National Guard locations throughout the United States, while making them available to rotationally support worldwide contingency operations, is the most responsible approach to satisfying all our Nation's needs.

So the F-22 is not just needed to counter international threats, but as we look at a map of the United States and we look at our various Air National Guard locations around the country, we need the F-22, according to the Air National Guard, to supplement the support that is going to be required for the mission of the Air National Guard.

Let me, for 1 minute, talk about another issue that is a part of this overall long-term mission of the F-22, and that is foreign military sales. The F-22 is such a technologically advanced weapons system that a decision was made several years ago that we were not going to share this technology with other countries, as we have done with the F-16 and the F-15, and heretofore basically all our aircraft.

That was probably the right decision, to a point. But today, with respect to the F-35, we are sharing technology on that airplane, which is based upon the technology of the F-22, with the Brits, who are our primary partner with respect to the development and the production of the F-35.

So we have made a decision we are going to share the stealthy technology primarily that is available on the F-22 and the F-35 with the Brits. The F-22 and the F-35 contain a lot of other technologically advanced assets. But we now have the opportunity to develop and produce a somewhat toned-down version of the F-22 to other countries. For the last several years, we have had interest expressed in a very serious way from other countries. One of those countries has been to see me, about 3 weeks ago, and said they are dead serious about looking it purchasing the F-22 as soon as the foreign sales version can be made available.

I happen to know there are other countries that have talked to the contractor as well as the Department of Defense about the potential, down the road, for the purchase of that airplane. Obviously, the contractor cannot get involved in it, but the Department of

Defense has consistently said: We have made a decision to this point that we are not going to share that technology with other countries.

Well, we live in an entirely different global world today than we did 10 years or 20 years ago. So it is time we started thinking about the potential for foreign sales of the F-22. Japan has been a very trusted and reliable ally. They need the best aircraft available to defend themselves over the long haul. Because they are an ally of ours in the part of the world in which they exist and because that part of the world has the potential for the development of future adversaries, it is critically important that we continue—and I emphasize that because we have sold them tactical aircraft in previous years—it is important that we continue to share the latest, most technologically advanced weapons systems with friends and allies such as the Japanese.

Let me read you a statement from former Chairman of the Joint Chiefs of Staff GEN Richard Myers regarding the need for an exportable version of the F-22. General Myers stated:

Japan's F-15J force, once top of the line, is now outclassed by the new generation of Chinese fighters such as the SU-30MKK. Moreover, China's air defenses, which include variants of Russian-made long-range SA-10s and SA-20s, which is the S-300 family missiles, can only be penetrated by the fast, high-flying stealthy Raptor or the F-22. Japan's defense ministry has studied the problem closely and has produced a very impressive tactical rationale for buying the F-22 if its sale is approved by the United States Congress.

Only under the umbrella of air superiority that the Raptor provides can U.S. military endeavors succeed.

Let me quote from another well-recognized individual, retired GEN Barry McCaffrey, on the need for adequate numbers of F-22s. This statement is about a year and a half old, but it is applicable today.

There is no single greater priority for the coming 10 years for the U.S. Air Force than funding, deploying, and maintaining 350 F-22 Raptor aircraft to ensure air-to-air total dominance of battlefield airspace in future contested areas.

The F-22 provides a national strategic stealth technology to conduct—long-range (Cruises at high supersonic speed without afterburner) penetration (at altitudes greater than 15 kilometers)—undetected into any nation's airspace at Mach 2-plus high speed—and then destroy key targets (aircraft or missiles on the ground, radar, command and control, nuclear stockpiled weapons, key leadership targets, etc)—and then egress with minimal threat from any possible air-to-air or air defense system. It cannot be defeated in air combat by any known current or estimated future enemy aircraft.

That is coming from a ground soldier, somebody who depends on that F-22 and, heretofore on the F-15, to maintain air dominance and air superiority so the ground troops under his command can have the assurance in knowing that they can move freely without the threat of enemy aircraft.

Without more than 187 aircraft, we are not going to be able to guarantee the foot soldier on the ground that capability. The F-22 Raptor is in production and is operationally deployed around the world. Continued F-22 acquisition is low risk, as the aircraft has successfully completed its development program and passed a stringent set of real-world tests. By all measures, the F-22 is now a model program and continues to establish industry benchmarks for an aircraft production program.

The F-22 program is on budget. The contractor team is currently delivering 20 F-22s per year under a 3-year multiyear program that was approved by Congress 3 years ago. The multiyear contract is firm, fixed price, meaning that the U.S. Government is buying a proven capability with no risk of cost growth. It is ahead of schedule. In 2008, every F-22 delivery was ahead of contract schedule.

This ahead-of-schedule performance continues into 2009. Since early 2006, every F-22 has been delivered on or ahead of contract schedule. The contractor is producing a high-quality aircraft. In military aircraft production, the highest standard for quality is zero defect. A zero-defect aircraft is evaluated by the customer to be perfect in all respects. In 2008, nearly one-half of the F-22 deliveries were evaluated to be zero defect—an exceptionally high level of aircraft quality.

Still to this day, no one can say for sure, with any analysis to back them

up, that 187 F-22s is enough. The F-22 should be viewed in the collective as a tool in the toolbox.

Detractors argue that the F-22 is single-purpose. Throughout history, we have been effective in adapting the tools we have to the needs we have. All one has to do is to look at what we are doing today with the B-52. That airplane is 50 years old—older than that; it may be 60 years old. There was a point in time when we thought we would retire all of the B-52s. It is a bomber. What are we doing with the B-52 today? Today, the B-52 is flying close air support for our troops in Afghanistan. The SSBNs are being used by our special operations men and women, and they are doing a very effective job.

A general once said that the most tragic error a general can make is to assume, without much reflection, that wars of the future will look much like wars of the past. If we are going to pass a budget and develop a weapons system inventory that is based upon the wars of the past, then we are headed in the wrong direction. The war we are fighting today is entirely different from any conflict in which we have ever been engaged. We have been wrong every single time when it comes to predicting the next adversary we will have.

Senator MCCAIN mentioned the July 10 Washington Post article on the performance and maintainability of the F-22. Let me say that we know nothing appears on the front page of the Washington Post by accident, particularly

the week before an important vote. I guess I ought to be flattered by the attention. But for the record, the same reporter who wrote that article on the day of an important hearing in relation to the F-22 multiyear contract in 2006 is the same author of the July 10 article.

The article in question bore absolutely no relation to the issues at stake. Nevertheless, it led to a new study on the savings that would be achieved through a multiyear contract, a study which was conducted at government expense. Despite the article's obvious attempts to obscure the facts and issues in the situation, that new study, done pursuant to request of this body, concluded that the multiyear contract would save twice as much as the previous study.

Just briefly in relation to the Washington Post article, by close of business the day the article was published, the Air Force had already issued a rebuttal. It concluded that of the 23 claims in the article, only 4 were true, 4 were misleading, 10 were false, and 5 required greater explanation and context beyond what the Post article reported.

I ask unanimous consent that a copy of the Air Force statement in rebuttal to the article in the Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

10 July 2009

RESPONSE TO F-22 WASHINGTON POST ARTICLE BY JEFF SMITH

CLAIM	...30 hours of maintenance for every hour in the skies... (Para 1)																
AF RESPONSE	True based on the DOT&E Report from 2007 at 34 hours.																
CLAIM	...hourly cost of flying to more than \$44,000... (Para 1)																
AF RESPONSE	<p>The total variable cost per flying hour includes: aircraft part repairs (depot level repairs [DRLs]), replenishment spares, consumables, engine parts and aviation fuel. The F-22 FY08 total variable cost per flying hour (17,711 total hours flown) was \$19K and the F-15 FY08 total variable cost per flying hour (122,762 total hours flown) was \$17K.</p> <p>Costs included in the variable cost per flying hour are a subset of total operational cost per flying hour. For the F-22, contractor support is included in both the variable cost per flying hour and the operational cost per flying hour. Contractor costs which meet the definition of a variable cost are included in the \$19,750 Variable CPFH, along with appropriate government costs. Other contractor support costs are added in, along with appropriate government costs, to obtain the total \$49,808 Operational CPFH.</p> <p>F-22 vs. F-15 2008 Cost Comparison Breakdown</p> <table><tr><td></td><td>Costs Variable w/ Flying Hours</td><td>Costs Variable w/ # of a/c</td><td>Fixed Costs</td></tr><tr><td>F-22</td><td>\$19,750 CPFH*</td><td>\$2.5M cost per a/c</td><td>\$276M total</td></tr><tr><td>F-15</td><td>\$17,465 CPFH*</td><td>\$2.4M cost per a/c</td><td>\$318M total</td></tr><tr><td>Major Activities: (by category)</td><td>Repairs (DLRs) Spares Consumables Fuel</td><td>Depot Maintenance Base Operations</td><td>Engineering Tech Data Program Mgmt Indirect Costs</td></tr></table> <p>Cost comparison includes all O&S costs (both CLS and organic) Once costs are bucketed into categories, F-22 and F-15 costs are similar Note: * Costs variable with flying hours are preliminary estimates.</p>		Costs Variable w/ Flying Hours	Costs Variable w/ # of a/c	Fixed Costs	F-22	\$19,750 CPFH*	\$2.5M cost per a/c	\$276M total	F-15	\$17,465 CPFH*	\$2.4M cost per a/c	\$318M total	Major Activities: (by category)	Repairs (DLRs) Spares Consumables Fuel	Depot Maintenance Base Operations	Engineering Tech Data Program Mgmt Indirect Costs
	Costs Variable w/ Flying Hours	Costs Variable w/ # of a/c	Fixed Costs														
F-22	\$19,750 CPFH*	\$2.5M cost per a/c	\$276M total														
F-15	\$17,465 CPFH*	\$2.4M cost per a/c	\$318M total														
Major Activities: (by category)	Repairs (DLRs) Spares Consumables Fuel	Depot Maintenance Base Operations	Engineering Tech Data Program Mgmt Indirect Costs														
CLAIM	...radar-absorbing metallic skin is the principal cause of its maintenance troubles, with unexpected shortcomings --... (Para 2)																
AF RESPONSE	True.																

CLAIM	...such as vulnerability to rain and other abrasion... (Para 2)
AF RESPONSE	Not true. Rain is not the cause of skin issues.
CLAIM	... aircraft fleets become easier and less costly to repair as they mature, key maintenance trends for the F-22 have been negative in recent years, and on average from October last year to this May...(Para 3)
AF RESPONSE	Not true. Have been improving.
CLAIM	...just 55 percent of the deployed F-22 fleet has been available to fulfill missions guarding U.S. airspace, the Defense Department acknowledged this week. The F-22 has never been,...(Para 3)
AF RESPONSE	Fleet average 64.5 and Operational Fleet (LAFB, EAFB, HAFB) 61.5. The mission capable rate has improved from 62% to 68% percent from 2004 to 2009.
CLAIM	... only 1.7 hours (Para 5)
AF RESPONSE	True based on the FOT&E Report. The F-22 program does not measure mean time between critical failure. However, Mean Time Between Maintenance (MTBM) has dramatically matured from 0.97 in 2004 to 3.22 as demonstrated by Lot 6 aircraft performance.
CLAIM	...\$350 million apiece.... (Para 5)
AF RESPONSE	\$350 million then-year cost is true for the programs average unit cost (PAUC) for 184 aircraft, which includes all RDT&E and procurement costs. The fly away cost of the F-22 is \$142.6M each for Lot 9 aircraft.
CLAIM	...Structural problems that turned up in subsequent testing forced retrofits to the frame ... (Para 19)
AF RESPONSE	Misleading. The F-22 had a series of structural models that were tested throughout its development in a building block manner. Lockheed Martin completed static and fatigue testing in 2005 on two early production representative airframes. The results of those tests required upgrades to the airframe in a few highly stressed locations. Follow up component level testing was completed and structural redesigns were verified and implemented into the production line. For aircraft that were delivered prior to design change implementation, structural retrofit repairs are being implemented by a funded program called the F-22 Structural Retrofit Program.
CLAIM	... changes in the fuel flow...(Para 19)...
AF RESPONSE	False. The F-22 fuel system has NOT required redesign. The F-22 program has improved the reliability of individual fuel system components as part of our reliability and maintainability improvement program.

CLAIM	...forced the frequent retesting of millions of lines of code,...(Para 19)
AF RESPONSE	<p>False. Diagnostic software is designed to automatically detect and isolate system faults. Currently it detects system faults 64% of the time and isolates the fault 92% of the time. This is up from 42% and 63% respectively in 2006. The F-22 program continues to incorporate diagnostic improvements as part of our reliability and maintainability improvement program.</p> <p>We do not see anything inherent in the way the software is written that makes it hard to change. The avionics systems, air vehicle systems and engine systems and their operating software require highly qualified personnel to implement changes and require an increased amount of system-level integration testing. Very strict coding and documentation standards are used in the design and development of the F-22 software. Adherence to these standards is what positions the code to allow for future changes.</p>
CLAIM	... Skin problems ...(Para 20)
AF RESPONSE	The issues noted from the FOT&E 2 Report are: 1 abrasion, 1 canopy, 3 missing filler, 4 roll up, 12 tip breaks and ~150 tip/edge damages.
CLAIM	...Over the four-year period, the F-22's average maintenance time per hour of flight grew from 20 hours to 34, ...(Para 21)
AF RESPONSE	Misleading, the two numbers cited are from FOT&E 1 and FOT&E 2 averages respectively. The F-22 program does not measure mean time between critical failure. However, Mean Time Between Maintenance (MTBM) has dramatically matured from 0.97 in 2004 to 3.22 as demonstrated by Lot 6 aircraft performance.
CLAIM	...The Air Force says the F-22 cost \$44,259 per flying hour in 2008; the Office of the Secretary of Defense said the figure was \$49,808. The F-15, the F-22's predecessor, has a fleet average cost of \$30,818. ...(Para 22)
AF RESPONSE	<p>The total variable cost per flying hour includes: aircraft part repairs (DLRs), replenishment spares, consumables, engine parts and aviation fuel. The F-22 FY08 total variable cost per flying hour (17,711 total hours flown) was \$19K and the F-15 FY08 total variable cost per flying hour (122,762 total hours flown) was \$17K.</p> <p>Costs included in the variable cost per flying hour are a subset of total operational cost per flying hour. For the F-22, contractor support is included in both the variable cost per flying hour and the operational cost per flying hour. Contractor costs which meet the definition of a variable cost are included in the \$19,750 Variable CPFH, along with appropriate government costs. Other contractor support costs are added in, along with appropriate government costs, to obtain the total \$49,808 Operational CPFH.</p> <p>F-22 vs. F-15 2008 Cost Comparison Breakdown</p>

		Costs Variable w/ Flying Hours	Costs Variable w/ # of a/c	Fixed Costs
	F-22	\$19,750 CPFH*	\$2.5M cost per a/c	\$276M total
	F-15	\$17,465 CPFH*	\$2.4M cost per a/c	\$318M total
	Major Activities: (by category)	Repairs (DLRs) Spares Consumables Fuel	Depot Maintenance Base Operations	Engineering Tech Data Program Mgmt Indirect Costs
	<p>Cost comparison includes all O&S costs (both CLS and organic)</p> <p>Once costs are bucketed into categories, F-22 and F-15 costs are similar</p> <p>Note: * Costs variable with flying hours are preliminary estimates.</p>			
CLAIM	... of "catastrophic loss of the aircraft."...(Para 28)			
AF RESPONSE	<p>False. The Air Force has determined that there is no need for costly repairs, now or in the future. Boeing reported to USAF that for a limited number of F-22 titanium fuselage boom structures fabricated up to that time period, the titanium material used did not meet stringent F-22 specifications. It had different fatigue mechanical properties than what was certified for production. After extensive review of the titanium by Program experts it was determined that the as-fabricated fuselage boom structural assemblies did not require costly production repairs or scrapping of these high-cost fuselage boom assemblies. However, additional structural inspections had to be imposed on these particular parts to satisfy airworthiness certification requirements per the F-22 Aircraft Structural Integrity Process. These inspections are now in place and conducted in a routine manner per F-22 maintenance instructions.</p>			
CLAIM	...through increased inspections over the life of the fleet, with expenses to be mostly paid by the Air Force....(Para 28)			
AF RESPONSE	False. Fair and reasonable consideration was provided by the contractor to the AF for additional inspection burden.			
CLAIM	...It delaminates, "loses its strength and finish"....(Para 31)			
AF RESPONSE	<p>False. Each F-22 canopy costs \$120k. Canopies do not lose strength over time and are removed due to optical degradation NOT safety of flight. The F-22 canopy coating life requirement is 800 hrs. Canopy coatings are unique to the F-22 system. The requirement was achieved and demonstrated in laboratory tests in Engineering and Manufacturing Development. During early operation usage the program discovered previously unknown impacts due to environmental effects that reduced coating durability. Presently, canopy coatings last an average of 331 flight hours. The program</p>			

	has incorporated several coating improvements. Coating life continues to improve.
CLAIM	...\$120,000 refurbishments at 331 hours of flying time, on average, instead of the stipulated 800 hours...(Para 32)
AF RESPONSE	Misleading. Each F-22 canopy costs \$120k. Canopies do not lose strength over time and are removed due to optical degradation NOT safety of flight. The F-22 canopy coating life requirement is 800 hrs. Canopy coatings are unique to the F-22 System. The requirement was achieved and demonstrated in laboratory tests in Engineering and Manufacturing Development. During early operation usage the program discovered previously unknown impacts due to environmental effects that reduced coating durability. Presently, canopy coatings last an average of 331 flight hours. The program has incorporated several coating improvements. Coating life continues to improve.
CLAIM	... it fully met two of 22 key requirements...(Para 33)
AF RESPONSE	There are only 11 key performance parameters.
CLAIM	... After four years of rigorous testing and operations, "the trends are not good...(Para 35)
AF RESPONSE	False. The mission capable rate has improved from 62% to 68% percent from 2004 to 2009. The F-22 program does not measure maintenance time per repair. Direct Maintenance Man-Hours per Flying Hour (DMMH/FH) has improved from 18.10 DMMH/FH in 2008 to 10.48 DMMH/FH in 2009.
CLAIMIt will, among other things, give F-22 pilots the ability to communicate with other types of warplanes; it currently is the only such warplane to lack that capability.... (Para 38)
AF RESPONSE	Provides the F-22 to transfer digital data to other (Multi-function Advanced Data Link) MADL equipped aircraft.
CLAIM	... One of the last four planes Gates supported buying is meant to replace an F-22 that crashed during a test flight north of Los Angeles on March 25, during his review of the program...(Para 40)
AF RESPONSE	Misleading. All 4 Lot 10 aircraft will be combat coded.
CLAIM	Paragraph 40-41
AF RESPONSE	Cannot comment on this information because the report has not been released yet.

Mr. CHAMBLISS. The Washington Post article is unique in some ways. I guess it may be SOP for articles that are somewhat vicious and where they contain as many errors as the Air Force has pointed out with the facts supporting the errors that were made; that is, the July 10 Washington Post article was based upon unnamed sources. It was based upon a couple of folks who said they were fired either by the contractor or by the Air Force. We take that for what it is worth.

One of the complaints cited in that article was the fact that there are problems with the skin on the F-22. Let me back up a minute and talk about the sophistication of this airplane. There is a problem with the skin. That has been a problem. What we have to remember is that we have never had an airplane that could fly with the capability that this airplane has, that could fly completely undetected, completely through any radar system of the most sophisticated nature of any potential adversary in the world. The reason this airplane can do that is because it is made of substance and material that is unique and different to this airplane, including the skin on the airplane. Are we going to have problems with something that is that unique and has never been used before on any tactical air fighter? You bet we are.

The position of the folks who are in support of this amendment is that we ought to stop production of the F-22 and buy the F-35 at a faster rate. Even if we do that, if we have F-35s flying tomorrow, they are going to have exactly the same maintenance issues as the F-22. The F-22 is the model upon which the Joint Strike Fighter is based. So let's don't kid ourselves. We are not taking an airplane that costs X and substituting it with an airplane that costs half or three-quarters of X. That is not going to be the case. Mistakes have been made—surely—but it is the first time we have ever had a weapons system like the F-22 manufactured by anybody in the world. From the mistakes we have learned. We are going to have a better F-35. But that F-35 is going to have the same skin problem. It is going to have the same weight problem the F-22 had, the F-15 had, the F-16 had, and probably every airplane we have ever developed. It is going to have the same maintenance issues we are having with the F-22 today.

Although the article was wrong in one major area with respect to maintenance, the article says the maintenance of the airplane was having a success rate of 55 percent. That is wrong. As the Air Force points out, between 2004 and today, the successful maintenance rate on those airplanes has gone from 64 to 69 percent.

The future of TACAIR for the United States likely does reside in the F-35

and not with the F-22. Even if we keep buying F-22s, it will never match the number of F-35s we will eventually buy. Everyone hopes, as I do, that the F-35 succeeds. But as the chair and the ranking member of the Armed Services Committee themselves have stated, there is a good deal of risk in the F-35 program, and there is additional risk in what we need to put in place today when it comes to the lives of our men and women who are fighting our conflicts and who are flying these airplanes.

The history of Defense programs, and aviation programs in particular, has been remarkably consistent, particularly when it comes to building programs that represent a leap in technology. They cost more. They take longer. They have more problems than we expect. GAO has criticized the F-35 approach, and they, as well as the leadership of our committee, have stated that not performing sufficient development testing before we proceed to procurement is one of the primary drivers for cost increases and schedule delays in major programs. That is exactly what is being proposed with respect to the F-35.

I am a supporter of the F-35. We are going to build far more of them than we are F-22s. But I am not the only observer to state that we should think twice about staking the future of our TACAIR fleet on a program that has only five test aircraft flying today.

I wish to talk briefly about the offsets included in our amendment which are in the mark used to fund the purchase of these additional seven F-22s. Senator LEVIN talked about the offset at length. I would like to respond to some of his comments. Most importantly, there is absolutely nothing in the offset we used and nothing that has not been used by the Senate Armed Services Committee or the chairman himself in previous bills.

Just last year, Senator LEVIN reduced military personnel funding by \$1.1 billion, which is significantly more than what my amendment reduced it by. For the MILPERS and O&M reductions in my amendment and the markup, in each case the amendment takes either less or approximately the same amount as the House Armed Services Committee bill did for this year. In every case, the amendment takes less than the GAO reported average under-execution/unobligated balances in those accounts. This includes the cuts the Senate Armed Services Committee already took in their mark.

The SASC bill itself notes that GAO estimates that DOD has \$1.2 billion in unobligated O&M balances and \$588 million under-execution in the Air Force civ pay accounts. This is from actual language in the Senate report.

In the civilian personnel area, the GAO reports conclude that more funding is available than what my amend-

ment takes. The GAO report takes into account the expansion of acquisition personnel who will be hired this year.

Regarding MILPERS, GAO analysis suggests that there is on average \$1 billion available. My amendment leaves a balance of \$200 million in that account.

The chairman also commented on the provision in my amendment that assumes savings based on acquisition reform legislation authored by Senators LEVIN and MCCAIN. Let me say that my inspiration for this particular offset was Senators LEVIN and MCCAIN. I thought they did a great job with that bill. I hope we can continue to improve it because it is an area where we have to work harder to avoid wasteful spending.

The chairman included a nearly identical provision as mine in S. 1416, which was the Senate version of the fiscal year 2002 Defense authorization bill. That bill assumed a savings of \$1.6 billion based on acquisition reform bills and the SASC bill for that year. However, unlike my provision, which assumes savings already in law because of passage of the Levin-McCain bill, savings assumed by the chairman were based on provisions that were not yet enacted and, based on the conference process, may never have been enacted. Based on inflation and large increases in the DOD budget since then, that is probably the equivalent of \$2 to \$2.5 billion today. In any case, this is a tremendous amount of savings, and my amendment would assume far less. The offset is based upon predicted savings in the fiscal year 2010 budget based on recently passed acquisition reform legislation such as the Weapons System Acquisition Reform Act, Public Law 111-23, also the business process re-engineering provision in the SASC mark and other management efficiencies and business process reforms.

Senators MCCAIN and LEVIN and President Obama are correct. Savings from this acquisition reform measure could greatly exceed that number, because in their press conference after the successful passage of that bill, they all three talked about the tremendous savings. I agree with them. That is going to happen. That is what we used as part of our offset.

I want to end where I started, by agreeing with John Hamre. John Hamre says:

Congress can and should legitimately question spending priorities.

Not only is it appropriate but necessary for the Congress to pass final judgment on this question.

Secretary Gates has rendered his judgment. . . . But it is the duty and obligation of members of Congress to question his recommendations [and his analysis].

There is absolutely nothing unique or in the least bit wrong about what we are doing. Not to do so would be to abdicate the role with which the Constitution and the American people have entrusted us. If President Obama believes the additional funding for these

F-22s warrants a veto threat, even though that funding addresses an unmet military requirement, then that is his decision. Our job in Congress, as John Hamre has indicated, is to look at the facts, weigh the risks, and render the judgment. That is our role—our independent role—in the process, and we should accept it and use our best judgment to decide what is right for the Nation.

With that, Mr. President, I yield the floor.

Mr. MCCAIN. Mr. President, I rise for two purposes. One is to make a quick response to the remarks of Senator CHAMBLISS concerning the F-22 and a couple of remarks about what I understand is going to be next on the agenda which will be proposed by the majority leader, which is a hate crimes bill, which is very difficult for me to understand.

Senator CHAMBLISS very appropriately pointed out that many times when we put together an authorization bill, we find offsets, as we call them—ways of paying for whatever item we want to add in the authorization bill. But I think it is important for us to point out that the Chambliss amendment during the markup, while putting this bill together, provided \$1.75 billion for F-22 procurement. It took funds from presumed unobligated balances of several accounts. In all candor, they were unjustified assumptions.

The amendment cut \$850 million from O&M accounts, which is operations and maintenance. That means the operating, the maintenance, the equipping, the replacement of very much needed parts and supplies that provide for the readiness of our troops, enabling them to stay ready for today's conflicts and for tomorrow's challenges. The account also covers day-to-day costs of the Department. This includes items such as training, maintenance of ships, aircraft, combat vehicles, recruiting, education support, procurement of general supplies and equipment, and repairs and maintenance of Department of Defense facilities.

Our military is engaged around the world. It is irresponsible to cut the resources they rely on to prepare successfully for their mission to protect the United States and its security interests worldwide. We owe it to our military to provide them with every resource. Based on historical data, the reductions that are in the Chambliss amendment to pay for the additional \$1.75 billion would affect the following areas: Army's training and operating tempo, including training additional helicopter crews for irregular warfare missions; Navy's depot maintenance for surface ships; Air Force's depot maintenance and contractor logistical support for critical aircraft and unmanned vehicles; and the special operations command missions support and training of its forces.

Furthermore, a reduction of this magnitude would affect the Secretary's initiatives to hire and train additional acquisition professionals needed to improve the Department's ability to contract, develop, and procure weapon systems and to replace contractors with Federal employees, thereby reducing the \$1.2 billion in savings that is reflected in the budget.

In addition, these accounts will have to absorb the increased cost of fuel that has occurred since the budget was submitted and additional civilian pay raises. That assumes the Congress sets the civilian pay raises at the same level as the military pay raise of 3.4 percent.

The other two "offsets" are \$400 million from military personnel funding. Much of the funding in the military personnel accounts is entitlement driven. Thus, there is limited flexibility to absorb these reductions without affecting the readiness of U.S. forces. These reductions will directly translate into cuts to recruiting and retention bonuses incentives and other important programs such as covering the cost to move members and their families to new assignments. It will affect unit readiness by hindering the services' ability to meet end strength goals and fully staff operational units with critical personnel prior to deployment. If Congress sustains these reductions, the services will need to submit a reprogramming action to make sure our military forces are fully supported.

Finally, the Senator from Georgia assumes \$500 million in first-year savings from the Weapon Systems Acquisition Reform Act, which he referred to in his remarks. I am very proud to have worked under the leadership of Senator LEVIN and together coming up with a very important piece of legislation, strongly supported by the President and the Secretary of Defense, to reform the way we acquire weapon systems. The cost overruns have been outrageous, as we know, throughout the past few years. But there is no one—no one in our wildest imagination—who believes that in the first year of acquisition reform we will save \$500 million. I would love to see that happen. I would love to see pigs fly. But we are not going to save \$500 million in the first year of a piece of legislation that has not been implemented and would not be for some period of time.

So I am very flattered by the reliance of Senator CHAMBLISS on \$500 million in savings from the legislation we recently passed through the Congress and that has been signed by the President of the United States, but in all due respect, it is totally unrealistic. So what we are really doing is adding \$1.75 billion and not accounting for ways to reduce spending or impose savings in any other way.

But I also understand and appreciate the passion, commitment, knowledge,

and contributions of Senator CHAMBLISS of Georgia. There is no more valued member of the Senate Armed Services Committee. We simply have an honest disagreement on this issue. I appreciate the many qualities of the F-22 aircraft and the enormous contribution it makes to our Nation's security, but the fact is, we don't need any more of them. That comes from the Secretary of Defense, the Secretary of the Air Force, and others involved in these issues for a long period of time.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I will perhaps come back later to speak on the F-22 and the work my colleagues, Senator LEVIN and Senator MCCAIN, have done. But I want to speak about another amendment I have offered that I hope might gain acceptance as we move forward, and that is an amendment to the Defense authorization bill that would require contracting officials in the Pentagon to take into account evidence of bad past performance by a contractor when deciding who should get future contracts.

You might think that contracting officials would already be required to take past performance into account. But the fact is, that is not now required over in the Pentagon. I want to go through some thoughts with you about this issue very quickly.

I have held 19 hearings on contractor waste, fraud, and abuse. I have to say, going back some years now, we have had the greatest amount of waste and fraud and abuse by contractors than we have seen in the history of this country. Let me give you some examples.

Shown on this chart is a man named Efraim Diveroli, 22 years old. Oh, by the way, he is the CEO of a company. That is right, the president and CEO of a company. The company is a shell company his father used to have. But he took it over, and he hired a vice president, as a matter of fact. The vice president's name is David Packouz, 25 years old, the former vice president of the company. He is a massage therapist. So this is a company in Miami, FL, that does business out of an unmarked door. Through the best evidence, there are only two employees—a 22-year-old president and a 25-year-old massage therapist who is the vice president. Well, guess what. These two guys got \$300 million in contracts from the U.S. Government. Can you imagine, \$300 million in contracts from the Pentagon?

There have been arrests in this case. But the question is, Why? I called a three-star general to my office to say: How on Earth could you have done that? How could you possibly have done that? Did you not check?

I checked. These guys also had some small contracts with the State Department which turned out to be bad contracts. But they could have at least

done a small amount of checking before committing \$300 million of the American taxpayers' money. What they did for that money was ship a bunch of shoddy products over to Afghanistan to the military, bullets and guns that were dated from the 1960s. That is one of the reasons this company and these fellows ran afoul of the law. But the question is, How did all this happen?

This guy, as shown in this picture, with a striped shirt is named Frank Willis. This is he, in the striped shirt. He is holding a Saran-wrapped pack of money. This is part of a couple million dollars that went to a company called Custer Battles. This is he, by the way, in Iraq. He said: Our motto was, You bring a bag because we pay cash. He is talking about defense contracting.

Custer Battles is alleged to have taken—they were going to provide security for the Baghdad Airport, which had no commercial airplanes flying in and out. It was alleged they took the forklift trucks off the airport and put them in some sort of machine shed and repainted them blue and then sold them to the Coalition Provisional Authority. So you bring a bag because we pay cash, it was said.

Here is what the guy over at the Baghdad Airport said. I am just telling you all this because I held 19 hearings. I have done 19 of them. Here is what the guy who is the airport director of security said in a memo to the Coalition Provisional Authority. Here is what he said about Custer Battles, which was given the contract. They got over \$100 million in contracts.

Custer Battles have shown themselves to be unresponsive, uncooperative, incompetent, deceitful, manipulative and war profiteers. Other than that they are swell fellows.

Think of it. So what do we think of these contractors? They got a lot of the taxpayers' money.

This is a picture of Cheryl Harris with her son Ryan Maseth, a Green Beret, Special Forces. Ryan, unfortunately, tragically was killed in Iraq—no, he was not shot by some insurgent; he was electrocuted in the shower. His mother Cheryl was told that they thought maybe he went into the shower carrying a radio and therefore was electrocuted. It turns out that was not the case at all. The fact is, he took a shower in a place where the wiring had been done improperly. Why? Because Kellogg, Brown, and Root, which was paid to do the wiring, hired third-country nationals in most cases who could not speak English and did not know the wiring codes, and they wired up a shower and this poor soldier lost his life because he was electrocuted in the shower.

I held hearings about that. Eric Peters, who was working in Iraq as an electrician, said: Third-country nationals performed the majority of KBR's

electrical work. Most have absolutely no knowledge of the National Electric Code or British Standards, and the quality of their work reflects that. Much of this work is not clearly inspected by licensed electricians. I personally have refused to sign off on work they have performed because I knew it was not up to code. That is what we paid for, and some soldiers have lost their lives.

This list goes on and on and on.

Eric Peters, a brave soul who worked in Iraq to do electrical work, worked for KBR. He came back and testified: I concluded that KBR was not capable of performing quality, legal, electric installations in Iraq. I worried every day that people would be seriously injured or killed by this defective work.

The reason I want to tell you about this is, not only have soldiers lost their lives, but the task orders for which that work was done resulted in award fees, bonus fees, to the company that did shoddy work.

As a result of my hearing, they sent a task force over to investigate all of the buildings in Iraq. The fact is, we have testimony and evidence that there was a massive amount of wiring that was done improperly that put soldiers at risk. Yet the Pentagon provided award fees, which are fees designed only for excellent performance, of \$83 million of the taxpayers' money to a company that did shoddy work; work sufficient so we had to come back around and do what is called, I believe, a corrective action request order, where you had to go back and inspect everything and redo the work. The question is, How is all this going on?

Let me describe the story of Bunny Greenhouse. A lot of people do not know Bunny Greenhouse. What an extraordinary person she is. She grew up in southern Louisiana in a family who had nothing. Two in their family teach college. Her brother is Elvin Hayes, one of the top 50 basketball players of all time. Bunny Greenhouse has a couple of master's degrees, is very well educated, and rose to become the highest civilian in the Corps of Engineers over in the Pentagon. Here is what she testified to with respect to some of the contracting that went on. She lost her job as a result of having the courage to speak publicly.

I can unequivocally state that the abuse related to contracts awarded to KBR represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

For that, she lost her job.

It is not just KBR. I mentioned Custer Battles, Efraim Diveroli. How about Parsons Corporation?

This, by the way, is a photograph every American should remember when you talk about waste and fraud and abuse. This is called "The Whale." This picture is a picture of a prison in Iraq that was never completed and will

never be used. Mr. President, \$31 million was paid to the Parsons Corporation for building a prison the Iraqis said they did not want and would not use. The \$31 million was colossally wasted in unbelievably bad construction. That is after this same company was given a couple hundred million dollars to rehabilitate 140 health clinics in Iraq, and we were told later that most of those health clinics are imaginary, quote/unquote. They do not exist. Well, the money is gone. The \$200 million is gone. But the health clinics are imaginary.

Well, the same company was contracted to build the prison in Iraq. It is called the Kahn Bani Sa'ad prison, but it is referred to as "The Whale." Here is what it looks like, as shown in this picture. We spent \$40 million. The first \$31 million was paid to Parsons. Another \$9 million was paid to an Iraqi contractor. And here it sits in the desert, never ever to be used, paid for by the American taxpayer, and paid to contractors who did shoddy work and were kicked off the site.

The question is, What do we do about all that?

I have proposed an amendment that is pretty simple. It is interesting. There is currently no requirement that contracting officials over in the DOD have to take into account shoddy work practices or shoddy performances by contractors. There is a requirement they take into account criminal actions, civil fines, that are leveled against contractors. But there is no requirement they must consider bad past performance. It is unbelievable, but it is true.

I offer an amendment that says, Do you know what, the time is past when bad performance by big contractors gets you a slap on the wrist and a pat on the back and another contract. It is time—long past the time—we put an end to this.

I know my colleagues, Senator LEVIN and Senator MCCAIN, feel strongly about this issue as well. I appreciate the work they have done. All of us need to do everything we can to assure the American taxpayers they are getting their money's worth. Defense is something we invest in for this country. It is very important.

As I conclude, I want to say this: I put together a chart, and I am going to speak about it in the next day or two. But it relates to this question of the F-22. This chart shows Federal budget deficits. We are on an unsustainable path. It is not a Republican path or a Democratic path. It is just an unsustainable path that cannot work for this country's future.

Take a look at this chart. Here is the middle of a deep recession, \$1.9 trillion in deficits, and then it gets a little better, and then goes back down.

We are on an unsustainable path, and it does not matter what you are talking about, whether you are talking

about an airplane or some other area of Federal budget responsibility. We finally have to decide: Things have changed. We have to invest in things that provide dividends for this country's future. We cannot continue to spend money we do not have on things we do not need. That is not a sustainable course for this country.

So I will speak more about these issues, including the F-22, at some other point. But let me thank my colleague, Senator LEVIN, and my colleague, Senator MCCAIN as well.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, very briefly, let me thank Senator DORGAN for his extraordinary work in the area of waste, fraud, and abuse, not just in the area of the Department of Defense but in so many other areas as well. He is surely a foremost leader in this institution in this effort, and the oversight work he has been able to do is surely cutting-edge with the kind of leadership he has undertaken. We appreciate it. We need it. We need more of it. We are grateful for it. Every taxpayer in America ought to be grateful to Senator DORGAN.

Mr. President, let me urge Members who are going to be speaking on the F-22 to let us know and come to the floor because we are hopeful to conclude this debate no later than early tomorrow morning and to bring it to a vote. We are making every effort to see if we can agree on that.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, just for a minute, because I know colleagues are waiting, it is my understanding that following the disposition of this amendment, which we hope would happen tomorrow morning, the majority leader will move to take up a hate crimes bill. The hate crimes bill is, to say the least, a very controversial piece of legislation and may deserve the debate and discussion of the Members of this body. But the fact is, it has nothing to do with the Department of Defense authorization bill. What the Defense authorization bill has a lot to do with is the training, equipping, taking care of reenlistment and retention, and all of the things necessary to defend our Nation's national security.

We are in two wars. We are in two wars, and we need to pass this legislation. So the majority leader's priority is a hate crimes bill—a hate crimes bill which has nothing to do with the Defense authorization. I hope if the majority leader does that, it will be the last time he will ever complain about an unrelated amendment being brought up by this side of the aisle.

Look, there are important amendments that need to be debated and considered on this legislation. This has to

do with the defense of this Nation. So what are we going to do? We are going to tie up the Senate for a number of days. For a number of days we are going to tie up the Senate on a totally unrelated, very controversial, very emotional issue that has nothing to do with defending this Nation.

So I urge my colleagues on this side of the aisle, I urge the distinguished chairman, I urge the majority leader, let's move forward with addressing the defense needs of this country, save the hate crimes bill for another day, and do what is necessary for the men and women in our military rather than putting an agenda item that has nothing to do with defense next before this body.

I predict again that when this bill comes up, if the hate crimes bill is proposed by the majority leader and agreed to by the distinguished chairman, it will lead to a great deal of controversy and unnecessary debate and discussion on a defense bill. If the majority leader, who controls the agenda, wants to bring up a hate crimes bill, I would imagine he would be able to bring it up on his own. Instead, he wants to stick it on to the bill that the men and women who are serving in our military and are in harm's way today are depending on. It is not right. It is not the right thing to do.

I hope the majority leader and the chairman of the committee will reconsider their position and wait and bring up a hate crimes bill as a separate piece of legislation for deliberation and discussion and vote from this body and not tie it to the Defense authorization bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to speak on another amendment I have filed that is at the desk, but I know there is a pending amendment, so I suppose I should ask to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1528

Mr. LIEBERMAN. Mr. President, this amendment I rise to speak about is numbered 1528. I am hopeful before too long it will be the pending business. I know it has now, and I believe it will, enjoy broad bipartisan support.

This amendment would increase the authorization for the Active-Duty end strength of the U.S. Army over the next 3 years by 30,000 additional soldiers. I wish to say right at the outset it is an authorization; it is not an appropriation. It says within its terms that it is contingent on a decision by the Secretary of Defense that he chooses to fill these positions, and if he does, then he has two major options.

One is to reprogram from other funds under his control to support these additional troops, and the second, of

course, is to return to Congress for a supplemental appropriation.

In my opinion, for all we have said and done in expression of our concern about the stress the members of the U.S. Army are feeling and their families are feeling, based on the fact that they are carrying the overwhelming burden of the wars in which we are involved in Iraq and Afghanistan—we have done a lot to improve living conditions, to offer more support for physical and mental health services, to provide better housing for families, but this is about how much time the soldiers can be back at their home bases and back with their families. I will get to this in detail as we go on.

Last month, the House and Senate Armed Services Committees voted to give the Secretary of Defense the authority to increase the Army's end strength by an additional 30,000 soldiers for fiscal years 2011 and 2012 but not 2010, for reasons that I will describe as somewhat arcane. This new authorization will provide the Secretary of Defense with the ability to increase the size of the Army to the extent he thinks it is necessary for the national defense or for other purposes such as reducing the stress to which I have referred on our troops today.

I was privileged to introduce the amendment along with Senator THUNE, my ranking member on the Airland Subcommittee, during the Senate Armed Services Committee, as well as Senator GRAHAM, to provide this authorization, and I am glad to be joined in introducing this amendment No. 1528 with my bipartisan group, including the two formerly mentioned Senators, and others.

This amendment would extend this authorization where it logically must begin to fiscal year 2010 beginning on October 1 of this year, 2009. We introduced this amendment because it will provide our soldiers with the reinforcements they will need to execute the missions we as a nation have sent them on. Indeed, our soldiers will be under even more stress in the coming months because of this fact. As we begin the responsible strategy for drawdown in Iraq based on the extraordinary success of our troops and the Iraqis in turning around the war in Iraq, we are also deploying additional soldiers under the direction of our Commander in Chief, President Obama, to Afghanistan at an even faster pace than they are returning home.

GEN George Casey, the Army's Chief of Staff, warned us in the Armed Services Committee earlier this year that the effect of these two facts—a slow and methodical drawdown in Iraq of our Armed Forces, Army, and an increase in deployment to Afghanistan—means that the total number of soldiers deployed to combat will be increasing through the rest of this calendar year and into the next.

As General Casey said to us, this matter of dwell time, which I will speak about in more detail in a moment, is a matter of supply and demand: How many soldiers do we have, and what is the demand for them in the battle zones, the war zones.

GEN James Cartwright, Vice Chairman of the Joint Chiefs of Staff, recently confirmed the critical challenges the U.S. Army will face in the near term and the importance of increasing Army Active Duty end strength. Speaking before the Senate Armed Services Committee just last week, General Cartwright said:

There is that period of 2010 and 2011 in particular where that stress is going to be there. During 2010 because of execution, and in 2011 because [units will be] coming back, refilling and trying to retrofit. You're going to have stress on the Army in a significant way.

And I add, stress on the Army means stress on the families of those who serve us in the Army.

General Cartwright continued by stating that the Joint Chiefs of Staff are working with the Army to find a range for growth that would reduce this strain on the service. "We have looked at this, we have worked in a range"—and I add here of increasing Army Active Duty—"from about 15,000 to 25,000 . . . 30,000 would give us the range in which to work to allow us to do that."

That is exactly what this amendment would do, give the Secretary of Defense, the Joint Chiefs, and the Secretary of the Army the latitude to increase the Army temporarily by as much as 30,000. Why? To increase the dwell time. That is the time our troops can spend at home and, thereby, reduce the stress in a most significant way imaginable.

I deeply appreciate that General Cartwright would speak so clearly about the Army's requirements of additional soldiers in the coming months and how hard he and Secretary Gates are working to support our troops. I believe it is our duty to make sure they have all the authority required to do so.

Let me speak more about what dwell time is. Dwell time is time soldiers have between Active Duty deployments, time they spend recovering and preparing for their next deployment and, most significant to our soldiers, I would guess, precious time they can spend at home with their families. This dwell time ratio for many of our soldiers today is little more than 1 to 1, which means they have but 1 year at home for every year they spend in the theater. Everyone agrees—everyone agrees—that this dwell time is absolutely unacceptable. It may also be unsustainable.

When General Casey testified before the Senate Armed Services Committee earlier this year, he said it is his goal to get to a point where we have at least

2 years back home for every year our soldiers spend deployed. In fact, he said his ultimate goal at which he believes the Army would be most effective would be to have 3 years at home for every year in the field.

General Casey hopes that a responsible drawdown from Iraq will allow him to achieve that goal. I share the general's hopes. But, frankly, I do not believe we can bet the well-being of our Army on them without providing authority to the Army and the Secretary of Defense to expand the troops to reach those dwell-time goals of at least 2 to 1 about which General Casey talked.

The Chairman of the Joint Chiefs, Admiral Mullen, told our committee this year that the "light at the end of the tunnel" is still more than 2 years away for the Army, and that is only if everything goes according to plan in Iraq. I believe that 2 years is too long to wait, especially when we can take steps now to turn on the light, if you will, to provide our soldiers with the reinforcements and relief they need.

I think it is important for my colleagues to know this amendment has the strong support of many of our soldiers and those organizations that fight for them.

Mr. President, I ask unanimous consent to have printed in the RECORD two letters, one from GEN Gordon Sullivan, president of the Association of the U.S. Army, and, second, from ADM Norbert Ryan, writing on behalf of the Military Officers Association of America.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF
THE UNITED STATES ARMY,
Arlington, VA, July 13, 2009.

Hon. JOSEPH LIEBERMAN,
United States Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: On behalf of the more than 100,000 members of the Association of the United States Army, I want to thank you for your floor amendment to S. 1390, the FY 2010 Defense Authorization Act, which would provide authority to increase Army active-duty end strengths for fiscal years 2010 through 2012.

As you know, the troop increases in Afghanistan will precede decreases in Iraq, causing the number of deployed soldiers to increase into next year. The Chairman of the Joint Chiefs of Staff testified to Congress that it will be difficult to increase dwell time at home over the next 18 to 24 months with our current end strength. Factor in the more than 30,000 soldiers who are on the rolls but not deployable, and it's obvious what a strain that would be to our current troop levels. You get this, and I hope your floor amendment will help your fellow Senators see it, too.

The Army is in dire need of sufficient troops to increase dwell time for active duty soldiers, increase support for operational missions, and help the Army achieve reorganization objectives. Thanks to your recognition of this gap in end strength planning, we have a chance at giving the Army the resources our Soldiers deserve.

We say that we want to ease the stress and strain on soldiers and their families, and now is the time to do the one thing that will provide immediate relief. Your actions to make this a reality show that you are a true ally to the Armed Forces. Thank you for introducing the Lieberman Amendment to S. 1390 which will authorize the Army to increase its size now, I hope that your fellow Senators also lend their support to your worthy cause.

Sincerely,

GORDON R. SULLIVAN,
General, USA Retired.

MILITARY OFFICERS
ASSOCIATION OF AMERICA,
Alexandria, VA, July 10, 2009.

Hon. JOE LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN: On behalf of the 370,000 members of the Military Officers Association of America (MOAA), I am writing to express MOAA's strong support for your proposed FY2010 Defense Authorization Act amendment that would authorize an additional 30,000 end strength increase for the Army in FY2010.

Today's combat forces and their families are paying a terrible price in family separation and stress for our past failure to grow our armed forces at a pace sufficient to accommodate the extraordinary wartime deployment requirements of the past seven years.

For years, we have relied on the patriotism, dedication, and resilience of our men and women in uniform to bear 100% of the nation's wartime sacrifice. But with thousands experiencing their third or fourth combat tour since 2001 and the prospect of a decade of persistent conflict ahead, reasonable leaders must take responsible action to ease the extreme strain our military members and families have been required to absorb for so long.

Your amendment recognizes that the only way to do so in the face of increasing deployment requirements in the near term is to authorize a substantial increase in Army end strength for FY2010.

MOAA applauds your strong and persistent leadership in pursuing this important personnel readiness initiative, and we pledge to do all we can to ensure it is sustained in the final defense bill.

Sincerely and with deep gratitude for your leadership,

NORBERT RYAN.

Mr. LIEBERMAN. Mr. President, General Sullivan is a retired former Chief of the U.S. Army, a great American soldier. I quote, briefly, from his letter to me about this amendment supporting the amendment:

As you know, the troop increases in Afghanistan will precede decreases in Iraq, causing the number of deployed soldiers to increase into next year. The Chairman of the Joint Chiefs of Staff testified to Congress that it will be difficult to increase dwell time at home over the next 18 to 24 months within our current end strength. Factor in the more than 30,000 soldiers who are on the rolls but not deployable, and it's obvious what a strain that would be to our current troop levels. . . . I hope your floor amendment [and the debate of it] will help your fellow Senators see [that].

The Army is in dire need of sufficient troops to increase dwell time for active duty soldiers, increase support for operational missions, and help the Army achieve reorganization objectives.

He concludes:

We say that we want to ease the stress and strain on soldiers and their families, and now is the time to do the one thing that will provide immediate relief.

And that is to increase the authorization of the U.S. Army end strength as the number of troops it can have actively deployed by 30,000 and to fill that 30,000 increase.

Second, Admiral Ryan, another distinguished servant of the United States, a patriot, says:

On behalf . . . of the Military Officers Association of America . . . Today's combat forces and their families are paying a terrible price.

This is a very personal letter. I will start again.

Today's combat forces and their families are paying a terrible price in family separation and stress for our past failure to grow our armed forces at a pace sufficient to accommodate the extraordinary wartime deployment requirements of the past seven years.

For years, we have relied on the patriotism, dedication, and resilience of our men and women in uniform to bear 100 percent of the Nation's wartime sacrifice. But with thousands experiencing their third or fourth combat tour since 2001 and the prospect of a decade of persistent conflict ahead, reasonable leaders must take responsible action to ease the extreme strain our military members and families have been required to absorb for so long.

And then he says:

[This] amendment recognizes that the only way to do so in the face of increasing deployment requirements in the near term is to authorize a substantial increase in Army end strength for FY2010.

That is exactly what this amendment would do. The authority provided in the amendment is temporary in nature and will expire in 2012. We hope and pray that by that time, we will be able to return the Army end strength to 547,000. If Congress increases the end strength of the Army now, as this amendment would authorize, we would be able to reevaluate that judgment as conditions on the ground and in the world justify.

I say, in conclusion, again, there is no money attached to this amendment. This gives authority to the Defense Department to raise the Army end strength, the number of troops on Active Duty by 30,000. If Secretary Gates decides, in his judgment, it is necessary to do in our national interest, then he will either have to come back and ask us for the money to do so or he will reprogram funds that are now under his control.

I ask my colleagues for their support when this amendment comes up, and I hope it comes up soon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNITY COLLEGE INITIATIVE

Mr. ALEXANDER. Mr. President, President Obama was in Warren, MI, today, and a little while ago he made an announcement. He announced a new \$12 billion national community college initiative. That sounds very good at first. As a former Governor and Secretary of Education for the United States, I am a big fan of community colleges. I think they are our secret weapon for helping men and women in this country go from one job to the next and to improve our workforce.

But I respectfully suggest that what the President, his Education Secretary and his economic advisers—and I think his Education Secretary may be his very best appointee of all—I say this with respect, I think they ought to be asked to stay after school at the community college and write on the blackboard 100 times that in a year in which we have run the Federal deficit up by another \$1.8 trillion, I will never again add another penny to entitlement mandatory spending. Then I think we in the Congress, as we legislate this year, ought to do some truth in lending. To do that, we would have to put a little card with every 1 of the 15 million student loans, if the President's proposal goes through, and say: The interest you are paying on the money you are borrowing is almost all being used to pay for somebody else's scholarship in the President's community college initiative.

I think it is important to say that because, as good as it sounds to say: Let's help the community colleges, I am afraid this is a familiar refrain we have been hearing from the White House for the last 6 months. Instead of reducing entitlement spending the President is again adding to mandatory spending. Entitlement spending, which is driving up our debt to unbelievable numbers, a situation where the President's proposal for the next 10 years is more new debt than we spent, three times as much money as we spent in World War II. This is one more Washington takeover, in addition to banks and insurance companies and car companies and maybe health care. It is now the student loans of the country.

It also changes the way we fund higher education, which is usually to take almost all our money and give it to students in Pell grants and student loans and let them choose the college, rather than to give grants the way we do with K-12.

Let me take a few minutes to explain why I am saying this. The idea the President has is to spend \$2.5 billion for community college facilities, buildings. Every State has community colleges. One of our major jobs as governors and state legislators is to fund those community colleges. Traditionally, the Federal Government gives scholarships, and the Pell grants often pay for almost the entire tuition at a

community college, making them very important to American students. But this moves the Federal Government into construction and renovation of community colleges, as well as \$9 billion for competitive challenge college grants to increase graduation rates and \$500 million for online curriculum. So the choice is, instead of more money for Pell grants and administration of student loans, we are going to spend it on direct grants to some community colleges. In other words, we are going to start funding higher education, community colleges, in the way we fund kindergarten through the 12th grade.

Despite the fact that higher education is by far the best in the world, the most admired system—and one reason is because we don't have a lot of Federal direct programs for it; we give the money to students, they choose the school—we are going to start doing it more like K-12, which is not the most admired system in the world.

The \$12 billion would be paid for out of savings from the regular student loan program we have now because under the President's plan all new student loans would go through the U.S. Department of Education. So let's take that idea first.

We have about \$75 billion in student loans every year. That is a huge bank. Fifteen million students borrow money for student loans. Twelve million of them borrow through 2,000 different institutions—banks—and spend the money at 4,000 institutions of higher education. Three million choose to go through the government, where they get a direct loan directly from the government.

I was the Secretary of Education when this program was created. I didn't see any reason for the Direct Loan Program because I didn't think the U.S. Department of Education ought to be a bank. I thought the Secretary of Education ought to be trying to be the educator of the year, not the banker of the year. But the argument is, well, we can borrow money more cheaply in the government. We can borrow it for a quarter of 1 percent and then we can loan it out at 6.8 percent to students. Banks can't do that. So we will do it, and we will take it over and do it all here. We will do all 15 million loans from the U.S. Department of Education. We will be the banker of the year.

Mr. President, the Federal Government is getting real busy. This is becoming the national headquarters for automobiles, where we own 60 percent of General Motors; we are running a bunch of banks; we run some insurance companies; we are talking about a government-run health care program; and now we are going to take over and make a huge national bank out of the U.S. Department of Education. The reason is because we can borrow money more cheaply here.

Well, why don't we just abolish all the financial institutions in America and say: We can borrow money more cheaply than you can, so you go away and we will do it all.

That is not the American way. In fact, most Americans would like to get the government out of the car business, out of the banking business, and out of the insurance business. I can guarantee you that as soon as 15 million students start lining up outside the U.S. Department of Education to get their student loans, instead of going through their local banks and dealing with their local universities, they are not going to be very happy about this either because they have had a choice for nearly 20 years, and they have chosen to go to their private lenders.

So that is the first problem. We are canceling the choice that 12 million students are exercising this year to get a federally backed student loan from a bank even though they could have gotten a student loan directly from the government.

Then we are saying: All right, because we are canceling that, we are saving \$94 billion and we have money to spend. Well, in the first place, that is not right, Mr. President. By my calculation, according to the Congressional Budget Office estimate of what it costs to operate the current Direct Loan Program, it will cost about \$32 billion over the next 10 years, at least, to operate the entire student loan program out of the U.S. Department of Education.

My common sense tells me—and I have thought this for years—that there is not any way a group of educators in the Department of Education—a relatively small department—are going to operate more efficiently than banking institutions across America in making loans. That is not their business. They know about scholarships and graduation rates, not about being bankers. My common sense tells me that, and I think it does most Americans. Plus, we have a free market system, or at least we did, where we try to get things out of government, not into government.

So that is the proposal. Yet 32 billion of the dollars over the next 10 years are illusory savings, so we are really adding to the debt. Then the President is saying, well, let's take some of that \$90 billion as mandatory spending. I know this gets a little complicated, but it is really not that complicated. He is saying the money we now spend to pay the costs to the government of loaning out this \$75 billion every year is automatic mandatory spending, so let's take it away from how we now spend it on the administration with banks, and let's spend it instead on mandatory spending for community colleges.

In other words, he has an opportunity to say let's take away some money that is being automatically spent every year and save it. Let's save it. Or he

could say, let's put it for students. But I think most of us would say—and he has said in his summit on entitlement spending—that we need to stop adding entitlement spending. But that is not what he is doing.

Indeed, his other proposal—which is not announced today but is the rest of his proposal—is to say we have this \$94 billion—which I think is closer to \$60 billion or \$50 billion—that we could save, and he is going to say we will make Pell grants entitlement spending. Well, Pell grants are terrific grants. There are 5 million of them. We appropriate them every year for low-income students. There was \$19 billion appropriated for that purpose last year. The Congress has always been enormously generous with that. We appropriate a certain amount. It is almost automatic, but it is not automatic.

In other words, we appropriate what we think we can afford, and then we spend it on the students who need it. This proposal to shift Pell grants to mandatory says it doesn't matter what we can afford, we are just going to do it. Again, it is exactly the kind of thing that most economists, most Americans, and the President himself has said we need to stop doing. Yet in the full light of day, we are saying and announcing that we are going to create a community college program, and later a Pell grant program, and we are going to pay for it with mandatory automatic entitlement spending.

While the President says it is \$94 billion that could be saved over 10 years, the Congressional Budget Office said it is \$293 billion—nearly \$300 billion—in automatic spending over 10 years that we could avoid. Yet the President is saying we should spend it. I am very disappointed with that.

Then here is the last point I would like to emphasize—well, there are two points really. The President is saying: I am here today to do a favor for you. I am going to spend \$12 billion on community colleges. But what he doesn't tell you is the people paying for that are the people borrowing money to go to college.

So if you are getting an extra job at night so you can go to college, and you are taking out a student loan, the government is going to borrow money at a quarter of 1 percent and loan it to you at 6.8 percent and use the difference for its own purposes. We are making money on the backs of students who are borrowing money to go to college and then taking credit for spending it for somebody else's scholarship or some community college program and we are not telling anyone that. So we need a little truth in lending.

Finally, I am concerned about the changes in direction from the way we support higher education. We are very fortunate in America to have this terrific higher education system, including our community colleges. In a way,

we got it by accident because with the GI bill, when the veterans came home from World War II, we just gave the money to them and they went anywhere they wanted to. That is not the way we do with kindergarten through 12. We have all these programs. It is command and control, and we support the institution instead of the student. We call the argument about that "vouchers."

When we have arguments like that, we get all excited. We did in the Appropriations Committee the other day, and the Senator from Illinois and I argued—we each got 15 votes—about the DC voucher program: Shall we give our money to students and let them choose a school or shall we support the school? Well, in higher education, 85 percent of the dollars we spend, or some figure about like that, goes to the student, who then chooses the school. It may be a community college or a Jewish school or an African American school or a Catholic school or a public school or a private school or a for-profit school. We don't care, as long as it is accredited.

As a result, we have a higher education system that attracts the best foreign students anywhere in the world and gives Americans choices. As a result we have almost all the best colleges and universities in the world.

So this proposal is a little shift from that to say the Federal Government would take all the money—which I would argue we don't have—but this \$12 billion we are going to give to grants in higher education instead of to students. I would rather give it to students.

So I applaud the President for his interest in higher education and community colleges, but I would suggest to him that we have too much debt and too many Washington takeovers, and we shouldn't be funding this program on the backs of the students who are borrowing money and working an extra job to go to college. I don't think they would appreciate knowing that the interest they are paying is mostly going to pay for someone else's scholarship. They might ask: Why do I have to do that? Why isn't that person in the same shape I am?

The President was in Warren, MI, in the middle of the auto business, and we have some suggestions—or I would have—for other ways to deal with the problems we have with the economy today. One would be that since we are near the General Motors headquarters, to celebrate their emergence from bankruptcy by giving the 60 percent of the stock the government owns in General Motors back to the taxpayers who paid taxes on April 15; that we should focus on cheap energy so we can reindustrialize America, including our automobile industry, by 100 nuclear powerplants; that we could take the mandatory spending and instead of

spending it, save it and have less debt. That would be a real favor to the students.

To revitalize housing, we could have Senator ISAKSON's \$15,000 tax credit to help get the housing market going again. Then in our health care debate we could stop talking about more government takeovers and, instead, take the available dollars and give the money to low-income Americans and let them buy their own insurance, like most of the rest of us have.

So this is a big difference of opinion we have. As noble as the idea of supporting community colleges is, this is not the way to do it.

The PRESIDING OFFICER. The Senator has used his 15 minutes.

Mr. ALEXANDER. Another Washington takeover and too much debt. There is a better way.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak for 5 minutes, to be followed by the Senator from New Hampshire, Mr. GREGG, who wishes to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1469

Ms. KLOBUCHAR. Mr. President, I come to the floor today to voice my support for the Levin-McCain amendment to strike \$1.75 billion added to the bill that is on the Senate floor to purchase additional F-22 aircraft that have not been requested by the Pentagon.

I believe this amendment presents us with an important choice of what our national security priorities will be going forward: Will we continue to pour billions and billions of dollars into weapon systems despite the fact they are not requested and despite cost overruns and program delays, or will we make the hard choices necessary to ensure that our troops in the field have what they need to fight present and future conflicts?

I believe the choice is clear. I am aware this means, for some States that are making this plane or have subcontracts—and we have some in our own State—that this means jobs. But if we don't move forward to what we really need to produce for our troops today, we are never going to be able to do the best for our troops and do the best for our country.

By the way, as we move forward, that means jobs. I was just up in northern Minnesota visiting a little company that has no contacts with the military, no political connections to get contracts, and they had been in a very open, transparent process because they make an incredibly light backpack that is good for the troops, good for their back, and they got the contract. This is a new era, and part of this new

era is transparency. Part of the new era means we actually will look at what our military needs.

No one can dispute that the F-22 possesses unique flying and combat capabilities or that it will serve an important role in protecting our Nation in the future. The question is not whether we should keep the F-22 in service, the question is whether we should purchase additional planes at the expense of more urgent needs for our troops.

Our Armed Forces are currently fighting in two major conflicts in Iraq and Afghanistan. After more than 7 years in Afghanistan and more than 6 years in Iraq, the F-22 has not been used in combat. It has not flown over those countries. Over the course of these conflicts, we have seen the tragic consequences when our troops don't have the equipment and resources they need, such as enhanced body armor or vehicles to protect them from IEDs. We have seen what happens when we don't give our troops what they need. We cannot continue on this course. We must focus our defense resources on the personnel, equipment, and systems necessary to respond quickly to unconventional and evolving conflicts while maintaining the ability to counter conventional foes.

For years, Members on both sides of the aisle have come to the Senate Floor to denounce wasteful spending in our defense budget and called on the Pentagon to be more responsible in its budgetary and procurement policies. Hearing this call, our military leaders have produced a plan this year to address wasteful and unnecessary defense spending so we can ensure that we are providing our Armed Forces the tools they need to keep America safe and strong while also ensuring that taxpayer dollars are used responsibly.

We have a major debt in this country. Some of it is because of mistakes made in the past. With this economy, there is enough blame to go around everywhere. We have a major debt, a major deficit, and we have troops who need to get the equipment they deserve. What is the answer, put \$1.75 billion into some planes the Pentagon says they do not need? I don't think that is the answer.

It should be noted that the limit on the number of F-22s that the Levin-McCain amendment would restore is supported by the Secretary of Defense, the Chairman of the Joint Chiefs, and both the current and the immediate past Presidents of the United States.

I believe Senators LEVIN and MCCAIN should be commended for their dedication to improving our defense posture and budget and for putting their own political interests aside—their own jobs, in their own States.

Earlier this spring, I was traveling with Senator MCCAIN in Vietnam when the Pentagon's proposed reductions, including the F-22s, were announced. I

discussed with him at length what this would mean, the difficult decisions that Members are going to have in their own States. But I also talked to him about what the troops need. Right now the troops and their commanders are telling us they do not need these planes, so it is a testament to the service of Senator MCCAIN to our Nation and the work Senator LEVIN has done for years that they are leading the fight to defend the recommendations of our military and civilian leaders. I am proud to join them.

This amendment presents us with an opportunity. We can begin making decisions based on security interests and fiscal responsibility and cut \$1.75 billion for additional F-22 aircraft that our military commanders say they do not need or we continue on a course that cannot be sustained. I urge my colleagues to do what is in this Nation's best long-term interest, in the best interests of our troops, and to vote for the Levin-McCain amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, first, I thank the Senator from Minnesota for yielding me this time and, second, I wish to talk today about waste. We are all concerned about waste. I have an amendment which I understand I cannot call up because the parliamentary situation is such that the floor leaders did not wish to have another amendment brought up.

This sign here, which is a type of sign that is proliferating across our Nation everywhere, reflects waste. It is totally inexcusable. It is a political advertisement for money that is being spent as a result of the stimulus package. That is all it is. The sign says: "Project Funded by the American Recovery and Reinvestment Act, Completion August 2009."

That is a political statement, the purpose of which is to promote spending on the stimulus package. I did not vote for the stimulus package. I thought a program which is going to spend almost 50 percent of the money after the year 2011 made little sense and was not stimulus at all. But I certainly would not have expected that as a result of this program we would be funding these signs all over America to promote this program.

These signs are not cheap, by the way. In New Hampshire we get them for less than most places. They cost about \$300 a sign. But in Georgia they cost \$1,700 a sign; in Pennsylvania they cost \$2,000 a sign; in New Jersey they are costing \$3,000 per sign. Literally, there are 20,000 projects going on—most of them paving projects across this country, paving projects most of which may have occurred anyway, but in any event they are paving projects. If you start multiplying the number of

signs going up, and each one of these projects require having two or three signs put up, you are talking very significant dollars, you are talking tens of millions of dollars for self-promotion of these programs.

Ironically, these signs are actually required before people can get the funds. We had a gentleman in one of our towns in New Hampshire, I think it was Derry, who said, before he would be released the dollars to do the project in his town that the town had applied for and it had approved, they had to agree to put up this sign. He didn't want to put up the sign. He thought it was a waste of money, but he was required to put up this sign.

Why are we doing this? The American people are sort of tired of us wasting dollars. They are especially tired of us wasting dollars trying to blow our own horn around here. If the administration believed these signs promoting the stimulus package were so valuable, let them spend campaign funds—because that is what they are, they are campaign signs—to put them up. But instead we are putting these signs up.

What these signs should say if we are going to put them up is: Project funded by the future generations of American taxpayers—and they add to the debt of our children. That should be added under here, “add to the debt of our children.”

The signs have no value at all, none, other than self-promotion of these projects.

Maybe some of the projects are legitimate. I think probably most of them are legitimate. To the extent they are done within this period of recession, I support them. The problem I had with the stimulus package was so much of the money was being spent outside the period when we know the recession will be over. But even if the projects are legitimate, which most of them I am sure are—although some have been questioned, such as the crossing path for turtles. That received a fair amount of press. I have to say I didn't understand why we had to build an underpass for turtles, but I don't live in whatever State that was in. But as a very practical matter, the underpass for turtles had a sign which said the project is being built at the expense of the American taxpayers, promoting the American Recovery and Reinvestment Act.

This is foolish. This is the type of thing that drives taxpayers crazy, and it should. It is so inexcusable. People get outraged by us doing things such as this and by the Government doing things such as this. You drive by this sign and, if you have a chainsaw in the back of your truck, you want to cut them down. Of course, they put them up in steel so you have to have a blowtorch, but in any event they should not be out there, and they certainly should not be out there costing \$300 to \$3,000

per sign. That money, at the minimum—first, it should not have been spent. But if it is going to be spent, it should have been actually spent on the project itself or other projects which were deserving. But certainly there was no reason to spend it to promote the project through these signs.

I will have an amendment which says, essentially, no more signs, no more wasting taxpayers' dollars on signs that cost \$3,000 promoting projects for the purposes of political aggrandizement. I hope to be able to call it up as we move forward on the Defense bill. I recognize it is not immediately a defense issue, but unfortunately this is the only authorizing bill floating around the body. These signs are going up like weeds across the Nation. Every time they go up, they cost our children a few thousand dollars on the national debt. So if we are going to stop that type of profligate spending, we have to act now. Therefore, I am going to call up this amendment when the proper time occurs on the floor.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I hope, if our colleagues might have remarks on the pending amendment, they would come over now or give us some indication they might want to speak in the morning because we need to press ahead with this amendment. In the next few minutes, I am going to be making inquiry with the other side of the aisle to see if we cannot reach a unanimous consent agreement to have a vote tomorrow morning. We tried this yesterday without success and earlier today without success, but we are going to try again because it is important we resolve this amendment, dispose of this amendment, so we can go on with other amendments to the bill. I will be making that inquiry of my good friend from Arizona in the next few minutes.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise this afternoon to express my opposition to the Levin-McCain amendment that would cut off production of the F-22 fleet and would hurt hard-working families in the aerospace industry across our country.

I know many of my colleagues have come to the floor to echo their opposition to this amendment, and I have listened to them speak very convincingly about how it would limit our continued air superiority in the skies across the globe. I have listened to them talk

about how allowing our air superiority to slip would mean we could lose our ability to safeguard our Nation in the years ahead. They have also noted that prominent military officials have been clear that cutting off production of the F-22 would put our Nation's defense at high to moderate risk.

While I agree with my colleagues on all of these points, today I want to discuss on the floor, this afternoon, another negative consequence of this amendment that would harm our security, our economy, and our ability to respond quickly to threats in the future—a consequence that will hit home for so many in States such as Georgia, Connecticut, Texas, California, and Washington, where every day we are fighting rising unemployment. It is another area in which our country has had clear superiority but where today, because of actions like this amendment, we are slipping into deep trouble.

Today, I want to discuss how this amendment will erode the health and long-term needs of our Nation's industrial base. As many here in this body know, this is not the first time I have sounded the alarm about our disappearing industrial base. This effort to prematurely cut production of the F-22 is simply the latest in a series of decisions that fail to take into account the men and women who work every day to provide for their families by building the equipment that protects our country. But, as I have said all along, protecting our domestic base is not just about one company or one program or one State or one industry. This is about our Nation's economic stability. It is about our future military capability and the ability to retain skilled family-wage jobs in communities throughout our country.

Just a few months ago, we passed a long overdue bill in the Senate that reforms many of the Pentagon's procurement practices. In that bill, I worked with Chairman LEVIN and others to successfully add an amendment that draws the attention of the Pentagon leadership to consider the effects of their decisions on our industrial base and its ability to meet our national security objectives. I worked to include that provision because I believe it is time to start a serious conversation about the future of the men and women who produce our tanks, our boats, and our planes, the skilled workers our military depends on. It is a workforce that is disappearing before our eyes.

Providing the equipment our warfighters need is a partnership. It is a partnership that requires the Pentagon to be actively engaged with the manufacturers that supply the systems and parts that make up our aircraft and defense systems. It is a partnership that requires the Pentagon to take into account how our workforce and

manufacturing capability will be affected when they cancel vital programs.

Unfortunately, today military procurement is a one-way street. In fact, just yesterday, the Aerospace Industries Association issued a major report. I have it here in my hand today. This report finds that the Pentagon has failed to consider industrial efforts when choosing strategies.

Much like my amendment to the procurement reform bill, this report urges the Pentagon to take into account the impact decisions, like the one to stop production of the F-22, take on our manufacturing base. This report—and I urge my colleagues to take a look at it if you have not seen it—notes that our manufacturing base was not taken into account in past Quadrennial Defense Reviews and that when Secretary Gates unveiled his program cuts in April, he specifically said that defense industry jobs were not a factor in his decisions.

Well, as our country faces two difficult but not unrelated challenges—safeguarding our country in a dangerous world and rebuilding our faltering economy—ignoring the needs of our industrial base should not be an option. Whether it is the scientists who are designing the next generation of military satellites or the engineers who are improving our radar systems or the machinists who assemble our warplanes, these industries and their workers are one of our greatest strategic assets. What if they were not available? What if we made budgetary and policy decisions without taking into account the future needs of our domestic workforce? Well, that is not impossible. It is not even unthinkable. It is actually happening today.

We need to be clear about the ramifications of amendments such as the one that has been offered here today because once our plants shut down and once our skilled workers have moved on to other fields and once that basic infrastructure is gone, we are not going to be able to rebuild it overnight. Building an F-22 is not something you learn in school. It takes years of on-the-job experience. Ask any one of the workers from Fort Worth to Baltimore who are responsible for the intricate radar systems or the high-tech engine parts or the complex stealth technology. We have machinists today in this country who have past experience and know-how down the ranks for 50 years. We have engineers who know our mission and who know the needs of our soldiers and sailors and airmen and marines. We have a reputation for delivering for our military. It took us a long time to build this industrial base to the point where we have workers who can make fifth-generation air fighter planes. What we have left we have to work to keep because once our plants shut down, those industries are

gone, and we not only lose the jobs but we lose the skills and the potential ability to provide our military with the equipment to defend our Nation and project our might worldwide.

So today, as we consider a critical tool for the future of our military across the globe, we cannot forget the needs of our industrial base, because unless we begin to address this issue now and really think about it, we are not only going to lose some of our best-paying American jobs, we are going to lose the backbone of our military might.

At a time when we are looking to create jobs and build the economy, eliminating the \$12 billion in economic activity and thousands of American jobs that are tied to the F-22 production does not make sense to me. Supporting continued F-22 production will help defend against potential threats, and, of course, it will protect family-wage jobs, and, importantly, it will preserve our domestic base.

So I urge our colleagues to oppose the amendment that has been offered.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MATTHEW SHEPARD LOCAL LAW ENFORCEMENT ACT

Mr. BURRIS. Mr. President, I would like to speak on the National Defense authorization bill that is pending before the Senate in reference to an amendment that would be on that bill.

More than a decade ago, on a cold night in Wyoming, a young man was assaulted and killed simply for being who he was. The brutality of that murder shocked the Nation. But even more shocking was the motive for the crime. Matthew Shepard was targeted and killed that night for nothing more than his sexual orientation.

The fact that the vicious attack could occur at all is hard to believe. But the fact that it was done out of blind hatred is simply too much to bear. So we must make sure Matthew Shepard's death was not in vain.

We must shape a positive legacy from the ashes of this terrible tragedy. I believe this is the next chapter in the struggle against hatred and in the favor of equal rights. As we have been called to do throughout our history, I believe it is time to take action once again.

I rise today in support of the legislation inspired by Matthew's tragic story. I am proud to be a cosponsor of the Matthew Shepard Local Law Enforcement Hate Crime Prevention Act. If it becomes law, the Matthew Shepard Act will add "sexual orienta-

tion" to the definition of hate crimes under Federal law, giving law enforcement officials the tools they need to bring all violent criminals to justice.

Many States already have hate crimes legislation on the books. I am proud to say my home State of Illinois is among them. But we need to make sure violent criminals face the same penalties in Washington as they do in Illinois and across the Nation.

Hate crimes are assaults against individuals, but they tragically target an entire group of people. Matthew Shepard was not just a young gay man, he was a very young gay man. Colleagues, it is time to take a stand. It is time for the Senate to help end the hatred, to reaffirm our commitment to an America that is as free and as equal as our founders intended for it to be, to make sure that no American lives in fear because of who they are.

As a former attorney general of Illinois, I have been fighting hate crimes for many years. Since the very beginning of my career, I have spoken out against injustice and worked hard to end discrimination. So I understand how important the Matthew Shepard Act will be as we seek to bring criminals to justice for their actions.

But some have expressed concern about this measure. I have heard from Illinois residents who worry that this may prevent them or their religious leaders from expressing their faith. As a deeply religious American myself, I would oppose any bill that restricts our freedom of speech or our freedom of religion.

So let me assure my constituents and my colleagues that the Matthew Shepard Act applies to violent crimes, not religious speech. It will help us end murder and assault, but it will not affect the sermons people will hear every Sunday or the ability to preach the things they believe.

A decade has passed since Matthew Shepard's tragic death. We must not let another year go by without the Matthew Shepard Act as the law of the land.

I urge my colleagues to join me in supporting this important legislation. Hopefully, we will be able to have hate crimes as a crime on the books in the Nation as well as in our States.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. Mr. President, so far we have been unable to obtain agreement

to have a vote tomorrow morning on the Levin-McCain amendment. I am hoping we can achieve such agreement yet tonight; if not, in the clear dawn of tomorrow morning. I am disappointed we have not been able to reach agreement to go to a vote on that amendment, but that is a fact with which we will have to deal. In the meantime, I ask unanimous consent that the Senate now proceed to a period of morning business, with each Senator allowed to speak up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING STEVEN CROWLEY AND BRIAN ELLIS

Ms. STABENOW. Mr. President, 30 years ago this November, two Americans were killed when a mob attacked the American Embassy in Islamabad, Pakistan. I wish to pay tribute to those men, Marine CPL Steven Crowley and Army WO Brian Ellis.

Just a little over 2 weeks earlier, 66 Americans had been taken hostage by students in Tehran. On November 21, 1979, Ayatollah Khomeini, the Supreme Leader of Iran, took to the airwaves and falsely accused American troops of occupying the Great Mosque in Mecca.

Protests raged against the United States throughout Pakistan that day. A student protest formed outside the gates of the American Embassy compound in Islamabad, but it quickly turned violent. Protesters broke down part of the wall, surged into the compound, and began shooting at American forces, breaking windows, and setting fire to the buildings.

Most of the Embassy staff members were able to get to a secure communications room, where they remained for over 5 hours until the Pakistani military arrived to quell the rioters. Corporal Crowley was killed while protecting the compound; Warrant Officer Ellis was found burned to death in his apartment on the compound. Two Pakistani employees of the Embassy were also killed by rioters that day.

This weekend, survivors of that attack will meet at Arlington National Cemetery. My thoughts and prayers will be with them as they remember those whose lives were cut short that fateful day in November.

Steven Crowley and Brian Ellis died in the line of duty, serving their country and defending American lives. Their service must not be forgotten.

ADDITIONAL STATEMENTS

COMMENDING THE NORTH DAKOTA WHEAT COMMISSION

• Mr. CONRAD. Mr. President, today I honor the North Dakota Wheat Commission.

On July 8, the North Dakota Wheat Commission celebrated its 50th year

marketing and promoting wheat on behalf of my State's farm families. As the top spring wheat and durum wheat producing State in the Nation, I am proud of what the North Dakota Wheat Commission has been able to achieve for our State's producers.

The commission, created by the North Dakota Legislature in 1959, has allowed my State's farmers to become more actively engaged in the export and market promotion of our wheat crop because the commission is funded and directed by producers. During its 50 years of existence, North Dakota's average wheat production has increased from 100 million bushels to 300 million bushels annually. In that same time period, total U.S. exports have increased from 500 million bushels to 1.3 billion bushels.

Thanks in part to the work of the North Dakota Wheat Commission, U.S. hard red spring and durum wheat are exported to more than 80 countries around the world. These exports account for 50 percent of hard red spring wheat and one-third of durum wheat. The North Dakota Wheat Commission's customer base includes markets across the globe, including Asia, Latin America and Europe.

While our wheat output and exports have increased, one thing has remained the same: My State's wheat producers have a solid reputation around the world for having a premium product. This is, in part, thanks to the hard work of the North Dakota Wheat Commission.

In closing, I again want to recognize the North Dakota Wheat Commission for a successful first 50 years and wish them continued success in the future.●

COMMENDING ERIC YANG

• Mr. CORNYN. Mr. President, today I wish to recognize the achievements of Eric Yang, a 13-year-old seventh grade student at Griffin Middle School in The Colony, TX. Eric recently competed in and won the 2009 National Geographic Bee, held here in Washington, DC. Out of a field of 55 contestants, one from each of the 50 States and territories, Eric won the competition in the third finals tie-breaker. Out of nine students, Eric was the only one who missed no questions. This has only occurred five times in the competition's 21-year history. In recognition of his success, Eric will receive a college scholarship worth \$25,000, a lifetime membership in the National Geographic Society, and a trip to the Galápagos Islands with the moderator of the National Geographic Bee and host of "Jeopardy!," Alex Trebek. To achieve this honor, Eric won a nationwide contest comprised of nearly 5 million students in the fourth through eighth grades who had participated in the local geographic bees held in the 50 States and five territories.

The winning question was: "Timis County shares its name with a tribu-

tary of the Danube and is located in the western part of which European country?" The answer, "Romania," was given correctly by Eric Yang after two other tie-breaker questions. Eric is the first Texan to be named champion in the competition's 21-year history. According to Eric's mother, the main reason for his success has been his curiosity, saying that it "is a major part of Eric. He reads everything from history books to cookbooks to learn about other places and cultures." Eric's desire to learn is also evident in his scholastic record. At age 13, Eric scored a 2200 on the SATs out of a possible score of 2400.

Young Texans, such as Eric Yang, prove that persistence and a curious mind are the keys to unlocking opportunities for success. I congratulate Eric on this important accomplishment and encourage him as he continues his quest for knowledge.●

COMMENDING JOE AND CHRISTINE TOWNSEND

• Mr. CORNYN. Mr. President, today I recognize the distinguished service of two Texans, as they approach retirement from Texas A&M in January 2010. For over 30 years, Dr. Joe D. Townsend and Dr. Christine Townsend, often referred to as "Dr. Joe and Dr. Chris" by their students, have served the students of Texas as instructors, mentors, and friends. By recognizing and cultivating the untapped potential within students, they have inspired countless youth to be men and women of character, vision, and dedication.

Dr. Joe began serving students over 40 years ago as a vocational agriculture teacher in Aubrey, TX. Since that time, he has positively impacted the lives of thousands of students through many different roles. At Texas A&M University, Dr. Joe served as a professor, associate dean for student development in the College of Agriculture and Life Sciences, and most recently, associate vice president for student affairs. His office was known as refuge for students in need of wisdom and advice, and many relied on his support and encouragement to make the difficult transition from high school to college.

Dr. Chris' career in higher education began three decades ago at Illinois State University. At Texas A&M, Dr. Chris has served as a professor, department head, undergraduate coordinator, and undergraduate adviser in the department of agricultural leadership, education, and development. She has a gift for recognizing the unique needs of students and never failed to commit her time, energy, and resources to meeting their needs. Dr. Chris' love for teaching students has made a lasting impact on her department and her departure will leave a void that will be difficult to fill, and a legacy that will be easy to remember.

Their years of selfless service and unwavering devotion to the improvement of students' lives have earned the respect of countless Texans. I thank them for their commitment to excellence and send my best wishes for the years ahead.●

REMEMBERING JACK EBERSPACHER

● Mr. NELSON of Nebraska. Mr. President, today I wish to pay tribute to a good friend and great Nebraskan, Jack Eberspacher, who passed away on July 5, 2009, at the tender age of 55 after a short but courageous battle with cancer. Jack was a very special friend to all who knew him, dedicating his professional life to the advancement and betterment of the agricultural industry and the agribusiness community.

A native of Seward, NE, Jack received his bachelor of science degree from the University of Nebraska at Lincoln. After several years working in various agribusiness positions throughout the United States, Jack was named the chief executive officer of the National Grain Sorghum Producers Association, headquartered in Lubbock, TX. He is credited with growing that association by 300 percent and with developing balanced association programs on policy, plant science and utilization, and for placing the association on the national legislative and regulatory scene.

In 1998, Jack accepted the position of chief executive officer of the National Association of Wheat Growers here in Washington, DC. Under his leadership, the organization experienced a financial turnaround, with Jack leading the group out of a negative budget in net earnings to a positive one in just over 2 years.

Jack was appointed president and chief executive officer of the Agricultural Retailers Association in 2001, where he remained until his passing. In this capacity, he increased the annual association dues revenue by more than 100 percent. In February 2002, he was the only commodity leader invited to address the National Governors' Conference, where he discussed the importance of the 2002 farm bill and the state of the agricultural economy.

Jack was also a political activist and volunteer; an active member of the Bennett Roundtable of the Farm Foundation of Chicago, Illinois; and a recipient of the Alpha Gamma Rho Fraternity Brother of the Century Award.

I offer my most sincere condolences to Jack's wife Jinger and their family. Jack's passion for service, dynamic leadership, and unwavering dedication to the greater agribusiness community will remain a source of inspiration to all those who knew him.●

50TH ANNIVERSARY OF THUNDER ROAD INTERNATIONAL SPEED- BOWL

● Mr. SANDERS. Mr. President, today I honor a renowned Vermont landmark and business, Thunder Road International SpeedBowl, which is celebrating its 50th anniversary this season.

Thursday nights every summer, short track races take place on Thunder Road's uniquely configured quarter-mile paved track. Thunder Road has been recognized as one of the finest short tracks in the Nation. Built in 1959 on farm land in Barre, VT, by longtime network sports commentator Ken Squier and his partners, Thunder Road is an American institution of which Vermont is proud.

Thunder Road has offered inexpensive family entertainment for five decades. This revered race track has brought international racing stars to the Green Mountain State while also offering opportunities for Vermonters to compete in front of passionate and knowledgeable fans.

After World War II, there were more than 22 short tracks in the State of Vermont. With only three tracks remaining, Thunder Road stands out as the largest spectator sports venue in the State.

Today, some drivers at Thunder Road can recall watching their grandfathers drive the same track. "Thunder Road is just about racing—there's no politics, no marketing—it's just racing and it's always been that way," said Steve Letarte, a Maine native and crew chief for NASCAR star Jeff Gordon.

Vermonters appreciate Thunder Road for its longtime contributions to its community. For 50 years, this short track has been an invaluable institution for the people of Vermont and throughout the Northeast.●

125TH ANNIVERSARY OF WHITE, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize White, SD. The town of White will celebrate the 125th anniversary of its founding this year.

Located in Brookings County, White was founded as an agricultural town in 1884. Now, 125 years later, the town still relies on agriculture, but has also expanded into a destination for hunting, fishing, and outdoor adventures. White continues to be an excellent example of what makes South Dakota such a great place to live and do business. The town will celebrate this milestone during their annual "Pioneer Days" July 17 through 19 with a number of activities for residents and visitors to enjoy.

I would like to offer my congratulations to White on its 125th anniversary.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2301. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Modification of the Yellowtail Flounder Landing Limit for the U.S./Canada Management" ((RIN0648-XP50) (Docket No. 080521698-9067-02)) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2302. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2009 Monkfish Research Set-Aside Program" ((RIN0648-XP54) (Docket No. 080626787-8788-01)) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2303. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species; Determination of Endangered Status for the Gulf of Maine Distinct Population Segment of Atlantic Salmon" (RIN0648-XJ93) received in the Office of the President of the Senate on July 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2304. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species; Designation of Critical Habitat for Atlantic Salmon (*Salmo salar*) Gulf of Maine Distinct Population Segment" (RIN0648-AW77) received in the Office of the President of the Senate on July 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2305. A communication from the Assistant Secretary for Communications and Information, National Telecommunication and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "State Broadband Data and Development Grant Program" (RIN0660-ZA29) received in the Office of the President of the Senate on July 9,

2009; to the Committee on Commerce, Science, and Transportation.

EC-2306. A communication from the Director, Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Buprofezin; Pesticide Tolerances" (FRL No. 8421-3) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2307. A communication from the Director, Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Indoxacarb; Pesticide Tolerances" (FRL No. 8424-9) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2308. A communication from the Director, Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mandipropamid; Pesticide Tolerances" (FRL No. 8422-5) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2309. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report entitled "National Defense Stockpile Annual Materials Plan for Fiscal Year 2010 and for the Succeeding 4 Years"; to the Committee on Armed Services.

EC-2310. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to the quarterly reporting of withdrawals or diversions of equipment from Reserve component units; to the Committee on Armed Services.

EC-2311. A communication from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-2312. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-2313. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Seattle, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-2314. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2008-0020)) received in the Office of the President of the Senate on July 9, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2315. A communication from the Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Housing and Urban Development, transmitting a report entitled "2008 Annual Homelessness Assessment Report to Congress"; to the Committee on Banking, Housing, and Urban Affairs.

EC-2316. A communication from the Attorney of the Office of Assistant General Coun-

sel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedures for Small Electric Motors" (RIN1904-AB71) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Energy and Natural Resources.

EC-2317. A communication from the Attorney of the Office of Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Test Procedures for General Service Fluorescent Lamps, Incandescent Reflector Lamps, and General Service Incandescent Lamps" (RIN1904-AB72) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Energy and Natural Resources.

EC-2318. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" ((WV-115-FOR)(Docket No. OSM-2009-0006)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Energy and Natural Resources.

EC-2319. A communication from the Acting Director, Office of Surface Mining Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalties" ((RIN1028-AC61)(Docket No. OSM-2009-0004)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Energy and Natural Resources.

EC-2320. A communication from the Director, Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County, Continuous Opacity Monitor Regulation" (FRL No. 8929-2) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Environment and Public Works.

EC-2321. A communication from the Director, Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to the 1-Hour Ozone Plan for the Beaumont/Port Arthur Area: Control of Air Pollution from Volatile Organic Compounds, and Nitrogen Compounds, and Reasonably Available Control Technology" (FRL No. 8928-6) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Environment and Public Works.

EC-2322. A communication from the Director, Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference" (FRL No. 8923-9) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Environment and Public Works.

EC-2323. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Finalizing Medicare Regulations under Sec-

tion 902 of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 for Calendar Year 2008"; to the Committee on Finance.

EC-2324. A communication from the Acting Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the annual reports that appeared in the March 2009 edition of the Treasury Bulletin; to the Committee on Finance.

EC-2325. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to an amendment to Parts 123, 124, 126, and 129 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC-2326. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of an application for a license for the export of defense articles or services, including technical data, related to the design, manufacture, test and delivery of the BSAT-3c/JCSAT-110R Commercial Communications Satellite(s) for Japan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2327. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles or services for the M72 Lightweight Anti-Armor Weapon System for Thailand in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2328. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles or services, including technical data, related to the manufacture, assembly, repair, overhaul and logistical support for the MK44 Chain Gun used in an Armored Infantry Vehicle for Switzerland in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2329. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a certification regarding the proposed permanent transfer of six F-16 A MLU Block 15, three F-16 B MLU Block 10 aircraft, ten F100-220E engines, personnel and technical assistance, Ground Support Equipment, Alternate Mission Equipment, and one Falcon STAR kit (hardware) package from the Government of Belgium to the Kingdom of Jordan in the amount of \$25,000,000 or more; to the Committee on Foreign Relations.

EC-2330. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical service agreement for the export of defense articles or services, including technical data, and hardware to support the Proton launch of the Intelsat 16 Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2331. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance

agreement for the export of technical data, defense services, and defense articles for the supply and support of the RF-5800 and RF-7800 series radios and accessories for end-use by the United Arab Emirates Armed Forces Special Operations Command in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2332. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the technical data, defense services, and hardware to support the Proton launch of the AMC-4R Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself, Mrs. GILLIBRAND, and Mr. NELSON of Nebraska):

S. 1445. A bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 1446. A bill to amend title XIX of the Social Security Act to provide incentives for increased use of HIV screening tests under the Medicaid program; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 1447. A bill to expand broadband deployment, and for other purposes; to the Committee on Finance.

By Mr. MERKLEY (for himself and Mr. WYDEN):

S. 1448. A bill to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land; to the Committee on Indian Affairs.

By Mr. NELSON of Florida:

S. 1449. A bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself and Mr. BROWN):

S. 1450. A bill to enable State homes to furnish nursing home care to parents any of whose children died while serving in the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. DORGAN, and Mr. DEMINT):

S. 1451. A bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHUMER (for himself, Mr. WICKER, Mr. BAYH, Mrs. GILLIBRAND, and Mr. LIEBERMAN):

S. 1452. A bill to amend title 38, United States Code, to clarify the meaning of "combat with the enemy" for purposes of service-connection of disabilities; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. BENNETT, Mr. BENNETT, and Mr. HATCH):

S. 1453. A bill to amend Public Law 106-392 to maintain annual base funding for the Bureau of Reclamation for the Upper Colorado River and San Juan fish recovery programs through fiscal year 2023; to the Committee on Energy and Natural Resources.

By Mrs. MCCASKILL:

S. 1454. A bill to provide for adequate oversight and inspection by the Federal Aviation Administration of individuals who perform maintenance work on United States commercial aircraft and of foreign repair stations that perform such work, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida:

S. 1455. A bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 1456. A bill to fully compensate local educational agencies and local governments for tax revenues lost when the Federal Government takes land into trust for the benefit of a federally recognized Indian tribe or an individual Indian; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 259

At the request of Mr. BOND, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 259, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 469

At the request of Mr. VOINOVICH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 469, a bill to amend chapter 83 of title 5, United States Code, to modify the computation for part-time service under the Civil Service Retirement System.

S. 525

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 525, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 572

At the request of Mr. WEBB, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 572, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 584

At the request of Mr. HARKIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 662

At the request of Mr. CONRAD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 727

At the request of Ms. LANDRIEU, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 727, a bill to amend title 18, United States Code, to prohibit certain conduct relating to the use of horses for human consumption.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 825

At the request of Mrs. LINCOLN, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 825, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 864

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 864, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 883

At the request of Mr. KERRY, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 889

At the request of Mr. SPECTER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 889, a bill to amend the Agricultural Adjustment Act to require the Secretary of Agriculture to determine the price of all milk used for manufactured purposes, which shall be classified as Class II milk, by using the national average cost of production, and for other purposes.

S. 935

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 935, a bill to extend subsections (c) and (d) of section 114 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) to provide for regulatory stability during the development of facility and patient criteria for long-term care hospitals under the Medicare program, and for other purposes.

S. 950

At the request of Mrs. LINCOLN, the name of the Senator from South Da-

kota (Mr. JOHNSON) was added as a cosponsor of S. 950, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 951

At the request of Mr. NELSON of Florida, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Maryland (Mr. CARDIN), the Senator from New York (Mr. SCHUMER), the Senator from Michigan (Mr. LEVIN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from North Dakota (Mr. DORGAN), the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mr. PRYOR) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 951, a bill to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

S. 1065

At the request of Mr. BROWNBACK, the names of the Senator from Florida (Mr. NELSON) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1157

At the request of Mr. CONRAD, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1232

At the request of Mr. DORGAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1232, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 1253

At the request of Mr. CORKER, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1253, a bill to address reimbursement of certain costs to automobile dealers.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from Nebraska

(Mr. NELSON), the Senator from Illinois (Mr. DURBIN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Maine (Ms. SNOWE), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Idaho (Mr. CRAPO) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1415

At the request of Mr. SCHUMER, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1415, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. RES. 161

At the request of Mr. JOHNSON, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 161, a resolution recognizing June 2009 as the first National Hereditary Hemorrhagic Telangiectasia (HHT) month, established to increase awareness of HHT, which is a complex genetic blood vessel disorder that affects approximately 70,000 people in the United States.

AMENDMENT NO. 1478

At the request of Mr. REID, the names of the Senator from Maine (Ms. COLLINS) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 1478 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1480

At the request of Mr. REID, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 1480 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year

2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1487

At the request of Mrs. LINCOLN, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 1487 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1491

At the request of Mr. PRYOR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 1491 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. BENNETT, Mr. BENNETT, and Mr. HATCH):

S. 1453. A bill to amend Public Law 106-392 to maintain annual base funding for the Bureau of Reclamation for the Upper Colorado River and San Juan fish recovery programs through fiscal year 2023; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce the Bureau of Reclamation Fish Recovery Programs Reauthorization Act of 2009 with my colleagues Senator UDALL of New Mexico, Senator UDALL of Colorado, Senator BENNETT, Senator BENNETT, and Senator HATCH. This bill will extend the Bureau of Reclamation's authorization to provide cost sharing for capital construction and annual operations from 2011 through 2023 for the Upper Colorado and San Juan River Basin endangered fish recovery programs.

The programs have the dual goals of recovering federally listed endangered fish species in the Upper Colorado River basin while allowing water development and management activities to proceed in compliance with state laws, interstate compacts and the federal Endangered Species Act. The programs have substantial support from the Upper Basin states of New Mexico, Col-

orado, Wyoming and Utah, the Navajo Nation, the Jicarilla Apache Nation, the Southern Ute Tribe, and the Ute Mountain Tribe. Other water users, power customers and environmental organizations are also active participants in the programs. The Fish and Wildlife Service, the Bureau of Reclamation, the National Park Service and Western Area Power Administration also participate in the programs. All of the partners contribute significantly to the success of the programs.

Since 2000, the Bureau of Reclamation has been authorized to utilize revenues generated from Colorado River Storage Project Act projects as base funding for operation and maintenance of capital projects, monitoring and research to evaluate the need for, and effectiveness of, any recovery action, and for general program management. This bill extends the Bureau of Reclamation's authority to provide annual base funding for the programs through 2023 which coincides with the term of the existing Cooperative Agreements for the recovery programs and the expected date of recovery for certain species covered by the programs. The annual base funding contributes significantly to the successful implementation of the recovery actions in both programs.

Currently the Bureau of Reclamation's ability to use such funding will expire in 2011. If the expiration date is not extended, the annual base funding will be significantly reduced which would likely delay or impede the success of the recovery programs. The original authorizing legislation has been extended most recently through Section 9107 of the Omnibus Public Land Management Act of 2009, P.L. 111-11, and the amendments proposed by this bill would ensure that the Bureau of Reclamation's authorization for base funding coincides with the other authorizing provisions in P.L. 106-392.

I hope my colleagues will work with me and the bi-partisan group of cosponsors to help ensure that the recovery goals of the San Juan and Upper Colorado River Basin Recovery Programs can continue to be met. I therefore urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bureau of Reclamation Fish Recovery Programs Reauthorization Act of 2009".

SEC. 2. REAUTHORIZATION OF BASE FUNDING FOR FISH RECOVERY PROGRAMS.

Section 3(d)(2) of Public Law 106-392 (114 Stat. 1602) is amended in the fourth sentence by striking "2011" and inserting "2023".

AMENDMENTS SUBMITTED AND PROPOSED

SA 1505. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1506. Mrs. SHAHEEN (for herself and Mr. JOHANNIS) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1507. Mr. ALEXANDER (for himself, Mr. BENNETT, Mr. CORNYN, Mr. ROBERTS, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1508. Mr. AKAKA (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. BEGICH, Mr. KOHL, Ms. MIKULSKI, Mr. CARDIN, Mr. INOUE, Mr. WEBB, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1509. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1510. Mr. THUNE (for himself and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1511. Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1512. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1513. Mrs. LINCOLN (for herself, Mr. BYRD, Ms. LANDRIEU, and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1514. Mr. SANDERS (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1515. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1516. Mr. CASEY (for himself, Mr. BROWN, Mr. SCHUMER, Mrs. GILLIBRAND, Ms. MIKULSKI, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1517. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1518. Mr. BURR submitted an amendment intended to be proposed by him to the

bill S. 1390, supra; which was ordered to lie on the table.

SA 1519. Mr. BURR (for himself and Mrs. HAGAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1520. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1521. Mr. ENSIGN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1522. Mr. AKAKA (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. BEGICH, Mr. KOHL, Ms. MIKULSKI, Mr. CARDIN, Mr. INOUE, Mr. WEBB, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1523. Ms. COLLINS (for herself, Mr. VOINOVICH, and Mr. KOHL) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1524. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1525. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1526. Mr. FEINGOLD (for himself, Ms. MURKOWSKI, Mrs. LINCOLN, and Mr. BURRIS) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1527. Mr. FEINGOLD (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1528. Mr. LIEBERMAN (for himself, Mr. GRAHAM, Mr. BEGICH, Mr. CORNYN, Mrs. HUTCHISON, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1529. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1530. Mrs. LINCOLN (for herself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1531. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1532. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1533. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1534. Mr. VOINOVICH (for himself, Mr. LEAHY, Mr. BOND, Mr. BENNETT, Mr. BYRD, Mr. COCHRAN, Mr. CRAPO, Mr. DORGAN, Ms. MURKOWSKI, Mr. RISCH, Mr. ROCKEFELLER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1535. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1536. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1537. Mr. MARTINEZ (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1538. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1505. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CONGRESSIONAL APPROVAL OF CERTAIN TARP EXPENDITURES.

Notwithstanding any other provision of law, including any provision of the Emergency Economic Stabilization Act of 2008, no funds may be disbursed or otherwise obligated under that Act to any entity, if such disbursement would result in the Federal Government acquiring any ownership of the common or preferred stock of the entity receiving such funds, unless the Congress first approves of such disbursement or obligation.

SA 1506. Mrs. SHAHEEN (for herself and Mr. JOHANNIS) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, after line 23, add the following:

SEC. 557. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 10101 note) is amended—

- (1) in subsection (h)—
- (A) by striking paragraph (3); and
- (B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and

- (2) by adding at the end the following new subsection:

“(i) SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE PROGRAM.—

“(1) ESTABLISHMENT.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members, their families, and their communities with training in suicide prevention and community healing and response to suicide.

“(2) DESIGN.—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

“(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death for National Guard and Reserve members; and

“(B) the adjutant general of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

“(3) OPERATION.—

“(A) SUICIDE PREVENTION TRAINING.—The Office for Reintegration Programs shall provide National Guard and Reserve members with training in suicide prevention. Such training shall include—

“(i) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

“(ii) examining the influence of military culture on risk and protective factors for suicide; and

“(iii) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

“(B) COMMUNITY HEALING AND RESPONSE TRAINING.—The Office for Reintegration Programs shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that promote individual and community healing. Such training shall include—

“(i) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

“(ii) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

“(iii) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

“(iv) managing resources to assist key community and military service providers in helping the families, friends, and fellow soldiers of a suicide victim through the processes of grieving and healing.

“(C) COLLABORATION WITH CENTERS OF EXCELLENCE.—The Office for Reintegration Programs, in consultation with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, shall collect and analyze ‘lessons learned’ and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.”.

SA 1507. Mr. ALEXANDER (for himself, Mr. BENNETT, Mr. CORNYN, Mr. ROBERTS, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SEC. 1083. RESTRICTIONS ON TARP EXPENDITURES FOR AUTOMOBILE MANUFACTURERS; FIDUCIARY DUTY TO TAXPAYERS; REQUIRED ISSUANCE OF COMMON STOCK TO TAXPAYERS.

(a) SHORT TITLE.—This section may be cited as the “Auto Stock for Every Taxpayer Act”.

(b) **PROHIBITION ON FURTHER TARP FUNDS.**—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.) or any other provision of law, the Secretary may not expend or obligate any funds made available under that Act on or after the date of enactment of this Act with respect to any designated automobile manufacturer.

(c) **FIDUCIARY DUTY TO SHAREHOLDERS.**—With respect to any designated automobile manufacturer, the Secretary, and the designee of the Secretary who is responsible for the exercise of shareholder voting rights with respect to a designated automobile manufacturer pursuant to assistance provided under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), shall have a fiduciary duty to each eligible taxpayer for the maximization of the return on the investment of the taxpayer under that Act, in the same manner, and to the same extent that any director of an issuer of securities has with respect to its shareholders under the securities laws and all applicable provisions of State law.

(d) **REQUIRED ISSUANCE OF COMMON STOCK TO ELIGIBLE TAXPAYERS.**—Not later than 1 year after the emergence of any designated automobile manufacturer from bankruptcy protection described in subsection (f)(1)(B), the Secretary shall direct the designated automobile manufacturer to issue through the Secretary a certificate of common stock to each eligible taxpayer, which shall represent such taxpayer's per capita share of the aggregate common stock holdings of the United States Government in the designated automobile manufacturer on such date.

(e) **CIVIL ACTIONS AUTHORIZED.**—A person who is aggrieved of a violation of the fiduciary duty established under subsection (c) may bring a civil action in an appropriate United States district court to obtain injunctive or other equitable relief relating to the violation.

(f) **DEFINITIONS.**—As used in this section—

(1) the term “designated automobile manufacturer” means an entity organized under the laws of a State, the primary business of which is the manufacture of automobiles, and any affiliate thereof, if such automobile manufacturer—

(A) has received funds under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), or funds were obligated under that Act, before the date of enactment of this Act; and

(B) has filed for bankruptcy protection under chapter 11 of title 11, United States Code, during the 90-day period preceding the date of enactment of this Act;

(2) the term “eligible taxpayer” means any individual taxpayer who filed a Federal taxable return for taxable year 2008 (including any joint return) not later than the due date for such return (including any extension);

(3) the term “Secretary” means the Secretary of the Treasury or the designee of the Secretary; and

(4) the terms “director”, “issuer”, “securities”, and “securities laws” have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c).

SA 1508. Mr. AKAKA (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. BEGICH, Mr. KOHL, Ms. MIKULSKI, Mr. CARDIN, Mr. INOUE, Mr. WEBB, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the

Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI of division A, insert the following:

Subtitle B—Federal Employee Retirement-Related Provisions

SEC. 1121. CREDIT FOR UNUSED SICK LEAVE.

(a) **IN GENERAL.**—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking “(l) In computing” and inserting “(l)(1) In computing”; and

(B) by adding at the end the following:

“(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.”.

(b) **EXCEPTION FROM DEPOSIT REQUIREMENT.**—Section 8422(d)(2) of title 5, United States Code, is amended by striking “section 8415(k)” and inserting “paragraph (1) or (2) of section 8415(l)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 1122. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) **IN GENERAL.**—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking “October 1, 1990” each place it appears and inserting “March 1, 1991”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 1123. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) **IN GENERAL.**—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

“(3) In the administration of paragraph (1)—

“(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

“(B) subparagraph (B) of such paragraph—

“(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

“(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 1124. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) **DEPOSIT AUTHORITY.**—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

“(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

“(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

“(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) **DEFINITIONAL AMENDMENT.**—Section 8401(19)(C) of title 5, United States Code, is amended by striking “8411(f);” and inserting “8411(f) or 8422(i);”.

(2) **CREDITING OF DEPOSITS.**—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: “Deposits made by an employee, Member, or survivor also shall be credited to the Fund.”.

(3) **SECTION HEADING.**—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

“§ 8422. Deductions from pay; contributions for other service; deposits”.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

“8422. Deductions from pay; contributions for other service; deposits.”.

(4) **RESTORATION OF ANNUITY RIGHTS.**—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking “based.” and inserting “based, until the employee or Member is reemployed in the service subject to this chapter.”.

SEC. 1125. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) **RETIREMENT CREDIT.**—

(1) **IN GENERAL.**—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1-626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, "qualifying District of Columbia service" means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SEC. 1126. RETIREMENT TREATMENT OF CERTAIN SECRET SERVICE EMPLOYEES.

(a) DEFINITION.—In this section the term "covered employee" means an individual who—

(1) was hired as a member of the United States Secret Service Division during the period beginning on January 1, 1984 through December 31, 1986;

(2) has actively performed duties other than clerical for 10 or more years directly related to the protection mission of the United States Secret Service described under section 3056 of title 18, United States Code;

(3) is serving as a member of the United States Secret Service Division or the United States Secret Service Uniform Division (or any successor entity) on the effective date of this section; and

(4) files an election to be a covered employee under subsection (b)(1).

(b) ELECTION OF COVERAGE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, an individual described under subsection (a)(1), (2), and (3) may file an election with the United States Secret Service to be a covered employee and to transition to the District of Columbia Police and Fire Fighter Retirement and Disability System.

(2) NOTIFICATION.—Not later than 30 days after the date of enactment of this Act, the Office of Personnel Management and the United States Secret Service shall notify each individual described under subsection (a)(1), (2), and (3) that the individual is qualified to file an election under paragraph (1).

(c) RETIREMENT COVERAGE CONVERSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in consultation with the Secretary of Homeland Security and the Thrift Savings Board, the Office of Personnel Management shall prescribe regulations to carry out the responsibilities of the Federal Government under this section. The regulations prescribed under this paragraph shall provide for transition of covered employees from the Federal Employees' Retirement System to the Civil Service Retirement System.

(2) TREATMENT OF COVERED EMPLOYEES.—

(A) ELECTION OF COVERAGE.—

(i) IN GENERAL.—If a covered employee files an election under subsection (b)(1), the covered employee shall, subject to clause (ii), be converted from the Federal Employees' Retirement System to the Civil Service Retirement System.

(ii) COVERAGE IN DISTRICT OF COLUMBIA RETIREMENT SYSTEM.—

(I) IN GENERAL.—Chapter 7 of title 5 of the District of Columbia Code shall apply with respect to a covered employee on the date on which the covered employee transitions to the Civil Service Retirement System.

(II) AUTHORIZATION FOR DISTRICT OF COLUMBIA.—The government of the District of Co-

lumbia shall provide for the coverage of covered employees in the District of Columbia Police and Fire Fighter Retirement and Disability System in accordance with this section.

(B) THRIFT SAVINGS PLAN.—A covered employee shall forfeit, under procedures prescribed by the Executive Director of the Federal Retirement Thrift Investment Board, all Thrift Savings Plan contributions and associated earnings made by an employing agency pursuant to section 8432(c) of title 5, United States Code. Any amounts remaining in the Thrift Savings Plan account of the covered employee may be transferred to a private account or the District of Columbia Police and Firefighter Retirement and Disability System.

(C) FORFEITURE OF SOCIAL SECURITY BENEFITS.—

(i) CONTRIBUTIONS.—Upon conversion into the Civil Service Retirement System, a covered employee shall forfeit all contributions made under title II of the Social Security Act while employed by the United States Secret Service. All forfeited funds shall remain in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as applicable.

(ii) BENEFITS.—A covered employee shall not be entitled to any benefit based on any contribution forfeited under clause (i).

(3) IMPLEMENT.—The Office of Personnel Management, the Department of Homeland Security, the Social Security Administration, and the Thrift Savings Board shall take such actions as necessary to provide for the implementation of this section.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided under paragraph (2), this section shall take effect on the first day of the first applicable pay period that begins 180 days after the date of enactment of this Act.

(2) ELECTIONS AND IMPLEMENTATION.—Subsections (b) and (c)(1) and (3) shall take effect on the date of enactment of this Act.

Subtitle C—Non-Foreign Area Retirement Equity Assurance

SEC. 1141. SHORT TITLE.

This subtitle may be cited as the "Non-Foreign Area Retirement Equity Assurance Act of 2009" or the "Non-Foreign AREA Act of 2009".

SEC. 1142. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

"(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;"

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "and" after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting "and"; and

(iii) by adding after subparagraph (B) the following:

"(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and"

(B) by adding at the end the following:

"(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d)."; and

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking “and” after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

“(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941; and”;

(D) in clause (iv) in the matter following subparagraph (D), by inserting “, except for members covered by subparagraph (C)” before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting “, except for members covered by subparagraph (C)” before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence “Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).”;

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

“(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

“(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

“(A) January 1, 2010; and

“(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 1144 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(2)(A) In this paragraph, the term ‘applicable locality-based comparability pay percentage’ means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section 1144 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

“(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and

“(ii) dividing the resulting percentage determined under clause (i) by the sum of—

“(I) one; and

“(II) the applicable locality-based comparability payment percentage expressed as a numeral.

“(3) No allowance rate computed under paragraph (2) may be less than zero.

“(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any ap-

plicable special rate of pay under section 5305 or similar provision of law).”.

SEC. 1143. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 1144 of this subtitle, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 1148 of this subtitle.

(b) AGENCIES WITH STATUTORY AUTHORITY.—

(1) IN GENERAL.—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) STATUTORY AUTHORITY.—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 1144 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 1144. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this subtitle or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this subtitle, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using $\frac{1}{2}$ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using $\frac{2}{3}$ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. 1145. SAVINGS PROVISION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the application of this subtitle to any employee should not result in a decrease in the take home pay of that employee;

(2) in calendar year 2012 and each subsequent year, no employee shall receive less than the Rest of the U.S. locality pay rate;

(3) concurrent with the surveys next conducted under the provisions of section 5304(d)(1)(A) of title 5, United States Code, beginning after the date of the enactment of this Act, the Bureau of Labor Statistics should conduct separate surveys to determine the extent of any pay disparity (as defined by section 5302 of that title) that may exist with respect to positions located in the State of Alaska, the State of Hawaii, and the United States territories, including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands;

(4) if the surveys under paragraph (3) indicate that the pay disparity determined for the State of Alaska, the State of Hawaii, or any 1 of the United States territories including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands exceeds the pay disparity determined for the locality which (for purposes of section 5304 of that title) is commonly known as the “Rest of the United States”, the President’s Pay Agent should take appropriate measures to provide that each such surveyed area be treated as a separate pay locality for purposes of that section; and

(5) the President’s Pay Agent will establish 1 locality area for the entire State of Hawaii and 1 locality area for the entire State of Alaska.

(b) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period described under section 1144 of this subtitle, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee’s special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 1144 of this subtitle, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of this subtitle, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto

shall be fixed in the manner provided by applicable law and regulation.

(3) **LOCALITY-BASED COMPARABILITY PAYMENTS.**—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 1144 of this subtitle which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 1146. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) **IN GENERAL.**—
(1) **DEFINITION.**—In this subsection, the term “covered employee” means—

(A) any employee who—
(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—
(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) **APPLICATION TO COVERED EMPLOYEES.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of law, for purposes of this subtitle (including the amendments made by this subtitle) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 1142 of this subtitle), and section 1144 of this subtitle apply.

(B) **PAY FIXED BY STATUTE.**—Pay to covered employees under section 5304 or 5304a of title

5, United States Code, as a result of the application of this subtitle shall be considered to be fixed by statute.

(C) **PERFORMANCE APPRAISAL SYSTEM.**—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this subtitle including section 5941 of title 5, United States Code (as amended by section 1142 of this subtitle), may be reduced on the basis of the performance of that employee.

(b) **POSTAL EMPLOYEES IN NON-FOREIGN AREAS.**—

(1) **IN GENERAL.**—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting “(1)” after “(b)”;

(B) by striking “Section 5941,” and inserting “Except as provided under paragraph (2), section 5941”;

(C) by striking “For purposes of such section,” and inserting “Except as provided under paragraph (2), for purposes of section 5941 of that title,”; and

(D) by adding at the end the following:

“(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

“(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

“(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section 1146(b)(2) of that Act shall apply.”.

(2) **CONTINUATION OF COST OF LIVING ALLOWANCE.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of this subtitle, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this subtitle (including the amendments made by this subtitle) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 1144.

(B) **RULE OF CONSTRUCTION.**—Nothing in this subtitle shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 1147 of this subtitle.

SEC. 1147. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) **DEFINITION.**—In this section the term “covered employee” means any employee—

(1) to whom section 1144 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) **ELECTION.**—

(1) **IN GENERAL.**—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) **DEADLINE.**—An election under this subsection may be filed not later than December 31, 2012.

(c) **COMPUTATION OF ANNUITY.**—

(1) **IN GENERAL.**—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) **LIMITATION.**—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 1144 of this subtitle did not apply.

(d) **CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.**—

(1) **EMPLOYEE CONTRIBUTIONS.**—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) **AGENCY CONTRIBUTIONS.**—

(A) **IN GENERAL.**—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) **SOURCE.**—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) **REGULATIONS.**—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 1148. REGULATIONS.

(a) **IN GENERAL.**—The Director of the Office of Personnel Management shall prescribe regulations to carry out this subtitle, including—

(1) rules for special rate employees described under section 1143;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 1144 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any

employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) **OTHER PAY SYSTEMS.**—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this subtitle with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. 1149. EFFECTIVE DATES.

(a) **IN GENERAL.**—Except as provided by subsection (b), this subtitle (including the amendments made by this subtitle) shall take effect on the date of enactment of this Act.

(b) **LOCALITY PAY AND SCHEDULE.**—The amendments made by section 1142 and the provisions of section 1144 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

Subtitle D—Part-Time Reemployment of Annuitants

SEC. 1161. SHORT TITLE.

This subtitle may be cited as the “Part-Time Reemployment of Annuitants Act of 2009”.

SEC. 1162. PART-TIME REEMPLOYMENT.

(a) **CIVIL SERVICE RETIREMENT SYSTEM.**—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

“(l)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of

employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking “(k)” and inserting “(l)”; and

(B) in paragraph (2), by striking “or (k)” and inserting “(k), or (l)”.

(b) **FEDERAL EMPLOYEE RETIREMENT SYSTEM.**—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

“(i)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking “(h)” and inserting “(i)”; and

(B) in paragraph (2), by striking “or (h)” and inserting “(h), or (i)”.

(c) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking “(1)(2)” and inserting “(m)(2)”; and

(2) by striking “(i)(2)” and inserting “(j)(2)”.

SEC. 1163. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 1162.

(b) **CONTENTS.**—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (1) of section 8344 of title 5, United States Code, as amended by this subtitle, or subsection (1) of section 8468 of title 5, United States Code, as amended by this subtitle; and

(2) identify each agency that used the authority described in paragraph (1).

(c) **AGENCY DATA.**—Each head of an agency (as defined under sections 8344(1)(1) and 8468(1)(1)(A) of title 5, United States Code, as added by section 1162 of this subtitle) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1509. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 201, after line 25, insert the following:

SEC. 652. CREDIT FOR CERTAIN HOME PURCHASES.

(a) **ALLOWANCE OF CREDIT.**—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 25D the following new section:

“SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

“(a) **ALLOWANCE OF CREDIT.**—

“(1) **IN GENERAL.**—In the case of an individual who is a purchaser of a principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to 10 percent of the purchase price of the residence.

“(2) **DOLLAR LIMITATION.**—The amount of the credit allowed under paragraph (1) shall not exceed \$15,000.

“(3) **ALLOCATION OF CREDIT AMOUNT.**—At the election of the taxpayer, the amount of the credit allowed under paragraph (1) (after application of paragraph (2)) may be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the principal residence is made.

“(b) **LIMITATIONS.**—

“(1) **DATE OF PURCHASE.**—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

“(A) after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and

“(B) on or before the date that is 1 year after such date of enactment.

“(2) **LIMITATION BASED ON AMOUNT OF TAX.**—In the case of a taxable year to which section

26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under this subpart (other than this section) for the taxable year.

“(3) **ONE-TIME ONLY.**—

“(A) **IN GENERAL.**—If a credit is allowed under this section in the case of any individual (and such individual’s spouse, if married) with respect to the purchase of any principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other principal residence by such individual or a spouse of such individual.

“(B) **JOINT PURCHASE.**—In the case of a purchase of a principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other principal residence.

“(c) **PRINCIPAL RESIDENCE.**—For purposes of this section, the term ‘principal residence’ has the same meaning as when used in section 121.

“(d) **DENIAL OF DOUBLE BENEFIT.**—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 36 or section 1400C.

“(e) **SPECIAL RULES.**—

“(1) **JOINT PURCHASE.**—

“(A) **MARRIED INDIVIDUALS FILING SEPARATELY.**—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting ‘\$7,500’ for ‘\$15,000’ in subsection (a)(1).

“(B) **UNMARRIED INDIVIDUALS.**—If 2 or more individuals who are not married purchase a principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed \$15,000.

“(2) **PURCHASE.**—In defining the purchase of a principal residence, rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply.

“(3) **REPORTING REQUIREMENT.**—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply.

“(f) **RECAPTURE OF CREDIT IN THE CASE OF CERTAIN DISPOSITIONS.**—

“(1) **IN GENERAL.**—In the event that a taxpayer—

“(A) disposes of the principal residence with respect to which a credit was allowed under subsection (a), or

“(B) fails to occupy such residence as the taxpayer’s principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the tax imposed by this chapter for the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence shall be increased by the amount of such credit.

“(2) **EXCEPTIONS.**—

“(A) **DEATH OF TAXPAYER.**—Paragraph (1) shall not apply to any taxable year ending after the date of the taxpayer’s death.

“(B) **INVOLUNTARY CONVERSION.**—Paragraph (1) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section

1033(a)) if the taxpayer acquires a new principal residence within the 2-year period beginning on the date of the disposition or cessation referred to in such paragraph. Paragraph (1) shall apply to such new principal residence during the remainder of the 24-month period described in such paragraph as if such new principal residence were the converted residence.

“(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

“(i) paragraph (1) shall not apply to such transfer, and

“(ii) in the case of taxable years ending after such transfer, paragraph (1) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

“(D) RELOCATION OF MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.

“(3) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

“(4) RETURN REQUIREMENT.—If the tax imposed by this chapter for the taxable year is increased under this subsection, the taxpayer shall, notwithstanding section 6012, be required to file a return with respect to the taxes imposed under this subtitle.

“(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

“(h) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence after December 31, 2009, and on or before the date described in subsection (b)(1)(B), a taxpayer may elect to treat such purchase as made on December 31, 2009, for purposes of this section.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking “and 25B” and inserting “, 25B, and 25E”.

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting “25E,” after “25D,”.

(3) Section 25B(g)(2) of such Code is amended by striking “section 23” and inserting “sections 23 and 25E”.

(4) Section 904(1) of such Code is amended by striking “and 25B” and inserting “25B, and 25E”.

(5) Section 1016(a) of such Code is amended by striking “and” at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting “, and”, and by adding at the end the following new paragraph:

“(38) to the extent provided in section 25E(g).”.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Credit for certain home purchases.”.

(d) SUNSET OF CURRENT FIRST-TIME HOME-BUYER CREDIT.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended by striking “before December 1, 2009” and inserting “on or before the date of

the enactment of the National Defense Authorization Act for Fiscal Year 2010”.

(2) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of the Internal Revenue Code of 1986 is amended by striking “before December 1, 2009” and inserting “on or before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases after the date of the enactment of this Act.

SA 1510. Mr. THUNE (for himself and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, add the following:

SEC. 2832. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.

(a) CHANGE IN RECIPIENT UNDER EXISTING AUTHORITY.—

(1) IN GENERAL.—Section 2863(a) of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2010), as amended by section 2865(a) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-435), is further amended by striking “West River Foundation for Economic and Community Development, Sturgis, South Dakota (in this section referred to as the ‘Foundation’)” and inserting “South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this section referred to as the ‘Authority’)”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2863 of the Military Construction Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 2010), as amended by section 2865(b) of the Military Construction Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-435), is further amended—

(A) by striking “Foundation” each place it appears in subsections (c) and (e) and inserting “Authority”;

(B) in subsection (b)(1)—

(i) in subparagraph (B), by striking “137.56 acres” and inserting “120.70 acres”; and

(ii) by striking subparagraphs (C), (D), and (E).

(b) NEW CONVEYANCE AUTHORITY.—

(1) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the South Dakota Ellsworth Development Authority, Pierre, South Dakota (in this subsection referred to as the “Authority”), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in paragraph (2).

(2) COVERED PROPERTY.—The real property referred to in paragraph (1) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 2.37 acres and comprising the 11000 West Communications Annex.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 6.643 acres and comprising the South Nike Education Annex.

(3) CONDITION.—As a condition of the conveyance under this subsection, the Authority, and any person or entity to which the Authority transfers the property, shall comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(4) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under paragraph (1) is not being used in compliance with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this paragraph shall be made on the record after an opportunity for a hearing.

(5) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this subsection shall be determined by a survey satisfactory to the Secretary.

(6) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

SA 1511. Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

DIVISION —MATTHEW SHEPARD HATE CRIMES PREVENTION ACT

SEC. 01. SHORT TITLE.

This division may be cited as the “Matthew Shepard Hate Crimes Prevention Act”.

SEC. 02. FINDINGS.

Congress makes the following findings:

(1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a serious national problem.

(2) Such violence disrupts the tranquility and safety of communities and is deeply divisive.

(3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater Federal assistance.

(4) Existing Federal law is inadequate to address this problem.

(5) A prominent characteristic of a violent crime motivated by bias is that it devastates not just the actual victim and the family and friends of the victim, but frequently savages the community sharing the traits that caused the victim to be selected.

(6) Such violence substantially affects interstate commerce in many ways, including the following:

(A) The movement of members of targeted groups is impeded, and members of such groups are forced to move across State lines to escape the incidence or risk of such violence.

(B) Members of targeted groups are prevented from purchasing goods and services, obtaining or sustaining employment, or participating in other commercial activity.

(C) Perpetrators cross State lines to commit such violence.

(D) Channels, facilities, and instrumentalities of interstate commerce are used to facilitate the commission of such violence.

(E) Such violence is committed using articles that have traveled in interstate commerce.

(7) For generations, the institutions of slavery and involuntary servitude were defined by the race, color, and ancestry of those held in bondage. Slavery and involuntary servitude were enforced, both prior to and after the adoption of the 13th amendment to the Constitution of the United States, through widespread public and private violence directed at persons because of their race, color, or ancestry, or perceived race, color, or ancestry. Accordingly, eliminating racially motivated violence is an important means of eliminating, to the extent possible, the badges, incidents, and relics of slavery and involuntary servitude.

(8) Both at the time when the 13th, 14th, and 15th amendments to the Constitution of the United States were adopted, and continuing to date, members of certain religious and national origin groups were and are perceived to be distinct "races". Thus, in order to eliminate, to the extent possible, the badges, incidents, and relics of slavery, it is necessary to prohibit assaults on the basis of real or perceived religions or national origins, at least to the extent such religions or national origins were regarded as races at the time of the adoption of the 13th, 14th, and 15th amendments to the Constitution of the United States.

(9) Federal jurisdiction over certain violent crimes motivated by bias enables Federal, State, and local authorities to work together as partners in the investigation and prosecution of such crimes.

(10) The problem of crimes motivated by bias is sufficiently serious, widespread, and interstate in nature as to warrant Federal assistance to States, local jurisdictions, and Indian tribes.

SEC. 03. DEFINITION OF HATE CRIME.

In this division—

(1) the term "crime of violence" has the meaning given that term in section 16, title 18, United States Code;

(2) the term "hate crime" has the meaning given such term in section 280003(a) of the

Violent Crime Control and Law Enforcement Act of 1994 (28 U.S.C. 994 note); and

(3) the term "local" means a county, city, town, township, parish, village, or other general purpose political subdivision of a State.

SEC. 04. SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT OFFICIALS.

(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—At the request of State, local, or tribal law enforcement agency, the Attorney General may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that—

(A) constitutes a crime of violence;

(B) constitutes a felony under the State, local, or tribal laws; and

(C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or tribal hate crime laws.

(2) PRIORITY.—In providing assistance under paragraph (1), the Attorney General shall give priority to crimes committed by offenders who have committed crimes in more than one State and to rural jurisdictions that have difficulty covering the extraordinary expenses relating to the investigation or prosecution of the crime.

(b) GRANTS.—

(1) IN GENERAL.—The Attorney General may award grants to State, local, and tribal law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

(2) OFFICE OF JUSTICE PROGRAMS.—In implementing the grant program under this subsection, the Office of Justice Programs shall work closely with grantees to ensure that the concerns and needs of all affected parties, including community groups and schools, colleges, and universities, are addressed through the local infrastructure developed under the grants.

(3) APPLICATION.—

(A) IN GENERAL.—Each State, local, and tribal law enforcement agency that desires a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and accompanied by or containing such information as the Attorney General shall reasonably require.

(B) DATE FOR SUBMISSION.—Applications submitted pursuant to subparagraph (A) shall be submitted during the 60-day period beginning on a date that the Attorney General shall prescribe.

(C) REQUIREMENTS.—A State, local, and tribal law enforcement agency applying for a grant under this subsection shall—

(i) describe the extraordinary purposes for which the grant is needed;

(ii) certify that the State, local government, or Indian tribe lacks the resources necessary to investigate or prosecute the hate crime;

(iii) demonstrate that, in developing a plan to implement the grant, the State, local, and tribal law enforcement agency has consulted and coordinated with nonprofit, nongovernmental victim services programs that have experience in providing services to victims of hate crimes; and

(iv) certify that any Federal funds received under this subsection will be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this subsection.

(4) DEADLINE.—An application for a grant under this subsection shall be approved or

denied by the Attorney General not later than 180 business days after the date on which the Attorney General receives the application.

(5) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single jurisdiction in any 1-year period.

(6) REPORT.—Not later than December 31, 2010, the Attorney General shall submit to Congress a report describing the applications submitted for grants under this subsection, the award of such grants, and the purposes for which the grant amounts were expended.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2010 and 2011.

SEC. 05. GRANT PROGRAM.

(a) AUTHORITY TO AWARD GRANTS.—The Office of Justice Programs of the Department of Justice may award grants, in accordance with such regulations as the Attorney General may prescribe, to State, local, or tribal programs designed to combat hate crimes committed by juveniles, including programs to train local law enforcement officers in identifying, investigating, prosecuting, and preventing hate crimes.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 06. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE, LOCAL, AND TRIBAL LAW ENFORCEMENT.

There are authorized to be appropriated to the Department of Justice, including the Community Relations Service, for fiscal years 2010, 2011, and 2012 such sums as are necessary to increase the number of personnel to prevent and respond to alleged violations of section 249 of title 18, United States Code, as added by section 07 of this division.

SEC. 07. PROHIBITION OF CERTAIN HATE CRIME ACTS.

(a) IN GENERAL.—Chapter 13 of title 18, United States Code, is amended by adding at the end the following:

"§ 249. Hate crime acts

"(a) IN GENERAL.—

"(1) OFFENSES INVOLVING ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.—Whoever, whether or not acting under color of law, willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person—

"(A) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

"(B) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

"(i) death results from the offense; or

"(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

"(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

"(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive

or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, if—

“(I) death results from the offense; or

“(II) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(B) CIRCUMSTANCES DESCRIBED.—For purposes of subparagraph (A), the circumstances described in this subparagraph are that—

“(i) the conduct described in subparagraph (A) occurs during the course of, or as the result of, the travel of the defendant or the victim—

“(I) across a State line or national border; or

“(II) using a channel, facility, or instrumentality of interstate or foreign commerce;

“(ii) the defendant uses a channel, facility, or instrumentality of interstate or foreign commerce in connection with the conduct described in subparagraph (A);

“(iii) in connection with the conduct described in subparagraph (A), the defendant employs a firearm, dangerous weapon, explosive or incendiary device, or other weapon that has traveled in interstate or foreign commerce; or

“(iv) the conduct described in subparagraph (A)—

“(I) interferes with commercial or other economic activity in which the victim is engaged at the time of the conduct; or

“(II) otherwise affects interstate or foreign commerce.

“(3) OFFENSES OCCURRING IN THE SPECIAL MARITIME OR TERRITORIAL JURISDICTION OF THE UNITED STATES.—Whoever, within the special maritime or territorial jurisdiction of the United States, commits an offense described in paragraph (1) or (2) shall be subject to the same penalties as prescribed in those paragraphs.

“(b) CERTIFICATION REQUIREMENT.—

“(1) IN GENERAL.—No prosecution of any offense described in this subsection may be undertaken by the United States, except under the certification in writing of the Attorney General, or his designee, that—

“(A) the State does not have jurisdiction;

“(B) the State has requested that the Federal Government assume jurisdiction;

“(C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence; or

“(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

“(c) DEFINITIONS.—In this section—

“(1) the term “bodily injury” has the meaning given such term in section 1365(h)(4) of this title, but does not include solely emotional or psychological harm to the victim;

“(2) the term “explosive or incendiary device” has the meaning given such term in section 232 of this title;

“(3) the term “firearm” has the meaning given such term in section 921(a) of this title; and

“(4) the term “gender identity” for the purposes of this chapter means actual or perceived gender-related characteristics.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 13 of title 18, United States Code, is amended by adding at the end the following:

“249. Hate crime acts.”.

SEC. 08. STATISTICS.

(a) IN GENERAL.—Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting “gender and gender identity,” after “race.”.

(b) DATA.—Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting “, including data about crimes committed by, and crimes directed against, juveniles” after “data acquired under this section”.

SEC. 09. SEVERABILITY.

If any provision of this division, an amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this division, the amendments made by this division, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SEC. 10. RULE OF CONSTRUCTION.

For purposes of construing this division and the amendments made by this division the following shall apply:

(1) RELEVANT EVIDENCE.—Courts may consider relevant evidence of speech, beliefs, or expressive conduct to the extent that such evidence is offered to prove an element of a charged offense or is otherwise admissible under the Federal Rules of Evidence. Nothing in this division is intended to affect the existing rules of evidence.

(2) VIOLENT ACTS.—This division applies to violent acts motivated by actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability of a victim.

(3) CONSTITUTIONAL PROTECTIONS.—Nothing in this division shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the First Amendment and peaceful picketing or demonstration. The Constitution does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

(4) FREE EXPRESSION.—Nothing in this division shall be construed to allow prosecution based solely upon an individual’s expression of racial, religious, political, or other beliefs or solely upon an individual’s membership in a group advocating or espousing such beliefs.

SA 1512. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 259, between lines 12 and 13, insert the following:

SEC. 824. MODIFICATIONS TO DATABASE FOR FEDERAL AGENCY CONTRACT AND GRANT OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

Subsection (c) of section 872 of the Duncan Hunter National Defense Authorization Act

for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4556) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (5) the following new paragraphs:

“(6) Each audit report that, as determined by an Inspector General or the head of an audit agency responsible for the report, contains significant adverse information about a contractor that should be included in the database.

“(7) Each contract action that, as determined by the head of the contracting activity responsible for the contract action, reflects information about contractor performance or integrity that should be included in the database.”.

SA 1513. Mrs. LINCOLN (for herself, Mr. BYRD, Ms. LANDRIEU, and Mr. TESTER) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 724. REQUIREMENT FOR PROVISION OF MEDICAL AND DENTAL READINESS SERVICES TO CERTAIN MEMBERS OF THE SELECTED RESERVE AND INDIVIDUAL READY RESERVE BASED ON MEDICAL NEED.

(a) IN GENERAL.—Section 1074a(g)(1) of title 10, United States Code, is amended—

(1) by striking “may provide” and inserting “shall provide”; and

(2) by striking “if the Secretary determines” and inserting “, as applicable, if a qualified health care professional determines, based on the member’s most recent annual medical exam or annual dental exam, as the case may be.”.

(b) FUNDING.—Subject to applicable provisions of appropriations Acts, amounts available to the Department of Defense for the Defense Health Program shall be available for the provision of medical and dental services under section 1074a(g)(1) of title 10, United States Code, in accordance with the amendments made by subsection (a).

(c) BUDGETING FOR HEALTH CARE.—In determining the amounts to be required for medical and dental readiness services for members of the Selected Reserve and the Individual Ready Reserve under section 1074a(g)(1) of title 10, United States Code (as amended by subsection (a)), for purposes of the budget of the President for fiscal years after fiscal year 2010, as submitted to Congress pursuant to section 1105 of title 31, United States Code, the Assistant Secretary of Defense for Health Affairs shall consult with appropriate officials having responsibility for the administration of the reserve components of the Armed Forces, including the Chief of the National Guard Bureau with respect to the National Guard.

(d) MEDICAL AND DENTAL SCREENING FOR READY RESERVE MEMBERS ALERTED FOR MOBILIZATION.—Section 1074a(f)(1) of title 10, United States Code, is amended by striking “may provide” and inserting “shall provide”.

SA 1514. Mr. SANDERS (for himself and Mrs. LINCOLN) submitted an

amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 573. ISSUANCE OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY TO MEMBERS OF THE ARMED FORCES WHO SERVE ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION FOR LESS THAN 90 DAYS.

(a) **ISSUANCE REQUIRED.**—Each Secretary of a military department shall modify applicable regulations to provide for the issuance of a Certificate of Release or Discharge from Active Duty (DD Form 214) to each member of the Armed Forces (including a member of the National Guard or Reserve) under the jurisdiction of such Secretary who serves on active duty in the Armed Forces in support of a contingency operation upon the separation of the member from such service, regardless of whether the period of such service is less than 90 days. The regulations shall be so modified not later than 180 days after the date of the enactment of this Act.

(b) **CONTINGENCY OPERATION DEFINED.**—In this section, the term “contingency operation” has the meaning given that term in section 101(a)(13) of title 10, United States Code.

SA 1515. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. _____. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) **REPEAL.**—

(1) **IN GENERAL.**—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) **CONFORMING AMENDMENTS.**—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);

(ii) by striking subsection (k); and

(iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and

(ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2).”

(b) **PROHIBITION ON RETROACTIVE BENEFITS.**—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) **PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.**—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) **REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.**—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)(B), the Secretary concerned” and inserting “The Secretary concerned”; and

(2) in paragraph (2)—

(A) by striking “DEPENDENT CHILDREN.” and all that follows through “In the case of a member described in paragraph (1),” and inserting “DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),”; and

(B) by striking subparagraph (B).

(e) **RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.**—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) **EFFECTIVE DATE.**—The sections and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SA 1516. Mr. CASEY (for himself, Mr. BROWN, Mr. SCHUMER, Mrs. GILLIBRAND, Ms. MIKULSKI, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, strike lines 1 through 26 and insert the following:

SEC. 323. TEMPORARY SUSPENSION OF AUTHORITY FOR PUBLIC-PRIVATE COMPETITIONS.

(a) **TEMPORARY SUSPENSION.**—No study or competition regarding the conversion to performance by a contractor of any Department of Defense function may be begun or announced pursuant to section 2461 of title 10, United States Code, Office of Management and Budget Circular A-76, or any other authority until September 30, 2010, or the date on which the Secretary of Defense submits to the congressional defense committees the certification described in subsection (b), whichever is later.

(b) **CERTIFICATION REQUIREMENT.**—The certification described in this subsection is a certification that—

(1) the Secretary of Defense has completed and submitted to Congress a complete inventory of contracts for services for or on behalf of the Department of Defense in compliance with the requirements of subsection (c) of section 2330a of title 10, United States Code; and

(2) the Secretary of each military department and the head of each Defense Agency responsible for activities in the inventory is in compliance with the review and planning requirements of subsection (e) of such section.

SEC. 323A. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION OF ANY DEPARTMENT OF DEFENSE FUNCTION PERFORMED BY CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.

(a) **REQUIREMENT.**—Section 2461(a)(1) of title 10, United States Code, is amended—

(1) by striking “A function” and inserting “No function”; and

(2) by striking “10 or more”; and

(3) by striking “may not be converted” and inserting “may be converted”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to a function for which a public-private competition is commenced on or after the date of the enactment of this Act.

SEC. 323B. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) **TIME LIMITATION.**—Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) The duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A-76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed a period of 720 days, commencing on the date on which the preliminary planning for the public-private competition begins through the date on which a performance decision is rendered with respect to the function.

“(B) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Claims unless the Secretary of Defense determines that the delay is caused by issues being raised during the appellate process that were not previously raised during the competition.

“(C) In this paragraph, the term ‘preliminary planning’ with respect to a public-private competition means any action taken to carry out any of the following activities:

“(i) Determining the scope of the competition.

“(ii) Conducting research to determine the appropriate grouping of functions for the competition.

“(iii) Assessing the availability of workload data, quantifiable outputs of functions, and agency or industry performance standards applicable to the competition.

“(iv) Determining the baseline cost of any function for which the competition is conducted.”.

(b) **EFFECTIVE DATE.**—Paragraph (5) of section 2461(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to a public-private competition covered by such section that is being conducted on or after the date of the enactment of this Act.

SEC. 323C. TERMINATION OF CERTAIN PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

(a) **TEMPORARY SUSPENSION OF PENDING STUDIES.**—The Secretary of Defense shall halt all pending public-private competitions being conducted pursuant to section 2461 of title 10, United States Code, or Office of Management and Budget Circular A-76 that had not resulted in conversion to performance to a contractor as of March 26, 2009, until such time as the Secretary may review such competitions.

(b) **REVIEW AND APPROVAL PROCESS.**—

(1) **REVIEW REQUIRED.**—Before recommending any pending study for a public-private competition halted under subsection (a), the Secretary of Defense shall review all the studies halted by reason of that subsection and take the following actions with respect to each such study:

(A) Describe the methodology and data sources along with outside resources to gather and analyze information necessary to estimate cost savings.

(B) Certify that the estimated savings are still achievable.

(C) Document the rationale for rejecting an individual command's request to cancel, defer, or reduce the scope of a decision to conduct the study.

(D) Consider alternatives to the study that would provide savings and improve performance such as internal reorganizations.

(E) Include any other relevant information to justify recommencement of the study.

(2) **TERMINATION OF CERTAIN STUDIES.**—The Secretary of Defense shall terminate any study for a public-private competition that was or has been conducted for longer than 30 months (beginning with preliminary planning and ending with a performance decision, excluding time expended because of a bid protest, but not additional time required to conduct the study subsequent to a bid protest), consistent with section 8023 of the Department of Defense Appropriations Act, 2009 (division C of Public Law 110-329; 122 Stat. 3626).

(c) **CONGRESSIONAL NOTIFICATION.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the actions taken by the Secretary under paragraphs (1) and (2) of subsection (b).

(d) **COMPTROLLER GENERAL REVIEW.**—Not later than 45 days after the Secretary of Defense submits the report required under subsection (c), the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on whether the review and approval process conducted by the Department of Defense is in compliance with subsection (b) and whether it includes consideration of all costs and savings

associated with preparing for and carrying out a pending study as well as all costs that would be associated with converting functions to performance by a contractor and transitioning the Federal employee workforce.

(e) **RECOMMENCING A STUDY.**—The Secretary of Defense may not recommence a study halted pursuant to subsection (a) until 30 days after the Comptroller General has submitted to the Committees on Armed Services of the Senate and the House of Representatives the report required under subsection (d).

SEC. 323D. REQUIREMENT FOR DEBRIEFINGS RELATED TO CONVERSION OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

The Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation to allow for pre-award and post-award debriefings of Federal employee representatives in the case of a conversion of any function from performance by Federal employees to performance by a contractor.

SEC. 323E. AMENDMENTS TO BID PROTEST PROCEDURES BY FEDERAL EMPLOYEES AND AGENCY OFFICIALS IN CONVERSIONS OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

(a) **PROTEST JURISDICTION OF THE COMPTROLLER GENERAL.**—Section 3551(1) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

“(E) Conversion of a function or part thereof that is being performed by Federal employees to private sector performance.”.

(b) **ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COMPETITIONS.**—Clause (i) of paragraph (2)(B) of section 3551 of title 31, United States Code, is amended to read as follows:

“(i) any official who is responsible for submitting the agency tender in such competition; and”.

(c) **PREJUDICE TO FEDERAL EMPLOYEES.**—

(1) **IN GENERAL.**—Section 3557 of title 31, United States Code, is amended—

(A) by inserting “(a) **EXPEDITED ACTION.**—” before “For any protest”; and

(B) by adding at the end the following new subsection:

“(b) **INJURY TO FEDERAL EMPLOYEES.**—In the case of a protest filed by an interested party described in subparagraph (B) of section 3551(2) of this title, a showing that a Federal employee has been displaced from performing a function or part thereof, or will be displaced as a direct result of the action protested, and that function is being performed by the private sector, or will be performed by the private sector as a direct result of the action protested, is sufficient evidence that a conversion has occurred resulting in concrete injury and prejudice to the Federal employee as a consequence of agency action.”.

(2) **CONFORMING AND CLERICAL AMENDMENTS.**—

(A) The heading of section 3557 of such title is amended to read as follows:

“§3557. Protests of public-private competitions”.

(B) The item relating to section 3557 in the table of sections at the beginning of chapter 35 of such title is amended to read as follows: “3557. Protests of public-private competitions.”.

(d) **DECISIONS ON PROTESTS.**—Section 3554(b) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively;

(2) by inserting after subparagraph (E) the following new subparagraph (F):

“(F) cancel the solicitation issued pursuant to the public-private competition conducted under Office of Management and Budget Circular A-76 or any successor policy;”;

(3) in subparagraph (G), as redesignated by paragraph (1), by striking “, and (E)” and inserting “, (E), and (G)”.

(e) **APPLICABILITY.**—The amendments made by this section shall apply—

(1) to any protest or civil action that relates to a public-private competition conducted after the date of the enactment of this Act under Office of Management and Budget Circular A-76, or any successor circular; or

(2) to a decision made after the date of the enactment of this Act to convert a function or part thereof performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A-76.

SA 1517. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 18 and 19, insert the following:

SEC. 335. MULTIYEAR CONTRACT AUTHORITY FOR DEPARTMENT OF DEFENSE FOR PROCUREMENT OF ALTERNATIVE FUELS.

(a) **MULTIYEAR CONTRACTS FOR THE PROCUREMENT OF ALTERNATIVE FUELS AUTHORIZED.**—

(1) **IN GENERAL.**—Chapter 141 of title 10, United States Code, is amended by adding at the end the following:

“SEC. 2410r. MULTIYEAR CONTRACT AUTHORITY: PURCHASE OF ALTERNATIVE FUELS.

“The head of an agency (as defined in section 2302) may enter into contracts for a period of not to exceed 20 years for the purchase of alternative fuels.”.

(2) **CLERICAL AMENDMENT.**—The table of sections of chapter 141 of title 10, United States Code, is amended by adding at the end the following:

“Sec. 2410r. Multiyear contract authority: purchase of alternative fuels.”.

(b) **REGULATIONS.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue regulations that authorize the head of an agency to enter into a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), only if the head of the agency has determined in writing that—

(1) there is a reasonable expectation that, throughout the contemplated contract period, the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(2) the technical risks associated with the technologies for the production of alternative fuel under the contract are not excessive; and

(3) the contract will contain appropriate pricing mechanisms to minimize risk to the Federal Government from significant changes in market prices for energy.

(c) **LIMITATION ON USE OF AUTHORITY.**—No contract may be entered into under section

2410r of title 10, United States Code (as so added), until the regulations required by subsection (b) are issued.

SA 1518. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, add the following:

Subtitle D—Other Matters

SEC. 2841. EXPANSION OF FIRST SERGEANTS BARRACKS INITIATIVE.

(a) **EXPANSION OF INITIATIVE.**—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include all Army installations in order to improve the quality of life and living environments for single soldiers.

(b) **PROGRESS REPORTS.**—Not later than February 15, 2010, and February 15, 2011, the Secretary of the Army shall submit to Congress a report describing the progress made in expanding the First Sergeants Barracks Initiative to all Army installations, including whether the Secretary anticipates meeting the deadline imposed by subsection (a).

SA 1519. Mr. BURR (for himself and Mrs. HAGAN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, add the following:

Subtitle D—Other Matters

SEC. 2481. PROHIBITION ON OUTLYING LANDING FIELD AT SANDBANKS OR HALE'S LAKE, NORTH CAROLINA, FOR OCEANA NAVAL AIR STATION.

The Secretary of the Navy may not establish, consider the establishment of, or purchase land, construct facilities, implement bird management plans, or conduct any other activities that would facilitate the establishment of an outlying landing field at either of the proposed sites in North Carolina, Sandbanks or Hale's Lake, to support field carrier landing practice for naval aircraft operating out of Oceana, Naval Air Station, Virginia.

SA 1520. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON RE-DETERMINATION PROCESS FOR PERMANENTLY INCAPACITATED DEPENDENTS OF RETIRED AND DECEASED MEMBERS OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the re-determination process of the Department of Defense used to determine the eligibility of permanently incapacitated dependents of retired and deceased members of the Armed Forces for benefits provided under laws administered by the Secretary. The report shall include the following:

(1) An assessment of the re-determination process, including the following:

(A) The rationale for requiring a quadrennial recertification of financial support after issuance of a permanent identification card to a permanently incapacitated dependent.

(B) The administrative and other burdens the quadrennial recertification imposes on the affected sponsor and dependents, especially after the sponsor becomes ill, incapacitated, or deceased.

(C) The extent to which the quadrennial recertification undermines the utility of issuing a permanent identification card.

(D) The extent of the consequences entailed in eliminating the requirement for quadrennial recertification.

(2) Specific recommendations for the following:

(A) Improving the efficiency of the recertification process.

(B) Minimizing the burden of such process on the sponsors of such dependents.

(C) Eliminating the requirement for quadrennial recertification.

SA 1521. Mr. ENSIGN (for himself and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. EXPANSION OF STATE HOME CARE FOR PARENTS OF VETERANS WHO DIED WHILE SERVING IN ARMED FORCES.

In administering section 51.210(d) of title 38, Code of Federal Regulations, the Secretary of Veterans Affairs shall permit a State home to provide services to, in addition to non-veterans described in such subsection, a non-veteran any of whose children died while serving in the Armed Forces.

SA 1522. Mr. AKAKA (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. BEGICH, Mr. KOHL, Ms. MIKULSKI, Mr. CARDIN, Mr. INOUE, Mr. WEBB, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI of division A, insert the following:

Subtitle B—Federal Employee Retirement-Related Provisions

SEC. 1121. CREDIT FOR UNUSED SICK LEAVE.

(a) **IN GENERAL.**—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking “(l) In computing” and inserting “(1)(l) In computing”; and

(B) by adding at the end the following:

“(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave to his credit include any unused sick leave standing to his credit when he was excepted from such subchapter.”.

(b) **EXCEPTION FROM DEPOSIT REQUIREMENT.**—Section 8422(d)(2) of title 5, United States Code, is amended by striking “section 8415(k)” and inserting “paragraph (1) or (2) of section 8415(l)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 1122. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARIALLY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) **IN GENERAL.**—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking “October 1, 1990” each place it appears and inserting “March 1, 1991”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 1123. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) **IN GENERAL.**—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

“(3) In the administration of paragraph (1)—

“(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

“(B) subparagraph (B) of such paragraph—

“(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

“(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 1124. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

“(1)(i) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be allowed for the service covered by the refund until the deposit is made.

“(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The option under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

“(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a survivor of an employee or Member.”

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking “8411(f);” and inserting “8411(f) or 8422(i);”.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: “Deposits made by an employee, Member, or survivor also shall be credited to the Fund.”

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:

“§ 8422. Deductions from pay; contributions for other service; deposits”.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following:

“8422. Deductions from pay; contributions for other service; deposits.”

(4) RESTORATION OF ANNUITY RIGHTS.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking “based,” and inserting “based, until the employee or Member is reemployed in the service subject to this chapter.”

SEC. 1125. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.**(a) RETIREMENT CREDIT.—**

(1) IN GENERAL.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual's creditable service under sections 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:

(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) TREATMENT OF DETENTION OFFICER SERVICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any portion of an individual's qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.

(3) SERVICE NOT INCLUDED IN COMPUTING AMOUNT OF ANY ANNUITY.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) QUALIFYING DISTRICT OF COLUMBIA SERVICE DEFINED.—In this section, “qualifying District of Columbia service” means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee under section 11232 of the Balanced Budget Act of 1997—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government under section 11232(f) of such Act; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(3) Service performed by an individual as an employee of the District of Columbia Public Defender Service—

(A) which was performed prior to the effective date of the amendments made by section 7(e) of the District of Columbia Courts and Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(4) In the case of an individual who was an employee of the District of Columbia Department of Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of sub-

chapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.

SEC. 1126. RETIREMENT TREATMENT OF CERTAIN SECRET SERVICE EMPLOYEES.

(a) DEFINITION.—In this section the term “covered employee” means an individual who—

(1) was hired as a member of the United States Secret Service Division during the period beginning on January 1, 1984 through December 31, 1986;

(2) has actively performed duties other than clerical for 10 or more years directly related to the protection mission of the United States Secret Service described under section 3056 of title 18, United States Code;

(3) is serving as a member of the United States Secret Service Division or the United States Secret Service Uniform Division (or any successor entity) on the effective date of this section; and

(4) files an election to be a covered employee under subsection (b)(1).

(b) ELECTION OF COVERAGE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, an individual described under subsection (a)(1), (2), and (3) may file an election with the United States Secret Service to be a covered employee and to transition to the District of Columbia Police and Fire Fighter Retirement and Disability System.

(2) NOTIFICATION.—Not later than 30 days after the date of enactment of this Act, the Office of Personnel Management and the United States Secret Service shall notify each individual described under subsection (a)(1), (2), and (3) that the individual is qualified to file an election under paragraph (1).

(c) RETIREMENT COVERAGE CONVERSION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and in consultation with the Secretary of Homeland Security and the Thrift Savings Board, the Office of Personnel Management shall prescribe regulations to carry out the responsibilities of the Federal Government under this section. The regulations prescribed under this paragraph shall provide for transition of covered employees from the Federal Employees' Retirement System to the Civil Service Retirement System.

(2) TREATMENT OF COVERED EMPLOYEES.—**(A) ELECTION OF COVERAGE.—**

(i) IN GENERAL.—If a covered employee files an election under subsection (b)(1), the covered employee shall, subject to clause (ii), be converted from the Federal Employees' Retirement System to the Civil Service Retirement System.

(ii) COVERAGE IN DISTRICT OF COLUMBIA RETIREMENT SYSTEM.—

(I) IN GENERAL.—Chapter 7 of title 5 of the District of Columbia Code shall apply with respect to a covered employee on the date on which the covered employee transitions to the Civil Service Retirement System.

(II) AUTHORIZATION FOR DISTRICT OF COLUMBIA.—The government of the District of Columbia shall provide for the coverage of covered employees in the District of Columbia Police and Fire Fighter Retirement and Disability System in accordance with this section.

(B) **THRIFT SAVINGS PLAN.**—A covered employee shall forfeit, under procedures prescribed by the Executive Director of the Federal Retirement Thrift Investment Board, all Thrift Savings Plan contributions and associated earnings made by an employing agency pursuant to section 8432(c) of title 5, United States Code. Any amounts remaining in the Thrift Savings Plan account of the covered employee may be transferred to a private account or the District of Columbia Police and Firefighter Retirement and Disability System.

(C) **FORFEITURE OF SOCIAL SECURITY BENEFITS.**—

(i) **CONTRIBUTIONS.**—Upon conversion into the Civil Service Retirement System, a covered employee shall forfeit all contributions made for purposes of title II of the Social Security Act on the basis of the covered employee's employment with the United States Secret Service under sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986. All forfeited funds shall remain in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as applicable. Notwithstanding paragraphs (4) and (5) of section 205(c) of the Social Security Act, the Commissioner of Social Security shall change or delete any entry with respect to wages of a covered employee that are forfeited under this clause.

(ii) **BENEFITS.**—

(I) **IN GENERAL.**—No individual shall be entitled to any benefit under title II of the Social Security Act based on wages for which the contributions were forfeited under clause (i).

(II) **NO EFFECT ON MEDICARE BENEFITS.**—Notwithstanding the forfeiture by a covered employee under clause (i), such contributions shall continue to be treated as having been made while performing medicare qualified government employment (as defined in section 210(p) of the Social Security Act) for purposes of sections 226 and 226A of that Act.

(3) **IMPLEMENTATION.**—The Office of Personnel Management, the Department of Homeland Security, the Social Security Administration, and the Thrift Savings Board shall take such actions as necessary to provide for the implementation of this section.

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—Except as provided under paragraph (2), this section shall take effect on the first day of the first applicable pay period that begins 180 days after the date of enactment of this Act.

(2) **ELECTIONS AND IMPLEMENTATION.**—Subsections (b) and (c)(1) and (3) shall take effect on the date of enactment of this Act.

Subtitle C—Non-Foreign Area Retirement Equity Assurance

SEC. 1141. SHORT TITLE.

This subtitle may be cited as the “Non-Foreign Area Retirement Equity Assurance Act of 2009” or the “Non-Foreign AREA Act of 2009”.

SEC. 1142. EXTENSION OF LOCALITY PAY.

(a) **LOCALITY-BASED COMPARABILITY PAYMENTS.**—Section 5304 of title 5, United States Code, is amended—

(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:

“(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;”;

(2) in subsection (g)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “and” after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting “; and”; and

(iii) by adding after subparagraph (B) the following:

“(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and”;

(B) by adding at the end the following:

“(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).”;

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking “and” after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

“(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009 was eligible to receive a cost-of-living allowance under section 5941; and”;

(D) in clause (iv) in the matter following subparagraph (D), by inserting “, except for members covered by subparagraph (C)” before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting “, except for members covered by subparagraph (C)” before the semicolon.

(b) **ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.**—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence “Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allowance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).”;

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

“(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

“(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

“(A) January 1, 2010; and

“(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 1144 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(2)(A) In this paragraph, the term ‘applicable locality-based comparability pay percentage’ means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section 1144 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

“(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance

percentage rate in effect on December 31, 2009; and

“(ii) dividing the resulting percentage determined under clause (i) by the sum of—

“(I) one; and

“(II) the applicable locality-based comparability payment percentage expressed as a numeral.

“(3) No allowance rate computed under paragraph (2) may be less than zero.

“(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).”.

SEC. 1143. ADJUSTMENT OF SPECIAL RATES.

(a) **IN GENERAL.**—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 1144 of this subtitle, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 1148 of this subtitle.

(b) **AGENCIES WITH STATUTORY AUTHORITY.**—

(1) **IN GENERAL.**—Each special rate of pay established under an authority described under paragraph (2) and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the applicable head of the agency that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(2) **STATUTORY AUTHORITY.**—The authority referred to under paragraph (1), is any statutory authority that—

(A) is similar to the authority exercised under section 5305 of title 5, United States Code;

(B) is exercised by the head of an agency when the head of the agency determines it to be necessary in order to obtain or retain the services of persons specified by statute; and

(C) authorizes the head of the agency to increase the minimum, intermediate, or maximum rates of basic pay authorized under applicable statutes and regulations.

(c) **TEMPORARY ADJUSTMENT.**—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 1144 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 1144. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this subtitle or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this subtitle, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using $\frac{1}{3}$ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2011, by using $\frac{3}{4}$ of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

SEC. 1145. SAVINGS PROVISION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the application of this subtitle to any employee should not result in a decrease in the take home pay of that employee;

(2) in calendar year 2012 and each subsequent year, no employee shall receive less than the Rest of the U.S. locality pay rate;

(3) concurrent with the surveys next conducted under the provisions of section 5304(d)(1)(A) of title 5, United States Code, beginning after the date of the enactment of this Act, the Bureau of Labor Statistics should conduct separate surveys to determine the extent of any pay disparity (as defined by section 5302 of that title) that may exist with respect to positions located in the State of Alaska, the State of Hawaii, and the United States territories, including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands;

(4) if the surveys under paragraph (3) indicate that the pay disparity determined for the State of Alaska, the State of Hawaii, or any 1 of the United States territories including American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Commonwealth of Puerto Rico, and the United States Virgin Islands exceeds the pay disparity determined for the locality which (for purposes of section 5304 of that title) is commonly known as the “Rest of the United States”, the President’s Pay Agent should take appropriate measures to provide that each such surveyed area be treated as a separate pay locality for purposes of that section; and

(5) the President’s Pay Agent will establish 1 locality area for the entire State of Hawaii and 1 locality area for the entire State of Alaska.

(b) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period described under section 1144 of this subtitle, an employee paid a special rate under 5305 of title 5, United States Code, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee’s special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 1144 of this subtitle, and corresponding increases shall be provided for all step rates of the given pay range.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE RATE.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5,

United States Code, for his position (but for that maximum rate limitation) due to the operation of this subtitle, the employee shall continue to receive the cost-of-living allowance rate in effect on December 31, 2009 without adjustment until—

(A) the employee leaves the allowance area or pay system; or

(B) the employee is entitled to receive basic pay (including any applicable locality-based comparability payment or similar supplement) at a higher rate,

but, when any such position becomes vacant, the pay of any subsequent appointee thereto shall be fixed in the manner provided by applicable law and regulation.

(3) LOCALITY-BASED COMPARABILITY PAYMENTS.—Any employee covered under paragraph (2) shall receive any applicable locality-based comparability payment extended under section 1144 of this subtitle which is not in excess of the maximum rate set under section 5304(g) of title 5, United States Code, for his position including any future increase to statutory pay limitations under 5318 of title 5, United States Code. Notwithstanding paragraph (2), to the extent that an employee covered under that paragraph receives any amount of locality-based comparability payment, the cost-of-living allowance rate under that paragraph shall be reduced accordingly, as provided under section 5941(c)(2)(B) of title 5, United States Code.

SEC. 1146. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term “covered employee” means—

(A) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(II) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(ii) on or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this subtitle (including the amendments made by this subtitle) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 1142 of this subtitle), and section 1144 of this subtitle apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this subtitle shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this subtitle including section 5941 of title 5, United States Code (as amended by section 1142 of this subtitle), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting “(1)” after “(b)”;

(B) by striking “Section 5941,” and inserting “Except as provided under paragraph (2), section 5941”;

(C) by striking “For purposes of such section,” and inserting “Except as provided under paragraph (2), for purposes of section 5941 of that title,”; and

(D) by adding at the end the following:

“(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—

“(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

“(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section 1146(b)(2) of that Act shall apply.”.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subtitle, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this subtitle (including the amendments made by this subtitle) had not been enacted, except that the cost-of-living allowance rate paid to that employee—

(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 1144.

(B) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 1147 of this subtitle.

SEC. 1147. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term “covered employee” means any employee—

(1) to whom section 1144 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(2) LIMITATION.—The amount of the cost-of-living allowance which may be considered basic pay under paragraph (1) may not exceed the amount of the locality-based comparability payments the employee would have received during that period for the applicable pay area if the limitation under section 1144 of this subtitle did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if the cost-of-living allowances described under that subsection had been treated as basic pay under section 8331(3) or 8401(4) of title 5, United States Code; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 1148. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe

regulations to carry out this subtitle, including—

(1) rules for special rate employees described under section 1143;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 1144 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this subtitle with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regulations prescribed under this subsection may provide for special payments or adjustments for employees who were eligible to receive a cost-of-living allowance under section 5941 of that title on the date before the date of enactment of this Act.

SEC. 1149. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this subtitle (including the amendments made by this subtitle) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 1142 and the provisions of section 1144 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2010.

Subtitle D—Part-Time Reemployment of Annuitants

SEC. 1161. SHORT TITLE.

This subtitle may be cited as the “Part-Time Reemployment of Annuitants Act of 2009”.

SEC. 1162. PART-TIME REEMPLOYMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m);

(2) by inserting after subsection (k) the following:

“(l)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) or (b) with re-

spect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life or property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of

Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking “(k)” and inserting “(l)”; and

(B) in paragraph (2), by striking “or (k)” and inserting “(k), or (l)”.

(b) **FEDERAL EMPLOYEE RETIREMENT SYSTEM.**—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

“(i)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life or property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking “(h)” and inserting “(i)”; and

(B) in paragraph (2), by striking “or (h)” and inserting “(h), or (i)”.

(c) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking “(1)(2)” and inserting “(m)(2)”; and

(2) by striking “(i)(2)” and inserting “(j)(2)”.

SEC. 1163. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 1162.

(b) **CONTENTS.**—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (1) of section 8344 of title 5, United States Code, as amended by this subtitle, or subsection (i) of section 8468 of title 5, United States Code, as amended by this subtitle; and

(2) identify each agency that used the authority described in paragraph (1).

(c) **AGENCY DATA.**—Each head of an agency (as defined under sections 8344(l)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 1162 of this subtitle) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1523. Ms. COLLINS (for herself, Mr. VOINOVICH, and Mr. KOHL) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI of division A, insert the following:

Subtitle B—Part-Time Reemployment of Annuitants

SEC. 1161. SHORT TITLE.

This subtitle may be cited as the “Part-Time Reemployment of Annuitants Act of 2009”.

SEC. 1162. PART-TIME REEMPLOYMENT.

(a) **CIVIL SERVICE RETIREMENT SYSTEM.**—Section 8344 of title 5, United States Code, is amended—

(1) by redesignating subsection (1) as subsection (m);

(2) by inserting after subsection (k) the following:

“(l)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (k)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) or (b) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) or (b) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8468(i) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office of Personnel Management or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) or (b) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (m) (as so redesignated)—

(A) in paragraph (1), by striking “(k)” and inserting “(l)”; and

(B) in paragraph (2), by striking “or (k)” and inserting “(k), or (l)”.

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) by inserting after subsection (h) the following:

“(i)(1) For purposes of this subsection—

“(A) the term ‘head of an agency’ means—

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

“(ii) the head of the United States Postal Service;

“(iii) the Director of the Administrative Office of the United States Courts, with respect to employees of the judicial branch; and

“(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

“(B) the term ‘limited time appointee’ means an annuitant appointed under a temporary appointment limited to 1 year or less.

“(2) The head of an agency may waive the application of subsection (a) with respect to any annuitant who is employed in such agency as a limited time appointee, if the head of the agency determines that the employment of the annuitant is necessary to—

“(A) fulfill functions critical to the mission of the agency, or any component of that agency;

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

“(C) assist in the development, management, or oversight of agency procurement actions;

“(D) assist the Inspector General for that agency in the performance of the mission of that Inspector General;

“(E) promote appropriate training or mentoring programs of employees;

“(F) assist in the recruitment or retention of employees; or

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual's annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

“(C) for more than a total of 3120 hours of service performed by that annuitant.

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(l) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

“(ii) not later than 180 days after submitting the report under clause (i), a succession plan.

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

“(i) provide standards for the maintenance and form of necessary records of employment under this subsection;

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

“(v) encourage the training and mentoring of employees by any limited time appointee employed under this subsection.

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under

this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

“(7) The authority of the head of an agency under this subsection to waive the application of subsection (a) shall terminate 5 years after the date of enactment of the Part-Time Reemployment of Annuitants Act of 2009.”; and

(3) in subsection (j) (as so redesignated)—

(A) in paragraph (1), by striking “(h)” and inserting “(i)”;

(B) in paragraph (2), by striking “or (h)” and inserting “(h), or (i)”.

(c) **RULE OF CONSTRUCTION.**—Nothing in the amendments made by this section may be construed to authorize the waiver of the hiring preferences under chapter 33 of title 5, United States Code in selecting annuitants to employ in an appointive or elective position.

(d) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 1005(d)(2) of title 39, United States Code, is amended—

(1) by striking “(1)(2)” and inserting “(m)(2)”;

(2) by striking “(i)(2)” and inserting “(j)(2)”.

SEC. 1163. GENERAL ACCOUNTABILITY OFFICE REPORT.

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report regarding the use of the authority under the amendments made by section 1162.

(b) **CONTENTS.**—The report submitted under subsection (a) shall—

(1) include the number of annuitants for whom a waiver was made under subsection (1) of section 8344 of title 5, United States Code, as amended by this subtitle, or subsection (1) of section 8468 of title 5, United States Code, as amended by this subtitle; and

(2) identify each agency that used the authority described in paragraph (1).

(c) **AGENCY DATA.**—Each head of an agency (as defined under sections 8344(1)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 1162 of this subtitle) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

SA 1524. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. ____ . TRANSFER OF CERTAIN ARMY PROPERTY TO UNIVERSITY OF NORTH DAKOTA.

(a) **AUTHORITY TO TRANSFER.**—The Secretary of the Army shall transfer, without consideration, to the University of North Dakota, Grand Forks, North Dakota, all right,

title, and interest of the United States in the property described in subsection (b) if, upon the completion of the contracts referenced in subsection (b), the Secretary determines that it is no longer in the best interest of the Army to recover the property and there are no statutory, regulatory, or other impediments to the transfer.

(b) **DESCRIPTION OF PROPERTY.**—The exact legal description of the property transferred under this section shall be determined by the Secretary following an inventory. In general, such property consists of all United States Government property procured for the United States Army Engineered Surfaces for Weapons System Life Extension Program and in the possession of Alion Science and Technology Corporation and the University of North Dakota, both located in Grand Forks, North Dakota, and assigned to the following contracts: FA4600-06-D-0003, SPO7000-97-D-4001, and AMPTIAC-05-0001.

(c) **CONDITION OF TRANSFER.**—The transfer authorized under subsection (a) shall be subject to the condition that the University of North Dakota enters into an agreement with the Secretary that governs future uses of the transferred property.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the transfer under this section as the Secretary determines appropriate to protect the interests of the United States.

(e) **DATES OF TRANSFER.**—Any transfer of property under this section shall take effect not later than 180 days after the date of the enactment of this Act, or upon completion and termination of the contracts identified in subsection (b), whichever occurs later.

(f) **DELEGATION.**—The Secretary may delegate roles and responsibilities under this section to one or more subordinates as needed.

SA 1525. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 245, between lines 3 and 4, insert the following:

SEC. 803. REPEAL OF SUNSET OF AUTHORITY TO PROCURE FIRE RESISTANT RAYON FIBER FOR THE PRODUCTION OF UNIFORMS FROM FOREIGN SOURCES.

Subsection (f) of section 829 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 229; 10 U.S.C. 2533a note) is repealed.

SA 1526. Mr. FEINGOLD (for himself, Ms. MURKOWSKI, Mrs. LINCOLN, and Mr. BURRIS) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 652. CONTINUATION OF MILITARY COMPENSATION FOR RESERVE COMPONENT MEMBERS DURING PHYSICAL EVALUATION BOARD PROCESS AND FOR CERTAIN OTHER RESERVE COMPONENT MEMBERS.

Section 1218 of title 10, United States Code, is amended by adding at the end the following new subsections:

“(d)(1) The Secretary of a military department shall give a member of a reserve component under the jurisdiction of the Secretary who is being evaluated by a physical evaluation board for separation or retirement for disability under this chapter or for placement on the temporary disability retired list or inactive status list under this chapter the option to remain on active duty in order to continue to receive pay and allowances under title 37 during the physical evaluation board process until such time as the member—

“(A) is cleared by the board to return to duty; or

“(B) is separated, retired, or placed on the temporary disability retired list or inactive status list.

“(2) A member may change the election under paragraph (1) at any point during the physical evaluation board process and be released from active duty.

“(3) The requirements in paragraph (1) shall expire on the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010.

“(e) A member contemplating the exercise of an option under subsection (d) may exercise such option only after consultation with a member of the applicable judge advocate general’s corps.”.

SEC. 653. ENCOURAGEMENT OF USE OF LOCAL RESIDENCES FOR CERTAIN RESERVE COMPONENT MEMBERS.

Section 1222 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) **USE OF LOCAL RESIDENCES FOR CERTAIN RESERVE COMPONENT MEMBERS.**—(1)(A) A member of a reserve component described by subparagraph (B) shall be permitted to reside at the member’s permanent place of residence if residing at that location is medically feasible, as determined by a licensed health care provider.

“(B) A member of a reserve component described by this subparagraph is any member remaining on active duty under section 1218(d) of this title during the period the member is on active duty under such subsection.

“(2) Nothing in this subsection shall be construed as terminating, altering, or otherwise affecting the authority of the commander of a member described in paragraph (1)(B) to order the member to perform duties consistent with the member’s fitness for duty.

“(3) The Secretary concerned shall pay any reasonable expenses of transportation, lodging, and meals incurred by a member residing at the member’s permanent place of residence under this subsection in connection with travel from the member’s permanent place of residence to a medical facility during the period in which the member is covered by this subsection.”.

SEC. 654. ASSISTANCE WITH TRANSITIONAL BENEFITS.

(a) **IN GENERAL.**—Chapter 61 of title 10, United States Code, is amended by inserting after section 1218 the following new section:

“§ 1218a. Discharge or release from active duty; transition assistance

“The Secretary of a military department shall provide to a member of a reserve component under the jurisdiction of the Secretary who is injured while on active duty in the armed forces the following before such member is demobilized or separated from the armed forces:

“(1) Information on the availability of care and administrative processing through community based warrior transition units.

“(2) The location of the community based warrior transition unit located nearest to the member's permanent place of residence.

“(3) An opportunity to consult with a member of the applicable judge advocate general's corps regarding the member's eligibility for compensation, disability, or other transitional benefits.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 61 of such title is amended by inserting after the item relating to section 1218 the following new item:

“1218a. Discharge or release from active duty; transition assistance.”.

SA 1527. Mr. FEINGOLD (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 312. PROHIBITION ON DISPOSING OF WASTE IN OPEN-AIR BURN PITS.

(a) IN GENERAL.—The Secretary of Defense shall prohibit the disposal of covered waste in an open-air burn pit during a contingency operation lasting longer than one year.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the use of open-air burn pits in contingency operations. The report shall include—

(1) a description of each type of waste burned in such open-air burn pits; and

(2) a discussion of the feasibility of alternative methods of disposing of covered waste, including—

(A) a plan to use such alternative methods; or

(B) if the Secretary determines that no such alternative method is feasible, a detailed discussion explaining why open-air burn pits are the only feasible method of disposing of such waste.

(c) DEFINITIONS.—In this section:

(1) CONTINGENCY OPERATION.—The term “contingency operation” has the meaning given that term by section 101(a) of title 10, United States Code.

(2) COVERED WASTE.—The term “covered waste” includes the following:

(A) Hazardous waste, as defined by section 1004(5) of the Solid Waste Disposal Act (42 U.S.C. 6903(5)).

(B) Medical waste.

(C) Solid waste containing plastic.

(D) Automotive and marine batteries.

(E) Pesticides.

(F) Explosives.

(G) Automotive oils.

(H) Fuels and fluids.

(I) Compressed gas containers.

(J) Materials containing asbestos.

(K) Electrical equipment.

(L) Solvents.

(M) Paint thinners and strippers.

(N) Rubber.

(O) Preserved (treated) wood.

(P) Unexploded ordnance.

(3) MEDICAL WASTE.—The term “medical waste” means any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production of testing of biologicals.

SA 1528. Mr. LIEBERMAN (for himself and Mr. GRAHAM, Mr. BEGICH, Mr. CORNYN, Mrs. HUTCHISON, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 402 and insert the following:

SEC. 402. ADDITIONAL AUTHORITY FOR INCREASES OF ARMY ACTIVE-DUTY END STRENGTHS FOR FISCAL YEARS 2010, 2011, AND 2012.

(a) AUTHORITY TO INCREASE ARMY ACTIVE-DUTY END STRENGTH.—

(1) AUTHORITY.—For each of fiscal years 2010, 2011, and 2012, the Secretary of Defense may, as the Secretary determines necessary for the purposes specified in paragraph (2), establish the active-duty end strength for the Army at a number greater than the number otherwise authorized by law up to the number equal to the fiscal-year 2010 baseline plus 30,000.

(2) PURPOSE OF INCREASES.—The purposes for which an increase may be made in the active-duty end strength for the Army under paragraph (1) are the following:

(A) To increase dwell time for members of the Army on active duty.

(B) To support operational missions.

(C) To achieve reorganizational objectives, including increased unit manning, force stabilization and shaping, and supporting wounded warriors.

(b) RELATIONSHIP TO PRESIDENTIAL WAIVER AUTHORITY.—Nothing in this section shall be construed to limit the authority of the President under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(c) RELATIONSHIP TO OTHER VARIANCE AUTHORITY.—The authority in subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.

(d) BUDGET TREATMENT.—

(1) IN GENERAL.—If the Secretary of Defense increases active-duty end strength for the Army for fiscal year 2010 under subsection (a), the Secretary may fund such an increase through Department of Defense reserve funds or through an emergency supplemental appropriation.

(2) FISCAL YEARS 2011 AND 2012.—(2) If the Secretary of Defense plans to increase the active-duty end strength for the Army for fiscal year 2011 or 2012, the budget for the Department of Defense for such fiscal year as

submitted to Congress shall include the amounts necessary for funding the active-duty end strength for the Army in excess of the fiscal-year 2010 baseline.

(e) DEFINITIONS.—In this section:

(1) FISCAL-YEAR 2010 BASELINE.—The term “fiscal-year 2010 baseline”, with respect to the Army, means the active-duty end strength authorized for the Army in section 401(1).

(2) ACTIVE-DUTY END STRENGTH.—The term “active-duty end strength”, with respect to the Army for a fiscal year, means the strength for active duty personnel of Army as of the last day of the fiscal year.

SA 1529. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON ARMY NATIONAL GUARD DOMESTIC COMMUNICATIONS CAPABILITY.

Not later than 30 days after completing the evaluation of communications systems enhancements and capabilities that are needed for the Army National Guard to respond to natural and man-made disasters, as called for in the Defense Science Board 2009 Report on Interagency Operability, the Secretary of the Army shall submit to Congress a report on the evaluation. The report required under subsection (a) shall include an assessment of the capabilities of GUARDNET, the mobilization, training, and administrative network of the Army National Guard.

SA 1530. Mrs. LINCOLN (for herself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. CERTAIN SERVICE PERFORMED IN THE RESERVE COMPONENTS DEEMED ACTIVE SERVICE.

Section 106 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(g) Any person who has not otherwise performed qualifying active duty service shall be deemed to have been on active duty for purposes of all laws administered by the Secretary if the person is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service.”.

SA 1531. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SENSE OF THE SENATE ON NEGOTIATING CONCESSIONS WITH TERRORISTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States has a longstanding policy of opposing negotiations with terrorists and terrorist organizations on concessions of any kind, including ransom demands, prisoner releases, and hostage exchanges. This longstanding policy has been repeated by numerous administrations over the past 4 decades.

(2) For example, at an August 4, 1975 meeting between President Gerald Ford and Secretary of State Henry Kissinger and Yugoslavian President Josip Tito, Secretary Kissinger explained that the United States "position is, as it has always been, that we refuse to negotiate and to pay ransom in these cases. We do this in order not to encourage the capture of other Americans for the same purpose."

(3) In his comments to President Tito, Secretary Kissinger explained the basis for the United States policy, as well as his expectation that the United States would never change this no-negotiation policy: "The American Government will always refuse to negotiate because that is the only way we can keep demands from being made upon us."

(4) In the same conversation, President Ford said, "It's our strong feeling that if we were to breach this hard line that we take there would be no end to the demands being made upon us. We have to be tough and that is right in the long run."

(5) On January 20, 1986, President Ronald Reagan issued National Security Decision Directive 207, which prohibits negotiations with terrorist organizations regarding the release of hostages.

(6) National Security Decision Directive 207 sets forth in unequivocal terms the United States "firm opposition to terrorism in all its forms" and makes clear the Government's "conviction that to accede to terrorist demands places more American citizens at risk. This no-concessions policy is the best way of protecting the greatest number of people and ensuring their safety."

(7) National Security Decision Directive 207 continues to say: "The [United States Government] will pay no ransoms, nor permit releases of prisoners or agree to other conditions that could serve to encourage additional terrorism. We will make no changes in our policy because of terrorist threats or acts."

(8) Department of State Publication 10217, which was released in similar formats by the administrations of George H.W. Bush in 1991 and Bill Clinton in 1994, espouses the same no-concessions policy and makes clear that the United States "will not support the freeing of prisoners from incarceration in response to terrorist demands."

(9) On April 4, 2002, President George W. Bush said, "[t]error must be stopped. No nation can negotiate with terrorists, for there is no way to make peace with those whose only goal is death."

(10) Secretary of State Hillary Clinton, while serving in the United States Senate,

wrote in 2007 that the United States "cannot negotiate with individual terrorists; they must be hunted down and captured or killed."

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States should firmly maintain its longstanding policy against negotiating with terrorists and terrorist organizations on any concession or demand. It is further the sense of the Senate that any abandonment or weakening of this policy would endanger the safety of American citizens, including United States servicemen, and increase terrorist kidnappings, hostage demands, and murders.

SA 1532. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. _____. REPORT ON ANY DIRECT OR INDIRECT NEGOTIATIONS WITH TERRORISTS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Select Committee on Intelligence and the Committee on Armed Services of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.

(2) NEGOTIATIONS WITH TERRORISTS.—The term "negotiations with terrorists" includes any direct or indirect negotiations with any person or organization that—

(A) has been designated by the United States, including any department or agency of the United States, as a person or organization that commits, threatens to commit, or supports terrorism;

(B) has engaged in any activity or is a representative of an organization that would render the person inadmissible under section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)); or

(C) is a member of al Qaeda or affiliated with al Qaeda through any council or activity.

(3) CONCESSION.—The term "concession" includes any discussion or demand for—

(A) payment or ransom;

(B) the withdrawal of United States military or diplomatic presence; or

(C) the release of any prisoner or detainee held by the United States.

(b) REPORTS.—

(1) PRELIMINARY REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate committees of Congress a preliminary report that identifies any case in 300 days preceding the report in which the United States engaged in negotiations with terrorists regarding any person held in the custody of the United States or allied forces.

(2) PERIODIC REPORTS.—If any employee, agent, or representative of the Department of Defense or the Department of State engages in, authorizes, or cooperates in any way with, negotiations with terrorists regarding any person held in the custody of the

United States or allied forces, the Secretary of Defense or, where appropriate, the Secretary of State, shall submit a report to the appropriate committees of Congress within 30 days of the engagement, authorization, or cooperation.

(3) FORM.—A report required under this subsection shall include all relevant facts, including the name of the terrorist person or organization, the name of any prisoner, detainee, or hostage who was the subject of such negotiations, the concession demanded or discussed during the negotiations, the name of any government or third party involved in the negotiations, and the outcome of the negotiations. The report shall be submitted in an unclassified format with a classified annex where appropriate.

SA 1533. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 323, beginning on line 19, strike "or" and all that follows through line 22, and insert the following:

"(B) has purposefully and materially supported hostilities against the United States or its coalition partners; or

"(C) is a member of al Qaeda or a group that is connected with al Qaeda."

SA 1534. Mr. VOINOVICH (for himself, Mr. LEAHY, Mr. BOND, Mr. BENNETT, Mr. BYRD, Mr. COCHRAN, Mr. CRAPO, Mr. DORGAN, Ms. MURKOWSKI, Mr. RISCH, Mr. ROCKEFELLER, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 512. AVAILABILITY OF APPROPRIATED FUNDS FOR INTERNATIONAL MILITARY-TO-CIVILIAN AND CIVIL SECURITY COOPERATION CONTACT ACTIVITIES CONDUCTED BY THE NATIONAL GUARD.

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds

"(a) AVAILABILITY OF APPROPRIATED FUNDS.—Funds appropriated to the Department of Defense shall be available for the payment of costs incurred by the National Guard (including the costs of pay and allowances of members of the National Guard) in conducting international military-to-civilian contacts, civil security cooperation contacts, and comparable activities for purposes as follows:

"(1) To support the objectives of the commander of the combatant command for the

theater of operations in which such contacts and activities are conducted.

“(2) To build international civil-military partnerships and capacity.

“(3) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments.

“(4) To facilitate intergovernmental collaboration between the United States Government and foreign governments.

“(5) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

“(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for contacts and activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

“(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in contacts and activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

“(c) REIMBURSEMENT.—In the event of the participation of personnel of a department or agency of the United States Government (other than the Department of Defense) in contacts and activities for which payment is made under subsection (a), the head of such department or agency shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘military-to-civilian contacts’ means the following:

“(A) Contacts between members of the armed forces and foreign civilian personnel.

“(B) Contacts between members of foreign Armed Forces and United States civilian personnel.

“(2) The term ‘civil security cooperation contacts’ means contacts between United States civilian personnel and foreign civilian personnel.

“(3) The term ‘United States civilian personnel’ means the following:

“(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

“(B) Members and employees of the legislative branch, and non-governmental individuals, if the participation of such individuals in contacts and activities described in subsection (a)—

“(i) contributes to responsible management of defense resources;

“(ii) fosters greater respect for and understanding of the principle of civilian control of the military;

“(iii) contributes to cooperation between foreign military and civilian government agencies and United States military and civilian governmental agencies; or

“(iv) improves international partnerships and capacity on matters relating to defense and security.

“(4) The term ‘foreign civilian personnel’ means the following:

“(A) Civilian personnel of foreign governments at any level (including personnel of ministries other than ministries of defense).

“(B) Non-governmental individuals of foreign countries, if the participation of such individuals in contacts and activities described in subsection (a) will further the achievement of any matter set forth in clauses (1) through (iv) of paragraph (3)(B).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 134 of such title is amended by adding at the end the following new item:

“2249e. International military-civilian contact activities conducted by the National Guard: availability of appropriated funds.”.

SA 1535. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1222. REPORT ON CUBA AND CUBA'S RELATIONS WITH OTHER COUNTRIES.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the defense and intelligence committees of the Congress a report addressing the following:

(1) The cooperative agreements and relationships that Cuba has with Iran, North Korea, and other states suspected of nuclear proliferation.

(2) A detailed account of the economic support provided by Venezuela to Cuba and the intelligence and other support that Cuba provides to the government of Hugo Chavez.

(3) A review of the evidence of relationships between the Cuban government or any of its components with drug cartels or involvement in other drug trafficking activities.

(4) The status and extent of Cuba's clandestine activities in the United States.

(5) The extent and activities of Cuban support for governments in Venezuela, Bolivia, Ecuador, Central America, and the Caribbean.

(6) The status and extent of Cuba's research and development program for biological weapons production.

(7) The status and extent of Cuba's cyberwarfare program.

SA 1536. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1222. REPORT ON VENEZUELA.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the defense and intelligence committees of the Congress a report addressing the following:

(1) An inventory of all weapons purchases by, and transfers to, the government of Venezuela and Venezuela's transfers to other countries since 1998, particularly purchases and transfers of missiles, ships, submarines, and any other advanced systems. The report shall include an assessment of whether there is accountability of the purchases and transfers with respect to the end-use and diversion of such materiel to popular militias, other governments, or irregular armed forces.

(2) The mining and shipping of Venezuelan uranium to Iran, North Korea, and other states suspected of nuclear proliferation.

(3) The extent to which Hugo Chavez and other Venezuelan officials and supporters of the Venezuelan government provide political counsel, collaboration, financial ties, refuge, and other forms of support, including military materiel, to the Revolutionary Armed Forces of Colombia (FARC).

(4) The extent to which Hugo Chavez and other Venezuelan officials provide funding, logistical and political support to the Islamist terrorist organization Hezbollah.

(5) Deployment of Venezuelan security or intelligence personnel to Bolivia, including any role such personnel have in suppressing opponents of the government of Bolivia.

(6) Venezuela's clandestine material support for political movements and individuals throughout the Western Hemisphere with the objective of influencing the internal affairs of nations in the Western Hemisphere.

(7) Efforts by Hugo Chavez and other officials or supporters of the Venezuelan government to convert or launder funds that are the property of Venezuelan government agencies, instrumentalities, parastatals, including Petroleos de Venezuela, SA (PDVSA).

(8) Covert payments by Hugo Chavez or officials or supporters of the Venezuelan government to foreign political candidates, government officials, or officials of international organizations for the purpose of influencing the performance of their official duties.

SA 1537. Mr. MARTINEZ (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1232. SENSE OF CONGRESS ON CONTINUED SUPPORT BY THE UNITED STATES FOR A STABLE AND DEMOCRATIC REPUBLIC OF IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) The men and women of the United States Armed Forces who have served or are serving in the Republic of Iraq have done so with the utmost bravery and courage and deserve the respect and gratitude of the people of the United States and the people of Iraq.

(2) The leadership of Generals David Petraeus and Raymond Odierno, as the Commanders of the Multi-National Force Iraq, as well as Ambassador Ryan Crocker, was instrumental in bringing stability and success to Iraq.

(3) The strategy known as the surge resulted in significant security gains and facilitated the economic, political, and social gains that have occurred in Iraq since the surge was initiated in 2007.

(4) The people of Iraq have begun to develop a stable government and stable society because of the security provided by the surge and the decision of the people of Iraq to accept the ideals of a free and fair democratic society over the tyranny espoused by Al Qaeda and other terrorist organizations.

(5) The security gains achieved by the surge must be carefully maintained so that those fragile gains can be solidified and expanded upon, primarily by citizens of Iraq in service to their country, with the support of the United States as necessary.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) a stable and democratic Republic of Iraq is in the long-term national security interest of the United States;

(2) the people and the Government of the United States are committed to helping the people of Iraq ensure the stability of Iraq and peace in the region, which the stability of Iraq will provide; and

(3) the United States should be a long-term strategic partner with the Government and the people of Iraq in support of their efforts to build democracy, good governance, and peace and stability in the region, including through providing non-military assistance to the people of Iraq.

SA 1538. Mr. UDALL of New Mexico submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 571, line 6, strike “\$5,395,831,000” and insert “\$5,763,856,000”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 14, 2009 at 9 a.m., to conduct a hearing on “Creating a Consumer Financial Protection Agency: A Cornerstone of America’s New Economic Foundation.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during

the session of the Senate to conduct a hearing on Tuesday, July 14, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 14, 2009, at 10 a.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 14, 2009, at 2:30 p.m. in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, July 14, 2009, at 10 a.m., in 215 Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Tuesday, July 14, 2009, at 9 a.m. in room 325 of the Russell Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 14, 2009, at 9:30 a.m., in room SH-216 of the Hart Senate Office Building, to continue the hearing on the nomination of Sonia Sotomayor to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS’ AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Veterans’ Affairs be authorized to meet during the session of the Senate on Tuesday, July 14, 2009 at 9:30 a.m. to conduct a hearing entitled, “Women Veterans: Bridging the Gaps in Care.” The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, July 14, 2009, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. LINCOLN. Mr. President, I ask unanimous consent that Susan Kalasanas, who is a fellow in my office, be granted the privilege of the floor for the duration of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that MAJ Brian Forrest of the United States Army, whom I am privileged to have working in my office for a year, be granted floor privileges for the time the Senate is debating S. 1390, the National Defense Authorization Act for 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 15, 2009

Mr. KAUFMAN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, July 15; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of Calendar No. 89, S. 1390, the Department of Defense authorization bill.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. KAUFMAN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:05 p.m., adjourned until Wednesday, July 15, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

PEACE CORPS

AARON S. WILLIAMS, OF VIRGINIA, TO BE DIRECTOR OF THE PEACE CORPS, VICE RONALD A. TSCHETTER, RESIGNED.

DEPARTMENT OF EDUCATION

BRENDA DANN-MESSIER, OF RHODE ISLAND, TO BE ASSISTANT SECRETARY FOR VOCATIONAL AND ADULT EDUCATION, DEPARTMENT OF EDUCATION, VICE TROY R. JUSTESEN.

DEPARTMENT OF JUSTICE

DENNIS K. BURKE, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS, VICE DIANE J. HUMETEAU.

STEVEN M. DETTELBAUGH, OF OHIO, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS, VICE GREGORY A. WHITE, RESIGNED.

BRENDAN V. JOHNSON, OF SOUTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE MARTIN J. JACKLEY.

KAREN LOUISE LOEFFLER, OF ALASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ALASKA FOR THE TERM OF FOUR YEARS, VICE TIMOTHY MARK BURGESS, RESIGNED.

FLORENCE T. NAKAKUNI, OF HAWAII, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF HAWAII FOR THE TERM OF FOUR YEARS, VICE EDWARD HACHIRO KUBO, JR.

CARTER M. STEWART, OF OHIO, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS, VICE GREGORY GORDON LOCKHART.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ANTONIO J. ALFONSO
TINA L. ALLEN
MICHAEL S. ALLMAN
JULIE JOANNE ANDERSON
DEBORAH J. ANGELES
RICHARD J. ANSHUTZ
HECTOR R. APONTE
CHRISTOPHER L. ARCHER
GALMAR P. BALMACEDA
GLENN S. BANKSON
JENNIFER D. BANKSTON
AMBER J. BARKER
GEORGE T. BENSEMA
BENJAMIN BERZINIS
MELISSA A. BIRTZER
ANNA M. BRENNAN
DENISE D. CARCAMO
TRACI R. CARTER
WILLIAM R. CARTER
ROBERT L. CHAPLIN, JR.
WENDY A. CHAPMAN
STEPHANIE CHIRICO
KRISTA L. CHRISTIANSON
JUVELYN T. CHUA
WILLIAM N. CLARK
ROBERT L. COLELLA, JR.
JOY A. COLLINS
MOROM D. COULSON
ARMANDO L. CRUZ
PENNY H. CUNNINGHAM
PATRICIA J. DALTON
TAMARA D. DAVIS
PATTI JO IRENE DEMOTTS
RENAE R. DENELSBECK
LATASHA L. DUNN
JON D. EARLES
EMMELYNE P. EATON
MARION L. FOREMAN, JR.
MICHAEL M. FRIEBEL
MICKAELLE M. GERMAIN
TOD A. GIGLIO
MARK C. GOSLING
SUZANNE M. GREEN
KRISTA D. GREY
BOBBIE A. HANNER
MICHELLE L. HARMON
JAMALE R. HART
THOR F. HAUFF
KAREN A. HENDERSON
DAVID P. HERNANDEZ
ERVIN HERNANDEZ
JENNIFER B. HESOCK
RONALD K. HODGEN
LONNIE W. HODGES
NISA T. HOGLE
DAWNKIMBERLY Y. HOPKINS
CLARENCE M. HUTTO
STEPHANIE ISAACFRANCIS
KELVIN L. JACK
KAREN S. JACKSON
JENNIFER LEA JAMISON GINES
TERRI J. JENNINGS
KARL E. KAMMER
AMANDA C. KRBECK
LYNN M. LAGADON
ALICIA M. LASITER
SCOTT A. LEBLANC
BRENDA LEE
TAMARA A. LEITAKERMYERS
AARON M. LEONARD
DAVID M. LEWIS
SARAH J. LINTHICUM
JON D. LONG

ROY L. LOUQUE
AMY F. MACIAS
ASHA K. MANDHARE
FOSTER ARTHUR MARRUFFO
CURLIN M. MARTINSON
MARIO D. MAXWELL
DANIELLE J. MCALLISTER
CINDY A. MCCULLOUGH
CLAUDIA G. MENJIVAR
TERESE E. MICHAUD
LAURIE A. MIGLIORE
WILLIAM R. MITCHELL
JAMES H. MONTGOMERY
MARIA E. MORGAN
SANDRA R. NESTOR
DAVID S. NORWOOD
GARY W. NOVAK
SARAH E. OLIVER
TONI OLIVIERI
ADELEKE A. OYEMADE
WANDA R. PARKS
TODD M. PFAFFENBICHLER
MATTHEW L. PFEIFFER
DAVID A. POJMAN
JONATHAN M. PRATT
GARY A. PULMANO
DONNA L. RADCLIFF
TIMOTHY N. RAINES
SUSAN P. RHEA
KRISTINE L. RILEY
GRICEL RODRIGUEZ
HEATHER N. ROSCISZEWSKI
ROBERT D. ROTH
SCOTT F. SANDERS
MARY E. SCHROEDER
TIMOTHY L. SHAW
AMANDA L. SIANGCO
ZAHID M. SIDDIQUE
KEVIN J. SKAGGS
ERIKA T. SMITH
PABLO A. SNEAD
LORI S. SPICER
MARSHA R. STARKS
WANDA K. STAUFFER
JAMES C. STEWARD
SHERRY D. STIGALL
ELIZABETH E. TAILLON
WILLIAM L. TENNYSON III
ROSLYN M. THOMAS
CLINTON K. WAHL
MARLENE M. B. WALLACE
JAMES K. WEBB
MARGARET A. WHITE
THEODORA G. WHITFIELD
STEPHEN T. WINNETT
JAMES C. WINTER
MARIA C. YAMZON
SINA M. ZIEMAK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

EBON S. ALLEY
MARISA A. ALVARADO
NATHAN L. ANDERSON
JEFFREY D. ANDREOLI
QUENTIN D. BAGBY
PAUL A. BECKER
DESMOND J. BIAVA
GWENDOLYN M. BOWLEWARE
PHILIP C. BOSSART
SAUNYA N. BRIGHT
DAVID D. BURNS
PAMELA A. BYRD
EDGAR G. CADUA
CATHERINE M. CALLENDER
LARRY D. CARNES
SEAN M. CHICKERY
RICHARD C. CLARK
BARRY J. CLEARY
JOSEPH S. COFER
ADAYMEE COFRESI
JOANNE S. CONLEY
KWAME A. CURTIS
BRIAN K. DART
LAURA J. DART
ANTHONY P. DAVIS
PATRICE L. DAVIS
STEVEN W. DAWSON
BRENDA L. DEHN
STEVEN A. DEZELL
JOSE DIAZ
PAUL R. EDEN
CHRISTOPHER W. EDWARDS
BEVERLY L. EICHMAN
RICHARD J. FARLEY
DEREK J. FAVRET
JASON R. FEJES
MARSHALL A. FISCUS
GRETCHEN ANN FIVECOAT
MICHAEL G. FLEMING
CARLOS R. FLORES, JR.
KIM FLOYD
JOHNNIE FOSTER, JR.
MARIA E. GOMEZHERBERT
GREGORY A. GOOTEE
ENRIQUE GUERRERO, JR.
ALAN C. HALE
ELISA AMANTTIAD HAMMER
JEREMY S. HASKELL

MARY E. HAY
VICTOR L. HOLMES
JERRY O. HOOPES, JR.
DEREC S. HUDSON
TY HUNT
CHELSEA D. JOHNSON
JULIE M. JOHNSON
MORRIS S. JONES II
STEVEN J. KEIFER
SAMANTHA J. KELPIS
PAUL Y. KIM
JACQUELINE E. KING
STEPHANIE I. KING
JOSEPH B. KIRKMAN
KAREN P. KRAMER
KEVIN L. KUBLY
JIMMEY N. LABIT, JR.
DIANE S. LANTAGNE
THAI H. LE
RONNI R. LESLIE
PHILIPP G. LIM
MICHAEL S. LUBY
PATRICIA M. LUCAS
WILLIAM E. LUCAN
ALEXANDER F. MACDONALD
THOMAS J. MADDEN
NATHAN B. MAERTENS
FAIRLIGHT B. MATTHEWS
TIMOTHY J. MCDOWELL
DANIEL S. MCKIM
TRAVIS J. MEIDINGER
CAROLANN MILLER
MICHAEL A. MILLIS
BRIDGET A. MOORE
DEREK F. MUNOZ
MARIO R. MUNOZ
BRUCE A. MURREN
ELIZABETH NAJERA
JON C. NEUMANN
MARK A. NOON
KAREN C. NZEREM
JAIME R. K. OKAMURA
CLIFFORD N. OTTE
CHUNIL PAENG
JAMES E. PARRIS
PAMELA S. PAULIN
VANTHY B. PHAM
ERIC L. PHILLIPS
STEPHEN G. POLY
ARON R. POTTER
NAYDA O. PROTZMAN
BARRY R. REEDER, JR.
RAY C. RENDON
GERMAN REYES
TRACY L. RIGGS
JAIME L. RIVAS
CLAY A. ROBERTS
WILLIAM D. ROBERTS
ALLISON R. ROGERS
PATRICIA ROHRBECK
CESAR ROMERO
ELLEN A. ROSKA
MIKLOS C. ROZSA
JUSTIN E. SANDHOLM
EDWIN Y. SANTOS
SEAN D. SARDSFIELD
DANIEL J. SCHNEIDER
JEFFREY J. SCOTT
KELLI J. SILVERSTRIM
BRIAN D. SMITH
MICHAEL A. SMITH
GARY R. SNELLER II
HECTOR R. STEPHENSON
SEAN P. STROPE
DARRELL D. SVATEK
DANIEL D. SWEENEY
BRIAN K. SYDNOR
JASON P. TAUSEK
BRANDON M. TOURTILLOTT
ANTHONY R. TY
DERRICK F. VARNER
THOMAS D. VAUGHN
JEROME L. VINLUAN
THUY N. VO
KHAI H. VUONG
ANGIE M. WALKER
AARON D. WEAVER
JANA M. WEINER
DAVID J. WILLIAMS
MARY A. WORKMAN
CHRISTINE M. YARBROUGH
RICHARD Y. K. YOO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LANCE L. ANNICELLI
PEGGY A. CAIN
PATRICK J. CASTLE
IMELDA M. CATALASAN
JOHN D. CHILDS
KRISKA J. C. CRAWFORD
ANDREW A. CRUZ
DAVID H. DICKEY
MARK R. DUFFY
MELANIE J. ELLIS
SHARON J. GOBER
STEPHEN G. GRIEP
LEVETTE M. HAMBLIN
BARBARA J. HOEBEN

THOMAS G. HUGHES
 WILLIAM R. HURTLE
 NATALIE M. JOHNS
 DAVID W. KOLES
 LARRY S. KROLL
 MARTIN W. LAFRANCE
 DAVID J. LINKH
 GUY R. MAJKOWSKI
 MARION F. MALINOWSKI, JR.
 CHERIE ANNE C. MAUNTEL
 TAMMY H. MCKENZIE
 DOUGLAS M. ODEGAARD, JR.
 MAUD OLIVER KELLEY
 MICHAEL B. PEAKE
 DARREN P. RHOTON
 JOEL B. ROBB
 JEREMY M. SLAGLEY
 DONNA C. SMITH
 SCOTT M. SONNEK
 CHRISTINE L. STABILE
 STEVEN G. STERN
 DAVID F. SWAYNE, JR.
 BERNARD L. VANPELT
 MINH T. VUONG
 DOUGLAS W. WEBB
 DAVID A. WELGE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES AIR
 FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ELISE A. AHLSTWEDE
 VALERIE T. BELLE
 CHRISTINE R. BERBERICK
 KATHLEEN M. BROWNING
 MIMI CANNONIER
 LISA M. COLE
 RICHARD S. CONTE
 LISA A. DAVISON
 KRISTA L. DIXON
 JULIE M. FAUBION
 KAREN M. FEDERICI
 LOUIS A. GALLO
 CHERRON R. GALLUZZO
 STEPHANIE M. GARDNER
 HOLLY L. GINN
 ANDREA K. GOODEN
 CHRISTINE R. GUNDEL
 EVELYN J. HALE
 ROSEMARY T. HALEY
 KERRY L. HESSELRODE
 JADE K. HIN
 MARY E. HOLMSTRAND
 PENNY L. JESS
 HEATHER L. JOHNSON
 MARGRET M. JONES
 TERYL A. LOENDORF
 MARIA L. MARCANGELO
 STEPHENIE J. MCCUE
 SHERRY D. MOORE
 BRENDA J. MORGAN
 GEORGE R. MOSELEY
 ROBYN D. NELSON
 RAYMOND M. NUDO
 BRADLEY A. OLSSON
 CHRISTOPHER T. PAIGE
 KAREN J. RADER
 IMELDA M. REEDY
 GAIL A. REICHERT
 WILLIAM A. REYNOLDS
 TREESA J. SALTER
 SHEVONNE L. SCOTT
 RICKY JAY SEXTON
 GEMMA M. SMITH
 AVEN L. STRAND
 RICHARD J. TERRACCIANO
 BEVERLY A. THORNBERG
 COLLEEN P. TREACY
 MARIA T. VIDA
 THEODORE J. WALKER, JR.
 MARY M. WALSH
 PAUL K. YENTER
 DEEDRA L. ZABOKRTSKY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES AIR
 FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

RAAN R. AALGAARD
 MICHAEL D. ALFORD
 CHARLES T. ALLEN
 KEVIN S. ALLEN
 MARK E. ALLEN
 DAVID L. ALMAND
 DAGVIN R. M. ANDERSON
 DANIEL L. ANDERSON
 JON M. ANDERSON
 STEPHEN L. ANDREASEN
 KEITH E. ANDREWS
 JOHN S. R. ANTTONEN
 JOHN E. ARMOUR
 JOHN T. ARNOLD
 AMY V. ARWOOD
 CHRISTOPHER B. ATHEARN
 HANS R. AUGUSTUS
 CHRISTOPHER P. AZZANO
 GEOFFREY S. BACON
 WILLIAM D. BAILEY
 JEFFREY A. BAIR
 JAMES C. BAIRD

KEITH W. BALTS
 JOHN M. BALZANO
 PHILLIP B. BARKS
 BARTON V. BARNHART
 DOUGLAS W. BARRON
 BRYAN C. BARTLETT
 PAUL E. BAUMAN
 KEITH L. BEARDEN
 SETH BEAUBIEN
 ANDREA D. BEGEL
 SCOTT W. BEIDLEMAN
 KEVIN S. BENNETT
 MARK S. BENNETT
 KEVIN L. BERKOMPAS
 ALAN R. BERRY
 KENNETH T. BIBB, JR.
 STEPHEN H. BISSONNETTE
 MILTON L. BLACKMON, JR.
 KRISTINE E. BLACKWELL
 JEFFREY E. BLALOCK
 LISA D. BOMBERG
 PHILLIP M. BOROFF
 MARY NOEHL BOUCHER
 RICHARD H. BOUTWELL
 CLIFFORD M. BOWMAN
 MARCUS A. BOYD
 JAMIE S. BRADY
 TROY A. J. BRASHEAR
 CARL N. BRENNER
 EDWARD S. BREWER
 SEAN C. BRODERICK
 KEVIN D. BROWN
 JAMES E. BUCHMAN
 LANCE R. BUNCH
 SHERRY M. BUNCH
 SUZANNE C. BUONO
 KEVIN E. BURNS
 DEAN E. BUSHEY
 ANTHONY C. BUTTS
 ERIC D. CAIN
 MARLON G. CAMACHO
 CAROLYN D. CAMPBELL
 TODD D. CANTERBURY
 CHRISTOPHER G. CANTU
 ROBERT J. CAPOZZELLA
 DANIEL D. CAPPABIANCA
 MARIA L. CARL
 CHRISTOPHER F. CARPER
 JAMES W. CASEY
 LINA M. CASHIN
 HENRI F. CASTELAIN
 JOHN W. CHAPMAN
 XAVIER D. CHAVEZ
 SCOTT D. CHOWNING
 ROBYN A. CHUMLEY
 MICHAEL CLAFFEY
 KELLY B. CLARK
 JAMES A. CLAVENNA
 LUKE E. CLOSSON III
 JAMES A. COFFEY
 THOMAS D. COLBY
 STAN G. COLE
 DAVID M. COLEY
 CHRISTOPHER A. COMEAU
 DONALD M. CONLEY
 SHANE M. CONNARY
 MICHELE M. COOK
 CHARLES S. CORCORAN
 BARRY R. CORNISH
 MICHAEL J. COSTELLO
 JAMES A. CRUTCHFIELD
 DANIEL D. DAETZ
 KENT B. DALTON
 LEONARD J. DAMICO
 ERIC D. DANNA
 PETER F. DAVEY
 JOHN E. DAVIS
 MELVIN G. DEAILLE
 ALEXANDER DEFAZIO III
 JOSEPH W. DEMARCO
 DAVID R. DENHARD
 MICHAEL R. DENNIS
 JAY B. DESJARDINS, JR.
 STEVEN P. DESORDI
 SCOTT V. DETHOMAS
 FRANCES A. DEUTCH
 MICHAEL L. DILDA
 STEFAN B. DOSEDEL
 RONALD J. DOUGHERTY
 KEITH J. DUFFY
 SCOTT D. EDWARDS
 FRANK EFFRECE, JR.
 CHRISTOPHER L. EISENBIES
 THOMAS D. EISENHAEUER
 DANIEL J. ELMORE
 DOUGLAS K. ENGELKE
 ADAM C. ENGLEMAN
 REY R. ERMITTANO
 STEVEN A. ESTOCK
 ROBERT A. FABIAN
 DAVID T. FAHRENKRUG
 DAVID S. FARROW
 JAMES L. FEDERWISCH
 SCOTT T. FIKE
 DONALD N. FINLEY
 JEFFREY D. FLEWELLING
 DAVID H. FOGLESONG
 RICHARD P. FOJTIK
 EDWARD L. FORD
 TEDDY R. FORDYCE II
 MARK A. FORINGER
 STEVEN C. FRANKLIN

KENNETH D. FROLLINI
 MARK P. GARST
 ERIC S. GARTNER
 WILLIAM E. GERHARD, JR.
 COREY L. GERSTEN
 THOMAS C. GILSTER
 PETER D. GIUSTI
 MICHAEL W. GLACCUM
 KELLY L. GOGGIN
 PETER E. GOLDFEIN
 WILLIAM M. GOLLADAY
 SAMUEL D. GRABLE
 SCOTT D. GRAHAM
 GORDON P. GREANEY
 CHARLES S. GREENWALD
 THOMAS C. GRIESBAUM
 JOHN F. GROFF
 MICHAEL A. GUETLEIN
 DAVID M. HAAR
 DOUGLAS I. HAGEN
 MICHAEL T. HALBIG
 CALVIN S. HALL II
 PAUL S. HAMILTON
 DOUGLAS M. HAMMER
 JOEL T. HANSON
 MICHAEL C. HARASIMOWICZ
 SAMUEL M. HARBIN
 DAVID F. HARDY
 STEVEN B. HARDY
 JOHN M. HARRISON
 BRIAN E. HASTINGS
 DAVID A. HAUPT
 CHRISTOPHER P. HAUTH
 MARKUS J. HENNEKE
 THOMAS K. HENSLEY
 MICHAEL A. HESS
 THOMAS P. HESTERMAN
 DAVID L. HICKEY
 CHARLES W. HILL
 MICHAEL S. HILL
 DAVID W. HILTZ
 SAMUEL C. HINOTE
 BRADLEY T. HOAGLAND
 JEFFREY A. HOKETT
 MICHAEL W. HOLL
 DALE S. HOLLAND
 CAMERON G. HOLT
 CHRISTOPHER M. HOLTON
 DAVID E. HOOK
 CRINLEY S. HOOVER
 ADRIAN L. HOVIOUS
 JAMES L. HUDSON
 DOUGLAS A. HUFFMAN
 DEAN G. HULLINGS
 THAD A. HUNKINS
 JEFFREY R. HUNT
 JEFFREY H. HURLBERT
 KEVIN A. HUYCK
 CHRISTOPHER J. IRELAND
 JOHN J. IWANSKI
 JOEL D. JACKSON
 TROY S. JACKSON
 EVA S. JENKINS
 JAMES G. JINNETTE
 THOMAS N. JOHNSON
 RONALD E. JOLLY, SR.
 BRIAN S. JONASEN
 KEITH B. KANE
 KIRK S. KARVER
 JANET LYNN KASMER
 JAMES C. KATRENAK
 RANDY L. KAUFMAN
 JOSEPH C. KEELON
 WARREN L. KEITHLEY, JR.
 REBECCA A. KELLER
 MICHAEL J. KELLY
 STEPHEN H. KENNEDY
 ROMAN H. KENT
 DOUGLAS W. KIELY
 ROBERT KILLEFER III
 PETER E. KIM
 CARL L. KING
 KEVIN B. KING
 CHRISTOPHER E. KINNE
 KELLY A. KIRTS
 WILLIAM M. KNIGHT
 DAVID M. KOCH
 MICHAEL W. KOMETER
 DAVID W. KOONTZ
 MICHAEL G. KOSCHESKI
 IOANNIS KOSKINAS
 JAMES N. KRAJEWSKI
 ANTHONY B. KRAWIETZ
 THOMAS R. W. KREUSER
 CHRISTOPHER J. KUBICK
 JOHN C. KUBINEC
 STEPHEN P. LAMBERT
 LANCE K. LANDRUM
 DAVID M. LANGE
 JEFFREY W. LANNING
 MARGARET C. LAREZOS
 GEORGE B. LAVEZZI, JR.
 TIMOTHY J. LAWRENCE
 CRAIG S. LEAVITT
 DEAN W. LEE
 GLENN B. LEMASTERS, JR.
 ROBERT T. LEONARD
 RONALD K. LIGHT, JR.
 NATHAN J. LINDSAY, JR.
 RAY A. LINDSAY
 JOHN T. LINN
 DEWEY G. LITTLE, JR.

VINCENT P. LOGSDON
 DAVID S. LONG
 RAYMOND S. LOPEZ
 ROYCE D. LOTT
 DAVID B. LOWE
 DAVID J. LUCIA
 MICHAEL J. LUTTON
 RONALD G. MACHOIAN
 KENNETH D. MADURA
 ANGEL M. MALDONADO
 MATTHEW E. MANGAN
 JEFFREY L. MARKER
 JAMES D. MARRY
 LEE H. MARSH, JR.
 STEVEN C. MARSMAN
 HAROLD W. MARTIN III
 MICHAEL A. MARZEC
 DAVID M. MASON
 EDWARD J. MASTERTSON
 KEVIN M. MASTERTSON
 PATRICK S. MATTHEWS
 AARON D. MAYNARD
 RACHEL A. MCCAFFREY
 JAMES C. MCCLELLAN
 JAMES D. MCCREARY
 JOE D. MCDONALD
 LAWRENCE W. MCLAUGHLIN
 DEBORAH A. MCMURTREY
 GREGORY J. MCNEW
 JAMES P. MEGER
 KURT W. MEIDEL
 BERRAE N. MEIXSELL, JR.
 DOUG J. MELANCON
 PABLO F. MELENDEZ
 JAMES C. MERCER
 DEBORAH A. MESERVE
 JEFFERY P. MESERVE
 JEFFREY A. MEYER
 MONICA E. MIDGETTE
 JOHN M. MIGYANKO III
 CURTIS S. MILAM
 KARLA J. MILLER
 CHERYL D. MINTO
 MAX B. MITCHELL
 RICHARD L. MITCHELL
 JOHN J. MOES
 CHRISTOPHER A. MOFFETT
 RICHARD G. MOORE, JR.
 RICHARD D. MOOREHEAD
 JOHN W. MOREHEAD
 MICHAEL D. MORELOCK
 DAVE B. MORGAN
 DAVID S. MORK
 PETER G. MOUTSATSON
 PAMELA A. MOXLEY
 WILLIAM C. MURPHEY
 TIMOTHY M. MURTHA
 DAVID S. NAISBITT
 JOHN R. NEAL
 HOWARD D. NEELEY
 ANDREW T. NIELSEN
 MICHAEL J. NOBLE
 RICHARD E. NOLAN
 CAROL S. NORTHRUP
 JULIE ANN NOTO
 SHAWNA E. OBRIEN
 JOHN SHERMAN OLIVER
 CHARLES S. OLSON
 EDWIN H. OSHIBA
 MICHAEL R. OUTLAW
 CHARLES R. OWEN
 ANTHONY M. PACKARD
 RICHARD S. PALMIERI
 BRIAN A. PARKER

EDWARD L. PARKER, JR.
 KEITH C. PARNELL
 DAVID A. PARR
 LIZA M. PARR
 SCOTT GEORGE PATTON
 JAMES D. PECCIA III
 DONALD J. PECK II
 STEPHEN D. PEDROTTY
 SCOTT D. PEEL
 MELVIN H. PETERSEN
 RICHARD A. PETERSON, JR.
 RODNEY J. PETTITHOMME
 DAVID L. PHILLIPS, JR.
 TODD R. PHINNEY
 MARC D. PICCOLO
 MICHAEL S. PITTS
 KENNETH PLAKS
 WILLIAM J. POIRIER
 DAVID E. POLLMILLER
 MARK E. POLOMSKY
 GLENN E. POWELL, JR.
 MICHAEL W. PRATT
 AARON M. PRUPAS
 TERESA A. QUICK
 ELIOT S. RAMEY
 DOUGLAS M. RAUSCH
 ALAN F. REBHOLZ
 ROBERT D. REDANZ, JR.
 MICHAEL D. REED
 RANDALL REED
 GREGORY J. REESE
 MARC E. REESE
 MICHAEL REYNA
 KEVIN M. RHOADES
 ROBERT S. RICCI
 CHRISTOPHER C. RICHARDSON
 RENEE M. RICHARDSON
 CURTIS B. RIEDEL
 PATRICIA M. RINALDI
 JAMES E. ROBERTS, JR.
 TOMMY A. ROBERTS
 WILLIAM A. ROBINSON, JR.
 JAMES A. RODRIGUEZ
 ROBERT M. ROGERS
 JOSEPH J. ROMERO
 GREGORY J. ROSENMERKEL
 RICHARD P. ROTH
 KARL M. ROZELSKY
 ERIK K. RUNDQUIST
 DANIEL B. RUNYON
 THOMAS G. SADLO
 MATTHEW D. SAMBORA
 THOMAS A. SANTORO, JR.
 PETER A. SARTORI
 TIMOTHY D. SARTZ
 CARL E. SCHAEFER
 TERRY SCOTT
 DOUGLAS B. SEAGRAVES
 DANIEL M. SEMSEL
 JOSEPH A. SEXTON
 JOHN K. SHAFER
 BRETT D. SHARP
 JOHN M. SHEPLEY
 JEFFREY R. SHERK
 MICHAEL W. SHIELDS
 LEANNE M. SIEDLARZ
 PAUL L. J. SINOPOLI
 RICHARD A. P. SISON
 MICHAEL L. SLOJKOWSKI
 JEFFREY M. SMITH
 KAY A. SMITH
 JAMES P. SOLTI
 WILLIAM A. SPANGENTHAL
 RICHARD K. SPILLANE

ROBERT A. SPITZNAGEL
 JEFFREY F. STAHA
 PHILLIP A. STEWART
 DAVID R. STIMAC
 RODNEY J. STOKES
 ANGELA G. STOUT
 PATRICK T. SULLIVAN
 JEFFREY P. SZCZEPANIK
 DAVID H. TABOR
 KYLE F. TAYLOR
 KEITH J. TEISTER
 GREGORY D. THOMAS
 TROY S. THOMAS
 WILLIAM C. THOMAS
 RICKY L. THOMPSON
 DANIEL W. TIPPETT
 JEFFREY M. TODD
 PATRICK M. TOM
 CHARLES F. TOPLIKAR
 MARIO J. TRONCOSO
 THOMAS J. TRUMBULL II
 CLAUDE K. TUDOR, JR.
 JOSEPH J. TURK, JR.
 ROBERT K. UEMURA
 GEORGE A. URIBE
 DAVID J. USELMAN
 JEFFREY L. VANDENBUSSCHE
 MARC C. VANWERT
 CRISTOS VASILAS
 WADE H. VAUGHT
 ROBERT J. VERCHER
 DARREN R. VIGEN
 JOHN M. VITACCA
 DEAN C. VITALE
 WILLIAM J. VOGT, JR.
 KYLE D. VOIGT
 JOHN G. WAGGONER
 DAVID W. WALKER
 KENNETH A. WALTERS
 WALTER H. WARD, JR.
 GEORGE H. V. WARING
 RUSSELL M. WARNER
 DON R. WATSON, JR.
 WILLIAM M. WEAVER
 MICHAEL K. WEBB
 ROBERT E. WEBB
 JERRY A. WEIHE
 CAROL P. WELSCH
 ELIZABETH A. WEST
 JEFFREY M. WHITE
 TIMOTHY M. WHITE
 JAMES T. WHITLOW
 CRAIG A. WILCOX
 JAMES S. WILDES, JR.
 DAVID R. WILLE
 JOHN A. WILLIAMS II
 ANTHONY W. WILLIS
 JOHNDAVID W. WILLIS
 GREGORY WILSON
 VAN A. WIMMER, JR.
 MARTIN G. WINKLER
 DAVID B. WISE
 DOUGLAS P. WISE
 MICHAEL A. WORMLEY
 NORMAN M. WORTHEN
 DANIEL D. WRIGHT III
 JOSEPH M. YANKOVICH, JR.
 ANCEL B. YARBROUGH II
 STACY L. YIKE
 LING YUNG
 WILLIAM Z. ZECK
 GREGORY S. ZEHNER

HOUSE OF REPRESENTATIVES—Tuesday, July 14, 2009

The House met at 10:30 a.m. and was called to order by the Speaker.

MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

THE ECONOMIC CASE FOR CLEAN ENERGY

The SPEAKER. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. I rise today to reemphasize the economic need for the American Clean Energy and Security Act. I proudly supported the energy bill's recent passage here in the House because I know that in addition to protecting our environment and providing for greater national security, it will also control spiraling energy costs and create American clean energy jobs.

Our friends on the other side have attempted to obfuscate the issue by labeling the landmark legislation as a tax bill. They have even cited a study claiming a precise-sounding figure, and at first their mistake perhaps could be forgiven. Perhaps they simply didn't understand the study they cited.

However, Professor John Reilly of MIT, one of the authors of that very study, sent a letter to minority leader JOHN BOEHNER stating that the Republican citation was simply not correct, given the study's data.

That letter was dated April 1. Yet, our friends on the other side persist in using this inaccurate figure. Madam Speaker, I'm here to set the record straight.

Shall we talk about increasing energy prices? How about a \$700 energy increase on every American household if we don't take action. This isn't a tax. This is the cost of doing nothing. This is more than a \$700 increase each year that has already occurred in this decade due to rising electricity and gasoline prices.

Of course, the costs could be much higher if we used last year's \$4 a gallon cost during the summer. However, even using the current price of \$2.59, the average yearly per capita increase in gasoline costs this decade has been more than \$400 per household. Excluding last year's \$4 a gallon cost, the price of a gallon of gasoline this decade has dou-

bled—from \$1.26 a gallon in 2000, to \$2.59 currently.

Since 2000, the price of electricity in the United States increased more than 38 percent, thereby pushing the average yearly household bill from \$800 to \$1,100 a year.

We know that we send hundreds of billions of dollars each year to foreign countries to import oil. The U.S. imports roughly 9.4 million barrels of oil every day. That equates to more than \$230 billion every year—\$230 billion we could be reinvesting in our economy—creating American energy jobs—rather than sending it overseas, often to countries that view us as a meal ticket at best, or an enemy at worst.

Madam Speaker, we have also heard from the other side that the American Clean Energy and Security Act would eliminate jobs. Perhaps they don't realize that the current system of energy generation is already costing us thousands of jobs.

For instance, the U.S. Department of Labor states that employment in the mining industry will decline every year through at least 2014. This isn't recession related. This is simply an industry in decline. If we do nothing, more Americans will lose their jobs.

We know the cost of doing nothing—continuing increases in energy costs and continuing job losses—costs American families can no longer afford. However, with the American Clean Energy and Security Act, we will create jobs—green jobs—here in America. The Act will create incentives for American companies to innovate and to expand their investment in alternative sources of energy.

Madam Speaker, we know we can generate American jobs in the renewable energy sector if we just make the investment. From 2000 to 2008, for example, the wind power industry alone—before the passage of this bill—created 35,000 jobs. Of course, wind energy still makes up only a small percentage of electricity generation—less than 1 percent.

Imagine if we could make a concerted effort for renewable energy. We could greatly expand those gains and create hundreds of thousands of American clean energy jobs.

Madam Speaker, the business community understands the importance of energy reform. Companies like eBay, Nike, Starbucks, Levi Strauss, the Gap, Symantec, and Sun Microsystems have formed the Business for Climate and Innovative Energy Policy Coalition to advocate for these clean energy

jobs and for this bill. These businesses support reducing greenhouse gas pollution, establishing a renewable energy standard, and investing in job creation. They know that if we do nothing, the costs associated with continued global warming will reach \$271 billion by 2025.

America has always been the land of innovation. However, as we recently have seen in the automotive industry, we cannot rest on past laurels. There are costs to doing nothing.

I commend my colleagues in the House for the support of the bill. Together, we have made a statement that will address rising energy costs; we will wean America off its dangerous dependence on foreign oil; and we will work to avoid the catastrophic costs of global warming; and create American jobs. I hope the Senate will act swiftly.

FEDERAL GOVERNMENT RACKS UP RECORD-BREAKING \$1 TRILLION DEFICIT

The SPEAKER pro tempore (Ms. DEGETTE). The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. My colleague from Virginia promises jobs from the cap-and-tax bill. If you believe that, then you probably believe the Democrats when they promised that the stimulus bill would provide jobs.

The Obama administration and congressional Democrats promised that their trillion-dollar stimulus would create jobs immediately and unemployment would not rise above 8 percent. But since the stimulus bill passed, 1.96 million Americans have lost their jobs. I suspect that we'll do a lot worse than that under their cap-and-tax bill.

Let me fill you in on some of the economic statistics that we have right now. At the beginning of July, our national debt clocked in at \$11.5 trillion. If you don't have a calculator in hand, that's \$37,609.23 for every man, woman, and child in America.

But the real news is not simply that the national debt is more than \$11.5 trillion. The real news is the Treasury Department announced yesterday that for the first time the Federal budget deficit has topped \$1 trillion. The first time in our history.

To clarify, the deficit is different than the debt in the sense that the deficit generally refers to the amount of overspending in a given year. That means so far in fiscal year 2009, the Federal Government has spent \$1 trillion more than it has collected in taxes.

Rather than trim our budget and make do with less, like the rest of America, Congress has decided to up the ante and will not just maintain current government spending levels, but will significantly increase spending in the coming year.

This kind of runaway spending is part of why we're hearing reports that our \$1 trillion deficit is just the beginning of the story. In fact, some experts are predicting that the deficit could reach \$2 trillion this fall.

What do these record deficits mean for Americans? Massive deficits can only continue for so long. I think we've all heard stories of how crushing debt has forced some businesses or families into bankruptcy. At some point, the pile of cards is coming down, either as the interest rates on the debt spirals up higher, or as those who lend to America run out of cash to loan or simply out of patience for Uncle Sam's spendthrift ways. The American people are hurting. Millions are out of work, and hundreds of thousands lose their jobs each month.

The government spent \$18 billion in June just to pay the interest on the national debt, which works out to \$600 million a day in interest payments. Eventually, American families are going to have to foot this bill.

American people know we cannot borrow and spend our way back to a growing economy. As a record-breaking \$1 trillion deficit causes the national debt to increase at an historic pace, Congress will either have to slash spending in unprecedented ways or raise taxes. And judging by how the current Democrat majority in Congress has proceeded thus far, I'm very skeptical about any meaningful spending cuts. You can probably guess what that means. Let's just say that the tax hike forecast doesn't look good for the American people.

Democrats are on the side of more government and more taxes. Republicans are on the side of the American people.

WATER INFRASTRUCTURE FINANCING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. One issue that is too often out of sight and out of mind is the quality and the condition of our drinking water and wastewater pipes under the ground.

Just 6 months ago, we all watched in shock as rescue workers airlifted people from vehicles caught in a massive rush of water caused by a water main rupture on River Road just outside of Washington, D.C., because of the failure of a single, corroded pipe installed over 40 years ago. In fact, 72,000 miles of sewer main and water pipe are over 80 years of age.

This morning, there was a water main break that closed 23rd Street at I, near the George Washington Hospital.

The EPA estimates that American communities suffered more than 240,000 water main breaks last year. Combined with overflowing combined sewer systems causing contamination, property damage, disruption in water supply and, often, massive traffic jams.

The American Society of Civil Engineers estimates an average of 6 billion gallons of water is lost every day through leakage—enough to fill over 9,000 Olympic-sized swimming pools. The Engineers have given our Nation's drinking water and wastewater infrastructure a D-minus grade in their most recent report—sadly, a grade that was not improved over the report from 5 years ago.

The House of Representatives recognized the need to upgrade water infrastructure earlier this year, passing H.R. 1262, the Water Quality Investment Act, which would update and reauthorize Clean Water State Revolving Loan Funds. But they simply don't have enough money.

The EPA's most recent estimate is there is an over \$500 billion gap between current investment and projected needs over the next 20 years. Surface and air transportation infrastructure, while facing their own challenges, at least have a dedicated source of funding. Water does not.

In the spring of 2005, the famous Republican pollster, Frank Luntz, released a poll that showed Americans would support a sustainable, dedicated source of water funding for infrastructure.

□ 1045

He found the public sees clean water as an even higher priority than investments made in transportation and airways—71 percent prioritized water above other infrastructure. It is time to stop talking about it and do something: creating a dedicated firewall trust fund for water infrastructure.

This afternoon, I will introduce legislation to create this trust fund financed by a number of funding mechanisms that are simple, equitable and adequate for \$10 billion a year. The Water Protection and Reinvestment Act will establish a trust fund to finance clean water and drinking water infrastructure. Most of the money will go through the State revolving funds for sewage and drinking water improvements.

The financing mechanisms in the Water Protection and Reinvestment Act will include a fee based on water-based beverages, products that are disposed of in wastewater, pharmaceutical products, and corporate profits. These fees would be assessed at the manufacturer level so they will be easy to administer and will have a minimal impact on the consumer. They will be at

a level that is so low that it would not place the entire burden on any one industry or group of consumers. With a mix of funding, everyone will contribute to a solution from which everyone will benefit from.

I am pleased that the legislation already has a diverse support of stakeholders from the Associated General Contractors, American Rivers, the National Association of Clean Water Agencies, and Rural Community Assistance Partnership, and a wide range of bipartisan original cosponsors, including Congressmen NORM DICKS, STEVE LATOURETTE, MICHAEL SIMPSON, and THOMAS PETRI, representing a base of support from thoughtful, bipartisan legislators.

While the funding question is always complicated, the public is with us. In January of this year, pollster Frank Luntz released a new poll—and remember, he is the famous Republican pollster—finding that a nearly unanimous 94 percent of Americans are concerned about the state of our Nation's infrastructure. He found that this concern cuts across all regions of the country: urban, rural, suburban. He found that 84 percent of the public wants the Federal Government to spend more money to improve infrastructure, and that 81 percent of Americans are personally prepared to pay 1 percent more in taxes for the cause.

The need is clear. The public is supportive. My hope is that my colleagues will join me in a solution that will make all of our communities more livable, and our families safer, healthier, and more economically secure.

HONORING MASTER SERGEANT STEVE HOOD

The SPEAKER pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. CHILDERS) for 5 minutes.

Mr. CHILDERS. Madam Speaker, I rise today to honor the life of an American hero, a Mississippi hero, Master Sergeant Steve Hood of the Mississippi Highway Patrol. On May 29 of this year, Master Sergeant Hood of Guntown, Mississippi, died in the line of duty, the first in a decade. A 28-year veteran State trooper, he passed before his time.

Master Sergeant Hood started his career as a State trooper in 1982 after graduating from the Mississippi Highway Patrol Academy. It was clear when I attended his funeral last month, he was a man who brought comfort and friendship to all he met.

Along with his dedicated service to the people of Mississippi, family and friends will remember him as a Christian who was actively involved in Harrisburg Baptist Church and one who enjoyed singing. Just last year, Master Sergeant Hood returned to duty after recovering from a near-fatal tractor

accident that reaffirmed and strengthened his faith.

Master Sergeant Hood was a devoted husband to his wife, Lisa, and a loving father to his children, Matthew, Stacie and Stephanie, and a loyal colleague of his fellow troopers.

Please join me today in remembering the life of Master Sergeant Steve Hood and mourning his death. I thank my colleagues for honoring this Mississippi and American hero, Master Sergeant Steve Hood, and his family at this time.

ENSURE BROADCAST FREEDOM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. PENCE) for 5 minutes.

Mr. PENCE. Madam Speaker, the American people love a fair fight; and so do I, especially where the issues of the day are being debated. In a free market, though, fairness should always be determined based upon the equality of opportunity, not equality of results. Everyone should, in effect, have a chance to make their case.

That's why it is so disturbing to many of us that some of the leading voices in Congress over the last 2 years have been calling for Congress to enforce an idea of fairness on the airwaves of America in the form of restoring the so-called fairness doctrine. But our Nation should always proceed with caution whenever some would achieve fairness by limiting the fairness of others.

The American people cherish their freedom. It is, in effect, a blood-bought right. There is totality of agreement on this floor about that. In fact, I believe that is why President Ronald Reagan repealed the so-called fairness doctrine after it had been in place for almost four decades back in 1987. The fairness doctrine regulated the content of radio for much of the last century, and limited the ability of radio stations to deal with controversial issues without meeting a standard of equal time or balance or record keeping. As a result of that, as many of us old enough to remember will attest, talk radio as we know it today virtually did not exist before 1987.

Well, with some of the talk of restoring the fairness doctrine to the law of the land, Congressman GREG WALDEN of Oregon and I have been working over the last 2 years to ensure broadcast freedom. We have authored the Broadcaster Freedom Act which is cosponsored by every Republican in the House of Representatives. This week we will bring to the floor a broadcaster freedom amendment as part of the Financial Services Appropriations bill. Many who are watching may not know that the Federal Communications Commission receives its entire budget through the Financial Services Appropriations bill, and we believe this is an oppor-

tune time, as we were able to do 2 years ago, to use the power of this Congress and the people in this Congress on both sides of the aisle to advocate for the freedom of the airwaves of America by limiting the ability of the Federal Communications Commission to bring back the so-called fairness doctrine.

But first, for the uninformed, the fairness doctrine is something of an Orwellian and Depression-era Federal Communications Commission rule that was devised back in 1949. As I mentioned, it required radio broadcasters to present both sides of an opinion when discussing controversial topics. It put unelected bureaucrats at the FCC in charge of enforcement in determining what speech was legal. Because of lack of clarity in the commission's ruling, broadcasters more often than not opted to offer noncontroversial programs in lieu of hours of paperwork, countless legal fees, and a potential threat to their broadcast license.

Recognizing the chilling effect the regulation was having on broadcast freedom, the FCC began to overturn its own ruling on the fairness doctrine in 1985. Following that change in policy and President Reagan's veto of attempts to reinstate it, the results have been dramatic.

Think about it. Before the fairness doctrine was repealed, there were some 125 talk radio stations in America. Now there are more than 2,000. While names like Limbaugh, Hannity, Laura Ingraham, and other conservative giants are better known to many, the truth is when you look at the totality of the talk radio marketplace, from the local level to the regional level to the national level, there is an extraordinary diversity of opinion. Many progressive, moderate, and liberal programs succeed extraordinarily well at the local level in many markets around the country.

Unfortunately, in spite of this recent history and the breakout of broadcast freedom since 1987, there has been talk in the last several years about the need to level the playing field of radio broadcasting by restoring the fairness doctrine. Let me say from my heart, I believe it is dangerous to suggest that a government bureaucracy would be a competent arbiter of free speech. As a former radio talk show host myself, I know personally what the fairness doctrine meant to radio back in the day, and I know it would ultimately muzzle what is the dynamic public discussion that we call talk radio in America today.

Let me be clear on this. I believe the broadcaster freedom amendment that we will bring this week gives Members of this body an opportunity to say "no" to the fairness doctrine and to say "no" to a new iteration of it that takes the formation of regulations under the rubric of localism, I believe

will be met by broad and bipartisan support. If memory serves, 2 years ago when I brought the Pence amendment banning the fairness doctrine from being implemented by the FCC, more than 305 Members of Congress voted for it, including 100 Members of the Democrat majority.

So I urge support for the broadcaster freedom amendment. Join us in embracing freedom on the airwaves of America.

65TH ANNIVERSARY OF LIBERATION OF GUAM

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Guam (Ms. BORDALLO) for 5 minutes.

Ms. BORDALLO. Madam Speaker, the events of World War II seem to be lost in translation, interpreted as events that occurred rather than events that affect. For many, the events of the past no longer shape our views of the future. For this reason, I come to the Chamber this morning to speak about an important chapter in American history. A chapter that too few Americans know.

Early this morning, Congressman SABLON and I were joined by the Honorable David Hayes, Deputy Secretary of the Interior, Major General Donald Goldhorn, former Congressman Ben Blaz, Congressman JOE WILSON, and friends of Guam in laying a wreath at the Tomb of the Unknown Soldier in Arlington. We honored the soldiers, the sailors, the airmen, the marines, and Coast Guardsmen who participated in the battle in the liberation of Guam and the Northern Marianas during World War II.

Our ceremony also honored the liberated, the Chamorros, the indigenous people of Guam, who remained steadfast in their loyalty to the United States during the war and who endured enemy occupation.

Tuesday, July 21, 2009, marks the 65th anniversary of the liberation of Guam. Guam was attacked by the Imperial Japanese forces on December 8, 1941, at the same time that Pearl Harbor, Hawaii, was attacked, the different dates owing to the international dateline. Guam was subsequently invaded by the Imperial Japanese forces on December 10, 1941, and occupied until liberation on July 21, 1944.

The story of the people of Guam and the campaign to liberate them from occupation is an American story of courage and sacrifice. It is an important part of American history, and one of pride and determination in the face of overwhelming obstacles, barriers constructed by the Japanese war machine in the form of forced labor, forced marches, internment and public executions, and a true test of loyalty, a test that had not been asked but for a very few civilian communities under the American flag in the 20th century.

So I come to the floor today to bring honor to the Chamorros who were occupied, and to the servicemen who liberated them. The liberation of Guam from enemy occupation during World War II marked a pivotal point in Guam's history and was a key battle for the Allied Forces in ending the war in the Pacific.

The liberation of Guam by the United States Armed Forces from the Imperial Japanese Empire allowed for the first time the installation of air bases that would house land-based aerial bombers, putting them in reach of the main island of Japan. The air offenses launched from the Mariana Islands were effective in subduing the Imperial Japanese war effort, bringing the war to an end and saving the lives of many.

Prior to the Japanese invasion, Guam Armed Forces consisted of 153 marines, 271 U.S. Navy personnel, 134 civilian construction workers, and 247 Chamorro members of the Insular Guard. The Insular Guard protected the community on Guam during the invasion. During the occupation, the Imperial Japanese Forces attempted to turn the Chamorro people against the United States. But the Chamorro people remained steadfastly loyal to the United States through the 32-month occupation.

On the eve of the American landings on the island in 1944, all 22,000 Chamorro inhabitants of Guam were forced to march to Mannengon Hills and other locations to be interned in concentration camps to maintain control of the population in fear of an uprising.

This is a true story of American courage. The Chamorro people of Guam were loyal Americans at the time, and it was the first time that a foreign power invaded U.S. soil since the War of 1812. Despite fear of their captors and their will, the Chamorro people remained steadfast in their loyalty, and were brave in providing aid to the American soldiers hiding from enemy capture. These acts of courage were punishable by death. Some experienced horrific events, massacres at Malesso' and Tinta and Faha' where Japanese soldiers herded families into caves and threw hand grenades and delivered small arms fire until dozens lay dead. Their loyalty was put to the extreme test of sacrifice.

So as we approach Liberation Day next week on Guam, we remember our elders who lived through the occupation and also the several thousand members of the U.S. Armed Forces who gave their lives while defending and liberating Guam.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDEN) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, hear the prayers of Your people from across this Nation. Bring the hearts of all believers together in an act of praise and thanksgiving for Your endowment of freedom and the desire to serve You by our work and the compassionate love we show this day.

Make us instruments of peace in the midst of a world filled with suspicion, competition and self-deception.

In us and through us, manifest the gift of reconciliation and solidarity that this Congress may be strong in its purpose to serve the common good of the people and give You the glory You deserve, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. PASCRELL) come forward and lead the House in the Pledge of Allegiance.

Mr. PASCRELL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2965. An act to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes.

ELECTING A MINORITY MEMBER TO A STANDING COMMITTEE

Mr. PENCE. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 640

Resolved, That the following member be, and is hereby, elected to the following standing committee:

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT—Mr. Harper.

Mr. PENCE (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HEALTH CARE

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, I rise to express how important it is that we pass comprehensive health reform this year that expands health insurance coverage, reins in spending, and is fiscally responsible.

The health reform package that the committees will consider this week shows a genuine commitment to reversing the current unsustainable trends, to providing stability for hard-working Americans, and to being fiscally responsible. There is no question that we must take action and that our actions must be fully paid for. With these ground rules, we face difficult decisions, many of which may not be politically popular, but my colleagues and I on Ways and Means are fully committed to paying for this essential legislation.

Our current path in delivering health care is unsustainable, and I share with you some disturbing figures from my home State of New Jersey that illustrates the point.

New Jerseyans are paying more and getting less. Between 2000 and 2007, the average New Jersey worker's share of family premiums nearly doubled, outpacing the growth in wages nearly five times over.

Mr. Speaker, we must act this week, and we must act with all due resolve.

DO NOT MAKE THE CIA A POLITICAL PIÑATA

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, now is not the time for us to make a political piñata out of the CIA. How long ago was it that 9/11 occurred? And what did the commission on 9/11 tell us? It said we did not have adequate intelligence. We had lost an entire generation of intelligence operatives as a result of prior action by this Congress.

We can talk about the Church Committee report. We can talk about what happened during the Carter administration. We can talk about what happened in the Clinton administration. We thought we didn't need human intelligence; we could do it all with electronic.

The way to attract people, bright young people, committed patriots, to this country's intelligence is not to go after the CIA, is not, after the fact, for what appears to be political reasons, to threaten criminal investigations of those who are doing nothing more than trying to save this country from attack by others who would try and kill innocent Americans.

This outrage must stop. Do not make the CIA a political piñata, for whatever purpose.

A GOOD DAY TO STAND UP FOR COMPREHENSIVE HEALTH CARE REFORM

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Mr. Speaker, what a glorious day and a great time to be in Congress. We have an opportunity to preside in this 111th Congress when we pass comprehensive health care reform with a public option.

You know, the fact is that millions of Americans are looking forward to the day when they don't have to worry about being excluded for a preexisting condition, when they will have true portability, when we can unlock the true entrepreneurial talent of America because people will be able to go and pursue their entrepreneurial dreams without fear of losing health care.

The fact is the other team, look, they had their day. They tried and all we have gotten is sicker at a higher expense, and we've been dying earlier. We haven't seen better outcomes with status quo health care, and people who stand for the status quo, they have had their shot and their time has run.

So, Mr. Speaker, thank you for presiding today. This is a good day to stand up for comprehensive health care reform and a strong, robust public option.

IN TRIBUTE TO WARREN TOWNSHIP, NEW JERSEY

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Mr. Speaker, I rise today to congratulate Warren Township, New Jersey, for being named one of Money magazine's top 100 places to live for 2009. Warren Township was ranked sixth in the Nation in the magazine's annual rankings.

Located in the heart of the Watchung Mountains 35 miles west of New York City in Somerset County, New Jersey,

Warren Township is not your typical big city suburb. Once described as "the greenest place in New Jersey," Warren Township is home to major corporations like Chubb Insurance and Citigroup. Yet the community retains its rural character through open space and its 72 working farms.

Good schools and family friendly township recreation, among other things, make Warren Township just one of the many great places in New Jersey to live, work and raise a family.

Congratulations to Warren Township. I'm proud to be the township's representative in Washington.

DEFENDING ARIZONA VALUES CAMPAIGN

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, wherever I go in my district, I hear the same thing. Folks feel like greater Arizona's values are not being represented in Washington.

In this historic and challenging time, it is more important than ever for someone to stand up for what is important to us. I am determined to give voice to our values.

Today, I am launching my "Defending Arizona Values" campaign to continue my fight for the ideals I was raised with in rural Arizona. I will take on big government to make it more accountable and responsive to our needs, instead of just offering handouts and weighing us down with bureaucracy. I will also work to preserve our tradition of self-reliance.

As part of this effort, I am proud to announce that I have signed on as a co-sponsor to the Federal Reserve Transparency Act. We need more oversight and accountability in our government, and auditing the Fed is a valuable step in the right direction.

PAYING TRIBUTE TO THE LIFE OF ALBERTA KINNEY

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. Mr. Speaker, today I rise to pay tribute to the life of Alberta Kinney, an Amherst, New York, resident who answered the Nation's call to service during World War II.

In 1944, Alberta became part of the first group of women to fly military aircraft for the United States. The primary mission of the Women Airforce Service Pilots, or WASP as they came to be known, was to fly noncombat military missions so that their male counterparts could be deployed to combat.

The WASP did much more than fulfill wartime needs, overcoming significant hurdles to carry the torch for

Amelia Earhart and pass it on to Sally Ride.

Last month, after the President signed into law a measure that honors Alberta and her fellow WASP with a Congressional Gold Medal, it was our hope that she would be able to travel to Washington in the near future to take part in a ceremony commemorating this honor. But sadly, Alberta passed away this past Friday evening.

On behalf of the people of western New York, I extend my deepest sympathies to Alberta's loved ones and ask the House to join me in honoring this distinguished member of the Greatest Generation.

THE SIGNIFICANCE OF HEALTH CARE REFORM

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to highlight the significance of health care reform for our country and to emphasize the importance of keeping the real VIPs, the people, involved in the process.

Health care reform is evolving rapidly, and I want to ensure that the people back home have real input into what is going on here in Washington, DC.

Earlier this year, I set up a Health Care Advisory Committee, which I meet with every month and which my staff deals with on a daily basis. Members of the advisory committee not only receive the news that's happening here on Capitol Hill with respect to health care, but they actually give us their input of what they're hearing and what they want to see in a health care reform bill. Their expert opinions are so valued in our ability to try to decide what to do here. And next week I will hold a town hall meeting where people back home can come and actually give us their ideas and listen to what is going on here with the development of health care reform.

I encourage all of my colleagues to go home and to hold these types of meetings and to listen to what the people really want.

\$18 MILLION CAN'T BUY CREDIBILITY

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. As some are toasting the success of the so-called stimulus, unemployment rates spiral out of control. Now the White House plans to spend 18 million taxpayer dollars to redesign the Web site that tracks how many jobs have been "saved or created" by the stimulus.

Montanans shouldn't be asked to foot the bill for a Web site that only serves

as political damage control for a failing big government policy. We'd rather know the reality on the ground. That's why I launched a Web site that lets my constituents report their experiences with the stimulus. Montana Stimulus Watch didn't cost taxpayers millions of dollars, but it did bring to light that a company had to lay off 24 workers because stimulus dollars went to an out-of-State contractor to pave a Montana road.

I doubt those layoffs will be counted in the slippery "saved or created" formula, but then again, \$18 million can't buy credibility.

WOMEN IMMIGRANTS—THE NEW FACE OF MIGRATION IN AMERICA

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, today I hosted a panel discussion on the results of a historic poll on women immigrants to America. Today, women comprise half or more of the immigrants entering this country. Women are the new face of migration in America.

Among the findings of this historic poll, many women immigrants acknowledge speaking little or no English, while confronting anti-immigrant discrimination, lack of health care, and low-paying employment, well below the status of the professional work most did in their home countries.

Thirty-eight percent of the women came to join family members; 22 percent to make a better life for their children. Their top two biggest challenges were helping their children achieve success and being able to hold their families together.

The poll data paralleled my mother's own experience in bringing me and my brothers to the United States from Japan in the mid-1950s: her desire to build better futures for us; her early, low-paying, no-benefits jobs; her determination to keep the family together as head of household.

The importance of family to women immigrants is something we can all relate to and support as we discuss and debate immigration reform.

□ 1215

MAYOR FOR A DAY

(Mr. ROSKAM asked and was given permission to address the House for 1 minute.)

Mr. ROSKAM. A few years ago, my predecessor, Congressman Henry Hyde, started a great program. It was an initiative to invite young men and women to participate in a civic conversation. It's in Elmhurst, Illinois, and it's a Mayor for a Day program.

I am pleased to announce that Brad Martin of Brian Middle School was the winner of the Mayor for a Day pro-

gram. I won't read his whole essay. You can go to my Web site and check it out.

But essentially he said that if he were a mayor for a day, he would start a CARE program, which essentially stands for Caring and Respecting Everyone. I think in this day and this age in the 111th Congress, all of us can learn from the wisdom of Brad Martin.

WHEN IS ENOUGH, ENOUGH?

(Ms. SPEIER asked and was given permission to address the House for 1 minute.)

Ms. SPEIER. When is enough enough? AIG is getting ready to pay out more in retention bonuses. This is on top of the \$165 million they paid out in March to the same executives whose credit default swaps and other poorly designed financial products drove the world economy off a cliff.

The only difference is this time around they are trying to get the American people to say that what they're doing is right.

Give me a break.

Taxpayers have already infused \$170 billion into AIG. And where is their break? A teacher in my district gets \$60,000 a year. A bench scientist coming up with a cure for cancer gets maybe \$200,000 a year. An ER doc saving people's lives every single day gets maybe \$350,000 a year.

AIG has asked the administration's compensation czar, Kenneth Feinberg, to sign off on these bonuses—even while acknowledging he has no authority to stop them. Why? Because AIG wants cover.

I urge Mr. Feinberg to reject AIG's request.

GOVERNMENT PROPAGANDA SIGNS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, if there's one thing the Feds are really good at, it's wasting money. And thanks to the so-called stimulus bill, there are billions of citizen dollars floating around loose being blown by the wasteacrats.

In a report released last week by the Government Accountability Office, we found out that the money is not being used to create permanent jobs in the private sector as it was intended. It's actually being used to pay for overspending in State budgets and expand government bureaucracy.

In some States, Mr. Speaker, they're erecting signs to try to convince people that the government stimulus boondoggle is a success. Here's one of those signs. This sign is being posted where no construction has actually started—and the signs cost \$2,000 in Pennsylvania and New York. New Jersey pays \$3,000 for a sign like this. Who's making these signs—Michelangelo?

When Big Government is in charge of the job creation business instead of private industry, it's easier to create million-dollar public relations propaganda signs than it is to create real jobs.

And that's just the way it is.

HEALTH CARE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute.)

Mr. McDERMOTT. Mr. Speaker, we're closing in on a moment in American history that has taken over 70 years to reach. In the mid-1930s, Franklin Delano Roosevelt considered a proposal that would extend health care coverage to every American. But he withdrew the idea because the political will was not up to the challenge at the time. But times have changed.

President Obama has called on the Congress to pass comprehensive health care reform legislation—and he has the support of the American people behind him, especially the middle class.

There are countless facts and figures to support his effort. There are maps, there are charts, there are all kinds of spread sheets, but there is one fact that stands out above all others: Every American today either faces his or her own health care crisis or knows someone who is.

When Americans play by the rules but see their economic lives threatened and destroyed because of their medical expenses, America must change. We are at the crossroads of providing a fair deal for the American people. But we cannot take progress for granted. Times like this don't come along very often. We cannot afford to let this one fall short.

CONGRATULATING MS. SUSAN LEWIS ON 45 YEARS OF EDUCATIONAL SERVICE

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. I rise today to honor Ms. Susan Lewis, who spent her life in the classroom devoting her time to educating our youth. Ms. Lewis is retiring from 45 years of teaching. More than 30 of those years were spent at Coleman Junior High in Van Buren, Arkansas, teaching algebra.

Coleman Junior High will undoubtedly be losing an amazing individual who contributed to the lives of two generations of Arkansans. Her time in the classroom provided her students the necessary tools for building a brighter future.

Ms. Lewis exemplifies the idea that with good teachers there is improved student achievement. Her hard work and dedication made her a model for success for students and her coworkers. We are blessed to have had such a caring teacher as Ms. Lewis. I commend

her for her service as well as her good work and wish her continued success in future endeavors.

I ask my colleagues today to join with me in honoring Ms. Lewis, a wonderful teacher who has always and will be dedicated to the students of the Third District of Arkansas.

HEALTH CARE CHOICE FOR THE AMERICAN PEOPLE

(Mr. GRIJALVA asked and was given permission to address the House for 1 minute.)

Mr. GRIJALVA. Private health insurance companies have two-thirds of all Americans that have insurance enrolled in their plans, and they pay one-third of the overall costs for health care in this country. Two-thirds of that cost is borne by the American taxpayer and the working middle class of this country.

You will hear in the next few days a lot of harping about the cost of health care reform for this Nation. I think the only way—and I believe sincerely—to reduce health care costs, bring private insurance companies under control by having a competitive plan, is to have a public option.

A public option does not deny people health care because of preexisting conditions—a public option in the free marketplace that competes with private insurance, and a public option that extends health benefits and opportunities to all Americans.

If we are going to do health reform right, we must provide competition for public insurance, and we must provide opportunity and choice for the American people.

THE WOMEN'S FUND OF MIAMI-DADE COUNTY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. The Women's Fund of Miami-Dade County is a catalyst for social change and economic justice, assisting women to reach their full potential. Together with the Research Institute on Social and Economic Policy at Florida International University, the Women's Fund published a report entitled: Portrait of Women's Economic Security in Greater Miami, which reflects the dire economic situation facing women.

More than half of working women do not earn adequate income to cover their most basic necessities. Eighty-six percent of single mothers do not have enough income to be self-sufficient. Nearly 20 percent of women who work are underemployed. And only one-fourth of women have a retirement or pension plan.

The numbers in these categories are even lower than the national average

but reflect the problem of women across the country.

Here in Congress I work to empower women to be self-sufficient and support policies that enhance women's economic security, including legislation to provide paid parental leave to Federal employees.

I will continue to work for south Florida women by promoting initiatives that protect the rights of women across the Nation.

HEALTH CARE CRISIS ALSO AN ECONOMIC CRISIS

(Mr. DRIEHAUS asked and was given permission to address the House for 1 minute.)

Mr. DRIEHAUS. Mr. Speaker, until we fix health care in this country, families and small businesses will bear a heavier and heavier financial burden that will slow economic recovery and stifle growth and investment.

In Ohio, health care costs for small businesses have grown 30 percent in recent years. Employer coverage across the State has declined, so that now less than half of all small businesses offer health care coverage benefits to their employees.

The average Ohio family that does receive health care coverage from their employer pays nearly \$13,000 in premiums every year. And because more than 1 in 10 Ohioans lives without any health insurance, Ohio's economy loses between \$3.5 billion and \$7 billion every year due to lost productivity.

The health care crisis is an economic crisis, and part of fixing our economy is ensuring that every single American has quality, affordable health care. The status quo is no longer tolerable for Ohio and no longer tolerable for America.

AMERICANS DESERVE A BETTER SOLUTION

(Mr. TIAHRT asked and was given permission to address the House for 1 minute.)

Mr. TIAHRT. Mr. Speaker, the trillion-dollar stimulus bill produced by the Obama administration and congressional Democrats is not working. Unemployment is nearing double digits—and rising. Americans are hurting as they struggle to find work and pay the bills. So, what's next?

Despite all the broken promises, now the liberals want to meddle with the health care system and spend another trillion dollars. For their plan to work, Democrats are proposing tax hikes on everything from small businesses to the elimination of the tax deduction for charitable contributions to tax hikes on your favorite soft drink at the convenience store.

Americans deserve a better solution. House Republicans have a plan that won't bankrupt us or increase private

insurance rates. In fact, the Republican plan will reduce health care costs, expand access, increase the quality of care for Americans. Most importantly, the plan ensures that medical decisions are made by patients and their doctors—not government bureaucrats.

The Democrat's government-run health care program is the wrong decision for America. Let's support the plan that offers Americans the freedom and choices they deserve without strangling future generations with insurmountable debt.

MEANINGFUL REFORM NEEDED

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute.)

Mr. BRALEY of Iowa. Mr. Speaker, as a member of the Health Subcommittee I have been a strong supporter of meaningful health care reform, including a robust public health insurance option.

But there's a problem with the plan that's on the table because it incorporates a Medicare reimbursement system that isn't fair. And all you have to do is look at States like Iowa and Minnesota, which consistently rank in the top five in terms of quality patient outcomes and in the bottom five in Medicare reimbursement. Or look at the State of Louisiana, where we spend more per Medicare patient than any other State, and Louisiana is ranked 50th in objective patient outcome measurements.

That system is flawed. When you base the public health insurance option on Medicare plus 5 percent, you perpetuate an inefficient system.

Medical economists will tell you the most effective way to take this head on is to address the problem of over-utilization in geographic parts of the country which waste money and result in poor patient outcomes.

Unless we incorporate those incentives into this public option and address this problem with Medicare, we will never have meaningful reform.

STIMULUS BILL NOT WORKING

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Will Rogers once said: The opposite of progress is Congress. Watching the debate on the floor today, I start to get a better idea about what he meant.

At a time when our country is facing the worst recession in a quarter of a century, the Democrat majority here in Congress just got done passing a national energy tax that will raise the cost of utilities for every American household. And now they're down here on the floor talking about raising taxes for a government takeover of health insurance. All the while, millions of

Americans are out of work, hundreds of thousands of Americans continue to lose their jobs every month.

Now, when this trillion-dollar stimulus bill was passed in February, we were told that it would create jobs immediately. It would hold unemployment below 8 percent. Well, unemployment is now 9.5 percent. It's the worst in 26 years.

Almost 2 million people have lost their jobs since the so-called stimulus bill passed. And yet, the President just said, It's done its job. This weekend, he said the stimulus was "working exactly as we anticipated."

With all due respect to the President of the United States and my Democrat colleagues, the stimulus bill is not working. And the American people know it. The American people deserve a recovery plan that will create real jobs and real recovery—and that's fiscal discipline in Washington, D.C., and tax relief for working families, small businesses, and family farms.

□ 1230

HEALTH CARE REFORM

(Mr. HIMES asked and was given permission to address the House for 1 minute.)

Mr. HIMES. Mr. Speaker, the cost and inefficiency of our health care system is embarrassing. It is the only word. American families pay \$1,100 extra every year through their health insurance premiums to fund care for the patients who are unable to pay their hospital bills. The U.S. meanwhile ranks 42nd in the world in life expectancy, and the overuse of invasive medical procedures is dangerous to many. Unexpected health care expenses is the leading cause of bankruptcy amongst American families.

The system is bankrupting the Government of the United States, of Connecticut and of the other 49 States. We have got to get this reform right. It is critical to American families, to fiscal prudence, and to the future of this country. It won't be easy, but inaction is simply not an option.

CREDIT CARD CONGRESS

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Mr. Speaker, I rise today with grave concern about this "credit card Congress." Every problem seems to come with a spending plan, and no amount of money seems to be enough.

The national deficit is our annual discrepancy between tax revenue and public expenditures. We just exceeded the \$1 trillion deficit mark for this year, and we still have a long way to go this year. Our national debt is the cu-

mulative amount of money the American people owe; and over the course of the past Congresses, it, too, has skyrocketed.

As of June 30, the national debt stood at \$11.5 trillion. During the month of June, the national debt increased by over \$223 billion. The government spent over \$18 billion in interest payments in just the month of June. That is \$600 million a day.

Because the Congress did not have the self-discipline to spend less than it took in, \$600 million of your money is going out the door in interest payments. We can no longer afford to run Congress on a credit card.

H.R. 2738

(Mr. TEAGUE asked and was given permission to address the House for 1 minute.)

Mr. TEAGUE. Mr. Speaker, during the 4th of July recess, I traveled home to visit with constituents and speak with them about their problems and find ways in which we could help them.

As is often the case, my constituents continue to inspire me with their willingness to take on hard challenges and help their family and neighbors in need. Many throughout my district volunteer their time to drive veterans to medical appointments, even though the drive can last over 3 or 4 hours. It is tough, but oftentimes it is what needs to be done for a veteran needing medical services.

That is why I have introduced H.R. 2738, a bill that would direct the Secretary of the VA to reimburse family caregivers of disabled veterans for travel expenses, including lodging and food, when they take vets for appointments and treatments. Rural veterans face too many obstacles when seeking medical treatment, and I believe this legislation will make their lives a little easier and help get them the care that they need. We made a lot of promises to our veterans, and it's about time we begin to honor them.

I hope that my colleagues will support this very important piece of legislation, and I urge its passage.

STRENGTHENING AMERICA'S HEALTH CARE SYSTEM

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORTENBERRY. Mr. Speaker, as Congress takes on the essential task of strengthening our health care system, we have an extraordinary opportunity here to do something good and right for the American people. While the challenges before us are multiple, shifting the health care paradigm from a system that treats the symptoms of sickness and disease to one that promotes life-long wellness and prevention

for all Americans would be a very good and meaningful start.

The current health care debate, which focuses on a loosely defined, government-operated "public option," has yet to address several underlying complexities within our system. But the essential question here is really simple: How do we improve health outcomes and reduce costs while protecting vulnerable persons? A thorough policy debate must be grounded in these cornerstone objectives to effectively improve the quality of and access to health care for all Americans, or else we are simply discussing a new government-financing mechanism without regard to unsustainable cost projections.

RECOGNIZING HARLAN AND CHARLIE STOKES

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Mr. Speaker, today I rise to honor the actions of two brave men from my district, Mr. Harlan Stokes and his son Charlie.

Last August, Harlan, an Eagle Scout himself, and Charlie, who was well on his way to earning his Eagle Scout rank, set out to conquer Longs Peak in the Rocky Mountain National Park. Little did they know they would need all of their scout training before the day was done.

As the two reached the top of the mountain, a powerful storm hit, bringing with it gale-force winds, rain and hail. Harlan and Charlie quickly headed down the mountain; but as they went down, they found other less prepared hikers. Bravely staying to help, they gathered those they had found and ran for shelter in a nearby cave. Over the next 2 hours, the father-son duo selflessly cared for 23 hikers while they themselves began to suffer from hypothermia.

As a result of their courageous actions, all 23 hikers made it off the mountain safely. To honor their heroism, the two were awarded one of the Boy Scouts' most prestigious awards, the National Medal of Merit.

Today we salute their bravery and honor their selflessness. Harlan and Charlie's story exemplifies the qualities of the Boy Scouts of America and represents the best that America has to offer.

GOVERNMENT INTRUSION INTO THE HEALTH CARE SYSTEM

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Speaker, Americans are hurting because of the high cost of health care. I am a medical doctor. We need to fix the system. It is

affecting everybody. It is health care financing that is the problem. Why are health care expenses so high?

In my rural south Georgia medical practice, I had a lab. Congress passed a bill called CLIA, the Clinical Laboratory Improvement Act, that shut down my lab. Prior to being shut down, if a patient came to see me with a red, sore throat and running a fever, I would do a CBC, a complete blood count, to see if they had a bacterial infection and thus needed antibiotics, or a viral infection where antibiotics are not going to help. I charged \$12 to do the test in 5 minutes. CLIA shut my lab down. I had to send patients across the way to the hospital, 2 to 3 hours at \$75.

It is government intrusion into the health care system that has caused this high cost. We have got to get the government out of it. This public option is going to force everybody from their private insurance over to a public insurance where the system is already broken, where we are having rationing of care and where a government bureaucrat is going to make health care decisions for you. The American people need to stand up and say "no" to this public option.

HARD TIMES IN THE FIRST DISTRICT OF SOUTH CAROLINA

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BROWN of South Carolina. Mr. Speaker, like the rest of the Nation, it has been a hard summer for the First District of South Carolina.

Just last week, Georgetown County's International Paper cut their hours, and the Mittal Steel Mill closed indefinitely, putting 275 South Carolinians out of work. With 14.7 million unemployed Americans, this number seems small; but with no end in sight, closings like this will continue nationwide.

More than 4 months after the stimulus bill's passage, we still face the highest unemployment rate in 25 years. South Carolina itself has a rate of over 12 percent, the fourth highest in the Nation.

Sadly, the Democrats' only answer is more Federal spending and a cap-and-trade national energy tax that will increase energy costs for every American, sending millions of jobs overseas.

These are not plans for prosperity, and the administration must be held accountable for them and their failed stimulus, a plan pushed through Congress with false promises of immediate relief.

The Republican plan, though ignored, would have cost half as much and created twice as many jobs, but, as every American continues to ask, "Where are the jobs," we vow to work towards real solutions for American families, small businesses and manufacturers.

OUR NATIONAL DEBT OF \$11.5 TRILLION

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. Mr. Speaker, as we heard a previous speaker say, the national debt right now, as of June 30, stood at \$11.5 trillion.

How much is 1 trillion? Does everybody know how much 1 trillion is, Mr. Speaker? I don't know, but I would like to explain it. One million seconds, 1 million seconds is a little over 11 days. One billion seconds is 31 years and 8 months, 31 years and 8 months for 1 billion seconds. How many years is 1 trillion seconds? One trillion seconds is 31,710 years; 31,710 years is made up by 1 trillion seconds.

Mr. Speaker, if I were to give somebody \$1,000 a second, 60 seconds a minute, 60 minutes an hour, 24 hours a day, 7 days a week, 52 weeks a year, 365 days, it would take me 31.7 years to spend \$1 trillion.

THE EFFECTS OF THE STIMULUS BILL

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. GARRETT of New Jersey. Mr. Speaker, back in January of this year, this administration issued a report called, "The Job Impact of the American Recovery and Reinvestment Act," the stimulus. This study said that "a key goal of the administration is that it should save or create 3 million jobs by the end of 2010."

When this Congress passed the stimulus and spent \$800 billion, they said, We will start adding jobs rather than losing them. As a matter of fact, Majority Leader HOYER said, There will be an immediate jolt in jobs. This will be creating jobs immediately.

Let's see, it has been 5 months since the bill passed. Here is a chart. The blue line shows what they predicted. The red line shows the loss of jobs that actually occurred. Millions of jobs have been lost despite their spending \$800 billion of the taxpayers' money. And now Vice President BIDEN has the temerity to say, Well, we misread the economy.

Well, do you know what, Mr. Speaker? Every single Republican did not misread the economy. That is why every single Republican voted against that \$800 billion stimulus, because we knew that it would spend too much, that it would borrow too much, and that it would eventually tax too much of the American taxpayer.

ENOUGH TAXING AND SPENDING

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. Mr. Speaker, yesterday the deficit for this year exceeded \$1 trillion, just in this year. In fact, since President Obama has taken office, more than 2 million Americans have lost their jobs. And now with that backdrop, what is this administration talking about? First of all, the President is going around saying, The stimulus bill has done its job and is working exactly as we anticipated. Did they anticipate a bill that would cost \$800 billion in money we don't have and now 2 million more Americans losing their jobs?

It is time we get this right. While the White House is talking about even another stimulus bill, the American people are saying enough is enough. Stop the spending, the borrowing and the taxing and let's get Americans back to work. Let's actually provide that relief to small businesses and average American families that we, on the Republican side, proposed and President Obama didn't even want to look at.

It's time to bring bipartisanship and real solutions to this problem that is facing our country instead of that tired old adage of spending and spending and borrowing and now taxing with this cap-and-trade and this health care government takeover. We have got to get back on track.

AMERICANS DESERVE BETTER

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, the American people are hurting, and Republicans want to help. President Obama and Democrats in Congress promised that their stimulus plan would bring immediate relief. Republicans knew better.

Unfortunately for the American people, the results are rolling in: 2 million American jobs have been lost since the stimulus was signed into law. More than 400,000 jobs were lost in the month of June alone.

Just when you thought it was clear that we can't spend, borrow and tax our way to a growing economy, Democrats propose a government takeover of health care that will lead to higher taxes, more government spending and even further job losses. The American people deserve a real plan for real recovery, not yet another excuse to increase spending, raise taxes, and grow government.

The Republican economic plan brings fiscal discipline back to Washington and lets money stay in the hands of the American people.

THE RESTORATION OF AMERICA'S GLOBAL POSITION

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, when President Obama came into office, there was a hole in the ideas of America and the policy of America as great as the Grand Canyon, one of our great treasures.

Unfortunately, the lack of ideas in policy, which shouldn't be a hallmark of this country, was so great that President Obama has had to do much, and this 111th Congress has tried to help him. We didn't have an energy policy, and the flora and the fauna of this Earth and this country's energy independence and this country's reliance on fossil fuels is a very scary proposition.

We are the only industrialized country in the world without a health care policy, and we have 47 million people without health care. That is unacceptable. Our position among the nations of the world was at a low ebb. President Obama has restored that.

This Congress is trying to put America where it should be as a place of great ideas and policies, and we have got an 8-year hole to fill. It has been difficult. But we are doing the best we can with the difficult situation we have been given.

I'm proud to work with President Obama and this Congress and put America and the ship of state afloat and going in the right direction.

□ 1245

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

PILOT COLLEGE WORK STUDY PROGRAMS FOR VETERANS ACT OF 2009

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1037) to direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1037

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pilot College Work Study Programs for Veterans Act of 2009".

SEC. 2. FIVE-YEAR PILOT PROGRAM FOR ON-CAMPUS WORK-STUDY POSITIONS.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of Veterans Affairs shall conduct a

five-year pilot project to test the feasibility and advisability of expanding the scope of qualifying work-study activities for purposes of section 3485(a)(4) of title 38, United States Code, including work-study positions available on site at educational institutions.

(b) TYPE OF WORK-STUDY POSITIONS.—The work-study positions referred to in subsection (a) may include positions in academic departments (including positions as tutors or research, teaching, and lab assistants) and in student services (including positions in career centers and financial aid, campus orientation, cashiers, admissions, records, and registration offices).

(c) REGULATIONS.—The Secretary shall issue regulations to carry out the pilot project under this section, including regulations providing for the supervision of work-study positions referred to in subsection (a) by appropriate personnel of the Department.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$10,000,000 for each of fiscal years 2010 through 2014 to carry out the pilot project under this section.

(e) SOURCE OF FUNDS.—Notwithstanding any other provision of law, this section shall not be carried out with any funds provided for or under any authority of the Readjustment benefits program described by the list of Appropriated Entitlements and Mandatories for Fiscal Year 1997 contained in the Conference Report to accompany H.R. 1015 of the 105th Congress, the Balanced Budget Act of 1997 (H. Report 105–217). No funds shall be obligated for the purpose of carrying out this section except discretionary funds appropriated specifically for the purpose of carrying out this section in appropriation Acts enacted after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Mr. Speaker, I would like to thank the chairwoman of the Subcommittee on Economic Opportunity of the Veterans' Committee, STEPHANIE HERSETH SANDLIN of South Dakota, for introducing this bill, the Pilot College Work Study Programs for Veterans Act of 2009. It would direct the VA to conduct a 5-year pilot project to expand on existing work study activities for student veterans to participate in work study positions in academic departments and in student services.

As this committee's chairman and a former university professor, I understand the financial hurdles of paying for college and strongly support all methods to make education more affordable for our brave veterans.

This legislation provides an additional avenue for student veterans to help pay for college and places them on a par with other students in the same financial situation. Furthermore, these new work study positions would provide student veterans with much needed job skills that they can use in their professional career.

Our chairwoman, Ms. STEPHANIE HERSETH SANDLIN, will be speaking on this bill, and I urge all our colleagues

to join me in reaffirming our country's commitment to our veterans by supporting this H.R. 1037.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself as much time as I might use.

I rise in support of H.R. 1037, as amended, introduced by the distinguished chair of the Subcommittee on Economic Opportunity, Ms. HERSETH SANDLIN. The Pilot College Work Study Program for Veterans Act of 2009 would expand the number and types of work study positions at colleges and universities.

The types of work study jobs that can be funded through the Montgomery GI Bill are too restrictive. Expanding the types of jobs veterans may hold at schools benefits student veterans financially, but more importantly, in my view, it places them in positions where nonveteran students and faculty will see the advantages and results of military service to the Nation. Too often our young people see only the entitlement side of life that requires no commitment to something other than themselves.

Just as the original GI Bill opened higher education to the masses of citizen soldiers after World War II, improved the experiences of all students, including nonveterans, this bill will broaden the impact on veterans throughout the Nation's higher educational system.

I am reminded of the statement by James B. Conant, president of Harvard University, shortly after the World War II generation filled the campuses. In recanting his earlier concerns, he stated, and I quote: The mature student body that filled our colleges in 1946 and 1947 was a delight to all who were teaching undergraduates. For seriousness, perceptiveness, and studiousness and all other undergraduate virtues, the former soldiers and sailors were the best in Harvard's history.

Mr. Speaker, H.R. 1037, as amended, will provide our veterans on campus a unique opportunity to earn while they learn, to build their resumes and to influence campus life. Too often our young citizens see a distorted image of veterans, and this bill will help replace that image with one of men and woman who are dedicated to education and to making meaningful contributions to society.

By enlarging the types of work study jobs veterans can hold on campus, we are putting them in the forefront of student life. As teaching assistants, administrative staff, student counselors, and other high-visibility jobs, nonveteran students and faculty will see them just as Harvard President Conant did over 60 years ago.

I urge my colleagues to support this legislation and reserve the balance of my time.

Mr. FILNER. I would yield as much time as she may consume to our dynamic chair of the Subcommittee on

Economic Opportunity, Ms. HERSETH SANDLIN of South Dakota.

Ms. HERSETH SANDLIN. Mr. Speaker, I thank the chairman, the distinguished gentleman from California, for yielding.

I rise today in strong support of H.R. 1037, the Pilot College Work Study Programs for Veterans Act of 2009, as amended, which the Veterans' Affairs Economic Opportunity Subcommittee passed on June 4 and the full committee approved on June 10.

I was proud to introduce this important legislation, and I would like to thank the full committee chairman, Mr. FILNER, the ranking member, Mr. BUYER, for their leadership in support of this legislation, as well as the support of Congressman GRIJALVA of Arizona, who was an original cosponsor. I have been pleased to be able to work with the distinguished ranking member of the subcommittee, Mr. BOOZMAN of Arkansas, in a bipartisan way to advance this legislation to the full committee and now to the floor. I also want to thank Congressman TEAGUE of New Mexico for offering an amendment to this bill during the subcommittee markup that clarified the effective end date of the pilot program.

This legislation works to expand and improve the educational benefits available to our country's veterans by directing the Secretary of the Department of Veterans Affairs to conduct a 5-year pilot project that tests the feasibility and advisability of expanding the scope of work study activities available to veterans receiving educational benefits through the VA.

Currently, eligible student veterans enrolled in college degree programs, vocational programs or professional programs, are eligible to participate in the work study allowance program. However, they are limited to positions involving VA-related work, such as processing VA paperwork, performing outreach services, and assisting staff at medical facilities or the offices of the National Cemetery Administration. Thus, veterans aren't afforded opportunities similar to those offered to non-veteran students.

This pilot program would expand the qualifying work study activities allowed to include positions in academic departments, such as tutoring or assisting with research, teaching and lab work, as well as student services such as positions in career centers, financial aid, orientation, cashiers, admissions, records, and registration offices.

Given the wide variety of tasks our men and women in uniform perform while serving their country, our Nation should be capitalizing on the unique training and skill sets that veterans who are pursuing their degrees bring to their educational institutions.

This pilot program will run from 2010 to 2014 and will give the VA an adequate opportunity to determine if this

expanded work study program should be further expanded.

This bill also requires the Secretary of the VA to publish regulations on the supervision of veterans participating in these expanded work study positions.

Educational benefits are one of the essential benefits that our country gives its veterans. These benefits help our veterans take that experience that they have gained while serving, and translate that knowledge into college degrees and other types of professional development. The money we, as a Nation, invest in the education of veterans, has a direct positive economic benefit for the country.

As chairwoman of the Economic Opportunity Subcommittee, I look forward to continuing to work in a bipartisan manner with Mr. BOOZMAN and our subcommittee members to ensure veterans are receiving the best possible educational benefits.

On a personal note, Mr. Speaker, it has been 20 years now, but as a work study student myself, I wouldn't want any of my contemporaries then, and certainly the young men and women who are serving in uniform today, to be denied particular opportunities available in an academic environment to pursue their own educational aspirations or to serve their fellow students on campus in any capacity that VA education benefits are intended to provide.

So again, I want to thank Chairman FILNER for his leadership on this issue, and I urge all of my colleagues to support this legislation.

Mr. BOOZMAN. I yield the gentleman from Georgia (Mr. BROUN) 3 minutes.

Mr. BROUN of Georgia. I rise today in support of the veterans of this country.

Mr. Speaker, I served in the United States Marine Corps. I'm also an original intent constitutionalist, and I believe very firmly that most Americans understand that a national defense, a strong national defense, and thus, supporting our military men and women as well as the veterans, is critically important. It's important for the veterans, the retirees, those who are on disability. It's extremely important to them.

It is also important to our current active duty troops for us to support veterans, because how are we going to get people to stay in the military to be senior NCOs, senior officers or flag officers if we do not fulfill the promises that we make to the men and women who come into the military to begin with? And thus, it is also important in the recruiting process. How are we going to recruit good men and women to come into the military, make it a career, if we don't fulfill the promises that we have made to them as they enlist or are commissioned in the military?

Mr. Speaker, we have broken promises to the veterans. We have broken

many promises. In my district, I have two stellar VA hospitals, the Charlie Norwood Veterans Medical Center in Augusta, Georgia. I also have a veterans clinic just outside of Athens, Georgia, that gives stellar care to our veterans. But veterans are denied the health care, educational needs and other things that they have been promised, and it's a travesty. We have to stop denying the veterans the promises that we have made them, and it's absolutely critical for our national defense.

Mr. FILNER. I have no further speakers and am prepared to yield back.

Mr. BOOZMAN. Mr. Speaker, I just want to say, to thank Ms. HERSETH SANDLIN for bringing this forward. I, like her—and it has been a little bit more than 20 years—enjoyed the ability of participating with work study. I know how important it is and how important it will be to these students if we can extend this even further to our military.

So I urge all of my colleagues to support this bill. It's a good one. I appreciate Chairman FILNER and Mr. BUYER for bringing this forward and would urge its adoption.

I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1037, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today in support of H.R. 1037 to direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under Title 38 of the United States Code. I would like to thank my colleague Representative HERSETH SANDLIN from South Dakota for introducing this important piece of legislation.

I support this legislation because it provides the resources necessary to study the expansion of the Federal work-study program available to veterans. This bill expands qualifying work-study activities to include positions on-site at educational institutions, a valuable source of support for our veterans at colleges, universities, and vocational schools across the country. Additionally, this pilot program will assess the feasibility of the long-term expansion of this program.

The federal government has been taking steps to enhance the education of our veterans since the passage of the GI Bill in 1944. Today, the Federal work-study program is an invaluable resource for students as they struggle to pay their bills. This bill will extend that same resource to our veterans as they enhance their education, a small step towards increasing support for our veterans in return for the sacrifices they have made for our freedom. I urge my colleagues to join me in supporting our veterans and this legislation.

Mr. FILNER. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1037, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, the operation of House Resolution 640 is stayed pending the acceptance by the House of a resignation creating a vacancy on the committee concerned.

There was no objection.

WILLIAM C. TALLENT DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 402) to designate the Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, as the "William C. Tallent Department of Veterans Affairs Outpatient Clinic".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF WILLIAM C. TALLENT DEPARTMENT OF VET- ERANS AFFAIRS OUTPATIENT CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, shall be known and designated as the "William C. Tallent Department of Veterans Affairs Outpatient Clinic".

(b) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the outpatient clinic referred to in subsection (a) shall be considered to be a reference to the William C. Tallent Department of Veterans Affairs Outpatient Clinic.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from California (Mr. FILNER) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

□ 1300

Mr. FILNER. I yield myself such time as I may consume.

Mr. Speaker, this naming bill comes to us from the gentleman from Tennessee (Mr. DUNCAN). He is a great supporter of veterans and of this Nation, and I am going to leave it to him to explain what Mr. Tallent has done to deserve this honor.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield as much time as he might consume to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, this is a bill to name the Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, as the William C. Tallent Veterans Outpatient Clinic.

I first want to thank Chairman FILNER and Mr. BOOZMAN, the gentleman from Arkansas, for bringing this legislation to the floor today and for their assistance and for the help of the staff on both sides in regard to this bill.

In East Tennessee, Mr. Speaker, there is perhaps no person better known for devotion to area veterans than Bill Tallent. While the story of his service in World War II reads like a Hollywood script, his lifelong dedication to fellow veterans, his humble demeanor and his career as a public servant make him the perfect candidate for the naming of the Veterans Outpatient Clinic in Knoxville.

Following his capture by the Nazis during the Battle of the Bulge, Mr. Tallent spent 6 months as a prisoner of war. At his capture, notorious Nazi General Josef Sepp Dietrich lined him and his fellow soldiers up against a wall and ordered their execution; but through the grace of God, a fellow soldier persuaded the general to spare them and, instead, ship them to a prisoner of war camp. Mr. Tallent survived long enough to engineer an escape 6 months later with one other soldier, the only one willing to risk certain execution if captured.

As he made his way across Germany, wearing tattered clothes and sleeping in graveyards at night to avoid Nazi troops, Mr. Tallent and his fellow soldier searched for the American front line. One day, while on a scavenger trip into a nearby German town and while looking for food, a Buick carrying an American general came speeding down the street. Bill Tallent jumped in front of the car and gave a salute. He was rescued. His bravery, determination and sacrifice during this experience earned him two Purple Hearts and one Bronze Star.

While Bill Tallent's prisoner of war story is legendary, so is his service to veterans. Mr. Tallent founded the Smoky Mountain chapter of American Ex-Prisoners of War, where he served as its commander. During his tenure, he helped compile the prisoner of war stories of other members, and he gave the publication to the Knox County Public Library for posterity. He has spoken to many civic clubs and to

other groups about his experiences and about his dedication to veterans and to this country.

He was also appointed by the Governor to serve on the Veterans Administration Home Policy Board, where Mr. Tallent was instrumental in bringing a veterans' nursing home to Knoxville.

Bill Tallent's lifelong service to veterans also includes serving as commander of the Military Order of the Purple Heart, chapter 356; as a member of the Veterans of Foreign Wars, chapter 173; and as a member of the Disabled American Veterans, chapter 26.

In addition to his service to veterans, Mr. Tallent devoted his professional career to the public good, serving as Knox County Commissioner of Finance from 1953–1980, being reelected to that position several times.

Mr. Speaker, there is, perhaps, no greater sacrifice an American can make than that of serving his country during a time of war. Bill Tallent not only answered that call but did so with courage and humility. In 2003, he told the following to my hometown newspaper, the Knoxville News Sentinel:

"I would not go through what I went through again if you paid me \$1 million a day to do it. But I would do the same thing again, without compensation, just for the privilege of living as a free American."

Mr. Speaker, I think we can all agree we need more Bill Tallents in this world. I appreciate this opportunity to honor Bill Tallent, and this country is a better place today because of him and because of his service to this country. I urge my colleagues to support this legislation to name the Veterans Outpatient Clinic in Knoxville, Tennessee as the William C. Tallent Veterans Outpatient Clinic.

Mr. FILNER. Mr. Speaker, I have no further speakers, and I am prepared to yield back the balance of my time.

Mr. BOOZMAN. Mr. Speaker, we've all seen the old World War II movies where the hero barely escapes death or captivity through the valiant efforts of others or by his own wit or ingenuity. William C. Tallent was one of those true American heroes who has done both.

Serving in the United States Army as part of the 28th Infantry Division of World War II, as Mr. DUNCAN said, he was captured and, along with other American troops, was nearly executed. Mr. Tallent spent 6 months in captivity at a POW camp before escaping with another American soldier willing to face execution if recaptured by the Germans. For his bravery, determination and sacrifice during the war, Bill Tallent, who was twice wounded, was awarded two Purple Hearts and a Bronze Star.

Naming the VA Outpatient Clinic in Knoxville, Tennessee as the William C. Tallent Department of Veterans Affairs

Outpatient Clinic is a fitting tribute to a great public servant, veteran and servicemember. I appreciate Mr. DUNCAN's bringing this forward, and I urge my fellow Members to support it.

Mr. Speaker, I rise today in support of H.R. 402, a bill to designate the VA Outpatient Clinic in Knoxville, Tennessee, as the "William C. Tallent Department of Veterans Affairs Outpatient Clinic" which would honor a valiant World War II hero and servant to his fellow veterans.

Mr. Speaker, we have all seen the old World War II movies where the hero barely escapes death or captivity through the valiant efforts of others, or by their own wit and ingenuity. William C. Tallent is one of those true American heroes who has done both. Serving in the United States Army as part of the 28th Infantry Division in World War II, he was captured by German troops in 1944 and, along with other American troops, was nearly executed by General Josef Sepp Dietrich. Instead, the successful pleading of his commanding officer saved his and his comrades' lives just before the execution order was given.

Bill Tallent spent six months in captivity at a POW camp before escaping with another American soldier willing to face execution if recaptured by the Germans. They made their way to the American front line, sleeping in cemeteries and scrounging for food. They were found by U.S. forces, while foraging for food. For his bravery, determination, sacrifice during the war, Bill Tallent, who was twice wounded, was awarded two Purple Hearts and a Bronze Star.

During an interview in 2003 by the Knoxville News-Sentinel, Bill Tallent said best what drives Americans to fight for their country in times of war; he stated "I would not go through what I went through again if you paid me one million dollars a day to do it. But I would do the same thing again, without compensation, just for the privilege of living as a free American."

Bill Tallent has continued his dedication to our Nation's veterans through his work in various veteran organizations. He established the Smoky Mountain Chapter of American Ex-Prisoners. In his role as commander of this organization, he worked to preserve the memory of POWs by collecting the stories of other POW members and then depositing them in the Knox County Public Library. Appointed to the Veterans Administration Home Policy Board by the Governor, Mr. Tallent played an important role in bringing a state veteran's home to Knox County.

Naming the VA Outpatient Clinic in Knoxville, Tennessee, as the "William C. Tallent Department of Veterans Affairs Outpatient Clinic" is a fitting tribute to a great public servant, veteran, and servicemember.

Mr. Speaker, I urge the full support of my colleagues on this legislation

We have one additional speaker. I yield such time as he may consume to the gentleman from Georgia (Mr. BROWN).

Mr. BROWN of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this bill, and I agree with my good friend JIMMY DUNCAN from Tennessee. We

need more people in this country serving this Nation.

As I spoke earlier, I think we are doing a tremendous disservice to our veterans in this country by not fulfilling the promises that we've made to them. The way that we can get more people into the military, the way that we can get more folks, good people, who will be willing to serve our Nation, is to be able to fulfill the promises that we give them on enlistment or on a commissioning.

We are not doing that. We are not fulfilling those promises. We are not giving those people the kind of health care that they so desperately need, and we are certainly not helping their spouses, because we are not giving them the health care financing that they need either.

So, Mr. Speaker, I rise today not only in support of this bill to name this facility in Knoxville after this hero, but we have to remember the heroes in Iraq and in Afghanistan today, those heroes I see at the VA hospital in Augusta, Georgia—the Charlie Norwood VA Medical Center—those heroes I see at the Eisenhower Medical Center in Fort Gordon, Georgia, those heroes who have lost a leg or an arm, those heroes who want to go back to their units in theater to continue to fight for our freedom.

We cannot turn our backs upon those heroes, just like we cannot turn our backs upon the past heroes. I think it's a travesty the way this government has treated our veterans. We're not doing them right. It verges on criminal because we have broken our promises, and we need to fulfill those promises, and I'll do everything I can as a Member of Congress in supporting the veterans in my 10th Congressional District in Georgia. As a physician, I understand their medical needs. I'll do everything I can as the Congressman from the 10th Congressional District of Georgia to make sure that our veterans have all of the promises made to them fulfilled. This government has broken promises. It continues to break promises. It has got to stop, and I'll do everything I can to fulfill those promises.

I thank the gentleman for yielding.

Mr. BOOZMAN. Before yielding back, I would just like to again thank the gentleman from Tennessee, Mr. DUNCAN, for bringing forward this, really, very nice and very timely recognition of Mr. Tallent. I urge all of my colleagues to support this bill.

With that, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 402.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. I thank Mr. DUNCAN for bringing us this wonderful story of Bill Tallent, and I urge my colleagues to unanimously support H.R. 402.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 402.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROWN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SYMPATHY FOR VICTIMS OF JUNE 22 METRORAIL CRASH

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 612) expressing the profound sympathies of the House of Representatives for the victims of the tragic Metrorail accident on Monday, June 22, 2009, and for their families, friends, and associates.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 612

Whereas late in the afternoon on Monday, June 22, 2009, two 6-car trains on the Metrorail Red Line, Train 112 and Train 214, were on the same track headed toward the Shady Grove Station;

Whereas at 4:59 p.m., Train 112 crashed into Train 214, which was waiting for another train boarding at the Fort Totten Station;

Whereas 9 people died in this accident, including train operator Jeanice McMillan, 42, of Springfield, Virginia, who loved her job and was filled with pride when her son Jordan enrolled in college; Ana Fernandez, 40, originally from El Salvador, who lived in Hyattsville, Maryland, with her husband and 6 children and was on her way to one of her two jobs when she died in the collision; and 7 residents of the District of Columbia: Mary Doolittle, 59, of Northwest, who was the face of the American Nurses Association internationally and who was helping with global accreditation for nurses; Veronica Dubose, 29, of Northwest, who was headed to her first day of school for classes to become a certified nurse; Dennis Hawkins, 64, of Southeast, who worked as a non-instructional aide and a data entry clerk for Whittier Education Center and taught vacation Bible school at Bethesda Baptist Church; LaVonda ("Nikki") King, 23, of Northeast, a mother of 2 sons who was engaged to be married and who had just bought the hair salon LaVonda's House of Beauty; General David Wherley, 62, of Southeast, the recently retired commander of the D.C. Army and Air National Guard, a command pilot who converted the D.C. National Guard from weekend warriors to Army troops performing the

duties of enlisted soldiers in fields of battle in both Iraq and Afghanistan while working tirelessly to improve conditions at home for the people of the District of Columbia, especially the children, and who decided to make the city his home; his wife, Ann Wherley, 62, who retired as a mortgage banker but did not retire as a mother, grandmother, and loving wife of General Wherley ever since they were high school sweethearts at York Catholic High School; and Cameron Williams, 37, of Northwest, who grew up in Takoma Park and who worked a night job in maintenance as a contract laborer;

Whereas according to emergency first responders, 76 people reported injuries and 51 people were taken to hospitals for treatment as a result of this accident; and

Whereas the Board of Directors of the Washington Metropolitan Area Transit Authority voted on June 23 to establish an emergency hardship relief fund of \$250,000 from a reserve fund to provide financial help for the victims of the accident, including assistance with funeral, medical, and other expenses: Now, therefore, be it

Resolved, That the House of Representatives expresses its profound sympathies for the victims of the tragic Metrorail accident on Monday, June 22, 2009, and for their families, friends, and associates.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. I yield myself such time as I may consume.

Mr. Speaker, I introduced House Resolution 612 on July 7 with members of the National Capitol Region delegation as well as with others in the House. It is with a heavy heart that I call up for consideration House Resolution 612, which expresses the profound sympathies of the House of Representatives for the victims of the tragic Red Line Metrorail accident on June 22, 2009, and for their families and friends and associates, and also recognizes the dozens of people who were injured.

I appreciate the work and courtesy of Chairman ED TOWNS, of Ranking Member DARRELL ISSA, of Chairman STEPHEN LYNCH, and of Ranking Member JASON CHAFFETZ for their efforts in bringing forward this resolution and for seeing to it that the resolution was marked up at the earliest markup meeting of the Committee on Oversight and Government Reform.

Let us begin, Mr. Speaker, by allowing each of us to take a moment on the floor of the House today to remember the nine people who were lost as a result of this tragic accident. I ask for a moment of silence.

Thank you, Mr. Speaker.

Seven of the nine were from the District of Columbia. One was from Maryland. Another was from Virginia.

Mary "Mandy" Doolittle, of the District, served the American Nurses Association by spreading its work globally.

Veronica DuBose, of the District, was a devoted mother of two who was on her way to a nursing class.

Ana Fernandez, of Hyattsville, Maryland, was a mother of six who worked tirelessly, often holding more than one job to help provide for her family.

Dennis Hawkins, of the District, was on his way to teach vacation Bible school at Bethesda Baptist Church.

LaVonda "Nikki" King, of the District, was a young mother who looked forward to opening her own beauty salon that was already planned to occur.

Cameron Williams, of the District, was headed to his nighttime maintenance job.

Of the nine, I personally know only Major General David F. Wherley, recently retired as commander of the D.C. National Guard, and his wife, Ann. General Wherley was a fighter pilot and commander of the 113th Fighter Wing at Andrews Air Force Base who rose to head the D.C. National Guard itself.

The general was especially devoted to his troops and to the children of the city, initiating programs for both. Ann Wherley, herself a professional, was a major force in the general's life and in his work. I thank the Appropriations Committee for honoring my request to have a D.C. tuition assistance bill named for the general, who was the first to bring this concern to me for introduction, and I will soon seek a proper authorization in a pending bill.

□ 1315

Jeanice McMillan, finally, was the operator of train 112. All the available evidence showed that Ms. McMillan did everything within her power to avert the accident. Ms. McMillan worked herself up the Metro workplace ladder to realize her goal of sending her only son to college. Mr. Speaker, the loss of precious lives that resulted from the June 22 accident touched their families uniquely and tragically. However, I also ask the House to remember these families who share the Washington Metropolitan Area Transit Authority system with several hundred thousand Federal employees and with our own House and Senate congressional staff. Today let us also share with those who lost their lives as well as with those who were injured our thoughts, prayers and our deep determination to do all that we can to assure improved safety for all. I urge adoption of House Resolution 612.

I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield myself as much time as I may consume.

I rise in support of House Resolution 612, expressing the profound sympathies of the House of Representatives for the victims of the tragic Metrorail accident on Monday, June 22, 2009, and for their families, friends and associates. Today we, as a body, express our profound sympathy and support for the victims of this most serious and worst accident in Metro's history.

On June 22 a train heading towards Fort Totten on the Red Line slammed into an idling train in front of it and killed nine people and injured nearly 80 others. The crash occurred at approximately 4:59 p.m. We are greatly saddened by this unnecessary tragedy and senseless loss of life, but our grief cannot compare to the families and friends who lost loved ones that day. Today we extend our sympathies to those who were lost and injured. The nine Metro riders killed on that fateful day were from all walks of life, a reflection of our Nation's Capital and its residents.

As we express our sympathy for the victims, I would also like to commend the D.C. and regional emergency personnel who responded to the accident and did their jobs with competence and compassion. I would also like to recognize the heroism of the other train passengers who helped to free those who were trapped, fashioned tourniquets and comforted the injured. In addition to the death and injury to the victims, there's been tremendous damage done to the morale of Metro riders and to Metro's reputation. A recent Washington Post editorial commented on the crash as having "shattered many riders' assumptions about the safety of the system." Clearly there is much work to be done to ensure nothing like this terrible accident ever happens again.

But today in this House it is time we take a moment to honor and express our profound sympathy for the victims of this tragic Metrorail accident of June 22 and their families, friends and associates. I urge my colleagues to join me in expressing our sympathies on this day by passing House Resolution 612.

I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I am pleased to yield 1 minute to the majority leader, Mr. HOYER of Maryland, who has led the delegation on matters pertaining to WMATA, or the Metro, and especially this accident.

Mr. HOYER. I thank the chairlady, my colleague and friend, ELEANOR HOLMES NORTON. I thank Mr. WESTMORELAND for helping this legislation come to the floor.

Today the House pauses in solemn remembrance of the nine men and women who lost their lives when two Metro trains collided on June 22. It was, as has been said, the deadliest crash in Metro's history. Those whose lives we lost were a cross section of our Washington region. They never asked or expected to be memorialized together,

but they were brought together in tragedy. Together we can say their names: Mary Doolittle, 59 years old, of Washington, D.C.;

Ana Fernandez, 40 years old, of Hyattsville, Maryland, my district;

Dennis Hawkins, 64 years old, of Washington, D.C.;

LaVonda "Nikki" King, 23 years old, of Washington, D.C.;

Veronica Dubose, 29 years old, also of Washington, D.C.;

Cameron Williams, 36 years old, also of Washington;

Major General David F. Wherley Jr., 62 years old, and his wife Ann Wherley, 62 years old, both of Washington, D.C.;

And lastly, Jeanice McMillan, 42 years old, of Springfield, Virginia. Ms. NORTON mentioned her activity and the professionalism with which she carried out her duties. It is clear that what happened was a computer failure or a line failure, some failure which was supposed to automatically notify the train that was moving that there was a train stopped in front of it. That mechanism failed. Today nine families are incomplete. There are nine fresh wounds that will be very slow in healing. Nothing, of course, can reverse those deaths; but we must learn from them, and we must act to prevent such tragedies in the future. On a practical level, we must ensure that funding is sufficient to accomplish that objective. On a personal level, we can choose to take from this the reminder of the fragility and uncertainty of our own lives and to act on that knowledge every day.

On June 22 we lost nine irreplaceable men and women. May we honor their memories by acting to prevent a future tragedy and by instilling confidence in the safety of America's subway.

Mr. MORAN of Virginia. Mr. Speaker, thank you, Ms. NORTON, for bringing this resolution to the House floor for its consideration.

Monday, June 22 tragedy struck Washington.

Around 5:00 p.m. at the start of the evening rush hour, Metro Train 112 struck Train 214 as it was waiting for a third train to finish boarding passengers at the Fort Totten Station.

Nine people lost their lives and 76 others were injured, 41 of whom were transported to nearby hospitals for treatment.

We are all saddened by the loss of life and I wish once again to express my condolences to the family and friends of those who suffered an injury or lost a loved one on that tragic Monday.

I also wish to express my appreciation to Metro and the emergency responders who were on the scene immediately with assistance.

As we gain insight on the cause of the accident, I will be working with my colleagues, many of whom are cosponsors of this resolution, to ensure this type of tragedy is never allowed to happen again.

We are in fact working to secure the funding to replace the older type "1000" rail cars that

failed to hold up during the crash and any other resources Metro needs to restore full service.

The tragedy has brought us together as a region, and together we will work to make sure Metrorail remains a transportation system that is safe, efficient, affordable and secure.

Mr. WOLF. Mr. Speaker, I rise today to join my House colleagues in support of this resolution expressing sympathy to the victims of the Metrorail accident on June 22.

I want to share my heartfelt condolences to the families and friends of those that lost their lives in this tragic accident.

The Washington metropolitan area congressional delegation has pledged to work together to ensure that Metro has the funding it needs to address safety issues and to adequately maintain the system.

Again, I express my deepest sympathies to those affected by this horrible accident.

Mr. VAN HOLLEN. Mr. Speaker, on June 22, our region experienced a terrible tragedy as two metro trains collided on the red line, resulting in 9 deaths and nearly 80 injured. I rise to express deep sympathy to the families of all those who lost their lives—Mandy Doolittle, Veronica DuBose, Dennis Hawkins, LaVonda "Nikki" King, Major General David Wherley and Ann Wherley, Cameron Williams, and train operator Jeanice McMillan.

I also want to especially recognize the life of my constituent, Ana Fernandez of Hyattsville. Ana will be remembered for her dedication to her family, especially her six children ages 2 to 21. She emigrated to the United States 20 years ago to secure a better life and worked tirelessly to support her parents and son back in El Salvador and her five children here in the U.S. She was able to realize her dream of sponsoring her eldest son for a visa, and he arrived only 18 days before the accident. Her family and community speak of her kindness, generosity, and indomitable spirit. I send sincere condolences to her children, her husband, her parents, and her entire family.

In the hours and days after the accident, we received reports of courage and kindness on those metro trains—from the passengers who comforted and assisted each other to the first responders who rushed to the scene and treated the injured. Almost immediately, local and federal agencies, including WMATA, the National Transportation Safety Board, the Federal Transit Administration, and the Tri-State Oversight Committee, as well as the Amalgamated Transit Union, got to work to find out what caused the crash and what must be done to ensure the safety of the system. I want to particularly commend John Catoe and the staff at WMATA for their efforts in these past few weeks.

Out of this tragedy, we must renew our commitment to America's subway and make the safety improvements necessary to ensure that such a devastating accident never happens again. I am pleased that the Transportation-HUD Appropriations Subcommittee included \$150 million for WMATA in its bill, which is the full federal share of the dedicated funding authorized by last year's Passenger Rail Investment and Improvement Act. I urge my colleagues to support that vital funding. This accident must be a wake-up call—we cannot afford to wait.

Mr. WESTMORELAND. Mr. Speaker, I have no further speakers, so I will yield back the balance of my time.

Ms. NORTON. Mr. Speaker, having no further speakers, again, let me urge my colleagues to join me in supporting H. Res. 612.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 612.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING WAYMAN LAWRENCE TISDALE

Ms. NORTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 469) honoring the life of Wayman Lawrence Tisdale and expressing the condolences of the House of Representatives on his passing.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 469

Whereas Wayman Lawrence Tisdale was born and raised in Tulsa, Oklahoma, and became a outstanding athlete as a student at Booker T. Washington High School;

Whereas in 1982 Mr. Tisdale was named Oklahoma's only McDonald's All American and was named Converse National High School Player of the Year;

Whereas Mr. Tisdale's 3-year career at the University of Oklahoma, from 1982 to 1985, has left a legacy of excellence and respect for the program and the sport of basketball;

Whereas Mr. Tisdale in 1983, 1984, and 1985 received the honor of being named Big Eight Player of the year for the University of Oklahoma;

Whereas Mr. Tisdale was named to the All-American team 3 times in 3 years while at the University of Oklahoma;

Whereas Mr. Tisdale played on the U.S. Olympic team in 1984 and received a gold medal;

Whereas Mr. Tisdale was named the Most Valuable Player for the Big Eight Tournament Championship in 1985;

Whereas Mr. Tisdale and was selected as the No. 2 overall draft pick in the National Basketball Association in 1986;

Whereas Mr. Tisdale left his mark on the sport of professional basketball with the Indiana Pacers, Sacramento Kings, and Phoenix Suns, scoring more than 12,800 points and pulling down more than 5,000 rebounds in a 12-year career;

Whereas Mr. Tisdale subsequently released 8 albums of jazz music following his extraordinary basketball career;

Whereas in 1995 Mr. Tisdale's jazz album Power Forward reached No. 4 on Billboard's

Contemporary Jazz chart, and Mr. Tisdale's album *Way Up* reached No. 1 on Billboard's Top 10;

Whereas Mr. Tisdale has been an inspiration to those in the Jazz community;

Whereas Mr. Tisdale served as a testament and example to the power of perseverance and positive thinking in the midst of personal trial; and

Whereas Mr. Tisdale's admirable character has served as a strong example to thousands of Americans to persevere and not be bound by one calling in life, but to achieve all which they hope and aspire to for themselves and their families: Now, therefore, be it

Resolved, That the House of Representatives expresses—

(1) gratitude to Wayman Lawrence Tisdale for his exceptional character and for the example that he served as a testament to the powers of positive thinking; and

(2) profound sorrow at the death of Mr. Tisdale and condolences to his family, friends, and colleagues, and to the State of Oklahoma that he represented so well.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Mr. Speaker, I ask unanimous consent that all Members have 5 days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield myself as much time as I may consume.

On behalf of the Committee on Oversight and Government Reform, I am pleased to present H. Res. 469 for consideration, honoring the exceptional life of Wayman Lawrence Tisdale and expressing sincere condolences on his passing.

H. Res. 469 was introduced by our colleague, Representative TOM COLE of Oklahoma, on May 21, 2009, and reported out of the Oversight Committee by unanimous consent on June 18, 2009. Additionally, this resolution enjoys the bipartisan support of over 50 Members of Congress.

Born in Fort Worth, Texas, on June 9, 1964, Wayman Tisdale grew up in Tulsa, Oklahoma, where he developed his dual affections for the sport of basketball and what Wayman considered his first love, music. Notably, while Wayman was considered one of the most heavily recruited high school basketball players in the Nation, he always continued to play bass guitar during morning services at his father's Tulsa church.

Wayman subsequently accepted a basketball scholarship from the University of Oklahoma where he was a three-time All-American from 1983 to 1985, including his freshman year,

marking the first time that a freshman has been named as a first-team All-American since freshmen were allowed to play again in the 1971-1972 season. During his collegiate career with the University of Oklahoma Sooners, Wayman was also honored as Big Eight Conference player of the year for three consecutive seasons and still holds Oklahoma's career record with 2,661 points and career rebounding record with 1,048 rebounds. In addition, he remained devoted to music, as he continued to play bass guitar at Sunday services in Tulsa and even played in the Oklahoma Sooners band.

In honor of his remarkable achievements as a Sooner, in 1997 Wayman became the first player in any sport to have his jersey number, number 23, retired by the University of Oklahoma and in April of 2009 was inducted into the National Collegiate Basketball Hall of Fame.

Prior to his selection as a second overall pick in the 1995 NBA draft by the Indiana Pacers, Wayman honorably represented his country as a member of the 1984 U.S. Olympic basketball team which won the gold medal in Los Angeles. He then embarked on an impressive 12-season professional basketball career as a power forward and center with the Pacers, the Sacramento Kings and the Phoenix Suns.

Upon his retirement from the NBA in 1997, Wayman continued to develop his musical talent and subsequently became an award-winning contemporary jazz musician. Wayman had launched his professional music career with the 1995 release of his jazz album, *Power Forward*, which reached number four on Billboard's Contemporary Jazz Albums chart. He subsequently released seven additional jazz albums, all of which reached the Top Ten on Billboard's Contemporary Jazz Albums chart, including three albums that went to number one.

In addition to his success on the basketball court and his influence on jazz music, Wayman will be equally remembered for his exceptional character, positivity and heart. As noted by his former Indiana Pacers teammate Reggie Miller, Wayman "was the nicest man in the world with the biggest heart and an even bigger smile. I thank him for befriending me and for showing me there is more to life than just basketball."

Regrettably, Wayman Lawrence Tisdale passed away on May 15, 2009, at the young age of 44. Mr. Speaker, let us honor this exceptional athlete, musician and man through the passage of H. Res. 469. I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague, my friend and the author of this resolution from the State of Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of this bill to honor a great American and a great Oklahoman, Wayman Lawrence Tisdale. I would like to thank Chairman TOWNS and Ranking Member ISSA for their work on the bill. As the gentlelady from the District of Columbia so aptly noted, Wayman Lawrence Tisdale was an all-star basketball player and a brilliant jazz musician. However, Tisdale was not only an exceptional athlete and musician, he brought a positive spirit to everything he did and should serve as a role model to all Americans. Even when he faced personal adversity, he maintained an optimistic attitude and brought joy to all of those surrounding him.

□ 1330

Wayman Tisdale was raised in Tulsa, Oklahoma, and the youngest of six children of a distinguished Baptist minister and a loving wife. At 6'9", Wayman excelled as a basketball player at Booker T. Washington High School where he was named Oklahoma's only McDonald's All American and was named Converse National High School Player of the Year. Though Tisdale had many scholarship offers, he chose to remain close to home and attend the University of Oklahoma.

After arriving at the University of Oklahoma, Tisdale quickly distinguished himself as one of the greatest basketball players the school has ever seen. In his 3-year college career, he received the honor of being named Big 8 Player of the Year in 1983, 1984, and 1985. Mr. Speaker, he was also named to the All American Team three times in 3 years while at the University of Oklahoma.

Tisdale averaged 25.6 points a game and 10.1 rebounds a contest during his career with the Sooners. He still holds Oklahoma career records for points and rebounds. Tisdale also owns the school's single-game scoring mark and career marks for points per game, field goals, and free throws attempted and made. Tisdale was a member of the gold medal U.S. Olympic team of 1984 and was the number two NBA draft pick in 1986. While in the NBA, Mr. Speaker, Wayman Tisdale played with the Indiana Pacers, the Sacramento Kings, and the Phoenix Suns scoring more than 12,800 points and pulling down more than 5,000 rebounds in a 12-year professional career. On November 22, 2009, Wayman Tisdale will be formally inducted into the National College Basketball Hall of Fame.

Mr. Speaker, in addition to a remarkable basketball career, Mr. Tisdale distinguished himself as a jazz musician. As the son of a Baptist minister, he became intrigued by the bass guitarists at his father's church and began teaching himself to play guitar and bass. He recorded and released eight albums of

jazz, one of which reached No. 1 on Billboard's Top 10; another one reached No. 4 on Billboard's Contemporary Jazz chart.

In addition to his solo career, Tisdale also collaborated with some of the most popular musicians in smooth jazz, including solo artists Dave Koz, Brian Culbertson, Kirk Whalum, David Sanborn, Jonathan Butler, and Everette Harp. In 2002, Wayman received the distinction of the Bassist of the Year in the National Smooth Jazz Awards.

Though Tisdale was a remarkably talented basketball player and musician, it's perhaps his positive spirit that distinguished him above all else. Mr. Speaker, in my home State of Oklahoma, we are justly proud of Will Rogers who liked to say he never met a man he didn't like. Well, I can't testify as to whether that was true of Mr. Tisdale or not, but I'm certain that Mr. Tisdale never met a man who didn't like him.

Friends and relatives have noted that Wayman was also upbeat, had a remarkable ability to smile at everyone he met, even in the darkest circumstances. Former coaches and players have said that Tisdale was able to turn the national spotlight on the University of Oklahoma basketball program not only by his incredible talent on the court, but by his positive spirit and his sheer charisma as a player and as a person.

Our Governor, Governor Brad Henry, referred to him as "one of the most inspirational people I have ever known." Fellow Olympic team member and close friend, Sam Perkins, said that Tisdale was "a real friend who's got your back and would do just about anything for you."

In 2007, Wayman Tisdale was diagnosed with bone cancer, which ultimately resulted in the removal of part of his leg. During this ordeal, Tisdale maintained a very positive spirit, which should serve as an example for all Americans and all people who struggle with hardship and disease. When referring to his battle with cancer, he said, "You don't change because things come in your life. You get better because things come in your life." Tragically, Mr. Tisdale passed away due to complications from cancer on May 15, 2009.

Despite his personal struggles, Tisdale excelled at two separate careers. His strong spirit and the positive attitude that he brought to everything that he did should serve as an inspiration to everyone. It's only fitting that Congress should pay tribute to this outstanding American.

Again, I urge the passage of H. Res. 469.

Ms. NORTON. Mr. Speaker, I yield 2 minutes to my friend and regional Member, Mr. CONNOLLY of Virginia.

Mr. CONNOLLY of Virginia. Mr. Speaker, I thank the gentlewoman

from the District of Columbia, and I, of course, support the resolution in front of us.

I rise, however, today to recognize the nine individuals who perished in the June 22 Metrorail crash on the Red Line. I pray that we'll never have to experience such a tragedy again.

One of those individuals was my constituent, Jeanice McMillan of Springfield, Virginia. She was the operator of the train, and she took heroic measures to try to have manual override on an automatic system that apparently failed to detect a stationary train in front of her. Her efforts saved lives; and in the course of her heroic efforts, she, of course, sacrificed her own. Her memory is an important memory, and it needs to be honored here in the United States Congress along with the other victims of that tragedy. Hopefully, the measures we are going to try to undertake this next week will go a long way to mitigating the possibility of such a tragedy recurring in the system.

Metro is important to metropolitan Washington; it's important to the Nation's Capital. It is America's subway. We need to invest in it. And in the name and memory of my constituent, Jeanice McMillan, and the other victims of that tragedy on June 22, I would hope we'll take such actions soon.

Mr. Speaker, I rise today to recognize each of the nine individuals who perished in the June 22 Metrorail crash on the Red Line and I pray that we will never have to experience such a tragedy again.

However, I want to single out the life and service of my Northern Virginia constituent, Jeanice McMillan of Springfield, who was the operator of one of the trains involved in the crash.

In the moments before she lost her life in the line of duty, Ms. McMillan's prompt and professional actions undoubtedly saved the lives of many passengers riding in the front cars of the train.

Investigators have determined that Ms. McMillan successfully activated the manual emergency brakes in an attempt to slow down the train as it hurtled toward the Fort Totten station after the train's automatic controls failed to react to the presence of another train on the tracks ahead of it.

Unfortunately, Ms. McMillan and eight passengers died when the front car of her train telescoped in the horrific crash.

Ms. McMillan began her career at Metro in 2007, after a decade of service in the United States Postal Service. By all accounts, she was an exemplary and conscientious public employee who put the welfare of others ahead of her own in her private and professional lives.

Ms. McMillan made sacrifices at home to help fund her son Jordan's college education just as she made the ultimate sacrifice at work to save the lives of others in the moments before the two Metro trains collided on that fateful day.

As I have done privately, I express my deepest condolences to the McMillan family,

particularly Vernard and Jordan, and I wish them all the best.

Since the wreck, there has been renewed interest in the relatively poor safety record of the aging 1000-series cars, like the one that telescoped so dramatically in the wreck. Today, 290 of these 1000-series cars are in Metrorail's fleet of 1,126 cars. If Congress and the President approve funding the Federal Government's \$150 million matching share of dedicated funding, there will be sufficient revenue to replace these with much safer cars that are less prone to telescoping.

The regional delegation has been working tirelessly to ensure that the Federal government matches the \$150 million that Virginia, Maryland, and Washington, D.C., have already identified to ensure that the Washington Metropolitan Transit Authority (WMATA) can conduct the necessary maintenance to prevent disasters like this in the future.

I appreciate the leadership of Chairman JOHN OLVER from the Appropriations Transportation Subcommittee for including this request in his mark up this week, and I thank my colleagues from the National Capital Region for their commitment to ensuring that WMATA has the resources it needs to provide the safest possible transit service.

I ask my colleagues to join us in honoring the lives of those lost by supporting the necessary investments to help ensure such tragedies are prevented in the future.

Mr. WESTMORELAND. Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I have no further speakers so I am prepared to reserve.

Mr. WESTMORELAND. Mr. Speaker, I urge all of the Members to support the passage of H. Res. 469.

I rise in support of H.R. 469 honoring the life of basketball star and jazz musician Wayman Tisdale and expressing condolences to his family on his death.

Today, we honor Wayman Tisdale, for his life accomplishments and for his demonstration of positive thinking, particularly in the last couple of years of his life as he battled cancer.

Mr. Tisdale's inspirational and enthusiastic way in which he lived his life serves as an example for us all. He was a star basketball player, showing a profound gift for the sport during his time at Oklahoma University in the mid-1980s. He is considered an OU basketball legend, having been a three-time All-American during his time at the university and was OU's all-time leader in scoring and field goal percentage. Mr. Tisdale was a member of the men's basketball team in the 1984 Olympics and assisted in their gold medal win.

He went on to be the second overall pick in the 1985 NBA Draft by the Indiana Pacers, and played for a total of 12 NBA seasons for the Pacers, the Sacramento Kings, and the Phoenix Suns until his retirement from the NBA in 1997.

Though his professional basketball career came to an end at that point, Mr. Tisdale did not, in any sense, slow down. He continued to participate in basketball camps for youngsters. He also became known as a talented jazz musician, releasing his first CD in 1995, which achieved the Number four spot on Billboard's

Contemporary Jazz chart and also gained a spot on the R&B charts. His subsequent albums were also successful, with many earning spots on Billboard's Top 10.

Mr. Tisdale's accomplishments in his life are a reflection of his motivational frame of mind. He was noted and admired for his positive thinking, even after he was diagnosed with bone cancer in 2007. The diagnosis led to surgeries and eventually the amputation of his right leg, but Mr. Tisdale never lost his positive outlook.

Sadly, Mr. Tisdale passed away suddenly on May 15, 2009. Though he has left this world, he will forever be remembered for the optimistic and confident manner in which he led his life and, by example, encouraged us to do the same.

In a press interview in June of 2008, he said "You go through things. You don't change because things come in your life. You get better because things come in your life."

Many people can attest that they are better for having had Mr. Tisdale as a role model and a part of their lives. I rise today and ask my colleagues to join me in honoring Mr. Tisdale and expressing our condolences to his family in his passing by supporting H. Res. 469.

I yield back the balance of my time.

Mr. BOREN. Mr. Speaker, I rise today to honor the life of a fellow Oklahoman, Wayman Tisdale, who tragically passed away on May 15th.

Many people in Oklahoma and across the nation knew Wayman as a college or professional basketball player, or even as an accomplished musician. But he represented much, much more.

Tisdale was a three-time All-American for the University of Oklahoma's basketball program in the 1980s before playing a dozen years in the NBA.

Wayman still holds Oklahoma's career record for both points and rebounds. Tisdale was the first OU athlete in any sport to have his jersey retired. After three years at Oklahoma, Tisdale played in the NBA with the Indiana Pacers, Sacramento Kings and Phoenix Suns.

As a chart-topping musician, Tisdale recorded eight albums. Tisdale's jazz album "Power Forward" reached No. 4 on Billboard's Contemporary Jazz chart, and his album "Way Up" reached No. 1 on Billboard's Top 10.

Aside from his long list of achievements, Tisdale's leadership, character, and grace set a strong example for his family, friends, teammates, fans, and above all else, his fellow Americans.

Mr. Tisdale was an All-American not just in basketball, but in life. With memories of his big smile and his big heart, we send our deepest condolences to Wayman's wife, Regina, and his four children. Wayman will be missed, but never forgotten.

Ms. NORTON. Mr. Speaker, I strongly urge my colleagues to join me in supporting H. Res. 469, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 469.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CELEBRATING BLACK MUSIC MONTH

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 476) celebrating the 30th anniversary of June as "Black Music Month," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. Res. 476

Whereas in 1979, the month of June was proclaimed "Black Music Month" and all people in the United States were encouraged to learn more about the important role that African-American artists have played in shaping history and culture;

Whereas America's rich heritage is influenced by the diversity of its people and the important contributions of Black culture;

Whereas America's cultural story is heavily influenced by the celebration and struggle of Black people through their musical expression;

Whereas many genres of music, such as gospel, jazz, blues, rock and roll, rhythm and blues, and soul that were an integral part of American culture, trace their roots back to the banks of the Mississippi River in cities like Memphis, St. Louis, New Orleans, and other cities like Kansas City and Chicago;

Whereas the amount of musical talent and skill that came from the Mississippi Delta and the myriad of towns in this region is undeniable;

Whereas these genres of music illustrate the complexities of the African-American experience and they give a voice to many social movements and inspiration to countless generations of people in the United States;

Whereas as early as the 1860s, the ragtime artist Scott Joplin broadened the operatic and classical worlds and Black traveling brass bands trekked to Beale Street in Memphis, "Home of the Blues and Birthplace of Rock and Roll", to perform;

Whereas gospel music and its artists like Thomas Dorsey, Lucy Campbell, Dr. Herbert Brewster, Mahalia Jackson, Aretha Franklin, Shirley Caesar, and Kirk Franklin are a special part of the American tradition that spawned future musical genres;

Whereas the mid-20th Century saw the emergence of groundbreaking jazz and blues artists such as W.C. Handy, Bessie Smith, Lena Horne, Charlie Parker, Lionel Hampton, Max Roach, Billie Holiday, Count Basie, Ella Fitzgerald, Nat King Cole, Miles Davis, Etta James, John Coltrane, Charles Mingus, Thelonious Monk, Wynton Marsalis, Louis Armstrong, Professor Longhair, James Booker, the Neville Brothers, Muddy Waters, Albert King and B.B. King;

Whereas conductor and producer Quincy Jones was heavily influenced by the improvisational nature of jazz performed in

Harlem by Sarah Vaughn, Duke Ellington, and Dizzy Gillespie;

Whereas multifaceted Harry Belafonte expanded the African Diaspora's music by introducing calypso to America; Odetta, known as the voice of the Civil Rights Movement, had a powerful musical repertoire; Sammy Davis, Jr. impressed the world as crooner and a renowned entertainer; and Ray Charles, "The Genius", consolidated gospel, country, and blues music to influence rock and roll music and help to create soul music;

Whereas legends like James Brown, Bo Diddley, and Little Richard helped the transition from blues to rock & roll music with ease, Tina Turner riveted sold out audiences domestically and abroad, and Jimi Hendrix created a new musical form;

Whereas Jackie Brentson, Howlin' Wolf, The Staple Singers, Otis Redding, Rufus and Carla Thomas, Al Green, Willie Mitchell, Johnny Taylor, Isaac Hayes, and songwriter David Porter combined to place more than 167 hit songs in the Billboard Top 10 Pop charts and a staggering 243 hits in the Top 100 R&B charts at Sun Studios, Hi Records, and Stax Records in Memphis;

Whereas Stax, dubbed "Soulsville USA", had a revolutionary sound that earned eight Grammys and an Oscar;

Whereas the Motown empire attracted creative individuals such as Smokey Robinson, The Four Tops, Holland Dozier Holland, Martha Reeves, The Temptations, The Supremes, Marvin Gaye, The Jacksons, and Stevie Wonder to Detroit;

Whereas Hitsville USA produced an astonishing amount of Top 100 hits that spanned over three decades and by the 1970s was the largest independent record company in the world;

Whereas by the 1970s and 80s, new genres of music emerged in the form of funk, rhythm and blues, hip hop, and rap in cities across the country including Los Angeles, Philadelphia, New York City, and Atlanta;

Whereas African-American music illustrates exceptional musicianship;

Whereas African-American composers, writers, singers, instrumentalists, and producers are at the top of many charts and in the Gospel Music Hall of Fame, the Blues Hall of Fame, and the Rock and Roll Hall of Fame;

Whereas African-American music embodies an original expression of the human experience by entertaining, inspiring, and stirring countless people in the United States and around the world; and

Whereas June 2009 marks the 30th anniversary of "Black Music Month": Now, therefore, be it

Resolved, That the House of Representatives celebrates the goals and ideals of "Black Music Month".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I present H. Res. 476 for consideration. This resolution expresses our support for the goals and the ideals of Black Music Month.

H. Res. 476 was introduced by my colleague, Representative STEVE COHEN of Tennessee, on May 21, 2009, and reported out of the Oversight Committee by unanimous consent on June 18, 2009. Additionally, this resolution enjoys the support of nearly 70 Members, of which I am included.

Mr. Speaker, as we celebrated Black Music Month this past June, I thought of the impact African American music has had on American culture. Both socially and artistically, Black music is one of the most interesting trends in American history. African American music finds its roots in the slave culture of the rural South of the United States. Blues and gospel music comes from the plantation songs of slaves. As Blacks moved north into cities such as Memphis and St. Louis, Chicago and Detroit in the early parts of the 20th century, the music transitioned and became urbanized. Blues became jazz and combined with gospel music to form soul.

It was not until the post-World War II era that mainstream America began to feel the effects of Black music when musical geniuses such as Robert Johnson, Muddy Waters, Louis Jordan, B.B. King, Chuck Berry, Bo Diddley, Little Richard and countless others began to play on the radio.

In the 1960s, soul music and rhythm and blues crossed over Black music further into the mainstream. Black music legends such as James Brown and Berry Gordy's Detroit Motown machine and Jimi Hendrix let the world know that Black music was a force to be reckoned with.

As Black music moved into the 1970s and 1980s, it took new forms. Disco, rap, and a new form of rhythm and blues would produce modern-era musical geniuses, such as the greatest entertainer of all time who just recently passed, Michael Jackson. Other musical greats, like George Clinton; Prince; and Kurtis Blow; Earth, Wind & Fire; and a host of others also helped Black music grow to phenomenal levels.

So what is the impact of Black music? The impact of Black music most notably is it told mainstream America that it is okay to express your feelings and your emotions as you see them. Black music informed America what was going on in African American communities, and it broke barriers that allowed Black people to further integrate into American society.

So, Mr. Speaker, I want to urge all of my colleagues to support the 30th anniversary of Black Music Month.

I reserve the remainder of my time.

Mr. WESTMORELAND. Mr. Speaker, I yield myself as much time as I may consume.

American music reflects the culturally diverse heritage of the United States. It is almost impossible to envision American music without recognizing the influence and contributions from African Americans. The roots of Black music can be traced to the Mississippi Delta and cities such as New Orleans, Chicago, and Kansas City. The great State of Georgia has offered music greats such as Ray Charles, Otis Redding, Gladys Knight, and James Brown, among many others. They have illustrated the personal experiences through their music, thus inspiring millions of fans and countless generations of Americans.

I ask my colleagues to join me in support of this resolution celebrating the 30th anniversary of June as Black Music Month.

I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, we will yield as much time as he needs to our distinguished Member from Tennessee, Representative STEVE COHEN.

Mr. COHEN. Mr. Speaker, I would like to thank the distinguished Representative from California (Ms. WATSON) for the time.

H. Res. 476 celebrates the 30th anniversary of Black Music Month. It was first introduced by President Jimmy Carter, and President Carter recognized the influence—I guess, the Waldons kind of helped President Carter get going in Georgia, in Macon, Georgia, and of course that was James Brown, and there were a whole lot of folks there that Jimmy Carter was impressed with and the Allman Brothers, too, but he certainly was a James Brown guy in Georgia.

□ 1345

I was at an event this weekend, Mr. Speaker, in Memphis at Anthony F. Elmore's home honoring African culture, and there was a gentleman who played the drums at the beginning of the presentation. And after he finished he made a comment. He said, Without Africa, there would not be a beat. There wouldn't be a beat.

And I thought about that and I thought about this resolution and realized that he was correct. The beat's what it's about, a lot of folks believe. It's what makes music what it is or rock and roll or blues or jazz. A lot of times, I mean it's lyrics and so many things, but the beat's what it is, and that's what's unique about this contribution to music is the beat.

It came from the Mississippi River. It came from the Delta. Memphis is the home of the blues and the birthplace of rock and roll. It's my hometown, and St. Louis had the blues, too. W.C. Handy was from Memphis and a great innovator, and he spent time in both Memphis and in St. Louis. And then if you spin off a little bit to Kansas City, Charlie Parker, who was really the father of bebop and jazz, and Kansas

City, where they've got a jazz museum, and he got a special kind of music going and went to New York with Dizzy Gillespie and Max Roach and some other jazz greats and brought a jazz form that I guess had its roots not only in Kansas City, but also in New Orleans with Louis Armstrong and James Booker, who was such a great keyboard performer and gave birth to folks like Professor Longhair that tickled the ivories in a special manner that's the New Orleans style. It's really a gumbo of music that comes out of New Orleans with the Neville Brothers, the Marsalis family and Louis Armstrong, who did such a special music out of New Orleans.

It all emanated from the Delta, and it came from—whether it be gospel, as Ms. WATSON commented, or blues, it evolved and brought about a new art form.

In Memphis, we had Stax Records, where Otis Redding from Georgia came to record his music. Isaac Hayes, my good friend and who was a chief in Ghana and passed just about a year ago this month, produced Shaft, and he took a special experience to Los Angeles with the Watts Music Festival. And Isaac Hayes was performance art and just beyond music. He was a unique individual who took a certain style and a certain music. Isaac never knew how to read music but he knew how to write it and produce it, and he was a genuine American, unique musician and hero.

Isaac Hayes came out of Memphis, the Bar-Kays and so many people out of Stax Records. There was also Hi Records in Memphis where Willie Mitchell produced Al Green. And Memphis is very proud of its musical heritage, which is preserved in the Stax Soulful Music where the Stax Records were on McLemore, and at the same time there was Motown in Detroit with Stevie Wonder and Martha Reeves and the Vandellas and the Supremes and on and on and on.

Memphis and Detroit both are very proud of our musical traditions and histories, and we support those; Memphis in particular, where Elvis Presley was a transformative individual that took an African American musical heritage and combined it with some Tennessee country or rockabilly and produced rock and roll. And he, like Michael Jackson, were crossover figures that had a major influence on American society because they told youth that race wasn't an issue. The music got beyond race.

America has had a problem over its history with race, and one thing Elvis Presley did is it told a lot of young white people that it was cool to shake your leg and to like music and to show some emotion and expression. And Michael Jackson showed a lot of people

that what he produced was fine in different cultures, and it wasn't necessarily one race that liked that particular music or another and was a transformative effect.

The reason we celebrate Black Music Month is because of the tremendous contributions that this country has received from musicians that are African American. And whether it's jazz, whether it's blues, whether it's gospel with Mahalia Jackson and Aretha Franklin and other people from the pulpit, or whether it's other forms where Nat King Cole or Sammy Davis or Lena Horne made such an impression or Marian Anderson, it's a particularly special place and it's allowed, I think, a transcendent voice for a civil rights movement.

Harry Belafonte did calypso, a different type of music, but Harry Belafonte was strong in the civil rights movement and helping move this country forward. And I think there was a lot of African American music that helped make the civil rights movement happen and make people understand, by identifying with performers in music in ways they otherwise could not identify with African Americans because of our segregated society, about how wrong it was that segregation existed and allow an opportunity for people to see that from a more personal, visceral level, and to make this country change and become the more perfect union that it needs to become and to live up to the ideals that our Founding Fathers had about a society where all men were created equal, which really wasn't true for so many years.

I think music has had a great influence, and black music has had an influence on our country that is special, and the reason we honor Black Music Month is we remember those ideals and remember these people that were creative in our society over the years. Some young people don't know about jazz. They don't know about a Lionel Hampton and what he could do with a xylophone or some of the other great performers, and we need to know that history and revere it.

I had a dear friend named Warren Zevon who died in 2003. He was a folk singer, a rock and roller, but he knew he was going to die. And when he was close to death, he talked with a man named Jorge Calderon who cowrote with him, and they were talking about dying. And he said to him, he said, Warren, it's not bad. He said, You will get to see Miles. And here was rock and roll folk singers, and what were they talking about was Miles Davis because he transcended music and race. Miles Davis, he was something special, and there were so many performers like that.

And that's the reason why it's important that we recognize that heritage and that history, what it's meant to America, not just in entertainment but

in social change, and that's why I'm proud to join the 70 cosponsors and to speak in behalf of this resolution and ask that we pass H. Res. 476, that we encourage schools and teachers to teach the arts, to teach music and to teach this heritage so that people understand how music can really move a country and a society forward.

Mr. WESTMORELAND. Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I would be remiss if I did not mention the contributions of Michael Jackson, whose passing on June 25, 2009, coincided with the June celebration of Black Music Month. Through his innovation in the field of music, music video and dance, and subsequent global crossover appeal, Mr. Jackson paved the way for generations of African American musicians and left an indelible mark on the music industry, created a new genre and a new popular culture.

Mr. BISHOP of Georgia. Mr. Speaker, I rise in support of H. Res. 476, which celebrates the thirtieth anniversary of Black Music Month.

Music has long been intertwined with the Black experience, especially in the United States. Its roots stretch back to the rhythms of Africa which were first brought to the shores of America by our enslaved ancestors hundreds of years ago.

Black music also provided the soundtrack to freedom and the Civil Rights Movement. The movement's unofficial anthem, "We Shall Overcome," and other Negro spirituals were sung by civil rights marchers in churches and on the road from Selma to Montgomery.

Today, it is almost impossible to imagine a style of contemporary music that has not been influenced by Black music. Jazz, gospel, rock and roll, rap, hip hop, R&B—all of these styles have become highly influential in the United States and across the globe. African American composers, writers, singers, instrumentalists, and producers also are at the top of many music charts. They have been enshrined in the Gospel Music Hall of Fame, the Blues Hall of Fame, and the Rock and Roll Hall of Fame.

Musicians such as Elvis Presley, the Rolling Stones, and the Beatles were inspired by African American artists like Sam Cooke, Aretha Franklin, James Brown, Otis Redding, Chuck Berry, Little Richard, Smokey Robinson, and others. These talented musicians also have paved the way for African American artists today because their music is a powerful, multigenerational, and creative force.

I want to commend Representative STEVE COHEN for bringing this resolution to the House floor today. Black music in all of its genres has both served to instill pride in our culture and bring people of all races together to enjoy its powerful rhythms and harmonies. I urge my colleagues to support H. Res. 476 on final passage.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the

rules and agree to the resolution, H. Res. 476, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RESIGNATION AS MEMBER OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Standards of Official Conduct:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 14, 2009.

Hon. NANCY PELOSI,
Speaker of the House, House of Representatives,
U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the Committee on Standards of Official Conduct, effective today.

Sincerely,

JOHN KLINE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

MOTION TO ADJOURN

Mr. BROUN of Georgia. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 22, nays 380, not voting 30, as follows:

[Roll No. 531]

YEAS—22

Bartlett	Flake	Paul
Barton (TX)	Garrett (NJ)	Pence
Blackburn	Gohmert	Price (GA)
Broun (GA)	Hensarling	Souder
Camp	Johnson (IL)	Tiahrt
Campbell	Johnson, Sam	Young (AK)
Chaffetz	King (IA)	
Crenshaw	Olson	

NAYS—380

Abercrombie	Bachus	Bishop (NY)
Ackerman	Baird	Blumenauer
Aderholt	Baldwin	Blunt
Adler (NJ)	Barrow	Bocieri
Akin	Bean	Boehner
Alexander	Becerra	Bonner
Altmire	Berkley	Boozman
Andrews	Berman	Boren
Arcuri	Berry	Boswell
Austria	Biggert	Boustany
Baca	Bilbray	Boyd
Bachmann	Bilirakis	Brady (PA)

Brady (TX) Hall (NY) McCotter Scott (GA) Spratt Walden
 Braley (IA) Hall (TX) McDermott Scott (VA) Stark Walz
 Bright Halvorson McGovern Sensenbrenner Stupak Wamp
 Brown (SC) Hare McHenry Serrano Tanner Wasserman
 Brown, Corrine Harman Sessions Taylor Schultz
 Brown-Waite, Harper McIntyre Shadegg Teague Waters
 Ginny McKeeon Sherman Terry Watson
 Buchanan Hastings (FL) McKeon Shimkus Thompson (CA) Watt
 Burgess Hastings (WA) McMahon Shuler Thompson (MS) Waxman
 Burton (IN) Heller Rodgers Shuster Thompson (PA) Weiner
 Butterfield Herger McNeerney Simpson Thornberry Welch
 Buyer Herseth Sandlin Meek (FL) Sires Tiberi Westmoreland
 Cao Higgins Melancon Skelton Tierney Wexler
 Capito Hill Mica Slaughter Titus Whitfield
 Capps Himes Michaud Smith (NE) Tonko Wilson (OH)
 Capuano Hinchey Miller (FL) Smith (NJ) Tsongas Wilson (SC)
 Cardoza Hinojosa Miller (MI) Smith (TX) Turner Wolf
 Carney Hirono Miller (NC) Smith (WA) Upton Woolsey
 Carson (IN) Hodes Miller, Gary Snyder Velázquez Wu
 Carter Hoekstra Miller, George Space Velázquez Yarmuth
 Cassidy Holden Minnick Speier Visclosky
 Castle Holt Mitchell
 Castor (FL) Honda Mollohan
 Chandler Hoyer Moore (KS) Barrett (SC) Culberson Sarbanes
 Childers Hunter Moore (WI) Bishop (GA) Dingell Schrader
 Clarke Inglis Moran (KS) Bishop (UT) Doyle Sestak
 Cleaver Inslee Moran (VA) Bono Mack Edwards (TX) Shea-Porter
 Clyburn Israel Murphy (CT) Boucher Filner Stearns
 Coble Issa Murphy (NY) Calvert Grijalva Sullivan
 Coffman (CO) Jackson (IL) Murphy, Patrick Cantor Mack Sutton
 Cohen Jackson-Lee Murphy, Tim Carnahan Meeks (NY) Towns
 Cole (TX) Murtha Myrick Clay Oliver Wittman
 Conaway Jenkins Nadler (NY) Conyers Rothman (NJ) Young (FL)
 Connolly (VA) Johnson (GA) Johnson, E. B. Naples
 Cooper Johnson, E. B. Neal (MA)
 Costa Jones Neugebauer
 Costello Jordan (OH) Nunes
 Courtney Kagen Oberstar
 Crowley Kanjorski Obey
 Cuellar Kaptur
 Cummings Kennedy
 Dahlkemper Kildee
 Davis (AL) Kilpatrick (MI) Ortiz
 Davis (CA) Kilroy Pallone
 Davis (IL) Kind Pascrell
 Davis (KY) King (NY) Pastor (AZ)
 Davis (TN) Kingston Paulsen
 Deal (GA) Kirk Payne
 DeFazio Kirkpatrick (AZ) Perlmutter
 DeGette Kissell Perriello
 Delahunt Kissell Peters
 DeLauro Klein (FL) Peterson
 Dent Kline (MN) Petri
 Diaz-Balart, L. Kratochvil Pingree (ME)
 Diaz-Balart, M. Kucinich Pitts
 Dicks Lamborn Platts
 Doggett Lance Poe (TX)
 Donnelly (IN) Langevin Polis (CO)
 Dreier Larsen (WA) Pomeroy
 Driehaus Larson (CT) Posey
 Duncan Latham Price (NC)
 Edwards (MD) LaTourette Putnam
 Ehlers Latta Quigley
 Ellison Lee (CA) Radanovich
 Ellsworth Lee (NY) Rahall
 Emerson Levin Rangel
 Engel Lewis (CA) Rehberg
 Eshoo Lewis (GA) Reichert
 Etheridge Linder Reyes
 Fallin Lipinski Richardson
 Farr LoBiondo Rodriguez
 Fattah Loeb sack Roe (TN)
 Fleming Lofgren, Zoe Rogers (AL)
 Forbes Lowey Rogers (KY)
 Fortenberry Lucas Rogers (MI)
 Foster Luetkemeyer Rohrabacher
 Foxx Lujan Rooney
 Frank (MA) Lummis Ros-Lehtinen
 Franks (AZ) Lungren, Daniel Roskam
 Frelinghuysen E. Ross
 Fudge Lynch Roybal-Allard
 Gallegly Maffei Royce
 Gerlach Maloney Ruppertsberger
 Giffords Manzullo Rush
 Gingrey (GA) Marchant Ryan (OH)
 Gonzalez Markey (CO) Ryan (WI)
 Goodlatte Markey (MA) Salazar
 Gordon (TN) Marshall Sanchez, Linda
 Granger Massa T.
 Graves Matheson Sanchez, Loretta
 Grayson Matsui Scalise
 Green, Al McCarthy (CA) Schakowsky
 Green, Gene McCarthy (NY) Schauer
 Griffith McCaul Schiff
 Guthrie McClintock Schmidt
 Gutierrez McCollum Schock
 Schwartz

NOT VOTING—30

Barrett (SC) Culberson Sarbanes
 Bishop (GA) Dingell Schrader
 Bishop (UT) Doyle Sestak
 Bono Mack Edwards (TX) Shea-Porter
 Boucher Filner Stearns
 Calvert Grijalva Sullivan
 Cantor Mack Sutton
 Carnahan Meeks (NY) Towns
 Clay Oliver Wittman
 Conyers Rothman (NJ) Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BLUMENAUER) (during the vote). There are 2 minutes remaining on this vote.

□ 1421

Messrs. CAPUANO, MELANCON and MORAN of Virginia and Ms. SPEIER changed their vote from “yea” to “nay.”

Mr. FLAKE changed his vote from “nay” to “yea.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 531, I was unable to vote, as I was in New York to receive an award from the National Association for the Advancement of Colored People (NAACP). Had I been present, I would have voted “nay.”

Mr. STEARNS. Mr. Speaker, on rollcall No. 531, I was unavoidably detained. Had I been present, I would have voted “no.”

PORT CHICAGO NAVAL MAGAZINE NATIONAL MEMORIAL ENHANCEMENT ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1044) to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Port Chicago Naval Magazine National Memorial Enhancement Act of 2009”.

SEC. 2. TRANSFER OF ADMINISTRATIVE JURISDICTION, PORT CHICAGO NAVAL MAGAZINE, CALIFORNIA.

(a) TRANSFER REQUIRED; ADMINISTRATION.—Section 203 of the Port Chicago National Memorial Act of 1992 (Public Law 102-562; 16 U.S.C. 431; 106 Stat. 4235) is amended by striking subsection (c) and inserting the following new subsections:

“(c) ADMINISTRATION.—The Secretary of the Interior shall administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.). Land transferred to the administrative jurisdiction of the Secretary of the Interior under subsection (d) shall be administered in accordance with this subsection.

“(d) TRANSFER OF LAND.—The Secretary of Defense shall transfer a parcel of land, consisting of approximately 5 acres, depicted within the proposed boundary on the map titled ‘Port Chicago Naval Magazine National Memorial, Proposed Boundary’, numbered 018/80.001, and dated August 2005, to the administrative jurisdiction of the Secretary of the Interior if the Secretary of Defense determines that—

“(1) the land is excess to military needs; and

“(2) all environmental remediation actions necessary to respond to environmental contamination related to the land have been completed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and other applicable laws.

“(e) PUBLIC ACCESS.—The Secretary of the Interior shall enter into an agreement with the Secretary of Defense to provide as much public access as possible to the Port Chicago Naval Magazine National Memorial without interfering with military needs. This subsection shall no longer apply if, at some point in the future, the National Memorial ceases to be an enclave within the Concord Naval Weapons Station.

“(f) AGREEMENT WITH CITY OF CONCORD AND EAST BAY REGIONAL PARK DISTRICT.—The Secretary of the Interior is authorized to enter into an agreement with the City of Concord, California, and the East Bay Regional Park District, to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the National Memorial.”.

(b) SENSE OF CONGRESS ON REMEDIATION AND REPAIR OF NATIONAL MEMORIAL.—

(1) REMEDIATION.—It is the sense of Congress that, in order to facilitate the land transfer described in subsection (d) of section 203 of the Port Chicago National Memorial Act of 1992, as added by subsection (a), the Secretary of Defense should remediate remaining environmental contamination related to the land.

(2) REPAIR.—It is the sense of Congress that, in order to preserve the Port Chicago Naval Magazine National Memorial for future generations, the Secretary of Defense and the Secretary of the Interior should work together to develop a process by which future repairs and necessary modifications to the National Memorial can be achieved in as timely and cost-effective a manner as possible.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 1044 provides that the Port Chicago Naval Magazine National Memorial be managed as a unit of the National Park System. Currently the area is managed as an affiliated site by the National Park Service.

On July 17, 1944, 320 men were killed in an explosion at the Port Chicago Navy ammunition loading base in the San Francisco Bay area. This was the largest homeland disaster during World War II.

Of the dead, 202 were African American enlisted men who were assigned to moving ammunition, a highly dangerous job for which they had not received adequate training. Fearful of another explosion, 258 of their surviving fellow sailors refused to work without more training. In response, the Navy charged 50 men with mutiny, and all were convicted.

The public outrage over the unjust convictions was a key factor in the Navy's 1946 decision to end race-based assignments and President Truman's 1948 order to integrate all of the Armed Forces.

In 1992, Congress designated the Port Chicago Naval Magazine National Memorial. The pending measure furthers that commitment by providing that the Port Chicago Naval Magazine National Memorial be managed as a unit of the National Park System, a change that acknowledges the actual role the NPS is playing on the ground in maintaining and interpreting the memorial.

The sponsor of this measure, Education and Labor Committee Chairman GEORGE MILLER, has worked tirelessly with the Army and the Navy, as well as the National Park Service, to move this legislation forward. Chairman MILLER is to be commended for his hard work on this bill.

I support H.R. 1044 and urge its adoption by the House today.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support H.R. 1044, but I do regret that sadly so many of the men who are being memorialized by this legislation are not alive to witness this action today. Time has robbed us of many who survived the explosion. We should all be thankful that the Almighty blessed us with men like those who sacrificed in so many ways at the Port Chicago magazine.

Mr. Speaker, I support this legislation.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I submit for the RECORD the following exchange of letters between the Committee on Natural Resources and the Committee on Armed Services concerning H.R. 1044.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, June 22, 2009.

Hon. NICK J. RAHALL II,
Chairman, Committee on Natural Resources,
Washington, DC.

DEAR NICK: On February 12, 2009, H.R. 1044 was introduced and referred to the Committee on Armed Services for a period to be subsequently determined by the Speaker, for consideration of such provisions as fall within the jurisdiction of the Committee.

Our Committee recognizes the importance of H.R. 1044 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.R. 1044. I do so with the understanding that by waiving further consideration of the bill, the Committee does not waive any future jurisdictional claims over similar measures. In the event of a conference with the Senate on this bill, the Committee on Armed Services reserves the right to seek the appointment of conferees.

I would appreciate the inclusion of this letter and a copy of your response in the CONGRESSIONAL RECORD during consideration of the measure on the House floor.

Very truly yours,

IKE SKELTON,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
Washington, DC, June 23, 2009.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services,
Washington, DC.

DEAR IKE: Thank you for your willingness to expedite floor consideration of H.R. 1044, a bill to provide for the administration of the Port Chicago Naval Magazine National Memorial as a unit of the National Park System.

I appreciate your willingness to waive rights to further consideration of H.R. 1044, even though your Committee has a jurisdictional interest in the matter and has received an additional referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Armed Services if a conference is held on this matter.

This exchange of letters will be inserted in the Congressional Record as part of the consideration of H.R. 1044 on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am
Sincerely,

NICK J. RAHALL II,
Chairman, Committee on Natural Resources.

At this time, Mr. Speaker, I would like to introduce the gentleman from California, the sponsor of this legislation, Mr. MILLER, to take as much time as he may consume.

Mr. GEORGE MILLER of California. I thank the gentlewoman and chair of the subcommittee for yielding me this time and for bringing this bill to the floor at this time.

I rise in strong support of the Port Chicago Naval Magazine National Memorial Enhancement Act of 2009.

It is fitting that we are taking up this legislation today, as this week marks the 65th anniversary of the munitions explosion at the Port Chicago Naval Magazine facility in California, a disaster that killed more than 300 people and wounded hundreds more. Port Chicago was the site of the worst home front disaster of World War II, and it was a turning point in American history.

When sailors were ordered to resume work a few weeks, or even sooner, after the deadly explosion, white sailors were given time off to grieve and to deal with the aftermath of the explosion. Black sailors were ordered to go back to work immediately, and most of them refused to return to work to their dangerous assignments until such time as supervision, training, and working conditions could be improved and they could be told why that explosion took place.

In response, the Navy charged 50 men with conspiring to mutiny. All were convicted. The majority of the men killed at Port Chicago and all those convicted of mutiny were African Americans.

The injustice and the legal battles that followed strongly influenced the Navy's move toward desegregation in 1945, and President Truman's 1948 executive order desegregating the Armed Forces and guaranteeing "equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin."

When this bill becomes law, the National Park Service will be able to budget for the memorial's needs, and an interpretive center authorized here will allow veterans, students, and other visitors to learn about Port Chicago even if they can't access the site all of the time, which is located currently within the Concord Naval Weapons Station.

This legislation was approved by the House last year as part of the National Defense Authorization Act earlier this year, and I want to thank the Committees on Natural Resources and Armed Services for helping to expedite its consideration again today.

In particular, I want to recognize Chairwoman MADELEINE BORDALLO for managing this legislation here today; Chairman RAHALL of the Natural Resources Committee for its timely consideration and presentation to the floor; DOC HASTINGS, ranking member of the Natural Resources Committee; Chairman RAÚL GRIJALVA of the National Parks, Forests, and Public

Lands Subcommittee, ROB BISHOP, ranking member of that subcommittee; Chairman IKE SKELTON of the Armed Services Committee; JOHN McHUGH, former member of Armed Services; and BUCK McKEON, who now holds that position on the Armed Services Committee.

I also want to thank the staff for the two committees, including Leslie Duncan, David Watkins, and David Sienicki, and Ben Miller, my legislative director.

I urge all my colleagues to support H.R. 1044.

Again, I would like to thank the gentlewoman for yielding me this time.

□ 1430

Mr. HASTINGS of Washington. I have no more speakers on my side, and if the gentlelady is the last speaker on that side, I yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I rise today in strong support of H.R. 1044—The Port Chicago Naval Magazine National Memorial Enhancement Act of 2009. I would like to thank my colleague from California, Congressman GEORGE MILLER, for offering this resolution and for his lengthy and dedicated work to ensure that history records the real story of the bravery and heroism of those injured and killed at Port Chicago on July 17, 1944.

On that day, 320 sailors and civilians were killed when munitions caches being loaded onto ships at Port Chicago, California, accidentally detonated. In addition, 390 sailors and civilians were injured in the explosion. The vast majority of the dead and injured were enlisted African Americans serving our country during World War II.

Following the accident, when servicemen protested the dangerous process of loading munitions and the apparent lack of interest or will to remedy the process, the men were court-martialed for being "mutinous" and sentenced to prison terms. The group came to be known as "The Port Chicago 50."

This accident happened during a time when segregation in all aspects of American life still raged in our country. Even men who put their lives on the line for our country were not spared from the effects of racism. Not surprisingly, both the ensuing reparations for family members and the shameful trial of these men were loaded with racial overtones.

The least we can do then is to upgrade the status of the Memorial erected in honor of those killed at Port Chicago to that of a National Park, so that we can direct appropriate Federal funds to repair and maintain the Memorial.

In addition, I hope we can take the additional step of exonerating these men and expunging their criminal records. In the meantime, let's honor the fallen of Port Chicago by supporting H.R. 1044.

I again thank my colleague, Mr. MILLER, for offering this bill.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1044, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NORTHERN MARIANA ISLANDS SUBMERGED LAND CONVEYANCE

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 934) to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF CERTAIN SUBMERGED LANDS TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—The first section of Public Law 93-435 (48 U.S.C. 1705) is amended by inserting "the Commonwealth of the Northern Mariana Islands," after "Guam," each place it appears.

(b) REFERENCES TO DATE OF ENACTMENT.—For the purposes of the amendment made by subsection (a), each reference in Public Law 93-435 (48 U.S.C. 1705) to the "date of enactment" shall be considered to be a reference to the date of the enactment of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I call up for the consideration of the House H.R. 934, which is the first bill introduced by our colleague, the gentleman from the Commonwealth of the Northern Mariana Islands, Mr. KILILI SABLAN. I thank the gentleman for bringing the subject matter of this bill to our attention.

This measure provides equity to the CNMI. It is the only U.S. territory that does not control its submerged lands. The bill before us would simply convey the submerged lands surrounding the Commonwealth of the Northern Mariana Islands extending out to 3 nautical miles to the Government of the CNMI. This is the same treatment of submerged lands afforded to Guam, American Samoa, and the U.S. Virgin Islands.

I would like to thank Mr. SABLAN for introducing this legislation and for making H.R. 934 one of his first legislative priorities as the delegate from the CNMI.

Mr. Speaker, I urge support for this important legislation, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in support of H.R. 934, and I yield myself as much time as I may consume.

Mr. Speaker, under this legislation, the Commonwealth of the Northern Mariana Islands will have parity with other U.S. territories by gaining jurisdiction over its submerged lands out to 3 geographic miles. The other territories were given jurisdiction over submerged lands out to 3 geographic miles in the 1974 Submerged Lands Act. It is time that the Commonwealth is given the same authority, and this legislation provides that.

And with that, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield to the author of the bill and the gentleman from the CNMI, Mr. SABLAN, for as much time as he may consume.

Mr. SABLAN. Mr. Speaker, I want to thank the gentlewoman from Guam, the distinguished chairwoman of our subcommittee, MADELEINE BORDALLO, for her leadership on many matters pertaining to the insular areas and to the Mariana Archipelago islands that we represent here in Congress. I want to especially thank her for her support of H.R. 934.

On February 25, 2005, the people of the Northern Mariana Islands awoke to the news that the Ninth Circuit Court of Appeals had affirmed a lower court ruling stating that the submerged lands and the waters above them surrounding our islands do not belong to us; rather, they are the property of the United States of America. The decision came as a shock.

For at least 3,500 years, the Chamorro and Refaluwasch people have lived on these islands and fished and sailed in the waters around them. Never did we think them not our own, nor did the people of the Northern Mariana Islands ever believe, in entering the Covenant of Political Union with the United States of America, that we were relinquishing our rights and title to the submerged lands and waters surrounding us. These lands and waters have always been an integral part of

our existence, essential to our being and livelihood and to the sense of who we are; yet the Ninth Circuit ruled otherwise.

In doing so, the Court did, however, "recognize the importance of the submerged lands to the culture, history and future of the Northern Mariana Islands," and acknowledged that Congress, if it chose, could remedy the situation and return these lands to the people of the Northern Mariana Islands, and that is what H.R. 934 does.

The bill conveys to the people of the Northern Mariana Islands the submerged lands surrounding our islands and extending 3 geographic miles outward from their coastlines. The measure is supported by the elected leadership of the Commonwealth of the Northern Mariana Islands.

I ask to enter into the RECORD this letter jointly signed by Governor Benigno R. Fitial, Speaker of the House Arnold I. Palacios, and Senate President Pete P. Reyes, in which the three confirmed their support of H.R. 934.

I would also like to add to the RECORD a second letter of support. This is from the Friends of the Monument, an organization that worked for and successfully achieved the designation of large areas of the waters and lands in the Marianas as the Marianas Trench Marine National Monument.

The Monument is one of the largest marine conservation areas in the world, which we share with our neighbor, Guam, 115,000 square miles, and protects the world's deepest ocean, the Marianas Trench, 35,813 feet deep.

It is the understanding of all parties that H.R. 934 gives the Commonwealth of the Northern Mariana Islands the same ownership rights over the submerged land surrounding our islands as are possessed by Guam, the Virgin Islands and American Samoa.

This conveyance includes the three northernmost islands in the Northern Mariana Islands, which constitute the "Island Unit" in the Marianas Trench Marine National Monument by Presidential proclamation on January 6, 2009.

It is also understood that after this bill is enacted into law, the people of the Commonwealth of the Northern Mariana Islands will have the option of exercising full control over the submerged lands surrounding these three islands, or deciding to include those submerged lands within the Monument under comanagement with responsible Federal agencies.

The proclamation committed the Federal Government to providing the Commonwealth with this option, and H.R. 934 expressly provides that it does not amend, repeal or otherwise alter the proclamation and the commitments attached to it.

Mr. Speaker, H.R. 934 is the very first bill that a representative of the people

of the Northern Mariana Islands has ever introduced in the United States Congress.

I ask my colleagues to support the measure. I thank the ranking member, Mr. HASTINGS, also for his support of the measure, and I express my hope that this bill giving back to the people of the Northern Mariana Islands what they always believed to be their own will be the first bill introduced by their own representative that is enacted into law.

COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS
Saipan, MP, July 9, 2009.

Hon. GREGORIO C. SABLÁN,
*CNMI Delegate to the United States,
Washington, DC.*

DEAR CONGRESSMAN SABLÁN: We are jointly writing to inform you that we are completely united in our support for HR 934. We urge you to push for the passage of this legislation in order to give the CNMI control over the first three miles of its submerged lands.

We support this legislation with a certain understanding of the provisions of H.R. 934 that we urge you to include in the Congressional record, namely, that H.R. 934 would provide for the following: H.R. 934 will give the Commonwealth of the Northern Mariana Islands the same ownership rights over the submerged lands surrounding its islands as are possessed by Guam, the Virgin Islands, and American Samoa. This would include the submerged lands around the three northernmost islands in the Commonwealth, which constitute the "Islands Unit" in the Marianas Trench Marine National Monument established by Presidential Proclamation on January 6, 2009. After this bill is enacted into law, the people of the Commonwealth of the Northern Mariana Islands will have the option of exercising full control over the submerged lands surrounding these three islands or deciding to include those submerged lands within the Monument under co-management with the responsible federal agencies. The Proclamation committed the federal government to providing the Commonwealth with this option and H.R. 934 expressly provides that it does not amend, repeal, or otherwise alter the Proclamation.

With this understanding of the contents of H.R. 934, we urge you to support H.R. 934 for the benefit of the people of the CNMI.

Sincerely,

BENIGNO R. FITIAL,
Governor.

PETE P. REYES,
Senate President.

ARNOLD I. PALACIOS,
Speaker of the House.

FRIENDS OF THE MONUMENT,
Saipan, MP, June 23, 2009.

Re Marianas Trench Marine National Monument.

Representative GREG CAMACHO SABLÁN,
*House of Representatives,
Washington, DC.*

HAFA ADAI DELEGATE SABLÁN, This letter is a follow-up to the letter we sent you dated April 17, 2009. In that letter we requested for "the state waters from 0-3 miles surrounding the islands of Uracas, Maug, and Asuncion (to) remain a part of the monument, under the jurisdiction (and ownership) of the Commonwealth and co-managed with the rest of the monument by the Commonwealth and the Departments of Commerce and Interior."

This was our stance before the declaration of the monument and it is our stance today.

Many promises made by the former Council on Environmental Quality Chairman James Connaughton in the lead up to creation of the monument have been kept. The Commonwealth has received untold amounts of positive media exposure. There is a renewed world-wide interest in exploring the depths of the deepest, darkest place on Earth, as evidenced by the recent expedition by Woods Hole Oceanographic Institute to the bottom of Challenger Deep, only the third such expedition in the history of mankind. The Northern Marianas are also now recognized as the home to one of the most iconic, recognizable geological features on the planet, adding to the richness of our culture and heritage. The creation of the monument will have everlasting positive effects on our economy and the health of our marine environment and will help preserve our unique culture. It has also brought the Commonwealth closer to achieving the goals of the Micronesia Challenge, which seeks to effectively conserve 30% of the near shore resources of all the islands in Micronesia. Most importantly, in the span of just a few months our people have become worldwide leaders in ocean conservation. Perhaps you saw the Friends of the Monument on NBC Nightly News during Earth Week?

Sadly, several promises remain unfulfilled. During his visit to the Commonwealth in October 2008, Chairman Connaughton promised the people of the Commonwealth that the designation of the monument would give our people (1) co-management of the monument, (2) a visitors center on Saipan, and (3) control of the submerged lands from 0-3 miles around the 14 islands of the Commonwealth.

We remain committed to fulfilling these promises, starting with the control of the submerged lands around all the islands of the Commonwealth. Just so that we are clear, it is our recommendation that "the state waters from 0-3 miles surrounding the islands of Uracas, Maug, and Asuncion remain a part of the monument, under the jurisdiction (and ownership) of the Commonwealth and co-managed with the rest of the monument by the Commonwealth and the Departments of Commerce and Interior."

Thank you for taking the time to listen to our concerns. Your staff has been very gracious in allowing us time to share our recommendations and concerns for the Marianas Trench Marine National Monument.

And on a final note, on behalf of the entire Friends of the Monument organization, thank you for the recent Congressional Commendation. It is quite an honor to be one of the first organizations in the Northern Mariana Islands to be so recognized by the United States Congress.

Thank you and I look forward to your reply,

IGNACIO V. CABRERA,
Chairman, Friends of the Monument.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I just want to welcome the gentleman from the Northern Marianas to this Chamber, and it's great to have him here. This is something that we have wanted for a long time, to have this territory represented here in the U.S. Congress.

This is a good bill. It's a bill that some of us have worked on for years to ensure that the submerged lands are where they belong, that the ownership

is there, and that the rights that accrue to that attain to the Northern Marianas.

So I just stand in support of this legislation. Again, welcome, the gentleman from the Northern Marianas. We're glad he's here in Congress where he belongs.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time, and reserve the balance of my time.

Mr. HASTINGS of Washington. I have one additional speaker. I yield 3 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. Mr. Speaker, I thank the gentleman, my good friend, Mr. HASTINGS, for yielding some time on this issue, and I greatly appreciate the people of the Mariana Islands wanting to control their own property. And I congratulate them on the introduction of this legislation, and I certainly support it. And I think it's very laudable that we are bringing this forward, and I very much support it.

I think States and territories should control their own property. We have too much Federal control of State property and Federal property, and I am glad to see this legislation. And I congratulate you and my friends on the other side for bringing this forward.

I am also concerned about the submersion though of the American taxpayer in just a sea of debt. We have created more debt in this Congress, this administration has proposed more debt over the next 5 years than has been created by every single Presidency since George Washington all the way through George W. Bush. And the American people are drowning in a sea of debt, and we are creating more and more debt for those people. We are robbing our children and our grandchildren of their future. The American people are going to live at a lower standard than we live today because of the debt that we are creating, and I am very concerned about that.

We have got to stop the spending. It's egregious. It's absolutely outrageous the amount of money that's being spent by this Congress. And we see bill after bill, a nonstimulus bill, an omnibus bill, a Wall Street bailout that our previous administration brought to us and that this Congress and this administration continued and spent the other half.

We have a health care bill that's being introduced just today that is going to create more debt, and it's going to destroy the health care system and put a Washington bureaucrat between patients and their doctor. And Washington bureaucrats are going to be making health care decisions for their patients. And the American people need to stand up and say "no." It's going to overwhelm them, a tremendous sea of debt that's being created by this Congress, and it has to stop.

And, Mr. Speaker, I just hope that the American people will understand

what's going on here and will rise up, call their Congressman, call their two U.S. Senators and say "no" to this health care bill that's being introduced today. "No" to the tax and cap, so-called cap-and-trade bill that's nothing but a revenue bill that's not about the environment. Say "no" to that. "No" to this continued tsunami of spending that's going on here.

We've got a spending addiction here in Congress. I'm an addictionologist. I've practiced addiction medicine in my family practice. In addiction medicine, we say where there is not denial there is not an addiction. Congress has an addiction, a spending addiction, and they are denying it. We are denying it, and the spending has to stop.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time and would inquire of the minority whether they have any additional speakers.

Mr. HASTINGS of Washington. Mr. Speaker, if the gentlewoman is the last speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 934, recognizing the Commonwealth of the Northern Mariana Islands' (CNMIs') ownership of submerged lands lying three geographical miles outside of mainland coastlines.

First and foremost, I want to commend my good friend, Congressman SABLAN of the Commonwealth of the Northern Mariana Islands, for taking the initiative to introduce this important legislation. This bill is an example of the continued efforts by the Congress to support the Territories.

H.R. 934 seeks to officially award the Commonwealth of the Northern Mariana Islands submerged lands that are located three geographical miles outside of mainland coastlines. Submerged lands qualify as lands permanently or periodically covered by tidal waters up to, but not above, the line of high tide. American Samoa, Guam, and the Virgin Islands were granted ownership over our own respective submerged lands by the 93rd session of the Congress, before the Commonwealth of the Northern Mariana Islands became a territory of the United States. The CNMI wishes to be afforded the same opportunities granted to the other territories by having these submerged lands officially recognized as a part of their Territory.

Mr. Speaker, by allowing these submerged lands to be recognized, they will fall under the jurisdiction of the Commonwealth of the Northern Mariana Islands, as opposed to that of the U.S. Seeing as the submerged lands are located so closely to the mainland, having them fall within the jurisdiction of the CNMI will allow for sufficient justice to be served. Commonwealth citizens and officials, instead of officials residing thousands of miles away, will be implementing and enforcing laws that apply to their population.

The U.S. government will still have claim over gas, oil, and other mineral deposits that may be possibly found on these lands. It should be noted that H.R. 934 applies solely to those lands that are submerged; the U.S. government will still have full control and pos-

session of lands above sea level that do not belong to the Commonwealth. Additionally, it does not circumvent any actions that may be taken or regulations that have been put forth by U.S. naval authorities regarding these submerged lands.

It is apparent that H.R. 934 serves to benefit the Commonwealth of the Northern Mariana Islands and will not be detrimental to the United States. For these reasons, I urge my colleagues to pass H.R. 934. Again, I thank my colleagues for their support of this legislation.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 934, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

VALIDATING NEVADA LANDS TRANSFER

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 762) to validate final patent number 27-2005-0081, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINAL PATENT AND LAND RECONFIGURATION IN CLARK COUNTY AND LINCOLN COUNTY, NEVADA.

Patent No. 27-2005-0081 and its associated land reconfiguration issued by the Bureau of Land Management on February 18, 2005, is hereby affirmed and validated as having been issued pursuant to and in compliance with the provisions of the Nevada-Florida Land Exchange Authorization Act of 1988 (Public Law 100-275), the National Environmental Policy Act of 1969, and the Federal Land Policy Management Act of 1976 for the benefit of the desert tortoise and other species and their habitat to increase the likelihood of their recovery. The process utilized by the United States Fish and Wildlife Service and the Bureau of Land Management in reconfiguring the lands as shown on Exhibit 1-4 of the Final Environmental Impact Statement for the Planned Development Project MSHCP, Lincoln County, NV (FWS-R8-ES-2008-N0136) and the reconfiguration provided for in Special Condition 10 of Army Corps of Engineers Permit No. 200125042 are hereby ratified.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

□ 1445

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. I yield myself such time as I may consume.

Mr. Speaker, H.R. 762, introduced by Congressman DEAN HELLER, would validate the final patent to lands in Clark and Lincoln Counties in Nevada. Congresswoman SHELLEY BERKLEY has also worked to advance this bill.

In 2005, the Bureau of Land Management issued a final patent to reconfigure certain leased and patented lands slated for development. This adjustment was intended to provide habitat for the conservation of the endangered desert tortoise.

However, several groups objected to the process that the BLM used to adjust these lands, claiming that it failed to comply with Federal law and that it failed to provide appropriate habitat for the tortoise. The group sued the BLM and the property owners.

In 2007, the parties agreed to settle the lawsuit. H.R. 762 will implement one of several settlement stipulations by validating the final patent to the reconfigured land. All parties to the litigation support this legislation.

In addition to Congressman HELLER, I would like to highly commend Congresswoman SHELLEY BERKLEY for her leadership and tireless efforts in getting this bill to the floor today.

Mr. Speaker, we support H.R. 762, and urge its adoption by the House today.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield myself as much time as I might consume.

Mr. Speaker, I, too, rise in support of H.R. 762. H.R. 762 will validate an existing patent for land in addition to the associated land configurations located in Clark and Lincoln Counties in Nevada. This action best enables the recovery of the threatened desert tortoise and other species and their habitats.

I, too, would like to congratulate Mr. HELLER of Nevada for bringing this issue to our attention and for moving quickly to resolve this on behalf of his constituents.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time, and would inquire of the minority whether they have any additional speakers.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 min-

utes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

Mr. Speaker, I rise today alarmed at the spending that is going on in Washington, D.C. More specifically, I want to talk about the President's ignoring article II, section 2 of the U.S. Constitution that says, when you appoint somebody in a significant role who is part of your administration, you need to have the advice and consent of the U.S. Senate. Irrespective of this, President Obama has named 33 czars outside of the traditional infrastructure of Washington.

Now, in its day, czarist Russia had 18 czars over a 300-year period of time, but here, in a 7-month period of time, President Obama now has 33 czars. I guess his vision is a czarist America. I'm not sure. We have a Great Lakes czar, a regulatory czar, an automobile czar, a Guantanamo closure czar, a TARP czar, a new TARP czar, all kinds of different czars, none of whom have gone in front of the U.S. Senate.

Now, why is going in front of the U.S. Senate important aside from the constitutional requirement?

Well, for one thing, you get an automobile czar who has got some shady business dealings—a 31-year-old who doesn't know a spark plug from a lug nut. Why do you think this person could turn around Detroit? Well, we found out now he's on his way out the door ignominiously. Maybe that embarrassment to the administration could have been prevented had this 31-year-old boy genius auto czar had to sit in front of the Senate as do judicial appointees and cabinet appointees.

I think a lot of people think, well, yeah, the Senate approves Cabinet members, but they also approve deputy under secretaries. Hundreds and even thousands of people have to come before the U.S. Senate for the constitutional requirement. The Constitution can be inconvenient to this administration—I realize that—but again, article II, section 2 says you must seek the advice and consent of the U.S. Senate.

How about the energy czar? The energy czar is a member of some wacko socialist group who believes the way to deal with global warming is for large industrial countries—i.e., the United States of America, and this would be non-czarist America—to shrink their economies in order to offset their emissions. That's the belief of the group that the energy czar belongs to. Wouldn't it be interesting to talk to the energy czar and ask her why she thinks this is a good group to be a member of? What would the socialist group have to offer to the United States of America at this point?

Perhaps the Senate would like to talk to the stimulus accountability czar.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional minute.

Mr. KINGSTON. I thank the gentleman.

The word "accountability" attracts my attention because the stimulus accountability czar spent \$18 million designing a Web page. A show of hands of how many of you want some of that action. Eighteen million dollars to design a Web page? Talk about stimulating the economy. Boy, that was one way to spend our money. Again, the advice and consent of the U.S. Senate, article II, section 2, may have avoided that type of expenditure.

What do these people get paid, Mr. Speaker? \$172,000 a year. Thirty-three people times \$172,000—not to mention the myriad of staffs and entourages that we important people in Washington, D.C., have to go everywhere with. You never see somebody just walking in by him or herself. You always see the entourage that tells the whole world "I am important." Therefore, I get back to the constitutional question:

If you are important, and if you have to have this big staff that costs the taxpayers millions of dollars, why not comply with the U.S. Constitution's article II, section 2: advice and consent of the U.S. Senate?

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time and would inquire of the minority whether they have any additional speakers.

Mr. HASTINGS of Washington. Mr. Speaker, I have no more time or people asking for time. If the gentlewoman is the last speaker on that side, Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge all Members to support this very good bill.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 762.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR SALE OF FEDERAL INTEREST IN SALT LAKE CITY LAND

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1442) to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land

in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909, as amended.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 1442

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF FEDERAL REVERSIONARY INTEREST, MT. OLIVET CEMETERY, SALT LAKE CITY, UTAH.

(a) **CONVEYANCE REQUIRED.**—If, within one year after the completion of the appraisal required by subsection (c), the Mount Olivet Cemetery Association of Salt Lake City, Utah (in this section referred to as the “Association”), submits to the Secretary of the Interior an offer to acquire the Federal reversionary interest in all of the approximately 60 acres of land in Salt Lake City, Utah, conveyed to the Association under the Act of January 23, 1909 (chapter 37, 35 Stat. 589), the Secretary shall convey to the Association such reversionary interest in the lands covered by the offer. The Secretary shall complete the conveyance not later than 30 days after the date of the offer.

(b) **SURVEY.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall complete a survey of the lands described in subsection (a) to determine the precise boundaries and acreage of the lands subject to the Federal reversionary interest.

(c) **APPRAISAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal reversionary interest in the lands identified by the survey in subsection (b). The appraisal shall be completed in accordance with the “Uniform Appraisal Standards for Federal Land Acquisitions” and the “Uniform Standards of Professional Appraisal Practice”.

(d) **CONSIDERATION.**—As consideration for the conveyance of the Federal reversionary interest under subsection (a), the Association shall pay to the Secretary an amount equal to the appraised value of the Federal interest, as determined under subsection (c). The consideration shall be paid not later than 30 days after the date the conveyance is made.

(e) **COSTS OF CONVEYANCE.**—As a condition of the conveyance under subsection (a), all costs associated with the conveyance under subsection (a), including the cost of the survey required by subsection (b) and the appraisal required by subsection (c), shall be paid by the Association.

(f) **DEPOSIT AND USE OF PROCEEDS.**—The Secretary shall deposit the proceeds from the conveyance under subsection (a) in the Federal Land Disposal Account established by section 206 of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305). The proceeds so deposited shall be available to the Secretary for expenditure in accordance with subsection (c) of such section.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the House for its consideration this legislation sponsored by the gentleman from Utah, Representative JIM MATHE-SON.

In 1909, Congress authorized the transfer of 60 acres of Federal land in Salt Lake City, Utah, to the Mount Olivet Cemetery Association for use as a public cemetery. The legislation contained a reversionary clause to the Federal Government if the land were not used for the purpose of a cemetery.

Today, in order to raise revenue to operate the cemetery, the Mount Olivet Cemetery Association hopes to sell 13 undeveloped acres of this parcel to an adjacent school, and it has requested that the Federal Government relinquish its reversionary interest.

This noncontroversial bill, which was favorably reported out of the Natural Resources Committee by unanimous consent, authorizes the conveyance of the reversionary interest to the association in exchange for appropriate consideration based upon a survey and appraisal of the property.

Mr. Speaker, Congressman MATHESON has worked diligently on behalf of this legislation. The administration supports the bill, and I ask my colleagues to support its passage as well.

I reserve the balance of my time.

Mr. BROWN of South Carolina. I yield myself such time as I may consume.

Mr. Speaker, 100 years ago, a parcel of Federal land in Salt Lake City was conveyed to the Mount Olivet Cemetery Association. H.R. 1442 directs the Secretary to accept an offer from the association to purchase certain reversionary interests in 60 of those acres. The bill requires the sale to be accomplished at no cost to the taxpayer and for the appraised value of the rights.

I support the bill because it reduces, although only by 60 acres, excessive Federal land holdings at a time when the Department of Interior is facing a multibillion-dollar maintenance backlog for the lands it already owns.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield to the gentleman from Utah (Mr. MATHESON) such time as he may consume.

Mr. MATHESON. Well, first, I thank my colleague from Guam for recognizing me.

I am pleased to rise in support of this bill. You have heard the description of the bill, and if I could, I will just briefly point out what the repercussions are if we don't move this legislation.

This cemetery is a nonprofit entity. It has been around for about 100 years. It is suffering some financial distress

in terms of its endowment. It has figured and has looked at choices for how it could maintain itself and create greater financial viability. The notion of selling off a piece of the land that's undeveloped will ensure the integrity of the cemetery for the future. If, in fact, this cemetery were to go bankrupt and if this nonprofit couldn't continue to maintain it, the land would revert back to the Federal Government. I do not think the Bureau of Land Management wants to be in the business of owning and operating a cemetery in Salt Lake City, Utah.

So here we have a situation that is based on legislation that occurred 100 years ago, and today, we're making a substantive solution to a problem that has developed since, and there is no harm to the taxpayer. This is a commonsense bill, but I've got to tell you something: while it sounds simple, it wasn't simple, and I really want to commend the Resources Committee staff for being so helpful in working through this issue to find the right way to get it done. It may have passed the committee by unanimous consent, but that does not mean it did not take a lot of work and effort to make the right decision. So I want to thank the committee staff so much. I want to thank Chairman RAHALL and Subcommittee Chairman GRIJALVA.

I encourage the passage of this bill.

Mr. BROWN of South Carolina. Mr. Speaker, I continue to reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time, and would inquire of the minority whether they have any additional speakers.

Mr. BROWN of South Carolina. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1442, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROWN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1500

JOINT VENTURES FOR BIRD HABITAT CONSERVATION ACT OF 2009

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 2188) to authorize the Secretary of the Interior, through the United States Fish and Wildlife Service, to conduct a Joint Venture Program to protect, restore, enhance, and manage migratory bird populations, their habitats, and the ecosystems they rely on, through voluntary actions on public and private lands, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLES.

This Act may be cited as the "Joint Ventures for Bird Habitat Conservation Act of 2009".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) migratory birds are of great ecological and economic value to the Nation, contributing to biological diversity, advancing the well-being of human communities through pollination, seed dispersal, and other ecosystem services, and bringing tremendous enjoyment to the tens of millions of Americans who study, watch, feed, or hunt these birds;

(2) sustainable populations of migratory birds depend on the conservation, protection, restoration, and enhancement of terrestrial, wetland, marine, and other aquatic habitats throughout their ranges in the United States, as well as the rest of North America, the Caribbean, and Central and South America;

(3) birds are good indicators of environmental health and provide early warning of the impacts of environmental change, helping to yield the most out of every dollar invested in conservation;

(4) human and environmental stressors are causing the decline of populations of many migratory bird species, many of them once common, and climate change will exacerbate the impacts of these stressors on migratory bird populations;

(5) the coordination of Federal, State, tribal, and local government natural resource conservation efforts and the formation of partnerships that include a diversity of nongovernmental conservation organizations, private landowners, and other relevant stakeholders is necessary to accomplish the conservation of migratory bird populations, their habitats, and the ecosystem functions they rely on;

(6) hunters, through their purchase of Federal migratory bird hunting stamps and State hunting licenses, have long supported the conservation of migratory birds and their habitats in the United States through the various State and Federal programs that are supported by the fees charged for such purchases;

(7) the Department of the Interior, through the United States Fish and Wildlife Service, is authorized under a number of broad statutes to undertake many activities with partners to conserve natural resources, including migratory birds and their habitat;

(8) through these authorities, the Service has created and supported a number of joint ventures with diverse partners to help protect, manage, enhance, and restore migratory bird habitat throughout much of the United States and to conserve migratory bird species;

(9) the North American Waterfowl Management Plan, adopted by the United States and Canada in 1986, with Mexico joining as a signatory in 1994, was the first truly landscape-level approach to conserving migratory game birds and the wetland habitats on which they depend, and became the foundation for the voluntary formation of Joint Ventures;

(10) since the adoption of the North American Waterfowl Management Plan, joint ventures have expanded their application to all native birds and other wildlife species that depend on wetlands and associated upland habitats, resulting in significant conservation benefits over the last twenty years;

(11) States possess broad trustee and management authority over fish and wildlife resources within their borders, and have utilized their authorities to undertake conservation programs to conserve resident and migratory birds and their habitats;

(12) consistent with applicable Federal and State laws, the Federal Government and the States each have management responsibilities affecting fish and wildlife resources, and should work cooperatively in fulfilling these responsibilities;

(13) other domestic and international conservation projects authorized under the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.) and the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.), and additional bird conservation projects authorized under other Federal authorities, can expand and increase the effectiveness of the joint ventures in protecting and enhancing migratory bird habitats throughout the different ranges of species native to the United States; and

(14) the voluntary partnerships fostered by these joint ventures have served as innovative models for cooperative and effective landscape conservation, with far-reaching benefits to other fish and wildlife populations, and similar joint ventures should be authorized specifically to reinforce the importance and multiple benefits of these models to encourage adaptive resource management and the implementation of flexible conservation strategies in the 21st century.

(b) PURPOSE.—The purpose of this Act is to establish a program administered by the Director, in coordination with other Federal agencies with management authority over fish and wildlife resources and the States, to develop, implement, and support innovative, voluntary, cooperative, and effective conservation strategies and conservation actions to—

(1) promote, primarily, sustainable populations of migratory birds, and, secondarily, the fish and wildlife species associated with their habitats;

(2) encourage stakeholder and government partnerships consistent with the goals of protecting, improving, and restoring habitat;

(3) establish, implement, and improve science-based migratory bird conservation plans and promote and facilitate broader landscape-level conservation of fish and wildlife habitat; and

(4) coordinate related conservation activities of the Service and other Federal agencies to maximize the efficient and effective use of funds appropriated or otherwise made available to support projects and activities to enhance bird populations and other populations of fish and wildlife and their habitats.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONSERVATION ACTION.—The term "conservation action" means activities that—

(A) support the protection, restoration, adaptive management, conservation, or enhancement of migratory bird populations, their terrestrial, wetland, marine, or other habitats, and other wildlife species supported by those habitats, including—

- (i) biological and geospatial planning;
- (ii) landscape and conservation design;
- (iii) habitat protection, enhancement, and restoration;
- (iv) monitoring and tracking;
- (v) applied research; and
- (vi) public outreach and education;

(B) are conducted on lands or waters that—

(i) are administered for the long-term conservation of such lands or waters and the migratory birds thereon, including the marine environment; or

(ii) are not primarily held or managed for conservation but provide habitat value for migratory birds; and

(C) incorporate adaptive management and science-based monitoring, where applicable, to improve outcomes and ensure efficient and effective use of Federal funds.

(2) DIRECTOR.—The term "Director" means the Director of the United States Fish and Wildlife Service.

(3) IMPLEMENTATION PLAN.—The term "Implementation Plan" means an Implementation Plan approved by the Director under section 5.

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) JOINT VENTURE.—The term "Joint Venture" means a self-directed, voluntary partnership, established and conducted in accordance with section 5.

(6) MANAGEMENT BOARD.—The term "Management Board" means a Joint Venture Management Board established in accordance with section 5.

(7) MIGRATORY BIRDS.—The term "migratory birds" means those species included in the list of migratory birds that appears in section 10.13 of title 50, Code of Federal Regulations, under the authority of the Migratory Bird Treaty Act.

(8) PROGRAM.—The term "Program" means the Joint Ventures Program conducted in accordance with this Act.

(9) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(10) SERVICE.—The term "Service" means the United States Fish and Wildlife Service.

(11) STATE.—The term "State" means—

(A) any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) one or more agencies of a State government responsible under State law for managing fish or wildlife resources.

SEC. 4. JOINT VENTURES PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct, through the United States Fish and Wildlife Service, a Joint Ventures Program administered by the Director. The Director, through the Program, shall develop an administrative framework for the approval and establishment and implementation of Joint Ventures, that—

(1) provides financial and technical assistance to support regional migratory bird conservation partnerships;

(2) develops and implements plans to protect and enhance migratory bird populations throughout their range, that are focused on regional landscapes and habitats that support those populations;

(3) complements and supports activities by the Secretary and the Director to fulfill obligations under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.);

(B) the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(C) the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.);

(D) the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(E) the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.); and

(F) the Partners for Fish and Wildlife Act (16 U.S.C. 3771 et seq.); and

(4) support the goals and objectives of—

(A) the North American Waterfowl Management Plan;

(B) the United States Shorebird Conservation Plan;

(C) the North American Waterbird Conservation Plan;

(D) the Partners in Flight North American Landbird Conservation Plan; and

(E) other treaties, conventions, agreements, or strategies entered into by the United States and implemented by the Secretary that promote the conservation of migratory bird populations and their habitats.

(b) **GUIDELINES.**—Within 180 days after the date of enactment of this Act the Secretary, through the Director, shall publish in the Federal Register guidelines for the implementation of this Act, including regarding requirements for approval of proposed Joint Ventures and administration, oversight, coordination among, and evaluation of approved Joint Ventures.

(c) **COORDINATION WITH STATES.**—In the administration of the program authorized under this section, the Director shall coordinate and cooperate with the States to fulfill the purposes of this Act.

SEC. 5. JOINT VENTURE ESTABLISHMENT AND ADMINISTRATION.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Director, through the Program, may enter into an agreement with eligible partners described in paragraph (2) to establish a Joint Venture to fulfill one or more of the purposes set forth in paragraphs (1) through (3) of section 2(b).

(2) **ELIGIBLE PARTNERS.**—The eligible partners referred to in paragraph (1) are the following:

(A) Federal and State agencies with jurisdiction over migratory bird resources, their habitats, or that implement program activities that affect migratory bird habitats or the ecosystems they rely on.

(B) Affected regional, local, and tribal governments, private landowners, land managers, and other private stakeholders.

(C) Nongovernmental organizations with expertise in bird conservation or fish and wildlife conservation or natural resource and landscape management generally.

(D) Other relevant stakeholders.

(b) **MANAGEMENT BOARD.**—

(1) **IN GENERAL.**—An agreement under this section for a Joint Venture shall establish a Management Board in accordance with this subsection.

(2) **MEMBERSHIP.**—The Management Board shall include a diversity of members representing stakeholder interests from the appropriate geographic region, including, as appropriate, representatives from the Service and other Federal agencies that have management authority over fish and wildlife resources on public lands or in the marine environment, or that implement programs that affect migratory bird habitats, and representatives from the States, and may include—

(A) regional governments and Indian tribes;

(B) academia or the scientific community;

(C) nongovernmental landowners or land managers;

(D) nonprofit conservation or other relevant organizations with expertise in migratory bird conservation, or in fish and wildlife conservation generally; and

(E) private organizations with a dedicated interest in conserving migratory birds and their habitats.

(3) **FUNCTIONS AND RESPONSIBILITIES.**—

(A) **ORGANIZATION AND OPERATIONS PLAN.**—A Management Board, in accordance with the guidelines published by the Director under section 4 and in coordination with the Director, shall develop, publish, and comply with a plan that specifies the organizational structure of the Joint Venture and prescribes its operational practices and procedures.

(B) **ADMINISTRATION.**—Subject to applicable Federal and State law, the Management Board shall manage the personnel and operations of the Joint Venture, including—

(i) by appointing a coordinator for the Joint Venture in consultation with the Director, to manage the daily and long-term operations of the Joint Venture;

(ii) approval of other full- or part-time administrative and technical non-Federal employees as the Management Board determines necessary to perform the functions of the Joint Venture, meet objectives specified in the Implementation Plan, and fulfill the purpose of this Act; and

(iii) establishment of committees, steering groups, focus groups, geographic or taxonomic groups, or other organizational entities to assist in implementing the relevant Implementation Plan.

(4) **USE OF SERVICE AND FEDERAL AGENCY EMPLOYEES.**—Subject to the availability of appropriations and upon the request from a Management Board, and after consultation with and approval of the Director, the head of any Federal agency may detail to the Management Board, on a reimbursable or nonreimbursable basis, any agency personnel to assist the Joint Venture in performing its functions under this Act.

(c) **IMPLEMENTATION PLAN.**—

(1) **SUBMISSION OF PLAN TO DIRECTOR.**—Before the Director enters into an agreement to establish a Joint Venture under subsection (a), the Management Board for the Joint Venture shall submit to the Director a proposed Implementation Plan that shall contain, at a minimum, the following elements:

(A) A strategic framework for migratory bird conservation that includes biological planning; conservation design; habitat restoration, protection, and enhancement; applied research; and monitoring and evaluation activities.

(B) Provisions for effective communication among member participants within the Joint Venture.

(C) A long-term strategy to conduct public outreach and education regarding the purposes and activities of the Joint Venture and activities to regularly communicate to the general public information generated by the Joint Venture.

(D) Coordination with laws and conservation plans referred to in section 4(a)(3) and (4) that are relevant to migratory birds, and other relevant regional, national, or international initiatives identified by the Director to conserve migratory birds, their habitats, ecological functions, and associated populations of fish and wildlife.

(E) An organizational plan that—

(i) identifies the initial membership of the Management Board and establishes procedures for updating the membership of the Management Board as appropriate;

(ii) describes the organizational structure of the Joint Venture, including proposed committees and subcommittees, and procedures for revising and updating the structure, as necessary; and

(iii) provides a strategy to increase stakeholder participation or membership in the Joint Venture.

(F) Procedures to coordinate the development, implementation, oversight, monitoring, tracking, and reporting of conservation actions approved by the Management Board and an evaluation process to determine overall effectiveness of activities undertaken by the Joint Venture.

(G) A strategy to encourage the contribution of non-Federal financial resources, donations, gifts and in-kind contributions to support the objectives of the Joint Venture and fulfillment of the Implementation Plan.

(2) **REVIEW.**—The Director shall—

(A) coordinate the review of a proposed Implementation Plan submitted under this section; and

(B) ensure that such plan is circulated for review for a period not to exceed 90 days, to—

(i) bureaus within the Service and other appropriate bureaus or agencies within the Department of the Interior;

(ii) appropriate regional migratory bird Flyway Councils;

(iii) national and international boards that oversee bird conservation initiatives under the plans specified in section 4(a)(4);

(iv) relevant State agencies, regional governmental entities, and Indian tribes;

(v) nongovernmental conservation organizations, academic institutions, or other stakeholders engaged in existing Joint Ventures that have knowledge or expertise of the geographic or ecological scope of the Joint Venture; and

(vi) other relevant stakeholders considered necessary by the Director to ensure a comprehensive review of the proposed Implementation Plan.

(3) **APPROVAL.**—The Director shall approve an Implementation Plan submitted by the Management Board for a Joint Venture if the Director finds that—

(A) the plan provides for implementation of conservation actions to conserve waterfowl and other native migratory birds and their habitats and ecosystems either—

(i) in a specific geographic area of the United States; or

(ii) across the range of a specific species or similar group of like species;

(B) the members of the Joint Venture—

(i) accept the responsibility for implementation of national or international bird conservation plans in the region of the United States to which the plan applies; and

(ii) have demonstrated to the satisfaction of the Director the capacity to implement conservation actions identified in the plan, including (I) the design, funding, monitoring, and tracking of conservation projects that advance the objectives of the Joint Venture; and (II) reporting and conduct of public outreach regarding such projects; and

(C) the plan maximizes, to the extent practicable, coordination with other relevant and active conservation plans or programs within the geographic scope of the Joint Venture to conserve, protect, recover, or restore migratory bird habitats and other fish and wildlife habitat within the operating region of the Joint Venture.

SEC. 6. GRANTS AND OTHER ASSISTANCE.

(a) **IN GENERAL.**—Except as provided in subsection (b), and subject to the availability of appropriations, the Director may award grants of financial assistance to implement a Joint Venture through—

(1) support of the activities of the Management Board of the Joint Venture and to pay for necessary administrative costs and services, personnel, and meetings, travel, and other business activities; and

(2) support for specific conservation actions and other activities necessary to carry out the Implementation Plan.

(b) **LIMITATION.**—A Joint Venture is not eligible for assistance or support authorized in this section unless the Joint Venture is operating under an Implementation Plan approved by the Director under section 5.

(c) **CONSERVATION ACTION GRANT CRITERIA.**—The Secretary, through the Director, within 180 days after date of enactment of this Act and after consultation with representatives from Management Boards and equivalent entities of joint ventures referred to in section 8, shall publish guidelines for determining funding allocations among joint ventures and priorities for funding among conservation action proposals to meet the purpose of this Act and respective Implementation Plans.

(d) **MATCHING REQUIREMENTS.**—If a Management Board determines that two or more proposed conservation actions are of equal value toward fulfillment of the relevant Implementation Plan, priority shall be given to the action or actions for which there exist non-Federal matching contributions that are equal to or exceed the amount of Federal funds available for such action or actions.

(e) **TECHNICAL ASSISTANCE.**—The Secretary, through the Director, may provide technical and administrative assistance for implementation of Joint Ventures and the expenditure of financial assistance under this subsection.

(f) **ACCEPTANCE AND USE OF DONATIONS.**—The Secretary, through the Director, may accept and use donations of funds, gifts, and in-kind contributions to provide assistance under this section.

SEC. 7. REPORTING REQUIREMENTS.

(a) **ANNUAL REPORTS BY MANAGEMENT BOARDS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director, shall—

(A) require each Management Board to submit annual reports for all approved Joint Ventures of the Management Board; and

(B) publish within 180 days after the date of enactment of this Act guidelines to implement this subsection.

(2) **CONTENTS.**—Each annual report shall include—

(A) a description and justification of all conservation actions approved and implemented by the Management Board during the period covered by the report;

(B) when appropriate based upon the goals and objectives of an Implementation Plan, an estimate of the total number of acres of migratory bird habitat either restored, protected, or enhanced as a result of such conservation actions;

(C) the amounts and sources of Federal and non-Federal funding for such conservation actions;

(D) the amounts and sources of funds expended for administrative and other expenses of the Joint Venture of the Management Board, including all donations, gifts, and in-kind contributions provided for the Joint Venture;

(E) the status of progress made in achieving the strategic framework of the Implementation Plan of such Joint Venture and fulfillment of the purpose of this Act; and

(F) other elements considered necessary by the Director to insure transparency and accountability by Management Boards in the implementation of its responsibilities under this Act.

(b) **JOINT VENTURE PROGRAM FIVE-YEAR REVIEWS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director, shall at five years after the date of enactment of this Act and at five-year intervals thereafter, complete an objective and comprehensive review and evaluation of the Program.

(2) **REVIEW CONTENTS.**—Each review under this subsection shall include—

(A) an evaluation of the effectiveness of the Program in meeting the purpose of this Act specified in section 2(b);

(B) an evaluation of all approved Implementation Plans, especially the effectiveness of existing conservation strategies, priorities, and methods to meet the objectives of such plans and fulfill the purpose of this Act; and

(C) recommendations to revise the Program or to amend or otherwise revise Implementation Plans to ensure that activities undertaken pursuant to this Act address the effects of climate change on migratory bird populations and their habitats, and fish and wildlife habitats, in general.

(3) **CONSULTATION.**—The Secretary, acting through the Director, in the implementation of this subsection—

(A) shall consult with other appropriate Federal agencies with responsibility for the conservation or management of fish and wildlife habitat and appropriate State agencies; and

(B) may consult with appropriate, Indian tribes, Flyway Councils, or regional conservation organizations, public and private landowners, members of academia and the scientific community, and other nonprofit conservation or private stakeholders.

(4) **PUBLIC COMMENT.**—The Secretary, through the Director, shall provide for adequate opportunities for general public review and comment of the Program as part of the five-year evaluations conducted pursuant to this subsection.

SEC. 8. TREATMENT OF EXISTING JOINT VENTURES.

For purposes of this Act, the Director—

(1) shall treat as a Joint Venture any joint venture recognized by the Director before the date of the enactment of this Act in accordance with the United States Fish and Wildlife Service manual (721FW6); and

(2) shall treat as an Implementation Plan an implementation plan adopted by the management board for such joint venture.

SEC. 9. RELATIONSHIP TO OTHER AUTHORITIES.

(a) **AUTHORITIES, ETC. OF SECRETARY.**—Nothing in this Act affects authorities, responsibilities, obligations, or powers of the Secretary under any other Act.

(b) **STATE AUTHORITY.**—Nothing in this Act preempts any provision or enforcement of a State statute or regulation relating to the management of fish and wildlife resources within such State.

SEC. 10. FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any boards, committees, or other groups established under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, I support H.R. 2188, the Joint Ventures for Bird Habitat Conservation Act of 2009, sponsored by our colleague from Maryland, Representative FRANK KRATOVIL. This bill seeks to highlight the critical importance that migratory birds have with our economy as well as their importance as a bellwether of the health of our environment. However, due to their wide distribution, the only way we can maintain this resource is to work cooperatively, creatively and purposefully with other nations and with all stakeholders to conserve migratory bird habitat.

The gentleman from Maryland's legislation directs the Secretary of the Interior to conduct a program of voluntary Migratory Bird Joint Ventures to establish durable partnerships to

conserve bird habitat over entire geographic regions, thereby developing effective long-term strategies to conserve our common migratory bird resource for the benefit of all. The bill is broadly supported by conservation and hunting interests, the States as well as the administration. With that, I commend Mr. KRATOVIL for his leadership on this issue, and I ask Members to support passage of this measure.

I reserve the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 2188 would statutorily establish the existing Migratory Bird Joint Venture program. This program, which has been funded as an administrative line item in the U.S. Fish and Wildlife Service budget for over 20 years, has done a remarkable job of conserving some 15.7 million acres of grasslands, forests, wetlands and riparian habitat throughout North America.

By enacting this program into law, we will send a positive message to the international community that the United States is committed to its wildlife treaty obligations. We will also ensure that Congress has an opportunity to periodically examine this program to evaluate its ongoing effectiveness and whether it merits the further expenditure of our taxpayer money in the future.

I would like to recognize the other three bipartisan sponsors of this legislation: Congressmen FRANK KRATOVIL, RON KIND, and ROB WITTMAN.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. KRATOVIL).

Mr. KRATOVIL. Mr. Speaker, the First Congressional District of Maryland is defined by a national treasure, the Chesapeake Bay and the surrounding watershed. During the winter the wetlands and surrounding habitat of the bay are home to a significant population of migratory waterfowl, including American black ducks, mallards, canvasbacks and Canada geese. However, too many of these birds and their habitats are at risk. Protecting these birds is vital because they play an integral role in the ecosystems across the country and serve as invaluable harbingers of environmental change. Protecting their habitats is also imperative to our constituents, who consider themselves passionate outdoorsmen and -women.

Part of our culture and heritage on Maryland's Eastern Shore and elsewhere in the country includes activities such as bird-watching, hunting, hiking, kayaking and fishing. In fact, according to a 2006 survey conducted by the United States Fish and Wildlife Service, 1.6 million individuals participate in hunting and wildlife-watching activities across the State of Maryland, leading to a total of nearly \$844

million in economic activity within the region. Waterfowl hunting alone was responsible for 726 jobs and nearly \$10 million in State and Federal tax revenue in Maryland. Needless to say, birds in Maryland have a significant recreational, economic and ecological impact. However, for us to have an environment and wildlife that future generations can enjoy, it is essential that we support effective habitat conservation. Joint ventures are effective, voluntary, public-private partnerships designed to protect, restore, enhance and manage migratory bird populations, their habitats and ecosystems.

I was pleased to introduce H.R. 2188, as has already been mentioned by my colleague, along with colleagues HENRY BROWN of South Carolina, Representative RON KIND of Wisconsin and Representative ROB WITTMAN of Virginia. The legislation establishes a voluntary joint venture program, administered by the Fish and Wildlife Service in coordination with other Federal agencies and the States to develop, implement and support cooperative and effective conservation strategies that promote sustainable bird populations, encourage stakeholder and government partnerships, implement science-driven, landscape-level bird conservation strategies and coordinate related conservation activities. Joint ventures have already leveraged funds and science-based data to protect, restore or enhance over 13 million acres of habitat across this country. Joint ventures falling under the North American Waterfowl Management Plan have invested \$4.5 billion to conserve 15.7 million acres of waterfowl habitat. The Atlantic Coast Joint Venture, of which Maryland is a member, focuses on bird habitat in the Atlantic Flyway. The efforts of this joint venture have positively impacted over 280,000 acres across Maryland. Joint ventures successfully coordinate the activities of various stakeholders to protect migratory birds and conserve their habitats. Joint ventures, in sum, are an exemplary model that enjoy strong bipartisan support.

I encourage my colleagues to support this legislation on behalf of all of their constituents who seek to preserve and enjoy both these migratory birds and their habitats.

Mr. BROWN of South Carolina. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia, Dr. PRICE.

Mr. PRICE of Georgia. Mr. Speaker, I want to thank my friend from South Carolina for his leadership on this issue and for allowing me to speak for a few moments. This is clearly a bill that is supported on a bipartisan basis and something that ought to move forward. It's something that many care about. I would suggest, however, that what the American people mainly care about right now are the economy and jobs. The economy, spending, borrowing, the national debt.

The national debt, as of June 30, stood at \$11,545,275,346,431. Mr. Speaker, I know that's hard to believe; but that's \$37,609.23 for every man, woman and child in America. And over the last month, our national debt has increased by \$223.7 billion, a remarkable amount of increase. Since the Democrats took control of Congress in January of 2007, the national debt has increased \$2.9 trillion. That's over \$9,300 a person. At the end of April, the U.S. Government owed China \$763.5 billion. This year alone our debt to China has increased by over \$36 billion. So the economy is front and center for the American people. It is what is causing them the greatest amount of heartache and the greatest amount of concern. It's what moms and dads across this land are worried about when they tuck their kids in at night. The American people are hurting. Millions of Americans are out of work, and hundreds of thousands continue to lose their jobs each and every month.

Now the present administration, the Obama administration, and the Democrats in charge here in Congress promised that their trillion-dollar "stimulus" package would create jobs immediately, they said, and unemployment wouldn't rise over 8 percent if their program was adopted. President Obama, in fact, said recently that the stimulus bill had "done its job" and is "working exactly as we anticipated." Well, Mr. Speaker, I know that comes as a surprise to the American people, as 1.96 million Americans have lost their jobs since the stimulus was enacted. I'm not quite certain that they believe the stimulus has "done its job" and worked exactly as they anticipated. In June alone almost 500,000 jobs were lost, increasing unemployment to 9.5 percent, the highest level in 26 years. So it's clear that the trillion-dollar stimulus package isn't working, Mr. Speaker; and the American people have a right to know, where are the jobs, where are the jobs?

Now the good news is that Republicans have a real plan, a real plan for a real recovery—fiscal discipline here in Washington; tax relief for working families, small businesses and family farms, the job creation engine of our Nation. So the American people deserve a recovery plan. They do, indeed. They deserve a plan that puts Americans back to work. No more borrowing, no more spending, no more unemployment. Mr. Speaker, the good news is that Republicans have a positive plan, positive solutions for the economy, for jobs, for energy self-sufficiency and, yes, for health reform. So whether it's the economy and jobs that the American people are concerned about, whether it's being able to put gasoline in their cars so they can get to work for their second or third job, trying to make ends meet at home, whether it's providing health care for themselves

and their families, positive solutions do exist. The American people want us, as a Congress, to embrace those positive solutions, and I urge the Congress to act in a positive way.

Ms. BORDALLO. Mr. Speaker, I have no additional requests for time and would inquire of the minority if they have any additional speakers.

Mr. BROWN of South Carolina. I have no further speakers and yield back the balance of my time.

Ms. BORDALLO. Again, I urge Members to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2188, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LOS PADRES FOREST LAND CONVEYANCE

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 129) to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE AUTHORITY, LOS PADRES NATIONAL FOREST, CALIFORNIA.

(a) **CONVEYANCE AUTHORITY.**—Subject to valid existing rights, the Secretary of Agriculture may convey to the White Lotus Foundation all right, title, and interest of the United States in and to the real property within the Los Padres National Forest in California described in subsection (b).

(b) **DESCRIPTION OF PROPERTY.**—The real property subject to conveyance under this Act is certain land located in Santa Barbara County, California, consisting of approximately 5 acres, as shown on the map titled "San Marcos Pass Encroachment for Consideration of Legislative Remedy", dated June 1, 2009.

(c) **SURVEY.**—The exact acreage and legal description of the real property to be conveyed under this Act shall be determined by a survey satisfactory to the Secretary.

(d) **VALUATION.**—Any appraisal of the real property to be conveyed under this Act shall conform to the Uniform Appraisal Standards for Federal Land Acquisitions, and the appraisal shall be subject to the approval of the Secretary.

(e) **CONSIDERATION.**—Consideration for conveyance of real property under this Act shall be in an amount not less than the appraised fair market value.

(f) *TREATMENT OF PROCEEDS.*—The gross proceeds from the conveyance of real property under this Act shall be deposited in the fund established by Public Law 90-171 (commonly known as the "Sisk Act"; 16 U.S.C. 484a). The amount so deposited shall be available to the Secretary, without further appropriation, for expenditure in the Los Padres National Forest.

(g) *PRE-EXISTING RIGHTS.*—As a condition of the conveyance authorized under subsection (a), the Secretary shall require the White Lotus Foundation to continue to allow existing access to any roadway that may be conveyed by this Act.

(h) *ADDITIONAL TERMS AND CONDITIONS.*—The Secretary may require such additional terms and conditions in connection with the conveyance under this Act as the Secretary considers appropriate to protect the interests of the United States.

(i) *SURVEY AND ADMINISTRATIVE COSTS.*—The White Lotus Foundation shall pay the reasonable costs of survey, appraisal, and any other administrative costs associated with the conveyance.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 129 was introduced by our colleague from California, Representative ELTON GALLEGLY. The bill would authorize the Forest Service to sell 5 acres of land within the Los Padres National Forest to resolve an encroachment issue. A portion of a small business owned by the White Lotus Foundation sits on 5 acres of the national forest. The 5 acres in question are separated from the majority of the forest by a road. The foundation was unaware of the encroachment when it purchased the land. Under the terms of the legislation, the White Lotus Foundation will be responsible for all the costs associated with the conveyance, including any necessary reviews under the National Environmental Policy Act.

Mr. Speaker, we support passage of this measure.

I reserve the balance of my time.

□ 1515

Mr. BROWN of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

H.R. 129 corrects a problem resulting from the way a small section of the Los Padres National Forest boundary crosses an old road. This road provides the only access to property owned by the White Lotus Foundation. This bill authorizes the Secretary to sell five

acres to the foundation and requires that the sale be accomplished at no cost to the taxpayers.

I support the bill and reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from California, the author of the bill, Mr. GALLEGLY.

Mr. GALLEGLY. Mr. Speaker, first of all, I want to thank the gentlelady from Guam (Ms. BORDALLO), my good friend, for her work on this; and I rise today in strong support of H.R. 129.

This bill would authorize the Forest Service to convey a small parcel of land on the perimeter of the Los Padres National Forest to a nonprofit organization, the White Lotus Foundation. In 1983, the White Lotus Foundation inherited property in the hills above Santa Barbara, California, on the border of Los Padres National Forest. After operating in the location for over 25 years, the Forest Service sent a letter to the White Lotus Foundation notifying them of a parcel that was 0.05 acres, just a few actual square feet, of encroachment on the Forest Service land. It required them to remove all encroachments by December 31, 2008, or they would begin enforcement action.

The encroachment in question is located on a loop of the only road that allows White Lotus and the rest of the public access to and from the White Lotus property. Due to the steep topography, the foundation has no other reasonable alternatives.

The loop lies on flat ground which was held for the purpose of providing space for equipment storage for fire and flood emergencies and provided access to a water pump and other necessary equipment. There is no other flat ground on which to move these items, and without this space, the foundation would be forced to cease operations.

My legislation will not cost the taxpayers a single penny. The White Lotus Foundation will pay for the land, the survey, and all administrative costs. There are no exemptions from NEPA or other environmental laws. The land in question is not protected by wilderness or any other specifically designated area.

Finally, my legislation does not even mandate this land be conveyed. It merely allows the Forest Service to convey the land and to determine the amount to be conveyed; meaning, if the Forest Service does not feel this land conveyance is in its best interest, it does not have to sell any Federal land to the White Lotus Foundation.

In closing, I want to thank the chairman, Chairman RAHALL, Ranking Member Mr. HASTINGS, for allowing this legislation to be considered today; and I urge support of this legislation, H.R. 129.

Ms. BORDALLO. Mr. Speaker, I have no additional requests of time and would inquire of the minority whether they have additional speakers.

Mr. BROWN of South Carolina. I think we have one more speaker.

Ms. BORDALLO. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia, Dr. BROWN.

Mr. BROWN of Georgia. Mr. Speaker, I thank my friend, Mr. BROWN from South Carolina, for yielding.

Mr. Speaker, I rise in support of this legislation and want to remind the American public, Mr. Speaker, if I could speak to them, that we have a tremendous Federal debt and deficit that's growing every moment that this Congress is in session.

We have a tremendous amount of resources all across this country in forests, in Federal property; and I believe we must be good stewards of our environment. It's absolutely critical. In fact, we are charged from a biblical perspective to be good stewards of our environment, and I am a conservationist of the first order. In fact, I began my political activism being involved in the conservation movement. I'm a life member of many conservation movements such as the Wild Sheep Foundation, the Safari Club International, where I was a political action vice president, political affairs vice president for Safari Club International. I'm a member of Quail Unlimited, Ducks Unlimited, and I can go on and on. So my conservation credentials are very numerous.

But we have Federal property all over this country where the Federal Government is not managing it properly. The Park Service can't take care, by their own admission, of the Federal National Park System today. The Forest Service does a much better job than the Park Service does in managing its properties. But we have national forests all over this country that have timber growing. It's a renewable resource.

Mr. Speaker, we can handle some of this Federal deficit and debt by starting to manage these Federal properties in a more responsible, scientific manner that will not harm the environment, will not harm the properties, will not harm—actually will help the wildlife.

So, Mr. Speaker, as I rise to support this legislation, I ask this House, I ask this Congress, I ask the American people to start demanding good management practices of our natural resources, and that's going to include good, responsible wildlife management; that's going to include considering hunting on all Federal properties as a management tool which is absolutely critical in proper wildlife management.

So, Mr. Speaker, I do rise in support of this legislation. I assume that it will

pass, and I hope that it does. But we need to look beyond that and start being good stewards of our environment, and we have not been.

Ms. BORDALLO. Mr. Speaker, I reserve the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I urge support of this legislation, and I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 129, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MOTION TO ADJOURN

Mr. BROUN of Georgia. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 23, nays 377, not voting 32, as follows:

[Roll No. 532]

YEAS—23

Bachus	Hensarling	Shadegg
Bartlett	Johnson (IL)	Shea-Porter
Barton (TX)	King (IA)	Souder
Blackburn	Olson	Stark
Broun (GA)	Paul	Sullivan
Campbell	Pence	Tiahrt
Chaffetz	Price (GA)	Westmoreland
Flake	Sessions	

NAYS—377

Abercrombie	Bilirakis	Brown, Corrine
Ackerman	Bishop (GA)	Brown-Waite,
Aderholt	Bishop (NY)	Ginny
Adler (NJ)	Blumenauer	Buchanan
Akin	Blunt	Burgess
Alexander	Boccieri	Burton (IN)
Altmire	Boehner	Butterfield
Andrews	Bonner	Buyer
Arcuri	Bono Mack	Calvert
Austria	Boozman	Camp
Baca	Boren	Cantor
Bachmann	Boswell	Cao
Baldwin	Boucher	Capito
Barrow	Boustany	Capps
Bean	Boyd	Capuano
Becerra	Brady (PA)	Cardoza
Berkley	Brady (TX)	Carney
Berry	Braley (IA)	Carson (IN)
Biggert	Bright	Carter
Bilbray	Brown (SC)	Cassidy

Castle	Hoekstra	Moore (KS)
Castor (FL)	Holden	Moore (WI)
Chandler	Holt	Moran (KS)
Childers	Honda	Murphy (CT)
Clarke	Hoyer	Murphy (NY)
Cleaver	Hunter	Murphy, Patrick
Clyburn	Inglis	Murphy, Tim
Coble	Inslee	Murtha
Coffman (CO)	Israel	Myrick
Cohen	Issa	Nadler (NY)
Cole	Jackson (IL)	Napolitano
Conaway	Jackson-Lee	Neal (MA)
Connolly (VA)	(TX)	Neugebauer
Cooper	Jenkins	Nunes
Costa	Johnson (GA)	Nye
Costello	Johnson, E. B.	Oberstar
Courtney	Johnson, Sam	Obey
Crenshaw	Jones	Olver
Crowley	Jordan (OH)	Ortiz
Cuellar	Kagen	Pallone
Culberson	Kanjorski	Pascrell
Cummings	Kaptur	Pastor (AZ)
Dahlkemper	Kennedy	Paulsen
Davis (AL)	Kildee	Payne
Davis (CA)	Kilpatrick (MI)	Perlmutter
Davis (KY)	Kilroy	Peters
Davis (TN)	Kind	Peterson
Deal (GA)	King (NY)	Petri
DeFazio	Kingston	Pingree (ME)
DeGette	Kirk	Pitts
Delahunt	Kirkpatrick (AZ)	Platts
DeLauro	Kissell	Poe (TX)
Dent	Klein (FL)	Polis (CO)
Diaz-Balart, L.	Kline (MN)	Pomeroy
Diaz-Balart, M.	Kosmas	Posey
Dicks	Kratovil	Price (NC)
Dingell	Kucinich	Putnam
Doggett	Lamborn	Quigley
Donnelly (IN)	Lance	Radanovich
Doyle	Langevin	Rahall
Dreier	Larsen (WA)	Rehberg
Driebehaus	Larson (CT)	Reichert
Duncan	Latham	Reyes
Edwards (MD)	Latta	Richardson
Edwards (TX)	Lee (CA)	Rodriguez
Ehlers	Lee (NY)	Roe (TN)
Ellison	Levin	Rogers (AL)
Ellsworth	Lewis (CA)	Rogers (KY)
Emerson	Lewis (GA)	Rogers (MI)
Engel	Lipinski	Rohrabacher
Eshoo	LoBiondo	Rooney
Etheridge	Loebbeck	Ros-Lehtinen
Fallin	Lofgren, Zoe	Roskam
Farr	Lowey	Ross
Fattah	Lucas	Rothman (NJ)
Fleming	Luetkemeyer	Roybal-Allard
Forbes	Lujan	Royce
Fortenberry	Lummis	Ruppersberger
Foster	Lungren, Daniel	Rush
Fox	E.	Ryan (OH)
Frank (MA)	Lynch	Ryan (WI)
Franks (AZ)	Mack	Salazar
Frelinghuysen	Maffei	Sanchez, Linda
Fudge	Maloney	T.
Galleghy	Manzullo	Sanchez, Loretta
Garrett (NJ)	Markey (CO)	Sarbanes
Giffords	Markey (MA)	Scalise
Gingrey (GA)	Marshall	Schauer
Gonzalez	Massa	Schiff
Goodlatte	Matheson	Schmidt
Gordon (TN)	Matsui	Schock
Granger	McCarthy (CA)	Schwartz
Graves	McClintock	Scott (GA)
Grayson	McCotter	Scott (VA)
Green, Al	McDermott	Sensenbrenner
Green, Gene	McGovern	Serrano
Griffith	McHenry	Sherman
Guthrie	McHugh	Shimkus
Hall (NY)	McIntyre	Shuler
Hall (TX)	McKeon	Shuster
Halvorson	McMahon	Simpson
Hare	McMorris	Sires
Harman	Rodgers	Skelton
Harper	McNerney	Slaughter
Hastings (FL)	Meek (FL)	Smith (NE)
Heinrich	Meeks (NY)	Smith (NJ)
Heller	Melancon	Smith (WA)
Herger	Mica	Snyder
Herseeth Sandlin	Michaud	Space
Higgins	Miller (FL)	Spratt
Hill	Miller (MI)	Stearns
Himes	Miller, Gary	Stupak
Hincheey	Miller, George	Tanner
Hinojosa	Minnick	Taylor
Hirono	Mitchell	Teague
Hodes	Mollohan	Terry

Thompson (CA)	Van Hollen	Weiner
Thompson (MS)	Velázquez	Welch
Thompson (PA)	Visclosky	Wexler
Thornberry	Walden	Whitfield
Tiberi	Walz	Wilson (OH)
Tierney	Wamp	Wilson (SC)
Titus	Wasserman	Wittman
Tonko	Schultz	Wolf
Towns	Waters	Woolsey
Tsongas	Watson	Wu
Turner	Watt	Yarmuth
Upton	Waxman	

NOT VOTING—32

Baird	Grijalva	Perriello
Barrett (SC)	Gutierrez	Rangel
Berman	Hastings (WA)	Schakowsky
Bishop (UT)	LaTourette	Schrader
Carnahan	Linder	Sestak
Clay	Marchant	Smith (TX)
Conyers	McCarthy (NY)	Speier
Davis (IL)	McCaul	Sutton
Filner	McColum	Young (AK)
Gerlach	Miller (NC)	Young (FL)
Gohmert	Moran (VA)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (During the vote). There are 2 minutes remaining on this vote.

□ 1547

Messrs. BOUCHER, AL GREEN of Texas, KAGEN, HOYER, and Ms. CLARKE changed their vote from "yea" to "nay."

The motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated again:

Mr. FILNER. Mr. Speaker, on rollcall 532, I was unable to vote, as I was in New York to receive an award from the National Association for the Advancement of Colored People (NAACP). Had I been present, I would have voted "nay."

LAS VEGAS MOTOR SPEEDWAY LAND CONVEYANCE

Mr. BACA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 409) to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term "Federal land" means the approximately 115 acres of Bureau of Land Management land identified on the map as "Lands identified for Las Vegas Speedway Parking Lot Expansion".

(2) MAP.—The term "map" means the map titled "Las Vegas Speedway Parking Lot Expansion", dated March 6, 2009, and on file in the Office of the Director of the Bureau of Land Management.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 2. CONVEYANCE OF FEDERAL LAND TO NEVADA SPEEDWAY.

(a) IN GENERAL.—If Nevada Speedway, LLC, submits to the Secretary an offer to acquire the Federal land for the appraised

value, notwithstanding the land use planning requirements of section 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713), the Secretary shall convey to Nevada Speedway, LLC, all right, title, and interest in and to the Federal land, subject to valid existing rights.

(b) APPRAISAL.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall complete an appraisal of the Federal land.

(2) APPLICABLE LAW.—The appraisal under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(3) COSTS.—All costs associated with the appraisal required under paragraph (1) shall be paid by Nevada Speedway, LLC.

(c) PAYMENT OF CONSIDERATION.—As a condition of the conveyance, Nevada Speedway, LLC, shall pay to the Secretary an amount equal to the appraised value of the Federal land, as determined under subsection (b).

(d) COSTS OF CONVEYANCE.—As a condition of the conveyance, any costs of the conveyance under subsection (a) shall be paid by Nevada Speedway, LLC.

(e) REVERSION.—If Nevada Speedway, LLC, or any subsequent owner of the Federal land conveyed under subsection (a), uses the Federal land for purposes other than a parking lot for the Nevada Motor Speedway, all right, title, and interest in and to the land (and any improvements to the land) shall revert to the United States at the discretion of the Secretary.

(f) COMPLIANCE.—Except as otherwise provided in this Act, the conveyance authorized in this section shall be carried out in compliance with all laws and regulations applicable to the conveyance of Federal land.

SEC. 3. WITHDRAWAL OF FEDERAL LAND.

(a) WITHDRAWAL.—Except as provided in section 2(a) and subject to valid existing rights, the Federal land is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(b) TERMINATION.—If two years after the date of the enactment of this Act, the conveyance authorized under section 2 has not been executed, the withdrawal under subsection (a) shall have no force or effect.

SEC. 4. SUNSET.

The authority provided to the Secretary under this Act shall terminate 5 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BACA) and the gentleman from South Carolina (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BACA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BACA. I yield myself such time as I may consume.

Mr. Speaker, H.R. 409, introduced by Congressman DEAN HELLER, would provide for the conveyance of certain Bureau of Land Management land in Nevada to the Las Vegas Motor Speedway for use as a parking lot.

The Las Vegas Motor Speedway hosts NASCAR and other racing events and can draw as many as 100,000 racing fans to these races. For several years now, the Speedway has been looking for options to expand its parking and accommodate the growing number of fans attending this event.

H.R. 409 would require the conveyance of 115 acres of Bureau of Land Management land to the owners of the Speedway specifically for expansion of the parking lot. This land is adjacent to the land owned by the Speedway which is already used for a parking lot.

The bill further provides that the land be withdrawn from public land, mining, and mineral leasing laws and must be used only as a parking lot. I would add that the Bureau of Land Management supports this conveyance.

We have no objections to H.R. 409, and I urge its adoption by the House today.

I reserve the balance of my time.

Mr. BROWN of South Carolina. I yield myself such time as I may consume.

H.R. 409 directs the Secretary of the Interior to convey to the Las Vegas Motor Speedway 115 acres adjacent to the Speedway at fair market value. The Speedway attracts over 140,000 fans, and the additional acreage is needed to prevent the hazardous driving conditions that result from the backup of cars trying to park in inadequate facilities.

All costs associated with the conveyance, including the appraisal, will be paid by the Speedway. The bill also includes a reversionary clause that would return the land to the Department of Interior should it be used for anything other than a parking lot.

Mr. HELLER should be commended for his work on this bill. I congratulate him for his efforts to reduce—however small—the Federal Government land inventory.

I support the bill.

I reserve the balance of my time.

Mr. BACA. I reserve the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. I rise in support of this bill. I like the land transfer aspects of this bill because it's important when we can use Federal lands to address a pressing need, unlike the cap-and-tax energy bill, which tried to address a woody biomass provision which would allow excess wood of decayed trees to be used in the renewable fuel

standard. That was one provision of many provisions which really identified the failure of the national energy tax and the cap-and-trade bill.

Now, I have promised to continue to come down to the floor to talk about the failed policy of that bill, the bipartisan “no” vote of that bill, and basically about the concerns that I have of my miners in southern Illinois, and really the attack on fossil fuels in this country.

If you have a raceway and a speedway, they are the epitome of either the renewable fuels, as some of the high-speed dragsters are actually ethanol-based fuels, or the technology and the efficiency of reusing fossil fuels in the ability to really compete and improve fossil fuels—the basic foundation of a thriving economy and something that shouldn't be attacked; it should be incentivized.

So, this bill that allows for the transfer of Federal lands for a good process, it also speaks of how we need to look at other uses of Federal land, especially the woody biomass provisions, to say they ought to get renewable credits.

When you have Federal lands that are privately managed and you use the forestry aspects, those wood products get a renewable fuel credit. But those, based upon this energy bill, do not get the renewable credit.

So that was part of the failure of the bill, and that's why, really, the bipartisan vote on the cap-and-tax bill was a strong bipartisan “no” vote and primarily for other reasons which talked about Illinois coal miners in the last energy bill—1,200 coal miners from southern Illinois.

So what is our response to the energy needs that we have in this country? It's basically an all-of-the-above process, using woody biomass from our Federal lands, which gets the same credit as privately forested areas. It's also addressing the Outer Continental Shelf provisions; allowing oil and gas exploration; using those revenues to move to renewable technologies—wind and solar; addressing coal and electricity generation from coal. Also, liquid fuels from that. That is a diversified energy portfolio. And of course the provisions of biofuels, which is what we address in the woody biomass provisions.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BROWN of South Carolina. I yield the gentleman 1 additional minute.

Mr. SHIMKUS. I would just remind my colleagues and friends we had a very great debate and a tough vote two weeks ago, but this debate is not going to end. We're going to continue to talk about the effects of raising energy taxes in a time of economic downturn, and the provisions that have been passed in this Chamber, the bipartisan vote, was in opposition to that bill.

And we will continue to talk on the floor about that failed policy.

Mr. BACA. I reserve the balance of my time.

Mr. BROWN of South Carolina. Mr. Speaker, I support this legislation. I yield back the balance of my time.

Mr. BACA. Mr. Speaker, again, I urge all Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 409, as amended. The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING HOME SAFETY MONTH

Mrs. HALVORSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 543) expressing support for designation of June as "Home Safety Month".

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 543

Whereas unintentional injuries in the home result in nearly 20,000 deaths and 21,000,000 medical visits on average each year;

Whereas the top 5 causes of unintentional home injury deaths are falls, poisoning, fires/burns, choking/suffocation, and drowning/submersion;

Whereas falls are the leading cause of home injury death among older adults in the United States, and the total direct costs associated with both fatal and non-fatal falls is more than \$19,000,000,000 annually for hospitalization, emergency department visits, and outpatient care;

Whereas poisonings are the second leading cause of home injury death in the United States, resulting in nearly 5,000 deaths per year;

Whereas fire and burn injuries are the third leading cause of home injury death and almost two-thirds (65 percent) of reported home fire deaths resulted from fires in homes with no smoke alarms or no working smoke alarms;

Whereas deaths due to unintentional choking and suffocation injuries are the fourth leading cause of home injury death in the United States and nearly 25 percent of all choking and suffocation deaths occur in the home;

Whereas deaths due to drowning are the fifth leading cause of home injury death in the United States and an average of more than 10,000 events occur in the home each year that require medical care, emergency department treatment, and result in days away from work or school;

Whereas children and older adults have increased rates of unintentional home injury, compared with all other age groups;

Whereas citizens are encouraged to take a hands-on approach to home safety and become aware of the simple and inexpensive steps they can take to reduce the risk of injury in each area of the home; and

Whereas June would be an appropriate month to designate as "Home Safety Month": Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of "Home Safety Month";

(2) recognizes the contributions of home safety related nonprofit organizations for their ongoing commitment to ensuring families remain safe in their homes;

(3) recognizes the contributions made by the Home Safety Council to the efforts of "Home Safety Month" for recently introducing a new and innovative online tool to help adults identify the dangers present in and around the home, designated as www.MySafeHome.org, and for promoting the Hands on Home Safety Campaign, whose goal is to educate and empower both families and businesses to take simple actions that will make homes safe and minimize their risk for potential injuries, or even death;

(4) encourages adults, parents, and caregivers to take greater actions to reduce unintentional injuries and educate themselves on the importance of home safety, for themselves and their loved ones;

(5) encourages manufacturers to develop innovative safety products and features to help lessen the number of home injuries and accidents; and

(6) encourages local and national government leaders to support funding for critical home safety education programs to reduce the risks from home injuries.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. HALVORSON) and the gentleman from Illinois (Mr. SHIMKUS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Mrs. HALVORSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. HALVORSON. Mr. Speaker, I yield myself such time as I may consume.

Unintentional injuries in the home result in nearly 200,000 deaths and 21 million medical visits on average each year. The top five causes of unintentional home injury deaths are falls, poisonings, fires and burns, choking and suffocation, and finally, drowning.

Falls are the leading cause of home injury death among older adults in the United States, and the total direct costs associated with both fatal and nonfatal falls is more than \$19 billion annually for hospitalization, emergency department visits, and outpatient care.

Poisonings are the second leading cause of home injury deaths in the

United States, resulting in nearly 5,000 deaths per year. Fire and burn injuries are the third leading cause of home injury death, and almost two-thirds, or 65 percent, of reported home fire deaths resulted from fires in homes with no smoke alarms or no working smoke alarms.

Deaths due to unintentional choking and suffocation injuries are the fourth leading cause of home injury death in the United States, and nearly 25 percent of all choking and suffocation deaths occur in the home.

□ 1600

Deaths due to drowning are the fifth leading cause of home injury death in the United States, and an average of more than 10,000 events occur in the home each year that require medical care, emergency department treatment, and/or result in days away from work and/or school.

Children and older adults have increased rates of unintentional home injury compared with all other age groups. Home Safety Month recognizes the contribution of home safety-related nonprofit organizations for their ongoing commitment to ensuring families remain safe in their homes.

As part of Home Safety Month, the Home Safety Council recently introduced a new and innovative online tool to help adults identify the dangers present in and around the home designated as www.mysafehome.org. Additionally, the Home Safety Council is also promoting the Hands on Home Safety campaign, whose goal is to educate and empower families, businesses and community leaders to take simple actions that will make homes safe and minimize their risk from potential injuries or even death.

This resolution encourages adults, parents and caregivers to take greater actions to reduce unintentional injuries and educate themselves on the importance of home safety for themselves and their loved ones. At the same time, it also encourages manufacturers to develop innovative safety projects and features to help lessen the numbers of home injuries and accidents, and finally encourages local and national government leaders to support funding for critical home safety education programs to reduce the risks from home injuries.

With that, Madam Speaker, I encourage the passage of this resolution.

I reserve the balance of my time.

Mr. SHIMKUS. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I am pleased and honored to be joining my colleague, Congresswoman HALVORSON from the great State of Illinois, in speaking for and managing the minority side in this debate.

I rise today in support of House Resolution 543, expressing support for the

designation of June as "Home Safety Month." There have been recent stories that because of the economic downturn, many people are being driven to home repairs. I just put up two shades in the townhouse last night, and I probably can guarantee you that I didn't do it in the safest manner possible.

This is a simple resolution to again call upon the public to understand the dangers inherent around the home and to provide information using a tool available to help them identify areas around the home and what they can do to make their home more safe.

Each year there are nearly 20,000 deaths and 21 million medical visits caused by unintentional falls, people being poisoned, skin burns due to fires, choking hazards and drowning. Unfortunately, most of these hazards occur to the most vulnerable age groups, children and older adults. I encourage the adults, caregivers and parents to educate themselves on the importance of home safety for themselves and their loved ones.

I would like to express my gratitude to the Home Safety Council for their innovative online tool that helps adults identify the dangers that may exist in the home, and I also encourage others to look into the Hands on Home Safety campaign which was identified by my colleague, www.my.safehome.org. The Web site has made great efforts to educate families and businesses on how to avoid potential risks and injuries. I probably should have looked at that Web site before I attempted my little home repair last night.

I would like to thank the author, again, for this resolution, Mrs. DEBBIE HALVORSON of Illinois, for her leadership in helping Americans' well-being and addressing the safety in their homes. I encourage all my colleagues to vote in favor of this resolution.

I reserve the balance of my time.

Mrs. HALVORSON. Madam Speaker, I have no additional requests for speakers. I would like to inquire whether the minority has any additional speakers.

Mr. SHIMKUS. As far as I know, I have one more additional speaker.

Mrs. HALVORSON. I reserve the balance of my time.

Mr. SHIMKUS. Madam Speaker, I yield such time as he may consume to my colleague and friend, Congressman BROUN from Georgia.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

I'm a physician, and I'm concerned about what goes on in people's homes and the safety in those homes. And I commend the sponsor of this bill for introducing it here before the House.

I think the American people are more concerned about other things now than just home safety. That is certainly everyone's concern, but I think their economic concerns are extremely important to the American people also,

Madam Speaker. I also believe that energy independence is of extreme concern to the American people too. Republicans have offered alternatives to the tax-and-cap bill that this House passed just a couple of weeks ago. It is over in the Senate. In my opinion, it should die over there.

The American people must stand up and understand how this is going to increase the cost of not only their energy sources, but it is going to increase the cost of everything that they buy. Out of every dollar that they spend, some of it is going to come to the Federal Government in the nature of an increased energy tax which is going to be disastrous.

We on the Republican side have introduced legislation that would make America independent. But that bill has not seen the light of day on the floor of this House. Why is that? It is because the Democratic majority and the leadership will not allow that to happen. I think if that bill were to come to the floor of the House of Representatives, and the American people were to see it, we would pass it. But if we passed it over this huge energy tax that is in the tax-and-cap bill, then the revenue would not be available to pay for the health care bill. The President recently said he needed that revenue to pay for the health care bill that he has promoted and that is being introduced this week in the House of Representatives, "Obama Care."

And Obama Care, as a physician, I can tell you is going to be disastrous for my colleagues and me and for our patients because it is going to insert a Washington bureaucrat between the doctor and the patient, and that Washington bureaucrat is going to be making health care decisions. It is going to be extremely expensive.

Just last night, I held a tele-town hall meeting and asked a question of the people on the line about what concerns them about this Obama Care program that is being proposed by the Democrat majority. Overwhelmingly, they were concerned about the cost, as well as Washington bureaucrats inserting themselves in health care decisions. They were overwhelmingly concerned about the taxes that are going to go up for everybody in this country.

There are a lot of tax increases that we already know are going to be in this bill because we have seen the draft. We understand we are going to have the bill today in final form, at least the final form before all the manager's amendments and before markups are done.

We have a lot of things going on here that the American people need to understand are going to be disastrous for them, for their health care and for their economy. It is going to hurt people. It is going to hurt people because the economy is going to fall just like we are concerned about falls and other things in our home and home safety.

Our grandchildren are going to live at a lower standard than we live today if we keep passing these bills. We have got unprecedented debt. We have got unprecedented deficits. Right now, the most abused credit card in this country today is this card, the voting card that Members of Congress use. This is a credit card that the Chinese are picking up the debt that we are creating with the use of this card.

Madam Speaker, we have to stop this egregious, outrageous spending that this Congress is doing. It is going to kill the American economy. It is going to destroy the health care system that is being proposed in this health care bill that is being presented today. We have got to stop it, Madam Speaker. So it is not just about home safety. It is about economic well being. It is about our children's future.

Madam Speaker, it just grieves me to see the direction that this country is going. It grieves me to know what my two grandchildren that I have now are going to have to face in the way of paying back the debt that we cannot pay, my children can't pay and that my grandchildren and their children probably are going to have a hard time paying too.

So, Madam Speaker, we are heading in a bad, bad direction. The American people need to stand up and understand what is going on and say "no" to Obama Care, "no" to tax-and-cap, the so-called "cap-and-trade" bill, and "no" to all of this increased debt and increased deficits which are going to take away jobs that we have already seen in tremendous job losses, take away jobs, and it is going to ruin the economy.

Mrs. HALVORSON. I continue to reserve the balance of my time.

Mr. SHIMKUS. Madam Speaker, I have no other speakers, and I yield back the balance of my time.

Mrs. HALVORSON. Madam Speaker, first I would like to thank my colleague from Illinois (Mr. SHIMKUS) for helping today with this bill. We in Illinois do a lot of things in a bipartisan way, and I just want to give him another thanks for helping out and for bringing awareness to home safety issues which are important to all of us. It is a topic that could save people money and their health given the ability that they always have to be aware of things so we can prevent accidents in our home.

Each year an average of more than 7,000 adults aged 65 and older die from unintentional home injuries. Falls alone account for 52.5 percent of all home injury deaths for adults aged 65 to 74.

With this, Madam Speaker, I just encourage everybody to support this and to bring about awareness to Home Safety Month.

I yield back the balance of my time.

The SPEAKER pro tempore (Ms. LEE of California). The question is on the

motion offered by the gentlewoman from Illinois (Mrs. HALVORSON) that the House suspend the rules and agree to the resolution, H. Res. 543.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BROUN of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 612, by the yeas and nays;

H. Res. 469, by the yeas and nays;

H.R. 1037, by the yeas and nays;

H.R. 402, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EXPRESSING SYMPATHY FOR VICTIMS OF JUNE 22 METRORAIL CRASH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 612, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 612.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 11, as follows:

[Roll No. 533]

YEAS—421

Abercrombie	Berkley	Boustany
Ackerman	Berman	Boyd
Aderholt	Berry	Brady (PA)
Adler (NJ)	Biggart	Brady (TX)
Akin	Bilbray	Braley (IA)
Alexander	Bilirakis	Bright
Altmire	Bishop (GA)	Broun (GA)
Andrews	Bishop (NY)	Brown (SC)
Arcuri	Bishop (UT)	Brown, Corrine
Austria	Blackburn	Brown-Waite,
Baca	Blumenauer	Ginny
Bachmann	Blunt	Buchanan
Bachus	Boccieri	Burgess
Baird	Boehner	Burton (IN)
Baldwin	Bonner	Butterfield
Barrow	Bono Mack	Buyer
Bartlett	Boozman	Calvert
Barton (TX)	Boren	Camp
Bean	Boswell	Campbell
Becerra	Boucher	Cantor

Cao	Hare	McCollum
Capito	Harman	McCotter
Capps	Harper	McDermott
Capuano	Hastings (FL)	McGovern
Cardoza	Hastings (WA)	McHenry
Carney	Heinrich	McHugh
Carson (IN)	Heller	McIntyre
Carter	Hensarling	McMahon
Cassidy	Herger	McMorris
Castle	Herseth Sandlin	Rodgers
Castor (FL)	Higgins	McNerney
Chaffetz	Hill	Meek (FL)
Chandler	Himes	Meeks (NY)
Childers	Hinchee	Melancon
Clarke	Hinojosa	Mica
Cleaver	Hirono	Michaud
Clyburn	Hodes	Miller (FL)
Coble	Hoekstra	Miller (MI)
Coffman (CO)	Holden	Miller (NC)
Cohen	Holt	Miller, Gary
Cole	Honda	Miller, George
Conaway	Hoyer	Minnick
Connolly (VA)	Hunter	Mitchell
Cooper	Inglis	Mollohan
Costa	Inslee	Moore (KS)
Costello	Israel	Moore (WI)
Courtney	Issa	Moran (KS)
Crenshaw	Jackson (IL)	Moran (VA)
Crowley	Jackson-Lee	Murphy (CT)
Cuellar	(TX)	Murphy (NY)
Culberson	Jenkins	Murphy, Patrick
Dahlkemper	Johnson (IL)	Murphy, Tim
Davis (AL)	Johnson, E. B.	Murtha
Davis (CA)	Johnson, Sam	Myrick
Davis (IL)	Jones	Nadler (NY)
Davis (KY)	Jordan (OH)	Napolitano
Davis (TN)	Kagen	Neal (MA)
Deal (GA)	Kanjorski	Neugebauer
DeFazio	Kaptur	Nunes
DeGette	Kennedy	Nye
DeLauro	Kildee	Oberstar
Dent	Kilpatrick (MI)	Obey
Diaz-Balart, L.	Kilroy	Olson
Diaz-Balart, M.	Kind	Olver
Dicks	King (IA)	Ortiz
Dingell	King (NY)	Pallone
Doggett	Kingston	Pascarell
Donnelly (IN)	Kirk	Pastor (AZ)
Doyle	Kirkpatrick (AZ)	Paul
Dreier	Kissell	Paulsen
Driehaus	Klein (FL)	Payne
Duncan	Kline (MN)	Pence
Edwards (MD)	Kosmas	Perlmutter
Edwards (TX)	Kratovil	Perriello
Ehlers	Kucinich	Peters
Ellison	Lamborn	Peterson
Ellsworth	Lance	Petri
Emerson	Langevin	Pingree (ME)
Engel	Larsen (WA)	Pitts
Eshoo	Larson (CT)	Platts
Etheridge	Latham	Poe (TX)
Fallin	LaTourette	Polis (CO)
Farr	Latta	Pomeroy
Fattah	Lee (CA)	Posey
Flake	Lee (NY)	Price (GA)
Fleming	Levin	Price (NC)
Forbes	Lewis (CA)	Putnam
Fortenberry	Lewis (GA)	Quigley
Foster	Linder	Radanovich
Fox	Lipinski	Rahall
Frank (MA)	LoBiondo	Rangel
Franks (AZ)	Loeb	Rehberg
Frelinghuysen	Lofgren, Zoe	Reichert
Fudge	Lowey	Reyes
Galleghy	Lucas	Richardson
Garrett (NJ)	Luetkemeyer	Rodriguez
Gerlach	Lujan	Roe (TN)
Giffords	Lummis	Rogers (AL)
Gingrey (GA)	Lungren, Daniel	Rogers (KY)
Gohmert	E.	Rogers (MI)
Gonzalez	Lynch	Rohrabacher
Goodlatte	Mack	Rooney
Gordon (TN)	Maffei	Ros-Lehtinen
Granger	Maloney	Roskam
Graves	Manzullo	Ross
Grayson	Marchant	Rothman (NJ)
Green, Al	Markey (CO)	Roybal-Allard
Green, Gene	Markey (MA)	Royce
Griffith	Marshall	Ruppersberger
Grijalva	Massa	Rush
Guthrie	Matheson	Ryan (OH)
Gutierrez	Matsui	Ryan (WI)
Hall (NY)	McCarthy (CA)	Salazar
Hall (TX)	McCarthy (NY)	Sanchez, Linda
Halvorson	McCaul	T.
	McClintock	Sanchez, Loretta

Sarbanes	Snyder	Van Hollen
Scalise	Souder	Velázquez
Schakowsky	Space	Visclosky
Schauer	Speier	Walden
Schiff	Spratt	Walz
Schmidt	Stark	Wamp
Schock	Stearns	Wasserman
Schwartz	Stupak	Schultz
Scott (GA)	Sullivan	Waters
Scott (VA)	Sutton	Watson
Sensenbrenner	Tanner	Watt
Serrano	Taylor	Waxman
Sessions	Teague	Weiner
Shadegg	Terry	Welch
Shea-Porter	Thompson (CA)	Westmoreland
Sherman	Thompson (MS)	Wexler
Shimkus	Thompson (PA)	Whitfield
Shuler	Thornberry	Wilson (OH)
Shuster	Tiaht	Wilson (SC)
Simpson	Tiberi	Wittman
Sires	Tierney	Wolf
Skelton	Titus	Woolsey
Slaughter	Tonko	Wu
Smith (NE)	Towns	Yarmuth
Smith (NJ)	Tsongas	Young (AK)
Smith (TX)	Turner	
Smith (WA)	Upton	

NOT VOTING—11

Barrett (SC)	Cummings	Schrader
Carnahan	Filner	Sestak
Clay	Johnson (GA)	Young (FL)
Conyers	McKeon	

□ 1638

Messrs. LUETKEMEYER, TERRY and BRALEY of Iowa changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 533, I was unable to vote, as I was in New York to receive an award from the National Association for the Advancement of Colored People (NAACP). Had I been present, I would have voted "yea."

HONORING WAYMAN LAWRENCE TISDALE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 469, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and agree to the resolution, H. Res. 469.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 534]

YEAS—418

Abercrombie	Arcuri	Bartlett
Ackerman	Austria	Barton (TX)
Aderholt	Baca	Bean
Adler (NJ)	Bachmann	Becerra
Akin	Bachus	Berkley
Alexander	Baird	Berman
Altmire	Baldwin	Berry
Andrews	Barrow	Biggart

Bilbray	Eshoo	LaTourette	Pomeroy	Schiff	Thompson (MS)	[Roll No. 535]	
Bilirakis	Etheridge	Latta	Posey	Schmidt	Thompson (PA)	YEAS—422	
Bishop (GA)	Fallin	Lee (CA)	Price (GA)	Schock	Thornberry		
Bishop (NY)	Farr	Lee (NY)	Price (NC)	Schwartz	Tiahrt	Abercrombie	Davis (AL)
Bishop (UT)	Fattah	Levin	Putnam	Scott (GA)	Tiberi	Ackerman	Davis (CA)
Blackburn	Flake	Lewis (CA)	Quigley	Scott (VA)	Tierney	Aderholt	Davis (IL)
Blumenauer	Fleming	Lewis (GA)	Radanovich	Sensenbrenner	Titus	Adler (NJ)	Davis (KY)
Blunt	Forbes	Linder	Rahall	Serrano	Tonko	Akin	Davis (TN)
Boccheri	Fortenberry	Lipinski	Rangel	Sessions	Towns	Alexander	Deal (GA)
Boehner	Foster	LoBiondo	Rehberg	Shadegg	Tsongas	Altmire	DeFazio
Bonner	Fox	Loebsack	Reichert	Shea-Porter	Upton	Andrews	DeGette
Bono Mack	Frank (MA)	Lofgren, Zoe	Reyes	Sherman	Van Hollen	Arcuri	Delahunt
Boozman	Franks (AZ)	Lowe	Richardson	Shinkus	Velázquez	Austria	DeLauro
Boren	Frelinghuysen	Lucas	Rodriguez	Shuler	Visclosky	Baca	Dent
Boswell	Fudge	Luetkemeyer	Roe (TN)	Shuster	Walden	Bachmann	Diaz-Balart, L.
Boucher	Gallely	Luján	Rogers (AL)	Simpson	Walsh	Bachus	Diaz-Balart, M.
Boustany	Garrett (NJ)	Lummis	Rogers (KY)	Sires	Wamp	Baird	Dicks
Boyd	Gerlach	Lungren, Daniel	Rogers (MI)	Skelton	Wasserman	Baldwin	Dingell
Brady (PA)	Giffords	E.	Rohrabacher	Slaughter	Schultz	Barrow	Doggett
Brady (TX)	Gingrey (GA)	Lynch	Rooney	Smith (NE)	Waters	Bartlett	Donnelly (IN)
Braley (IA)	Gohmert	Mack	Ros-Lehtinen	Smith (NJ)	Watson	Barton (TX)	Doyle
Bright	Gonzalez	Maffei	Roskam	Smith (TX)	Watt	Bean	Dreier
Brown (GA)	Goodlatte	Maloney	Ross	Smith (WA)	Waxman	Becerra	Driehaus
Brown (SC)	Gordon (TN)	Manzullo	Rothman (NJ)	Snyder	Weiner	Berkley	Duncan
Brown, Corrine	Granger	Marchant	Roybal-Allard	Souder	Welch	Berman	Edwards (MD)
Brown-Waite,	Graves	Markey (CO)	Royce	Space	Westmoreland	Berry	Edwards (TX)
Ginny	Grayson	Markey (MA)	Ruppersberger	Speier	Wexler	Biggart	Ehlers
Buchanan	Green, Al	Marshall	Rush	Spratt	Whitfield	Bilbray	Ellison
Burgess	Green, Gene	Massa	Ryan (OH)	Stark	Wilson (OH)	Bilirakis	Ellsworth
Burton (IN)	Griffith	Matheson	Ryan (WI)	Stearns	Wilson (SC)	Bishop (GA)	Emerson
Butterfield	Grijalva	Matsui	Salazar	Stupak	Wittman	Bishop (NY)	Engel
Buyer	Guthrie	McCarthy (CA)	Sánchez, Linda	Sullivan	Wolf	Bishop (UT)	Eshoo
Calvert	Gutierrez	McCaul	T.	Sutton	Woolsey	Blackburn	Etheridge
Camp	Hall (NY)	McClintock	Sanchez, Loretta	Tanner	Wu	Blumenauer	Fallin
Campbell	Hall (TX)	McCollum	Sarbanes	Taylor	Yarmuth	Blunt	Farr
Cantor	Halvorson	McCotter	Sealise	Teague	Young (AK)	Boccheri	Fattah
Cao	Hare	McDermott	Schakowsky	Terry		Boehner	Flake
Capito	Harman	McGovern	Schauer	Thompson (CA)		Bonner	Fleming
Capps	Harper	McHenry				Bono Mack	Forbes
Capuano	Hastings (FL)	McHugh	Barrett (SC)	Filner	Schrader	Boozman	Fortenberry
Cardoza	Hastings (WA)	McIntyre	Clarnahan	Hinojosa	Sestak	Boren	Foster
Carney	Heinrich	McKeon	Carmay	Hoyer	Turner	Boswell	Fox
Carson (IN)	Heller	McMahon	Conyers	McCarthy (NY)	Young (FL)	Boucher	Frank (MA)
Carter	Hensarling	McMorris	Delahunt	Pence		Boustany	Franks (AZ)
Cassidy	Herger	Rodgers				Boyd	Frelinghuysen
Castle	Herseth Sandlin	McNerney				Brady (PA)	Fudge
Castor (FL)	Higgins	Meek (FL)				Brady (TX)	Gallely
Chaffetz	Hill	Meeks (NY)				Braley (IA)	Garrett (NJ)
Chandler	Himes	Melancon				Bright	Gerlach
Childers	Hinche	Mica				Broun (GA)	Giffords
Clarke	Hirono	Michaud				Brown (SC)	Gingrey (GA)
Cleaver	Hodes	Miller (FL)				Brown, Corrine	Gohmert
Clyburn	Hoekstra	Miller (MI)				Brown-Waite,	Gonzalez
Coble	Holden	Miller (NC)				Ginny	Goodlatte
Coffman (CO)	Holt	Miller, Gary				Buchanan	Gordon (TN)
Cohen	Honda	Miller, George				Burgess	Granger
Cole	Hunter	Minnick				Burton (IN)	Graves
Conaway	Inglis	Mitchell				Butterfield	Grayson
Connolly (VA)	Inslee	Mollohan				Buyer	Green, Al
Cooper	Israel	Moore (KS)				Calvert	Green, Gene
Costa	Issa	Moore (WI)				Camp	Griffith
Costello	Jackson (IL)	Moran (KS)				Campbell	Grijalva
Courtney	Jackson-Lee	Moran (VA)				Cantor	Guthrie
Crenshaw	(TX)	Murphy (CT)				Cao	Gutierrez
Crowley	Jenkins	Murphy (NY)				Capito	Hall (NY)
Cuellar	Johnson (GA)	Murphy, Patrick				Capps	Hall (TX)
Culberson	Johnson (IL)	Murphy, Tim				Capuano	Halvorson
Cummings	Johnson, E. B.	Murtha				Cardoza	Hare
Dahlkemper	Johnson, Sam	Myrick				Carney	Harman
Davis (AL)	Jones	Nadler (NY)				Carson (IN)	Harper
Davis (CA)	Jordan (OH)	Napolitano				Carter	Hastings (FL)
Davis (IL)	Kagen	Neal (MA)				Cassidy	Hastings (WA)
Davis (KY)	Kanjorski	Neugebauer				Castle	Heinrich
Davis (TN)	Kaptur	Nunes				Castor (FL)	Heller
Deal (GA)	Kennedy	Nye				Chaffetz	Hensarling
DeFazio	Kildee	Oberstar				Chandler	Herger
DeGette	Kilpatrick (MI)	Obey				Childers	Herseth Sandlin
DeLauro	Kilroy	Olson				Clarke	Higgins
Dent	Kind	Oliver				Cleaver	Hill
Diaz-Balart, L.	King (IA)	Ortiz				Clyburn	Himes
Diaz-Balart, M.	King (NY)	Pallone				Coble	Hinche
Dicks	Kingston	Pascarell				Coffman (CO)	Hinojosa
Dingell	Kirk	Pastor (AZ)				Cohen	Hirono
Doggett	Kirkpatrick (AZ)	Paul				Cole	Hodes
Donnelly (IN)	Kissell	Paulsen				Conaway	Hoekstra
Doyle	Klein (FL)	Payne				Connolly (VA)	Holden
Dreier	Kline (MN)	Perlmutter				Cooper	Holt
Driehaus	Kosmas	Perriello				Costa	Honda
Duncan	Kratovil	Peters				Costello	Hunter
Edwards (MD)	Kucinich	Peterson				Courtney	Inglis
Edwards (TX)	Lamborn	Petri				Crenshaw	Inslee
Ehlers	Lance	Pingree (ME)				Crowley	Israel
Ellison	Langevin	Pitts				Cuellar	Issa
Ellsworth	Larsen (WA)	Platts				Culberson	Jackson (IL)
Emerson	Larson (CT)	Poe (TX)				Cummings	Jackson-Lee
Engel	Latham	Polis (CO)				Dahlkemper	(TX)
							Jenkins
							Johnson (GA)
							Johnson (IL)
							Johnson, E. B.
							Johnson, Sam
							Jones
							Jordan (OH)
							Kagen
							Kanjorski
							Kaptur
							Kennedy
							Kildee
							Kilpatrick (MI)
							Kilroy
							Kind
							King (IA)
							King (NY)
							Kingston
							Kirkpatrick (AZ)
							Kissell
							Klein (FL)
							Kline (MN)
							Kosmas
							Kratovil
							Kucinich
							Lamborn
							Lance
							Langevin
							Larsen (WA)
							Larson (CT)
							Latham

NOT VOTING—14

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1647

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 534, I was unable to vote, as I was in New York to receive an award from the National Association for the Advancement of Colored People (NAACP). Had I been present, I would have voted "yea."

PILOT COLLEGE WORK STUDY PROGRAMS FOR VETERANS ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1037, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 1037, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 10, as follows:

Moran (KS)	Roe (TN)	Speier
Moran (VA)	Rogers (AL)	Spratt
Murphy (CT)	Rogers (KY)	Stark
Murphy (NY)	Rogers (MI)	Stearns
Murphy, Patrick	Rohrabacher	Stupak
Murphy, Tim	Rooney	Sullivan
Murtha	Ros-Lehtinen	Sutton
Myrick	Roskam	Tanner
Nadler (NY)	Ross	Taylor
Napolitano	Rothman (NJ)	Teague
Neal (MA)	Roybal-Allard	Terry
Neugebauer	Royce	Thompson (CA)
Nunes	Ruppersberger	Thompson (MS)
Nye	Rush	Thompson (PA)
Oberstar	Ryan (OH)	Thornberry
Obey	Ryan (WI)	Tiahrt
Olson	Salazar	Tiberi
Olver	Sánchez, Linda	Tierney
Ortiz	T.	Titus
Pallone	Sanchez, Loretta	Tonko
Pascrell	Sarbanes	Towns
Pastor (AZ)	Scalise	Tsongas
Paul	Schakowsky	Turner
Paulsen	Schauer	Upton
Payne	Schiff	Van Hollen
Pence	Schmidt	Velázquez
Perlmutter	Schock	Visclosky
Perriello	Schwartz	Walden
Peters	Scott (GA)	Walz
Peterson	Scott (VA)	Wamp
Petri	Sensenbrenner	Wasserman
Pingree (ME)	Serrano	Schultz
Pitts	Sessions	Barton (TX)
Platts	Shadegg	Bean
Poe (TX)	Shea-Porter	Becerra
Polis (CO)	Sherman	Berkley
Pomeroy	Shinkus	Berman
Posey	Shuler	Berry
Price (GA)	Shuster	Biggart
Price (NC)	Simpson	Bilbray
Putnam	Sires	Bilirakis
Quigley	Skelton	Bishop (GA)
Radanovich	Slaughter	Bishop (NY)
Rahall	Smith (NE)	Bishop (UT)
Rangel	Smith (NJ)	Blackburn
Rehberg	Smith (TX)	Blumenauer
Reichert	Smith (WA)	Blunt
Reyes	Snyder	Boccieri
Richardson	Souder	Boehner
Rodriguez	Space	Bonner
		Young (AK)

NOT VOTING—10

Barrett (SC)	Filner	Sestak
Carnahan	Hoyer	Young (FL)
Clay	Kirk	
Conyers	Schrader	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1656

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 535, I was unable to vote, as I was in New York to receive an award from the National Association for the Advancement of Colored People (NAACP). Had I been present, I would have voted "yea."

WILLIAM C. TALLENT DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 402, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, H.R. 402.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 13, as follows:

[Roll No. 536]

YEAS—419

Abercrombie	Conaway	Heinrich
Adelman	Connolly (VA)	Heller
Aderholt	Cooper	Hensarling
Adler (NJ)	Costa	Herger
Akin	Costello	Hersteth Sandlin
Alexander	Courtney	Higgins
Altmire	Crenshaw	Hill
Andrews	Crowley	Himes
Arcuri	Cuellar	Hinchey
Austria	Culberson	Hinojosa
Baca	Cummings	Hirono
Bachmann	Dahlkemper	Hodes
Bachus	Davis (AL)	Hoekstra
Baird	Davis (CA)	Holden
Baldwin	Davis (IL)	Holt
Barrow	Davis (KY)	Honda
Bartlett	Davis (TN)	Hunter
Barton (TX)	Deal (GA)	Inglis
Bean	DeFazio	Inslee
Becerra	DeGette	Israel
Berkley	Delahunt	Issa
Berman	DeLauro	Jackson (IL)
Berry	Dent	Jackson-Lee
Biggart	Diaz-Balart, L.	(TX)
Bilbray	Diaz-Balart, M.	Jenkins
Bilirakis	Dicks	Johnson (GA)
Bishop (GA)	Dingell	Johnson (IL)
Bishop (NY)	Doggett	Johnson, E. B.
Bishop (UT)	Donnelly (IN)	Johnson, Sam
Blackburn	Doyle	Jones
Blumenauer	Dreier	Jordan (OH)
Blunt	Driehaus	Kagen
Boccieri	Duncan	Kanjorski
Boehner	Edwards (MD)	Kaptur
Bonner	Edwards (TX)	Kennedy
Bono Mack	Ehlers	Kildee
Boozman	Ellison	Kilpatrick (MI)
Boren	Ellsworth	Kilroy
Boswell	Emerson	Kind
Boucher	Engel	King (IA)
Boustany	Eshoo	King (NY)
Boyd	Etheridge	Kingston
Brady (PA)	Farr	Kirk
Brady (TX)	Fattah	Kirkpatrick (AZ)
Braley (IA)	Flake	Kissell
Bright	Fleming	Klein (FL)
Broun (GA)	Forbes	Kline (MN)
Brown (SC)	Portenberry	Kratovil
Brown, Corrine	Foster	Kucinich
Brown-Waite,	Fox	Lamborn
Ginny	Frank (MA)	Lance
Buchanan	Franks (AZ)	Langevin
Burgess	Frelinghuysen	Larsen (WA)
Burton (IN)	Fudge	Larson (CT)
Butterfield	Gallegly	Latham
Buyer	Garrett (NJ)	LaTourette
Calvert	Gerlach	Latta
Camp	Giffords	Lee (CA)
Campbell	Gingrey (GA)	Lee (NY)
Cantor	Gohmert	Levin
Cao	Gonzalez	Lewis (CA)
Capito	Goodlatte	Lewis (GA)
Capps	Gordon (TN)	Linder
Capuano	Granger	Lipinski
Cardoza	Graves	LoBiondo
Carney	Grayson	Loeback
Carson (IN)	Green, Al	Lofgren, Zoe
Carter	Green, Gene	Lowey
Cassidy	Griffith	Lucas
Castle	Grijalva	Luetkemeyer
Castor (FL)	Guthrie	Luján
Chaffetz	Gutierrez	Lummis
Chandler	Hall (NY)	Lungren, Daniel
Childers	Hall (TX)	E.
Clarke	Halvorson	Lynch
Cleaver	Hare	Mack
Clyburn	Harman	Maffei
Coble	Harper	Maloney
Coffman (CO)	Hastings (FL)	Manzullo
Cohen	Hastings (WA)	Marchant
Cole		Markey (CO)

Markey (MA)	Pence	Shuster
Marshall	Perlmutter	Simpson
Massa	Perriello	Sires
Matheson	Peters	Skelton
Matsui	Peterson	Slaughter
McCarthy (CA)	Petri	Smith (NE)
McCarthy (NY)	Pingree (ME)	Smith (NJ)
McCaul	Pitts	Smith (TX)
McClintock	Platts	Smith (WA)
McCollum	Poe (TX)	
McCotter	Polis (CO)	Snyder
McDermott	Pomeroy	Souder
McGovern	Posey	Space
McHenry	Price (GA)	Speier
McHugh	Price (NC)	Spratt
McIntyre	Putnam	Stark
McKeon	Quigley	Stearns
McMahon	Radanovich	Stupak
McMorris	Rahall	Sullivan
Rodgers	Rangel	Sutton
McNerney	Rehberg	Tanner
Meek (FL)	Reichert	Taylor
Meeks (NY)	Reyes	Teague
Melancon	Richardson	Terry
Mica	Rodriguez	Thompson (CA)
Michaud	Roe (TN)	Thompson (MS)
Miller (FL)	Rogers (AL)	Thompson (PA)
Miller (MI)	Rogers (KY)	Thornberry
Miller (NC)	Rogers (MI)	Tiahrt
Miller, Gary	Rohrabacher	Tiberi
Miller, George	Rooney	Tierney
Minnick	Ros-Lehtinen	Titus
Mitchell	Roskam	Tonko
Mollohan	Ross	Towns
Moore (KS)	Rothman (NJ)	Tsongas
Moore (WI)	Roybal-Allard	Turner
Moran (KS)	Royce	Upton
Moran (VA)	Rush	Van Hollen
Murphy (CT)	Ryan (OH)	Velázquez
Murphy (NY)	Ryan (WI)	Visclosky
Murphy, Patrick	Salazar	Walden
Murphy, Tim	Sánchez, Linda	Walz
Murtha	T.	Wamp
Myrick	Sanchez, Loretta	Wasserman
Nadler (NY)	Sarbanes	Schultz
Napolitano	Scalise	Waters
Neal (MA)	Schakowsky	Watson
Neugebauer	Schauer	Watt
Nunes	Schiff	Waxman
Nye	Schmidt	Weiner
Oberstar	Schock	Welch
Obey	Schwartz	Westmoreland
Olson	Scott (VA)	Wexler
Olver	Sensenbrenner	Whitfield
Ortiz	Serrano	Wilson (OH)
Pallone	Sessions	Wittman
Pascrell	Shadegg	Wolf
Pastor (AZ)	Shea-Porter	Woolsey
Paul	Sherman	Wu
Paulsen	Shinkus	Yarmuth
Payne	Shuler	Young (AK)

NOT VOTING—13

Barrett (SC)	Hoyer	Sestak
Carnahan	Kosmas	Wilson (SC)
Clay	Ruppersberger	Young (FL)
Conyers	Schrader	
Filner	Scott (GA)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remaining on this vote.

□ 1703

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall 536, I was unable to vote, as I was in New York to receive an award from the National Association for the Advancement of Colored People (NAACP). Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, on July 14, 2009, I was not present and therefore missed the following votes:

On the passage of H. Res. 612, had I been present, I would have voted "yea."

On the passage of H. Res. 469, had I been present, I would have voted "yea."

On the passage of H.R. 1037, had I been present I would have voted "yea."

On the passage of H.R. 402, had I been present I would have voted "yea."

COMMUNICATION FROM THE
REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 14, 2009.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 4 of the Ronald Reagan Centennial Commission Act, (Public Law 111-25), I am pleased to appoint Mr. Elton Gallegly of California as a member of the Commission.

Mr. Gallegly has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

WHAT HAS CUBA DONE?

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Madam Speaker, I rise today to discuss our relationship with our neighbor to the south, Cuba. I applaud President Obama for his plan to re-engage Cuba in a constructive dialogue and support his first steps to that end. But I must ask, what has Cuba done?

Improving the relationship between the United States and Cuba is something I strongly support, but I do not support this partnership at any cost.

I must ask, what has Cuba done? Cuba is still imprisoning political dissidents; Cuba still denies gay and lesbian citizens basic rights like freedom of assembly; Cuba still forbids travel outside the country without official permission.

We cannot tacitly reward this behavior by restoring normal relations with Cuba without asking what has Cuba done. Our ultimate progress is up to Cuba, and our shared diplomacy must be a two-way street.

HONORING DR. ROBERT STEELE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to honor

a constituent who has been invaluable to Pennsylvania agriculture and has served with distinction at Penn State University. Dr. Robert Steele has been dean of the University's College of Agricultural Sciences since July 1, 1997. Dr. Steele has been in charge of Penn State's agricultural program, which includes 12 academic departments serving more than 3,000 students.

Under Dr. Steele's leadership, Penn State has performed significant agricultural research, and I'm grateful for the support that Congress has shown over the years for this important work. Specific programs at Penn State that I proudly support include agricultural entrepreneurial alternatives, sustainable agriculture, dairy farm profitability, improved dairy management practices, and milk safety.

Dr. Steele is stepping down as dean and returning to the classroom.

Thank you, Dr. Steele, for your many years of service and your dedication to agriculture and higher education. I thank you, Dr. Steele, for your service and leadership. Pennsylvania agriculture is stronger for it.

ENSURING THERE ARE ENOUGH
MEDICAID DOCTORS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, you know we have a problem today in that many patients who are enrolled in Medicaid really face a tough time finding a doctor who will accept their coverage. A recent article in my hometown paper, The Dallas Morning News, highlighted the troubles of a young girl in north Texas covered by Medicaid. She couldn't find a doctor to treat her, stating that because of the lack of Medicaid doctors, "Medicaid patients often grow sicker while hunting for a doctor."

We have an obligation to ensure that Americans covered under Medicaid, who also happen to be some of our poorest and neediest patients, children and American pregnant women, can see the doctor they need to see when they need to see them. Expanding the number of Americans who qualify for Medicaid without first making certain that there are enough doctors to see those Medicaid patients is irresponsible and is a disservice to these individuals.

To avoid this crisis, I propose that the Federal Government undertake the changes necessary to address the barriers of access to a doctor for any government program. Throwing more Americans onto the rolls of government-run health care without first ensuring that there will be a doctor to see them is wrong. Coverage should equal access to a doctor and must be part of the national health care debate.

I encourage the people to go to my Web site, www.healthcaucus.org.

MEDICAL LIABILITY REFORM

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MR. PAULSEN. Madam Speaker, the cost of defensive medicine is a major factor for skyrocketing health care prices for American families. Studies reveal some alarming facts: defensive medicine costs the United States \$170 billion per year; a third of orthopedists, obstetricians, trauma surgeons, emergency room doctors, and plastic surgeons can expect to be sued in a given year; liability concerns have driven 7 to 8 percent of all OB/GYNs to stop practicing altogether; and data for 2006 show that 71 percent of all cases are either dropped or dismissed and only 1 percent result in a verdict for the plaintiff; and yet it still costs an average of \$25,000 just to defend a lawsuit even if no payment is awarded. The results are higher premiums, less access to treatments, and physician shortages in certain specialties.

Any real health care plan must include long-overdue medical liability reform. Without it, patients and doctors alike will suffer, and the cost of health care for all Americans will continue to go up.

AMERICA'S 33 CZARS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, czarist Russia, 18 czars over a 300-year period of time. Czarist Obama Nation, America, 33 czars in 7 months, 33 czars who are running policy from Guantanamo Bay, to energy, to a \$790 billion stimulus package, to a myriad of other things and yet none of them have gone before the United States Senate for confirmation even though article II, section 2 of the Constitution says that the President should seek consent and advice from the U.S. Senate before appointing important policy people to his Cabinet.

Now, we do appoint and have the Senate confirm sub-Cabinet members, deputy Cabinet members, a myriad of judges—indeed hundreds if not thousands of people—but 33 people at a salary of \$172,000 each are running a parallel government without consent and approval. We need to stop this.

LAUS DEO

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Madam Speaker, of course we have heard our President say we are not a Christian Nation. People can decide for themselves. But I thought it was worth pointing out that

when the Washington Monument, right down the Mall from us, was dedicated, they put an aluminum-capped stone on it, four sides, there's writing on all four sides, but on the side that faced the Capitol were the Latin words "Laus Deo," Praise be to God.

Now, the reason they put that facing the Capitol was so that every day when the first rays of God's sun hit the very first thing in this Nation's Capitol, it was the words "Praise be to God." Every morning, the first rays of God's sun hit the first thing in the Capitol is "Praise be to God."

Just thought you ought to know.

REAL HEALTH CARE REFORM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today because we had a very important step in the history of America today. The House leadership announced a major initiative on health care reform: the 47 million-plus and growing number of uninsured Americans, the small businesses who get up every day and create the economic engine, the hardworking laborers who work every day, the children of America, just plain America is looking forward to a health reform package that gives a robust and vigorous public option without decreasing quality that says to hardworking Americans, No pre-existing disease or ailment in your family will ever break you again.

That allows for the strength of the integrity of the Federal Government to be a partner in working with those who wish to choose their own insurance which they already have. It is a fair balance, and it is paid for.

And so as we begin this debate, I'm excited to be able to announce that there will be savings, elimination of fraud and abuse, the opportunity for real health care reform.

□ 1715

OUR FINANCIAL INTEGRITY

(Mr. CULBERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Madam Speaker, this is a historic day but not for the reasons my colleague has just specified.

Today is the first day in American history the national deficit has reached \$1 trillion. We in this Congress have an obligation to do everything we can to preserve the financial integrity of this Nation for future generations, and as a Texan, I know the solution is very simple. It's one that is embodied in these wonderful stars which were worn by soldiers in the Army of the Republic of Texas.

This is a star worn by a young man who served in the Marine Corps of the Republic of Texas, and the lone star symbolizes for Texans that the solution is, to our problem as a Nation, just leave us alone. Let Texans run Texas. Stick to the Constitution.

The Federal Government needs to stick to the very limited powers set out in the Constitution and otherwise leave us alone. Stay away from my bank accounts, stay out of my pocket, get off my back, out of my way. Stay away from my home, my family, my kids, my job, my church, my synagogue.

Let Texans run Texas. Let Ohio run Ohio. That's what these young men were fighting for in the Army of the Republic of Texas, and that's what we, as fiscal conservatives, are fighting for here today.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. KOSMOS). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ECONOMIC DEVELOPMENT IS THE KEY TO SUCCESS IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, President Obama has said that our Nation's policy in Afghanistan rests on a three-legged stool. The three legs are: One, security, which means more troops; two, economic development; and three, helping the Afghan Government to do a better job of serving the needs of the Afghan people.

Last week, National Security Adviser James L. Jones gave a frank assessment about the strategy. He made it clear that the most important leg of the strategy is economic development. This is what he said, and I quote him: "This war will not be won by the military alone. We tried that for years. The piece of our strategy that has to work in the next year is economic development. If that is not done right, there are not enough troops in the world to succeed."

Madam Speaker, I welcome Jones' comments and agree with him completely about the importance of economic development. The administration must commit more to the economic strategy.

Look at the supplemental funding bill for Afghanistan which Congress passed last month and which I voted against and you will see that we have our priorities wrong. Ninety percent of the bill's funding goes toward purely military operations, while only 10 per-

cent goes to support smart power, which includes economic development, humanitarian aid, and diplomacy. Madam Speaker, a 90/10 split favoring a military option is a doomed strategy that has virtually no chance of succeeding.

To win the battle for Afghanistan, we must show the Afghan people that the United States is helping build better lives for themselves. But after 7 years of occupation, the Afghan people don't see enough evidence that their lives are better now than they were before we arrived. In fact, in some ways, their lives have worsened. That's because we relied almost exclusively on the military leg of the stool and ignored economic development and the other elements of smart power. As a result, some Afghans now join the Taliban out of a sense of resentment and frustration. Some support the Taliban simply because they are poor and the Taliban will pay them.

Mariam Nawabi, a former senior adviser to the Afghan American Chamber of Commerce and an activist for Afghan women, recently was asked what advice she would give President Obama, and here's what she said: "I would tell him to direct more money into economic development and the creation of jobs. To end the violence, the money needs to reach the villages. If the money doesn't get to the village itself, there is no change and the young men are left without support and become fodder for the Taliban."

Madam Speaker, we must redirect our mission in Afghanistan. We must shift our resources towards a civilian surge, a surge of experts and workers who can help the Afghan people to develop their economy, and our military forces actually could be redirected to support these efforts. We must also have a diplomatic surge, a surge that engages all of Afghanistan's neighbors in an effort to assist the Afghan people and shore up the central government.

In addition, we must develop a series of rigorous metrics to evaluate the progress of these efforts and report the results to the Congress of the United States and to the American people which will then send the message that our involvement in Afghanistan is not open-ended. We can also use this process to develop a timeline for the full redeployment of our troops and military contractors out of Afghanistan.

And finally, Madam Speaker, the government of Kabul must eliminate corruption. They must respect the rule of law and show that it is working on behalf of the Afghan people.

Madam Speaker, the previous administration failed in Afghanistan because it did not understand the importance of smart power. President Obama does. That's an important step forward. But our next step is to put smart power to work, which will bring peace to Afghanistan, and it will strengthen America's national security.

TAXES ARE THE ROOT OF ALL FEDERAL MISCHIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, the taxacrats are at it again, cooking up new taxes to try to pay for the government takeover of health care. This time they want to raise taxes on small businesses. The so-called rich the taxacrats are targeting are America's entrepreneurs, the engine of the American economy.

Madam Speaker, taxes are the root of all Federal mischief. Businesses with less than 500 employees produce half of America's gross national product and account for the majority of our jobs. The taxacrats want to force these small businesses to buy health insurance for all of their employees, whether they can afford it or not. And if they don't, they will have to pay stiff fines, and of course, that will kill jobs.

The taxacrats also want to take \$540 billion in taxes out of budgets of small businesses to pay for their nationalized health care boondoggle. Small businesses need a tax break, not a tax hike.

Madam Speaker, it has always been the American entrepreneurial spirit creating new small businesses that have made this country work. There is an ebb and flow of businesses closing and new ones opening up. But these days, more are closing than opening. By the end of May, commercial bankruptcies were up 52 percent this year compared to the first five months of last year.

Eva Christian owns a popular European-style restaurant called Cafe Boulevard in Dayton, Ohio. She is one of the 8,300 businesses that have already filed for bankruptcy protection this year. Eva is trying to keep her cafe open and her workers employed while she tries to work things out with creditors. She says that the rising cost of food and energy combined with local unemployment have made it tough because her regular customers don't come around anymore. She cannot afford to be forced to give health care coverage to her employees, and her ability to bounce back will be smothered by the taxacrat not only health care proposals but new taxes on small businesses. So she will just close up.

Making matters worse, the high cost of energy is making everything cost more. The taxacrats refuse to expand the drilling for oil and natural gas here at home that would bring not only prices down but create millions of American jobs and not send them to Saudi Arabia. They want to kill the coal industry that supplies most of our electricity. They don't want to build more nuclear power plants that provide limitless clean energy. Their solution is to tax energy consumption on all Americans. All that will do is decrease

the energy supply and cause energy costs to go up. There is no transition fuel and no energy source to transition to for at least 10 more years. That's not going to power our industries or fill anybody's gas tank so they can even get to work.

When the government took over General Motors and put it into bankruptcy, the small businesses nationwide that supplied the auto industry took a big hit. Seat belt manufacturers, floor mats, rearview mirrors, spark plugs, windshield wiper blades and electrical wires and washers, including hoses, belts and gaskets, all of the parts and pieces that come together to make automobiles, were losing jobs.

When big business files for bankruptcy, it affects the small businesses that supply them—small businesses, as you may recall, Madam Speaker, that got no bailout. They weren't important enough to keep from failing or politically influential with this administration, so they just went out of business. When the new Government Motors put hundreds of their dealerships out of business, it hurt the local strip malls, restaurants, dry cleaners, grocery stores, sandwich shops, gas stations, on and on, and that causes financial struggles for the industries who supply these small businesses.

Madam Speaker, America's small businesses offer the best hope for new job creation. The government needs to get out of their way. Stop sucking the oxygen out of the economy with higher taxes and higher energy costs. Let America's entrepreneurs keep more of their own money to pull the country out of this mess. That says it in a nutshell: let them keep more of their own money.

Taxacrats want to control America's economic engine; however, they want to seize the wealth created in this country and spend it on their special friends and special interest groups. America's economy doesn't work that way. No economy ever has. If the government seizes the wealth it created, that these businesses created, however, it kills any incentive to create wealth. Just ask the former Soviet Union. Why do you think they went out of business? Why would anybody in their right mind invest money, blood, sweat, and tears to build a company from scratch only to hand the fruits of their labor over to the government? Governments don't create anything. They just seize it. They don't create jobs. They create taxpayer programs.

America's economy is the most successful in the history of the world, and the reason is easy to figure out: freedom. Freedom to create and grow an idea into a company, a dream to make it a multinational corporation. It makes no sense at all to kill the greatest economy on God's green earth, along with the freedom and liberty that created it. You cannot help the

poor by economically killing the rich. It's been said, You don't make the poor rich by making the rich poor. Madam Speaker, taxes are the root of all Federal mischief.

And that's just the way it is.

□ 1730

WE MUST SUPPORT AND DEFEND ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MCMAHON) is recognized for 5 minutes.

Mr. MCMAHON. Late Thursday, Madam Speaker, the House stood in support of our friend Israel and the greater global community by providing \$2.2 billion towards Israel's regional security and counterterrorism efforts. More importantly, this appropriation bill takes a firm stand against the active state sponsorship of terror by Iran by cutting off U.S. export credits to foreign companies that help to provide gasoline and other refined products to the Islamic Republic of Iran.

Now I stand by the administration's decision to engage Iran through negotiations. However, the United States must have something concrete to negotiate with first. For this reason, I have strongly advocated for the use of sanctions to wean Iran away from its nuclear ambitions.

As for Israel, it is our fellow democracy, our tried and true ally. Supporting it is essential to the stability and future not only of the Middle East, but of the world. And any democratic nation that has chosen to treat Israel as a suspect state, to impose on Israel embargoes and daunting deadlines for a peace agreement, should know that its actions ultimately do damage to the shared values that all democracies espouse.

Our alliance with our European partners should be held in high regard—and it is. Yet, we must consistently work to maintain this relationship. Yet, a recent decision by the United Kingdom to revoke a number of arms export licenses to Israel following the Gaza war may trigger similar decisions by other EU nations, and comes at a crucial time for Israel's security.

Following the failed Iranian elections in June, the Iranian regime has had its legitimacy wounded and its paranoia increased. Many observers expect the regime to take a posture of increased repression at home and antagonism abroad. In that dangerous environment, Israel's leaders have every right to be concerned for their country's safety.

While hope still exists for a free Iran, Europe, Israel, and the United States must undoubtedly prepare for a more dangerous Iranian regime in the near term. We must be ready for the possibility that Iran will intensify its pursuit of nuclear weapons to overcome

the embarrassment of the recent elections.

Incredibly, there seems to be a certain line of thinking in the international community that Iran poses no threat. For example, the day after Iran tested a 1,200-mile range Ashura ballistic missile and displayed the video footage to the world, a group of experts at the East-West Institute released a report on Iranian capabilities that made this astounding statement: "There is no reliable information at present on the state of Iran's efforts to develop solid-propellant rocket motors and therefore no basis to make this assessment."

It is this very shocking failure to prepare that puts Israel and the entire international community at risk. In this light, our European allies' decision to place an arms embargo on Israel does not merely represent a double standard, it is decidedly harmful to a democracy faced with the very real prospects of a destructive nuclear neighbor.

Madam Speaker, I urge this Congress and the United States to make the Iranian regime pay a higher cost for its nuclear weapons pursuit. If we needed any further reminder, the protests in the streets of Tehran have made clear that words and actions mean very little to Ayatollah Khamenei. The threat from Iran demands an effective policy response—and our European allies are well-placed to formulate one with us.

You see, even though Iran is an oil exporter, its economy is highly dependent on imported gasoline and other refined petroleum products. We need to embargo this trade. European companies are heavily involved in the Iranian gasoline business. Policymakers need to stop this trade to end this nuclear threat. If the Iranian regime faced damaging economic pressure from a significant reduction in gasoline supplies, it may indeed change its course and an ever-present threat to Israel and to global security may be alleviated.

I think we are all encouraged by the joint statement that came from the G8 Summit in L'Aquila, Italy, expressing concern over Iran's belligerence. And I hope by the next G8 summit in December, the deadline set by the world leaders—our European allies included, we will see real international collaboration to curb the threats of Tehran.

Nothing endangers peace more than a refusal to face facts. Even as we set deadlines for when discussions with Iran might begin, let's remember that they continue to enrich uranium and that a deadline with real consequences must be considered, along with engagement. Otherwise, engagement will be manipulated as a mere tactic for delay.

I am glad that this House chose to face Iran and support Israel with its vote on Thursday, and I have high hopes that the international commu-

nity will do the same. We must support and defend our friend Israel and end the nuclear threat of Iran.

WHAT'S IN A NAME? THE DEPARTMENT OF THE NAVY AND MARINE CORPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, I'm pleased to report that 304 of my colleagues in the House, from both parties, have joined me as cosponsors of H.R. 24, legislation to redesignate the Department of the Navy to be known as the Department of the Navy and the Marine Corps.

I'm grateful to Chairman IKE SKELTON, who included the language of H.R. 24 in the National Defense Authorization Act, which passed the full House last month. This is the eighth year in a row that language to properly recognize the Marine Corps has been included in the House version of the bill. Unfortunately, each year the language has been stripped in the Senate.

This year, I'm grateful to have the support of Senator PAT ROBERTS, a former Marine, who introduced the same bill in the Senate, S. 504. With his help, I'm hopeful that this will be the year that the Senate supports the House position and joins in bringing proper respect to the fighting team of the Navy and Marine Corps.

Madam Speaker, some people might ask, Why is the change so important? Isn't renaming the Department just symbolic? What's in a name?

Well, Madam Speaker, the name of the Marine Corps represents more than two centuries of service alongside the Navy.

What's in a name? The flag raising at Iwo Jima. What's in a name? Scarlet and gold; honor, courage, and commitment; and Semper Paratus. What's in a name? More than 1,000 Marines who have given their lives in serving in Iraq and Afghanistan.

As symbolic as a change in the name might be, this is a matter of respect and gratitude to the Marine Corps. The Marines do not serve beneath the Navy. They are one fighting team. That is, the Marine Corps and the Navy as co-equal partners.

This legislation is not about changing the responsibilities of the Secretary of the Department, reallocating resources, or altering missions. General Carl Mundy, the 30th Commandant of the Marine Corps, summed up the need for this change when he said, "This action will accurately align the Secretary's title with his present-day authority and responsibilities. As is, the title is confusing. It is inconsistent with the status of the four Armed Services in the Department of Defense. And it acknowledges only two-thirds of the

uniformed servicemembers in the Department."

Over the course of the Marine Corps' history, including their present-day service around the world, those three words, "and Marine Corps," have been earned through blood and sacrifice.

When the Department of the Navy writes the families of Marines who have been killed, their families deserve to receive the letter from the Department of the Navy and Marine Corps.

Madam Speaker, the Marines fighting today deserve this recognition, and those who are part of the history of the Marine Corps deserve that recognition as well.

Madam Speaker, I want to close my comments by first saying to those in Iraq and Afghanistan, I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. And I ask God in his loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq.

Madam Speaker, I close three times by asking God, please God; please God; please God, continue to bless America.

HONORING THE CAPE COD BASEBALL LEAGUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for 5 minutes.

Mr. DELAHUNT. Madam Speaker, I rise today so that my colleagues in the House of Representatives can join me in recognizing the Cape Cod Baseball League of Massachusetts on its 125th anniversary.

Recognized as "the" summer collegiate league in the Nation, the Cape Cod Baseball League today consists of 10 franchises in two five-team divisions. In its early years, during World War I and World War II, the league was populated largely by young GIs fresh from their service. The modern era of the league began in 1963, when it was officially sanctioned by the NCAA.

Throughout its existence, the League has promoted to the big time—"the bigs"—several Cy Young and Most Valuable Player Award winners, as well as Major Leaguers who achieved Hall of Fame status, as well as decorated scouts and managers, all of whom got their start on the fields of dreams on Cape Cod.

Entering its 125th season, the League continues to offer the most talented baseball players from across the country the opportunity to demonstrate their skills in front of Major League scouts. As the pioneer among the Nation's summer leagues—including, by the way, the use of wooden bats—the Cape Cod Baseball League is truly America's League.

Young players learn the importance of sportsmanship and teamwork not

only on the diamond and in the dugout, but also through the generosity of Cape Cod families who open their homes to host these young men during the summer season.

At a time when the integrity of the game is at risk, the Cape Cod Baseball League continues to embody the golden American tradition of wholesome entertainment. Our national pastime has been kept alive in its most pure state, owing to the effort of this volunteer organization, which enables fans to enjoy games at no expense; where visions of striped socks, crackerjacks, and lemonade evoke feelings of nostalgia for the bygone days of America's favorite sport.

The Cape Cod Baseball League stands out as a national treasure that can captivate any spectator through an exciting, competitive, nine-inning baseball game.

On this historic occasion, I am proud to honor the Cape Cod Baseball League for its 125 years of success and for its well-established, beloved reputation among the Cape Cod family, both residents and tourists alike. Congratulations to the players and to the volunteers in that organization, and may you forever be "Where the Stars of Tomorrow Shine Tonight."

HONORING MR. JACK H. JONES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. I rise today to honor Mr. Jack H. Jones, who was recently elected Imperial Potentate of Shriners International, which makes him the highest-ranking Shriner in the world.

I want to share with my colleagues, many of whom may be unfamiliar with the work of the Shriners, what they are all about. Shriners International is a fraternity based on fun, fellowship, and the Masonic principles of brotherly love, relief, and truth. There are approximately 375,000 members from the 191 temples, or chapters, in the United States, Canada, Mexico, and Panama.

□ 1745

I am proud to be a Shriner and support their ongoing charitable efforts. Shriners International supports Shriners Hospitals for Children, a one-of-a-kind international health care system of 22 hospitals dedicated to improving the lives of children by providing specialty pediatric care, innovative research and outstanding teaching programs. Since 1922, Shriners Hospitals for Children have significantly improved the lives of more than 865,000 children.

Mr. Jones has been involved with Shriners for more than 30 years. He has served as Imperial Recorder, part of the body that governs the Shriners. Prior to his election to that position,

he served on the Elected Divan of Egypt Shriners in Tampa, Florida. His Masonic affiliations include Egypt Shriners, Hillsborough Lodge No. 25 F.&A.M., Tampa York Rite, Tampa Scottish Rite, Red Cross of Constantine, Royal Order of Jesters, and National Sojourners. He also is a 33rd degree Scottish Rite Mason.

Mr. Jones has earned many awards for his service with the Shriners, including the Benjamin Franklin Award for the Grand Lodge of Pennsylvania, the Henry Prince Medal from the Grand Lodge of Massachusetts, and the Andrew Jackson Medal from the Grand Lodge of Tennessee. In 2006, he was presented the Imperial Potentate Award of Merit, which is the highest honor in the Shriners fraternity.

In his new position, the Imperial Potentate will serve as chairman of the Board of Directors for Shriners International and Shriners Hospital for Children. I am certain that his immeasurable talent and experience will greatly help the Shriners and the many people who benefit from their work.

Madam Speaker, I encourage all of our colleagues to congratulate Mr. Jones on his election as Imperial Potentate and recognize the contributions that Shriners worldwide make to the betterment of our world.

UNEMPLOYMENT, CAP-AND-TAX, AND AFFORDABLE HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY of Georgia. Madam Speaker, after losing an additional 467,000 jobs last month, our Nation's unemployment rate reached a 25-year high of 9.5 percent. It is time for the administration and the Democratic majority to admit what the American people know all too well: the vaunted Democratic stimulus bill has failed to stimulate anything other than a few Federal bureaucrats and the Chinese, who are loaning us, with hefty interest, I might add, those stimulus dollars.

When President Obama and the Democratic leadership rammed the 1,073-page stimulus bill through Congress without giving Representatives on either side of the aisle, much less voters back home, a chance to actually read it, they promised that the \$1 trillion price tag would go to "saving or creating 3.5 million jobs." Well, Madam Speaker, I must ask the question, Where are the jobs?

To make matters worse, the House passed the "Pelosi Global Warming Tax" 2 weeks ago that will only make it harder for businesses and families to survive by piling an additional \$3,000 on to every household's energy bill. This cap-and-tax policy, they call it cap-and-trade, but it is a cap-and-tax policy, would further impose artificial

emissions standards on American companies and energy producers, increasing the cost of doing business and forcing them to cede market share to overseas competitors who will not be subject to these limits on carbon dioxide emissions. I repeat: they will not be subject to these limits, and I'm talking, of course, about China and India.

And now the same people who turned General Motors into "Government Motors" have set their sights on a government-controlled health care system that gives power to bureaucrats rather than doctors, like myself, to make decisions about your care. As we have seen in Great Britain and Canada, the end result would be the virtual elimination of private health insurance and the creation of a one-size-fits-all government health plan that would ration care by limiting the types of treatments patients can receive.

Madam Speaker, instead of another government takeover, we need real solutions which will make health care more affordable and more accessible while leaving critical choices and decisions about their health where they belong, in the hands of patients and their physicians.

REVISIONS TO THE 302(a) ALLOCATIONS FOR THE COMMITTEE ON APPROPRIATIONS ESTABLISHED BY THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEARS 2009 AND 2010

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 422(a)(2) of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010, I hereby submit for printing in the CONGRESSIONAL RECORD revised 302(a) allocations for the Committee on Appropriations for fiscal years 2009 and 2010. Section 422(a)(2) of S. Con. Res. 13 directs the chairman of the Committee on the Budget to adjust discretionary spending limits for certain program integrity initiatives when these initiatives are included in an appropriations bill. The bill H.R. 3170 (Making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes) includes an appropriation for such an initiative in accordance with S. Con. Res. 13. A corresponding table is attached.

This adjustment is filed for the purposes of section 302 of the Congressional Budget Act of 1974, as amended. For the purposes of the Congressional Budget Act of 1974, as amended, this adjusted allocation is to be considered as an allocation included in the budget resolution, pursuant to section 427(b) of S. Con. Res. 13.

Any questions may be directed to Ellen Balis or Gail Millar.

DISCRETIONARY APPROPRIATIONS—APPROPRIATIONS
COMMITTEE 302 ALLOCATION

(In millions of dollars)

	BA	OT
Current allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,088,059	1,306,759
Change for program integrity initiatives: H.R. 3170 (Appropriations for Financial Services and General Government):		
Fiscal Year 2009	0	0
Fiscal Year 2010	600	564
Revised allocation:		
Fiscal Year 2009	1,482,201	1,247,872
Fiscal Year 2010	1,088,659	1,307,323

THANKS AND FAREWELL TO LIZ
BIRNBAUM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BRADY) is recognized for 5 minutes.

Mr. BRADY of Pennsylvania. Madam Speaker, in the frenetic pace we maintain in Washington, we too seldom acknowledge the invaluable role played by our staffs. As chairman of the Committee on House Administration, on this occasion I wish to note the recent departure of my invaluable committee staff director, S. Elizabeth Birnbaum.

Since her arrival in 2007, Liz has served the committee, the House and the country with distinction, providing me and my colleagues with wise counsel honed during her years of service with the Department of the Interior; with the House Interior and Natural Resources Committee, as it was then known; as a tireless advocate for the health of our nation's waterways at the environmental organization American Rivers, and elsewhere. In addition to her policy advice, Liz also proved a strong, effective, compassionate leader for the committee staff from whom her colleagues could and should have learned much during her tenure.

Madam Speaker, the House Administration Committee may be the most important committee that many Americans have never heard of. We don't write tax or spending bills, we simply run this place. I can assure the House that the committee could not have run this place for the past two years without Liz Birnbaum. We grapple with dozens of administrative matters every day, large and small, each crucial to someone. Although I cannot be certain, because she has so many from which to choose, I suspect Liz might consider her greatest accomplishment to be her legislative and oversight roles in the December 2008 opening of the Capitol Visitor Center, already toured by nearly 1.5 million people.

Liz will be greatly missed, but we can all take comfort that she will not be far away. The President lured Liz back downtown to the Interior Department, where she will direct the Minerals Management Service implementing the Administration's policies concerning resources on federal lands. While the committee's loss is definitely the President's gain, as Liz herself knows, Capitol Hill never lets go of alumni completely. So, on behalf of my committee, the House, and the country, I thank Liz Birnbaum for her dedicated service, wish her well in her next assignment, and fondly look forward to seeing her again soon.

GENOCIDAL HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Madam Speaker, recently the Secretary of State appeared before the House Foreign Affairs Committee and confirmed that it is the administration's goal to include abortion as an integral element of "re-productive health care" provided by the United States overseas. This hearing came on the heels of the Secretary's words of praise for Margaret Sanger as a personal heroine. Margaret Sanger was a notorious American eugenicist who advocated tirelessly for policies to eliminate persons she deemed inferior and unworthy to live, namely the poor, the immigrant, and the black child.

While the Secretary at the hearing did rightfully deplore the racist comments attributed to Margaret Sanger, the administration's policies regrettably continue to champion abortion both here and abroad. This continues despite the fact that more and more Americans oppose the practice, let alone using taxpayer dollars to fund it, or imposing it on persons across the world who may be weaker and more vulnerable.

Margaret Sanger's world view should shock the conscience and evoke equal condemnation from thoughtful persons on both sides of the aisle.

Madam Speaker, for this reason, I was stunned to learn that in a July 12 interview with the New York Times, Supreme Court Justice Ruth Bader Ginsburg echoed the sentiments of Sanger. While explaining the outcome of *Harris v. McRae*, a 1980 Supreme Court ruling that upheld the Hyde amendment, which disallows Medicaid funding for abortions, Justice Ginsburg said this, "frankly I had thought that at the time *Roe* was decided, there was concern about population growth and particularly growth in populations that we don't want to have too many of."

Madam Speaker, did you hear those words? Justice Ginsburg, I repeat, actually said this, "There was concern about population growth and particularly growth in populations that we don't want to have too many of."

Madam Speaker, to whom was Justice Ginsburg referring? Who would Justice Ginsburg prefer to not have live? It is unfathomable that in this day and age, a Justice of the United States Supreme Court would articulate such a patently genocidal sentiment.

This is more of the same discredited, amoral philosophy of social engineering that offers no comfort, no vision of the common bond of all humanity, particularly for those who are weak and vulnerable among us.

Madam Speaker, it is with a very heavy heart that I have to say such

things. I know we have come much further than this in our society. Millions of Americans believe that we are big enough and loving enough as a Nation to embrace the mother and her unborn child and truly care for life. We can do better. We must do better. Women deserve better than abortion, and America deserves better from its leaders.

"GOVERNMENT MOTORS"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Madam Speaker, 2 days after Independence Day, the remaining GM dealers in the United States received a letter from the General Motors National Dealer Council letting the dealers know that the National Dealer Council strongly opposes the Automobile Dealer Economic Rights Restoration Act of 2009. It is also called H.R. 2743. The letter urged all remaining GM dealers to sign the letter immediately, by no later than 5 p.m. on Tuesday, July 7. They urged the dealers to fax it back to the National Dealer Council urging that they do not support passage of the restoration of economic rights.

I have nothing personally against GM or Chrysler, Madam Speaker. These are great American companies. But what I do object to is the Federal Government effectively taking over these once great companies.

Last Friday, GM emerged from bankruptcy, Madam Speaker, but do the American people even realize that they own a majority share in this company, effectively 61 percent, which is why many people now call it "Government Motors"? Do they know that 3,400 privately owned dealerships were given pink slips essentially by the Federal Government? 3,400 dealerships were closed down all across the America, not because these dealers were failing? Hardly. In my district dealers were experiencing some of their best months ever for sales, high customer satisfaction and terrific service.

Perplexed and bewildered, 3,400 automobile dealers across the United States were given pink slips essentially by the Obama Auto Task Force; 150,000 jobs are estimated to be at risk of vanishing by this move. And with these jobs goes a part of the American Dream for private property owners and business in our country. The remaining GM dealers carved up the spoils.

Now let me be perfectly clear. I fault none of these existing remaining GM dealers. These actions weren't their fault. Our fear with government owning these car companies is that politics will control GM's remaining decisions, not business. And now with this letter, it seems that politics is prevailing. Existing dealers are urged by GM to work against restoring economic rights to

the dealers who saw their businesses' value drained from them overnight.

How can current GM dealers possibly stand up against GM when GM is the Federal Government? Again, dealers are urged to sign a letter that will disadvantage their disenfranchised former competitors. This is a bad business, Madam Speaker. And it perfectly illustrates why we don't want government to own, operate, or control private businesses.

THE NATIONAL ENERGY TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Madam Speaker, I appreciate the time to come down to the floor and talk about the bill which recently passed the House, the cap-and-trade, cap-and-tax national energy tax bill, which has a basic premise. The basic premise says that there is too much carbon dioxide in the atmosphere. The solution is to make sure that the emission of carbon dioxide is charged more, and that charge will decrease our reliance on that by forcing people not to use fossil fuels.

It sounds simple. It is not that simple. Fossil fuels is the basic foundational fuel for a thriving economy. And in this economy that we have today, the last thing we want to do is slow that engine by raising costs.

Energy is a component in the cost of everything we do. Here in this Chamber, we appreciate the lights being on. That currently is possible by fossil fuels. Whether that is coal or natural gas, fossil fuels help create that electricity. As we drive back and forth to our districts, the gasoline is a fossil fuel. If we are flying back to our districts, the jet fuel is a fossil fuel. If we add a cost on the use of fossil fuels, the cost for everything increases from the clothes that you wear to the food that you consume and to the houses that you build.

The last time we went through environmental legislation that dealt with the Clean Air Act, there was great devastation of jobs throughout the Midwest. An example is this poster that I bring to the floor numerous times of United Mine Worker members from Peabody No. 10 in Kincaid, Illinois. When the last Clean Air Act amendments were adopted, 1,200 mine workers in this mine alone lost their jobs. There is an effect by the legislation that we pass here on the floor of this House.

□ 1800

And not only did it affect these individual miners, but it affected all the communities from which they have come from because that was the major job creator in this county was those who operated this mine. They not only

lost their jobs, but in southern Illinois, 14,000 other mine workers lost their jobs. This is very similar to what happened throughout the rest of the Midwestern States.

The one that really is poignant because the head of the Ohio Coal Association, the Ohio Mining Association came before our committee and said, after the 1990 Clean Air Act amendments, 35,000 coal mine workers lost their jobs. And so that's why those of us from coal-producing areas and those of us who want low-cost fuel have come to the floor and we fought so diligently in opposition to the national energy tax.

Now, if we want to move on the national energy tax and if we want to limit the amount of carbon dioxide because the atmosphere has too much, wouldn't it be important to ensure that the rest of the countries that are developing would also comply? But the bill that passed the House had no provision, had no trigger to ensure that the number one emitter of carbon dioxide would have to comply in a regime, and that's China. Another major emitter of carbon dioxide is India. They're not involved and responsible for moving to limit their emissions. So, for the United States to go into and disarm ourselves by raising our energy costs against countries that compete with us because they can pay their employees more, they don't comply with environmental standards, now we are going to allow them to have cheaper energy, it is just a foolish proposition.

So what have Republicans done? We've come to the floor to talk about what really are the energy demands that we have in this country. We need to decrease our reliance on imported crude oil. The cap-and-tax bill does nothing to decrease our reliance on imported crude oil.

What we have proposed is making sure that we take access of the Outer Continental Shelf, the oil and gas reserves there. The royalties then are used not to continue to bring additional taxes on the American people. The royalties are used to expand wind and solar power that is now developing throughout this country, which we support because we want a diversified energy portfolio. We want to make sure we use our most efficient, cheapest source that we have, which is coal. We want to use it for electricity generation, driving down electricity prices. We also want to use that to produce liquid fuel, so we have a competitor. That is where we decrease our reliance on imported crude oil.

GOVERNMENT REGULATION OF THE FINANCIAL SERVICES SECTOR

The SPEAKER pro tempore (Mr. MAFFEI). Under a previous order of the House, the gentleman from Connecticut (Mr. HIMES) is recognized for 5 minutes.

Mr. HIMES. Mr. Speaker, I rise to address the House this afternoon because, like so many Members of this body, I am engaged in a terribly important exercise of working to think through the next generation of regulation that will oversee the stability and health of our financial services sector. This is a terribly important and challenging thing that we do. We need to make sure that we do what is necessary to have a vibrant, innovative, thriving financial services sector that employs the people of Connecticut and the people of this Nation, that pays taxes in Connecticut and to this Nation, but that we toe the line in such a way that we never find ourselves in the position that we are in today of tens and hundreds of billions of taxpayer dollars being brought to the table to bail out a private industry that took too many risks.

And I rise this evening because I am concerned by the conclusion being drawn by some of the Members of this House, because our regulatory apparatus which, let's face it, was crafted in the 1930s, failed in many respects. And, boy, did it fail in some spectacular aspects. The conclusion seems to be drawn that government cannot regulate, that we should get out of the business, that we should leave the financial services sector entirely to its own devices, that somehow individual responsibility alone will create a stable and vibrant financial services sector.

And so I want to hearken back to the history of this body and this government crafting smart regulation. Think back 110, 120 years ago. American families ate rotten food. They bought snake oil in the guise of pharmaceuticals. They worked in factories that burned down and killed hundreds. They lived in cities that were unsanitary.

And over 120 years, 110 years, maybe starting with the fine Republican, Teddy Roosevelt, this Nation said we can do better. We can put in place smart regulation that protects our citizens and that adds to the quality of life of every American family. And, in fact, that is what happened, and we haven't gotten it quite right. There have been spectacular failures. But over that 120 years, the efforts of this government to craft smart, efficient regulation hasn't destroyed the economy.

The economic growth in this country over that period of time has been nothing short of spectacular. But it has protected American families. Very few families anymore buy snake oil, buy securities that would put Madoff's securities to shame, find themselves working in factories that burn down and nobody gets out because the doors are locked. 110 years, 120 years of success, not unadulterated success. There have been failures. But over time, the efforts of this country to put in place smart and efficient regulation have helped this economy and have helped the quality of life of American families.

And that is what we must do. We must not shrink from the task just because the SEC blew it on the Madoff case or because other regulators weren't watching new and dangerous markets closely enough. We must not shrink from the task of thinking through what new round of financial regulation allows that industry to thrive, allows that industry to provide credit to American families, to small businesses, to allow our economy to grow, but which never, ever puts us in the kind of risky position that we're working so hard to dig ourselves out of right now.

We can do this. There's a century-long tradition of our working constructively in that direction. So I know we can do this. The answer is smart, efficient, modern regulation for the benefit of everyone and the benefit of this economy.

THE MAJORITY MAKERS AND HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Kentucky (Mr. YARMUTH) is recognized for 60 minutes as the designee of the majority leader.

Mr. YARMUTH. Mr. Speaker, it's a great honor for me to be here tonight to lead a discussion about the most pressing and the most significant problem to most Americans, and that is the question of health care. I'm here with Members of the class of 2006. We call ourselves the Majority Makers, and from time to time we are here to address matters of great national import with you. But this is a very special topic for the class of 2006.

I remember very well when I began my campaign for Congress back then, in 2006, when many of the headlines of our Nation's newspapers and our television news operations were all about the Iraq war, and people would say to me, Well, I guess everyone's talking about the Iraq war to you. And I said, No, nobody's talking about the Iraq war. It's health care, health care, health care. Everywhere I went, neighborhood picnics, Catholic picnics on Friday night, festivals, businesses, schools, wherever I went, I heard story after story about how Americans were fed up with the health care system that was not serving them. In fact, it was, in many cases, killing them.

Well, here we are, 3 years later, and while health care may not have been on the front pages of the newspapers up till now because we have a severe economic decline and many challenges we're dealing with, this Congress is ready to put health care back on the front pages. And President Obama has already indicated that this is his top priority in his first time in office, and the reasons that that is so are not hard to determine.

It's pretty easy to look around us, look at the numbers and see why we have to take significant, decisive action to improve, to change our health care system. Just a few weeks ago, Dr. Christine Rohmer, who heads the White House's economic team, testified before the House Budget Committee that if we don't make significant steps to reform health care, to get a handle on cost, to bring prices down, that health care, which now comprises 17 percent of our economy, by 2040, would make up 35 percent of our economy.

Well, you don't have to be an economist or a health care expert to know that if health care takes up 35 percent of our economy, it's going to squeeze out most of everything else. In short, it is an unsustainable number. And we can go on and talk about the dramatic impact of Medicare and those types of expenses on the Federal budget as well as on the general economy.

But what most people are concerned about is not the big picture, not the macroeconomic picture; it's the kitchen table picture. It's what happens in your household, what happens to individuals, those people that we meet in all segments of our society from one coast to the other who have had significant difficulties with their health care system. They're small business people who have seen their premiums rise 15, 20, 25 percent every year in spite of the fact that they have very low utilization, healthy people.

We've seen story after story of individuals who, at 55 years of age, lose their job. They can't get COBRA for a very long period of time. They don't qualify for Medicare. They try to go out in the private market and buy insurance, but at 55, most everybody's going to have some kind of preexisting condition that makes them, under current, the current system, uninsurable.

We heard from a couple yesterday in that exact same position. They came to testify to Congress. A woman has had epilepsy since she was 5 years old. Her husband lost his job. Now they go out and try to shop for insurance in the private market, but because she has epilepsy, something totally beyond her control, obviously, the only insurance policy she could get cost \$2,600 a month. Now, how many people in this country can afford \$2,600 a month for health insurance? \$30,000 a year. Well, not very many. But these are stories that are repeated time after time after time.

I have to tell one that was a personal experience of mine, and then I'm going to let my colleagues from the class of 2006 contribute not just their stories about where health care needs to be fixed, but also what this Congress is proposing to do to set America on a sounder course for health care.

Back during my 2006 campaign, we had a young worker, a young woman in her mid-twenties, was a volunteer in

our campaign. She was severely disabled, so severely disabled she was wheelchair-bound. And she told me that if she were not covered by SSI, she would have spent, had to spend \$3,000 a month just on her prescription medications, but because of SSI, she was able to manage her health care problems.

Now, she had, and I hope she still has, a boyfriend, and they wanted to get married. Her boyfriend worked at a supermarket company. He was making \$11 an hour, which, to them, was a great salary. But they couldn't get married, because if they got married, she would lose her disability coverage, and the company where her boyfriend was employed could not, would not put her on the policy because she was so expensive to cover.

□ 1815

So what we have here are two people in love, wanting to get married, wanting to start a family, wanting to do what so many Americans want to do, and because of a health care coverage issue, they cannot get married. In this country, there is no excuse for that situation.

Time after time, all of us run into situations in which people are having to make important life decisions based on whether there is the availability of health care coverage. There is someone who wants to leave a company and wants to start a small business of his own—not able to do it because of coverage. There is somebody who wants to leave a situation, in which he or she has coverage, in order to go back to school to further his education and advance his prospects—can't do it because of insurance coverage. We all know these scenarios all too well.

So this Congress and this President have set out to change the health care system in this country to make sure that every American has peace of mind and security where his or her health care is concerned. That's what we're about, and that's why we're going to put health care back on the front pages and back as the lead story on America's newscasts over the next few weeks, because we are going to do for the American people what we know they want us to do and need us to do.

With that, I would like to yield to my good friend and colleague from Maryland, Mr. SARBANES.

Mr. SARBANES. I want to thank my colleague from Kentucky for organizing this very important discussion today.

We have got some terrific Members who have been very engaged in this health care topic for a long time, and I say "a long time" because, even though these are folks who came to this Chamber in January of 2007, all of them are people who have been working on this issue for many, many years. So this is going to be an important discussion tonight, I think a stimulating

one, and one that will be enlightening to all of those folks who are very concerned about where we are right now.

Today was an incredible day because today there was introduced in this Chamber the Health Reform Act, which, I think, is going to form the basis of moving us forward in a very meaningful and significant way in this country. This has been a long time in coming, this day. We ran on this issue in 2006, not because we made it up out of thin air but because everywhere we went we heard from constituents and members of the public who were saying this was their number one issue. We ran on it again in 2008 because this was the number one issue that people brought to our attention and because of the stories like the one that JOHN YARMUTH just told. There are legions of those stories that we've heard.

I mentioned that this was the number one issue in '06 and '08 for a specific reason, and that is that there are some on the other side and there are even some in the public who are saying we're moving too fast on this—slow down—that we need to take more time to deliberate. It's a fair point, but only to a point, because the people who we were elected by and the people from whom we hear every weekend when we go home to our districts have been clamoring for this kind of reform for decades, and they really can't wait to change the situations they're in right now. So this is a great day because, after decades of struggle and after the past few years when the call for this kind of change has reached a fever pitch, we are at this moment finally at the point where we are putting legislation on the table that is going to make a difference.

I want to yield soon to my colleagues who are here but let me just mention a couple of things and dispense with some myths.

You know, before we began this exchange, I heard a few folks who were critical of the proposal saying we don't need a government takeover. Well, this bill couldn't be further from a government takeover. What this is doing in a very American way is offering more choices out there. Too many Americans feel that they have been shackled by a private health insurance industry that was more interested in seizing profits for themselves than in really providing high-quality and accessible care to most Americans. Folks are fed up with that. So we're not talking about a government takeover. We're talking about trying to get out from under the takeover that the private health insurance industry has had for so many years. That's what this is about.

The second thing is that this bill invests in primary care and in preventative care. It does the kind of common-sense things that the American people have been calling for for so many years

with respect to their health care coverage. Let's treat people on the front end, and keep them from getting sick in the first place rather than waiting for them to get sick on the back end. That makes common sense. The other thing is it invests in our health workforce. If we are going to presume, as we should, to cover everyone in this country and to provide them with health care coverage, we have got to make sure that there are enough caregivers to deliver that care to them.

Let me close with this observation, which is what, I think, most Americans are thinking to themselves. They're thinking: If America could have accomplished all of the things that we've managed to accomplish over the last few decades, even as we were carrying this broken health care system around on our backs, imagine what we could accomplish as a society, as individuals, if we could fix this health care system. Imagine if your mother, who goes to work, who leaves a child at home who has got a fever of 100 degrees, but you don't have to worry because you know that your family has decent health care coverage. Imagine how much more productive you're going to be at work that day. Imagine you're a small business that wants to do the right thing for your employees, but you could never afford to do it, but now you can. Imagine if you're a large business that's trying to compete with a competitor overseas that has more of a shared obligation from the public and private sectors to help it with the cost of health care. Imagine how much more productive and competitive you could be.

So, given that America has been as successful as we've been all of these years, even with this monkey we've been carrying around on our back, just think of and just imagine the heights we're going to reach as a Nation and as individuals if we can fix this health care system. That's what this bill is all about.

So I want to thank you, JOHN, my colleague from Kentucky, for convening us today to talk about this very, very important issue. Let me yield my time back to you.

Mr. YARMUTH. I thank the gentleman.

He raises a point that, I think, is appropriate to make at this time. We will hear a lot over these few weeks as we're going to be actively engaged in this issue of trying to bring a bill to the floor and of passing it before August 1. You will hear a lot about the Canadian system, and you will hear a lot of fear tactics being thrown at the debate because, right now, those people who are opposing what we are trying to do really have nothing but fear tactics to throw at it.

It's interesting, because we had a hearing in Ways and Means several weeks ago. A gentleman was there who

was arguing against our public option, the public option part of the proposal, which basically is a government-run plan that would compete with private insurers and that would compete for your business, for the business of the American people. He kept saying, We don't want Canada. We don't want Canada. We don't want Canada with the long lines and all of these things—all of these myths that have arisen around the Canadian system.

I asked him if he knew how many countries in the world, how many industrialized nations, had a nationalized health insurance system. He said all of them except the United States. How many have universal coverage? All of them except the United States. How many have a blend of public and private where you have a basic level of coverage provided by the government but where people can buy private insurance to enhance their positions? He said, Well, all of them except Canada. I said, So you have chosen the one country in the world that is an outlier. He used that to undermine the arguments for an American plan when we haven't copied anything from Canada in this country, that I know of, except hockey. He really didn't have a response to that.

The point is you will hear a lot of these myths thrown out, and they really don't relate to what we're doing or are trying to do, which is to create a uniquely American solution to a uniquely American problem.

With that, I would like to yield time to my colleague from Massachusetts, Congresswoman NIKI TSONGAS.

Ms. TSONGAS. I want to thank my colleague from Kentucky.

It is an historic day, I think, to be here, discussing the issue of health care. You were talking about how many in our class campaigned on the very important issue of health care. I came in at midterm—a year, maybe 10 months after you all had been elected—as part of a special election process in which the issue of expanding coverage for children under the Children's Health Insurance Program was the defining issue. I ran on a campaign, as many in my class did, to expand children's health coverage. Finally, we have been successful this year with President Obama's signing that most important legislation into law.

I also happened to be running at a time when the new Massachusetts system, which was designed to provide guaranteed access to affordable health care for Massachusetts residents, was coming into play. We had many, many questions around the potential it would have, around the difficulties it might present and around the costs it might impose. In fact, since we began that most important system, 439,000 residents of our State are now covered with quality, affordable health care.

This legislation created a mechanism not unlike the exchange that we are

talking about in the legislation that was being proposed today, which creates a place for people to go to assess the different possibilities of health care and to make sensible choices that make sense for them.

What I learned from the Massachusetts experiment, which has become very successful, is that, while we talk very much about what the role of government is, in Massachusetts, the role of government was to be the architect of the system that brought everybody to the table—the employer, the individual and government—to sort out how best each player should play its role. Because we had that cooperative approach, which is what, I think, we see in the legislation that has come to the table today and the successes that that has generated, I think it is a remarkable model that says there is a role for government but that everybody has to play its most important part.

So I think this is, really, a very exciting day for our country. It is the beginning of a process. I look forward to reaching out to my constituents, who will have slightly different perspectives because of their experiences under the Massachusetts model, and to getting their input as we go forward with the most important debate that we are just beginning. I thank you for beginning that today.

I apologize for not staying longer, but the women of the House are playing a softball game later this evening, and I don't want to be too late, even though I'm only going to be cheering, because I don't want to end up in the hospital, in need of care, as a result of my poor game-playing talents. So thank you for beginning this most important discussion.

Mr. YARMUTH. I thank the gentlelady, and I intend to be at the game myself in a most supportive role.

I would like now to introduce one of the physicians of the House. Not too long ago, there was an article in the New York Times that talked about the number of physicians here. They make an extraordinary contribution to our efforts in this field and in many others.

So it gives me great pleasure to yield to my good friend from Wisconsin, Dr. KAGEN.

Mr. KAGEN. Thank you, Congressman YARMUTH. I appreciate the opportunity to join with you and with other Members of the class of 2006, the difference-makers, the Majority Makers, who brought a message of positive change here to Washington in January of 2007. What happened is we had another election in 2008, and we returned because we haven't finished the job yet.

There is an inheritance that our President, Barack Obama, has taken on. I can't think of another time in American history when a President inherited so much in crisis: the housing

crisis, where housing construction and prices were falling through the floor, and a financial crisis where the credit markets completely froze up and went into a medical coma—money wasn't being transferred between banks. He inherited a lot. He also inherited 3.7 million people who had lost their jobs during the previous year.

□ 1830

This economic recession that we've slipped into began under the watch of the previous President, and we have a lot of fixing to do. It's going to need a doctor in the House to get things going. But we do have hope now because we have a new way of looking at things. We're taking a positive approach, and we brought forward today a bill that begins the process of healing our fractured health care system.

Now when I ran for Congress and when I got re-elected, I put together a health care advisory team in my district, in northeast Wisconsin, composed of physicians, of medical people involved in hospital administration, insurance people, nurses, everybody that's involved in health care, and we came up with 10 essential elements that should be included in a successful piece of Federal legislation. The first and most important element was no discrimination. We sought to apply our constitutional rights that protect us against discrimination to the health care industry to guarantee that no one would suffer from discrimination, not on the basis of the color of their skin but the chemistry of their skin or, in the case that you mentioned, the patient with epilepsy. We shall not discriminate against any citizen or legal resident based upon pre-existing medical conditions, and that's in this bill that was submitted today for our consideration.

Now the bill may not be perfect. It certainly hasn't been read all the way through yet. It's only 1,018 pages. But it does have within it, "No discrimination against any citizen or legal resident due to pre-existing medical conditions."

The second most essential element of the Eighth Congressional District of Wisconsin's ideas was that we needed a standard plan, a health care benefit plan that was standardized such that each and every insurance company would offer in the marketplace, by openly disclosing the price, a standard plan. That's in this bill. The idea is to create competition, which doesn't exist today, create open and transparent markets that don't exist today because you can't call up an insurance company and ask for the price. They just don't know what to charge you until they find out how to cherry-pick you out or boost up your price. So no discrimination and a standard plan are in this bill. When we do that, when we have an open marketplace with a

standard policy that's being sold in a very competitive fashion, I believe we can drive down the price of your insurance premiums by about 22 percent. That's a lot of money when the average cost today is \$1,200 to \$1,400 a month for a family of four.

The third element, transparency. It's in the bill. The fourth element, incentives, financial incentives to begin to root out waste in the system. I believe, as many people here in Congress and across the country believe, that we're spending enough money across this country now on health care. It just needs to find a better home. Since 47 percent is the overall overhead of the private insurance industry for small business, that means that when a small business sends a dollar in to an insurance company, 47 cents, in my view, is wasted. It's wasted on the bureaucracy within that insurance industry. We can and must do better. We must drive that overhead down to 15 percent; and when we do, we'll save America \$39 billion a year which will go right back into our economy. I am absolutely convinced, as are many Members here, that when we reduce the cost of health care for everyone by using the marketplace to leverage things down, leverage the price down, we're going to stimulate our economy because there are two big overheads right now for any small business. It's called health care and energy. If you're in farming, if you are a small business on Main Street or the side streets, you've got an overhead that's health care, number one, and energy, number two. So I'm very pleased to see that these essential elements are in this bill. It's a great day for America. It's a very hopeful day.

I yield back.

Mr. YARMUTH. I thank Dr. KAGEN for his expert contribution. As we move forward, we will rely more and more on those people who have been in the trenches. And for someone who has been in the trenches and knows the problems that face his patients and his colleagues in the medical profession, we will be able to craft a much better piece of legislation. So I thank him for his contribution tonight.

Now it gives me great pleasure to introduce another individual who has been focused on health care throughout his political career, a good friend from Memphis, Tennessee (Mr. COHEN).

Mr. COHEN. Thank you. I appreciate the gentleman from Kentucky bringing up this topic and joining Dr. KAGEN, my colleague; Mr. SARBANES and Ms. TSONGAS, who was with us, in discussion.

I look at the inscription that is over the Speaker's chair here in the United States Capitol, and it's Daniel Webster. Daniel Webster says, "Let us bring the resources of our Nation, our institutions together," and may we do something here that is worth remembering and something worthwhile that may be

remembered. I can't think of anything that would be more worthwhile to Daniel Webster's spirit than we could do to have people remember this 111th Congress and to provide the health care that's been sought for so many generations.

I think back to Harry Truman who really had this original concept and wanted to see national health care. You think about what Mr. YARMUTH talked about, the only industrialized nation on the Earth that does not have health care for its people. It is the greatest country on the face of the Earth, but we don't provide health care, and that's somehow an omission that this country has glaringly overlooked. Dr. King would certainly be in favor of such a bill because this is a Nation that has forgotten so many for so long, and we cannot continue to do that and be considered the greatest country on the face of the Earth.

This bill that President Obama talked about today, and has gotten through the committees with Mr. MILLER, Mr. RANGEL, Mr. WAXMAN and Speaker PELOSI, who have worked so hard on it—and there is a comparable bill in the Senate—will see to it that we save money, \$500 billion over the next 10 years in Medicare, securing for our seniors a Medicare system that will be affordable and available and offer quality care. It will see to it that we ferret out fraud and waste from the system and make savings that will help reduce our deficit that we're presently experiencing. So there is a fiscal mechanism to this bill as well. It will see that pre-existing conditions cannot be used, as Mr. YARMUTH's couple was used as an example, to deprive people of health care insurance. There is a lot of profit in the system now with advertisements on television, profits for insurance companies and tremendous salaries and profits that are there; and they need to be wrung out of the system. One way we're going to do it is by having this public option plan compete and force insurance companies, if they intend to remain active in the market, to compete with a national system that does not have those same costs and will keep costs down. This will be more quality at a cheaper cost and more people covered. You know, there is a tax that we already have in America. When you have 47 million people—maybe 50 million at this point—without health insurance and 14,000 more people each month who lose their health insurance, when those people get sick, they still get care someplace, sometime, but it's paid for by higher insurance premiums, it's paid for by higher taxes. Where there are community hospitals, they go to emergency rooms. You pay for it—the most expensive care possible in an emergency room which wouldn't be there if the people had insurance because they could go to their doctors—and it's paid

for through property taxes by citizens in an expensive manner. This will be eliminated. So for all those cities, including mine, where we have The MED, a community hospital, a trauma center that treats a lot of people that don't have insurance at an expensive rate in the emergency room, those people will have insurance, and they won't be coming to the emergency room, and it won't cost our taxpayers as much which means that that trauma center will be available for trauma care, as it was intended. In case there is a disaster, it will be available as well and that trauma center can survive. There won't be this tax that's put on everybody for taking care of the uninsured in uncompensated care, which hospitals do, and just charge it to you in a higher bill that you get from your physician or from your health care provider. We're paying for it but without any controls. So the system is really out of control. It needs to be restrained.

Now Mr. YARMUTH talked about Canada. And I know that we probably don't want to compare anything we're doing here—except for hockey—to Canada. But I was with a Canadian minister yesterday in Memphis—not a minister in the clerical sense but a government official; and he told me that a lot of people compare our system to yours, he said, "You know, our people live to an average of 81 years of age, and your people live to 78." He said, "The increase in inflation in our health care is 1 percent a year, and in your system it's 10 percent a year." He mentioned some other figures, and this was his perspective. He said, "I wouldn't trade our system for yours for anything." Our system is the most expensive health care on the face of the Earth, but it's not the best. And we're paying for it. And that's wrong. Not enough people get health care. I'm happy to be a part of this Congress, to support this bill with a strong public plan that will see to it that we can compete with the insurance industry to keep their costs down and to see that everybody has access to health care as this plan will.

I would like to yield to my Wisconsin namesake STEVE and, as my father was a doctor, a fine doctor, Mr. KAGEN from Wisconsin.

Mr. KAGEN. Thank you, Mr. COHEN. I want to thank you for your kind words about what we're about to do together. But let's agree—we're not Canada. We're going to have a uniquely American health care solution. I don't think anybody in this body, I don't think any one legislator here, I don't think anyone watching tonight or across America would argue, we're getting a menu. Now my son works at a pizzeria, and he's a pretty darn good cook. This is Appleton's First & Finest Pizzeria, Frank's Pizza Place. Now if we all go there together and we order a sausage 12-inch medium pizza, it's \$12.50. It

says it right here. Now if you order that same pizza, what are you going to pay? \$12.50. Health care shouldn't be much more complicated than that. The price is openly disclosed at the pizzeria, and they don't discriminate against anybody. They are happy to take any customer on. And just like in health care, they're only as good as their last performance. So they have to compete for business. They compete with the Italian place down the street or the Greek restaurant or the Chinese restaurant or just your home cooking. So what we're suggesting here is that we use the leverage of the marketplace, that we have an open, transparent and competitive medical marketplace and guarantee universal access as we will do. The power of no discrimination, the power of equality, it is, after all, the foundation of our country and our culture. It is equality that we seek, not of outcomes, but equality of opportunity. I think it's time to apply that "no discrimination" theme not just to the insurance world saying, No, you can't cherry-pick and discriminate against someone because of a pre-existing condition. It's time to take our equality, our desire for equality and no discrimination to the level of the pharmacy counter. As a doctor, I can tell you, that is where the rubber meets the road. If I write a prescription for a patient, and they can't fill it because they can't afford it, if it's not on their list, we haven't done a thing. We haven't improved that patient's health. So we have to make certain that when you go to the pharmacy counter, you're going to pay the openly disclosed lowest price that they accept as payment in full from anybody.

I'll use just one other example, and then I will yield back. Our veterans. Everywhere I go in Wisconsin, we subscribe, we volunteer; but our veterans didn't go into combat and didn't serve our country for themselves. They serve for our entire Nation. They didn't serve just for themselves; and yet they're the ones that have the VA benefit of that discount for their prescription drug. I think it's time that the soldier's wife or husband had that same benefit of that low-cost prescription drug and their children. And while we're at it, what about their next-door neighbor? What about their community? What about the whole country? If we could use the power, the purchasing power of these United States together in leveraging down prices for everybody, we could have affordable prescription drugs once again. That would bring equality to the pharmacy counter. It's something that needs to be defined very clearly in this piece of legislation. It isn't there yet, but we're going to work together and hopefully get that done.

Mr. COHEN. I would like to ask you two questions before we yield to another Member who wants to participate. What's going to happen with the

doughnut hole? The seniors are very concerned about the doughnut hole. Will we be working on that?

Mr. KAGEN. The answer is, yes, we can, and yes, we will. By working together, we can close the doughnut hole; but it's going to take the opportunity and the power and the legality of leveraging down the price by using the government purchasing power. When we, the people, ban together in a purchasing pool to leverage down the prices for prescription drugs, we can get that price down. And I will give you one further hypothetical. If you are the owner of a drug company selling a pill in Mexico City for \$1, thank you for openly disclosing that product and that price. That is the price it should be in New York State all the way through to California and the territories. Show me your price, and give every citizen and legal resident that same lowest price that you accept as payment in full. That's the power of the marketplace, and that is equality brought to the pharmacy.

Mr. COHEN. Thank you, Dr. KAGEN. Before I yield back to Mr. YARMUTH, I would just like to ask him a question.

If you have an insurance policy now that you like, can you keep it?

Mr. YARMUTH. Oh, absolutely. I think that's the uniquely American element of this plan that is most important to stress. No one is forced to do anything in this plan. If you like your coverage, if you have employer-sponsored insurance that you're happy with, you get to keep it. No change is necessary, no change is mandated. You get to keep your choice of doctors. You get to choose your hospital. These are the fundamental elements that we considered extremely critical to this legislation because we know many Americans are satisfied with their health coverage, and we don't want to change their situation.

□ 1845

We want to make sure that everyone is satisfied with their coverage, that everyone has coverage; and through the competitive American spirit, that we think we are building, creating this legislation, that we will be able to provide the type of environment where people who like what they have can keep it, people who don't like what they have can shop for something that better suits their family's needs; and that's what the entire purpose of this great legislation is.

Mr. COHEN. And if you keep it, you are probably going to get it cheaper because where the uninsured will be insured, and you won't be paying for them through that hidden tax.

Mr. YARMUTH. Well, I think that's the most essential part of this legislation. If we can't control costs in the health care system, if we can't see to it that people get what they need at a lower price, then we know, for in-

stance, that if we don't have reform, it's projected that the average family's cost will increase \$1,800 per year for the foreseeable future. That's unsustainable. We know that.

So cost control through competition is the critical—and through changes we hope that we can incentivize in the way medicine is delivered, health care is delivered and practiced in this country, that we can make affordable, quality health care available to every American.

Mr. COHEN. Thank you, sir.

Mr. YARMUTH. And, you know, this is supposed to be a conversation of the Class of 2006, but occasionally we adopt Members from other classes because we know that they share the values that brought us to Congress.

And it's now my great pleasure to introduce one of those colleagues, Mr. RYAN from Ohio.

Mr. RYAN of Ohio. I thank the gentleman.

And just as all of you do feel, this is such a critical issue for our country. And we started coming to the floor in 2002, Congressman MEEK from Florida and I with the 30-something hour, and we were talking about at that point Social Security privatization and just a reminder of what the world would look like today if we would have privatized social security and if Democrats weren't here to prevent that from happening, where we would be now.

But with what's going on, my district is in Akron and Youngstown, Ohio, northeast quadrant. Very industrial. Just a bit north from my friend in Kentucky.

And when you look at what the problems that communities and families are having to deal with there—an example of steel companies that have closed, people, their pensions have gone to the PBGC, some lost their pensions altogether, some lost their health care altogether. Now we are dealing with, as the new GM moves forward, a lot of the old Delphi folks weren't included in the new deal. So now they're left on the outside whether they're union workers or salary workers that had put just as much time, effort, and intellect into developing Delphi and General Motors over the course of the years and now finding themselves left behind with a \$14,000 or \$15,000 health care bill.

So what we are talking about here—why you're coming to the floor, why I'm coming to the floor, why President Obama is so forceful in persuading the American people that this has to happen now, why Speaker PELOSI and Senator REID are all on this issue is because this is an issue that the American people want. They know that they are paying too much for their health care. They've experienced the fear of having a pre-existing condition and trying to go out into the market and trying to get somebody to cover them. They deal with this every day.

So I don't want to get too much into the weeds because I think over the course of this next 3 weeks as you come down here and the 30-somethings comes down here and we all get ratcheted up and we all lean on the doctor here to tell us, you know, how this works once it hits the ground, but I think it's important to know that some of the principles here are that no one—once you get your health care—that with these new plans that you will be able to get into—your health care situation will not bankrupt your family; your health care system or your health care plan will not bankrupt your business. You will have coverage. You will have some place to go.

Now, that to me doesn't seem like too big of an "ask" in America today with all of the money that is in this system. And I think that's the beauty, looking at the draft plan and knowing it has to go into all of the different committees and get worked through, I think the magic of what's happening here is that a lot of the costs are going to be squeezed out of the current system that has been inflicted because everyone gets their little piece of the action. And we are saying we squeeze it and reinvest that money.

And in many ways we look—we have some kind of universal coverage now, but it's through the emergency rooms. That's no way to administer health care, Doc. No way to do it. It's more expensive.

So what we're saying is with the preventative proposals that are in here is that there's no cost share to go check-up; there's no cost share to participate in any kind of the preventative measures that a specific plan may have that's going to make you healthier, that's going to make sure that you get a prescription instead of end up in the emergency room a week later and cost the whole system \$100,000 when it could have been taken care of for a \$20 prescription. That's what we're talking about here.

And I'm sure there are going to be a lot of TV ads.

I will be happy to yield to my friend.

Mr. KAGEN. So if I understand you correctly, you're saying if you're a citizen, you're going to be in. If it's in your body, you're going to be covered.

And would you also agree that much like we had a systemic financial risk with our financial meltdown, isn't it also true with the crisis in health care, with the impossible costs for everyone, it presents a systemic risk to our economy and if we do not confront it, our economy may be in shambles?

Mr. RYAN of Ohio. There is no question about it, and our economy is in shambles now in part because of the burden that's placed on a lot of the businesses.

I remember about a year ago I was in a roomful of about 15 or 20 businesses, primarily manufacturing businesses in

northeast Ohio, 50, 100, 200 people; and we were talking about health care, and they were all talking about how their health care costs went up 15, 20, 30 percent depending on the situation of the people that worked at the factory. And when asked if they would somehow be willing to pay more and get health care off their books completely, would they be willing to do that, they were all like, Sign me up right now. You mean I don't have to deal with this anymore? I can focus on making this product that I make?

And part of what we're trying to do here is to say get all of this waste out of the system, put it on the front end where we can have prevention. Let's stop all of this stupidity of saying you don't get any health care because of whatever reason and you end up with the emergency room costs. Put it up front. Let's squeeze the fat. Let's bring in PhRMA and take some of the savings from there and help fill that donut hole the gentleman from Tennessee was talking about earlier, and let's get ourselves healthy.

And I yield back to my friend.

Mr. YARMUTH. I thank the gentleman for his very important contribution.

And someone else who's been very much engaged in the development of the legislation that was introduced today, the gentleman from Connecticut, who's a member of the Energy and Commerce Committee. I yield to Mr. MURPHY from Connecticut.

Mr. MURPHY of Connecticut. Thank you very much, Mr. YARMUTH. So good to see my friend, TIM RYAN, back wearing a path in a familiar spot on the House floor speaking truth to the American people.

Listen, what you are talking about is this invisible cost, Mr. RYAN, to the health care system that we kind of pretend doesn't exist. We didn't get to 17 percent of our gross domestic product by accident. We did that by ignoring some fundamental problems in our health care system. And the fact is that we kind of just, you know, boxed our ears and shut our eyes and tried to sort of wish this problem away.

Well, you know, every employee has started to feel this crunch, right? The percentage of their income that is devoted to health care has inched up and inched up every single year. But a lot of the costs they don't see because employers out there are eating it and are paying these 10 or 12 or 15 percent increases in health care premiums that they're getting every year; and instead of passing the cost of that in its entirety over to the employee, they just don't give as big a wage increase as they might have that year, or maybe they don't give any wage increase. Maybe they actually furlough folks 1 day a month.

These health care costs that companies are taking on are causing wages to

remain flat. That's what we've seen over the last 10 years. The GDP in this country is growing. I mean, we're making more stuff if you look at the 10-year window. Obviously in the last 2 years that has not been the case. But in the last 10 years, GDP is growing, but wages are staying right here. There are a lot of reasons for that. Some people up at the real high end of the income spectrum are pretty fat and happy, but a lot of that is because all of the extra money that companies are making is going to pay health care rather than going to their employees.

So that's one way in which the costs of our health care system are sometimes invisible, because employees just assume that they don't get wage increases because their company didn't make as many widgets that year or didn't sell as many pieces of product line. No. A lot of the reason is that they sold more this year; they just took all of that extra profit and paid for health care.

The second thing is what you guys, I'm sure, have been talking about already. It's that we've got a system of universal health care in this country. It's just the worst, most backwards, most inhumane, most inefficient, most unconscionable system of universal health care system in the world because we basically say to people, We will guarantee you health care—our Federal law guarantees you health care but only when you get so disastrously sick that you show up to the emergency room.

A woman in Connecticut came and testified before one of our State legislative committees, and she told a real simple story. And I've told it on the floor before. Had a pain in her foot. Had no insurance. Worked for a living. Did everything she was supposed to. Just didn't have insurance. She knew that she had some sort of infection so she knew what she was going to have to pay for it. She was going to have to go to the doctor, she was going to have to pay probably \$100 for that visit, and she was going to get an antibiotic or she was going to get some medication to make it go away. That was going to be a couple hundred more dollars. She didn't have it. She knew she didn't have it. So she decided to just live with the pain.

Well, finally, one night it was just unbearable. She had to go to the emergency room. So she showed up to the emergency room, and it was too late. That foot was infected so badly it had to be amputated. And that's a terrible, terrible outcome for that woman. Changes her life for the rest of her time. But it cost the system the thousands of dollars that that surgery and all of that follow-up care required versus the couple hundred bucks we could have gotten in preventative care up front.

We're paying for that. You don't see it because you never met that woman

and you never see the thousands like her who end up showing up in the emergency room with crisis care that could have been prevented. That's more invisible costs, but it's all there.

One last point, Mr. RYAN and Mr. YARMUTH.

People are going to hear the cost of these bills when they come out. They're going to see that the cost of the bill from the House is X billion dollars; the cost of the bill of the Senate is X-plus-Y billion dollars. Here's what you have to do. You have to look at that cost versus the cost of doing nothing. And every credible survey, every credible examination is going to tell you this: That the cost of the bill that we produce is going to be half of the cost of sitting and accepting the status quo. That's why we have to pass health care reform here.

Mr. YARMUTH. I thank the gentleman because he talked so much about the higher level of care at the emergency room, most of which is uncompensated for those providers and are shifted to the private-pay customers. I know there are estimates out there that indicate that there is somewhere around a hundred billion dollars a year that's actually care administered in the emergency rooms to people by hospitals who do it as part of charity work, but it's all being shifted to the people who are covered.

So when we talk about a health reform plan that's going to cost roughly \$100 billion a year for 10 years, we're already spending that \$100 billion. So it's not money new to the system, which is, I think in the example of we have plenty of money spent in this country on health care right now.

Mr. RYAN of Ohio. If the gentleman will yield.

Mr. YARMUTH. I yield to the gentleman.

Mr. RYAN of Ohio. Just for an example for Medicare Advantage. Fourteen percent overpayment on average for Medicare Advantage, that is over what Medicare pays. That is wasting the taxpayers' dollars. That's the money we're talking about that we can shift from that current program into what Mr. MURPHY was talking about earlier, these kinds of cost savings that we need.

Mr. YARMUTH. I yield to the gentleman from Wisconsin.

Mr. KAGEN. I'm glad you brought this subject up because not every Medicare Advantage plan is identical, and not every community is identical as well. And there are some areas of the country where Medicare Advantage plans, like in some regions of New York State and some regions of Wisconsin, are very advantageous. They have a lot of prevention planned in them, and they're not really overcharging at all. They're really bringing about all of the evolution in our health care system that you'd like to see,

squeezing out the waste and an emphasis on prevention and primary care.

But no legislation is perfect. And nothing that we codify in law here that the President will sign will instill better judgment in every patient that is going to exist. It still comes down to personal responsibility. We can't possibly instill all of the good judgment into our children, don't you know.

□ 1900

So we have to have an understanding of what our limitations are in terms of government. We have to set up the table and set up the rules of engagement wherein we can have an open and transparent medical marketplace, allow the marketplace to do what it does best, bring down prices for everybody and increase access. But it begins with this piece of legislation that we had submitted today, with no discrimination against anyone to preexisting conditions and a standard plan, a plan that guarantees if you get sick you will be in your house, not the poorhouse.

Mr. COHEN. I was thinking of an old saying, and you might know where it comes from. You know, an ounce of prevention is worth a pound of cure, and what was the origin of that? Does that not apply to the idea of having wellness programs?

Mr. KAGEN. I thought it was my grandmother.

Mr. COHEN. And I thought it was, too. But doesn't that apply to this program where we have wellness programs now, and if you can pay for wellness programs and preventative care, you don't have to pay for that emergency room care? It's as simple as a traditional slogan like that, a saying comes from Saturday Evening Post or wherever, an ounce of prevention is worth a pound, and that's where we're going to save a lot of money.

Mr. KAGEN. The other thing, the idea that was commonplace up until this point in time is to divide and conquer, and that's what the insurance industry did. They cherry-picked and they separated neighbor from neighbor based on preexisting condition. They went so far as to separate a husband and a wife based on medical conditions, in some cases a mother from her child.

We're going to have to go back to community, the community-based ratings. We're going to have to go back to community here in Congress where we reach across the aisle and work together to solve these very complex problems.

I'm so very glad that this class of 2006 and our recent adoptee from Ohio is taking on not just health care but energy and education. These are the three essential problems that the President has been leading us on.

Mr. MURPHY of Connecticut. If I can just add something, Mr. KAGEN brings in energy policy, and we just got through a long, hard struggle of pass-

ing an energy bill on this floor, and we're right now engaged in the muck of trying to change this health care system.

I think it's just worth reminding everybody out there how hard this is going to be, right, how hard it's going to be to try to reform a health care system where, as Mr. RYAN said, a lot of money is being wasted. But that money that is being wasted, it's not like you're wasting heat in your house and it just sort of escapes into the atmosphere.

When we talk about wasting money, we talk about money that actually ends up in people's pockets, right, that makes them rich and creates their fortune. So when we talk about saving money within the health care system, that involves taking on some pretty powerful institutions around this city of Washington, D.C., and around this country that are going to have to live with a little bit less in order to get average Americans a little bit more.

And I think people are going to read all these stories in the paper about, boy, how long it's taken to pass health care reform and how tough it is to get the Senate and the House to agree. Listen, when you are taking on one-seventh of the economy, when you're taking on the industry which by years of Republican neglect has allowed for some big players in the health care industry to make their fortunes off of the fact that some people can't afford it, then it's going to take some time, going to take some heavy lifting to fix a problem that has festered for a long time.

Now, the same thing is going to go for energy. That's why energy is going to be so hard to do. It's taking on a lot of similar interests, but health care reform is not just a nice, practical policy discussion amongst intellectual peers. This is about taking on some vested interests.

Mr. RYAN of Ohio. About 2 years ago, I heard a number, and I think this is roughly correct, where the insurance industry had increased their employment by maybe 5 or 6 or 7 percent, and they decreased the amount of services that they were providing by, like, 25 or 30 percent. So they were taking this money, hiring people to knock people off the rolls, to not cover, to make them jump through these hoops. I call, I got denied. Well, I'm sick. I need to go now, call. I get denied. Call, you get denied. Then eventually maybe they call us and maybe we make a call and who knows what happened, you get lucky, you get somebody.

But to your point, that person who's hiring people, growing their business at the expense of all of these other people is not the way this is going to keep going because America is better when all of these people together are healthier and more productive and participating in the system.

And I want to yield to my friend from Tennessee because he caught me before my friend from Wisconsin, but there was an article yesterday that was brought to our attention about people in technology businesses that, for whatever reason, want to go out and start their own business but can't because someone in their family or they have a preexisting condition, so they need to stay in their current job because they don't have the coverage when they could be out in the market using what's best in America, the entrepreneurship, to generate new employment.

Mr. COHEN. Before we yield back to Mr. YARMUTH to close, I just want to thank Mr. RYAN for bringing up the issue of bankruptcy. I chair the Commercial and Administrative Law Subcommittee of Judiciary, and next week we're going to have a hearing on bankruptcies and health care. Health care is the major cause of bankruptcies in this country, and Elizabeth Edwards will be one of our witnesses.

But when people go bankrupt because of high medical bills, then other folks lose out because they don't get paid either. Merchants don't get paid because of that bankruptcy. So that's another cost of not having this health care system, and I want to thank each of you.

Mr. YARMUTH. I'd like to yield again to the gentleman from Wisconsin.

Mr. KAGEN. I'd like to dovetail on both of these conversations and say that Mr. RYAN from Ohio pointed out the difference between health insurance and health care, and what we are talking about in this bill is health care, getting the care that you need. You have the choice, you've got the coverage, and you've got the costs coming down. That's exactly what this bill aims to do.

Mr. YARMUTH. I appreciate all the comments from my colleagues, and I'd like to close by reading a letter that I received from a constituent of mine who's 10 years old.

It says: "Dear Congressman Yarmuth," My name is Matthew Gregory, and I am a 10-year-old that lives in Louisville, Kentucky.

"I am writing this letter because I have a younger brother with autism, and I want you to cosponsor the Autism Treatment Acceleration Act." Not the piece of legislation we're talking about now, but relevant.

"I would really appreciate the efforts you would provide to cosponsor the bill that would help end autism insurance discrimination. My parents spend \$50,000 per year for my brother's autism, and I think it's a national crisis.

"It seems like families that have not had their State's autism insurance bills passed have to pay unnecessary expenses just because a child is different."

And here's the kicker. "It's just not fair, and this is a fair country and everybody, no matter who they are, including my brother Eric, should be treated equally."

So there you have it. A 10-year-old understands the essential unfairness of the system we have now, the fact that so many people are uninsured, the fact that so many people pay too much for the insurance they have, have to make life decisions based on whether they can get insurance or not, and that's what this Congress is determined to correct.

We have an historic opportunity here to create a just, fair health care system, one that is affordable and sustainable for this country and which will make sure that every American citizen has the health care he and she needs for their families well into the future.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Well, good evening, Mr. Speaker and my friends. We have just heard from the Democrats talking about their new foray into solving all the problems with health care, and boy, did it sound good to me. I have to say it really sounded good.

The promises, essentially what I was hearing talk about, first of all, the costs are coming down and you're going to get free medical care and the quality of the care is going to go up. And gosh, if you were given a proposal like that, I don't see why anybody wouldn't say, Yeah, let's just march right ahead with socialized medicine. Let's let the government run it because they're going to bring the costs down, they're going to give you free medical care, and you're going to get even better coverage than you get now.

I also was hearing the fact that they talked about the muck of our health care system and how bad the health care system is, and how, if we don't immediately pass this legislation, that things are going to get even worse. But what we have in front of us is this absolutely euphoric view of a great health care system.

Well, first thing off that strikes me is a little bit of a problem with common sense, the first is, if our health care system were so bad, then it would seem like, to me, that Americans would be going to some foreign country to get their health care. But what I'm observing is that if I got sick—and I have been sick—the place that I'd like to be treated is in good old U.S.A. I don't want to go to Canada. I don't want to go to Great Britain. I don't want to go to France or Sweden. I don't want to go to Russia. No, I'd like to be sick right here in this country.

So it strikes me that a health care system that most people even around the world recognize as probably the most sophisticated and the best quality health care system in the world, we're saying that it is full of muck and that the system has to be completely changed around.

And so it's okay if you want to believe these promises, that what's going to happen when the government takes over the health care system is that it's going to cost less money. The trouble is the Congressional Budget Office doesn't say that and the estimates of the costs don't say that. And the States that have tried using the same approach that's being proposed here nationally, they don't say that either, because those States are almost bankrupt for trying to do this kind of a system, and yet, we're going to try to copy those bad examples.

We are just actually a few weeks, a couple, 3 weeks away from dealing with the other big problem that the Administration has identified, which is the fact that the climate and the Earth is going to get worse and worse, hotter and hotter, and we are going to melt down. So we've got to deal with the problem of global warming by, what would you expect, a very, very large tax increase, the largest tax increase in the history of our country. I guess it was about \$787 billion. That was the largest tax increase that we've done. We did that.

It was an 1,100-page bill that was brought to the floor, and then at 3 o'clock in the morning, in a special committee hearing, another 300 pages of extra text were added to the 1,100 pages, and the 300 pages being in the form of amendments to had to be collated and put into the 1,100 pages. So, as we were debating this wonderful bill on the floor, they were busy trying to collate this amendment that had been passed, 300-page amendment, at 3 o'clock in the morning. They're busy trying to collate that. So, as we're debating it here on the floor about to take a vote on it, there isn't even a copy of the bill that we're going to vote on.

So here we go again. Perhaps we did learn from our last experience that it's easier to pass something that people don't know what it is. And so here we go now with about 1,000 pages of bill in terms of what we're going to do to have the government take over 20 percent of the U.S. economy. The health care business is about 20 percent of the money that's spent in America. It's about 20 percent, or close to it, of our economy, and now we're going to have the government take—well, if you take a look at it, about half of it the government's already running with Medicare and Medicaid. So we've had some experience with the government running these programs.

The Medicaid program, of course, is noted for the tremendous amount of

fraud and abuse that it has, but if you add the Medicaid and Medicare money, if you take a look at the total money we spent in health care, government's doing about half of it right now, but we're talking about having the government do the rest of it. And so that's where we're going, and I think we need to take a look at that.

When the government does take over various things, what tends to happen? Is it noted for its efficiency? Well, usually what happens when the government takes over programs is you get tremendous excess in amount of spending. You get a lot of bureaucratic rationing. These are typical things in government programs. There's an inefficiency and a degraded quality. Those are the kinds of things that history would tell us happens when the government takes something over. That's what's being proposed here. Make no doubt about it, what's being proposed is the government is going to take over the health care system. And that has left people with this particular quip that, if you think health care is expensive now, just wait until it gets to be free. Then you will see what real expense means.

Well, let's take a look at how well this has worked in the past. One way you can tell whether it's a good idea to make a move or to do something particularly is to take a look at other people who have tried the same thing.

The State of Massachusetts decided in 2006 that they were going to require universal health care coverage that's very much like the current Democrat plan where people are required to purchase specific levels of health insurance.

□ 1915

Well, here's what happened. Health care costs have risen 42 percent since 2006—42 percent increase. Now we were just hearing from the Democrats that this thing isn't going to hardly cost anything. This is going to be a break-even because there's so much efficiency.

Well, what sort of efficiency is a 42 percent increase? And yet, health care access is down and the patients have to wait more than 2 months to try to get to see a doctor. So, is this the kind of thing that we think is going to improve what most people think is the best health care system in the world?

Health care costs now up in Massachusetts, they're 133 percent of the national average. Well, that doesn't seem to me to be producing these glorious results that I hear the Democrats talk about.

I just don't think that these people may have gotten over their euphoria from just managing to put 1,100 pages, with 300 pages that nobody could read or know what it was, and pass that within a day of the three o'clock in the morning when they made the amendments.

So here we go again. We're going to see if we can't pass another 1,000 or 2,000-page bill this week or next week—and it's a lot easier to pass them when people don't read them.

I'm joined here this evening by some very, very good friends of mine and some people who've done a number of years of study on the health care issue. I think that we need to talk a little bit about this. Before we go racing off to make some snap decisions, I think that we need to do that.

I'm joined by a number of my colleagues. I would yield to the gentleman. If you want some charts, help yourself.

This is Congressman SHADEGG. He's from Arizona.

Mr. SHADEGG. I just want to put up some charts, if I could. We have got boring charts here.

I want to thank the gentleman for yielding. And hopefully we can do this where we are all in a conversation and no one of us talks in a monologue. That makes it more interesting.

I want to thank the gentleman for standing up. I, like he, watched the Democrats in their Special Order that preceded this. And I thought some things were very interesting. On the one hand, there are things that I think we agree on. Our Democrat colleagues said that it is tragic when someone has a preexisting condition or a chronic illness and because of that preexisting condition or illness they can't get care.

That's one of the reasons why we Republicans believe that the health care system in America desperately needs to be reformed. And the health care bill put forward by every Republican that I know of says we need to make sure that every American with a preexisting condition or a chronic illness can get health care costs at roughly the same price as Americans who are healthy.

Indeed, I introduced and the Congress passed a number of years ago a bill called the State High Risk Insurance Pool bill that encouraged all 50 States in America to create high-risk pools so that for someone for whom they have an illness and that illness or that chronic condition has caused their health care cost to rise and they either can't get health care at all or they can only get health care at an extraordinary high price, they have the option of going into a State high risk pool and getting health care at the same cost. That's not an issue that divides us. That's an issue we agree on.

In addition, they expressed concern about those who are uninsured in America. The bill that I've cosponsored, and I see several of the gentlemen and ladies who have cosponsored it with me today, the Ensuring Health Care for All Americans Act, that bill provides health insurance for every single American. It says we are going to provide care to everyone.

And our Democrat colleagues say, Yeah, we think every American should

be able to get care. There's another issue where we agree with our Democrat colleagues. But where we don't agree is how they propose to do it, because they want a top-down, government-controlled, one-plan-fits-all, you're-just-one-little-cog-in-a-very-large-wheel plan. And that's what the bill they introduced today will do.

I have to ask a question. I think that the biggest issue in the health care debate is cost. Most Americans are pretty satisfied with their health insurance. Eighty-three percent say they're happy. But every American is concerned about cost.

And I listened when the Democrats introduced their bill today. And the chairman of my committee, Mr. WAXMAN, said the big issue here is cost. And so the Democrats are going to fix that cost.

Now I don't quite understand how they're going to fix that cost by raising taxes \$1.5 trillion to create a massive new government, one-size-fits-all health care plan.

But I really, really have this burning question. Anybody in America can answer it, anybody in the room can answer it, any of my Democrats colleagues out there watching tonight can answer it. Please show me the last time when we got government involved and took over a private sector activity, that the cost of something went down.

Mr. AKIN. Just reclaiming my time, gentleman, I think you have asked an absolutely great question, because we just heard an hour from the Democrats. That was their whole point.

Their whole point is: We're going to somehow make the costs go down, which is a little hard to reconcile with a \$1.5 trillion estimate. We saw 3 weeks ago that we jammed through the biggest tax increase in the history of this country. What was it—a \$787 billion tax on energy? Anybody who flips the light switch is going to get taxed. And that's just a drop in the bucket compared to what we want to spend. And somehow this is supposed to be efficiency. That really stretches long on the conscience.

We have a number of medical doctors here today, and what I was just thinking about, Dr. ROE is from Tennessee. Did you put a program similar to this into Tennessee, and did you find that it really helped the economy of your State? I'd like to yield a little bit of time, then go to the doctor from Georgia as well in just a moment.

Mr. ROE of Tennessee. I certainly don't want to take credit for putting that in.

Mr. AKIN. I wasn't going to blame you for that, gentleman.

Mr. ROE of Tennessee. What happened in Tennessee was we had a lot of uninsured in Tennessee, and it was a very noble goal of trying to cover as many people as we could. And we had a standard Medicare plan like most States do now. We got a Medicare wai-

er from HHS, the Department of Health and Human Services, to form a managed care plan for the State.

And what happened was, it was a plan that was very rich in benefits, much like you're seeing in this plan and that we heard discussed last hour. Provided a lot of benefits but not much access, we found out.

And what happened was, this plan, this public plan paid only about 60 percent. Now it pays less than, I found out the other day, less than 60 percent of the costs of actually providing the care. Medicare pays about 90 percent.

So businesses and individuals made a perfectly logical decision. They dropped their private coverage, and about 45 percent of the people who are on TennCare had private health insurance coverage, but chose to drop it.

Well, that was fine until we got the bill in the State. What happened was the bills kept piling up until they consumed more of the State budget than education did.

Mr. AKIN. Reclaiming my time for a minute. One of the troubles with doctors is you guys are so smart, you go pretty fast. You're going to have to slow this down.

What happened was the State government said, We're going to give you medical insurance. And so a bunch of people signed up for that. Then the companies that had the private insurance, they dropped theirs because you could go get the freebie stuff from the government. Then, guess what happened? The government stuff got really expensive and now the State's in trouble.

We have a Congresswoman that I greatly respect, Congresswoman BLACKBURN from Tennessee also. Do you have some more facts? I mean, you lived with it. I yield.

Mrs. BLACKBURN. Well, I thank the gentleman for yielding. Dr. ROE is exactly right. He was a physician practicing medicine or trying to practice medicine under the impact of TennCare. I was a legislator trying to figure out how to pay for this as a member of the Tennessee State Senate.

Mr. AKIN. Wait a minute. The Democrats just said this is going to be really cheap. It's not going to be hard to pay for.

Mrs. BLACKBURN. That's one of the interesting things. You know, Tennessee's TennCare program was put in place in 1994 as the test case for public option, government-funded, government-delivered health care. The interesting thing now is the White House doesn't want to talk about it because it is an experiment that was not successful. It failed. Even our Democrat Governor has said it has been a disaster.

Mr. AKIN. Reclaiming my time, the Governor of the State said it was a disaster in Tennessee?

Mrs. BLACKBURN. Yes. And one of the things we need to realize is this.

TennCare was put in place as an executive order program of the Office of the Governor. It was an 1115 waiver from CMS. The Statehouse and the State Senate got the bill of paying for it.

What happened after about 5 years of this program being in place, and you had consent decrees and court orders, you had companies that were dropping insurance, 55 percent of the enrollees on the program were people that were not supposed to be there. They had previously had insurance.

And you had a program that was ensuring or covering—gold-plated program covering 25 percent of the State's residents. Then the cost starts to balloon. You see cost shifting taking place onto those who have private insurance. You see restricted access by doctors and hospitals because they're not being paid by the program, because there's not enough money to go around, and the cost of the program goes to the point that they are actually absorbing every single new revenue dollar that is coming into the State of Tennessee, and ends up being 36 percent of the State's budget.

Mr. SHADEGG. Would the gentlelady yield?

Mrs. BLACKBURN. I'll gladly yield.

Mr. SHADEGG. I just want to make sure I understand this. So, our Democrats colleagues say the big issue here is cost. Costs are going up too fast. The President said it's unsustainable.

In Tennessee they put in a government-run plan, got the government involved, substituted the private market, and costs did not go down?

Mrs. BLACKBURN. Costs skyrocketed. And we saw the costs go up every single year. As Dr. ROE can tell you, having been a physician trying to handle this issue, every single year the costs went up on the public option, the access was restricted, the quality of care was diminished, and those with private insurance saw their rates go up 10 percent, 15 percent.

Mr. AKIN. Reclaiming my time, what you're depicting sounds like to me is one of those things they used to do, they charge people money. They get a railroad track with two huge steam locomotives, they charge them money, and they'd run them. It was a classic train wreck.

It sounds like basically what happened was the government engineered a train wreck in health insurance.

Dr. ROE, you were the doctor—you're a medical doctor. I assume you got into the doctoring business because you wanted to take care of people. What was it like to be there?

I yield.

Mr. ROE of Tennessee. Well, one of the things when I got to Congress here and I began to hear the plan, I said, Well, we tried that already in the State of Tennessee. This is nothing new. It failed. And can you say failed? It was a disaster.

And the Governor ran in 2002—our Democratic Governor—his platform was fixing TennCare. Fixing what 6, 8 years later was a mess in the State of Tennessee.

Now there are good parts of this plan, as we pointed out. Things we will agree on. And I do want to show the public one thing. I almost broke my printer in the office this afternoon. But this is the bill that came out this afternoon, just to give you an idea what we're going to talk about in the next couple of days.

Mr. SHADEGG. I believe it's 1,100 pages long.

Mr. ROE of Tennessee. It's 1,100 pages.

Mr. SHADEGG. The discussion draft was 600 pages. This is 1,100 pages. And if they do what they did on cap-and-trade, it will explode on the day of the vote to what, 1,400 pages with the last-minute 300-page amendment.

Mr. ROE of Tennessee. This is where the devil is in the details, right here.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. ROE of Tennessee. Yes.

Mr. BROUN of GEORGIA. It's interesting. After our last series of votes I was walking into my office. As I went into the Cannon House Office Building, there was a Democrat engaged in this process.

Mr. AKIN. Just reclaiming my time for a minute, I'd like to introduce the gentleman, because you're a medical doctor also. You got in the business to practice medicine. You're not from Tennessee. You're from Georgia. But Dr. BROUN is a respected expert on the subject of health care because you have been doing it all your life. And I'm just thankful that we have you here. I'd like to you to continue commenting where we are because this is a very important discussion.

Mr. BROUN of Georgia. Thank you, Mr. AKIN. It was humorous to me—actually, sad to me—because this Democrat, she said to me that all they're going to do is cover those who are not insured with this public option and give them the opportunity to buy into this public option if they don't have insurance. And I told her, How are you going to keep companies from canceling their insurance and from people being shifted over? That's going to increase the cost of insurance for everybody else, and so you're going to see just a continual shifting.

Isn't that, Dr. ROE or Mrs. BLACKBURN, isn't that what you all saw in Tennessee?

Mrs. BLACKBURN. I thank you. I will give a brief answer to that and then I know Dr. ROE will also want to comment on it. It's so wonderful that we can talk from the perspective of a State senator who was charged with holding that program accountable, even though it was set up without the permission, without the permission of

either the Statehouse or the State senate in the State of Tennessee. And Dr. ROE was charged with keeping his oath and making certain that he was providing care to those that were in his care.

□ 1930

But what we saw, again, was the cost shifting that was taking place, the cost of the insurance to those in the private markets going through the roof.

I have employers in my State senate district and now in my congressional district who have seen, over a 3-year period of time, their health insurance cost go up 100 percent. We also saw delayed care. And as the gentleman from Arizona knows, delayed care might as well be denied care.

Mr. SHADEGG. Would the gentlelady yield just on that point?

Mrs. BLACKBURN. I do yield.

Mr. SHADEGG. By the way, our colleagues are saying, let's go to a Canadian-style system, something that gets the government more involved. Well, we all know Canada has a single-payer system. Some of us believe that those on the other side of the aisle want to create exactly that, a single-payer system, but they just want to transition to it.

I think it is very important, you said that the right to access to care is not the right to care. Actually that is exactly what the Supreme Court of Canada ruled about their single-payer system. The chief justice, and this is on this chart next to me, which I thank the gentlelady for allowing me to put up, Chief Justice Beverly McLaughlin of the Canadian Supreme Court said in an opinion, which was issued in 2005, access to a waiting list is not access to health care, an opinion in which the Supreme Court of Canada ruled that you couldn't be forced to stay in their system, you had to be given the right to get outside of the government program and get the care you need. So to the point the gentlelady was making, access to a waiting list is not access to health care.

Mr. AKIN. Reclaiming my time a second, now this supreme court justice, she was no right-wing conservative?

Mr. SHADEGG. She was no right-wing conservative.

Mr. AKIN. By political standards of America, she would be considered liberal. Yet she is saying that this socialized system doesn't work. And access, just because you have insurance, doesn't do you any good. You can have a free C-section, but if you have to wait 12 months, it doesn't do you much good.

Mr. SHADEGG. If you have to wait 12 months, it doesn't do you much good at all. I believe our colleague could comment on that more credibly than we could.

I just want to make the point: We don't want this. We Republicans want a

system that responds to patients. We want patient-centered care. We don't want to give Americans access to a government waiting list. We want to give them access to actual health care.

Mr. AKIN. I yield back to Congressman BROUN from Georgia. I think you had the floor for a moment there, and then I'm going to go to Congressman GINGREY, another medical doctor we have joining us. We have a lot of doctors here tonight, and I'm very thankful for your expertise, my friends.

Mr. BROUN of Georgia. I thank Mr. AKIN for yielding again to me.

I want to come back to something that my dear friend JOHN SHADEGG said where he is talking about cost. I just wanted to inject here something that happened in my medical practice when I was practicing down in southwest Georgia. And what I'm fixing to say is going to point out that government intrusion in the health care system is what has driven up the cost for everybody, whether they are private insurers or public insurers on Medicare, SCHIP or Medicaid.

Back a number of years ago, I was in private practice. I had a one-man office with several employees. And I had a fully automated lab in my office. A patient would come in to see me with a red sore throat, running a fever, aching all over, coughing, runny nose and white patches on their throat. In my fully automated lab, I would do a CBC, a complete blood count. I could do that in 5 minutes and charge \$12.

Well, Congress passed a bill and signed into law what is called the Clinical Laboratory Improvement Act, or CLIA. It shut down my lab. It shut down every doctor's lab in this country. All the hospital labs had to get a waiver—

Mr. AKIN. Reclaiming my time, the laws passed here in Congress shut down a lab that you had to be able to treat people that had an upper respiratory type of infection?

Mr. BROUN of Georgia. Anything, to do blood sugars and blood counts and those sort of things.

Mr. AKIN. They shut it down?

Mr. BROUN of Georgia. They shut it down. CLIA shut every doctor's lab in the country. Patients would come in with aching all over, a red sore throat, and so I would do a CBC to see if they had a bacterial infection and thus needed antibiotics, if there was a strep throat that might need a penicillin shot, or if they had a viral infection that could look exactly the same. And a viral infection is not helped by antibiotics. The teaching in the Medical College of Georgia and all of my training postgraduate has encouraged doctors not to overprescribe medications. It is costly. It increases the cost to everybody. Also, if people have viral infections, they don't need antibiotics. Actually, it is harmful to some patients.

So, I do a CBC, 12 bucks, 5 minutes. CLIA shut my lab down. I had to send patients across the way to the hospital. They got a waiver. It cost \$75 and took 2 to 3 hours for one test. Now do you see what that does across the whole health care system? It markedly increased the cost.

Congress not just a few years ago passed HIPPA, the Health Insurance Portability and Privacy Act. That has cost the health care industry, thus insurance and all of us, billions of dollars. It has not paid for the first aspirin to treat the headaches it has created. It was totally unneeded legislation. It was totally unneeded because we could have done something to make insurance portable without going that route.

So, government intrusion into the health care system and Medicare policy is what has driven up the cost for everybody. And it comes back to what Mr. SHADEGG was saying about asking a question, could any of us answer the question about has government's being involved in any area decreased the cost. And the answer is "no." It has increased the cost markedly for the health insurance of everybody else. And it is going to in this too.

Mr. AKIN. Reclaiming my time, I think you have really given us several very concrete examples in the health care business where the government involvement has basically run the cost of health care up. That is not a big surprise, is it? Because as we look at the regular marketplace, I think one of the examples would be the idea of Lasik surgery for eyes. That is one thing the government didn't get its big fingers into meddling, right? And laser technology has come along, and what used to cost thousands of dollars for a procedure now is done for hundreds of dollars. And so we have seen a dramatic decrease in the cost of good quality care just because the government wasn't tampering in it. Yet every time we see the government gets its fingers into things, the costs invariably go up.

I would like to get over to Congressman GINGREY from Georgia, another medical doctor joining us with many years of medical practice, also a former senator from Georgia and a great colleague. I yield time.

Mr. GINGREY of Georgia. I thank my colleague for yielding.

It is a pleasure to be on the floor with my colleagues talking about this bill that was finally, as we all know, introduced by Speaker PELOSI at a press conference this afternoon. And hearing our colleagues from Tennessee talk about really the ultimate pilot project, we are always in Medicare, anytime they are trying to do something to improve a situation, we start with a pilot project, which makes sense.

Well, this was the ultimate pilot project, I think, this TennCare that

Congresswoman BLACKBURN and Dr. ROE, Congressman ROE, have described to us; and as their Democratic Governor said, it was a complete abysmal failure.

Mr. AKIN. We are going to repeat this? Please continue.

Mr. GINGREY of Georgia. If the gentleman will continue to yield, and yet we are going to repeat this now on a grand national scale.

I want to just take a few minutes to talk about what the Blue Dog Democrats said to their leadership just last week in a letter that was sent to the Honorable NANCY PELOSI, Speaker of the House, Madam Speaker, and the Honorable STENY HOYER, the majority leader of the Democrats. And 40—I think there are 52 Members of the Blue Dog Coalition of Democrats, those Members who are a little more conservative than the typical moderate to liberal Democrats, and basically these 40 Members, 40 out of 52, and there are a number of things in their letter, but I just want to go over a couple. One of the provisions that they say that absolutely needed fixing in this bill before they could support it is small business protections.

Here is what it says: Any additional requirements for employers must be carefully considered and done so within the context of what is currently offered. Small business owners and their employees lack coverage because of high and unstable costs, not because of any unwillingness to provide or purchase it. We cannot support a bill that further exacerbates the challenges faced by small businesses.

Now, look, my colleagues, what this bill says that just came out today, this is the burden, the additional burden that will be put on small businesses. If the payroll of a business does not exceed \$250,000, then there is no surtax. But if the payroll exceeds \$250,000 to \$300,000, there is a 2 percent surtax. If the payroll exceeds \$350,000 but does not exceed \$400,000, there is a 6 percent tax on small business, and if the payroll exceeds only \$400,000, there is an 8 percent surtax on these small businesses.

What I want to make sure everybody in this Chamber understands is that these small businesses are not subchapter; they are not C corporations. They are Subchapter S or they are sole proprietors. And they pay as an individual. And this is on top of the fact that President Obama is going to let the tax cuts expire that President Bush put in place in 2001 and 2003.

Mr. AKIN. Just reclaiming my time for a minute, what you brought up is an absolutely critical point. It is part of how they are going to try and pay for this humdinger bill. And what you are saying is they are going after small business.

Now a lot of us know small businesses have 500 employees or less, and

they create 80 percent of the new jobs that are created typically in the economy. So if you target small business, now you are going to drive down employment. And that is significant.

I yield the gentleman from Arizona time.

Mr. SHADEGG. I am shocked. As I stand here, I have to tell you I'm absolutely shocked. I understand that the gentleman from Georgia was reading from the bill just now?

You're reading provisions of the bill that was released today?

Mr. GINGREY of Georgia. I am reading directly from that provision, taxes on employers and individuals.

Mr. SHADEGG. So you have read a portion of this bill?

Mr. GINGREY of Georgia. I have read a portion of this bill.

Mr. SHADEGG. And I suggest that you also read from a letter written by Blue Dog Democrats, conservative Democrats, to their leadership expressing concerns about provisions of the bill before it was released today, the so-called "Tri-Committee Discussion Draft." So are you telling me that Blue Dog Democrats have read portions of the bill?

Mr. GINGREY of Georgia. The gentleman from Arizona is absolutely right. One of the provisions that they stated in the letter is this, finally, any health care reform legislation that comes to the floor must be available to all Members and to the public for a sufficient amount of time before we are asked to vote for it.

Mr. SHADEGG. I'm just stunned. I have here beside me a quote from the House majority leader which suggests that it is not appropriate in America for us to expect Members of Congress to read bills. As a matter of fact, the majority leader said, if every Member pledged not to vote for it—"it" being this health care bill—if they hadn't read it in its entirety, I think we would have very few votes.

He said last week, he laughed out loud—laughed out loud at the notion that Members might actually read a bill. I suppose if you had done what he did, which is on the cap-and-trade bill, introduced at 3:04 in the morning a 309-page amendment which made it impossible for a single Member to read the bill before it was voted on at 4 p.m. that afternoon or 5 p.m. that afternoon, then I guess you would have to say, gosh, we don't want Members to read bills. But as I understand it, you're reading this bill, and so are these Blue Dogs, reading the bill?

Mr. GINGREY of Georgia. Well, if the gentleman will yield.

Mr. AKIN. I do yield.

Mr. GINGREY of Georgia. I can respond to the gentleman from Arizona, absolutely, and again in this letter, and I'm quoting directly from the letter: too short of a review period is unacceptable and only undermines Con-

gress' ability to pass responsible health care reform that works for all Americans.

And our colleague from Tennessee, Dr. ROE, just held up that 1,100-page bill. I wonder when they are going to get around to reading it. And I yield back.

Mr. AKIN. I would like to yield time to Congresswoman BLACKBURN from Tennessee. I think you had a point.

And also the stack of that, that is just the beginning of the bill, and it has already given my eyes a headache from looking. What do you have, close to 9 or 10 inches of paper stacked up there, Doctor? That is just where we are now. We haven't done the amendments at 3 o'clock in the morning yet.

I do yield to the gentlelady from Tennessee.

Mrs. BLACKBURN. I thank you. What we see in this stack of the bill, the 1,100 pages that are there in that bill, 1,683 times it gives you the directive of you "shall do," individuals "shall do" this. Now let me explain what this means. When you are a mother, many times you will tell your children, well, you can go out and play if you want to or you can do this if you want to. But when you really want to make a point, you say, "you are going to go to time out" or "you are going to go to this corner" or "you are going to do your homework, no question, no options."

□ 1945

In legislative parlance, that is what "shall" means. You have to do this.

Now, 47 times it uses the word "must." You must do this and that. And 495 times it uses the word "require." All of these are new mandates on the American people.

To make it worse, 172 times it talks about taxes, taxpayer, taxable activity, 172 times, and 99 times it uses "penalties."

The Democrats have become the party of punishment, and they are going to punish Americans severely in this health care bill.

And to the gentleman from Georgia, I loved the fact that he talked about the taxes. That portion that he so beautifully articulated, would create \$300 billion in new revenue for the government, which means taxes out of your pocket that you're taking out of your pocket and handing to the tax man; \$300 billion. Even the prices—

Mr. AKIN. Reclaiming my time, I just heard a promise this thing doesn't cost that much, and yet the Congressional Budget Office, the original version was 3.5 trillion, and they've whittled it down to only 1.5 trillion is what we understand. And you're only talking \$300 billion. And we did that huge, the biggest tax increase in the history of our country on energy taxes which is going to hurt our productivity, and that's only not even 800 billion. We're not there yet.

Mrs. BLACKBURN. You're exactly right. And what the gentleman has is one small portion of that bill.

And also, I would add, before I yield back, that his own economic advisor from—the President's economic advisor estimates that that amount of taxes and this legislation would cost us 4.7 million new jobs.

And I yield back.

Mr. SHADEGG. If the gentlelady will yield briefly, I just point out that for you to know all of those numbers shows that you are very much involved in the process of reading this bill. Your staff is involved in the process of reading the bill. I said facetiously to our colleague from Georgia yesterday that I was stunned that people were reading the bill. I just want to make the point I am really stunned that the majority leader made the comment that Members shouldn't be expected to read the bill. I know I won't vote for this bill until I have read it and been over it.

I compliment the gentlelady's staff for poring through the bill, finding those statistics. I compliment the gentleman from Georgia for obviously reading portions of the bill and for his dedication. And everyone here, I think the American people expect us to read the bill. And I just wanted to make it clear that I was only being facetious when I expressed stun and shock that we might read a bill. I think it's my job to know what's in these bills.

I would be happy to yield.

Mr. BROUN of Georgia. I just signed a pledge this afternoon to the American people that I will not vote for this bill until I read it, and I meant that. I don't sign pledges—

Mr. SHADEGG. I hope our colleagues on the other side will do the same.

Mr. BROUN of Georgia. I hope they will, too.

I applaud the Blue Dogs for asking from the leadership. I hope they don't hold their breath because I think they'll turn blue and die from hypoxia.

But I want to point out something that Dr. GINGREY was talking about that, and that Ms. BLACKBURN brought up very clearly. This tax increase on small business is going to cost jobs, not 1 or 2, not 10 or 20, not 100, but thousands of jobs, because small businesses all across this country are not going to be able to pay for the increased taxes that the Democrats are going to put on the back of small business men and women around this country. So many people are going to be out of work, and it's going to shift them over to the public plan. They're going to get free health care.

We have heard several of our colleagues say, if you think health care is expensive now, wait till you get it when it's free. It's going to be extremely expensive.

Mr. AKIN. Reclaiming my time just a second, I'd like to go back over to Dr. ROE.

You were there. You're in Tennessee. You saw this experiment. Even the Democrat Governor said it was a failure. I'd like you to just finish fleshing—we have just a few minutes left. If you could finish, and then I'll close.

Mr. ROE of Tennessee. Let me go over why it's important for the public and my patients and, as physicians, our patients to understand this. What we're concerned about is if this plan becomes a public option and that's the only option. And the way that occurs is, I've explained, when the cost of the public plan does not pay for the cost of the care, more costs are shifted to your private health insurers, meaning that they'll eventually drop the plan.

Now, having a single-payer system like Canada or England, is that necessarily bad? Well, I would argue that it is in America, and the reason is because it's going to limit choices.

And I know it was brought up just a moment ago by the gentleman from Arizona about costs, and I'm going to share with you—just a family practitioner in my own district the other day called me up and said, Bill, he said, I have had one lawsuit in my career. A very young woman had a serious problem, probably not preventable. He had a grade by the insurance companies of what a good doctor he was, in the top third, always. After this one lawsuit, and nowhere is medical malpractice mentioned here, his referral to specialists in 1 year went up 350 percent. His lab ordering went up 550 percent. This is not him saying this. This is a grade he got from the insurance companies. So there is the cost side that we were talking about earlier, and who knows, when you extrapolate that across the country, how much that must be.

Now, I got this letter right here this afternoon from CBO to Chairman RANGEL, 14th of July, today. And in this, it says, Another significant feature of the insurance exchanges is that they will include a public plan that largely pays Medicare-based rates for medical goods and services. CBO estimates that the premiums for that plan would generally be lower than the premiums for private insurance. But on average, the public plan would be about 10 percent cheaper than the typical private plan offered in the exchanges, and therefore, they're saying right here in this document that that's what's going to happen.

The other thing about this I found interesting was this plan doesn't start until 2013. And what you're seeing here is only in the last 6 years, this \$1.1 trillion plan. It actually is 150 billion per year is what it amounts to. It's not what they're currently saying it's going to be, a trillion over 10 years. It's really a trillion-plus over 6 years.

I yield back.

Mr. AKIN. Let me just, I told Congressman SHADEGG from Arizona I'm

going to get him in. He had a couple of points, and we're going to jump over to you, Doctor. We'll get right over to you. I yield to the gentleman from Arizona.

Mr. SHADEGG. I thank the gentleman for yielding, and I'll try to be as brief as I can.

I want to point out that the Democrats' bill was not the only bill introduced today. As many of my colleagues here note, we introduced the Improving Health Care for All Americans Act today. It's a bill that reforms health care, not top down government edict, government mandate. It reforms American health care bottom up. It controls costs by empowering Americans, and it has some key points.

It says, if you like it, you can keep it. It provides coverage for every single American and choice for every single American. It provides new pooling mechanisms so that you could be in an insurance pool other than your employer's pool. It says that the Kiwanis International or the Rotary International or the Daughters of the American Revolution or your alumni association of your college or university could sponsor a plan. So you could pick many pools to get into.

It also says we're going to cover pre-existing conditions or people with chronic conditions at the same rates as everyone else, by cross-subsidization and high-risk pools.

But I wanted to make, because I have some charts here, two quick points very quickly, and I'd invite anybody else who speaks in the limited time we have left to comment on these because I think they're so important.

The President has said over and over and over again, if you like it, you can keep it. I think that's so important, because polls show roughly 83 percent of Americans, 83 percent of Americans, like the health care they have. So if the President stands forth and says, if you like it, you can keep it, ladies and gentlemen, I wish it were true.

This is the language of the bill which was introduced today. It's been revised and renumbered. This came from the working draft, but the same language is in the bill. It says, by the end of the 5-year period following the introduction of the bill, group health insurance plans, every group health insurance plan must meet the minimum benefit requirements under section 121. Section 121 creates a new Federal entity called the Health Care Advisory Committee, which will rewrite the minimum benefits for every health care plan in America. That means every health care plan in America, under their bill, will change within 5 years. Some will change immediately. Everyone will change within 5 years.

Mr. AKIN. Reclaiming my time, so what you're saying is, if you like it, you won't be able to keep it. That isn't true.

Mr. SHADEGG. If you like it, like the headline says right here, if you like it, if you like your care, if you're one of those 83 percent of Americans, be prepared to lose it, because you're going to lose it under their bill, not just by competition from the public plan. Their bill says you'll lose it. In 5 years, every plan has to change.

I will conclude very briefly on an issue that I know is near and dear to the gentleman who sponsored this special hour tonight, Special Order tonight, our friend Mr. AKIN, who's a cancer survivor.

The American people, I hope, will slow down this process. I hope they'll say, We want to see what's in this bill. But I hope they'll ask this question and understand this information. We are being told to switch to a system similar to what exists in Canada, Europe and England. Those are the parallels.

But I would suggest to my colleagues and to every American, there are two things that scare every American. Those two things are cancers. For men, it's prostate cancer. For women, it's breast cancer. And these are hard facts.

This chart shows you that the 5-year survival rate in the United States for prostate cancer is dramatically better than Canada. It is stunningly better than Europe, and it is shockingly better than in England. So, if you have prostate cancer in America, your chance of surviving after 5 years are dramatically better in the United States than in the system the Democrats are telling us we ought to adopt.

But that's not enough, because every woman in America goes to bed each night worrying about breast cancer, and I would suggest every husband in America goes to bed worrying about breast cancer. And here are the facts.

If you look at 5-year survival rates for breast cancer, once again, the United States, the system they want to throw out, you have a dramatically better, significantly better chance of surviving than Canada, even more dramatically better chance of surviving 5 years than if you lived in Europe, and even better than that, of surviving 5 years, than if you lived in England. Before we adopt a Canadian, a European, or a British system of health care, we better know that the survival rates for these cancers, the cancers that scare most Americans more than any other, are significantly worse in those countries than in the United States of America.

Mr. AKIN. I promised I was going to yield over to the gentleman from Michigan, my good friend Mr. HOEKSTRA, and I will come back over to you, Doctor, in just a minute. Congressman HOEKSTRA.

Mr. BROWN of Georgia. Okay. I'd like to speak to Mr. SHADEGG's point there before he leaves if he could stick around a second.

Mr. HOEKSTRA. I thank the gentleman for yielding. I thank my colleagues for allowing me to just be a part of this discussion for a few minutes.

You know, it's interesting. As my colleague from Arizona is pointing out the differences between the U.S. system, the Canadian system, and the British system, and I think one of the things that you see there is in America you've got competition, so the hospitals are all working to improve their survival rates. If you get a certain type of disease or illness, you know, people will check the various performance rates by hospitals, by clinics, as to where it's working.

You know, I just—this bill now is 1,000 pages. It's over 1,000. We just went through a massive cap-and-trade and tax bill. But, you know, I just opened it up, and one of the things that people say, Don't worry. There's still going to be improvement and competition to get excellence.

You know what job I want? Start on page 84. I want to be the commissioner. The commissioner shall specify the benefits. The next page, The commissioner shall establish the following standards. You go to page 87, The commissioner shall establish a permissible range. If the State has entered into an arrangement satisfactory to the commissioner, page 88, the commissioner shall, the commissioner shall. I mean, it's like—and this is in 2 minutes of looking at this bill. And it's like, well, it looks like the commissioner knows what to do. And if the commissioner's going to do all of this, what's there left for me? It looks like the commissioner's going to take over my health care.

Mr. AKIN. Are you sure you're spelling that word right? It doesn't say "czar"?

Mr. HOEKSTRA. I was thinking it sounds like czar. Coming from Michigan, we've had enough of czars. We've had enough of car czars, you know, who are running our automobile industry, who are making decisions about which car company will survive, how they will survive, who will manage the companies, who will be on the board of directors, what dealers will survive. I mean, you know—

Mr. AKIN. Reclaiming my time, gentleman, we're talking about the President of the United States firing the President of General Motors. We got ourselves into the insurance business, into the banking business, and now health care. What is it, 20 percent of all of American business? And we're going to have this commissioner, we're going to take another 20 percent the government's going to run?

□ 2000

Mr. HOEKSTRA. If the gentleman would yield for just a moment.

Mr. AKIN. I would yield.

Mr. HOEKSTRA. You know, think about it. If the President believes that he can decide who should run General Motors, which is a decision that he made in which he forced the replacement of the president of General Motors, then taking the next step and telling each of us what kind of health care we're going to have, what treatments we can have, what procedures we can have, and how much the government is going to pay for each one of those is fully within the realm of possibility, which is exactly where this bill goes.

Mr. SHADEGG. I guess what the gentleman is saying is that, if the bill passes, we'd better hope the commissioner is as smart as Peter Orszag.

Mr. ROE of Tennessee. Will the gentleman yield for a second?

Mr. AKIN. I promised Dr. BROWN that we would give him a chance here. We're getting close to closing.

Mr. BROWN of Georgia. I appreciate it.

In noting what Mr. HOEKSTRA is talking about and in going back to what Mr. SHADEGG was talking about, I want to point out the reason there is such a difference in the survival rates for these two cancers. The American people need to look at it. It's not just because we're Americans. It's because, in those systems, people are put on waiting lists, as your prior chart noted, Mr. SHADEGG. It is also because the government system won't pay for the new procedures, for the new medications. So it's because of delayed treatments, of delayed evaluations of lumps in a breast, because of delayed or denied services. That's going to come under this plan that the Democrats have proposed today. It's coming to every single American. That's the reason the survival rates are so much lower for prostate cancer and breast cancer. The thing is, and what's going to happen is, our survival rates are going to actually go down and match some of those others. The American people need to understand that. If I can speak to them, that's one thing that I would say. The delayed treatment and denied treatment is going to wind up killing people. That's what this plan is going to do. It's literally going to kill people.

Mr. SHADEGG. The man is dead right.

Mr. AKIN. Reclaiming my time, I would like to introduce another gentleman here who has been joining us at a number of key points and junctures, Congressman SCALISE from Louisiana. I would appreciate your jumping into the conversation here for just a minute or two.

Mr. SCALISE. Well, I want to thank the gentleman from Missouri and all of my colleagues who have been talking tonight.

As we start to see the plan unveiled and, literally, some of the secrecy removed on this plan, I think what most

American people are going to see over the next few weeks is the fact that this is nothing short of a government takeover of our health care system, a system that right now provides some of the best medical care in the world because some of those people come from those countries—from those very countries that do have government-run health care and the rationing that exists in those countries—to this country, if they have the means, because we have the best medical care even though it's a system with flaws and even though it's a system that needs some reforms. Though, the reforms that need to be made need to be made while working with all of us, with all of us here—with the doctors who have been presenting these ideas and these good solutions that have been presented—not by a government takeover that literally would ration care for American families and that would add hundreds of billions of dollars in new taxes on the backs of small business owners and families across this country. That's what their bill does. That's why we've got a big difference between how we here, who have been talking tonight, would approach this solution versus this government-run takeover of our health care system.

I yield back.

Mr. AKIN. I thank the gentleman.

That's a great summary, and I appreciate your perspective from Louisiana. I think a lot of other people are seeing it this way, particularly the gentleman from Michigan, Congressman HOEKSTRA, with all of those—and he kept reading that word "shall," "shall," "shall," "shall." This doesn't look like any kind of free enterprise to me.

I would like to recognize the doctor from Georgia, Dr. GINGREY. I thought you said you wanted to do about a minute or so before we call it here.

Mr. GINGREY of Georgia. Mr. Speaker, I thank this gentleman from Missouri for yielding. I know time is running short.

I just wanted to point out, in regard to the government plan, the Blue Dogs, who sent this letter last Friday to Ms. PELOSI and to the majority leader, Mr. HOYER. It reads: Providers in the government plan must be fairly reimbursed at negotiated rates, and their participation must be voluntary.

The bill that was introduced today by Ms. PELOSI, in regard to providers forced to participate, reads: Establishment of a provider network for the government plan. Health care providers participating under Medicare are automatically participating providers in the public health insurance option unless they opt out in a process established by the Secretary.

So, in talking about the powers of the commissioner, I also worry about the powers of the Secretary, and every doctor in America should worry about that.

I yield back.

Mr. AKIN. I think that, perhaps, may be the Democrats' biggest nightmare—the fact, if we have time to read the bill, that the people will see that what is promised and what the bill says are two different things. That is certainly what we're dealing with here. You have the Blue Dogs. These are Democrats. They're asking their leadership to have this flexibility, and the bill goes the exact opposite of what they're saying.

I would yield to the gentleman from Michigan, Congressman HOEKSTRA.

Mr. HOEKSTRA. What we're really seeing here is a continued erosion of the rights of individuals and the rights of States. Michigan is a donor State in terms of transportation. What does that mean? It means, since the inception of the national highway or the national gas tax, for every dollar that Michigan has sent to Washington, we've received 83 cents back. That hardly seems fair to me, especially when we're now number one in unemployment. Think of it. When we get that money back, the Federal Government tells us how to spend it. The same thing happened with education. We sent money here.

Think about what's going to happen with health care. It's going to come here to Washington, and we're going to apportion it back to the States. Some States are going to do better than others, and it's not going to be based on population or those types of things. It's going to be based on the power of the people in this Chamber and in the Chamber down the hall as to who has got the most influence. There are going to be donor States and—what are they?—donees or beneficiaries, the ones who get more than the rest of us.

Mr. GINGREY of Georgia. Recipients.

Mr. HOEKSTRA. Recipients.

That's no way to run a health care system. We will lose freedom, and this place will become the center of distributing money and of distributing power back to groups around the country. This is what we're fighting for. We're fighting for freedom for individuals and for sovereignty back to the States.

Mr. AKIN. You know, I really appreciate your summary, and we're getting close in time. A number of you have come to this same basic position. What we're really talking about here is freedom, isn't it? It's a subject of freedom.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. AKIN. Okay. I'll finish up and reclaim some time. Go ahead.

(Rept. No. 111–208) on the resolution (H. Res. 644) providing for consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3183, ENERGY AND WATER APPROPRIATIONS ACT, 2010

Mr. ARCURI (during the Special Order of Mr. AKIN, from the Committee on Rules, submitted a privileged report (Rept. No. 111–209) on the resolution (H. Res. 645) providing for consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. I thank the Speaker for recognizing me to address this.

While we have so many stellar experts here on health care, health insurance and on the destiny of America with regard to this large percentage of our gross domestic product, I'd ask for any of you who are willing to stay here and to continue imparting the knowledge base that you have to continue in this seamless transition over into the second hour of the Special Orders here.

It turns out that the Democrats don't have enough confidence to show up here on the floor to defend their position nor to rebut ours, and so I would point out something that I would add into this equation.

That is that, first, we have the most successful health care system in the world, and it has produced the best results in the world. Even though we have a Secretary of Agriculture who, as the lead person on health care, said that Cuba had the model for the world. No, it's the United States of America. She got the right hemisphere, and she was close to the right continent, but it's the United States of America.

I'd point out also that, by the time you reduce down the numbers of the uninsured, that 44–47 million, which is a number that is arguable, and by the time you take out of that those who are illegal and by the time you take out of that those who are in transition between health insurance policies and by the time you just boil it down to the chronically uninsured—and this is according to a study done by two professors at Penn State University that was reproduced by the Heritage Founda-

tion—it comes back to about 4 percent of this population that is chronically uninsured. Yet we would upset the entire system of health care in America to try to reduce that 4 percent number down to—what?—3 percent or 2 percent or not even 1 percent in their wildest aspirations.

So, rather than my venting myself completely on the things that I have in my head and heart on this health insurance and health care program, I am looking at a series of established experts.

I would like to yield to the gentleman from Missouri to pick up where he left off before the clock ticked out on that first hour.

Mr. AKIN. Thank you, Congressman KING. I appreciate your love for free enterprise and for your willingness to stand up for freedom.

We've been joined here over the last hour by a number of distinguished doctors, by doctors who have given a large portion of their lives to providing good quality health care—by Dr. ROE from Tennessee, by Dr. GINGREY from Georgia, who just left, and by Dr. BROWN from Georgia. They all, of course, know health care far better than a lot of us because they've lived it for 30 or 40 years of their lives; but there's something that I've lived for about 9 years of my life, and that's what is called cancer.

People in America, when you hear the word “cancer”—they call it “the big C”—you pay attention to it. When I got here as a freshman Congressman, I waltzed down to the doctor's clinic that's provided by the Navy in this Capitol building. I felt bulletproof and fit as a fiddle at barely over 50. They said, Yeah, you're in pretty good shape except for one little detail: you've got prostate cancer. So, when you hear the words “the big C”—cancer—pay attention to it. So, although I'm not a doctor, I've had some experience.

There was one set of numbers that jumped out at me that we really didn't talk about, although it was mentioned by the gentleman from Arizona, Congressman SHADEGG. He talked about prostate cancer and breast cancer, but let's generalize those numbers a little bit more. Let's talk about survival rates. What we're talking about here is that, for the sake of 4 percent of the people who are chronically uninsured, the Democrats want to remake the best health care system in the world even though they were throwing rocks at it an hour and a half ago. Nobody goes from America to get health care somewhere else. They all come here to get their health care. Now what they want to do is turn us into something like Canada or England or Tennessee, which had a bad experience, or like Massachusetts.

Let's take a look at their track records before we jump too fast off this cliff. Let's take a look at the survival

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3170, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010

Mr. ARCURI (during the Special Order of Mr. AKIN), from the Committee on Rules, submitted a privileged report

rates of cancer among men. In the United States, there is a 62.9 percent survival rate. That says, if you get diagnosed, there is a 62.9 percent survival rate.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. AKIN. Let me just get to the other one.

Look at this one in the U.K.—that's your socialized medicine: 44.8. You're talking an 18 percent difference in the survival rates between these two systems. We want to move from the U.S. system to be more like Canada or the U.K.?

I will yield, and I have to yield to the gentleman from Iowa.

Mr. KING of Iowa. I will reclaim my time, and will yield to the gentleman, to the doctor from Georgia.

Mr. BROUN of Georgia. Thank you.

I just wanted to clarify this for all of us here in the House tonight, plus for the people who are watching on C-SPAN. This includes all cancers; is that correct?

Mr. AKIN. That's my understanding. These numbers here are the survival rates of all cancers among men and of all cancers among women. Now, as you know, Doctor, prostate is the most common among men and breast cancer for women, but this is the whole deal.

Mr. BROUN of Georgia. That includes lung cancer; it includes stomach cancer or pancreatic cancer or muscle cancers, bone cancers, blood cancers, et cetera. That should be astonishing to the American public to look at those values. Please tell us about—

Mr. KING of Iowa. I am happy to yield, but let me pose a question as you expand upon that thought.

If you are a man, are you better off or, if you are a woman, are you better off if you live in the United Kingdom versus the United States of America when it comes to cancer diagnoses?

Mr. AKIN. It's hard for everybody to be able to see the chart here. Regarding the cancer for women, you're at 66.3 percent survival. You're better off if you are a woman in the United States than if you are a man in the United States; but if you go to the U.K., women are still 14 percent worse in terms of cancer. So, in other words, if you're a man in England, you're really in trouble. That's the worst you can be is a guy in England—okay?—with cancer.

□ 2015

But if you are a woman in England with cancer, you're still at a 14 percent worse condition for survival rates than if you're in the United States. So, in other words, it's 18 percent worse in England for a cancer patient than it is in the United States.

Mr. KING of Iowa. If the gentleman will yield, I pose this question: If you are a woman in the United Kingdom, are you worse off than a man in the

United States? And vice versa. I will yield.

Mr. AKIN. No. If you are a woman in the United Kingdom, you have got a 52 percent. So you are a little better off than a man in the United Kingdom, but not as good as a man in the United States at 62 percent.

Mr. KING of Iowa. It is an inappropriate comparison to compare across gender when it comes to cancer because there are different survival rates because of different types of cancer.

Mr. AKIN. But still the point of these numbers is that this government-run health care system is not producing results. It's doing just what our doctors are telling us is happening, and that is, that you have all of these mandates in the government that are making it so that it can't be effective. Of course the place where most of us, when you get to be my age—there are a few old geezers here, like me. And what do you do when you get a government that can't afford to pay for the health care? Well, they start to ration care. And who are they going to ration it to? It's the older people. They are going to say, Yes, it's fine, but you don't qualify for this kind of care. You're not enough of a benefit to society. We're going to cut you off.

Mr. KING of Iowa. Reclaiming my time, I happen to have had a World War II survivor and veteran hand me a whole stack of Collier's magazines that came from 1948 and 1949. It was a fascinating thing to read through the yellowing pages of those magazines where they had gone in and written these—I want to call them cameo articles on the emerging National Health Care Act of the United Kingdom, 1948 and 1949. I remember in the same magazines there was a picture of a GI sitting at the square in Berlin by Otto von Bismarck's victory statue, which was in the background of Obama's speech there when he was in the campaign. He was sitting there among the shattered trees with his helmet off, eating some K rations in that same magazine. So we're back to just post-World War II when the United Kingdom decided that because of the insecurities—and they didn't know if their economy was going to collapse. It had been so burdened because of World War II—that they would provide this National Health Care Act to supposedly fix their economy with the same psychology that President Obama has today. We're in this economic crisis, and magically the crisis that happened after the election brought about the necessity to provide the same solutions they advocated before the crisis. In any case, the United Kingdom, they then established the National Health Care Act. As I read through that, month after month, story after story, cameo appearance after appearance, the same problems that we have today were the problems they had within the first year

of establishing that National Health Care Act in the United Kingdom. Long lines, rationed care, doctors and nurses and providers whose compensation had been ratcheted down by the government from the necessity then of increasing their volume to make up for the difference in their compensation. Increasing their volume, yet they spent less time per patient, which meant that they were less able to diagnose and care for their patients, which brought down the quality of the care and the threat of the rationing that came then was manifested very shortly thereafter. I intended to go to the gentleman from Arizona, but I see the gentleman from Michigan has something to add. I yield.

Mr. HOEKSTRA. I'm listening to your description of the bureaucracy in the U.K. and those kinds of things. I have just been paging through this bill. I think we all know—I think it was last week—that the majority leader said something like, "If we had to depend on the people who read the bill to vote for it, we wouldn't have very many votes." The first time that I saw this bill was about 15 minutes ago, and I'm just kind of paging through.

Mr. SHADEGG. The quote by the majority leader is, "If every Member pledged to not vote for it if they hadn't read it in its entirety, I think we would have very few votes." So he apparently thinks we shouldn't read the bill.

Mr. HOEKSTRA. Let me just read a couple of things. Here is a paragraph. I will just open it up. Before we went through, The commissioner shall, shall, shall. And we said, Okay, he shall do everything, and there is not going to be anything left.

Listen to this paragraph: "Change in the income as a percentage of FPL. In the case that an individual's income expressed as a percentage of the Federal poverty level for a family of the size involved for a plan year is expected in a manner specified by the commissioner to be significantly different from the income as so expressed used under subsection A, the commissioner shall establish rules requiring an individual to report consistent with the mechanism established under paragraph two significant changes in such income, including a significant change in family composition to the commissioner and requiring the substitution of such income for the income otherwise applicable."

Mr. SHADEGG. Excuse me? Say what?

Mr. HOEKSTRA. Think of how many bureaucrats it is going to take to interpret that paragraph.

Mr. AKIN. How many bureaucrats can dance on the head of the pin, huh?

Mr. HOEKSTRA. Then they're going to do ethics standards, accountability performance programs and all of these things, Federal bureaucrats. And guess what—the same people who wrote this

bill, also their last bill that they wrote was No Child Left Behind because it says that as they collect this information, the Secretary shall identify organizations that are enrolled in the program that have failed to significantly improve. Does that sound like No Child Left Behind, like we have in the Department of Education? What do we have? We have people in the Department of Education who don't read anything, who don't know the schools in Ludington, Michigan, or Detroit or Saginaw or Ann Arbor, Michigan; and they're identifying them as failing schools. Now the Federal Government is going to go through the process of identifying failing hospitals, failing nursing homes and failing those if they don't meet Federal requirements; and it's going to take a lot more bureaucrats. But I think we ought to challenge the American people. Members of Congress may not read it, but they ought to read this thing and see if they understand whether this is going to improve their health care or make it worse. I think they will become ill reading this bill.

Mr. AKIN. Is there a medicine to treat nausea?

Mr. KING of Iowa. Reclaiming my time, I just would suggest that of all of the 32 czars—do we have a czar that deals with this, the failing czar? What about the failing czar?

Mr. HOEKSTRA. Well, I think they have recognized that a czar is not a very popular word. The czar in this bill is called a commissioner. So I guess when you get to the 33rd—I guess we can only have 32 czars. Now we are starting to create commissioners, and we'll probably have 32 commissioners. Then we will have what, grand leaders after that? But I think we've topped out on czars.

Mr. KING of Iowa. I happen to remember that the aftermath of the czars was actually the Marxism that arrived with the Leninism in that period of time and, yes, the commissioners and the lists of those people. Language makes all the difference. But I would like to know how they identify the failing czar or the failing commissioner.

Mr. HOEKSTRA. If the gentleman will yield, it's identified in here how you will identify the failing czar and with the corresponding rules and regulations that go with this that I'm sure will be written in plain English because this is not.

Mr. KING of Iowa. This is a lot of pages of gobbledygook. I will yield to the gentleman from Arizona (Mr. SHADEGG) who can add some clarity to this issue.

Mr. SHADEGG. I thank the gentleman for yielding. We have done a pretty good job of filleting what I think needs to be filleted.

Mr. HOEKSTRA. If the gentleman will yield for a second, with the manu-

facturing of all of this paper to print this bill, as a member of the Energy Committee, would this still be qualified under cap-and-trade? Or is this a violation of cap-and-trade?

Mr. SHADEGG. That actually is woody biomass, and there are certain rules of how it gets converted into energy in cap-and-trade.

Mr. SCALISE. It has got a heavy carbon footprint.

Mr. SHADEGG. I would like to, for just a moment, get serious. I think we have done a good job here.

Mr. HOEKSTRA. Excuse me. I was serious.

Mr. SHADEGG. I know. But I mean deadly serious about an alternative. We get accused of being the party of no, and I hate to repeat that charge. But if I were sitting at home tonight, I would watch this; and I would say, Well, all those Republicans are saying that that 1,100 pages doesn't make sense. And I have to compliment my colleague from Michigan. He has done a stupendous job of reading some of the absurdity in that bill. So you are home and saying, Well, you Republicans are just against everything. I want to point out that that is not the case because that bill—hold it up, Mr. HOEKSTRA, if you would—that bill is not the only health care bill that was introduced in this body today. Now I will admit that the other one that was introduced in this body today is stunningly shortened. It's a fraction of that number of pages. But several of the Members in this discussion tonight were cosponsors of the bill I introduced today called the Improving Health Care For All Americans Act. It's a simplified bill. It doesn't do a top-down command-and-control government edict, all the things that Mr. HOEKSTRA was reading. What it says is, we need bottom-up reform. We need to empower individual Americans. So let me just take a quick minute to walk through five major concepts in the Improving Health Care For All Americans Act, introduced by a group of Republicans today, and tell you how it's different than what the Democrats want to do. First, we pointed out that the President keeps saying, If you like it, you can keep it. But we have pointed out that the wording of their bill says, If you like it, you will lose it, because it says that in 5 years, every bill that exists today will be gone because it has to meet the standards written by a new commission. Well, our bill, the Republican bill, Improving Health Care For All Americans Act says, If you like it, you can keep it. Of the 83 percent of Americans who say they are happy with their health care right now, most of those people get their health care from their employers. Our bill says, If you have employer-provided health care and you like it, you—the patient, the employee—get to choose to keep it. And if they choose to keep it, they keep their current tax exclusion. Many

Democrats want to take that tax exclusion away. However, we will not force you to give up your health care. We really mean, If you like it, you can keep it. That is what is in our bill. Second, every American under our bill gets choice, and every American gets coverage. How do we do that? The bill says, If you have employer-provided coverage and you like it, you keep it. But what about people that don't have employer-provided coverage? Our bill says, We are going to give you the right to use your tax dollars if you pay income taxes to buy a policy that you choose; and if you buy a policy of your choice and you spend \$2,500 as an individual or \$5,000 as a family, you get a dollar-for-dollar tax offset. So those people get to buy a policy they like, and they can keep it. What about the Americans that many people are concerned about, those who don't pay income taxes? Our bill gives them a tax stipend and says, Here, we're going to provide you the funds to go buy a plan of your choice. Now that covers every single American, everyone who has employer-provided coverage and likes it; everyone who doesn't have employer-provided coverage; everyone who has employer-provided coverage but doesn't like it; and everyone who can't afford to go out and buy it on their own, we cover every single American. But you know what, we didn't put one of them, not one of them into a government program. Now why didn't we do that? Well, the Democrats say, Let's let the rich people buy their own insurance and put the poor into government programs. That's what we're doing now with SCHIP and Medicaid. We say, Why not give those who can't afford their own coverage a cash stipend to buy a plan they like? Why shouldn't they have control over their lives and their health care and make it respond to them and their demands? So our bill does that.

Now you say—and this happened in the last Presidential debate—Well, you're going to force everybody into the individual market and costs are much higher in the individual market. Dead wrong. Our bill provides new pooling mechanisms and group plan choices for every single American. This is a kind of a different concept. Right now everybody in America that wants to get into an insurance pool to pool their risk with other people, you know how many pools they can possibly join? One. Their employer's pool. That's the only pool you and I are offered. Every single one of us on the floor here is offered, as Congressmen, the chance to join our employer's pool. Can we join some other pool? No, we can't. This bill says, We're going to let many pools be formed. We're going to let social organizations, we're going to let civic organizations, we're going to let—for example, for me, the University of Arizona Alumni Association might form a pool

and offer a plan. For someone who's a member of the Kiwanis International, we'll let the Kiwanis Clubs International form a pool. How about the Daughters of the American Revolution? Why shouldn't they be able to form a pool? We can have lots of different pools so that you and I can choose—I want to be in my employer's pool and have a low-cost plan; or I want to be in the Kiwanis International pool or the AARP pool or some other kind of pool where my risk is pooled with others. That's the third piece of our bill.

And now the one that many Democrats are concerned about—and it is one of the ones where I think we agree with them—and that is pre-existing conditions and chronic conditions. Those price lots of people out of the ability to buy health care. Do Republicans care about that? Yes. Are we going to force you into something? Are we going to pass a mandate like the Democrats' mandate? No. What our bill says is that every single American with a pre-existing condition or a chronic condition whose health care costs get so high they either can't find a policy or can't afford the policy will be able to join a high-risk pool or a reinsurance plan, a reinsurance mechanism that holds down the cost of their health care to the cost of everyone else's even though they have a pre-existing.

□ 2030

I mentioned this earlier. I have an older sister who is a breast cancer survivor—thank God she's a survivor—for over 20 years. For years, she was forced to keep her teaching job even if she wanted to change jobs because she had a preexisting condition. Her cancer was covered as long as she stayed with her employer, but if she left, her cancer wasn't covered.

Under our bill, her cancer would have been covered even if she changed jobs.

We can control costs in America by empowering patients and consumers. We can reform American health care from the bottom up, not command and control from the top down.

I thank the gentleman for yielding.

Mr. KING of Iowa. Can I reclaim my time before we yield over to Georgia?

I would like to know what that fifth point is. I think I have four down.

Mr. SHADEGG. The fifth point was empowering consumers by giving them the right to buy and control their own health care. That is, if you are an employee, if you have a plan offered by an employer, you can choose to keep it or choose to take the tax credit and buy another plan. And empowering everyone else that doesn't have an employer-provided plan, that empowering of you and I to take control of our health care back will let us shop for the best quality care at the lowest price, which we can't do right now. Right now it's a

third-party system. Your employer picks your plan and your plan picks your doctor.

The Democrats say that is a terrible, failed system. We should take the employer out and put the government in. How does that make it any better? What we say is empower individual Americans. Give them the ability to make their health care choices and, oh, by the way, they will then not only have power and control and can fire a plan that doesn't work for them, but they will also have a greater stake and an interest in their own health care.

Mr. KING of Iowa. Reclaiming my time, I would add that the central philosophy here is the difference between Democrats and Republicans, liberals and conservatives: our understanding of human nature and what inspires human nature and the things that fail to inspire human nature. They believe they can create a managed economy, a utopia that's managed by smart liberals on top who are taking care of those people who can't take care of themselves.

We believe that the markets drive the best decisions. It's the difference between free enterprise and central command. And it's a philosophy that's been laid out here from Mr. SHADEGG of Arizona.

Mr. SHADEGG. It's their idea of a Washington-centered plan. Their 1,100-page bill is all Washington-centered. It's got a commissioner. If it doesn't have a czar, it's got a powerful commissioner. Or our idea of a patient-centered plan.

Mr. KING of Iowa. Driven by the best of human nature.

And I yield to the gentleman from Georgia and then to the gentleman from Louisiana.

Mr. BROUN of Georgia. I want to applaud the gentleman from Arizona's efforts to put this plan together.

I want to point out something. We, as Republicans, are accused of being the "Party of No" by the folks on the other side, the Democrats. But I want to—if I could tell the American people this—I can't in the rules of the House—but the Republican Party is actually the Party of Know—K-N-O-W. We know how to fix things, and I congratulate Mr. SHADEGG for putting together an alternative to present to the American public.

I'm working on one in my office also that's a little different from Mr. SHADEGG's, and there are other plans being developed on the Republican side. We know how to fix it and to look to the free enterprise system to fix things and not look to socialism, which is what our colleagues on the Democrat side look to. They look to socialism, they look to central command, they look to a Washington bureaucrat to tell us how to run not only health care, but I want to also indicate we have had plans about a lot of things.

We had an energy plan. The American Energy Act that I was a cosponsor of—and I think probably every one of us here tonight were cosponsors—that would have made America energy independent. We've developed on our Republican side plans to stimulate the economy by cutting taxes on small business and creating real jobs.

The Democrats' centralized plans that create a bigger Washington, more bureaucracy has not worked. Where are the jobs? But we had a plan on the Republican side that would have actually created jobs.

And over and over again, the Democrats that claimed that we are the Party of No, N-O, will only allow their plan to be presented to see the light of day here in this House. That's dictatorship, in my opinion.

Mr. SHADEGG. If the gentleman will yield.

Mr. BROUN of Georgia. We are the Party of Know, K-N-O-W.

Mr. SHADEGG. Not only do we know how to fix things, but we are the Party of Know in another way.

I want—every one of us here tonight, every Republican in this Congress wants the American people to know—k-n-o-w—what's in this bill before we pass it. We are being told that we have to rush to pass this in less than 3 weeks.

The first markup of this bill will occur, I believe, on Thursday. It will not conclude until the following Wednesday. We then have less than a week and a half from that until the August break. The Democrats apparently don't want Americans to know, k-n-o-w, what's in this bill. I think we are the party of know, k-n-o-w. I want the American people to know when you consider this as 20 percent of our economy—it's one in every six jobs—it's shocking that we would consider passing such a bill without knowing what's in it.

Mr. KING of Iowa. Reclaiming my time, I think it's clear that if this bill sits out there over the August break until after Labor Day, they understand the American people will rise up against it.

And I would like to yield to the gentleman from Louisiana.

Mr. SCALISE. I want to thank the gentleman from Iowa for yielding.

I appreciate the comments from my friend from Arizona and his alternative bill. I serve on the Energy and Commerce Committee as well. We're going to have a heated debate, a very necessary and important debate. But this should be a debate that allows all of these different ideas and facts to come out.

But there is an old adage that says if you don't learn from the mistakes of history, you are doomed to repeat it. So I think if you go back to January and review the last 6 months and you look at the mistakes that have been

made along the way and transpose that to the bill that was filed today, this government takeover of our health care system, you'll see a lot of similarities to the previous mistakes that's been made up until this point.

When the President came in in January, his first initiative was this massive so-called stimulus bill: \$787 billion in spending, borrowed money that we don't have, money that's going to be borrowed against our future, China and other countries that will be loaning us this money. This bill was touted as a way to save the economy.

The President said we need to do this or else unemployment will reach 8 percent. Today as we stand here and review that bill, as my friend from Georgia said, where are the jobs? We know it hasn't created jobs. In fact, since President Obama took office, two million more Americans have lost their jobs. In the meantime, the stimulus bill is starting to have effects on the economy, but now you are beginning to see the beginnings of inflation because of all of this borrowing.

You are also seeing the fact that this bill is clearly not working—not only all of us who voted against the bill and proposed an alternative, and the President who vowed to be so bipartisan would not work with any Republicans to take some of the ideas that we had, ideas to actually empower Americans, to allow small businesses to hire people, to give tax relief to small businesses and families that are struggling out there. The President didn't want to approach any of those ideas. He just wanted this one-size-fits-all government-run program, spend more money, \$800 billion.

And now just last week his own Vice President said this plan, they misread the economy. And the President himself is going around saying—first he's saying that he wouldn't do anything differently on the stimulus bill and he said the stimulus bill is working according to plan.

Now, I'm not sure what plan he had, but two million more people out of work from the day he took office, unemployment approaching 10 percent, and he said that's the plan that's working.

Mr. SHADEGG. He said what?

Mr. SCALISE. He said he wouldn't do anything differently and the stimulus bill was working according to plan.

Mr. SHADEGG. He was planning on 9.5 percent unemployment?

Mr. SCALISE. Clearly he must have been because he and his own Vice President not only are saying that that bill, the stimulus bill, is working according to plan but they're saying on the other end, some people in the White House are saying they're so concerned now about the economy and the approaching 10 percent unemployment that they're talking about doing a second stimulus.

So people who are admitting on one hand they misread the economy, everyone's acknowledged that their stimulus plan isn't working and is spending money we don't have.

Then they're talking about doing another stimulus bill to spend even more money we don't have.

Mr. AKIN. I need to interrupt. I am so hopelessly confused. I really need some help from my colleagues tonight.

Mr. KING of Iowa. I'm not ready to endorse that statement that's been made by the gentleman from Missouri.

Mr. AKIN. I remember we were promised if we don't pass the stimulus bill, we're going to see unemployment over 8 percent. And so, of course, we didn't vote for it. But they passed the stimulus bill, and now we've got 9.5, or whatever it is percent, unemployment.

Mr. BROUN of Georgia. It's 14 percent in many of my counties in the 10th Congressional District in Georgia.

Mr. AKIN. This is part of the plan. By golly, it just seems like to me maybe we shouldn't have passed that.

Mr. KING of Iowa. If I could reclaim my time before I yield back.

I want to point out this 9.5 unemployment rate, it equates into real people. That's 14½ million that are unemployed; and when you add then to those who are looking for a job that have exhausted their unemployment benefits, you've got another 6.8 or 6.9 million. You round that down to 20 million people looking for a job in America, and that's the stimulus plan.

I yield to the gentleman from Missouri.

Mr. AKIN. Your 20 million people are the number of people almost that don't have health insurance. So now we've created 20 million unemployed through this wonder of economics, this Keynesian economics that supposedly says the government goes on a spending spree, everybody is going to be doing great.

Mr. KING of Iowa. Twenty million that are uninsured. By the time you take it down to the chronically uninsured, according to a Penn State study by a couple of professors at Penn State, that's 10.1 million chronically uninsured, and that equates to a little bit less than 4 percent of the population of the United States of America. That's what we've got.

Mr. BROUN of Georgia. This health care bill is going to put more people out of work. More people are going to be unemployed. And it's going to hurt the economy even more, which is going to mean more cost to the American taxpayers. So taxes are going to go up and the cost of health care is going to skyrocket.

Mr. KING of Iowa. But if the gentleman from Georgia—reclaiming my time, and I would pose the question back to the panel that's here of the experts. This was President Obama's economic development plan. This economic crisis that we're in commands

that we establish a socialized medicine program. So the gentleman who's lived for that—or excuse me, the gentleman who's lived with that in Tennessee—the doctor from Tennessee, Dr. ROE, if you could tell us what you learned in Tennessee with the plan that was similar to that that Obama has proposed.

Mr. ROE of Tennessee. We have been over that previously.

But a couple of things I wanted to bring out.

This is from the CBO this afternoon that scored this bill that we're looking at here. It's 1,000-plus pages. After we have this monstrous government takeover in 10 years, we still have 17 million people uninsured. And, I mean, it's astonishing to me that we would look at a bill like this and still have almost half the people uninsured with the government then making health care decisions.

One of the things we were talking about, cancer a moment ago, and I think what we want to say is—and I think the gentleman from Arizona has hit it right on the head—you need to have patients in charge of health care decisions.

When I began my practice in the early 1970s and in the late 1960s when I was a medical student, 80 percent of children who went to St. Jude Children's Hospital died of their childhood cancer. Eighty percent died. Today over 80 percent live. It's really a phenomenal story to tell a parent. Almost all children with leukemia have lived now. It's unbelievable. And that's happened in the last 35 or 40 years.

When I began my medical practice almost half the women who came to me with breast cancer—and we saw too many of those—died within 5 years. Survival rates now are in the high 90s. It's astonishing. It's a wonderful story.

When the patient comes in, they're frightened, and you have already mentioned how scary that was when you are diagnosed with cancer. But to know that you are going to get through it, that's what this phenomenal health care system in America has produced.

And what is amazing to me is that we're going to have this bill that's a thousand-plus—well, that's the start of it. It will still leave that many people uninsured. And we have heard right here tonight a better way to do it, a much simpler way from the ground up.

And let me give you one other example. It's very simple. In my own medical practice back in Tennessee, we have 290-something people who get health insurance through our practice. We have two plans we offer them. One is just your standard Blue Cross plan, 80–20, we all are familiar with. The other is a health savings account, high deductible plan where you have the first \$5,000 out of pocket. You pay for that. We put \$4,200 away for that.

□ 2045

Everything above \$5,000 is paid 100 percent. Eighty-four percent of the

people in that practice, nurses, technicians, whatever, chose to manage their own health care dollars, not the insurance company but them. They will lose that ability with this particular plan, and I think that was a plan right now that I use and that people all over the country want to be in charge of their health care decisions, not the government.

Mr. KING of Iowa. Reclaiming my time from the gentleman from Tennessee, I am watching the gentleman from Michigan reading through his thousand-plus-pages bill here, with his exemplary model of concentration in the middle of all this. I think you could do this under fire.

What have you learned since the last time you imparted some knowledge? And I yield to the gentleman from Michigan.

Mr. HOEKSTRA. I thank the gentleman for yielding.

This is an amazing bill. We've talked about the creation of this commissioner who will have the power to implement much of what is in here. You start reading it and you really can't understand it because it's not written in plain English; although, in the bill, there's a requirement that stuff be written in plain English. And then you start getting into the penalties and the fines and the payments for people who don't meet certain regulations or certain requirements.

I haven't gotten to the tax part yet, but as I've been briefed on this program throughout the day, I think we all recognize that this massive new free health care from the government is not going to be free. It's going to cost us a lot of money.

There's a lot of stuff in here about the authorities of the IRS and what the IRS can do, and then you start getting in here and, you know, you start reading what services are included, which ones are excluded and those types of things. And what you recognize is we're going to see the same thing on this bill that we saw on cap-and-trade.

Remember what happened on cap-and-trade? There was a 900-page bill that passed out of your committee and, you know, late Thursday night, early Friday morning, when they didn't have the votes—

Mr. SHADEGG. 3:09 in the morning.

Mr. HOEKSTRA. At 3:09 in the morning, they added about this many more pages to the bill.

Mr. KING of Iowa. 316 pages.

Mr. HOEKSTRA. 316 pages to get to 219 votes, and nobody knew what was in it, and you're going to see the same thing here.

This bill cannot get 218 votes because this bill will be out there for the American people to read for the next couple of weeks, but don't worry, the night before it will be changed and there will be 400 new pages at least buying off Members' votes to get something into this

bill to get to 219. And that's how we're going to construct health care reform in America.

Mr. SHADEGG. I just want to say, I compliment the gentleman, and he asked me to go get this information and I've gotten it.

For any American who wants to read the bill as it exists tonight, which as my colleague from Michigan has just pointed out will change probably at 3:09 in the morning on the day we vote on it, you can go to the Energy and Commerce Committee Web site and download or read the bill yourself. To get there, you go to www.energycommerce—the word energy, E-N-E-R-G-Y, then with no space the word commerce, C-O-M-M-E-R-C-E—house.gov. You will then see an icon that says Quality Affordable Health Care Act. If you click on that icon, you, yourself, can download those 1,100 pages and enjoy reading it the way my colleague from Michigan has enjoyed reading it and some of the bizarre things in it.

Mr. HOEKSTRA. Actually, if you click on that icon, your computer will crash.

I thank my colleague for getting that information for us. Thank you.

Mr. KING of Iowa. Reclaiming my time and appreciating the facile information that will, I think, rather than put a person to sleep, cause insomnia if anybody reads this, and I appreciate the effort to do so. It can be a selfless act of intellectual scholarly patriotism to read some of this, but I've heard enough of the gobbledygook that came out of it from Mr. HOEKSTRA's reading it, the requirement that it be and required to be in plain English catches me a little bit off balance, having heard the language that's in the bill, not having read it.

And I yield to the gentleman from Missouri.

Mr. AKIN. I think that we've had chance a little bit to take a look, and I think in a constructive way to, lampoon this method of doing business. We already saw the 1,100- or 1,200- or 1,400-page bill and then 300 pages of amendments at 3 o'clock in the morning, all this kind of gobbledygook, and the equivalent of a czar to take over 20 percent of our economy, which is health care. And yet, the fact of the matter is those of us standing here—and we can do this a little bit with a sense of humor, almost crying at the same time—know that there are some very plain English principles which we have all seen that make health care work, things that we all stand for and believe in.

We believe in the fact that there should be a relationship between a doctor and a patient, and the bureaucrat shouldn't get in the way. I think an awful lot of Americans believe in that, too. I think that those of us standing in this Chamber tonight believe in the

fact that we don't want some government bureaucrat rationing our health care and telling us that we're too old and that it is too expensive for us. We would rather have a competitive system and let us see what we can buy with our own dollars rather than having a bureaucrat rationing our health care.

There are other things that we believe in. The gentleman has introduced another bill that he didn't talk about tonight, my good friend from Arizona, and that's a bill that says that you can go shopping for health care. And what it does is it prevents any health care provider from cornering some section of the market. It says you can go buy your health care from across State lines. If an insurance provider wants to allow you to buy the insurance, you can go to a different place to get that. So we create legitimate competition in the marketplace.

What we have always stood for is freedom, and what is being proposed here is the same rubber-stamped baloney that we have seen all the last 6 months. It is more taxes and more bureaucracy. The solution to every problem to a liberal is more taxes and more bureaucracy. The only thing is it is escalating. This is \$1.5 trillion worth of taxes that's going to be required to make this work, and there's no idea anybody has of how they are going to come up with that. There goes more deficit.

There are plain English things that make health care work, and to try to destroy the best health care system in the world with this bureaucratic stuff is a travesty. It's really wrong.

Mr. KING of Iowa. Reclaiming my time, when the gentleman refers to plain English principles, you aren't talking about the United Kingdom principles of a national health care act. You're talking about the things we understand in the language which we refer to as the plain English language that we all should understand, and I would yield back to the gentleman for a response to that clarification.

Mr. AKIN. Well, that's right, and what we're talking about here, though, is if you get it done late enough at night and nobody has a chance to read it, you can sneak it by. And that's not a principle that Americans should be proud of. We heard an awful lot about transparency, but we've seen none of transparency. All we've seen is dark-of-the-night, backroom deals, and more taxes, more regulations, more bureaucracy, and this one threatens the lives and livelihoods of our constituents.

Mr. KING of Iowa. Reclaiming my time, there's a philosophy here again, this dividing philosophy between the people that are right on the right side of the political spectrum and the people that are wrong on the left side of the political spectrum.

And I remember when the wall went down on November 9, 1989. The Iron

Curtain came crashing down, and it came crashing down because free enterprise trumped central planning in the 5-year plan. And the difference is because we're in the business of seeking to enhance and improve the overall annual average productivity of every American. If we do that, our economy thrives, and when our economy thrives, our quality of life goes up in proportion to the way our economy thrives. That's the part of human nature that is at the core of the difference in this philosophy.

And they, the people who don't show up down here to carry on this debate because they cannot carry out this debate in the face of the logic and the plain English that they're faced with, they believe in central planning. They believe they can put together a plan and a model and the inside that will tell everybody what to do at every moment. And there will be a rule written and a law written and some contingency plan for everything that might go wrong, and somehow they can put together the master utopian formula that's going to improve and strengthen—actually, the plan is to strengthen them politically, not to improve the lives in America so much.

But their idea has failed because they don't believe in human nature being competitive, and they don't believe that there's goodness in the heart of all of us as well as evil in the heart of all of us. We legislate against the evil and we enhance the goodness. They just simply say the reason people don't succeed is because conservatives got in their way, and that's the cynical approach.

I yield first to the gentleman from Georgia and back to the gentleman from Arizona.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

I want to point out something in plain English, as Mr. AKIN was just doing. We hear on the House floor here over and over again that there are 45 million or 47 million people that don't have health care in this country. That's false. It's a blatant falsehood that's being perpetuated on the floor of this House. Everybody in this country has access to health care. The question is where do they get it, who pays for it, and at what cost.

The reason everybody in this country has access to health care is because they walk into any emergency room in this country, and under Federal law, the emergency room doctor, the emergency room has to evaluate and essentially treat everybody who walks in. That's the reason if you walk into an emergency room in Augusta, Georgia, or Athens, or Elberton or anyplace in my district, you will see the emergency room filled with illegal aliens who are going there. The taxpayers of America are paying for their health care in the hospitals, and the hospitals are getting

to the point where they can't continue it but it's because of Federal law that they have to treat these illegal aliens.

So everybody has access to health care. So we are really talking about two things in this health care debate, not one. It's not monolithic. We have health care system and the provision of health care on one side, which is absolutely the very best in the world, and we have health care financing on the other hand that is broken.

And we'll all agree that health care financing is broken, but it's broken because of government and government regulation and government intrusion in the health care system. And they want to make more intrusion into the system, which is going to make it more expensive. It's going to raise taxes on everybody in this country.

It's going to raise the cost of every single good and service in this country because it's going to be mandated to all businesses, so they're going to have to charge more for their goods and services. So everything's going to go up. Our economy is going to go down.

I can see the headlines a few years from now. Headlines: Obama lied, the economy's dead. And that's a potential that we have with this health care system. And it's absolutely critical the American public understand that it is going to be extremely expensive. It's going to increase costs to everybody, and it's going to raise taxes on small business so people are going to be put out of work because of this plan that's being introduced today.

Mr. KING of Iowa. Reclaiming my time, and I thank the gentleman from Georgia, and it references me to the health care providers that have dropped out, gone out of business or failed to expand or diminished their operations because of having to provide free health care to, let me say, free health care to illegals.

And I'm thinking of the gentleman from Arizona, and I think of Arizona whenever I think of losing access to health care because of having to provide free health care to illegals. At a time that I stopped down in an unannounced surprise visit at Sasabe, Arizona, at the port of entry, and there as I was talking to the shift supervisor, whose name I remember and decline to put in the CONGRESSIONAL RECORD, he got a call on his cell phone. He said, Just a minute. I'm going to take care of something. I'll come back to you.

He took care of it. He came back to me in a few minutes, and he said, Well, you're going to see a Mexican ambulance come across the border, and then I've already called U.S. ambulances to come down and do the handoff, and I've called the dust off to come—he said Life Flight—to come and pick up this patient who has been knifed in a knife fight in Mexico, and this ambulance and their care won't take care of him, so we're going to do that.

So, anyway, I had a medical officer with me and I asked him to look in on this and see what you can do to save this fellow's life, and it turned out to be this. They came across the border. The ambulance had no oxygen in it, no medical equipment in it. It only had a little bit of gauze and a few surgical gloves and that was really it. So the U.S. ambulances showed up, put oxygen on him and triaged him, and we loaded him in the helicopter and flew him off. I went to visit him in the Tucson University Hospital the next day. He survived, and it cost us \$30,000.

But it caused me to sit down with the CFO, who told me that it costs them annually an average of \$14.5 million to provide health care there for illegals and that Tucson University is the most southerly trauma center in all of Arizona, and that a bus full of illegals had been wrecked near Tucson and in it were 25. Fifteen went into intensive care. Their IC unit was tied up, and so the people from Tucson that paid their premiums were taken up to Phoenix where the family had to drive up there to visit the patient.

That is what I saw. The man that represents a good chunk of Arizona knows it for a fact. I'd be happy to yield to the gentleman, Mr. SHADEGG.

□ 2100

Mr. SHADEGG. I thank the gentleman. And I just want to reiterate this point. Republicans are here for a cause. We believe in something. We believe in bringing down the cost of health care in America.

The President has said those costs are unsustainable—and they are. Republicans are here for the cause. Our cause is to help families and businesses get a hold of their health care costs and bring them down.

But here's how we want to do it. We want to do it through patient-centered health care. Patient-centered health care offers the best way to reduce health care costs. The old Washington, D.C.-centered, top-down approach that Democrats envision will empower bureaucrats in this city. And those bureaucrats will restrict cures, restrict treatments, and get between you and your doctor. The Washington-centered system will cost trillions more—and they admit it. That's the price tag on their bill.

The President sees the problem, but he's got the solution wrong. They want a Washington-centered plan. We want a patient-centered reform. They want a Washington-centered experiment. We want simple, commonsense fixes. They want a closed health care system where Washington bureaucrats make the decisions. We want an open health care system where you and I, patients, people, average Americans get to make those decisions. We want bottom-up, empower Americans, patient-centered. They want top-down, bureaucrat-driven.

The political artificial cost reductions they talk about won't happen. If we empower a big Washington-run monopoly, it won't work. I repeat what I said before. Since when did getting the government involved, since when did having the government take over something bring down costs?

If you join us, if you believe that Americans should be empowered from the bottom up, not told what to do from the top down, then help us and don't let this plan pass. Help Republicans pass a plan, a simple plan that will help American families and American businesses.

Mr. KING of Iowa. Reclaiming my time, and I thank the gentleman from Arizona. I just think about when I listen to you talk, that's—I think—the most inspiring dialog that's flowed out in the last hour and a half or 2 hours.

I think of hundreds of millions of individual Americans who are addressing their own individual health care issues and their health insurance issues, knowing their particular problems, knowing their cash flow, knowing what the options are and making an informed decision, each one individually as an individual or a family, working in conjunction often with an employer who has a series of policies out there that can be offered, that individual intellect that's there, and having faith in the individuals, as compared to an almost one-size-fits-all plan that competes directly against the private sector and takes away that individual initiative and put us down into this thing that they would call safety net of government, which clearly has a lot of holes in it, and has in every government that's tried to produce this plan.

I'd be happy to yield to the gentleman from Tennessee, the one who's illustrated the TennCare issue and also his professional expertise as a doctor.

Mr. ROE of Tennessee. I thank the gentleman for yielding. This is very simply what's going to happen—what will occur in a government-run plan. First of all, I can assure you it's going to cost you two times what these estimates are. That's what happened in Tennessee with our TennCare plan.

Secondly, the way all of these plans work is they ultimately ration care. When you have a certain amount of dollars that you spend on health care and the demand is higher than the dollars to pay for it, you create waste.

Just an example. In Canada for a hip replacement it's 2 to 3 years to get your hip replaced. Bypass surgery is 117 days. Here in this country, George Washington University very near here, or Georgetown—it will be done very quickly.

So those are things that happen in a government-run plan. And who needs to be making health care decisions are families, patients, and their physicians. That's who should be making those decisions.

Mr. HOEKSTRA. Will the gentleman yield?

Mr. ROE of Tennessee. Yes.

Mr. HOEKSTRA. Are you telling me if someone actually breaks their hip in Canada, then it doesn't take 2 to 3 years?

Mr. ROE of Tennessee. No, this is an elective replacement.

Mr. KING of Iowa. Reclaiming, I pose this issue here, but it isn't true for all Canadians. And I say this because even though there's a law in Canada that prohibits one from jumping ahead in the line or having a policy or a plan that gives them preferential treatment, they want everybody down at the bottom.

There are provinces that don't enforce it equally. So there are places where people carve out their own special privileges so that those who are better off have an avenue to better health care, even though the law says not. But that's within the Canadians. And let them do it.

Mr. HOEKSTRA. If the gentleman will yield for just a minute.

Mr. KING of Iowa. But it's what happens in America. I would yield to the gentleman from Michigan. I know you're on the border.

Mr. HOEKSTRA. Because the Canadians have another way to escape. They escape to the American system. Some of our busiest hospitals are those along the border. So the Canadians that have the resources and are at the bottom of the line, what they will do is they will jump the border and they will get their health care in the United States.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. HOEKSTRA. Yes.

Mr. BROUN of Georgia. I heard just recently about a patient in Canada that had such severe knee pain that he was having to take narcotics. It took him over 1 year just to go see an orthopedic surgeon.

If a patient comes to see me and has knee pain, I pick up the telephone and call an orthopedic surgeon and I'll get them within a week or two. But it took this patient over 1 year to ever go see the orthopedic surgeon and to get the x-rays that he needed to evaluate his knee pain. When he finally saw the orthopedic surgeon, the doctor said, Well, you need this surgery. And the Canadian said, Well, that's fine. Let's schedule it. He said, No, we have to put you on a waiting list.

So he came—I don't know if he came to one of your local hospitals there in Michigan—but he came to the U.S. to get his surgery done on his knee. And that's exactly what this government program is going to do to Americans. But where are we going to go if they indeed put this into place?

Mr. HOEKSTRA. Reclaiming your time but given to me, what this Wall Street Journal says: "Access to a waiting list is not access to health care".

Waiting lists are what I hear about all the time when I'm talking to our friends across the border. But what I hear from the medical professionals and the hospitals in Michigan is we treat the well-to-do Canadians who will come across the border and access our health care because they're unwilling to be on a waiting list. And they recognize that being on a waiting list isn't having your problem taken care of.

If you've got to wait for 117 days or 171 days—117 days for a bypass—excuse me—I think that's about 112 or 113 days too long.

Mr. ROE of Tennessee. One hundred-sixteen for me.

Mr. HOEKSTRA. If it's you. If it were me, I would say it's about 116 days too long. The same thing for a hip replacement and all of that. The American health care will fundamentally change if this goes into effect.

Mr. KING of Iowa. Reclaiming my time, in the brief moment that we have left I want to make the point that if the Canadians were protected by constitutional rights that we have as Americans, they would be protected, because it's cruel and inhuman to ask the Canadians to give up on their access to good health care here in the United States of America.

You can go on the Web site and you can find companies in Canada that have been formed by entrepreneurs that turnkey the package. If you need a hip replacement in Canada, you can find a tour company that will set you up and say, Here's your flight to Seattle or Detroit or wherever it might be, or maybe Houston for heart surgery. Here's the surgeon, here's the hotel, here's the transportation.

Mr. HOEKSTRA. We can take care of this in Michigan. We've got great doctors and hospitals who are ready, willing, and able to serve. I appreciate the leniency of the Chair to make sure that I can get this paid public announcement in for the State of Michigan.

Mr. KING of Iowa. Let me conclude by simply saying that this Obama care is cruel and inhuman to Canadians. And I would yield back the balance of my time and thank my colleagues for being here.

CURRENT COUNTERPRODUCTIVE POLICIES

The SPEAKER pro tempore (Mr. SCHAUER). Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, as I stand here on the floor of the House tonight and after hearing this fine presentation and thinking about all the things that are going on in Washington right now, I am reminded of the television series "The Twilight Zone". These days, I half expect Rod Serling to appear from behind a curtain and

announce that “This is the Twilight Zone.”

Well, yes, there's almost a bizarre sense of unreality here in the Nation's Capitol—the transformation of private liability into public debt on a massive scale; the unprecedented level of deficit spending, debt piled upon debt; borrowing from China in order to give foreign aid to other countries; enacting Draconian restrictions and controls on a national economy and on the lives of our people in order to stop the planet from going through a climate cycle.

What? The Earth has had so many climate cycles in the past, and now it's being used—the one we're in, which is very little different than any of the other cycles we have been in—it's being used to justify economy-killing and freedom-killing controls, taxes, and mandates, and putting power in the hands of international bodies that should be the power of the people of the United States to run their own life.

Our Nation's borders leak like a spaghetti strainer. Millions of people illegally continuing to pour into our country to consume limited health care, education, and other social service dollars. And, yes, to take jobs away from our people and, in some cases, to commit crimes against our people. Our government just lets it happen. We can't even build a darn fence.

And we have had a one-way free trade policy with China that has all but killed medium- and large-scale manufacturing in our country and which has relegated our own people to low-paying jobs and sent trillions of dollars to Communist China.

No one has even suggested a change in that obviously rotten policy if, for nothing else, just to give our economy a little boost. Instead, we begged the gangster regime that runs China to loan us even more money—money that they accumulated because of a trade policy that has been monstrously counterproductive to the long-term interests of our own people—a one-way free trade policy.

And that's not the only counterproductive policy which has brought our economy to its knees. Our people are suffering high energy prices needlessly. There are dollars being siphoned off from our pockets and deposited in the coffers overseas—the coffers of rich foreigners. Some of these rich foreigners who are now receiving all of these dollars which we have to spend to buy energy, some of these foreigners hate us.

And while what little money we have goes to buying foreign oil, massive domestic deposits of oil and gas worth trillions of dollars are left untouched, untapped, and unused.

Off the West Coast, huge caverns of valuable oil and gas are sitting there, unused, even as California sinks into an economic abyss and public services are cut back or canceled. Trillions of

dollars sent overseas for energy, while at home no new oil refineries, no hydroelectric dams, no nuclear power plants.

We are told of course, You have to rely on solar, only to find out that radical environmentalists in the name of protecting the habit of insects and lizards are blocking the building of solar plants in the desert. We can't even build an aqueduct in California because of a tiny fish—the delta smelt. So our people will suffer because of concern over a worthless little fish that's not even good enough to use as bait.

People are beginning to suffer in the Central Valley for lack of water. There's no water for the crops. There's just about enough water for them. So they don't have a job and they can't pay for food. Water prices are going up for tens of millions of Californians in southern California, taking even more money out of our pockets, further undermining our people's ability to pay for their basic essentials.

Yet, with all of this, just a few weeks ago Congress voted not to help our suffering people and move forward with water production, but to protect that damn little fish.

□ 2115

Well, then on top of it all, last year, in the name of preventing economic calamity, Congress was stampeded into giving away trillions of dollars. Much of it to—well, nobody knows really who did get all of that money. We have provided hundreds of billions to the financial industry, fat cats who have been giving themselves bonuses even as they drove their own companies into the ground. Well, I would rather spend the money on lizards than on that bunch. And here we are facing an economic crisis, and even after all of these mind-boggling giveaways, we still face the same economic crisis. And those mind-boggling giveaways of trillions of dollars, which we are now going to have to pay the interest on because it is now debt that is owed by the American people, this may well have made the situation worse and more damaging and elongated our economic hardship.

As I say, it is all a bit bizarre. But if we are to pull our country out of this, we need to mobilize and activate our people. It is time not to give up, but to buck up and to stand up. With all that is facing us, let's not forget that Americans have an inherent resilience. We have met and overcome great challenges in our past. The fundamentals were, of course, in the right place in those days. Our people were strong and had a culture of self-reliance. Our leaders, I dare say, had more courage, common sense and even perhaps integrity than today's bunch. Our freedom was our greatest asset. It was intact, yet to be eroded by decades of Federal expansion of our government into areas that it was never meant to go.

Our Constitution was once revered. That, more than anything else, kept America on the right track, our Constitution and the rights it incorporated. One of the constitutionally protected rights that is often overlooked was key to the success of our country, helping us overcome hard times and ensuring the well-being and safety of our people. Protecting this right is essential if we are to turn around the economic decline that we are now suffering.

It is this right and the efforts being made in Congress to undermine it that is the subject of my speech tonight. That little recognized, but immensely important, fundamental right is the specific protection provided in our Constitution to America's innovators, creative citizens and free thinkers, and to every person with a new way of approaching a problem or getting the job done or making a system just a little bit more efficient.

Article I, section 8 of that great document, the U.S. Constitution, states that “Congress shall have the Power to promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” Significantly the word “right” only appears once in the body of the Constitution, and that is in article I, section 8, which I just read.

That word “right” was in place even before the Bill of Rights was added to the Constitution, which suggests these economic rights were believed to be as vital to the future of our country as were the other rights that were protected: freedom of religion, the rights of speech and assembly.

Our technological genius and the laws consistent with the intent of the Constitution which was protecting and promoting that genius, accomplished what they were intended to accomplish. It has been America's technological edge, flowing from that fundamental legal protection, that has permitted our people to enjoy the highest standard of living in the world and allowed our people a level of opportunity, which gave common people the chance to live decent lives and to control their own destiny.

It has provided the technology needed to defeat tyranny and keep our people safe from foreign armies and terrorists. Technology and freedom go together; our Founding Fathers knew this. It is also true of technology and prosperity. It is not just hard work that built America. People around the world work hard, and so many of those people who work so hard live in abject poverty. But when coupled with technology, and, yes, freedom, that hard work produces vast amounts of wealth, even while easing the burden on the working people themselves.

Benjamin Franklin, Thomas Jefferson, George Washington and others, all

of our Founding Fathers, were not only people who believed in freedom, but they were people who also believed in technology and the potential genius of the American people. By the way, Jefferson, the author of the Declaration of Independence, was also the first head of our country's patent office.

As our Founding Fathers wanted, we have had the strongest protection of patent rights of any country in the world. That is why in the history of all humankind there has never been a more innovative or creative people. It didn't just happen. It happened because our Constitution and our Founding Fathers saw to it that our law protected the ownership of one's intellectual creations.

Americans led the way in uplifting humankind's quality of life and giving average Americans the opportunity to prosper and enjoy life. Who created the American Dream? Our people who worked hard. But also our inventors who gave them the technology they needed to do their job better than ever before. That is how highly paid people were able to outcompete large numbers of lowly paid people. America's goal was to build a country where all of us, not just the elite, could have a wonderful life and could live in prosperity.

Eli Whitney invented the cotton gin. He also invented interchangeable parts for manufacturing. How did that change America? How did it change the world? Ordinary people had clothes and jobs thanks to Eli Whitney and the American Constitution that encouraged and protected his genius. Cyrus McCormick invented the reaper. Before that, farm workers had to carry heavy tools and work themselves half to death. The amount of harvest was limited, and it was all based on human strength and not the strength of the machine. With the invention of the reaper, ordinary people, farmers and laborers, had better lives and lived longer lives and stomachs that were filled with an abundance of food.

Samuel Morse invented the telegraph, tested right here in this very building, the Congress of the United States. And from it came, of course, Alexander Graham Bell's telephone. And then there was Thomas Edison who invented the light bulb, and so many other inventions that uplifted the life of ordinary people.

These were not just accidents. These creative people were able to flourish under a system of constitutional protections that were superior to any other such protections anywhere in the world.

Perhaps the epitome of the little guys who, with freedom, accomplished greatness, were the two fellows who owned a bicycle shop in Ohio, the Wright brothers. These two very ordinary Americans ended up inventing something just a little more than 100 years ago that changed the world for-

ever. They were told 110 years ago that what they sought to create was impossible. Yet with limited resources and protected by our robust patent system, they took humankind with its feet planted firmly on the ground and sent us soaring into the air and then into the heavens, just two ordinary Americans, the Wright brothers.

One segment of our population, Black Americans, have been prolific inventors, men like Jan Matzeliger, a former slave who invented a machine used in shoe manufacturing. It was Matzeliger who, protected by a patent, brought down the cost of shoes for an entire population. Before this man made his invention and put it to work in the shoe industry, most Americans had one pair of shoes for their entire life.

There is also George Washington Carver, a world-respected scientist and inventor, and so many more Black Americans. Why? Because in that era, when Blacks were discriminated against, we actually respected the rights of technology ownership of Black inventors. Thus they excelled when their rights were protected. And America and the world were better for it.

Our technological superiority provided us with prosperity that has also kept us safe. We cannot match the tyrants and the gangsters man for man because they don't care if they lose their own people. We must beat down our competitors and our enemies with superior technology, or we will lose, and our people will suffer as a result.

Bad policies put us in our current economic crisis. Tonight I warn of a huge policy shift that is making its way through this twisted legislative path into law. If the legislation I am warning about tonight passes in both Houses of Congress and is signed into law, the legal protections for our innovators and innovations that have made such a difference in America will be greatly diminished, if not destroyed. So take this as a fellow patriot sounding the alarm.

Tonight I would like to speak about something that would be devastating, another awesome threat. Yet there is a blase attitude here, and one would think that this is just a minor, if not irrelevant, issue. The fundamental changes being proposed in our patent law will have a huge impact on our lives and will dramatically alter the lives of our children for the worst.

Tonight I seek to alert my fellow Americans just how significant this issue is to their jobs, their prosperity and, yes, their safety. The so-called Patent Reform Act of 2009, H.R. 1260, is a bill that is not new to these Halls. It is nearly duplicative of legislation that has been introduced time and again. Each time a small group of patriots, and I'm proud to have been among them, has managed to defeat the multinational corporations who are behind

this legislative lunacy. But they keep coming back. They have got deep pockets.

So here we go again, to fight the same fight over nearly the same bill. But if we lose it just once, the fundamental protections of our technology rights will be lost forever. There is no going back if we lose because this is an attempt to tie us, we, the American people, to "international commitments" rather than to constitutional protections.

Stick with me on this.

America's economic adversaries are engaged in a systematic attack on our well-being, and thus they have noticed one of the strongest and most important elements of our country's success has been the patent protection enjoyed by our people. That is what this so-called patent "reform" is all about. It is not reform, but it is about the destruction of our basic system which has served us so well.

This crime in progress is being pushed by huge multinational corporations with little or no loyalties to our country or our people. The justification for this attack on our patent system, as I say, a patent system that has served us so well, the justification, the proponents claim, our patent system is so different that it must be harmonized with the rest of the world. Get this: we have to weaken the protection of our technology ownership rights to harmonize our laws with the rest of the world. Our laws are, in fact, substantially different. So harmonization means dramatic changes in our system. In the end, that will change the lives of our people. And the change will be for the worst.

The corporate elitists who are pushing this consider themselves globalists. They are not watching out for us. In this battle over so-called patent "reform," their goal is not reforming, but diminishing the legal protections for Americans, for American inventors. This in the name of harmonizing with the rest of the world our inventors will be made vulnerable to those who would rob them and thus rob America of the advantage that we have been given due to this strong patent protection.

This is what gives us the advantage, our technological advantage, against overseas competition. That will be taken from us. If America is to be prosperous, if we are to be secure in the future, we must take on our own corporate elites who would change the rules to our detriment but perhaps to their short-term gain.

Those playing the sinister game are, of course, not saying that they are out to destroy the patent system. Well, they act aghast when confronted with this suggestion. But from a distance, it is clear. Here is an article in the China Intellectual Property News about last year's legislation that, as I say, is a bill that almost totally mirrored the

current bill that is going through Congress. They are almost the same bill.

This analysis was written by a former senior judge and deputy presiding judge, two of them, of the intellectual property division of Beijing's High People's Court, whom I now quote: "The bill is friendlier to the infringers than to the patentees in general as it will make the patent less reliable, easier to be challenged, and cheaper to be infringed. It is not bad news for developing countries which have fewer patents."

Then the authors who are writing this article asked, Why is it that the United States is making it easier to violate the intellectual property rights of our people while at the same time trying to convince China and others to respect the intellectual property rights of Americans? He asked that question in this article. Now, that is from a senior Chinese scholar about the legislation that we stopped last year, and that legislation was almost the same as what we are facing this year.

□ 2130

Certainly none of his criticisms are different for this year's bill than what they were for last year's bill.

Mr. Speaker, it's estimated that the U.S. economy loses \$250 billion a year from global intellectual property theft, and that does not take into account the jobs that are lost here when China and other countries steal and use our technology to compete with our own companies and put our own people out of work. That loss is billions and billions more.

Now, that's under current law they're able to steal that and use our technology against us. That's not under the watered-down system which will result from the so-called reform bill which is now being considered here on Capitol Hill. This at a time when our country can ill afford such a drain. We are trying to change our laws so that it will make it easier for foreigners to steal our technology and use it against us.

Yet, those pushing the so-called patent reform legislation are making our innovators and research industries even more vulnerable to such blatant theft, even though we are now in a time of economic hardship. Foreign firms in India and China and elsewhere are getting ready to pounce.

When looking at the general state of America's patent system, and that's what we're doing tonight, we need to admit, and I will fully admit, there are lots of flaws in our patent system and, yes, there are problems in our patent system that need to be addressed.

We hear of horror stories concerning companies that are tied up for years in court. We hear about examiners who are undertrained and overworked, and that's absolutely true. They aren't getting the training they need and they are not getting the pay they deserve.

There are delays and our innovators could use some help in protecting themselves from foreign thieves and infringers. So we have got some problems with our patent system that need to be addressed.

But that has nothing to do with H.R. 1260, the bill now making its way through Congress. Everyone assumes that a bill entitled Patent Reform would be doing that, would be correcting the problems of the patent system. The title of this bill is so fraudulent that if it were a product, it would be banned from the market for making false claims.

This bogus reform bill has visited us before. As I say, it's come before. We've had these same multinational megacorporations trying to undermine the patent system. We've seen it time and again. But if it ever passes once, we're never going to be able to get these rights back.

A similar one was beaten back a dozen years ago, as well as another just a year ago. The same crowd that was behind those inventors' nightmares is behind this year's anti-inventor foray. Let's put it this way: They are powerful, multinational electronics companies with no allegiance to Americans or America. Let me just note that some of these companies, for example, have had situations in China where they ended up working with the Chinese dictatorship utilizing their computer systems to track down dissidents and to stamp out people who are struggling for freedom in that country. On our side—so that's the people who are trying to reform America's patent system.

On our side, well, we're just a ragtag group of legislative insurgents trying to stop this incredible change to the fundamental rights of our people. MARCY KAPTUR, a Congresswoman on the other side of the aisle and a fine friend and a wonderful Member of Congress, with little help from STENY HOYER, again, now a leader on that other side of the aisle, along with DON MANZULLO and JOHN CAMPBELL of California and myself and just a few others, we were able to fight that good fight over the years.

But no one thought we had a chance because we didn't have any of the big money behind us. We didn't have these multinational corporations. We didn't have the high-priced lobbyists who go to the Judiciary Committee year after year giving donations to the members of the Judiciary Committee in order to get this bill out in the form they want. No one thought that we had a chance because they already laid the foundation with all of their campaign donations and all of their influence in Washington. Well, so we were told even before it was brought up, you don't have a chance. Forget it.

We labeled their Trojan horse legislation, this antipatent legislation, we la-

beled it the Steal American Technologies Act. Again, it wasn't—these bills that we have defeated in the past are not that much different than what we have before us today. Well, that Steal American Technologies Act, that label stuck, and it worked, with a little help from talk radio.

And then, also confirming that democracy really works, David beat Goliath. Yes, we, the small group of independent Members of the House, working together on both sides of the aisle, we won. And that means the American people won. Clearly, by the outcome, this wasn't a Democrat or a Republican issue. It was an American issue. The patriots beat the globalists.

Now, we have another attempt, very similar to the ones that we have beat in the past is being made now. It's working its way through the system in the name of harmonizing American patent law with the rest of the world. It's still here. We defeated it in the years past. If we don't win this time, all of these patent rights we've enjoyed will be lost forever because they're trying to tie this in to international agreements rather than the U.S. Constitution.

But, as I said, when they come back, the big companies that were pushing this have deep pockets and they're able to come back, but we who opposed it need the support of the American people if we are to win this battle with Goliath this year.

So here we go again. It's H.R. 1260. People should remember that number. It is the son of the Steal American Technologies Act. It contains all of those provisions that we hated so much. That bill has already passed through the United States Senate. It should be considered a primary threat to our freedom at this moment. The globalists, the corporate thieves and the looters behind this bill are intent to get it through and they will not give up. They must be defeated instead, and that won't happen on its own.

Those of us who are fighting the battle here in the House and in the Senate, we must act in coordination with the American people. The American people need to get involved or we lose.

What are some of the specifics that back up my charge that this bill undermines patent protection rather than reforms the system, as we are told?

Well, this first glaring issue is that the bill changes a fundamental concept that has always been part of American patent law which is differentiated from the other patent laws around the world. And that one element, the most important concept, is that it is the person who actually invents something who is the one who will get the patent and have the rights of ownership of that technology. The one who actually invents something.

Other countries have patents that are based on who managed to file for a

patent first; in other words, who got to the paperwork, who could hire the lawyer, who managed to bribe the official or managed to understand the deadlines better, not who invented the technology, who filed the paperwork first. And this is as compared to our system where people who actually invent new technology have the right to own it.

The legislation now making its way through Congress changes our current system from first to invent, which is what it's been all these years from our country's founding, to what is called first to file. If put into law, any new application or action will be needed every time there's a little step forward in research. Any time one is going towards an eventual goal, even one step, there's going to be new paperwork demanded, new action, new applications to be filled out, rather than waiting for the goal to be achieved, waiting for the entire invention to actually be complete, so that it can be incorporated into a patent.

Well, because so many more patent applications are required now, if we make this change, to provide exactly the same protection, there will be a major new cost of getting a patent. Well, the little guys aren't going to be able to afford that cost. Well, the big guys can afford it. The major companies who have lots of lawyers working for them, they'll be able to afford that. The little guy will be frozen out. That's the intent of the legislation. That's what they want to do.

The massive new flood of paperwork into the Patent Office is also a doomsday scenario that is bound to make the Patent Office less effective in doing its basic job, which is protecting the patent rights of our people. That is the intent of the legislation, to basically make the Patent Office less effective, not more effective. So the little guy will get frozen out and the system becomes less manageable because you have all kinds of new paper to be dealing with.

Those powerful interests pushing this so-called harmonization know very well what the results will be. This isn't a mistake in communication. They know what they're doing. They already steal what they can from the little guys, and this will make it easier for them to steal from the little guys. It looks benevolent. It sounds benevolent, patent reform, but this is a sinister, sinister bill. It will destroy rights that the American people have had since the founding of our country and have had so much to do with our prosperity and our security.

Well, then, in this legislation, there is a pre-grant and post-grant review section. The bill opens up new avenues of attack before and after a patent application has been acted upon. For example, a patent applicant has applied for an overseas patent, and if he does, it opens him up to attack even before

his patent is issued here in the United States.

This pre-grant opposition helps only the big guys, only the infringers and the looters. It hurts the little guys. And that's the intent of the law. That's why the change is being proposed. That's why they're pushing this law, because it hurts the little guys, and the big guys are pushing the bill.

Then the bill also contains a newly invigorated post-grant review, which means yet another avenue to challenge patents after they've actually been granted, bogging down the system, increasing inventor costs, undermining legitimate inventors, and opening the door to foreign and multinational corporations who are all ready, they're ready to pounce to take advantage of yet another post-grant review of the patent.

For those of you in the know, the post-grant review is a totally unnecessary change, a nonlegislative reform in the interparties' reexamination, a reform that has already taken place, has taken care of any problem that this new legislation claims to address. So the problem that they were suggesting that would take care of has already been addressed through several court cases and internal reform. So the need for a post-grant review change is moot, unless, of course, your goal is to complicate the system, to bog it down so it doesn't work, which is the intent of the bill.

Reform that enables large companies, foreigners, and other infringers to attack our inventors again and again and add horrifying costs to the process is not reform.

And it is not just foreigners who are licking their chops. As I say, there are multinational corporations that are ready that may be headed by Americans who think of themselves as citizens of the world. They're ready.

But also, we've got, actually, companies that are ready to assist people who try to violate the little guy's patents rights. "Patent Assassin," that's a quote, "Patent Assassin" is a California company that is ready to help potential infringers, and I quote from their Web site. "You can easily infiltrate an existing patent while greatly reducing your company's patent infringement risk."

H.R. 1260 will only provide more tools for organizations like this and foreign companies, as well as major international corporations, to destroy the rights of inventors that they have enjoyed in this country since the founding of our country.

You know, when you look at the patent bill, much of it is not changing the way the patent system works, but, instead, changing litigation, so the way litigation is. This will be a tremendous boost for lawyers who are seeking to use their skills to take something away from someone who owns a little

piece of property that he thought that he put his whole life into.

□ 2145

So, through H.R. 1260, we will add all sorts of new ways to attack America's inventors. The big guys don't care. They've got lots of lawyers working for them. The big guys will be able to beat down the little guys, Americans, just like the little guys in Japan are beaten down by the economic shoguns.

By the way, in Japan, that's why there are so few really groundbreaking inventions. Japan has a totally different system than ours. Their patent system favors the mega-corporations at the expense of the little guy. In fact, the Japanese system is what they want to harmonize our system with. Those rights are protected here in the United States by our Constitution and by the way our system works. In Japan, their people are vulnerable.

Do we really want to be like those people in Japan?

No, we don't want to harmonize the strong legal protections of our citizens with the weak legal protections in Japan and in other countries of the world. We don't want Americans to be like the Japanese. We want Americans who are individuals, who are proud of their individual rights, not people who cower before powerful interest groups as they do in Japan. Foreign companies and American-run multinational firms are ready to squash the little guy. That's what this bill is all about, and we've got to stop them.

Another example of the real threat of H.R. 1260 is it would make it more difficult for a patent owner to get triple damages against an infringer who brazenly ignores the patent owner's rights and uses his invention, even knowing he is stealing it, without offering to pay a royalty. Without triple damages, which is what someone gets now—the inventor will get triple damages against a big company that just willfully takes his patent rights and refuses to pay him a royalty. Without triple damages, these little guys won't be able to get the lawyers to work for them on a contingency, which is the only way that someone who is a little guy and who has been wronged by a huge multinational corporation, is going to be able to have any chance of winning. Only big companies with lawyers on staff will be able to protect their patents. Nobody else will be able to because the little guy, without triple damages there to help pay for the lawyer, won't be able to get a lawyer to work with him. Giant foreign and multinational companies versus individual American inventors: If they win, we lose. If this bill passes, America loses.

Eliminating the right to triple damages is still in the House version of this so-called reform bill. This absurdly bad provision is not in the Senate bill, but until that bill appears in a final form

from the conference committee and is voted for on the House floor and on the Senate floor in its final version, that provision can stay in. We have no idea whether that provision will stay in, as is in the House version, or will be taken out, as is in the Senate version.

It's not just triple damages, but it's also how the damages themselves will be calculated, which is yet another avenue of attack on the little guy by the big guys in this so-called patent reform bill.

The electronics industry is arguing that any payment for patent infringement, which is the only penalty that can be paid—meaning if they stole somebody's idea and put it into their computer—must reflect what percentage it is of that which they have stolen of the entire device or end product. Thus, a mega-corporation will intentionally infringe because stealing is going to be a lot easier than will negotiating a price with the inventor. If someone is stealing someone else's invention, it basically eliminates someone's right to negotiate that price, and if the damages can only be equal to a small percentage of the device in which it's placed, the corporation will do that—will steal it—rather than negotiate a royalty agreement.

This is an invitation to steal. This totally destroys the inventor's right to negotiate the price for his property. Combine that with the increased difficulties in claiming what “willfulness” is in that they're trying to make it more difficult to prove that someone has intentionally stolen someone's property. This means that the infringers who have intended to steal technology and who have done so with an arrogant disregard for the small patentholder will get away with their crimes, and the patentholder will be left with a minuscule award, so minuscule that he won't be able to hire legal services to help him assert his rights to the properties that he has created.

This is in total violation of what our Constitution was all about. Our Constitution was about protecting that man's right to his inventions and to his discoveries. That's what it says in the Constitution, but this bill is going through, and it will have a dramatic impact on our way of life. If made law, this will kill any chance for individuals to hire legal muscle needed to enforce one's patent rights against corporate or foreign theft.

So, yes, we've got mega-corporations run by people who don't consider themselves patriots, but foreign corporations will have that same power. They'll use our technology against us. The inventor who may have struggled for years to discover and to develop the invention, who might have even invested his life savings, will be at the mercy of foreign and corporate thieves. Punishing the large multinational corporations for malfeasance, or for in-

tended theft, which is what happens today when these companies steal from the little guy, will be a thing of the past. That's what the big guys want. They don't want to get away with murder, but they want to get away with just about everything else.

That's what this so-called patent reform is all about. It is clear the so-called patent reform bill is designed to help the law breaker—the big guns—and to hurt the little guy. It helps foreign infringers and it hurts Americans. It's the patriots versus the globalists. All of this—the shift to first to file, pre- and post-grant review, changes to basic willfulness, and calculable damages—really amounts to more than harmonization, doesn't it? We're not just talking about harmonizing with the rest of the world. When you put all of this together, what do you get?

The electronic mega-companies behind the scurrilous legislation have labeled themselves the so-called “coalition for patent fairness.” What do they want to do? It's very clear. They don't want patents at all. They would be much better off if we rid our country and the world of the idea of patents all together. It's just too bothersome for them, and so to hell with all the others—the inventors, the green-collar jobs, the biotechnology, the pharmaceuticals, our university research programs—all of which have a profound dependence on a strong patent system. These high-tech and mega-electronics corporations say they can just go to hell. All of these will suffer by this so-called reform legislation. So big electronics is thumbing its nose at America, and it thinks it can get away with it.

All of the rest of us, all of these other interests in our society—the universities and the biotechs and other interests which rely on patents and the pharmaceutical industry which pumps so much money into research—will just have their research stolen from them by foreign corporations.

Look at the main proponents of H.R. 1260. Now, I won't name who the main proponents are of H.R. 1260. I won't name them—they're these mega-electronics companies—but they are made up of only one narrow sector of the entire American industry. These companies got to the top by using aggressive business models that, at best, put them into the gray area. Now that they are on top, they want to change the rules so they can stay up on top by keeping others down.

Let me say that just a few more than a dozen of these companies that are behind this legislation—a few more than a dozen—have faced hundreds of lawsuits for infringement in the past decade. From 1996–2008, these very companies that are at the heart of the coalition, who are pushing for this destructive legislation, were defendants in 730 patent infringement cases and paid out

almost \$4 billion in patent infringement settlements during the same period.

So no wonder they want to change the rules. No wonder they want to destroy the patent system. By coming here and giving people campaign donations and by spending all of this money in promoting this monstrous bill, it costs them a lot less money to change the law than it does for them to have to pay for the infringement and to have to pay for the crimes against these small inventors. They want to make sure that, actually, they will be able to steal the product of other people's work, of these small inventors in our country. Actually, it will pay them to do so rather than to try to work out an understanding of where that person could be paid a royalty, which is what they should be paid when they own a piece of intellectual property.

Well, we don't work for these big companies. We work for our families, for our communities, and we work for America. We are the patriots. We are not the globalists. Most of the corporate elites of those mega-firms see themselves as citizens of the world, while we are Americans. The changes in this bill are designed to help a few hugely rich companies, and it will devastate hundreds more.

Dozens and, indeed, hundreds of organizations have expressed outright opposition or deep concern with this bill. They are telling Congress do not favor one narrow industry simply because it has been so active and has been involved with pushing this legislation. Do what is best for America. We need the American people to tell that to their Representatives and to let their Representatives know that they are watching what goes on with patent law.

The big corporate thieves are depending on us to be so bored with the issue. “Oh, I'm just going to tune it out because it sounds like it's boring, and I couldn't understand it.” That's what they're relying on. Well, it's not too boring, and people can understand it. People should understand how important it has been that our country has had the strongest patent protection of any country on this planet, just as we have had the same and strongest protection for the other rights—for our freedom of speech, for our freedom of religion and for other rights.

What would happen if, in order to harmonize the freedom that we enjoy with the rest of the world—the freedom of religion and the freedom of speech—we were told that our protections of these freedoms would have to be diminished because we would have to diminish the protections of freedom of speech, of assembly and of religion because they need to be harmonized with the rest of the world? Well, the uproar would sweep across our country, but the deletion of this right, the diminishing of patent protection, seems so

esoteric to most people that they won't even listen. But if we don't listen and if we don't get involved, the big guns will think that they can slip it over on us. They've been trying to do that for 15 years. Only a small group of us has been able to stand up, but we need the help of the American people.

We need the American people to speak up. We need people to call talk radio. We need people to confront their own Members of Congress. We need to tell the powerful infringers, You are not going to diminish the rights of the American people in order to harmonize the law internationally. The patriots in this country are not going to see their rights diminished in order to create a new world order where we can all live in harmony with the rest of the world, which, of course, is run by gangsters and thugs—half of the rest of the world. We're not going to act like people in the rest of the world where we let the elite tell us what to do. We have constitutional rights. We are Americans, but it's up to us to protect those rights.

Wake up, America. Our freedom is being threatened. Every generation has met the challenges, and now it is up to us—us, United States, U.S. It is up to us.

Well, we are on the edge right now. We are on the edge on a lot of things. Our economy is going down. This could be the nail in the coffin. If this bill passes, it will have dramatic, negative, long-term effects on our economy and on the well-being and prosperity of our people. We need to act. Wake up, America.

With that, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. ROYER) for July 13.

Ms. GINNY BROWN-WAITE of Florida (at the request of Mr. BOEHNER) for July 13 on account of personal reasons.

Mr. UPTON (at the request of Mr. BOEHNER) for July 13 on account of family commitments.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today on account of a family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCMAHON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. DELAHUNT, for 5 minutes, today.

Mr. BRADY of Pennsylvania, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, July 20 and 21.

Mr. JONES, for 5 minutes, July 20 and 21.

Mr. PENCE, for 5 minutes, today.

Mr. INGLIS, for 5 minutes, July 20.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today, July 15, 16 and 17.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mrs. BACHMANN, for 5 minutes, today.

Mr. BROUN of Georgia, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. HIMES, for 5 minutes, today.

ADJOURNMENT

Mr. ROHRBACHER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 p.m.), the House adjourned until tomorrow, Wednesday, July 15, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2627. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Mandipropamid; Pesticide Tolerances [EPA-HQ-OPP-2007-0461; FRL-8422-5] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2628. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Indoxacarb; Pesticide Tolerances [EPA-HQ-OPP-2008-0271; FRL-8424-9] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2629. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Buprofezin; Pesticide Tolerances [EPA-HQ-OPP-2008-0589; FRL-8421-3] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2630. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2-Propenoic acid, 2-methyl-, polymers with Bu acrylate, Et acrylate, Me methacrylate and polyethylene glycol methacrylateC16-18-alkyl ethers; Tolerance

Exemption [EPA-HQ-OPP-2009-0256; FRL-8422-3] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2631. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyazofamid; Pesticide Tolerances [EPA-HQ-OPP-2008-0731; FRL-8423-5] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2632. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — d-Phenothrin; Pesticide Tolerances [EPA-HQ-OPP-2008-0140; FRL-8417-4] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2633. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dodecanedioic acid, 1, 12-dihydrazide and Thiophene, 2,5-dibromo-3-hexyl-; Significant New Use Rules [EPA-HQ-OPPT-2006-0898; FRL-8398-5] (RIN: 2070-AB27) received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2634. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Polyglyceryl Phthalate Ester of Coconut Oil Fatty Acids; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0888; FRL-8423-1] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2635. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyrimethanil; Pesticide Tolerances [EPA-HQ-OPP-2008-0478; FRL-8423-6] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2636. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sodium 1,4-Dialkyl Sulfosuccinates; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2008-0739; FRL-8423-2] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2637. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2008-0020; Internal Agency Docket No. FEMA-B-1044] received June 29, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2638. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2639. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Egypt pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

2640. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Small Electric Motors [Docket No.: EERE-2008-BT-TP-0008] (RIN: 1904-AB71) received July 8, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

2641. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County, Continuous Opacity Monitor Regulation [EPA-R03-OAR-2009-0352; FRL-8929-2] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2642. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to the 1-Hour Ozone Plan for the Beaumont/Port Arthur Area; Control of Air Pollution from Volatile Organic Compounds, Nitrogen Compounds, and Reasonably Available Control Technology [EPA-R06-OAR-2005-TX-0005; FRL-8928-6] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2643. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Update to Materials Incorporated by Reference [VA201-5202; FRL-8923-9] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2644. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — American Recovery and Reinvestment Act of 2009 (Recovery Act) Clarification of April 30, 2009, Addendum to Supplemental Funding for Brownfields Revolving Loan Fund (RLF) Grantees [FRL-8925-6] received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2645. A letter from the Acting Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-29, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2646. A letter from the Acting Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-24, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2647. A letter from the Secretary, Department of Health and Human Services, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2648. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's semiannual report from the office of the Inspector General for the period October 1, 2008 through March 31, 2009, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

2649. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting the 2008 Statements on System of Internal Controls of the Federal Home Loan Bank of Pittsburgh, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2650. A letter from the Director, Office of Personnel Management, transmitting the Of-

fice's Federal Activities Inventory Reform (FAIR) Act Inventory Summary as of June 30, 2009; to the Committee on Oversight and Government Reform.

2651. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — 2009 Monkfish Research Set-Aside Program [Docket No.: 080626787-8788-01] (RIN: 0648-XP54) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2652. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's 2008 report to Congress on the "The Status of U.S. Fisheries," pursuant to Section 304 of the Magnuson-Stevens Fishery Conservation and Management Act, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2653. A letter from the Secretary, Department of Transportation, transmitting the first of five reports required by Section 1201(c) of the American Recovery and Reinvestment Act of 2009 (Recovery Act) detailing the Department's progress; to the Committee on Transportation and Infrastructure.

2654. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2009-22, waiving the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to the Republic of Belarus will substantially promote the objectives of section 402; (H. Doc. No. 111-57); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 1622. A bill to provide for a program of research, development, and demonstration on natural gas vehicles; with an amendment (Rept. 111-206). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 2729. A bill to authorize the designation of National Environmental Research Parks by the Secretary of Energy, and for other purposes; with an amendment (Rept. 111-207). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERLMUTTER: Committee on Rules. House Resolution 644. Resolution providing for consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-208). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 645. Resolution providing for consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-209). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. TURNER (for himself and Mr. MILLER of North Carolina):

H.R. 3195. A bill to create a National Home Mortgage and Loan Performance Registry to maintain an inventory of the supply and performance of home mortgage loans in the United States to show market trends and dynamics in the mortgage lending industry and provide detailed information on national mortgage foreclosure rates; to the Committee on Financial Services.

By Mr. TURNER:

H.R. 3196. A bill to impose limitations on investment and certain operations by foreign entities in the United States; to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. McMORRIS RODGERS:

H.R. 3197. A bill to direct the Secretary of Education to provide grants to local educational agencies to conduct demonstration projects to screen the blood pressure of children in kindergarten through grade 6; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska:

H.R. 3198. A bill to authorize the Secretary of the Interior to provide international wildlife management and conservation programs through the Wildlife Without Borders Program in the United States Fish and Wildlife Service, and for other purposes; to the Committee on Natural Resources.

By Ms. HARMAN (for herself, Ms. BEAN, and Ms. HERSETH SANDLIN):

H.R. 3199. A bill to amend the Public Health Service Act to provide grants to State emergency medical service departments to provide for the expedited training and licensing of veterans with prior medical training, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself, Mr. RANGEL, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. STARK, Mr. PALLONE, and Mr. ANDREWS):

H.R. 3200. A bill to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Oversight and Government Reform, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMBORN (for himself and Mr. BISHOP of Utah):

H.R. 3201. A bill to amend the General Mining Law to provide for a fair return to the public, security of tenure to holders of mining claims and mill sites, and cleanup of abandoned mine lands, and for other purposes; to the Committee on Natural Resources.

By Mr. BLUMENAUER (for himself, Mr. LATOURETTE, Mr. SIMPSON, Mr. DICKS, and Mr. PETRI):

H.R. 3202. A bill to establish a Water Protection and Reinvestment Fund to support investments in clean water and drinking water infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Ways and Means, and Science and Technology, for a period to be subsequently determined by the

Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMBORN (for himself and Mr. BISHOP of Utah):

H.R. 3203. A bill to promote remediation of inactive and abandoned mines, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER:

H.R. 3204. A bill to authorize States and localities receiving assistance under the Neighborhood Stabilization Program of the Department of Housing and Urban Development to use such amounts for renovating owner-occupied housing of low-income families; to the Committee on Financial Services.

By Mr. LIPINSKI:

H.R. 3205. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for advertising health insurance; to the Committee on Ways and Means.

By Ms. SPEIER (for herself, Ms. BALDWIN, Mr. BUTTERFIELD, Mr. BERMAN, Mr. SHERMAN, Mr. SCHIFF, Mr. INSLEE, Ms. LORETTA SANCHEZ of California, Mr. PALLONE, Mr. NADLER of New York, Mr. HONDA, Mr. HASTINGS of Florida, Ms. ESHOO, Mr. WEINER, Mrs. NAPOLITANO, Mr. GEORGE MILLER of California, Mr. MCNERNEY, Mrs. MALONEY, Mr. HINCHEY, Mr. BLUMENAUER, Mr. MCDERMOTT, Ms. SCHAKOWSKY, Ms. DEGETTE, Ms. LEE of California, Mr. GRIJALVA, Ms. MATSUI, and Mr. MILLER of North Carolina):

H.R. 3206. A bill to amend the Safe Drinking Water Act to require a national primary drinking water regulation for perchlorate; to the Committee on Energy and Commerce.

By Mr. ABERCROMBIE (for himself and Ms. HIRONO):

H.R. 3207. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale of certain residential leasehold interests to holders of the leasehold rights; to the Committee on Ways and Means.

By Mr. ARCURI (for himself and Mr. MCHUGH):

H.R. 3208. A bill to fully compensate local educational agencies and local governments for tax revenues lost when the Federal Government takes land into trust for the benefit of a federally recognized Indian tribe or an individual Indian; to the Committee on Natural Resources.

By Mr. GERLACH:

H.R. 3209. A bill to amend title 18, United States Code, to make the killing of a law enforcement officer, firefighter, or other first responder an aggravating factor for the imposition of the death penalty; to the Committee on the Judiciary.

By Mr. HINOJOSA (for himself, Mr. FRANK of Massachusetts, and Ms. WATERS):

H.R. 3210. A bill to authorize appropriations for the rural housing and economic development program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mr. KAGEN:

H.R. 3211. A bill to amend title II of the Social Security Act to provide that the percentage increase applied to benefits each

year as a cost-of-living increase under such title shall in no case be less than the percentage increase in compensation of Members of Congress specified for such year under section 31 of title 2, United States Code; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 3212. A bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 3213. A bill to amend the Internal Revenue Code of 1986 to expand and make permanent the standard deduction for real property taxes; to the Committee on Ways and Means.

By Mr. ROONEY:

H.R. 3214. A bill to provide for credit rating reforms, and for other purposes; to the Committee on Financial Services.

By Mr. ROONEY:

H.R. 3215. A bill to authorize the Secretary of the Interior, acting through the National Park Service Superintendent of the Everglades National Park, to allow individuals to hunt and kill Burmese pythons within the boundaries of that Park; to the Committee on Natural Resources.

By Mr. ROSS (for himself, Mr. FRANK of Massachusetts, Mrs. LUMMIS, Mr. HERGER, Mr. BOREN, Mr. TANNER, Mr. CHILDERS, Mr. SMITH of Nebraska, Mr. BERRY, Mr. MCGOVERN, and Mr. HILL):

H.R. 3216. A bill to amend the Communications Act of 1934 to permit the retransmission of signals of local television broadcast stations in an adjacent underserved county, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG (for himself, Mr. GARRETT of New Jersey, and Mrs. BACHMANN):

H.R. 3217. A bill to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce; to the Committee on Energy and Commerce.

By Mr. SHADEGG (for himself, Mr. GINGREY of Georgia, Mr. BISHOP of Utah, Mr. BOUSTANY, Mr. HOEKSTRA, Mrs. BLACKBURN, Mr. FLEMING, Mr. FRANKS of Arizona, Mr. BUYER, and Mr. BURGESS):

H.R. 3218. A bill to provide a refundable tax credit for medical costs, to expand access to health insurance coverage through individual membership associations (IMAs), and to assist in the establishment of high risk pools; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PENCE:

H. Res. 640. A resolution electing a Minority Member to a standing committee; considered and agreed to.

By Ms. ROS-LEHTINEN (for herself, Mr. INGLIS, Mr. MCCOTTER, Mr. POE of Texas, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, and Mr. BILIRAKIS):

H. Res. 641. A resolution recognizing the 60th anniversary of the founding of Radio

Free Europe/Radio Liberty; to the Committee on Foreign Affairs.

By Mr. GRIFFITH:

H. Res. 642. A resolution expressing the sense of the House of Representatives with respect to legislation relating to changes in our Nation's health care system; to the Committee on House Administration.

By Mr. GRIFFITH:

H. Res. 643. A resolution expressing the sense of the House of Representatives that any major health care reform bill considered on the floor should be available for viewing; to the Committee on Rules.

By Mr. BRADY of Pennsylvania (for himself, Mr. DANIEL E. LUNGREN of California, Mr. BONNER, Mr. CAPUANO, Mr. DOYLE, Mr. DREIER, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, and Mr. MICA):

H. Res. 646. A resolution honoring the memory and lasting legacy of Sally Crowe; to the Committee on House Administration.

By Ms. SCHWARTZ (for herself and Mr. SAM JOHNSON of Texas):

H. Res. 647. A resolution supporting the goals and ideals of "National Save for Retirement Week", including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy; to the Committee on Financial Services.

By Ms. WATSON (for herself, Mr. BURTON of Indiana, Mr. STARK, Mr. GRIJALVA, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SANCHEZ of California, Mr. YARMUTH, Mr. COHEN, Mr. PALLONE, Mr. HIGGINS, Mr. CUELLAR, Mr. KUCINICH, Mrs. NAPOLITANO, Ms. EDWARDS of Maryland, Mr. HINCHEY, Mr. BACA, Ms. WOOLSEY, Ms. HIRONO, Ms. KAPTUR, Mr. DOGETT, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CLARKE, Mr. POE of Texas, Mr. WESTMORELAND, Mrs. BIGGERT, and Mr. KAGEN):

H. Res. 648. A resolution expressing the need for enhanced public awareness of potential health effects posed by mercury; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

103. The SPEAKER presented a memorial of the Senate of the State of Tennessee, relative to SENATE RESOLUTION NO. 26 urging the President of the United States and the United States Congress to oppose legislation that is detrimental to the rights of workers and is an offense against democratic principles by opposing the Employee Free Choice Act and any of its components in 2009 and in future years; to the Committee on Education and Labor.

104. Also, a memorial of the Legislature of the State of Minnesota, relative to Chapter 171. An Act memorializing the President and Congress to repeal the federal legislation of 1863 ordering the removal of Dakota people from Minnesota; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. CONNOLLY of Virginia.

H.R. 108: Mr. PLATTS.
H.R. 197: Mr. LEE of New York, Mr. BRIGHT, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. TIBERI.
H.R. 433: Ms. MARKEY of Colorado.
H.R. 442: Mr. BRIGHT, Mr. HOEKSTRA, and Mr. SPACE.
H.R. 468: Ms. BALDWIN.
H.R. 482: Mr. MCINTYRE.
H.R. 503: Mr. ANDREWS and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 616: Mr. AKIN.
H.R. 621: Mr. HEINRICH, Mr. ANDREWS, and Mrs. CAPPS.
H.R. 669: Mr. ROONEY.
H.R. 684: Mr. TAYLOR.
H.R. 690: Mr. LUETKEMEYER.
H.R. 745: Mr. AKIN.
H.R. 777: Mr. PLATTS.
H.R. 804: Mr. PAYNE and Mr. DAVIS of Illinois.
H.R. 819: Mrs. KIRKPATRICK of Arizona.
H.R. 953: Mr. MINNICK.
H.R. 983: Mr. WITTMAN.
H.R. 988: Mr. CARSON of Indiana, Mr. WALZ, Mr. REHBERG, Mrs. KIRKPATRICK of Arizona, Mr. MCCOTTER, Mr. MARKEY of Massachusetts, and Mr. BARROW.
H.R. 1036: Mrs. KIRKPATRICK of Arizona.
H.R. 1051: Mr. FILNER.
H.R. 1067: Mr. HIMES.
H.R. 1074: Mr. MCHENRY, Mr. REHBERG, and Mr. TIBERI.
H.R. 1179: Mr. BAIRD.
H.R. 1182: Mr. TANNER, Mr. WALDEN, Mr. DAVIS of Alabama, Mr. HINCHEY, and Mr. BARROW.
H.R. 1207: Mr. YARMUTH, Ms. TITUS, Mrs. KIRKPATRICK of Arizona, Mr. SCHIFF, Mr. ROGERS of Kentucky, and Mr. BOYD.
H.R. 1215: Mr. OLVER.
H.R. 1220: Ms. MARKEY of Colorado.
H.R. 1237: Mr. SCHIFF, Ms. KILROY, Mr. BLUMENAUER, and Mr. CARSON of Indiana.
H.R. 1255: Mr. BERRY.
H.R. 1283: Mr. CONNOLLY of Virginia, Ms. FUDGE, and Mr. HIMES.
H.R. 1298: Mr. DEFazio.
H.R. 1314: Mrs. BONO MACK, Mr. BOSWELL, Ms. ESHOO, Mr. GORDON of Tennessee, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. FARR, Ms. HARMAN, Mr. HONDA, Mr. HOLDEN, Mr. MITCHELL, Mr. SCHIFF, Mr. WAXMAN, and Mr. WEINER.
H.R. 1327: Ms. WOOLSEY, Mr. CALVERT, Mr. CAMPBELL, Mrs. BLACKBURN, Mr. BRADY of Pennsylvania, Mr. WOLF, Mr. JOHNSON of Georgia, and Mr. KLINE of Minnesota.
H.R. 1346: Mr. COURTNEY and Mr. MICHAUD.
H.R. 1362: Mr. DRIEHAUS.
H.R. 1389: Mr. PATRICK J. MURPHY of Pennsylvania.
H.R. 1441: Mrs. BIGGERT.
H.R. 1454: Mrs. MILLER of Michigan.
H.R. 1458: Mr. CARSON of Indiana.
H.R. 1526: Mr. BRADY of Pennsylvania, Mr. ROGERS of Alabama, Mr. MATHESON, and Ms. ROS-LEHTINEN.
H.R. 1584: Mr. MICA.
H.R. 1589: Mr. PIERLUISI and Mr. LIPINSKI.
H.R. 1608: Mr. SERRANO and Ms. KAPTUR.
H.R. 1618: Mr. ADLER of New Jersey, Mr. SHIMKUS, and Mr. STEARNS.
H.R. 1670: Ms. CORRINE BROWN of Florida and Mr. ENGEL.
H.R. 1685: Mr. RYAN of Ohio.
H.R. 1719: Mr. GONZALEZ and Mrs. DAVIS of California.
H.R. 1751: Mr. NEAL of Massachusetts.
H.R. 1776: Mr. CONNOLLY of Virginia and Mr. KIND.
H.R. 1826: Mr. ELLISON and Mr. REYES.
H.R. 1831: Mr. BOSWELL, Mr. CASTLE, and Mr. BARTLETT.

H.R. 1835: Mr. HARPER.
H.R. 1868: Mr. MORAN of Kansas.
H.R. 1925: Mr. LARSON of Connecticut.
H.R. 1941: Mr. HUNTER.
H.R. 1956: Ms. MCCOLLUM.
H.R. 1977: Mr. WOLF.
H.R. 2016: Mr. NADLER of New York.
H.R. 2017: Mr. TURNER, Mr. GONZALEZ, Mr. LUETKEMEYER, Mr. KANJORSKI, Mr. FORTENBERRY, and Mr. CRENSHAW.
H.R. 2026: Mr. WITTMAN.
H.R. 2135: Mr. YOUNG of Alaska.
H.R. 2139: Mr. MINNICK and Mr. TIM MURPHY of Pennsylvania.
H.R. 2190: Mrs. BIGGERT.
H.R. 2204: Mr. SESTAK.
H.R. 2215: Mr. ROGERS of Michigan, Mr. UPTON, and Mrs. MILLER of Michigan.
H.R. 2245: Mr. BUCHANAN, Mr. GUTHRIE, Mr. MARIO DIAZ-BALART of Florida, Mr. MCHUGH, Mr. PLATTS, Mr. CARTER, Mr. BOUSTANY, Mr. BONNER, Ms. BEAN, Mr. PENCE, Mr. MAFFEI, Mr. EHLERS, Mr. NYE, Mr. SPACE, Mr. COFFMAN of Colorado, Ms. LEE of California, Mr. JACKSON of Illinois, Mr. SCALISE, Mr. BARTLETT, Mr. LUCAS, Mrs. MCMORRIS RODGERS, Mr. CLEAVER, Mr. MEEK of Florida, Mr. KENNEDY, Mr. MATHESON, Mr. SCOTT of Georgia, Mr. ENGEL, Mr. ACKERMAN, Mr. BOYD, Mr. DEFazio, Mr. DICKS, Mr. DRIEHAUS, Mr. HALL of New York, Mr. MARSHALL, Mr. GEORGE MILLER of California, Mr. PAYNE, Mr. PETERSON, Mr. MEEKS of New York, Ms. LINDA T. SANCHEZ of California, Mr. FORTENBERRY, Mr. SHADEGG, Mr. GOHMERT, Mr. WESTMORELAND, Mr. BOOZMAN, Mr. PRICE of North Carolina, Mr. CAPUANO, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HIMES, and Ms. SPIER.
H.R. 2251: Mr. FARR, Mr. TIBERI, and Mr. PUTNAM.
H.R. 2254: Mr. ABERCROMBIE, Mr. ROGERS of Alabama, and Mr. LARSON of Connecticut.
H.R. 2262: Mr. NEAL of Massachusetts, Mr. PRICE of North Carolina, Mr. ELLISON, Mr. SABLAN, Mrs. MALONEY, Mr. PIERLUISI, and Ms. KILROY.
H.R. 2269: Mr. KILDEE.
H.R. 2293: Mr. BLUMENAUER.
H.R. 2329: Mrs. KIRKPATRICK of Arizona and Mr. FORTENBERRY.
H.R. 2365: Mr. KENNEDY.
H.R. 2382: Ms. LINDA T. SANCHEZ of California.
H.R. 2406: Mr. REHBERG.
H.R. 2478: Ms. BALDWIN.
H.R. 2492: Ms. SHEA-PORTER.
H.R. 2499: Mrs. MCMORRIS RODGERS.
H.R. 2514: Mr. MCGOVERN, Mr. RANGEL, and Ms. SCHAKOWSKY.
H.R. 2517: Mr. PETERS and Ms. TSONGAS.
H.R. 2542: Mr. ROSKAM.
H.R. 2558: Mr. KILDEE.
H.R. 2560: Mr. BERRY.
H.R. 2594: Mr. ADLER of New Jersey.
H.R. 2607: Mr. LEE of New York.
H.R. 2632: Ms. KOSMAS, Ms. NORTON, Ms. MARKEY of Colorado, Mr. SNYDER, Mrs. MALONEY, Ms. LORETTA SANCHEZ of California, Mr. ISRAEL, Mr. ORTIZ, and Mr. HARE.
H.R. 2639: Mr. MCDERMOTT, Mr. REICHERT, Ms. MCCOLLUM, and Mr. SNYDER.
H.R. 2676: Ms. KILROY.
H.R. 2697: Mr. FARR and Mr. GUTHRIE.
H.R. 2702: Mr. GARRETT of New Jersey.
H.R. 2720: Ms. LINDA T. SANCHEZ of California.
H.R. 2733: Mr. SMITH of Texas.
H.R. 2753: Mr. SIMPSON, Mr. GUTHRIE, and Mr. PERRIELLO.
H.R. 2766: Mr. HODES and Mr. COHEN.
H.R. 2776: Mr. CONNOLLY of Virginia and Ms. DEGETTE.
H.R. 2807: Mr. MICHAUD.

H.R. 2811: Mr. LEWIS of Georgia.
H.R. 2846: Mr. GARRETT of New Jersey.
H.R. 2866: Ms. BALDWIN.
H.R. 2896: Mr. PAULSEN.
H.R. 2941: Ms. WOOLSEY, Ms. SLAUGHTER, Mr. JOHNSON of Georgia, and Mr. COHEN.
H.R. 2946: Mr. REYES.
H.R. 2969: Ms. WOOLSEY.
H.R. 2987: Mr. BISHOP of New York.
H.R. 2989: Mr. MCDERMOTT.
H.R. 2992: Mr. OLSON, Mr. PITTS, Mr. BARTLETT, Mr. MARCHANT, Mrs. BLACKBURN, Mr. LATTA, Mr. FLEMING, Mr. BROWN of South Carolina, Mr. BONNER, Mr. AKIN, Mr. BISHOP of Utah, Mr. MCCLINTOCK, Mr. CAMPBELL, Ms. FALLIN, and Mr. THOMPSON of Pennsylvania.
H.R. 2993: Mr. GOHMERT, Mr. OLSON, Mr. PITTS, Mr. BARTLETT, Mr. BONNER, Mr. AKIN, Mr. BISHOP of Utah, Mr. MCCLINTOCK, and Mr. CAMPBELL.
H.R. 3006: Mr. KENNEDY.
H.R. 3017: Mr. MARKEY of Massachusetts.
H.R. 3025: Mr. CUELLAR.
H.R. 3034: Ms. KAPTUR.
H.R. 3042: Mr. CARSON of Indiana, Mr. DINGELL, Mr. BOCCIERI, Ms. FUDGE, and Mr. FATTAH.
H.R. 3043: Mr. PAYNE.
H.R. 3093: Mr. GRAVES and Mr. SCHOCK.
H.R. 3119: Mr. AL GREEN of Texas.
H.R. 3144: Mr. MEEK of Florida.
H.R. 3147: Mr. BLUMENAUER, Ms. TITUS, and Mr. SCHIFF.
H.R. 3149: Ms. NORTON, Mr. BRADY of Pennsylvania, Mr. NADLER of New York, and Mr. CLAY.
H.R. 3164: Mr. LIPINSKI.
H.R. 3166: Mr. MURPHY of New York.
H.R. 3173: Mrs. HALVORSON, Mr. COSTELLO, Mr. LIPINSKI, Mr. JOHNSON of Illinois, Mr. UPTON, Mr. DAVIS of Illinois, Mr. POSTER, Mr. PETRI, Ms. GRANGER, Mr. TERRY, and Mr. BURTON of Indiana.
H.R. 3174: Mr. ROYCE, Mr. DEAL of Georgia, Mr. BOOZMAN, Mr. GOODLATTE, and Mr. KING of New York.
H.J. Res. 47: Mr. SMITH of Washington, Mr. REHBERG, and Ms. FOX.
H. Con. Res. 51: Mr. BAIRD.
H. Con. Res. 74: Mr. MILLER of North Carolina, Mr. ENGEL, and Mr. CROWLEY.
H. Con. Res. 91: Mr. TOWNS, Mr. RUSH, Ms. KILPATRICK of Michigan, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, and Mr. AL GREEN of Texas.
H. Con. Res. 117: Mr. MARCHANT, Mr. POE of Texas, and Mr. TURNER.
H. Con. Res. 157: Mr. MORAN of Kansas.
H. Con. Res. 158: Mr. BURTON of Indiana, Ms. BORDALLO, and Mr. BISHOP of Georgia.
H. Con. Res. 163: Mr. LUCAS, Mr. GENE GREEN of Texas, Mr. SKELTON, Mr. MOORE of Kansas, and Mr. CUELLAR.
H. Res. 346: Mr. BISHOP of New York.
H. Res. 397: Mr. ROE of Tennessee.
H. Res. 455: Mr. MOORE of Kansas and Mr. MORAN of Kansas.
H. Res. 458: Mr. MORAN of Virginia, Ms. EDWARDS of Maryland, and Mr. TERRY.
H. Res. 467: Ms. FUDGE and Ms. KILROY.
H. Res. 494: Mr. JONES, Mr. MASSA, and Mr. BRIGHT.
H. Res. 496: Mr. QUIGLEY.
H. Res. 517: Mrs. MALONEY, Ms. ESHOO, Mr. ABERCROMBIE, Mr. PASCRELL, Mr. RANGEL, Mr. BLUMENAUER, Mr. LEWIS of Georgia, Mr. BUTTERFIELD, Mr. FALEOMAVAEGA, Mr. SOUDER, Mr. KIND, Mr. SIRES, Mr. GRAYSON, Ms. LINDA T. SANCHEZ of California, Ms. BORDALLO, and Ms. HIRONO.
H. Res. 554: Mr. SMITH of Washington and Mr. POSEY.
H. Res. 558: Ms. ZOE LOFGREN of California and Mr. REYES.

H. Res. 577: Mr. DONNELLY of Indiana and Mr. TIM MURPHY of Pennsylvania.

H. Res. 591: Mr. LEE of New York.

H. Res. 593: Mr. HONDA, Mr. YOUNG of Alaska, Mr. WU, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mr. SNYDER, Mr. SABLAN, Mr. GRIJALVA, Mr. FILNER, Mr. AL GREEN of Texas, Mr. BOOZMAN, Mr. FORTENBERRY, Mr. MANZULLO, Mr. THOMPSON of Mississippi, Mr. BERRY, Mrs. EMERSON, Mr. WATT, Mr. BURTON of Indiana, Mr. NADLER of New York, Mr. SKELTON, Mr. HALL of Texas, Mr. REYES, Mr. DELAHUNT, Mr. SERRANO, Mr. FRELINGHUYSEN, Mr. BARROW, Mr. GRIFFITH, Mr. FRANK of Massachusetts, Mr. CAPUANO, Mr. HASTINGS of Florida, Ms. LEE of California, Mr. MORAN of Virginia, Mr. KENNEDY, Mr. PASTOR of Arizona, Ms. LORETTA SANCHEZ of California, Mr. FARR, Mr. HINCHEY, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. INSLEE, Ms. SCHWARTZ, Mr. FATTAH, Mr. McDERMOTT, Ms. KAPTUR, Mr. COURTNEY, Mr. HIGGINS, Mr. KRATOVIL, Mr. CUMMINGS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. POM-

EROY, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 607: Ms. WASSERMAN SCHULTZ and Mr. COFFMAN of Colorado.

H. Res. 613: Mr. MCCOTTER, Mrs. MCCARTHY of New York, Mr. WITTMAN, and Mr. ARCURI.

H. Res. 615: Mr. CARTER.

H. Res. 619: Mrs. MYRICK, Mr. MCCAUL, and Mr. MILLER of Florida.

H. Res. 630: Mr. RUSH and Mr. MASSA.

H. Res. 631: Mr. GONZALEZ, Mr. CUELLAR, Mr. ORTIZ, Mr. LATOURETTE, and Mr. AL GREEN of Texas.

H. Res. 634: Mr. BISHOP of New York and Mr. MCGOVERN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative SERRANO of New York, or a designee, to H.R. 3170, the Financial Services and General Government Appropriations Act, 2010, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative PASTOR of Arizona, or a designee, to H.R. 3183, the Energy and Water Development, and Related Agencies Appropriations Act, 2010, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

PETITIONS, ETC.

Under clause 1 of rule XXII.

60. The SPEAKER presented a petition of Family and the Aging Services Foundation, Inc. (Formerly Filial Piety Society), relative to a request for funding; which was referred to the Committee on Education and Labor.

EXTENSIONS OF REMARKS

IN MEMORY OF JOSEPH CANNON
HOUGHTELING

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Ms. PELOSI. Madam Speaker, I rise to pay tribute to a great California statesman and public servant, Joseph Cannon Houghteling, who passed away on June 23, 2009.

On July 16th, 2009 Joe's family and friends will gather on San Francisco's historic ship the *Balclutha* to celebrate his life, and I wish to honor my friend by submitting his obituary from the San Francisco Chronicle.

Joseph Cannon Houghteling, former chairman of the San Francisco Bay Conservation and Development Commission (BCDC) and Democratic activist, died at home June 23 in San Francisco after a short illness. He was 84. Houghteling spent many years in pro bono public service, with an emphasis on regional government, transportation and the balance between conservation and development. When he stepped down as chairman of BCDC, *The Chronicle* editorialized "He has served with wit, style and patience . . . and has brought a spirit of compromise to its responsibility of allowing development but protecting the environment, two goals often hard to reach." Born in San Francisco in 1924, son of the late William and Virginia LeSeure Houghteling, Houghteling attended Phillips Academy in Andover, Mass. He then joined the Navy V-12 college officer-training program and attended Bates College and the College of the Holy Cross. He served aboard the USS *Ocklawaha* in 1945-46 with the forces occupying Japan. He graduated from Yale in 1947. After college, Houghteling moved to the Peninsula, where he was publisher of community newspapers including *The Gilroy Dispatch*, *The Los Gatos Times-Observer*, *The Sunnyvale Standard*, *The Pleasanton Times* and *The Mountain View Register-Leader*. He owned *The Nevada County Nugget* for a time. He also founded *Diablo Press*, which published books on controversial topics including abortion and "We Accuse," a collection of essays on the new American political anger during the Vietnam War, as well as "The Sinking of the Lollipop" by Rodney G. Minott, about the congressional campaign of Pete McCloskey and Shirley Temple Black. Although he came from a family of Illinois Republicans, including great-grandfather "Uncle Joe" Cannon, Republican Speaker of the U.S. House of Representatives, Houghteling became a committed Democrat. He was a California delegate to the Democratic Conventions of 1956, supporting Adlai Stevenson, and of 1960, supporting John F. Kennedy. He was Northern California treasurer to the 1960 Kennedy presidential campaign. He participated in many other campaigns, including those of both Pat and Jerry Brown, John Tunney, Dianne Feinstein and Pete McCloskey. Houghteling served on the boards of many nonprofits including California Tomorrow, the Planning and Conservation League Foun-

dation, the Coro Foundation, Stanford Hospital, Peninsula School and the California Newspaper Publishers Association. Houghteling joked that he was "one of Pat Brown's youngest appointees and one of Jerry Brown's oldest." Gov. Edmund G. "Pat" Brown appointed Houghteling to the State Park Commission, which Houghteling eventually chaired, in 1959; in 1964 he was appointed to the State Highway Commission. Houghteling was appointed to BCDC in 1971; in the mid-1970s, he was appointed chairman by Gov. Edmund G. "Jerry" Brown Jr., a post he held until 1982. While chairman, Houghteling shepherded through the Suisun Marsh Protection Plan, which shielded 89,000 acres of wetlands and wildlife habitat from uncontrolled development. From 1972-1982, Houghteling was on the Metropolitan Transportation Commission. While on MTC, he noticed that there was no direct pedestrian access from the Embarcadero to the ferry landing. At Houghteling's suggestion, a passageway was built through the Ferry Building to allow easy access. In 1994, a plaque was installed in the Ferry Building to honor Houghteling. In 1984, Houghteling was appointed to the bi-state Tahoe Regional Planning Agency, on which he served until 1992. Houghteling also was president of the National Maritime Museum Association from 1992-1994. He was instrumental in bringing the submarine the USS *Pampanito* to Pier 45. Houghteling lived in Palo Alto, Los Gatos and Atherton. After moving back to San Francisco in 1978, he kept a home in Portola Valley for many years. Houghteling is survived by his wife of 31 years, Signa Judith Irwin Houghteling, and his daughters with the late Frances Fisher Houghteling: Anne Frances Houghteling and her husband, Herb Greenman, of Palo Alto; Elizabeth Cannon Houghteling and her husband, Philip Balboni, of Cambridge, Mass.; and Mary Wallace Houghteling of Berkeley. He is survived by his grandson, Philip Cannon Houghteling Balboni, of Cambridge. He leaves three nieces and a nephew by his sister, Lucretia H. Robertson, who predeceased him."

EARMARK DECLARATION

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. PETRI. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183 Energy and Water Development and Related Agencies Appropriations Act, 2010:

Requesting Member: The Honorable THOMAS E. PETRI

Bill Number: H.R. 3183

Account: Department of Energy: Energy, Efficiency, and Renewable Energy (EERE)

Legal Name of Requesting Entity: University of Wisconsin Oshkosh

Address of Requesting Entity: 800 Algoma Blvd, Oshkosh, Wisconsin 54901

Description of Request: The \$500,000 appropriation will be used by UW Oshkosh to establish a program for biomass recycling to be housed on their campus. This project is in conjunction with several private and public entities in the State of Wisconsin. The EERE account provides federal funds to strengthen the United States' energy security, environmental quality, and economic vitality in public-private partnerships. This project is expected to both reduce organic waste sent to the landfill and produce alternative fuels to replace fossil-fuel generated energy for campus operations. The University believes it will save approximately \$150,000 annually in energy savings. Schools, nursing homes, and other community institutions and households will gain a means to dispose of biomass waste in an environmentally responsible manner and the entire community will benefit from reduced demand on landfill capacity. Funding will be used to acquire the anaerobic digesting plant equipment, plan and engineer the installation of the digester plant, and educate the Oshkosh area community about this new technology. This project supports the University's plan to develop alternative sustainable energy sources and follow the Governor of Wisconsin's directive to eliminate dependence on fossil fuels.

Account: U.S. Army Corps of Engineers, Section 1135

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Detroit Division

Address of Requesting Entity: P.O. Box 1027, Detroit, MI 48231

Description of Request: \$150,000 for the Corps of Engineers' assistance to participate in an investigation to determine the extent of the Corps' water level management strategy on the depletion of fish and other aquatic habitat within Lake Poygan, Winnebago County, Wisconsin. Lake Poygan once provided abundant high quality habitat for water fowl and other birds, furbearers, and warm water fishery. Much of this habitat has deteriorated in recent years. The existing water level management strategy is being reviewed to determine its role in the degradation. Water levels at Lake Poygan have been managed under the U.S. Army Corps of Engineers' Fox River project since 1872. The project would involve the construction of a break wall on Lake Poygan for the purpose of protecting, improving, and restoring fish and other aquatic life habitat. FY 2010 funding would be used to continue the feasibility phase.

Account: U.S. Army Corps of Engineers—Construction

Legal Name of Requesting Entity: U.S. Army Engineer District, Chicago

Address of Requesting Entity: 111 North Canal Street, Suite 600, Chicago, IL 60606.

Description of Request: The appropriation will provide \$7.275 million in the FY 10 Energy and Water Development Appropriations bill,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Construction account for the Chicago Sanitary & Ship Canal. The funding would be used for the construction and operation of the electric dispersal barriers in the canal as well as a study to consider alternative approaches to prevent inter-basin transfers of aquatic nuisance species. This request was made with numerous Members and Senators of the Congressional Great Lakes Task Force, along with a request from President Obama.

Account: U.S. Army Corps of Engineers—Construction

Legal Name of Requesting Entity: U.S. Army Engineer District, Great Lakes & Ohio River Division

Address of Requesting Entity: 550 Main Street, Room 10032, Cincinnati, OH 45202

Description of Request: The appropriation will provide \$3.2 million in the FY 10 Energy and Water Development Appropriations bill, for restoration projects under the Great Lakes Fishery & Ecosystem Restoration program. The funding would be used in coordination with other federal, state, and local agencies and the Great Lakes Fishery Commission to plan, implement, and evaluate projects supporting the restoration of the fishery, ecosystem, and beneficial uses of the Great Lakes. This request was made with numerous Members and Senators of the Congressional Great Lakes Task Force.

Account: U.S. Army Corps of Engineers—Investigations

Legal Name of Requesting Entity: U.S. Army Engineer District, Great Lakes & Ohio River Division

Address of Requesting Entity: 550 Main Street, Room 10032, Cincinnati, OH 45202

Description of Request: The appropriation will provide \$4 million in the FY 10 Energy and Water Development Appropriations bill, General Investigations account for Remedial Action Plan (RAP) Committees. The funding would be used for RAPs to identify specific actions to resolve pollution problems by coordinating with the Corps of Engineers in dredging and sediment cleanups. This request was made with numerous Members and Senators of the Congressional Great Lakes Task Force.

EARMARK DECLARATION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 13, 2009

Mrs. CAPITO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010.

Awarded under: Corps of Engineers, Construction Account, Central West Virginia, Corps of Engineers.

Baltimore and Huntington Districts

Funds will be used for continuation of authorized waste and drinking water improvement activities under section 571 of the Water Resources Development Act of 1999.

EARMARK DECLARATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. YOUNG of Florida. Madam Speaker, pursuant to the House Republican Standards on Congressional appropriations initiatives, I am submitting the following information regarding projects that were included at my request in H.R. 3183, the Fiscal Year 2010 Energy and Water Development and Related Agencies Appropriations Bill:

Pinellas County Beach Erosion Control

Account: Army Corps of Engineers, Construction

Legal name and address of requesting entity: Pinellas County Board of County Commissioners, 315 Court Street, Clearwater, FL 33756

Description of requests: \$14,000,000 is included in the bill for the Army Corps of Engineers and the Pinellas County Board of County Commissioners to continue construction of the Pinellas County beach erosion control program. The Pinellas County program was first authorized by Congress in 1966 and reauthorized in 1976 and has provided immeasurable storm protection and recreation benefits to Pinellas County residents and visitors. These funds will be used to support renourishment and restoration of nine miles of critically eroded Sand Key Beach from Clearwater to North Redington Beach in west-central Pinellas County. Erosion since the last nourishment in 2006 now requires the periodic renourishment to maintain the current quality of the beach system, enlarging the beach and dunes. Prior federal funds were utilized for borrow area studies and physical monitoring of Sand Key beaches, as required by the Florida Department of Environmental Protection permit for beach nourishment. This request is submitted in support of the State of Florida's Federal Appropriations Request for Beach Nourishment. The federal and state/local cost sharing averages 60/40 under the current authorization. The combined state and local share of this project will be an estimated \$4,700,000. With these funds, a total of \$104,815,404 will have been appropriated for the Pinellas County Beach Erosion Control Project since Fiscal Year 1986.

St. Petersburg Sustainable Biosolids Management: Wastewater Sludge and Yard Waste to Renewable Energy

Account: Department of Energy, Energy Efficiency and Renewable Energy Projects

Legal name and address of requesting entity: City of St. Petersburg, 175 Fifth Street North, St. Petersburg, FL 33701

Description of request: \$2,500,000 is included in the bill for the City of St. Petersburg for a sustainable biosolids management project to convert wastewater sludge and yard waste to renewable energy. Through a public-private partnership, St. Petersburg proposes to contract with a waste-to-renewable energy company that will build, own and operate a facility that will use City generated biostocks such as biosolids, yard and wood waste, grit and screenings to fuel a biomass gasification and energy facility located at the City's South-

west Waster Reclamation Facility. This proposal seeks to offset a portion of the capital cost to the City. It is expected that the gasification will convert a noxious waste to renewable energy, reduce city cost and pollution of waste disposal, treatment and transportation, generate renewable energy utilized by the city and potentially Eckerd College or other private customers, eliminate the release of methane gas and the potential of ground water pollution from landfills or land spreading. The city will provide a match of \$1,309,650.

St. Petersburg Solar Pilot Project

Account: Department of Energy, Energy Efficiency and Renewable Energy Projects

Legal name and address of requesting entity: City of St. Petersburg, 175 Fifth Street North, St. Petersburg, FL 33701

Description of request: \$1,000,000 is included in the bill for the City of St. Petersburg to develop and implement a renewable and sustainable solar energy network to provide the electricity required to power 40 city parks. Through a collaboration with Progress Energy Florida and the University of South Florida Center for Utility Exploration, the city will be able to remove all of these parks from the city's power grid. Regional residents, visitors, commercial organizations and governmental agencies will benefit from the demonstration of a wide scale alternative energy technology that will reduce peak demand at power generation facilities, reduce greenhouse gas emissions and dependence on foreign oil. The City of St. Petersburg is uniquely situated to exploit cheap, clean renewable solar power and is committed to utilize the limitless resource to go solar at all of its City parks and eventually all operating facilities. The City of St. Petersburg has 137 parks occupying in excess of 2300 acres of public lands. All parks are served with a varying degree of overhead lighting for basic usage and security purposes. Forty of the parks have buildings that can accommodate the renewable energy system in terms of structural and orientation to the sun. Renewable energy technologies are seen as the only sustainable energy source for the future. However, solar energy can be intermittent in nature necessitating an energy storage medium or energy carrier to effectively use this energy. Through collaboration with Progress Energy Florida, Inc., and the USF Center for Utility Exploration, this project will consist of a photovoltaic energy system, an advanced energy storage battery system and appropriate control systems to make an integrated energy system that will supply a clean renewable energy when it is needed. The system will be interconnected with the power system of the host building. The system will store the solar energy in an advanced battery. The energy will then be used on-peak to reduce the maximum demand of the building. If the battery is not fully charged by the solar panels, off-peak energy from the grid can also be used to charge the battery for peak operation. This project will employ demand side management using both renewable energy and off-peak grid energy. The energy storage system will convert chemical energy into electrical energy. The chemical reaction within the storage system is reversible, thereby allowing the battery to be charged, discharged and recharged. The project will be used to pass on information and benefits about renewable energy.

Students and the public will be engaged to learn from and understand the system functions and renewable energy benefits. The solar energy systems are proposed to generate sufficient energy to power the park lighting systems with any excess energy returned to the grid for offsets to city electrical expenses. Previous federal funding was provided for this project in Fiscal Year 2009 in the amount of \$1,427,250. The City of St. Petersburg will provide a \$500,000 match.

Tampa Port Planning, Engineering and Design for future requirements

Account: Army Corps of Engineers, Construction

Legal name and address of requesting entity: Tampa Port Authority, 1101 Channelside Drive, Tampa, FL 33602

Description of request: \$500,000 is included in the bill for the Tampa Port Authority for the continued planning, engineering, and design for a project to widen and deepen the Tampa shipping channel to allow for the safer passage of shipping traffic and to accommodate larger ships requiring a deeper draft. The Army Corps of Engineers completed a draft General Reevaluation Report (GRR) in 2008 which focuses on traffic congestion in the main Tampa Harbor channel where extensive delays occur due to lack of adequate channel width. The 40 mile main federal channel handles traffic in and out of the entire Tampa Bay federal port system for the Ports of Tampa, Manatee and St. Petersburg. The ship channel is too narrow to allow for safe two-way vessel traffic due to the introduction of new longer and broader cruise ships. The impacts associated with having a restriction of this nature include vessels waiting at berth or at the sea buoy while large cruise ships transit the channel. The GRR concurs with the Tampa Port Authority and the port community that the resulting congestion causes safety hazards and economic inefficiencies and recommends widening select portions of the main channel. The GRR finds that vessel operation costs would be reduced, resulting in transportation cost savings, increased harbor safety and reduced cargo delivery delays. In addition, the continued reevaluation of the needs in the Tampa Harbor is necessary, to include deepening, in order to facilitate anticipated growth in trade as the Port of Tampa continues its steady growth and diversification. As Florida's largest cargo port, the Port of Tampa handles approximately 50 million tons of cargo per year. The Port of Tampa is also the largest economic engine in West Central Florida and the nation's 14th largest port in terms of short tons. The Port of Tampa generates an annual economic impact of almost \$8 billion on the region which includes the contribution of over \$570 million annually in state and local taxes. This project is authorized by three separate federal statutes: The Energy and Water Development Appropriations Act, 2004 (P.L. 108-137); The Energy and Water Development Appropriations Act, 2005 (P.L. 108-447); and the Water Resources Development Act of 2007 (P.L. 110-114). Previous funding for this project has been provided as follows: FY 2009—\$478,000, FY 2008—\$133,000, FY 2004—\$2,500,000, FY 2003—\$200,000, FY 2002—\$500,000, FY 2001—\$300,000.

Intracoastal Waterway Operation and Maintenance from Caloosahatchee River to Anclote River

Account: Army Corps of Engineers, Operations and Maintenance

Legal name and address of requesting entity: West Coast Inland Navigation District, P.O. Box 1845, Venice, FL 34284

Description of request: \$4,500,000 is included in the bill for the West Coast Inland Navigation District for the maintenance dredging of sections of the Intracoastal Waterway through six Florida counties, including Pinellas County. The 1945 Rivers and Harbors Act authorized the Intracoastal Waterway to be maintained at a width of 100-feet, and a depth of nine-feet between the mouth of the Caloosahatchee River, near Ft. Myers, and the Anclote River, north of Tampa. The channel runs through six counties (Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, and Lee) and links natural deep-water sections of bays through a series of man-made channels, thereby providing for the safe passage of commercial goods and access to commercial fishing grounds. Dredging of the Intracoastal Waterway commenced in 1960 and was completed in 1967, at which time the West Coast Inland Navigation District began maintenance activities. This funding will support maintenance dredging for Longboat Pass (Manatee County), Venice Inlet (Sarasota County), mouth of Caloosahatchee River (Miserable Mile in Lee County), the Boca Grande Bayou area (Miller's Marina in Lee County), and a section of the Intracoastal Waterway in Pinellas County just north of the Tampa Bay port shipping channel. Previous funding totaling \$1,400,000 was included in FY 2004 and FY 2005 for the design, engineering, and permitting for this project and \$1,215,000 was included in FY 2008 and \$2,076,000 in FY 2009 for the initial dredging of this waterway.

EARMARK DECLARATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mrs. MILLER of Michigan. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892 the Department of Homeland Security Appropriations Act of 2010

Requesting Member: Congresswoman CANDICE S. MILLER

Bill Number: H.R. 3183 Energy and Water Development and Related Agencies and Appropriations Act of 2010

Account: Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 477 Michigan Ave. Detroit, MI 48226

Description of Request: This request, in the amount of \$100,000.00, would be used to implement one or more priority projects that are consistent with the St. Clair River and Lake St. Clair Management Plan. These projects were developed in a broad based and consensus driven process involving multiple counties,

local governments, state governments, federal agencies and regional planners.

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. 3183 the Energy and Water Development and Related Agencies and Appropriations Act of 2010

Account: EERE

Legal Name of Requesting Entity: United Way of Southeastern Michigan

Address of Requesting Entity: 1212 Griswold St. Detroit, MI 48226

Description of Request: This request, in the amount of \$400,000.00, would be used by the United Way of Southeastern Michigan to assist two community non-profits to make energy efficiency and insulation upgrades at their facilities. The two organizations are Turning Point of Mt. Clemens, Michigan, a domestic violence shelter, as well as the Macomb County Rotating Shelter Team, a coalition of churches that provide overnight shelter to homeless persons and families.

ILLINOIS SCHOOL FOR THE DEAF

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. SCHOCK. Madam Speaker, I rise today to honor the Illinois School for the Deaf and Mr. Albert Caswell. On January 20, 2009, the Illinois School for the Deaf traveled to Washington, DC, to witness the inauguration of President Barack Obama. Inspired by these young children and with the thought that perhaps one day one of those children may also stand on the west front of the U.S. Capitol, I submit a poem penned by U.S. Capitol Guide Albert Carey Caswell. Mr. Caswell was able to spend some time with them on that day and wrote the following tribute.

CAN YOU HEAR ME?

(By Mr. Albert Caswell)

Can you hear me?

I can hear you!

Not with my ears!

But, with something far much more greater, so true!

For it's with my heart . . .

That, I can hear you too . . .

Look at me!

I'm just the same as you!

For what I've lost . . .

For inside, I've gained so much more so too!

For I can feel you . . .

And, I can read you . . .

I'm just a kid like you!

And, I want to grow up to be happy . . . and

so healthy, oh so much so too!

Just, because I can't understand you!

I can read you!

Like a book!

For our Lord God, has given me other gifts that I can use. . . .

For your coming through to me, loud and clear . . .

For I've developed my senses, so much greater so here. . . .

We're all the same!

Some of us even, have the same names . . .

So hear me!

Do not fear me!

Be near me, be my friend . . . so tried and true . . .

There's, so much more we can learn about
each other . . . me and you
For, I can hear you!
In our world, there is such a special
bond. . . .
That, in the quiet world is so formed . . .
At first, you may not understand . . . but
it's in our heart where it is born . . .
I can teach you!
I can reach you!
In all I do!
Life lesson's so very true . . .
For, I will not give up!
Nor give in!
On this Inauguration Day, I see how far
dreams can take you to!
And yet I ask, "Why, must children have so
much courage then so too?"
For some things, are so hard to understand
. . . .
As where faith must begin and end . . .
Reach out, and take my hand . . .
Let's be friends, me and you . . .
There's so much more together we can learn
and do!
Little children as Heroes should not have to
be . . . but are put on this earth for all
to teach!
Can you hear me?
I can hear you!
And one day up in Heaven . . . I know, my
Lord I will view . . .
And, I will begin to cry . . .
When, I look into his eyes . . . and I hear for
the first time . . .
My very first words!
"I love you!"

MR. GEORGE F. "BUTCH"
BUCCELLA

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. RYAN of Ohio. Madam Speaker, I submit the following:

GEORGE F. "BUTCH" BUCCELLA, 68

MINERAL RIDGE.—George F. "Butch" Buccella, 68, of 812 Carson Salt Springs Road, died at 9:32 p.m. Tuesday, June 9, 2009, at Forum Health Trumbull Memorial Hospital in Warren.

He was born Jan. 31, 1941, in Youngstown, the son of Frank and Betty Cutright Buccella.

He was a 1958 graduate of Niles McKinley High School.

Butch owned and operated Buccella and Sons RV Sales for nine years, was a Weathersfield Township trustee for 16 years, where he served as chairman and vice-chairman, co-owned A'Lenzio's Pizza in Mineral Ridge with his wife Judy for 14 years, and was a staff representative to Congressman James Traficant for 17 years until his retirement.

After his retirement, George worked for Western Reserve Limousines and at the Joseph Rossi and Sons Funeral Home in Niles as a hearse and limo driver.

He was a member of the Trinity Lutheran Church in Niles and served on its parish council, was a member and past King Lion of the Niles Lions Club, and involved with the Niles Democratic Club, the Trumbull County Fair Board, and the Jolly Boys Monday Night Gang.

He was also a member of the Niles Area Chamber of Commerce, where he served as

president, vice president, and secretary and received its Outstanding Citizen of The Year Award and its Small Business Advocate of The Year Award.

He was on the Fairhaven Workshop Board of Trustees, Niles Churches for Housing, and the Jefferson Democratic Club.

He enjoyed NASCAR as he was an avid Jeff Gordon fan. He built and raced stock cars at the Canfield, Expo, and Sharon Speedways for 28 years, and also enjoyed bowling.

Butch, who was always known for saying "one day at a time" will be deeply missed by his wife, Judy Sheldon Buccella, whom he married Dec. 8, 1962; a son, Jeff Buccella (Dawn) of Austintown; a daughter, Tracie Fynes (Dan) of Garrettsville; a sister, Suzanne Miller of Florida; and five grandchildren, Eddie, Kyle, Miamie, Jordyn and Lillie.

He was preceded in death by his parents.

Friends may call from 5 to 8 p.m. on Monday at the Joseph Rossi & Sons Funeral Home and Cremation Service in Niles where the Niles Lions Club will conduct prayers at 7:30 p.m.

Friends may also call from 10 until the 11 a.m. funeral service on Tuesday at the Trinity Lutheran Church in Niles with Pastor Beth Ferne Johnson officiating.

Burial will be at Kerr Cemetery.

Arrangements are being handled by the Joseph Rossi & Sons Funeral Home and Cremation Service Inc. in Niles.

EARMARK DECLARATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I submit the following.

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 3170

Account: Salaries and Expenses

Name of Requesting Entity: Miami Dade College

Address of Requesting Entity: 300 NE 2nd Avenue, Suite 1402, Miami, FL 33132

Description of Request: I have secured \$300,000 for the Miami Dade College Institute for Intermodal Transportation (IIT). This funding will be used for the Miami Dade College (MDC) proposes an Institute for Intermodal Transportation to further provide opportunities that lead to careers addressing the future needs of the transportation industry. A major focus is to provide small businesses with opportunities to train and retrain their workforce, as well as providing certifications and degree programs. The Intermodal Transportation Training Center allows MDC to effectively meet the training requirements of all forms of transportation, and transportation related activities. The planned location of the Intermodal Transportation Center is at the Miami International Airport (MIA), which would situate the School in close proximity to the Miami Intermodal Center (MIC) currently under construction. This location would serve as a benefit to both the MIC and the school as a trained and skilled workforce is developed by the School to meet the ongoing employment needs at the MIC. Courses at MIA are set to begin January 2010. Miami Dade College is uniquely posi-

tioned to provide this training through an Institute for Intermodal Transportation (IIT). MDC has a foundation for the coursework and training through its various departments and schools. A number of the educational programs are in aviation under its Eig-Watson School of Aviation. Additional related programs which would support the IIT are the Schools of Criminal Justice, Computer Science, Psychology, Mathematics and Engineering. Miami Dade College currently offers 3 baccalaureate programs with numerous tracks. Over 200 associate degrees and career training certificates are available and could have application to the Intermodal Institute. Miami is a major transportation hub, and the forecast is that Miami will continue to rapidly grow as an international center of transportation. However, Florida aviation and aerospace companies routinely cite "lack of a qualified workforce" as a principal barrier to growth in industry surveys. Presently, many larger organizations have found it more cost effective to contract out specific areas of its workforce to smaller companies instead of performing the work in-house. However, these contractors are often times small businesses that cannot afford to train or certify their own employees. In fact, many of these companies do not have sufficient training in business relationships, process mapping, business and finance. This translates into areas such as customer service, logistics, security, marketing, route scheduling, safety, and maintenance systems. Small Business training in other non-traditional support areas for transportation is also needed. This included areas such as construction inspection, traffic management, and Intelligent Transportation Systems (ITS) management through the Institute for Intermodal Transportation, small businesses would be able to invest in workforce development programs such as project management, managing time and budget, and negotiating expertise. Hence, the Institute will address comprehensive solutions for all modes of transportation, combining academic and "real world" experience. By creating the educational resources for transportation, the proposed Intermodal transportation training center would attract new opportunities for the City and County and help meet future shortages in transportation employment opportunities.

A TRIBUTE TO PETER V.
UEBERROTH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. BERMAN. Madam Speaker, I ask my colleagues to join me today in honoring the lifetime achievements of Peter V. Ueberroth and his contributions to the Olympic movement and sports in the United States.

Peter is due special commendation for his timely and effective response to the situation sparked by the American-led boycott of the 1980 Olympic Games in Moscow. That boycott led to 14 Communist countries announcing their intention to boycott the 1984 Olympic

Games in Los Angeles, California, and organize a rival event called the Friendship Games.

When the Soviet Union announced its boycott of the 1984 Olympic Games just two months before the Games, it threatened to undermine the participation of other countries and create a financial disaster for the Olympic movement. In order to save the Games, Peter Ueberroth personally visited several countries to ensure their participation, including Romania, which became the only Communist country that refused to participate in the Soviet-led boycott.

Despite the Soviet-led boycott, through the efforts to build international good will led by Peter Ueberroth and the Los Angeles Olympic Organizing Committee, over 140 nations still participated in the 1984 Olympic Games.

Peter continued to promote the 1984 Olympic Games by initiating the Olympic Torch Relay that began in New York City, crossed 33 states and the District of Columbia and ended in Los Angeles, covering more than 9,000 miles and involving over 3,600 runners that focused the attention of the country and the world on the Games.

The 1984 Olympic Games were a stunning success, featuring athletes such as Carl Lewis, Mary Lou Retton and Michael Jordan, who led the United States team to a record-setting total of 174 medals, including 83 gold medals.

Peter personally secured the revenue to finance the 1984 Olympic Games, raising an unprecedented amount of funds from private sources so that not one cent of municipal funds would be required of the taxpayers of Los Angeles. The 1984 Olympic Games actually concluded with an unprecedented \$215 million surplus.

As a result of his efforts in saving the 1984 Olympic Games and restoring the United States as the leader in international sports, Time Magazine named Peter Ueberroth as the 1984 "Man of the Year," noting that he was the "hero of the Olympics" and the "man who brought honor to America."

Since leading the 1984 Olympic Games, Peter Ueberroth has continued to make contributions to the United States and the world of sports, serving as Commissioner of Major League Baseball, where he led efforts to institute an effective anti-drug campaign.

Following the 2004 reorganization of the United States Olympic Committee, Peter Ueberroth was selected to serve as Chairman of the United States Olympic Committee, revitalizing the United States Olympic Committee and leading the United States to a first-place finish in the 2008 Beijing Olympics.

2009 marks the 25th anniversary of the Los Angeles Olympic Games held under Peter Ueberroth's leadership and in that spirit, I ask now that my colleagues join me in recognizing, honoring and celebrating the achievements, service and contributions of Peter Ueberroth to the Olympic movement, sports, and the United States of America

EARMARK DECLARATION

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. BILIRAKIS. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Appropriations Act for Fiscal Year 2010.

Member requesting: GUS M. BILIRAKIS

Bill number: H.R. 3183

Account: Operations and Maintenance

Name of requesting entity: Tampa Port Authority

Address of requesting entity: 1101 Channelside Drive, Tampa, Florida 33602

Description: The \$5,600,000 will be used for dredging the federal navigation channels in Tampa Harbor. The Tampa Harbor is a federally-authorized project for which, by statute, the Army Corps of Engineers is responsible for maintaining. Maintenance of these channels is essential to ensuring that commerce can move efficiently and safely through Tampa Harbor.

EARMARK DECLARATION

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. DANIEL E. LUNGREN of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I rise today to submit the following information regarding earmarks I received as part of H.R. 3183—the Energy and Water Development and Related Agencies Appropriations Act, 2010.

The following earmarks were requested by my office and are listed for funding in this bill: American River Watershed (Common Features), CA

Requesting Member: DANIEL E. LUNGREN

Bill Number: H.R. 3183

Account: Corps of Engineers; Construction

Requesting Agency: CA Dpt of Water Resources

Requesting Agency Address: 3310 El Camino Avenue, Sacramento, CA 95821

Recipient: US Army Corps of Engineers

Recipient Address: USACE; Sacramento District, 1325 J Street, Sacramento, CA 95814
Amount: \$6,700,000

The project will reduce the possibility of loss of life and flood damage by improving the levee system protecting the Sacramento Metropolitan area from flooding along the Sacramento and American Rivers.

This project represents an appropriate use of taxpayer funds due to the glaring need to bolster flood control systems in the Sacramento Region, specifically with regard to the American River Watershed.

American River Watershed (Folsom Dam Modifications), CA

Requesting Member: DANIEL E. LUNGREN

Bill Number: H.R. 3183

Account: Corps of Engineers; Construction
Requesting Agency: CA Dpt of Water Resources

Requesting Agency Address: 3310 El Camino Avenue, Sacramento, CA 95821

Recipient: US Army Corps of Engineers

Recipient Address: USACE; Sacramento District, 1325 J Street, Sacramento, CA 95814
Amount: \$66,700,000

This funding will provide for the design and construction of a new spillway at Folsom Dam that will reduce the frequency of flooding in this major urban area.

This project represents an appropriate use of taxpayer funds due to the glaring need to bolster flood control systems in the Sacramento Region, specifically with regard to the American River Watershed.

American River Watershed (Folsom Dam Raise & Bridge), CA

Requesting Member: DANIEL E. LUNGREN

Bill Number: H.R. 3183

Account: Corps of Engineers; Construction

Requesting Agency: CA Dpt of Water Resources

Requesting Agency Address: 3310 El Camino Avenue, Sacramento, CA 95821

Recipient: US Army Corps of Engineers

Recipient Address: USACE; Sacramento District, 1325 J Street, Sacramento, CA 95814
Amount: \$600,000

The Folsom Dam Raise project consists of the selected 3.5' raise of Folsom Dam and reservoir dikes, reconfiguring the Folsom Dam penstocks, ecosystem restoration projects, and the construction of a bridge below Folsom Dam.

This project represents an appropriate use of taxpayer funds due to the glaring need to bolster flood control systems in the Sacramento Region, specifically with regard to the American River Watershed.

South Sacramento County Streams, CA

Requesting Member: DANIEL E. LUNGREN

Bill Number: H.R. 3183

Account: Corps of Engineers; Construction

Requesting Agency: CA Dpt of Water Resources

Requesting Agency Address: 3310 El Camino Avenue, Sacramento, CA 95821

Recipient: US Army Corps of Engineers

Recipient Address: USACE; Sacramento District, 1325 J Street, Sacramento, CA 95814
Amount: \$4,750,000

This public safety project will increase the level of flood protection for the highly urbanized area of South Sacramento County and the City of Sacramento, protecting more than 100,000 residents. The project will increase the level of flood protection from the Morrison Creek stream group, from 50 years to over 200 years.

This project represents an appropriate use of taxpayer funds due to the glaring need to bolster flood control systems in the Sacramento Region, specifically with regard to the Sacramento River.

McClellan Nuclear Radiation Center

Requesting Member: DANIEL E. LUNGREN

Bill Number: H.R. 3183

Account: Department of Energy—Nuclear Energy

Requesting Agency: University of California at Davis

Requesting Agency Address: One Shields Avenue, Davis, CA 95616

Amount: \$500,000

This request is to provide funding to replace the nation's current sole domestic source of Iodine-125 (I125) production located at the UC Davis McClellan Nuclear Radiation Center (MNRC). In April 2004, the system experienced its fourth and final failure causing production to cease entirely and the system remains inoperable today.

This project represents an appropriate use of taxpayer funds as the McClellan Nuclear Radiation Center represents the only domestic source of Iodine-125, which is essential in detection and treatment of various types of cancer.

EARMARK DECLARATION

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. LEWIS of California. Madam Speaker, I submit the following:

Requesting Member: Congressman JERRY LEWIS

Bill Number: H.R. 3170

Project Name: Loma Linda and Grand Terrace Connected Communities Infrastructure

Account: Small Business Administration

Legal Name of Requesting Entity: City of Loma Linda; City of Grand Terrace

Address of Requesting Entity: City of Loma Linda, 25541 Barton Road, Loma Linda, CA 92354; City of Grand Terrace, 22795 Barton Road, Grand Terrace, CA 92313

Description of Request: Establish a fiber optic infrastructure expansion pilot program between the City of Loma Linda and the City of Grand Terrace's new business park. The pilot will demonstrate how updated and expanded internet access can promote small business, create jobs, enhance local competitiveness and provide green alternatives. The pilot supports innovative solutions to the devastatingly high regional unemployment rate of 12.8%. Because private loans are unavailable as a result of the credit crunch, the region will benefit from this use of federal dollars as the initial investment for future expansions. The success of this pilot will attract both stimulus funding and private investment. Such a program can serve as a model for further economic development in other similarly distressed areas across the country.

Amount: \$900,000

PERSONAL EXPLANATION

HON. ALBIO SIREs

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. SIREs. Madam Speaker, I would like to state for the record my position on the following vote I missed on July 13, 2009. Had I been present, I would have voted "yes" on rollcall 530 on a motion to adjourn.

EARMARK DECLARATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I submit the following:

Requesting Member: Representative MARIO DIAZ-BALART (FL-25)

Bill Number: H.R. 3183

Account: Construction

Name of Requesting Entity: South Florida Water Management District

Address of Requesting Entity: 3301 Gun Club Road, West Palm Beach, FL 33406

Description of Request: I have secured \$210,239,000 for the South Florida Everglades Ecosystem restoration, FL: Central and Southern FL (C&SF) Project: Comprehensive Everglades Restoration Plan, FL. This funding will be used for the South Florida Everglades Ecosystem Restoration: Six projects which are vital to ongoing Everglades Restoration efforts: Picayune Strand—The project involves the restoration of natural water flows across 85-square miles in western Collier County that were previously cleared for a residential community. The project includes construction of three pump stations with spreader canals, the plugging of 40-miles of canals and the removal of 227-miles of roads. Levees will be installed, as required, to provide flood protection for adjacent private properties that would be impacted by the project. (\$56 million) Indian River Lagoon—The project will include a 3,400-acres above-ground reservoir to capture local basin runoff with 6,300-acres of storm water Treatment Areas. The project will decrease the excessive water flows into the St. Lucie Estuary, improve the water quality by treating the water entering the Estuary and provide water supplies for the environmental and human needs of the area. (\$75 million) Site 1 Impoundment—This project involves construction of an approximately 1,600-acre impoundment where water will be pumped from the Hillsboro Canal. The project will capture and store the excess surface water runoff from the Hillsboro Watershed as well as releases from the Loxahatchee National Wildlife Refuge and Lake Okechobee. The project will allow more natural, desirable and consistent water levels within the Refuge as well as benefit estuaries downstream (\$27 million) C-111 Spreader Canal—This project is located adjacent to Everglades National Park and is part of the South Dade County portion of the Central and Southern Florida (C&SF). The project goal is to create a hydrologic ridge between Everglades National Park and areas east that are mostly in agricultural production. The project is intended to maintain existing flood protection while restoring natural hydrologic conditions in the eastern panhandle of Everglades National Park (\$20 million) C-51 design—The project will provide water quality benefits to the surrounding areas along with Storm water Treatment Area IE (\$16 million) CERP design—Includes design project agreements, Project Implementation Reports, detailed project design and RECOVER which are all essential to ongoing Everglades Restoration efforts (\$64 million). The funding would be

used for six projects which are vital to ongoing efforts to restore the historic South Florida ecosystem including the Florida Everglades. The Florida Everglades are a unique ecosystem that must be preserved for future generations.

Requesting Member: Representative MARIO DIAZ-BALART (FC-25)

Bill Number: H.R. 3183

Account: Science

Name of Requesting Entity: Florida International University

Address of Requesting Entity: 11200 SW 8th St, Miami, FL 33199

Description of Request: I have secured \$1,000,000 for the state-of-the-Art Large-Scale Testing for Wind to Enhance Infrastructure Resiliency and Develop Energy-Efficient Buildings. This funding will be used for a full-scale testing in the WoW facility, supported by the enhanced capabilities, will lead to major improvements in the performance of infrastructure and life-line elements, including electrical utility and power distribution systems, safer nuclear power plants in hurricane-prone regions, and increased community resilience under Category 3 and 4 hurricanes. In addition, by virtue of its unprecedented capabilities to simulate natural, turbulent winds, the FIU full-scale testing facility will test innovative building envelopes capable of massively reducing energy consumption in buildings, reducing GHGs, and improving IEQ. The impact of the facility would be enormous. Losses that may remain inadequately insured because of the excessively large risks they entail could be massively reduced by further developing the requisite scientific knowledge through full-scale experiments conducted in the more powerful and equipt WOW. Thus the requested funding would transform WoW the only facility in the world capable of testing a wide variety of types of structure to promote significant mitigation of the vast losses due to hurricanes and contribute massively to improving energy performance of buildings and reducing GHGs. The new capabilities would be a breakthrough in enabling quick results and affordable solutions, thereby making major scientific advancements beneficial to the State and the Nation. The research activities will significantly enhance the economic and societal well-being of the general population and businesses—thus promoting hurricane resilient sustainable communities. Hurricanes caused more than \$100 billion in losses in 2005 alone and caused more than 1,400 fatalities in 2004-05. Infrastructure damage and lifeline disruption are severe problems to hurricane prone coastal communities. In 2004 and 2005, seven hurricanes struck the coast of Florida causing severe damage to electrical infrastructure. A record 3.2 million FPL customers were left without electric service as Hurricane Wilma's (2005) winds damaged street lighting, transformers, transmission lines, and substations. Wind is also a significant factor affecting building energy consumption through air leakage, while wind accompanied by rain can affect indoor environment quality (IEQ). Buildings use about one-third of the world's energy. In the United States today, the buildings sector accounts for 40% of the primary energy use. The use of electric power and heat in the buildings sector also accounts for about 40% of the

U.S. greenhouse gas emissions (GHGs). Buildings present one of the best opportunities to reduce energy consumption and limit GHGs. Florida International University (FIU) has developed a one-of-a-kind large-scale Wall of Wind (WoW) facility simulating atmospheric turbulent flows and hurricane force winds. Currently the focus of WoW research is mitigation of damage to residential buildings. However, the WoW design allows its use for multiple testing of other infrastructural and life-line elements. Unfortunately such variety of testing is not feasible owing to the lack of the instrumentation for measuring aerodynamic, aeroelastic, and thermal effects. For this reason this large, expensive, and unique facility is severely under-used. The proposed funding would allow such WoW instrumentation to achieve a transformative testing capability not available anywhere else in the world.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 3183

Account: EERE-Building Technologies

Name of Requesting Entity: City of Homestead, FL

Address of Requesting Entity: 790 N. Homestead Blvd, Homestead, FL, 33030

Description of Request: I have secured \$500,000 for the City Hall Leadership in Energy and Environmental Design (LEED) Certification. This funding will be used for the City of Homestead is in the process of replacing its aging and inadequate City Hall building with a new structurally hardened, energy efficient, low carbon emission, and environmentally friendly building. This new building, in addition to housing all City departments, will also encompass Homestead's new Emergency Operations Center. The City has requested that the designers include features in the design that will result in a LEED Silver Certificate. The design is complete and procurement for construction will start by the end of February 2009. The total cost of the City Hall project, which will employ approximately 60 persons, is \$30 million of which \$1 million is estimated for the improvements needed to meet the requirements for LEED Silver Certification. Without this funding assistance, Homestead's LEED certification efforts may not be fully realized. This project follows Congress' and the Administration's stated goals in the American Recovery and Reinvestment Act in areas such as: providing immediate job creation, utilization of green construction technologies, and providing energy efficiency cost savings. Designed to Leadership in Energy and Environmental Design (LEED) silver standards, the new City Hall will serve as a premier example of green construction and energy efficiency technology in the community.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 3183

Account: Construction

Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1st St., Suite 1032, Miami, FL 33128

Description of Request: I have secured \$600,000 for the Miami Harbor Channel Dredging. This funding will be used for the General Reevaluation Report Implementation, Preconstruction, Engineering, and Design for

the dredging of Miami Harbor. This funding was authorized via WRDA 2007 (H.R. 1495) for preconstruction, engineering, and design of the recommended project. This will address the federal share at 100% of the anticipated costs for plans and specifications preparation. The Army Corps of Engineers Chief of Engineers has recommended the deepening project to 50–52 feet and Congress has authorized the project (Title I, Water Resources Development Act of 2007). It is essential that the Planning, Engineering, and Design (PED) begin as soon as possible. Extended delay in the proposed dredging improvements could be detrimental to the economy of South Florida and the nation. Cargo growth at the Port of Miami has been phenomenally strong. However, the industry standard container ship is becoming larger, and the Port cannot handle the newer ships without deeper channels. In addition, the Port has been facing increasing competition from foreign ports with existing significantly deeper channels and faces the real threat of losing business to foreign ports (such as Freeport). The targeted population includes the ships/commerce currently utilizing the Port of Miami and future business which will be generated as a consequence of larger vessels being able to utilize the Port of Miami. Port of Miami growth will benefit the citizens of Miami-Dade County, South Florida and the nation. Miami Harbor is a major economic force for the County, South Florida and the nation. The Port of Miami is one of the nation's strongest economic engines, accounting for over 98,000 jobs and \$12 billion in annual economic impact. It is the State of Florida's top container port and one of the largest in the nation.

Requesting Member: Representative MARIO DIAZ-BALART (FL–25)

Bill Number: H.R. 3183

Account: O&M

Name of Requesting Entity: Miami-Dade County, FL

Address of Requesting Entity: 111 NW 1st St., Suite 1032, Miami, FL 33128

Description of Request: I have secured \$777,000 for the Miami River Dredging. This funding will be used for the final phase of the Miami River Dredging Project to restore authorized depth and width to the navigation channel. This project, funded by the US Army Corps of Engineers with a coalition of local sponsors led by Miami-Dade County, removes contaminated sediments from the Miami River, Florida's 4th largest port with an economic value of \$4 billion. Since it was improved for navigation in the 1930s, the river has never received comprehensive maintenance dredging. Sediments have accumulated in the federal channel making it narrower and shallower, thereby limiting activities of freighters that utilize ship terminals along the river. The sediments do not meet federal criteria for ocean disposal, so they must be disposed of at an upland site. Dredging and disposal of the contaminated dredged materials improve navigation and enhance the environmental quality of the river and downstream portions of Biscayne Bay, an outstanding Florida water body. Sediments have accumulated in the margins of the federal channel making it narrower and shallower, thereby limiting activities of freighters that utilize ship terminals along the river.

Dredging and disposal of the contaminated sediments is expected to improve navigation and enhance the environmental quality of the Miami River and downstream portions of Biscayne Bay. The target population includes those who use the Miami River for navigational purposes. Additionally, the positive environmental effects from the dredging will be beneficial to all of Miami-Dade County's residents. This project benefits the environment of South Florida because it removes contaminated sediment from the Miami River before those contaminants enter the Bay. Completion of the project will also permit larger commercial vessels to call on the River, thus increasing commerce. Completion of the project will also allow the marine related industry to expand along the River. For example, Merrill Stevens, a local boat yard, is planning on adding over 100 new skilled jobs and a training center to teach local people the skills required to work on large ocean going vessels. This project has the support of the Miami-Dade County Board of County Commissioners, the Mayor of Miami-Dade County, and the Director of the County's Department of Environmental Resources Management.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. BISHOP of Utah. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: ROB BISHOP

Bill number: H.R. 3183

Account: Water and Related Resources

Legal name and address of requesting entity: Weber Basin Water Conservancy District, 2837 East Highway 193, Layton, UT 84040.

Description of project: \$1,000,000 to conduct a feasibility study to enlarge the Arthur V. Watkins Dam.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. BARTLETT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3082—Military Construction and Veterans Affairs Appropriations Act, 2010.

Bill Number: H.R. 3082

Account: MILCON Army

Legal Name of Requesting Entity: Fort Detrick

Address of Requesting Entity: 810 Schreider Street, Fort Detrick, Frederick, Maryland 21702-5000

Description of Request: This request appropriates \$7.4 million for the ALT Auditorium and

Training Center Expansion in Fort Detrick, MD. This project is required to meet the directed objectives of Homeland Security Council and National Security Council to provide meeting and conference space for members of the National Interagency Biodefense Campus (NIBC). Currently, the USAG is required to provide space for the biodefense conferences. Fort Detrick cannot provide the required support to the directed interagency biodefense missions as assessed by multiple, independent government organizations as well as increasing degradation of already inadequate community support and space for educational services. Fort Detrick is unable to provide high demand, highly attended, more secure, Interagency Conferences, human capital enhancement, as well as expanded community services. The current auditorium space has inadequate standoff and force protection standards without completion of this project.

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. CASTLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding a project for Dover Air Force Base included in H.R. 3082, the Fiscal Year 2010 Military Construction—VA Appropriations Act.

Name of Intended Recipient: Dover Air Force Base

Location: Dover, DE

Requesting Member: Congressman MICHAEL N. CASTLE

Account: Military Construction, Air Force

Name of Project: Consolidated Communications Facility

Project Description: The current Dover Air Force Base communications functions are spread among five facilities separated by as much as 1.75 miles, which does not meet Air Force standards. A comprehensive, integrated communications system is impeded by fragmented location of related functions. Consolidating these functions into one hardened facility will improve manpower efficiency by approximately 25 percent. Consolidation and demolition of the old facilities will improve security and will result in approximately \$17,000 annual energy savings, which benefits the U.S. taxpayer.

EARMARK DECLARATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. TERRY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the Energy and Water Appropriations Bill for Fiscal Year 2010.

My Congressional District received \$1.2 million to fund alternative energy training and

solar power research at Creighton University. Creighton University is located at 2500 California Plaza, Omaha, NE 68178. This funding will support costs associated with expansion of its energy technology training program and the establishment of the Research Center for Solar Energy that are consistent with the mission of the Department of Energy—"to strengthen America's energy security, environmental quality, and economic vitality in public-private partnerships that 1) enhance energy efficiency and productivity, 2) bring clean, reliable and affordable energy technologies to the marketplace, and 3) make a difference in the everyday lives of Americans by enhancing their energy choices and their quality of life."

This new program will take advantage of Creighton's developing leadership in energy technology. The new energy technology program will create two faculty research labs that will be designed as settings for project-based and internship-based research settings. Federal funding will allow the university to offer specialized technical training programs in photovoltaics and wind energy to create highly skilled manpower to provide the expertise to develop and implement solar energy. These programs will serve the needs of both traditional and non-traditional students as well as addressing training and retraining needs for a growing energy sector of the economy.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Ms. GRANGER. Madam Speaker, on rollcall Nos. 490, 493, 496, 497, 498, 503, 504, 505, 506, 507, 509, 510, 511, 512, 513, 516, 519, 522, 523, 526, 527, and 528, I was absent from the House due to illness.

Had I been present, I would have voted "no."

HONORING THE 516TH ANNIVERSARY OF THE DISCOVERY OF PUERTO RICO

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. KLEIN of Florida. Madam Speaker, I rise today to celebrate the discovery of Puerto Rico and the contributions of Puerto Ricans to our Nation.

On November 19th, 1493, five hundred and sixteen years ago, Christopher Columbus discovered the island on his second voyage to the New World. The island took the name Puerto Rico, meaning "Rich Port," and ever since, it has been home to the vibrant culture which has enriched American life.

I would like to express my gratitude to the Puerto Rican/Hispanic Chamber of Commerce of Palm Beach and Broward counties for their continuing innovation and their role in preserving and promoting Puerto Rican culture.

In honor of all Puerto Ricans who have served, fought, and worked tirelessly to make

the United States what it is today, the state of Florida has recognized this November as Discovery of Puerto Rico Month.

On this occasion, I commend Puerto Rican-Americans for their contributions to American life and extend best wishes to all observing November 2009 as Discovery of Puerto Rico Month.

SPECIAL TRIBUTE TO NYPD ASSISTANT CHIEF RAYMOND DIAZ

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. RANGEL. Madam Speaker, today I rise to recognize and thank Patrol Borough Commander, Assistant Chief Raymond Diaz of the New York City Police Department who for the last 15 years and a total of 24 years has served my Congressional District with much CPR—Courtesy, Professionalism, and Respect.

The history of American law enforcement is a tale of triumphs and tragedies. Since the first night watch established in Boston in 1631, police officers, the men and women in blue who serve and protect our citizenry, have laid their lives down while serving the public interest. Never having worked in law enforcement, I can see that police work is often dangerous, with long hours, impossible weather, and for not a whole lot of pay, frequently dealing with the worst elements of our society. It has always been my considered opinion that all Americans owe a debt of generosity to our honest and hardworking police officers and the chiefs they serve under for all that they do.

As a thirty-nine year veteran of the New York Police Department, Assistant Chief Raymond Diaz embodies the true spirit of "New York's Finest." He has served and protected my District with great distinction and his tireless dedication to Upper Manhattan and his fellow officers under his command is quite admirable. Assistant Chief Diaz's life long dedication of service in the line of duty should serve as an example to all.

Assistant Chief Raymond Diaz was appointed to the New York City Police Department in January 1970 and began his career on patrol in Manhattan's 1st Precinct. In January 1972, he was reassigned to East Harlem's 25th Precinct where he served for nine years. After a number of assignments in Brooklyn and Staten Island and promotions to the rank of Sergeant, Lieutenant, and Captain, in May 1994 he was assigned back to my beloved East Harlem as the Commanding Officer of the School Safety Division.

Upon Chief Nicholas Estavillo's historic ascension as the City of New York's first Latino Chief of Patrol in June of 2001, Diaz was selected to replace him as the Commanding Officer of Patrol Borough Manhattan North which encompasses my entire Congressional District. As the Commanding Officer of Manhattan North, Assistant Chief Diaz supervised over 2,400 police officers and over 200 civilians in the 12 Manhattan precincts north of 59th Street.

Assistant Chief Diaz is "True Blue;" one of the finest products of my district who came up

through the struggles of life. He was born in East Harlem's Metropolitan Hospital to immigrant parents. His father Amador immigrated from Chile and his mother Helena from the Ukraine. Due to a family illness, Assistant Chief Diaz and his younger brother Jay were separated from their parents and raised in foster homes through the Catholic Home Bureau.

Upon graduation from his school, Assistant Chief Diaz joined the United States Marine Corps where he so valiantly served as Corporal in the Vietnam War. As a result, he was the recipient of two Purple Hearts. After joining the Police Department, he attended college night classes and obtained a Bachelor of Arts Degree in Sociology. Assistant Chief Diaz is also a devout family man. He has been married to his wife Lynn for thirty-seven years and is a proud parent of a son, Carlos.

As he is re-assigned to the coveted Manhattan Borough South Command, I congratulate Assistant Chief Diaz on his advancement, and I'm certain that he will continue to serve the communities of the new command with the same leadership, professionalism, and admiration of those he so valiantly served in my district.

So Madam Speaker, I ask that you and my distinguished colleagues join me in recognizing my good friend Assistant Chief Raymond Diaz for all his contributions to my district and the city of New York. He is truly one of New York's finest and I wish him well.

EARMARK DECLARATION

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. BARTLETT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received in H.R. 2847. The list is as follows:

Bill Number: H.R. 2847

Account: Conservative Operations

Legal Name of Requesting Entity: NRCS

Address of Requesting Entity: 339 Busch's Frontage Road, Annapolis, MD 21401

Description of Request: NRCS Support for Chesapeake Bay Activities: This program was funded: \$3,998,000. Since 2003 the Ag Appropriations bill has included an earmark for Chesapeake Bay, MD. Although this earmark has previously not been in addition to state funds the Task Force encourages the committee to make this request additive.

Bill Number: H.R. 2847

Account: Conservative Operations

Legal Name of Requesting Entity: Harford County Executive David Craig

Address of Requesting Entity: 220 South Main Street, Bel Air, MD 21014

Description of Request: Deer Creek Watershed Conservation and Restoration: This program was funded \$400,000. This project will assist in the implementation of the Deer Creek Watershed Restoration Action Strategy recommendations, promoting conservation efforts and completing streambank restoration in the Deer Creek Watershed. Deer Creek is the largest watershed in Harford County covering 38% of the county's land area.

EARMARK DECLARATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. DENT. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding a project that is listed in H.R. 3170, Financial Services and General Government Appropriations Act, FY2010:

Bill Number: H.R. 3170, Financial Services and General Government Appropriations Act, FY2010, Account: Small Business Administration, Salaries and Expenses, Title: Green Business Advancement Program, Legal Name of Requesting Entity: Community Action Committee of the Lehigh Valley (CACLV)—Rising Tide Community Loan Fund (RTCLF), Address of Requesting Entity: 1337 East Fifth Street, Bethlehem, PA 18015, Description of Request: This program will help small businesses identify and implement energy efficiency improvements. For each participating small business, the CACLV will offer a green business assessment/energy audit, generate an estimated savings calculation based on potential remediation projects, and develop an energy savings plan that outlines work necessary to reach maximum efficiency and a detailed schedule of work. CACLV will work with business owners and contractors in scheduling assessments, audits, and renovations; preparing loan packages and documentation; developing partnerships with community organizations focused on energy efficiency and sustainability; monitoring utility bills and savings of borrowers; and providing technical assistance in environmentally friendly business practices.

INTRODUCING THE WILDLIFE WITHOUT BORDERS AUTHORIZATION ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. YOUNG of Alaska. Madam Speaker, I am pleased to reintroduce today the Wildlife Without Borders Authorization Act.

The Wildlife Without Borders Program was administratively created by the U. S. Fish and Wildlife Service in 1983. For the past 25 years, the International Affairs Office has done a superb job of developing wildlife management and conservation efforts to maintain global species diversity.

While the Congress has already created Multinational Species Conservation Funds to assist highly imperiled African and Asian elephants, Rhinoceros and Tigers, Great Apes and Marine Turtles, the Wildlife Without Borders program has provided a funding lifeline to a number of endangered species that for whatever reason have not merited their own Multinational Species Conservation Fund.

The first conservation grants issued under this program were awarded to the Wildlife Without Borders Program for Latin America and the Caribbean Initiative. Since that time,

additional grants have been allocated for projects in Africa, Mexico, India, China and the Russian Federation. In fact, in the past two decades, the International Affairs Office within the U. S. Fish and Wildlife Service, has approved 955 conservation projects at a cost of \$20.5 million in taxpayer money. These funds have been matched by more than \$60 million in private non-federal money, which is a remarkable 3 to 1 matching ratio.

Among the conservation projects that have been approved are funds for the Winged Ambassadors Program to stop the killing of Swainson's hawks in Argentina, a project to conserve the forest habitat for monarch butterflies, jaguar conservation in the Yucatan region, the restoration of the California condor in Baja California, Mexico and the purchase of equipment for law enforcement personnel to protect imperiled Far Eastern leopards, Amur tigers and snow leopards.

A fundamental goal of this program has been to build conservation capacity and establish ecosystem management regimes by allocating a small amount of U.S. taxpayer money. It is no exaggeration to state that these are the only funds available to assist these highly endangered international species and without this investment these species may become extinct in the wild.

During the last Congress, witnesses representing the U. S. Fish and Wildlife Service, the Association of Fish and Wildlife Agencies, the Wildlife Conservation Society, and the World Wildlife Fund testified before the House Natural Resources Committee on H.R. 4455. Each of these organizations spoke in strong support of my bill to establish the Wildlife Without Borders Program into law. For instance, the Association of Zoos and Aquariums said that: "AZA wholeheartedly supports this effort". The Wildlife Conservation Society stated that: "Congressional authorization for the Wildlife Without Borders program affirms the leadership of the U.S. Government within the international community, underscoring our commitment to our international wildlife treaty obligations, and encouraging coordinated international efforts to save wildlife species." Finally, the World Wildlife Fund testified that: "There is much to be gained in authorizing the international conservation programs of FWS, and creating one umbrella to promote synergies, efficiencies and coordination."

By establishing a Congressional authorization for the Wildlife Without Borders Program, we will send a positive message to the international community that the United States is committed to its international wildlife treaty obligations and we recognize the long-term importance of this program by enacting it into law. It will also ensure that this Congress has an opportunity to carefully examine this program, to evaluate its effectiveness and to decide whether its merits further expenditures of taxpayer money in the future.

I urge my colleagues to support this important conservation legislation.

EARMARK DECLARATION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. SHIMKUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, Energy and Water Appropriations.

Requesting Member: JOHN M. SHIMKUS

Bill number: H.R. 3183

The Account: Construction—Chain of Rocks Canal

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St. St. Louis, MO 63103.

The funding will be used for the continuation of authorized activities on the Chain of Rocks Canal; provides flood control for Metro East and a corridor for navigation of commerce

The Account: Construction—East St. Louis Levee

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St. St. Louis, MO 63103.

Funding will be used for the continuation of authorized activities on the East St. Louis levee which provides flood protection for Metro East.

The Account: Construction—Upper Mississippi River Restoration IL, IA, MN, MO & WI

Requesting Entity: Corps of Engineers at Clock Tower Building Rock Island, IL 61204.

Funding The funding would be used to continue projects which are vital to the ecological restoration of the Upper Mississippi River and Illinois Waterway, including habitat creation and long-term monitoring

The Account: Construction—Wood River Levee

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St. St. Louis, MO 63103.

Funding will be used for the continuation of authorized activities and for repair flood protection for Metro East at the Wood River Levee

The Account: O&M—Carlyle Lake

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St. St. Louis, MO 63103.

Funding will be used for the continuation of authorized activities including to maintain recreation and flood control activities and to address a project backlog at Carlyle Lake.

The Account: O&M—Lake Shelbyville

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St. St. Louis, MO 63103.

Funding will be used for the continuation of authorized activities including to maintain recreation and flood control activities and to address a project backlog at Lake Shelbyville.

The Account: O&M—Mississippi Rivers Between Missouri River and Minneapolis (MVS Portion) IL

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St in St. Louis, MO 63103.

Funding will be used for the continuation of authorized activities including the navigation

channel on the Mississippi River which is essential to all commerce in the United States.

The Account: O&M—Rend Lake

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St in St. Louis, MO 63103.

Funding will be used for the continuation of authorized activities including to maintain recreation and flood control activities and to address a project backlog at Rend Lake.

The Account: Construction—Madison & St. Clair Counties, IL

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St in St. Louis, MO 63103.

Funding will be used for the continuation to the next phase of sewer design and construction in the Glen Carbon and Maryville areas to provide long term regional sewer system for Metro East.

The Account: Section 206—Lake Lou Yaeger Restoration

Requesting Entity: Corps of Engineers St. Louis District at 122 Spruce St in St. Louis, MO 63103

Funding will be used for the continuation of authorized activities and design and engineering of sediment removal plan for Lake Lou Yaeger and allow the viability as long term water source.

The Account: Investigations—Prairie DuPont Levee and Sanitary District and Fish Lake Drainage and Levee District

Requesting Entity: Corps of Engineers St. Louis District at 1222 Spruce St in St. Louis, MO 63103

Funding will be used for the continuation of authorized activities and design and engineering of sediment removal plan for Lake Lou Yaeger and allow the viability as long term water source.

The Account: EERE—Hardin County General Hospital Energy Efficiency Upgrades

Requesting Entity: Hardin County General Hospital located at Ferrell Road, Rosiclare, IL 62982.

Funding will be used for energy efficiency upgrades.

**HONORING FROST, HOMETOWN,
MOODY NATIONAL AND TEXAS
FIRST BANKS**

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. PAUL. Madam Speaker, at a time when the financial headlines are dominated by stories of financial institutions seeking taxpayer funds and other special privileges, I am pleased to call my colleagues' attention to a story from the Galveston Daily News about how four community banks came together to help their friends, neighbors and customers begin to recover and rebuild from Hurricane Ike. I ask for unanimous consent to insert this story into the CONGRESSIONAL RECORD.

Last fall, as the people of Galveston were assessing the damage from Hurricane Ike and Congress was beginning debate on spending billions of taxpayer funds to bail out irresponsible financial institutions, representatives of

Frost, HomeTown, Moody National and Texas First banks met to discuss how these banks could help jumpstart hurricane recovery efforts. The four banks agreed to make unsecured bridge loans to Galveston businesses to ensure these businesses had access to capital while they waited for federal assistance and insurance payments.

The four banks made more than \$40 million in recovery loans. These loans provided lifelines to many businesses struggling with both the devastation of Hurricane Ike and the credit crisis. Without the efforts of these four banks, several Galveston businesses would have had to shut their doors.

In conclusion, Madam Speaker, I extend my thanks to management and employees of Frost, HomeTown, Moody National, and Texas First banks for their efforts to help the businesses and people of Galveston recover from Hurricane Ike.

EARMARK DECLARATION

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. DENT. Madam Speaker, pursuant to the House Republican Leadership standards on earmarks, I am submitting the following information regarding projects that are listed in H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010:

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010

Account: Department of Energy, EERE

Title: Energy Reduction and Efficiency Improvement Through Lighting Control

Legal Name of Requesting Entity: St. Luke's Hospital and Health Network

Address of Requesting Entity: 801 Ostrum Street, Fountain Hill, PA 18015

Description of Request: This funding will support an energy reduction and efficiency initiative at St. Luke's Hospital and Health Network by helping to install advanced lighting controls that automatically adjust to lighting needs. Using locally-produced lighting technology, St. Luke's estimates a 20 percent to 30 percent reduction in lighting costs. This project will assure the hospital maintains suitable lighting at all times for patients and staff while saving energy and reducing costs.

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010

Account: Department of Energy, Fossil Energy R&D

Title: Innovations for Low-Cost Gasification Systems

Legal Name of Requesting Entity: Air Products and Chemicals, Inc.

Address of Requesting Entity: 7201 Hamilton Boulevard, Allentown, PA 18195

Description of Request: This funding will advance the development of Green Energy ITM Ceramic Membranes, which can be integrated into a state-of-the-art gasification system to produce synthesis gas for the generation of advanced electric, hydrogen, or other clean

fuels power. This versatile technology also enables the capture of greenhouse gases such as carbon dioxide and can be applied in a cost-effective and environmentally responsible manner to a broad list of energy sources, including coal, natural gas, liquid hydrocarbons, biomaterials, and waste materials.

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010

Account: Department of Energy, Science
Title: Energy Systems Engineering Institute
Legal Name of Requesting Entity: Lehigh University

Address of Requesting Entity: 5 East Packer Avenue, Whitaker 318, Bethlehem, PA 18015

Description of Request: This funding will support a research and education program, the Lehigh Energy Systems Engineering Institute (ESEI), at Lehigh University to spawn energy technology breakthroughs while simultaneously creating a pipeline of new talent for the energy sector workforce. The initiative will be a university-based program in which the Electric Power Research Institute (EPRI) and various energy companies partner with university faculty to address critical research needs while developing the next generation of leaders and innovators for the energy industry.

EARMARK DECLARATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. LATHAM. Madam Speaker, pursuant to the new House Republican standards on earmarks, I am submitting the following information.

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Project Name: Clear Lake, IA

Amount Provided: \$910,000

Account: Corps of Engineers—Section 206

Recipient: Rock Island Illinois Corps Office

Recipient's Street Address: Clock Tower Bldg Rodman Ave Rock Island, IL 61201

Description: Continuation of authorized activities. This project is to ensure the completion of the feasibility phase, and to initiate construction on the Ventura Marsh portion of the Clear Lake project. This project will ultimately improve Clear Lake, its water quality and environment.

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Project Name: Des Moines Recreational River and Greenbelt, Ia

Amount Provided: \$4,300,000

Account: Corps of Engineers—Construction

Recipient: Rock Island Illinois Corps Office

Recipient's Street Address: Clock Tower Bldg Rodman Ave Rock Island, IL 61201

Description: Continuation of authorized activities. Funds will maintain scheduled activities including construction of Ft. Dodge bridges/trails (incl. completion of plans and specs), Red Rock Trail and other scheduled activities.

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Project Name: Humboldt, IA

Amount Provided: \$152,000

Account: Corps of Engineers—Investigations

Recipient: Rock Island Illinois Corps Office

Recipient's Street Address: Clock Tower Bldg Rodman Ave Rock Island, IL 61201

Description: Continuation of authorized activities. Evaluation of flood risk management measures, and restoration of degraded aquatic and wetland habitats on West Fork of Des Moines River.

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Project Name: Integrated Renewable Energy & Campus Sustainability Initiative

Amount Provided: \$750,000

Account: EERE—Wind Energy

Recipient: Luther College

Recipient's Street Address: 700 College Drive Decorah, IA 52101

Description: This project is part of a 5-year strategic plan that proposes to reduce campus carbon use in the range of 50 percent through the use of energy efficiency and renewable energy. This request will aid in creating a two MW wind energy facility to generate electricity on the Luther campus.

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Project Name: Iowa Central Renewable Fuel Testing Laboratory

Amount Provided: \$500,000

Account: EERE—Biomass and Biorefinery Systems R&D

Recipient: Iowa Central Community College

Recipient's Street Address: One Triton Circle Ft Dodge, IA 50501

Description: The project allows Iowa Central to expand its partnership with state and federal regulatory agencies, renewable fuel companies, etc. to ensure that the testing needs for renewable fuels quality are met. This initiative conforms to the needs espoused in the new energy policies being put forth.

Bill Number: H.R. 3170, Financial Services and General Government Appropriations Act, 2010

Project Name: Central Iowa Business Innovation Zone

Amount Requested: \$185,000

Account: Small Business Administration Salaries and Expenses

Recipient: Greater Des Moines Partnership

Recipient's Street Address: 700 Locust Street, Suite 100 Des Moines, IA 50309

Description: The Business Innovation Zone (BIZ) is focused on creating business growth for area reinvestment by growing and cultivating, national, and international scale businesses. The primary function of the BIZ is to provide guided professional business mentoring and direction along with connecting entrepreneurial needs with qualified community and state resources. BIZ helps entrepreneurs maximize their success by assisting them in navigating resources, strengthening knowledge, improving skills, forming strategic alliances, and securing proper capitalization.

Bill Number: H.R. 3170, Financial Services and General Government Appropriations Act, 2010

Project Name: Iowa Valley Education and Training Center Acquisition, Renovation, and Expansion

Amount Requested: \$500,000

Account: Small Business Administration Salaries and Expenses

Recipient: Iowa Valley Community College District

Recipient's Street Address: 3702 South Center Street Marshalltown, IA 50158

Description: This funding will be used to assist in the renovation and expansion of the Iowa Valley Education and Training Center to better provide outreach, education, and workforce development activities in the region.

EARMARK DECLARATION

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170—Financial Services and General Government Appropriations Act, 2010. The entity to receive funding is the Lock Haven Small Business Development Center, 301 W. Church Street, East Campus, J102, Lock Haven, PA 17745, in the amount of \$50,000. The funding will be used for establishment of a regional tax compliance center at the Lock Haven University Small Business Development Center.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. ROGERS of Michigan. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman MIKE ROGERS (MI-08)

Bill Number: H.R. 3183

Account: Energy Efficiency and Renewable Energy agency in the Solar Energy account

Legal Name of Requesting Entity: Michigan Biotechnology Institute

Address of Requesting Entity: Michigan Biotechnology Institute, 3900 Collins Road, Lansing, Michigan, USA

Description of Request: Provide an earmark of \$500,000 to develop leading bioprocesses for the production of energy, fuels, chemicals and materials. The project will create a bio-industry in mid-Michigan which will build the economy with high paying technical jobs, helping to sustain Michigan manufacturing expertise and provide new products to market-leading, Michigan-based companies. 20% of the federal funds will be used for research, 80% will be used for engineering and developing bioprocesses.

Requesting Member: Congressman MIKE ROGERS (MI-08)

Bill Number: H.R. 3183

Account: Energy Efficiency and Renewable Energy agency in the Building Technologies account.

Legal Name of Requesting Entity: Ingham Regional Medical Center

Address of Requesting Entity: Ingham Regional Medical Center, 401 West Greenlawn Avenue, Lansing, Michigan, USA

Description of Request: Provide an earmark of \$250,000 to fund energy conservation upgrades on the Greenlawn and Pennsylvania Campuses of Ingham Regional Medical Center. The purpose of this project is to provide the citizens of Lansing and the State of Michigan with access to additional high quality health care and cost effective healthcare. 15% of the federal funds will be used for engineering studies, 30% for salaries, and 55% for construction costs and equipment.

Requesting Member: Congressman MIKE ROGERS (MI-08)

Bill Number: H.R. 3183

Account: Energy and Efficiency and Renewable Energy agency in the Biomass and Bio-refinery Systems Research account

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity: Consortium for Plant Biotechnology Research, Inc., Georgia at P.O. Box 20634, St. Simons Island, Georgia, USA

Description of Request: Provide an earmark of \$3,000,000 for clean energy research for the Consortium for Plant Biotechnology Research. This funding would be used for research at Michigan State University and commercialization for clean energy, national energy security, and a cleaner environment. The purpose of this project is to fund research and technology transfers that have applications to energy security and the reduction of greenhouse gases through developing technologies in renewable energy, biofuels, "green" chemicals, and industrial manufacturing processes. Approximately 8% of the federal funds will be used for peer reviewed competitions and 92% is for research projects.

EARMARK DECLARATION

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. ROHRBACHER. Madam Speaker, pursuant to the requirements of the Republican Conference of the House, I am submitting the following information regarding earmarks I received, which were included in the reported version of H.R. 3183, the "Energy and Water Development and Related Agencies Act of 2010."

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: H.R. 3183

Name of Project: Long Beach Desalination Research and Development Project

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Long Beach Board of Water Commissioners

Address of Requesting Entity: 1800 E. Wardlow Road, Long Beach, CA 90807

Description of Request: I received \$100,000 for Long Beach Water's Desalination Research and Development Project. Long Beach desalination represents the federal government's national interest in making desalination of seawater a viable, cost-effective and environmentally responsive option for supply reliability along the coast of California. Seawater desalination will not be seen by the Congress, the California State Legislature, regulatory agencies, private sector interests or the public as a viable, cost effective and environmentally responsive option for municipal water supply reliability in the United States until advances are made and existing processes optimized in on-going research and development, funded through programs like the Long Beach Desalination Project.

The project is a constructed, large-scale, fully operational seawater desalination research and development facility located in urban/coastal Southern California. The research conducted at this facility is the most important and advanced analysis being conducted anywhere in the Nation at this time, to include facility design and construction, permitting, operations, water quality, distribution system integration and alternative, sub-ocean floor intake and outfall systems. It is my understanding funds will be used for Ultra Violet & Chlorine Dioxide research; post-treatment corrosives testing and analysis; under ocean floor intake and discharge demonstration system research, and site restoration. It is my understanding a 50% match share will be provided by the board of water commissioners.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: H.R. 3183

Name of Project: Santa Ana River Mainstem, CA

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: County of Orange, CA

Address of Requesting Entity: 300 N. Flower St., Santa Ana, CA 92703

Description of Request: I received \$52,193,000 for Orange County's Santa Ana River Mainstem project. The Santa Ana River Mainstem Project including Prado Dam (Project) was authorized under the Water Resources Development Act (WRDA) of 1986, and Section 309 of WRDA, 1996. The Project involves construction, acquisition of property rights, relocations, environmental mitigation and enhancement in Orange, Riverside, and San Bernardino counties. The flood control districts of these counties are the Local Sponsors who are responsible, with the Department of the Army, for implementing the Project.

The Corps considered the Santa Ana River as the worst flood threat west of the Mississippi River. In 1980s, the Corps estimated that 3 million people and 110,000 acres would be impacted, with potential loss of 3,000 lives and \$15 billion in economic losses (1987-8 price level). Estimated impacts and loss (without the Project being constructed) would be much greater with current population growth and value of land and structures. In addition to protecting a large, highly populated and rapidly growing area of Southern California, the Project has/will improve protection of major transportation corridors. It is my understanding

the non-federal contribution will be 37.5% of the project cost.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: H.R. 3183

Name of Project: Orange County Regional Water Reclamation Project

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Orange County Water District

Address of Requesting Entity: 18700 Ward Street, Fountain Valley, CA 92708

Description of Request: I received \$100,000 for Orange County Water District's Regional Water Reclamation Project. This project will increase the region's water independence from expensive and declining imported water resources from the California Delta and Colorado Rivers and supplement the existing water supplies by providing a new, reliable, high-quality source of water. The GWR System is the largest water recycling project of its kind. The Enhancement Project would expand the capacity of the current plant by an additional 18 million gallons per day. With the enhancement, the Project would expand the capacity of the current plant to 88 million gallons per day for a total of approximately 32 billion gallons per year. It is my understanding matching funds have been provided by local grants and other funding sources.

Requesting Member: Congressman DANA ROHRBACHER (CA-46)

Bill Number: H.R. 3183

Name of Project: Westminster, East Garden Grove, CA

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: County of Orange, CA

Address of Requesting Entity: 300 N. Flower St., Santa Ana, CA 92703

Description of Request: I received \$900,000 for Orange County's study of the Westminster, East Garden Grove channel. Flood damages along the East Garden Grove-Wintersburg Channel affect residential, commercial, and industrial development located in an 81 square mile watershed, impacting eleven cities in Orange County. Over 20,000 property owners are currently required to participate in the National Flood Insurance Program, while aging levees jeopardize thousands of additional property owners. The study will investigate innovative methods to provide flood protection in combination with improved ecosystem functioning and water quality. Over 20,000 property owners are currently mandated by the Federal government to pay flood insurance because of inadequate flood protection in this watershed. Taxpayer funds are used to rebuild private property and public infrastructure every year that flood damages occur. This comprehensive study is developing innovative, sustainable solutions to flooding, water quality, and environmental problems in this watershed. Those solutions will provide more cost-effective approaches than currently exist, and contribute to the National Economic Development as well as National Ecosystem Restoration Plan. It is the mission of the Army Corps of Engineers (Corps) to provide flood protection, navigation, and ecosystem restoration in meeting these criteria. The U.S. Army Corps of Engineers found that there was federal interest in

this project during their reconnaissance study. It is my understanding funding will be used for salaries and professional services for the Army Corps of Engineers investigation.

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. CASTLE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding for Delaware included as part of the FY 2010 Financial Services and General Government Appropriations Act, H.R. 3170.

Name of Project: Delaware Small Business and Technology Development Center

Requesting Member: Congressman MICHAEL N. CASTLE

Bill Number: H.R. 3170

Account: Small Business Administration—Salaries and Expenses

Legal Name of Requesting Entity: University of Delaware

Address of Requesting Entity: University of Delaware, Hullahen Hall, Newark, DE 19716

Description of Request: \$100,000 to be used for training and consulting at the Delaware Small Business Development Center to enhance technology-based economic development in Delaware.

HONORING CHANDRA CLANTON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. GRAVES. Madam Speaker, I rise today to offer my most sincere condolences to the family, friends, and loved ones of Ms. Chandra "Chandy" Clanton.

Tragically, on July 10, 2009, Chandy was involved in a fatal crash while piloting her aircraft during a training flight in preparation for the Wingnuts Flying Circus and Fly-In near Tarkio, Missouri. Chandy was a distinguished pilot, great friend, and loving mother. She was 36 years old and is survived by her two children, Harrison and Drew.

Chandy was among the world's most elite and recognized aerobatic pilots. She was a twelve year veteran in the air show business and a world class aerobatic competitor. She was a three-time member of the United States Unlimited Aerobatic Team, the youngest female pilot to perform at the 2003 World Aerobatic Championships in Lakeland, Florida, and the only woman named to the 2003 "Stars of Tomorrow" program.

In addition to being an elite aerobatic pilot, Chandy was an exceptional humanitarian who strived to help those less fortunate than her. She donated countless aerobatic rides to charitable organizations, benefiting her community, church, and people all across our great Nation. She was truly a role model for young women, especially those interested in aviation.

Chandy graciously touched the lives of many people. Spectators knew Chandy for her aerobatics, but most people knew her for her contributions outside of aviation. To me, Chandy was a great friend and I was lucky to have known her.

On behalf of the thousands of people across our Nation who are mourning this tragic and untimely loss, I wish to offer my most sincere condolences to her family, friends, and loved ones. She will be forever missed by so many.

EARMARK DECLARATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. TERRY. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 3170—Financial Services and General Government Appropriations Act of 2010. Nebraska's Micro-Enterprise Center at The University of Nebraska at Omaha, located at 6001 Dodge Street, Omaha, NE 68182, will receive \$250,000 from the Small Business Administration out of the "salaries and expenses" account in order to establish the technical, knowledge, and support infrastructure needed to foster growth of microenterprises through effective application of information technologies. The Program includes facilities in a central lab to develop and maintain a repository of technology-based solutions to business problems encountered by micro-enterprises. These base solutions, ranging from simple how-to tutorials to fully configured "business in a box" servers hosted on a cloud computing (internet based) infrastructure, that will be customized to meet the needs of individual micro-enterprises. Funds will also support additional curriculum development at UNO in Information Technology for Development, including distance learning options. These educational opportunities will develop a well trained workforce to further support the micro-enterprise owner's needs and sustain the communities of micro-enterprises needed for economic development in Nebraska.

The Program will also support mobile labs used by specially trained UNO students who will work on location with the micro-entrepreneurs to provide customized technology-based solutions to pressing business problems. This project trains micro-enterprise owners how to use information technology effectively by providing immediate and accessible, needs-based information systems training, technical assistance and operations and development services to micro-enterprises. Micro-enterprise owners, gaining the skills and knowledge necessary to use information technology to grow their businesses, will learn to access new customers and markets, achieve administrative efficiencies, learn how to improve their businesses and increase productivity.

The PIs and this project have a well established track record of working with micro-enterprises that are most in need and enabling them to show measurable improvements. This

includes working closely with multiple community partners. 37 microenterprises that were selected from a larger pool are presently being actively supported. This project is different from the other micro-enterprise assistance programs in that it addresses the needs of the majority of micro-entrepreneurs by providing them with the ability to use information technology to grow their businesses. Additionally, instruments are being developed and used to assess the effects of our training, technology and trust building interventions on the economic, human and social development of micro-entrepreneurs in the underserved communities of Omaha. After a well established IT, knowledge and community infrastructure is in place approval will be pursued for Center status within the University. Continued educational offerings of developed curricula will sustain development of a trained workforce and microenterprise communities. Efforts for program research, innovation, expansion and assessment purposes will be supplemented by external funding.

In January 2005, Governor Heineman reported to the Legislature on the Nebraska Micro-enterprise Development Act that 87 percent of Nebraska's businesses are micro-enterprises and they accounted for 22 percent of Nebraska's job growth. Many of Nebraska's most successful businesses (e.g., Cabela's, ConAgra) began as micro-enterprises. Since many rural and inner city communities lack the resources and infrastructure for industrial development, micro-enterprises are the only choice for economic development. Despite its effectiveness and track record, Nebraska's micro-enterprise development system is grossly underfunded, according to a recent report to the Unicameral by the Nebraska Rural Development Commission. As with businesses of any size, the performance of micro-enterprises can be enhanced through the effective and strategic use of information technology. This project will provide Nebraska micro-enterprises with an accelerated platform and support for increasing their technological competitiveness, innovation and spur job growth.

EMERGENCY MEDIC TRANSITION (EMT) ACT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Ms. HARMAN. Madam Speaker, today, together with my colleagues Representatives MELISSA BEAN and STEPHANIE HERSETH SANDLIN, I rise to introduce H.R. 3199, that takes an important step toward ensuring the safety and security of our communities by enhancing the surge capacities of local medical facilities, while helping ease veterans' transition into civilian life.

Every year, highly trained, experienced medics leave the ranks of the nation's armed forces. Yet those who wish to find employment in the medical field must start from scratch, fulfilling the same entry-level criteria as citizens without any hands-on experience.

At the same time, hospitals and emergency medical services face a shortage of qualified

personnel. Many operate at or near capacity, barely meeting the daily demand for their services. In the event of a terrorist attack, natural disaster, or other mass-casualty incident the resulting surge of patients would overwhelm medical facilities. Having the largest possible pool of experienced emergency medical personnel on hand is crucial in responding to such an incident.

Veterans with medical experience are the ideal people to fill this gap. Who better to come to the rescue in face of a disaster than the same men and women we've trusted to defend this country overseas? In the world of emergency response there is no substitute for experience. First responders routinely face life-or-death decisions, often amid a backdrop of chaos and confusion. This would be magnified during a terrorist attack or natural disaster. Military medics work at the scenes of IED attacks, suicide bombings, and firefights; many have experience equivalent to that of their most seasoned civilian counterparts in this respect.

By treating veteran medics as entry-level trainees, we forego an opportunity to benefit from their existing training and highly relevant experience. Rather than subjecting them to the same coursework as everyone else, states should allow military medics to undertake a regimen that accounts for their existing training and prepares them to provide care in a non-combat environment. Not only will this enhance the surge capacity of medical facilities, it will also spare the cost of unnecessary, redundant training.

The legislation we introduce today will create such a fast-track, removing the barriers that currently impede veterans' assimilation into the corps of emergency responders.

Not only is this an important step to bolstering the nation's preparedness, it also helps veterans transition from military to civilian life. In 2008, the average unemployment rate of recently discharged military personnel was more than 30 percent higher than the rate for non-veterans. Creating an avenue to employment for veterans with medical experience is the least we can do to honor the brave men and women who have risked their lives in defense of their country.

We owe it to veterans to help them find work and we owe our communities the protection they deserve. This is a win-win solution that allows us to do both.

EARMARK DECLARATION

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. HUNTER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 3183, the Energy and Water Appropriations for FY 2010:

I requested \$250,000 in this legislation for the San Diego Four-Reservoir Intertie Project through the Bureau of Reclamation's Water and Related Resources Investigations account. The entity to receive funding for this

project is the City of San Diego, located at 202 C Street, San Diego, California 92101.

The City of San Diego is seeking to perform a feasibility study in partnership with the Bureau of Reclamation, authorized by the Omnibus Public Land Management Act (P.L. 111-11), to examine connecting four existing reservoirs in San Diego County (San Vicente, El Capitan, Murray and Loveland) in an effort to study and improve water supply reliability and water yield throughout the region, as well provide an added element of public safety to protect local water supplies. Loveland currently only receives local runoff, El Capitan receives local runoff and imported water, but due to pipeline capacity limitations, the full capacity of the reservoir cannot be utilized. Local rainfall in the watersheds to these reservoirs is inadequate to fill them and only occurs once every five to ten years.

The unused capacity of the four San Diego reservoirs totals an estimated 100,000 acre-feet a year. Maximizing storage capacity would provide a significant water storage volume that can be put to beneficial use if imported water were piped to the reservoirs and efficiently operated. Additionally, connectivity between the reservoirs would allow the isolation of contaminated water in the event of a terrorist attack or natural disaster while, at the same time, transport water from another reservoir to the affected area. Besides the City of San Diego, this project has the full support of the San Diego County Water Authority and the Sweetwater Authority, two local public water agencies.

EARMARK DECLARATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. WALDEN. Madam Speaker, consistent with the House Republican Leadership's policy on earmarks, to the best of my knowledge the request I have detailed below is (1) not directed to an entity or program that will be named after a sitting Member of Congress; and (2) not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark. As required by earmark standards adopted by the House Republican Conference, I submit the following information on a project I requested and was included in H.R. 3170—the Financial Services and General Government Appropriations Act, 2010.

Account: Salaries and Expenses

Project Name: Technology Education Center

Legal Name and Address of Requesting Entity: Central Oregon Community College, 2600 NW College Way, Bend, Oregon 97701

Project Location: Bend, Oregon

Description of Project: H.R. 3170 appropriates \$100,000 for the Central Oregon Community College Technology Education Center project. According to the requesting entity, this funding will be used to design and construct a 30,400 square foot Technology Education Center that will offer courses designed to ensure that the local workforce meets the needs

of local industry. A quarter of the building space will be designated as an incubator for local industries to work with students to conduct research in order to develop new products and/or manufacturing processes that will strengthen local businesses while providing hands-on training to students. This is a beneficial use of taxpayer funding because this effort will ensure that the local workforce meets the needs of local employers and that local businesses have access to a facility that allows them to conduct research that will strengthen their business models.

PERSONAL EXPLANATION

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. ROSS. Madam Speaker, on Monday, July 13, 2009, I was not present for votes because I was attending a meeting with President Obama in the Oval Office.

Had I been present for roll call 530, The Motion to Adjourn, I would have voted "aye."

URGING THE OBAMA ADMINISTRATION TO SUPPORT EFFORTS TO BRING ABOUT A RESOLUTION OF THE CYPRUS CONFLICT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to call on the Obama administration to support efforts to bring about a negotiated resolution of the Cyprus conflict and reunification of the country as a federal bizonal, bicommunal, with a single sovereignty, international personality and citizenship. This formula is based on several UN Security Council resolutions and serves as the basis for ongoing talks between Cypriot President Demetris Christofias and the Turkish Cypriot leader, Mehmet Talat.

As my colleagues know, the road to a final settlement over the past few decades has been fraught with difficulty. Numerous earlier diplomatic initiatives were launched, but in the end failed. Ultimately, a negotiated resolution of the conflict must be by the Cypriots, for the Cypriots and one that enjoys the support of Greek Cypriots and Turkish Cypriots alike. There is a strong desire by younger generations from both communities to experience the rebirth of a Cyprus where the rights of all are respected and all can participate in the national life of their country.

As a member of both the Congressional Caucus on Hellenic Issues and the Congressional Caucus on U.S.-Turkish Relations and Turkish Americans, I am gratified that the leaders of both the Greek Cypriot and Turkish Cypriot communities have stated their mutual commitment to work towards a final settlement, and have continued their discussions accordingly. While the administration is currently observing developments and has offered its support if called upon by both communities. It is my hope that it will seize this

opportunity to offer and make the resolution of the Cyprus issue a priority. At a time when so many of the world's disputes seem intractable, I believe the Cyprus dispute is one area where, working together, we can truly bring hope and change to a place and people that have longed for it for decades.

Madam Speaker, I hope the United States can play a supportive and active role in making a final settlement possible and encourage others to do likewise. Meanwhile, as President Christofias and Mr. Talat and their teams grapple with an array of tough issues it is my hope they seek to overcome the legacy of the past 35 years and build a brighter future for all Cypriots.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 3183, "Making appropriations for energy and water development and related agencies programs for the fiscal year ending September 30, 2010, and for other purposes."

Requesting Member: Congressman JOHN DUNCAN

Account: Energy Efficiency and Renewable Energy

Project Amount: \$500,000

Legal Name of Requesting Entity: NTRCI, 2360 Cherahala Boulevard, Knoxville, TN 37932

Description of Request: NTRCI will conduct over-the-road, heavy vehicle testing and research to validate the benefits and reliability of the Legacy rotary engine to demonstrate the capability of the Legacy engine to deliver greater fuel efficiency and thus lower consumption and reduced emissions for the \$7 billion Class 8 heavy vehicle engine market.

EARMARK DECLARATION

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. UPTON. Madam Speaker, Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of HR 2997, the Agriculture Appropriations bill for Fiscal Year 2010. I would note that many of my Michigan colleagues signed a letter requesting these amounts.

APPLE FIRE BLIGHT

Department: Agriculture

Account: Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity:

Description of Request: Fire Blight is a major threat to Michigan's apple trees and has

reduced apple acreage in Michigan by an astounding 24%. Michigan and New York researchers are taking aggressive measures against fire blight including development of blight-resistant varieties and new, environmentally responsible control strategies. Finding ways to control and curb fire blight is of critical importance to apple growers in my district and elsewhere. This research is very promising, and its results will help apple growers significantly increase their yields.

Amount: \$346,000

Financial Breakdown: Approximately, \$148,000 is for the salaries of laboratory and field research personal; and \$36,000 is for materials and supplies. Michigan State University has obtained funding from the Michigan Apple Committee and industry sources and will continue to fund the fire blight research at MSU at a level of \$52, 500 in FY09.

PHYTOPHTHORA RESEARCH

Department: Agriculture

Account: Cooperative State Research Education and Extension Service

Legal Name of Requesting Entity: Michigan State University

Address of Requesting Entity:

Description of Request: Researchers at Michigan State University are leaders in the fight to control *Phytophthora capsici*, a fungal-like pathogen that lives in the soil and causes numerous plants to rot. *Phytophthora* management has been complicated by its longevity in soils (10 or more years), its ability to spread in water, its resistance to key fungicides and lack of disease resistant varieties. Michigan State University has developed new techniques for control and resistant varieties. However, losses caused by *Phytophthora* have become so large throughout the nation in recent years that the economic viability of the vegetable industries in many states is at risk, and more research is necessary. Since 1996, researchers have leveraged private, state and federal funds to significantly advance disease management. The widespread crop loss caused by *Phytophthora capsici* will be lessened, keeping family farms and their communities viable. Spread of *Phytophthora* to new sites will be stopped. Ways to remediate/treat infested ground and water sources will be identified. Integrated management strategies that emphasize cultural methods and environmentally friendly practices will be developed.

Amount: \$346,000

Financial Breakdown: This money will provide \$346,000 in funding for *Phytophthora* research at Michigan State University. Approximately 85 percent of the funding will go to researchers, technicians and students. Approximately 15 percent will be used for materials, supplies and administration. Michigan State University has received outside sources of funding for *Phytophthora* research as well. This funding is consistent with the authorized purpose of the Cooperative State Research, Education and Extension Service.

EARMARK DECLARATION

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. LUCAS. Madam Speaker pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: Oklahoma Water Resources Board

Address of Requesting Entity: 3800 North Classen Boulevard, Oklahoma City, OK 73118

Description of Request: I have received \$800,000 for the Red River Basin Chloride Control project. This improvement project is designed to control natural chloride brine emissions at three major source areas to improve water quality for municipal, industrial, and agricultural use. Improvements include construction of low flow dams, pump stations, and diversion pipelines to a brine reservoir. The state of Oklahoma expressed a renewed interest in the Area VI element of the project and supports the Area VI reevaluation efforts underway. Area VI is located on the Elm Fork of the North Fork of the Red River in Greer County, Oklahoma.

Requesting Member: Congressman FRANK D. LUCAS

Bill Number: H.R. 3183

Account: EERE

Legal Name of Requesting Entity: Oklahoma State University

Address of Requesting Entity: 101 Whitehurst, Stillwater, Oklahoma, USA

Description of Request: I have received \$250,000 for the Consolidate Alternative Fuels Research project. The funding would support a feasibility study of a proposed project on the Oklahoma State University Stillwater campus to create a unique facility that provides both a regional/national research and testing center for alternative fuels and a training facility for transit and local government transportation. The facility would provide accommodations for a distinct teaching venue that OSU staff will use to instruct urban and rural transit agencies, county and state highway offices, and Native American tribal staffs in the latest technological advances in alternative and conventional fuel/vehicle operations. In addition, this facility will provide maintenance procedure guidance and transit anti-terrorist training.

EARMARK DECLARATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. SHUSTER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I submit the following.

Requesting Member: Congressman BILL SHUSTER (PA-9)

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, FY2010

Energy and Water Development and Related Agencies Projects

Project Name: Raystown Lake, PA

Account: Corps of Engineers, O&M

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Raystown Lake

Address of Requesting Entity: 6145 Seven Points Road, Hesston, PA

Description of Request/Justification of Federal Funding:

\$3,847,000 for O&M, Raystown Lake, PA

It is my understanding that funding for this project would be used for operations and maintenance at Raystown Lake, operated and maintained by the U.S. Army Corps of Engineers, Baltimore District. Raystown Lake, located in the Alleghenies of central Pennsylvania, is the Commonwealth's largest man-made lake and a major driver of the local economy.

Funding for this project is a valuable use of taxpayer dollars because funding is necessary to offer adequate services, keep recreation areas open, maintain seasonal staffing levels, and provide for general maintenance and cleanliness of facilities. Raystown Lake has substantial economic impact in central Pennsylvania and yields a sustainable and justified investment.

Project Name: Juniata Hybrid Locomotive

Account: Department of Energy, EERE

Legal Name of Requesting Entity: Pennsylvania State University

Address of Requesting Entity: 117 Old Main, University Park, PA 16802

Description of Request/Justification of Federal Funding:

\$1,000,000 for Juniata Hybrid Locomotive

It is my understanding that funding for this project would be used to assess and develop technological alternatives to diesel locomotives and to develop a more energy efficient and environmentally friendly locomotive for yard, local, and main line applications. Associated with this research effort is the development of the energy management and control technologies required to maximize the energy efficiency of hybrid locomotives. Converting the existing fleet to new technologies would reduce both emissions and our dependence on foreign oil.

This project is a valuable use to taxpayer funds because it fits the Department of Energy's mission with a focus on developing more energy efficient and environmentally friendly transportation technology that will enable America to use less petroleum and reduce impacts on the environment. Protecting the environment and ensuring our national security through reduced dependence on foreign oil are critical issues facing the federal government.

Project Name: South Central Pennsylvania Environmental Improvement, PA

Account: Corps of Engineers, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers—Baltimore District

Address of Requesting Entity: 10 South Howard Street, Baltimore, MD

Description of Request/Justification of Federal Funding:

\$4,000,000 for South Central Pennsylvania Environmental Improvement, PA

It is my understanding that the South Central Pennsylvania Environmental Improvement Program provides design and construction assistance for water-related environmental infrastructure and resource protection and development projects in South Central Pennsylvania. The program provides the funding necessary for local communities to install basic sewer and water systems and is a key aspect of building and enhancing infrastructure for many rural communities in Pennsylvania.

This project is a valuable use of taxpayer funds because building and enhancing infrastructure creates jobs and yields a sustainable and justified investment for communities and our country. Additionally, enhancing basic sewer and water systems is vital to protecting the environment and improving the lives of rural citizens.

EARMARK DECLARATION

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. GARRETT of New Jersey. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010:

1. Project Name—Greenwood Lake Watershed Restoration, NY & NJ Requesting Member—SCOTT GARRETT

Bill Number—H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account—Army Corps of Engineers, General Investigations

Requesting Entity—Greenwood Lake Commission, 26 Rocky Point Rd, P.O. Box 83, Hewitt, NJ 07421

Description of the Project—Funds will be used to restore water quality and recreational opportunities to the lake by removing hazardous debris.

Description of the Spending Plan—(\$100,000)

\$100,000 is for the final removal of stumps and similar hazardous debris from the Greenwood Lake bottom. All preparatory work has been done.

Total—\$100,000

EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to H.R. 3170, the Fiscal Year 2010 Financial Services and General Government Appropriations bill:

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 3170

Account: SBA—Salaries and Expenses

Legal Name of Requesting Entity: University of Missouri System, Columbia, MO

Address of Requesting Entity: University Hall, 1100 Carrie Francke Drive, Columbia, MO 65211

Description of Request: \$249,000 is provided for the University of Missouri's Extension Community Economic and Entrepreneurial Development (ExCEED) program. The funding will be used to promote economic development in the Mississippi River Hills Region and the Ozark Heritage Region. Over a three year period, funding will be utilized to expand the current part-time Executive Director position in the Mississippi River Hills Region to full-time, as well as establishing a part-time youth entrepreneurship coordinator and equipment in this rural area. Additionally, over three years this funding will allow the Ozark Heritage Region to expand their entrepreneurship education and business counseling.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 3170

Account: SBA—Salaries and Expenses

Legal Name of Requesting Entity: Downtown West Plains, Inc., West Plains, MO

Address of Requesting Entity: 401 Jefferson Ave., West Plains, MO 65775

Description of Request: \$500,000 is provided for Downtown West Plains, Inc., a 501(c)(3) corporation, to complete the exterior and interior renovation of a 100 year old building which will house a Small Business Incubator. These funds will be matched with \$1,144,000 in local, state, and other federal funds. The Ozarks Small Business Incubator, when completed, will provide personalized assistance to small business entrepreneurs by supporting their efforts with business related education, financial guidance, business plan development, mentoring, and access to tangible resources such as building space, ship-docking dock, and shared office equipment.

Requesting Member: JO ANN EMERSON

Bill Number: H.R. 3170

Account: SBA—Salaries and Expenses

Legal Name of Requesting Entity: Girl Scouts of the USA, New York, NY

Address of Requesting Entity: 420 Fifth Avenue, New York, NY 10018

Description of Request: \$101,000 is provided to the Girl Scouts of the USA for a national program to improve financial literacy. These funds will allow for the research and development necessary to prepare the foundation for a financial educational program directed towards girls.

A TRIBUTE TO MAMIE NICHOLS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor Mrs. Mamie Nichols, a pioneering activist and community organizer for more than 60 years, who died July 1 at the age of 91. Born Mamie Melton in Norfolk, Virginia her family moved to Philadelphia and settled in the Point Breeze section of South Philadelphia when she was a young child.

She grew up in Point Breeze and married and raised her six children in Point Breeze. But her 88-block neighborhood had been given a death sentence by officials in the Philadelphia Office of Housing and Community Development. Mamie Nichols said she was told by city officials that Point Breeze could not be saved from urban decay and the city was letting it die a natural death.

But Mamie Nichols fought back. Fueled with anger, pride, determination and charm, Mrs. Nichols is credited with saving her neglected community. She founded the Point Breeze Federation and she was a prime mover in the founding of the Childs Elementary School Home and School Association. Her organization established the Point Breeze Performing Arts Center and transformed the long shuttered Landreth School into senior citizens apartments and a community center. She was also named to the Philadelphia Planning Commission and served as a member of the board of Directors of the Pennsylvania Horticultural Society, Philadelphia Green and the Philadelphia Urban Affairs Coalition. And, along her journey she planted flowers in what was to be the greening of Point Breeze.

Mamie Nichols is remembered with deep love and respect by what Dr. Martin Luther King, Jr. referred to as the beloved community.

HONORING CONSUL GENERAL AT THE UNITED STATES CONSULATE GENERAL IN MATA-MOROS, MEXICO, MRS. CECILIA BRIDGET ELIZONDO HERRERA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. ORTIZ. Madam Speaker, I rise today to recognize the dedication of Consul General at the United States Consulate General in Matamoros, Mexico, Mrs. Cecilia Bridget Elizondo Herrera, who leaves her post on the U.S.-Mexico border for a new task in Caracas, Venezuela.

Mrs. Elizondo Herrera is a native of San Antonio, Texas, and graduated from Incarnate Word High School in 1973. She went on to graduate from Our Lady of the Lake University where she received her bachelor of arts degree in English and political science in 1977. Mrs. Elizondo Herrera went on to complete post-graduate work at St. Mary's University in 1978 and in 2006 earned a master of science degree in national security strategy from the National War College at Ft. McNair in Washington, D.C.

At a young age, Mrs. Elizondo Herrera began her public service to this country when she worked for the Alamo Area Council of Governments, a regional planning agency in San Antonio, and in 1987 joined the Foreign Service as a junior officer in the Administrative Zone. She has served as a Vice Consul in Guadalajara, Mexico, and Administrative Officer and Post Security Officer in Melbourne, Australia. She was then stationed in Washington, D.C., where she served as an Area Manager for the Office of Foreign Buildings

with oversight for near East Asia; as a Special Assistant to the Assistant Secretary of Administration, with a portfolio of Overseas Buildings Operations and as a Post Management Officer for the European Bureau with responsibility for the Russian Federation and Finland.

Mrs. Elizondo Herrera has traveled throughout Russia, North Africa and the Arabian Gulf while stationed in Washington. She has served as the Deputy Supervisory GSO at the U.S. Embassy in Rome and Administrative Officer at the U.S. Embassy in Mexico City.

She is a four time recipient of the Department of State Superior Honor Award, and is the recipient of a Meritorious Honor Award in recognition of Non-Immigrant Visa work in Guadalajara.

Mrs. Elizondo Herrera is a member of Executive Women in Government, the National Association of Female Executives and an honorary member of the American Association for Justice Women's Auxiliary. She is the daughter of John P. and Beatrice B. Elizondo of San Antonio, Texas, and is married to San Antonio attorney, Frank Herrera, Jr. They have two sons, Jorge and Javier.

Today, I ask that my colleagues join me in commemorating the dedication of Mrs. Cecilia Bridget Elizondo Herrera, who has served this nation with dignity, honor, respect and admiration.

HONORING THE LIFE AND WORK OF LEONARD E. BRISCOE, SR.

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in remembrance of Leonard Briscoe who passed away on Tuesday, June 16, 2009 at the age of 69.

Mr. Briscoe was a trailblazer in the African American community in North Texas. In 1971, he was elected to the Fort Worth City Council, making him the second African American to serve in this position. A few short years later, in 1976, he was elected to the Texas State House of Representatives where he served during the 65th Legislature and chaired the Select Committee on Minority Business Enterprise.

As a businessman, advocate, and engaged citizen, Mr. Briscoe was acutely aware of the needs of the minority communities in North Texas. In a period of political turmoil, he encouraged other African Americans to become involved in the political process and was a leading advocate for affirmative action. He understood the dire consequences of inadequate housing for low-income families, and served as Chairman of the Fort Worth Community Development Council. Through this chairmanship, he helped to develop the city's first housing program funded by the Housing of Urban Development Department under the Community Development Act of 1974.

After leaving the Texas State House of Representatives, Mr. Briscoe continued his work to ensure that low-income people and minorities had access to respectable and affordable housing. His business built over twenty hous-

ing developments in the Southern part of the country with the help of over \$13 million from the U.S. Department of Housing and Urban Development. Because of this, the Department named him "Entrepreneur of the Year" in 1984.

I ask my fellow colleagues to join me today in remembering the life and work of Leonard Briscoe, a community organizer, activist, and entrepreneur, who helped so many people across North Texas and the country.

ORLANDO TEA PARTY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. MICA. Madam Speaker, on March 21, 2009, hundreds of Central Floridians gathered in Orlando to express their grievances regarding the recent actions of their federal officials in dramatically expanding our federal spending, federal deficit, and federal programs. As a Representative for Florida's 7th Congressional District it is my honor to present their grievances and declaration.

ORLANDO TEA PARTY DECLARATION MARCH 21, 2009

"When in the course of human events it becomes necessary for like minded patriotic Americans to rally as one against the powers that threaten to alter, diminish and destroy this country we love, proper respect for the opinions of our fellow citizens requires that we should clearly state the grievances that impel us to gather at this great Orlando Tea Party to protest peacefully, but passionately in the tradition of our forefathers whose Boston Tea Party resonated around the world.

The history of the present government of these United States is a history of repeated injuries and usurpations, all having the effect of establishing an unacceptable tyranny over the citizens of these states. Let the facts be selfevident and speak for themselves, and let these grievances be heard in the halls of power in 2009, just as they were heard in the palace of King George III when they thundered forth from the text of the Declaration of Independence on July 4, 1776.

BE it resolved on this 21st day of March in the year 2009 at the great Orlando Tea Party on the shore of Lake Eola in Orlando, FL, that just as our forefathers at the Boston Tea Party protested tyranny at the hands of the British Crown, and taxation without representation, we hereby raise our voices against the arrogance and the ruinous policies of our own government . . . a government that ignores the will of "We the People" . . . a government that drowns us in debt . . . a government that forsakes the free enterprise system that had driven the engine of the greatest economy on earth, in favor of a relentless march toward socialism designed to subvert the work of the individual and encourage intrusion of government into all aspects of our lives.

And so, let the word go forth from this time and place that we are proud, freedom loving Americans who cherish individual liberty, our Constitution, and all this Nation has stood for over 233 years. We love our country and we are here to take it back!

Let us hereby resolve that we have had enough of massive government driven bailouts using our money! To our elected leaders we say, stop spending money we do not have! This is not your money! This is our money, and we demand you stop this madness! We have had enough of so-called economic stimulus plans that falsely promise we can spend ourselves back to prosperity.

We have had enough of trillion dollar spending schemes being passed without Congress or "WE The People" Knowing what's in them. This is taxation without deliberation and we will not tolerate it! We have had enough of the out of control government spending that is mortgaging our future and threatening our very way of life!

We have had enough of both major parties being arrogant and unresponsive to the people they were elected to serve. We have had enough of seeing money taken unfairly from honest, hardworking Americans through excessive taxation and redistributed to people who have not earned the money. We have had enough of capitalism being targeted as the problem instead of the solution.

And, we have had enough of government being called the solution, when government is the problem! In every stage of these oppressions, we have petitioned for redress in the most humble terms. Our repeated petitions to our elected officials have been answered only by repeated injury, in fact they have been answered at all. A government so arrogant and unresponsive to its people is unfit to be the ruler of a free people. We therefore, the people of the United States of America, in general congress assembled here, on the shore of Lake Eola in Orlando, Florida, on this 21st day of March, in the year 2009, do, in the name, and by the authority of the good people of this city and this Nation, solemnly publish and declare that we are a free people, in this free and independent state, and we have the power and the right to demand that our government cease serving its own interest, and whatever destructive political and ideological agendas it is pursuing, and become the government of the people, by the people, and for the people, to which we are entitled as Americans. And this for the support of this declaration, what a firm reliance on divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor."

Madam Speaker: Today, July 14th, I presented this declaration on the steps of the U.S. House and unfurled a scroll containing thousands of citizens' signatures in support of this declaration.

INTRODUCING THE COMPLETE AND PERMANENT PROPERTY TAX DEDUCTION ACT OF 2009

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. PAUL. Madam Speaker, I rise to introduce the Complete and Permanent Property Tax Deduction Act of 2009. This bill makes the property tax deduction, which is scheduled to expire this year, permanent and removes all limitations on the deduction.

The Complete and Permanent Property Tax Deduction Act will help millions of Americans who struggle with high property taxes. Making the property tax deduction permanent will especially benefit senior citizens, whose homes often are the major part of their wealth, and young families struggling to cope with the costs of owning new homes. I respectfully urge my colleagues to help ensure all homeowners can continue to take advantage of the property tax deduction by cosponsoring this legislation.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Ms. GRANGER. Madam Speaker, on rollcall Nos. 492, 494, 495, 499, 500, 501, 502, 508, 514, 515, 517, 518, 520, 521, 524, 525, & 529, I was absent from the House due to illness.

Had I been present, I would have voted "yes."

EARMARK DECLARATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, FY2010 Energy and Water Development and Related Agencies Appropriations Act

Requesting Member: Congresswoman McMORRIS RODGERS

Bill Number: H.R. 3183

Account: Water and Related Resources

Legal Name of Requesting Entity: Columbia Basin Development League

Address of Requesting Entity: 8582 Road K, SW; Royal City, WA 99357

Description of Request: Provide an addition of \$3,000,000 for expansion of Project infrastructure to allow delivery of Project water to eligible lands. The Project aims to avoid ecological disaster by preserving the remaining groundwater supplies for other uses, maintain the existing production base, preserve jobs, and provide long-term stability. The Federal Reclamation Columbia Basin Development Project has been the underlying driver for the economy of Central Washington.

Requesting Member: Congresswoman McMORRIS RODGERS

Bill Number: H.R. 3183

Account: Investigations

Legal Name of Requesting Entity: Confederated Tribes of the Umatilla Indian Reservation

Address of Requesting Entity: 73239 Confederated Way; Pendleton, OR 97801

Description of Request: Provide \$203,000 for the Walla Walla Watershed Project. The Army Corp, in conjunction with the Confederated Tribes of the Umatilla, is focusing on

the restoration and management of a viable ecosystem within the Walla Walla River Basin. The project is a high priority for the local communities and the agricultural sector because in stream flows enable the start of salmon reintroduction and a strong agricultural economy.

Requesting Member: Congresswoman McMORRIS RODGERS

Bill Number: H.R. 3183

Account: Science

Legal Name of Requesting Entity: Whitworth University—

Address of Requesting Entity: 300 West Hawthorne Road; Spokane, WA 99201

Description of Request: Provide \$300,000 for the purchase of state-of-the-art STEM (Science, Technology, Engineering, and Mathematics) equipment. This equipment is necessary to prepare the general population with the levels of mathematics and science education necessary for the United States to compete.

IN APPRECIATION OF THE LIFE'S WORK OF JOSEPH HOUGHTELING

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Ms. SPEIER. Madam Speaker, long before there was a "green" movement, even before most Americans accepted words like "ecology" and "environment" into their vocabulary, Joe Houghteling was devoting his life to making our world a cleaner, better and more sustainable place. I am sorry to say that, on June 23, after 84 years on earth, the former chairman of the San Francisco Bay Conservation and Development Commission passed away, leaving behind a greener landscape and more educated citizenry.

Madam Speaker, Joseph Cannon Houghteling's life story reads like a history textbook. The great-grandson and namesake of Speaker of the House Joseph Cannon, Joe was born in San Francisco, but moved East with his family and played baseball with future president George H.W. Bush at Phillips Academy in Andover, Massachusetts.

After his studies at Bates College and College of the Holy Cross, he served in the United States Navy where he befriended future congressman—and my political mentor—Leo J. Ryan. After his service, Joe received a Bachelor of Science degree from Yale University and immediately returned home to the Bay Area.

Many Democratic leaders—and more than a few Republicans—relied on Joe's brilliance, advice and counsel on land-use, environmental protection and other issues. He attended the 1956 and 1960 Democratic Party conventions as a delegate for Adlai Stevenson and John F. Kennedy, but also advised Republican Congressman Pete McCloskey, an ardent opponent of the Vietnam War.

Governor Edmund G. "Pat" Brown appointed Joe to the State Park Commission in 1959 and the State Highway Commission in 1964. Even Governor Ronald Reagan—whom he opposed on many fronts—saw the value of

Joe's service and appointed him to the Bay Conservation and Development Commission in 1971. Governor Jerry Brown then promoted him to chairman during his administration. While at BCDC, Mr. Houghteling was credited with helping save 89,000 acres of wetlands and wildlife habitat from development.

Many in Northern California know Joe Houghteling's name from the editorial page of their local newspaper. He published many community newspapers in the Bay Area, founded the Diablo Press and owned the Nevada County Nugget.

But Madam Speaker, when I think of Joe Houghteling, his many accomplishments are not what initially come to mind. Rather, it is Joe's wry smile, razor-sharp wit and generous spirit. Joe was as quick with a compliment as he was with a funny story and he never ran out of those. My thoughts are with the family he adored: his daughters—Anne, Elizabeth and Mary Houghteling; a grandson, three nieces, a nephew and most of all, his lovely wife, Judy, who recently told a reporter that Joe used to joke about having his ashes thrown upwind from a boat so that his remains would blow back into the eyes of his mourners, forcing them to shed a tear.

Madam Speaker, no one who knew Joe Houghteling needs help shedding a tear for the passing of this remarkable man. But, like mine, I imagine their tears will be accompanied by silly grins and fond memories of a man who—without a doubt—leaves this world in better shape than he found it.

EARMARK DECLARATION

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. GOHMERT. Madam Speaker, pursuant to Republican Leadership standards, the following information is submitted regarding funding received in the first district of Texas as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Cypress Valley Watershed Project. The Red River Valley Association, P.O. Box 709, Shreveport, LA 71162, Corps of Engineers, Investigations Account, \$100,000 to resume the Cypress Valley Watershed study. This project examines the current and projected water resource needs of the Caddo Lake wetlands and evaluates how Lake O' the Pines reservoir could be operated to potentially meet a broader spectrum of water resources needs in one of the Nation's premier natural lakes which is rapidly disappearing because of non-native invasive species.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. PUTNAM. Madam Speaker, pursuant to the Republican Leadership standards on ear-

marks, I am submitting the following information regarding earmarks I received as part of H.R. 3170, the Financial Services and General Government Appropriations Act, FY 2010:

Requesting Member: Rep. ADAM PUTNAM (FL-12)

Bill Number: H.R. 3170

Account: Small Business Account

Project Funding Amount: \$100,000

Legal Name of Requesting Entity: Florida Department of Citrus

Address of Requesting Entity: Post Office Box 148, Lakeland, FL 33802

Description of Request: In order for small business citrus operations, in my district and throughout Florida, to remain viable in an ever competitive marketplace and lessen their reliance on manual labor, an effective mechanical harvesting technology must be developed. For this reason, funding is sought for the benefit of citrus small business operators, directed to the Florida Department of Citrus to continue completion of the development of a mechanical harvesting abscission compound. Florida citrus operators have invested over \$20 million toward this end, currently in the sixth year of a seven-year process.

EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regard to H.R. 3183, the Fiscal Year 2010 Energy and Water Appropriations Bill.

Project Name: Wappapello Lake, MO

Bill Number: H.R. 3183

Account: MRT—Operations and Maintenance

Legal Name of Requesting Entity: City of Poplar Bluff, Missouri

Address of Requesting Entity: 101 Oak St. Poplar Bluff, Missouri 63901

Description of Request: Provide an earmark of \$5,416,000 for Wappapello Lake, MO MR&T Operations and Maintenance. This funding is for routine operation and maintenance, as well as work on U.S. Highway 67. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, MR&T Operations and Maintenance Account.

Project Name: Bois Brule Drainage and Levee District, MO

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: Bois Brule Levee and Drainage District of Perry County, MO

Address of Requesting Entity: P.O. Box 347, Perryville, MO 63775

Description of Request: Provide an earmark of \$3,773,000 to continue work on a flood damage reduction and deficiency correction project conducted by the U.S. Army Corps of Engineers. Approximately, \$400,000 to award a contract for the Missouri Chute pump station; \$420,000 to complete exploration and design of relief wells; \$1,176,000 to construct 25

additional relief wells; and \$1,777,000 to complete design and begin contracting for the completion of the remaining two pump stations. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General Account.

Project Name: Cape Girardeau (Floodwall), MO

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: City of Cape Girardeau

Address of Requesting Entity: 401 Independence Street, Cape Girardeau, MO 63703

Description of Request: Provide an earmark of \$183,000 to continue work on a flood damage reduction project conducted by the U.S. Army Corps of Engineers. The \$183,000 will be used to complete the rehabilitation of the floodwall. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General Account.

Project Name: Clearwater Lake, MO (Seepage Control)

Bill Number: H.R. 3183

Account: Operations & Maintenance

Legal Name of Requesting Entity: City of Piedmont

Address of Requesting Entity: 115 West Green Street, Piedmont, MO 63957

Description of Request: Provide an earmark of \$40,000,000 for Clearwater Major Rehabilitation Project to continue work on a flood control project conducted by the U.S. Army Corps of Engineers. The \$40,000,000 will be used to complete Phase I(b) construction and continue Phase II to construct a cutoff wall. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Construction General Account.

Project Name: Mississippi River Levees, AR, IL, KY, LA, MS, MO & TN

Bill Number: H.R. 3183

Account: MRT—Construction

Legal Name of Requesting Entity: Bootheel Regional Planning and Economic Development Commission

Address of Requesting Entity: 105 E. North Main Street, Dexter, MO 63841

Description of Request: Provide an earmark of \$28,874,000 for Mississippi River Levees (MR&T) to continue work on flood protection projects conducted by the U.S. Army Corps of Engineers. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, Mississippi River and Tributaries, Construction Account.

Project Name: St. John's Bayou and New Madrid Floodway, Missouri

Bill Number: H.R. 3183

Account: MRT—Construction

Legal Name of Requesting Entity: St. John's Levee and Drainage District of Missouri

Address of Requesting Entity: P.O. Box 40, New Madrid, MO 63869

Description of Request: Provide an earmark of \$200,000 for the St. John's Bayou and New Madrid Floodway. This funding will be used to conduct NEPA activities. This request is consistent with the intended and authorized purpose of the U.S. Army Corps of Engineers, MR&T Construction Account.

Project Name: Clearwater Lake, Missouri

Bill Number: H.R. 3183
 Account: Operations and Maintenance
 Legal Name of Requesting Entity: City of
 Piedmont, Missouri

Address of Requesting Entity: 115 West
 Green Street, Piedmont, MO 63957

Description of Request: Provide an earmark
 of \$2,933,000 for Operation and Maintenance
 of Clearwater Lake. This request is consistent
 with the intended and authorized purpose of
 the U.S. Army Corps of Engineers, Operations
 and Maintenance Account.

Project Name: St. Francis Basin, AR & MO
 Bill Number: H.R. 3183

Account: MRT—Operations and Maintenance

Legal Name of Requesting Entity: The Little
 River Drainage District

Address of Requesting Entity: 1440 Kurre
 Lane, Cape Girardeau, MO 63701

Description of Request: Provide an earmark
 of \$6,243,000 for St. Francis River and Tributaries,
 AR & MO Maintenance. This funding
 will be used for land and damages, cultural resources,
 engineering, design, construction management
 and operate and maintain two pumping stations.
 This request is consistent with the intended and
 authorized purpose of the U.S. Army Corps of
 Engineers, MR&T Maintenance Account.

Project Name: Caruthersville Harbor, Missouri

Bill Number: H.R. 3183

Account: Operations and Maintenance

Legal Name of Requesting Entity: Pemiscot
 County Port Authority

Address of Requesting Entity: 619 Ward Avenue,
 Caruthersville, MO 63830

Description of Request: Provide an earmark
 of \$40,000 for Caruthersville Harbor for annual
 maintenance of the navigation channel conducted
 by the U.S. Army Corps of Engineers. Approximately
 \$40,000 is for dredging the harbor to authorized
 levels. This request is consistent with the intended
 and authorized purpose of the U.S. Army Corps of
 Engineers, Operations and Maintenance Account.

Project Name: New Madrid Harbor, Missouri
 Bill Number: H.R. 3183

Account: Operations and Maintenance

Legal Name of Requesting Entity: New Madrid
 County Port Authority

Address of Requesting Entity: 435 Main
 Street, New Madrid, MO 63869

Description of Request: Provide an earmark
 of \$90,000 for the New Madrid County Harbor for
 annual maintenance of the navigation channel
 conducted by the U.S. Army Corps of Engineers.
 Approximately \$90,000 is for dredging the harbor.
 This request is consistent with the intended and
 authorized purpose of the U.S. Army Corps of
 Engineers, Operations and Maintenance Account.

Project Name: New Madrid Harbor (Mile
 889), Missouri

Bill Number: H.R. 3183

Account: Operations and Maintenance

Legal Name of Requesting Entity: City of
 New Madrid, Missouri

Address of Requesting Entity: P.O. Box 96,
 New Madrid, MO 63869

Description of Request: Provide an earmark
 of \$40,000 for the New Madrid Harbor Mile
 889 for annual maintenance of the navigation
 channel conducted by the U.S. Army Corps of

Engineers. Approximately \$40,000 will be
 used to dredge the harbor. This request is
 consistent with the intended and authorized
 purpose of the U.S. Army Corps of Engineers,
 Operations and Maintenance Account.

Project Name: Little River Diversion,
 Dutchtown, Missouri

Bill Number: H.R. 3183

Account: Section 205

Legal Name of Requesting Entity: Little
 River Drainage District

Address of Requesting Entity: P.O. Box 159
 Cape Girardeau, MO 63702

Description of Request: The Little River
 Diversion project will be funded at the discretion
 of the U.S. Army Corps of Engineers, through
 Section 205 funds. This request is consistent
 with the intended and authorized purpose of
 the U.S. Army Corps of Engineers, Section
 205 account.

Project Name: Mississippi River Levees,
 AR, IL, KY, LA, MS, MO & TN

Bill Number: H.R. 3183

Account: MRT—Operations and Maintenance
 Legal Name of Requesting Entity: Bootheel
 Regional Planning and Economic Development
 Commission

Address of Requesting Entity: 105 E. North
 Main Street, Dexter, MO 63841

Description of Request: Provide an earmark
 of \$8,011,000 for Mississippi River Levees
 (MR&T) to continue work on flood protection
 projects conducted by the U.S. Army Corps of
 Engineers. This request is consistent with the
 intended and authorized purpose of the U.S.
 Army Corps of Engineers, Mississippi River
 and Tributaries, Operations and Maintenance
 Account.

IN RECOGNITION OF MICHAEL G. ANDERSON

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. YOUNG of Alaska. Madam Speaker,
 today I wish to honor Michael G. Anderson—
 a great American. Mike has devoted his life to
 the service of our country for the past 38
 years. For the first 32 years, Mike served in
 our United States Air Force. Most recently,
 Mike was the Chief of Staff of my congressional
 office, where he dedicated himself to
 working for the people of Alaska. After 6 years
 as my Chief, Mike retired and moved into the
 private sector where he serves Alaska Natives
 in his new capacity as President of Wolf Creek
 Fabrication Services, a subsidiary of Chugach
 Alaska Corporation.

Born in Maui, Hawaii, Mike was appointed in
 July 1971 to the United States Air Force Academy
 by Senator Hiram L. Fong. After graduating from
 the Academy in June 1975, he launched a
 distinguished military career that began as a
 combat aircrew member and included operational
 and staff assignments in the B-52 and B-1B
 bombers. Additionally, Mike served as an
 acquisition program manager and commanded
 two aircraft maintenance squadrons as well as
 a logistics group. Mike concluded his military
 service at the Pentagon, where he was assigned to the Sec-

retary of the Air Force's Legislative Liaison
 Office. Notably, Mike set benchmarks and was
 recognized for high standards of performance
 and achievement at each of his assignments.
 He retired from the Air Force in January 2003
 finishing his military career at the rank of Colonel.

I handpicked Mike as my Chief of Staff after
 meeting and working with him on several congressional
 delegation (CODEL) trips to international
 locations and to Alaska. Mike began serving
 Alaska and Alaskans with the broad perspective
 he gained on those CODELs, and immediately
 gained knowledge and expertise that I would
 depend on throughout his 6 years on Capitol Hill.
 As Chief, Mike would serve when the largest
 transportation bill in our nation's history—
 SAFETEA-LU—was being formulated and
 passed. He would travel on my behalf throughout
 Alaska to ensure constituent issues were heard,
 investigated, and resolved quickly. He managed
 a staff that was assigned tough, Alaska-unique
 legislation, and coordinated congressional policy
 to make sure it served Alaska and national
 interests. As a result, my congressional office
 cemented and grew its reputation for timely
 and effective constituent services, and for
 authoring and coordinating relevant and
 meaningful legislation serving the interests of
 the people of Alaska.

Mike also received the distinction of being
 selected and graduating as a Congressional
 Stennis Fellow for the 110th Congress. He was
 one of only 72 picked for this distinguished
 fellowship. He used relationships from the
 fellowships he nurtured to help secure my
 legislative priorities for Alaska and our great
 Nation.

While Mike is moving on to a new career in
 the private sector, his impact and contribution
 to our work in Congress will continue. His
 expertise in Alaska Native issues garnered
 great respect for him, and will allow him to
 continue to serve that vital heart of Alaska's
 culture and heritage. We are grateful for his
 service to his Nation, to Congress, and to
 Alaska. More importantly, my wife Lu and I
 are most appreciative of his loyalty and
 friendship. Mike and his wife Rene have
 become dear friends, and we wish them
 Godspeed and the very best as they start
 their next career together.

EARMARK DECLARATION

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. ROGERS of Michigan. Madam Speaker,
 pursuant to the House Republican standards
 on earmarks, I am submitting the following
 information regarding an earmark I have
 received as part of H.R. 3170, the Financial
 Services and General Government Appropriations
 Act, 2010.

Requesting Member: Congressman MIKE J.
 ROGERS (MI 8)

Bill Number: H.R. 3170

Account: Small Business Administration,
 Salaries and Expenses Account

Legal Name of Requesting Entity: Cleary
 University-Livingston County Campus

Address of Requesting Entity: 3750 Cleary
 Drive, Howell, MI 48843

Description of Request: Provide an earmark of \$100,000 to enhance student learning through the use of multimedia materials at the Multi-media Center at the Livingston Campus. The center is designed to support self-directed learning outside the classroom. The development of a multi-media center will help create jobs in Michigan and provide the state with a better educated workforce. Approximately \$40,000 of the earmark will go toward hardware, software, and multimedia equipment; approximately, \$25,000 will be used for physical improvements to the existing building; another, \$25,000 will be used to hire and pay the salaries of employees; \$10,000 go toward infrastructure and network improvements.

EARMARK DECLARATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. GALLEGLY. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010:

Requesting Member: Rep. ELTON GALLEGLY
Bill: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Department of the Interior, Bureau of Reclamation

Legal Name of Requesting Entity: Calleguas Municipal Water District

Address of Requesting Entity: 2100 Olsen Road, Thousand Oaks, CA 91360

Description of Request: This request is for the Calleguas Municipal Water District Recycling Plant, which will provide critical support to the mission of providing safe and reliable drinking water to the 600,000 people living in the Water District's service area. Each year, the Calleguas Municipal Water District imports over 110,000 acre-feet of water through the California Water Project, and imports constitute 100 percent of Calleguas' supply. The \$6,000,000 requested through the Bureau of Reclamation would provide the 25 percent federal share to continue construction of a facility that will reclaim and reuse over 50,000 acre-feet of water annually. This recycled resource will replace water that otherwise would have to be imported, with the added benefit of ensuring water supply in the case of delivery interruptions due to natural disasters or attacks on the imported water infrastructure. The funding for this project, authorized by P.L. 104-266, section 2, will be used for development of a pipeline system that would collect and convey brackish groundwater and recycled water for direct use, stretching local water supplies. The Recycling Plant will facilitate the development of up to 50,000 acre-feet of water per year for municipal and agricultural uses, thereby reducing the need to import water to the region from Northern California. The bill provides \$100,000 in funding for this project request.

Requesting Member: Rep. ELTON GALLEGLY
Bill: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: U.S. Army Corps of Engineers
Legal Name of Requesting Entity: County of Ventura

Address of Requesting Entity: 800 So. Victoria Avenue, Ventura, CA 93009

Description of Request: This request of \$2,000,000 will be used by the U.S. Army Corps of Engineers for the Santa Clara River Watershed Management Plan Feasibility Study. Encompassing more than 1600 square miles, the Santa Clara River watershed is the largest in Southern California and is divided into two almost equal parts by the Los Angeles-Ventura County line. Since 1991, a group of more than 26 stakeholders has been developing the Santa Clara River Enhancement and Management Plan (SCREMP) for the 100-year floodplain. Recognizing the continued pressure of urbanization in both Los Angeles and Ventura Counties that may affect the floodplain and environmental resources in the Santa Clara River Watershed, the Ventura County Watershed Protection District, Los Angeles County, and the U.S. Army Corps of Engineers agreed to cooperate in expanding the SCREMP to complete a feasibility study for the Santa Clara River Watershed Protection Plan. This funding would go toward the U.S. Army Corps of Engineer's 50% share of the total project cost of \$8.2 million. The bill provides \$500,000 in funding for this project.

EARMARK DECLARATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. BRADY of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170—Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN BRADY, Texas 8th Congressional District

Bill Number: H.R. 3170—Energy and Water Development and Related Agencies Appropriations Act, 2010

Project: Sam Rayburn Reservoir Operations & Maintenance

Account: Operations and Maintenance, U.S. Army Corps of Engineers

Requesting Entity: U.S. Army Corps of Engineers, Fort Worth District

Address of Requesting Entity: 819 Taylor Street, Fort Worth, TX 76102

This is the third year I've requested funding to repair the Twin Dikes Park marine launching complex since its collapse due to Hurricane Rita, erosion, and excessive wave action. Unfortunately, the Corps has a backlog of maintenance on some of the most widely used recreational facilities at Lake Sam Rayburn. In addition to this project, I continue to support the U.S. Army Corps of Engineers annual request for funding to operate and maintain the lakes, and other water resources of East and Southeast Texas.

The \$6,247,000 included in this bill will be allocated to perform annual operations and maintenance of the Sam Rayburn Dam and Reservoir.

HONORING THE SERVICE OF LIEUTENANT JAMIE C. FREDERICK OF THE UNITED STATES COAST GUARD

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. LOBIONDO. Madam Speaker, I rise today to recognize LT Jamie C. Frederick for his service to the United States House of Representatives and for his fifteen years of service to our country in the United States Coast Guard.

LT Jamie C. Frederick was assigned as Congressional Liaison Officer to the House in the Office of Coast Guard Congressional and Governmental Affairs in July 2007. As Congressional Liaison Officer, he worked directly with the Coast Guard's appropriations and authorizing committees to ensure the Service receives the necessary resources and legislative authorities to effectively execute its vital missions. Lieutenant Frederick served as the face of the Coast Guard here in the House and has sacrificed countless hours of time with his family to respond to Congressional requests and to accompany Members and staff as we travel to learn firsthand about Coast Guard missions and policies in the field.

In my roles as Chairman and Ranking Member of the Coast Guard and Maritime Transportation Subcommittee, my staff and I relied on Lieutenant Frederick's tremendous familiarity and understanding of the needs, as well as operational missions, roles and responsibilities of the United States Coast Guard to conduct or oversight of the Service.

Lieutenant Frederick began his Coast Guard career after graduating from Dover High School in Dover Plains, New York. Following basic training in Cape May, New Jersey, he was assigned to the USCG Cutter BITTER-SWEET before he moved on to a three year assignment at Coast Guard Station Two Rivers, Wisconsin, where he served as a rescue boat coxswain, engineer and federal law enforcement boarding officer.

In October 1999, he was one of only 30 enlisted members selected to attend Coast Guard Officer Candidate School at the United States Coast Guard Academy, New London, Connecticut. Upon graduation in 2000, he received a commission as an ensign and was assigned to Coast Guard Sector Key West, Florida as an Operations Center Controller and Public Affairs Officer. While serving as the unit's Public Affairs Officer he earned back-to-back CDR Jim Simpson Awards for excellence in media and public relations.

In 2002, he was selected to serve as the Aide to then Coast Guard Chief of Staff, Admiral Thad W. Allen. Admiral Allen is currently serving as the twenty-third Commandant of the U.S. Coast Guard. Lieutenant Frederick was a key member of Admiral Allen's staff during the Coast Guard's transition to the Department of Homeland Security.

In 2004, Lieutenant Frederick was selected to command Coast Guard Station Cape Disappointment in Ilwaco, Washington. As the Commanding Officer, he was responsible for operations and readiness of the largest

Search and Rescue and Law Enforcement Station in the Pacific Northwest with 7,100 square-miles of ocean, the treacherous Columbia River Bar, and 42 nautical-miles of the lower Columbia River. During his tenure as the Commanding Officer, the Station conducted over 800 search and rescue and 500 law enforcement cases. In 2006, he and his crew were awarded the Pacific Area Coast Guard Foundation Award for Heroism for a winter rescue of the 50-foot fishing vessel *Catherine M.*

Lieutenant Frederick was a finalist for the Witherspoon Inspirational Leadership Award, the highest leadership award in the USCG, in 2005 and was recognized as an Honorable Mention in 2006. It should also be noted that Lieutenant Frederick's military decorations include the Meritorious Service Medal, two Coast Guard Commendation Medals, the Coast Guard Achievement Medal and a variety of other personal, team and unit commendations.

Lieutenant Frederick was recently selected for promotion to Lieutenant Commander and will attend Johns Hopkins University for a master's degree in communications beginning this fall. I know Lieutenant Frederick will excel in his studies. The critical work he has done in service to the Coast Guard and our nation is an example for all those that serve. I wish the best to him and his wife Kimberly and his children. Thank you, Lieutenant Frederick for a job well done.

EARMARK DECLARATION

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. MCCARTHY of California. Madam Speaker, pursuant to the Republican Leadership guidelines on earmarks, I am submitting the following information regarding earmarks I requested that were included as part of H.R. 3183, the Energy and Water Development Appropriations Act, 2010.

Requesting Member: Congressman KEVIN MCCARTHY

Bill Number: H.R. 3183

Account: Department of Energy, Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: California Polytechnic State University, San Luis Obispo

Address of Requesting Entity: 1 Grand Avenue, San Luis Obispo, California 93407

Description of Request: \$250,000 was included for California Polytechnic State University Center, San Luis Obispo, to purchase student training equipment and establish educational outreach programs for the Center for Renewable Energy and Alternative Electric Transportation Technologies (CREATT). This Center will serve as an alternative energy test-bed to develop, demonstrate, and validate new alternative energy technologies to reduce our dependence on foreign oil, reduce emission sources, and help the United States achieve better energy efficiency and energy independence.

TRIBUTE TO THOMAS W.L. KELLEY

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Ms. CORRINE BROWN of Florida. Madam Speaker, this communication is forwarded on behalf of the constituents of Congressional District Three and myself as we pay tribute to the life of Thomas W.L. Kelley. We are all saddened that Thomas is gone so soon but joyful that he has gone to be with his Heavenly Father.

On this occasion, we join with the immediate family and loved ones in saying farewell and praising God for his life. Thomas W.L. Kelley's tremendous character earned him the respect of his family, friends, and classmates at Juniata High School. As you experience this tremendous loss, please know that our thoughts and prayers are with the entire Kelley Family, especially Thomas' parents, Terry and Angela, and Thomas' siblings, Joey and Abbey.

I would also like to take this opportunity to extend my thoughts and prayers to Thomas W.L. Kelley's uncle, Nick Martinelli, who works in my Washington, DC office. I know this loss was extremely difficult for Nick, so I want him to know that his colleagues in Washington wish him the very best in the wake of Thomas W.L. Kelley's untimely passing.

We are happy to stand with everyone recognizing Thomas W.L. Kelley's life on Monday, July 13 at Hoenstine Funeral Home in Lewistown, Pennsylvania. There is an emptiness that only those who have lost a close relative can understand. May the sympathy of those who care make the sorrow of your heart less difficult to bear. Along with all residents of Congressional District Three, I extend my best wishes to you and your family in these difficult times—and I hope you will never hesitate to call on me or my staff if we may be of service in the future.

H. RES. 607 WHICH COMMEMORATES 40TH ANNIVERSARY OF APOLLO 11 MOON LANDING

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. PAUL. Madam Speaker, I am pleased to cosponsor H. Res. 607, which commemorates the fortieth anniversary of the Apollo 11 moon landing. Apollo 11's successful mission was certainly a "giant leap for mankind," that should be a source of pride for all Americans.

One of my favorite quotes regarding the moon landing was penned by philosopher Ayn Rand in 1969: "Think of what was required to achieve that mission: think of the unifying effort; the merciless discipline; the courage; the responsibility of relying on one's judgment; the days, nights and years of unswerving dedication to a goal; the tension of the unbroken maintenance of a full, clear mental focus; and the honesty. It took the highest, sustained acts of virtue to create in reality what had only been dreamt of for millennia."

Rand's words not only apply to the Apollo 11 mission but to all of the work of the National Aeronautics and Space Administration (NASA). As a representative of the Gulf Coast of Texas, which is home to many of NASA's most significant triumphs, I have had the opportunity to meet many NASA employees. I have always been impressed by their professionalism and dedication to their mission.

In conclusion, I urge my colleagues to join me in celebrating the fortieth anniversary of the Apollo 11 mission to the moon by supporting H. Res. 607.

EARMARK DECLARATION

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. OLSON. Madam Speaker, to provide open disclosure pursuant to Republican standards on congressionally-directed funding, I am submitting the following information regarding funding that I support included in H.R. 3183, the Energy and Water Appropriations Act, 2010.

Requesting Member: Congressman PETE OLSON

Bill Number: H.R. 3183, the Energy and Water Appropriations Act, 2010

Account: O&M, Corps of Engineers

Name of Recipient: Port of Houston Authority

Address of Recipient: P.O. Box 2562, Houston, TX 77252

Description of Request: \$15,603,000 in funding would be used for operations and maintenance of the Port of Houston. The Port is the 7th largest container port in the United States and serves 50 million consumers within a 500-mile radius. In 2007, the Port of Houston provided \$285 billion in economic value, \$72 billion in personal income, and \$16.2 billion in Federal Taxes. It is also home to the second largest petrochemical complex in the world and the largest refinery in the United States.

Requesting Member: Congressman PETE OLSON

Bill Number: H.R. 3183, the Energy and Water Appropriations Act, 2010

Account: Construction, Corps of Engineers

Recipient: Harris County Flood Control District

Address of Recipient: 9900 Northwest Freeway, Suite 220, Houston, TX 77092

Description: \$2,500,000 in funding for the Clear Creek Flood Control Project. The project on Clear Creek consists of 15.1 miles of channel rectification and a 500 acre-foot in-line detention from Dixie Farm Road to State Highway 288 and a 1,750 acre-foot detention basin. This project will provide lower flood risks to areas in the 22nd District of Texas. It is estimated the number of homes subject to the 1% (100 year) flood would be reduced from 3,380 to 1,130. Flood Risk Management is in the national interest by reducing loss of life, injury and property destruction and reducing the flooding risks to Harris, Galveston, and Brazoria Counties.

Requesting Member: Congressman PETE OLSON

Bill Number: H.R. 3183, the Energy and Water Appropriations Act, 2010

Account: Construction, Corps of Engineers

Name of Recipient: Port of Houston Authority

Address of Recipient: P.O. Box 2562, Houston, TX 77252

Description of Request: \$500,000 for additional construction by the U.S. Army Corps of Engineers. In order to keep the Port of Houston operating at full capacity, the Houston Ship Channel must be maintained. The increased natural shoaling has placed greater pressure on the Port's capacity to store and manage dredge material and without increasing capacity they will not be able to dredge the channel. Without this necessary funding, dredged material capacity will be unavailable and material will be pumped longer distances increasing the cost of dredging for the same volume of material dredged the previous year. This request is for additional construction.

EARMARK DECLARATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 14, 2009

Mr. PUTNAM. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the FY 2010 Energy and Water Appropriations Act:

FL RENEWABLE ENERGY PROGRAM

Requesting Member: Rep. ADAM PUTNAM

Bill Number: H.R. 3183

Account: Department of Energy's Energy Efficiency and Renewable Energy, Biomass Account

Project Funding Amount: \$1 million

Legal Name of Requesting Entity: The University of Florida

Address of Requesting Entity: Institute for Food and Agriculture Sciences, Post Office Box 110180, Gainesville, FL 32611-0180

Description of Request: Promotes the development and production of bioenergy fuel sources to assist in the development of new energy technologies and improve existing energy efficiencies. The overall goal of this project is to decrease U.S. dependence on imported energy through the creation of renewable fuel sources, and is coordinated by the University of Florida's Florida Center for Renewable Chemicals and Fuel. Funding will aid in the development of renewable energy technologies through the integration of cost-effective research methods, the identification and funding of near-term R&D opportunities ripe for advancement, and by the creation of novel renewable energy systems.

TAMPA HARBOR OPERATIONS AND MAINTENANCE

Requesting Member: Rep. ADAM PUTNAM (FL-12)

Bill Number: H.R. 3183

Account: Corps of Engineers, Operations and Maintenance (O&M)

Project Funding Amount: \$5,620,000

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: Army Corps of Engineers, 701 San Marco Blvd, Jacksonville, FL 32207.

Description of Request: Army Corps of Engineers, annual Operation and Maintenance (O&M) funds are needed for periodic dredging in the 70 miles of federal channels in the Tampa Harbor. For FY 2010, the Army Corps' estimated capability is \$5,620,000, to include various sections of the Tampa Harbor project, with an emphasis on the upper harbor. The Tampa Harbor is a major shipping channel

both for domestic and international trade, and of importance to national commerce. As Florida's largest cargo port, the Port of Tampa handles approximately 50 million tons of cargo per year. The Port of Tampa is also the largest economic engine in West Central Florida and the nation's 14th largest port in terms of short tons.

TAMPA HARBOR CONSTRUCTION

Requesting Member: Rep. ADAM PUTNAM (FL-12)

Bill Number: H.R. 3183

Account: Corps of Engineers, Construction, General—Planning, Engineering and Design

Project Funding Amount: \$500,000

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: Army Corps of Engineers, 701 San Marco Blvd, Jacksonville, FL 32207.

Description of Request: In January, 2008, the Army Corps of Engineers completed the draft General Reevaluation Report (GRR), which focuses on traffic congestion in the main Tampa Harbor channel, where extensive delays occur due to lack of adequate channel width. The Corps' GRR found that the ship channel is too narrow to allow for safe two way vessel traffic due to the introduction of new longer and broader cruise ships. The impacts associated with having a restriction of this nature include vessels waiting at berth or at the sea buoy while large cruise ships transit the channel. The GRR concurs with the Tampa Port Authority and the port community that the resulting congestion causes safety hazards and economic inefficiencies, and recommended widening select portions of the main channel. Therefore, \$500,000 is requested to complete Planning, Engineering and Design (PED).

SENATE—Wednesday, July 15, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Eternal God, we lift grateful hearts for the great heritage of our Nation. Thank You for those who purchased our freedom with blood, toil, and tears. Give us this day a vivid vision of what You expect our Nation to become, as we accept the torches of integrity and faithfulness from those who have gone before us.

Lord, give our lawmakers a reverence for Your Name and a determination to please You with their thoughts, words, and deeds. Enable them to bear with fortitude the fret of care, the sting of criticism, and the drudgery of unapplauded toil. Direct them to the sources of moral energy so that Your strength may be linked to their limitations.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 15, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, my understanding is the clerk will report the matter before the Senate at this time.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1390, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1390) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Levin/McCain amendment No. 1469, to strike \$1,750,000,000 in procurement, Air Force funding for F-22A aircraft procurement, and to restore operation and maintenance, military personnel, and other funding in divisions A and B that was reduced in order to authorize such appropriation.

AMENDMENT NO. 1469 WITHDRAWN

Mr. LEVIN. Mr. President, I withdraw Senate amendment No. 1469.

The ACTING PRESIDENT pro tempore. The Senator has that right.

AMENDMENT NO. 1511

(Purpose: To provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes)

Mr. REID. On behalf of Senator LEAHY, myself, and others, I call up amendment No. 1511, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. LEAHY, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITE-

HOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, and Mr. REED, proposes an amendment numbered 1511.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. I now ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second. The yeas and nays are ordered.

AMENDMENT NO. 1539 TO AMENDMENT NO. 1511

Mr. REID. I now call up a second-degree amendment which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KENNEDY, proposes an amendment numbered 1539 to amendment No. 1511.

Mr. REID. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials)

At the end of the amendment, insert the following:

SEC. ____ COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term "relevant offense" means a crime described in subsection (b)(1) of the first section of Public Law 101-275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2008, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for each of the fiscal years 2008 and 2009 to carry out this section.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Leahy amendment No. 1511 to S. 1390, the National Defense Authorization Act for Fiscal Year 2010.

Evan Bayh, Roland W. Burris, Benjamin L. Cardin, Patrick J. Leahy, Sheldon Whitehouse, Jeff Bingaman, Bernard Sanders, John F. Kerry, Carl Levin, Frank R. Lautenberg, Dianne Feinstein, Tom Harkin, Robert Menendez, Richard J. Durbin, Christopher J. Dodd, Charles E. Schumer, Harry Reid.

Mr. REID. Mr. President, Senator LEVIN will give an explanation as to why the amendment was withdrawn. But my friend, the Republican leader, has the first right of recognition.

HEALTH CARE WEEK VI, DAY III

Mr. MCCONNELL. Mr. President, as Republicans and Democrats debate the best way to reform health care, Americans are increasingly concerned about the price tag and about who gets stuck with the bill. The Federal deficit suddenly stands at more than \$1 trillion for the first time in history, and so far this year we are spending about \$500 million a day in interest alone on the national debt. It is as if every single American gets up in the morning, walks over to the window, and tosses \$2 out into the wind every day for the next 10 years. It is not a bad analogy, but that is what we are doing. And now the advocates of a government takeover of health care are talking about spending trillions more.

So Americans are worried about cost—and they have good reason to be.

Not only are we in a tough situation fiscally, we have no idea how much this reform will really cost. We know from experience with government-run programs like Medicare and Medicaid that early estimates often grossly underestimate what they end up costing. We

know that some of the estimates we are hearing about health care reform are misleading. And we also know that the administration is building up a substantial track record of its own of dubious predictions that it has used to sell its ideas to the public.

We saw it with the stimulus. In selling one of the most expensive pieces of legislation in history, the administration said it had to be passed right away, with almost no scrutiny. If we did not pass it right away, they said, the economy would collapse.

Here is what the President said about the importance of passing the stimulus bill as quickly as possible: "If we don't act immediately, then millions more jobs will disappear, the national unemployment rates will approach double digits, more people will lose their homes and their health care, and our nation will sink into a crisis that at some point is going to be that much tougher to reverse."

As it turns out, the administration overpromised.

They predicted the stimulus would keep the unemployment rate from approaching double digits. We passed the stimulus, and unemployment is now approaching double digits. It was supposed to keep millions of jobs from disappearing. We passed it, and since then we have lost more than 2 million jobs. It was supposed to save or create between 3 and 4 million jobs. We passed it, and now the administration is backpedaling on that prediction too. Now it says it is "very hard to say" how many jobs have been saved or created. The stimulus was supposed to have an immediate impact. We passed it, and it has not. Despite all the predictions about its effect on the economy, the administration now says it expects unemployment to continue to rise in the months ahead.

Now, in an attempt to pass an even costlier and far-reaching government action, a government takeover of health care, the administration is making similarly aggressive claims about the dangers of not approving its plan.

The administration says that if we do not pass its health care proposal then the economy will get even worse. It says that if we do not approve its health care proposal then the quality of everyone's health care will be jeopardized. It says that if we do not pass this trillion dollar bill now, then we will miss out on a chance to save money on health care down the road.

I do not know if these claims are accurate, and I do not believe the administration is making these claims in bad faith. But I do know that Americans got burned on the stimulus, and I know that some in the administration have said that a crisis is a terrible thing to waste. So at the very least, Americans have a right to be skeptical about the administration's latest effort to rush through a major piece of legislation

without allowing us to evaluate it. It is a worthwhile question: Why does the administration say we have to send them a bill that would essentially nationalize one-sixth of the U.S. economy when many parts of the legislation itself would not even go into effect for another 4 years?

Americans are right to be skeptical when administration officials say we cannot fix the economy without fixing health care, or that the Democrat plan for health care will not cause people to lose their current insurance when the CBO says it will, or that a government-run takeover of health care will not add to the ballooning national debt. After the stimulus, Americans have a right to be skeptical about all these claims, especially when they are told these reforms have to happen quickly, and especially when our experience with Medicare and Medicaid and government health care at the State level shows us that initial estimates and predictions can be way off the mark.

Senator COLLINS, for example, has discussed the problems they have had in Maine as a result of its attempt to create a government-run health plan, of what a disappointment that has been. Six years ago, Maine instituted Dirigo Health as a government option after advocates made the same promises about what it would do to bring down costs and increase access that the advocates of a nationwide government health plan are making right now in Washington.

Yet 6 years later, the Dirigo experiment has turned out to be a colossal, and extremely costly, failure. Despite initial promises, it has not covered most of the uninsured. And yet it has led to higher taxes on thousands of Maine residents who were already struggling to pay for private coverage. In short: Dirigo turned out to cause the same problems in Maine that some of us are predicting for all Americans if Congress rushes to approve a national government plan.

Americans want us to take the time necessary to make health care less expensive and more accessible, while preserving what they like about our system. Americans want health care reform, but they do not want to give a green light to a reform that only ends up costing them more for worse care than they currently have. The fact that Americans are increasingly concerned about how much health care reform is going to cost should not be a reason to rush. It should be a reason for us to take the time to get it right.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, to explain where we are, let me take a few minutes, first of all, on the procedures. Then I want to go back and make some comments about the Levin-McCain amendment, which will come back. This is temporarily withdrawn because we could not get to a vote.

The bottom line is we were here all day yesterday. We attempted repeatedly to obtain an agreement as to when we could vote on the Levin-McCain amendment.

We had a lot of time yesterday for people to make speeches. We had time the day before. We have time anytime. But we have to get to a vote on that amendment.

The reason we were not able to get to a vote is because of the next amendment, which the majority leader indicated is going to be taken up on this bill, the so-called hate crimes amendment. We have a law relative to hate crimes. This had been an important amendment to the law to add a group who had been left out, two groups previously left out of the existing hate crimes law. It would have also had an important definition of Federal interest in this hate crimes legislation.

Hate crimes legislation is not new. This body had approved hate crimes legislation a couple years ago on the Defense authorization bill. The argument was made at that time that the hate crimes bill should not be offered on a Defense authorization bill. Senator KENNEDY offered hate crimes legislation a couple years ago on the Defense authorization bill. The debate was extensive at that time as to why on this bill.

The reason it was offered on this bill is obvious. This is legislation. The Senate rules allow for amendments such as hate crimes or any other amendment to be offered on legislation that is pending before the Senate. The minority has offered many nonrelevant amendments this year on legislation. On the American Recovery and Reinvestment Act, there was an amendment relative to ACORN. On the DC voting rights bill, there were amendments relative to guns and to the fairness doctrine. On and on and on. The Senate rules permit nongermane, nonrelevant amendments to be offered to pending legislation. It is not at all new. The opportunity to do that has been taken by many of us this year, last year, the year before and, I am sure, next year. First, it is not new. It is common in the Senate to offer amendments which are not relevant to a bill that is pending. That is allowed under our rules.

The hate crimes amendment is an important amendment. I don't think anybody would deny the importance of this amendment. With hate crimes going up in the United States, it is critically important we strengthen our hate crimes law. There are Senators who oppose the amendment. That is the reason we are here, to debate, to argue for or to argue against. But I don't think one can argue it is uncommon, unusual or improper to offer nonrelevant amendments to legislation which is pending. Regardless of one's position on hate crimes, it is very dif-

ficult to argue it is not significant legislation.

Thirdly, as Senator KENNEDY so powerfully argued—and those of us who joined with him a few years ago on this amendment surely agreed—the values that are involved in this legislation, the effort to make America a better place, a place freer of hate crimes, surely is one of the values our men and women put their uniforms on and fight for. The closer we can come to a society which is freer of hate crimes, the better off we are internally, the closer we will live up to what we stand for in our basic fundamental documents and our history. It is what men and women who fight for the United States and carry out their missions are fighting for—not just physical threats to this country but for the values for which we stand, for freedom from hate, for diversity, for freedom from intimidation and violence based on one's religion, ethnicity or the other attributes listed in the hate crimes legislation.

It is important legislation. It relates to the values of this country, values which our men and women take such risks for when they go into harm's way. The rules of this body allow for it.

Somehow or other, the fact that we were going to proceed to a hate crimes amendment on this bill, even whether it was next in line or whether it was down the line in terms of amendments, the fact that it was made clear that, again, on a Defense authorization bill, as we have in the past, in the past with 60 Members of this body supporting it, the fact that that was made known in an open and honest way to Members of this body apparently precipitated a determination on the part of some that they not allow us to get to a vote on the pending Levin-McCain amendment. That prospect, that open statement that there would be a hate crimes amendment offered on this bill became the impediment, apparently, from all we can determine, to our getting agreement for a time for a vote on Levin-McCain.

The question is, How to remove that impediment. There were two choices: Either agree not to offer the hate crimes amendment or remove the impediment. We have to now remove the impediment. There is not a willingness on the part of a significant number of Senators—and I believe a majority—not to offer a hate crimes amendment. It is pending legislation that is before us.

The amendment is an important amendment. It has been offered before. There is precedent for offering it on the Defense authorization bill. The rules allow for it, so we don't need a precedent, but there is a precedent for doing so. There are dozens of precedents for offering nonrelevant amendments to legislation which is pending before the Senate.

We will come back, obviously, to the Levin-McCain amendment. The Levin-

McCain amendment is a very important amendment on this bill. We have to deal with the decision of the Armed Services Committee, on a close vote, to add F-22 planes, which uniformed and civilian leaders of the military indicate they do not want and do not need and we cannot afford. We have had some debate. We had plenty of time for others to debate it. Everyone who wanted to speak on the subject, I believe, had more than enough opportunity to do so. Last night we heard from the Senator from Georgia as to his reasons for offering the amendment in committee to add the additional F-22s. I compliment the Senator from Georgia for all the hard work he has done on our committee. It is another example of how the Armed Services Committee works together. Our Presiding Officer is a distinguished member of the committee so he knows this firsthand, how we work together, guided by one basic principle: for the good of the Nation, for the good of the men and women in the armed services. We disagree, obviously, on the Levin-McCain amendment. There is surely, however, agreement that our intentions are always to adhere to that principle—what is best for our Nation, what is best for the men and women who put on the uniform of the Nation.

So while there was committee disagreement and disagreement on this floor on the question of whether additional F-22s should be produced, the disagreement is not along party lines and rarely, if ever, is along party lines on the Armed Services Committee. I wish to, again, compliment not only the Senator from Georgia but also other members of the committee for sticking to that very important principle.

I also agree with something the Senator from Georgia said last night relative to another of our operating principles. We have the right and the duty to challenge assumptions made in the bill sent to us by any administration and to act in accordance with our best judgment about what is right and what is in the best interests of the Nation. We are not a rubberstamp to every proposal offered by the executive branch. The Congress, hopefully, never will be.

The Senator from Georgia pointed out a number of cases where we have acted as anything but a rubberstamp to a budget request. We added funds, for instance, in this bill for a larger pay raise than the executive branch requested to honor the service of the men and women in the military who have been bearing an extraordinarily heavy burden for the country fighting in Iraq and Afghanistan. We added \$1.2 billion for a more mobile variant of the Mine Resistant Ambush Protected Vehicle, called the MRAP. This MRAP variant is called the MRAP all-terrain vehicle. The reason we did this is because we knew there was an emerging require-

ment for these new vehicles to support our forces in Afghanistan that had not been reflected in the budget request. I don't believe any member of the Armed Services Committee or any Member of this body should act as a rubberstamp for any budget request, and the evidence will show over and over again, year after year, that our committee does not act as a rubberstamp.

The question on the Levin-McCain amendment is whether we are right, that the leadership of our military, both civilian and uniformed, made a sound judgment when they, similar to their predecessors in the Bush administration, determined that we should end production of the F-22. The debate is not about whether we will have the capability of the F-22. It is a debate about how many F-22 aircraft we should have and at what cost.

We are talking about whether we will accept the recommendation of two Commanders in Chief, two Secretaries of Defense, plus the Joint Chiefs of Staff and their chairmen, that 187 F-22s is all we need, all we can afford, and all we should buy. Senator MCCAIN and I have made a number of arguments about why we believe stopping the F-22 program at 187 is the right thing to do. I will not repeat all those arguments now, particularly since we have temporarily withdrawn the amendment. But it is important that I clarify promptly a number of points made by the Senator from Georgia during the debate yesterday so they do not remain uncontested.

First, the Senator said that the Air Force had not been involved in any of the studies that led to determining that 187 F-22s was the correct number of aircraft to buy. A few days ago, the committee heard contrary testimony from the vice chairman of the Joint Chiefs of Staff that there are at least two studies that support the department's plans for tactical aviation, including stopping F-22 production, including a recently completed study.

This is what he said:

There is a study in the Joint Staff that we just completed and partnered with the Air Force on that, number one, said that proliferating within the United States military fifth-generation fighters to all three services was going to be more significant than having them based solidly in just one service, because of the way we deploy and because of the diversity of our deployments.

So the Vice Chairman of the Joint Chiefs referred to a recent study that led to the conclusion that Senator MCCAIN and I support. That study was partnered with the Air Force, unlike what was stated last night by the Senator from Georgia that these studies did not have Air Force involvement.

There is a strong analytical underpinning for the decision of the administration, including the Air Force. A letter from the Secretary of the Air Force and the Chief of Staff of the Air Force on this matter is one underpinning, one

of the strong evidences that that conclusion is correct. The letter is already part of the record so I will quote briefly from it. The Secretary of the Air Force and the Chief of Staff of the Air Force concluded in part, as follows:

In summary, we assessed the F-22 decision from all angles, taking into account competing strategic priorities and complementary programs and alternatives, all balanced within the context of available resources. We did not and do not recommend that F-22s be included in the FY10 defense budget. This is a difficult decision, but one with which we are comfortable.

That is from the letter of the Secretary of the Air Force and the Chief of Staff of the Air Force, so it should make very clear what the Air Force's position is on the matter.

On another matter that was raised by the Senator from Georgia last night, listening to his arguments, one might conclude that the F-22 is the only aircraft we have or are planning to have that could operate effectively in the presence of very capable enemy surface-to-air missile systems. But the Department has provided contrary evidence. In his letter to myself and Senator MCCAIN on July 13, the Secretary of Defense said the following:

... the F-35 is a half generation newer aircraft than the F-22, and more capable in a number of areas such as electronic warfare and combating enemy air defenses. To sustain U.S. overall air dominance, the Department's plan is to buy roughly 500 F-35s over the next five years and more than 2,400 over the life of the program.

The key words in that sentence by the Secretary of the Defense in his letter is that there will be a "more capable" aircraft in the F-35 than the F-22 "in a number of areas such as ... combating enemy air defenses."

I think we all agree our military needs to maintain air dominance. But as the Secretary's letter points out, the F-22 aircraft is not the only aircraft the Department is relying upon to contribute to making that air dominance a reality. In fact, in certain areas, such as electronic warfare and combating surface-to-air missiles, the Department of Defense is counting on the F-35 fleet to meet those missions with greater effectiveness even than with the F-22.

The Senator from Georgia, last night, argued that proposing cuts in a number of areas—just like the committee 13-to-11 vote indicated and his proposal accomplished—that shifting funds to the F-22 program and shifting money from other areas was not doing any harm to other programs within the Defense Department.

I have previously talked about the specifics relative to this issue, and I wish to summarize the difference on this point very briefly, as, again, we will be coming back to this issue. It is withdrawn temporarily, but, obviously, we will return to this issue and resolve this issue prior to the determination of this bill.

First, we did not assume any first-year savings from acquisition reform or business process reengineering. Both these initiatives will yield savings. The Senator from Arizona and I, and with the support of our colleagues on the Armed Services Committee, all unanimously supported acquisition reform.

At the time we adopted that, and at the time the President signed our bill, we indicated there will be significant savings from reforming the acquisition system. But those savings do not occur in 2010. Nobody has alleged, and there is no support for any conclusion, that savings from acquisition reform are going to occur in the first year it is in effect. As a matter of fact, its main thrust is to apply to new weapons systems to make sure their technologies, for instance, are mature so we do not end up producing equipment that has technologies incorporated in it that have not been adequately tested.

So we are not going to see savings in fiscal year 2010, as the Senator from Georgia assumed in his amendment that was adopted barely by the committee to fund the F-22 add-on. The result is \$500 million he assumed from savings ends up as across-the-board real program cuts.

I also would point out that the cost estimate of S. 1390 that we just received from the Congressional Budget Office did not assume any savings from those initiatives. Those, again, were savings which helped to fund the additional F-22s—alleged savings. They are phantom savings in the first year.

Secondly, on the operation and maintenance reductions that were used to fund the F-22 add, the original committee position on this matter—O&M, operation and maintenance reductions—was developed consistent with the Government Accountability Office analysis. The reductions, however, that were taken in operation and maintenance by the Senator from Georgia when he offered this amendment in committee to add the F-22s go far beyond what was indicated by the Government Accountability Office's analysis and far beyond what is prudent.

Finally, relative to the offsets that were taken, the \$400 million cut applied to the military personnel funding top line will greatly complicate the Department's ability to manage the All-Volunteer Force and to provide for bonuses and incentives that will be needed to support the force. It might even be troublesome enough that the Department of Defense would be forced to ask for a supplemental appropriations—something we wanted to get away from this year and finally have.

So one other thing is, there are some who suggest: Well, the F-35 is just a paper airplane that is the future. We have the F-22 now. The F-35 is not here yet. It is here. There are—in this budget alone, in the fiscal year 2010 budget, which is the fourth year, by the way, of

production of the F-35—there are 30 F-35s being produced for the military. So this is not a future deal when we talk about F-35s. This is a here-and-now deal. We are already into low-rate initial production. There are already at least five test aircraft flying, and we have 30 F-35s funded in this bill which is before this body now.

Let me summarize the situation relative to the Levin-McCain amendment that would strike the additional funding for the F-22s, the additional planes that the military does not want, does not need, and says we cannot afford.

First, the F-22 is a very capable aircraft. There should be no doubt about it. We have them. We need them. And they are valuable.

Next, the Air Force has already bought, and will pay for, 187 F-22 aircraft. So the debate is not about whether we will have that capability of the F-22 for the next 20 years. We will. We should, and we will. The debate is over how many F-22s are enough to meet the Nation's requirements. Two Presidents—President Obama and President Bush—two Secretaries of Defense, three Chairmen of the Joint Chiefs, current members of the Joint Chiefs of Staff all agree that 187 F-22s is all we need to buy and all we should buy.

The debate also concerns what damage will be done if we do not reverse the cuts that were taken to pay for the additional F-22s—to pay for the \$1.75 billion in the F-22 add. Those cuts are \$400 million to military personnel accounts, \$850 million to operations and maintenance accounts, and \$500 million across-the-board reductions to the Department of Defense budget.

We received a letter from the President this week saying he will veto the Defense authorization bill if it includes the F-22 production.

So our amendment is a critically important amendment. It involves a lot of money, and there is a lot of principle involved as to whether we should continue to be building weapons we no longer need and we have enough of. We need the F-22. There is no doubt about that. But we have enough of the F-22, according to all our military leaders—civilian and uniformed leaders alike.

But we cannot get to a vote, and that is the fact of the matter. We have waited for an agreement to get to a vote on the Levin-McCain amendment. Repeatedly, I have asked whether we can set a time for a vote, and the answer has come back: We cannot set a time for a vote. It is clear that for some reason, which, frankly, I do not fully understand—the reason we are not permitted to get to a vote on the Levin-McCain amendment is because of the prospect, the fact that either the next amendment or somehow down the line on this bill there is going to be offered a hate crimes amendment.

How that and why that should result in a denial of an opportunity to vote on

the Levin-McCain amendment escapes me, I must say. Because we are going to get to the hate crimes amendment whether we are allowed a vote on the F-22 amendment. Not allowing us a vote, not agreeing to a time for a vote on the Levin-McCain amendment does not obviate the fact there is going to be a hate crimes amendment offered. As a matter of fact, it is now the actual amendment before us. And everyone knew that.

So I do not understand the logic behind the refusal to permit a vote on an amendment—the Levin-McCain amendment—because of objection to going to a vote on hate crimes, when we are going to that hate crimes amendment anyway and when we are going to have to come back to the Levin-McCain amendment. Everybody knows it. We are going to have to resolve both those amendments. So the decision some made to deny us an opportunity to vote at this time on Levin-McCain simply stymies this body from doing what it is going to do.

There are many people who disagree with the Levin amendment. Fine. There are many people who disagree on the hate crimes amendment. That is their right. But what is undeniable is, we are going to resolve both, one way or the other. We are going to resolve both of those and hopefully a lot of other material and a lot of other amendments. They are both going to be resolved, one way or the other, on this bill. Argue both sides, argue neither side, but you cannot argue, it seems to me, that we should not allow a vote on the first amendment before us—Levin-McCain—because of opposition to another amendment which is going to be offered.

I know there is strong opposition to hate crimes. I understand it. I understand why people say it should not be on this bill, despite the rules which allow it. I respect the right to disagree with it. But I do not understand the logic or the strategy which denies us the opportunity to vote on an amendment which has been thoroughly debated—the Levin-McCain amendment—because there is another amendment down the line which is going to be offered which people object to, when they know it is coming up. Despite strong feelings that it should not come up, it is coming up. It is now before us. Everyone knew it was going to come up.

So now we are stymied. We are stymied from resolving an amendment which has to be resolved, one way or the other—Levin-McCain—because of objection to another amendment being offered. I don't get the logic. I don't understand the strategy. I understand the feelings and I respect the feelings, although I disagree with people who oppose the Levin-McCain amendment and I disagree with people who oppose the hate crimes amendment. So I understand the feelings. I don't share the

feelings, but I respect them, and I respect their right to fight against these amendments. But for the life of me, I do not understand why we are denied an opportunity to vote on Levin-McCain because of an objection to another amendment. All it does is slow down this body. It stymies this body from resolving issues which are going to be resolved. As certain as this body is here, this is going to be resolved. These are going to be resolved like a lot of other amendments. I don't know how they will be resolved. That is not certain; it never is. But they will be resolved because that is the nature of the Senate, to resolve these issues.

Again, I thank my good friend from Arizona. I know there are differences on the question of whether hate crimes ought to be offered on this bill. I respect him deeply, and I respect his positions and his right to hold them. While I surely disagree with the decision that has been made to not permit us to move at this time to a resolution of Levin-McCain, I nonetheless have a great understanding of the feelings here. I appreciate them and I respect them.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I know there are a lot of other issues that are consuming the interests of my colleagues and the American people, such as the confirmation hearings of Judge Sotomayor; the HELP Committee, of which I am a member, is reporting out one of the most massive takeovers and expenditures of taxpayer dollars in history; and we have this bill on the floor, and there are other issues. So it has probably gone unnoticed that we have seen another really—if not unprecedented, certainly highly unusual action on the part of the majority.

Frankly, to my colleagues on this side of the aisle and the American people, elections have consequences. What we have just seen is an amendment before this body and a piece of legislation before this body that I think one could argue is probably of more importance than any other we consider because it authorizes the measures necessary to preserve the security of this Nation, care for the men and women who are serving in the military, and meet the future threats we will face in the 21st century.

So what has happened here is that the majority leader, with the agreement of my friend from Michigan, whom I highly respect and regard, has made it clear that their highest priority is not that. Their highest priority is a hate crimes bill—a hate crimes bill that has nothing to do whatsoever with defending this Nation.

My friend from Michigan just complained that we haven't had a time for the vote. Of course we haven't had a

time for the vote on the Levin-McCain amendment because we have been made aware that a hate crimes bill—and by the way, not an ordinary, small, specific amendment, but 17 pages, plus 6 additional pages, encompassing a piece of legislation that is before this body that has never moved through the Judiciary Committee. It has not moved through the Judiciary Committee, the appropriate committee of oversight.

So the majority leader of the Senate comes to the floor, after prevailing upon the distinguished chairman to withdraw his amendment—an amendment of some consequence, a \$1.75 billion expenditure, and, far more important than even the money, a real confrontation between special interests and the national interests—so that we can move to the hate crimes bill.

The hate crimes bill is not without controversy, I say. In fact, it is interesting that on June 16, 2009, the U.S. Commission on Civil Rights sent a letter to the Vice President and to the leaders of the Congress opposing the hate crimes bill.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMISSION ON CIVIL RIGHTS,
Washington, DC, June 16, 2009.

Re S. 909.

HON. JOSEPH BIDEN, JR.,
President, U.S. Senate,
HON. ROBERT C. BYRD,
President Pro Tempore, U.S. Senate,
HON. HARRY REID,
Majority Leader, U.S. Senate,
HON. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
HON. RICHARD DURBIN,
Majority Whip, U.S. Senate,
HON. JON KYL,
Minority Whip, U.S. Senate,
HON. PATRICK LEAHY,
Chairman, Senate Judiciary Committee,
HON. JEFF SESSIONS,
Ranking Member, Senate Judiciary Committee.
HON. RUSSELL FEINGOLD,
Chairman, Senate Judiciary Subcommittee on the Constitution,
HON. TOM COBURN,
Ranking Member, Senate Judiciary Subcommittee on the Constitution.

DEAR MR. PRESIDENT AND DISTINGUISHED SENATORS: We write today to urge you to vote against the proposed Matthew Shepard Hate Crimes Prevention Act (S. 909) ("MSHCPA").

We believe that MSHCPA will do little good and a great deal of harm. Its most important effect will be to allow federal authorities to re-prosecute a broad category of defendants who have already been acquitted by state juries—as in the Rodney King and Crown Heights cases more than a decade ago. Due to the exception for prosecutions by "dual sovereigns," such double prosecutions are technically not violations of the Double Jeopardy Clause of the U.S. Constitution. But they are very much a violation of the spirit that drove the framers of the Bill of Rights, who never dreamed that federal criminal jurisdiction would be expanded to the point where an astonishing proportion of crimes are now both state and federal of-

fenses. We regard the broad federalization of crime as a menace to civil liberties. There is no better place to draw the line on that process than with a bill that purports to protect civil rights.

While the title of MSHCPA suggests that it will apply only to "hate crimes," the actual criminal prohibitions contained in it do not require that the defendant be inspired by hatred or ill will in order to convict. It is sufficient if he acts "because of" someone's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability. Consider:

Rapists are seldom indifferent to the gender of their victims. They are virtually always chosen "because of" their gender.

A robber might well steal only from women or the disabled because, in general, they are less able to defend themselves. Literally, they are chosen "because of" their gender or disability.

While Senator Edward Kennedy has written that it was not his intention to cover all rape with MSHCPA, some DOJ officials have declined to disclaim such coverage. Moreover, both the objective meaning of the language and considerable legal scholarship would certainly include such coverage. If all rape and many other crimes that do not rise to the level of a "hate crime" in the minds of ordinary Americans are covered by MSHCPA, then prosecutors will have "two bites at the apple" for a very large number of crimes.

DOJ officials have argued that MSHCPA is needed because state procedures sometimes make it difficult to obtain convictions. They have cited a Texas case from over a decade ago involving an attack on a black man by three white hoodlums. Texas law required the three defendants to be tried separately. By prosecuting them under federal law, however, they could have been tried together. As a result, admissions made by one could be introduced into evidence at the trial of all three without falling foul of the hearsay rule.

Such an argument should send up red flags. It is just an end-run around state procedures designed to ensure a fair trial. The citizens of Texas evidently thought that separate trials were necessary to ensure that innocent men and women are not punished. No one was claiming that Texas applies this rule only when the victim is black or female or gay. And surely no one is arguing that Texans are soft on crime. Why interfere with their judgment?

We are unimpressed with the arguments in favor of MSHCPA and would be happy to discuss the matter further with you if you so desire. Please do not hesitate to contact any of us with your questions or comments. The Chairman's Counsel and Special Assistant, Dominique Ludvigson, is also available to further direct your inquiries.

Sincerely,

GERALD A. REYNOLDS,
Chairman.
ABIGAIL THERNSTROM,
Vice Chair.
PETER KIRSANOW,
Commissioner.
ASHLEY TAYLOR, JR.,
Commissioner.
GAIL HERIOT,
Commissioner.
TODD GAZIANO,
Commissioner.

Mr. MCCAIN. The U.S. Commission on Civil Rights sends a letter saying:

Dear Mr. President and distinguished Senators: We write today to urge you to vote

against the Matthew Shepard Hate Crimes Prevention Act.

That is basically the bill the majority leader has just inserted into the process of legislation designed to defend this Nation's national security. Of course there are strong feelings on it. This is a complete abdication of the responsibilities of the Judiciary Committee but, more importantly, could hang up this bill for a long period of time. While we have young Americans fighting and dying in two wars, we are going to take up the hate crimes bill because the majority leader thinks that is more important—more important—than legislation concerning the defense of this Nation. I am sure the men and women in the military serving in his home State would be interested to know about his priorities.

So here we are. Now we will go through—I am sure the majority leader will file cloture, we will go through 30 hours of debate, and we will have another vote. All of this is unnecessary. Why couldn't we move the hate crimes bill—remember, this is not a single-shot amendment on a specific small issue; this is a huge issue, the whole issue of hate crimes. It is a huge issue. It deserves hearings and debate and amendment in the Judiciary Committee. But what are we going to do? For reasons that I guess the majority leader can make clear because I don't get it, he wants to put it on the national defense authorization bill and pass it that way. He will probably succeed, and he will call it "bipartisan." The last time I checked, it has 44 Democratic cosponsors and 2 Republicans. That is the definition, by the way, around here of bipartisan bills. That is the way the stimulus package was bipartisan. That is how the omnibus spending bill was bipartisan. And I am pretty confident that if health care "reform" passes, it will probably be in another "bipartisan" fashion.

So we will have some hours of debate. We will have more exacerbated feelings between this side of the aisle and that side of the aisle. I would imagine that the hate crimes bill, given the makeup of this body, may even be put on a defense authorization bill—a huge issue. A huge issue will now be placed on a defense authorization bill and passed through the Congress and signed by the President. That is a great disservice to the American people. The American people deserve debate and discussion and hearings and witnesses on this legislation. They deserve it. They don't deserve to have a hate crimes bill put on this legislation which has no relation whatsoever to hate crimes.

I will probably have a lot more to say about this in the hours ahead. I have been around this body a fair amount of time. I have watched the Defense authorization bill wind its way through Congress, and occasionally, including at other times, I have seen amend-

ments put on bills which are non-germane, but I haven't seen the majority leader of the Senate—the majority leader of the Senate, whose responsibility is to move legislation through the Senate—take a totally nonrelevant, all-encompassing, controversial piece of legislation and put it on a bill that is as important to the Nation's security as is this legislation. We are breaking new ground here, let's have no doubt about it. It is one thing to sometimes have one Member or two or others propose amendments that happen to be their pet project or their pet peeve. It is an entirely different thing—it is an entirely different thing, and I have never seen it before—that the majority leader of the Senate comes to the floor and introduces an irrelevant piece of legislation that is controversial, that is fraught with implications for this and future generations, to a bill that is totally nonrelevant. After 30 hours of debate, we will have a vote on closing that debate and including it in the legislation. I am deeply, deeply disappointed, and I question anyone's priorities who puts this kind of legislation ahead of the needs of the men and women who are serving our military with bravery, courage, and distinction.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, we are currently on the Department of Defense authorization bill and an amendment that has been offered by the Democratic majority leader relative to the creation of a new Federal crime of hate crimes.

Earlier, the Senator from Arizona, Mr. MCCAIN, came to the floor to question the wisdom of adding that kind of legislation to a bill related to the Department of Defense. Most people, when they hear that argument, would say: Why don't they do these bills separately? It turns out that under the Senate rules, oftentimes there are few opportunities to move a bill forward. It is not at all unusual for Senators to come forward and offer what appears to be, and may in fact be, an unrelated amendment to a bill that is likely to pass and be signed by the President. Too often, we pass bills that die in transit to the House or once over in the House never see the light of day. They have the same complaint about the Senate.

This is legislation, hate crimes legislation, which we believe is timely, important, and which we want to make

part of this debate and ultimately would like to offer it to the President for signature. It has been debated in the House of Representatives, and it is a bill that I think we can quickly come together with the House on and agree on common terms. So it is an important opportunity.

I might say to Senator MCCAIN that I have offered what we would call unrelated amendments in the past, and he has as well. Going back many years, in 1993 Senator MCCAIN offered a line-item veto amendment to a bill involving voter registration. He also offered that same amendment to research bills and to a bill involving the travel rights of blind individuals. He had a supermajority requirement to increase taxes added to a bill—unrelated—on the subject of unemployment compensation. So it is not unusual. I have done it. Senator MCCAIN has done it.

In fact, this year we have seen it happen repeatedly. In fact, most of the amendments have come from the other side of the aisle. Senator VITTER—on a bill that tried to put the economy back on track—offered an amendment that was critical of an organization known as ACORN. It had nothing to do with the stimulus package. It was his personal feeling about that organization that led to the amendment. Senator ENSIGN of Nevada offered a controversial amendment which, in fact, stalled a bill that was relating to the voting rights of the citizens of the District of Columbia. Senator ENSIGN's amendment dealt with gun control, which didn't have a direct bearing on the question of DC voting rights. Senator DEMINT raised the question of the fairness doctrine of the Federal Communications Commission—another amendment to the DC voting bill. Senator THUNE of South Dakota offered an amendment relative to concealed firearms, again on the DC voting rights bill.

The list goes on. To suggest what was done this morning is unusual is to ignore the obvious. For the better part of this year, amendments have been coming from the Republican side of the aisle that are unrelated to the subject matter of the bill, and that has been a fact of Senate life.

This amendment being offered by Senator REID, as well as many others relative to hate crimes, is a very important one. I would like to speak to it.

I speak in strong support of the passage of this hate crimes legislation. We plan on voting on it as an amendment to the Defense authorization bill. For several years, the Senate has taken up these two measures, and for several years both the House and the Senate have passed the hate crimes bill only to see it blocked by filibuster threats or veto vows.

We are fortunate to have a new President who supports this hate crimes legislation. When the House of Representatives took up this legislation just a

couple months ago, President Obama issued a statement which said:

I urge Members on both sides of the aisle to act on this important civil rights issue by passing this legislation to protect all our citizens from violent acts of intolerance.

What a difference a year has made. When Congress took up the hate crimes bill last Congress, President Bush called it "unnecessary and constitutionally questionable." He promised to veto it.

The American people said last November that they wanted a President who will take our country in a different direction. President Obama is doing that, and he is doing it on this issue as well.

The hate crimes bill has another important supporter who, sadly, cannot be with us on the floor today, and that is Senator TED KENNEDY of Massachusetts, who has been our leader on this issue for over 10 years. I wish he were here to make another impassioned speech for its passage. Nobody speaks to this issue with more authority and clarity than Senator KENNEDY. Senator KENNEDY has been called the heart and soul of the Senate. Passing this bill will honor the great work he has given in his public career to the cause of civil rights.

The Kennedy hate crimes bill now before us is one of the most important pieces of civil rights legislation of our time. I am proud to cosponsor it. I generally believe Congress should be careful in federalizing crime. In the case of hate crimes, there is a demonstrated problem and a carefully crafted solution.

Here is the problem—in fact, it is twofold. First, the existing Federal hate crimes law, passed in 1968 after the assassination of Dr. Martin Luther King, covers only six narrow categories. In order for the current law to apply, a person has to be physically assaulted on the basis of race, national origin, or religion, while engaging in one of the following specific activities: using a public accommodation, serving as a juror, attending a public school, participating in a government program, traveling in interstate commerce, or applying for a job.

The Kennedy hate crimes bill now being considered would expand coverage so that hate crimes could be prosecuted wherever they took place as long as there is an interstate commerce connection, such as the use of a weapon. Federal prosecutors would no longer be limited to the six narrow areas I mentioned earlier in the bill passed some 41 years ago.

Secondly, the bill would expand the categories of people covered under the Federal hate crimes law. The current law provides no coverage for hate crimes based on a victim's sexual orientation, gender, gender identity, or disability. Unfortunately, statistics tell us that hate crimes based on sex-

ual orientation are the third most common after those based on race and religion. About 15 percent of all hate crimes are based on sexual orientation. Our laws cannot ignore this reality.

Let me address some of the arguments that have been made against this hate crimes bill. Some of my constituents—in fact, most of those who write in opposition to the bill—are writing either personally or on behalf of churches. There are people who believe this bill would be an infringement on religious speech. Their concern is that a minister could be prosecuted if he sermonizes against homosexuality, and after that a member of his congregation assaults someone on the basis of their sexual orientation. I understand their concern, but it is misplaced.

The chair of the Judiciary Committee, Senator PATRICK LEAHY, held a hearing last month on the hate crimes bill. Attorney General Eric Holder was the star witness. I attended the hearing and asked the Attorney General point-blank whether a religious leader could be prosecuted under the facts I just described. I talked to him about a minister in a church who might stand before his or her congregation and argue that the Bible states clearly, from their point of view, that persons engaged in homosexual conduct are sinners, and if after that sermon someone sitting in the congregation, in anger, turns and strikes someone who is gay, can the minister be held responsible for inciting this person to strike someone of a different sexual orientation. This is what the Attorney General said in response to this hypothetical question I raised:

This bill seeks to protect people from conduct that is motivated by bias. It has nothing to do with regard to speech. The minister who says negative things about homosexuality, about gay people, this is a person I would not agree with, but is not somebody who would be under the ambit of this statute.

Based on that representation from the Nation's top law enforcement officer, I hope some from religious communities who have been writing to my office will understand that my response to them over the months and years that they have been writing is consistent with the interpretation of this hate crimes bill by the Attorney General of the United States.

It is also important to point out that the Kennedy hate crimes bill requires bodily injury. It does not apply to speech or harassment. It does not apply to those who would carry signs with messages of their religious beliefs. Attorney General Holder assured the Senate that, unless there is bodily injury involved, no hate crimes prosecution could be brought. I don't know how he could have been clearer or more definitive. I am certain that some who don't want to accept the clear meaning of his words will dispute him, but he was very

clear for all of the people of good faith who would listen.

And listen to the words of Geoffrey Stone, a first amendment scholar at the University of Chicago Law School:

It is settled First Amendment law that an individual cannot constitutionally be punished for attempting to incite others to commit crimes, unless the speaker expressly incites unlawful conduct and such conduct is likely to occur imminently. The last time the Supreme Court upheld a criminal conviction for incitement was more than a half century ago.

I also note that 24 States—nearly half of the States in America—have hate crime laws on the books that include sexual orientation, and religious leaders are not being prosecuted in those States. That is just not the purpose of the hate crimes laws. Prosecutors aren't going around looking to put ministers or people with religious beliefs contrary to certain sexual orientations in jail.

Moreover, I think it is time that many people in the religious community would come forward and support this legislation. They should take comfort in knowing that if they believe intolerance and hate are not part of their spiritual message, this law is a good law in support of their beliefs.

This law would go beyond the six narrow areas I covered earlier. It would be an important consideration since 20 percent of all hate crimes are committed on the basis of a person's religion. This hate crimes law will actually protect those discriminated against because of their religious belief. That should be another reason for those of faith to come forward and consider supporting it.

Another criticism of the Kennedy bill is one that has been around for a long time. It is an argument about States' rights. They argue there is no need to pass a Federal hate crimes law because the States can do the job on their own.

This argument is remarkably similar to one we faced almost a century ago when Congress debated an antilynching law. Between 1881 and 1964 there is evidence that almost 5,000 people—in fact, 4,749—were lynched in the United States. Predominantly the victims were African Americans. Yet Congress resisted addressing this problem for generations.

Let me read some quotes from a 1922 CONGRESSIONAL RECORD when Congress debated whether to pass a bill making lynching a Federal crime. One Member of Congress said:

The great body of the good people of the country know that the Federal Government should let the States solve these purely local questions. They know that peace and confidence cannot come from distrust and suspicion and that this Congress cannot, by statute, change God's eternal laws.

Another House Member said:

The question is whether or not we shall duplicate the State function by conferring the same power upon the Federal Government as

to this class of crimes. Ours is a government of divided Sovereignities.

The arguments this year against the hate crimes bill sound very similar to the arguments in 1922 against the antilynching law.

We can all agree that criminal law is primarily a State and local function. It is estimated 95 percent of prosecutions for crimes occur at that level. But there are some areas of criminal law in which we have agreed the Federal Government can and should step in to help.

There are over 4,000 Federal crimes, 600 of which have been passed in the last 10 years. Hate crimes are a sad and tragic reality in America. Last month's horrific shooting, not far from here, at the Holocaust Museum in Washington, DC, was the most recent reminder that hate-motivated violence still plagues our Nation.

Earlier this year in my home State of Illinois, two White men in the town of Joliet used a garbage can to beat a 43-year-old Black man outside a gas station while yelling racial epithets and stating: "This is for Obama." The victim sustained serious injuries, lacerations, and bruises to his head.

Last year, a University of Illinois student was walking near his college campus with three friends when an attacker, yelling antigay slurs, pushed him so forcefully he was knocked unconscious and suffered a head injury.

These are incidents in my home State, which I am proud to represent, but I am not proud of this conduct, and I do not think America should be proud of this kind of intolerance and assault—physical assault—that has taken place.

According to FBI data, which is based on voluntary reporting, incidentally, there are about 8,000 hate crimes in America every year. Some experts estimate the real number is closer to 50,000.

The Kennedy hate crimes bill will not eliminate hate crimes in America, but it will help ensure these crimes do not go unpunished.

When Senator KENNEDY introduced the hate crimes bill in April, here is what he said—for TED, whom I wish could be with us today, I will repeat his words so he is part of the RECORD in support of this bill. Here is what he said:

It has been over 10 years since Matthew Shepard was left to die on a fence in Wyoming because of who he was. It has also been 10 years since this bill was initially considered by Congress. In those 10 years, we have gained the political and public support that is needed to make this bill become law. Today, we have a President who is prepared to sign hate crimes legislation into law, and a Justice Department that is willing to enforce it. We must not delay the passage of this bill. Now is the time to stand up against hate-motivated violence and recognize the shameful damages it is doing to our Nation.

In the words of Senator KENNEDY, and in my own words as well, I urge my

colleagues to support this important legislation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, it is my understanding that we are now on the hate crimes amendment which takes the form of the Hate Crimes Prevention Act introduced by Senator KENNEDY. I wish to speak on that amendment.

I begin by commending and thanking Senator KENNEDY for his leadership and dedication on this issue for a long time. He has been the leader, he has been persistent, and I know he remains fully supportive.

This has been offered as an amendment to the Defense authorization bill. The reason is because it is so long overdue.

This amendment will expand the Federal definition of a hate crime so that the Federal Government can prosecute crimes committed because of a person's gender, gender identity, disability, or other sexual orientation.

It would increase the Justice Department's authority to prosecute by removing old restrictions that say a hate crime must involve a victim who is attacked because of hate and attacked while voting, attending a public school, serving on a jury or involved in another specially designated activity. So the application of the existing legislation is highly limited, and this would remove that limitation.

It would authorize \$5 million in Federal grants to help States, localities, and Indian tribes investigate and prosecute hate crimes. It would also allow the Federal Government to give important technical, forensic, and prosecutorial assistance to States and localities that prosecute these kinds of crimes.

It would authorize the Department of Justice to begin programs to combat hate crimes committed by children and teenagers. This is important because this is a rising area of concern.

It would allow law enforcement to gather more data about violent hate crimes so we know how big the problem is and can work to fight against it.

Let me give a little bit of history. I have been working on hate crimes since I joined the Senate and the Judiciary Committee almost 17 years ago. I know the history of this amendment very well. In the 103rd Congress, I introduced the Hate Crimes Sentencing Enhancement Act to substantially increase criminal sentences whenever a crime was committed on Federal land

that had an element of hatred to it relating to race, color, religion, national origin, ethnicity or sexual orientation. The bill was actually enacted into law in 1994, and it was an important first step.

In the 105th Congress, Senator KENNEDY introduced the Hate Crimes Prevention Act for the first time, and I was one of 33 cosponsors. That was 1997, and this is the bill we are still talking about today, 12 years later. In the 106th Congress, Senator KENNEDY reintroduced the bill. The bill was bipartisan, it had 43 cosponsors, but it did not pass.

In the 107th Congress, 2 years later, Senator KENNEDY reintroduced it again. It was bipartisan, and this time it had 50 cosponsors. In July of 2001, it was reported out of the Judiciary Committee, but a cloture vote in 2002 failed by a vote of 54 to 43. That was 7 years ago. One-half of the Senate was cosponsoring this bill, but we lost by six votes on a cloture vote.

Senator KENNEDY reintroduced the bill in the 108th, the 109th, and the 110th Congresses. Each time there was broad and bipartisan support, but the bill did not pass. In this Congress, the bill has 45 cosponsors. The Attorney General has testified in support of it, and a similar bill has already passed the House. I believe it is time to pass this legislation.

Let me be candid and say I still do not understand the opposition to the bill. It does not criminalize speech. It only applies to violent acts. These are acts where the victim is targeted because of who they are—because of their race, or national origin, or disability, or religion, or gender, or their sexual orientation. We should have passed this bill many years ago.

According to the FBI, hate crimes occur in the United States at a rate of approximately one for every single hour of the day. FBI statistics are not complete because they rely on voluntary reporting from local law enforcement agencies, but they are, nonetheless, I think, chilling and compelling. In 2007, 7,264 hate crimes incidents were reported to the FBI with a total of 9,535 victims. Approximately 50 percent of the victims were attacked because of their race, 18 percent because of their religion, 16 percent because of their sexual orientation, 13 percent because of their ethnicity or national origin, and 1 percent because of a disability.

The nonprofit Southern Poverty Law Center estimates that if we had information about all the hate crimes that occur in the United States, the total number would be close to 50,000.

These crimes come in all sizes and all shapes, but they have one common theme: They leave people terrified, hurt, even dead, and they rip communities apart.

I think we all remember the story of James Byrd, Jr., a 50-year-old Black

man, who was savagely murdered in Jasper, TX, in 1998, 11 years ago, while this bill was under consideration. Mr. Byrd was walking home from his parents' home late one night. He was picked up by three White men in a pickup truck. They took him to the woods, they savagely beat him, they chained him to the back of the truck, and they dragged him 2 miles to his death. His torso was found at the edge of a paved road. His head and arm were found in a ditch a mile away. The three men were later discovered to be Ku Klux Klan supporters, bearing racist tattoos.

A crime like this is not just tragic for the victim and his family but it makes an entire group of people terrified to leave their homes at night, and it tears communities apart in a potentially irreparable way. This is a heinous crime. Hate was the driving motivation and the law and the punishment ought to reflect that.

Mr. Byrd was killed 11 years ago, and things have not gotten better. Let me tell you about three trends I find particularly disturbing. First, hate crimes targeting Hispanic Americans rose 40 percent between 2003 and 2007. FBI statistics show these crimes are rising every single year. In 2003, 426 crimes against Latinos; in 2004, 475; 2005, 522;—see it ratcheting up—2006, 576; and 2007, 595. That is a 40-percent increase in 4 years.

The Leadership Conference on Civil Rights has reported that this increase in violence correlates with the heated debate over comprehensive immigration reform, and we have all heard the talk shows that preach hatred. This is part of the result. Regardless of the reason, though, for the trend, it is unacceptable for us to stand by and let these crimes increase.

Another example: In Shenandoah, PA, this year, a 25-year-old Mexican immigrant and father of two was beaten to death by a group of high school football players who yelled ethnic slurs as they punched and kicked him. They beat him until he was unconscious and convulsing. He died 2 days later from those injuries.

Just last week, a Latina janitor in Ladera Ranch, CA, was doing her maintenance round when two men hit her on the head and stabbed her with a switchblade while yelling racial slurs at her. Another hate crime last week.

These are brutal, and the victims are attacked because of who they are—their skin color, their religion, their heritage—and their attackers' hate and vengeance.

There is a second troubling trend. The FBI reported 1,265 hate crimes against gay men and lesbians in 2007, and these are only the crimes reported. Many more crimes against this particular community are believed to go unreported to local law enforcement. The FBI has been reporting at least

1,000 hate crimes against this community every single year since 1995.

These crimes are equally chilling. Last December, a woman in my State, in the San Francisco Bay area—in Richmond, CA—who happened to be lesbian, was attacked by four men when she got out of her car, which had a gay pride sticker on its license plate. They raped her and made comments about her sexual orientation. Then they drove her 7 blocks away and raped her over and over again before leaving her naked on the ground near a burned-out apartment complex.

This is the United States of America. In my State, too, in Oxnard, CA, a 15-year-old openly gay boy named Larry King was harassed and bullied by his classmates for many years. One day, in 2008, he was sitting in an English class in school, when a fellow classmate stood, took out a handgun and shot him in the head. Larry King died in the hospital a few days later.

It is essential we give law enforcement all the resources we need to investigate, to solve, to prosecute, and to punish these crimes.

Finally, there is a third area I am very concerned about. Most of the worst of these crimes are being committed today by young people. On election night, just last year, four young men between the ages of 18 and 21 drove to a predominantly African-American neighborhood in Staten Island, where they brutally beat a Black teenager who was walking home from watching the election results. They went on to assault another Black man, and they used their car to run over a third man they believed to be black. They injured this man so badly he was left in a coma.

In Shenandoah, the individuals who savagely beat a 25-year-old Mexican immigrant to death were all 21 or younger. And in Oxnard, the boy who shot Larry King was 14 years old. Imagine being consumed by hatred at 14 years old and what that means for the future of your life.

Why would anyone oppose giving the Department of Justice more resources to fight these crimes? These hate crimes are terrifying. These are the daily lives of Americans we are talking about—innocent people who are walking to work, driving home at night, working or, yes, sitting in our Nation's school classrooms.

This legislation is important. It will allow the Federal Government to prosecute where States or localities are not willing to. It will allow the Justice Department to assist States and localities that want to prosecute but don't have the resources or expertise they need. It does not criminalize speech. It only applies to violent acts, not expressive conduct. It is bipartisan and supported by a majority of Congress.

Twenty-six State attorneys general are advocating for it and so are more

than 41 civil rights groups, 55 women's groups, 79 Latino groups, 16 gay rights groups, 63 religious organizations that represent hundreds of individual congregations, by the International Association of Chiefs of Police, the Federal Law Enforcement Officers Association, the Major Cities Chiefs of Police, the International Brotherhood of Police Officers, the United States Conference of Mayors, the American Veterans Committee, and many others.

This legislation is long overdue. There is a problem out there. It deserves to be solved. It deserves to be deterred. It deserves to be punished. This bill is long overdue.

I thank Senator KENNEDY for his long history of leadership on this issue. Indeed, if we are able to pass this bill today, or whenever we vote, it will, in fact, be a major tribute to him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I wish to repeat and emphasize the unprecedented fashion that we are now addressing legislation that concerns our Nation's security and the well-being and welfare of the men and women who are serving it.

I always thought the job of the majority leader of the Senate was to move legislation through the Senate. Obviously, the majority leader has come to the floor of the Senate and, at the request of the majority leader, the chairman of the committee has taken out an amendment that addresses a \$1.75 billion F-22 amendment that the President has placed his personal stamp on passing, that the Secretary of Defense has viewed as one of his highest priorities, as did the Secretary of the Air Force and other administration officials. What did we do? We come to the floor and withdraw the amendment, withdraw it so we can take up a major piece of legislation.

I am reminded that there are amendments proposed by various Members of this body who believe their amendments need to be proposed and believe there is no other avenue but to put them on pending legislation. The majority leader of the Senate can bring up legislation wherever he wants to. That is the privilege of the majority. That is the right of the majority.

Here we are trying to address an issue of paramount importance to the well-being of the men and women of the United States of America. Here we are trying to address an issue of \$1.75 billion, which has far more importance, in many respects, than the actual cost of the F-22s themselves, and without a hearing in the Judiciary Committee, without a bill reported out by the Judiciary Committee, which is the committee of oversight, the majority leader of the Senate has one very important amendment pulled and then puts in a piece of legislation which is far-

reaching in the consequences and very controversial.

I introduced into the RECORD a little while ago the U.S. Commission on Civil Rights opposes this legislation. Doesn't this legislation, the hate crimes bill, deserve the amending and debate process that legislation is supposed to go through—committees and then on the floor of the Senate, open to amendments? No, it has been inserted now on the Defense authorization bill, and within a short time, I am sure the majority leader will come to the floor and file a motion for cloture to cut off debate on an issue of significant importance to all Americans and railroad it through on a "bipartisan basis," with possibly two Republican votes.

That is not the way this body should work. It is an abuse of power. It does not make for comity on both sides of the aisle. In fact, those of us who are committed to seeing this authorization bill done as quickly as possible because we are worried about the security of this Nation take great offense when the majority leader of the Senate, whose job is to move legislation through the Senate, brings extraneous and unrelated legislation to a bill as important as this to the men and women of this country and our Nation's security. To somehow equate that with other amendments that have been proposed, from time to time, by Members on both sides, I think is not an appropriate comparison. I resent it a great deal. It is not good for the health of this body, in my view.

Perhaps there is precedent for this. Perhaps there is precedent when a Defense authorization bill, an issue probably, as I say, of the highest criticality, with an amendment on it that the President of the United States has fully weighed in on and committed on, is taken off the floor, is taken away from consideration in order to put in an extraneous and very controversial full package of legislation.

The hate crimes bill before us is not an amendment. It is legislation. It is an encompassing bill, 20-some pages long. We are going to have about 30 hours of debate, a discussion on it, the majority leader will come and cut off debate and we will probably pass it, thereby exacerbating a situation where those of us who oppose this legislation—and it is important legislation—will be faced with a dilemma of choosing between a bill which will harm, in my view, the United States of America and its judicial system and defending the Nation. I do not think that is fair to any Member of this body.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 1521

Mr. ENSIGN. Mr. President, yesterday Senator BROWN and I introduced bipartisan and commonsense legislation as both an amendment to the Na-

tional Defense Authorization Act and as a stand-alone bill. This is not the first time we have worked together on legislation. I would like to recognize and thank the junior Senator from Ohio for the bipartisan manner that both he and his staff have worked on this particular issue.

In particular, I would also like to thank the Nevada Office of Veterans Services and the National Association for State Veterans Homes for bringing this matter to our attention.

As stated, our legislation is both bipartisan and common sense. Currently, an individual is allowed into a State veterans home if the individual is, No. 1, an eligible veteran as defined by the U.S. Code; No. 2, the spouse of an eligible veteran; or, No. 3, a Gold Star parent.

The problem, though, arises in the way that the Veterans Affairs Department defines a Gold Star parent. Under current regulations, an eligible parent is one who has lost all of their children while serving their country. I know it doesn't make sense, but that is the way the definition is. As a consequence, state veterans homes are forced to deny admissions to Gold Star parents if they have any surviving children. Losing a child in war is a stunning and life-altering event for anyone. Senator BROWN and I believe that for these families, having one child make the supreme sacrifice in service to our country is sacrifice enough to authorize the surviving parent's elder care in a State veterans home later in life. Our legislation would change that to permit entry into a VA nursing home to any parent who lost a son or daughter in war while fighting to protect our freedoms and our very way of life.

As most people are aware, State veterans homes were founded for servicemembers following the American Civil War. They have become institutions that our veterans and their dependents have come to rely on for nearly 150 years. Currently, there are 137 State veterans homes in all 50 States and Puerto Rico that, on a daily basis, provide hospital, rehabilitation, long-term care, Alzheimer's care, and end-of-life care to approximately 30,000 veterans and dependents.

I would also like to take this opportunity to recognize the Nevada State Veterans Home in Boulder City, NV, for the great work they do. U.S. News and World Report recently rated this veterans home as a 5-star facility and the top nursing home in my home State of Nevada. I think it is only fair that the parents who have lost a son or a daughter have access to first-class facilities such as this.

I thank, once again, the junior Senator from Ohio and ask my other colleagues to support this important legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mrs. SHAHEEN. Madam President, I rise in support of strengthening our Federal hate crimes clause to include crimes motivated by a victim's sexual orientation, gender, gender identity or whether the victim has a disability. By passing the Matthew Shepard Hate Crimes Prevention Act, we will take a long-overdue step toward ensuring that our law enforcement officials have the resources they need to prevent and properly prosecute some of the most toxic and destructive violent crimes we face. I also thank my colleagues who have worked tirelessly to see this important legislation enacted into law. For the better part of the last decade, Senator KENNEDY, along with Senators LEAHY, COLLINS, and SNOWE, have shown leadership on this issue, even when the odds of success were small. Their diligence is one of the reasons this legislation today enjoys the support of more than 300 law enforcement, civil rights, civic, and religious organizations. As a new Member of the Senate, I am proud to join them this year as an original cosponsor of the Matthew Shepard Hate Crimes Prevention Act. I truly hope my colleagues will join me to pass this amendment.

In 1998, Matthew Shepard, a 21-year-old college student, was beaten and murdered just because he was gay.

The brutality of this crime captured the attention of the Nation. It was an attack not just on Matthew and his family but on an entire community. I had the opportunity a couple of years ago to meet Judy Shepard, Matthew's mother.

I applaud her willingness to try and make something positive out of such a terrible tragedy. She has been a tireless advocate to try and get hate crimes legislation passed and to point out the impact of these violent acts on families across this country.

The Matthew Shepard attack sent a message of hate and intolerance to LGBT youths and their families and instilled in countless young Americans a sense of fear simply because of their sexual orientation.

Despite this, Matthew's murderers were not charged with a hate crime because no such law exists in Wyoming or on the Federal level. It is impossible to know for certain the full effect of crimes motivated by hate on the communities they target. What is certain is that hate crimes rob the members of these communities of a sense of security, and the impact is real.

Among LGBT youth in this country, the suicide rate is four times higher

than their straight peers, as many struggle to find their place in their families and their communities. While reducing bigotry and increasing tolerance will require a comprehensive effort, it is an effort that will take time. But addressing our outdated hate crimes law is one very important component.

As Governor, I was proud to sign legislation that expanded New Hampshire's hate crimes to include sexual orientation. Unfortunately, many States still lack such laws, which is why this bill is so critical.

By expanding the definition of hate crimes and by easing access to resources for local and Federal law enforcement officials to prosecute these crimes, we can hopefully help prevent these crimes and send a message that hate and bigotry in any form have no place in our society.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, pending before the Senate is the National Defense Authorization Act which is an annual bill considered by the Senate which basically authorizes the spending of money and certain policies for the Department of Defense. There is a lot of work that goes into this bill. It is put in primarily by the chairman of the committee, CARL LEVIN of Michigan, and by JOHN MCCAIN of Arizona. This bill looks to be over 1,000 pages long. They have put a lot of effort into this bill and are anxious to pass it.

An issue came up, an important issue about the F-22 airplane. This is a fighter plane that the current administration and others have said should be discontinued. Whenever a fighter plane is being built and is being discontinued, there are people who resist because each one of these Defense projects involves a lot of people, a lot of jobs, a lot of contracts that are important to businesses and families and communities. So there is resistance. But on the F-22 fighter plane, President Obama has gone so far as to say in writing: If you include more planes beyond the 187 allocated in previous legislation, I will veto the bill. That, of course, would call for a supermajority to override the veto, which is not likely to occur. So it is a promise or a threat from a President we have to take seriously.

The bill currently contains an amendment which expands the number of F-22 fighter planes that was adopted narrowly in the Armed Services Com-

mittee. The chairman and the ranking Republican have the same position as President Obama. They want to reduce or hold fast to the number of airplanes currently projected to be built and not to expand it, as this bill does. So they offered an amendment to stand with President Obama and delete the section of the bill which would call for more planes. That amendment, No. 1469, was offered on Monday to be considered by the Senate. A number of Members have come to support the amendment, and I am one of them. I support the President's position and the position of Senators LEVIN and MCCAIN. There are others who oppose this amendment, clearly.

At one point, Senator LEVIN said: Let's move this to a vote. Senator MCCAIN agreed, as we should. It had been pending for 2 days. Everyone knows what is at issue. It is contentious and clearly controversial, but we deal with those issues. That is part of our job.

At that point, the process broke down. The Republican side of the aisle objected to calling the amendment. That is when the bill came grinding to a halt. That is when Senator LEVIN said: We know that after this amendment on F-22s, we will go to an amendment on hate crimes legislation on the same bill. So he withdrew this amendment.

Clearly, the answer to this—one I hope we can work out at the leadership level—is for Republicans to agree that we have a vote on the F-22 airplane. We should. Senator MCCAIN is anxious for that to happen so the bill can move forward. Once that vote is out of the way, we should schedule a reasonable time for debate and a vote on the hate crimes legislation, which is not new. We have considered this before. But we are bogged down.

At this point, tempers are flaring a little bit because this important bill is being held up over those two issues: whether the F-22 amendment by Senators LEVIN and MCCAIN will come to a vote and whether the hate crimes legislation offered by Senator REID will also then be considered and voted on. I hope both those occur. There is no reason why they should not. Those who think they might lose the F-22 amendment are resistant to calling it for a vote. But there will come a day when we have to face this issue with a vote. That is ultimately what the Senate is here for.

I might say about nonrelevant amendments, a position made on the floor by my friend from Arizona and others, it is a hard argument to understand in light of what we have been through.

I ask unanimous consent to have printed in the RECORD a long list of nonrelevant amendments offered this year by the Republican side of the aisle to a series of bills considered on the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPUBLICAN NON-RELEVANT AMENDMENTS
2009

Vitter #107 (ACORN) to H.R. 1, The American Recovery and Reinvestment Act; Ensign #575 (DC Guns) to S. 160, DC Voting Rights; DeMint #573 (Fairness Doctrine) to S. 160, DC Voting Rights; Thune #579 (Concealed Firearms) to S. 160, DC Voting Rights; Cornyn #674 (Union Dues) to H.R. 1105, Emergency Supplemental Omnibus Appropriations; Vitter #621 (Congressional Pay) to H.R. 1105, Emergency Supplemental Omnibus Appropriations; Thune #662 (Fairness Doctrine) to H.R. 1105, Emergency Supplemental Omnibus Appropriations; Thune #716 (Charitable Donations Deduction) to H.R. 1388, National Service; Vitter #705 (ACORN) to H.R. 1388, National Service; Inhofe #996 (National Language) to S. 386, Fraud Enforcement; Vitter #991 (TARP) to S. 386, Fraud Enforcement and Recovery Act; Coburn #982 (TARP) to S. 386, Fraud Enforcement and Recovery Act; Thune #1002 (TARP) to S. 386, Fraud Enforcement and Recovery Act; DeMint #994 (TARP) to S. 386, Fraud Enforcement and Recovery Act; Coburn #983 (IG-Fannie Mae/Freddie Mac) to S. 386, Fraud Enforcement and Recovery Act; Vitter #1016 (TARP) to S. 896, Helping Families Save Their Homes Act; Thune #1030 (TARP) to S. 896, Helping Families Save Their Homes Act; DeMint #1026 (TARP) to S. 896, Helping Families Save Their Homes Act; Coburn #1067 (Guns in National Parks) to H.R. 627, Credit Cardholders; Coburn #1068 (Guns in National Parks) to H.R. 627, Credit Cardholders; Hutchison #1189 (Auto Dealers) to H.R. 2346, Iraq/Afghanistan Supplemental Appropriations; Vitter #1467 (Rx Drug Reimportation) to H.R. 2892, Homeland Security Appropriations.

Mr. DURBIN. They run the range of things. I talked earlier about some of these amendments: an amendment relating to the regulation of guns in the District of Columbia put on the voting rights bill; an amendment relating to the fairness doctrine and telecommunications on the same DC voting rights bill; an amendment related to congressional pay on the Omnibus appropriations bill. The list goes on and on. I won't go beyond including it in the RECORD.

What the majority leader did today with the hate crimes legislation is not unlike what has been done repeatedly by the Republican side of the aisle over the last several months. Ultimately, these came to a vote. They were considered and voted on. That is all the majority leader is asking for, to bring the hate crimes legislation to a vote on this legislation.

There is clearly a way out of this. It is for the Senate to do its job, to vote on the Levin-McCain amendment on the F-22 fighters up or down. Let's see who prevails, understanding that if this provision stays in the bill and Levin-McCain fails, the President will veto the bill. That is a pretty ominous prospect.

Also keep mind that the hate crimes legislation is timely. It has passed the House of Representatives and should be considered by us.

I would like to say a word on it and ask unanimous consent to have printed in the RECORD a publication by an organization known as Third Way which consists of statements of support from religious leaders for the Senate hate crimes bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENTS OF SUPPORT FROM RELIGIOUS LEADERS FOR THE SENATE HATE CRIMES BILL

Dr. David P. Gushee, Distinguished University, Professor of Christian Ethics, Mercer University: As a Christian, I believe in the immeasurable and sacred worth of every human being as made in the image of God and as the object of God's redeeming love in Jesus Christ. In our sinful and violent world, there are tragically very many ways in which this sacredness is violated. This bill deserves Christian support because its aim is to protect the dignity and basic human rights of all Americans, and especially those Americans whose perceived "differentness" makes them vulnerable to physical attacks motivated by bias, hatred and fear. The bill simply strengthens the capacity of our nation's governments to prosecute violent, bias-related crimes. I am persuaded that the bill poses no threat whatsoever to any free speech right for religious communities or their leaders. Its passage will make for a safer and more secure environment in which we and all of our fellow Americans can live our lives. For me, the case for this bill is settled with these words from Jesus: "As you did it to one of the least of these, you did it to me" (Mt. 25:40).

Rev. Dr. Derrick Harkins, Senior Pastor, Nineteenth Street Baptist Church, Washington, DC: A strong Biblical imperative that I believe stands at the heart of my Christian faith is the preservation and protection of the inherent dignity of all persons. The Scriptures are replete with examples of God's concern and compassion for those seen as "other" by many. As an American, I know the protection of personal dignity and human rights is a principle that makes us that much stronger as a nation, and certainly does not stand at odds with freedom of expression. Passage of the Hate Crimes Bill will help to ensure the safeguards of the law for those who are victimized by acts of bias and hate. I welcome the opportunity to support this bill as an expression of my Christian witness, and my belief in our nation's highest aims for all its citizens.

Dr. Joel C. Hunter, Senior Pastor, Northland—A Church Distributed: I would think that the followers of Jesus would be first in line to protect any group from hate crimes. He was the one who intervened against religious violence aimed at the woman caught in the act of adultery. He protected her while not condoning her behavior. This bill protects both the rights of conservative religious people to voice passionately their interpretations of their scriptures and protects their fellow citizens from physical attack. I strongly endorse this bill.

Rev. Gabriel A. Salguero, Executive and Policy Advisor, The Latino Leadership Circle: At the heart of the Christian gospel is the belief in the intrinsic dignity of all humanity. When people are targeted for acts of violence the Church must speak out. I support the Hate Crimes bill because it provides room for free speech and religious conviction while protecting groups of people from acts of violence. As a Christian who values both love and truth I support a bill that protects

the vulnerable while allowing ministers to speak freely about their faith and moral convictions. The Hate Crimes bill does not call for the sacrifice of either dignity nor conviction. It is my prayer that we continue to find ways forward that honors both freedom of speech and protection for all our citizens.

Mr. DURBIN. Madam President, those who spoke in favor of the bill should be noted, their identities should be noted, because there is some argument, at least in the mail I have received from some religious leaders against the bill. Dr. David Gushee, distinguished university professor of Christian ethics at Mercer University, has a well-thought-out statement in support of the bill; Rev. Derrick Harkins, senior pastor of the Nineteenth Street Baptist Church in Washington, DC, the same; Dr. Joel Hunter, senior pastor at Northland, has also come out in support; and Rev. Gabriel Salguero, executive and policy adviser of the Latino Leadership Circle.

The point I tried to make earlier and the one their support makes is that there are religious leaders who believe this bill is necessary to protect those who may be subjected to physical violence because of religious belief—we don't want that to occur—that intolerance is not consistent with American values.

Secondly, to those who argue that if we include sexual orientation in this bill, a pastor who sermonizes against homosexuality based on his interpretation of the Bible could be arrested for it, that is not true. As I quoted earlier, the Attorney General said, clearly, hate crimes legislation is focused on physical violence—not words, not harassment, but physical violence. If the religious leader is not engaged in physical violence against someone of a different sexual orientation, they will not be subject to prosecution under this bill. That has been made clear by the Attorney General, and the support of religious leaders indicates they understand that as well. We need to protect the people of our country against hate crimes and intolerance, but we also need to honor our constitutional guarantees when it comes to speech and religious belief. Those are consistent.

I look forward to the Senate coming to a conclusion, but I think those who have come to the floor and criticized the majority leader for this situation have not told the whole story. The whole story is the F-22 amendment by Senators LEVIN and MCCAIN was ready to be called, should have been called for a vote, and if it is scheduled for a vote, it can be dispensed with. I will support it. I have made that clear to the sponsors. Then we can move to the hate crimes legislation which the majority leader has brought before us, not unlike the many different instances this year when Republicans did exactly the same thing on the floor.

I urge those who might be off to lunch in a few minutes to use this op-

portunity. I see my friend from Arizona has taken the floor. I hope we can find an opportunity to work these two things out, perhaps bring to a vote the F-22 amendment, which I do support, the Levin-McCain amendment, to remove language in the bill on the expansion of the F-22 program. The sooner we can get approval from the leadership on the other side of the aisle, the sooner we can dispense with it one way or the other, up or down. Secondly, I hope we can then move to the hate crimes legislation which has been debated at length and is not unlike many of the other amendments which have been offered on the Republican side of the aisle on a variety of different bills during the course of the last few months. Bringing these two matters to a vote, perhaps we can then take up other pending matters on the Defense authorization bill on which I know the Senators from Arizona and Michigan have worked so hard.

Mrs. BOXER. Will the Senator yield for a question?

Mr. DURBIN. I am happy to yield.

Mrs. BOXER. I just have a question, while my friend has the floor. I have been waiting to speak on the hate crimes bill. I am wondering if it would be possible, because I am not sure if Senator MCCAIN has a lengthy statement, for him to work with us so we could get a time certain when I may make that statement.

Mr. DURBIN. I am going to yield the floor. Is the Senator seeking recognition?

Mr. MCCAIN. I will just take a few minutes.

Mr. DURBIN. Could I yield to the Senator from Arizona with the understanding that after he has spoken, the Senator from California would be recognized?

Mr. MCCAIN. That would be fine with me.

Mr. DURBIN. Could the Senator give an indication of how much time he may require?

Mr. MCCAIN. I am not sure what the Senator's reaction will be to what I have to say. I can't give him a specific time agreement. I am sorry. This is a vital issue we are addressing.

Mr. DURBIN. I understand it is.

Mr. MCCAIN. I will make my remarks as short as possible. I believe the Senator from Illinois has the floor; is that correct?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mrs. BOXER. Will the Senator yield for another question?

Mr. DURBIN. I will.

Mrs. BOXER. I am trying to get a sense for timing's sake. We all have obligations in our various committees and with constituents. I am wondering if I should speak first. My statement is only about 6 minutes. Then I could yield to Senator MCCAIN. I think this hate crimes legislation is landmark legislation.

Mr. DURBIN. I think Senator McCAIN has asked to be recognized first. If I have any response to him, I will try to make it very brief. I ask unanimous consent that after the Senator from Arizona has spoken, the Senator from California be immediately recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I want to point out again, the legislation which is now pending has replaced the F-22, the Levin-McCain amendment. My argument is that the majority leader has put in legislation which is not relevant to the pending legislation, which is the Department of Defense authorization bill. I am perfectly willing for the hate crimes bill to come up under the regular order. Why it should be put on the Defense authorization bill, which will then not allow adequate debate and discussion of amendments, not to mention the fact that it hasn't gone through the committee of jurisdiction—frankly, I do not think it is the appropriate way of using the Defense authorization bill. In fact, I think it is highly inappropriate. Therefore, why don't we do this, I ask the Senator from Illinois: agree that as soon as the Defense authorization bill is complete, we take up the Matthew Shepard Hate Crimes Prevention Act under the regular order and do business the way the Senate should do business?

UNANIMOUS CONSENT REQUEST—S. 909

So therefore, Mr. President, I now ask unanimous consent that the pending amendment be immediately withdrawn; that no amendments on the topic of hate crimes be in order to the pending legislation; further, I ask that when the Senate completes action on the Department of Defense authorization bill, it be in order for the Senate to proceed to S. 909, the Matthew Shepard Hate Crimes Prevention Act, under the regular order.

The PRESIDING OFFICER (Mr. MERKLEY). Is there objection?

Mr. DURBIN. Reserving the right to object, Mr. President, I would say that the Senator from Arizona knows that on 16 different occasions this year Republican Senators have offered nonrelevant amendments to pending legislation. The Senator has done that himself. I have done it myself. It is not unusual or beyond the custom and rules of the Senate. And I believe Senator REID has the right to do it on this critically important legislation which we can move to with dispatch. Based on that, I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. So, Mr. President, here are the facts. The fact is, the majority leader, whose job it is to move legislation through the Senate, is now blocking progress of Defense authorization—

that progress through the Senate—by proposing an unneeded, irrelevant amendment, which is a large piece of highly controversial legislation.

The Senate majority leader will come to the floor and he will file cloture. Then, after some hours—with no amendments because he will probably fill up the tree—the Senate will pass a highly controversial, highly explosive piece of legislation to be attached to the authorization for the defense and the security of this Nation. That is wrong. And why—I want to put it this way: It is unanswerable that we do not just take up the hate crimes bill in the regular order and allow Senate debate and discussion. That is how the Senate is supposed to work—not put it on a major piece of legislation.

I will also point out to my friend from Illinois something he knows. It is one thing for someone who sits back there to propose an amendment to pending legislation because they feel that is the only way they can get their argument heard. The majority leader of the Senate has the authority to move whatever legislation he wants. And the majority leader of the Senate should move the hate crimes bill if he wants it considered rather than give it priority over the legislation that accounts for the national security of this country and the men and women who serve it.

So I am sure there will be all kinds of comments about the Republicans blocking a vote, blocking this, blocking that. Why don't we take up legislation in the regular order? Hate crimes has been opposed by the U.S. Commission on Civil Rights. This is a very controversial issue. By putting it on the DOD bill, we are not going to have the adequate debate, discussion, and amendment an issue such as this deserves. There is passion on both sides of the aisle.

So it is obvious, whether it is the intention or not, what is happening here is the whole process of debate and amendment will be short-circuited, because we on this side of the aisle are more than willing to take up the legislation as a separate piece of legislation, debate, amend, and discuss it, and let the American people decide. Instead, the men and women in the military right now today are being short-changed by putting irrelevant legislation that is highly controversial and highly complex on a bill designed for defense of this country and for the men and women who serve it.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. MCCAIN. Actually, I will be glad to yield. But if the Senator wants to have a colloquy, go ahead.

Mr. DURBIN. I want to make sure Senator BOXER has her chance.

If I could make two points in the nature of a question to the Senator from Arizona.

First, Senator REID offered this amendment on behalf of Senator LEAHY, chairman of the Judiciary Committee, who is now presiding over the Sotomayor hearings. I know he supports it, and I support it as well, the hate crimes legislation, but I want to make that a matter of record.

Mr. MCCAIN. Could I respond to that?

Mr. DURBIN. Yes.

Mr. MCCAIN. It is one thing to have the chairman of the committee support it; it is another thing to have the legislation go through the committee with the proper debate and discussion and amendment. But go ahead.

Mr. DURBIN. The second point I would like to make to the Senator from Arizona is, when we asked for unanimous consent from the Republican side to move to the hate crimes legislation, there was objection. So it is not as if we have not tried to go through regular order. This seems to be the only path we can use to bring this matter to a conclusion. And I think it can be done in a responsible way quickly. It does not have to drag out over a matter of days. The Senator knows that. If we can get agreement on both sides to have a reasonable time for debate and a vote on the bill, I think that would meet the needs the Senator has suggested to get back on the substance of the Defense authorization bill.

Mr. MCCAIN. In deference to the Senator from California, I will make my answer brief, just to say I do not think—as I have said in my previous argument, it does not belong on a defense authorization bill, particularly so moved by the majority leader of the Senate. But, Mr. President, the Senator from California is waiting, and I yield the floor.

Mr. DURBIN. Mr. President, if the Senator from California will allow me to make a unanimous consent request before she speaks.

UNANIMOUS-CONSENT REQUEST

Mr. President, I ask unanimous consent that at 12 noon, on Thursday, July 16, the Senate proceed to vote on the motion to invoke cloture on the Leahy amendment No. 1511, with the time until then equally divided and controlled between the leaders or their designees; that if cloture is invoked on amendment No. 1511, then all postcloture time be yielded back and amendment No. 1539 be agreed to; that amendment No. 1511, as amended, be agreed to and the motion to reconsider be laid upon the table; that upon disposition of the hate crimes amendment, Senator LEVIN be recognized to offer the Levin-McCain amendment, and that the time until 5 p.m., Thursday, July 16, be for debate with respect to the amendment, with all time equally divided and controlled between Senators LEVIN and CHAMBLISS or their designees; that at 5 p.m., Thursday, July 16, the Senate proceed to vote in

relation to the amendment, with no intervening amendment in order during the pendency of the F-22 amendment; further, that the mandatory quorum be waived with respect to rule XXII.

The purpose of this unanimous consent request is to achieve just what the Senator from Arizona asked for: a timely consideration of both amendments. We will be back on the bill on his amendment. I ask unanimous consent that we accept this schedule and move forward.

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. Mr. President, reserving the right to object, and I will object, I am not asking that there be a time agreement on hate crimes, I am asking that the hate crimes bill be brought up as a standing bill. The Senator has 60 votes. The Senator could bring it up whether this side of the aisle objects or not as a freestanding piece of legislation. I object to it being considered on the Department of Defense authorization bill. It has no place for it. It should not be there. The longer we wait, the longer the delay is in providing the men and women of the military the tools they need. So I do object. And we should take this up. I am sorry my unanimous consent request was not agreed to—that we would take it up as a freestanding bill after the consideration of the Department of Defense bill.

Mr. President, I yield the floor. I thank the Senator from California for her courtesy.

The PRESIDING OFFICER. Objection is heard.

The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator McCAIN and Senator DURBIN for moving through their debate swiftly so I would have this opportunity to speak in support of a landmark piece of legislation that has been offered as an amendment, the hate crimes prevention amendment named after Matthew Shepard.

This bill is a long time coming. I know we could make a process argument. We do it well around here. But it seems to me, we can move this Defense bill through quickly. We are doing that. We will do that. It has strong support. But we can also take care of this long-neglected, important piece of legislation whose passage will protect and defend our citizens from hate crimes.

So it is funny, because technically speaking, of course, the Defense bill is about our military, and we all support doing what we have to do to keep it strong and to be prepared. That is why I will support that. But there is no reason why we cannot take a little time to look at the fact that it is time for the Matthew Shepard Hate Crimes Prevention Act to really be passed. It will not slow us up really. We have just seen that Senator DURBIN has asked for a unanimous consent agreement to do

this quickly. It is not going to delay. My Republican friends do not seem to mind it when they offer nonrelevant amendments to bills. They have done it 16 times this year. Oh, they do not have a problem. But if it is something they do not like, suddenly they make this process argument. Rather than debate process, why don't we just get on with it? We can do a couple of important things this week—one of them, the Defense bill, and the other, protecting our citizens from hate crimes.

The importance of the amendment that was offered by Senator LEAHY through our leader is that it would strengthen the ability of Federal, State, and local authorities to investigate and prosecute hate crimes.

It has been more than 10 long years since the senseless death of Matthew Shepard—a tragedy that showed us we have a long way—a long way—to go before we can truly say in this country there is equal justice for all.

Let's look back at what happened to Matthew Shepard 10 long years ago. Two men offered Matthew Shepard, a gay man, a ride in their car. Subsequently, Shepard was robbed. He was pistol whipped. He was tortured. He was tied to a fence in a remote rural area. And he was left to die. Mr. President, this was not a robbery. This was not a spur of the moment situation. We know from the pair's then-girlfriends, who testified under oath, that the two men plotted beforehand to rob a gay man in particular. That crime occurred because Matthew Shepard was a gay man. Well, they robbed him. They tortured him. And they killed him.

This crime should be a Federal crime. And yes, we have tried to pass that hate crimes legislation for years and years. There is always an excuse: We do not have the time. It is not relevant to the bill. Well, Matthew Shepard's family—what happened to them will never go away. The loss they carry in their hearts will never disappear. But the one thing we can do to ease their burden is to pass this legislation.

Look, we have offered this on Defense bills before. This is not the first time. We dealt with it and we voted and we moved on. So the only thing you can say as to why there is all this objection is because people do not want to vote on this bill, and they are making it more and more difficult for us to be able to get to it. I hope we will, in fact, stick to it and get this done. Again, it is not going to weigh down the Defense authorization. In my mind, again, it is something we need to do and we can do with no harm to the underlying bill.

We should be proud to support this legislation, not afraid to vote on it, not trying to postpone a vote on it. Hate crimes are particularly offensive because they are propelled by bias and bigotry. They not only inflict harm on the victims, but they instill fear in entire communities.

That is why I have—and I ask to put into the Record—a strong letter of support from my sheriff from Los Angeles, Lee Baca. I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COUNTY OF LOS ANGELES,
SHERIFF'S DEPARTMENT HEADQUARTERS,
Monterey Park, CA, June 25, 2009.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: The Los Angeles County Sheriff's Department is proud to support S-909. This bill would provide federal assistance to state and local jurisdictions for the prosecution of hate crimes.

This bill will adopt the definition of "hate crime" from the Violent Crime Control and Law Enforcement Act of 1994 which is a crime where the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person and additionally include gender identity.

This bill will also authorize the Attorney General, at the request of the state or local law enforcement agency, to provide technical, forensic, prosecutorial, or other assistance in criminal investigations or prosecutions. The Attorney General is additionally authorized to award grants to law enforcement agencies for extraordinary expenses associated with the investigation and prosecution of hate crimes.

In 2007, the Federal Bureau of Investigation (FBI) statistics indicate that 2,025 law enforcement agencies across the country reported 7,624 hate crimes involving 9,006 offenses. Of those, 7,621 were single bias incidents involving 9,527 victims and 6,962 offenders. Of the single bias incidents, 50.8 percent were racially motivated, 18.4 percent motivated by religion, 16.6 percent motivated by sexual orientation, 13.2 percent motivated by ethnicity or national origin, and 1 percent motivated by disability.

This bill is, indeed, a civil rights issue, as President Obama said, "... to protect all of our citizens from violent acts of intolerance." Hate crimes are a scourge in our society and have no place in humanity.

Thank you for sponsoring this important legislation. It is the duty of government to protect all, equally and unequivocally. Should you have any questions, do not hesitate to contact me directly.

Sincerely,

LEE BACA,
Sheriff.

Mrs. BOXER. I want to note that Lee Baca happens to be a Republican. I want to note that this law enforcement individual is very strong on this. He says this hate crimes bill deals with a civil rights issue, and he quotes President Obama, "to protect all of our citizens from violent acts of intolerance." Lee Baca adds in his own words:

Hate crimes are a scourge on our society and they have no place in humanity.

What we are dealing with is not a Republican issue or a Democratic issue. There are gay people who are Republicans. There are gay people who are Democrats. There are gay people in the

closet. There are gay people out of the closet. But I can tell my colleagues that too many gay people live in fear. They live in fear that two people or one person could attack them simply because they are gay, and that is not right in this, the greatest country in the world, and we can fix it.

I also wish to point out this bill also protects women who are attacked simply because of their gender. So this bill is about making sure women are protected and gays are protected.

I wish there was no need for this law. I wish we lived in a world where such a law would be unnecessary. We all do. One of our Founders said, if people were perfect, we wouldn't need a government. People are not perfect. There has to be right and wrong and it has to be spelled out. People who are innocent need to be protected.

A man gets in a car with two people who claim to be his friends, and he winds up robbed, tortured, and killed, and put on a fence, I might add.

So, Attorney General Holder, when he testified before the Senate Judiciary Committee, reported that the FBI said there were 7,624 hate crime incidents in 2007. That is the most recent data: 7,624 hate crime incidents.

If we pass this bill, we send a signal that the Federal Government will not stand by and watch this sort of thing happen. We send a message that we will be a backup, that we will supply the law enforcement personnel, the forensic assistance, anything the local prosecutor needs and the local police need to help them.

Eric Holder also testified that between 1998 and 2007, more than 77,000 hate crime incidents were reported by the FBI. That is one hate crime for every hour of every day for a decade, one hate crime every hour of every day for a decade.

Senator McCain—and I have full respect for him—said: Let's just do this another day.

We shouldn't wait another day. This should receive unanimous support from everyone across party aisles, and I believe it will receive tremendous support across party aisles. I do. So let's get to vote on it.

Statistics are one thing; the individual stories are horrifying. I will give my colleagues another example, the case of Lawrence "Larry" King, a 15-year-old boy from Oxnard, CA. Larry, an eighth-grader, was shot and killed by a fellow student in the middle of a classroom in February of 2008. According to news reports, the shooting occurred the day after the students had a verbal altercation about Larry's sexual orientation. The police and the district attorney classified the murder as a hate crime. The district attorney said there had never been a violent shooting like this before in Ventura County in my State. A young life ended too soon by a violent act of hate.

My State is not immune from these crimes.

In Richmond, CA, four men were arrested and charged for brutally gang-raping a young lesbian. According to news reports, one of the attackers taunted her for being a lesbian during the attack.

After that heinous incident, a young Black man in Richmond was attacked. According to the young man's police report, his attackers yelled racial epithets and slurs as they broke six of his bones.

Finally, another example: In 2006, a man walked into an Amish school in Pennsylvania. Taking several female students hostage and releasing all the male students, he shot 10 of the girls, killing 5—killing 5—before shooting himself. The age of these girls was from 6 to 13 years old. These girls lost their lives because of a despicable act of hate based on their gender.

There is no reason to come to the floor and say we can't do this bill because we have other very important business on our plate. Of course we do. Of course we need to do the Defense bill. Of course we will do the Defense bill. The last I checked, the Defense authorization usually passes practically unanimously. This isn't a problem. So we can deal with this. We have done it before.

These stories demonstrate if America is to serve as a model for tolerance and justice, we must do everything in our power to fight hate-motivated violence, and this amendment is an important step in that fight.

So to summarize what this amendment does, it would add gender, sexual orientation, gender identity, or disability as protected categories under our hate crimes laws. Second, the amendment removes the requirement that a victim be engaged in a federally protected activity such as serving on a jury or attending a public school before the government can act. Third, and very important, the amendment provides additional Federal assistance to State and local authorities to investigate and prosecute hate crimes. I talked about the letter from my sheriff in Los Angeles County. Our law enforcement people need all the help they can get when they are trying to solve a hate crime and then trying to prosecute a hate crime. This bill will give them the assistance they deserve to have if they ask for such assistance. If they don't act, this is a backup law. This says it is a Federal crime. There is a nexus with interstate commerce, but as we know, that is not too hard to make.

So this basically says we are going to protect these individuals in our society who may be disabled and if they are discriminated against because they are a woman or a man—gender bias—or because of their sexual orientation.

Opponents of this amendment will say it punishes free speech and thought

and that every crime will become a Federal hate crime. That is patently untrue. The hate crimes prevention amendment, as I said, is narrow, and we know these crimes do occur. This isn't about punishing speech. This isn't about punishing thoughts. If all that Matthew Shepard had to deal with were taunts about his sexuality, his sexual orientation, that would be one thing. He had to deal with murderers who tortured him. That is different. If they had said something to him and walked out, that would be one thing. They acted on their hatred, and that is un-American. It is un-American.

This amendment doesn't attempt to federalize all crimes, or even hate crimes. The certification provision prevents the Federal Government from stepping into a case unless it can certify that doing so is necessary to secure justice and is in the public interest. Thus, prosecutions that normally take place at the State and local level will continue to be handled there. The difference is we will then give them as a Federal Government all the tools they need from us.

This amendment is an important step as we continue to form a more perfect union, and we can't rest until we do this—and more. We can't rest until we pass laws to create a fair workplace for all. We can't rest until we pass a law that repeals "don't ask, don't tell" and allows our capable Americans and our patriotic Americans to serve our country. We are losing some of the best and brightest from our military because they don't want to live a lie. We can't rest until we pass laws to end racial profiling in our society. We can't rest until we pass comprehensive laws to protect our children from violent crimes.

Years ago I wrote the Violence Against Children Act. I am still waiting to get it passed. When someone takes up a hand against a child and injures that child and hurts that child, that is un-American too. If there is a violent crime against a child, I believe the Federal Government ought to care and ought to help the local governments who are trying to solve that crime and punish that crime if they need help.

So we have a lot of work to do to form that more perfect union. Instead of arguing process today, why don't we have our friends come to the floor and say: This is a wonderful opportunity now to take a step forward and pass this Hate Crimes Prevention amendment, which we have been trying to do for so long, and, of course, not slow down the Defense bill. There is no need to slow down the Defense bill. We can do both.

I urge my colleagues to vote for this amendment and any kind of procedural vote it takes to make it available to us on the floor of the Senate.

I thank you very much, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly on the hate crimes legislation. The details of the bill have been explained. The statistics have been enumerated by a number of my colleagues. Perhaps the most impressive statistic is the one from the Attorney General on 77,000 hate crimes.

I do believe it is time we act. This issue first came before the Senate back in 1997, some 12 years ago. Senator KENNEDY was the originator. At that time, he searched for cosponsors among Republicans, and I believe it is accurate to say that I was the only one who would support cosponsorship, and we moved the legislation forward by publishing an op-ed piece in the Washington Post.

I ask unanimous consent that op-ed piece be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, I am glad to say that since the time this issue has come before the Senate, there are now 18 Republican cosponsors. My sense is that there will be widespread, if not unanimous, support among the Democrats so that there is a very solid statement respectively in the Senate.

Ordinarily, matters of criminal prosecution are left to the States. The offense is prosecuted in the jurisdiction where it occurred. I have a strong bias for local prosecutions as a generalization and developed that concern from my own experience as a district attorney for the city and county of Philadelphia. Law enforcement ought to be local. But the brutal fact of life is that when you deal with hate crimes—and there are many examples. In 1997 when Senator KENNEDY and I first introduced the bill, there was the case of racial matters—dragging an African-American through the streets of a Texas town. There has since been many other brutal cases, one highly publicized of a gay young man, a victim of a hate crime in Wyoming.

Regrettably, discrimination for race or national origin continues until this day. There has recently been a publicized matter that occurred in Huntingdon Valley, a suburb of the city of Philadelphia, at a swim club where the swim club operators negotiated with a group representing Hispanic and African-American children, ages 5 to 11, to occupy a swimming pool, with the swimming pool's permission. When the youngsters, Hispanics and African Americans, went to swim, there was, according to the media reports—and I have spoken to people on both sides personally to find out what went on—there was animus hostility, racial comments directed at African Americans and the Hispanics, conduct which one

would have thought America would have passed long ago.

But it is as current as 2 weeks ago in the suburbs of my hometown of Philadelphia, PA. The matter has moved forward. It has resulted in lawsuits being filed. It would be my hope that a way could be found to handle the matter to the satisfaction of all parties. But I can understand if the parents of the children involved want to pursue remedies. This is a matter that could be handled by the civil rights division, which has prosecutorial authority and also has authority for mediation and reconciliation.

I cite that as an illustration of a matter that is as current as today's news on animus based on race, whether it be African Americans or Hispanics. It is my hope that this matter will receive prompt attention in the Senate and will be part of the pending legislation and it will go to conference and become the law of the land.

EXHIBIT 1

[From the Washington Post, Dec. 1, 1997]

WHEN COMBATING HATE SHOULD BE A FEDERAL FIGHT

(By Edward M. Kennedy and Arlen Specter)

The Post's Nov. 17 editorial criticizing the measure we have introduced on hate crimes reflects a misunderstanding of our proposal to close the gaps in federal law and a failure to recognize the profound impact of hate crimes.

Hate crimes are uniquely destructive and divisive because they injure not only the immediate victim, but the community and sometimes the nation. The Post's contention that a "victim of a bias-motivated stabbing is no more dead than someone stabbed during a mugging" suggests a distressing misunderstanding of hate crimes. Random street crimes don't provoke riots; hate crimes can and sometimes do.

The federal government has a role in dealing with these offenses. Although states and local governments have the principal responsibility for prosecuting hate crimes, there are exceptional circumstances in which it is appropriate for the federal government to prosecute such cases.

Hate crimes often are committed by individuals with ties to groups that operate across state lines. The Confederate Hammerskins are a skinhead group that began terrorizing minorities and Jews in Tennessee, Texas and Oklahoma a decade ago.

Federal law enforcement authorities are well situated to investigate and prosecute criminal activities by such groups, and the federal government has taken the lead in successfully prosecuting these skinheads.

Hate crimes disproportionately involve multiple offenders and multiple incidents and in such cases, overriding procedural considerations—including gaps in state laws—may justify federal prosecution.

In Lubbock, Tex., three white supremacists attempted to start a local race war in 1994 by shooting three African American victims, one fatally, in three separate incidents in 20 minutes. Under Texas law, each defendant would have been entitled to a separate trial in a state court, and each defendant also might have been entitled to a separate trial for each shooting. The result could have been at least three, and perhaps as many as nine

trials, in the state courts, and the defendants, if convicted, would have been eligible for parole in 20 years. They faced a mandatory life sentence in federal court.

Federal and local prosecutors, working together, decided to deal with these crimes under federal laws. The defendants were tried together in federal court, convicted and are serving mandatory life sentences. The victims and their families were not forced to relive their nightmare in multiple trials.

Federal involvement in the prosecutions of hate crimes dates back to the Reconstruction Era following the Civil War. These laws were updated a generation ago in 1968, but they are no longer adequate to meet the current challenge. As a result, the federal government is waging the battle against hate crimes with one hand tied behind its back.

Current federal law covers crimes motivated by racial, religious or ethnic prejudice. Our proposal adds violence motivated by prejudice against the sexual orientation, gender or disability of the victim. Our proposal also makes it easier for federal authorities to prosecute racial violence, in the same way that the Church Arson Prevention Act of 1996 helped federal prosecutors deal with the rash of racially motivated church arsons.

The suggestion in the editorial that our bill tramples First Amendment rights is ludicrous. Our proposal applies only to violent acts, not hostile words or threats. Nobody can seriously suggest that the neo-Nazis who murdered Fred Mangione in a Houston nightclub last year because they "wanted to get a fag" were engaged in a constitutionally protected freedom of speech.

In addition, hate-crimes prosecution under our bill must be approved by the attorney general or another high-ranking Justice Department official, not just by local federal prosecutors. This ensures federal restraint and that states will continue to take the lead in prosecuting hate crimes.

From 1990 through 1996, there were 37 federal hate crimes prosecutions nationwide under the law we are amending—fewer than six a year out of more than 10,000 hate crimes nationwide. Our bill should result in a modest increase in the number of federal prosecutions of hate crimes.

When Congress passed the Hate Crimes Statistics Act in 1990, we recognized the need to document the scope of hate crimes. We now know enough about the problem, and it is time to take the next step.

As the Lubbock prosecution shows, combating hate crimes is not exclusively a state or local challenge or a federal challenge. It is a challenge best addressed by federal, state and local authorities working together. Our proposal gives all prosecutors another tool in their anti-crime arsenal. The issue is tolerance, and the only losers under our proposal will be the bigots who seek to divide the country through violence.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I rise in support of the vital legislation that is long overdue. More than a decade has passed since Matthew Shepard was brutally murdered. Yet the bill that bears his name is still not law.

The Matthew Shepard Hate Crimes Prevention Act has broad bipartisan support here in the Senate, passed handily in the House, and has the unequivocal support of the President and

the Attorney General. Indeed, Attorney General Holder recently told the Senate Judiciary Committee that passage of this legislation is one of "his highest personal priorities."

It is essential that we act now to pass this amendment and make the Matthew Shepard Act the law of the land.

According to FBI statistics, more than 9,000 violent hate crimes were perpetrated in 2007. However, experts tell us that since hate crimes often go unreported, the actual number is an order of magnitude higher.

Whatever the number—all hate crimes are unacceptable. They are crimes inflicted not merely on individuals, but on entire communities. As Mr. Holder put it, "perpetrators of hate crimes seek to deny the humanity that we all share, regardless of the color of our skin, the God to whom we pray, or whom we choose to love."

Let me be clear: this legislation does not criminalize speech or hateful thoughts. It seeks only to punish action—violent action that undermines the core values of our Nation.

This legislation strengthens the ability of State and local governments to prosecute hate crimes by "providing grants to help them meet the often onerous expenses involved in investigating these crimes. It also enables the Justice Department to assist State and local governments in prosecuting hate crimes, or to step in when these governments fail to act.

Even though the aggregate number of hate crimes has slightly decreased nationally over the past decade, the number of crimes against certain groups has risen. Hispanic Americans have increasingly become the target of bigots' rage. And, according to a recent AP story, the number of fatal hate crimes against LGBT people increased by a shocking 30 percent last year.

Indeed, late last year, there was a particularly chilling hate crime perpetrated in New York against an Ecuadorian man named Jose Osvaldo. Jose, a father of two, was walking home with his arm around his brother and was viciously attacked with an aluminum baseball bat while his perpetrators yelled anti-gay and anti-immigrant slurs.

This legislation sends a clear message to those perpetrators and to all others: in America, we do not tolerate acts of violence motivated by hatred of vulnerable communities. In America, you are free to be yourself, and you should never be attacked for doing so.

What message will it send to Americans if we fail to pass this amendment? I wonder and I worry.

I urge my colleagues to support this much-needed legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Madam President, I take this time to speak in favor of the pending amendment, the Matthew Shepard Hate Crimes Prevention Act. This is similar to an amendment we considered last year to try to advance the modifications of the Federal hate crimes statute.

Some have questioned whether we need this act. They claim that the instances of hate crimes in America have diminished. I wish that were the case. I wish we did not need to have a separate law to deal with hate-motivated violent acts in America.

All we need to look at is what happened at the Holocaust Museum on June 15 of this year, when Stephen Johns, a security guard, was murdered. He was murdered by someone who had extreme views. Look at Lawrence King, a 15-year-old who died on February 12, 2008, because he was gay; or look at what happened after the last elections, when two men went on a killing spree to find African Americans; or look at what happened in July 2008, when four teenagers were brutally beaten up because they were immigrants.

All we need to look at are the FBI statistics that indicate in 2007 there were 7,600 hate crimes in America. That is the reported hate crimes. We know many of these acts go unreported and the numbers are much larger. Ethnic communities are reporting an increase in violent acts motivated by hate.

Unfortunately, this law is needed, and we need to strengthen the law so it can effectively accomplish its purpose. What do I mean by that? This amendment, this law, builds on federalism. It builds on what our States are already doing to combat these crimes. Forty-five States have separate laws that deal with hate crimes—31 deal with violence against someone because of their sexual orientation, 27 include gender violence. What we need to do is strengthen our Federal law so federalism, in fact, can work.

The Federal Government has resources which the States don't always have to be able to pursue these types of violent acts. This amendment would strengthen the Federal statute so it would apply to acts of violence based upon someone's gender, sexual orientation, or disability. And it would go beyond the current Federal law, which only allows Federal involvement if the crime occurs during some protected activity.

It also provides the resources to help our States, in that the bill provides grants to State, local, and tribal law enforcement entities for prosecution, programming, and education related to hate crimes prosecution and prevention.

The bill contains a requirement that the Department of Justice certify that Federal prosecution is necessary because the States cannot or will not effectively prosecute the crime. This is to supplement the actions of the State, to work with our States, to respect what federalism should be about. Most of these matters will be handled by the State, but the Federal Government may be able to help the State, and this bill will allow us to do exactly that.

The bill also contains provisions broadening the categories of hate crimes tracked by the FBI. So these are improvements in the law that will maintain our ability to deal with this type of outrageous activity.

Some have questioned: Well, isn't every violent crime a hate crime? The answer is no. A hate crime occurs because the perpetrator intentionally selects the victim because of who the victim is. Similar to actions of terrorism, hate crimes have a greater impact because they cannot only affect the victim, they affect our entire community. We are all diminished when someone in our community is violated because of his or her ethnic background or because of race or sexual orientation.

We need to speak to our national priorities. This amendment speaks to what America should stand for—that we will not permit or tolerate someone to be victimized because of that person's gender or race or because of that person's sexual orientation or disability.

This is a bill that has enjoyed broad bipartisan support in this body. Many of us have worked for many years in order to improve the Federal Government's ability to respond in these areas. This is the next chapter that needs to be done. I hope my colleagues will do what we did in the prior Congress and pass this amendment to the Defense authorization bill so we can move forward to strengthen our resolve against this type of hate activity in America.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. UDALL of New Mexico. Madam President, watching the Senate floor during the debate over health care reform, I cannot help but feel that some of my colleagues are a little confused. It is almost as if they have forgotten that this discussion is going on in America, not Canada. They don't want to talk about the 22,000 Americans who died in 2006 because they do not have insurance. They don't want to talk

about the more than half a million Americans who file for bankruptcy after incurring unpayable medical bills. They don't want to talk about the millions of other Americans who worry that they are one layoff away from losing coverage and one heart attack away from losing everything.

No, they want to talk about Canada. I am not saying we should not sympathize with our neighbors to the north, but I wish to talk about how we can fix the health care system for the American people, for the people of New Mexico, since none of the plans we are considering would set up a Canadian system.

Let's look at how we can pass an American solution to the problems faced by Americans. If you like the coverage you have, you should be able to keep it, and none of the plans we are considering would take away the options Americans already have. But the status quo is not enough. We need to give consumers another option. We need to give them the freedom to choose a quality, affordable, public health option. After all, what is more American than competition and choice? Even if our private market functioned perfectly, it would make sense to give consumers another choice. But our health care system doesn't function perfectly. Our system provides too little choice and too little quality at too high a price. Too many of America's health care markets are effectively monopolies, or at best duopolies. According to a recent study by the American Medical Association, most American metropolitan areas are dominated by one private insurer, and others are largely dominated by just two. In New Mexico, the top two companies have 65 percent of the market. To put that in perspective, Dell, Compaq, Gateway, HP, and IBM combine for less than 54 percent of the U.S. personal computer market. I have to believe we can offer our consumers more than two choices of health plans.

My State is a rural State, and in rural areas such as ours consumers often have less choice. They get to pay whatever the local health care plan wants or go without insurance. Insurance companies have used this monopoly power to offer less and to charge more. As consolidation has increased since 2000, insurers have raised deductibles and copayments without increasing coverage, and they have continued to make healthy profits while their customers struggle to keep up with rising costs. Premiums for employer-sponsored health care have almost doubled since 1999, but rising costs have not hurt health care company CEOs. The top 10 CEOs managed to pull down \$85.4 million in 2008.

Even worse, what competition we have doesn't keep companies honest. Instead, they compete to avoid the poor and the sick. In New Mexico, an

insurance company can charge a customer more because of a health problem from 5 years ago or because he happens to be 45 years old and not 44. They can even charge a woman more because she might get pregnant. They have every incentive to do so.

When a private insurance company turns down somebody who needs help, its profits go up. When it denies needed care, it has more money for its shareholders. That is a broken system.

In New Mexico, we have seen the impact of unaffordable health care. Almost one in four New Mexicans is uninsured and nearly half our citizens have inadequate coverage. The vast majority of these people are employed, but they and their employers simply cannot afford coverage.

A constituent of mine from Cedar Crest, NM, wrote me the other day to explain she and her husband cannot afford to offer their employees health care at a small manufacturing company they own. The rates for small businesses such as theirs are unaffordable.

Our high numbers of uninsured citizens cost the rest of us money. The average New Mexico family with insurance pays an additional \$2,300 just to cover the price of the uninsured—\$2,300. You see, if a New Mexican with diabetes has insurance, his insurance company can pay a small amount to have him receive routine tests and treatments from a podiatrist. But if a New Mexican is uninsured, he is less likely to receive checkups. As a result, he is more likely to miss the telltale signs of a circulatory problem and twice as likely to need an amputation.

Diabetes amputations cost almost \$39,000, and New Mexico did 366 of these procedures in 2003 for a total of \$4.2 million. When a diabetic has a limb amputated, the operation is only the beginning of the medical services he will need. For the uninsured, those costs fall on every family with insurance.

Some of my colleagues admit that the status quo does not work, but they claim a government regulator can keep the private HMOs in line; we will not need more regulation if open competition can be more effective. Others just claim that a public health care option will not work, but the evidence suggests otherwise. Experts have developed a number of viable plans to give Americans the choice of a quality, affordable public option. More than 30 State governments offer their employees a choice between private insurance and a State-backed public option, including my State of New Mexico. These States have not found this strategy unworkable. They have not seen either public or private coverage dominate the market. Their employees just have another choice. What would be wrong with that?

The truth is, this Congress has a very simple decision to make. We can stick

with our current system or we can give Americans another option that guarantees quality, affordable care. Opponents of reform do not want to talk about that decision so they talk about Canada. But the decision before us has nothing to do with Canada. It is about the American people. They have been stuck in a broken system too long, and it is time to give them another choice.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUNG SAN SUU KYI

Mr. MCCAIN. Mr. President, I wish to take a few moments to address the situation in Burma.

Though it has faded from the headlines, the outrageous detention and trial of Aung San Suu Kyi, that astonishingly courageous Burmese leader, continues. Ms. Suu Kyi, who has spent the majority of the past two decades under house arrest, is being held at the notorious Insein Prison compound. She was charged with crimes following the arrival at her house of an uninvited American man who swam across a nearby lake. He then reportedly stayed on her compound for 2 days, despite requests to leave. Based on this occurrence, the regime charged Ms. Suu Kyi with crimes and ordered her to stand trial in late May. Since then, she has been jailed and awaits possible conviction and up to 5 years in prison.

Let us recall that this long-suffering woman is, in fact, the legitimately elected leader of that country. To this day, the generals refuse to recognize the 1990 elections, in which the Ms. Suu Kyi's National League for Democracy was victorious. Instead, they plan to proceed with "elections," to be held next year, that they evidently believe will legitimize their illegitimate rule. The ruling regime seeks ways to ensure that Ms. Suu Kyi and other NLD members are not free to participate in these elections, since it is the NLD—and not the military junta—that has the support of the Burmese people. As an estimated 2,100 political prisoners, including Aung San Suu Kyi, fill Burmese jails, the international community should see this process for the sham that it represents.

I once had the great honor of meeting Aung San Suu Kyi. She is a woman of astonishing courage and incredible resolve. Her determination in the face of tyranny inspires me, and every individual who holds democracy dear. Her

resilience in the face of untold sufferings, her courage at the hands of a cruel regime, and her composure despite years of oppression inspire the world. Burma's rulers fear Aung San Suu Kyi because of what she represents—peace, freedom and justice for all Burmese people. The thugs who run Burma have tried to stifle her voice, but they will never extinguish her moral courage.

Earlier this month, the United Nations Secretary-General traveled to Burma in an attempt to press the regime on its human rights abuses. The ruling generals reacted in their typical fashion. They stage managed Ban Ki-moon's visit, even refusing his request to speak before a gathering of diplomats and humanitarian groups.

Instead, before leaving, he was forced to speak at the regime's drug elimination museum. He was also refused a meeting with Aung San Suu Kyi. Burmese officials stated that their judicial regulations would not permit a meeting with an individual currently on trial. Incredible. Following his visit to Burma, the Secretary-General pointed out that allowing a meeting with Ms. Suu Kyi would have been an important symbol of the government's willingness to embark on the kind of meaningful engagement essential to credible elections in 2010. He is right, and the regime's refusal is simply the latest sign that meaningful engagement is not on its list of priorities.

It is incumbent on all those in the international community who care about human rights to respond to the junta's outrages. The work of Aung San Suu Kyi and the members of the National League for Democracy must be the world's work. We must continue to press the junta until it is willing to negotiate an irreversible transition to democratic rule.

The Burmese people deserve no less. This means renewing the sanctions that will expire this year, and it means vigorous enforcement by our Treasury Department of the targeted financial sanctions in place against regime leaders. And it means being perfectly clear that we stand on the side of freedom for the Burmese people and against those who seek to abridge it.

The message of solidarity with the Burmese people should come from all quarters, and that includes their closest neighbors—the ASEAN countries. The United States, European countries, and others have condemned Ms. Suu Kyi's arrest and called for her immediate release. The countries of Southeast Asia should be at the forefront of this call.

ASEAN now has a human rights charter in which member countries have committed to protect and promote human rights. Now is the time to live up to that commitment, and ASEAN could start by dispatching envoys to Rangoon in order to demand

the immediate, unconditional release of Aung San Suu Kyi.

Following the visit of the U.N. Secretary-General, the Burmese representative to the U.N. stated that the government is planning to grant amnesty to a number of prisoners so they may participate in the 2010 general elections. ASEAN states should demand the implementation of this pledge to include all political prisoners currently in jail, including Ms. Suu Kyi.

Secretary of State Clinton will travel to Thailand later this month to participate in the ASEAN Regional Forum. I urge her to take up this issue with her Southeast Asian colleagues.

Too many years have passed without the smallest improvement in Burma. And although the situation there is replete with frustration and worse, it is not hopeless.

We know from history that tyranny will not forever endure, and Burma will be no exception. Aung San Suu Kyi, and all those Burmese who have followed her lead in pressing for their own inalienable rights, should know: All free peoples stand with you and support you. The world is watching not only your brave actions but also those of the military government, where cruelty and incompetence know no bounds.

Burma's future will be one of peace and freedom, not violence and repression. We, as Americans, stand on the side of freedom, not fear; of peace, not violence; and of the millions of people in Burma who aspire to a better life, not those who would keep them isolated and oppressed.

The United States has a critical role to play, in Burma and throughout the world, as the chief voice for the rights and integrity of all persons. Nothing can relieve us of the responsibility to stand for those whose human rights are in peril, nor of the knowledge that we stand for something in this world greater than self-interest.

Should we need inspiration to guide us, we need look no further than to that astonishingly courageous leader, Aung San Suu Kyi. The junta's latest actions are, once again, a desperate attempt by a decaying regime to stall freedom's inevitable process in Burma and across Asia. They will fail as surely as Aung San Suu Kyi's campaign for a free Burma will one day succeed.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from BBC News entitled "Inside Burma's Insein Prison" and an AP article entitled "Myanmar junta stage-manages visit by UN chief."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From BBC NEWS, May 14, 2009]

INSIDE BURMA'S INSEIN PRISON

Burmese pro-democracy leader Aung San Suu Kyi is being held in the notorious Insein jail in Rangoon, after being charged with violating the terms of her house arrest.

Human rights campaigners say incarceration at the top security prison, which is known as the "darkest hell-hole in Burma", could be tantamount to a death sentence—especially as the 63-year-old's health is known to be fragile.

Bo Kyi, now joint secretary of Assistance Association for Political Prisoners (Burma), has firsthand experience of life in Insein jail.

He was jailed for more than seven years for political dissent, and was kept in solitary confinement for more than a year, in a concrete cell that was about 8ft by 12ft (2.5m by 3.5m).

There was no toilet in the cell—just a bucket filled with urine and feces. He slept on a mat on the floor.

Mr Kyi says he was tortured and beaten by the prison guards. He was shackled in heavy chains, with a metal bar between his legs, which made it difficult to walk.

Every morning for about two weeks, he says he was made to "exercise"—forced to adopt awkward positions and if he failed he was brutally beaten.

During this time he was not allowed to shower and was forced to sleep on bare concrete.

DISEASE RIFE

He was later moved from isolation and shared an overcrowded cell with four other political prisoners.

He says the prison has the capacity to house 5,000-6,000 prisoners. He estimates there are currently some 10,000 in detention.

Once a week they were able to wash their clothes. But during the stifling summers he said there was no water to bathe.

With only three prison doctors to treat 10,000 inmates, he says diseases such as tuberculosis, scabies and dysentery were rife. Mental illness was also widespread.

Bo Kyi says Aung San Suu Kyi is most likely being held in a special compound built for her detention in 2003, which has a wooden bed and a toilet.

Although the conditions there are probably not as bad as in the rest of the prison, he says he is still extremely concerned for her well-being.

"TOTALLY UNACCEPTABLE"

Ms. Suu Kyi has spent more than 11 of the past 19 years in some form of detention under Burma's military government.

She was jailed at Insein prison in May 2003, after clashes between opposition activists and supporters of the regime.

Her latest period of house arrest was extended last year—a move which analysts say is illegal even under the junta's own rules. It is due to expire on 27 May.

Human rights activist Debbie Stothard, from the pressure group Altsean-Burma, has urged the international community to intervene in trying to secure Ms. Suu Kyi's release.

"Many people have died when they have been detained in Insein, that's a proven fact.

"The fact that Aung San Suu Kyi . . . now might be subject to a life-threatening detention condition—it's totally unacceptable," she said.

"It's totally unjust and it's time that Asean, China and the rest of the international community finally put their foot down."

Many analysts believe that pro-democracy leader's arrest is a pretext by the military regime to keep her detained until elections expected in 2010.

[From AP, July 6, 2009]

MYANMAR JUNTA STAGE-MANAGES VISIT BY
UN CHIEF

(By John Heilprin)

YANGON, MYANMAR.—Myanmar's ruling junta wanted Ban Ki-moon to go into a grandiose drug museum through the back door to prevent the U.N. secretary-general from making a rock-star entrance.

Ban eventually did walk through the front door—a small victory after he had lost far bigger battles, notably a hoped-for meeting with jailed democracy leader Aung San Suu Kyi (pronounced ong sahn SUE CHEE).

After a two-day visit in which the generals tried to stage-manage the world's top diplomat at every step, Ban left the country with few prospects of even slightly loosening the iron grip on power held by military regime and its junta chief, Senior Gen. Than Shwe.

If people saw Ban acting independently in Myanmar "that would cause Than Shwe to lose face," said Donald Seekins, a Myanmar expert at Japan's Meio University. "So they want to manipulate him."

By snubbing Ban, the country's military rulers lost an opportunity to improve its standing among many of the world's nations that view the struggling country with rich reserves of gas and minerals as a pariah.

Inside Myanmar, Suu Kyi's opposition party said Than Shwe (pronounced TAHN SHWAY) showed he is unwilling to permit real change ahead of the 2010 elections, which would be the first in two decades.

Ban had asked to make his closing speech to diplomats and humanitarian groups Saturday at a hotel, but the junta refused and forced him to instead speak at the government's Drug Elimination Museum.

Ban's staff didn't want his presence there—where a wax figure depicts a military intelligence chief chopping opium poppies, which Myanmar views as a scourge introduced by colonialists—to appear like another prop furthering the government's agenda.

"They fought us over every last detail," said a U.N. official who took part in organizing the trip, speaking anonymously and out of protocol because of the sensitivity of the matter.

Ban—whose mild-mannered facade belies a toughness and occasional temper—would have preferred a tete-a-tete with Than Shwe to having note-taking aides around, an example of his belief in his ability to sway recalcitrant world leaders if only he can get them alone in a room.

But Than Shwe's idea of a tete-a-tete was to pit himself and the other four generals who together make up the ruling State Peace and Development Council against Ban and some high-ranking U.N. deputies in the rarely visited capital of Naypyitaw, according to U.N. officials.

The 76-year-old Than Shwe suggested that Ban might not be invited back until after the elections.

Ban said Than Shwe promised to hand over power to civilians after the elections. But the generals refused to follow U.N. recommendations intended to prevent sham elections, including publishing an election law and freeing Suu Kyi and 2,200 other political prisoners to ensure general participation.

"Only then will the elections be seen as credible and legitimate," Ban told reporters Monday in Geneva, Switzerland.

The government refused to honor the results of the 1990 elections after Suu Kyi's party won in a landslide. The junta tolerates no dissent and crushed pro-democracy pro-

tests led by Buddhist monks in September 2007.

At the end of the trip, Ban tried to defuse the notion he was returning empty-handed.

He said the visit was an opportunity to plant seeds that could blossom later and that he was dutifully relaying the international community's message the elections must be seen as credible.

In the meantime, Ban said he will keep talks alive with Than Shwe through the so-called Group of Friends on Myanmar.

That approach hasn't nudged Myanmar on key issues. Nor have eight previous visits by Ibrahim Gambari, Ban's top envoy to Myanmar, produced many results.

"Than Shwe is using the United Nations as a way of buying time or distracting people from the main issues, so it isn't very constructive," Seekins said. "I don't think Than Shwe is willing to make political concessions, especially concerning Aung San Suu Kyi. I think he would really like to put her away in jail and not have to worry about her."

In the absence of Suu Kyi, it was left to Ban to deliver unusually stinging remarks about the government, its pummeling of human rights and the urgent need to set a new course.

When he took the stage at the museum, it was a rarity in the military's half-century of dominance—an outside political figure allowed to say what he wants.

And after much haggling, Ban's black Mercedes was allowed to pull up to the front door of the museum. There, his motorcade disgorged a small entourage of aides and a half-dozen international journalists. Local press awaited him inside.

That also ensured an audience for him in Myanmar and beyond—another small victory.

Mr. MCCAIN. Mr. President, from the story of the Burmese prison, let me quote:

Human rights campaigners say incarceration at the top security prison, which is known as the "darkest hell-hole in Burma", could be tantamount to a death sentence—especially as the 63-year-old's health—

Referring to Aung San Suu Kyi's health—

is known to be fragile.

Bo Kyi, now joint secretary of Assistance Association for Political Prisoners (Burma), has firsthand experience of life in Insein jail.

He was jailed for more than seven years for political dissent, and was kept in solitary confinement for more than a year, in a concrete cell that was about 8ft by 12ft. . . .

There was no toilet in the cell—just a bucket filled with urine and faeces. He slept on a mat on the floor.

Mr. Kyi says he was tortured and beaten by the prison guards. He was shackled in heavy chains, with a metal bar between his legs, which made it difficult to walk.

Every morning for about two weeks, he says he was made to "exercise"—forced to adopt awkward positions and if he failed he was brutally beaten.

During this time he was not allowed to shower and was forced to sleep on bare concrete.

It goes on.

So she is there in that prison. I hope and pray the treatment she is receiving is not anywhere along the lines of what this prison is well known for.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, first, I commend my colleague from Arizona, Senator MCCAIN, for his great leadership and for his important words about Burma. No one would know better than Senator MCCAIN about the human rights violations of someone held in a prison such as that.

As he is aware, on a bipartisan basis, the women Senators have come together to support Aung San Suu Kyi and her fight in Burma.

I would also add, I recently met with a Burmese community in my State. They are concerned about their relatives there and everything that is happening in that country. We have someone in our office whose relatives are in Burma.

So I thank the Senator for his words and also for his leadership on the amendment, the Levin-McCain amendment to strike the \$1.75 billion added to the bill that is on the floor to purchase additional F-22 aircraft that have not been requested by the Pentagon.

This is a very difficult issue for many people in this Chamber, including the Senator from Arizona. But we all know in the end what counts is to do the right thing for our troops and for our national security.

This amendment truly gives us an important choice: Will we continue to pour billions into unproven weapons systems, despite repeated cost overruns and program delays or are we going to make the hard choices necessary to ensure that our troops in the field have what they need to fight present and future conflicts?

These F-22s, we know, possess unique flying capabilities, but not one has ever flown over Iraq or Afghanistan. We have much more pressing needs. Both the past President and the current President support this amendment. I hope my colleagues will support it as well.

I am actually here to speak in support of the Matthew Shepard Hate Crimes Prevention Act. I am a cosponsor of this legislation which will help us fight hate crimes and make our communities safer.

Among other things, the bill would impose criminal penalties for targeting a victim on the basis of race, religion, sexual orientation or disability.

I wish to thank Senator LEAHY for his work on this bill and, of course, Senator KENNEDY for his work and leadership on the issue over the years.

I have been involved with this piece of legislation for many years. If you go way back to 2000, when I was the county prosecutor for Minnesota's largest county, I was actually called to Washington for the first time to take part in a ceremony in which the bill was introduced.

I remember this moment well because there I was with the President at the time, President Clinton, and Attorney General Reno. We were ready to

walk in for this ceremony to introduce the hate crimes bill. I was standing outside, and the military band struck up "Hail to the Chief" because the President was entering the room. I started to walk, and all of a sudden I felt this big hand on my shoulder, and this voice said: I know you are going to do great out there, but when they play that song I usually go first.

It is something I will never forget.

So here I am now, 9 years later, with this same bill. We are working very hard to get this bill passed. I am hopeful we will be able to do that.

What I remember most about that day back in 2000, however, was the meeting I had with the investigators in the Matthew Shepard case. They were two burly cops from Wyoming, and they talked about the fact that until they had investigated that horrible crime, they had not considered what the victim's, Matthew Shepard's, life was like.

When they got to know the family in the case, when they got to know the mom, and they got to know the people surrounding Matthew Shepard, their own lives changed forever.

I hope by passing this bill we can prevent other Matthew Shepards from being targeted and deter hate crimes.

Attorney General Eric Holder recently appeared before the Senate Judiciary Committee to talk about his support for this bill, and he gave us some somber statistics. He reported that "there have been over 77,000 hate crime incidents reported to the FBI" from 1998 to 2007 or "nearly one hate crime every hour of every day" for the past decade.

In my State of Minnesota, there were 157 reported offenses in 2007. But when I think about this issue, it is not just about the statistics. It is about the victims of these crimes.

When I was county prosecutor, we had a number of cases that were clearly motivated by hate. That was one of the reasons, actually, I was chosen to go out to Washington. And part of it was we had worked well with the Federal prosecutors on some of the cases.

We had the case of a 14-year-old African-American boy who was minding his own business, and a guy who did have some mental health issues told his friends: I am going to go out and—he used a different word—but shoot a Black kid on Martin Luther King Day. And he did. And he almost killed this little 14-year-old boy. But he survived, and we prosecuted the case.

I also think about a young Hispanic man. He was working in a factory, and his boss got mad at him because he did not speak English and he was speaking Spanish at work. His boss took a 2 by 4 and hit him over the head, resulting in bleeding in his brain and brain damage—all for speaking Spanish.

I also think about the case we had with a Hindu temple that was severely

vandalized by young kids. And I think about the case of a Korean church that had all kinds of hateful graffiti written on it. Some of these cases, as I said, were major attempted murder cases. Some of them were simply graffiti cases. But to the people in that church, to the people in that temple, it meant something much more.

That is why I was glad, at least in a few of these cases, we were able to use our State hate crimes legislation. Those were cases in Minnesota—a place where you might not think you would see these kinds of cases. But we did.

This bill in front of us, the Matthew Shepard hate crimes bill, will strengthen the ability of Federal, State, local, and tribal governments to investigate and prosecute hate crimes. It increases the number of personnel at the Treasury Department and the Department of Justice working on hate crimes. It gives grants to State and local law enforcement officials investigating and prosecuting hate crimes. It authorizes the Attorney General to provide resources and support to State, local, and tribal law enforcement officials for hate crime investigations and prosecutions.

In addition, this bill authorizes the Federal Government to step in when needed and prosecute hate crimes, when needed, after the Justice Department certifies that a Federal prosecution is necessary. While most of these cases will continue to be handled by State and local jurisdictions, the bill provides a Federal backstop for State and local law enforcement to deal with hate crimes that otherwise might not be effectively investigated and prosecuted or for when States request assistance. It is a backdrop. Think about how many other areas of the law where we have these kinds of backdrops. In the gun area, as the Presiding Officer is aware from his work in the State of New Mexico, sometimes we have overlapping jurisdictions. The gun crime is a perfect example. State laws can apply, but sometimes the Feds will come in or you will want them to come in and handle the case. The same with drug crimes. It helps to have that Federal backdrop for the investigating power, for the sentencing power, and for many other things. So this bill won't usurp the role of local law enforcement but, rather, supplement it when needed.

Finally, I wish to note that this legislation has the support of numerous law enforcement organizations, including the International Association of Chiefs of Police, the Major Cities Chiefs, and the National District Attorneys Association.

For years we have recognized the need for this legislation. I think back to 2000 when I was standing outside of the East Room with President Clinton when it was first introduced. For years we have known we need this legisla-

tion, but year after year the forces of reaction have stalled and blocked and tried to do everything they can to make it go away. This must end.

A little over 40 years ago, Robert Kennedy broke the news to a crowd in Indianapolis that Martin Luther King, Jr., had just been assassinated. During his speech, Kennedy called on the crowd and the country to make an effort, to understand and to comprehend, and to replace that violence, that stain of bloodshed with an effort to understand with compassion and love. We should answer his call today.

I look forward to the day—and I hope it will be very soon—when the Hate Crimes Prevention Act becomes law. It is long overdue. I urge my colleagues to support it.

Thank you very much, Mr. President. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we are on the Defense authorization bill, apparently stranded, unable to vote on an amendment that had been offered dealing with the issue of the F-22. The F-22 airplane is a remarkable airplane. I have talked to pilots who have flown it. I have seen it at Edwards Air Force Base. It is an extraordinary airplane.

It costs a lot of money. We have built as many as the Defense Secretary wants built at this point. The Chairman of the Joint Chiefs, the Defense Secretary, the head of the Air Force, has indicated they want to cap the F-22 at that number—I believe it is 187—and do not wish to build more. They say that is all we need. That is all we want.

There is a \$1.75 billion fund that was put in this bill, now, as an amendment in the Armed Services Committee, to build more F-22s. So the amendment by the chairman of the committee and by Senator McCAIN, the ranking member, was to take the \$1.75 billion out of the bill. I support the amendment—not because I don't like the airplane, I do; but if those who are in charge of the Pentagon, Secretary Gates; Admiral Mullen; the head of the Air Force, Secretary Donnelly; General Schwartz and others say we do not want anymore F-22s, don't need anymore F-22s to do the mission that we believe is necessary for that airplane, and instead we want to move toward the Joint Strike Fighter—if that is their judgment, in my judgment we ought not put another billion back into this bill. Yet that is what happened in the subcommittee.

I wish to call attention to the fiscal policy and where we are in this country. President Obama has been in office

a relatively short period of time. He inherited an unbelievable mess. There is no question about that. We are in the deepest recession since the Great Depression. There is a substantial decrease in revenues and increased spending this year as a result of this very steep recession. Social service costs are going up, and there's more unemployment, more food stamps and so on. I believe there is close to a 20-percent reduction in revenue for the government and close to a 20-percent increase in spending. On top of that, Congress passed a stimulus or economic recovery program. All of this has driven the deficit up in this fiscal year, a very sizable deficit. That deficit will be very sizable next year and the year after.

It begins to go down and then goes back up in the outyears. This is a fiscal policy that is not sustainable for our country. It just is not. It is not a Democratic or Republican policy that is not sustainable, it is a fiscal policy of trillions and trillions of dollars of red ink that we must change.

If we cannot even deal with the issue of adding \$1.75 billion to build more planes that the Defense Department says they do not want, we will hardly be able to deal with the more difficult fiscal problems in the future. So I support the amendment offered by the chairman and the ranking member. I hope we get a chance to vote on that amendment.

The issue of spending money we do not have, often on things we do not need, is not new in any committee in this Congress. There are plenty of areas where we can take a pretty big slice out of spending. You can do it, not with just big programs, you can do it with smaller programs. I brought to the floor a couple charts that show an issue that, in my judgment, is flatout total, complete, thorough government waste. I have tried, now, about 5 years in a row to get rid of it and have been unsuccessful. I finally got an amendment this past week added to an appropriations bill that shuts down the funding. But now we will see, there will be a big fight on the floor to restore the funding. Let me tell you what this is.

Again, we are not talking about a lot of money. In my hometown, this would be a lot of money, but my hometown is 300 people, so \$20, \$30 million is a lot of money.

This is a picture of Fat Albert, which is an aerostat blimp or aerostat balloon. This is Fat Albert, purchased by the government. In fact, we purchased a couple of them so we can put it way up in the air on a tether, and it would broadcast television signals into the country of Cuba because the Castro brothers run an operation down there that doesn't provide any freedom to the Cuban people, so we are sending them television signals to tell them how wonderful things are in the United States and how awful things are in Cuba.

Actually, the Cuban people do not need those television signals to know that because they can simply listen to Miami radio, or they can listen to what is called Radio Marti, which actually gets into the market in Cuba. We broadcast Radio Marti. I don't object to that. It costs a fair amount of money. I don't object to that. We get radio signals into Cuba to tell the Cuban people what is going on in our country and the problems they face in their country.

I have been to Cuba. I think the Cuban people know pretty much the problems they face with the Castro regime, a regime that squeezes the freedom out of the Cuban people.

But here is the deal. We have aerostat balloons, first of all, to put television signals into Cuba. The problem is we have spent a quarter of a billion dollars doing it and the Cubans can't get the TV signal. Why? Because the Castro government jams it easily. They jam it just like that. We used to broadcast from 3 in the morning to 7 in the morning a signal no one can see, so we use these balloons on a big tether and broadcast a television signal to people who can't see it. We kept spending money thinking it was a great thing to do, broadcasting a television signal nobody can see. In fact, one of these balloons got loose, got off its mooring, and wound up somewhere in the Everglades. They had a devil of a time trying to catch this balloon; and another balloon disappeared in a hurricane, and they have never seen it since.

They decided, you know what, we can actually clip the American taxpayer for more than a balloon. What we will do is buy an airplane and broadcast the television signal the Cuban people can't see from an airplane, so the American taxpayers bought an airplane. It flies, I think, 5 or 6 days a week, broadcasting television signals into Cuba that the Cubans block, that no one can see.

You talk about ignorant? At a time when we are deep in debt, spending money we don't have to broadcast television signals to people who can't get it? That is unbelievable to me.

Here is what the Cuban people see. All of us have seen bad television with snow covering the entire screen. Here is what is broadcast—it is programs with caricatures of the Castro brothers. The Cubans don't need to be reminded the Castro brothers are a scourge in that government.

Let me describe what John Nichols, who is a professor of communications and international affairs at Penn State University, has said:

TV Marti's response to this succession of failures over a two-decade period has been to resort to ever more expensive technological gimmicks, all richly funded by Congress. And none of these gimmicks, such as the airplane, have worked . . . It's just the laws of physics. In short, TV Marti is a highly wasteful and ineffective operation. . . .

Even as I speak, I assume our airplane is broadcasting a television signal to the Cuban people who cannot receive it.

TV Marti's quest to overcome the laws of physics has been a flop.

John Nichols says, the same witness.

Aero Marti, the airborne platform for TV Marti, has no audience currently in Cuba, and it is a complete and total waste of \$6 million a year in taxpayer dollars. The audience of TV Marti, particularly the Aero platform is probably zero. . . .

Talking now about the airplane platform.

We are talk about the GAO report.

The best available research indicates that TV Marti's audience size is small . . . telephone surveys have reported less than 1 percent had watched TV Marti over the last week.

I don't know what 1 percent is. I don't know what less than 1 percent is. That is minuscule, right? But I have offered an amendment that takes out about \$15 million to support TV Marti, which is a program that has now wasted about a quarter of a billion dollars sending television signals to Cuba that no one in Cuba can see. You know what, it is very hard to get this kind of thing stopped.

The reason I wish to mention it today is we are on the floor talking about \$1.75 billion for the F-22. We are, I assume—almost everyone here is supporting the next generation fighter we are building, the Joint Strike Fighter. But the Pentagon says they want to stop and not order anymore of the F-22s. It is a reasonable thing, to me, that being deep in debt, choking on red ink, at least we might want to accept the recommendation of not building that which they do not want. At least with respect to Aerostat balloons and airplanes and television signals to Cuba that no one can see, the very least the taxpayers should expect of us is that perhaps we would stop spending money sending television signals to no one. Maybe that is not too much to ask.

Let me ask consent to speak in morning business for 5 minutes on a different subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL CRISIS INQUIRY COMMISSION

Mr. DORGAN. Mr. President, today House and Senate leaders appointed members for a Financial Crisis Inquiry Commission. That is the title, the Financial Crisis Inquiry Commission. I have been calling for both a commission and also a select committee of the Congress because I think that we have a requirement and responsibility to establish what is the narrative that has caused this economic and financial crisis in this country. We are in a deep financial crisis and have been for some long while.

This didn't happen as a result of some giant hurricane or some tornado

or some flood, or some other natural disaster visiting our country. No, this was not a natural disaster. This happened as a result of decisions being made by human beings here among us. The question is who? And what decisions? How did this happen? What is the narrative that has caused the most significant crisis since the Great Depression?

Very smart economists have said, you know what, over a long period of time from the Great Depression forward, we created stabilizers in this country so we would not see steep recessions or certainly not a depression in our future. We are evening things out, they would say, and that was probably true for a while, but this recession is deep, this hole is steep. The question is, What caused it? What happened.

I support the creation of a commission today. I offered legislation in January of this year, called the Taxpayer Protection Act, which called for the creation of a commission to investigate this financial crisis. My colleagues, Senator CONRAD and Senator ISAKSON, similarly offered a commission proposal, a piece of legislation during debate earlier this year. I support the notion of going forward. The appointments today to this Commission are welcome. I hope the Commission does all that is necessary to uncover what has happened here.

I still believe we need a Select Committee in the Senate. The New York Times said it in an editorial, nothing can substitute for the work the Senate must do itself. I say that because we now have, in recent days, additional news items in the paper you read. Let me pick one. I don't mean to pick this company out just to be punitive, but it is a good example in recent days: Wells Fargo.

Wells Fargo is a FDIC-insured bank. It is one of the biggest banks in America:

Wells Fargo to expand securities business. It plans to grow and invest in securities activities that it largely inherited from Wachovia. The business is to be called Wells Fargo Securities.

What is Wachovia? Wachovia is a bank that was failing because Wachovia had all kinds of problems. Wachovia was a bank that had purchased Golden West Financial, which had about \$120 billion, we are told, in toxic option adjustable rate mortgages.

By the way, related to this, I saw in the newspapers the other day that pick-your-payment mortgage plans have actually now had a higher default rate than other subprime mortgage loans. Think of that. You look at that and think, What was the pick-your-payment plan? That was the plans put out by these mortgage companies—sophisticated, exotic plans—saying to people, you know what, pick your own payment. You tell us what you will pay and we will write a mortgage around it.

So we had all of these strange plans out there, exotic plans, some of which were creating an unbelievable bubble of speculation. We had bank holding companies buying them and we had FDIC-insured banks actually trading them. Pretty soon you got toxic assets lying in the belly or the gut of these financial institutions, and they are going to go belly-up unless somebody else buys them.

So Wells Fargo buys Wachovia, and then Wells Fargo announces that, well, our investment banking and our capital markets businesses are now going to operate under a new name, "Wells Fargo Securities."

The question is this: With the biggest banks in the country operating, in many cases with holding companies engaged in real estate and securities issues, having demonstrated now that these holding companies do not have firewalls that are much thicker or much more beneficial than tissue paper, are we still going to continue to see all of this?

Are we still going to see FDIC-insured institutions, for which the taxpayers are ultimately responsible for failure, talking about: We are going to get involved in more risk trading, more securities?

Wachovia. Well, Wachovia Bank, I have spoken of them before. Wachovia Bank was one of those banks buying sewer systems in Germany. Why? Because an American bank wanted to own a sewer in a German city? No. They wanted to avoid paying U.S. taxes, so they did sale-lease back transactions with German sewer systems.

That is part of a culture issue with companies, it seems to me, when you do that sort of thing. But now we have Wells Fargo that bought Wachovia, announcing the best part of what they bought was Wachovia's securities business. The fact is, Wachovia was not going to make it. That is why Wells Fargo purchased them.

We ought to be asking a couple of questions these days about the Administration's announced plans for new financial reform, which I welcome by the way. This President inherited this mess, so he is talking about financial reform, and I welcome that discussion.

One, I think we ought to have a healthy and robust discussion about whether the Federal entity that shall become the systemic risk regulator in this country should be the Federal Reserve Board.

Not me. Not me. The Federal Reserve Board is what has helped cause this problem. I mean, the Federal Reserve Board acted blindly for over a decade. In addition, the Federal Reserve Board by itself is almost totally unaccountable to anyone and operates in very substantial secrecy.

Why would we decide to have an agency that has failed over the last decade or so in managing and super-

vising the financial industry in this country, that watched the creation of these big holding companies, watched what happened with the mortgage companies with unbelievably speculative instruments, watched the advertisements on television saying: If you have been bankrupt, slow pay, no pay, got bad credit, come to us. We will give you a loan—the Federal Reserve watched all of that and did nothing. Now we are going to be told they are the ones to save us with respect to systemic risk in our economy? I do not think so. That is No. 1; the Federal Reserve Board is going to be the entity to deal with systemic risk? Boy, there is no evidence, at least in recent years, to suggest that makes much sense.

No. 2, no discussion yet, and there might be, on this issue of too big to fail. Does it matter that we have allowed the creation of entities in the financial sector that are too big to fail? In my judgment it matters because if they are too big to fail, then the American taxpayer bails them out. That is what happened last fall.

The Treasury Secretary leaned over the lectern to us one Friday and said: Look, if you do not pass a bailout bill in 3 days, a three-page bill giving me \$700 billion, this economy is going to fall off a cliff.

Well, I did not believe it. I did not vote for the bailout. But the fact is, all of this was because some of the largest financial institutions in the country, he said, were in deep trouble.

Why were they in trouble? Because they loaded up with substantial risk. Congress, in the last decade, has passed laws that allowed them to do that. They said this is modernization. But when we create institutions that are too big to fail and then they load up with substantial risk, especially those that are FDIC-insured with holding companies now, engage in securities, and that is exactly what Wells Fargo is announcing: We bought Wachovia. Now we will take the securities on with Wachovia and decide to juice it up.

Should we continue with the doctrine of too big to fail? I do not believe so. Yet in the intervening months, the last 8 months or so, the very institutions that were judged too big to fail and were required to get bailouts from the American taxpayer are still engaged in merging with other institutions, making them bigger and even less able to fail.

So is there someone willing to intervene to say too big to fail has to change? Must we perhaps at least have a discussion about breaking up some institutions that are too big to fail? What about very large strong regional interests that are not too big to fail? I am just asking the question because nobody, in talking about financial reform that I am aware of these days, is willing to address the question of too big to fail. And you cannot address this

question of financial reform without including it.

All of us want the same thing for this country. We want this country to recover. We want our economy to expand and grow and create jobs and be healthy again. The fact is—I have talked about this many times. I taught economics briefly in college. The fact is, all of the charts and graphs and indices are irrelevant as compared to the confidence of the American people.

When the American people are confident about the future of this country and about their future, about their job, about their family, then they do things that manifest that confidence. They buy some clothes, buy a car, take a trip, buy a house. They do the things that expand the economy because they are confident about the future.

When they are not, they do exactly the opposite and that contracts the economy. The question is, how do we give the American people confidence going forward that things are going to be better? Month after month, because unemployment has a long tail even past recovery, we see hundreds of thousands of people having lost their jobs. Obviously, those folks do not have a lot of confidence. They feel helpless and hopeless.

How do we give people confidence we are going to fix things that are wrong so this will not happen again? That is where this issue of financial reform comes in. Part of that confidence, it seems to me, can come from this institution, from the Congress and the President. Part of it can come from the people watching this institution.

Take a look at this amendment, an amendment that says: Let's not spend \$1.75 billion we do not have on something the Pentagon says they do not want.

Confidence can come from affirmative action on that. Part of that confidence could come from 100 or 1,000 of these examples, a little program called TV Marti, broadcasting television signals to people who cannot see it, and doing it for 5, 10, 15 years and spending a quarter of a billion dollars. Part of that confidence could come from the American people taking a look at our deciding to shut these kinds of things down and trimming back government that has become bloated. So we can do some of this to create confidence.

But another part of it, it seems to me, has to come from the administration's judgment about what is real reform in financial reform. That must include, in my judgment, the issue of too big to fail. It must include effective regulatory oversight so we do not have the kind of activities going on that we saw for the last 10 years: financial institutions engaged in unbelievable practices with no one minding the store and no one watching who were the referees of the system, wearing striped shirts and whistles and blowing

the whistle when they saw a foul in the market system. We cannot continue that. We need effective regulation. We need effective reform. When we get that, the American people will feel: You know what. They fixed that which caused this serious problem, and we feel better about the future of this country.

We have a lot to do in a short time. Some big issues of health care, energy, and climate change, and others. I am going to visit about the issue of climate change tomorrow. But we have very big issues that have great consequences for this country. But at the moment, we stand in a very deep recession.

The American people are concerned about the future and want some assurance that all of us are doing the things necessary to put the country back on track.

One step today is the amendment that was offered by the chairman and the ranking member of this committee. It is \$1.75 billion. That is a lot of money. But step after step after step in the right direction can give people confidence about the future of this country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FINANCIAL MARKETS COMMISSION

Mr. ISAKSON. Mr. President, almost 7 months ago, Senator CONRAD from North Dakota and myself began an adventure attempting to convince this body and the one across the hall to create a Financial Markets Commission to study and do a forensic audit of what happened to our financial markets in 2007, 2008, and 2009. All of us recognize we have been through a catastrophic financial collapse with many potential components contributing to the gravity. It is not over yet.

I commend Leader REID and Leader MCCONNELL, Leader BOEHNER in the House, and Speaker PELOSI and others who had the authority under the legislation for announcing their appointments today to the Commission. I particularly commend the majority on the appointment of Ms. Born to the Commission. It was her outspoken words prior to the collapse that should have warned us better, or we should have paid more attention to, about the overleveraging of the economy and the underwriting of risk. Nonetheless, the

collapse has happened. The recession is here. Unemployment in Georgia today topped 10 percent. We are seeing predictions that it will top 10 percent for the entire country within the days ahead. It is critically important that we find out what went wrong, what the contributing factors were, and recommend back to the Congress those actions we need to take to ensure this never happens again.

For my children and grandchildren, if I have one last legacy, it is to say, when it was on my watch, we found out what the problem was, we corrected past errors, and we gave a little more security to their investments and future in the days to come.

I have my opinions as to what went wrong, but I know I am not smart enough to have all the answers. There are others who think they know what has gone wrong. We already have from the White House as well as from the Senate some who are making recommendations over creating czars or authorities or things to address the financial collapse. It would be a mistake beyond words for us to do that now in the absence of all the facts. This Commission has the authority, the money, and the power to get to the bottom of the problem. We gave them a \$5 million budget, an 18-month timetable, and subpoena powers. As evidenced by those who have been named today, we have some of the best financial minds in the country—not elected officials, not members of government, some former servants, but some of the best minds in the business to begin the process of studying the collapse that began in 2007, continued through 2008, and in a protracted way continues today.

It is important that we get all the facts. There is plenty of blame to go around. Members of the House, in 1999, such as myself, who voted overwhelmingly for the repeal of Glass-Steagall—that very well could be one of the things the Commission finds was where we had too much deregulation in financial services. We ought to know that and what contribution it may have had. I have grave suspicions over the role Moody's and Standard & Poor's, the ratings agencies, played. I wonder, why should the agency that rates the security be paid by the creator of the security? They ought to be paid by the person buying the security if they are looking for a surety. And why were credit default swaps unregulated? Why did they fall outside the purview of government? What is it about FASB rule 114 that is hurting so bad in the community banking system today because of the devastation of mark-to-market on real estate? And congratulations on the change by FASB of rule 157, which has lessened some of the pressure on mortgage-backed securities and the valuation of those, which has helped some bigger institutions. But

there are lots of things that could have gone wrong and some that did. We need to have all of them on the table, the best minds in the business looking at it, and we need to have a bipartisan, unfettered, comprehensive recommendation on what we need to do to ensure that it never, ever happens again.

I urge the President and our leadership to be cautious in moving ahead regulatorily without first getting the facts together. We are in an environment now where everybody does know what the rules are as they exist. In the few months ahead, long before this Commission reports, a lot of decisions will be made that will be dependent and predicated upon the environment the investment community thinks they are operating in or at least knows they are operating in today.

We have some bumps ahead. Commercial mortgage-backed securities are the next shoe to drop in this economic compromise we have been through, although those mortgage-backed securities are not in trouble as much because of their underwriting as they are from the effects of the poor underwriting of the residential mortgage-backed securities that caused a collapse of those markets and those securities. That comes ahead of us.

We have another wave of adjustments in terms of residential mortgages. That is not over. We have the pending problem of the number of mortgages in foreclosure, more performing, good loans at one time than subprime-originated loans at their beginning, meaning the unemployment rate and the protracted decline of the economy is contributing to people who were paying and are falling behind on payments on their houses. Now, because values have declined, they recognize they are better off to leave than to try to sell the house because they can't get anything out of it. We must put an end to this decline. We can best do it by having all the facts necessary at our disposal to know what went wrong when, who did wrong where, and what we need to do as quickly as possible to prohibit this from ever happening again.

I spent 33 years of my life in the private sector in the real estate business. I know lots of people in that business, and I know how much the families they represent, the customers they have had, and the families themselves have suffered in the months past and the pending suffering yet to come.

This is the most important thing this Senate and Congress can do, to do a forensic audit and diagnosis. Let the chips fall where they may and then make the corrections necessary so it never happens again.

I am happy to commend our leadership for their expeditious appointment of highly qualified and talented people. I hope all in this body will pay close attention to what they say and do and

not rush to judgment thinking we know the answer, when all of us really know this Commission is essential to finding out what really did happen and what we really do need to do.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. UDALL of Colorado. Thank you, Mr. President.

Mr. President, I rise today as a member of the Armed Services Committee in the Senate to support this bipartisan bill in front of us that is critically important to our national security.

I applaud Chairman LEVIN and Ranking Member MCCAIN for their leadership in guiding this bill to the floor today. They have done a tremendous job. I also want to acknowledge the expert staff they have been ably supported by who serve on the committee the Acting President pro tempore and I are both so honored to be a part of.

I am particularly grateful to them for including provisions important for Colorado, including \$560 million in authorized military construction.

I would like to highlight in particular the military construction dollars for Fort Carson, which is in the wonderful city of Colorado Springs and the County of El Paso. Millions of dollars have been allocated to Fort Carson for military construction projects to prepare to expand the post so it could house a 47th Brigade Combat Team, and millions more are in the pipeline for fiscal year 2010.

But the future of that funding was put in doubt when Defense Secretary Gates announced earlier this year that the Army would not create a new brigade combat team at Fort Carson.

I remain disappointed that brigade will not be coming to Fort Carson, at least in the near future. But I understand Secretary Gates's concern that we need to fill out the brigades we have, expand the amount of dwell time service members have between deployments, and meet readiness requirements before we create new brigades.

Still, I wanted to ensure that Fort Carson and the Colorado Springs community are not punished because of the Army's decision. Many of the soldiers at Fort Carson live and work in substandard buildings. They still need new barracks, mess halls, vehicle maintenance shops, and other infrastructure—even if that new brigade combat team will not be located there.

A number of facilities were scheduled to be replaced in future years anyway, so with the dollars we have kept in the

bill, the 43rd Brigade Combat Team will get its updated facilities a few years early. I am pleased the committee worked with me to preserve the most important construction dollars at Fort Carson. This ensures the soldiers at Fort Carson will have the quality of life they deserve.

The bill also includes language I offered in the committee with Senator LIEBERMAN that studies the benefits and risks of reducing the planned number of BCTs from 48 to 45. The relationship between the number of brigades and dwell time and demands on specific military occupational specialties, so-called MOSSs, is complicated. I want to make sure the reduction of BCTs results in the upsides we expect and does not present unforeseen problems or downsides.

Staying on the topic of what is important in the bill to Colorado, there is \$246 million in funding to keep the cleanup of the Pueblo Chemical Depot on track. This will allow the destruction of weapons there and the cleanup at the depot to be completed by the congressionally mandated date of 2017. Significantly, the bill funds the disposal, onsite, of these hazardous wastes left after the chemical treatment of the mustard agent. I worked with the people of Pueblo to fight a proposal to ship this waste offsite, so I am glad the bill underscores the DOD's commitment to onsite disposal. It is the safest thing to do and makes the most sense.

Finally, in regards to Colorado, the committee approved an amendment I offered regarding reimbursement for health care providers, such as Pikes Peak Behavioral Health Group in Colorado Springs. This center, and many centers like it, want to help our soldiers and their families, but TRICARE—which is the civilian health care system for military personnel and their dependents—cannot keep up with the high costs of medical care, and sometimes providers are not reimbursed at all for their necessary services.

In particular, TRICARE providers are not reimbursed for providing case management services for soldiers with PTSD and traumatic brain injury, known as TBI. If we help these soldiers stay in treatment, if we make sure they get their medical appointments, and if we generally coordinate their care, we end up reducing costs, and we help those soldiers and their families who are facing these challenges with mental health function in their communities.

So this amendment directs the Defense Secretary to assess the efficacy and cost of case management services for those with serious mental health problems. My hope is the study will show the benefits of case management and then help further the DOD consider covering this important service under TRICARE.

If I might, let me turn to the broader legislation because it includes many provisions that do not directly relate to Colorado.

The bill supports our service members, and it keeps Americans safe. It authorizes \$679 billion for defense programs, with \$129 billion going to our ongoing operations in Afghanistan and Pakistan.

First and foremost, the bill focuses on our military's readiness needs. We need to do all we can to help make sure our men and women in uniform—who voluntarily put their lives on the line for us, and who have been stretched to the limit by repeated deployments—have the training, the equipment, and the facilities necessary.

To help our men and women in uniform support themselves and their families, the bill provides a 3.4-percent, across-the-board pay raise, as well as an extension of stop-loss pay for 2 more years. That is an important number.

Importantly, this bill gives Afghanistan the attention it deserves. I had the great privilege of traveling to that part of the world recently, and I think there is a window of opportunity to try to arrest deteriorating security conditions in both countries and to work with the civilian governments in Afghanistan and Pakistan to achieve stability and security in this all-important region.

This is not about “staying the course.” This is about finally committing resources and attention to an area that is a critical front in the war against Islamic extremism and correcting the mistakes and missteps of recent years.

That is what the bill would do. It would refocus our attention on this important region. It would protect our troops in harm's way by providing funds for MRAP all-terrain vehicles to be deployed in Afghanistan and additional Blackhawk helicopters to give mobility to our troops.

Our bill also supports the training and equipping of the Afghan Security Forces, as well as efforts to help the Pakistani Government understand and implement a counterinsurgency strategy on the part of their military forces.

Moreover, our bill cares for our wounded warriors. It expands TRICARE benefits for certain military retirees. It requires mental health assessments of service members prior to deployment, and it calls for an increase in the number of military and civilian behavioral health personnel.

We also include a comprehensive review of the activities of the Department of Defense for the prevention, diagnosis, and treatment of substance abuse disorders among service members. This is particularly important in light, today, of a report that has been released—the EPICON study—that directly focuses on Fort Carson.

This is a study that was initiated last year to examine the records of Fort

Carson soldiers who have been involved in violent crimes since returning from Iraq and Afghanistan. The Army Surgeon General, Lieutenant General Schoomaker, put together a team of experts to identify any commonalities among the violent crimes.

I had a chance to sit down with General Schoomaker yesterday. He and his team have concluded that although risk factors alone do not explain a “clustering” of crime in the 4th Brigade Combat Team of the 4th Infantry Division—the 4 of the 4—a combination of factors converged to increase the risk that these soldiers would be engaged in violent crime.

One concern General Schoomaker expressed was that the stigma and lack of referral to the Army Substance Referral Program for required substance abuse screening may have increased the overall risk of violent behavior. The general talked about the need to reduce barriers to treatment for alcohol and drug abuse, which is an Army-wide concern. He mentioned pilot projects ongoing at a number of posts where soldiers who “self-identify” a substance abuse problem can get treatment without the knowledge of their commanders, helping them seek treatment without fear of appearing weak in the eyes of their superiors. I will be urging the Army to establish a similar pilot program at Fort Carson.

Mr. President, let me turn to the bill and what is notable for what it does not include. There are policies that are difficult to change because they are antiquated and no longer reflect the reality of our society. The failed policy, “don't ask, don't tell,” is a good example. But the fact that it will be difficult to repeal does not mean we should not try.

Since the implementation of this program in 1993, the Armed Forces have discharged over 12,000 brave and qualified combat troops—code-breakers, medical and intelligence specialists, and skilled translators—simply for being gay. This includes over 300 service personnel who have been discharged since President Obama took office.

Mr. President, this is 2009. I believe this discriminatory policy undermines the strength of our military and the fairness of our great Nation. We are engaged in two wars. It is counterproductive to discharge service members who have critical skills to winning these wars, even as the military has to spend scarce dollars to replace them. In my opinion, we need to bring the injustice of this policy to the forefront now, and I plan to work with my colleagues and with the administration to see that we accomplish, in a timely manner, the full repeal of “Don't Ask, Don't Tell.”

There are things this bill doesn't include that it shouldn't include, such as spending on underperforming, unneces-

sary, and outdated weapons systems. It took courage for Secretary Gates to make the recommendations he did, since it is never easy to stop spending programs in our Defense budget. But we need to stop funding programs that significantly exceed their budget and we need to stop spending limited dollars to buy more capability than the Nation needs.

There are also provisions in this bill that shouldn't be included, such as additional spending on the F-22. I voted in committee against an amendment to add \$1.75 billion to the bill to purchase F-22 aircraft that the military does not want, does not need, and says we cannot afford. The F-22 is a valuable, capable aircraft, but the question is whether we need more than 187 F-22s to meet the Nation's requirements, and there is bipartisan agreement that we do not. Presidents Obama and Bush, two Secretaries of Defense, three Chairmen of the Joint Chiefs, and current members of the Joint Chiefs agreed that 187 aircraft are sufficient.

So let me conclude by saying that this is a good bill. It is a bill that balances the need to sustain our current war-fighting abilities with the need to prepare for the next threat to our national security. It is critical that we are able to meet the operational needs of our military today, even as we continue to prepare our men and women in uniform to be the best trained and equipped force in the world.

This is a good bill for our Nation and for my home State of Colorado; it is a carefully drafted and considered bipartisan bill, and I urge its passage.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank the Senator from Colorado, not just for his statement and for his support for this bill but for his work on this committee. He has made a major contribution already. We look forward to his continuing work with us. As he knows and has so well expressed, this is a bipartisan effort on the part of the committee. It is important that we continue that way, and his instincts have shown already very dramatically that those are his views as well.

So I thank him very much, not just, again, for the support of an amendment that we plan on getting back to as soon as we dispose of the hate crimes bill but also, and even more importantly, for his great work on our committee.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized.

TRIBUTE TO NORM COLEMAN

Mr. INHOFE. Mr. President, I wish to pause for a moment. I know we are on the bill, and I am most anxious to proceed with the Defense authorization bill, having served on the committee

since 1994 and before then in the House. It is imperative now that we get as robust a bill as possible.

Before doing that, let me mention one thing because I haven't yet spoken about this. I have been watching several of our colleagues who have come to the floor to speak about a great Senator, Norm Coleman, who is no longer seated in the Senate but who is a remarkable character.

A good friend of mine, Paul Weyrich, who recently died, wrote an op-ed piece, and it is called "The Workhorses and the Show Horses." He talked about so many of the Members of the House and the Senate who are out there just to make themselves look good. They are the ones who are show horses. Then there are the workhorses. We talk about someone such as Norm Coleman, who was always there and getting deeply involved in issues, many of which are not popular issues if you are using them to run for reelection. I am thinking of a close friend, a mutual friend of ours named Ward Brehm. Ward Brehm and I have been working together for a long time on some things in Africa, as the Chair is aware, and he was talking about being from Minnesota and how much involved Norm Coleman got in various international affairs issues that don't have any votes behind them, but he was willing to do it. Every time you turned around, he was willing to do things that other people weren't willing to do.

I remember several years ago when he and I met with a delegation from Burundi and Rwanda and the DRC. This was a group that was over here in conjunction with the National Prayer Breakfast. He and I always worked together during the time that we had the National Prayer Breakfast. We would get these people to come all the way over here from different countries, but we kind of concentrated on Africa. I remember him standing there talking about, for a long period of time—keep in mind he is a Jew. I was never real clear where in New York he was from—I think the Bronx or someplace. But anyway, he was very strong in the Jewish community, and I am not. I am on the Christian side. But we would always get together and talk to them about Jesus and talk to them about loving God. And then when he would pray—at the end of these things, we would offer a prayer, and he would end up giving a prayer in Hebrew—an amazing guy.

At the National Prayer Breakfast African dinner 2 years ago—I had sponsored the dinner that was for all the Africans who had come over for the Prayer Breakfast and stayed for the African dinner—he was a major player in that. So these are things people didn't know about Norm Coleman.

The idea is scripturally based; it is Acts 2:42. It is kind of a genesis of these weekly Prayer Breakfasts in the

Senate. On Wednesday mornings, we had a Prayer Breakfast and about 20, 25 Senators showed up every Wednesday and Norm Coleman was the chairman of that and was always in these groups. But he was also one who was helping us in forming these same groups with members of Parliament from all over Africa. He was a tireless worker in that effort, which was not something out there to get any votes.

I talked to him the other day, having gone through this election and then the 8 months or so, whatever it was, in recounting and all of that. I told him that many years ago I was mayor of Tulsa, and I did a pretty good job, I thought. I was supposed to win hands down. Someone came out of obscurity and because of a set of circumstances that should have gotten votes, not lost votes, I had lost unexpectedly on that Tuesday.

Well, we had scheduled our Tulsa Mayor's Prayer Breakfast the next morning. Bill Bright, who died not too long ago, came by as the speaker. Keep in mind, here he was the speaker at the Mayor's Prayer Breakfast the morning after I lost the election. He gave the most brilliant speech. I remember how he said it and the words he used. He said: A lot of times we think in terms of what is happening to us today, looking at our own careers, but, he said, God is still up there and there is a plan for all of us. He said in a very clear way that I thoroughly understood, the day after I lost the election I wasn't supposed to lose, that God opens a window and he closes a door and that window is going to be bigger. I can tell you right now I wouldn't be doing what I am doing today if it had not been for that.

So I would just say about my friend, Norm Coleman, God has a plan in mind for you, Norm, and it is one we will look back someday and say perhaps this is the best thing that could have happened to you. In the meantime, we love you, Norm, and God bless you.

AMENDMENT NO. 1511

I wish to also speak in terms of a program that I think a lot of people don't understand, and on which I know there is honest disagreement.

The F-22, people have said, is something like a Cold War aircraft. It is not. To quote Secretary Donnelly and General Schwartz both, because they both said the same thing, they said the F-22 is unquestionably the most capable fighter in our military inventory, not just air to air, as some on this floor have insinuated, but also precision attack air to ground, as well as intelligence collection. In contrast, almost every other piece of military equipment in our inventory today—air, land, and sea—is Cold War equipment that needs to be replaced.

I think about the Bradley vehicle. It has been around since the 1960s. I think about the Abrams tank. It has been

around since the 1970s. I think about the Paladin, even though we have had about five major upgrades on the Paladin, that is our artillery beast, and that was actually World War II technology where you had to get out of the thing after every shot and swab the breach. You hear that and people can't believe it. Well, fortunately, we are going to go through an improvement on that. But the point I am trying to make is most of the stuff we have is Cold War stuff and to find that F-22 isn't needed because it wasn't flown in Iraq and Afghanistan, I think, is pretty narrow-minded. We have a lot of people we have to defend America against for contingencies that we don't know are out there and we don't know what our needs are going to be. The need certainly wasn't there in terms of Afghanistan and Iraq, but we don't know where the next enemy is going to be coming from or what the next contingency is. I wish we did. I can remember being on the House Armed Services Committee my last year there in 1984. We had people testify. They said—these are smart people. They said: You know, in 10 years, we will no longer need ground capability. And look what has happened since that time.

So no matter how smart our people are, there is no way we are going to be able to determine where the next guy is going to come from and what our capability is going to have to be. Is it going to be in the air, sea, strike vehicles, lift capacity, cannons? So we need to keep that in mind because the only thing we have in the form of a fifth-generation fighter is the F-22, and it is uniquely designed and equipped to penetrate a hostile environment and be a savage air dominance for our ground forces. The F-22, I look at it as an investment in the future, not just 10 years down the road but 20 years and beyond. What we build today is going to have to be able to determine and deter and defeat adversaries for decades. Just look at the age of our entire military today. We talked about all these vehicles, but we have such things as the national security in long term, 40 years. We can't even see what we are going to need 10 years from now.

Now we talk about the F-35. Well, the F-35 is great. I am a strong supporter of the F-35 and working on it and getting it up as fast as possible. Its mission requirements are not the same as the F-22. The F-22 is out flying today, and we have that capability today. Only five F-35s are flying, and it is still in the testing period. It is impossible to assess the full capabilities of the F-35 until operational tests are completed in, I think, 2014. Well, that is 2014. This is 2009. There is a lot of time between now and 2014.

While we discuss cutting the only fifth-generation fighter in production today, China and Russia are continuing to move forward with the development

of their fifth-generation fighters. I think they call the Chinese one the J-12 and the Russian is the T-50. They are out there right now talking about building these things. Today our Legacy, our F-15s, F-16s, F-18s are less capable than other fourth-generation fighters, such as the SU-27 and the SU-30 series aircraft.

I might remind the President that we have—we already know other countries are buying these capable fourth-plus generation aircraft that are better than what we have now, except for the F-22. We know of one sale, and I remember this—it has been quite awhile ago now—for F-27s from China, 240 of these. Now they are talking about cutting our number of F-22s—and I will talk about the numbers in a minute—down to the 187 and stopping the amendment that would increase that by seven vehicles. I don't want to see our Legacy fighters outmatched by fifth-generation fighters developed by China and Russia. I have always said our pilots are better, our training is better, but they have to have at least comparable equipment to survive.

So our air-to-air threat is only one aspect of the threat our Air Force faces today. Our surface-to-air threat remains to be a real serious problem. You just think about what the Russians are making now, the S-300s and the Chinese 4000s. They are capable of tracking up to 100 targets and getting as high as 90,000 feet in the air.

Now, that is priceless. These systems that make penetrating hostile airspace difficult and deadly for a legacy aircraft, including unmanned vehicles, such as our Predator, which has performed brilliantly, are uncontested facts. Only the F-22, with its advance stealth technology and weaponry and supersonic speeds, can successfully penetrate what we call denied airspace, hunt and destroy strategic ground targets during the day or night, and collect and provide battle intelligence and awareness, and maintain our superiority in the air.

The Air Force officials have repeatedly stated no less than 243 F-22s would be sufficient to maintain a moderate level of risk. We are talking about the deaths of Americans. If that is the goal, that is what we should have. In the beginning, it was 750 F-22s. We have slowly gone down. That is what this amendment is about today.

GEN John Corley, Commander of the Air Force Combat Command, said:

At Air Combat Command, we have held the need for 381 F-22s to deliver a tailored package of air superiority to our Combatant Commanders and provide a potent, globally arrayed asymmetric deterrent against potential adversaries. In my opinion, a fleet of 187 F-22s puts the execution of our current national military strategy at high risk in the near to mid term. To my knowledge, there are no studies that demonstrate that 187 F-22s are adequate to support our national military strategy. Air Combat Command-

ment analysis, done in concert with the Headquarters Air Forces, shows a moderate risk force can be obtained with an F-22 fleet of approximately 250 aircraft.

So we are talking about a bare minimum number, and whether it is 243 or 250, that should be a bare minimum number.

While the F-22 hasn't deployed to Iraq or Afghanistan, a theater security package of six F-22s are on a continuous rotation to Guam in the Pacific Theater of Operations and have been forward deployed in Japan.

Why? Because it is the only fighter capable of stealthy penetration of North Korea's air defenses.

Finally, there continues to be allegations about the costs and operations of the F-22—to include an article last week in the Washington Post. The bottom line is, these allegations are false or intentionally misleading. The F-22 cost per flying hour is \$19,750, not more than \$44,000, as they were trying to say. The F-22 maintenance trends have improved from 62 percent to 68 percent. The F-22 skin is not vulnerable to rain. Finally, the fly-away cost for F-22s multiyear this Congress approved is \$142.6 million, not \$350 million.

One final point on all of these supposed studies about the F-22: We have been through this before with the approval of the multiyear and are going through it again. I have been briefed on both classified and unclassified studies, and while the range of numbers varied, each study concluded that 183 F-22s is not enough. So we need to continue to build the F-22s and look at exporting this aircraft to our allies. Fortunately, some of that is taking place today. Japan, Australia, and Israel have expressed considerable interest in the purchase of F-22s.

Nations around the world realize the F-22A Raptor is the only operational fighter-bomber available that can successfully defeat and destroy air and ground threats of today and tomorrow.

So what we are talking about is—in the markup, we increased the number by seven aircraft. The chief mover of this, I have to say, was Senator SAXBY CHAMBLISS. As I told him, this is not enough. He agreed, but it was the most we thought we could do.

I believe when the time comes for an amendment to cut that number down, we need to give serious consideration to that amendment and not allow it to pass.

There is an expectation of the American people—and I have gone through this before with other airframes and other ground platforms—the American people think we give our kids who go into battle the very best of everything. I can tell you that is not true. I gave an example. There are five countries, including South Africa, that make a better non-line-of-sight cannon than we have today.

To me, that is unacceptable. It is unacceptable to the American people

when we explain that is the situation. The F-15, F-16, and the F-14 have done a great job, but they need to move on to the fourth and fifth generation, and the only way to do that is with the F-22, which has been a success story.

GUANTANAMO BAY

I have another interest I want to share today, and that has to do with Gitmo. People are probably tired of hearing me talk about Gitmo, but I think we are about to make a mistake. The administration is making the demand that we close Gitmo. I have stood on the floor of the Senate many times and talked about my experiences there—the fact that anybody who wants to close Gitmo, if you ask why, they will say that for some reason people associate that with the types of torture that allegedly went on at Abu Ghraib and all of that.

This has nothing to do with that. There has not been a documented case of waterboarding at Gitmo. It is a state-of-the-art prison.

When President Obama talked about the 17 locations in America where we can take terrorists and relocate them from Gitmo to America, one happened to be Fort Sill in my State of Oklahoma. I went down to Fort Sill, and there was a lady in charge. She is a young major in charge of the prison where they would put these terrorists.

She said, "I don't understand what people are thinking." This young lady, named SMA Carter, said she had two tours at Gitmo, and it is designed for terrorists. They have a court system where they can do tribunals.

We have six classifications of security in Gitmo. It is one of the few good deals the government has. We have had it since 1903. I have told the Presiding Officer this before. We only pay \$4,000 a year for it. Do you have a better deal than that in government? There isn't one.

I have to say the terrorists are still at war with the United States, and we are legally entitled to capture and hold enemies and fighters in the hostilities. We detain terrorists and supporters to prevent them from returning to the battlefield, saving the lives of our service men and women and the lives of civilians who are innocent victims. I have spent a lot of time there. I am familiar with some of the terrorists there who are really bad people. They want to kill everybody who is listening right now. That is their mission in life.

We have had about 800 suspected al-Qaida and Taliban terrorists who have been sent to Gitmo since 9/11—people who are really bad. I looked through there, and we saw Khalid Sheikh Mohammed. He was the architect of 9/11. There was also the guy who was the explosives trainer for 9/11, who provided information on the September 2001 assassination of the Northern Alliance leader, Masood, and on the al-Qaida organization's use of mines. There was

also the terrorist financier who provided detailed information on Osama bin Laden's front companies. There was the Taliban fighter linked to al-Qaida operatives connected to the 1998 East Africa Embassy bombings. Remember that, in Tanzania and Kenya? Down there we also had an al-Qaida explosives trainer who designed a prototype shoe bomb for destroying airplanes, as well as a magnet mine for attacking ships.

These people are unlike the types of prisoners we have had in other wars. If we look back during any of our wars, we had soldiers fighting for their countries. These people are not soldiers fighting for a country. They are fighting for a cause, and that cause is to destroy us.

To date over 540 prisoners have been transferred or released, leaving approximately 230 at Gitmo. They include members of al-Qaida and related terrorist organizations, planners of major terrorist attacks worldwide, including 9/11. These are the types of people there.

The intelligence gained from detainees at Gitmo helped the United States and its allies identify, exploit, and disrupt terrorist operations worldwide, saving untold lives. There have been a number of terrorist attacks. For a long time, they were classified, but most are no longer classified.

In 2007, the Senate voted 94 to 3 on a nonbinding resolution to block detainees from being transferred to the United States, declaring:

Detainees housed at Guantanamo should not be released into American society, nor should they be transferred State-side into facilities in American communities and neighborhoods.

On May 20, 2009, the Senate voted 90 to 6 on a bipartisan amendment by myself and Senator INOUE to prohibit funding for the transfer of Gitmo detainees to the United States. Unfortunately, the supplemental appropriations conference report deleted that provision, allowing detainees to be transferred to the United States for trial.

If we put them into our Federal system—I can speak this way because I am not an attorney, so I can stand back and cite the obvious. If we do that, then the rules of evidence are different.

There are a lot of these guys who are picked up, and even now they talk about Miranda rights. That blows my mind when I think about it—when this goes on now and we have the opportunity to get these people and extract information from them. Thinking about the idea of trying them in the Federal court system where, if they cannot get a conviction—and many times they could not for one reason, which is that the rules of evidence are different.

When they were captured, they went by the rules of evidence for military

tribunals. So we could have some who would be turned free, and many of them in the United States.

Recent polls show that a majority of Americans oppose closing Gitmo and moving detainees to the United States. By a margin of 2 to 1—which is huge in polls—those surveyed said Guantanamo should not be closed, and by more than 3 to 1 they oppose moving some of the accused terrorists housed there to prisons in the United States.

Again, one of the prisons the Obama administration talked about of the 17 prisons happened to be in Oklahoma. It should be obvious to everybody if we have 17 locations where we are housing terrorists, that becomes a magnet for terrorism—17 magnets in the United States.

A recent Fox News poll said President Obama made a mistake when he signed the order to close Gitmo. Seventy-seven percent of all Americans say that was a mistake, that Gitmo should not be closed, 60 percent of all Americans, up from 53 percent in April and 45 percent in January. You can see the trendlines. The vast majority—nearly two-thirds—is saying he should not close Gitmo and Gitmo prisoners should not be transferred into prisons in the United States. Sixty percent of all Americans say that is true. Sixty percent in polling is a huge number, a vast majority.

I encourage Senators who will be voting on this significant amendment to keep that in mind. Since President Obama announced he intended to close Gitmo, it has become widely circulated that these detainees could be transferred to American prisons for prosecution in U.S. criminal courts and potentially released in the United States. Moving detainees to prisons here would require significant investment in restructuring existing facilities and would cost taxpayers millions of dollars.

Currently, the United States only has one Supermax facility located in Florence, CO. According to the Bureau of Prisons, as of May 21, “only 1 bed was not filled at Supermax.” So if we want to give maximum security to these people, such as Khalid Sheikh Mohammed, we better decide who is going to be in that one bed because we don't have the capacity. The capacity of all the high security Bureau of Prison facilities at the beginning of this month was 13,448 inmates, while the total prison population was approximately 20,000.

So what we are talking about is they are overcrowded, and that is flat not going to happen. Despite claims by Senator DURBIN that the Supermax prisons in the United States are ready to receive Gitmo detainees, the Supermax prisons in the United States are at or above their maximum capacity.

FBI Director Robert Mueller said there is the very real possibility that

the Gitmo detainees will recruit more terrorists from among the Federal inmate population and continue al-Qaida operations inside the walls of prison. That cannot happen in Gitmo because they are all terrorists there. That is how the New York synagogue bombers were recruited, in our own prison system.

In 2002, an entire wing of a jail in Alexandria, VA, was cleared out for the 9/11 “20th hijacker,” Zacarias Moussaoui, to be housed for his trial—just for one detainee. Bringing Gitmo detainees to the United States could also place America and its citizens at risk by inevitably creating a new set of targets for the jihadist terrorists. Gitmo, on the other hand, is a state-of-the-art prison. I cannot find anyone who has gone over there, including unfriendly media, media that was bent on closing Gitmo—once they go over there and see it, almost all of them change their mind. It is a state-of-the-art facility that provides humane treatment for all detainees. It is fully compliant with the Geneva Conventions and provides treatment and oversight that exceed any maximum security prison in the world, as attested to by human rights organizations, the Red Cross, Attorney General Holder, and an independent commission led by Admiral Walsh. This is state of the art, and this is not a place where torture takes place. It is the only facility of its kind in the world that was specifically designed to house and try these types of dangerous detainees.

If President Obama ever decides to visit Gitmo, I am sure he would equally be impressed as everyone else, including, I might say, Attorney General Holder. He came back and gave a glowing report and said how great this was and, at the same time, said the President still wants to close it.

When you look at the Gitmo situation, there are, on average, two lawyers for every detainee. There are 127 doctors and nurses. The ratio is 1 to 2 in terms of health care specialists to take care of these prisoners. Here we are talking about health care in this country. Maybe they want to go to Gitmo. They would be a lot better off. Current treatment and oversight exceeds that of any maximum security prison in the world.

There is also a \$12 million expeditionary legal complex. This is very significant because if we are going to do tribunals, we cannot do tribunals in our court system in the United States because it is not set up for that. Obviously, there are some things in testimony that takes place that have to be private. You cannot have these things go out because that would endanger American lives. We spent \$12 million on this complex. It is a courtroom at Gitmo to try detainees, and specifically that is what it is there for. It is the only one of its kind in the world,

and it provides a secure location to try detainees charged by the Federal Government. They have full access to sensitive and classified information, full access to defense lawyers, and protection by the full media, access by the press. But it is set up to take care of that specific type of an incarcerated individual.

Senator HARRY REID declared, in a press conference after my bipartisan amendment was adopted, that "We will never allow terrorists to be released into the United States." I applaud Senator REID for that statement and hope he will stay with that because that is something the American people are not willing to tolerate.

He went on to say he opposes imprisoning detainees on U.S. soil, saying:

We don't want them around the United States . . . I can't make it any more clear than the statement I have given to you. We will never allow terrorists to be released in the United States.

Senator DURBIN said:

The feeling was at this point we were defending the unknown. We were being asked to defend a plan that hasn't been announced.

I think Senator DURBIN was correct then and is correct now.

There are lots of questions, very few answers. What is the impact? Let's say we close Gitmo. What is the impact of placing detainees in the U.S. prison system—pretrial and posttrial? Has an assessment been done to determine the risk of escape, as well as potentially creating targets in the United States for terrorist attacks? Will Gitmo detainees be segregated from the regular prison population? Keep in mind, these guys are trained to recruit. That would be a garden spot for them to get into the American prison system to recruit people to become terrorists. What facilities exist in the United States today that can hold these detainees? We talked about that. They tried to locate 17 facilities, and it will not work.

By the way, the State legislatures in each one of those States that have one of these facilities have passed resolutions or some type of a document saying: We don't want them in our States. That is what they are saying from the States, and we need to listen to them. One might ask, where will the military commissions be held—at Guantanamo or the United States? Obviously, if you close Guantanamo, you lose that facility. Assuming military commissions are held in Guantanamo, where will detainees who are convicted serve out their sentence, if not there, because there is no other place that has the capability of doing that. There are all these questions.

What additional constitutional rights will a detainee gain if they are tried in the United States versus Guantanamo?

Are there differences in the rights awarded to detainees tried in a Military Commission versus civilian court? Could location or geography affect the

right afforded to detainees—somewhere in the U.S. versus Gitmo?

How do we handle protection of classified information during trials?

What are the long-term implications on future conflicts of trying these detainees in a civil court versus military commissions?

Why is the administration reading Miranda rights to some detainees captured or held in Iraq and Afghanistan? How many are being read Miranda rights? How many have invoked their rights?

What is the impact of requiring the reading of Miranda rights to terrorists captured on the battlefield and advising them they have the "right to remain silent"?

What if a detainee is found not guilty—where will he be released?

What does the administration plan to do when a Federal judge orders the release of a detainee but the administration knows is too dangerous to release of transfer?

What do you do with a detainee you cannot try or release due to national security concerns?

Despite not having a plan, the administration continues in its quest to empty Gitmo regardless of the cost or the risk.

The Obama administration initially talked with the small South Pacific island of Palau, population 20,000, to accept transfer of a group of 17 Chinese Muslims currently at Gitmo, called Uighurs, at the cost of some \$200 million. That is \$11.7 million per individual. This is not a cheap thing he is talking about doing. The total cost to build Gitmo was only \$275 million. As I said, it has been on lease since 1903 for \$4,000 a year. The Wall Street Journal just yesterday had a government official who said that well over 50 detainees have been approved for transfer to other countries and that negotiations are continuing with Saudi Arabia to take a large group of Yemeni detainees. Attorney General Eric Holder has estimated that more than 50 detainees may end up on trial by U.S. authorities. This news comes as more and more Americans are growing opposed to the closure of Gitmo, placing them unnecessarily at risk in order to satisfy political goals.

I think we need to stop, sit back, take a deep breath, and look at some of the things that are going on today. The idea that we would have Miranda rights for terrorists, people who have killed Americans, is pretty outrageous.

Finally, on June 9, the Obama administration again went against the will of the Congress and the American people by transferring the first Gitmo detainee to the United States for his trial in New York City.

Ahmed Khalfan Ghailani has been indicted for the 1998 al-Qaida U.S. Embassy bombings in Kenya and Tanzania that killed more than 224 people, in-

cluding 12 Americans. Ghailani was later captured in Pakistan in 2004 while working for al-Qaida, preparing false documents. Intelligence shows he met both bin Laden and Khalid Shaikh Mohammed in Afghanistan and remained a close associate with al-Qaida until his capture in 2004.

This bonafide terrorist will have the privilege of a U.S. civilian court trial in the United States—I think it is New York. To me, it is inconceivable that could happen. The press reported that Ghailani was smiling when the charges were read to him in New York.

Despite the Obama administration's intentions, they will find themselves in a position where they cannot even try or safely transfer or release Gitmo detainees. As of May 2009, 74 transferred/released detainees have returned to the fight—74. These are the ones we captured again. We know they returned to the fight. How many more are there out there? If you release these people, they go right back to their practice of killing Americans. Former Guantanamo Bay inmate Mullah Zakir, also known as Abdullah Ghulam Rasoul, is leading the fight against the U.S. Marines in the Helmand Province in Afghanistan. He surrendered in north Afghanistan in 2001, was transferred to Gitmo in 2006, and then released. He is out there killing marines today. That is what is happening currently. There is no alternative to Gitmo.

I go through all this not to be disagreeable with anyone except to say there is an answer, and there is only one answer.

Today, we are considering the Defense authorization bill. I have an amendment to that bill. I now have, in a matter of 3 hours, 22 cosponsors. This is amendment No. 1559 to the Defense authorization bill, S. 1390. This does something very simple. I like simple bills because they cannot be misunderstood. They are not like the health insurance bill with over 1,000 pages no one has read. They are not like the cap-and-trade bill that passed the House with no one reading it, over 1,000 pages. This is just two pages. That is all. It is easy to read. Let me tell you what it says. I am wrong, it is one page. It says an amendment offered by Senator INHOFE:

Sec. 1059. Prohibition on transfer of Guantanamo Detainees.

No department or agency of the United States may

(1) transfer any detainee of the United States housed at Naval Station, Guantanamo Bay, Cuba, to any facility in the United States or its territories.

That is No. 1.

No. 2 is, we cannot "construct, improve, modify, or otherwise enhance any facility in the United States or its territories for the purpose of housing any detainee described in paragraph (1) . . ."

No. 3: We cannot “permanently or temporarily house or otherwise incarcerate any detainee described in paragraph (1) in the United States or its territories.”

That is a very simple solution. It is all in three sentences on one page.

I have a feeling there are going to be many people who know that we are on the right side of this issue, know that the American people are overwhelmingly, by more than two to one, in support of an amendment such as this, and are going to offer some amendment full of loopholes that will still allow them to close it. It will sound good. But this is the only one out there.

Mr. President, I say to my colleagues, if their interest is to really do something about keeping Gitmo open, there is only one vehicle out there. We are on it right now—the Defense authorization bill. That is amendment No. 1559. All it does is prohibit us from transferring any detainee from Gitmo to any facility in the United States of America or its territories; it prohibits us from constructing, improving, modifying, or otherwise enhancing any facility in the United States or its territories for the purpose of housing any detainee described in paragraph 1 above—that is the terrorist; and No. 3, it prohibits us from temporarily or otherwise incarcerating any detainee described in paragraph 1 in the United States or its territories. Period. That is all it does.

I say to those two-thirds people of America, there is a vehicle now we can use to make sure that facility, one of the really true state-of-the-art resources we have in this country, stays open and keeping those detainees, those terrorists out of America. If you want to keep them out of America, this is the way to do it.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GLOBAL WARMING

Mr. INHOFE. Mr. President, I notice no one else is on the floor right now. I was only going to address those three subjects, but I do want to make a couple of additional comments. If anyone comes in and seeks the floor, I will come to a close.

There is one other major issue that we are dealing with right now—we have had a number of hearings—and I would like to kind of put it in perspective so people will understand.

There are a lot of complaints around the country about the cap and trade bill that was passed by the House of

Representatives—interestingly by one vote over the majority—which is 219. Most of the bill actually was written at about 3 o'clock in the morning and passed the same day—a thousand pages. I applaud JOHN BOEHNER over there for saying that we want to establish some kind of a program whereby anything we are going to consider on the floor should be on a Web site so all of America can read it at least 72 hours before it is voted on. I applaud that, and I hope we will be able to do that.

I certainly hope we will be able to do that with a bill that I am sure will be passed from the Environment and Public Works Committee of the Senate—the cap and trade bill that has yet to be drafted. The chairman of that committee, Senator BOXER, has stated it is going to basically be the framework of the Waxman bill from the House that was passed by a margin of 219 votes to 212, I think it was.

Anyway, that at least gives us something to talk about. I would like to go back historically to my first exposure to this whole issue. Back about 10 years ago, when we had the Kyoto Treaty, the Kyoto Treaty was a treaty the Clinton-Gore administration was trying to get us to ratify in the Senate. It was a treaty that would establish a cap-and-trade type of arrangement to limit the number of CO₂—and the proper term is anthropogenic gases—anthropogenic, man-made gases, methane, CO₂.

The theory behind that, and I believed it at that time because everyone said it was true, was that these man-made gases were causing global warming. I assumed the science was there and was settled. As I say, everybody thought it was. It was at that time that the Wharton School of Economics came out with the Wharton econometrics survey. That survey quantified how much it would cost America in taxes if we in the United States ratified the treaty and lived by its requirements. The result was in the range between \$300 billion and \$330 billion a year.

Now, I have often said one of the most egregious votes ever taken in the Senate was the vote that took place in October of 2008 when we gave an unelected bureaucrat the \$700 billion to do with as he wished. It was just unconscionable. I voted against it. I was opposed to it, but we lost. We did it, and now, most of the people who voted for it, are sorry. I tried to equate at that time what \$700 billion was, and I said if you take all of the families who file tax returns and pay taxes and do your math, it is \$5,000 a family—\$5,000 for every American family, not just the ones in Oklahoma but everywhere. So I thought, as bad as that was, that was a one-shot deal. If we pass cap and trade, we are talking about a \$300-plus billion tax increase every year, not just once.

So at the time we looked at this, and the Wharton School came out with

these figures, I thought, let me be sure in my own mind, as a member of the Environment and Public Works Committee, that the science is there. So I looked into it, only to find out this whole thing came from the United Nations' IPCC—the Intergovernmental Panel on Climate Change. All we have seen are just the reports not from scientists but from politicians on the summaries they give policy donors. So we started talking to real scientists only to find out that really well-established scientists—and this is 10 years ago—who looked at this said: Well, yes, there could be a connection between man-made gases, CO₂, and global warming. However, it is not a major significant contribution.

Now, to fortify this, then-Vice President Gore was trying to build his case on why we should ratify this convention and he did his own study. He hired a guy—one of the top scientists in America—named Tom Wigley to do an analysis. Now, here was his challenge. If all of the developed nations in the world—America, France, Western Europe and the rest of the developed nations—would ratify this treaty and would live by its emission requirements, how much would that lower the temperature in 50 years? So if all the countries in the developed nations did this, how much would it lower it in 50 years? The result of the study was seven one-hundredths of a degree Celsius. Well, I said that is not even measurable. And I said, if his own scientist says that, we have to have a wake-up call here in America. And that is when I made this statement that people have been throwing at me for 10 years—the idea of the notion that man-made gases significantly contribute to global warming is probably the greatest hoax ever perpetrated on the American people.

Well, when we stop and look back now at what has happened in the scientific community, many members of the community were the recipients of grants and had those grants held up unless they would come in and say, yes, we are going to have to do something about CO₂ in order to stop global warming.

By the way, I have to just say that at this time we are in our ninth year of a global cooling. People seem to forget we have been going through these ups and downs all throughout recorded history. God is still up there, and we are going to have warming and cooling periods.

The same individuals who are so hysterically behind this idea of passing a cap and trade—putting a huge tax on America at this time—are the same ones in 1975 that were saying we are going to have to do something because another ice age is coming. Well, anyway, this has been going on for a long period of time.

So as we have progressed through the years, more and more scientists have

come over who were on the other side. And I call to mind now, just from memory, Claude Allegra, from France. Claude Allegra is a socialist over there—very prominent scientist. He was marching through the aisles with Al Gore 15 years ago, and he has now reversed his position and said, wait a minute, everything we thought from the modeling didn't happen. This thing is not real. He is solidly on the skeptic side now, saying I was wrong back then. This Claude Allegra is the guy Sarkozy now is talking about putting in as the environmental minister of the country of France. Now that is the caliber of people we are talking about.

David Bellamy was the top scientist in the U.K. and David Bellamy was solidly on the other side 10, 12 years ago. He is now saying, we have looked at the modeling and we have changed and this is just flat not true.

A guy named Nir Shaviv from Israel, another top scientist, he was on the other side of this issue and he has now come over.

And for my colleagues who want to really see the fortification, see the numbers we are talking about in terms of scientists who have reversed their position, go to my Web site, Inhofe.Senate.Gov, and look it up. There are a lot of speeches I have made from the floor of the Senate, but one was about the 700 scientists, most of whom were on the other side of the issue and are now saying the same thing as Claude Allegra, David Bellamy, Nir Shaviv, and others have said because they have changed their minds on this thing.

So clearly the science has turned around, and that gives a sense of urgency for some people who want to respond to some of the extremists—mostly in California, and mostly in Hollywood—to go ahead and pass something. Get something passed and get it passed quickly. It is kind of like health care. They want to get it passed before people have a chance to read it.

So now we have a bill that is going to be put together and drafted in the Environment and Public Works Committee, which was going to be coming to the floor of the Senate prior to the August recess—just a few weeks from now—but Chairman BOXER has now decided to put it off until after the recess. I applaud her for that, because time is not the friend of the people who are trying to make believe we are going to have to pass an expensive tax to address what they consider to be a more serious problem than I consider it to be. And during the August recess, during those 30 days, you are going to have a lot of Members of this Senate be approached by people—such as people in the agricultural community.

I had the opportunity of going and talking to the National Farm Coop the other day and discussing with them what would happen if we were to pass a

cap-and-trade system and what that would do to the farmers of my State of Oklahoma and all throughout America. Stop and think about it. Seventy-one percent of the cost of a bushel of wheat is in fertilizer and in energy costs. That is what would go up. So you would be talking about doubling the price of wheat, or I could use soybeans or any other commodity. It would be disastrous for our farmers in America.

So the years have gone by, and slowly people have caught onto this thing, and that is why there is such a sense of urgency by people who want to pass this before the public realizes what it is. Fortunately, the public already understands, and the vast amount of recent polling shows that, just like the issue of closing Gitmo, which I talked about a few minutes ago, they are solidly on the side of not passing a cap-and-trade tax which would constitute the largest tax increase in the history of America to address a problem that people aren't really sure exists to start with.

So I think we will defeat that in the Senate. It will, of course, pass out of the committee. It is a very liberal committee. I love everyone on that committee, but they will pass anything that has to do with a cap-and-trade package, so it will be on the floor of the Senate. But it will not pass the Senate. And the reason I say that is we have had several votes in the Senate—the House had never had any votes. We have considered this five times, and actually voted three times—2003, 2005, and 2008.

In 2003, it was called the McCain-Lieberman bill. At that time, I was the only one on the floor. For 5 days, 10 hours a day, I talked about this and was trying to defeat that thing. For 50 hours, only two or three Senators came down for a short period of time to help me. Now, fast forward from 2003 to 2005 to 2008. The bill was called the Warner-Lieberman bill. We had 23 Senators who came down, and it didn't take 5 days to defeat it; it was just 2 days.

So I think in terms of passing the tax increase called cap and trade, they have about maybe 34, 35 of votes, and it takes 60 votes in the Senate to pass it. Really, I am happy our forefathers were divined and inspired when they thought of the two Houses so we could have checks and balances.

So I think that is what will happen. I know there are other names I could mention but cannot because some of the things I know are at a level of confidence. But some of the new Senators who have been elected, they don't really want to go back and say—whether Democrats or Republicans, but, in fact, it is the Democrats I have in mind—saying to the people who have just elected them: Aren't I doing a good job for you, coming back from my first session and passing the largest annual tax increase in the history of America?

That isn't going to happen, Mr. President. People are so sensitive right now with the level of spending that is going on in this country.

I can remember in 1993, it was the first year of the Clinton administration, and I was complaining at that time on the floor—I was serving in the House of Representatives—of the huge tax increase he was pushing, and all of the things that were going on—with gun control, the Hillary health care, which we all remember. At that time, I remember complaining on the floor: He even has a budget of \$1.5 trillion. Well, guess what. This one is \$3.5 trillion. We can't sustain that. We can't do that in America.

So I think one at a time we are going to have to stop these expensive programs, one being the health care program—I know we can't afford that—another being cap and trade. I think we will defeat that, and I believe America is now going to look a lot more carefully, and they are going to applaud the efforts being made to make sure any bill that comes up for consideration of this magnitude should be on a Web site, as Mr. BOEHNER suggested, and several other Senators have suggested, including myself, for at least 72 hours so we and the American people can read and see what it is going to be. I can assure you, if that had happened when the cap-and-trade bill passed the House, it would not have passed the House.

With that, I see there is someone else on the floor wanting to have the floor, so I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, what is the status of the Senate right now?

The ACTING PRESIDENT pro tempore. The Senate is in consideration of S. 1390.

Mr. MENENDEZ. Mr. President, I rise to talk about the pending amendment. Let's all imagine a situation. You are a 25-year-old, a father of two, it is night and you are walking home across a park. A group of teenagers come near and they throw a slur at you. When you respond and their verbal attacks escalate, they are nasty. They seek to dehumanize you because of where you were born, how you look or how you speak. There is a fight, four on one, in which you are pummeled to the ground and kicked in the skull repeatedly.

As you lie on the pavement in convulsions, foam oozing from your mouth, life slipping away, there is one more insult. They yell a warning to anyone who looks like you or talks like you that they will do the same thing.

Imagine you are this man's two little children. Your father spends 2 days in intensive care, his face bruised and swollen, his head bandaged, tubes everywhere, and then he passes on from

this world. You will never remember your father holding you or feeding you or kissing you; you are too young. What you will remember is growing up without a father. He was the victim of a needless death from a senseless beating, a beating fueled by red-hot hatred for the type of person he was.

The one hope for some small measure of fairness so that these two young children will one day know that justice was served after their daddy was killed would be an appropriate conviction for this unthinkable crime. But in the courthouse the verdict is read. The most serious charges, the most appropriate charges, are discarded. At most, two of the four young men who committed this murder in a bigoted rage will spend less than 2 years—less than 2 years—behind bars. But they could be there for as little as 6 months—6 months in jail. But this man, this father, he is gone forever.

It is as sad and heart wrenching a situation as you can imagine. How we wish it was only that, a horror story we simply imagined. But it is not a figment of our imagination, it is a dose of reality. This nightmare scene actually happened, and it did not happen in a society less open than ours, nor did it happen 100 or 200 years ago. It happened exactly 1 year ago in Shenandoah, PA, less than 150 miles from where this Chamber is; less than 50 miles from my home State of New Jersey.

Luis Ramirez was the target of the riot and the beating; struck in the chest so hard he bore a bruise in the shape of Jesus Christ from the medalion he wore on a chain around his neck. As he lay, seizing from the deadly blows, if he had still been conscious what he would have heard were words that, uncensored, do not befit the Senate.

Tell your [expletive] friends to get the [expletive] out of Shenandoah or you will be [expletive] laying next to him.

Tell your [expletive] friends to get the [expletive] out of Shenandoah or you will be [expletive] laying next to him.

This in the 21st century, in the United States of America, the land of the free—all men created equal—life, liberty, and the pursuit of happiness. Not for Luis Ramirez. He may have been born originally in a different country, but he was just as human as you or I. It did not matter. He was cursed and battered and put down like an abused animal would be, in the United States of America.

The people who did this, the people who beat their fellow man to death, treating him as subhuman—this gang gets a veritable slap on the wrist.

We can change that—no more circumstances such as that, not with this legislation. There is no better prosecutor of hate crimes in our country than Federal law enforcement. They are tough on these hate criminals and

they are determined to serve justice in each and every one of these cases. If we are to make sure hate crimes are treated with the seriousness they deserve, if we are to make sure would-be perpetrators think twice, Federal law enforcement must have a greater involvement.

I can hear opponents of this legislation, this particular amendment: This is 2009. The President is African American. It is a reaction to an insignificant problem.

Ask Luis Ramirez, if you could. I would ask them to consider this, from the Leadership Conference on Civil Rights: Between 2003 and 2007, hate crimes reported against Hispanics increased not just a little bit but by 40 percent. In 2007, Hispanics were the target of 60 percent of hate crimes committed based on ethnicity, signifying an increasingly sharp rise.

But this is not just a problem confined to the Hispanic community. The man who packed up his rifle, got in his car, drove to Washington, entered a building, opened fire, and claimed the life of a noble security guard—he didn't just do that at any building. He did it at the Holocaust Museum, because this murderer hates Jewish people, hates them enough to kill.

Let's never forget the namesake of this legislation, Matthew Shepard, a University of Wyoming student who had his whole life ahead of him before it was snatched away on an October night in the countryside near Laramie. Two men, uneasy with Matthew's sexual orientation, drove off from a bar with him, only to beat him mercilessly with a pistol and rope him to a fence, as if a warning to the gay community. They hated Matthew because he was gay. He lost his life because he was gay.

I ask those who would argue against this legislation, how many more tragic stories do we have to hear before we make our laws tougher? How many more? Do we have to hear another story, such as the one of Jose Osvaldo Sucuzhanay, a father of two and native of Ecuador who ran a real estate agency, who was headed home with his brother from a bar after a church party. These brothers walked around the Brooklyn street with arms around each other, like men in Latino cultures often do.

Up drove three men, yelling slurs that were both homophobic and racist, they belted Jose on the head with a glass bottle. They smashed his head in with a metal bat. They continued to beat him and kick him and beat him and kick him. He clung to life for 2 days in a hospital and then he died.

How many more stories? Do we have to hear another story such as that of Marcelo Lucero? He, too, was born in Ecuador and he, too, was a real estate professional and he, too, was killed simply for the way he looked and the way he spoke, the innocent victim of a

senseless gang of teenagers on Long Island, driving around in search of "some Mexicans to [expletive] up."

Here is how the prosecutor described this assault:

Like a lynch mob, the defendant and his friends got out of a car and surrounded Mr. Lucero.

Like a lynch mob—in the 21st century in the United States—they beat Marcelo and stabbed him to death.

How many more of these stories? How many more? Do we have to hear another story such as that of Walter Sanchez? His horrific story happened earlier this year and it happened in my home State of New Jersey.

Walking to a restaurant with his cousin, a car with five men pulled up. Calling Walter a Hispanic son of a [expletive], they beat him senseless. He was one of the lucky ones, escaping with his life, but he still underwent hours of reconstructive surgery to put many of the bones in his face back together.

Again, how many stories do we have to tell? It is time to stop asking and it is time to start acting. We can pass this legislation and know, while there is still a ways to go until we have wiped our society clean of bigotry and hatred, we will have made it harder for the perpetrators of these evil acts to escape justice. As the law is written now, there are too many ways in which those who commit hate crimes can escape the kind of justice Federal law enforcement is prepared to bring.

Sometimes these loopholes are bewildering, even perverse. Remember the story of Luis Ramirez, whose murderers will serve as little as 6 months in jail? The cruel irony is that the deadly beating he suffered occurred in the street, not in the park 100 feet away, the park where Luis had walked minutes, if not seconds, before he was battered. If this murder of a hate crime had taken place in that park, it would have been Federal law enforcement's business. The delivery of justice may have been different. As it turned out, local law enforcement, some of whom were related to the assailants, took 2 weeks to arrest the four men, and we know how the rest of the process turned out.

We can all agree, a hate crime is a hate crime—whether it is in the park or in the street, on the grass or on the pavement, 100 feet this way or 100 feet that way. A hate crime is a hate crime.

I sponsored, when I was back in the New Jersey legislature, the law that became one of the first landmark pieces of legislation on hate crimes in our country. I said then that we cannot eliminate hate with the passage of a law, but we can send a clear societal message that we do not tolerate such crimes against individuals because of their race, because of their religion, because of their ethnicity or, for that matter, their sexual orientation.

Hate crimes are hate crimes. They are all an affront to the set of values upon which this great Nation stands, and they all deserve the full scrutiny of our Federal law enforcement.

It is time to pass this legislation. I urge my colleagues to vote in favor of the amendment and make sure each hate crime is met appropriately with justice.

I ask you to remember, as I started this speech, that father kicked to death, with the two children who will never ever know their father as so many of us are fortunate to know ours. Remember when you cast your vote. Think that, but for the grace of God, it could be you. That is how momentous this decision is. That is how important this legislation is. That is why justice is served with the passage of this amendment.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INOUE. Mr. President, the facilities and services located at Ohana Nui and Camp Catlin, and designated as excess, were established at the behest of the U.S. Navy in the 1950s for the benefit of our military and their families. Not-for-profit organizations responded to the needs identified by the Navy to assist our military. The relationships formed between the military and surrounding community have grown over the past 50 years at Ohana Nui and Camp Catlin including schools for children in prekindergarten through high school. It is my hope the Department of the Navy will consider the Federal Real Property Management Regulations regarding adjusted fair market value when making their determination for the Ohana Nui and Camp Catlin property.

Mr. BEGICH. Mr. president, today I submitted amendment No. 1572 to S. 1390 that would provide for earned retirement payments to be restored to a group of selfless heroes in Alaska.

In 1942, after the Alaska National Guard was called overseas, a group of brave Alaska Native men formed a group called the Alaska Territorial Guard, ATG. These men helped protect the territory of Alaska during and after World War II by conducting scouting patrols and constructing military airstrips. The brave men received no pay or benefits for their sacrifices during their time of service in the ATG. After disbanding in 1947, many of these former ATG members continued their service in the army and Alaska National Guard and other services.

Recognizing the heroic and patriotic actions of the ATG members, in 2000 Congress passed a law that made former members of the ATG eligible for veterans' benefits. In 2008, approximately 25 of these guardsmen, mostly Native Alaskans in their mid-to-late eighties, were issued military retirement credit for their period of service in the ATG and began receiving a modest \$500 a month in retirement pay.

However, in January of this year, the Defense Finance and Accounting Service abruptly ended these payments based on a finding that a misinterpretation of the law had resulted in erroneously awarding these payments. These men, who live in remote areas and rely on this payment for day-to-day needs, were devastated by the unexpected decrease in their monthly income.

Understanding the significant financial impact experienced by these heroes and their contributions during World War II, the Secretary of the Army provided them 2 months of pay from the emergency and extraordinary expense fund. The Alaska Legislature, further cushioning the economic loss experienced by this courageous group, enacted a bill that temporarily restores the entitlement to the ATG members until the earlier of the date that the Federal Government restores the entitlement or February 1, 2010.

My amendment permanently restores the earned Federal entitlement benefit to members of the ATG for their service. As Members of the Senate, it is our responsibility to take care of those who have served and sacrificed. Earlier this year, this body supported restoring this entitlement to the ATG in the Senate-passed budget resolution, S. Con. Res. 13. I ask my colleagues to support this amendment to honor those who have served.

Mr. President, amendment No. 1573 to S. 1390 would authorize the Department of Defense to reimburse military families for costs incurred for transport of a second personally owned vehicle on a change of permanent duty station to or from Alaska, Hawaii, or Guam.

Current law only authorizes servicemembers to be reimbursed for the cost to transport one personally owned vehicle. As with their counterparts in civilian life, many military families today own and rely on a second vehicle. For example, a significant number of military members live off base and commute to work, while their spouses work as well, making ownership of just a single vehicle impractical for most families.

Some military families ship their second vehicle back to the lower 48 States or Alaska, Hawaii, or Guam at their personal expense. Shipment of a second personally owned vehicle to Alaska, Hawaii, or Guam, or to the lower 48 States from these locations

can cost our servicemembers as much as \$2,000 out of pocket.

Other times, they opt to sell their second vehicle prior to the move and repurchase a second personally owned vehicle upon arrival of duty station. This is a costly option resulting in severe financial loss.

The current policy of reimbursing military families for only transport of one personally owned vehicle is an outdated policy that unfairly impacts the finances of these families who rely on a second vehicle to sustain their needs.

Authorizing reimbursement for a second privately owned vehicle will greatly enhance the quality of life for our servicemembers and their families stationed in Alaska, Hawaii, and Guam, and those returning to the lower 48 States and the District of Columbia from those locations, and will alleviate the unnecessary financial burdens on these families. I ask my colleagues to support this amendment.

Mr. CHAMBLISS. Mr. President, I have listened to the debate all day with regard to the national defense authorization bill, and, frankly, it is one of the frustrating aspects of serving in this great body, to sit here and debate an issue like we have debated over the last couple of days and to think that you are going to come to the floor of the Senate and to cast a vote on a very important measure that has been characterized by Senator MCCAIN earlier as one of the most important pieces of legislation or amendments that we will have—and I agree with him that is the case—and all of a sudden we are thrown into an entirely different atmosphere with regard to what has taken place on the floor.

All of a sudden we are not talking about defense, we are not talking about our troops, we are not talking about the national security of the United States, we are talking about hate crimes.

We are in some very difficult times with respect to the national security of our country. While Senator MCCAIN and I disagree on the issue of the F-22 and this amendment, he and I agree strongly—and it is why he is my dear friend and why we agree on most things—about the fact that we ought to be here debating defense issues and voting on defense issues.

It truly is frustrating. I know our soldiers in the field can't understand what in the world is going on in the Senate now, when they thought we were going to be debating and voting on amendments that pertained to them—issues such as their pay raise, their quality of life, weapon systems—and all of a sudden we are thrown into doing something else. So I just want to associate myself with the remarks of my friend, Senator MCCAIN, with respect to why we are here.

With regard to what Senator LEVIN said, frankly, Senator DODD, on the

other side of the aisle, who has been working very closely with me on the F-22 amendment, he and I had a meeting with Senator LEVIN and Senator MCCAIN on Monday, and informally—or actually formally agreed between the four of us—which is an informal agreement—that we would have a vote on the Levin-McCain amendment on Wednesday morning. We thought that was kind of a done deal.

Now, all of a sudden we have debated and we have talked about this, we have debated it again, we have talked about the amendment, and now we are thrown into an entirely different scenario on the Senate floor when we have been prepared to vote. I would hope we still have the opportunity to vote in the short term on the issue of the F-22.

On that point, just very briefly, Mr. President, I want to state a couple of things with regard to that issue. I made a very long statement yesterday, and I am not going to go back into all the detail with the reference to the why-fors of the F-22 and its value to the national security of the United States, but there have been some comments made on the Senate floor that I think are important to address.

One of those comments made by Senator LEVIN was that I had made a statement that there had never been a study by the Air Force which validated the requirement that 187 aircraft be the top line number for the F-22.

What I said was there have been dozens of studies out there over the years on the F-22, and there has only been one study—and it was an internal study at the Department of Defense, without the input of the Air Force—that said 187 is the number. I want to make sure everybody in this body understands every single other study done internally, as well as outside the Pentagon, outside the Air Force, outside the Office of the Secretary of Defense, or inside, has concluded that the requirement for the number of F-22s we need far exceeds the number of 187. The minimum number that has ever been referred to is 243, which is some 56 airplanes more than the 187 we are talking about now.

Last week, in a hearing before the Senate Armed Services Committee, we had GEN James Cartwright, who is a Joint Chiefs of Staff Vice Chairman, and I asked General Cartwright if there was any study or any analysis done at the Pentagon that validated the number 187. General Cartwright told me:

There is a study in the Joint Staff that we just completed and partnered with the Air Force which validates the number of 187.

Well, on Monday afternoon, a reporter asked a Pentagon official, and the top spokesman from the Pentagon, Geoff Morrell, made the statement in response to that reporter's inquiry about that study as follows:

Well, it is not so much a study as work products. What I think General Cartwright

was referring to is two different work products, one by the Program Analysis and Evaluation shop and one by the Air Force. Not so much a study.

So what has happened is there have been discussions within the Pentagon to attempt to validate the number of 187. It is pretty obvious what I said on the floor of the Senate remains true, and that is that of all the dozens of studies that have been done on the F-22 requirement, the minimum number that has ever been validated is 243. The number goes up from there all the way to 781, which I think was our original number. The number of 381 is the number that has been used in most of the recent studies as the number we need.

Also, with respect to other statements regarding the Secretary of Defense, the Chairman of the Joint Chiefs, and others who are saying that 187 is the number, that is leadership at the Pentagon. The leadership at the Pentagon has the responsibility for sending a budget to the Senate and to the House, but it is our obligation as Members of the Senate and the House to review that budget—sometimes to agree with it; sometimes to disagree with it. We often disagree with it.

In this case, a number of us disagree with the number of 187 as being the top line for the F-22. That is not unusual. But with respect to what the leadership at the Pentagon has said, let me go back to a letter I talked about yesterday, and it is a letter that has been received from Rebecca Grant, the Director of the Mitchell Institute for Airpower Studies. What she says in her letter to me is: In the letter of July 13 from Admiral Mullen and Secretary Gates, the characterization of F-35 as a “half-generation newer aircraft than the F-22 and more capable in a number of areas such as electronic warfare and combating enemy air defenses” is incorrect and misleading.

Air Force Secretary Donley and General Schwartz have repeatedly stated: “The F-22 is, unquestionably, the most capable fighter in our military inventory.”

The F-22 was designed with twice the fighting speed and altitude of the F-35 to preserve U.S. advantages in the air even if adversaries contest our electronic countermeasures or reach parity with us.

She also States in that letter:

If electronic jamming fails, the speed, altitude and maneuverability advantages of F-22 remain. The F-35 was designed to operate after F-22s secure the airspace and does not have the inherent altitude and speed advantages to survive every time against peers with counter electronic measures. Only five F-35s are flying today. The F-35 has completed less than half its testing. Developmental tests will not be completed until 2013. It is impossible to assess the full capabilities of the F-35 until operational test is complete in 2014.

The Secretary of Defense and others in the administration are putting all of

their tactical air eggs in one basket, Mr. President. That is a very dangerous road down which we should not travel with respect to the national security of the United States and the safety and security of our men and women.

APPOINTMENT TO THE HELP COMMITTEE

Mr. REID. Mr. President, under an order of May 5 and under the auspices of S. Res. 18, I made a temporary appointment of SHELDON WHITEHOUSE to serve on the HELP Committee, while retaining my authority to make a permanent appointment to the HELP Committee. I now announce that as of today, Senator AL FRANKEN is appointed to serve on a permanent basis to the slot that was occupied by Senator SHELDON WHITEHOUSE.

SENATOR WHITEHOUSE

Mr. President, SHELDON WHITEHOUSE, since coming to the Senate, has truly been a workhorse. There isn't anything I have asked this fine man to do that he has not come forward with enthusiasm to do it. We have seen the brilliant work he has done on so many different occasions as a member of the Judiciary Committee.

His other assignments in the Senate have been just as auspicious as his work on the Judiciary Committee. His background is significant. He has a real interest in health care. His work on the bill that was reported out of the HELP Committee today was essential. All members of the committee, Democrats and Republicans, are astounded at how good he was.

I repeat, he enthusiastically accepted this temporary assignment while we waited for the long, never-ending situation in Minnesota to come to a close. Senator WHITEHOUSE was far from just a seat-warmer. He dove into the issues and, to no one's surprise, was a substantive contributor to one of the most important bills the committee has ever marked up in the history of this country.

Without belaboring the point, on behalf of the entire Senate, I greatly appreciate his service on the committee, and I personally thank him, as does the entire Democratic caucus. I bet if a poll were taken of those who serve as Republicans on the HELP Committee, they would acknowledge his brilliance and hard work. I know Senator KENNEDY, whom we have missed on that committee and the vital work he has done for decades in the Senate, is someone who has watched from afar and applauded Senator WHITEHOUSE.

Mr. President, I came to the House of Representatives in 1982. In that class of 1982 was a young man from Arizona, someone who came with a certain degree of fame. His name is JOHN MCCAIN. He had served our country valiantly during the Vietnam conflict and spent 5 years in a prisoner-of-war camp in Vietnam. I have great admiration and respect for him. I want the RECORD to

reflect that my respect for JOHN MCCAIN is very deep. Not only did we come to the House together, but we also came to the Senate together. We were elected together in 1986. Our seniority is as close as it can get. We both have the same amount of service in the House of Representatives, so seniority is determined by how many people are in the State of Nevada and the State of Arizona. There are more people in the State of Arizona than in the State of Nevada, so he is one up on me in overall seniority in the Senate.

Having said that, recognizing who this man is, he was proudly the nominee for Republicans in the last election. I watched his campaign and admired his courage, the stands he took. While I may not have agreed with him, I recognize he has strong feelings. But so do I.

The senior Senator from Arizona today said he was "deeply, deeply disappointed" that what he considers an unrelated amendment; that is, the Matthew Shepard Hate Crimes bill, has been added to this bill, the Defense authorization bill. I wonder on which recent morning did the Senator from Arizona wake up and suddenly feel so strongly. Where has he been in the past? Let me make a couple of comments about the remarks of my friend from Arizona.

First, his is a new outrage over a very old issue. The hate crimes bill was first added to the Defense authorization bill in a previous Congress. I didn't do it. The amendment today was an amendment I offered on behalf of the chairman of the Judiciary Committee and other sponsors of this legislation. Senator LEAHY would have been here, but he is a little busy with the Supreme Court nomination. The hate crimes bill was first added to the Defense authorization bill when George Bush was President, a Republican. Where was the Senator's disappointment then? I heard no big statements at that time, and no one else did.

Second, the Senator from Arizona has evidently not always held the belief he discussed today. This is a new conversion. He has evidently not always believed that bills must only contain amendments that relate directly to the underlying legislation.

It was just a while ago a bill came before the Senate known as the motor-voter bill, a bill to make it easier for people to register to vote. When they got their registration changed on their car, they would at the same time have the opportunity to register to vote. It was a unique and good idea, and it has allowed millions of people to register to vote who ordinarily would not register.

On that legislation, motor-voter, Senator MCCAIN offered a line-item veto amendment. It had nothing to do with registration to vote. So it is hard to understand how his was the kind of

related amendment he demands today. In fact, that issue went to the Supreme Court, where the Supreme Court declared it illegal, unconstitutional.

It was a year before that that Senator MCCAIN offered the same amendment to a research bill. Again, it is hard to understand how his was the kind of related amendment he demands today.

Additionally, Senator MCCAIN offered an amendment that would change Senate rules about tax increases to a bill about unemployment compensation. It is hard to understand how his was the kind of related amendment that he suddenly today demands.

He also offered his line-item veto amendment to a bill that would give more rights to blind Americans. It is hard to understand how the line-item veto had anything to do with the visually impaired. But it appears this was the kind of amendment he demands today.

Again, Senator MCCAIN offered an amendment about Medicare to a bill funding energy and water development, having no relation, obviously. It is hard to understand how his was a kind of related amendment that he demands today.

The third point I want to make is that the Senator from Arizona is not alone in offering such unrelated amendments. His Republican colleagues do it all the time. In fact, they are quite fond of doing it.

Where has his outrage been when that has happened, Mr. President? Where has the outrage been from the Senator from Arizona when, for example, one of his Republican Senator friends twice offered an amendment about the ACORN group? This is an organization around the country that is involved in a lot of different things. But he wanted to do an amendment on the economic recovery package related to the ACORN organization. That was a bill, of course, that had nothing to do with voting registration.

Another Republican Senator offered an amendment about prescription drugs to a bill that funds homeland security—no relation whatsoever. Where was the outrage of my friend from Arizona about that?

Another Republican Senator offered an amendment about the fairness doctrine—a fake issue meant exclusively to excite a very small segment of our population—to a bill that would give DC residents, finally, the right to vote. Where was the outrage of my friend from Arizona about that?

Another Republican Senator offered the same amendment; that is, the fairness doctrine; another Senator, same amendment, on the same conjured issue to the Omnibus appropriations bill. That is the bill we passed to keep our government running and complete unfinished business from the Bush administration. Where was my friend's outrage about that?

Another Republican Senator offered an amendment about union dues to that same Omnibus appropriations bill, having nothing to do with what we were trying to accomplish here.

Another Republican Senator offered an amendment about congressional pay to another appropriations bill, having no relationship whatsoever.

Another Republican Senator offered an amendment about rules surrounding charitable donations to the national service bill—no relationship whatsoever. I did not hear my friend say one word about that. The Senator from Arizona did not complain 1 minute about that.

Another Republican Senator offered an amendment about national language to a bill that helps us crack down on mortgage fraud. Now try that one. That is something that might stir up a little outrage but not from my friend from Arizona.

Another Republican Senator offered an amendment on auto dealers to a bill that funds our troops in Iraq and Afghanistan. Where was the outrage on that—an amendment on auto dealers on a bill that funds our troops in Iraq and Afghanistan, the supplemental appropriations bill?

Mr. President, there are lots of other examples. Those are just a few. It is hard to understand how any of these amendments were the kind of related amendment Senator MCCAIN demands today. But it is even harder to understand why the Senator from Arizona did not feel the need to express, as I have said, the outrage he did this morning.

Finally, I want to say that I would gladly, as a matter of principle, keep each of these bills separate; that is, hate crimes, Defense authorization. But the reality is, the Republicans' relentless and reckless strategy of slowing, stopping, and stalling has made it impossible for us to do so. My friend, the senior Senator from Arizona, knows the most recent example of this all too well. His Republican colleagues refuse to let us vote on his amendment, which I support. I support the F-22 amendment. I support that. Why can't we vote on that? This could have been done yesterday, the day before, today, but for the stubbornness of the Senate Republicans.

We have lots of work to do, a lot of priorities to fulfill, and a lot of mistakes in the last 8 years to correct. And we are trying to do that. The bottom line is, we would not have to take the time for such steps if the Republican minority would not waste the American people's time and money by making us jump through procedural hoop after procedural hoop just to do our jobs. Last Congress, 100 filibusters; this Congress, I think we are at 21 already this year—21.

To my knowledge, Senator MCCAIN has never supported hate crimes legislation. If I am mistaken, it certainly

would not be the first time, but that is the information I have. It is my understanding he does not think there probably is ever a good time to pass this important and overdue bill.

This is an issue here, a very important issue. And that is the real reason the Republicans, I assume, do not like to talk about the Matthew Shepard hate crimes bill. But I am not afraid to talk about the issue.

A man by the name of Luis Ramirez was picking strawberries and cherries to support his three children and a woman he wanted to marry. When he was not working the fields, he worked a second job in a local factory in Shenandoah, PA. It is a coal town of only 5,000 people.

As he was walking home one Saturday night, six high schoolers jumped him in a park. They taunted and screamed racial slurs at Luis, who came to this small town in the middle of Pennsylvania from a small town in the middle of Mexico. But the boys did not stop with the taunting and screaming racial slurs. That was not enough. They punched, beat, and kicked him. When Luis's friend pleaded with the teenagers to stop, one yelled back: Tell your Mexican friends to get out of town, or you'll be lying next to him.

These boys stomped on Luis so hard that an imprint of the necklace he was wearing was embedded into his chest. They beat him so badly and so brutally that Luis never regained consciousness. He is dead. On July 14, 2008—2 days after the beating and exactly 1 year ago yesterday—Luis Ramirez died. He was 25 years old.

Hate crimes embody a unique brand of evil, and that is why the legislation is so important. It is terrorism; it is just a different kind than we normally see or think of. A violent act may physically hurt just a single victim and cause grief for loved ones. But hate crimes do more. They distress entire communities, entire groups of people, and our country.

Our friend, Senator TED KENNEDY, has for many years courageously fought for the legislation Senator LEAHY and I offered as an amendment today to the Defense authorization bill. Senator KENNEDY has correctly called hate crimes a form, I repeat, of domestic terrorism. It is our obligation to protect Americans from this domestic terror.

The hate crimes bill will help bring justice to those who intentionally choose their victims based on race, color, religion, nationality, ethnicity, gender, sexual orientation, sexual identity, or disability. Disability—there are examples all the time of someone who may not be what “normal” may be; maybe they are mentally challenged. There are all kinds of examples of people for that reason taking advantage and hurting them. That is a hate crime.

Hate crimes are rampant and the numbers are rising. The Department of Justice estimates that hundreds happen every day. Now State and local governments are on their own when it comes to prosecuting even the most violent crimes and conducting the most extensive and expensive investigations. State and local governments will always come first, as they should, but if those governments are unwilling or unable to prosecute hate crimes—and if the Justice Department believes that may mean justice will not be served—this law will let the Federal authorities lend a hand to State and local authorities.

I spent some time yesterday with Judy Shepard. I have five children. I have four boys. I had never met Judy Shepard until yesterday. My wife, within the past few months, had lunch with her and a number of other people and sat next to her. She told me what a wonderful person she is. When I met with her yesterday, the thing she said that was so traumatic to me was: I only have one boy left. Two children; Matthew is dead.

The bill we have is named after Matthew Shepard, Judy's son. He was a 21-year-old college student when he was tortured and killed for being gay—and did they torture, did they torture. And that was not good enough for them. In the cold Wyoming night, they took him, before he was dead, and hung him on a barbed-wire fence.

When Wyoming police pursued justice in Matthew's murder, they needed resources they did not have. Laramie, WY, is where it is. Police could not call in Federal law enforcement for help—the law would not allow it—and their expensive investigation devastated that small police department. It was a police department of 40 people—not all police officers. As all police officers, some of them took care of the little jail, did jail duty, and they were responding to phone calls. Out of this 40-person police department, they had to lay off 5 people so they could prosecute this crime, this vicious crime, this hate crime. But it cost that little town a lot. When this bill becomes law, that will never happen again in Laramie, WY, or anyplace else in the country.

We must not be afraid to call these crimes what they are. The American people know this is the right thing to do. Hundreds of legal, law enforcement, civil rights, and human rights groups know this is the right thing to do. The U.S. Senate knows this is the right thing to do.

This bill simply recognizes that there is a difference between assaulting someone to steal his money or doing so because he is gay or disabled or Latino or Jewish; that there is a difference between setting fire to an office building and setting fire to a church, a synagogue, or a mosque; that there is a difference, as we learned so tragically last

month, between shooting a security guard and shooting him because he works at the Holocaust Museum.

It is a shame that we often do not discuss our responsibility to do something about horrific hate crimes until after another one has been committed. It means we always tend to act too late. But does this mean we should not act now? Of course not. It means, in fact, the opposite: it means we must act before another one of our sons or daughters or friends or partners is attacked or killed merely because of who they are.

We must act in the name of people such as Thomas Lahey, who, in 2007, was beaten unconscious in Las Vegas. Why? Because he was gay.

Not far from my hometown of Searchlight, NV, is a place called Laughlin, NV—25 miles away. It is on the river, a little resort community. We must act in the name of Jammie Ingle, who, in 2002, was beaten and bludgeoned to death in Laughlin, NV. Why? They thought he was gay.

We must act in the name of Tony Montgomery, who was shot and killed in Reno. Why? Because he was an African American.

We must act in the name of those who worship at Temple Emanu-El in Reno, a synagogue that has been firebombed time and time again by skinheads. We must act in the name of Luis Ramirez, whom I already talked about who died 1 year ago this week. We must act in the name of Judy Shepard, of her son, Matthew Shepard, whose family has fought tirelessly since his brutal death, his brutal murder, so others may know justice. If their country doesn't stand for them, if we don't stand for them, who will?

The F-22 is an airplane I have seen. A number of them are stationed at Nellis Air Force Base. Nellis Air Force Base has almost 15,000 people who are involved in that air base, civilian and military personnel. We are so proud of that. Nellis Air Force Base is named after Bill Nellis from Searchlight, NV. Bill Nellis was a war hero in World War II. He joined then the Army Air Corps, already having two children, was way beyond the age when he would be drafted, but he volunteered. He served 69 missions before a dive bomber went down in Belgium where he is now buried. We are proud of Nellis. We are proud the F-22s are there. But we have had enough F-22s at Nellis Air Force Base. We have enough F-22s anyplace else.

The F-22 is a Cold War weapon that has not flown a single mission over Iraq or Afghanistan—not one; not a training mission, not any kind of a mission. It is a powerful plane built to fight superpowers. But as we all know, the wars we fight today are not against superpowers. This generation of our military bravely fights a new generation of warfare against terrorists and

insurgents. For today's national security needs, the F-22 is an overpriced and underperforming tool. And the nearly 200 we already have in our fleet is sufficient. It is a sufficient deterrent to the potential of conventional war. But some want us to spend at least \$2 billion to keep making more of them. That is only the first step. Actually, it is \$1.75 billion. I rounded it off to \$2 billion. It is a very expensive plane to build and a very expensive plane to fly. It costs taxpayers \$42,000 an hour to operate.

This technology is not suited for today's warfare. The radar in the F-22 means that when it flies over heavily populated cities such as the ones in Iraq and Afghanistan, its position is easily given away. We have at Nellis Air Force Base in the ranges there what we call red flag activities.

A couple times a year, we bring our fighting forces there, our air fighting forces, and they do mock exercises. It is a wonderful place, one of the few places in the world this can take place. They do all kinds of good things. Aircraft from all over the world come there to participate in these war games. If the F-22's radar is turned off to avoid being so easily detected, its agility is significantly compromised. We know that. This was proven recently in a recent exercise at Nellis Air Force Base, when an F-16 brought down in a war game an F-22 that simply had turned its radar off in a test fight.

There is broad bipartisan consensus that ending the F-22's production is in our national security interests. Here is a list of some who agree: Chairman LEVIN; Ranking Member MCCAIN; Commander in Chief Barack Obama; the previous Commander in Chief, President Bush; the Secretary of Defense; the previous Secretary of Defense; the chairman of the Senate Armed Services Committee, I repeat; the ranking member, I repeat, of the Senate Armed Services Committee; the Chairman of the Joint Chiefs of Staff; the Vice Chairman of the Joint Chiefs of Staff; the Secretary of the Air Force; the Chief of Staff of the Air Force. Can you believe that? And we are going to try to move forward in doing this, and no one wants it in the military. All of those have prudently pointed out that buying more F-22s that we don't need means doing less of something we do need.

Some have encouraged us to continue making this Cold War-era plane because it creates jobs for those who build them. Being a little bit personal here, the stealth airplane was developed in the deserts of Tonopah, NV. It was a wonderful thing our country did. Each of these airplanes had its own hangar up in the desert because the Soviet satellites came over, and they couldn't come out in the daytime. These pilots were trained so efficiently; everything they did was in

pitch darkness, but that is where these airplanes were developed and flown.

There came a time after it became public that we had these stealth aircraft that they had to put them somewhere. They put most of them at Nellis Air Force Base. The Pentagon, after they had been stationed there for a matter of months, made a decision: That is not good. We need to move them to New Mexico to an airbase. Pete Domenici, my friend, was concerned about whether they should go to New Mexico or Nevada. I said: Pete, I got a deal for you. I, personally, don't believe that what we do for the military is a jobs program. I think it is to make our Nation more secure. Let's have the General Accounting Office do a study, and if they come back and say it will save the country money and it will make our country more secure if they move them to New Mexico, I am not going to say a word about it. It took the General Accounting Office a matter of a few months to do this. They came back and said these stealth aircraft would be better off in New Mexico, and it will make our country more secure; they can train better there because of how much activity there is at Nellis, and it will save the country money.

That is how I feel about the military. I think we have to have the most sophisticated, secure weapons systems that exist, but it has to be something that is good for our country. It is obvious—with all these people from President Obama to President Bush to the Secretaries of Defense in the past to now—these airplanes are not necessary. They prudently point out that buying more F-22s that we don't need means doing less of something else that we do need.

I repeat: Some have encouraged us to continue making this airplane because it creates jobs for those who build it. I don't believe that is the purpose of why we are here. I understand the importance of jobs, but a more advanced jet, the F-35, which can be used by all branches of the military service, would create similar jobs—jobs that actually will enhance our national security. That is what this is all about. That is what this bill is about, the Defense authorization bill.

Finally, President Obama has pledged to veto this Defense authorization bill if it includes continuing to build this obsolete airplane. And he will veto it. That is a risk, and why would anyone want to take it? I spoke to the President's Chief of Staff yesterday. The President is going to veto this bill. This is kind of an: Oh, he will never do that. He will.

Cutting funding for wasteful programs is good for our economy, good for our workers, and good for the continued military dominance of our country. I oppose continuing to build a weapon that will compromise our na-

tional security. I oppose continuing to fund a program that will jeopardize our economy. I oppose wasting billions of dollars of taxpayer money on a plane that doesn't defend us in our wars that we fight today and will not defend us in tomorrow's wars. I support moving our military into today's century the 21st century, not go back to the last century.

Now, finally, let me say this: I have called my friend, the Republican leader, and he will call in just a minute when he has some time because I didn't call him while he was in a meeting. I wanted to speak to him before I came to the floor, but I have something else I have to do tonight. We are going to vote on invoking cloture. We will see if we can get 60 votes on this hate crimes amendment that is on this bill. I would like to work it out so we can do it conveniently for everyone, sometime tomorrow. What I would like to do is set aside some more time if we want to debate more the hate crimes, set aside more time to do that, and if people want to do the F-22, let's do that. Let's get these two out of the way. I can't force an amendment vote on the F-22, but I can force a vote on cloture, and we are going to do that. We will do that tomorrow. Tomorrow may spill over until a little after midnight Friday morning, but we are going to do this. So everyone should understand the hate crimes bill is going to be voted on either tomorrow or very early Friday morning. I have said Friday there will be no votes, and that is by day. This will be in the middle of the night. I hope we don't have to do that, but that is when time runs out on this.

I think these two amendments are important. I understand the anxiety of those who would rather not have hate crimes legislation on this bill. I accept that. But I spent a lot of my time here on the floor, as I have outlined, wondering why in the world other people don't complain when they offer these ridiculous amendments on legislation that is so important. I have indicated that we are going to go back to the way we used to do business in the Senate. I have done that during the time I have had this job. We have this—this year we have had an open amendment process except on rare occasions. I have stood here when we have done abortion amendments, gun amendments, you name it. I have told Senator MCCONNELL I wish this were not the case, but that is why we are here, to make tough votes and easy votes both.

So I hope we can work something out, where we can resolve this matter tomorrow during the daylight hours; otherwise, we will do it tomorrow night.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank the majority leader for his words concerning the parliamentary situation we

are in. Of course, I am very appreciative of his words about the long service we have shared together, both in the other body and in the Senate. Since I have returned from the campaign trail, I have appreciated his kind words about my service to the country. I must say, while the majority leader is still on the floor, I might point out that they are dramatically different from the comments he made about me during the campaign—not just our political differences but my qualifications to serve and other statements about my character. All those things are said in political campaigns, but I am certainly glad to see sort of a significant change in his comments concerning me, and I am always very grateful.

Can I also say that the distinguished leader said he couldn't understand that I couldn't understand. Well, the thing I can't understand is the fact that the majority leader can, by virtue of being majority leader, put legislation at any time before this body. I have never been majority leader, and in all candor I never want to be majority leader. I think the majority leader in the Senate has a very tough job. I appreciate the hard work he does in trying to move legislation through the Senate. My former colleague and one-time majority leader, Senator Lott, once said that being majority leader of the Senate was like herding cats, and I certainly agree with that assessment.

So let me say I appreciate the work the majority leader does, but if I had been majority leader, I would never have had to do any of those amendments. The majority leader sets the agenda for the Senate. All he has to do if he wants the hate crimes bill up is to schedule it to be taken up and debated and discussed and amended—but in the regular order of the Senate. Instead, he chooses to put it on the Defense authorization bill, a bill that is vital to the future of the security of this Nation.

I understand his passion concerning hate crimes. I have heard speakers come to the Senate floor all day, and they, in very graphic and moving terms, described events, as I am sure the next speaker will—about the terrible crimes committed in this country by some of the worst of the worst people who have ever inhabited this country.

But the question remains: Why should a bill of this importance—the hate crimes legislation—not have been, at the majority leader's direction, moved through the Judiciary Committee, reported out, and reported to the floor of the Senate? We have been in session since January. I am sure the Judiciary Committee has a lot to do. This has been described by proponents, as they come to the floor, as one of the most important issues of our time. If it is, why not move it through the Judiciary

Committee, move it to the floor, and allow us to amend, debate, and discuss the issue? Instead, it is put, as an amendment, on the Defense authorization bill.

That is not right, Mr. President. The fact is, the amendment the majority leader just, very rightfully, extolled, the Levin-McCain amendment—and I appreciate his strong remarks about the importance of it—is the one he wanted withdrawn. The reason we are not debating it now is because the majority leader told the chairman of the committee to withdraw the amendment.

I appreciate his passionate advocacy of this issue. I also want to reemphasize this isn't just about \$1.75 billion. This amendment is about whether we are going to change, fundamentally, the way we do business.

If the opponents of the amendment succeed, and we fund additional F-22 aircraft, which as the majority leader pointed out has never flown in Iraq or Afghanistan, that signal to the military industrial complex, which President Eisenhower warned us about is business as usual in our Nation's Capitol.

So this is an amendment that has transcendent importance. The President has guaranteed a veto. The Secretary of Defense came out and staked his reputation on succeeding here and eliminating, bringing to an end the F-22 production line and moving forward with the F-35 production line.

A lot of my friends ought to understand this is not just about cutting or eliminating or ending production of the F-22. It is also about the F-35 aircraft. If I had been majority leader, I would have—when he described those amendments I put on bills that were before the Senate, it was because I could not get them up in any other way.

Let me say this: Hate crimes legislation deserves the attention of the Senate in the normal legislative process with amendments, debate, and discussion. If it is so important, and speaker after speaker, including the majority leader, came to the Senate floor talking about how important and vital it is and all of the terrible things that have happened as a result of, in their view, not having this bill—although that is not in agreement with the U.S. Commission on Civil Rights. But the fact is, then you would think we would want to take it up in the regular fashion and debate it, and that we would want to improve it and make it more effective through the amending process. But, no, we are not going to do that. We are going to take down the pending amendment that is probably one of the most significant amendments we have had in recent history of the Senate—at least as far as defense is concerned—and replace it with a piece of legislation that is complex, certainly controversial, and certainly deserves the full attention of the Senate.

I proposed earlier a unanimous-consent request, which was rejected by the majority, that we move back to the F-22 amendment, that we dispose of this legislation, and then that we move to the hate crimes bill, the Matthew Shepard Hate Crimes Prevention Act, even bypassing the Judiciary Committee, which is not a normal thing to do given the complexity of the issue.

I am deeply moved by the stories the majority leader told, and both Senators from California came to the floor, and many others have given very graphic and dramatic and compelling stories recounting terrible things that have happened to our citizens—horrible, awful, horrifying things. I understand that and my sympathies and thoughts and prayers go out to their families. We must do everything in our power to make sure these kinds of horrendous acts are never repeated.

Let me point out another thing, if I could. There are also men and women in the military who are in harm's way now and who have been gravely wounded. The sooner we enact this legislation, we will make preparation and be able to better care for them.

Mr. President, I don't usually tell these anecdotes. I heard a lot today, and I sympathize with them. Before the majority leader took the floor, I was outside the Senate Chamber. There was a young man there who said he wanted to meet me—a young marine in a wheelchair, badly wounded. He was there with his family. He was escorted by Congressman KENNEDY. I was gratified and moved that he wanted to meet me.

Do you know what. That made me want to come back here and pass this legislation as quickly as possible because this legislation, No. 1, provides fair compensation and first-rate health care and addresses the needs of the injured and improves the quality of life of the men and women of the All-Volunteer Force—Active Duty, National Guard, Reserve, and their families. That is the No. 1 priority of this legislation.

Instead of moving this legislation as quickly as possible through the Senate, we have now withdrawn the amendment and moved on to a piece of legislation that has nothing to do with the purpose and our obligation to the men and women serving this country.

I understand what numbers are, and I understand what the outcome of elections is. I understand there is a majority on the other side of the aisle. But what is being done by withdrawing an amendment that has transcendent importance and putting another totally unrelated piece of legislation in—it may set a dangerous precedent for this body.

This is not a one-shot deal; this the hate crimes bill. This is not an amendment to say you can carry a gun in a national park. This is not a single specific issue bill—hate crimes. We are

talking about a very large, encompassing piece of legislation that, by any rational observation, demands to be considered through the proper committee and on the floor through the proper process.

We are now holding up the progress of legislation that is important to the future security of this country and the men and women who serve it, to give them the resources, training, technology, equipment, force protections, and authorities they need to succeed in combat and stability operations.

I understand and appreciate the passion of the advocates of hate crime legislation. They have made it very clear and told compelling stories on the Senate floor. I believe we must take it up and enact it as immediately as possible. What we should be doing is taking up the hate crimes bill in the Senate for full debate and discussion as soon as we finish the Defense authorization bill. There is no connection between the Defense authorization bill and hate crimes. It is a complex and detailed—26 pages, as I recall—piece of legislation.

Again, I appreciate the kind comments of the majority leader, who came to the floor and said he couldn't understand certain things I have done. I hope the majority leader understands better now. If he doesn't, I will be glad to come to the floor again and point out that what we are doing is wrong. It is wrong for us to get off the legislation that provides for the defense and security of this Nation. It is wrong to take up a piece of legislation that should go through the appropriate committee.

This is what we teach kids in school in Civics 101—that a bill is proposed and goes through the proper committee, is reported out, and then it comes to the floor of the Senate for debate and amendment. Instead, we are violating the fundamental rules of procedure of the Senate.

As we continue and vote at 2 a.m.—or whatever it is that we are going to do—all we will have done is delay the responsibility we have, which is to provide for the security of this Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that after my remarks, which will be no more than 5 minutes, Senator BROWN be recognized for up to 10 minutes, and then Senator CHAMBLISS be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, first, my dear friend from Arizona has spoken very eloquently about the transcendent importance of the Levin-McCain amendment. I could not agree with him more. We tried for 2 days to get an agreement to vote on that amendment.

It is a critically important amendment for the reasons he has given and for the reasons I hopefully have given persuasively around here, and others have as well.

We have this President, the previous President, this Secretary of Defense, the previous Secretary of Defense, this Chairman of the Joint Chiefs, the previous Chairman of the Joint Chiefs, the Vice Chairman of the Joint Chiefs, the Chief of Staff of the Air Force, and the Secretary of the Air Force saying we have enough F-22s. We have to move on to the F-35, which is under production, by the way. We have 30 F-35s funded in this bill.

We have tried to get the Levin-McCain amendment to a vote. We tried to reach an agreement and a time. We could not get an agreement on the time. That is what has then precipitated the decision of the majority leader to move on to the hate crimes amendment. We have simply tried, day after day, to get a vote, without success.

I could not agree more that this is a critically important amendment, and we have to end production of a weapon system that we no longer need, according to top civilian and military experts, and focus more on the F-35, which is going to be used by all three of the services, not just one. It will have greater capabilities in very critical areas than the F-22, and it will cost significantly less than the F-22. But we could not achieve that.

I don't understand the logic or the strategies involved that say we cannot have a vote on the amendment that is pending—Levin-McCain amendment—and then when faced with the majority leader's amendment on hate crimes, forces that to a cloture vote, which is going to be held—in other words, everybody understands both of these amendments are going to be addressed on this bill one way or the other. Nobody can guarantee the outcome on these amendments. But what can be guaranteed is that these amendments are going to be debated on this bill because the majority leader has made that clear for a long time. The procedures of this body allow for it.

The precedents of this body are full of amendments such as this. As a matter of fact, the hate crimes amendment was adopted on the Senate Defense authorization bill 2 years ago, after the same kind of debate. Debate is fair. Debate is important. Every one of us should protect the right of everyone else to debate. Whether it should go on this bill or another, we can debate that. But it is offered on this bill, as was noticed by the majority leader days ago. It is what we have done years ago. It is totally consistent with the rules of the Senate. As a matter of fact, it has been done repeatedly in the Senate.

Maybe we should adopt a new rule that says you have to be relevant or

germane to offer an amendment to a pending bill. We don't have that rule, never had that rule, and probably never will have that rule.

But that is the way the Senate operates. These are important amendments. Again—and I am going to close with this—I don't get the logic of not allowing us to proceed to the Levin-McCain amendment because another amendment that some people don't like and don't think should be offered is going to be offered on this bill, when what is certain is that both amendments are going to be offered on this bill. Nothing is accomplished by refusing that vote on the Levin-McCain amendment except delay. That is the only thing accomplished by the refusal of whoever it was who refused to agree to a time to vote on Levin-McCain, nothing was accomplished except delay. And that, I don't think, is in anybody's interest, for the reasons Senator MCCAIN gave.

We want to get this bill passed. We want to get it conferenced. We want to get it to the President, hopefully, by the time this fiscal year is over because the troops deserve us to act.

I am going to vote for the hate crimes amendment. I believe it is very appropriate that it be on this bill. I spoke 2 years ago to this effect, and I will speak again at the right time, perhaps tomorrow if there is time, as to why the hate crimes amendment belongs on this bill. It is an important amendment. It involves acts, as the leader and others have said, of domestic terrorism. The values reflected in the hate crimes legislation are values which our men and women who put on the uniform of this country fight for and put their lives on the line for, a country which believes in diversity, a country that believes you ought to be able to have whatever religion you want, be whatever ethnic group, whatever religious group, whatever racial group you are part of, whatever your sexual orientation, whether you are disabled, regardless of your gender, that you should be free from terror and physical abuse.

That is what the hate crimes law does now, except it does not include some groups who should be included, including the disabled and including people who are gay. That is what is involved here.

It is not a new debate. We debated it 2 years ago. It is not new on this bill. It was added in the Senate 2 years ago.

I hope we can reach an agreement to get to a vote on both these amendments. They are both going to be resolved on this bill. That is a certainty. Again, how they are going to be resolved no one knows. We can guess as to what the outcome will be. They will both be close votes, I believe. Let's get on it and get through those votes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

AFFORDABLE HEALTH CHOICES ACT

Mr. BROWN. Mr. President, I grew up in Mansfield, OH, a middle-class town of about 50,000 people, halfway between Cleveland and Columbus, in north central Ohio. It is a town similar to thousands of other cities in Ohio such as Marion, Zanesville, Xenia, Springfield, Portsmouth, Chilcote, and Ravenna. It is a town not much different from dozens of cities around our Nation.

My dad was a family doctor. He practiced into his late seventies. He lived to be 89 and died about 9 years ago. My dad for years made house calls, caring for his friends and neighbors, regardless of their ability to pay. One patient, I remember, gave my dad a little arrowhead collection after my dad had done very important work for his health.

Today the Health, Education, Labor, and Pensions Committee passed historic health reform legislation that restores my dad's sense of quality and compassion in our health care system.

This legislation was not written for the insurance industry. It was not drafted by the drug industry or any other segment of the health care industry. We remember not that long ago in this Chamber—I remember it more intensely at the other end of the Hall in the House of Representatives where I sat on the Health Committee—we remember in those days the drug companies wrote the Medicare laws, and the health insurance industry wrote health care legislation. Those days are gone. This bill is not for them; it is for the American people.

The health care industry does not like this bill that much. That is because they did not get their way on issue after issue. They did sometimes. They did dramatically on occasion in our committee. But, by and large, this bill is not for them. This bill is for the American people. It is for American families who are afraid that unaffordable health care costs will deny their children a chance for a healthy life.

Everybody in this Chamber has met dozens of children such as that who needed the Children's Health Insurance Program to keep their families from going bankrupt and to keep their health care going. Children who need this health care legislation, families who need this bill too often choose between medicine and food, between heating their homes in the winter and cooling their homes in the summer on the one hand and going to the doctor on the other.

This bill is for American families that do not have health insurance at all. Maybe they work for an employer

who cannot afford to provide health insurance. Maybe they lost their job. Maybe they cannot afford their share of the premium for employer-sponsored coverage. Maybe they have a pre-existing condition that makes them undesirable to the insurance industry. Maybe they cannot pay their mortgage, feed their children, and pay for nongroup health coverage. Unfortunately, for many Americans, something had to give. But not anymore. This bill is for them.

Two weeks ago in Columbus, I was having breakfast with my daughter and a friend—a young woman who teaches voice lessons. She just graduated from college. She is working at this restaurant part time while she finds more and more students to teach voice lessons as she begins her business. She does not have health insurance. She came up and said: Are you going to give me health insurance this year?

I said: Yes. It is a commitment of the President of the United States. We are going to finish this bill this year.

I am going to send her a note tonight telling her what we did today.

Not too long ago, I was at a grocery store in Avon, OH, near my home. My wife asked me to find water crackers. I didn't know what water crackers were. I was standing in the aisle, and I asked a guy: Do you know what water crackers are?

He said: They are right there. This is a gentleman who is self-employed and sells food products, mostly crackers and cookies, for a national company. He sells them to local grocery stores in Lorain County. He said to me: I am self-employed. Are you going to pass the public option I need to make sure you can keep the health insurance industry honest and I can get decent health coverage?

I said: Yes, we are—because we are.

This bill is for them. It is for the young woman in Columbus, it is for the younger man in Avon, the man approaching middle age, it is for him.

This bill was developed with a few core principles in mind. First, Americans who like their current health coverage should be able to keep it. If you have good insurance, if you like your employer-based insurance, by all means keep that insurance. Keep what you have. This bill is designed to protect existing coverage while putting downward pressure on health insurance premiums. What is going to happen to those people who now have insurance? Right now if you have decent insurance, you are also paying the cost; when you go to the emergency room with your insurance, you are also paying the cost of somebody who goes to the emergency room without insurance. You are paying the cost that doctors and hospitals and, frankly, taxpayers provide for those people without insurance. You are absorbing those costs.

So when this bill passes, when the President signs this bill in October or November, there is a reasonably good chance that the cost of your insurance, whether you are the employer, whether you are the employee, will stabilize. The costs will stabilize and maybe go down.

I mentioned this bill was developed with a few core principles in mind. No. 1, people who like their current insurance can keep it. No. 2, people underinsured or uninsured should be able to find good coverage and pay a reasonable premium for it. They will have full choice of private insurance or, the third point is, Americans should have choices they want. This bill includes a strong public health insurance option designed to increase price competition in the health insurance industry and to help keep private insurers honest.

And speaking of honest, another principle behind this bill is that health insurers should do what they are paid to do. This bill includes new rules to prevent insurers from denying you coverage for preexisting conditions, terminating your coverage just to save money or excluding you from coverage because of your age or health history.

There are two things going on here: One, we are putting rules on the insurance industry so they cannot keep gaming the community rating system, can't keep imposing preexisting conditions on potential people they insure, can't lock people out who are too sick and they don't want to cover.

First is the rules. Second is creation of a public option, which will mean competition. We make sure insurance companies are doing the right thing by the rules, but we also inject competition, so public option will compete with private insurance companies.

This bill was written for American families, for American patients, for American businesses, and for American taxpayers. This bill is a victory for the thousands of Ohioans who shared with me their struggle for our health care system. It is about retiree Christopher from Cincinnati. He is worried his shattered retirement savings and small pension won't keep up with rising insurance premiums.

This bill is about breast cancer survivor Michelle from Willoughby, OH, Lake County, east of Cleveland, who should no longer live, in her words, "for the sum of my work is to pay for insurance."

It is about the children that Darlene, a school nurse from Cleveland, treats each day who struggle in school because they are worried about a sick parent or grandparent who cannot get the health care they need.

It is about small business owner Kathleen from Rocky River, who is trying to do right for her employees but whose small business is being crushed by exorbitant health insurance costs.

It is about Karen from Toledo, whose adult son has advanced MS, and for 5 years she has seen her savings drained, forcing her to drop out of college.

It is about these Ohioans. It is about Ohioans in Lima, Springfield, Volare, St. Clairsville, Pickaway, and Troy. It is about people around this country, the millions who work hard, play by the rules, who still struggle each day with disease and despair. It is about their stories, those who have inspired us to stand with them and not be intimidated by the special interests that are spending \$1 million every single day lobbying to try to write this bill—the insurance companies, the drug companies that have had such a huge influence in the Halls of Congress over the last several years but this time did not have the kind of influence they wanted.

Because of this bill, more Americans will be able to afford health care. Crucial national priorities will not be crowded out by health care spending. No longer will exploding health care costs cut into family budgets, wear down businesses, drain tax dollars from local governments, from State governments or from Federal budgets.

This bill uses market competition and common sense to squeeze out an efficiency, to maximize quality to ensure every American has access to quality, affordable coverage.

More work is yet to be done. We have taken a long step toward the day that generations before us have prepared us for, that pushed this government to do more and do better.

This started in the 1930s when Harry Truman wanted to include Medicare or some version of national health care with Social Security but thought he could not get it passed and settled for Social Security. Harry Truman tried in the late 1940s. Lyndon Johnson successfully pushed through Congress, with strong Democratic majorities in each House, to create Medicare. We have tried ever since. This is the time.

I thank Senator DODD for his leadership of the HELP Committee over the last few weeks. It was an impressive and productive process from beginning to end. We worked in a deliberate, bipartisan manner.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BROWN. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. We worked in a deliberate, bipartisan manner, spanning 13 days, 287 amendments were debated, and 161 Republican amendments were included in this bill. We worked hard to make sure this bill reflects broad ranges of views and best serves the American people.

A special thank you to my friend and colleague, Chairman KENNEDY, whose Senate career has been dedicated to

providing health care to those in need. Senator KENNEDY's activism and determination made this day possible. My Senate colleagues and I and millions of Americans who may finally see the day when there is quality affordable health care owe him our gratitude and thanks.

In closing, of all injustices, Martin Luther King once observed: "Injustice in health care is the most shocking and inhumane."

This day is a victory for Ohio families, it is a victory for seniors and middle-class families around the Nation who deserve the humane justice of an affordable health care system that works for all of them.

We have a historic opportunity to make fundamental improvements to our Nation's health care system. We must not squander it—not in this Nation, not at this time.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONOR FLIGHT VETERANS TRIBUTE

Mr. McCONNELL. Mr. President, I would like to take a moment to recognize an inspiring group of World War II veterans from the Commonwealth who visited our Nation's Capitol on the 65th anniversary of the D-day invasion. The noble work of the Honor Flight Program and the leaders at its Bluegrass Chapter made it possible for these World War II veterans to visit their memorial on the National Mall free of charge. I have been privileged to participate in previous Honor Flights from Kentucky, and I very much regret that my schedule prevented me from attending the one that took place on June 6, 2009. I hope to have the opportunity to join participants from my home State on Honor Flight trips in the near future.

I wish to express my tremendous gratitude to the 66 Kentucky veterans who were here that day for having served to protect our great Nation's principles from the enemies of freedom. As Americans, we are forever indebted to the heroic men and women of the U.S. military who defend this great Nation and all it represents. In fighting for prosperity and freedom around the world, the veterans of World War II risked everything, earning the title of the "greatest generation."

As General Eisenhower said in his message to the troops just before the invasion at Normandy: "The eyes of the world are upon you. The hopes and prayers of liberty loving people every-

where march with you." These words ring true, even after 65 years, as our military continues to challenge threats to freedom, democracy and the American way of life.

Our country continues to do its best to honor the incredible bravery and sacrifice of our men and women in uniform. The Honor Flight Program is a reflection of the admiration and appreciation that all Americans have for the military. I take great pride in representing many brave veterans from Kentucky and in doing what I can to show our Nation's reverence for them.

The names of the 66 World War II veterans from the Commonwealth are as follows:

Richard Straub; George Hoffman; Robert Willman; Charles Junkins; Norman Reiss; William Taylor; Mary Phillips; Walter Brumfield, Sr.; Raymond Bumann; Lawrence Mayfield; Thomas Crump; Albert Tomassetti; Eugene Heimerdinger; Fletcher Williams; Paul Lawson; Millard Allen; Paul Jordan; Joseph McConnell; Harry Greaves; Robert Bohan.

John McCord, Jr.; Louis Stafford; Walter Martin; Stanley Adkins; James Thomas; William Wilson; Harold Hoover; Kenneth Elliott; Johnnie Hayes; Peter Johnson, Sr.; Robert O'Bryan; Frank Rose; Norbert Gnadinger; Martin Lambright; Robert Zangmeister, Sr.; Walter Jewell, Jr.; James Keene; George Pope; Richard Thompson; Orland Warth.

Raymond Ludwick; Arthur Lowe; Ralph Hammerle; Roy Six; Arthur Wissing; Louis Guettzow; Howard Mather; Allen Kessler; Harold Finnell; William Boyd; Wilbert Block; Claude Decker; George Garth; Joseph Wilson; Lloyd Hoagland; William Zeitz; Vincent Heuser; Oscar Disney, Jr.; Nat Bailen; George Keltner; Richard Zogg; Taylor Davidson; Pauline Thompson; Henry Hardy, Jr.; Abner McMaster; Stanley Fischer.

HIV TRAVEL AND IMMIGRATION BAN

Mr. DURBIN. Mr. President, the Department of Health and Human Services has taken an important and overdue step toward ending our Nation's discriminatory ban on HIV-positive visitors and immigrants.

On July 2, 2009, the Department of Health and Human Services published proposed regulations that would lift the HIV travel and immigration ban. This policy change would remove HIV from the list of "communicable diseases of public health significance."

While we all know that HIV infection is a serious health condition, it does not represent a communicable disease that is a significant threat for transmission and spread to the U.S. population through casual contact. Officially ending this long-standing ban will help remove the stigma and discrimination often associated with HIV.

The United States is one of 12 countries in the world that ban HIV-positive visitors, nonimmigrants and immigrants. It seems illogical that the United States, a country that is a leader in the fight against the global HIV/AIDS epidemic, should legally ban all non-Americans who are HIV-positive.

The current travel and immigration ban prohibits HIV-positive foreign nationals from entering the United States unless they obtain a special waiver. This waiver is difficult to obtain and only allows for short-term travel. Immigrants who want to become legal permanent residents by applying for a green card are subject to a medical exam. Many individuals who have been denied a green card because of their HIV status confront a dilemma—either they go home where they might not have access to effective treatment or violate American law by remaining in the United States.

The ban undermines public health efforts by keeping researchers, advocates and experts from even entering the country. The current regulation stigmatizes and discriminates against people living with HIV and AIDS without justification and has serious consequences on individuals, families and our Nation. It separates loved ones, denies American businesses access to talented workers, and bars students and tourists from accessing opportunities and supporting our economy. Due to the ban, there have not been any international conferences on HIV/AIDS in the United States since 1990.

The ban originated in 1987, and was explicitly codified by Congress in 1993, despite efforts in the public health community to remove the ban when Congress reformed U.S. immigration law in the early 1990s. While immigration law excludes foreigners with any “communicable disease of public health significance” from entering the U.S., only HIV was ever explicitly singled out in the Immigration and Nationality Act. For all other communicable diseases, the Secretary of Health and Human Services determines whether a particular disease is of public health significance and should therefore constitute a ground for excluding noncitizens from entering or immigrating to the United States.

Last year, I strongly supported the Tom Lantos and Henry Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, which Congress passed and the President signed into law. Included was a provision that removed the language from the Immigration and Nationality Act mandating that HIV be on the list of diseases that bar entry to the United States. This provision returned regulatory authority to the Secretary of Health and Human Services to determine whether HIV should remain on a list of communicable diseases that bar foreign nationals from entering the United States.

By proposing this regulation the administration is making a clear statement that the United States does not discriminate against people with HIV and does not endorse misconceptions of the past. I look forward to seeing the

proposed regulation finalized in the coming months.

COMBATING CORRUPTION IN AFRICA

Mr. LEAHY. Mr. President, as the world goes through this difficult economic period it is important that we continue efforts that began when times were better.

A June 10, 2009 article in the New York Times entitled “Battle to Halt Graft Scourge in Africa Ebbs” notes that because of a series of assassinations, dismissals, and changes in power across the African Continent, some of Africa’s previous efforts to fight corruption are weakening. It is estimated that a trillion dollars obtained through corrupt practices changes hands every year around the world, and a large part of it in Africa. This staggering amount is often the revenues from the extraction of natural resources like oil or diamonds, but instead of going to help the impoverished people of the country where the resources are located, it too often goes to line the pockets of corrupt officials. If it were possible to reduce by just one-quarter the amount of money stolen, the amount saved would be five times as much as we spend annually on foreign aid.

On his recent visit to Accra, Ghana, President Obama made it clear that the responsibility for good government and with it, development, in Africa ultimately rests on the shoulders of Africans. He said “repression can take many forms, and too many nations, even those that have elections, are plagued by problems that condemn their people to poverty. No country is going to create wealth if its leaders exploit the economy to enrich themselves . . . or if police can be bought off by drug traffickers. No business wants to invest in a place where the government skims twenty percent off the top . . . or the head of the port authority is corrupt. No person wants to live in a society where the rule of law gives way to the rule of brutality and bribery. That is not democracy, that is tyranny, even if occasionally you sprinkle an election in there. And now is the time for that style of governance to end.”

I wholeheartedly agree with the President, and I also know that bribery depends on at least two parties—those who get paid and those who pay. Halliburton/KBR, a name we have all become familiar with for brazenly overcharging American taxpayers in Iraq, is reportedly under investigation for allegedly paying over \$100 million in bribes in Nigeria in order to secure oil-field contracts. Although we do our best to investigate terrorist financing, U.S. banks are not required to fully investigate the sources of their funds, and the proceeds of corruption can sometimes get through. Offshore shell

companies and bank accounts, and lax rules for identification of account holders, make it relatively easy to launder illicit money. The lack of information across borders hampers investigations and prosecution efforts and slows the return of stolen money.

The New York Times article tells the story of Nuhu Ribadu, the former director of the Economic and Financial Crimes Commission in Nigeria, who led a courageous effort to begin to rid Nigeria of its endemic corruption problem but barely avoided an assassination attempt and was dismissed last year after reportedly refusing a \$15 million bribe from a state official he was investigating. In testimony before the House Financial Services Committee earlier this year, Mr. Ribadu pleaded that this country do all that it can to fight this global problem saying, “What can you do as a country, as a good people of the world, as leaders, to help be on the side of the 140 million desperately poor Nigerians?”

While there is no question that this is a problem that requires the hard work and sacrifice of citizens of the countries where these crimes are taking place, we also need to do what we can in the United States to stand with those people who are taking risks to rid their countries of the corruption that destroys governments and whole societies.

There are a few things we can start doing now. We can do more to hold our domestic banks accountable for the money they have. We can put regulations in place that will make the holding of illegal international money no longer a profitable enterprise. We can open up international channels of communication to make sure that, while maintaining appropriate levels of privacy, we provide investigators overseas access to the records they need to track down and prosecute cases of graft in their countries. We should do all we can to prosecute those who receive bribes by cutting off funds and, as much is possible, expanding our courts’ jurisdictions to prosecute those who extort money. And finally, we can come down hard on companies in the United States that are using bribery to increase their profitability in third world markets.

This is a problem that many brave Africans have tried to tackle head on, and it has cost some of them their lives. Let us make sure that we are doing all we can to help.

COMMENDING TOM AND MAGGIE RYAN

Mr. LEAHY. Mr. President, I would like to salute Tom Ryan and his daughter, Maggie, of Shelburne, VT, for their goodwill gesture at a recent Boston Red Sox game.

Last week, Tom and Maggie were at Fenway Park cheering on the Red Sox,

and they ended up with the baseball David Ortiz—better known in Red Sox Nation as Big Papi—hit over the Green Monster for the 300th home run of his career.

I had the good fortune to meet Big Papi last year at the White House celebration honoring the 2007 Red Sox World Series championship, and I was delighted to learn Tom and Maggie had the opportunity to meet Big Papi too and present him with the historic ball.

In honor of the Ryans, and this important moment in Red Sox history, I ask unanimous consent that a copy of the Burlington Free Press's story, Vermont Man, Daughter Make Big Papi's Day, by Sam Hemingway be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

[From the Burlington Free Press, July 12, 2009]

VERMONT MAN, DAUGHTER MAKE BIG PAPI'S DAY

(By Sam Hemingway)

SHELBURNE.—Going to Fenway Park is akin to going to church for die-hard Boston Red Sox fan Tom Ryan.

So imagine what it was like for the 46 year-old Shelburne resident to meet David "Big Papi" Ortiz, Boston's beloved slugger—inside the team clubhouse and within sight of the locker room.

Ryan and his daughter, Maggie, had that Red Sox dream-come-true moment Thursday night when Ryan ended up in possession of the baseball that Ortiz ripped for his 300th homer in the first inning of what ended in an 8-6 loss to the Kansas City Royals.

"It didn't get out by much," Ryan said, recalling the moment the ball zoomed off Ortiz's bat and hit the top ledge of the Green Monster wall in left field.

The ball ricocheted off the wall and fell to the ground below Section 33, Box 165, Row LL, a spot that overlooks left field half way between third base and the Green Monster.

That's where Ryan and Maggie were, in Seats 5 and 6, when Royals' leftfielder Jose Guillen picked up the ball and, acknowledging the appeals in the seats above, tossed the ball into the stands—and into Ryan's hands.

"We were just excited because it was a Big Papi home run," Ryan said. "People around us were all charged up, too."

Moments later, a security guard approached Ryan and asked him to come with him. Ryan thought perhaps he had done something wrong and that maybe he and Maggie were going to get kicked out of Fenway Park.

Instead, the guard told him the homer was Ortiz's 300th and that Big Papi had asked for someone to find out if he could get the ball back. Ryan said he was glad to comply with Ortiz's request.

"To me, it was the right thing to do," he said.

So he, Maggie and the security guard walked over to the team's clubhouse.

Along the way, a representative of Major League Baseball approached them and questioned Ryan about how he got the ball, just to make sure it really was the one that Ortiz had just hit. Only 19 active baseball players have hit 300 or more homers.

When the group entered the clubhouse to make the ball exchange, a door across the

room opened and in walked Ortiz, grinning from ear to ear.

He's a mountain of a man," Ryan said. "Big smile, big hands, big heart. He was genuinely very grateful, kind of giddy, kind of excited."

Ryan said he asked Ortiz what he was going to do with the ball and said Ortiz told him and Maggie that he had talked to his dad that morning and was going to give the ball to his father while visiting him during the upcoming All Star break.

In return for the ball, Ortiz gave Ryan and Maggie one of his bats and signed it. Maggie, 17 and an incoming Champlain Valley Union High School senior, was with her dad in Boston to check out colleges, and happened to be wearing an Ortiz Red Sox T-shirt.

So Ortiz signed that, too.

"It was just luck," Maggie said of the shirt she chose to wear that day. "I also have a (Jason) Varitek and a (Jacoby) Ellsbury shirt." Varitek is the Red Sox catcher, Ellsbury the team's center fielder.

Dad and daughter eventually returned to their seats and passed the Ortiz bat around among their seatmates.

Later in the game, the Major League Baseball person again asked to speak to them, questioning them some more in order to make sure the ball Ryan gave Ortiz wasn't one slugged into the stands during batting practice.

The Ortiz bat now sits on a shelf in the Ryan living room. Maggie has her signed Ortiz T-shirt, but it's unlikely she'll be wearing—or washing—it much more in the future.

Ryan said he asked the Red Sox for one last favor on Thursday night.

Would it be possible, he queried, for him to bring his wife Lucia, and the family's other two children all of them passionate Sox fans—back to Fenway Park sometime this summer and visit with Ortiz again?

"They told me they did not think it would be a problem."

BUILD AMERICA BONDS

Mr. WYDEN. Mr. President, these days the country's attention has rightly been focused on turning its financial fortunes around and getting people back to work. The President, his advisers, folks in the agencies, and in Congress have been working night and day to find the solutions that will help the nation climb out of the financial hole it is in.

I would like to point out that there is one portion of the American Recovery and Reinvestment Act that is doing just that, but it is not getting a lot of attention. It is a creative solution. It is putting jobs back in our economy. And, most importantly, it is working.

The Build America Bonds portion of the Recovery Act has been a great success, allowing State and local governments to issue more than \$9.5 billion worth of these innovative bonds. They have already begun shoring up our infrastructure and putting jobs back in communities where times are tough. That \$9.5 billion of investment supports more than 3,000 jobs.

Build America Bonds have been such a quiet success, so some of you might not be familiar with what they do. The provision that ended up in the Recov-

ery Act is based on a bill that, first Senator TALENT, and now Senator THUNE and I have been working on for a number of years.

As included in the economic recovery package, the Build America Bonds provision allows any State or local government that can issue tax exempt bonds to issue what are called Build America Bonds. These bonds can offer either a tax credit for investors or a Federal subsidy to issuers, of 35 percent of the interest earned over the life of the bond.

The bonds can only be issued through the end of 2010, but during that time there is no limit on the number or amount of Build America Bonds that can be issued. One of the reasons I am talking to my colleagues today about them is that the clock is ticking on that deadline, and I want to make sure every Senator here knows how much Build America Bonds can benefit the folks back home. The end of 2010 will be here before you know it.

As communities deal with the recession, they need new tools to finance essential construction projects. Build America Bonds has put a new tool in their toolbox.

Before these bonds started being issued, the market for normal municipal bonds was frozen. It was very hard to sell municipal bonds, but that didn't mean the need for financing infrastructure wasn't still there.

Tax credit bonds, in the form of Build America Bonds, were designed to help thaw the bond markets.

And it has worked. They are selling like hotcakes.

Tax-exempt or tax-deferred investors, such as pension funds and IRAs, aren't usually interested in municipal bonds. But by providing the option of a direct payment instead of tax-exempt interest, Build America Bonds have opened up new markets for State and local governments.

I am not surprised that Build America Bonds are proving to be very attractive to investors. They are a good deal for both the investors and our communities. They have freed up financing for badly needed infrastructure construction and created jobs and a foundation for long-term economic growth.

So far, more than \$9.5 billion worth of Build America Bonds have been issued, making it easier and cheaper for cash-strapped State and local governments to access capital and grow jobs. The State of California, the New Jersey Turnpike Authority, the University of Virginia, and the Milan Area School District in Michigan are just some of the issuers of Build America Bonds since the passage of ARRA.

Build America Bonds have earned support from organizations across the country that understand how the urgent need is to shore up our infrastructure and create jobs: the American Association of State Highway and Transportation Officials, the Chamber of

Commerce, and the National Association of Manufacturers. I appreciate that support.

We recently had another positive milestone in the story of Build America Bonds. The Treasury Department gave cities and counties around the country the authority to issue \$10 billion worth of Recovery Zone Build America Bonds.

Recovery Zone Bonds are like Build America Bonds. They provide a Federal tax credit to the buyer or a subsidy to the issuer, but with an even more generous subsidy of 45 percent of the interest.

Only areas hurt by the weakened economy can issue these bonds. They are very targeted to the places they can do the most good. Treasury allocated them based on employment declines in 2008. So the harder an area has been hit, the more Recovery Zone Build America Bonds it can issue, creating jobs where they are needed most.

In some cases, these bonds will make the difference between whether these projects come to fruition or not. In other cases, they will lower the cost of projects and allow the community to reinvest those savings in other projects.

As with the regular Build America Bonds, Recovery Zone bonds are only authorized under current law through the end of 2010.

That is why I am encouraging State and local governments that are going to issue bonds to sit down and do the math so they can see if Build America Bonds will work for them. And if they do, I encourage those governments to take advantage of them while they are available. There is no time like the present to strengthen the Nation's infrastructure and our communities with the jobs folks back home need.

I also encourage my colleagues in Congress to begin working now to continue the success of Build America Bonds. As Congress struggles to find funding for a new transportation bill, innovative approaches like Build America Bonds should be part of the solution. Recently, the Obama administration has proposed delaying the Transportation reauthorization bill for 18 months. If that were to happen, and I hope it doesn't, Build America Bonds could provide additional funding to bridge the gap between our Nation's transportation needs and current funding levels.

Mr. President, I hope my colleagues in Congress will also look into the benefits of Build America Bonds and ensure these unsung financial tools will continue to work helping their constituents and their communities from coast to coast. They are effective. They give benefits to both those who issue them and those who buy them. And most of all, they solve the kinds of problems that affect the daily lives of every American.

Build America Bonds are an example of the creative solutions people are looking for Congress to implement during these uncertain economic times. I urge my colleagues and your constituents to use them.

REMEMBERING HARRIET TUBMAN

Mr. SCHUMER. Mr. President, I rise today in support of S. 227, the Harriet Tubman National Historical Park and Harriet Tubman Underground Railroad National Historical Park Act. This legislation, which will create the Harriet Tubman National Historical Park as a part of the National Park System, will preserve one of Upstate New York's most important historic sites.

Harriet Tubman entered American life as a runaway slave from Maryland who made history by leading hundreds of slaves to freedom through the Underground Railroad. Although her courageous actions before and during the Civil War are well known to many Americans, Tubman's dedication to bettering the lives of former slaves after the war has been largely unrecognized in American History. In 1857, Tubman moved from Canada to Auburn, NY, where her close friend and U.S. Senator, William Seward, bravely broke the law by selling her a modest, two-story brick house. After the Civil War ended in 1865, Harriet Tubman returned to Auburn where she continued her humanitarian efforts by aiding aged African Americans and eventually opening a group home in 1908. Before her death 5 years later, the house provided refuge for 12 to 15 people. Harriet Tubman was also an active suffragist during the later years of her life. Her close proximity to Seneca Falls kept the city of Auburn a focal point in the women's rights movement. Harriet Tubman died in 1913 and is buried in the Fort Hill Cemetery overlooking the city of Auburn.

Whether it is the American Revolution, the War of 1812, or the women's rights movement, Upstate New York has been home to many of our Nation's most historic figures. Harriet Tubman's legacy is an important part of Upstate New York's history. The Harriet Tubman National Historical Park and Harriet Tubman Underground Railroad National Historical Park Act will establish the Harriet Tubman National Historical Park to preserve many significant sites relating to her life in Auburn, such as the Tubman Home, the Tubman Home for the Aged, the Thompson Memorial AME Zion Church, and her gravesite in the Fort Hill Cemetery.

I am committed to preserving Upstate New York's historic treasures so that future generations can learn the lessons of the past by visiting the homes of the people who changed American history. Preserving Tubman's home, gravesite, and other build-

ings where she lived her life are essential to protecting her legacy. Harriet Tubman's impressive life story is an example of how one should fight against injustice and work to alleviate the suffering of those around them. Her courageous spirit and compassion towards others still makes her a role model nearly 100 years after her death. I am proud that Harriet Tubman made Upstate New York her home, and I will continue to support the preservation of New York's numerous historic sites.

REMEMBERING LORRAINE PERONA ROONEY

Mr. LIEBERMAN. Mr. President, it is with the heaviest of hearts that I rise to remember a dear friend and committed public servant, Lorraine Perona Rooney, who passed away early this morning. I am deeply saddened by Lorraine's death and will keep her friends and family in my thoughts and prayers during this difficult time.

Lorraine, who served the U.S. Senate for over 27 years, was one of a small group of staff members I assembled to assist me when I first took office as a U.S. Senator from the State of Connecticut on January 3, 1989. I was tremendously fortunate to have a person of Lorraine's extensive knowledge and years of Senate staff experience to set up my office. She did a wonderful job and kept my office running smoothly for more than 15 years—as office manager and financial director—and did so with style and grace. Many staff members and interns passed through my office during her tenure, and all benefitted from Lorraine's caring guidance, common sense, and expertise. Those who worked with her recall her willingness to go the extra mile to help her coworkers. One member of my staff remembers that Lorraine worked to secure her a parking space closer to the office so that she wouldn't have very far to walk to get to her car after dark.

After graduating from American University with a degree in international relations, Lorraine subsequently worked at Dartmouth College in charge of foreign study programs. Through a contact there, she learned of an opening in the office of Senator John Durkin, Democrat from New Hampshire, and thus began her Senate career in March 1977. Following her work in Senator Durkin's office, Lorraine built her career in the Senate setting up offices for newly elected Members, including Senator CARL LEVIN, Democrat from Michigan, in 1979, Senator FRANK LAUTENBERG, Democrat from New Jersey, in 1982, and, of course, myself in 1989. Throughout her time with the Senate, Lorraine demonstrated an expertise in creating attractive, functional and comfortable work spaces, not an easy task given our limited space and resources then.

During Lorraine's last few years at my office, she was faced with many serious health problems. Despite her suffering and hardship, she continued to do her utmost in service to me and the citizens of Connecticut. The courage she demonstrated as she faced these personal challenges served as an inspiration for me and my staff.

Those of us who were lucky enough to know Lorraine could not help but be touched by her kindness and warmth. She formed many lasting friendships in the Senate community; she often spoke of the Senate as "home." She was widely respected and beloved among her Senate colleagues for her character, judgment, and professionalism. It is no wonder that after her retirement she continued to stay in touch with so many with whom she had worked.

Lorraine was a dedicated public servant who enriched this institution. I extend my deepest condolences to Lorraine's husband Bernie Rooney and daughter Shannon for their irreplaceable loss.

Mr. President, we honor Lorraine Perona's memory and we cherish her decency and her friendship.

ADDITIONAL STATEMENTS

CONTRA COSTA COUNTY VOLUNTEER SERVICES UNIT

• Mrs. BOXER. Mr. President, one of America's greatest strengths is its spirit of volunteerism, particularly within the law enforcement community. I take this opportunity to honor and recognize members of the Contra Costa County Office of the Sheriff's Volunteer Services Unit. These brave men and women have repeatedly demonstrated their dedication to their community during a time when budget cuts are paralyzing our State and local law enforcement forces.

Since its founding in 1850, the Contra Costa County Volunteer Services Unit has grown to coordinate the activities of several Sheriff's Volunteer Groups, including an Air Squadron, Amateur Radio Communications, Cadet Explore Post 2406, Chaplains Program, Deputy Sheriff Reservers, Dive Team, Radio Amateur Civil Emergency Service, RACES, Sheriff's All Volunteer Extended Services, SAVES, Program, and Search and Rescue Unit.

The Contra Costa Sheriff's Volunteer Services Unit has the largest volunteer search and rescue team of any county north of San Bernardino. With over 700 volunteers, the unit contributes the same amount of service hours as approximately 50 full-time, paid positions. This unit has also assisted in several missing persons cases both within Contra Costa County and beyond, including the heartbreaking search earlier this year for 8-year-old Sandra Cantu of Tracy.

The hard work and dedication of those involved with the Sheriff's Volunteer Services Unit not only helps save lives throughout Contra Costa County, but also saves the county the equivalent of \$5 million in salaries and benefits at a time when funding for such programs has been reduced.

The dedicated men and women of the Contra Costa County Office of the Sheriff's Volunteer Services Unit are the embodiment of community service and involvement. For over 150 years, these volunteers have, often without question for their own safety or comfort, taken heroic actions throughout the County and beyond while assisting with a variety of programs.

I commend the men and women of the Contra Costa County Office of the Sheriff's Volunteer Services Unit for their inspiring dedication to their community.●

COMMENDING LUCERNE INN

• Ms. SNOWE. Mr. President, summer is finally upon us, and as people travel to Maine to discover and explore the pristine beauty of our State's outdoors, I rise to recognize a historic Maine lodging establishment that has hosted these travelers and adventurers for nearly two centuries. Located conveniently between Bangor and Bar Harbor in the small town of Dedham, the Lucerne Inn boasts fine dining and accommodations and a picturesque golf course complemented by a stunning view of beautiful Phillips Lake.

Listed on the National Register of Historic Places since June of 1982, the inn is a legendary business with an impressive history. Indeed, Dedham's first family, the Phillips, built a family home called the Lake House in the early 1800s. John Phillips had been granted the land for his service in the American Revolution. Soon thereafter, in 1814, the building became a halfway house, operating as a stagecoach stop between Bangor and Ellsworth, with guests partaking in food, spirits, and lodging. Indeed, today's Lucerne Inn is still housed in the original building built by the Phillips family. Later, during the 1920s, the inn and the 5,000 acres around it were designed to be one of America's first planned communities. As such, the Maine Legislature created the village of Lucerne in 1927 to bring people to this beautiful region, but the economic troubles of the 1930s forced the idea to be scrapped.

Given its prime location—less than an hour from the beautiful waters of Bar Harbor and the hiking trails of Acadia National Park—the Lucerne Inn offers visitors a true Maine getaway. A recipient of the 2009 Bride's Choice Award, the inn offers professional service for a variety of occasions from weddings to business meetings and banquets, and provides a variety of travel packages to accommodate all budgets.

Owners Steve and Rhonda Jones purchased the inn in August 2005. Steve had operated a convenience store and catering business in the Farmington area for 23 years, while Rhonda worked at the University of Maine at Farmington. Depending on the season, the inn employs between 40 and 65 people. The inn has 26 rooms, plus an additional 5 guest rooms in a newer building. The banquet and conference center, built in 1999, has become tremendously popular, hosting approximately 100 weddings each year.

The Lucerne Inn also makes dining out an event with a four-course meal in an elegant room with a scenic view from every window. Chef Douglas Winslow serves quality cuisine that encompasses brunch, a full dinner menu, and a seafood buffet, as well as a traditional broiled Maine lobster dinner, adding to the authentic Maine experience. The inn also hosts special wine dinners each month to showcase a diverse array of the world's greatest wines. In fact, just last Thursday evening, the inn hosted an Argentine-themed wine dinner, with a full five-course meal complemented by special wine from Argentina.

The inn maintains a historical ambience by furnishing every room with antiques. Most accommodations at the inn boast a view of the lake and a gas burning fireplace. That said, fine dining and accommodations are only a fraction of the Lucerne Inn experience. The inn also boasts a 9-hole golf course conceived by famed course designer Donald Ross, as well as a large outdoor swimming pool and picturesque outdoor patios.

At the Lucerne Inn, visitors and Mainers alike are afforded the chance to escape their daily routines and relax by enjoying the serenity of Maine's natural beauty. Whether for pleasure or business, the Lucerne Inn offers an authentic taste of Maine, something that is truly irreplaceable. I congratulate Steve and Rhonda Jones and all of the employees at the Lucerne Inn for exquisitely maintaining this gem of our State, and I offer my best wishes for their continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:15 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 402. An act to designate the Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, as the "William C. Tallent Department of Veterans Affairs Outpatient Clinic".

H.R. 1037. An act to direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code.

The message also announced that, pursuant to section 4 of the Ronald Reagan Centennial Commission Act, Public Law 111-25, and the order of the House of January 6, 2009, the Minority Leader appoints the following Member of the House of Representatives to the Ronald Reagan Centennial Commission: Mr. ELTON GALLEGLEY of California.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 402. An act to designate the Department of Veterans Affairs Outpatient Clinic in Knoxville, Tennessee, as the "William C. Tallent Department of Veterans Affairs Outpatient Clinic"; to the Committee on Veterans' Affairs.

H.R. 1037. An act to direct the Secretary of Veterans Affairs to conduct a five-year pilot project to test the feasibility and advisability of expanding the scope of certain qualifying work-study activities under title 38, United States Code; to the Committee on Veterans' Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2333. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Ronald F. Sams, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-2334. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Acquisition Regulation Supplement; Contract Reporting" ((RIN0750-AF77) (DFARS Case 2007-D006)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Armed Services.

EC-2335. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Acquisition Regulation Supplement; Protection of Human Subjects in Research Projects" ((RIN0750-AF96) (DFARS

Case 2007-D008)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Armed Services.

EC-2336. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Acquisition Regulation Supplement; Government Property" ((RIN0750-AF92) (DFARS Case 2007-D020)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Armed Services.

EC-2337. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Acquisition Regulation Supplement; Clarification of Central Contractor Registration and Procurement Instrument Identification Data Requirements" ((RIN0750-AG05) (DFARS Case 2008-D010)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Armed Services.

EC-2338. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Acquisition Regulation Supplement; Peer Reviews of Contracts" ((RIN0750-AG28) (DFARS Case 2008-D035)) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Armed Services.

EC-2339. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Privacy Act Implementation" (RIN2590-AA07) received in the Office of the President of the Senate on July 13, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-2340. A communication from the Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Broadband Technology Opportunities Program" (RIN0660-ZA28) received in the Office of the President of the Senate on July 10, 2009; to the Committee on Commerce, Science, and Transportation.

EC-2341. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license for the export of defense articles or services, including technical data, and defense services for the manufacture of the 737 Airborne Early Warning and Control (AWE&C) System, Project Wedgetail for end-use by the Australian Ministry of Defense in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2342. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical service agreement for the export of defense articles or services, including technical data, and defense services related to the supply and support of the torpedo propulsion system for the Spearfish Heavyweight Torpedo for use by the United Kingdom in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2343. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certifi-

cation of a proposed amendment to a manufacturing license agreement for the export of defense articles or services, including technical data, and defense services to support the manufacture of X1100-Series transmissions in the Republic of Korea in the amount of \$100,000,000 or more; to the Committee on Foreign Relations.

EC-2344. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed transfer of technical data, defense services, and defense articles involving the sale of six JAS-39 Gripen Fighter Aircraft and one Airborne Early Warning System for Sweden in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-2345. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles or services, including technical data, and hardware to support manufacture, assembly, and verification of Small Unmanned Aerial Vehicles and associate Components for the Commonwealth of Australia; to the Committee on Foreign Relations.

EC-2346. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification regarding the proposed transfer of major defense equipment involving the permanent transfer of the ex-HMAS Adelaide, a Frigate of the Oliver Hazard Perry Class, to the Australian state government of New Wales; to the Committee on Foreign Relations.

EC-2347. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority; to the Committee on Foreign Relations.

EC-2348. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the Office's Federal Activities Inventory Reform Act Inventory Summary as of June 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2349. A communication from the Acting Chief Acquisition Officer, General Services Administration, Department of Defense, and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-35; Introduction" (Docket No. FAR2005-35) received in the Office of the President of the Senate on July 13, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-2350. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to applications for delayed-notice search warrants and extensions during fiscal year 2008; to the Committee on the Judiciary.

EC-2351. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report on the Department's activities during calendar year 2007 relative to prison rape abatement; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 475. A bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes (Rept. No. 111-46).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1005. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States (Rept. No. 111-47).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Robert Perciasepe, of New York, to be Deputy Administrator of the Environmental Protection Agency.

*Craig E. Hooks, of Kansas, to be an Assistant Administrator of the Environmental Protection Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS:

S. 1457. A bill to amend title 31, United States Code, to authorize reviews by the Comptroller General of the United States of any credit facility established by the Board of Governors of the Federal Reserve System or any Federal reserve bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, and Mr. JOHN-SON):

S. Res. 211. A resolution supporting the goals and ideals of "National Life Insurance Awareness Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 144, a bill to amend

the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 211

At the request of Mr. UDALL of New Mexico, his name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 229

At the request of Mrs. BOXER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 251

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 251, a bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities.

S. 311

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 311, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry "Hap" Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 475

At the request of Mr. BURR, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 497

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 497, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 535

At the request of Mr. NELSON of Florida, the names of the Senator from

North Dakota (Mr. DORGAN) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 547

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 547, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 572

At the request of Mr. WEBB, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 572, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 584

At the request of Mr. HARKIN, the name of the Senator from Maryland (Mr. CARDIN) was withdrawn as a cosponsor of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Arizona (Mr. MCCAIN), the Senator from Utah (Mr. BENNETT) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 628

At the request of Mr. CONRAD, the name of the Senator from New Mexico

(Mr. BINGAMAN) was added as a cosponsor of S. 628, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 645, a bill to amend title 32, United States Code, to modify the Department of Defense share of expenses under the National Guard Youth Challenge Program.

S. 648

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 648, a bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare program.

S. 660

At the request of Mr. HATCH, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 660, a bill to amend the Public Health Service Act with respect to pain care.

S. 662

At the request of Mr. CONRAD, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 711

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 714

At the request of Mr. WEBB, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 738

At the request of Ms. LANDRIEU, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 738, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 749

At the request of Mr. COCHRAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 883

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 931

At the request of Mr. FEINGOLD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 931, a bill to amend title 9 of the United States Code with respect to arbitration.

S. 934

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 934, a bill to amend the Child Nutrition Act of 1966 to improve the nu-

trition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science.

S. 951

At the request of Mr. NELSON of Florida, the names of the Senator from California (Mrs. BOXER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Idaho (Mr. RISCH), the Senator from Alaska (Mr. BEGICH), the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 951, a bill to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn Jr.

S. 968

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 968, a bill to award competitive grants to eligible partnerships to enable the partnerships to implement innovative strategies at the secondary school level to improve student achievement and prepare at-risk students for postsecondary education and the workforce.

S. 984

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 984, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 1026

At the request of Mr. CORNYN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1026, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to improve procedures for the collection and delivery of marked absentee ballots of absent overseas uniformed service voters, and for other purposes.

S. 1065

At the request of Mr. BROWNBACK, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Idaho (Mr. RISCH) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1090

At the request of Mr. WYDEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1090, a bill to amend the Internal Revenue Code of 1986 to provide tax credit parity for electricity produced from renewable resources.

S. 1091

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1091, a bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes.

S. 1097

At the request of Mr. WYDEN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1097, a bill to require the Secretary of Energy, in coordination with the Secretary of Labor, to establish a program to provide for workforce training and education, at community colleges, in sustainable energy.

S. 1106

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1106, a bill to amend title 10, United States Code, to require the provision of medical and dental readiness services to certain members of the Selected Reserve and Individual Ready Reserve based on medical need, and for other purposes.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1197

At the request of Mr. VOINOVICH, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1197, a bill to establish a grant program for automated external defibrillators in elementary and secondary schools.

S. 1201

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1201, a bill to amend title XVIII of the Social Security Act to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of the Medicare program.

S. 1265

At the request of Mr. CORNYN, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 1265, a bill to amend the National Voter Registration Act of 1993 to provide members of the Armed Forces and their family members equal access to voter registration assistance, and for other purposes.

S. 1284

At the request of Ms. SNOWE, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1284, a bill to require the implementation of certain recommendations of the National Transportation Safety Board, to require the establishment of national standards with respect to flight requirements for pilots, to require the development of fatigue management plans, and for other purposes.

S. 1297

At the request of Mr. CONRAD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1297, a bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1362

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1362, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1399

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1399, a bill to amend the Commodity Exchange Act to establish a market for the trading of greenhouse gases, and for other purposes.

S. 1400

At the request of Ms. STABENOW, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1400, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 1415

At the request of Mr. SCHUMER, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Utah (Mr. BENNETT), the Senator from New Mexico (Mr. UDALL), the Senator from Hawaii (Mr. INOUE), the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr. DURBIN), the Senator from Washington (Mrs. MURRAY), the Senator from Virginia (Mr. WARNER), the Senator from Texas (Mrs. HUTCHISON), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1415, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

S. 1445

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1445, a bill to

amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to still-birth.

S. RES. 155

At the request of Mr. BROWN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. Res. 155, a resolution expressing the sense of the Senate that the Government of the People's Republic of China should immediately cease engaging in acts of cultural, linguistic, and religious suppression directed against the Uyghur people.

S. RES. 200

At the request of Mr. UDALL of Colorado, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 200, a resolution designating September 12, 2009, as "National Childhood Cancer Awareness Day".

S. RES. 210

At the request of Mrs. LINCOLN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

AMENDMENT NO. 1478

At the request of Mr. REID, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of amendment No. 1478 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1484

At the request of Mr. GREGG, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of amendment No. 1484 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1487

At the request of Mrs. LINCOLN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 1487 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

ment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1491

At the request of Mr. PRYOR, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of amendment No. 1491 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1513

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 1513 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1515

At the request of Mr. NELSON of Florida, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Maryland (Mr. CARDIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Maine (Ms. SNOWE), the Senator from North Dakota (Mr. DORGAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of amendment No. 1515 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1516

At the request of Mr. CASEY, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 1516 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1534

At the request of Mr. VOINOVICH, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 1534 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the

Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1538

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 1538 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 211—SUPPORTING THE GOALS AND IDEALS OF "NATIONAL LIFE INSURANCE AWARENESS MONTH"

Mr. CHAMBLISS (for himself, Mr. NELSON of Nebraska, and Mr. JOHNSON) submitted the following resolution; which was considered and agreed to:

S. RES. 211

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in the family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2009 as "National Life Insurance Awareness Month" as a means to encourage consumers to become more aware of their life insurance needs, seek professional advice regarding life insurance, and take the actions necessary to achieve financial security for their loved ones: Now therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "National Life Insurance Awareness Month"; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1539. Mr. REID (for Mr. KENNEDY) proposed an amendment to amendment SA 1511

proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SA 1540. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1541. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1542. Mr. BROWN (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1543. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1544. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1545. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1546. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1547. Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1548. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1549. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1550. Mrs. BOXER (for herself, Mr. BOND, Ms. LANDRIEU, Ms. MURKOWSKI, Mrs. LINCOLN, Mrs. GILLIBRAND, Mr. WYDEN, and Mr. BURRIS) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1551. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1552. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1553. Mr. GREGG (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1554. Mr. BURR (for himself, Mr. BAYH, Ms. SNOWE, Mr. UDALL, of Colorado, Mr. WICKER, Mr. THUNE, Mr. ENZI, Mr. JOHANNIS,

Ms. MURKOWSKI, Mr. HATCH, Mrs. LINCOLN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1555. Mr. NELSON, of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1556. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1557. Mrs. LINCOLN (for herself, Mr. TESTER, and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1558. Mr. NELSON, of Florida (for himself, Mr. BYRD, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1559. Mr. INHOFE (for himself, Mr. ROBERTS, Mr. WICKER, Mr. BUNNING, Mr. CRAPO, Mr. CORNYN, Mr. DEMINT, Mr. COBURN, Mr. MCCONNELL, Mr. RISCH, Mr. GREGG, Mr. BARRASSO, Mr. BOND, Mrs. HUTCHISON, Mr. VITTER, Mr. BENNETT, Mr. CHAMBLISS, Mr. HATCH, Mr. BROWNBACK, Mr. THUNE, Mr. KYL, Mr. ENZI, Mr. SESSIONS, Mr. BURR, and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1560. Mr. BINGAMAN (for himself and Mr. UDALL, of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1561. Mr. BINGAMAN (for himself, Mr. ALEXANDER, Mr. BROWN, Mr. KENNEDY, Mr. UDALL, of Colorado, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. UDALL, of New Mexico, Ms. CANTWELL, Mr. REID, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1562. Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1563. Mr. UDALL, of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1564. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1565. Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mr. THUNE, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1566. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1567. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1568. Mr. BINGAMAN (for himself and Mr. UDALL, of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1569. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1570. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1571. Mr. JOHANNIS (for himself, Mr. BUNNING, Mr. CRAPO, Mr. INHOFE, Mr. MARTINEZ, Mr. BOND, Mr. COBURN, Mr. BENNETT, Mr. KYL, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1572. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1573. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1574. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1539. Mr. REID (for Mr. KENNEDY) proposed an amendment to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of the amendment, insert the following:

SEC. ____. COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term “relevant offense” means a crime described in subsection (b)(1) of the first section of Public Law 101–275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS-SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors’ Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) **COSTS.**—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) **STUDY OF RELEVANT OFFENSE ACTIVITY.**—

(A) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) **IDENTIFICATION OF TRENDS.**—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

- (i) geographic region;
- (ii) type of crime committed; and
- (iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(b) **ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.**—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(c) **GRANTS.**—

(1) **IN GENERAL.**—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) **ELIGIBILITY.**—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) **DEADLINE.**—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) **GRANT AMOUNT.**—A grant under this subsection shall not exceed \$100,000 for any single case.

(5) **REPORT AND AUDIT.**—Not later than December 31, 2008, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(6) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$5,000,000 for each of the fiscal years 2008 and 2009 to carry out this section.

SA 1540. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

SECTION 1083. GOVERNMENT OWNERSHIP EXIT PLAN.

(a) **DEFINITION.**—In this section—

(1) the term “ownership interest” means an interest in a troubled asset described in section 3(9)(B) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5202(a)(1)), as in effect on the day before the date of enactment of this Act, that was purchased by the Secretary under section 101(a)(1) of such Act (12 U.S.C. 5211(a)(1)); and

(2) the term “Secretary” means the Secretary of the Treasury.

(b) **RE-PRIVATIZATION OF PRIVATE ENTITIES.**—

(1) **PROHIBITION ON FEDERAL GOVERNMENT HOLDING OWNERSHIP INTERESTS.**—

(A) **IN GENERAL.**—Beginning on the date of enactment of this Act, the Federal Government may not acquire, directly or indirectly, any ownership interest.

(B) **DIVESTITURE.**—Except as provided in paragraph (2), the Secretary shall divest the Federal Government of any ownership interest not later than 1 year after the date of enactment of this Act.

(2) **LIMITED AUTHORITY.**—

(A) **IN GENERAL.**—Beginning 1 year after the date of enactment of this Act, the Secretary may hold an ownership interest with respect to a particular entity for a period of not more than 6 months if, not later than 1 year after the date of enactment of this Act, the Secretary submits a report to Congress with respect to that entity stating that—

(i) compliance with paragraph (1)(B) with respect to such entity would have a significant adverse impact on the taxpayers of the United States; and

(ii) there is a reasonable expectation that a waiver of paragraph (1)(B) would allow the Secretary to recover the cost to the Federal Government of acquiring such ownership interest.

(B) **SINGLE RENEWAL.**—The Secretary may renew an extension under subparagraph (A) for a single period of not more than 6 months, if the Secretary submits to Congress a report stating that the conditions described in clauses (i) and (ii) of subparagraph (A) still exist with respect to the subject ownership interest.

(3) **CONFORMING AMENDMENT.**—Section 3(9) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5202(9)) is amended—

(A) in subparagraph (A), by striking “; and” at the end and inserting a period;

(B) by striking “means—” and all that follows through “residential” in subparagraph (A) and inserting “means residential”; and

(C) by striking subparagraph (B).

(4) **DEPOSIT OF FUNDS.**—

(A) **IN GENERAL.**—Section 115(a)(3) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)(3)) is amended by striking “outstanding at any one time”.

(B) **DEPOSIT OF FUNDS INTO TREASURY.**—

(i) **IN GENERAL.**—On and after the date of enactment of this Act, all repayments of obligations arising under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), and all proceeds from the sale of assets acquired by the Federal Government under that Act, shall be paid into the general fund of the Treasury for reduction of the public debt, in accordance with section 106(d) of that Act (12 U.S.C. 5216(d)), as amended by this subsection.

(ii) **CONFORMING AMENDMENT.**—Section 106(d) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(d)) is amended by inserting “, and repayments of obligations arising under this Act,” after “section 113”.

(5) **INFLUENCE OF MANAGEMENT DECISIONS.**—Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding at the end the following:

“SEC. 137. INFLUENCE OF MANAGEMENT DECISIONS.

“(a) DEFINITIONS.—For purposes of this section—

“(1) the term ‘covered person’ means any person who is an officer or employee (including a special Government employee (as defined in section 202(a) of title 18, United States Code)) of the executive branch of the United States (including any independent agency of the United States); and

“(2) the term ‘significant management decision’ includes the appointment of senior executives or board members, business strategies relating to production and manufacturing, plant closings, the relocation of the headquarters of an entity, the modification of labor contracts, and other financial decisions.

“(b) INFLUENCE PROHIBITED.—

“(1) IN GENERAL.—It shall be unlawful for any covered person to knowingly make, with the intent to influence, a communication regarding a significant management decision of a recipient of assistance under this title to any officer or employee of the recipient.

“(2) CRIMINAL PENALTY.—Any covered person who violates paragraph (1) shall be fined under title 18, United States Code, imprisoned for not more than 1 year, or both.

“(c) CIVIL ACTIONS.—

“(1) IN GENERAL.—The Attorney General of the United States may bring a civil action in an appropriate United States district court against any covered person to enforce subsection (b).

“(2) CIVIL PENALTY.—Any covered person who, upon proof by a preponderance of the evidence, violates subsection (b) shall be subject to a civil penalty of not more than \$50,000 for each violation. The imposition of a civil penalty under this paragraph shall not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

“(3) ORDERS.—If the Attorney General of the United States has reason to believe that

a covered person is engaging in conduct that violates subsection (b), the Attorney General may petition an appropriate United States district court for an order prohibiting the covered person from engaging in the conduct. The court may issue an order prohibiting the covered person from engaging in the conduct if the court finds that the conduct constitutes a violation of subsection (b). The filing of a petition under this paragraph shall not preclude any other remedy which is available by law to the United States or any other person."

(6) **FEDERAL DEPOSIT INSURANCE CORPORATION.**—Nothing in this section may be construed to impede the ability of the Federal Deposit Insurance Corporation to maintain the stability of the banking system.

(c) **OVERSIGHT BY FINANCIAL STABILITY OVERSIGHT BOARD.**—Section 104(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5214(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the semicolon at the end and inserting "and"; and

(3) by adding at the end the following:
 "(4) reviewing the implementation of section 1083 of the National Defense Authorization Act for Fiscal Year 2010."

(d) **REPORTS REQUIRED.**—

(1) **REPORT ON FEDERAL GOVERNMENT OWNERSHIP.**—

(A) **REPORTS REQUIRED.**—The Secretary shall make (and shall publicly disclose) periodic reports detailing any ownership interest held by the Federal Government, including any loan or loan guarantee made by the Board of Governors of the Federal Reserve System.

(B) **TIMING OF REPORTS.**—The Secretary shall submit the reports under subparagraph (A)—

(i) not later than 3 months after the date of enactment of this Act; and

(ii) each quarter of the fiscal year thereafter.

(2) **REPORTS ON WINDING DOWN OR DIVESTMENT.**—

(A) **REPORTS REQUIRED.**—The Secretary shall submit to Congress periodic reports on the plans of the Secretary for compliance with this section, including any plans to wind down or divest an ownership interest.

(B) **TIMING OF REPORTS.**—The Secretary shall submit the reports under subparagraph (A)—

(i) not later than 6 months after the date of enactment of this Act; and

(ii) each month thereafter until all ownership interests are divested under subsection (b)(1)(B).

(c) **PLAN FOR GOVERNMENT SPONSORED ENTERPRISES.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report describing a plan of the Secretary—

(1) to end the conservatorship by the Federal Government of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation; and

(2) to eliminate any form of direct ownership by the Federal Government of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

SA 1541. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 239, after line 19, add the following:

SEC. 733. IMPROVEMENT OF INFORMATION FOR MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES ON UPGRADES OF DISCHARGE.

(a) **CLARIFICATION AND IMPROVEMENT OF INFORMATION.**—

(1) **NOTICE THAT UPGRADE IS NOT AUTOMATIC.**—Each member of the Armed Forces who is being considered for or processed for an administrative or any other type of discharge shall receive written notice that an upgrade in the characterization of discharge will not automatically result from review of the discharge by a board of review under section 1533 of title 10, United States Code. The notice shall be dated and shall be provided to the member at least 15 days prior to any deadline to elect a particular characterization or type of discharge or manner of processing.

(2) **NOTICE OF RIGHT TO OBTAIN LEGAL COUNSEL.**—The written notice required under paragraph (1) shall also advise the member that the member has the right to meet with and discuss his or her discharge options with legal counsel prior to electing a characterization and provide the name, location, phone number, and email address of the nearest military defense counsel who supports the member's unit. The 15-day election deadline may be extended until the member is able to meet with a military defense counsel should the member so desire.

(3) **RELATED CLARIFICATION.**—The notice of discharge issued to a member of the Armed Forces upon discharge may not contain or include any information, references, or other material that is inconsistent with the notice required under paragraph (1).

(b) **RECORD KEEPING.**—

(1) **REQUIREMENT TO MAINTAIN COPY OF REQUIRED NOTICES.**—A copy of each written notice required under subsection (a)(1) shall be maintained in the permanent personnel file of the member, in addition to any copies directly provided to the member.

SA 1542. Mr. BROWN (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 524. INCREASE IN NUMBER OF UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) **PLAN FOR INCREASE.**—The Secretary of Defense, in consultation with the Secretaries of the military departments, may implement a plan to establish and support up to 4,000 Junior Reserve Officers' Training Corps units not later than fiscal year 2020.

(b) **COOPERATION WITH LOCAL EDUCATIONAL AGENCIES.**—The Secretary of Defense, in implementing a plan under subsection (a), shall work with local educational agencies to increase the employment in Junior Reserve Officers' Training Corps units of retired members of the Armed Forces who are retired

under chapter 61 of title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

(c) **REPORT ON PLAN.**—The Secretary of Defense shall submit to the congressional defense committees a report on the following:

(1) A description of how the Secretaries of the military departments can increase the number of units of the Junior Reserve Officers' Training Corps to the number specified in subsection (a), including how many new units may foreseeably be established per year by each service.

(2) The annual funding necessary to support any increase in units, including the personnel costs associated.

SA 1543. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 2 and 3, insert the following:

SEC. 417. AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR SELECTED RESERVE END STRENGTHS.

Section 115(g) of title 10, United States Code, is amended to read as follows:

"(g) **AUTHORITY FOR SERVICE SECRETARY VARIANCES FOR ACTIVE-DUTY AND SELECTED RESERVE END STRENGTHS.**—(1) Upon determination by the Secretary of a military department that such action would enhance manning and readiness in essential units or in critical specialties or ratings, the Secretary may—

"(A) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength; and

"(B) increase the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of the reserve component of the armed force under the jurisdiction of that Secretary or, in the case of the Secretary of the Navy, for the Selected Reserve of the reserve component of any of the armed forces under the jurisdiction of that Secretary, by a number equal to not more than 2 percent of such authorized end strength.

"(2) Any increase under paragraph (1) of the end strength for an armed force or the Selected Reserve of a reserve component of an armed force shall be counted as part of the increase for that armed force or Selected Reserve for that fiscal year authorized under subsection (f)(1) or subsection (f)(3), respectively."

SA 1544. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

SEC. 342. REPORT ON STATUS OF AIR NATIONAL GUARD FLEET.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Air Force, the Chief of the National Guard Bureau, the Director of the Air National Guard, and such other officials as the Secretary of Defense considers appropriate, shall submit to Congress a report on—

(1) the status of the fleet of the Air National Guard; and

(2) the plans of the Department of Defense to ensure that the forces of the Air National Guard remain ready, reliable, and relevant to the missions of the Department in Iraq and Afghanistan and future missions of the Department.

SA 1545. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

SEC. 733. REPORT ON USE OF ALTERNATIVE THERAPIES IN TREATMENT OF POST-TRAUMATIC STRESS DISORDER.

(a) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall jointly submit to the appropriate committees of Congress a report on the feasibility and advisability of using alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans’ Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans’ Affairs, and the Committee on Energy and Commerce of the House of Representatives.

SA 1546. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 125. AC-130 GUNSHIPS.

(a) REPORT ON REDUCTION IN SERVICE LIFE IN CONNECTION WITH ACCELERATED DEPLOY-

MENT.—Not later than December 31, 2009, the Secretary of the Air Force, in consultation with the United States Special Operations Command, shall submit to the congressional defense committees an assessment of the reduction in the service life of AC-130 gunships of the Air Force as a result of the accelerated deployments of such gunships that are anticipated during the seven- to ten-year period beginning with the date of the enactment of this Act, assuming that operating tempo continues at a rate per year of the average of their operating rate for the last five years.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An estimate by series of the maintenance costs for the AC-130 gunships during the period described in subsection (a), including any major airframe and engine overhauls of such aircraft anticipated during that period.

(2) A description by series of the age, serviceability, and capabilities of the armament systems of the AC-130 gunships.

(3) An estimate by series of the costs of modernizing the armament systems of the AC-130 gunships to achieve any necessary capability improvements.

(4) A description by series of the age and capabilities of the electronic warfare systems of the AC-130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(5) A description by series of the age of the avionics systems of the AC-130 gunships, and an estimate of the cost of upgrading such systems during that period to achieve any necessary capability improvements.

(6) An estimate of the costs of replacing all AC-130 gunships with a similar platform that meets the requirements of the Air Force for a next-generation gunship, including—

(A) a description of the time required for the replacement of every AC-130 gunship with a similar next-generation gunship; and

(B) a comparative analysis of the costs of operation of AC-130 gunships by series, including costs of operation, maintenance, and personnel, with the anticipated costs of operation of various platforms that might be suitable for a next-generation gunship.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 1547. Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

SEC. 933. PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Transportation shall jointly develop a plan for providing access to the national airspace for unmanned aircraft of the Department of Defense. The plan shall include—

(1) milestones for providing access to the national airspace for unmanned aircraft before the transition of Grand Forks Air Force Base, North Dakota, into a main operating

base for unmanned aircraft in fiscal year 2010; and

(2) a description of the policies with respect to use of the national airspace, flight standards, and operating procedures that will be implemented by the Department of Defense and the Federal Aviation Administration to accommodate the operational needs of the Global Hawk unmanned aircraft and training requirements with respect to the Predator-class unmanned aircraft assigned to Grand Forks Air Force Base.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Transportation shall submit to the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the plan required by subsection (a).

SA 1548. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 553, between lines 15 and 16, insert the following:

SEC. 2707. USE OF ECONOMIC DEVELOPMENT CONVEYANCES TO IMPLEMENT BASE CLOSURE AND REALIGNMENT PROPERTY RECOMMENDATIONS.

(a) ECONOMIC REDEVELOPMENT CONVEYANCE AUTHORITY.—Subsection (b)(4) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A), by striking “job generation” and inserting “economic redevelopment”;

(2) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) Real or personal property at a military installation shall be conveyed, without consideration, under subparagraph (A) to the redevelopment authority with respect to the installation if the authority—

“(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the initial transfer of the property under subparagraph (A) or the completion of the initial redevelopment of the property, whichever is earlier, shall be used to support the economic redevelopment of, or related to, the installation; and

“(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the requirements associated with subsection (c) are satisfied.”; and

(3) in subparagraph (C), by adding at the end the following new clause:

“(xiii) Environmental restoration, waste management, and environmental compliance activities provided pursuant to subsection (e).”.

(b) RECOUPMENT AUTHORITY.—Subsection (b)(4)(D) of such section is amended—

(1) by striking “The Secretary” and inserting “At the conclusion of the period specified in subparagraph (B) applicable to an installation, the Secretary”; and

(2) by striking “for the period specified in subparagraph (B)” and inserting “before the conclusion of such period”.

(C) REGULATIONS AND REPORT CONCERNING PROPERTY CONVEYANCES.—

(1) REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to implement the amendments made by this section to support the conveyance of surplus real and personal property at closed or realigned military installations to local redevelopment authorities for economic development purposes.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the status of current and anticipated economic development conveyances involving surplus real and personal property at closed or realigned military installations, projected job creation as a result of the conveyances, community reinvestment, and progress made as a result of the implementation of the amendments made by this section.

SA 1549. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, add the following:

Subtitle D—Other Matters

SEC. 2841. COMPTROLLER GENERAL REPORT ON NAVY SECURITY MEASURES FOR LAURELWOOD HOUSING COMPLEX, NAVAL WEAPONS STATION, EARLE, NEW JERSEY.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing a cost analysis and audit of the sufficiency of the Navy's security measures in advance of the proposed occupancy by the general public of units of the Laurelwood Housing complex on Naval Weapons Station, Earle. The report shall include an estimate of costs to be incurred by Federal, State, and local government agencies in the following areas:

- (1) Security and safety procedures.
- (2) Land/utilities management and services.
- (3) Educational assistance.
- (4) Emergency services.
- (5) Community services.
- (6) Environmental services.

SA 1550. Mrs. BOXER (for herself, Mr. BOND, Ms. LANDRIEU, Ms. MURKOWSKI, Mrs. LINCOLN, Mrs. GILLIBRAND, Mr. WYDEN, and Mr. BURRIS) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, insert the following:

SEC. 713. REDUCTION OF MINIMUM DISTANCE OF TRAVEL FOR REIMBURSEMENT OF COVERED BENEFICIARIES OF THE MILITARY HEALTH CARE SYSTEM FOR TRAVEL FOR SPECIALTY HEALTH CARE.

(a) REDUCTION.—Section 1074i(a) of title 10, United States Code, is amended by striking “100 miles” and inserting “50 miles”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply with respect to referrals for specialty health care made on or after such effective date.

SA 1551. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 652. FLEXIBLE SPENDING ARRANGEMENTS FOR THE UNIFORMED SERVICES.

(a) FLEXIBLE SPENDING ARRANGEMENTS FOR THE UNIFORMED SERVICES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, with respect to members of the Army, Navy, Marine Corps, and Air Force, the Secretary of Homeland Security, with respect to members of the Coast Guard, the Secretary of Health and Human Services, with respect to commissioned officers of the Public Health Service, and the Secretary of Commerce, with respect to commissioned officers of the National Oceanic and Atmospheric Administration, shall establish procedures to implement flexible spending arrangements with respect to basic pay under section 204 of title 37, United States Code, and compensation payable under section 206 of title 37, United States Code, for health care and dependent care on a pre-tax basis in accordance with regulations prescribed under sections 106(c) and 125 of the Internal Revenue Code of 1986.

(2) CONSIDERATIONS.—In establishing the procedures required by paragraph (1), the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, and the Secretary of Commerce shall consider life events of members of the uniformed services that are unique to them as members of the uniformed services, including changes relating to permanent changes of duty station and deployments to overseas contingency operations.

(b) DEDUCTIONS NOT PROHIBITED FOR ENLISTED MEMBERS.—Section 701(c) of title 37, United States Code, relating to assignment of the pay of an enlisted member, may not be construed to prohibit or invalidate the arrangements authorized by this section with respect to the pay or compensation of an enlisted member.

(c) REVIEW OF APPLICABILITY TO SELECTED RESERVE.—Not later than November 1, 2009, the Secretary of Defense shall submit to the congressional defense committees recommendations on the advisability of authorizing flexible spending arrangements for members of the Selected Reserve.

(d) UNIFORMED SERVICES DEFINED.—In this section, the term “uniformed services” has

the meaning given the term in section 101(a) of title 10, United States Code.

SA 1552. Mrs. BOXER submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 557. SUPPORT OF DUAL-MILITARY COUPLES WITH DEPENDENTS.

(a) IN GENERAL.—Subchapter I of chapter 88 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1789a. Prohibition on concurrent deployment of dual-military married couples with minor dependents

“(a) PROHIBITION ON CONCURRENT DEPLOYMENT.—The Secretary may not deploy overseas in connection with a contingency operation an individual who—

“(1) has a minor dependent;

“(2) is married to a member of the armed forces who is deployed overseas in connection with a contingency operation; and

“(3) is designated by such member in the family care plan of such member as the primary care provider of such minor dependent.

“(b) REINTEGRATION PERIOD.—In the case of an individual with a minor dependent whose spouse is a member of the armed forces returning from an overseas deployment in connection with a contingency operation, the Secretary may not deploy such individual during the 90-day period beginning on the date on which such member returns from such deployment.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1789 the following new item:

“1789a. Prohibition on concurrent deployment of dual-military married couples with minor dependents.”.

SA 1553. Mr. GREGG (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 553, between lines 15 and 16, insert the following:

SEC. 2707. AUTHORITY TO CONSTRUCT PREVIOUSLY AUTHORIZED ARMED FORCES RESERVE CENTER IN VICINITY OF SPECIFIED LOCATION AT PEASE AIR NATIONAL GUARD BASE, NEW HAMPSHIRE.

The Secretary of the Army may use funds appropriated pursuant to the authorization of appropriations in section 2703 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4715) for the purpose of constructing an Armed Forces Reserve Center at Pease

Air National Guard Base, New Hampshire, to construct instead an Armed Forces Reserve Center in the vicinity of Pease Air National Guard Base at a location determined by the Secretary to be in the best interest of national security and in the public interest.

SA 1554. Mr. BURR (for himself, Mr. BAYH, Ms. SNOWE, Mr. UDALL of Colorado, Mr. WICKER, Mr. THUNE, Mr. ENZI, Mr. JOHANNES, Ms. MURKOWSKI, Mr. HATCH, Mrs. LINCOLN, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 573. GUARANTEE OF RESIDENCY FOR SPOUSES OF MILITARY PERSONNEL FOR VOTING PURPOSES.

(a) IN GENERAL.—Section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking “For” and inserting the following:

“(a) IN GENERAL.—For”;

(2) by adding at the end the following new subsection:

“(b) SPOUSES.—For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

“(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

“(2) be deemed to have acquired a residence or domicile in any other State; or

“(3) be deemed to have become a resident in or a resident of any other State.”; and

(3) in the section heading, by inserting “AND SPOUSES OF MILITARY PERSONNEL” before the period at the end.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (50 U.S.C. App. 501) is amended by striking the item relating to section 705 and inserting the following new item:

“Sec. 705. Guarantee of residency for military personnel and spouses of military personnel.”.

(c) APPLICATION.—Subsection (b) of section 705 of such Act (50 U.S.C. App. 595), as added by subsection (a) of this section, shall apply with respect to absences from States described in such subsection (b) on or after the date of the enactment of this Act, regardless of the date of the military or naval order concerned.

SEC. 574. DETERMINATION FOR TAX PURPOSES OF RESIDENCE OF SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 511 of the Servicemembers Civil Relief Act (50 U.S.C. App. 571) is amended—

(1) in subsection (a)—

(A) by striking “A servicemember” and inserting the following:

“(1) IN GENERAL.—A servicemember”; and

(B) by adding at the end the following:

“(2) SPOUSES.—A spouse of a servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the spouse by reason of being absent or present in any tax jurisdiction of the United States solely to be with the servicemember in compliance with the servicemember's military orders if the residence or domicile, as the case may be, is the same for the servicemember and the spouse.”;

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(3) by inserting after subsection (b) the following new subsection:

“(c) INCOME OF A MILITARY SPOUSE.—Income for services performed by the spouse of a servicemember shall not be deemed to be income for services performed or from sources within a tax jurisdiction of the United States if the spouse is not a resident or domiciliary of the jurisdiction in which the income is earned because the spouse is in the jurisdiction solely to be with the servicemember serving in compliance with military orders.”; and

(4) in subsection (d), as redesignated by paragraph (2)—

(A) in paragraph (1), by inserting “or the spouse of a servicemember” after “The personal property of a servicemember”; and

(B) in paragraph (2), by inserting “or the spouse's” after “servicemember's”.

(b) APPLICATION.—Subsections (a)(2) and (c) of section 511 of such Act (50 U.S.C. App. 571), as added by subsection (a) of this section, and the amendments made to such section 511 by subsection (a)(4) of this section, shall apply with respect to any return of State or local income tax filed for any taxable year beginning with the taxable year that includes the date of the enactment of this Act.

SEC. 575. SUSPENSION OF LAND RIGHTS RESIDENCY REQUIREMENT FOR SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 508 of the Servicemembers Civil Relief Act (50 U.S.C. App. 568) is amended in subsection (b) by inserting “or the spouse of such servicemember” after “a servicemember in military service”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to servicemembers in military service (as defined in section 101 of such Act (50 U.S.C. App. 511)) on or after the date of the enactment of this Act.

SA 1555. Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 537. AUTHORITY TO EXTEND ELIGIBILITY FOR ENROLLMENT IN DEPARTMENT OF DEFENSE ELEMENTARY AND SECONDARY SCHOOLS TO CERTAIN ADDITIONAL CATEGORIES OF DEPENDENTS.

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j) TUITION-FREE ENROLLMENT OF DEPENDENTS OF FOREIGN MILITARY PERSONNEL RESIDING ON DOMESTIC MILITARY INSTALLATIONS AND DEPENDENTS OF CERTAIN DECEASED MEMBERS OF THE ARMED FORCES.—(1) The Secretary may authorize the enrollment in an education program provided by the Secretary pursuant to subsection (a) of a dependent not otherwise eligible for such enrollment who is the dependent of an individual described in paragraph (2). Enrollment of such a dependent shall be on a tuition-free basis.

“(2) An individual referred to in paragraph (1) is any of the following:

“(A) A member of a foreign armed force residing on a military installation in the United States (including territories, commonwealths, and possessions of the United States).

“(B) A deceased member of the armed forces who died in the line of duty in a combat-related operation, as designated by the Secretary.”.

SA 1556. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction; and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

SEC. 933. INCLUSION IN BUDGET MATERIALS OF AMOUNTS FOR FORCES ASSIGNED THE MISSION OF MANAGING THE CONSEQUENCES OF INCIDENTS IN THE UNITED STATES INVOLVING A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR DEVICE, OR HIGH-YIELD EXPLOSIVES.

(a) IN GENERAL.—The Secretary of Defense shall submit to Congress, in the budget justification materials submitted to Congress in support of the Department of Defense budget for a fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code), a consolidated budget justification display, in classified and unclassified form, that covers all programs and activities related to operations of the forces assigned the mission of managing the consequences of an incident in the United States involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

(b) REQUIREMENTS FOR BUDGET DISPLAY.—The consolidated budget justification display required by subsection (a) for a fiscal year shall include the following:

(1) A statement of what percentage of the requirements originally requested for programs and activities related to operations of the forces referred to in subsection (a) in the budget review process that the budget requests funds for.

(2) A summary of actual or estimated expenditures for such programs and activities for the fiscal year during which the budget is submitted and for the fiscal year preceding that year.

(3) The amount in the budget for such programs and activities.

(4) A detailed explanation of the shortfalls, if any, in the funding of any requirement referred to in paragraph (1), when compared to the amount referred to in paragraph (3).

(5) The budget estimate for such programs and activities for the five fiscal years after

the fiscal year for which the budget is submitted.

SA 1557. Mrs. LINCOLN (for herself, Mr. TESTER, and Mr. WYDEN) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction; and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 635. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS FOR LONG DISTANCE AND CERTAIN OTHER TRAVEL TO INACTIVE DUTY TRAINING.

(a) ALLOWANCES REQUIRED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, as amended by section 633, is further amended by inserting after section 411k the following new section:

“§ 411l. Travel and transportation allowances: long distance and certain other travel to inactive duty training performed by members of the reserve components of the armed forces

“(a) ALLOWANCE REQUIRED.—The Secretary concerned shall reimburse a member of a reserve component of the armed forces for expenses, including mileage traveled and lodging and subsistence, incurred in connection with the following:

“(1) Round-trip travel in excess of 100 miles to an inactive duty training location, regardless of the method of transportation.

“(2) Round-trip travel of any distance to an inactive duty training location, if such travel requires a commercial method of transportation other than ground transportation.

“(b) RATES OF REIMBURSEMENT.—

“(1) MILEAGE.—In determining the amount of allowances or reimbursement to be paid for mileage traveled under subsection (a)(1), the Secretary concerned shall use the mileage reimbursement rate for the use of privately owned vehicles by Government employees on official business (when a Government vehicle is available), as prescribed by the Administrator of General Services under section 5707(b) of title 5.

“(2) COMMERCIAL FARE FOR TRAVEL BY COMMON CARRIER.—The amount of reimbursement to be paid under subsection (a)(2) for travel covered by that subsection shall be the reasonable commercial fare expense for such travel by common carrier.

“(3) LODGING AND SUBSISTENCE.—In determining the amount of allowances or reimbursement to be paid for lodging and subsistence under this section, the Secretary concerned shall use the per diem rate as prescribed by the Administrator of General Services under section 5707 of title 5.

“(4) AUTHORITY TO REIMBURSE AT HIGHER RATES.—Subject to the availability of appropriations and the approval of the Secretary of Defense, the Secretary concerned may modify the amount of allowances or reimbursement to be paid under this section using reimbursement rates in excess of those prescribed under paragraphs (1), (2), and (3).

“(c) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title, as amended by section 633, is further amended by inserting after the item relating to section 411k the following new item:

“411l. Travel and transportation allowances: long distance and certain other travel to inactive duty training performed by members of the reserve components of the armed forces.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to travel expenses incurred after the expiration of the 90-day period that begins on the date of the enactment of this Act.

SA 1558. Mr. NELSON of Florida (for himself, Mr. BYRD, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. GRANT OF FEDERAL CHARTER TO MILITARY OFFICERS ASSOCIATION OF AMERICA.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1403 the following new chapter:

“CHAPTER 1404—MILITARY OFFICERS ASSOCIATION OF AMERICA

“Sec.

“140401. Organization.

“140402. Purposes.

“140403. Membership.

“140404. Governing body.

“140405. Powers.

“140406. Restrictions.

“140407. Tax-exempt status required as condition of charter.

“140408. Records and inspection.

“140409. Service of process.

“140410. Liability for acts of officers and agents.

“140411. Annual report.

“140412. Definition.

“§ 140401. Organization

“(a) FEDERAL CHARTER.—Military Officers Association of America (in this chapter, the ‘corporation’), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and is organized under the laws of the Commonwealth of Virginia, is a federally chartered corporation.

“(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

“§ 140402. Purposes

“(a) GENERAL.—The purposes of the corporation are as provided in its bylaws and articles of incorporation and include—

“(1) to inculcate and stimulate love of the United States and the flag;

“(2) to defend the honor, integrity, and supremacy of the Constitution of the United States and the United States Government;

“(3) to advocate military forces adequate to the defense of the United States;

“(4) to foster the integrity and prestige of the Armed Forces;

“(5) to foster fraternal relations between all branches of the various Armed Forces from which members are drawn;

“(6) to further the education of children of members of the Armed Forces;

“(7) to aid members of the Armed forces and their family members and survivors in every proper and legitimate manner;

“(8) to present and support legislative proposals that provide for the fair and equitable treatment of members of the Armed Forces, including the National Guard and Reserves, military retirees, family members, survivors, and veterans; and

“(9) to encourage recruitment and appointment in the Armed Forces.

“§ 140403. Membership

“Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

“§ 140404. Governing body

“(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation and bylaws of the corporation.

“(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation and bylaws.

“§ 140405. Powers

“The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

“§ 140406. Restrictions

“(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

“(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member of the corporation during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or employee of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

“(c) LOANS.—The corporation may not make a loan to a director, officer, employee, or member of the corporation.

“(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

“(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the Commonwealth of Virginia.

“§ 140407. Tax-exempt status required as condition of charter

“If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

“§ 140408. Records and inspection

“(a) RECORDS.—The corporation shall keep—

“(1) correct and complete records of account;

“(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

“(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

“(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose at any reasonable time.

“§ 140409. Service of process

“The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

“§ 140410. Liability for acts of officers and agents

“The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

“§ 140411. Annual report

“The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

“§ 140412. Definition

“In this chapter, the term ‘State’ includes the District of Columbia and the territories and possessions of the United States.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of

title 36, United States Code, is amended by inserting after the item relating to chapter 1403 the following new item:

“1404. Military Officers Association of America140401”.

SA 1559. Mr. INHOFE (for himself, Mr. ROBERTS, Mr. WICKER, Mr. BUNNING, Mr. CRAPO, Mr. CORNYN, Mr. DEMINT, Mr. COBURN, Mr. MCCONNELL, Mr. RISCH, Mr. GREGG, Mr. BARRASSO, Mr. BOND, Mrs. HUTCHISON, Mr. VITTER, Mr. BENNETT, Mr. CHAMBLISS, Mr. HATCH, Mr. BROWNBACK, Mr. THUNE, Mr. KYL, Mr. ENZI, Mr. SESSIONS, Mr. BURR, and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X of division A, insert the following:

SEC. 1059. PROHIBITION ON TRANSFER OF GUANTANAMO DETAINEES.

No department or agency of the United States may—

(1) transfer any detainee of the United States housed at Naval Station, Guanta-

namo Bay, Cuba, to any facility in the United States or its territories;

(2) construct, improve, modify, or otherwise enhance any facility in the United States or its territories for the purpose of housing any detainee described in paragraph (1); or

(3) permanently or temporarily house or otherwise incarcerate any detainee described in paragraph (1) in the United States or its territories.

SA 1560. Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction; and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 508, between lines 15 and 16, insert the following:

SEC. 2005. TECHNICAL CORRECTIONS REGARDING CERTAIN MILITARY CONSTRUCTION PROJECTS, NEW MEXICO.

Notwithstanding the table in section 4501, the amounts available for the following projects at the following installations shall be as follows:

Air Force: Inside the United States

State	Installation	Project Title	Senate Authorized Amount
New Mexico	Holloman Air Force Base	Fire-Crash Rescue Station	\$0

Special Operations Command

State	Installation	Project Title	Senate Authorized Amount
New Mexico	Cannon Air Force Base	SOF AC 130 Loadout Apron Phase 1	\$6,000,000

On page 523, in the table preceding line 1, in the item relating to Holloman Air Force Base, New Mexico, strike “\$15,900,000” in the amount column and insert “\$5,500,000”.

On page 525, line 2, strike “\$1,746,821,000” and insert “\$1,736,421,000”.

On page 525, line 5, strike “\$822,515,000” and insert “\$812,115,000”.

On page 529, in the table preceding line 1 entitled “Special Operations Command”, in the item relating to Cannon Air Force Base, New Mexico, strike “\$52,864,000” in the amount column and insert “\$58,864,000”.

On page 531, line 16, strike “\$3,284,025,000” and insert “\$3,290,025,000”.

On page 531, line 19, strike “\$963,373,000” and insert “\$969,373,000”.

SA 1561. Mr. BINGAMAN (for himself and Mr. ALEXANDER, Mr. BROWN, Mr. KENNEDY, Mr. UDALL of Colorado, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. UDALL of New Mexico, Ms. CANTWELL, Mr. REID, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction;

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, insert the following:

SEC. 3136. EXPANSION OF AUTHORITY OF OMBUDSMAN OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s–15) is amended—

(1) in subsection (c), by inserting “and subtitle B” after “this subtitle” each place it appears;

(2) in subsection (d), by inserting “and subtitle B” after “this subtitle”;

(3) in subsection (e), by inserting “and subtitle B” after “this subtitle” each place it appears;

(4) by redesignating subsection (g) as subsection (h); and

(5) by inserting after subsection (f) the following new subsection:

“(g) NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH OMBUDSMAN.—In

carrying out the duties of the Ombudsman under this section, the Ombudsman shall work with the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B.”.

(b) CONSTRUCTION.—Except as specifically provided in subsection (g) of section 3686 of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by subsection (a) of this section, nothing in the amendments made by such subsection (a) shall be construed to alter or affect the duties and functions of the individual employed by the National Institute for Occupational Safety and Health to serve as an ombudsman to individuals making claims under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384f et seq.).

SA 1562. Mr. MENENDEZ (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 475, between lines 2 and 3, insert the following:

SEC. 1211. RESTRICTIONS ON COALITION SUPPORT FUND REIMBURSEMENTS.

(a) **LIMITATION ON USES OF COALITION SUPPORT FUND REIMBURSEMENTS.**—Coalition Support Fund reimbursements provided to the Government of Pakistan may only be provided for the following purposes:

(1) Military operations of the Government of Pakistan to destroy the terrorist threat and close the terrorist safe haven, known or suspected, in the Federally Administered Tribal Areas, the North West Frontier Province, and other regions of Pakistan.

(2) Military operations of the Government of Pakistan to protect United States and allied logistic operations in support of Operation Enduring Freedom or Operation Iraqi Freedom.

(b) **CONSULTATION WITH THE SECRETARY OF STATE.**—The Secretary of Defense shall consult with the Secretary of State before providing any Coalition Support Fund reimbursements to the Government of Pakistan.

(c) **CERTIFICATION REQUIREMENT.**—Section 1232(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 392), as amended by section 1217 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4634), is amended—

(1) in paragraph (1)(A), by striking “the Secretary of Defense shall submit” and inserting “the Secretary of Defense, after consultation with the Secretary of State, shall submit”; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting each clause, as so redesignated, 6 ems from the left margin;

(B) by striking “shall include an itemized description” and inserting the following: “shall include the following:

“(A) An itemized description”; and

(C) by adding at the end the following new subparagraph:

“(B) A certification that the reimbursement—

“(i) is consistent with the national security interests of the United States; and

“(ii) will not adversely impact the balance of power in the region.”.

SA 1563. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 573. INCLUSION OF EMAIL ADDRESS ON CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

Section 596 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 1168 note) is amended—

(1) by inserting “(a) ELECTION TO FORWARD CERTIFICATE TO VA OFFICES.—” before “The Secretary of Defense”; and

(2) by adding at the end the following new subsection:

“(b) **INCLUSION OF EMAIL ADDRESS.**—The Secretary of Defense shall further modify the DD Form 214 in order to permit a member of the Armed Forces to include an email address on the form.”.

SA 1564. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VI, add the following:

SEC. 635. TRAVEL AND TRANSPORTATION FOR SURVIVORS OF DECEASED MEMBERS OF THE UNIFORMED SERVICES TO ATTEND MEMORIAL CEREMONIES.

(a) **ALLOWANCES AUTHORIZED.**—Subsection (a) of section 411f of title 37, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Secretary concerned may provide round trip travel and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty in order that the eligible relatives may attend a memorial service for the deceased member that occurs at a location other than the location of the burial ceremony for which travel and transportation allowances are provided under paragraph (1). Travel and transportation allowances may be provided under this paragraph for travel of eligible relatives to only one memorial service for the deceased member concerned.”.

(b) **CONFORMING AMENDMENTS.**—Subsection (c) of such section is amended—

(1) by striking “subsection (a)(1)” the first place it appears and inserting “paragraphs (1) and (2) of subsection (a)”; and

(2) by striking “subsection (a)(1)” the second place it appears and inserting “paragraph (1) or (2) of subsection (a)”.

SA 1565. Mr. LAUTENBERG (for himself, Mr. ROCKEFELLER, Mrs. HUTCHISON, Mr. THUNE, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —MARITIME ADMINISTRATION

SEC. —01. SHORT TITLE.

This title may be cited as the “Maritime Administration Authorization Act of 2010”.

SEC. —02. COOPERATIVE AGREEMENTS, ADMINISTRATIVE EXPENSES, AND CONTRACTING AUTHORITY.

Section 109 of title 49, United States Code, is amended—

(1) by striking the heading for subsection (h) and inserting the following:

“(h) **CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.**—”;

(2) by striking the heading for paragraph (1) of subsection (h) and inserting the following:

“(1) **CONTRACTS AND COOPERATIVE AGREEMENTS.**—”;

(3) by striking “make contracts” in subsection (h)(1) and inserting “make contracts and cooperative agreements”;

(4) by striking “section and” in subsection (h)(1)(A) and inserting “section.”;

(5) by striking “title 46;” in subsection (h)(1)(A) and insert “title 46, and all other Maritime Administration programs;”;

(6) by redesignating subsection (i) as subsection (j) and inserting after subsection (h) the following:

“(i) **GRANT ADMINISTRATIVE EXPENSES.**—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.”.

SEC. —03. USE OF FUNDING FOR DOT MARITIME HERITAGE PROPERTY.

Section 6(a)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(a)(1)) is amended by striking subparagraph (C) and inserting the following:

“(C) The remainder, whether collected before or after the date of enactment of the Maritime Administration Authorization Act of 2010, shall be available to the Secretary to carry out the Program, as provided in subsection (b) of this section or, if otherwise determined by the Maritime Administrator, for use in the preservation and presentation to the public of maritime heritage property of the Maritime Administration.”.

SEC. —04. LIQUIDATION OF UNUSED LEAVE BALANCE AT THE MERCHANT MARINE ACADEMY.

The Maritime Administration may use appropriated funds to make a lump-sum payment at a rate of pay that existed on the date of termination or day before conversion to the Civil Service for any unused annual leave accrued by a non-appropriated fund instrumentality employee who was terminated if determined ineligible for conversion, or converted to the Civil Service as a United States Merchant Marine Academy employee during fiscal year 2009.

SEC. —05. PERMANENT AUTHORITY TO HIRE ADJUNCT PROFESSORS AT THE MERCHANT MARINE ACADEMY.

(a) **IN GENERAL.**—Chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following:

“§ 51317. Adjunct professors

“(a) **IN GENERAL.**—The Maritime Administrator may, subject to the availability of appropriations, contract with individuals as personal services contractors to provide services as adjunct professors at the United States Merchant Marine Academy, if the Maritime Administrator determines that there is a need for adjunct professors and the need is not of permanent duration.

“(b) **CONTRACT REQUIREMENTS.**—Each contract under this section—

“(1) shall be approved by the Maritime Administrator; and

“(2) shall be for a duration, including options, of not to exceed one year unless the Maritime Administration finds that exceptional circumstances justify an extension, which may not exceed one additional year.

“(c) **LIMITATION ON NUMBER OF CONTRACTORS.**—In awarding contracts under this section, the Maritime Administrator shall ensure that not more than 25 individuals actively provide services in any one academic trimester, or equivalent, as contractors under subsection (a).

“(d) **EXISTING CONTRACTS.**—Any contract entered into before the date of enactment of the Maritime Administration Authorization Act of 2010 for the services of an adjunct professor at the Academy shall remain in effect for the trimester (or trimesters) for which the services were contracted.”.

(b) **CONFORMING AMENDMENTS.**—

(1) The table of contents for chapter 513 of title 46, United States Code, is amended by adding at the end thereof the following: “51317. Adjunct professors.”.

(2) Section 3506 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (46 U.S.C. 53101 note) is repealed.

SEC. —06. USE OF MIDSHIPMAN FEES.

Section 51314 of title 46, United States Code, is amended—

(1) by striking “1994.” in subsection (b) and inserting “1994, or for calculators, computers, personal and academic supplies, midshipman services such as barber, tailor, or laundry services, and U.S. Coast Guard license fees.”; and

(2) by adding at the end thereof the following:

“(c) **USE AND ACCOUNTING.**—

“(1) **USE.**—Midshipman fees collected by the Academy shall be credited to the Maritime Administration's Operations and Training appropriations, to remain available until expended, for those expenses directly related to the purposes of the fees. Fees collected in excess of actual expenses may be returned to the midshipmen through a mechanism approved by the Maritime Administrator.

“(2) **ACCOUNTING.**—The Maritime Administration shall maintain a separate and detailed accounting of fee revenue and all associated expenses.”.

SEC. —07. CONSTRUCTION OF VESSELS IN THE UNITED STATES POLICY.

Section 50101(a)(4) of title 46, United States Code, is amended by inserting “constructed in the United States” after “vessels”.

SEC. —08. PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.

Section 50302 of title 46, United States Code, is amended by adding at the end thereof the following:

“(c) **PORT INFRASTRUCTURE DEVELOPMENT PROGRAM.**—

“(1) **ESTABLISHMENT OF PROGRAM.**—The Secretary of Transportation, through the Maritime Administration, shall establish a port infrastructure development program for the improvement of port facilities.

“(2) **AUTHORITY OF THE ADMINISTRATOR.**—In order to carry out any program established under paragraph (1), the Maritime Administrator may—

“(A) receive funds provided for the program from non-Federal and private entities that have a specific agreement or contract with the Maritime Administration to further the purposes of this subsection;

“(B) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to relieve port congestion, to increase port security, or to provide greater access to port facilities;

“(C) seek to coordinate all reviews or requirements with appropriate local, State, and Federal agencies;

“(D) provide such technical assistance to port authorities or commissions or their sub-

divisions and agents as needed for project planning, design, and construction; and

“(E) encourage such public-private partnerships as may be necessary for the development of financial support of the project as the Administrator deems necessary.

“(3) **PORT INFRASTRUCTURE DEVELOPMENT FUND.**—

“(A) **ESTABLISHMENT.**—There is a Port Infrastructure Development Fund for use by the Administrator in carrying out the port infrastructure development program. The Fund shall be available to the Administrator—

“(i) to administer and carry out the program;

“(ii) to receive non-Federal and private funds from entities which have specific agreements or contracts with the Administrator; and

“(iii) to make refunds for projects that will not be completed.

“(B) **CREDITS.**—There shall be deposited into the Fund—

“(i) funds from non-Federal and private entities which have agreements or contracts with the Administrator and which shall remain in the Fund until expended;

“(ii) income from investments made pursuant to subparagraph (D); and

“(iii) such amounts as may be appropriated or transferred to the Fund under this subsection.

“(C) **TRANSFERS.**—Amounts appropriated or otherwise made available for any fiscal year for an intermodal or marine facility comprising a component of the program shall be transferred to the Fund and administered by the Administrator.

“(D) **INVESTMENTS.**—Amounts in the Fund which are not currently needed for the program shall be kept on deposit or invested in obligations of, or guaranteed by, the United States.

“(E) **ADMINISTRATIVE EXPENSES.**—Administrative and related expenses for the program for any fiscal year may not exceed 3 percent of the amount available to the program for that fiscal year.

“(F) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out the program, taking into account amounts received under subparagraph (A)(ii).”.

SEC. —09. REEFS FOR MARINE LIFE CONSERVATION PROGRAM.

(a) **IN GENERAL.**—Section 3 of Public Law 92-402 (16 U.S.C. 1220) is amended by adding at the end thereof the following:

“(d) Any territory, possession, or Commonwealth of the United States, and any foreign country, may apply to the Secretary for an obsolete vessel to be used for an artificial reef under this section. The application process and reefing of any such obsolete vessel shall be performed in a manner consistent with the process jointly developed by the Secretary of Transportation and the Administrator of the Environmental Protection Agency under section 3504(b) of Public Law 107-314 (16 U.S.C. 1220 note).”.

(b) **LIMITATION.**—Section 7 of Public Law 92-402 (16 U.S.C. 1220c-1) is amended by adding at the end thereof the following:

“(d) **LIMITATION.**—The Secretary may not provide assistance under this section to a foreign country to which an obsolete ship is transferred under this Act.”.

SEC. —10. STUDENT INCENTIVE PAYMENT AGREEMENTS.

Section 51509(b) of title 46, United States Code, is amended by striking “paid before the start of each academic year,” and inserting “paid,”.

SEC. —11. UNITED STATES MERCHANT MARINE ACADEMY GRADUATE PROGRAM RECEIPT, DISBURSEMENT, AND ACCOUNTING FOR NON-APPROPRIATED FUNDS.

Section 51309(b) of title 46, United States Code, is amended by inserting after “body.” the following: “Non-appropriated funds received for this purpose shall be credited to the Maritime Administration's Operations and Training appropriation, to remain available until expended, for those expenses directly related to the purpose of such receipts. The Superintendent shall maintain a separate and detailed accounting of non-appropriated fund receipts and all associated expenses.”.

SEC. —12. AMERICA'S SHORT SEA TRANSPORTATION GRANTS FOR THE DEVELOPMENT OF MARINE HIGHWAYS.

(a) **IN GENERAL.**—Chapter 556 of title 46, United States Code, is amended by redesignating sections 55602 through 55605 as sections 55603 through 55606 and by inserting after section 55601 the following:

“§ 55602. Short sea transportation grant program

“(a) **IN GENERAL.**—The Secretary of Transportation shall establish and implement a short sea transportation grant program.

“(b) **PURPOSE.**—The purposes of the program are to make grants to States and other public entities and sponsors of short sea transportation projects designated by the Secretary—

“(1) to facilitate and support marine transportation initiatives at the State and local levels to facilitate commerce, mitigate landside congestion, reduce the transportation energy consumption, reduce harmful emissions, improve safety, assist in environmental mitigation efforts, and improve transportation system resiliency; and

“(2) to provide capital funding to address short sea transportation infrastructure and freight transportation needs for ports, vessels, and intermodal cargo facilities.

“(c) **ELIGIBLE PROJECTS.**—To be eligible for a grant under the program, a project—

“(1) shall be designed to help relieve congestion, improve transportation safety, facilitate domestic and international trade, or encourage public-private partnerships; and

“(2) may include development, modification, and construction of marine and intermodal cargo facilities, vessels, port infrastructure and cargo handling equipment, and transfer facilities at ports.

“(d) **SELECTION PROCESS.**—

“(1) **APPLICATIONS.**—A State or other public entity, or the sponsor of any short sea transportation project designated by the Secretary under the America's Marine Highway Program (MARAD Docket No. 2008-0096; 73 FR 59530), may submit an application to Secretary for a grant under the short sea transportation grant program. The application shall contain such information and assurances as the Secretary may require.

“(2) **PRIORITY.**—In selecting projects for grants, the Secretary shall give priority to projects that are consistent with the objectives of the short sea transportation initiative and America's Marine Highway Program that will—

“(A) mitigate landside congestion;

“(B) provide the greatest public benefit in energy savings, reduced emissions, improved system resiliency, and improved safety;

“(C) include and demonstrate the greatest environmental responsibility; and

“(D) provide savings as an alternative to or means to avoid highway or rail transportation infrastructure construction and maintenance.

“(e) USE OF GRANT FUNDS.—Funds made available to a recipient of a grant under this section shall be used by the recipient for the project described in the application of the recipient approved by the Secretary.”.

(b) CLERICAL AMENDMENT.—The table of contents for chapter 556 of title 46, United States Code, is amended—

(1) by redesignating the items relating to sections 55602 through 55605 as relating to section 55603 through 55606; and

(2) by inserting after the item relating to section 55601 the following:

“55602. Short sea transportation grant program.”.

SEC. —13. EXPANSION OF THE MARINE VIEW SYSTEM.

(a) DEFINITIONS.—In this section:

(1) MARINE TRANSPORTATION SYSTEM.—The term “marine transportation system” means the navigable water transportation system of the United States, including the vessels, ports (and intermodal connections thereto), and shipyards and other vessel repair facilities that are components of that system.

(2) MARINE VIEW SYSTEM.—The term “Marine View system” means the information system of the Maritime Administration known as Marine View.

(b) FINDINGS.—Congress finds the following:

(1) Information regarding the marine transportation system is comprised of information from the Government of the United States and from commercial sources.

(2) Marine transportation system information includes information regarding waterways, bridges, locks, dams, and all intermodal components that are dependent on maritime transportation and accurate information regarding marine transportation is critical to the health of the United States economy.

(3) Numerous challenges face the marine transportation system, including projected growth in cargo volumes, international competition, complexity, cooperation, and the need for improved efficiency.

(4) There are deficiencies in the current information environment of the marine transportation system, including the inability to model the entire marine transportation system to address capacity planning, disaster planning, and disaster recovery.

(5) The current information environment of the marine transportation system contains multiple unique systems that are duplicative, not integrated, not able to be shared, not secure, or that have little structured privacy protections, not protected from loss or destruction, and will not be available when needed.

(6) There is a lack of system-wide information views in the marine transportation system.

(7) The Administrator of the Maritime Administration is uniquely positioned to develop and execute the role of marine transportation system information advocate, to serve as the focal point for marine transportation system information management, and to provide a robust information infrastructure to identify, collect, secure, protect, store, and deliver critical information regarding the marine transportation system.

(c) PURPOSES.—The purposes of this section are—

(1) to expand the Marine View system; and

(2) to provide support for the strategic requirements of the marine transportation system and its contribution to the economic viability of the United States.

(d) EXPANSION OF MARINE VIEW SYSTEM.—To accomplish the purposes of this section,

the Secretary of Transportation shall expand the Marine View system so that such system is able to identify, collect, integrate, secure, protect, store, and securely distribute throughout the marine transportation system information that—

(1) provides access to many disparate marine transportation system data sources;

(2) enables a system-wide view of the marine transportation system;

(3) fosters partnerships between the Government of the United States and private entities;

(4) facilitates accurate and efficient modeling of the entire marine transportation system environment;

(5) monitors and tracks threats to the marine transportation system, including areas of severe weather or reported piracy; and

(6) provides vessel tracking and rerouting, as appropriate, to ensure that the economic viability of the United States waterways is maintained.

(e) AGREEMENTS AND CONTRACTS.—The Administrator of the Maritime Administration may enter into cooperative agreements, partnerships, contracts, or other agreements with industry or other Federal agencies to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2010 through 2013 to carry out this section.

SEC. —14. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation, for the use of the Maritime Administration, for fiscal year 2010 the following amounts:

(1) For expenses necessary for operations and training activities, \$152,900,000, of which—

(A) \$74,448,000 shall remain available until expended for expenses at the United States Merchant Marine Academy, of which \$15,391,000 shall be available for the capital improvement program; and

(B) \$11,240,000 which shall remain available until expended for maintenance and repair of school ships at the State Maritime Academies.

(2) For expenses to maintain and preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, \$174,000,000.

(3) For paying reimbursement under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), \$19,500,000.

(4) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, including provision of assistance under section 7 of Public Law 92-402, \$15,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, \$30,000,000.

(6) For administrative expenses related to the implementation of the loan guarantee program under chapter 537 of title 46, United States Code, administrative expenses related to implementation of the reimbursement program under section 3517 of the Maritime Security Act of 2003 (46 U.S.C. 53101 note), and administrative expenses related to the implementation of the small shipyards and maritime communities assistance program under section 54101 of title 46, United States Code, \$6,000,000.

(b) AVAILABILITY.—Amounts appropriated pursuant to subsection (a) shall remain available, as provided in appropriations Acts, until expended.

SA 1566. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, add the following:

SEC. 2832. LAND CONVEYANCES OF CERTAIN PARCELS IN THE CAMP CATLIN AND OHANA NUI AREAS, PEARL HARBOR, HAWAII.

(a) REQUIREMENT.—In the event the Secretary of the Navy (“the Secretary”) determines that certain parcels of real property under the jurisdiction of the Secretary and located at the Camp Catlin and Ohana Nui areas, Hawaii (“the property”), are excess to the needs of the Department of the Navy, the Secretary may offer to any person or entity leasing or licensing such property or any portion thereof as of the date of the enactment of this Act (“the lessee”) the right to purchase all right, title, and interest of the United States in and to the portion of the property respectively leased or licensed by such person or entity in exchange for payment of not less than the fair market value of such property or any portion thereof, before the property or portion thereof is made available for transfer pursuant to the Hawaiian Home Lands Recovery Act (title II of Public Law 104-42; 109 Stat. 357), for use by any other Federal agency, or for disposal under applicable laws.

(b) EXERCISE OF RIGHT TO PURCHASE PROPERTY.—

(1) ACCEPTANCE OF OFFER.—For a period of 180 days beginning on the date the Secretary makes a written offer to sell the property or any portion thereof under subsection (a), the lessee shall have the exclusive right to accept such offer by providing written notice of acceptance to the Secretary within the specified 180-day time period. If the Secretary's offer is not so accepted within the 180-day period, the offer shall expire and the property may be disposed of in accordance with laws, regulations, and procedures otherwise applicable to administration and disposal of excess military property.

(2) CONVEYANCE DEADLINE.—If a lessee accepts the offer to purchase the property or a portion thereof in accordance with paragraph (1), the conveyance shall take place not later than 2 years after the date of the lessee's written acceptance, provided that the conveyance date may be extended for a reasonable period of time by mutual agreement of the parties, evidenced by a written instrument executed by the parties prior to the end of the 2-year period. If the lessee's lease or license term expires before the conveyance is completed, the Secretary may extend the lease or license term up to the date of conveyance, provided that the lessee shall be required to pay for such extended term at the rate in effect at the time it was declared excess property.

(c) CONSIDERATION AND OTHER TERMS.—A conveyance to a lessee under this section shall be at fair market value of the property or portion thereof to be conveyed, as determined by the Secretary, and shall be subject to such other terms, conditions, and limitations as the Secretary may deem appropriate to protect the interests of the United States. The proceeds of any such conveyance shall

be deposited in the special account referred to in section 572(b)(5) of title 40, United States Code, and shall be available for the uses and under the conditions provided for funds deposited into that account.

(d) **INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT AND DISPOSAL LAWS.**—Fee conveyances to lessees under this section shall not be subject to the following provisions of law:

(1) Section 2696 of title 10, United States Code.

(2) Section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).

(3) Section 572 of title 40, United States Code.

SA 1567. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 512. MODIFICATION OF CERTAIN RETIREMENT PAY AND GRADE AUTHORITIES FOR SERVICES PERFORMED AFTER ELIGIBILITY FOR RETIREMENT.

(a) **ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.**—

(1) **ELECTION AUTHORITY; REQUIREMENTS.**—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

“(a) **AUTHORITY TO ELECT TO RECEIVE RESERVE RETIRED PAY.**—(1) A person may elect to receive retired pay under this chapter, instead of receiving retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if—

“(A) the person satisfies the requirements specified in paragraphs (1) and (2) of section 12731(a) of this title for entitlement to retired pay under this chapter;

“(B) the person served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or 867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters);

“(C) the person completed not less than two years of service in such active status (excluding any period of active service); and

“(D) the service of the person in such active status is determined by the Secretary concerned to have been satisfactory.

“(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1)(C) in the case of a person who—

“(A) completed at least six months of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

“(B) failed to complete the minimum two years of service solely because the appointment of the person to such position was terminated or vacated as described in section 324(b) of title 32.”.

(2) **ACTIONS TO EFFECTUATE ELECTION.**—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

“(1) terminate the eligibility of the person to retire under chapter 65, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already receiving retired or retainer pay under one of those chapters; and”.

(3) **CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.**—Subsection (d) of such section is amended—

(A) in paragraph (1), by striking “attains 60 years of age” and inserting “attains the eligibility age applicable to the person under section 12731(f) of this title”; and

(B) in paragraph (2)(A), by striking “attains 60 years of age” and inserting “attains the eligibility age applicable to the person under such section”.

(4) **REPEAL OF RESTRICTION ON ELECTION TO RECEIVE RESERVE RETIRED PAY.**—Section 12731(a) of such title is amended—

(A) by inserting “and” at the end of paragraph (2);

(B) by striking “; and” at the end of paragraph (3) and inserting a period; and

(C) by striking paragraph (4).

(5) **CLERICAL AMENDMENTS.**—

(A) **SECTION HEADING.**—The heading for section 12741 of such title is amended to read as follows:

“**§ 12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.**”.

(B) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

“12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.”.

(6) **RETROACTIVE APPLICABILITY.**—The amendments made by this subsection shall take effect as of January 1, 2008.

(b) **RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.**—

(1) **RECOMPUTATION.**—Section 10145 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) If a member of the Retired Reserve is recalled to an active status under subsection (d) in the Selected Reserve of the Ready Reserve and completes not less than two years of service in such active status, the member is entitled to—

“(A) the recomputation of the retired pay of the member determined under section 12739 of this title; and

“(B) in the case of a commissioned officer, an adjustment in the retired grade of the member in the manner provided in section 1370 of this title.

“(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

“(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

“(B) completes at least six months of service in such position; and

“(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.”.

(2) **RETROACTIVE APPLICABILITY.**—The amendment made by this subsection shall take effect as of January 1, 2008.

SA 1568. Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 508, between lines 15 and 16, insert the following:

SEC. 2005. TECHNICAL CORRECTIONS REGARDING MILITARY CONSTRUCTION PROJECT, CANNON AIR FORCE BASE, NEW MEXICO.

Notwithstanding the table in section 4501, the amounts available for the following projects at the following installations or locations shall be as follows:

Special Operations Command

State	Installation	Project Title	Senate Authorized Amount
New Mexico	Cannon Air Force Base	SOF AC 130 Loadout Apron Phase 1	\$6,000,000

Energy Conservation Projects, Defense-wide

Location	Project Title	Senate Authorized Amount
Unspecified Worldwide	Energy Conservation Improvement Program	\$117,013,000

On page 529, in the table preceding line 1 entitled "Special Operations Command", in the item relating to Cannon Air Force Base, New Mexico, strike "\$52,864,000" in the amount column and insert "\$58,864,000".

On page 531, line 8, strike "\$123,013,000" and insert "\$117,013,000".

On page 531, line 19, strike "\$963,373,000" and insert "\$969,373,000".

On page 532, line 11, strike "\$123,013,000" and insert "\$117,013,000".

SA 1569. Mr. BURRIS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, between lines 18 and 19, insert the following:

SEC. 342. PLAN FOR MANAGING VEGETATIVE ENCROACHMENT AT TRAINING RANGES.

Section 366(a)(5) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 10 U.S.C. 113 note) is amended—

(1) by striking "(5) At the same time" and inserting "(5)(A) At the same time"; and

(2) by adding at the end the following new subparagraph:

"(B) Beginning with the report submitted to Congress at the same time as the President submits the budget for fiscal year 2011, the report required under this subsection shall include the following:

"(i) An assessment of the extent to which vegetation and overgrowth limits the use of military lands available for training of the Armed Forces in the United States and overseas.

"(ii) Identification of the particular installations and training areas at which vegetation and overgrowth negatively impact the use of training space.

"(iii)(I) As part of the first such report submitted, a plan to address training constraints caused by vegetation and overgrowth.

"(II) As part of each subsequent report, any necessary updates to such plan."

SA 1570. Mr. FRANKEN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

SEC. 573. ENHANCEMENT OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

The Secretary of Defense shall modify the Certificate of Release or Discharge from Active Duty (DD Form 214) to include a current electronic mail address (if any) and a current telephone number as information requested of a member of the Armed Forces by the form. Such information shall be provided only with the consent of the member of the Armed Forces.

SA 1571. Mr. JOHANNIS (for himself, Mr. BUNNING, Mr. CRAPO, Mr. INHOFE, Mr. MARTINEZ, Mr. BOND, Mr. COBURN, Mr. BENNETT, Mr. KYL, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1232. SENSE OF THE SENATE ON THE IMPLEMENTATION OF THE UNITED STATES-COLOMBIA TRADE PROMOTION AGREEMENT.

It is the sense of the Senate that—

(1) the successes achieved by the President of Colombia, Alvaro Uribe, in rebuilding the Government of Colombia, strengthening the institutions of Colombia, and solidifying the rule of law in Colombia are historic;

(2) President Uribe, the Government of Colombia, and the security forces of Colombia should be congratulated for significant successes in fighting the Revolutionary Armed Forces of Colombia (FARC);

(3) the close ties between the United States and Colombia in the fight against illicit narcotics, terrorism, and transnational crime should be recognized;

(4) the United States-Colombia Trade Promotion Agreement is enormously advantageous for workers, businesses, and farmers in the United States, who would be able to export goods to Colombia duty-free;

(5) it is in the security, economic, and diplomatic interests of the United States to deepen the relationship between the United States and Colombia; and

(6) the United States should implement the United States-Colombia Trade Promotion Agreement immediately.

SA 1572. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 652. TREATMENT AS ACTIVE SERVICE FOR RETIRED PAY PURPOSES OF SERVICE AS MEMBER OF ALASKA TERRITORIAL GUARD DURING WORLD WAR II.

(a) IN GENERAL.—Service as a member of the Alaska Territorial Guard during World War II of any individual who was honorably discharged therefrom under section 8147 of the Department of Defense Appropriations Act, 2001 (Public Law 106-259; 114 Stat. 705) shall be treated as active service for purposes of the computation under chapter 61, 71, 371, 571, 871, or 1223 of title 10, United States Code, as applicable, of the retired pay to which such individual may be entitled under title 10, United States Code.

(b) APPLICABILITY.—Subsection (a) shall apply with respect to amounts of retired pay

payable under title 10, United States Code, for months beginning on or after the date of the enactment of this Act. No retired pay shall be paid to any individual by reason of subsection (a) for any period before that date.

(c) WORLD WAR II DEFINED.—In this section, the term "World War II" has the meaning given that term in section 101(8) of title 38, United States Code.

SA 1573. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, insert the following:

SEC. 2832. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the "Association") all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date of completion of all obligations referenced in subsection (e).

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final. At the election of the Secretary, the Secretary may accept in-kind consideration in lieu of all or a portion of the cash payment.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the

conveyance, the Secretary shall refund the excess amount to the Association.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **SAVINGS PROVISION.**—The Haines Tank Farm is currently under a remedial investigation (RI) for petroleum, oil and lubricants contamination. Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SA 1574. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 201, between lines 6 and 7, insert the following:

SEC. 635. TRANSPORTATION OF ADDITIONAL MOTOR VEHICLE OF MEMBERS ON CHANGE OF PERMANENT STATION TO OR FROM NONFOREIGN AREAS OUTSIDE THE CONTINENTAL UNITED STATES.

(a) **AUTHORITY TO TRANSPORT ADDITIONAL MOTOR VEHICLE.**—Subsection (a) of section 2634 of title 10, United States Code, is amended—

(1) by striking the sentence following paragraph (4);

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by inserting “(1)” after “(a)”;

(4) by adding at the end the following new paragraph:

“(2) One additional motor vehicle of a member (or a dependent of the member) may be transported as provided in paragraph (1) if—

“(A) the member is ordered to make a change of permanent station to or from a nonforeign area outside the continental United States and the member has at least one dependent of driving age who will use the motor vehicle; or

“(B) the Secretary concerned determines that a replacement for the motor vehicle transported under paragraph (1) is necessary for reasons beyond the control of the mem-

ber and is in the interest of the United States and the Secretary approves the transportation in advance.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—Such subsection is further amended—

(1) by striking “his dependents” and inserting “a dependent of the member”;

(2) by striking “him” and inserting “the member”;

(3) by striking “his”) and inserting “the member”)”; and

(4) by striking “his new” and inserting “the member’s new”;

(5) in paragraph (1)(C), as redesignated by subsection (a)—

(A) by striking “clauses (1) and (2)” and inserting “subparagraphs (A) and (B)”;

(B) by inserting “or” after the semicolon.

(c) **EFFECTIVE DATE.**—Paragraph (2)(A) of subsection (a) of section 2634 of title 10, United States Code, as added by subsection (a)(4), shall apply with respect to orders issued on or after the date of the enactment of this Act for members of the Armed Forces to make a change of permanent station to or from nonforeign areas outside the continental United States.

(d) **OFFSETS.**—

(1) **DEFENSE TRANSFORMATION AGENCY R&D ACTIVITIES.**—The amount authorized to be appropriated by section 201(a)(4) for research, development, test, and evaluation for Defense-wide activities is hereby decreased by \$15,000,000, with the amount of the decrease to be derived from amounts available for Business Transformation Agency R&D Activities (PE# 0605020BTA) and allocated to the Defense Travel System.

(2) **ENERGY CONSERVATION IMPROVEMENT PROGRAM.**—

(A) **TOTAL AMOUNT FOR MILITARY CONSTRUCTION, DEFENSE-WIDE.**—The total amount authorized to be appropriated by section 2404(a) for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) is hereby decreased by \$23,000,000.

(B) **ENERGY CONSERVATION PROJECTS.**—

(i) **REDUCED AUTHORITY.**—The amount authorized for energy conservation projects under section 2403 is hereby decreased by \$23,000,000.

(ii) **REDUCED AUTHORIZATION OF APPROPRIATIONS.**—The amount authorized to be appropriated by section 2404(a)(6) for energy conservation projects is hereby decreased by \$23,000,000, with the amount of such decrease to be derived from amounts available for the Energy Conservation Improvement Program.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing for Tuesday, July 21, entitled, “Excessive Speculation in the Wheat Market.” This hearing is a followup to the June 24 Subcommittee release of a 247-page staff report entitled, *Excessive Speculation in the Wheat Market*, examining how commodity index traders, in the aggregate, have made such large purchases on the Chicago wheat futures market that they have pushed up futures prices, dis-

rupted the normal relationship between futures prices and cash prices for wheat, and caused farmers, grain elevators, grain processors, and others to experience significant unwarranted costs and price risks. The Subcommittee hearing will examine the nature of the problems caused by index trading in the wheat market and possible solutions, including applying standard position limits to index traders instead of exempting them. Witnesses for the upcoming hearing will include representatives of CFTC, and the Chicago Mercantile Exchange, as well as representatives of wheat producers, users, consumers, and index traders.

The Subcommittee hearing has been scheduled for Tuesday, July 21, 2009, at 2:30 p.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 202-224-9505.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on July 23, 2009, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 637, Dry-Redwater Regional Water Authority System Act of 2009; S. 789, Tule River Tribe Water Development Act; S. 1080, A bill to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and for other purposes; and S. 1453, To amend Public Law 106-392 to maintain annual base funding for the Bureau of Reclamation for the Upper Colorado River and San Juan fish recovery programs through fiscal year 2023.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Gina Weinstock@energy.senate.gov.

For further information, please contact Tanya Trujillo at (202) 224-5479 or Gina Weinstock at (202) 224-5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on

July 15, 2009, at 2:30 p.m., to conduct a hearing on "Regulating Hedge Funds and Other Private Investment Pools."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC
WORKS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 10:30 a.m., in room 406 of the Dirksen Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 9:30 a.m. in room 325 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Com-

mittee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 10 a.m. to conduct a hearing entitled "Identification Security: Reevaluating the REAL ID Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 15, 2009, at 9:30 a.m. in room SH-216 of the Hart Senate Office Building, to continue the hearing on the nomination of Sonia Sotomayor to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 15, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, be authorized to meet during the session of the Senate on Wednesday, July 15, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SPECTER. I ask unanimous consent that floor privileges be given to Linda Hoffa, a detailee in my office.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that Bill Curlin, an Air Force fellow in my office, be granted the privilege of the floor during the debate on the Defense authorization bill of 2010.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, on behalf of Senator BINGAMAN, I make a unanimous consent request that Jonathan Epstein, a professional staff member with the Energy and Natural Resources Committee, be granted the privilege of the floor for the remainder of the debate on S. 1390, the National Defense Authorization Act for Fiscal Year 2010.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF VETERANS
AFFAIRS MEDICAL CENTER

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 509, and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 509) to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWN. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 509) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. MAJOR MEDICAL FACILITY PROJECT
DEPARTMENT OF VETERANS AFFAIRS
MEDICAL CENTER, WALLA WALLA,
WASHINGTON.**

(a) AUTHORIZATION FOR MAJOR MEDICAL FACILITY PROJECT.—The Secretary of Veterans Affairs may carry out a major medical facility project for the construction of a new multiple specialty outpatient facility, campus renovation and upgrades, and additional parking at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, with the project to be carried out in an amount not to exceed \$71,400,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2009 for the Construction, Major Projects account, \$71,400,000 for the project authorized in subsection (a).

NATIONAL LIFE INSURANCE
AWARENESS MONTH

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 211, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 211) supporting the goals and ideals of "National Life Insurance Awareness Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution

be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 211) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 211

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in the family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2009 as "National Life Insurance Awareness Month" as a means to encourage consumers to become more aware of their life insurance needs, seek professional advice regarding life insurance, and take the actions necessary to achieve financial security for their loved ones: Now therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of "National Life Insurance Awareness Month"; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader of the Senate and the Speaker of the House of Representatives, pursuant to Public Law 111-21, announces the joint appointment of Phil Angelides of California to serve as chairman of the Financial Crisis Inquiry Commission.

The Chair, on behalf of the majority leader, pursuant to Public Law 111-21, appoints the following to serve as members of the Financial Crisis Inquiry Commission: the Honorable Bob Graham of Florida, Heather Murren of Nevada, and Byron Georgiou of Nevada.

The Chair, on behalf of the minority leader, pursuant to Public Law 111-21, appoints the following individuals to serve as members of the Financial Crisis Inquiry Commission: Keith Hennessey of Virginia, and Douglas Holtz-Eakin of Virginia.

ORDERS FOR THURSDAY, JULY 16, 2009

Mr. BROWN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, July 16; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half, and with Senators permitted to speak for up to 10 minutes each; further, I ask that following morning business, the Senate resume consideration of Calendar No. 89, S. 1390, the Department of Defense authorization bill; and, finally, I ask that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN. Mr. President, earlier today, the majority leader filed cloture on the pending hate crimes amendment. We will continue to work on an agreement to vote in relation to the hate crimes amendment tomorrow. If we are unable to reach an agreement, the cloture vote would occur at 1 a.m. Friday morning.

ORDER FOR ADJOURNMENT

Mr. BROWN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that following the remarks of Senators CHAMBLISS, GRASSLEY, and WHITEHOUSE the Senate adjourn under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

SUNSTEIN NOMINATION

Mr. CHAMBLISS. Mr. President, I want to speak on the nomination of Cass R. Sunstein to be the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget.

I placed a hold on the consideration of Professor Sunstein's confirmation after his hearing in the Senate Committee on Homeland Security and Governmental Affairs. I chose to do this because Professor Sunstein has written, lectured, and made recommendations on animal rights issues that are very troubling to me and to folks who make their living in agriculture and those who enjoy our Nation's great hunting and fishing heritage.

Let me just say, Mr. President, it is extremely unusual for this Member of the Senate to place a hold on anybody. It is not something I normally do.

Professor Sunstein has theorized that animals—he has theorized in writing as well as in speeches—that animals should be permitted to bring suit against their owners and others with human beings being their representatives. Let me say that again. Professor Sunstein has theorized in writing and in speeches that animals should be permitted to bring lawsuits against their owners and others with human beings as their representatives.

That is a very radical and strange position, and it not only got my attention but it got the attention of any number of other folks around the country, both within and without the agricultural sector of our country. The devastating effect this would have on animal agriculture is incalculable. Mistreated livestock do not perform well. American farmers and ranchers work every day to make sure their stock is cared for in a humane manner, and yet they would still face a tremendous threat from frivolous lawsuits under this misguided theory. Even though claims would be baseless, they would still bear the financial costs of reckless litigation. That is a cost that would put most family farming and ranching operations out of business.

Professor Sunstein also made offhand remarks during lectures that "perhaps hunting ought to be banned." While he offered assurances during his nomination hearing that his personal view supported hunting, I am not a member of that committee and thus was not able to question Professor Sunstein personally during his confirmation hearing.

I greatly enjoy the time I spend hunting with my friends and family, and I was also very disturbed by this statement.

The Administrator of OMB's Office of Information and Regulatory Affairs must have a firm foundation in common sense, and we owe it to the American public to ensure that regulators are properly vetted by the Senate. That is why I held up Professor Sunstein's nomination in order to provide him an opportunity to explain his views on animal rights as well as the second amendment.

Since his original hearing, Professor Sunstein has met with people involved in agriculture, including the American Farm Bureau Federation, the Farm Animal Welfare Coalition, the National Pork Producers Council, and the United Egg Producers. He has heard their point of view and exactly how devastating some of his theories would be to the reality of earning a living in rural America. He has satisfied some of them, and some are still decidedly wary of his ideas.

I have also had the opportunity to meet personally with Professor

Sunstein to let him explain, and me explain to him how detrimental his theories would be to the folks working so hard to feed this country and to hopefully obtain from Professor Sunstein assurances that he does not oppose hunting or the right to bear arms. I tried to figure out what he meant by saying that animals ought to have the right to sue individuals.

Let me say, Professor Sunstein comes highly recommended by a number of folks from the conservative side of the philosophical divide in this country. His ability to look at regulatory measures and to provide cost-benefit analysis is very intriguing. He is obviously a very competent person when it comes to that side of the business community. I have a great appreciation for that.

I had a very good meeting with Professor Sunstein yesterday, and after our meeting I received a letter from Professor Sunstein wherein he explained some of his statements and inflammatory ideas. In that letter, he stated that he "would not take any steps to promote litigation on behalf of animals" and that Federal "law does not create an individual right to bring lawsuits on behalf of animals against agriculture." He also stated that he believes "the second amendment creates an individual right to possess guns for purposes of both hunting and self-defense."

At this time, I ask unanimous consent to have the letter to me from Professor Sunstein dated July 14, 2009, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC,
July 14, 2009.

Senator SAXBY CHAMBLISS,
U.S. Senate,
Washington, DC.

DEAR SENATOR CHAMBLISS: Thanks so much for the meeting today, which I greatly enjoyed.

You requested my views on three subjects. Before commenting on the details, let me emphasize that if confirmed as Administrator of the Office of Information and Regulatory Affairs, my primary concern would be to ensure that regulations are consistent with the Constitution, the law as enacted by Congress, and the principles reflected in governing Executive Orders.

Your first question involved the Second Amendment. I strongly believe that the Second Amendment creates an individual right to possess and use guns for purposes of both hunting and self-defense. I agree with the Supreme Court's decision in the Heller case, clearly recognizing the individual right to have guns for hunting and self-defense. If confirmed, I would respect the Second Amendment and the individual right that it recognizes.

You also asked about litigation, by individuals, on behalf of animals. Let me be very clear: If confirmed, I would not take any steps to promote litigation on behalf of animals. In particular, federal law does not create an individual right to bring lawsuits, on behalf of animals, against agriculture. I do

not favor and would not promote such a right.

Finally, you inquired about private enforcement of the law. Such private enforcement can in some cases be a useful way of ensuring compliance with legislative requirements, but it can also create serious harm, by imposing significant costs and burdens on those who are already obeying the law. Sometimes Congress concludes that the balance favors private actions; sometimes it decides against such actions. If confirmed, I would consult, and follow, congressional instructions on the question of whether private rights of action are available.

I hope that these answers are helpful, and I would be happy to address these or other issues at any time. All best wishes.

Sincerely,

CASS R. SUNSTEIN.

Mr. CHAMBLISS. Administration nominees deserve a fair hearing by the Senate, and Professor Sunstein is no different. While I cannot agree with his ideas, his legal theories, or his views, now that he has been educated about the toll they would take on hard-working farmers and ranchers in America, I am not going to keep him from any further consideration. I intend to lift my hold on Professor Sunstein.

I understand from Professor Sunstein now that he has a much better understanding of animal agriculture and our country's sporting tradition. I am optimistic that this open dialog with animal agriculture will continue. I obviously look forward to working with him to ensure he continues to carry out exactly what he stated to me in his letter of July 14.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

TAXES AND HEALTH REFORM

Mr. GRASSLEY. Mr. President, I rise to discuss the high rate of taxation that is about to take place if the House of Representatives passes its health reform bill. I would also raise the issue about the effect the same level of taxation—not quite as high—would have under the budget adopted by this body back in March. I wish to address the tax hikes, particularly as they apply to small business, that President Obama and my colleagues on the other side of the aisle have proposed.

The latest tax hike proposal is the House Democrats' graduated surtax of up to 5.4 percent on those making more than \$280,000. For those Americans who are married but file separate returns, this surtax increases taxes for those making over \$175,000.

I refer to this surtax as a small business surtax because it hits small business particularly hard. Here is how the House's small business surtax works. In 2011 and 2012, singles making between \$280,000 and \$400,000 will pay an extra 1 percent, those singles making between \$400,000 and \$800,000 will pay an extra 1.5 percent, and those singles making more than \$800,000 will pay an

extra 5.4 percent. Then in 2013 and after, these rates go to 2 percent, 3 percent, and 5.4 percent, respectively. The only way the rates do not go up to these levels is if one of the President's advisers, the Director of OMB, says in 2012 that there will be more than \$675 billion in health care savings by the year 2019 in the bill the House has recently written. That is right, in addition to the tax questions, we have the House leaving up to a partisan Presidential adviser—not the President himself or a nonpartisan organization such as CBO—that taxes stay up or can go down.

Another troubling aspect of this charade is that this does not deal only with actual savings achieved but instead calls for a partisan's 2012 estimate of savings to be achieved through the year 2019. The Joint Committee on Taxation, a nonpartisan professional group here on the Hill that advises Congress, correctly ignores this charade in its estimate of the House small business surtax and correctly assumes that the rates are actually going to go up after 2013.

In 2011 and 2012, then, for married couples, the small business surtax kicks in at 1 percent for those making \$350,000 to \$500,000, it rises to 1.5 percent for married couples making between \$500,000 and \$1 million, and it goes up to 5.4 percent for those making over \$1 million. Then in 2013 and later, the rates go up to 2 percent, 3 percent, 5.4 percent, respectively. As discussed above, the only way these rates do not go up in 2013 is if the OMB Director decides they should not go up.

Let's look at this tax increase from the venue of small business. I know people listening, as well as my colleagues, think: You talk about people making \$1 million or half a million dollars, why can't they pay another 2, 3, or even 5 percent? It is a situation where small business in America creates 70 percent of the jobs. It is a case of where most small business operates on cash flow, not investment from the outside as normal corporations would. So we are talking about the health of our economy, and we are talking about getting the economy out of this recession we are in.

By the way, the President and I agree that 70 percent of the new private sector jobs are, in fact, created by the small businesses I have just described. However, where the President and I differ is that I believe small businesses' taxes should be lowered, not raised during this time of getting the economy back on track—particularly when you look at the stimulus bill that was passed back in February. It doesn't appear to anybody as if it is doing any good yet, like creating the jobs it was supposed to do, like keeping unemployment under 8 percent, which is now 9.5 percent, and only one-half of 1 percent of that \$787 billion stimulus package

was to help small business. We ought to be doing something, if we want to revitalize the economy, that helps small business, and increasing taxes on small business will not do that.

In 2001 and 2003, Congress enacted bipartisan tax relief designed to trigger economic growth and to create jobs by reducing the tax burden on individuals as well as small businesses. This included the across-the-board income tax reduction which reduced marginal tax rates for income earners at all levels. I know people do not believe this, but if you look at the allocation of the tax by the highest 1 percent of the people, even after the 2001 tax cut, you saw that highest 1 percent still paying a larger proportion into the Federal Treasury, of income tax, than they were doing prior to that. So even with tax reduction, you end up with a more progressive Tax Code—which nobody is willing to admit, but we can back that up by figures. It also, in 2001, included a reduction of the top dividends and capital gains tax rate to 15 percent and a gradual phaseout of the estate tax.

Unfortunately, the way you have to write tax bills under the reconciliation process around here, those tax bills enacted in 2001 and 2003 will expire December 31, 2010, and automatically we are going to get the biggest tax increase in the history of the country without even a vote of Congress because of sunset.

Some have referred to this bipartisan tax relief as “the Bush tax cuts for the wealthy.” However, it seems to be easily forgotten around here, but this tax relief was bipartisan tax relief and provided tax relief for all taxpayers. They have also suggested that the tax relief provided for higher income earners, including many small businesses, should be allowed to expire. The President has proposed increasing the top marginal tax rates from 33 to 36 percent and the other one from 35 to 39.6 percent.

We have a chart here you can refer to, so all these numbers I am giving, you have a reference point for them.

The President has also proposed increasing the tax rates on capital gains and dividends to 20 percent and providing for an estate tax rate as high as 45 percent and an exemption of only \$3.5 million.

Also, the President and allies on the Hill have called for fully reinstating the personal exemption phaseouts—we call them PEP, for short—personal exemption phaseouts for those making over \$200,000. Then there is another phaseout called the Pease phaseout, named after a former Congressman from Ohio, for those making more than \$200,000. So, under the 2001 tax law, when these phaseouts come back in after 2010, you actually end up with higher marginal tax rates of almost 2 percent. It is not 39.6 as the high marginal tax rate; it is something much higher—41 or 42 percent.

You know what you do, you get the smokescreen of saying you don’t quite have a 40-percent marginal tax rate, but in fact you do have higher than 40 percent. There seems to be something magical about not exceeding that 40 percent for the benefit of public relations, but it will be exceeded greatly with this 5.4 percent the House is putting in, in their health care bill.

However, like other provisions in the law, PEP and Pease are scheduled to come back in full force, as I just said, in 2011—again, without a vote of Congress. With PEP and Pease fully reinstated, individuals in the top two rates could see their marginal effective tax rates increase by 24 percent or more.

Once again, I refer my colleagues to the chart. For example, a family of four who is in the 33-percent tax bracket in 2010 could pay a marginal effective tax rate of 41 percent after 2010 because of PEP and Pease. This rate would go higher if that family had more children, and this is before the small business surtax is even factored in.

Some of my colleagues, particularly on the other side of the aisle, have defended this proposal by claiming that they will only raise taxes on wealthy taxpayers who make more than \$200,000 a year. For the vast majority of people who earn less than \$200,000, raising taxes on higher earners might not sound so bad. However, there are consequences for what we do around here. That means many small businesses will be hit with a higher tax bill. These small businesses create 70 percent of all new private sector jobs. These small businesses that are sole proprietors, S corporations, partnerships, and limited law corporations would get hit with the President’s proposal to raise the top two marginal tax rates, if their owners make more than \$200,000.

In addition, there is just under 2 million small C corporations that are subject to double taxation. To the extent that these C corporation owners make over \$200,000 and pay themselves a salary, they would get hit with a tax increase on the top two marginal tax rates proposed by the President. Also, owners of small C corporations who receive dividends or realize capital gains and make over \$200,000 would pay a 20-percent rate on these dividends and capital gains after 2010, under these tax-hike proposals. Currently, these pay a rate of 15 percent.

All of this wasn’t bad enough for small business. Why emphasize small business? It is the job creation machine of the economy. Why emphasize small business? They operate cash flow, generally. They don’t have outside investors. And why emphasize small business? Because it takes entrepreneurs to create jobs. I had the opportunity for 10 years, from 1961 to 1971, to be a union assembly line worker at a little company called Waterloo Register in

Cedar Falls, IA. We made furnace registers. I use that company—locally owned, people who got together to create jobs—as an example. They gave me an opportunity to earn a small livelihood for 10 years of my life. It takes people who have means to create jobs. I have never worked for anybody who was low income or in poverty. You have to have the incentive of people in this country to put resources together to create income for themselves and, in the process of expanding, increase jobs for everybody else. So you understand where I am coming from, from the standpoint of small business.

The House of Representatives has proposed a graduated surtax of up to 5.4 percent on those making over \$280,000. To people listening, \$280,000 is a lot of money, probably the top 3 or 4 percent of the people. But if they are a small business and they are operating with cash flow, cutting into that cash flow is a job killer. With this small business surtax, a family of four in the top two brackets will pay a marginal tax rate in the range of 43 and 46.4 percent in 2013. I am not prepared to say this right now, but maybe when I end I will say something about the State income tax on top of that, to show how high are the taxes these ideas are taking us to.

When you go to 43 and 46.4 by 2013, this would result in an increase of the marginal tax rates by a minimum of 23 percent and a maximum of 33 percent.

Candidate Obama pledged that “Everyone in America—everyone—will pay lower taxes than they would under the rates Bill Clinton had in the 1990s.” I am going to show you, if this goes into effect, it is probably the highest rates, going back to the time Carter was President. The small business surtax proposed by House Democrats would violate President Obama’s pledge. Therefore, I stand with President Obama in opposing the small business surtax proposed by House Democrats.

According to National Federation of Independent Businesses survey data, 50 percent of the owners of small businesses that employ 20 workers to 249 workers would fall into the top two brackets, backing up what I have continuously said during my dialog with the people. According to the Small Business Administration, about two-thirds of the Nation’s small business workers are employed by small businesses with 20 to 500 employees. Do we want to raise taxes on these small businesses that create new jobs and employ two-thirds of all small business workers?

The National Federation of Independent Businesses recently came out with its June report that showed that small businesses continue to have net job losses as well as reduced compensation for those who are still on the payroll; in other words, not part of the 9.5 percent unemployment we have since

the stimulus bill passed. With these small businesses already suffering from the credit crunch, do we think it is wise to hit them with the double whammy of up to a 33-percent increase in marginal tax rates.

Newly developed data from the Joint Committee on Taxation demonstrates that 55 percent of the tax from the higher rates will be borne by small business owners with incomes over \$250,000. This is a conservative number because it doesn't include flow through business owners making between \$200,000 and \$250,000 that will also be hit by the Democratic budget's proposed tax hikes. If the proponents of the marginal rate increase on small business owners agree that a 23-percent to 33-percent tax increase for half the small businesses that employ two-thirds of all small business workers is not wise, then they should either oppose these tax increases or present data that show a different result. I wish to fight for lower State tax rates and higher estate tax exemption amounts to protect successful small businesses so people who work a lifetime can pass on without liquidation at the time of death.

In a time when many businesses are struggling to stay afloat, it does not make sense to impose additional burdens on them by raising taxes. Odds are they do nothing then but cut spending. And when their cash flow goes down, probably layoffs happen. They will cancel orders for new equipment as well, cut insurance for their employees, and stop hiring. Instead of seeking to raise taxes on those who create jobs in our economy, our policies need to focus on reducing excessive tax and regulatory barriers that stand in the way of small businesses and the private sector making investments, expanding production, and creating sustainable jobs. We should continue to fight to prevent a dramatic tax increase on our Nation's job machine, the small businesses of America. This includes working to protect small businesses from higher marginal tax rates, an increase in capital gains and dividend tax rates and an increase in the unfair estate tax rate that will penalize the success of small businesses.

In fact, I have recently introduced S. 1381, the Small Business Tax Relief Act of 2009, to lower taxes on these job-creating small businesses. My bill contains a number of provisions that will leave more money in the hands of these small businesses so these businesses can hire more workers, continue to pay the salary of their current employees, and make additional investments in these businesses. The National Federation of Business has written a letter supporting my bill.

Quoting from the letter:

To get the small business economy moving again, small business needs the tools and incentives to expand and grow their business.

S. 1381 provides the kind of tools and incentives that small businesses need.

We all want to see the job numbers from the Department of Labor moving in positive directions. We all want to see the unemployment rate plummet. I firmly believe the best way for us to do that is to prime the job-creating engine of our economy by focusing on small businesses. My small business bill, if enacted, will lead to new jobs. This is in the right direction. The House health care reform bill, with the 5.4-percent tax increase, is taking us in the wrong direction. These will be real, countable, verifiable jobs that will be created.

In contrast, President Obama has proposed tax increases that will cause small business jobs to be lost. The newest tax hike proposed is the small business surtax. As with other tax hikes on small business, I oppose the small business surtax. I urge my colleagues on both aisles to do the same.

I ask unanimous consent to print in the RECORD the NFIB letter from which I quoted.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, July 10, 2009.

Senator CHARLES GRASSLEY,
Ranking Member, Senate Committee on Finance, Washington, DC.

DEAR RANKING MEMBER GRASSLEY: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing to thank you for introducing S. 1381, the Small Business Tax Relief Act of 2009.

Small business is the source of economic growth and job creation, but the NFIB Small Business Economic Trends (SBET) survey has been near historic lows since September, with plans to hire and make capital expenditures showing little sign of improvement. To get the small business economy moving again, small businesses need the tools and incentives to expand and grow their businesses.

S. 1381 provides the kinds of tools and incentives that small businesses need. Specifically, increasing and making permanent section 179 expensing will provide small businesses with the incentives and certainty to make new investments in their business. Providing a 20 percent deduction for smaller flow-through businesses and reducing the tax rate on smaller C corps will allow all small businesses to keep more of their income to invest back into the business. Finally, providing full deductibility of health insurance for the self employed provides tax equity, lowers the cost of health insurance, and improves an important deduction for these business owners.

These and other provisions in the bill will reduce the tax burden on small businesses. This is especially important in the current economic environment with many small businesses struggling to find access to credit. Allowing business owners to keep more of the money they earn provides an immediate source of capital that will be invested back into the business.

Thank you again for your continued efforts to support small business owners and to re-

duce their tax burden. I look forward to working with you to see that this bill becomes law.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

Mr. GRASSLEY. I yield the floor.
The PRESIDING OFFICER. The Senator from Florida.

EXECUTIVE SESSION

EXECUTIVE NOMINATIONS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Commerce Committee be discharged en bloc from further consideration of PN638 and PN639 and that the Senate proceed en bloc to their consideration; that the nominations be confirmed and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action; and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Charles F. Bolden, Jr., of Texas, to be Administrator of the National Aeronautics and Space Administration.

Lori Garver, of Virginia, to be Deputy Administrator of the National Aeronautics and Space Administration.

Mr. NELSON of Florida. Mr. President, by this action, it concludes a very happy chapter for what I think will be the future of the National Aeronautics and Space Administration. PN638 is Presidential No. 638, and that is the nomination of GEN Charles F. Bolden to be the NASA Administrator, whom we have just confirmed, and PN639 is Presidential No. 639, which is the nomination of Lori Garver to be Deputy Administrator for NASA which we have just confirmed. My congratulations to the two of them.

I will make one personal comment. General Bolden is someone who has known adversity but has always been an overcomer.

This was certainly true in South Carolina, in 1964, when, as an African American, he could not get an appointment from his congressional delegation to Annapolis. The Defense Department found Charlie and arranged for a Chicago Congressman to nominate him. When Charlie arrived as a freshman at Annapolis, he was promptly elected president of the freshman class. So you can see the progression of being an overcomer.

pon graduation from Annapolis, choosing the Marines, choosing to fly, becoming a marine test pilot, applying

to the astronaut office, becoming an astronaut, flying twice as shuttle pilot and twice as commander—four times—returning to active duty in the Marine Corps, and rising to the level of major general, after having commanded several Marine wings; and now the dream is fulfilled that Charlie has now been confirmed as head of the National Aeronautics and Space Administration.

I think it is interesting that at 6:03 this evening the space shuttle lifted off into a successful mission. This space shuttle holds the second record for the most delays—six. It is exceeded by the first space flight that General Bolden took, of which I had the privilege of being a member of that crew in January of 1986. We were delayed seven times—scrubbed four times on the pad before launching on the fifth try into an almost flawless 6-day mission.

General Bolden takes over NASA at a critical time. NASA is in drift. It needs a leader. But also for General Bolden to be successful as the leader of NASA, he has to have the backing of the President of the United States, who is the one who can give the ultimate leadership to our Nation's space program.

So it was such a privilege for me, Mr. President, to come and propound this unanimous consent request and to see the Senate confirm, by your order, unanimously, the nominations of the Administrator and the Deputy Administrator of NASA. Needless to say, there are a lot of smiles that are going to be across America as a result of this action.

Thank you, Mr. President. I yield the floor.

Ms. MIKULSKI. Mr. President, I am in support of President Obama's nomination of Charles Bolden as the next Administrator of the National Aeronautics and Space Administration, NASA, and Lori Garver as the Deputy Administrator of NASA.

We are at a critical point in NASA's history, and our space agency needs a leadership team devoted to the core mission of the agency.

Mr. Bolden has a compelling story. He transcended barriers and established himself at the forefront of our Nation's scientific policy. A career marine and true leader, Mr. Bolden is deeply committed to fostering a balanced space program focused on safe, reliable human space exploration, and robust scientific research and innovation. A seasoned astronaut, Mr. Bolden has experienced first hand the significance of space exploration, traveling into orbit four times between 1986 and 1994, including a mission to deploy the Hubble space telescope.

From commanding missions in space to serving our Nation in the U.S. Marine Corps, Mr. Bolden has displayed the experience, leadership skills, and know-how to successfully guide NASA into the future.

In addition, Lori Garver is a leader in the aerospace industry and has dis-

played tremendous management ability and intellect. Her knowledge of our space program will be key to NASA's leadership team.

Again, I fully support the nomination of Charles Bolden and Lori Garver as the next Administrator and Deputy Administrator of NASA.

The PRESIDING OFFICER. The Senator from Rhode Island.

AFFORDABLE HEALTH CHOICES ACT

Mr. WHITEHOUSE. Mr. President, today, I proudly cast my vote to pass out of the Senate Health, Education, Labor, and Pensions Committee landmark legislation that will fundamentally change the direction of our dysfunctional health care system.

The committee approval of the Affordable Health Choices Act is truly a tremendous victory for millions of Americans who struggle with a system that has continually failed to provide quality, affordable health care options for them, their families, their loved ones, and their businesses.

It has been a special privilege to temporarily serve on the HELP Committee, in particular, with my distinguished senior Senator, JACK REED. I do not think there is a formal rule against it, but it is a rarity in the Senate for two Members from the same State of the same party to serve on the same committee. My brief tenure on the HELP Committee gave me the chance to witness firsthand the resolve and caring leadership that is JACK REED's hallmark and that was shown throughout this historic debate.

I also applaud the unwavering commitment and leadership of President Obama, and the tireless efforts of my Senate colleagues, in the pursuit of meaningful, comprehensive reform.

I feel really very privileged to have served with Chairman DODD and Ranking Member ENZI. Chairman DODD had this responsibility fall upon him when illness overtook probably his best friend in the Senate, Chairman KENNEDY. And he gave me, at least, as a junior Senator, an education in Senate chairmanship.

Ranking Member ENZI presented an unforgettable model of graciousness and civility. And all of the members of the committee worked hard and sincerely.

I particularly thank our esteemed chairman, Senator KENNEDY, for his longstanding leadership and dedication. He truly is the champion of health care reform. For decades, Chairman KENNEDY has worked passionately on this important cause. And while he could not attend the markup, we felt his presence daily in the hearing room. And it is to his very great credit that we had this success today.

I am pleased that the final legislation reflects the principles outlined by

President Obama, who called for a new system to control skyrocketing health costs, expand coverage to the tens of millions left uninsured in our country, and ensure high quality, affordable health care for every American family.

The bill also focuses on the priorities of Americans, from all corners of our country, whose powerful and often heart-wrenching stories underscore the urgent need for reform.

Behind all the statistics and all the numbers and all the projections and all the demographics, as we all know in this Chamber, are a legion of personal and family tragedies and sorrows and frustrations that we have to address.

The Affordable Health Choices Act invests heavily in the delivery system reforms that will drive down costs and bring our current outmoded, broken system into the 21st century. These changes are long past due and are essential if we are to protect our ship of state from the tidal wave of health care costs now bearing down on us.

This legislation also upholds President Obama's promise: If you like the health care you have, you can keep it. But for the many Americans who want different choices or who do not have health insurance at all, we also offer a new public health insurance option that can and must compete in an open market with private insurance.

As I have traveled throughout Rhode Island, at community dinners and senior centers, at coffees and on our main streets, I have heard stories of frustration and heartache at our broken health care system. Earlier this year, I launched a health care storyboard on my Web site where Rhode Islanders can share their experiences and ideas for health reform. In just a few short months, hundreds of Rhode Islanders have written to share their ideas and experiences. These are just a few of them.

Paul and Marcela from Newport told me about the health complications that Paul and his son have endured from type 1 diabetes. The related medical conditions Paul has suffered from the diabetes have left him unable to work.

To compensate for the family's loss of income, Marcela works tirelessly, taking on a full-time and part-time job to pay the bills. Like so many hard-working Americans, they fall just short of income eligibility cutoffs for State assistance programs, forcing them to bear the brunt of expensive medical costs, premiums, and prescription costs. On a stretched budget, balancing their medical expenses is a constant challenge, and Paul and Marcela keep hoping they will catch a break soon.

I heard from Ben, a medical student in Providence, who, even at such an early stage in his medical career, has witnessed the devastating effect of being uninsured on the health and well-being of his patients.

Ben shared the story of one of his patients who delayed treatment because he was unable to afford the medical bills. Only a few days later, this patient was rushed to the emergency room with a life-threatening infection.

The treatment to save this man's life resulted in much higher costs for the patient and the hospital—costs that Ben knows may have easily been prevented if the patient was treated when the condition was in its early stages. Ben writes:

It's these day-to-day decisions to postpone treatment that really hurt the uninsured.

Mike from Riverside shared his experience of surviving cancer that was misdiagnosed and left untreated for several years. When he sought a second opinion, the final diagnosis was delayed for weeks as his paper medical records were shuttled from hospital to hospital.

On top of this frustration, Mike received the devastating news that his leg had to be removed to prevent the cancer from spreading further. After his amputation surgery, Mike is thankful to be cancer free, but now his financial struggles have begun. With medical bills and health care premiums that exceed his monthly mortgage payments, Mike is wondering how he will make ends meet.

I had coffee with Shirley, a Middletown resident who described her relief at turning 65. For the past 20 years, she and her husband did not have insurance. As self-employed business owners in their fifties, finding affordable insurance options was impossible, so they went without. They took their chances.

Now 65 and eligible for Medicare, they finally have peace of mind. Shirley admits she and her husband were lucky to make it through those 20 years without serious health problems. During our meeting, she urged us to pass health care reform for the millions of hard-working Americans—hard-working, middle-class Americans—who are not as fortunate as she and her husband.

For these Rhode Islanders—and for millions more Americans all over the country—there has to be a better way. We have to do better than 47 million uninsured and millions more teetering on the brink. We have to do better than 100,000 people dying each year from avoidable medical errors. We have to do better than health care outcomes for Americans who are at the bottom of all our industrialized competitors. America can do better than this. With this legislation, we believe the process has begun for America to do better than this.

The work accomplished today by the HELP Committee is, of course, a first step in a long journey toward restructuring our health care system. The path to meaningful reform will not be easy. We have many rivers to cross,

and our efforts to implement change will still face challenges. Certain stakeholders, invested in the status quo, will fight back against change; they will drag their feet; they will misinform; and they will mobilize—all with the singular purpose of defeating our progress toward comprehensive health care reform.

I know the fight to secure final passage of our reform will be contentious, but I welcome a vigorous debate on the Senate floor because I also know our current system has reached a state of disrepair that is putting us at risk—as patients, as families, as competitive businesses, and as a nation. And failing to change the status quo is both unsustainable and irresponsible.

I thank the Presiding Officer, and I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until Thursday, July 16, 2009, at 9:30 a.m.

Thereupon, the Senate, at 8 p.m., adjourned until Thursday, July 16, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

FEDERAL EMERGENCY MANAGEMENT AGENCY

RICHARD SERINO, OF MASSACHUSETTS, TO BE DEPUTY ADMINISTRATOR AND CHIEF OPERATING OFFICER, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY, VICE HARVEY E. JOHNSON, JR., RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

DAVID A. MACGREGOR

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

NATHANIEL JOHNSON, JR.

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JASON E. JOHNSON
DOUGLAS C. ROSE, JR.
CARY A. SHILLCUTT

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD P. ADAMS
RANDALL B. BRADFORD
KENNETH G. CAMPBELL
STEVEN W. MILLER
GEORGE M. SCHWARTZ
MICHAEL J. STEWART

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

KIRSTEN M. ANKE
VELVET D. BAKER
ELLEN S. BARKSDALE

TAKAKO L. BARRELL
ANDREW C. BAXTER
LINDA L. BLACKMAN
MICHAEL T. BOZZO
DAVID M. CASSELLA
DEBRA A. CHAPPEL
PATRICIA A. COBURN
JAMIE F. CORNALI
PATRICIA A. CRANE
FREDERICK L. DAVIDSON
LAURA D. DESNOO
CHERYL R. EVANS
VERNELLE R. FLOODDEYOUNG
LISA R. FORD
MELISA A. GANTT
EUGENIO GARCIA, JR.
JUANITA GAUSS
MICHAEL A. GLADU
JANET D. GOODART
MICHELLE D. HAIRSTON
REBECCA L. HILFKE
TERRI J. HOLLOWAYPETTY
SHANNON M. JONES
DARLENE M. JULKOWSKI
LISA LEAZENBY
TODD R. LITTLE
DENNIS G. LOGAN
JUDITH M. LOGAN
MICHAEL J. LOUGHREN
MICHAEL E. LUDWIG
DARIN S. MARCHOK
HENGMO Y. MCCALL
ELIZABETH M. MILLER
REBECCA N. MIONE
LINDA K. MOORE
DANA A. MUNARI
ROBIN R. NEUMEIER
PATRICIA A. ONEALMELLEN
SUSAN ORCUTT CLOFT
DAVID J. PARIS
NANCY E. PARSON
ANTHONY D. PEVERINI
JAMES R. POST
ANDREW A. POWELL
JAMES R. REED
RICHARD T. REID
SANDRA M. ROLPH
MILAGROS ROSA
MICHAEL L. SCHLICHER
SHARON U. SCOTT
DOROTHY L. SHACKLEFORD
LORI A. SKINNER
PAMELA M. SOLETLINDSAY
YOUNGHEE SONG
BRITTANY R. SPEERS
NANCY M. STEELE
BENJAMIN STINSON
CYNTHIA L. SVEINE
MARIA M. VANTERPOOL
ERIC H. WATSON
STACY U. WEINA
JEFFREY L. WELLS
KIMBERLY E. WILLIAMS
SARAH A. WILLIAMS BROWN
JASON S. WINDSOR
JOSEPH N. WINTER
REBECCA A. YUREK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

MARY C. ADAMS CHALLENGER
TERESA L. BRININGER
SUSAN DAVIS
DAVID H. DUPLESSIS
SANDRA E. KEELIN
SHAWN T. LOCKETT
JEFFREY P. NELSON
MATTHEW G. ST. LAURENT
DEYDRE S. TEYHEN
RICHARD A. VILLARREAL
DAVID A. WRIGHT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

CHARLES C. DODD
HOWARD D. GOBBLE
STEVEN T. GREINER
SHELLEY P. HONNOLD
JERROD W. KILLIAN
BRIAN U. KIM
BRIDGET S. LEWIS
NANCY MERRILL
MARK L. RICHEY
PATRICIA Y. RILEY
HEATHER A. SERWON
MARK A. SMITH
JULIE M. STEPHENS DEVALLE
SHANNON A. STUTTLER
DANIEL C. WAKEFIELD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

SHEILA R. ADAMS
 WILSON A. ARIZA
 JOHN R. BAILEY
 BRIAN E. BARTHELME
 CARMEN A. BELL
 TIMOTHY N. BERGERON
 GRAEME C. BICKNELL
 DANIEL G. BONNICHSEN
 KATHERINE A. BRUCH
 TRAVIS J. BURCHETT
 KYLE J. BURROW
 JAMES G. CAHILL
 JOHN R. CALL
 MARK C. CARDER
 ERIC P. CARNAHAN
 KRISTEN L. CASTO
 RODRIGO CHAVEZ, JR.
 LYNN A. CHINTALLA
 ANTHONY S. COOPER
 LEONARD A. CROMER, JR.
 JENNIFER L. CUMMINGS
 GERALD L. DALLMANN
 THOMAS N. DAMIANI
 CHRISTOPHER J. DAVID
 WILLIAM E. DAVIS IV
 KARL M. DEVLIN
 MONICA S. DOUGLAS
 DWAYNE A. ELDER
 JAMES B. ELLEDGE
 MICHAEL A. ELLIOTT
 SANDRA ESCOLAS
 ARTHUR B. FISCH
 CRAIG R. FISHER
 STEPHEN L. FRANCO
 BERNADETTE FULLER
 DOUGLAS H. GALUSZKA
 CHRISTOPHER A. GELLASCH
 SHEPARD H. GIBSON II
 GUY J. GIERHART
 ROGER S. GIRAUD
 STEVEN D. HANKINS
 RONALD E. HARPER
 JONATHAN A. HEAVNER
 TIMOTHY J. HOIDEN
 PHILIP A. HOLCOMBE
 MATTHEW J. HORSLEY
 NATHAN O. HUCK
 THOMAS L. HUNDLEY
 DANIEL E. JETTON
 DAVID A. JOHNSON, JR.
 GREGORY A. JOHNSON
 NATHAN A. KELLER
 TIMOTHY D. KUNDINGER
 RAYMOND D. LAUREL
 JACK R. LEECH III
 JOSEPH F. LINEBERRY, JR.
 BARBARA LOCKBAUM
 MICHAEL G. MACLAREN II
 JOHNNIE R. MANNING, JR.
 JEFFREY S. MARKS
 LYNN E. MARM
 BRIAN D. MARTIN
 JOHN J. MARTIN
 RICKY J. MARTINEZ
 HUGH A. MCLEAN, JR.
 JOHN H. MCMAHAN
 KENNETH R. MCPHERSON
 SCOTT R. MELLING
 TERRY R. MOREN
 JEFFERY L. MOSSO
 ROBERT L. NACE
 RICARDO J. NANNINI
 CHAD E. NELSON
 ENRIQUE ORTIZ, JR.
 PETER L. PLATTEBORZE
 MICHAEL R. POUNCEY
 BRANDON J. PRETLOW
 MARK C. PROBUS
 HABY RAMIREZ
 WILLIAM R. REDISKE
 JASON H. RICHARDSON
 MICHAEL C. SAUER
 ERIC R. SCHMACKEK
 JEFFREY D. SHIELDS
 MAELIEN SHIPMAN
 DAVID L. SILVER
 ALICK E. SMITH
 MIKAL L. STONER
 WILLIAM M. STRIDER
 YOLONDA R. SUMMONS
 PATRICK A. TAVELLA
 BARBARA A. TAYLOR
 LISA A. TEGGARDEN
 STEENVORT J. VAN
 JAMES L. WADDICK, JR.
 BLAIN S. WALKER
 BRIAN K. WALKER
 DENNIS W. WALKER
 TIMOTHY D. WALSH
 OLIVER T. WALTON
 NORMAN C. WATERS
 MICHAEL C. WILLIAMS
 CHRISTOPHER A. WODARZ
 AMMON WYNN III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES ARMY
 DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624
 AND 3064:

To be major

JEFFREY M. ADCOCK
 RAMINE K. BARFUSS
 MARC A. BARRETT
 DAVID A. BELTRAN
 BRIAN BICKEL
 ADAM R. BUSHELL
 BRIAN B. CHANG
 JOSEPH E. CREASY, JR.
 THUONG T. DANG
 ERIC DANKO
 JOHN F. DECKER
 WALTER G. DIMALANTA
 JAMES C. EWING
 CRAIG R. FRECCERO
 JASON P. GANONG
 WILLIAM A. GILBERT
 KEVIN R. GILLESPIE
 JOSEPH W. IVORY
 HARRY J. JACKSON
 HWAHOON JEONG
 MIGUEL A. MARTINEZ DIAZ
 BRADLEY C. MORRISON
 AMANDA R. NELSON
 JOEL M. NICHOLS
 NATHAN C. PARRISH
 MATTHEW D. PHILLIPS
 NATHAN PHILLIPS
 CHRISTOPHER L. ROWE
 CURTIS D. SCHMIDT
 ROBERT S. SCHMIDT
 BRIAN W. STANCOVEN
 MICHAEL J. STEWART
 FRANK B. STRICKLAND
 RONALD B. TERRY
 GEORGIOS VESSIROPOULOS
 PAUL WANG
 RUSSELL M. WEAVER
 DENTONIO WORRELL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES ARMY
 MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624
 AND 3064:

To be major

JOEL T. ABBOTT
 TIMOTHY C. ACEL
 DAVID J. ADAM
 BRIAN L. ADAMS
 ERIC P. AHNFELDT
 DAVID W. ALEXANDER
 AMBER B. ARAGON
 CHARLES B. ARBOGAST
 MICHAEL V. ARNETT
 NAVIN S. ARORA
 MELISSA A. ATTYEH
 DAVID AYER
 CARRIE D. AYERS
 FARHAN S. AYUBI
 SONAL BAKAYA
 AMY E. BATT
 BRIAN C. BELDOWICZ
 DREW G. BELNAP
 BROCK A. BENEDICT
 JOHN D. BETTERIDGE
 ALISON BLACK
 JOHN H. BODEN
 STEVEN A. BONDI
 ANTHONY C. BONFIGLIO
 HERMAN G. BOTERO
 BRYAN M. BOUCHER
 ALEXANDER W. BROWN
 CATHLEEN M. BROWN
 SARAH L. BROWN
 CHARLES C. BROY
 SAMUEL E. BURKETT
 REBECKAH J. BURNS
 TRAVIS C. BURNS
 CRAIG M. BUSH
 AARON K. BUZZARD
 ROBERT W. BYRNE
 MICHAEL S. CAHILL
 KENYA K. CAIN
 AARON W. CAMPBELL
 JASON A. CANNELL
 ERNESTO CARDENAS
 BARBARA A. CARR
 BRIAN J. CARR
 XIAOLU W. CARTER
 LAUDINO M. CASTILLO ROJAS
 MATTHEW S. CHAMBERS
 MOSES H. CHENG
 JASON N. CHIU
 DONALD O. CHRISTENSEN
 JASON C. CLARK
 KYRA R. CLARK
 CHRISTOPHER D. COLLINS
 MARCUS H. COLYER
 ROBERT J. CORNFELD
 JONATHAN R. COYLE
 MARK S. CRAIG
 STEVEN H. CRAIG
 CHRISTOPHER B. CROWELL
 JEANNE Y. CUBANSKI
 PETER L. CUFF
 KEVIN L. CUMMINGS
 PETER A. CUNIOWSKI
 MICHAEL D. DANN
 ANDREW S. DAVIS
 JASON A. DAVIS

RACHEL S. DAWSON
 RYAN H. DEBOARD
 MARY G. DEIGHTON
 DAVID A. DJURIC
 DAVID M. DOMAN
 MATTHEW L. DRAKE
 ERIN B. DRIFMEYER
 WILLIAM J. DUNLAP
 ELIZABETH A. DURBIN
 MATTHEW J. ECKERT
 CHAD P. EDWARDS
 BRIAN P. EGLOFF
 RAYMOND F. ELSAYED
 WILLIAM L. ENSLOW
 KRISTIN E. ERICKSON
 ALEXANDER J. ERNEST
 NAJAM G. FASIH
 MICHAEL D. FAVERO
 MASSIMO D. FEDERICO
 RICHARD A. FERGUSON
 KATHLEEN E. FINDLAY
 CHRISTOPHER J. FOSTER
 DORI M. FRANCO
 MICHAEL G. GARVEY
 SUSAN A. GEORGE
 MATTHEW D. GIVENS
 AMY GOOLD
 CHRISTINE M. GOULD
 EMIL T. GRAF
 DAVIS Y. GRAY
 ARTHUR F. GUERRERO
 KAREN T. GUERRERO
 KARA M. HACK
 JORDAN M. HALL
 BRANDON G. HAMILTON
 JANICE N. HAMMOND
 TRISTAN M. HARRISON
 ROBERT S. HART
 NATHAN E. HARTVIGSEN
 JASON S. HAWKSWORTH
 JONATHAN D. HEAVEY
 JODY N. HEFNER
 MELVIN D. HELGESON
 JEREMY S. HELPHENSTINE
 ERIK L. HERMSTAD
 CHRISTOPHER C. HIGGINS
 HEATHER L. HIGGINS
 CHRISTOPHER C. HILLS
 HIEU HOANG
 MONICA A. HOFFMAN
 THOMAS N. HOFFMANN
 LUKE J. HOFMANN
 SUZANNA N. HOLBROOK
 KATHLEEN C. HOLST
 JOHN D. HORTON
 SARAH M. HOWELL
 STEVEN J. HUDAK
 LIEN T. HUYNH
 WILLIAM HWANG
 SEYED A. JALALI
 BRUCE L. JAMES
 GREGORY K. JENSEN
 SANTIAGO JIMENEZ
 BRYAN M. JOHNSON
 ERIK R. JOHNSON
 KENNETH JOHNSON
 OWEN N. JOHNSON
 RYAN JOHNSON
 NATHAN D. JONES
 TRACI L. JONES
 ANDREW KAGEL
 WHITNEY L. KALIN
 SHAWN M. KAPOOR
 WHERLEY J. KECK
 JOREN B. KEYLOCK
 MICHAEL J. KILBOURNE
 ESTHER KIM
 JOHN H. KIM
 RIRA J. KIM
 YOUNG W. KIM
 MEGAN K. KLOETZEL
 JAMES C. KNEFF, JR.
 RAJA KOLLI
 BENJAMIN L. KREPPS
 JENNIFER B. LABAHN
 NICHOLAS J. LANGE
 RYAN J. LARSON
 BROOKS T. LASELLE
 TAMARA D. LAWSON
 STEVEN C. LEWIS
 TRAVIS R. LIDDELL
 DAVID S. LIDWELL
 TERRENCE LILLIS
 JEFFREY R. LIMJUCO
 JEFFREY R. LIVEZEY
 JEREMIAH LONG
 ROMARIUS L. LONGMIRE
 ADAM M. LUKASIK
 APRIL E. LYNCH
 FRANZ J. MACEDO
 ANDREW W. MACK
 JUSTIN J. MADILL
 EDWARD W. MALIN IV
 ANANTHA K. MALLIA
 ERIK S. MANNINEN
 ROGER K. MANSON
 BRIAN P. MARKELZ
 PETER G. MATOS
 JOSEPH W. MAY
 TARA L. MAZZA
 CHRISTOPHER S. MCGUIRE
 ALEX J. MCKINLAY

July 15, 2009

CONGRESSIONAL RECORD—SENATE, Vol. 155, Pt. 13

17831

DANIEL F. MCLAUGHLIN
BRIAN C. MCLEAN
MEGAN M. MCPHEE
GEORGE J. MEYERS IV
TODD R. MILLER
ELISABETH H. MITCHELL
CLIFTON C. MO
MARIA M. MOLINA
DAVID MOSER
MICHAEL J. MULCAHY
PATRICK D. MUNSON
AARON D. NELSON
DAYNE M. NELSON
PHU T. NGUYEN
KENNETH NICKLE
SARAH E. NILES
KIMBERLEY NJOROGE
ANTHONY A. NOYA
LARA B. NUNEZ
ANTHONY J. OLIVA, JR.
SUSAN P. OPAR
CANDELARIA B. OSORIO
VICTORIA OTA
ANDREA S. OTTO
JOSHUA C. PACKARD
INGRID PACOWSKI
BENJAMIN N. PALMER
PATRICIA J. PAPADOPOULOS
JISOO PARK
CALVIN W. PARKER
STEPHEN PATTEN
CARL R. PAVEL
JONATHAN PEDERSON
JENNIFER H. PERKINS
MICHAEL P. PERKINS
MICHAEL D. PERREAULT
JASON T. PERRY
JAMES PHILLIPS
BRIAN L. PIENKOS
ANTHONY R. PLUNKETT
JAMES M. POSS
SAMUEL L. PRESTON III
LISA K. PRINCE
NADER Z. RABIE
JEREMY T. REED
MALDONADO A. REED
SEAN C. REILLY
WALDEMAR L. RIEFKOHL
KIMBERLY I. RIENIETS
AMBER E. RITENOUR
JOSHUA S. RITENOUR

PAUL C. ROBINSON
NORBERTO RODRIGUEZ, JR.
JARRET E. SANDS
RHIANA D. SAUNDERS
SEBASTIAN R. SCHNELLBACHER
HAROLD L. SCHWAB
KEVIN J. SCHWECHTEN
DAVID C. SEMERAD II
ALCARIO SERROS III
DANIEL C. SESSIONS
CHRISTINE D. SHARKEY
JEFFREY E. SHERWOOD
JARETT T. SKINNER
BENJAMIN H. SMITH
CHRISTIAN L. SMITH
GEORGE J. SMOLINSKI III
CYLBURN E. SODEN
VANCE Y. SOHN
MATTHEW SPRINGER
BRONWYN R. STALL
RODERICK V. STARKIE
BRAD Q. STARLEY
MICHAEL P. STAUFF
CHRISTINA M. STAVITSKY
SHANNAH L. STEEL
THEODORE R. STEFANI
JOHN STEPHENSON
IFEYINWA A. STITT
NAOMI E. SURMAN
STEPHANIE T. SUSSKIND
ESTHER TAN
DANIEL J. TOLSON
MARK R. TOMASULO
PATRICK H. TRACY
SCOTT T. TREXLER
JUSTINE E. TRIPP
CHRISTOPHER J. TUCKER
MICHELLE S. VAL
SCOTT D. VANDERLEEST
LESLIE A. VANSCHAAK
EVELYN R. VENTO
AMY E. VERTREES
PETER VICKERMAN
WILLIAM WASHINGTON
JOSHUA T. WATSON
MAURA WATSON
BRUCE M. WEAVER
THOMAS A. WEBSTER
ERIC J. WHITMAN
SCOTT A. WHITWORTH
SCOTT G. WILLIAMS

SCOTT L. WILLIS
AARON L. WILSON
AIMEE WILSON
JUSTIN N. WILSON
NOUANSY K. WILTON
AGNIESZKA O. WOJCIEHOWSKI
DAVID A. WONDERLICH
KIMBERLY J. WONDERLICH
JOSEPH V. WOODRING
YANG XIA
THOMAS L. ZICKGRAF

DISCHARGED NOMINATIONS

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

CHARLES F. BOLDEN, JR., OF TEXAS, TO BE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

LORI GARVER, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, July 15, 2009:

NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION

CHARLES F. BOLDEN, JR., OF TEXAS, TO BE ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

LORI GARVER, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

HOUSE OF REPRESENTATIVES—Wednesday, July 15, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ALTMIRE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 15, 2009.

I hereby appoint the Honorable JASON ALTMIRE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Gary Hashley, Calvary Memorial Church, Gering, Nebraska, offered the following prayer:

Almighty God, David, the beloved Psalmist and great King of Israel wrote, "Show me Your ways, O Lord; teach me Your paths. Lead me in Your truth and teach me, for You are the God of my salvation; on You I wait all the day."

Father, today I echo King David's thoughts for all Americans, but especially for these, our elected Representatives. Please show us what we need to see, teach us what we need to know, and lead us where we need to go as individuals and as a Nation. I acknowledge publicly that You are God and that all of us who are blessed to live in this great country need to wait on You, and to seek Your face today and every day.

Please, Father, guide the work done in this room and make Your presence known. I ask this in Jesus' name.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Louisiana (Mr. FLEMING) come forward and lead the House in the Pledge of Allegiance.

Mr. FLEMING led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING PASTOR GARY HASHLEY

The SPEAKER pro tempore. Without objection, the gentleman from Nebraska (Mr. SMITH) is recognized for 1 minute.

There was no objection.

Mr. SMITH of Nebraska. Mr. Speaker, I rise in honor of today's guest chaplain, Pastor Gary Hashley. He is joining us from my hometown of Gering, Nebraska, where he serves the congregation at the Calvary Memorial Church. Pastor Hashley's journey began in Michigan, where he graduated both from high school and the Grand Rapids School of the Bible and Music.

Over the years, he has served communities as diverse as Kalamazoo, Michigan, and LaGrange, Wyoming, before settling in Nebraska. It is an honor to be here with him today.

For 30 years, Pastor Hashley's service has had a profound impact on his community. He has led efforts to feed the poor, to spread his faith to those in need, and has even been active with local 4-H councils. I thank Pastor Hashley for his dedication, leadership, and service to our community and for his words of faith this morning.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

AFFORDABLE HEALTH CARE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Americans want quality, affordable health care. Fifty million Americans are uninsured. H.R. 3200 will still leave 17 million Americans uninsured. Now, how is that possible? Because it keeps in place a for-profit insurance system which siphons off at least \$400 billion every year which could be used to make sure all Americans, not just most Americans, receive quality health care.

H.R. 3200 will not solve the problem of underinsurance. Sixty percent of all bankruptcies in America are due to people not being able to pay hospital bills. Of those, 80 percent are insured. People just can't afford the rising pre-

miums, copays, and deductibles which are the basis of insurance company profits.

The only way to break the insurance companies' hold on our system is to guarantee affordable, quality health care to all Americans through a universal single-payer, not-for-profit health care system.

DEMOCRATS SHOULD STOP THE SPIN ON THE ECONOMY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Democrats should stop trying to spend the results of their economic borrowing program. Despite what the Obama administration has said, the 2,600,000 Americans who have lost jobs since January is a clear sign that their Recovery Act has not done its job. Instead of more rhetoric, Democrats should work with Republicans to put in place commonsense proposals that will rein in the wasteful spending and focus on job creation.

Our economy will grow strong again thanks to individuals and small businesses that create the majority of jobs in this country. It will not be due to the billions in Big Government borrowing perpetrated by this administration. We should focus our time on helping small businesses grow and provide relief to those who are suffering during these tough economic times.

Republicans have offered a plan to do just that, and we will do so without adding trillions in additional Big Government, liberal spending, and actions such as the new health care taxes that will destroy jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

ACCESS TO HEALTH CARE FOR EVERY AMERICAN

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, we have a critical role in reviewing the specific details of health care reform. Access to health care is something we owe to every American family across this Nation. Everyone should have coverage. Everyone should have access.

There is no question that we must have comprehensive reform to our health system. Critics to reform are

failing to get the message and only talk about rhetoric. Doing nothing for a broken system is not the answer. They do not understand the fear and devastation families face while on trips to the emergency room. They do not understand the severe ramifications faced by families when they receive the doctor's bill or hospital bill.

Families must have access to health care. Never again will you have coverage be denied. Never again will you have to make a decision between life or job decision based on coverage.

I urge my colleagues to support comprehensive health reform.

TAXPAYER DOLLARS SHOULD NOT FUND ABORTIONS

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, as it stands now, the Democrat health plan equals taxpayer-funded abortions. Let me repeat that. As it stands now, the Democrat health plan equals taxpayer-funded abortions.

If unamended, the Obama health plan restructuring will be the most massive abortion expansion since *Roe v. Wade* and every insurance premium payer and every taxpayer will be forced to pay for every abortion. The taking of innocent life is not health care. I know; I'm a physician. Yet, without an abortion exclusion, this reform bill will be the platform for thrusting abortion into every aspect of health care in this country.

The Secretary of HHS and the so-called Benefits Advisory Committee will determine the specific mandated services. Abortion will be included in the minimum benefits unless it is excluded, and the Democrats refuse to do that.

This bill does an end run on current abortion funding restrictions by containing language that both authorizes and appropriates.

IMPROVING HEALTH CARE FOR AMERICANS

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, we have an historic opportunity to finally improve health care in America, to finally bring access and quality of care to all Americans, not just the lucky few.

I'm so proud to support the bill introduced by the three committees of jurisdiction and to play my part in seeing us pass legislation in both the House and Senate before the August recess. What's great is that there is something for everyone here. There is affordable access to coverage for people who've never been insured before; there is help

for seniors stuck in the dreadful part D doughnut hole; there are consumer protections against longstanding egregious practices by insurance companies; there is amazing investment into our health care workforce, including physicians, nurses, and allied health professionals; and there is finally an incentive to practice wellness-based health care instead of illness-based disease treatment.

I urge all of my colleagues to join me in passing America's Affordable Health Choices Act and enacting the health care reform our constituents so desperately need and Americans deserve.

AUTOMATIC ENROLLMENT IN GOVERNMENT-RUN HEALTH CARE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, as we debate the best way to reform our health care system and ensure that all Americans have access to quality health care, some Members of Congress insist that a government-run option must be included. Yet, in one proposal, Members of Congress are curiously exempt from the public plan.

For those who are convinced that government-run health care won't sacrifice quality and won't lead to rationing, I back a resolution saying that if a Member of Congress votes to support the public option, then that Member must be automatically enrolled in it. If Members are convinced that the government-run public option will deliver the same quality of care as their congressional health plans, then they ought to be the first in line to enroll.

Members of Congress should stop asking the American people to make sacrifices they are not willing to make themselves.

HEALTH CARE SYSTEM REFORM

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, today I rise to speak of the pressing need to fix our health care system. Every day, Americans not only worry about getting well, but whether they can afford to get well or stay healthy. They are not the only ones who worry. All too often small businesses are forced to choose between coverage or layoffs.

We have the most expensive health system care in the world, spending almost 50 percent more per person on health care than the next most costly nation; yet we're not healthier for it.

Mr. Speaker, I am glad that Congress and the President are working together on a plan to reform our health care system, a plan that will reduce costs, provide choices, and guarantee affordable quality health care for all. We

must act now, for it is evident that the status quo is simply not working.

WHERE IS THE WEB SITE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, when Congress passed the \$787 billion so-called stimulus bill, the White House promised to set up a Web site where people could go to learn how the money was being spent. Recovery.gov has since been criticized for how long it took to get going and how forthcoming it has been with the information people need; yet it seems doubtful that what critics had in mind was an \$18 million overhaul. That's exactly what this administration is planning.

The General Services Administration, the agency that manages Federal Government property, announced Wednesday that \$18 million in additional stimulus funds is being spent to redesign the recovery.gov Web site. A cost estimate from www.designquote.net makes the \$18 million figure even more outrageous. According to the site, the top-end estimate for a premium Web design from a professional firm flush with all of the bells and whistles comes out at \$192,740.

One has to wonder what the other \$17,807,260 in taxpayer money will be used for.

NO DISCRIMINATION IN HEALTH CARE

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, today, much of the conversation is about the health care system. It's a very personal matter to me, as it is to every man, woman and child in American. I have a daughter with epilepsy. She is not insurable. We have a system in place today that denies her coverage, that excludes her from coverage. That's wrong, and it's probably unconstitutional under the 14th Amendment to the United States Constitution.

There should not be discrimination in health care. There shouldn't be denial of coverage because of a pre-existing condition. We need to change the system that exists so that there is coverage for all Americans with chronic illness and the like.

The bill that we have in Congress will change that coverage, ladies and gentlemen, and I urge its passage.

□ 1015

SOCIAL SECURITY EXECS HAVE FUN AT THE BILTMORE HOTEL

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Social Security Administration executives recently enjoyed a luxury retreat at the expense of the American taxpayer. They flew 700 of their managers to the picture perfect, swanky Arizona Biltmore Hotel for what they called "organizational training."

It cost the taxpayers \$750,000. These bureaucrats enjoyed golf, musical entertainment, dancing, skits, catered food, cocktails and even a casino night. Sounds like a vacation for the rich and famous.

Meanwhile, seniors are worried about even getting their monthly Social Security checks.

There was a near riot when taxpayers found out AIG spent half that amount for their luxury retreat by using taxpayer bailout money. But the Social Security spokesman, Peter Spencer dismissed the comparison with AIG by saying, Well, it's different taxpayer money. I'm glad he cleared that up for us.

The arrogance of the Social Security execs to be jet-setting around the country, going to a luxury spa, and then making people paying into Social Security pick up the \$750,000 tab is disgraceful. I guess the spendacrats never heard of teleconferencing or even the Motel 6.

And that's just the way it is.

THE PUBLIC HEALTH INSURANCE OPTION—CONTROLLING SKYROCKETING HEALTH CARE COSTS

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, yesterday we had the historic introduction of our health reform act. This bill is going to fundamentally improve care for Americans, for people that have insurance but also for people that don't.

Importantly, this legislation includes a robust public health insurance option. The cost of health care insurance is just too high for people that have it and businesses that are paying for it, and the public health insurance option is going to be one of our most effective ways to bring the cost of insurance down.

Don't take my word for it. Take a study by the Commonwealth Fund that shows that premiums for individuals can be reduced by 25 percent by the pressure put on private insurers by a public health insurance option. That's why studies show that 70 percent to 80 percent of Americans want the option to purchase a public insurance option because it will lower their costs, both as individuals and as employees of businesses throughout this country who are paying far too much for health care.

Mr. Speaker, I encourage us to take a serious look at a very, very important

health care bill that's been introduced before us.

DEMOCRAT HEALTH REFORM

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, yesterday House Democratic leadership held a press conference to introduce their health care reform legislation. As a physician who has practiced medicine for more than 30 years, I have major concerns that this plan will ultimately put a government bureaucrat in between patients and their doctors and eventually lead to a one-size-fits-all health care system where the government decide what treatments are necessary for patients. When money gets tight, this leads to rationing of care and long waiting lists for patients. We've already seen the pilot of this program. It's called TennCare. Just ask the Democratic governor of Tennessee what it's done to the budget in their State.

I want to read just a sentence of testimony from a Canadian doctor who has seen firsthand the consequences of a single-payer system on his patients.

"What we have in Canada is access to a government state-mandated wait list. And the wait lists are long, the patients are languishing and suffering on wait lists. Our own Supreme Court of Canada has stated that patients are actually dying as they wait for care in Canada."

Mr. Speaker, this is not the sort of health care reform that the American people want or need.

MENTAL HEALTH PARITY IN HEALTH CARE REFORM

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, anyone ever heard the expression, "the proof is in the pudding"? Well, when the private health insurance companies found out that there may not be a government option, you know what happened to the health insurance stocks on Wall Street? They went through the roof. Profits skyrocketed because, you know why? The health insurance companies make money off of the consumers when they don't have competition, when they're able to cut your health care and make profits out of denying you health insurance. That's how the private marketplace makes money, by denying you health care. They only want to cover the healthy and well.

We have the government option, the public option, to guarantee the American people that they get the health care that they paid for. ***

We're on the side of the American people. We want to protect the people

so that they can get their health care, irrespective of a preexisting health care condition.

I'm proud that this health care plan covers all preexisting conditions, including mental health parity as covered by the Mental Health Parity and Addiction Equity Act that was passed and signed by President Bush.

Mr. GOHMERT. Mr. Speaker, the words were just said that the Republicans, pointing over here, are bought and paid for. I would ask that those words be taken down.

The SPEAKER pro tempore. Members will suspend. The gentleman from Rhode Island has taken a seat.

The Clerk will report the words.

Mr. KENNEDY. Mr. Speaker, I did not mean to impugn the reputation of any individual Member. I was merely speaking about the party that was representing the insurance companies.

I ask unanimous consent to withdraw the words.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

Mr. GOHMERT. Mr. Speaker, I withdraw my request that the words be taken down since they are withdrawn and I appreciate my friend doing so.

The SPEAKER pro tempore. Without objection, the words are withdrawn.

There was no objection.

DON'T HURT LOW-WAGE EARNERS

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. I know we have disagreements on some of these issues and I know what the intent is of the Democratic-proposed health care bill. And I know the intent is not to hurt the lower-wage earner. But this bill that's being proposed is going to hammer employers with an 8 percent penalty if they don't provide health care.

Well, so they're going to turn around and provide health care because the people I know are saying, We're just hanging on. We've got these good workers. We don't want to lose them. So if I'm going to be penalized 8 percent, I'll have to provide health care; but I'm going to have to reduce their wages by the amount the health care costs. It may be \$5,000 or \$6,000.

And I'm begging my friends on the other side—this is my plea, Mr. Speaker—don't take \$5,000 or \$6,000 of wages from the lowest-wage earners right now. Don't force small businesses—and I know there is an exemption at the low end—but smaller businesses are still going to have to either lay people off, pay an 8 percent penalty, or take wages away.

Don't hurt our lower-wage workers.

HEALTH CARE IN AMERICA

(Mr. WEINER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. WEINER. You know, I would say to the American people who are watching the oncoming debate about health care that in many ways we already know what the two sides are—the Republican Party, the party that opposed the Medicare Act, opposed Social Security, opposed Medicaid. The Republican Party has made it very clear they're not only the Party of No; they're the party of ignoring the problems of the middle class and those struggling to make it.

The Democratic Party, the party that is producing this legislation, is the party that has again and again said, We're going to step up to the challenges facing this country.

Now, if you believe that we are spending just the right amount, that we're not spending too much money on health care, you're alone, because I think we're spending trillions upon trillions of dollars more than we need to. If you think that the hundreds of billions of dollars people are paying for out-of-pocket is just right, then you probably want the Republican Party's plan, which is to do nothing.

But the Democratic Party under the leadership of FRANK PALLONE and Barack Obama and others are saying, We're going to try to solve this problem. You know why? Because that's what we do. That's what Democrats do.

Now the Republican Party doesn't do that. They say, No, no, no. But we have a problem. If you want choice, if you want affordability, and if you want health care for your family, you're going to get it with the Democratic Party, not with the Republican Party.

SPEND, SPEND, SPEND

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. The last speaker just talked about what the Republicans want to do. Well, what the Democrats want to do is spend, spend, spend. And I gave a little math lesson yesterday, and I'd like to revisit that today, Mr. Speaker.

You know, we talk about millions of dollars and we talk about billions of dollars and we talk about trillions of dollars. The more you hear those words, they just become words, and you don't realize how much money that is.

A million seconds equals a little over 11 days. A billion seconds is 31 years and 8 months. A trillion seconds is 31,710 years. If I gave you \$1,000 a second, it would take me 31.7 years to give you \$1 trillion at \$1,000 a second.

We're not the Party of No. We're the party of doing what we can afford. The Democrats are the party of throwing money at any problem that comes about, with no regard to what it's costing the American taxpayer.

TAKING CONTROL OF SKYROCKETING COSTS

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, any meaningful attempts to create long-term, sustainable health care reform must begin by taking control of our skyrocketing costs. That means we must get serious about combating obesity, a preventable disease that costs this country \$117 billion. To that end, I have introduced two pieces of legislation.

The first bill is called the Obesity Treatment and Wellness Act of 2009, which addresses the fact that half the costs associated with obesity are paid through Medicare and Medicaid. My legislation directs Medicaid to pay for nutrition counseling, which can effectively treat this disease.

My second bill, the Healthy Communities Act of 2009, sets up a 5-year public-private community grant program to encourage a community approach to promoting wellness and fighting obesity.

Mr. Speaker, only when we make wellness a major component of our reform efforts can we expect to get control of costs. I urge my colleagues to join me in this effort to ensure quality, affordable health care that works for all Americans.

HIGH-QUALITY, AFFORDABLE HEALTH CARE CHOICES

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, opponents of health care reform have tried for months to attack our efforts to bring high-quality, affordable care to all Americans. Their favorite scare tactic has been to allege that a public option will somehow lead to a "government takeover" of health care. This could not be further from the truth.

Under the plan we introduced yesterday, the CBO projects that just 3 percent of Americans will be enrolled in the public plan once it is fully implemented, hardly a government takeover. In fact, the CBO estimates that employer-provided plans will have millions of new enrollees under the legislation and that most of those Americans using the health care exchange will choose private insurance for their coverage.

This is a uniquely American solution that combines the best of the public and private sectors to bring some much-needed competition to the health care marketplace, giving American families the peace of mind of knowing they will always have high-quality, affordable health care choices.

AMERICAN SOLUTIONS FOR AMERICAN HEALTH

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, we urgently need to fix the health care system for American families. Every day, Americans worry not simply about getting well, but whether they can afford to get the kind of health care they need. For American businesses, soaring health care costs put American companies at a competitive disadvantage in a global economy. For our fiscal future we have the most expensive health care system in the world.

We're emphasizing cost, choice, security, and quality. We want a policy that costs less, covers more, and is quality. Your choice. You have it. If you like it, you keep it. For security and peace of mind, for quality patient-centered care, we want American solutions for American health.

MOTION TO ADJOURN

Mr. GINGREY of Georgia. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. GINGREY of Georgia. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 23, nays 361, not voting 48, as follows:

[Roll No. 537]

YEAS—23

Bartlett	Gingrey (GA)	Shadegg
Barton (TX)	Gohmert	Souder
Blackburn	Hensarling	Spratt
Broun (GA)	Johnson (IL)	Thornberry
Campbell	King (IA)	Tiahrt
Chaffetz	Olson	Westmoreland
Flake	Pence	Young (AK)
Garrett (NJ)	Price (GA)	

NAYS—361

Abercrombie	Blunt	Capps
Ackerman	Bocchieri	Capuano
Aderholt	Boehner	Carnahan
Adler (NJ)	Bonner	Carney
Akin	Boozman	Carson (IN)
Alexander	Boren	Carter
Altmire	Boswell	Castle
Arcuri	Boucher	Castor (FL)
Austria	Boustany	Chandler
Baca	Boyd	Clarke
Bachmann	Brady (PA)	Clay
Bachus	Brady (TX)	Cleaver
Baird	Braley (IA)	Clyburn
Baldwin	Bright	Coble
Barrett (SC)	Brown (SC)	Coffman (CO)
Barrow	Brown, Corrine	Cohen
Bean	Brown-Waite,	Cole
Becerra	Ginny	Conaway
Berkley	Buchanan	Connolly (VA)
Berman	Burgess	Cooper
Berry	Burton (IN)	Costa
Biggert	Buyer	Costello
Billbray	Calvert	Courtney
Billirakis	Camp	Crenshaw
Bishop (NY)	Cantor	Crowley
Bishop (UT)	Cao	Cuellar
Blumenauer	Capito	Culberson

Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Issa
Jackson (IL)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirkpatrick (AZ)

Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel E.
Lynch
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts

Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Rothman (NJ)
Roybal-Allard
Royce
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Stearns
Stupak
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—48

Andrews
Bishop (GA)
Bono Mack
Butterfield
Cardoza
Cassidy
Childers
Conyers
Cummings
Davis (TN)
Dicks
Doyle
Ehlers
Engel
Gordon (TN)
Grijalva
Gutierrez

Higgins
Inslee
Israel
Jackson-Lee
(TX)
Kirk
Larsen (WA)
Lowey
Mack
Marchant
McCaul
McDermott
McGovern
McHugh
Mollohan
Paul
Platts

Rogers (AL)
Ross
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Schock
Schrader
Serrano
Sestak
Smith (NJ)
Stark
Sutton
Wasserman
Schultz
Young (FL)

□ 1054

Mrs. DAVIS of California and Mr. FRANK of Massachusetts changed their vote from “yea” to “nay.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 3183, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 645 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 645

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 63, line 12. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendments printed in part A of the report of the Committee on Rules accompanying this resolution; (2) not to exceed one of the amendments printed in part B of the report of the Committee on Rules if offered by Representative Campbell of California or his designee; (3) not to exceed six of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; and (4) not to exceed three of the amendments printed in part D of the report of the Committee on Rules if offered by Representative Hensarling of Texas or his designee. Each such amendment may be offered only in the order printed in the report, may be offered

only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After disposition of the amendments specified in the first section of this resolution, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 3183, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

SEC. 5. House Resolution 618 is laid on the table.

□ 1100

POINT OF ORDER

Mr. FLAKE. Mr. Speaker, I raise a point of order against consideration of the rule because the resolution violates section 426(a) of the Congressional Budget Act.

The resolution contains a waiver of all points of order against consideration of the bill, which includes a waiver of section 425 of the Congressional Budget Act which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Arizona and a Member opposed each will control 10 minutes of debate on the question of consideration.

After that debate, the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Speaker, we are going through an appropriations process. We will do two bills this week. Traditionally, appropriations bills have been open rules. They come to the floor. Members are allowed to offer as many amendments as they wish—striking funding, moving funding around, making a policy point. That has been the tradition of this House.

It is sometimes pointed out that it hasn't always been this way, that the appropriations bills haven't always been open, and that there is no reason why they should be. Yet I would remind the House, Mr. Speaker, that, over the past 20 years, we've gotten into a practice of loading up and larding up these appropriations bills with all kinds of congressionally directed spending.

The chairman of the Appropriations Committee likes to say that, when he chaired the Appropriations Committee in 1992, when the Labor-HHS bill came through, there was not one congressional earmark, not one. That's less than 20 years ago. There was not one congressional earmark. I think, in the past couple of years, there have been upwards of 2,500 earmarks in that bill. In the bill that we'll address today, the energy and water bill, there are literally hundreds of earmarks.

Now, one would like to think that the Appropriations Committee would vet these earmarks, would actually check them out to see if they're meeting Federal purpose, if money is being wasted, if it, maybe, looks bad and looks like it's tied to campaign contributions or whatever, but they don't. They don't have the time or the resources or, perhaps, the inclination to do so, so all we have is this forum here on the floor. When you bring an appropriations bill to the floor under a closed rule or a restricted rule—a structured rule—and deny Members the ability to offer amendments, then you've shut down this place in a way that is simply not right.

For this bill, there were 103 amendments submitted. Now, because you have to pre-file your amendments, a lot of Members will submit more amendments than they intend to offer on the floor just to protect their place. So the majority party knows that we would never have offered 103 amendments on the floor. We won't have time to do it. We have done it in years past, but only 21 of these remained in order—78 Republican amendments were submitted, and only 14 were made in order.

The gentleman from Georgia, to whom I will yield 3 minutes, has been offering a number of amendments, and has not been able to have them made in order.

I yield 3 minutes to the gentleman from Georgia.

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

Mr. Speaker, as my colleagues on both sides of the aisle know, I just

called previously for a motion to adjourn this body. I don't typically do dilatory motions. I think my colleagues on both sides of the aisle know that. What, Mr. Speaker, I am trying to say to those who are now in charge of this body—Speaker PELOSI, Majority Leader HOYER, the chairman of the Rules Committee—is, look, as the gentleman from Arizona has pointed out, you have taken away so many opportunities—not, indeed, all of the opportunities—for the minority to represent their constituencies. Those constituencies are close to 700,000 people in all of our districts across this country, and we don't have this opportunity, particularly on these very important appropriations bills—on these 12 spending bills—which, after all, are probably one of the two most important things that we as Members of the legislative branch are charged constitutionally to do year after year after year.

I commend the majority for wanting to get the work done and for wanting to have all of that done by the end of the fiscal year. It's insanity not to do that, but we can do it in an open way, as the gentleman from Arizona has pointed out. Going back to the fairness that you all called for when you were campaigning so hard in the fall of 2006, you gained the majority, to a large extent, on that kind of a platform and on that kind of a pledge. So this is wrong, and this is why we're making these points.

Mr. FLAKE. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California on the point of order.

Ms. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Technically, this point of order is about whether or not to consider this rule and, ultimately, the underlying bill. In reality, it is about trying to block this bill without any opportunity for debate and without any opportunity for an up-or-down vote on the legislation, itself.

I think that is wrong, and I hope my colleagues will vote to consider this important legislation on its merits and not stop it on a procedural motion. Those who oppose the bill can vote against it on final passage. We must consider this rule, and we must pass this legislation today.

I have the right to close, but in the end, I will urge my colleagues to vote "yes" so that we can consider the rule and get down to doing the business of the American people.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman has 6½ minutes remaining.

Mr. FLAKE. Mr. Speaker, I realize that this is an unfunded mandates point of order that has been raised.

This is not unfunded mandates we're talking about here. Unfortunately, this is about the only way we can get time to actually talk about this rule at sufficient length.

As to the way that these appropriations bills are being shut down for Members and when the gentlelady said that this bill should be voted on according to its merits, the problem is there were dozens and dozens of meritorious amendments that were submitted to the Rules Committee. The fact that they actually had to be submitted tells us we've got some problems here because, as I mentioned, appropriations bills have traditionally been open, but meritorious amendments have been submitted, and only a few have been allowed.

Now, I happen to have six, I believe, allowed in this bill, and I know full well the game here. I offer limitation amendments on earmarks. The majority party knows full well that earmarking is a bipartisan addiction and that the process of logrolling takes effect and that my amendments are defeated routinely. So they can throw me a bone here and there, and that's fine. I understand that. Still, we need to raise these issues. Let me tell you why.

This was in the Washington Post today, and you can look yesterday in Roll Call or in The Hill from the day before. Virtually every day there is a news story about earmarks having gone awry. This one in particular talks about defense earmarks, that there are some individuals in the lobbying community and in the defense community who have pled guilty to taking earmarks from this body and to spreading them around to several contractors who didn't do the work that they promised to do. Some actually took kickbacks for the earmark money they distributed. These were earmarks that were supposedly vetted by the Appropriations Committee, but we know that the Appropriations Committee doesn't have the time or resources to vet these earmarks.

We're going to be doing a defense appropriations bill in just a couple of weeks. We've allowed one day for that bill to be on the floor, and if history holds, only a couple of amendments will be allowed, particularly amendments to strike earmarks. If on this floor we are not going to challenge these earmarks, where are we going to do it?

They're not doing it in the Appropriations Committee. From sad experience, we know that. Over the past several years, the chairman of the Appropriations Committee has said they don't have the time or the resources to adequately vet these earmarks, so we have two choices. We ought to have two choices. Either strike the earmarks and not bring the bill to the floor with congressional earmarks in there or have proper time to vet them on the floor. Or simply say that we're

not going to allow them at all until we get this process fixed. Instead, what we've chosen to do is to cover up the process and to pretend that there is no problem here and to simply limit the number of amendments that can be offered on the floor and hope that nobody notices, that nobody sees.

What happens when nobody sees—last year, for example, we weren't allowed to offer any amendments on the floor. The defense appropriations bill was offered as part of a "minibus", and no amendments were offered at all. Then we get stories like this. Let me just quote one paragraph from this story:

It really puts a fine point on the murky unaccountable web that exists around earmarks, said Steve Ellis of the watchdog group Taxpayers for Common Sense. These earmarks, because there is very little accountability, provide a petri dish for corruption.

Certainly, that is what we've seen over the past several years, but we are not allowing adequate time on the floor to vet what will be likely over 1,000 earmarks or close to it—if there are not 1,000, there will be several hundred—in the defense bill that's going to be coming up.

What is worse is that hundreds of these earmarks that will be in the defense bill will be given to companies whose executives will turn around and will write large campaign contributions to the sponsor of the earmark in the bill. So, essentially, we are earmarking for our campaign contributors.

I think we should all agree that, if there are earmarks in this body, they certainly shouldn't be going to those who can turn around and can then make a campaign contribution directly back to them. To give a Federal appropriation a no-bid contract—and that's what earmarks are, particularly in the defense bill, no-bid contracts—to somebody who can turn around and write a campaign contribution right back to you is wrong.

What makes it doubly wrong is that now, in the House, we are going to tell Members you can't even challenge those earmarks on the floor because we're going to limit you to three or four amendments. Choose them. That's it. That, Mr. Speaker, is wrong. We can't continue to do that. People say that, outside of the Beltway, nobody cares about process. That may be true, but take it from somebody who was in the majority and who is now in the minority: Bad process yields bad results, and it will catch up to you sooner or later. What is worse is that what we're doing, particularly with earmarks in the defense bill, reflects poorly on this House.

□ 1115

The cloud that hangs over this body rains on Republicans and Democrats

alike; and we ought to stand up to the institution and say, We think more of this institution than that to have this cloud out there. So I would plead with everyone, Mr. Speaker, to not proceed with bills like this which don't allow Members to offer amendments on the floor, the amendments that are meritorious, that are not trying to slow down the process. They are simply trying to improve the bill.

With that, I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, again I want to urge my colleagues to vote "yes" on this motion to consider so that we can debate and pass this important piece of legislation today.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Ms. MATSUI. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, my friend Mr. DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

I yield myself as much time as I may consume.

GENERAL LEAVE

Ms. MATSUI. I also ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on House Resolution 645.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, House Resolution 645 provides a structured rule for consideration of H.R. 3183, the Energy and Water Development Appropriations Act for fiscal year 2010. The resolution provides for 1 hour of general debate controlled by the Committee on Appropriations.

Mr. Speaker, I first want to thank Chairman OBEY as well as Mr. PASTOR and Mr. VISCLOSKEY for their work on this bill. They have been tireless advocates for vital funding in this legislation which truly meets the needs of a number of important areas from our water infrastructure to our national energy policies. Specifically, the bill provides \$5.5 billion for the Corps of Engineers, which is \$139 million over 2009 levels. For my constituents, this funding is more than just numbers. It is a matter of survival. My district sits at the confluence of two great rivers, the Sacramento and the American. The Sacramento is considered to have the highest flood risk of any major metropolitan city in the United States. Almost a half million people, 110,000 structures, the capital of the State of

California and up to \$58 billion are at risk of flooding in my district alone. The Federal investments in this legislation for the Corps of Engineers directly benefits not only my constituents but the capital of the eighth largest economy in the world. Vital funding will strengthen levees along the American and Sacramento Rivers, levees which keep my constituents safe every single day.

The bill also makes it possible for the Corps of Engineers to complete a GRR to protect the Natomas community in my district. Additional funds will go toward levee construction in south Sacramento, which will give that community 100-year protection. These are projects I have worked on throughout my career in Congress, and I am eager to see it move forward. Finally, this important appropriations bill will also invest in modifications to the joint Federal project to provide greater efficiency in managing flood storage in the Folsom Reservoir.

From the joint Federal project in Sacramento to the levee work in the Mississippi Delta to the coastal restoration in the southeast, this bill works to protect our communities and commits to a strong investment in our aging infrastructure. The legislation before us today builds on the job-creating work of the American Recovery and Reinvestment Act, which has already started to stem the tide of bad economic news. In April, \$10 million was invested in flood protection infrastructure in Bucks County, Pennsylvania. This project alone will create up to 200 quality American jobs in manufacturing and construction. In my district alone, the Recovery Act has invested \$21 million already in keeping my constituents' homes safe from floods and in keeping people in their jobs. The legislation before us today builds upon this positive record of infrastructure investment as a job-creating strategy. It will employ scientists to perform hydraulic studies, engineers to design levees and construction workers to move the dirt. When we rebuild our infrastructure, we rebuild our economy. The same is true for energy. When we invest in energy independence, we invest in our economic health. I strongly support the significant energy policies that this bill supports. Thanks to the congressional leadership in this House, our country is finally on the right track toward a clean energy future that will create jobs here at home and enhance our competitiveness abroad. Between the American Recovery and Reinvestment Act and the American Clean Energy and Security Act, this Congress has created a new day for our national energy policy.

The legislation contains \$1 billion to reduce our dependence on foreign oil and keep energy prices low. This funding will go toward research, development, demonstration and deployment

of energy technologies which will help our country become more energy independent. When I look to the future of the world economy, other countries are already investing in the clean energy technologies that will power the future. China, for example, doubled its wind power investment in 2008 and has made its intentions clear to become the world's leader in wind energy development. The legislation before us today represents a strong step that this House can take to compete with the Chinese.

This bill also looks toward the future and provides robust funding for both the Department of Energy and the Office of Science. It makes a commitment to support the advancement of innovative technologies by providing \$2.25 billion for energy efficiency and renewable energy. It also recognizes the importance of an efficient, reliable, secure and flexible transmission and distribution grid by increasing funding for electricity delivery and energy reliability to \$208 million, 52 percent above last year's level. Every increase for clean energy in this bill is a bet on the ingenuity of the American people to compete in a global marketplace where clean energy will drive investment for decades into the future. Just as every dollar invested in levees and other infrastructure in this bill is a down payment on the safety and security of communities, like my hometown of Sacramento, safety and security is what the legislation before us today is all about.

I strongly support the rule and the underlying legislation, and I urge my colleagues to do the same. Mr. Speaker, again, I want to thank Mr. OBEY and the committee for their work on this robust bill.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend, the gentlewoman from California (Ms. MATSUI) for the time, and I yield myself as much time as I may consume.

The underlying legislation, the Energy-Water Appropriations Act, provides over \$33.2 billion in funding for critical water projects. It helps to develop a cleaner, more dependable energy sector that is less dependent on unreliable sources of foreign energy. It also supports our national defense system by funding critical weapons and nonproliferation programs. The Water Resources Development Act of 2007, known as WRDA, authorized the deepening of the Miami Harbor to a depth of 50 feet. The underlying legislation follows up on that authorization with \$600,000 for the planning of the dredging project. Reaching a depth of 50 feet by the time that the Panama Canal expansion is completed in 2014 is of both local and national importance. Once the Panama Canal expansion is complete, a new class of supercargo car-

riers will be able to traverse the canal and will be looking for new deepwater ports to unload their cargo. However, there are very few ports in the United States ready to handle those carriers. Once Miami reaches the 50-foot depth mark, it will be the closest U.S. port to the Panama Canal that can handle the carriers and will serve as a vital entry point for international trade in and out of the United States. The ability of the Port of Miami to accommodate those carriers will double the amount of cargo the port is able to handle and will serve to cement Miami's position as the trade capital of the Americas. It will also create numerous high-paying jobs; and it will have an extraordinary impact, obviously, on the local economy.

The Florida Everglades is a great national treasure. The Everglades' combination of abundant moisture, rich soils and subtropical temperatures traditionally supported a vast array of species. Flood control and reclamation efforts in the 1940s and the 1950s manipulated the Everglades' hydrology, redirecting fresh water destined for the Everglades out to sea. Its ecosystem was also harmed by degraded water quality. Pollutants from urban areas and agricultural run-off, including pesticides and excess nutrients, have harmed plant and animal populations. The Comprehensive Everglades Restoration Plan, which I strongly support, will capture fresh water destined for the sea, the lifeblood of the Everglades, and direct it back to the ecosystem to revitalize it. At the same time the project will also improve water supplies, provide flood control for South Florida and protect wildlife. My colleagues in the South Florida delegation and I have worked closely with appropriators to secure funding for this important project. I'm thankful to my colleagues, and I am pleased the Appropriations Committee agreed on the importance of this project by appropriating \$210 million. I would like to thank Chairman PASTOR and Ranking Member FRELINGHUYSEN for their bipartisan work on the important underlying legislation that we're bringing to the floor today.

While I support the underlying legislation, I must oppose the rule by which the majority is bringing this bill to the floor. Last month the majority set a dangerous precedent to limit debate on appropriations bills, debate that, historically, was almost always considered under an open rule, an open process of debate. Today, Mr. Speaker, we are set to consider the eighth of 12 appropriations bills, and every bill considered so far has been considered under a structured rule that severely limits the ability of Members from both sides of the aisle to bring amendments to the floor for debate and for a vote and is not in the usual open procedure which allows every Member to offer their amendments.

During last week's Rules Committee hearing on the State and Foreign Operations appropriations bill, the ranking member of the Appropriations Committee, Mr. LEWIS, testified that there was still time to undo the majority's new precedent, restricting the ability of Members to offer amendments to appropriation bills. Mr. LEWIS asked the majority to reconsider the use of structured rules on appropriations bills, to return to regular order, to historical order, to the tradition of an open debate process on appropriations bills. He even offered his services to persuade Members to not offer dilatory amendments, which would hamper the ability of Congress to complete its appropriations work on time, something that both the majority and the minority wish to accomplish. Ranking Member DREIER of the Rules Committee and I also offered to help Ranking Member LEWIS rein in any Members who wished to unnecessarily prolong the debate process. I really hoped that the majority on the Rules Committee would heed Mr. LEWIS' thoughtful suggestion and accept his offer to help move the process along if an open debate process was returned to. However, the majority, once again, blocked the overwhelming majority of Members from both sides of the aisle from having a full opportunity to debate the bill and represent the interests of their constituents.

□ 1130

So, Mr. Speaker, the majority has not understood the damage it is causing this House by closing debate unnecessarily on appropriations bills by breaking, in effect, two centuries of precedents. It is sad.

I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to my friend, the gentleman from New York, a member of the Committee on Rules, Mr. ARCURI.

Mr. ARCURI. Mr. Speaker, I would like to thank my colleague, the gentlewoman from California, for the courtesy of yielding to me and for her strong leadership on the Rules Committee.

Mr. Speaker, I rise today in strong support of the rule and H.R. 3183, the Fiscal Year 2010 Energy and Water Development Appropriations Act. The bill provides much-needed funding to continue our Federal commitment to meeting the infrastructure needs for our Nation. This bill will create jobs and invest in new technologies, scientific research, and conservation efforts.

I also would like to take a moment to lend my strong support to Mr. PASTOR's amendment to H.R. 3183, the manager's amendment. The amendment provides a critical increase in funding for the Northern Border Regional Commission. The 2008 farm bill first authorized the Northern Border Regional Commission as an independent agency to address the shared

economic needs and harness the unique assets of the counties along the Nation's northern border from Maine and New England through New York. In this region, 13.1 percent of the population lives in poverty. The median household income is \$6,500 below the national average. Unemployment is significantly higher than the national average; and the region actually lost population between 1990 and 2000, while the overall population of the United States rose by 13.2 percent.

The region shares many common economic challenges stemming from relative geographic isolation, aging infrastructure, and a loss of natural resource-based industry that has historically been an economic engine. However, at the same time, the region also has a common set of assets, not the least of which is expansive natural beauty and resources, as well as historic and geographic ties.

The commission utilizes the same model that has successfully enabled the Appalachian Regional Commission to facilitate a "bottom-up" approach where local development districts, not-for-profit organizations and others bring project ideas and priorities to the commission from the local level.

The regional commission model helps foster improved collaboration and coordination within the region and among Federal and State agencies, while also serving as a vehicle to leverage additional public and private sector investments. By taking a regional view, the commission can promote projects that confer a broader benefit without States having to compete among themselves for scarce funds for the region.

I thank the committee for their hard work to see that the Northern Border Regional Commission receives the funding necessary to make the commission a reality for this region. I thank my colleagues from the region, Representatives MICHAUD, PINGREE, HODES, SHEA-PORTER, WELCH and my New York colleague, JOHN MCHUGH, for their continued efforts to establish and secure funding for the Northern Border Regional Commission.

I urge my colleagues to support the manager's amendment and vote for the rule and for H.R. 3183.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I appreciate this opportunity to express my dissatisfaction with this rule. This is my 11th year here, my 11th appropriations season, and it is the first time where substantive, real discussions have been prevented. I am extremely disturbed at this rule, as all previous rules this year on appropriations.

In years past, if we had a substantive, meritorious amendment, we were allowed to bring it to the floor without

having to go through a totalitarian regime where a small group of people get to place their beliefs at the forefront and prevent discussion. So in the charade of saying that they are just protecting us from dilatory amendments, they are using this power to silence us on substantive amendments.

Let me give you my example about why I stand here today expressing my frustration at the heavy-handedness of the majority. I believe that our country is in jeopardy of not having enough energy to power our economy in the future. If we look at the electricity that needs to be generated in the future, we have to build well over 230 gigabytes of new energy over the next 30 years.

Let me put that in perspective. Most power plants are 500 megabits. So this is 450 to 460 new power plants. If we want clean, reliable and affordable energy for this country to power our economy, we have to open ourselves to nuclear power. We can't access Yucca Mountain. That has been shut down. But the rest of the world recycles their nuclear waste and power rods. We do not in this country.

I had an amendment that I felt very strongly about that increased for our national laboratories funding specifically to research recycling technologies that can be used at our nuclear power plants to continue to recycle their materials, as they are being recycled. Not only is this energy efficient, but wise and efficient use of these nuclear rods, which also means that we have solved our waste issue, not totally making Yucca Mountain irrelevant, but certainly making it—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 1 additional minute.

Mr. TERRY. Thank you. But certainly putting us on a path where we can use nuclear power as clean, affordable energy without the necessity of Yucca Mountain being opened today.

For some reason, in our Energy and Commerce Committee, every one of our nuclear amendments was shut down and voted against. And now we have a Rules Committee that is preventing nuclear power amendments.

I don't understand. I am at a complete loss why the majority wants to shut down nuclear power when it is the cleanest power we can have, the most reliable and the most affordable. That is where our future lies. We can replace old coal-fired plants with clean, new nuclear and produce twice the energy. But for some reason, the majority wants to shut this down.

This rule proves that they are shutting down nuclear power, or at least stepping up and making sure that we aren't going to have more nuclear power in the future. So I ask my colleagues who are pro-nuclear and pro-energy to vote "no" on this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve my time.

Ms. MATSUI. Mr. Speaker, I want to make a point.

This bill makes an investment in nuclear power and makes it clear that nuclear energy is a component of the overall energy mix. The bill provides \$812 million for nuclear, \$20 million above the fiscal year 2009 level, and \$51 million above the President's request. Support is provided for existing activities funded in fiscal year 2009 and ensures this area is included in our funding priorities.

And with that, I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Florida for yielding, Mr. Speaker.

I rise in opposition to this rule because 80 percent of the amendments that were brought forward on this bill were not allowed under this rule. And so clearly we are not operating under a transparent process. We are not operating under a process that is allowing the free debate that I think all Americans want us to have on appropriations bills that spend their money.

First, there were some amendments that were brought forward that would have actually directed the Corps of Engineers to base their flood protection decisions on the most safe options to protect our citizens and their property from future storms. That amendment was not allowed under this rule. There was actually an amendment to cut, and I know it is a word that some people don't like over in this building, to cut spending by \$7 billion based on the amount of money that was added in the stimulus bill.

I think many of us, on this side for sure, and I would hope some of my colleagues on the other side, would even acknowledge that the President's stimulus bill was a failed spending bill, \$800 billion of new Government spending at a time when our economy is hurting. And now even the Vice President acknowledges they misread the economy.

Everybody I think that has looked at it objectively acknowledges the spending bill was a bad idea. Those of us who voted against it said it would be a bad idea and hurt the economy then. That is why we proposed an alternative. Yet this steamroller to just continue spending money out of control went on, and they passed the bill.

There was an amendment that was proposed that would have cut that \$7 billion in this Department that went through the stimulus bill that clearly isn't working. Instead of controlling the spending and allowing a vote on that, that was ruled out of order under this rule.

All of us that have looked and said, where are the jobs from the spending

bill, that stimulus bill, no one can point to the jobs, because we have lost jobs. Since President Obama took office, 2 million more Americans have lost their job. And what is their answer? You would think their answer would be, Maybe some of those Republicans that had some alternative ideas might have been right; we will actually work in a bipartisan way and go talk to them and see what their ideas were because they were good ideas that would have helped small businesses and helped American families get back on their feet. Instead, these ideas were discarded. Maybe they would go back and look at those ideas again.

Instead, some people in the White House are actually suggesting a second stimulus bill, yet another massive spending bill at a time when the spending is what is hurting our economy. And so we bring an amendment to cut spending, and they rule it out of order in this rule.

Maybe Speaker PELOSI and some of her liberal lieutenants think that the American people aren't watching, and maybe they are high-fiving because they are hoodwinking people into not knowing what is going on here in this House.

But I hate to tell them, the American people are watching, and they don't like what they see. They see massive runaway spending. They see more jobs being lost. They see this energy bill, this cap-and-trade energy tax that would run millions of jobs to countries like China, causing more Americans to be unemployed and raising utility rates on every American family.

The American people are watching this. And they are demanding action from Congress. That is why we are bringing these amendments to cut the spending.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 1 additional minute.

Mr. SCALISE. I want to thank my friend from Florida again. That is why we are bringing these amendments. We are bringing constructive ideas to solve the problems of our country and to propose different approaches, not massive spending, but actually ways to get Americans back employed, ways to help small businesses survive during these tough times, ways to help middle class families who are struggling to get back on their feet. And every time we bring these proposals, the liberal leadership on the other side says, no, we don't want to hear those alternative ideas; we want to just keep spending money like there is no end in sight.

Well, there is an end in sight. And if you look just earlier this week, we reached a hurdle that I don't think is a good hurdle. I don't think anyone should be proud of, but it is a historic hurdle. Earlier this week, our country

exceeded \$1 trillion in deficits during the course of a fiscal year. It was already exceeded this week, and we still have months to go in the fiscal year.

So this is going to have a devastating effect on our economy, this massive runaway spending. And yet they bring a rule that closes debate on 80 percent of amendments.

I would urge rejection of this rule.

Ms. MATSUI. Mr. Speaker, I want to make a point.

Infrastructure spending on public safety projects in this bill will save jobs across America.

Infrastructure spending is also smart investment, exactly the kind of smart investment the American people want this Congress to be making at this difficult point in our history.

The American Society of Civil Engineers estimates levee construction provides a 6-to-1 return on flood damages prevented when compared to initial investment cost. At the same time, our country's levees are crumbling and putting public health at risk.

Now is exactly the time to invest in this critical public good.

With that, I reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia, Mr. NATHAN DEAL.

Mr. DEAL of Georgia. I thank the gentleman.

Mr. Speaker, I rise today in opposition to the rule.

The reason is that my colleagues and I from Georgia offered an amendment that was not accepted in the Rules Committee. The amendment would have prohibited funds in this act from being made available to be used to update the calculation of the critical yield of the Federal projects within the ACF and the ACT river basins before the development of updated water control plans for the Federal projects within these river basins.

□ 1145

The reason for the amendment was that language was included in the other body's version of this bill which requested that the critical yield updates be accomplished before the water control manuals themselves. The fact is that these control manuals need to be completed first by the Corps before the critical yield studies can be finished. This is an important study and therefore should be done properly.

Although the critical yield updates are a necessary part of the manual updates, they do not provide any understanding of how water is currently being allocated or how the Federal projects may best be managed. The Corps of Engineers must be allowed to determine the critical yield under appropriate conditions, and our amendment would have made sure that they were able to do that.

This language that is inserted in the bill by the other body is not mutual in

regard to the ongoing water struggle between our States. It arbitrarily prioritizes this particular study and diverts resources away from the Corps of Engineers that are needed in order to complete the much-needed water control plans.

And for that reason, since the amendment was not allowed by the Rules Committee, I rise in objection to this rule before the body today.

Ms. MATSUI. Mr. Speaker, I reserve.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend, Mrs. MATSUI, once again for her courtesy, and I want to thank all of my distinguished colleagues who have participated in this debate on the rule bringing forward to the floor the appropriations bill, the Energy and Water appropriations bill.

I was particularly impressed by the arguments brought forth by LEE TERRY who explained—and I wasn't aware of it—how, in the authorizing committee, and, quite frankly, then the Appropriations Committee, there have been systematic attempts to limit, close down debate, really, on developing, encouraging in a serious, comprehensive way nuclear power for the Nation.

It reminded me of what I consider an unfortunate aspect of the dogma of the left of the United States. Curious is their opposition to nuclear power. Not necessarily is that the case with the left everywhere. In France, for example, where about 80 percent of electricity is generated from nuclear power, governments of the left and the right. President Mitterand was a strong supporter of nuclear power, as obviously was President Giscard, and then President Chirac, and now President Sarkozy. Left and right in France have seen the critical importance of developing nuclear power and the importance of reprocessing, which was what LEE TERRY was talking about, that ever since the Carter years here we have limited, we have excluded, in effect, that option.

So we're at a point now where we spend so much—we use so much imported oil in this country to generate electricity. That's insane when there is a clean option, nuclear power, which requires reprocessing in order to be really effective, as demonstrated in France. And yet the dogma of the American left on that issue curiously does not make that option possible.

Let me ask, how much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has 9½ minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. I yield such time as he may consume to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I just want to add to the gentleman's comments on this important issue of nuclear and its absence, really, in any impactful way in the legislation that comes before the House today.

Our country built its first 100 nuclear reactors in less than 20 years. Today, we know so much more about this particular industry. We are so much more technologically advanced. Without question, we could build a hundred nuclear reactors in the next 20 years, and we would lead the world in this particular energy technology again.

And it's troubling because, like the gentleman, I've been all over the world and all of these other countries look back and say, Why wouldn't the United States, like Japan and like France, take a lead on nuclear again so that they can show leadership on the reduction of carbon and this issue of climate change? That's the logical big step that we could take as a Nation. Yet many of the people who oppose coal in this body also oppose nuclear, and you cannot possibly achieve their own stated goals without it.

And we could do this. Talking about jobs and a stimulus, that should be step one, is a bold nuclear agenda where we reprocess the spent fuel, turn 80 percent of it back into energy, and lead the world in the energy technology opportunities and industry in the world. The best chance for success is nuclear, yet it's not advanced near enough in this legislation.

Mr. LINCOLN DIAZ-BALART of Florida. I yield myself the remainder of my time.

It is a pillar of thought of the American left's opposition to nuclear power. I think it's evident. And the American left controls the leadership of this Congress, and it's unfortunate, as Mr. WAMP pointed out, because, and as I tried to point out earlier, in other countries left and right agree on the importance of nuclear power. It's clean energy that is available, readily available, and safe to reduce dependence on oil immediately.

Alternative sources are being developed, and they're important. But in terms of the significant substitution of oil with new sources, clean and reliable sources of energy, there is nothing that's available that can be more impacted or more effective than nuclear power. So it's a curiosity.

As a student, I studied comparative politics, comparative law. As a student of the left and the right in many countries, I find it curious as to why it is, because it is evidently a pillar of thought of the American left—opposition to nuclear power—but it's a fact.

I will be asking for a "no" on the previous question, Mr. Speaker, so we can amend this rule so we can allow an open process. There is no question that the rules the majority bring forth today will help to cement the dangerous precedent that it set last month. It will further damage bipartisanship and comity in this body.

I urge my colleagues to vote "no" on the previous question so we can uphold our tradition of allowing free and open

debate on appropriations bills. If we do not do so, I believe the majority will come to regret their decision to close down the deliberative process of the House on appropriations bills.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the remainder of my time.

The rule before us today is a fair rule that allows us to highlight a significant appropriations bill. After seven hearings, the Appropriations Subcommittee on Energy and Water crafted an important bill that brings our spending priorities in line with America's vision for a brighter tomorrow.

The bill before us invests in new technologies, scientific research and conservation efforts. It increases funding for the Army Corps of Engineers and the Bureau of Reclamation allowing them to continue their mission to improve our water infrastructure.

The bill continues to invest in the development of a new smart grid to ensure electricity delivery and energy reliability, and it makes a commitment to renewable energy and scientific research. The bill also continues ongoing nuclear nonproliferation efforts and rejects funding for the development of a new nuclear weapon.

Mr. Speaker, I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 645 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

Strike the resolved clause and all that follows and insert the following:

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an

amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's "American Congressional Dictionary"*: "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question,

who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. MATSUI. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on:

adoption of H. Res. 645, if ordered; and

motions to suspend the rules on H.R. 1044, H.R. 934, and H.R. 762.

The vote was taken by electronic device, and there were—yeas 237, nays 177, not voting 18, as follows:

[Roll No. 538]

YEAS—237

Abercrombie	Cuellar	Holden
Ackerman	Cummings	Holt
Adler (NJ)	Dahlkemper	Honda
Altmire	Davis (AL)	Hoyer
Andrews	Davis (CA)	Inslee
Arcuri	Davis (IL)	Israel
Baca	Davis (TN)	Jackson (IL)
Baird	DeFazio	Jackson-Lee
Baldwin	DeGette	(TX)
Barrow	Delahunt	Johnson (GA)
Bean	DeLauro	Johnson, E. B.
Becerra	Dicks	Kagen
Berkley	Dingell	Kanjorski
Berman	Doggett	Kaptur
Berry	Donnelly (IN)	Kennedy
Bishop (GA)	Doyle	Kildee
Bishop (NY)	Driebeaus	Kilpatrick (MI)
Blumenauer	Edwards (MD)	Kilroy
Bocchieri	Edwards (TX)	Kind
Boren	Ellison	Kirkpatrick (AZ)
Boswell	Ellsworth	Kissell
Boucher	Eshoo	Klein (FL)
Boyd	Etheridge	Kosmas
Brady (PA)	Farr	Kratovil
Braley (IA)	Fattah	Kucinich
Bright	Filner	Langevin
Brown, Corrine	Foster	Larsen (WA)
Butterfield	Frank (MA)	Larson (CT)
Capps	Fudge	Lee (CA)
Capuano	Giffords	Lewis (GA)
Cardoza	Gonzalez	Lipinski
Carnahan	Grayson	Loebbeck
Carney	Green, Gene	Lofgren, Zoe
Carson (IN)	Griffith	Lowe
Castor (FL)	Grijalva	Lujan
Chandler	Gutierrez	Maffei
Childers	Hall (NY)	Maloney
Clarke	Halvorson	Markey (CO)
Clay	Hare	Markey (MA)
Cleaver	Harman	Marshall
Clyburn	Hastings (FL)	Massa
Cohen	Heinrich	Matheson
Connolly (VA)	Herseth Sandlin	Matsui
Cooper	Himes	McCarthy (NY)
Costa	Hinchey	McCollum
Costello	Hirono	McDermott
Courtney	Hodes	McMahon
Crowley	Hoekstra	McNerney

Meek (FL)	Price (NC)
Meeks (NY)	Quigley
Michaud	Rahall
Miller (NC)	Rangel
Miller, George	Reyes
Mitchell	Richardson
Mollohan	Rodriguez
Moore (KS)	Ross
Moore (WI)	Rothman (NJ)
Moran (VA)	Roybal-Allard
Murphy (CT)	Ruppersberger
Murphy (NY)	Rush
Murphy, Patrick	Ryan (OH)
Murtha	Salazar
Nadler (NY)	Sánchez, Linda
Napolitano	T.
Neal (MA)	Sanchez, Loretta
Oberstar	Sarbanes
Obey	Schakowsky
Oliver	Schauer
Ortiz	Schiff
Pallone	Schwartz
Pascarella	Scott (GA)
Pastor (AZ)	Scott (VA)
Payne	Serrano
Perlmutter	Shea-Porter
Perriello	Sherman
Peters	Sires
Peterson	Skelton
Pingree (ME)	Slaughter
Polis (CO)	Smith (WA)
Pomeroy	Snyder

NAYS—177

Aderholt	Gallegly	Murphy, Tim
Akin	Garrett (NJ)	Myrick
Alexander	Gingrey (GA)	Neugebauer
Austria	Gohmert	Nunes
Bachmann	Goodlatte	Nye
Barrett (SC)	Granger	Olson
Bartlett	Graves	Paul
Barton (TX)	Guthrie	Paulsen
Biggart	Hall (TX)	Pence
Bilbray	Harper	Petri
Bilirakis	Hastings (WA)	Pitts
Bishop (UT)	Heller	Platts
Blackburn	Hensarling	Poe (TX)
Blunt	Herger	Posey
Boehner	Hill	Price (GA)
Bonner	Hunter	Putnam
Bono Mack	Inglis	Radanovich
Boozman	Jenkins	Rehberg
Boustany	Johnson (IL)	Reichert
Brady (TX)	Johnson, Sam	Roe (TN)
Brown (GA)	Jones	Rogers (AL)
Brown (SC)	Jordan (OH)	Rogers (KY)
Brown-Waite,	King (IA)	Rogers (MI)
Ginny	King (NY)	Rohrabacher
Buchanan	Kingston	Rooney
Burgess	Kirk	Ros-Lehtinen
Burton (IN)	Kline (MN)	Roskam
Buyer	Lamborn	Royce
Calvert	Lance	Ryan (WI)
Camp	LaHama	Scalise
Campbell	LaTourette	Schmidt
Cantor	Latta	Schock
Cao	Lee (NY)	Sensenbrenner
Capito	Lewis (CA)	Sessions
Carter	Linder	Shadegg
Castle	LoBiondo	Shimkus
Chaffetz	Lucas	Shuler
Coble	Luetkemeyer	Shuster
Coffman (CO)	Lummis	Simpson
Cole	Lungren, Daniel	Smith (NE)
Conaway	E.	Smith (NJ)
Crenshaw	Mack	Smith (TX)
Culberson	Manullo	Souder
Davis (KY)	Marchant	Stearns
Deal (GA)	McCauley (CA)	Sullivan
Dent	McCaul	Terry
Diaz-Balart, L.	McClintock	Thompson (PA)
Diaz-Balart, M.	McCotter	Thornberry
Dreier	McHenry	Tiahrt
Duncan	McHugh	Tiberi
Ehlers	McKeon	Turner
Emerson	McMorris	Upton
Fallin	Rodgers	Walden
Flake	Melancon	Wamp
Fleming	Mica	Westmoreland
Forbes	Miller (FL)	Whitfield
Fortenberry	Miller (MI)	Wilson (SC)
Fox	Miller, Gary	Wittman
Franks (AZ)	Minnick	Wolf
Frelinghuysen	Moran (KS)	Young (AK)

NOT VOTING—18

Bachus	Green, Al	McGovern
Cassidy	Higgins	McIntyre
Conyers	Hinojosa	Schrader
Engel	Issa	Sestak
Gerlach	Levin	Waxman
Gordon (TN)	Lynch	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1220

Mr. COLE changed his vote from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. AL GREEN of Texas. Mr. Speaker, today I was unavoidably delayed and missed the vote on Motion on Ordering the Previous Question on the Rule for H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 (H. Res. 645).

Had I been present I would have voted “yea” on this vote.

Mr. MCINTYRE. Mr. Speaker, on rollcall No. 538, I was unavoidably detained. Had I been present, I would have voted “yea.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 238, nays 185, not voting 9, as follows:

[Roll No. 539]

YEAS—238

Abercrombie	Clay	Giffords
Ackerman	Cleaver	Gonzalez
Adler (NJ)	Clyburn	Grayson
Altmire	Cohen	Green, Al
Andrews	Connolly (VA)	Green, Gene
Arcuri	Cooper	Griffith
Baca	Costa	Grijalva
Baird	Costello	Gutierrez
Baldwin	Courtney	Hall (NY)
Barrow	Crowley	Halvorson
Bean	Cummings	Hare
Becerra	Dahlkemper	Harman
Berkley	Davis (AL)	Hastings (FL)
Berman	Davis (CA)	Heinrich
Berry	Davis (IL)	Herseth Sandlin
Bishop (GA)	Davis (TN)	Higgins
Bishop (NY)	DeFazio	Himes
Blumenauer	DeGette	Hinchey
Bocchieri	Delahunt	Hinojosa
Boren	DeLauro	Hirono
Boswell	Dicks	Hodes
Boucher	Dingell	Holden
Boyd	Doggett	Holt
Brady (PA)	Donnelly (IN)	Honda
Braley (IA)	Doyle	Hoyer
Brown, Corrine	Driebeaus	Inslee
Butterfield	Edwards (MD)	Israel
Capps	Edwards (TX)	Jackson (IL)
Capuano	Ellison	Jackson-Lee
Cardoza	Eshoo	(TX)
Carnahan	Etheridge	Johnson (GA)
Carney	Farr	Johnson, E. B.
Carson (IN)	Fattah	Kagen
Castor (FL)	Filner	Kanjorski
Chandler	Foster	Kaptur
Childers	Frank (MA)	Kennedy
Clarke	Fudge	Kildee

Kilpatrick (MI)	Moran (VA)	Scott (GA)	Rogers (AL)	Shadegg	Thornberry	Davis (AL)	Jordan (OH)	Neugebauer
Kilroy	Murphy (CT)	Scott (VA)	Rogers (KY)	Shimkus	Tiahrt	Davis (CA)	Kagen	Nunes
Kind	Murphy, Patrick	Serrano	Rogers (MI)	Shuler	Tiberi	Davis (IL)	Kanjorski	Nye
Kirkpatrick (AZ)	Murtha	Shea-Porter	Rohrabacher	Shuster	Turner	Davis (KY)	Kaptur	Oberstar
Kissell	Nadler (NY)	Sherman	Rooney	Simpson	Upton	Davis (TN)	Kennedy	Obey
Klein (FL)	Napolitano	Sires	Ros-Lehtinen	Smith (NE)	Walden	Deal (GA)	Kildee	Olson
Kosmas	Neal (MA)	Skelton	Roskam	Smith (NJ)	Wamp	DeFazio	Kilpatrick (MI)	Oliver
Kucinich	Oberstar	Slaughter	Royce	Smith (TX)	Westmoreland	DeGette	Kilroy	Ortiz
Langevin	Obey	Smith (WA)	Ryan (WI)	Snyder	Whitfield	DeLauro	Kind	Pallone
Larsen (WA)	Oliver	Space	Scalise	Souder	Wilson (SC)	Dent	King (IA)	Pascrell
Larson (CT)	Ortiz	Speier	Schmidt	Stearns	Wittman	Diaz-Balart, L.	King (NY)	Pastor (AZ)
Lee (CA)	Pallone	Spratt	Schock	Sullivan	Wolf	Diaz-Balart, M.	Kingston	Paulsen
Lewis (GA)	Pascrell	Stark	Sensenbrenner	Terry	Young (AK)	Dicks	Kirk	Payne
Lipinski	Pastor (AZ)	Stupak	Sessions	Thompson (PA)		Dingell	Kirkpatrick (AZ)	Pence
Loebach	Payne	Sutton				Doggett	Kissell	Perlmutter
Lofgren, Zoe	Perlmutter	Tanner	Cassidy	Engel	Schrader	Donnelly (IN)	Klein (FL)	Perriello
Lowe	Perriello	Taylor	Conyers	Gordon (TN)	Sestak	Doyle	Kline (MN)	Peters
Luján	Peters	Teague	Cuellar	Levin	Young (FL)	Dreier	Kosmas	Peterson
Lynch	Peterson	Thompson (CA)				Drieaus	Kratovil	Petri
Maffei	Pingree (ME)	Thompson (MS)				Duncan	Kucinich	Pingree (ME)
Maloney	Polis (CO)	Tierney				Edwards (MD)	Lamborn	Pitts
Markey (CO)	Pomeroy	Titus				Edwards (TX)	Lance	Platts
Markey (MA)	Price (NC)	Tonko				Ehlers	Langevin	Poe (TX)
Marshall	Quigley	Towns				Ellison	Larsen (WA)	Polis (CO)
Massa	Rahall	Tsongas				Ellsworth	Larson (CT)	Pomeroy
Matheson	Rangel	Van Hollen				Emerson	Latham	Posey
Matsui	Reyes	Velázquez				Eshoo	LaTourette	Price (GA)
McCarthy (NY)	Richardson	Visclosky				Etheridge	Latta	Price (NC)
McColum	Rodriguez	Walz				Fallin	Lee (CA)	Putnam
McDermott	Ross	Wasserman				Farr	Lee (NY)	Quigley
McGovern	Rothman (NJ)	Schultz				Fattah	Lewis (CA)	Radanovich
McIntyre	Roybal-Allard	Waters				Filner	Lewis (GA)	Rahall
McMahon	Ruppersberger	Watson				Fleming	Linder	Rangel
McNerney	Rush	Watt				Forbes	Lipinski	Rehberg
Meek (FL)	Ryan (OH)	Waxman				Fortenberry	LoBiondo	Reichert
Meeks (NY)	Salazar	Weiner				Foster	Loebach	Reyes
Michaud	Sánchez, Linda	Welch				Fox	Lofgren, Zoe	Richardson
Miller (NC)	T.	Wexler				Frank (MA)	Lowey	Rodriguez
Miller, George	Sanchez, Loretta	Wilson (OH)				Franks (AZ)	Lucas	Roe (TN)
Minnick	Sarbanes	Woolsey				Frelinghuysen	Luetkemeyer	Rogers (AL)
Mitchell	Schakowsky	Wu				Fudge	Luján	Rogers (KY)
Mollohan	Schauer	Yarmuth				Galleghy	Lummis	Rogers (MI)
Moore (KS)	Schiff					Garrett (NJ)	Lungren, Daniel	Rohrabacher
Moore (WI)	Schwartz					Gerlach	E.	Rooney
						Giffords	Lynch	Ros-Lehtinen
						Gingrey (GA)	Mack	Roskam
						Gohmert	Maffei	Ross
						Gonzalez	Maloney	Rothman (NJ)
						Goodlatte	Manzullo	Roybal-Allard
						Granger	Marchant	Royce
						Graves	Markey (CO)	Ruppersberger
						Grayson	Markey (MA)	Rush
						Green, Al	Marshall	Ryan (OH)
						Green, Gene	Massa	Ryan (WI)
						Griffith	Matheson	Salazar
						Grijalva	Matsui	Sánchez, Linda
						Guthrie	McCarthy (CA)	T.
						Gutierrez	McClintock	Sanchez, Loretta
						Hall (NY)	McCollum	Sarbanes
						Hall (TX)	McCotter	Scalise
						Halvorson	McDermott	Schakowsky
						Hare	McGovern	Schauer
						Harman	McHenry	Schiff
						Harper	McHugh	Schmidt
						Hastings (FL)	McIntyre	Schock
						Hastings (WA)	McKeon	Schwartz
						Heinrich	McMahon	Scott (GA)
						Heller	McMorris	Scott (VA)
						Hensarling	Rodgers	Sensenbrenner
						Herger	McNerney	Sessions
						Herseth Sandlin	Meek (FL)	Shadegg
						Higgins	Meeks (NY)	Shea-Porter
						Hill	Melancon	Sherman
						Himes	Mica	Shimkus
						Hinchey	Michaud	Shuler
						Hinojosa	Miller (FL)	Shuster
						Hirono	Miller (MI)	Simpson
						Hodes	Miller (NC)	
						Hoekstra	Miller, Gary	Sires
						Holden	Miller, George	Skelton
						Holt	Minnick	Slaughter
						Honda	Mitchell	Smith (NE)
						Hoyer	Mollohan	Smith (NJ)
						Hunter	Moore (KS)	Smith (TX)
						Inglis	Moore (WI)	Smith (WA)
						Israel	Moran (KS)	Snyder
						Issa	Moran (VA)	Souder
						Jackson (IL)	Murphy (CT)	Space
						Jackson-Lee	Murphy (NY)	Speier
						(TX)	Murphy, Patrick	Spratt
						Jenkins	Murphy, Tim	Stark
						Johnson (GA)	Murtha	Stearns
						Johnson (IL)	Myrick	Stupak
						Johnson, Sam	Nadler (NY)	Sullivan
						Jones	Napolitano	Sutton
							Neal (MA)	Tanner

NOT VOTING—9

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1228

So the resolution was agreed to.
The result of the vote was announced as above recorded.
A motion to reconsider was laid on the table.

PORT CHICAGO NAVAL MAGAZINE
NATIONAL MEMORIAL ENHANCEMENT ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1044, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.
The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1044, as amended.

This is a 5-minute vote.
The vote was taken by electronic device, and there were—yeas 415, nays 3, not voting 14, as follows:

[Roll No. 540]
YEAS—415

Abercrombie	Blumenauer	Capuano
Ackerman	Blunt	Cardoza
Aderholt	Bocchieri	Carnahan
Adler (NJ)	Boehner	Carney
Akin	Bonner	Carson (IN)
Alexander	Bono Mack	Carter
Altmire	Boozman	Castle
Andrews	Boren	Castor (FL)
Arcuri	Boswell	Chaffetz
Austria	Boucher	Chandler
Baca	Boustany	Childers
Bachmann	Boyd	Clarke
Bachus	Brady (PA)	Clay
Baird	Brady (TX)	Cleaver
Baldwin	Brale (IA)	Clyburn
Barrett (SC)	Bright	Coble
Barrow	Brown (SC)	Coffman (CO)
Bartlett	Brown, Corrine	Cohen
Barton (TX)	Brown-Waite,	Cole
Bean	Ginny	Conaway
Becerra	Buchanan	Connolly (VA)
Berkley	Burgess	Cooper
Berman	Burton (IN)	Costa
Berry	Butterfield	Costello
Biggett	Buyer	Courtney
Bilbray	Calvert	Crenshaw
Bilirakis	Camp	Crowley
Bishop (GA)	Campbell	Cuellar
Bishop (NY)	Cantor	Culberson
Bishop (UT)	Cao	Cummings
Blackburn	Capito	Dahlkemper

NAYS—185

Aderholt	Diaz-Balart, M.	Latta
Akin	Dreier	Lee (NY)
Alexander	Duncan	Lewis (CA)
Austria	Ehlers	Linder
Bachmann	Ellsworth	LoBiondo
Bachus	Emerson	Lucas
Barrett (SC)	Fallin	Luetkemeyer
Bartlett	Flake	Lummis
Barton (TX)	Fleming	Lungren, Daniel
Biggett	Forbes	E.
Bilbray	Fortenberry	Mack
Bilirakis	Fox	Manzullo
Bishop (UT)	Franks (AZ)	Marchant
Blackburn	Frelinghuysen	McCarthy (CA)
Blunt	Galleghy	McCaul
Boehner	Garrett (NJ)	McClintock
Bonner	Gerlach	McCotter
Bono Mack	Gingrey (GA)	McHenry
Boozman	Gohmert	McHugh
Boustany	Goodlatte	McKeon
Brady (TX)	Granger	McMorris
Bright	Graves	Rodgers
Broun (GA)	Guthrie	Melancon
Brown (SC)	Hall (TX)	Mica
Brown-Waite,	Harper	Miller (FL)
Ginny	Hastings (WA)	Miller (MI)
Buchanan	Heller	Miller, Gary
Burgess	Hensarling	Moran (KS)
Burton (IN)	Herger	Murphy (NY)
Buyer	Hill	Murphy, Tim
Calvert	Hoekstra	Myrick
Camp	Hunter	Neugebauer
Campbell	Inglis	Nunes
Cantor	Issa	Nye
Cao	Jenkins	Olson
Capito	Johnson (IL)	Paul
Carter	Johnson, Sam	Paulsen
Castle	Jones	Pence
Chaffetz	Jordan (OH)	Petri
Coble	King (IA)	Pitts
Coffman (CO)	King (NY)	Platts
Cole	Kingston	Poe (TX)
Conaway	Kirk	Posey
Crenshaw	Kline (MN)	Price (GA)
Culberson	Kratovil	Putnam
Davis (KY)	Lamborn	Radanovich
Deal (GA)	Lance	Rehberg
Dent	Latham	Reichert
Diaz-Balart, L.	LaTourette	Roe (TN)

Teague Upton Welch
 Terry Van Hollen Westmoreland
 Thompson (CA) Velázquez Wexler
 Thompson (MS) Visclosky Whitfield
 Thompson (PA) Walden Wilson (OH)
 Thornberry Walz Wilson (SC)
 Tiahrt Wamp Wittman
 Tiberi Wasserman Wolf
 Tierney Schultz Woolsey
 Titus Waters Wu
 Tonko Watson Yarmuth
 Towns Watt Young (AK)
 Tsongas Waxman
 Turner Weiner

NAYS—3

Broun (GA) Flake Paul

NOT VOTING—14

Capps Inslee Schrader
 Cassidy Johnson, E. B. Sestak
 Conyers Levin Taylor
 Engel McCarthy (NY) Young (FL)
 Gordon (TN) McCaul

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1235

Mr. FLAKE changed his vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NORTHERN MARIANA ISLANDS
SUBMERGED LAND CONVEYANCE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 934, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 934, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 541]

YEAS—416

Abercrombie Biggert Bright
 Ackerman Bilbray Broun (GA)
 Aderholt Bilirakis Brown (SC)
 Adler (NJ) Bishop (GA) Brown, Corrine
 Akin Bishop (NY) Brown-Waite,
 Alexander Bishop (UT) Ginny
 Altmire Blackburn Buchanan
 Andrews Blumenauer Burgess
 Arcuri Blunt Burton (IN)
 Austria Boccieri Butterfield
 Baca Boehner Buyer
 Bachmann Bonner Calvert
 Bachus Bono Mack Camp
 Baird Boozman Campbell
 Baldwin Boren Cantor
 Barrett (SC) Boswell Cao
 Barrow Boucher Caputo
 Bartlett Boustany Capuano
 Barton (TX) Boyd Cardoza
 Bean Brady (PA) Carnahan
 Becerra Brady (TX) Carney
 Berry Braley (IA) Carson (IN)

Carter Cassidy
 Castle Herger
 Castor (FL) Hereth Sandlin
 Chaffetz Higgins
 Chandler Hill
 Childers Himes
 Clarke Hinchey
 Clay Hinojosa
 Cleaver Hirono
 Clyburn Hodes
 Coble Hoekstra
 Coffman (CO) Holden
 Cohen Holt
 Cole Hoyer
 Conaway Hunter
 Connolly (VA) Inglis
 Cooper Inslee
 Costa Israel
 Costello Issa
 Courtney Jackson (IL)
 Crenshaw Jackson-Lee
 Crowley (TX)
 Cuellar Jenkins
 Culberson Johnson (GA)
 Cummings Johnson (IL)
 Dahlkemper Johnson, Sam
 Davis (AL) Jones
 Davis (CA) Jordan (OH)
 Davis (IL) Kagen
 Davis (KY) Kanjorski
 Davis (TN) Kaptur
 Deal (GA) Kennedy
 DeFazio Kildee
 DeGette Kilpatrick (MI)
 Delahunt Kilroy
 DeLauro Kind
 Dent King (IA)
 Diaz-Balart, L. King (NY)
 Diaz-Balart, M. Kingston
 Dicks Kirk
 Dingell Kirkpatrick (AZ)
 Doggett Kissell
 Donnelly (IN) Klein (FL)
 Doyle Kline (MN)
 Dreier Kosmas
 Driehaus Kratochvil
 Duncan Kucinich
 Edwards (MD) Lamborn
 Edwards (TX) Lance
 Ehlers Langevin
 Ellison Larsen (WA)
 Ellsworth Larson (CT)
 Emerson Latham
 Eshoo LaTourette
 Etheridge Latta
 Fallin Lee (CA)
 Farr Lee (NY)
 Fattah Lee (CA)
 Filner Lewis (GA)
 Flake Lewis (GA)
 Fleming Linder
 Forbes Lipinski
 Fortenberry LoBiondo
 Foster Loebsock
 Foxx Lofgren, Zoe
 Frank (MA) Lowey
 Franks (AZ) Lucas
 Frelinghuysen Luetkemeyer
 Fudge Luján
 Gallegly Lummis
 Garrett (NJ) Lungren, Daniel
 Gerlach E.
 Giffords Lynch
 Gingrey (GA) Mack
 Gohmert Maffei
 Gonzalez Maloney
 Goodlatte Manzullo
 Granger Marchant
 Graves Markey (CO)
 Grayson Markey (MA)
 Green, Al Marshall
 Green, Gene Massa
 Griffith Matheson
 Grijalva Matsui
 Guthrie McCarthy (CA)
 Gutierrez McClintock
 Hall (NY) McCollum
 Hall (TX) McCotter
 Halvorson McDermott
 Hare McGovern
 Harman McHenry
 Harper McHugh
 Hastings (FL) McIntyre
 Hastings (WA) McKeon
 Heinrich McMahon

McMorris Rodgers
 McNeerney Serrano
 Meek (FL) Meeks (NY)
 Melancon Meeks (NY)
 Mica Melancon
 Michaud Sherman
 Miller (FL) Shimkus
 Miller (MI) Shuler
 Miller (NC) Shuster
 Miller, Gary Simpson
 Miller, George Sires
 Minnick Skelton
 Mitchell Slaughter
 Mollohan Smith (NE)
 Moore (KS) Smith (NJ)
 Moore (WI) Smith (TX)
 Moran (KS) Smith (WA)
 Moran (VA) Snyder
 Murphy (CT) Souder
 Murphy (NY) Space
 Murphy, Patrick Speier
 Murtha Spratt
 Myrick
 Nadler (NY)
 Napolitano
 Neal (MA)
 Neugebauer
 Nunes
 Nye
 Oberstar
 Obey
 Olson
 Olver
 Ortiz
 Pallone
 Pascrell
 Pastor (AZ)
 Paul
 Paulsen
 Payne
 Pence
 Perlmutter
 Perriello
 Peters
 Peterson
 Petri
 Pingree (ME)
 Pitts
 Platts
 Poe (TX)
 Polis (CO)
 Pomeroy
 Posey
 Price (GA)
 Price (NC)
 Putnam
 Quigley
 Radanovich
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson
 Rodriguez
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rooney
 Ros-Lehtinen
 Roskam
 Ross
 Rothman (NJ)
 Roybal-Allard
 Royce
 Ruppersberger
 Rush
 Ryan (WI)
 Salazar
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schauer
 Schiff
 Schmidt
 Schock
 Schwartz
 Scott (GA)

NOT VOTING—16

Berkley Honda Schrader
 Berman Johnson, E. B. Sestak
 Capps Levin Taylor
 Conyers McCarthy (NY) Young (FL)
 Engel McCaul
 Gordon (TN) Ryan (OH)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1242

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VALIDATING NEVADA LANDS
TRANSFER

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 762, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 762.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 542]

YEAS—413

Abercrombie Bean Boren
 Ackerman Becerra Boswell
 Aderholt Berkley Boucher
 Adler (NJ) Berman Boustany
 Akin Berry Boyd
 Alexander Biggert Brady (PA)
 Altmire Bilbray Brady (TX)
 Andrews Bilirakis Braley (IA)
 Arcuri Bishop (GA) Bright
 Austria Bishop (NY) Broun (GA)
 Baca Bishop (UT) Brown (SC)
 Bachmann Blackburn Brown, Corrine
 Bachus Blumenauer Buchanan
 Baird Blunt Burgess
 Baldwin Boccieri Burton (IN)
 Barrett (SC) Boehner Butterfield
 Barrow Bonner Buyer
 Bartlett Bono Mack Calvert
 Barton (TX) Boozman Camp

Campbell
Cantor
Cao
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Clever
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson

Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McClintock
McCollum
McCotter
McDermott

McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff

Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space

Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen

Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—19

Brown-Waite,
Ginny
Capps
Conyers
Crenshaw
Davis (IL)
Delahunt
Engel
Gordon (TN)
Johnson, E. B.
Levin
McCarthy (NY)
McCaul
Miller, George

Pitts
Roybal-Allard
Schrader
Sestak
Waters
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1248

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes on July 15, 2009, and would like the RECORD to reflect that I would have voted as follows: Rollcall No. 540: "yea"; rollcall No. 541: "yea"; rollcall No. 542: "yea."

PERSONAL EXPLANATION

Mr. LEVIN. Mr. Speaker, I was unavoidably absent earlier today attending a meeting at the White House and was therefore not present during rollcall votes 538 to 542. Had I been present, I would have voted "yea" on rollcall vote 538 to order the previous question on H. Res. 645, "yea" on rollcall vote 539 on agreeing to H. Res. 645, "yea" on rollcall vote 540 to approve H.R. 1044, "yea" on rollcall vote 541 to approve H.R. 934, and "yea" on rollcall vote 542 to pass H.R. 762.

GENERAL LEAVE

Mr. PASTOR of Arizona. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3183.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 645 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3183.

□ 1248

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with Mr. TIERNEY in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time. The gentleman from Arizona (Mr. PASTOR) and the gentleman from New Jersey (Mr. FRELINGHUYSEN) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. PASTOR of Arizona. I yield myself such time as I may consume.

Mr. Chairman, it is, indeed, a privilege to submit to the House for its consideration H.R. 3183, the Energy and Water Development Appropriations bill for fiscal year 2010. The Appropriations Committee approved this bill unanimously by a voice vote on July 8. This is a good bill that merits the support of the entire House.

I thank all of the members of the Energy and Water Development Subcommittee for their help in bringing this bill to the floor today. This has been a challenging year with our extremely compressed schedule, and I appreciate our Members' attention and participation in this accelerated process.

I particularly want to thank the ranking member—my dear friend, the gentleman from New Jersey (Mr. FRELINGHUYSEN)—for his extraordinary cooperation, insight and friendship.

Mr. Chairman, this is a bipartisan bill that represents the fair and balanced treatment of competing priorities. This is the way our constituents expect their Representatives to work together, and I am proud of this bipartisan process.

I also would like to thank the chairman of the Appropriations Committee, Mr. OBEY, and the ranking member, Mr. LEWIS, for their support.

I was given this assignment 3 weeks ago, and without the great work of the subcommittee staff, we would not be here today. So, today, this afternoon, I want to thank the staff of the subcommittee: the Clerk, Taunja

Berquam; Robert Sherman; Joseph Levin; James Windle; Casey Pearce; Rob Blair; and Kevin Jones. They worked many hours and through the weekends to get this bill today on the floor.

I would also like to thank Richard Patrick, from my office, and Ms. Nancy Fox and Ms. Katie Hazlett of Mr. FRELINGHUYSEN's office.

I want to acknowledge our agency detailee, Lauren Minto from the Corps of Engineers, for her assistance, talent and knowledge in putting this bill and report together.

These people have formed a great team, and without their work, we would not be here today. I have to thank them again because their support has been invaluable.

Mr. Chairman, this bill provides funding to address critical issues that affect our Nation's security and prosperity—from Addressing high gas prices, our energy crisis and climate change to advancing science and innovation, to preventing nuclear proliferation, to encouraging effective project management, and to investing in our Nation's flood control and water infrastructure projects.

The total funding for energy and water development in fiscal year 2010 is \$33.3 billion. This funding amount is a decrease of \$1.1 billion from the budget request, and it is roughly equal to the current fiscal year. While the bill is below the budget request, the primary reason for this difference is a Congressional Budget Office score of \$1.5 billion for the Department of Energy's budget request for the Innovative Loan Guarantee Program. The bill provides \$406 million above the budget request in program scope.

This bill made a concerted effort to cut lower priority programs and to apply the cuts to higher priority efforts. These spending cuts include 18 activities, totaling \$2.5 billion below the President's request.

Given the wide-ranging scope of issues in this legislation that are critical to our Nation's well-being, I set forth the following priorities to ensure that our tax dollars will be spent wisely and effectively. These priorities include:

- addressing high gas prices, reducing our dependence on foreign oil, and confronting the energy crisis through increased investment in alternative, domestic transportation fuels and new vehicle technologies;

- addressing climate change with sound investments in carbon sequestration, low-emission energy technologies, and science research;

- modernizing the energy sector through the research and development of renewable energy sources, efficient energy technologies, and novel electric grid technologies;

- confronting the terrorist nuclear threat by increasing the protection of

nuclear materials and accelerating the deployment of systems to detect such materials at border crossing points and ports;

- improving the security of our weapons by upgrading the protection of our facilities as well as improving the training and equipment of the Protective Force;

- insisting that the President submit to Congress a nuclear weapons strategy and a nuclear complex transformation plan before Congress will consider funding a new nuclear warhead;

- investing in dam safety, flood protection, hydropower modernization and infrastructure that is essential to waterborne commerce on our coasts, rivers and inland lakes, which is essential to the safety of our citizens and our economy; and

- saving taxpayer dollars by improving management of agency programs, especially at the Department of Energy.

This bill provides adequate funds to meet the priority needs of the House. It funds the most worthwhile projects and programs near requested levels, and it reduces some programs that are less valuable or less urgent. I urge my colleagues of the House to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. I yield myself as much time as I may consume.

Mr. Chairman, I rise in support of the Energy and Water Development Appropriations bill for fiscal year 2010. This is a good bill because it is a significant improvement over the administration's budget request, and it was put together in a very bipartisan manner.

Before I turn to the contents of the legislation before us, like Mr. PASTOR, I would like to thank the fantastic staff—Taunja Berquam, the Clerk; Bob Sherman; Joe Levin; Jim Windle; Casey Pearce; and Lauren Minto. On the minority side, I would like to thank Rob Blair and Kevin Jones. In my personal office, I would like to thank Katie Hazlett and Nancy Fox. In Mr. PASTOR's personal office, I would like to thank Rick Patrick. All of these individuals have worked tirelessly to put together the product before us.

No one has worked harder than Mr. PASTOR, and I want to thank Mr. PASTOR for his friendship and for his leadership and guidance on this bill. The gentleman from Arizona is a pleasure to work with. I thank him for his leadership and for his assistance.

Mr. Chairman, the subcommittee's recommendation totals \$33.82 billion, which is \$1.1 billion below the President's request and \$200 million over the fiscal year 2000 enacted level. While the dollar amounts are significant, the issues contained in this bill are at the core of our Nation's economic prosperity and national security, especially the energy portfolio, and our historic responsibility for the reliability and

the protection of our nuclear stockpile. Thus, it is worthy of debate and amendment on the House floor.

□ 1300

The bill was preceded by the American Recovery and Reinvestment Act, which gave more than \$44 billion to the agencies under our jurisdiction. In fact, nearly \$39 billion alone went to the Department of Energy. The Department has nearly one-and-a-half times more money to manage even before we consider this annual appropriations bill, so our bill cannot be viewed simply through the traditional lens of annual appropriations. With the passage of the stimulus bill, Secretary Chu and his new team assumed new roles as major grant managers and accountants for billions of dollars for new Federal and State programs and hundreds of new employees.

Mr. Chairman, I am pleased that we were able to improve upon the administration's request in several ways. For example, the legislation before us increases the budget request by over \$400 million for the Army Corps of Engineers, enabling us to address more water needs across our country. The Army Corps projects touch virtually every congressional district; and I know Mr. PASTOR and I highly respect the interests of all Members who, knowing their district needs, have sought some assistance; and we've done our best to accommodate them. Our recommendation increases research and development for both renewable energy and nuclear power while supporting clean coal initiatives and other technologies, such as geothermal, solar, fusion and wind power. I am exceptionally pleased that our bill keeps the Department on track for the Next Generation Nuclear Plant program.

There are some areas that I would have done a bit differently, of course. Not surprisingly, I would have preferred to have done more to reverse the administration's decision to terminate the Yucca Mountain repository in Nevada, where we have spent over \$11 billion of taxpayer and rate payer moneys—in fact, \$7 billion of rate payer moneys—with little apparent return. We still have tons of waste to dispose of and to protect. The bill before us does contain the administration's significant cut to the program, and I am deeply concerned that this basically political decision will be followed by others trumping future scientific recommendations and judgments. However, our bill directs \$70 million to ensure that the questions raised during the Yucca license application process can be answered; and it requires that funding for the President's suggested Blue Ribbon Panel is only available for a review, which includes all alternatives, including Yucca Mountain. I think this is the only way future review could be credible.

I would also have preferred much more support for nuclear power here in the United States and the greater availability of nuclear loan guarantees. Given what China and other nations are doing to build new nuclear power plants, we could produce much more electricity ourselves while adding American jobs, which we need if the administration as well as House and Senate majority leadership were more supportive. American companies are working abroad building nuclear power plants while we dither here. The President and congressional leadership appear to have a strong bias against nuclear power as well as oil and gas production, which will leave our Nation severely disadvantaged. Energy-intensive industries, like what is left of our American manufacturing base, will no longer be able to compete with nations who are making nuclear and other types of capital investments a priority, and they're not subjecting themselves to self-imposed cap-and-trade emissions reductions. Our lack of investing in nuclear power, so well illustrated in the recent passage of the so-called American Clean Energy and Security Act, is a gift that keeps on giving to our economic competitors China and India, whose economies are already sucking away U.S. jobs at an alarming rate.

We also improved that portion of the committee's jurisdiction that involves nuclear weapons activities, not to promote more nuclear weapons, but to provide more funds to reduce the weapons stockpile. The President's recent trip to Russia and his call for major changes in what is called our nuclear "posture" must be matched by the administration's funding requests that will pay for our country's nuclear dismantlements and for the science to certify the reliability of what's left. And we must provide adequate funding to retain our highly specialized nuclear scientists and technicians and to maintain the facilities and laboratories where they do their work. The only way to support our national security is by increasing this account, not by holding it flat. Talk about a delicate balance between nuclear and renewables is only talk, for investments in renewables received \$60 billion in the \$800 billion stimulus—all of that borrowed money. I should add—and nuclear received nothing. I do hope that we can address this disproportionality in conference.

One of my biggest disappointments, however, is not with the bill but the way it was brought to the floor. With all the debate about climate change, global warming, conservation, carbon footprints and green jobs, Members of Congress in both parties should have the right to propose amendments to address their concerns and support sources of power that they specifically favor and know about, whether that be

nuclear, hydroelectric, solar, wind, oil or gas-based, fuel cell or fusion. That traditional right to amend our appropriations has been severely curtailed by the House leadership. Our appropriations bill affects virtually every part of our economy, the household budgets of every American family and job prospects for thousands, and the thought that renewables alone are going to give us energy independence is, of course, on its face, absurd.

Before I close though, I'd like, on a positive note, to thank the Army Corps of Engineers, both military and civilian who, as we gather here today, continue to do their remarkable work in dangerous territory in Iraq and Afghanistan. We thank them for their courage, their work and their professionalism. Mr. Chairman, again I'd like to thank Vice Chairman PASTOR for his leadership. Despite my unhappiness about the energy policy issues I have discussed, I intend to support the bill.

I reserve the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to the chairman of the Appropriations Committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I want to congratulate both Mr. PASTOR and Mr. FRELINGHUYSEN for an excellent bill. They are both first-rate legislators, and I think this bill is a very effective and reasonable response to the problems with which it deals. I think it's, most clearly, a bipartisan product as well, and I appreciate that.

I also appreciate the fact that this bill will continue providing significant assistance to Lake Superior communities who need help with sewer and water in order to be able to provide decent opportunities for economic growth in the future. Communities cannot grow without adequate infrastructure.

I also want to suggest that the non-proliferation efforts contained in this bill are important, indeed.

I would also note that when combined with the actions taken in the Recovery Act, this bill will begin the long process of trying to make up for the fact that for almost 30 years, this country has had no effective energy policy. That has to change, and this is part of the effort to change that.

I also appreciate the fact that, as is the case with previous bills approved by the committee, when this bill is finished on the floor, we will have accepted 24 Republican amendments to appropriation bills in the full committee. We will have accepted another 24 on the floor itself. I think that is testimony to the bipartisan approach taken by the subcommittees on bill after bill. I appreciate the cooperation of all of the Members and the hard work of the staff.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Chairman, I rise to enter into a colloquy with the distinguished chairman of the subcommittee, Mr. PASTOR.

Mr. Chairman, Hanford is the world's largest nuclear cleanup site. The wastes at Hanford are a result of our Nation's nuclear weapons production program that secured our victories in World War II and the Cold War. Hanford cleanup cannot sustain continued reductions without jeopardizing progress, breaking existing legally binding commitments to the State and increasing long-term costs to taxpayers. Achieving cleanup progress requires steady, stable, adequate funding each year for all projects at Hanford, including the tank farms, the waste treatment plant, groundwater protection, and the River Corridor project, which is responsible for stopping contaminants from reaching the Columbia River, shrinking the site by 95 percent, and represents the highest priority work for Hanford's Richland Operations office. I appreciate Mr. PASTOR's attention to this issue and assistance in making adjustments as this bill went through the committee process. These adjustments are a step in the right direction and will have a meaningful impact at Hanford, with full funding provided for the Office of River Protection.

I would like to ask Mr. PASTOR for a commitment to continue to work with me as the final Energy and Water bill is developed.

Mr. PASTOR of Arizona. As we talked earlier this morning, we said that we understand the importance of Hanford as well as all the other sites, and I told you of the possibility that some of us would need to go see the site and look at it firsthand. So you well know that I recognize the importance of cleaning up Hanford and also all of the EM sites. I will work with you on this issue and review the needs of Hanford's Richland Operations office, including the River Corridor Closure project, as we make our way through conference and write a final bill.

Mr. HASTINGS of Washington. Thank you for your commitment on this and for your commitment to nuclear waste cleanup at all the sites. I look forward to continuing to work with you. Obviously the invitation is open for you. Mr. FRELINGHUYSEN has been at Hanford, but I certainly invite you. It is something to see firsthand. I thank you for your commitment.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to another gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. I will join my colleague from the State of Washington's invitation to talk about Hanford issues at some point. I appreciate the Chair's interest in that.

I want to thank, specifically, the committee for including \$1.78 billion

for energy efficiency and renewable energy research, development and deployment. But I do rise with some concern that the report proposes to decrease water power R&D from \$40 million in 2009 to just \$30 million. While I understand that the ocean and tidal-based marine renewable energy industry is certainly nascent at this time, estimates suggest that ocean resources in the U.S. could supply more than 6 percent of our electricity generation if ocean renewable energy enjoyed the same Federal investment as other forms of renewable energy. Many countries already operate projects that generate power from both the waves and tidal and currents; and we should lead in this regard, not follow.

In Washington State these efforts are currently underway. The U.S. Navy and Verdant Power will install a demonstration project in Puget Sound in 2010, and Snohomish County PUD will install a project in Admiralty Inlet just north of Seattle in 2011. Federally backed research is underway at the Northwest National Marine Renewable Energy Center, a partnership between the University of Washington and Oregon State University. In Sequim the DOE's Marine Science Lab is researching ocean energy potential and environmental issues. Hawaii, Oregon, Maine, New York, California, Massachusetts and Alaska are also working to develop this industry. Our colleagues in the Senate have recommended \$60 million for water power R&D, and I hope to work with Mr. PASTOR through conference to work toward those Senate levels for this important, very promising program.

With that, I thank Mr. PASTOR for his efforts.

Mr. PASTOR of Arizona. I can assure the gentleman from Washington that the committee is aware of this sustainable domestic energy source and its potential. We will continue to work with the gentleman from Washington through conference to highlight renewable marine and hydrokinetic energy development as a priority for the agency.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentleman for yielding.

Mr. Chairman, I am pleased to rise today in support of the fiscal year 2010 Energy and Water Appropriations bill. I would like to thank Vice Chairman PASTOR and Ranking Member FRELINGHUYSEN for their work on this important bill. They have done a great job putting this bill together.

□ 1315

I also want to thank the staff on both sides of the aisle for their hard work and dedication on this piece of legislation.

I would like to focus my remarks today on the Department of Energy's loan guarantee program. The loan guarantee program is one of the few policy tools we have that delivers immediately available, market-ready, innovative, clean energy technologies that will have a positive impact on our economy.

Congress has authorized \$2 billion in loan guarantee authority for front-end nuclear facilities. DOE should be recognized for their work creating a loan guarantee program that has sound criteria to ensure the protection of taxpayers and award guarantees to the most creditworthy projects.

I support the efforts of my colleagues in the House to encourage DOE to administer the loan guarantee program, particularly for front-end facilities, efficiently and in the earliest possible time frame. I also support efforts to ensure that these decisions are based on merit and that all loan guarantees are issued to the most qualified and not necessarily the most politically connected applicants.

This program is not a bailout. It is designed to allow creditworthy companies to invest in large, multibillion dollar "investment grade" projects that will create thousands of jobs and inject several billion dollars in the local economy without jeopardizing taxpayers' interest.

For the loan guarantee program to succeed, it must demonstrate integrity and credibility through a fair, objective and timely process. It must also meet the reasonable business needs of the applicants and protect the Treasury and the U.S. taxpayer from undue exposure.

The Department of Energy has personally assured me that all decisions regarding loan guarantees will be made based on the merit of the recommended projects rather than on politics.

I look forward to working with my colleagues, the Department of Energy and Secretary Chu to issue loan guarantees in the earliest time frame possible by applying the program criteria in a fair and unbiased manner.

Mr. PASTOR of Arizona. Mr. Chairman, I would like to yield 2 minutes to the gentleman from Virginia, my good friend, BOBBY SCOTT.

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Chairman, I, along with my colleague from Virginia (Mr. WITTMAN), would like to briefly discuss the importance of fully funding the Thomas Jefferson Lab's 12 GeV Upgrade.

This important project received accelerated funding in the Recovery Act. It is vital that this project receive the administration's full request of \$22 million in this bill. If full funding is not in place for the upcoming fiscal year due to stringent controls in how Recovery Act funds are spent, there is little flexibility for the lab to meet their

construction project without costly scheduling delays or potential elimination of physics-related work.

I would hope that the gentleman from Arizona will work with me and Mr. WITTMAN to ensure that this project is funded at the administration's request for fiscal year 2010.

And I yield to the gentleman from Virginia, my colleague, Mr. WITTMAN.

Mr. WITTMAN. Thank you, Mr. SCOTT.

I rise in support and to echo the remarks of my colleague from Virginia (Mr. SCOTT). The Thomas Jefferson Lab is a world leader in nuclear physics research and education. The lab is currently in the midst of a major upgrade to their accelerator facility. Fully funding the accelerator upgrade will significantly expand the facility's research potential and will lead to a greater understanding of atomic particles, the building blocks of all matter. Research at Jefferson Lab will continue to expand our knowledge of nuclear physics that lead to many exciting scientific advances.

I respectfully request that the gentleman from Arizona would work to fully fund this important project at Jefferson Lab.

Mr. SCOTT of Virginia. I yield to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. I thank the gentleman for bringing this important issue to us.

You have made a case that the administration request for \$22 million for the continuous electron beam accelerator facility is merited.

You have my personal commitment to work with you and Mr. WITTMAN going forward to see that this project receives the funding it needs and deserves.

Mr. SCOTT of Virginia. I thank you for your commitment and thank you for your willingness to work on this important issue and thank my colleague from Virginia for his support and look forward to working with you in conference.

Mr. FRELINGHUYSEN. Mr. Chairman, I'm pleased to yield 3 minutes to the gentlewoman from Ohio (Mrs. SCHMIDT) for purpose of a colloquy.

Mrs. SCHMIDT. I rise to bring attention to the lack of progress by the Department of Energy in processing loan guarantee applications, particularly with respect to USEC's long-pending loan guarantee application for its American Centrifuge Plant project.

USEC filed its application with the Department of Energy for the loan guarantee nearly 1 year ago, yet its application still languishes. USEC has informed the Department of Energy that it needs, at minimum, a conditional commitment from the Department of Energy for a request for a loan guarantee by early August of 2009 or else USEC will begin to demobilize its project.

I would like to now turn this over to my good colleague from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I thank the gentlelady.

Mr. Chairman, as my colleague said, this loan application is critical for thousands of jobs in Ohio and throughout the country.

I would hope that the Secretary of Energy and other departmental leadership will provide the loan guarantee office staff with the necessary guidance and leadership to address this issue in the immediate future so that a conditional commitment can be issued on reasonable terms.

Mrs. SCHMIDT. I would like to now yield to Mr. WAMP from Tennessee.

Mr. WAMP. I thank the gentlelady. I'm proud that the United States Enrichment Corporation has been developing the highly advanced uranium enrichment technology for the American Centrifuge Plant in my district, the Oak Ridge National Laboratory facility.

USEC's enrichment technology is very well established, the risks have been mitigated, and the technology is fundamentally sound. We should not allow a seemingly risk-averse loan staff at the Department to continually delay a decision on the loan application which will have the effect of terminating this incredible state-of-the-art facility.

Would the chairman work with us to ensure that the program is run efficiently and effectively?

Mr. PASTOR of Arizona. First of all, I thank the gentleman for yielding time and congratulate him on his amendments.

To you and Mrs. SCHMIDT, I appreciate the comments made by all my colleagues. I will be happy to work with everyone to ensure the program is run efficiently and effectively. The management and effectiveness of this program is a priority of the subcommittee. We must ensure that it is fair to all applicants. And, yes, I will work with my colleagues.

Mrs. SCHMIDT. I just want to add that USEC also plays a critical role in our national defense and energy security. USEC's ACP project uses U.S.-owned and developed technology. Under U.S. law and international agreements, only uranium fuel that is of U.S. origin and produced using U.S. technology can be used to meet our defense needs. Our Nation's national security alone is enough of a reason for the Department of Energy to issue USEC a loan guarantee at reasonable terms and conditions.

I just want to appreciate everyone's comments here. We are also talking about 8,000 good-paying jobs in Ohio, Tennessee, and other States. If we are serious about stimulating the economy, this is a great place, because these projects are truly "shovel ready."

The Department of Energy must finish its review and issue a conditional commitment with reasonable terms and conditions by the end of this month. If it doesn't, we can expect to see layoffs beginning in early August.

The CHAIR. The time of the gentlewoman has expired.

Mr. FRELINGHUYSEN. I yield the gentlewoman 1 additional minute.

Mrs. SCHMIDT. I just wish to say that I would hope that we can get this resolved quickly, and ask if the gentleman from New Jersey has anything to add?

Mr. FRELINGHUYSEN. Yes. Mrs. SCHMIDT, I agree that 11 months is more than enough for the Department of Energy to act upon the loan guarantee submission for the front-end of the nuclear fuel cycle. It is a personal priority of mine to ensure that this program is run efficiently and in the best interest of U.S. taxpayers. While it needs to move quickly, the loan guarantee application process should be open and fair to all applicants.

Mrs. SCHMIDT. I thank the gentleman for his comments.

Mr. PASTOR of Arizona. I yield 2 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentleman and appreciate your yielding me the time and commend your leadership on the bill. I'm proud of the subcommittee's decision to double the International Renewable Energy Program from \$5 million to \$10 million this year.

Last year, the committee provided \$2 million to promote cooperation between the United States and the Government of Israel for renewable and alternative energy programs. The Government of Israel matched that funding, which is now being directed towards cooperation in the fields of advanced battery technology, solar, wind, biomass, geothermal and energy efficiency.

Moving forward, I urge the House to support continued cooperation between the United States and Israel in the field of alternative energy.

And with that, I yield to my distinguished colleague from New York, Chairwoman NITA LOWEY.

Mrs. LOWEY. I strongly believe that we must continue to show support to the United States-Israel Energy Cooperation. Last year, President Obama told the American people, "It is time for the U.S. to take real steps to end our addiction to oil, and we can join Israel building on last year's U.S.-Israel Energy Cooperation Act to deepen our partnership in developing alternative sources of energy." I agree with President Obama and believe we must work with our global partners and allies to diversify our energy portfolio.

Will the distinguished Mr. PASTOR work with us to ensure that U.S.-Israel Energy Cooperation receives substantial funding and support as you proceed to conference with the Senate?

Mr. PASTOR of Arizona. First of all, thank you for the compliment, and I will tell you that I have ELIOT ENGEL and BRAD SHERMAN, as well as you, Madam Chairman and Mr. ISRAEL, who have brought this matter to my attention, and I want to thank you for raising it on the floor.

I, too, am a supporter of the U.S.-Israel Energy Cooperation. This bill, as you have told us, doubles the account which funds such programs, and I look forward to working to ensure that the U.S.-Israel Energy Cooperation continues to receive strong support in order to accelerate the development of alternative energy programs.

Mr. ISRAEL. I thank the gentleman and the gentlewoman.

Mr. FRELINGHUYSEN. Mr. Chairman, I'm pleased to yield 2 minutes to my colleague from New Jersey, Congressman CHRIS SMITH.

Mr. SMITH of New Jersey. Mr. Chairman, I rise today in strong support of H.R. 3183. The bill includes funding to allow the U.S. Army Corps of Engineers to take a greater role in ongoing efforts to fix significant recurring environmental hazards posed by Wreck Pond, located in my district.

On an average summer day, Wreck Pond is a picture-perfect postcard. However, just below the surface lie dangerous concentrations of high levels of fecal coliforms as well as other nasty contaminants. When it rains, this poison goes onto the beaches, and it has caused, on average, about 80 percent of all beach closings in New Jersey in the past few years.

When Wreck Pond floods, this poison pours into the basements and first floors of nearby homes, which I have seen myself on several occasions. Immediate action is necessary to improve the water quality conditions and mitigate the serious health and environmental hazards caused by its pollution to local residents.

The Corps' work at Wreck Pond will be greatly enhanced and proceed to construction earlier than normally anticipated because of extensive analysis already completed by other agencies at the Federal, State and local level, including work of a \$400,000 EPA study, surveillance work by the New Jersey Department of Environmental Protection, as well as the State's installation of provisional storm water outflow pipes and the upstream watershed management programs.

These actions have been effective. However, they are not the best long-term solution, and a permanent fix can be achieved only after the Corps begins its work.

I want to especially thank my good friend and colleague, Mr. FRELINGHUYSEN, for his work, and Chairman OBERSTAR, of the Transportation and Infrastructure Committee, who actually made a trip to Wreck Pond in 2007 to view this himself. I thank them

both. RODNEY, thank you for your great work on this.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. SMITH) for the purpose of a colloquy.

Mr. SMITH of Washington. Mr. Chairman, I rise in support of the fiscal year 2010 Energy and Water Appropriations bill, and I am appreciative of the work done by the chairman and ranking member on this bill.

I would like to briefly engage the gentleman from Arizona (Mr. PASTOR) in a colloquy regarding an issue related to the Seattle District of the Army Corps of Engineers and the Howard Hanson Dam.

The Green and Puyallup Rivers located in part in the Ninth District of Washington were flooded by record levels of water in January 2009, causing cities along these rivers to sustain major damage. Levees along those rivers are now in need of repair and rehabilitation, and when added to the other levees that were already priorities for the Seattle district, the need for resources and action is imperative.

Following the record high level of water behind the Howard Hanson Dam on the Green River, significant structural weaknesses were discovered. Because of this damage, water levels at the Howard Hanson Dam are being held at lower-than-normal levels, drastically increasing the possibility of flooding along the banks below.

This is extremely troubling as we are rapidly approaching the upcoming rain and flood season. If the dam were to fail, or if a strong storm brings a heavy level of rain, then the levees below are at serious risk of being breached, causing significant property damage and driving large numbers of people from their homes and businesses.

I respectfully ask to work with the gentleman to ensure that the Seattle district of the Army Corps of Engineers is responsive to the flood prevention needs of those along the lower Green and Puyallup Rivers and will make the repairs of their levees a top priority.

I also ask to work with the subcommittee to make the resources needed to fix the Howard Hanson Dam available in a timely manner as they are identified.

And with that I yield to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. I would like to thank the gentleman from Washington for drawing the subcommittee's attention to this very serious issue. He has been a dedicated advocate for the people of the Ninth District of Washington and the surrounding areas. We will work with the gentleman to ensure that the Seattle district of the Corps is responsive to the needs of the cities and people along the lower Green and Puyallup Rivers and that adequate resources are available to repair the Howard Hanson Dam. So we look forward to working with you.

Mr. SMITH of Washington. Thank you. I appreciate that support.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

I rise today in support of the fiscal year 2010 Energy and Water Appropriations bill. I want to commend Chairman PASTOR and Ranking Member FRELINGHUYSEN and their subcommittee for putting together a balanced bill that clearly recognizes the importance of scientific research and energy security to our Nation's competitiveness.

□ 1330

There are several provisions of this bill I'm proud to support. Chief among those is the increase for the Department of Energy's Office of Science. I, along with 70 of my colleagues, asked appropriators for an increase consistent with the President's request to double the investment in the basic sciences within the next decade. The committee provided for \$170 million more than the fiscal year 2009. This funding is critical to our basic research infrastructure and national laboratory work, like that of Argonne in my district.

The innovations and solutions that will enable us to overcome many of our greatest challenges from our economic crisis, environmental concerns, dependence on foreign energy, and escalating health care costs all start with basic research investments.

Economic experts have concluded that science-driven technology has accounted for more than 50 percent of the growth of the U.S. economy during the last half century.

In recent years, Congress has come to recognize that science will be the foundation to address those needs and keep America globally competitive. As evidenced by the American COMPETES Act in 2007, both Democrats and Republicans support efforts to increase basic research in the physical sciences to meet the needs of our growing population. I will insert a copy of our letter in the RECORD.

I support the underlying bill and appreciate the committee's efforts to carefully balance the needs of our energy future and scientific investments. However, I am particularly disappointed that the committee followed the President's budget request to slash Yucca Mountain funding and the failure to increase important loan guarantees to support a revitalized nuclear energy sector.

Illinois receives almost half of its electricity generation from nuclear power, followed by coal. If we are to work towards a low carbon economy, we cannot pick energy winners and losers to meet the growing energy needs of our population.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 3, 2009

Hon. PETER VISCLOSKEY
Chairman, Energy and Water Development, Appropriations Subcommittee, House Appropriations Committee, Washington, DC.

Hon. RODNEY FRELINGHUYSEN,
Ranking Member, Energy and Water Development, Appropriations Subcommittee, House Appropriations Committee, Washington, DC.

DEAR CHAIRMAN VISCLOSKEY AND RANKING MEMBER FRELINGHUYSEN: As you begin your work on the Fiscal Year 2010 Energy and Water Appropriations bill, we write to express our strong support for the Department of Energy's (DOE) Office of Science. In particular, we urge you to increase Fiscal Year 2010 funding for its research and facilities by 8 percent over Fiscal Year 2009 to \$5.2 billion, which is consistent with President Obama's plan to double the Federal investment in the basic sciences within the next decade.

In recent years, Congress has come to recognize that science will be the foundation for the innovation and solutions that will enable us to overcome many of our greatest challenges—from our economic crises and environmental concerns to our dependence on foreign energy and escalating health care costs—and to remain globally competitive as a nation. As evidenced by the overwhelming bipartisan vote for enactment of the America COMPETES Act in 2007 (P.L. 110-69), both Democrats and Republicans support efforts to double federal funding for basic research in the physical sciences within the next decade. Congress built on this commitment by funding the programs and activities authorized by the America COMPETES Act in the American Recovery and Reinvestment Act and in the Fiscal Year 2009 Omnibus Appropriations bill.

Congress must build on and provide the resources to sustain this investment in Fiscal Year 2010. Report after report—from the National Academy of Sciences and the President's Council of Advisors on Science and Technology to the Task Force on the Future of American Innovation and the Council on Competitiveness—has called on Congress and the President to invest in U.S. research capabilities. The benefits of such an investment to the U.S. economy and U.S. competitiveness are well known. Economic experts have concluded that science-driven technology has accounted for more than 50 percent of the growth of the U.S. economy during the last half-century.

This kind of technology-based economic growth cannot be sustained without additional investment in the kind of basic research supported by the DOE Office of Science. We face a world in which our economic competitors in Asia and Europe are making significant new investments in their own research capabilities. These investments are beginning to pay off, as Asian and European countries challenge U.S. leadership in the sciences no matter how it is measured—by number of patents won, articles submitted to scientific journals, degrees awarded, Nobel prizes won, or the percentage of Gross Domestic Product (GDP) dedicated to research and development.

Even as we face greater international competition, these are exciting times for science in the United States. There are many great opportunities for scientific discovery, and with adequate funding, the DOE Office of Science will ensure the U.S. retains its dominance in such key scientific fields as nanotechnology, materials science, biotechnology, and supercomputing well into the next century. Through critical new investments in biofuels research and basic energy science, the DOE Office of Science will

continue to play a vital role in developing the knowledge and the technologies essential to ensuring the nation's future energy security. Finally, increased funding for the DOE Office of Science will give the economy a boost in the near-term by creating good-paying, American jobs in construction, manufacturing, and research. And in the long-term, such an investment in the nation's scientific and research enterprise—both human and physical capital—will increase our capacity to innovate, reduce our dependence on foreign sources of energy, enhance our competitive edge in the global economy, and thus create the jobs of the future.

U.S. scientists are as bright as any in the world, but they traditionally have had better tools than everyone else. The DOE Office of Science has led the way in creating a unique system of large-scale, specialized user facilities for scientific discovery. This collection of cutting-edge—often one-of-a-kind—tools makes the DOE Office of Science an exceptional and critical component of the federal science portfolio. Other federal science agencies, such as the National Institutes of Health (NIH) and the National Science Foundation (NSF), greatly depend upon these DOE Office of Science facilities in carrying out their own research activities. In Fiscal Year 2009 alone, over 21,500 researchers have access to these special DOE facilities. Nearly half of those users will be university faculty and students—many whose research is being supported by other federal agencies—and a significant number will be from U.S. industry.

For these many reasons, we urge you to increase funding for the DOE Office of Science in Fiscal Year 2010 by 8 percent over Fiscal Year 2009, consistent with President Obama's plan to double the Federal investment in the basic sciences within the next decade. Furthermore, we urge you to focus this funding on mission-related activities and facilities, and to avoid using core DOE research program budgets to fund extraneous projects. With this funding, the DOE Office of Science will attract the best minds, educate the next generation of scientists and engineers, support the construction and operation of modern facilities, and conduct even more of the quality scientific research that will create jobs and ensure the U.S. retains its competitive edge for many years to come.

Thanks for your consideration. We are cognizant of the difficult budget situation under which your subcommittee is working, and we urge you to contact us if we may be of assistance in any way.

Sincerely,

Judy Biggert, Rush Holt, Howard Berman, John Dingell, Barney Frank, Zoe Lofgren, Ron Kind, David Wu, Michael Capuano, Tammy Baldwin, Bill Pascrell, Joe Sestak, Jerry McNerney, Sheila Jackson-Lee, John Shimkus, Mike Rogers (MI), Adam Schiff, Ron Klein.

Jay Inslee, Daniel Lipinski, James Oberstar, Michael Michaud, Gary Peters, Bill Foster, Anna Eshoo, Zach Wamp, David Loebsack, Eddie Bernice Johnson, Brad Miller, Carolyn Maloney, Doris Matsui, Mary Jo Kilroy, Solomon Ortiz, Lynn Woolsey, Maurice Hinchey, Ellen Tauscher.

Neil Abercrombie, Rosa DeLauro, Bob Etheridge, Stephanie Herseth Sandlin, Henry Waxman, Paul Hodes, Jerrold Nadler, Vernon Ehlers, Earl Blumenauer, Dennis Moore, Chris Van Hollen, Lois Capps, Jan Schakowsky, John Duncan (TN), Tim Bishop, Adam Smith, Jim McGovern, Steve Kagen.

Peter Roskam, Christopher Carney, Carol Shea-Porter, Susan Davis, Raúl Grijalva,

Russ Carnahan, Eliot Engel, Bob Inglis, Donna Edwards, Stephen Lynch, Allyson Schwartz, Marcia Fudge, Eleanor Holmes Norton, Jim Costa, Doc Hastings, Roscoe Bartlett.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE) for the purpose of a colloquy.

Mr. ALTMIRE. Mr. Chairman, I rise to commend Mr. PASTOR for his excellent work on this legislation and to thank him for his continued support of the Nuclear Power 2010 program, which is now in its final year.

This program is a success story. It has reestablished the U.S. leadership in standardized, state-of-the-art nuclear power plants and created a licensing process that allows electric utilities the business certainty to make capital investments while also preserving public participation.

I yield to the gentleman from Arizona.

Mr. PASTOR of Arizona. I thank the gentleman for yielding.

I agree, and the committee was pleased to recommend that the Nuclear Power 2010 program receives \$71 million in this legislation, an increase of \$51 million above the President's request.

Mr. ALTMIRE. I thank Mr. PASTOR. And as he may know, the Nuclear Power 2010 program is of particular importance to my district, home to the Westinghouse Electric Company headquarters and the thousands of my constituents who work for Westinghouse.

Westinghouse helped establish the civilian nuclear energy industry, building the first emission-free electricity generating plant in 1957. Today, more than 40 percent of the world's operating plants are Westinghouse designs, and 62 of the 104 plants in the U.S. are Westinghouse designs.

NP2010 has helped Westinghouse meet today's regulatory requirements for standardizing, siting and licensing the latest nuclear power plant designs.

Mr. PASTOR of Arizona. I want to thank the gentleman for pointing out the vital role this program plays in his district. I am glad that NP2010 funding is included in the bill for all participants who are moving forward with licensing and building to bring the next generation of nuclear plants to the market.

Mr. ALTMIRE. I appreciate Mr. PASTOR for his support of this project and am proud of my constituents who helped bring the AP1000 reactor design to market and make the NP2010 program the success that it is.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 1½ minutes to Mr. CALVERT of California, a member of our committee.

Mr. CALVERT. Mr. Chairman, I rise today to bring your attention to the ongoing water crisis in my home State which has exacerbated the economic downturn throughout California.

Statewide, the unemployment rate has risen to more than 11 percent. In the Central Valley, regional unemployment has reached 20 percent with some communities' unemployment now up to over 40 percent. California's water crisis is the result of severe drought conditions on top of the federally imposed pumping restrictions that have been placed on our State's critical water infrastructure.

The appropriations bill before us provides some funding for a number of California's mid- and long-term water resource management projects. Unfortunately, many of the projects that are receiving funding are years away from completion and will not provide any assistance to Californians suffering today.

Even the most promising short-term projects in the Delta, like the Two Gates project, will only provide relief if regulatory permitting and anticipated court challenges are resolved in quick fashion. Many of the most affected communities have made it clear that they aren't looking for a handout. They want their water and they want their jobs back.

During the markup of this bill in the committee, I offered an amendment to do just that by ending the federally imposed pumping restrictions. Sadly, most of my colleagues on the other side of the aisle rejected the amendment and voted to protect a 3-inch fish instead of protecting jobs and the people of my State of California. I'm disappointed the Rules Committee denied a similar amendment offered by my colleague, Mr. NUNES.

Mr. Chairman, the federally imposed pumping restrictions are harming California families up and down the State. If this Congress and this administration fail to take the bold steps necessary to address the crisis in the next 6-12 months, the people of California will know exactly who's responsible for the job losses.

Mr. PASTOR of Arizona. Mr. Chairman, I would yield 2 minutes to the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Chairman, I would first like to commend my good friend from Arizona (Mr. PASTOR) for the strong commitment this bill shows toward shoring up both science and the national security of this country. The strong support for the Office of Science will be well received in my home State of New Mexico.

I'm seeking the commitment of the gentleman from Arizona to work with me on refurbishing LANSCE, the Los Alamos Neutron Science Center. This facility plays a crucial role in providing one-of-a-kind experimental capabilities to further the lab's science mission. In addition, it's a key draw for new scientific talent in Los Alamos National Laboratory and high-tech research into northern New Mexico. The

capabilities resident within the LANSCE facility cannot be duplicated in a cost-effective manner anywhere else in the country. The investment in the capabilities the refurbishment will sustain will pay for itself many times over.

I yield to Mr. PASTOR.

Mr. PASTOR of Arizona. First of all, I want to thank you for raising this important issue, and you have my personal commitment to work with you as we go forward to find a solution that best serves the national security.

We're well aware of the capabilities and the value of Los Alamos National Laboratories.

Mr. LUJAN. Mr. Chairman, again, I would like to commend my friend, the gentleman from Arizona for this legislation, and I thank him for his willingness to work with me on this important issue.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve the balance of my time and ask how much time is available on both sides.

The CHAIR. The gentleman from New Jersey has 8 minutes remaining. The gentleman from Arizona has 9½ minutes remaining.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado, my good friend, Mr. POLIS.

Mr. POLIS. Mr. Chairman, I, along with my colleague Mr. CARNAHAN, rise to enter into a colloquy.

Mr. PASTOR, several weeks ago the House Sustainable Energy and Environment Coalition met with the Secretary of Energy, Steven Chu. He shared his vision of eight energy innovation hubs that would deliver transformational energy technologies. This bill only funds one of those important hubs.

When these hubs were first discussed with the committee, DOE's action plan was not fully developed. Since that time, they have made necessary revisions to develop the concept. While we support funding only proposals that are fully developed, we hope that you will work with the members of the Sustainable Energy and Environment Coalition and the Department of Energy to continue working to fund this initiative as this process continues.

Mr. Chairman, I would like to yield to my colleague and fellow SEEC member, Mr. CARNAHAN of Missouri.

Mr. CARNAHAN. As co-chair of the Congressional High Performance Building Caucus, I know firsthand that improvements to our built environment are some of the lowest hanging fruit in terms of energy efficiency gains.

In the long term, we would work with you, Mr. Chairman, to see that all eight energy innovation hubs are fully funded. In the short term, as we enter into conference with the Senate, we would like to work with you to ensure that the Fuels from Sunlight Hub and

the Energy Efficient Building Systems Hub are fully funded.

I submit for the RECORD letters from Members and organizations who also support funding of the energy efficient building systems.

I thank you, Mr. PASTOR, for your willingness to address this issue, and I look forward to working with you.

CONGRESS OF THE UNITED STATES,
HIGH-PERFORMANCE BUILDINGS CAUCUS,
Washington, DC, July 15, 2009.

Hon. DAVID R. OBEY,
Chairman, Committee on Appropriations,
Washington, DC.

Hon. ED PASTOR,
Acting Chairman, Subcommittee on Energy and
Water Development, Washington, DC.

Hon. JERRY LEWIS,
Ranking Member, Committee on Appropriations,
Washington, DC.

Hon. RODNEY FRELINGHUYSEN,
Ranking Member, Subcommittee on Energy and
Water Development, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS: As members of the High-Performance Buildings Caucus, we commend your work on the Energy and Water Appropriations Act of 2010. This Act makes investments in all areas of energy and makes critical investments in our nation's infrastructure. Of those investments, we hope you will give priority consideration to the Energy Efficient Buildings Systems Hub.

As a Caucus, we have consistently advocated for investments in a particular element of our nation's infrastructure—our built environment. Each year our nation's homes, offices, schools, and other buildings consume 70 percent of the electricity in the U.S., emit 39 percent of the nation's carbon dioxide emissions, and our citizens spend approximately 90 percent of their time indoors. Investing in the research and development of high-performance building technologies can have a direct impact on decreasing our nation's carbon footprint, reducing costs and improving building energy efficiency.

In light of these facts, the Department of Energy fiscal year 2010 budget introduced a request for eight Energy Innovation Hubs, each focused on a specific national energy related topic. These Energy Innovation Hubs would function in a new structure modeled after the research laboratories involved in the Manhattan Project Labs, Lincoln Labs at MIT that developed radar and AT&T Bell Laboratories that developed the transistor.

According to the Department of Energy, the proposed Energy Efficient Building Systems Hub would:

Develop systems-based approaches to designing commercial and residential buildings that integrate windows and lighting, natural ventilation and HVAC, thermal inertia, on-site energy generation and other factors. Develop building design software with imbedded energy analysis to assist architects and engineers in adopting new technologies for conserving energy. Develop automated operating platforms for real-time optimization of the building control systems, analogous to computer optimization of automobile engine performance.

We understand that during difficult economic and budgetary times, we must be especially careful with federal research investments. It is because of our strong belief in the benefits of energy efficiency gains that we believe that this Energy Innovation Hub will offer the best return for our investment.

While we understand the concerns of the Appropriations Committee regarding pos-

sible redundancies within existing initiatives, we hope to work with the Committee and the Department of Energy to address these specific concerns before moving forward. It is our hope that as this legislation moves forward, we will be able to work with you to address this important issue.

Sincerely,

RUSS CARNAHAN,
Co-Chair.
JUDY BIGGERT,
Co-Chair.

CONGRESS OF THE UNITED STATES,
SUSTAINABLE ENERGY AND ENVIRONMENT COALITION,
Washington, DC, July 15, 2009.

Hon. DAVID R. OBEY,
Chairman, Committee on Appropriations,
Washington, DC.

Hon. ED PASTOR,
Acting Chairman, Subcommittee on Energy and
Water Development, Washington, DC.

DEAR CHAIRMAN OBEY AND ACTING CHAIRMAN PASTOR: As members of the Sustainable Energy and Environment Coalition (SEEC), we thank and commend you for your continuing leadership in making the investments in clean energy and energy efficiency technologies that are essential for a transition to a cleaner, more prosperous and independent American energy future.

As a Coalition we believe firmly in the advancement of the technologies that will provide cleaner, more economically and environmentally sustainable energy to every segment of our economy. Further, as members of SEEC we have fought continuously for investments in research and development of renewable energy and energy efficiency technologies that will spawn a new American clean energy economy that will create jobs, reduce our dependence on foreign oil, and arrest the progression of global climate change.

In a meeting on June 16, 2009, Secretary of Energy Steven Chu expressed to our members his desire for a new American energy future. As a part of his visionary plan to bring this future to reality, the Secretary called for the creation of eight "Energy Innovation Hubs" for the advanced research and development of the energy technologies that will allow America to lead the world in a twenty-first century energy economy.

Under the Energy and Water Appropriations, Fiscal Year 2010 legislation, funding has been allocated for the Department of Energy to establish one Energy Innovation Hub. According to the Department of Energy, this Hub would be chartered for the research and development of "Fuels from Sunlight" technologies. While we stand with the Secretary of Energy in supporting the research and development of game-changing, twenty-first century fuel technologies, we would like to express support for the establishment of a second Energy Innovation Hub—using existing funding appropriated to the Office of Energy Efficiency and Renewable Energy—for the research and development of "Energy Efficient Building Systems".

The creation of an Energy Innovation Hub to research and develop advancements in increasing the energy efficiency of buildings is a high priority for the Secretary and the Department of Energy. As a nation, our built environment accounts for 40 percent of our carbon dioxide emissions, and consumes 70 percent of the electricity from our electric grid. A lack of energy efficiency contributes to higher energy prices and greater greenhouse gas emissions for homes and for businesses in every state. Greater and more

widespread energy efficiency in buildings would result in lower energy prices, less greenhouse gas emissions, and less wasted use of our energy resources. Therefore, we would like to work with the Committee on Appropriations, the Subcommittee on Energy and Water Development, and the Department of Energy to realize the creation of an Energy Innovation Hub to research and develop Energy Efficient Building Systems.

Sincerely,

RUSS CARNAHAN,
JAY INSLEE,
PAUL TONKO,
MARTIN HEINRICH,
DONNA CHRISTENSEN,
BRUCE BRALEY,
JARED POLIS,
PAUL HODES,
TAMMY BALDWIN,
BETSY MARKEY,
PETER WELCH.

*The Members of the Sustainable Energy and
Environment Coalition.*

HIGH-PERFORMANCE BUILDING CON-
GRESSIONAL CAUCUS COALITION,
Washington, DC, July 15, 2009.

Chairman DAVID OBEY,
*Committee on Appropriations,
Washington, DC.*

Ranking Member JERRY LEWIS,
*Committee on Appropriations,
Washington, DC.*

Re DOE Energy Efficient Building Systems
Hub.

DEAR CHAIRMAN OBEY AND RANKING MEMBER LEWIS: As you consider appropriations for the Department of Energy that will impact the energy use associated with buildings, the members of the High-Performance Building Congressional Caucus Coalition (HPBCCC) indicated below, strongly encourage providing funding for the implementation of an innovation hub for energy efficient building systems.

High-performance buildings, which address human, environmental, economic and total societal impact, are the result of the application of the highest level design, construction, operation and maintenance principles—a paradigm change for the built environment. The U.S. should continue to improve the features of new buildings, and adapt and maintain existing buildings, to changing balances in our needs and responsibilities for health, safety, energy efficiency and usability by all segments of society.

Within the private sector, we have made considerable gains toward the design and construction of energy efficient buildings and equipment. In further pursuit of the nation's energy goals and to fully realize the results of private sector innovation, we look forward to working with you and the Department of Energy to establish public-private partnership programs (including the Energy Efficient Building Systems Hub) to effectively develop and implement energy savings technologies and practices.

The High-Performance Building Congressional Caucus Coalition (HPBCCC) is a private sector coalition of leading organizations from the building community formed to provide guidance and support to the High-Performance Building Caucus of the U.S. Congress. The High-Performance Building Caucus of the U.S. Congress was formed to heighten awareness and inform policymakers about the major impact buildings have on our health, safety and welfare and the opportunities to design, construct and operate high-performance buildings that reflect our concern for these impacts. Fundamental to

these concerns include protecting life and property, developing novel building technologies, facilitating and enhancing U.S. economic competitiveness, increasing energy efficiency in the built-environment, assuring buildings have minimal climate change impacts and are able to respond to changes in the environment, and supporting the development of private sector standards, codes and guidelines that address these concerns.

Sincerely,

American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE); Glass Association of North America (GANA); AEC Science & Technology; National Electrical Manufacturers Association (NEMA); National Institute of Building Sciences (NIBS); The Carpet and Rug Institute; American Society of Civil Engineers (ASCE); International Association of Plumbing and Mechanical Officials (IAPMO); Plumbing-Heating-Cooling Contractors-National Association (PHCC); U.S. Green Building Council (USGBC); and International Council of Shopping Centers (ICSC).

National Fenestration Rating Council (NFRC); Green Building Initiative (GBI); American Institute of Architects (AIA); Environmental and Energy Study Institute (EESI); Portland Cement Association (PCA); International Code Council (ICC); Architecture 2030; Center for Environmental Innovation in Roofing; Mechanical Contractors Association of America (MCAA); Green Builder Media; International Association of Lighting Designers (IALD); and Air Conditioning Contractors of America (ACCT).

Mr. CARNAHAN. I yield to the gentleman from Arizona.

Mr. PASTOR of Arizona. First of all, you are both correct in that when the Secretary appeared before the subcommittee, this is and was presented as a work in progress. And knowing that we are going to proceed forward with the administration and with the Secretary, we thought that it was in the best interest to fund one hub. And as the Secretary and the administration goes forward in developing these hubs, we look forward to working with you, Mr. POLIS.

The CHAIR. The time of the gentleman has expired.

Mr. PASTOR of Arizona. I yield another minute to Mr. POLIS.

Mr. POLIS. I yield to Mr. PASTOR.

Mr. PASTOR of Arizona. So we look forward to working with you and Mr. CARNAHAN because it's an idea that obviously will expand, will grow, and we want to make sure that the committee, the subcommittee has the opportunity to work with the Secretary to see its development. So we look forward to working with you.

Mr. POLIS. I would like to thank the gentleman from Arizona.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman and wanted to rise today for a colloquy. And what this has to do with is some poor language that's in the bill, some on the House side and some on the Senate side. But the gentleman from Florida (Mr. BOYD) had put lan-

guage in the bill that directs the Corps to report back to Congress an outline of the study based on the findings of the National Research Council workshop on water issues in Apalachicola-Chattahoochee-Flint and Alabama-Coosa-Tallapoosa River basins, and we in the Georgia and Alabama and Florida delegations are in support of that language.

However, there was also some language that was put in by Mr. SHELBY on the Senate side that directs the Corps to report the critical yield of Federal reservoirs on the ACF-ACT, and the majority of Members from the Georgia delegation are opposed to that, and it's a bipartisan opposition. It's something that we are very concerned about. We feel strongly that the Corps of Engineers' water manuals need to be updated and that what the Senator from Alabama has put on the bill on the Senate side will hurt that.

So what I would like to do, if possible, is ask the ranking member and the chairman to keep an eye on this issue and hopefully, as this thing develops, oppose the language that's been put in the bill on the Senate side and support the language that Mr. BOYD put in on the House side. Those two bits of language are not in opposition of each other. You can support one without the other.

But the one that we have the most heartburn about in terms of the bipartisan Georgia delegation is the Shelby language on the Senate side.

I would like to yield to anybody who would like to speak.

Mr. FRELINGHUYSEN. Let me say I would be happy to work, like Mr. PASTOR would, to see what we could do to be helpful to all involved.

Mr. KINGSTON, as you know, we have yet to go to conference, but this is an interest that you and other Members have in terms of its effects on your particular States. You have my commitment, as well as the ranking member as you heard, to work with you and work it out.

Mr. PASTOR of Arizona. Mr. Chairman, I yield 4 minutes to the gentleman from New York, a member of the Energy and Water Appropriations Subcommittee, Mr. ISRAEL.

Mr. ISRAEL. I thank the distinguished gentleman from Arizona. I appreciate his leadership on so many issues. In particular, I want to thank him for including my bipartisan amendment with our colleagues, Mr. LARSON from Connecticut, Mr. MASSA, Mr. DENT, Mr. DOYLE, and Mr. INGLIS to restore \$45 million to the hydrogen and fuel cell program at DOE. This bill brings the total to \$153 million, which I believe can be used to establish a public-private partnership with industry partners who have already displayed a significant investment in the United States.

Currently, Mr. Chairman, the United States is in a neck-and-neck competition with the global market on hydrogen fuel cells. We've got to support these technologies for commercialization within 5 years as a matter of national security, energy independence, and to remain competitive in the energy sector. This investment keeps us ahead.

And I want to again thank the gentleman from Arizona for his leadership and his cooperation, and my colleagues for their bipartisanship in drafting this legislation which the gentleman has accepted.

□ 1345

Mr. PASTOR of Arizona. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Mr. Chairman, I want to associate myself with the remarks of STEVE ISRAEL, as the aforementioned also members of the Hydrogen Caucus who have been so critical to promoting this legislation. But I especially want to thank Chairman PASTOR and especially his staff, Taunja Berquam, and also Joe Levin, who played an instrumental role in making sure that we got this important funding included in the bill.

Now, in Connecticut we pride ourselves as being the fuel-cell center. We have more than eight companies, three in my home district. But as STEVE ISRAEL pointed out—and I know Mr. PASTOR knows this—the importance of being energy independent cuts to the core of what we need to do.

This is a technology that has been around for some time. We use it very successfully in NASA. We're able to power our space vehicles. We're able to use the water and be able to heat and cool and power our spacecraft. With that, can we get people back and forth to work and heat and cool our buildings? I think so.

The whole goal here is to make sure that we're able to embrace the most abundant element in the universe, which is hydrogen. If we expect to wean ourselves off of foreign dependency then we have to go with cutting edge technology.

Another young President in 1960 said we could put a man on the moon in 10 years. We did it in nine. Part of the technology in getting us there was hydrogen fuel cells.

It's long overdue for us to make the kind of investments in the public-private partnerships that Mr. ISRAEL alluded to that are so essential to us moving this economy forward and making sure that we're no longer dependent upon OPEC countries, on Libya, on Venezuela or Russia for our source of fuel, but we make it here in America with American innovation and technology.

And with that, again, I thank Mr. PASTOR for your leadership and your

outstanding staff for providing us this opportunity, what I know is a bipartisan effort to move this Nation forward.

Mr. FRELINGHUYSEN. We reserve our time, Mr. Chairman.

Mr. PASTOR of Arizona. We don't have any other speakers. So I reserve my time.

Mr. FRELINGHUYSEN. I yield back my time.

Mr. PASTOR of Arizona. Mr. Chairman, as you heard, this is a bipartisan bill. We've tried to balance the different priorities and needs of this country.

Again, I want to thank my ranking member for his cooperation, his support, and his insight in preparing this bill. It is a good bill, and we would not have been able to do it without the staff that was involved in bringing this bill to us.

Mr. VAN HOLLEN. Mr. Chair, I rise in support of the FY 10 Energy and Water Appropriations bill. Under the leadership of President Obama, the United States is committing itself to a new national clean energy policy for the 21st century, and this legislation advances that critical objective. Additionally, I am pleased with the important investments this bill makes in our nation's water infrastructure.

The Department of Energy will receive \$26.9 billion to fund five primary mission areas: science, energy, the environment, nuclear non-proliferation and national security. Specifically, DoE's Office of Science will receive \$4.9 billion—an amount exceeding the goals of the America COMPETES Act—for its basic and applied research in support of our nation's future energy needs. The Office of Energy Efficiency and Renewable Energy will receive \$2.25 billion for research, grants and demonstration projects in areas ranging from solar power to industrial energy efficiency. This legislation also provides \$5.4 billion for environmental clean-up related to contamination from nuclear weapons manufacturing, and \$592 million is dedicated to safeguarding Russian nuclear materials and combating international nuclear trafficking.

To support our nation's water infrastructure, the Army Corps of Engineers receives \$5.5 billion for operations, maintenance and construction of vital water projects across the country, and the Department of the Interior is provided \$1.1 billion for the Bureau of Reclamation's important work on the nation's dams, canals, water conservation and rural water projects. Finally, I am heartened by the wide-ranging support for Chesapeake Bay restoration initiatives included in this legislation.

Mr. Chair, this bipartisan bill reflects the clean energy and water infrastructure priorities of the American people. I urge my colleagues' support.

Mr. PASTOR of Arizona. Mr. Chairman, I yield back my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule, and the bill shall be considered read through page 63, line 12.

The text of that portion of the bill is as follows:

H.R. 3183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

**TITLE I—CORPS OF ENGINEERS—CIVIL
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL**

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary when authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, \$142,000,000, to remain available until expended: *Provided*, That, except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the projects and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies and plans and specifications of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies and plans and specifications shall not constitute a commitment of the Government to construction), \$2,122,679,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by the Water Resources Development Act of 1996 (Public Law 104-303); and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects shall be derived from the Inland Waterways Trust Fund: *Provided*, That \$1,500,000 of the funds appropriated under this heading in title I of division C of the Omnibus Appropriations Act, 2009 (Pub. L. 111-8; 123 Stat. 601-609) is transferred to the Investigations account and, in addition to funds appropriated by this Act, applied toward the cost of carrying out the Seven Oaks Water Conservation Study, California: *Provided further*,

That, except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the projects and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, \$251,375,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That, except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the projects and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, when authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, \$2,510,971,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965 (16 U.S.C. 4601-6a(i)) shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of the Water Resources Development Act of 1996 (Public Law 104-303) shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That, except as provided in section 101, the amounts made available under this paragraph shall be expended as authorized by law for the projects and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, \$190,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the

Nation's early atomic energy program, \$134,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in the headquarters of the Corps and the offices of the Division Engineers; and for the management and operation of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the Engineer Research and Development Center, and the Corps Finance Center, \$184,000,000, to remain available until expended, of which not more than \$5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation in this title shall be available to fund the above activities: *Provided further*, That any unobligated balances from prior appropriation Acts for "Flood Control and Coastal Emergencies" may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster: *Provided further*, That upon submission to the Congress of the fiscal year 2011 President's budget, the Chief of Engineers shall transmit to Congress the annual congressional budget justifications for fiscal year 2011: *Provided further*, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after initial submission of the President's budget that the report has not been submitted to the Congress.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For the Office of Assistant Secretary of the Army (Civil Works) as authorized by 10 U.S.C. 3016(b)(3), \$6,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. REPROGRAMMING RESTRICTION.—(a) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

- (1) creates or initiates a new program, project, or activity;
- (2) eliminates a program, project, or activity;
- (3) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act;
- (4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;
- (5) increases funds for any program, project, or activity by more than \$2,000,000 or 10 percent, whichever is less; or
- (6) reduces funds for any program, project, or activity by more than \$2,000,000 or 10 percent, whichever is less.

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948, section 14 of the Flood Control Act of 1946, section 208 of the Flood Control Act of 1954, section 107 of the River and Harbor Act of 1960, section 103 of the River and Harbor Act of 1962, section 111 of the River and Harbor Act of 1968, section 1135 of the Water Resources Development Act of 1986, section 206 of the

Water Resources Act of 1996, or section 204 of the Water Resources Act of 1992.

(c) The Army Corps of Engineers shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 102. COMPETITIVE SOURCING.—None of the funds in this Act, or previous Acts making funds available for Energy and Water Development, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A-76 or High Performing Organizations for the Army Corps of Engineers.

SEC. 103. CONTRACT MODIFICATION.—None of the funds made available in this title may be used to award or modify any contract that commits funds beyond the amounts appropriated for that program, project, or activity that remain unobligated, except that such amounts may include any funds that have been made available through reprogramming pursuant to section 101.

SEC. 104. INLAND WATERWAYS TRUST FUND.—None of the funds in this Act, or previous Acts making funds available for Energy and Water Development, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in the Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99-662) is enacted.

SEC. 105. TWO HARBORS, MINNESOTA.—The project for navigation, Two Harbors, Minnesota, being carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), and modified by section 3101 of the Water Resources Development Act of 2007 (121 Stat. 1133), is further modified to direct the Secretary to credit, in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b), toward the non-Federal share of the project the cost of planning, design, and construction work carried out by the non-Federal interest for the project before the date of execution of a partnership agreement for the project.

SEC. 106. NORTHERN WISCONSIN.—Section 154(h) of title I of division B of the Miscellaneous Appropriations Act, 2001 (114 Stat. 2763A-254) (as enacted into law by Public Law 106-554) is amended by striking "\$40,000,000" and inserting "\$60,000,000".

SEC. 107. MARTIN, KENTUCKY.—The Secretary is directed to use such funds as are necessary, from amounts made available in this Act under the heading "Construction", to expedite acquisition of those properties located in the vicinity of Martin, Kentucky, that were damaged by the floodwaters in the May 2009 flood event and that fall within Phases 3 and 4 of the mandatory and voluntary acquisition elements identified in Plan A of the Chief of Engineers, Town of Martin Nonstructural Project Detailed Project Report, Appendix T, Section 202 General Plan, dated March 2000.

SEC. 108. WHITE RIVER MINIMUM FLOW, ARKANSAS.—Section 132 of the Energy and Water Development Appropriations Act of 2006 (119 Stat 2261) is amended—

- (1) in subsection (a)(3), by striking "Corps of Engineers" and inserting "Southwestern Power Administration";
- (2) by adding at the end of subsection (a) the following new paragraph:

“(5) PAYMENT TO NON-FEDERAL LICENSEE.—Southwestern Power Administration shall compensate the licensee of Federal Energy Regulatory Commission Project No. 2221 pursuant to paragraph (3) using receipts collected from the sale of Federal power and energy related services. Pursuant to paragraph (6), Southwestern Power Administration will begin collecting receipts in the Special Receipts and Disbursement account upon the date of enactment of this paragraph. Payment to the licensee of Federal Energy Regulatory Commission Project No. 2221 shall be paid as soon as adequate receipts are collected in the Special Receipts and Disbursement Account to fully compensate the licensee, and in accordance with paragraph (2), such payment shall be considered non-reimbursable.”;

(3) by adding at the end of subsection (a) the following new paragraph:

“(6) The Southwestern Power Administration shall compensate the licensee of Federal Energy Regulatory Commission Project No. 2221 in annual payments of not less than \$5,000,000, until the licensee of Federal Energy Regulatory Commission Project No. 2221 is fully compensated pursuant to paragraph (3). At the end of each fiscal year subsequent to implementation, any remaining balance to be paid to the licensee of Project No. 2221 shall accrue interest at the 30-year U.S. Treasury bond rate in effect at the time of implementation of the White River Minimum Flows project.”;

(4) by adding at the end of subsection (a) the following new paragraph:

“(7) ESTABLISHMENT OF SPECIAL RECEIPT AND DISBURSEMENT ACCOUNTS.—There is established in the Treasury of the United States a special receipt account and corresponding disbursement account to be made available to the Administrator of the Southwestern Power Administration to disburse pre-collected receipts from the sale of federal power and energy and related services. The accounts are authorized for the following uses:

“(A) Collect and disburse receipts for purchase power and wheeling expenses incurred by Southwestern Power Administration to purchase replacement power and energy as a result of implementation of the White River Minimum Flows project.

“(B) Collect and disburse receipts related to compensation of the licensee of Federal Energy Regulatory Commission Project No. 2221.

“(C) Said special receipt and disbursement account shall remain available for not more than 12 months after the date of full compensation of the licensee of Federal Energy Regulatory Commission Project No. 2221.”;

(5) by adding at the end of subsection (a) the following new paragraph:

“(8) TIME OF IMPLEMENTATION.—For purposes of paragraphs (3) and (4), ‘time of implementation’ shall mean the authorization of the special receipt account and corresponding disbursement account described in paragraph (7).”.

TITLE II—DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, \$40,300,000, to remain available until expended, of which \$1,500,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation

Commission. In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, \$1,704,000, to remain available until expended. For fiscal year 2010, the Commission may use an amount not to exceed \$1,500,000 for administrative expenses.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES (INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, \$910,247,000, to remain available until expended, of which \$53,240,000 shall be available for transfer to the Upper Colorado River Basin Fund and \$17,936,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than \$500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by section 106 of Public Law 91-378 (16 U.S.C. 1706; popularly known as the Youth Conservation Corps Act of 1970): *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total amount appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by section 4(i) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(1)) shall be derived from that Fund or account: *Provided further*, That funds contributed under the Act of March 4, 1921 (43 U.S.C. 395) are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under the Act of January 12, 1927 (43 U.S.C. 397a) shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a nonreimbursable basis: *Provided further*, That \$4,000,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of appendix D of Public Law 106-554: *Provided further*, That, except as provided in section 201 of this Act, the amounts made available under this paragraph shall be expended as authorized by law for the projects and activities specified in the text and table under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, \$35,358,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102-575, to remain

available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102-575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION (INCLUDING TRANSFERS OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, \$31,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, \$61,200,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in section 4(o) of the Act of December 5, 1924 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for the purchase of not more than seven passenger motor vehicles, which are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. REPROGRAMMING RESTRICTION.—(a) None of the funds provided in title II for Water and Related Resources shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act;

(4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;

(5) transfers funds in excess of the following limits:

(A) 15 percent for any program, project, or activity for which \$2,000,000 or more is available at the beginning of the fiscal year; or

(B) \$300,000 for any program, project, or activity for which less than \$2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than \$500,000 from either the Facilities Operation, Maintenance, and

Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category; or

(7) transfers, when necessary to discharge legal obligations of the Bureau of Reclamation, more than \$5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term "transfer" means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. SAN LUIS UNIT.—(a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

TITLE III—DEPARTMENT OF ENERGY ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$2,250,000,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$500,000 shall be for research and development of novel hydrogen energy carriers that are liquid at standard temperature and pressure and store hydrogen in bound chemical states rather than as free molecules, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, \$500,000 shall be

for development of a demonstration plant for the production of biodiesel fuels from crops that, to the greatest extent possible, are cultivated on existing cropland during off-season rotations and minimize land use per unit of fuel energy produced, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, \$3,000,000 shall be for development of a parking canopy facility with solar photovoltaic roof panels for electricity generation to measure the viability of using photovoltaic technologies in locations where environmental and space limitations render conventional power generation costly, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, \$153,560,000 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Energy Efficiency and Renewable Energy Projects" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$208,008,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$7,600,000 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Electricity Delivery and Energy Reliability Projects" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 36 passenger motor vehicles, including one ambulance, all for replacement only, \$812,000,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$500,000 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Nuclear Energy Projects" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3,

1602, and 1603), \$617,565,000, to remain available until expended: *Provided*, That funds appropriated for prior solicitations under the Clean Coal Technology Program, Power Plant Improvement Initiative, Clean Coal Power Initiative, and FutureGen, but not required by the Department to meet its obligations on projects selected under such solicitations, may be utilized for the Clean Coal Power Initiative, pursuant to title IV of Public Law 109-58, in accordance with the requirements of this Act rather than the Acts under which the funds were appropriated: *Provided further*, That no Clean Coal Power Initiative project may be selected for which full funding is not available to provide for the total project: *Provided further*, That if a Clean Coal Power Initiative project, selected after enactment of this Act for negotiation under this or any other Act in any fiscal year, is not awarded within 2 years from the date the application was selected, negotiations shall cease and the Federal funds committed to the application shall be retained by the Department for future coal-related research, development, and demonstration projects, except that the time limit may be extended at the Secretary's discretion for matters outside the control of the applicant, or if the Secretary determines that extension of the time limit is in the public interest: *Provided further*, That the Secretary may not delegate this responsibility for applications greater than \$10,000,000: *Provided further*, That financial assistance for costs in excess of those estimated as of the date of award of original Clean Coal Power Initiative financial assistance may not be provided in excess of the proportion of costs borne by the Government in the original agreement and shall be limited to 25 percent of the original financial assistance: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in Public Law 99-190 (42 U.S.C. 5903d): *Provided further*, That any technology selected under these programs shall be considered a Clean Coal Technology, and any project selected under these programs shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That funds available for the Clean Coal Power Initiative may be used to support any technology relating to carbon capture and storage or beneficial uses of carbon dioxide, without regard to the 70 and 30 percent funding allocations specified in section 402(b)(1)(A) and (2)(A) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(A) and (2)(A)): *Provided further*, That, of the amount appropriated in this paragraph, \$750,000 shall be for development of technologies for integration into gasification systems for the low-cost production of synthesis gas, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, \$500,000 shall be for development of fuel cell technologies for conversion of commercially available fuels and biofuels into electricity, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, \$300,000 shall be for development of control technologies for increased performance in synthesis gas combustion applications, to be awarded under full and open competition: *Provided further*, That, of the amount appropriated in this paragraph, \$8,000,000 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Fossil Energy

Research and Development Projects" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, \$23,627,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), \$228,573,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), \$11,300,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$121,858,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$237,517,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities under title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$559,377,000, to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 50 passenger motor vehicles for replacement only, including one law enforcement vehicle, two ambulances, and three buses, \$4,943,587,000, to remain available until expended: *Provided*, That \$15,000,000 appropriated under this heading under prior appropriation Acts for the Advanced Research Projects Agency—Energy is hereby transferred to the "Advanced Research Projects Agency—Energy" account:

Provided further, That, of the amount appropriated in this paragraph, \$37,740,000 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Science Projects" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982 (Public Law 97-425) ("NWPAct"), including the acquisition of real property or facility construction or expansion, \$98,400,000, to remain available until expended, and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, \$5,000,000 shall be provided to the Office of the Attorney General of the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the NWPAct: *Provided further*, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the NWPAct, \$1,000,000 shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of such Act: *Provided further*, That \$9,000,000 shall be provided to affected units of local government, as defined in the NWPAct, to conduct appropriate activities and participate in licensing activities: *Provided further*, That, of the \$9,000,000 provided, 7.5 percent of the funds shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada units of local government: *Provided further*, That this funding shall be provided to affected units of local government, as defined in the NWPAct: *Provided further*, That \$500,000 shall be provided to the Timbisha-Shoshone Tribe solely for expenditures, other than salaries and expenses of tribal employees, to conduct appropriate activities and participate in licensing activities under section 118(b) of the NWPAct: *Provided further*, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing, or other oversight rights or responsibilities over amounts provided to affected units of local government: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Office of the Attorney General by direct payment and to units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Office of the Attorney General of the State of Nevada and each of the affected units of local government shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the NWPAct and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*,

That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the NWPAct, including any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: *Provided further*, That no funds provided in this Act or any previous Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy or to withhold payment of any such funds: *Provided further*, That of the funds made available in this Act for Nuclear Waste Disposal, \$5,000,000 shall be provided to create a Blue Ribbon Commission to consider all alternatives for nuclear waste disposal.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That for necessary administrative expenses to carry out this Loan Guarantee program, \$43,000,000 is appropriated, to remain available until expended: *Provided further*, That \$43,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2010 appropriations from the general fund estimated at not more than \$0: *Provided further*, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOANS PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loans Program, \$20,000,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, \$289,684,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$119,740,000 in fiscal year 2010 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2010, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$169,944,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$51,927,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY
ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than one ambulance; \$6,320,000,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$3,000,000 shall be used for the projects specified under the heading "Congressionally Directed Weapons Activities Projects" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than one passenger motor vehicle for replacement only, \$1,471,175,000, to remain available until expended: *Provided*, That, of the amount appropriated in this paragraph, \$250,000 shall be used for the projects specified under the heading "Congressionally Directed Defense Nuclear Nonproliferation Projects" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$1,003,133,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$420,754,000, to remain available until expended: *Provided*, That \$10,000,000 previously appropriated for cleanup efforts at Argonne National Lab shall be transferred to "Non-Defense Environmental Cleanup": *Provided further*, That, of the amount appropriated in this paragraph, \$13,000,000 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Office of the Administrator (NNSA) Projects" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

ENVIRONMENTAL AND OTHER DEFENSE
ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than four ambulances and three passenger motor vehicles for replacement only, \$5,381,842,000, to remain available until expended, of which \$463,000,000 shall be transferred to the "Uranium Enrichment Decontamination and Decommissioning Fund".

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 12 passenger motor vehicles for replacement only, \$1,518,002,000, to remain available until expended: *Provided*, That, of the funds provided herein, \$504,238,000 is for project 99-D-143 Mixed Oxide Fuel Fabrication Facility, Savannah River Site, South Carolina; \$70,000,000 is for project 99-D-141-02 Waste Solidification Building, Savannah River Site, South Carolina; \$84,296,000 for MOX operations; and \$7,000,000 for WSB operation: *Provided further*, That the Department of Energy shall adhere strictly to Department of Energy Order 413.3A for Project 99-D-143: *Provided further*, That, of the amount appropriated in this paragraph, \$2,000,000 shall be used for the projects specified in the table that appears under the heading "Congressionally Directed Other Defense Activities Projects" in the report of the Committee on Appropriations of the House of Representatives to accompany this Act.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982 (Public Law 97-425), including the acquisition of real property or facility construction or expansion, \$98,400,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to the Federal Columbia River Transmission System Act (Public Law 93-454), are approved for the Leaburg Fish Sorter, the Okanogan Basin Locally Adapted Steelhead Supplementation Program, and the Crystal Springs Hatchery Facilities, and, in addition, for official reception and representation expenses in an amount not to exceed \$1,500. During fiscal year 2010, no new direct loan obligations may be made from such Fund.

OPERATION AND MAINTENANCE, SOUTHEASTERN
POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities

and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, \$7,638,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$7,638,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$0: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$70,806,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That notwithstanding the provisions of 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), all funds collected by the Southeastern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE,

SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$44,944,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$31,868,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$13,076,000: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$38,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That notwithstanding

31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), all funds collected by the Southwestern Power Administration that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500; \$256,711,000, to remain available until expended, of which \$245,216,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to \$147,530,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$109,181,000, of which \$97,686,000 is derived from the Reclamation Fund: *Provided further*, That of the amount herein appropriated, \$7,584,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$349,807,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.) to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That of the amount herein appropriated, up to \$18,612,000 is provided on a nonreimbursable basis for environmental remediation at the Basic Substation site in Henderson, Nevada: *Provided further*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), funds collected by the Western Area Power Administration from the sale of power and related services that are applicable to the repayment of the annual expenses of this account in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they

are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$2,568,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (43 U.S.C. 485g): *Provided*, That notwithstanding the provisions of such Act and of 31 U.S.C. 3302, up to \$2,348,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2010 appropriation estimated at not more than \$220,000: *Provided further*, That notwithstanding the provisions of section 2 of the Act of June 18, 1954 (43 U.S.C. 485g) and 31 U.S.C. 3302, all funds collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams that are applicable to the repayment of the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities in this and subsequent fiscal years shall be credited to this account as discretionary offsetting collections for the sole purpose of funding such expenses, with such funds remaining available until expended: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed \$3,000, \$298,000,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$298,000,000 of revenues from fees and annual charges and other services and collections in fiscal year 2010 shall be retained and used for necessary expenses in this account and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$0.

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

SEC. 301. UNFUNDED REQUESTS FOR PROPOSALS.—None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

SEC. 302. DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORKFORCE RESTRUCTURING.—None of the funds appropriated by this Act may be used—

(1) to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees;

(2) to provide enhanced severance payments or other benefits for employees of the Department of Energy under such section; or

(3) to develop or implement a workforce restructuring plan that covers employees of the Department of Energy.

SEC. 303. UNEXPENDED BALANCES.—The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 304. BONNEVILLE POWER AUTHORITY SERVICE TERRITORY.—None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 305. USER FACILITIES.—(a) When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users.

(b) When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner.

(c) For purposes of this section, the term “user facility” includes—

(1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2));

(2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and

(3) any other Departmental facility designated by the Department as a user facility.

SEC. 306. INTELLIGENCE ACTIVITIES.—Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for fiscal year 2010.

SEC. 307. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—Of the funds made available by the Department of Energy for activities at government-owned, contractor-operated laboratories funded in this Act, the Secretary may authorize a specific amount, not to exceed 6 percent of such funds, to be used by such laboratories for laboratory directed research and development: *Provided*, That the Secretary may also authorize a specific amount, not to exceed 4 percent of such funds, to be used by the plant manager of a

covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site directed research and development.

SEC. 308. LIMITED TRANSFER AUTHORITY TO ADDRESS PENSION REQUIREMENTS.—(a) If the Secretary of Energy determines that additional funds are needed to reimburse the costs of defined benefit pension plans for contractor employees, the Secretary may transfer not more than one percent from each appropriation made available in this Act to any other appropriation available to the Secretary in the same Act for such reimbursements.

(b) In carrying out a transfer under this section, the Secretary shall use each appropriation made available to the Department in that fiscal year as a source for the transfer and shall reduce each appropriation by an equal percentage, except that appropriations for which the Secretary determines there exists a need for additional funds for pension plan costs in that fiscal year, as well as appropriations made available for Naval Petroleum and Oil Shale Reserves, Strategic Petroleum Reserve, Northeast Home Heating Oil Reserve, the Power Marketing Administrations, the Energy Information Administration, Uranium Enrichment Decontamination and Decommissioning Fund, Nuclear Waste Disposal, Defense Nuclear Waste Disposal, and Office of the Inspector General, shall not be subject to this requirement.

(c) This transfer authority is in addition to any other transfer authority provided in this or any other Act.

(d) The Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate in writing not less than 30 days in advance of each transfer authorized by this section.

SEC. 309. CONGRESSIONAL NOTIFICATION REQUIREMENT.—None of the funds made available by this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or other transaction agreement or to issue a letter of intent totaling in excess of \$1,000,000, or to announce publicly the intention to make such an allocation, award, or agreement or to issue such a letter, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the Committees on Appropriations of the House of Representatives and the Senate at least 3 full business days in advance of making such an allocation, award, or agreement or issuing such a letter: *Provided*, That if the Secretary of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without such notification, and the Committees on Appropriations of the House of Representatives and the Senate shall be notified not later than 5 full business days after such an allocation, award, or agreement is made or letter issued.

SEC. 310. WAGE RATE REQUIREMENTS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following new subsection:

“(k) **WAGE RATE REQUIREMENTS.**—All laborers and mechanics employed by contractors and subcontractors in the performance of construction work financed in whole or in part by a loan guaranteed under this title shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards in this subsection, the Secretary of

Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.”.

SEC. 311. BONNEVILLE POWER ADMINISTRATION FUND.—(a) Subject to subsection (b), no funds appropriated or otherwise made available by this Act or any other Act may be used to record transactions relating to the increase in borrowing authority or bonds outstanding at any time under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.) referred to in section 401 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 140) under a funding account, sub-account, or fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol.

(b) Funds appropriated or otherwise made available by this Act or any other Act may be used to ensure, for purposes of meeting applicable reporting provisions of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115), that the Bonneville Power Administration uses a fund symbol other than the Bonneville Power Administration Fund Treasury account fund symbol solely to report accrued expenditures of projects attributed by the Administrator of the Bonneville Power Administration to the increased borrowing authority.

(c) This section is effective for fiscal year 2010 and subsequent fiscal years.

SEC. 312. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOANS PROGRAM.—(a) **ULTRA EFFICIENT VEHICLES.**—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “an ultra efficient vehicle or” after “means”; and

(B) by adding at the end the following new paragraph:

“(5) **ULTRA EFFICIENT VEHICLE.**—The term ‘ultra efficient vehicle’ means a fully closed compartment vehicle designed to carry at least 2 adult passengers that achieves—

“(A) at least 75 miles per gallon while operating on gasoline or diesel fuel;

“(B) at least 75 miles per gallon equivalent while operating as a hybrid electric-gasoline or electric-diesel vehicle; or

“(C) at least 75 miles per gallon equivalent while operating as a fully electric vehicle.”;

(2) in subsection (b)—

(A) by inserting “, ultra efficient vehicle manufacturers,” after “automobile manufacturers”;

(B) in paragraph (1)—

(i) by striking “or” at the end of subparagraph (A);

(ii) by striking “and” at the end of subparagraph (B) and inserting “or”; and

(iii) by adding at the end the following new subparagraph:

“(C) ultra efficient vehicles; and”; and

(C) in paragraph (2), by inserting “, ultra efficient vehicles,” after “qualifying vehicles”;

(3) in subsection (g), by inserting “or are utilized primarily for the manufacture of ultra efficient vehicles” after “20 years”; and

(4) in subsection (h)(1)(B), by striking “automobiles” the first place it appears and inserting “ultra efficient vehicles, automobiles.”.

(b) **RECONSIDERATION OF PRIOR APPLICATIONS.**—The Secretary of Energy shall reconsider applications for assistance under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) that were—

(1) timely filed under that section before January 1, 2009;

(2) rejected on the basis that the vehicles to which the proposal related were not advanced technology vehicles; and

(3) related to ultra efficient vehicles.

TITLE IV—INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$76,000,000, to remain available until expended: *Provided*, That any congressionally directed spending shall be taken from within that State’s allocation in the fiscal year in which it is provided.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by section 1441 of Public Law 100–456, \$26,086,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of such Act, \$13,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission, including the purchase, construction, and acquisition of plant and capital equipment, as necessary, and other expenses, \$11,965,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by 40 U.S.C. 15303(1), \$500,000, to remain available until expended.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by 40 U.S.C. 15303(1), \$500,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, including official representation expenses (not to exceed \$25,000), \$1,061,000,000, to remain available until expended: *Provided*, That of the amount appropriated herein, \$56,000,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$878,102,000 in fiscal year 2010 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than \$182,898,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$10,102,000, to remain available until September 30, 2011: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$9,092,000 in fiscal year 2010 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at not more than \$1,010,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD
SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by section 5051 of Public Law 100-203, \$3,891,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR
ALASKA NATURAL GAS TRANSPORTATION
PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, \$4,466,000: *Provided*, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110-140 in fiscal year 2010 in excess of \$4,683,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

GENERAL PROVISIONS, INDEPENDENT
AGENCIES

SEC. 401. NUCLEAR REGULATORY COMMISSION REPORTING REQUIREMENT.—The Nuclear Regulatory Commission shall, not later than 90 days after the date of enactment of this Act, provide a report to the Committees on Appropriations of the House of Representatives and the Senate identifying barriers to and its recommendations for streamlining the issuance of a Combined Construction and Operating License for qualified new nuclear reactors.

TITLE V—GENERAL PROVISIONS

SEC. 501. LOBBYING RESTRICTION.—None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. DELTA REGIONAL AUTHORITY.—Section 382B(c)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa-1) is amended to read as follows:

“(1) IN GENERAL.—A decision by the Authority shall require the affirmative vote of the Federal co-chairperson and a majority of the State members (not including any member representing a State that is delinquent under subsection (g)(2)(C)) to be effective.”.

The CHAIR. No amendment shall be in order except the amendments printed in part A of House Report 111-209, not to exceed one of the amendments printed in part B of the report if offered by the gentleman from California (Mr. CAMPBELL) or his designee; not to exceed six of the amendments printed in part C of the report if offered by the gentleman from Arizona (Mr. FLAKE) or

his designee; and not to exceed three of the amendments printed in part D of the report if offered by the gentleman from Texas (Mr. HENSARLING) or his designee. Each amendment may be offered only in the order printed in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question.

After disposition of the amendments specified in the first section of House Resolution 645, the Chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

PART A AMENDMENT NO. 1 OFFERED BY MR.
PASTOR OF ARIZONA

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 111-209.

Mr. PASTOR of Arizona. Mr. Chairman, I have an amendment at the desk. The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 offered by Mr. PASTOR of Arizona:

Page 6, line 25, after the dollar amount, insert “(increased by \$1,800,000)”.

Page 7, line 14, after the dollar amount, insert “(reduced by \$10,800,000)”.

Page 23, line 2, after the dollar amount, insert “(increased by \$45,000,000)”.

Page 24, line 13, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 35, line 15, after the dollar amount, insert “(reduced by \$30,000,000)”.

Page 36, line 9, after the dollar amount, insert “(reduced by \$30,000,000)”.

Page 40, line 7, after the dollar amount, insert “(reduced by \$2,500,000)”.

Page 60, line 4, after the dollar amount, insert “(increased by \$2,500,000)”.

At the end of the bill (before the short title), insert the following:

SEC. 503. LIGHT BULB RESTRICTION.—None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs are “Energy Star” qualified or have the “Federal Energy Management Program” designation.

SEC. 504. PASSENGER MOTOR VEHICLES.—None of the funds made available in this Act may be used to purchase passenger motor vehicles other than those manufactured by Ford, General Motors, or Chrysler.

The CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. PASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. PASTOR of Arizona. Mr. Chairman, I yield myself such time as I may consume.

This amendment provides funding for several important programs within the bill. On behalf of Messrs. ARCURI, MICHAUD, HODES, WELCH and Ms. PINGREE, \$2.5 million for the Northern Border Regional Commission to address

economic challenges in border counties from Maine to New York.

On behalf of Mr. KLEIN of Florida, \$1.8 million for the Corps of Engineers to help address the chronic backlog of regulatory permit applications.

And on behalf of Mr. ISRAEL, Mr. LARSON of Connecticut, Mr. DENT, Mr. MASSA, Mr. INGLIS, \$45 million for energy efficiency, renewable energy.

On behalf of Mr. CUELLAR of Texas, the amendment prohibits funds in this bill from being used to purchase lightbulbs unless they the energy star or Federal energy management program designation.

Also, this manager's amendment has an amendment for Mr. KISSELL which does not create any new programs or it follows the current language, and the amendment prohibits funds in the bill from being used to purchase passenger vehicles unless they're purchased from Ford, GM or Chrysler.

The amendment decreases funding for Corps of Engineers' programs and expenses by \$10.8 million; the Department of Energy departmental administration by \$30 million; the office of electricity by \$15 million; and other defense activities by \$.25 million.

I reserve my time, Mr. Chairman.

Mr. FRELINGHUYSEN. Mr. Chairman, I respectfully rise in opposition to the amendment.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I don't have any real problem with the content of my chairman's amendment. I do, however, have a problem with carrying the idea of a manager's amendment, which was once only for our full committee's consideration, right on to the House floor.

In committee, this sort of amendment is used for noncontroversial items. Many of these are. They're generally accepted by unanimous consent. But now it's largely used, in many instances, for partisan purposes on the House floor.

None of the content of this chairman's amendment was discussed with the minority, and none of the changes were made or suggested by the minority. If the changes are important, then I think we should be able to discuss them. Otherwise, I fear it is only a matter of time before the majority will include everything they can in this sort of en masse amendment. This will be bad for the institution and I think bad for the American people.

I reserve the balance of my time.

Mr. PASTOR of Arizona. First of all, I apologize to the ranking member in that it was my understanding that the manager's amendment had been shown to him and had sought his approval, but if they had not, my deepest apologies because I think it's important that this bill, along with the manager's amendment, continue to be bipartisan.

I yield 30 seconds to Mr. MASSA.

Mr. MASSA. I would like to commend the efforts of my colleagues on the Energy and Water Subcommittee for recognizing the importance of hydrogen fuel-cell technologies and what those technologies will play in the future of the American energy portfolio.

Funding for this important research through this bill and through Mr. PASTOR's amendment will help America continue to lead in this critical field necessary for our Nation's energy security.

I believe that using these funds to support important breakthroughs in automotive fuel cells through a public-private partnership with an experienced industrial leader will put America on track to commercialize this revolutionary technology within 5 years.

Significant domestic investments have already been made in this technology, and I have personally experienced the successes of these efforts by riding from my hometown of Corning, NY to Washington, DC in a Hydrogen Fuel Cell vehicle.

We must ensure the continuation of this industry here in the US by partnering with those who have demonstrated the capacity to innovate and produce tangible results in efforts to commercialize Automotive Fuel Cells.

We must not fall behind our foreign competitors in this field. By making this a priority in Washington and providing the necessary funding for this technology, we can ensure America continues to be the leader in Hydrogen Fuel Cells.

Mr. FRELINGHUYSEN. I yield 2 minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. I thank the gentleman for yielding.

I rise to comment about language that is in the report that is attached to this legislation. My good friend and colleague from Florida, Mr. BOYD, has asked that a study be done. The study relates to the ongoing dispute about water between the States of Alabama, Florida and Georgia, and I have no real problem with the study being done.

I simply would hope that we could get assurances from the subcommittee chairman that with regard to the scope of that study that it would be broad enough to include all of the issues that are involved and that it would also allow all three States who have an interest in this to have equal participation.

There has been a perception I think that is a wrong perception that my State of Georgia doesn't have a water conservation program in place. In fact, we have had one in place since 2003, and we believe that all of these issues should be encompassed within the study that is set forth in the report to this particular bill.

And we would hope that we could get assurances, not only from the subcommittee chairman but also from Mr. BOYD, that in determining the scope of that study, that all three States would have equal opportunity to participate.

Mr. FRELINGHUYSEN. I yield back the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, this is a good amendment and I would ask the House Members to support it. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. PASTOR).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART A AMENDMENT NO. 2 OFFERED BY MR. CONNOLLY OF VIRGINIA

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 111-209.

Mr. CONNOLLY of Virginia. I have an amendment at the desk, Mr. Chairman.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 2 offered by Mr. CONNOLLY of Virginia:

Page 3, line 24, after the dollar amount, insert "(increased by \$7,000,000)".

Page 7, line 14, after the dollar amount, insert "(reduced by \$7,000,000)".

The CHAIR. Pursuant to House Resolution 645, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Mr. Chairman, I rise to address an amendment to augment the Army Corps of Engineers oyster restoration program by \$7 million. This is a critical investment in the health of America's largest estuary.

The Chesapeake Bay is a national treasure. It was the port of entry for Jamestown's European settlers. Many of America's founding fathers, from George Washington to George Mason, settled on the banks of the Bay and tidal reaches of her tributaries. When the colonists arrived, the Bay was extraordinarily fecund. John Smith wrote that one could walk across the backs of swimming rockfish and that a single turtle could feed 40 men. He also wrote that oysters "lay thick as stones" covering the Bay's floor. This productivity fueled economic growth in our region. In the early 20th century, H.L. Mencken wrote that oysters, as the most common fare in Baltimore, were the standard meal of every workingman.

Today, we are attempting to restore an ecosystem and oyster population that has been devastated by pollution, to the extent that some have proposed replacing it with nonnative oysters.

The Bay's economic productivity, whose fisheries are still worth over \$100 million a year, relies on the health of its oyster population, not only for their own value but also because they are a keystone species for the Bay and the major filtration for pollutants in the Bay.

This amendment is an important part of our broader efforts to restore the health of the Bay. I thank Mr. PASTOR and Mr. FRELINGHUYSEN for the committee's support for this amendment and the subcommittee's staff for their assistance.

Mr. Chairman, I yield to Mr. PASTOR.

Mr. PASTOR of Arizona. I just want to inform the gentleman that we support his amendment.

Mr. CONNOLLY of Virginia. I thank the gentleman, and I reserve my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition, although I'm not in opposition to the gentleman's amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. The gentleman's amendment would transfer \$7 million to restore and protect a nationally and regionally important resource. These fisheries provide hundreds of jobs, if not thousands, to local oystermen.

I would only say that this is a huge project and must be balanced against other national priorities and ask the gentleman to work closely, as I'm sure he will, with the Corps to ensure that their budget request reflects the needs for the program against the background of other demands the Corps is facing.

With that, I'd be pleased to accept the gentleman's amendment.

I yield such time as he may consume to the gentleman from Virginia (Mr. WITTMAN).

□ 1400

Mr. WITTMAN. I rise in support of the gentleman's amendment, and I want to commend the gentleman from Virginia for his efforts to restore oyster populations in the Chesapeake Bay. Just as he pointed out, they're extraordinarily important both economically and culturally to the State of Virginia.

Historically, the Chesapeake Bay has been one of the most productive fisheries in the world. However, native oyster populations are currently at less than 1 percent of historic levels. Pollution and diseases have taken a substantial toll on oyster populations.

Oysters play a critical role in the Bay. And we all know that oysters are a commercially important resource. The Virginia seafood industry is one of the largest in the Nation and provides a positive economic impact to Virginia of over a half a billion dollars a year.

Oysters also filter and clean the Bay's waters. The oyster is a natural

filter. Oysters filter water by removing algae and nutrients, thereby improving water clarity and quality. Oyster reefs provide habitat for fish, crabs, and many other forms of marine life.

We'll probably never be able to restore the Bay to how it was when Captain John Smith landed in Jamestown in 1607. However, by improving water quality and increasing oyster populations, we will go a long way to restoring the Bay's health. The challenges to oyster restoration are daunting and complex.

The Army Corps of Engineers, along with Federal, State, and private partners, have been working to restore oyster populations. And while relatively limited in scope, the Army Corps oyster restoration efforts have shown oyster restoration successes on several watersheds.

The Army Corps is nearing completion of a Programmatic Environmental Impact Statement to identify an oyster restoration strategy. This major undertaking will guide bay-wide oyster restoration for years to come.

It is clear that the oyster is a critical species to the Chesapeake Bay, and this amendment is an important step to support oyster restoration activities in the Bay.

I urge my colleagues' support.

Mr. CONNOLLY of Virginia. Mr. Chairman, I just want to thank the managers of this bill for their bipartisan support and for their respective staffs, particularly my colleague from Virginia for his support as well.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

PART A AMENDMENT NO. 3 OFFERED BY MR. WAMP

The CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 111-209.

Mr. WAMP. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 3 offered by Mr. WAMP:

Page 3, line 24, after the dollar amount, insert "(increased by \$14,000,000)".

Page 7, line 14, after the dollar amount, insert "(reduced by \$14,000,000)".

The CHAIR. Pursuant to House Resolution 645, the gentleman from Tennessee (Mr. WAMP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. WAMP. I yield myself such time as I may consume.

I thank the chairman and I thank the committee for an extraordinary product. I think this bill is worthy of our support. The staff has done an excellent job supporting the Members.

I want to thank the Rules Committee for ruling this amendment in order because Mr. DAVIS of Tennessee and myself come to the floor today to offer the amendment to transfer \$14 million from the Corps of Engineers regular account, their operating account, over to the construction account. And the reason is that we have on the Tennessee River the Chickamauga Lock, an aging lock with a real problem of concrete growth.

We have known now for 15 years that this lock must be replaced. We are under construction. We're in the middle of construction. The cofferdam is virtually finished now, so the center of the river will be dried out in just the next few months.

The stimulus funding allowed the purchase of the equipment—the steel, the gates—to go ahead and do the construction; but, unfortunately, only \$1 million was requested for this project, which will not allow us to go forward. We must go forward.

There are many priorities within the Corps of Engineers Inland Waterway System and they should all be supported as much as possible, but this one can't go forward.

This amendment is really to transfer \$14 million from the Corps expense account to the Corps construction account to be used for the purpose of awarding a lock construction contract for the Chickamauga Lock on the Tennessee River.

The reason we have just taken the money from this expense account is to try to get this amendment adopted on the floor so when we go to conference—and I'm a longstanding member of this subcommittee, as is Mr. DAVIS of Tennessee, now a new member of this subcommittee—when we go to conference we can try to work this out, something that the chairman and the ranking member have expressed a desire to do at both the subcommittee level and the full committee level.

We don't want to hold up the trains or cause any problems, but the \$1 million would literally freeze us for a year with a lot of equipment, a lot of progress; and we're running out of time. This lock has to be completed and finished by 2014. We spent millions of dollars repairing the lock to keep the current lock open.

We can't allow the Tennessee River to close to navigation and commerce. It would be the largest lock closure in the history of our country if we allowed this to happen. So it's of critical importance to continue to work with us, and I can't thank the chairman and the ranking member enough for their willingness to work with us.

I want to yield the balance of my time to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. My colleague from Tennessee, I appreciate his work that he's been doing to be sure that the Chickamauga Lock is continuing in the process of being sure that we keep that river open.

I want to make further comments. And I deeply appreciate the ranking member and our vice chairman and chairman for at least allowing an opportunity to speak today on this amendment.

When you look at inland water systems and the impact they have on America's economy, if you go to the tributaries of the Ohio, Mississippi, the Cumberland, and the Tennessee Rivers and look at commerce and agriculture that travels those, that becomes the road, basically, for exports for America's production—at least much of it does.

So it's important that we keep our infrastructure along our inland waterways open. It is some of the least expensive methods of transportation. But one of the bright spots in America's economy as far as export is concerned is agriculture. That is the only area where we have a surplus in trade.

So my support of the legislation obviously is to keep all of our rivers open, all of our waterways open for our commerce. It is my hope—and I concur in everything that my friend Congressman WAMP from Tennessee has said—it is my hope that we will be able to pass the legislation, and recommend Members on both sides of the aisle to support this amendment.

Mr. WAMP. I yield back the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I claim the time in opposition, even though I do support the amendment.

The CHAIR. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. PASTOR of Arizona. As I told you, I support this amendment since it simply adds money to the Corps construction account. However, I wish to point out that additional funds for Chickamauga Lock cannot be made available until the solvency of the Inland Waterway Trust Fund is addressed.

The project requires 50 percent of its funding from the Inland Waterways Trust Fund, and that trust fund isn't solvent. Before any new multiyear obligations are initiated, the revenue stream or alternative funding solutions for these projects must be addressed.

We have been working with the Transportation and Infrastructure Committee for a comprehensive solution to the issue for some time. I have sympathy for the project. I think I know more about this project because

of Mr. DAVIS and Mr. WAMP. I congratulate both of them for bringing the amendment.

Again, the issue at hand is a lot larger than the \$180 million project. I support the project.

Mr. FRELINGHUYSEN. Would the gentleman yield?

Mr. PASTOR of Arizona. I will yield to my ranking member.

Mr. FRELINGHUYSEN. Let me associate my remarks with your statement and commend both Mr. WAMP and Mr. DAVIS for being articulate, ardent supporters of this move forward.

I have been to the Chickamauga Lock. I can certainly attest to Mr. WAMP's boundless energy and determination to make this thing happen. He's made me aware of the dangers of what happens if we have inaction. I want to commend you. Obviously this issue is moving ahead, but there's some complex issues that need to be addressed that Mr. PASTOR has appropriately commented on.

Mr. PASTOR of Arizona. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. WAMP).

The amendment was agreed to.

PART A AMENDMENT NO. 4 OFFERED BY MR. HASTINGS OF WASHINGTON

The CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 111-209.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 4 offered by Mr. HASTINGS of Washington:

Page 17, line 17, strike the period and insert the following: “; *Provided further*, That \$5,000,000 of the funds appropriated under this heading shall be available for the ‘Power Program Services’ to implement the Bureau of Reclamation’s hydropower facilities installations identified under section 1834 of the Energy Policy Act of 2005.”.

The CHAIR. Pursuant to House Resolution 645, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I rise to offer an amendment that seeks to expand hydropower in the western United States. For almost a century, Western communities have benefited from this low-cost, renewable and emissions-free resource.

In today’s environment, where talk centers around the need to provide clean and environmentally friendly power, there is a clear need to promote the original renewable energy, which is moving water. This amendment is a

clear opportunity and first step to do just that.

My amendment seeks to follow up on the progress made in the report authorized by the Energy Policy Act of 2005. This report will require the Bureau of Reclamation to determine where new hydropower projects can be added to the agency’s existing water supply facilities.

The Bureau of Reclamation is already the second leading hydropower producer in the Nation so it’s only natural to require that agency to reassess its hydropower potential.

While the agency failed to look at potential projects on small canals and laterals, it did find six larger opportunities to generate almost 300 megawatts from new hydropower facilities. To date, the Bureau of Reclamation has not implemented one aspect of this report.

If this amendment is adopted, there will no longer be bureaucratic excuses about the necessary resources to begin the installation of new emissions-free resources.

While I’m pleased this amendment was made in order, Mr. Chairman, it only covers part of the hydropower equation. Regrettably, the Democrat leadership did not make my other amendments in order.

One of my other amendments would have decreased carbon emissions by keeping more hydropower resources online. Currently, the Army Corps of Engineers and the Bureau of Reclamation are forced to divert water from hydropower production at some of their dams. This results in a loss of generation that has to be found from some other energy source.

The vast majority of this replacement power is carbon based in the form of coal and natural gas and is much more expensive than hydropower. My amendment, which the Democrat majority chose not to debate on, would have reduced these carbon emissions to help the environment and keep energy affordable by allowing for more hydropower production.

Another amendment would have prohibited the reduction of Federal hydropower if that hydropower backs up other renewable energies, like wind and solar. As almost everybody knows, the sun doesn’t shine 24 hours a day and the wind doesn’t blow all the time.

Because of these indisputable facts, wind and solar energy need a backup, or a firmed-up, in energy speak, as a base resource. In my home region of the Pacific Northwest, the Federal dams are the models of the backup electricity generation when it comes to wind generation.

In fact, in December of last year, some of the turbines didn’t produce electricity, wind turbines, for 11 straight days. Yet the only reason that the lights stayed on was because of the backup electricity provided by hydropower.

My amendment, which was also rejected by the Democrat majority, would have prohibited the loss of hydropower needed to back up these renewable energy sources.

So, in conclusion, the Democrat majority is sending a mixed message by not allowing amendments to protect our existing Federal hydropower, yet allowing an amendment to increase a limited amount of hydropower resources. I appreciate that. The American people deserve to see a full debate about hydropower, the original emissions-free and renewable energy. Nevertheless, I urge my colleagues to support this amendment.

With that, I reserve the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I claim the time in opposition, even though I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. PASTOR of Arizona. I’m very happy to tell the author of the amendment that this will be a bipartisan amendment, since we are accepting his amendment.

We understand how important hydropower is, and we need improvements at existing facilities so we can provide the reliable, efficient domestic emissions-free source of renewable energy. Investment in modern turbines has been a benefit of improving existing water quality and fish passage issues, in addition to increasing generation efficiency and capability.

As energy security and issues of global climate change are becoming increasingly important to the decision-making regarding infrastructure investment, improving existing hydropower facilities, we must add some priority.

I urge the Bureau of Reclamation to work with local groups and public power entities as it looks to use its water resources most efficiently. I also urge the Bureau of Reclamation to continue to focus on its core water and related resource projects and not sacrifice that valuable work while engaging in this effort. I support the amendment.

I will yield time to the ranking member, Mr. FRELINGHUYSEN.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding. Let me, Mr. Chairman, associate myself again with Chairman PASTOR’s remarks. I’ve been to Congressman HASTINGS’ district. When he talks about hydropower, he knows what he’s talking about. He’s obviously been a strong proponent of nuclear power.

So we’re pleased to accept the amendment. Thank you for recognizing me.

Mr. PASTOR of Arizona. We support the amendment, and yield back the balance of our time.

□ 1415

Mr. HASTINGS of Washington. I yield myself the balance of my time.

I thank the gentleman, the distinguished subcommittee chairman and the distinguished ranking member for accepting this amendment.

I just simply wanted to point out that had we been under regular order, we could have probably enhanced hydropower with the two other amendments that were not made in order.

But nevertheless, this is an important step. It is something that we need to recognize, because I firmly believe that an energy plan that includes all of the above is what the American people understand and what they accept.

And with that, I appreciate the gentleman for accepting my amendment.

I yield back my time.

The CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington will be postponed.

PART A AMENDMENT NO. 5 OFFERED BY MR. COSTA

The CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 111-209.

Mr. COSTA. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 5 offered by Mr. COSTA:

Page 18, line 14, after the dollar amount, insert “(increased by \$10,000,000)”.

Page 19, line 9, after the dollar amount, insert “(reduced by \$10,000,000)”.

The CHAIR. Pursuant to House Resolution 645, the gentleman from California (Mr. COSTA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. COSTA. I yield to the gentleman from Arizona (Mr. PASTOR), the chairman of the subcommittee, to speak on behalf of the amendment.

Mr. PASTOR of Arizona. I would just like to inform the gentleman that we are supportive of his amendment.

Mr. COSTA. I want to thank the subcommittee chair and those Members who have worked very hard on our behalf. This amendment, along with the next amendment offered by my colleague and friend, Congressman CARDOZA, should be taken as two amendments because they are both part of an overall effort that many of us from the Valley delegation have been working on for over the last year on a bipartisan basis to deal with the third year

of the drought in California, which, unfortunately, could last a fourth and a fifth year.

Water in California has traditionally not been a partisan issue. My colleagues, Congressmen RADANOVICH, NUNES, MCCARTHY, and CARDOZA and I have worked together on many of these issues. I hope that that tradition will continue.

The drought has been devastating. These two pictures reflect ground zero, which is in my district, in which we have farm communities that have 30 to 40 percent unemployment, food lines in Mendota that I have helped provide food for for those farmworkers, who are some of the hardest working people you will ever meet in your life.

The picture next to that shows fallow fields, over 300,000 acres this year, on which family farmers, in second and third generation, are in fear and frustration of losing their farms.

These two amendments, taken together, are important. Congressman CARDOZA deserves a great deal of credit and effort for working very hard. These two amendments are not a silver bullet, but they are part of an overall effort to provide incremental additional water to our valley.

Amendment 93 provides \$10 million for drought relief to the San Joaquin Valley to fund two important projects that we have identified on our list of things to do. The Two Gates project that we have strong support throughout the State on that, if implemented this November, we believe, could act as real relief to allow the Federal and State operating—Federal projects and the pumps to operate as they were intended to. The pumps have operated intermittently and sometimes have been shut down this year. Today, thank God, they are operating at near full capacity. But that will not continue on next year if a biological opinion is implemented that I think is flawed, as does my colleague.

The Two Gates project and the Delta-Mendota Canal Aqueduct Intertie funding will provide, in this amendment, money for the Secretary of the Interior, within the Central Valley Project, to be used to implement both a Two Gates and the Intertie project.

In addition to that, this amendment provides a resolution to the giant garter snake issue which has long been an impediment to water transfers. It gives the Bureau of Reclamation flexibility needed to facilitate water transfers throughout counties in the Central Valley Project area.

Lastly, I want to commend my colleague and thank Congressman CARDOZA, my colleague, for his hard work on this issue. As a result of our efforts beginning in January working with the Westlands Water Agency, with the San Luis unit and others, we have provided, together, with the State of California and the Bureau of Reclamation, over

560,000 acre-feet of water to the west side that otherwise would not be there in these drought conditions, on top of, sadly, what has been a 10 percent allocation of water. Together, that has provided nearly 700,000 acre-feet to the very dry west side.

I want to thank all of those who have been a part of it: Leadership, STENY HOYER; the Secretary of the Interior, who visited at our request last month to the Valley; Secretary Salazar and his Deputy Secretary Hayes and Commissioner Connor, all of whom have been designated as a part of a drought task force team with Secretary Vilsack, the Secretary of Agriculture, because God forbid this drought could last a fourth or a fifth year, in which all of California would be rationing water.

Today, my district is ground zero, along with Congressman CARDOZA's district, but next year it could be far worse. So we will continue to work with Chairman OBEY and other members of the Appropriations Committee.

I want you to know that the San Luis-Delta Water Authority supports these amendments, along with the Friant Water Authority and most of the water agencies in California, because they understand that this amendment, along with the next amendment, is part of that incremental effort to bring water to a drought-stricken area in California that could be, next year, the rest of the State.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I claim time in opposition, though I am not in opposition to the gentleman's amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. Let me say that while I am supportive of this amendment, it is Congressman DEVIN NUNES who's been on this floor repeatedly calling Members' attention to the catastrophic situation in California, and I'm admiring of both Representatives COSTA and CARDOZA's effort. But it's been DEVIN NUNES who's been really carrying this issue in a very visible way. He went to try to get three amendments in order before the Rules Committee yesterday afternoon and evening, and he was denied that opportunity.

But I'm no expert on California water, but let's give credit all around to Members of Congress that have stood up on this issue to articulate their position, indeed, their passionate position.

I support the amendment, but I certainly want to recognize all members of the California delegation, and since Mr. NUNES' name was not mentioned in earlier comments, I would certainly like to highlight his role making this a priority for our attention.

I yield back.

Mr. COSTA. For the record, I indicated that, traditionally, water has been a bipartisan issue, and I said for over a year now, Congressmen RADANOVICH, NUNES, MCCARTHY, CARDOZA and myself, the five of us, have been working on a bipartisan basis. And I said I hope it continues to work on a bipartisan basis.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. COSTA).

The amendment was agreed to.

PART A AMENDMENT NO. 6 OFFERED BY MR. CARDOZA.

The CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 111-209.

Mr. CARDOZA. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 6 offered by Mr. CARDOZA:

Page 22, after line 15, insert the following: SEC. 203. CENTRAL VALLEY PROJECT.— Section 3405(a)(1)(M) of Public Law 102-575 is amended—

(1) by striking “countries” and inserting “counties”; and

(2) by inserting “a transfer between a San Joaquin River Exchange Contractor and a Friant Division contractor, a transfer between a San Joaquin River Exchange Contractor and a south-of-Delta CVP agricultural water service contractor, and a transfer between a Friant Division contractor and a south-of-Delta CVP agricultural water service contractor,” after “under California law.”

SEC. 204. DRAFT RECOVERY PLAN.— The Secretary of the Interior, acting through the Director of the Fish & Wildlife Service, is directed to expeditiously revise, finalize, and implement the Draft Recovery Plan for the Giant Garter Snake (*Thamnophis gigas*).

The CHAIR. Pursuant to House Resolution 645, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I rise today in strong support of the amendment, an amendment that makes technical changes to allow water transfers in the Central Valley of California. This amendment takes a significant step towards addressing the impacts of the water supply crisis in the San Joaquin Valley.

This is a companion amendment to the one that Mr. COSTA and I just introduced. Mr. COSTA is my coauthor of this amendment. And together, these two amendments, in fact, do work to help us deal with the incredibly significant crisis that we have in the Central Valley. People are suffering greatly.

Currently, the Bureau of Reclamation restricts certain water transfers to intracounty transfers. The inability

to transfer water beyond county lines has created incredible impediments to efficient and practical water use in our State. This amendment will allow those transfers to occur beyond these county lines so that water users who have enough supply in one county will be able to use it in another county to help their fellow farmers.

As Mr. COSTA indicated, the amendments also direct the Secretary to implement recovery plans for the giant garter snake, an endangered species. The recovery plan will remove the bureaucratic red tape that prevents water projects from moving forward, while also protecting this important species.

We could not be here today working on these problems if it wasn't for the work of the chairman, Mr. PASTOR, for Mr. OBEY, for the cooperation that the entire Valley delegation has shown on this issue. Mr. COSTA has indicated that because of the efforts that we have employed, we have provided our farmers with 500,000 acre-feet that they wouldn't have had otherwise under the current rules.

I want to specifically also indicate my sincere appreciation to Majority Leader HOYER, who has been steadfast in his support of Mr. COSTA and me trying to move this effort forward.

At this time, Mr. Chairman, I would like to yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR), who has also been a diligent supporter of our efforts and has been concerned, has actually visited our district, and I greatly appreciate his help and support.

Mr. SALAZAR. First of all, I want to thank you for your diligence in trying to help the agricultural community in California.

On June 28 of 2009, Mr. Chairman, at the request of Congressman COSTA and Congressman CARDOZA, the Secretary of the Interior, Secretary Salazar and Deputy Secretary Hayes, Reclamation Commissioner Connor held a public meeting to address the issues of the drought in California.

But previous to that, I want to also thank the administration for previously working on issues, because they understood that the drought was of deep concern to this country.

In April of 2009, the Department announced the allocation of \$220 million of ARRA funding from the Bureau of Reclamation for water and environmental infrastructure projects in California. Of this amount, \$160 million was directed to projects to address needs of the Central Valley. Allocation of \$40 million will be made for drought relief actions, most of which will go to California, with final awards coming very, very soon.

Reclamation has released \$134 million in water recycling and water reuse grants, of which \$120 million was allocated to communities of California. Reclamation has also processed over

100 transfers, totaling 263,000 acre-feet of water to address shortages in the San Joaquin Valley.

Reclamation has also accommodated a rescheduling request by Westside and other Central Valley Water Project contractors to allow them to preserve and use prior year allocations in the sum of 250,000 acre-feet in San Luis Reservoir and 57,000 acre-feet in Millerton Lake. Secretary Salazar has also asked Deputy Secretary Hayes to coordinate Federal efforts related to California water issues.

So I just want to commend the administration for their diligence in trying to address the issues in California.

Mr. CARDOZA. Mr. Chairman, how much time do I have remaining?

The CHAIR. The gentleman from California has 1 minute remaining.

Mr. CARDOZA. Mr. Chairman, I would like to yield 15 seconds to the chairman of the committee.

Mr. PASTOR of Arizona. I just want to indicate to my friend, DENNIS CARDOZA, that we will be supportive of his amendment.

Mr. CARDOZA. Mr. Chairman, I would like to thank the chairman. As I said before, without his help, we could not have made these amendments in order and brought them to the floor. I think these amendments offer significant opportunities to the Central Valley. They are not a panacea. They are not going to cure every problem. We have more work to do.

But, in closing, I want to thank Secretary Salazar for taking time out, coming and visiting our valley, understanding the problem. We have a lot of work to do with the Department of the Interior, the Bureau of Reclamation, but with continued work and cooperation, I think we will make significant progress on the significant challenges that we face in the Central Valley.

With that, Mr. Chairman, I would ask for an “aye” vote of my colleagues.

□ 1430

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition, though I am not in opposition to the gentleman's amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. Mr. Chairman, I served on the Energy and Water Committee when I was first elected to Congress in 1994. I took a 2-year hiatus when I chaired the D.C. Committee, working with Mr. FATTAH as ranking member.

There is a water crisis out in your neck of the woods, and we are respectful that Republicans and Democrats didn't work together on these issues. I have to say I'm hugely disappointed at your lack of inclusiveness. You may be spitting mad at Congressman DEVIN NUNES. Yet, for many Members of Congress, he put a human face on the

water crisis out there. I'm not going to get into the issues of biological studies and things of that nature, but you at least ought to give your congressional colleague from California credit for raising this issue.

He tried to raise the issue, but quite honestly, he was voted down on the floor a number of times. When he went to the Rules Committee, his amendments were not put in order. Yours were. Basic courtesy would have called for his name to at least be mentioned as he rose to the floor today.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The amendment was agreed to.

PART A AMENDMENT NO. 7 OFFERED BY MR. BOREN

The CHAIR. It is now in order to consider amendment No. 7 printed in part A of House Report 111-209.

Mr. BOREN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 7 offered by Mr. BOREN:

Page 23, line 2, after the dollar amount insert "(increased by \$5,000,000)".

Page 35, line 15, after the dollar amount insert "(reduced by \$5,000,000)".

Page 36, line 9, after the dollar amount insert "(reduced by \$5,000,000)".

The CHAIR. Pursuant to House Resolution 645, the gentleman from Oklahoma (Mr. BOREN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. BOREN. I yield myself as much time as I may consume.

Mr. Chairman, my colleagues may be familiar with an initiative I have been working on, the NAT GAS Act, to promote the use of natural gas fueled vehicles, particularly to replace traditionally fueled heavy- and light-duty trucks. I am a strong proponent of natural gas as an alternative fuel source because it is clean, abundant, cheap and readily available, and best of all, as T. Boone Pickens says, it's ours. According to a study by the Department of Energy, it is feasible to produce biomethane from landfills, sewage and animal waste, so one could even argue that it is renewable.

As we continue efforts to drive our country towards a cleaner transportation sector, natural gas vehicles are a natural fit. There is no single silver bullet solution to our transportation energy dilemma. All available alternatives to petroleum must be used in the marketplace and in an application where they make the most sense. For many of these applications, that means natural gas.

In 2008, NGVs displaced 250 million gallons of petroleum in the United

States. With adequate support, by 2020, that could grow to 10 billion gallons, but the NGV industry is made up of mostly small companies. In order for the industry to achieve that growth potential in the timeframe we need, more research is needed for vehicle integration, deployment, engine development, and cost reductions.

In 1992, Congress authorized a Vehicle Technologies Program to fund a wide range of research activities on passenger vehicles and heavy-duty trucks. The program's mission is to develop leapfrog technologies that will provide Americans with greater freedom of mobility and energy security while lowering costs and reducing impacts on the environment. Though natural gas vehicle research was funded through this program until fiscal year 2005, since then, there have been no DOE activities in this area.

My amendment would add \$5 million in funding to this account for natural gas vehicle research. This is a relatively small investment for something that could easily move America towards a cleaner and independent energy future. I hope my colleagues will join me in launching a new direction in transportation fuel by supporting this amendment.

I would like to yield to my friend from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. First of all, I would like to thank the gentleman for yielding, and I would also like to thank him for bringing this amendment.

This amendment funds research and development for one of the small handful of technologies that may reduce the Nation's dependence on foreign oil. This increase in funding is consistent with the committee's efforts in this bill to address rising gasoline prices.

So I tell my dear friend from Oklahoma that we rise in support of his amendment.

Mr. BOREN. Thank you so much. I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition, but I am not in opposition to the gentleman's amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I rise in very strong support of the amendment.

We really need to move toward using natural gas. It is a clean-burning fuel, and we have a huge supply of it in this country. In fact, down in Louisiana just recently, they discovered probably one of the biggest finds of natural gas in the whole world.

As I said, it is a clean-burning fuel, and we need to transition from our de-

pendency on foreign oil. If we continue at the pace we're heading right now, over the next 10 years, we will see a transfer of \$10 trillion of our money to countries like Saudi Arabia and Venezuela, and many of those are not friends of ours. So this is a great step in the right direction.

I want to congratulate Mr. BOREN on the amendment. You're doing good work.

Mr. BOREN. Mr. Chairman, I am going to reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I am using this opportunity to speak for the amendment that was previous because I was not able to get out of committee to come down for the debate.

I want to rise in support of the Cardoza amendment. As you are well aware, California is in the midst of a devastating manmade drought. Any action to alleviate the drought faced by the San Joaquin Valley is needed. Facilitating transfers of water from areas of California that have water to spare and sending it to the wetlands in the San Joaquin Valley is a good start, but we must have increased pumping out of the Delta.

I would like to commend my colleagues Mr. CARDOZA, Mr. COSTA and Mr. NUNES for their hard work and for their efforts in offering solutions to the drought in California.

In the meantime, temporary solutions such as the Two Gates and the Canal Intertie projects are necessary to keep farmers in the San Joaquin Valley farming. These projects must be constructed and online by this fall in order to provide any relief to this terrible drought.

The only way to keep the State of California strong is to change the water infrastructure. The California water system cannot continue as it is. If there are no changes, we will continue to see escalating unemployment rates of over 40 percent and the depletion of the agriculture industry.

Mr. BOREN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to recognize for 1 minute the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Chairman, I rise in support of the Boren amendment. This amendment would provide \$5 million to fund natural gas vehicle research and development at the Department of Energy.

Natural gas is the bridge fuel toward decreasing our dependence on foreign sources of oil and for putting our Nation on a path to energy independence. We have a proven reserve of natural gas right here in the United States. We have enough known natural gas reserves to last us more than a century.

As a matter of fact, 98 percent of the natural gas we consume is produced right here in North America. In addition to our vast supply, we already have a way to get natural gas to the consumer with over 1.5 million miles of natural gas pipeline distribution across the country.

Natural gas vehicle technology is readily available in Europe, South America and Asia, with nearly 10 million natural gas vehicles in circulation worldwide. General Motors and Ford currently make 18 different models for purchase overseas, yet have fewer than 150,000 natural gas vehicles here in the United States. We must increase our research and development funding in this amendment, which it seeks to do.

Mr. BOREN. Mr. Chairman, I want to thank my colleague from Oklahoma (Mr. SULLIVAN), who has been a real leader in this effort for natural gas vehicles.

We have got one more speaker on our side, I think, so I am going to continue to reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to recognize for 1 minute the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, while I support the Boren amendment, I do rise in opposition to the manager's amendment and to some provisions that are there.

It strikes me that the manager's amendment results in an earmark for the Big Three automakers. What it does is to stipulate that the alternative fuel cars have to be bought from them. What it does is to ignore the many other American citizens and taxpayers who produce American-made passenger vehicles in this Nation, but they are manufacturers that are not the Big Three.

I view this as being something that is bad policy. It is bad environmental policy. It is bad appropriations policy. It is bad economic policy. There are 209 vehicles, Alternative Fuel Vehicles, that are going to be purchased to go into these different agencies as stipulated in this bill. The way this manager's amendment is written, it is an earmark for the Big Three, which have already received billions of bailout money.

Mr. BOREN. Mr. Chairman, I firmly believe that these changes will greatly help the integration of cleaner natural gas vehicles in the marketplace. I think that we have a real opportunity today to invest in a cleaner independent energy future for America and to move away from our dependence on foreign oil.

I want to thank my colleagues on the other side, especially my friend JOHN SULLIVAN from Oklahoma. I want to thank the chairman for accepting our amendment.

Ms. MARKEY of Colorado. Mr. Chair, I rise today in support of Congressman BOREN'S

amendment for natural gas vehicle research. Natural gas has an important role to play in United States energy policy because it is more domestically abundant and cleaner-burning than traditional transportation fuel. We cannot afford to continue sending billions of dollars overseas while neglecting the vast energy resources right here in America. It is critical to our long-term economic prosperity that we invest in our own domestic sources of energy. By increasing research and development funding for natural gas vehicles we can ensure American innovation moves us toward greater energy security while decreasing our carbon emissions. I urge all my colleagues to support Congressman BOREN's amendment to increase funding for the DOE's Energy Efficiency and Renewable Energy Vehicle Technologies program for natural gas vehicle research.

Mr. BOREN. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Oklahoma (Mr. BOREN).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma will be postponed.

PART A AMENDMENT NO. 8 OFFERED BY MRS. MILLER OF MICHIGAN

The CHAIR. It is now in order to consider amendment No. 8 printed in Part A of House Report 111-209.

Mrs. MILLER of Michigan. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 8 offered by Mrs. MILLER of Michigan:

Page 23, line 2, after the dollar amount, insert "(increased by \$10,000,000)".

Page 35, line 15, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 36, line 9, after the dollar amount, insert "(reduced by \$10,000,000)".

The CHAIR. Pursuant to House Resolution 645, the gentlewoman from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Mr. Chairman, you know there has been a great deal of discussion for decades, really, about the issue of energy, specifically the need for our Nation to generate and to utilize renewable and clean energy.

I have lived my entire life on the shores of the magnificent Great Lakes, and I have spent an awful lot of time boating as well on those magnificent waterways. I have always been awed by the power of that water, flowing from Lake Superior all the way to the Atlantic Ocean, actually. I have watched

the St. Clair River under the Blue Water Bridge in Port Huron, Michigan, and I have been amazed at the swiftness and the consistency with which that water moves.

I believe that the energy created by that water-flow is a source of energy that we must do more to harness for the use of our people and for industry. To that end, Mr. Chairman, my amendment would increase by \$10 million the Water Power Energy Program within the Department of Energy. Increasing this vitally important program by \$10 million will restore that program back to FY 2009 funding levels.

The Water Power Energy Program within the Department of Energy is such an important program to our overall goal of reducing our dependence on fossil fuels and of becoming a Nation more reliant on renewable and green sources of energy. The Water Power Energy Program is a program designed to develop, test and evaluate new water technologies and to address barriers to the development of hydrokinetics and hydropower. The program conducts important research and development, and it deploys new innovative water technologies in order to get those products out on the market in an expedient, cost-efficient and environmentally responsible manner.

Additionally, this program allows for the testing and modeling of existing technologies. Hydropower technology has literally been around for hundreds of years, beginning with the earliest waterwheels and then water mills, which helped produce flour from grains, sawing timber and powering textile plants, to today's more advanced technologies, from hydroelectricity to harnessing wave and tidal power.

□ 1445

Hydropower currently accounts for approximately 19 percent of the world's electrical needs and produces no harmful emissions, but it accounts for less than 6 percent of the total United States' electricity needs. Compare that to our neighbor to the north, Canada, who uses hydropower to meet 61 percent of its energy needs. While hydropower only accounts for less than 6 percent, as I said, here in the United States, it makes up 71 percent of our total renewable electricity and produces enough electrical power to power 28 million households.

There are two examples from the great State of Michigan where this technology is being examined and needs to be looked at further, I think, Mr. Chairman. I already mentioned the St. Clair River, but I should also mention the Detroit River. These rivers are known for their very strong currents, moving along at approximately 6-plus knots. Water from Lake Huron funnels down into the St. Clair River through Lake St. Clair and then quickens again

through the Detroit River before entering Lake Erie, where that energy is currently just dissipating. This technology can be put to work in rivers, harbors and other coastal areas to capture energy from currents and tides. The best part is that this can be achieved with minimal impact on our environment or the flow of the river. Harnessing this energy will create a truly renewable and green source of clean energy.

Mr. Chairman, again, there has been a lot of interest, a lot of talk about alternative energy sources in the past week. I have heard many express strong support for wind power, and I certainly share their enthusiasm for that energy source. But I will remind my colleagues that sometimes the wind doesn't blow, but the water always flows. With that, I would ask all of my colleagues to support this amendment.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I rise to claim the time in opposition, though I am not in opposition and staying with the flow.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes. There was no objection.

Mr. PASTOR of Arizona. First of all, to the manager's amendment and the issue about the purchasing of cars, I have been told that the current GSA policy that has jurisdiction in the purchasing of cars over the agencies in which this committee has jurisdiction thereof, that we have just restated that policy. It was not intended to be an earmark. It was not intended to do anything different. It is not authorizing on an appropriation bill. It's a restatement of GSA policy. If there is a reason to be against it, it would be because it was redundant. But we did not create any new legislation. We are just restating GSA policy as it concerns purchase of cars under the agencies.

I rise in support of this amendment from the gentlelady from Michigan. In this bill the committee supports strong investment in renewable energy technologies, such as solar, wind and geothermal power. Water power is an important piece of this renewable portfolio. Refining conventional hydropower technologies can increase the efficiency of our Nation's hydropower dams and cost-effectively increase clean power generation without the need for new dams. Research and development of technologies that use waves, tides and streams for power can deliver a new source of virtually untapped renewable energy. So we continue to be with the flow and support the young lady's amendment.

I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I want to commend Mrs. MILLER for being a strong and articulate advocate, and I support her amendment. I thank the gentleman for yielding.

Mr. PASTOR of Arizona. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Michigan will be postponed.

PART A AMENDMENT NO. 9 OFFERED BY MR. HEINRICH

The CHAIR. It is now in order to consider amendment No. 9 printed in part A of House Report 111-209.

Mr. HEINRICH. Mr. Chair, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 9 offered by Mr. HEINRICH:

In section 307, strike "6 percent" and insert "7 percent".

The CHAIR. Pursuant to House Resolution 645, the gentleman from New Mexico (Mr. HEINRICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. HEINRICH. Mr. Chairman, I offer this amendment in strong support of research and development at our national laboratories. Specifically, my amendment provides a 1 percent increase in the Laboratory Directed Research and Development, which is commonly referred to as LDRD. LDRD increases the ability of laboratories to retain expertise and pursue innovative projects by providing additional discretion for Department of Energy laboratories to select research activities. These high-risk, high-reward projects yield cutting-edge advancements in science and technology and produce some of our most successful research and development initiatives. These are projects with an immediate relevance and a direct impact on national security and our goal of energy independence. Many LDRD projects have formed the basis of some of the national labs' most successful research initiatives. For example, at Sandia National Laboratories in my district, an LDRD researcher developed the chemistry for a decontamination foam that is used by our military to protect us against chemical and biological attacks. In fact, this was the foam that was used to decontaminate the Senate Hart Office Building after the anthrax attacks of 2001. We know all too well that those who wish our country harm are constantly adapting their methods, making these LDRD projects vitally important to our national security.

LDRD is equally relevant to our goal of energy independence. An LDRD project developed a manufacturing process that will substantially reduce the cost of highly efficient LED lightbulbs. These LED lightbulbs have the potential to decrease electricity consumed in lighting by a full 50 percent by 2025. This will translate into meaningful cuts in utility bills for our working families and real savings for our small businesses. Energy independence is a critical element of our national security, and LED efficiency will significantly reduce our demand for energy. These advancements represent just two examples of the multiple innovative science and technology achievements made through LDRD initiatives.

Under the 2009 Omnibus Appropriations bill, our labs were granted authority to use up to 8 percent of their budgets for LDRD initiatives, yet the bill before us today would reduce that amount for 2010 to only 6 percent. My amendment would allow our labs to dedicate up to 7 percent of their budgets to LDRD. It is important to note that my amendment does not require any additional spending, as the LDRD funding percentage is derived from the labs' overall funding level, nor does my amendment cut any other program. Simply put, my amendment encourages innovative research and development that will promote our national security and help us to reach our goal of energy independence. I urge my colleagues to support this amendment.

I yield to the gentleman from Arizona.

Mr. PASTOR of Arizona. Mr. Chair, may I inquire how much time I have.

The CHAIR. The gentleman from New Mexico has 2½ minutes remaining on his time.

Mr. PASTOR of Arizona. Mr. Chairman, first of all, I'd like to thank the gentleman from New Mexico for yielding to me and to inform him that we will support the amendment as offered. However, I have some concerns about increasing the percentage of laboratory-directed research at this time. I hope that this increase in lab directed research and development will, in this tight budget environment, produce a net increase in the national security output of the laboratories. I look forward to working with you to ensure this increase is tightly mission-oriented and will be compatible with meeting other challenges of the laboratories. With that, I will inform you that we are supporting this amendment.

Mr. HEINRICH. I thank the gentleman from Arizona.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition, though I am not in opposition to the amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to associate my comments with Chairman PASTOR. These are tight budget times, and I think we worked hard to provide the right balance for priorities on our Energy and Water bill. Many of us would have liked much more, shall we say, money spent on the safety and security of our nuclear weapons stockpile; but quite honestly, that was not to be. We all had to compromise, and this package is a fair, balanced one.

A few comments about the LDRD, the Lab Directed R&D programs. These programs often allow our laboratories to skirt congressional priorities laid out in our legislation. Historically these funds have been used by labs to perform research and development on issues that at times are not at all germane to the Department of Energy. I have seen it firsthand. At the same time, these programs can be most innovative and give our researchers creative opportunities for work. So I don't oppose the amendment. But I want to make it clear that all members of the committee, I am sure, will be watching very carefully to ensure that these funds are used to support the mission of the department.

I yield back the balance of my time.

Mr. HEINRICH. I want to add real quickly that the gentleman mentioned our nuclear stockpile. One of the other LDRD programs that I think was particularly important was the creation and assembly of safety devices for our stockpile, like the gel mylar capacitors that are used in the W76-1. I think the bottom line is that these programs represent some of the most cutting-edge research that we do. They are critical to our national security. They are critical to our energy independence, and I would urge the support of my colleagues.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. HEINRICH).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

PART A AMENDMENT NO. 10 OFFERED BY MR. CAO

The CHAIR. It is now in order to consider amendment No. 10 printed in part A of House Report 111-209.

Mr. CAO. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 10 offered by Mr. CAO:

Page 62, line 15, strike "90" and insert "60".

The CHAIR. Pursuant to House Resolution 645, the gentleman from Louisiana (Mr. CAO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. CAO. Thank you.

Mr. Chair, I submitted an amendment to H.R. 3183, the Energy and Water Appropriations bill, to reduce the amount of time the Nuclear Regulatory Commission has to report to Congress. The purpose of this amendment is to encourage agencies to be good partners in the regulatory process by completing their requirements to report to Congress for oversight in a timely manner.

What is the motivation for this amendment? During the last administration the agency was charged with identifying ways to streamline its licensing and review process. Though the Commission stated in a *Legal Times* article that it would shorten its review time to 30 months, recently a number of companies have complained of the process taking anywhere from 36 to 42 months. Also in June of 2008 the agency was the subject of a *New York Times* article on lengthy delays in its processing at Yucca. It cited a lack of funds to complete the process.

In this appropriations bill, the NRC is to provide a report to Congress regarding streamlined issuance of construction for new nuclear reactors. As written, the agency was given 90 days to do so. My amendment would reduce it to 60. The reporting which must be done by the commission requires it to report to the Committee on Appropriations of the House of Representatives and the Senate, identifying barriers to and its recommendations for streamlining the issuance of a combined construction and operating license for qualified new nuclear reactors.

In order for Congress to conduct proper oversight of this agency and help it improve its function, the NRC must report its findings to Congress in an expeditious manner. As we go through the process of reviewing our energy needs in this country, it is important that we have the information needed to make decisions as quickly as possible. Therefore, I ask the Members of the House to support this amendment.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, I rise to claim the time in opposition, even though I'm not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Arizona is recognized for 5 minutes.

There was no objection.

Mr. PASTOR of Arizona. I support Mr. CAO's amendment because the pro-

vision the gentleman is amending requires the Nuclear Regulatory Commission to provide a report on improving its licensing procedure by reducing the time for submission of the report to Congress from 90 days to 60 days. This should improve the NRC's responsiveness to Congress and provide more timely information to the Congress on measures that can be taken to improve the regulatory process.

I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. We support the gentleman from Louisiana's amendment and commend him. It's actually a perfecting amendment of what Mr. KINGSTON had in the full committee. So we commend you for your efforts and support it. Thank you for yielding.

Mr. PASTOR of Arizona. We are in support of the amendment.

□ 1500

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. CAO).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

PART A AMENDMENT NO. 11 OFFERED BY MRS.

BLACKBURN

The CHAIR. It is now in order to consider amendment No. 11 printed in part A of House Report 111-209.

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 11 offered by Mrs. BLACKBURN:

At the end of the bill (before the short title), insert the following:

SEC. ____ PERCENTAGE REDUCTION OF TOTAL FUNDS.—Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

The CHAIR. Pursuant to House Resolution 645, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, I rise today on behalf of the American taxpayer to continue my push to rein in Federal spending by just 5 percent.

As with the other appropriations bills that my colleagues and I have attempted to amend this year, this proposal would enforce a 5 percent across-the-board cut to the Energy and Water appropriations bill. My amendment would save the taxpayer \$1.7 billion

and reset Energy and Water spending levels for the next budget.

Spending on Energy and Water programs has increased by, get this, 183 percent over the past 3 years. Under the majority's control, spending has increased 183 percent. The very programs being funded on the House floor this afternoon have already received \$51 billion in stimulus funding and \$7 billion in supplemental funding this year, this one year.

This Congress has already spent more than \$1 trillion than we have taken in. This trillion-dollar deficit is the largest in American history. In my opinion, this deficit represents the height of fiscal irresponsibility and is absolutely unconscionable. On top of it, many of my colleagues are proposing another \$1 trillion in government-run health care spending.

Every day we are laying more and more debt on the backs of our children and grandchildren. I ask my colleagues: How do we expect these children and grandchildren, how do I expect my grandsons to pay for college or a first home or start a business when they already owe \$70,000 to the Federal Government?

Mr. Chairman, we have to realize debt incurred is opportunity denied. My constituents keep telling me, We are tired of the government spending money we have not made yet on programs we don't want.

Through this appropriations cycle, I have intended to rein in this deficit by cutting spending. And today, again, I will ask the bureaucrats in Washington and their patrons in Congress to trim a nickel from every dollar that they are going to spend.

As our deficit and our debt grow to historic and dangerous proportions, it is more urgent than ever that we take action and bring spending under control.

I reserve the balance of my time.

Mr. PASTOR of Arizona. I rise in opposition to the amendment of the gentlelady from Tennessee.

The CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. PASTOR of Arizona. The amendment proposes a 5 percent reduction to every account in this bill. If you exclude the recovery money, as I mentioned in my opening statement, this bill that is before you is \$1 billion below the President's request and is slightly above last year's 2009 funding.

This Energy and Water appropriations bill is a key part of ongoing efforts to meet the infrastructure needs of the country; and after years of neglect, addressing the inadequacies of our national energy policies, we are trying to do it with this bill.

The Energy and Water bill is only slightly above last year's enacted level and is \$1.1 billion below the budget request, as I mentioned. Balancing priorities with this allocation require a con-

certed bipartisan effort. We ended up with a bill that meets the priorities and supports fiscal responsibility.

A reduction of 5 percent would cut \$1.7 billion from the bill and undercut a number of priorities at a time when we can ill afford to reduce them further.

I do not support the amendment and urge Members to vote "no."

I will yield to the ranking member.

Mr. FRELINGHUYSEN. I also rise in opposition to the amendment. Certainly, I commend the gentlewoman for her hard and repeated attempts to cut the Federal budget. But I agree with the chairman that we have a good bill. It is well balanced. It has been done in a bipartisan way.

I worry about indiscriminate cuts to a bill that affects the protection and reliability of our nuclear stockpile. That is important. We crafted some good things out of the energy portfolio which I think are worthy and defensible. This bill also includes funding that only begins to address a \$1 billion-plus retirement pension shortfall through the individual accounts. That is something which I commend the chairman for his and staff leadership on.

This across-the-board cut would take a \$1.6 billion bite across each of these initiatives. And I think that would be pretty devastating.

As a result, I rise with him to oppose this amendment.

Mr. PASTOR of Arizona. I would request that Members vote against this amendment, and I yield back my time.

Mrs. BLACKBURN. Mr. Chairman, I would remind my good colleagues that this is not Federal Government money. This is taxpayer money. And every year on April 15, the taxpayers send their portion to the Federal Government, and they charge us with looking out after that money. Many times they set aside hopes, dreams and college educations. They don't get to pursue their priorities because they have to send the money to Washington.

I find it absolutely incomprehensible that this body is not willing to turn to the bureaucrats that line all of these streets and these granite buildings and say, save a nickel out of the dollar. Allow our children and grandchildren to have opportunities. We have to realize, as I said, debt incurred today is opportunity denied for these children and grandchildren. I have heard all those arguments before.

When I was in the State senate in Tennessee, they had this grandiose health care plan called TennCare. Oh, it was going to save all this money. It was a public option. It was the test case for public option. It nearly bankrupted the State. When I offered an amendment to make across-the-board cuts, oh, those are draconian, those are indiscriminate. It is going to shut government down.

Well, guess what? They never took the cuts that we had. But when a Dem-

ocrat Governor came in and he was faced with seemingly insurmountable odds on balancing a budget because we have an amendment, he made 9 percent across-the-board cuts.

We need to do this. We need to make the hard choices of where we are going to spend this money. You can't say, well, when you exclude this from the stimulus, and when you exclude this amount of money, when you exclude this \$51 billion from stimulus and this \$7 billion from supplemental, then it is only this. Well, guess what? That money is already spent. You spent the money. So unless they pay it all back, you can't exclude it. So your fuzzy math doesn't add up. It doesn't add up. You have already spent that money.

The person that is being undercut is the American taxpayer. And it is being done by the selfishness and by the greed of those who refuse to say "no" to a growing, out-of-control Federal bureaucracy.

I think it is time that we get some backbone on this spending issue. Stop the out-of-control deficit. Stop the out-of-control debt. Vote for the amendment and "no" on the debt.

The CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-209 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. PASTOR of Arizona.

Amendment No. 2 by Mr. CONNOLLY of Virginia.

Amendment No. 4 by Mr. HASTINGS of Washington.

Amendment No. 7 by Mr. BOREN of Oklahoma.

Amendment No. 8 by Mrs. MILLER of Michigan.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

PART A AMENDMENT NO. 1 OFFERED BY MR. PASTOR OF ARIZONA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. PASTOR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 172, not voting 5, as follows:

[Roll No. 543]

AYES—261

Abercrombie	Filner	Miller (MI)
Ackerman	Foster	Miller (NC)
Adler (NJ)	Frank (MA)	Miller, George
Altmire	Fudge	Minnick
Andrews	Gerlach	Mitchell
Arcuri	Giffords	Mollohan
Baca	Grayson	Moore (KS)
Baird	Green, Al	Moore (WI)
Baldwin	Green, Gene	Moran (VA)
Barrow	Grijalva	Murphy (CT)
Barton (TX)	Gutierrez	Murphy (NY)
Bean	Hall (NY)	Murphy, Patrick
Becerra	Halvorson	Murphy, Tim
Berkley	Hare	Murtha
Berman	Hastings (FL)	Nadler (NY)
Berry	Heinrich	Napolitano
Bilbray	Heller	Neal (MA)
Bishop (GA)	Hereth Sandlin	Norton
Bishop (NY)	Higgins	Nye
Boccieri	Himes	Oberstar
Boren	Hinchee	Obey
Boswell	Hinojosa	Oliver
Boucher	Hirono	Pallone
Boyd	Hodes	Pascarell
Brady (PA)	Holden	Pastor (AZ)
Braley (IA)	Holt	Payne
Brown, Corrine	Hoyer	Perlmutter
Butterfield	Inglis	Perriello
Camp	Inslee	Peters
Cao	Israel	Peterson
Capps	Jackson (IL)	Pierluisi
Capuano	Jackson-Lee	Pingree (ME)
Cardoza	(TX)	Platts
Carnahan	Johnson (GA)	Polis (CO)
Carney	Johnson, E. B.	Pomeroy
Carson (IN)	Kagen	Price (NC)
Castle	Kanjorski	Quigley
Castor (FL)	Kaptur	Rahall
Childers	Kennedy	Rangel
Christensen	Kildee	Reyes
Clarke	Kilpatrick (MI)	Ros-Lehtinen
Clay	Kilroy	Ross
Cleaver	Kind	Rothman (NJ)
Clyburn	Kirkpatrick (AZ)	Royal-Allard
Cohen	Kissell	Ruppersberger
Connolly (VA)	Klein (FL)	Rush
Conyers	Kosmas	Ryan (OH)
Cooper	Kucinich	Sablan
Costa	Langevin	Salazar
Costello	Larsen (WA)	Sánchez, Linda
Courtney	Larson (CT)	T.
Crowley	Lee (CA)	Sanchez, Loretta
Cummings	Levin	Sarbanes
Dahlkemper	Lewis (GA)	Shakowsky
Davis (AL)	Lipinski	Schauer
Davis (CA)	LoBiondo	Schiff
Davis (IL)	Loeb sack	Schwartz
Davis (TN)	Lowey	Scott (GA)
DeFazio	Lucas	Scott (VA)
DeGette	Luján	Serrano
Delahunt	Lynch	Shea-Porter
DeLauro	Maffei	Sherman
Dent	Maloney	Shuler
Diaz-Balart, L.	Markey (CO)	Sires
Diaz-Balart, M.	Markey (MA)	Skelton
Dicks	Marshall	Slaughter
Dingell	Massa	Smith (NJ)
Doggett	Matheson	Smith (WA)
Donnelly (IN)	Matsui	Space
Doyle	McCarthy (NY)	Speier
Driehaus	McCollum	Spratt
Duncan	McCotter	Stark
Edwards (MD)	McDermott	Stupak
Edwards (TX)	McGovern	Sutton
Ehlers	McHugh	Tanner
Ellison	McIntyre	Taylor
Engel	McMahon	Teague
Etheridge	Meek (FL)	Thompson (CA)
Farr	Meeks (NY)	Thompson (MS)
Fattah	Michaud	Tierney

Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez

Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman

Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOES—172

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Campbell
Cantor
Capito
Carter
Cassidy
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Cuellar
Culberson
Davis (KY)
Deal (GA)
Dreier
Ellsworth
Emerson
Eshoo
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly

Garrett (NJ)
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harman
Harper
Hastings (WA)
Hensarling
Herger
Hill
Hoekstra
Hohmann
Hondt
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lofgren, Zoe
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris
McNerney
Melancon
Mica
Miller (FL)

Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Ortiz
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Andrews
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Snyder
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf

NOT VOTING—5

Bordallo
Faleomavaega

Schrader
Sestak
Young (FL)

□ 1536

Mr. BRIGHT, Ms. HARMAN, Mr. CULBERSON, Ms. ESHOO, Messrs. WITTMAN, ORTIZ, and HONDA changed their vote from “aye” to “no.” Messrs. MITCHELL and TEAGUE changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 2 OFFERED BY MR.

CONNOLLY OF VIRGINIA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were

postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 362, noes 69, not voting 7, as follows:

[Roll No. 544]

AYES—362

Abercrombie	Conyers	Herger
Ackerman	Costa	Higgins
Aderholt	Costello	Hill
Adler (NJ)	Courtney	Himes
Alexander	Crenshaw	Hinchee
Altmire	Crowley	Hinojosa
Andrews	Cuellar	Hirono
Arcuri	Culberson	Hodes
Austria	Cummings	Hoekstra
Baca	Dahlkemper	Holden
Bachus	Davis (AL)	Holt
Baird	Davis (CA)	Honda
Baldwin	Davis (IL)	Hoyer
Barrow	Davis (KY)	Hunter
Bartlett	Davis (TN)	Inslee
Barton (TX)	DeFazio	Israel
Bean	DeGette	Issa
Becerra	Delahunt	Jackson (IL)
Berkley	DeLauro	Jackson-Lee
Berman	Dent	(TX)
Berry	Diaz-Balart, L.	Johnson (GA)
Biggert	Diaz-Balart, M.	Johnson, E. B.
Bilbray	Dicks	Jones
Bilirakis	Dingell	Kagen
Bishop (GA)	Doggett	Kanjorski
Bishop (NY)	Donnelly (IN)	Kaptur
Blackburn	Doyle	Kennedy
Blumenauer	Dreier	Kildee
Blunt	Driehaus	Kilpatrick (MI)
Boccieri	Edwards (MD)	Kilroy
Boehner	Edwards (TX)	Kind
Bono Mack	Ehlers	King (NY)
Bordallo	Ellison	Kingston
Boren	Ellsworth	Kirk
Boswell	Emerson	Kirkpatrick (AZ)
Boucher	Engel	Kissell
Boustany	Eshoo	Klein (FL)
Boyd	Etheridge	Kosmas
Brady (PA)	Fallin	Kratovil
Braley (IA)	Farr	Kucinich
Bright	Fattah	Lance
Brown (SC)	Filner	Langevin
Brown, Corrine	Fleming	Larsen (WA)
Brown-Waite,	Forbes	Larson (CT)
Ginny	Fortenberry	Latham
Buchanan	Foster	LaTourette
Butterfield	Frank (MA)	Lee (CA)
Buyer	Frelinghuysen	Levin
Calvert	Fudge	Lewis (CA)
Camp	Gallegly	Lewis (GA)
Cantor	Garrett (NJ)	Lipinski
Cao	Gerlach	LoBiondo
Capito	Giffords	Loeb sack
Capps	Gingrey (GA)	Lofgren, Zoe
Capuano	Gonzalez	Lowey
Cardoza	Goodlatte	Lucas
Carnahan	Gordon (TN)	Lujan
Carney	Granger	Lummis
Carson (IN)	Graves	Lynch
Carter	Grayson	Mack
Castle	Green, Al	Maffei
Castor (FL)	Green, Gene	Maloney
Chaffetz	Griffith	Manzullo
Chandler	Grijalva	Marchant
Childers	Guthrie	Markey (CO)
Christensen	Gutierrez	Markey (MA)
Clarke	Hall (NY)	Marshall
Clay	Hall (TX)	Massa
Cleaver	Halvorson	Matheson
Clyburn	Hare	Matsui
Coble	Harman	McCarthy (CA)
Cohen	Harper	McCarthy (NY)
Cole	Hastings (FL)	McCaul
Connolly (VA)	Heinrich	McCollum

McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McMahon
McMorris
Rodgers
McNerney
Meeks (NY)
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nunes
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascarell
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi

Pingree (ME)
Pitts
Platts
Poe (TX)
Pollis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shimkus
Shuster

Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NOES—69

Akin
Bachmann
Barrett (SC)
Bishop (UT)
Bonner
Boozman
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Campbell
Cassidy
Coffman (CO)
Conaway
Cooper
Deal (GA)
Duncan
Flake
Foxy
Franks (AZ)
Gohmert
Hastings (WA)
Heller
Hensarling

Inglis
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kline (MN)
Lamborn
Latta
Lee (NY)
Linder
Luetkemeyer
Lungren, Daniel
E.
McClintock
McKeon
Melancon
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Olson
Price (GA)

Rohrabacher
Roskam
Royce
Ryan (WI)
Schauer
Sensenbrenner
Sessions
Shadegg
Shuler
Souder
Space
Stearns
Sullivan
Teague
Thornberry
Tiahrt
Tiberi
Walden
Westmoreland
Whitfield
Wilson (SC)
Young (AK)

NOT VOTING—7

Faleomavaega
Herseht Sandlin
Meek (FL)

Pastor (AZ)
Schrader
Sestak

Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining.

□ 1541

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 4 OFFERED BY MR. HASTINGS OF WASHINGTON

The CHAIR. The unfinished business is the demand for a recorded vote on

the amendment offered by the gentleman from Washington (Mr. HASTINGS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 432, noes 0, not voting 6, as follows:

[Roll No. 545]

AYES—432

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccheri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney

Carlson (IN)
Carter
Cassidy
Castle
Cagle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster

Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hallvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseht Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)

Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebuck
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick

Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Poe (TX)
Pollis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise

Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—6

Faleomavaega
Moore (WI)

Platts
Schrader

Sestak
Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining on this vote.

□ 1546

So the amendment was agreed to.

The result of the vote was announced as above recorded.

(By unanimous consent, Ms. RICHARDSON was allowed to speak out of order.)

CONGRATULATING THE HOUSE WOMEN'S
SOFTBALL TEAM

Ms. RICHARDSON. Colleagues, it's with great pleasure that we come before you to announce the incredible success that we had last night at the First Annual Congressional—may I say—Bipartisan Women's Softball Game.

We want to recognize our two captains, Republican JOANN EMERSON and, of course, our fearless leader who did it all, DEBBIE WASSERMAN SCHULTZ. We want to thank all of you, our teammates.

Mrs. EMERSON. You all, thank you very, very much from the bottom of my heart.

Ms. RICHARDSON. And from mine.

Ms. WASSERMAN SCHULTZ. From the bottom of my foot.

Mrs. EMERSON. We have been told that this was a triumph for women and a triumph of bipartisanship. And I think that says it all. We have proven, I think, that we will rise above any kind of partisanship, work together, come together as a team, and really work hard for something. And I think we're a good example for the whole House.

Ms. WASSERMAN SCHULTZ. In addition to that, we became even closer friends than we were when we started and raised awareness about the fact that young women can and do get breast cancer. We raised \$50,000 for the Young Survival Coalition.

So, thank you to all the Members who came out, and all the staff. We especially want to thank the ladies of the Republican National Committee, Democratic National Committee, DCCC, NRCC, and the DSCC for participating and doing a great job. We're going to get you next year.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

PART A AMENDMENT NO. 7 OFFERED BY MR.
BOREN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. BOREN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 429, noes 4, not voting 5, as follows:

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggett
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccheri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw

[Roll No. 546]
AYES—429

Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee

Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larsen (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George

Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarella
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)

NOES—4

Campbell
Ehlers
Flake
McClintock

NOT VOTING—5

Faleomavaega
Sablan
Schrader
Sestak
Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1553

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 8 OFFERED BY MRS.
MILLER OF MICHIGAN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mrs. MILLER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 431, noes 1, not voting 6, as follows:

[Roll No. 547]

AYES—431

Abercrombie Cooper Hinojosa
Ackerman Costa Hirono
Aderholt Costello Hodes
Adler (NJ) Courtney Hoekstra
Akin Crenshaw Holden
Alexander Crowley Holt
Altmire Cuellar Honda
Andrews Culberson Hoyer
Arcuri Cummings Hunter
Austria Dahlkemper Inglis
Baca Davis (AL) Inslee
Bachmann Davis (CA) Israel
Bachus Davis (IL) Issa
Baldwin Davis (KY) Jackson (IL)
Barrett (SC) Davis (TN) Jackson-Lee
Barrow Deal (GA) (TX)
Bartlett DeFazio Jenkins
Barton (TX) DeGette Johnson (IL)
Bean Delahunt Johnson, E. B.
Becerra DeLauro Johnson, Sam
Berkley Dent Jones
Berman Diaz-Balart, L. Jordan (OH)
Berry Diaz-Balart, M. Kagen
Biggert Dicks Kanjorski
Billray Dingell Kaptur
Bilirakis Doggett Kennedy
Bishop (GA) Donnelly (IN) Kildee
Bishop (NY) Doyle Kilpatrick (MI)
Bishop (UT) Dreier Kilroy
Blackburn Driehaus Kind
Blumenauer Duncan King (IA)
Blunt Edwards (MD) King (NY)
Bocieri Edwards (TX) Kingston
Boehner Ehlers Kirk
Bonner Ellison Kirkpatrick (AZ)
Bono Mack Ellsworth Kissell
Boozman Emerson Klein (FL)
Bordallo Engel Kline (MN)
Boren Eshoo Kosmas
Boswell Etheridge Kratovil
Boucher Fallin Kucinich
Boustany Fattah Lamborn
Boyd Filner Lance
Brady (PA) Flake Langevin
Brady (TX) Fleming Larsen (WA)
Brale (IA) Forbes Larson (CT)
Bright Fortenberry Latham
Broun (GA) Foster LaTourette
Brown (SC) Foxx Latta
Brown, Corrine Frank (MA) Lee (CA)
Brown-Waite, Franks (AZ) Lee (NY)
Ginny Frelinghuysen Levin
Buchanan Fudge Lewis (CA)
Burgess Gallegly Lewis (GA)
Burton (IN) Garrett (NJ) Linder
Butterfield Gerlach Lipinski
Buyer Giffords LoBiondo
Calvert Gingrey (GA) Loebsack
Camp Gohmert Lofgren, Zoe
Campbell Gonzalez Lowey
Cantor Goodlatte Lucas
Cao Gordon (TN) Luetkemeyer
Capito Granger Luján
Capps Graves Lummis
Capuano Grayson Lungren, Daniel
Cardoza Green, Al E.
Carnahan Green, Gene Lynch
Carney Griffith Mack
Carson (IN) Grijalva Maffei
Carter Guthrie Maloney
Cassidy Gutierrez Manzullo
Castle Hall (NY) Marchant
Castor (FL) Hall (TX) Markey (CO)
Chaffetz Halvorson Markey (MA)
Chandler Hare Marshall
Childers Harman Massa
Christensen Harper Matheson
Clarke Hastings (FL) Matsui
Clay Hastings (WA) McCarthy (CA)
Cleaver Heinrich McCarthy (NY)
Clyburn Heller McCaul
Coble Hensarling McClintock
Coffman (CO) Herger McCollum
Cohen Herseth Sandlin McCotter
Cole Higgins McDermott
Conaway Hill McGovern
Connolly (VA) Himes McHenry
Conyers Hinchey McHugh

McIntyre Polis (CO)
McKeon Pomeroy
McMahon Posey
McMorris Price (GA)
Rodgers Price (NC)
McNerney Putnam
Meek (FL) Quigley
Meeks (NY) Radanovich
Melancon Rahall
Mica Rangel
Michaud Rehberg
Miller (FL) Reichert
Miller (MI) Reyes
Miller (NC) Richardson
Miller, Gary Rodriguez
Miller, George Roe (TN)
Minnick Rogers (AL)
Mitchell Rogers (KY)
Mollohan Rogers (MI)
Moore (KS) Rohrabacher
Moore (WI) Rooney
Moran (KS) Ros-Lehtinen
Moran (VA) Roskam
Murphy (CT) Ross
Murphy (NY) Rothman (NJ)
Murphy, Patrick Roybal-Allard
Murphy, Tim Royce
Murtha Ruppersberger
Myrick Rush
Nadler (NY) Ryan (OH)
Napolitano Ryan (WI)
Neal (MA) Sablan
Neugebauer Salazar
Norton Sánchez, Linda
Nunes T.
Nye Sanchez, Loretta
Oberstar Sarbanes
Obey Scalise
Olson Schakowsky
Oliver Schauer
Ortiz Schiff
Pallone Schmidt
Pascarell Schock
Pastor (AZ) Schwartz
Paul Scott (GA)
Paulsen Scott (VA)
Payne Sensenbrenner
Pence Serrano
Perlmutter Sessions
Perriello Shadegg
Peters Shea-Porter
Peterson Sherman
Petri Shimkus
Pierluisi Shuler
Pingree (ME) Shuster
Pitts Simpson
Platts Sires
Poe (TX) Skelton

NOES—1

Baird
NOT VOTING—6

Faleomavaega Johnson (GA) Sestak
Farr Schrader Young (FL)

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1558

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1600

The Acting CHAIR (Mr. CUELLAR). It is now in order to consider one of the amendments printed in part B of House Report 111-209.

PART B AMENDMENT NO. 2 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading “Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy” shall be available for the Housatonic River Net-Zero Energy Building project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$1,000,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, this amendment would strike a \$1 million earmark that is for—and being from California, I will apologize in advance to the gentleman from Massachusetts if I butcher the name of the river, the pronunciation of the name of the river, but is it Housatonic? You can correct me when it's your time, but the Housatonic River Museum in Pittsfield, Massachusetts, and it reduces funding in the overall bill by that amendment.

Mr. Chairman, it is not unusual lately to see amendments for funding of museums in local communities and around the country, but this one's particularly unusual, I believe, because, as far as I can determine from the Web site, this museum doesn't currently exist. And if I am reading the Web site for this museum correctly, they're still in the design and development phase of this building, and it would appear that this is a \$1 million earmark to go to a museum in Massachusetts which does not currently exist and which, according to their own Web site, would not even have construction completed until 2012. And of course, this is the appropriations funding for 2010, so this funding would be available for the museum 2 years before even their Web site indicates they might be completed. So this appears to be an amendment for a museum, \$1 million for the museum that doesn't exist.

And I will reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I claim time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I urge rejection of the amendment before us. In 2006, Congress created the Upper Housatonic National Heritage Area in southwestern Massachusetts and in northwestern Connecticut based on legislation that was cosponsored by our distinguished former colleague Representative Nancy Johnson of Connecticut and myself in the House and

by all the Senators from Massachusetts and Connecticut in the other body.

The Housatonic River Museum is being created by a group of local citizens and environmentalists, all residents of that national heritage area, as a venue to highlight the rich cultural history and explore the hopes for the future of that area. The 13,000-square-foot museum is being designed to achieve two sustainable goals: zero carbon footprint and zero net energy usage.

Ninety percent of the money for this project is being raised privately, but the money provided in this bill will allow the museum to maximize energy conservation and efficiency using passive strategies such as natural lighting, natural ventilation, water conservation, high-performance building materials, and, in addition, to generate enough power for its own needs, all from renewable sources utilizing photovoltaic panels, recycled wood pellet boilers and a geothermal well system. The museum will return excess power to the public electricity grid when available and possible.

All of these techniques and processes for energy conservation and efficiency will be made available for explanation and demonstration to thousands of visitors of all ages, but especially to school-age children from near and far.

The museum itself will be lead certified, and will serve as a flagship demonstration project and an example of sustainable construction. It will be the first public building on the East Coast to be listed by the Department of Energy as a zero energy, and will join only seven others of similar designation in the Nation.

This is a good project with high goals and deserves to be funded, and I urge a "no" vote on the gentleman's amendment.

I reserve the balance of my time.

Mr. CAMPBELL. Mr. Chairman, I have no doubt that it sounds like the museum is going to be a very neat, cool, useful museum in the local area, but I guess I would ask the gentleman a question. Does this museum currently exist?

And I would yield to the gentleman. Does it currently exist?

Mr. OLVER. It is under design.

Mr. CAMPBELL. So it is under construction.

Mr. OLVER. It is under design, and the money is being raised as we speak.

Mr. CAMPBELL. Reclaiming my time, but I would ask the gentleman, have all the funds for this, the construction of this museum been raised?

And I would yield.

Mr. OLVER. I am not familiar with the day-to-day progress of the collection of those construction funds.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, this is \$1 million of the public's money going to a museum that doesn't currently exist, that is not

currently under construction, and the gentleman from Massachusetts can't tell me if it's even fully funded. I mean, if you don't have enough, if there isn't enough money to build it, it may never be built. It may never be funded.

So where is this million dollars going to go and what is it going to go for?

The gentleman pointed out that most of this museum, or so far they've been doing this raised on private funds. That's great. That's very admirable. That's outstanding. That's the way local museums and stuff should be done. I support them. I'm sure he does as well, and that's the way that funding should be.

And so, should the taxpayers from California and Texas and Louisiana and every place else put their tax money towards subsidizing a privately funded museum in Massachusetts no matter how admirable the message that that museum may be?

And I would reserve the balance of my time.

Mr. OLVER. I continue to reserve.

I think I have the right to close, do I not?

The Acting CHAIR. The gentleman is correct.

Mr. CAMPBELL. May I ask how much time I have remaining, Mr. Chairman?

The Acting CHAIR. The gentleman from California has 1½ minutes.

Mr. CAMPBELL. Mr. Chairman, you know, the fiscal and financial status of this country is at an unprecedented low. We will have a deficit this year of probably over \$2 trillion. President Obama's budget projects a deficit of \$1 trillion a year as far as the eye can see.

Of the million dollars that will go to this museum that doesn't exist and may never exist, \$460,000 of that will be borrowed. Much of that money will be borrowed from people in China and India and other places.

And I guess I would ask, Mr. Chairman, in this time of great fiscal strain, in this time when people are losing their jobs, in this time when we have a gigantic deficit, gigantic debt, borrowing money from all around the world, and a Congress and a President who seem to be unwilling or unable to stop spending and spending and spending, isn't at least this, can't we at least not spend \$1 million on something that doesn't even exist and hasn't been fully funded? Can't we at least stop here?

I tell you, Mr. Chairman, if this sort of spending, this sort of \$1 million on a local project subsidizing a privately funded museum that doesn't even exist, if this isn't a million dollars we can save, then the message I think, Mr. Chairman, to the American people is that this Congress is absolutely unwilling to save any of their money and to reduce these deficits in the future, which is not just a problem for our children and grandchildren; the prob-

lem's going to come on us much sooner than that. It's a problem for us.

I yield back the balance of my time. Mr. OLVER. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. I thank the gentleman for yielding and to inform him and our Members that the committee supports the construction of this museum and is against the amendment, so we are urging Members to vote "no" on the amendment.

Mr. OLVER. I would just reiterate in this instance that all of this money goes to achieve those specific goals for providing zero carbon footprint and net zero energy usage in this to-be-constructed museum. All of the techniques, an array of techniques, I mentioned five or six, but the array of techniques, all of those will be available as demonstrations for all of the visitors all of the years of the future of this museum.

And he worries that it may never be constructed. Well, if they don't raise the money, which I expect them to do, and to be able to be in construction quite as fast as a good many of our recovery projects might get into construction, but certainly within this and the next fiscal year, that none of that money gets expended. So there is no harm at all in that. And otherwise, we have a very fine museum and a very fine demonstration project which hundreds of thousands of people will see over the next decade.

So I would hope that the amendment will be rejected. I urge a "no" vote on the amendment.

I yield back.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. It is now in order to consider the amendments printed in part C of House Report 111-209.

PART C AMENDMENT NO. 1 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 1 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading "Department of Energy—Energy Programs—Energy

Efficiency and Renewable Energy" shall be available for the Maret Center project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$1,500,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, before proceeding with the time constraints here, I would ask unanimous consent that my amendment be modified to the form I have placed at the desk.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to part C amendment No. 1 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ . PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.—None of the funds appropriated or otherwise made available by this Act may be used to carry out, or pay the salaries and expenses of personnel who carry out, section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

□ 1615

The Acting CHAIR. Is there objection to the modification?

Mr. PASTOR of Arizona. Mr. Chairman, I object to the modification.

The Acting CHAIR. Objection is heard.

Mr. FLAKE. May I inquire of the gentleman from Arizona why he objects? We were told that this appropriations process, particularly today's bill, was under a modified structured rule simply because of time constraints. I am simply offering to modify my amendment to reflect an amendment that was offered but not accepted by the committee so that no more time would be consumed. This is an amendment that is in order, and it is germane.

I would just ask the gentleman why the objection is being heard.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Members' remarks will be directed to the Chair.

Mr. FLAKE. I would ask the Chair to ask the gentleman.

I would yield to the gentleman for a response if the gentleman from Arizona would respond to why he is objecting to this unanimous consent request.

Mr. PASTOR of Arizona. This amendment was taken up by the Rules Committee, and I don't have the authority to change or to modify it. So, rather than get into the debate, I thought it was in proper form to object.

Mr. FLAKE. I will have to go back to my original amendment. Let me just make a point, and I will be making it frequently coming up, so the gen-

tleman or others may want to consult with the Rules Committee.

We were told at the beginning of this process that we were going to be restricted in terms of what we could offer simply because of time, that we could not have so many amendments that would take so much time. There were 108 amendments offered. We would never be able to get them done, we were told. So here we have a bill. The time constraints are set. We are told that some 20 amendments are going to be offered. We are simply asking to swap out amendments.

The Appropriations chairman said, We have an obligation to get our work done, so what Mr. HOYER and I did was offer the minority leader an opportunity from a compressed number of amendments to select their own amendments, any amendments they wanted, but they did not want to limit the number of time.

Here we are saying we will agree to the time, and we are simply asking for unanimous consent to allow us to offer the amendments we would like to offer, and they're objecting. So, Mr. Chairman, all you can conclude, again, is that the majority simply doesn't want to take votes on these amendments. For the first time in years, in decades, we are shutting down an appropriations process, and saying, You can't offer the amendments you want. You only offer the amendments we want. Now, that is simply wrong. I just want to make that point, and I'll be making it again and again.

So I don't blame the gentleman from Arizona. He is not authorized here, but his party has told us that we are only compressing and having, basically, martial law in terms of appropriations bills because of compressed time. We are agreeing to the compressed time. We are simply saying allow us to offer the amendments that are germane that we want to offer. We are being told, no, you only offer the amendments we want to hear.

That's what we're being told here, and I just want to register an objection to that because we ought to have the freedom to offer the amendments that we have offered like we've been able to do for decades in this House.

With that, let me get to the substance of the amendment.

This amendment would simply strike \$1.5 million for the MARET Center at Crowder College in Missouri.

May I ask as to the time remaining?

The Acting CHAIR. The gentleman has 1 minute and 15 seconds remaining.

Mr. FLAKE. I thank the Chair.

According to the Web site, the MARET Center is also known as the Missouri Alternative Renewable Energy Technology Center. It has been around since 1992. It has been funded several times, I believe, with earmarks. It has received, I think, \$3 million in earmarks. When we have a deficit near-

ing \$2 trillion this year, I think it behooves us to find areas where we can save. This is an earmark that goes to a college to study renewable energy when we are doing that all over in the budget—in this bill and in others. I think it behooves us to save the money where we can. This amendment would strike that funding, and would save it in the bill.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I would yield such time as he may consume to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding.

Mr. Chairman, first, I want to thank Chairman PASTOR and Ranking Member FRELINGHUYSEN for recognizing the importance of this center, the Missouri Alternative Renewable Energy Technology Center, located at Crowder College in southwest Missouri. I am even glad that Congressman FLAKE created an opportunity to speak about this project.

I really don't object to this process at all. I think the more we determine how we are deciding how to spend money, the better off the country is. I also think that it's good to understand that not every decision on where to spend our research and development money should be made by the current administration or by the current Department of Energy. In fact, I am proud of the research that we are doing in southwest Missouri, and it has already had and will continue to have an impact regionally and nationally on renewable energy technology.

This center will serve as a living laboratory. It already serves as a living laboratory, modeling the best practices for solar and thermodynamic energy systems and striving to go even beyond zero energy consumption. Through these efforts, it has served as a regional center.

The project we are talking about today integrates a variety of green construction practices, such as Earth shelter design, a green roof, rainwater harvesting, and low-volatile organic compounds, interiors and furnishings. This is designed to be one of the very first working examples of a net positive energy structure. In other words, this won't be a structure that just produces its own energy. It actually will be a structure that produces all of the energy it uses. It goes beyond the net zero building to put energy back into the grid, and it will provide distributed power to the electric utility company that serves the college.

Crowder College has long been a pioneer in renewable energy. In 1984,

Crowder College, a junior college—a 2-year college—designed and built the first solar-powered vehicle to cross the United States. These are southwest Missouri kids out of high school and who are in their first or second year of post-high school training. They built the first solar car that did that.

This same group, this same school, finished second behind General Motors in the first world solar challenge in Australia in 1982. In 2001, they won the fuel-efficiency category of the second ethanol vehicle challenge. That's a vehicle, by the way, that is still used on the campus as a maintenance vehicle. This school won the People's Choice Awards in 2002 in Washington, DC, for the solar house competition.

So they don't come to this, competing for Federal funds, without having had successes. They don't come without having done things that others have copied, shared and looked at. They come asking for this funding not only to help design, engineer and construct a center that is about to go out for bid but also to use that funding to help people learn how to use these building techniques. They are right there on the campus, learning how to create jobs. We talk a lot here about green energy jobs. This is a center that will actually be used as a laboratory in the building process to teach others how to do this green energy job creation and green energy building.

As we know, buildings consume 48 percent of the Nation's energy. The MARET Center will consume zero percent of the Nation's energy. In fact, it will put energy back into the system. Programs like this are crucial to the efforts we have for our economy and for our national security. Our Nation needs to have a new energy policy, an all-of-the-above strategy, and this is definitely part of that all-of-the-above strategy.

So I urge my colleagues to look at this issue and to look at it carefully, to look at a program that has already had national impact and to help this small 2-year college continue to do the things that they have been doing for over 20 years now to help establish green-collar jobs and green technology.

I would love to see our colleagues come to southwest Missouri and look at what is happening at the MARET Center, because people from all over America will be following their efforts and will benefit from this investment in the future.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield to the chairman, the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. Mr. Chairman, I will inform our colleagues that the committee is opposed to the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman has 30 seconds remaining.

Mr. FLAKE. I thank the gentleman.

Mr. Chairman, this sounds like a great program. There are many great programs all over the country. Why do we need to earmark money for this one? There are a lot of other universities that would love to compete for these dollars and for this kind of funding.

That is the problem with the earmarking process that we have. Members of Congress are able to pick and choose. We typically take from those accounts where we have money set aside for competition, where people can, based on merit rather than on political designation, compete for these funds. So, with that, I would ask for support for the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Mr. FLAKE. Before proceeding with my amendment, Mr. Chairman, and so I won't gobble up my time, I would move that the Committee rise so that the whole House may entertain the unanimous consent request to modify my amendment.

The Acting CHAIR. The gentleman's motion is not in order according to the rule (House Resolution 645).

PART C AMENDMENT NO. 3 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 3 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading "Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy" shall be available for the Consortium for Plant Biotechnology Research, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$3,000,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified to the form I have placed at the desk.

Mr. PASTOR of Arizona. Mr. Chairman, I object.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to part C amendment No. 3 Offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.—None of the funds appropriated or otherwise made available by this Act may be used to carry out, or pay the salaries and expenses of personnel who carry out, section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

Mr. FLAKE (during the reading). Mr. Chairman, I withdraw my unanimous consent request. It has been rejected already.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I want to make the point again here. I offered a unanimous consent request to stick within the time frames that we've been given by the majority party. The majority party said to us, Mr. OBEY, said, We have an obligation to get our work done, so what Mr. HOYER and I did was to offer the minority leader the opportunity, from a compressed number of amendments, to select their own amendments, any amendments they wanted, but they don't want to be limited by number of time. I don't fault them for that. I'm simply stating the facts.

Well, here we are with the facts. We're willing to be limited by time. We have the constraints. All we want to do is have the ability to offer our own amendments, and we're not being given that ability. The majority party has objected to a unanimous consent request, not to offer an amendment that is not germane or that would not be made in order. It's just an amendment that they don't want to vote on.

So this is the second time. It will probably happen again and again and again. I don't fault the gentleman from Arizona. He is carrying out the wishes of the leadership.

I want people to recognize what is happening here. We have what amounts to martial law on appropriations bills this year for no reason other than the majority party wants to select the amendments that they want to vote on, not because of time constraints. We are living within the time constraints. We are okay with the time constraints. We are simply being objected to here, and are not allowed to offer the amendments that we want to offer.

□ 1630

With regard to this amendment, this amendment would remove \$3 million for the Consortium for Plant Biotechnology Research and would reduce

the overall cost of the bill by a commensurate amount.

I reserve the balance of my time.

Mr. ROTHMAN of New Jersey. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. ROTHMAN of New Jersey. Mr. Chairman, I rise today in strong opposition to this amendment. First I would like to thank Chairman VISCLOSKEY, Chairman PASTOR, Ranking Member FRELINGHUYSEN and all the Energy and Water Subcommittee members for their leadership on this important legislation and their support for this project. This is a good bill, and this is a good project. It will protect America's waterways and reduce our dependence on foreign oil. I urge my colleagues to support the bill.

This amendment that the gentleman from Arizona offers would remove funding for a project that would speed the transition of biotechnology from the laboratory to the marketplace.

Since 1989, Mr. Chairman, the Consortium for Plant Biotechnology Research has steered more than \$122 million towards energy research projects that are chosen on the basis of scientific merit and their importance for building a renewable energy economy, especially from biomass. The consortium works with more than 50 research universities in the United States of America and matches those universities with private entities, which transform their lab work into technology that can be introduced into the economy, creating jobs in the rapidly growing alternative energy sector. This is a picture of a wonderful public-private partnership that so many on both sides of the aisle talk about.

Through the Consortium for Plant Biotechnology Research, the Federal dollars made available by this earmark are matched 130 percent with non-Federal funds so that for every \$1 the government puts in, the private sector puts in \$1.30, for a total of \$2.30 worth of research.

Recently, Mr. Chairman, Rutgers University in my home State of New Jersey partnered with the Consortium for Plant Biotechnology Research. Rutgers' work is focused on creating plants that require less fertilizer to grow, the result being less energy used in the manufacture of fertilizer, cheaper crops and easily produced biomass that can be converted into clean energy. The result is tremendously efficient research that is cheaper, that will give us better crops and the next generation of clean, renewable biofuels.

Mr. Chairman, if we're going to combat global warming and break America's dependence on foreign oil, investing in research into the next generation of locally generated, renewable biofuels is crucial. The Consortium for Plant Biotechnology Research facili-

tates exactly that, and I am proud to support this earmark.

I urge my colleagues to vote "no" on the amendment.

I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, may I ask the time remaining?

The Acting CHAIR. The gentleman from Arizona has 3 minutes remaining. Mr. FLAKE. I thank the Chair.

One of the 11 sponsors of this earmark describe this organization to receive it as a "nonprofit organization." A quick glance at its membership roster shows that in addition to 45 well-endowed university members, 46 for-profit corporations also partner in this consortium. Among them are Procter & Gamble and MeadWestvaco. There is a lot of private money for this institution as well. Here again we have a deficit of nearly \$2 trillion, and yet we're spending \$3 million on an earmark for a Consortium for Plant Biotechnology Research that already receives funding from a lot of private sector organizations, and we're simply adding on with another earmark. Again, it's the case here that when you earmark dollars, in this case you are removing dollars from the account that universities and other organizations can compete for. Over at the Federal agencies, we have a mandate that they compete out these kinds of projects. People compete on the basis of merit, yet here when we skim money off the top and earmark it for certain organizations, there is less money for other colleges, organizations and universities to compete for; and that's simply not right. As we've said over and over again, it amounts to quite a spoils system because just a relatively few people in the House get the bulk of the dollars that actually go toward earmarks. So, Mr. Chairman, I would ask for a favorable vote on this amendment. We simply need to save money where we can when we're running nearly a \$2 trillion deficit by the time we get to the end of the fiscal year.

When I came to Congress just 8 years ago, I think our total Federal budget was just north of \$2 trillion. Our deficit this year will reach nearly that amount. And still we're earmarking dollars right and left to universities or other organizations that have big endowments already or have private sector partners who already contribute money, and still we're saying they need more. Where does it end? When do we say enough is enough? I would submit that we should say it right here on this earmark, and I urge support for the amendment.

I yield back the balance of my time.

Mr. ROTHMAN of New Jersey. May I ask the Chair how much time is remaining?

The Acting CHAIR. The gentleman has 2 minutes.

Mr. ROTHMAN of New Jersey. I yield 2 minutes to our distinguished chair-

man, the gentleman from Arizona (Mr. PASTOR).

Mr. PASTOR of Arizona. I thank the gentleman for yielding. I will just inform Mr. ROTHMAN that we are against the amendment and support the gentleman's earmark.

Mr. ROTHMAN of New Jersey. I thank the chairman. There are good investments, and there are bad investments. I think one would find it difficult and unreasonable to say that in the present world economic climate, as well as energy climate, that the United States doesn't need to do more to become energy independent. We do need to do more. This is a public-private partnership involving 50 research universities in the United States, where for every dollar of Federal money, the private sector invests \$1.30 to come up with ways to provide renewable energy in a clean fashion and clean, green American jobs. I urge opposition to this amendment.

Mr. ABERCROMBIE. Mr. Chair, I rise today to oppose an amendment offered by Representative FLAKE to H.R. 3183, the Energy and Water Development Appropriations bill for fiscal year 2010. This amendment would strike \$3 million in funding from the Consortium for Plant Biotechnology Research located in Georgia.

I support this funding because of the amazing progress CPBR funded projects have been able to make. CPBR receives a small amount of funding annually and in turn has a competitive selection process to fund projects that further plant biotechnology that impacts the seed, agrochemical, forestry, food, energy, electric power, and other nonfood agriculture-based industries.

On average, federal funds to CPBR are matched 130 percent with non-federal funds. Industry must provide at least 50 percent cash matching, this requirement is not required by federal grants and goes to prove the worthiness of these CPBR projects and expedites their path to the marketplace. It is noteworthy that 372 CPBR-funded research projects have resulted in 129 patents, 67 patent applications pending, 274 licenses, and 5 start-up companies. In fact, CPBR-funded projects average 2.5 patents/\$1 million of federal funding. This is significantly higher than the university rate of 0.13 patents/one million federal dollars, that's 1900 percent higher.

In Hawaii, CPBR funded a professor at the University of Hawaii who developed a process called "flash carbonization" which is now patented and has been licensed to several companies including Kingsford. This process uses a large cylindrical reactor to pressurize and heat tires, green waste and municipal solid waste to make a "biochar" or charcoal that can be used to enhance soil or burn as a fuel. This technology has spawned two energy companies that are building new environmentally friendly industries and creating high paying jobs in Hawaii. This progress started with a small research grant from CPBR.

CPBR supports higher-risk, longer-term environmental research that is essential to innovation, research that companies cannot afford to do on their own. With these federal funds,

innovative advancements in environmental and energy research are hastened to the marketplace where they can be implemented. I urge my colleagues to oppose this amendment offered by Representative FLAKE and vote against its passage.

Mr. CONYERS. Mr. Chair, today, I rise in opposition to Representative FLAKE's amendment, which would reduce funding for the Consortium for Plant Biotechnology Research by \$1 million. This project, which provides grants to universities for plant-based biotechnology research to promote a cleaner environment, has bipartisan and multiregional support.

Funding for the Consortium for Plant Biotechnology Research helps promote goals set out by this Congress: higher education, job training and environmental protection. A non-profit corporation based in Georgia, CPBR has partnered with researchers and students in universities located in 32 states across the country to develop biotechnology and renewable energy, biofuels and "green" chemicals that can be used in place of ones that are harmful to the environment. CPBR has been a pioneer in using plants and plant-based materials as affordable and environmentally safer alternatives to fossil fuels.

CPBR is an example of what a public-private partnership should look like. Federal funding is matched, on average, with 130% of non-federal funds, allowing for \$2.30 worth of research to be done for every dollar appropriated by Congress. The vast majority of the project funding, 92%, will go to research projects.

In my own District, the University of Michigan at Dearborn received funding from CPBR and the Ford Motor Company which allowed Professor John Thomas and his students to research safer methods of cleaning up toxic waste. They were examining whether plants could be used to extract harmful contaminants from the soil.

Important research like this is being done in universities all across the country because of collaboration between CPBR, the federal government, and private companies. In addition to invaluable information gained from this research, a new generation of environmental students and engineers is being exposed to cutting edge technology. CPBR also has a history of working with predominately African American institutions like Tuskegee University and Albany State. These partnerships provide exciting opportunities for minority students who are traditionally underrepresented in the environmental science and research fields.

Innovation from these projects can lead to new, high-paying jobs. As of September, CPBR research had led to 129 patents granted and 5 start-up companies. Additionally, students that have participated in this research have gained experience that makes them more competitive applicants when they seek high tech jobs after they graduate.

I am pleased to support the Consortium for Plant Biotechnology Research and its vital mission of providing universities and private industry the tools to collaborate to allow for vital environmental research. I encourage my colleagues to oppose Mr. FLAKE's amendment.

Mr. BISHOP of Georgia. Mr. Chair, I join my colleagues in opposition to the Flake Amend-

ment to H.R. 3183, the Energy and Water Appropriations bill for Fiscal Year 2010.

As a member of the Appropriations Committee, I believe it is our duty to work with our colleagues across the aisle in crafting a bill that helps our country in times of economic peril. In a political climate where energy sources and technology have become a central focal point, we must do everything in our power to do what is in the best interest of the constituents in our respective districts, and indeed, the nation as well. This amendment, however, is not in the best interest of our constituents.

The Consortium for Plant Biotechnology Research (CPBR), Inc., which is based in the State of Georgia, is an organization which specializes in the transfer of plant biotechnologies from the research laboratory to the marketplace, and in the process, provides expanded economic opportunities through university research. CPBR's research programs and activities are undertaken cooperatively with major colleges and universities around the nation, including Albany State University, which is located in my Congressional district.

In its short history, the CPBR has produced over 2.5 U.S. Patents with every \$1 million dollars of federal funding provided. Through CPBR, every federal dollar is matched at a rate of 130% with non-federal funds. Additionally, the organization has a commercialization rate on successful projects which is over 210% higher than what universities get on their own.

The amendment offered by Congressman FLAKE frankly represents a gross lack of judgment, particularly given the enormous benefits we are continuing to gain as a result of the CPBR's research activities and tangible results being put in practice.

The CPBR has successfully worked with a number of historically black colleges and universities (HBCU) through its HBCU and Minority Institutions Research Fellowship Program. This program provides peer reviewed projects at these colleges and universities which, has in turn, sparked development and growth between the faculty and students.

This also broadens its interaction with its private sector partners, who work closely with the CPBR and its researchers, to carry out the transfer research and technology into the production of new and improved agricultural and manufacturing processes and products. Keep in mind, these are new products which were created and developed by students and researchers at Universities around the country.

These industrial innovations create thousands of new jobs and strengthen our national economy. One example of CPBR's research is the current use of Miscanthus as a feedstock for bio-ethanol and other industrial chemicals—a discovery which is currently used to reduce pollution from petroleum-based products throughout the energy industry. This is a clear example of the contributions which this group has made in moving our nation toward energy independence and improved technological efficiency.

We are all aware that advancing energy technology is one of the most important issues we face today. It is an issue that many feel very passionate about and affects the pockets of all of us and our constituents.

So it is essential that we continue to support activities of worthy organizations such as CPBR.

Mr. Chair, in closing, the enormity and size of the challenges facing communities impacted by the energy crisis is overwhelming. Funding for the work of the CPBR is worthy of continuation, and I would urge my colleagues to oppose the Flake amendment.

Mr. ROTHMAN of New Jersey. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART C AMENDMENT NO. 4 OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 4, part C.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 4 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading "Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy" shall be available for the Ethanol from Agriculture project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$500,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form that I have placed at the desk.

The Acting CHAIR. Is there objection to the request of the gentleman from Arizona?

Mr. PASTOR of Arizona. Mr. Chairman, I object.

The Acting CHAIR. Objection is heard.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. You know, I thought the third time might be the charm, but apparently not. Let me just make the case again. The reason that we have martial law this year on appropriations bills is because we were told we needed to stay within the time structure. Now

that excuse, I have to say, Mr. Chairman, was a bit suspect to start with. We are finished with voting today. We finished I think just before 4 o'clock. We'll be finished with these amendments and be out of here by 5 p.m. That's 2 o'clock on the west coast. Done for the night. And we don't have time to make in order a few other amendments? But here if that were the case, okay. We're accepting the time constraints. We accept that the majority party believes we should be done at 3 o'clock or 4 o'clock today. So we'll just say, Let's just substitute one of the amendments that we would like to offer for one of the ones that we had made in order under the rule. Yet the majority party says, No, we only want to vote on the amendments that we want to vote on, not the ones you want to offer.

So let's get rid of, once and for all, the excuse that this is a matter of time, that the minority party simply won't agree to live within the time strictures. That is simply untrue. We are agreeing here to live within the time constraints, unreasonable though they may be, from the majority party as long as we can offer the amendments that we would like to offer, but we're not being allowed that. We've asked for three unanimous consent requests, each have been objected to.

Mr. Chairman, this amendment would strike \$500,000 in funding for ethanol from agriculture at Arkansas State University, and it would reduce the overall cost of the bill by a commensurate amount.

Mr. Chairman, again, we see what we know is probably best referred to as a spoils system. One appropriator approached me the other day and said, "I wish you wouldn't use that term. It's pejorative." I don't know if there's a less pejorative term that can be used. But here's the case: So far the earmark dollars that have flown out with the appropriations bills thus far, powerful Members of Congress—these are the appropriators and those who are chairmen or ranking minority members—they represent about 24 percent of this body. Yet when you look at the earmark dollars in CJS, 58 percent went to just 24 percent of the body; Homeland Security, 68 percent; Interior, 64 percent; Agriculture, 67 percent; MILCON-VA, 52 percent; Energy and Water—this bill that we're discussing today—58 percent of the earmark dollars go to just 24 percent of this body. It's a spoils system. I don't know of any less pejorative term to use. To the victors go the spoils, I guess. But that's another problem with earmarking. It's not just that dollars are wasted or that dollars in defense bills are basically given out as no-bid contracts. It's that just a small number of people in this body control too many of the dollars, and we're told that we shouldn't let some faceless bureaucrat over in some

agency decide where to spend the money because it's our role under the Constitution here in Congress. But if you accept that, you have to accept the fact that every Member of Congress knows their district better than some faceless bureaucrat, as it's always said. But if that's the case, why do appropriators and other Members in leadership know their districts so much better than everybody else around here?

So it seems to be a bit of a spoils system, Mr. Chairman. I have to say, on this earmark with ethanol, we're spending a lot of money on ethanol. When you take the farm bill into account, when you take just about everything else we are doing into account with the energy bills that have been passed, it's not as if we are starving this beast. There is a lot of money going in here. Again, we're sending \$500,000 more when we have a deficit nearing \$2 trillion.

With that, I reserve the balance of my time.

Mr. BERRY. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Arkansas is recognized for 5 minutes.

Mr. BERRY. Thank you, Mr. Chairman. I thank our chairman Mr. VISCLOSKEY, Mr. PASTOR and ranking member Mr. FRELINGHUYSEN for putting together a really good bill, and the staff has done an outstanding job with all of this, and we certainly appreciate all the hard work that they've done and continue to do. It would be the most foolish thing we could possibly do in this country. We have economically succeeded and lived off of the great research—most of it that was begun during World War II, continued after World War II and made us the technology leaders of the world. It has tremendous economic benefits. For us to now pursue a course to say that we don't need to do research, that it doesn't serve a good purpose.

The research that is being done at Arkansas State University, by the Arkansas Biosciences Institute that was created and funded by the State of Arkansas, and tremendous investments have gone into that institute and great work is being done there, some of it, a very small part of it, is being funded by the Federal Government. That is most appropriate. What this does is to make it possible to take the straw that is left after you harvest an acre of rice, and convert it to 270 gallons of ethanol. That's after you take the grain off of it.

□ 1645

It makes all the sense in the world to do this, and this would also be applicable to other crops.

So we are talking about using something right now that just lays there and rots and turning it into fuel that is environmentally friendly. And it

makes absolutely no sense not to continue this research, bring it to fruition and put it on the ground and make it work for the American people and reduce our need for foreign oil.

So I rise in strenuous opposition to this amendment. I would ask the House to join me in being opposed to this amendment.

I reserve the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining.

The Acting CHAIR. One minute remains.

Mr. FLAKE. We spend upwards, in cumulative subsidies, of about \$420 billion at an average of \$28 billion annually and climbing on ethanol. We keep hearing year after year after year, we just need to seed corn here, if you will, we just need it to prime the pump, and it will take care of itself later. And 30 years later, we are still subsidizing at about \$28 billion annually. And then we have to mandate use for it.

The truth is, we all know you can turn ethanol out of an old boot if you expend enough energy doing it. At some point, you have to question are we doing the right thing here with our dollars. When we are already spending \$28 billion annually, does it make sense to throw in another \$500,000 to Arkansas State University? Are they going to discover something that \$28 billion annually for about 30 years has not discovered?

At some point, we have to say we have a \$2 trillion deficit and we have priorities here. So, Mr. Chairman, I would suggest we have to start somewhere. Please, with this program, let's save some money.

I yield back the balance of my time.

Mr. BERRY. I continue to be opposed to this amendment.

I'm very proud of the work that has been done at the Arkansas Biosciences Institute. I think it is the kind of investment that this government needs to make in research and development to make sure that we continue to be the leader in the world in these areas.

With that, I ask my fellow Members to vote against this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART C AMENDMENT NO. 5 OFFERED BY MR.

FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated as No. 5 in part C.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 5 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading “Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy” shall be available for the Fort Mason Center Pier 2 project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$2,000,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form I placed at the desk.

Mr. PASTOR of Arizona. Mr. Chairman, I object.

The Acting CHAIR. An objection is heard.

The gentleman from Arizona is recognized.

Mr. FLAKE. Let the record state, four times now, four times asking unanimous consent to simply swap for an amendment that we would like to offer rather than one that the majority party would like to hear. But again, it has been rejected. So I will go on.

This amendment would prohibit \$2 million for funding for the Fort Mason Center Pier 2 earmark and reduce overall cost of the bill a commensurate amount.

According to the sponsor, and I don't see the sponsor here today, the Fort Mason Center operates the retired U.S. Army West Coast Port of Embarkation as a “national standard for historic preservation, urban planning, sustainable business practices, nonprofit support and incubation” and on and on.

According to a 2001 press release, this is not the first earmark for the Fort Mason Center by the same sponsor. That year, the sponsor directed a \$13 million earmark to the center for seismic upgrades. According to the sponsor, this year's earmark was requested for costs associated with “repairs related to sustainability and energy efficiency, as well as seismic safety and patron access.”

According to its Web site, the center “embodies the essence of San Francisco, nearness to nature, combined with novel architecture, a nod to the past, and a dose of the different” and boasts 300,000 square feet of space for 17 venues and on and on. This center hosts a lot of events annually. I suspect that more than a few of the attendees made their way also to the

center's Cowell Theater last year, which is on the same premises, I believe.

Now, I don't know why in the world we keep earmarking dollars for centers like this. They clearly are in areas, in this case, San Francisco, where there is other funding or other funding is already used. But in this case we have a particularly powerful individual who requested the earmark who is able to get it time and time again, and so we are seeing this earmark funded.

At what point do we say we have to make priorities here? When you have a deficit that may hit \$2 trillion this year, at what point do we say we can't spend another \$2 million for the Fort Mason Center Pier 2 earmark?

With that, I reserve the balance of my time.

Mr. PASTOR of Arizona. I claim the time in opposition.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. PASTOR of Arizona. Before I get into the substance of Fort Mason Center, what I would like to announce is there was concern expressed regarding the manager's amendment, especially as it related to the vehicle purchase as outlined in that manager's amendment. I am committing to work with all Members to address that their concerns will be addressed in conference.

The gentleman from Arizona is right: we have a congressionally directed mark in this bill that will assist the Fort Mason Center to continue its best practices in its development. He is correct: since this base was basically closed down, this area has been developing to assist the people of San Francisco and the surrounding areas as a center for culture, education and recreation. It is located on the northwest side of San Francisco and includes a number of buildings and piers, and it leases space to 24 nonprofit organizations.

The gentleman from Arizona is correct: this is an earmark that continues the development of the center. The attempt of this earmark is to specifically incorporate sustainable design and construction strategies consistent with LEED silver certification in the likelihood it will be better than that certification.

The continued development of the center will now include more and extensive use of solar and wind energy and will serve as a model for sustainable practices within a historically sensitive context.

And so with that, I would request a “no” to the amendment.

I reserve the balance of my time.

Mr. FLAKE. I inquire as to the time remaining.

The Acting CHAIR. The gentleman from Arizona has 2½ minutes remaining.

Mr. FLAKE. I would yield to the gentleman from Arizona if he would indicate whose earmark this is.

Mr. PASTOR of Arizona. This earmark, its sponsor is the Congresswoman from San Francisco.

Mr. FLAKE. I believe that is the Speaker of the House.

Now, I mentioned before that the center contains a theater called the Cowell Theater. Last year the earmark sponsor went on a 12-city tour with her new book, “Know Your Power: A Message to America's Daughters.” I think that the Member who requested this earmark certainly knows her power. That is part of the problem with this earmark process.

Again, let me point out, in this piece of legislation, the Energy and Water bill, 58 percent of the funding is going to just 24 percent of the body, people who know their power and know that they can get earmarks. And we hear a lot of high-minded rhetoric about earmarks, that we are doing it because we know our districts better than those bureaucrats, and these bureaucrats shouldn't be able to choose because I know my district better. But apparently just a quarter of the Members of this body seem to know their district better than everybody else because they keep getting all of the earmark dollars.

So, when you strip it all away, we are earmarking dollars because we can here and sometimes to the same organizations or institutions that get it year after year after year. And when we are running a deficit that may hit \$2 trillion, I would think that we ought to say enough is enough. The sponsor of this earmark appears to be associated with, either is a lone sponsor or in collaboration with other Members, more than \$87 million worth of earmarks last year and more than \$94 million the year before. So knowing your power certainly helps around here.

At some point, this body has to stand up and say we can't continue to do this. We have to be stewards of the taxpayer money. And I would submit that when we are running a \$2 trillion deficit this year, we may hit that coming up, then now is the time to say we can't continue to fund earmarks like this.

I would ask for support of the amendment.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Well, I would tell my dear friend from Arizona, and he is a dear friend, that this year we, our colleagues, at least those from Arizona, that requested congressional direct earmarks in this bill are part of that 24 percent and are very happy to belong to it. So, we will continue to work with Mr. FLAKE and other Members of Congress.

I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART C AMENDMENT NO. 10 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk, designated as No. 10 in part C.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 10 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading “Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy” shall be available for the Whitworth University Stem Equipment project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$300,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the manner designated at desk.

Mr. PASTOR of Arizona. Mr. Chairman, for the fifth time I will object.

The Acting CHAIR. An objection is heard.

Mr. FLAKE. I can't say that I'm shocked by now. This is the fifth time, I guess, but be it noted it is the fifth time we have asked for unanimous consent to offer the amendments that we would like to offer on this side of the aisle. But, again, this request has been rejected, not because of time constraints. We are living within the time constraints. It is because the majority party seems to only want to entertain amendments that they know they can defeat. They don't want anything controversial on the floor, and so we are breaking with tradition that has held for decades and decades, if not a century in this House, that we have open appropriations bills. Instead, we have a sort of a martial law with appropriations bills where they come under a modified rule that only allows the amendment that the majority chooses to hear, not the ones that Members want to offer.

That simply disenfranchises most of the Members of this body, I should say on both sides of the aisle. Many amendments that were bipartisan amendments or amendments offered by

Democrats were rejected as well, because the leadership of this body and the majority party simply didn't want to hear those amendments.

This amendment would prevent \$300,000 in funding for the Wentworth University for STEM equipment and to reduce the cost of the bill by a commensurate amount. STEM in this case stands for Science, Technology, Engineering and Math. Wentworth University is a private residential liberal arts institution. The STEM equipment provided by this earmark would be located in Wentworth's University Center for Applied Health Sciences.

Now I can't imagine that any university in the United States would not want Federal funding to increase student capacity at their institution. In fact, I doubt these universities would even be picky about the field to which the money was designated.

□ 1700

But simply wanting Federal money does not equate or merit getting the money. You simply ought to have—to the extent that we provide Federal dollars for institutions of higher learning, they ought to be distributed on a competitive basis, not on a spoils system, not because one Member can designate here or there.

We tell the agencies you have to set up a program by which people can compete for grants like this, but then we tell them, All right, but not for this pot of money. We're just going to designate it, and for the rest of the money in the account, then let people compete for that. But I'm going to get mine for my university, or she's going to get hers for her university, or they're going to get theirs for their university. That's simply not right.

If we don't like the way the Federal agencies are distributing the money, then, by golly, we ought to change the way it is set up. And, by the way, they distribute that money, but we shouldn't run a parallel system where we say, We don't like the way you are distributing money so you simply will have to wait and watch while we distribute off the top.

With that, I reserve the balance of my time.

Mr. FRELINGHUYSEN. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I am pleased to yield to the gentlewoman from Washington State, Mrs. McMORRIS RODGERS.

Mrs. McMORRIS RODGERS. Thank you for yielding, and I appreciate the time.

I am in opposition to this amendment. To the gentleman from Arizona's point, if there was a way for us to set up a system whereby universities and colleges could compete for this fund-

ing, I would like to look at it. Bottom line, I believe that we do need to be investing more in this type of education.

As a Member of Congress, I have become very concerned about America's competitiveness, and I look at what's happened in this country, and we talk a lot about our taxes and our tax code and the fact that we have the second highest corporate tax in the world and the impact that that has on our competitiveness and our ability for small businesses to compete.

We talk about our regulatory climate, our litigious system, but I also think we ought to be looking at our education system. And we know that around the world other countries are investing in the STEM areas especially, the science, technology, engineering, and mathematics, and it's important to our future. As you think about America's ability to continue to be a leader in innovation and technology, a leader in research, I do believe that we need to be investing more in these areas.

I'm one who is shocked to know that a third of our kids will drop out of high school. Fifty percent who go to college need some kind of remedial math or English. We need to be raising the bar and we need to be giving them more opportunities.

As it relates to natural science and engineering majors, it's estimated by the National Science Foundation that we will acknowledge a shortage of 675,000 natural science and engineering majors in the next few years. We need to give our students the critical skills necessary to compete in the new global economy. Utilizing the advanced technology and state-of-the-art equipment in our colleges, such as what the funding allows in this bill, will help accomplish that goal.

Whitworth University has seen a 57 percent rise in the number of students majoring in science. The STEM Project, which is also matched by private funds, will give Whitworth the ability to install the necessary technology and equipment to allow an additional 2,500 students to pursue science majors. Moreover, inclusion of this advanced technology and state-of-the-art equipment in required research-intensive courses will enable students to be better prepared to contribute to our Nation's workforce immediately upon graduation. This project is supported by a bipartisan group of State legislators, the Greater Spokane Incorporated, and many others that are focused on this issue, Mr. Chairman.

There is no doubt that we must be concerned about out-of-control spending; yet I do believe there are worthy projects out there such as this one which will enable the United States to remain a global leader in the 21st century. And I urge opposition to this amendment.

Mr. FRELINGHUYSEN. I yield to the chairman of the subcommittee.

Mr. PASTOR of Arizona. I rise just to inform the gentlelady that the committee is opposed to the amendment and supports her congressional-directed earmark.

Mr. FRELINGHUYSEN. I yield back.

Mr. FLAKE. May I inquire as to the time remaining?

The Acting CHAIR. The gentleman has 2 minutes.

Mr. FLAKE. Let me just say again, here we have a private university. I'm sure that it's a great university. I'm sure this is a great program that it has, but we have private and public universities all over the country that are hurting badly and would like to receive funding like this and would like to be able to compete for funding like this under a program where they're on equal footing, where the money is not earmarked or cut off the top and just awarded to individual organizations or institutions. That's the problem with this process. It's one of the problems of this process. And so I would urge adoption of the resolution.

And, again, let me just go back to the request for unanimous consent to modify the amendment.

Again, going back to what the appropriations chairman said the other day to the majority leader or said with the majority leader, We did offer the minority leader the opportunity in the compressed number of amendments to select their own amendment, any amendments they wanted, but they did not want to be limited in number or time.

Here we're saying we will be limited to number and time. We simply would like to select the amendments that we would like to offer, but we're being denied that opportunity. Five times. Five requests for unanimous consent. Five denials to simply offer the amendments that we would like to offer.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

PART C AMENDMENT NO. 11 OFFERED BY MR. FLAKE

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part C amendment No. 11 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds pro-

vided in this Act under the heading "Department of Energy—Energy Projects—Energy Efficiency and Renewable Energy" shall be available for the Boston Architectural College's Urban Sustainability Initiative, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$1,600,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The gentleman from Arizona is recognized.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit \$1.6 million from funding the Boston Architectural College Urban Sustainability Project.

I appreciate the fact that Boston Architectural College is interested in urban sustainability and green innovation. According to the college, they're hopeful that that project will serve as a model for densely built areas, such as Boston's Back Bay historic district. In fact, the Green Alley funding for this earmark would be constructed in one of Back Bay's public alleys. For those unfamiliar with Boston, Back Bay is a residential, retail, and commercial office district. It's considered to be one of Boston's most—in one of Boston's most high-rent neighborhoods.

While the construction of the project may be carried out by the Boston Architectural College, it will benefit an apparently affluent neighborhood.

With that, I reserve the balance of my time.

Mr. CAPUANO. Mr. Chairman, I would like to claim time in opposition.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. CAPUANO. The gentleman is right. It is an affluent neighborhood, but the school is not affluent. The neighborhood is not doing the work; the school is going to do it. The neighborhood will benefit from it in some indirect way because they all live near the Charles River. The storm water currently runs into the Charles River and pollutes it.

I want to make it clear. This is like many other things, my presumption is—I don't know yet—but it doesn't sound like this objection is with this particular earmark. It's with earmarks as a whole.

I want to make it clear. Based on things I have read in the papers, this college does not have a lobbyist, either a Federal or State lobbyist. No one from the school has ever donated to my campaign. Nothing at the school is named after me or is proposed to be named after me, and to my knowledge, the school has never received an earmark of any sort from the Federal Government prior to this. So unless there is an objection with this specific ear-

mark, I don't know if it fits into all of the categories that I've heard in the past.

Just for the record, I would like to point out that not every Member of the majority wanted this amendment to be offered today, but I don't mind.

With that, I reserve the balance of my time.

Mr. FLAKE. The gentleman is correct. This goes to the Boston Architectural College. The Sustainable Design Program is an online program. It allows students from all over the country to enroll in classes and complete a certificate without even stepping onto the campus. Who then will be carrying out the project?

I just wonder how the residents of Chicago, for example, whose alleyways have to outnumber just about every city in the world, feel about this earmark. In 2006, Chicago created its own Green Alley Initiative, one of the most ambitious public street makeover plans in the U.S. However, instead of relying on Federal funds, Chicago used its own resources and relied on the Chicago Department of Transportation to implement the program.

If the Boston Architectural College is trying to be an example in urban sustainability, maybe they should be, and we all should be, looking to Chicago for that. Not only has Chicago implemented several green initiatives on a much wider scale, but it does not appear to rely on an earmark to do it.

We simply can't afford to continue to earmark dollars for this program or others when we're running a deficit that could approach \$2 trillion this year. I don't know how many times we have to say it or how many times we have to be voted down on the floor on these before we recognize we have to change things here.

We are on a path, fiscally, that is unsustainable. And when we continue to have bills like this that earmark hundreds of millions of dollars not on a competitive basis—remember, earmarks aren't competitive. Earmarks mean that you forego the competitive process. You circumvent it. You tell those that are competing for moneys like this, You will have to take a backseat because we're going to take that money that you could have competed for and we are going to give it to somebody else.

So perhaps this program is worthy of Federal money. Perhaps it isn't. It should have to compete for it. If we don't like the way the Federal agencies have set up the programs for competition, we should change them. We should instruct them to change it. That's part of the process of authorizing, appropriating, and then exercising appropriate oversight.

But instead, here we're saying we don't like the way you do it over there so we're going to create a parallel system and we are going to do it ourselves, and that's simply not right. It's

done. It amounts to a spoils system, as I mentioned here in Congress, where few powerful Members tend to get the bulk of the dollars and amounts to something, in the Defense bill, where you are giving a no-bid contract to private companies. And that's simply not right.

We tell the Federal agencies you have to set up a program for competition, but then we do something else, and it's not right, Mr. Chairman.

And I would urge support for the amendment and yield back the balance of my time.

Mr. CAPUANO. I will make the offer right here, right now. I will trade every earmark that will be designated for Boston for all of those designated for Chicago any day of the week. And if this gentleman can make it happen, count me in.

As far as where the money comes from, let me point out that the Commonwealth of Massachusetts is a donor State across the board. We pay more in taxes than we get back. I dare say that the gentleman's State is not in that category, and I don't mind that. I don't mind that because I see myself as an American, not just a citizen of Boston or a citizen of Massachusetts. I think that's the way we built this great country. So I don't have a problem with that. On occasion, do I think we have some good ideas in Boston? Yes, I do.

As far as the gentleman is concerned about our deficit, I think he's 1 million percent right; actually, 1 trillion percent right. And I would join him in anything he would like to do to actually deal with the deficit. One earmark at a time doesn't do it. It makes good PR. It gets the gentleman up and talking, and it gets other Members—I would really rather be reading the health bill right now, but that's okay.

But I ask the gentleman where was he on November 14, 2002, when this House was voting on roll call No. 482, which was the roll call to maintain the PAYGO rules that were the only things that kept the entire Federal Government constrained?

□ 1715

Only 19 of us voted to keep the PAYGO rules. I was one of them because I share the gentleman's concern about deficits. You don't deal with deficits one nickel or one dime or \$1 million at a time. You deal with them across the board, if that's the concern.

If the concern is this particular earmark, I didn't hear too many things that designated this. If the concern is the concept of earmarks, well, I didn't run for office to do nothing. I did not run for office to allow the President or the Governor of the State—and I was a mayor. I don't believe in imperial executives. So we disagree on that issue.

If it is deficit, I will join the gentleman anytime to truly address the deficit problem we have in this country

because I think he has a good point on that issue, not on this earmark, which is exactly why I hope this particular amendment is defeated.

And with that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. It is now in order to consider amendments printed in part D of House Report 111-209.

PART D AMENDMENT NO. 1 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk designated No. 1.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 1 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading “Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy” shall be available for the Energy Conservation and Efficiency Upgrade of HVAC Controls project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$500,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an amendment which would strike an earmark for a half a million dollars to the New York Metropolitan Museum of Art. According to the sponsor's Web site, the money would be used, for needed conversion of various HVAC systems for obsolete and high energy consuming systems to direct digital control systems which will vastly reduce energy costs while allowing for greater conservation and use of existing energy within the building.

Mr. Chairman, I want to stipulate that I have no doubt that this would be a very valuable improvement for the Met. I have no doubt this is a good use of somebody's money, but Mr. Chairman, I have several questions about this.

And listen, let me also stipulate that the Metropolitan Museum of Art is one of the great art museums in the world. When I have the occasion to go to New York City, I love to go to the Met. I particularly love to go to the galleries that have the art of the various impressionists. I can spend hours, if not days, there.

So let me stipulate again, I have no doubt that this is a good use of somebody's money, but let me give you a little background, Mr. Chairman.

The spending that has been taking place in Washington, D.C., is at an unsustainable pace. Already this body has passed a \$1.1 trillion government stimulus plan costing every American family \$9,810, including \$100 million for an after-school snack program, \$1 billion for the census; an omnibus costing \$400 billion, costing every American family \$3,534, including \$150,000 for lobster research in Maine, \$1.9 million for a pleasure beach water taxi service in Connecticut; a \$700 billion bailout program so that folks like Chrysler, GM, AIG and a host of others can get taxpayer dollars costing every American family \$6,034.

Only 2 weeks ago, a new national energy tax passed by the House, where every American family that will deign to turn on a light switch, it will cost them between \$1,500 and \$3,000, and just yesterday, a new proposal by House Democrats for a government-controlled health care plan that will cost a minimum of \$1 trillion, and the spending goes on and on and on.

And so given that backdrop, I ask several questions. Number one, is the money for the Met, is this really a Federal responsibility? I mean, according to the chief financial officer of the Met, 31 percent of their money comes from endowment, 28 percent from gifts, 14 percent from admissions. Is it really the responsibility of the Federal taxpayer to pay for this improvement in a heating, ventilation and air conditioning system?

And if it's a Federal responsibility, Mr. Chairman, is it really a Federal priority? Given that we just had reports that the national deficit exceeded \$1 trillion for the first time in our Nation's history, I just ask the question, if it is a Federal responsibility, is it a Federal priority?

And if it's a Federal priority, is it equal to other Federal priorities? Is it as important for spending money for the National Institutes of Health to find the cure for cancer? Is it as important as spending money on our veterans health care system? And particularly in this economy, Mr. Chairman, is it as important as giving tax relief to small business, the job engine in America?

And if it raises to that level of importance, I ask one more question, and that is, is it worth borrowing money from the Chinese to send a bill to our

children and grandchildren in order to give this improvement for the HVAC at the New York Met? And as great as the museum is, as great as this HVAC system is, Mr. Chairman, I do not think it rises to that level.

I reserve the balance of my time.

Mrs. MALONEY. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Mrs. MALONEY. Thank you for offering me the opportunity to talk about the merits of the energy conservation and efficiency upgrade of the HVAC controls project.

This has been vetted by my office, the Energy and Water Appropriations Subcommittee, and the Department of Energy, and they have decided that it will not only directly and positively impact my district but the Nation at large.

Included in the energy efficiency and energy renewable account, this project will use solid-state sensors and controllers in direct digital control systems which have considerable energy-efficiency advantages over conventional systems. These features will yield energy savings of up to 15 percent when compared to conventional systems, thus a significant savings to the environment and a substantial reduction in energy use by a major museum.

One of the goals of the Metropolitan Museum of Art is to reduce the energy consumption of its buildings while improving cost-effectiveness. To achieve these goals, the museum is seeking to use energy efficiency and renewable energy technologies, recycled and sustainable materials, and site-sensitive design to minimize the burden on the environment. And one major piece of this energy-efficiency effort is the upgrade of the various systems to boost energy output, while allowing greater control per building in the complex. And this will reduce energy waste. This conversion project will also help generate 20 employment positions, which is needed in this time of job loss.

Finally, I would say that the Metropolitan Museum of Art is a national treasure. It is a cultural and artistic center in our country, and even if the gentleman or others do not recognize the value of funding art in our society, which I certainly support, it is part of the economic lifeblood of New York and this country. It pays considerable taxes, and it also generates revenues in our city from the over 5 million annual visitors to the museum. It is one of the top tourist attractions in the country, and by supporting this funding request, you support the thousands of small businesses in the community that will benefit from the many who visit it.

I might also say that the museum is considered one of the finest in the world, and it includes not only the art

history of America but the historical art from around the world, and it is also a center that helps other museums, including Texas.

The museum recently volunteered its help to the Kimbell Art Museum in Fort Worth, which draws attendees from Congressman HENSARLING's district, and exhibited the first known painting by Michelangelo. This painting was cleaned, transported, restored and hung by the Metropolitan Museum of Art. Without the contribution of the Met, the Kimbell museum in Texas would not have been able to support the exhibition of this invaluable work.

I am confident this project is a valuable use of taxpayers dollars, investing in creating jobs and helping other museums, and helping the economic development of the district that I am proud to represent.

In response to the gentleman's other points, our economic problems were not created in the 5 months that President Obama has been in office, and they're not going to be resolved in 5 months either. We are facing the most severe recession since the Great Depression, and it will take time for the Recovery Act to take hold.

Likewise, the Recovery Act was not designed to work in 5 months. It was designed to work over 2 years, and the Recovery Act was designed to provide a boost necessary to stop the free-fall and lay the foundation for recovery.

We are working as quickly as possible in my district and across New York State to move the stimulus money into the economy as quickly as possible. Economist Zandi estimates that in the last 3 months alone over 500,000 jobs were saved as a result of the stimulus spending. So far, \$43 billion of the recovery spending has come in the form of tax relief to America's working families and businesses. Let's imagine the situation we would have been in if we had not had the TARP money to stabilize our financial institutions and let them fail. The failure of our financial and credit systems would have followed the failure of institutions, crippling our economy with millions of losses of jobs in so many directions and unemployment to millions of Americans.

So I strongly support this. I believe it's a good investment in energy efficiency and job creation and the economic development of our country.

The Acting CHAIR. The gentlewoman's time has expired.

Mr. HENSARLING. Mr. Chairman, may I inquire how much time I have left?

The Acting CHAIR. Thirty seconds.

Mr. HENSARLING. Mr. Chairman, I would say to my friend, the gentlelady, I don't have the honor of representing Fort Worth in the Congress. My constituents appreciate the Kimbell museum. They appreciate the Met. More importantly, they appreciate the fact

that they don't want to borrow a half a million dollars from the Chinese and send the bill to their children and grandchildren and future generations. Those are the taxpayers and the citizens of the Fifth District of Texas that I have the honor of representing.

Spending is out of control. Let's start somewhere. Let's say "no" to somebody today so we can say "yes" to our children's future tomorrow. I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

PART D AMENDMENT NO. 2 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk designated No. 2.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 2 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading "Corps of Engineers-Civil-Construction" shall be available for the Pier 36 Removal project in California, and the aggregate amount otherwise provided under such heading is hereby reduced by \$6,220,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an amendment that would strike an earmark, also known as pork barrel spending, for Pier 36 removal in San Francisco California, reduce the overall account by \$6.22 million. Apparently, Pier 36 is located along the Embarcadero in San Francisco Bay. Apparently, according to San Francisco's Port Authority, which owns the pier, removal of the pier is necessary to begin a new wharf project.

□ 1730

Again, Mr. Chairman, I would just ask several different questions about this particular earmark. Although I have no doubt that removal of this pier must be a good thing, I'm kind of curious why the San Francisco Port Authority doesn't pay for it itself. I don't think the Federal Government owns this particular pier.

Again, I'm not going to debate that it's not a good use of money. I, again, question whether or not it is a good use of the Federal taxpayer money at this time.

Again, Mr. Chairman, this amendment has to be put in context of the spending that goes on around here. Mr. Chairman, sometimes I just think: When will we stop the madness? When will it stop?

My Democratic colleagues from across the aisle have now brought us a budget which will triple—triple—the national debt in 10 years. Triple it, Mr. Chairman. We will run up under their budget more debt—more debt in the next 10 years than in the previous 220 years of our Republic combined. This is shocking, absolutely shocking.

Mr. Chairman, as you well know, for the first time in our Nation's history the Federal deficit has exceeded \$1 trillion, and in just 2 years the Federal deficit has increased tenfold. We are borrowing forty-six cents on every dollar—borrowing it from the Chinese, from the Japanese, from the Russians—tin cup in hand, running around the world saying, Please, please, lend me money, because I can't stop spending.

I heard one of my colleagues earlier say, Well, you know, this is just nickel and dime kind of stuff. Number one, Mr. Chairman, I hope I'm never in Washington so long that I conclude that \$6.22 million of the taxpayer money is not a lot.

Now, I know relative to the entirety of the spending explosion that's going on around this place, maybe it's not a huge amount. But, Mr. Chairman, you know, if you don't start saving the pennies and nickels, how will you ever save the dollars?

I have seen no attempt around this place to reform Medicare, reform Medicaid, reform Social Security. I mean, I'm told that somehow if we nationalize, federalize health care, that if we have a Federal bureaucrat somehow stand between people's families and their doctors, that somehow that's going to save money, when the Congressional Budget Office says it will cost at least a trillion dollars. And that's just a down payment.

I have never known the Federal Government to take something over and somehow it's going to cost less money.

Mr. Chairman, this goes to the culture of spending. Unless you change the culture of spending, you're never going to change spending.

And so, according to the Web site, this is a request of the Speaker of the House. She can lead by example. More so than any individual in this institution, she can lead by example. In November of 2006, she said, "You can't have bridges to nowhere for America's children to pay for." Well, Mr. Chairman, apparently you can't have piers to nowhere for America's children to pay for.

The Speaker of the House once said, "It's just absolutely immoral—immoral for us to heap those deficits on our children," yet the Speaker of the House will heap an additional \$6.22 million of deficit on our children. She, more than anybody else, can lead by example. And I'm disappointed this earmark was brought to us today.

I reserve the balance of my time.

Mr. PASTOR of Arizona. I rise in opposition to the amendment and claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. PASTOR of Arizona. Actually, this pier is somewhere. It's in San Francisco. Pier 36.

I bring to the gentleman that this removal—in the 2007 WRDA bill, the funds were authorized so that the Corps would begin removing the deteriorated Pier 36, which is located in the San Francisco waterfront.

This pier was built in 1908–1909, and it was built of reinforced concrete for the use as a freight ferry facility. The pier was originally 721 feet long and 201 feet wide. The outer wood portions of the pier, after 70 years of being in the elements, have deteriorated.

Recently, further deterioration has caused the pier to be closed and it has been secured with fencing to prevent entry. The deteriorating sections of decking and wooden support pieces continue to rot, break, and float into the bay, which represents a potential hazard to navigation in the adjacent Federal Channel.

In addition, Pier 36 was constructed using creosote-soaked pilings, which contain a class of chemical compounds known to affect the viability of fish spawning. Use of creosote-treated wood is now prohibited in new construction in the San Francisco Bay.

So, the removal of Pier 36, which was authorized in the WRDA bill 2007, is needed to ensure that the continued deterioration, the piles that would fall into the water, would not cause a threat to navigation and the chemicals that they were treated with would be eliminated as an environmental hazard.

With that, I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman. May I inquire how much time I have remaining.

The Acting CHAIR. The gentleman has 30 seconds.

Mr. HENSARLING. Mr. Chairman, again, the Speaker of the House has said previously, in November of 2006, "I'd just soon do away with all earmarks," which begs the question: Why is she bringing at least two of them today?

She has also said, "It is absolutely immoral—immoral for us to heap those deficits on our children." Why is she asking us to heap another immoral \$6.22 million of debt on our children?

It is time to lead by example. I urge adoption of the amendment.

I yield back the balance of my time.

Mr. PASTOR of Arizona. Mr. Chairman, the committee finds merit in this authorized Pier 36 removal and we ask our colleagues to object to and refuse the amendment as offered.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

PART D AMENDMENT NO. 4 OFFERED BY MR. HENSARLING

Mr. HENSARLING. Mr. Chairman, I have an amendment designated No. 4.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part D amendment No. 4 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading "Department of Energy—Energy Programs—Electricity Delivery and Energy Reliability" shall be available for the Automated Remote Electric and Water Meters in South River project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Electricity Delivery and Energy Reliability Projects) are each hereby reduced by \$500,000.

The Acting CHAIR. Pursuant to House Resolution 645, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, this is an amendment that would strike another earmark. This one is for \$500,000. According to the sponsor's Web site, funding would be used by the Borough of South River, New Jersey, to purchase and install automated remote electric and water meters for both of the utilities owned by the borough. These meters would provide bi-directional real-time information to both the utilities and the consumer.

Again, not unlike my previous amendments, Mr. Chairman, I will stipulate I assume this is very interesting, useful, cutting-edge kind of stuff for the Borough of South River, New Jersey. I'm sure that this would help the gentleman's constituents. Maybe it will help make them more energy efficient. I will just assume that this is

good technology. Again, I assume it's a good use of somebody's money.

But I again question, is it a Federal responsibility, number one. Why the citizens of the Borough of South River, New Jersey? Why not the citizens of Provo, Utah; Missoula, Montana; Bangor, Maine; not to mention Mineola, Texas, which happens to be in my district. Should we buy these for every single borough, city, town, village in the Nation?

Again, Mr. Chairman, this has to be put in a backdrop of what is going on in our economy today. Since the President took office, what we know, Mr. Chairman, is that unemployment has gone up to 9.5 percent, an increase of just 25 percent since the President has been in office.

Since he's been in office, the economy has shed 2.6 million jobs. The public debt has increased 13.66 percent. The Federal deficit now exceeds \$1 trillion, \$1 trillion for the first time in our entire Nation's history.

And so I would again ask my colleagues: Where do you draw the line? Where do you finally say "no" to someone's project today so you can say "yes" to our children and grandchildren's future tomorrow? I would hope it would be here. I would hope it would be now.

Again, like another of my colleagues said, I wish we were talking about savings trillions of dollars today. Frankly, I, as other Members of the Republican side, have offered amendments that would save substantial amounts of money, but a funny thing happened on the way to the Rules Committee. Somehow those—those weren't found in order. And so we don't have the opportunity to debate those amendments on the House floor.

So I guess we're left to debate half a million dollar amendments instead of half a trillion dollar amendments like we would like.

You know, we've got to remember that dollars have alternative uses, Mr. Chairman. Every dollar that is spent on an automated remote electric water meter for the Borough of South River by the Federal taxpayer is \$1—\$1 that cannot be spent on cancer research at the National Institutes of Health; cannot be spent for a rural veterans health care clinic; cannot be spent for tax relief for small businesses—the job engine of America. That's the national priority now, is to get the economy moving again.

And I just ask, number one, is that a Federal priority? Is it a Federal responsibility? Why not other cities? Again, the critical question at a time where we're tripling the national debt over the next 10 years, is it worth borrowing money from the Chinese and sending the bill to our children and grandchildren?

Mr. Chairman, I say "no." I say "no" so that I can say "yes" to my 5-year-

old son's future, my 7-year-old daughter's future, and the future of all the children and great grandchildren of our country.

I reserve the balance of my time.

Mr. HOLT. I rise in opposition to the amendment, Mr. Chair.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HOLT. I understand the hope of my colleague from Texas to rein in excessive government spending, but he is really misguided on this one.

This is a project that would provide real benefit to the residents of the Borough of South River, and as a demonstration project it would serve as an example for the rest of New Jersey and the Northeast and indeed the whole Nation of how to use technology to conserve energy, to use it more wisely. In fact, every dollar spent, to paraphrase my friend here, on smart metering, is indeed a dollar well spent.

My constituents in New Jersey pay some of the highest utility rates in the Nation. In the Borough of South River, they are seeking assistance to help decrease the electric bills of the borough residents, and they're seeking to demonstrate that this works. Funding for the automated remote electric project will provide relief to the constituents in this municipal energy system, and it will serve as a wonderful example.

South River owns and operates its own utilities. It's moving toward implementing a borough-wide smart grid. This metering that the borough intends to purchase is the first step toward this eventual goal. They would provide real-time consumption information. It would allow the users to make wise decisions based on the real cost of service in real time.

It's just exactly what we have been discussing here in the House of Representatives in recent weeks. It's well established in the scientific community that climate change of recent decades can be attributed to the way we produce and use energy and that climate change is altering our planet in ways that are expensive and deadly.

I spoke to the mayor of South River yesterday, who assured me that he is ready to go ahead with the project. It's one of their top priorities. They have been working on it for years, one in which they have already made considerable investment in preparing an efficient municipal utility.

□ 1745

This will serve, as I say, as an example.

I might add that the gentleman's home State of Texas ranks 32nd in the Nation in tax dollars returned from Washington. My home State of New Jersey ranks considerably lower than that. As a so-called donor State, I don't apologize to my constituents for working to return their tax dollars. I really only regret that all municipal utilities

in the country are not funded to convert to smart metering. This is certainly a good investment.

I reserve the balance of my time.

Mr. HENSARLING. Mr. Chairman, I saw that the gentleman from New Jersey was lamenting the high energy rates of his constituents. And although I don't have the House RECORD in front of me, I'm under the impression he recently voted for the national energy tax, which would cost his constituents anywhere from \$1,500 to \$3,000 a year.

Second of all, I believe in the value of demonstration projects as well. My constituents would like a demonstration project of fiscal sanity in the United States Congress. They have yet to see one. Here is a small demonstration project of fiscal sanity on behalf of our children and grandchildren by adopting this amendment.

I yield back the balance of my time.

Mr. HOLT. May I ask the Chair the remaining time?

The Acting CHAIR. The gentleman has 2 minutes.

Mr. HOLT. Let me try to figure out why it is that the gentleman from Texas (Mr. HENSARLING) is proposing to do this. I can assure, I think it is unlikely that he knows as much about this project as I do, but I must say energy has been my professional field for most of my life.

This is, I would argue, a good investment. To refer to the comments of my colleague from Massachusetts a while ago, this approach of trying to deal with the deficit and excess spending one project at a time is sort of a waste. If the gentleman is really concerned about this, I presume that we will find his vote in the "aye" column next week when we consider pay-as-you-go legislation.

If he's concerned about earmarks, as a concept, then I would say, yes, the OMB, the Office of Management and Budget, speaking on behalf of the White House, should have included this project in their request to Congress and many more like it. But they didn't.

And so, is the gentleman saying that the House of Representatives should just be an up-or-down vote on what the President sends to us? The President will decide what the budget should be. We take it or leave it.

Well, no, that's not the way it should work. This is something that I offer. It provides no partisan political advantage. In fact, the mayor of this town is from the other party. No one from the borough, to my knowledge, has made any campaign contribution to any Member of Congress, any member of the borough government. No lobbyist is involved in this.

This is just good policy. It should have been in the budget sent over by the President, but it wasn't. Lots of things should be in the budget sent over by the President, but they're not. That's why we scrub the budget and decide what should be added and what

should be subtracted. Call it earmarking if you want, but I don't. I would hope that the gentleman would not think that we should abdicate our responsibilities here as Members.

I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. PASTOR of Arizona. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. NYE) having assumed the chair, Mr. CUELLAR, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

JUMP-STARTING OUR ECONOMY

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Mr. Speaker, the number of empty storefronts across Kansas is growing, and the folks who call our towns home continue to ask, Where are the jobs?

They hear about bailouts and the \$1 trillion so-called economic stimulus, but Kansans are still struggling.

The Nation's deficit has topped \$1 trillion for the first time, and some say it could grow to \$2 trillion by this fall. We should be ashamed. But rather than putting the brakes on this out of control spending spree, some think Washington needs to spend more.

Mr. Speaker, when does it stop?

Instead of taxing small businesses out of existence, we should provide tax relief so they can hire more employees and create jobs. Instead of throwing money at programs that aren't working, we should find responsible ways to cut spending.

Small businesses and innovative Americans hold the key to jump-starting our economy. It's time for Washington to let them do their job.

MEDICAL RIGHTS ACT

(Mr. KIRK asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, this is what the House government health care bill creates: \$1 trillion, 1,000 pages, \$1 billion per page. Here is the patient, and over here is the doctor.

Now, moderate Republicans have a much better plan we will put forward. Our Medical Rights Act says Congress cannot restrict the decisions of you and your doctor and eliminates the need for all of this, and puts you right next to your physician, without the need for \$1 trillion in spending.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 648

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that my name be removed from House Resolution 648.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO UNITED STATES AIR FORCE ACADEMY

The SPEAKER pro tempore. Pursuant to 10 U.S.C. 9355(a), amended by Public Law 108-375, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Board of Visitors to the United States Air Force Academy:

Mr. POLIS, Colorado
Ms. LORETTA SANCHEZ, California
Mr. LAMBORN, Colorado

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICAN COMMUNITY SURVEY— TOO MUCH GOVERNMENT INTRUSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, under the United States Constitution, article I, section 2, it states that every 10 years there will be a counting of the people. The purposes are twofold: One, to levy direct taxes, and second, to find out how many people live in the United States so that Members of Congress can be apportioned percentage-wise based on population. That is the purpose of the census, and it's a good purpose. Next year we will have another undertaking of the census, of the counting of the people in the United States.

But also, independent of the census, there is a survey that is being taken, given, rather, to American citizens, 3 million next year and 3 million every year. Now, I want to make it clear that this is not the census, but this is a system of surveying the American people, and it just so happens that today I got one of these surveys. It's labeled from the United States Department of Commerce, the Census Bureau, and it's the American Community Survey, and it says, Your response is required by law.

You open this document, you get a lot of paperwork. You get several documents that say you have to fill this out or by penalty of law if you don't, but you get the survey. Mr. Speaker, the American Community Survey is 28 pages. If a person receives one of these and doesn't fill it out, you've violated Federal law.

Now, the survey contains a lot of information that makes me wonder, Why does the Federal Government even want this information? Why should the Federal Government even have this information?

And here's some of the questions that it asks: the value of your residence, how much you pay monthly for your residence on your mortgage, how many rooms in your house, how many toilets are in your house, what kind of vehicles do you drive. I guess they want to know how many pickups are in Texas.

Do you have a stove? a refrigerator? What type of fuel do you use? How much does it cost you each month to use that fuel? How much does each person in the household or in the residence, rather, make? What is their income? Where do they work? What do they do? How long have they done that? What is the cost of the mortgage? What is the cost of health insurance for each person, and what is the cost of taxes in the house? And it goes on and on and on, 28 pages, required by Federal law under the American Community Survey Act.

I won't go into all the questions because I don't have time, but I'd like to mention one more. One question is, each person has to answer this question, because of a physical, mental or emotional condition, does the person have trouble concentrating, remembering, or making decisions?

Now, should the Federal Government have that information? And why should a person in the residence make that determination about themselves and then have to answer that question for everybody else in the residence?

I certainly hope they're all getting along well.

It also asks, because of a physical, mental, or emotional condition, does the person have difficulty dressing, doing errands, difficulty shopping? And it goes on and on and on, Mr. Speaker.

Back in 2007, two historians found some old documents from the Department of Commerce archives and the

Franklin Delano Roosevelt Presidential Library. These documents confirmed for the first time that the Census Bureau turned over information to incarcerate over 100,000 individual Japanese Americans after the Pearl Harbor attack. This information was reported by USA Today. The Census Bureau information made it all possible. Of course, the Census Bureau has denied that it gave that information. But be it as it may, it was legal in 1940.

In 1942, documents proved the Census Bureau turned over these addresses of the Japanese Americans to the War Department. In 1943, they turned over their financial information to the Department of the Treasury.

□ 1800

This was all nice and legal in the War Powers Act of 1940. It was legal, but it wasn't ethical, and we know what happened to 100,000 Japanese Americans. They were interned. The point is this, Mr. Speaker. This should be voluntary. If United States citizens want to give all of this information to the Federal Government so the Federal Government can have a file on everybody, then they should be allowed to do that, I guess, but it shouldn't be required by law. That is why I've introduced legislation to allow citizens not to fill this document out if they don't want to, because it invades, in my opinion, their personal privacy rights.

Once again, I'm not talking about the census. I am talking about the survey that is being required by law to be sent out. People down in southeast Texas, people who live in Cut and Shoot, Texas, for example, shouldn't be required to fill this information out. It violates their privacy. It's too much government. It may be well-intended, but the Federal Government should not have this information, and we as Members of Congress should allow this information to be, not required, but voluntarily given by the people of the United States.

And that's just the way it is.

H.R. 3183: ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. KLEIN) is recognized for 5 minutes.

Mr. KLEIN of Florida. Mr. Speaker, I rise today to express my strong support for H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act of 2010.

I applaud the subcommittee chairman and the ranking member for moving this important bill through the Appropriations Committee and to the House floor.

This bill funds some of the most critical programs in south Florida, where I

live, and my constituents are very much in tune with this particular bill. I would like to spend a few moments today focusing on how this bill affects our area of south Florida.

Since coming to Congress, I have been committed, along with my Democrat and Republican colleagues, to working to make sure with the Florida delegation and with Members throughout the country that they support Federal Government obligations to restore the incomparable River of Grass, which is known as the Everglades.

I was very pleased that President Obama, in his budget request, met his promise and followed up on that to make Everglades restoration a priority. Although the \$210 million in this bill doesn't quite match the President's request, the fact remains that this bill makes Everglades restoration its biggest construction project.

I commend the chairman and ranking member for keeping Everglades restoration as a national priority. It is historical.

Mr. Speaker, H.R. 3183's commitment to Florida's priorities are also something to be mentioned. The beaches of south Florida are some of the most beautiful in the Nation, but our coasts are facing a real crisis. They have become seriously eroded, endangering both the personal property and the personal safety of residents and guests. My district in south Florida encompasses over 75 miles of beautiful coastline on the Atlantic, and it has numerous shore protection projects, but many are mired in the Army Corps of Engineers' permitting process.

There are many reasons why the permitting process is not as efficient as it could be, but one problem we can address right here is the understaffing at the Army Corps of Engineers. For example, Palm Beach County, which is one of the counties I represent in south Florida, was forced to pay out of its taxpayer dollars the salary of an additional Army Corps of Engineers staffer to deal with the county's many projects awaiting some Army Corps action. In essence, Palm Beach County became fed up with waiting year after year for the Corps to act on their permit applications, so they are now paying for the extra Army Corps employee to do his job.

Mr. Speaker, this is a ridiculous situation that is unfair to the taxpayers of south Florida, who are paying their fair share here up in Washington. That is why I filed an amendment that was accepted as part of Chairman PASTOR's manager's amendment. This language, combined with increases in the underlying bill, will add \$11.8 million on top of last year's funding level to fund more staff and to support more personnel to help act on a more efficient basis with regard to these permits. This sizable investment will unclog the permitting pipeline that is hurting so

many of our coastal communities. They deserve a timely decision so they can determine the best ways to protect their residents and the natural resources.

Mr. Speaker, south Florida and the entire country need greater strategic investment in our Nation's priorities. This particular bill, H.R. 3183, will put us on a path towards energy independence in addition to a number of other bills we've already put on the table and have sent to the President. The only way we can reduce our dependence on foreign oil is to invest in a multitude of technologies and to make these technologies right here in the United States, creating the jobs right here. This bill invests in solar and wind energy in order to make our electricity cleaner. At the same time, it also invests in weatherization and in energy efficiency to bring down costs for consumers and businesses. The bill includes investments in clean coal technology and nuclear energy research so that we can unleash these innovations and create high-quality American jobs.

The bill also makes critical investments in vehicle technology so that our gas tanks get more miles per gallon, which will save us money at the pump. Of course, using less gasoline means we will import less gasoline, and that is an essential national security item because, currently, we are importing 60 percent of our oil from unstable countries around the world that, in many cases, are financing terrorism and drug trafficking with our petrodollars. I believe that a transition to new energy sources will ensure that we do not continue to send billions of dollars to countries that are, at best, not our friends and, at worst, are our enemies. My strongest belief is that we should never again have to make a foreign policy decision based on where the next drop of oil is coming from.

Lastly, H.R. 3183 builds on the recently passed American Clean Energy Security Act and Recovery Act, which has jump-started American investment in this new energy economy I've been talking about. I truly believe this is an historic moment and an extraordinary opportunity to create jobs in south Florida and throughout the Nation and to unleash a new generation of energy technology built right here in America.

I am proud to support H.R. 3183, and I am looking forward to seeing the results on the ground in south Florida.

H.R. 3036: BRINGING SUNSHINE TO COSTS OF CONGRESSIONAL TRAVEL OVERSEAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, many Members of the House may have seen a recent Wall Street Journal article that

documented how existing disclosure requirements allow many of the costs associated with congressional delegation trips overseas, known as CODELS, to go unreported.

Right now, when Members of Congress take foreign trips using commercial airlines, the costs are publicly disclosed in reports published in the CONGRESSIONAL RECORD. However, the costs of Members' foreign trips using military aircraft are not. In the past, Members of Congress have used military aircraft even when traveling to exotic locations that are readily served by commercial airlines. Press reports have indicated that the military even maintains a specially outfitted VIP fleet, operated out of Andrews Air Force Base, where aircraft can carry costs estimated at \$10,000 per hour.

When a Member of Congress takes a taxpayer-funded trip overseas, taxpayers have a right to know how much of their hard-earned money is being spent on that travel. For this reason, I recently introduced H.R. 3036.

This legislation would direct the Department of Defense to provide a report on the costs incurred in taking a Member of Congress, an officer or an employee of Congress on a trip outside the United States. It would then require the Member of Congress to disclose those costs, and these costs would be publicly reported online.

Mr. Speaker, it is important to note that this bill would not apply to any trip for which the sole purpose would be to visit one or more U.S. military installations or to visit U.S. military personnel in a war zone, since there may be varied security reasons for not disclosing the costs of these trips.

With an ever-growing national debt and with our military budget stretched thin, it is more important than ever that Congress acts as a responsible steward of taxpayer dollars. Bringing sunshine to the costs of Members' foreign travel will help ensure taxpayer dollars are efficiently used.

I am pleased that this legislation has received the support of the National Taxpayers Union, of Eagle Forum and of Public Citizens Congress Watch. It has also been endorsed by the Council for Citizens Against Government Waste. Their letter of support for this bill states:

"Military aircraft is necessary when flying into war zones or U.S. military installations overseas; however, the military fleet is too often used to shuttle Members back and forth to locations served by commercial airliners. Members of Congress should be held accountable for every bill footed by taxpayers."

Again, that statement that I just read is from a letter that the Council for Citizens Against Government Waste wrote to support this legislation. In fact, Mr. Speaker, I submit the text of this letter for the RECORD.

In closing, I hope my colleagues will become cosponsors of H.R. 3036, and will join in bringing transparency to the cost of foreign travel by Members of Congress.

COUNCIL FOR CITIZENS AGAINST
GOVERNMENT WASTE,
Washington, DC., June 29, 2009.
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: Congressman Walter Jones (R-N.C.) recently introduced H.R. 3036, a bill that would bring transparency to taxpayer-funded overseas trips taken by members of Congress. On behalf of the more than 1.2 million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I urge you to support this legislation.

The military maintains a specially outfitted VIP fleet out of Andrews Air Force Base that can cost up to \$10,000 per hour to operate. Members of Congress often take advantage of these military aircraft for overseas travel, even in instances where commercial flights are readily available and more cost-effective. The cost of commercial airline travel is publicly disclosed, but the cost of travel on military-owned jets is not provided.

H.R. 3036 would require the Secretary of Defense to determine and disclose the cost of foreign trips for members of Congress using military aircraft. These costs would then be publicly reported online through the House Clerk's website.

Military aircraft is necessary when flying into war zones or U.S. military installations overseas; however, the military fleet is too often used to shuttle members to back and forth to locations served by commercial airliners.

Members of Congress should be held accountable for every bill footed by taxpayers. All votes on H.R. 3036 will be among those considered in CCAGW's 2009 Congressional Ratings.

Sincerely,

THOMAS A. SCHATZ,
President.

THE TRAGEDY OF A SOCIALIST AMERICA AND ITS DESTRUCTION OF HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, this is not a roadmap. This is the Democrats' new health care plan, all of these white things. Can you believe that? I was just talking to my colleague over there, Mr. POE from Texas.

All of these white things are new agencies of government, new agencies of government that we're going to have to pay for in order to take care of the health of the Nation. Now, this thing is going to cost between \$1 and \$3 trillion over the next 10 years, and I doubt seriously if anybody who is writing this 1,200-page bill, or whatever it is, knows what this stuff does. It's just crazy. Look at all of these agencies. Look at the minefields that people have to go through to get to their doctors down there at the end to take care of their health care needs.

Other countries that have used this kind of an approach ration health care for senior citizens. They ration health care for people who have certain kinds of diseases. They have to wait months and months and months for MRIs and for other things that we would get very rapidly here in the United States because we have the highest quality of health care in the world, and so we are going to create a government bureaucracy.

I hope my colleagues back in their offices are looking at this, because most of them haven't seen this.

We are creating a government bureaucracy that looks worse than any Federal highway system like in California. I mean you can't even find your way around this thing, but that's not the worst of it.

Since last October, this is how much money we've spent: \$700 billion on the TARP program, which includes \$54 billion for the auto bailout, which we really didn't need to do because they filed for bankruptcy anyhow, so that \$54 billion was wasted. Who cares. That's just taxpayers' money. Then we had \$1.1 trillion, including interest, for the stimulus package, which is not working, because they said that was going to keep unemployment below 8 percent. Now it is 9.5 and is going up like a rocket, so that didn't work. That's \$1.1 trillion. On the omnibus spending bill, we had \$410 billion. The defense supplemental was \$106 billion. Now, there may have been some necessity for that. The SCHIP bill was \$73 billion. The cap-and-trade is going to cost every family in this country between \$1,000 and \$3,000 a year in additional expenses for turning on their lights or for putting gasoline in their cars or for getting gas to heat their homes. Then there's this health care bill, which will be \$1 trillion to \$3 trillion, and I'll tell you: It is going to be a lot more than that.

Let me tell you a little story, my colleagues who may be paying attention. When I was a state senator, the Federal Government came into Indiana and said, If you don't take the Medicaid bill, we're going to withdraw \$2.5 million in Federal highway funds. They were blackmailing the State of Indiana into taking the Medicaid program by saying that we were going to lose \$2.5 million if we didn't take it.

I went up to the Senate floor, and I said, Hey, it's going to cost us 10 times this amount of money if we do take Medicaid. I said it would cost about \$25 million. Do you know how much that costs now? Between \$1 billion and \$2 billion a year. I was so far off it isn't funny.

This thing right here is not going to cost \$1 trillion to \$3 trillion. It's going to cost trillions more than that. It's going to reduce the quality of health care. It's going to cause the rationing of health care, and it's going to ruin

the system of health care we have in this country. It's just a tragedy that this is happening.

This administration is moving as rapidly as they can toward a socialistic form of government, and everybody in this country ought to know it. They are trying to control and are controlling the investment business, the banking business, the automobile business; with cap-and-trade, they're controlling the energy business; and now the health care business. This is really a tragic time for America, and I hope everybody in this country who may be paying attention will really take a close look at this and will call their Congressman if they are paying attention.

I know I can't address them, Mr. Speaker, but if I were addressing the American people, I would say, Contact your Congressman and tell him you don't want this mess passed into law. It is going to jeopardize the quality of your health care here in America.

□ 1815

CALLING FOR BOYCOTT OF STELLA D'ORO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Thank you, Mr. Speaker and my colleagues. I want to call everyone's attention to something that is happening in my district. It is actually very disgraceful. There is a plant called Stella D'oro. Everyone knows about Stella D'oro, the cookies and the cakes that they make. In fact, for many years I spoke about Stella D'oro with a sense of pride. When I appeared on the Colbert show, I took out a package of cookies, of bread sticks of Stella D'oro's and talked with pride about some of the things that were being made in my district.

The Stella D'oro company was founded in 1932 and was family run until they sold to RJR Nabisco in 1992. RJR Nabisco became a part of Kraft Foods. It was taken over by Kraft. And what happened was, Kraft Foods then sold Stella D'oro to a company called Brynwood Partners. Brynwood Partners really doesn't care about running this place or being fair to its workers. It really only cares about the bottom line. So what they did was they pushed the workers, and they told them that in order to keep their jobs, in order to finance their purchase of Stella D'oro, the workers would have to take a 25 percent pay cut for its 135 workers, many of whom had worked there for decades, were proud of the product they created. And besides that, they didn't stop there. They told the workers that they would have to make health insurance unaffordable by imposing crushing premiums on these

people, eliminating their holidays, eliminating their vacation and sick pay and other crippling costs. So the workers, who are not making a lot of money to begin with, there is no way that they could suddenly accept this. So they went on strike. And Stella D'oro—again, Brynwood Partners—responded by hiring a bunch of scabs to replace the strikers and, in essence, dismiss the strikers. Well, the strikers appealed to the National Labor Relations Board, the NLRB; and the NLRB ruled in favor of the strikers. It told Brynwood, who now runs Stella D'oro, that they must take the striking workers back with some back pay.

And now what is Brynwood Partners threatening to do? They are saying that they're going to close down, shut down the company entirely; and in essence, these workers would totally lose their jobs. How vindictive that is. They win a ruling from the National Labor Relations Board only to have Brynwood Partners say they're going to shut down this company, which has been run since 1932. It's really disgraceful when a company like Brynwood Partners—which obviously doesn't care about making cookies, doesn't care about the neighborhood community-type of business that it was—only uses this company as the bottom line.

Just the other day we had a rally in front of the Stella D'oro company in the Bronx, in my district, to show the workers that we stand by them and support them. I want to let Brynwood Partners know that I am not going to be quiet about this or take this lying down. There are other things that Brynwood Partners own, and we really ought to scrutinize and watch everything they do because if they are allowed to get away with this, they can get away with anything, if nothing more than the bottom line, as far as I am concerned, corporate greed. Something ought to be done for these workers. Again, the National Labor Relations Board ruled in favor of the workers, and so the reaction of the company is to just close it down. That is a disgrace. It should not be happening in 2009. This Congress needs to take note of it and needs to stand behind these workers.

GLOBAL TRADE AND JOB CREATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the minority leader.

Mr. DREIER. Mr. Speaker, this evening I have taken out this Special Order to talk about an issue that is of grave importance to the American people. There is no doubt about the fact that the American people are hurting. We are seeing tremendous losses across

this country. People are losing their homes. In California, the State that I am privileged to represent, we have an unemployment rate statewide of 11.5 percent. People are losing their jobs; people are losing their businesses; and people are hurting. It's something that has been recognized by Democrats and Republicans alike. We right now are witnessing the implementation of policies that I believe, very sincerely, will exacerbate the problem.

We were promised when we were provided with the so-called economic stimulus bill—\$787 billion, but if you include interest a \$1 trillion stimulus bill—we were promised by the President of the United States that if we implemented that measure, we would not see the unemployment rate exceed 8 percent. And we all know today, unfortunately, as I said, in California the unemployment rate statewide is 11.5 percent. Nationwide it is 9.5 percent. Economists across the board and the President of the United States, even in an interview yesterday, have indicated that we are going to see a continued increase in the unemployment rate. Now that was, again, after we were promised that implementation of the so-called economic stimulus bill which would prevent unemployment from exceeding the 8 percent level.

Since that period of time, we have seen this House pass a massive tax, which is going to be inflicted on families across this country as it relates to energy. Now you will recall one of the hallmarks of the President's platform and the statements made repeatedly by our colleagues on the other side of the aisle have been that we would not see any kind of tax increase imposed on Americans earning under \$250,000 a year; and yet we know, based on the very modest report that came from the Congressional Budget Office, that we will see at least a \$175 increase in the energy tax imposed on Americans as it relates to this so-called cap-and-trade measure.

The debate that's going on right now relates to health care. We all want to do everything that we can to ensure that those 40-plus million Americans who are uninsured have access to quality, affordable health care. But the measure that is before us, I clearly believe, undermines the quality of care and the assurance that people will have access to quality health care. We also know that the cost imposed on small businesses and big businesses across this country will be very great. And those numbers, as have been shown in a wide range of reports that have been brought before us, have led many to indicate that there will be a tremendous job loss because of this. Because the increased costs, as it relates to health care, inflicted on small businesses will lead many of them to reduce the number of jobs.

So I am very concerned, obviously, as are the people who I am privileged to

represent from the Los Angeles area and the people across this country and, frankly, I think many Democrats as well as Republicans here in the House of Representatives, they are very, very concerned about this issue of dramatically increasing the size, the scope and the reach of the Federal Government. It is very well intentioned, of course, Mr. Speaker. It is very well intentioned because we all want to make sure that we focus on improving our environment and decrease our dependence on fossil fuels. We all want to ensure that every American does have access to quality affordable health care, and we want to make sure that we get the economy back on track. But I believe that the trillion-dollar economic stimulus bill, the so-called economic stimulus bill, the so-called cap-and-trade bill that has been put forward and the measure that would dramatically increase the cost of health care and diminish the quality of care are troubling signs. The reason I have taken out this Special Order—and I know I am going to be joined by colleagues of mine, Mr. Speaker—is that we are in a position where we still have a chance to actually focus on job creation.

I'm going to talk this evening about something that has been very near and dear to me for many, many years. It goes back to my education in college; and that is, the notion of the United States of America playing a leading role in global economic growth so that we can increase the number of good American jobs. That means good jobs right here in the United States of America. I believe that trade is key to that. Trade, global trade is going to play a big role in creating jobs, jobs, jobs. Because the natural question that has continued to come forward from this promise that we would not see the unemployment rate exceed 8 percent is, Where are the jobs? We have a chance. Mr. Speaker, we still have an opportunity to turn the corner on that. With a shrinking economy and mounting job losses and anxiety for what the future holds, we need the job-creating power of open trade more now than we have ever needed it. It's one of the very sad ironies of the trade debate. Tough economic times often lead people to say that we should pull up the drawbridge and lead to a term that I know no one likes to have hanging around their necks, but that term is protectionism. Protectionism is a bad thing. But frankly, during tough economic times, there are many people who happen to respond by being proponents of protectionist measures, in fact, avoiding the notion of more open trade. There is a fundamental and very dangerous misconception held by many, including, frankly, many here in the Congress—I'm happy to say very few on the Republican side, but many on the Democratic side.

As I talk about this, Mr. Speaker, I also want to add that I hope very much

we'll be able to get back to the bipartisan consensus that once existed in our quest for open trade. The fundamental and very dangerous misconception that is held by many is that engaging with 95 percent of the world's consumers who live outside of the United States somehow hurts job creation right here in the United States. Let me repeat that, Mr. Speaker. We need to remember that 95 percent of the world's consumers don't live here in the United States. They live outside of our borders. So the notion that engaging with those 95 percent somehow hurts job creation here is preposterous. In fact, nothing could be further from the truth. Even during these difficult economic times, even during this economic recession, even during this time when people are looking for jobs, they've lost their homes, they've lost their businesses, we continue to be the world's largest exporter of both goods and services. There are 57 million jobs directly supported by this engagement in the worldwide marketplace today. Now that is more than one-third of our entire workforce who have trade actually responsible for the fact that they have jobs today. A million Americans have their jobs today because of our engagement in the global marketplace. It also means that more than one-third of our workforce would be threatened if trade were to be diminished. But the impact of trade engagement is even more far reaching than these 57 million jobs with a direct connection to global trade. There are tens of millions of additional jobs that are indirectly related to trade as well. Manufacturers that lower costs and become more competitive by importing parts of their supply chain actually benefit from trade. That means raw materials coming into the United States for manufacturers so that they can engage in the export of finished products, there are a tremendous number of jobs that are related to that. Manufacturers that lower costs and become more competitive by importing those parts for their supply chain actually benefit from trade.

□ 1830

So do the retailers and wholesalers who sell the goods these manufacturers produce. There are thousands of small businesses who provide services for exporters, whether it is information technology, the IT sector support, printing services, logistics or any of the countless business services that help facilitate companies that are globally engaged. All of these companies, all of these companies are indirectly tied beyond the 57 million jobs here in the United States that are directly tied to global trade. All of these support efforts create, again, tens of millions of jobs right here in the United States. And so we as Americans benefit from both imports and exports as well.

Unfortunately, that message gets lost amid the constant barrage of anti-

trade rhetoric which we regularly hear. The protectionists and the isolationists who want to disengage from the worldwide marketplace have been adept and relentless in making their case against trade.

That is why we are here tonight, to take a look at the actual facts and to try to set the record straight on the tremendous benefits of open trade and the opportunity it presents to help to begin restoring job creation in this country.

Again, Mr. Speaker, as we talk about these items that I mentioned, the economic stimulus bill, which hasn't kept the unemployment rate at the 8 percent level that was promised by the President, it has gotten instead to 9.5 percent, the health care measure and the so-called cap-and-trade bills which many studies have shown will cost jobs, we can help reduce the numbers of job loss if we were to focus on creating jobs through greater trade. It is instructive to look at past trade agreements and see what the impact has been on our economy and on our workforce right here in the United States.

Let's look at the U.S.-Chile free-trade agreement as an example. It passed with bipartisan support. But it also drew the usual criticism from protectionists who oppose open trade at every opportunity. This agreement was passed in 2003; so we now, Mr. Speaker, have 6 years of experience and data to draw from in analyzing what the impact of the U.S.-Chile free-trade agreement has been.

Since implementation of this agreement 5 years ago, our exports to Chile have increased by 345 percent. Now, when Congress considered this agreement, the International Trade Commission had estimated that there would be a 12 to 52 percent growth in the first 12 years. So far, we have seen growth that is nearly seven times higher than even the highest estimates that we had back in 2003.

More than 10,000 U.S. companies are sharing in the success by exporting to Chile. This includes large manufacturing companies like Caterpillar which relies on export markets for half of all of its sales, to small, family-run companies like Lion Apparel in Dayton, Ohio. These companies and their workers have been boosted by the explosion of new trade that was made possible by this U.S.-Chile free-trade agreement.

Mr. Speaker, this is a success story that has been repeated throughout every agreement that we have implemented. Again, I underscore that, throughout every agreement that we have implemented, we have success stories to which we can point, which is why we actually have a manufacturing goods trade surplus with our free-trade agreement partners. Let me repeat that, Mr. Speaker: we have a manufacturing—we are constantly hearing regularly from critics of trade that we

have a tremendous loss of manufacturing jobs because of trade agreements, but we actually have a manufacturing goods trade surplus with our FTA partners. The key to increasing manufacturing jobs in this country is more, not fewer, free-trade agreements.

The same holds true throughout all sectors of our economy. Now, I spoke today with the CEO of UPS, one of the great companies, Scott Davis, who in yesterday's Wall Street Journal penned a fascinating piece talking about the new jobs that trade enables his company, UPS, to create. And these are the words from Mr. Davis. He said, for every 40 internationally shipped packages, UPS, United Parcel Service, can create one new job. This is only common sense.

He explained to me today when we were talking about this that if you look at those who were moving the packages, not just the drivers, but those who had responsibility for handling packages and all, it creates the equivalent for every 40 packages the United Parcel Service exports.

Greater engagement around the world means more economic growth, greater competitiveness and more job creation. It is just that simple. Now that is the good news, Mr. Speaker.

The bad news is that failure to expand our trading relationships were even worse, withdrawing into isolationism, which tragically is what has happened in the past couple of years, will have very, and already has had and will continue to have, very negative consequences at a time when we, as Americans, cannot afford to lose a single job here in the United States of America.

Because jobs, jobs, jobs, here at home, in the United States, is what this is about. It is what the American people are talking about. It is what they are asking for. It is what they were promised in last fall's campaign and what they had been promised throughout this year. And so we have before us a great opportunity that will, in fact, help us create more jobs.

On Monday, U.S. wheat growers announced that they are on the verge of losing half of their exports to Colombia if we do not quickly act on that agreement.

While the U.S. has stalled this agreement, Colombia has moved forward with other negotiations. It has just signed an agreement with the trading group known as Mercosur, the South American trade bloc led by Brazil which includes Argentina, Paraguay and Uruguay.

Colombia also intends, along with linking up with Mercosur, to conclude an agreement with Canada, our northern neighbor this fall, our NAFTA trading partner is engaging with Colombia now, in large part because we have failed to comply with the agreement that we made to have an up-or-

down vote here in the House of Representatives and in the Senate on the U.S.-Colombia free-trade agreement.

Without the U.S.-Colombia FTA, our wheat producers, who already face tariffs that can range as high as 124 percent, will not be able to compete with our Argentinean and Canadian counterparts who will enjoy duty-free access into the Colombian consumer market.

This is just one example, Mr. Speaker, of the competitive disadvantage our farmers, manufacturers and service providers face and will continue to face if the United States refuses to move forward or takes a step back.

Now we have three pending agreements. I mentioned the Colombia agreement. We also have pending agreements with Panama and South Korea that were negotiated in good faith. The first two, Panama and Colombia, are two very, very important key allies as we all know right here in the hemisphere. Their goods and services already enjoy duty-free access to the U.S. consumer market. That is a good thing. We are able to get cut flowers, coffee and things like that that come from South America, from Colombia especially, duty-free here in the United States. These agreements would simply level that playing field, providing us access to their consumer market.

The latter, South Korea, is a very important strategic ally as we know. And it is the world's 13th largest economy. The potential for economic growth and job creation by entering into what would be the world's largest bilateral trade agreement ever is staggering. With our unemployment rate at 9.5 percent and job losses, as we all know, mounting every month, we cannot afford to delay another moment.

These agreements, Mr. Speaker, are job creation agreements and American job creation agreements, which is something that Democrats and Republicans alike want to see happen. Job creation is at the forefront of Americans' minds right now. We know that.

Well, I believe comparisons of our economic situation and the Great Depression may be misguided. There is a very significant lesson to be learned from that time in our Nation's history. Conservatives and liberals alike agree that the economic decline that began with the stock market crash in 1929 was dramatically exacerbated and prolonged by the Republican-initiated, I'm embarrassed to say, the Republican-initiated Smoot-Hawley Tariff Act, which instituted dramatic, drastic protectionist measures. It began as an agriculture measure to impose tariffs on agriculture items and products, but it expanded. And it was very, very far reaching. This was precisely the wrong approach to take, plunging us as a Nation further into an economic depression.

I would hope that we have learned the basic lesson from our history: iso-

lationism is always bad for an economy. But it is especially, especially dangerous when we are already facing hardship.

Mr. Speaker, this Congress has tried nearly every possible kind of bailout in order to stimulate our economy. And as we have seen in the past several months, not one has worked, certainly not as has been promised. It is time for us to turn to a proven policy that again will create good jobs right here in the United States of America, well-paying jobs. We know that jobs that relate to trade pay significantly higher than those that do not.

So it is time to move with this trade agenda. We can move it forward. We have an opportunity to do that.

I'm very pleased, Mr. Speaker, to be joined by a number of my colleagues who have been very active in our trade working group and, well, no one is on their feet at this moment. I will be happy to yield to my good friend from San Diego who immediately lurched to his feet and understands full well how important the issue of trade is, as he represents the very, very important gateway city into Latin America of San Diego.

I'm happy to yield to my good friend, Mr. BILBRAY.

Mr. BILBRAY. Thank you. I appreciate the gentleman from California for bringing this item up.

Mr. Speaker, one item I would like to discuss is the issue of our neighbors to the south. Every country in Central America has taken on the issue of free trade with the United States. And at great political risk, their political leaders have been willing to step forward and say, for the prosperity of the hemisphere, we must cooperate and work together, not just militarily, not just through aid, but through that long-term relationship of trade.

And it is sad to see that while they have the political bravery to do the right thing for their economies and for their citizens, our political system stands frozen in our tracks. Speaker PELOSI refuses to bring forward the agreements that their leaders have been brave enough to step forward and support.

Mr. DREIER. If I can reclaim my time just to add a comment to that, not only has there been a refusal to bring it up, but for the first time since implementation of the 1974 Trade Act, when a commitment is made to a country in good faith, with which we embarked on these negotiations, for the first time ever, after that vote was promised, we here under the leadership of Speaker PELOSI, utilized the Rules Committee, where I sit, and it was over my protest, of course, to actually subvert and prevent the up-or-down vote that was promised to our very, very important allies in Colombia.

I'm happy to further yield to my friend from San Diego.

Mr. BILBRAY. I appreciate that.

You can imagine the frustration of somebody that sits down with you, negotiates in good faith, give and take, comes down to an agreement, and you tell them, go over and get your country to support it, and then we will go over and get ours, and you go ahead and do your part, you expend the political capital, you're brave enough politically to ask your people to support a proposal, and then you turn around with your partner, who asked you to agree and to move this agenda, to sit there and stonewall and refuse to even allow a vote, that kind of stab in the back with our partners.

And these are not partners, Mr. Speaker, that are far away. These are our neighbors to the south. These are people that not only we, but our grandchildren and our great grandchildren are going to be living with for centuries to come.

Mr. DREIER. If I can reclaim my time, let me just add that not only are they our neighbors to the south, but they are, without a doubt, our strongest allies on the South American continent playing a big role in dealing with the interdiction of illicit drugs coming into the United States.

And I regularly point to the fact that there is no country in modern history that has gone through a greater transformation for good in a 5-year period of time than Colombia. And the reason is that under the leadership of President Uribe, he has not only taken steps to demobilize the FARC and the paramilitaries in his country, but he also has made great steps towards dealing with the labor issues. And tragically there have been, in the past, labor killings, and there have been problems that continue to exist in Colombia. But he has been so helpful with us.

We do know that on the South American continent today there are leaders who are not only not friendly to the United States, but are subverting the cause of freedom; and we know those leaders, Rafael Correa in Ecuador, Abel Morales in Bolivia and, of course, Hugo Chavez in Venezuela, and Daniel Ortega in Nicaragua. We are seeing very serious problems here. And yet we have this important, strong ally dealing with these issues.

We promised them that we would have a vote so that we can create good, American jobs for Caterpillar's workers, for Whirlpool's workers, and for the other small businesses that exist.

That is why I think it is very, very important that we continue to hold up our tradition of supporting our global leadership and trade, continue to do that.

And I'm happy to further yield to my friend.

□ 1845

Mr. BILBRAY. Colombia is a good example of somebody who is brave

enough to take on the drug cartels, was brave enough to take on the extreme leftists in their continent and be able to be brave enough to be an American ally. And for us to stiff-arm them and to basically punish them, it appears, for being a friend, who in the world will want to risk themselves of being an ally of the United States? This is the example we're setting.

Moving on from Colombia, Panama is really a time-sensitive issue. Mr. Speaker, while we sit here today, Panama is moving forward with an aggressive program to rebuild the Panama Canal, one of the greatest, if not the largest, expenditures that Latin America has seen in our age. We are sitting on the sidelines while Panama is moving and looking to build this new project.

And can you imagine at the turn of the last century if America had sat back and allowed other countries to be able to take advantage of the economic opportunities, if Teddy Roosevelt had ignored the challenge of Panama and Central America, where we would be today and how history would be different.

Today, the Panamanians are building the canal. They want to buy Caterpillar equipment. They want to buy John Deere tractors. They want to see Bechtel and American companies come down there. They want to create American jobs because they want to have a full prosperity zone down there working with us to build the new canals.

While they're waiting to move forward, our political system in this city is stiff-arming them again, freezing them, and doesn't have the political bravery to do the right thing and allow a vote on a proposal that they were brave enough to move forward to.

So anyone who's listening to us and is looking at those factories that could be buying tractors, bulldozers, equipment, could be getting the contracts for the canal, just remember, it's your political process here in Washington that's freezing it out giving China and giving people from Iran, giving the rest of the world the leg up to get jobs out of the Panama Canal while Americans are being obstructed.

Mr. DREIER. I thank my friend for his contribution. And just to take his great example on Panama and to further build on Colombia, it's very interesting.

It has been, as I look at my colleagues here, Mr. HERGER, Mrs. BIGGERT, Mr. CONAWAY, who've been very involved in this issue for so many years, it's hard to believe when I was given this number today, it has been 967 days—967 days—since we signed the agreement with Colombia. And people from the State of the great gentlewoman from Hinsdale, Illinois, who work for Caterpillar and others have actually been forced in that 967 days to pay \$2.1 billion in tariffs that otherwise

would not have been there. And if one could think of the tremendous number of jobs that could have been created right here at home—because that's what this special order is about, Mr. Speaker. It's about creating good jobs here in the United States of America.

This Special Order is actually the brainchild of my friend from Hinsdale. We were having a meeting of our Trade Working Group, and she proposed that we come to the floor and talk about how we can create more good U.S. jobs by expanding open trade.

And with that, I'm happy to yield to the author of this Special Order, my friend from Hinsdale (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding, and I thank you for heading up this Special Order, and I thought I better get down here since I had proposed it. And I think it's a great idea because we—trade is so important right now during this recession. It is more important than ever that we continue to advance freer, fairer global commerce and not regress towards more harmful protectionist trade policies. And free trade agreements are one of the many ways to improve all of the Americans' standard of living and to get our economy back on track.

And you mentioned Caterpillar. Let me just say that there are two plants that are very close to my district, and I have had the opportunity to drive a top loader 10 times.

Mr. DREIER. Reclaiming my time, Mr. Speaker, I find it very hard to believe the gentlewoman from Hinsdale drove a high loader. A Caterpillar high loader?

Mrs. BIGGERT. A 10-ton loader that has a basket.

Mr. DREIER. If I were to witness that, Mr. Speaker, I would get out of the way, but I'm sure you did very well.

Mrs. BIGGERT. I can drive it forward and backward, and it is a huge vehicle. I think it holds a million golf balls in its basket, so you can imagine how big this is.

But this is such an important piece of equipment. And Colombia has had so many of these vehicles to go—for trade. And here, as you said, we have the tariff that has to be paid by Colombia at \$200,000 per vehicle for an off-road tractor going into Colombia while Colombian exports come into the United States nearly duty free.

So this trade agreement is so right because that \$200,000 per vehicle could be used and stay in America with a free trade agreement and supply many more jobs in my district and nationwide. And, in fact, in days since the Colombia Free Trade Agreement was signed here and has not been put into place, U.S. companies have paid over \$2 billion in tariffs on goods and services that are exported to Colombia. And the money, you know, could do so much more.

Let's go back for a minute to the Chile Trade Agreement, because I was the Republican whip on that. You put me in that position, and it was really an eye-opener, I think, for so many Members on this floor.

So many of them were skeptical. So many of them thought this was—that we shouldn't be entering into this, all of these global trade agreements. And the benefits that have been provided by that where American exports to Chile grew from \$2.7 billion in 2003 to \$12.1 billion in 2008. That's outstanding.

Mr. DREIER. Reclaiming my time, I would like the gentlewoman to repeat that number. So, again, the actual raw number in dollar value of the increase in our exports from the United States is what number?

Mrs. BIGGERT. Our exports to Chile grew from \$2.7 billion in 2003 to \$12.1 billion in 2008, and U.S. imports from Chile grew from \$3.7 billion in 2003 to \$8.1 billion in 2008.

Now, I love those green grapes that come in from Chile. And, you know, this is a thing where food products and everything that's coming from there is that we send over our products when they're having their winter; they send over their food products when we're having our winter. So it works out.

And then another statistic is that in 2008, the U.S. was Chile's top source of imports and the second largest destination for Chilean exports while Chile was the 25th largest export market for U.S. goods.

So we are doing really well to have that partnership, and that's why we need to move ahead with these other trade agreements.

Let me just say one more thing about the Peru Trade Agreement also that was passed. My home State of Illinois, we exported \$198 million in goods to Peru in 2006. So, as seen with Chile and other countries, we have a fair trade agreement with the amount of exports to Peru that will only increase. So we should do everything to encourage the trade agreements that are now on the table.

And the cost, the cost of stalling these free trade agreements, for example, it's not fair that an Illinois company like Caterpillar should have to pay the \$200,000 tariff and so many other companies that face the same thing; plus, the national security issue, the fact that we're dealing with countries so that we're not allowing some of the countries that are hostile to us to just have such a foothold there.

With the Colombia agreement, I think a couple of things. And so many of these agreements have gotten into human rights or labor protections, and I think Colombia, in particular, has worked so hard to further reduce the violence and increase labor protections there by improving the labor and human rights in their nation. And we actually used to meet with President

Uribe for so long, and it really was a shame then that we could not get this agreement through. And it really was unfair to change the law—I don't think you can change the law, but to have the Speaker not allow this agreement to come up within 45 days.

Mr. DREIER. Mr. Speaker, I would say to my friend it was not just—it was not just a change. It was, from my perspective, a complete abrogation of the responsibility that we had. And my concern is that we embark not only on other free trade agreements, but any other international negotiation with any other partner in the world to deal with national security issues and other challenges out there. What good is our word after a commitment was made that there would be an up-or-down vote because of trade promotion authority that was granted by the Congress to the executive branch and negotiate this agreement saying we would have an up-or-down vote and then all of a sudden reneging on that commitment that was made?

I would be happy to further yield to my friend.

Mrs. BIGGERT. I thank the gentleman for yielding.

I think you are absolutely right. That is a much stronger statement, and that is the statement that should be made to abrogate our agreement. And I think that after all that Colombia had done with the labor protections—for example, in 2005 and 2006, Colombia issued new Presidential decrees and regulations that addressed the concerns about the applications of labor laws, cooperatives, and temporary workers.

In 2006, they agreed to the establishment of a permanent representative of the International Labor Organization to be stationed in Colombia to promote the fundamental rights of workers.

In 2007, the Colombian legislature passed laws that significantly expedite proceedings and enhanced Colombia's existing labor courts. All of these changes, and yet we could not get this labor agreement and the trade agreement through after so much negotiation that it really is a shame.

So these significant efforts to improve labor relations in Colombia have led to the Colombian labor unions representing 79,000 Colombian workers to fully support the U.S.-Colombia Free Trade Agreement. All of these things. It's an embarrassment.

Mr. DREIER. So the gentlewoman is saying that the unions in Colombia are supportive of this agreement?

I'd be happy to further yield.

Mrs. BIGGERT. Correct; 79,000 workers in the union support this agreement.

Mr. DREIER. We're constantly hearing, Mr. Speaker, that unions are all opposed to this agreement. It seems to me that the unions here in the United States of America are opposed to it,

and I've never quite understood that. How can creating more jobs for the union members and workers at Caterpillar and Whirlpool and a wide range of other companies across this country be the wrong thing to do, opening up markets so that their products can be sold into those countries? To me, I can't understand it.

And when we've got the unions—all except one union, I'm told, and it's actually basically the public services union, which has nothing to do with the issue of global trade is the only union in Colombia that has opposed this. But I have had the chance in Bogotá to meet with a wide range—and I know my colleagues have—of union leaders who are passionately supportive of this measure because they know it will end up being beneficial to their country and their workers.

I'm happy to further yield.

Mrs. BIGGERT. I think there is a disconnect with some of the unions that they don't understand that this is what creates jobs in the United States when we have the products that we're going to export, and the more that we export, the more jobs that we have created, and this is what moves our economy along.

Let me talk about one more issue, and that is that the U.S. trade deficit is shrinking. In May this year, there was a 9.8 decline in the U.S. trade deficit. That means that we are exporting more and more. We have been at a deficit where we have imported more, so we are running a trade surplus.

Mr. DREIER. If I could reclaim my time, I will say to my colleagues something that I mentioned in my opening remarks, and I know that you'll agree with this, and people are always saying that these trade agreements cost manufacturing jobs here in the United States, people are thrown out of work because of these trade agreements, when, in fact, the opposite has been the case. We actually run a manufacturing job surplus with our partner countries with these FTAs.

And I'm happy to further yield.

Mrs. BIGGERT. I think that the surplus has been running \$9.3 billion for January through May of 2009.

Mr. DREIER. It's a very, very impressive measure.

Mrs. BIGGERT. So I thank the gentleman so much.

Mr. DREIER. I thank the gentlewoman for recommending that we take time to talk to our colleagues about this important issue.

And, again, I will say I know that she and Mr. CONAWAY, Mr. HERGER and others join me in hoping that this will be a bipartisan agreement.

□ 1900

Let me just take one moment as I prepare to yield to my other colleagues, and I'm happy to yield again to my friend from Hinsdale, to talk

about the much-maligned North American Free Trade Agreement.

Now, my friend comes from Texas. My California colleague is here. We represent States that border on Mexico, and we so often hear people describe virtually every ailment in society as being tied to the North American Free Trade Agreement when, in fact, more than one-third of all U.S. exports, more than one-third of all the exports leaving the United States of America, go to our NAFTA partners, and for some States, that percentage is significantly higher.

Michigan, we know what a devastating economy Michigan has. The number actually in Michigan is 68 percent of the exports from that State go to our NAFTA partners, obviously a great percentage to Canada but also much to Mexico.

In Ohio, we so often hear our colleagues from Ohio maligning any kind of trade agreement. Yet, 54 percent of the exports from Ohio, where do they go? To our NAFTA trading partners. Those jobs created in Ohio, 54 percent of them go to our NAFTA partners.

In Indiana, it's 52 percent. In fact, without the North American Free Trade Agreement the manufacturing workforce of these States would be devastated, and let's say that again, Mr. Speaker. While we hear that NAFTA is responsible for any job loss that takes place in Ohio, in Michigan, and in Indiana and other States, in fact, were it not for the North American Free Trade Agreement the manufacturing job loss would be tremendously higher than it is today.

Since implementation of the North American Free Trade Agreement between Canada and the United States and Mexico, we have actually seen our trade triple to nearly \$1 trillion. Between 1993 and 2007, 28 million American jobs have been created, or a 25 percent expansion in our workforce. Between 1993 and 2007, U.S. industrial production, three-quarters of which is manufacturing, rose by 57 percent, almost double the productivity increase in the 12-year period before implementation of the North American Free Trade Agreement.

And more than 110,000, small- and medium-size businesses export to Canada and Mexico, 110,000. I know many of them are in Texas, many in California, many in Illinois and other States. These companies are spread all across the country, but the top exporters to Canada and Mexico are, in fact, Texas, California, Michigan, Ohio, Illinois, New York, Indiana, and Pennsylvania.

And so while we regularly hear the North American Free Trade Agreement as being maligned and responsible for any economic challenge we face in this country, the opposite is the case.

Have there been any people displaced? Well, of course there have been,

and that's one of the reasons I've supported trade adjustment assistance, as I know my colleagues have, so that any people who do, in fact, face job loss that they will be in a position where they are able to be retrained, put into positions that will end up being very beneficial for them.

So I'm very pleased now to be joined by one of the great champions of the trade agenda who's a member of the Agriculture and Intelligence and the Armed Services Committees, and he's the gentleman from Midland, Texas (Mr. CONAWAY). I'm happy to yield to him.

Mr. CONAWAY. Well, I thank the gentleman for yielding to me, and those are some pretty startling facts. I'm a CPA and I tend to work better with facts than I do with hyperbole and make things up and guesses and wishes. Those facts are pretty startling when it comes to the—

Mr. DREIER. I must say, it's unusual for me to use facts.

Mr. CONAWAY. For the much-maligned North American Free Trade Agreement, most of the time you hear people criticize it, but they do it based on old data based off of misconceptions, and when you begin to lay out the facts to them, particularly from the States who—some of the most inflammatory comments that I heard on this floor about NAFTA come from Members from Ohio. And that's a pretty startling fact that we will have to confront them with perhaps the next time that they bring that up.

I would like to move back to Colombia because I think, given free trade agreements that are the most ripe for execution and for completion, Colombia would certainly be in that category.

My colleague mentioned it had been 967 days that that bill has languished in our system. Let me point out that, over 925 of those days, we're under the leadership of Speaker PELOSI. So it has been the Speaker who has stood in the way of reducing tariffs by \$2.1 billion, that my colleague mentioned earlier; insisting that the 35 percent tariff on automobiles remain in place; the 10 percent tariff on cotton remain in place; and the 10 percent on computers and other things made in the United States remain in place.

Mr. DREIER. Mr. Speaker, would my friend repeat those numbers? I think that's very, very telling, and that is a tariff level in place basically undermining the ability of sending the products of U.S. workers here in the United States into Colombia.

Mr. CONAWAY. Well, it's interesting that between the unions and the Federal taxpayers, we own General Motors, and so a General Motors car made in the United States bears a 35 percent tariff if you try to sell it in Colombia. So you add 35 percent to the cost of that car, and it competes with a car

say made in Korea or other places that don't have that tariff, and then we don't compete well on a cost basis. So those are American manufacturing jobs. They speak to you on behalf of the American taxpayers and the unions for a change, which I don't normally speak to, if we're going to prosper General Motors, why not do something that drops the tariff, makes us more competitive for the taxpayer-made automobiles to be sold in Colombia?

As you mentioned earlier, Colombia's continued with the unilateral trade agreements that they're doing that continue to disadvantage American businesses that compete with businesses from those countries that Colombia—

Mr. DREIER. Reclaiming my time, let's state for the record, I would say to my colleague, why it is that Colombia has resorted to these agreements with Mercosur, with Canada. The reason is very simply, 967 days ago when this agreement was signed, President Uribe and our friends from Colombia assumed that within a relatively short period of time, that we in both Houses of Congress would do our due diligence of looking at the agreement, and then we would have had an up-or-down vote. So it's hard to blame our friends and allies in Colombia for having embarked on negotiations with Canada and with Mercosur as we have, again, reneged on our commitment to have an up-or-down vote here.

And I'm happy to further yield to my friend.

Mr. CONAWAY. Well, I thank my friend for yielding.

I was startled last week when I saw a headline attributed to a comment that our United States Trade Representative Ron Kirk made that trade still or was a high priority with the White House. High rhetoric but no action. I've not seen any pressure from the White House on the Speaker to tell the Speaker that we have a great friend in Colombia, we have an ally, a stalwart ally in President Uribe, and we need to quit thumbing our nose at him, quit treating him like a redheaded stepchild, and begin to treat him as the friend and ally we know him to be by recognizing the importance of this free trade agreement, and getting it passed, getting it signed and getting it implemented into law.

The only reason I can see so far, remaining reason, is our trade unions' opposition to this particular trade agreement. I'm not sure why they picked out Colombia because, in the grand scheme of things, Colombia's overall economy doesn't threaten any particular business in the United States.

But the remaining issue is with our trade unions. It's been my experience that Colombia has addressed almost every single one of the issues with respect to union organizers that was the

pushback. They've decreased the violence significantly. They've agreed to ILO standards. As my colleague Mrs. BIGGERT mentioned earlier, they've agreed to an Office of the High Commission from the U.N. on human rights. All those things have been agreed to so there's no rational reason to continue to maintain the 35 percent trade barrier on automobiles. There's no rational reason to maintain the 10 to 15 percent trade barrier on movies and DVDs. There's no rational reason to maintain the 10 percent tariff on cotton. And finally, there's no rational reason to maintain the 10 percent tariff on computers. That hurts American businesses.

My colleague mentioned a while ago that our trade unions don't understand that when we make things in the United States and sell them overseas that creates jobs. I would respectfully disagree. They are bright, smart people. It's counterintuitive why they would be against creating jobs in America so that we could build stuff and sell it overseas, but I think they full well understand the mechanics of how that works.

So I would encourage my colleagues to continue to push on the Colombia Free Trade Agreement. Colombia is the strongest democracy in South America, and at a time when there's unrest in Honduras, unrest in Venezuela, unrest in Bolivia and throughout that region, we need a strong ally in that country. We need to put our actions where our mouth is, in effect, and put this agreement in place so that we can quit insulting our good friend President Uribe by refusing to bring this up. I appreciate the gentleman for the time.

Mr. DREIER. I appreciate the gentleman for his very thoughtful contributions and I'd be happy to yield to my friend from Hinsdale.

Mrs. BIGGERT. I was going to maybe correct what I said. What I meant to say that there were people on the other side of the aisle that had blocked these agreements, and not the trade unions. I know that so many of them really do know how important this is.

Mr. DREIER. I thank my friend for her contribution as well, and it has been an unfortunate thing. I believe that there are intelligent people within the union movement here in the United States who understand that creating jobs in the United States hinges in large part on opening up markets where 95 percent of the world's consumers are outside of our borders, and yet, they have, for some unknown reason, and there's lots of speculation as to why they do this, they have continued to drum up and really pander to what is the lowest common denominator of fear, frightening people, My gosh, if we embark on an agreement, we're going to lose jobs, when, in fact, every shred of evidence that we have is that the opposite is the case.

And I thank my friend for her contribution. I thank my friend from Midland as well.

Now, I'm very, very pleased, Mr. Speaker, to yield to our very, very hardworking colleague who for many years served as the top Republican on the Ways and Means Committee Subcommittee on Trade who's been a great champion of it, as a fellow Californian, represents important agriculture industry in his State, the largest industry. I say as an Angeleno, that I know full well that agriculture is the number one industry in our State of California, and the idea of opening up new markets is very important.

And actually, as the gentleman begins, I want to talk a little bit about the U.S.-Korea Free Trade Agreement because I know that would play a very big role in benefiting the constituents he has, the farmers whom he represents.

With that, I'm happy to yield to my friend from Chico.

Mr. HERGER. Well, I thank my good friend from California (Mr. DREIER) for yielding and also for the leadership that you've given over the years in this incredibly important area of trade, of fair trade, of free trade, and how crucially important it is to our economy, not just to the district I represent but to our entire Nation.

And Mr. Speaker, the number one concern for Americans right now is the economy. Americans know that the health of the U.S. economy directly impacts their job and their ability to provide for their family and keep a roof over their heads.

At the beginning of the year, Democrats pushed through the Congress an unprecedented measure to spend \$787 billion in an attempt to stimulate the economy. That was money we had to borrow, creating a national deficit that will reach almost \$2 trillion by the end of the year.

The President assured the American people that this was the only way to prevent the unemployment rate from reaching 8 percent. Yet, with this mammoth deficit spending, the unemployment rate has skyrocketed not to 8 percent, but to 9.5 percent, with estimates indicating it will reach 10.5 percent before the end of the year and no end in sight.

While Americans continue to struggle to find work, Congress has moved on to other issues, ignoring one of the most obvious and efficient vehicles to promote economic growth and create jobs: trading with other countries. Importantly, this solution doesn't require the government spending billions of dollars nor does it require a huge expansion or invasion of the government into the free market. It is as simple as removing foreign barriers to U.S. goods and services so that our workers and businesses can compete on a level playing field in the global economy.

Most Americans don't know that the U.S. is not only the number one trading nation in the world but also the number one manufacturer and that our record exports last year were the one bright spot in our economy.

Mr. DREIER. Mr. Speaker, let me ask my friend to repeat that. We are the number one manufacturing country in the world? So few people realize that. People believe that it is China. People believe that there are other countries, that Mexico is, but we continue, even with this struggling, down economy to be the number one manufacturing country in the entire world?

Mr. HERGER. That is absolutely correct, number one manufacturing nation in the world, the number one trading nation in the world. Trade is part of the foundation of a strong economy and high standard of living.

□ 1915

Today, for example, more than 57 million American jobs depend on trade, and these jobs pay 13 to 18 percent higher wages. Clearly, it would be in our Nation's best interest to build on this record, helping us through this difficult economic time.

The premise is simple: reducing tariffs and other barriers would make our goods less expensive and therefore more competitive in foreign markets. The additional sales from exports will help sustain and grow our U.S. businesses during this economic downturn, creating much needed job opportunities in the United States.

When you combine the fact that demand is sluggish in the United States due to the high unemployment and general uncertainty about the economic outlook with the fact that 95 percent of the world's consumers live outside the United States, it seems like the commonsense solution would be to encourage U.S. exports by reducing barriers abroad. The best way to do this is to negotiate market-opening trade agreements with other countries.

Mr. Speaker, my district in rural northern California is typical of many districts across the United States that are largely dependent on agriculture. We produce more almonds, walnuts, rice, and prunes than we can possibly consume, and heavily rely on exporting these goods to foreign markets.

The bottom line is promoting free and fair trade through these agreements is an essential component of economic recovery. Unfortunately, House Democrat leadership has failed to take this necessary step for our workers, despite the fact that we have three agreements—three agreements already negotiated and just waiting for congressional approval.

Two of these pending agreements are with close U.S. allies in South America: Panama, and Colombia. Both of these countries largely already have duty-free access to U.S. markets due to

trade preference programs, while our goods face high tariffs in theirs. Yet, these nations want to move from a one-way trade relationship to a two-way relationship. Why? This Congress is preventing that from happening when our workers would benefit from new opportunities in these markets.

It is mind-boggling to me that the U.S. Government continues to ignore the needs of our workers in such a way.

We also have a pending agreement with South Korea, which is the most commercially significant agreement for the United States, as Korea is already our seventh largest trading partner.

Together, these three trade agreements would increase U.S. exports by at least \$10.8 billion, as estimated by the U.S. International Trade Commission. That clearly means more businesses for U.S. companies and more jobs for American workers. And these benefits are spread throughout the entire economy. All sectors benefit: manufacturers, agricultural producers, and services.

Yet, instead of providing this true stimulus to our struggling economy, Congress and the administration have chosen to tie our hands behind our back. We must realize the cause of this inaction. If the American people knew that denying a vote on the Panama agreement is causing U.S. workers to miss an opportunity to export heavy machinery to Panama for their \$5 billion Panama Canal expansion project, would they think Congress is acting in their best interest by sitting on the agreement? I think not.

If the American people knew that if Canada ratifies their agreement with Colombia before the U.S., Colombians will be buying Canadian wheat instead of U.S. wheat, would they think that loss in market share to our competitor is acceptable? I don't think so.

If the American people knew that if the European Union ratifies their agreement with South Korea before the U.S., Koreans are going to use European services instead of services provided by American workers, would they think their Members of Congress are doing what's best for American workers? Absolutely not.

By not finalizing these agreements, we not only miss out on opportunities for our businesses to expand; we will also start to lose our current market share to our competitors. The EU, Canada, China, and other nations aren't standing still. They will continue to push for their own market-opening agreements that would put U.S. goods and services at a competitive disadvantage.

Mr. Speaker, the reality is that if we are not moving forward, we are moving backwards—and other countries aren't going to wait for us to catch up. Trade is an essential part of economic recovery and the American people cannot afford for this Congress to continue to ig-

nore it. Expanding trade opportunities for our businesses will help them grow and expand, creating jobs that American workers need right now. And if that isn't reason enough, we don't have the luxury of time to sit back and wait while our competitors race by. I urge this Congress to act on behalf of American workers and pass the three pending U.S. trade agreements. Our great Nation is at a crossroads. Will the Democrat Leadership of this Congress take our Nation down a protectionist path, isolating our Nation from the rest of the world, or are they going to choose the path traveled by Pres's John Kennedy and Bill Clinton and embrace the quest for open markets that have helped make this country the greatest Nation in the world?

During this time of economic instability, it has never been more important for the leaders of our Nation to actively choose open markets and free & fair trade. The United States already tried protectionism in the 1920s—it was called the Smoot-Hawley Act of 1928 that raised tariffs on products in every sector which resulted in a worsening of the Great Depression. Mr. Speaker, the American people cannot afford to go down their protectionist path again. We desperately need the benefits & opportunities that these trade agreements create.

Mr. DREIER. Mr. Speaker, let me thank my colleague for his very thoughtful contribution, especially mentioning the very important Korea agreement.

This is about jobs, jobs, jobs created right here in the United States of America. And that is exactly what these trade agreements will do.

I thank my friend and all of my colleagues for their participation in this very, very important Special Order. I will say, Mr. Speaker, that we will continue this conversation, and look forward to work in a bipartisan way to get these agreements through so that we can create more good job opportunities for our fellow Americans.

URGENT NEED FOR HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. DONNELLY of Indiana). Under the Speaker's announced policy of January 6, 2009, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. I thank Speaker PELOSI and my colleagues for allowing us to come down for the next hour or so and speak to you. We're doing a joint hour. Occasionally, those of us who are pushing for health care reform to happen for our constituents this year have come down to the floor to share our thoughts about the urgent need for reform.

We're sharing this hour with the 30-something Working Group, which I'm honored to be a part of. And I know our hope is that, at the very least, Representative RYAN will be able to join us later this evening as part of this hour.

But we are here to focus our thoughts and our energies and to talk to our col-

leagues about the need to pass real comprehensive health care reform for this country and for our constituents. We know what the problem is out there because when we're out there at our town halls, when we're setting up our office hours at the supermarket or the grocery store, it's our constituents that are coming to us and telling us about the fact that they just can't afford this health care system any longer.

If you're lucky enough to have insurance, you've seen your family have to pick up more and more of the share. As the cost of health care goes up for businesses, they're passing more of it along to individual consumers.

So now, if you're a family of four out there, you're likely to be spending \$3,000 to \$5,000, at least, on health care, even when you have insurance. Your deductible now is in the thousands of dollars rather than in the hundreds of dollars.

That copay that you have to bring with you to the doctor's office now isn't \$5 or \$10; it's \$100 or \$150. Those drugs that used to only cost you \$5 or \$10 when you showed up, well, if it's in the wrong tier of drug, you may be paying 50 to 70 percent of the cost of that drug.

If you're a senior citizen and you happen to find yourself in the dreaded doughnut hole, not only are you paying the full cost of those drugs, and potentially bankrupting yourself in the process, but you're paying the highest prices in the entire health care market when you show up at the drug store.

You're paying more than the Federal Government pays for that drug. You're paying more than Blue Cross/Blue Shield pays for that drug. You're paying through the nose for it.

This health care system is broken. It's broken because the people that got it just can't afford it any longer.

Now, much of the cost is very visible to people. That cost that you now bear as an employee, that you didn't used to have to pay, that increased deductible or that copay, that hurt is felt. We're feeling it for you because we're hearing those stories increasingly about people that just can't come up with the money to pay that high deductible, people that just don't have the cash to fill in the drug company doughnut hole. That hurt is visible and real for our constituents.

But there is an invisible pain. There is an unseen hurt that we need to talk about here on this floor because there are a lot of businesses that are passing along the cost of health care, but there are also a lot of businesses that are eating the cost of health care, that don't want to have a high-deductible plan for their employees. So what they do is they pay it instead.

The business decides that they will pay the 10 percent increase in premiums, but it just means that their

employees don't get a wage increase that year. Or when they were supposed to get a 5 percent bump up, they only get a 2 percent bump up.

There are millions, millions of employees in this country who should be making more in take-home wages but aren't because the businesses that they work for are paying more in health care costs than they ever have before.

Now that's just not me talking; that's just not anecdotes I hear from the business owners and the employees in my district. That's data. That's data that shows that over the last 10 years the premiums charged to employers from health care insurance companies have risen by 120 percent during the last 10 years—120 percent jump. More than double—a more than doubling of health care premiums charged to businesses.

During that same time, average wages have grown by only about 20 or 30 percent. During that same time, wages have grown at less than the overall rate of inflation. Guess what? That's because of the cost of health care eating into the money that people take home from their paychecks.

Lastly, the invisible cost comes here. Guess what, Mr. Speaker and my colleagues? We've got a system of universal health care in this country. We're not inventing a system of universal health care. We've got one now. It's just the most inhumane, most unconscionable, most inefficient universal health care system in the world because our Federal law guarantees you health care, but only until you get so sick, you get so crippled, that you get so desperate that you as an uninsured individual have to show up to the emergency room. And so you get care, but it's too late.

It's the most expensive, most inefficient way of delivering universal health care. There is a cost to that, because when that individual who could have just gotten a prescription to cover their growing infection and instead lets it get to such an extent and such a degree of severity that they have to show up at the emergency room and they have to have major surgery to cure that festering illness and infection, there's a cost to that of 10 to 20 times what the cost of the preventative service might have been.

That cost doesn't just sort of evaporate in the air. It doesn't disappear into the ether. It's real. It's substantive. The hospital picks up that cost and forces private insurers to reimburse them more to help them cover the costs of the uninsured. Charges some of it back to the government. Every taxpayer in this country, a portion of your tax dollars that you send to the Federal and State government goes to hospitals and emergency rooms to cover the cost of all those 50 million people that walk in without insurance.

So there are costs all throughout the system, both visible and invisible, that

we cannot sustain. And so we've come down here to the House floor today to not just focus on the problem—I think you've got to talk about the disease in order to get a diagnosis—but to talk about the fact that for the first time in almost a generation we are on the verge as a United States Congress of rising to the massive challenge that confronts our health care system.

We are on the precipice of passing real health care reform that lowers the cost of health care for everybody in the system whether you're an individual paying it or you're a business having to bear the burden of the cost, and at the same time makes the system more fair for people right now that are paying more for health care just because they happen to be sicker than somebody else; for those millions of people who can't find health care in the first place because they happen to have a pre-existing condition.

For all those senior citizens out there who are trying to decide between 20 different plans that the difference can only be deciphered in the fine print of the paperwork that they send you in the mail, we're going to make this system more transparent, we're going to make it more fair, we're going to give people more choice. And by doing that, we're going to lower the cost of the American health care system for everybody so that those very visible costs that are holding families back are controlled and those invisible costs that too often aren't seen by wage earners or by taxpayers disappear over time.

□ 1930

So I'm really glad to be down here this evening. I see Representative SPEIER's joined us, so I'd love to hear from her as well. We're going to be joined later on, I know, by Representative RYAN and others to focus some attention on this problem of health care and the approach that we're going to take in this House. So I'd love to have Representative SPEIER from California join us to talk a little bit more about the challenges that we confront and some of the solutions that we put forth.

Ms. SPEIER. Well, thank you to the gentleman from Connecticut. I want to thank you for your leadership and for your comments because this issue can't wait. I think we know that better than most.

But tonight what I would like to do is talk to the 80 percent of Americans who have health insurance, who basically ask, Well, why should I care about health care reform? I have health insurance. And to the 80 percent of Americans who do have health insurance, I have a few things to tell them.

Right now, for all of us that have health insurance, we are in a position of paying for those that don't have health insurance. It's called cost shifting. So for the premiums that we pay,

part of each premium is actually paying for the uninsured. It's called cost shifting. And it's estimated that every American family pays \$1,100 per year for the uninsured.

So, for instance, you go into the ER with a broken ankle, you get health care. The uninsured person goes into the ER for that same broken ankle, they get health care because we have a Federal law that requires that all people get health care when they return to the emergency room. But we pay \$2,000 for that broken ankle, not because it costs \$2,000, but because the individual who came in with no health insurance didn't pay. And that's where the cost shifting takes place.

So with health care reform, it's going to be much like many States in the country have as it relates to auto insurance. There's a mandate for auto insurance, and now we're going to mandate that every American have health insurance. And for those who can pay, they will pay. And for those that can't pay, we will help them pay.

Now, the next question I want to answer is why is health care so expensive.

Currently, the United States pays twice as much as any other industrialized country in the world for health care; \$6,700 for every man, woman, and child. Now, compare that to what's paid in Germany or Canada, where it's \$3,000. Or take the country of Japan, where it's \$2,500. And the cost of living in Japan is just as high as it is here in America.

Now, the conventional wisdom would suggest that, well, our health care is more expensive because our outcomes are better. You get better care if you pay more money. Well, that's simply not true. The U.S. ranks first in unnecessary deaths among the 19 industrialized nations.

Now, let me repeat that. The U.S. ranks first among—the most unnecessary deaths that take place as a result of a lack of health care. In fact, the number is pretty staggering. It's like 22,000 Americans will die this year for lack of access to health care.

We waste a lot of money on health care spending. Recent estimates are that one-third of the care provided in this country, to the tune of some \$700 billion, doesn't improve anyone's health. Now, if a third of the care that's being provided isn't providing additional health care, then it's wasteful spending. And when they talk about \$700 billion of wasteful spending, it's time for all of us to sit up and think, wait a minute. What's really going on here?

And 20 percent of the health insurance premium goes for overhead and profits. Now, when I tell you that in 1994 only 4 percent of the health care premium went for profits and overhead, you've got to scratch your head and ask, how did we go from 4 percent in 1994 in overhead and profits to 20 percent in 2009?

Next question that I want to answer is how does this health care reform make it safer for me.

I want to tell you a dirty little secret. It's a dirty little secret about health care that no one wants to talk about, and it's about medical errors, and we have known about it for decades. The Institute of Medicine put out a report that said there are 100,000 deaths in America every year because of medical errors; 100,000 deaths.

Now, I'm going to talk about a specific bacteria infection that people get typically in the hospital. It's called Methicillin-resistant *Staphylococcus aureus*. Now we say MRSA for short. Now, the MRSA infection rate is growing by leaps and bounds. In fact, there's 100,000 cases of MRSA a year. Two-thirds of those people that get that infection get it in the hospital setting.

Now, of the 100,000 people that will get a MRSA infection, 19,000 of them will die because of that infection. Now, that's a stunning figure.

If there was a 747 that crashed in the United States every week, that's the equivalent of 19,000 deaths. And if there was a 747 that crashed every week in America, we wouldn't tolerate it. We'd call on the FAA. We'd call on the airlines. We would stop it. But we've done very little to stop the spread of MRSA in hospital settings.

Now, this health care reform bill takes an important step, not a full step. It doesn't go all the way, but it does now require that hospitals will have to report their hospital-acquired infections.

What we need to do, furthermore, is put the protocols in place so that we can stop these infections from occurring and we can stop the deaths as well.

Now, the last thing I want to talk about is something that not everyone is necessarily familiar with if you're in a group health setting, and it's called a preexisting condition. If you're in a group health setting, it doesn't matter if you have a preexisting condition. You are covered. But if you're in the individual market and have a preexisting condition, good luck.

And I'd like to show you these health care horror stories, preexisting conditions. These are the types of preexisting conditions that can prevent you from getting health insurance in this country. Depression, sprained ankle. How about a misdiagnosis for bipolar disorder?

This is an actual case. A young woman was given a bad diagnosis. Her doctor confirmed that she never should have been diagnosed; yet, when applying for individual insurance, she was denied due to her psychological history, even though it was a misdiagnosis.

Well, look down that list. Diabetes, gallstones, anxiety, stress. How about

tested for multiple sclerosis? Not that you have multiple sclerosis, but that you were tested for it becomes a preexisting condition and you can be denied health insurance in the individual market.

Let's move down to bunions. How about too thin or too heavy? How about too healthy?

Believe it or not, this was a reason given to a gentleman for not giving him health care. In Florida, he sought insurance in the individual market because he was working for an architectural firm that didn't offer it. He'd been healthy all his life. He'd never been to the doctor. He did all the right things. He was a health nut and stayed in shape. And so when he went shopping and he was declined coverage, it was because there was a "lack of current medical records." Now, he explained that he didn't have any medical records because he hadn't been to a doctor because he's been healthy. But for that reason, because he was too healthy, he was declined health insurance.

I had a story that just came into my office today. It's a family in my district, and they called because they were concerned. They have twin sons. One of their sons just had a dislocated shoulder from an athletic event. Not unusual. But because he had that dislocated shoulder, they had been told by their health care insurer that they will now exclude coverage for any shoulder injuries for both sons, even though the twin brother was not engaged in the athletic activity and didn't dislocate his shoulder.

So, health care reform makes preexisting conditions a thing of the past. All of this would be wiped away. All of these horror stories would be gone. Americans could breathe a sigh of relief that now, no matter what your ailment, and believe me, all of us have a preexisting condition of one sort or another; it just hasn't been tested because we've been in the group health market. But all of us will be able to access health care and health insurance through the health care reform proposal.

You know, much like you, I came to Congress to make this country a better place. With real health care reform, I believe we'll have an opportunity to do just that.

Thank you. I yield back.

Mr. MURPHY of Connecticut. Thank you very much, Representative SPEIER. Thank you for drawing attention to what this reform effort that we're talking about here tonight means, not just to these people that you're talking about that have been denied coverage for preexisting conditions, but what it means to all the folks that have insurance out there.

If I had a dime for every person I've run into that has talked to me about the fact that, you know what, they're

not really happy in the job that they're in. They want to go do something else, or that they really have a great idea, a business that just has been germinating in their mind and they want to go out and start it, but they can't leave their current job. They can't go out and start that business because they're going to lose their health care because their daughter is sick and they've got some health care for her now, but if he leaves or she leaves and goes out and does what they really want to do with their life, or starts that small business, that they're going to lose that health care coverage. There are millions of Americans who have health care today and are trapped, are trapped in their job, are trapped in their place of employment, because they can't dare lose the coverage that they have.

Now, in the most powerful country in the world, in the beacon of freedom from around this globe, that kind of servitude to your employer, just because you have insurance that you can't leave, just doesn't seem right.

But it also is just absolutely silly economic policy. Think of all of the innovation that we're stifling. Think of all of the great entrepreneurs who never get to go out and invent, who never get to start that business because they can't leave the insurance that they have. So this really is fundamentally about trying to make health care for those that have it more meaningful, more real, but also more flexible. And I thank you for drawing attention to this issue.

Well, we are blessed to have with us on the floor Representative RYAN. We were talking earlier. This is kind of a hybrid health care hour/30-Something hour, and one of the things we're talking about here, Mr. RYAN, is that this is hard; right? This is a big problem. We've got one the most confusing, most complicated health care systems in the world, and we're going to take on a very complex and convoluted system at a lot of different angles.

So the bill that is going to come out is going to be big. It's going to have a lot of pages to it, because in order to tackle a really complicated and confusing health care system, you have to have the guts to think big. You've got to take on all of the various problems that have been created in this system, whether it be high cost health plans, preexisting condition exclusions, post-claims underwriting, all of the various tricks of the trade that insurers and others have used to try to make money and exclude people we've got to take on and do things with.

But it also makes it really easy for folks who are critical of health care to just sit back and say, Well, what you're proposing isn't any good, and we're just going to sit back and criticize rather than propose alternatives. And that seems to be the dynamic once again that's playing out on this floor, that

the Democrats are going to offer real solutions, real opportunities for this country to move forward on health care, and we're going to be met with opposition that defends the status quo and really doesn't offer alternatives. So we're here tonight to—

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. MURPHY of Connecticut. Absolutely.

Mr. RYAN of Ohio. Because we have, hot off the presses here, a copy of and a chart of the Republican health care plan. And it has been the Republican health care plan for a good many years now, and it will continue to be the Republican health care plan, and it looks very similar to the Republican energy plan. Not quite sure exactly what it is. Lots of question marks. No real solutions for the American people. And as you, I think, articulated a few minutes ago, this is a major issue for real people all over the country, for people who have lost their jobs because of the downturn in the economy, for people who come from communities who have been dealing with the global restructuring, with the loss of manufacturing jobs.

□ 1945

Many people from my district for the last 30 years, whether they were in the rubber industry in Akron or in the steel industry in Youngstown or in the auto industry in Warren, have had to deal with this tumultuous change in our economy. This is prior to Wall Street's pulling the rug out from the national and, really, from the global economy, and this is prior to the bad policies over the past, you know, 8 to 10 years that our friends on the other side have consistently pushed.

You know, from a lot of the people who do have some criticism, maybe, for what's going on, I don't hear anyone saying the answer is to cut taxes for the top 1 percent and to get defense spending kicking. We've been doing that. Prior to the Democrats' coming into office a couple of years ago in the House and then prior to President Obama's getting elected, we had a policy where there were tax breaks for the top 1 percent, and they were supposed to invest all of that money into our economy. It never really happened.

I think what happened over the course of the last couple of years was that the Reaganomics—supply side economics—cut taxes for the wealthiest and then hoped the crumbs fell somewhere in Youngstown, Ohio, for some of the workers to maybe get a bite of. It has not worked. With the deregulation of Wall Street, we saw what happened there. It has caused a global recession almost to the likes of the Great Depression. The only things I feel are saving this from being a Great Depression are the Great Depression programs—unemployment insurance, Med-

icaid, Medicare, Social Security, the Pension Benefit Guaranty Corporation, and the health care tax credit that we increased from 65 percent to 80 percent in the stimulus bill. Those are the only things preventing people from being on the streets. They've lost their homes, and they have no health care. If it weren't for these basic safety nets that we've set up, there would be cheese lines again. Let's be honest about it. No one wants to admit it.

So what we are trying to do here with energy, quite frankly, and now with health care, is to shift what's going on in our country. It has taken us a long time. Since 1980 this supply-side economic policy has been happening. What we are trying to do is to shift 30 years of this nonsense that has been implemented and to restructure our country, to unleash the power, as Mr. MURPHY stated earlier, of the American people. Those people in our districts who don't have health care or who have lost their jobs and who are scared in America need to be helped. I make no bones about it, and I don't think anyone else does, because the top 1 percent has been fine. They will be fine.

What we are trying to do is to restructure the system. We are trying to take health care as it currently is, Mr. Speaker, and squeeze the fat out of it, squeeze the special interests out of it, take the savings to help cover everyone, and invest at the front end by making sure that we don't have copays for preventative care, to make sure that no one will lose their insurance or will have to go bankrupt because of their health care issues. To me, this is basic common sense.

The security for the American people is what we are looking for so that they can confidently go about their business, so that they can create wealth, take chances and be entrepreneurs. That's what this is all about.

If you take these two pieces of legislation, the health care and the energy, you are talking about unleashing the potential, the innovation, the entrepreneurship, the talent, the intellect, and the skill of the American people.

Mr. MURPHY of Connecticut. Will the gentleman yield?

Mr. RYAN of Ohio. I would be happy to yield.

Mr. MURPHY of Connecticut. Let me go back to a number that I used at the outset of this hour.

Over the last 10 years, a time during which the Republicans had control of this House and the Senate and during which the Republicans had control of the White House, the employers in my district saw health care costs go up by 120 percent. Now, they've had a lot of things increase during that time. Frankly, Mr. RYAN, the only thing that competes for that are energy costs, probably during that same time, depending on what oil was costing from

coming abroad. Energy prices might have gone up by 120 percent, but nothing else has increased by 120 percent. That is an unsustainable rate of growth for our employers, and it puts them at a tremendous disadvantage vis-a-vis the rest of the world. We live in a global economy today.

If we want to go back and diagnose all of the reasons that our economy, essentially, went into a free fall at the end of last year—and that were abated at the beginning of this year, in part, by the actions that this Congress took—you've got to look at health care costs. You've got to look at the fact that \$1,500 of every car produced in this country can be accounted for just with regard to retiree health care benefits. That number is essentially zero for their competitors in Asia or in Europe. This economy is weighed down by a health care system that costs twice as much as every other health care system in the rest of the world.

So, if we want to talk about economic revitalization, if we want to talk about making this country globally competitive again and about coming out of this recession stronger than we were when we went back into it, then we've got to do something about costs.

We spent some time today in our committee, Mr. RYAN, with the non-partisan Congressional Budget Office. They outlined for us the economic effects of our bill, and they made it very clear: The reforms that are outlined in our bill are going to lower the costs of health care insurance for individuals and for employers, that the menu of options that we are going to present, an increased menu of affordable options for businesses and for individuals, is going to lower the costs of health care. In an era where most businesses are crossing their fingers and are hoping and praying that this year's premium increase is only 10 or 11 percent, a decrease in cost is almost unthinkable for those businesses, and it's central to why we're doing health care reform.

Mr. RYAN of Ohio. I thank the gentleman.

These numbers are from 2004, but they illustrate the point, and we'll get them updated.

The United States in 2004 spent \$6,100 per person on health care with one's life expectancy to be 77½ years. In Canada, France and Germany, they spent \$3,000 and a little bit of change, and their life expectancies are 3 years more than ours, 2 years more than ours and 1½ years more than ours. We're spending double. So what we're saying to our employers is that the status quo can't stand. We are being wasteful with our health care dollars. We are wasting money in this system.

So, if you're a conservative, if you're a businessperson and if you're standing in the halls of Congress and if you have to look at and analyze the health care

situation, you will come to the conclusion that it is better for us as a country to put money upfront toward preventative care and to save money on all of these costs that happen down the line.

We have universal coverage now, but it's through an emergency room, Mr. Speaker. That's no way to run a health care system. Don't come to us, you know, unless it's an emergency. Then come to us. Then we'll take care of you. No business would run that way. You would put money up front. We'll give you a prescription. We'll help you with your wellness. We'll help you deal with your stress reductions. We'll help you deal with mental health. We'll help you deal with a lot of these issues so that you don't come to our emergency rooms as often for health care.

I have a CEO in my district who talks about his hospital. He has said to me more than once, Give me the opportunity to get that person and to give him a \$20 prescription instead of my having to deal with him when he comes to my emergency room where it costs me \$100,000. That's what we're trying to do here. That's what this whole health care reform is all about.

I want to yield to a friend of mine. We have worked on a variety of issues together and will continue to. He is a great Member from Rhode Island, and he is a very dear friend, Mr. LANGEVIN.

Mr. LANGEVIN. I thank the gentleman for yielding.

I just want to echo your comments because you're right on target.

Clearly, in the United States, we have a health care system that is broken. We're in crisis and it's unsustainable. It is clear, when you look at statistics from around the world, that we have the highest costs and yet the worst outcomes when it comes to health care. That's because, when you look at the number of uninsured and when you aggregate it, well over 47 million Americans are without health insurance. That is the reason we are on a path that we cannot sustain, and it's not serving anyone in terms of delivering good health care and good quality when we have a system that has so many who are uninsured and when we're spending our dollars so inefficiently. So I want to be here tonight to add my voice to this clarion call for health care reform.

I want to begin, of course, by thanking my colleague from Connecticut (Mr. MURPHY) for organizing this Special Order to discuss health care reform. I thank Mr. RYAN for his contributions to this effort tonight, and I thank the other speakers who have spoken or who will speak later.

Let me say that I believe that we need to have a frank discussion, an honest discussion, with the American people about this issue. It's an issue that directly impacts everyone in this country—individuals, families, busi-

nesses—at every level of our government. Regardless of one's age, gender, race, religion or income level, everyone has a direct stake in our health care system, and it's important that Americans are properly informed of their choices as Congress moves forward with health care reform.

Now, I think every Member of Congress certainly is in agreement on one fact, which is that our current health care system, as I said before, is not sustainable. I'm really disturbed, I have to say, by allegations from my colleagues on the other side of the aisle that proposing real solutions which offer substantive changes to the status quo is somehow seeking to socialize medicine or is seeking to ration care. I think this is something that we should address, so I'd like to offer some insights into this, some clarifications on this point.

First of all, the thing that we must acknowledge—and Mr. RYAN was talking about it earlier, the unfortunate truth—is that we're already experiencing rationing under the current system. We experience it when insurance companies deny individuals coverage based on their health statuses or pre-existing conditions. We see it in the millions of families whose premiums and co-pays are so high that they have to forgo basic care and life-sustaining treatments or have to choose between medications and groceries. We see it in businesses that can no longer offer insurance as a benefit to the employees, not because they don't want to but because they simply can't afford it. Each of these circumstances represents a form of market-based rationing, which is a basic failure of our current health care system, of our private health insurance markets, due to skyrocketing costs.

I want to be very clear to my colleagues and to the American people that reducing costs and expanding health coverage to all Americans doesn't mean reducing quality, access or choice. On the contrary, we can and we must use the money already in the system more efficiently to ensure access and to expand everyone's choices of insurance coverage—of doctors and of more effective treatments.

The most recent draft of the House proposal, while far from a finished product and while far from perfect, does build on the strengths of our current system, the employer-based system, and then supplements that with a health insurance exchange. What does that mean?

Well, it means that Americans who are happy with their current health care coverage can keep it, but those who don't have coverage through their employers will be able to shop for their choices of private health plans just like Federal employees and Members of Congress do. They will also have the option, of course, of choosing a public

plan alternative, which, I think, is vitally important. Those Americans who cannot afford to purchase insurance in the private market will receive assistance in paying for the coverage that they do choose.

Under this new system, private health insurance companies will now have to play by a new set of rules. The insurers are no longer going to be in the driver's seat. We are putting the American people in the driver's seat.

□ 2000

We're going to make sure there is a basic new set of rules and fairness in our health insurance system. Again, the health insurers will no longer be able to deny coverage based on a person's previous health condition, and they'll have to participate in a more transparent and competitive marketplace. This means reducing out-of-pocket costs or unexpected fees when patients become sick and need the care that they have paid for and have been promised. Greater transparency will translate into more manageable costs so that when we open our bills or statements, we know exactly what we're paying for. Most importantly, under this vision of health care, doctors and patients will make medical decisions, not insurance companies or the government. I cannot overstate this point enough. Medical decisions should always be left to the patient and his or her health care provider. That's what we're going to ensure under this system. This is the health care system that we can and we must strive for, one that offers stability for families, where coverage is not lost because someone changes or loses their job or becomes unexpectedly ill. These are, as we know, without a doubt challenging times. We face extraordinarily high unemployment in this country. In my home State of Rhode Island right now, the unemployment rate has reached 12.1 percent. This is on my mind every single day when I come to work, at night when I go to sleep, the first thing when I wake up in the morning is this on my mind, and how do we fix that and get our economy back on track. Well, fixing health care is going to be vitally important to do that because the current status quo is just unacceptable. Even more unacceptable is that every job lost places access to even the most basic health care coverage at even greater risk.

As I conclude here tonight, let me just say this: That in a Nation that has led the world in health care innovation, every citizen should have access to affordable high-quality care. I believe this to be true not only for moral reasons but because this is what will ensure that we remain the global leader in health care innovation in the 21st century. It also makes sure that our workers and our businesses will continue to be competitive in this global economy in which we now live.

I urge my constituents and Americans from across the Nation to engage in a real, honest, clear discussion on health care reform and to demand a universal health care proposal that puts the American people first. I am just proud to be able to join this Special Order tonight, talking about the need for health care reform. Again, I want to thank and commend the gentleman from Connecticut (Mr. MURPHY) for organizing this event. I'm pleased to be here with you, with Mr. RYAN and with all of our colleagues who care passionately about health care reform. This is our time. This is the year when we are going to fix health care in America once and for all for the American people.

Mr. MURPHY of Connecticut. I thank the gentleman who has been such a great leader on this for a very long time. I think he is right. This is our moment. But it's no coincidence that it's taken a long time to get here because there are a lot of forces that are aligned against health care reform happening here. For whatever reason, for a long time they had control of the levers of power down here. The folks that have been doing very well off the status quo have stopped health care reform from happening here for a long time. There are a few individuals out there who are running some of the big health care companies, who are down on Wall Street, who have made their fortunes off this health care system. But what's happened is they've priced their products, whether it be a drug or a medical device or an insurance plan, to such an expensive degree that people can't afford to get it; and so the cost of their fortune ends up being people's lives, people's health. So it is no coincidence that it's taken us this long to get here. There are powerful interests that are aligned against getting health care to people that don't have it.

Mr. RYAN of Ohio. If the gentleman would yield, one of the reasons is the projection for costs. If we do nothing, this plan here, if we implement or just let the Republican health care plan continue, that means an \$1,800 increase next year and down the pike. So the reason Mr. LANGEVIN thinks about this before he goes to bed and when he gets up is because we know the cost of inaction. We don't have to explain to people in the heartland what the cost of inaction is. It's an increase of \$1,800. It's more people being knocked off the rolls, more people calling our offices saying, Hey, can you help us? I just got denied coverage. It says in my policy I got covered, but now I'm not getting covered. All of this happens, and it is a cost to all of us. So I think the reason we have to act now and why it's so important is because the cost of inaction is an \$1,800 a year increase.

Mr. MURPHY of Connecticut. That is absolutely right. As I was saying earlier, some of that cost is sort of invis-

ible to people because all of the money that we send to emergency rooms to cover the uninsured, all of the extra medicine that is being practiced out there that doesn't need to be practiced that we're paying for through our Medicare and Medicaid systems is buried in the people's tax bills. The wages that people never got because their employers took all of the extra money they earned that year and sent it to the insurance company to pay for their increased premiums. So that increase in the health care system that we're going to see if we don't enact health care reform is visible in some places, to some people out there, and it is invisible in other places. I just see no way to get this economy back up and running unless we take on the high cost of this health care system.

Now it's one thing to sort of be for cutting costs in our health care system. We heard a lot of people on the Republican side of the aisle talk in unison with us about cutting cost. It's another thing to be for things that cut cost. I want to talk for just one second about the element of the Democratic plan that saves our health care system about \$100 billion over the next 10 years and is giving small employers and individuals the option, if they want to, to buy into a government health care plan—you know, not unlike the one that you and I have access to or the Medicare plan that lots of other folks have access to. All we're saying is that people and businesses should have the choice to go out there and buy a not-for-profit government-sponsored health care plan. If they think that their private insurance is better, then stay there. But if they think that maybe they'll do better on a government plan which costs less because it doesn't have to pay the big CEOs' salaries, it doesn't have to return big returns to shareholders, if they think they'd be better off there, let them go there. And our nonpartisan budget office has told us that that's going to save the health care system about \$100 billion a year. The Commonwealth Fund, a nonpartisan research group, estimates that an individual might be able to save \$1,100 a year by choosing that government-sponsored health care option. Now it's up to them whether they want to do that. But we are hearing from both our budget experts here and our budget experts outside of this building that there are real cost savings. That's why when we're looking at surveys on this issue of whether or not the public wants to have the option to buy into a public health care plan, every single survey they have done shows that 65, 83 percent, 76, 72 percent want that option. In fact, on this chart the most remarkable thing is that the highest survey here, the survey that shows 83 percent of people wanting the option to buy into a government-sponsored health plan, that survey was

done by a group called EBRI, which is essentially all of the major institutional health care companies' research arm. So even when the groups out there that are a little bit more skeptical about health care reform do a survey, they find the same thing that everybody else finds. So listen, I think that there could be some real bipartisan agreement here on cutting costs. But it's one thing to stand up on the House floor if you are a Republican and say that you want to cut costs. It's another thing to actually be for legislation that does it, that actually implements cost-cutting measures.

Mr. RYAN of Ohio. That's the money that we reinvest back into those cost-saving measures, that we reinvest back into preventive care so that kids will have dental, kids will have oral, which could be the same thing. Kids will have hearing checkups. All of these things will be included for young kids. Vision. These are all things that, as we save this money and steer it back into the front end of this program, we are going to have healthier citizens.

Now I was reading an article last night that hit me about energy, and it also makes a good point about health care. We are in a direct competition, Mr. Speaker, with China. I don't think anybody will deny that. I think we all know that we are in a direct competition with Asia and with China. In China they lose 400,000 people a year, who die because of the air pollution in China. So the point on the energy bill is, they are clearly not doing enough. At some point those people are going to say, We want clean air. And once we jump ahead in the energy field and start making these products and exporting them to China, we now have created a massive export market. But the philosophy is different because we are saying that our values, our priorities here are about putting the money on the front end, making sure everybody's covered. This chart here, the difference in the \$6,000 that we spend per citizen and the \$3,000 and some change that Canada, France and Germany spend and have a higher life expectancy is because they cover everyone. They allow people to get preventive care so they're healthier, so that they can go to work, so that they don't miss weeks at a time of work. They get the prescription, and they can go back to work.

I mean, we heard a lot over the last decade or two about family values. What is a deeper value than the health of your kids and the health of our families? There is not one. Because if you don't have health, you don't even have happiness. There are very few unhealthy happy people. When you are unhealthy, you are unhappy. So this is fundamental to the values that we have as a country. It will unleash a level of productivity in this country. All of the anxiety that people have will

be channeled and unleashed into more positive endeavors and at the same time begin to move us in a direction where we are not going to bankrupt the country. We are going to make the country healthier, more productive, create more wealth and at the same time contain our health care costs, which will probably end up saving us a lot of money in Medicare. I mean, one of the things that people forget is, all of these people who don't have health care that are older, that think, I'm going to wait until I get on Medicare; and then once they get on Medicare, the problem is exacerbated. The cancer has spread, and a variety of other problems ensue. So this is an opportunity for us to say that as we try to compete in a global marketplace, we have the opportunity to enhance the intellect, the productivity and the health of our citizens.

Mr. MURPHY of Connecticut. You know, there are a lot of really great companies out there who have figured this out. I think of a company in my State, Pitney Bowes, who has been a leader in health care reform because they've figured out over time how much money they were losing to sick workers, how much productivity they were losing because they had a health care plan that somebody else was administering out there that had a financial incentive to deny care. So they decided that they were going to take on their health care plan themselves, that they were going to put health care clinics in their facilities, that they were going to put health care close to their employees, that they were going to give rewards to employees that worked out, that invested themselves in keeping themselves healthy. There are companies out there that have figured out really great models to provide better health care, more immediate on-site care for their employees; and they have benefited not just because they feel good about keeping their employees healthy but because their bottom line has been strengthened by the fact that their employees are healthier, showing up for work more often and ready to produce and ready to compete.

You mentioned the fact that this health care system is going to bankrupt this economy. Right now we're spending 17 percent of our GDP on health care, and economists are telling us that in the not so distant future \$1 out of every \$3 that we're spending in this country is going to be on health care. That is just unsustainable. But on a much more local level, these are personal bankruptcies too. We think of bankruptcy in this country as, you know, being somebody that went out there and bought too many snake oil securities or made a real bad bet in a real estate investment and then all of a sudden they've gone belly-up. No, Mr. RYAN. You know this. Half of the bankruptcies in this country, half of the

families that have to go into bankruptcy do so because they had an unexpected medical cost, a cancer or a terminal disease that bankrupted their family. Lives, families devastated through no fault of their own, just because they got sick and they either didn't have insurance or they had insurance that wouldn't cover the full extent of the illness.

□ 2015

The dirty little secret out there is that a lot of insurance plans, you may not know this because it is in the fine print, have a lifetime limit on the amount of money they will spend on you. So you're okay until you get really, really sick. But for that 1 or 2 percent of people that are spending millions of dollars on their care over their lifetime, your insurance runs out even if you think that you have it.

So this is about individual people whose lives are shattered, shattered by having expenses that they can't control. That is what this health care reform is about as well, Mr. RYAN.

Mr. RYAN of Ohio. And when you look at the company you were mentioning, no co-pays on prevention, no rate increases for preexisting condition, there will be a big sigh of relief in this country when this is passed. An annual cap on out-of-pocket expenses, and we are saying to people in America, in 2013 or whatever the date is that this gets implemented, you will not go bankrupt because of a health care condition that you may have or a member of your family may have. It is said and done. That is what this bill is about.

Mr. MURPHY of Connecticut. Mr. RYAN, it is not that we are not going to ask people to contribute to the cost of health care. We are talking about caps on the amount of money that you're going to contribute. But we are still going to expect people to step up to the plate and pay for part of health care, to have a little bit of exposure and scratch in the game themselves. And that is important. It is important to have shared responsibility.

Nobody is talking about the government coming in here and either taking over our health care system in general or paying for everybody's health care or even asking insurance companies to pay for 100 percent of health care. We want individuals to have some scratch in the game. We just don't want it to end their lives.

Mr. RYAN of Ohio. Exactly, and flip their families and send them out of their homes and the whole ripple effect that happens. And there is another point to this that is in here but it is not in here. As we talk about prevention, and there's great sections in here about community health clinics and different preventative measures that are going on and that we are going to continue to promote preventative medicine and public health training grants

and those kinds of things that I think are very, very important to what we are trying to achieve here.

It is sending a signal, and I think President Obama has been sending a signal, people have got to take care of themselves as well. This is not just, okay, you can now do whatever you want and you're going to be covered. Like Congressman MURPHY said, Mr. Speaker, each citizen will have skin in the game, and their health care decisions at some level will affect what they pay. But what we are saying is, we will be helpful, you will contribute, there will be shared responsibility here, and at the time you have to do what you need to do to take care of yourself.

And we all have that responsibility now as we have the demographic train coming down the pike with baby boomers going into Medicare, going into Social Security and all of these issues. We have got to be a lean, mean, productive economic force in the world so that we can drive our economy and help pay for a lot of this debt that has been accumulated over the course of the last 8 to 10 years and move us forward.

But, again, we know the cost of doing nothing. We know exactly what will happen. Health care bills will go up another \$1,800 on average next year and as far as the eye can see. Again, this is not a plan. This is our friends on the other side; this is their Republican health care plan, a bunch of lines going to a bunch of question marks and back again and maybe, you know, at some point, maybe off the chart somewhere there is a solution there. It hasn't worked.

They had an opportunity here when they controlled the House, the Senate, and the White House to implement whatever it is they come up with. Maybe they have a couple of these squares they can fill in. But whatever it is they came up with, they had a chance to implement it. And now it is Johnny-come-lately, and we are going to get this done. And I think the President is committed to this; we are committed to this.

Every time I go home, I meet thousands of Delphi employees who have been left behind in the GM bankruptcy, both salaried and union, and steel workers who have lost their jobs and had their pensions cut in half, those in the PBGC, lose their health care. This is what this is about. Those are the people that will benefit from this, Mr. MURPHY.

I want to thank you as we wind down here for the opportunity to do this. We will be here tomorrow and possibly Friday and next week, day in and day out, because it is that important for us to pass this. I really believe that the health and welfare of our country depend on it. And I think that the energy bill and with this, I think this is transformational for us and I think a great

opportunity for places like northeast Ohio.

And I yield back to my friend.

Mr. MURPHY of Connecticut. I thank you for joining us here. We will be down here talking about this because it is so important to get health care for America. As you said, our friends on the other side of the aisle had 8 years to get this done. And people may say, well, Mr. President, you're taking on a lot really quickly. But we are paying for the costs of inaction. We are paying for the costs of a Republican Party which for whatever reason decided not to do much about the cost of our health care system.

And we are going to get this done. We are going to get this done so that nobody loses their livelihood, nobody loses their access to the apparatus of opportunity just because they get sick and can't afford to treat themselves. We are going to lower the cost of doing business. We are going to lower the burden of the cost of living for families, and we are going to do it this year.

And with that I yield back.

HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. ELLSWORTH). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. I appreciate the privilege of being recognized here on the floor of the House. And I would be happy if I could borrow the poster from Mr. RYAN with all of the question marks on it, because I have the one with the Democrats' answers on it. And I think what he has done is perhaps looked at these question marks and created, I'm not sure who actually comes up with these things, and decided that he would produce government solutions for all the question marks that could be produced on the poster that he has delivered here earlier in this hour.

And so I have here something that looks to me like the basis of it, which is HillaryCare, and I believe if I go back to my office in Iowa and I dig through my archives from my construction company that was seeking to thrive during the Clinton administration, I have in there the very poster that was laminated that showed the entire flow chart of HillaryCare which was presented to the American people and rejected by the American people. It has got to be, once I compared the two to the template, for what we have here that is produced off of this bill.

There really aren't question marks with what Republicans want to. We have more ideas than we can agree upon. I will concede that much. We have sought to improve health care, but we fought Democrats every step of the way. Now it is clear that when you

look at the differences between the proposals that we have and what it is that they are poised to vote for, here is what will happen. You will hear all kinds of platitudes about how we can't stimulate the economy and grow our way out of this situation that we are in unless magically the solution that arrives is "let's go to socialized medicine and that is going to fix our economic woes." Somehow when I hear that said, I can't connect it, Mr. Speaker.

I'm listening to the dialogue that comes out, and with such great self-confidence it flows. Let me see. I wrote it down. I was listening to Mr. MURPHY from Connecticut, and he said, let me see, I see no way to get this economy back on track unless we fix health care. Fixing health care means nationalizing health care. It means turning into socialized medicine. And what goes on, if we look at the flow chart here, is the Health Choices Administration, HCA, just a moment, I will get this back where I can read it too, Mr. Speaker, the Health Choices Administration, HCA sets up a commissioner. There is a health insurance exchange that would presumably broker health insurance through this exchange. It's kind of like where you might trade on the Board of Trade for a commodity like corn oil or beans or gold. And they want to trade traditional health insurance plans that would be in there and then a public health plan matched up against it. Now that is the center piece of this proposal.

And what it really says is that they want to establish a government health insurance program that would compete directly with the private health insurance programs that are out there. And we have hundreds and hundreds of those insurance programs that are out there, and if I remember correctly, the number that I have seen was 1,300 different companies competing in health insurance and the health insurance business. That is a lot of competition. It is not a little competition; it is a lot of competition.

If you believe competition brings out the best in us and the markets that are driven because of the competition and the demand that is there, then you have to know that there are a lot of different models that have been tried, and there may be some good models that weren't marketed very well, and there may be some bad models that were marketed well, and there may be some other alternatives out there.

But this I can guarantee you, Mr. Speaker, if there is a better idea in how to insure health care in the United States of America, it will not come from government. Government doesn't provide solutions. The creativity is not there. And this proposal that comes from the Democrats that was just unleashed on America yesterday has within it a series of presumptions on how they are going to save money on health care.

One, if we listen to the gentlemen that made their presentations here within the last hour, they would tell you they are going to squeeze the profit out, that there are people that are actually making money by providing us the very best health care in the world, and we surely couldn't have that. We couldn't have people that are making money doing this.

I don't know where people get incentive. We have good hearts. We are altruistic people. But it is nice to have a little profit so that you can justify going to work. Otherwise you might just stay home and raise the kids and work in the garden, go fishing, golfing, mow the grass, whatever you do. If you squeeze the profit out, people are going to quit going to work. And that is what they suggest is going to happen. Squeeze the profit out, take it out of whatever might be there for the insurance companies, take whatever might be in the profit for the health care providers, our doctors and our nurses and our administrators and all the people that work so well in the health care industry—and by the way, let's acknowledge the volunteers, the EMTs that are out there on a daily and nightly basis. They deliver more regularly than the mail does, rain or snow or sleet or hail. Nothing stops them from going out to save people's lives and increase the quality of our life.

But into all of this mix, they propose that we upset the very, the largest and the best health care system in the world. To what purpose? Fix the economy? Mr. MURPHY would have you think that because he says that he can't imagine getting our economy back on track unless we fix health care.

Here it is: "I see no way to get this economy back on track unless we fix health care." This is something that was amazing to me, Mr. Speaker. I listened to, at the time, it was Senator Obama, Candidate Obama, arguing to the American people that they should elect him President because he is going to fix all of these things that aren't functioning with government and that the economy will work better if we just simply nationalize our health care plan.

Now, I will concede this point: this Nation spends too high of a percentage of its GDP on health care. It is too high if you compare it to other countries in the world. But it is not too high when you are someone who needs that care, when you have cancer in the family, when you need some emergency heart surgery. We are not a country that waits in line for health care. But the countries that are mentioned here do wait in line. Canadians wait in line for health care. The Europeans wait in line for health care. Those in the United Kingdom wait in line for health care.

One of the gentlemen, I believe it was Mr. RYAN from Ohio, said that people

delay getting health care services until they qualify for Medicare, then the cancer spreads and presumably it is a bigger problem. "The cancer spreads because people wait until they qualify for Medicare" was what the statement was.

But it is a fact that if one is diagnosed with cancer in the United Kingdom, your life expectancy is, on average, 18 years less than if you are diagnosed with cancer in the United States.

Now I wonder how the gentleman that gave the presentation the last hour would reconcile that, and I will use that, that dirty little secret, about how much better our care is for cancer patients here in the United States and how much longer our life expectancy is than it is in a place like the United Kingdom. Presumably they have a similar health care plan to those in the European Union. And their answer will be, the life expectancy of Canadians and Europeans is 1 or 2 or 3 years longer than the life expectancy of those in the United States.

Well, that is typical liberal logic, Mr. Speaker. They would look at one statistic, and if that statistic could support the argument they want to make, they don't look underneath that to ask the question, why would the life expectancy of a Canadian be longer than the life expectancy of an American by 1 year, I think that data was. I didn't get to see the chart.

The first thing you need to do when you hear some data like that is ask some other questions like why? How could it be if one is diagnosed with cancer and lives to 18 years longer in the United States than if you are under the socialized medicine program of the United Kingdom, then how can you then equate that the life expectancy of someone in the United Kingdom is going to be longer than that of the United States because they have access to health care when that health care supposedly cures their cancer, but they are dying 18 years sooner?

□ 2030

Could it be, Mr. Speaker, that there are other factors involved that reduce the life expectancy here in the United States? How many of us die violently in accidents, for example, compared to those in Canada? How many of us die of addictions like abusing illegal drugs or from alcoholism? What are the ratios of that? How many die of suicide? I wouldn't think that is a situation that's going to be solved by a socialized medicine program, except I'm just willing to bet there's something in the flowchart here to expand the mental health that I might have overlooked in this nasty-looking, modern-day, technicolor, expanded and exploded version of the former Hillary Care.

It is here somewhere, I'm confident, how they would address the mental health situation. And that is an issue,

and it is an issue we can certainly talk about how to address. But when you carve all of these things out of the statistics, I'd be willing to take the stand at the life expectancy of Americans who take care of themselves similar to the ways that Canadians take care of themselves is equal to or better than that of Canadians or Europeans.

And otherwise, what is the variable? If they're dying 18 years sooner from cancer in Europe than they do in the United States, then would there be some other illness that counterbalances that? Maybe it's diabetes here in the United States because we may tend to be a little heavier, and I believe we do tend to have diabetes more often. Put those factors into place, but don't just throw a blanket number out here and tell us that you have to upset the best health care system in the world because you've got one data point that you can point to without looking underneath that data point to draw a legitimate conclusion from that data.

This is a typical approach.

Let's see. If I go on, the dirty little secret from Mr. MURPHY. There is a secret limit to what insurance will spend on you. You know, I don't know that that exists, and it implies that exists in every health insurance policy in the United States. I expect it exists in some of them. I'm confident it doesn't exist in all of them. But here is the real little dirty secret that is in this bill and this broad, exploded, technicolor floor chart that's built off of the foundation of the former Hillary Care plan that came out in about 1993.

Part of the secret is this. They intend to tax the middle class workers in America and some of the working poor in America—in fact, probably all of the working poor in America—to fund this outrageously high-priced socialized medicine plan. And how will that work, Mr. Speaker? And here's how it will work.

There will be a surcharge, according to this bill, that will be imposed upon the payroll of employees. Now, the employer is asked to pay the tax, 8 percent that would be put upon the payroll. It would be calculated off of the wages of the employer's workers in order to fund the health insurance plan for those employees if the employer doesn't provide the health insurance for them.

Now, to make it simple, they want to tax the employer who doesn't provide health insurance for the employees. Now, that may sound good to people who don't have health insurance. It may sound good to someone who a little begrudges their boss and maybe the lack of generosity on the part of their boss, but here's what happens. And I will just draw this comparison so we can think of it in relative terms.

The Social Security that we pay, the payroll tax that we pay, all of us on our payroll, up to whatever the cap is,

is considered by economists to be—even though it's 50-50, and I've many times sat down and done the math formula making out payroll for my own employees. I would multiply .0765. That's half of the payroll tax, and that came out of the employee's side. And then that same .0765, which adds up to 15.3 percent, employer's half came out of my side. I would look at that and I would say, that 7.65 percent out of the employer is something I'm actually paying to the employee. It's the cost of hiring that employee. It's a fixed cost that comes with it.

So regardless of whether I take it out of his check or my check, it's all money that I would be paying that employee if it weren't going to the government. It is a tax on his earned wages, his or her earned wages. And so I've always viewed it that way, as the payroll tax being a tax on the earned wages of the employee and the limiting factor on how much I can afford to pay the employee.

Let's say you can afford to hire someone who will return for you \$30 an hour, and if you pay them in total cost of their wages, their overtime wages, the payroll tax, the benefits plan that you have, whether it be health insurance, retirement plan, whatever else it may be, all of those costs—including the lost time that's in transition, the lost time in production in coffee breaks and all of those things that have to be added in, the inefficiencies are added in. Let's say all of that adds up and it costs you \$20 an hour to have this employee hired and you can make \$30 an hour off of having that employee. Now, there's a little margin there to work with. And of course you have other factors involved to take that profit to apply to, such as the overall overhead of the company, and the list goes on.

But let's say it costs you \$20 an hour to have this employee working for you and he's making \$30 an hour, and you can make that work and have a little margin for profit and apply some of that overall margin to your overhead, your own administrative costs, and along comes the government and says, Well, I'm going to tax you \$10 an hour for this employee.

Now they've taken entirely all of the cushion that was there and the necessary profit that you have to have to fund other parts of the company from that and the profit that you have to have to build enough capital so you can offer somebody else a job, and government takes it all away. Now, what's an employer to do? I will tell you exactly. He has to lay off the employees that cost him more money than they are making. You can't sustain yourself that way. You can bridge these gaps over time and things go up and down, but over time, this will all be reduced down to can you afford to have the employee or can't you.

And one of the ways that you adjust that affordability is if the Federal Government adds \$10 on to the cost of keeping the employee. You have to look at that in terms of, then, if that eats up all that you have to work with, then you have to look at lowering the employee's wages, or more often it happens, you simply don't offer the raises at the same time you might have otherwise. This comes off the backs of the worker.

Democrats want to tax the working poor and the working middle class and the middle and upper class Americans to pay for a health care plan that I believe is completely misguided, that doesn't fix what it's designed to fix and surely will not fix this economy.

We have to know that their approach to the economy is so far off that more of the same is not going to solve the problem. These are a bunch of Keynesian economists here that are in charge of the country today in the White House, in the House of Representatives, and in the Senate, and they believe, like FDR believed, that if you could just borrow enough money and pour it into this economy and replace jobs in the private sector with government jobs in the public sector, that somehow you could stimulate this economy and get the engine or this economic engine running again.

Mr. Speaker, I can find no empirical data out there that consistently supports the idea that we can borrow money from our children's and grandchildren's future, and actually borrow it directly from the Chinese and the Saudis, while we're at it, and dump that money into this economy and stimulate the economy so that it grows.

Back to the 1930s, I thought—and I believe there's been a definitive experiment that's taken place with Keynesian economics, this borrow money and dump it in in government jobs and grow government to compensate for a shrinking that has taken place in the private sector.

And if we go back to Henry Morgenthau, who was the Treasurer for FDR back in the 1930s, he objected and he said, What have we to show for this? We borrowed money. We spent money like nobody has spent it before, and we haven't created any jobs. We have nothing to show for all of the money that we have spent. And he was the believer, he was the mouthpiece for FDR's Keynesian approach to the New Deal. The New Deal that I was taught was a good deal when I went to school—and, of course, I went back and actually studied the data and came to an informed conclusion rather than just simply a cursory statement that reinforced FDR's New Deal program.

The father of this, of course, was John Maynard Keynes, the father of Keynesian economics. And he—throughout those years, he was very in-

fluent in the 1920s and 1930s and less so in the 1940s, although America was distracted from economics during that period of time. But Keynes said that he could solve all of the unemployment in America. All we needed to do was go find an abandoned coal mine and go out there and drill a lot of holes down in that abandoned coal mine and fill those holes full of American cash, greenbacks, the dollar, drop cash down into those holes, fill them up again, and then fill the old coal mine up full of garbage—this is his story—and turn the entrepreneurs of America loose to go dig up of the money. It would create all these jobs in digging through the garbage, digging down through the holes, finding the money, keep everybody busy, and the entrepreneurs would find that money eventually—and probably all of it somehow—and it would keep everybody busy and they would all have a job and they would all have money.

And I know that it was a facetious model. I know that he drew that description as, let's just say, a facetious model that would illustrate how ridiculous it can be. I think he began to realize this later on in his career how ridiculous it can be to put government in to make work and to put government into the business of intervening between the private sector. That's what's going on here in America.

But the dirty little secret, to use the phrase used by Mr. MURPHY from Connecticut, is not that there is a limit on what an insurance company will provide and that they will shut off their health care. What the dirty secret is, Democrats have committed to taxing the working people in America to fund their trillion-and-a-half or more health insurance plan that is designed to crowd out the private sector insurance companies in America, the hundreds and hundreds of them that are providing such a good job and such a highly professional service. And it comes down to the health insurance exchange and those qualified health benefits plans that exist today competing against a proposed and newly created public health plan that would crowd out our private health insurance here in America as we know it.

We have a model we can look at to learn from this. Otto von Bismarck established a national health care plan in Germany before the turn of—into the 20th century. My guess is 1898, but I suspect it was actually before that. I know that it's the oldest national health care plan in the world. And then it didn't cost very much because medicine hadn't developed very far. But they do have private health insurance in Germany, but what it is, it's 10 percent of the market. And the national plan, the required plan has crowded out all of the private health insurance in Germany except for about 10 percent. And the people that have that 10 per-

cent are those who are self-employed, that run businesses, that have found a way within their business to go out into the marketplace and buy some health insurance that provides them perhaps a little better care than they get out of the government plan.

So that's what we can expect to happen with the insurance companies here in the United States should the Democrats in this Congress, in the House and in the Senate, and in the White House get their way, Mr. Speaker. We will see these proud, important, independent health insurance underwriters, their companies, these people that are doing this business, this service on Main Street in many small towns in America and across this country, we will see them shrink down, drop off one by one, companies dropping off one by one. Some will go in one fell swoop. But they're looking at almost the death knell of their industry if this socialized medicine plan gets passed by this Congress.

And yes, they will try to find a little niche in the market, but it isn't going to happen in the end. Some will find their way, but they will be narrowed down like they were narrowed down in Germany.

And we won't have the people that are answering the phone at 7 o'clock at night going over to someone's house to sit down and talk through their health insurance plan with them, helping to nurture them and helping inform them as to the situation. It will be a government bureaucrat that punches the clock, and there will be a lineup outside the door. We know how this works in government agencies. There will be a lineup outside the door.

And that bureaucrat will take the appointments at the appointed time, usually. And when it's time for the coffee break in the middle of the conference, they will get up and go off into the break room. They will have their little coffee break and it will last all of 15 minutes, and when it's time for the lunch hour at noon, the "closed" sign goes on, the bureaucrat walks out the door and goes off down to the bistro or wherever to have lunch with his other bureaucrats. He or she shows back up again at 1 minute to 1 o'clock and opens up the door again and starts through this process.

□ 2045

And the American people will not be able to compete. They will not be able to go someplace where they're treated like a real human being customer. They will be treated by a government bureaucrat.

Don't we have 300 million Americans who have experience with bureaucrats? Don't we know what that does to the attitude? Bureaucrats have an attitude. It's the nature of it all. It's because they have a monopoly. People that have a monopoly have an attitude,

and whether they're in the private sector or whether they're in the public sector, if it cashes out the same for being nice as opposed to being not so nice, to being the same for providing happy, friendly service, compared to providing that grumpy, reluctant service, we know the result. People like that often gravitate towards the government.

We'll create this great big massive technicolor flowchart of interrelated government agencies. And by the way, the ones in color are the new ones. The ones in white are existing. Medicaid, SCHIP, Medicare, they're existing. Go on down the line, through the private insurers, they're existing. Traditional health insurance plans, they're existing, but they get shoved into the qualified health benefits plan, but they have to write a plan that actually qualifies, too, which takes some of these people out.

These are existing government. Here are the departments: Treasury, Health and Human Services, Veterans Administration, Defense Department, Labor Department, here's Congress, the President, Institute of Medicine exists. There's the National Health Service Corp., they're there. States, all these programs.

And the ones in white are existing. The ones in color are created new. All of those that are in color, that's thousands and thousands and thousands, Mr. Speaker, of new bureaucrats, new bureaucrats who will be handed this monopoly, and they will be in the business of not only taking customers in and writing their insurance plans in the pace that they see fit, because they're government after all—what government office stays open after 5 o'clock on any working day? What government office would ever think of coming in on a national holiday? What government office would take a look at how they're going to retool their service so they could compete with higher competition, so they could expand because they could compete better? They won't do that because they're handed a monopoly, and if they can't compete, then they will be subsidized more by the taxpayers in America.

And we will be trained as a people to line up outside the door, patiently wait our time, take what we can get, not be able to shop around because these qualified health benefits plans that come from our traditional health insurance providers will be squeezed out. And by the way, that squeeze-out that will come will not be an accident; that's the result of people who really didn't think through what they were doing to the American people. It will be the willful, premeditated result of the people who happen to have the gavels in this Congress now and the power in the White House now who believe in socialized medicine.

They want to adopt a policy that's a socialized medicine policy, and they

want to kill the private sector because they don't believe in it. They believe that government provides better than individual competition, free markets and people provide, and that's the great divide in our two approaches here, not a chart with question marks on it. Those must be things that were confusing to Mr. RYAN, the chart with all of these new bureaucracies on them.

And I would say, Mr. Speaker, that it's a chilling thought to think that my children and my grandchildren and their children and every generation beyond them might be receiving their health care standing in line in front of a government agent who hangs the closed sign the minute the clock ticks past the appointed hour, regardless of how long the line is.

We're a people that will be conditioned to a lot of things, but standing in line is not one of the things that Americans do well. We have to do that when we get on an airplane now to go through the security at TSA. And I look at that and I watch that, the security line, and sometimes I wonder how do they ever get Americans to stand in line like that. We don't do that. We'll stand in line to get into a ball game. We will stand in line to get into a concert. We'll stand in line to vote. And now we will stand in line to get on an airplane. And if this broad exploded Technicolor Hillarycare expanded plan gets passed by this Congress, you know it will be signed by the President. He wants a bill to sign, and I don't think it matters what's in it. Americans will be standing in line for their health care, not just in the offices to get signed up to be part of the public health plan but lined up in emergency rooms, clinics, hospitals, all across this country or in a queue that doesn't show up so much, not one that you can see that's clearly tangible until you look at the long lists that will be there because it's an inevitable result that socialized medicine produces rationing of care. It's been a fact wherever it's been tried. It's a fact today wherever it exists, and it will become a fact in the United States of America should this program that was unleashed on us yesterday be made law.

Here's another place where they think they're going to save. They're going to save money by rationing care, getting you in a long line. Places like Canada, United Kingdom and Europe, people die when they're in line. There are plenty of examples of that.

I listened to the gentlelady talk about some anomalies that justified to her socialized medicine. Well, they would describe those who die in line in Canada or the United Kingdom or Europe as being just simply anomalies, that somehow the system let them fall through the cracks. The families that lose their members don't think that it is just the system that fell through the cracks. It's a real life, a real loved one.

Someone whose health care is rationed by formulas that are created by bureaucrats, the bureaucrats that will close their door at the appointed time, could be the health choices administration commissioner; could be coming from the bureau of health information; it could be the "national priorities for performance improvements".

When I see national priorities, we know that some of the national priorities will be they want to spend less money on certain types of care. That will mean that people will die because they weren't a high enough national priority. They've already got it here in the bureaucracy. National priorities for performance improvements, it says. Well, here's how they want to improve their performance, and by the way, I endorse some of these things as being good ideas. I just don't think that government can run it and make it work.

They want to expand the information technology in their health care. I agree with that. I think we ought to have interconnected health—the health records so that if someone gets sick from my district who happens to be in Speaker PELOSI's district in San Francisco, they can put their health care card into an Internet-connected security database and find out what prescription drugs a person might be on, find out what they've been treated for and be able to save lives accordingly and provide efficiencies accordingly. And I think it could reduce the numbers of those people that are going around and shopping for prescriptions if we had a central database. And I believe that is being developed within the health care industry and not fast enough to suit any of us, I don't think, including the people that are developing it.

But info tech is a good thing, and it can be used in a lot of good ways, and you don't have to have socialized medicine to have information technology.

Second item that they would save money with would be comparative research. Good, we're doing a lot of comparative research. They're earmarking comparative research. We're earmarking comparative research although you don't see it much because this place has been—this floor, there's not really legitimate debate on this floor because this House has been shut down by the Speaker and the Rules Committee. I have to inject that in. Special Order and 1 minutes is about the only place where you've got an opportunity to have these kind of discussions, Mr. Speaker.

Comparative research is good. The other countries can do a little more research and that would be great. But what happens is we do the research in this country. All of the progress—I put it this way—much of the progress that has been produced by the pharmaceutical companies and the innovations that have come on to the health

care markets within the last generation have dramatically transformed the way we provide health care in this country. The research and the development is predominantly paid for by American users of pharmaceuticals, and the beneficiaries of that research are the people in the countries like Canada, United Kingdom and Europe where they do negotiate for a cheaper rate and where here in the United States we're paying too much of that. We can fix that without socialized medicine, and I'd like to see them pay a greater share of the costs of the research and development that goes into making these wonder drugs that we have today that do extend people's lives.

And I would add that those people in those countries that have a longer life expectancy are probably using American research and development pharmaceuticals. They might be made in a foreign country, but a lot of them are produced by the R&D here in the United States, and they're the beneficiaries of it as well.

Third thing they would do to save money on health care is more prevention and wellness. Mr. Speaker, you don't need to socialize the health care system in United States of America in order to have more prevention and wellness. That's something that is emerging. It's emerging in our culture. It's emerging with some of the health insurance providers we have in this country who are packaging up proposals in different ways to provide incentives for the insured to live a healthier lifestyle, to get regular checkups, to go across the scales and watch their weight and, let's say, avoid some of the vices that shorten our life expectancy, and letting that be reflected in the premiums that are being paid.

But I can guarantee you, Mr. Speaker, that this public health plan of the health insurance exchange is not going to have those incentive nuances in there. It's the private sector that's going to produce those things, and we need to encourage them to do that.

So they have borrowed some ideas from the private sector, but the idea that they've borrowed that is the centerpiece of this is the idea of expanding Medicare to reaching across the generations and reflecting the model of socialized medicine that exists in Canada, the United Kingdom, Europe. We could keep going further east I think, Mr. Speaker, and might end up with something that's a little closer to what they're talking about.

So we're a country that has thrived on free enterprise. We need to continue to thrive on free enterprise, and the idea of socialized medicine is an idea that's abhorrent to Americans. The idea of standing in line waiting for a bureaucrat to approve your health insurance premium is also abhorrent to Americans.

I went over and visited Russia earlier this year, and as I traveled around Moscow, Mr. Speaker, I saw something there that was kind of a phenomenon that exists in Russia that I'm afraid might exist in the United States if they pass this socialized medicine. And that is, that if you watch the Russians walk around Moscow—I didn't go much beyond Moscow—so they walk around out there with their shoulders hunched, looking down at the sidewalk. And I see people on the streets of Washington, D.C., do that all the time, but they're looking out for all the cracks and bumps and holes that we have. It's a matter of survival here. Where I come from we look people in the eye when we walk down the sidewalk. We bid them good day, good morning, good afternoon, nice to see you. We're friends and neighbors working together.

And it doesn't happen in that country. They look down and their shoulders are hunched, and they wander around, and if you sit and watch them, they will wander around. You can follow one of those fur coats and a hat, and it will lead you to a line, and they go get in line. They stand there. And then the line moves slowly. And I stood in line for nearly 2 hours, even as a Member of Congress, to walk into their legislature, the Duma, and they knew we were coming. And I see the other Russians standing in line a lot longer than I was. It looks to me like they go find a line and stand in it, and then they get to the front of the line and find out why they're there, do whatever it is, buy their toothpaste or whatever, and then go find another line and stand in it.

It looks like the Russians, to me, are conditioned to go to from line to line, standing in line. It reminds me of that story of where you see someone will go out in the street—it's a comedy routine from back in I think the 1950s or 1960s—and stand on the street in New York City and look up into the sky and just stare into the sky. And someone else would come along and look, and someone else would come along and look. And after a while, there's a whole crowd of people looking up into the sky, and the original person that was looking at nothing, steps back, smiles. Well, he's drawn a crowd by doing that.

Just standing in line in Russia draws a line behind you. It doesn't really—I mean, without regard to what's in front of that—and I know they have to talk to each other and figure out if they're wasting their time. Human nature is human nature.

We're going to create line standers in America, people who capitulate to the system, submit themselves to the system. And I will argue that the health care system we have in the United States, some of the problems we have is because we have too much government and we submit too much to the

system, and the individuals who are receiving the health care don't have enough vested interest in, not enough skin in the game, to be able to use their incentives that should be there to do a better job of evaluating the costs.

So what should we do? And I will provide some answers here, Mr. Speaker, on what we should do for health care.

First and foremost, take a look at our health savings accounts. We did that. We put that in place as Republicans, as a Republican majority in the House and in the Senate, and it was signed by President Bush. And who comes out against health savings accounts today? Well, they don't comport very well with socialized medicine, Mr. Speaker. So that's something that's probably going to go.

□ 2100

Probably not going to be in this flow chart here that—I don't see the health savings account. Now I've not read the whole bill, and I don't know that I'm going to put myself through that.

But we passed health savings accounts. And it stands today this way: if you are a young couple at age 20—I do this because round numbers, I can figure—at age 20, and you put in the \$5,150 for a couple into a health savings account, tax-free, first year. And then that groove being indexed to inflation grows each year since then. And we're in about year 6, I think we are. Maybe year 5.

You put that money, the maximum amount in the health savings account every year and spend \$2,000 out for reasonable health care costs and grow this account at around 4 percent, and when I did the math on this, that made sense. Today, it doesn't quite make sense. It will again.

Grow that at about 4 percent. If that couple would work and put the maximum into their health savings account every year from age 20 to age 65, they arrive at Medicare eligibility with about \$950,000 in their health savings account. Now that's a pretty good deal.

But I can tell you what the Democrats in this Congress want to do with that if they get their hands on that money. They want to tax the \$950,000 in the health savings account. They'll tax it then, before you can take it out, because you won't really need much of it, if any of it, anymore. Or, they will take it out of you in inheritance tax when you die.

You are not going to be able to avoid Democrats increasing taxes on you. And that's one of those dirty little secrets, is your health savings account will be taxed, by the ideas of Democrats, either when you die or when you try to take the money out when you retire.

Here's what I propose: let's increase that amount. Let's increase that amount to the point where that couple can arrive at age 65 with enough money

to buy paid-up Medicare replacement insurance policies, policies that they own. Or maybe a transition policy that they have owned throughout their working lives that's theirs, that is transportable, that can go with them, a policy that they own, and let them transition into a lifetime health insurance plan and be able to use their health savings account to purchase that full up.

That's one thing we should be able to do to give people back some freedom. And I can tell you what it costs today if you wanted to buy a Medicare replacement policy at age 65. The liability—the present value of that liability of Medicare replacement at age 65 is around \$72,000 this year. That's about where we are.

So it gives you an idea if that \$950,000 were in a 65-year-old couple's health savings account today, they could write a check for \$144,000 and buy a paid-up Medicare policy and take the difference—let's just call that \$800,000—and I would want them to have that tax-free and go off and retire, travel the world, will it to their children, buy a new convertible, whatever they want to do, and give them their freedom because they've earned it by being responsible.

But the problem that we have is the Democrat plan takes away the responsibility of the insured, of the individuals in this country, and puts it on somebody else. It puts it on the employer that says regardless whether your employee wants to sit down and market his way through a health insurance plan—his or her—regardless of that, if they don't have health insurance provided by you, then we're going to tax you 8 percent on that payroll. And I said earlier that comes out of the worker. That's wages he is not going to get. The employer has to crank it out of the worker because he is paying all the market can stand on the wages that are there. So, we tax small business, we're going to tax workers.

There was the issue raised of pre-existing conditions. We can do some things with preexisting conditions without adopting socialized medicine.

But here's a point that was made by the gentleman from Arizona yesterday, JOHN SHADEGG, who is a leader on this health care policy that we have. He said, If you like your health insurance, and over 70 percent of Americans like the health insurance that they have, if you like it, then get ready to lose it, because you will lose it under this Democrat plan.

In this flow chart is the trap that you will be sucked in from here, over here to the public health care plan. And when President Obama says, If you like your health insurance, if you like the plan that you have, don't worry, you get to keep it.

Well, Mr. Speaker, you get to keep it for the first minute that President

Obama signs such a bill, and probably the first hour, day, month, maybe even a year. But maybe not. Maybe not. Because most of the health insurance in this company is provided through people's jobs through their employer who brokers it. And there are long, deep reasons for that that I won't go into tonight.

But the President can't say you get to keep your health insurance plan because he doesn't make that call. If the government model, this public health plan here, if that model is financially advantageous for the employer, if the policies that the employer are paying for cost the company more than the policy that's offered by the public insurance plan, an employer will almost always then drop the private-payer health insurance plans, these that are in this circle, which would become the qualified health benefits plans, drop them and adopt the public health plan.

Now how is President Obama going to tell some company they can't do that? And if you don't quite follow this yet, Mr. Speaker, I will put it this way.

Walmart announced last weekend that they are supporting an employer-mandated health insurance plan. They announced that policy over the weekend and I thought, Why would Walmart do that?

I have the press release here. Let's see. I'm going to say this. They would do that because it looks like it would help their bottom line. Here's what they said. The company says it supports the employer mandate because all businesses should share the burden of fixing the health care system. Well, I don't know what the basis is for that statement except that there must be some advantage to this.

So are we to believe that a huge company, a company that I applaud for the business model that they've creatively put together, but are we to believe that a huge company like Walmart that is everywhere would propose and support—an employer-mandated health care system is the language that they used—would Walmart support that and then not adopt the public health plan, because they already have the traditional self-insurance plans provided to 52 percent of their employees? Would they then move into a qualified health benefit plan for all of their employees because of the mandate that they have endorsed, or would they opt into the public health plan option?

Would Walmart still support the President's proposal, which is basically what has been presented here in this Congress? Would they still support it if they had to guarantee they were going to keep the qualified benefits plan? Would they still support it if there was in the bill that they couldn't drop the private provider and could not opt into the public plan, into the government plan, into the socialized medicine plan?

I think not. I think they want the best option of the two. They will fight

to preserve that. So will a lot of companies. But I think this is about something that puts pressure on some of their competition that doesn't provide as much health insurance for their employees as Walmart does for theirs. Less responsible employers, some might call that.

But there still remain a lot of uninsured in that group. Some are on Medicaid. That's true for a lot of companies that are more entry-level wages.

I don't take so much issue with that. I just point out that the idea is this: the employees of Walmart won't get to decide that they get to keep the private plan that they have today, the traditional health insurance plan in this white box that will transition into a qualified health benefit plan, most likely, if it does qualify, unless a bureaucrat says it doesn't. They'll write some new rules for that. Those employees won't make that decision. Walmart will make that decision.

So when the President says, If you like the plan you have, don't worry, you get to keep it, in truth, you should worry. JOHN SHADEGG is right: if you like your plan, get ready to lose it, because you will lose it. The public plan will crowd out the private plan and everybody will fall under the same category, and we will have health care that is rationed in America. We will have lines, and we will have bureaucrats with their nose in the air making life and death decisions on the health care that will be provided to the American people. It is inevitable. It's resulted in that every time that it's been found.

Now, I draw another comparison. The Canadians are forbidden by law to jump ahead in the line. Now if they didn't have a line, you wouldn't have to have a law that forbids you from jumping ahead in the line and accessing health care.

So when you need a hip replacement—and I have seen the data on this. I actually have to guess, but I believe what I saw for a hip replacement number was 171 days of waiting. Something in that category is pretty close, anyway. I don't know how long you wait in the United States. Not at all, if you're in a hurry. Somebody will get you in. They'll find a way to schedule it. We have that kind of service here in this country.

I talked to an individual in my district a year and a half or so ago who had immigrated to the United States from Germany. And he had had hip surgery over there under their socialized medicine plan, a German; but he didn't get his surgery in Germany. He had to go to Italy to get his hip surgery.

The European Union has queues—longer lines in some places, shorter lines in another place is—certain times that you get into a line and move closer to the front of the line. I suppose you try to get yourself in as many lines as you can.

But this individual happened to be—I ran into him when he was out picking up some things for home improvement, as I was, and he told me the story about how long he had to wait in line and what he had to do to go from Germany to Italy, get in that line and then get his hip replacement, hip surgery.

Here in the United States you're not going to have a measurable line. You might be able to get in one if you're not in a hurry and get it scheduled for convenience. But if you want that surgery, you're going to get that quickly.

Now, Canadians have an innovative thing. One is it's against the law to jump ahead in line. Those are not enforced equally across the provinces in Canada. So some people with more money, some people with more influence get ahead in the line.

Mr. Speaker, if you have ever had the experience of standing in line—and one of the easy ways to think of this is in the airport. If you're standing in line waiting to try to make a flight and you see one or two or three flight crews arrive late and they go get in line in front of you and they start going through the security—now they're actually pretty efficient at it and I know I want to get them on the planes and get these planes going. The lines would be longer if the crews don't show up.

But I stood in that line and had to back up. And the result is this: when someone gets in line in front of you, you have to back up. The line gets longer. Have you ever stepped in a line and watched the line get longer? You know that it isn't paying your time very well to stand in that line.

Well, the lines get longer in places in Canada and in Europe because you have people who have money and influence and power that get preferential treatment over those who don't have the money, influence and power.

So, in Canada it's resulted in this: some of the employers who offer a good employment package pay the wages and the benefits to their employees, the employees who have full access to the Canadian socialized medicine plan. But also as part of the package, let's just say, for example, if they need heart surgery and you're working in Toronto—just say you're wearing a suit and tie, working in a company in Toronto who puts together a good health care package, a good employment package. Here will be the wages, the vacation time, the retirement benefits. They don't get to say the health care plan for Canadian, but they do get to say, You can opt out and go to the United States.

And in their employment package will be an insurance plan that will put them on a plane in Toronto and fly them to Houston for heart surgery so that they can cut ahead of the line. They don't have to wait.

Now, what kind of a country has a health care plan that we would want to

emulate that would have employment packages that fly people all the way across the continent to give them heart surgery quickly because the line is too long in Canada?

And it's worse than this, Mr. Speaker. There are companies that have sprouted up in Canada that turnkey these things. Sometimes within the health insurance plan that's part of the employment, that says, We will opt you out of the country to get you fast health care services to the United States. And sometimes it's someone in Canada who can't wait in line to get the service.

And so there are companies there like tour companies, travel agencies, travel/health care agencies that put together the package. So let's just say that you are in Quebec and you want to go to, let's say, the Mayo Clinic in Rochester, Minnesota, to get a hip replacement, and the hip replacement line you're in in Canada is long.

Well, the travel/health care agency in Canada that's sprouted up because of entrepreneurs, you can go contact them and they will set it up. They will say, Here, let me see. You arrive at the airport here in Quebec at this time and this is your flight number and here's your ticket. And you can fly down to the Mayo Clinic and here's the hotel that you can go check into. You'll arrive at this time. Transportation to the hotel is a shuttle bus from the airport to the hotel that you'll be staying at.

□ 2115

Here is your examination from the doctor and the surgeons, and they'll do that examination, and later on in the day, or overnight, they'll start the surgery, give you the hip replacement. Here's the package on the rehabilitation therapy. Here is your trip back and your plane ticket back to Quebec. Turnkey. I don't know how long it takes, I'm guessing three to four days turnaround, give you a little therapy, send you back home again. All of that, you write one check to the travel/health care agency that's sprouted up to meet a demand that exists because of the lines and the rationing that necessarily result in government-run plans and always have.

And, Mr. Speaker, I'll go back to 1948 and 1949. I had a World War II vet hand me a stack of Collier's magazines. And he fought in Europe, the Second World War. He'd saved these Collier's magazines all of those years, from 1948 and 1949. Now, 1948 was the year that the United Kingdom established their national health care plan, their socialized medicine.

And in the magazine, each issue of the magazine had a story about the health care that was unfolding in Canada. And you can just range through some of them. I can remember pictures of people lined up outside doctors' offices, nurses that were frazzled, doctors

who were speaking into the record quoted saying, I have to see so many more patients now in order to provide enough income because I'm being paid so much less per patient, I have to spend less time with the patient, and I have to run them through and see too many patients an hour. I'm missing diagnoses. I'm not able to treat these patients the way I should be. The relationship between us is so fast that there is no doctor/patient relationship.

People are leaving the health care industry because the stress was turned up and the margins were turned down. And we have a good lot of highly talented people in this country that stepped forward to go into the health care industry, good doctors and nurses and other providers. And they're highly educated. It takes a long time to train a doctor, roughly a decade to turn one out that can start to take charge and teach others. That takes time and money. They need to be paid what it's worth to attract them into the profession and to be able to be on call in the middle of the night and on weekends and all the things that they do. And that isn't going to happen in a country that rations health care and squeezes down the prices, Mr. Speaker.

So, I would just suggest that we should think long and hard before we leap into this abyss. As I listened to the gentleman from Connecticut (Mr. MURPHY), I would suggest that he should know this, if anyone does, and that is, when you turn government loose to do something that the private sector should be doing, Murphy's Law always applies. Murphy's Law, of course, is what can go wrong will go wrong.

The incentives will not be in place to provide the quality of care, the timely service. And we don't have rationing of health care in the United States today. We don't have lines that exist in a measurable way. We don't have long lists on paper of people that are waiting their turn to get their service.

We have the best health care system in the world, and it's getting better, and we can do more with competition. We can do more with addressing the medical malpractice litigation that we have in this country that they don't have to a measurable extent in the other countries. We can do better with health savings accounts. We can do better with bringing in competition. We can allow people to expand their health savings accounts, and we can allow them to have enough money in that they can bargain down a higher co-payment and a higher deductible in order to get a lower premium.

And you roll all of this together. If you give people freedom, if you give them responsibility, if you believe in the free market system and you let the markets do what they will without interference, without the intervention of some fraudulent medical malpractice

suits that are driving up these premiums and causing doctors to do tests that are unnecessary, except to protect them from litigation, we can bring this health care down, and we can see the quality of it go up, and we can also be an inspiration for the rest of the world.

And creating socialized medicine is not a solution for an economic problem. That will make the problem worse, not better. And we are, on one side of us, we are Adam Smith free-marketeers on the Republican side of the aisle. These are the Keynesian economists on the Democrat side of the aisle, those who want to grow government, nationalize eight huge entities in America; that all happened on the watch of President Obama, the nationalization of eight huge entities.

And with that in mind, nationalization, there is no exit strategy there. There will be no exit from socialized medicine, and cap-and-tax will crush this economy as well. We must draw a line. This is it. This is the Rubicon. I'm not going across into the irrevocable policy. And those that do, I believe, will regret it the rest of their life.

With that, Mr. Speaker, I thank you for your indulgence, and I would yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today on account of a family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KLEIN of Florida) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MASSA, for 5 minutes, today.

Mr. KLEIN of Florida, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes, July 22.

Mr. POE of Texas, for 5 minutes, July 22.

Mr. FORBES, for 5 minutes, July 16.

Mr. DREIER, for 5 minutes, July 16 and 17.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. ENGEL, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Thursday, July 16, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2655. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Modification of Temporary Liquidity Guarantee Program (RIN: 3064-AD37) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2656. A letter from the Chief Executive Officer, Anti-Doping Agency, transmitting the Agency's 2008 Annual Report and Financial Audit, pursuant to 21 U.S.C. 2002 36 U.S.C. 10101; to the Committee on Energy and Commerce.

2657. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Mount Enterprise, Texas) [MB Docket No.: 08-226 RM-11494] received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2658. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to the former Liberian regime of Charles Taylor that was declared in Executive Order 13348 of July 22, 2004, pursuant to 50 U.S.C. 1703(c); to the Committee on Foreign Affairs.

2659. A letter from the Acting Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Authorization Validated End-User (VEU): List of Approved End-Users and Respective Eligible Items for India [Docket No.: 0906151047-91048-01] (RIN: 0694-AE65) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2660. A letter from the Acting Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of the 2008 Australia Group (AG) Intersessional Decisions; Additions to the List of States Parties to the Chemical Weapons Convention (CWC) [Docket No.: 090113021-9025-01] (RIN: 0694-AE55) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2661. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-123, "Processing Sales Tax Clarification Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2662. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 18-124, "National Law Enforcement Museum Sales and Use Tax Credit Act of 2009", pursuant to D.C. Code section 1-

233(c)(1); to the Committee on Oversight and Government Reform.

2663. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-125, "Records Access Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2664. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-126, "Raze Permit Community Notification Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2665. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-127, "Citizen-Service Programs Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2666. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-128, "Child Development Center Directors Relocation Fairness Clarification Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2667. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-133, "Transportation Infrastructure Improvements GARVEE Bond Financing Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2668. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-134, "Anacostia River Clean Up and Protection Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2669. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-135, "Clean and Affordable Energy Fund Balance Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2670. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 18-136, "Neighborhood Development Tax Deferral Temporary Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

2671. A letter from the Director, Office of Congressional Relations, Federal Trade Commission, transmitting notification that the Commission recently began the audit of financial statements for the fiscal year 2009; to the Committee on Oversight and Government Reform.

2672. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Temporary Alternative Size Standards for 7(a) Business Loan Program (RIN: 3245-AF96) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

2673. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Vocational Rehabilitation and Employment Program-Duty to Assist (RIN: 2900-AM91) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FILNER (for himself, Mr. BUYER, Ms. CORRINE BROWN of Florida, Mr. STEARNS, Mr. SNYDER, Mr. MORAN of Kansas, Mr. MICHAUD, Mr. BROWN of South Carolina, Ms. HERSETH SANDLIN, Mr. MILLER of Florida, Mr. MITCHELL, Mr. BOOZMAN, Mr. HALL of New York, Mr. BILBRAY, Mrs. HALVORSON, Mr. LAMBORN, Mr. PERRIELLO, Mr. BILIRAKIS, Mr. TEAGUE, Mr. BUCHANAN, Mr. RODRIGUEZ, Mr. ROE of Tennessee, Mr. DONNELLY of Indiana, Mr. MCNERNEY, Mr. SPACE, Mr. WALZ, Mr. ADLER of New Jersey, Mrs. KIRKPATRICK of Arizona, and Mr. NYE):

H.R. 3219. A bill to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to insurance and health care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROSS (for himself and Mr. MEEK of Florida):

H.R. 3220. A bill to amend title XVIII of the Social Security Act to reform Medicare coverage and reimbursement for home oxygen therapy services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. HINOJOSA, Mr. BISHOP of New York, Mr. PAYNE, Mr. HOLT, Mr. COURTNEY, Ms. HIRONO, Mr. ANDREWS, Mr. KILDEE, Ms. SHEA-PORTER, Mr. GRIJALVA, Mr. LOEBSACK, Ms. FUDGE, Mr. SCOTT of Virginia, Ms. ESHOO, Mr. TIERNEY, Mr. SABLAN, Mr. WU, Mr. KUCINICH, Mr. HARE, Mr. SESTAK, Ms. WOOLSEY, and Mrs. DAVIS of California):

H.R. 3221. A bill to amend the Higher Education Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Ms. WASSERMAN SCHULTZ (for herself and Mr. CULBERSON):

H.R. 3222. A bill to promote Internet safety education and cybercrime prevention initiatives, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUYER (for himself and Mr. BOOZMAN):

H.R. 3223. A bill to amend title 38, United States Code, to improve the Department of Veterans Affairs contracting goals and preferences for small business concerns owned and controlled by veterans; to the Committee on Veterans' Affairs.

By Mr. BECERRA (for himself, Ms. MATSUI, and Mr. SAM JOHNSON of Texas):

H.R. 3224. A bill to authorize the Board of Regents of the Smithsonian Institution to plan, design, and construct a vehicle maintenance building at the vehicle maintenance branch of the Smithsonian Institution located in Suitland, Maryland, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Ms. NORTON, Mr. BLUMENAUER, Ms. MATSUI, Mr. MORAN of Virginia, Mr. CONYERS, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. MOORE of Kansas, Mr. ENGEL, Ms. KAPTUR, Mrs. MALONEY, Mr. MCGOVERN, Mr. CARSON of Indiana, Mr. GRIJALVA, Ms. LEE of California, Ms. EDWARDS of Maryland, Ms. WOOLSEY, and Mr. CLEAVER):

H.R. 3225. A bill to help provide funds for community gardens, and for other purposes; to the Committee on Agriculture.

By Mr. KINGSTON (for himself, Mr. CARTER, Mr. ALEXANDER, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. LATTA, Mrs. BACHMANN, Mr. POE of Texas, Mr. PITTS, Mr. FLEMING, Mr. LINDER, Mr. CAMPBELL, Mr. CHAFFETZ, Mr. KING of Iowa, Mr. HOEKSTRA, Ms. FALLIN, Mr. SHADEGG, and Mr. LAMBORN):

H.R. 3226. A bill to provide that appropriated funds may not be used to pay for any salaries or expenses of any task force, council, or similar office which is established by or at the direction of the President and headed by an individual who has been inappropriately appointed to such position (on other than an interim basis), without the advice and consent of the Senate; to the Committee on Oversight and Government Reform.

By Mr. LEVIN (for himself and Mr. DAVIS of Kentucky):

H.R. 3227. A bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory; to the Committee on Ways and Means.

By Mr. MURPHY of Connecticut:

H.R. 3228. A bill to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects in the Town of Canton, Connecticut; to the Committee on Energy and Commerce.

By Mr. YOUNG of Alaska:

H.R. 3229. A bill to amend the Alaska Native Claims Settlement Act to recognize Alexander Creek as a Native village, and for other purposes; to the Committee on Natural Resources.

By Ms. MATSUI (for herself, Mr. INSLEE, and Ms. NORTON):

H. Res. 649. A resolution supporting the goals and ideals of National Community Gardening Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. STEARNS:

H. Res. 650. A resolution recognizing that country music has made a tremendous contribution to American life and culture and declaring country music to be a uniquely American art form; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

105. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 141 urging the United States Department of Defense to renew and increase its supply of essential excess and donation surplus equipment to Illinois public safety officers through the 1033 Program, the LESO Program, and the U.S. General Services Administration's Donation Program (Federal Surplus); to the Committee on Armed Services.

106. Also, a memorial of the Senate of the State of Louisiana, relative to SENATE

RESOLUTION NO. 86 memorializing the Congress of the United States to take such actions as are necessary to create a national catastrophe fund; to the Committee on Financial Services.

107. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 91 memorializing the Congress of the United States to address the issue of global climate change through the adoption of a fair and effective approach that safeguards American jobs, ensures affordable energy for citizens, and maintains America's global competitiveness; to the Committee on Energy and Commerce.

108. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 86 urging the Congress to honor the contributions of African-American slaves in the United States by declaring that every February 28th shall be designated as Honor the Contributions of African-American Slaves in the United States Day; to the Committee on Oversight and Government Reform.

109. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 101 memorializing the Congress of the United States to enact legislation to prohibit fetal torture and dismemberment; to the Committee on the Judiciary.

110. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 68 encouraging Congress and President Barack Obama to support H.R. 693, the Reaching the Star Act, creating a Suburban Transit Access of STAR line inter-suburban commuter rail to ease road traffic congestion in 100 communities from Joliet to O'Hare International Airport, providing safe and reliable transportation options for the more than 1.6 million area residents living in high-congestion areas; to the Committee on Transportation and Infrastructure.

111. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 44 urging the members of Congress to introduce and give full consideration to a bill comparable to the Patriot Employers Act in order to ensure that American firms contribute their fair share to our society's social welfare; to the Committee on Ways and Means.

112. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 82 memorializing the Congress of the United States to enact legislation and appropriate monies in order to provide additional homeland security funding for state maritime enforcement agencies; to the Committee on Homeland Security.

113. Also, a memorial of the House of Representatives of the State of Oklahoma, relative to House Resolution No. 1043 disapproving the United States Department of Homeland Security's assessment report concerning Rightwing Extremism; to the Committee on Homeland Security.

114. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 233 urging the United States Congress and the President of the United States to enact H.R. 676, pending in the 110th Congress, which provides universal health insurance coverage for all individuals residing in the United States and its territories; jointly to the Committees on Energy and Commerce, Ways and Means, and Natural Resources.

115. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 55 calling upon federal policy makers to ensure that goods sold

domestically meet U.S. food and product safety standards; jointly to the Committees on Ways and Means, Energy and Commerce, and the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. ACKERMAN, Mrs. MALONEY, Ms. SHEA-PORTER, Mr. LANGEVIN, Ms. ZOE LOFGREN of California, Mr. SCHIFF, and Ms. KILPATRICK of Michigan.

H.R. 40: Mr. RANGEL and Ms. WATERS.

H.R. 173: Mr. COFFMAN of Colorado.

H.R. 207: Mr. WALDEN.

H.R. 208: Mr. RYAN of Ohio, Mr. PAULSEN, Mr. MCNERNEY, and Mr. WALDEN.

H.R. 211: Ms. FUDGE, Mr. EDWARDS of Texas, and Mr. HALL of New York.

H.R. 213: Mr. SESTAK.

H.R. 235: Mr. WALDEN and Mr. ELLISON.

H.R. 275: Mr. MORAN of Virginia.

H.R. 406: Mr. HIMES and Ms. BALDWIN.

H.R. 426: Mr. POSEY.

H.R. 442: Mr. BURGESS, Mr. AUSTRIA, and Mr. TIBERI.

H.R. 503: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 510: Mr. MOORE of Kansas, Mr. CARDOZA, Mr. CHANDLER, Ms. HERSETH SANDLIN, Mr. WITTMAN, and Mr. ELLSWORTH.

H.R. 571: Ms. SUTTON.

H.R. 690: Mr. MILLER of Florida and Mr. YOUNG of Florida.

H.R. 691: Mr. PAUL.

H.R. 702: Mr. SIRES.

H.R. 734: Ms. PINGREE of Maine.

H.R. 795: Mr. JACKSON of Illinois.

H.R. 804: Mr. PASTOR of Arizona.

H.R. 847: Mr. MURPHY of New York.

H.R. 848: Mr. TIERNEY.

H.R. 936: Mr. TEAGUE.

H.R. 939: Mr. HIMES.

H.R. 953: Mr. ORTIZ, Mrs. McMORRIS RODGERS, and Mr. HOEKSTRA.

H.R. 982: Mr. AUSTRIA.

H.R. 1020: Mr. HONDA and Mr. VAN HOLLEN.

H.R. 1064: Mr. LIPINSKI and Mr. MCNERNEY.

H.R. 1137: Mr. MEEK of Florida.

H.R. 1156: Mrs. McMORRIS RODGERS.

H.R. 1166: Mr. DAVIS of Illinois.

H.R. 1173: Mr. ARCURI and Mr. SHULER.

H.R. 1177: Mr. GONZALEZ, Mr. CAMPBELL, and Mr. TIM MURPHY of Pennsylvania.

H.R. 1190: Mr. HASTINGS of Washington.

H.R. 1207: Mr. SALAZAR, Mr. KIRK, and Mrs. EMERSON.

H.R. 1240: Mr. MAFFEI.

H.R. 1245: Mr. WITTMAN and Mr. KIRK.

H.R. 1283: Mr. GRAYSON.

H.R. 1293: Mr. MILLER of Florida, Ms. CORRINE BROWN of Florida, Mr. BILIRAKIS, and Mr. SNYDER.

H.R. 1346: Ms. LEE of California.

H.R. 1382: Mr. SHADEGG.

H.R. 1410: Mr. MILLER of North Carolina.

H.R. 1441: Ms. BALDWIN.

H.R. 1470: Mrs. CAPITO.

H.R. 1509: Mr. HALL of New York.

H.R. 1548: Mr. MURPHY of Connecticut and Mr. STEARNS.

H.R. 1558: Ms. TITUS and Mr. HIMES.

H.R. 1618: Mr. WILSON of Ohio.

H.R. 1625: Mr. OBERSTAR.

H.R. 1684: Mr. TIBERI and Mr. BURGESS.

H.R. 1700: Ms. ZOE LOFGREN of California.

H.R. 1751: Ms. CORRINE BROWN of Florida and Mr. SARBANES.

H.R. 1761: Mr. GRIJALVA.

H.R. 1776: Mr. HIMES.

H.R. 1826: Mr. ROTHMAN of New Jersey and Mr. FATTAH.

H.R. 1831: Mr. UPTON, Mr. SESSIONS, Mr. GARRETT of New Jersey, Mr. BERMAN, Mr. ROGERS of Michigan, Mr. MORAN of Kansas, Mr. TONKO, and Mrs. MYRICK.

H.R. 1835: Mr. MATHESON.

H.R. 1941: Mrs. DAVIS of California.

H.R. 2006: Mr. DONNELLY of Indiana.

H.R. 2017: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. WALDEN, and Mr. LATTA.

H.R. 2060: Ms. ESHOO.

H.R. 2097: Mrs. KIRKPATRICK of Arizona.

H.R. 2122: Mr. JONES.

H.R. 2149: Mr. HIGGINS, Mr. PUTNAM, and Mr. THOMPSON of Mississippi.

H.R. 2184: Mr. SIRES.

H.R. 2193: Mr. PAULSEN.

H.R. 2194: Mr. MILLER of North Carolina, Mr. GOHMERT, Mr. BISHOP of Georgia, Mr. STUPAK, Mr. CAO, Mr. LANGEVIN, Mr. FARR, Mr. ALTMIRE, Mr. CALVERT, Mrs. BLACKBURN, Mr. TERRY, Mr. MINNICK, Mr. BARTLETT, Mr. KLINE of Minnesota, Ms. CORRINE BROWN of Florida, Ms. SUTTON, and Mr. HOEKSTRA.

H.R. 2215: Mr. DINGELL, Mr. KILDEE, and Mr. PETERS.

H.R. 2220: Ms. KOSMAS, and Ms. PINGREE of Maine.

H.R. 2245: Ms. WATERS, Ms. RICHARDSON, Mr. CAMPBELL, Mr. WALZ, and Mr. SIMPSON.

H.R. 2261: Mr. LATHAM.

H.R. 2293: Mr. LANGEVIN.

H.R. 2296: Mr. DENT, Mr. SMITH of Nebraska, Mr. BRIGHT, Mr. TIBERI, Mrs. EMERSON, Mr. CULBERSON, Mr. MCCAUL, Mr. PERRIELLO, and Mr. GRIFFITH.

H.R. 2329: Mrs. DAHLKEMPER and Mr. PETERSON.

H.R. 2363: Mr. FATTAH, Mr. BERMAN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2365: Ms. MCCOLLUM.

H.R. 2373: Mr. PERRIELLO, Mr. BUTTERFIELD, Mr. KILDEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KRATOVIL, Ms. GIFFORDS, and Mr. PAULSEN.

H.R. 2381: Mr. HARE and Mr. GRIJALVA.

H.R. 2425: Mr. FARR and Mr. WOLF.

H.R. 2440: Mr. LAMBORN.

H.R. 2452: Mr. RYAN of Ohio, Mr. YARMUTH, Mr. KIRK, and Mr. THOMPSON of California.

H.R. 2469: Mr. LATTA, Mr. BROUN of Georgia, Ms. FOXX, Mr. GINGREY of Georgia, Mr. SHADEGG, Ms. FALLIN, Mr. KING of Iowa, Mrs. SCHMIDT, Mr. ISSA, Mr. PENCE, Mr. CONAWAY, Mr. KINGSTON, Mr. FLEMING, and Mr. PITTS.

H.R. 2478: Mr. PLATTS, Mr. CUMMINGS, and Mr. FORBES.

H.R. 2480: Mr. FRANK of Massachusetts, Mr. LIPINSKI, and Mr. MILLER of North Carolina.

H.R. 2497: Mr. BLUMENAUER.

H.R. 2499: Mr. ROGERS of Alabama.

H.R. 2548: Mr. CONNOLLY of Virginia.

H.R. 2561: Mr. CAO.

H.R. 2563: Mr. HILL, Mr. POSEY, Mr. MARCHANT, Mr. TIBERI, and Mr. CONAWAY.

H.R. 2590: Mr. PAUL.

H.R. 2625: Ms. BALDWIN.

H.R. 2626: Mr. MCCOTTER.

H.R. 2642: Mr. WILSON of Ohio.

H.R. 2648: Ms. MOORE of Wisconsin, Mr. FALCONE, Mr. COHEN, and Ms. DELAULO.

H.R. 2669: Mr. RAHALL.

H.R. 2681: Mrs. NAPOLITANO.

H.R. 2695: Mr. PLATTS.

H.R. 2709: Ms. HARMAN.

H.R. 2724: Mr. HODES.

H.R. 2740: Mr. SOUDER, Mr. MEEKS of New York, and Mr. MCCOTTER.

H.R. 2759: Mr. ETHERIDGE, Ms. CORRINE BROWN of Florida, Mr. RUPPERSBERGER, Mr. WELCH, and Mr. GERLACH.

H.R. 2771: Mr. BOREN.

H.R. 2811: Mr. HASTINGS of Florida.

H.R. 2835: Mr. MORAN of Virginia and Mr. ELLISON.

H.R. 2842: Mr. LINDER.

H.R. 2861: Mr. ELLISON.

H.R. 2894: Mr. CHANDLER.

H.R. 2906: Mr. SARBANES.

H.R. 2920: Mr. COSTELLO and Ms. SUTTON.

H.R. 2938: Mr. SHIMKUS.

H.R. 3011: Mrs. KIRKPATRICK of Arizona, Mr. KLINE of Minnesota, and Ms. PINGREE of Maine.

H.R. 3017: Mr. MCNERNEY.

H.R. 3024: Mr. BISHOP of Georgia and Mr. BLUMENAUER.

H.R. 3025: Mrs. DAHLKEMPER.

H.R. 3042: Mr. WAXMAN.

H.R. 3044: Mr. HERGER, Mr. MCHENRY, and Mr. DRIEHAUS.

H.R. 3147: Mr. CONYERS.

H.R. 3148: Mr. BURGESS.

H.R. 3189: Mr. KIRK.

H.R. 3212: Mr. KING of New York and Mr. BOSWELL.

H. J. Res. 56: Mr. COHEN, Ms. DELAULO, Mr. ANDREWS, and Ms. PINGREE of Maine.

H. Con. Res. 16: Mr. KLINE of Minnesota and Mr. KIRK.

H. Con. Res. 74: Mr. HASTINGS of Florida.

H. Con. Res. 94: Mr. COHEN and Ms. MCCOLLUM.

H. Con. Res. 102: Ms. JACKSON-LEE of Texas.

H. Con. Res. 144: Ms. SPEIER, Mr. LARSEN of Washington, Mrs. CAPITO, Mr. SCHOCK, Ms. ROYBAL-ALLARD, and Mr. LYNCH.

H. Con. Res. 159: Mr. FRANKS of Arizona, Mr. MCCOTTER, Mr. KENNEDY, Mr. MURPHY of Connecticut, Ms. BERKLEY, Mr. ROSS, Mr. DOYLE, and Mr. KIRK.

H. Res. 89: Mr. TURNER and Mr. MANZULLO.

H. Res. 93: Mr. HINOJOSA and Mr. SABLON.

H. Res. 111: Mr. MINNICK, Mr. TONKO, Mr. BONNER, and Mr. MEEKS of New York.

H. Res. 245: Mr. CARSON of Indiana.

H. Res. 394: Mr. SULLIVAN.

H. Res. 440: Mrs. BACHMANN.

H. Res. 487: Mr. UPTON and Mr. HOEKSTRA.

H. Res. 494: Mr. COOPER, Mr. SPRATT, and Mr. BRADY of Pennsylvania.

H. Res. 512: Mr. WATT, Mr. CARNAHAN, Ms. GIFFORDS, Ms. WOOLSEY, Mr. SHERMAN, and Mr. SIRES.

H. Res. 513: Mr. ALTMIRE, Mr. BACHUS, Mr. BISHOP of Georgia, Mr. BOOZMAN, Ms. BORDALLO, Mr. BURTON of Indiana, Mr. CALVERT, Mr. COLE, Mr. COURTNEY, Mr. DUNCAN, Mr. GOHMERT, Mr. HASTINGS of Florida, Ms. KAPTUR, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. LATTA, Mr. MCCAUL, Mr. MCCOTTER, Mr. OBERSTAR, Mr. PLATTS, Mr. PUTNAM, Mr. RODRIGUEZ, Mrs. McMORRIS RODGERS, Mr. SENSENBRENNER, Mr. SPRATT, and Mr. WU.

H. Res. 517: Ms. WOOLSEY.

H. Res. 533: Mr. MASSA, Mr. HINOJOSA, and Mr. DINGELL.

H. Res. 558: Mr. ROYCE, Mr. HALL of Texas, Mr. PAULSEN, Mr. PAYNE, and Mr. HINOJOSA.

H. Res. 605: Mr. CAO, Mr. SENSENBRENNER, Mr. BISHOP of Georgia, Mr. MORAN of Kansas, Mr. CUMMINGS, Mr. KING of New York, Mr. FRELINGHUYSEN, Mr. JONES, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. MCGOVERN, and Mr. PETERSON.

H. Res. 615: Mr. SMITH of Texas, Mr. PRICE of Georgia, Mr. TIAHRT, and Mr. CONAWAY.

H. Res. 619: Mr. TIAHRT, Mr. SCHOCK, and Mrs. MILLER of Michigan.

H. Res. 623: Mr. REICHERT.

H. Res. 630: Mr. CAPUANO and Mr. HONDA.

H. Res. 631: Mr. POE of Texas and Mr. RYAN of Ohio.

H. Res. 633: Mr. COHEN.

H. Res. 634: Mrs. LOWEY, Mr. MCHUGH, and Ms. BALDWIN.

H. Res. 639: Mr. RADANOVICH and Mr. ROYCE.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative HASTINGS of Washington, or a designee, to H.R. 3183, the Energy and Water Development and Related Agencies Appropriation Act, 2010, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

DELETIONS OF SPONSORS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 648: Mr. PALLONE.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Department of Energy, EERE

Legal Name of Requesting Entity: The University of Alabama

Address of Requesting Entity: Office of Research Box 870117, Tuscaloosa, AL 35476

Description of Request: Provide \$1,000,000 for the Institute for Sustainable Energy at the University of Alabama. The institute will focus the efforts of a team of researchers to develop the science and technology to utilize the complex mix of alternate fuels in an energy and environmentally sound manner. It will lead to energy independence; enhance national security, a stronger economy, and a cleaner environment. The total budget for the project is \$2,000,000. Specifically within the budget, \$1,500,000 will go toward scientific equipment, \$200,000 toward facility design/development, and \$300,000 toward salary and training. This request is consistent with the intended and authorized purpose of the Department of Energy, EERE Account. The University of Alabama will meet or exceed all statutory requirements for matching funds where applicable.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers, O&M

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: Mobile District 109 St. Joseph Street, Mobile, AL 36628

Description of Request: Provide \$24,180,000 in funding for Operations and Maintenance for the Mobile District of the COE for the Black Warrior and Tombigbee Rivers. Currently there are 20–25 million tons transported on this river each year, mostly coal and petroleum products, and serious repairs are needed. The Tennessee-Tombigbee Waterway and Coosa-Alabama River systems depend on the efficiency of the Black Warrior-Tombigbee. This project will provide necessary infrastructure maintenance and repairs to the 50+ year old lock and dam system. The entire budget for the project will go towards

maintenance and repairs. This request is consistent with the intended and authorized purpose of the Corps of Engineers, O&M Account.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BOOZMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3183—Energy and Water Appropriations Act of 2010.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3183

Account: Inspection of Completed Works, AR

Legal Name of Requesting Entity: City of Fort Smith

Address of Requesting Entity: 623 Garrison Avenue, Suite 315, Fort Smith, Arkansas, 72902

Description of Request: The City of Fort Smith would use the funding of \$425,000 to coordinate with the Little Rock District of the U.S. Army Corps of Engineers to perform an Engineering assessment on the Arkansas River levee system, to ensure that adequate design and maintenance of the levee system is in place to provide reasonable assurance that protection from the base flood (100 year flood event) exists and/or that design criteria is being met. This is necessary to ensure FEMA accredits the levees for purposes of flood risk studies and flood map modernization. The project is vital to ensure the safety of lives and property protected by the levee system.

PASSING OF LONGTIME HOUSE
STAFFER SALLY CROWE**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Ms. McCOLLUM. Madam Speaker, I rise today to express how deeply saddened I am by the passing of longtime House staffer and Members' Dining Room Hostess, Sally Crowe.

The House of Representatives will mourn her for a long time, particularly the Members, staff and guests she touched on a regular basis. Her absence is truly unsettling.

Sally served the House of Representatives with distinction for over 57 years—over five decades—longer than any Member in Congress today.

A few years ago, she received the John W. McCormack Annual Award of Excellence for

her commitment and outstanding service: An honor well deserved.

Sally was first hired as a cashier in the Longworth House Office Building cafeteria in 1951. But she is best known for her service as a hostess in the Members' Dining Room in the Capitol—a post she took on in the 1960s.

Sally's loyalty and work ethic was unmatched. Three years ago, she suffered a bad fall, but still returned to the job she clearly loved. She was 89 years old at that time.

Just as remarkable, Sally seemed to know every Member by name.

I first met her nine years ago, as a freshman Member of Congress. Those of us who were privileged to have met her are all the better for it. Sally was a burst of sunshine and brought joy to everyone who came in her path.

Sadly, on Sunday, June 28—just 10 days ago—Sally bid farewell to the Congress and her family and friends.

I want to extend condolences to her three daughters, six grandchildren and five great-grandchildren and say thank you for sharing her with us.

Sally's sense of humor was contagious and her spirit was comforting. We miss her dearly.

RECOGNIZING DR. KAP JOON NO

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of Dr. Kap Joon No. Dr. No, a first generation Korean, is a medical doctor at Swedish Covenant Hospital in Chicago and is a well-known and well-respected member of the Korean-American community.

Dr. No served as the past president of the Arirang Lions Club, to which he is still an active member. The Arirang Lions Club has held an annual picnic for Korean adoptees and their families for over 30 years and have within recent years started organizing trips for adoptees to visit Korea through a partnership with their sister club in Seoul.

Dr. No has been also been instrumental in coordinating a free health clinic annually, where over 400 community members are able to receive medical diagnosis and treatment that they would not otherwise receive. Additionally, through his own private medical practice Dr. No personally assists those in need. Not only is Dr. No committed to serving the community, his wife and his two daughters, both of whom are in medical school, are just as dedicated to helping those in need.

We may never be able to thank Dr. No and his family enough for the time and finances they have selflessly dedicated to others in need and we are not the first to recognize his humanitarianism and concern for others. Last year, The Chicago Sun-Times named Dr. No

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

one of the "50 People Who Make Chicago a Better Place" due to his outstanding service. To further add to his distinctions, I would like to formally recognize Dr. No and his family's dedication to those in need and his service as a hero of the local community.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BOOZMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3183—Energy and Water Appropriations Act of 2010.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: 2 Natural Resource Drive, Little Rock, Arkansas, 72205

Description of Request: When the U.S. Army Corps of Engineers (COE) built the dams that created Bull Shoals and Norfork Lakes, the primary purpose of those dams was to provide flood control, hydroelectric power, and municipal and industrial water supplies. Providing adequate water flow below each dam to protect fish and wildlife habitat was not a consideration. Once the dams were constructed, the water releases were much colder than what was previously in the warm-water stream. Consequently, with the exception of certain minnows, none of the previous species of the fish could survive in the changed environment. The Arkansas Game and Fish Commission (AGFC) and U.S. Fish and Wildlife Service determined that trout could survive in the newly formed cold-water rivers and began stocking brown, rainbow and cutthroat trout. As the economics of energy and power generation changed over the years, the Corps changed dam operations from continual to peaking (i.e. when demand is highest). As a result, low-water events at certain times of the year are much longer destabilizing the in-stream environment for trout and other aquatic life in the rivers. An increase in minimum flow to the desired levels would provide many benefits for both fish and wildlife in Arkansas, including mitigating high water temperatures in the summer that stress or sometimes kill trout by flushing fresher, cold water into rivers during low-water intervals; and increasing water flows that could improve dissolved oxygen, a critical factor in fall and winter when low oxygen levels can leave trout gasping on the surface near dams. The COE will use \$7,500,000 to address this issue.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3183

Account: General Investigations

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: 811 Fayetteville Avenue, Alma, Arkansas, 72921

Description of Request: \$500,000 in funding for the Pine Mountain Dam project will be used to assist cities and counties in the western River Valley conduct extensive studies and environmental analysis for long-term planning to meet the needs of the region's rapidly growing population. These studies will be used by state and federal environmental agencies to determine feasibility for long-term projects.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3183

Account: Department of Energy, Electricity Delivery and Energy Reliability

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: 119 Ozark Hall, Fayetteville, Arkansas, 72701

Description of Request: \$1,500,000 is requested to support the continued development of advanced power electronics equipment at NCREPT. The University of Arkansas brings expertise on power electronics and power grid applications that does not currently exist in these efforts.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. SMITH of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act

Account: Federal Highway Administration—Surface Transportation Priorities

Legal Name of Requesting Entity: City of Austin

Address of Requesting Entity: 301 West 2nd Street, Austin, TX 78701

Description of Request: I have secured \$500,000 for the City of Austin to deploy their Intelligent Transportation System. It is my understanding that the City of Austin has developed an intelligent transportation systems (ITS) deployment plan as part of its efforts to improve mobility information for residents, reduce congestion, improve mobility and improve air quality. Specific components of the system include: a traffic and transportation website with live streaming capabilities; variable message boards that inform drivers of traffic congestion, accidents, and other emergencies ahead, and alert drivers to alternate available routes; surveillance and detection cameras to monitor live roadway conditions, provide public access to special event and road closure information, detect traffic incidents quickly, and manage traffic control signalization remotely. The City of Austin will match any federal funds that the delegation secures for this project. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Transportation, Housing and Urban Development, and Related Agencies Appropriations Act

Account: Federal Transit Administration—Buses and Bus Facilities

Legal Name of Requesting Entity: San Antonio VIA Metropolitan Transit

Address of Requesting Entity: 800 W. Myrtle, San Antonio, TX 78212

Description of Request: I have secured \$750,000 for the San Antonio VIA Metropolitan Transit to build and design a Park & Ride Facility in the area of US 281 and North Loop 1604. The rapid and continuing growth in this sector of the city has outpaced the capacity of existing transit facilities in the area. In the last few years, VIA has introduced an express route, providing a direct transit connection between the US 281/Loop 1604 area and the downtown central business district. The proposed facility will sit on seven (7) acres and include 572 parking spaces, with approximately 4 bus routes operating through the facility. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. McKEON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding Member priority requests I received as part of H.R. 3183, the "Energy and Water Development and Related Agencies Appropriations Act, 2010."

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 3183, the "Energy and Water Development and Related Agencies Appropriations Act, 2010"

Account: Army Corps of Engineers—Construction

Legal Name of Requesting Entity: Castaic Lake Water Agency

Address of Requesting Entity: 27234 Bouquet Canyon Road, Santa Clarita, CA 91350

Description of Request: I requested and received a Member priority request totaling \$1,100,000 to help implement the fully authorized cleanup of perchlorate groundwater contamination at the former Whittaker-Bermite site (a former U.S. military munitions testing location) in the City of Santa Clarita. This site has both soil and groundwater contamination from years of chemical exposure during ordnance testing.

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 3183, the "Energy and Water Development and Related Agencies Appropriations Act, 2010"

Account: Department of Energy (DOE)—Energy Efficiency and Renewable Energy (EERE)

Legal Name of Requesting Entity: College of the Canyons

Address of Requesting Entity: 26455 Rockwell Canyon Road, Santa Clarita, CA 91355

Description of Request: I requested and received a Member priority request totaling \$500,000 for the College of the Canyons and its academic partners Alternative Energy Training Institute. The Institute would use the funding to create and expand degree and training programs focused on alternative energies and to coordinate economic and workforce development strategies with local and regional governments, universities, community colleges, workforce investment systems, and private industry. Programs would include solar and wind energy, green construction, energy management, and LEED certification.

Requesting Member: Congressman HOWARD P. "BUCK" MCKEON

Bill Number: H.R. 3183, the "Energy and Water Development and Related Agencies Appropriations Act, 2010"

Account: Department of Energy (DOE)—Science

Legal Name of Requesting Entity: California State University San Bernardino

Address of Requesting Entity: 5500 University Parkway, San Bernardino, CA 92407

Description of Request: I requested and received a Member priority request totaling \$200,000 for California State University, San Bernardino to purchase scientific equipment (e.g., telescope) for a state-of-the-art teaching and research observatory. The observatory would help meet the need for an increase in science and math competency and education and teacher preparation. Additionally, as a minority-serving university, CSUSB's observatory would be fundamental to an innovative undergraduate physics and astronomy curriculum for improving minority access to careers in astronomy and astrophysics.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Monday, July 13, 2009.

Had I been present, I would have voted "nay" on rollcall vote No. 530 (On Motion to Adjourn).

EARMARK DECLARATION

HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. PAULSEN. Madam Speaker, pursuant to the Republican standards on member requests, I am submitting the following information regarding congressionally directed appropriations projects I sponsored as part of H.R. 3183, FY 2010 Energy and Water Appropriations Bill.

Account: Corps of Engineers Construction
Requesting entity: The Minnehaha Creek Watershed District (MCWD)

Address: 18202 Minnetonka Blvd. Deephaven, MN 55391

Description of Project Request: Funding will be used for the Painter Creek project, which aims to restore the hydrology and ecological function to a major drainage way discharging into Lake Minnetonka. Painter Creek was straightened and many of the adjacent wetlands were drained for agricultural uses in the early 1900s. The project focuses on restoring those wetlands, increasing the habitat value, and positively affecting water quality, flood damage reduction, and erosion. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. GINGREY of Georgia. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accordance with Clause 9 of Rule XXI, I am submitting the following information regarding the earmark I received as part of H.R. 3183—the Energy and Water Development Appropriations Act of 2010.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Savannah District
Address of Requesting Entity: 100 W. Oglethorpe Ave., Savannah, GA 31401

Description of Request: The \$2,000,000 in construction funding will be used to begin construction of the Savannah Harbor Expansion Program. While the Record of Decision will not be signed until mid-2010, these funds can be used for final pre-construction monitoring and engineering design of the channel and mitigation components for the project. Additionally, these funds will be needed immediately after project approval for negotiation of the Project Partnership Agreement. Construction contracts cannot be awarded prior to the completion of this agreement.

EARMARK DECLARATION

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. GOODLATTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, FY2010 Departments of Energy and Water Appropriations Act.

Requesting Member: Congressman BOB GOODLATTE

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers/City of Roanoke, VA
Address of Requesting Entity: 215 Church Street, Roanoke, Virginia

Description of Request: \$1,075,000 to continue construction of a flood control plan that includes 6 miles of channel widening.

Bill Number: H.R. 3183

Account: Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 803 Front Street, Norfolk, VA 23510

Description of Request: The purpose of the Section 216 Study, \$300,000, is to verify that the Virginia Department of Environmental Quality's draft total maximum daily load Gathright Dam flow modifications, along with additional proposed nutrient reductions, will correct the impairment of the Jackson River without adversely affecting the approved functions of Gathright Dam/Lake Moomaw.

EARMARK DECLARATION

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. SMITH of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Act.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Act

Account: Department of Education—Elementary & Secondary Education

Legal Name of Requesting Entity: New Braunfels Independent School District

Address of Requesting Entity: 430 W. Mill Street, New Braunfels, TX 78130

Description of Request: I have secured \$350,000 for the Texas State University to implement Texas Mathworks at the New Braunfels Independent School District. It is my understanding that funding of the project would enable Texas Mathworks to provide NBISD with specialized training for teachers in math and impact 600 students during the school year. Texas Mathworks is a center for mathematics education formed by Texas State University System to develop model programs and self-sustaining learning communities that engage Texas K–12 students in doing mathematics at a high level. Texas Mathworks proves to be an effective model for engaging and retaining students' interest in math and science, enabling teachers to effectively teach it at the highest levels. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Act

Account: Department of Education—HRSA—Health Facilities and Services

Legal Name of Requesting Entity: Eastside Eyecare Clinic, San Antonio, TX

Address of Requesting Entity: 2547 E. Commerce Street, San Antonio, TX 78203

Description of Request: I have secured \$250,000 for the Eastside Eyecare Clinic for facilities and equipment. It is my understanding that one hundred percent of the requested funding will be used to purchase equipment and technology for the clinical labs in the Eastside Eyecare Clinic and the School of Optometry. These labs will offer clinical optometry services, especially in the field of pediatric and geriatric optometric services. Federal investment in the proposed Eastside Eyecare Clinic will provide new and enhanced health services to a traditionally underserved population that is largely African-American, with a standard of living consistently below the poverty line. This initiative will also provide new educational opportunities in optometry to populations historically underrepresented in this field. In addition, the establishment of a Community Clinic in the East Side will have the extra benefit of spurring economic development in this long-impooverished area. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Act

Account: Department of Education—HRSA—Health Facilities and Services

Legal Name of Requesting Entity: University of Texas Health Science Center at San Antonio

Address of Requesting Entity: 7703 Floyd Curl Drive, San Antonio, TX 78229

Description of Request: I have secured \$150,000 for the University of Texas Health Science Center for facilities and equipment. It is my understanding that the funds will be spent on space development/renovations, faculty recruitment start-up costs, equipment purchases and maintenance, supplies and travel, and innovative discovery research seed projects. Understanding the pathogenesis and clinical management of airway diseases through basic science, clinical and translational research innovation and collaborations will provide important insights as to how to interrupt respiratory disease progression and improve health for many millions of Texas citizens and hundreds of millions throughout the U.S. and beyond. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman LAMAR SMITH

Bill Number: FY 2010 Labor, Health and Human Services, Education, and Related Agencies Appropriations Act

Account: Institute of Museum & Library Services—Museums and Libraries

Legal Name of Requesting Entity: Witte Museum

Address of Requesting Entity: 7703 Floyd Curl Drive, San Antonio, TX 78229

Description of Request: I have secured \$100,000 for the Witte Museum for exhibits and education outreach. It is my understanding that funding will be used to preserve and promote the culture and heritage of South Texas. To this end, the Witte is working closely with local educators to develop and refine programs and exhibits that will promote its mission by expanding educational outreach to

its projected half million visitors; one third of whom are schoolchildren whose curriculum is interwoven with programs that align with Texas Essential Knowledge and Skills, TEKS. The South Texas Heritage Center is but one component of the expansion with the appropriation request focused on promoting educational outreach by providing funding for the design and development of these exhibits, as well as, their fabrication and installation. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. STEVE KING

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. KING of Iowa. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Bureau of Reclamation, Water and Related Resources

Amount: \$6,000,000

Legal Name of Requesting Entity: Lewis and Clark Regional Water System

Address of Requesting Entity: 401 E. 8th St., Suite 306, Sioux Falls, SD 57103

Description of Request: This funding will be used to continue construction of the The Lewis and Clark Regional Water System, the objective of which is to build and operate a tri-state water system that will provide high quality water to the region it will serve, which will improve the quality of life and expand economic development opportunities.

When completed, the Lewis & Clark Regional Water System will be a wholesale supplier of treated water to 20 cities and rural water systems in northwest Iowa, southeast South Dakota, and southwest Minnesota.

Lewis & Clark represents a unique regional approach by the three states and the 20 local sponsors to address common problems with area water resources in a more effective and cost-efficient way than each state, town, or rural water system could do alone. Regional water problems include shallow wells and aquifers prone to contamination and drought, compliance with new federal drinking water standards, and increasing water demand due to population growth and economic expansion. Indeed, recently a cheese factory, which created many jobs, opened in Hull, Iowa, which many have suggested would not have been possible without the emergency connection built to the town to support their recent growth.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers, Section 206

Amount: \$0—It is a named project
Legal Name of Requesting Entity: Iowa Department of Natural Resources
Address of Requesting Entity: 205 E. 9th St., Des Moines, IA 50319—

Description of Request: Any funding secured will be used to continue the joint project between the Storm Lake Improvement Group, The U.S. Army Corps of Engineers and the Iowa Department of Natural Resources to improve the aquatic species habitat in the Storm Lake watershed and to restore the wetland function of Little Storm Lake.

The 190 acre Little Storm Lake is located in the northwest corner of Storm Lake in Storm Lake, Iowa. Little Storm Lake originally had the ability to remove much of the sediment from incoming waters. Unfortunately, the ability to accomplish these tasks has dwindled due to the reduced vegetative diversity. Rehabilitating the ecosystem will require addressing loss of native plant communities, nutrient and sediment loading, and resuspension.

Restoration of the wetland function of the Little Storm Lake is an essential component of the Storm Lake restoration project, which has been undertaken to improve the water quality of Storm Lake. The water quality of Storm Lake is vital to the local community as annual visitors to the lake spent an average of \$10.14 million annually that in turn supports 728 jobs and \$9.79 million of labor income in the region.

Requesting Member: Congressman STEVE KING

Bill Number H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Department of Energy, EERE

Amount: \$500,000

Legal Name of Requesting Entity: Western Iowa Tech Community College

Address of Requesting Entity: 4647 Stone Avenue, Sioux City, IA 51106—

Description of Request: These funds will be used to help develop the Wind Energy program of study at Western Iowa Tech Community College, including the acquisition of equipment and technology for the design of the wind power engineering curriculum at the College. Federal funds will be used to purchase a wind turbine and laboratory equipment for technician skills training. The funding will help to provide an enhanced training program designed to attract, retain, and develop skills and competencies at the technician level to maintain and grow the economic competitiveness of the wind energy industries.

Training will encompass understanding the design of a wind farm and the electricity power grid; the erection of wind turbines; wiring the turbines to the electric power grid; and scheduling and performing routine maintenance on the turbines' electrical components and columns.

This project will build Western Iowa Tech Community College's capacity to increase the pipeline of workers for the Wind Energy industry. As a result of this project, the College will have the ability to prepare up to 33 degree-seeking workers annually for employment in the industry. The overarching impact is to increase the educational attainment and skills levels of area residents by positioning them for careers as technicians in the Wind Energy industry.

The development of this program at WIT will also add to local economic development efforts to continue to attract additional employers within the wind energy industry to the region.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. COLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, for FY2010

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3183

Provision: Title III

Account: DOE—EERE

Legal Name of Requesting Entity: "The University of Oklahoma"

Address of Requesting Entity: 660 Parrington Oval, Norman OK 73019

Description of Request: Provide an earmark for \$500,000.00 to develop technologies for improved, highly efficient processes for production of biomass-derived liquid fuels compatible with the existing fuels infrastructure. The specific initial research projects will focus on critical aspects of an integrated process for thermochemical/catalytic conversion of lignocellulosic biomass to green gasoline and diesel, and chemicals—i.e., hydrocarbons compatible with the existing fuels and chemicals infrastructure. Such a process will make use of our State's agricultural resources to provide environmentally improved fuels that will significantly increase domestic fuel supplies to meet growing demand without increasing dependence on imported petroleum feedstocks.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3183

Provision: Title III

Account: DOE—Fossil Energy R&D

Legal Name of Requesting Entity: "The University of Oklahoma"

Address of Requesting Entity: 660 Parrington Oval, Norman OK 73019

Description of Request: Provide an earmark for \$500,000.00 for new technology in the form of next generation microemulsion technology now exists to increase the production from these fields and recover as much as an additional 30 percent of this oil. By bringing this technology to the small, independent oil producers who produce most of our domestic onshore oil, we can significantly slow the decrease in US domestic oil production, reduce oil imports, improve the US balance of trade, and create tens of thousands of new, high paying jobs, without drilling in environmentally sensitive areas.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3183

Provision: Title I

Account: Corps of Engineers—O&M

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: 1645 South 101 East Ave. Tulsa, OK 74128

Description of Request: Provide an earmark of \$3,000,000.00 to fund the modernizing the 1976/78 Corps of Engineers Lake Texoma Master Plan, Environmental Impact Statement, and 1996 Shoreline Management Plan is critical to future regional development. Expedited federal funding to update these critical plans will greatly enable resolution of critical interstate and intrastate water use issues and effective and balanced planning, zoning and development around Lake Texoma. The updated Master and related plans will involve public and business participation and will be essential to manage future development and different interests in the Lake Texoma and surrounding areas.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3183

Provision: Title I

Account: Corps of Engineers—Investigations

Legal Name of Requesting Entity: Oklahoma Water Resources board

Address of Requesting Entity: 3800 North Classen Blvd., OK 73118

Description of Request: Provide an earmark of \$300,000.00 to conduct a study. Area covers a 29 county area in southeast Oklahoma, including the Kiamichi River Basin and other tributaries of the Red River. The Oklahoma Water Resources Board signed the FCSA in July 2001, halted the study in 2002 due to a lack of State funds, but requested restarting the study and focusing the study on stream flows, habitat analysis and water supply. Study results will be integrated into the OK State Comprehensive Water Planning initiative.

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3183

Provision: Title I

Account: Corps of Engineers—Investigations

Legal Name of Requesting Entity: Oklahoma Water Resources board

Address of Requesting Entity: 3800 North Classen Blvd., OK 73118

Description of Request: Provide an earmark of \$250,000.00 to conduct a feasibility study to develop a Washita River Watershed management plan.

EARMARK DECLARATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BARRETT of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the House passed version of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 3183

Provision: Title II, Department of Energy, Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: University of South Carolina Aiken

Address of Requesting Entity: 471 University Parkway, Aiken SC 29801

Description of Request: The purpose of this appropriation is to provide \$456,000 for the University of South Carolina Aiken, USCA, Biofuels Laboratory in Aiken SC. A key element to solve U.S. energy supply problems is the development of renewable fuels such as hydrogen, and one of the most environmentally friendly ways that hydrogen can be produced is biologically by bacteria. For the past year, the USC, with the support of the Aiken/Edgefield Economic Development Partnership has engaged in research at the Aiken County Center for Hydrogen Research to isolate and develop bacteria that generate large amounts of hydrogen. Also, USCA has been working on the process of embedding bacteria with high hydrogen production potentials into latex mats that can be used to produce hydrogen. The requested funds will enable USCA to become a full partner in the establishment of a bio-energy research center. Specifically, the funding will allow USCA to purchase equipment that will make it possible to screen hundreds of bacterial isolates in a short period of time and to fund a full-time laboratory technician. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 3183

Provision: Title II, Department of Energy, Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: 300 Brackett Hall, Box 5702, Clemson University, Clemson SC 29634

Description of Request: The purpose of this appropriation is to provide \$1,000,000 for the construction and operation of the Clemson University Cellulosic Biofuel Pilot Plant to be built in Charleston, SC. As our nation looks to expand our renewable energy portfolio, this funding would be used to construct and operate a pilot plant at a brownfield industrial site in Charleston SC, to scale-up commercially viable technology for conversion of cellulosic feedstocks from the coastal plains, i.e. trees, wood residuals, and row crops, to bio-fuels and other higher value products. Clemson has partnered with the Savannah River National Laboratory and South Carolina State University to bring together complimentary strengths that support a vertically integrated systems approach addressing issues from feedstock to consumer distribution. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 3183

Provision: Title I, Corps of Engineers Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Savannah District

Address of Requesting Entity: 100 W. Oglethorpe Ave., Savannah GA 31401

Description of Request: The purpose of this appropriation is to provide \$1,000,000 for Phase II of the Savannah River Basin Comprehensive Study. Section 414 of the Water Resources Development Act of 1996 (PL 104-303) authorized a Savannah River Basin Comprehensive Water Resources Study in order to develop an updated plan addressing current and future needs in the basin, examine reallocation of storage at Corps of Engineers multi-purpose projects, and to develop a better management structure to address basin water resources issues. The study was initiated in 2000 upon agreement by the Corps and the states of Georgia and South Carolina. However, federal funding for this project has not been appropriated by Congress since fiscal year 2006, and Phase II of the study has yet to be completed. The completion of the second phase of the Comprehensive Study will generate new operating guidelines for the allocation of the water stored at the three Federal reservoirs in the Savannah River basin, possibly changing the water allocations for hydro-power, water supply, and flood damage reduction. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

EARMARK DECLARATION

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. HARPER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman GREGG HARPER

Bill Number: H.R. 3183

Account: EERE—Biomass and Biorefinery Systems R&D

Project Name: Sustainable Energy Research Center

Recipient and Address: Mississippi State University, P.O. Box 9632, Mississippi State 39762

Amount: \$1,500,000

Description: The goal of the Sustainable Energy Research Center, SERC, at Mississippi State University is to develop new engineering and scientific knowledge and to serve as a catalyst to create renewable transportation fuel industries in the Southeastern US. Renewable transportation fuel platforms under development by SERC include bio-oil, biocrude, and syngas to gasoline. All of these fuels focus on the use of non-food, lignocellulosic feedstock, especially woody biomass.

IN HONOR AND RECOGNITION OF
DAVID O. FRAZIER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of David O. Frazier, actor, singer, author and lyricist, on the occasion of his 70th birthday, and in recognition of his recent induction into the Cleveland Playhouse Hall of Fame for Outstanding Achievement in Theatre.

Mr. Frazier began his entertainment career as a child, under the instruction of piano teacher Nelly Kelly, the aunt of Princess Grace of Monaco. During his teenage years, he learned about hard work by picking cotton in Texas. As a young man, fate guided him to Cleveland, where he began his professional career at the Cleveland Playhouse. Mr. Frazier has appeared in over 150 productions. Moreover, Mr. Frazier's unwavering commitment and advocacy on behalf of the arts was a critical factor in saving the Cleveland Playhouse from demolition. His appearance in the record-breaking two and a half year run in the production of "Jacques Brel is Alive and Well and Living in Paris" at the Playhouse Square Foundation stopped the demolition of and revived Cleveland's five historic theatre houses. Today, Playhouse Square is the second largest performing arts complex in the nation.

Mr. Frazier has performed on private and public stages around the world, singing, dancing and writing his way into the hearts of audiences ranging from accomplished writers and actors, heads of state, and thousands of theatre patrons. He co-wrote his one man show, "Conversations with an Irish Rascal," with his partner and collaborator of more than thirty years, Joe Garry. Together, Mr. Frazier and Mr. Garry have co-written and co-produced fifteen original musicals. Mr. Frazier also appeals to young audiences in his starring role on NBC's children series, "Hickory Hideout," for which he was awarded an Emmy Award.

Madam Speaker Colleagues, please join me in honor of Mr. David O. Frazier, whose passion for music, limitless talent and unwavering dedication to the theatre has served as a source of entertainment and inspiration for audiences in Cleveland, Ohio and throughout the world. Furthermore, his dedication to promoting and preserving theatre in Cleveland has enriched the diverse culture of the entire community. I wish Mr. Frazier a very happy birthday and congratulations on his induction to the Cleveland Playhouse Hall of Fame.

EARMARK DECLARATION

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. HOEKSTRA. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding that will benefit the Second Congressional District of Michigan as part of H.R. 3183.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: Detroit District of the U.S. Army Corps of Engineers
Address of Requesting Entity: 477 Michigan Avenue, Detroit, MI 48226-2550

Description of Request: Provide \$170,000 for operations and maintenance of Arcadia Harbor. Provide \$185,000 for operations and maintenance of Pentwater Harbor. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Operations and Maintenance account.

HONORING GARRETT MARK JONES

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Garrett Mark Jones, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 360, and in earning the most prestigious award of Eagle Scout.

Garrett has been very active with his troop participating in many scout activities. Over the many years Garrett has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Garrett Mark Jones for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING COLONEL VAN R. MAYHALL ON THE OCCASION OF HIS 90TH BIRTHDAY

HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. CASSIDY. Madam Speaker, I rise today to lead the 111th Congress of the United States of America in honoring Colonel Van R. Mayhall, USAR (Ret.), on the occasion of his 90th birthday.

Born near Baton Rouge, Louisiana on July 24, 1919, Van Robinson Mayhall has lived in Baton Rouge nearly all his 90 years. In fact, the longest he was ever away from home was while fighting to defend America overseas. Colonel Mayhall graduated from Catholic High School and attended Louisiana State University until the outbreak of World War II. He joined the Louisiana National Guard at age 17, and in December 1941, after the Japanese attack on Pearl Harbor, enlisted in the United States Army. He rose to the rank of Captain in the European Theater, serving as aide to General William Weaver and seeing combat in France and Germany, including the Battle of Hurtgen Forest and the Battle of the Bulge. In

recognition of his courageous service in combat, Colonel Mayhall received numerous awards and honors, including the Bronze Star and the Silver Star for his bravery under enemy fire. Colonel Mayhall was honorably discharged from the Army following the war, and his commitment to his community and his country continued. Then-Captain Mayhall remained in the Army Reserves until retirement, achieving the rank of Colonel.

After his five year deployment, he was reunited with his wife, Marie Roques Mayhall, with whom he raised five children, fourteen grandchildren, and two great-grandchildren, with one more on the way. He fully dedicated himself to the Baton Rouge community, volunteering on behalf of his church, military and veterans groups, and charitable organizations. In 1999, his own World War II memoir, *Cranking Up A Fine War*, was released and received favorable reviews. In 2006, in recognition of an extraordinary lifetime of service and achievements, he was inducted into the Louisiana Veterans' Hall of Honor.

Colonel Mayhall's life is a testament to the spirit of the Greatest Generation. It is also an ongoing tribute to his brothers in arms who never returned home to live the American dream as Colonel Mayhall has. It is a great honor that the position to which I have been elected offers me the opportunity to lead the Congress of the United States of America, on the occasion of Colonel Van R. Mayhall's 90th birthday, in expressing the respect, admiration and thanks of a grateful Nation for his service to his country, as well as a very happy birthday on July 24, 2009.

EARMARK DECLARATION

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BLUNT. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Department of Energy and Water Appropriations for Fiscal Year 2010.

Bill Number: H.R. 3183

Account: Department of Energy EERE

Project Title: MARET Center

Legal Name of Requesting Entity: Crowder College

Address of Requesting Entity: 601 Laclede Ave., Neosho, MO 64850

Description of Request: \$1.5 million will be used toward design, engineering and construction at the MARET Center. The use of taxpayer funds is justified because the funding will be used in part to fund the new center which will be for delivery of new business and incubator services and education and training programs in renewable construction technologies and renewable energy. As we know, the building sector consumes 48 percent of the nation's energy. Programs like the MARET Center will help lower both usage and cost.

Account: Department of Energy EERE

Project Title: Natural Gas Fueling Facility

Legal Name of Requesting Entity: City of Springfield, Missouri

Address of Requesting Entity: 840 N. Boonville, Springfield, MO 65802

Description of Request: \$700,000 was included in the bill to construct a Compressed Natural Gas (CNG) fuel station for use by local, county and State agencies to refuel CNG vehicles. The use of taxpayer funds is justified because this is a cost effective way to fuel government vehicles while reducing dependency on foreign oil.

EARMARK DECLARATION

HON. THOMAS J. ROONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. ROONEY. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010.

Five of my requests were funded in this bill, and all are previously congressionally authorized projects.

\$350,000: St. Lucie Inlet, Martin County, FL. The entity to receive the funds for the project is Martin County, FL located at 2401 S.E. Monterey Road, Stuart, FL 34996. The funding will go to a congressionally authorized project to dredge the inlet. This project is funded through the Army Corps of Engineers Operations and Maintenance Account.

\$1,000,000: St. Lucie County, FL, Fort Pierce Beach. The entity to receive the funds for the project is St. Lucie County, FL located at 2300 Virginia Ave., Fort Pierce, FL 34982. The funding will be used on a congressionally authorized project to restore the beaches severely degraded by jetties which protect the federally-maintained inlet. This project is funded through the Army Corps of Engineers Investigations Account.

\$350,000: Martin County, FL. The entity to receive the funds for the project is Martin County, FL located at 2401 S.E. Monterey Road, Stuart, FL 34996. The funding will be used for the federally authorized Hutchinson Island Shore Protection Project that provides for a protective berm and storm dune and periodic nourishment of the restored beach. This project is funded through the Army Corps of Engineers Construction Account.

\$130,000,000: Herbert Hoover Dike. The entity to receive funding for the project is the U.S. Army Corps of Engineers, 701 San Marco Blvd., Jacksonville, FL 32207. The dike is a federally maintained structure that is currently undergoing rehabilitation to ensure the continued safety of the communities around the lake. This project is funded through the Army Corps of Engineers Construction Account.

\$210,239,000: South Florida Everglades Ecosystem Restoration, FL. Of this total, about \$22,000,000 is for the Indian River Lagoon which Representative ROONEY requested. The entity to receive funding for this project is the South Florida Water Management District located at 3301 Gun Club Road, West Palm Beach, FL 33406. The Indian River Lagoon-

South Project was authorized in WRDA 2007 as a component of the Comprehensive Everglades Restoration Plan. The project will help clean and restore the fragile ecosystem and is a 50/50 partnership with the State and local agencies. This project is funded through the Army Corps of Engineers Construction Account.

All of my projects are congressionally authorized and go only to public government agencies.

HONORING MR. DONALD K. ALLEN

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. RYAN of Ohio. Madam Speaker, I am submitting the obituary of man that contributed much to our community and did so in so many ways. He was a friend, a supporter and an example to all of us.

NILES.—Donald K. Allen, 79, Niles, died at 6:15 a.m. Friday, March 28, 2008, at the Hospice House in Poland, following an extended illness.

Mr. Allen was born Feb. 4, 1929, in New Martinsville, W.Va., a son of the late Harold Roy and Ruby Mason Allen.

He was a graduate of Magnolia High School, where he was a four-year football letter winner and captain of his 1946 football squad. He recently received the Magnolia High School Alumni Life Achievement Award, honoring student athletes from their era. Following high school, he went on to Youngstown College on a football scholarship. He also attended Northwestern University.

Donald served in the U.S. Army as a sergeant during the Korean Conflict, and went on to serve in the National Guard for 17 years.

He was employed at the Niles Police Department in 1954 as a patrolman. Donald was the owner and operator of Associated Research Consultants as a Licensed Polygraph Operator. He then went on to work at Republic Steel in the Production Planning and Transportation Department. He continued to serve for 20 years as the president of the office and clerical Union Local 6824. Donald proudly served under Mayor Ralph Infante's administration since 1992. First serving as safety director and presently as service director for the City of Niles.

His memberships include: Past member of the United Way Charity Committee; former member of the Niles Football Frontliners; 58-year member of the Niles McKinley Lodge 794 of Free and Accepted Masons, where he was a 32nd degree mason; Past worthy president and 47 year member of the Niles Eagles Aerie 1476, where he was given the honor of the Golden Eagle; Ben Lin Club member; Charter member ITAM Post 39; American Legion Post 106; 40-year member of the Niles Moose Lodge 627; and Niles Moose Legion 87; past commissioner for Niles Youth Baseball League; lifetime member of the Niles Men's Democratic Club and Former Trumbull County Democratic Central committeeman for 28 years.

His loving wife, Edna Mae Sheets Allen, whom he married Dec. 1, 1951, passed away after 46 years of marriage on Nov. 14, 1997.

Survivors include a son, William, and his wife, Karen Infante Allen of Niles; two granddaughters, Jennifer and Melanie Allen.

He was preceded in death by his parents; two brothers, Bruce and Robert Allen; three sisters, Wilma Games, Maxine Tackett, and Beulah Hawkins.

Funeral services will be held 1 p.m. Monday at Lane Funeral Home, Niles Chapel, 415 Robbins Ave. Calling hours will be from 4 to 8 p.m. Sunday at the funeral home. Burial will be at Niles City Cemetery.

Memorial contributions can be made to the Hospice House, 9803 Sharrott Road, Poland, Ohio 44514.

EARMARK DECLARATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. DREIER. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: San Gabriel Basin Water Quality Authority

Address of Requesting Entity: 1720 West Cameron Avenue, Suite #100, West Covina, California 91790

Description of Request: Provide an earmark of \$4,000,000 for the San Gabriel Basin Restoration Fund to continue the design, construction, and operation of water projects to contain and treat the spreading groundwater contamination in the San Gabriel and Central Water Basins. The San Gabriel Basin Water Quality Authority was established by California State law under SB1679 in 1993 to develop, finance and implement groundwater treatment programs in the San Gabriel Basin and act as a clearinghouse for Federal funds that have been appropriated for these programs. The project is authorized in P.L. 106-554 and this request is consistent with the intended and authorized purpose of the Bureau of Reclamations Water and Related Resources account. The current authorization ceiling for the Restoration Fund has yet to be reached, with roughly \$4,000,000 yet to be appropriated. The San Gabriel Basin Water Quality Authority will provide a minimum of a 35% cost share which will come directly from the Water Quality Authority.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010

Account: Bureau of Reclamation, Water and Related Resources

Legal Name of Requesting Entity: Inland Empire Utilities Agency

Address of Requesting Entity: 6075 Kimball Avenue, Chino, California 91710

Description of Request: Provide an earmark of \$100,000 for the Inland Empire Regional

Water Recycling Project. Construction of the project is underway, and FY 2010 funding will be used 50% for purple pipe and 50% for storage tanks. When complete, the project will yield 100,000 acre-feet of new recycled water annually. The project is authorized in P.L. 108-361, Title 1, Section 103(d)(3) and additional specific authorization is provided in P.L. 110-161, Sec. 210. The total project cost is \$226 million. As is consistent with law, the Federal share is capped at \$20 million, which is less than 10% of the total cost of the project.

Requesting Member: Representative DAVID DREIER

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, FY2010

Account: Army Corps of Engineers, General Investigations

Legal Name of Requesting Entity: Los Angeles County Flood Control District

Address of Requesting Entity: 900 South Fremont Avenue, Alhambra, California 91802

Description of Request: Provide an earmark of \$600,000 to continue a feasibility study and ultimately a watershed management plan which will focus on the restoration of the natural hydrologic function of the watershed and the management of water resources and water quality improvement including habitat and recreational resource restoration. The estimated total project cost is \$2.7 million with more than 50% provided by local, non-federal funds.

EARMARK DECLARATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BONNER. Madam Speaker, I submit the following:

Project Name: Auburn University, Biomass to Liquid Fuels and Electric Power Research

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 3183

Account: Department of Energy, Office of Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: Auburn University

Address of Requesting Entity: 102 Samford Hall, Auburn, Alabama 36849

Description of Request: Provide an earmark of \$1,500,000 to help solve our energy and security needs by creating renewable options for electrical power and liquid transportation fuel. Approximately, \$375,000 [or 25%] of the funding will be used to provide laboratory analytical equipment; \$375,000 [or 25%] will be used for laboratory personnel; \$750,000 [or 50%] will be used for operations and maintenance expenses for conducting feedstock research, operation of fractionation, gasification, and gas-to-liquids production studies. The total project cost is \$13,750,000; this particular phase will cost a total of \$4,000,000. The Center for Bioenergy and Bioproducts has recently commissioned several unique research facilities dedicated to processing biomass feedstocks and converting them into liquid fuels, electrical power, and higher value

chemicals. This proposed initiative will capitalize on this infrastructure investment by using systems-based approaches to develop bioenergy solutions based primarily on forest residues, previously unmarketable small-diameter trees, and other underutilized woody biomass feedstocks. Alabama has been a leader in the Nation in biomass fuel and this project will allow the continued research and development of this renewable fuel source.

Project Name: Western Baldwin County, AL Grid Interconnection

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 3183

Account: Department of Energy, Electricity Delivery and Energy Reliability

Legal Name of Requesting Entity: Utilities Board of the City of Foley, AL

Address of Requesting Entity: 413 East Laurel Avenue, Foley, AL 36535

Description of Request: Provide an earmark of \$500,000 to this public utility to construct a new interconnection point to the transmission grid for the purpose of providing additional electric capacity and increased reliability to a rapidly growing section of southwest Alabama. \$500,000 [or 100%] will be used to purchase transformers, arresters, breakers, regulators and other equipment. The total estimated cost of this project is \$2,500,000 and the Utilities Board of the City of Foley will provide approximately 80 percent of required funding. Project will provide stability and recovery of the electric system in the event of a natural disaster and will employ at least 20-30 contract employees.

Project Name: Alabama River Lakes, AL

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 3183

Account: Operations & Maintenance

Legal Name of Requesting Entity: U.S. Corps of Engineers

Address of Requesting Entity: Mobile District, Mobile, AL 36602

Description of Request: Provide an earmark (which was also requested by the President in his FY 2010 annual Corps priorities) in the amount of \$16,785,000 to the U.S. Corps of Engineers to fund annual operations and maintenance at Alabama River Lakes including the old Alabama-Coosa, Millers Ferry Lock and Dam, Robert F. Henry Lock and Dam, the Claiborne Lock and Dam, and 315 miles of navigational channels. \$16,785,000 [or 100%] of funding will be used to provide dredging of the Alabama River navigation channel to its authorized depths of nine feet deep and 200 feet wide. These dimensions will allow the waterways to accommodate fully-loaded barges of 1500 tons per barge or greater. A lack of dredging reduces the efficiency of a tow as silt reduces channel depths reducing the loading capacity of barges which in turn increases the costs of transportation. Funding will be used to ensure the economic viability of the waterways will accommodate economic development projects along the waterways in Alabama.

Project Name: Mobile Harbor, AL

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 3183

Account: Operations & Maintenance

Legal Name of Requesting Entity: U.S. Corps of Engineers

Address of Requesting Entity: Mobile District, Mobile, AL 36602

Description of Request: Provide an earmark (which was also requested by the President in his FY 2010 annual Corps priorities) in the amount of \$23,996,000 to the U.S. Corps of Engineers to fund annual operations and maintenance of the Mobile Harbor. \$23,996,000 [or 100%] will be used for dredging of the channels in keeping with the Corps of Engineers' requirements to ensure depth is adequate for ships that utilize the harbor. The Mobile Harbor will help support economic development of the entire state of Alabama, Florida panhandle, southern half of Mississippi and western Tennessee through increased international trade and support. Current vessel traffic supports a new container terminal, McDuffie Coal Terminal, and two raw material terminals supporting Alabama's steel production. Funding will assist in keeping the harbor dredged and operational not only to large ships from the Gulf of Mexico but also for the barges that utilize the waterways north of Mobile, Alabama. Post-Hurricane Katrina, the Alabama State Port has become the tenth largest port in the United States.

EARMARK DECLARATION

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BOUSTANY. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010. These earmarks are contained in H.R. 3183:

Calcasieu River, Mile 5.0–14.0, Cameron Parish

Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: U.S. Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, CAP 204

Purpose: An earmark prioritizing the Calcasieu River, Mile 5.0–14.0, Cameron Parish project within the Corps CAP 204 program. Funds will be used to complete the design and implementation phase for the beneficial use of dredged materials project along the Calcasieu River. The project provides for the placement of shoal material from the Calcasieu River, Mile 5 to Mile 14, into the Cameron Creole Prairie National Wildlife Refuge. Additional beneficiaries include the Lake Charles Harbor and Terminal District and the users of the Calcasieu River Ship Channel.

Calcasieu Lock, LA

Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: US Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, Investigations

Purpose: An earmark of \$1,000,000 to advance the authorized feasibility study for the

Calcasieu Lock, LA project and to address economic and environmental studies. Traffic projections will provide the economic baseline expectations for future without project conditions. The benefit model will identify the inflection point for decision to shift shipping methods. The agricultural study will determine the benefits to agricultural areas from the improved drainage of the system. Once completed, these studies will form the basis for the justification of the project. The completion of feasibility will be necessary upon completion of the economic study. The Calcasieu Lock is a bottleneck on the Gulf Intracoastal Waterway system in Louisiana, causing delays in transportation and interstate commerce.

LCA—Ecosystems Restoration, LA

Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: US Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, General Investigations

Purpose: An earmark of \$20,000,000 to advance the studies for the authorized Louisiana Coastal Area (LCA) Ecosystems Restoration, LA project. Funds will be used to begin BBBSR PED; conclude 1 feasibility study; and continue 10 studies. The Mississippi River Hydrology Study/Delta Mgt feature will continue to be a priority and will include the hydrodynamics of the watershed of the Atchafalaya River. In accordance with the Water Resources Development Act, decision documents will be submitted to the ASA. Additional beneficiaries include residents of Louisiana.

Bayou Teche & Vermilion River, LA

Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: US Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, Operations and Maintenance

Purpose: An earmark of \$15,000 for the authorized Bayou Teche & Vermilion River, LA project. Funding will be used for surveys.

Bayou Teche, LA

Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: US Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, Operations and Maintenance

Purpose: An earmark of \$200,000 for the authorized Bayou Teche, LA project. Funding will be used for hydrographic surveys, real estate activities, P&S and environmental clearances.

Calcasieu River and Pass, LA

Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: US Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, Operations and Maintenance

Purpose: An earmark of \$17,968,000 for the authorized Calcasieu River and Pass, LA project. Funds are needed to keep international commerce moving without delays and light loadings. Funds will be used to operate,

repair and maintain the Calcasieu River channel, dredge the bar channel, dredge mile 5 to 17 and Devil's Elbow, master plans, and maintenance of dredged material disposal facilities. Additional funds would be used to dredge the bar channel and Mile 17 to 29, foreshore rock dikes, construction and major rehabilitation of new disposal area per Dredged Material Management Program.

Freshwater Bayou, LA

Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: US Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, Operations and Maintenance

Purpose: An earmark of \$2,235,000 for the authorized Freshwater Bayou, LA project. The lock is crucial to support offshore oil industry to provide the necessary fuel, supplies and food to offshore oil platforms in the Gulf of Mexico, and also to support commercial fishing. The funds will be used for operations and maintenance and to dredge two critical reaches to support the energy infrastructure along the Freshwater Bayou, LA.

Mermentau River, LA

Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: US Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, Operations and Maintenance

Purpose: An earmark of \$1,913,000 for the authorized Mermentau River, LA project. Funding will be used to dredge and continue ongoing repairs along the Mermentau River, including operations of Catfish Point and Schooner Bayou Control Structures, maintenance of the control structures, including water control data systems, real estate, and dredge Mermentau Bar Channel, and boathouse replacement at the Catfish Point Control Structure.

Southwest Coastal Louisiana Hurricane Protection, LA Member requesting funds: CHARLES BOUSTANY, Jr., MD (LA–07)

Entity receiving funds: US Army Corps of Engineers, New Orleans District, 7400 Leake Avenue, New Orleans, LA 70118

Account: Army Corps of Engineers, Investigations

Purpose: An earmark of \$1,000,000 to advance the authorized Southwest Coastal Louisiana Hurricane Protection, LA project. The Corps is directed to expedite the study under the Water Resources Development Act of 2007. The funds will be used to continue the feasibility phase. Activities include plan formulation, hydrology and hydraulic analyses, economic inventory, environmental analyses.

EARMARK DECLARATION

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. CAMP. Madam Speaker, pursuant to the Republican Leadership's standards on Member spending requests, I am submitting

the following information regarding the spending request I submitted that is contained in H.R. 3183, the Energy and Water Appropriations Bill for FY 2010.

The entity to receive funding under the request is Spaulding Township, located at 5025 East Road, Saginaw, Michigan, 48601. The funding is to be allocated from the Army Corps of Engineers Section 205 Account, and will be used by the Army Corps of Engineers to complete construction of the north and south levees at the Cass River in Saginaw County between East M 13 and Sheridan Road. The existing levees (except for the portion completed in early 1999 by the Township) will be relocated away from the banks of the Cass River to create a floodway shelf for added capacity and for wetland mitigation. The Township has already contributed \$345,000 towards the project, and \$3,930,573 in federal funding is required in order to complete the project according to structural and safety guidelines required by Army Corps of Engineers.

The Cass River has flooded nearby homes and businesses in Spaulding Township on an almost semi-annual basis for the past 30 years. During some of these floods, traffic on major highways has been stopped, and at times has made emergency rescue services (fire and ambulance) impossible. The existing levees are in poor condition and portions appear to be unstable. In addition, the low top elevations of the existing levees do not adequately protect the area from flooding. Federal funds are therefore needed to mitigate a significant public health and safety risk to the residents of Spaulding Township.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. COLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170—Financial Services and General Government Appropriations Act, 2010

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3170

Provision: Title V

Account: GSA—Operating Expenses

Legal Name of Requesting Entity: Oklahoma City National Memorial Foundation

Address of Requesting Entity: 620 N. Harvey, Oklahoma City, OK 73102, P.O. Box 323 Oklahoma City, OK 73101

Description of Request: Provide an earmark of \$1,000,000 to fund the Oklahoma City National Memorial Foundation's operation and maintenance cost associated with the Memorial Museum, as well as the execution of outreach and educational programs.

EARMARK DECLARATION

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. HALL of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, Energy and Water Appropriations for Fiscal Year 2010:

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3183, Energy and Water Authorization Act for Fiscal Year 2010

Account: Investigations

Legal Name of Requesting Entity: Arkansas Red River Commission

Address of Requesting Entity: 4155 E. Clay St., Vicksburg, MS 39183

Description of Request: I have secured \$25,000 for the Red River Navigation Study, Southwest Arkansas, AR & LA with the Arkansas Red River Commission. Funding for this project will be to study alternatives for extending navigation from Shreveport, LA to Index, AR. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3183, Energy and Water Authorization Act for Fiscal Year 2010

Account: Science

Legal Name of Requesting Entity: Texas A&M University—Commerce

Address of Requesting Entity: P.O. Box 3011, Commerce, TX 75429

Description of Request: I have secured \$300,000 for the Advanced Artificial Science and Engineering Research Infrastructure with Texas A&M University at Commerce. Funding for this project will assist in the development of an advanced artificial science and engineering research infrastructure to facilitate innovative computational modeling and analysis of complex electromagnetic wave propagation phenomenologies. The objectives of this proposal are twofold: (1) to implement and operate a high-powered computing grid (a virtual computing environment) that will facilitate the solution of interdisciplinary computational and engineering models, and (2) to develop a computational model of complex electromagnetic wave transmission, propagation, and reception, and analyze that model using new Computational Science methods within the virtual computing environment. The research will be conducted in Hunt County, and will provide faculty and students with research and educational opportunities currently not available. Furthermore, the "grid" will be available for other universities and industries to utilize, thereby expanding the area of impact across the state. I certify that I do not have any financial interest in this project.

Requesting Member: Congressman RALPH M. HALL

Bill Number: H.R. 3183, Energy and Water Authorization Act for Fiscal Year 2010

Account: Construction

Legal Name of Requesting Entity: Corps of Engineers, Tulsa District

Address of Requesting Entity: 1645 S. 101 East Ave., Tulsa, OK 74128

Description of Request: I have secured \$1,800,000 for the Red River Basin Chloride Control, TX & OK with the Corps of Engineers, Tulsa District. This project is designed to control natural chloride brine emissions at three major source areas to improve water quality for municipal, industrial, and agricultural use. Funding for this project will improve construction of low flow dams, pump stations, and diversion pipelines to Truscott Brine Dam. The Red River water quality will be improved so it can be used for irrigation, municipalities and industries. I certify that I do not have any financial interest in this project.

EARMARK DECLARATION

HON. STEVEN C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. LATOURETTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, The Energy and Water Development and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3183

Account: Department of Energy—Fossil Energy R&D

Legal Name of Requesting Entity: Technology Management Inc.

Address of Requesting Entity: 290 Alpha Dr., Highland Heights, Ohio 44143

Description of Request: Provide an earmark of \$500,000 to be used to continue development of a scalable fuel cell system for distributed bioenergy generation. Technology Management Inc. has produced a fully functional fuel cell system—the size of an appliance—that can be installed and used to generate power through biofuels sufficient enough to power an Ohio farm. Funds would be dedicated to engineering prototypes for manufacturing.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3183

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: City of Mentor-on-the-Lake

Address of Requesting Entity: 5860 Andrews Road, Mentor-on-the-Lake, Ohio 44060

Description of Request: Provide an earmark of \$500,000 to be used to reconstruct a new storm sewer system along State Route 283. The system would help to eliminate flooding and reduce pollution of Lake Erie.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3183

Account: Department of Energy—Fossil Energy R&D

Legal Name of Requesting Entity: Parker Hannifin

Address of Requesting Entity: 9200 Tyler Blvd. Mentor, Ohio 44060

Description of Request: Provide an earmark of \$300,000 to be used to develop new adaptive control technologies for combustion performance. This new technology will result in

significant changes to combustor performance, allowing enhanced operability, increased fuel flexibility and increased life of engine components. The project will facilitate the use of syngas, a clean fuel, as a replacement for traditional fossil fuels to provide power in everything from a building generator to a power utility. Because fossil fuel-powered utilities are the greatest sources of greenhouse gas emissions, the use of syngas will have a positive impact on the environment.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3183

Account: Corps of Engineers—Construction
Legal Name of Requesting Entity: Lake County Department of Utilities

Address of Requesting Entity: 105 Main Street, Painesville, Ohio 44077

Description of Request: Provide an earmark of \$500,000 to be used to replace the county's existing lift station and forcemain, which is located under the Grand River. Replacement of the aging system would prevent flooding and potentially hazardous discharges into Lake Erie.

Requesting Member: Congressman STEVEN C. LATOURETTE

Bill Number: H.R. 3183

Account: Department of Energy—EERE
Legal Name of Requesting Entity: Case Western Reserve University

Address of Requesting Entity: 10900 Euclid Avenue, Nord Hall Room 628, Cleveland, Ohio 44106

Description of Request: Provide an earmark in the amount of \$500,000 for the Great Lakes Institute for Energy Innovation at Case Western Reserve University for research, equipment and infrastructure to support the institute's regional work in alternative energy including wind, solar and smart grid systems. The work will support the nation's effort in developing green technologies.

BEAVER CREEK RESERVOIR PROJECT

HON. GLENN THOMPSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. THOMPSON of Pennsylvania. Madam Speaker, pursuant to the Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3183, the Energy and Water Development & Related Agencies Appropriations Act, 2010. The entity to receive funding is Clarion County Commissioners, 421 Main Street, Clarion, PA 16214, in the amount of \$100,000. Funding will be used to provide a major water source, recreation, aquatic, avian, ecological, and environmental education endeavors with the inclusion of a major water supply source (1.3 million gallons/day). Enhancements to the Clarion County Commerce Center (KOZ Zone) would be afforded a water supply for industrial growth in the western section of the county.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. KING of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—the Energy and Water Development & Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 3183

Account: Operations and Maintenance (O&M)

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 26 Federal Plaza, Room 2109, New York, NY 10278

Description of Request: \$150,000 will be used to place one million cubic yards of sand along the shoreline several miles west of the inlet for erosion control at Gilgo Beach and Robert Moses State Park (Fire Island to Jones Inlet Project).

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 26 Federal Plaza, Room 2109, New York, NY 10278

Description of Request: \$500,000 will be used to complete the design and initiate construction of the first contract of beach nourishment and maintenance project from Jones Inlet to East Rockaway Inlet (Long Beach).

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 26 Federal Plaza, Room 2109, New York, NY 10278

Description of Request: \$5,800,000 will be used by the Army Corps of Engineers for the Fire Island Inlet to Montauk Point (FIMP) Project to complete the 3rd nourishment at Westhampton and 1st nourishment at Shinnecock, to continue required monitoring efforts, and to complete a reformulation study for the Fire Island to Montauk Point Project.

Requesting Member: Congressman PETER T. KING

Bill Number: H.R. 3183

Account: FUSRAP

Legal Name of Requesting Entity: Verizon Communications

Address of Requesting Entity: One Verizon Way, Basking Ridge, NJ 07920

Description of Request: This report language will direct the U.S. Army Corps of Engineers to complete a remedial investigation/feasibility study for the cleanup of the former Sylvania nuclear fuel site at Hicksville, New York, proceed to a record of decision and, if appropriate, initiate any necessary remediation in accordance with the Comprehensive Environ-

mental Response, Compensation, and Liability Act (CERCLA).

EARMARK DECLARATION

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. WITTMAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the earmark I received as part of H.R. 3183, Energy and Water Appropriations bill for FY 2010.

Project Name/Amount: Sustainable Algal Energy Production and Environmental Remediation, \$500,000

Requested by: ROBERT J. WITTMAN

Intended Recipient of Funds/Grantee: College of William and Mary P.O. Box 8795 Williamsburg, VA 23187-8795

Project description and explanation of the request: Algae yields substantial advantages over other bio-fuel crops toward the combined goals of renewability, sustainability, affordability, and environmental compatibility in an energy sustainable economy. A multi-disciplinary program plan and partnership are in development for a system to grow, harvest, and process wild algae into feedstock, to chemically convert the feedstock into fuels, and then to distribute the native algae-derived fuels to consumers. This program will be developed under leadership of the College of William and Mary (CWM), acting through its Virginia Institute for Marine Science (VIMS), the nation's third largest marine science organization, and the premier institute for coastal and estuary studies, working with the College's William and Mary Research Institute (WMRI), which provides access to 570 faculty members across the schools of the main campus. The envisioned commercial process has the potential to produce significantly higher efficiencies than other bio-fuel systems in development, based on mature, proven algae cultivation capabilities, while avoiding many land use issues of alternative algal methods. The target consumers of these fuels include all air and ground transportation and power production systems. This project will secure a number of new jobs for the district in the execution of the work, but the major benefits of bringing algal biofuels to the coast of Virginia will have an enormous impact on the state's economy while remediating long-standing environmental problems caused by nutrients in the watershed, rivers and estuarial run-off into the Chesapeake Bay. Funding will support production of 40 kg of Algal Oil and 200 kg of Algal Carbohydrate. Funding will also support design, development, and operation of a portable, water based, self contained harvesting system. Additionally, funding would develop a site screening and production forecasting computer model.

Project Name/Amount: Regional Sediment Management Demonstration Program: Matthews County, VA, \$238,000

Requested by: ROBERT J. WITTMAN

Intended Recipient of Funds/Grantee: Norfolk District, Army Corps of Engineers 803 Front Street Norfolk, VA 23510

Project description and explanation of the request: Continue construction a sediment budget for the Mathews County, VA area and investigate utilization of dredge material from several local/adjacent federal navigation channels to address shoreline conditions along the western shore of the Chesapeake Bay. The project is authorized by PL 110-114 Sec. 2037.

Project Name/Amount: Winter Harbor, Mathews County, VA, \$1,190,000

Requested by: ROBERT J. WITTMAN

Intended Recipient of Funds/Grantee: Norfolk District, Army Corps of Engineers 803 Front Street Norfolk, VA 23510

Project description and explanation of the request: Completion of authorized maintenance dredging activities authorized under the River and Harbor Act of 17 May 1950.

RECOGNITION OF THE MILLER GAS STATION ON ITS 50TH ANNIVERSARY

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Ms. KILROY. Madam Speaker, I rise today to honor the Miller gas station on its 50th anniversary. This family business has been serving the residents of my hometown in Ohio for five decades by offering the personal service and attention that is becoming rare and invaluable in an increasingly automated world.

Unlike most other gas stations in Ohio which are purely self-service, the Miller family gas station maintains a full-service pump. The Millers interact with customers on a daily basis, developing relationships that are necessary for the sense of connectedness and goodwill among members of a strong and spirited community. Residents of Upper Arlington return to the Millers' station time and again—some for many years—knowing they will receive exceptional service each time.

Eddie and Deanna Miller leased the station in 1959 and worked at the station for almost 25 years before they could own the business outright. The couple has served as an example of the American tradition of hard work and quality service, factors that have kept their business vibrant in instances of harsh economic conditions over the last fifty years. For the Millers, good service is not just a virtue of successful business, it is an enjoyable and fulfilling aspect of their work. Interaction with community members instills within their family a sense of pride in and responsibility toward the people of Upper Arlington.

This month as the family business celebrates its 50th anniversary Eddie and Deanna express confidence in their son Mike in carrying their family business forward for decades to come. I thank the Miller family and encourage them to continue their tradition of unique and valued service to the residents of Central Ohio.

EARMARK DECLARATION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. INGLIS. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman BOB INGLIS

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: EERE—Other

Legal Name of Requesting Entity: University of South Carolina

Address of Requesting Entity: 1218 Henderson Street, Columbia, South Carolina 29201

Description of Request: The purpose of the request is to continue the development and demonstration of a unique science and technology process to use waste heat from nuclear reactors to generate hydrogen using chemical processing combined with separation using PEM technology. This highly effective process will enable expanded and accelerated hydrogen production for energy sustainability and security for our society. The amount is \$300,000 and it would go to the University of South Carolina.

Requesting Member: Congressman BOB INGLIS

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Science

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: 209 Sikes Hall, Clemson, South Carolina 29634

Description of Request: The purpose of the request is to continue the development of the Clemson University Cyberinstitute (CUCI) project which will assist research universities around the State of South Carolina to perform scientific research in nanotechnology, bioinformatics/computational biology, environment/ecology and global climate change. The project links South Carolina to a nation-wide backbone of world-class university research, industry partners and cutting-edge technology entrepreneurs. CUCI will serve as a conduit for a virtual research campus that brings together cyber resources and strengths from each of South Carolina's research institutions, including Clemson University, the Medical University of South Carolina, and the University of South Carolina. The amount is \$500,000 and it would go to Clemson University.

Requesting Member: Congressman BOB INGLIS

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Energy Efficiency and Renewable Energy (EERE)—Biomass and Biorefinery Systems R&D

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: 209 Sikes Hall, Clemson, South Carolina 29634

Description of Request: The purpose of the request is to continue the development of a Cellulosic Biofuel Plant. Cellulosic ethanol comes from breaking down the lignin and hemi-cellulose shell in order to access plant sugars for fermentation into renewable fuel. It is estimated that cellulose conversion to ethanol can produce 800–1000 gallons of ethanol per acre (compared to 416/acre for corn). Capturing 20% of the state's gasoline fuel market through bio-ethanol would build a \$1Bn industry. In order to accomplish that goal, South Carolina must have the capacity to produce 700M gallons of ethanol/year. Based on recent studies of the economic impact of corn ethanol plans in the Midwest, 700M gal/year of bio-ethanol capacity could lead to \$1.5 billion in capital investments, create 10,000 new jobs, add \$2 billion to the local economy and increase local and state taxes by \$20 million. The amount is \$1 million and it would go to Clemson University.

EARMARK DECLARATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Appropriations Bill:

Requesting Member: ADERHOLT

Bill Number: H.R. 3183

Account: EERE—Building Technologies

Legal Name of Requesting Entity: Snead State Community College

Address of Requesting Entity: Snead State Community College, PO Box 734, Boaz, AL 35957

Description of Request: "Energy Efficiency Enhancements, \$250,000"

The funding would be used to reduce energy consumed in ten campus buildings. Funding will pay for lighting retrofits, monitors, sensors, and HVAC controls. Leadership in Energy and Environmental Design (LEED) standards from Green Building Council will be used for sustainable operations. Anticipated 20–30% energy savings per year with changes. Of the requested amount, 60% of the funds will be used for materials and supplies and 40% will be used on installation costs. The project will reduce the College's energy consumption. Taxpayer Justification: This funding will help reduce energy use and save natural resources and reduce dependence on foreign oil. The project will also promote conservation to the public.

Requesting Member: ADERHOLT

Bill Number: H.R. 3183

Account: EERE—Building Technologies

Legal Name of Requesting Entity: Gadsden State Community College

Address of Requesting Entity: P.O. Box 227, Gadsden, AL 35902-0227

Description of Request: "Green Operations Plan, \$75,000"

The funding would be used for replacing aging inefficient light fixtures in Wallace Hall Fine Arts Center to reduce the amount of electricity used by over 50%. Gadsden State's requested amount was \$75,000. Gadsden State Community Colleges plans to expend the entire amount of the funds on Energy Efficient Stage Lighting fixtures; LED Stage Border lights; High-efficiency Moving Light fixtures; and Digitally Controlled—Energy Efficient Rigging Units. Taxpayer Justification: This plan will produce the same brightness at a lower cost and utilize easily-recyclable lamps which will cut lighting energy use.

Requesting Member: ADERHOLT

Bill Number: H.R. 3183

Account: EERE—Building Technologies

Legal Name of Requesting Entity: University of North Alabama, Florence, AL

Address of Requesting Entity: UNA, 110 Bibb Graves, Florence, AL 35632

Description of Request: "University of North Alabama, Green Campus Initiative, \$200,000"

The funding would be used to continue the Green Campus Initiative. The objective of the Green Campus Initiative is to reduce dependence on fossil fuels; with anticipated reduction of electrical and natural gas energy consumption by 15%. Request is made in the amount of \$1M to continue the FY09 Green Campus Initiative. Funding will be used to (1) replace 35+ year old HVAC system/Chillers (\$200K), (2) replacement of single pane windows with energy efficient double pane windows (\$400K), (3) replacement of fluorescent lighting with energy saving electronic ballast T-8 or T-5 lamp technology (\$200K), and (4) Labor costs (\$200K). Taxpayer Justification: This funding will improve the provision of a functional green energy technologies prototype to reduce dependence on fossil fuels and natural gas.

Requesting Member: ADERHOLT

Bill Number: H.R. 3183 Account: EERE—Biomass

Legal Name of Requesting Entity: Auburn University, Auburn, AL

Address of Requesting Entity: Auburn University, 102 Samford Hall, Auburn, AL 36849

Description of Request: "Farm Deployable Microbial Bioreactor for Fuel Ethanol Production, \$800,000"

The funding will be used for scientists to develop natural bacteria and yeast mixtures that will simultaneously convert inedible plant waste to bioethanol using a farm deployable bioreactor system, and test its commercial viability within the agriculture community. The requested amount for the project is \$1,000,000 with a spending plan as follows to conduct research on farm deployable microbial bioreactor for fuel ethanol production at Auburn University—Montgomery. Approximately,

\$210,000 for salaries and benefits; \$57,600 for graduate students; \$34,500 for travel; \$360,000 for equipment and materials; \$31,000 in rent; \$129,179 for collaborators (Auburn University and Alabama State Department of Agriculture); \$101,018 utilities and related costs. Taxpayer Justification: Fuel ethanol from inedible plant materials or biomass will become a major portion of America's energy pool. The benefit of this research is national in scale and will especially promote sustainable agriculture in agricultural regions of

the nation. Auburn University Montgomery will conduct research to develop farm deployable microbial bioreactor for fuel ethanol production. The proposed system is cost-efficient, simple, highly usable and has potential for home production. The Alabama Department of Agriculture and Industries will assist in developing pilots on farm to determine and increase commercial viability. Success in this effort will provide a unique combination of microbial catalysts and all-in-one ethanol bioreactor for fuel ethanol production from agricultural wastes.

Requesting Member: ADERHOLT

Bill Number: H.R. 3183

Account: Corp of Engineers—O&M

Legal Name of Requesting Entity: Warrior Tombigbee Waterway Association, Mobile, AL

Address of Requesting Entity: PO Box 2863, Mobile, AL 36652

Description of Request: "Black Warrior and Tombigbee Rivers, \$24,180,000"

The funding would be used to repair Selden Lock miter gates and Holt spillway and Holt lock valves. Funds would also be used to construct an upland disposal site at Buena Vista. Provide \$24,180,000 in funding for Operations and Maintenance for the Mobile District of the COE for the Black Warrior and Tombigbee Rivers. Currently there are 20–25 million tons transported on this river each year, mostly coal and petroleum products, and serious repairs are needed. The Tennessee-Tombigbee Waterway and Coosa-Alabama River systems depend on the efficiency of the Black Warrior-Tombigbee. This project will provide necessary infrastructure maintenance and repairs to the 50+ year old lock and dam system. The entire budget for the project will go towards maintenance and repairs. This request is consistent with the intended and authorized purpose of the Corps of Engineers, O&M Account. Taxpayer Justification: Each year approximately 20–25 million tons of goods move through this waterway, mostly coal and petroleum products. The Black Warrior and Tombigbee Rivers system is vital for the Tennessee-Tombigbee Waterway and the Coosa Alabama River system, and this funding promotes the functioning of this vital waterway.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. KINGSTON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding H.R. 3170, the Financial Services and General Government Appropriations Act of 2010.

Requesting Member: Congressman JACK KINGSTON

Bill: H.R. 3170

Account: Small Business Administration

Legal Name of Requesting Entity: City of Alma

Address of Requesting Entity: 884 Radio Station Rd., Alma, GA 31510

Description of Request: Funding in the amount of \$500,000 for business and infra-

structure development to entice small businesses to the area and encourage growth in the community.

THE COMMUNITY GARDENS ACT OF 2009

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. INSLEE. Madam Speaker, today Congresswoman NORTON and I introduced the Community Gardens Act of 2009, along with Representatives MATSUI, BLUMENAUER, MORAN, CONYERS, Jr., BORDALLO, CHRISTENSEN, DENNIS MOORE, ENGEL, KAPTUR, MALONEY, MCGOVERN, CARSON, GRIJALVA, BARBARA LEE, DONNA EDWARDS, WOOLSEY and CLEAVER II. We thank them for their support.

Localities across America are already demonstrating an eagerness to harvest fresh fruits and vegetables in community gardens. According to a national study, 1 million households participated in community gardens in 2008, and an estimated 5 million households are very interested in starting a garden plot near their home. Washington state is home to many opportunities by which individuals may participate in a community garden atmosphere. For example, the City of Seattle's Department of Neighborhoods currently maintains 1,900 plots, which serve more than 3,800 urban gardeners on 23 acres of land. This successful program is expanding as interest in gardening grows. With this legislation we can help programs like the one in Seattle, Washington, as well as at 21 Acres in Woodinville, Washington, to expand opportunities for all American households to share in the numerous benefits of local gardening.

The Community Gardens Act of 2009 will establish a grant program specifically geared to help local organizations create community gardens in their areas. Groups eligible to apply for funds include community-development organizations, schools, and state and local governments, among others. By encouraging these groups to construct gardens in their communities, the legislation will promote nutrition, environmental awareness, and neighborhood development.

Existing community gardens illustrate the many benefits of creating such a grant program. These gardens are already helping to beautify neighborhoods by transforming vacant lots and paved areas into "green" spaces. They are reducing the impact of nutrient and sediment pollution on local wildlife habitats, forest lands and water quality. They are also teaching our kids about the importance of nutrition and exercise by participating in harvesting healthy food and creating an excellent opportunity for outdoor recreation.

Congresswoman NORTON and I are proud to introduce the Community Gardens Act of 2009 and we look forward to working in Congress to ensure that healthy food and healthy lifestyles are available to all communities across the nation.

EARMARK DECLARATION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. CRENSHAW. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3170—Financial Services and General Government Appropriations Act, 2010

Account: Salaries & Expenses

Legal Name of Receiving Entity: Operation New Hope, Inc.

Address of Receiving Entity: 1830 North Main Street, Jacksonville FL 32206

Description of Request: I have secured \$790,000 in funding in H.R. 3170, in the Salaries & Expenses Account for a prison re-entry job training program that works with small business owners.

The purpose of this program is to successfully re-integrate ex-offenders by work training and job coaching and matching up successful participants with local small businesses that meet their hiring and staffing needs.

This project is eligible for federal funding under the Small Business Administration.

Operation New Hope, Inc. will contribute \$2,000,000 in non-Federal matching funds.

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. CASTLE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding for Delaware included as part of FY 2010 Energy and Water Development Appropriations Act, H.R. 3183:

Name of Project: Delaware Bay Coastline, Roosevelt Inlet to Lewes Beach, DE

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: ACOE—Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wana-maker Building, 100 Penn Square East, Philadelphia, PA 19107

Description of Request: \$350,000 for periodic renourishment of Roosevelt Inlet/Lewes Beach area located in Sussex County, Delaware. The purpose of the project is to reduce flood and coastal storm damage and for navigation mitigation.

Name of Project: Intracoastal Waterway, Delaware River to Chesapeake Bay, DE & MD

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: ACOE—O&M

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wana-maker Building, 100 Penn Square East, Philadelphia, PA 19107

Description of Request: \$28,390,000, which is the President's requested funding level for the continued annual operations and maintenance of this Intracoastal Waterway.

Name of Project: Wilmington Harbor, Delaware

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: ACOE—O&M

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wana-maker Building, 100 Penn Square East, Philadelphia, PA 19107

Description of Request: \$320,000 for aggressive management and capacity restoration of federal disposal areas and chemical and sediment testing within those areas. The purpose of this project is to increase capacity and manage disposal areas for Wilmington Harbor.

Name of Project: Delaware Coast Protection, DE

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: ACOE—Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wana-maker Building, 100 Penn Square East, Philadelphia, PA 19107

Description of Request: \$390,000 to reimburse the State of Delaware for the Federal share of the annual operation and maintenance costs of the sand bypass plant and new plant facilities. The purpose is to support the periodic nourishment of the beach during the authorized period.

Name of Project: Red Clay Creek, Christina River Watershed, DE

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: ACOE—Investigations

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wana-maker Building, 100 Penn Square East, Philadelphia, PA 19107

Description of Request: \$300,000 to continue the investigation of the Christina River Watershed feasibility study. The purpose of the project is to continue investigation of flood damage reduction, ecosystem restoration, water quality control strategies.

Name of Project: Wind Turbine Infrastructure for Green Energy and Research on Wind Power in Delaware

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: DoE—EERE

Legal Name of Requesting Entity: University of Delaware

Address of Requesting Entity: Hullahen Hall, Newark, DE 19716

Description of Request: \$300,000 for the one-time purchase and installation of a wind turbine to be used shore-side at the University of Delaware's Lewes Campus. The purpose of this project is to help inform decisions about the viability and delivery of offshore renewable wind energy.

Name of Project: University of Delaware Energy Institute

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: DoE—Science

Legal Name of Requesting Entity: University of Delaware

Address of Requesting Entity: Hullahen Hall, Newark, DE 19716

Description of Request: \$500,000 for equipment, fellowships, and outreach for University of Delaware's Energy Institute. The purpose of the project is to expand and accelerate the deployment, demonstration and adoption of alternative energy sources and technologies that are more secure, abundant, and sustainable to help meet the nation's energy challenges.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately Monday night, July 13, 2009, I was unable to cast my vote on the Motion to Adjourn.

Had I been present for rollcall No. 530, on the Motion to Adjourn, I would have voted "aye."

TRIBUTE TO CONTINENTAL AIRLINES ON ITS 75TH ANNIVERSARY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BRADY of Texas. Madam Speaker, I rise today to recognize and congratulate Continental Airlines headquartered in Houston, Texas, on its 75th anniversary. I ask my colleagues to join me in applauding Continental Airlines and its employees for the outstanding service and dedication it has provided to travelers over the past 75 years.

From its modest beginnings in July 1934 in El Paso, Texas, Continental has grown to become the fifth largest carrier in the world. Just before the Second World War, Continental moved its headquarters to Denver, Colorado where it subsequently built the Denver Modification Facility, modifying B-17 and B-29 aircraft for the war effort. As the war approached an end, Continental expanded its services to include 26 cities and employ over 400 people by 1945.

In 1963, Continental moved its headquarters once again to Los Angeles, where the company continued to support American military efforts, flying soldiers to Asia during the Vietnam War. During the 1970s, Continental experienced considerable growth. Most notable was approval by President Jimmy Carter to fly from Los Angeles to New Zealand and Australia.

In 1982, Continental, once more relocated its headquarters to its current location in Houston, Texas. Continental then mounted one of the most successful business turnarounds ever in American history when it began restructuring in 1994, using its famous "Go Forward Plan" that emphasized the airline's unique company culture. In addition to

Houston, Continental also has hubs in Cleveland, Ohio and Newark, New Jersey.

Today, Continental remains a major employer in the Houston area and a valued airline. I hear often from satisfied travelers about the quality of the company's service and commonsense approach to operations. As a million mile traveler, I personally can attest to the quality and professionalism of the crew and staff of Continental Airlines. It is my personal choice when I travel back and forth to Washington, and one I trust with the safeguard of my family.

Madam Speaker, I hope my colleagues in the U.S. House of Representatives will join me to recognize Continental's contribution to America on the occasion of the 75th anniversary.

RECOGNIZING YOUNG JU JI

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of Ms. Young Ju Ji. Ms. Ji is the Executive Director of Korean American Women in Need, KANWIN, and a well-respected member of the Korean-American community in Chicago.

KANWIN helps Korean-American survivors of domestic violence and is one of a few organizations in the country with such a mission. The organization's formation began amid controversy as it publicly stated that women should not be subjected to violence or brutality at the hand of her husband or partner. KANWIN has served thousands of families in Chicago, giving women and their children renewed optimism and opportunity.

Ms. Ji immigrated to the U.S. in 1999 to Chicago where she and her family now reside. In addition to her work at KANWIN, Ms. Ji teaches both adults and children Korean drumming, one of her many efforts to preserve Korean culture in Chicago. She also is a Board Member at the Korean-American Resource and Cultural Center, KRCC.

Ms. Ji is well-respected and vital to the Korean-American community. She is a natural leader and her strength invigorates the men and women whose lives she has affected. In her charity, few things are ever unavailable. Ms. Ji, her husband and their two young children regularly open their home and share their financial resources and time to those in need. It is my privilege to recognize Ms. Young Ju Ji as an outstanding member of our community and as a person who deserves our country's honor.

EARMARK DECLARATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. GRAVES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following informa-

tion regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010:

Congressman SAM GRAVES (MO-6)

Department of Defense, Corps of Engineers—Civil, Investigations—\$350,000 to the Corps of Engineers, Kansas City District for the Missouri River Levee System (MRLS) Units L-455 and R 471-460 (4800 East 63rd Street, Kansas City, MO 64130)

Federal funds obtained will be used to advance design of the levee system on the Missouri River at Elwood and Wathena, KS and St. Joseph, MO. Damage from flooding has been significant in St. Joseph and the surrounding area, with devastating floods occurring in 1881, 1952 and 1993. In the Great Flood of 1993, Unit R 471-460 failed causing more than \$97 million in damages. The levee system extends over 29 miles in length, protecting industrial and residential areas in St. Joseph worth over \$1 billion. The feasibility study was completed in 2006 identifying an alternative to raise 13 miles of the right bank unit of the levee protecting Elwood, Wathena, and the MO Air National Guard base.

Congressman SAM GRAVES (MO-6)

Department of Defense, Corps of Engineers—Civil, Section 205—Funds to the Corps of Engineers, Kansas City District for the Blacksnake Creek Feasibility Study (4800 East 63rd Street, Kansas City, MO 64130)

The Blacksnake Creek is a tributary of the Missouri River. In 1984 a flash flood in St. Joseph, MO devastated homes and commercial property in its two largest watersheds, including Blacksnake Creek, a watershed of 5,200 acres. In order to provide a higher level of flood protection the City and the Corps of Engineers initiated a feasibility study of flood control improvements that can be implemented along Blacksnake Creek in St. Joseph. The project would create a storm water detention basin to capture storm water from 3,300 acres of the watershed and protect the fully developed area of 1,900 acres downstream. The project itself has increased in importance as a result of the EPA and its Combined Sewer Overflow (CSO) regulations. As a result, the project is critical to address both flooding and storm water detention and outfall redirection to keep storm water flow out of the combined system and improve water quality as a result. Flooding on the creek threatens the commercial and residential corridor. Federal funds obtained will be used to initiate design work.

Congressman SAM GRAVES (MO-6) (along with the President, Rep. CLEAVER and Rep. MOORE (KS))

Department of Defense, Corps of Engineers—Civil, Investigations—\$700,000 to the Corps of Engineers, Kansas City District for Missouri River Degradation, Kansas and Missouri project (4800 East 63rd Street, Kansas City, MO 64130)

The Kansas City levee systems and metro utilities in the Missouri River are threatened by the ongoing degradation of the Missouri River bed in the Kansas City reach. Federal funds obtained will be used for a feasibility study to investigate the progressive streambed degradation in the Kansas City reach and other areas of the Missouri River.

Congressman SAM GRAVES (MO-6) (along with the President)

Department of Defense, Corps of Engineers—Civil, Construction—\$100,000 to the Corps of Engineers, Kansas City District for Kansas City Levees in Missouri and Kansas (4800 East 63rd Street, Kansas City, MO 64130)

Design of Phase 1, Fairfax Levee, began in 2007. A new construction start and funding is necessary to begin the most critical corrections to the levee system, and to complete Phase 2 feasibility study. Corrective measures to provide reliable protection include raising the levee/floodwall at Argentine; installing pressure relief wells, new piping and pump station all to control underseepage at several units; and to reduce the risk of system failure through sheetpile wall reinforcement; and new construction for the Fairfax-Jersey Creek Unit. There are more than 95,000 jobs that exist in the Kansas City levees protected area. Federal funds obtained will be used to advance the feasibility study.

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the House Republican standards on congressionally-directed funding, I am submitting the following information regarding funding included in H.R. 3183, the Energy and Water Development Appropriations Act of 2010.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3183

Account: U.S. Army Corps of Engineers—Construction, General (Section 202)

Legal Name of Recipient: U.S. Army Corps of Engineers—Huntington & Nashville Districts
Address of Recipient: 502 Eighth Street, Huntington, WV 25701 P.O. Box 1070, Nashville, TN 37202

Description of Request: As authorized in Section 202 of P.L. 96-367, as amended, provide directed funding of \$9,500,000 for the U.S. Army Corps of Engineers to continue structural and non-structural flood damage reduction efforts in several flood-prone communities in southern and eastern Kentucky along the Levisa and Tug Forks and Upper Cumberland River. These important flood damage reduction projects mitigate hundreds of millions of dollars in potential damages. Without Section 202 projects, taxpayers in Appalachian Kentucky would be burdened by an additional \$847 million in flood insurance. Of these sums, at least \$3,000,000 is directed towards the Town of Martin, Kentucky, which recently suffered severe flood damage.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3183

Account: U.S. Army Corps of Engineers—Construction, General (Section 531)

Legal Name of Recipient: U.S. Army Corps of Engineers—Huntington District

Address of Recipient: 502 Eighth Street, Huntington, WV 25701

Description of Request: As authorized in Section 531 of P.L. 104-303, provide \$1,500,000 in directed funding for the U.S. Army Corps of Engineers to execute its environmental infrastructure program in southern and eastern Kentucky. The Environmental Protection Agency estimates this region has over \$300 million in unmet infrastructure needs. The U.S. Army Corps of Engineers therefore works closely with regional non-profits to determine priority water quality projects. Over 50 innovative regional projects for sewer and water improvements are currently underway or have been completed. Through this program, the U.S. Army Corps of Engineers has helped serve 20,861 homes with sewer improvement projects. FY10 funding for Section 531 projects will continue these important efforts.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3183

Account: U.S. Army Corps of Engineers—Construction, General

Legal Name of Recipient: U.S. Army Corps of Engineers—Nashville District

Address of Recipient: P.O. Box 1070, Nashville, TN 37202

Description of Request: Provide \$123,000,000 in directed funding for continued design, preparation and construction to stabilize Wolf Creek Dam, which impounds Lake Cumberland. The lake mitigates possible flooding to several Kentucky and Tennessee communities, and it is estimated that Wolf Creek Dam has prevented more than \$1.3 billion in damages and prevented major loss of life from flood events. The dam also supports a \$150 million tourism industry in the region. A \$341 million contract for the construction of a 4200-foot concrete barrier wall to eliminate seepage at Wolf Creek Dam was let in July 2008. The project is among the Corps' top dam safety projects in the nation and was requested by the President.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3183

Account: U.S. Army Corps of Engineers—Operations & Maintenance

Legal Name of Recipient: U.S. Army Corps of Engineers—Nashville District—Lake Cumberland

Address of Recipient: P.O. Box 1070, Nashville, TN 37202

Description of Request: Provide directed funding of \$1,000,000 for the U.S. Army Corps of Engineers to perform needed recreational improvements to degraded Lake Cumberland structures and facilities. These operation and maintenance funds may be used for needed refurbishments and enhancements around the lake. These enhancements include, but are not limited to lake debris removal, environmental restoration and recreational improvements.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3183

Account: U.S. Army Corps of Engineers—Operations & Maintenance

Legal Name of Recipient: U.S. Army Corps of Engineers—Huntington District—Town of Martin

Address of Recipient: 502 Eighth Street, Huntington, WV 25701

Description of Request: Section 107 of H.R. 3183 directs the U.S. Army Corps of Engineers to expedite the acquisition of properties in Martin, Kentucky that were damaged by floodwaters in a severe May 2009 flood event. Removing residents and businesses from harm's way should be a top priority for the Corps, and this language directs the Huntington District to modify its Project Detailed Project Report, dated March 2000, so that the acquisition of homes and businesses might commence immediately.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3183

Account: Department of Energy—Energy Efficiency and Renewable Energy (EERE)

Legal Name of Recipient: Consortium for Plant Biotechnology Research

Address of Recipient: 100 Sylvan Drive, Suite 210, St. Simons Island, GA 31522

Description of Request: Provide directed funding of \$3,000,000 for the Consortium of Plant Biotechnology Research (CPBR), a non-profit organization whose membership includes 43 leading U.S. research universities and 39 agribusiness companies and trade associations across the county. 92.6% of funding is utilized for researching plant biotechnologies that will improve the competitiveness of U.S. agriculture by developing technologies to lessen the country's dependence on foreign energy supplies. Federal funds are matched 130% on average. The University of Kentucky is a CPBR member.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3183

Account: Department of Energy—Fossil Fuels Research and Development

Legal Name of Recipient: The University of Kentucky—Center for Applied Energy Research

Address of Recipient: 2540 Research Park Drive, Lexington, KY 40511

Description of Request: Provide directed funding of \$2,000,000 for the University of Kentucky's Center for Applied Energy Research (CAER) to continue important research regarding the development of strategic coal-based liquid transportation fuels. Rising petroleum prices, national security concerns and limited domestic oil reserves require a serious look at alternative sources of transportation fuels. The use of coal for transportation fuels can provide additional independence from oil imports, safeguard the nation's security, allow for the development of new industries, and provide new incentives for coal mining. The Department of Defense has a keen interest in securing alternatives to petroleum for reliable supplies of battlefield fuels. Moreover, there are certain applications where coal-derived fuels are environmentally superior for the production of ultra-clean diesel and jet fuel of interest to the aviation, heavy equipment and trucking industries. Eastern and western Kentucky coals are suitable feed stocks for these purposes.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3183

Account: Department of Energy—Energy Efficiency and Renewable Energy (EERE)

Legal Name of Recipient: Morehead State University East Kentucky Bioenergy Capacity Assessment Project

Address of Recipient: 150 University Blvd., 901 Ginger Hall, Morehead, KY 40351

Description of Request: Provide directed funding of \$250,000 for Morehead State University to analyze the availability of bioenergy in a region of Appalachia traditionally supported by coal. Many opportunities exist through the exploration of alternative fuel sources to allow the United States to become less energy dependent on fossil fuels, and this project would support a feasibility study to analyze the availability of bioenergy sources in southern and eastern Kentucky.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Friday, July 10, 2009.

Had I been present, I would have voted "no" on rollcall vote No. 526 (On ordering the previous question to H. Res. 622) and "no" on rollcall vote No. 527 (On agreeing to H. Res. 622), "yes" on rollcall vote No. 528 (On agreeing to the Rep. Jeff Flake of Arizona amendment to H.R. 3082), "yes" on rollcall vote No. 529 (On passage to H.R. 3082).

EARMARK DECLARATION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. CRENSHAW. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3183—Energy & Water Appropriations Act, 2010

Account: Construction

Legal Name of Receiving Entity: Army Corps of Engineers

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville FL 32207

Description of Request: I have secured \$1,000,000 in funding in H.R. 3183 in the Construction Account for the Dredged Materials Disposal Facilities Program, Jacksonville Harbor, FL.

This is a valuable use of taxpayer funds because it will contribute to the dredging improvements which will assure that commodities reach their destination efficiently and cleanly by ship rather than by surface transportation, which reduces air pollution, strain on our over-burdened highway system and traffic congestion.

In addition, to continue JAXPORT's growth, the channel must be deepened so it can handle container ships with deeper drafts.

There is a 25 percent non-Federal cost share required for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3183—Energy & Water Appropriations Act, 2010

Account: Construction

Legal Name of Receiving Entity: Army Corps of Engineers

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville FL 32207

Description of Request: I have secured \$1,000,000 in funding in H.R. 3183 in the Construction Account for Jacksonville Harbor, FL.

This is a valuable use of taxpayer funds because dredging improvements will assure that commodities reach their destination efficiently and cleanly by ship rather than by surface transportation, which reduces air pollution, strain on our over-burdened highway system and traffic congestion.

In addition, to continue JAXPORT's growth, the channel must be deepened so it can handle container ships with deeper drafts.

There is a 25 percent non-Federal cost share required for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3183—Energy & Water Appropriations Act, 2010

Account: Operations & Maintenance

Legal Name of Receiving Entity: Army Corps of Engineers

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville FL 32207

Description of Request: I have secured \$4,500,000 in funding in H.R. 3183 in the Operations & Maintenance Account for the Intracoastal Waterway, Jacksonville to Miami, FL.

The purpose of this funding is for the routine maintenance dredging of Reach 1 in Duval County at Nassau Sound and non-routine maintenance dredging in Reach 3 will remove 250,000 cyds. of material. The beach quality material will be placed on Amelia Island and the non-beach quality materials will be placed in DMMA DU-2.

This is a valuable use of taxpayer funds because the operation and maintenance of the Intracoastal Waterway in Florida is a Federal responsibility.

There are no matching funds required or allowed for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3183—Energy & Water Appropriations Act, 2010

Account: Operations & Maintenance

Legal Name of Receiving Entity: Army Corps of Engineers

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville FL 32207

Description of Request: I have secured \$6,035,000 in funding in H.R. 3183 in the Operations & Maintenance Account for the Jacksonville Harbor, FL.

The purpose of this funding is for the periodic dredging in the 20 mile main federal ship channel.

The Jacksonville Harbor project is an authorized federal project and has regularly received O&M funds which are necessary to retain the federal project depth. Pursuant to federal statute, the Army Corps of Engineers is responsible for maintenance of federal navigation channels.

There are no matching funds required or allowed for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3183—Energy & Water Appropriations Act, 2010

Account: Section 206

Legal Name of Receiving Entity: Army Corps of Engineers

Address of Receiving Entity: 701 San Marco Boulevard Jacksonville FL 32207

Description of Request: I have secured funding in H.R. 3183 in the Section 206 Account for the Big Fishweir Creek, FL.

Big Fishweir Creek is a small tributary on the St. Johns River, a federally-designated American Heritage River, approximately 4 miles south of downtown Jacksonville. The contributing sub-basin to Big Fishweir Creek has been urbanized, predominantly with residential land use, which is encroaching along the creek's banks. Most of this urbanization occurred prior to the promulgation of storm water regulations. Consequently, only limited storm water management has been implemented in the sub-basin. Contaminated sediment from untreated storm water has been deposited in the creek over time, reducing natural habitat in the creek and along its banks.

Under the authority provided by Section 206 of the Water Resources Development Act of 1996, the Corps may plan, design and build projects to restore aquatic ecosystems for fish and wildlife. Projects must be in the public interest and cost effective and are limited to \$5 million in Federal cost.

There is a 50 percent non-Federal matching requirement for this project.

Requesting Member: Congressman ANDER CRENSHAW

Bill Number: H.R. 3183—Energy & Water Appropriations Act, 2010

Account: Electricity Efficiency and Renewable Energy

Legal Name of Receiving Entity: City of Tallahassee, Florida

Address of Receiving Entity: 300 S. Adams Street Tallahassee FL 32301

Description of Request: I have secured \$250,000 in funding in H.R. 3186 in the Electricity Efficiency and Renewable Energy Account under the Department of Energy for the City of Tallahassee Innovative Energy Initiatives.

The City of Tallahassee will provide \$2,000,000 in matching funds for this project.

EARMARK DECLARATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. YOUNG of Alaska. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Project Name: Fairbanks Geothermal Energy Project

Bill Number: H.R. 3183—Department of Energy

Legal name and address of entity receiving earmark: Fairbanks North Star Borough, 809 Pioneer Road, Fairbanks, AK 99707

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Fairbanks North Star Borough in cooperation with the University of Alaska Fairbanks (UAF) Center for Energy and Power will use funds to perform research and development work on an enhanced geothermal system designed to replace the 9 megawatt combined heat and power unit located on the campus of UAF.

Appropriated Amount: \$1,000,000

Detailed Finance Plan: Program Coordination: \$300,000, geothermal resource assessment: \$500,000, test well: \$4,200,000

Project Name: St. Hermann Harbor Dredging in Kodiak

Bill Number: H.R. 3183—Army Corps of Engineers

Legal name and address of entity receiving earmark: City of Kodiak, 710 Mill Bay Road, Kodiak, AK 99615

Description of how the money will be spent and why the use of federal taxpayer funding is justified: In 1997, the Army Corps completed a breakwater to protect Kodiak's St. Herman Harbor. The south channel of this new harbor has residual rubble from the construction period that needs to be dredged and cleaned out in order to allow the channel entrance to be the width and depth intended by the original project design.

Appropriated Amount: \$500,000

Detailed Finance Plan: Army Corps of Engineers Operations and Maintenance: \$500,000

Project Name: High Penetration Wind Power in Tatitlek

Bill Number: H.R. 3183—Department of Energy

Legal name and address of entity receiving earmark: Native Village of Tatitlek, P.O. Box 171, Tatitlek, AK 99677

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Funding will provide for a high penetration hybrid wind turbine/diesel power station in the Village of Tatitlek. Because it is expensive to ship home heating fuel into Tatitlek, Tatitlek conducted studies on cost effective alternatives. Energy generation from wind is expected to save the community 32 percent over energy generation from diesel.

Appropriated Amount: \$900,000

Detailed Finance Plan: Machines: \$612,495; Shipping: \$34,028; Concrete pads for generators: \$156,257; Crane: \$122,499; Electrical lines: \$24,500; Controls and Equipment: \$340,275; Site prep: \$88,472; C.E. freight: \$68,055; Wind prospecting: \$20,417; Engineering: \$102,083

Project Name: Port of Anchorage

Bill Number: H.R. 3183—Army Corps of Engineers

Legal name and address of entity receiving earmark: Port of Anchorage, 2000 Anchorage Port Rd, Anchorage, AK 99501

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Provide an earmark of \$18 million will be used for operations and maintenance for the Port of Anchorage expansion project.

Appropriated Amount: \$18,000,000

Detailed Finance Plan: Army Corps of Engineers Operations and Maintenance: \$18,000,000

EARMARK DECLARATION

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mrs. MILLER of Michigan. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892, the Department of Homeland Security Appropriations Act of 2010.

Requesting Member: Congressman CANDICE S. MILLER

Bill Number: H.R. 3170—the Financial Services and General Government Appropriations Act of 2010

Account: Salaries and Expenses

Legal Name of Requesting Entity: Macomb County, Michigan

Address of Requesting Entity: 1 S. Main St., 7th Floor, Mt. Clemens, MI 48043

Description of Request: This request, in the amount of \$100,000.00, would be used to provide a variety of much needed programs and services including training such as business plan and marketing writing and assistance. Additionally, it would serve businesses and entrepreneurs in Macomb County who currently lack access to such vital services.

EARMARK DECLARATION

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. LEE of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the Financial Services Appropriations bill.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3170

Account: Small Business Administration—Salaries and Expenses

Legal Name of Requesting Entity: Buffalo Niagara International Trade Foundation

Address of Requesting Entity: 725 Main Street, Buffalo, NY 14203

Description of Request: Provide an earmark of \$250,000 to support three approaches by the World Trade Center Buffalo Niagara (WTCBN), a non-for-profit that helps companies to enter, grow, and compete in international markets: (1) The "Export Canada" program addresses the needs of small and medium sized-manufacturers and service firms by providing workshops focused on exporting to Canada; (2) Expand WTCBN's international business development services and guided assistance to service a broader audience of companies in a 12-county region of Western New York; (3) Support comprehensive trade education and global skills development programs geared for the agribusiness and manufacturing sectors through strengthened partnerships with educational institutions.

Of the total amount, approximately \$100,000 (or 40 percent) is for outreach and marketing;

\$60,000 (or 24 percent) is for education; \$50,000 (or 20 percent) is for technology; \$30,000 (or 12 percent) is for miscellaneous expenses; and \$10,000 (or 4 percent) is for membership activities.

Global trade for any individual firm remains a complex matter requiring a wide range of services, market contact and skills. As part of a network of 300 World Trade Centers in 100 countries, WTCBN has the capabilities and contacts to assist regional businesses in every major market in the world. WTCBN is licensed by the World Trade Centers Association to serve companies throughout much of Upstate New York. The WTCBN shares a very similar mission as the Small Business Administration.

RECOGNITION OF LES WEISBROD

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is with great honor and pleasure that I stand before you today to recognize a very special constituent and friend of mine. He is both a mentor and an outstanding lawyer with a brilliant legal mind, and I am privileged to recognize and acknowledge the achievements of Les Weisbrod. I have known him since 1971, and I can truly say that he is a dedicated, distinguished, and committed citizen.

The name Weisbrod has long been associated with excellence, and his life and work reflect his parents' highest standards of hard work, honesty, courtesy, and responsibility. On July 30, 2009, Mr. Weisbrod will finish his term as President of the American Association for Justice. As the largest trial bar in the world, this association aims to promote a fair and effective justice system and has benefitted enormously from Mr. Weisbrod's leadership and expertise. He has served as President-Elect, Vice President, Secretary, Treasurer, and Parliamentary of the American Association for Justice, in addition to leading many of this association's litigation groups through his quarter-century of membership.

Regarded as one of the most effective medical malpractice and personal injury attorneys in the country, Mr. Weisbrod has obtained more medical malpractice punitive damage jury verdicts for his clients than any other attorney in the United States. In 2003, he obtained a verdict which has been reported by the National Law Journal as one of the 100 most important verdicts of that year, and he was named one of the best lawyers in Dallas for 2003–2005 in Dallas' "D" Magazine and a "Texas Super Lawyer" for 2003–2004 in Texas Monthly.

Our communities and our country rely on the contributions of individuals like Mr. Weisbrod who rise above and beyond the call of duty to make a difference in the lives of others, both personally and professionally. He has demonstrated an unfaltering and tireless commitment to the betterment of Dallas County, the State of Texas, and the entire Nation. I am fortunate to know and to have worked with Mr. Weisbrod for the past 38 years, and I am so pleased to call him a dear friend.

Madam Speaker, in closing, I would like to give a final salute to Les Weisbrod who has fought to ensure justice and fairness in our legal system. I wish him continued health, happiness, and peace throughout his professional and personal journey. His outstanding service on behalf of others truly makes a remarkable difference and serves as an outstanding example to us all.

EARMARK DECLARATION

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. McKEON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding Member priority requests I received as part of H.R. 3170, the "Financial Services and General Government Appropriations Act, 2010."

Requesting Member: Congressman HOWARD P. "BUCK" McKEON

Bill Number: H.R. 3170, the "Financial Services and General Government Appropriations Act, 2010"

Account: Small Business Administration (SBA)

Legal Name of Requesting Entity: City of Palmdale, CA

Address of Requesting Entity: 38300 Sierra Highway, Palmdale, CA 93550

Description of Request: I requested and received a Member priority request totaling \$100,000 to assist the City of Palmdale and the South Valley WorkSource Center (SVWC) with their efforts to further develop and fully implement the second year of the Business Resource Network, an economic development support program that would connect area small businesses to available public and private business resources, which are designed to increase worker skills preparedness, reduce the potential for employee lay-offs and business closures, and promote continuing local economic development and growth.

EARMARK DECLARATION

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. UPTON. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Appropriations bill for Fiscal Year 2010.

St. Joseph Harbor O&M Dredging
Department: Army Corps of Engineers
Account: Operations & Maintenance
Legal Name of Requesting Entity: Berrien County, Michigan

Address of Requesting Entity: Berrien County Administration Center, 701 Main St., St. Joseph, MI 49085

This request is for securing funds for dredging both the inner and outer harbor of St. Joseph, Michigan, as well as performing much-

needed structural repairs. The inner harbor is a key port for raw materials such as limestone, sand and gravel for state highways. Road and building construction projects in the area receive a majority of their aggregate materials through the three commercial docks located in this harbor. Additionally, it is a major hub for recreational boaters, with over 1,600 boat slips. This project has been authorized through many WRDA acts, is vital to the economic viability of Southwest Michigan, and has the support of the entire community.

The St. Joseph Harbor is an integral cog in the region's economic engine. A recent study by Purdue University gauged the harbor's economic impact at more than \$5.5 million dollars and more than 35 local jobs. The St. Joseph Harbor is among the top 50 in commercial activity among Great Lakes Harbors.

Amount: \$750,000

Funding Breakdown: The entirety of this funding will go towards dredging to the entrance, inner channel of the harbor and outer harbor. Supplemental funds will be provided by Berrien County and local municipalities.

New Buffalo Federal Channel O&M Dredging

Department: Army Corps of Engineers

Account: Operations & Maintenance

Legal Name of Requesting Entity: City of New Buffalo, Michigan

Address of Requesting Entity: City of New Buffalo, 244 W. Buffalo St., New Buffalo, MI 49117

This request is to secure funds for the dredging of the Federal Channel in New Buffalo Harbor, from the Whittaker Street Bridge to Lake Michigan. The floodwaters from the September 14, 2008 storm event discharged an immense amount of sediment into the federal channel which has restricted the access to Lake Michigan. The project would dredge the federal channel to remove the shoals (much worse than what normal dredging handles) which prevent boats from accessing Lake Michigan. Dredged material would be used to supplement a beach nourishment area established by the ACOE. The federal channel serves boat traffic for the south Lake Michigan area, including residents of Chicagoland and Northern Indiana. New Buffalo is a boating community with an economy that relies entirely on its harbor's access to Lake Michigan via the Gallen River. Without the dredging, the City and surrounding area will see a significant decline in tourism and related jobs. This project is authorized through the River and Harbor Act of 1962.

Amount: \$139,000

Funding Breakdown: The entirety of this funding will go toward the dredging of the Federal Channel in New Buffalo Harbor, from the Whittaker Street Bridge to Lake Michigan

Western Michigan University Green Manufacturing and Energy Conscious Design Program

Department: Energy

Account: Office of Science and Biological Research

Legal Name of Requesting Entity: Western Michigan University

Address of Requesting Entity: 1903 W. Michigan Ave., Kalamazoo, MI 49008

This project will assist companies (small companies in particular) to take advantage of

environmentally benign and energy conscious materials in their design and manufacturing processes. The proposal is a collaborative project involving WMU College of Engineering, College of Arts and Sciences, College of Business, industry partners and community participants and seeks to enhance economic and workforce development and technology transfer through the advancement and use of environmentally friendly materials, designs, products and manufacturing processes and systems, building upon the already successful manufacturing, environment and energy research centers and programs at WMU.

Amount: \$1,000,000

Funding Breakdown: One third of this funding will go to equipment, one third to educational materials development and delivery to employees and students, and one third to program support. Western Michigan University will provide supplemental funding for this \$3 million project.

TRIBUTE TO LIEUTENANT GENERAL JOHN L. "JACK" HUDSON

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. AUSTRIA. Madam Speaker, I rise today to congratulate Lieutenant General John L. "Jack" Hudson, for his outstanding service to our Nation on the occasion of his retirement.

On behalf of the people of Ohio's Seventh Congressional District, I am honored to congratulate Lieutenant General Hudson upon his retirement as the Commander of the Aeronautical Systems Center at Wright Patterson Air Force Base.

His dedicated service to the citizens of our Nation and our area is both admirable and commendable. Hudson received his commission in 1971 upon his graduation from the U.S. Air Force Academy. Since that time, he has served as a T-38 instructor pilot; an A-10 pilot, instructor pilot and flight examiner; and test pilot at Edwards Air Force Base.

Over the course of his distinguished career, he has also served as the Assistant Deputy Under Secretary of the Air Force for International Affairs. Most recently, Lieutenant General Hudson has served as the Commander of the Aeronautical Systems Center at Wright Patterson Air Force Base, a position from which he will retire in 2009.

For his many years of service to our Nation, I join the people of Ohio's Seventh Congressional District in extending our best wishes upon his retirement and wish him ongoing success in all future endeavors.

COMMUNITIES REBUILD AFTER HURRICANE IKE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. PAUL. Madam Speaker, at a time when the financial headlines are dominated by sto-

ries of financial institutions seeking taxpayer funds and other special privileges, I am pleased to call my colleagues' attention to a story from the Galveston Daily News about how four community banks came together to help their friends, neighbors and customers begin to recover and rebuild from Hurricane Ike.

Last fall, as the people of Galveston were assessing the damage from Hurricane Ike and Congress was beginning debate on spending billions of taxpayer funds to bail out irresponsible financial institutions, representatives of Frost, HomeTown, Moody National and Texas First banks met to discuss how these banks could help jumpstart hurricane recovery efforts. The four banks agreed to make unsecured bridge loans to Galveston businesses to ensure these businesses had access to capital while they waited for federal assistance and insurance payments.

The four banks made more than \$40 million in recovery loans. These loans provided lifelines to many businesses struggling with both the devastation of Hurricane Ike and the credit crisis. Without the efforts of these four banks, several Galveston businesses would have had to shut their doors.

In conclusion, Madam Speaker, I extend my thanks to management and employees of Frost, HomeTown, Moody National, and Texas First banks for their efforts to help the businesses and people of Galveston recover from Hurricane Ike.

[From the Galveston Daily News, May 24, 2009]

BANKS STEPPED UP WHEN CHIPS, ECONOMY WERE DOWN

(By Laura Elder)

Just days after Hurricane Ike, as failing Wall Street institutions roiled the U.S. financial system, civic leaders and representatives of four banks forged an agreement that would profoundly shape the island's economic recovery.

After several meetings, some in storm-swamped buildings under generator-powered lights, representatives of Frost, HomeTown, Moody National and Texas First banks agreed to make unsecured bridge loans to island businesses for rebuilding until federal money and insurance payments materialized.

The community banks made more than \$40 million in recovery loans at a time when lending by industry giants had all but ground to a halt. The 180-day loans, at 5 percent interest, were a lifeline to local businesses hoping to recover quickly from a hurricane that inflicted \$11.4 billion in damage along the upper Texas Coast.

Some island business owners said their livelihoods would have been lost for good had it not been for the help of community bankers.

LINE OF CREDIT

Charley DiBella, owner of DiBella's Italian Restaurant, which took in 4 feet of storm surge, was helped by HomeTown Bank not once but twice after Hurricane Ike, which struck Sept. 13.

DiBella credits the bank and Gary Gilliland, chief commercial lending officer, for providing a line of credit to the restaurant.

With the loan, DiBella's was able to make storm repairs and open in November. But in January, disaster struck again when a fire broke out on the second floor of the 20-year-old restaurant. HomeTown Bank helped

again, DiBella said. DiBella's Italian Restaurant plans to reopen Tuesday.

"Without HomeTown Bank and Gary Gilliland, there wouldn't be a DiBella's Restaurant," DiBella said. "I had insurance, but you know what that's like."

Gilliland, who checked on properties for his clients who had evacuated and weren't allowed back on the island for days after the storm, was in May named Indie Banker of the Month by Independent Banker Magazine for his work during Hurricane Ike.

BRIDGE OF DOLLARS

HomeTown Bank, at last count, had made more than \$6 million in bridge loans to area businesses after the storm, said Jimmy Rasmussen, president and chief executive officer.

Two days after Ike struck, Wall Street institution Lehman Brothers filed for Chapter 11 bankruptcy, deepening a financial crisis and already painful credit crunch that had stalled lending. Fast-and-loose credit practices by the banking giants had come home to roost.

NO 'VOODOO' PRODUCTS

But independent and community banks were never caught holding a bundle of bad loans.

"We're not sitting here selling voodoo products to peddle to people," said Matt Doyle, vice chairman of Texas First Bank.

That local competing banks got together in one room after the hurricane wasn't so unusual, Doyle said.

"We may be competitors, but we're community bankers," Doyle said. "When our community is suffering, all that goes out the window, and it's never really even in the house."

Texas First Bank lent \$8.5 million in recovery loans.

Bankers are the first to say their efforts weren't without self-interest. They certainly earned money from the loans. And they made loans based on credit history, longstanding relations and with the understanding they would be repaid.

IN IT TOGETHER

And if a lot of local businesses failed, the local banks were going to feel it, so they had an interest in the success of their neighbors.

"If Galveston business didn't recover, we're all going to be damaged, all going to take losses," said Vic Pierson, president of Moody National Bank, which made about \$21 million in recovery loans after the storm.

"It was in our best interest to do whatever we could to assist as rapidly as we could for business recovery on the island."

STRONG RELATIONSHIPS

Those who didn't have strong relationships with their bankers were left waiting for help from the Small Business Administration and the Federal Emergency Management Agency, Pierson said.

"Those programs are very good, but to finally get some dollars can take 90 to 120 days or longer," Pierson said.

"A business couldn't wait three or four months to get started and I think that's where the local community banks came in."

Watching a business rebuild can encourage others to follow, Pierson said.

"It was absolutely critical that people started putting their businesses back together and making a statement," Pierson said.

NEED REMAINS

Albert Shannon, Frost Bank's group president in this region, and other bankers interviewed for this story credited Mayor Lyda

Ann Thomas and Jeff Sjostrom, president of Galveston Economic Development Partnership, for the idea of recovery loans. Island businessman Gerald Sullivan, who early after the storm was appointed by Thomas to help with recovery, also played a role in encouraging recovery loans, bankers said.

Frost Bank, headquartered in San Antonio, made \$5 million in recovery loans, Shannon said.

Sjostrom recently traveled to Manatee, Fla., to share ideas with officials there about recovery efforts.

"They were just amazed at the response of our local lenders," Sjostrom said.

Still only about 75 percent of the island's 2,500 businesses have returned, Sjostrom said. Many were uninsured for flood damage when Ike struck.

Businesses that aren't able to turn to the banks are doing what they can to recover, Sjostrom said.

"They're not sitting back waiting and crying," Sjostrom said. "They're going forward doing what they have to make it work. We still have a lot of businesses that need financial help."

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.Q. 3183, the Energy and Water Development and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: City of Chesapeake, VA

Address of Requesting Entity: 306 Cedar Road, Chesapeake, VA 23322

Description of Request: Provides \$100,000 to replace the existing 2-lane Deep Creek AIW Bridge with a 5-lane, dual bascule bridge, thus providing a new structurally sound bridge and reducing traffic congestion along the corridor. AIW Deep Creek Bridge (owned and operated by the Army Corps of Engineers) was built in 1934 and is functionally obsolete. The City and State (along with FHWA) have made improvements on either side of the bridge and now replacement of the bridge is critical to the movement of people and goods along U.S. Rt. 17 as well as the Atlantic Intracoastal Waterway.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3183

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 803 Front Street, Norfolk, VA 23510

Description of Request: Provides \$2,620,000 for the Atlantic Intracoastal Waterway Albemarle and Chesapeake Canal to protect the navigation route between the South-

ern Branch of the Elizabeth River and the VA-NC state line in the North Landing River, a distance of 27 miles. The ACC is of critical importance to transportation, especially to the U.S. Navy which transported over 55 million gallons of jet fuel yearly from the Craney Island to Oceana Naval Air Station in Virginia Beach. Failure to fund the ACC will result in the Navy being unable to meet the fuel demand of the Oceana Naval Station. The Navy has stated that trucking this much fuel would not be feasible on a long-term basis. In addition, commercial and recreation vessels travel the ACC in lieu of the Atlantic Ocean to prevent entry into the dangerous waters off Cape Hatteras. An average of over 1,000,000 tons of commerce passed through the Great Bridge Lock yearly. Funds will be used to continue to operate the navigation lock, swing bridge, and canal.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 803 Front Street, Norfolk, VA 23510

Description of Request: Provides \$100,000 to investigate federal flood control projects in the Chowan River Basin. In many locations within the basin, six of the top 10 historical high water marks have occurred from 1998 forward, including the flood of record (Hurricane Floyd in 1999), October 2006 cold core upper level low (second highest), and Hurricane Isabel in 2003 (5th highest). Damages from these storm events have ranged from \$10M to over \$100M (February 2008 dollars). The reconnaissance study will evaluate the Federal interest in ways to protect the water resources of this highly productive basin with particular emphasis on restoring wetlands and forested buffers lost from erosion and flooding, reducing flood damages throughout the basin, and improving navigation and to determine the Federal interest in conducting a more detailed feasibility study.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3183

Account: Army Corps of Engineers, O&M

Legal Name of Requesting Entity: City of Hopewell, VA

Address of Requesting Entity: 300 North Main Street, Hopewell, VA 23860

Description of Request: Provides \$600,000 to obtain funding for the maintenance dredge of the Appomattox River. The dredging of the Appomattox River will be of benefit to the region in that it will: (1) restore the Appomattox River to the free-flowing, fully navigable river that it was until the late 1970s; (2) reconnect the City to the navigable portions of the Appomattox River; (3) serve as a catalyst for the commercial and residential revitalization; (4) enhance local and regional tourism and recreational opportunities; and (5) improve the environmental condition of the Appomattox River.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3183

Account: Department of Energy, EERE

Legal Name of Requesting Entity: City of Hopewell, VA

Address of Requesting Entity: 300 North Main Street, Hopewell, VA 23860

Description of Request: Provides \$350,000 to support the city's Green Building and Retrofitting Program. Building green requires the wise use of available materials and resources through energy and water efficiency strategies, the recycling of waste, and the use of recycled materials. Energy use is reduced through strategies such as low-e glazing, thicker insulation, energy recovery, demand-controlled ventilation, efficient mechanical equipment, and the use of renewable energy. The focus on indoor air quality that is characteristic of green buildings and better health, increases productivity, and, among students, higher test scores.

100TH ANNIVERSARY OF MOUNT TABOR MISSIONARY BAPTIST CHURCH

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BUCHANAN. Madam Speaker, I rise today to congratulate the Mount Tabor Missionary Baptist Church in Tallevast, Florida, on its 100th Anniversary and recognize Pastor Ezell Patterson who has served as the congregation's spiritual leader for the past 33 years.

The 150-member church was founded in 1909 by the children of former slaves and has since provided a spiritual home to generations of Tallevast residents who have been able to count on the enduring spiritual support and presence of Mount Tabor.

Though its challenges have changed over the years, Mount Tabor Missionary Baptist has remained strongly committed to its core mission: provide spiritual guidance to all of its members and their families.

For the past few years, the church has provided comfort and a meeting place for area residents impacted by the recent discovery that some residents of the polluted community were drinking contaminated water for possibly up to 40 years.

For more than a century now, Mount Tabor has been the spiritual heart of the Tallevast community.

Resident Ms. Virginia Massie told The Bradenton Herald the church is "the most important thing in my life." And Associate Pastor Willie C. Shaw told the paper, it "has always been an extension of my immediate family."

I have had the pleasure of visiting with local residents in the church hall and attending Sunday service there.

I congratulate Mount Tabor Missionary Baptist Church and its members for reaching this important milestone. I recognize its many accomplishments, and I appreciate their successful efforts to provide a spiritual home to the Tallevast community.

EARMARK DECLARATION

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. LEE of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY10 Energy & Water Appropriations bill.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3183

Account: Department of Energy—Biomass and Biorefinery Systems R&D

Legal Name of Requesting Entity: County of Monroe NY Department of Environmental Services

Address of Requesting Entity: 50 West Main Street, Suite 7100, Rochester, NY 14614

Description of Request: Provide an earmark of \$1,000,000 for the continued transformation of the Mill Seat Landfill in Riga in to a very efficient bioreactor through innovative harnessing of methane to create energy with large and/or small generating system. This second power plant will result in increased Methane production to produce up to 12.8 Megawatts of Renewable Green power and associated Thermal Load. The project will allow the County to utilize the thermal output to spur economic development adjacent to the Landfill and sell the electricity and related green benefits to offset utility costs.

Of the total amount, 100 percent is for purchase and installation of equipment.

This state of the art process would provide many environmentally friendly results: eliminates the need for incinerating sludge at the wastewater treatment plant saving non-renewable energy; reduces the use of non-renewable fuel and emissions; and improves the decomposition process via the use of the "chemically treated biosolids". This is the first use of chemically treated biosolids from a Waste Water Treatment Plant to increase the decomposition of Municipal solid waste resulting in increased Methane production while extending the life of the landfill by 30-50 percent. Also, Monroe County will use the free thermal associated with the project to entice companies to relocate to the eight 25-acre economic development parcels adjacent to the landfill.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3183

Account: Department of Energy—Science

Legal Name of Requesting Entity: State University of New York at Geneseo

Address of Requesting Entity: Erwin 218, SUNY Geneseo, Geneseo, NY 14454

Description of Request: Provide an earmark of \$500,000 for the purchase of a Fourier Transform Nuclear Magnetic Resonance Spectrometer for SUNY Geneseo's Integrated Science Center.

Of the total amount, 100 percent is for purchase and installation of equipment.

This instrument will replace an aging spectrometer at the College thus allowing Geneseo to continue attracting competitive research

grants, training students in critical fields of science and technology, and contribute to economic development efforts in the region.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3183

Account: Corps of Engineers—Operations and Maintenance

Legal Name of Requesting Entity: Army Corps of Engineers Buffalo District

Address of Requesting Entity: 1776 Niagara Street, Buffalo, NY 14207

Description of Request: Provide an earmark of \$2,696,000 for the routine operations and maintenance of Mount Morris Dam, NY. Failure to fund could result in operating systems failures and structural degradation.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3183

Account: Department of Energy—EERE—Geothermal Technology

Legal Name of Requesting Entity: Daemen College

Address of Requesting Entity: 4380 Main Street, Amherst, NY 14226

Description of Request: Provide an earmark of \$950,000 to implement a heating and cooling system in Daemen College's largest building, housing many administrative, faculty, and staff offices and many classrooms and laboratories.

Of the total amount, \$25,650 (2.7 percent) is for personnel; \$875,900 (92.2 percent) is for construction; and \$48,450 (5.1 percent) is for equipment.

Funds will be used to implement the heating and cooling system. The project will create jobs and educate people on energy efficiency.

Requesting Member: Congressman CHRISTOPHER LEE (NY-26)

Bill Number: H.R. 3183

Account: Department of Energy—EERE—Other

Legal Name of Requesting Entity: Rochester Institute of Technology

Address of Requesting Entity: 30 Lomb Memorial Drive, Rochester, NY 14623

Description of Request: Provide an earmark of \$250,000 to fund research to address a critical technology gap impeding the deployment and optimization of next generation autonomous microsystems—the ability to effectively and efficiently power these devices. The focus of this research program to date has been to use the facilities and expertise of the NanoPower Research Labs (NPRL) at the Rochester Institute of Technology (RIT) in power conversion and storage using new materials such as carbon nanotubes and quantum dots to develop and commercialize the next generation of autonomous power solutions.

Of the total amount, approximately \$50,000 (20 percent) is for faculty and staff; \$32,000 (12.8 percent) is for materials; \$48,000 (19.2 percent) is for services; \$3,000 (1.2 percent) is for travel; and \$120,000 (48 percent) is for equipment.

The federal investment will enable the NPRL at RIT to accelerate the translation of its fundamental research into a wide range of applications, particularly for terrestrial solar energy systems. The economic opportunities of this research initiative are also significant for

the upstate New York region, which is at a critical juncture in the need to jumpstart and capitalize on emerging industries.

EARMARK DECLARATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BONNER. Madam Speaker, I submit the following.

Requesting Member: Congressman JO BONNER

Bill Number: H.R. 3170, Financial Services and General Government Appropriations Act, 2010

Account: Federal Buildings Fund

Legal Name of Requesting Entity: The Judiciary; U.S. General Services Administration (GSA)

Address of Requesting Entity: Thurgood Marshall Federal Judiciary Building One Columbus Circle, NE Washington, DC 20544; 1800 F. Street, NW, Washington DC 20405

Description of Request: Provide a judicially directed earmark of \$96,000,000 to construct a new Mobile United States Courthouse, Alabama (approximately \$2,600,000 for additional site acquisition; \$6,000,000 for additional design; \$87,400,000 construction account). The existing courthouse was originally constructed in 1932. There are major security concerns, such as the need to use public hallways and public elevators to transport prisoners, and no holding cells adjacent to the courtrooms. There are HVAC and mold problems in most of the courthouse and a serious lack of space, making it necessary to stack court documents and office supplies in hallways and on stairwell landings. Once GSA constructs the facility, the court will occupy the new courthouse and pay rent to GSA for the building. The Mobile metro area is projected to be among the fastest growing metropolitan areas in the country. The Judiciary FY10 request was \$190,300,000; therefore, approximately \$94,300,000 is needed to complete construction of this ongoing project.

CONGRATULATING THE CHILDREN'S ADVOCACY CENTER FOR DENTON COUNTY ON THE RIBBON CUTTING OF ITS NEW FACILITY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Children's Advocacy Center for Denton County on the completion and ribbon cutting of its new facility in Lewisville, Texas. After providing justice and healing for abused children in North Texas for over 10 years, the CACDC will now be able to open its doors to more families and children in need.

What began in 1994 as a task force is now a symbol of hope for abused children and their

families in Denton County. The brand new 14,000 square foot facility will allow the CACDC to better serve a growing community.

Prior to the formation of the CACDC, there was no adequate facility to care for the victims of child abuse cases. Children often underwent questioning in frightening environments by investigators who were not trained to work with child abuse victims. Today, the CACDC provides resources to child abuse victims and their families, hosts a comfortable environment to counsel abused children, and fights to ensure that abusers are prosecuted. The Center works hard to give children the care and encouragement they need to move past the trauma of abuse.

I am proud of the noble and devoted community leaders, such as the CACDC volunteer board of directors, Executive Director Dan Leal, and countless others who have helped grow the Center into the safe haven it is today. I am honored to represent the people of the Children's Advocacy Center for Denton County in the 26th District of Texas, and I offer them my congratulations, and endless appreciation.

IN HONOR OF HOMESTEADING AND THE 75TH ANNIVERSARY OF NORVELT

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. MURTHA. Madam Speaker, I rise today to honor the 75th Anniversary of Norvelt. This community, located in Mount Pleasant Township in Westmoreland County, Pennsylvania, was originally named Westmoreland Homestead. It was created to demonstrate how a homesteading community could assist displaced coal miners. In the early 1900s, western Pennsylvania had emerged as the world leader in mining bituminous-coal, but the Great Depression caused the mining industry to falter, causing massive job loss and severe wage reductions.

While driving through impoverished mining towns and witnessing first hand the severe poverty the families were enduring, First Lady Eleanor Roosevelt became deeply concerned. Many houses she visited had upwards of ten people sharing one bed and some families were so poor they were living in abandoned coke ovens. Mrs. Roosevelt believed that subsistence housing would provide for a better quality of life for the impoverished citizens. Her husband, President Franklin D. Roosevelt, supported his wife's vision by establishing the homesteading movement in the New Deal. The new homesteading community in Westmoreland County eventually changed its name to "Norvelt" in honor of Eleanor Roosevelt.

In contrast to previous "patch towns," where miners were almost entirely dependent on their employers, the new homestead enabled residents to be self-reliant. The community was 772 acres and sustained 254 homes. The new residents, who came from the older, surrounding communities, assisted in the construction of their new residences and were responsible for the painting.

Each modest house came with a tract of land that enabled families to grow their own food. Every family received several dozen chickens, as well as agricultural tools, trees, and bushes. The First Lady also pushed for each home to have a refrigerator and washing machine, as she believed that everyone deserved to have some comforts in life. Personal garages also served as a symbol of hope that one day each family would own its own car. Every month, families would pay rent which ultimately went towards the purchase of their homes.

Today Madam Speaker, as our country faces economic hardship, we can look to the example of the past residents of Norvelt as they worked hard in the hope of a better future.

EARMARK DECLARATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BARTON of Texas. Madam Speaker, I rise today to submit documentation consistent with the Republican Earmark Standards.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Bill

Account: Corps of Engineers—Construction

Legal Name of Receiving Entity: The City of Arlington

Address of Receiving Entity: 101 W. Abram, P.O. 90231, MS 01-0310, Arlington, TX 76004-0231

Description of Request: I have secured \$1,500,000 in funding in H.R. 3183 in the Corps of Engineers—Construction account for The City of Arlington.

The funding would be used for flood damage reduction, restoration of the floodplain and its riparian areas and the development of a linear park with passive recreational facilities.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Bill

Account: Department of Energy—Fossil Energy R&D

Legal Name of Receiving Entity: The University of Texas at Arlington

Address of Receiving Entity: 701 South Nedderman Drive, 346 Davis Hall, Arlington, TX 76019

Description of Request: I have secured \$1,000,000 in funding in H.R. 3183 in the Department of Energy—Fossil Energy R&D account for The University of Texas at Arlington.

The funding would be used to develop technology that will allow the conversion of homeland natural resource hydrocarbons, such as coal, oil sands, crude, oil shale, bitars, agricultural wastes and industrial sludges, into more valuable forms of energy, such as clean, affordable gases, transportation fuels and heating oil.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Bill

Account: Department of Energy—Electricity Delivery and Energy Reliability

Legal Name of Receiving Entity: The University of Texas at Arlington

Address of Receiving Entity: 701 South Nedderman Drive, 346 Davis Hall, Arlington, TX 76019

Description of Request: I have secured \$500,000 in funding in H.R. 3183 in the Department of Energy—Electricity Delivery and Energy Reliability account for The University of Texas at Arlington.

The funding would be used to purchase capital equipment, construction, and for salaries.

Requesting Member: Congressman JOE BARTON

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Bill

Account: Corps of Engineers—Investigations
Legal Name of Receiving Entity: The City of Kennedale

Address of Receiving Entity: 405 Municipal Dr., Kennedale, TX 76060

Description of Request: I have secured \$500,000 in funding in H.R. 3183 in the Corps of Engineers—Investigations account for The City of Kennedale.

The funding would be used for a study conducted by the Corps of Engineers to determine the engineering, economic, and environmental feasibility of constructing a flood control project within the Upper Trinity River Basin.

HONORING BRANDON PARKS

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. REICHERT. Madam Speaker, today I rise in recognition of a recent graduate of the Los Angeles police academy who excelled in every aspect of his training and will, no doubt, serve and protect the people of Los Angeles with respect, honor and commitment.

Brandon Parks, 28, the son of my senior advisor Mariana Parks, and an Army veteran who served in Iraq, is now patrolling the streets of the Foothill District in northern Los Angeles. I'm confident a young, responsible and highly motivated young man such as Brandon is enjoying his first days and weeks on the force just as I did years ago for the King County Sheriff's Department.

But today, Madam Speaker, I want to focus my remarks on the exceptional way Brandon conducted himself during his 24-week training at the Los Angeles Police Academy. Arriving to the academy every morning at 6:00 a.m., a typical day for Brandon and his fellow recruits consisted of running, writing, shooting, thinking, perceiving and everything else in between. No matter the amount of physical, mental and emotional fatigue Brandon may have felt, he graduated on June 19 with outstanding final marks: a 99.5 average in his report writing and academic testing, a 91 aver-

age in grueling physical training and a 97.6 average conducting his tactical scenarios. Because of his excellent scores, Brandon was honored at the graduation ceremony with the Academic Achievement award, Top Physical Conditioning award and the William H. Parker award for overall excellence. The 'overall excellence' award named after Mr. Parker—a former police chief for the LAPD who served admirably in WWII—is especially befitting an Army veteran such as Brandon.

Again, Madam Speaker, Brandon is the son of my senior advisor, Mariana Parks, and I know she is one of the proudest mothers in the world. I also know Brandon's grandparents on Whidbey Island, Washington, Joe and Jaynie Putnam, are extremely proud of Brandon and his accomplishments. Of course, this House owes Brandon a debt of gratitude for his service in Iraq and I am eager to follow his career serving as a dedicated law enforcement officer.

EARMARK DECLARATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. AKIN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: Monarch-Chesterfield Levee District

Address of Requesting Entity: 17627 Wildhorse Creek Rd., Chesterfield, MO 63005, USA

Description of Request: Provide an earmark of \$3.331 million to complete construction of closure structures and pump stations. Funding from this request could be used to construct the Baxter Road closure structure and initiate design of the Walnut Grove flood wall at Long Road. These structures will augment completed earth works that provide 500-year protection to over 700 businesses. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Construction account and has previously been authorized by the Water Resources Development Act (WRDA) of 2000, Section 101(b)(18). The Monarch-Chesterfield Levee District will provide its cost share in accordance with Federal cost-sharing requirements for Federal flood protection projects, 65 percent Federal, 35 percent non-Federal, and the non-Federal funding will come directly from the Levee District.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Operation and Maintenance

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, St. Louis District

Address of Requesting Entity: 1222 Spruce Street, St. Louis, MO 63103

Description of Request: Provides an earmark of \$44.130 million This project extends from the mouth of the Missouri River at St. Louis 105 miles upstream to the tail waters of Lock and Dam 22. Funds could be used for current-year O&M as well as for deferred maintenance on an aging system of locks and dams (Locks and Dams 24, 25, and 26 (Mel Price)). Basic Operation & Maintenance would provide a nine-foot navigation channel, regulating works, dike and revetment, dredging, environmental compliance and environmental stewardship.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Rock Island District

Address of Requesting Entity: Clock Tower Bldg, PO Box 2004, Rock Island, IL 61204

Description of Request: Provides an earmark of \$20 million. This project addresses adverse impacts to the aquatic ecosystem caused by maintenance of the river's navigation channel. This includes habitat rehabilitation and measures to determine if enhancement projects are effectively preserving and improving fish and wildlife habitat on the river.

Requesting Member: Congressman TODD AKIN

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Construction

Legal Name of Requesting Entity: City of Valley Park

Address of Requesting Entity: 320 Benton, Valley Park, Missouri 63088

Description of Request: Provides an earmark of \$600,000. The flood control portions of this 3.2 mile levee project in St. Louis County, Missouri on the left descending bank of the Meramec River are largely complete. Funds would be used to install seepage controls at railroad embankment, prepare the final operation and maintenance manuals, prep final as-built drawings, conduct final reviews and audits, and perform financial close-out of the flood damage reduction component of the project.

RECOGNIZING CATHERINE SOO JUNG HAN

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of Catherine Soo Jung Han. Ms. Han is a second generation Korean who, in taking after her late father, tirelessly dedicates her time to the well-being of others in the community. Ms. Han's father was a Tae Kwon Do Master in Chicago and he would often give up his own possessions in order to help those in need.

Ms. Han is currently a board member with the Korean American Resource and Cultural Center. She served as Board President from

2006 to 2008 and as Board Secretary from 2003 to 2006. Ms. Han has been instrumental in the KRCC's Project Participate, which registers, educates and mobilizes over 8,000 Korean-American voters in local, state, and federal elections.

Ms. Han is currently the only female performer in Il Kwa Nori, the KRCC's professional pungmul, traditional Korean drumming, troupe which performs both within and outside the Korean American community 25 times annually. In addition to performing, Ms. Han teaches youth workshops in drumming. Her influence on youth extends further for she encourages children she helps to make volunteerism a priority in their lives.

I am honored to recognize Catherine Soo Jung Han. She exemplifies the values of integrity and compassion, and those who have been inspired by her will be the living legacy of both her efforts and her father's. I thank her and those who have joined her in strengthening the community.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Tuesday, July 14, 2009.

Had I been present, I would have voted "nay" on rollcall vote No. 531 (on Motion to Adjourn); "nay" on rollcall vote No. 532 (on Motion to Adjourn), "yea" on rollcall vote No. 533 (on motion to suspend the rules and agree to H. Res. 612), "yea" on rollcall vote No. 534 (on motion to suspend the rules and agree to H. Res. 469), "yea" on rollcall vote No. 535 (on motion to suspend the rules and agree to H.R. 1037), "yea" on rollcall vote No. 536 (on motion to suspend the rules and agree to H.R. 402).

EARMARK DECLARATION

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. FRELINGHUYSEN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 Energy and Water Development and Related Agencies Appropriations Act.

Bill: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Army Corps of Engineers, Section 205

Legal Name and Address of Requesting Entity: The entity to receive funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, and New York, NY 10278-0090

Description of Request: H.R. 3183 lists the Jackson Brook project under the Section 205 CAP Program, which is authorized by Congress. The funding would be used for completion of design. Flood damages have occurred to the homes and property located on the lower part of the Jackson Brook Watershed, as well as damages to the public park facilities. Flooding has caused siltation in Hedden Pond.

Bill: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Army Corps of Engineers, Construction

Legal Name and Address of Requesting Entity: The entity to receive funding for this project is the Army Corps of Engineers North Atlantic Division, located at Jacob K. Javits Federal Building, 26 Federal Plaza, Room 2109, and New York, NY 10278-0090 Description of Request: H.R. 3183 includes \$5,000,000 for the Passaic River Basin Flood Management project, which is authorized by Congress. The funding would be used for the continued acquisition and removal from the State defined Floodway of homes along the Passaic River. The authorization specifies that the buy-outs are to be from willing sellers. The flooding has long been a problem in the Passaic River Basin resulting in significant property loss and the loss of life.

Bill: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Department of Energy, Office of Science

Legal Name and Address of Requesting Entity: The entity to receive funding for this project is the College of Saint Elizabeth located at 2 Convent Station, Morristown, NJ 07960.

Description of Request: H.R. 3183 includes \$1,000,000 for the College of Saint Elizabeth. It is my understanding the funding will assist the College with the partial renovation of the teaching and learning spaces dedicated to Nursing, Allied Health Studies, Health Care Management, and Foods and Nutrition programs. Additionally, the funding will assist the college with renovation of the teaching and learning spaces dedicated to programs in Biology, Chemistry, Applied Science, and Mathematics. The funding will provide for design, construction, and outfitting of classroom, lab, research and support spaces for these programs. The physical renewal of these spaces is being undertaken in conjunction with significant curricular revision of the College's undergraduate program with the goal of aligning pedagogy, technology, and teaching and learning spaces in ways that will better serve the educational needs of the wide range of students who use these facilities on a regular basis.

Bill: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Department of Energy, EERE

Legal Name and Address of Requesting Entity: The entity to receive funding is Morris County Improvement Authority located at P.O. Box 900, Morristown, NJ 07960-0900.

Description of Request: H.R. 3183 includes \$2,000,000 for the Morris County Renewable

Energy Initiative. It is my understanding that the funding would be used for the Morris County Renewable Energy Initiative for design, acquisition and installation of renewable energy equipment and facilities such as solar panels.

BM: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Department of Energy, EERE

Legal Name and Address of Requesting Entity: The entity to receive funding for this project is the Newark Museum located at 49 Washington Street, Newark, NJ 07102.

Description of Request: H.R. 3183 includes \$500,000 for the Newark Museum. It is my understanding that the funding would be used for green energy enhancements including various applications of water to water heat pumps, geothermal heating and photovoltaic collection units. It is my understanding that the Museum will be one of the most energy efficient in the United States and will be a model for future institutions.

Bill: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Department of Energy, EERE

Legal Name and Address of Requesting Entity: The entity to receive funding is Somerset County located at 20 Grove Street, P.O. Box 3000, Somerville, NJ 08876. Description of Request: H.R. 3183 includes \$2,000,000 for the Somerset County Renewable Energy Initiative. It is my understanding that the funding would be used for the Somerset County Renewable Energy Initiative for design, acquisition and installation of renewable energy equipment and facilities such as solar panels.

EARMARK DECLARATION

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. LANCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—the FY 2010 Energy and Water Development and Related Agencies Appropriations Act:

Army Corps of Engineers (Investigations), Millstone River Basin, NJ Flood Damage Reduction and Ecosystem Restoration Study—\$250,000. The funding would be used to continue the federally authorized feasibility study to develop flood damage reduction and ecosystem restoration alternatives in the Millstone River Basin. The entity to receive this funding is: U.S. Army Corps of Engineers, New York District, 26 Federal Plaza, New York, NY 10278

Army Corps of Engineers (Investigations) Rahway River Basin, NJ Flood Damage Reduction and Ecosystem Restoration Study—\$300,000.

The funding would be used to continue the federally authorized feasibility study to develop flood damage reduction and ecosystem restoration alternatives in the Rahway River Basin.

The entity to receive this funding is: U.S. Army Corps of Engineers, New York District, 26 Federal Plaza, New York, NY 10278

Department of Energy (EERE) Energy Audit, Efficiency Improvements, and Renewable Energy Installations, Township of Branchburg, NJ—\$1,000,000.

The funding would be used for engineering, construction and administrative costs for the design and installation of NJ Clean Energy Program—local government energy audit energy efficiency improvements and for the installation of Renewable Energy Installations (solar power) for major components of Branchburg Township Buildings and Grounds facilities.

The entity to receive this funding is: Township of Branchburg, 1077 Highway 202 North, Branchburg Township, NJ 08876

Department of Energy (EERE) Municipal Building Energy Efficient Window Replacement Program, Township of Cranford, NJ—\$180,000.

This money will be spent to reduce the energy costs of heating and air-conditioning the Municipal Building by replacing 45 old windows that were built in 1960 with energy efficient windows.

The entity to receive this funding is: Township of Cranford, 8 Springfield Avenue, Cranford, NJ 07016

EARMARK DECLARATION

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. TIAHRT. Madam Speaker, in accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following in regards to H.R. 3183, the Fiscal Year 2010 Energy and Water Development Appropriations Act:

Bureau of Reclamation—Wichita Project, Equus Beds Division, Kansas. H.R. 3183, the Fiscal Year 2010 Energy and Water Development Appropriations Act contains \$600,000 for the Equus Beds Division of the Wichita Project in the Bureau of Reclamation's Water and Related Resources account. The entity to receive funding for this project is the City of Wichita, located at City Hall, 455 North Main, Wichita, KS 67202.

The funding would be used for funding the design on Phase II of the Equus Beds Aquifer Storage and Recovery project.

U.S. Army Corps of Engineers—El Dorado Lake, Kansas. H.R. 3183, the Fiscal Year 2010 Energy and Water Development Appropriations Act contains \$1,586,000 for El Dorado Lake, Kansas, in the Corps of Engineers' Operations and Management account. The entity to receive funding for this project is the United States Army Corps of Engineers, Tulsa District located at 1645 S. 101 East Ave., Tulsa, OK 74128.

The funding would be used to remote control the flood gates to improve efficiencies within the Tulsa district.

U.S. Army Corps of Engineers—Wichita Area Drainage Master Plan, Kansas. H.R. 3183, the Fiscal Year 2010 Energy and Water

Development Appropriations Act contains \$550,000 for Collection and Study of Basic Data—Flood Plain Management Services, Wichita Area Drainage Master Plan, Kansas in the Corps of Engineers' Investigations account. The entity to receive funding for this project is the City of Wichita, located at City Hall, 455 North Main, Wichita, KS 67202.

Funding will be used to conduct a drainage master plan for the Wichita area. Development of a Wichita Area Drainage Master Plan will ensure the economic wellbeing of the Wichita area by providing a comprehensive plan for addressing drainage issues.

Department of Energy—National Institute for Aviation Research, Advanced Materials Research. H.R. 3183, the Fiscal Year 2010 Energy and Water Development Appropriations Act contains \$1,500,000 for the National Institute for Aviation Research, Advanced Materials Research, in the Department of Energy's Energy Efficiency and Renewable Energy account. The entity to receive funding for this project is Wichita State University located at 1845 Fairmount St, Wichita, KS 67260.

The funding would be used for green wind energy and sustainability research activities.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. ROGERS of Alabama. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 3183

Account: Corps of Engineers, Section 206 account

Legal Name of Requesting Entity: City of Phenix City, AL

Address of Requesting Entity: 601 12th Street, Phenix City, Alabama 36867

Description of Request: "Chattahoochee River Dam Removal" Taxpayer justification—It is my understanding that this funding will be used to remove two small, under utilized and outdated low-head dams, restore fish habitat for the shoal bass and other species in a 2.3 mile stretch of the Chattahoochee River and allow the use of a natural white-water course for related recreation consistent with Corps planning policy. Together these project objectives will improve fish habitat and environmental quality and advance ecotourism and economic development for Alabama and Georgia communities.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 3183

Account: DOE, EERE account, \$1,500,000

Legal Name of Requesting Entity: Auburn University, Auburn, AL

Address of Requesting Entity: 102 Samford Hall, Auburn, Alabama 36849

Description of Request: "Auburn University, Biomass to Liquid Fuels and Electric Power

Research" taxpayer justification—It is my understanding that the funding will help the development of renewable, liquid transportation fuel alternatives from domestic sources, will improve U.S. energy security by decreasing our dependence on foreign oil sources, development of renewable energy systems will reduce net greenhouse gas emissions, and the development of integrated biorefining systems that can produce liquid fuels from biomass will create new jobs in rural communities throughout the U.S.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 3183

Account: DOE, EERE account, \$300,000

Legal Name of Requesting Entity: Alabama Institute for Deaf and Blind, Talladega, AL

Address of Requesting Entity: 205 E. South Street, Talladega, Alabama 35161

Description of Request: "Alabama Institute for Deaf and Blind Biodiesel Project Green" taxpayer justification—It is my understanding that the funding will implement a multifaceted biodiesel training, production and public education program. AIDB views alternative energy projects, like Project Green, as a viable means to not only reduce U.S. dependence on foreign oil, but to also to deflect fuel prices, support local agriculture, aid city sewer infrastructures, cleanse the environment, lower carbon dioxide emissions, educate Alabama's youth, promote public awareness and develop work skills among those with disabilities (an untapped labor pool) that can transfer into a variety of employment settings. It is an excellent model for replication on a national scale.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. NEUGEBAUER. Madam Speaker, I was absent from votes on July 13, 2009 due to a flight delay. Had I been present, I would have voted "nay" on rollcall No. 530.

EARMARK DECLARATION

HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. CAO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2892—the Department of Homeland Security Appropriations Act, 2010:

As requested by me, Rep. ANH "JOSEPH" CAO, H.R. 2892—the Department of Homeland Security Appropriations Act, 2010, provides for the City of New Orleans Emergency Medical Services ("EMS"), New Orleans, LA in support of an Emergency Operations Center. This is in the FEMA—State and Local Programs—Emergency Operations Center Account in the amount of \$750,000. This will benefit the City of New Orleans, 1300 Perdido

Street, Suite 4W07, New Orleans, LA 70112 in the form of upgrades and retrofitting of a new permanent Emergency Operations Center for the city's sole 9–1–1 emergency medical service provider. This funding will help secure and store equipment and medication, and provide a training center and base of operations for the emergency medical services. Currently, Emergency Medical Services are operating from a pairing of FEMA trailers staged underneath the Crescent City Connection overpass. Moving to the new facility on City Park Avenue and making the proposed changes to the facility will provide for the critical operational needs. Having a secure medication and equipment storage area, training areas, and a protected emergency operations center will help the department serve the citizens of New Orleans and better secure the city.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I place in the RECORD a listing of the congressionally-directed projects I have requested in my home state of Idaho that are contained in the report of HR 3183, the FY2010 Energy and Water Development Appropriations Bill.

Project Name: City of Boise Geothermal Expansion to Boise State University
Amount Received: \$1,000,000

Account: DOE Energy Efficiency and Renewable Energy Geothermal Technology
Recipient: City of Boise

Recipient's Street Address: 150 N Capitol Boulevard, Third Floor, Boise, Idaho 83702
Description: The Boise City geothermal system currently provides a low cost, environmentally sound, sustainable, locally provided heat source to commercial and publicly owned buildings in downtown Boise. Geothermal heat is considered a renewable source of energy and does not rely on fossil fuels, nuclear power, mining or damming of rivers and emits zero emissions into the atmosphere. This project will extend the City of Boise geothermal pipeline system to Boise State University and would have the capacity to heat almost two million square feet on the campus. As global energy costs increase, the expansion to increased facilities will provide significant cost savings.

Project Name: Idaho Accelerator Center Production of Medical Isotopes

Amount Received: \$1,500,000

Account: DOE Office of Science

Recipient: Idaho State University

Recipient's Street Address: 921 South 8th Avenue, Pocatello, ID 83209

Description: The National Academy of Sciences recently issued a report recommending that the federal government increase support to radionuclide production, distribution and basic research in production mechanisms; increase the domestic production of medical radionuclides through dedicated accelerators

and reactors; and educate the next generation of medically-related nuclear scientists. The Idaho Accelerator Center (IAC) will develop a medical isotope production facility that will serve regional isotope needs, conduct basic research in isotope production, educate the next generation of medically-related nuclear scientists, and partner with regional and national entities in medical isotope distribution and use. This program will meet regional and national needs in education and isotope production and provide new isotopes that are not currently part of the national isotope portfolio. IAC will complement, supplement and enhance DOE's National Isotope Program.

Project Name: Idaho National Laboratory Center for Advanced Energy Studies (CAES)

Amount Received: \$1,000,000

Account: DOE Office of Science

Recipient: Idaho National Laboratory

Recipient's Street Address: 2525 North Freemont St., Idaho Falls, Idaho 83415

Description: CAES is a partnership between the State of Idaho and its academic research institutions, the federal government through the U.S. Department of Energy and the Idaho National Laboratory managed by the Battelle Energy Alliance, LLC. Through its collaborative structure, CAES combines the efforts of these institutions to provide timely energy research on both technical and policy issues. The funds provided will procure world-class computation and visualization research equipment to be located in the CAES research laboratory. These research tools will enable both critical-path scientific research and graduate education programs focused on such twenty-first century energy challenges as the availability of carbon-neutral renewable energy, such as biofuels for transportation; the stewardship of the environment including water resource management through energy efficiency; the management of fossil fuel energy systems; and the expansion of energy production from commercial nuclear power while educating the next generation of scientists, engineers, policy makers and the public.

Project Name: Little Wood River Ecosystem Restoration

Amount Received: \$100,000

Account: Corps of Engineers

Recipient: City of Gooding, Idaho

Recipient's Street Address: 308 5th Ave. West, Gooding, ID 83330

Description: This funding was authorized in the Water Resources Development Act of 2007 and would be used to repair and replace an aging WPA/CCC project that channeled the Little Wood River through the City of Gooding, Idaho. The project will remove and replace the existing rock wall and the boxed culverts that severely restrict the stream channel flow. Approximately 1.5 miles of the Little Wood River flow within Gooding city limits. Over the years, aging along with high water and ice jam events have caused severe deterioration of the masonry rock walls constructed in the 1930s and 40s in order to protect the city from floods. Large portions of the existing lava rock walls that line the Little Wood River through the city are structurally unserviceable and many have failed and fallen into the channel. This deterioration has increased at an alarming rate. The Corps of Engineers and the City of Gooding have been working on a solution

for this rock wall failure for the past 20 years. The Army Corps has completed the Reconnaissance Study and the General Investigation Study, but the project has been on hold due to a lack of funding.

Project Name: Rural Idaho Section 595

Amount Received: \$5,000,000

Account: Corps of Engineers

Recipient: Walla Walla District Corps of Engineers

Recipient's Street Address: Boise Field Office, 304 8th St., Rm. 140, Boise, ID 83702–5802

Description: The funding was authorized in the Water Resources Development Act of 2007. This funding is critical to assisting rural Idaho communities in upgrading their water and wastewater treatment facilities. In many cases, this funding is required to comply with unfunded mandates passed down by this Congress and federal agencies. In addition, these funds help rural communities in Idaho trying to attract new businesses and spur economic development. The vital water funding in this bill will assist rural communities in job creation and affordable housing by offering improved services at lower costs than would otherwise be possible. This request is consistent with the intended purpose of this account. Funding will be directed primarily to the Eastern Idaho Regional Wastewater Authority in Shelley, Idaho.

I appreciate the opportunity to provide a list of Congressionally-directed projects in the report accompanying the FY2010 Energy and Water Development Appropriations bill on behalf of Idaho and provide an explanation of my support for them.

EARMARK DECLARATION

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. WALDEN. Madam Speaker, consistent with the House Republican Leadership's policy on earmarks, to the best of my knowledge the requests I have detailed below are (1) not directed to an entity or program that will be named after a sitting Member of Congress; and (2) not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark. As required by earmark standards adopted by the House Republican Conference, I submit the following information on projects I requested and were included in the Energy and Water Development and Related Agencies Appropriations Act of 2010 (H.R. 3183).

Account: Bureau of Reclamation—Water and Related Resources

Project Name: Deschutes Project

Legal Name and Address of Requesting Entity: Deschutes Basin Board of Control, PO Box 919, Madras, OR 97741

Project Location: Deschutes County, Oregon

Description of Project: H.R. 3183 appropriates \$482,000 for the U.S. Bureau of Reclamation's Deschutes Project. According to the requesting entity, the appropriated funds for this project will be used by the Bureau of Reclamation in coordination with the Deschutes

Basin Board of Control (consists of the seven primary irrigation districts in Central Oregon) to pursue water conservation, piping, lining and efficiency projects that will improve irrigation efficiencies, and result in increased in-stream flows benefiting federally-listed steelhead and bull trout in the Deschutes and Crooked Rivers and their tributaries. The Deschutes Basin Board of Control states in their request that these projects will provide a broad array of economic and environmental benefits to central Oregonians.

Account: Bureau of Reclamation—Water and Related Resources

Project Name: Savage Rapids Dam Removal

Legal Name and Address of Requesting Entity: Grants Pass Irrigation District, 200 Fruitdale Drive, Grants Pass, OR 97527

Project Location: Savage Rapids Dam, Grants Pass, Oregon

Description of Project: H.R. 3183 appropriates \$1,160,000 for the U.S. Bureau of Reclamation's Savage Rapids Dam Removal project. According to the requesting entity, the appropriated funds for this project will be used by the Bureau of Reclamation to complete installation, testing, and operation of electric pumps and to complete removal of a major portion of the Savage Rapids Dam on the Rogue River, Oregon. The Grants Pass Irrigation District states that this project, which was authorized by P.L. 108-137, is a justified use of taxpayer funding because it will restore significant portions of the Rogue Wild and Scenic River to a free-flowing river by removing the dam as an impediment to passage of federally-listed fish species.

Account: Corps of Engineers—Section 206

Project Name: Camp Creek, Zumwalt Prairie Preserve, OR

Legal Name and Address of Requesting Entity: The Nature Conservancy in Oregon, 821 SE 14th Avenue, Portland, OR 97214

Project Location: Wallowa County, Oregon

Description of Project: H.R. 3183 provides Corps of Engineers Section 206 status for the Camp Creek, Zumwalt Prairie Preserve in Oregon. According to the requesting entity, the appropriated funds for this project will be used by the Corps of Engineers for site work on this ecosystem restoration project, including the removal of small push-up dams and to restore aquatic and riparian habitats within the upper Camp Creek watershed in The Nature Conservancy's Zumwalt Prairie Preserve in Wallowa County. The Nature Conservancy states in its request that this project is a justified use of taxpayer funding because it will create approximately 15 to 20 temporary and full-time jobs and support the restoration of aquatic and riparian habitat conditions along six miles of spawning habitat for Snake River Steelhead.

Account: Corps of Engineers—Investigations

Project Name: Walla Walla Watershed, OR & WA

Legal Name and Address of Requesting Entity: Confederated Tribes of the Umatilla Indian Reservation, PO Box 638, Pendleton, OR 97801

Project Location: Umatilla, Wallowa, and Union Counties in Oregon, Walla Walla and Columbia County in Washington

Description of Project: H.R. 3183 appropriates \$203,000 for the U.S. Army Corps of

Engineers to continue the general investigations of the Walla Walla Watershed project. According to the requesting entity, the appropriated funds for this project will be used by the Corps of Engineers for the feasibility report/environmental impact statement (FR/EIS) and to initiate pre-engineering and design based on findings and recommendations of the ER/EIS. Moreover, the project will provide restoration and management tools needed to help create a viable ecosystem within the Walla Walla River Basin for federally-listed bull trout and steelhead. The requesting entity states that this project is a justified use of taxpayer funding because the ER/EIS will promote the fulfillment of a Treaty reserved right of the Confederated Tribes of the Umatilla Indian Reservation.

Account: Department of Energy—EERE

Project Name: Christmas Valley Renewable Energy Development

Legal Name and Address of Requesting Entity: Oregon Department of Energy, 625 Marion St. NE, Salem, OR 97301

Project Location: Christmas Valley, Oregon

Description of Project: H.R. 3183 appropriates \$410,000 for the Oregon Department of Energy's Christmas Valley Renewable Energy Development project. According to the requesting entity, the appropriated funds for this project will be used to conduct renewable energy assessments at the former site of the Air Combat Command Radar Transmitter located in Christmas Valley, Oregon. Specifically, the project will fund assessments of wind, solar and geothermal energy resources. Over the years, the US Air Force and Bureau of Land Management have left intact the mothballed facility's massive electrical transmission lines and support infrastructure that will someday allow for renewable energy development. The requesting entity states that this project is a justified use of taxpayer funding because it would advance the utilization of various renewable resources while providing a significant economic boost to the local economy of Lake County, Oregon which currently has a seasonably adjusted unemployment rate of 12.8 percent.

Account: Department of Energy—EERE

Project Name: Geothermal Power Generation Plant at Oregon Institute of Technology

Legal Name and Address of Requesting Entity: Oregon Institute of Technology, 3201 Campus Drive, Klamath Falls, Oregon 97601

Project Location: Klamath Falls, Oregon

Description of Project: H.R. 3183 appropriates \$1,000,000 for Oregon Institute of Technology's Geothermal Power Generation Plant. According to the requesting entity, the appropriated funds for this project will be used to help construct a high-temperature geothermal power plant on the Oregon Institute of Technology (OIT) campus. The plant will eventually provide 100 percent of the electricity demands and hot water supply to the campus and it would be the first flash steam geothermal power plant in Oregon. When the Geothermal Power Generation Plant is complete, OIT will be the only campus in the world to satisfy all of its electricity needs from an on-site geothermal energy source. The requesting entity states that this project is a justified use of taxpayer funding because it would serve as a demonstration tool and educational training facility for OIT students and faculty.

EARMARK DECLARATION

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mrs. SCHMIDT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010:

Requesting Member: Congresswoman JEAN SCHMIDT

Bill number: H.R. 3183

Account: Army Corps of Engineers, Construction General

Requesting entity: City of Cincinnati/Cincinnati Park Board, 950 Eden Park Drive, Cincinnati, Ohio 45202; and

Summary: \$4.9 million provided for Ohio Riverfront, Cincinnati, OH, to continue construction of Phase I. Project authorization in PL 110-114, Section 5116 (WRDA 2007). Funds will be used to continue construction of flood-tolerant, stabilized river bank that will become riverfront park linking Central Riverfront attractions to Downtown Cincinnati. Project is key to efforts to revitalize downtown Cincinnati.

EARMARK DECLARATION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. SOUDER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman MARK SOUDER

Bill Number: H.R. 3183

Account: Department of Energy, EERE

Legal Name of Requesting Entity: Southwest Allen County Schools

Address of Requesting Entity: 4810 Homestead Road, Fort Wayne, Indiana 46814

Description of Request: The "green" roof will bring the following environmental benefits: (1) reduced energy consumption and related energy cost savings for Summit Middle School; (2) cleaner air as the vegetation converts carbon dioxide to oxygen; and (3) reduced flooding as the vegetation absorbs excess rainwater. Fort Wayne area students will receive hands-on learning experiences relating to green building techniques. Students relate well to environmental education, and many teachers are beginning to include environmental messages with their traditional subjects. The proposed vegetative roof would provide teachers a creative asset to be leveraged to educate Fort Wayne area students. The power generated by this project will reduce the overall power consumption of Summit Middle School and reduce the utility bill of the Southwest Allen County Schools. The School District's taxpayers will benefit not only from a

more efficient school system with a leaner budget, but the demonstration nature of this project will enable other school districts to see the value and learn the methods for such a project.

EARMARK DECLARATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. WILSON of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman JOE WILSON

Bill Number: H.R. 3183—the Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 69A Hagood Avenue, Charleston, SC 29403

Description of Request: I have secured \$2,500,000 for the U.S. Army Corps of Engineers. This will fund the Army Corps of Engineers Charleston office to maintain 210 miles of the Atlantic Intracoastal Waterway in South Carolina, from the North Carolina–South Carolina state line above Little River Inlet to Port Royal Sound near Hilton Head. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. MICA. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY10 Energy and Water Development and Related Agencies Appropriations Act Army Corps of Engineers, General Investigations Account Flagler Beach Shoreline Protection Project.

I have received \$233,000 in the FY10 Energy and Water Development and Related Agencies Appropriations Act. The entity to receive funding for this project is Flagler County, 1769 East Moody Blvd, Bunnell, FL 32110. The FY 2010 funding will complete the feasibility study of the Flagler County shoreline which was begun with funding provided in FY 2004.

The shoreline of the City of Flagler Beach has experienced critical erosion that threatens State Road A1A, which serves as an emergency evacuation route. A1A was closed in Flagler Beach for the month of January, 2006 as the road was completely washed away due to erosion. The erosion also has caused a severe loss of public recreation opportunities and

a degradation of environmental habitat. The beach is so narrow that the high tide line extends into the existing revetment, making it unsuitable as nesting habitat for sea turtles and almost unusable for recreational purposes. The City believes that restoration of the beach is a primary component of preserving safe passage along A1A while also providing public recreational opportunities and environmental habitat.

Army Corps of Engineers, Construction Account, St. Johns Shoreline Protection Project.

I have received \$700,000 in the FY10 Energy and Water Development and Related Agencies Appropriations Act. The entity to receive funding for this project is St. Johns County, 2740 Industry Center Road, St. Augustine, FL 32084. Federal funding will allow the Army Corps of Engineers to complete the St. Johns feasibility study and proceed to preconstruction engineering and design. The study area will include all of St. Johns County, including the South Ponte Vedra Beach area.

The shoreline of St. Johns has experienced significant erosion due to tropical storms and major hurricanes, particularly Hurricane Floyd of 1999 and the Hurricanes of 2004. This project is currently authorized by the Water Resources Development Acts of 1986 and 1999, which seeks to lessen down drift shoreline impacts caused by the federal navigation channel at St. Augustine Inlet, and to provide strong damage protection to the shore. The Army Corps of Engineers will begin supplemental nourishment in 2010 due to the recent storm damages and the third Renourishment of the St. Augustine Beaches scheduled in 2010 will begin the design phase also this year. The approximately \$700,000 dollar design and \$15 million dollar construction project will require about \$1.85 million from the County and \$1.2 million from the State as a local match. This is a shore protection project with continuing Renourishment anticipated every five years. Federal assistance is necessary and in dire need to provide protection to the coastline.

Department of Energy, Science Account Bethune-Cookman University STEM Research Lab.

I have received \$250,000 in the FY10 Energy and Water Development and Related Agencies Appropriations Act. The entity to receive funding for this project is Bethune-Cookman, 640 Dr. Mary McLeod Bethune Boulevard, Daytona Beach, FL 32114.

Bethune-Cookman's School of Science, Engineering and Mathematics provides specialized training for students majoring in biology, chemistry, computer engineering, computer science, mathematics and physics. The School of Science, Engineering and Mathematics is housed in the Gross Science Hall which was built in 1948 and has not been renovated or upgraded since 1972. Much of the original classrooms, laboratories and equipment are still in use today. Federal funding will allow Bethune-Cookman to update and expand a 10,000 square foot wing of aging laboratories, classrooms and equipment in the Gross Science Hall. The upgrades are needed to accommodate the increasing numbers of students who are majoring in STEM fields at B-CU, provide these students with the educational benefits of up-to-date technology and

modern equipment, and provide university students and faculty researchers with the technological capability to engage in research projects. The upgrades will include two "clean" labs, safe spaces for storage of chemicals, modern ventilation equipment, electronically enhanced lecture classrooms/theatres integrating computer, multimedia and network technology and "ill" feature technologies that help the environment and reduce energy costs.

Army Corps of Engineers, O&M Account, Intracoastal Waterway, Jacksonville to Miami, Florida.

Along with Representatives CRENSHAW; HASTINGS; KLEIN; KOSMAS; MEEK; ROSELEHTINEN; WASSERMAN SCHULTZ; and WEXLER; I have received \$4,500,000 in the FY10 Energy and Water Development and Related Agencies Appropriations Act. The entity to receive funding for this project is the Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, FL 33477.

The funds would be used to dredge the Intracoastal Waterway in two locations: Matanzas Inlet (St. Johns County) and in the vicinity of St. Augustine. In addition, funds will be used towards the 1) Restoration of Dredged Material Management Area in St. Johns County and 2) Construction of Dredged Material Management Area in Indian River County. Dredging the Intracoastal Waterway will allow for navigation of the channel by commercial and recreational vessels along the entire east coast of Florida. The project will restore protected freshwater wetlands. The Intracoastal Waterway in Florida annually transports over 1.7 million tons of commercial cargo and over 500,000 recreational vessels; increases property values by up to \$22.3 billion; and provides \$16.2 billion in economic output that includes \$4.8 billion in personal wages and 110,400 jobs. Studies have shown that these benefits would be reduced by over 50% if the waterway is not properly maintained.

RECOGNIZING REGGIE FLEMING

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. QUIGLEY. Madam Speaker, Saturday morning the well-loved hockey player, Reggie Fleming, passed away. As a former player on the Chicago Blackhawks and a member of the "Hawks" team that won the Stanley Cup in 1961, Reggie left a lasting impact on the city of Chicago.

In four seasons with the Blackhawks, Reggie spent over 455 minutes in the penalty box, making his mark as a hard-nosed player. He called himself the "policeman of the team," remarking that though he was not the highest scorer, he did what he loved: played hockey. Though he moved on to play elsewhere, Reggie's home was always Chicago. Even after his days ended in the NHL, he continued to do what he loved, returning to our city to play for the World Hockey Association's Chicago Cougars.

After falling ill five years ago, he moved to a rehabilitation facility, where he fought a

brave battle against illness and where his son Chris, a noted filmmaker, documented his father's memories of his finest moments. He says that his father's roughness on the ice was not mirrored off it.

Our sympathies go out to Chris, his sister Kelly, and the rest of the Fleming family in this difficult time. Reggie will be long remembered as a hockey player, family man, and true Chicagoan, not only by his family, but by many around Chicago and across America.

EARMARK DECLARATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. FORTENBERRY. Madam Speaker, pursuant to the Republican Leadership standards on member requests, I am submitting the following information regarding the earmarks I received as part of the FY10 Energy and Water Development Appropriations Bill:

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3183, FY10 Energy and Water Development Appropriations Bill

Account: Corps of Engineers—Construction

Project Name: Antelope Creek Flood Damage Reduction Project

Amount: \$5,697,000

Name and Address of Requesting Entity: Lower Platte South Natural Resources District located at 3125 Portia Street, Lincoln, Nebraska 68521.

Description: The Antelope Creek Flood Damage Reduction Project is a critical element of a flood control, transportation and community revitalization project known as the Antelope Valley Project. The project is being constructed in central Lincoln adjacent to the University of Nebraska Lincoln main campus to improve flood control, transportation networks and community well-being in the city's down-town area.

Essential to progress on the entire Antelope Valley Project is the completion of the flood damage reduction component. This multi-purpose project is a partnership of the City of Lincoln, the University of Nebraska Lincoln, and the Lower Platte South Natural Resources District, along with the U.S. Army Corps of Engineers and the federal Departments of Transportation and Housing and Urban Development. The project reduces flooding threats to over 800 dwellings and businesses and 1,200 floodplain residents and removes 100-year floodplain restrictions on 400 acres.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3183, FY10 Energy and Water Development Appropriations Bill

Account: Corps of Engineers—Construction

Project: Sand Creek Environmental Restoration Project

Amount: \$500,000

Name and Address of Requesting Entity: Lower Platte North Natural Resources District located at 511 Commercial Park Road, Wahoo, Nebraska 68066.

Description: The Sand Creek Project will restore several types of historic wetlands and

add to the national wetlands inventory in support of the Administration's "net gain" national wetlands policy. A quantitative analysis of all environmental outputs by the Corps of Engineers in addition to the Feasibility Study demonstrated a significant level of benefits for this wetland restoration project for the Lower Platte River watershed which serves the North American Central Flyway.

The Sand Creek Project supports the national goal of a net gain in American wetlands. Active pursuit of this goal also provides for improvements in water quality and water supply to achieve watershed improvement. Flooding in Wahoo along the U.S. 77 Expressway corridor occurred twice during 2006. Completion of the wetlands restoration structure will also provide flood damage reduction benefits on the roadway allowing completion of this expressway between Lincoln and Sioux City. This is a key segment of the expressway.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3183, FY10 Energy and Water Development Appropriations Bill

Account: Corps of Engineers—Construction

Project: Western Sarpy-Clear Creek Flood Damage Reduction Project

Amount: \$1,000,000

Name and Address of Requesting Entity: Papio-Missouri River Natural Resources District located at 8901 S. 154th Street, Omaha, NE 68138.

Description: The Western Sarpy-Clear Creek Flood Damage Reduction Project is vital to the health and well-being of a large number of Nebraskans. It is planned to protect vital drinking water resources that supply up to 50% of Nebraska's population in the eastern part of the state from flooding due to potential ice jams on the Platte River. Elected officials at local, regional and state levels in Nebraska have been long committed to this project's construction because of risk to water supplies and other infrastructure.

Significant construction progress towards completion is vital to Nebraska in the year ahead. The Congress has provided construction funding for the past four years in the Energy and Water Development Appropriations Act.

In 1993, flooding in the Lower Platte severed one-half of the City of Lincoln's water supply and catastrophe was again threatened in 1997 from ice-jam induced flooding. That portion of the new Omaha Metropolitan Utilities District well field on the western side of the Platte River now under development south of U.S. Highway 92 will also receive vital protection from this project. Treatment facilities for water from this well-field will be completed in the months ahead.

Additionally, this project is needed to provide protection to: I-80 and U.S. Highway 6; the Burlington Northern Santa Fe Railroad, an Amtrak line; military facilities the National Guard Camp at Ashland; national telecommunication lines; and other public infrastructure.

Construction of a separate but companion levee at the Nebraska National Guard Camp at Ashland was fully funded by the Congress in the FY '04 Military Construction Appropriations Bill and is completed. Neither of these adjoining levees is effective without the other.

Ice jams with the potential for flooding in the area around Camp Ashland and the I-80 Bridge where it crosses the Lower Platte River occurred again as recently as 2001 and will continue to be a significant threat until both of these projects are completed.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3183, FY10 Energy and Water Development Appropriations Bill

Account: Section 205

Project Name: Fremont Section 205 Flood Control Study

Amount: No specific dollar amount

Name and Address of Requesting Entity: Lower Platte North Natural Resources District located at 511 Commercial Park Road, Wahoo, Nebraska 68066

Description: This funding is for the federal share to complete the Fremont South Section 205 Flood Control Study. Funding for this Section 205 project will continue urgent feasibility planning to strengthen an existing flood control levee in order to remove a portion of South Fremont from the threat of flooding in the 100 year flood plain. This Fremont South area will be soon identified by the Federal Emergency Management Agency ("FEMA") as within the designated flood plain. The total cost of the project is \$1,086,000 split equally between the Corps of Engineers and the nonfederal sponsor.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3183, FY10 Energy and Water Development Appropriations Bill

Account: Section 205

Project Name: Schuyler Section 205 Flood Control Study

Amount: No specific dollar amount

Name and Address of Requesting Entity: Lower Platte North Natural Resources District located at 511 Commercial Park Road, Wahoo, Nebraska 68066

Description: This funding under the Section 205 authority is for the federal share to continue the Schuyler, Nebraska Flood Control Study. The amount requested will continue the Schuyler, Nebraska 205 Flood Control Study. The purpose of the study is to plan for mitigation of flooding in 40% of the city which is anticipated to be placed in the flood plain for the first time when designated by FEMA. The total cost of the study is \$772,000 split equally between the Corps of Engineers and the non-federal sponsor.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3183, FY10 Energy and Water Development Appropriations Bill

Account: Energy Efficiency and Renewable—Energy

Project Name: Sustainable Energy Options for Rural America

Amount: \$500,000

Name and Address of Requesting Entity: University of Nebraska-Lincoln located at 302 Canfield Administration Building, Lincoln, Nebraska 68588

Description: This funding would be used to research the most effective sustainable energy options for rural Nebraska and to establish demonstration sites which will include the UNL Panhandle Research and Extension Center in Scottsbluff, the West Central Water Resources

Field Lab near North Platte, the Gudmundsen Sandhills Laboratory near Whitman, and two sites in eastern Nebraska. Alternative energy technologies to be considered include wind, solar, anaerobic digestion (methane generation), gasification, direct burning of biomass, fuel cells, diesel engines converted to high compression ethanol engines, hybrid vehicles, and flex-fueled engines. Fuels to be considered include gasoline, diesel fuel, ethanol, biodiesel, dimethyl ether, butanol, and syngas. Energy independence is one of our highest national priorities. This project addresses the need to pursue development of diverse, sustainable alternative energy sources.

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 3183, FY10 Energy and Water Development Appropriations Bill

Account: Energy Efficiency and Renewable Energy

Project Name: Switchgrass Biofuel Research: Carbon Sequestration and Life Cycle Analysis

Amount: \$250,000

Name and Address of Requesting Entity: University of Nebraska-Lincoln located at 302 Canfield Administration Building, Lincoln, Nebraska 68588

Description: The funding would be used to establish a production-scale switchgrass carbon sequestration and life cycle analysis research program. Research will focus on optimizing switchgrass production for use as a biofuel and developing improved life cycle analysis tools to determine greenhouse gas (GHG) emissions for federal compliance certification of refineries processing switchgrass into ethanol.

In the Midwest, switchgrass appears to be the most viable cellulosic feedstock for biofuels because it is a highly productive native grass species. The 2007 Energy Independence and Security Act (EISA) requires that switchgrass biofuel systems meet a threshold reduction in GHG emissions of 60% compared to gasoline, and the Environmental Protection Agency will establish regulations based on the best available science. Initial life cycle analyses suggest switchgrass systems will only meet EISA thresholds if they sequester a substantial amount of carbon in soil. This analysis could be altered if switchgrass producers increase inputs (water, fertilizer, etc). Quantifying switchgrass carbon sequestration under varying input requirements is vital to developing this source of cellulosic ethanol.

HONORING THE MEMORY OF
ROBERT MILTON HOPE, SR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BONNER. Madam Speaker, the state of Alabama recently lost a dear friend, and I rise today to honor him and pay tribute to his memory.

Robert Milton Hope, Sr. was a native of Mobile and a 1942 graduate of Murphy High School. Following graduation, he joined the Merchant Marines and served in the Pacific on

a cargo ship during World War II. After the war ended, Mr. Hope attended the University of Alabama and earned a degree in business administration. He then went on to serve in the U.S. Army during the Korean War.

In 1952, Mr. Hope began working for the Alabama State Docks and dedicated almost four decades to the port of Mobile. He served in management positions at various Alabama State Docks facilities. He was appointed docks director for three terms under Alabama Governors George C. Wallace, Fob James, and Wallace again from 1976 until 1987. During his tenure, he oversaw the development of the McDuffie Coal Terminal.

In 1986, the Alabama State Docks honored Mr. Hope by dedicating the overpass that takes traffic over a set of railroad tracks into the docks' property as Hope Overpass. Following his retirement from the state docks, he served as a consultant for Volkert & Associates for several years before he retired.

In 1984, Mr. Hope was one of two U.S. participants invited to present a paper at the International Association of Ports and Harbors in Hamburg, Germany. In 1986, he received a White House appointment as a U.S. Representative to the Coal Industry Advisory Board of the International Energy Agency. He also served as president of the Mobile Area Chamber of Commerce in 1982 and 1983 and as president of the Gulf Ports Association. He served on the Alabama-Mississippi District Export Council and on the board of directors of the National Waterways Conference Inc.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated community leader and friend to many throughout the state of Alabama. Mr. Robert Milton Hope, Sr. will be deeply missed by his family—his wife of 57 years, Tee Hope; his daughter, Page Hope Sute; his sons, Robert Milton Hope, Jr. and Gregg Hope; and his five grandchildren—as well as his many friends.

Our thoughts and prayers are with them all at this difficult time.

EARMARK DECLARATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BURGESS. Madam Speaker, pursuant to the U.S. House of Representatives Republican Leadership standards on earmarks, I am submitting the following information regarding two earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010:

The Richland Hills, Texas Flood Control Project. Big Fossil Creek Watershed Study, Project Management Plan of the Upper Trinity River Feasibility Study. Richland Hills, Texas—\$500,000—Investigations.

The purpose of this project is to review the numerous flooding, drainage, erosion and sedimentation problems that exist within the City of Richland Hills, TX, and formulate specific alternatives to address and remedy these, and related water-resources problems. The Corps of Engineers published initial findings and baseline conditions in August 2007. The

Richland Hills project would be prepared within the context of the referenced Corps of Engineers/North Central Texas Council of Governments Big Fossil Creek Watershed Study and Upper Trinity River Feasibility Study, to include the impacts from upstream watershed development and erosion. The purpose of this project is to reduce the flooding potential for the 361 properties in the City of Richland Hills that are within the FEMA-designated 100-year floodplain; reduce sedimentation, enhance the environment and potential recreational benefits to the area, and reduce potential loss of life from floods. The total project cost is projected to be \$1,500,000. The City of Richland Hills and eight other communities have committed additional funds.

The City of Richland Hills is located at 3200 Diana Drive, Richland Hills, TX 76118.

Center for Advanced Scientific Modeling (CASCAM)—\$700,000—University of North Texas.

The funds will be used for computing and modeling to conduct and predict advanced scientific laboratory outcomes at reduced cost and increased safety. CASCAM uses computing and modeling to conduct and predict advanced scientific laboratory outcomes at reduced cost (chemicals, time) and increased safety (reduces need to expose workers to toxic chemicals, radioactive materials). This scientific computing allows determination of the probability of whether or not two chemicals will explode, become a viable pharmaceutical, the next new nanomaterial, or tomorrow's new alternate fuel source.

University of North Texas is located at Hurley Administration Building 175, Denton, TX 76203-0979.

EARMARK DECLARATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. SHUSTER. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I submit the following:

Requesting Member: Congressman BILL SHUSTER (PA-9)

Bill Number: H.R. 3170—Financial Services and General Government Appropriations Act, FY2010

Financial Services and General Government Projects

Project Name: For the I-99 Entrepreneurial Institute

Account: Small Business Administration (SBA), Salaries and Expenses

Legal Name of Requesting Entity: Altoona-Blair County Development Corporation

Address of Requesting Entity: 3900 Industrial Park Drive, Altoona, PA 16602

Description of Request/Justification of Federal Funding: \$100,000 for the I-99 Entrepreneurial Institute

It is my understanding that funding for this project would be used for the I-99 Entrepreneurial Institute. The I-99 Entrepreneurial Institute is a partnership program between Pennsylvania State University—Altoona and the Altoona-Blair County Development Corporation. The Institute serves as a formal

bridge linking entrepreneurial learning and academic research with real-world business applications and experiences. Funding for this project would enhance programs and opportunities already in place to foster economic development and support startups and the expansion of small businesses. This project is one piece of a comprehensive effort to promote economic development in the I-99 corridor.

This project is a valuable use of taxpayer funds because supporting job creation and entrepreneurial development are critically important in our current economy. Federal funding that is utilized to directly impact job creation and to support entrepreneurship and small businesses yields a sustainable and justified investment for communities and our country.

EARMARK DECLARATION

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. BUCHANAN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following regarding earmarks I received as part of H.R. 3183, the Energy & Water Appropriations Act, 2010:

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3183

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Manatee County

Address of Requesting Entity: 1112 Manatee Avenue West, Bradenton, FL 34205

Description of Request: I secured \$5,565,000 for an important dredging project for flood control purposes.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3183

Account: Corps of Engineers—Investigations

Legal Name of Requesting Entity: City of Sarasota

Address of Requesting Entity:

Description of Request: I secured \$500,000 to replenish the beach to deal with ongoing erosion.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3183

Account: Corps of Engineers—O&M

Legal Name of Requesting Entity: West Coast Inland Navigation District

Address of Requesting Entity: 200 E. Miami Avenue, Venice, FL 34285

Description of Request: I secured \$780,000 for maintenance dredging of the Gulf Intracoastal Waterway.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3183

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Manatee County

Address of Requesting Entity: 1112 Manatee Avenue West, Bradenton, FL 34205

Description of Request: I secured \$200,000 to complete the necessary study to enroll cer-

tain portions of Anna Maria Island beached into the federal program.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3183

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Port Manatee

Address of Requesting Entity: 300 Tampa Bay Way, Palmetto, FL 34221

Description of Request: I secured \$200,000 for or maintenance of the Manatee Harbor Basin, if the Secretary determines that such maintenance is economically justified and environmentally acceptable and that the channel or breakwater was constructed in accordance with the applicable permits and appropriate engineering and design standards.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3183

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Port Manatee

Address of Requesting Entity: 300 Tampa Bay Way, Palmetto, FL 34221

Description of Request: I secured \$500,000 on-going U.S. Army Corps of Engineers' General Re-evaluation Report.

Requesting Member: Congressman VERN BUCHANAN

Bill Number: H.R. 3183

Account: Corps of Engineers—Section 1135

Legal Name of Requesting Entity: Sarasota County

Address of Requesting Entity: 1600 Ringling Blvd. Sarasota, FL 34236

Description of Request: I secured language to allow it to be used for construction of a central sewer system and other needed infrastructure to replace approximately 14,000 individual septic systems.

EARMARK DECLARATION

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. GINGREY of Georgia. Madam Speaker, pursuant to the Republican Leadership standards on earmarks as well as in accord with Clause 9 of Rule XXI, I am submitting the following information regarding the earmark I received as part of H.R. 3170—Financial Services and General Government Appropriations Act, 2010.

Requesting Member: Congressman PHIL GINGREY

Bill Number: H.R. 3170

Account: Small Business Administration

Legal Name of Requesting Entity: University of West Georgia

Address of Requesting Entity: 1601 Maple Street, Carrollton, GA 30118

Description of Request: In cooperation with the Carroll County Economic Development Foundation, the university will use funding to establish a small business incubator to assist small business in a six county area of West Georgia (Bartow, Carroll, Haralson, Floyd, Polk, and Paulding Counties). This program will offer counseling, resource information exchange, and distance learning opportunities

for entrepreneurs and small business ventures. The program will also provide online access to and navigation of the West Georgia Angel Investors Network.

This project will provide the expertise of academic and business professionals directly to the budding entrepreneur. The program will include counseling, consolidated business resource databases, information blogs, and links to regulatory programs and funding sources. Video and online conferencing will afford real-time communication between individuals and groups. Distance learning opportunities will include training webinars in both live simulcast and archived viewing. Finally, the virtual resource center will provide a perpetual 3-D "tradeshow" exposure for participating businesses, including direct links to client websites.

The program will also give potential business entrepreneurs access to much needed seed capital through angel investors in the region. Business financial analysis and exit strategy development are just two of the resources that will be available to the entrepreneurs interested in investment capital. Counseling and guidance in developing an investment package would prepare the business owner for serious consideration by the Angel Investors Network.

The \$100,000 in Small Business Administration funding will be applied according to the following expenditure breakout:

Project Manager, \$55,000
Support Staff (3), 90,000
Senior staff supervision and oversight, 80,000
Supplies, 20,000
Program Launch, 45,000
Program Development, 30,000
Technical Assistance, 25,000
Equipment, 205,000
Travel, 10,000
Administrative and accounting, 30,000

EARMARK DECLARATION

HON. ANH "JOSEPH" CAO

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. CAO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010:

As requested by me, Representative ANH "JOSEPH" CAO, H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 funding for the Global Green New Orleans-Holy Cross project. This is in the Department of Energy EERE account in the amount of \$550,000. The funding will go towards construction of and LEED Platinum standards for 5 single-family homes, an 18-unit apartment building, and a Community Development/Sustainable Design and Climate Action Center.

As requested by me, Representative ANH "JOSEPH" CAO, H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 funding for the Clean

Power Energy Research Consortium (CPERC). This is in the Department of Energy Electricity Delivery and Energy Reliability account in the amount of \$1,000,000. CPERC will use these funds to address critical scientific and engineering issues in clean power and energy generation to develop technologies to reduce fuel consumption and greenhouse gases emissions in the U.S. This is a joint venture between UNO, Louisiana State University, LSU, Tulane, Southern University, Nicholls State University, University of Louisiana at Lafayette, and the Louisiana State AgCenter.

As requested by me, Representative ANH "JOSEPH" CAO, H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 provides for Louisiana Coastal Area Ecosystem Restoration. This is in the Army Corps of Engineers Investigations account in the amount of \$20,000,000. The funding will go towards identifying and implementing ecosystem restoration projects to restore and protect coastal Louisiana.

As requested by me, Representative ANH "JOSEPH" CAO, H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 provides for floor control construction in the Mississippi Delta Region. This is in the Army Corps of Engineers MRT-Construction account in the amount of \$2,250,000. The funding for this project will go towards providing protection against a projected flood having a flow of 3,000,000 cubic feet per second (cfs) at the latitude of Old River.

As requested by me, Representative ANH "JOSEPH" CAO, H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 provides for operations and maintenance funding in the Mississippi River Levees area, specifically within Southeast Louisiana. This is in the Army Corps of Engineers MRT-Operations and Maintenance account in the amount of \$8,011,000. The funding will go towards raising, strengthening, and in some cases, extending existing levees to stronger flood protection along the Mississippi River west bank from Black Hawk to Venice, and on the east bank from Baton Rouge to Bohemia, LA.

As requested by me, Representative ANH "JOSEPH" CAO, H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 provides for operations and maintenance funding for the Gulf Coast Intracoastal Waterway in Louisiana. This is in the Army Corps of Engineers Operation and Maintenance account in the amount of \$24,777,000. The funding for this project would go towards the operation and maintenance of the Gulf Intracoastal Waterway (GIWW) which crosses through all five states that comprise the Gulf of Mexico.

As requested by me, Representative ANH "JOSEPH" CAO, H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 provides for operations and maintenance of projects along the Mississippi River from Baton Rouge to the Gulf of Mexico. This is in the Army Corps of Engineers Operation and Maintenance account in the amount of \$54,994,000. The funding for this project will go towards the operation and maintenance of the Mississippi River, Baton Rouge to the

Gulf of Mexico project which provides a 45-foot deep draft channel between Baton Rouge and the Gulf of Mexico.

As requested by me, Representative ANH "JOSEPH" CAO, H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010 provides for increased hurricane protection along the southeast coast of Louisiana. This is in the Army Corps of Engineers Investigations account in the amount of \$1,000,000. The funding will go towards overall efforts to comprehensively address storm damage risk reduction protection, coastal restoration and flood control needs in South Louisiana and would provide a detailed study as part of the LACPR initiatives.

EARMARK DECLARATION

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mr. SOUDER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman MARK SOUDER

Bill Number: H.R. 3183

Account: Department of Energy, Science

Legal Name of Requesting Entity: Trine University

Address of Requesting Entity: Trine University, One University Avenue, Angola, IN, 46703

Description of Request: Trine University will play a key role in educating future biomechanical engineers creating and delivering a unique Masters of Biomedical Engineering applied research program that will be incubated over time to provide the foundation for a Biomechanics and Movement Sciences Center at Trine University. For the MBE program to become reality, Trine must renovate the existing Aero Building on the Trine University campus. The renovations will include a laboratory area that will enable students to engage in applied research in materials strengths, mechanical efficacy, and structures utilizing industry-standard full and desktop-scale universal testing equipment. An additional laboratory area will provide opportunities for students to investigate motion systems through the utilization of biomechanical simulation, EMG, MX and force plate technology.

IN RECOGNITION OF EMPRESS CASINO OF JOLIET, ILLINOIS

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mrs. HALVORSON. Madam Speaker, on June 25th, the Empress Casino opened its doors after a three month hiatus. In March, the casino suffered a nearly catastrophic fire. Being a major employer in Will County, the im-

pact could have been devastating. However, thanks to the tenacity of the casino and its employees, the situation has had a very successful outcome.

Over the past three months, Empress Casino and its employees continued to contribute to their community. Empress Casino maintained their charitable support and paid employees their usual salaries during this time. Empress staff responded to this challenge by providing more than 6,000 volunteer hours to community organizations. Empress Casino and their employees have overcome adversity and despite the obstacles, they have continued to be a caring neighbor.

Empress Casino implemented an aggressive renovation plan, which has allowed gaming revenues to be reinstated and Empress employees to come back to work. Local businesses who provide services at the Empress have also returned. I extend my congratulations to the company and its employees for their extraordinary conduct during this difficult time. They offer a shining example of leadership and compassion.

IN RECOGNITION OF AERONAUTICAL ENGINEER JOHN C. HOUBOLT'S JOLIET AREA HISTORICAL MUSEUM PERMANENT EXHIBIT

HON. DEBORAH L. HALVORSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 15, 2009

Mrs. HALVORSON. Madam Speaker, today I rise to recognize Aeronautical Engineer John C. Houbolt, an unsung champion of space exploration and intelligence, who is going to be eternalized at the Joliet Area Historical Museum with a permanent exhibit entitled "The Soaring Achievements of John C. Houbolt."

Houbolt played a critical role in the infancy of space exploration when he discovered, adopted, and then championed the lunar flight path called "Lunar Orbit Rendezvous." (LOB) In June 1961, LOR was chosen for the Apollo program and this critical decision was viewed as vital to ensuring that man reached the Moon in the 1960's, as President John F. Kennedy had proposed and, in the process, saved billions of dollars and time by efficiently using existing rocket technology.

Houbolt never lost faith in LOR even when his theories faced strong opposition from others in his field. His humble persistence and determination are a testament to his passion for knowledge and his own ideas. It is this fervor and intelligence that allowed him to not only be an inspiration for men and women all over the nation interested in space discovery, but also other important figures in space exploration, like Buzz Aldrin, who has expressed much admiration for Houbolt.

On May 15, 2005, Houbolt was granted an honorary doctorate from the University of Illinois Urbana-Champaign for his lifetime achievements, even after earning his Bachelor's degree in 1940 and his Master's degree in 1942 in Civil Engineering. Houbolt didn't stop there, however, obtaining a PhD in Technical Sciences in 1957 from the Swiss Federal Institute of Technology in Zurich, Switzerland.

Although no other human being contributed more in making the Apollo lunar landings possible, Houbolt's contributions to Apollo's mission do not define this man as his contributions will continue to reverberate into the future of aeronautical engineering. John C. Houbolt has left his influential mark on the field of space exploration and will continue to be an inspiration to those just entering the field or becoming interested in the universe around us. It is with great pride that I recognize all of his many accomplishments upon the event of this exhibit.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 16, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 17

10 a.m.
Banking, Housing, and Urban Affairs
Economic Policy Subcommittee
To hold hearings to examine the elements of a national manufacturing strategy.
SD-538

JULY 21

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 561 and H.R. 1404, bills to authorize a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy.
SD-366
Environment and Public Works
Green Jobs and the New Economy Subcommittee
To hold hearings to examine state and local views on clean energy jobs, climate-related policies, and economic growth.
SD-406

Homeland Security and Governmental Affairs
To hold hearings to examine stimulus spending, transparency, and fraud prevention.
SD-342

1 p.m.
Joint Economic Committee
To hold hearings to examine the Federal Statistical System in the 21st century, focusing on the role of the Census Bureau.
2203, Rayburn Building

2 p.m.
Judiciary
Immigration, Refugees and Border Security Subcommittee
To hold hearings to examine the current employment verification system.
SD-226

Commission on Security and Cooperation in Europe
To hold hearings to examine Cyprus' religious cultural heritage.
B318, Rayburn Building

2:15 p.m.
Foreign Relations
Business meeting to consider pending calendar business.
S-116, Capitol

2:30 p.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the wheat market.
SD-342

Intelligence
To hold closed hearings to consider certain intelligence matters.
S-407, Capitol

JULY 22

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the semi-annual monetary policy report to the Congress.
SD-106
Commerce, Science, and Transportation
Consumer Protection, Product Safety, and Insurance Subcommittee
To hold hearings to examine advertising trends and consumer protection.
SR-253

Judiciary
To hold hearings to examine job creation and foreign investment in the United States, focusing on assessing the EB-5 Regional Center Program.
SD-226

Veterans' Affairs
To hold hearings to examine the nominations of Raymond M. Jefferson, of Hawaii, to be Assistant Secretary of Labor for Veterans' Employment and Training, and Joan M. Evans, of Oregon, to be an Assistant Secretary of Veterans Affairs for Congressional and Legislative Affairs.
SR-418

1 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the role of agriculture and forestry in global warming legislation.
SR-325

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the Children's Television Act for a digital media age.
SR-253

Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine metal theft, focusing on law enforcement challenges.
SD-226

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 635, to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System, S. 715, to establish a pilot program to provide for the preservation and rehabilitation of historic lighthouses, S. 742, to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, S. 1270, to modify the boundary of the Oregon Caves National Monument, S. 1418 and H.R. 2330, bills to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System, and H.R. 2430, to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.
SD-366

3 p.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nomination of Deborah Matz, of Virginia, to be a Member of the National Credit Union Administration Board.
SD-538

JULY 23

10:30 a.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine S. 845, to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.
SD-226

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 637, to authorize the construction of the Dry-Redwater Regional Water Authority System in the State of Montana and a portion of McKenzie County, North Dakota, S. 789, to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation in the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, S. 1080, to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and S. 1453, to amend Public Law 106-392 to maintain annual base funding for the Bureau of Reclamation for the Upper Colorado River and San Juan fish recovery programs through fiscal year 2023.
SD-366

Intelligence

JULY 29

To hold closed hearings to consider cer-
tain intelligence matters.

9:30 a.m.

S-407, Capitol

Veterans' Affairs

To hold hearings to examine veteran's
disability compensation.

SR-418

SENATE—Thursday, July 16, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, our refuge and strength whose compassion encompasses humanity and whose mercy never fails, empower our Senators to be partners with You in Your redeeming purposes for this Earth. Remind them that the only greatness they will ever know is linked to Your transforming might. As they strive to please You, make them seekers after peace, justice, and freedom. Transform this storied Chamber of our legislative branch into a place of vision, a lighthouse of hope, and a source of solace for those battered by the raging floods of life. May the Members of this body become architects of a new order of peace and justice for the people of our world.

We pray in your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 16, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be a period of morning business today for 1 hour. The Republicans will control the first 30 minutes, and the majority will control the second 30 minutes.

Following that morning business, the Senate will resume consideration of the Defense bill. Today we have two matters that are pending. One is the F-22. In the bill there is a provision to provide an extra \$1.75 billion for more F-22s. Senators LEVIN and MCCAIN, the two managers of the bill, have offered an amendment to strike that. I would hope we can have a vote on that today. That has been pending for several days. In addition to that amendment, we will have a vote in the next 14 hours on the hate crime amendment to this legislation. We can either do it earlier today or after midnight tonight, but we are going to do it before we adjourn here today.

HONORING THE CAPITOL POLICE

Mr. REID. Madam President, I have five children. As they have grown, we have moved on a number of occasions. But I have been able to keep, as one of my prized possessions and bring back memories of my younger days, a number of things. If you have children, as the Presiding Officer knows, it is hard to keep things from being broken or misplaced. But I have a number of things I have been able to keep. One is the badge I wore when I was a Capitol policeman here on Capitol Hill. I still have that. It is in my conference room, and occasionally I will look up and see it. It reminds me of my days here in a different capacity as a police officer.

I came to Washington, DC, as a young man to get my law degree. I had a wife and a little baby. I worked from 3 to 11 every night except Sunday. I went to law school full time. But my time as a Capitol policeman was something I will always remember. We did not have the training the police officers have today. That is a gross understatement. We had very little training. But I carried my six-shooter and my uniform, of which I still have some pictures. I am very proud of that. I did not do anything dangerous. I have said here on the Senate floor before, the most dangerous thing I did was direct traffic. I say that because the old streetcar tracks caused the cars to bounce around, and you sometimes would wonder if they would get you because they were going fast up Constitution.

So having had little experience as a police officer, in the sense that we now

see these police officers protecting us, I have a deep and genuine appreciation for the sacrifice the men and women who are Capitol police officers make. When I was a Capitol policeman—all men, no women. But now, all over the Capitol complex, there are hundreds of women who help protect us.

The reason I make this brief introduction is yesterday afternoon, our Capitol police once again did their jobs with great bravery and skill. Fortunately, this came at such an interesting time. Next week, a week from tomorrow, we are going to have a ceremony here in the Capitol, as we do every year—I believe this is the 11th year—where we recognize the bravery of two Capitol police officers who were killed, Officers Chestnut and Gibson.

Gibson I knew. We were on a Senate retreat in Virginia, and my wife became ill. Gibson is the man who ran with all of the paraphernalia to make sure she was going to be OK. He was profusely perspiring. I can still remember very clearly this wonderful hard-working man. He came to save my wife.

Well, these two officers were killed. In the process of their being murdered by a madman, we do not know how many people's lives were saved in the Capitol complex. But it was the impetus that caused us to complete this great Capitol Visitor Center that we have, in the sacrifice that they certainly did not intend to make but they did make because of their training and skill.

Yesterday, an armed man fled a traffic stop, driving erratically around Capitol Hill. We do not know all of the details, but we do know that he struck a parked car, we understand now a motorcycle and a police car, a Capitol police car, and he almost ran over two police officers.

But when he got out of the car, a block from where we are right now, he came with an Uzi-type weapon, semi-automatic weapon, and started firing at the police and anyone else around them.

Fortunately, the Capitol police officers stopped him before he had a chance to do any harm. He was shot numerous times as was required under the circumstances. But the interesting part about this is what did the police officers do when the firing stopped, when they could no longer hear the bullets. They immediately ran over and administered first aid to this domestic terrorist. They tried to save the life of a man who seconds earlier tried to take theirs.

I do not know how we define heroism, but I think that is a pretty good description. An investigation is, of course, underway. We do not know all of the details, nor can we know how many lives these officers saved yesterday. And we cannot sufficiently thank them for what they did. But on behalf of the entire Senate, we appreciate each of them. I admire what you do. Wherever we go on this Capitol complex, there are people looking over us. That is not the way it always was, but now with terrorism, with there being a war that is being waged against our great country, we have had to have all of these police officers protect not only us but all of the people who come here on a daily basis.

We have people whom we can see in uniform. We have people we do not know are police officers; they are in plain clothing. We deeply value the honorable work these men and women do for us every day, putting their lives on the line to protect people they do not know.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

HONORING THE CAPITOL POLICE

Mr. McCONNELL. Madam President, I join my colleague, the majority leader, in extending my appreciation this morning to our marvelous Capitol police force. We were reminded in a very vivid way yesterday that they are on constant alert and that they are in constant danger.

Fortunately, incidents such as the one that took place yesterday are rare. We are all glad for that. And we are glad we have such a professional, well-trained, and courageous group of men and women to keep us safe day in and day out. They are always ready. On behalf of the entire Senate family, I want to express my appreciation for their hard work and their courage in the line of duty.

HEALTH CARE WK VI, DAY IV

Mr. McCONNELL. Mr. President, for the past several weeks I have come down to the Senate floor just about every day we have been in session, and I have brought a simple message: Americans want health care reform, and both parties want to deliver that reform. What Americans do not want is a government takeover masked as a reform that leaves them paying more for less. And they don't want us to rush something as important and as personal as health care reform just to have something to brag about at a parade or a press conference.

So it was perplexing to hear the President say yesterday that the "status quo . . . is not an option." I cannot think of a single person in Washington who disagrees with that statement. No one is defending the status quo, no one. What we are defending is the right of the American people to know what they are getting into: the exact details and the cost.

That leads me to another distressing aspect of the administration's approach to this debate, the artificial timeline for reform. The President has said he wants to see a health care reform bill out of the Senate in 3 weeks and on his desk in October. His rationale seems to be the same as it was during the debate over the stimulus. The economy's in bad shape, so health care reform has to happen right away.

Certainly the two are connected. But the problem is that many of the Democrat proposals we have seen would not make the situation better, they would make it even worse. And due to our current financial situation, we need to be even more careful about how we spend our money, not less. We saw the consequences of carelessness on the stimulus bill. We rushed that, and Americans got burned. We must not make that mistake again.

But we can start with a point of real agreement: Americans want reform, but they want us to be careful.

An artificial deadline virtually guarantees a defective product—virtually guarantees a defective product. Look no further than the drafts coming out of the House and Senate this very week. Both of them are shot through with weaknesses and deficiencies typical of a rush job. First, they cost way too much. According to early estimates, the House bill would cost more than \$1 trillion over the next 10 years and yet—listen to this—it still wouldn't cover all the uninsured; \$1 trillion and it wouldn't cover all the uninsured. It includes a new tax on small business that could keep companies from hiring low-wage employees. It creates a new nationwide government-run health plan that could force millions off their current insurance. One of the worst parts is that advocates of the House bill want small businesses and seniors to pay for it; small businesses and seniors they want to pay for it. Businesses would pay through new taxes, seniors through cuts to Medicare, cuts that hospitals in my home State simply cannot sustain.

I have talked to the hospitals in Kentucky that are worried about the impact these Medicare cuts would have on the services Kentucky hospitals currently provide to seniors. I encourage all of my colleagues to talk to the people who care for patients day in and day out at hospitals in their own States and see what they have to say about this proposal. It may be a lot different than what some of the interest groups here in Washington are saying.

Small businesses are worried too. At a time when the unemployment rate is already approaching 10 percent, the new tax on small business will inevitably lead to even more job losses. Business groups across the country that have seen the details of the House bill are warning that it would certainly kill jobs. Under the House bill, taxes on some small businesses could rise as high as roughly 45 percent. Let me say that again: Taxes on small business up to 45 percent, meaning their tax rate would be about 30 percent higher than the rate for big corporations. So small businesses, which have created approximately two out of three new jobs over the past decade, get a bigger tax increase than big corporations. It is worth asking why small businesses, which created about two-thirds of the new jobs in this country over the last 10 years, get hit so hard under the House bill. Is it because they can't fight back as hard as big businesses? Either way, the House bill would lead to some small businesses paying higher taxes than big businesses, even though the U.S. corporate rate for all of our corporations is already one of the highest in the world.

The Senate bill is as bad. As currently written, the HELP Committee bill would increase the Federal deficit by at least \$645 billion, at least that much. If we add all the Medicaid changes the HELP Committee anticipates, it increases the Federal deficit by more than \$1 trillion at a time when we are already spending about \$500 million a day on interest on the national debt so far this year—\$500 million a day in interest on the national debt so far this year. It too would kill jobs by requiring businesses to either insure all of their employees or pay a tax if they do not. It would levy a tax on those Americans who don't have or cannot afford health insurance. It also fails to reform malpractice laws. It spends billions of dollars on projects unrelated to the crisis at hand. It forces millions of Americans off of their current plans—forces millions of Americans off of their current plans—despite repeated assurances from the administration that it does not. And like the House bill, it creates a nationwide government plan that could lead to the same kind of denial, delay, and rationing of care that we see in other countries.

Health care reform is vital but it is not easy. If the House bill and the HELP bill are any indication, it is certainly not something that should be rushed. Both bills are too expensive, particularly for small businesses and seniors. They are too disruptive of the health care Americans currently have, and they are ineffective in addressing the health care problem in its entirety.

Americans have a right to expect that we will take enough time on this legislation not to make the same mistake we made on the stimulus. The

House and Senate bills we have seen this week show we are not there yet, not even close. We need to slow down and let the American people see what they are getting into with these so-called reforms. We all want reform, but we want the right reform.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORKER. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Tennessee.

HEALTH CARE REFORM

Mr. CORKER. Madam President, I rise to speak about where we find ourselves today. This is a momentous time in our country's history, as all of us in both bodies on both sides of the aisle find ourselves focused on the issue of health care reform. In the middle 1990s, I had the tremendous honor of serving the State of Tennessee in a position that allowed me to oversee the State's Medicaid Program and many other programs in our State that focused on the needs of many of the underserved. Since that time, I have been convinced that we, all of us, have a moral responsibility to do everything we can to ensure that Americans of all walks of life have the opportunity for affordable, quality private health insurance.

I have probably attended 50 meetings in the last 90 days working with others toward that end. I am convinced that there are at least 90 people in this body who share the goal of ensuring that Americans of all walks of life have the opportunity for affordable quality health care. It is my hope that we will end up with a bipartisan solution.

I have been disappointed in the results, though, of legislation that has come forward thus far. My sense is that the House of Representatives is pro-

moting a bill that does not meet the mark. The HELP Committee just passed out, on a party-line vote, a bill that, again, does not meet the mark. What concerns me is there are so much that we could agree on, yet we tend to focus on what is out of bounds and does not take us to the place we would all like to be. It is to that end that I rise to talk about this issue.

All of us know that our country has seen unprecedented debt levels. The leader of the Senate Republicans just spoke about that issue. The President in some ways found himself in this place, but on the other hand, since being in office, he has accumulated debt on top of debt for future generations. All of us understand that our biggest obligations exist in entitlements, with Medicare and Social Security. Most of us thought, as we came into this Congress, that one of our major focuses would have to be to get entitlements under control so that while we are doing this unprecedented short-term spending, which I oppose, at least the world community would realize we are trying to tackle our long-term obligations so they would continue to buy our bonds in order that we could go on here in this country.

I hoped strongly we would focus on that, and last Congress we had a bipartisan bill, by the way, supported by Republicans and Democrats, to do that.

What has happened, though—and this is pretty unfathomable to me—is that during health care reform, what has been focused on is Medicare, which has a \$38 trillion unfunded liability, a program where the trustees have said that it is insolvent and is going to go into the hole in a huge way in 8 years. What is being discussed in this body, and what has already been agreed to by many on the House side, is taking money from Medicare, a program which is insolvent, one that, instead of taking money from, we should be trying to make solvent, but we are taking money from that program to create a whole new set of entitlements that will add incredible amounts of debt to our country's balance sheet.

It is almost unfathomable to believe that people in this body would be looking to make a program that is insolvent even more insolvent by leveraging it to create another program.

For that reason, because I know the Finance Committee is in meetings, in small groups but also as a committee, to try to figure out a way to solve this health care problem—and it is my hope that they will do it in a way that makes sense, in a way that builds bipartisan support—I have delivered today to the majority leader a letter signed by 35 Senators making this body, making the President aware of the fact that we will not support further jeopardizing the Medicare Program by using it to leverage a new entitlement. It is my hope that in deliv-

ering this letter, while we have 35 signatures at this moment, there will be more added. While these are all Republican signatures, I actually think there are many on the other side of the aisle who question leveraging an insolvent program for a new program. I have delivered this letter in the hopes that the Finance Committee, the leadership on the Democratic side of the Senate, and the President will seek a solution that is different than taking money from this insolvent program that aids our seniors to create a new entitlement.

One of the most discouraging issues is, it is my understanding—and I hope I am wrong—that the folks who are talking about using Medicare money to create a new entitlement are not even dealing with SGR. Every 18 months, we sit down and discuss the doc fix. Doctors all across the country call us wanting to make sure that their payments are not going to be cut by 21 percent this year. So each year we kick the can down the road and solve that for a year, year and a half, because of budgetary constraints. It is my understanding that what is being discussed at this moment is taking money from Medicare, leveraging a new program which will add increasing debt, and not solving that problem even during the 10-year budget window this legislation will deal with.

Again, I have attended every meeting I have been asked to. I went to the White House yesterday. I met with a bipartisan group last night. I believe that this country does need to figure out a way so that all Americans can access affordable quality health care. I know all Americans are concerned about the cost of health care. I stand here as one Senator committed to doing that in the right way, but I also stand here with 35 other Senators saying that to do that and make another program that exists more insolvent is not acceptable. I oppose that. I hope that is not used to create a new entitlement.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. NELSON of Nebraska. Madam President, I also ask unanimous consent that the Republican time be preserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent to have about 6 minutes to address the body on national defense.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. NELSON of Nebraska. Madam President, I wish to begin my comments on this year's national defense authorization by first thanking all the members of the Personnel Subcommittee. And I particularly would like to thank the subcommittee's ranking member, Senator LINDSEY GRAHAM. He and I have worked together for several years on this subcommittee, changing the chairmanship back and forth, and I have always found our time on the subcommittee is decidedly non-partisan, bipartisan, regardless of who currently chairs it.

All the Members of the Personnel Subcommittee strive to do what is right by servicemembers and their families, and any disagreements we have are minimal, and are always focused on how best to serve those who serve us.

The annual National Defense Authorization Act is one of the most important pieces of legislation that Congress passes every year. It provides authority for everything the Department of Defense does, from the ships and planes it buys, to the pay and compensation of servicemembers, to retirement and disability benefits. So I look forward to this year, once again, passing a Defense Authorization Act for the 48th year in a row.

As in past years, the committee has focused heavily on personnel issues, including taking care of the families of servicemembers. There is an old axiom in the military that you recruit the soldier but you retain the family. So providing support to those families is more important now than ever before. I am happy with the bill, and I recommend it to my fellow Senators. I wish to emphasize that the committee also voted this bill out of committee unanimously.

The bill before us authorizes \$135.6 billion for military personnel, including pay, allowances, bonuses, death benefits, and permanent change of station moves. The bill contains many important provisions that will improve the quality of life of our men and women in uniform and their families.

First and foremost, the bill would authorize a 3.4-percent pay raise, which is half a percent higher than the increase in the Employment Cost Index and the administration's request and reauthorizes over 25 types of bonuses and special pays aimed at encouraging enlistment and reenlistment.

The bill also addresses the administration's request to increase the per-

manent end strengths of all the services over last year's authorization. The bill authorizes fiscal year 2010 end strengths of 547,400 for the Army; 202,100 for the Marine Corps; 331,700 for the Air Force; and 328,800 for the Navy. The Active Duty end strength of every service will increase over last year's levels. Moreover, the bill authorizes additional Army Active Duty end strength in fiscal years 2011 and 2012, if needed.

The bill also authorizes pay for travel and transportation expenses for Reserve component members to go home when training has been suspended at their temporary duty station. Operation Airlift, as we call it, came to my attention when members of the 110th Medical Battalion, based in Lincoln, NE, were stranded at Fort Lewis, WA, when training was suspended and the base was shut down for the holidays. Military rules prohibited using military funds to pay for their travel back to Nebraska until training resumed. This measure addresses this problem which has occurred in many other States and to many other reservists and guardsmen and demands that the military commands appropriately plan and schedule training exercises.

The bill also supports the continued provision of world-class health care to our servicemembers and their families, authorizing \$27.9 billion for the Defense Health Program.

The bill authorizes TRICARE standard coverage for National Guard and Reserve retirees previously in an uncovered so-called gray area. The TRICARE gray area retiree measure ensures nearly 225,226 eligible retirees nationwide will have the opportunity to purchase coverage under the military's TRICARE health care program.

In support of our increasing number of wounded warriors, the bill authorizes special compensation for caregivers for the time and assistance they provide to servicemembers with combat-related catastrophic injuries or illnesses requiring assistance in everyday living. Additional support is provided through this bill which authorizes travel and transportation allowances for nonmedical attendants of very seriously wounded, ill or injured servicemembers.

To ensure we continue to increase the care of our wounded warriors, this bill requires the establishment of a task force to assess the effectiveness of the policies and programs to assist and support the care, management, and transition of recovering wounded, ill, and injured servicemembers.

To help resolve the dire shortage of physicians needed to care for the mental health of combat proven servicemembers, the bill authorizes the service Secretaries to add up to 25 officers each year as students at accredited schools of psychology for training leading to the degree of doctor of psy-

chology in clinical psychology. In an effort to ensure our servicemembers get the mental health care they need and to help overcome the stigma associated with seeking mental health care, the bill requires person-to-person mental health assessments at designated intervals for servicemembers deployed in connection with contingency operations.

The bill also requires initiatives to increase the number of military and civilian behavioral health personnel at the Department of Defense.

Continuing our efforts to support wounded warriors and their families, the bill requires the Secretary of Defense to undertake a comprehensive assessment of the impacts of military deployment on dependent children of servicemembers, and a review of the mental health care and counseling services available to military children.

Finally, the bill authorizes \$45 million in impact aid to local school districts, including \$5 million for educational services for severely disabled children, and \$10 million for districts experiencing rapid increases in the number of students due to rebasing, activation of new military units or base realignment and closure.

These are just some of the highlights. There were over 60 legislative provisions affecting personnel policy, pay, end strength, health care, and family support. It is paramount we take care of our servicemembers by ensuring their pay and compensation is what it should be, and needs to be, to sustain the All-Volunteer Force and enable them to fight and win the Nation's wars and to take care of them and their families when they return home injured and wounded.

So, again, I would like to thank Senator GRAHAM and all the members of the Personnel Subcommittee of the Armed Services Committee. I look forward to working with our colleagues to pass this extremely important legislation as we continue the process of authorization of the parent bill.

With that, I conclude my remarks.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, I understand we have up to 10 minutes each?

The ACTING PRESIDENT pro tempore. That is correct.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 1458 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

FOREIGN ADOPTED CHILDREN
EQUALITY ACT

Ms. LANDRIEU. Madam President, I wish to speak for a moment about another bill Senator INHOFE and I introduced earlier: the Foreign Adopted Children Equality Act. This would make a small but important change in the way orphans are identified or classified when they are adopted overseas so that they can become automatic citizens.

I was very proud to work with Senator KENNEDY on this issue, with Senator Don Nickles from Oklahoma when he served in the body. We worked very hard to find a way, when families go overseas to adopt, once that adoption is final—we believe the active adoption itself puts that child in automatic custody of that parent. That parent, being an American citizen, should automatically be able to transfer that citizenship to that adopted child just as if you are born in the United States to an American citizen or you are born in the United States, you are an automatic American citizen; and most certainly if you are born overseas, but if your parents are citizens, you are an automatic citizen of the United States. You don't need any extra paperwork done on your behalf because we believe the act of adoption should be treated the same way as the act of birth. We believe this right should be transferred to orphan children adopted overseas.

Right now, there is a little bit of a glitch in the law that is not allowing this. This act would correct that.

I will finally end with one of my most wonderful memories of my time in the Senate, which was in Faneuil Hall in Boston with Senator KENNEDY and with Congressman DELAHUNT, when we, on one special day, were able to swear in as citizens of the United States thousands of children who had been waiting to become citizens, having been adopted by American families. That was a very proud moment of mine and something many of us worked on. But this bill will take that to a new level. When families travel overseas to adopt, as my sister and many relatives and friends of Members of Congress took the opportunity to do, at the time the adoption is official in that country, the child becomes an automatic citizen of the United States, which is a great benefit.

As I grow older in my life, I realize what an extraordinary privilege it is to be a citizen of the United States of America. So as our families adopt, that citizenship will be automatically transferred to their adopted children.

So I thank you. Again, it is the Foreign Adopted Children Equality Act I am speaking about this morning and introducing for consideration of the body the Families for Orphans Act.

Thank you, Madam President. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CASEY. Madam President, I ask unanimous consent that I be recognized for 20 minutes in morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. CASEY. Madam President, I rise to speak of two topics. The first is health care.

We had a significant development yesterday in the Health, Education, Labor, and Pensions Committee, of which I am a member, where we actually voted the bill out of the committee. It is the first time in many years that a major piece of health care legislation, other than major initiatives such as children's health insurance, has been voted out of the Senate committee.

We have a long way to go. We have the Senate Finance Committee working on this, the House is working on this, and President Obama has made this a major priority of his administration and I believe part of his economic recovery short-term and especially long-term. I commend two people for their work: Chairman DODD, working in place of our chairman, Senator KENNEDY. Between the two of them, they did a great job of leading this effort, not just in the course of some 60 hours of hearings and probably another 20 or more hours prior to the hearings—prior to the markup when we were offering amendments—but many months and weeks and, in the case of both of these Senators, years working on health care. I also commend the staffs, and my staff, especially Morna Murray, who did great work.

I say all that because it was a significant development. We know it is just one chapter in a long book. We have a long way to go. I think it is significant that a bill is out of a committee and moving through the Senate.

I wish to focus in particular on a couple of aspects of the bill and then move to some reactions on the question of health care that we get from across Pennsylvania.

The bill itself has as its foundation this principle: The status quo is not only unacceptable, it is, in fact, unsustainable. We cannot continue to ignore the issue of health care. We have to act on it this year—not next year or the year after but this year, 2009—at long last tackling a problem the American people have been debating for decades now across the country.

Now we have a President who is leading, with the opportunity to finally make progress.

The bill does a lot. First, as part of its foundation, it covers 97 percent of the American people. It is critical that we make that part of the final bill. Secondly, in terms of the overall impact of the bill, it will reduce costs, it will preserve choices, and it will, in fact, enhance quality. All of the issues we have talked about for years are now going to be part of this bill.

People have been frustrated by the unfairness of the failure of insurance companies to cover preexisting conditions. It is right there in the bill. Preexisting conditions, in the bill, will no longer be a bar to treatment and to the curing of disease and the treatment of individuals.

It also has as a foundation to it the question of what to do to preserve choice? The American people have a right to not only keep the health care they like, but also they should have a choice—if they don't like what they have or if they have no insurance at all, they ought to be given a choice. I believe part of that choice isn't just within the framework of private insurance, the insurance companies, but, in fact, a public option, preserving not just choice for the American people but also enhancing competition and bringing down costs. That is essential. Even as we are concerned about the almost 50 million Americans, including 5 million children, who don't have coverage, we have to make sure we are preserving that choice.

So reducing costs, preserving choice, and enhancing quality are very much a part of the bill that does change the status quo. At some point, people in Washington are going to have to join one team or the other—the status quo team, the “can't do it now, satisfied with the current system” team, or the side of changing the status quo, the side of reform, the team that is working with President Obama to at long last address the question of quality, the question of access, and the question of bringing down the cost of care for our families and our businesses. So they have to choose their team. In my judgment, there are two teams: the status quo team and the reform change team with President Obama.

I wish to highlight just two excerpts of letters I have received from constituents in Pennsylvania. I will read a sentence from each. Before I do that, I want to cite an element of one recent report. This is a recent report from Families USA. I will read one line to make this point:

... 44,230 more people are losing health care coverage each week.

That is 44,230 people, every single week, who are losing their health insurance. With that data staring us in the face—and you can point to other data in Pennsylvania and across the

country—can anyone really make the argument that we should slow down and maybe not get this done this year, wait a little longer, a year, another 2 years? In fact, if you do that, you are talking about waiting 10 or 20 years. We cannot do that. We have to act with a sense of urgency and a sense of common purpose.

I will read two lines from two letters. One is from a gentleman in Pennsylvania and, secondly, a letter from another constituent of mine. They put this into sharp focus. This letter says, in part:

I, for one, find it impossible to understand how the Nation that sent men to the moon, invented atomic energy, and won the largest conflict in history [a reference to World War II] cannot provide the basic right to medical care to all, and most importantly, its neediest citizens.

That is a pretty wise summation of why we have to get this done this year.

Here is a brief line from another letter I received from a constituent in Pennsylvania. She speaks of the economic pressure she and so many families feel with the status quo, the current health care system:

I am only trying to keep my family from becoming another statistic.

Another statistic like 44,230 families losing their health care coverage every single week, a statistic like the number of families going into bankruptcy every week and every month because of one issue principally for many families—not all but many—the issue of health care.

I think we have to remember the wisdom and also the real-life experiences of the people who write to me, representing Pennsylvania, or any other State.

I have two more points.

The question is of premiums. There was a recent report that indicates that if we don't take action on the issue of health care reform, if we don't act now and finally, at long last deal with quality, cost, access, and preserving choice—this is a report by the New America Foundation, issued at the end of last year. It said:

In Pennsylvania, family health insurance with a price tag of \$26,879 in 2016 would consume 51.7 percent of the projected Pennsylvania median family income.

The national number is very similar to that. So if you look at it over a 10-year period or an 8-year period, what we are looking at here, if we don't tackle this issue, is families in Pennsylvania and across the country will be paying half or more than half of their income for health care. That is the reality. That is why there is a sense of urgency and purpose and a resolute focus on this issue this year. We cannot sustain this. Our economy cannot continue to go in this direction. We have to begin to tackle it this year.

Finally, before I move to my second topic, is the issue of children. I have

made, along with Senator DODD and so many others—this a central priority when we are doing health care reform. We are very happy this bill is moving forward, that health care is in sharp focus. One of the things we have to make sure of as we move through the process is that no children, especially poor children and those with special needs, come out of this worse off than they have been. One of my themes is “No child worse off.” Just four words: “No child worse off.” I add as a corollary: especially poor and special needs children.

Unfortunately, we have some ideas in Washington floating around that run contrary to that. I urge those who are ignoring the question of children, who are forgetting about the impact of this bill on children—and it is a very positive impact—to remember that line from Scripture where it says that “a faithful friend is a sturdy shelter.” We have a lot of people in Washington who do a lot of talking about being a friend of children, being advocates for children, and standing up for children. It is wonderful that they say that. But if we are going to prove ourselves to be a faithful friend to children by being that sturdy shelter that protects them, not only from the ravages of a bad economy, not only from the other horrors so many children face, but even protecting them from unintended consequences of health care legislation, if that is what we say we are going to do, we should prove it through the work we do in the bill.

I have a couple of points about that. One of the things I worked very hard on in the bill, working with Senator DODD, was to make sure that enrollment in care, either through the so-called gateway, which is part of the health care bill, or through Medicaid or CHIP, is done in a way that we are actively assisting—actively assisting—families to get them enrolled and not just saying: You are on your own and try to figure it out—actively seeking to help families, especially poor families, get enrolled.

I have worked with Senator DODD on a requirement that pediatric preventive care be included in the list of mandatory preventive services that insurance plans offer, with minimum cost-sharing requirements for families.

I have also worked with Senator DODD on ensuring that medical homes—which, as we know, is not a place but an approach to care, patient- and family-centered care that is comprehensive and coordinated; that is what I mean by “medical home”—that there is a medical home as well for children. Pediatric medical homes for children are part of the bill.

Finally, we ensure the establishment of an oral health care prevention education campaign at the Centers for Disease Control focusing on preventive measures targeted toward children and pregnant women.

For all these reasons and more, we have to continue to focus on getting health care legislation passed at long last.

I was honored to be with the Presiding Officer yesterday at a discussion about preventive health care. That is a central part of this bill. I commend her work in this area. It is a central feature of this health care bill.

GLOBAL FOOD SECURITY

Mr. CASEY. Madam President, let me move to a second topic in the remaining time I have, in addition to health care, and that is actually a related issue, the issue of hunger and food security, but on the scale of the world, the international stage. I wish to speak briefly on the subject of a significant achievement from last week's G8 summit held in Italy.

The G8 leaders agreed to commit \$20 billion over the next 3 years to international agricultural development, of which the United States will pledge a minimum of \$3.5 billion over this period.

As the President, the White House, noted, that comprises more than doubling of current U.S. levels of agricultural development assistance and represents a dramatic shift in the way our government conceives of global food security.

For too long, the United States has relied on the traditional emergency aid model, a testament, of course, to the charity and generosity of the American people, but also an inefficient and often delayed response to hunger overseas.

A real investment in international agricultural development can help the developing world grow self-sufficient in agriculture and provide a livelihood for the significant share of the population that are small farmers across the world.

Everyone is familiar with the old saying: Give a man a fish and you feed him for today. Teach a man to fish, and you have fed him for a lifetime. We should bear that in mind when we think about this policy of global food security. That is exactly what the international community, led by the G8 and President Obama, is seeking to do, with an emphasis on several key principles, at least three: strategic coordination of assistance to ensure that aid is provided in a fashion that maximizes effectiveness and efficiency; investment in country-owned plans to provide genuine domestic ownership and inclusion of benchmarks and other standards of accountability; and a sustained commitment with follow-through at future summits to ensure that the leading States are carrying through on their pledges.

This G8 initiative is a complement to the Global Food Security Act, introduced earlier this year by the ranking member of the Senate Foreign Relations Committee, Senator LUGAR, and

myself. As of today, eight other Members have cosponsored the Global Food Security Act, and I was pleased that Secretary of State Clinton recently offered her general endorsement of this legislation.

This bill would achieve three major objectives. No. 1, enhance coordination within the U.S. Government so that USAID, the Agriculture Department, and other entities are not working at cross-purposes. We do that by establishing a new position, a special coordinator for food security, in the White House who would report directly to the President and would forge a comprehensive U.S. food security strategy.

No. 2, the bill expands U.S. investment in the agricultural productivity of developing nations so that nations facing escalating food prices can rely on emergency food assistance and instead take steps to expand their own crop production. A leading agricultural expert recently estimated that every dollar invested in agricultural R&D generates \$9 worth of food in the developing world.

I am grateful to Senator LUGAR for his bold proposal by the acronym HECTARE to establish a network of universities around the world to cooperate on agricultural research.

No. 3, the bill would modernize our system of emergency food assistance so that it is more flexible and can provide aid on short notice. We do this by authorizing a new \$500 million fund for U.S. emergency food assistance.

This bill has been worked on and marked up in the Foreign Relations Committee and reported out. I am working with Senator LUGAR to bring this legislation to the floor so the full Senate can take it up and pass it.

We should not wait—as I said about health care earlier—we should not wait for another massive food crisis such as the one that hit the world last summer, before taking action on this legislation. Global food security is not only a humanitarian issue, of course—and that is of immense proportions—but it is also a national and international security issue. Hunger breeds instability, and instability can set the stage for failed states.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENGAGING THE ISSUES

Mr. DURBIN. Madam President, there are many things going on in the Capitol today. As a member of the Senate Judiciary Committee, I left the confirmation hearing of Judge Sonia Sotomayor, President Obama's nominee to the Supreme Court. I believe this is her fourth day of hearings before the committee. It appears we will be able to wrap up today or perhaps tomorrow.

I think she has done an extraordinarily good job. She comes to this nomination with a remarkable life story: rising from public housing in the Bronx, NY, losing her father when she was 9 years old, being raised by a determined and capable mother, a brother who became a doctor. She went on to law school after academic success in an Ivy League institution, and now has served for 17 years on the Federal bench.

We have many good witnesses before the Judiciary Committee, but I think she has set a high standard in terms of answering questions with a clear understanding of the law and a clear understanding of her responsibility if she is given this awesome assignment of serving on the highest Court in the land.

I cannot help but watch at these hearings as her family sits through hour after weary hour of Senators' questions. They are clearly in her corner and cheering her on; her mother, nodding in agreement when her daughter tells of their life story; others there in testimony to her wonderful life, her professional life as an attorney and judge.

I hope the Senate will bring her nomination before us in a timely fashion so that if she is approved—and I believe she will be approved by the Senate—she can cross the street to the U.S. Supreme Court and be there in September to make certain that the Court has a full complement of Justices to consider important cases.

At the same time on the floor, we have the Defense authorization bill, an annual exercise to authorize important expenditures for our national defense. There is a pending amendment relative to hate crimes, as to whether there will be a Federal cause of action against those who are guilty of physically assaulting and hurting people because of their sexual orientation, their gender, their race, their ethnic origin.

And, of course, there is another major debate underway about the future of health care in America. I have said that I think this debate over health care may be the biggest domestic undertaking of Congress in its history. In sheer numbers, the impact of this legislation will touch every single American immediately.

We have considered big issues in the past, issues such as Social Security, but that was a program, when it was

conceived and passed, that would affect senior citizens at a later date and only a few people initially. It was passed at a time when few people lived to be age 65, the qualifying age for Social Security. So it was an insurance policy for a small group of Americans. There was a payroll tax imposed on most workers in the country to pay for it.

Some 60 years later, President Lyndon Johnson considered the Medicare Program, another far-reaching program which today provides health insurance for 45 million Americans. It, too, is paid for primarily by a payroll tax, but it reached retirees. This debate on health care goes far beyond retirees. It affects all of us, every single one of us.

There have been so many things said about this debate. Some of the things that have been said at the outset are plain wrong. I was sent an e-mail by my brother who lives in California. I don't know the source of this e-mail, but it is one with wide subscription. It was loaded with mistakes and errors, suggesting that Members of Congress have some elite health care policies that pay for things ordinary Americans could never consider.

For the record, speaking for myself and most Members of Congress, we are under exactly the same health care plan as 8 million Federal employees and their families. But make no mistake, it is a good one. Because we have such a good bargaining pool, for over 40 years, private insurance companies have been anxious to get in and offer health insurance to not only Members of Congress but virtually every other Federal employee. It is a plan that engages us with private health insurance companies. My wife and I can choose from nine different private health insurance companies that offer coverage to residents of Illinois who are Federal employees. We can pick a plan that has limited coverage or one that has more coverage. My payroll deduction depends on the type of plan I choose.

The good news is once a year there is open enrollment. If I don't like the way I have been treated in the plan, I can move to a different company that might give me different benefits or better coverage. Every American should be so lucky as every Federal employee and Members of Congress. But we don't have an elite plan.

Other things that have been said are plain wrong. Members of Congress do not pay into Social Security. I can tell you when I was elected in 1982, in the House of Representatives, that was a fact. That was quickly changed within a year so that Members of Congress do pay into Social Security, as most Americans do today. These are all things that need to be set aside, and we need to get to the heart of the issue.

I listened as Republican Senators have come to the floor and talked about this health care debate. I cannot

for the life of me understand how most of these Senators feel about the issue of health care.

The overwhelming majority of Americans believe we need to change the current system. If they have a good health insurance policy, they want to keep it, and the law we propose will allow them to do that, but there is a sense that the cost of health insurance is going up too fast and you can't earn enough money to keep up with it. Just over the last several years, the cost of health insurance premiums has risen three times faster than the wages of Americans. I have heard about it in Illinois; others have heard about it as well.

Those who want to keep the current system have to answer the most basic question: How will individuals and families and businesses be able to afford health insurance if we don't change? How can we deal with the deficits and debt that are being created by these inflated health care costs? The United States is the most expensive Nation in the world when it comes to health care. We spend, on average, per person more than twice as much as most other countries. Yet we don't have the medical results to point to which demonstrate that money is being well spent.

Some of the Republicans who have come to the floor—for instance, Senator MCCONNELL from Kentucky, the Republican leader—talk about the failure of a plan in Maine, a public plan called—I may mispronounce this; I hope I don't—it looks like *Dirigo*. This *Dirigo* relied on private insurance with very few health insurance companies. Maine would benefit from the increased competition provided by a public option that we are talking about in the current national health care reform.

I think States across the Nation have done a good job in exploring creative innovations, but there are some limits as to what a State can do on its own, and many are financial. It is not realistic to expect them to solve health care problems State by State. States don't have the access to the financing levers that the Federal Government has. That makes sustainability difficult over the long term. And cost is difficult to control on a State basis. States don't have access to the Medicare Program, the largest buyer of health care in America. Medicare needs to be a leader in quality and cost control initiatives if we are going to make health care affordable. The States have tried to do their best, but without Federal leadership in addressing the skyrocketing costs of health care, the States are in an impossible position.

Health care reform isn't going to be easy, but we need to do it. Fortunately, we have a President—President Obama—who has said this is his highest priority. He is prepared to spend the political capital necessary to make

this change, knowing it has been very difficult in the past.

What most Americans want to see is a system where you can walk in the doctor's office and not have to fill out the same form over and over and over again; a system where doctors give the time to see their patients, can make the right diagnosis, and work through the questions that the patient might have; a system where patients aren't surprised by a medical bill they thought was covered under their insurance plan and ends up not being covered; a current system where doctors don't have to hassle with insurance companies for approval of medically necessary treatment; a system where you are not denied coverage because of an illness you had 5 years ago or because of your age; a system where health care is affordable; where it will cost less and cover more.

That is what 85 percent of the American people say they want out of this debate. This is what I would bet even the 77 percent of the American people who are satisfied with their health care today want to make sure is guaranteed in the future.

Some of my colleagues on the other side of the aisle seem to agree with the idea of the need for change, the need for health care reform. Some of them have focused on medical malpractice. I know a little about this. Before I was elected to Congress many years ago, I handled medical malpractice cases as an attorney in Springfield, IL. For a long time, I defended doctors and hospitals. And then, with a new practice, I was on the plaintiff side, representing the injured—the patients who were suing the doctors and hospitals. I have seen it from both sides of the table.

It is unfortunate when these lawsuits are filed. It is even more unfortunate when innocent people have become victims of medical negligence. There are an awful lot of them each year, and we need to do more to reduce the incidence of medical negligence. Many of these people just went to the doctor, did exactly what they were told, and ended up in a situation where their health was compromised and where they incurred massive health care costs because a mistake was made. Sometimes it is an innocent mistake, but other times, clear negligence and worse on the part of medical providers.

Don't get me wrong. I have the highest regard for the medical profession. And if it is my health or the health of someone in my family or someone I love, I want that doctor, the very best person there, to help, and I want to give them the benefit of the doubt; that they do not work miracles; they can only do the best they can, and I am prepared to accept that. In some cases, though, negligence happens. Malpractice occurs. Terrible things happen. And to close the courtroom doors to those who are injured and face a life-

time of pain, suffering, scars, limitations, disability, and health care costs is fundamentally unfair.

The Congressional Budget Office thinks that medical malpractice costs amount to less than 2 percent of health care spending. Government economists estimate that restricting all patients' rights to go to court would only lower health care costs less than ½ of 1 percent. So when we talk about changing the health care system, of course let's have a conversation about patient safety and reducing the medical errors and making sure that doctors who are not guilty of malpractice don't face lawsuits that never should have been filed, but let's be honest about it. This is a very small part of the issue.

We also need to make sure that a public option is available. Health insurance companies are some of the most profitable companies in America. A public option will make sure there is an option, a choice, a voluntary alternative for every American to choose a public option plan, a plan that is a not-for-profit, government-oriented plan—such as Medicare—that doesn't have high administrative costs, doesn't take a profit out of what they are charging you, and doesn't have a lot of costs for marketing. That, to me, is a way to guarantee honesty and more competition.

We know if we fail to act that many millions of Americans will continue to have no health insurance, and others will find the cost of health insurance going up dramatically. The cost today is overwhelming for some Americans.

If you went to Wrigley Field last weekend to watch the Cards and Cubs play, there were about 41,000 people seated in the stands. It is a great rivalry, a terrific baseball rivalry that draws people from St. Louis and from Chicago and all points in between. If that attendance at the stadium was representative of America, 2,000 of those 4,000 people seated in the stands are currently paying health care costs of more than 25 percent of their income. That is a back-breaking number. And we have to understand that the costs keep going up, beyond the reach of a lot of good people who are trying hard to provide the most basic health care for their families.

I notice that my colleague is here from the State of Delaware, and I am going to yield in 1 moment, but I wish to say before I yield that we have a chance here. Some of the Members of the Senate are going to see these bills coming out of committees and say, this isn't the bill I would write; in fact, there are parts of this bill I don't like at all. I am sure that is the case for me, too. I know what I would like to write. But I understand the process too.

I also understand one other thing. This may be the last time in the political careers of every Senator on the

floor that we can honestly take on this health care issue. If we don't do it in a bipartisan fashion, if we don't follow the guidance of those who are telling us this current system is unsustainable, there may never be another chance. I urge my colleagues, even if you disagree with some of the key elements of the bill coming out of one committee or the other, keep the process moving forward. Let us work together, debate the issues, vote on the amendments, and keep the process moving forward. At the end of the day, if we end up emptyhanded, it will be a great loss for America. We will have to come back again under even worse circumstances, where there is a lot more suffering and a lot fewer people with good insurance in America.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BEGICH). Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1390, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1390) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Reid (for Leahy) amendment No. 1511, to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes.

Reid (for Kennedy) amendment No. 1539 (to amendment No. 1511), to require comprehensive study and support for criminal investigations and prosecutions by State and local law enforcement officials.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IN PRAISE OF JEFFREY KNOX

Mr. KAUFMAN. Mr. President, last week, I spoke about the founding generation of Americans and the legacy they passed down to us of sacrifice and service above self. These are the values that constitute the foundation of our civil service, and it is these values that motivate our Federal employees. It is what drives each of them, each day, to perform the small miracles that make the American Government work. Without their dedicated efforts and important contributions, we could not have a

government that is responsive and representative. That is the birthright the Founders left for us—that the people should be represented not only by officials they have elected but by civil servants entrusted to carry out the people's business.

In thinking about these ideas and about the Founders, I cannot help but think of those who risk their safety working as Federal law enforcement officers and prosecutors. One such Federal prosecutor is Jeffrey Knox. As an assistant U.S. Attorney from the Eastern District of New York's Violent Crimes and Terrorism Division, Jeffrey is on the front line in both the war on crime and the war on terror.

At age 36, Jeffrey has already achieved distinction for prosecuting a number of important cases. He has become one of the Nation's preeminent prosecutors trying suspects in terrorism cases. In his role as head of the Violent Crimes and Terrorism Division, Jeffrey has been a leader in investigations of terror groups such as al-Qaida, Hamas, and LTTE. His colleagues have praised him for his roll-up-your-sleeves, get-your-hands-dirty philosophy, and he has traveled to dangerous hot spots in pursuit of evidence.

One of Jeffrey's landmark cases was the successful investigation, arrest, and indictment of four suspects who were charged with plotting to attack the fuel tanks at JFK Airport. The attack they had planned was intended to be as devastating as September 11. Jeffrey worked closely with the military, the intelligence community, foreign governments, and local law enforcement agencies in an 18-month-long investigation.

In another high-profile case, he successfully obtained the convictions of a group of conspirators who were attempting to deliver missiles and other weapons to the LTTE in Sri Lanka. He also worked to put behind bars an Iraqi translator who stole classified defense information and passed it to insurgents targeting our troops. Jeffrey has prosecuted violent street gangs in New York City as well.

What inspires me most about Jeffrey is that he did not start as a criminal prosecutor. Before September 11, he was a corporate lawyer on Wall Street. After that terrible day, Jeffrey was motivated to leave Wall Street and work in the Federal Government as an assistant U.S. attorney. When asked why he gave up such a lucrative position on Wall Street for a tough job prosecuting terrorists and gang members, Jeffrey said:

If you can put a dangerous individual behind bars so that individual will never have the ability to jeopardize another person's life again, then it's all worth it.

Jeffrey Knox is just one of many Federal prosecutors and law enforcement officials who risk their lives every day to keep Americans safe. The sacrifices

they make all too often go unrecognized. I urge my colleagues to join me in honoring their service and sacrifices, and I join all Americans in thanking them for the important contribution they make to our Nation.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 1511

Mrs. GILLIBRAND. Mr. President, I rise today in support of the Matthew Shepard Hate Crimes Prevention Act of 2009. I am proud to join Senator KENNEDY as an original cosponsor of this important legislation. This legislation condemns the poisonous message that some human beings deserve to be victimized solely based on their sexual orientation, gender, gender identity, or disability.

Hate crimes are serious and well-documented problems that remain inadequately prosecuted and recognized. Current Federal hate crimes law affords important protections against crimes motivated by a person's race, color, religion, or national origin. It fails to protect a significant number of Americans when victims are targeted based on their actual or perceived sexual orientation, gender, gender identity, or disability. This legislation will expand protection to these groups, ensuring that all Americans are afforded equal protection under the law.

In addition to recognizing and prosecuting all forms of hate crimes, we must also provide local law enforcement agencies with the requisite tools to successfully combat these heinous acts. This legislation provides significant support to local law enforcement agencies across the Nation, including critical technical, forensic, prosecutorial, and other assistance to State, local, and tribal law enforcement officials for hate crime investigations and prosecutions.

It is essential that we send the message that these crimes will not be condoned. When we fail to prosecute violence driven by hatred and protect Americans' human rights, we risk escalation of such activities.

New York State has recently had numerous examples of hate crimes that would be prosecuted under this legislation. Within 3 weeks, three communities in Queens and Long Island—within an hour's drive—have experienced violent hate crimes targeted at gay, lesbian, and transgender victims. In each instance, the victims were the targets of violent attacks while the assailants communicated homophobic slurs.

During one of the incidents in Queens, a transgender female was brutally attacked while walking to her home. As she walked down her residential block, she was repeatedly taunted by two men who only ended their taunting with homophobic slurs so they could focus on beating her with a metal belt buckle. Her anguished cries

for help were met with laughter as the two men removed all of her clothing and left her naked and bleeding in the middle of the street.

Unfortunately, this case was not investigated as a hate crime because current law does not provide protection for gender identity. This victim, like many others around the Nation, was a target of violence because of who she was. This must end.

In 2007, there were 500 such incidents in New York State alone. This is a reflection of a larger national trend where we see that the number of documented hate crimes is on the rise. In 1991, the Federal Bureau of Investigation began collecting hate crimes statistics, and since then the number of reported crimes motivated by sexual orientation has more than tripled.

This legislation, which has received bipartisan support before, is supported by more than 300 civil rights, law enforcement, and civil and religious organizations in addition to the vast majority of the American people. It is important we ensure that all Americans and all States are covered under this comprehensive hate crimes legislation.

There is some concern this bill would impact the first amendment. It does not. The Matthew Shepard Hate Crimes Prevention Act of 2009 covers only violent acts or attempted violent acts that result in death or bodily injury. It does not prohibit or punish speech, expression, or association in any way. Thoughts and speech are explicitly protected in this bill. This bill is not infringing upon freedom of speech. It is about safeguarding Americans' human rights and equal justice.

As Dr. Martin Luther King once said, "injustice anywhere is the threat to justice everywhere."

I strongly believe freedom and equality are inalienable American rights and should not be ascribed based on gender or race, religion or sexual orientation or gender identity. This legislation is an important step toward expanding human dignity and respect for all Americans.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, although I have been an active participant in the Judiciary Committee's Sotomayor confirmation hearings, I have followed with great interest the floor debate on continuing the production of the F-22A Raptor.

Unfortunately, over the years I have heard a number of incorrect assertions made about this aircraft, and I have

tried to correct them. But after listening to this week's debate and reading misleading articles, especially in the Washington Post, about the F-22's performance and capabilities, I believe the Raptor's opponents have hit bottom—and have begun to dig.

Therefore, I would like to set the record straight about the F-22 and its extraordinary war-winning capabilities.

Fact No. 1: The F-22 is, and will continue to be, the preeminent fighter/bomber for the next 40 years.

The F-22 is the stealthiest aircraft flying today. Unlike the F-117 Night-hawk and the B-2 bomber the F-22s can be deployed on stealth flight operations not just at night, but 24 hours a day. This one-of-a-kind capability provides our combatant commanders with unprecedented flexibility to engage ground and air targets at a time of their choosing—thus denying any respite to the enemy.

The Raptor is equipped with supercruise engines that are unique because they do not need to go to after-burner to achieve supersonic flight. This provides the F-22 with a strategic advantage by enabling supersonic speeds to be maintained for a far greater length of time. By comparison, all other fighters require their engines to go to after-burner to achieve supersonic speeds, thus consuming a tremendous amount of fuel and greatly limiting their range.

The F-22 is the deadliest fighter flying today. During a recent military exercise in Alaska, the Raptor dispatched 144 adversaries versus the loss of only one aircraft.

Further advantage resides in the F-22's radar and avionics. When entering hostile airspace, the F-22's sensor-fused avionics can detect and engage enemy aircraft and surface threats far before an enemy can hope to engage the F-22. At the same time, its advanced sensors enable the F-22 to be a forward-surveillance platform capable of gathering crucial intelligence on the enemy.

Often overlooked, the F-22 is a very capable bomber. It can carry two GPS-guided, 1,000-pound joint direct attack munition bombs or eight small-diameter bombers.

Fact No. 2: The F-22 is not a Cold War dinosaur. It is designed to meet and eliminate the threats of today and tomorrow.

As the longest-serving member of the Senate Intelligence Committee, I know full well the greatest air threat of today and tomorrow is, and will continue to be, the advanced integrated air defense system.

Such a system is composed of two parts. The first component is advanced surface-to-air missile systems such as the Russian-made S-300, which has a range of over 100 miles. The second are highly maneuverable and sophisticated fighters like the Su-30, which have

been sold to China and India. Coupled together, these anti-access systems make penetrating hostile airspace extremely difficult, if not deadly, for those aircraft lacking the F-22's advanced stealth technology and sustained supersonic speeds made possible by its supercruise engine. It is also important to remember the mainstays of our aerial fleet, the F-15, F-16 and F/A-18, are not stealth aircraft and are not equipped with supercruise engines.

Unfortunately, integrated air defense systems are relatively inexpensive, placing them within the purchasing potential of nations such as Iran with its seeming insistence on developing nuclear weapons.

The advanced integrated air defense system is exactly the threat the F-22 was designed to neutralize. In addition, the F-22 will almost simultaneously be able to turn its attention to other ground targets that threaten the national security of the U.S. and our allies.

In a related argument, some argue the United States should devote more of its military resources toward bolstering its counterinsurgency capabilities.

This is a fair point. Unwisely, the United States did permit its counterinsurgency capabilities to atrophy after the Vietnam war. As events in Iraq and Afghanistan have shown, we continue to pay dearly for that error. However, as we reconstitute our ability to successfully prosecute counterinsurgency campaigns, we cannot make a similar mistake and undermine one of the fundamental foundations of our military strength: hegemony in the air.

Even Defense Secretary Robert Gates said this January, "Our military must be prepared for a full spectrum of operations, including the type of combat we're facing in Iraq and Afghanistan as well as large scale threats that we face from places like North Korea and Iran." I could not agree more, and the aircraft that will enable our Nation to decisively defeat our adversaries in the air is the F-22.

Mr. President, others point out the F-22 has not been deployed in support of our operations in Iraq and Afghanistan. This is true. However, there were recent plans to deploy the F-22 to the Persian Gulf. But according to the July 9, 2008, edition of the widely respected Defense News, the Pentagon overruled those plans, citing concerns about "strategic dislocation." This means the F-22 is hardly a dinosaur. It is a weapon that can change the balance of power in a region and deter our adversaries.

Fact No. 3: 187 F-22s is an insufficient number to meet the minimum requirements of our national military strategy.

Our Nation's military requirements are decided upon in detailed studies of the threats our Nation and its allies

confront. These studies also recommend force structures to deter and, if necessary, defeat threats to our national security. Accordingly, the Department of Defense and the Air Force have conducted a number of studies to determine how many F-22s are required to meet our national military strategy.

I am unaware of any comprehensive study that has concluded F-22 production should cease at 187 aircraft. Specifically, unclassified excerpts from the Air Force's sustaining air dominance study stated "180 F-22s was not enough," and the Department of Defense TACAIR optimization study concluded the procurement of additional Raptors "was the best option." On April 16, these conclusions were reinforced by comments made by GEN Norton A. Schwartz, the Chief of Staff of the Air Force, after the F-22 procurement termination was announced. General Schwartz stated, "243 [Raptors] is the military requirement."

Opponents of the Raptor will most likely dispute this, pointing to comments made by General Cartwright during his July 9 testimony before the Senate Armed Services Committee. During his testimony the general stated the decision to terminate production of the F-22 is supported by a "study in the Joint staff that we just completed and partnered with the Air Force." However, my staff has inquired about this study and was informed a recently completed comprehensive, analytic study does not exist.

No doubt, the Joint Staff has prepared some justification for F-22 termination. Yet I believe it is only natural to question the objectivity of any assessment which justifies previously reached decisions.

Unfortunately, yesterday, my suspicions about this so-called analysis were proven correct when Geoffrey Morrell, the Pentagon's press secretary, stated General Cartwright was referring to "not so much a study [as a] work product."

Therefore, I believe the Congress should place great significance on the June 9 letter by GEN John Corley, the commander of air combat command, who stated "at Air Combat Command we have a need for 381 F-22s to deliver a tailored package of air superiority to our Combatant Commanders and provide a potent, globally arrayed, asymmetric deterrent against potential adversaries. In my opinion, a fleet of 187 F-22s puts execution of our current national military strategy at high risk in the near to mid-term. To my knowledge, there are no studies that demonstrate 187 F-22s are adequate to support our national military strategy."

I believe these are important words from the four-star general who is responsible for the Air Force command which is the primary provider of combat airpower to America's war-fighting commands.

Fact No. 4: The Washington Post article that alleged technical and maintenance difficulties of the F-22 was misleading and inaccurate.

In fact, the Air Force has written two rebuttals to this article. After viewing the first rebuttal, I found it striking the Air Force stated six of the points made in the article were false, four were misleading, and two were not true.

Specifically, the primary assertion made by the Post was the F-22 cost far more per hour to fly than the aircraft it is replacing, the F-15. However, this is misleading. Only when you include all of the one-time costs that are associated with a new military aircraft is this true. A far more accurate measurement is to compare variable flying hours. The F-22 costs \$19,750 per hour to fly versus \$17,465 for the F-15. The F-15 costs less to fly, but the 1960s-designed F-15 does not have nearly the capabilities of the F-22.

The article asserts the F-22 has only a 55-percent availability rate for "guarding U.S. airspace." This is misleading. Overall, the F-22 boasts a 70-percent availability rate, and that has been increasing every year over the past 4 years.

Finally, the article states the F-22 requires significant maintenance. This is true. But the Post article misses the critical point: the F-22 is a stealth aircraft. Making an aircraft disappear from radar is not accomplished through magic. It is achieved through precise preparation and exacting attention to detail.

I believe we can all agree it is far better to expend man hours to prepare an airplane that will win wars than to buy replacement aircraft after they have been shot down, not to mention the moral cost of not exposing our pilots to unnecessary dangers.

Fact No. 5: The F-22's detractors argue erroneously that the Raptor's role can be filled by the F-35, also known as the Joint Strike Fighter. But the Raptor and the Joint Strike Fighter were designed to complement each other, not be substituted for each other. The F-22 is the NASCAR racer of this air-dominance team. Fast and unseen, the Raptor will punch a hole in an enemy's defenses, quickly dispatching any challenger in the air and striking at the most important ground targets. The Joint Strike Fighter is the rugged SUV of the team. Impressive, but not as maneuverable or capable of sustained supersonic speeds, the F-35 will exploit the hole opened by the F-22 and attack additional targets and directly support our ground forces. This is not to say the F-35 is not a highly capable stealthy aircraft. But the F-35's role is to supplement the F-22, not substitute for it. Only by utilizing the strengths of both aircraft do we ensure air dominance for the next 40 years.

Fact No. 6: Our allies recognize the critical capabilities of the F-22 and are eager to purchase the aircraft.

This is one of the most compelling reasons for purchasing additional numbers of F-22s. The Japanese and Australian governments have consistently approached our government about purchasing the Raptor for themselves. If the F-22 is such a boondoggle, why would these nations be willing to spend billions of dollars to purchase them. Australia already plans to purchase up to 100 F-35s. Why does it need the Raptor? Perhaps it is because these nations realize a number of the threats to their security can only be defeated using the F-22 Raptor.

In conclusion, we have an opportunity to ensure this and future generations continue to benefit from one of the foundations of our national security: the ability to defeat any air threat and strike any target anywhere in the world. The world is changing; threats are growing. Today we have an opportunity to ensure those air threats are met.

To be honest with you, our young men and women who fly deserve the very best equipment we can give to them, not equipment that is getting old, outmoded, and cannot do the job.

I hope my colleagues will join me in voting against the Levin-McCain amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHANNIS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHANNIS. I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. JOHANNIS pertaining to the submission of S. Res. 212 are located in today's RECORD under "Submitted Resolutions").

Mr. JOHANNIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BROWN. Madam President, yesterday was a wonderful day for this institution but, more importantly, it was

a spectacular day for hundreds of millions of Americans who are concerned about our health care system. The Health, Education, Labor, and Pensions Committee completed the mark-up of its health care reform legislation. The first rule of thumb was that if you are satisfied with the health insurance you have today, you can stay in it. The whole point of health reform is to reduce health care costs and expand access to quality care for all Americans.

Earlier this week, the HELP Committee had a historic opportunity to cut costs for millions of Americans by creating a commonsense pathway for generic versions of what are called biologic drugs. Biologic drugs are live cells, unlike the more old-fashioned but still very, very common chemical drugs that are made and that we have known of for many years. Biologic drugs treat cancer, Parkinson's, diabetes, arthritis, rheumatoid arthritis, Alzheimer's, and other serious conditions.

Earlier this week, the HELP Committee could have limited what are called around here exclusivity rights—better known as monopoly rights—could have limited monopoly rights for biologics to 7 years instead of enabling that monopoly for 12 years. Earlier this week in the committee, consumers lost and the biotech industry won. How can we improve access to health care if people cannot afford their biologic drugs? How can we reduce costs if we don't inject competition into the marketplace, if we grant monopolies and block any competitors from coming in and competing for these drugs? During the debate, we heard a lot of numbers on how many years the big drug companies should have unchecked monopolies. We heard it should be 13 years or one of them was 13½ years or 12 years or 10 years. I wanted 5 years or maybe 7 years at the most.

Let me include some other numbers as we debate the minutia of health care reform. Let me include some other numbers that are too often yet sometimes deliberately overlooked.

Some 190,000 women will be diagnosed with breast cancer this year. Herceptin is the brand-name biologic that treats breast cancer. It costs \$48,000 a year. That is \$1,000 a week. If you are lucky enough to have insurance, you might get part of this paid for, but you probably have a 20 percent copay, so then it is \$200 a week. That is if you are lucky. If you are not so lucky, you simply can't afford it.

More than 1.3 million Americans live with rheumatoid arthritis. Remicade is the brand-name biologic that treats rheumatoid arthritis. It costs \$20,000 a year. If you are lucky enough to have insurance, you are probably paying a 20 percent copay. That would be \$4,000 a year just for the biologic drug for your treatment—not counting lost work, not counting paying doctors' bills, not

counting trips to the hospital, not counting tests. That is \$4,000 a year for that drug, if you are lucky enough to have insurance.

This year, more than 148,000 people will be diagnosed with colon cancer. Avastin is the brand-name biologic that treats colon cancer and costs \$100,000 a year, which is \$2,000 a week. So if you are lucky enough to have insurance, you pay a copay of \$400 per week, which is an awful lot of money.

To put these numbers in perspective, the average annual household income in Ohio is \$46,000. So when you look at these drugs—one I mentioned, Herceptin, is \$1,000 a week; Remicade for rheumatoid arthritis is \$20,000 a year; Avastin for colon cancer is \$100,000 a year, \$2,000 a week—again, if you are lucky enough to have insurance, your 20-percent copay for that \$100,000 a year is \$20,000, and an average income in Ohio is \$46,000.

Brand-name biologics, these relatively new kinds of treatments, will make up 50 percent of the pharmaceutical market by the year 2020. The prices for most of these drugs are increasing far faster than inflation—far faster even than medical inflation—and we know what that is all about—about 9.3 percent each year. The price for biologic drugs for multiple sclerosis increased by 23 percent last year.

I remember about a dozen years ago, if you had a family member who was suffering from cancer, we were outraged and just so surprised and shocked and upset that Taxol, the chemical cancer drug, in those days cost \$4,000 a year. We thought that was outrageous, exorbitant, unaffordable, out of reach, \$4,000 a year. But this cancer drug now is \$40,000 a year; Herceptin is more than \$40,000 a year. So where is the outrage now?

I understand drug companies need to protect their investment and their profit. However, many of these biologics that have been developed came initially from research that all of us as taxpayers funded. We appropriate every year about \$31 billion for the National Institutes of Health, something I fought for when I was in the House. I was part of the group that doubled funding for NIH, in those days, from about \$12 billion to \$25 billion a year. It was a wonderful investment. As we invest in these drugs, invest in this research that is the foundation for these drugs, it is a good thing. Then these companies, at their expense and at their risk, develop them into wonderful medicines and medication. But after building their foundation on taxpayer research, they are charging this much for these biologics, and even if you are lucky enough to have insurance, you simply can't afford them. So I want these drug companies to protect their investment and their profit, but we can't give companies open-ended protection from competition.

The committee voted earlier this week to grant 12 years of monopoly. Orphan drugs get a 7-year monopoly protection. Standard drugs, which have been wonderful for so many people in this country—very important, very complicated drugs; pretty much as complicated as these biologic drugs—get 5 years of monopoly protection. So orphan drugs get 7 years, standard drugs get 5 years. Other products on the market that have patents, as these do, and have those protections don't get additional monopoly protections. But this committee this week—I thought outrageously so—gave 12 years of monopoly protection. That is unacceptable to many of us. President Obama says it should be 7 years. The AARP says it should be 5 to 7 years.

The Federal Trade Commission reported that additional years of monopoly protection actually crimps innovation, that giving these extra years of monopoly protection actually hinders innovation. I would argue that this monopoly protection harms innovation because it discourages biotechs from searching for new revenues.

Let me give an example. If a drug company produces a biologic that can matter a lot in an important treatment and they got a 12-year monopoly protection and consider that the biologic might be administered by injection in a doctor's office; that those same scientists who have created that biologic that you inject, after 5 or 6 years, come up with a new way to do it, to take it by aerosol. Everybody I know would rather do that than stick a needle in their arm every day or so, however often they need the treatment. But do you know what. That new innovation is not going to come until the 12 years are up.

That is why the committee erred so extravagantly when it gave 12 years of monopoly protection to the drug industry. It hinders innovation. That means patients are going to keep getting the shot every day for 12 years. They will have to wait until the 12 years are up before they introduce the new aerosol way of administering this drug. If there had been for 4, 5, 6, or 7 years, they would have brought that new drug on the market much quicker.

The only argument that the biotechs' allies on the HELP Committee used was simple: This hurts innovation.

It only hurts their profits. It clearly doesn't help innovation. The only study put forward, other than a study from PhRMA, the big drug company lobbyist or study from biologic companies—and many are the same companies—other than their studies, the only one out there was a Federal Trade Commission study on this 12 years. What good are these biologics if nobody can afford them?

The Hatch-Waxman Act, which introduced generic versions of chemical drugs, has proved we can still lead the

world in biologic innovation with competition from generics. Twenty-five years ago, the drug industry said the same line they are using now—that there is no way we will innovate, and this will put them out of business.

Patients in Akron, Bowling Green, Chillicothe, and Dayton understood that this law from 25 years ago worked to keep prices down. Those same people around my State, people in Xenia, Springfield, Mansfield, and Portsmouth need that same access to generic versions of these biologics.

The vote this week was not in the best interests of patients suffering from multiple sclerosis, arthritis, cancer, Alzheimer's or heart disease. It was not in the best interest of taxpayers. Who is paying the bill? Either people are paying out of their pockets—and most cannot afford it—and insurance companies are going to raise rates to employers and to patients or the taxpayers are going to pay for it. The beneficiaries are not patients. It hurts innovation. The beneficiaries are the drug executives and the biologic company executives. It is not in the best interest of taxpayers. An article in Roll Call today or yesterday pretty much said that biologic industry—they spent \$500,000 in ads in the last few days. The health care industry spends a million dollars a day lobbying, and they were rather successful in what they did.

I am proud to have been part of the historic health debate that passed a bill as good as we passed. I am also proud to have been part of this debate that continues to talk and educate the people on biologics.

Clearly, the fight for affordable generic drugs is not over. I will fight and do whatever is best for taxpayers and patients, and that means a continued effort to make this law work, as Hatch-Waxman worked for so many Americans.

I will fight for the breast cancer patient who has to spend \$1,000 a week for biologic Herceptin or the colon cancer patient who spends \$2,000 a week or the person with rheumatoid arthritis who spends \$2,000 a month for medicine they desperately need.

I applaud groups such as AARP that put families and consumers first. I look forward to working with Members in the House and Senate and the administration who are fighting for what is right.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Madam President, I rise because of a document our fore-

fathers signed 233 years ago, the Declaration of Independence. Specifically, the Declaration stated:

We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.

That simple phrase created the bedrock foundation for a nation founded under equality under the law, freedom from persecution, and the pursuit of happiness by our citizens—government by and for the people under the concept of quality and freedom from persecution.

It is an honor to rise to advocate for that philosophy.

I rise in strong support of the Leahy amendment that would amend the Department of Defense bill to include the Matthew Shepard Hate Crimes Prevention Act of 2009. First, I thank and acknowledge Senator KENNEDY for his strong decade-long commitment to this legislation. I extend my appreciation to Senator LEAHY for leading this effort in Senator KENNEDY's absence.

It has been more than 10 years since Matthew Shepard was brutally murdered simply because of his sexual orientation. It is long past time that we take action to strengthen the Federal Government's ability to investigate and prosecute hate crimes. There is no room in our society for these acts of prejudice. Hate crimes fragment and isolate our communities, and they tear at our collective spirit. They seek to terrorize our society through brutal violence against targeted individuals. The Matthew Shepard Hate Crimes Prevention Act is a critical step to protect those who are victimized simply for who they are.

Hate crimes legislation is not a new concept. In fact, the United States of America has had hate crime laws in place for 40 years. The Hate Crimes Act of 1969 was passed shortly after the assassination of Martin Luther King. That assassination motivated Congress to action.

That law says it is illegal to “willfully injure, intimidate or interfere with any person, or attempt to do so, by force or threat of force, because of that other person's race, color, religion or national origin.”

That hate crimes law was passed by our parents' generation to address the hate crimes so evident through the assassination of Martin Luther King and so many other actions in the 1960s.

Now it is time for our generation to pass a hate crimes bill that will strengthen the work done by our forefathers 40 years ago and that will address new forms of hate crimes that have become far too prevalent in our society. We need to add provisions to prosecute those who commit violent acts based on gender, gender identity, disability, and sexual orientation.

Of the 7,624 single-bias incidents reported in 2007, more than 16 percent re-

sulted from sexual orientation bias, indicating that members of the gay and lesbian community are victimized nearly six times more frequently than an average citizen.

Just this past spring, we experienced a terrible incident in my home State. In March, two men, Samson Deal and Kevin Petterson, were visiting the Oregon coast during their spring break. They wandered away from an evening campfire and ran into a group of four strangers who asked if they were gay and then called them derogatory names. Then these two men were beaten brutally and left unconscious on the beach. This was in the town of Seaside, a place I have visited many times in my life, a beach I have walked on many times in my life. Seaside police chief Bob Gross said the Seaside police have “had some hate crimes before, mostly threats, but have never dealt with anything this serious.”

I am happy to report that Samson and Kevin lived through this incident, but many do not. The attack could have been worse. According to the National Coalition of Anti-Violence Programs, 2007 saw the greatest number of anti-LGBT murders in 8 years: 21 gay and transgender people were murdered in the United States in 2007—more than double the number of 2006.

Currently, only 11 States and the District of Columbia include laws covering gender-identity-based crimes. We must make sure gender identity is a protected characteristic included in this legislation.

But members of the gay community are not the only victims. We were all shocked last month when Stephen Johns, a guard at the Holocaust Museum, was shot and killed by a White supremacist. Recent numbers suggest hate crimes against individuals in the Hispanic community increased by a staggering 40 percent between 2003 and 2007.

According to a recent report from the Leadership Conference on Civil Rights Education Fund, in the nearly 20 years since the enactment of the Hate Crimes Statistics Act, the number of hate crimes has hovered around 7,500 annually, nearly one every single hour. As if that figure is not high enough, it is well known that data collected on hate crimes almost certainly understates the true numbers because victims are often afraid to report these crimes or local authorities do not accurately report the incidents as hate crimes, which, unfortunately, means they do not get reported to the Federal Government.

What specifically is in this legislation? It gives the Department of Justice the power to investigate and prosecute bias-motivated violence.

It provides the Department of Justice with the ability to aid State and local jurisdictions.

It makes grants available to State and local communities to combat violent crimes.

It authorizes the Attorney General to provide technical, forensic, prosecutorial, and other assistance to State and local governments.

It authorizes grants from the Justice Department of up to \$100,000 for State, local, and tribal law enforcement officials who have incurred extraordinary expenses in the prosecution or investigation of hate crimes.

It authorizes the Treasury Department and Justice Department to increase personnel to better prevent and respond to allegations of hate crimes.

It requires the FBI to expand their statistic gathering so we can better understand the types and structures of hate crimes in the United States of America.

These provisions will strengthen the original facets of the legislation from 1969. That legislation, as I noted, addressed issues related to race, color, religion, or national origin. All of that is improved in this legislation.

In addition, we expand this legislation to address the hate crimes we now see so prevalent in the LGBT community as victims.

Our Constitution laid out a vision. We did not have complete equality under that vision in 1776. Indeed, it was a vision far ahead of its time. We have gradually worked toward it. We have extended our law to protect women, to include more folks to vote, to enable people to get rid of the racial boundaries that existed for voting, and so on. We have steadily sought to take strides toward that vision of equality under the law and the ability to pursue happiness without the fear of persecution. Today I am advocating that we take another important stride toward that vision our forefathers laid out before us.

Martin Luther King said the long arc of history bends toward justice, but it doesn't bend by itself. It is bent by citizens who say this is wrong, and we are going to do something about it. This great strengthening of the hate crimes legislation in the United States is a huge stride toward equality under the law and freedom from persecution.

I encourage all of my colleagues to join in taking this historic stride forward.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. Mr. President, today I rise to speak in support of five amendments that I have introduced to the bill before us, the National Defense Authorization bill for fiscal year 2010. Each amendment focuses on improving the benefits and care for the members of our Nation's National Guard and Reserve forces so that we can improve military readiness and strengthen our efforts to recruit and train quality men and women to serve.

I know each of us from our States recognizes the tremendous bravery, courage, and the dedication of our National Guard and reservists in each of our States. They are part of our community. They certainly, in many instances I know of from our seeing the deployments, are people of public service, but they are also people who are serving their communities. Whether they are firemen or police officers, maybe they are school principals, maybe they have small businesses that hire a tremendous number of people in those communities, they are hard-working Americans who also find time to serve their country. They are dedicated, they are brave, and we certainly know the critical role they play.

It is a reality that our military is relying increasingly upon our reserve components as an operational reserve, not just simply a strategic reserve. My amendments reflect that reality by taking needed steps to honor the increased service and invest in these men and women who give so much on our behalf. When duty called, they stepped up to the plate, and now it is time for Congress to do the same.

My first amendment is identical to the Selected Reserve Continuum of Care Act I introduced in May. This legislation will ensure that periodic health assessments for members of the Guard and Reserve are followed by government treatment to correct any medical or dental readiness deficiencies that are discovered at those screenings. We know we will begin to see these periodic health assessments, because they are mandatory beginning in September, and we need to make sure we follow up on these.

As an operational force serving frequent deployments overseas, these men and women require greater access to health care so they are able to achieve the readiness standards demanded by current deployment cycles. Far too many men and women are declared nondeployable because they have not received the steady medical and dental care they need to maintain their readiness.

We have all heard the horror stories of the military simply pulling soldiers' teeth and sending them on to Iraq and Afghanistan because they don't have the time to provide adequate dental care to bring them up to the medical/

dental readiness status necessary in order to be deployed.

Now that we are going to have mandatory assessment, there is no reason we would not want to provide them the medical care they need in order to meet that assessment. This is absolutely unacceptable, that we would not. And it is inexcusable. Considering the sacrifices we are asking them to make on our behalf, the least we can do is provide them the care they need to meet the readiness standards we have set. Pulling their teeth and rushing them to war is simply not going to get it done.

This practice itself has become so prevalent, we now have a name for these men and women. They are called pumpkin soldiers. How absolutely awful is that? It is awful that it is such a prevalent practice that it has a nickname.

Compounding this challenge is the fact that short-notice deployments occur regularly within the Reserve Forces. When men and women are declared nondeployable, it can cause disruption in the unit by requiring last-minute replacements from other units or requiring treatment periods that should be set aside for the predeployment preparation and training.

Last year, prior to the second deployment of the Arkansas National Guard's 39th Infantry Brigade Combat Team to Iraq, members from 11 units across our State were pulled to fill out the combat team. Some of these cross-leveled members had as little as 2 or 3 three weeks' notice prior to their deployment. They were having to fill in because when it came time, those who were in those units, the regular Guard and Reserve who were there, did not meet the deployable standards, and so consequently we had to pull people from all different units at a late notice to put them in there while these others met that medical and dental readiness.

My amendment would prevent, in large, all of this from happening in the future by providing the necessary care at the front end of these assessments. Instead of compressing treatment costs into a short predeployment period or the bottlenecked medical support unit at the mobilization station, my amendment would spread the same costs over a longer period, with a more orderly and reliable result.

We are having a huge debate right now on health care reform. One of the things we see is that if we can provide prevention or wellness, or certainly make sure that medical care gets there when we first detect what that medical problem is, the outcome is better and it is usually less costly in the overall. The further out from the deployment uncorrectable conditions are discovered, the more time a unit will have to replace a discharged member and mitigate the effects from that loss. So it is

not just the well-being of the soldiers we are looking at, it is also the well-being of the unit.

We can and should do more to bring our Selected Reserve members into a constant state of medical readiness for the benefit of the entire force. My amendment does just that. That is why it has been endorsed by the Military Coalition, a consortium of nationally prominent uniformed services and veterans associations representing over 5.5 million members across this country.

I am proud to have worked with Senators LANDRIEU, TESTER, RISCH, and BYRD on this important legislation and thank them for that support and realization of how important, how practical, and how much sense it makes for us to use these assessments to quickly provide the medical treatment that is necessary to ensure our soldiers, when they do receive those orders to be deployed, are meeting the medical and dental readiness they need to meet in order to be deployed.

Mr. President, my second amendment calls for an increase in the Montgomery GI bill rate for members of the Selected Reserve to keep pace with their increased service and the rising costs of higher education. I am pleased my friend, Senator MIKE CRAPO, and I have joined in this effort. MIKE and I have worked together on so many different issues, everything from wildlife to education and certainly with our military, representing States that have large rural areas and therefore large numbers of Guard and Reserve. It has also been endorsed by the Military Coalition as well, the group I mentioned earlier.

This amendment would simply tie education benefit rates for guardsmen and reservists to the national average cost of tuition standard that is already applied to Active-Duty education benefit rates. We have worked hard to try to increase the educational benefit to be commensurate with the time these guardsmen and reservists are working on our behalf, who are so bravely deploying and working and serving alongside our Active-Duty military. The problem is, now that we have increased their access to a more commensurate educational benefit, the value of that benefit is immediately losing value because they depend on the appropriators and us to increase that amount. When it is increasing at half the rate of the cost of higher education, then they are getting further and further behind each year in keeping that commensurate benefit at a rate that makes sense and certainly is adequate for their needs in education. I believe it is absolutely critical that we do this. It builds upon my Total Force GI bill, first introduced in 2006, which was designed to better reflect a comprehensive total force concept that ensures members of the Selected Reserve receive the educational benefit more commensurate

with their increased service. The final provisions of this legislation became law last year with the signing of the 21st Century GI bill. Now it only makes sense that we would maintain that benefit at a rate, again—just at the rate of increase we are seeing in higher education. It certainly makes sense for our Guard and Reserve.

My third amendment would lower the travel reimbursement threshold for National Guard and Reserve members who are traveling for drills from 100 miles to 50 miles. Our current high threshold has caused undue hardships for members of the Selected Reserve, especially those in rural areas who often incur significant expenses because they have to travel significant distances. If we cannot ease their burden, I fear we are creating significant obstacles to recruiting and retaining men and women to serve in the Guard and Reserve—particularly during times of economic hardship. We saw the price of gasoline explode last year. We know how difficult it is, particularly for many of our Guard and Reserve who live in those rural areas. I believe this is a commonsense thing we can do on behalf of these brave men and women.

I am so very pleased to be joined here by Senators TESTER and WYDEN in offering this amendment. It was among the recommendations of the independent Commission on the National Guard and Reserves. It is supported by numerous military and veterans service organizations. It only makes sense that we would appropriately provide them the reimbursement they need and the travel expenses to get to where they need to be for their drills and for their training.

My fourth amendment would enable a valuable program, the National Guard Youth ChalleNGe Program, to expand to new cities and new sites and reach even more of our young troubled Americans. Currently operating in 22 States, the Youth ChalleNGe Program trains and mentors youth who have dropped out of high school. It puts them on a path to become more productive, employed, and law-abiding citizens.

I recommend to any of my colleagues in this body who have not visited a National Guard Youth ChalleNGe Program to go and visit. I have visited our Youth ChalleNGe Program on more than one occasion and have been amazed, both at those who have graduated from that program and come back to mentor these other youths—who are disadvantaged, who have found themselves in the court system, have been thrown out of school, or are certainly in a troubled nature—and amazed at those who are able to come into this environment and to feel the security of the military and the rules of the military that prompt them into a sense of pride and a sense of courage and a sense of accomplishment so they

finish their education and they go on to do so many great things, so many things that otherwise could have turned sour for these youths.

As I said, I encourage any of the Members of this body, if you have never visited one of those National Guard Youth ChalleNGe Programs, I really encourage you to do so.

For 22 weeks, these young men and women receive more than 200 hours of classroom learning designed to prepare them to take the general equivalency diploma exam. I attended the graduation of a class in Arkansas, and I can attest to the program's positive results.

At a time when we know financial insecurity in our country is shaking our families, our youth who are finding themselves in, certainly, different circumstances than many of us did growing up, with all kinds of temptations and distractions and things that can put them on the wrong pathway, here we have an opportunity, when they start out on that wrong pathway, to grab them and put them into a program that is going to continue to build on the positive things they have to offer and set them on a good pathway.

Since the inception of the National Guard Youth ChalleNGe Program, more than 85,000 young men and women have graduated from the program nationwide, and they have received their high school degrees. Nearly 80 percent have gone to college, earned productive jobs, and joined the military. Currently, the Department of Defense provides 60 percent of the funding, while States are responsible for the remainder. Unfortunately, the current cap on funding has restricted many of our States from establishing additional programs or building on their existing programs.

Along with additional funding, this amendment would help jump-start the Youth ChalleNGe Program by fully funding new programs for 2 years while they get their feet on the ground. When they better understand the tremendous value of this program and, more importantly, how their States can begin to invest in a program such as this, it ensures that the Federal Government's share is 75 percent into the future instead of the current 60 percent that it is right now.

This amendment is endorsed by the National Guard Youth Foundation, the Enlisted Association of the National Guard of the United States, and the National Guard Association of the United States.

I am so pleased to be joined by Senators BYRD, CASEY, CORNYN, HAGAN, LANDRIEU, MURKOWSKI, RISCH, ROCKEFELLER, SNOWE, UDALL of Colorado, and WYDEN in this effort. It is identical to the legislation I have previously introduced which has 32 bipartisan cosponsors. It is a great move, to help our children, particularly our troubled

children and, more importantly, it really sends them in the right direction so they can become contributing parts of this great Nation. I encourage my colleagues to look at this amendment and help us get it passed in this very important bill.

Mr. President, you have been incredibly patient. I appreciate that patience, having to talk about five different amendments, but these are issues that are critically important to me and critically important to the people of Arkansas, particularly our Guard and Reserve.

My final amendment is an amendment that would grant full veteran status to members of our Nation's Reserve Forces who have 20 or more years of service. I am joined in this effort by Senator HUTCHISON of Texas. This amendment is endorsed by the Military Coalition, which is the large group, the coalition of military groups.

Under current law, members of Reserve components who have completed 20 or more years of service are considered military retirees. At the age of 60, they are eligible for all the benefits received by Active-Duty military retirees. Unfortunately, they are denied the full standing and honor that comes with the designation of "veteran" if they have not served a qualifying period of Federal Active Duty other than Active-Duty training. As a result, these men and women are technically not included in various veterans ceremonies and initiatives, such as an effort to have veterans wear their medals on Veterans Day or Memorial Day, or in legislation authorizing veterans to offer a hand salute during the playing of the national anthem or the presentation or posting of the colors.

I don't know about you, but when I am at an event at home in Arkansas—or here as well but certainly at home—when I am surrounded by my family of Arkansas people and the flag comes down the parade or the colors are presented, I support making sure everyone who has stood up and said "I am ready to serve my country when it calls on me" should be given that respect of being noticed as a veteran.

My amendment does not seek to change the legal qualifications for access to benefits. Instead, it simply seeks to correct this inequity by honoring and recognizing those who have served their country for 20 years or more, those who have said continually over those 20 years: When my Nation needs me, if my Nation needs me, I will be there. I will take up my arms. I will do what is asked of me as a member of the military forces.

Those men and women wore the same uniform, were subject to the same Code of Military Justice, received the same training, and spent 20 or more years being liable for callup whenever it did happen. This amendment recognizes their long careers of service and would

entitle them to receive proper recognition as a veteran of the United States of America.

I know of few designations that embody such dignity and honor. These men and women certainly embody those traits, and it is time we grant them the recognition they have earned.

I ask my colleagues to give these efforts thoughtful consideration. These five proposals help us keep our promise to these brave men and women and will help to strengthen recruitment and retention for our National Guard and Reserve and increase their readiness as an operation force in the continued defense of this great Nation that we all love and are all so very pleased to be a part of.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I rise in support of the National Defense Authorization Act for fiscal year 2010. First I wish to speak briefly about the Matthew Shepard Hate Crimes Prevention Act. Unfortunately, we have seen far too many cases of these types of crimes of violence motivated strictly by prejudice and hatred of people. This amendment would simply extend the current definition of Federal hate crimes to include crimes committed on the basis of someone's gender, gender identity, sexual orientation, or disability. This amendment does not federalize all violent hate crimes. Rather, it authorizes the Federal Government to step in as a backstop, only after the Justice Department certifies that a Federal prosecution is necessary. It also supports State and local efforts to prosecute hate crimes by providing Federal aid to local law enforcement officials. This amendment affirms our commitment to the most basic of American values—the dignity of the individual and the right of that individual to be himself or herself. I am pleased to lend my support. That is an issue we will confront in the context of our armed services bill, and I think we should go forward and adopt it.

I wish to commend, with respect to the specifics of the armed services bill, my colleagues on the committee for their work, and the leadership of Senators LEVIN and MCCAIN. I hope this is a bill President Obama can sign. During the committee's markup, I voted against an amendment to provide funding for additional F-22s and for the Joint Strike Fighter alternate engine. I remain opposed to these programs. We should not put this bill in jeopardy of a veto, so I urge my colleagues to

vote, when it comes to the floor, for the Levin-McCain amendment to strike the F-22 funding, which I hope will be considered soon.

As evidenced by the F-22 issue, this bill is the product of many tough decisions. I commend Secretary Gates particularly for his very judicious, thoughtful approach to this budget, and his uniformed colleagues. They have thought long and hard about the new world of threats. They have thought long and hard about how we can provide the most necessary resources for our men and women in uniform. They have recommended to us a very sound approach. With certain exceptions, the legislation before us recognizes and accepts those recommendations.

The new administration and President Obama have also done a remarkable job in terms of trying to change strategic direction, change acquisition policies, and to develop a fighting force that will meet the threats of today and prepare ourselves for future possibilities. This Defense authorization bill contains many aspects which are critical to the success of our men and women in uniform. Let me suggest a few.

First, it once again recognizes the extraordinary service and sacrifice of these young Americans by authorizing a much needed 3.4 percent across-the-board pay raise. The extraordinary sacrifices they make every day can never be compensated by dollars and, indeed, their motivation is not financial. It is to serve the Nation and serve it with courage and fidelity. They do it so well. I have had the privilege to travel to Afghanistan and Iraq on numerous occasions and to witness the heroic and decent service of these remarkable people. This pay raise reflects, at least in part, the value we place on their service.

The legislation fully funds Army readiness and depot maintenance programs to ensure that forces preparing to deploy are properly trained and equipped. It also authorizes \$27.9 billion for the Defense Health Program and permits special compensation for designated caregivers for the time and assistance they provide to servicemembers with combat-related catastrophic injuries or illnesses requiring assistance in day living. What we are seeing is success medically on the battlefield, where the mortality rates relative to the injuries have declined, as they have since World War II. But we have a significant population of very severely wounded young men and women. They need help, and the caregivers need help. This legislation recognizes that.

The legislation fully funds the President's budget request of \$7.5 billion to train and equip the Afghan National Army and the Afghan National Police

forces. The bill also includes a provision that emphasizes the need to establish measures of progress for the administration's strategy for Afghanistan and Pakistan and to report to Congress regularly on efforts to achieve progress in that region. I saw the merits of this approach in my recent trip with Senator KAUFMAN to Pakistan and Afghanistan in April. In fact, as we observe the increased tempo of operations in southern Afghanistan, led by our marines and British forces, we also recognize the need to partner with more Afghan police and security forces and military forces. Our strategy can't be just an American presence. It has to be an American-Afghani presence, which ultimately will translate to an almost exclusive, if not exclusive, Afghan presence. To do that, we have to support the building and the professionalization of Afghan security forces.

There is within this budget funding for our Navy that is absolutely critical. It includes funding to complete the third Zumwalt class destroyer. This ship is critical to maintaining the technical superiority of our Navy that it enjoys across the oceans of the world. The future maritime fleet must be adaptable, affordable, survivable, flexible, and responsive. The Zumwalt class provides all these characteristics as a multimission service combatant, tailored for land attack and littoral dominance. It will provide an independent presence, allow for precision naval gunfire support of joint forces ashore and, through its advanced sensors, ensure absolute control of the combat airspace. All of this capability is based on today's proven and demonstrated technologies. We can't build the same ships we were building 20 years ago and hope to maintain our superiority and, indeed, hedge against the emerging threats of tomorrow.

This Zumwalt technology is also the transition to the next class of surface combatants, which are likely to be a new class of cruisers. The hope is that we can leverage what we learn on Zumwalt so that the next class of surface combatants will be even more capable and, we hope, extremely cost efficient.

I also note that the underlying legislation fully funds the continued procurement of the Virginia class attack submarine. These attack submarines are on the highest level of demand by area commanders. The CINCs, when they are asked what they need in terms of resources, invariably place very close, if not on the top of their list, additional submarines because of their stealth, their ability to operate intelligence areas, and their ability to have a forward presence without being recognized. These are critical, and I am pleased by the recognition of the administration and the committee in this regard.

This year I was once again extremely fortunate and honored to serve as the chairman of the Emerging Threats and Capabilities Subcommittee. I particularly thank and commend Senator WICKER and his staff. They were true collaborators. Their cooperation was significant in terms of improving the quality of our subcommittee report. We have worked together very well. I, again, particularly commend and thank Senator WICKER for his insights, his energy, and for his great collaboration in this effort. The Emerging Threats and Capabilities Subcommittee is responsible for looking at new and emerging threats to our security and considering appropriate steps we should take to develop new capabilities to face these threats. In preparation for our markup, Senator LEVIN provided guidelines for the work of the committee including the following two items: Improve the ability of the Armed Forces to counter nontraditional threats, including terrorism, the proliferation of weapons of mass destruction, and their means of delivery; and, second, enhance the capability of the Armed Forces to conduct counterinsurgency operations.

In response, our subcommittee recommended initiatives in a number of areas within our jurisdiction. These areas include supporting critical nonproliferation programs and other efforts to combat weapons of mass destruction; supporting advances in medical research and technology to treat such modern battlefield conditions as traumatic brain injuries and post-traumatic stress disorder; increasing investments in new energy technologies such as fuel cells, hybrid engines, and alternate fuels to increase military performance and reduce cost; increasing investments in advanced manufacturing technologies to strengthen our defense industrial base so that it can rapidly and efficiently produce the materiel needed by the Nation's warfighters; and increasing investments in research at our Nation's small businesses, government labs, and universities so that we have the most innovative minds in our country working to enhance our national security.

Specifically, some notable actions in this bill that originated in the Emerging Threats and Capabilities Subcommittee include: authorizing full funding for the Special Operations Command and adding \$131.7 million to meet unfunded equipment requirements identified by the commander of our Special Forces to enable them to conduct counterinsurgency operations and to support ongoing military operations; authorizing full funding requested for the Joint IED Defeat Organization, JIEDDO. This is particularly important as we read about the increasing IED attacks against our forces in Afghanistan since our offensive began in Helmand Province weeks ago.

These IEDs are the No. 1 threat to our forces in the field and our allied forces in the field. This very sophisticated organization uses the information technology, innovation, communication, and new techniques, working closely with battlefield commanders, to protect our forces and our allied forces. They have a critical role and a critical mission. We fully support both in this legislation.

We authorize the Cooperative Threat Reduction Program, providing an additional \$10 million for new initiatives outside the former Soviet Union. We provide \$3 million for chemical weapons demilitarization in Russia and elsewhere, and \$7 million for strategic offensive arms elimination. We have to recognize that these weapons are distributed too broadly in many respects, and our efforts to restrict them and to, we hope, dismantle them have to be broad also.

We added \$50 million to nonproliferation research and development for nuclear forensics and other R&D activities and required the development of an interagency forensics and nuclear attribution program. One of the hopes—and this must be based on very calculable scientific and technological research—is that if we can identify the source of a nuclear detonation positively, we would have an extraordinarily powerful deterrent card which we could use diplomatically to indicate that if any nation, particularly covertly, attempts, directly or through terrorist groups, to deploy a nuclear weapon anywhere in the world, we could trace it back and respond immediately. That could give us, again, an enhanced deterrence. This depends upon the progress we make in research, but we must begin with energy research. We have that in the legislation.

The bill also highlights the importance of a strong manufacturing industrial base. The bill would create a new position, the Assistant Secretary of Defense for Manufacturing and Industrial Base, to oversee the Department's policies and programs for our Nation's industrial base. Further, the bill increases funding for manufacturing research in DOD by roughly \$100 million to support the defense industrial base and reduce the cost of production of weapons systems and our ability to meet surge requirements demands of operating forces.

This bill also reauthorizes the DOD's Small Business Innovation Research program, in coordination with the efforts of Senator MARY LANDRIEU, chairman of the Senate Committee on Small Business and Entrepreneurship. To support investments in next-generation technologies and advanced military capabilities, this bill would increase the Department's funding for innovative science and technology programs by over \$480 million for a total of \$12.1 billion.

The bill authorizes the full funding that was requested for chemical and biological defense programs and the full amount requested for chemical weapons demilitarization in the United States. This funding totals over \$3 billion.

With regard to counterdrug programs, the bill fully funds DOD drug interdiction and counterdrug activities. It also includes a provision that would extend the authority to use counterdrug funds to support the Government of Colombia's unified campaign against narcotics cultivation and trafficking and against terrorist organizations involved in such activities. It also recommends a \$30 million increase in funding for high priority National Guard counternarcotics programs.

This issue of narcotics is particularly central to our efforts in Afghanistan. When I was there in April, we were in Helmand Province which was covered, literally, with opium poppies. The opium trade provides support for opponents of the Taliban. If we disrupt that trade and we are able to reduce the flow of resources to the Taliban but also provide legitimate family farmers with the opportunity and the profitability to grow alternate crops, then we can make a successful dent in the power and the presence of the Taliban there. These counternarcotics programs, not only in Colombia but also in Afghanistan, are absolutely important.

This is a good bill. It is, I think, wise legislation, with the exceptions I noted. Members of the committee and the committee staff have worked many hours to get this bill to the floor. We are a nation engaged in two conflicts and an ongoing struggle in many parts of the world to intercept, interdict, and preempt terrorists. We need to support our military forces, and I urge my colleagues to work together to pass it so we can quickly have a conference with the House and send it to the President for his signature.

With that, Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Mr. BURRIS. Mr. President, the Judiciary Committee is hearing the testimony from the distinguished Judge Sonia Sotomayor. Today I rise in

strong support of Judge Sonia Sotomayor's nomination to the U.S. Supreme Court.

I believe that while Judge Sotomayor's expansive legal experience makes her a logical choice, it is her background and unique perspective that will make her an ideal selection for a seat on our Nation's highest Court.

Certainly no one can argue with Judge Sotomayor's legal qualifications. After graduating from Princeton University and Yale Law School, she served as an assistant district attorney and then had a successful legal practice of her own.

In 1991, President George H.W. Bush appointed Ms. Sotomayor as the first Hispanic judge to the U.S. District Court in New York State.

Eight years later, President Clinton elevated her to the U.S. Court of Appeals, where she serves today.

Throughout her distinguished career, Judge Sotomayor has been a prudent and thoughtful jurist. She has constantly exhibited the highest standards of fairness, equality, and integrity.

I was proud to write to President Obama on May 15 urging her nomination. However, it is not simply Judge Sotomayor's wealth of legal experience and long public record that make her the best possible candidate for the Supreme Court. Her life story will make her a dynamic and thoughtful addition to that august body.

Born into relative poverty and raised in a housing project in the Bronx, young Sonia's childhood was remarkable in that it was overwhelmingly normal. She was not a child of privilege. Yet she had come to value her cultural traditions while also embracing the need for judicial objectivity and legal impartiality. This delicate balance is precisely what will make her such an important voice on the Supreme Court.

As we consider her nomination, we must bear this in mind. When we evaluate the makeup of the Court, we seek to build dissent rather than consensus. We seek to engender debate among its members. Diversity—of prospective, of background, of opinion—lends legitimacy and integrity to judicial rulings.

Throughout her career, Sonia Sotomayor has proven herself to be a moderate, restrained judge whose rulings are bound by the weight of precedent. Judgment must remain free from passion, but passion for the law cannot be lost. Ms. Sotomayor carries with her a lifetime of that passion—something I consider a valuable asset.

As a Supreme Court Justice, Judge Sotomayor will bring much-needed diversity and a rich understanding of the American dream to every opinion she writes. All that she has she has achieved on her own merit, and it is this relatable quality that will lend fresh perspective to the Court.

I applaud President Obama's nomination of Judge Sotomayor. As her confirmation hearings continue, we must ensure they are tough but fair. We must hold her to the same standard to which we would hold any nominee. And just as the Senate has confirmed her twice before, I am confident we will do it once again, with strong bipartisan support this time.

It will be an honor for me to cast my vote in favor of her confirmation when the time comes. I look forward to the day when she takes her rightful seat on the bench in the highest Court in our land.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. DORGAN. Mr. President, in recent days and weeks, the House of Representatives has passed legislation sponsored by Congressman WAXMAN and Congressman MARKEY, called the American Clean Energy and Security Act of 2009, that deals with the issue of climate change. And more specifically, it deals with taking steps to decarbonize the energy use in this country in order to protect the planet.

I support the goals of a low-carbon future by decarbonizing our energy sources to reduce emissions of greenhouse gases into the atmosphere. The scientific consensus is that by maintaining our current course of burning fossil fuels and emitting greenhouse gases we are threatening our planet with future warming. So I support the goal of trying to deal with this issue of climate change.

The question is, how do we address it? How do we move forward to meet this challenge? The House of Representatives has established one approach. I think we need to explore other approaches that still achieve the goal of reducing our carbon emissions. This is a very big issue with consequences for virtually all Americans—for families, for businesses, and for our climate.

The question for us is: How do we move forward in a way that allows us to use our energy resources in a such a way as to protect the environment and grow the economy?

Now, we all wake up in the morning and begin our day taking energy for granted. One of the first things we do, for example, is flick a switch and a light comes on, plug in a hair dryer, or turn on the toaster oven. In so many different ways, virtually everything we do involves using energy. We get in our cars and drive to work, or we get on a

subway. In both cases, we are using energy. And no doubt about it, we are using a lot of energy.

The current Secretary of Energy, Dr. Chu, is a Nobel Prize-winning scientist. I once heard him use the following analogy to describe how we use energy today. He talked about going back a couple thousand years. For most of human history, we move no faster than a horse could take us. A couple thousand years ago, if someone wanted to go out and find something to eat, he got on a horse.

These days, of course, times have changed. We still use horses, but in a different way. We measure the power of our engines in horsepower. If one wants to go get a loaf of bread, then we simply jump in a truck and crank up about 270 horses, and away we go to the grocery store.

We never think much about the advantage of having energy at our command at almost any moment, and we certainly don't think—and haven't thought very much—about what the use of that energy does to the climate.

So here we find ourselves in the year 2009 with what the vast majority of scientists say is a very serious problem for the future of this planet and the security of our civilization. Most of our energy is fossil energy. That's the carbon from plants that has accumulated as coal and oil over millions of years. As we burn these fossil fuels to power our economy, we release that carbon back into the atmosphere. The accumulation of these greenhouse gases warm the planet and cause other harmful consequences. Therefore, we need to try to find a way to decarbonize our energy to bring about a low-carbon future, and thereby lower our emissions of CO₂ into the atmosphere.

So how do we do that? Well, as I indicated, the House of Representatives has written a bill, Waxman-Markey. It is a 1,427-page bill, and very, very complicated, I might add.

Let me describe another path. The Senate Energy Committee worked to write a new Energy bill. It was completed some weeks ago and passed with bipartisan support.

Let me describe just a bit of what we have done in that Energy bill: We included provisions to reduce our dependence on foreign oil; increase domestic production of electricity; electrify and diversify our vehicle fleet; create a transmission superhighway so we can produce renewable energy where it is most plentiful, and then put it on the transmission grid to move it to the load centers where it is needed; and train our energy workforce of tomorrow.

These are just a few of the things we have done. We establish a national renewable energy standard of 15 percent by 2020. And I believe the standard needs to be stronger. But the fact is, this is the first time the Senate has

sent a clear signal by demonstrating support for such a standard. This standard says: We want to maximize the production of renewable energy, which means a carbon-free energy source.

We are producing green energy when we take energy from the wind, gather energy from the Sun, and put that electricity on a transmission grid to send it to where it is needed. This is an essential step to building the low-carbon economy we need to address the threat of climate change. And our energy bill does so much more to set the stage for helping address climate change.

When we talk about energy, climate is one of the twin challenges that we need to address. With respect to the vulnerability of our country, we must also consider our energy insecurity. It is the case that we import 70 percent of our oil coming from off our shores. We need to put into place an energy policy that will make us less dependent on foreign oil. One way to reduce our oil dependence is to electrify our vehicles. Moving toward an electric drive transportation system has the benefit of replacing foreign oil with domestic electricity. Further, as we decarbonize our electricity generation, we get the additional benefit of reducing the greenhouse gas emissions from our transportation sector. Our legislation moves aggressively to promote electrification of our vehicles.

In addition to producing more renewable energy, the Energy bill expands the production of energy in this country by opening some areas that have not been opened in the eastern Gulf of Mexico to oil and gas development. As my colleagues know, natural gas is a cleaner-burning and lower carbon fossil fuel. We need to increase production of natural gas where it is appropriate. So the Energy bill does many things to move toward the low-carbon future we need to ensure the security of our planet and our nation.

So I believe we ought to take up the piece of legislation we passed in the Energy Committee, bring it to the floor of the Senate, debate it, and pass it. I have talked about this at some length in recent weeks. I think the Energy bill we have produced is a significant step toward addressing the climate change challenge.

So it seems to me it would make sense to do the energy piece first, get it to the President, and get it signed. With that progress in addressing climate change in the bank, we should then legitimately be able to boast about what we have done in a significant way to maximize the production of green energy from wind, solar, and biomass. This would not be an insignificant achievement. I think we ought to do that.

Second, I would like to discuss the question of cap and trade or Waxman-Markey or some other carbon-con-

straining piece of legislation for a moment. Clearly, the Senate is going to deal with this issue. My preference would be that we not take up the Waxman-Markey bill in its current form. I know a lot of work has gone into that legislation, but my preference would be that we start to explore other directions.

It is not that I oppose capping carbon. I believe we need to move toward a low-carbon future. I believe we will have to cap emissions of carbon. The question is what are the appropriate targets and timelines that would allow us to mitigate climate change and at the same time, prevent a substantial disruption to our economy. We have to be careful to avoid creating targets and timelines for reducing CO₂ emissions that are simply unachievable.

We have a lot of people across this country who are doing inventive work—interesting, world-class, cutting-edge research. They are working to create the next generation of technologies that could unlock the opportunity of capturing and sequestering carbon dioxide, or developing ways to beneficially reuse CO₂. These technologies hold the promise of allowing us to continue to use our abundant fossil fuels while protecting our environment. I am convinced—absolutely convinced—that we will achieve that goal. The opportunity, through research, to unlock the mystery of how we separate and capture carbon, store it or reuse it beneficially, is critical, and I am convinced we will do that. I don't think there is much question about that. But what I have difficulty with is not the goal. I am for a low-carbon future. I believe we are going to move in that direction, and I will support that goal.

I do not support, however, establishing a new trading system for carbon securities, as would be the case under the 400-page cap-and-trade provision of the House bill. Let me describe why.

In my judgment, there are better ways to deal with these issues than establishing a very substantial carbon securities trading system. Such a system is ripe for the biggest investment banks and the biggest hedge funds in the country to sink their teeth into these marketplaces and make massive amounts of money. My profound feeling about this is that we have seen now a decade in which many of these markets have been manipulated and have failed to work at all with respect to the market signals of supply and demand. I have very little interest in consigning our low-carbon future to a trading system of carbon securities that will be controlled by the biggest trading companies in the world. And it would not be very long before these entities will have created derivatives, swaps, synthetic CDOs, and more. It will be a field day for speculation, which I think is not in the interest of this country.

Let me just describe something I think might be a harbinger of things to come. Here is chart showing how oil prices soared in 2008. We all remember what has happened to oil prices in the last two years. They went from \$60 a barrel up to \$147 a barrel in day trading last July. Even as the price of oil was going through the roof, the best experts looking at supply and demand were predicting that the price of oil would only slowly increase over many months. They said: Well, here is where we think the price of oil is going to be. Straight on across, through the end of the year. Here is what they suggested in May of 2007, and here is the price.

The fact is, the price of oil shot up like a roman candle. Here is what they suggested in January 2008. Here is the price they predicted, but the price went up much more quickly. Why is it we have an oil futures market in which supply and demand doesn't determine where the price goes? The price goes right off the chart, and yet supply was up and demand was down.

So what we saw in the oil futures market last year should be a wake-up call. This included speculators engaged in about two-thirds or three-fourths of all the trades. They were trading at 20 to 25 times the amount of oil that is produced every single day, and creating an orgy of speculation as shown by the red line on this chart—and by the way, it went right down like a roller coaster. And the same people who made money going up made money when prices went back down. If we like that sort of thing, we are going to love the carbon market piece in cap and trade because we are going to create a big, perhaps trillion-dollar market for carbon securities. It would not be long before the same investment banks and hedge funds will all be engaged in trading carbon derivatives, swaps, and you name it.

I happen to think that makes no sense at all. The New York Times said: Managing emissions has become one of the fastest growing specialties in financial services. Investment banks like Goldman Sachs and Morgan Stanley have rapidly expanded their carbon businesses.

I am told, by the way, that most of the large investment banks right now have created carbon trading units.

Charlotte Observer: Firms such as Goldman Sachs and Morgan Stanley already have carbon desks and teams . . . Peopling those carbon desks are the former commodities traders or former securitization or structured finance professionals—like many who've lost jobs at Wachovia (now Wells Fargo) and Bank of America . . .

The New York Times says in a news story: As Congress gears up for a debate on a national "cap-and-trade" program to limit greenhouse gas emissions, resumes from Wall Street—or from ex-Wall Streeters—are flooding

into the Nation's few carbon-trading shops.

Chris Leeds, the head of emissions trading, carbon trading at Merrell Lynch, said carbon could become: one of the fastest-growing markets ever, with volumes comparable to credit derivatives inside of a decade.

Louis Redshaw, head of Environmental Markets Barclays Capital says: Carbon will be the world's biggest commodity market, and it could become the world's biggest market over all.

So do we want to sign up for a future in which we consign our ability to constrain carbon and protect this planet by creating a carbon securities market that, in my judgment, would likely subject us to the same vision of the last decade with unbelievable speculation, movements in markets that seem completely disconnected from supply and demand? That is not a future I want to see happen.

There are other ways of capping carbon and addressing these issues. I want to be clear, I am for capping carbon. I am for a low-carbon future, but, in my judgment, those who would bring to the floor of the Senate a replication of what has been done in the House, with over 400 pages describing the cap and "trade" piece, will find very little favor from me, and I expect from some others as well. There are better, other, and more direct ways to do this to protect our planet.

I have been to the floor many times talking about what has happened with credit default swaps, what has happened with CDOs, what has happened with the oil futures market, on and on and on. If what has happened gives anybody confidence, then they are in a deep sleep and just don't understand it. Again, I come back to the chart I showed a moment ago, the head of emissions trading at Merrill Lynch saying carbon could become one of the fastest growing markets, with volumes comparable to credit derivatives.

Think of this, the unbelievable volumes of credit derivative swaps that most people couldn't even pronounce and didn't know existed, and it turns out we had tens of trillions of dollars worth of these things, and worldwide these products were supposedly worth hundreds of trillions of dollars.

Frankly, I think it is not in the country's interest to establish a new financial market and to have the same players engage in the same games that gamble on this country's future.

I think two things: No. 1, there is a piece of energy legislation that is ready to come to the floor, passed by the Energy Committee, that moves in the direction of addressing climate change. We ought to get the benefit of that legislation and pass that bill along to the President for signature. It maximizes renewable energy, and there are a lot of things that will dramatically reduce the impact of our carbon footprint.

No. 2, those in the Senate who are working very hard and talking about the issue of climate change, and how we can take steps to cap carbon, and what kind of a low-carbon future we might be able to achieve. There are some of us—and I speak only for myself—who believe cap and "trade" in terms of speculative carbon futures markets makes no sense. We ought to explore a carbon cap with different approaches.

I wanted to raise these concerns at this point, so that those who are working on the climate change bill and attempting to replicate the House approach will understand that some of us will aggressively resist the carbon market "trade" side of cap and trade.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I ask to speak in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Mr. BUNNING. Mr. President, today I rise to speak on the nomination of Judge Sotomayor to be a Justice on the U.S. Supreme Court. After much consideration, I cannot support this nomination.

I have been following this process closely. I have been reading her rulings and her speeches. I have been watching her hearing at the Senate Judiciary Committee. I met with her one on one and was able to ask her questions. Unfortunately, I find her to be unsuitable as a member of the U.S. Supreme Court.

The first problem I would like to discuss is her lack of direct answers to direct questions. I had this problem in my meeting with her and it appears from watching the Judiciary Committee hearings that other Members have had that problem too. My biggest concern in this area is that she answered the questions from the perspective of the job she has, not the job she has been nominated for. As a member of the district or circuit court, she must rely heavily on precedent. However, as a Justice of the Supreme Court, she is in the position to set precedent. When I asked her simple questions about how she would treat certain subjects, she retreated to saying that she would use precedent to decide how to proceed. I found this unsatisfactory because she would be setting precedent as a member of the Supreme Court. In fact, throughout her nomination process I have seen her sidestep direct questions time and time again. We have seen this happen numerous times during her hearing before the Judiciary Committee. I think we deserve answers to these questions and we have not gotten them.

However, we can learn about her views and how she might perform on the Supreme Court by studying her

record. She has an extensive record, which includes 17 years as a judge and, prior to that, time spent as a prosecutor, in private practice, and as a member of groups such as the Puerto Rican Legal Defense and Education Fund. This gives us much to look at, such as her decisions, speeches, and other sources. I have studied these and I would like to comment on them and her views.

When I spoke on the nomination of Chief Justice John Roberts in 2005, I pointed out the problem of the Supreme Court and other judges trying to replace Congress and State legislatures. Important social issues have been taken out of the political process and decided by unelected judges. I can say with certainty that this was not the way the Founding Fathers and authors of the Constitution intended for it to work.

The creation of law is reserved for elected legislatures, chosen by the people. The Supreme Court is not a nine person legislature created to interact with or replace the U.S. Congress. When judges and justices take the law into their own hands and act as if they were a legislative body, it flies in the face of the Constitution. Because of this, whether in the Supreme Court or in lower courts, many people have lost respect for our judicial system. This cannot continue to happen. In addition to obvious constitutional concerns, if someday the public and the rest of the political system begin to tune out the courts and ignore their decisions altogether, it would be grave for our country.

During their confirmations, I felt that Chief Justice Roberts and Justice Alito understood this. That is probably the biggest reason why I voted for them. I am afraid that I cannot say the same about Judge Sotomayor.

Much has been said about Judge Sotomayor's "wise Latina woman" comments. Even though they have been discussed many times over, they are still relevant and speak to her views on the role of judges. In her infamous 2001 speech, she said that "a wise Latina woman" would "more often than not reach a better conclusion than a white male." This shows a clear method of her thinking and indicates she accepts the idea that personal experiences and emotions influence a judge's rulings, rather than the words of the law and the Constitution.

She used the "wise Latina woman" phrase in at least four other speeches, most recently in 2004. The fact that it was repeated so often indicates that she believes it. She has said that the notion of impartiality on the bench is "an aspiration" and has gone on to claim that "by ignoring our differences as women or men of color we do a disservice both to law and society." When President Obama began discussing what sort of person he wanted to nomi-

nate to Supreme Court, he put a premium on the nominee having "empathy." Well, it appears that he got his wish.

Empathy in and of itself is not a bad thing. However, in this context it means that the law would lose out to a justice who feels an emotional pull to rule one way or the other. Empathy belongs best in legislatures, where it can reflect the wishes of the people who voted for the members of those bodies. This is not the job of the Supreme Court, or any other court of law for that matter. I do not have faith that Judge Sotomayor would fully respect the roles of the judiciary and the legislature.

While understanding that the role of the Supreme Court is interpreting law instead of making it might be the most important quality of a Justice, there will be times when precedent must be set and it is crucial that this is done correctly. Now, I understand a nominee's hesitancy to discuss a case or issue that might come before them, but I do think they can explain their methods for arriving at a conclusion. During the confirmation hearings of Justices Roberts and Alito, they were both willing to walk through their decision making process. However, Judge Sotomayor has been unwilling to do even this. It is unfortunate, but I have no basis to understand how Judge Sotomayor will think through a case as a member of the highest court in the land.

Her views on race, as seen in the Ricci case, are troubling. The city of New Haven decided to throw out the results of their firefighter promotional exam because they felt that not enough minorities had passed it. Many who passed that exam had made great sacrifices to prepare for the test, including the lead plaintiff, Frank Ricci, who overcame a disability to pass it with flying colors. Seventeen White and one Hispanic firefighter filed suit that this was reverse discrimination and Meir case eventually found its way before Judge Sotomayor at the Second Circuit. She dismissed their claims in a one-paragraph opinion that cited no precedent and was later roundly criticized by judges of all stripes. Fortunately, just last month, the Supreme Court overturned this erroneous decision.

Judge Sotomayor also has shown an unacceptable hostility to second amendment rights. In the recent Heller Supreme Court ruling, it was found that the second amendment confers an individual right to keep and bear arms. However, in two cases Judge Sotomayor has lent her name to extremely brief opinions that the second amendment is not a fundamental right. Her rulings, and the lack of explanation on them, indicate that she is hostile to the second amendment and will not protect it with the same en-

ergy as she might for any of the other nine amendments in the Bill of Rights. She has not stated that she believes a clearly spelled-out right, such as the second amendment, is fundamental, but she is willing to recognize that something that is not clearly spelled out, such as a right to privacy, is fundamental. I fear that her appointment to the Supreme Court could undo the progress from the Heller decision that recognizes Americans have the right to defend themselves.

Another area of concern is Judge Sotomayor's views on the use of foreign law in American courts. Less than 3 months ago, she said she believes "that unless American courts are more open to discussing the ideas raised by foreign cases, and by international cases, that we are going to lose influence in the world." First of all, the Court's responsibility is to review the laws passed by the government that it is a part of, not laws passed by a foreign government. Second of all, if there is a foreign law that looks like a good idea, then an elected legislature should consider it and, if it has merit, pass it into law. Judges should not be looking around the country or the globe for laws they like and then try to implement them.

Judge Sotomayor has a history of writing or signing on to brief and inadequate opinions that are not suitable for the gravity of the matters on which she is ruling. In the Ricci firefighter case I discussed earlier, half of the judges on her court criticized her opinion as "perfunctory disposition" that "rests uneasily with the weighty issues presented by this appeal." The opinion was only one paragraph long. When the Supreme Court issued its majority opinion on that case, it was 34 pages long. In one case I mentioned above, she joined the summary panel opinion and discarded the idea of the second amendment as a fundamental right in a one-sentence footnote. This is unacceptable.

What is perhaps the most shocking about these exceedingly brief investigations of the law is that they affected very important cases and very important issues. For instance, the Ricci case could become the affirmative action case of this generation, and it received only a one-paragraph analysis from Judge Sotomayor. Her casual treatment of the second amendment cases flies in the face of the efforts the Supreme Court has put in these decisions. The U.S. Supreme Court is the last stop for important legal decisions, and a Justice must provide explanation and insight to the country on how and why they ruled the way they did. Judge Sotomayor did not do that for these extremely important cases.

This will be the first time I have ever voted against a Supreme Court nominee, and I am not happy I have to do so. However, it is the constitutional

role of the Senate to provide confirmation for this position and my duty as a Senator to be part of this process. On viewing the record of Judge Sotomayor, I do not find her to be a suitable candidate for Justice of the Supreme Court of the United States and will vote against her whenever the Senate considers her nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I have to say there have been some amazing proposals coming out of the House and the Senate in the last few weeks in some fairly desperate economic times, when job loss is at some of its highest rates in years, when borrowing and spending have gone through the roof. It is pretty amazing that we have come out with proposals, such as cap and trade, that are going to add huge taxes on electricity and other energy when we should be doing all we can to create more energy in our country and to lower the cost, if possible, for Americans. It is pretty amazing to me that we would consider adding taxes and cost onto the cost of living when so many are out of work and we are in very difficult economic times.

Now we see this health care proposal that the Congressional Budget Office says is going to hurt our economy, it is going to insure very few uninsured people, and it will cost trillions of dollars. Again, at a time when we are having difficulty paying the interest on the debt we already owe, we have proposed this massive expansion of government.

Here we are today supposedly discussing funding for our whole defense system in our country, the Defense authorization bill, and the majority has decided to add on to that bill hate crimes legislation. They apparently have scheduled a vote at 1 a.m. tomorrow morning for hate crimes legislation in the middle of a defense authorization debate which should be bipartisan, should be focused on the defense of our country, a clear constitutional responsibility. But we are spending the day waiting for a cloture vote at 1 a.m. tomorrow morning on hate crimes.

There are many practical problems with this hate crimes amendment they are trying to force us to attach to the Defense authorization bill. The broad language will unnecessarily extend Federal law enforcement beyond its constitutional bounds, it will undermine the effectiveness and confidence of local law enforcement, and it will create conditions for arbitrary and politicized prosecution of certain cases. But instead of the practical problems, I want to focus on basic, fundamental problems with Federal hate crimes legislation.

The rule of law requires that we oppose this amendment on principle. Justice is blind, and under the rule of law justice must be blind—blind to the su-

perficial circumstances of the victims and the defendants.

The law says crime must be investigated and punished. There is no evidence to suggest that crimes defined by this amendment as hate crimes are not being prosecuted today. This amendment is, therefore, unnecessary as a matter of criminal law.

There is no need, or even any law enforcement benefit, to create a special class for crimes based on—and I quote from the amendment—“the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim.” Indeed, as a matter of justice, this amendment is patently offensive. It is based on the premise that violence committed against certain kinds of victims is worse and more in need of Federal intervention and swift justice than if it were committed against someone else. I am sure most parents of a minority, homosexual, or female victim would appreciate the extra concern, but that also implies that certain crimes are better, for lack of a better word. Where does that leave the vast majority of victims’ families who, because of the whims of political correctness, are not entitled under this amendment to special status and attention? How can a victim’s perceived status or the perpetrator’s perceived opinions possibly determine the severity of the crime?

The 14th amendment explicitly guarantees all citizens equal protection of the laws. This amendment creates a special class of victims whose protection of the laws will be, in Orwell’s phrase, more equal than others, and if some are more equal, others will be less equal; that is, this amendment will create the very problem it purports to solve.

Let’s talk about thought crimes for a minute. This amendment will also move our Nation a dangerous step closer to another Orwellian concept—thought crime. This legislation essentially makes certain ideas criminal in that those ideas involved in a crime make that crime more deserving of prosecution. The problem, of course, is that politicians are claiming the power to decide which thoughts are criminal and which are not.

Canadians right now live under this regime where so-called human rights commissions operating outside the law prosecute citizens for espousing opinions with which the commissioners disagree. This concern is only heightened by the last section of this hate crimes amendment which says it does not allow “prosecution based solely upon an individual’s expression of . . . religious . . . beliefs.”

Let me repeat that because we are being told this would not affect anyone expressing a religious opinion or value judgment:

Prosecution based solely upon an individual’s expression of religious beliefs . . .

Two questions come to mind: First, if the hate crimes amendment is really just about law enforcement, why should it even need a restatement of the self-evident fact that religious expression is constitutionally protected? And second, why include the adverb “solely” if not to allow for the potential prosecution of people’s religious speech so long as it is part of a broader prosecution of the accused hater?

Today, only actions are crimes. If we pass this legislation, opinions will become crimes. What is to stop us from following the lead of European countries and American college campuses where certain speech is criminalized? Can priests, pastors, and rabbis be sure their preaching will not be prosecuted? In Canada, for instance, Pastor Stephen Boissin was so prosecuted by Alberta’s Human Rights Commission for publishing letters critical of homosexuality, a biblical concept. Or will this amendment serve as a warning to people not to speak out too loudly about their religious views lest the Federal law enforcement come knocking at their door? What about the unintended consequences, such as pedophiles and sex offenders claiming protected status as disabled under this legislation? There is no such thing as a criminal thought, only criminal acts. Once we endorse thought crimes, where will we draw the line? And more importantly, who will draw the line?

Let me talk a little bit about equality and how it relates to this bill. If my own children were attacked in a violent crime, justice—true justice—demands that their attackers be pursued no more or less than the attackers of any other children.

We also say we want a colorblind society—even Judge Sotomayor. But we cannot have a colorblind society if we continue to write color-conscious laws. Our culture cannot expect to treat people equally if the law, if the ruling class treats citizens not according to the content of their character but according to their race, sex, ethnicity, or gender identity.

As we wait through the night to vote on this hate crimes bill, I encourage my colleagues, first of all, to set this aside and let’s focus on it separately, if it needs to be focused on. It is not part of the Defense authorization bill. But they are holding the Defense authorization bill hostage to other things, much like we did a few weeks ago when we were trying to pass a defense appropriations bill and they attached a \$100 billion giveaway to the International Monetary Fund. In order to vote for the support of our troops, we had to vote to give away another \$100 billion from American taxpayers.

This hate crimes legislation makes no sense. It violates all the principles of equal justice under the law. It makes what we think and what we believe a crime, rather than what we do.

It asks judges and juries to determine what we were thinking when we were committing a crime, instead of trying to decide what we really did. This is not what is carved above the Supreme Court, which says "equal justice under the law." It violates all the principles we have talked about as far as blind justice, that a judge does not look at who is in front of him but considers the facts of the case.

Hate crimes violate everything that is essentially American and fair and equal about a justice system. It makes no sense to bring it up at all. It makes even less sense to bring it up under the Defense authorization bill.

I encourage my colleagues, particularly the majority, to withdraw this amendment and let us move ahead with the debate of the defense of our country.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGHWAY INVESTMENT PROTECTION ACT

Mr. VITTER. Mr. President, in September of this year, just a couple of months away, the highway bill—the program under which we build bridges and roads and highways around the country—is set to expire. Even more worrisome, in August of this year—next month—the highway trust fund, which funds all of that activity, is scheduled to run out of money. So I think—I hope—there is a broad consensus here that we need to act to continue the ongoing highway program. To not act—to allow the highway trust fund to run out of money, to allow the highway program to end—would be an enormous antistimulus for the economy because a lot of significant, productive infrastructure spending and activity would just stop overnight.

So we must act, and I believe everyone acknowledges that. What I am concerned about is that we are going to go right up to the eleventh hour, to the precipice, and then we are going to be given one choice, and one choice only, here on the floor of the Senate, rather than have a calm and reasoned debate about the best way to act and the best way to pay for that. So I strongly urge the Senate to take up this matter sooner rather than later and to consider all of the reasonable and all of the available options.

As I understand it, the Obama administration will propose an 18-month extension of the current highway program, and I have absolutely no problem with that. I plan to support that. The key issue in my mind is how we pay for that extension, how we replenish the trust fund, at least for the next 18 months. We faced this shortfall late

last year, and unfortunately there was no good idea, no option presented except to spend more money—borrowed money—and increase the debt to keep that trust fund going.

I suggest that with our debt rising so dramatically, with all of the actions this Congress has taken—the stimulus, the budget that doubles the debt in 5 years and triples it in 10—we need a better solution than merely to print more money or borrow more money from the Chinese. That is why I have introduced my proposal, S. 1344. That bill specifically is called the Highway Investment Protection Act. It would extend and reauthorize the highway program for an initial 18 months, and it would fund that out of existing stimulus dollars which have already been appropriated.

Some may ask: What is the point of that? The point is real simple. If we use existing, already appropriated stimulus dollars, we are not borrowing more money, we are not printing more money, we are not borrowing more money from the Chinese, and we are not yet again increasing the deficit and increasing the debt. That is very important. We are also not increasing taxes, which is a horrible thing to do, particularly in the middle of a very serious recession.

One of the clear lessons from the Great Depression is the things you don't do, which, unfortunately, leaders back then did, in some cases. One of the things you don't do is to increase taxes, which made the Depression far worse and far longer in duration than it otherwise needed to be.

So this program doesn't print more money, it doesn't borrow yet more from the Chinese, and it doesn't raise taxes. That is the great advantage of it.

In addition, it is specifically structured to give maximum flexibility to the Obama administration in terms of where to find those stimulus dollars. So we don't say specifically take it from this account, which they may favor; take it from that account, which they may prefer. We give the Obama administration maximum flexibility. And I think virtually everyone acknowledges that at the end of the day, when the entire \$800-plus billion stimulus program is worked through, there will be over this amount of money that remains unspent and unobligated. There will be more than what is required for the next 18 months for the highway trust fund—about \$20 billion—which cannot be spent out of the stimulus anyway. So this is simply capturing that money and using it to extend this vital highway program and this important infrastructure spending.

Several months ago, when we debated the stimulus here on the floor of the Senate, there were many of us—Democrats and Republicans alike—who wanted more infrastructure spending,

more highway spending in the stimulus. It is very clear from every poll that was published that the American people felt that way. One of the absolute top categories of stimulus spending money the American people supported was highway construction—roads, bridges, highways. So this is very consistent with the idea of a broad-based stimulus program. It is not inconsistent with that at all.

Again, the alternatives are to simply move money from the general fund. That means we are borrowing more money from the Chinese or whomever—in a sense, printing more money—or there may be a proposal to increase taxes to pay for it, which I believe, no matter what the source, is a very bad idea in the middle of a serious recession. That is very antigrowth.

My fear is that given our very constricted busy schedule between now and the August recess, this matter is going to be pushed to the very end, right before we are set to leave for the August recess, and there will be one alternative and one alternative only: Just print more money. Just borrow more from the Chinese. My fear is there is going to be an attempt to rush that through the Senate, and I don't think that is the way to get the best result and the most consensual result on this important issue.

I propose we think about this now, sooner rather than later. I propose we discuss all the reasonable alternatives and certainly look at the very commonsense alternative of using already appropriated stimulus dollars—again, no new debt, no new spending; use what has already been appropriated in the stimulus; give the administration maximum flexibility in terms of how to do that.

Finally, I would also point out that the bill is drafted very carefully, so that within these 18 months, if the Congress were to enact a new highway reauthorization program, a new multiyear program, this extension would automatically dissolve and go away and this money from the stimulus would automatically stop and whatever the provisions of that new multiyear highway bill would be would come into full force and effect. I urge all my colleagues—Democrats and Republicans—to consider this commonsense approach.

In that vein, I would like to propound a unanimous consent request.

UNANIMOUS CONSENT REQUEST—S. 1344

I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1344, a bill to use stimulus funds to protect the solvency of the highway trust fund; and I ask unanimous consent that the technical amendment at the desk be agreed to; the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Is there objection? Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Well, in light of the objection, I would ask the distinguished Senator from Michigan, if the Senator would at least agree to a unanimous consent request to allow this bill to be the next order of business after the current Defense authorization bill is fully dealt with which would provide for limited time agreements and relevant germane amendments?

Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Mr. President, in closing, let me say that I think it is unfortunate we don't take up this serious matter next after the Defense authorization bill and that we don't take it up in plenty of time to look at all of the reasonable alternatives.

I hope when we finally take it up, it isn't in a mad dash to the August recess; that it isn't under all of the normal artificial pressure that is built up where we must act in the next few hours and we have one choice and one choice only. We have heard all that before. We have heard it before when we were forced into quick consideration of the bailouts. We heard it about the stimulus. Now we are hearing it about health care.

Let's try to do some things right and not just quick. This has to be done before the August recess because the highway trust fund will run out of money during the August recess. So let's take this up sooner rather than later.

Let's take this up right after the current Defense authorization bill on the floor is dealt with and look at all the available alternatives, including using stimulus funds already appropriated so we don't raise taxes in the middle of a recession, so we don't increase the debt and so that we don't borrow more money from the Chinese and print more dollar bills. The American people are very fearful of that growing trend.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as in morning business for such time as I might consume.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

HEALTH CARE REFORM

Mr. ENZI. Mr. President, many of my colleagues have called me an "eternal Optimist." Since I entered the Senate more than 12 years ago, I have consistently worked across party lines to find new solutions and broker bills that then become law. I have a long and consistent track record of working in good faith with my colleagues from

both sides of the aisle. I had hoped, and still hope, to do that on the complex issue of health care reform.

Last Congress, I proposed Ten Steps to Transform Health Care in America. I traveled 1,200 miles across my home State last March to bring my message of reform directly to the people of Wyoming. My message was built on the belief that the American people needed more choice and more control over their health care. I put it together by working with people on both sides of the aisle. I found a way to get coverage for everybody if we did all 10 steps, and any one of them would increase access and cut costs.

Among other things, my plan attempted to level the playing field in the tax treatment of health insurance and also provide a helping hand to low-income Americans in the form of subsidies to ensure access to quality, affordable health insurance. My plan also provided greater equity and ease to our Nation's small business owners by allowing cross-State pooling. Each of my proposals targeted three fundamental goals: Increasing access to health care, reducing costs within our health care delivery system, and improving the quality of care.

As the only accountant in the Senate, I was and remain very concerned about the effect of any health reform proposal on our Federal budget, as well as personal and family budgets. We all want coverage for everyone, including preexisting and chronic conditions. We want portability. We want health care, not sick care.

I have continued my work on health care reform this Congress. As the ranking member on the Committee on Health, Education, Labor, and Pensions, a member of the Finance Committee, and a member of the Budget Committee, I assumed a unique role in the health reform debate this year. I worked hard to foster a constructive dialogue with the members of all three committees, and I have met with the President and administration officials to share ideas on how to best craft a strong bipartisan bill. As the debate on health care reform progresses in the Senate, I continue to stand ready to work on this critical issue. As I have noted many times before, this is likely to be the most important piece of legislation that we will work on as Members of the Senate. It touches the life of every single American in a very real way.

Our health care system is approximately one-sixth of our Nation's economy, and the changes we make in it will ultimately affect the lives of every single American. I have never worked on a bill that was that extensive. It is a sacred trust we have, and we must not be moved by artificial deadlines and short-term political considerations.

I do not think a good bill and a bipartisan bill are mutually exclusive. To

the contrary, I believe a health care reform bill will need strong support from both sides of the aisle to gain the credibility and the support of our constituents. It is still my hope we can produce a strong bipartisan health care bill that upwards of 80 Members of the Senate could support. I see that as a possibility.

I remain eternally hopeful we will deliver the American people the strong bipartisan health care bill they deserve. But I have to tell you I am disappointed by the recent developments of the House of Representatives and, more particularly, in the Committee of the Senate on Health, Education, Labor and Pensions.

Yesterday, on a party-line vote, 13 to 10, the committee passed the Affordable Health Choices Act. But don't let the name fool you because, with a \$1 trillion pricetag, the bill is anything but affordable.

Unfortunately, the HELP Committee chose to gallop down a path of partisanship. Despite my strong urging that we start with a blank piece of paper, HELP Committee Republicans were presented with roughly 600 pages of longstanding Democratic policies. It seems not a single Democratic member of the committee was told no, as every pet project was included in this bill. Because Republicans were shut out of the drafting process, we were forced to file hundreds of amendments. Unfortunately, of the 45 committee rollcall votes on Republican amendments, 2 were successful. There were a number of amendments that were accepted, but they fall more in the category of proof-reading amendments and some slight changes.

President Obama has repeatedly called for a health care bill that will reduce costs. He has called for a bill that will help every American get access to quality health care, a bill that allows people who like the care they have to keep it, a bill that will not increase the deficit. Republicans strongly support those goals. Unfortunately, the HELP bill does not meet any of them.

In my view, and graded on the criteria specified by the President, the bill voted out of the HELP Committee fails on all counts. The bill breaks the President's promises and falls short on achieving the commonsense goals the Republicans and President share. Instead, the partisan HELP bill adds \$1 trillion to the deficit, despite the President's promise that health care reform must and will be deficit neutral. The bill increases that deficit by more than \$1 trillion over 10 years. It is not as bad as the House bill. It is my understanding that increases it by \$4 trillion over 10 years. Maybe it is just more honest, because there are ways to avoid a cost by phasing in authorizations and by using such sums in authorizations—little tricks of budgeting that avoid the score. But this is on the

heels of news last week from official scorekeepers that the Federal budget deficit was \$1.1 trillion for the first 9 months of fiscal year 2009.

According to scorekeepers, this bill will bend the cost curve the wrong way, driving up the cost of health insurance for most Americans and increasing total spending on health care.

I refer people to an article by Lori Montgomery in the Washington Post today, "CBO Chief Criticizes Democrats' Health Reform Measures."

Instead of saving the Federal Government from fiscal catastrophe, the health reform measures being drafted by congressional Democrats would worsen an already bleak budget outlook, increasing deficit projections and driving the nation more deeply into debt, the director of the nonpartisan Congressional Budget Office said this morning.

Under questioning by members of the Senate Budget Committee, CBO director Douglas Elmendorf said bills crafted by House leaders and the Senate health committee do not propose "the sort of fundamental changes that would be necessary to reduce the trajectory of federal health spending by a significant amount."

"On the contrary," Elmendorf said, "the legislation significantly expands the federal responsibility for health care costs."

Though President Obama and Democratic leaders have said repeatedly that reining in the skyrocketing growth in spending on government health programs such as Medicaid and Medicare is their top priority, the reform measures put forth so far would not fulfill their pledge to "bend the cost curve" downward, Elmendorf said. Instead, he said, "The curve is being raised."

The CBO is the official arbiter of the costs of legislation, and Elmendorf's stark testimony is certain to undermine support for the measures even as three House panels begin debate and aim to put a bill on the House floor before the August recess. Fiscal conservatives in the House, known as the Blue Dogs, were already threatening to block passage of legislation in the Energy and Commerce Committee, primarily due to concerns about the long-term costs of the House bill.

Cost is also a major issue in the Senate, where some moderate Democrats have joined Republicans in calling on Obama to drop his demand that both chambers approve a bill before the August recess. While the Senate health committee approved its bill on Wednesday with no Republican votes, members of the Senate Finance Committee were still struggling to craft a bipartisan measure that does more to restrain costs.

The chairman of the Senate Budget Committee, Kent Conrad (D-ND), has taken a leading role in that effort. This morning, after receiving Elmendorf's testimony on the nation's long-term budget outlook, Conrad turned immediately to questions about the emerging health care measures.

"I'm going to really put you on the spot," Conrad told Elmendorf. "From what you have seen from the products of the committees that have reported, do you see a successful effort being mounted to bend the long-term cost curve?"

Elmendorf responded: "No, Mr. Chairman."

Asked what provisions would be needed to slow the growth in federal health spending, Elmendorf urged lawmakers to end or limit the tax-free treatment of employer-provided health benefits, calling it a federal "subsidy" that encourages spending on ever more ex-

pensive health packages. Key senators, including Conrad, have been pressing to tax employer-provided benefits, but Senate leaders last week objected, saying the idea does not have enough support among Senate Democrats to win passage.

Elmendorf also suggested changing the way Medicare reimburses providers to create incentives for reducing costs.

"Certain reforms of that sort are included in some of the packages," Elmendorf said. "But the changes that we have looked at so far do not represent the sort of fundamental change, the order of magnitude that would be necessary to offset the direct increase in federal health costs that would result from the insurance coverage proposals."

Senate Majority Leader Harry Reid dismissed Elmendorf's push for the benefits tax. "What he should do is maybe run for Congress," Reid said.

But Senate Finance Chairman Max Baucus expressed frustration that the tax on employer-funded benefits had fallen out of favor, in part because the White House opposes the idea. Critics of the proposal say it would target police and firefighters who receive generous benefits packages. And if the tax is trimmed to apply only to upper income beneficiaries, it would lose its effectiveness as a cost-containment measure.

"Basically the president is not helping," said Baucus. "He does not want the exclusion, and that's making it difficult."

But he added, "We are clearly going to find ways to bend the cost curve in the right direction, including provisions that will actually lower the rate of increase in health care costs."

Ideas under consideration include health-care delivery system reform; health insurance market reform; and empowering an independent agency to set Medicare reimbursement rates, an idea the White House is shopping aggressively on Capitol Hill.

But Baucus is not giving up on the benefits tax. "It is not off the table, there's still a lot of interest in it," Baucus said.

I would mention the members of the committee are still working to find that bipartisan match, but it does take time. There are so many moving parts to this bill. But the partisan HELP bill breaks the President's promise, "if you like what you have, you can keep it." The scorekeepers report the bill would force millions of Americans to lose their health care plan they have and like. Several Republican members offered amendments that aimed at ensuring Americans who like the coverage they have they can keep it, but they all suffered the same failing fate.

The partisan HELP bill kills jobs and cuts wages. The nonpartisan Congressional Budget Office concludes the bill will result in lower wages and higher unemployment. These jobs and wage cuts would hit low-income workers, women, and minorities the hardest. It is hard to believe that with unemployment at a generational high, Democrats on the committee will even consider putting more jobs on the chopping block.

Despite passage of the so-called stimulus bill earlier this year, Americans are facing the highest unemployment rate in 26 years. At the same time, the HELP Committee and the House Demo-

crats are attempting to impose new taxes on small employers that will eliminate jobs for low-income minority workers.

The partisan HELP bill raises taxes at the worst possible time. Despite several amendments offered by Republican members, which the Democrats defeated on party-line votes, the bill breaks President Obama's promise not to raise taxes on individuals earning less than \$250,000 per year. The bill would impose a new tax on people without health insurance. The partisan HELP bill allows Washington bureaucrats to ration health care. The bill lays the groundwork for a government takeover of health care, giving Washington bureaucrats the power to prevent patients from seeing the doctor they choose and obtaining new and innovative medical therapies.

I could go into the cost effectiveness—the clinical effectiveness research, but I will not go into the details of that at this time. But that is a way that care could be rationed. How do we know? We tried a bunch of amendments that would specify what could not be rationed, and every one of those was defeated.

The partisan HELP bill traps low-income Americans in a second-tier health care program. Despite several amendments, the other side refused to give Medicaid patients the choice to access higher quality care.

The other side claims to support giving patients choices but when the choice is a new government-run health plan, however, they refuse to give low-income Americans the chance to get out of the worst health care programs in the country.

I would mention government-run programs, instead of giving the lowest income Americans a choice to enroll in private insurance with subsidies, the HELP Committee bill forces them to stay in a program where 40 percent of the physicians will refuse to see them and the care they receive will be worse than what is available through private health insurance.

I have to remind you, if you cannot see a doctor, you don't have health care.

Instead of reducing health care costs, the partisan bill will spend billions of taxpayer dollars on new porkbarrel spending. The bill would build new sidewalks, jungle gyms, and farmers markets through a mandatory spending \$80 billion slush fund. That is just the first 10 years, which is delayed 2 years; otherwise, it would be \$100 billion. That is for additional porkbarrel projects.

Talk about a rating system. A rating system is how much difference you have between the low age and the high age, the more well and the sicker people. That is being compressed dramatically, which will raise the rates for virtually everybody in America.

The partisan HELP bill preserves the costly, dangerous, medical malpractice system. Again, despite several blocked attempts by multiple Republican committee members, the bill fails to reduce medical lawsuits which drive up the cost of health care and force doctors to order wasteful tests and treatments to cover liabilities.

The bill worsens doctor shortages. According to an analysis by the Department of Health and Human Services, the bill would worsen the Nation's primary care physician shortage by providing fewer medical students with financial assistance in return for work in underserved areas.

In short, the HELP Committee bill costs too much, covers too few, and if you like what you have you can't keep it. Under this bill, if you like your job, you may not be able to keep that either. With all these bad policies comes a \$1 trillion pricetag. That is \$1 trillion this country cannot afford right now and a trillion reasons why it is a bad bill for America. We have not even talked about clinical effectiveness or some other programs that were not actuarially sound.

As I said at the beginning of the speech, I am an eternal optimist. Despite my comments on the perils and policies in the HELP bill, we still have a chance. We can write a good bill, a bill that ensures every American has quality, affordable health care; a bill that is fully paid for with savings exclusively from health care; a bill that reverses the cost curve; a bill that lets Americans keep what they have if they like it; a bill the American people deserve. We are working on that now. We are trying to put together that bill, but it takes time.

Those are all things that can be done. One way to enact real change is to sit down and work out the details. Health care is complicated. The laws of unintended consequences are severe and unforgiving. We cannot rush into something that will change one-sixth of our Nation's economy and affect 100 percent of Americans. We must take our time and get the policies right.

I have heard reports of White House staff calling the HELP Committee bill a bipartisan bill. I heard White House staff say this bill incorporated Republican ideas. White House staff speak for the President, not for Senate Republicans.

I can tell you as the ranking Republican on the HELP Committee, the partisan vote speaks for itself. Republican ideas were excluded from the process and from this legislation. We have five bills that have ideas that would meet the goals of the President and the ones I have stated. Parts of those were considered; most were rejected.

I passionately want to reform our health care system to improve quality, reduce costs, and increase access. I think the HELP Committee legislation

fails to meaningfully address those goals and sticks the American people with a bill we cannot afford. I hope we can get back to work and construct real reform that has the support of the American people.

I appreciate the openness that Senator BAUCUS has had in dealing with Finance Committee members and am optimistic eternally that something good can come out of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

AMENDMENT NO. 1511

Mrs. MURRAY. Mr. President, in every corner of our country, communities have been working to end hate crimes. Despite the great gains in equality and civil rights throughout the last century, too many Americans today are still subjected to discrimination, violence, and even death because of who they are. That is why I have joined with many of my colleagues as a cosponsor of the Matthew Shepard Hate Crimes Prevention Act. This is a commonsense, bipartisan bill that will stand up for the victims of hate crimes and their families.

I am glad it has been offered as an amendment and that we will now have a chance to act on it this week. It takes only a quick glance at a newspaper to see places around the world where people are regularly attacked because of their religion or the color of their skin or their sexual orientation. It is important to remember that even though we in America have made great strides in reducing discrimination, there is still plenty of work to be done. I am proud we are working toward ending these crimes once and for all in the memory of Matthew Shepard.

Matthew, as many of my colleagues have stated, was a 21-year-old college student who was murdered because of his sexual orientation. That crime was not prosecuted as a hate crime because there was no applicable State or Federal hate crimes law that covered sexual orientation. Just this year we were all saddened by a horrific shooting of a security guard at the Holocaust Museum in Washington, DC, a few blocks away.

But those are only two examples. And not all of these terrible hate crimes make headlines. In 2007, the last year for which the FBI has statistics, there were over 9,000 hate crime offenses. The thousands of people who have been victimized by hate crimes each receive inadequate protection under the law, and that is simply unconscionable. That is why this amendment we are considering this afternoon is long overdue.

This amendment would strengthen our existing laws by providing the Justice Department with additional tools to investigate and prosecute crimes that were committed based on a victim's race, color, national origin, reli-

gion, sexual orientation, gender identity, or disability.

Communities across the country have been working to respond to hate crimes, and State and local law enforcement continues to bear the responsibility for prosecuting the bulk of these crimes. This is not a Federal takeover. However, States and localities would greatly benefit from the help the Federal Government can provide. If a State or local community is unable to prosecute a hate crime, this amendment would mean the Federal Government could lend a hand.

This amendment would provide a number of other tools to help end hate crimes. It would provide States and local governments with grants designed for hate crime prevention. It would expand data collection about hate crimes so that law enforcement will have more information to help prevent prejudicial crimes committed against women. It would expand the legal definition of what a hate crime is, allowing for stronger prosecution and more cases for a violent crime that is clearly motivated by hatred.

In that way, this amendment would put into law what we already know, that crimes are different when they are motivated by discrimination. Burning down a building is a horrible crime. But that crime takes on a new character when that building is a church or a synagogue or a mosque.

It is wrong when one person attacks another person on the street, for sure. But it has a different meaning when violence occurs because the victim is a different race, or religion, or sexual orientation.

We cannot stand idly by while Americans are subjected to discrimination, violence, and even death, simply because of who they are. Passage of this amendment would be another major victory for equal rights in our country.

I come to the floor this afternoon simply to urge our colleagues to support this amendment when it comes to a vote later this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE REIMBURSEMENTS

Mr. ROBERTS. Mr. President, I find myself in a rather unique position here. If you look in the bio sections of all of the outfits that keep herd on us, they will record me as a journalist. That is an unemployed newspaper man, by the way.

But I have a great family tradition in journalism, three generations, four generations, actually, of the Roberts family and the State's second oldest newspaper in Kansas. I still carry around my reporter's notebook, have

great respect for those of the fourth estate. We shine the light of truth with our own individual flashlight.

I do not think I have ever done this in 28 years of public service, but I am irritated. I am more than irritated. I rise today to clear up some recent flagrant mischaracterizations about Medicare payments, especially since the Medicare payments are now being used as a target as a pay-for for the health care reform, the alleged health care reform that Senator ENZI was talking about, specifically the statements made on the front page of today's Washington Post, the fountain of all knowledge here in Washington, in an article entitled "Obama Eyes the Purse Strings for Medicare."

I would describe this article—I read it. I read it again. I was a relatively happy person, watching the weather—I do not watch the news much—had my cup of coffee, was going to turn to the sports pages. Then I happened to glance at this, read it, and ruined my whole morning. I came in, I was mean with the staff and everything else. So I thought I better get it off my chest.

This article is patronizing. It is condescending. The bad part about it is it is egregious in nature and effect at a crucial time in the health care debate, and that is most unfortunate.

The author of this article describes what she sees as "one of the most effective and lucrative forms of constituent service," i.e. setting reimbursement rates for local hospitals, doctors, home health care centers, and other health care providers.

Oh, I wish I had that power, as opposed to CMS, which is the subagency, the acronym agency for the Department of Health and Human Services, that does set reimbursement rates for all health care providers in the United States.

The author continues, accusing "longtime Members of Congress" of such atrocities as "championing New York City's teaching hospitals" and making sure "rural health services are amply funded." In this author's mind, these hospitals and other providers are "flush." Flush with Medicare cash as a result.

I must admit in my 28 years in Congress, I have absolutely been one of those dastardly Members intent on making darn sure that the rural health care delivery system can remain alive and serve our people, even if it has to be kept on life support, which is the true characterization of what we face.

I wonder, since it never appears anywhere in the person's article, in her article, if the author of this piece is aware that the average Medicare reimbursement rate for doctors is about 80 percent of what the commercial market pays or that Medicare only pays about 70 percent of the market rates for hospitals. That is why we have hospital after hospital after hospital for

decades in Kansas passing bond issues just to keep their doors open. These are not flush places. These are not posh places in regard to hospitals.

Then I go back to the fact that doctors get paid 80 percent. That is why doctors, many of them, are refusing to take—in regard to Medicare—patients. And that is that terrible word that people say is too scary, that is called rationing, that when we set a reimbursement rate, we, meaning the CMS—no, not individual Members of Congress, as the article infers—but these agencies cannot reimburse doctors enough so they can make a living, or other health care providers, that they cease providing Medicare to seniors.

What does the senior do then? Well, they are in a very difficult situation. How do you think these providers survive? The answer is that they shift that loss onto the private market to the tune of nearly \$90 billion a year.

Let me repeat that. Everybody who goes to the hospital, everybody who goes to a doctor and has private insurance, you are paying \$90 billion a year in a hidden tax in regard to the people who basically are not covered by Medicare and by Medicaid, if, in fact, you would do what the President has suggested, and maybe take some money—"eyes the purse strings for Medicare," Medicare being a target, Medicare being the service for seniors. Wake up, seniors. Wake up, AARP. Wake up, everyone else in the health care field. We are targeting Medicare.

My word, if any Senator had come down here except during these last 6 months and said: Let's cut Medicare by 10 percent, they would have been excoriated by this newspaper for hurting senior citizens.

Well, in my State of Kansas and in other rural States across the country, we do not have a private market to shift those losses to. Our rural areas do not have the population base to support such a cost shift as \$90 billion as happens in the rest of the country. In addition, the folks in these towns are much more likely to depend on Medicare or Medicaid or to simply be uninsured. In short, without some sort of special payment from Medicare, these hospitals would not survive.

You tell me, Washington Post, what you would say to the residents of Smith Center here, top center in Kansas. What would you say to the residents of Smith Center if their hospital closed?

Smith Center is a great town, close to the geographic center of the lower 48 States, has a population of a little less than 2,000 people. They have a great football team, high school football program, Smith Center Redmen, the pride of north central Kansas, one of the greatest small town football teams in America.

The town is served by the Smith County Memorial Hospital, a critical

access hospital with 25 beds. For those of you who are unfamiliar with the terminology, a critical access hospital is a rural hospital with 25 beds or less which is at least 35 miles away from another hospital and which provides 24-hour emergency services.

Critical access hospitals get special treatment under Medicare. They get paid 101 percent of their costs for inpatient, outpatient, and swing-bed services. I probably should not mention that or this reporter might run out to Smith Center and say: My goodness, you are getting 101 percent. Sure. She should go out and take a look, and talk to the hospital administrator and the people in that hospital.

In other words, they do not get the usual 70 percent of the market rate reimbursement for Medicare, for a very good reason, because of the distances they would have to travel. Without the critical access hospital program, the closest hospital for the residents of Smith Center would be all the way in Hays, KS, America, right down here 90 miles away. You tell me what a person's chances of survival are after a car accident or a tractor accident if they have to be driven 90 miles away for emergency care.

Smith County Memorial is just one of 83 critical access hospitals in Kansas. They are absolutely essential to the very lives of the people in rural America. Indeed, they are essential to the very existence of rural America at all.

I have the privilege of being the co-chairman of the Rural Health Care Caucus, along with TOM HARKIN of Iowa. We are fighting tooth and nail, holding on by our fingernails to exist, to provide care to the people who live in these small communities.

I am happy to admit it, I am happy to admit to this reporter—I hope she comes in for a cup of coffee. I would be happy to give her a cup of coffee, no cream or sugar; there might be a little vinegar in it. But at any rate, please come in for a cup of coffee and visit about this. I am happy to admit it. I will bend over backward to preserve the payment rates that allow these hospitals to stay open and to continue to serve the people in Smith Center, KS, and elsewhere all throughout rural America.

I believe this position is completely justified. I sleep just fine at night knowing that I have used my so-called influence through legislation, through the rural health care coalition, through the Finance Committee, through the HELP Committee, to ensure that Medicare pays these hospitals just enough to average a 1-percent Medicare margin, 1 percent, when these hospitals are still fighting for their lives.

I would like to personally invite the author of this article or any other member of the Washington Post editorial board, God love them, to visit

some of the rural hospitals in Kansas with me. The reporter's name—I hope I get it right; I apologize if I do not. I really sort of apologize. I am picking on her—is Shailagh Murray.

Shailagh, why don't you come to Kansas with me and let us go out to Smith Center. Here is the hospital. This is this posh resort that you apparently think we finance with Medicare.

It is true, you know, you go through the doors, there are two-inch thick carpets, you go in, there is—let's see, I think there is Mozart's piano concert 21, piano concert No. 21, and they call you by your first name, and you get immediate treatment. Then there are massage facilities and a spa in the back. And that is a lot of what we have in our Dodge City feedlots. That is not the case.

Talk to the CEOs, the doctors, the nurses, and the patients. Walk around this small hospital and see the equipment and the facilities. Flush with the Medicare cash? Come on. And flush with Medicare cash that is somehow influenced by individual Members of Congress? I wish. I have been fussing and fighting and feuding and pleading and cajoling with CMS to try at least to get these payments to doctors and hospitals up to the level that they can continue to exist.

Flush with Medicare cash? I think not.

Look at this hospital. Do you see anything that would lead to a description of this sort? I am not too sure anybody is going to give up their vacation. They have the finest people in the world. That is our best commodity in rural areas. I am not picking on Smith Center. They are doing a fantastic job with the resources they have. But it just makes me very angry that a Washington, DC, paper and reporter would demonize a program that keeps rural America's heart beating. It is a patronizing and dead-wrong description, and it offends me and the people I am privileged to represent in rural Kansas.

I want to tell Shailagh, Ms. Murray, I am never going to stop fighting for these hospitals no matter how many deals the American Hospital Association cuts with the White House, no matter how many ugly articles are written here in DC. I am rather amazed at the deal the American Hospital Association allegedly cut—\$155 billion in cuts to Medicare for senior citizens. Wake up; it is your Medicare. There is going to be more rationing when doctors say: I am sorry, I just can't afford to continue.

That is the target now on the Finance Committee—Medicare. I never thought I would see the day that would happen. But I will not stop fighting for these hospitals. Here we have the American Hospital Association, the Kansas Hospital Association, the Missouri Hospital Association, other hospital associations are not happy with

the national association when you crawl in bed and get fleas with the administration. What is the old saying? If you go to bed with the Federal Government, you wake up in the morning and you got something more than a good night's sleep. And that is exactly what has happened with the American Hospital Association.

They come through my door and say: Help, help, please get these reimbursement rates up. Every year, we have done that with Medicare and the Medicare Programs. We are being cut by 11 percent, and the cost of inflation in regard to where we try to practice has gone up 7 percent, and whatever other number they said every year. They blame Republicans. Once in a while, they blame Democrats and say: Why on Earth did you cut Medicare? And now we are using Medicare as a target for health care reform for this bill that is impossible for most people to even comprehend? It is amazing.

The American Hospital Association bought into it with \$155 billion in cuts. They come through my door every year when they want to keep the reimbursement rates level. Don't come through my door for at least a month until I calm down. That is my duty to the people of my State. I feel comfortable with that.

I have been a little tough here on a reporter I have never met, obviously. She is spending a lot of her time in the people's house talking with muckymucks on the various committees. Those are people with the seniority. I used to be one of those. I used to be somebody. But I urge her to talk to Members who represent rural areas and the rural health care delivery system and understand that this is not a question of this hospital having flush payments. They are hanging by their fingernails just to keep open. It is not true that Members of Congress, even the distinguished Presiding Officer and anybody else who might happen to be listening to my remarks, the great Senator THUNE standing to my rear who also represents rural areas and has even a sparser area than I do—it is just not true. This article comes right at the apex of the debate of the health care reform debate. It is just not right.

Let me again say to Shailagh: Why don't you come out to Kansas with me. We will visit with Tom Bell, president of the Kansas Hospital Association. We can go out to Smith Center and visit the hospital or as many hospitals as you want. We will see who is flush in regard to Medicare payments. That is certainly not the case with them.

I think I have made my point. I must say, as a former journalist, former newspaperman, I used to check my facts. I would ask that they do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, the Senator from Kansas made some excellent points about rural America and rural hospitals, and, as always, he did it in a most effective way. It should not be lost on anyone in this Chamber or around the country, when we talk about health care reform, these decisions we make in Washington have real impacts in the real world. They impact people in different parts of the country differently.

The Senator from Kansas was very clear about the hospitals he represents. I represent hospitals in rural areas. These are not hospitals out there cutting a fat hog. These are hospitals trying to provide service, trying to deliver health care in areas that make it challenging because of geography. Sometimes they don't have the most up-to-date, modern equipment, but they are out there providing critical health care services to people. I associate myself with the comments of the Senator from Kansas.

Anybody who cares about the impact of some of these proposals on hospitals in rural areas such as Kansas and South Dakota should be concerned about the CBO discussion that occurred this morning in front of the Budget Committee. It made it very clear that not only is this going to cost \$1 trillion, probably minimum, in the near term, but in the long term, the costs for the health care reform plan currently moving through the Congress explode. When we get into the out-years, it will be even more expensive. It will mean bigger and bigger reductions and cuts from providers, as the Senator from Kansas so eloquently pointed out, in rural areas that are already struggling to make ends meet and keep their hospital doors open.

This report we got today from the Congressional Budget Office is really pretty stunning, in the context of the debate we are having over health care reform.

The CBO Director, Doug Elmendorf, was asked pointblank by Senator CONRAD whether the cost curve is bent under the health care reform legislation currently being considered. Elmendorf says no. Then he goes on to say:

The way I would put it is that the curve is being raised.

As has been pointed out by President Obama before, he said:

And I've said very clearly: If any bill arrives from Congress that is not controlling costs, that's not a bill I can support.

That was the President's own criteria for health care reform. That only means, based upon the report we got from CBO this morning, that the administration is going to have a very difficult time embracing the health care plan moving through the Senate that sees costs not coming down, not bending the cost curve in a downward

direction but, rather, bending it upward so we will see a spike in health care costs.

Mr. Elmendorf, when he answered that request, to put it in fuller context, was asked: So the cost curve, in your judgment, is being bent, but it is being bent in the wrong way; is that correct? His answer is a long quote, but I want to get it into the RECORD because it puts into context the very issue he raises with regard to health care reform and its costs and when we will see the true effect. Here is what he said:

The way I would put it is that the curve is being raised . . . As we wrote in our letter to you and Senator Gregg, the creation of new subsidies for health insurance, which is a critical part of expanding health insurance coverage, in our judgment, would by itself increase the federal responsibility for health care that raises federal spending on health care, raises the amount of activity that is growing at this unsustainable rate, and to offset that there would have to be very substantial reductions in other parts of the federal commitment to health care, either on the tax revenue side through changes in the tax exclusion, or on the spending side through reforms in Medicare and Medicaid. Certainly reforms of that sort that are included in some of the packages, and we are still analyzing the reforms in the House package, the legislation was only released as you know about two days ago, but the changes that we have looked at so far do not represent the sort of fundamental change, the order of magnitude that would be necessary to offset the direct increase in federal health costs from the insurance coverage proposals.

What I conclude from having read that and having heard what he said this morning is that he is very skeptical that there is anything about the health care plan that is pending in the Senate or the one that passed the House last week that is going to, in the long term, reduce cost.

A fundamental principle behind health care reform ought to include efficiency, streamlining, finding savings. When most Americans think of reform, they don't think of adding costs or making things more expensive, they think: How does this reform actually achieve savings by making us more efficient and streamlining operations and coming up with new and innovative ways of doing things so that we can do things less expensively?

That, to me, would be the essence of reform. That is not what is being talked about here, obviously. Not only do the reforms that have been proposed, the House version, which has been reported out of the committee, or at least is being deliberated on in committee over there but hasn't been reported already but will be on the House floor in the very near future, a House Democrat aide—this is a news report—said the total bill would add up to about \$1.5 trillion over 10 years. The aide spoke on condition of anonymity to discuss the private calculations. You might have a hard time getting used to the concept, but it is \$1.5 trillion in the

House-passed version. We know the Senate-passed version will be a minimum of \$1 trillion. There are many independent analyses and estimates that have been done that suggest that it could be north of \$2 trillion and perhaps well north of \$2 trillion when a lot of these changes actually go fully into effect after the transitional period is over. So we are talking about trillions of dollars at a minimum in the near term, perhaps multiples of that, trillions of dollars in the long term.

That doesn't meet any sort of criteria or definition of reform. To me, reform ought to be: Let's find some savings. Let's see what we can do to achieve some efficiency.

As I have suggested, we spend already about \$2.5 trillion annually on health care. That represents about 17 percent of our gross domestic product. That is on its way to 20 percent. Very soon, \$1 in \$5 in our entire economy will be spent on health care. I argue that it is not that we are not spending enough money on health care. It is that we are not spending wisely and well. We are not spending smart. We need to spend smarter when it comes to health care. We need to put more of an emphasis on wellness and prevention. We need to do things that would allow individuals and small businesses to join larger groups, to get the benefit of group purchasing power so they can start buying in volume, driving down cost to create more competition in the marketplace where individuals can buy insurance across State lines. We need to address the growing cost of defensive medicine that is a direct result of lawsuit abuse. There are a lot of remedies that we think make sense in terms of bending the cost curve down and actually doing something to reform health care, to gain efficiencies, and to get costs on a more reasonable and affordable level.

It is pretty clear from the CBO report this morning in front of the Budget Committee that the current proposal—the House proposal and now the Senate proposal reported out of the HELP Committee yesterday—does nothing of the sort. There is no way it can be argued that these are reforms. It is certainly not reform that leads to savings in the long term. They will bend the cost curve upward. We will see increased costs. We will see costs spike in the outyears. That came across unequivocally in the report that was made by CBO Director Douglas Elmendorf this morning in front of the Budget Committee.

Where does that leave us? I argue that it certainly ought to sound a note of caution to people in Washington, DC, that perhaps this is something we ought to take our time with. Clearly, what has been proposed so far is going to increase costs significantly. It is going to lead to the takeover of the health care system by the Federal Gov-

ernment, which I think most Americans would take issue with. If you don't believe that, again, there are lots of great independent studies out there.

One of the criteria the President put forward in a health care bill he would sign had to do with, if you have insurance today that you like, you can keep it. That is not true under this bill, either, because these independent analyses that have been done have also pointed out that there were going to be about 6 in 10 Americans or about 118 million total Americans who will be driven into the government-run program because the private health insurance marketplace, when it has to compete with the government, will not be able to do so because the government, due to its very size, is going to drive a lot of the private insurance coverage out of the marketplace.

A lot of small businesses that currently offer insurance to their employees are going to say: I am not going to do this anymore. It costs too much. And they are going to shift everybody into this big government-run program, which not only, I guess, do I have issue with the whole notion that we would hand the keys to one-sixth of our entire economy to the Federal Government, but I think, more importantly than that, it gets to the very basic issue that most Americans instinctively agree with, and that is they ought to have freedom, they ought to have the choice to choose their health care provider, and they ought to make decisions in consultation with their physicians about what is the best procedure to use.

The problem with the approach the Democrats on the HELP Committee have taken—and, incidentally, when it passed yesterday, it was on a partisan-line vote. All the amendments that were offered by Republicans to try to change it or make it better or improve it or at least have some of their policy ideas incorporated were shot down on a party-line vote.

But it seems to me, at least, that if we are going to do something about health care, we should not hand the entire health care system in this country to the Federal Government and have them imposing themselves and them making the decisions that historically have been made by individuals, by consumers, by patients, and their health care providers. That is a fundamental principle of our American tradition; that is, that we believe in freedom.

The European model and the Canadian model on health care, which is often used and touted, is a different one. But that is not the American way. That has never been the American way. The American way is freedom; it is choice; it is individual responsibility, all of which should be emphasized in any health care reforms we pass; I might add again, all of which ought to lead not to higher costs but to lower costs in our health care system.

For the record, as well, there are a number of organizations that have looked very closely at the House bill and are now analyzing the Senate HELP Committee-passed bill and have concluded it is a bad idea. It is not just a bad idea for the taxpayers who are going to be stuck with the higher taxes or the increased borrowing from future generations to finance it, it is not just a bad idea because it puts the government in the way and fundamentally interjects it into the relationship between patients and their health care providers but also because it would kill jobs in our economy.

We have an economy that is very fragile, that is struggling. We have unemployment at 9.5 percent. Perhaps it is going to double-digit levels for the first time in a long time in our country.

So you have the Chamber of Commerce, the National Federation of Independent Business, and the Business Roundtable that have sent a letter. This letter came out, I think, yesterday. It was in response to the House health care reform legislation. But it objects to a number of provisions in the bill.

Specifically, the letter warns that the pay-or-play provision could end up killing many jobs. The new Federal health board "would have significant power but be highly unaccountable to the American people." Then it goes on to say that cost shifting created by the government-run plan "would significantly increase costs for every American who purchases private insurance."

So the major organizations that represent the job creators in this country—the Chamber of Commerce, the National Federation of Independent Business, the Business Roundtable; a number of other organizations, I would add to that, I think are issuing similar type statements and letters—have concluded it would kill jobs, it would reduce the accountability we would have with the American people, and, finally, it would significantly increase costs to Americans who have to purchase insurance.

So I guess the bottom line in all this is, there is sort of a big rush to get this done. The theory is, we have to get this done before the August recess. The House is supposed to have this bill marked up next week and on the floor, perhaps, the following week. And the Senate is trying to figure out a way to wedge this into all the things we have to do. We have the Defense authorization bill on the floor this week and next. We have the Sotomayor nomination that will have to come before the Senate at some point before the August break. But there is somehow this belief around here that we have to jam through this health care bill because if we do not seize the moment and do it now, we are not going to get it done.

Well, I would argue we ought to get it done right rather than do it fast and

do it in haste. The Hippocratic Oath for physicians is: "Do no harm." That ought to be the oath we, as Members of Congress, take with regard to this health care debate. From everything I have seen and read from the experts, from the professionals, from the Congressional Budget Office, who have analyzed the health care bills—both the one that is going to be debated in the House and the Senate committee-passed version—all the analysis that has been done suggests it would do great harm, great harm to the taxpayers who are going to be footing that \$1 trillion or \$2 trillion bill; great harm to the economy, where it will cost us jobs; and great harm, I believe as well, to the American consumer, the health care consumer, who is going to have to pay the cost of this in the form of higher premiums and who will also deal with what could be rationed health care; that is, fewer choices, fewer options because the government is going to be deciding which procedures are covered and which are not.

So we need to take our time. We need to do this right. There are lots of things, as I mentioned earlier, that I think actually do reform the health care system in the country, do lower costs, and make it more affordable to more Americans, and those ought to be what we focus on.

But as was reported this morning by the CBO, a program that will bend the cost curve upward—not just from the trillion dollars we all know it is going to cost in the near term but perhaps trillions of dollars in the long term—is a bad direction to go for health care in this country, it is a bad direction to go for our economy, and it is a bad direction to go for the American taxpayer.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Kansas.

Mr. BROWNBACK. Madam President, I certainly concur with the statement of my colleague from South Dakota as to what he is saying about the health insurance issue and the need to do it right rather than fast. I think it is critically important.

I would like to bring to the body's attention something that was on the front page of the Washington Post today. It is an article about "Who Will Succeed Kim Jong Il?" and the point being: Here is a country that has recently tested missiles that can reach Hawaii, that has recently tested a nuclear device. He is gravely ill. Some are reporting he has pancreatic cancer. We don't know for sure what he has. But the question is, Who will succeed Kim Jong Il? And what does that mean to the United States? And what are we doing about it?

In our office, we are working on a piece of legislation to try to start some planning on our part as to what we should be doing if the leader in North Korea falls and if the state fails in

North Korea, which is a very real possibility: that the overall state apparatus in North Korea will fail, that you will have hundreds of thousands, possibly millions, of people seeking to flee that country or—in a grip of searching for food—moving around to try to find food, that nuclear weapons will not be well watched, and the missile capacity that is there—all in a state that is failing and may fall altogether.

The reason I point this out is, we are on the Defense authorization bill. It is a very important piece of legislation. It is a key piece of legislation. It is a piece of legislation we pass every year because it is so important to the future of this country and so important to the defense of this country.

Here is a moment where we are looking at a potential nuclear threat, missile threat, to the United States and we ought to take up this issue and we ought to deal with the Defense authorization bill and, instead, we are on hate crimes legislation. The majority party has 60 votes to be able to move to that on another piece of legislation and should if they want to bring that up. But why here? And why are we eating up a couple days to do this on this bill, when we have these sorts of threats staring us right in the face?

I am going to put forward an amendment on the Defense authorization bill asking that we relist North Korea as a terrorist country. I think we ought to look at going at their financial instruments. I think we clearly need to be planning for the failure of this state, and we ought to be looking, as a humanitarian issue, at the failure of this state. I think we ought to be looking, as a security issue, at the failure of this state.

If North Korea falls, are we rushing in to try to secure the nuclear sites? Is South Korea? Is China? Is everybody in some sort of agreement as to what takes place to secure these nuclear sites?

What are we doing on humanitarian issues for 20 million people, many of whom will be starving during that period of time—where a number of them are starving now in North Korea?

This is a very present and pressing issue and instead we are on hate crimes legislation.

As a nation, we will not tolerate violent crime, and I am appalled by news stories of individuals being assaulted or even killed because of their ethnicity, their beliefs, who they are. I am appalled by violence done to those who choose any sort of lifestyle they may choose. I believe we must send a strong message through our law enforcement and judicial system that such attacks would bring the full force of law upon those who commit such terrible acts.

I do appreciate the good will and sincerity of those who wish to expand hate crimes legislation. However, I do not believe such legislation in this

body from the Federal Government is the answer. I do not think that is something we should be doing on a Department of Defense authorization bill when we are facing such key strategic threats internationally and we have forces in the field in Iraq and in Afghanistan today. This is not the place. This is not the time.

First, I believe that the severity of a crime should be based upon actions committed. If a violent crime is committed, then the perpetrator should be prosecuted to the fullest extent of the law. Every violent crime ought to be treated as severe, regardless of why it was committed. Every life has value, and every murder is an egregious crime.

Our law enforcement and judicial system should be focused on holding individuals accountable for what they do, not what they think, feel or believe. During the passage of the Statute for Establishing Religious Freedom in 1785, James Madison expressed, "extinguished for ever the ambitious hope of making laws for the human mind." He clearly opposed any law that punished the thoughts or motives of people. Laws already exist to punish crimes themselves.

The Matthew Shepard, hate crimes bill authorizes the prosecution of a crime motivated by actually or perceived race, color, religion national origin, sexual orientation, gender identity, or disability of the victim. This is another example in which a thought or belief becomes an element of prosecuting crime.

Second, I oppose this bill because I believe it would usurp the power and jurisdiction of the States. It violates constitutional federalism by asserting Federal law enforcement power to police local conduct over which the Constitution has reserved sole authority to the 50 States. No matter how upset Americans and politicians might be about certain criminal behavior, every criminal offense and every authorization of criminal enforcement power should be restricted by the explicit principles of the Constitution as well as our long-established criminal law precedents.

Currently, 45 States, as well as the District of Columbia, have hate crime laws. Many of these State laws carry heavier penalties than those proposed in this hate crimes bill. During the Judiciary Committee's hearing on hate crimes, Secretary Holder was asked to prove that there is evidence that hate crimes cases are not receiving proper prosecution and sentencing at the State level. He was unable to produce any.

Even members of the U.S. Commission on Civil Rights, the commission of the U.S. Federal Government charged with the responsibility for investigating, reporting on, and making recommendations concerning civil rights

issues that face the Nation, oppose this bill. Their concern is that this law will allow Federal officials to re prosecute defendants who have already been acquitted by State juries.

Third, all crime victims deserve equal protection under the law. This is granted to them under the 14th amendment. Hate crime laws create a multi-level system of justice in which some crime victims' cases are prosecuted more severely than others.

Recently during the hate crimes debate in the House of Representatives, amendments to add military personnel, pregnant women, the elderly, and the homeless to the list of protected classes were all defeated. It is wrong to attempt to set up the law to favor one class of Americans over another.

Fourth, during the Judiciary hearing on hate crimes, Michael Lieberman of the Anti-Defamation League, when referring to hate crimes, said that "these are selective prosecutions." We have also heard a lot of talk about wanting the Federal Government to send a message about the severity of hate crimes. I cannot endorse the idea that criminal law should be selective or be used to send a message. Its purpose is to prosecute criminal action, not to make selective statements.

Finally, I oppose this bill because I am concerned that it could be used to prosecute against religious leaders and organizations for speaking out against acts they find morally unacceptable. Hate crime laws have already been used in foreign countries to silence people of faith who speak their opinion on homosexuality that is derived from their faith.

The other side continues to insist that this bill does not prosecute speech, only criminal actions. Yet there is great concern within religious communities that the Federal Government could prosecute their leaders and members criminally based on their speech or other protected activity. This is a chilling threat to the first amendment right to free speech for people of faith and freedom of religion. I urge my colleagues to vote against this amendment.

I wish to point out and say to my colleagues, particularly the chairman who is on the floor, my hope is, once we get past hate crimes, we will remain on the Department of Defense authorization and take up the issue of North Korea. I know some may say: Well, that is not germane to the Department of Defense bill. I think it is a lot closer than what we are on right now. I would hope we would bring up this issue because of the clear and present problems we are facing on this issue.

I know the chairman of this committee knows this issue very well. I have worked with him on this issue previously. So we have now a bipartisan bill to relist them as a terrorist country that we are bringing forward. I

met with our nominee to be Ambassador to China today, saying we should begin planning with the Chinese Government today for the failure of the North Korea state taking place in this successionist order.

The North Koreans are acting peculiarly, even by North Korean standards, with all the missiles they have launched, the nuclear weapons they have put in play, the things they have stated lately. They are normally provocative, but this is an all-out scale of provocation that is taking place now.

It would be my hope we could bring this up and at least start to address what clearly is opening to be a major problem. Whether the Obama administration wants to address it now or the Senate wants to address it now, we may not have a choice. If he is facing pancreatic cancer and there is a successionist battle taking place in a nuclear-armed missile country of North Korea and us having 25,000, 27,000 troops just south in South Korea, we may not have a choice. We need to get this addressed. So I would hope the chairman of the committee could take this up at that proper time.

I appreciate this chance and to be able to put this statement into the RECORD. I think it is prudent for us to start to address some things that are right on and in front of us rather than this hate crimes legislation that does not apply to the Department of Defense bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first of all, while my good friend from Kansas is on the floor, let me say, we look forward to seeing the language he is going to be offering on North Korea. His description of North Korea as a threat is an accurate description. I do not know that the terrorist state list fits them, but surely the threatening state list fits them very directly. We look forward to seeing that language and trying to work with him and his colleagues on that amendment.

Nobody should be targeted because of the color of their skin, their religion, their disability, their gender or their sexual orientation. For years now, I have joined many colleagues, with the leadership of Senator KENNEDY, in supporting passage of the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act.

We have seen hate crimes increase in this country, most recently at the Holocaust Museum here in Washington. According to the FBI, between 1998 and 2007, more than 77,000 hate crimes incidents were reported. The legislation we are offering that the majority leader has introduced will help prevent and deter these crimes.

This language, the Matthew Shepard bill, passed the Senate with bipartisan support as an amendment to the Defense authorization bill in September

of 2007. This is not new. This language is offered on this bill. Cloture was invoked then by a vote of 60 to 39. The hate crimes amendment before us will, for the first time, give the Justice Department jurisdiction over crimes of violence which are committed not only because of a person's race, color, religion, and national origin, which we already have on the books, but also based on gender, sexual orientation, or disability.

There have been some statements made about restraints on speech. The language is very clear it only applies to violent acts, and it emphasizes explicitly in this amendment that it puts no limits or restraints on constitutionally protected speech, expressive conduct, or activities, including but not limited to the exercise of religion, which is protected by the first amendment, or peaceful activities such as picketing or demonstrations. The law we are proposing will continue to punish violent acts only, not beliefs. It is crucial that we understand this legislation only applies to violent, bias-motivated crimes and does not infringe on any conduct protected by the first amendment.

The first amendment right to organize, to preach against, or speak against any way of life, or any person, is left intact with this legislation.

Again, we are not starting from scratch. The law already prohibits violent crimes based on race, color, national origin, or religion. This amendment would add disability, sexual orientation, gender, and gender identity.

The amendment ensures that State and local law enforcement will retain primary jurisdiction over investigations and prosecutions. The amendment has a strong certification provision that authorizes the Federal Government to step in only when needed. Prior to indicting a person, the Justice Department must certify that the State in which the hate crime occurred either does not have the jurisdiction, the State has asked the Federal Government to assume jurisdiction, or that a State prosecution has failed to vindicate the Federal interest against hate-motivated violence, or a Federal prosecution is necessary to secure substantial justice.

Now, why this bill? Why on this bill? First, it is common practice in the Senate to offer to bills, although the amendment is of a different subject. In other words, this is not the first. For 200-plus years, amendments have been offered to bills which are not relevant to the bill before us. That is the Senate. It occurs dozens of times every session.

There are not many subjects that are more important than the subject of hate crimes. This bill is an available vehicle for an important subject. We have done this before on this bill.

One other thing that I feel keenly about as chairman of the Armed Serv-

ices Committee, this bill embodies values of diversity and freedom that our men and women in uniform fight to defend.

As Senator KENNEDY said in 2007 when we debated this legislation:

We want to be able to have a value system that is worthy for our brave men and women to defend. They are fighting overseas for our values. One of the values is that we should not, in this country, in this democracy, permit the kind of hatred and bigotry that has stained the history of this Nation over a considerable period of time. We should not tolerate it. We keep faith with these men and women who are serving overseas when we battle that hatred and bigotry and prejudice at home. So we are taking a few minutes in the morning to have this debate and discussion.

Those were Senator KENNEDY's words.

This is not a long debate by Senate standards. This is a reasonably long debate to give everybody an opportunity to express their views. But we have debated this before 2 years ago. We have adopted this before 2 years ago. It was the right thing to do then for the men and women of our country, as well as to keep the faith with the men and women who put on the uniform of this Nation and fight for the values this Nation represents.

Finally, America has taken many steps throughout our history on a long road to becoming a more inclusive Nation, and our diversity is one of our greatest strengths. Our tolerance for each other's differences is part of the lamp that can help bring light to a world which is enveloped in bigotry and intolerance. Hopefully, we can take another step if we adopt this amendment.

So the Matthew Shepard Hate Crimes Prevention Act of 2009 furthers the goal of protecting our citizens from crimes of hate and deterring those crimes. I hope we have a resounding cloture vote, and again, hopefully, that can occur later on this evening.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Madam President, I further ask unanimous consent that I be permitted to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY AND CLIMATE CHANGE

Mr. KERRY. Madam President, earlier today, during the Democratic policy committee luncheon, we were privileged to hear from the CEOs of three of America's largest companies: DuPont, Siemens, and Duke Energy. It seems

we are reaching that point in Washington where folks are starting to line up to argue ideological and nonfactual points of view with respect to one of the major issues facing our country. This is not unusual. Every great debate in history—certainly since I have been in the Senate and well before that—has always been subject to one interest group's or another interest group's interests. Those are often conditioned by phony studies, by one particular industry's funded study, almost inevitably always not peer-reviewed.

So it is that we are beginning to see this kind of a lineup now as a response to the action taken by the House of Representatives, which passed climate change legislation, and a response to the schedule that the majority leader has put us on in the Senate with respect to this legislation. So I wanted to take just a couple of minutes and come to the Senate floor, and I intend to do this on a periodic basis over the course of the next weeks and months as we begin to think about our own approach in the Senate to this critical issue.

Let me say to the Chair and to my colleagues that I hope we can all keep open minds so we will look at this in the context that it ought to be looked at, which is the national security interests, the security interests of our Nation; i.e., energy independence, the fact that we send hundreds of billions of dollars every year to parts of the world that doesn't wind up being invested in American jobs, in America's direct future and, in many cases, money which winds up in the hands of jihadists in one country or another and works against American competitiveness. That is one reason to think about this issue seriously.

Another is that China, India, and other countries are taking this issue very seriously.

Again, today we heard from the CEO of one of America's largest corporations. I think DuPont is one of the largest chemical companies in the world. The CEO said very directly to us that he is concerned about China's commitment as opposed to our commitment, and the fact that out of the top 30 solar, wind, and battery companies in the world, only 5 are in the United States of America.

We are the country that invented many of these technologies, but because ideology trumped fact and reason in the course of the 1980s, the guts were pulled from the energy laboratory out in Colorado, and the United States lost its lead in photovoltaics, alternatives, renewables, to Japan, to Germany, and other countries.

Ironically, as the Cold War ended and we had invested so heavily in that victory in the beginning of the 1990s, we saw the countries that had been locked in by the Communist bloc—the now Czech Republic, then Czechoslovakia, Bulgaria, Romania, other countries

that sought to undo the devastation of the command control policies that had spread ash within 50 miles of a power-plant so there was no living plant, and you couldn't grow anything and the rivers were polluted and the lakes and so forth, and they sought to undo that—where did they go for the technology? They went to Germany and Japan. We lost hundreds of thousands of jobs, economists currently estimate, by the blinders we put on that precluded us from buying into the future, from investing in that future.

So I hope colleagues will look carefully at the economic realities that are staring at us right now. China is investing \$12 million-plus per hour in a green economy. They are investing six times the amount of money of the United States of America. The Pew Foundation has found that from 1996, approximately, until 2007, the greatest job growth in our country came from the alternative renewable energy sector, from new technologies—about 9.1 percent, as opposed to the growth of about 3.7 percent or so that we saw in the normal job sector.

In a State such as North Dakota, for instance, I think they have had about 30 percent growth in the alternative renewable energy sector, and they rank today 24th in the Nation in terms of wind power production. But the Wind Institute tells us they could be No. 1 because they have the best wind in the world—in the United States, at any rate—and they could produce 10,000 times the entire electricity needs of the State of North Dakota just from wind power alone. That is a huge amount of jobs to be created and a huge amount of money to be gained, a lowering of cost for their consumers, and we could go to other States around the country and find similar patterns, where there are very significant increases in the economic base of the alternative renewable energy sector to the exclusion of a very flat level—if not no growth—with respect to normal sectors of our economy. What is critical is that China—I just spent a week there about a month ago, purposefully going there to meet with Chinese leaders about global climate change.

Obviously, I am as committed as any colleague in the Senate to creating an agreement with other nations that holds everybody accountable. Obviously, if the United States does this all by itself, it is not going to work. But China is sitting there saying the same thing: If we do this and the United States doesn't do it, it is not going to work.

The problem is that the U.S. bonafides on this aren't very good. The fact is, we have been deniers of the existence of the problem, while other countries are proceeding to try to deal with it. The fact is, we were, until last year, the world's major emitter of global greenhouse gases. It is very difficult to

go to other countries and say, you have to do this and that, and they look at us and say, what have you done about it?

For countries in Africa and in the less developed world—Indonesia, parts of South Asia, and other places—they look at us and say: Listen, for the last 50 years, you guys have been creating this problem. We have not been able to develop, we are not a developed nation, and you are sitting there telling us we have to make up for the problem you have created, and now we have to spend a lot of money for it.

The fact is, they are willing to be part of it, they are willing to be part of the solution, but the United States has to step up and show leadership and take action. The bottom line is this: If the United States doesn't step up and take action and show leadership, we are not going to get an agreement in Copenhagen and things will get worse. Some people will say: So what; maybe we will do it down the road. I have news for you—and this is absolutely substantiated in science, as well as in technology and economic modeling—if we don't do it now, every year we delay, it gets harder and more expensive and it gets more dangerous.

If you really want to look out for the citizens in your States, do it now because it will be less expensive to do it now than it will be in the future. The real taxpayer protection effort here is to do climate change now. That is why, as I said, CEOs of major corporations in our country are saying: Give us certainty in the marketplace and give it to us now so that we know what our investments will be as we go forward and we can put together a business plan that is intelligent, thoughtful, and based on the realities of where the economy is going to go.

Huge fluctuation in natural gas prices or in the price of coal or what is going to happen with respect to sequestration—all those things create enormous uncertainty. If you are a coal State, a coal interest—and we have plenty of them here—you ought to step back and look at what is happening in the marketplace.

Coal is under pressure now. We had Jim Rogers of Duke Energy tell us today that they have had a whole bunch of coal plants canceled. They have had them canceled on them by States that are refusing to proceed forward using coal. The fact is, a lot of States are turning away from coal. They are doing that because of the price issues but also because of the pollution issues.

If you are a coal State and you want a future for coal, the way to protect that future is not to wait until the EPA regulates on its own, without coming to the table with help for the transition costs; the way to protect it is to recognize that you have to develop a clean coal capacity. The only way to develop a clean coal capacity is

to get the allowances that come through a cap-and-trade system to be able to provide for a transitional support system that allows those companies to transition for the future.

The fact is, in the bill that passed in the House—I don't know what the level in the Senate will be—there is a billion dollars a year for 10 years for clean coal efforts.

So the best way to protect coal and protect America, ultimately—because we have a lot of coal, and it would be wonderful if we were able to burn it but do it cleanly—is to commit now to a system where we are able to provide the support necessary to develop clean coal. The truth is that we know what happens if you don't make this a mandatory structure.

In 1992, President George Herbert Walker Bush committed us to a voluntary protocol in Rio, at what was called the Earth Summit. I went there, together with other Senators, including MAX BAUCUS, FRANK LAUTENBERG, Larry Pressler, John Chafee, Tim Wirth, and Al Gore. We went as a delegation. The President came and gave a speech there, and we committed to a voluntary framework to deal with global climate change in 1992.

Here we are, years later, and it hasn't worked. During the last 8 years, America's emissions of global greenhouse gases went up four times faster than during the 1990s. We have gone backward. While we are going backward, the science is coming back more and more compelling by the day.

The Siberian Shelf Study, just released a few months ago, shows columns of methane rising from the ocean floor because the permafrost lid of the floor is melting, as it is on dry land in Alaska, where they voted recently to move the Nutak Village 9 miles inland. There are dozens of villages in Alaska that are now moving as a consequence of what is happening to the ice shelf and the rising sea levels. As the permafrost lid melts, methane is being released in Russia, the Arctic, and other places where it is exposed. Methane is 20 times more damaging than carbon dioxide. On the ocean floor, you have the columns of methane visibly rising through the ocean, and when they burst out into open air, if you lit a match, it would ignite. That is how potent it is. That is an uncontrollably dangerous potential threat to everybody unless we tap into it or learn how to do that or commit to some other methods of controlling this.

The fact is, a 25-mile ice bridge that has existed for thousands upon thousands of years, which connected the Wilkins Ice Shelf to Antarctica, shattered, fell apart a number of months ago as a consequence of what is happening. A number of Senators have been up to Greenland and have seen the level of icemelt taking place on the Greenland ice sheet. That Wilkins ice

sheet is floating in the ocean, and the Greenland ice sheet is on the rock. Many scientists worry that the river melt that is occurring underneath the ice sheet might, in fact, create a slide effect for massive amounts of ice that might break off and fall into the ocean. If the West Antarctic ice sheet melts and the Greenland ice sheet melts, that represents a 16- to 23-foot sea level increase. That is beyond comprehension in terms of what the impact of that would be. Just a meter of an increase, which is currently predicted for this century—and we are on track to actually meet or exceed that—just a meter means the disappearance of Diego Garcia, the island we use to deploy important supplies to Afghanistan, Pakistan, and to deal with other issues. That will disappear. Countries such as Bangladesh and many islands will disappear, including the coast of Florida. The threat is enormous. The piers in Norfolk, VA, are all cemented to the ocean floor. If that rises a meter, that will be a cost. You can run down the list of things that will begin to happen.

The Arctic ice sheet had previously, a few years ago, been estimated to disappear by 2030 or so. Scientists are now telling us that we will have the first ice-free Arctic summer by the year 2013—4 years from now. That means a lot of different things. It can mean the change of ocean currents and clearly a change in the ecosystem. It means simple things like as more ice is melted and the ocean is opened up—the ocean is dark, the ocean absorbs sunlight. As the sunlight comes down directly onto the Earth, that is absorbed into the ocean rather than reflecting back up, as it used to, off the ice and snow. The result is that the ocean warms even faster, which accelerates what is happening in the Arctic and what is happening in Greenland. So there is a boomerang effect to all of this.

It is ultimately what scientists call the “tipping point.” That brings us to the issue of urgency here. Why is this urgent? It is urgent because for years scientists have been telling us that you have to hold down the level of greenhouse gases to—originally, they said 550 parts per million. Then they revised that as new science came in and people realized things were happening faster than we thought. They revised it to 450 parts per million. Now scientists are revising again, and they are revising again because the rate at which the science is coming back tells us this is happening a lot faster than we thought and to a greater degree. Now they are revising it from 450 parts per million to 350 parts per million. Not everybody has accepted that, but that is going on. Why is that alarming? It is alarming because we are at 385 parts per million today.

With the current rate of coal-fired powerplants coming online, the rate of increased emissions through new build-

ings and the lack of adequate standards on automobiles, and other things, we are pouring emissions into the atmosphere willy-nilly as if there is no tomorrow. Well, that could happen, the way we are going.

The fact is, what is up there already—this is scientific fact. There is nothing that any opponent of global climate change has ever said or done or produced to indicate that this is not fact: Greenhouse gases live in the atmosphere for 100 to 1,000 years. As they live in the atmosphere, they continue to do the warming. So the warming we have done already has warmed the Earth by .8 degrees centigrade. So we can absolutely anticipate a compounding of that warming because the same amount or more is up there, and it is going to continue to do the damage. We don't know how to take it out of the atmosphere. So we are looking at a certainty of another .8 degrees. That takes you up to 1.6. And scientists are telling us the tipping point is at 2 degrees centigrade.

I ask my colleagues to go look at the modeling that has been done by countless different groups around the world. This is not an American conspiracy somehow. This is not a Democratic or Republican thing. It doesn't have that kind of label on it. There are thousands of scientists who, for 25 years or more, have been drawing conclusions based on scientific analyses, and scientists—if you are a good scientist, you are also conservative, because all of the proclamations or findings you make are subject to peer review if you are a good scientist, if you are a legitimate study. The fact is, there are thousands of legitimate peer-reviewed studies that document what is happening in terms of the impact of global climate change. There are zero—not one—peer-reviewed studies that deny those thousands—not one. For all the industry studies you hear, all the scary tactics, like Chicken Little, saying the sky is falling, and the numbers that are put out, no peer-reviewed study supports an analysis that what the scientists say is not happening. We are looking at the potential here of catastrophic implications, which is why the United States needs to move.

The science is one thing; you can put it over here. But what is happening is that other countries have committed to this. Their presidents, their prime ministers, their environment ministers, their finance ministers—all of these people have come together and made a commitment for those countries. They are moving. They accept the science. They also accept the dynamics of the marketplace. They want to be leaders in solar, leaders in wind, leaders in alternatives, renewable, biofuels—you name it. The fact is, unless the United States seizes this economic opportunity, we are going to lose the chance to be leaders in one of the greatest markets in history.

The market that led us to great wealth during the course of the 1990s in the United States was the Internet and data management systems. That market was about a trillion-dollar market and about a billion users at the time during the 1990s, at least when we saw great wealth created.

The energy market is a \$6 trillion market with about 4.5 billion users, many of whom are potential users in places such as India, where solar could light a small village and run electricity pumps where they have no water today and no pumps and no development. There are countless things that could happen as a consequence of this that would have profound consequences on elimination of poverty, which has profound implications on eliminating jihadism in places all around the world.

This is an opportunity to change the paradigm, if you will, into which we have been locked. The United States needs to lead. I want those batteries made in Detroit and countless other cities across this country. I named Detroit because we have the skilled workforce. The automobile industry is hurting. We should be building the cars for America's high-speed rail system there. We should be building the batteries there, not in China. We should be developing these technologies. These are ongoing jobs that repeat for the future, and they cannot be exported. What can be exported is the technology itself, which we have an ability to go out and sell to other countries, which is good for the American marketplace.

As these weeks go on, we need to talk about this. I want to come back to one particular component. I want to underscore the national security implications.

In 2007, 11 former admirals and high-ranking generals issued a report from the Center for Naval Analysis saying that climate change is a threat multiplier with a potential to create “sustained natural and humanitarian disasters on a scale far beyond those that we see today.”

In 2008, a national intelligence assessment echoed those warnings from inside our own government. GEN Anthony Zinni, former commander of our forces in the Middle East, was characteristically blunt in addressing this threat. He says that without action “we will pay the price later in military terms, and that will involve human lives. There will be a human toll.”

The estimates of the intelligence community and those looking at the national security implications are that we could have in a few years as many as 200 million climate refugees. We have an internally displaced issue today in Pakistan. We have it in Afghanistan, Iraq, and other countries. We can have environmentally displaced people who are forced to move because they cannot produce food because they

lose water. The problem of failed states will only be compounded as the instability that comes with those moving populations and the challenges of providing for those people grows.

Believe me, American ingenuity, American military capacity, American lift, American medical capacity, American food aid—all of these things will be called on. And unless we act now, they will be called on to a greater degree than is necessary.

So climate change, in fact, injects a major new source of chaos, of tension, of human insecurity into an already volatile world. It threatens to bring more famine. I invite my colleagues to talk with the developmental people in so many of these countries about the problems they are having today growing crops, about the change in rainfall, about the lack of water, about the desertification that is taking place in places such as Darfur. Time magazine had a headline a couple years ago: Do you want to prevent the next Darfur? Get serious about climate change. There are linkages here, and it is essential for us to understand the costs.

None of the modeling that has been done to date tries to estimate the cost to the consumer, and that is a concern. In fact, there is an enormous amount of money being put on the table through the allowances to cushion this impact so that American citizens are not paying more for electricity and not paying more as a consequence of these changes.

I believe there is a minimal cost. But the truth is that cost has not even yet been properly represented because no model to this date shows the impact of energy efficiencies in America that will reduce the cost for families. No study properly shows the cost of technology advances that will reduce the cost for communities and families. And no study shows the cost to the American consumer of doing nothing.

If the United States does not do this, believe me, that is a tax on Americans, and it is a lot bigger than the costs that are going to come affiliated with the transition to a new economy which is sustainable for the long term for our Nation.

As we go forward, I want to say to colleagues a couple of concerns people have expressed about cap and trade and other issues. The marketplace: Will the marketplace abuse this? Can we trust the marketplace to function? The answer is, all of us have learned some very tough and bitter lessons as a result of lack of regulatory oversight of the 1990s and the last 8 years. So we are going to have in our legislation in the Senate, which is not in the House, some mechanism by which—I am not going to go into all the details now because we are not going to lay out all the details of what we are going to do. But we are going to address this concern of market regulation in order to

adequately guarantee transparency and accountability as we go forward.

There are other concerns people have expressed. As the next days go on, we are going to show day for day exactly what the real costs are, what the real opportunities are, and how we can proceed.

I close by saying that here is the choice, really, for us as Americans and as human beings. Let's say that the people who have no peer-reviewed studies at all, that people who want to be in the flat Earth caucus, or whatever, and argue this is not happening, let's say they are right and we are wrong and we do the things we are going to do because we think they are the right things to do. What is the downside?

The downside is that America would have led the world in terms of technology because every other country is already doing this. Anybody who sits there today and says: What about China, what about China, ought to go to China and see what China is doing. China is determined to be the world's No. 1 producer of electric vehicles, and they are on the way to doing it. China has tripled its wind power goals and targets. China is putting in place right now a 20-percent reduction in energy intensity, and they are ahead of the curve in almost every sector but one and meeting and exceeding that goal. We are not doing that. They are doing that. China is the leader in wind and solar technology. China has a stronger commitment on automobile levels of emissions than we do, and it is going into effect before ours.

I have talked with a number of well-respected observers, both in business and in journalism, who have been to China recently, and they have come back shaking their heads and saying: If we don't get our act in gear, China is going to clean our clock, and we are going to be chasing China in 3 or 4 years.

If you are concerned about holding China accountable to a system, we better put something in place because that is the only way we are going to get a mechanism in Copenhagen that is going to help hold everybody in place.

Here is the bottom line. If we don't get that mechanism, the President is not going to send anything up here, and we are not going to pass it at that point. We are not going to accept some global system that does not address this globally. We have been through that with Kyoto.

The fact is the United States has to do what it has to do in order to make Copenhagen happen, in order to lead the globe in this effort. I hope our colleagues will recognize that.

What else will happen if we are wrong and they are right? We will have cleaned up the air. We will have better health quality in America because we will have better air quality because we will have reduced particulates in the air by reducing global emissions.

The largest single cost of children's health care in the course of the summer in the United States of America is children being committed to hospitals because of air quality, asthma attacks, in the course of the summer, and it is rising as a problem in our country.

It will have reduced hospital costs, better quality of air, better health. What else is a downside of doing this correctly? We will have created millions of new jobs. We see that happening right now. Think of what happens when we set a global target and when the United States sets its own national target and businesses say: Hey, there is money to be made there.

We have better transmission lines so we can send electricity produced from solar in Nevada or in Oklahoma or Texas, or somewhere, and you can sell it to the rest of the country because it can actually be transported there. The minute we do that, the private sector is going to say: Wow, that is worth investing in because we can make a return on our investment.

Look at the size of the market. Today we cannot do that because we cannot send it around the country because we don't have a transmission system that allows us to do that.

The worst that would happen is we move down the road to have cheaper electricity because we can move it from alternatives, renewables all around the country, have a smarter grid, and have the ability to reduce costs for Americans.

What is another downside? Another downside is we might actually reduce poverty around the world because of technology advances. We might reduce the instability of countries and improve our own security, and we will reduce energy dependence because we will be able to produce our own energy at home and not depend on sending hundreds of billions of dollars to other countries in the Middle East and elsewhere. That is a downside.

What is the downside if they are wrong? Catastrophe, absolute catastrophe because we go beyond the tipping point. I cannot stand here and tell you everything that is going to happen. But I read enough and have seen enough of what the scientists say are the potential impacts, and I have seen enough of those impacts already coming true. Just by evidence and common sense, you say to yourself: I don't want to put this to the test because there is no way to come back from it. There is no way to go over that tipping point and turn the clock backwards. That is the choice for all of us.

I hope in the course of this debate we are going to have the kind of debate on the facts, on real studies, peer-reviewed studies, on analyses that make sense so we can make the kinds of judgments that the Senate deserves and that the American people deserve.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Madam President, I heard the Senator from Massachusetts laying out the scenario we face not just as Americans but as inhabitants of this wonderful planet Earth. I was compelled to come to the floor and talk about what we are doing in Colorado in seizing the opportunities that the Senator from Massachusetts points out.

He described ably and eloquently what I have characterized as a “no regrets” policy. We ought to take all of these steps because whether or not climate change materializes—and I am one who believes the science is very powerfully pointing in that direction—all of those steps would result in the benefits he described. Today I want to bring my home State perspective to this debate over cleaner, safer, and more secure energy sources.

When we make this change, we will improve our national security. We lessen our dependence on foreign oil, we protect our Earth, and we preserve the air we breathe and the water we drink. Most of all, we keep faith with our children. I have long believed that we do not inherit the Earth from our parents; we are actually borrowing it and all its majesty from our children.

Colorado has a unique perspective on this opportunity, and I think America can benefit from our experiences.

For many years, we have been a national leader in developing energy sources that are traditional, such as coal and natural gas. And in recent years, we have begun to lead the Nation in producing renewable energy from the Sun, the wind, and from biomass.

In 2004—the Presiding Officer, who is a former Governor, can understand the symbolism of what we did—I led a campaign along with the Republican speaker of our State house, Lola Spradley, to create a renewable electricity standard for our State. We barnstormed together in our State in that highly partisan 2004 election. We surprised people that a Democrat and Republican were campaigning together. It was not a Republican or Democratic issue; it was a Colorado issue and, more importantly, it was a Colorado opportunity.

There were naysayers who tried to scare our voters by saying the renewable standard would raise energy costs and harm our economy. But our voters decided to take up the challenge and to commit to generating 10 percent of our electricity from the Sun and from the wind and other clean sources of energy. Our clean energy producers went to work after we passed this measure, and just 3 years later our legislature, real-

izing we were soon to reach that goal, said: Let's double the standard. So we now have a 20-percent standard we are committing to reach by the year 2020.

We are fortunate to have these ample supplies of clean energy resources in Colorado. But the real key to this has been releasing the ingenuity of our people and then setting goals that create a sustainable future. I wanted to share some examples from Colorado specifically.

Just last week, Tristate, a Colorado utility, joined with a subsidiary of Duke Energy and announced plans to build a wind power facility in Kit Carson, CO, out in our eastern plains.

Vestas—which many are familiar with as the Danish wind turbine supplier—recently broke ground on two new manufacturing plants in the city of Brighton that will eventually employ over 1,300 people. It is also building a \$250 million plant in Pueblo that will be the largest facility of its kind and employ 500 people.

Our Governor, Bill Ritter, has estimated that the solar component—we had a solar component in our renewable electricity standard, specifically to generate solar energy activity—has brought over 1,500 new jobs to Colorado.

I think it is fair to say we have wind turbines sprouting and growing like trees on our eastern plains and we have solar farms that are covering the entire San Luis Valley, which is one of our agricultural gems. This is as a direct result of Coloradans setting a goal and saying we are going to meet that goal. I guess I am optimistic enough about America to know that America can follow Colorado's lead. For me, it is when, not if, we commit to a cleaner, more sustainable energy future, we will lead the world in this next great technological revolution.

The Senator from Massachusetts spoke to the awe-inspiring numbers that are potentials—a \$6 trillion economy—waiting for us out there if we will only commit to pursuing it. The Union of Concerned Scientists has estimated that a 25-percent renewable electricity standard by 2025 will lead to almost 300,000 new jobs in America, \$260-plus billion in new capital investments, \$13 billion in income to farmers, ranchers and rural landowners, and \$12 billion in local and State tax revenues. Consumers would save \$64 billion in lower electricity bills by 2025, while we would reduce the carbon pollution emitted by cars that would be the equivalent of taking 45 million vehicles off of our roads.

I am talking about jobs, Madam President, but it goes much further than that. If, and I say when, we develop a clean energy economy, we will create a new manufacturing base. It will protect our lands and our water, and it will align a policy compass that helps us navigate toward a more prosperous future.

I would like to take a minute and emphasize that the clean energy future I paint doesn't mean the abandonment of traditional sources of energy. We have coal and oil and natural gas in abundance. Nor should it shut the door on nuclear power. Quite the opposite. These sources will remain an essential component of our energy mix for the foreseeable future. I think, as Colorado's experience shows, a balanced energy portfolio will work and that we can find that sweet spot in an energy mix for the future.

We have ample supplies of fossil fuel in Colorado, and we ought to continue to develop those sources. They are crucial to the livelihood of tens of thousands of Coloradans and still comprise the majority of our electric generation. Natural gas, in particular, is a clean and domestic source of energy, and it will be a crucial bridge fuel to the future.

We have massive quantities of oil shale potential on our western slope, and we should continue to research to see if we can produce it in a commercially viable way and in an environmentally sensitive manner.

Colorado has been able to bridge the divide, literally, between our western slope and our eastern plains and between conventional sources of energy from the last century and the clean sources of the future, and the rest of America must now do the same.

The bottom line, though, Madam President, is we must have a comprehensive energy policy that transitions us to cleaner, safer, and more sustainable sources of energy while making full use of existing sources in a responsible manner.

In Colorado, we have a very tangible interest in America adopting broad clean energy sources and therefore limiting our contribution of carbon into the atmosphere, and I would like to focus on one key element of life on our planet, and that is water.

Water is the lifeblood of the entire West. When you grow up in the desert, as I did, you learn to treasure water. You learn that everything is shaped by it, and it may not always be there when you need it if you don't husband those resources. My constituents know that maintaining our water supply is crucial to the health of their families and to preserving the way of life we so value in the West. We have suffered through water shortages. We have seen drought.

My father's generation—not that far removed from our generation—experienced the great Dust Bowl of the 1930s. That was an ecological disaster that reminds us that while we are smart as a species, and we are industrious, Mother Nature always bats last.

When scientists look at our part of the country, they predict that droughts will get worse and precipitation patterns will decrease in Western States

because of our use of and dependence on the traditional sources over the last century. People in Colorado know we can't ignore this threat. We have seen acre after acre of our forests devastated by the mountain pine beetle—an epidemic that was exacerbated by a warming climate that will get worse in the hotter drier conditions to come. When they see that, when I see that, we know that doing nothing is not an option.

The cost of inaction is simply too high, and you see that point of view in all the States in my region of the country, regardless of the leadership at the gubernatorial level, at the legislative level. No matter what part of the country we are from, we have a stake in crafting a new energy policy. Beyond regional interests, members of both political parties know we have to meet this challenge because if we don't, it is not only our economic prosperity that is at stake, our national security is at stake.

I was inspired this week to see that our former colleague, the highly respected, now retired, Senator John Warner, is traveling across the country making the case for a plan to address the threats from climate change. We can debate the causes of climate change, and we should continue to have that debate, but we know what we must do.

First, we must lead the world in a clean energy revolution, and next we must acknowledge that our reliance on foreign sources of oil and fossil fuels isn't a sustainable strategy. Third, we must act soon.

I used to think having a discussion about adapting to the changes being brought about by the emission of carbon was a mistake, and that by looking at adapting we were giving in to the problem. But I have come to realize that we have to be realistic and we have to recognize that the changes that are coming will have real impacts on all of us. If we don't act now, the changes that are coming at us and bearing down on us will have a terrible effect on future generations, and we will be doing those generations a terrible disservice.

The longer we wait, the longer we deny, the longer we spend debating, the harder and, frankly, the more expensive it will be to deal with those changes. So the time to act is now. I urge all of our colleagues to join together to pass a strong, clean energy bill. We can drive America with clean energy.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOTOMAYOR NOMINATION

Mr. MENENDEZ. Madam President, America has been listening to the confirmation hearings of Judge Sotomayor—the lengthy rounds of questioning, the probative approach of the members of the committee—and we have seen an extraordinary jurist in action. We have seen her responses, witnessed the depth, dignity, and clarity of her thoughtful observations. We have seen a skilled, dynamic jurist carefully, thoroughly, calmly engage each member of the committee, showing each Senator a deference in tone and tenor that speaks directly to her temperament and what she will bring to the debate in the hallowed halls of the United States Supreme Court.

I believe most Americans watching these hearings, though deeply concerned about the substance of the issues raised fundamentally—at the heart of it—care more about the person. They care about honor and decency and dignity and fairness. They care about her experience. They care about who Judge Sotomayor is and what she has accomplished in her long judicial career. They care about the record. And the record is clear.

They care that the leaders of prominent legal and law enforcement organizations, who know her best and have actually seen her work, say she is an exemplary, fair, and highly qualified judge. They care about her work fighting crime, and that as a prosecutor she put the Tarzan murderer behind bars. They care that as a judge she upheld the convictions of drug dealers, sexual predators, and other violent criminals. They care that she respects their liberties and protections granted by the Constitution, including the first amendment rights of those with whom she strongly disagrees.

Judge Sotomayor's credentials are impeccable. Set aside for a moment the fact that she graduated at the top of her class at Princeton. Set aside her tenure as editor of the Yale Law Review. Set aside her work for Robert Morgenthau in the Manhattan District Attorney's Office; set aside her successful prosecution of child abusers, murderers, and white-collar criminals; set aside her string of victories along the way, not to mention her courtroom experience and practical hands-on knowledge of all sides of the legal system. Set aside her appointment by George H.W. Bush to the U.S. District Court in New York and her appointment by Bill Clinton to the U.S. Court of Appeals; and the fact that she was confirmed by a Democratic majority Senate and a Republican majority Senate which

alone tells this Senator—if she was good enough twice, she must be good enough a third time.

Set all that aside, and you are left with someone who would bring more judicial experience to the Supreme Court than any Justice in the last 70 years and more Federal judicial experience than anyone nominated to the Court in the last century.

Her record is clearly proof that someone so skilled, so committed, so focused on the details of the law can be both an impartial arbiter and still understand the deep and profound effect her decisions will have on the day-to-day lives of everyday people.

Senators should focus on Judge Sotomayor's full 17-year record on the bench as well as her career as a prosecutor and corporate attorney.

She has been clear and consistent in her answers, despite repeated questions and efforts to trip her up. She has been consistently more forthcoming than any other recent Supreme Court nominee.

Almost every Republican Senator has asked Judge Sotomayor, in total more than a dozen times, about the same comment made in a 2001 speech, a single speech over 8 years ago at Berkeley. She has continued to say, frankly, openly, honestly, that her comment “fell flat,” that she never intended that any person would have an advantage in judging. She has given the same answer each time and each time made clear that “her personal experience does not compel a particular result and prejudice never has a role in her judging.”

She said again yesterday: “I do not believe that any racial, ethnic or gender group has an advantage in sound judging. I do believe that every person has an equal opportunity to be a good and wise judge, regardless of their background or life experiences.”

I know no Senator here has ever made a speech in which their quote fell flat or their comments fell flat or what they intended to say was somehow misconstrued. I know that has not happened among the 100 Members of the Senate.

On gun rights, Judge Sotomayor has consistently followed precedent in second-amendment cases. Yesterday and today she has reaffirmed her view that the second amendment includes the individual right to bear arms.

She reaffirmed, again, today her statement from yesterday, when asked if she would be open to considering whether the second amendment creates an individual right applicable to the States, saying:

I have an open mind on the question. . . . I would not prejudge any question that came before me if I was a Justice on the Supreme Court.

Consistent with her judicial philosophy, she has strictly adhered to the precedent in considering gun rights and

on her commitment to the rule of law Judge Sotomayor has repeatedly stated over and over that she is committed to precedent and the rule of law in every case, a commitment reflected not just in words but in her 17-year record as a fair, moderate judge.

She said, "As a judge, I don't make law."

That is exactly the approach we should expect and demand from any nominee for the Supreme Court.

I implore my colleagues to look at her record, listen to her answers; they are clear, focused, respectful, forthright. She has answered every question directly, honestly, thoughtfully, and without equivocation. She has held nothing back.

But I, personally, as I have watched these hearings, am beginning to wonder: Are we truly in search of answers or are we badgering the witness? I know that all of America is watching this hearing, but I have to tell you Hispanic Americans are watching it with great interest. Attempts at distorting a record that has been committed to the Constitution, to the rule of law, by suggesting that her ethnicity or heritage would be a driving force of her decisions as a Justice of the Supreme Court is demeaning to women and to Latinos, it is demeaning especially in light of a 17-year record that reflects totally the opposite.

Maybe some of my colleagues think that by repeating that statement time and time again they will generate some opportunity to create an image that is simply not true—that they will create an image that is simply not true. For many of us who come from the Hispanic community within this great country, we have seen the efforts to have a class of people painted in a certain way, and I implore my colleagues who seem to be traveling down this road that they are running a great risk—that they are running a great risk. If this judge didn't have the 17-year record of fidelity to the Constitution, fidelity to the rule of law, fidelity to precedent—even when that precedent binds her in a way, as in the Ricci case, in which she had sympathy for the White firefighters, but nonetheless precedent kept her obligated to the decision that they had—I would say maybe that line of questioning is legitimate. But I must be honest with you, when it was raised once or twice or three times—but when it has been raised a dozen times, sometimes by the same Senator asking the same set of questions despite having gotten a full answer on the issue, it creates great concern for some of us who have been down this road in other paths at other times but with the same tactics.

Clearly, this is one of the most gifted jurists in America, and we as a nation would be honored to have her serve on the U.S. Supreme Court. I hope these hearings will come to a conclusion

soon. I look forward to the debate that will take place on the floor and I, as well as the rest of this country who are riveted on this process, are going to be looking for equal justice under the law—the template that is before the mantle on the Supreme Court: "Equal justice under law." Judge Sotomayor deserved to be treated with equal justice in this process and this badgering of the witness, particularly in this line of questioning which has been asked and answered several times, raises serious concerns for those of us who have lived in this community, understand the challenges and understand the way in which people try to paint people in this community.

It is time to end that line of questioning. It is time to have us have the committee move beyond it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEBB. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WEBB. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WEBB pertaining to the introduction of S. 1468 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WEBB. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, may I say for the information of my colleagues, we are working on a unanimous consent agreement so that we can take up the hate crimes issue, the F-22 amendment, and a Republican amendment. Both sides are working hard to get that resolved.

HEALTH CARE REFORM

This is an interesting time in America and in the Congress. We have the very important Defense authorization bill before us. We have the hearings for Judge Sotomayor. We have the HELP Committee reporting out its legislation. There may have been more issues before the Congress, but I don't recall them in the years I have been in the Senate.

Today we had an event that is in the "you can't make it up" category. I read from the CNSNews.com. It is entitled "JOE BIDEN: 'We Have to Go Spend Money to Keep From Going Bankrupt.'"

I quote completely from the news report from CNSNews.com:

Vice President Joe Biden told people attending an AARP town hall meeting that unless the Democrat-supported health care

plan becomes law the nation will go bankrupt and that the only way to avoid that fate is for the government to spend more money.

"And folks look, AARP knows and the people working here today know, the president knows, and I know, that the status quo is simply not acceptable," Biden said at the event on Thursday in Alexandria, Va. "It's totally unacceptable. And it's completely unsustainable. Even if we wanted to keep it the way we have it. It can't do it financially."

"We're going to go bankrupt as a nation," Biden said.

"Well, people that I say that to say, 'What are you talking about, you're telling me we have to go spend money to keep from going bankrupt?'" Biden said. "The answer is yes, I'm telling you."

That is a very interesting story. The thing that probably makes it more interesting is the Washington Post story today entitled "CBO Chief Criticizes Democrats' Health Reform Measures."

I quote from the Washington Post story:

Instead of saving the federal government from fiscal catastrophe, the health reform measures being drafted by congressional Democrats would worsen an already bleak budget outlook, increasing deficit projections and driving the nation more deeply into debt, the director of the nonpartisan Congressional Budget Office said this morning.

Under questioning by members of the Senate Budget Committee, CBO director Douglas Elmendorf said bills crafted by House leaders and the Senate health committee do not propose "the sort of fundamental changes that would be necessary to reduce the trajectory of federal health spending by a significant amount."

"On the contrary," Elmendorf said, "the legislation significantly expands the federal responsibility for health-care costs."

Here we have on the one hand the Vice President today telling the American people that we have to spend money, we have to go spend money to keep from going bankrupt, and yet the Congressional Budget Office says that the proposed changes would weaken our economy and expand the Federal responsibility for health care costs.

Continuing from the article:

The chairman of the Senate Budget Committee, Kent Conrad [Democrat from North Dakota] has taken a leading role in that effort. This morning, after receiving Elmendorf's testimony on the nation's long-term budget outlook, Conrad turned immediately to questions about the emerging health care measures.

"I'm going to really put you on the spot," Conrad told Elmendorf. "From what you have seen from the products of the committees that have reported, do you see a successful effort being mounted to bend the long-term cost curve?"

Elmendorf responded: "No, Mr. Chairman."

Asked what provisions would be needed to slow the growth in federal health spending, Elmendorf urged lawmakers to end or limit the tax-free treatment of employer-provided health benefits . . .

That has a little echo associated with it. I don't know where that idea came from.

. . . calling it a Federal "subsidy" that encourages spending on ever more expensive

health packages. Key Senators, including Conrad, have been pressing to tax employer-provided benefits, but Senate leaders last week objected, saying the idea does not have enough support among Senate Democrats to win passage.

Elmendorf also suggested changing the way Medicare reimburses providers to create incentives for reducing costs.

"Certain reforms of that sort are included in some of the packages," Elmendorf said. "But the changes that we have looked at so far do not represent the sort of fundamental change, the order of magnitude that would be necessary to offset the direct increase in federal health costs that would result from the insurance coverage proposals."

Then incredibly:

Senate Majority Leader Harry M. Reid [of Nevada] dismissed Elmendorf's push for the benefits tax. "What he should do is maybe run for Congress," Reid said.

I have disagreed from time to time with the Congressional Budget Office. I have agreed from time to time with the Congressional Budget Office. But I don't think it is appropriate to use that kind of language from the majority leader of the Senate about these hard-working people. This wasn't just Mr. Elmendorf's product. This was the product of endless nights and days of work on the part of the Congressional Budget Office. If you disagree with them, as I have in the past, disagree and give your reasons for doing so. But for the majority leader to say that what he should do is "maybe run for Congress," frankly, I don't think is an appropriate response to the incredible work that these individuals are doing.

Continuing from the article:

But Senate Finance Committee Chairman Max Baucus . . . expressed frustration that the tax on employer-funded benefits had fallen out of favor, in part because the White House opposes the idea.

Critics of the proposal say it would target police and firefighters who receive generous benefits packages. And if the tax is trimmed to apply to only upper income beneficiaries, it would lose its effectiveness as a cost-containment measure.

"Basically the president is not helping," Baucus said. "He does not want the exclusion, and that's making it difficult."

But he added, "We are clearly going to find ways to bend the cost curve in the right direction, including provisions that will actually lower the rate of increase in health care costs."

* * * * *

Ideas under consideration include health-care delivery system reform; health insurance market reform; and empowering an independent agency to set Medicare reimbursement rates, an idea the White House is shopping aggressively on Capitol Hill.

But Baucus is not giving up on the benefits tax. "It is not off the table, there's still a lot of interest in it," Baucus said.

Well, what this is all about—what this is really all about—is heading in the wrong direction with the wrong fundamentals of what the problems with health care in America are—a fundamental misunderstanding. The health care in America is the highest quality in the world. I went to M.D.

Anderson with the Republican leader and the Senator from Texas, Mr. CORNYN. At M.D. Anderson—one of the great, premier institutions in America, where cancer treatment is incredible—there were people there from 90 countries around the world. Most of those people were wealthy people. They had the choice of going anywhere in the world to get the treatment they felt they needed. They came to the United States of America. That is true of the Mayo Clinic. That is true of many other medical facilities and institutions in America.

So the problem with health care in America is not the quality of care. The problem with health care in America is affordability and availability. The cost of health care continues to increase—inflation of nearly double digits. We cannot afford it.

The Vice President is right when he says it is unsustainable. But when the President says that we want to do nothing, obviously, that is not the view of Republicans. We believe you have to do a lot. We believe you have to do a lot, and that is increase competition in America so people will have choices, affordability, and availability, and not a government-run health care system.

So the architects of the legislation passed through the HELP Committee and being considered by the Finance Committee and that came through the House were fundamentally wrong to start with. They were not attacking the problem of health care in America, and that is the cost. And the quality of health care in America is what needs to be preserved.

How do you install competition? You install competition by letting people go across State lines to shop for the health insurance policy they want. That is prohibited now. Why is that? Why is that?

The other is wellness and fitness. We are in agreement, I want to say, on a lot of issues that have not been highlighted in debate on the floor—Republicans and Democrats. Wellness and fitness, insurance policies that will encourage such things; rewards by employers for people who practice wellness and fitness. In fact, probably one of the best known individuals in America today is the CEO of Safeway. They have had an incredibly successful program for their employees, where if they practice wellness and fitness—they do not smoke, they regularly engage in exercise, including membership in health clubs—guess what. They are rewarded for doing so. And the overall costs of health care in Safeway have gone down. They have told every insurer: Come, if you want to insure our employees, encourage wellness and fitness and let them make a choice. Do so.

That is the essence of what we have to do. The problem in America with health care is that too often there are

fixed costs. There is no competition, and there are incentives to drive up the costs of health care. We all know that. We all know there are certain procedures which are more rewarding than others, and the system is gamed, and that there are billions—tens of billions—of dollars of fraud, abuse, and waste in the Medicare system that have been identified on numerous occasions.

We also know that medical malpractice is a problem, and we need to reform it. Some years ago, the State of California—not known as a conservative State, to say the least—enacted fundamental medical liability practice reform. And guess what. It has resulted in cost savings. It is well known that physicians practice defensive medicine, which many times accounts for a 10-, 15-percent increase in those costs for fear of being sued. And the new technology, which has made such tremendous advances, then, indeed, increases costs because they are overused because that physician knows, in some States, in some cases and places, unless every kind of test is administered—whether that physician thinks it is needed or not, it is going to be administered and prescribed in order to avert the eventuality of appearing in court and not having administered all the necessary, or what the plaintiff's lawyers believe is necessary, tests and procedures.

So look, we know now—we know now—from the Congressional Budget Office, for the second time, that this proposal is not going to cure the health care issues of America. It is time we went back to the drawing board. It is time Republicans and Democrats sat down at the negotiating table—not calling one or two Senators down to the White House, not trying to pick off one Republican or two Republicans, not doing that.

I know that with this plan the Democrats and the administration may be able to pick off a couple Republicans and get 60 votes and enact this massive movement of the government takeover—eventual takeover—of the health care system in America, or we can sit down together for the first time with incredibly knowledgeable people. There is nobody who knows more about health care than our two doctors, Drs. COBURN and BARRASSO. There is nobody who knows more about health care than Senator ENZI, who has been our leader in the HELP Committee—Senator ALEXANDER. There is a lot of knowledge on health care issues. We could sit down together, scrap this idea, scrap this "spend money to keep from going bankrupt," scrap this proposal where the Congressional Budget Office says "the legislation significantly expands the federal responsibility for health-care costs," that the measures would "worsen an already bleak budget outlook, increasing deficit projections and driving the nation

more deeply into debt." That is not the proposal the American people want to pay the penalty for.

So events today have been very interesting. The fact is, what we need to do now is sit down together for a change. I have done it in the past, I will admit, on issues that are not of this magnitude. I do not know if there has been an issue that consumes one-sixth of the gross domestic product of this country that I have been involved in. Certainly other major issues, certainly working together with my friend and colleague from Michigan on the Defense authorization and other measures to preserve our Nation's security. But this issue, I must say, causes all others to pale in magnitude. But that is also the reason why we should sit down together and not pass legislation that is purely on a partisan basis.

Let's listen to the experts. Let's listen to the Congressional Budget Office. I know of no one who believes there is bias in the Congressional Budget Office. As I say, sometimes I have been very disappointed or disagreed with them. But I know of no one who thinks they are not doing the very best they can under the intense pressures of getting out these numbers.

I want to take this moment to salute the Congressional Budget Office, whether I agree with or disagree with them, for the incredible work they have done in the past. I hope at some point to be able, when this health care debate is over, to enter into the RECORD the thousands of hours that have been put in by the Congressional Budget Office and the staff there in trying to come up with their best assessment so we can legislate with the benefit of the knowledge that, frankly, only they possess.

So let's listen to them. Let's listen to other outside experts. Let's recognize the fact that this issue has badly divided this Congress. But let's also listen to the fact that the American people are becoming more and more skeptical of the proposals we are considering or that have been reported out by both the House and the Senate HELP Committee and maybe start over and do something the American people can believe in and for which we can tell the American people we put their interest first.

I note my friend, the Senator from Michigan, is on the floor. I hope we can give a ray of hope to our colleagues and let them know how they are going to be able to spend the rest of the evening.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Michigan.

Mr. LEVIN. Mr. President, let me thank my good friend from Arizona, first of all, for all the effort he has made today with his staff. Our staffs have been working hard. There is a lot of progress on the unanimous consent

request which will set out the path forward, not just for tonight. We, obviously, expect votes tonight—a number of votes tonight—but also for the coming days, when we come back here for votes on Monday.

But there is progress being made, and the staffs are working very hard. We can actually see them in the back of the Chamber at times going back and forth with different ideas. But we are close. We are confident. We are optimistic we will fairly soon have a unanimous consent agreement.

I again thank my friend from Arizona for all he has done to help facilitate this, and our staffs, because they are working hard and I am optimistic they are going to succeed.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I was going to talk about aircraft and aircraft procurement, and I will do that. But before I do that, I feel compelled to respond to the comments of our colleague from Arizona with respect to health care.

It turns out, literally, as we gather here on the Senate floor today, negotiations are underway between Democrats and Republicans, led by Senator MAX BAUCUS, the chairman of the Senate Finance Committee, and Senator CHUCK GRASSLEY, the ranking Republican on the Senate Finance Committee, to try to find common ground with respect to health care.

In a day and age when we spend more money on health care than any other nation on Earth, we do not get better results. I think we have 14,000 people who are likely to lose their health care in our country today—in a country where we have 47 million folks who do not have health care coverage. We can do better than that. There is a strong bipartisan effort, led by two very good people—Senator GRASSLEY and Senator BAUCUS—to find common ground.

As it turns out, I like to use the words of a friend of mine, Senator MIKE ENZI of Wyoming, who talks a lot about the 80-20 rule and why he and Senator KENNEDY have gotten so much accomplished—legislation coming out of the Health, Education, Labor, and Pensions Committee. It is because they agree on 80 percent of the stuff, disagree on 20 percent of the stuff, and they focus on the 80 percent on which they agree.

I think the same could be said about the legislation that is being negotiated today, again, in a bipartisan way. The President has said he wants a bipartisan bill. Our leaders on the Finance Committee want a bipartisan bill. I want a bipartisan bill. I think in order for us to actually get something good, something done that improves the quality of health care that is provided in this country, that slows the growth of health care costs, and bends that cost curve down, and makes it possible

for us to extend coverage to a lot of people who do not have it, it is enhanced by having bipartisan legislation.

I will not go further into that at this time. But I felt compelled to say I have not given up hope. My hope is that the efforts that are underway as I speak will bear fruit and maybe provide a roadmap to a plan we can agree to here in the Senate and in the House to build on the good work the Health, Education, Labor, and Pensions Committee has already done here in the Senate, and to enable us to find common ground with the House and, hopefully, with the Obama administration.

Having said that—I know this might be a good segue—we are spending a ton of money on health care in this country. If you look at the size of our budget deficits, if you look at how much we spend in the country for health care—I am told it is about one-sixth of GDP—that is not sustainable. Medicare is likely to run out of money in about 7 years from now. That is not acceptable. We end up, meanwhile, not getting necessarily better results, and a lot of other countries are spending substantially less.

We have great models for health care delivery in this country. I will mention a few of them that are showing the way to provide better outcomes at less money. They include the Mayo in Minnesota and in Florida; an outfit called Geisinger in Hershey, PA; Intermountain Health in Utah, Kaiser Permanente in northern California; a cooperative called Puget Sound in Washington State; Cleveland Clinic in Cleveland, OH. There are a number of them. For the most part, they are nonprofits or cooperatives that have shown it is possible to provide better care, better outcomes, for less money than what we are getting in this fee-for-service operation that we now call a health care delivery system.

We can do better. My hope is we will keep working at it and not give up and that we will continue to try to work across the aisle until we come up with a product we can bring to the floor and negotiate, debate it on the floor, and then go to conference with the House.

In terms of things that we spend a lot of money on—not just health care—we spend a lot of money on the defense of our country. That is a major priority for our Nation. If we go back to 1990s, 1980s, 1970s, we went for a long time without balancing our budgets. In fact, it was not until, I think, fiscal year 1999, under the Clinton administration, that we actually balanced our budget for the first time, I think, since 1968. It was roughly 30 years, three decades that we went without balancing the budget. I think we did it again in 2000, and then when we had the handover from President Clinton to President Bush, we left the new President with a budget that was, I believe, balanced once more.

We sort of went from that point in time, kind of a high-water mark in terms of fiscal responsibility, and over the last 8 years we turned around and we went in the opposite direction. We ended up running up more new debt in the last 8 years than we ran up in our first 208 years as a nation. I will say that again. We ran up more new debt in the last 8 years than we did in the first 208 as a nation. The debt for the new fiscal year, as we go through this worst recession since the Great Depression and trying to fight two wars, one in Iraq and one in Afghanistan, the meltdown in revenues, very high health care costs; we are looking at a budget deficit which, I am told for this year, may have already exceeded \$1 trillion, which is the highest on record.

I chair a subcommittee of the Homeland Security and Government Affairs Committee in the Senate. One of our responsibilities is to help, along with our colleagues, to scrub spending. One of the things we do is we look for spending that doesn't make much sense or where there is waste, fraud or abuse. I might say, in response to my friend, Senator McCAIN's comments on waste in the Medicare system, one of the encouraging things in the last 3 years is we have gone out and done what we call postaudit cost recoveries in three States for Medicare. In California, Texas, and Florida, we have actually gone out to see where money has been wastefully spent and to see if we can recover that money. The first year we discovered almost nothing, the second year we found a little bit, and last year we found \$700 million. In just three States we did that, and now we are going to be doing the same kind of thing in 47 States, hopefully recovering a lot more money for the Medicare system and maybe taking our lessons learned from recovering moneys misspent, inappropriately spent for Medicare, and do the same kind of thing for Medicaid, and that will put a lot of money back into the Treasury.

My subcommittee focuses on, among other things, wasteful spending, and one of the things we have looked at is cost overruns for major new weapons systems. With the help of the Government Accountability Office, we went back to, I think it was 2001, and we looked for cost overruns for major new weapons systems. In 2001, I think it was about \$45 billion. We have seen it ramp up from about \$45 billion in cost overruns for major new weapons systems, GAO tells us by last year, or maybe it was 2007 or 2008, this number had grown to almost \$300 billion—from \$245 billion in 2001 over the next 6 or 7 years to almost \$300 billion in cost overruns.

Unacceptable. I think we have finally leveled off the increase. Not only is that kind of trend unacceptable, but the level of that enormous cost overrun in weapons systems is unacceptable as well.

In a day and age when our Nation is awash in red ink and in a day and age when we are involved in wars in Iraq and in Afghanistan, it is critically important that we spend every dollar—defense dollar and, frankly, nondefense dollars—as wisely as we can, to get the most out of that money, whether it is health care to make sure that the dollars we are investing there are spent cost-effectively or whether it is for defense to make sure that the money we are spending there is spent cost-effectively.

Senator McCAIN is a Vietnam veteran, and he is a real hero, for me. But we have people who have served here—I think one or two might have been around in World War II. Senator INOUE won the Medal of Honor during World War II. We have had people who served in the Korean war, the Vietnam war, and other times of peace, as well as in times of war.

I spent about 23 years, 5 Active, 18 years Ready Reserve as a naval flight officer and much of that as a mission commander of a Navy P-3 aircraft built by Lockheed. We used the P-3 for years for ocean surveillance, tracking submarines during the Cold War so we would know where they were, and whenever we went up, we would know where to go find them and destroy them if we had to. The strategy was called mutually assured destruction. We, fortunately, never had to do that. We used them in the Vietnam war for a lot of coastal surveillance; low-level flights off the coast of Vietnam and Cambodia. The P-3 was introduced into the fleet in 1960s, and it was introduced as a—formerly used as a commercial airplane, a four-engine turboprop. We had problems with the P-3's wings. We used to say we were afraid they would fall off. I don't know if it was quite that bad, but we had real problems with the P-3s performing reliably as a naval aircraft and bouncing around the skies in all kinds of weather. A lot of work had to be done on the P-3 wing and, within a couple of years, we finally figured out the problem.

They are still flying. We are still using them in Iraq—not to track submarines but all kinds of missions. We have used them for electronic surveillance over the years and we have used them for drug interdiction and now they are doing some special work over in Iraq and that part of the world. It is an airplane which started badly as a military aircraft, but it got a lot better.

You can find the C-5As built in the 1960s, C-5Bs in the 1970s and 1980s—rough startup, rough rampup on the aircraft. We had problems with the aircraft, and we are now overhauling the C-5Bs. We call them C-5Ms. And they are flying 85 percent mission capable. So that is very encouraging. It took a long while to work out the wrinkles, but I think we have now, and we are

going to have a plane we will be able to fly for another 30, 40 years, getting a lot of good use out of it, meeting our military needs around the world.

The F-22 has been around for a number of years—not as long as the P-3, not as long as the C-5, but it has been around for quite a few years. We have, I think, close to maybe 200 of them that either have been built or we are planning to build.

One of the things I find troubling—and I stand in support of the amendment offered by Senators LEVIN and McCAIN and ask unanimous consent to be added as a cosponsor of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Built, I think, largely by Lockheed, and a lot of the contractual work is being done in maybe close to 40, 45 States. But Lockheed does some great work. This particular aircraft, I am troubled by a number of things, as are the sponsors of the legislation. It is not just that they are troubled, and it is not just that I am troubled, but some other folks are troubled too. Let me see if we have a list of some of the people who are calling and maybe suggesting that the F-22s we have ordered are enough.

Among the people who say, in this case, 187 F-22s, fighter aircraft—not an aircraft that is used for a lot—a plane mainly built and designed to use for dogfights with aircraft from other nations in an earlier day; the Soviets or maybe the Chinese or some other country. But among the leaders of our country, they are saying, maybe 187 is enough. Not maybe but saying 187 is enough. Two Presidents, former President George Bush and our current President Barack Obama, they have said that not just in giving speeches, but they have actually said that with the budgets they submit to us, and in this case President Obama's first budget and the last budget, or maybe several budgets from President Bush.

Who else has said 187 is enough? Well, Secretaries of Defense; not only the current Secretary of Defense, who is Bob Gates, but the previous Secretary of Defense, who was also Bob Gates, and I think his predecessor as well said 187 should do us.

We have had three Chairs of the Joint Chiefs of Staff who have said 187 F-22s is enough; we think that should do it.

We have had the current members of the Joint Chiefs of Staff who have said 187 is plenty when it comes to F-22 fighter aircraft.

Finally, two of the most respected Members of the Senate, Senators McCAIN and LEVIN, as leaders of this committee, have said: Well, this is enough. Given our other demands and our other aircraft we have available to meet this need, 187 F-22s is plenty.

Let me take a look at the next chart, if we could, and see what we have. One

of the reasons why all the folks I mentioned have said 187 F-22s is enough, we think of some of the other aircraft we used, fixed wing as well as nonfixed wing aircraft; the F-15 fighter, a number of hours flown in Iraq and Afghanistan—these are rough numbers but about 40,000 flight hours. We have a couple UAVs here, unmanned aerial vehicles, one called the ScanEagle, the other is called the Predator. The Predator is better known. But so far the ScanEagle has flown in Iraq and Afghanistan about 150 flight hours. The Predator has flown about a half million flight hours in Iraq and Afghanistan. One of our helicopters, I think the H-60, generally we think of as the Black Hawk, but Black Hawks have flown 900,000 flight hours in Iraq and Afghanistan. Down here at the bottom, the number of flight hours, as far as we can tell, flown in Iraq and Afghanistan, I am pretty sure this is correct: Zero for the F-22. That is a stark number, a stark contrast.

Sometimes we tend to order weapons systems, build weapons systems, maintain weapons systems to fight wars such as the last war we fought, not thinking so much about maybe the weapons systems we need for the current war or we will likely to need for a future war. One of the reasons why this administration, the last administration, why this President, this Secretary of Defense and previous ones have said we don't think we want to do any more F-22s is because they believe that, for awhile, we are going to be fighting wars such as unfortunately we fought in Iraq and especially Afghanistan. That is going to be more the *modus operandi*. We are going to be fighting counterinsurgencies, and what we need are weapons systems and men and women who are trained to fight in those wars. The F-22, frankly, does not lend itself to that kind of war.

I led a congressional delegation with four of my colleagues back at the end of May into Afghanistan and Pakistan, including our Presiding Officer. We learned a lot. It was wonderful, and we came home feeling very much encouraged about our strategy in Afghanistan, the men and women who are implementing that strategy, both on the military and the civilian side. One of the things we learned going into Pakistan is that, for years, the Pakistanis have been preparing to fight the next war not against the Taliban, not against al-Qaida, which happened in the northwestern province, but they have been preparing to fight the next war forever—I guess since 1947—against the Indians, against the country of India. They may have a weapons system to work just fine in that particular altercation if that were to occur. But their real threat, frankly, isn't as much India anymore; their real threat is the Taliban and the al-Qaida folks hanging out in those northwestern

provinces on the border of Afghanistan. While India and Pakistan may have plenty of fighter aircraft, unfortunately, they don't have any helicopters. They need mobility and they need helicopters to be able to move their counterinsurgency forces. They don't have them. Frankly, we are sort of guilty in a way of the same thing with the F-22.

Let's see what we have on the next chart. I will come to this in a bit. One of the things we think about when we think of aircraft we use is, first of all, the missions we need the aircraft for and the kind of wars and threats we are likely to face. That helps us make that decision.

Occasionally, we look at how much it costs to fly an aircraft. We look at the dollars we spend to put an aircraft or helicopter into the air for an hour. I have seen a wide range of flight hour costs for the F-22—that it might be \$22,000 per flight hour or as high as \$40,000 or \$42,000 per flight hour. I don't have that at my fingertips, the flight hour costs for other aircraft. But that is a lot of money for a flight hour for any aircraft, especially a fighter aircraft. Whether it is \$19,000 or \$20,000 or \$40,000 an hour, that is a lot of money for the kind of job we are looking for the aircraft to do.

We also look at who are we preparing to fight or what threat we are preparing to counter. Some people say just in case the Chinese ever give us trouble, to take them on we need the F-22s, or we may need 200 more. At one time, General Corley said we needed about another 200. As it turns out, we have other aircraft to meet that kind of threat. I hope that is not going to ever materialize, because China is a major trading partner. I hope we don't ever get in a shooting war with them, nor with the Russians.

We have other fighter aircraft. We have the F-15, F-16, and the F-18. We are in the process of building another new fighter aircraft that will be a joint aircraft that will be able to do fights in the air and other things, including air-to-ground attacks, which the F-22 doesn't lend itself to do. I think we are going to build about 2,500 F-35s. It has broad support. We have built about 50 so far. The cost per aircraft for the F-35 is about \$80 million. I think the cost for building a new F-22 is roughly \$190 million. So the F-35 may be \$80 million a copy, and the F-22, which doesn't have the capability or the viability of the F-35, costs about \$190 million—over twice as much. That makes me pause, and I hope it makes some of my colleagues pause as well.

Last, everybody knows we are wrestling through a tough economic time in our country. We have lost a lot of jobs. We had a housing bubble and meltdown, a loss of jobs in banking and financial services, and a lot of manufacturing jobs. Chrysler and GM have gone

into bankruptcy. They are coming out of that, and they have a new product line coming through the pipeline. The banks are stabilized and are lending money again, and some are starting to pay back to the government the money they borrowed.

I am bullish about where we are. It will take a while before jobs come back, but I think there are encouraging signs about our economy.

Having said that, a lot of people would like to have a job who don't have one. If we build another 190 or so F-22s, that would save some 25,000 manufacturing, good-paying jobs. We cannot just sniff at that. Those are real numbers, and it is important for us in the States where the jobs are. If we think about it, if we are talking about building another almost 200 F-22s, and they cost roughly \$190 million a copy, and we are talking about saving 25,000 jobs, if we multiply \$191 million by 194 aircraft, we come up with a total price of about \$37 billion for building those extra 194 F-22 aircraft.

If the numbers are correct, that is about \$37 billion. If we divide that by 25,000 jobs, that turns out to be almost \$1.5 million per job. I nearly fell over when I saw that number—\$1.5 million per job. We have passed a stimulus package, and the Presiding Officer and I voted for it. It was passed with bipartisan support, and I hope it will save a couple million jobs. Jobs make sense. But this is a lot of money for jobs.

You can look at what we say we are going to spend in the stimulus package, the recovery bill, per job. I am not quick enough to run the numbers, but these are expensive jobs.

I hope if we don't build another 200 F-22s, some of the folks who can build them at Lockheed Martin—hopefully, some of them will be able to build F-35s. They cost half as much to build, and they do more things. Hopefully, some of them will be bought by other countries. I am not aware that other countries have bought the F-22, but I think a lot would be interested in buying the F-35, given the variety of missions, the versatility, and the much lower cost.

There you have it, Mr. President. I don't know if I have made a compelling case, but I appreciate the chance to share this with my colleagues and anybody else who is interested at a time when we are wrestling with enormous budget deficits, after 8 years where we literally doubled our Nation's debt, and when we are expected to run up the highest budget deficit in the history of our country, at a time when we have major cost overruns and a new weapon system, and when we have had literally two administrations, two Presidents, two Secretaries of State, and all kinds of Joint Chiefs saying: You know, we have a bunch of these F-22s. We have enough. It is not that we are going to stop spending money on national defense. We are going to spend a fair

amount of money in Afghanistan, and even though we are drawing down the troops in Iraq, we are going to continue spending money in that country as well. The war in Afghanistan is the right war, and we need to stay with it and crush the Taliban, help the Pakistanis crush al-Qaida, and stay with the folks in Afghanistan until they can help defend themselves and go on to a better economy and a better life. That is the important thing to do.

We don't need the F-22 to do that. To the folks who have spent a number of years, and a lot of our money building it, we say thank you. But I think we have enough. We have plenty of other challenges to face.

I appreciate this opportunity to speak.

As I look around the Chamber, obviously, nobody listened with baited breath to what I had to say. Hopefully, they are in their offices and are tuned into C-SPAN II.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

AMENDMENT NO. 1511

Mr. LAUTENBERG. Mr. President, today we are being asked to defend the very core of our American democracy; that is, the right of people to live freely, to move freely, to do what they would like to do as long as they do not bring harm to others. People want to be free from violence, free from fear, free from intimidation. And all too often we hear of crimes committed against innocent people based almost solely on bigotry and hatred. This Senate needs to send a message, a message that this is unacceptable conduct in our society, that these crimes are especially heinous, that these crimes must be severely punished, because it tears at the basic fabric of being freedom-loving Americans.

An example of the horror that accompanies this kind of hatred is that on a day last month, someone turned killer because of religious hatred. This individual walked through the doors of the U.S. Holocaust Memorial Museum, which was then filled with visitors from all around the world, many of them children. His name: James Von Brunn. He raised a rifle and opened fire, killing Steven Johns, a security guard who was simply doing his duty, and wounding others before the individual was shot and subdued. Not only did Mr. Von Brunn take a man's life and terrorize bystanders, but he wanted to destroy this vivid reminder of how vicious man's hatred and bias could be against an entire group of people. Over 6 million Jews died as a result of the Holocaust. Millions of others died also as a result of the Holocaust, stemmed primarily by prejudice and hate.

The tragic fact is that our history is replete with examples of terrible hate crimes. In October of 1998, two men attacked and savagely beat Matthew Shepard, a student who was gay and was there at the University of Wyoming. Shepard died of his wounds a few days later, simply because he was a gay person. In June of the same year, who can forget that a Black man, James Byrd, Jr., was chained to a pickup truck, dragged along a Texas road, and was killed by declared racists.

More recently, we have seen vulgar acts committed in the wake of a historic happening in America. President Barack Obama, an African American, won the Presidential election. In my home State of New Jersey, after the November election, a cross was placed and set afire on the front lawn of a couple, Alina and Gary Grewal. The cross was wrapped in a homemade banner that the Grewals had hung outside their home that simply read "President Obama, Victory '08"—pride filled, honoring this incredible accomplishment that took place within America.

At a time when our Nation should be celebrating the progress we have made, we must bring the full weight of the law to bear on those who commit such atrocious crimes. Unfortunately, existing Federal law hampers prosecutors from trying hate crimes effectively. Right now, current Federal hate crimes law applies only when a victim is involved in particular activities, such as serving on a jury or attending a public school. This legislation would protect victims of hate crimes in all situations, not just when a victim is involved in certain federally protected ones. This amendment would also finally expand Federal hate crimes protection to those victimized based on sexual orientation or disability. Some 15 percent of all reported hate crimes are linked to sexual orientation. Gay Americans should not be afraid to walk about freely, and violent individuals should know that the Federal Government will prosecute you if you commit a crime with hatred as the principal motivator. Hate crimes are the ultimate expression of ignorance and hate, and we must strengthen our Federal laws to protect people against them.

Senator KENNEDY first introduced this legislation in 1997, a year before Matthew Shepard and James Byrd were killed because of bigotry. It is time to pass this critical amendment and stand up for Americans who are victims of vulgar and senseless acts of violence that should not be happening in America without severe punishment, without the reminder that we are a nation comprised of many different ethnicities, different religions, different habits. It should not go without severe penalty if someone is attacked because their habit, their face, their color, their religion is different from the ones most popular.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Ms. STABENOW. Thank you. Madam President, I also ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Ms. STABENOW. Madam President, thank you, very much.

First, I want to congratulate, actually, on the underlying bill, my friend and colleague and the leader of the Armed Services Committee for all of his hard work on the bill that is in front of us. It is so important for the troops. I thank him for his leadership in such a strong way on behalf of the men and women who are serving us every single day and for all the things they need to be able to be supported, along with their families. So this is a very important bill, and I am hopeful we are going to be able to move through this very quickly.

HEALTH CARE

Madam President, I did want to take a moment, though, tonight to talk about health care, about the specifics of the bill we have been working on now for about a year. We have had forums and meetings and drafts and proposals and working sessions for about a year now, I believe. I commend Senator BAUCUS for the incredible amount of time he has put in, as has his staff, with he and Senator GRASSLEY, working, as they always do, so well together.

There has been a tremendous amount of effort that has gone into this, and we will speak more as the process moves along about the specifics of the health care legislation. But tonight I want to take just a moment to talk about why it is so important to do it.

If the system worked well now for everyone in the country, if everyone could find and afford health insurance, we would not be having this discussion. We would not have had this debate. This would not be something that would be a top priority for the President of the United States.

But the reality is, the current system does not work for everyone. Even if you are part of the majority that has health insurance, you are probably seeing your copays go up, your premiums go up. You may be worried about whether you will lose your insurance if you lose your job or your spouse loses his or her job. You may be in a situation where you cannot find insurance because you have a preexisting condition that the insurance companies will not cover.

There are many reasons why people today, even though they have some kind of insurance, are incredibly worried about the future, about what happens when they get sick or what happens when the kids get sick.

Then, for those who do not have any health insurance, of course, it is an even more challenging story. We know there are millions of Americans—47 million and counting, in my home State of Michigan alone over 1 million people—who have no insurance at all. What happens to them when they get sick or when the kids get sick?

So this is a huge issue, and the time has come to decide that health care is a right, not a privilege, in the greatest country in the world.

We have been working for years. It has been 90 years—ever since President Roosevelt wanted to have a health care system that all Americans would be able to use as part of the Social Security Program—that we have been trying to do this, trying to get it right. At that time, 90 years ago, there were not the votes to do that. Since then, Harry Truman wanted to have health care reform. It did not get done.

President Johnson initially wanted to have a system that every American would be able to benefit from. That did not get done. But I am very proud that a first major step was taken with President Johnson and a Democratic majority and some Republican colleagues joining with them. I hope we are going to see that kind of bipartisan effort now. But we ended up with something called Medicare.

If seniors or people with disabilities could have been able to get health insurance that they could find and afford at the time, Medicare would not have passed in 1965. It passed, along with Medicaid for low-income seniors and families, because people could not find insurance. They could not afford it. That is why it passed.

We are now in the same situation. Since that time in 1965, there have been a number of different efforts. A very important effort, one that there was bipartisan support to do, children's health insurance, was put in place—but still, not a system in America where everyone would be able to afford to buy insurance, to be able to get health care for themselves and their families.

So here we are today. It is time to finish the job that was started years ago, to finally say: OK, we understand that health insurance is not like other kinds of insurance. You can choose not to buy a car if you do not want to, and you do not have to have car insurance. You can choose not to buy a house and not have homeowners insurance. You cannot choose not to be a human being and to get sick. So it is different.

So the question for all of us is not whether people will ever need to use the health care system or whether they ever, in fact, will get health care; it is

when and how and how expensive it will be.

One of the major reasons today that the health care system is so expensive—and, in fact, we spend twice as much as any other country on health care. When you think about that, how crazy is that? We spend twice as much as any other country on health care and have over 47 million people with no health insurance. Any economist would kind of look at that and say that is crazy.

But we have a system now where the people who are uninsured or underinsured—or have their premiums and copays going up too much where they cannot afford to use their insurance—go to the emergency room, moms and dads going to the emergency room with their children.

I have had the opportunity to visit emergency rooms, both when I have been in an emergency but also just there with emergency room physicians, with the nurses, to watch what happens. Anytime you have seen that, you know there are lots of moms and dads who have no other choice for their children than to take them to the emergency room.

We also have more and more people who, because of dental problems—the inability to get basic dental coverage—end up in the emergency room of the hospital. When that happens, people are served. That is the job of the hospitals, and I believe we should be focusing on emergency rooms and emergency room physicians and giving them extra support because of what they do. But the reality is, they are served. Then who pays for it? Well, everybody who has insurance pays for it because the hospital then takes the uncompensated care and rolls it over into the costs of those with insurance. That is the system today. People get care.

They walk in the emergency room sicker than they otherwise would be—maybe waiting until late Friday night to have something happen, hoping they were not going to have to go to the doctor because they could not afford it, and they end up in the emergency room on the weekend.

The reality is, we have now institutionalized the system that is the most expensive way possible to provide health care in this country. So that is a huge issue.

We know if everybody is in it, if everybody is part of the system, and we spread all the different ages and health conditions and geographic disparities and all of the different pieces and variables in the system, and we have everybody in some way covered—everybody in—costs actually go down, which is also different than other kinds of goods and services. So health care is, in fact, different.

But we now have a system where we are paying for this and providing for this in the most expensive way pos-

sible. So there are many reasons—many reasons—why we need to have a sense of urgency about health care and what we are doing here. We need to remind ourselves daily that this does not go away just because we are not paying attention. When we are not paying attention, the prices go up. When we are not paying attention, people get sick. When we are not paying attention, businesses continue either not to be able to cover their employees or drop coverage because of what is happening on the costs.

The only question we have is, when are we going to act? That is the only question for us—not whether we are going to pay for it but it is how we are going to pay for it. Are we going to create a system that over time actually lowers costs by doing the right thing and having a system that incentivizes the right things or are we going to continue to do what we do now: costs going up, exploding, and the availability of care going down? That is the system now.

As we discuss all of these issues, it is very complicated. All of us involved in this wish it were not. This is an incredibly complicated issue. As we have been working our way through this very hard, we have heard from lots of people in this discussion, those who operate as a business, who make a profit off this current health care system, those who are involved in it in various capacities. But I don't think we hear enough from those who are affected, from people in Michigan, people in North Carolina, people around the country who are trying to take care of their families, trying to be healthy, trying to get the care they need when they are sick, operating under this system.

Because of that, I set up on my Web site something I am calling my Health Care People's Lobby. We have lots of lobbyists here. I have invited people from Michigan to be a part of my Health Care People's Lobby and share their stories about what is happening for them. I wish to share a few of those comments with my colleagues this evening, from thousands of people who are now a part of my Health Care People's Lobby.

Tricia Kersten from Bloomfield Hills, MI, says she doesn't understand why some Senators don't seem to understand the “unbelievable, daunting, and debilitating effect the cost of health care causes their voters.”

She is right. We all need to be paying attention to that. The cost of health care today, as I mentioned, is crushing our families and businesses, large and small, and that has to be part of—and it is, it is—part of the goal. In fact, it is at the top of the list in terms of our goals—lowering the cost.

Janet Rodriguez, St. Joseph, MI, wrote that her health care premiums for her family of three are over \$700 a

month. Because her employer pays a portion of her premium, and because those premiums are going up and up every year, she hasn't gotten a raise in 3 years.

This is a very common situation for workers who get their insurance through their employer. More and more people are having to trade off getting a wage increase that would help pay the mortgage and food and clothes and send the kids to college for a health care cost increase that is occurring, and their employers having to pay more of that or their having to pay more of that.

Cheryl Crandall of Pontiac, MI, is about to lose her COBRA benefits next month and has been shopping for personal insurance. Within 2 weeks, the price had already jumped from \$22 a month to \$667 a month. So it was \$22, and it jumped to \$667 a month. That is \$150 more than her house payment. She says: "We are very, very frugal people. No big vacations, no expensive toys, and we are not impoverished yet. But premiums like this for mediocre coverage, large deductibles, large copays, can break even the most stable family."

We know that is what is happening. Her story is shared by thousands and thousands of people I know across Michigan.

Our current health care system is bankrupting too many families. We know that over 60 percent of bankruptcies are linked to medical expenses. Seventy-five percent of families who file for bankruptcy actually have health insurance, and those who have insurance on average have medical expenses of over \$18,000 when they file, even though they have a health insurance policy. It is even worse for those without insurance.

Sandra Marczewski from Waterford, MI, wrote to me that she and her husband have been without insurance for 7 months. She writes: "You have no idea the fear I walk around with every day."

This is a fear faced by millions of Americans, tens of millions of Americans, hard-working Americans, people who have done the right thing their whole life and now find themselves struggling in this economy and facing that fear. After they put the kids to bed at night they say a little prayer: Please don't let the kids get sick. They stay up worrying about what is going to happen if they do get sick; avoiding that cancer screening because they don't want to hear it if it comes back positive, because they don't think they can do anything about it. It is a fear that grips the heart of too many Americans, and it is so critical that we move forward in a way that will allow us to address what is happening with American families.

Lee Harshbarger of Ypsilanti lived with that fear. He had no health insur-

ance for 9 years. Thankfully, his wife's job now covers him, but they worry every day: What will happen if she loses her job or if her employer has to cut back on insurance or drop insurance? What will happen then?

It is not just families who are hurting either. We know it is our businesses, large and small. I have had so many small business people come up to me and say: You have to do something. I want to cover my 10 employees, my 5 employees. I can't even find insurance for myself at a reasonable rate, let alone the small group of people who work for me.

A.J. Deeds from Ann Arbor, MI, used to operate a small business in Birmingham. They had 12 employees and they offered them health insurance, but they soon found their competitors didn't offer these benefits and they were left behind competitively, so they faced what many businesses and families face, which is a race to the bottom. You can't compete if you offer health insurance or a good wage, so you drop the health insurance and you push down the wage.

By 1997, he wrote, they had to stop providing health insurance because they couldn't afford it anymore and be competitive with the other companies that didn't offer insurance. That same year, A.J.'s first child was born and his monthly insurance premium shot up to over \$800 a month for three people.

Some have argued that a public health insurance plan would put bureaucrats between you and your doctor. How many times have we heard that? But right now, we have a bureaucrat between you and your doctor, and it is an insurance company bureaucrat. This notion that the doctor can offer whatever tests or procedure he or she feels they should for you is just that; it is not in the real world. It is not real that an individual who has insurance can go out and see a doctor or see any doctor they want, get any procedure, any treatment they want. They first have to look through mounds of paperwork in the insurance policy to see if it is covered, and then the first call the doctor makes is to the insurance company to determine whether they will pay for it.

I believe it is incredibly important that we create a system—this is what we are working to do—that is much more about doctors and patients, much more about that. A critical part of this—and I appreciate that the industry is supportive of this—is changing the system so that someone can get insurance if they have a preexisting condition, that we change the rating bands to make it more affordable and do a number of other insurance regulation reforms. This is incredibly important. But it is also true that right now, your decisions about health care depend upon, A, whether you have health insurance; and B, what it will cover,

what the copays are, what the premiums are. You are in a box that is dependent on whatever that insurance policy is and what it will cover. The worst thing is when someone pays in for years and believes something is covered, and it should be covered, and finds out it is not or finds out they are ill and are then dropped. So there are a number of changes that need to take place there as well.

I have to put a plug in because in Michigan we have, by State statute, established BlueCross BlueShield as a nonprofit to insure everyone in the State, the insurer of last resort, and that has worked very well for us, and I am very appreciative of the great work they do. That is not true everywhere. I think we have some serious issues around the for-profit insurance companies that we need to take a look at as relates to the costs that people are paying.

Robert Balmes from Negaunee, MI, up in the Upper Peninsula, had to jump through hoops with his insurance company to get a medical device he needed. He was forced to deal with the company's in-network sellers, even though he could have gotten the same device much cheaper from a different supplier. His 20 percent copay would have been much lower if he could have gotten the device from the seller of his choice. If he could have gone where he wanted to go, it would have been cheaper, but he wasn't given the choice by the insurance company. He had to pay what the insurance company said or pay the whole thing on his own.

Bea Stachiw from Rochester Hills is also fed up with her insurance company. She has an individual policy, which is one of the most expensive ways you can get insurance, that costs her \$400 a month as an individual, which she describes as "sketchy, at the least, where I have to pay \$2,500 up front as a deductible." She is limited to two doctors' visits a year. So two doctors' visits. Talk about coming between you and your doctor—two doctors' visits a year, and she has a copay. She needed a routine medical procedure and had to pay over \$700 out of her pocket. For people struggling to make ends meet, those kinds of costs are not acceptable. People can't afford this.

Again, this whole process of health insurance reform is about supporting doctors and nurses to be able to do what they were trained and want to do, and to be able to make health care available to Americans, young and old, with families, without, small businesses and large. That is what this is all about.

I am very pleased we are working on an approach that would give people choice, that would allow people to keep their insurance if they wish to, and I think that many people—again, my own family would say, we want to keep ours. Well, we are not in the Federal

system, so we know that many people would say they are satisfied, that they like what they have. I say, great, to that. We want to make sure, No. 1, that people can keep what they have, but if the system is broken for you, we want to fix it. That is what health reform is about. Keep what you have if you like it. Let us fix what is broken so everyone has the opportunity to have the health care they need.

There are a number of ways in which we are working to do that. I mentioned earlier making sure that everyone is covered, a part of lowering the costs so we don't have too many people using the emergency rooms inappropriately. We know that payments to providers drive the system, and the proposal we are all working on would focus on quality, not quantity, of tests; would focus on health and wellness, not sickness, so we are incentivizing those things that allow people to be healthy, that encourage and support primary care doctors as the first line of defense, and nurses as a first line of defense so that people being able to get the care and the funding they need, the screenings, the prevention they need, that is all part of this very important change.

The long-term savings in the system come from changing the system to health care rather than sick care and quality rather than quantity. We also know that, as I said before, insurance reform is an incredibly important part of it, so everyone can get the insurance they need, that it is affordable, and that they know they won't be dropped if they get sick.

Finally, it is very important that we have the right mix of choices, that we have private sector options but that there also be a public health care option that is consumer driven, that is a benchmark on the true cost of providing health care, so there can be competition. It needs to be level and fair competition. I believe we need that competition.

Madam President, we have a lot of work to do in the coming weeks. It is very important work. The American people have waited long enough for us to get this done. We know it is complicated. People of good will are working to come together on an approach, but we need to get it done because people in each of our States—my great State of Michigan and across the country—are counting on us because the system doesn't work now for too many people. It is not acceptable. Getting sick is not a choice. Worrying about your children, your family, your moms and dads, your friends and neighbors, and what will happen to them when they do get sick is a fear or a worry we need to be able to address. We need to take that worry off of the American people and say that we get it.

Health care should be a right, not a privilege, in the greatest country in the world. That is what this work we

are doing is all about. I very much hope we are going to have a product that will be widely supported and that we can move it on to the President as soon as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is considering S. 1390.

Mr. DODD. And that is the Defense authorization bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. Madam President, I wish to spend a couple of minutes talking about one of the issues we are going to be debating and voting on in the next number of days, and that is the consideration of the F-22 Raptor.

I, first of all, want to inform my colleagues, as I have on previous times, of my interest in the subject matter. I am not a member of the Armed Services Committee. I have great respect for CARL LEVIN, one of my dearest friends, chairman of the committee, and JOHN MCCAIN, who is the ranking Republican on the committee, and my colleague JOE LIEBERMAN serves on this committee, and many others who worked hard, I know, on the Defense authorization bill.

One of the matters that is going to be the subject of some debate, as I mentioned, is the consideration of the additional F-22 fighters that were voted on by the committee, in a narrow vote, a 13-to-11 vote, I am told. Now Senator LEVIN and Senator MCCAIN have offered an amendment that would strike the \$1.75 billion for these additional aircraft. I want to address that subject matter.

My State is going to be adversely affected. Somewhere between 2,000 and 3,000 jobs will be jeopardized if this amendment carries. Obviously, that is of great concern to us in Connecticut. It is an argument I hope will have some weight with our colleagues as we are all faced with these matters from time to time. I know just making a Connecticut argument to 99 Senators is not necessarily going to prevail. I hope my colleagues will consider what we are doing.

Our Nation leads the world in aerospace. There is no one even close to our ability to produce the most sophisticated aircraft in the world. The F-22, without any doubt, is the most sophisticated aircraft in the world. But we are told the Chinese and the Russians are quickly developing fifth generation technology to compete with our F-22.

My concern is, if we end up doing what the Levin-McCain amendment does—and that is to terminate this program prematurely—we end up with a number of F-22s that will hardly provide the kind of security that will be required. And for that \$1.75 billion in this budget, we help sustain 25,000 jobs nationwide.

I cannot help but notice that over the last few months the federal government provided \$65 billion to prop up a failing automobile industry. Chrysler and GM have gone through bankruptcy. A lot of people lost their jobs. I was supportive of the effort to try and make a difference there. The industry had failed in many ways. They had not modernized and had fallen behind world competition. So taxpayers provided \$65 billion and acquired significant equity stakes in the companies to prop up our domestic automobile industry.

Here we are talking about \$1.75 billion to support an important segment of the aerospace industry that helps to provide jobs to thousands of American workers. And we are about to say to our workers that the resulting production gap is acceptable, at a time when unemployment rates are expected to exceed 10 percent. But for some reason, some of my colleagues insist that we should not sustain part of the most sophisticated and advanced aerospace industrial base in the world for \$1.75 billion. In contrast, as I mentioned we are devoting \$65 billion to the automobile industry, which to many is a different matter.

I don't understand that logic. This is the very same government that says our domestic auto industry is worth saving, and I joined with my colleagues on that issue. As chairman of the Banking Committee, I led the fight to help save that industry in the Senate, an industry run into the ground by shoddy management and no business plan whatsoever.

While the government is picking winners and losers, I have to ask my colleagues: Do we truly believe that the domestic auto industry is more worth saving than a critical portion of America's aerospace industry? Because that is what we are talking about.

A government-mandated commission on the future of the U.S. aerospace industry recently recommended that "the Nation immediately reverse the decline in and promote the growth of a scientifically and technologically trained U.S. aerospace workforce," adding, "the breakdown of America's intellectual and industrial capacity is a threat to national security and our capability to continue as a world leader." Here we are with unemployment rates going through the ceiling, and for \$1.75 billion—and it is expensive; I am not saying it is not—but we are not in any situation to allow any more American jobs to be lost. These job losses

are entirely preventable; it is within our power to protect the jobs of thousands of workers across the country.

And if the Levin-McCain amendment prevails, I am afraid that some day people will look back, and say: What in the world were we thinking of, with jobs at risk and talented people—engineers, machinists—whom we rely on every day to maintain our superiority in this area.

Madam President and my colleagues, we are about to face a 3-year production gap between the F-22 and F-35. During that time, we will see many of our most skilled and experienced industry workers walk away. And it will be incredibly difficult, in fact I am not sure it is possible, to reconstitute this type of workforce.

So either today or sometime next week we are going to, once again, consider legislation to strip this provision of the bill—the provision that would keep the most advanced fighter jet production lines humming. Before that vote, I hope my colleagues will ask themselves a very simple question: At a time of heightened security concerns and economic uncertainty, is it in our interest to cancel this program? According to the F-22's prime contractor, Lockheed Martin, the F-22 directly employs 25,000 people across the Nation and an additional 70,000 in indirect jobs. With over 1,000 suppliers in 44 States, it has an economic impact of over \$12 billion.

The decision to kill the F-22 will have further ramifications. With this decision, America's production lines of advanced tactical aircraft will grind to a halt, and we are not expected to ramp up again for another 3 years. What happens to that workforce? I know what happens to it. If my colleagues vote for this amendment, they will be voting against our tactical aircraft industry. They will be saying that the government can no longer support these 95,000 skilled workers across our Nation. And to me, it doesn't add up.

The other day I went through a chart explaining the capabilities of this aircraft versus those that exist in nations around the world. We are going to put ourselves at some risk, I would say to my colleagues. And that is not my conclusion alone. Listen to General Corley, who heads up the Air Combat Command, and listen to General Wyatt, the director of the Air National Guard. They have warned us about this very issue. This is a very critical and dangerous decision we are making.

We have spent billions of dollars to develop this plane—billions. We were supposed to build 381 of them. Now we have reduced that number to 187. In doing so, we are committing ourselves to ending the production line. Terminating the program will eliminate the opportunity for us to explore the merits of developing an export model of the

F-22. We have allies that would benefit from purchasing a modified version of this technology. By offering them this capability, we would enhance our shared commitment to protecting global security. But this option will not be available if we adopt the Levin-McCain amendment.

I urge my colleagues to consider this issue. I know Members are facing a great deal of pressure from all sides of this issue. But I think, as Members, we have an obligation, obviously, to respond to the calls we get, but I would argue that we have a higher responsibility to analyze the implications of a vote such as this.

The implications of this vote, I think, are profound and serious for our country in terms of not only the economic and national security impact, but, for the thousands of American jobs that are sustained by the F-22. \$1.75 billion is small in comparison to the \$65 billion we have spent already to prop-up an industry that, frankly, should have shown far more leadership. The industries involved in this are not failing. These are solid, sound businesses. Yet they are going to be damaged as a result of a vote that is quite frankly, not in the interest of our national security or our economy.

I would urge my colleagues, over the next several days, to think through this issue, to examine some of these facts before coming here to cast a ballot that will jeopardize both American jobs and our position as the global leader in aerospace industry.

With that, I yield the floor.

AMENDMENT NO. 1511

Ms. MIKULSKI. Madam President, I rise in strong support of the Smith amendment on hate crimes. This amendment mirrors the Local Law Enforcement Enhancement Act, which I have been proud to cosponsor. This amendment puts America's values of equality and freedom into action.

Hate crimes are one of the most shocking types of violence against individuals. They are motivated by hatred and bigotry. But hate crimes target more than just one person—they are crimes against a community because of who they are—because of their race, gender, sexual orientation, religion or disability.

We are a nation that cherishes our freedom. All Americans must be free to go to church, walk through their communities, attend school without the fear that they will be the target of hate violence. We are a nation that is built on a foundation of tolerance and equality. Yet no American can be free from discrimination and have true equality unless they are free from hate crimes. That is why hate crimes are so destructive. They tear at our Nation's greatest strength—our diversity.

This amendment does two things—it helps communities fight these crimes and it makes sure that those who are

most often the target of hate motivated violence have the full protection of our Federal laws.

The amendment strengthens current law to help local law enforcement investigate and prosecute hate crimes. It does this by closing a loophole that prevented the Federal Government from assisting local and State police at any stage of the investigative process. Simply put—this bill authorizes Federal law enforcement officers to get involved if State or local governments want their help. That means local communities, which often have very limited resources for pursuing these types of crimes, will have the resources of the FBI and other Federal law enforcement agencies at their disposal to help them more effectively prosecute incidents of hate violence.

This amendment also improves current law so it protects more Americans. It broadens the definition of hate crimes to include gender, sexual orientation and disability. Today, gay and lesbian Americans, women and those with disabilities are often targets of hate motivated violence, but existing Federal laws offer these communities no safeguards. That is the weakness in our current law. And that is what this legislation will fix. By passing this legislation today, the Senate says to all Americans that you deserve the full protection of the law and you deserve to be free from hate violence.

Hate crimes are crimes against more than one person—these crimes affect whole communities and create fear and terror in these communities and among all Americans. We need look no further than the horrific killings of James Byrd and Matthew Shepard to know the anger and grief that families and communities experience because of hatred and bigotry. Hate crimes attack the fundamental values of our Nation—freedom and equality. This bill is another step in the fight to make sure that in a nation that treasures these values these crimes do not occur.

So today I rise to support and urge my colleagues to pass this much needed and timely legislation. It is time that we put these American values into action and pass this hate crimes bill. The Local Law Enforcement Enhancement Act says that all Americans are valued and protected—regardless of race, religion, gender, sexual orientation or disability.

Mr. UDALL of Colorado. Madam President, I rise today in support of amendment No. 1511 to S. 1390.

In the midst of my first campaign for Congress in 1998, the Nation was shocked by the tragic death of Matthew Shepard.

We all know well the story of Matthew—a 21-year-old University of Wyoming student who was brutally murdered simply for being gay. He was beaten severely, tied to a fence, and left to die in freezing temperatures.

Matthew was taken to a hospital in Fort Collins, CO, where he never regained consciousness.

I was elected to Congress a month after Matthew's murder. And for every year thereafter, I have supported Federal hate crimes legislation that would later be renamed for him—The Matthew Shepard Hate Crimes Prevention Act.

Ten years later, in 2008, I asked my fellow Coloradans to entrust me with the honor of representing them in the Senate. During that campaign, I was deeply saddened to learn about another tragic murder this time in my home State of Colorado.

In July of last year, 18-year-old Angie Zapata was beaten to death in the living room of her Greeley apartment. According to press accounts, Angie's attacker claims that he brutally went after her with a fire extinguisher, pummeling her until she could not fight back because of his hatred for transgender and gay people. This case is a sobering reminder that 10 years after Matthew Shepard's murder, vile prejudice based on sexual orientation and gender identity still plagues our society.

Unlike Federal law, Colorado has a strong hate crimes statute. The man accused of killing Angie was the first person in the Nation to be tried and eventually convicted under any State's hate crime law for killing a person because of transgender orientation. I hope that the successful prosecution of Angie's killer in Colorado will be an example for other States and demonstrate to Members of Congress that it is time for the country as a whole to follow our lead.

President Obama has promised to sign into law the expansion of hate crimes statute to include sexual identity, gender identity and disability, which is what the amendment before us today would do. I am a cosponsor and ardent supporter of this amendment because I believe now is the time in remembrance of Matthew and Angie and all other Americans who have been a victim of violent crimes motivated by hate to get this done. It is the right thing to do.

Mr. KYL. Madam President, the Hate Crimes Prevention Act, which my colleague from Vermont has offered as an amendment to the Defense authorization bill, should not be attached to such an important piece of legislation. The Defense authorization bill authorizes nearly \$680 billion for national defense programs, most notably the ongoing operations in Iraq, Afghanistan, and the war on terror. It authorizes funding for such crucial programs as missile defense and foreign military aid for Afghanistan and Pakistan, as well as a 3.4-percent across-the-board pay raise for the men and women in the military. With such important issues at stake, we should not attach a con-

troversial piece of unrelated legislation that puts passage of the entire bill at risk.

Last month, members of the Judiciary Committee received a letter from the U.S. Commission on Civil Rights strongly urging us to vote against the proposed Hate Crimes Prevention Act.

The Commission states this bill "will do little good and a great deal of harm." Those are very strong words from the Federal body charged with investigating, reporting on, and making recommendations related to civil rights issues. The Commission's letter details a number of specific concerns, including that the bill would permit Federal authorities to prosecute defendants who have been previously acquitted by State juries—a result that it describes as contrary to the spirit of the double jeopardy clause of the Constitution. Like the Commission, I believe that hate crimes legislation poses significant constitutional problems and risks undermining important principles of federalism.

No less than 45 States and the District of Columbia already have hate crimes laws. I am not aware of evidence that any State has been reluctant to aggressively prosecute hate crimes. Furthermore, Federal sentencing guidelines already provide for enhancements for hate crimes based on race, color, religion, natural origin, ethnicity, gender, disability, or sexual orientation. In fact, in the case of Matthew Shepard, for whom this bill is named, his killers are appropriately serving life sentences in prison for felony murder.

The trend to try at the Federal level crimes that traditionally have been handled in State courts not only is taxing the judiciary's resources and affecting its budget needs but also threatens to change the nature of our Federal system. The pressure in Congress to appear responsive to every highly publicized societal ill or sensational crime needs to be balanced with an inquiry into whether States are doing an adequate job in these particular areas and, ultimately, whether we want most of our legal relationships decided at the national rather than local level.

Federal courts were not created to adjudicate local crimes, no matter how heinous they may be. State courts handle such problems. While there certainly are areas in criminal law in which the Federal Government must act, the vast majority of local criminal cases should be decided in the State courts which are equipped for such matters. Matters that can be handled adequately by the States should be left to them; matters that cannot be so handled should be undertaken by the Federal Government. Neither Senator LEAHY nor other supporters of this bill have demonstrated that there is an epidemic of hate-based violence that State and local authorities can't or

won't prosecute, therefore justifying the need for a hate crimes bill.

For these reasons, I strongly urge my colleagues to vote against the Hate Crimes Prevention Act amendment.

Mr. LEAHY. Madam President, the Senate is considering the bipartisan Matthew Shepard Hate Crimes Prevention Act of 2009 as an amendment to the pending the pending National Defense Authorization Act. This important civil rights bill has been pending for more than a decade and has passed the Senate numerous times—in 2007, 2004, 2000, and 1999. It also has the support of the Attorney General, and the President has asked Congress to take swift action on this bill.

I thank Senator COLLINS, Senator SNOWE, and the 33 other bipartisan cosponsors for their support for my amendment, which contains the full text of the Matthew Shepard Hate Crimes Prevention Act introduced by Senator KENNEDY.

I wish my friend could be here with us today. I commend the senior Senator from Massachusetts for his steadfast leadership over the last decade in working to expand our Federal hate crimes laws.

I thank the majority leader for offering this amendment on my behalf while I chaired the hearing on Judge Sonia Sotomayor to be an Associate Justice on the Supreme Court. I had hoped that we would reach a time agreement or at least an agreement to proceed to this bipartisan amendment. Yet some have sought to further delay passage of this critical measure.

The hate crimes amendment would improve existing law by making it easier for Federal authorities to investigate and prosecute crimes of racial, ethnic, or religious violence. Victims will no longer have to engage in a narrow range of activities, such as serving as a juror, to be protected under Federal law.

In addition, the hate crimes amendment will provide assistance and resources to State, local and tribal law enforcement to address hate crimes. It also focuses the attention and resources of the Federal Government on the problem of crimes committed against people because of their sexual orientation, gender, gender identity, or disability, which is a long-overdue protection.

As a former State prosecutor, respect for local and State law enforcement is important to me. This amendment was carefully crafted to strike a proper balance between Federal and local interests by allowing the Federal Government to appropriately support, but not to substitute for, State and local law enforcement.

I come from a State that passed a law almost a decade ago to expand protections for victims of violence motivated by sexual orientation and gender identity and to increase penalties for hate crimes to deter such violence.

Unfortunately, not all States offer these protections—protections that all Americans deserve. We need a strong Federal law to serve as a backstop to prevent hate motivated violence in America.

The recent tragic events at the Holocaust museum have made clear that these vicious crimes continue to haunt our country. This bipartisan legislation is carefully designed to help law enforcement most effectively respond to this problem.

We stand to make real progress toward expanding Federal protections for victims of bias-motivated violence when we vote for cloture to end debate on the motion to proceed to this amendment.

Senators from both sides of the aisle support this amendment. I call on all my fellow Senators to join me in support of this amendment and to vote to end the delay of Senate consideration of this important measure because expanding hate crimes protections and providing support to State, local, and tribal enforcement efforts are long overdue. That is why a vote for this amendment is necessary.

Mr. HATCH. Madam President, I rise to speak about the Hatch amendment which will be called up later.

As we have had the debate in this Chamber over hate crimes legislation, one obvious fact is revealed again and again. The proponents of the Matthew Shepard Hate Crimes Prevention Act have not taken the time to answer what should have been a threshold question: Is it necessary?

Just a few short weeks ago, Attorney General Eric Holder was gracious enough to testify before the Senate Judiciary Committee on this legislation. During that hearing, I asked him specifically whether there was any evidence of crimes motivated by bias and prejudice that are not being adequately addressed at the State level; whether there was a specific trend indicating that, with regard to hate crimes, justice is not being served in State courts. His answer was not surprising to anyone who has been following this debate for these many years. But if your only knowledge of this issue came from the statements made by the Democrats in support of this legislation, you would probably be very surprised.

His answer was: No. There is not any statistical evidence indicating that the States are not up to the task of investigating, prosecuting, and punishing crimes motivated by bias and prejudice. None. None whatsoever. The Attorney General said quite openly, in fact, that the States were doing a fine job addressing these crimes.

This is not a new revelation. In the years Congress has been debating hate crimes legislation, many of us have been asking similar questions, and we have received similar answers. But in light of the Democratic Attorney Gen-

eral's own testimony regarding the States' laudable efforts to punish hate crimes, it is even more clear that the supporters of this legislation have not answered what would be a threshold question: Is it necessary?

The truth is that the vast majority of States have hate crimes statutes on the books. The acts associated with this legislation—murder, assault, et cetera—are punishable in every jurisdiction in the United States. Under our legal system, defendants will, at times, receive penalties that many believe are not sufficient given the nature of their crimes. In addition, because our criminal justice system is designed to protect defendants and place the heaviest burdens on the government, some guilty parties undoubtedly go unpunished. But I have seen no evidence whatsoever proving that these inevitable occurrences happen more often in cases involving bias-motivated violence and, to date, no such evidence has been provided.

My amendment is similar to legislation I have introduced in the past. Instead of expanding the powers of the Federal Government, it would mandate a study that would provide us with the information we should have before we even consider taking such an approach. Specifically, my alternative would require a study to compare over a 12-month period the investigations, prosecutions, and sentencing in States that have differing laws with regard to hate crimes. In addition, it would require a report on the extent of those crimes throughout the United States and the success rate of State and local officials in combating them.

The amendment would also provide a mechanism for the Department of Justice to provide technical, forensic, prosecutorial or any other assistance in the criminal investigation or prosecution of any crime "motivated by animus against the victim by reason of the membership of the victim in a particular class or group." And it would authorize the Attorney General to make grants to States that lack the necessary resources to prosecute these crimes.

Contrary to what some of my colleagues may believe, Congress does not have the power to act in any manner that it chooses. There are a number of constitutional issues raised by this legislation, including the extent of Congress's power under the commerce clause and prohibitions that could chill free speech in certain sectors of this country. Most apparently, this legislation would impede on grounds that are traditionally left to the States. Worst of all, it would do so when, if the Attorney General is to be believed, the States are by and large doing a fine job at addressing these crimes.

No one in this Chamber wants to see bias-motivated crimes go unpunished. That is not the question we are facing

today. The question is whether, given the current state of affairs in most States and the limitations on Congress's power, this measure is appropriate.

It seems to me before we even consider such a broad and sweeping change in the Federal criminal law we should at the very least have enough information before us to determine whether such law is necessary. My amendment would have us get that information and, in addition, establish a role for the Federal Government that is more appropriate respecting the sovereignty of the States and the limits on Federal power established under the Constitution.

It should be noted that this bill that has been called up is named the Matthew Shepard bill. What happened to Mr. Shepard was brutal, heinous, awful, unforgivable. But the fact is, the perpetrators are now spending the rest of their lives in prison because the local judiciary and system tried and convicted them. There is a real question whether we should put into law this hate crimes bill that I believe is going to cause a lot more problems than it will help, especially since there is no basic evidence that the State and local governments are incapable or unable to take care of these types of crimes.

I think there is a lot of beating of the breasts and acting like we are doing something when in fact all we are doing is gumming up the law if we pass this bill, and I think doing so unconstitutionally, in the end, basically is making it possible to bring hate crimes actions all over the country in a multiplicity of ways that will cost the Federal Government untold amounts of money that should not be spent.

All of us are against hate crimes. Every one of us would do everything we possibly can to get rid of them. But until there is evidence that the State and local governments are not doing the job—and that evidence we have asked for, for years now, and they have never been able to produce any. Until that is produced we should not go ahead and pass legislation like this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, there is soon to be an announced agreement. In that there will be an amendment I am putting forward to protect free speech. I hope all my colleagues would join me in supporting the amendment I am putting forward on the hate crimes bill. I think it is very important that we protect free speech. It has been one of the things my colleagues who support the hate crimes legislation are saying: Look, we are protective of free speech. We are protective of religious expression.

If that is the case, I hope they will vote for the amendment I am putting forward.

I think it is important we be very clear on the protection of free speech and religious protection as protected in the first amendment in this bill as a way for it to be clear these things are to be protected. I want to read the amendment I am putting forward. It is a paragraph long, and I think by reading it, it will help explain some of this to my colleagues:

Nothing in this section or an amendment made by this section shall be construed or applied in a manner that infringes any rights under the First Amendment to the U.S. Constitution, or substantially burdens any exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, association, if such exercise of religion, speech, expression, or association was not intended to—(1) plan or prepare for an act of physical violence; or (2) incite an imminent act of physical violence against another.

There is some lawyerese in that, but what it says is you have free speech unless it is intended to plan or prepare for an act of physical violence or incite an imminent act of physical violence against another.

In other words, if you are saying this to try to incite people to physical violence or an imminent act of physical violence, that is not protected. But everything else is free speech and may be seen by some as religious expression.

What we are trying to do is narrow this, tying it into the actual act that takes place and not be an act that intimidates people's expression of their ideas or expression of their religious convictions that they may hold.

I hope my colleagues will look at this and say, yes, that is what we mean to do, and not to sort of have a chilling effect on all free speech, all free expression, on all free expression within a religious organization or group that may have some differing views.

Frankly, I don't think, if we have a bill that intimidates or chills first amendment free speech or religious expression, that it is going to stand constitutional challenge. That is why I am putting forward this amendment.

The current language of this bill attempts to project the free exercise of religion solely to a first amendment constitutional framework. I think this is problematic because the Supreme Court has severely limited those first amendment rights, particularly regarding free religious expression as a result of a decision in an Employment Division, Department of Human Resources of Oregon v. Smith. It was a Ninth Circuit Court opinion.

The Congress, after that opinion was issued, was quick to recognize the damage done to religious freedom in Smith and in response passed the Religious Freedom Restoration Act. This act serves as a framework created by Congress to protect religious free speech in other contexts. That is what this amendment is taking from, this bill that has already passed this Congress

by a wide margin, the Religious Freedom Restoration Act.

My amendment adopts language from that bill in contrast to the free exercise jurisprudence of the Supreme Court. Courts have noted that the congressionally created Religious Freedom Restoration Act model possesses clarity and ease of construction. In fact, numerous claims that were unsuccessful under the first exercise clause jurisprudence of the Supreme Court have either prevailed or were entitled to remand for more favorable review under the Religious Freedom Restoration Act. My amendment seeks to protect religious motivated speech but it protects speech.

What it says is, if you are in a narrow category of where you are intending this speech to cause somebody bodily harm, then you are not protected, and you should not be protected. But, if otherwise, you are exercising your right of free speech or religious association, you are entitled to the protection under the Constitution.

It would be my hope that my colleagues would look at this amendment and they would say that what we are putting forward is an amendment which has passed this body previously, passed this body in a strong bipartisan vote, is one that we want to stick with—that definition and not this broader one that can be interpreted as limiting first amendment freedom of expression or religious association.

That is a simple amendment I have put forward. I ask my colleagues to look at the amendment itself. It is one paragraph long. I ask they support this amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. REID. Mr. President, Senator MCCONNELL and I appreciate everyone's patience.

I now ask unanimous consent that upon disposition of the Hatch amendment, Leahy alternative to Brownback amendment and Brownback amendments specified below, the Senate proceed to vote on the motion to invoke cloture on the Leahy amendment No. 1511; further, that when this agreement is entered, amendment No. 1539 be withdrawn, and that the following list of amendments be the only amendments on the subject of hate crimes remaining in order during the pendency of S. 1390: Hatch amendment regarding alternative; Leahy or designee alternative to Brownback amendment; Brownback amendment regarding first

amendment protections, Leahy or designee alternative to Sessions death penalty; Sessions amendment regarding death penalty; Sessions amendment regarding servicemembers; Sessions amendment regarding attorney general regulations; that all of the above amendments be first-degree amendments except the Hatch, Brownback and Leahy alternative to Brownback amendment which are second-degree amendments to the Leahy amendment No. 1511; and that debate on any of the amendments listed above be limited to 40 minutes each, prior to a vote in relation thereto, except the Hatch, Leahy alternative and Brownback amendments; and the cloture vote debate time be limited to up to 4 minutes each, equally divided and controlled in the usual form, with the time equally divided and controlled in the usual form; that if there is a sequence of votes, then any subsequent votes after the first would be limited to 10 minutes each; that upon disposition of the listed amendments, all postcloture time be yielded back; further, that the Hatch, Leahy alternative to Brownback and Brownback amendments be first debated and voted tonight, that upon disposition of those amendments, the Senate proceed to vote on the motion to invoke cloture on amendment No. 1511; that if cloture is invoked, then amendment No. 1511, as amended, if amended, be agreed to and the motion to reconsider be laid upon the table; further, that notwithstanding adoption of amendment No. 1511, as amended, if amended, the remaining amendments relating to hate crimes still be in order; further, that if cloture is not invoked on the Leahy amendment, then the motion to reconsider be considered entered and the part of the agreement relating to the amendments with respect to hate crimes be null and void; provided further that if upon reconsideration, and cloture is invoked, then the remaining amendments not disposed of prior to the cloture vote remain in order; further, that the next first-degree amendment in order to S. 1390 be a Republican amendment, with no amendment in order to the amendment during today's session, with the amendment being offered tonight and debate commencing on the amendment when the Senate resumes consideration of the bill on Monday, following disposition of the Leahy alternative and Sessions amendments listed above; that upon disposition of the Republican amendment specified above, Senator LEVIN be recognized to offer the Levin-McCain amendment relating to the F-22, with debate on that amendment limited to 2 hours, with the time equally divided and controlled between Senators LEVIN and CHAMBLISS or their designees; that upon the use or yielding back of that debate time, the Senate proceed to vote on the amendment, with no amendment in order to the Levin-McCain amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, and I will not object, I ask my friend the majority leader, am I correct that after the four votes tonight, the next vote will be on Monday at roughly what time?

Mr. REID. Probably around 3 o'clock. We are going to come in Monday at 1 and work through these amendments we have remaining on hate crimes, and then we would go to the matter that will be offered by the Republicans tonight. When we complete that, we will finish the work in 2 hours on the F-22 amendment.

So next week, everybody, we will start early on Monday, as I have indicated, and we will have, perhaps, some long days. This is an important piece of legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. We appreciate everyone's cooperation. It has been very difficult to get this, but I think it will move to get the Defense bill done at an earlier time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Will these votes be 10-minute votes?

Mr. REID. We have already indicated the first one will be 15. We hope to do some by voice. That is possible.

Mr. KERRY. I thank the leader.

The PRESIDING OFFICER. The Senator from Kansas.

AMENDMENT NO. 1610 TO AMENDMENT NO. 1511

Mr. BROWNBACK. Mr. President, I call up my amendment No. 1610 and ask that it be brought before the body.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 1610 to amendment No. 1511.

Mr. BROWNBACK. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify that the amendment shall not be construed or applied to infringe on First Amendment rights)

Strike page 16, line 24 through page 17, line 7 and insert the following:

SEC. ____ . CONSTRUCTION AND APPLICATION.

Nothing in this division, or an amendment made by this division, shall be construed or applied in a manner that infringes on any rights under the first amendment to the Constitution of the United States, or substantially burdens any exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, association, if such exercise of religion, speech, expression, or association was not intended to—

(1) plan or prepare for an act of physical violence; or

(2) incite an imminent act of physical violence against another.

Mr. BROWNBACK. Mr. President, this is part of the agreement we had for votes on side-by-sides.

What this amendment does is put forward and into this bill language that this body has already passed by a vote of 97 to 3. It is language that was in the Religious Freedom Restoration Act. It is to protect individuals' religious freedom, their freedom of expression. It has passed this body overwhelmingly. It narrows the definition and it says that if you intend to incite somebody to do physical harm to another individual, that is not protected speech. If you plan to prepare for an act of physical violence or incite an imminent act of physical violence against another, it is not protected, that is not protected speech; otherwise, you have free speech and the right to free speech expression and religious freedom expression.

It is important that we have a very clear definition—a narrow definition but a very clear definition—of what is protected and what is not protected speech in this very critical area of first amendment rights and limitations we are putting in here.

It is a very short amendment, a very important amendment on the hate crimes legislation. I ask my colleagues for their support again, as many of my colleagues have already voted for it in an overwhelming number.

I thank my colleagues for their review of this amendment. I hope they can vote for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, once this amendment of the Senator from Kansas is disposed of, I will then offer an amendment. My amendment would preserve the first amendment protections in the hate crimes bill and add language to clarify that nothing in this act diminishes the protections of the first amendment. Of course, we could not pass a bill, as I am sure the Senator from Kansas knows, Congress could not pass legislation that would diminish the protections of the first amendment, the first amendment being in the Constitution, the first amendment protecting our right to practice whatever religion we want or none if we want and protecting our right of free speech.

At the appropriate time, I will have an amendment which would preserve first amendment protections in the hate crimes bill and add language to clarify that nothing in this act diminishes the protections of the first amendment. I would assume the Senator from Kansas would have no objection to that.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I certainly don't have an objection to an amendment being brought up. I would note that this is a very important area we are

treading on, limitation of people's free speech and religious association they have. What I am offering is language that has passed this body by a large margin before, 97 to 3. I hope to see the language the Senator from Vermont is putting forward. If it is the language that is currently in the bill, this is quite untested language in a very limited area. I read his language to be quite expansive. I think it would be questionable, going into constitutional territory. But the bigger point on this being that I believe my colleagues who want to pass the hate speech legislation have been saying all along this does not limit somebody's right of free speech. It doesn't limit anybody's right of religious expression, if they have different views. It is just about a violent act and association that would reflect hate. So what I have done in two sentences is say let's be specific about that rather than very general about that in its interpretation or leaving that to the court.

If I have the language correct that he is putting forward in reinstating this, I really hope my colleagues would look at both of these and say they do want a very narrow, specific definition put forward.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have no objection to just accepting by voice vote his amendment if the language was previously voted on in the last Congress and has been pending for some time.

Mine is very short. I call on any Senator to tell me if there is anything they disagree with. It says:

Nothing in this division, or amendment made by this division, shall be construed to diminish any rights under the first amendment to the Constitution of the United States.

Nothing in this division shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the first amendment to the Constitution of the United States and peaceful picketing or demonstration. The Constitution does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

Does any Member of this body, Republican or Democratic, disagree with that language? Basically, it says the Constitution is the Constitution. We follow the Constitution. Does anyone disagree with that language?

Mr. DURBIN. Will the Senator yield for a question?

Mr. LEAHY. Yes.

Mr. DURBIN. Does the Senator from Vermont recall that when Attorney General Holder appeared before the Judiciary Committee, he was asked pointblank if, in the course of a religious ceremony or religious observance, a person gave a sermon, made a speech that was negative toward people

of different sexual orientation and someone in the congregation, after hearing the sermon, committed an act of violence, the Attorney General was asked, would the person who gave the sermon, gave the speech, be held responsible under the hate crimes act and the Attorney General responded no because the hate crimes act requires a physical act of violence in order for there to be a prosecution? Does the Senator from Vermont recall that?

Mr. LEAHY. I recall that very well. I also note that every single Republican, every single Democratic member on the committee agreed with Attorney General Holder on that.

My amendment simply says that the Constitution of the United States controls. That is the ultimate law of the land. I can't imagine anybody in this body disagreeing with that, especially as every single Member of this body has taken an oath to uphold the Constitution of the United States.

Mr. LEVIN. Will the Senator yield for a question?

Mr. LEAHY. Of course.

Mr. LEVIN. The amendment of the Senator from Vermont makes it very clear that included in first amendment rights are the rights to peaceful picketing or demonstration. That is not included in the Brownback amendment. Would the Senator from Vermont agree, however, that we don't need to choose between the two amendments? They both state important truths and make very important contributions. Is it not the Senator's understanding that both amendments can be adopted, that they are not at all inconsistent with each other?

Mr. LEAHY. I agree with that. And speaking as the chairman of the Senate Judiciary Committee, I am perfectly willing to accept both of them. I would be surprised if my friend from Kansas feels otherwise.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Thank you very much, Mr. President.

I thank my colleagues, and I thank the chairman of the Armed Services Committee for his comment on this issue.

I guess the conferees will have to deal with a difficult issue outside the jurisdiction of the committee, particularly on something like hate crimes, which I really have great question as to why on Earth we would do this on a DOD authorization bill.

But I would like to point out that my colleague, the chairman of the Judiciary Committee, has been in that committee for a long period of time, and he knows these issues very well. What his amendment puts forward is something that will be interpreted then by the courts. It will have to be interpreted by the courts, and it has broader language.

What I am putting forward is very specific language that puts a clear in-

tent of the Congress not to limit certain types of speech but to limit speech that is associated with physical harm or the incitement of physical harm. That seems to me to be clearly appropriate for us to do, probably a better thing to do on the hate crimes legislation—for us to be very specific and narrow in this area where we are treading into first amendment religious expression areas.

I would like to read my language, if I could, to my colleague. It says—and this is the operative part of this—“if such exercise of religion, speech, expression, or association was not intended to”—so it protects every area except what is “not intended to plan or prepare for an act of physical violence; or incite an imminent act of physical violence against another.”

So we are trying to get into the category and the area, and a lot of people are very concerned about this, about being able to have their rights for religious expression and freedom. I think this is a much tighter focus. I believe my colleague would agree, as a lawyer—

The PRESIDING OFFICER. The time on the amendment has expired.

Mr. BROWNBACK. Mr. President, I ask for the yeas and nays on the Brownback amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, parliamentary inquiry: I understand the first vote under the unanimous consent agreement will be on the Leahy amendment; is that correct?

The PRESIDING OFFICER. Hatch.

Mr. LEVIN. In terms of these two amendments?

The PRESIDING OFFICER. Hatch. And then after Hatch, Leahy, then Brownback.

Mr. LEVIN. All right. So that after the disposition of the Hatch amendment, the first amendment to be disposed of between these two would be the Leahy amendment?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. I would hope that to expedite things the Senator from Vermont would consider a voice vote because I think both of these amendments will pass, and should pass, and we can save the body's time.

But I would like to suggest that even though the Senator from Kansas wants a rollcall, both amendments should be adopted, and if the Senator from Vermont can accept a voice vote when it comes his turn, I think that will indicate the clear will of the body, and then we would proceed to another clear will of the body on the amendment of the Senator from Kansas.

Mr. LEAHY. Mr. President, to answer the Senator from Michigan, I am perfectly willing to voice vote both of them. I intend to vote for both of them. We are saying that you have a freedom of religion, and the courts cannot undermine the first amendment.

This is hornbook law. This is your first week of law school. No court is going to disagree with that. I am perfectly willing to accept both by a voice vote.

AMENDMENT NO. 1613 TO AMENDMENT NO. 1511

So, Mr. President, I offer my amendment and send it to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 1613 to amendment No. 1511.

The amendment is as follows:

At the end of the amendment, insert the following:

(b) FIRST AMENDMENT.—Nothing in this division, or an amendment made by this division, shall be construed to diminish any rights under the first amendment to the Constitution of the United States.

(c) CONSTITUTIONAL PROTECTIONS.—Nothing in this division shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the first amendment to the Constitution of the United States and peaceful picketing or demonstration. The Constitution does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 1611 TO AMENDMENT NO. 1511

Mr. HATCH. Mr. President, I call up amendment No. 1611 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1611 to amendment No. 1511.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prevent duplication in the Federal government)

At the appropriate place, insert the following:

SEC. ____ COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, division E of this Act (relating to hate crimes), and the amendments made by that division, shall have no force or effect.

(b) STUDIES.—

(1) COLLECTION OF DATA.—

(A) DEFINITION OF RELEVANT OFFENSE.—In this paragraph, the term “relevant offense”

means a crime described in subsection (b)(1) of the first section of Public Law 101-275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) COLLECTION FROM CROSS SECTION OF STATES.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors' Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) DATA TO BE COLLECTED.—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) COSTS.—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) STUDY OF RELEVANT OFFENSE ACTIVITY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) IDENTIFICATION OF TRENDS.—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(C) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(d) GRANTS.—

(1) IN GENERAL.—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by rea-

son of the membership of the victim in a particular class or group.

(2) ELIGIBILITY.—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) DEADLINE.—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) GRANT AMOUNT.—A grant under this subsection shall not exceed \$100,000 for any single case.

(5) REPORT AND AUDIT.—Not later than December 31, 2010, the Attorney General, in consultation with the National Governors' Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$5,000,000 for each of the fiscal years 2010 and 2011 to carry out this section.

Mr. HATCH. Mr. President, the purpose behind this amendment is simple. The proponents of the Matthew Shepard Hate Crimes Prevention Act have yet to answer what should have been the threshold question: Is it really necessary?

My amendment would mandate a study to determine whether the States are adequately addressing bias-motivated violence. To date, we have seen no evidence that they are not. In fact, we have asked the Attorney General, for years now, to come up with any evidence they can. In the hearing before the Judiciary Committee recently, he specifically stated the States are doing a good job at addressing hate crimes.

It would also authorize the Justice Department to provide limited aid and assistance in State prosecutions of bias-motivated crimes.

In almost every case raised by the proponents of a horrific act of violence motivated by prejudice, the perpetrators have been dealt with adequately at the State level.

In the Matthew Shepard case, the two perpetrators are spending life in prison. In other cases, some have had the death penalty, and others have spent life in prison.

Before we start overriding State efforts, I believe we should at least make an effort to determine whether there is a legitimate Federal role in the prosecution of hate crimes. That is what my amendment would do, and I hope our colleagues will consider voting for it.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I know the hour is late. The matter is very simple. The Hatch amendment kills the hate crimes legislation. If you want to kill the hate crimes legislation, vote for the Hatch amendment. If you do not want to kill the hate crimes legislation, if you want a chance to vote on something the Senate has voted for time and time again, then vote against the Hatch amendment.

The Attorney General testified at the request of the Republicans. He testified before the Senate Judiciary Committee and endorsed the legislation before us. The Hatch amendment—perhaps well-meaning; I assume it is—would, in effect, eviscerate the hate crimes legislation. It would kill the hate crimes legislation.

The question is very simple: Vote for Hatch; you kill the hate crimes legislation. Vote against it, we have a chance to vote for the hate crimes legislation—something the Senate has voted for several times before and something the Attorney General supports based on a hearing we had at the request of the Republicans within the past month.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator from Utah has 40 seconds remaining.

Mr. HATCH. Mr. President, my amendment does not kill the hate crimes opportunity. It says, let's do a study. Let's know what we are talking about. Let's see if there is a real need for this bill. With all of the constitutional ramifications this bill has, it says: Let's be cautious. Let's just not go pell-mell into the maelstrom without knowing what we are talking about.

Mr. LEVIN. Mr. President, is there any time remaining for the opponents?

The PRESIDING OFFICER. There is 45 seconds.

Mr. LEVIN. Mr. President, the Hatch amendment is explicit. It is clear. On lines 6 and 7 on page 1, and lines 1 and 2 on page 2, it says: "division E of this Act (relating to hate crimes), and the amendments made by that division, shall have no force or effect." It is explicit. It says: No hate crimes legislation; instead, a study.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah has 15 seconds.

Mr. HATCH. Mr. President, all it says is, we would go a different route. We would do the study first, so we do not go off half cocked and do something that may be unconstitutional and unsound.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

All time has expired on the Hatch amendment.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Tennessee (Mr. CORKER), the Senator from Missouri (Mr. BOND), the Senator from New Hampshire (Mr. GREGG), the Senator from Kentucky (Mr. BUNNING), the Senator from Florida (Mr. MARTINEZ), and the Senator from South Carolina (Mr. GRAHAM).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea," the Senator from Tennessee (Mr. CORKER) would have voted "yea," and the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 29, nays 62, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—29

Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Brownback	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Cornyn	Johanns	Vitter
Crapo	Kyl	Wicker
DeMint	McCain	

NAYS—62

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Pryor
Begich	Inouye	Reed
Bennet	Johnson	Reid
Bingaman	Kaufman	Rockefeller
Boxer	Kerry	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Casey	Leahy	Stabenow
Collins	Levin	Tester
Conrad	Lieberman	Udall (CO)
Dodd	Lincoln	Udall (NM)
Dorgan	Lugar	Voivovich
Durbin	McCaskill	Warner
Feingold	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
	Murray	

NOT VOTING—9

Alexander	Byrd	Gregg
Bond	Corker	Kennedy
Bunning	Graham	Martinez

The amendment (No. 1611) was rejected.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1613

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Vermont.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, this amendment is very simple. Anybody can read it in about a minute. It says that nothing shall add to or detract from the first amendment to the Constitution. No court in the country would rule otherwise. It simply says that regarding the right of free speech in this country, nothing can be taken from it and nothing added to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1613) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

AMENDMENT NO. 1610

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Kansas.

The Senator from Kansas is recognized.

Mr. BROWNBACK. The language we put in the Religious Freedom Restoration Act passed this body 97 to 3. This language is much more targeted, so it doesn't leave it all to the interpretation of the court. It expresses what this body has previously expressed. I think it is important that we put this forward. It says that if you are speaking and intending to incite physical violence or imminent threat, that is not protected speech. But otherwise you have protected speech. It puts a much finer definition on it that is important for this legislation.

I urge my colleagues to vote for this amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Tennessee (Mr. CORKER), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. MARTINEZ), the Senator from South Carolina (Mr. GRAHAM), and the Senator from Missouri (Mr. BOND).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea," the Senator from Tennessee (Mr. ALEXANDER) would have voted "yea," and the Senator from Tennessee (Mr. CORKER) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 13, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—78

Barrasso	Feingold	Merkley
Baucus	Feinstein	Murkowski
Bayh	Franken	Murray
Begich	Grassley	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bennett	Hatch	Pryor
Bingaman	Hutchison	Risch
Boxer	Inhofe	Roberts
Brownback	Inouye	Rockefeller
Burr	Isakson	Sanders
Cantwell	Johanns	Sessions
Carper	Johnson	Shaheen
Casey	Kaufman	Shelby
Chambliss	Kerry	Snowe
Coburn	Klobuchar	Specter
Cochran	Kohl	Stabenow
Collins	Kyl	Tester
Conrad	Landrieu	Thune
Cornyn	Levin	Udall (CO)
Crapo	Lieberman	Udall (NM)
DeMint	Lincoln	Vitter
Dodd	Lugar	Voivovich
Dorgan	McCain	Warner
Durbin	McCaskill	Webb
Ensign	McConnell	Wicker
Enzi	Menendez	Wyden

NAYS—13

Akaka	Harkin	Reid
Brown	Lautenberg	Schumer
Burris	Leahy	Whitehouse
Cardin	Mikulski	
Gillibrand	Reed	

NOT VOTING—9

Alexander	Byrd	Gregg
Bond	Corker	Kennedy
Bunning	Graham	Martinez

The amendment (No. 1610) was agreed to.

Mr. BROWNBACK. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Leahy amendment No. 1511 to S. 1390, the National Defense Authorization Act for Fiscal Year 2010.

Evan Bayh, Roland W. Burris, Benjamin L. Cardin, Patrick J. Leahy, Sheldon Whitehouse, Jeff Bingaman, Bernard Sanders, John F. Kerry, Carl Levin, Frank R. Lautenberg, Dianne Feinstein, Tom Harkin, Robert Menendez, Richard J. Durbin, Christopher J. Dodd, Charles E. Schumer, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1511 offered by the Senator from Vermont, Mr. LEAHY, to S. 1390, the National Defense Authorization Act for

fiscal year 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from Tennessee (Mr. CORKER), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), and the Senator from Florida (Mr. MARTINEZ).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay," the Senator from Kentucky (Mr. BUNNING) would have voted "nay," the Senator from South Carolina (Mr. GRAHAM) would have voted "nay," and the Senator from Tennessee (Mr. CORKER) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 28, as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—63

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Bayh	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Sanders
Burris	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Snowe
Carper	Leahy	Specter
Casey	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Lincoln	Udall (CO)
Dodd	Lugar	Udall (NM)
Dorgan	McCasikill	Voinovich
Durbin	Menendez	Warner
Feingold	Merkley	Webb
Feinstein	Mikulski	Whitehouse
Franken	Murkowski	Wyden

NAYS—28

Barrasso	Ensign	McConnell
Bennett	Enzi	Risch
Brownback	Grassley	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	
DeMint	McCain	

NOT VOTING—9

Alexander	Byrd	Gregg
Bond	Corker	Kennedy
Bunning	Graham	Martinez

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 28. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the Leahy amendment, as amended, is agreed to.

The motion to reconsider is considered made and laid upon the table.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank my colleagues for accepting the amendment. I also thank the distinguished Senator from Michigan, the chairman of the committee, and the distinguished majority leader for their work, as well as my staff, Bruce Cohen, Kristine Lucius, Noah Bookbinder, and others.

We have made it very clear—the Senate has made it very clear—how we hold in abhorrence hate crimes. I thank my colleagues for standing up and so strongly voicing, in a bipartisan way, their opposition to hate crimes.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1618

Mr. THUNE. Mr. President, I have an amendment that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] for himself, Mr. VITTER, Mr. ENZI, Mr. BARRASSO and Mr. COBURN, proposes an amendment numbered 1618.

Mr. THUNE. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State)

At the end of subtitle H of title X, add the following:

SEC. 1083. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) FINDINGS.—Congress finds the following:

(1) The second amendment to the Constitution of the United States protects the right of an individual to keep and bear arms, including for purposes of individual self-defense.

(2) The right to bear arms includes the right to carry arms for self-defense and the defense of others.

(3) Congress has previously enacted legislation for national authorization of the carrying of concealed firearms by qualified active and retired law enforcement officers.

(4) Forty-eight States provide by statute for the issuance of permits to carry concealed firearms to individuals, or allow the carrying of concealed firearms for lawful purposes without need for a permit.

(5) The overwhelming majority of individuals who exercise the right to carry firearms

in their own States and other States have proven to be law-abiding, and such carrying has been demonstrated to provide crime prevention or crime resistance benefits for the licensees and for others.

(6) Congress finds that the prevention of lawful carrying by individuals who are traveling outside their home State interferes with the constitutional right of interstate travel, and harms interstate commerce.

(7) Among the purposes of this Act is the protection of the rights, privileges, and immunities guaranteed to a citizen of the United States by the fourteenth amendment to the Constitution of the United States.

(8) Congress therefore should provide for the interstate carrying of firearms by such individuals in all States that do not prohibit the carrying of concealed firearms by their own residents.

(b) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

"§ 926D. Reciprocity for the carrying of certain concealed firearms

"(a) Notwithstanding any provision of the law of any State or political subdivision thereof—

"(1) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and a valid license or permit which is issued pursuant to the law of a State and which permits the person to carry a concealed firearm, may carry a concealed firearm in any State other than the State of residence of the person that—

"(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

"(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes;

"(2) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and is entitled to carry a concealed firearm in the State in which the person resides otherwise than as described in paragraph (1), may carry a concealed firearm in any State other than the State of residence of the person that—

"(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

"(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

"(b) A person carrying a concealed firearm under this section shall—

"(1) in a State that does not prohibit the carrying of a concealed firearms by residents of the State for lawful purposes, be entitled to carry such firearm subject to the same laws and conditions that govern the specific places and manner in which a firearm may be carried by a resident of the State; or

"(2) in a State that allows residents of the State to obtain licenses or permits to carry concealed firearms, be entitled to carry such a firearm subject to the same laws and conditions that govern specific places and manner in which a firearm may be carried by a person issued a permit by the State in which the firearm is carried.

"(c) In a State that allows the issuing authority for licenses or permits to carry concealed firearms to impose restrictions on the carrying of firearms by individual holders of such licenses or permits, a firearm shall be carried according to the same terms authorized by an unrestricted license of or permit issued to a resident of the State.

“(d) Nothing in this section shall be construed to—

“(1) effect the permitting process for an individual in the State of residence of the individual; or

“(2) preempt any provision of State law with respect to the issuance of licenses or permits to carry concealed firearms.”.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18 is amended by inserting after the item relating to section 926C the following:

“926D. Reciprocity for the carrying of certain concealed firearms.”.

(d) SEVERABILITY.—Notwithstanding any other provision of this Act, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

Mr. THUNE. Mr. President, the amendment that I bring to the Senate this evening is very simple. It ties into the debate that was just held about hate crimes legislation. One of the ways you can obviously prevent crimes from happening is to make sure that people are able to defend themselves against violent crimes. My amendment would do just that.

My amendment is simple. It allows individuals the right to carry a lawfully concealed firearm across State lines, while at the same time respecting the laws of the host State.

This amendment is similar to my bipartisan stand-alone bill S. 845, which currently has 22 cosponsors.

The second amendment provides, and the Supreme Court held in *Heller* last summer, that law-abiding Americans have a fundamental right to possess firearms in order to defend themselves and their families.

Studies have shown that there is more defensive gun use by victims than there are crimes committed with firearms.

As such, I believe that a State's border should not be a limit on this fundamental right and that law-abiding individuals should be guaranteed their second amendment rights without complication as they travel throughout the 48 States that currently permit some form of conceal and carry.

While some States with concealed carry laws grant reciprocity to permit-holders from other select States, my amendment would eliminate the confusing patchwork of laws that currently exists.

This amendment would allow an individual to carry a concealed firearm across State lines if they either have a valid permit or if, under their State of residence, they are legally entitled to do so.

After entering another State, an individual must respect the laws of the host State as they apply to conceal and

carry permit holders, including the specific types of locations in which firearms may not be carried.

Reliable, empirical research shows that States with concealed carry laws enjoy significantly lower violent crimes rates than those States that do not.

For example, for every year a State has a concealed carry law, the murder rate declines by 3 percent, rape by 2 percent, and robberies by over 2 percent.

Additionally, research shows that “minorities and women tend to be the ones with the most to gain from being allowed to protect themselves.”

The benefits of conceal and carry extend to more than just the individuals that actually carry the firearms.

Since criminals are unable to tell who is and who is not carrying a firearm just by looking at a potential victim, they are less likely to commit crimes when they fear that they may come in direct contact with an individual who is armed.

This deterrent is so strong that a Department of Justice study found that 40 percent of felons had not committed crimes because they feared the prospective victim was armed.

Additionally, research shows that when unrestricted conceal and carry laws are passed, it not only benefits those who are armed, but also others like children.

My amendment, in comparison to others being debated in the Senate, would actually empower individuals to protect themselves before they become victims of a crime, instead of just punishing the perpetrators afterwards.

A great example of this occurred earlier this month. Stephen Fleischman is a 62-year-old jewelry salesman from Mobile, AL, who often travels for business.

On his recent business trip to Memphis a group of four men, two of whom were armed, confronted him in a parking lot and tried to take his merchandise.

Instead of becoming a victim, Mr. Fleischman, who was legally concealing his firearm, was able to pull his weapon and protect himself and his merchandise from the four attackers.

Who knows what would have happened to Mr. Fleischman or his jewelry if he was traveling in South Carolina or any of the other 27 States with which Alabama does not have reciprocity agreements.

My amendment would alleviate this problem, and I hope when we return next week and we have an opportunity to debate this amendment and to vote upon it, my colleagues will support it because I believe it is an important tool for safety, for self-defense, and it is consistent with our tradition in this country of respect of second amendment rights, allowing American citizens the opportunity and the right to defend and protect themselves.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. KAUFMAN. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE U.S. CAPITOL POLICE

Mr. SCHUMER. Mr. President, I would like to publicly thank the men and women of the U.S. Capitol Police for their bravery and heroic work during a particularly challenging week. Last evening after attempting a routine traffic stop, an armed man opened fire at our officers. Despite the extreme danger, these officers reacted quickly and skillfully to ensure that the situation did not escalate and present danger to those in and around the U.S. Capitol. The officers who responded willingly put their lives on the line and we owe them our deepest thanks. My thoughts and prayers are with them and their families today.

We see the men and women of the U.S. Capitol Police every day as we go about our business for the people of our home States. Tasked with protecting the iconic symbol of our democracy, the officers of the U.S. Capitol Police have shown a steadfast commitment to protecting us, our staff, our constituents, and visitors. The mission statement of the U.S. Capitol Police states their dedication to protecting “the Congress, its legislative processes, Members, employees, visitors, and facilities from crime so it can fulfill its constitutional responsibilities in a safe and open environment.”

I have no doubt in my mind that the Capitol Police has done just that in a manner that is nothing short of heroic.

The U.S. Capitol Police has faced every danger undeterred, ensuring that Congress and its mission can continue uninterrupted. Their courage, efficiency, and commitment allowed Congress to continue with its constitutional responsibilities. We could not do this without them. For this, and for our safety, all of us owe them a great debt of gratitude.

As we proceed today with the routine business of the Senate—floor consideration of the fiscal year 2010 Defense authorization bill, Judiciary Committee

hearings on the nomination of Judge Sonia Sotomayor for the U.S. Supreme Court nomination hearings and other myriad legislative tasks—all of us are able to breathe easily knowing that we are protected by such a dedicated and talented force.

Thank you again for all of your hard work and sacrifice.

CONDEMNING ALL FORMS OF ANTI-SEMITISM

Mr. CARDIN. Mr. President, I am gratified that the Senate is poised to approve S. Con. Res. 11, which condemns all forms of anti-Semitism and reaffirms the support of Congress for the U.S. Special Envoy to monitor and combat anti-Semitism around the world.

I cosponsored this resolution with Senator COLLINS to affirm my commitment to ending global anti-Semitism, bigotry, and hatred. In the 21st century, there is no place for people or groups who would harm or deny rights to others based on their religion, race, gender, or ethnic identity. Yet anti-Semitism—spawned from centuries of hatred, persecution, and repeated attempts to destroy the Jewish people from their early days of slavery through the Inquisition, Holocaust, and beyond—still pervades many cultures and societies.

In some places around the world, this deeply rooted hatred can quickly turn political rallies into hate crimes, with chants of “death to Israel” and expressions of support for suicide or terrorist attacks against Israeli or Jewish civilians all too frequent. These calls have often been followed by violence and vandalism against synagogues and Jewish institutions. Hate crimes send a powerful message because they affect more than the individual victims; they are meant to intimidate and instill fear in entire groups of people. Hate crimes create a sense of vulnerability and insecurity in others who may share characteristics with the victims. And this sense of fear is precisely the intent of those who commit such crimes.

Even here in the United States, anti-Semitism frequently rears its ugly head, most recently in the horrific shooting attack at the U.S. Holocaust Memorial Museum.

I am privileged to be chair of the Helsinki Commission and a member of the both the Senate Foreign Relations Committee and the Senate Judiciary Committee. In those capacities and as a Senator generally, I am afforded numerous opportunities to speak out against the scourge of anti-Semitism, racial bigotry, and ethnic hatred worldwide. Part of the battle is to publicize intolerant and hateful activities. This resolution is meant to shed light upon anti-Semitism, and I am grateful that so many of my colleagues have joined me in these efforts and on this resolution.

COMMENDING NORM COLEMAN

Mr. BROWNBACK. Mr. President, I commend the extraordinary career of Norm Coleman. Norm began his public service as a prosecutor for the Minnesota State Attorney General's Office, working his way up to chief prosecutor before eventually serving as solicitor general of Minnesota. In 1993, he became mayor of St. Paul. During his tenure as mayor, Norm worked faithfully to revitalize the city, even securing a National Hockey League franchise for St. Paul. In 2002, at the urging of President Bush, Norm ran for U.S. Senate. He was the challenger in a close, hard-fought race, and his ultimate victory was an exciting one.

I am proud to have served alongside Norm in the Senate. He was an excellent comrade in the fight against partial birth abortion and worked hard to prevent waste and fraud at the United Nations. Known for his willingness to work with both parties, Norm fought for tax cuts, renewable energy, and prescription drug benefits for seniors. He worked for the passage of legislation improving rural health care, increasing funding for Pell Grants and securing our ports.

He leaves an impressive record as testament to his service in the Senate, but his presence here will be missed. Though the outcome of last fall's election ended differently than I had hoped, I know great things are in store for Norm. He has much more to offer our great country. I wish Norm, his wife Laurie, and their two children, Jacob and Sarah, all the best as they embrace the new and exciting opportunities before them.

COMMENDING REV. LEONARD ROBINSON

Mr. BARRASSO. Mr. President, the word “hero” is used often and lightly these days. Yet there are those special people that walk among us in our hometowns across America who genuinely rate that title. The terrible days of the Second World War produced an entire generation of such people. Today they are our friends and neighbors. They endured great trials and gave so much of themselves for so many of us in the most difficult of circumstances. They served in our Nation's darkest hour. And then they came home. They went back to work, to school, bought homes, and raised families. Many did not care to speak about what they had seen or suffered through. I come to the floor of the U.S. Senate today to honor one such individual.

Mr. President, on April 9, 1942, American and Filipino forces defending the peninsula of Bataan from the invasion of Imperial Japan ended a gallant holding action to prevent the Japanese conquest of the Philippines. The soldiers lacked supplies and air support, and were crippled by starvation and disease

when they were finally overwhelmed on that fateful day. What would follow the surrender would go down as one of the most brutal and ghastly chapters written in human history.

More than 75,000 men, including nearly 12,000 Americans, were turned out onto a broken, dusty road and forced to march nearly 70 miles to the dreadful prison camp, Camp O'Donnell, that would be their home until the war's end. The journey was barbarous. Over the next 5 days, thousands died from starvation, dehydration, disease, heat prostration, and sheer exhaustion. Survivors of the Death March of Bataan tell of the horrific atrocities of their captors. Prisoners were beaten at random and denied food and water. Those who fell behind or stopped to help fallen comrades were executed. One survivor tells the story of Japanese soldiers driving alongside the column of weary men with outstretched bayonets, slicing throats and decapitating those poor souls who happened to get in the way. The sides of the trail were littered with the bodies of the dead. There are no words that can describe such horrendous barbarity and inhumanity. It is estimated that 54,000 of the 75,000 who started the march made it to Camp O'Donnell—a death rate of about 1 in 4. Many more would meet their deaths at the Camp. But there were also those who made it.

A hero is someone who displays courage, bravery, and perseverance in the face of great adversity. Those who survived the Bataan Death March exhibited a heroism that we rarely see today. One of those heroes is from my hometown of Casper, WY, the Reverend Leonard L. Robinson. Leonard is my friend and neighbor. In fact, I had the privilege as a surgeon to replace both of his knees.

Leonard L. Robinson was born in Englewood, CO, and spent his youth growing up in the Englewood and Denver area. While attending college at the University of Colorado, Leonard was drafted to the U.S. Army in 1941. He was assigned to Battery E of the 200th Coast Artillery Regiment, Anti-Aircraft, at Fort Bliss, TX. In September 1941, he was shipped out to Fort Stotsenburg in the Philippines. Leonard was in the first group of U.S. soldiers captured at Cabablen and started the march out of Bataan towards Camp O'Donnell. He was then held as a Japanese prisoner of war for 3½ years; 2 of those years were spent as a forgotten slave on the docks of Niigata. At the war's end, he returned to Fort Logan, CO, where he was discharged from the U.S. Army.

Upon his discharge in 1946, Leonard returned to school on the G.I. bill and earned his bachelor of science in architectural engineering from the University of Colorado. He then attended Northwestern Seminary in Minneapolis, where he earned his bachelor

of theology. He later earned his master's and doctorate in theology from Pioneer Seminary in Rockford, IL. Throughout his years as an ordained pastor, he served in Wyoming, Washington, Iowa, Minnesota, Nebraska, and Colorado before returning back to Wyoming. He has served as Chaplain for military, law enforcement and veterans groups. Leonard and his wife Erma enjoyed 53 years together and they were blessed with three children, Paula Chelewski, Len Robinson, and Pamela Robinson, as well as two grandchildren. His beloved Erma passed away in 2005. Mr. President, the life example of Rev. Leonard Robinson has taught so many to appreciate and be thankful for the blessings of life.

This week, all the eyes of Wyoming will be on Cheyenne as we kick off the annual Daddy of 'Em All, Cheyenne Frontier Days. And I am proud to announce that Wyoming will honor Leonard as he leads the Cheyenne Frontier Days Parade on Tuesday, July 21, as its grand marshal. It is but a small tribute to this brave man who sacrificed and suffered so much for our country, for you and for me.

My father was a veteran of World War II. He fought in the Battle of the Bulge. My wife Bobbi's father was in both World War II and Korea. My dad always told me that I should thank God every day that I was born in America and how fortunate I was. He was right. This is the greatest country on Earth. And it is because of the sacrifices made by men like Rev. Leonard Robinson. I was so honored to greet him and his fellow veterans on the National Mall this spring when they made the Wyoming Honor Flight trip to Washington to visit the World War II Memorial. He is a hero in every sense of the word. Leonard, thank you my friend. All of Wyoming, and indeed America, is proud of you.

ADDITIONAL STATEMENTS

COMMENDING CECIL HARRIS

• Mr. THUNE. Mr. President, today I recognize Cecil Harris. The following statement was read at the dedication of a highway named in his honor on May 25, 2009. I ask that the statement be printed in the RECORD.

The statement follows.

CECIL HARRIS HIGHWAY DEDICATION CEREMONY, CRESBARD, SOUTH DAKOTA, MAY 25, 2009

Thank you for the invitation to attend the recognition celebration for Captain Cecil E. Harris to honor his achievement as a World War II fighter pilot. While I regret I am unable to be with you to recognize Captain Harris at this important event, I want to extend my greetings and best wishes to all of you in attendance. I applaud those individuals, many of whom are here today, whose hard work and dedication have made this event possible.

It is especially fitting that you are celebrating this event on Memorial Day. We should pause to remember what Memorial Day is all about: honoring those who have defended our freedom and especially those who have paid the ultimate price. Captain Harris is certainly worthy of this celebration. As an educator by profession, his willingness to serve others was apparent at a young age. He answered the call to service while enrolled at Northern State Teachers College in March 1941. Twenty-seven years later, Captain Harris retired as one of the most decorated heroes of the United States Navy. During his World War II service, he was the second highest scoring Navy ace in the Pacific Theater with 24 victories.

Captain Harris serves as a shining example of South Dakota's proud legacy of military service that extends from our state's earliest days to our current conflicts around the globe. South Dakotans of every background have always answered the call to defend America from those who seek to destroy the freedom that we cherish. I doubt there are many South Dakotans who do not have a family member or friend who has worn our nation's uniform. Upon reflection, we quickly realize that without the liberty that these men and women have defended through the years, our nation would not be what it is today, nor would citizens enjoy the freedoms that we sometimes take for granted.

My father, Harold Thune, served in the same squadron as Cecil Harris in World War II, and was Cecil's assistant flight officer. I recently had the opportunity to interview my father about his World War II experience for the Veterans History Project, an oral history archive held at the Library of Congress, and my father spoke very highly of Cecil. In fact, the advice Cecil gave my father helped him avoid being shot down. Cecil Harris was responsible for training my father's squadron, and my father describes Cecil as unqualifiedly the best pilot he had ever seen, and that he had never seen a pilot fly a plane like he did.

The tragic reality is that our nation loses hundreds of veterans every day. Memorial Day gives us an opportunity to reflect on the sacrifices of our veterans from every conflict, and it is fitting that we do so. Our veterans deserve to be remembered and celebrated, and these programs help do just that.

Again, I wish you all the very best as you gather to celebrate in Cresbard. My thoughts are with you all. •

COMMENDING EMILY SUSANNA TSCHETTER

• Mr. THUNE. Mr. President, today I recognize Emily Susanna Tschetter, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several weeks.

Emily is a graduate of Brookings High School in Brookings, SD. Currently she is attending South Dakota State University, where she is majoring in biology. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Emily for all of the fine work she has done and wish her continued success in the years to come. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY AND RELATED MEASURES DEALING WITH THE FORMER LIBERIAN REGIME OF CHARLES TAYLOR—PM 27

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2009.

The actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and sequestering of Liberian funds and property, continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency with respect to the former Liberian regime of Charles Taylor.

BARACK OBAMA.
THE WHITE HOUSE, July 16, 2009.

MESSAGE FROM THE HOUSE

At 11:51 a.m., a message from the House of Representatives, delivered by

Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 762. An act to validate final patent number 27-2005-0081, and for other purposes.

H.R. 934. An act to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands.

H.R. 1044. An act to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes.

The message also announced that pursuant to 10 U.S.C. 9355(a), amended by Public Law 108-375, and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Air Force Academy: Mr. POLIS of Colorado, Ms. LORETTA SANCHEZ of California, and Mr. LAMBORN of Colorado.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 762. An act to validate final patent number 27-2005-0081, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 934. An act to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands; to the Committee on Energy and Natural Resources.

H.R. 1044. An act to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, without amendment:

S. 1462. An original bill to promote clean energy technology development, enhanced energy efficiency, improved energy security, and energy innovation and workforce development, and for other purposes (Rept. No. 111-48).

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 345. A bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2012, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2009", and for other purposes (Rept. No. 111-49).

By Mr. KERRY, from the Committee on Foreign Relations, with amendments:

S. 954. A bill to authorize United States participation in the replenishment of resources of the International Development Association, and for other purposes (Rept. No. 111-50).

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 955. A bill to authorize United States participation in, and appropriations for the United States contribution to, the African Development Fund and the Multilateral Debt Relief Initiative, to require budgetary disclosures by multilateral development banks, to encourage multilateral development banks to endorse the principles of the Extractive Industries Transparency Initiative, and for other purposes (Rept. No. 111-51).

By Mr. SCHUMER, from the Committee on Rules and Administration, with amendments:

S. 1415. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. 1458. A bill to encourage the development and implementation of a comprehensive, global strategy for the preservation and reunification of families and the provision of permanent parental care for orphans; to the Committee on Foreign Relations.

By Mr. DEMINT (for himself and Mr. VITTER):

S. 1459. A bill to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN:

S. 1460. A bill to amend title VII of the Higher Education Act of 1965 to provide for college retention challenge grants; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself, Mr. NELSON of Florida, Mr. WYDEN, Mrs. FEINSTEIN, and Mrs. GILLIBRAND):

S. 1461. A bill to amend the Internal Revenue Code of 1986 to treat trees and vines producing fruit, nuts, or other crops as placed in service in the year in which it is planted for purposes of special allowance for depreciation; to the Committee on Finance.

By Mr. BINGAMAN:

S. 1462. An original bill to promote clean energy technology development, enhanced energy efficiency, improved energy security, and energy innovation and workforce development, and for other purposes; from the Committee on Energy and Natural Resources; placed on the calendar.

By Mr. BURRIS:

S. 1463. A bill to amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry Resource Center, to authorize grants for State organ and tissue donor registries, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 1464. A bill to amend title 18, United States Code, to establish the transfer of any nuclear weapon, device, material, or technology to terrorists as a crime against humanity; to the Committee on the Judiciary.

By Mr. ISAKSON (for himself, Mr. DODD, Mr. CHAMBLISS, and Mr. BURRIS):

S. 1465. A bill to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry liability insurance; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mr. GRAHAM, and Mr. LEVIN):

S. 1466. A bill to establish the position of Deputy United States Trade Representative for Trade Enforcement and a Trade Enforcement Division in the Office of the United States Trade Representative, to establish a Chief Manufacturing Negotiator in the Office of the United States Trade Representative, to strengthen enforcement of United States intellectual property rights at United States borders, and for other purposes; to the Committee on Finance.

By Mrs. McCASKILL:

S. 1467. A bill to amend title 38, United States Code, to provide coverage under Traumatic Servicemembers' Group Life Insurance for adverse reactions to vaccinations administered by the Department of Defense, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WEBB (for himself and Mr. BROWN):

S. 1468. A bill to increase access to adult education to provide for economic growth; to the Committee on Finance.

By Mrs. BOXER:

S. 1469. A bill to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHANNES:

S. Res. 212. A resolution expressing the sense of the Senate that any savings under the Medicare program should be invested back into the Medicare program, rather than creating new entitlement programs; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. Res. 213. A resolution recognizing the historical significance of the city of Santa Fe, New Mexico on the occasion of its 400th anniversary; to the Committee on the Judiciary.

By Mr. DEMINT (for himself and Mr. GRAHAM):

S. Res. 214. A resolution congratulating Lucas Glover on winning the 2009 United States Open golf tournament; to the Committee on the Judiciary.

By Mr. WHITEHOUSE (for himself, Mrs. MURRAY, Ms. STABENOW, Mr. VITTER, Mr. INHOFE, Mr. FEINGOLD, Mr. SCHUMER, and Mr. COCHRAN):

S. Res. 215. A resolution designating August 8, 2009, as "National Marina Day"; to the Committee on the Judiciary.

By Mrs. GILLIBRAND (for herself and Ms. MIKULSKI):

S. Res. 216. A resolution acknowledging the 25th anniversary of the nomination of Representative Geraldine A. Ferraro as the first woman selected by a major political party to run for the Office of the Vice President; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 251

At the request of Mrs. HUTCHISON, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 251, a bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities.

S. 348

At the request of Mr. ROCKEFELLER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 348, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 384

At the request of Mr. LUGAR, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 390

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. RISCHE) was added as a cosponsor of S. 390, a bill to expand the authority of the Secretary of the Air Force to convey certain relocatable military housing units to Indian tribes located in Idaho and Nevada.

S. 461

At the request of Mr. CRAPO, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 461, *supra*.

S. 475

At the request of Mr. BURR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 491

At the request of Mr. WEBB, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax

basis and to allow a deduction for TRICARE supplemental premiums.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 572

At the request of Mr. WEBB, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 572, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of the armed forces who have been awarded the Purple Heart.

S. 575

At the request of Mr. CARPER, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Mr. CARDIN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 575, a bill to amend title 49, United States Code, to develop plans and targets for States and metropolitan planning organizations to develop plans to reduce greenhouse gas emissions from the transportation sector, and for other purposes.

S. 662

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 694

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 711

At the request of Mr. BAUCUS, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 711, a bill to require mental health screenings for members of the Armed Forces who are deployed in connection with a contingency operation, and for other purposes.

S. 775

At the request of Mr. VOINOVICH, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 823

At the request of Ms. SNOWE, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from North Carolina (Mr. BURR) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 831

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 832

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 832, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 883

At the request of Mr. KERRY, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 908

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 944

At the request of Mr. FEINGOLD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 944, a bill to amend title 10, United States Code, to require the Secretaries of the military departments to give wounded members of the reserve components of the Armed Forces the option of remaining on active duty during the transition process in order to continue to receive military pay and allowances, to authorize members to

reside at their permanent places of residence during the process, and for other purposes.

S. 951

At the request of Mr. NELSON of Florida, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Georgia (Mr. ISAKSON), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Utah (Mr. BENNETT) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 951, a bill to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn Jr.

S. 1067

At the request of Mr. FEINGOLD, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1067, a bill to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, and for other purposes.

S. 1072

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1072, a bill to amend chapter 1606 of title 10, United States Code, to modify the basis utilized for annual adjustments in amounts of educational assistance for members of the Selected Reserve.

S. 1161

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1161, a bill to amend the Public Health Service Act to authorize programs to increase the number of nurse faculty and to increase the domestic nursing and physical therapy workforce, and for other purposes.

S. 1169

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1169, a bill to amend title 10, United States Code, to provide for the treatment of autism under TRICARE.

S. 1214

At the request of Mr. LIEBERMAN, the name of the Senator from Alaska (Mr.

BEGICH) was added as a cosponsor of S. 1214, a bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes.

S. 1239

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1239, a bill to amend section 340B of the Public Health Service Act to revise and expand the drug discount program under that section to improve the provision of discounts on drug purchases for certain safety net providers.

S. 1274

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1274, a bill to amend title 46, United States Code, to ensure that the prohibition on disclosure of maritime transportation security information is not used inappropriately to shield certain other information from public disclosure, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1318

At the request of Mr. GREGG, the names of the Senator from Wyoming (Mr. BARRASSO), the Senator from Kansas (Mr. BROWNBACK) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1318, a bill to prohibit the use of stimulus funds for signage indicating that a project is being carried out using those funds.

S. 1321

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to provide a credit for property labeled under the Environmental Protection Agency Water Sense program.

S. 1331

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1331, a bill to amend the Food, Conservation, and Energy Act of 2008 to index for inflation the payment rate for payments under the milk income loss contract program.

S. 1398

At the request of Mrs. GILLIBRAND, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1398, a bill to amend the Food, Conservation, and Energy Act of 2008 to increase the payment rate for certain payments under the milk income loss contract program as an emergency measure.

S. 1415

At the request of Mr. SCHUMER, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Kansas (Mr. BROWNBACK), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Mississippi (Mr. WICKER), the Senator from North Carolina (Mr. BURR), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. RISCH), the Senator from Arkansas (Mrs. LINCOLN), the Senator from South Dakota (Mr. THUNE) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1415, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

S.J. RES. 17

At the request of Mrs. FEINSTEIN, the names of the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 14

At the request of Mrs. LINCOLN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Mexico (Mr. UDALL) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 210

At the request of Mrs. LINCOLN, the names of the Senator from Utah (Mr. BENNETT), the Senator from Michigan (Ms. STABENOW), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

AMENDMENT NO. 1469

At the request of Mr. CARPER, his name was added as a cosponsor of

amendment No. 1469 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1476

At the request of Mr. REID, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 1476 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1484

At the request of Mr. GREGG, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of amendment No. 1484 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1494

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 1494 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1504

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of amendment No. 1504 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1515

At the request of Mr. NELSON of Florida, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of amendment No. 1515 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of De-

fense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1517

At the request of Mr. BUNNING, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 1517 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1526

At the request of Mr. FEINGOLD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 1526 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1528

At the request of Mr. LIEBERMAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1528 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1534

At the request of Mr. VOINOVICH, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 1534 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1554

At the request of Mr. BURR, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Maryland (Mr. CARDIN), the Senator from Texas (Mr. CORNYN) and the Senator from Missouri (Mr. BOND) were added as cosponsors of amendment No. 1554 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Depart-

ment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1557

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1557 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1558

At the request of Mr. NELSON of Florida, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Tennessee (Mr. CORKER), the Senator from Maine (Ms. COLLINS) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 1558 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1561

At the request of Mr. BINGAMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 1561 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. 1458. A bill to encourage the development and implementation of a comprehensive, global strategy for the preservation and reunification of families and the provision of permanent parental care for orphans; to the Committee on Foreign Relations.

Ms. LANDRIEU. Mr. President, I rise to introduce a bill called the Families for Orphans Act that Senator INHOFE and I are sponsoring.

We are very fortunate, indeed, to have a Secretary of State who is quite knowledgeable about this subject. The office we seek to create would be housed within the Department of State under the watchful eye of Secretary Hillary Clinton, who did so much work on this subject when she was a Member of the Senate and even prior to her service in the Senate as First Lady of

both Arkansas and the United States. So I am particularly happy we would be recommending what is, I think, a very appropriate establishment of an office within the Office of the Secretary of State.

This bill has been discussed for several years here. We have had several opportunities for debate on the floor. But a great coalition has come together, representing advocates for orphans around the world, to come together in a unified way to make a strong argument that this kind of office should indeed be established. There are some very compelling reasons why this should be.

First of all, right now in our system, there is no coordination in the Office of the Secretary of State or in the Department of State for policies related to orphans. This is an alarming situation because the number of orphans is growing exponentially in the world due to an increase in conflicts in many parts of the world; severe droughts and natural disasters that are causing families to be separated, children from adults; and the AIDS epidemic. Some people have referred to it as a factory that produces orphans. And you can understand the nature of that disease.

So the actions we take relative to trying to get a more coordinated policy are very important, and that is what this bill seeks to do.

It is, I think, understood among all Members of this body—I do not even hear one dissenting voice—that the most appropriate place for children to grow up is in a family.

We think there are over 130 million orphans in the world who have been deprived for whatever reason—death or war or famine or disease—of their right to belong to a family. It is our obligation as the leaders of the world to try to find the best possible substitute family for these children.

Children don't do a very good job of raising themselves. That is a virtual impossibility. Our efforts, unfortunately, dealing with children have been focused on their survival, on just getting medical care and health care and food and nutrition. I don't think we are doing enough as a government to focus on reuniting children with whatever extended family might be possible for them to be raised by, and then looking out somewhere beyond the extended family opportunity to domestic families who would take in that child and their siblings. We most certainly have not made the kind of effort I think is appropriate and is a ready source of loving arms in families in terms of the international community that would like to step up and adopt many children who are unable to find families in their own countries. That is basically what this office would do.

It would coordinate efforts by the aid and development community that, as I said, are currently focused on nutri-

tion, housing, education, and medical care, and would refocus efforts on that, plus reunification of families and then adoption opportunities.

First, as I said, the U.S. programs are disconnected. Secondly, the United States, right now, in our opinion, does not engage in enough proactive diplomacy on this issue. Third, the United States should be able to advise and support other countries in the development of their own child welfare systems. We know we have made so many mistakes in the United States. We hate to see countries making similar mistakes. Some of those mistakes would be terminating parental rights, not being aggressive enough in seeking placement within extended families, separating siblings in placement, and then, the worst of all—if those things aren't bad enough—the worst of all, leaving children who have had their parental rights terminated basically stuck in limbo for 10 or 12 or 14, and in some extreme cases, 18 years in foster care where they never have a permanent parent or a permanent family to call their own.

I would remind my colleagues, because I continue to remind myself, that a child is never too old to need a parent. We all think of adoption as adopting infants or toddlers or school-aged children, but I would suggest to this body and to those listening that you are never too old to need a father or a mother. At the age of 54, I continue to talk to my parents regularly. They continue to give me advice and counsel. I have been blessed to have grandparents well into my adult life. The thought of a child growing up at any age—18, 20, 5, 12—without any permanent attachment to a family is tragic. The fact is there are methods and resources we can bring to bear to change that outcome for the millions of orphans who are in the world in our own country and around the world. That is what this office does.

The primary functions will be to act as a primary adviser to the Secretary of State and to the President to provide diplomatic representation, to develop an evidence-based, comprehensive global strategy, to support foreign governments through sound policy and technical assistance, to develop best practices with cultural sensitivity, and to support in-country family preservation, reunification, and permanency as primary solutions, using domestic adoption and international adoption as basically the last possibilities.

One of the most important things in the bill is to conduct a census because we don't know how many orphans there are in the world and in what countries. Until we get a handle on the numbers, it is very hard to find appropriate solutions and to mobilize the world community to act.

I contend there are millions and millions and millions of families who are

able and willing and ready to take in orphans, to build their family through adoption, to add to the blessing of biological children, children who have come to their families through adoption. I have had personal experience myself with that issue. I am excited about the possibility of coordinating this effort and can think of no better person than Secretary Hillary Clinton to provide the leadership to establish this office as the Congress seeks to fund it and provide the resources to make it work.

So that is a description of the Families for Orphans Act. It is a bipartisan bill. We are getting extremely exciting feedback from our colleagues in the House. Representative DIANE WATSON from California and Representative JOHN BOOZMAN from Arkansas have introduced an identical bill, so we are very encouraged by the work the House has done on this subject and look forward to a quick hearing and quick passage.

By Mr. BURRIS:

S. 1463. A bill to amend the Public Health Service Act to establish a National Organ and Tissue Registry Resource Center, to authorize grants for State organ and tissue donor registries, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURRIS. Mr. President, today I rise to speak on the subject of organ donation. Every day in this country, 17 people die while waiting for a donated organ. Typically, people wait 3 to 5 years before an organ becomes available, and the organ waiting list grows at a rate five times faster than donations.

What we need are improvements to the organ donor registry system, to increase efficiency and share best practices between states. The Everson Walls and Ron Springs Gift for Life Act of 2009 is named in honor of two close friends and former NFL teammates, one of whom may not be here today were it not for the incredible generosity of "living organ donation." Ron's struggle with diabetes led to the failure of both kidneys. Everson's decision to give Ron one of his kidneys, led them both to create the Gift for Life Foundation. The group spreads awareness of organ donation issues, particularly among minority communities, who suffer disproportionately from the organ shortage.

This act will establish a National Organ and Tissue Donor Registry Resource Center to provide technical assistance to state donor registries. The center will also serve as a State registry information clearinghouse for the evaluation and development of best practices for donor registries nationwide. Further, the act will codify minimum operating standards for donor registries, and establish a grant program to develop, expand, and evaluate

State donor registries. Finally, the act will create a study on the feasibility of establishing a living donor database in order to track the short and long-term health effects for such individuals.

I urge the Senate to take action on this important issue. We must improve the functioning of our organ donation system. Thousands of lives hang in the balance.

By Mr. ISAKSON. (for himself, Mr. DODD, Mr. CHAMBLISS, and Mr. BURRIS):

S. 1465. A bill to amend the Child Care and Development Block Grant Act of 1990 to require child care providers to provide to parents information regarding whether such providers carry liability insurance; to the Committee on Health, Education, Labor, and Pensions.

Mr. ISAKSON. Mr. President, it was September 9, 2001, in Augusta, GA, when Jackie Boatwright, on her way home from church, got a horrific call on her cell phone. The little boy, Anthony DeJuan Boatwright, then 14 months of age that she had dropped off at day care in the morning had been rushed to the hospital.

Upon her arrival at the hospital, a doctor gave her the grim news. He said, "It appears your son has suffered a near drowning accident from falling into a bucket of mop water containing bleach. He has been without a pulse for more than an hour but we have managed to get a heartbeat. It is not a strong one right now but we have one."

Today, nearly 8 years later, Juan now resides with his wonderful mother Jackie. He is semi-comatose and dependent on a ventilator.

The child care center where Juan was injured was licensed, but not insured. At the time, there was no way for Jackie or other parents to know the insurance status of child care providers.

Today, Senators DODD, CHAMBLISS, BURRIS and I introduce straight-forward, bipartisan legislation that will require day care centers to disclose whether or not they carry appropriate insurance for the facility.

The House of Representatives has passed this legislation multiple times, but now we in this body take our turn to simultaneously both honor young Juan and provide parents with much-needed information about child care facilities.

It is time this body passed this legislation and sent it on to President Obama for his signature.

I urge my colleagues to support this legislation.

By Mr. WEBB (for himself and Mr. BROWN):

S. 1468. A bill to increase access to adult education to provide for economic growth; to the Committee on Finance.

Mr. WEBB. Mr. President, today I am introducing, with great pride, the

Adult Education and Economic Growth Act of 2009. I wish to point out that I and my staff have been working on this legislation for more than a year. It is designed to address a problem that we quite frankly do not spend enough attention on, I think, as we discuss the challenges of education in America. This is not the problem that is often discussed with respect to technical degrees or how we can compete with foreign countries in the number of engineers we are putting out, with those sorts of issues. It is the question of how we can assure basic competencies at the working level of a lot of American companies. I have started calling this the Second Chance Act for Education. There are a lot of people in this country who, for a variety of reasons, when they are in their teens or their late teens, cease their educational pursuits even before they finish high school. Perhaps someone might have a child, or get in trouble with the law, or get an independent streak and decide to leave school. Then when you get to the age of say 30 or beyond, you realize the disadvantage you have in attempting to compete in the marketplace.

There are very few provisions in our law and in our policies that address this situation. This bill is designed to address it. We seek to reform and increase investment in what we call adult education, which is that span of education that will bring people beyond a high school degree and hopefully into postsecondary education. We are looking at job training and other workforce programs that we need as a country to build a 21st century workforce. I am pleased to be joined in this initiative as a principal cosponsor with Senator SHERROD BROWN. By almost any measure, our Nation faces a critical need to strengthen existing programs of adult education. Our current adult education system falls far short in preparing our people to compete in the global marketplace. In fact, it is estimated that only 2½ million of the 93 million people who could benefit from these types of services are actually receiving them today.

The American labor market has changed dramatically with the advent of new technology and with the loss of jobs in our manufacturing sector. The need for well-trained and highly skilled workers is obvious. It has increased. At the same time our adult education system, which should be effectively preparing low-skilled workers to meet the demands in this shifting economy, has not kept pace.

Since 2002, the Federal Government has consistently decreased spending on adult education. In addition, the Nation's primary Federal resource for adult education, job training and employment services, the Workforce Investment Act, has not been reauthorized for more than 10 years. One can imagine how the American economy

and the American workforce has changed over the last 10 years.

There are other signs pointing to the need for a better approach to adult education. If we look at adult education enrollment rates, in 1998, there were more than 4 million individuals enrolled in these types of programs. By 2007, that number had dropped to only 2 million, basically a 40-percent drop from when the Workforce Investment Act was originally enacted.

One of the largest barriers to economic growth in many communities is the lack of a skilled workforce, particularly those with entry-level skills. It is critical that we increase the number of individuals who obtain a high school diploma and encourage them to go forward into postsecondary education. I am sure we can all agree that the best economic tool for any community is a well-educated, skilled workforce. A growing number of American skilled workers right now are facing retirement age, and the growth in skilled labor has actually stagnated. If we continue along the current path, we will see only a 19-percent increase in the number of postsecondary education equipped native-born workers, which is about one-seventh the rate of growth during the past two decades. By comparison, countries such as China and India are doubling and tripling the number of college graduates in their countries.

According to the Workforce Alliance, 80 percent of the jobs in today's economy require some sort of education past a high school degree, yet there are 8 million adults in the workforce today who have low literacy, limited English proficiency, or lack educational credentials beyond high school. With so many workers who are unemployed or underemployed, it is clear that we should be investing in the training or retraining of American workers to fill this growing gap. Our legislation begins that vital task by addressing these problems.

Today we are proposing a two-pronged approach to strengthen the Nation's workforce. First, we want to build on ramps for American workers who got off track, perhaps, in their teens and need new skills and a better education in order to improve their lives. Just as importantly, we want to encourage employers to help them by offering tax credits to businesses that invest in these employees. Our government has long provided employers with limited tax credits when they help their employees go to college or to graduate school. It is basic logic, and I believe to the national good, that we should provide similar incentives for this type of adult education.

This bill authorizes a rather modest \$500 million increase in funding to invigorate State and local adult education programs nationwide in order to increase the number of adults with a

high school diploma. As a result, the bill will inevitably increase the number of high school graduates who go on to college and update and expand the job skills of the American workforce writ large. All of this is relevant to my longstanding personal goal of promoting basic economic fairness in our society.

Other provisions in the bill will improve workers' readiness to meet the demands of a global workforce by providing pathways to obtain basic skills, job training, and adult education. It will provide workers with greater access to on-the-job training in adult education by encouraging public-private partnerships between government, business, and labor. It will increase the use of technology in workforce skills training. It will improve access to correctional educational programs to channel former offenders into productive endeavors and to reduce recidivism. It will encourage investment in lower-skilled workers by providing employers with a tax credit if they invest in their employees' education. This tax credit is aimed at encouraging general and transferable skills development that may be in the long-term interest of most of its employers but are not always so clearly rewarded by the marketplace.

This act focuses on addressing the unique needs of adults with limited basic skills, with no high school diploma, or with limited English proficiency. Those individuals who may have taken a different path early in their lives and who now find themselves eager to go back to school and receive additional job training and skills should be provided opportunities to get back on track.

My legislation also would bolster the President's just announced goal of ensuring that 5 million more Americans graduate from communities college by 2020 and updating curriculum to keep up with the skills needed in today's workforce.

I encourage my colleagues to support this important endeavor. I am very proud of the work my staff has done on this for more than a year. Our Nation's workforce and local communities will be stronger for it. It is my hope that this legislation could be passed in a timely manner.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Adult Education and Economic Growth Act of 2009".

SEC. 2. FINDINGS.

Congress finds the following:

(1) In order to remain competitive in today's global economy, the United States must reverse the trend of underinvestment in adult education and workforce development and empower its workforce through adequate resources and effective and innovative educational and workforce programs. Since 1979, investments in adult education and workforce development programs have declined in real terms by more than 70 percent.

(2) Current Federal adult basic education programs serve less than 3,000,000 individuals a year. Some States have experienced difficulties integrating adult education public job training and career and technical education programs that could help these individuals meet specific industry demand while advancing along a career path.

(3) In 2007, more than 25,000,000 adults ages 18 through 64 had no high school credential. Every year, 1 in 3 young adults—more than 1,200,000 people—drop out of high school.

(4) Employers need highly-skilled workers to be able to compete globally. Between 2004 and 2014, 24 of the 30 fastest-growing occupations are projected to demand workers with some form of postsecondary education or training. Yet nearly half of the United States workforce has a high school diploma or less.

(5) Technology and globalization, coupled with the unfolding economic recession, are rendering low-wage and low-skill workers particularly vulnerable. Unemployment is highest among those without a college degree and has grown at a faster rate among this group since the start of the economic recession in December 2007.

(6) According to the Bureau of Labor Statistics, the unemployment rate for individuals age 25 and older who have less than a high school diploma has risen from 7.5 percent in December 2007 to 14.8 percent in April 2009. The unemployment rate for high school graduates with no college degree has increased from 4.6 percent to 9.3 percent. The unemployment rate for high school graduates with some college experience or an associate degree has risen from 3.7 percent to 7.4 percent.

(7) The United States ranks 11th among OECD countries in percent of young adults with a high school diploma—the only country in which younger adults are less educated than the previous generation.

(8) In 2006, 18,400,000 adults spoke English "less than very well", according to the United States Census Bureau (2006 American Community Survey). Of these adults, 8,200,000 held no high school credential and 5,000,000 had completed high school but were not college or job ready.

(9) Although 88,000,000 adults ages 18 to 64 have a high school diploma or less, or limited English proficiency, funding for programs authorized under the Workforce Investment Act of 1998 for adults, dislocated workers, and youth declined by about 12 percent between 2000 and 2007.

(10) According to the National Commission on Adult Literacy, 1 in every 100 adults in the United States 16 and older is in prison or jail in the United States. About 43 percent do not have a high school diploma or its equivalent, and 56 percent have very low literacy skills. Ninety-five percent of incarcerated individuals return to our communities.

(11) In order to meet the needs of the workforce, there must be a strong connection between the adult education and workforce development system, in order to better meet the needs of limited English proficient job seekers and those with basic skills defi-

ciencies. For example, in program year 2006, less than 1 percent of individuals who exited the title I adult program under the Workforce Investment Act of 1998 were co-enrolled in adult education.

(12) Workforce development programs, including adult education, throughout the Federal Government and the States are not aligned well, limiting their capacity to leverage resources, to provide full and appropriate access to services, and to provide reliable and comparable data related to activities and outcomes across the programs.

(13) In the current economic climate, it is imperative that the United States invest in the education, training, and development of all workers in the United States who are unemployed or underemployed, to help fill the labor demands of the United States so that they do not look elsewhere to find skilled workers.

SEC. 3. PURPOSES.

The purposes of this Act are the following:

(1) To increase access substantially to adult education, literacy, and workplace skills services for adults who have limited basic skills, lack a high school diploma or its equivalent, or are limited English proficient.

(2) To create seamless pathways from adult education and occupational skills development to postsecondary education or training and workforce development programs and services that help adult learners persist throughout the pipeline from the lowest levels of basic literacy or English language proficiency to the achievement of a level of proficiency that will enable the adult learner to successfully transition to family-sustaining jobs in careers with the promise of advancement.

(3) To develop an adult education, literacy, and work skills system that coordinates and integrates adult education, literacy, and workplace skills services with workforce development and postsecondary education and training opportunities across agencies and programs.

(4) To greatly improve outcomes for adults receiving adult education, literacy, and workplace skills services in terms of learning gains, acquisition of basic workforce skills, accelerated learning, acquisition of a high school diploma or its equivalent, or successful transition to postsecondary education or training or to family-sustaining jobs in the workplace.

TITLE I—WORKFORCE INVESTMENT SYSTEMS

SEC. 101. DEFINITIONS.

Section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801) is amended by adding at the end the following:

"(54) INTEGRATED EDUCATION AND TRAINING.—The term 'integrated education and training' means training that combines education or training for a specific occupation or occupational cluster with English literacy instruction or other adult education, literacy, and workplace skills activities, including programs that provide for dual or concurrent enrollment.

"(55) CAREER PATHWAY.—The term 'career pathway' means a high quality, rigorous, engaging set of education, training, and workplace experiences that—

"(A) align adult education, job training, postsecondary education, or occupational training to create a pathway to attaining a recognized postsecondary education credential that will qualify an individual for career advancement in projected employment opportunities identified in the State plan under section 112;

“(B) include advising and counseling to support the development of individual education and career plans; and

“(C) lead to a secondary school diploma or its recognized equivalent (for individuals who have not completed secondary school), a postsecondary degree, a registered apprenticeship or another recognized occupational certification, a certificate, or a license.

“(56) **WORKPLACE SKILLS.**—The term ‘workplace skills’ means the combination of basic skills, critical thinking skills, and self management skills with competency in utilizing resources, using information, working with others, understanding systems, working with technology, and other skills necessary for success in the workplace.

“(57) **REGISTERED APPRENTICESHIP PROGRAM.**—The term ‘registered apprenticeship program’ means an industry skills training program at the postsecondary level that combines technical and theoretical training through structured on-the-job learning with related instruction (in classrooms or through distance learning) while an individual is employed, working under the direction of qualified personnel or a mentor, and earning incremental wage increases aligned to enhanced job proficiency, resulting in the acquisition of a nationally recognized and portable certificate, under a plan approved by the Office of Apprenticeship or a State agency recognized by the Department of Labor.”.

SEC. 102. PURPOSE.

Section 106 of the Workforce Investment Act of 1998 (29 U.S.C. 2811) is amended by inserting “adult education and” before “workforce investment systems”.

SEC. 103. STATE WORKFORCE INVESTMENT BOARDS.

Section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821) is amended—

(1) in subsection (b)(1)(C)—

(A) in clause (vi)(II), by striking “and” after the semicolon;

(B) by redesignating clause (vii) as clause (viii); and

(C) by inserting after clause (vi) the following:

“(vii) the lead State agency officials with responsibilities for the programs and activities carried out under title II; and”

(2) in subsection (d)(2), by inserting “adult education and” before “workforce investment system”.

SEC. 104. STATE PLAN.

Section 112 of the Workforce Investment Act of 1998 (29 U.S.C. 2822) is amended—

(1) in subsection (a), by inserting “and aligns with the State plan described in section 224” before the period at the end; and

(2) in subsection (b)—

(A) in paragraph (4)—

(i) in subparagraph (B), by inserting “academic levels and” before “job skills”;

(ii) in subparagraph (C), by striking “and” after the semicolon;

(iii) in subparagraph (D), by striking “State;” and inserting “State, including education, training, and registered apprenticeship programs and their relationship to such career opportunities and skills and economic development needs; and”;

(iv) by adding at the end the following:

“(E) the integrated education and training activities that will be integrated and aligned with workforce programs and services under this title, and the State’s efforts to increase the number of participants concurrently enrolled in adult education services under title II and training and employment activities under this title.”.

(B) in paragraph (8)—

(i) in subparagraph (A)(x), by striking “and” after the semicolon;

(ii) in subparagraph (B), by striking the semicolon and inserting “, including performance on the core indicators described in section 212; and”;

(iii) by adding at the end the following:

“(C) a description of any integrated data systems used to track performance outcomes over time for the participants in the programs and activities described in subparagraph (A);”;

(C) in paragraph (9), by striking “businesses and representatives of labor organizations” and inserting “businesses, representatives of labor organizations, and representatives of education and training (including adult education providers, postsecondary education providers, and training providers)”;

(D) in paragraph (17)(A)(iv), by adding “, including individuals receiving services under title II” after “disabilities”.

SEC. 105. LOCAL WORKFORCE INVESTMENT BOARDS.

Section 117(h)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2832(h)(2)(A)) is amended—

(1) in clause (v), by striking “and” after the semicolon; and

(2) by inserting after clause (vi), the following:

“(vii) representatives of adult education; and”.

SEC. 106. LOCAL PLAN.

Section 118(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2833(b)(1)) is amended—

(1) in subparagraph (B), by striking “and” after the semicolon;

(2) in subparagraph (C), by inserting “academic levels and” before “job skills”; and

(3) by adding at the end the following:

“(D) the type and availability of workforce investment activities in the local area, including education, training, and registered apprenticeship programs and their relationship to such business, job seeker, and worker needs, employment opportunities, and economic development needs; and

“(E) the integrated education and training activities that will be carried out under this title or title II and the alignment of those activities.”.

SEC. 107. USE OF FUNDS FOR YOUTH ACTIVITIES.

Section 129 of the Workforce Investment Act of 1998 (29 U.S.C. 2854) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking “and” after the semicolon;

(B) in paragraph (6), by striking the period and inserting “; and”;

(C) by adding at the end the following:

“(7) to provide opportunities for career pathways for eligible youth.”;

(2) in subsection (c)—

(A) in paragraph (1)(C)—

(i) in clause (iii), by striking “and” after the semicolon;

(ii) in clause (iv)(II), by striking the period and inserting a semicolon; and

(iii) by adding at the end the following:

“(v) opportunities for career pathways; and

“(vi) for the completion of secondary school, in appropriate cases.”;

(B) in paragraph (2)—

(i) in subparagraph (I), by striking “and” after the semicolon;

(ii) in subparagraph (J), by striking the period and inserting “; and”;

(iii) by adding at the end the following:

“(K) dual enrollment opportunities.”.

SEC. 108. USE OF FUNDS FOR EMPLOYMENT AND TRAINING ACTIVITIES.

Section 134(d) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(d)) is amended—

(1) in paragraph (3)(A)(i)(I), by striking “and are unable to obtain employment through core services provided under paragraph (2)”;

(2) in paragraph (4)—

(A) in subparagraph (A)(i), by striking “and who are unable to obtain or retain employment through such services”;

(B) in subparagraph (D)—

(i) in clause (viii), by striking “and” after the semicolon;

(ii) in clause (ix), by striking the period and inserting “; and”;

(iii) by adding at the end the following:

“(x) integration of adult education and training.”;

(C) in subparagraph (G)(ii)—

(i) in subclause (II), by striking “or” after the semicolon;

(ii) in subclause (III), by striking the period and inserting “; and”;

(iii) by adding at the end the following:

“(IV) the local board determines that it would facilitate the training of multiple individuals in high-demand occupations; or

“(V) the local board determines that it would facilitate the provision of integrated education and training programs.”.

SEC. 109. PERFORMANCE ACCOUNTABILITY SYSTEM.

Section 136(b)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2871(b)(2)(A)) is amended—

(1) in clause (i)—

(A) in the matter preceding subclause (I), by striking “and (for participants who are eligible youth age 19 through 21) for youth activities authorized under section 129”;

(B) in subclause (IV)—

(i) by inserting “and performance on the core indicators described in section 212, as appropriate” after “recognized equivalent”;

(ii) by striking “, or by participants who are eligible youth age 19 through 21 who enter postsecondary education, advanced training, or unsubsidized employment”;

(2) in clause (ii)—

(A) in the matter preceding subclause (I), by striking “(for participants who are eligible youth age 14 through 18)”;

(B) in subclause (I), by striking “and, as appropriate, work readiness or occupational skills” and inserting “, workplace skills, or occupation skills, as appropriate”;

(C) in subclause (II), by striking “and” after the semicolon;

(D) in subclause (III), by striking the period and inserting “; and”;

(E) by adding at the end the following:

“(IV) performance on measures described in subclauses (I), (II), and (III) of clause (i) by youth 18 years of age and older.”.

SEC. 110. DEMONSTRATION AND PILOT PROJECTS.

Section 171(b)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2916(b)(1)) is amended—

(1) in subparagraph (G), by striking “and” after the semicolon;

(2) in subparagraph (H), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

“(I) projects that assist low skill and limited English proficient workers to acquire the basic, English, work readiness, and applied technical or occupational skills through integrated education and training programs to successfully transition to postsecondary education, workforce development, and employment in career pathways; and

“(J) projects that test effective ways to develop comprehensive career pathways learning approaches that fully align adult education with secondary education, postsecondary education, including registered apprenticeship programs, workforce development, and supportive service activities, and with regional economic development strategies to meet the skill needs of existing and emerging regional employers as well as the needs of low skilled adults, helping adults, especially those who are low skilled, to advance through progressive levels of education and training as quickly as possible and gain education and workforce skills of demonstrated value to the labor market at each level.”.

TITLE II—ADULT EDUCATION, LITERACY, AND WORKPLACE SKILLS

SEC. 201. PURPOSE.

Section 202 of the Adult Education and Family Literacy Act (20 U.S.C. 9201) is amended—

(1) in paragraph (1), by inserting “and postsecondary education or training” after “self-sufficiency”;

(2) in paragraph (2), by striking “and” after the semicolon;

(3) in paragraph (3)—

(A) by inserting “and transition to postsecondary education and career pathways” after “education”; and

(B) by striking the period and inserting “; and”; and

(4) by adding at the end the following:

“(4) assist adults with limited English proficiency in improving their reading, writing, speaking, listening, and comprehension skills in English and mathematical skills and acquiring an understanding of the American system of government, individual freedom, and the responsibilities of citizenship.”.

SEC. 202. DEFINITIONS.

(a) IN GENERAL.—Section 203 of the Adult Education and Family Literacy Act (20 U.S.C. 9202) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), and (18), as paragraphs (4), (5), (6), (7), (8), (9), (10), (11), (12), (15), (16), (17), (18), (19), (20), and (21), respectively;

(2) by inserting after paragraph (2) the following:

“(3) CAREER PATHWAY.—The term ‘career pathway’ has the meaning given the term in section 101 of the Workforce Investment Act of 1998.”;

(3) in paragraph (6), as redesignated by paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “an organization that has demonstrated effectiveness in providing adult education, literacy, and workplace skills activities that may include” after “means”;

(B) in subparagraph (B), by striking “of demonstrated effectiveness”;

(C) in subparagraph (C), by striking “of demonstrated effectiveness”;

(D) in subparagraph (H), by striking “and” after the semicolon;

(E) in subparagraph (I), by striking the period and inserting “; and”; and

(F) by adding at the end the following:

“(J) a partnership between an entity described in any of subparagraphs (A) through (I) and an employer.”;

(4) in paragraph (8), as redesignated by paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting “the economic prospects for” after “sustainable changes in”; and

(ii) by inserting “and that better enable parents to support their children’s learning needs” after “a family”;

(B) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively; and

(C) by inserting before subparagraph (B), as redesignated by subparagraph (B), the following:

“(A) Parent adult education, literacy, and workplace skills activities that lead to readiness for postsecondary education or training, career advancement, and economic self-sufficiency.”;

(5) by inserting after paragraph (12), as redesignated by paragraph (1), the following:

“(13) INTEGRATED EDUCATION AND TRAINING.—The term ‘integrated education and training’ has the meaning given the term in section 101 of the Workforce Investment Act of 1998.”

“(14) INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION PROGRAM.—The term ‘integrated English literacy and civics education program’ means programs of instruction designed to help an individual of limited English proficiency achieve competence in English through contextualized instruction on the rights and responsibilities of citizenship, naturalization procedures, civic participation, and United States history and Government to help such an individual acquire the skills and knowledge to become an active and informed parent, worker, and community member.”; and

(6) by adding at the end the following:

“(22) WORKPLACE SKILLS.—The term ‘workplace skills’ has the meaning given the term in section 101 of the Workforce Investment Act of 1998.”.

(b) CONFORMING AMENDMENT.—Section 173A(b)(8) of the Workforce Investment Act of 1998 (29 U.S.C. 2918a(b)(8)) is amended by striking “section 203(10) of the Adult Education and Family Literacy Act (20 U.S.C. 9202(10))” and inserting “section 203(11) of the Adult Education and Family Literacy Act (20 U.S.C. 9202(11))”.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Adult Education and Family Literacy Act (20 U.S.C. 9204) is amended to read as follows:

“SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this title \$850,000,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year.”.

SEC. 204. RESERVATION OF FUNDS; GRANTS TO ELIGIBLE AGENCIES; ALLOTMENTS.

Section 211 of the Adult Education and Family Literacy Act (20 U.S.C. 9211) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “\$8,000,000” and inserting “\$15,000,000”;

(B) in paragraph (2)—

(i) by striking “1.5 percent” and inserting “1.25 percent”;

(ii) by striking “\$8,000,000” and inserting “\$12,000,000”; and

(iii) by striking “and” after the semicolon;

(C) in paragraph (3), by striking the period and inserting “; and”; and

(D) by adding at the end the following:

“(4) shall reserve 12 percent to carry out section 244.”; and

(2) in subsection (d), by striking paragraphs (1) through (4) and inserting the following:

“(1)(A) is at least 16 years of age;

“(B) is beyond the age of compulsory school attendance under the law of the State or outlying area;

“(C) does not have a secondary school diploma or its recognized equivalent; and

“(D) is not enrolled in secondary school; or

“(2) is an individual—

“(A) described in each of subparagraphs (A), (B), and (D) of paragraph (1); and

“(B) who is limited English proficient.”.

SEC. 205. PERFORMANCE ACCOUNTABILITY SYSTEM.

Section 212(b) of the Adult Education and Family Literacy Act (20 U.S.C. 9212(b)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (i), by inserting “and the employment performance indicator described in paragraph (2)(B)” after “paragraph (2)(A)”; and

(B) in clause (ii), by striking “paragraph (2)(B)” and inserting “paragraph (2)(C)”; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (ii), by striking “in, retention in” and all that follows through the period at the end and inserting “in postsecondary education, including registered apprenticeship, or other skill training programs.”; and

(ii) by adding at the end the following:

“(iv) Attainment of work readiness, workforce skills, and certificates that are nationally or industry recognized or approved by the State board or local board, as appropriate.”;

(B) by redesignating subparagraph (B) as subparagraph (D);

(C) by inserting after subparagraph (A) the following:

“(B) EMPLOYMENT PERFORMANCE INDICATOR.—Consistent with applicable Federal and State privacy laws—

“(i) an eligible agency shall identify in the State plan an individual participant employment performance indicator, which shall be entry into employment; and

“(ii) the State agency responsible for maintaining and analyzing the data described in clause (i) shall assist the eligible agency in obtaining and using quarterly wage records to collect such data.

“(C) TECHNOLOGY LITERACY INDICATOR.—Beginning in 2013, an eligible agency shall include a technology literacy indicator in its performance measure.”; and

(D) by striking subparagraph (D), as redesignated by subparagraph (B), and inserting the following:

“(D) ADDITIONAL INDICATORS.—An eligible agency may identify in the State plan additional indicators, including customer feedback, for adult education, literacy, and workplace skills activities authorized under this subtitle.”; and

(3) in paragraph (3)(B)—

(A) in the heading, by inserting “AND EMPLOYMENT PERFORMANCE INDICATOR” after “INDICATORS”; and

(B) by striking “paragraph (2)(B)” and inserting “paragraph (2)(C) and for the employment performance indicator described in paragraph (2)(B)”.

SEC. 206. STATE DISTRIBUTION OF FUNDS; MATCHING REQUIREMENT.

Section 222(a) of the Adult Education and Family Literacy Act (20 U.S.C. 9222(a)) is amended—

(1) in paragraph (1)—

(A) by striking “not more than 10” and inserting “not less than 10”; and

(B) by striking “82.5 percent” both places the term appears and inserting “80 percent”; and

(2) in paragraph (2), by striking “12.5 percent” and inserting “15 percent”.

SEC. 207. STATE LEADERSHIP ACTIVITIES.

Section 223(a) of the Adult Education and Family Literacy Act (20 U.S.C. 9223(a)) is amended to read as follows:

“(a) ACTIVITIES.—

“(1) REQUIRED ACTIVITIES.—Each eligible agency shall use funds made available under section 222(a)(2) for the following adult education, literacy, and work readiness skills activities:

“(A) The establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under section 231(b).

“(B) The provision of technical assistance to eligible providers of adult education, literacy, and workplace skills activities to enable them to fulfill the purpose of this title, as described in section 202.

“(C) The monitoring and evaluation of adult education and related activities to determine what works and broadly disseminate information about models and best practices and tools within the State.

“(D) The provision of technology assistance, including staff training, to eligible providers of adult education, literacy, and workplace skills activities to enable the eligible providers to improve the quality of such activities.

“(E) Coordination with the workforce investment systems supported under title I.

“(2) PERMISSIBLE ACTIVITIES.—Each eligible agency may use funds made available under section 222(a)(2) for 1 or more of the following adult education, literacy, and workplace skills activities:

“(A) The support for State or regional networks of literacy resource centers.

“(B) Incentives for program coordination and integration, and performance awards.

“(C) Developing and disseminating curricula for postsecondary and job training readiness, including curricula for using technology for distance learning and for instructional and teacher training purposes.

“(D) Coordination with existing support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education, literacy, and workplace skills activities, to adults enrolled in such activities.

“(E) Developing innovative content and models for integrated education and training programs.

“(F) Developing innovative content and models to foster the transition to postsecondary education and career pathways.

“(G) Linkages with postsecondary educational institutions.

“(H) Linkages with community-based organizations.

“(I) Support for recruitment and outreach for instructors, students, and employers.”.

SEC. 208. STATE PLAN.

Section 224 of the Adult Education and Family Literacy Act (20 U.S.C. 9224) is amended—

(1) in subsection (b)—

(A) in paragraph (11), by striking “and” after the semicolon;

(B) in paragraph (12), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(13) a description of the knowledge and skills necessary for acceptance in postsecondary education and training;

“(14) a description of any certification or other requirements for instructors in eligible adult education, literacy, and workplace skills program providers in the State;

“(15) a description of the professional development needs of adult education, literacy, and workplace skills providers in the State;

“(16) a description of how the State will—

“(A) use technology to improve the quality of adult education, literacy, and workplace skills services; and

“(B) expand access to such services for workers and students;

“(17) a description of how the State will carry out programs described in section 244;

“(18) a description of the data system that the State will use to track over time student outcomes on the performance measures described in section 212;

“(19) a description of the State’s program to invest in the skills of workers, including plans for involving business as an active partner in the effort; and

“(20) a description of how the adult education programs will be integrated with occupational skills programs and aligned with postsecondary education, career, and technical education, workforce development programs, and other Federal funds available under title I and other relevant Federal programs.”;

(2) by striking subsection (e) and inserting the following:

“(e) PEER REVIEW AND PLAN APPROVAL.—The Secretary shall—

“(1) establish a peer review process to assist in the review and approval of State plans;

“(2) in consultation with the National Institute for Adult Education, Literacy, and Workplace Skills, appoint individuals, representing the range of stakeholders, to the peer-review process, including—

“(A) representatives of adult learners, adult education, literacy, and workplace skills providers, eligible agencies, State educational agencies, institutions of higher education, representatives of local or State workforce investment boards; and

“(B) experts in the fields of adult education, literacy, and workplace skills;

“(3) approve a State plan within 120 days after receiving the plan, unless the Secretary makes a written determination, within 30 days after receiving the plan, that the plan does not meet the requirements of this section or is inconsistent with specific provisions of this subtitle; and

“(4) not finally disapprove of a State plan before offering the eligible agency the opportunity, prior to the expiration of the 30-day period beginning on the date on which the eligible agency received the written determination described in paragraph (3), to revise the plan, and providing technical assistance in order to assist the eligible agency in meeting the requirements of this subtitle.”; and

(3) by striking subsections (f) and (g).

SEC. 209. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITUTIONALIZED INDIVIDUALS.

Section 225 of the Adult Education and Family Literacy Act (20 U.S.C. 9225) is amended—

(1) in subsection (b)—

(A) in paragraph (3), by striking “and” after the semicolon at the end;

(B) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(5) integrated education and training programs;

“(6) career pathways programs;

“(7) dual enrollment programs; and

“(8) preparation for postsecondary education and training.”;

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) REPORT.—In addition to any report required under section 212(c), each eligible

agency that receives assistance provided under this section shall annually prepare and submit to the Secretary a report on the progress, as described in section 212(c)(1), of the eligible agency with respect to the programs and activities of the eligible entity receiving assistance under this section.”.

SEC. 210. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS.

Section 231(b)(1) of the Adult Education and Family Literacy Act (20 U.S.C. 9241(b)(1)) is amended to read as follows:

“(1) Adult education, literacy, and workplace skills services, which may include workplace literacy services, integrated education and training services, and transition to postsecondary education and training and career pathways.”.

SEC. 211. LOCAL APPLICATION.

Section 232 of the Adult Education and Family Literacy Act (20 U.S.C. 9242) is amended—

(1) in the matter preceding paragraph (1), by inserting “the measurable goals to be accomplished as a result of the grant or contract and” after “including”;

(2) in paragraph (1), by striking “and” after the semicolon;

(3) in paragraph (2), by striking the period and inserting “; and”; and

(4) by adding at the end the following:

“(3) a description of how the grantee or contractor will collect data for purposes of reporting performance measures to assess and evaluate the progress of adult education students and activities.”.

SEC. 212. ADMINISTRATIVE PROVISIONS.

Section 241 of the Adult Education and Family Literacy Act (20 U.S.C. 9251) is amended by adding at the end the following:

“(c) RULEMAKING.—

“(1) IN GENERAL.—The Secretary shall issue such regulations as are necessary to reasonably ensure compliance with this title.

“(2) CONSULTATION.—Before publishing in the Federal Register proposed regulations to carry out this title, the Secretary shall consult with the Secretary of Labor and obtain the advice and recommendations of representatives of—

“(A) adult learners;

“(B) adult education, literacy, and workplace skills providers;

“(C) eligible agencies;

“(D) State educational agencies;

“(E) institutions of postsecondary education, including community colleges;

“(F) representatives of State and local workforce investment boards;

“(G) other organizations involved with the implementation and operation of programs under this title; and

“(H) community based organizations involved with the implementation and operation of programs under this title.

“(3) MEETINGS AND ELECTRONIC EXCHANGE.—The advice and recommendations described in paragraph (2) may be obtained through such mechanisms as regional meetings and electronic exchanges of information.”.

SEC. 213. NATIONAL INSTITUTE FOR ADULT EDUCATION, LITERACY, AND WORKPLACE SKILLS.

Section 242 of the Adult Education and Family Literacy Act (20 U.S.C. 9252) is amended—

(1) by striking the section heading and inserting the following “**NATIONAL INSTITUTE FOR ADULT EDUCATION, LITERACY, AND WORKPLACE SKILLS**”;

(2) by striking subsection (a) and inserting the following:

“(a) PURPOSE.—The purpose of the National Institute for Adult Education, Literacy, and Workplace Skills is to—

“(1) provide national leadership regarding adult education and family literacy;

“(2) coordinate adult education, literacy, and workplace skills services and policy; and

“(3) serve as a national resource for adult education, literacy, and workplace skills programs by—

“(A) providing the best and most current information available;

“(B) providing national leadership on the use of technology for adult education; and

“(C) supporting the creation of new ways to offer adult education, literacy, and workplace skills services of proven effectiveness.”;

(3) in subsection (b)—

(A) in paragraph (1), by striking “National Institute for Literacy” and inserting “National Institute for Adult Education, Literacy, and Workplace Skills”;

(B) in paragraph (2), by striking “separate” and inserting “independent”; and

(C) in paragraph (3), by striking “National Institute for Literacy Advisory Board” and inserting “National Institute for Adult Education, Literacy, and Workplace Skills Advisory Board”;

(4) in subsection (c)(1)—

(A) in subparagraph (A)—

(i) in clause (iii), by striking “and” after the semicolon;

(ii) in clause (iv), by inserting “and” after the semicolon; and

(iii) by adding at the end the following:

“(v) effective practices for integrated English literacy and civics education programs.”;

(B) by striking subparagraph (D) and inserting the following:

“(D) to collect and disseminate information on methods of advancing education and literacy that show great promise for adults eligible for services under this title.”;

(C) by striking subparagraph (E) and inserting the following:

“(E) to provide policy and technical assistance to Federal, State, and local organizations for the improvement of adult education, literacy, and workplace skills services.”;

(D) in subparagraph (G), by inserting “and integrated English literacy and civics education programs” after “workforce investment activities”;

(E) in subparagraph (H), by striking “and” after the semicolon;

(F) in subparagraph (I), by striking the period and inserting a semicolon; and

(G) by adding at the end the following:

“(J) to carry out section 306 of the Adult Education and Economic Growth Act of 2009; and

“(K) not later than 4 years after the date of enactment of the Adult Education and Economic Growth Act of 2009, to conduct an evaluation and submit a report to the Interagency Group, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and Labor of the House of Representatives on the effectiveness of programs funded under this title in achieving the purpose described in section 202, which evaluation and report shall include—

“(i) a longitudinal study of outcomes for adult learners served under programs under this title;

“(ii) an analysis of the adequacy of the performance measures identified in section 212; and

“(iii) recommendations for improved performance measures and on how to improve program effectiveness.”; and

(5) in subsection (e)—

(A) in the heading, by striking “NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD” and inserting “NATIONAL INSTITUTE FOR ADULT EDUCATION, LITERACY, AND WORKPLACE SKILLS ADVISORY BOARD”; and

(B) in paragraph (1)(A), by striking “National Institute for Literacy Advisory Board” and inserting “National Institute for Adult Education, Literacy, and Workplace Skills Advisory Board”.

SEC. 214. NATIONAL LEADERSHIP ACTIVITIES.

Section 243 of the Adult Education and Family Literacy Act (20 U.S.C. 9253) is amended to read as follows:

“SEC. 243. NATIONAL LEADERSHIP ACTIVITIES.

“The Secretary shall establish and carry out a program of national leadership activities to improve the quality and outcomes of adult education, literacy, and workplace skills programs nationwide. Such activities shall include the following:

“(1) Technical assistance, which may include—

“(A) assistance to eligible providers in developing and using certification systems, performance measures, and data systems for the improvement of adult education, literacy, and workplace skills activities, including family literacy services, transition to postsecondary education or career pathways, and integrated English literacy and civics education programs;

“(B) assistance related to professional development activities and assistance for the purpose of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education, literacy, and workplace skills activities, including family literacy services, transition to postsecondary education or career pathways, and integrated English literacy and civics education programs, based on scientific evidence where available; or

“(C) assistance in distance learning and promoting and improving the use of technology in the classroom.

“(2) National demonstration projects for improving adult education, literacy, and workplace skills services, which may include projects that—

“(A) accelerate learning outcomes for adult learners with the lowest literacy levels;

“(B) promote career pathways;

“(C) allow dual enrollment in adult secondary education and credit bearing postsecondary coursework;

“(D) provide integrated education and training services;

“(E) build capacity to enhance the intensity of adult education, literacy, and workplace skills services;

“(F) establish partnerships to improve the quality of and expand adult education, literacy, and workplace skills services to more adults;

“(G) provide professional development opportunities to adult education, literacy, and workplace skills service providers;

“(H) develop new curricula and methods of instruction that improve learning outcomes in adult education, literacy, and workplace skills programs; and

“(I) provide integrated English literacy and civics education program instruction.

“(3) Dissemination of the results and best practices identified in the national demonstration projects described in paragraph (2).

“(4) Program evaluation and data collection and reporting.”.

SEC. 215. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION PROGRAMS.

Chapter 4 of subtitle A of the Adult Education and Family Literacy Act (20 U.S.C.

9251 et seq.) is amended by adding at the end the following:

“SEC. 244. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION PROGRAMS.

“(a) IN GENERAL.—From funds reserved under section 211(a)(4) for each fiscal year, the Secretary shall award grants to States, in accordance with the allocations under subsection (b), for integrated English literacy and civics education programs.

“(b) ALLOCATIONS.—

“(1) IN GENERAL.—Subject to paragraph (2), of the funds described in subsection (a), the Secretary shall allocate—

“(A) 65 percent to States on the basis of a State’s need for integrated English and civics education programs, as determined by calculating each State’s share of a 10-year average of the data compiled by the Office of Immigration Statistics of the Department of Homeland Security, for immigrants admitted for lawful permanent residence for the 10 most recent years; and

“(B) 35 percent to States on the basis of whether the State experienced growth, as measured by the average of the 3 most recent years for which data compiled by the Office of Immigration Statistics of the Department of Homeland Security are available, for immigrants admitted for lawful permanent residence.

“(2) MINIMUM.—No State shall receive an allocation under paragraph (1) for a fiscal year in an amount that is less than \$60,000.”.

TITLE III—21ST CENTURY TECHNOLOGY AND SKILLS FOR ADULT LEARNERS

SEC. 301. PURPOSES.

The purposes of this title are the following:

(1) To expand access to adult education services through the use of technology.

(2) To provide professional development for providers of adult education, literacy, and workplace skills services so that they are able to—

(A) effectively use technology in the delivery of adult education, literacy, and workplace skills services; and

(B) improve the quality of instruction and accelerate the—

(i) achievement of basic educational skills, English language literacy, and secondary school equivalency or postsecondary education; and

(ii) training readiness for adult learners.

(3) To assist States in developing a 21st Century delivery system for adult education, literacy, and workplace skills services.

(4) To assist adults in developing technology literacy.

SEC. 302. DEFINITIONS.

In this title:

(1) ADULT EDUCATION TERMS.—The terms “adult education”, “eligible agency”, “eligible provider”, “Secretary”, and “State” have the meanings given the terms in section 203 of the Adult Education and Family Literacy Act (20 U.S.C. 9202).

(2) DISTANCE EDUCATION.—The term “distance education” has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(3) INSTITUTE.—The term “Institute” means the National Institute for Adult Education, Literacy, and Workplace Skills established under section 242 of the Adult Education and Family Literacy Act (20 U.S.C. 9252).

(4) TECHNOLOGY LITERACY.—The term “technology literacy” means the knowledge and skills in using contemporary information, communication and learning technologies in a manner necessary for successful lifelong learning and citizenship in the

knowledge-based, digital, and global 21st Century, which includes the abilities—

(A) to effectively communicate and collaborate;

(B) to analyze and solve problems;

(C) to access, evaluate, manage, and create information and otherwise gain information literacy; and

(D) to do so in a safe and ethical manner.

SEC. 303. RESERVATION OF FUNDS AND ALLOTMENTS.

(a) **RESERVATION OF FUNDS.**—From the sums appropriated under section 307 for a fiscal year, the Secretary shall reserve 3 percent or \$7,500,000 to carry out section 306, whichever amount is less.

(b) **ALLOTMENT OF REMAINDER.**—From the sums remaining for a fiscal year after making the reservation under subsection (a), the Secretary shall allot—

(1) 75 percent to carry out section 305;

(2) 20 percent to carry out section 304; and

(3) 5 percent for administrative costs in carrying out section 304.

(c) **ALLOTMENTS TO ELIGIBLE AGENCIES.**—

(1) **IN GENERAL.**—From the sums available to carry out section 304 for a fiscal year, the Secretary shall allot to each eligible agency with an approved application an amount that bears the same relationship to such sums as the amount received under section 211(c)(2) of the Adult Education and Family Literacy Act (20 U.S.C. 9211(c)(2)) by such eligible agency bears to the amount received under such section for such fiscal year by all eligible agencies.

(2) **MINIMUM ALLOTMENT.**—No eligible agency shall receive an allotment under paragraph (1) for a fiscal year in amount that is less than \$100,000. If the amount appropriated to carry out section 304 for a fiscal year is not sufficient to pay such minimum allotment, the amount of such minimum allotments shall be ratably reduced.

SEC. 304. GRANTS TO ELIGIBLE AGENCIES.

(a) **AUTHORIZATION OF GRANTS.**—The Secretary shall award grants to eligible agencies from allotments under section 303(b).

(b) **APPLICATION.**—

(1) **IN GENERAL.**—Each eligible agency that desires to receive a grant under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require.

(2) **CONTENTS.**—An application submitted under paragraph (1) shall contain the following:

(A) A description of the eligible agency's technology plan for the adult education system, including measurable goals to be achieved.

(B) A description of how the eligible agency will provide technical assistance and support to local programs.

(C) A description of how the eligible agency will use technology to expand adult education, literacy, and workplace skills services to more adults, including those in rural areas.

(D) A description of the long-term goals and strategies for improved outcomes for adult learners.

(E) A description of the professional development activities to be undertaken.

(F) A description of the performance benchmarks and how data will be collected.

(G) A description of how the eligible agency will ensure that grants or contracts to eligible providers are of sufficient size and scope to achieve the purposes of this title.

(c) **ACTIVITIES.**—An eligible agency that receives a grant under this title shall carry out the following:

(1) Developing a statewide technology plan for the adult education system.

(2) Providing professional development for adult education, literacy, and workplace skills service providers.

(3) Providing access to curricula, instruction, and assessment for adult learners and eligible providers.

(4) Supporting the development of curricula and assessment tools for adult education, literacy, and workplace skills service providers.

(5) Providing guidance and technical assistance to eligible providers.

(6) Supporting innovative pilot projects such as the use of assistive technology to deliver content to adult learners.

SEC. 305. GRANTS AND CONTRACTS TO ELIGIBLE PROVIDERS.

(a) **AUTHORIZATION OF GRANTS AND CONTRACTS.**—An eligible agency that receives a grant under this title shall award grants and contracts to eligible providers to carry out activities described in this section.

(b) **ELIGIBLE PROVIDER APPLICATION.**—An eligible provider that desires to receive a grant or contract under this title shall submit an application to an eligible agency, which shall include—

(1) a description of how the eligible provider will integrate technology into the eligible provider's delivery of adult education, literacy, and workplace skills services;

(2) a description of professional development activities to be undertaken; and

(3) a description of plans to regularly replace computers and servers that lack the functional capabilities to process new online applications and services, including video conferencing, video streaming, virtual simulations, and distance education courses.

(c) **ELIGIBLE PROVIDER ACTIVITIES.**—An eligible provider that receives a grant or contract under this title shall carry out the following:

(1) Acquiring and effectively implementing technology tools, applications, and other resources in conjunction with enhancing or redesigning adult education, literacy, and workplace skills curricula to increase adult learning outcomes and improve adult technology literacy.

(2) Acquiring and effectively implementing technology tools, applications, and other resources to—

(A) conduct on-going assessments and use other timely data systems to more effectively identify individual learning needs and guide personalized instruction, learning, and appropriate interventions that address those personalized student learning needs; and

(B) support individualized learning, including through instructional software and digital content that support the learning needs of each student or through providing access to high quality courses and instructors, especially in rural areas.

(3) Providing professional development activities for providers of adult education, literacy, and workplace skills services that includes—

(A) training that is on-going, sustainable, timely, and directly related to delivering adult education, literacy, and workplace skills services;

(B) training in strategies and pedagogy in the delivery of adult education, literacy, and workplace skills services that involves the use of technology and curriculum redesign as key components of changing teaching and learning and improving outcomes for adult learners;

(C) training in the use of technology to ensure that providers of adult education, lit-

eracy, and workplace skills services are able to use technology for data analysis to enable individualized instruction and to use technology to improve technology literacy for adult learners; and

(D) training that includes on-going communication and follow-up with instructors, facilitators, and peers.

(4) Acquisition and implementation of technology tools, applications, and other resources to be employed in professional development activities.

SEC. 306. NATIONAL ADULT LEARNING AND TECHNOLOGY RESOURCE CENTER.

(a) **IN GENERAL.**—The Institute shall establish and maintain the National Adult Learning and Technology Resource Center (referred to in this section as the "Center").

(b) **DUTIES OF THE CENTER.**—The Center shall—

(1) develop frameworks for technology-based learning and professional development materials for adult education, literacy, and workplace skills;

(2) develop frameworks for performance measures for technology literacy;

(3) provide technical assistance to eligible entities and eligible providers of adult education, literacy, and workplace skills;

(4) support distance education for professional development for eligible entities and eligible providers of adult education, literacy, and workplace skills services;

(5) support the innovative uses of technology, such as the use of assistive technology, to deliver content to adult learners; and

(6) be accessible to the public through the website of the Institute.

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title \$250,000,000 for fiscal year 2010 and such sums as may be necessary for each succeeding fiscal year.

TITLE IV—RESEARCH IN ADULT EDUCATION

SEC. 401. RESEARCH IN ADULT EDUCATION.

(a) **IN GENERAL.**—Section 133(c)(2)(A) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9533(c)(2)(A)) is amended by inserting "education and" before "literacy".

(b) **NATIONAL RESEARCH AND DEVELOPMENT CENTER.**—

(1) **IN GENERAL.**—The Secretary of Education shall direct the Commissioner for Education Research of the National Center for Education Research established pursuant to section 131 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9531) to establish a national research and development center for adult education, literacy, and workplace skills as described in section 133(c)(2)(A) of such Act (20 U.S.C. 9533(c)(2)(A)).

(2) **PROVISION FOR EXPANSION OF RESEARCH.**—If, as of the date of the enactment of this Act, the Commissioner for Education Research of the National Center for Education Research has established a center for adult literacy in accordance with section 133(c)(2)(A) of the Education Sciences Reform Act of 2002 (20 U.S.C. 9533(c)(2)(A)), the Commissioner shall expand the topic of research of such center to include adult education, in accordance with the amendment made by subsection (a).

TITLE V—EMPLOYER INCENTIVES

SEC. 501. CREDIT FOR EMPLOYER EDUCATIONAL ASSISTANCE PROGRAMS.

(a) **IN GENERAL.**—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

"SEC. 45R. CREDIT FOR EMPLOYER EDUCATIONAL ASSISTANCE PROGRAMS.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an employer, the employer educational assistance program credit determined under this section for the taxable year is an amount equal to 50 percent of the qualified educational assistance expenses paid or incurred by the taxpayer to or on behalf of any employee of the taxpayer during the taxable year, regardless if the program is provided at the workplace or outside of the workplace.

"(b) LIMITATIONS.—

"(1) PER EMPLOYEE LIMITATION.—The amount of the qualified educational assistance expenses taken into account under subsection (a) with respect to any employee for the taxable year shall not exceed \$5,250.

"(2) TOTAL LIMITATION.—The aggregate amount of the qualified educational assistance expenses taken into account under subsection (a) with respect to all employees of the taxpayer for the taxable year shall not exceed the average of the aggregate qualified educational assistance expenses with respect to all employees of the taxpayer taken into account under subsection (a) in the 3 taxable years preceding such taxable year.

"(3) TRANSITION RULE.—

"(A) IN GENERAL.—In the case of a taxable year in which qualified educational assistance expenses of the taxpayer have not been taken into account under subsection (a) for each of the 3 taxable years preceding such taxable year, the aggregate amount of the qualified educational assistance expenses taken into account under subsection (a) with respect to all employees of the taxpayer for such taxable year shall not exceed the average of the sum of—

"(i) the aggregate qualified educational assistance expenses with respect to all employees of the taxpayer taken into account under subsection (a) in any of the 3 taxable years preceding such taxable year, plus

"(ii) the aggregate amount of amounts paid or expenses incurred by the employer, for which an exclusion was allowable to any employee of the employer under section 127, in any of such 3 taxable years in which no expenses were taken into account under subsection (a), plus

"(iii) in the case of a taxable year in which expenses have not been taken into account under subsection (a) or section 127 for each of the 3 taxable years preceding such taxable year, an amount equal to—

"(I) \$5,250, multiplied by

"(II) the number of employees of the taxpayer with respect to which the taxpayer has qualified educational assistance expenses in such taxable year.

"(c) QUALIFIED EDUCATIONAL ASSISTANCE EXPENSES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified educational assistance expenses' means expenses paid for educational assistance pursuant to an educational assistance program (within the meaning of section 127(b)).

"(2) EDUCATIONAL ASSISTANCE.—The term 'educational assistance' has the meaning given such term by section 127(c)(1), applied without regard to subparagraph (B) thereof, except that such term includes a payment only if such payment is made with respect to an employee enrolled in a program provided at the workplace or outside of the workplace—

"(A) leading to a sub-baccalaureate degree or career technical certificate awarded by an accredited postsecondary institution; or

"(B) in basic education, workplace skills, or English language training leading to a nationally recognized certificate of proficiency.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—Rules similar to the rules of paragraphs (2) through (5) of section 127(c) shall apply for purposes of this section.

"(e) DENIAL OF DOUBLE BENEFIT.—No deduction or other credit shall be allowed under this chapter to an employer for any amount taken into account in determining the credit under this section."

(b) CREDIT INCLUDED IN GENERAL BUSINESS CREDIT.—Section 38(b) of the Internal Revenue Code of 1986 is amended by striking "plus" at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting ", plus", and by adding at the end the following new paragraph:

"(36) the employer educational assistance program credit determined under section 45R(a)."

(c) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 45R. Credit for employer educational assistance programs."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses relating to courses of instruction beginning after December 31, 2009.

By Mrs. BOXER:

S. 1469. A bill to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes; to the Committee on Armed Services.

Mrs. BOXER. Mr. President, the Port Chicago Naval Magazine National Memorial Enhancement Act of 2009 would help increase visitor access to the Port Chicago Naval Magazine National Memorial on the former Concord Naval Weapons Station and ensure the long-term preservation of this important World War II site. The legislation is strongly supported by the National Park Service, a coalition of more than 37 civil rights organizations in California, the National Parks Conservation Association, and the Friends of Port Chicago.

The Port Chicago Memorial marks the location of an explosion 65 years ago this week that killed and wounded numerous African American sailors and eventually paved the way for racial desegregation of the Armed Forces.

On the night of July 17, 1944, as sailors were loading ammunition at the Port Chicago Naval Magazine, a terrible explosion occurred. More than 5,000 tons of ammunition ignited, sending a blast more than 12,000 feet into the sky. The explosion killed 320 sailors, wounded hundreds more, and destroyed the surrounding town of Port Chicago. Less than a month after the explosion, survivors were ordered to resume work at a new site. Most survivors refused, citing the need for improved supervision, training, and working conditions to prevent another disaster. In response, the Navy charged 50 men with conspiring to mutiny, and all were convicted. The majority of men killed in the explosion and all those

convicted of mutiny were African-American.

Following the conviction, future Supreme Court Justice Thurgood Marshall, who at the time was a lawyer with the National Association for the Advancement of Colored People, took up the case. Roughly a year later, the Navy began moving towards racial desegregation, and in 1948, President Truman issued an Executive Order desegregating all of the Armed Forces and guaranteeing "equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion, or national origin."

In 1992, Congress authorized the creation of a National Memorial at Port Chicago. However, under its current authorities, the National Park Service still has limited ability to provide visitor access to the Memorial or to assist with the site's preservation. My bill authorizes the Interior Department to work with the City of Concord and the East Bay Regional Park District to operate a visitor's center for the Memorial, allowing veterans, students, and other visitors to learn more about the events that transpired at Port Chicago. The bill also designates the Memorial as a unit of the National Park System, allowing the Park Service to become more actively involved in its preservation.

The bill specifically states that as much public access as possible will be provided "without interfering with military needs," meaning that the timing and extent of public visitation will be adapted to accommodate military activities when they occur near the Memorial.

Eventually, when the Secretary of Defense determines that the land is excess to military needs, the bill authorizes the Secretaries of Defense and Interior to enter into a Memorandum of Understanding leading to the transfer of the Memorial to the National Park Service.

The Port Chicago National Memorial ensures that the stories of those who served and died at Port Chicago will not be forgotten. By enabling visitors to come to this site, future generations can continue to honor and learn from these brave sailors who selflessly served our Nation and who fought to overcome the barriers of racial segregation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 212—EXPRESSING THE SENSE OF THE SENATE THAT ANY SAVINGS UNDER THE MEDICARE PROGRAM SHOULD BE INVESTED BACK INTO THE MEDICARE PROGRAM, RATHER THAN CREATING NEW ENTITLEMENT PROGRAMS

Mr. JOHANNIS submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 212

Whereas the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) is projected to be insolvent by 2017; and

Whereas the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is the largest source of general revenue spending on health care for both the Federal government and the States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) any savings under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1396 et seq.) should be used to invest back into the Medicare program, rather than creating new entitlement programs; and

(2) any savings under the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) should be used to increase the Federal medical assistance percentage (as defined in section 1905(b) of such Act (42 U.S.C. 1396d(b)).

Mr. JOHANNES. Mr. President, the Medicare and Medicaid Programs are the largest single purchaser of health care in the world. These programs account for over 20 percent of all U.S. Federal Government spending. More than 1 in 5 taxpayer dollars we actually spend will go to the Medicare or Medicaid Program. By the time my children become senior citizens, these two programs are projected to consume every dollar of tax revenue raised per year. Recently, the Medicare trustees reported that the Medicare Program is literally projected to be bankrupt by 2017, just 8 short years away. That is 2 years earlier than projected last year.

Our ability to offer financial predictions provides little consolation to senior citizens who depend on the Medicare Program to receive their medical care. For the millions of baby boomers, my generation, expecting the Medicare Program to be there for them and their future health care needs, these projections basically say that on the current course, we are out of luck.

Unfortunately, the Medicaid Program outlook is not much better, a program I am very familiar with as a prior Governor. Medicaid is the largest source of general revenue spending on health care for both the Federal Government and State governments. In fact, Medicaid represents 40 percent of Federal Government general revenue spending on health care and 41 percent of such spending by the States. That is why, as economic conditions have continued to worsen, State Medicaid budgets are increasingly in crisis. States are struggling to pay Medicaid obligations and still balance their budgets. It is a tough job—I know from personal experience—one that is not for the faint of heart.

The President is proposing, in my judgment, to exacerbate the problem by creating another government-run entitlement program. Of course, in order to pay for this new program, he has identified cuts in Medicare and

Medicaid. Let's be clear: We have one soon-to-be-bankrupt program that consumes a huge chunk of health care spending today, and the rushed reform would take money from it to pay for a new health care program. Seriously, this is a vicious cycle and something we would only see in Washington. The American people deserve a better effort.

I suggest that in the real world, when budgets get tight, leaders have to make very tough decisions. Programs are scrutinized with a fine-toothed comb to find out where savings can be found. If savings are identified, that money is used to shore up the programming shortfalls and to try to keep the current program viable. Medicare recipients are hoping we do that because the clock is ticking on their program. We don't see new programs created as existing programs fall deeper and deeper into the red. People and programs, they have to work together, rolling up their sleeves, prioritizing, scrutinizing every dollar in every program in order to fulfill current obligations, in order to meet the promise to those who are receiving the benefits today.

I have laid down a resolution. That is why this resolution I am submitting today is necessary, to restore some semblance of sanity to the process. Simply put, this resolution says that if we find savings within the Medicare Program, we should put those savings back into the Medicare Program to keep the promise to our senior citizens that we will protect their program instead of creating yet another government entitlement program with the savings we have pulled from their program. It also says that if we find savings with the Medicaid Program, we should increase the Federal medical assistance percentage to help out States, to reduce the burden on State budgets; again, to fulfill the promise to those Medicaid recipients that we are serious about keeping their program going.

These are very practical, common-sense views the vast majority of Americans would agree with. Fix the programs in existence, Medicaid and Medicare, keep the promise to those receiving the benefits today, instead of taking the money from those programs to start yet another gigantic program. If we identify true savings within these current entitlement programs, I propose we fulfill that promise to the millions of Americans who are relying upon these important Federal programs. After all, it is not practical to rob Peter to pay Paul, especially when both Peter and Paul are going broke.

SENATE RESOLUTION 213—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE CITY OF SANTA FE, NEW MEXICO ON THE OCCASION OF ITS 400TH ANNIVERSARY

Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 213

Whereas, before 1598, the Pueblos of the Rio Grande region of New Mexico inhabited the area now officially known as Santa Fe;

Whereas, from the first arrival of Spanish colonists in August of 1598, the Pueblos of the Rio Grande and adjoining regions of New Mexico provided support and sustenance to those colonists, which allowed the colonists to persevere at San Gabriel del Yunque, the first villa and capital of New Mexico located in the Pueblo lands of Ohkay Owingeh;

Whereas, on March 30, 1609, the viceroy of New Spain, Luis de Velasco II, upon receiving a royal proclamation from the King of Spain and the captain general of New Mexico, ordered Governor Pedro de Peralta to arrive in New Mexico before the end of 1609 and establish a villa at the site of what is now known as Santa Fe;

Whereas some 70 years following the establishment of the villa of Santa Fe, the Pueblos took up arms and forced the inhabitants of the villa to retreat to El Paso de Guadalupe in what was then Mexico;

Whereas, in 1692, the Spanish colonists began to return to the villa, which, although initially peaceful, resulted in several armed conflicts lasting through 1696;

Whereas, following the repopulation of Santa Fe and reinstitution of the Spanish government in New Mexico, the Pueblos and Spanish colonists found ways to engage in mutual cultural interchange;

Whereas, over the following years, and despite intermittent disputes, the colonists and the descendants of the colonists formed alliances with the Pueblos and each accommodated the culture of the other, allowing Santa Fe to flourish;

Whereas the peaceful acceptance of each other's cultures continued through the conquest of New Mexico by the United States during the war with Mexico, contributed to the evolution of the cultural heritage of Santa Fe, and resulted in the recognition by the State and Federal governments of the sovereign rights of the Pueblos, including their right to self-government;

Whereas, during 2009 and 2010, Santa Fe will proudly observe the 400th anniversary of the settlement and subsequent founding as a villa and the multicultural heritage of the city with suitable events and observances to commemorate the occasion and to pass on to future generation the heritage of Santa Fe and the surrounding region; and

Whereas it is important that the commemoration provide a foundation for peace, hope, and collaboration for Santa Fe and its surrounding communities, and a foundation for moving forward as a flagship community within the State of New Mexico: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historical significance of the city of Santa Fe, New Mexico;

(2) recognizes the 400th anniversary of the establishment of Santa Fe; and

(3) encourages the people of the United States to observe the anniversary with appropriate ceremonies and activities.

Mr. BINGAMAN. Mr. President, I rise today to submit a resolution commemorating the 400th anniversary of the founding of the City of Santa Fe, NM. This bill is cosponsored by Senator TOM UDALL and a companion bill will be introduced in the House by Representatives BEN RAY LUJÁN, MARTIN HEINRICH, and HARRY TEAGUE.

Over the next year the City of Santa Fe will commemorate the arrival of Spanish settlers and the designation of the City as the capital city of the Spanish territory now known as New Mexico. On their arrival the Spaniards found a thriving Native American culture. These Native American and Spanish cultures served to enrich each other and led to the creation of a vibrant social, cultural, and financial center that made the settlement of the Western United States possible.

Despite the difficulties and periodic clashes the Spanish, Native American, and Anglo cultures in Santa Fe fought and worked to create a unique and vibrant culture that enriched all in the area. It is this confluence of cultures and the incomparable natural beauty of the area that make Santa Fe, The City Different, an American treasure that should be recognized and celebrated.

Santa Fe is celebrated worldwide for its thriving artistic community, including the Santa Fe Opera, museums, and working artists. Many of these artists were drawn to its natural beauty, the light and air of the place. It is this special something that led artists like D.H. Lawrence and Georgia O'Keefe and countless others to visit and move to the area.

We in New Mexico know how lucky we are to have Santa Fe and its treasures. The entire state stands with the City to commemorate its 400th anniversary. That is why I am proud to introduce this resolution with the entire New Mexico delegation calling on the Congress to recognize the historical significance of Santa Fe and calling on the People of the United States to observe the anniversary with appropriate ceremonies and activities.

Mr. UDALL of New Mexico. Mr. President, it gives me great pleasure to rise today and join my senior Senator in submitting a resolution commemorating the 400th anniversary of the founding of the city of Santa Fe, NM.

The Villa de Santa Fe was founded in 1609 by Don Pedro de Peralta as the capital of the Spanish province of New Mexico, making it the oldest capital city in the U.S.

The city of Santa Fe is blessed with a diversity of cultures, rooted in its remarkable history. At the time Spanish colonists arrived in New Mexico, they found many thriving Pueblo communities, including in the area around what was to become Santa Fe. Although there were conflicts between the two people, they learned from each

other, shared knowledge, traditions, and skills, while preserving their own unique cultures that persist to this day. Descendants of the original Spanish colonists can still be found in Santa Fe, and the nearby Pueblos continue to enrich the city and the region today. The city continued to evolve and grow through history with influences from the Mexican Revolution and characters from the western American frontier such as Billy the Kid.

With the breathtaking landscape of the high desert, snow-capped Sangre de Cristo Mountains as a backdrop, and well-preserved historical landmarks including the Cathedral Basilica of St. Francis of Assisi and the Palace of the Governors, Santa Fe has become a major tourist destination and an inspiration to many artists, including Georgia O'Keefe and D.H. Lawrence.

Today, Santa Fe is a modern American city, steeped in its rich history, arts, culture, and traditions. It is a treasure for the state of New Mexico and the Nation. I hope my colleagues will join us in honoring its past and celebrating the future of the "City Different."

SENATE RESOLUTION 214—CONGRATULATING LUCAS GLOVER ON WINNING THE 2009 UNITED STATES OPEN GOLF TOURNAMENT

Mr. DEMINT (for himself and Mr. GRAHAM) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 214

Whereas, on June 22, 2009, Lucas Glover, a native of Greenville, South Carolina, won the United States Open golf tournament at the Bethpage Black Course in Farmingdale, New York;

Whereas past United States Open champions include some of the greatest players in golf history, such as Bobby Jones, Walter Hagen, Ben Hogan, Arnold Palmer, Gary Player, Jack Nicklaus, Tom Watson, and Tiger Woods;

Whereas Lucas Glover shot a final round 73 for a 72-hole total of 4 under par, 2 strokes better than any other competitor;

Whereas Lucas Glover showed great skill, patience, and will by withstanding the challenges of the weather and the course;

Whereas Lucas Glover is the first native South Carolinian to win a men's major championship in golf; and

Whereas Lucas Glover brings great pride and honor to his family and friends, his alma mater Clemson University, and the citizens of South Carolina with his victory: Now, therefore, be it

Resolved, That the Senate congratulates Lucas Glover on the outstanding accomplishment of winning the 2009 United States Open golf tournament.

SENATE RESOLUTION 215—DESIGNATING AUGUST 8, 2009, AS "NATIONAL MARINA DAY"

Mr. WHITEHOUSE (for himself, Mrs. MURRAY, Ms. STABENOW, Mr. VITTER,

Mr. INHOFE, Mr. FEINGOLD, Mr. SCHUMER, and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 215

Whereas the people of the United States highly value their recreational time and their ability to access the waterways of the United States for enjoyment in and on one of the Nation's greatest natural resources;

Whereas in 1928, the National Association of Engine and Boat Manufacturers first used the word "marina" to describe a recreational boating facility;

Whereas the United States is home to over 12,000 marinas that contribute substantially to their local communities by providing safe and reliable gateways to boating;

Whereas the marinas of the United States serve as stewards of the environment and actively seek to protect the waterways that surround them for the enjoyment of this generation and generations to come;

Whereas the Association of Marina Industries has joined with the National Youth Marine Alliance to offer youth service projects for the Preserve America's Waterways volunteer service initiative at marinas across the Nation;

Whereas the marinas of the United States provide their communities and visitors a place where friends and families, united by a passion for the water, can come together for recreation, rest, relaxation, and stewardship of the environment; and

Whereas the Association of Marina Industries has designated August 8, 2009, as "National Marina Day", to increase awareness among citizens, policymakers, and elected officials about the many contributions that marinas make to their communities: Now, therefore, be it

Resolved, That the Senate—

(1) designates August 8, 2009, as "National Marina Day";

(2) supports the goals of "National Marina Day"; and

(3) urges that all marinas continue to provide environmentally-friendly gateways to boating for all the people of the United States.

SENATE RESOLUTION 216—ACKNOWLEDGING THE 25TH ANNIVERSARY OF THE NOMINATION OF REPRESENTATIVE GERALDINE A. FERRARO AS THE FIRST WOMAN SELECTED BY A MAJOR POLITICAL PARTY TO RUN FOR THE OFFICE OF THE VICE PRESIDENT

Mrs. GILLIBRAND (for herself and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 216

Whereas July 19, 2009, marks the 25th anniversary of the date Geraldine A. Ferraro accepted the nomination of the Democratic Party to run for the Office of the Vice President of the United States;

Whereas Geraldine A. Ferraro graduated from Fordham University School of Law at a time when very few women attended law school;

Whereas Geraldine A. Ferraro joined the Queens County District Attorney's Office, where she supervised the prosecution of violent crimes including child and domestic abuse;

Whereas in 1978, Geraldine A. Ferraro was elected to serve the Ninth Congressional District of New York in the United States House of Representatives, where she was 1 of only 16 women;

Whereas the colleagues of Geraldine A. Ferraro in the House of Representatives rewarded her legislative and political talents by electing her to serve as Secretary of the House Democratic Caucus, a key leadership position;

Whereas in 1984, the leadership of Geraldine A. Ferraro was confirmed when she became the first woman to serve as Chairwoman of the Platform Committee for the Democratic National Convention;

Whereas the legislative achievements of Geraldine A. Ferraro include sponsorship of the Women's Economic Equity Act, landmark legislation to end pension discrimination and provide increased job training and opportunities for women re-entering the workforce;

Whereas Geraldine A. Ferraro became the first woman to run for national office for either major political party when she was nominated as the running mate of Walter F. Mondale in the 1984 Presidential race;

Whereas the nomination of Geraldine A. Ferraro also marked the first and only time an Italian-American has been nominated as a major-party candidate in a national election;

Whereas the Vice Presidential candidacy of Geraldine A. Ferraro continued the progress begun by women who achieved political firsts before her, including—

(1) Jeanette Rankin, the first woman elected to Congress;

(2) Margaret Chase Smith, the first woman elected to the Senate;

(3) Patsy Takemoto Mink, the first Asian-American woman elected to Congress; and

(4) Shirley Chisholm, the first African-American woman elected to Congress;

Whereas the candidacy of Geraldine A. Ferraro helped tear down barriers that had prevented women from fully and equally participating in national politics;

Whereas in 1984, 2 women served in the United States Senate, and 22 women served in the United States House of Representatives;

Whereas in the 111th Congress, 17 women serve in the United States Senate, and 75 women serve in the United States House of Representatives, including Representative Nancy Pelosi, the first woman to serve as Speaker of the House;

Whereas in January 1993, President William Jefferson Clinton appointed Geraldine A. Ferraro to serve as United States Ambassador to the United Nations Commission on Human Rights, a role she used to champion the rights of women around the world;

Whereas in 2008, people of the United States watched historic barriers fall with a Presidential campaign that featured historic candidacies in both parties and culminated in the election of the first African-American President; and

Whereas the Vice Presidential candidacy of Geraldine A. Ferraro helped daughters join sons in believing they can achieve anything: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that the Vice Presidential candidacy of Geraldine A. Ferraro forever enriched the American political landscape and forged a new path for women of the United States;

(2) congratulates Geraldine A. Ferraro on the 25th anniversary of the acceptance of her nomination;

(3) pays tribute to the efforts of Geraldine A. Ferraro to improve the lives of women

and families in the Ninth Congressional District of New York, which she represented so well, and across the United States; and

(4) appreciates the life story of Geraldine A. Ferraro, a daughter of immigrants who studied hard to become a teacher and later a prosecuting attorney, a wife and mother who has fought to create a more just world, and a Congresswoman and Vice Presidential candidate who inspired a generation of women to run for public office.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1575. Mr. JOHANNIS (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1576. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1577. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1578. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1579. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1580. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1581. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1582. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1583. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1584. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1585. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1586. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1587. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1588. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1589. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1590. Mr. DEMINT submitted an amendment intended to be proposed by him to the

bill S. 1390, supra; which was ordered to lie on the table.

SA 1591. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1592. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1593. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1594. Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1595. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1596. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1597. Mr. BROWNBACK (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1598. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1599. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1600. Mr. NELSON, of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1601. Mr. NELSON, of Nebraska (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1602. Mr. DEMINT (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1603. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1604. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1605. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1606. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1607. Mr. KYL (for himself, Mr. INHOFE, Mr. DEMINT, Mr. SESSIONS, Mr. MARTINEZ, Mr. VITTER, and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1608. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1609. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1610. Mr. BROWNBACK submitted an amendment intended to be proposed to

amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, supra.

SA 1611. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, supra.

SA 1612. Mr. NELSON, of Florida (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1613. Mr. LEAHY proposed an amendment to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, supra.

SA 1614. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1615. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1616. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1617. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1618. Mr. THUNE (for himself, Mr. VITTER, Mr. ENZI, Mr. BARRASSO, and Mr. COBURN) proposed an amendment to the bill S. 1390, supra.

TEXT OF AMENDMENTS

SA 1575. Mr. JOHANNIS (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Depart-

ment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1232. REPORT ON ELECTRONIC SURVEILLANCE CAPABILITIES OF THE GOVERNMENT OF IRAN.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, the Secretary of the Treasury, and the Director of National Intelligence, shall submit to Congress a report on the domestic electronic surveillance capabilities of the Government of Iran that includes—

(1) an identification of the five persons that supply the most electronic surveillance equipment to the Government of Iran and the location of any global headquarters of each such person;

(2) an estimate of the value of the sales of such equipment by each such person in the year preceding the submittal of the report;

(3) an estimate of the annual value of such sales during previous years;

(4) a description of any actions taken by the United States to discourage such sales; and

(5) an identification of any contracts entered into with such persons by the Federal Government.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

(c) PERSON DEFINED.—In this section, the term “person” means—

(1) a natural person;

(2) a corporation, business association, partnership, society, trust, or any other non-governmental entity, organization, or group;

(3) any governmental entity operating as a business enterprise; and

(4) any successor to any entity described in paragraph (2) or (3).

SA 1576. Mr. BURR submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON HEALTH EFFECTS OF DEPARTMENT OF DEFENSE BURN PITS ON MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the adverse health effects on members of the Armed Forces of the use of burn pits by the Department of Defense for the disposal of refuse.

(b) AIR QUALITY TESTS.—As part of the report submitted under subsection (a), the Secretary shall include the results of air quality and air pollutant tests carried out at each of the 15 military installations or facilities closest to a burn pit described in subsection (a) in which members of the Armed Forces reside. Such results shall specify the distance between the burn pit and the military

installation or facility where the air quality and air pollutant tests were carried out.

SA 1577. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 557. FULL ACCESS TO MENTAL HEALTH CARE FOR FAMILY MEMBERS OF MEMBERS OF THE NATIONAL GUARD AND RESERVE WHO ARE DEPLOYED OVERSEAS.

(a) INITIATIVE TO INCREASE ACCESS TO MENTAL HEALTH CARE.—

(1) IN GENERAL.—The Secretary of Defense shall undertake an initiative intended to increase access to mental health care for family members of members of the National Guard and Reserve deployed overseas during the periods of mobilization, deployment, and demobilization of such members of the National Guard and Reserve.

(2) ELEMENTS.—The initiative shall include the following:

(A) Programs and activities to educate the family members of members of the National Guard and Reserve who are deployed overseas on potential mental health challenges connected with such deployment.

(B) Programs and activities to provide such family members with complete information on all mental health resources available to such family members through the Department of Defense and otherwise.

(C) Requirements for mental health counselors at military installations in communities with large numbers of mobilized members of the National Guard and Reserve to expand the reach of their counseling activities to include families of such members in such communities.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on this section.

(2) ELEMENTS.—Each report shall include the following:

(A) A current assessment of the extent to which family members of members of the National Guard and Reserve who are deployed overseas have access to, and are utilizing, mental health care available under this section.

(B) A current assessment of the quality of mental health care being provided to family members of members of the National Guard and Reserve who are deployed overseas, and an assessment of expanding coverage for mental health care services under the TRICARE program to mental health care services provided at facilities currently outside the accredited network of the TRICARE program.

(C) Such recommendations for legislative or administration action as the Secretary considers appropriate in order to further assure full access to mental health care by family members of members of the National Guard and Reserve who are deployed overseas during the mobilization, deployment,

and demobilization of such members of the National Guard and Reserve.

SA 1578. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 201, after line 25, insert the following:

SEC. 652. EXTENSION OF FIRST-TIME HOME-BUYER INCOME TAX CREDIT FOR MEMBERS OF THE ARMED FORCES DEPLOYED AWAY FROM THEIR PERMANENT DUTY STATIONS.

(a) **IN GENERAL.**—Subsection (g) of section 36 of the Internal Revenue Code of 1986 is amended—

(1) by inserting “(1) **IN GENERAL.**—” before “In the case of”, and

(2) by adding at the end the following new paragraph:

“(2) **DEPLOYED MEMBERS OF THE ARMED FORCES.**—

“(A) **EXCEPTION.**—In the case of a purchase of a principal residence on or after December 1, 2009, and before the applicable extension date by a member of the Armed Forces who is deployed away from such member’s permanent duty station on any day after June 30, 2009, and before December 1, 2009, such member may elect to treat such purchase as made on November 30, 2009, for purposes of this section (other than subsection (c)).

“(B) **APPLICABLE EXTENSION DATE.**—For purposes of this paragraph, the term ‘applicable extension date’ means, with respect to any member of the Armed Forces described in subparagraph (A), the earlier of—

“(i) the date that is the same number of days after November 30, 2009, as the number of days such member was deployed away from such member’s permanent duty station after June 30, 2009, and before December 1, 2009, or

“(ii) May 1, 2010.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to residences purchased after November 30, 2009.

SA 1579. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CLASSES OF PERSONS AND LIMITATIONS.

(a) **MEMBERS OF ARMED FORCES.**—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a member of the Armed Forces shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(b) **RECRUITERS.**—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act,

against any person because of the actual or perceived status of the person as a recruiter for the United States military shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(c) **PREGNANT WOMEN.**—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a pregnant woman shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(d) **IMMUTABLE CHARACTERISTICS.**—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as possessing any immutable characteristic shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(e) **UNBORN CHILDREN.**—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as an unborn child under the circumstances where the crime under such section 249 is also a crime under section 1531 of title 18, United States Code, shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(f) **SENIOR CITIZENS.**—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a senior citizen who has attained the age of 65 shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(g) **LAW ENFORCEMENT OFFICERS.**—Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a law enforcement officer shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

(h) **UNLAWFUL ALIENS.**—Any alien, whether or not acting under color of law, who while unlawfully present in the United States willfully causes bodily injury to any national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to a national of the United States—

(1) shall be imprisoned not more than 10 years, fined in accordance with title 18, United States Code, or both; and

(2) shall be imprisoned for any term of years or for life, fined in accordance with title 18, United States Code, or both, if—

(A) death results from the offense; or

(B) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

(i) **CERTIFICATION REQUIREMENT.**—The certification requirements under section 249 of title 18, United States Code, as added by this Act, shall also include a certification in writing by the Attorney General, or the designee of the Attorney General, that the State has no law prohibiting the conduct constituting the alleged crimes of the defendant.

(j) **RELIGIOUS BELIEFS.**—No prosecution under section 249 of title 18, United States Code, as added by this Act, may be based in whole or in part on religious beliefs quoted from the Bible, the Tanakh, or the Koran.

SA 1580. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CIRCUMSTANCES.

The circumstances described in section 249(a)(2)(B) of title 18, United States Code, as added by this Act, shall include that the conduct described in subparagraph (A) of such section 249(a)(2) is committed against a person in the process of practicing the religion of the person in a place of worship (including a Christian church, a Jewish synagogue, or a Muslim mosque) and is without due process or is a form of desecration to the place of worship itself, unless such action is under color of law after due process.

SA 1581. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . UNBORN CHILDREN.

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as an unborn child under the circumstances where the crime under such section 249 is also a crime under section 1531 of title 18, United States Code, shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

SA 1582. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CERTIFICATION REQUIREMENT.

The certification requirements under section 249 of title 18, United States Code, as added by this Act, shall also include a certification in writing by the Attorney General, or the designee of the Attorney General, that the State has no law prohibiting the conduct constituting the alleged crimes of the defendant.

SA 1583. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . RECRUITERS.

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a recruiter for the United States military shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

SA 1584. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SENIOR CITIZENS.

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a senior citizen who has attained the age of 65 shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

SA 1585. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SEXUAL ORIENTATION.

The term "sexual orientation" as used in this Act or any amendment made by this Act does not include pedophilia.

SA 1586. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . MEMBERS OF ARMED FORCES.

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the

person as a member of the Armed Forces shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

SA 1587. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . RELIGIOUS BELIEFS.

No prosecution under section 249 of title 18, United States Code, as added by this Act, may be based in whole or in part on religious beliefs quoted from the Bible, the Tanakh, or the Koran.

SA 1588. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LAW ENFORCEMENT OFFICERS.

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a law enforcement officer shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

SA 1589. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PREGNANT WOMEN.

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as a pregnant woman shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

SA 1590. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . IMMUTABLE CHARACTERISTICS.

Whoever commits any offense described in section 249 of title 18, United States Code, as added by this Act, against any person because of the actual or perceived status of the person as possessing any immutable characteristic shall be imprisoned, fined, or both, in accordance with section 249 of title 18, United States Code.

SA 1591. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . INTENT REQUIRED.

Conduct shall only constitute a violation of section 249 of title 18, United States Code, as added by this Act, if the conduct is committed with intent to intimidate or terrorize the class of persons to which the person against whom the conduct is committed belongs.

SA 1592. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . UNLAWFUL ALIENS.

Any alien, whether or not acting under color of law, who while unlawfully present in the United States willfully causes bodily injury to any national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or, through the use of fire, a firearm, or an explosive or incendiary device, attempts to cause bodily injury to a national of the United States—

(1) shall be imprisoned not more than 10 years, fined in accordance with title 18, United States Code, or both; and

(2) shall be imprisoned for any term of years or for life, fined in accordance with title 18, United States Code, or both, if—

(A) death results from the offense; or

(B) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

SA 1593. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 652. REPORT ON BONUSES AND INCENTIVES FOR RECRUITMENT AND RETENTION OF MEMBERS OF THE AIR FORCE IN NUCLEAR CAREER FIELDS.

(a) **REPORT REQUIRED.**—Not later than March 1, 2010, the Secretary of the Air Force shall submit to the congressional defense committees a report assessing the feasibility, advisability, utility, and cost effectiveness of establishing new retention bonuses or assignment incentive pay for members of the Air Force involved in the operation, maintenance, handling, and security of nuclear weapons in order to enhance the recruitment and retention of such members.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of current reenlistment rates, set forth by Air Force Specialty Code, of members of the Air Force serving in positions involving the operation, maintenance, handling, and security of nuclear weapons.

(2) A description of the current personnel fill rate for Air Force units involved in the operation, maintenance, handling, and security of nuclear weapons.

(3) An assessment of whether additional retention bonuses or assignment incentive pay could help to improve retention by the Air Force of skilled personnel in the positions described in paragraph (1).

(4) An assessment of whether assignment incentive pay should be provided for members of the Air Force covered by the Personnel Reliability Program.

(5) Such other matters as the Secretary considers appropriate.

SA 1594. Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. REPORT ON B-52H BOMBER AIRCRAFT ADVANCED WEAPONS CAPABILITY.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report detailing plans to enhance the combat capabilities of the B-52H bomber aircraft through the integration into the aircraft of a MIL-STD-1760 common electrical and digital interface between weapons and the aircraft.

(b) **ELEMENTS.**—The report required by subsection (a) shall include an assessment of the following:

(1) The military requirement for incorporating smart weapons in the bomb bay of the B-52H bomber aircraft.

(2) The impact on the precision strike capability of the B-52H bomber aircraft resulting from the integration of a MIL-STD-1760 interface into the aircraft.

(3) Anticipated operating costs of the MIL-STD-1760 program.

(4) Anticipated research and development and acquisition costs of the MIL-STD-1760 program.

(5) Such other matters as the Secretary considers appropriate.

SA 1595. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, insert the following:

SEC. 2832. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the “Association”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date of completion of all obligations referenced in subsection (e).

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. At the election of the Secretary, the Secretary may accept in-kind consideration in lieu of all or a portion of the cash payment.

(c) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) **PAYMENT OF COSTS OF CONVEYANCES.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the

conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **SAVINGS PROVISION.**—The Haines Tank Farm is currently under a remedial investigation (RI) for petroleum, oil and lubricants contamination. Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SA 1596. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1059. CONDITION-BASED MAINTENANCE DEMONSTRATION PROGRAMS.

(a) **TACTICAL WHEELED VEHICLES PROGRAM.**—Not later than October 1, 2010, the Secretary of the Army may complete a condition-based maintenance demonstration program on tactical wheeled vehicles.

(b) **GUIDED MISSILE DESTROYER PROGRAM.**—Not later than October 1, 2010, the Secretary of the Navy may conduct a condition-based maintenance demonstration program on the guided missile destroyer class of surface combatant ships.

(c) **ISSUES TO BE ADDRESSED.**—The demonstration programs described in subsections (a) and (b) shall address the following:

(1) The top 10 maintenance issues.

(2) Nonevidence of failures.

(3) Projected cost, benefit, and return on investment analysis for a 10-year period.

(4) Management to cost benefit and return on investment to cost comparison to equivalent commercial applications of condition-based maintenance programs.

(d) **REPORT.**—Not later than December 1, 2010, the Secretary of the Army and the Secretary of the Navy shall submit to the congressional defense committees a report that assesses the condition-based maintenance programs described in subsections (a) and (b) and includes the findings of the Secretary of the Army and the Secretary of the Navy with respect to the issues addressed under subsection (c).

SA 1597. Mr. BROWNBACK (for himself and Mr. BAYH) submitted an amendment intended to be proposed by

him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1232. SENSE OF THE SENATE ON REDESIGNATION OF NORTH KOREA AS A STATE SPONSOR OF TERRORISM.

(a) FINDINGS.—The Senate makes the following findings:

(1) On October 11, 2008, the Department of State removed North Korea from its list of state sponsors of terrorism, on which it had been placed in 1988.

(2) North Korea was removed from that list despite its refusal to account fully for its abduction of foreign citizens, proliferation of nuclear and other dangerous technologies and weapon systems to terrorist groups and other state sponsors of terrorism, or its commission of other past acts of terrorism.

(3) On March 17, 2009, American journalists Euna Lee and Laura Ling were seized near the Chinese-North Korean border by agents of the North Korean government and were subsequently sentenced to 12 years of hard labor in a prison camp in North Korea.

(4) On April 5, 2009, the Government of North Korea tested a long-range ballistic missile in violation of United Nations Security Council Resolutions 1695 and 1718.

(5) On April 15, 2009, the Government of North Korea announced it was expelling international inspectors from, and re-commissioning, its Yongbyon nuclear facility and ending its participation in disarmament talks.

(6) Those actions were in violation of the June 26, 2008, announcement by the President of the United States that the removal of North Korea from the list of state sponsors of terrorism was dependent on the Government of North Korea agreeing to a system to verify its declarations with respect to its nuclear programs.

(7) On May 25, 2009, the Government of North Korea conducted a second illegal nuclear test, in addition to conducting tests of its ballistic missile systems launched in the direction of the western United States.

(8) North Korea has failed to acknowledge or account for its role in building and supplying the secret nuclear facility at Al Kibar, Syria, has failed to account for all remaining citizens of Japan abducted by North Korea, and, according to recent reports, continues to engage in close cooperation with the terrorist Iranian Revolutionary Guard Corps on ballistic missile technology.

(9) There have been recent credible reports that North Korea has provided support to the terrorist group Hezbollah, including by providing ballistic missile components and personnel to train members of Hezbollah with respect to the development of extensive underground military facilities in southern Lebanon, including tunnels and bunkers.

(10) The 2005 and 2006 Country Reports on Terrorism of the Department of State state, with respect to Cuba, Iran, North Korea, and Syria, "Most worrisome is that some of these countries also have the capability to manufacture WMD and other destabilizing technologies that can get into the hands of terrorists. The United States will continue to insist that these countries end the support they give to terrorist groups."

(11) President Barack Obama stated that actions of the Government of North Korea "are a matter of grave concern to all nations. North Korea's attempts to develop nuclear weapons, as well as its ballistic missile program, constitute a threat to international peace and security. By acting in blatant defiance of the United Nations Security Council, North Korea is directly and recklessly challenging the international community. North Korea's behavior increases tensions and undermines stability in Northeast Asia. Such provocations will only serve to deepen North Korea's isolation. It will not find international acceptance unless it abandons its pursuit of weapons of mass destruction and their means of delivery."

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of State should designate North Korea as a country that has repeatedly provided support for acts of international terrorism for purposes of—

(1) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(2) section 40 of the Arms Export Control Act (22 U.S.C. 2780); and

(3) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

SA 1598. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. TRAUMATIC SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE FOR ADVERSE REACTIONS TO VACCINATIONS ADMINISTERED BY DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 1980A(b)(3) of title 38, United States Code, is amended—

(1) by striking "The Secretary" and inserting "(A) Except as provided in subparagraph (B), the Secretary"; and

(2) by adding at the end the following new subparagraph:

"(B) The Secretary shall not exclude under subparagraph (A) a qualifying loss experienced by a member as a result of an adverse reaction to a vaccination administered by the Department of Defense, whether voluntarily or involuntarily, for the purposes of military accession, training, or deployment."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the provisions of and amendments made by section 1032 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13; 119 Stat. 257).

SA 1599. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, insert the following:

SEC. 2832. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the "Association") all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013, but not prior to the date of completion of all obligations referenced in subsection (e).

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—The Haines Tank Farm is currently under a remedial investigation (RI) for petroleum, oil and lubricants contamination. Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the National Environmental Policy Act (42 U.S.C. 4321 et seq.), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and

the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SA 1600. Mr. NELSON (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 537. COMPTROLLER GENERAL AUDIT OF ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct an audit of the utilization by local educational agencies of the assistance specified in subsection (b) provided to such agencies for fiscal years 2001 through 2009 for the education of dependent children of members of the Armed Forces. The audit shall include—

(1) an evaluation of the utilization of such assistance by such agencies; and

(2) an assessment of the effectiveness of such assistance in improving the quality of education provided to dependent children of members of the Armed Forces.

(b) **ASSISTANCE SPECIFIED.**—The assistance specified in this subsection is—

(1) assistance provided under—

(A) section 572 the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3271; 20 U.S.C. 7703b);

(B) section 559 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1917);

(C) section 536 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1474);

(D) section 341 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314; 116 Stat. 2514);

(E) section 351 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1063); or

(F) section 362 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-76); and

(2) payments made under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

(c) **REPORT.**—Not later than March 1, 2010, the Comptroller General shall submit to the congressional defense committees a report containing the results of the audit required by subsection (a).

SA 1601. Mr. NELSON of Nebraska (for himself and Mr. GRAHAM) sub-

mitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON DEFENSE TRAVEL SIMPLIFICATION.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan to simplify defense travel.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following:

(1) A comprehensive discussion of aspects of the Department of Defense travel system that are most confusing, inefficient, and in need of revision.

(2) Critical review of opportunities to streamline and simplify defense travel policies and to reduce travel-related costs to the Department of Defense.

(3) Options to leverage industry capabilities that could enhance management responsiveness to changing markets.

(4) A discussion of pilot programs that could be undertaken to prove the merit of improvements identified in accomplishing actions specified in paragraphs (1) and (2), including recommendations for legislative authority.

(5) Such recommendations and an implementation plan for legislative or administrative action as the Secretary of Defense considers appropriate to improve defense travel.

SA 1602. Mr. DEMINT (for himself and Mrs. SHAHEEN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 483, between lines 8 and 9, insert the following:

SEC. 1232. STRATEGIC REVIEW OF BASING PLANS FOR THE UNITED STATES EUROPEAN COMMAND.

(a) **REPORT REQUIREMENT.**—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense, in coordination with the combatant commander of the United States European Command, shall submit to the appropriate congressional committees a report on the plan for basing of forces in the European theater. The report shall include a description of—

(1) how the plan supports the United States national security strategy;

(2) how the plan satisfies the commitments undertaken by the United States pursuant to Article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964);

(3) how the plan addresses the current security environment in Europe, including United States participation in theater cooperation activities;

(4) how the plan contributes to peace and stability in Europe; and

(5) the impact that a permanent change in the basing of a unit currently assigned to the United States European Command would have on the matters described in paragraphs (1) through (4).

(b) **NOTIFICATION REQUIREMENT.**—The Secretary of Defense shall notify Congress at least 30 days before the permanent relocation of a unit stationed outside the continental United States as of the date of the enactment of this Act.

(c) **DEFINITIONS.**—In this section:

(1) **UNIT.**—The term “unit” has the meaning determined by the Secretary of Defense for purposes of this section.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(C) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1603. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. COMPTROLLER GENERAL REVIEW OF FISCAL YEAR 2009 SPENDING BY THE DEPARTMENT OF DEFENSE.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Department of Defense is under increasing budgetary pressure with the exponential rise in costs of weapon systems and personnel entitlements.

(2) Military departments in the Department of Defense are punished if they do not deplete all funds in their organizational accounts by the end of the fiscal year through a reduction in the allocation to such accounts for the next fiscal year.

(3) The end-of-year spending spree by military departments using “fallout” funds is executed in a condensed time frame that leads to wasteful spending practices and the purchase of unnecessary equipment and supplies.

(b) **REVIEW OF SPENDING BY THE COMPTROLLER GENERAL.**—The Comptroller General of the United States, in consultation with the Under Secretary of Defense (Comptroller), shall conduct a review of the obligation and expenditure by the Department of Defense of amounts appropriated to the Department for fiscal year 2009, with particular focus on the obligation and expenditure of such amounts near the end of the fiscal year to determine if policies with respect to spending by the Department contribute to hastened spending and poor use or waste of taxpayer dollars.

(c) **REPORT.**—Not later than the earlier of March 30, 2010, or the date that is 180 days

after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing—

(1) the results of the review conducted under subsection (b); and

(2) any recommendations of the Comptroller General with respect to improving the policies pursuant to which amounts appropriated to the Department of Defense are obligated and expended.

SA 1604. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AUDIT REFORM AND TRANSPARENCY FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) **IN GENERAL.**—Subsection (b) of section 714 of title 31, United States Code, is amended by striking all after “shall audit an agency” and inserting a period.

(b) **AUDIT.**—Section 714 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(e) **AUDIT AND REPORT OF THE FEDERAL RESERVE SYSTEM.**—

“(1) **IN GENERAL.**—The audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks under subsection (b) shall be completed before the end of 2010.

“(2) **REPORT.**—

“(A) **REQUIRED.**—A report on the audit referred to in paragraph (1) shall be submitted by the Comptroller General to the Congress before the end of the 90-day period beginning on the date on which such audit is completed, and shall be made available to the Speaker of the House, the majority and minority leaders of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the committee and each subcommittee of jurisdiction in the House of Representatives and the Senate, and any other Member of Congress who requests it.

“(B) **CONTENTS.**—The report under subparagraph (A) shall include a detailed description of the findings and conclusion of the Comptroller General with respect to the audit that is the subject of the report, together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.”.

SA 1605. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 121.

SA 1606. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize

appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

SEC. 3136. SENSE OF THE SENATE ON DOMESTIC PRODUCTION OF MOLYBDENUM-99.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) There are fewer than five reactors around the world currently capable of producing molybdenum-99 (Mo-99) and there are no such reactors in the United States that can provide a reliable supply of Mo-99 to meet domestic medical needs.

(2) Since November 2007, there have been major disruptions in the global availability of Mo-99, including at facilities in Canada and the Netherlands, which have led to shortages of Mo-99-based medical products in the United States and around the world.

(3) Ensuring a reliable, domestically produced supply of medical radioisotopes, including Mo-99, is of great importance to the public health of the United States.

(4) It is also a national security priority of the United States, and specifically of the Department of Energy, to encourage the production of low-enriched uranium-based radioisotopes in order to promote a more peaceful international nuclear order.

(5) The National Academy of Sciences has identified a need to establish a reliable capability in the United States for the production of Mo-99 and its derivatives for medical purposes using low-enriched uranium.

(6) There also exists a capable industrial base in the United States that can support the development of Mo-99 production facilities and can conduct the processing and distribution of radiopharmaceutical products for use in medical tests.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) radioisotopes and radiopharmaceuticals, including Mo-99 and its derivatives, are essential components of medical tests that help diagnose and treat life-threatening diseases affecting millions of people in the United States each year; and

(2) the Secretary of Energy should continue and expand a program to ensure a reliable domestic source of Mo-99 and its derivatives for use in medical tests to help ensure the health security of the United States and promote peaceful nuclear industries through the use of low-enriched uranium.

SA 1607. Mr. KYL (for himself, Mr. INHOFE, Mr. DEMINT, Mr. SESSIONS, Mr. MARTINEZ, Mr. VITTER, and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) Congress is grateful for the service and leadership of the members of the bipartisan Congressional Commission on the Strategic Posture of the United States, who, pursuant to section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 319), spent more than one year examining the strategic posture of the United States in all of its aspects: deterrence strategy, missile defense, arms control initiatives, and nonproliferation strategies.

(2) The Commission, comprised of some of the most preeminent scholars and technical experts in the United States in the subject matter, found a bipartisan consensus on these issues in its Final Report made public on May 6, 2009.

(3) Congress appreciates the service of former Secretary of Defense William Perry, former Secretary of Defense and Energy James Schlesinger, former Senator John Glenn, former Congressman Lee Hamilton, Ambassador James Woolsey, Doctors John Foster, Fred Ikle, Keith Payne, Morton Halperin, Ellen Williams, Bruce Tarter, and Harry Cartland, and the United States Institute of Peace.

(4) The Commission reached bipartisan consensus on more than 100 recommendations with only one issue not having bipartisan support.

(5) Congress values the work of the Commission and pledges to work with President Barack Obama to address the findings and review and consider the recommendations of the Commission.

(b) **EXTENSION OF SUNSET.**—Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 319) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsection (h), as redesignated by paragraph (1), by striking “June 1, 2009” and inserting “September 30, 2010”; and

(3) by inserting after subsection (e) the following new subsection:

“(f) **FOLLOW-ON REPORT.**—Not later than May 1, 2010, the commission shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Committee on Armed Services of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives a follow-on report to the report submitted under subsection (e). With respect to the matters described under subsection (c), the follow-on report shall include, at a minimum, the following:

“(1) A review of—

“(A) the nuclear posture review required by section 1070; and

“(B) the Quadrennial Defense Review required to be submitted under section 118 of title 10, United States Code.

“(2) A review of legislative actions taken by the 111th Congress.”.

SA 1608. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

SEC. ____ . COMPTROLLER GENERAL REPORT ON STOCKPILE STEWARDSHIP PROGRAM.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the progress of the Stockpile Stewardship Program since its inception and the remaining challenges facing the program. The report shall include recommendations for ensuring—

(1) the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification; and

(2) the safety, security, and reliability of the nuclear weapons stockpile without the use of underground nuclear weapons testing.

SA 1609. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 478, between lines 21 and 22, insert the following:

(E) a list of all investments in the energy sector of Iran and assessment of whether any person making such an investment is transacting any economic activity in the United States, including with the United States Government;

SA 1610. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike page 16, line 24 through page 17, line 7 and insert the following:

SEC. ____ . CONSTRUCTION AND APPLICATION.

Nothing in this division, or an amendment made by this division, shall be construed or applied in a manner that infringes on any rights under the first amendment to the Con-

stitution of the United States, or substantially burdens any exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, association, if such exercise of religion, speech, expression, or association was not intended to—

(1) plan or prepare for an act of physical violence; or

(2) incite an imminent act of physical violence against another.

SA 1611. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ . COMPREHENSIVE STUDY AND SUPPORT FOR CRIMINAL INVESTIGATIONS AND PROSECUTIONS BY STATE AND LOCAL LAW ENFORCEMENT OFFICIALS.

(a) **IN GENERAL.**—Notwithstanding any other provision of this Act, division E of this Act (relating to hate crimes), and the amendments made by that division, shall have no force or effect.

(b) **STUDIES.**—

(1) **COLLECTION OF DATA.**—

(A) **DEFINITION OF RELEVANT OFFENSE.**—In this paragraph, the term “relevant offense” means a crime described in subsection (b)(1) of the first section of Public Law 101-275 (28 U.S.C. 534 note) and a crime that manifests evidence of prejudice based on gender or age.

(B) **COLLECTION FROM CROSS SECTION OF STATES.**—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the National Governors’ Association, shall, if possible, select 10 jurisdictions with laws classifying certain types of offenses as relevant offenses and 10 jurisdictions without such laws from which to collect the data described in subparagraph (C) over a 12-month period.

(C) **DATA TO BE COLLECTED.**—The data described in this paragraph are—

(i) the number of relevant offenses that are reported and investigated in the jurisdiction;

(ii) the percentage of relevant offenses that are prosecuted and the percentage that result in conviction;

(iii) the duration of the sentences imposed for crimes classified as relevant offenses in the jurisdiction, compared with the length of sentences imposed for similar crimes committed in jurisdictions with no laws relating to relevant offenses; and

(iv) references to and descriptions of the laws under which the offenders were punished.

(D) **COSTS.**—Participating jurisdictions shall be reimbursed for the reasonable and necessary costs of compiling data collected under this paragraph.

(2) **STUDY OF RELEVANT OFFENSE ACTIVITY.**—

(A) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall complete a study and submit to Congress a report that analyzes the data collected under paragraph (1) and under section 534 of title 28, United States Code, to determine the extent of relevant offense activity throughout the United States and the success of State and local officials in combating that activity.

(B) **IDENTIFICATION OF TRENDS.**—In the study conducted under subparagraph (A), the Comptroller General of the United States shall identify any trends in the commission of relevant offenses specifically by—

(i) geographic region;

(ii) type of crime committed; and

(iii) the number and percentage of relevant offenses that are prosecuted and the number for which convictions are obtained.

(C) **ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.**—At the request of a law enforcement official of a State or a political subdivision of a State, the Attorney General, acting through the Director of the Federal Bureau of Investigation and in cases where the Attorney General determines special circumstances exist, may provide technical, forensic, prosecutorial, or any other assistance in the criminal investigation or prosecution of any crime that—

(1) constitutes a crime of violence (as defined in section 16 of title 18, United States Code);

(2) constitutes a felony under the laws of the State; and

(3) is motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(d) **GRANTS.**—

(1) **IN GENERAL.**—The Attorney General may, in cases where the Attorney General determines special circumstances exist, make grants to States and local subdivisions of States to assist those entities in the investigation and prosecution of crimes motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(2) **ELIGIBILITY.**—A State or political subdivision of a State applying for assistance under this subsection shall—

(A) describe the purposes for which the grant is needed; and

(B) certify that the State or political subdivision lacks the resources necessary to investigate or prosecute a crime motivated by animus against the victim by reason of the membership of the victim in a particular class or group.

(3) **DEADLINE.**—An application for a grant under this subsection shall be approved or disapproved by the Attorney General not later than 10 days after the application is submitted.

(4) **GRANT AMOUNT.**—A grant under this subsection shall not exceed \$100,000 for any single case.

(5) **REPORT AND AUDIT.**—Not later than December 31, 2010, the Attorney General, in consultation with the National Governors’ Association, shall—

(A) submit to Congress a report describing the applications made for grants under this subsection, the award of such grants, and the effectiveness of the grant funds awarded; and

(B) conduct an audit of the grants awarded under this subsection to ensure that such grants are used for the purposes provided in this subsection.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$5,000,000 for each of the fiscal years 2010 and 2011 to carry out this section.

SA 1612. Mr. NELSON of Florida (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 419, strike line 10 and all that follows through page 420, line 2, and insert the following:

(a) **IN GENERAL.**—Section 2281(d) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “the Secretary of Defense” and inserting “the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing,”; and

(B) by striking “the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives” and inserting “the Committees on Armed Services and Commerce, Science, and Transportation of the Senate and the Committees on Armed Services, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives”; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) In preparing each report required under paragraph (1), the Deputy Secretary of Defense and the Deputy Secretary of Transportation, in their capacity as co-chairs of the National Executive Committee for Space-Based Positioning, Navigation, and Timing, shall consult with the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Secretary of Homeland Security.”.

SA 1613. Mr. LEAHY proposed an amendment to amendment SA 1511 proposed by Mr. LEAHY (for himself, Ms. COLLINS, Mr. KENNEDY, Ms. SNOWE, Mr. LEVIN, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. DURBIN, Mr. CARDIN, Mr. WHITEHOUSE, Ms. KLOBUCHAR, Mr. SPECTER, Mr. FRANKEN, Ms. MIKULSKI, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. MENENDEZ, Mrs. SHAHEEN, Mr. KERRY, Mr. UDALL of Colorado, Mr. DODD, Mr. HARKIN, Mr. WYDEN, Mr. CASEY, Ms. CANTWELL, Mr. LAUTENBERG, Mr. LIEBERMAN, Mrs. BOXER, Mr. BROWN, Mr. AKAKA, Mr. SANDERS, Mrs. MURRAY, Mr. REED, Mr. BINGAMAN, Mr. KAUFMAN, Mr. INOUE, Ms. STABENOW, and Mr. REID) to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such

fiscal year, and for other purposes; as follows:

At the end of the amendment, insert the following:

(b) **FIRST AMENDMENT.**—Nothing in this division, or an amendment made by this division, shall be construed to diminish any rights under the first amendment to the Constitution of the United States.

(c) **CONSTITUTIONAL PROTECTIONS.**—Nothing in this division shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the first amendment to the Constitution of the United States and peaceful picketing or demonstration. The Constitution does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

SA 1614. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON PROSECUTIONS.

(a) **IN GENERAL.**—All prosecutions under section 249 of title 18, United States Code, as added by this Act, shall be undertaken pursuant to guidelines issued by the Attorney General.

(1) to guide the exercise of the discretion of Federal prosecutors and the Attorney General in their decisions whether to seek death sentences under such section when the crime results in a loss of life; and

(2) that identify with particularity the type of facts of such cases that will support the classification of individual cases in term of their culpability and death eligibility as low, medium, and high.

(b) **REQUIREMENTS FOR DEATH PENALTY.**—If the Government seeks a death sentence in crime under section 249 of title 18, United States Code, as added by this Act, that results in a loss of life—

(1) the Attorney General shall certify with particularity in the information or indictment how the facts of the case support the Government's judgment that the case is properly classified among the cases involving a hate crime that resulted in a victim's death;

(2) the Attorney General shall document in a filing to the court—

(A) the facts of the crime (including date of offense and arrest and location of the offense), charges, convictions, and sentences of all state and Federal hate crimes (committed before or after the effective date of this legislation) that resulted in a loss of life and were known to the Assistant United States Attorney or the Attorney General; and

(B) the actual or perceived race, color, national origin, ethnicity, religion, gender, sexual orientation, gender identity, or disability of the defendant and all victims; and

(3)(A) the court, either at the close of the guilt trial or at the close of the penalty trial, shall conduct a proportionality review

in which it shall examine whether the prosecutorial death seeking and death sentencing rates in comparable cases in Federal prosecutions are both greater than 50 percent; and

(B) if the State fails to satisfy the test under subparagraph (A), by a preponderance of the evidence, the court shall dismiss the Government's action seeking a death sentence in the case.

SA 1615. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

title, or both, and shall be subject to the penalty of death in accordance with chapter 228, if—

“(i) death results from the offense; or

“(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) **OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.**—

“(A) **IN GENERAL.**—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, and shall be subject to the penalty of death in accordance with chapter 228, if—

SA 1616. Mr. SESSION submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ATTACKS ON UNITED STATES SERVICEMEN.

(a) **IN GENERAL.**—Chapter 67 of title 18, United States Code, is amended by adding at the end the following:

“§1389. Prohibition on attacks on United States servicemen on account of service

“(a) **IN GENERAL.**—Whoever knowingly assaults or batters a United States serviceman or an immediate family member of a United

States serviceman, or who knowingly destroys or injures the property of such serviceman or immediate family member, on account of the military service of that serviceman or status of that individual as a United States serviceman, or who attempts or conspires to do so, shall—

“(1) in the case of a simple assault, or destruction or injury to property in which the damage or attempted damage to such property is not more than \$500, be fined under this title in an amount not less than \$500 nor more than \$10,000 and imprisoned not more than 2 years;

“(2) in the case of destruction or injury to property in which the damage or attempted damage to such property is more than \$500, be fined under this title in an amount not less than \$1000 nor more than \$100,000 and imprisoned not more than 5 years; and

“(3) in the case of a battery, or an assault resulting in bodily injury, be fined under this title in an amount not less than \$2500 and imprisoned not less than 16 months nor more than 10 years.

“(b) EXCEPTION.—This section shall not apply to conduct by a person who is subject to the Uniform Code of Military Justice.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘Armed Forces’ has the meaning given that term in section 1388;

“(2) the term ‘immediate family member’ has the meaning given that term in section 115; and

“(3) the term ‘United States serviceman’—

“(A) means a member of the Armed Forces; and

“(B) includes a former member of the Armed Forces during the 5-year period beginning on the date of the discharge from the Armed Forces of that member of the Armed Forces.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 67 of title 18, United States Code, is amended by adding at the end the following:

“1389. Prohibition on attacks on United States servicemen on account of service.”.

SA 1617. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

“(3) REGULATIONS.—All prosecutions conducted by the United States pursuant to this section shall be undertaken pursuant to guidelines issued by the Attorney General that shall establish neutral and objective criteria for determining whether a crime was motivated by the status of the victim.

SA 1618. Mr. THUNE (for himself, Mr. VITTER, Mr. ENZI, Mr. BARRASSO, and Mr. COBURN) proposed an amendment to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; as follows:

At the end of subtitle H of title X, add the following:

SEC. 1083. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) FINDINGS.—Congress finds the following:

(1) The second amendment to the Constitution of the United States protects the right of an individual to keep and bear arms, including for purposes of individual self-defense.

(2) The right to bear arms includes the right to carry arms for self-defense and the defense of others.

(3) Congress has previously enacted legislation for national authorization of the carrying of concealed firearms by qualified active and retired law enforcement officers.

(4) Forty-eight States provide by statute for the issuance of permits to carry concealed firearms to individuals, or allow the carrying of concealed firearms for lawful purposes without need for a permit.

(5) The overwhelming majority of individuals who exercise the right to carry firearms in their own States and other States have proven to be law-abiding, and such carrying has been demonstrated to provide crime prevention or crime resistance benefits for the licensees and for others.

(6) Congress finds that the prevention of lawful carrying by individuals who are traveling outside their home State interferes with the constitutional right of interstate travel, and harms interstate commerce.

(7) Among the purposes of this Act is the protection of the rights, privileges, and immunities guaranteed to a citizen of the United States by the fourteenth amendment to the Constitution of the United States.

(8) Congress therefore should provide for the interstate carrying of firearms by such individuals in all States that do not prohibit the carrying of concealed firearms by their own residents.

(b) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

“§ 926D. Reciprocity for the carrying of certain concealed firearms

“(a) Notwithstanding any provision of the law of any State or political subdivision thereof—

“(1) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and a valid license or permit which is issued pursuant to the law of a State and which permits the person to carry a concealed firearm, may carry a concealed firearm in any State other than the State of residence of the person that—

“(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

“(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes;

“(2) a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a government-issued photographic identification document and is entitled to carry a concealed firearm in the State in which the person resides otherwise than as described in paragraph (1), may carry a concealed firearm in any State other than the State of residence of the person that—

“(A) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

“(B) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

“(b) A person carrying a concealed firearm under this section shall—

“(1) in a State that does not prohibit the carrying of a concealed firearms by residents of the State for lawful purposes, be entitled to carry such firearm subject to the same laws and conditions that govern the specific places and manner in which a firearm may be carried by a resident of the State; or

“(2) in a State that allows residents of the State to obtain licenses or permits to carry concealed firearms, be entitled to carry such a firearm subject to the same laws and conditions that govern specific places and manner in which a firearm may be carried by a person issued a permit by the State in which the firearm is carried.

“(c) In a State that allows the issuing authority for licenses or permits to carry concealed firearms to impose restrictions on the carrying of firearms by individual holders of such licenses or permits, a firearm shall be carried according to the same terms authorized by an unrestricted license of or permit issued to a resident of the State.

“(d) Nothing in this section shall be construed to—

“(1) effect the permitting process for an individual in the State of residence of the individual; or

“(2) preempt any provision of State law with respect to the issuance of licenses or permits to carry concealed firearms.”.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18 is amended by inserting after the item relating to section 926C the following:

“926D. Reciprocity for the carrying of certain concealed firearms.”.

(d) SEVERABILITY.—Notwithstanding any other provision of this Act, if any provision of this section, or any amendment made by this section, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, this section and amendments made by this section and the application of such provision or amendment to other persons or circumstances shall not be affected thereby.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. BROWN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, July 16, 2009, at 2:30 p.m. to conduct a hearing entitled “Contracting Preferences for Alaska Native Corporations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 16, 2009, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 16, 2009, at 9:30 a.m., to conduct hearing entitled "Preserving Homeownership: Progress Needed to Prevent Foreclosures."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 16, 2009 at 9:30 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 16, 2009, at 9:30 a.m., to hold a hearing entitled "\$150 Oil: Instability, Terrorism and Economic Disruption."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 16, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled "Modernizing the Workforce Investment Act (WIA) of 1998 to Help Workers and Employers Meet the Changing Demands of a Global Market," on Thursday, July 16, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, July 16, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BROWN. Mr. President, I ask unanimous consent that the Com-

mittee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 16, 2009, at 9:30 a.m., in room SH-216 of the Hart Senate Office Building, to continue the hearing on the nomination of Sonia Sotomayor to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, July 16, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND INSURANCE

Mr. BROWN. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Protection, Product Safety, and Insurance of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, July 16, 2009, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that Heather Blackwell, an Air Force major who is a military fellow in my office this year, be granted the privileges of the floor during the pendency of S. 1390.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that Paul Williams, a detailee in my office from the Food and Drug Administration, and LTC Lyle Drew, a military fellow in my office from the United States Air Force, both be granted the privilege of the floor for the remainder of the first session of the 111 Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Madam President, I ask unanimous consent that Gabrielle Dreyfus, a fellow in Senator DORGAN's office, be granted the privilege of the floor until the end of this session of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I ask unanimous consent that Andrew Julson of my staff be given the privilege of the floor throughout the duration of the debate on the Department of Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that floor

privileges be granted to Joseph Mastrangelo during consideration of S. 1390, the National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, I ask that Joseph Thomas of the Judiciary Committee be allowed privileges of the floor throughout the debate on the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES PATENT AND TRADEMARK OFFICE AUTHORIZATION

Mr. KAUFMAN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3114, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3114) to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KAUFMAN. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3114) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR MONDAY, JULY 20, 2009

Mr. KAUFMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m., Monday, July 20; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 1390, the Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KAUFMAN. Mr. President, Senators should expect a series of up to four rollcall votes to begin around 3 p.m. on Monday. Those votes would be in relation to the four amendments relating to hate crime.

ADJOURNMENT UNTIL MONDAY,
JULY 20, 2009, AT 1 P.M.

Mr. KAUFMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 11:27 p.m., adjourned until Monday, July 20, 2009, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

JACQUELINE A. BERRIEN, OF NEW YORK, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2014, VICE CHRISTINE M. GRIFFIN, TERM EXPIRED.

FARM CREDIT ADMINISTRATION

KENNETH ALBERT SPEARMAN, OF FLORIDA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM

EXPIRING MAY 21, 2014, VICE NANCY C. PELLETT, TERM EXPIRED.

FEDERAL MOTOR CARRIER SAFETY
ADMINISTRATION

ANNE S. FERRO, OF MARYLAND, TO BE ADMINISTRATOR OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, VICE JOHN H. HILL, RESIGNED.

OFFICE OF SURFACE MINING RECLAMATION AND
ENFORCEMENT

JOSEPH G. PIZARCHIK, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, VICE BRENT T. WAHLQUIST, RESIGNED.

HOUSE OF REPRESENTATIVES—Thursday, July 16, 2009

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

Rev. Elizabeth Hanley, Abiding Savior Lutheran Church, Cameron, Texas, offered the following prayer:

Let us pray. God of Grace, we give You thanks for this new day. You bless the whole human family with Your sustaining love.

Open the hearts of the ones who gather here as they make decisions for our Nation. Stir in them wisdom, understanding, and compassion in discernment. Bind them together in the common pursuit of justice and peace for Your people. Give them courage to be a voice for those who have no voice; that their work might bring relief to the burden and hope to those in need.

Renew the hearts of Your people, O God, and move us to trust in You. Bless, O Lord, all those who offer their lives in service to others, and grant us grace to live in Your never failing love. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. SIREs) come forward and lead the House in the Pledge of Allegiance.

Mr. SIREs led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 509. An act to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes.

The message also announced that pursuant to Public Law 111-21, the Chair, on behalf of the Majority Leader of the Senate and the Speaker of the

House, announces the joint appointment of Phil Angelides of California to serve as Chairman of the Financial Crisis Inquiry Commission.

The message also announced that pursuant to Public Law 111-21, the Chair, on behalf of the Majority Leader, appoints the following individuals to serve as members of the Financial Crisis Inquiry Commission:

The Senator from Florida, Mr. GRAMM.

Heather Murren of Nevada.

Byron Georgiou of Nevada.

The message also announced that pursuant to Public Law 111-12, the Chair, on behalf of the Republican Leader, appoints the following individuals to serve as members of the Financial Crisis Inquiry Commission:

Keith Hennessey of Virginia.

Douglas Holtz-Eakin of Virginia.

WELCOMING REVEREND ELIZABETH HANLEY

The SPEAKER. Without objection, the gentleman from Texas (Mr. HENSARLING) is recognized for 1 minute.

There was no objection.

Mr. HENSARLING. Madam Speaker, above your chair are inscribed the words "In God We Trust." There is nothing more important that we in Congress do each day than seek His wisdom, guidance, and blessing upon our deliberations.

I am both grateful and proud that today my friend, Pastor Elizabeth Hanley, sought those gifts on our behalf.

Pastor Hanley, known to her flock as Pastor Liz, has led the Abiding Savior Lutheran Church in Cameron, Texas, since 2002. She's a lifelong Lutheran, a fifth generation Texan, and like my wife, she's a Baylor Bear.

I have had the opportunity to worship at Abiding Savior on a number of occasions. I know for a fact that through the love of her savior, Jesus Christ, Pastor Liz nurtures the youth of her congregation. She gives hope to the downhearted, she cares for the elderly, and she inspires all through her words of grace through faith.

Hope and unity are in abundance at Abiding Savior. And its parishioners will tell you Pastor Liz is truly deserving of the words, "Well done, good and faithful servant."

I thank Pastor Liz for being here today and leading our invocation.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 further requests for 1-

minute speeches on each side of the aisle.

PARITY IN MENTAL HEALTH COVERAGE

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Madam Speaker, I would like to thank you, Speaker PELOSI, for bringing to the floor of this House a piece of sweeping health care legislation, the likes of which we haven't seen in over 60 years since the Congress passed the Medicare legislation.

Madam Speaker, I want to thank you because it's about time the American people had an opportunity to have health care for all, irrespective of pre-existing conditions.

Madam Speaker, I want to thank you on behalf of the millions of Americans who suffer from mental illness because health insurance companies do not acknowledge that the brain is part of the body, that there is such a thing as alcoholism and addiction in this country.

Madam Speaker, thanks to your leadership, we passed the Paul Wellstone-Pete Domenici Mental Health and Addiction Equity Act last session, and thanks to your leadership with this legislation, there is no discrimination against those with mental illness. And in each and every one of the health care plans, there is absolute parity in health care coverage for those with mental illness.

Thank you, Madam Speaker, for this historic legislation.

JUSTICE GINSBURG

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last week's New York Times Magazine featured an interview with Supreme Court Justice Ruth Bader Ginsburg. Some of her comments were absolutely astonishing coming from a sitting Supreme Court Justice, but the most disturbing comment came in reference to abortion.

In reference to *Roe v. Wade*, the infamous Supreme Court case, she said this: "Frankly, I had thought at the time *Roe* was decided, there was concern about population growth, and particularly growth in populations that we don't want to have too many of."

I cannot imagine any acceptable context where a serious person could refer

to "populations that we don't want too many of." This eugenic way of thinking debases the value of all human life. All people are created equal and deserve the most fundamental right to life no matter what race, religion, or socioeconomic background.

I am shocked that a member of the Supreme Court believes that a compelling reason for the legality of abortion is because our society wants to reduce the growth of specific populations. Justice Ginsburg's comments are an assault and insult to the values of the American people.

ENACT HEALTH CARE REFORM

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, last November the American voters demanded change, and one of the many changes that they demanded was health care reform.

Now Democrats are responding with comprehensive health care reform, and we are hoping that our Republican friends will join us as we overhaul the broken health care delivery system. Health care reform will control spiraling costs. Without reform, the cost of health care for the average family of four is projected to rise \$1,800 each year, and insurance companies will continue to control health care decisions.

Under our legislation, families with health insurance will see lower costs; rate increases for preexisting conditions and gender or occupation would be eliminated; out-of-pocket expenses would be capped; children will be guaranteed affordable dental, hearing, and vision care; preexisting condition denials and insurance companies' lifetime payments limits would be eliminated.

We must answer the call of the American people by enacting health care reform. Let's do it for the American people, and let's do it for the American economy.

WHERE HAVE ALL THE DOCTORS GONE?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, half of the primary care physicians say they would like to leave the practice of medicine in 3 years. There is just too much cost and time involved from red tape by insurance companies and the government agencies. And that's before government bureaucrats nationalize the whole system. Also, their costs for malpractice insurance has skyrocketed.

The American Medical Association said more doctors are leaving the profession than being replaced by new doctors. Doctors are just hanging up their

stethoscopes and choosing a different line of work. It's just not worth it.

It costs about \$200,000 to get through medical school. The government keeps bailing out its special interest buddies, but not one cent goes to help pay off these college loans. And the administration wants doctors to shoulder even more of the costs of practicing medicine. It's no wonder they're choosing other professions and moving off to Jackson Hole, Wyoming.

To make matters worse, many doctors are no longer accepting Medicare or Medicaid patients because government reimbursement doesn't even cover the cost of the treatment. Now, isn't that lovely? No doctors and more patients.

Mr. Speaker, when we run out of doctors, what will we do? Turn our health care system over to government snake oil salesmen?

And that's just the way it is.

GROUNDBREAKING HEALTH CARE REFORM

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today because we're on the verge of groundbreaking health care reform legislation that will benefit generations to come and signal to the world and all of America that we are no longer a Nation that tolerates 46 million uninsured and many millions of workers, people who work every day, uninsured and facing huge out-of-pocket costs.

Now, today, I want to emphasize the importance of including a robust public health insurance option, with an established Medicare provider network, in the final health care reform bill. An established network will allow the public plan to give Americans a real choice among insurance plans and doctors from the start, from the beginning. A public provider network will place the public plan on a level playing field with private plans establishing real competition, real reform, and lowering costs for Americans.

Look, we have one chance to do health care reform, and it's today. And we have to ensure that we establish the strongest infrastructure to give success for the American people and to give them coverage and care and lower costs.

Further, the Congressional Budget Office says that a robust plan will save \$91 billion for our country. We know the system is broken, and now we have a chance for a truly American solution to health care reform.

CONGRESS' NEVER-ENDING SPENDING SPREE

(Mr. ROGERS of Alabama asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to discuss my strong concerns over this never-ending spending by this Congress. In tough economic times when folks across Alabama and our Nation are tightening their belts, Congress is doing the exact opposite.

Just this week, House Democrats unveiled their new health reform plan which rings up a mind-boggling \$1 trillion in spending over 10 years. While I agree that health insurance reform is important and Congress should pay close attention to affordable, accessible health care, spending another trillion dollars of taxpayer dollars on a possible government takeover is not the answer.

Folks in my home State of Alabama tell me Congress is spending like drunken sailors, and I agree. It's time for Congress to sober up and stop borrowing and spending money we don't have.

□ 1015

AMERICA NEEDS HEALTH CARE REFORM TODAY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Madam Speaker, thank you for your leadership.

Just as we thought, when we began to make a historic march towards the civil rights of all Americans for health care reform, we begin to hear noises, wrong noises, about how much we're spending. Well, I will tell you what we're doing, because we're not ashamed of addressing the concerns of Americans: \$100 billion a year to fix a \$2 trillion problem; the fact that Texas children are uninsured, they will be able to be insured as other children around America.

Sixty years Americans have been waiting and waiting and waiting for health care reform. Family costs are going up \$1,800 a year. How many Americans want to continue that? And every single President, including Candidate MCCAIN, wanted health care reform.

We're doing it the right way. We're going to provide for primary care doctors. We're going to invest \$1 in fighting for it and save \$1.75.

I want you to know this, Mr. and Mrs. America, we're going to take the big step, not for ourselves but for you. Health care reform, not yesterday but today and forever, because America needs it, and they need it now.

HEALTH CARE

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, as work begins today on the 1,000-page and \$1 trillion health care bill, the Congressional Budget Office provided Members with some troubling points yesterday.

For example, supporters of this plan argue it's necessary to bring down costs. We need to do that. However, the CBO admitted that the public plan would have essentially no impact on the long-term growth of health care costs, the legislation's purported goal.

A few other issues: the \$1 trillion score was not produced on the actual bill, but a summary provided days before the text was introduced. And more questions.

What impact will the health care bill and its taxes have on job losses? What will the big tax increase do to small business? What is the cost of the government plan? And what happens if it doesn't let private plans play by the same rules?

Let's make sure we don't replace the bureaucracy of insurance with barriers, burdens, and bureaucracy of government. Neither one is good medicine. Real reform is good medicine. Let's do it right. Let's take the time to work together as a team and solve this problem once and for all.

SURFACE TRANSPORTATION REAUTHORIZATION

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Madam Speaker, currently, highway connections are worsening, ports are clogged, rail lines are plagued with choke points, and our communities are suffering with increased congestion, ever-worsening air pollution, and a struggling economy. We must act now to address these critical infrastructure issues and bring aid to our communities.

Our communities are struggling right now, not only with an inefficient and underperforming transportation system, but also with high unemployment rates and a sluggish economy.

The Surface Transportation Authorization Act produced by Chairman OBERSTAR is a bold step forward on transportation policy that will address our aging infrastructure and create or sustain 6 million family-wage jobs.

We need to continue the work we did with the Recovery Act and move forward with this legislation now to boost the economy, aid our communities, and transform our transportation system.

MEDIA IGNORE PRESIDENT'S DISAPPROVAL RATING

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, a recent Washington Post editorial

listed among President Obama's assets "a steady affection from a large majority of the country." The national media frequently claim that the President is overwhelmingly popular.

A new poll by Rasmussen tells a different story. The poll shows that just 28 percent of voters strongly approve of the way that the President is doing his job. Thirty-six percent strongly disapprove, giving President Obama an approval index rating of a negative 8 percent. And that's before the American people find out about his plans to ration health care.

A negative approval rating is hardly steady affection from a large majority of the country. The national media should tell Americans the whole story, not tell them what to think.

SUPPORTIVE OF THE IDEAS CONTAINED IN THE HEALTH CARE REFORM LEGISLATION

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Madam Speaker, I rise this morning to strongly support the ideas contained within our health care reform legislation.

The idea is very simple. It's about equality. It's about no discrimination against any citizen due to preexisting medical conditions. And isn't it about time? You know, it was a little over 50 years ago that this Congress in a bipartisan way guaranteed the equality at the lunch counter; and now working together we're going to guarantee that every citizen has equality at the pharmacy counter, at the physician's office, and at the hospitals that they need to go to to guarantee the health that they require just to survive.

This is our time in Congress to work together to fashion a health care system that works for everybody, not just those who were chosen at the top of the feeding chain.

I stand in support of health care reform that is meaningful, that guarantees no discrimination against any citizen anywhere in this land.

ECONOMIC IMPACT OF HIGHWAY INVESTMENT

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BROWN of South Carolina. Madam Speaker, the unemployment rate in South Carolina is over 12 percent. This is the third worst in the Nation, but only \$400,000 in stimulus highway dollars have been spent. Instead of creating jobs, red tape is slowing projects down and forcing millions to be spent on painting road lines and pouring sidewalks, instead of going towards job-creating jobs like I-73.

Infrastructure investment is a proven job creator, but instead of workers con-

structing miles of new and badly needed highways, we have miles of red tape.

And we are at risk of seeing even more job losses as the Obama administration and the Senate stand against a new highway bill. Instead of setting a path of 6 years of needed investment in highways and transit, the other body and President Obama want us to wait another 18 months. They want us to go down the same path as the last highway bill, where 12 extensions led to hundreds of millions of dollars in reduced investments and tens of thousands of jobs lost.

Madam Speaker, we can do better. We must move forward with a new highway bill, but we also must ensure that we give States the tools they need to cut through the red tape preventing these dollars from creating jobs and building new infrastructure.

NOW IS THE TIME TO ACT ON HEALTH CARE REFORM

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. The introduction of health care reform legislation marks tremendous progress toward meaningful health care reform for all Americans. As a member of the Committee on Ways and Means and a centrist Democrat, I worked to ensure that this legislation is built on American assets of innovation, competition, private-public choices, and shared responsibility.

I authored core provisions to increase access to primary care and strengthen consumer protections in the private market, both of which are key to improving the quality, efficiency, and reducing the cost of care, while improving health outcomes.

These provisions will increase the number of primary care doctors and nurses, increase reimbursement for primary care, and coordinate care for patients. Copayments for prevention and primary care will be eliminated for all Americans. Insurance companies will be prohibited from excluding coverage of preexisting conditions and will be required to explain coverage in plain language.

As Members of Congress, we have a shared responsibility to contain health costs for families, businesses and the government, while ensuring that every American has access to affordable, meaningful, stable coverage. The status quo is unacceptable and unsustainable. Now is the time to act.

AMERICANS NEED TO DEMAND A MARKET-BASED HEALTH CARE SYSTEM

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute.)

Mr. BROUN of Georgia. Madam Speaker, I'm a medical doctor. I used to do a radio program called "House Calls with Dr. Paul," where I tried to explain medical problems to people so that they could understand them.

As a Member of Congress, I am here this morning to try to explain this health care bill in ways that Americans can understand it. America needs to decide whether they want a health care system where they make the decisions in conjunction with their doctor or some Washington bureaucrat makes those decisions.

They need to make the decision whether they want a health care system where they have to wait long periods of time for surgeries and for tests, for MRIs and x-rays, where people who have cancer can't get the life-saving treatments that they desperately need, which is what we've been seeing from the other side.

We have solutions. Republicans have introduced numerous bills; and numerous bills will be introduced that will solve the health care problems, lower the cost of premiums, lower the cost of medicine, hospital bills and doctors' bills. The American people need to decide and demand a market-based health care system.

IMMIGRATION REFORM

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Over the 4th of July weekend, I toured a detention facility in Aurora, Colorado, where I met dozens of law-abiding immigrants. There are more than 30,000 immigrants like them throughout the country who find themselves in detention. Some of these individuals include teenagers, torture survivors, and the elderly. Others are asylum seekers who asked for protection upon arrival in the United States due to persecution in their country of origin, only to find themselves locked up for months or years like criminals at taxpayer expense.

For thousands of immigrants in similar circumstances throughout the country, even if the Department of Homeland Security ultimately rules in their favor, while they wait we are paying \$132 a day to feed them, clothe them, house them. They want to be out working, paying taxes; but we insist that they avail themselves at our expense.

While at the Aurora detention center, I met immigrants who were placed in detention following a minor traffic infraction or a car accident that wasn't their fault. Due to the complicated nature of our current immigration system, many of them are stuck in the nebulous gray area between being lawfully and unlawfully present as they await the decision of an immigration

judge. But regardless of the final outcome, separating parents from their American children by placing them into detention at taxpayer expense goes against our most basic values as Americans.

As Congress works toward comprehensive immigration reform, I urge my colleagues to deal with the detention issue as part of that.

FEDERAL GOVERNMENT SHOULDN'T RATION HEALTH CARE

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, it is interesting to sit here on the floor and listen to my colleagues from the other side describe their health care bill. It's going to solve everything. The only thing they haven't said is it's going to have a solution for cancer overnight and every other disease known to man.

And I thought, where have we heard this kind of promise before? How far back do we have to go? And then I realized it was the stimulus package. We were told we had to vote for the stimulus package on the President's timeline, and they guaranteed us unemployment wouldn't go above 8 or 8.5 percent. They guaranteed us all these jobs would be created. They guaranteed us that government solution.

Well, we've seen what's happened, and now we're hearing the same thing on health care. Well, just remember what the President said when he was in Michigan recently and someone asked him a question about their 100-year-old mother who received a pacemaker. He asked, Under your system, what would happen? And the President's response was, Well, boy, that's a tough question; you might just have to give her pain pills.

That sounds like rationing to me. I'm not sure I want the Federal Government to tell me I should take a pain pill when I need some surgery.

YOUNG ADULTS FINANCIAL LITERACY ACT

(Mr. CARSON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. CARSON of Indiana. Madam Speaker, I come to the floor to discuss the Young Adults Financial Literacy Act, which I mentioned last week, to help community organizations provide better financial education to young adults.

As our recession drags on, it is clear that many of the problems we now face could have been avoided by better educating people about the financial system.

Today, across our country, thousands of young people are getting their first

credit card, taking out loans for college, and renting their first apartments. Yet statistics show that many of these young adults never learn basic financial skills like budgeting, saving, and maintaining manageable debt.

My bill will help young people receive the financial education they need before they take these critical steps. It will provide grants for the development and implementation of effective education programs, empowering a young generation of consumers at this critical economic time.

So I encourage my House colleagues to cosponsor the Young Adults Financial Literacy Act.

STOP THE TAXING ON SMALL BUSINESS

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Madam Speaker, this past week I held a town hall meeting in North Port, Florida. More than 300 people showed up.

A common theme at the forum was that the government should not nationalize health care. My constituents don't want a one-size-fits-all system where bureaucrats choose your treatments and doctors. My constituents want to make their own medical choices.

Some in Congress are rushing to bring a complex and far-reaching health care bill to the House floor within the next 2 weeks. This plan has numerous challenges in it.

First, it imposes an 8 percent tax on small businesses who don't offer health insurance to their employees. Most of these family-run businesses want to offer health care insurance but can't afford it. It's an 8 percent tax not on profit but on overhead. It becomes overhead. It's an 8 percent expense.

How does taxing small business help us get out of the worst economic recession in more than a century? This is a job killer, not a job creator.

Let's work together and make it better for small business and stop the taxing on small business.

□ 1030

EARLY DIAGNOSIS SAVES MONEY FOR RESEARCH

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. I heard my Republican colleague from California who just spoke say that somehow the President was suggesting that this health care reform bill, which is so important, might go so far as to cure cancer. I tell you, it's not going to cure cancer. But if you think about the fact that in this bill we put so much emphasis on prevention and we make sure that 97 percent of Americans who are not elderly

would now be covered, the fact of the matter is that means that people go to a doctor on a regular basis. And if they go to a doctor and they find out that they have cancer at an earlier stage, then they get the attention so maybe they don't die from the cancer.

You know what? If everybody goes to the doctor now and as a result of that they don't have to go for more serious treatment and the expense that's involved with that, there will be money saved—and that money can go towards more research on cancer and the cure for cancer.

So I would say to my colleague, we're not saying it's going to cure cancer, but I tell you it would do a lot towards preventing those people that have serious problems, finding them out early, being diagnosed, and helping them out.

SELLING THE FAILED STIMULUS PLAN

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Five months ago, President Obama warned that if Congress failed to pass the stimulus plan, unemployment could reach 9 percent. But the President promised if we took action and accepted his stimulus plan, unemployment would halt around 8 percent.

Despite borrowing \$787 billion for wasteful government spending under the guise of stimulus, the national unemployment rate now stands at 9.5 percent—a rate not seen in 26 years.

Even though unemployment is rising at an alarming rate, the President continues to sell the American people on his failed stimulus plan. Just recently, the President said the stimulus plan had “done its job.” The American people know better. The American people know you can't spend and borrow your way back to a growing economy.

It's time for a real economic recovery plan, one that puts money back in the hands of families and small businesses. It's time for Congress to pass the House Republican's economic recovery plan—a plan for fiscal discipline and tax relief.

PROVIDING FOR CONSIDERATION OF H.R. 3170, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010

Mr. PERLMUTTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 644 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 644

Resolved, That at any time after the adoption of this resolution the Speaker may, pur-

suant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 145, line 11. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After disposition of the amendments specified in the first section of this resolution, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 3170, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The gentleman from Colorado is recognized for 1 hour.

POINT OF ORDER

Mr. FLAKE. Madam Speaker, I raise a point of order against consideration of the rule because the resolution violates section 426(a) of the Congressional Budget Act.

The resolution contains a waiver of all points of order against consideration of the bill, which includes a wai-

er of section 425 of the Congressional Budget Act which causes a violation of section 426(a).

The SPEAKER pro tempore. The gentleman from Arizona makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

The gentleman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated. Such a point of order shall be disposed of by the question of consideration.

The gentleman from Arizona and a Member opposed each will control 10 minutes of debate on the question of consideration.

After that debate, the Chair will put the question of consideration, to wit: “Will the House now consider the resolution?”

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I rise today once again to plead with the majority party to lift the legislative version of martial law that's been imposed on appropriation bills this year.

We're more than halfway through the season and so far we've had, for appropriation bills, more than 700 amendments have been filed with the Rules Committee. Only 119, or less than 20 percent, have been made in order. Roughly a quarter of them that have been made in order have been my earmark amendments, which I'm pleased for. Don't get me wrong. I'm grateful they're made in order.

But these earmarks, this is about the only vetting, as shallow as it may be, on the floor of the House that these earmarks get, because they're certainly not getting the vetting they deserve in the Appropriations Committee. But this is insufficient.

It's not right to have a legislative version of martial law on appropriation bills and to bring up the issue of timing, to say, We don't have time to deal with all the amendments that have been offered, as was demonstrated yesterday when I asked unanimous consent five times—five times—to simply swap out an amendment that was not ruled in order by the Rules Committee—that was germane, just not ruled in order—for one of mine that would have been given.

It wouldn't have taken any extra time. We would have been under the same time constraints of the bill. So we would be living within the time constraints that the majority party has laid down.

But the majority party simply wouldn't allow it, because this isn't about time. We adjourned or we were finished with legislative business by around four o'clock yesterday. We were finished with amendments by five o'clock. Members were free to go after the last amendment votes around four o'clock.

This isn't an issue of time. But say that it was. If it was an issue of time, then allowing amendments to be swapped and substituted or amendments to be modified within the time limit should be allowed.

But instead, the majority party simply doesn't want to deal with certain amendments. They don't want their members to vote on certain amendments. That's what is at issue here.

As a result, the votes on amendments on these appropriation bills have all the excitement and anticipation of a Cuban election. You know the result. It's going to be lopsided or it's agreed to in advance.

That may be efficient. The trains may run on time. But it isn't the legislative process that we're used to here. Traditionally, appropriation bills have been brought to the floor under an open rule. That's always been important.

It's become even more important over the last several years when we placed in those bills literally thousands and thousands and thousands of appropriation requests by individual Members, many of them no-bid contracts—Members awarding no-bid contracts to private companies and, in many cases, their campaign contributors, with virtually no vetting in the Appropriations Committee.

So the only opportunity we have to vet those is here on the House floor, and then Members are denied the opportunity in many cases to bring those amendments to the floor. That simply is not right.

Let me take the bill that we will be dealing with today and give a few examples. In the Rules Committee under this rule that we're dealing with now, many amendments were offered, as I mentioned, and they were submitted as requested by the Rules Committee, pre-submitted, which we didn't even used to have to do with appropriation bills, but we can accept that. These were submitted—and many of these were turned down.

For example, one was to make in order to provide the appropriate waivers for amendment 87 offered by Representative BOEHNER, the minority leader, which would ensure that low-income D.C. students are able to receive a scholarship through the D.C. Opportunity Scholarship Program by removing the requirement that students must be OSP recipients during the 2009–2010 school year.

This would simply allow the D.C. voucher program—the highly popular D.C. voucher program—to continue. This is not something that is not germane. It is germane. This is the bill that deals with D.C. appropriations. But the majority party simply didn't want to vote on that. And so they rejected it, and it's out.

Later today, I will be asking for unanimous consent to substitute this

amendment for one of mine that I have been fortunate enough to have made in order. It won't take any additional time.

So time is not an issue. It's simply saying that we should be able to vote on amendments that Members want to vote on, not just those amendments that the majority leadership wants us to vote on; to lift martial law on appropriation bills, if only for a brief window, for the appropriation bills that we have still to consider.

Another amendment—I see Mr. WALDEN here—that he has offered. The Walden-Pence amendment would prohibit funds from being available in the act from being used to implement the fairness doctrine and certain broadcast localism regulations.

I'd like to yield to the gentleman from Oregon to speak on that.

Mr. WALDEN. I appreciate the gentleman raising this point of order and yielding. How ironic; the amendment we offered in good faith, after consideration with the parliamentarians, is fully in order under our House rules normally, except for the gag order that's been placed on us by the Rules Committee.

How ironic; we're trying to stand up and protect First Amendment free speech rights for American citizens and broadcasters to be able to discuss political issues and religious issues on America's airwaves, protect that right as the House did in 2007 with a 309–115 bipartisan vote.

We're talking about free expression, First Amendment rights, privileges that American citizens have enshrined, and the Democrat leadership of this Congress has conspired to prevent us from even allowing that amendment to be debated on this House floor and voted on. And yet, when it was brought before this House in 2007, 309 Members voted “yes.” It was a 3–1 margin that stood up for free speech and to protect free speech on America's airwaves, to protect the rights of religious broadcasters to engage in their discussions on America's airwaves.

Members of both parties supported this. And yet today, sometimes I feel like we're more an Iranian-style democracy, where all these rules that have been in place for many, many years in this House, historically back to its inception, that allow for open and vigorous debate on our House floor, have been now twisted and turned and crammed down to the fact that you're gagged. I'm gagged, the people we represent are gagged. It is simply outrageous that this is occurring.

□ 1045

We should be able to offer these amendments, as we have historically, in Republican and Democrat Congresses in the past. This is nearly unprecedented in the scope of clamping down on our ability to represent our

constituents and in our ability to raise these issues on the floor of this great institution, of this democratic institution, where free speech and the opportunity to debate public policy issues are enshrined.

What has this House come to?

Mr. FLAKE. I thank the gentleman.

I reserve the balance of my time.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The gentleman from Colorado is recognized for 10 minutes.

Mr. PERLMUTTER. I oppose the gentleman's point of order. I yield myself such time as I may consume.

Madam Speaker, once again, this point of order is not about unfunded mandates. It's about TV broadcasting and about a whole variety of other things, but it's about delaying the bill that is under consideration and about, ultimately, stopping it. I hope my colleagues see through this attempt and will vote “yes” so we can consider this legislation on its merits and not stop it on a procedural motion. Those who oppose the bill can vote against it on final passage. We must consider this rule today, and we must pass this legislation.

I have the right to close, but in the end, I will urge my colleagues to vote “yes” to consider the rule.

With that, I reserve the balance of my time.

Mr. FLAKE. Madam Speaker, yes, this isn't about unfunded mandates. Unfortunately, it's about the only opportunity we have to stand up, and we'll stand up later when the rule is discussed, but I'm here because the Rules Committee would not make in order the amendments that Members wanted to offer on an appropriations bill.

These are bills that are brought to the floor under open rules, traditionally, to allow Members the opportunity to represent their constituencies; but here we're being gagged and told we can't do that because we're only going to allow the amendments that we want to hear, the ones that are non-controversial, the ones that we have debated before and that we know won't impact negatively on us. That's not any way to run this body.

I yield to the gentleman from Oregon.

Mr. WALDEN. If you want to talk about how this body is being run, in the Energy and Commerce Committee yesterday, the best we could get on the Democrats' health plan was a closed-door briefing from the Congressional Budget Office that was only open to members of our staff and to no other staff and to no other citizens, and it was shut down to the press. Now, I find that outrageous.

So not only is this occurring on the amendments we hope to bring that are fully within the scope of the rules of this House and that have been well vetted—and you can smile. I get it. You

guys are in control. You're going to win. You've got the votes. You can shut us down. Yet, at the end of the day, the American people get it, and they get that bills are being rammed through here without due consideration and process and that Members on both sides of the aisle are having their amendments shut down, and they're not even being allowed to be considered.

I've been here for 10 years now. I remember, during appropriations season, we worked hard. We worked day and night, sometimes a lot longer than I'd wished we'd worked, but Members had the right under our rules to bring amendments forward that were within the constraints of the rules of this House and within the historic principles of this House. We had vigorous debates and we took tough votes. Then we went back and we defended those votes.

Mr. FLAKE. Madam Speaker, I yield back the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I appreciate the gentleman's comments, but they did not speak to the point of order at all. So, Madam Speaker, again, I want to urge my colleagues to vote "yes" on this motion to consider so we can debate and pass this important legislation.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. PERLMUTTER. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. PERLMUTTER. I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 644.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. PERLMUTTER. I yield myself such time as I may consume.

Madam Speaker, House Resolution 644 provides for the consideration of H.R. 3170, the Financial Services and General Government Appropriations Act for fiscal year 2010. This is the first Financial Services Appropriations bill under a President who believes Wall Street actually needs someone to watch it. This bill provides the much needed resources for the Federal Government to improve our oversight of Wall Street while investing in small businesses on Main Street.

As a member of the House Financial Services Committee, we have worked with Chairman FRANK to examine the causes of our recent economic downturn. There were many causes of it, but our findings conclude that a large factor of this downturn was misguided deregulation promoted in the financial markets.

Under the Bush administration, the Securities and Exchange Commission was underfunded. The SEC promoted a "good old boy" atmosphere that disregarded investor and taxpayer interests in favor of Wall Street wealth. Under the Bush administration, the SEC repeatedly turned a blind eye regarding fraud as they did with the warnings about Bernie Madoff. Also, the SEC knowingly helped build the house of cards that was the basis for this subprime mortgage bubble.

Under the Bush administration, big business just became too big to fail, and the whole house of cards came tumbling down. AIG, Bernie Madoff, Lehman Brothers, Bear Stearns, WaMu, Wachovia, and other financial disasters could have been avoided if our Federal agencies had been given the resources to connect the dots, to look at the books and to take preventative measures.

This legislation increases funding for the SEC by 8 percent over last year. It provides funds for the SEC to hire 140 additional analysts to protect investors and taxpayers from nefarious corporate interests and schemes. Those 140 new analysts can monitor publicly traded companies and can restore trust for investors and taxpayers. This provision sends a clear message to Wall Street that your days of wine and roses are over. The bill also increases funding for the FTC to help consumers and to go after illegal credit card practices.

For my constituents back in Colorado, this bill provides a 38 percent increase in funding for the Small Business Administration. During an economic downturn, many individuals who have been laid off open small businesses where they can pursue their entrepreneurial dreams and can be their own bosses. This boost in funding will reinvigorate communities across the Nation at the precise time that we need it.

For the judicial branch, this bill provides the Federal judiciary the funds it needs to hire additional staff and judges. In particular, the past year has seen a 28 percent increase in the number of bankruptcies. This bill will provide for 142 more staff for Federal bankruptcy courts to put these businesses and individuals back on the road to recovery.

Finally, if there is one issue people in our districts will support in this bill, it is the reinstatement of auto dealer franchise agreements which were severed with little notice earlier this year. In my own district, hundreds of work-

ers were put in jeopardy when GM and Chrysler terminated their dealerships—even long-time profitable franchises. At a time when too many Americans are unemployed, adding more workers to the unemployment rolls is the last thing our economy needs.

This bill is another step toward economic recovery, and I urge its adoption.

I now reserve the balance of my time.

Mr. SESSIONS. I appreciate the gentleman from Colorado for yielding the time. I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to the structured rule, and I also rise in opposition to how my Democrat colleagues continue to shut out Republican voices on the floor of the House of Representatives in virtually every committee here in the House.

My friends on the other side of the aisle have set an historic precedent by shutting down the amendment process once again today in order to accomplish legislative business during the appropriations process, and Republicans disagree with this. Madam Speaker, you will continue to hear of our opposition, and the American people will hear the same.

Chairman OBEY has set an arbitrary time line to finish the financial year 2010 spending bills, which has forced the Democrat-run Rules Committee to limit every single Republican and Democrat chance to offer amendments on the House floor. Hundreds of amendments have been offered by my colleagues, and they have been rejected in an unprecedented fashion.

What is this majority afraid of? Why won't they allow for an open and honest debate that has happened for hundreds of years in this body? Why won't we have open rules on appropriations bills?

Because of this historical new restrictive process, as part of my committee assignments, I had to go to the Rules Committee on Wednesday night just to offer three commonsense amendments. Not one was made in order for the debate today. Two dealt with allowing the same restrictions and opportunities for Federal Government employees and for private contractors.

In a time of record deficits by this Democrat Congress, Congress should find a better way to deal with the American taxpayer for the success of this country and for jobs. Instead, they chose to ignore these amendments and ideas.

My last amendment would have required this Obama administration to post any interaction or communication with General Motors as a public record. Since the American public was not consulted before the takeover of GM, they should at least be able to monitor now how their tax dollars are being spent.

Madam Speaker, today, we are discussing the Financial Services Appropriations bill for fiscal year 2010. It is

my intent to focus on the huge increase in spending—no surprise—over last year's level and to discuss the majority party's destructive initiatives that have intruded into the private sector. It is my idea to talk about how they will continue killing jobs and how we will continue having historic record deficits and to discuss the new Democrat priority of using TARP dividends for more housing handouts instead of using that money to be repaid to the taxpayer.

This underlying legislation is a 7 percent, or \$1.6 billion, increase above the current year's spending levels, and that is excluding the massive stimulus funding. Even Federal Reserve Chairman Ben Bernanke recently stated, Unless we demonstrate a strong commitment to fiscal stability, in the long term, we will have neither financial stability nor healthy economic growth.

The Congressional Budget Office has stated that the budget is on an unsustainable path. This bill does not represent a commitment to fiscal sustainability. With this legislation, Congress only further slows down and impedes our economic recovery, and it increases the financial burden placed on our children, grandchildren and on our future.

With the facade of fiscal sustainability, the Obama administration is posing sweeping financial reforms that will further stretch rather than help the banking industry. The Obama regulatory plan calls for large, interconnected companies to pay a heavy price by limiting companies from mixing banking and commerce. This potentially forces companies like General Electric to spin off its largely lending subsidiary, GE Capital, and turn it into a bank holding company with more regulations, less revenue and less loan capacity.

Once again, this is the Democratic plan to kill private sector jobs and to further encumber and harm economic recovery.

□ 1100

Madam Speaker, what kind of precedent is this administration and Congress setting by forcing regulation on successful businesses while completely avoiding responsibility and transparency in their own spending habits? The American people know that you shouldn't spend what you don't have, and that's exactly what this Democrat majority is doing. According to the Congressional Budget Office, the Obama administration is on its way to doubling the national debt in 5 years. Just last week the Congressional Budget Office released a monthly budget review which states that the Federal budget deficit reached \$1.1 trillion, and this was reached during the month of June. According to the CBO, that is \$800 billion more than the deficit record through June 2008. The bottom

line is that the United States is looking at a possible \$2 trillion record deficit for this year alone, a long stretch from the group of people who talked about fiscal insanity just before the election. I think we know what the truth is. The Democratic Party is tax and spend. Especially at a time of deep economic recession, this Congress should be promoting pro-growth policies that reduce spending and increase jobs. Unemployment continues to rise while our friends on the other side of the aisle consciously continue to tax, borrow and spend their way into record deficits. The CBO estimates that unemployment benefit spending is more than two-and-a-half times what it was at this point last year. The current unemployment rate is now over 9.5 percent, which is the highest level in 26 years, and their own budget estimates say it's going to rise.

Madam Speaker, with record deficits and growing job loss, you would think that this majority would want to bring the national debt down and try to curb spending. But nope, not going to happen. Not with what's on the floor again today. Last month Financial Services Chairman BARNEY FRANK dropped a bill and held a hearing that would redesignate dividends from TARP funds to two housing slush funds. This would take the \$6.2 billion in dividends paid back to the American people and would create a brand new spending program. It is unconscionable that any dividend received would be redistributed in new spending projects rather than returning it to the taxpayer. Again, my friends on the other side of the aisle continue to tax, borrow and spend money that not only they do not have, but the American public knows that it comes out of jobs and economic recovery for this country.

Madam Speaker, how is this economy supposed to bounce back with this Democrat Congress forcing Americans to pay for a failed trillion-dollar stimulus package, a bailout for those who defaulted on their own mortgages, a bailout for those who abused their credit cards, a bailout for corporate America's bad decision making, a new national energy tax, and a possible \$1.5 trillion health care package that will force 120 million Americans out of their current health care coverage? When does this malaise stop? Where are the jobs? Why are we spending more and more money simply to get more unemployment? Madam Speaker, it should be asked on the floor of this House, where are the jobs? Where are the jobs that were promised by Speaker PELOSI? They evaporate again today.

In closing, Madam Speaker, I will continue to point out to our friends on the other side of the aisle that we simply cannot tax, we cannot simply spend and borrow our way out of the country's economic recession that comes from the Democrats running the

House, the Senate and the presidency. Madam Speaker, the misery index of this country continues to rise under the leadership of the Democratic Party, and rising unemployment and record deficits cannot be remedied with massive increases in spending. Americans back home are tightening their belts, and the U.S. Congress should be doing the same. I encourage a "no" vote on this rule and a "no" vote on the previous question to amend the rule to allow for an open rule.

I reserve the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I yield myself as much time as I may consume.

I have to say that my friend from Texas and I couldn't disagree more about the causes of the troubles that exist today in our economy. The Republican administration under George Bush, prosecuting two wars, cutting taxes for the wealthiest among us, helped drive this country into the ditch. That, coupled with a penchant, a desire, a real effort to deregulate, unregulate and privatize led to failures all throughout Wall Street and the banking system, starting first with a \$60 million Ponzi scheme conducted by Bernie Madoff, followed in part and at the same time by a \$700 billion failure of Wall Street and financial institutions that had to be filled. President Obama inherited a \$1.3 trillion deficit as a result of the misguided policies of the Republican Party and the Bush administration.

With that, I will yield 3 minutes to my friend from Michigan, Mr. BART STUPAK.

Mr. STUPAK. I thank the gentleman and the coach for yielding me time.

I rise today in opposition to the rule and the underlying bill. Madam Speaker, those of us who respect the right of life for the unborn know that when taxpayers fund abortion, more lives are lost to the tragedy of abortion. Out of our conviction for the unborn, 180 Members sent a letter to the Speaker, the chairwoman of the Rules Committee and the chairman of the Appropriations Committee, requesting that existing pro-life riders be included in any legislation reported out of the Appropriations Committee. These provisions include long-standing restrictions, some of which have been there for more than 30 years, on funding for abortion, on the conscience clause and policies respecting human life. These restrictions are important. They are a crucial part of Federal law. But they must be reapproved every year, as they have been by both Democratic and Republican leadership. We asked that those policies remain in legislation out of respect for all Americans who identify themselves as pro-life and out of respect for pro-life Members on both sides of the aisle. But anticipating the

possibility that a pro-life appropriations policy will be deleted, a bipartisan group of Members asked for a reasonable accommodation by the Rules Committee. We asked that, at a minimum, the full House be given a reasonable opportunity to debate whether we should use taxpayers money to fund abortions. We asked to just allow us an up-and-down vote on this critical issue. When we saw that the ban on government-funded abortion in the District of Columbia was rendered meaningless, 5 Democrats, 5 Republicans, 10 Members, a bipartisan group, went to the Rules Committee and asked for a simple change, an amendment to strike one word on page 143, line 8, the word Federal. Unfortunately our amendment was flatly denied. We are not even given a chance to debate whether we should use taxpayer money to fund abortion, a very basic issue and question facing this country.

So, unfortunately, I'm going to urge my colleagues to vote "no" on the rule and also to vote "no" on the underlying bill in its current form and in opposition to the rule, which muzzles the voices of pro-life Members.

Mr. SESSIONS. Madam Speaker, I appreciate the gentleman coming down to talk about the muzzle that's been placed upon Members of this body by Speaker PELOSI. This muzzle affects not just Republicans but Democrats and millions of people's voices that might be heard on the floor of this House.

Madam Speaker, at this time I would like to yield 3 minutes to the gentleman from Concord Township, Ohio, (Mr. LATOURETTE).

Mr. LATOURETTE. I thank my friend from Texas for yielding.

Madam Speaker, this is a bad rule. It's a bad rule because it continues to muzzle the voices of representatives in this House that represent millions of people. As our friend from Michigan just indicated, we should have a debate on these issues. At the end of the debate, we have a vote. Somebody wins, somebody loses.

I can remember, Madam Speaker, in happier times—and I define happier times as being when we were in the majority, sadly—that I had the honor to be where the Speaker pro tempore is. I sat for 3 days once doing the Interior appropriations bill while Member, after Member, after Member came and spoke and said what was on their minds on the issues of the day; and then we voted. Our Democratic friends knew we then had more votes than they did. They were going to lose most. They might win some. But we at least got to talk about it. This is unconscionable.

I rise to thank a couple of people because even on this horrible rule, there is some daylight. I want to thank the Rules Committee for protecting from a potential point of order an amendment that I inserted into the Financial Serv-

ices appropriations bill during the course of the markup; and I want to thank Chairman SERRANO and Chairman OBEY for going before the Rules Committee and protecting it as well.

The amendment simply says that we will not, as taxpayers in this country, give billions of dollars to General Motors and Chrysler until they come to terms with the hundreds of thousands of people they have put out of work. We know that their actions have thrown 40,000 auto workers out of work. We know that 50,000 people who worked for Delphi have lost their health coverage. This week we had the auto dealers in town, and the actions of the President's auto task force is going to cause the closure of 789 Chrysler dealerships across this country, 2,600 General Motors dealerships. About 60 people work at each dealership. Over 200,000 people thrown out of work because of the goofy actions of an unelected task force, and now the car company is taking advantage. Why do we know it's the goofy action of the task force? We know it because both car companies filed to plan for reorganization on February 17. That plan was rejected. We know from Mr. Bloom, who is the new head of the task force, why that plan was rejected. In testimony before the Senate, he indicated, "We rejected that plan because they didn't get rid of enough people, they didn't close enough auto plants, and they didn't close enough auto dealerships across the country." Well, in response to that, the car companies, if they wanted the billions, they came back and presented a plan that will now cause 300,000 people, 300,000 families to be without jobs in this country.

I would say to my friend from Texas, you would think, Well, maybe this auto task force knows more about manufacturing cars and selling cars than the rest of us. But perhaps the gentleman knows, out of all of the members of the President's task force, do you think anyone has any experience in making a car, selling a car, making a car part? No. No, they don't have any experience.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. I yield the gentleman 15 additional seconds.

Mr. LATOURETTE. The Wall Street Journal did a survey that indicated that most of the members of the President's auto task force don't even own a car; and those that do own cars, own a foreign car. We have got to stop this madness; and if we don't stop the madness, the only stimulation of the economy, as we continue to throw people out of work, is going to be those clerks at the unemployment offices across America.

Mr. PERLMUTTER. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the gentleman from Colorado for the

time. I thank both the chairman and ranking member of the Subcommittee on Financial Services for what I think has been a holistic approach to the needs that we are having to address and what has been called an economic collapse. As it has been based on the practices of our past administration, we're simply trying to put Humpty Dumpty back together again. I would hope as we make progress on this bill, that as we fund the Small Business Administration, that we will be reminded of the importance of language to advocate for small businesses. It is very disconcerting to find out how difficult it is for small businesses to actually do business with the Federal Government.

□ 1115

Veterans' businesses, minority-owned businesses, in essence, they don't have an advocate, and our agencies are using "good old boy" systems to give business not to our small businesses, but to others.

We need that kind of advocacy in the Small Business Administration, taxpayer advocacy. Americans pay their taxes, and there are people who work and pay taxes and want to do the right thing. The taxpayer advocacy system needs to get teeth because it is dysfunctional. The IRS does what it wants to do and treats taxpayers poorly. And the taxpayer advocacy needs to strengthen its ability to serve. I like the language in the TARP oversight. It is important to ensure that the TARP oversight also includes the ability to make banks lend.

But, lastly, let me say how grateful I am for this language dealing with automobile dealers to restore their civil rights and keep them in this place. Bob Knapp of Knapp Chevrolet in Texas has said, We will lose 10,000 jobs. He is a central city car dealership of some 60 years old. The atrocity of GM to close this longstanding, profit-making, employee-providing institution is a shame. Let us get Chrysler and GM at the table to restore the ownership of these dealerships to their owners and let them sell cars the American way.

The language in this bill is the right language. I thank those who have helped to offer this language, but now we have to implement the language. Get these car dealers back doing their jobs. And to GM and Chrysler, accept these appeals, recognizing the large number of jobs that will be lost. Create a job or save a job, there are jobs here. We can save a job.

Mr. SESSIONS. Madam Speaker, I would like to yield 1 minute to the distinguished gentleman from Colorado Springs, Mr. LAMBORN.

Mr. LAMBORN. I thank the gentleman for yielding.

Madam Speaker, I rise today to oppose the provision in this Financial Services bill that allows taxpayer-funded abortions in the District of Columbia. We cannot seriously talk about

wanting to reduce the number of abortions in this country and then turn around and pay for them with taxpayer money. Planned Parenthood's own researchers report that without public funding, 30 percent fewer women have abortions.

We have seen many polls showing that the American people oppose using their tax dollars for abortions. A poll done this year found that 69 percent of respondents said they are against repealing the Hyde amendment if its repeal would result in taxpayer funding of abortion as a method of birth control. Life begins at conception, and I cannot, in good conscience, support a bill that squanders taxpayer money for the first time in decades to destroy life in the womb.

I urge my colleagues to reject this bill. I urge President Obama to reject this bill and to oppose taxpayer-funded abortions in the District of Columbia.

Mr. PERLMUTTER. Madam Speaker, before I yield 4 minutes to the gentlewoman from the District of Columbia, I need to respond to my friend from Colorado, as well as the gentleman from Michigan who spoke earlier, and I'm looking at page 143, lines 8 through 12, section 812, which says: "None of the Federal funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered or where the pregnancy is the result of an act of rape or incest."

Mr. LAMBORN. Would the gentleman yield?

Mr. PERLMUTTER. Yes, for 15 seconds.

Mr. LAMBORN. Thank you for that brief response on my part. Those funds are fungible, and that is not a true prohibition. It will be used for taxpayer-funded abortions.

Mr. PERLMUTTER. I thank my friend. I think the language is about as clear as it could be when it says "none of the Federal funds appropriated."

I will now yield 4 minutes to my friend from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding, and I thank him for making a clarification before I could.

Let me tell you something about fungible funds. You go home and tell the folks in your county or in your city that the funds that come from the Federal Government are fungible with their local funds, and therefore Congress should have jurisdiction over what they do in your local jurisdiction, and they may put you out of the House.

The fact is that the committee was at pains to respect the difference between local and Federal issues, and I very much appreciate that they did. I'm surprised that Mr. STUPAK would come to the floor with misinformation without looking at the bill to work up people on a controversial issue. The District asks, only be left abortion in

our control inasmuch as it is left in the control of other Americans. And throughout the United States, pursuant to the Supreme Court decision in *Roe v. Wade*, local jurisdictions may use local funds for abortions for poor women.

We are American citizens, and we demand to be treated as American citizens. We are older American citizens than some of you because we were created as a city with the Nation itself more than 200 years ago. I appreciate that our Rules Committee appreciated our citizenship and responded to and respected it.

Now for those who are new, they might say, well, why is the D.C. appropriations in the Financial Services bill? The proper question is, why is Congress having anything to do with the D.C. budget, a local budget? It is none of your affair. And it is an anomaly that we are going to cure soon. But the fact is that it is here under the Home Rule Act, which made the District of Columbia a self-governing jurisdiction. It is in the Financial Services bill because there is no place to put it. There is no place to put it because it doesn't belong in a Federal budget because it is not the money of the people of the United States. These are the funds of the people who live in the District of Columbia.

Some Members may mistakenly, others deliberately, come to the floor to try to impose their will or their choices or the choices of their citizens on the citizens of another jurisdiction. They wouldn't stand for that for one second in their own jurisdictions, whether on abortion or on any other issue. We saw the deadly effects that can occur, and I appreciate that Mr. SERRANO removed from the D.C. appropriations an attachment that was responsible for the death and for the terrible health of thousands of D.C. residents when we were barred from using a needle exchange program that thousands of jurisdictions are able to do. We are not going to stand for it. It is not your business to deal with the health of my citizens or to keep us from doing what is required and legal to keep them healthy.

Local control is older than the Nation itself. The war slogan "no taxation without representation" meant today, as it means in the District when you see it on the license plates, "Take your hands off of the local jurisdiction that is not your own." This is the D.C. budget before you. It contains funds raised here and nowhere else.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PERLMUTTER. Madam Speaker, I would like to inquire as to the amount of time on each side.

The SPEAKER pro tempore. The gentleman from Colorado has 14½ minutes remaining.

The gentleman from Texas has 14¾ minutes remaining.

Mr. PERLMUTTER. I yield the gentlewoman 1 additional minute.

Ms. NORTON. I thank the gentleman for his generosity.

This is a local budget. Make no mistake about it: no amendment is in order on anybody's local budget. The time for lip service for local control has run out. We have profound disagreements on some issues from abortion to vouchers. Go home and deal with them there. Allow us to deal with these issues in our own way as a local jurisdiction.

I appreciate that the Rules Committee has indeed respected our citizenship. And I demand that other Members of Congress do so, as well.

Mr. SESSIONS. Madam Speaker, I would remind the gentlewoman from the District of Columbia that the Democratic Party owns the majority in this House. It has 60 Senators in the Senate, it has the President of the United States, and that is how they can get their own things done.

Madam Speaker, at this time, I would like to yield 3 minutes to the distinguished gentleman from Hood River, Oregon (Mr. WALDEN).

Mr. WALDEN. It is kind of ironic for someone who is so passionate about achieving voting rights in this city that we would be denied voting rights on this floor on amendments that we sought to be considered.

And that is really the issue I want to speak about at this time, and that is that we brought an amendment fully vetted within our rules to be allowable, had the Democrat majority allowed it to be considered, to protect freedom-of-speech rights for broadcasters and American citizens when it comes to debating political issues and religious issues on the Nation's airwaves.

The great irony here is in this city we cannot, and in this Chamber cannot, get a vote or even a debate on that amendment under the new regime in charge here in the House.

Now in 2007 when democracy was flourishing a little bit more in this body, and Members of Congress, elected by however many thousands of votes and representing more than half a million people, 650,000 or 660,000 people, could bring issues to this floor during this one time and have them debated and considered. When Mr. PENCE and I brought the Broadcaster Freedom amendment to this floor, and it was allowed to be considered, 309 Members of this body voted in favor of it. When we sought to renew the prohibition on the Federal Government from putting Federal censors over the airwaves, we were denied the opportunity even to have that debate. You see, the one we got passed in 2007 expired 1 year later because it only went for as long as the appropriations bill.

We have a bill, a bipartisan bill, in committee to make this permanent. But once again, the Democratic leadership refuses to engage in democracy

and allows us even to have a hearing on that legislation. Now, the irony is that both Republicans and Democrats in times gone by have abused the Fairness Doctrine. Bill Ruder who was assistant Secretary of Commerce under John Kennedy admitted to CBS news producer, Fred Friendly, "Our massive strategy was to use the Fairness Doctrine to challenge and harass right-wing broadcasters and hoped the challenges would be so costly to them that they would be inhibited and decide it was too expensive to continue." George Will reported in a column December 7, 2008, that Richard Nixon emulated that process.

What we are trying to do is prevent any party, any politician in Washington from using a flawed process to silence and gag political speech on the airwaves. We all ought to be for that. Now the Fairness Doctrine is gone right now. But there are many, including leaders on the other side of the aisle, who have called for its return. Leader after leader, when asked by the press, called for its return. Some will say, well, no, that is not going to happen. Well, they have come around with a Trojan horse in the back door and say, we are going to do it a different way. We are going to call it "localism." We are going to set up these boards and commissions. We will have all this involvement. And if a broadcaster doesn't live up to what they are told to do, then their license will be pulled, or whatever.

We are just trying to say, no, Government, we don't need your censorship. Stay out of the process and allow us a vote. Don't just gag and spend here.

Mr. PERLMUTTER. If I could, I would ask my friend from Texas how many more speakers he has. We don't have any others. And I will close.

Mr. SESSIONS. I appreciate the gentleman asking. Due to the limited time that I was allowed by the Rules Committee, I know that we have a lot of people, but we have at least three additional speakers.

Mr. PERLMUTTER. Then I would reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, just for the record, I think we are on even time about now that is left. Is that an indication, if I can engage with the gentleman, that he is through with his speakers?

Mr. PERLMUTTER. Yes. I don't have any other speakers. Somebody may come wandering in, and I may ask for your indulgence. But at this point, we don't have any speakers.

Mr. SESSIONS. I appreciate the engagement of the gentleman. We will go ahead and proceed and run through our speakers with an indication that he believes he is through at this time.

Madam Speaker, at this time, I would like to yield 3 minutes to the gentleman from Clarence, New York (Mr. LEE).

Mr. LEE of New York. I thank my friend from Texas for yielding.

I rise to strongly oppose the rule. I had offered an amendment to this measure that deals with one of the less-discussed aspects of the restructuring of the auto industry and, that is, the treatment of retirees. By now we all have heard the stories of workers who have given much of their lives to these companies, only to see their retirement benefits slashed or completely lost. But with Delphi Corporation, which is GM's largest parts supplier, we have an incredibly egregious case of inequity.

As part of the restructuring agreement, GM agreed to assume the pension benefits of Delphi's hourly workers, 100 percent guaranteed, while the salaried workers' pension liabilities will be turned over to the federally chartered Pension Benefit Guaranty Corporation. When these pensions are turned over to the PBGC, salaried retirees stand to lose up to as much as 70 percent of their pension payments.

□ 1130

So basically, we have two groups of employees who've worked side by side for the same company for decades, and being treated so differently by the government.

My view, and that of a number of Members on both sides of the aisle, is that it is fundamentally unfair, and it will be incredibly damaging to these families, especially when, going back to the beginning of the year, these same retirees lost not only their health benefits but also their life insurance.

In the weeks since the decision has been announced, I have pursued all possible avenues to acquire information regarding how this inequitable decision was arrived at. And last week, I, along with 43 Democrats and Republicans representing 13 different States, requested that congressional hearings on this issue be held in both the House and in the Senate.

Now, the amendment I offered simply prevents funds from being allocated to the auto task force until all relevant data and documents pertaining to this matter are turned over. This is certainly an extraordinary step, but you and I, and all Americans, are now 60 percent owners of General Motors, and we have every right to use all tools at our disposal to get to the bottom of this travesty.

My amendment was not made in order, which is unfortunate. I have spoken with a number of these salaried retirees, and they recognize the need to make sacrifices in order to ensure a better economy over this long-term period that we're struggling through. They did not, however, sign up for having their benefits that they have earned, the benefits they counted on, being taken from them, and certainly not without a substantive explanation.

I urge my colleagues to vote down this rule and give the House an opportunity to stand up for hardworking Americans.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 3 minutes to the distinguished gentleman from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. I have 3 minutes. I'd like to, if I can, on my time, engage the gentleman in a colloquy about the rule. I was told earlier that I was discussing an amendment, I'm sorry, a point of order on unfunded mandates so we couldn't really talk about the rule. But now we are talking about the rule, so I'd like to have some kind of window into the mind of the Rules Committee as to why certain amendments were allowed on an appropriation bill and certain amendments weren't. If I could engage the Member in a colloquy, I'd enjoy that.

Mr. PERLMUTTER. Madam Speaker, I will let the gentleman do a soliloquy. I am not going to enter into a colloquy.

Mr. FLAKE. I don't blame the Member for not wanting to talk about this. And I really feel for members of the Rules Committee that are forced to carry out the bidding of the leadership, because this clearly, this clearly is a decision from the top, this year, to declare martial law on appropriation bills and not allow Members of Congress to bring amendments to the floor under an open rule that we have traditionally, and this has been the hallmark of this institution—openness.

The gentleman from Ohio (Mr. LATOURETTE) mentioned that he'd been in the Chair in previous years where, for 3 days we debated amendments to the Interior bill. Many of those amendments were amendments that I offered, some of which were uncomfortable to people on that side and on this side, earmark amendments or others. Yet, we did it for 3 days.

This party has said, the majority party now has said we can't take 3 days on that bill. Okay, then let's limit the time. So we agreed here; we have time limits already set for the Financial Services bill. I have 11 amendments that were made in order. I'll be asking unanimous consent later, when I offer my amendments, to swap a few of those amendments out to modify them to reflect the amendments that were offered by Members and were not allowed by the Rules Committee.

So it's not going to be an issue of time. We've settled the issue of time. It will tell us whether or not the majority party simply wants to muscle, not just this side of the aisle, but certain of their Members as well.

The gentleman from Michigan (Mr. STUPAK) stood up to oppose the rule because the amendment with regard to Federal funding for abortion was not allowed. That is one amendment that I will try to modify instead of one of mine, or have mine modified to reflect that amendment.

Again, it won't be an issue of time. The question will be, can or will—they can—will the majority allow that modification and allow that amendment to be offered. Under rules of unanimous consent, or under the rules of this body, under unanimous consent the majority party can agree to modify any amendment that is offered by a Member. And so it's not a question if they can. The question is if they will.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 3 minutes to the gentleman from Hamilton, New Jersey, Mr. SMITH.

Mr. SMITH of New Jersey. Madam Speaker, Ms. NORTON earlier suggested that prohibiting funding for abortion, over which we have constitutional jurisdiction, is none of our affair. I would respectfully submit, Madam Speaker, defending innocent and inconvenient children, protecting them from violence, is always our affair.

Human rights, and the defense of human rights, protecting the weak and the most vulnerable, is always our affair. So I would respectfully ask Members to reject this rule.

Last week, President Obama told, of all people, the Pope, that he wanted to reduce abortion. Oh, really? This week, pursuant to Mr. Obama's 2010 budget policy request, the House is getting ready to reverse a longstanding pro-life policy that prohibits taxpayer funding for abortions except in the rare cases of rape, incest or to save the life of the mother.

Today's vote isn't just about whether pro-life Americans will be forced to subsidize dismembering unborn children to death, or paying to poison unborn children to death, or delivering premature children to effectuate their destruction, children who are too immature to withstand life outside of the womb. Our vote today is also about government policies that are hurting women, abandoning women to the abortionists. We know that abortion hurts women. The evidence grows every day.

Retaining current law, and that's what the Lincoln Davis, Todd Tiahrt amendment would have done and should do if this rule goes down, actually reduces abortion. Some of my colleagues have already pointed this out. It couldn't be more clear. The evidence is in. When you deny funding for abortion, the numbers go down. So when President Obama says he wants to reduce abortions, the answer is to take away the public subsidy.

My friend on the other side said the bill restricts no Federal funds. We have jurisdiction over all the funds with regard to this issue. If we want to save a life, please don't use that kind of very thin and, I think, very shallow argument. Saving a life in the District of Columbia is no different than saving a life anywhere in the United States of America. These are our children. We

need to protect and safeguard those children from the violence of abortion.

If you want to reduce abortion, Madam Speaker, and colleagues, don't subsidize it. The Guttmacher Institute, Planned Parenthood's research arm, has said that between 20 and 35 percent do not get abortions under the Medicaid program because of the Hyde amendment.

There are millions of children walking in America. There are thousands of children in the District of Columbia who today are enjoying their summer vacation, playing ball, having fun, getting ready to go back to school in late August and early September, because the subsidy was not there to effectuate their very painful demise through abortion.

Abortion is child abuse. It is violence against children. Vote "no" on this rule.

Mr. SESSIONS. Madam Speaker, this debate today, once again focuses on jobs, more spending by this Democrat majority, higher unemployment, more taxation, further government intrusion into the financial sector of this country. And we've heard about even some issues dealing with abortion that the gentleman, Mr. STUPAK, brought to this floor, that the gentleman, Mr. SMITH brought to this floor. So I'll be asking for a "no" vote on the previous question so that we can amend the rule to do it right, to go back to what essentially has been 200 years worth of open rules on appropriations.

There's no question that this rule the majority brings forth today will only cement the dangerous precedent that the majority is setting every single day.

Madam Speaker, it's so sad because no new Member of this body in the last session or this session has ever seen an open rule. They're damaging bipartisanship in this body. It's sad.

I'll urge my colleagues to vote "no" on the previous question so that we can allow a free and open debate on appropriations bills and uphold the right of millions of Americans who've been gagged, not only by Speaker PELOSI, but the Rules Committee.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. I urge a "no" vote on the previous question, a "no" vote on the rule, and once again, a demand from the Republican Party where we want to know where are the jobs that were promised, Madam Speaker.

I yield back the balance of my time.

Mr. PERLMUTTER. Madam Speaker, I yield myself such time as I might consume to close.

First, to my friend from Oregon and his concern about the fairness doctrine, there is nothing in the bill that allows for the fairness doctrine. He was concerned about a smile that I had on my face because I remember when the gentleman brought the amendment last year and I supported his amendment. But there is nothing in the bill that provides for the fairness doctrine. And in effect, what he's trying to do is restrain something that doesn't exist. So that's point number one.

Point number two: to my friend from New Jersey, I respect his passion about abortion and his feelings about abortion. It is a very emotional and difficult discussion. But section 812 of the bill, at page 143, couldn't be more clear: None of the Federal funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered, or where the pregnancy is the result of an act of rape or incest.

So to those two specific points, I wanted to make my comments.

As to my friend from Texas and his closing argument, it simply doesn't hold water. The administration that preceded the Obama administration, the administration of George Bush, drove this country into a fiscal ditch. And it's going to take everything that we have to get out of that ditch. The banking system almost collapsed. Jobs were lost. Plants were closed. Businesses were shuttered. Homes were foreclosed. And it is with great effort, great energy that we are trying to reverse what occurred because of the reckless actions of that administration.

Under this bill, there is more money invested in the Small Business Administration to encourage and build and strengthen our small businesses which have been hurt by this recession. But that is the engine that will ultimately drive this economy. We need to get small businesses back on their feet. That happens, in part, through this bill.

Secondly, we restore reasonable regulation to the marketplace, regulation that was denied and excluded under the prior administration. The Securities and Exchange Commission was, in effect, rendered neutral and neutered under the prior administration, exposing the country to gigantic Ponzi schemes like that conducted by Bernard Madoff.

We need to make sure that our Federal Trade Commission is fully funded so that it can protect consumers and businesses alike against unfair and deceptive trade practices. The Judiciary has to be staffed to handle all the bankruptcies that have occurred. The bill that is pending that we propose will assist the Federal Government in managing these affairs.

Finally, Mr. LATOURETTE's amendment concerning the auto dealers is an

important portion of this bill, to give those who had franchises and were terminated improperly the right to get their franchise back and their dealerships open and going again, thereby saving jobs.

□ 1145

This is an important piece of legislation. This bill helps keep the government running, so providing the funds that exist in the bill is something that we must move forward on.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 644 OFFERED BY MR. SESSIONS OF TEXAS

Strike the resolved clause and all that follows and insert the following:

Resolved, That immediately upon the adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To

defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's "American Congressional Dictionary"*: "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of the Rule for consideration of H.R. 3170 making appropriations for financial services and general government for the fiscal year ending September 30, 2010.

The Financial Services Appropriations bill is a key part of efforts to restore the stability of, and the public confidence in, America's financial institutions. It makes needed investments in strengthening the Securities and Exchange Commission's ability to enforce rules that govern investments and financial markets and to detect and prosecute fraudulent schemes, and it permits the District of Columbia to continue operating in accordance with the decisions and policies established by its own local leadership.

Along with these issues, the bill also supports America's auto dealers. Specifically, it requires automobile companies who have taken federal funding to reinstitute agreements

with dealerships they have dropped in recent bankruptcy proceedings. As you know, this country made an investment in General Motors and Chrysler, two of the nation's largest manufacturers. Given the potential impact to workers as well as car dealers, many of whom are in my district in Houston, I supported this government investment. However, in the aftermath, nearly 3000 auto dealers today face extinction. The restructuring with GM and Chrysler have cost these dealers their right to continue selling these cars. This bill simply provides dealers the same rights they would have had before GM and Chrysler's bankruptcy proceedings started.

Previously GM and Chrysler had notified arbitrary dealers that their relationship was ending, essentially immediately, leaving dealers with millions of dollars invested in car stock, no options for consolidation and little leverage for liquidation. There was no transparency to the system that shut down many profitable dealerships that have been local institutions for decades, and no proof from auto makers that shutting down those dealerships will actually be financially beneficial to the makers. This legislation builds on the efforts of Congress in a letter sent to the Treasury Department Auto Task Force on May 19, and a letter sent to President Obama today.

We all recognize that the economy is not favorable to the auto industry right now: we have already seen layoffs from manufacturers and we expect to see many dealerships consolidate and close this year. However, forced, arbitrary closure of dealers by manufacturers will not necessarily be financially beneficial to automakers, and it certainly will not help the local economies where dealers are integral to the business community. These dealerships employ hundreds of people across my district in good-paying jobs, they sponsor our community services projects in Houston and across the country; moreover, these dealers have been household names for generations.

Some may say that auto dealers are standing in the way of change. I say they want change in the industry, and in fact they want only to be a part of that change. Each car dealer represents dozens of employees left without income or health care, and a major hit to the local economies of these towns. At a time when our nation is reeling from the loss of hundreds of thousands of jobs each month and struggling to address health care reform, I congratulate Mr. SERRANO and his staff in working to craft legislation to prevent hundreds of dealerships from shuttering their doors. Madam Speaker, I support the resolution, the underlying bill, and America's auto dealers and I ask my colleagues to do the same.

Mr. PERLMUTTER. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

H.R. 1442, by the yeas and nays;
H.R. 129, by the yeas and nays;
H.R. 2188, by the yeas and nays;
H.R. 409, by the yeas and nays;
ordering the previous question on H. Res. 644, by the yeas and nays;
adopting H. Res. 644, if ordered;
H. Res. 543, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR SALE OF FEDERAL INTEREST IN SALT LAKE CITY LAND

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1442, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1442, as amended.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 10, as follows:

[Roll No. 548]
YEAS—422

Abercrombie	Boehner	Carson (IN)
Ackerman	Bonner	Carter
Aderholt	Bono Mack	Cassidy
Adler (NJ)	Boozman	Castle
Akin	Boren	Castor (FL)
Alexander	Boswell	Chaffetz
Altmire	Boucher	Chandler
Andrews	Boustany	Childers
Arcuri	Boyd	Clarke
Austria	Brady (PA)	Clay
Baca	Brady (TX)	Cleaver
Bachmann	Braley (IA)	Clyburn
Bachus	Bright	Coble
Baird	Broun (GA)	Cohen
Baldwin	Brown (SC)	Cole
Barrett (SC)	Brown, Corrine	Conaway
Barrow	Brown-Waite,	Connolly (VA)
Bartlett	Ginny	Conyers
Barton (TX)	Buchanan	Cooper
Bean	Burgess	Costa
Becerra	Burton (IN)	Costello
Berkley	Butterfield	Courtney
Berman	Buyer	Crenshaw
Berry	Calvert	Crowley
Biggart	Camp	Cuellar
Bilbray	Campbell	Culberson
Bilirakis	Cantor	Cummings
Bishop (GA)	Cao	Dahlkemper
Bishop (NY)	Capito	Davis (AL)
Bishop (UT)	Capps	Davis (CA)
Blackburn	Capuano	Davis (IL)
Blumenauer	Carloza	Davis (KY)
Blunt	Carnahan	Davis (TN)
Bocieri	Carney	Deal (GA)

DeFazio	Kildee	Obey
DeGette	Kilpatrick (MI)	Olson
Delahunt	Kilroy	Oliver
DeLauro	Kind	Ortiz
Dent	King (IA)	Pallone
Diaz-Balart, L.	King (NY)	Pascarell
Diaz-Balart, M.	Kingston	Pastor (AZ)
Dicks	Kirk	Paul
Doggett	Kirkpatrick (AZ)	Paulsen
Donnelly (IN)	Kissell	Payne
Doyle	Klein (FL)	Perlmutter
Dreier	Kline (MN)	Perriello
Driehaus	Kosmas	Peters
Duncan	Kratovil	Peterson
Edwards (MD)	Kucinich	Petri
Edwards (TX)	Lamborn	Pingree (ME)
Ehlers	Lance	Pitts
Ellison	Langevin	Platts
Ellsworth	Larsen (WA)	Poe (TX)
Emerson	Larson (CT)	Polis (CO)
Engel	Latham	Pomeroy
Etheridge	LaTourette	Posey
Fallin	Latta	Price (GA)
Farr	Lee (CA)	Price (NC)
Fattah	Lee (NY)	Putnam
Filner	Levin	Quigley
Flake	Lewis (CA)	Radanovich
Fleming	Lewis (GA)	Rahall
Forbes	Linder	Rangel
Fortenberry	Lipinski	Rehberg
Foster	LoBiondo	Reichert
Fox	Loeb	Reyes
Frank (MA)	Lofgren, Zoe	Richardson
Franks (AZ)	Lowe	Rodriguez
Frelinghuysen	Luetkemeyer	Roe (TN)
Fudge	Lujan	Rogers (AL)
Gallely	Lummis	Rogers (KY)
Garrett (NJ)	Lungren, Daniel E.	Rogers (MI)
Gerlach	Lynch	Rohrabacher
Giffords	Mack	Rooney
Gingrey (GA)	Maffei	Ros-Lehtinen
Gonzalez	Maloney	Roskam
Goodlatte	Manzullo	Ross
Gordon (TN)	Marchant	Rothman (NJ)
Granger	Markey (CO)	Roybal-Allard
Graves	Markey (MA)	Royce
Grayson	Marshall	Ruppersberger
Green, Al	Massa	Rush
Green, Gene	Matheson	Ryan (OH)
Griffith	Matsui	Ryan (WI)
Grijalva	McCarthy (CA)	Salazar
Guthrie	McCarthy (NY)	Sánchez, Linda T.
Gutierrez	McCaul	Sanchez, Loretta
Hall (NY)	McClintock	Sarbanes
Hall (TX)	McCollum	Scalise
Halvorson	McCotter	Schakowsky
Hare	McDermott	Schauer
Harmann	McGovern	Schiff
Harper	McHenry	Schmidt
Hastings (FL)	McHugh	Schock
Hastings (WA)	McIntyre	Schwartz
Heinrich	McKeon	Scott (GA)
Heller	McMahon	Scott (VA)
Hensarling	McMorris	Sensenbrenner
Hergert	Rodgers	Serrano
Hereth Sandlin	McNerney	Sessions
Higgins	Meek (FL)	Sestak
Hill	Meeks (NY)	Shadegg
Himes	Melancon	Shea-Porter
Hinchee	Mica	Sherman
Hinojosa	Michaud	Shimkus
Hirono	Miller (FL)	Shuler
Hodes	Miller (MD)	Shuster
Hoekstra	Miller (NC)	Simpson
Holden	Miller, Gary	Sires
Holt	Miller, George	Skelton
Honda	Minnick	Slaughter
Hoyer	Mitchell	Smith (NE)
Hunter	Mollohan	Smith (NJ)
Inglis	Moore (KS)	Smith (TX)
Inslee	Moore (WI)	Smith (WA)
Israel	Moran (KS)	Snyder
Issa	Moran (VA)	Souder
Jackson (IL)	Murphy (CT)	Space
Jackson-Lee	Murphy (NY)	Speier
(TX)	Murphy, Patrick	Spratt
Jenkins	Murphy, Tim	Stark
Johnson (IL)	Murtha	Stearns
Johnson, E. B.	Myrick	Stupak
Johnson, Sam	Nadler (NY)	Sullivan
Jones	Napolitano	Sutton
Jordan (OH)	Neal (MA)	Tanner
Kagen	Neugebauer	Taylor
Kanjorski	Nunes	Teague
Kaptur	Nye	Terry
Kennedy		

Thompson (CA)	Van Hollen	Welch
Thompson (MS)	Velázquez	Westmoreland
Thompson (PA)	Visclosky	Wexler
Thornberry	Walden	Whitfield
Tiahrt	Walz	Wilson (OH)
Tiberi	Wamp	Wilson (SC)
Tierney	Wasserman	Wittman
Titus	Schultz	Wolf
Tonko	Waters	Woolsey
Towns	Watson	Wu
Tsongas	Watt	Yarmuth
Turner	Waxman	Young (AK)
Upton	Weiner	

NOT VOTING—10

Coffman (CO)	Johnson (GA)	Schrader
Dingell	Lucas	Young (FL)
Eshoo	Oberstar	
Gohmert	Pence	

□ 1212

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COFFMAN of Colorado. Madam Speaker, on rollcall No. 548, I was unavoidably detained. Had I been present, I would have voted "yea."

Ms. ESHOO. Madam Speaker, I was not present during the rollcall vote No. 548 on July 16. I would have voted "yes."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 16, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Cathy Mitchell, Chief of the Elections Division of the California Secretary of State's office, indicating that, according to the unofficial returns of the Special Election held July 14, 2009, the Honorable Judy Chu was elected Representative to Congress for the Thirty-Second Congressional District, State of California.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER
(By Robert F. Reeves, Deputy Clerk).
Enclosure.

ELECTIONS DIVISION,
STATE OF CALIFORNIA,
Sacramento, CA, July 15, 2009.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives, The Capitol,
Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Tuesday, July 14, 2009, for Representative in Congress from the Thirty-Second Congressional District of California, show that Judy Chu received 15,238 votes or 61.67% of the total number of votes cast for that office.

According to the unofficial results, Judy Chu has been elected as Representative in Congress from the Thirty-Second Congressional District of California.

To the best of the Secretary of State's knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by Los Angeles County, an official Certificate of Election will be prepared for transmittal as required by law.

Sincerely,

(For Cathy Mitchell, Chief,
Elections Division).

SWEARING IN OF THE HONORABLE JUDY CHU, OF CALIFORNIA, AS A MEMBER OF THE HOUSE

Mr. STARK. Madam Speaker, I ask unanimous consent that the gentlewoman from California, the Honorable JUDY CHU, be permitted to take the oath of office today.

Her certificate of election has not arrived, but there is no contest and no question has been raised with regard to her election.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the California delegation present themselves in the well. All Members will rise, and the Representative-elect will raise her right hand.

Ms. CHU appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 111th Congress.

□ 1215

WELCOMING THE HONORABLE JUDY CHU TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. The gentleman from California (Mr. STARK) is recognized for 1 minute.

Mr. STARK. Madam Speaker, as the dean of the California delegation, it is my duty and a deep pleasure to introduce the newest addition to our delegation, Dr. JUDY CHU. The election of Dr. CHU is groundbreaking—not only because she's a Renaissance woman—she taught psychology at East Los Angeles Community College—but also because she's the first Chinese American woman ever to serve in Congress.

Dr. CHU's impressive record as an elected official goes back over a few years. She was elected to the Garvey School District's Board in 1985. She's held the title of mayor, city council-

woman, State assemblywoman and chair of the Assembly appropriations committee, vice chair of the California State Board of Equalization, and now a Member of Congress.

The causes she has championed over the years are as varied and important as the offices she has served in. As chair of the Assembly appropriations committee, she ensured that programs benefiting students, people with disabilities, and the elderly were properly funded. Her effectiveness extended to the Assembly floor, building coalitions to pass legislation that enhanced protections for victims of domestic violence, strengthened hate crime laws, and brought much-needed improvements to public school facilities.

Her experience as a professor, public servant, and advocate for families and the less fortunate will make her an important voice in this Congress. I know she's ready to hit the ground running.

Please join me in welcoming Dr. CHU to the House of Representatives.

I yield to the gentlewoman from California (Ms. CHU).

Ms. CHU. Speaker PELOSI and fellow Members of the House of Representatives, I'm so honored and humbled to be here in this great hall of Congress. I'm especially honored to follow in the footsteps of my mentor, Secretary of Labor Hilda Solis, whose support and encouragement I truly cherish.

I am proud to have been elected by a district of people in California, in the San Gabriel Valley in Los Angeles, that is diverse, that is working class, and that cares deeply about its senior centers, parks, and community centers.

They are anxious to ensure that their kids will have a job when they graduate from college, that they don't have to fear getting sick, and that they can be secure in staying in their homes. I look forward to working with you and making sure that this happens.

I want to thank my supporters for believing in me so strongly. And they are up there. I want to thank my family, my nieces—my family especially. My husband, Mike Eng.

It is at times like this when I think about my grandfather, who came to this country with nothing. He worked hard and opened up a small Chinese restaurant and working night and day, day and night, and he used that very expensive labor—his sons—to make ends meet. And now, two generations later, here I am.

America is truly the land of opportunity. I thank you all very much.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath of office to the gentlewoman from California (Ms. CHU), the whole number of the House is 434.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

There was no objection.

LOS PADRES FOREST LAND CONVEYANCE

The SPEAKER. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 129, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 129, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 549]

YEAS—422

Abercrombie	Capito	Emerson
Ackerman	Capps	Engel
Aderholt	Capuano	Eshoo
Adler (NJ)	Cardoza	Etheridge
Akin	Carnahan	Fallin
Alexander	Carney	Farr
Altmire	Carson (IN)	Fattah
Andrews	Carter	Filner
Arcuri	Cassidy	Flake
Austria	Castle	Fleming
Baca	Castor (FL)	Forbes
Bachmann	Chaffetz	Fortenberry
Baird	Chandler	Foster
Baldwin	Childers	Fox
Barrett (SC)	Chu	Frank (MA)
Barrow	Clarke	Franks (AZ)
Bartlett	Cleaver	Frelinghuysen
Barton (TX)	Clyburn	Fudge
Bean	Coble	Galleghy
Becerra	Coffman (CO)	Garrett (NJ)
Berkley	Cohen	Gerlach
Berman	Cole	Giffords
Berry	Conaway	Gingrey (GA)
Biggert	Connolly (VA)	Gohmert
Bilbray	Conyers	Gonzalez
Bilirakis	Cooper	Goodlatte
Bishop (GA)	Costa	Gordon (TN)
Bishop (NY)	Costello	Granger
Bishop (UT)	Courtney	Graves
Blackburn	Crenshaw	Grayson
Blumenauer	Crowley	Green, Al
Blunt	Cuellar	Green, Gene
Boccheri	Culberson	Griffith
Boehner	Cummings	Grijalva
Bonner	Dahlkemper	Guthrie
Bono Mack	Davis (AL)	Gutierrez
Boozman	Davis (CA)	Hall (NY)
Boren	Davis (IL)	Halvorson
Boswell	Davis (KY)	Hare
Boucher	Davis (TN)	Harman
Boustany	Deal (GA)	Harper
Boyd	DeFazio	Hastings (FL)
Brady (PA)	DeGette	Hastings (WA)
Brady (TX)	Delahunt	Heinrich
Braley (IA)	DeLauro	Heller
Bright	Dent	Hensarling
Broun (GA)	Diaz-Balart, L.	Heger
Brown (SC)	Diaz-Balart, M.	Herseth Sandlin
Brown, Corrine	Dicks	Higgins
Brown-Waite,	Dingell	Hill
Ginny	Doggett	Himes
Buchanan	Donnelly (IN)	Hinche
Burgess	Doyle	Hinojosa
Burton (IN)	Dreier	Hirono
Butterfield	Driebeaus	Hodes
Buyer	Duncan	Hoekstra
Calvert	Edwards (MD)	Holden
Camp	Edwards (TX)	Holt
Campbell	Ehlers	Honda
Cantor	Ellison	Hoyer
Cao	Ellsworth	Hunter

Inglis	McMorris	Salazar
Inslee	Rodgers	Sánchez, Linda
Israel	McNerney	T.
Issa	Meek (FL)	Sanchez, Loretta
Jackson (IL)	Meeks (NY)	Sarbanes
Jackson-Lee	Melancon	Scalise
(TX)	Mica	Schakowsky
Jenkins	Michaud	Schauer
Johnson (GA)	Miller (FL)	Schiff
Johnson (IL)	Miller (MI)	Schmidt
Johnson, E.B.	Miller (NC)	Schock
Johnson, Sam	Miller, Gary	Schwartz
Jones	Miller, George	Scott (GA)
Jordan (OH)	Minnick	Scott (VA)
Kagen	Mitchell	Sensenbrenner
Kanjorski	Mollohan	Serrano
Kaptur	Moore (KS)	Sessions
Kennedy	Moore (WI)	Sestak
Kildee	Moran (KS)	Shadegg
Kilpatrick (MI)	Moran (VA)	Shea-Porter
Kilroy	Murphy (CT)	Sherman
Kind	Murphy (NY)	Shimkus
King (IA)	Murphy, Patrick	Shuler
King (NY)	Murphy, Tim	Shuster
Kingston	Murtha	Simpson
Kirk	Myrick	Skeltan
Kirkpatrick (AZ)	Nadler (NY)	Slaughter
Kissell	Napolitano	Smith (NE)
Klein (FL)	Neal (MA)	Smith (NJ)
Kline (MN)	Neugebauer	Smith (TX)
Kosmas	Nunes	Smith (WA)
Kratovil	Nye	Snyder
Kucinich	Oberstar	Souder
Lamborn	Obey	Space
Lance	Olson	Speier
Langevin	Oliver	Spratt
Larsen (WA)	Ortiz	Stark
Larson (CT)	Pallone	Stearns
Latham	Pascarell	Stupak
LaTourette	Pastor (AZ)	Sullivan
Latta	Paul	Sutton
Lee (CA)	Paulsen	Tanner
Lee (NY)	Payne	Taylor
Levin	Perlmutter	Teague
Lewis (CA)	Perriello	Terry
Lewis (GA)	Peters	Thompson (CA)
Linder	Peterson	Thompson (MS)
Lipinski	Petri	Thompson (PA)
LoBiondo	Pingree (ME)	Thornberry
Loeb sack	Pitts	Tiahrt
Lofgren, Zoe	Platts	Tiberi
Lowey	Poe (TX)	Tierney
Luetkemeyer	Pollis (CO)	Tonko
Lujan	Pomeroy	Towns
Lummis	Posey	Tsongas
Lungren, Daniel	Price (GA)	Turner
E.	Price (NC)	Upton
Lynch	Putnam	Van Hollen
Mack	Quigley	Visclosky
Maffei	Radanovich	Walden
Maloney	Rahall	Walz
Manzullo	Rangel	Wamp
Marchant	Rehberg	Wasserman
Markey (CO)	Reichert	Schultz
Markey (MA)	Reyes	Waters
Marshall	Richardson	Watson
Massa	Rodriguez	Watt
Matheson	Roe (TN)	Waxman
Matsui	Rogers (AL)	Weiner
McCarthy (CA)	Rogers (KY)	Welch
McCarthy (NY)	Rogers (MI)	Westmoreland
McCauley	Rohrabacher	Wexler
McClintock	Rooney	Whitfield
McCollum	Ros-Lehtinen	Wilson (OH)
McCotter	Roskam	Wilson (SC)
McDermott	Ross	Wittman
McGovern	Rothman (NJ)	Wolf
McHenry	Roybal-Allard	Woolsey
McHugh	Royce	Wu
McIntyre	Ruppersberger	Yarmuth
McKeon	Ryan (OH)	Young (AK)
McMahon	Ryan (WI)	

NOT VOTING—11

Bachus	Pence	Titus
Clay	Rush	Velázquez
Hall (TX)	Schrader	Young (FL)
Lucas	Sires	

□ 1229

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. WALDEN. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas the gentleman from Oregon, Mr. Walden submitted an amendment to the Committee on Rules to H.R. 3170, the Financial Services and General Government Appropriations Act;

Whereas the said gentleman's amendment would have protected the free speech rights of broadcasters and American citizens by prohibiting funds made available in the Act from being used to implement the Fairness Doctrine and certain broadcast localism regulations;

Whereas a similar amendment was adopted by the House in 2007 during consideration of H.R. 2829, the Financial Services and General Government Appropriations Act, 2008 by a vote of 309 yeas and 115 nays, and became law, but the Democratic leadership allowed the provision to expire;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process; but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for free speech on this Floor, and

Whereas the Speaker, Mrs. Pelosi, the Democratic leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 644, the rule to accompany H.R. 3170, be amended to allow the gentleman from Oregon's amendment be considered and voted on in the Houses.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Oregon will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

JOINT VENTURES FOR BIRD HABITAT CONSERVATION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2188, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2188, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 33, as follows:

[Roll No. 550]

YEAS—400

Abercrombie	Castle	Fudge
Ackerman	Castor (FL)	Gallegly
Aderholt	Chaffetz	Garrett (NJ)
Akin	Chandler	Gerlach
Alexander	Childers	Giffords
Altmire	Chu	Gingrey (GA)
Andrews	Clarke	Gohmert
Arcuri	Clay	Gonzalez
Austria	Cleaver	Goodlatte
Baca	Clyburn	Gordon (TN)
Bachmann	Coble	Graves
Bachus	Coffman (CO)	Grayson
Baird	Cohen	Green, Al
Baldwin	Connolly (VA)	Green, Gene
Barrett (SC)	Conyers	Griffith
Barrow	Cooper	Grijalva
Bartlett	Costa	Guthrie
Becerra	Costello	Hall (NY)
Berkley	Courtney	Hall (TX)
Berman	Crenshaw	Hare
Berry	Cuellar	Harper
Biggart	Culberson	Hastings (FL)
Bilbray	Cummings	Hastings (WA)
Bilirakis	Dahlkemper	Heller
Bishop (GA)	Davis (AL)	Hensarling
Bishop (NY)	Davis (CA)	Herger
Bishop (UT)	Davis (IL)	Herseth Sandlin
Blackburn	Davis (KY)	Higgins
Blumenauer	Davis (TN)	Hill
Blunt	Deal (GA)	Himes
Bocchieri	DeFazio	Hinchee
Boehner	DeGette	Hinojosa
Bonner	Delahunt	Hirono
Bono Mack	DeLauro	Hodes
Boozman	Dent	Hoekstra
Boren	Diaz-Balart, L.	Holden
Boswell	Diaz-Balart, M.	Holt
Boucher	Dicks	Honda
Boustany	Dingell	Hoyer
Boyd	Doggett	Hunter
Brady (PA)	Donnelly (IN)	Inglis
Brady (TX)	Doyle	Issa
Braley (IA)	Dreier	Jackson (IL)
Bright	Drieaus	Jackson-Lee
Brown (GA)	Duncan	(TX)
Brown (SC)	Edwards (MD)	Jenkins
Brown, Corrine	Edwards (TX)	Johnson (GA)
Brown-Waite,	Ehlers	Johnson (IL)
Ginny	Ellison	Johnson, E. B.
Buchanan	Ellsworth	Johnson, Sam
Burton (IN)	Emerson	Jones
Butterfield	Engel	Jordan (OH)
Buyer	Eshoo	Kagen
Calvert	Etheridge	Kanjorski
Camp	Farr	Kaptur
Campbell	Fattah	Kennedy
Cantor	Filner	Kildee
Cao	Flake	Kilpatrick (MI)
Capito	Fleming	Kilroy
Capuano	Forbes	King (IA)
Cardoza	Fortenberry	King (NY)
Carnahan	Fox	Kingston
Carney	Frank (MA)	Kirk
Carson (IN)	Franks (AZ)	Kirkpatrick (AZ)
Cassidy	Frelinghuysen	Kissell

Klein (FL) Murphy (CT) Schock
Kline (MN) Murphy, Patrick Scott (GA)
Kratovil Murphy, Tim Scott (VA)
Kucinich Murtha Sensenbrenner
Lamborn Myrick Sessions
Lance Nadler (NY) Sestak
Langevin Napolitano Shadegg
Larsen (WA) Neal (MA) Shea-Porter
Larson (CT) Neugebauer Sherman
Latham Nunes Shimkus
LaTourette Nye Shuler
Latta Oberstar Shuster
Lee (CA) Obey Simpson
Lee (NY) Oliver Sires
Levin Ortiz Skelton
Lewis (CA) Pallone Slaughter
Lewis (GA) Pascarell Smith (NE)
Linder Pastor (AZ) Smith (NJ)
Lipinski Paul Smith (WA)
LoBiondo Paulsen Souder
Loeback Payne Space
Lofgren, Zoe Perlmutter Speier
Lowey Perriello Spratt
Luetkemeyer Peters Stark
Luján Peterson Stearns
Lummis Petri Stupak
Lungren, Daniel Pingree (ME) Sullivan
E. Pitts Sutton
Lynch Platts Tanner
Mack Poe (TX) Taylor
Maffei Polis (CO) Teague
Maloney Pomeroy Terry
Manzullo Posey Thompson (CA)
Marchant Price (GA) Thompson (MS)
Markey (CO) Price (NC) Thompson (PA)
Markey (MA) Putnam Tiahrt
Marshall Quigley Tiberi
Massa Radanovich Tierney
Matheson Rahall Titus
Matsui Rangel Tonko
McCarthy (CA) Rehberg Towns
McCarthy (NY) Reichert Tsongas
McCauley Reyes Turner
McClintock Richardson Upton
McCollum Rodriguez Van Hollen
McCotter Roe (TN) Velázquez
McDermott Rogers (AL) Visclosky
McGovern Rogers (KY) Walden
McHenry Rogers (MI) Walz
McHugh Rohrabacher Wamp
McIntyre Rooney Wasserman
McKeon Ros-Lehtinen Schultz
McMorris Roskam Waters
Rodgers Ross Watson
McNerney Rothman (NJ) Watt
Meek (FL) Roybal-Allard Waxman
Meeks (NY) Royce Weiner
Melancon Ruppersberger Welch
Mica Rush Westmoreland
Michaud Ryan (OH) Wexler
Miller (FL) Ryan (WI) Whitfield
Miller (MI) Salazar Wilson (OH)
Miller (NC) Sánchez, Linda Wilson (SC)
Miller, Gary T. Wittman
Miller, George Sanchez, Loretta Wolf
Minnick Scalise Woolsey
Mitchell Schakowsky Wu
Mollohan Schauer Yarmuth
Moore (WI) Schiff Young (AK)
Moran (KS) Schmidt

NOT VOTING—33

Adler (NJ) Granger Moore (KS)
Barton (TX) Gutierrez Murphy (NY)
Bean Halvorson Olson
Burgess Harman Pence
Capps Heinrich Schrader
Carter Inslee Schwartz
Cole Israel Serrano
Conaway Kind Smith (TX)
Crowley Kosmas Snyder
Fallin Lucas Thornberry
Foster McMahan Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining.

□ 1240

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CAPPS. Madam Speaker, on rollcall No. 550, had I been present, I would have voted "yea."

Mr. MCMAHON. Madam Speaker, on rollcall No. 550, H.R. 2188, had I been present, I would have voted "yea."

Mr. ADLER of New Jersey. Madam Speaker, on rollcall No. 550, had I been present, I would have voted "yea."

Mrs. HALVORSON. Madam Speaker, on rollcall No. 550, had I been present, I would have voted "yea."

LAS VEGAS MOTOR SPEEDWAY LAND CONVEYANCE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 409, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 409, as amended. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 27, as follows:

[Roll No. 551]

YEAS—406

Abercrombie	Broun (GA)	Dahlkemper	Garrett (NJ)	Luján	Rooney
Ackerman	Brown (SC)	Davis (AL)	Gerlach	Lummis	Ros-Lehtinen
Aderholt	Brown, Corrine	Davis (CA)	Giffords	Lungren, Daniel E.	Roskam
Adler (NJ)	Brown-Waite,	Davis (IL)	Gingrey (GA)	Lynch	Ross
Akin	Ginny	Davis (KY)	Gohmert	Mack	Rothman (NJ)
Alexander	Buchanan	Davis (TN)	Gonzalez	Maffei	Roybal-Allard
Altmire	Burton (IN)	Deal (GA)	Goodlatte	Manzullo	Royce
Andrews	Butterfield	DeFazio	Gordon (TN)	Marchant	Ruppersberger
Arcuri	Buyer	DeGette	Graves	Markey (CO)	Rush
Austria	Calvert	Delahunt	Grayson	Markey (MA)	Ryan (OH)
Baca	Camp	DeLauro	Green, Al	Marshall	Ryan (WI)
Bachmann	Campbell	Dent	Green, Gene	Massa	Salazar
Bachus	Cantor	Diaz-Balart, L.	Griffith	Matheson	Sánchez, Linda T.
Baird	Cao	Diaz-Balart, M.	Grijalva	Matsui	Sanchez, Loretta
Baldwin	Capito	Dicks	Guthrie	McCarthy (CA)	Sarbanes
Barrett (SC)	Capps	Dingell	Hall (NY)	McCarthy (NY)	Scalise
Barrow	Capuano	Doggett	Hall (TX)	McCauley	Schakowsky
Bartlett	Cardoza	Donnelly (IN)	Halvorson	McClintock	Schauer
Bean	Carnahan	Doyle	Hare	McCollum	Schiff
Becerra	Carney	Dreier	Harman	McCotter	Schmidt
Berkley	Carson (IN)	Drieaus	Harper	McDermott	Schock
Berman	Cassidy	Duncan	Hastings (FL)	McGovern	Schwartz
Berry	Castle	Edwards (MD)	Hastings (WA)	McHenry	Scott (GA)
Biggert	Castor (FL)	Edwards (TX)	Heinrich	McHugh	Scott (VA)
Bilbray	Chaffetz	Ehlers	Heller	McKeon	Sensenbrenner
Bilirakis	Chandler	Ellison	Hensarling	McMahon	Serrano
Bishop (GA)	Childers	Ellsworth	Herger	McMorris	Sessions
Bishop (NY)	Chu	Emerson	Herseth Sandlin	Rodgers	Shadegg
Bishop (UT)	Clarke	Engel	Higgins	McNerney	Shea-Porter
Blackburn	Clay	Eshoo	Hill	Meek (FL)	Sherman
Blumenauer	Cleaver	Etheridge	Himes	Meeks (NY)	Shimkus
Blunt	Clyburn	Fallin	Hinchee	Melancon	Shuler
Bocieri	Coble	Farr	Hinojosa	Mica	Shuster
Boehner	Coffman (CO)	Fattah	Hirono	Michaud	Skelton
Bonner	Cohen	Filner	Hodes	Miller (FL)	Slaughter
Bono Mack	Cole	Flake	Hoekstra	Miller (MI)	Smith (NE)
Boozman	Connolly (VA)	Fleming	Holder	Miller (NC)	Smith (NJ)
Boren	Conyers	Forbes	Holt	Miller, Gary	Smith (WA)
Boswell	Cooper	Fortenberry	Honda	Miller, George	Snyder
Boucher	Costa	Foster	Hoyer	Minnick	Space
Boustany	Costello	Fox	Hunter	Mitchell	Speier
Boyd	Courtney	Frank (MA)	Inglis	Mollohan	Spratt
Brady (PA)	Crenshaw	Franks (AZ)	Inslee	Moore (KS)	Stark
Brady (TX)	Crowley	Frelinghuysen	Israel	Moore (WI)	Stearns
Braley (IA)	Cuellar	Fudge	Issa	Moran (KS)	Stupak
Bright	Cummings	Gallegly	Jackson (IL)	Moran (VA)	Sutton
			Jackson-Lee	Murphy (NY)	Tanner
			(TX)	Murphy, Patrick	Taylor
			Jenkins	Murphy, Tim	Teague
			Johnson (GA)	Murtha	Terry
			Johnson (IL)	Myrick	Thompson (CA)
			Johnson, E.B.	Nadler (NY)	Thompson (MS)
			Johnson, Sam	Napolitano	Thompson (PA)
			Jones	Neal (MA)	
			Jordan (OH)	Neugebauer	
			Kagen	Nunes	
			Kanjorski	Nye	
			Kaptur	Oberstar	
			Kildee	Obey	
			Kilpatrick (MI)	Ortiz	
			Kilroy	Pallone	
			Kind	Pascarell	
			King (IA)	Pastor (AZ)	
			King (NY)	Paul	
			Kingston	Paulsen	
			Kirk	Payne	
			Kirkpatrick (AZ)	Perlmutter	
			Kissell	Perriello	
			Klein (FL)	Peters	
			Kline (MN)	Peterson	
			Kosmas	Petri	
			Kratovil	Pingree (ME)	
			Kucinich	Poe (TX)	
			Lamborn	Polis (CO)	
			Lance	Pomeroy	
			Langevin	Price (NC)	
			Larsen (WA)	Putnam	
			Larson (CT)	Quigley	
			Latham	Radanovich	
			Latta	Rahall	
			Lee (CA)	Rangel	
			Lee (NY)	Rehberg	
			Levin	Reichart	
			Lewis (CA)	Reyes	
			Lewis (GA)	Richardson	
			Linder	Roe (TN)	
			Lipinski	Rogers (AL)	
			LoBiondo	Rogers (KY)	
			Loeback	Rogers (MI)	
			Lofgren, Zoe		
			Lowey		
			Luetkemeyer		

NOT VOTING—27

Barton (TX)	Lucas	Rodriguez
Burgess	Maloney	Rohrabacher
Carter	McIntyre	Schrader
Conaway	Murphy (CT)	Sestak
Culberson	Olson	Simpson
Granger	Olver	Smith (TX)
Gutierrez	Pence	Thornberry
Kennedy	Posey	Waxman
LaTourette	Price (GA)	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1247

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3170, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 644, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 227, nays 200, not voting 6, as follows:

[Roll No. 552]

YEAS—227

Abercrombie	Cleaver	Grayson
Ackerman	Clyburn	Green, Al
Adler (NJ)	Cohen	Green, Gene
Altmire	Connolly (VA)	Grijalva
Andrews	Conyers	Gutierrez
Arcuri	Cooper	Hall (NY)
Baca	Costa	Halvorson
Bachus	Courtney	Hare
Baird	Crowley	Harman
Baldwin	Cuellar	Hastings (FL)
Barrow	Cummings	Heinrich
Bean	Davis (AL)	Herseth Sandlin
Becerra	Davis (CA)	Higgins
Berkley	Davis (IL)	Himes
Berman	Davis (TN)	Hinchoy
Bishop (GA)	DeFazio	Hinojosa
Bishop (NY)	DeGette	Hirono
Blumenauer	Delahunt	Hodes
Boswell	DeLauro	Holden
Boucher	Dicks	Holt
Boyd	Doggett	Honda
Brady (PA)	Doyle	Hoyer
Braley (IA)	Edwards (MD)	Inlee
Brown, Corrine	Edwards (TX)	Israel
Butterfield	Ellison	Jackson (IL)
Capps	Engel	Jackson-Lee
Capuano	Eshoo	(TX)
Cardoza	Etheridge	Johnson (GA)
Carnahan	Farr	Johnson, E. B.
Carney	Fattah	Kagen
Carson (IN)	Filner	Kanjorski
Castle	Foster	Kaptur
Castor (FL)	Frank (MA)	Kennedy
Chandler	Fudge	Kilpatrick (MI)
Chu	Giffords	Kilroy
Clarke	Gonzalez	Kind
Clay	Gordon (TN)	Kirkpatrick (AZ)

Kissell	Murphy, Patrick	Scott (VA)
Klein (FL)	Murtha	Serrano
Kosmas	Nadler (NY)	Sestak
Kratovil	Napolitano	Shea-Porter
Kucinich	Neal (MA)	Sires
Langevin	Obey	Slaughter
Larsen (WA)	Olver	Smith (WA)
Larson (CT)	Pallone	Snyder
Lee (CA)	Pascarell	Space
Levin	Pastor (AZ)	Speier
Lewis (GA)	Payne	Spratt
Lipinski	Perlmutter	Stark
Loeb sack	Perriello	Sutton
Lofgren, Zoe	Peters	Tanner
Lowe y	Pingree (ME)	Teague
Lujan	Polis (CO)	Thompson (CA)
Lynch	Pomeroy	Thompson (MS)
Maffei	Price (NC)	Tierney
Maloney	Quigley	Titus
Markey (CO)	Rahall	Tonko
Markey (MA)	Rangel	Towns
Marshall	Reyes	Tsongas
Massa	Richardson	Van Hollen
Matheson	Rodriguez	Velázquez
Matsui	Ross	Visclosky
McCarthy (NY)	Rothman (NJ)	Walz
McCollum	Roybal-Allard	Wasserman
McDermott	Ruppersberger	Schultz
McGovern	Rush	Waters
McMahon	Ryan (OH)	Watson
Meek (FL)	Salazar	Watt
Meeks (NY)	Sánchez, Linda	Waxman
Miller (NC)	T.	Weiner
Miller, George	Sanchez, Loretta	Welch
Mollohan	Sarbanes	Wexler
Moore (KS)	Schakowsky	Wilson (OH)
Moore (WI)	Schauer	Woolsey
Moran (VA)	Schiff	Wu
Murphy (CT)	Schwartz	Yarmuth
Murphy (NY)	Scott (GA)	

NAYS—200

Aderholt	Diaz-Balart, L.	LaTourette
Akin	Diaz-Balart, M.	Latta
Alexander	Dingell	Lee (NY)
Austria	Donnelly (IN)	Lewis (CA)
Bachmann	Dreier	Linder
Barrett (SC)	Driehaus	LoBiondo
Bartlett	Duncan	Luetkemeyer
Barton (TX)	Ehlers	Lummis
Berry	Ellsworth	Lungren, Daniel
Biggert	Emerson	E.
Bilbray	Fallin	Mack
Bilirakis	Flake	Manzullo
Bishop (UT)	Fleming	Marchant
Blackburn	Forbes	McCarthy (CA)
Blunt	Portenberry	McCaul
Boccieri	Fox	McClintock
Boehner	Franks (AZ)	McCotter
Bonner	Frelinghuysen	McHenry
Bono Mack	Gallegly	McHugh
Boozman	Garrett (NJ)	McIntyre
Boren	Gerlach	McKeon
Boustany	Gingrey (GA)	McMorris
Brady (TX)	Gohmert	Rodgers
Bright	Goodlatte	McNerney
Broun (GA)	Granger	Melancon
Brown (SC)	Graves	Mica
Brown-Waite,	Griffith	Michaud
Ginny	Guthrie	Miller (FL)
Buchanan	Hall (TX)	Miller (MI)
Burgess	Harper	Miller, Gary
Burton (IN)	Hastings (WA)	Minnick
Buyer	Heller	Mitchell
Calvert	Hensarling	Moran (KS)
Camp	Herger	Murphy, Tim
Campbell	Hill	Myrick
Cantor	Hoekstra	Neugebauer
Cao	Hunter	Nunes
Capito	Inglis	Nye
Carter	Issa	Oberstar
Cassidy	Jenkins	Olson
Chaffetz	Johnson (IL)	Ortiz
Childers	Johnson, Sam	Paul
Coble	Jones	Paulsen
Coffman (CO)	Jordan (OH)	Peterson
Cole	Kildee	Petri
Conaway	King (IA)	Pitts
Costello	King (NY)	Platts
Crenshaw	Kingston	Poe (TX)
Culberson	Kirk	Posey
Dahlkemper	Kline (MN)	Putnam
Davis (KY)	Lamborn	Radanovich
Deal (GA)	Lance	Rehberg
Dent	Latham	Reichert

Roe (TN)	Shadegg	Thompson (PA)
Rogers (AL)	Shimkus	Thornberry
Rogers (KY)	Shuler	Tiahrt
Rogers (MI)	Shuster	Tiberi
Rohrabacher	Simpson	Turner
Rooney	Skelton	Upton
Ros-Lehtinen	Smith (NE)	Walden
Roskam	Smith (NJ)	Wamp
Royce	Smith (TX)	Westmoreland
Ryan (WI)	Souder	Whitfield
Scalise	Stearns	Wilson (SC)
Schmidt	Stupak	Wittman
Schock	Sullivan	Wolf
Sensenbrenner	Taylor	Young (AK)
Sessions	Terry	

NOT VOTING—6

Lucas	Price (GA)	Sherman
Pence	Schrader	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1254

Mr. ROYCE changed his vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 213, not voting 5, as follows:

[Roll No. 553]

YEAS—216

Abercrombie	Crowley	Hinojosa
Ackerman	Cuellar	Hirono
Adler (NJ)	Cummings	Hodes
Andrews	Davis (CA)	Holt
Arcuri	Davis (IL)	Honda
Baca	DeFazio	Hoyer
Baird	DeGette	Inlee
Baldwin	Delahunt	Israel
Barrow	DeLauro	Jackson (IL)
Bean	Dicks	Jackson-Lee
Becerra	Dingell	(TX)
Berkley	Doggett	Johnson (GA)
Berman	Edwards (MD)	Johnson, E. B.
Berry	Edwards (TX)	Kagen
Bishop (GA)	Ellison	Kaptur
Bishop (NY)	Engel	Kennedy
Blumenauer	Eshoo	Kilpatrick (MI)
Boswell	Etheridge	Kilroy
Boucher	Farr	Kind
Boyd	Fattah	Kissell
Brady (PA)	Filner	Klein (FL)
Braley (IA)	Foster	Kosmas
Brown, Corrine	Frank (MA)	Kratovil
Butterfield	Fudge	Kucinich
Capps	Giffords	Langevin
Capuano	Gonzalez	Larsen (WA)
Cardoza	Gordon (TN)	Larson (CT)
Carnahan	Grayson	Lee (CA)
Carson (IN)	Green, Al	Levin
Castor (FL)	Green, Gene	Lewis (GA)
Chandler	Grijalva	Loeb sack
Chu	Gutierrez	Lofgren, Zoe
Clarke	Hall (NY)	Lowe y
Clay	Halvorson	Lujan
	Hare	Lynch
	Harman	Maffei
	Hastings (FL)	Maloney
	Heinrich	Markey (CO)
	Herseth Sandlin	Markey (MA)
	Higgins	Massa
	Himes	Matheson
	Hinchoy	Matsui

McCarthy (NY)	Polis (CO)	Snyder
McCollum	Pomeroy	Space
McDermott	Price (NC)	Speier
McGovern	Quigley	Spratt
McMahon	Rangel	Stark
McNerney	Reyes	Sutton
Meek (FL)	Richardson	Tanner
Meeks (NY)	Rodriguez	Teague
Miller (NC)	Rothman (NJ)	Thompson (CA)
Miller, George	Roybal-Allard	Thompson (MS)
Minnick	Ruppersberger	Tierney
Moore (KS)	Rush	Titus
Moore (WI)	Ryan (OH)	Tonko
Moran (VA)	Salazar	Towns
Murphy (CT)	Sánchez, Linda	Tsongas
Murphy (NY)	T.	Van Hollen
Murphy, Patrick	Sanchez, Loretta	Velázquez
Nadler (NY)	Sarbanes	Visclosky
Napolitano	Schakowsky	Walz
Neal (MA)	Schauer	Wasserman
Obey	Schiff	Schultz
Olver	Schwartz	Waters
Ortiz	Scott (GA)	Watson
Pallone	Scott (VA)	Watt
Pascarell	Serrano	Waxman
Pastor (AZ)	Sestak	Weiner
Payne	Shea-Porter	Welch
Pelosi	Sherman	Wexler
Perlmutter	Sires	Woolsey
Peters	Slaughter	Wu
Pingree (ME)	Smith (WA)	Yarmuth

NAYS—213

Aderholt	Dreier	Lungren, Daniel
Akin	Driehaus	E.
Alexander	Duncan	Mack
Altmire	Ehlers	Manzullo
Austria	Ellsworth	Marchant
Bachmann	Emerson	Marshall
Bachus	Fallin	McCarthy (CA)
Barrett (SC)	Flake	McCaul
Bartlett	Fleming	McClintock
Barton (TX)	Forbes	McCotter
Biggert	Fortenberry	McHenry
Bilbray	Fox	McHugh
Bilirakis	Franks (AZ)	McIntyre
Bishop (UT)	Frelinghuysen	McKeon
Blackburn	Galleghy	McMorris
Blunt	Garrett (NJ)	Rodgers
Boccheri	Gerlach	Melancon
Boehner	Gingrey (GA)	Mica
Bonner	Gohmert	Michaud
Bono Mack	Goodlatte	Miller (FL)
Boozman	Granger	Miller (MI)
Boren	Graves	Miller, Gary
Boustany	Griffith	Mitchell
Brady (TX)	Guthrie	Mollohan
Bright	Hall (TX)	Moran (KS)
Brown (GA)	Harper	Murphy, Tim
Brown (SC)	Hastings (WA)	Murtha
Brown-Waite,	Heller	Myrick
Ginny	Hensarling	Neugebauer
Buchanan	Herger	Nunes
Burgess	Hill	Nye
Burton (IN)	Hoekstra	Oberstar
Buyer	Holden	Olson
Calvert	Hunter	Paul
Camp	Inglis	Paulsen
Campbell	Issa	Perriello
Cantor	Jenkins	Peterson
Cao	Johnson (IL)	Petri
Capito	Johnson, Sam	Pitts
Carney	Jones	Platts
Carter	Jordan (OH)	Poe (TX)
Cassidy	Kanjorski	Posey
Castle	Kildee	Putnam
Chaffetz	King (IA)	Radanovich
Childers	King (NY)	Rahall
Coble	Kingston	Rehberg
Coffman (CO)	Kirk	Reichert
Cole	Kirkpatrick (AZ)	Roe (TN)
Conaway	Kline (MN)	Rogers (AL)
Costello	Lamborn	Rogers (KY)
Crenshaw	Latham	Rogers (MI)
Culberson	LaTourette	Rohrabacher
Dahlkemper	Latta	Rooney
Davis (AL)	Lee (NY)	Ros-Lehtinen
Davis (KY)	Lewis (CA)	Roskam
Davis (TN)	Linder	Ross
Deal (GA)	Lipinski	Royce
Dent	LoBiondo	Ryan (WI)
Diaz-Balart, L.	Luetkemeyer	Scalise
Diaz-Balart, M.	Lummis	Schmidt
Donnelly (IN)		Schock
Doyle		Sensenbrenner

Sessions	Stearns	Walden
Shadegg	Stupak	Wamp
Shimkus	Sullivan	Westmoreland
Shuler	Taylor	Whitfield
Shuster	Terry	Wilson (OH)
Simpson	Thompson (PA)	Wilson (SC)
Skelton	Thornberry	Wittman
Smith (NE)	Tiahrt	Wolf
Smith (NJ)	Tiberi	Young (AK)
Smith (TX)	Turner	
Souder	Upton	

NOT VOTING—5

Lucas	Price (GA)	Young (FL)
Pence	Schrader	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1305

Messrs. PETERS and DINGELL changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PRICE of Georgia. Madam Speaker, on rollcall Nos. 552 and 553, I was inadvertently detained. Had I been present, I would have voted “nay” on rollcall Nos. 552 and 553.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state it.

Mr. WESTMORELAND. Was the last vote held open to change the outcome of the vote?

The SPEAKER pro tempore. The vote was open for the minimum duration under the rule.

Mr. WESTMORELAND. I'm sorry, the House was not in order, and I did not hear your answer. I'm sorry.

The SPEAKER pro tempore. The vote lasted for the minimum period required.

Mr. WESTMORELAND. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state it.

Mr. WESTMORELAND. Madam Speaker, I know that at times we hold the vote open to make sure that everyone has a chance to vote. In the last vote, approximately 24 more people voted than had voted in the previous vote 5 minutes earlier. So what was the reason for leaving the vote open when clearly the outcome was changed by the vote being held open and people changing their vote?

The SPEAKER pro tempore. The vote lasted for the required minimum period.

Mr. WESTMORELAND. What is that minimum time?

The SPEAKER pro tempore. That vote was a minimum 5-minute vote.

Mr. WESTMORELAND. That was a minimum 5-minute vote?

Further parliamentary inquiry, what is the max time?

The SPEAKER pro tempore. There is no maximum time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

SUPPORTING HOME SAFETY MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 543, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. HALVORSON) that the House suspend the rules and agree to the resolution, H. Res. 543.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 9, answered “present” 3, not voting 5, as follows:

[Roll No. 554]

YEAS—416

Abercrombie	Bright	Courtney
Ackerman	Broun (GA)	Crenshaw
Aderholt	Brown (SC)	Crowley
Adler (NJ)	Brown, Corrine	Cuellar
Akin	Brown-Waite,	Culberson
Alexander	Ginny	Cummings
Altmire	Buchanan	Dahlkemper
Andrews	Burgess	Davis (AL)
Arcuri	Burton (IN)	Davis (CA)
Austria	Butterfield	Davis (IL)
Baca	Buyer	Davis (KY)
Bachmann	Calvert	Davis (TN)
Bachus	Camp	Deal (GA)
Baird	Campbell	DeFazio
Baldwin	Cantor	DeGette
Barrett (SC)	Cao	Delahunt
Barrow	Capito	DeLauro
Bartlett	Capps	Dent
Barton (TX)	Capuano	Diaz-Balart, L.
Bean	Cardoza	Diaz-Balart, M.
Becerra	Carnahan	Dicks
Berkley	Carney	Dingell
Berman	Carson (IN)	Doggett
Berry	Carter	Donnelly (IN)
Biggert	Cassidy	Doyle
Bilbray	Castle	Dreier
Bilirakis	Castor (FL)	Driehaus
Bishop (GA)	Chaffetz	Duncan
Bishop (NY)	Chandler	Edwards (MD)
Bishop (UT)	Childers	Edwards (TX)
Blumenauer	Chu	Ehlers
Blunt	Clarke	Ellison
Boccheri	Clay	Ellsworth
Boehner	Cleaver	Emerson
Bonner	Clyburn	Engel
Bono Mack	Coble	Eshoo
Boozman	Coffman (CO)	Etheridge
Boren	Cohen	Fallin
Boswell	Cole	Farr
Boucher	Conaway	Fattah
Boustany	Connolly (VA)	Filner
Boyd	Conyers	Fleming
Brady (PA)	Cooper	Forbes
Brady (TX)	Costa	Fortenberry
Braley (IA)	Costello	Foster

Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hersteth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeback
Lofgren, Zoe

Lowey
Luetkemeyer
Lujan
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)

Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skeltton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Moore (WI)
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Townes
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—9

Blackburn
Flake
Kingston
Lee (NY)
Lummis
Paul
Rooney
Sensenbrenner
Shadegg

ANSWERED "PRESENT"—3

Gohmert
Issa
Poe (TX)

NOT VOTING—5

Lucas
Pence
Rangel
Schrader
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1314

Mr. POE of Texas changed his vote from "yea" to "present."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. GOHMERT. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. GOHMERT. Madam Speaker, we just voted on H. Res. 543. I voted present because I was confused. This indicates that we are designating June as Home Safety Month. By designating the month that just passed as Home Safety Month, would this be an ex post facto law that would be prohibited by the Constitution?

The SPEAKER pro tempore. The Chair cannot construe the measure.

Mr. GOHMERT. I understand it is confusing to you as well. But were we designating the month just passed as Home Safety Month?

The SPEAKER pro tempore. That is not a parliamentary inquiry.

Mr. GOHMERT. Well, I thought the question mark on the end might have helped it become one. But anyway, I understand it is confusing to the Chair, so I guess no answer is an answer.

The SPEAKER pro tempore. The Chair thanks the gentleman.

GENERAL LEAVE

Mr. SERRANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on H.R. 3170.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1315

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 644 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3170.

□ 1316

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes, with Mr. HASTINGS of Florida in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from New York (Mr. SERRANO) and the gentlewoman from Missouri (Mrs. EMERSON) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to rise in support of the Financial Services and General Government 2010 appropriations bill, which includes total funding of \$24.150 billion.

This is a bill that we worked on cooperatively with our ranking member, JO ANN EMERSON, and I want to thank her for her work that she has put into this bill, for her friendship and her all around goodwill. We had helpful input from our subcommittee members and a productive full committee markup where all members had an opportunity to offer amendments and to have them debated and considered.

This is a bill that we, as a Congress, can be proud of. The agencies that this bill funds touch the lives of all of us, and the funding is directed to those programs where we believe the American people will derive the most benefit.

You have had a chance to look at the bill and report and to see the specifics of how the money for the 2010 fiscal year have been allocated so, in the interest of time, I'm not going to present a lot of detail regarding each program and agency. Instead, I would like to briefly highlight the five important themes that were addressed throughout this bill.

The first of these is rebuilding the regulatory agencies designed to protect investors, consumers and taxpayers. A significant increase of \$76 million above 2009 is provided for the Securities and Exchange Commission. This is the agency that combats financial manipulation, fraud and deceptive practices. It has not been vigilant enough in executing these duties in the past few years. The increase provided will allow the SEC to hire approximately 140 new employees to strengthen their oversight capacity.

In addition, the Federal Trade Commission, which protects consumers in

financial matters, will receive \$33 million more than in 2009.

The Consumer Product Safety Commission, which plays an important safety role in our product decisions, will also receive increased funding.

Funding is strengthened for several of the Inspector General offices included in our bill that are charged with making sure that regulatory and financial agencies are doing what they're supposed to do.

With regard to the Troubled Assets Relief Program, TARP, the bill requires the Treasury Department to provide reports so that we know how Treasury is addressing those parts of the financial crisis over which it has been given oversight responsibilities.

A second major theme of the bill is to make sure capital and other assistance gets to small businesses and low-income communities, not just to large businesses and the wealthy. Funding increases are directed to the two key agencies which play important roles in this area. The Small Business Administration receives \$236 million more than last year, and the Community Development Financial Institutions Fund receives \$137 million more than in 2009.

Our third priority of supporting equitable and efficient administration of justice in the Federal courts is met by well-directed funding increases that allow our courts to keep up with the costs and growing workloads.

The fourth theme is to provide for fair and effective collection of taxes. Full funding is provided for the President's request for the IRS, which includes a substantial increase for tax enforcement to close the gap between taxes owed and taxes paid. We also help our taxpayers meet their responsibility by including resources for the IRS to provide assistance in person, over the phone, and on the IRS Web site.

Our final priority is to meet our obligations to the Nation's Capital City, Washington, D.C., by including payments to address high-priority needs. We reduce undue interference in local affairs by dropping numerous restrictions on the District that do not apply to other parts of the Nation. For example, we dropped the prohibition on use of local D.C. tax funds for abortion, thereby putting the District in the same position as the 50 States by leaving that decision up to the elected government of the District of Columbia.

Beyond these five priority areas, our bill touches the lives of Americans in other ways as well. For example, we assist American farmers by clarifying language from last year's bill regarding trade with Cuba and the requirement for payment of "cash in advance." We also provide increased funding for Drug-Free Communities coalitions who work to reduce problems of youth drug abuse in their neighborhoods and communities.

Before I conclude, I would like to thank staff on both sides of the aisle

who have made tremendous contributions to this process. All the staff, both majority and minority, have worked long hours with dedication, and I would like to extend my personal thanks.

So let me end by saying that I believe this is a good bill that merits your support. It directs funding to improve the services that our government agencies provide to our constituents as they invest their savings, purchase products, start small businesses and pay taxes. It addresses the needs of our courts and our Nation's Capital City. I would ask for your vote in favor of its passage.

I reserve the balance of my time.

Mrs. EMERSON. I yield myself such time as I may consume.

Mr. Chairman, since this is the first bill I'm managing on the floor as ranking member of the Financial Services Subcommittee, I'd like to say for the record how honored I am to have this position.

The economic challenges facing our Nation demand that the contents of the Financial Services Appropriations bill be deliberately laid out and carefully structured. The subcommittee has jurisdiction over a diverse group of agencies which regulate the financial and telecommunications industries, collect taxes and provide taxpayer assistance, support the operations of the White House, the Federal Judiciary, and the District of Columbia, manage Federal buildings and provide oversight of the Federal workforce.

I want to commend Chairman SERRANO for his efforts in crafting the bill. It has been a real privilege and pleasure to work with him. And while we don't always agree, he has been very open to concerns and issues raised by Members on our side of the aisle. I thank the chairman for his commitment to bipartisanship and for listening to the minority views.

I also want to thank the majority staff who worked on this bill, including the Clerk, David Reich, Bob Bonner, Karyn Kendall, Lee Price, Andria Oliver, Ed O'Kane, Alex Jobal and Nadine Berg. I also have to commend the members of the minority staff. John Martens, Alice Hogans, Dena Baron, and my staff, Justin Rone and Jeffrey Connor, who have all been extremely dedicated to putting the best possible product forward from the subcommittee. On both sides, these staff members worked very hard for the committee and the American people, and I appreciate their efforts.

While I've been pleased to have a wonderful working relationship this year with Chairman SERRANO, I am disappointed by the fact that we're not doing what our constituents have asked us to do, and that is to work together in a totally bipartisan way at the full committee level to make the lives of our constituents better.

For example, the rule for consideration of the bill limits debate to 17

amendments, and I believe that 97 were submitted to the Rules Committee. This rule, then, doesn't, the rule governing the debate here, did not display bipartisanship or regular order because we had colleagues who want today offer amendments about which they felt very strongly, saving taxpayer money by taking extra returned TARP money and putting it toward the deficit, people who felt very strongly about the D.C. public school systems, and the like. But it's troubling that they weren't able to offer their very substantive amendments, amendments which our constituents feel very strongly about.

I do urge my colleagues to support a process where every Member has the opportunity to have his or her voice heard on the floor of the House.

Now, let me turn to the bill before us today. The \$24.15 billion allocation provided to the subcommittee is much too large. It's a 7 percent, or \$1.6 billion increase above the current year, excluding stimulus funding. This allocation allows most agencies in the bill to be funded at or above the rate of inflation. I believe the resource requirements of the agencies funded in the bill can be met with a smaller allocation. Especially at a time when every household in America faces difficult budgetary choices, Congress must be diligent when spending the taxpayers' money. The Federal Government, in this bill, is growing at an incredible rate at a time when employers who I represent in the district have cut jobs, and when people are really hurting. They're making the tough choices, and we really should too, as an example to them.

The Congressional Budget Office concedes that, "Under current law the Federal budget is on an unsustainable path—meaning that the Federal debt will continue to grow much faster than the economy over the long run."

This bill primarily funds government agency operating accounts. It doesn't support programs or grants, and doesn't represent a commitment to fiscal sustainability. In short, this bill provides a 7-percent increase which goes straight to the bureaucracy's bottom line. We're not making the tough decisions the American people feel we should consider at a crucial time for our Nation's economy.

The administration's own budget documents state that the Federal debt held by the public will be 68.5 percent of gross domestic product by 2014. This is the highest percentage of Federal debt to GDP since 1950, the year that I was born.

That said, using the allocation provided to him, Chairman SERRANO has done an outstanding job of crafting this bill. I'm grateful that the bill provides increases to critical programs such as the Financial Crimes Enforcement Network, the Treasury Terrorism and Financial Intelligence Programs,

and Tax Preparation Assistance Grants.

I also support the proposed reduction in the ONDCP's media campaign in order to provide additional resources to the Drug-Free Communities program and the High Intensity Drug Trafficking Areas program.

I'm pleased the bill provides \$74 million for D.C. education programs, including \$42 million to D.C. public schools. My stepdaughter currently teaches in a District public school, and her reports, along with the Adequate Yearly Progress measurements, indicate dramatic improvements need to be made before every D.C. school is offering the opportunity that children in D.C. deserve.

In the meantime, this bill does not eliminate the Opportunity Scholarships program, but it does restrict the program to students already enrolled in it.

How can we limit educational opportunities for low-income students when we know the public school system is underperforming?

Regarding the General Services Administration, I am grateful that the chairman has included language directing a review of the GSA supply schedule. In just one example of the need for this review, the Department of Homeland Security has identified \$42 million of savings over 5 years by no longer using the GSA to purchase office supplies. We want to try to improve the GSA supply procurement process so that this savings can be replicated throughout all government departments and agencies.

□ 1330

I also support the GSA construction and alteration projects funded in the bill. I don't usually have positive things to say about GSA construction and alteration accounts, but I will say that the chairman has done an excellent job in crafting the bill that funds justifiable projects.

I also want to thank the chairman for including language clarifying the congressional intent regarding the cash-in-advance policy in the sale of agricultural and medical supplies to Cuba. This clarification will help American producers expand their markets in a significant neighboring export market.

One area of the bill that I believe has received an excessive level of funding is payments under the Help America Vote Act. There is no question that we are obligated to provide for free and fair elections. It's a hallmark of our democracy, and we must always work to safeguard the electoral process. However, the administration justifiably proposed to cut this particular program to \$50 million because the States aren't spending the funds that have been provided in the past years. The account contains a surplus of \$186 million

today. This bill needlessly adds \$100 million to this underused account.

The Election Assistance Commission is waiting for the States to claim the 2008 and 2009 grant funds. Of the \$115 million provided in fiscal year 2008, only \$25 million has been claimed by the States. Of the fiscal year 2009 funds, \$100 million, only \$3 million has been paid to two States.

Another area of the bill that deeply concerns me is controversial changes to longstanding general provisions regarding the District of Columbia. I strongly oppose these changes. I do not believe that increasing the availability of abortions or medical marijuana will improve the quality of life in the District of Columbia.

As you see, Mr. Chairman, this bill is very controversial. Not only does the proposed bill spend more than \$24 billion, but it proposed to change longstanding policies on which Members on both sides of the aisle have long agreed. This is why the bill should be considered in regular order.

We recognize that operating under an open rule is grueling, long, hard work, and we've done it that way for years and years, at least as long as I have been on this committee. At the same time, we believe that the responsible regular functioning of this institution is important, especially on spending measures that demand the full attention of the Congress because they have the full attention of the American people.

In conclusion, Mr. Chairman, while I have some reservations regarding this bill and I'm disappointed that it's not being debated so that all Members could be heard, I would again like to thank Chairman SERRANO for his openness and his friendship.

I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I would like to yield 3 minutes to the chairman of the full committee and the most famous Chicago Cubs fan in the Nation, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I think GEORGE will dispute that fact.

Mr. Chairman, this bill is a key part of efforts to restore the stability of, and public confidence in, America's financial institutions. For example, with the Securities and Exchange Commission, this bill strengthens its ability to enforce rules that govern investments and financial markets and detect and prosecute fraudulent schemes. Under the Federal Trade Commission allocation, it strengthens the FTC's capacity to protect consumers and combat anti-competitive behavior and prosecute unfair and deceptive practices in areas such as foreclosure and credit repair services.

With respect to the Treasury Inspector General, it provides \$30 million to help the Inspector General perform mandated reviews in cases where bank

failures or other circumstances caused losses for the deposit insurance fund. It also provides a substantial amount of funding, \$387 million more than 2009, to target wealthy individuals and businesses who avoid U.S. taxes by parking money in overseas tax havens.

I think those are four good reasons to vote for the bill.

I also want to speak just for a moment to the LaTourette amendment. That amendment simply is an effort to try to find a way to give auto dealers across the country an opportunity to have a decent review process, a decent appeals process, given the fact that GM and Chrysler have set up their own arbitrary process to shut them down.

I would point out the majority of Members of this House are sponsors of similar legislation, and I would also suggest this. This Congress has provided \$60 billion in funding to the auto industry. I think to suggest that somehow they have been abused because the Congress is trying to provide some efforts to help local auto dealers get a better understanding of what is happening to them is, in my view, off the point.

In addition to the \$60 billion we provided those auto companies, we've also provided increased Federal purchases of automobiles to try to get rid of their backlog. We've provided the Cash for Clunkers provision which they wanted to see passed, and we provided \$2 billion in research funding to help the auto industry develop new technology. I hardly think that they have been underprivileged in terms of their treatment by this Congress.

So I would simply say before people get too exercised about the LaTourette amendment, I don't think anybody expects that language to survive intact. What we do want is to see that language used as an opportunity to get the auto dealers and the auto companies to sit down and work out a better appeals process so that you don't have some significantly profitable auto dealers at the local level being unnecessarily put out of business. That means job losses in virtually every county in this district, and I don't think we have an obligation to support that.

Mrs. EMERSON. I now yield 3 minutes to a fellow subcommittee member and a very hardworking member from Texas (Mr. CULBERSON).

Mr. CULBERSON. I thank the gentlelady.

A wise friend, a local historian pointed out to me the city council makes decisions that can affect you for the next month, the next week, State legislatures make decisions that may affect you the next year, but the United States Congress makes decisions that will affect the next generation and for many years to come. And so we, all of us, take very seriously our obligation here to work together to find solutions to the problems that face the Nation,

to protect what is great about America. And this committee has done so, all of us on the committee, regardless of our core principles, the districts we work for, represent, trying to find areas we can work together.

And I want to thank Chairman SERRANO, our full committee chairman, Mr. OBEY, for example, finding areas to work together with our superb ranking member, Mrs. EMERSON, to find common ground on important areas. I want to thank the chairman for accepting the amendment that Mr. LATOURETTE offered that we all support to protect car dealers from being arbitrarily shut down and enforcing State franchise laws, for accepting the amendment to get information from the White House on whether or not foreign combatants captured on foreign battlefields are actually being read Miranda rights.

I want to thank the committee chairman for agreeing as we work together to try to get the Supreme Court to open up their oral arguments to disclosure on the Internet.

But when it comes to the financial solvency and security of the Nation, there are profound differences of opinion between those of us who are fiscally conservative and the fiscally liberal majority. We, this week, saw the deficit exceed a trillion dollars for the first time on the same day that the majority laid out a government takeover of the health care industry, what would be the largest tax increase in the history of America, the week after the liberal majority passed the largest tax increase in the history of the country on energy. The energy tax that this majority passed will affect everyone in America and hammer the private sector unless you're Amish. I think the Amish are the only people that come out okay under that energy tax.

And don't forget this liberal majority is going to allow the Bush tax cuts to expire 12 months from this coming January 1. When you combine all of those things together, the New York Post points out today that in New York City the tax rate would get to about 58 percent.

So there is a profound difference in us as fiscal conservatives and the direction that the liberal, fiscally liberal majority is taking us.

I offered an amendment in committee, which the majority denied, that all money refunded by TARP recipients had to go to pay down the deficit. That amendment was rejected. We keep searching, as fiscally conservative Members in the minority, we keep searching for ways to keep money. Is there any cut that this liberal majority would accept? We haven't seen it yet. We've offered every cut we can imagine, from little ones to big ones. Nothing is accepted.

This Congress is spending more money in less time than any Congress

in history. It's irresponsible. It's dangerous. This endangers the national security of the country, and there should be no more spending, no more debt, no new taxes.

Mr. SERRANO. Mr. Chairman, I would like to yield 2 minutes to the dean of the House, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I begin by thanking my good friend from New York and the distinguished chairman of the full committee for their kindness and their graciousness in making this time available.

I have rarely voted against the rule and rarely voted against the previous question. I am very much troubled by what we see happening here today. I recognize the goodwill of the gentleman from New York and the gentleman from Wisconsin, but I would observe that we are playing with fire here.

My friend from Wisconsin mentioned billions of dollars we've made available to the auto industry. He's correct. We have. Now the question is do we, by what we are doing here with regard to the auto dealers, jeopardize those expenditures and jeopardize the well-being of our auto industry? That is what is at stake here.

This is a serious matter. If the auto industry goes down because we have taken sides in a quarrel between the auto industry and the dealers, we will have destroyed not only the dealers that complain but all of the other dealers and all of the people who work for the auto industry, who are associated with it, all of the suppliers. Frankly, we are playing with fire here.

I recognize that there is the intention to use this as a lever to help the dealers, and I applaud that. But I think that this is the wrong lever, the wrong time, and the wrong way to use this kind of lever.

The result of this playing with fire can be a serious disaster which we visit upon ourselves, upon the auto industry, upon all of those who are dependent upon it. And I would urge my colleagues in dealing with this to be exquisitely careful with this kind of exercise because it imposes upon all of us and upon the Nation an incredible level of danger which I hope will be avoided, and we are now putting ourselves in a position where all of the good that has been done to try and preserve this important auto industry is being put at risk.

Mr. Chair, it is with sadness and great dismay that I rise in opposition to H.R. 3170, the "Financial Services and General Government Appropriations Act of 2010." The bill's legislative language, which would force auto manufacturers that have received federal funding to reinstate terminated dealer franchises, has the grave potential to do significant harm to the already suffering national economy. Thanks to the timely intervention of the Administration and extraordinarily speedy bankruptcies,

Chrysler and General Motors (GM) are once again on the path toward viability. Nevertheless, section 745 of this bill threatens to undo the delicately wrought restructurings achieved in bankruptcy court for both companies and could very well bring about their collapse. Should section 745 become law, I fear far more dealers, not to mention auto suppliers and other ancillary businesses, would be forced to close than would have otherwise under Chrysler's and GM's original dealer termination plans. Although I recognize that both companies, particularly Chrysler, did a poor job in achieving dealer rationalization, it remains my strong preference to resolve this matter outside of statute. I urge my colleagues to take heed of this warning.

Mrs. EMERSON. I now yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the gentlewoman for yielding.

Mr. Chairman, I have nothing but the highest regard for the dean of the House. As a matter of fact, when I was elected in 1994, my mentor, Ralph Regula, said, When you grow up, you need to be like JOHN DINGELL.

And in this particular instance, however, I thought I was going to disagree with his remarks, but I couldn't agree with him more. And I would assure him, as the author of the amendment in this bill and also from observing Mr. MAFFEI and the majority leader as they move legislation in a different path, that everybody understands the gravity of this situation. But without exerting this lever, we're going to have a crisis in this country, and an economic recovery will not be possible if we continue to throw people out of work.

The use of expedited bankruptcy proceedings by the automotive task force in connection with the two car companies has caused the extinguishment of State franchise laws and rights that have affected all of the dealers that are listed on this chart: 789 for Chrysler, 2,600 for General Motors. About 60 people work at each dealership. This stroke of the pen, this saying that this is the way we're going to go to get General Motors and Chrysler out of trouble on top of the \$60 billion that Mr. OBEY talked about is going to throw over 200,000 people out of work.

I am grateful to the chairman of the full committee, Mr. OBEY, and the chairman of the subcommittee, Mr. SERRANO, for accepting this amendment and also going to the Rules Committee and protecting it from potential point of order.

And the proof is in the pudding on the car companies. The car companies submitted reorganization plans on February 17 that didn't contemplate the closing of as many plants, the firing of as many people, nor the closing of the dealerships. The auto task force, according to testimony by Mr. Bloom, the new head of the task force, before the Senate said they pushed back. The task force said to the car companies,

you're not being aggressive enough because you haven't closed enough plants, you're not being aggressive enough because you haven't fired enough people, you're not being aggressive enough because you haven't closed enough dealerships, and so now we're left with what we're left with.

As a result, if the crocodile tears that we now hear from Detroit are to be believed, if they really thought this was the way to go, to close down people that are making money for them and don't cost them any money, they would have, on February 17, said, This is our plan. They didn't do it until May, and as a result, 200,000 people are going to lose their job.

□ 1345

Mr. SERRANO. I yield 3 minutes to the gentleman from Maryland (Mr. SARBANES) for the purpose of a colloquy.

Mr. SARBANES. I want to thank the chairman for his leadership, Chairman Serrano, on this bill, for giving me the opportunity to speak on an important issue impacting my district.

The District of Columbia operates a juvenile detention facility named New Beginnings in Anne Arundel County, Maryland, which is in my district. Since its opening this May, there have been two separate instances of escapes by juveniles housed at the facility. In the last instance, six juveniles escaped without any notification to the county in which the facility is located. From all accounts, these escapes occurred through easily breached doors and windows. Both of these episodes have raised troubling questions about the level of oversight and security at the facility.

Applicable District of Columbia law requires: "Developing and maintaining a system with other governmental and private agencies to identify, locate, and retrieve youth who are under the care, custody, or supervision of the department, who have absconded." Unfortunately, these and other standards relating to the security at the facility have not received adequate attention from District of Columbia authorities.

I'd like to yield to the majority leader who I know has a perspective on this.

Mr. HOYER. I would like to echo the remarks of my colleague, Mr. SARBANES.

Prior to opening New Beginnings, the District of Columbia operated another juvenile detention facility, Oak Hill, at the same location. I represented that area of our State for some period of time. This facility was plagued with a history of escapes, and Oak Hill officials routinely, in my opinion, failed to notify area officials and local law enforcement when that occurred. In 2002, I facilitated an agreement signed by the D.C. Human Services Department obligating them to contact local police

and communities in the vicinity about Oak Hill escapees.

Although that facility has now been replaced, I am dismayed that the District has failed to comply with the spirit of that agreement and, as Mr. SARBANES points out, applicable D.C. law. I join with my colleague in urging the subcommittee to continue to work with the District of Columbia to ensure, first, that every effort to prevent future escape is undertaken and, second, that the local community, including law enforcement, be notified should an escape occur.

Mr. SARBANES. I want to thank Chairman Serrano for the opportunity to speak about this important issue; and as we move forward with this legislation, I hope we can work together with the District of Columbia to make sure that we can protect the surrounding community.

I yield to the gentleman from New York.

Mr. SERRANO. I can certainly appreciate the gentleman from Maryland's frustrations, and he raises an important issue. I will work with the gentleman to ensure that the District of Columbia reviews security procedures at the New Beginning youth facility and works cooperatively with local leaders in the State of Maryland.

Mr. SARBANES. Thank you.

Mrs. EMERSON. I now yield 3 minutes to a member of our subcommittee, Mr. CRENSHAW from Florida.

Mr. CRENSHAW. Let me just say, as we stand here debating this bill, there are a lot of people in our country that are hurting because of some particular acts that have taken place, and one of the things this subcommittee is tasked with doing is to make sure the regulatory agencies that could prevent situations like this actually have the proper amount of funding and the oversight to protect American lives in the future.

A lot of you all have heard me say from time to time that the number one responsibility of the Federal Government is to protect American lives, and usually when I say that I am talking about national security. I'm talking about funding for our men and women in uniform.

But today, I rise to talk about two agencies under this bill which are aimed to protect American lives by protecting their health and their financial security: the Consumer Product Safety Commission and the Securities and Exchange Commission.

During the housing boom in Florida, a lot of American drywall producers couldn't keep up with the pace and the demand for drywall for the new homes. So they began to import drywall from overseas locations, including China. However, unbeknownst to the contractors and to the families who were buying their dream homes, this drywall was contaminated. Some say the Chi-

nese used byproducts from coal plants. Some say it was from overseas shippings.

The end result has been catastrophic. Families have had to flee their homes that smell like rotten eggs, and worst of all, these homes have put their families' health at risk. These contaminants have caused nose bleeds, headaches, asthma attacks, among other things. American families soon realized that their American Dream had turned into an American nightmare.

So how could this have been prevented? Well, my colleagues and I on the subcommittee have asked that since the U.S. Consumer Product Safety Commission is charged with protecting the public from products like this, how did it go undetected? All I know is this legislation is aimed to end an episode like that and make sure it doesn't happen again. There's more money, more regulation, more oversight to end this.

The other tragedy that's taken place this year has devastated the financial security of a lot of our citizens. Last year, a guy named Bernie Madoff admitted that he had created an elaborate Ponzi scheme from the legitimate investments of hardworking Americans. Instead of investing the funds, he would simply deposit the money in his own bank account, and cover this up by masking foreign transfers and filing false SEC reports. Again, how did this happen? How did the SEC not catch this tremendous and egregious highway robbery? Well, the good news is this bill contains additional funds for the SEC to try to help them do a better job of making sure this doesn't happen again.

Now, I would have written this bill differently had I been in charge. I think there are a lot of flaws in the bill, but I think as members of this subcommittee we do have a responsibility to try to protect the health and the financial security of our American citizens.

Mr. SERRANO. I'd like to yield 2 minutes now to a gentlewoman who, notwithstanding some of the things you see happening on this House floor, is really the only Representative from Washington, D.C., Ms. NORTON.

Ms. NORTON. I thank the gentleman for yielding. I thank the gentleman, the ranking member and the committee for bringing this bill forward, especially Chairman SERRANO for consistently showing respect for our citizenship as American citizens by not interfering with local governance and trying to keep others from doing so.

Mr. Chairman, it's very painful for a Member to have to come to the Congress to ask that you vote for her local budget. It's particularly painful when that Member doesn't even have a vote herself on her own local budget. Yet some Members are quick to step up with amendments of their own on a

budget they had nothing to do with raising, as if District of Columbia were just another Federal appropriation.

One Member, I regret to say, came forward with some misinformation which the Rules Committee and I had to correct this morning that somehow we wanted Federal funds to be used for abortion. Nonsense. We have never asked for Federal funds for abortion services in the District of Columbia, only for use of local funds. We have never asked for anything except equality with other jurisdictions and other American citizens.

All residents ask is that you respect the Home Rule Act. Congress had no intention that our local budget would be treated any differently. These are our funds, local funds, not Federal funds. It is very difficult for Congress, and Congress does not, in fact, change the local budget because Congress doesn't know anything about it. The presence of the D.C. budget here becomes a basis for a small minority to use us for their own purposes, to try to impose on us their own choices.

You can't endorse local control as a founding principle for everybody except the residents of your Nation's Capital. The Founders never made exceptions. I ask you to vote for this appropriation and in doing so, to remember, we demand not to be relegated to second-class citizenship because of our treatment in this process and on this floor.

And I thank you, Mr. Chairman, for all you have done for this appropriation.

Mrs. EMERSON. I now yield 2 minutes to the gentleman from Pennsylvania (Mr. PRTS).

Mr. PITTS. The bill before us today will open up the funding spigot for abortions in the District of Columbia. The Dornan amendment has, for years, helped to reduce abortions in D.C. Recently, there has been a lot of talk about abortion reduction, and the one thing that everyone seems to agree on is that public funding for abortion increases the number of lives lost to abortion. Even the Guttmacher Institute has found that significantly more women choose abortion when the government subsidizes it. Unfortunately, the bill before us today will only serve to increase abortion.

The District of Columbia has a sordid history with abortion funding. In 1994, when the funding ban was lifted, D.C. took \$1 million away from the Medical Charities Fund which was created to help AIDS patients to instead pay for abortions. And the District had to request additional funds to make up for the funds used on abortion. Then, when the funding ban was reinstated, the city disregarded the law and continued to fund abortion for two additional years.

The bill will again open the door for D.C. to abuse taxpayer dollars to ex-

pand abortion, and it completely disregards the views of the majority of Americans who do not support public funding for abortion.

The bill thrusts upon hardworking taxpayers the values of the Washington elite. Nearly 180 Members of this House, both Republicans and Democrats, made a simple and reasonable request: maintain existing pro-life policies in appropriations bills; and if you don't, allow us the opportunity to vote up or down.

Yesterday, the Rules Committee unilaterally acted to deny Members and, consequently, the constituents they represent, the opportunity even to vote on whether this bill should be used to expand public funding for abortion. Such actions are an offense to the democratic process, to the American taxpayers, and to the sanctity of human life.

I urge my colleagues to oppose the bill.

Mr. SERRANO. I'd like to yield 2 minutes to the gentleman from Texas (Mr. EDWARDS) who by the way was the strongest leading voice in having us put language in this bill that says that any TARP money has to be explained to the Congress on its use and all kinds of reports come back to Congress.

Mr. EDWARDS of Texas. Mr. Chairman, I'd like to thank Chairman SERRANO for his kind comments and for his leadership for including two key provisions in this bill I strongly supported.

First, this bill holds the U.S. Treasury Department accountable for how it invests taxpayer funds under the TARP program. Language included in the bill at my request mirrors my bill, H.R. 2832, which directs the Treasury Secretary to report back to Congress by December of this year on their plans to repay taxpayers the money they have invested in the TARP program. The language also requires the Treasury to submit to Congress the estimates, the likely gains and losses, from those investments.

Our efforts to shore up the financial system must be accompanied by greater accountability and strict oversight to ensure taxpayer dollars are being spent wisely and effectively. The American taxpayers have a right to know how their tax dollars are being invested and when they will be repaid.

Second, the bill adds \$92 million to the budget of the SEC and for the first time specifies that \$4.4 million of SEC funding should be used by the Office of Inspector General, increasing their staff by 140 investigators, lawyers and analysts to investigate and prosecute corporate crime. The Americans want greedy Wall Street criminals who helped cause this recession investigated and punished for their crimes. By increasing enforcement at the SEC, we will send a strong message that if you rob innocent investors of their re-

tirement and college savings you will spend the rest of your life sharing a prison cell with criminals like Bernie Madoff.

I thank Chairman SERRANO for including these two important provisions in this legislation and urge the bill's passage.

Mrs. EMERSON. Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. I yield 2 minutes to the gentlewoman from California (Ms. LEE) and also wish her, on behalf of the House, a happy birthday.

Ms. LEE of California. Thank you, Mr. Chairman. Let me thank the chairman for his well wishes. They come every 6 months now I think, but thank you so much.

Let me rise in strong support of H.R. 3170 and just say to the chairman, this is my first year on this subcommittee, but it's an honor to serve with you and such great leaders.

□ 1400

I want to thank Chairman SERRANO and Ranking Member EMERSON for their very hard work on this bill in a bipartisan fashion. You've worked together during very difficult times for our economy and, of course, for this appropriation.

This bill begins the work of rebuilding the regulatory and oversight framework of the Federal Government, restoring home rule to the District of Columbia, and safeguarding consumers by reinvigorating the Consumer Products Safety Commission.

By investing in the Securities and Exchange Commission, the Federal Trade Commission, the Consumer Products Safety Commission, the IRS, and other vital agencies, we can bring back a fair and honest marketplace that is safe for consumers and investors alike.

We need strong regulators to enforce our Nation's financial regulations. This will ensure the stable operation of our capital markets, help stabilize the economy, and bring an end to this unregulated financial environment during the Bush administration, which has created havoc in the lives of millions.

The chairman has also taken great strides in restoring home rule to the residents of the District of Columbia. As Chairman SERRANO has said, we were elected to represent our home districts, not elected to represent the District of Columbia, nor are we members of the D.C. City Council.

The people of the District of Columbia should have the ability to make the same decisions as other communities and cities which make these decisions for themselves. They should not be subject to the ideological whims of Members who wish to advance personal agendas on the back of D.C. residents.

These are Americans. They deserve to be treated fairly—just like we'd want our constituents to be treated.

I also want to thank the chairman for clarifying the definition of cash in advance for agricultural and medical equipment payments from Cuba.

The CHAIR. The time of the gentleman has expired.

Mr. SERRANO. I yield the gentleman 30 additional seconds.

Ms. LEE of California. Let me just say that United States companies should be able to benefit from profits and create jobs, which is the bottom line, during this recession as a result of these business opportunities. So this provision is very important for our economic recovery.

So I look forward to working with the chairman and the subcommittee to ensure that the Treasury Department prioritizes real terrorist threats to our national security and does not waste vital agency resources—our tax dollars—on Americans who want to travel to the Caribbean.

Mrs. EMERSON. I continue to reserve the balance of my time.

Mr. SERRANO. I yield 1 minute to my friend and leader, the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank my friend for yielding and I congratulate him on his leadership of this committee and say how pleased I am that my good friend, JO ANN EMERSON, is the ranking Republican on this committee. I thank her for her leadership—one of the very constructive Members of this body.

This subcommittee is a special subcommittee to me because I had the great honor of serving on this subcommittee for 23 years. I chaired this subcommittee for 2 years and then served as the ranking member when we had the hostile takeover of the institution by the other side, and they became the chair and I became the ranking member. So I have served on this committee for some time.

I rise today because I normally would have weighed in with the chairman and with the ranking member on the issue of pay for civilian employees. As a matter of fact, I had the opportunity to discuss with the chairman the provisions for pay in this bill.

The administration and I had a discussion some months ago with reference to their recommendation on civilian and military pay. I indicated to him that we are in a very unique situation in America today. We've lost millions of jobs, millions of people are concerned about losing their jobs, and I therefore perceived it as a relatively unique situation where Federal employees understood that there would be constraints that were not necessarily present in other years.

Federal employees are already constrained by the ECI, the Economic Cost Index, wage index, in the country. If people across the country don't get raises, they don't get raises.

However, for the 28 years that I have served in this body, there have only

been 4 years where there has not been pay parity between the military pay cost-of-living adjustment and the civilian cost-of-living adjustment.

In 1985, the military received half a point more than the civilians. In 1994 and 1995, the civilians received in 1994, 1.7 percent more than the military and, in 1995, fourth-tenths of a point more than the military. In 2002, the military received 2.2 more.

Both the military and the civilian employees obviously perform great services for our country. I think there was a sense by the military and civilians that parity between the two made sense, and in fact the Congress, as you see in 24 of those 28 years, has followed that policy.

The chairman, in consultation with me, because I don't want the burden to be on him or the committee, and in discussion with those of us who represent a large number of Federal employees, concluded because of the uniqueness of our economic situation that agreeing to this lack of parity—not supporting it, but agreeing to it—that may be, for some, a distinction without a difference, but it is, I think, a distinction.

However, because of my concern and my discussions with Mr. Orszag in February or March, I went back to Mr. Orszag—and I want to read into and submit for the RECORD a letter dated July 9, 2009.

It says, "Thank you for your June 24, 2009, letter regarding pay parity for Federal civilian employees and non-military in noncombat zones."

Now, the reason he references non-combat zones is because I think there is an appropriateness in the hazardous duty pay, whether they be military or civilian. We put people in harm's way and we put them at risk, and giving them greater compensation makes a lot of sense. I suggested this to the Armed Services Committee. That's not what we did here, but I will go on.

"Given the exceptional circumstances surrounding the economic downturn, the administration did not include equal pay increases for civilian and military pay personnel in its fiscal year 2010 budget submissions. Nonetheless, the administration shares your commitment"—and, really, the commitment of all of us in this Congress who, for 24 out of 28 years, has fought for and affected pay parity as the policy of this Congress—"nonetheless, the administration shares your commitment to a strong civil service that can attract the talent we need to deliver the high level of performance the American people deserve from their government."

This is the important sentence. I made it known to Mr. SERRANO. I did not go over this with Mrs. EMERSON. But, it says this, "The administration is therefore committed in future years to the principle of pay parity between the annual pay increase for the Federal

civilian workforce and members of the Armed Service serving in nonhazardous locations." Again, this is not about hazardous duty pay for people in harm's way. "Thank you for your efforts on behalf of Federal employees," et cetera.

I rise simply to note that on behalf of the Federal employees I represent, the Federal employee representatives with whom I have had extended discussions, the Senate has taken action in their subcommittee. They did not effect pay parity either, although they effected a greater increase than is included in this bill.

Between now and the conference committee, I intend to be working with Mr. SERRANO and Mrs. EMERSON on what policy we believe to be appropriate, given the economic circumstances that confront all Americans.

Federal employees have the benefit of having stable, secure jobs. They very much appreciate that. They understand that they don't want their fellow citizens to be in distress and without them being cognizant of that distress and appreciation for the economic situation it puts us in.

So I thank the chairman, I thank the ranking member for their concern and their focus, and I look forward to working with him on this issue as they proceed through the process and we go to conference.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, July 9, 2009.

Hon. STENY H. HOYER,
Majority Leader, House of Representatives,
Washington, DC.

DEAR MR. MAJORITY LEADER: Thank you for your June 24, 2009, letter regarding pay parity for Federal civilian employees and military personnel serving in non-combat zones.

Given the exceptional circumstances surrounding the economic downturn, the Administration did not include equal pay increases for civilian and military personnel in its Fiscal Year 2010 budget submission. Nonetheless, the Administration shares your commitment to a strong civil service that can attract the talent we need to deliver the high level of performance the American people deserve from their government. The Administration is therefore committed in future years to the principle of pay parity between the annual pay increase for the Federal civilian workforce and members of the armed services serving in non-hazardous locations.

Thank you for your efforts on behalf of Federal employees. We look forward to continue working with you in the future.

Sincerely,

PETER R. ORSZAG,
Director.

Mrs. EMERSON. I now yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentlelady for yielding. I come to the floor and I rise in opposition to this bill. I do so for a number of reasons, but the reason I take this opportunity to express

that is, the longstanding policy that blocked the compulsion that was delivered to American taxpayers to fund abortions through the District of Columbia has been dropped from this bill, and it was refused to be allowed as an amendment here to the floor. So the constituents of America will not know how their Member would vote and where their Member stands on compelling public funds to be used for abortions in the District of Columbia.

We've gone through this debate here before. This debate has gone on back and forth, but it was established back in the early nineties. The process of funding public abortions in D.C. were established in the early nineties, and that was rolled back, and still the District of Columbia violated Federal law for 2 years and continued to fund abortions.

Now, here's the image that I have in my mind. Two of them. One of them is to compel anyone who has a moral objection to funding abortions is wrong. The second thing is the memory of the vote on the Mexico City Policy. When we lost that as a pro-life coalition here in Congress, I saw people over on that side of the aisle jumping up and down, hugging, clapping, and cheering. And why? Because we were going to compel taxpayers to fund abortions in foreign lands.

How could anyone be that delighted about such a policy? But I think it was because those who were cheering and clapping and hugging believe they had landed a blow against the convictions of the people who they could just consider be wearing a different jersey on the other side of the aisle.

It is bigger than this, it's deeper than this. This is life. This is unborn, innocent human life that doesn't have a voice here on this floor. If we could hear their scream for mercy, we would at least hear the Tiahrt amendment and have a real debate here on the floor, as we would have had in any of the two previous centuries this United States Congress has operated under open rules.

I oppose the bill and I advocate for open rules.

Mr. SERRANO. I yield 1 minute to my friend and colleague from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the chairman and my friend. Mr. Chairman, why Tuesday? Why do we have Federal elections on Tuesday? My guess is that most Members of this House of Representatives don't know the answer to that question, and the answer is: There is no good answer for our voting on Tuesday.

There is good reason to change voting from Tuesday to weekends. One out of four people say they don't vote in Federal elections because the weekday is too busy for them. They're balancing their jobs and their schedules and their kids.

I've introduced the Weekend Voting Act, which would move Federal elections from Tuesdays to weekends. And I want to thank the chairman of this subcommittee for including language that I had proposed in this bill directing the GAO to conduct a study on the cost-benefit analysis of weekend voting.

That study is going to answer the question: Why Tuesday? But, more importantly, it's going to answer the question: Why not weekends, and lead to the empowerment of the American people.

We ought to make it easier for people to vote, not harder.

Mrs. EMERSON. I now yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend for yielding. Mr. Chairman, for almost two decades, Congress has banned the use of taxpayer funds for abortion in the District of Columbia except in the exceedingly rare and tragic cases of rape, incest, or the life of the mother.

President Obama tells us he wants to reduce abortion. Well, one of the most effective and proven ways to reduce abortion is not to fund it. The evidence is compelling. And, frankly, it's logical.

The research arm of Planned Parenthood, an organization that itself every year performs over 305,000 abortions in its own clinics—a staggering loss of children's lives—their research arm, the Guttmacher Institute, has made it absolutely clear that when taxpayer funding is not available, between 20 and 35 percent of Medicaid abortions that would have been procured simply don't occur and that these children go on to be born.

Today, there are thousands of children in the District of Columbia and millions throughout the country who live, attend schools, have boyfriends and girlfriends, get married and have their own kids—dream and hope because taxpayer subsidies didn't effectuate their demise.

Pursuant to the Constitution of the United States, Congress has the authority and, I would respectfully submit, the obligation and duty, especially from a human rights perspective, to set policy as it relates to how funds are used in either protecting or destroying children. We should not be subsidizing the killing of unborn children.

By definition, abortion is infant mortality. Ultrasound technology, the rise of prenatal medicine has shattered the myth that unborn children are somehow not human, nor alive.

Dr. Alveda King, Mr. Chairman, niece of the late Dr. Martin Luther King, had two abortions. She now leads an organization known as the Silent No More Campaign, made up exclusively of women who have had abortions.

The CHAIR. The time of the gentleman has expired.

Mrs. EMERSON. I yield the gentleman 1 additional minute.

□ 1415

Mr. SMITH of New Jersey. She has made it very clear that, after every abortion, one baby dies—two if they're twins—and the woman is wounded.

The intermediate and long-term psychological damage and physical damage to women is underreported and underappreciated, but as she and so many others have pointed out, it is real and frightening. Dr. King has said, How can the dream survive? She was talking about her late uncle, the late Dr. Martin Luther King. How can the dream survive—these are her words—if we murder children?

Abortion methods, Mr. Chairman, are gruesome. The cheap sophistry of choice, the euphemisms that are cynically employed to cloak it, can't mask a dismemberment abortion that hacks a child to death and can't mask poison shots that chemically burn and kill an unborn child. Abortion is infant mortality. We should not be funding it. There will be children who will die if this legislation becomes law simply because the subsidies are there to effectuate their deaths.

I hope Members will vote "no" on the bill.

Mr. SERRANO. Could I inquire as to how much time is available?

The CHAIR. The gentleman from New York has 8½ minutes available, and the gentleman from Missouri has 5½ minutes available.

Mr. SERRANO. Mr. Chairman, I would like to yield 2 minutes for a colloquy to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I commend the Chair of this subcommittee for producing a good bill, and I seek to enter into a colloquy with him about the importance of making voting systems auditable and about conducting audits of electronic election results.

Voting is the foundation of our democracy. It is the right through which we preserve all other rights. Anything of value should be auditable, especially our votes. That's why it is so important that States using paperless systems have all of the funding they need to convert to paper ballot voting systems before the next general election and that all States have the funding they need to conduct audits of the electronic tallies.

I would yield at this moment back to the chairman.

Mr. SERRANO. I agree with the gentleman about the importance of protecting the integrity of the vote count. I was pleased to incorporate HAVA funding in the bill and language in the committee report stressing the importance of gathering information on voting system malfunctions, of making official paper ballots more accessible, and of verifying election results. I hope

jurisdictions will use these funds to deploy the most accessible paper ballot voting systems and will audit their election results to ensure the integrity of our democracy.

Mr. HOLT. I thank the gentleman very much.

We have a recent compelling example of how important this is. We have the resolution of the Senate race in Minnesota. If the only information available were an electronic tally, one candidate would have been presumed the winner without recourse, but because a bipartisan canvassing board was able to inspect and recount actual voter-marked ballots, they were able to determine that the other candidate actually won. Software electronic counts alone cannot be relied upon to ensure that the intent of the voters will be honored.

In 2010, seven entire States and counties in a dozen others will not be able to verify independently the electronic tallies in their elections unless they use their HAVA funds to deploy accessible paper ballot voting systems. We have not succeeded yet in establishing a national standard.

The CHAIR. The time of the gentleman has expired.

Mr. SERRANO. I yield the gentleman another 30 seconds.

Mr. HOLT. However, I urge every jurisdiction in the country that has changed their voting system in the last several years to move to an accessible paper ballot system.

I thank the gentleman very much for his support.

Mr. SERRANO. The gentleman is most welcome, and I look forward to working with him to make sure all States have the funding they need to implement these critical election protection measures.

Mr. Chairman, I reserve the balance of my time.

Mrs. EMERSON. At this time, Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the gentlelady for recognizing me again during the course of this debate.

Mr. Chairman, one of the sad consequences of bringing appropriations bills to the floor under a closed rule or under a structured rule is that you leave so many Members on both sides of the aisle between the devil and the deep blue sea. Sadly, we have that in this particular bill.

Mr. Chairman, you would have seen during the rule vote that it was a close vote, and thanks to some great work by orthopaedic surgeons in its last 30 seconds, the provision was able to survive.

I would suggest that it is not a mystery to those of us in this House that the people who voted “no” on the rule, many of them—both Republicans and Democrats, and I think the last time I saw the scoreboard it was 33 Demo-

crats—weren’t voting “no” against their leadership and the rule that they’d brought forward. They were voting “no” because the rule did not permit a discussion on an amendment by Mr. TIAHRT or by anybody else relative to the use of taxpayer funds for abortions in the District of Columbia. That’s why they voted “no.”

Likewise, we have discussed—Mr. OBEY has discussed, Mr. DINGELL has discussed, and I have discussed—the fact that Mr. SERRANO and Mr. OBEY were very gracious to accept an amendment that I offered that deals with the 200,000 people in this country who are about to lose their jobs, who work at auto dealerships across the country.

You know, for 14 years—just as an aside, Mr. Chairman—I chafed at the fact that appropriators were legislating on authorization bills, but now that I’m one of them, I love it. I think it’s a wonderful process, and I hope it continues.

Having said that, as for the vote that Members are going to take in a couple of hours, nobody is going to know where they stand on the car dealers, and nobody is going to know where they stand on the issue of abortion. If you vote “yes” on the bill, you can call up and say, Hey, I was with you auto dealers. Yet the people who don’t think that taxpayer funds should be used for abortion are going to be concerned about that vote. If you vote “no” on the bill, you are not going to have any difficulty with the people who don’t think taxpayers’ funds should be used for abortions, but your auto dealers would be right to be mad at you. These need to be open ruled.

The CHAIR. The time of the gentleman has expired.

Mrs. EMERSON. I yield the gentleman an additional 30 seconds.

Mr. LATOURETTE. The fact of the matter is we have to have some clarity. The people who send us here to Washington deserve to know where we stand on these issues. For every year that these appropriations bills had come to the floor when we were in the majority, we hadn’t liked some of the amendments. I can remember being where the Chair is today. I sat in that chair for 3 days on an Interior Appropriations bill, and I let every Democrat and every Republican who wanted to say something come down and strike the last word or offer an amendment. At the end of the day, the will of the House prevailed. This rule and the way this debate is being conducted, the rule of the House is not being adhered to.

Mr. SERRANO. Mr. Chairman, I would like to yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), a member of the subcommittee and one of our great leaders.

Ms. DELAURO. Mr. Chairman, this is a strong bill, a bill that aims to bring much needed stability and confidence

to our financial system and assistance to our small businesses.

The bill provides critical funding to the Securities and Exchange Commission to help it strengthen the regulation of our financial markets and to the Federal Trade Commission to enhance its ability to protect consumers. It ensures further oversight of TARP. It requires Treasury reports that will notify Congress of steps taken to implement oversight recommendations. To help small businesses weather the current economic storm, the bill supports \$848 million for the SBA, including \$25 million in new microlending and \$10 million in microloan technical assistance.

In 2008 alone, SBA’s intermediary microlenders made more than 5,000 loans, totaling more than \$60 million, to entrepreneurs who were unable to secure the credit that they needed from conventional lenders. This bill also includes significant funding for IRS tax enforcement to support the administration’s efforts to combat tax haven abuse.

I have worked to ensure that the bill includes a provision which prevents Federal contracts from going to domestic corporations that incorporate in tax havens to avoid meeting their tax obligations.

The bill also eliminates Bush-era restrictions that hamper the ability of U.S. companies to export agriculture goods to Cuba. In this economic climate, we should be opening and not irrationally closing markets for American products.

In recent years, many of our regulatory agencies have neglected their responsibilities to protect consumers, taxpayers and investors. This bill takes strong steps to reverse that disregard while making critical investments in programs that help small businesses, the lifeblood of our economy, succeed.

I urge my colleagues to support the passage of this important piece of legislation.

Mrs. EMERSON. Mr. Chairman, I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON) for the purposes of a colloquy.

Mr. SKELTON. Mr. Chairman, I intended to offer an amendment to provide funding for the Harry S. Truman Scholarship Foundation in the amount of \$660,000. I decided not to offer that amendment today, but I wish to engage the chairman of the subcommittee in a colloquy regarding the importance of this foundation.

Mr. Chairman, I believe that it is in the best interest of our Nation to ensure that the leaders of tomorrow have access to the best educational opportunities available. For that reason, I have long been associated with the Harry S. Truman Scholarship Foundation, which awards scholarships for college students to attend graduate school

in preparation for careers in government or elsewhere in public service.

The Truman Scholarship Foundation was established by Congress in 1975 as the Federal memorial to our 33rd President, Harry S. Truman. The foundation has been operating from the original appropriation and the interest from that amount since 1977; but as the cost of college has increased over the years, the foundation's assets have not grown accordingly to meet the needs of the students it serves.

So, Mr. Chairman of the subcommittee, Mr. SERRANO, I ask your assurance that you will seek to include funding for the Truman Foundation in conference with the other body.

Mr. SERRANO. Will the gentleman yield?

Mr. SKELTON. I yield.

Mr. SERRANO. I thank the gentleman for bringing this to my attention, and I will assure him that I will do my best to work with my Senate colleagues in conference.

Mr. SKELTON. I certainly thank the gentleman, and I thank you for this opportunity to raise the issue on the floor.

Mr. SERRANO. Mr. Chairman, I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I would like to thank the chairman again for his graciousness and for his openness in working with me and with the rest of the subcommittee on the minority side, and I look forward to continuing that relationship.

I yield back the balance of my time.

Mr. SERRANO. How much time do I have left, Mr. Chairman?

The CHAIR. The gentleman has 2½ minutes remaining.

Mr. SERRANO. I yield myself the balance of the time.

Mr. Chairman, I want to thank the gentlewoman, and I want to thank all of the speakers who have participated today, but I think there is a clarification that needs to be made.

Many speakers have come to the House floor and have spoken about the abortion issue and have said that the American taxpayer is being asked in this bill to foot the bill for abortions. That is not correct, and that has to be made clear.

First of all, to me, the issue is whether or not the District of Columbia should be given the opportunity to govern its own affairs or whether Congress will continue to impose on D.C. its will. So, for many years, the folks in the District of Columbia have had to accept Congress' wishes for many test items and issues throughout the country. I believe that, in some cases—and with all due respect to my colleagues—they have imposed these provisions on the District of Columbia in many areas of gay marriage, of needle exchange programs, of abortion, and of gun issues so that they could go back home and say they had done something on

that issue. Yes, they did, to the people of the District of Columbia—not to the people in their districts but to the people of the District of Columbia.

What this bill simply says is that local funds raised locally by the taxpayers of the District of Columbia can be used to provide abortion services. The ban on the use of Federal funds for abortion remains in place.

□ 1430

Let me repeat that. Federal funds going to the District of Columbia cannot be used to supply abortion services. What we've done is to say, local funds that you raise on your own from your own American citizen taxpayers can be used for those purposes. That should be clarified, and people should know the truth.

This bill is a good bill; and I hope that at the end of the day, people will vote for it. It covers many areas. I thank all my colleagues.

Mr. LATOURETTE. Mr. Chair, since I was elected to serve in Congress, I have supported the pro-life position. I am strongly committed to protecting the rights of the unborn. Accordingly, I think it is wrong for Americans' tax dollars to be used to pay for abortion.

Mr. Chair, I voted against the rule for consideration of this bill because it did not afford Members an opportunity to express their clear position on the issue of taxpayer-funded abortion. Fortunately, we will have a chance to vote again on a conference report between the House and the Senate, which I hope will strip these abortion provisions from the bill before any bill is signed into law.

Mr. Chair, let the record reflect that I oppose lifting the restrictions on government-funded abortions in the District of Columbia.

Mr. FRELINGHUYSEN. Mr. Chair, I rise in support of the District of Columbia Opportunity Scholarship Program.

We, as Members of Congress, have one notion that binds us all together—every one of us understands that the key to the future of our great nation is the quality of the education we provide our children.

We all know the story of many failing District of Columbia public schools: Low graduation rates. High drop out rates. Low math and reading scores, reflected in a city-wide adult literacy rate of 37%! And, we can all agree that the children in the District deserve a first class education!

A few years back, I had the honor to Chair the District of Columbia Appropriations Subcommittee. In that capacity, I worked to create a program to give a 'hand-up' to children in DC—the District of Columbia Opportunity Scholarship Program.

We built a 'three-sector' approach, endorsed by former Mayor Anthony Williams and then councilman and current Mayor Adrian Fenty, and others: public schools, charter schools, and the latter, and the Opportunity Scholarship Program, which provides families with funds to send their children to private or parochial schools.

Since 2005, some 3,000 students have been provided with Opportunity Scholarships (over 7,000 applied). Today, there is a long

waiting list, but over 1,700 D.C. scholarship students are attending 49 non-public schools. The average annual income for these families is around \$23,000.

In April, the U.S. Department of Education released its own report—finding that students in the scholarship program are performing at higher academic levels than their peers who are not in the program, and are better off by virtually every important measure in their chosen schools.

So this is a good news story, right?

Well, not any more.

During the markup of this bill in Committee, I offered an amendment to make all DC children eligible for the Opportunity Scholarship Program.

And an amendment to allow the younger brothers and sisters of Opportunity Scholars to be allowed to participate alongside their older siblings. Both were defeated.

And likewise, I tried on behalf of Minority Leader Boehner and others before the Rules Committee, unsuccessfully, to make all children eligible.

But the Rules Committee said "no" to the Boehner amendment and in doing so, slammed the 'door of opportunity,' inexcusably, on thousands of low-income Washington families.

Anticipating that there may well be a wellspring of indignation that Congress is again interfering with DC governance, may I ask where the District would be today if the Federal Government had not assumed most of the costs of the city's judicial system, and numerous city employee pension obligations—which we still pay.

And, I never heard protests about intervention when I inserted funding in the D.C. Appropriations bill to rebuild many dilapidated and dangerous DC school playgrounds or money to protect the Anacostia riverfront.

So why not continue to support a program that really is important: one that helps children!! by providing \$14 million to give these children a better school and their parents a chance to fulfill their dreams?

And may I add, the dollars that now rescue some children in failing District public schools do not come at the expense of the public system—the program offers parents a choice without hurting public schools.

We need to heed the call of many city parents who want school choices for their children—a future as bright as ones in many of our states.

While the theoretical debate on such scholarships may have some value in the political sphere, District children should not be the pawns in some ideological battle. Rather, we need to protect their future and keep the scholarship program alive and expand it.

Finally, Mr. Chair, as the Washington Post recently wrote, and I quote: "Political ideology and partisan gamesmanship should not be allowed to blow apart the educational hopes of hundreds of DC children." I could not agree more!

Mr. PENCE. Mr. Chair, it is morally wrong to take the taxpayer dollars of hundreds of thousands of Washington, D.C. residents who cherish the right to life and use them to fund abortions. I am deeply disturbed that this Congress is set to vote on a Financial Services

and General Government Appropriations Act that lacks traditional protections against using tax dollars to fund the destruction of human life.

Every year since 1996, this annual funding bill has included language that prevented the use of federal and local funds to pay for abortions in the District of Columbia. Not only was the language prohibiting the use of local funds stripped from the Financial Services Appropriations bill, but a bipartisan amendment to restore this ban on taxpayer-funded abortion offered by Congressman TODD TIAHRT (R-KS) and Congressman LINCOLN DAVIS (D-TN) was blocked by the Democrat-controlled Rules Committee from even receiving an up-or-down vote on the House floor, violating a much older tradition of this storied institution.

Earlier this year I joined nearly 180 of my colleagues in writing a letter to Speaker PELOSI to urge the retention of important pro-life provisions that have historically been included in government spending bills. Despite our bipartisan plea, the Democrat leadership has chosen to remove these provisions and deny the people's representatives a vote in this House, shutting out the voices of the millions of pro-life American taxpayers they represent.

The District of Columbia now has the unlimited ability to use local taxpayer funds to provide abortions. This is a dark moment for the cause of life in America and I hope that this Congress will rededicate itself not only to protecting the taxpayer, but the unborn.

Mr. VAN HOLLEN. Mr. Chair, I rise in support of the Financial and Governmental Services Appropriation Act of 2010.

The bill appropriates a total of \$46.2 billion to fund the important operations and functions of the U.S. government. This support will help fund federal government salaries, including a 2% pay raise for all federal civilian employees, the U.S. postal service, and it will help to rebuild the regulatory, enforcement and oversight structure of the federal government.

This bill supports our efforts to protect consumers and investors by strengthening the oversight of Wall Street and large financial institutions. Enhancing the regulatory authorities and oversight functions of government agencies will be a major focus of these efforts. This legislation contributes to this process by increasing the flow of government resources to the agencies that will be on the frontlines. The bill appropriates \$1 billion for the Securities and Exchange Commission, \$149 million to fund the operations of the Treasury Department Inspectors General; \$292 million for Federal Trade Commission; \$113 million for the Consumer Product Safety Commission; and \$38 million for the FDIC Inspector General.

The bill also acknowledges the key role the nation's small businesses will play in the recovery by providing resources for the government programs that are helping small businesses weather current economic conditions. Small businesses drive economic growth and job creation in the U.S. Protecting the health of existing small businesses and fostering the growth of new ones is a congressional priority. In addition to providing \$847 million for the Small Business Administration, the bill further illustrates Congress' commitment to supporting healthy small businesses by reinstating agree-

ments with auto dealerships that were dropped as part of the recent General Motors or Chrysler bankruptcy proceedings.

This bill funds the important functions and operations of the federal government, while also supporting the financial reform, enforcement and oversight priorities of Congress. I encourage my colleagues to join me in support of the bill.

Ms. CORRINE BROWN of Florida. Mr. Chair, I rise today in support of H.R. 3170, Financial Services and General Government Appropriations for FY 2010. The gentleman from New York, Mr. SERRANO, has done a wonderful job of shepherding this complicated and bipartisan bill to the floor today.

I rise today to speak on one specific provision in this bill. The bill requires automakers that have taken government funding, such as General Motors (GM) and Chrysler, to reinstate agreements with dealerships they have dropped as part of their recent bankruptcy proceedings.

Automobile dealers are the backbone of all of our communities. They are an economic engine employing dozens and sometimes hundreds of hardworking, taxpaying members of the community.

Auto dealers are on the frontlines of the U.S. automotive industry. They take the chances with the new cars being developed in laboratories in Detroit and around the world. They are the face of our cities, the sponsor of many little league teams and the lead in many charitable events.

When the Auto Task Force and the bankruptcy judges took the ability of our auto dealers to earn a living, they took away a portion of our communities.

The bill gives these men and women the opportunity to reclaim their lives and their businesses, and plug a hole that has been torn in each and every one of our districts.

Support this bill, support our communities and support our automobile dealers.

Mr. KLINE of Minnesota. Mr. Chair, there is an amendment to this bill that should have been made in order, but was not.

The Financial Services and General Government Appropriations bill before us today includes a modest investment of \$12 million to provide an educational lifeline to a few lucky disadvantaged students living in our nation's capital.

We are all too painfully aware of the challenges facing the public school system in the District of Columbia, where less than half of elementary students are proficient in reading and math. Mayor Adrian Fenty and Chancellor Michelle Rhee are working hard to turn this around, and I applaud their efforts.

But change can't happen fast enough for the District's children. That's why Congress created a three-sector plan to improve education for all students. Students could choose to attend their traditional neighborhood public school, a charter school, or a private school—if they were lucky enough to win a scholarship lottery.

Sadly, this Democratic majority and the Obama Administration have backed away from this bipartisan, fair approach that lets District parents decide what school is best for their child. This majority has cut off the scholarship option for any student who is not already in the program.

Earlier this spring, the Department of Education actually rescinded more than 200 scholarships from new students who had been told they would be able to attend the private school their parents had chosen for them this fall.

Instead, these students will now be forced to attend a D.C. public school—one they did not choose, and one that may be failing academically or expose their child to physical danger. Adding insult to injury, some of these children are being separated from older siblings who were lucky enough to receive a scholarship in the past.

This matter is best illustrated by The Washington Post, which featured the plight of one mother, Latasha Bennett, in a July 10 editorial.

The Post reports that Ms. Bennett is "in an understandable panic over where her daughter will go to kindergarten next month. She had planned on the private school where her son (already a scholarship recipient) excels, but, without the voucher she was promised, she can't afford the tuition."

What the amendment that was rejected by this Democratic majority would have done is help Ms. Bennett and the thousands of District parents who are trying to give their children the opportunities they never had. It's that simple.

The parents who are fortunate enough to participate in the program are grateful for the opportunity these scholarships provide their children, and students are taking advantage of the benefits. After three years of study we know parents remain highly satisfied with their children's schools, and participating students are ahead of their counterparts in D.C. public schools in reading.

In fact, the lead independent researcher, Dr. Patrick J. Wolf, has called this program a success. In written testimony to the Senate Committee on Homeland Security and Government Reform, he stated the "D.C. OSP has met a tough standard of efficacy in serving low income inner city students." Further, in responding to a question from the Chair of the Committee, Mr. Wolf agreed the D.C. OSP is one of the most effective national programs he has studied.

This type of success should translate into an expansion of the program. Instead, this Administration's Statement of Administration Policy on this bill actually praises the Democratic majority for taking away families' choices, stating, "The Administration also appreciates the Committee's support for continuing the D.C. Opportunity Scholarship program for only those students currently enrolled in the program."

The reaction from D.C. residents is telling: More than 7,000 D.C. residents have signed a petition imploring Congress to keep the program alive.

Further, seven members of the D.C. Council also have petitioned Education Secretary Arne Duncan to reverse his decision. In their letter, the members say "we believe we simply cannot turn our backs on these families because doing so will deny their children the quality education they deserve."

The D.C. Opportunity Scholarship Program has helped thousands of low-income students in Washington go to the school of their choice—including the exclusive Sidwell

Friends School attended by the President's own children.

The President obviously chose the school he thought was best for his daughters. Why shouldn't every parent have that opportunity? I am ashamed this majority will not even allow Congress to debate whether or not to continue the program and the benefits it provides to families in the District of Columbia. What a travesty.

This Administration has spoken about "green shoots" when it discusses hopeful signs in our weakened economy.

The D.C. Opportunity Scholarship Program is a "green shoot" in the weakened school system of this nation's capital city—and we are letting it die.

Mr. JOHNSON of Georgia. Mr. Chair, I urge my colleagues to support this legislation, first, because it provides much-needed funding, and second because it will correct a grave injustice affecting people in all of our districts.

Auto manufacturers operating on taxpayer money are shutting down dealerships without any justification and without adequate compensation to the dealers.

These closures are difficult for all communities but their effects are especially pronounced in minority communities.

The closure of minority-owned dealerships cost 150,000 jobs in 2008 and will cost another quarter of a million jobs in 2009.

Members of this body have worked for decades to support small business and minority-owned business. We should do everything we can to help them now.

Mr. RYAN of Wisconsin. Mr. Chair, after careful consideration of H.R. 3170, it is with great regret that I announce my opposition to this bill as a result of its careless disregard for human life.

Historically, there has been a restriction on government-funded abortion in Washington, DC. Language known as the Dornan Amendment, which prohibited both federally and locally appropriated funds from being used to pay for abortions, has always been adopted in prior-year versions of H.R. 3170. However, in a break from this longstanding tradition, the majority chose instead to include language that does not prohibit local taxpayer funding for abortion services. In effect, Congress is breaking with history and allowing taxpayer funded abortions where they were previously prohibited.

I was extremely disappointed that H.R. 3170 included this language, especially since it also contains provisions that I strongly support. For example, I applaud bipartisan efforts to include language protecting the state franchise rights of GM and Chrysler auto dealers. Over 3,000 of these small business owners will ultimately be left behind as a result of the restructuring plans supported by the Obama Administration and recently approved in hasty federal bankruptcy court proceedings. Given that the rights of these auto dealers were not fairly represented in GM and Chrysler's bankruptcy proceedings, I support providing some kind of legislative remedy to these stakeholders.

Unfortunately, the Majority blocked consideration of an amendment that would have eliminated the language allowing taxpayer funding of abortion services in H.R. 3170 and allowing Members to vote for the bill on its merits. This

cynical political move forced those of us opposed to taxpayer-funded abortions to vote against this bill, also implying opposition to helping our auto dealers. Let me be clear that my vote against this bill in no way implies my opposition to protecting the rights of the auto dealers left behind in GM and Chrysler's bankruptcy proceedings.

In short, I really hoped to take this opportunity to support our nation's auto dealers. Because H.R. 3170 effectively legalized taxpayer-funded abortion services, I could not support it.

Mr. MANZULLO. Mr. Chair, as with many bills debated in Congress, the Financial Services and General Government Appropriations Act, 2010 (H.R. 3170) contained some good and some bad provisions. This spending bill funds many important functions of the federal government, including the Department of the Treasury (one of the first four original Cabinet agencies created by the new U.S. government in 1789) and various smaller agencies that are involved in the financial services industry such as the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), the Securities and Exchange Commission (SEC), and the Small Business Administration (SBA). In addition, H.R. 3170 funds the Executive Office of the President, the Judiciary (the Third Branch of federal government), and the District of Columbia.

As an original co-sponsor of the Automobile Dealer Economic Rights Restoration Act of 2009 (H.R. 2743), I was extremely pleased that House Committee Appropriations Committee Chairman, DAVID OBEY, and the House Democratic leadership agreed, in a bipartisan fashion, to adopt and protect an amendment offered by my good friend and colleague, Representative STEVE LATOURETTE of Ohio. The LaTourette amendment essentially inserted the language contained in H.R. 2743 into H.R. 3170. The LaTourette amendment would restore the status quo ante for automobile dealerships that were callously terminated by General Motors and Chrysler during their bankruptcy proceedings in blatant disregard to the dealership's contractual rights, state franchise laws, and just plain human decency. Normally, the Rules of the House prohibit the inclusion of language that changes statutory law on spending bills. But because the situation faces automobile dealers is such an exigent circumstance, I agreed with the House leadership that the LaTourette provision should be an exception to the regular rules governing the debate on appropriations bills. I strongly support the retention of the LaTourette amendment throughout the rest of the legislative process.

However, when confronted with many other provisions in H.R. 3170, I could not vote in support of the overall bill. Unfortunately, the House Democratic leadership prevented the consideration of other amendments that could have corrected the major flaws in other parts of this legislation. H.R. 3170 continues the pattern in almost every other appropriations bill in spending well over the rate of inflation. The rest of the nation is expected to reign in their pocketbooks during times of economic uncertainty; yet the federal government keeps on spending. Specifically, H.R. 3170 proposes to spend \$1.5 billion in Fiscal Year (FY) 2010 or 6.4 percent over the FY 2009 funding level.

One of those new spending priorities in H.R. 3170 is to restore a federal loan subsidy in the SBA's 7(a) guaranteed business lending program, costing \$80 million a year. When I was Chairman of the House Small Business Committee, I was proud of my work to finally restore stability and predictability to the 7(a) program by removing it from the uncertainties of the annual appropriations process. In the past, the 7(a) program temporarily closed and then re-opened with severe restrictions on several occasions because Congress did not pass the annual spending bill covering the SBA account by the start of the new fiscal year (October 1st). The funding from the previous fiscal year simply ran out. After the annual federal subsidy was removed in 2004, more small businesses were helped by the 7(a) program, growing from a \$9.5 billion loan program serving 72,000 small businesses a year in 2004 to a \$13.5 billion program serving nearly 93,000 small businesses a year by the time I left the chairmanship in 2007. This was accomplished by a slight adjustment in the fees charged to the users of the 7(a) program. This fee adjustment resulted in an average additional \$10 a month increase in the loan repayment. In addition, the SBA received \$375 million in the so-called "economic stimulus" package last February for a federal small business loan subsidy in order to lower fees and increase the government guarantee rate. These funds have yet to be fully expended and are expected to last well into FY 2010. There was no need to pile another \$80 million on top of the money the SBA already has received for this purpose.

In addition, H.R. 3170 reverses a decade-old policy that restricts all public funds to pay for abortions in the District of Columbia. I am amazed that in spite of all the rhetoric to encourage people who are pro-choice and pro-life to work together in a spirit of cooperation to lower the number of abortions in this nation, the Democratic-controlled House reinstates a public subsidy that will only encourage more abortions to be performed in the nation's capital. H.R. 3170 also removes ban on legalizing medical marijuana in the District of Columbia. It also gradually eliminates the D.C. school voucher experiment by prohibiting new enrollees from participating in a school choice option in one of the worst public school systems in the nation.

Thus, I regretfully decided to vote against H.R. 3170, notwithstanding my strong support for the LaTourette provision to restore the rights of terminated automobile dealers, because of the overspending in the bill and the new publicly-financed incentive to encourage more abortions in the nation's capital.

Mr. ORTIZ. Mr. Chair, I rise in support of H.R. 3170, the FY 10 Financial Services and General Government Appropriations Act. This bill provides much-needed funding for key financial institutions and many other important priorities, and includes appropriations that will directly benefit my district's economic development.

I would like to thank my colleagues for their leadership on this bill, and particularly Representative JOSÉ SERRANO for his guidance and support for the University of Texas at Brownsville's International Trade Center.

Brownsville's strategic proximity to Mexico and its multiple seaports has endowed it with

unique potential for international trade and development that will have far-reaching benefits for my district and beyond. For this reason, I have consistently advocated for funding, which has been included in this appropriations act, to operate the International Trade Center at the UTB International Technology Education and Commerce Campus (ITECC) which houses all of the services required to conduct international trade including: international law, accounting, banking, insurance, logistics services, export-import marketing services, U.S. customs, government trade services and industry showrooms for specific target sectors such as medical, communications, and computer technology.

I am very supportive of this initiative as well as provisions included in the bill to strengthen America's financial institutions through more robust regulatory enforcement and fraud detection capabilities, investment in economic development programs for underserved communities and small businesses, and many other important programs.

Among the most important provisions of the bill is funding that supports \$28 billion in new lending to help small businesses in South Texas and throughout the nation that have been unable to obtain credit and much-needed business loans due to the economic downturn. Small businesses are the backbone of our economy, and we owe it to them to make this lending available.

I want to make clear that my vote for this bill reflects solely my support for the aforementioned priorities. I have consistently voted against using federal funds to support abortion services and am pleased that this bill upholds those limitations so that my constituents' tax dollars are not used in a way inconsistent with their moral beliefs.

My vote in favor of H.R. 3170 reflects my commitment to fund this nation's economic priorities and help our South Texas communities and small businesses in the midst of a deep recession.

Mr. JORDAN of Ohio. Mr. Chair, I rise in opposition to yet another Appropriations bill that we are forced to debate under a structured rule. Had important amendments been permitted to come to the Floor, Members would have had an opportunity to change the destructive policies this bill contains. Most importantly, for the first time in over a decade, this Congress will lift the ban on funding abortions in the District of Columbia. We will now have tax dollars from across this nation flowing into our nation's capital for ending the life of unborn children. Simply put, a vote for this bill is a vote for the destruction of innocent life.

I am also concerned that this bill is silent on the issue of marriage. After unprecedented action by the DC City Council to redefine marriage, this Congress has neglected its responsibility to protect traditional marriage.

Finally Mr. Chair, this bill continues the runaway federal spending that more than anything else has characterized this Appropriations process, and frankly, this entire Congress. At a time when Americans are facing extraordinary challenges, the federal government is running up record deficits and accumulating debt that our kids and grandkids may never be able to repay. Substantive amendments that would have given Members a real

choice in spending priorities and funding levels have been prohibited. The American people deserve better. It is time for this Congress to start putting our fiscal house back in order and to protect the timeless values that millions of Americans hold dear; namely, life and family. This bill falls far short and I encourage a "no" vote.

Mr. MORAN of Kansas. Mr. Chair, I rise in opposition to H.R. 3170, the Financial Services and General Government Appropriations Act for 2010. This bill passed the House of Representatives on July 16, 2009, over my objection, by a vote of 219–208.

I opposed H.R. 3170 because the bill adopts the Obama Administration's proposal to allow publically funded abortion in the District of Columbia. The "Dornan Amendment," which has been included annually in this appropriations bill since 1996, prevents the use of any congressionally appropriated funds for elective abortions in the District. H.R. 3170 repeals this prohibition and replaces it with a meaningless watered-down restriction that applies only to funds specifically contributed for "federal" program purposes. Because "federal" and "local" funds are commingled in the District, separating them is a mere book-keeping exercise. By simply designating the funds that pay for abortions as "local" funds, D.C. will be able to fund abortion on demand.

Stripping the Dornan Amendment from financial services appropriations bill is unacceptable. Our nation's capital already has one of the highest abortion rates in the country. Removing the Dornan Amendment from the bill will certainly increase those numbers, especially among teenagers.

President Obama has repeatedly vowed that his goal is to reduce the number of abortions in our country. I question how providing taxpayer funding for abortions will somehow reduce the number of abortions. More than 40% of all pregnancies in the District already end in abortion. Even the Guttmacher Institute, an organization founded by a division of Planned Parenthood, reports that when public funding is not available, 30% fewer women in the covered population have abortions. This means that 30% of babies whose mothers receive government subsidized health care survive because of abortion funding restrictions. No administration or lawmaker can support this policy change and still claim to support reducing abortions.

Washington, D.C. has a troubled history when it comes to abortion funding. In the 1980s, when D.C. funded abortion, the District had one of the most permissive policies in the nation. A full D.C. abortion funding ban was enacted in 1989. In 1994, when the funding ban was lifted, D.C. took \$1 million away from the Medical Charities fund, which was created to help AIDS patients, to instead pay for abortion. Then, the District needed additional funds to make up for the funds lost to abortion. After that, when the abortion funding ban was reinstated in 1996, the city continued to fund abortions in violation of the law for two more years.

Including the Dornan Amendment in the Financial Services appropriations bill is a logical means to help reduce abortions, a common cause of both the Republican and Democratic parties, and protect our most vulnerable citizens. Directing taxpayer dollars to fund abor-

tions is a clear violation of many Americans' deeply held beliefs and is simply bad public policy. For this reason, I stand in opposition to H.R. 3170.

Mr. HOLT. Mr. Chair, today I rise today in support of the Financial Services and General Government Appropriations Act for Fiscal Year 2010, and to commend Chairman SERRANO and the subcommittee for their hard work in crafting this bill. I urge my colleagues to support it.

This bill will fund many of the agencies we rely upon to protect consumers, taxpayers and investors, which has become so increasingly important over the past year. The housing, financial services and economic crises have created a tidal wave of repercussions, all of which have substantially increased the burdens and demands on these agencies. Therefore, I am pleased to support the increased funding in this bill for these purposes.

For example, the bill includes more than \$1 billion for the Securities and Exchange Commission (SEC), an increase of \$76 million from Fiscal Year 2009. This funding will enable the SEC to hire an additional 140 investigators, attorneys, and analysts, and thus substantially increase its enforcement capacity. We need to do more to improve the effectiveness of the SEC than simply adding staff, but this is a very important first step.

In addition, the bill includes \$292 million in funding for the Federal Trade Commission (FTC), more than \$30 million more than was provided, in Fiscal Year 2009. The FTC is responsible for investigating and prosecuting unfair and deceptive trade practices, including foreclosure rescue scams, and predatory payday-lending, credit-repair and debt-collection services, all of which have been rampant during the current crisis.

Also included is \$113 million for the Consumer Product Safety Commission (CPSC), a modest increase from Fiscal Year 2009 which will help the CPSC continue to protect the American people from dangerous and unsafe products. Although the CPSC continues to work through implementation issues related to the Consumer Product Safety Improvement Act, I support the Act, and the CPSC's continuing efforts to implement it in a fair and equitable manner, and the funding included in this bill will enable it to do that.

The bill also includes increased funding for the Inspectors General of the Department of the Treasury (\$30 million), the Federal Deposit Insurance Corporation (\$38 million) and the SEC (\$4.4 million), to enhance their respective abilities to ensure that the agencies are functioning effectively and without wasting taxpayer dollars. In addition, it requires the Department of the Treasury to report to Congress on the progress of the entities overseeing the Troubled Assets Relief Program (TARP) in implementing their recommendations for TARP reform, and protecting taxpayer investments.

To help stimulate the economy, the bill includes almost \$850 million, an increase of more than \$230 million, in funding to the Small Business Administration (SBA). These funds will enable the SBA to provide \$28 billion in new loans to small businesses despite the continuing credit crunch, as well as \$25 million in new micro-lending. In addition, it provides \$110 million for Small Business Development

Centers and \$8 million for technical assistance to low-income small business owners.

It also includes \$244 million, an increase of \$137 million from Fiscal Year 2009, for Community Development Financial Institutions, which help provide credit to low-income communities. The funding includes \$80 million to launch a competitive grant program for the purpose of renovating and developing low-income housing.

And I am particularly pleased to say that, despite attempts in committee and on the floor to cut this funding in half, the bill includes \$100 million in Help America Vote Act (HAVA) funding to enable states to improve the administration of elections and protect the integrity of the vote count. Voting is the foundation of our democracy—it is the right through which we preserve all others. Everything of value must be auditable, and that is especially true of our votes. That is why it is so important that states using paperless systems have all the funding they need to convert to paper ballot voting systems before the next general election, and that all states have the funding they need to conduct audits of electronic vote tallies.

Although it has been argued that the states have not claimed all of their appropriated HAVA funding, and that they therefore must not need it, this argument disregards an important fact. In order to claim their HAVA funding, States must first appropriate 5 percent matching funds from their own coffers. This was extremely challenging in 2008, given the crushing fiscal burdens on States simply to meet their basic fiscal needs. And Fiscal Year 2009 bill that appropriated additional HAVA funding was not enacted into law until March 2009; therefore, it is too early to determine how many states will be able to begin appropriating the required matching funds as the economic recovery progresses. Therefore, it is not that the states do not need this money; it is that they cannot afford it. This is why my Voter Confidence and Increased Accessibility Act of 2009, which would require paper ballot voting systems and routine random audits as a national standard, removes the matching funds requirement.

In 2010, seven entire states and counties in a dozen others will not be able to independently verify the electronic tallies in their elections unless they use their HAVA funding to deploy accessible paper ballot voting systems now. Every jurisdiction in the country that has made a voting system change since 2006 has done this. It is time to make it a national standard. I thank the Subcommittee Chairman SERRANO for his staunch support for and defense of this funding, and for engaging in a colloquy on the floor with me about it earlier today.

This bill funds many agencies that play a critical role in protecting consumers, investors and taxpayers, and in stimulating the economy, and I urge my colleagues to support it.

Mrs. BACHMANN. Mr. Chair, the House voted on legislation, H.R. 3170, the Financial Services and General Government Appropriations Act of 2010, which included an important provision to reinstate the economic rights of auto dealers whose franchise agreements were recently terminated by GM and Chrysler. Along with 242 of my colleagues, I am a co-

sponsor of two pieces of legislation that are similar to that provision: H.R. 2743 and H.R. 2796, both known as the Automobile Dealer Economic Rights Restoration Act of 2009.

Unfortunately, I was unable to support the overall appropriations bill, H.R. 3170, due to concerns entirely unrelated to the auto dealer provision. For instance, I am concerned that the bill allows for publicly funded abortions in Washington, DC. For years, there has been a prohibition on taxpayer-funded abortions in the District of Columbia—a ban which restricted the use of both federal and local tax dollars for abortions. However, this bill makes taxpayer funded abortion quite possible.

The legislation also eliminates the DC Opportunity Scholarship Program, a school voucher program which has successfully improved the DC public school system since its inception. Under the bill, no new students will receive funding for this program, which aids low-income children by giving them scholarships of up to \$7,500 to attend nonpublic schools in Washington, DC. The bill also removes the current ban on legalizing medical marijuana in DC.

I strongly believe that the franchise rights of hundreds of dealers across the nation were wrongfully violated throughout the course of the automakers' restructuring, and I believe that the heavy hand of government which clearly influenced the proceedings had a lot to do with that. I continue to call upon Congressional leadership to bring H.R. 2743 or H.R. 2796 to the floor for an up-or-down vote on their own merits. It should not be tucked into unrelated legislation, from which it can be plucked in conference committee. This is a serious issue and it requires our full attention.

Mr. KUCINICH. Mr. Chair, I rise in support of H.R. 3170, the Financial Services and General Government Appropriations Act for Fiscal Year 2010.

I am especially supportive of Congressman STEVEN LATOURETTE's amendment to restrict funding to GM and Chrysler if the auto companies follow through with their plans to close dealerships, and I thank Chairman DAVID OBEY of the Appropriations Committee as well as Majority Leader HOYER for their efforts to protect the LaTourette amendment.

The crisis in the automobile industry has devastated Ohio and my district. Statewide, it is estimated that the bankruptcies of GM and Chrysler, with the accompanying dealership closings, will cost up to 8,000 jobs and approximately \$300 million in state income tax revenue. Moreover, the state could lose an additional \$250 million in sales tax revenue.

I cannot stand by arbitrary and capricious decisionmaking that will destroy the communities in my district. Hundreds of employees of other industries inextricably linked to auto dealerships will also lose their jobs, and the cascade of destruction through the local economy will continue.

We must not let this happen.

Mr. SERRANO. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Mr. SERRANO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

OBEY) having assumed the chair, Mr. HASTINGS of Florida, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Ms. DELAURO. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 651

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON EDUCATION AND LABOR.—
Ms. Chu.

Ms. DELAURO (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 644 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3170.

□ 1431

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes, with Mr. HASTINGS of Florida in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule and the bill shall be considered read through page 145, line 11.

The text of that portion of the bill is as follows:

H.R. 3170

Be it enacted by the Senate and House of Representatives of the United States of America in

Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, \$303,388,000, of which not to exceed \$21,983,000 is for executive direction program activities; not to exceed \$46,249,000 is for economic policies and programs activities; not to exceed \$48,080,000 is for financial policies and programs activities; not to exceed \$64,611,000 is for terrorism and financial intelligence activities; not to exceed \$22,679,000 is for Treasury-wide management policies and programs activities; and not to exceed \$99,786,000 is for administration programs activities: *Provided*, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any program activity shall be increased or decreased by more than 4 percent by all such transfers: *Provided further*, That any change in funding greater than 4 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That of the amount appropriated under this heading, not to exceed \$3,000,000, to remain available until September 30, 2011, is for information technology modernization requirements; not to exceed \$200,000 is for official reception and representation expenses; and not to exceed \$258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, \$6,787,000, to remain available until September 30, 2011, is for the Treasury-wide Financial Statement Audit and Internal Control Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act: *Provided further*, That of the amount appropriated under this heading, \$500,000, to remain available until September 30, 2011, is for secure space requirements: *Provided further*, That of the amount appropriated under this heading, \$3,400,000, to remain available until September 30, 2012, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements: *Provided further*, That of the amount appropriated under this heading \$3,000,000, to remain available until September 30, 2012, is for modernizing the Office of Debt Management's information technology.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, \$9,544,000, to remain available until September 30, 2012: *Provided*, That \$4,544,000 is for repairs to the Treasury Annex Building: *Provided further*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to support or supplement "Internal Revenue Service, Operations Support" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, not to exceed \$2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed \$100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, \$29,700,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; \$149,000,000, of which not to exceed \$6,000,000 shall be available for official travel expenses; of which not to exceed \$500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed \$1,500 shall be available for official reception and representation expenses.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses, including for course development, of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed \$14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, \$102,760,000, of which not to exceed \$26,085,000 shall remain available until September 30, 2012; and of which \$9,316,000 shall remain available until September 30, 2011: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

TREASURY FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, \$50,000,000 is perma-

nently rescinded and returned to the general fund.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, \$244,132,000, of which not to exceed \$9,220,000 shall remain available until September 30, 2012, for information systems modernization initiatives; and of which not to exceed \$2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, \$99,500,000; of which not to exceed \$6,000 for official reception and representation expenses; not to exceed \$50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2010 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed \$26,700,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, \$192,244,000, of which not to exceed \$2,500 shall be available for official reception and representation expenses, and of which not to exceed \$2,000,000 shall remain available until September 30, 2012, for systems modernization: *Provided*, That the sum appropriated herein from the general fund for fiscal year 2010 shall be reduced by not more than \$10,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at \$182,244,000. In addition, \$90,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101-380.

COMMUNITY DEVELOPMENT FINANCIAL

INSTITUTIONS FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103-325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES-3, \$243,600,000, to remain available until September 30, 2011, notwithstanding subsections (d) and (e) of section 108 of such Act (12 U.S.C. 4707); of which \$10,000,000 shall be for financial assistance, technical assistance, training, and outreach programs under sections 105 through 109 of such Act (12 U.S.C. 4704-4708), designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and

provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations, and other suitable providers; of which \$1,000,000 shall be available for the pilot project grant program under section 1132(d) of division A of the Housing and Economic Recovery Act of 2008 (Public Law 110-289); of which \$80,000,000 shall be transferred to the Capital Magnet Fund, as authorized by section 1339 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 1301 et seq.), as amended by section 1131 of the Housing and Economic Recovery Act of 2008 ("HERA"; Public Law 110-289), to support financing for affordable housing and economic development projects; of which up to \$18,000,000 may be used for administrative expenses, including administration of the New Markets Tax Credit Program; of which up to \$7,500,000 may be used for the cost of direct loans; and of which up to \$250,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$16,000,000: *Provided further*, That section 1339(h)(3) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, as added by section 1131 of HERA, shall be applied by substituting the term "at least 10 times the grant amount or such other amount that the Secretary may require" for "at least 10 times the grant amount".

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$2,273,830,000, of which not less than \$5,100,000 shall be for the Tax Counseling for the Elderly Program, of which not less than \$10,000,000 shall be available for low-income taxpayer clinic grants, of which not less than \$9,000,000, to remain available until September 30, 2011, shall be available for Community Volunteer Income Tax Assistance matching grants for tax return preparation assistance, and of which not less than \$205,800,000 shall be available for operating expenses of the Taxpayer Advocate Service.

ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, \$4,904,000,000, of which not less than \$59,206,000 shall be for the Interagency Crime and Drug Enforcement program; and of which not to exceed \$126,500 shall be for official reception and representation expenses associated with hosting the Leeds Castle Meeting in the United States

during 2010: *Provided*, That up to \$10,000,000 may be transferred as necessary from this account to "Operations Support" solely for the purposes of the Interagency Crime and Drug Enforcement program: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act. In addition to amounts made available above, \$600,000,000 shall be made available for enhanced tax enforcement activities.

OPERATIONS SUPPORT

For necessary expenses of the Internal Revenue Service to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; \$4,082,984,000, of which up to \$75,000,000 shall remain available until September 30, 2011, for information technology support; of which not to exceed \$1,000,000 shall remain available until September 30, 2012, for research; of which not less than \$2,000,000 shall be for the Internal Revenue Service Oversight Board; of which not to exceed \$25,000 shall be for official reception and representation; and of which \$290,000,000 shall be made available to support enhanced tax enforcement activities: *Provided*, That of the amounts provided under this heading, such sums as are necessary shall be available to fully support tax enforcement and enhanced tax enforcement activities.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service's business systems modernization program, \$253,674,000, to remain available until September 30, 2012, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related Internal Revenue Service labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That, with the exception of labor costs, none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107-210), \$15,512,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Enforcement" may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased staffing to provide sufficient and effective 1-800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1-800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 105. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 106. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 107. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 108. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 109. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of

Engraving and Printing may be used to redesign the \$1 Federal Reserve note.

SEC. 110. The Secretary of the Treasury may transfer funds from Financial Management Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 111. Section 122(g)(1) of Public Law 105-119 (5 U.S.C. 3104 note), is further amended by striking "11 years" and inserting "12 years."

SEC. 112. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Financial Services, and the Senate Committee on Banking, Housing and Urban Affairs.

SEC. 113. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

SEC. 114. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2010 until the enactment of the Intelligence Authorization Act for Fiscal Year 2010.

SEC. 115. Not to exceed \$5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 116. The Secretary is authorized to establish additional Treasury accounts for the Alcohol & Tobacco Tax and Trade Bureau, Department of the Treasury; U.S. Customs and Border Protection, Department of Homeland Security; and the Bureau of Alcohol, Tobacco Firearms and Explosives, Department of Justice, for purposes of administering refunds under 31 U.S.C. 1324.

This title may be cited as the "Department of the Treasury Appropriations Act, 2010".

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of \$50,000 per annum as authorized by 3 U.S.C. 102, \$450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to 31 U.S.C. 1552.

THE WHITE HOUSE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed \$3,850,000 for services as authorized by

5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed \$100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed \$19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, \$59,319,000, of which not less than \$1,400,000 shall be for the Office of National AIDS Policy.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurbishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, \$13,838,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112-114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit \$25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reim-

bursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, \$2,500,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,200,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, \$12,231,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, \$115,280,000, of which \$16,768,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, \$92,687,000, of which not to exceed \$3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by the Office of Management and Budget, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That the Office of Management and Budget shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported:

Provided further, That the Director of the Office of Management and Budget shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the Office of Management and Budget review period based on the notification from the Director, Congress shall assume Office of Management and Budget concurrence with the report and act accordingly.

OFFICE OF NATIONAL DRUG CONTROL POLICY
SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109-469); not to exceed \$10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, \$27,575,000; of which \$1,300,000 shall remain available until expended for policy research and evaluation: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS
HIGH INTENSITY DRUG TRAFFICKING AREAS
PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, \$248,000,000, to remain available until September 30, 2011, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas ("HIDTAs"), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy ("the Director"), of which up to \$2,700,000 may be used for auditing services and associated activities (including up to \$250,000 to ensure the continued operation and maintenance of the Performance Management System): *Provided further*, That each High Intensity Drug Trafficking Area designated as of September 30, 2009, shall be funded at not less than the fiscal year 2009 base level, unless the Director submits to the Committees on Appropriations of the House of Representatives and the Senate justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2010 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act.

OTHER FEDERAL DRUG CONTROL PROGRAMS
(INCLUDING TRANSFER OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control

Policy Reauthorization Act of 2006 (Public Law 109-469), \$132,400,000, to remain available until expended, which shall be available as follows: \$20,000,000 for outreach and media activities related to drug abuse prevention; \$98,000,000 for the Drug-Free Communities Program, of which \$2,000,000 shall be made available as directed by section 4 of Public Law 107-82, as amended by Public Law 109-469 (21 U.S.C. 1521 note); \$1,000,000 for the National Drug Court Institute; \$10,000,000 for the United States Anti-Doping Agency for anti-doping activities; \$1,900,000 for the United States membership dues to the World Anti-Doping Agency; \$1,250,000 for the National Alliance for Model State Drug Laws; and \$250,000 for evaluations and research related to National Drug Control Program performance measures, which may be transferred to other Federal departments and agencies to carry out such activities: *Provided*, That any grantee under the Drug-Free Communities Program seeking a renewal grant (year 2 through 5, or year 7 through 10) that is not awarded renewal funding shall be afforded a fair, timely, and independent appeal of the non-renewal decision prior to the beginning of the funding year.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, \$1,000,000, to remain available until September 30, 2011.

PARTNERSHIP FUND FOR PROGRAM INTEGRITY
INNOVATION

(INCLUDING TRANSFER OF FUNDS)

To execute the Partnership Fund for Program Integrity Innovation, \$40,000,000, to remain available until September 30, 2012, which may be used for grants, contracts, cooperative agreements, and administrative costs for carrying out Partnership Fund for Program Integrity Innovation pilot projects: *Provided*, That funds made available under this heading may be transferred by the Director of the Office of Management and Budget to appropriate agencies to carry out pilot projects and to conduct or provide for evaluation of such projects: *Provided further*, That no funds may be obligated for any pilot project unless the Director of the Office of Management and Budget has determined that the project (1) addresses programs that have a substantial state role in eligibility determination or administration or where Federal-state cooperation could otherwise be beneficial, (2) in aggregate, is expected to save at least as much money as it costs, (3) demonstrates the potential to streamline administration and/or strengthen program integrity, and (4) does not achieve savings primarily by reducing the participation of eligible beneficiaries: *Provided further*, That the Director shall notify the Committees on Appropriations of the House of Representatives and the Senate of each determination required by the preceding proviso at least 15 days in advance of obligating funds for the pilot project involved, and shall include in the notification a statement of the purposes and objectives of the pilot project and a plan for evaluating its results: *Provided further*, That the Director shall submit a progress report on activities funded under this heading to the Committee on Appropriations not later than September 30, 2010, and annually thereafter for the next four years.

SPECIAL ASSISTANCE TO THE PRESIDENT
SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the Presi-

dent in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, \$4,604,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT
OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurbishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed \$90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, \$330,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. From funds made available in this Act under the headings "The White House", "Executive Residence at the White House", "White House Repair and Restoration", "Council of Economic Advisers", "National Security Council", "Office of Administration", "Special Assistance to the President", and "Official Residence of the Vice President", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the Committees on Appropriations of the House of Representatives and the Senate, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from "Special Assistance to the President" or "Official Residence of the Vice President" without the approval of the Vice President.

SEC. 202. The Director of the Office of National Drug Control Policy shall submit to the Committees on Appropriations of the House of Representatives and the Senate not later than 60 days after the date of enactment of this Act, and prior to the initial obligation of more than 20 percent of the funds appropriated in any account under the headings "Office of National Drug Control Policy" and "Federal Drug Control Programs", a detailed narrative and financial plan on the proposed uses of all funds under the account by program, project, and activity: *Provided*, That the reports required by this section shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed.

SEC. 203. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 204. Not to exceed \$1,000,000 of any appropriations in this Act made available to

the Office of National Drug Control Policy may be reprogrammed within a program, project, or activity upon the advance approval of the Committees on Appropriations.

This title may be cited as the "Executive Office of the President Appropriations Act, 2010".

TITLE III THE JUDICIARY

SUPREME COURT OF THE UNITED STATES SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed \$10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, \$74,034,000, of which \$2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111, \$14,525,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, \$33,577,000.

UNITED STATES COURT OF INTERNATIONAL TRADE SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, \$21,350,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, \$5,080,709,000 (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99-660), not to exceed \$5,428,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A, and also under 18 U.S.C. 3599, in cases in which a defendant is charged with a crime

that may be punishable by death; the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services under 18 U.S.C. 3006A(e), and also under 18 U.S.C. 3599(f) and (g)(2), in cases in which a defendant is charged with a crime that may be punishable by death; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; and for necessary training and general administrative expenses, \$982,699,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), \$62,275,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States court-houses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States court-houses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), \$457,353,000, of which not to exceed \$15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, \$83,075,000, of

which not to exceed \$8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, \$27,328,000; of which \$1,800,000 shall remain available through September 30, 2011, to provide education and training to Federal court personnel; and of which not to exceed \$1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), \$71,874,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), \$6,500,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), \$4,000,000.

UNITED STATES SENTENCING COMMISSION SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, \$16,837,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY (INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services—Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services—Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for "Courts of Appeals, District Courts, and Other Judicial Services" shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology Fund, which will establish the baseline referred to in the second proviso of section 608.

SEC. 305. Section 3314(a) of title 40, United States Code, shall be applied by substituting "Federal" for "executive" each place it appears.

SEC. 306. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 307. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking “18 years” and inserting “19 years”; and

(2) in the sixth sentence (relating to the Northern District of Ohio), by striking “18 years” and inserting “19 years”.

This title may be cited as the “Judiciary Appropriations Act, 2010”.

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$35,100,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and the Senate for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$15,000,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia Government, for

the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, including support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, \$268,920,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$12,022,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$108,524,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, \$65,114,000, of which not to exceed \$1,500 is for official reception and representation expenses; and \$83,260,000, to remain available until September 30, 2011, for capital improvements for District of Columbia courthouse facilities, including structural improvements to the District of Columbia cell block at the Moultrie Courthouse: *Provided*, That funds made available for capital improvements shall be expended consistent with the General Services Administration (GSA) master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the GSA, and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than \$1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided

under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$55,000,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading “Federal Payment to the District of Columbia Courts” (other than the \$83,260,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading “Federal Payment to the District of Columbia Courts” (other than the \$83,260,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$212,408,000, of which not to exceed \$2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which \$153,856,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which \$58,552,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That not less than \$2,000,000 shall be available for re-entrant housing in the District of Columbia: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational

training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$37,316,000: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

FEDERAL PAYMENT FOR WATER AND SEWER SERVICES

For a Federal payment for water and sewer services, \$20,400,000, which shall be used as follows: \$20,000,000 for a payment to the District of Columbia Water and Sewer Authority (WASA), to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan and subject to a 100 percent match from WASA; \$400,000 for the District of Columbia Department of the Environment, to conduct a study of lead levels in the District's drinking water.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, \$2,000,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment to the Commission on Judicial Disabilities and Tenure, \$295,000, and for the Judicial Nomination Commission, \$205,000, to remain available until September 30, 2011.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, \$1,700,000: *Provided*, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia (CFO), not later than 60 days after enactment of this Act, a detailed budget and comprehensive description of the activities to be carried out with such funds, and the CFO shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate not later than June 1, 2010.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, \$74,400,000, to be allocated as follows: for the District of Columbia Public Schools, \$42,200,000 to improve public school education in the District of Columbia; for the State Education Office, \$20,000,000 to expand quality public charter schools in the District

of Columbia, to remain available until expended; for the Secretary of Education, \$12,200,000 to provide opportunity scholarships for students in the District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004 (Public Law 108-199; 118 Stat. 126), of which up to \$1,000,000 may be used to administer and fund assessments: *Provided*, That notwithstanding the second proviso under this heading in Public Law 111-8, funds provided herein may be used to provide opportunity scholarships to students who received scholarships in the 2009-2010 school year: *Provided further*, That funds available under this heading for opportunity scholarships, including from prior-year appropriations acts, may be made available for scholarships to students who received scholarships in the 2009-2010 school year: *Provided further*, That none of the funds provided in this Act or any other Act for opportunity scholarships may be used by an eligible student to enroll in a participating school under the DC School Choice Incentive Act of 2003 unless (1) the participating school has and maintains a valid certificate of occupancy issued by the District of Columbia; and (2) the core subject matter teachers of the eligible student hold 4-year bachelor's degrees.

FEDERAL PAYMENT FOR CONSOLIDATED LABORATORY FACILITY

For a Federal payment to the District of Columbia, \$15,000,000, to remain available until September 30, 2011, for costs associated with the construction of a consolidated bioterrorism and forensics laboratory: *Provided*, That the District of Columbia provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia, \$2,375,000, of which \$2,000,000 is to remain available until September 30, 2011, to support costs associated with the District of Columbia National Guard; and of which \$375,000 is to remain available until expended for the District of Columbia National Guard retention and college access programs, which shall hereafter be known as the "Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program".

FEDERAL PAYMENT FOR HOUSING FOR THE HOMELESS

For a Federal payment to the District of Columbia, \$19,200,000, to remain available until September 30, 2011, to support permanent supportive housing programs in the District.

FEDERAL PAYMENT FOR YOUTH SERVICES

For a Federal payment to the District of Columbia, \$5,000,000, to remain available until September 30, 2011, to support the "Reconnecting Disconnected Youth" initiative.

FEDERAL PAYMENT FOR PUBLIC HEALTH SERVICES

For a Federal payment to the District of Columbia, \$4,000,000, to remain available until September 30, 2011, for HIV/AIDS prevention programs in the District.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia ("General Fund"), except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, (114 Stat. 2440; D.C. Official Code, sec-

tion 1-204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2010 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$8,858,278,000 (of which \$5,721,742,000 shall be from local funds, (including \$313,789,000 from dedicated taxes) \$2,575,447,000 shall be from Federal grant funds, \$556,429,000 shall be from other funds, and \$4,660,000 shall be from private funds); in addition, \$125,274,000 from funds previously appropriated in this Act as Federal payments, which does not include funds appropriated under the American Recovery and Reinvestment Act of 2009 (123 Stat. 115; 26 U.S.C. Section 1, note): *Provided further*, That of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance: *Provided further*, That of these funds the District's intradistrict authority shall be \$712,697,000: in addition for capital construction projects, an increase of \$2,963,810,000, of which \$2,373,879,000 shall be from local funds, \$54,893,000 from the District of Columbia Highway Trust fund, \$212,854,000 from the Local Street Maintenance fund, \$322,184,000 from Federal grant funds, and a rescission of \$1,833,594,000 from local funds and a rescission of \$91,327,000 from Local Street Maintenance funds appropriated under this heading in prior fiscal years for a net amount of \$1,038,889,000, to remain available until expended: *Provided further*, That the amounts provided under this heading are to be available, allocated and expended as proposed under "Title III—District of Columbia Funds Division of Expenses" of the Fiscal Year 2010 Proposed Budget and Financial Plan transmitted to the Mayor by the District of Columbia Council on June 5, 2009: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act (87 Stat. 777; D.C. Official Code §1-201.01 et seq.): *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2010, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the "District of Columbia Appropriations Act, 2010".

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., \$1,500,000, of which, not to exceed \$1,000 is for official reception and representation expenses.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission (CPSC), including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem

rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed \$2,000 for official reception and representation expenses, \$113,325,000, of which \$2,000,000 shall remain available for obligation until September 30, 2011 to implement the Virginia Graeme Baker Pool and Spa Safety Act grant program as provided by section 1405 of Public Law 110-140 (15 U.S.C. 8004).

ELECTION ASSISTANCE COMMISSION
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, \$17,959,000, of which \$3,500,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002: *Provided*, That \$750,000 shall be for the Help America Vote College Program as provided by the Help America Vote Act of 2002 (Public Law 107-252); *Provided further*, That \$300,000 shall be for a competitive grant program to support community involvement in student and parent mock elections.

ELECTION REFORM PROGRAMS

For necessary expenses relating to election reform programs, \$106,000,000, to remain available until expended, of which \$100,000,000 shall be for requirements payments under part 1 of subtitle D of title II of the Help America Vote Act of 2002 (Public Law 107-252), \$4,000,000 shall be for grants to carry out research on voting technology improvements as authorized under part 3 of subtitle D of title II of such Act, and \$2,000,000, shall be to conduct a pilot program for grants to States and units of local government for pre-election logic and accuracy testing and post-election voting systems verification.

FEDERAL COMMUNICATIONS COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-5902; not to exceed \$4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, \$335,794,000: *Provided*, That \$334,794,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2010 so as to result in a final fiscal year 2010 appropriation estimated at \$1,000,000: *Provided further*, That any offsetting collections received in excess of \$334,794,000 in fiscal year 2010 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2009, shall not be available for obligation: *Provided further*, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed \$85,000,000 for fiscal year 2010.

FEDERAL DEPOSIT INSURANCE CORPORATION
OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$37,942,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION
SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, \$65,100,000, of which not to exceed \$5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, \$24,773,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL TRADE COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed \$2,000 for official reception and representation expenses, \$291,700,000, to remain available until expended: *Provided*, That not to exceed \$300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$102,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed \$19,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2010, so as to result in a final fiscal year 2010 appropriation from the general fund estimated at not more than \$170,700,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION
REAL PROPERTY ACTIVITIES
FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

For an additional amount to be deposited in the Federal Buildings Fund, \$459,900,000. Amounts in the Fund, including revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of \$8,465,585,000, of which: (1) \$722,537,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:
Alabama:
Mobile, United States Courthouse, \$96,000,000.
California:
Calexico, Calexico West, Land Port of Entry, \$9,437,000.
Colorado:
Lakewood, Denver Federal Center Remediation, \$9,962,000.
District of Columbia:
Columbia Plaza, \$100,000,000.
Southeast Federal Center Remediation, \$15,000,000.
Florida:
Miami, Federal Bureau of Investigation Field Office Consolidation, \$190,675,000.
Georgia:
Savannah, United States Courthouse, \$7,900,000.
Maine:
Madawaska, Land Port of Entry, \$50,127,000.
Maryland:
White Oak, Food and Drug Administration Consolidation, \$137,871,000.
Greenbelt, United States Courthouse, \$10,000,000.
Texas:
El Paso, Tornillo-Guadalupe, Land Port of Entry, \$91,565,000.
San Antonio, United States Courthouse, \$4,000,000:

Provided, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater

amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2011 and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) \$400,276,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:
District of Columbia:
East Wing Infrastructure Systems Replacement, \$35,000,000.
Eisenhower Executive Office Building (roof replacement), \$15,000,000.
New Executive Office Building, \$30,276,000.
Special Emphasis Programs:
Fire and Life Safety Program, \$20,000,000.
Energy and Water Retrofit and Conservation Measures, \$20,000,000.
Federal High-Performance Green Buildings—Energy Independence and Security Act of 2007, \$20,000,000.

Basic Repairs and Alterations, \$260,000,000: *Provided further*, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for “Repairs and Alterations” may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading “Repairs and Alterations”, may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2011 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading “Repairs and Alterations” or used to fund authorized increases in prospectus projects; (3) \$140,525,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) \$4,861,871,000 for rental of space which shall remain available until expended; and (5) \$2,340,376,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the

development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2), and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2010, excluding reimbursements under 40 U.S.C. 592(b)(2) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109; \$63,165,000, of which \$3,000,000, to be available until expended, is provided for the Office of Federal High-Performance Green Buildings.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed \$7,500 for official reception and representation expenses; \$72,881,000, of which \$1,000,000 shall be for a payment to the Oklahoma City National Memorial Foundation as authorized by 16 U.S.C. 450ss-5.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, \$60,080,000: *Provided*, That not to exceed \$15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed \$2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of inter-agency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, \$33,000,000, to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purpose of the Fund: *Provided further*,

That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 10 days after a proposed spending plan and explanation for each project to be undertaken has been submitted to the Committees on Appropriations of the House of Representatives and the Senate.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138, \$3,756,000.

FEDERAL CITIZEN SERVICES FUND

For necessary expenses of the Office of Citizen Services, including services authorized by 5 U.S.C. 3109, \$36,515,000, to be deposited into the Federal Citizen Services Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Services activities in the aggregate amount not to exceed \$61,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2010 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 501. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 502. Funds in the Federal Buildings Fund made available for fiscal year 2010 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 503. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2011 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 504. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92-313).

SEC. 505. From funds made available under the heading “Federal Buildings Fund, Limitations on Availability of Revenue”, claims against the Government of less than \$250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 506. In any case in which the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public

Works of the Senate adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of General Services under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the House and Senate Committees on Appropriations prior to exercising any lease authority provided in the resolution.

SEC. 507. In furtherance of the emergency management policy set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Administrator of the General Services Administration may provide for the use of the Federal supply schedules of the General Services Administration by relief and disaster assistance organizations as described in section 309 of that Act. Purchases under this authority shall be limited to use in preparation for, response to, and recovery from hazards as defined in section 602 of that Act.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed \$2,000 for official reception and representation expenses, \$40,339,000 together with not to exceed \$2,579,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), \$2,200,000, to remain available until expended, of which up to \$50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107-289) notwithstanding sections 8 and 9 of Public Law 102-259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, \$3,800,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, \$339,770,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110-409, 122 Stat. 4302-16 (2008), and the Inspector General Act of 1978 (5 U.S.C. Appendix), and for the hire of passenger motor vehicles, \$4,100,000.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, \$85,500,000, of which \$61,757,000 shall remain available until September 30, 2012: *Provided*, That none of the multi-year funds may be obligated until the National Archives and Records Administration submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A-11; (2) complies with the National Archives and Records Administration's enterprise architecture; (3) conforms with the National Archives and Records Administration's enterprise life cycle methodology; (4) is approved by the National Archives and Records Administration and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, \$27,500,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, \$13,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION CENTRAL LIQUIDITY FACILITY

During fiscal year 2010, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795(a)(4)(A)): *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2010 shall not exceed \$1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42

U.S.C. 9812, 9822 and 9910, \$1,000,000 shall be available until September 30, 2011 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed \$1,500 for official reception and representation expenses, \$14,415,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed \$2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, \$97,970,000, of which \$5,908,000 shall remain available until expended for the Enterprise Human Resources Integration project; \$1,364,000 shall remain available until expended for the Human Resources Line of Business project; and in addition \$113,238,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which \$9,364,000 shall remain available until expended for the cost of implementing the new integrated financial system, and of which \$4,248,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2010, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, \$3,148,000, and in addition, not to exceed \$20,428,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS,
EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS,
EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND
DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-454), the Whistleblower Protection Act of 1989 (Public Law 101-12), Public Law 107-304, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; \$18,495,000.

POSTAL REGULATORY COMMISSION
SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109-435), up to \$14,333,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act: *Provided*, That unobligated balances remaining in this account on October 1, 2009 shall be transferred back to the Postal Service Fund: *Provided further*, That unobligated balances remaining in this account on October 1, 2010 shall be transferred back to the Postal Service Fund.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT
BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), \$2,000,000, to remain available until September 30, 2011.

SECURITIES AND EXCHANGE COMMISSION
SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed \$3,500 for official reception and representation expenses, \$1,036,000,000, to remain available until expended; of which not less than \$4,400,000 shall be for the Office of Inspector General; of which not to exceed \$20,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed \$100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence: *Provided*, That fees and charges authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be credited to this account as offsetting collections: *Provided further*, That not to exceed \$1,025,780,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That \$10,220,000 shall be derived from prior year unobligated balances from funds previously appropriated to the Securities and Exchange Commission: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2010 shall be reduced as such offsetting fees are received so as to result in a final total fiscal year 2010 appropriation from the general fund estimated at not more than \$0.

SELECTIVE SERVICE SYSTEM
SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101-4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed \$750 for official reception and representation expenses; \$24,150,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems

such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108-447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed \$3,500 for official reception and representation expenses, \$428,387,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further*, That \$110,000,000 shall be available to fund grants for performance in fiscal year 2010 or fiscal year 2011 as authorized, of which \$1,000,000 shall be for the Veterans Assistance and Services Program authorized by section 21(n) of the Small Business Act, as added by section 107 of Public Law 110-186, and of which \$1,000,000 shall be for the Small Business Energy Efficiency Program authorized by section 1203(c) of Public Law 110-140: *Provided further*, That \$11,690,500 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2011: *Provided further*, That \$10,000,000, to remain available until September 30, 2011, shall be for expenses for the relocation of the headquarters of the Small Business Administration.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$16,300,000.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the Surety Bond Guarantees Revolving Fund, authorized by the Small Business Investment Act of 1958, \$1,000,000, to remain available until expended.

BUSINESS LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, \$3,000,000, to remain available until expended, and for the cost of guaranteed loans, \$80,000,000, as authorized by section 7(a) of the Small Business Act, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2010 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed \$7,500,000,000: *Provided further*, That during fiscal year 2010 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed \$17,500,000,000: *Provided further*, That during fiscal year 2010 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed \$3,000,000,000: *Provided further*, That during fiscal year 2010, guarantees of trust certificates authorized by section 5(g) of the Small Business Act

shall not exceed a principal amount of \$12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$153,000,000, which may be paid to the appropriations account for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT
(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, \$1,690,000, to remain available until expended, of which \$352,357 is for loan guarantees as authorized by section 42 of the Small Business Act, and \$1,337,643 is for loan guarantees as authorized by section 12085 of Public Law 110-246.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$102,310,000, to be available until expended, of which \$91,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be paid to the appropriations for Salaries and Expenses; of which \$9,000,000 is for indirect administrative expenses for the direct loan program, which may be paid to the appropriations for Salaries and Expenses; of which \$1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans and the disaster loan programs and shall be paid to the appropriations for the Office of Inspector General; and of which \$1,310,000 is for administrative expenses to carry out the guaranteed loan programs, which may be paid to the appropriations account for Salaries and Expenses.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS
ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 510. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 511. For an additional amount under the heading "Small Business Administration—Salaries and Expenses", \$62,300,000, to remain available until September 30, 2011, which shall be for initiatives related to small business development and entrepreneurship, including programmatic and construction activities, in the amounts and for the purposes specified in the table that appears under the heading "Administrative Provisions—Small Business Administration" in the reports of the Committees on Appropriations of the House of Representatives and the Senate accompanying this Act.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, \$118,328,000, of which \$89,328,000 shall not be available for obligation until October 1, 2010: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the

Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2010.

OFFICE OF INSPECTOR GENERAL
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, up to \$244,397,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109-435): *Provided*, That unobligated balances remaining in this account on October 1, 2009 shall be transferred back to the Postal Service Fund: *Provided further*, That unobligated balances remaining in this account on October 1, 2010 shall be transferred back to the Postal Service Fund

UNITED STATES TAX COURT
SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, \$49,242,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with the Buy American Act (41 U.S.C. 10a-10c).

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that

has been convicted of violating the Buy American Act (41 U.S.C. 10a-10c).

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by \$100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2010 from appropriations made available for salaries and expenses for fiscal year 2010 in this Act, shall remain available through September 30, 2011, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not

more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93-400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office of Personnel Management pursuant to court approval.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing non-domestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 616. Notwithstanding section 1353 of title 31, United States Code, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 617. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107-204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2009, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2010 shall remain available until expended.

SEC. 618. During fiscal year 2010, for purposes of section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)), the term "pay-

ment of cash in advance" shall be interpreted as payment before the transfer of title to, and control of, the exported items to the Cuban purchaser.

SEC. 619. None of the funds made available in this Act may be used to implement or enforce section 101(a) of the Consumer Product Safety Improvement Act of 2008 in regards to off-highway vehicles. For purposes of this section the term "off-highway vehicles" mean motorized vehicle designed to travel on 2, 3, or 4 wheels, having a seat designed to be straddled by the operator and handlebars for steering control, and such term includes snowmobiles.

SEC. 620. (a) Section 101(a)(1) of the Federal and District of Columbia Government Real Property Act of 2006 (Public Law 109-396; 120 Stat. 2711) is amended to read as follows:

"(1) IN GENERAL.—

"(A) U.S. RESERVATION 13.—On the date on which the District of Columbia conveys to the Administrator of General Services all right, title, and interest of the District of Columbia in the property described in subsection (c), the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in U.S. Reservation 13, subject to the conditions described in subsection (b).

"(B) OLD NAVAL HOSPITAL.—Not later than 60 days after the date of the enactment of the Financial Services and General Government Appropriations Act, 2010, the Administrator shall convey to the District of Columbia all right, title, and interest of the United States in Old Naval Hospital."

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Federal and District of Columbia Government Real Property Act of 2006.

TITLE VII

GENERAL PROVISIONS—GOVERNMENT-WIDE

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2010 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$13,197 except station wagons for which the maximum shall be \$13,631: *Provided*, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992 (Public Law 102-404): *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies

are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2010, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2010, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2010, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2010 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based com-

parability payments taking effect in fiscal year 2010 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2009, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2009, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2009.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 711. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 712. Notwithstanding section 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 713. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to 5 U.S.C. 3302, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the National Geospatial-Intelligence Agency;

(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(6) the Bureau of Intelligence and Research of the Department of State;

(7) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 714. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 715. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasireligious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 716. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling." *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

SEC. 717. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 718. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 719. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 720. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 721. (a) In this section, the term "agency"—

(1) means an Executive agency, as defined under 5 U.S.C. 105;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 722. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

(TRANSFER OF FUNDS)

SEC. 723. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Government-wide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate inter-agency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): *Provided further*, That the total funds transferred or reimbursed shall not exceed \$17,000,000: *Provided further*, That such transfers or reimbursements may only be made

after 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 724. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 725. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the inter-agency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 726. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 727. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any non-Federal government Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission to the Federal government of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 728. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 729. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 730. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A-126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 731. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 732. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 733. (a) For fiscal year 2010, no funds shall be available for transfers or reimbursements to the E-Government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the Committees on Appropriations of the House of Representatives and the Senate.

(b) The report in (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effec-

tiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

SEC. 735. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 736. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) and regulations implementing that section.

SEC. 737. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually-billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91-508): *Provided*, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided further*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 738. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms "Great Lakes" and "Great Lakes State" have the

same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d-22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term "Great Lakes restoration activities" means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 45 days after submission of the budget of the President to Congress, the Director of the Office of Management and Budget, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 739. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 740. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled "Competitive Area" published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 741. Notwithstanding section 748 of division D of the Omnibus Appropriations Act, 2009, the President may modify or replace Executive Order 13423 if the President determines that a revised or new Executive Order

will achieve equal or better environmental or energy efficiency results in terms of emission of greenhouse gases, use of renewable energy, reduction in water use, sustainable environmental practices, toxic and hazardous chemicals, construction and renovation practices, vehicle consumption of petroleum products, and use of electronic equipment and its disposition and notifies the appropriate committees of Congress at least 15 days in advance of the change.

SEC. 742. Not later than 120 days after enactment of this Act, each executive department and agency shall submit to the Director of the Office of Management and Budget a report stating the total size of its workforce, differentiated by number of civilian, military, and contract workers as of December 31, 2009. Not later than 180 days after enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee a comprehensive statement delineating the workforce data by individual department and agency, as well as aggregate totals of civilian, military, and contract workers.

SEC. 743. (a)(1) Not later than the end of the third quarter of fiscal year 2010 and each subsequent fiscal year, and for each department or agency not later than its inventory required under the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270), the head of each Federal department or agency (other than the Department of Defense) shall submit to Congress an annual inventory of the activities performed during the preceding fiscal year pursuant to contracts for services for or on behalf of such department or agency, as the case may be. The entry for an activity on an inventory under this section shall include, for the fiscal year covered by such entry, the following:

(A) The functions performed by the contractor.

(B) The contracting organization, the component of the department or agency administering the contract, and the organization whose requirements are being met through contractor performance of the function.

(C) The dollar size and funding source for the contract under which the function is performed by appropriation and operating agency.

(D) The fiscal year for which the activity first appeared on an inventory under this section.

(E) The number of full-time contractor employees (or its equivalent) paid for the performance of the activity.

(F) A determination whether the contract pursuant to which the activity is performed is a personal services contract.

(G) Whether the contract has been performed pursuant to a contract awarded on a noncompetitive basis, either originally or upon a subsequent renewal.

(H) Whether the contract has been performed poorly, as determined by a contracting officer, during the 5-year period preceding the date of such determination, because of excessive costs or inferior quality.

(2) The inventory required under this subsection shall be submitted in unclassified form, but may include a classified annex.

(b) Not later than 30 days after the date on which an inventory with respect to a department or agency is required to be submitted to Congress under subsection (a), the head of such department or agency shall—

(1) make the inventory available to the public; and

(2) publish in the Federal Register a notice that the inventory is available to the public.

(c) Not later than 90 days after the date on which an inventory is submitted under sub-

section (a), the head of the department or agency, or component thereof, responsible for activities in the inventory shall—

(1) review the contracts and activities in the inventory for which such head is responsible;

(2) ensure that—

(A) each contract on the list that is a personal services contract has been entered into, and is being performed, in accordance with applicable statutory and regulatory requirements;

(B) the activities on the list do not include any inherently governmental functions; and

(C) to the maximum extent practicable, the activities on the list do not include any functions closely associated with inherently governmental functions;

(3) identify activities that should be considered for conversion—

(A) to performance by employees of the department or agency; or

(B) to an acquisition approach that would be more advantageous to the department or agency; and

(4) develop a plan to provide for appropriate consideration of the conversion of activities identified under paragraph (3) within a reasonable period of time.

(d) Nothing in this section shall be construed to authorize the performance of personal services by a contractor except where expressly authorized by a provision of law other than this section.

(e)(1) The term “function closely associated with inherently governmental functions” means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

(2) The term “inherently governmental functions” has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.

(3) The term “personal services contract” means a contract under which, as a result of its terms or conditions or the manner of its administration during performance, contractor personnel are subject to the relatively continuous supervision and control of one or more Government officers or employees, except that the giving of an order for a specific article or service, with the right to reject the finished product or result, is not the type of supervision or control that makes a contract a personal services contract.

SEC. 744. Congress requests the President, and directs the Attorney General, to transmit to each House of Congress, not later than 14 days after the date of the adoption of this Act, copies of any portions of all documents, records, and communications in their possession referring or relating to the notification of rights under *Miranda v. Arizona*, 384 U.S. 436 (1966), by the Department of Justice, including all component agencies, to captured foreign persons who are suspected of terrorism and detainees in the custody of the Armed Forces of the United States.

SEC. 745. (a) None of the funds made available in this or any other Act may be used to obtain a financial or ownership interest (or right to acquire such an interest) in an automobile manufacturer that deprives an automobile dealer of its economic rights under a dealer agreement and does not assume (or assign to a successor in interest) each dealer agreement which is valid and in existence (and has not been lawfully terminated under applicable State law) before the date of the commencement of a case under title 11 of the United States Code by such automobile manufacturer.

(b) Any automobile manufacturer with respect to which the Federal Government has

a financial or ownership interest (or right to acquire such an interest) shall, to the extent that a valid dealer agreement existing immediately before the date of the commencement of a case under title 11 of the United States Code by such automobile manufacturer is not assumed by or assigned to another automobile manufacturer, require any new entity created in such case to enter into a new dealer agreement with the dealer whose agreement was not so assumed or assigned, and on the same terms as existed immediately before such date.

SEC. 746. Except as expressly provided otherwise, any reference to “this Act” contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

TITLE VIII

GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

SEC. 801. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 802. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 803. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 804. (a) None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter.

SEC. 805. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2010, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and the Senate and the President are notified in writing 15 days in advance of the reprogramming.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 1, 2010.

SEC. 806. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 807. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

SEC. 808. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

SEC. 809. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 810. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 811. None of the Federal funds contained in this Act may be used to enact or

carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

SEC. 812. None of the Federal funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 813. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year 2010 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 814. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, Sec. 1-204.42).

SEC. 815. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

SEC. 816. None of the funds contained in this Act may be used to distribute any needle or syringe for the hypodermic injection of any illegal drug in any area of the District of Columbia which is within 1,000 feet of a public or private day care center, elementary school, vocational school, secondary school, college, junior college, or university, or any public swimming pool, park, playground, video arcade, or youth center, or an event sponsored by any such entity.

SEC. 817. Except as expressly provided otherwise, any reference to "this Act" contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

The CHAIR. No amendment to the bill shall be in order except those printed in House Report 111-208. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question.

After consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

AMENDMENT NO. 1 OFFERED BY MR. SERRANO

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-208.

Mr. SERRANO. Mr. Chairman, I rise to offer amendment No. 1 printed in the report of the Committee on Rules.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SERRANO: Page 57, line 24, insert "(increased by \$4,875,000)" after the dollar amount.

Page 64, line 5, insert "(reduced by \$5,125,000)" after the first dollar amount.

Page 68, line 11, insert "(reduced by \$2,875,000)" after the dollar amount.

Page 68, line 13, insert "(reduced by \$2,250,000)" after the dollar amount.

Page 79, line 21, insert "(increased by \$250,000)" after the dollar amount.

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used for first-class travel by the employees of Federal departments and agencies in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

The CHAIR. Pursuant to House Resolution 644, the gentleman from New York (Mr. SERRANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. SERRANO. Mr. Chairman, this amendment does several things. First, it increases FY 2010 funding for the Consumer Product Safety Commission by \$4.9 million to its authorized level of \$118,200,000. I thank my colleagues DEBBIE WASSERMAN SCHULTZ and ROSA DELAURO for cosponsoring my amendment to increase funding for the CPSC. Recently enacted consumer protection legislation has increased the workload of the CPSC considerably. The Consumer Product Safety Improvement Act was signed into law last August. This law sets strict limits on the amount of lead and chemicals that can be used in making children's products. The CPSC has faced many challenges in implementing the new law, and this additional funding will enable them to fully address workload needs.

This amendment incorporates an amendment first offered by my colleague Mr. HASTINGS to provide an additional \$250,000 for the National Credit Union Administration's Community Development Revolving Loan Fund. This is a worthy program that provides loans and grants to credit unions that serve low-income communities with

the goal of improving the quality of financial services provided to those communities.

This amendment also incorporates an amendment first offered by my colleague Mr. CUELLAR to prohibit the use of funds for first-class travel for employees of agencies funded by the bill. I think it makes sense to prohibit first-class travel for Federal employees.

I will close by saying that this is a good amendment, and I urge my colleagues to join me in supporting it.

I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I claim time in opposition to the manager's amendment.

The CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Mr. Chairman, while I don't oppose the content of this amendment, I do oppose the process in which it was offered.

Mr. Chairman, this is a controversial bill to many Americans. Increasing spending by \$1.6 billion, or 7 percent, should be allowed to be debated under this bill. In addition, the changes in long-standing policy on abortion and on medical marijuana should also have an opportunity to be debated. I think that the responsible regular functioning of this institution is so important, especially on spending measures that demand the full attention of Congress, because they've got the full attention of the American people.

As my colleagues know, a manager's amendment traditionally is meant not to be controversial. It's meant to be offered and supported by both sides of the aisle to improve the bill in ways on which we can all agree. The manager's amendment is meant to have a quick debate, typically followed by debate on more difficult issues. Taking three proposed amendments by our Democratic colleagues and rolling them into a manager's amendment while prohibiting debate on the majority of amendments submitted by the Republicans is not in the tradition of this House or the tradition of what a manager's amendment should be.

I urge a "no" vote.

I yield back the balance of my time.

Mr. SERRANO. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. SERRANO).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. PAULSEN

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-208.

Mr. PAULSEN. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. PAULSEN:

Page 6, line 25, after the dollar amount insert "(increased by \$15,000,000)".

Page 63, line 6, after the dollar amount insert "(reduced by \$15,000,000)".

Page 64, line 5, after the first dollar amount insert "(reduced by \$15,000,000)".

Page 68, line 11, after the dollar amount insert "(reduced by \$15,000,000)".

The CHAIR. Pursuant to House Resolution 644, the gentleman from Minnesota (Mr. PAULSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PAULSEN. I yield myself as much time as I may consume.

Mr. Chair, I rise today to offer an amendment that would provide an additional \$15 million for the Financial Crimes Enforcement Network, which is also known as FinCEN. The Department of the Treasury established FinCEN in 1990 to provide a government-wide multi-source financial intelligence and analysis network. The agency's functions have expanded over the years and now include some regulatory responsibilities as well as providing important information on new incidents and patterns of fraud to the SEC, Department of Justice, the FBI and other intelligence organizations.

Now part of the Department of Treasury's Office of Terrorism and Financial Intelligence, FinCEN is also the lead office in fighting the financial war on terror, combating financial crime and enforcing economic sanctions against rogue nations. The recent economic crisis has demonstrated how important FinCEN's efforts are to our national financial security because it was FinCEN that was providing some of the earliest information regarding the financial crisis. FinCEN was one of the first to highlight the ever-growing problem of mortgage fraud, and it continues to track this problem today. Earlier this month, for instance, FinCEN helped the FBI release a new report, estimating a 36 percent increase in mortgage fraud between fiscal years '07 and '08. We must make greater efforts at reversing this trend.

The information provided to government organizations by FinCEN is essential to catch criminals and defeat terrorists. The ability to follow the money trail really and truly provides our intelligence and law enforcement community with information that leads to a broader understanding of terrorist organizations and drug dealers.

My amendment will provide FinCEN with additional resources and is an investment in the financial and economic security of the country. FinCEN is currently going through a process of modernizing and upgrading their technologies so they are better equipped to monitor, detect and battle crimes in the 21st century. We need these efforts to support continued success. Investing in FinCEN's IT modernization will provide a greater capability of identifying those who have misrepresented the health and size of their investments to their clients. It will provide the nec-

essary tools for analyzing financial information and detecting criminal wrongdoing. And finally, this measure will provide needed support in coordination with Federal, State and local law enforcement. Especially in this time of economic crisis, our government agencies need the best information possible to confront these important issues of financial and economic security, and FinCEN can be that helper.

I reserve the balance of my time.

Mr. SERRANO. I ask unanimous consent to claim the time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. SERRANO. I appreciate the gentleman's attention to the Financial Crimes Enforcement Network. I would like to point out that the Appropriations Committee has been very supportive of FinCEN. The reported bill provides the administration's requested funding increase of \$11.3 million, or 12.3 percent, including \$10 million to begin upgrades of the Bank Secrecy Act database used by law enforcement and intelligence agencies. We recognize the intent of the gentleman. We think it's a good amendment, and we accept it.

Mr. LATOURETTE. Will the gentleman yield?

Mr. SERRANO. I yield to the gentleman from Ohio.

Mr. LATOURETTE. I thank the chairman for yielding.

I just wanted to indicate that, as I am also in support of the gentleman's amendment, financial crimes are really something that needs to be looked at. The gentleman's amendment takes care of it. And I just want to commend the gentleman from Minnesota, who is a new Member of the House, for bringing this important issue to our attention.

Mr. SERRANO. I yield back the balance of my time.

Mr. PAULSEN. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. PAULSEN).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. PRICE OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-208.

Mr. PRICE of Georgia. Mr. Chair, I have an amendment made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PRICE of Georgia:

Page 24, strike lines 1 through 5.

The CHAIR. Pursuant to House Resolution 644, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, this is a very simple amendment. It strikes \$4.2 million from the bill, decreases the funding in the bill to strike the funding for the President's Council of Economic Advisers.

On January 20, 2009, when Barack Obama was inaugurated as President of the United States, the national unemployment rate stood at 7.6 percent, and the outstanding public debt of the Nation stood at \$10.627 trillion. Confronted with this dire situation, the President urged Congress to pass an economic stimulus package. His solution—an end product containing \$787 billion in new deficits for special interest giveaways.

□ 1445

Despite many of us who claimed, and I would suggest knew, that it wouldn't work, the American people expected immediate results because the President and his administration sold it as such.

Peter Orszag, the Director of the Office of Management and Budget, in responding to a question from CNN on when would Americans feel some benefit from the job losses, stated that it will take weeks to months. Now the President and his administration are backtracking on the stimulus package. In his most recent weekly address, the President said, "The Recovery Act was not designed to work in 4 months. It was designed to work over 2 years."

Well, Mr. Chairman, that is news to the American people who have taken notice and they have lost faith in the President's economic policies. Most folks think he simply doesn't have a plan that works.

And one of the biggest cheerleaders of the President's economic policies, the executive offices most responsible for the ineffective and destructive policies that we are seeing today, is the Council of Economic Advisers and its chairman, Christine Romer. She touted in a report which served as the basis for selling the nonstimulus plan to the American people that under such a plan the unemployment rate would max out at 8 percent if the plan were adopted. In fact, she said, without it, the unemployment rate would top out at 9 percent.

Well, Mr. Chairman, as you know, as well I do, to put it mildly, the administration and Ms. Romer were just plain wrong. The unemployment rate today stands at 9.5 percent, and more than 14 million individuals are unemployed under their watch.

Now the Council of Economic Advisers is championing a sweeping new health care reform and selling it as

part of the economic recovery. A recent report by the Council of Economic Advisers entitled, "The Economic Case for Health Care Reform," actually claims that slowing the annual growth rate of health care costs by 1.5 percentage points would increase real domestic product. Yet using the Chair's own modeling, House Republicans have determined that 4.7 million jobs would be lost as a result of the taxes on businesses which cannot afford to provide health insurance coverage.

So it has become abundantly clear, Mr. Chairman, that everything with this administration is about more government, more taxes, more spending and less jobs. If the stimulus and the health care package aren't proof enough, take a look at the auto bailout, the national energy tax, the upcoming plan to destroy the private student lending system, and on and on and on.

So the question must be asked, What responsible economist would actually advocate for this administration's job-killing policies in the midst of a recession? And the answer, Mr. Chairman, is the Council of Economic Advisers.

My amendment is more than a vote to eliminate funding. It is a vote of "no confidence" on this administration's economic policies and those of the Council of Economic Advisers. They don't have a plan to get America back to work.

I would urge that we adopt this amendment, which is a commonsense amendment that moves us in the direction of not only saving money but coming up with a responsible, commonsense plan.

I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise to oppose the amendment.

The CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. First of all, I think it is important to realize that a lot of Members, especially—well, all Members from the other side will get up and make it sound as if the last few months have been the months that caused the economic crisis that we are in. The fact of life is that this President is trying to clean up the mess that was created during the last 8 years, because the prior President left this economy in pretty much good shape. It fell apart during these last 8 years. And we are trying to recover.

On this particular matter, the Council of Economic Advisers, or the CEA, was created in 1946 when the country faced a major economic crisis, just as we are doing today. At the end of the Second World War, many feared that the economy would sink back into depression with the phase-out of war spending. The Congress wanted to ensure that sound economic advice would be provided at the highest levels of the administration.

In the wake of a stock market bubble followed by a housing bubble that we

have recently had, people have reason to worry about where the growth and jobs of the future will come from. We need the CEA to help the administration make better policy for the future.

Today, CEA has been involved in developing and evaluating the Recovery Act, health care options, energy and greenhouse gas policies, tax changes, job and training programs and other major economic challenges of our time.

As the administration develops policies in all these critical areas, the CEA brings solid, scientific evidence on the economic effects of alternative policies into the discussion. This is probably one of those times where we really need this kind of a Federal agency. And this is not the time to do away with it.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, how much time remains on each side?

The CHAIR. The gentleman has 1½ minutes remaining.

The gentleman from New York has 2 minutes remaining.

Mr. PRICE of Georgia. Mr. Chairman, I appreciate the comments of my friend, but if we could hear the American people and their response to, once again, this blaming previous administrations, they would say, look, give me a break. Give me a break.

The American people are hurting. Millions of Americans are out of work. Yet the Obama administration and congressional Democrats promised that their \$1 trillion stimulus bill would create jobs immediately and that the unemployment rate wouldn't rise above 8 percent.

Instead, 1.96 million jobs have been lost since this administration started, and we are \$2 trillion more in debt since this administration started. In June alone, almost half a million jobs were lost, driving the unemployment rate to 9.5 percent, the highest level in 26 years.

So it is clear that the Democrats' \$1 trillion stimulus plan just isn't working. And every American has the right to ask, where are the jobs? Where are the jobs, Mr. Chairman? This is about jobs. This majority clearly doesn't have the appropriate program. This administration clearly doesn't have the appropriate program. Democrats are clearly on the side of more government and more taxes. Republicans, however, Mr. Chairman, are on the side of the American people.

I urge adoption of this amendment.

I yield back the balance of my time.

Mr. SERRANO. It is very easy for folks on the other side to say, let's not talk about the past administration. I agree. That is not my intention. In fact, our President has said on many occasions the past is the past. But if we keep coming up and making it sound like something happened January 20 until today that brought us to our knees economically, then it is my role, and everybody else's role on this side,

MARCH 17, 2009.

MAKE ELECTION REFORM A REALITY—SUPPORT
FULL FUNDING FOR HAVA

DEAR MEMBER OF CONGRESS: We, the undersigned organizations, are deeply appreciative of the funding appropriated for the Help America Vote Act (HAVA) in FY08 and FY09 and urge you to support full funding and appropriate the remaining \$470 million of authorized funding in FY10. Of this amount, \$442 million is for the federally-mandated processes and equipment that state and local governments were required to have in place for federal elections beginning in 2006 and \$28 million is for assisting state and local governments in making all polling places accessible and the protection and advocacy payments. It is imperative that state and local governments receive all of the funding they were promised to fully implement statewide voter registration databases, to keep up with the spiraling costs of purchasing and maintaining voting equipment and to ensure proper poll worker training and voter education in this environment of continually changing voting processes and procedures.

The lack of full federal funding for HAVA has led man state and local governments to scale back on their initial plans for implementation. Most devastatingly, initial Congressional delay in providing proper funding for the Election Assistance Commission (EAC) and the National Institute of Standards and Technology (NIST) ultimately prevented the timely development of the voting system guidelines and the implementation of a federal voting system certification program. This led to cost increases for state and local governments that in some cases were unable to utilize existing equipment and others that had to replace voting equipment more than once in an effort to comply with evolving guidance to ensure both accessibility and security. While the efforts of the EAC and NIST have since been funded, delay in their funding has contributed significantly to cost increases for state and local governments.

Full funding is necessary to fulfill the promise of HAVA and provide resources to state and local governments to meet the new and changing expectations for voting equipment and procedures. Should you have any questions, please contact the organizations listed below.

Sincerely,

ORGANIZATIONS REPRESENTING STATE AND
LOCAL ELECTION OFFICIALS

International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT).

National Association of Counties (NACo).

National Association of Election Officials (The Election Center).

National Association of State Election Directors (NASED).

National Association of Secretaries of State (NASS).

National Conference of State Legislators (NCSL).

CIVIL AND DISABILITY RIGHTS AND VOTER
ADVOCACY ORGANIZATIONS

Leadership Conference on Civil Rights.

American Association of People with Disabilities (AAPD).

American Civil Liberties Union (ACLU).

American Federation of Labor-Congress of Industrial Organizations (AFL-CIO).

American Federation of State, County and Municipal Employees.

Asian American Justice Center.

Association of Community Organizations for Reform Now (ACORN).

just to clarify and to discuss a little history. And the history is the fact that this economy is in bad shape not for anything that has happened this year, but what happened in the past.

On this amendment, this is the wrong time to get rid of this. This is the wrong time to move against it. We need it more than ever. I hope that people will defeat this amendment.

I yield back the balance of my time. THE CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

THE CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 4 OFFERED BY MRS. EMERSON

THE CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-208.

Mrs. EMERSON. Mr. Chairman, I have an amendment at the desk.

THE CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. EMERSON:

Page 58, line 19, insert “(reduced by \$50,000,000)” after the dollar amount.

Page 58, line 20, insert “(reduced by \$50,000,000)” after the dollar amount.

THE CHAIR. Pursuant to House Resolution 644, the gentlewoman from Missouri (Mrs. EMERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Missouri.

Mrs. EMERSON. Mr. Chairman, my amendment would strike \$50 million from the \$100 million under the Election Assistance Commission for Help America Vote grants for States.

The President's budget requested a total of \$52 million for election reform programs, \$50 million for grants to States, and \$2 million for research and other initiatives. My amendment would simply return the State grant funding level in this account to the same amount that the President's budget requested.

Sixty-two percent of the States have not even applied for their fiscal year 2008—2008—Help America Vote funds. Of the \$115 million provided for State grants in fiscal year 2008, only about 20 percent of the funds have been obligated to the States; \$25 million has been given to 18 States. Of the \$100 million provided for State grants in fiscal year 2009, not even 4 percent has left the Treasury. Only two States have received fiscal year 2009 funds. So we have almost \$186 million still sitting in the Treasury for these grants.

Now, I think you all know me and you know me well enough to know that

if there is a need, I'm fully supportive of matching the funding level to that need. However, I see little need to provide another \$100 million in unused funds to then get to a total of \$286 million in untapped funds.

I respect my chairman, and I respect the need for election reform and certainty in the election process. There is no question that we are obligated to provide for free and fair elections. It is a hallmark of our democracy, and we must always work to safeguard our elections. However, this is one account that has a demonstrated lack of funding needs for the coming fiscal year. Even the President recognized the opportunity to save the taxpayer \$50 million.

I urge all to do the same and vote “yes” on my amendment.

I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

THE CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. I would like to yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman. Nothing is more important in a democracy than the integrity of the democratic process. Everything we do in this body is based on the assumption that the voters put us here as the result of a fair, accessible, and accurate process. If there is anything we should not shortchange, it is our ability to conduct the most exemplary elections in the world. And we have not reached that standard yet.

In fact, the major national election official organizations and more than 25 civil rights, disability rights and other public interest groups have asserted that local jurisdictions still need all the funding originally authorized by HAVA simply to carry out HAVA's original requirements.

I have heard the gentlelady speak. But this letter addressed to every Member of Congress from such organizations as the National Association of Counties, the National Association of Secretaries of State, the American Association of People with Disabilities, NAACP Legal Defense and Educational Fund, Paralyzed Veterans of America, and others says that it is “imperative,” in their words, that State and local governments receive all the funding that is coming to them, that should be coming to them from HAVA. It should not be cut.

They need this funding for poll-worker training, for voter education and for putting in place voter systems that are accessible and reliable, and as we discussed earlier, auditable.

They say in this letter that full funding is necessary to fulfill the promise of HAVA, and I include this letter for the RECORD.

I urge my colleagues to support the modest HAVA funding in this bill and to defeat this amendment.

Brennan Center for Justice at NYU School of Law.

Common Cause.

Demos.

Fair Elections Legal Network.

FairVote.

International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW.

Lawyers' Committee for Civil Rights Under Law.

League of Women Voters of the United States.

NAACP Legal Defense and Educational Fund, Inc.

National Association for the Advancement of Colored People (NAACP).

National Association of Latino Elected and Appointed Officials Educational Fund (NALEO).

National Council of La Raza.

National Gay and Lesbian Task Force Action Fund.

Paralyzed Veterans of America.

People For the American Way.

Project Vote.

SAVE.

Union for Reform Judaism.

U.S. Public Interest Research Group.

Mrs. EMERSON. I continue to reserve my time.

Mr. SERRANO. How much time do we have on this side?

The CHAIR. The gentleman from New York has 3 minutes remaining.

Mr. SERRANO. I would like to yield myself whatever time I may consume.

You know, when we buy a car, the first thing they tell us is to make sure we service that car regularly, change the parts that are necessary, oil it and keep it in good shape.

We have a democracy, and as the gentleman from New Jersey says, and as everyone knows, at the core of that democracy is the ability to vote and to have our votes counted properly. Yet what we are trying to do here today is to cut away, if you will, from that maintenance program, which is more than a maintenance program. What happened here in 2000 and in other places after 2000 was that the American people, regardless of the outcome of the election, were left with the understanding that something was wrong and that the greatest democracy on Earth was having a difficult time counting people's votes properly. And so HAVA was created.

HAVA is still in operation. HAVA is having moneys go out to communities. This is not the time to cut HAVA funds. On the contrary, this is the time to reinforce the core of our democracy by allocating the necessary funds. Give the States the opportunity to deal with the issue. Let the States deal with the issues back home that they have to as they meet the Federal requirements.

So I would oppose this amendment, and I would remind us that we don't pay that much attention to elections and how we run them because we have had this for so long in this society and this country that we take it for granted. But 2000 should tell us that we should never take it for granted again

and that we should pay strict attention to it.

I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I said earlier that I have great respect for my chairman, and I certainly have great respect for the gentleman from New Jersey who has worked tirelessly on HAVA and worked to ensure that we have fair elections across this country.

□ 1500

And I do not believe that we should, to take a quote, shortchange any piece of the electoral process. But I bring to my colleagues' attention, once again, the fact that we have \$186 million that is sitting in the Treasury the States have not tapped into. Sixty-two percent of the funds from 2008 haven't been used. We've only used 4 percent for 2009. And I think that nobody better than our President understands the need for us to find savings. And when we're sitting on \$186 million, and with the additional \$52 million that we will have in this account, we're still well over \$200 million. And I dare say that at the rate that the States are using this money, we will never spend it.

And certainly, in difficult economic times, I truly believe that deferring to the President's budget request makes good economic sense.

I yield back the balance of my time, and urge a "yes" vote on my amendment.

Mr. SERRANO. I would urge a "no" vote on this amendment. And I yield the balance of my time to Mr. HOLT from New Jersey.

Mr. HOLT. Again, I hear the comments of the ranking member. It's important to point out, in this letter, signed by the major election official organizations in the country, the Secretaries of State, associations of counties, election officials and so forth, they say that the rate at which the funding has been available to them in the past has led, in their words, "many state and local governments to scale back on their initial plans for implementation" of HAVA. We must, again, in their words, meet the promise of HAVA. This is not an imagined expense. This is a real expense to preserve democracy, and we have it on good authority, from the people who are doing the work, that this money is needed.

Mr. SERRANO. I urge a "no" vote, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mrs. EMERSON).

The question was taken; and the Chair announced that the noes appeared to have it.

Mrs. EMERSON. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentle-

woman from Missouri will be postponed.

AMENDMENT NO. 5 OFFERED BY MRS. BLACKBURN

The Acting CHAIR (Mr. HOLDEN). It is now in order to consider amendment No. 5 printed in House Report 111-208.

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mrs. BLACKBURN:

At the end of the bill (before the short title) insert the following:

TITLE IX—FIVE PERCENT REDUCTION

SEC. 901. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

The Acting CHAIR. Pursuant to House Resolution 644, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, again, today I rise in defense of the American taxpayer.

Mr. Chairman, we were greeted this week with the unfortunate news that we have already spent \$1 trillion more than we have taken in in this fiscal year. The projections for next year are no better. Many think they're even worse. And yet, here we find ourselves on the floor again, one more day, one more "approps" bill, one more debate about spend, spend, spend.

Everybody in this Chamber knows that I am the grandmother of two precious little boys. Their future is so special and precious to me. And because of that, every day when I come to work, I think about the ramifications of the votes that I take and what it is going to do to them. And every day, I come down here, and what I try to do is slow the growth of government spending. It is completely out of control. It is about to bankrupt this Nation, and it is costing us jobs, jobs, jobs. And I do that because my grandsons already, at the age of 14 months and 1 month, they already owe \$70,000 to Uncle Sam. The debt that we run up here will be paid in their denied opportunities of tomorrow. I just can't run up that debt with a clear conscience, and I really don't think that, if my colleagues stopped to think about it, that they would want to be running up that type of debt either.

That is especially true when we consider the funding for the programs that are before us today, because that funding has risen over 52 percent in the past 3 years. These same programs have already received \$7 billion this year in stimulus funding. And yet, we propose another 6.4 percent increase,

another \$1.5 billion increase more than last year. That will include a new \$5 million for a program called Youth Services. When I saw that, I thought, my goodness. I wonder how our youth will end up servicing the massive debt that we are leaving them to handle.

My 5 percent across-the-board cut will save the taxpayers \$1.2 billion. My friends on the other side of the aisle will, no doubt, rise in opposition to this bill, and they're going to tell their constituents how hard they've worked in committee, how responsible the bill is. And as one of my constituents said, it must be mighty hard work to spend a billion dollars an hour, 24 hours a day, 7 days a week, which is exactly what is happening in Congress.

I just don't buy the lines about hard work anymore, and neither does the American taxpayer. How hard can we be working? How many hard choices can possibly be being made by Members of this Chamber when every year we spend more and more and more.

My colleagues may say that they aren't increasing funding by all that much, if you don't count the stimulus money, and you don't count the special appropriations. But we have already spent that money on programs. And I do count that money, and I count it because the ones who are going to have to pay that back are our children and our grandchildren.

Mr. Chairman, the gentleman across the aisle from me may offer a series of programs that his party claims are just too vital to be cut. And I would challenge him to take that list to his constituents, to lots of grandmoms like me, and just ask them if they agree.

I would concede that yes, indeed we do have critical programs that need to be funded. I would simply suggest that, in this economy, when people are losing their jobs, when businesses are struggling, with a \$1 trillion deficit already on the books for this year, that we consider reducing by 5 percent the amount of increase that is before us today.

And so now, so that my colleagues can dazzle me with their Washington-style math, I will reserve the balance of my time.

Mr. SERRANO. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. It's interesting that when we speak about debt we never bring up the debt that the last administration rang up through the Iraq war. That's got to be at least half a trillion dollars, if not more. And I'm still waiting to find the weapons of mass destruction.

Secondly, if I may brag for a second, I've got the gentlewoman beat. I have four grandchildren. And I don't want to saddle them with any debt in the future. But I think that this bill speaks

to another issue that deals with them, and that is their present, so that they don't continue to be ripped off by crooks on Wall Street.

And yet the gentlewoman's cut, for instance, would cut \$51 million from the Securities and Exchange Commission, which would slash 120 staff members who have been placed here now to go after the crooks on Wall Street and all the other folks that created a problem for my four grandchildren now.

And so, yes, it is important to talk about the future. But it's also important to talk about the present. And what I keep hearing from folks is that, in a desire to save money now, we should do nothing to go after those people who created, who created much of the problems that we are facing now.

Let me give you another example. The IRS—new enforcement initiatives would go unfunded, resulting in over \$600 million in lost tax revenues.

In other words, your 5 percent cut, the gentlewoman's 5 percent cut, would take away funding that goes after my grandchildren? No. After their parents? No. They would go after the millionaires and the zillionaires who are parking money overseas and who are not paying their fair share of taxes. So you would cut, she would cut, the gentlewoman would cut people to go after this.

If this amendment passes, the Small Business Administration would not be able to meet the borrowing needs of small businesses. SBA lending, in its popular 7(a) loan program, which both sides support, would be reduced by \$875 million. Many small businesses, and we hear so often on that side about how much they love small business people, many small businesses have turned to the SBA or loans as the credit markets have tightened up, making less credit available to small businesses in this economic downturn. What this amendment proposes, is exactly the wrong thing to do.

The Federal courts would be impacted with a 5 percent reduction across the board. One thousand full-time employees would be reduced from the Federal courts. On and on, absolutely, you were right. I have a list, but the list is not a list made up by staff or myself just for me to have something to say; it is the result of the impact of a 5 percent reduction. And so, it makes a lot of sense to say, in some cases, it scores a lot of points to say I want to cut the budget by 5 percent. But I think when you look at what we're talking about, you're hurting the very people we should protect.

So let me once again say, I appreciate the fact that the gentlewoman has two grandchildren that she wants to protect in the future. I have four that I want to protect in the future, but I want to make sure that we protect them now by making sure they don't get ripped off again, or their parents, as we did the last couple of years.

I reserve the balance of my time.

Mrs. BLACKBURN. What we are saying is save a nickel out of a dollar. A nickel out of a dollar, out of the amount of increase that is being given.

All of these programs sound great, but may I remind my colleagues, this administration has piled up more debt, more debt than every previous administration from George Washington to George Bush. You must have liked the deficit spending so much that you're doing more and more and more and more of it.

There are some of us that have come to this floor repeatedly. Budgets and appropriations should be about priorities.

I encourage a "yes" vote on my amendment.

Mr. SERRANO. We always talk about the debt. The debt was as a result of the last administration. In fact, all of these bailout programs started while we had another President in office.

The fact of life is that we have to protect the present. We have to make sure the past doesn't come back. And this 5 percent cut would hurt the very agencies in this bill that are supposed to assure us of a better present and a better future.

I oppose the amendment and urge its defeat.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-208.

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. BROUN of Georgia:

At the end of the bill (before the short title) insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be used for the salary of the Assistant to the President on Energy and Climate Change, the Deputy Assistant to the President on Energy and Climate Change, or any position in the Council on Environmental Quality.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman

from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, I rise today in support of my amendment, which eliminates funding for the climate czar, their deputy, and staff salaries for the Council on Environmental Quality.

For too long the executive branch has skirted Senate confirmation proceedings and congressional oversight by appointing officials to oversee vast parts of the Federal Government. Administrations from both parties have been guilty of this practice. It's time for it to stop.

Mr. Chairman, we do not need and should not have czars. The last time I checked, only pre-Communist Russia had czars, and we are most certainly not Russia. But the word czar aptly describes the kind of power that these positions hold in our Federal Government. And the current administration has no fewer than 30 czars.

Unfortunately, the Rules Committee, as has been their practice, did not allow an amendment to eliminate all of these positions.

□ 1515

The CEQ was mandated by Congress 40 years ago. While their chairman is Senate confirmed and their members are various agency heads, the veil of secrecy by which this council operates is totally unacceptable, and it should be unacceptable to every Member of this House. It's no small secret that the council's actions are overtly political and lacking a proper legislative check, and it didn't just happen overnight. The previous administration's CEQ had its fair share of problems as well.

I have no problem with this administration, or any administration for that matter, seeking advice from outside experts on the important issues of the day. In fact, that's how it should be. But the recent actions by the council with regards to the Army Corps of Engineers as well as their so-called oversight on the projects from the Democrats' nonstimulus bill, to name just two, have forced me to resort to defunding their operations. Obviously, I would have preferred to remedy this problem through the normal committee process, but that option has not been afforded Members of the minority of this Congress.

Attempting to fix these issues in the appropriations process is less than desirable, but that's all that's afforded the minority right now, and that should be unacceptable to the American people.

I urge my colleagues to wake up and reclaim our constitutional footing as the check on the executive branch and vote "yes" on my amendment.

I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. I would like to yield 2 minutes to one of our colleagues and subcommittee chairman, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. The gentleman's amendment represents a misguided view on the subject of climate change and global warming. As the United States finally faces up to its responsibility to adapt to climate change, the gentleman wants to hobble our efforts for some illogical reason.

I, for one, am very comforted by the fact that Carol Browner is serving President Obama on energy and climate change issues and our response to them. We need all of the expertise that we can muster as we figure out how to adapt and mitigate climate change. My friend Carol Browner brings her respected experience as the former head of EPA to this job. The President, as well as the entire country, could not be better served in this important battle.

Also, the gentleman appears to want to defund the Council on Environmental Quality. The CEQ, under Nancy Sutley, is probably one of the best repositories of environmental expertise, and the United States is well served by them. NEPA was created in 1969 and Richard Nixon signed it into law.

As the chairman of the Interior and Environmental Appropriations Committee, I'm proud of the fact that we have dramatically increased funding for climate change science and wildlife adaptation over the last few years. But as my good friend MIKE SIMPSON, who is the ranking member on the Interior Subcommittee, repeatedly has said, we must make sure that the increased spending to combat climate change is spent properly. And I think that Carol Browner can also provide that kind of oversight at the White House. Why anyone would want to refuse her work is beyond me.

I urge a "no" vote on this very, very mischievous amendment.

Mr. BROUN of Georgia. How much time do I have left?

The Acting CHAIR. The gentleman from Georgia has 2 minutes, and the gentleman from New York has 3 minutes remaining.

Mr. BROUN of Georgia. This is about transparency and accountability. This administration has appointed more czars than pre-Communist Russia has appointed, and this one that we're trying to defund is just one of many.

Congress has no oversight. This is totally unacceptable. It should be unacceptable to you guys, too, Mr. Chairman, as well as every Member of this House. It should be unacceptable that we have czars appointed in what's supposed to be a free society, in a demo-

cratic Republic, representative government. Congress has the authority and responsibility to oversee the administration, and we're not doing our job, frankly, and it's about time for us to do our job.

Mr. DICKS. Will the gentleman yield on that point?

Mr. BROUN of Georgia. If I can have your time.

Mr. DICKS. I will just say this. We had at least 50 oversight hearings on this deal. Mr. SIMPSON and I—

Mr. BROUN of Georgia. I reclaim the balance of my time.

The thing is, this administration has given all of these czars tremendous amounts of power outside the purview of what they should have under the Constitution of the United States, and this particular czar doesn't look at scientific facts that there are thousands of scientists that say that there is minimal, if any, human effect on global temperatures.

We have an administration who has loaded up this council with people who are carrying out a political process, and it's been politicized, and it should be totally unacceptable. It is to me. It should be to all of us.

I reserve the balance of my time.

The Acting CHAIR. The gentleman's time has expired.

Mr. SERRANO. I yield myself 1 minute.

It's amazing that we hear about oversight now. Yes, we do have oversight. It's funny how the other side never claimed oversight when the White House was having meetings determining what our energy policy should be between the White House and lobbyists and no Members of Congress were present, or when the White House and the administration knew that there was torture and other actions going on and nothing was being said.

The problem here is this may rise to a new legislative low because on these committees we respect the White House. When President Bush was in and this committee was in function, we let basically the White House have the staff members it said it needed, and now what we're trying to do here legislatively is to fire people at the White House. That's the wrong thing to do, and we should oppose it.

I yield the balance of my time to Chairman RAHALL. He takes care of all Puerto Rico issues, so I'm very nice to him.

Mr. RAHALL. I thank the gentlemen for that recognition.

Mr. Chairman, I rise in opposition to the pending amendment. It is, in what I view, a vindictive manner that seeks to prohibit the payment of a salary to any person employed by the White House Council on Environmental Quality, in addition the Assistant to the President for Energy and Climate Change and a deputy assistant.

As the chairman of the Committee on Natural Resources, which has jurisdiction over the National Environmental

Policy Act, and hence, CEQ, I can assure my colleagues that eliminating this entity, which is the goal with the pending amendment, would have severe repercussions on our Nation's environment and our economy. CEQ, at least under President Obama, has served to coordinate policy among various Federal agencies and provide regulatory stability, coordination and stability.

I witnessed this firsthand recently with respect to coal surface mining in my home State in Appalachia. The EPA was off in one course, the U.S. Army Corps of Engineers were off on another course, and the coal industry caught in between was the subject of conflict and requirements with nobody able to provide it with a roadmap on how to obtain permits in order to mine coal in this country.

It was CEQ which stepped in, got the regulatory entities together, resulting in an interagency action plan on Appalachian surface coal mining. Now, the efficacy of that action plan remains to be seen, I grant you, but at least a plan is in place and the rules of engagement are set forth.

Now, if this amendment is part of a continued protest against the administration's position on climate change, let me be clear on that point. I voted against the House cap-and-trade bill. I did not support it, but I do support, as the subcommittee has said, the right of this President or any President to establish positions in his or her own White House. And if President Obama finds that he wants a White House assistant on energy and climate change, that's his prerogative. That's his right. It was the right of President Bush before him and many other Presidents in the past.

So I urge my colleagues to indeed oppose this ill-conceived, vindictive amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-208.

PARLIAMENTARY INQUIRY

Mr. FLAKE. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. The gentleman may state his parliamentary inquiry.

Mr. FLAKE. I plan to ask for unanimous consent to modify my amendment to reflect some of the amendments throughout this process that were not made in order by the Rules

Committee. What I want to know is, is it in order, if the other side agrees with the unanimous consent request, and is it possible for them to do so and allow these other amendments to be offered?

Mr. SERRANO. I object, Mr. Chairman.

The Acting CHAIR. The gentleman has not stated a parliamentary inquiry.

The gentleman will state his inquiry.

Mr. FLAKE. The inquiry is, under unanimous consent, can the majority party agree to modify my amendment?

The Acting CHAIR. That is a hypothetical question.

If the gentleman wishes to make a unanimous consent to modify his amendment, that request is in order at the time the amendment is pending.

Does the gentleman wish to offer amendment No. 7?

Mr. FLAKE. Yes, I do.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for a small business incubator project of the University of West Georgia in Carrollton, Georgia, and the amount otherwise provided in such section is hereby reduced by \$100,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I ask unanimous consent that my amendment be modified to the form I have at the desk.

The Acting CHAIR. Without objection, the Clerk will report the modification.

Mr. SERRANO. I object.

The Acting CHAIR. Objection is heard.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair.

What I wanted to establish is that by unanimous consent the majority party could agree for me to modify my amendment. Now, I was allowed for 11 amendments under this rule to strike earmarks from the bill. Unfortunately, numerous Members, dozens of Members, were denied the ability to offer any amendments on this bill. It seems the majority party only wants to deal with those amendments that they know they could win.

Now, under tradition, this House has brought appropriations bills of the House to the floor under an open rule. We've broken with tradition this year. There is a headline on AP wire right

now that says, "House Democrats muzzle GOP on sensitive issues." That's a pretty accurate headline. That's exactly what's happening here.

Now, we were told that it was a time constraint issue, that we simply couldn't finish all of the appropriations bills under a certain amount of time so we had to restrict the number of amendments. That's what the world was told here, the country was told. We find out that's not the case at all. We have a time limit under this bill. I have 11 amendments. I'm willing to modify my amendments to reflect some of those that were denied, amendments that were germane.

The first one that I have at the desk is one that would protect broadcaster freedom. This is an amendment that was offered last year in the appropriation bill. It was germane, and it received 309 votes from this Chamber, but the majority leadership doesn't want to vote on that, and so they've denied the authors of that amendment the ability to come to the floor and offer it. And so I'm willing to substitute that for one of mine under unanimous consent, but the gentleman objected twice, so we won't be able to do that.

So I just want to say it on the record—and I will say it again and again—this process is not right. We know this isn't the way it should be done. House Democrats are muzzling the GOP on sensitive issues, just like the headlines now read. It's not an issue of time. We're under time constraints already. We're willing to simply substitute time for time, but the majority party simply will not allow it.

Now to the merits of this amendment.

I'm seeking to strike funding, \$100,000 for funding a small business incubator at the University of West Georgia. This would reduce the overall cost of the bill by a commensurate amount. This is money that's going to a business incubator. You will see that theme throughout a lot of these amendments, whether they're at a university or under some other umbrella. We're taking money from the Treasury here, money that we have to borrow, and funding business incubators.

□ 1530

Now a business incubator, that's a bit of a nebulous term and I haven't quite figured out what it is. It means different things in different places. But apparently here it's simply to offer counseling, resource information exchange, and distance-learning opportunities for entrepreneurs and small business ventures. That kind of thing is done all the time in every State, everywhere. But not everybody gets a Federal earmark to do that and it's not fair to do it here. People that get this kind of money should have to compete for it if that money is available at all.

With that, I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Funding recommendations included in this bill were made in full compliance with the applicable rules and procedures of the House. On a bipartisan basis, we have scrutinized thousands of Member requests and recommended funding for those projects we believe are most meritorious. In addition, the Small Business Administration was given an opportunity to vet this project and provided the committee with no negative feedback regarding the project or the grantee. I urge my colleagues to oppose this amendment.

I yield such time as he may consume to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the ranking member for yielding to me.

I want to say right off that I support the gentleman's request for unanimous consent but I certainly rise to oppose this striking amendment No. 7 by my friend and colleague from Arizona. I want to thank Chairman SERRANO and Ranking Member EMERSON for supporting this request, this project.

I commend the gentleman from Arizona. I think that his heart is true and consistent in regard to wanting to reduce government spending and waste, and I think he is to be commended for that. And I think the gentleman from Arizona knows that I too feel the same way. In fact, I have introduced legislation to bring some fairness and equity to Member initiatives, to cut them in half indeed. I know the gentleman is aware of that.

He doesn't know a lot about this project, and I'm sure that a lot of Members when their project for their district, for their constituents is challenged, they may dread coming down here to the floor. But I don't dread it at all. I'm thrilled to have an opportunity to come down and explain to the gentleman about this project.

Very simply, this \$100,000 would go to the University of West Georgia's Small Business Development Center and their partnership with the Carroll County Economic Development Foundation's Burson Center to simply fund the expansion of their small business support center, or incubator. This center, which already exists, provides resources ranging from business counseling, to temporary office space, to technical support and access to an online database of Angel Investors Networks looking to support a potentially successful small business.

Specifically, this expansion will target the more than 12,000 veterans from

west Georgia that will be returning in the coming year. Given the tight job market, 30 percent or more of these returning veterans will attempt to start their own business and will likely require some type of support in beginning that effort.

I urge my colleagues to oppose this striking amendment.

The Acting CHAIR. The gentleman from Arizona has 1½ minutes remaining.

Mr. FLAKE. I thank the Chair and I thank the gentleman for his kind words. I think I'm the most commended Member in this body who never wins an amendment. Nevertheless, I think when you look at what's being funded here, these are activities that go on all over the country, whether they're sponsored by universities, whether they're sponsored by business groups, chambers of commerce, other associations. And to single one out and say that the University of West Georgia is deserving of a Federal earmark for their project, for their business incubator simply doesn't make sense.

We have a deficit this year that will approach \$2 trillion by the time we finish the fiscal year. We are borrowing money from the taxpayers all over this country, or actually borrowing it from foreign countries, and we're asking the taxpayers and future generations of taxpayers to pay for it because we don't have the money to fund these programs.

This bill increases spending in the Financial Services appropriations bill, I think, \$1.6 billion or so increase over last year. Yet we're funding projects as if we have no problem at all, as if money grows on trees here. And it doesn't. At some point I think we have to step back and say, We can't continue to do business this way. At some point we have to say, We're going to strike an earmark, or we're going to save some money somewhere. I would suggest that now is the time. If we're not going to do it now, I don't know when we're going to do it.

With that, I yield back the balance of my time.

The Acting CHAIR. The gentlewoman from Missouri has 2 minutes remaining.

Mrs. EMERSON. I yield the balance of my time to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Chairman, again, a lot of what the gentleman says, I can agree with, but I continue to believe that some portion of Federal dollars that my constituents send to Washington is returned back to them and to our district, the 11th of Georgia. Yes, preferably through tax relief. But when necessary, through direct support of responsible and well-vetted local initiatives.

Let me explain to the gentleman and provide just a little more context for this request and the needs that this

center is seeking to meet. Here are the six counties that the center services as well as the unemployment rate in each county: Carroll County, 11 percent unemployment; Bartow, 11.5; Floyd County, 10.4 percent; Paulding, 9.8 percent; Haralson, 12.2 percent unemployment; and Polk, 10.5 percent unemployment.

As I said, Mr. Chairman, at the outset in defending this initiative against the gentleman's amendment to strike, this is a good project. And as he says, Well, why don't they go through the regular process. Well, I think if they went through the regular process, this project would have a 98 percent chance of getting funded. But I think it's my responsibility if I can to make sure that we don't take that 2 percent chance. I proudly stand here and defend this project.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FLAKE:
At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Commercial Driver Training Institute project of Arkansas State University in Newport, Arkansas, and the amount otherwise provided in such section is hereby reduced by \$200,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified to the form I have at the desk.

The Acting CHAIR. Without objection, the Clerk will report the modification.

Mr. SERRANO. I object.

The Acting CHAIR. Objection is heard.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. That didn't sound like the Clerk, so I guess we've been objected to again.

Again what I am trying to do here is modify my amendment to reflect one of the amendments that was rejected by the Rules Committee. This particular amendment would keep in place the restrictions that have been in place for a long, long time against using taxpayer money to fund abortion services.

The sponsors of this amendment, on both sides of the aisle, felt so strongly about it that many of them on the other side of the aisle voted against the rule. So when time expired just about an hour or so ago to vote on the rule for this bill, it was about 10 votes short of passing because more than 30 Democrats voted against the rule. Now the vote was held open for an inordinate amount of time so that leadership could twist some arms and change some votes to get this rule to pass. You had Members on both sides of the aisle feel that strongly about bringing an amendment to the floor, but the majority party leadership decided, no, that we should be muzzled, not just on this side but Members on that side of the aisle as well.

Mr. Chairman, that's just not right, but that's what happens when you declare martial law on appropriations bills and say to the world, We can't do it because time does not allow. And then when somebody here asks for unanimous consent to simply substitute time for time, one amendment that wasn't allowed in order for one amendment that was, the majority stands up and says, I object.

So let's get rid of the fiction once and for all that this is an issue of time. What it's an issue of, the majority leadership does not want Members to have the ability to offer the amendments they would like to. We had the gentleman stand up in the last hour who presided a couple of years ago over the Interior appropriation bill. He noted that he sat in the Chair for over 3 days to listen to amendments come up on the Interior appropriation bill. I remember that time. I offered many of those amendments. There were many amendments that people on both sides of the aisle offered that the leadership on both sides of the aisle was uncomfortable with. But they allowed it to occur, because that's the way it should work here.

Under this martial law rule, we have a structured rule and the majority leadership picks which amendments can be offered and which ones cannot. That is simply not right, Mr. Chairman.

Now in terms of this amendment, this amendment would prohibit \$200,000 from funding the Arkansas Commercial Driving Training Institute, and it would lower the cost of the bill by a commensurate amount. The recipient of this earmark is Arkansas State Uni-

versity. It's had a truck driving institute for more than 20 years. I am all for driver safety, particularly big 18-wheelers that are on the road, but I'm not sure why the Federal Government is funding this particular driving program. Nor do I understand why this institute is receiving another earmark, having received nearly a quarter of a million dollars in earmark funds in the omnibus bill that we passed just a few short months ago.

In fact, it appears that this institute was established and built in part with taxpayer dollars, Federal taxpayer dollars, thanks to a nearly \$350,000 earmark it received in the fiscal 2008 transportation spending bill.

A quick search on the Internet shows there are dozens and dozens and dozens of commercial driving training schools all over the country. None of them have received this kind of Federal largesse. Why do we continue to fund institutes like this? Aren't some of the others just as deserving? Or is it just because we have Members in a position to do it?

If you look at this chart, you'll get the answer there. This is the Financial Services bill that we're dealing with now. Sixty percent of the earmarks in this bill are going to just 24 percent of the body. That represents appropriators, chairmen, ranking minority members, so-called powerful Members. Sixty percent. If you look at the dollar value of the earmark, that goes up to 70 percent. Seventy percent of the earmark dollars in this bill are going to less than 24 percent of the body.

Now you'll hear a lot of high-minded rhetoric about we can't let those faceless bureaucrats in the bureaucracy decide where the money goes. Well, most of the Members in this body would do better with faceless bureaucrats than with the Appropriations Committee, because time and time again, and this is a trend that we've seen throughout the appropriation bills this year, a small number of Members get a big chunk of the cash. And this is going to some organizations that have gotten earmarks year after year after year after year.

I reserve the balance of my time.

Mr. BERRY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BERRY. Thank you, Mr. Chairman.

I certainly want to thank our distinguished chairman and ranking member of this committee and the staff that's done magnificent work preparing this bill and getting it to the floor. We all appreciate them and what they've done.

I try to never rise to speak that I don't encourage anyone that will listen to me to keep in their hearts and minds and in their prayers our men and women in uniform and their families. I

am delighted to be here to not only hopefully defend this amendment against attacks but I have heard my friend from Arizona's complaints.

I would refer him first of all to article I, section 9 of the United States Constitution that says no money shall be drawn from the Treasury but in consequence of appropriations made by law.

□ 1545

It says, "No money shall be drawn from the Treasury but in consequence of appropriations made by law." I don't think the bureaucrats have the authority under the Constitution to appropriate money. That's the job of this Congress, this House, and the Appropriations Committee.

And I know my friend from Arizona means well. He has good intentions. He does these things in a spirit of camaraderie and never gets too vicious with his attacks. And I appreciate that. He is indeed a good fellow. But my mother used to tell me that the road to the bad place was paved with good intentions.

These people this truck driving course takes care of, the people that it makes possible for them to get trained, they're trained for good jobs that already exist. They're not going to get trained and then be out of work. They're going to be trained to operate vehicles over the Nation's highways in a safe manner.

This program helps to filter out any people that would not be suitable for that type work. That's part of what it does. This is a need that has existed for many, many years, and we have put lots and lots of State money, a lot of local money into this program and this community college, which does an outstanding job—and it has other programs where it trains people for jobs that already exist, and this is just one of its programs.

It would be absolutely foolish for us to deny this little bit of funding for a place that has worked so hard, has a very difficult time economically, and does only take up an effort to try to improve the lives of the people that want to work hard and participate in these programs and be trained for a good job.

And so I urge a "no" vote on this amendment, and I would urge my colleagues that choose to oppose earmarks—I like to call them Member-directed spending—but I think the Constitution is very clear on who's supposed to do that. If they would choose to be opposed to these Member-directed spending in these bills, then they need to go back to the Constitution and see where it says bureaucracy or bureaucrat or Federal agency or the executive branch or anything like that. It doesn't say that. It says the Congress has to pass these laws and make this money available.

So, I'm delighted to be here and appreciate the opportunity to speak against this amendment.

I reserve the balance of my time.

Mr. FLAKE. I urge support of the amendment.

Mr. BERRY. I urge a "no" vote on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk designated as No. 9.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Proof of Concept Center of Idaho TechConnect, Inc., in Nampa, Idaho, and the amount otherwise provided in such section is hereby reduced by \$285,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form I have at the desk.

The CHAIR. Without objection, the Clerk will report the modification.

Mr. SERRANO. I object.

The CHAIR. Objection is heard.

The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I'd like to engage on my time a colloquy with the gentleman, the chair of the relevant subcommittee, if I could.

I'm just wondering why the majority doesn't want to consider these amendments that weren't made in order.

Mr. SERRANO. The Rules Committee made in order a certain amount of amendments. The Rules Committee is a body composed of Members from both sides. That's the rule that we're working under. And I think that out of respect for the House and the rules that we work under, we should accept that as the format for this debate today, and not to change it in any way just when we feel like it.

Mr. FLAKE. I thank the gentleman. He makes an important point. We have traditions in this House that we ought to uphold—and one tradition is appropriation bills being brought to the floor under an open rule. And we shouldn't be able to change that just because we feel like.

What I'm trying to do is return to the traditions of the House and allow Members to bring the amendments that they would like to offer; that their constituents, with their voice in Washington, would like them to be able to offer. But we're not allowed to. As the headline out there right now reads, "House Democrats muzzle GOP on sensitive issues."

Now this amendment that I would like to have offered instead of mine would allow the School Choice Initiative in Washington, D.C., to continue. Funding will go away for everyone except those who are currently in the program.

Over the past several years, thousands of residents of D.C. schools have been able to go to the schools of their choice. Now, because of this bill being passed today, unless an amendment is accepted otherwise, those children will be denied that choice.

Now that is an amendment that has support on this side of the aisle and the other side of the aisle. It was an amendment that was offered at the Rules Committee that was fully germane. It was in order to be considered. It was simply rejected because the majority leadership did not want this body to vote on it. I don't know why. We will have to all speculate.

But the fact is that we're taking the time that could have been offered for this amendment and allowing that one to be offered instead. So we're not increasing the time for these appropriation bills. The majority party is still objecting to that unanimous consent request.

Now, with regard to this amendment, this amendment would prohibit \$285,000 from going to Idaho TechConnect, Inc., for the Proof of Concept Center, and reduce the overall cost of the bill by a commensurate amount. This Idaho TechConnect accelerates Idaho's innovation-based economy by connecting people, resources, and ideas.

Here's another one that's pretty much indistinguishable, I think, from the last one. It's a business incubator of some type that a group here, Idaho TechConnect, seems to think is worthy of Federal largess or an earmark. It doesn't want to compete for dollars that might be in an account that Congress, through its role under article I, has instructed the agency to set up. No. It attempts to earmark dollars beyond that.

The last gentleman mentioned that Congress has the power to appropriate. It certainly does. That's what we do here. That's the most important part

of what we do here. And we tell the agencies what they can fund and what they can't, and we provide the money for them to do so.

We will often tell them to set up a program by which individuals and organizations around the country can compete for Federal dollars. But instead, here what Congress is doing is saying, We don't like what you've set up so we're going to run a parallel program, we're going to earmark dollars for these programs, because if the organization in my district had to compete for those dollars, they may not get them. There's only a 98 percent chance that they would get them. I want to make sure they do. Or, there's a 5 percent chance they would get it. I want to make sure that they get those monies. And so we run a parallel track here.

I would say that I can't find the word bureaucrat in the Constitution, nor can I find the word earmark. Congress has the power to appropriate. But we authorize, we appropriate, and we have oversight functions. And we're circumventing that process when we earmark in this fashion.

I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I claim time in opposition.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Funding recommendations included in this bill were made in full compliance with the applicable rules and procedures of the House. In addition, the Small Business Administration was given an opportunity to vet this project, and it provided the committee with no negative feedback regarding the project or the grantee.

Unfortunately, Mr. SIMPSON, the sponsor of the amendment, was unable to come to the floor due to other important business.

I yield the balance of my time to the distinguished minority leader, Mr. BOEHNER.

Mr. BOEHNER. I want to thank the gentlelady for yielding. I want to thank Mr. FLAKE for his attempt to have my amendment offered. As you know, the gentleman asked unanimous consent to substitute for his amendment an amendment that would provide for a continuing scholarship program for students—poor students here in the District of Columbia.

This is an issue that many of us fought very hard for some 5 or 6 years ago. Unfortunately, the administration and the majority party here in the House have decided to end this program and only allow those students who are currently enrolled to finish. It does nothing to address the siblings of these students that are in these schools.

The reason this program was set up is because the District of Columbia had

some of the worst schools in America. And while we spend nearly \$15,000 per student for the students here in the District of Columbia, this small program is serving about 2,200 kids—2,200 kids, to give them a chance.

And all they wanted was the opportunity to debate the continuation of this program. But the majority party says, No, no, no. We can't have a debate on that. Why? Because we might win. And it wouldn't be us winning, it would be the poor kids in D.C. who are currently getting these scholarships. But we can't even have the debate. We can't even have a vote. What has this place become?

I just think it's outrageous that Members on either side of the aisle don't have an opportunity to offer amendments to these appropriation bills. This process now has gone on for 4 or 5 weeks, and it appears that it will go on for the next couple of weeks.

This is not what has ever happened in the 18½ years that I've been here—the 19th appropriation season I've been through. I've never seen anything like this in terms of the majority willing to suppress virtually all the Members of the House on both sides of the aisle.

And I think that the amendment that I wanted to offer to help save this program for poor kids here in D.C. was a worthy amendment. And I think Members on both sides of the aisle wanted to have an opportunity to debate that amendment and have a vote on it. But, no, it couldn't happen.

So I would urge my colleagues to vote against this bill.

Mr. FLAKE. I thank the gentleman and the gentleman's comments, the minority leader. We ought to allow substitution of this amendment. There's no reason, other than the majority party simply doesn't want to have the debate or have the vote.

With that, I urge support of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Greenstone Group project of the Northeast Entrepreneur Fund in Virginia, Minnesota, and the amount otherwise provided in such section is hereby reduced by \$200,000.

The CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I ask unanimous consent that my amendment be modified to the form I have at the desk.

The Acting CHAIR. Without objection, the Clerk will report the modification.

Mr. SERRANO. I object.

The CHAIR. Objection is heard.

The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. This amendment that I had hoped to substitute was an amendment offered by the gentleman, Mr. GINGREY of Georgia, which would simply have prohibited union activity on government time. Apparently, it's an amendment that the majority leadership did not want—it's a debate that they didn't want this body to have. It's an amendment they didn't want this body to vote on.

□ 1600

Now, it's a shame because it would be a 5-minute time limit, or 5 minutes per side, just the same as this amendment. This isn't an issue of time. There were a lot of amendments submitted to the Rules Committee. Far fewer were made in order, but now we have the time established and we're simply wanting to substitute one germane amendment for another germane amendment, but the majority party is objecting once again. So I think that the headline that was just out—House Democrats muzzle GOP on sensitive issues—is completely correct, and it is a shame, Mr. Chairman.

This amendment would prohibit \$200,000 in funding for the Northeast Entrepreneur Fund, and it would reduce the cost of the bill by a commensurate amount.

According to the sponsor's Web site, the Northeast Entrepreneur Fund has helped start, stabilize or expand more than 1,100 local businesses and helped train or retain more than 3,000 jobs.

The certification letter indicated the funding for the Greenstone Group would strengthen 500 entrepreneurs in the region through group-based learning, peer support and access to various business services.

Again, here we have another business incubator. This is something that private-sector organizations, chambers of

commerce, trade associations, and other businesses offer and do all over this country—hundreds in every State. Yet here we are singling one out and are saying this one is worthy of a Federal earmark, and we're going to give \$200,000 to it. That's not right, Mr. Chairman. We can't continue to spend money this way.

Every dime that we are spending over and above what we spent last year, and a lot of what we spent last year is borrowed. When will we decide enough is enough and that we can't continue to do business as usual and fund earmarks in this fashion?

I reserve the balance of my time.

Mr. OBERSTAR. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Chairman, I want to take the opportunity to thank the chairman of the full committee, Mr. OBEY, the chairman of the subcommittee, Mr. SERRANO, and the ranking member, Mrs. EMERSON, for acknowledging the merits of this proposal and for including these funds for Greenstone Group.

I respect the gentleman from Arizona. He is consistent, persistent and sincere in his opposition to constituent-inspired investments that Members offer on their behalf; but were he to prevail, he would, in fact, be muzzling job-creating opportunities in northeastern Minnesota, an area in my district where unemployment rates are 12.9 percent, 15 percent and 16 percent in one community after another.

The term "Greenstone Group" is derived from the mineral deposit that underlies much of northeastern Minnesota's iron ore mining country. It is a natural resource-based economy. We've been losing jobs with the downturn in steel and iron ore production. In fact, the iron ore mines are completely shut down, and some 6,000 jobs have been lost. The bright spot is the Northeast Entrepreneur Fund, which the gentleman, in fact, cited from the application proposal.

The Entrepreneur Fund, which I have supported for over 20 years, has stabilized and has created 1,000 businesses, 2,500 jobs, people who are employed, who are paying Federal, State and local taxes that would not otherwise be paid. The return to the Federal Government on this investment is significant and real and tangible. The Entrepreneur Fund has provided \$7 million in loans to 350 businesses. Over 9,000 individuals have been helped by the fund, by the Northeast Entrepreneur Fund. They have established a Women's Business Center. They've been an SBA micro lender.

They're not doing it all by themselves. The gentleman from Arizona said, well, this can and should be done by the private sector. Well, the John S.

and James L. Knight Foundation, the Blandin Foundation, Minnesota Power Company, and the Lloyd K. Johnson Foundation all are partners and participants with the Northeast Entrepreneur Fund and with the Greenstone Group. There is a public-private partnership that has been very successful and that has the support of the private sector. How does this translate?

Carol Willoughby, whom I know personally, has a very small company, Let the Whole World Know.

Without the training, the technical training from the Northeast Entrepreneur Fund, I could not have done it. I wouldn't be in business without them, she wrote.

Luke Popham and Jeremy Rebrovich, two beginning entrepreneurs, were turned down by nine banks until the Northeast Entrepreneur Fund found them, helped them and guided them.

Jeremy says, Without the Northeast Entrepreneur Fund, I wouldn't be in business today.

They built a fitness center with their carpentry skills, and they have 900 clients. They're producing, and they're creating jobs in an area that is losing jobs.

What the Entrepreneur Fund and the Greenstone Group do is simply provide, in participation with the private sector, professional business coaching. People with real world business experience have helped these beginning entrepreneurs do the right thing—develop good business plans, get on their feet, and operate successful businesses. These one-on-one meetings with their coaches help the business owners step back from the day-to-day job of running their businesses and help them to see the possibilities for growth. They develop sound business plans. This is a good investment of Federal dollars.

I urge opposition to the gentleman's amendment, and I reserve the balance of my time.

The Acting CHAIR. The gentleman from Arizona has 2½ minutes remaining and the right to close.

Mr. FLAKE. I thank the Chair.

I would yield to the gentleman just 30 seconds for him to explain whether there is any time in the foreseeable future that he believes the entity will not be reliant, or dependent, on Federal funds.

Mr. OBERSTAR. When the private-sector lending enterprises can step up on their own and can support startup enterprises like that, you won't need a helping hand, but when the private sector says, We can't do this alone and we need a helping hand, then I think there is an appropriate role for the Federal sector to be a partner with the private sector.

Mr. FLAKE. I thank the gentleman. I thank him for that clarification.

Mr. Chairman, no Member of Congress will ever say that, in his district, there is full employment and that

there is no need for outside assistance. This particular entity isn't just receiving this earmark. It received an earmark for nearly \$250,000 in the FY09 omnibus bill that we passed just a few months ago. So we have last year's bill, this year's bill and likely next year's bill.

There are organizations all over the country that would like, one, to compete for SBA funds on merit rather than on earmark, and there are private-sector organizations that would like to provide this assistance, but they're competing with government entities that are providing some of the same services, a lot of these services that are indicated here—strengthening entrepreneurs, group-based learning, peer support, access to various business services. These are services provided by the private sector all over the place as well, but these private-sector organizations now have to compete with government organizations to survive. In some cases, it is no wonder there aren't private-sector organizations. They're crowded out by their government counterparts.

So, rather than continuing to fund entities that have received earmarks year after year and that have no real prospect of not being reliant on Federal Government funding in the future, we've got to say enough is enough. We can't continue to spend money this way when we're running a deficit that might approach \$2 trillion this year.

With that, I urge support of the amendment, and I yield back the balance of my time.

Mr. OBERSTAR. When the gentleman from Arizona waves his magic wand over the northeastern part of my district and restores economic stability and growth and job creation, then we won't need this helping hand.

As I pointed out, there is no crowding out of the private sector. In fact, as I cited, one of the participants was turned down nine times by small banks that don't have the backing of big correspondent banks. They couldn't do it on their own. Then the Northeast Entrepreneur Fund came in and partnered with them, and now we have got jobs created and we have got people working. That is what we're doing. There is no crowding out. There is a partnership, a public-private partnership, that is successful in job creation and in payroll creating, taking people off the unemployment rolls and putting them on payrolls.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Arizona will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk designated as No. 11.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. FLAKE:
At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Green Business Incubator project of Montgomery County, Maryland, and the amount otherwise provided in such section is hereby reduced by \$150,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified to the form I have at the desk.

Mr. SERRANO. I object.

The Acting CHAIR. Hearing an objection, the gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I'm just proud of myself for getting those words out before the objection came.

Again, I would have substituted, this time, the Broadcaster Freedom Act amendment, which would have been the same amendment we passed last year, which needs to be passed every year to prohibit the FCC from bringing back the so-called Fairness Doctrine, which would muzzle or gag, much like we're being muzzled or gagged on this side during this debate. It would muzzle or gag, particularly, conservative talk radio. That is the purpose that has been raised in the past, and there are fears and, certainly, some support among certain powerful Members of this body to reinstate the so-called Fairness Doctrine.

This would prohibit the FCC from spending any money to implement that Fairness Doctrine. Again, first we're being told that we don't have time to consider this amendment. We know that's not the case. So the real reason is the majority leadership does not want this amendment to be considered. They don't want the debate to happen. They don't want a vote to happen. They don't want to put their Members on record. They simply don't want to prohibit funding for that purpose. It is too bad, Mr. Chairman. I would hope that we could return to the traditions of this House, have open appropriations bills and have an open debate.

This amendment would remove \$150,000 in funding for the Montgomery County Green Business Incubator, and it would reduce the cost of the bill by a commensurate amount. The recipient of this earmark is the Montgomery County Department of Economic Development. Now, I should say I don't know how many counties there are around this country. States like Arizona have large counties. A few States in the Midwest and in the South have literally hundreds of counties. In just about every county in the country there is a Department of Economic Development. Cities have them. States have them. There are literally thousands across this country, but we're singling out one here, the Montgomery County Department of Economic Development.

We're saying, You don't have to compete with everybody else for any dollars that the SBA has to send out, because we're going to earmark those dollars, and you're going to get them regardless of the merit of your program. It may be good; it may not be, but it doesn't matter because a powerful Member of Congress can simply say you're going to get that money, and that's what's happening here.

Again, these are business incubators, which is a pretty broad topic, providing services that a lot of private-sector organizations across this country already provide.

I reserve the balance of my time.

Mr. VAN HOLLEN. I rise to claim the time in opposition, Mr. Chairman.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. VAN HOLLEN. Mr. Chairman, first of all, I want to commend my colleague from Arizona for taking the time to scrutinize many of these projects.

I am pleased with the changes we have made in this body with respect to the transparency and accountability of the earmark reform process. It's something that my colleague has fought for for many years, but those changes did not actually take place until the new Congress was sworn in in January 2006. I am pleased we have gotten to this point, and I think the gentleman performs a very useful function here.

Montgomery County, Maryland, has become one of the Nation's centers in the biotech area. It is one of the top 10 biotech centers in the country. One of the reasons they were able to do that is they pursued a successful strategy of creating incubators.

Mr. Chairman, I include for the RECORD a whole list of success stories for the Montgomery County Incubator.

MONTGOMERY COUNTY INCUBATOR NETWORK SUCCESS STORIES—JUNE 2009

1. Avalon Pharmaceuticals.

Ken Carter, Ph.D., President, 20358 Seneca Meadows Parkway, Germantown, MD 20876, 301-556-9900.

Admitted: January 2000.

Graduated: October 2000.

Current Employees: 50+.

At admission: 3.

Avalon Pharmaceuticals, Inc is a bio company that utilizes an innovative forward chemical genetics approach to create safer and more effective small molecules medicines—focused in the area of cancer. The company has received more than 60 million in venture capital funding. In December 2004 the company was selected as a Top 100 Innovator by Red Herring. Red Herring covers technology innovation, venture financing, and the deals that make a difference. Its award-winning journalists go deeper, providing a comprehensive, critical analysis of what's new and why it matters. Red Herring's editorial staff evaluated over 1,200 submissions from 900 public and private companies, and selected the Top Innovator companies. The company executed an IPO in 2005 and was sold in 2009 to Clinical Data.

2. Nextone Communications.

Ravi Narayan, COO and Co-founder, 101 Orchard Ridge Dr., Suite 300, Gaithersburg, MD 20878, Tel. 240-912-1300.

Admitted: April 1999.

Graduated: January 2003.

Current Employees: 100+.

At admission: 4.

Nextone develops carrier-grade products that provide scalable session management of voice over IP (VoIP) and other real-time services. Nextone's portfolio of core and edge session management technologies enables service providers and carriers to interconnect their voice networks in the most simple and cost effective way. Nextone has offices in Asia and Europe.

3. Systems Integration & Development, INC (SID).

Ajay Agrawal, President & Founder, 15200 Shady Grove Road, Suite 300, Rockville, MD 20850, Tel. 301-840-2120.

Admitted: January 1999.

Graduated: July 2002.

Current Employees: 110.

At admission: 4.

SID specializes in designing, developing, and implementing superior quality web based software solutions for commercial enterprises and government agencies. SID has developed several web based COTS tools as solutions for workflow management, document management and tracking systems. 2004 has been a stellar year for SID. The company has been named members of several key "who's who" lists in the IT world, including Maryland Technology Fast 50 (ranked 21st), Washington Technology Fast 50 (ranked 13th), and the Technology Fast 500 for North America (ranked 483rd.)

4. GeneDX, Inc.

Sherri Bale, Founder, President & Clinical Director, 207 Perry Parkway, Gaithersburg, MD 20877, Tel: 301-519-2100, x102.

Admitted: July 1999.

Graduated: September 2002.

Current Employees: 25.

At admission: 2.

GeneDx specializes in genetic testing for rare hereditary disorders. Its mission is to make clinical testing available to people with rare genetic conditions and their families.

5. Opgen, Inc.

Noel Doheny, CEO, 708 Quince Orchard Boulevard, Gaithersburg, MD 20878, Tel: 301-919-6635.

Admitted: March 2008.

Graduated: July 2008.

Current Employees: 56.

At Admission: 2.

Opgen holds the record for the fastest graduation in the Incubator Network. The company owns a proprietary molecular detection system. The purpose of its technology is to detect and identify pathogens. Opgen's technology was utilized by the U.S. FDA to detect and trace the source of e-coli and salmonella that broke out in the produce markets. The company has received \$50MM in venture funding and has contracts with the FDA and DARPA.

7. Aeris Global TB Foundation.

Jerald Sadoff, MD, President & CEO, 1405 Research Boulevard, Rockville, MD 20850, Tel: 301-547-2900.

Admitted: February 2004.

Graduated: September 2006.

Current Employees: 110.

At Admittance: 5.

Aeris is the recipient of over \$200MM in grants, namely from the Bill & Melinda Gates Foundation. The organization is focused on developing a new and improved vaccine for tuberculosis, as well as diagnostics and therapeutics.

8. Advanced Vision Therapies, Inc.—“Finding Solutions to Prevent Blindness”.

Michael Kaleko MD, PhD, President, 9 West Watkins Mill Road, Gaithersburg, MD 20878.

Admitted: June 2003.

Graduated: January 2007.

Current Employees: 18.

At Admittance: 4.

Advanced Vision Therapies, Inc. (AVT) is focused on the treatment of sight-threatening eye diseases, such as age-related macular degeneration and finding a cure that works. AVT recognized that an improved delivery system is required to enable the broad application of ocular therapeutics. The company has identified two novel therapeutics and developed a proprietary delivery system, which, with a single administration, will provide sustained, possibly life-long therapy. AVT was acquired by the Wellstadt group who was subsequently acquired by Roche.

9. 20/20 GeneSystems, Inc.

Jonathan Cohen, Esq., CEO, 9430 Key West Avenue, Rockville, MD 20850.

Admitted: September 2001.

Graduated: December 2006.

Current Employees: 14.

At Admittance: 2.

20/20 GeneSystems, Inc. is dedicated to the development and commercialization of novel protein biomarker based diagnostics useful for both early disease detection and personalized medicine. The company presently utilizes several proprietary protein array technologies including a technique for multiplex tumor profiling that is a platform for “companion diagnostics” that predict patient response to targeted therapies. The company is using its technology to develop what it believes will be the first blood test for the early detection of lung cancer that will be a routine screen for smokers and others at high risk for the world's leading cancer killer. The company also has a profitable business unit, 20/20 BioResponse, dedicated to delivering biotechnology solutions to first responders.

10. ADF Solutions, Inc.

JJ Wallia, CEO, 4641 Montgomery Avenue, Suite 515, Bethesda, MD 20814.

Admitted: October 2005.

Graduated: June 2007.

Current Employees: 18.

At Admittance: 2.

ADF Solutions is the leading provider of software triage tools for forensic analysis. These tools allow for first responders, case

agents and forensic examiners to quickly and cleanly analyze suspect computers and drive images, both in the field, and in forensic laboratories. The company's solutions are currently being deployed and tested at agencies worldwide for child exploitation cases, drive images analysis, cyber crimes, financial crimes and others.

11. Ariadne Genomics, Inc.
Ilya Mazo, PhD, CEO, 9430 Key West Avenue, Rockville, MD 20850.
Admitted: October 2005.
Graduated: June 2007.
Current Employees: 30.
At Admittance: 4.

Ariadne brings together a unique combination of talents in algorithm design, commercial bioinformatics system construction and bench-level biological expertise. The availability of public human and other genomic data, organism-wide protein-protein interaction data and widespread gene profiling technologies presents new challenges to the storage and analysis of biological and pre-clinical data. In recognition of this trend, Ariadne introduces a new generation of bioinformatics products that combine flexibility of desktop applications and browsing power of web-based solutions.

12. NetImmune (now known as RioRey).
Jason Lu, Original Founder, 7920 Norfolk Avenue, Bethesda, MD 20814.
Admitted: October 2005.
Graduated: April 2006.
Current Employees: 26.
At Admittance: 2.

Distributed Denial of Service (DDOS) attacks, in which a targeted server is crippled or shut down by a flood of malicious traffic, are a growing threat to both public and private networks, endangering revenue, productivity and confidential data. NetImmune's technology provides a unique, hardware-based solution to the DDOS threat. The technology was originally developed by the University of Maryland, commercialized by NetImmune and is now sold under the name of RioRey.

13. Radius Technology Group, Inc.
Chris Archer, CEO, 804 Pershing Court, Suite 001, Silver Spring, MD 20910.
Admitted: August 2004.
Graduated: August 2007.
Current Employees: 23.
At Admittance: 3.

Radius Technology is an award winning Information Assurance and Security Services Firm. They offer innovative, comprehensive information assurance and technology security services. Their risk-based approach aligns the most effective information assurance solutions with the unique needs and business objectives of its clients.

14. Get Real Consulting (formerly InetXperts).

Robin Weiner, CEO, 51 Monroe Street, Suite 1903, Rockville, MD 20850.

Admitted : October 2002.
Graduated : December 2007.
Current Employees: 30.
At Admittance: 3.

Get Real Consulting is the 2009 Microsoft Health Users Group—Innovation Awards Winner and the 2008 Emerging Business of the Year (Montgomery County Chamber). The company focuses on delivering high quality IT/Healthcare solutions and was one of the first Microsoft Health Vault solutions provider.

15. Institute for Biological Energy Alternatives (IBEA).

J. Craig Venter, CEO, 9704 Medical Center Drive, Rockville, MD 20850.
Admitted : May 2002.

Graduated : September 2004.

Current Employees : 200+.

At Admittance : 4.

IBEA is now a part of the consolidated J. Craig Venter Institute. The JCVI in May of 2009 received a \$43 million, five year contract from the NIH/NIAID to provide genomics resources that are responsive to the needs of the global infectious disease community. To do this, JCVI investigators with scientific and technical expertise in infectious diseases, human genomics, DNA sequencing, genotyping, and bioinformatics, will continue to generate comprehensive genomic data sets that will enable pathogen countermeasures such as vaccines, therapeutics, diagnostics, and surveillance methods.

About the Craig Venter institute: The JCVI is a not-for-profit research institute in Rockville, MD and San Diego, CA dedicated to the advancement of the science of genomics; the understanding of its implications for society; and communication of those results to the scientific community, the public, and policymakers. Founded by J. Craig Venter, Ph.D., the JCVI is home to approximately 400 scientists and staff with expertise in human and evolutionary biology, genetics, bioinformatics/informatics, information technology, high-throughput DNA sequencing, genomic and environmental policy research, and public education in science and science policy. The legacy organizations of the JCVI are: The Institute for Genomic Research (TIGR), The Center for the Advancement of Genomics (TCAG), the Institute for Biological Energy Alternatives (IBEA), the Joint Technology Center (JTC), and the J. Craig Venter Science Foundation.

□ 1615

Mr. VAN HOLLEN. Thank you, Mr. Chairman.

We are now adjusting to a new imperative, which is to make sure that we, as a Nation and as communities, move in the direction of clean energy technology and energy efficiency. These funds would be used by Montgomery County on a competitive basis to provide seed funding for startup small businesses, companies that have to meet very rigorous criteria, just as the kind of criteria they used and was applied in the biotech sector. So I think this is an incredible example of strong public-private partnerships. Again, these will be distributed on a very competitive basis. There is going to be a long line of people waiting for these requests, and they are going to have to meet the competition requirements. I'm pleased to join in this request with my colleague Donna Edwards. Unfortunately, Mr. Chairman, we're in Ways and Means marking up the health bill, so I am going to have to turn it over to my colleague.

The Acting CHAIR. Without objection, the gentlewoman from Maryland will control the balance of the time.

There was no objection.

Mr. FLAKE. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from Arizona has 2½ minutes remaining and the gentlewoman from Maryland has 3 minutes remaining.

Mr. FLAKE. And I have the right to close?

The Acting CHAIR. The gentleman is correct.

Mr. FLAKE. I will reserve the balance of my time.

Ms. EDWARDS of Maryland. Mr. Chairman, I rise in strong opposition to this amendment. This amendment would prohibit funding for a project that will have a tremendously positive economic impact not only to Montgomery County but to the entire State of Maryland. This Green Business Incubator is expected to house 20 to 25 new businesses that will create an estimated 460 green jobs in our State. This project is both unique and innovative, and it's timely. This is a transformational time for American entrepreneurs, creators and innovators; and we have an opportunity not to do the work as government but to facilitate it, to jump-start it and to get out of the way of smart green entrepreneurs.

This is not the type of project that should be cut. Instead, this project should be used as a model for local areas around the Nation. The project is an example of how local communities can spark economic growth within a region, not with the help of giant outside corporations, but with small local businesses that are most closely connected to the people and their communities.

Now aside from providing economic growth, this Green Business Incubator and others like it around the country is a way to invest in our environment and new environmental technologies, 21st century technologies. The project will use both critical environmental investments and technologies that have resulted in new energy and climate policies and that have accelerated demand for green technologies.

This particular area of Maryland is a technology hub. Montgomery County intends to use the linkage locally with some of our strongest Federal laboratories, NIST, NOAA, NASA and the Department of Energy to develop new technologies that are environmentally sound. It is going to take a continuum of technologies to meet our global, environmental and energy needs in the 21st century. We have a strong track record in Montgomery County with these Federal research to commercialization models. In FY09, Montgomery County had 135 companies in incubators with a fiscal impact of \$465,000 to county coffers. This Green Business Incubator will contain the 21st century labs and communications facilities that fledgling green businesses need to grow, flourish, employ hundreds of workers and generate thousands of dollars in private market capital.

I would like to thank Chairman SERRANO and Ranking Member EMERSON for seeing the importance of this project for this century and for seeing its potential to spur environmentally

sound economic growth for small business in Maryland. I urge a “no” vote on this amendment.

I reserve the balance of my time.

Mr. FLAKE. The gentleman who spoke earlier mentioned that this was in the top 10 of something. I know that Montgomery County beat out eight competing counties to house the Maryland Clean Energy Center, which is the State’s first clearinghouse to drive clean energy and technologies. So we have an organization here, a county that is beating out competition. That’s a good thing. But we’re telling them, because you’re beating out that competition, we’re going to give you an earmark so you won’t have to compete anymore. I mentioned that there are literally thousands of county Departments of Economic Development around the country who would like a shot at these funds, I’m quite sure. But when they apply for these funds at the SBA, they’re probably being told, Sorry. That account is oversubscribed. There are too many earmarks in it so you won’t be able to compete because a particular powerful Member of Congress simply siphoned off the funding so that an organization or institution in his or her district could receive those funds without competing for them. Just remember, what earmarks really are are no-bid contracts. It’s basically an acknowledgement that you don’t want the organization or institution in your district or elsewhere to compete for the funding, so you are going to ensure that they get it. And when you look at a chart like this, it’s particularly pernicious when 60 percent of the share of earmarks are associated with appropriators, leadership, committee Chairs or ranking minority members, who comprise just 24 percent of this body, and 70 percent of the dollar value is associated with that group. And so you have a spoils system that decides where this money goes. Remember, Congress has the power to appropriate; and what we should do is first authorize, then appropriate and then conduct proper oversight but not circumvent that process by saying, We’re just going to run a parallel program over here in Congress and earmark the dollars.

With that, I reserve the balance of my time.

The Acting CHAIR. The gentlewoman from Maryland has 30 seconds remaining.

Ms. EDWARDS of Maryland. Mr. Chair, with all due respect to the gentleman from Arizona—and I definitely understand his purpose—the fact of the matter is, this is a great project not just for the State of Maryland but for this country. It’s important for us to look specifically at what a project will accomplish, how many jobs it’s going to create in our State of Maryland and the value of that. I agree. I’m not going to pick and choose winners and losers

among businesses in my congressional district, but I will pick and chose for the growth of small business in our community and stand behind those choices.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Arizona has 30 seconds remaining.

Mr. FLAKE. I thank the Chair.

The argument we’re hearing is akin to saying—you know this whole college bowl system that we have, the BCS? That’s good. But we think the University of Maryland or Arizona State University or BYU or another organization, we think they’re better. So we’re just going to award them the national championship. They shouldn’t even have to compete in the BCS or anywhere else because we think they’re better. And because we can, we’re going to do that. That’s one of the problems with the contemporary practice of earmarking. And for that, I hope that we will object this amendment and at some point say that we can’t continue to spend money in this way.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111–208.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for “Small Business Administration—Salaries and Expenses” shall be available for the Activity Based Total Accountability project of the Florida Institute of Technology in Melbourne, Florida, and the amount otherwise provided in such section is hereby reduced by \$100,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form I have at the desk.

Mr. SERRANO. I object.

The Acting CHAIR. Hearing objection, the gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I thank the chairman.

It’s unfortunate that it’s been objected to again. Again, this amendment that I would have substituted is one that had bipartisan support, many Democrats, many Republicans, that would simply keep in place the restrictions that have been in place for years with regard to taxpayer-funded abortion. This is one that the rule for this bill just narrowly passed after the vote was held open for longer than it was supposed to so that a few arms could be twisted to make the rule pass because so many Members wanted this amendment to be considered. But yet the leadership on the majority side has said, We don’t want to have a debate on this. We don’t want to have a vote on this.

Now it doesn’t matter which side you’re on on this issue. I think everyone should agree that we should have a vote on it. This is the people’s House. People should have the opportunity to vote on issues like this. It is not increasing the time for debate. It’s simply substituting one amendment for another. It is unfortunate we won’t be able to do that.

This amendment would remove \$100,000 in funding for the Florida Institute of Technology in Melbourne, Florida, to be used for, quote, activity-based total accountability. According to the earmark sponsor’s Web site, he requested just short of \$1 million to “create a national government services standards program to provide guidelines for which the efficiency of government services can be compared.”

I reserve the balance of my time.

Mr. CULBERSON. I rise in opposition to the gentleman’s amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Mr. Chairman and Members, funding recommendations included in this bill were made in full compliance with the applicable rules and procedures of the House. On a bipartisan basis, we have scrutinized thousands of Members’ requests and recommended funding for those projects that the committee believes are most meritorious. In addition, the Small Business Administration was given an opportunity to vet this project and provided the committee with no negative feedback regarding the project or the grantee. I urge my colleagues to oppose this amendment.

I yield such time as he may consume to the gentleman from Florida (Mr. POSEY).

Mr. POSEY. I thank the gentleman from Texas for yielding, and I want to thank our good friend, the Congressman from Arizona, for filing this well-intentioned but badly misguided amendment. It’s not often that Members of Congress get the opportunity to

specifically vote to make government more accountable. By defeating this amendment, you will have done that. You will have cast a vote, a stand-alone vote to make government more accountable.

The amendment strikes funding for a government accountability program known as the Activity-Based Total Accountability Institute. Government accountability is not a partisan issue. Thank goodness it's a bipartisan issue. The Florida legislature established this Activity-Based Total Accountability Institute on a strong bipartisan vote. In fact, it was a unanimous vote of the State legislature. And I am proud to point out that eight Members of the current Congress, Republicans and Democrats, supported this legislation when it was first passed by the Florida legislature. Those Members include the likes of outstanding congresspeople, Representative WASSERMAN SCHULTZ, Representative KENDRICK MEEK, Representative GINNY BROWN-WAITE, Representative MARIO DIAZ-BALART, Representative RON KLEIN, Representative SUZANNE KOSMAS, Representative CONNIE MACK, Representative ADAM PUTNAM and Representative GUS BILIRAKIS. We joined together in a bipartisan fashion because we know we need a greater accountability in government and in how taxpayer dollars are being spent, and this was a way to accomplish that.

I think we can accomplish much when we come together and reach across party lines for greater accountability and for the most efficient use of taxpayer dollars. That's why we did this; and that's what we did when we passed it; and hopefully that's what we will continue to do here today.

Activity-Based Total Accountability has been proposed as model legislation by the American Legislative Exchange Council, the Nation's oldest and largest bipartisan and nonprofit association of State lawmakers. Also the National Conference of State Legislators recommended that it be model legislation in each and every State. In fact, ALEC called it "the best legislation to come out of any State capital in over a decade." If you support better government accountability, you should vote against this amendment, obviously.

Activity-Based Total Accountability helps us better understand unit-based accounting—what it does, what it costs the government to accomplish a certain task, how does that compare on a State-by-State basis. That's what ABTA tells decision makers, and that's what it tells the public. It's the most useful kind of cost accounting which presents the cost for all government activities in a format anyone can understand. Taxpayers can see line by line what government actually accomplishes with its resources.

Florida put \$750,000 into the establishment of the institute to gather

budget data from every State. The comprehensive analysis of apples to apples will help every State spend its resources more efficiently and the Federal Government's as well. Defeating the amendment will allow the program to continue, and I would respectfully request that you join me in voting "no" on the amendment.

Mr. CULBERSON. If the gentleman will yield, I think it's important to point out—and I want to say that I share my colleague Mr. FLAKE's zeal for trying to cut spending and control spending. I know Mr. POSEY shares that concern. We all, as fiscal conservatives, are committed to controlling spending. But under the rules that this liberal majority has established, under their PAYGO, this bunch thinks that to cut taxes increases the deficit; and therefore, under the rules of this House, it is forbidden, essentially, to cut taxes and impossible to cut spending.

□ 1630

So, even if Mr. FLAKE's amendment were passed, the money that he is reducing, \$100,000, would churn right back in to the appropriations bill to be spent elsewhere. I know that aggravates Mr. FLAKE as much as it does me.

We have to reform the budget process. We have to be able, as fiscally conservative Members of Congress, to get up on this floor and offer cutting amendments that actually cut spending. But the game is rigged against taxpayers. Taxpayers are the losers in the way the rules of the House operate. And it is just not right.

Now, Mr. POSEY has got a very worthwhile project here in his own district, and that is something that he believes in his heart works. I join in opposing this amendment, but I would ask the Members to help us reform the budget process so we can actually cut spending and cut taxes.

Mr. FLAKE. I thank the gentleman from Texas for his comments. I think if we could bottle up all the shared zeal to cut spending, then maybe we could pass one of these amendments to cut spending.

The gentleman points out that we are not cutting it, and that year after year, when those of us who want to come down here and strike funding for earmarks want to do it, we receive objection from those on the Appropriations Committee to say, well, you're not really saving anything because it will go right back into there.

But you can go and lower the 301(b)s and (a)s, and you can do it the way you want to, but maybe, just maybe the reason the Appropriations Committee, on both sides of the aisle, unfortunately, and it pains me to say this as a Republican, but part of the reason you don't see the Appropriations Committee very anxious to cut spending is because of this. When you look at 70 percent of the dollar value of the ear-

marks being associated with Members who make up less than 24 percent of the body, if you take the Appropriations Committee, it is less than 14 percent of the body, and more than half of the dollar value of earmarks goes to just 14 percent of the body.

So I have to take with a rather large grain of salt the lamenting year after year after year by appropriators on both sides of the aisle that we can't cut this earmark spending because that darn money will just go right back into the system. So we can change any time we want.

I should say, also, this amendment made in order here will cut the funding and reduce it in the bill by the same amount. And to hear the excuse that we simply can't do that—and also this is something called activity-based total accountability, and the sponsor says that the purpose of the earmark is so that we can have more transparency in our funding structures at the State and local level. I find it ironic that we are using the least accountable system for distributing funds in order to increase transparency somewhere else.

At some point, we are all going to scratch our heads and say, wouldn't it be better when we are running at what could be a \$2 trillion deficit this year to actually save the money and not spend it and concede to the taxpayers we can't continue to go on this way? But simply to say we can't cut these earmarks because, oh, that money will just go somewhere else, really, is a bit, it is just—

Mr. CULBERSON. Will the gentleman yield?

Mr. FLAKE. For 15 seconds. I think I have heard this before.

Mr. CULBERSON. We tried in committee, JEFF. Mr. LEWIS, the ranking member, offered an amendment in full committee to cut the overall spending levels in the Appropriations Committee, and we were defeated by the liberal majority. So we have made the effort. We are trying. And we are doing it at every opportunity. The frustration is your amendment won't save any money. I join you in wanting to cut, but this won't do it.

Mr. FLAKE. Reclaiming my time, we were in control for 6 years while I have been in this Congress, and we didn't make any effort to do that. That is the unfortunate thing. And we haven't done any better under the current leadership. But, unfortunately, we didn't send a very good example when we were in charge because we could have, at any time, ensured that the money went back to the taxpayer. But we didn't.

With that, I urge adoption of the amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Commercial Kitchen Business Incubator project of the El Pajaro Community Development Corporation in Watsonville, California, and the amount otherwise provided in such section is hereby reduced by \$90,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form I have at the desk.

The Acting CHAIR. Is there objection?

Mr. SERRANO. I object.

The Acting CHAIR. Objection being heard, the gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Is the gentleman sure he doesn't want to just reserve the right to object until he hears which amendment I have?

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. FLAKE. All right. This amendment, I would submit, the modification would be to allow the school choice initiative to continue in D.C., again, a bipartisan amendment offered to the Rules Committee, rejected by the Rules Committee, because the Democratic leadership decided that this House should not debate the topic nor vote on it.

We have the time. It is not an issue of time. I'm willing to forgo one of my amendments to allow this one to be offered. But, again, the House leadership has decided they don't want to debate nor vote on this amendment, and so we are not allowed to.

We are breaking tradition that has held for decades and decades and decades in this House in order to simply shield Members or shield parties or

whatever from votes that might be taken in the body. And that is unfortunate.

This amendment would prohibit \$90,000 in funding for the Commercial Kitchen Business Incubator in Watsonville, California, and would lower the overall cost of the bill by a commensurate amount. According to the sponsor, the funding would be used for a small business incubator for food service microenterprise. Specifically it would be used to purchase industrial kitchen equipment.

With that, I reserve the balance of my time.

Mr. FARR. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Mr. Chairman, I rise in opposition to this amendment. And let me explain, as others have explained the situation. Pajaro Valley is in the central part of California. It is probably the most agriculturally productive area in the region and in the whole Nation. It is also the epicenter for the Loma Prieta earthquake in 1989. It was the largest plant closure for food processing plants, and it now has an unemployment rate of over 25 percent.

We have been struggling for many years to try to get involved in how do you create businesses, create new businesses, create businesses that people who have no capital, have no ability to go out and borrow money can start. And a lot of that is cottage industry. One of the cottage industries is the catering business, areas where you learn to be chefs at restaurants, learn, particularly with all of our specialty crops and organic crops, how do you take those crops and move them to the next stage. It is also a struggle because in order to do that and to get into the commercial world, you have to have a commercially licensed kitchen.

So we have been struggling. The local community is very involved in this. Local businessmen sit on the board of directors of the community development corporation. This is a corporation set up under Federal law. Under the small business development corporations, you have bankers sitting on this, you have business people sitting on it, and you have lawyers sitting on it. And what they do is they work with people in giving them the skills they need to go into business for themselves.

Part of that is to build a place where you can come and learn all of this food processing and food cooking. You need to have a kitchen. It needs to be industrialized. It needs to be certified. You just can't run a business out of the back of your home. It is just not legal in a residential area to start a commercial enterprise like that. It has strong backing from the small business community. This is a one-time expenditure, never to be done again.

I really have to say that I object to going after the poorest of the poor who want to get on their feet, who want to get off welfare and have that American Dream. And this is one area, one niche, that everybody has identified as a niche that needs to be filled. So I think this amendment would kill the American Dream. I suggest that you oppose it.

I reserve the balance of my time.

Mr. FLAKE. I thank the gentleman. I respect the gentleman from California. He and I have worked together on a lot of legislation.

But in this case, I would simply say there are a lot of areas in the country that are hurting. In California, El Centro has an unemployment rate of 27 percent. Just across the California border in Arizona, Yuma has an unemployment rate of 20 percent. There are a lot of people hurting in a lot of places. But when I hear the gentleman say this is going to be a one-time expenditure, we have heard that before. We have heard that many, many times before. I'm sure some of the earmarks that we talked about earlier, the first year the Member got the earmark, he would have said, this is going to be a one-time expenditure. And yet year after year after year, we are funding the same earmark.

These business incubators are particularly prone to repetitive earmarks over the years. We seem to keep funding them again and again.

Again, let me say that there are a lot of business incubator services provided by chambers of commerce, trade associations and private sector organizations just wishing to supply services and to make a dollar. And yet now they are going to be asked to compete with a government entity that is receiving Federal largesse. And it simply doesn't work very well. We know we don't have sufficient money to spread around to everybody who wants it. We are running a deficit that could approach \$2 trillion. So we have to prioritize here. I would suggest it is time to say that we can no longer fund these business incubators that have kind of a nebulous mission that is provided by a lot of private sector organizations around there.

I reserve the balance of my time.

Mr. FARR. There is absolutely no competition with the private sector. They have endorsed this. They are the members of the board of directors. They are trying to assist this community to get on its feet. And why I take umbrage with this, there are 201 earmarks in this piece of legislation. The author of this amendment has chosen 11 to go after. And they are about attacking poor people, the poorest of poor. That is what incubator centers are about, to get people on their feet, people who can't get loans, can't get access to the capital that the normal business community can do. And who

is helping them? The business people who say, yes, we need these jobs. These are niche jobs that are unfilled.

If you're going to begin the entrepreneurial spirit in America, then you have to get people into the entrepreneurial capability. That is legal. That is fiscal. And that is what this does.

So I object to the fact that you have gone through this bill and only picked out 11 of 201 earmarks, less than 10 percent of this bill. If you want to attack earmarks, attack an F-22. Attack something that is big that really saves some money, instead of something that attacks poor people.

Mr. FLAKE. I thank the gentleman. I hope I have the opportunity, because I will offer an amendment to the Defense Appropriations bill to stop funding the F-22. The gentleman has a good point. But we should also make the point that we cannot continue to pick and choose winners and losers here. What we are doing is borrowing money from our kids and our grandkids all around the country. We are borrowing money from small businesses and others because we simply don't have the money here. We are running a deficit.

So what we are doing is selling bonds to finance the deficit that is going to have to be paid back at some time. We are saying, Mr. Small Businessman or Mrs. Small Businesswoman, we are going to take money from you now because we think we know how to spend it better on that business over there or on that incubator over there.

I would submit that that simply is not the most efficient use of resources. The market would tell us that is the most inefficient way to allocate money. Government doesn't do a particularly good job of allocating money, allocating money to startup businesses or anything else. So we have got to say "stop" somewhere.

I will be glad to support some of the programs that the gentleman has, some of the amendments to cut big items of spending from our entitlement programs and elsewhere. But we have got to do that, and we have got to do this. We can't let any program go and simply say that we are not going to cut spending when we have a deficit of nearly \$2 trillion.

With that, Mr. Chairman, I would urge support of the amendment.

I yield back the balance of my time.

Mr. FARR. Mr. Chairman, this amendment doesn't save the Federal taxpayer one penny. It just takes it out of the earmark and puts it into the general fund. This earmark is to help the poorest of the poor get on their feet.

I recommend a strong "no" vote on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in House Report 111-208.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Defense Procurement Assistance Program of the Economic Growth Connection of Westmoreland in Greensburg, Pennsylvania, and the amount otherwise provided in such section is hereby reduced by \$125,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form that I have at the desk.

The Acting CHAIR. Is there objection?

Mr. SERRANO. I object.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. I thought the seventh time might be the charm, but apparently not. Apparently, the majority party is insistent that it only hear the amendments that it wants to have debated and that it wants to vote on, rather than the amendments that the Members here decide what they want to debate and vote on.

It is unfortunate. I would have substituted the amendment that would prohibit union activity on government time. It seems to be a simple concept, not controversial. But it is apparently one that the leadership did not want to debate nor to vote on. It is not an issue of time. Time constraints are already here.

□ 1645

The only issue is the majority leadership decided they don't want to debate or have a vote on this issue.

This amendment would prohibit \$125,000 from going to the Economic Growth Connection of Westmoreland in Greensburg, Pennsylvania, and reduce the overall cost of the bill by a com-

mensurate amount. This funding would go toward the EGC's defense procurement and assistance program to, according to the sponsor, provide small and medium-sized business with additional support for all phases of the government contracting and acquisition process.

I reserve the balance of my time.

Mr. SERRANO. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. The Economic Growth Connection of Westmoreland operates a Defense Procurement Assistance Center to serve two counties in southwestern Pennsylvania having a combined population base of 500,000 and combined workforce of over 257,000. The Economic Growth Connection is dedicated to growing small business and making local firms more competitive. This particular project, the Defense Procurement Assistance Program, advances these goals by: Offering assistance to small businesses on how to work with the DOD, including assistance with Federal Acquisition Regulations and workforce training; acting as a liaison between prime contractors and local suppliers to identify opportunities for subcontracting; conducting seminars to enhance the skill sets of the local workforce in this supply chain, including workshops on military certifications, process improvements, and quality assurance; and developing a manufacturing database to identify local companies and their capabilities. This database lists over 800 companies employing an estimated 48,000 people. And over the last 3 years, clients have been awarded on average \$40 million each year in procurement contracts.

This is a worthy project. And I think it should be retained.

I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, to be honest, I'm not sure how much more help southwestern Pennsylvania needs in the way of defense procurement assistance. And I'm not sure how much more the taxpayers in this body can actually afford.

According to usaspending.gov, the district in which the Economic Growth Connection of Westmoreland appears to reside has benefited from nearly \$1.4 billion in Federal contracts from 2004 to 2009, hardly the poorest of the poor. The Army, Navy, Air Force and Defense Logistics Agency make up four of the top 10 contracting agencies, and more than 60 percent of these funds were not subject to full and open competition.

Similarly, usaspending.gov indicates that the district of the sponsor of this earmark has benefited from more than a billion dollars in Federal contracts from 2004 to 2009, with less than half available for everyone to compete for.

Among the list of contractors receiving these funds, according to

usaspending.gov, are many that we've come to know very well, all too well: Kuchera Defense Systems, Argon ST, KDH Defense, and Concurrent Technologies. Kuchera Defense Systems. That is a defense contractor for whom the sponsor of this earmark requested funding over the past 2 years, was raided by the FBI in January, suspended by the Navy, reported for "alleged fraud," including multiple instances of incorrect charges, along with allegations of defective pricing and ethical violations.

Argon ST has been in the news lately because it purchased Coherent Systems International in 2007. It has been reported that the former head of Coherent Systems pled guilty in Federal Court Tuesday, just this last Tuesday, to a kickback scheme and defrauding the U.S. Air Force.

KDH Defense also made headlines when Roll Call reported that the bulletproof vest company received millions of taxpayer dollars to build a sonar system that it had no experience to design.

Concurrent Technologies has long been the focus of defense earmark critics. For example, at the end of 2007 the Washington Post highlighted that the National Defense Center For Environmental Excellence that was managed by Concurrent had received more than \$600 million in funding, and that little of the center's work had been useful to the Department of Defense.

How long can we continue to provide defense-related procurement dollars for an area with so many organizations that have been associated with conduct that I think people in this body would say are certainly not deserving of more earmarks? Yet we're doing it here again.

How much longer are we going to do this, Mr. Chairman?

With that, I reserve the balance of my time.

Mr. SERRANO. I yield back the balance of my time.

Mr. FLAKE. It shouldn't surprise anybody that several of these companies in this area were clients of the PMA Group, a now defunct lobbying firm that specialized in obtaining defense earmarks for its clients. Since PMA was raided by the FBI and closed its doors, multiple press reports have noted questions related to campaign contributions made on or behalf of the firm, including questions related to straw man contributions, reimbursement of employees for political giving, pressure on clients to give, suspicious pattern of giving, and the timing of donations related to legislative activity. So here we are, yet again, with another defense-related earmark for an area that has received billions in defense spending that has previously been associated with contractors that have run into trouble, and a lobbying group that has cast a long shadow over this House.

I urge my colleagues, if we're going to step up at any time, and say, enough is enough, let's step up here. For an earmark for \$125,000 to going to help in defense procurement for an area that receives billions and billions of dollars in defense procurement.

When is enough enough, Mr. Chairman?

I ask for support of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk designated as No. 15.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Myrtle Beach International Trade and Conference Center of the City of Myrtle Beach, South Carolina, and the amount otherwise provided in such section is hereby reduced by \$100,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form I have at the desk.

The Acting CHAIR. Is there objection?

Mr. SERRANO. I object.

The Acting CHAIR. Hearing objection, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. This is, I believe, number 8 times the majority has objected to simply substituting an amendment that was not ruled in order by the Rules Committee, an amendment that was germane. This particular amendment was one that would have protected broadcaster freedom to make sure that talk radio stations around the country and other media organiza-

tions would not be subjected to new regulations which would try to control their content. This amendment passed last year by a margin, I think, 309 votes in favor. Yet, it's one that the majority party did not want to hear debated, or did not want to see a vote on, and despite the fact that it has bipartisan support.

Again, Mr. Chairman, we can't continue to go down this road, having martial law on appropriation bills and simply saying that we're going to decide, as a majority party, the majority leadership, which amendments can be offered, which ones can be debated.

This particular amendment would prohibit \$100,000 from being used to expand the Myrtle Beach International Trade and Conference Center in Myrtle Beach, South Carolina. It would reduce the overall cost of the bill by a commensurate amount.

According to the Myrtle Beach Area Chamber of Commerce, the Myrtle Beach Convention Center hosted over 500 groups in 2008, has an economic impact of more than \$55 million per year. It was the host site of the 2008 South Carolina GOP Presidential candidates debate. It draws a large number of civic and public events.

Why in the world are we spending another \$100,000, when we have nearly a \$2 trillion deficit, for a convention center, convention and conference center? There are convention and conference centers all over the country. There are many in my home State of Arizona. Why we should choose one and say they're worthy of an earmark and the other one isn't, and saying that they shouldn't compete for dollars, we're just going to hand them out.

I reserve the balance of my time.

Mrs. EMERSON. I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Funding recommendations included in this bill were made in full compliance with the applicable rules and procedures of the House, and the Small Business Administration was given an opportunity to vet this project, and provided the committee with no negative feedback regarding the project or the grantee. Therefore, I urge my colleagues to oppose this amendment.

I yield to Mr. BROWN of South Carolina.

Mr. BROWN of South Carolina. Mr. Chairman, I rise today to speak against the amendment offered by my friend from Arizona. I am proud to represent coastal South Carolina. I know that the economy of Myrtle Beach is suffering, and jobs are being lost every day.

The tourism industry is the number one industry in the Myrtle Beach region, and the lifeblood of the surrounding area. The Myrtle Beach International Trade and Conference Center

is an important part of that industry, with local economy impact of over \$55 million every year. However, it has reached capacity, limiting its ability to attract major conventions. In light of this, the community has embarked upon a multiyear effort to expand the Center, funded through a mix of local and other dollars.

Not only will improvements to the Center assist in attracting national conventions to Myrtle Beach, which will result in more good-paying jobs for the region, but it also serves as the emergency command center for the city of Myrtle Beach in the event of a hurricane or other types of national disasters, which is why this project has received past support from the Department of Homeland Security.

Horry County is one of the hardest-hit counties in South Carolina during this recession, and I am proud to do everything I can to assist my district to create jobs and improve the quality of life of my constituents.

Mr. Chairman, I would submit, for the RECORD, a letter from Myrtle Beach Mayor John Rhodes, as well as a letter from the Myrtle Beach Chamber of Commerce, detailing why this funding is needed and how it will be spent.

Mr. Chairman, I urge my colleagues to vote "no" on the Flake amendment No. 15.

MYRTLE BEACH AREA
CHAMBER OF COMMERCE,
Myrtle Beach, SC, July 15, 2009.

Hon. HENRY BROWN,
House of Representative,
Washington, DC.

DEAR CONGRESSMAN BROWN: I am writing to thank you for your efforts to secure federal funds for the expansion of the Myrtle Beach Convention Center. In particular, I thank you for seeking \$100,000.00 in the current legislation moving through Congress. Your support of this important project is greatly appreciated.

The expansion project, once underway, will create hundreds of jobs in our area. With our unemployment rate reaching record levels, we desperately need more jobs and this project will help us accomplish that objective.

Once complete, the expanded convention center will attract more groups and thousands of visitors to the area, boosting tourism and creating jobs. Since tourism is the key cornerstone to our local economy, we simply must find ways to grow the economic base and create more jobs. Because the convention center is so important to our economy today, an expanded convention center will undoubtedly create new jobs in our local community.

We appreciate your past support of expanding the Myrtle Beach Convention Center and urge you to continue to seek funding for this important project. Your leadership is crucial to this project and I hope you will continue to press forward on this project.

Thank you for all you do to lead South Carolina and the First Congressional District.

With warmest regards, I am,
BRAD DEAN,
President.

CITY OF MYRTLE BEACH,
OFFICE OF THE MAYOR,
Myrtle Beach, SC, July 15, 2009.

Hon. HENRY BROWN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN BROWN: I understand that you will head to the floor tomorrow to defend the \$100,000 that you have requested for the Myrtle Beach Convention Center. I want to first thank you for your continued support for this project.

Not only will an enhanced convention and trade center create jobs in Horry County, which is one the state's leaders in unemployment (not something that we are proud of nor happy about), but will further enhance overall tourism to the Grand Strand, which in turn will help create jobs.

While I have the opportunity, I wanted to give you a quick update on the expansion. The property has been purchased and a needed expanded parking lot has been completed. Designs are now underway for the performing arts portion of the structure which will be around 30,000 sq ft. City Council is ready to issue bonds for that construction as soon as design is completed and bid. The program work is ongoing for the further expansion of 100 to 150 thousand sq ft. The design team and center staff just completed a whirlwind tour of facilities in three states to get ideas of what is working and not working in other facilities. There is a lot of work ahead of us, but this facility plays a huge role in the multi-billion dollar tourism economy for the Grand Strand and the State and the expansion thereof is critical to us.

Thank you again for all of your support.

Sincerely,

JOHN T. RHODES,
Mayor.

Mrs. EMERSON, I yield 3 minutes to my good friend, Mr. CULBERSON from Texas.

Mr. CULBERSON. Mr. Chairman, the budget deficit this year, this week, for the very first time in history has exceeded \$1 trillion. The national debt is now over \$12 trillion.

The liberal majority that controls this House, passing the energy tax just before the Fourth of July break, the biggest tax increase in the history of America, the liberal majority that controls this House, passing this "spendulus" bill in a single shot, more money than is spent by the entire annual budget of the United States. We are on the brink—this liberal majority that controls the House has taken over the automobile industry, the insurance industry, the banking industry. They're on the brink of taking over the health care industry. And by the way, Business Investors Daily reports today, the health care bill will make it illegal to even buy private insurance.

This is the most massive expansion of government in the history of the United States. This Congress has spent more money in less time than any Congress in history, is about to raise taxes more than any Congress in history.

We are on an unsustainable path for the future of this Nation. It's vitally important for us to control spending. No new taxes, no new spending, no new debt. That's very simple. Yet, the game, the rules of the House are rigged against the taxpayers.

Even if every one of Mr. FLAKE's amendments were adopted, even if every amendment offered on the floor to cut these earmarks were adopted, taxpayers won't save a dime.

Imagine sitting down to a game of chess, and even if you think you've got checkmate you don't, because the rules are rigged against you. The rules of this House are set up in such a way by the liberal majority that on a spending bill, it's impossible to cut spending. You've got to cut another bill, the budget bill, and reduce what's called the 302(a) overall spending level, which can't be done on this bill.

□ 1700

On the tax bill, you can't cut taxes. It's forbidden to cut taxes under the rules of the way this bunch runs the House. Their game is rigged against the taxpayers, and that's my greatest frustration.

First of all, each Member of this House, no one will do a better job of representing the people of South Carolina than my good friend, Mr. BROWN, and he publishes his request on his Web site. This is all done in a very transparent and open way. All of us are accountable to our constituents about the way we run our office, but it is time for the American people to stand up and demand that the rules be rigged in favor of the taxpayers.

I'm sick and tired of this Congress spending money that our kids don't have, of rigging the game or the rules of the game so that we cannot cut taxes, so you can't cut spending. This is a charade. It's not right. It's wrong for our kids, and it's time to cut spending, cut taxes, and quit driving up the national debt.

Mr. FLAKE. If the gentleman would continue in that vein, I would give him more time. I even got a bit of whiplash here. I thought the gentleman was arguing to not spend another \$100,000 on Myrtle Beach, the convention center attached to the Myrtle Beach hotel, the Sheraton.

Mr. CULBERSON. Would the gentleman yield? I would be glad to engage in a debate.

Mr. FLAKE. If the gentleman is in support of the amendment, I would yield. If not, please don't say any more.

My frustration was we were in the majority for the first 6 years I was here. There were a lot of the same Members of the same appropriations committee. We could have cut the 302(a)s, but we didn't. And now we have appropriators now in the minority party blaming the appropriators in the majority party for doing what we should have done a few years ago.

So it all seems to me to make sense when you see a chart like this, that explains the spoils system that earmarks really are, when 70 percent of the dollar value of earmarks go to just 24 percent of the House, and when less than

14 percent of the House gets well over 50 percent of the dollar value overall of earmarks.

So I have to say we have to start somewhere, and if we can't start by saving \$100,000 for the Myrtle Beach conference center, I don't know where we can start. I really, really don't.

So I would just urge my colleagues, if we say that we're fiscally responsible, then show it instead of standing up and saying, Hey, we need to cut spending, but first before we cut spending we've got to spend another \$100,000 on the Myrtle Beach Convention Center. I think the taxpayers have heard that for far too long, when we were in the majority and now with the new majority. At some point, we're going to have to say we're not going to do this anymore. That's what we're attempting to do with this amendment. I would urge support of it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk designated No. 16.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. FLAKE:
At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 for "Small Business Administration—Salaries and Expenses" shall be available for the Tech Belt Life Sciences Greenhouse project of the Pittsburgh Life Sciences Greenhouse in Pittsburgh, Pennsylvania, and the amount otherwise provided in such section is hereby reduced by \$100,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that my amendment be modified in the form that I have at the desk.

The Acting CHAIR. Is there objection?

Mr. SERRANO. I object.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. SERRANO. Would the gentleman yield?

Mr. FLAKE. For the purpose—the gentleman has time, I believe.

I will yield the gentleman 30 seconds.

Mr. SERRANO. I just wanted to know if there was a time during this debate where you were going to show any gratitude to the Rules Committee for the fact that of the 17 amendments you got 11?

Mr. FLAKE. I have said from the beginning I'm grateful for the amendments I get. But the vote on my amendments typically has all of the excitement and drama of a Cuban election where we know the outcome, unfortunately, and it serves as a useful purpose for the majority party.

I'm grateful for the amendments I get. I guess you have to be grateful and express gratitude for the benevolence of the majority party for granting me a few amendments on a bill that has traditionally come to the Congress under an open rule.

If that's what we've come to in this House, to just express gratitude for the crumbs that fall from the table in terms of being allowed to offer amendments on appropriation bills, I hope we haven't come to that but, Mr. Chairman, I'm starting to wonder.

I would like to have offered an amendment in substitute for one of mine that would—again, this would be for the D.C. School Choice Initiative, to allow it to continue, to allow students to have the choice of where they go to school, but we're denied once again.

This amendment would remove \$100,000 in funding for the Pittsburgh Life Sciences Greenhouse, Tech Belt Biosciences Initiative and reduce the cost of the bill by the commensurate amount.

This earmark states that the funding will be used for the creation of a Biosciences Tech Belt, and I am anxious to learn what that is.

I would reserve the balance of my time.

Mr. DOYLE. Mr. Chairman, I rise to oppose the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. DOYLE. The goal of this project is to promote partnerships between various biotech industries and encourage growth in biosciences.

Pittsburgh Life Sciences Greenhouse is a private-public partnership that provides entrepreneurial life science enterprises in Pittsburgh and western Pennsylvania with the resources and tools they need to make global advances in research and patient care.

Both Pittsburgh and Cleveland are hubs of innovation and entrepreneurship. There are currently 800 companies in the biosciences sector employing more than 25,000 people in this tech belt region. This project will foster

growth in the biotech sector by linking companies between the two cities.

Pittsburgh Life Sciences Greenhouse has worked with companies in over 20 counties throughout western Pennsylvania since its inception in 2001. Due to their extraordinary work, 14.5 million has been committed in over 60 companies which have leveraged over \$300 million in additional funding from venture capitalists and angel investors. 228 companies have been launched or grown using Pittsburgh Life Sciences Greenhouse services. Over 300 jobs have been created or retained in the Pittsburgh Life Sciences Greenhouse-invested companies.

The Tech Belt Biosciences Initiative takes these activities to the next level by creating, with its counterpart in Cleveland, an organization called Bio-Enterprise. Together, Pittsburgh and Cleveland pull in \$1 billion in combined NIH research dollars which can spin off hundreds of companies and, in turn, create jobs.

The Tech Belt Biosciences Initiative is designed to maximize this tremendous opportunity to improve public health, generate economic growth in a region in need of jobs, and ultimately make the region an international destination for biosciences and high-tech innovation. Promoting such growth and development not only benefits the State of Ohio, but the State of Pennsylvania and the entire country as a whole.

It's now my pleasure to yield 2 minutes to my friend from Pittsburgh (Mr. ALTMIRE).

Mr. ALTMIRE. I understand what the gentleman from Arizona is doing here. He was going through the earmarks, as he does, and somebody needs to do that to make sure that they're all on the up-and-up. He saw the word "greenhouse" and he said, Why are we giving \$100,000 to a greenhouse in Pittsburgh?

Well, what this is is the Pittsburgh Life Sciences Greenhouse. We in Pittsburgh have the University of Pittsburgh Medical Center. We have Carnegie Mellon University. We are partnering with Cleveland, as Congressman DOYLE just talked about, where you have the Cleveland Clinic and Case Western Reserve.

So we have literally thousands of life science biotech startups throughout the region that are doing great work, that are creating jobs, that are growing the economy. And when you heard the word "greenhouse," that's what that's about. We're growing the economy in western Pennsylvania and northeastern Ohio. And this relatively modest investment that we're making through this earmark is going to fund an organization that has promoted 80 different venture capital firms that have directly funded 60 different companies through the initiatives that we're talking about.

So it attracts private investment, angel investors, and venture capital

firms that otherwise would not be involved in the Pittsburgh and Cleveland technology corridor, which has suffered with job losses because of trade agreements and because of the down economy over the past several years. And what we've done here is put together a group that's going to attract outside investment to capitalize manyfold above and beyond the relatively modest investment that we make here.

And we are talking about an organization that just directly through this Pittsburgh technology belt, Pittsburgh-Cleveland Tech corridor, has grown 400 jobs and generated \$300 million in venture capital and angel investment.

So I think this is a very worthwhile investment that we can make to grow the economy, and Pittsburgh has weathered the storm very well. What we're talking about today has resulted in the fact that Pittsburgh has an unemployment rate that's below the national average.

Mr. DOYLE. Mr. Chairman, I would like to yield any remaining time to our friend and colleague from Ohio, Mr. RYAN.

Mr. RYAN of Ohio. I want to thank the gentlemen from the Pittsburgh area.

This is a great investment for our community to pull these two, Cleveland-Youngstown-Pittsburgh corridor together.

And I would just like to remind the gentleman from Arizona, as I have before and will continue on every amendment, his congressional district, Mr. Chairman, wouldn't even exist. You in Arizona, it's a desert. All of the water lines, all the sewer lines, the \$7 billion Central Arizona Project was paid for by the taxes of the steelworkers in Pittsburgh. We helped build the West, our area, and now we're saying we need to retool our economy.

And I think it is imperative for everybody in this House to know, we're all Americans here. And so to take investment during the 1950s and 1960s to build the West and then have a Member of Congress come before us here living in the largesse, spreading water into the desert so they can have nice golf courses, and come tell two Members of Congress from Pittsburgh, Pennsylvania, that are trying to retool their economy that somehow this is a bad use of Federal money, I have an answer for this.

Why don't we send the State of Arizona a bill for the \$7 billion that built the Central Arizona Project, that sent all of these water lines and sewer lines and public investment out there. Maybe we should ask for that money back and put it towards deficit reduction.

Mr. FLAKE. Well, that was an interesting recitation of western history, I will tell you that, but this tech belt was created 2 years ago. The CEO of

Pittsburgh Life Sciences Greenhouse and the CEO of BioEnterprise, Cleveland, decided to collaborate and leverage the existing resources in Pittsburgh and Cleveland, and this tech belt initiative was born.

But this is an interesting quote. I want everyone to hear this. John Manzetti, the CEO of Pittsburgh Life Sciences Greenhouse said the objective of the tech belt was to "create some excitement and get funding from the Federal Government" to build up their regions. It's been successful at that. Believe me. There's a lot of money that has gone in Federal earmark money, that's for sure.

According to the press release of the sponsor of this earmark, in this year's omnibus appropriation act alone, his district received \$55 million in Federal funding from earmarks. That's just in the omnibus bill itself.

May I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. FLAKE. I will yield to the gentleman from Pennsylvania. The gentleman from Pennsylvania wanted to speak on a previous earmark, and I will yield him the last minute I have here.

Mr. TIM MURPHY of Pennsylvania. With regard to Flake No. 14 amendment, I want to let my colleagues know that the economic growth connection of Westmoreland County located in Greensburg is actually a very valuable resource to manufacturers in helping to keep the local employees, especially at a time when we are struggling with our economy.

The funding for this will be used for small and medium-sized businesses and give them some additional support they otherwise would not be able to afford in helping small manufacturers compete with large firms to gain defense contracts and other jobs.

It helps them find building and maintenance databases that showcase the unique capabilities they have. It helps them locate places for their manufacturing to take place. It provides several services that otherwise these businesses would have to, at a much larger expense, hire someone to take care of. It provides jobs. It provides help.

And I hope my colleagues, in response, will oppose that amendment and help preserve some jobs in the area.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in House Report 111-208.

Mr. FLAKE. I have an amendment at the desk, No. 17, my final amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE IX

ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds provided in section 511 "Small Business Administration—Salaries and Expenses" shall be available for an infrastructure expansion project to promote small business of the City of Loma Linda and the City of Grand Terrace, California, and the amount otherwise provided in such section is hereby reduced by \$900,000.

The Acting CHAIR. Pursuant to House Resolution 644, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I ask unanimous consent, for the 11th time, that my amendment be modified in the form at the desk.

The Acting CHAIR. Is there objection?

Mr. SERRANO. I object.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

□ 1715

Mr. FLAKE. I wish we could have modified the amendment. I would have, again, submitted the Broadcaster Freedom Act to allow us to limit funding to the FCC so that they wouldn't be able to restrict broadcaster freedom across this country, but I wasn't allowed one more time.

I'd like to yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Chairman, I've been sitting in my office watching this debate, and I am absolutely astounded that the general criticism of the gentleman from Arizona appears to be that his amendments appear to be of really no consequence, why are you nitpicking, going after different earmarks. And yet the gentleman has on 11 occasions, I believe, asked to be able to substitute what no one could disagree with, that is, that there would be serious substantive amendments that would go to consequential issues that this House should be given an opportunity to vote upon.

And yet because of the actions of the Rules Committee and the majority party, time and time again this gentleman has not been allowed to do

that. And so the American people are being prohibited an opportunity to have their general membership in this House be able to make decisions.

I first came to this House in 1979. One of the things that was crystal clear at that point in time is when you had appropriation bills, every single Member, no matter whether they were a Member of the majority or minority side, had an opportunity to present amendments. Why? Because the power of the purse is the strongest weapon we have in the House of Representatives to be able to exercise the will of the American people, and yet time and time again we are being prohibited from doing that.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FLAKE. I yield the gentleman an additional 15 seconds.

Mr. DANIEL E. LUNGREN of California. And yet the gentleman from Arizona is attempting to give us an opportunity to exercise our constitutional prerogative, to represent our constituents here, and we are being denied that time and time again.

Shame on this House.

Mr. FLAKE. This amendment would strike \$900,000 in funding for the City of Loma Linda, California, and the City of Grand Terrace, California, for an infrastructure expansion project to promote small business and reduce the overall cost of the bill by a commensurate amount.

The sponsor of this earmark states on his Web site these funds would be used to establish a fiber optic infrastructure expansion pilot program between the City of Loma Linda and the City of the Grand Terrace's new business park. The pilot program would demonstrate how updated and expanded Internet access can promote small business, create jobs, enhance local competitiveness, on and on and on.

The sponsor says that this is needed because private loans are unavailable as a result of the credit crunch and this region would benefit from the use of Federal dollars as an initial investment for future expansions. Well, we have heard that song before. There is a credit crunch out there. No doubt every business across the country will tell you about it, but not every business can say I am going to grab \$900,000 in funding. Yet that's what we're doing here.

We're picking and choosing which cities and municipalities and which organizations can get these dollars rather than say, you know, Mr. Taxpayer, maybe you ought to keep that money and spend it yourself. We're going to have to increase taxes at some point to pay for this, and we're telling everybody out there just to live with it because we make better decisions here on business investments in the U.S. House than you do as a small businessman.

That's, in essence, what we're saying, and it's time that we stop that, Mr. Chairman. We can't continue to go on, and if we can't strike \$900,000 in funding for a project like this, then I don't know where we start. I really don't.

I reserve the balance of my time.

Mrs. EMERSON. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Mr. Chairman, funding recommendations included in this bill were made in full compliance with the applicable rules and procedures of the House. In addition, the Small Business Administration was given an opportunity to vet this project and provided the committee with no negative feedback regarding the project or the grantee.

Unfortunately, Mr. LEWIS, the sponsor of the amendment, was unable to come to the floor due to other important business.

I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, we passed a milestone that probably we shouldn't be proud of. Just last week, I think, the Webster dictionary finally put the definition of "earmark" in its dictionary, not the traditional definition that I was used to as a kid on a ranch where you mark cattle, but rather, earmark as a designation of dollars from the Congress by a particular Congressman.

When we passed that milestone, I think we've probably gone too far. When it's in the lexicon so frequently that the dictionaries are now picking it up, the appropriators have been trying to find earmark in the Constitution for years without success. At least they will find it now in the dictionary. That's not something we should be proud of.

At some point we do have to stand up and say we've got to stop this when we have thousands and thousands and thousands of earmarks in appropriation bills over the year and we can't seem to cut funding for one of them here. I don't know when we're going to cut funding. I don't know when we're going to get a hold of this deficit that we have unless we start somewhere, and I would suggest that we start here on this amendment.

Mr. LEWIS of California. Mr. Chair, I rise in opposition to this amendment. The item under consideration would meet the goals set by this Congress as part of our efforts to deal with the ongoing economic crisis. This measure is directly targeted to improving infrastructure and creating new jobs.

In an effort to keep the United States competitive in an increasingly high-tech world, Congress is committed to expanding technology-based job training and cutting-edge communications connectivity. Such efforts are evidenced in the broadband funding provided in the American Recovery and Reinvestment Act and funding for technology research and

development in the Enhancing Small Business Research and Innovation Act of 2009. The benefits of such investment are evident in this project, known as the Connected Communities Program in the City of Loma Linda and the City of Grand Terrace.

California communities are facing some of the worst problems in the nation of public infrastructure funding and an economic crisis. The devastating effects of the mortgage crisis continue driving unemployment. In the last year, unemployment in my district has almost doubled from 6.7% to 12.9%, far surpassing the national average. The technology sector is one of the few bright spots—in my District, the number of jobs in technology and health care are projected to double in the next five years.

In an effort to capitalize on growth in the technology and health sectors, the Cities of Loma Linda and Grand Terrace began a comprehensive effort to connect homes, business and teaching institutions to a community-based advanced fiber-optic network. This program complements the national effort to upgrade connectivity infrastructure and promote creation of highly skilled jobs. From employing and training skilled network technicians to attracting cutting-edge small business, the network has successfully approached the national and local economic development goals. The program has stalled, however, and the communities are hard-pressed to find the funds to complete it. Credit markets and investment dollars have dried up because of the drastic economic downturn in Southern California. Small cities like Loma Linda and Grand Terrace have been especially impacted, and are faced with being unable to finance the very infrastructure that can help lead to economic recovery. This request will complete the program and provide fiber-optic connectivity to 95% of the community.

It is my belief that this proven program will play an integral role in the economic recovery of my District and southern California. I ask my colleagues to support the Connected Communities project and defeat this amendment.

Mr. FLAKE. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-208 on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. PRICE of Georgia;

Amendment No. 4 by Mrs. EMERSON of Missouri;

Amendment No. 5 by Mrs. BLACKBURN of Tennessee;

Amendment No. 6 by Mr. BROWN of Georgia;

Amendment No. 7 by Mr. FLAKE of Arizona;

Amendment No. 8 by Mr. FLAKE of Arizona;

Amendment No. 9 by Mr. FLAKE of Arizona;

Amendment No. 10 by Mr. FLAKE of Arizona;

Amendment No. 11 by Mr. FLAKE of Arizona;

Amendment No. 12 by Mr. FLAKE of Arizona;

Amendment No. 13 by Mr. FLAKE of Arizona;

Amendment No. 14 by Mr. FLAKE of Arizona;

Amendment No. 15 by Mr. FLAKE of Arizona;

Amendment No. 16 by Mr. FLAKE of Arizona;

Amendment No. 17 by Mr. FLAKE of Arizona.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 279, not voting 14, as follows:

[Roll No. 555]

AYES—146

Aderholt	Carter	Hastings (WA)
Akin	Cassidy	Heller
Alexander	Chaffetz	Hensarling
Austria	Cleaver	Herger
Bachmann	Coble	Hoekstra
Bartlett	Coffman (CO)	Hunter
Barton (TX)	Cole	Issa
Biggert	Conaway	Jenkins
Bilbray	Crenshaw	Johnson (IL)
Bilirakis	Culberson	Johnson, Sam
Bishop (UT)	Davis (KY)	Jordan (OH)
Blackburn	Deal (GA)	Kaptur
Blunt	DeFazio	King (IA)
Boehner	Dreier	Kingston
Bonner	Duncan	Kirk
Bono Mack	Fallin	Kline (MN)
Boozman	Flake	Lamborn
Boustany	Fleming	Latham
Brady (PA)	Forbes	Latta
Brady (TX)	Fox	Lee (NY)
Bright	Franks (AZ)	Linder
Broun (GA)	Gallagher	Luetkemeyer
Brown (SC)	Garrett (NJ)	Lummis
Burton (IN)	Gingrey (GA)	Mack
Buyer	Gohmert	Manzullo
Calvert	Goodlatte	Marchant
Camp	Granger	McCarthy (CA)
Campbell	Graves	McCaul
Cantor	Guthrie	McClintock
Cao	Hall (TX)	McHenry
Capito	Harper	McKeon

McMorris	Price (GA)	Shuster
Rodgers	Rehberg	Smith (NE)
Mica	Reichert	Smith (NJ)
Michaud	Roe (TN)	Smith (TX)
Miller (FL)	Rogers (AL)	Souder
Moran (KS)	Rogers (KY)	Stearns
Myrick	Rohrabacher	Sullivan
Napolitano	Rooney	Terry
Neugebauer	Roskam	Thompson (PA)
Nunes	Royce	Tiahrt
Olson	Ryan (WI)	Tiberi
Paul	Scalise	Wamp
Paulsen	Schmidt	Westmoreland
Petri	Schock	Wilson (SC)
Pitts	Sensenbrenner	Wittman
Platts	Sessions	Wolf
Poe (TX)	Shadegg	Young (AK)
Posey	Shimkus	Young (FL)

NOES—279

Abercrombie	Ellsworth	Lofgren, Zoe
Ackerman	Emerson	Lowey
Adler (NJ)	Eshoo	Lujan
Altmire	Etheridge	Lungren, Daniel
Andrews	Farr	E.
Arcuri	Fattah	Lynch
Baca	Filner	Maffei
Bachus	Fortenberry	Maloney
Baird	Foster	Markey (CO)
Baldwin	Frank (MA)	Markey (MA)
Barrow	Frelinghuysen	Marshall
Bean	Fudge	Massa
Becerra	Gerlach	Matheson
Berkley	Giffords	Matsui
Berman	Gonzalez	McCarthy (NY)
Berry	Gordon (TN)	McCollum
Bishop (GA)	Grayson	McCotter
Bishop (NY)	Green, Al	McDermott
Blumenauer	Green, Gene	McGovern
Boccieri	Griffith	McHugh
Boren	Grijalva	McIntyre
Boswell	Gutierrez	McMahon
Boucher	Hall (NY)	McNerney
Boyd	Halvorson	Meek (FL)
Braley (IA)	Hare	Meeks (NY)
Brown, Corrine	Harman	Melancon
Brown-Waite,	Hastings (FL)	Miller (MI)
Ginny	Heinrich	Miller (NC)
Buchanan	Herseth Sandlin	Miller, Gary
Butterfield	Higgins	Miller, George
Capps	Hill	Minnick
Capuano	Himes	Mitchell
Cardoza	Hinchee	Mollohan
Carnahan	Hinojosa	Moore (KS)
Carney	Hirono	Moore (WI)
Carson (IN)	Hodes	Moran (VA)
Castle	Holden	Murphy (CT)
Castor (FL)	Holt	Murphy (NY)
Chandler	Honda	Murphy, Patrick
Childers	Hoyer	Murphy, Tim
Christensen	Inglis	Murtha
Chu	Inslee	Nadler (NY)
Clarke	Israel	Neal (MA)
Clay	Jackson (IL)	Nye
Clyburn	Jackson-Lee	Oberstar
Cohen	(TX)	Obey
Connolly (VA)	Johnson (GA)	Olver
Conyers	Johnson, E. B.	Ortiz
Cooper	Jones	Pallone
Costello	Kagen	Pascarell
Courtney	Kanjorski	Pastor (AZ)
Crowley	Kennedy	Perlmutter
Cuellar	Kildee	Perriello
Cummings	Kilpatrick (MI)	Peters
Dahlkemper	Kilroy	Peterson
Davis (AL)	Kind	Pierluisi
Davis (CA)	King (NY)	Pingree (ME)
Davis (IL)	Kirkpatrick (AZ)	Polis (CO)
Davis (TN)	Kissell	Pomeroy
DeGette	Klein (FL)	Price (NC)
Delahunt	Kosmas	Putnam
DeLauro	Kratovil	Quigley
Dent	Kucinich	Radanovich
Diaz-Balart, L.	Lance	Rahall
Diaz-Balart, M.	Langevin	Rangel
Dicks	Larsen (WA)	Reyes
Dingell	Larson (CT)	Richardson
Doggett	LaTourette	Rodriguez
Donnelly (IN)	Lee (CA)	Ros-Lehtinen
Doyle	Levin	Ross
Driehaus	Lewis (CA)	Rothman (NJ)
Edwards (MD)	Lewis (GA)	Roybal-Allard
Edwards (TX)	Lipinski	Rubenstein
Ehlers	LoBiondo	Rush
Ellison	Loeb	Ryan (OH)

Sablan	Slaughter	Upton
Salazar	Smith (WA)	Van Hollen
Sanchez, Linda	Snyder	Visclosky
T.	Speier	Walden
Sanchez, Loretta	Spratt	Walz
Sarbanes	Stark	Wasserman
Schakowsky	Stupak	Schultz
Schauer	Sutton	Waters
Schiff	Tanner	Watson
Schrader	Taylor	Watt
Schwartz	Teague	Waxman
Scott (GA)	Thompson (CA)	Weiner
Serrano	Thompson (MS)	Welch
Sestak	Thornberry	Wexler
Shea-Porter	Tierney	Whitfield
Sherman	Titus	Wilson (OH)
Shuler	Tonko	Woolsey
Simpson	Towns	Wu
Sires	Tsongas	Yarmuth
Skelton	Turner	

NOT VOTING—14

Barrett (SC)	Faleomavaega	Rogers (MI)
Bordallo	Lucas	Scott (VA)
Burgess	Norton	Space
Costa	Payne	Velázquez
Engel	Pence	

□ 1746

Messrs. COHEN, TIERNEY, Mrs. MCCARTHY of New York, Messrs. COURTNEY, HINOJOSA, CARNEY, LEVIN, Ms. GINNY BROWN-WAITE of Florida, Messrs. BERRY and KENNEDY, Ms. JACKSON-LEE of Texas, and Ms. BEAN changed their vote from “aye” to “no.”

Messrs. PETRI, CULBERSON, SMITH of Texas, and DEFAZIO changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MRS. EMERSON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Missouri (Mrs. EMERSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 250, not voting 17, as follows:

[Roll No. 556]

AYES—172

Aderholt	Bonner	Campbell
Akin	Bono Mack	Cantor
Alexander	Boozman	Cao
Arcuri	Boren	Cassidy
Austria	Boustany	Castle
Bachmann	Brady (TX)	Chaffetz
Bachus	Bright	Childers
Bartlett	Broun (GA)	Cleaver
Barton (TX)	Brown (SC)	Coble
Bean	Brown-Waite,	Coffman (CO)
Biggert	Ginny	Cole
Bilbray	Buchanan	Conaway
Bilirakis	Burgess	Costello
Bishop (UT)	Burton (IN)	Crenshaw
Blackburn	Buyer	Culberson
Blunt	Calvert	Davis (KY)
Boehner	Camp	Deal (GA)

Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Kratovil
Lamborn

NOES—250

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Boswell
Boucher
Boyd
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Christensen
Chu
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio

Lance
Latham
LaTourette
Latta
Linder
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Myrick
Neugebauer
Nunes
Nye
Olson
Paul
Paulsen
Perlmutter
Peters
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg

Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Smith (WA)
Souder
Stearns
Sullivan
Taylor
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

Melancon
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perriello
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley

Barrett (SC)
Bordallo
Braley (IA)
Capito
Carter
Faleomavaega

NOT VOTING—17

Kennedy
Lewis (CA)
Lucas
McGovern
Miller, George
Norton

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1749

So the amendment was rejected.
The result of the vote was announced
as above recorded.
Stated against:
Mr. BRALEY of Iowa. Mr. Chair, on rollcall
No. 556, had I been present, I would have
voted “no.”

PERSONAL EXPLANATION

Ms. NORTON. Mr. Chair, on rollcall Nos.
555 and 556, had I been present, I would
have voted “no.”

AMENDMENT NO. 5 OFFERED BY MRS.

BLACKBURN

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentlewoman from Tennessee (Mrs.
BLACKBURN) on which further pro-
ceedings were postponed and on which
the noes prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 184, noes 247,
not voting 8, as follows:

[Roll No. 557]

AYES—184

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Cole
Conaway
Cooper
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Driehaus
Duncan
Fallin
Flake
Fleming
Forbes
Fortenberry

NOES—247

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan

Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Peters
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

AYES—184

Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Gutierrez
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Larson (CT)
Latham
Latta
Lee (NY)
Linder
LoBiondo
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)

Griffith
Grijalva
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Herseht Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall

Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Minnick
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rogers (KY)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush

Ryan (OH)
Sablan
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—8

Barrett (SC) Lucas Scott (VA)
Bordallo Pence Velázquez
Faleomavaega Salazar

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1753

So the amendment was rejected.

The result of the vote was announced
as above recorded.

Stated for:

Mr. INGLIS. Mr. Chair, on rollcall No. 557,
had I been present, I would have voted "aye."

AMENDMENT NO. 6 OFFERED BY MR. BROUN OF
GEORGIA

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Georgia (Mr. BROUN)
on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 149, noes 282,
not voting 8, as follows:

[Roll No. 558]

AYES—149

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggart
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Walz
Capito
Carter
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Culberson
Davis (KY)
Deal (GA)
Dealt
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxy
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)

Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
Kingston
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes

Olson
Paul
Paulsen
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Space
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Wamp
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—282

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boccheri
Bono Mack
Boren
Bowwell
Boucher
Boyd
Brady (PA)
Braley (IA)
Bright

Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Butterfield
Cao
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa

Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth

Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseht Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin

Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Putnam
Quigley
Rahall
Rangel
Reyes

Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schrader
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Slaughter
Skelton
Skeelton
Smith (NJ)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—8

Barrett (SC) Kennedy Scott (VA)
Bordallo Lucas Velázquez
Faleomavaega Pence

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
Thirty seconds remain in this vote.

□ 1756

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Arizona (Mr. FLAKE)
on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 89, noes 342, not voting 8, as follows:

[Roll No. 559]

AYES—89

Bachmann	Hall (TX)	Minnick
Bishop (NY)	Heller	Moran (KS)
Bishop (UT)	Hensarling	Myrick
Blackburn	Herger	Neugebauer
Boehner	Hoekstra	Nunes
Boustany	Inglis	Olson
Brady (TX)	Issa	Paul
Bright	Jenkins	Petri
Broun (GA)	Johnson (IL)	Pitts
Burgess	Johnson, Sam	Platts
Buyer	Jordan (OH)	Price (GA)
Campbell	Kind	Roe (TN)
Cassidy	King (IA)	Rohrabacher
Chaffetz	Kirk	Royce
Coble	Kline (MN)	Ryan (WI)
Coffman (CO)	Lamborn	Scalise
Conaway	Latta	Schmidt
Cooper	Linder	Sensenbrenner
Ehlers	Luetkemeyer	Sessions
Fallin	Lummis	Shadegg
Flake	Lungren, Daniel	Shimkus
Fleming	E.	Smith (NE)
Fortenberry	Mack	Speier
Fox	Matheson	Stearns
Franks (AZ)	McCaul	Sullivan
Garrett (NJ)	McClintock	Thornberry
Giffords	McCotter	Tiberi
Gohmert	McHenry	Wamp
Goodlatte	McMahon	Westmoreland
Graves	Miller (FL)	Wilson (SC)

NOES—342

Abercrombie	Camp	Diaz-Balart, M.
Ackerman	Cantor	Dicks
Aderholt	Cao	Dingell
Adler (NJ)	Capito	Doggett
Akin	Capps	Donnelly (IN)
Alexander	Capuano	Doyle
Altmire	Cardoza	Dreier
Andrews	Carnahan	Driehaus
Arcuri	Carney	Duncan
Austria	Carson (IN)	Edwards (MD)
Baca	Carter	Edwards (TX)
Bachus	Castle	Ellison
Baird	Castor (FL)	Ellsworth
Baldwin	Chandler	Emerson
Barrow	Childers	Engel
Bartlett	Christensen	Eshoo
Barton (TX)	Chu	Etheridge
Bean	Clarke	Farr
Becerra	Clay	Fattah
Berkley	Cleaver	Filner
Berman	Clyburn	Forbes
Berry	Cohen	Foster
Biggert	Cole	Frank (MA)
Bilbray	Connolly (VA)	Frelinghuysen
Bilirakis	Conyers	Fudge
Bishop (GA)	Costa	Gallegly
Blumenauer	Costello	Gerlach
Blunt	Courtney	Gingrey (GA)
Bocieri	Crenshaw	Gonzalez
Bonner	Crowley	Gordon (TN)
Bono Mack	Cuellar	Granger
Boozman	Culberson	Grayson
Boren	Cummings	Green, Al
Boswell	Dahlkemper	Green, Gene
Boucher	Davis (AL)	Griffith
Boyd	Davis (CA)	Grijalva
Brady (PA)	Davis (IL)	Guthrie
Braley (IA)	Davis (KY)	Gutierrez
Brown (SC)	Davis (TN)	Hall (NY)
Brown, Corrine	Deal (GA)	Halvorson
Brown-Waite,	DeFazio	Hare
Ginny	DeGette	Harman
Buchanan	DeLaunt	Harper
Burton (IN)	DeLauro	Hastings (FL)
Butterfield	Dent	Hastings (WA)
Calvert	Diaz-Balart, L.	Heinrich

Herseth Sandlin	McMorris	Salazar
Higgins	Rodgers	Sánchez, Linda
Hill	McNerney	T.
Himes	Meek (FL)	Sanchez, Loretta
Hinche	Meeks (NY)	Sarbanes
Hinojosa	Melancon	Schakowsky
Hirono	Mica	Schauer
Hodes	Michaud	Schiff
Holden	Miller (MI)	Schock
Holt	Miller (NC)	Schrader
Honda	Miller, Gary	Schwartz
Hoyer	Miller, George	Scott (GA)
Hunter	Mitchell	Serrano
Inslee	Mollohan	Sestak
Israel	Moore (KS)	Shea-Porter
Jackson (IL)	Moore (WI)	Sherman
Jackson-Lee	Moran (VA)	Shuler
(TX)	Murphy (CT)	Shuster
Johnson (GA)	Murphy (NY)	Simpson
Johnson, E. B.	Murphy, Patrick	Sires
Jones	Murphy, Tim	Skelton
Kagen	Murtha	Slaughter
Kanjorski	Nadler (NY)	Smith (NJ)
Kaptur	Napolitano	Smith (TX)
Kildee	Neal (MA)	Smith (WA)
Kilpatrick (MI)	Norton	Snyder
Kilroy	Nye	Souder
King (NY)	Oberstar	Space
Kingston	Obey	Spratt
Kirkpatrick (AZ)	Olver	Stark
Kissell	Ortiz	Stupak
Klein (FL)	Pallone	Sutton
Kosmas	Pascarell	Tanner
Kratochvil	Pastor (AZ)	Taylor
Kucinich	Paulsen	Teague
Lance	Payne	Terry
Langevin	Perlmutter	Thompson (CA)
Larsen (WA)	Perriello	Thompson (MS)
Larson (CT)	Peters	Thompson (PA)
Latham	Peterson	Tiahrt
LaTourette	Pierluisi	Tierney
Lee (CA)	Pingree (ME)	Titus
Lee (NY)	Poe (TX)	Tonko
Levin	Polis (CO)	Towns
Lewis (CA)	Pomeroy	Tsongas
Lewis (GA)	Posey	Turner
Lipinski	Price (NC)	Upton
LoBiondo	Putnam	Van Hollen
Loeb	Quigley	Visclosky
Lofgren, Zoe	Radanovich	Walden
Lowe	Rahall	Walz
Lujan	Rangel	Wasserman
Lynch	Rehberg	Schultz
Maffei	Reichert	Waters
Maloney	Reyes	Watson
Manzullo	Richardson	Watt
Marchant	Rodriguez	Waxman
Markey (CO)	Rogers (AL)	Weiner
Markey (MA)	Rogers (KY)	Welch
Marshall	Rogers (MI)	Wexler
Massa	Rooney	Whitfield
Matsui	Ros-Lehtinen	Wilson (OH)
McCarthy (CA)	Roskam	Wittman
McCarthy (NY)	Ross	Wolf
McCollum	Rothman (NJ)	Woolsey
McDermott	Roybal-Allard	Wu
McGovern	Ruppersberger	Yarmuth
McHugh	Rush	Young (AK)
McIntyre	Ryan (OH)	Young (FL)
McKeon	Sablan	

NOT VOTING—8

Barrett (SC)	Kennedy	Scott (VA)
Bordallo	Lucas	Velázquez
Faleomavaega	Pence	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining in this vote.

□ 1800

So the amendment was rejected.
The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were

postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 115, noes 314, not voting 10, as follows:

[Roll No. 560]

AYES—115

Akin	Graves	Neugebauer
Austria	Hall (TX)	Nunes
Bachmann	Heller	Olson
Bean	Hensarling	Paul
Biggert	Herger	Paulsen
Bilbray	Hoekstra	Petri
Bishop (UT)	Inglis	Pitts
Blackburn	Issa	Platts
Boehner	Jenkins	Poe (TX)
Boustany	Johnson (IL)	Price (GA)
Brady (TX)	Johnson, Sam	Roe (TN)
Bright	Jordan (OH)	Rogers (MI)
Broun (GA)	Kind	Rohrabacher
Brown-Waite,	King (IA)	Rooney
Ginny	Kingston	Roskam
Buchanan	Kirk	Royce
Burgess	Kline (MN)	Ryan (WI)
Burton (IN)	Lamborn	Scalise
Campbell	Lance	Schauer
Cantor	Latta	Schmidt
Cassidy	Lee (NY)	Schock
Castle	Linder	Sensenbrenner
Chaffetz	Luetkemeyer	Sessions
Coble	Lummis	Shadegg
Coffman (CO)	Lungren, Daniel	Shimkus
Conaway	E.	Smith (NE)
Cooper	Mack	Souder
Deal (GA)	Manzullo	Stearns
Dent	Marchant	Sullivan
Duncan	McCarthy (CA)	Terry
Ehlers	McCaul	Thornberry
Fallin	McClintock	Tiberi
Flake	McCotter	Upton
Fleming	McHenry	Walden
Fortenberry	McMorris	Wamp
Fox	Rodgers	Westmoreland
Franks (AZ)	Miller (FL)	Wilson (SC)
Garrett (NJ)	Minnick	Wittman
Gohmert	Moran (KS)	
Goodlatte	Myrick	

NOES—314

Abercrombie	Boyd	Costa
Ackerman	Brady (PA)	Costello
Aderholt	Braley (IA)	Courtney
Adler (NJ)	Brown (SC)	Crenshaw
Alexander	Brown, Corrine	Crowley
Altmire	Butterfield	Cuellar
Andrews	Buyer	Culberson
Arcuri	Calvert	Cummings
Baca	Camp	Dahlkemper
Bachus	Cao	Davis (AL)
Baird	Capito	Davis (CA)
Baldwin	Capps	Davis (IL)
Barrow	Capuano	Davis (KY)
Bartlett	Cardoza	Davis (TN)
Barton (TX)	Carnahan	DeFazio
Becerra	Carney	DeGette
Berkley	Carson (IN)	DeLaunt
Berman	Carter	DeLauro
Berry	Castor (FL)	Diaz-Balart, L.
Bilirakis	Chandler	Diaz-Balart, M.
Bishop (GA)	Childers	Dicks
Bishop (NY)	Christensen	Dingell
Blumenauer	Chu	Doggett
Blunt	Clarke	Donnelly (IN)
Bocieri	Clay	Doyle
Bonner	Cleaver	Dreier
Bono Mack	Clyburn	Driehaus
Boozman	Cohen	Edwards (MD)
Boren	Cole	Edwards (TX)
Boswell	Connolly (VA)	Ellison
Boucher	Conyers	Ellsworth

Emerson	Lewis (CA)	Richardson
Engel	Lewis (GA)	Rodriguez
Eshoo	Lipinski	Rogers (AL)
Etheridge	LoBiondo	Ros-Lehtinen
Farr	Loeb	Ross
Fattah	Lofgren, Zoe	Rothman (NJ)
Finer	Lowey	Roybal-Allard
Forbes	Luján	Ruppersberger
Foster	Lynch	Rush
Frank (MA)	Maffei	Ryan (OH)
Frelinghuysen	Maloney	Sablan
Fudge	Markey (CO)	Salazar
Gallegly	Markey (MA)	Sánchez, Linda T.
Gerlach	Marshall	Sanchez, Loretta
Giffords	Massa	Sarbanes
Gingrey (GA)	Matheson	Schakowsky
Gonzalez	Matsui	Schiff
Gordon (TN)	McCarthy (NY)	Schrader
Granger	McCollum	Schwartz
Grayson	McDermott	Scott (GA)
Green, Al	McGovern	Serrano
Green, Gene	McHugh	Sestak
Griffith	McIntyre	Shea-Porter
Grijalva	McKeon	Sherman
Guthrie	McMahon	Shuler
Gutierrez	McNerney	Shuster
Hall (NY)	Meek (FL)	Simpson
Halvorson	Meeks (NY)	Sires
Hare	Melancon	Skelton
Harman	Mica	Slaughter
Harper	Michaud	Smith (NJ)
Hastings (FL)	Miller (MI)	Smith (TX)
Hastings (WA)	Miller (NC)	Smith (WA)
Heinrich	Miller, Gary	Snyder
Hereth Sandlin	Miller, George	Space
Higgins	Mitchell	Speier
Himes	Mollohan	Spratt
Hinchey	Moore (KS)	Stark
Hinojosa	Moore (WI)	Stupak
Hirono	Moran (VA)	Sutton
Hodes	Murphy (CT)	Tanner
Holden	Murphy (NY)	Taylor
Holt	Murphy, Patrick	Teague
Honda	Murphy, Tim	Thompson (CA)
Hoyer	Murtha	Thompson (MS)
Hunter	Nadler (NY)	Thompson (PA)
Inslee	Napolitano	Tiahrt
Israel	Neal (MA)	Tierney
Jackson (IL)	Norton	Titus
Jackson-Lee	Nye	Tonko
(TX)	Oberstar	Towns
Johnson (GA)	Obey	Tsongas
Johnson, E. B.	Ortiz	Turner
Jones	Pallone	Van Hollen
Kagen	Pascrell	Visclosky
Kanjorski	Pastor (AZ)	Walz
Kaptur	Payne	Wasserman
Kildee	Perlmutter	Schultz
Kilpatrick (MI)	Perriello	Waters
Kilroy	Peters	Watson
King (NY)	Peterson	Watt
Kirkpatrick (AZ)	Pierluisi	Waxman
Kissell	Pingree (ME)	Weiner
Klein (FL)	Polis (CO)	Welch
Kosmas	Pomeroy	Wexler
Kratovil	Posey	Whitfield
Kucinich	Price (NC)	Wilson (OH)
Langevin	Putnam	Wolf
Larsen (WA)	Quigley	Woolsey
Larson (CT)	Radanovich	Wu
Latham	Rahall	Yarmuth
LaTourette	Rangel	Young (AK)
Lee (CA)	Rehberg	Young (FL)
Levin	Reichert	
	Reyes	

NOT VOTING—10

Barrett (SC)	Lucas	Scott (VA)
Bordallo	Oliver	Velázquez
Faleomavaega	Pence	
Kennedy	Rogers (KY)	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1802

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 94, noes 336, not voting 9, as follows:

[Roll No. 561]

AYES—94

Austria	Graves	Nye
Bachmann	Heller	Olson
Bishop (UT)	Hensarling	Paul
Blackburn	Herger	Paulsen
Boozman	Hoekstra	Perlmutter
Boustany	Inglis	Petri
Bright	Issa	Pitts
Broun (GA)	Jenkins	Price (GA)
Brown-Waite,	Johnson (IL)	Roe (TN)
Ginny	Jordan (OH)	Rogers (MI)
Burgess	Kind	Rohrabacher
Campbell	King (IA)	Rooney
Cassidy	Kline (MN)	Royce
Chaffetz	Lamborn	Ryan (WI)
Coble	Latta	Scalise
Coffman (CO)	Linder	Schauer
Conaway	Luetkemeyer	Schmidt
Cooper	Lummis	Shock
Deal (GA)	Lungren, Daniel E.	Sensenbrenner
Duncan	Mack	Sessions
Ehlers	Marchant	Shadegg
Fallin	McCauley	Shimkus
Flake	McClintock	Smith (NE)
Fleming	McCotter	Stearns
Forbes	McHenry	Sullivan
Fortenberry	Miller (FL)	Terry
Fox	Minnick	Thornberry
Franks (AZ)	Moran (KS)	Tiberi
Garrett (NJ)	Myrick	Wamp
Giffords	Neugebauer	Westmoreland
Gohmert	Nunes	Wilson (SC)
Goodlatte		Wittman

NOES—336

Abercrombie	Bono Mack	Clarke
Ackerman	Boren	Clay
Aderholt	Boswell	Cleaver
Adler (NJ)	Boyd	Clyburn
Akin	Brady (PA)	Cohen
Alexander	Brady (TX)	Cole
Altmire	Braley (IA)	Connolly (VA)
Andrews	Brown (SC)	Conyers
Arcuri	Brown, Corrine	Costa
Baca	Buchanan	Costello
Bachus	Burton (IN)	Courtney
Baird	Butterfield	Crenshaw
Baldwin	Buyer	Crowley
Barrow	Calvert	Cuellar
Bartlett	Camp	Culberson
Barton (TX)	Cantor	Cummings
Bean	Cao	Dahlkemper
Becerra	Capito	Davis (AL)
Berkley	Capps	Davis (CA)
Berman	Capuano	Davis (IL)
Berry	Cardoza	Davis (KY)
Biggart	Carnahan	Davis (TN)
Bilbray	Carney	DeFazio
Bilirakis	Carson (IN)	DeGette
Bishop (GA)	Carter	Delahunt
Bishop (NY)	Castle	DeLauro
Blumenauer	Castor (FL)	Dent
Blunt	Chandler	Diaz-Balart, L.
Boccieri	Childers	Diaz-Balart, M.
Boehner	Christensen	Dicks
Bonner	Chu	Dingell

Doggett	Latham	Reichert
Donnelly (IN)	LaTourette	Reyes
Doyle	Lee (CA)	Richardson
Dreier	Lee (NY)	Rodriguez
Driehaus	Levin	Rogers (AL)
Edwards (MD)	Lewis (CA)	Rogers (KY)
Edwards (TX)	Lewis (GA)	Ros-Lehtinen
Ellsworth	Lipinski	Roskam
Emerson	LoBiondo	Ross
Engel	Loeb	Rothman (NJ)
Eshoo	Lofgren, Zoe	Roybal-Allard
Etheridge	Lowey	Ruppersberger
Farr	Luján	Rush
Fattah	Lynch	Ryan (OH)
Finer	Maffei	Sablan
Foster	Maloney	Salazar
Frank (MA)	Manzullo	Sánchez, Linda T.
Frelinghuysen	Markey (CO)	Sanchez, Loretta
Fudge	Markey (MA)	Sarbanes
Gallegly	Marshall	Schakowsky
Gerlach	Massa	Schiff
Gingrey (GA)	Matheson	Schrader
Gonzalez	Matsui	Schwartz
Gordon (TN)	McCarthy (CA)	Scott (GA)
Granger	McCarthy (NY)	Serrano
Grayson	McCollum	Sestak
Green, Al	McDermott	Shea-Porter
Green, Gene	McGovern	Sherman
Griffith	McHugh	Shuler
Grijalva	McIntyre	Shuster
Guthrie	McKeon	Simpson
Gutierrez	McMahon	Sires
Hall (NY)	McMorris	Skelton
Halvorson	Rodgers	Slaughter
Hare	McNerney	Smith (NJ)
Harman	Meek (FL)	Smith (TX)
Harper	Meeks (NY)	Smith (WA)
Hastings (FL)	Melancon	Snyder
Hastings (WA)	Mica	Souder
Heinrich	Michaud	Space
Hereth Sandlin	Miller (MI)	Speier
Higgins	Miller (NC)	Spratt
Hill	Miller, Gary	Stark
Himes	Miller, George	Stupak
Hinchey	Mitchell	Sutton
Hinojosa	Mollohan	Tanner
Hirono	Moore (KS)	Taylor
Hodes	Moore (WI)	Teague
Holden	Moran (VA)	Thompson (CA)
Holt	Murphy (CT)	Thompson (MS)
Honda	Murphy (NY)	Thompson (PA)
Hoyer	Murphy, Patrick	Tiahrt
Hunter	Murphy, Tim	Tierney
Inslee	Murtha	Titus
Israel	Nadler (NY)	Tonko
Jackson (IL)	Napolitano	Towns
Jackson-Lee	Neal (MA)	Tsongas
(TX)	Norton	Turner
Johnson (GA)	Oberstar	Upton
Johnson, E. B.	Obey	Van Hollen
Johnson, Sam	Oliver	Visclosky
Jones	Ortiz	Walden
Kagen	Pallone	Walz
Kanjorski	Pascrell	Wasserman
Kaptur	Pastor (AZ)	Schultz
Kennedy	Payne	Waters
Kildee	Perriello	Watson
Kilpatrick (MI)	Peters	Watt
Kilroy	Peterson	Waxman
King (NY)	Pierluisi	Weiner
Kingston	Pingree (ME)	Welch
Kirk	Platts	Wexler
Kirkpatrick (AZ)	Poe (TX)	Whitfield
Kissell	Polis (CO)	Wilson (OH)
Klein (FL)	Pomeroy	Wolf
Kosmas	Posey	Woolsey
Kratovil	Price (NC)	Wu
Kucinich	Putnam	Yarmuth
Lance	Quigley	Young (AK)
Langevin	Radanovich	Young (FL)
Larsen (WA)	Rahall	
Larson (CT)	Rangel	
	Rehberg	

NOT VOTING—9

Barrett (SC)	Ellison	Pence
Bordallo	Faleomavaega	Scott (VA)
Boucher	Lucas	Velázquez

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1805

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 93, noes 337, not voting 9, as follows:

[Roll No. 562]

AYES—93

Austria	Gohmert	McMorris
Bachmann	Goodlatte	Rodgers
Bishop (UT)	Heller	Miller (FL)
Blackburn	Hensarling	Minnick
Blunt	Herger	Myrick
Boehner	Hoekstra	Neugebauer
Boozman	Inglis	Nunes
Boustany	Issa	Olson
Brady (TX)	Jenkins	Paul
Bright	Johnson (IL)	Petri
Brown (GA)	Johnson, Sam	Pitts
Burgess	Jordan (OH)	Price (GA)
Burton (IN)	Kind	Roe (TN)
Buyer	King (IA)	Rogers (MI)
Campbell	Kingston	Rohrabacher
Cantor	Kirk	Rooney
Cassidy	Kline (MN)	Royce
Castle	Lamborn	Ryan (WI)
Chaffetz	Latta	Schmidt
Coble	Linder	Sensenbrenner
Coffman (CO)	Luetkemeyer	Sessions
Conaway	Lummis	Shadegg
Cooper	Lungren, Daniel	Shimkus
Deal (GA)	E.	Smith (NE)
Fallin	Mack	Stearns
Flake	Marchant	Sullivan
Fleming	McCarthy (CA)	Terry
Fortenberry	McCaul	Thornberry
Fox	McClintock	Tiberi
Franks (AZ)	McCotter	Wamp
Garrett (NJ)	McHenry	Westmoreland
Gingrey (GA)		Wilson (SC)

NOES—337

Abercrombie	Bishop (NY)	Carney
Ackerman	Blumenauer	Carson (IN)
Aderholt	Boccieri	Carter
Adler (NJ)	Bonner	Castor (FL)
Akin	Bono Mack	Chandler
Alexander	Boren	Childers
Altmire	Boswell	Christensen
Andrews	Boucher	Chu
Arcuri	Boyd	Clarke
Baca	Brady (PA)	Clay
Bachus	Braley (IA)	Cleaver
Baird	Brown (SC)	Clyburn
Baldwin	Brown, Corrine	Cohen
Barrow	Brown-Waite,	Cole
Bartlett	Ginny	Connolly (VA)
Barton (TX)	Buchanan	Conyers
Bean	Butterfield	Costa
Becerra	Calvert	Costello
Berkley	Camp	Courtney
Berman	Cao	Crenshaw
Berry	Capito	Crowley
Biggart	Capps	Cuellar
Billbray	Capuano	Culberson
Bilirakis	Cardoza	Cummings
Bishop (GA)	Carnahan	Dahlkemper

Davis (AL)	Kirkpatrick (AZ)	Rahall
Davis (CA)	Kissell	Rangel
Davis (IL)	Klein (FL)	Rehberg
Davis (KY)	Kosmas	Reichert
Davis (TN)	Kratovil	Reyes
DeFazio	Kucinich	Richardson
DeGette	Lance	Rodriguez
Delahunt	Langevin	Rogers (AL)
DeLauro	Larsen (WA)	Rogers (KY)
Dent	Larson (CT)	Ros-Lehtinen
Diaz-Balart, L.	Latham	Roskam
Diaz-Balart, M.	Lee (CA)	Ross
Dicks	Lee (NY)	Rothman (NJ)
Dingell	Levin	Roybal-Allard
Doggett	Lewis (CA)	Ruppersberger
Donnelly (IN)	Lewis (GA)	Rush
Doyle	Lipinski	Ryan (OH)
Dreier	LoBiondo	Sablan
Driehaus	Loebbeck	Salazar
Duncan	Lofgren, Zoe	Sánchez, Linda
Edwards (MD)	Lowe	T.
Edwards (TX)	Luján	Sanchez, Loretta
Ehlers	Lynch	Sarbanes
Ellison	Maffei	Scalise
Ellsworth	Maloney	Schakowsky
Emerson	Manzullo	Schauer
Engel	Markey (CO)	Schiff
Eshoo	Markey (MA)	Schock
Etheridge	Marshall	Schrader
Farr	Massa	Schwartz
Fattah	Matheson	Scott (GA)
Filner	Matsui	Serrano
Forbes	McCarthy (NY)	Sestak
Foster	McCollum	Shea-Porter
Frank (MA)	McDermott	Sherman
Frelinghuysen	McGovern	Shuler
Fudge	McHugh	Shuster
Galleghy	McIntyre	Simpson
Gerlach	McKeon	Sires
Giffords	McMahon	Skelton
Gonzalez	McNerney	Slaughter
Gordon (TN)	Meek (FL)	Smith (NJ)
Granger	Melancon	Smith (TX)
Graves	Mica	Smith (WA)
Grayson	Michaud	Snyder
Green, Al	Miller (MI)	Souder
Green, Gene	Miller (NC)	Space
Griffith	Miller, Gary	Speier
Grijalva	Miller, George	Spratt
Guthrie	Mitchell	Stark
Gutierrez	Mollohan	Stupak
Hall (NY)	Moore (KS)	Sutton
Hall (TX)	Moore (WI)	Tanner
Halvorson	Moran (KS)	Teague
Hare	Moran (VA)	Thompson (CA)
Harman	Murphy (CT)	Thompson (MS)
Harper	Murphy (NY)	Thompson (PA)
Hastings (FL)	Murphy, Patrick	Tiahrt
Hastings (WA)	Murphy, Tim	Tierney
Heinrich	Murtha	Titus
Herstein Sandlin	Nadler (NY)	Tonko
Higgins	Napolitano	Towns
Hill	Neal (MA)	Tsongas
Himes	Norton	Turner
Hinche	Nye	Upton
Hinojosa	Oberstar	Van Hollen
Hirono	Obey	Visclosky
Hodes	Oliver	Walden
Holden	Ortiz	Walz
Holt	Pallone	Wasserman
Honda	Pascarell	Schultz
Hoyer	Pastor (AZ)	Waters
Hunter	Paulsen	Watson
Inslee	Payne	Watt
Israel	Perlmutter	Waxman
Jackson (IL)	Perriello	Weiner
Jackson-Lee	Peters	Welch
(TX)	Peterson	Wexler
Johnson (GA)	Pierluisi	Whitfield
Johnson, E. B.	Pingree (ME)	Wilson (OH)
Jones	Platts	Wittman
Kagen	Poe (TX)	Wolf
Kanjorski	Polis (CO)	Woolsey
Kaptur	Pomeroy	Wu
Kennedy	Posey	Yarmuth
Kildee	Price (NC)	Young (AK)
Kilpatrick (MI)	Putnam	Young (FL)
Kilroy	Quigley	
King (NY)	Radanovich	

NOT VOTING—9

Barrett (SC)	LaTourette	Pence
Bordallo	Lucas	Scott (VA)
Faleomavaega	Meeks (NY)	Velázquez

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1808

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 318, not voting 7, as follows:

[Roll No. 563]

AYES—114

Akin	Garrett (NJ)	Moran (KS)
Bachmann	Gerlach	Myrick
Barton (TX)	Gohmert	Neugebauer
Biggart	Goodlatte	Nunes
Bilbray	Graves	Olson
Bilirakis	Heller	Paul
Bishop (UT)	Hensarling	Paulsen
Blackburn	Herger	Petri
Blunt	Hoekstra	Pitts
Boehner	Hunter	Platts
Boozman	Inglis	Poe (TX)
Boustany	Issa	Price (GA)
Brady (TX)	Jenkins	Roe (TN)
Brown (GA)	Johnson (IL)	Rogers (MI)
Burgess	Johnson, Sam	Rohrabacher
Burton (IN)	Jordan (OH)	Rooney
Buyer	Kind	Roskam
Camp	King (IA)	Royce
Campbell	Kingston	Ryan (WI)
Cantor	Kirk	Scalise
Carter	Kline (MN)	Schmidt
Cassidy	Lamborn	Sensenbrenner
Castle	Lance	Sessions
Chaffetz	Latta	Shadegg
Coble	Linder	Shimkus
Coffman (CO)	Luetkemeyer	Smith (NE)
Conaway	Lummis	Souder
Cooper	Lungren, Daniel	Stearns
Deal (GA)	E.	Sullivan
Dent	Mack	Terry
Duncan	McCarthy (CA)	Thornberry
Ehlers	McCaul	Tiberi
Fallin	McClintock	Upton
Flake	McCotter	Walden
Fleming	McHenry	Wamp
Fortenberry	McMorris	Westmoreland
Fox	Rodgers	Wilson (SC)
Franks (AZ)	Miller (FL)	Young (AK)
Gallegly	Minnick	

NOES—318

Abercrombie	Baldwin	Bonner
Ackerman	Barrow	Bono Mack
Aderholt	Bartlett	Boren
Adler (NJ)	Bean	Boswell
Alexander	Becerra	Boucher
Altmire	Berkley	Boyd
Andrews	Berman	Brady (PA)
Arcuri	Berry	Braley (IA)
Austria	Bishop (GA)	Bright
Baca	Bishop (NY)	Brown (SC)
Bachus	Blumenauer	Brown, Corrine
Baird	Boccieri	

Brown-Waite, Ginny
 Buchanan Holden
 Butterfield Holt
 Calvert Honda
 Cao Hoyer
 Capito Inslee
 Capps Israel
 Capuano Jackson (IL)
 Cardoza Jackson-Lee (TX)
 Carnahan Johnson (GA)
 Carney Johnson, E. B.
 Carson (IN) Jones
 Castor (FL) Kagen
 Chandler Kanjorski
 Childers Kaptur
 Christensen Kaptur
 Chu Kennedy
 Clarke Kildee
 Clay Kilpatrick (MI)
 Cleaver Kilroy
 Clyburn King (NY)
 Cohen Kirkpatrick (AZ)
 Cole Kissell
 Connolly (VA) Klein (FL)
 Conyers Kosmas
 Costa Kratovil
 Costello Kucinich
 Courtney Langevin
 Crenshaw Larsen (WA)
 Crowley Larson (CT)
 Cuellar Latham
 Culberson LaTourette
 Cummings Lee (CA)
 Dahlkemper Lee (NY)
 Davis (AL) Levin
 Davis (CA) Lewis (CA)
 Davis (IL) Lewis (GA)
 Davis (KY) Lipinski
 Davis (TN) LoBiondo
 DeFazio Loeb sack
 DeGette Lofgren, Zoe
 Delahunt Lowey
 DeLauro Luján
 Diaz-Balart, L. Lynch
 Diaz-Balart, M. Maffei
 Dicks Maloney
 Dingell Manzullo
 Doggett Marchant
 Donnelly (IN) Markey (CO)
 Doyle Markey (MA)
 Dreier Marshall
 Driehaus Massa
 Edwards (MD) Matheson
 Edwards (TX) Matsui
 Ellison McCarthy (NY)
 Ellsworth McCollum
 Emerson McDermott
 Engel McGovern
 Eshoo McHugh
 Etheridge McIntyre
 Farr McKeon
 Fattah McMahon
 Filner McNeerney
 Forbes Meek (FL)
 Foster Meeks (NY)
 Frank (MA) Melancon
 Frelinghuysen Mica
 Fudge Michaud
 Giffords Miller (MI)
 Gingrey (GA) Miller (NC)
 Gonzalez Miller, Gary
 Gordon (TN) Miller, George
 Granger Mitchell
 Grayson Mollohan
 Green, Al Moore (KS)
 Green, Gene Moore (WI)
 Griffith Moran (VA)
 Grijalva Murphy (CT)
 Guthrie Murphy (NY)
 Gutierrez Murphy, Patrick
 Hall (NY) Murphy, Tim
 Hall (TX) Murtha
 Halvorson Nadler (NY)
 Hare Napolitano
 Harman Neal (MA)
 Harper Norton
 Hastings (FL) Nye
 Hastings (WA) Oberstar
 Heinrich Obey
 Herseeth Sandlin Oliver
 Higgins Ortiz
 Hill Pallone
 Himes Pascrell
 Hinchey Pastor (AZ)
 Hinojosa Payne

Perlmutter
 Perriello
 Peters
 Peterson
 Pierluisi
 Pingree (ME)
 Polis (CO)
 Pomeroy
 Posey
 Price (NC)
 Putnam
 Quigley
 Radanovich
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson
 Rodriguez
 Rogers (AL)
 Rogers (KY)
 Ros-Lehtinen
 Ross
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Sablan
 Salazar
 Sánchez, Linda T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schauer
 Schiff
 Schock
 Schrader
 Schwartz
 Scott (GA)
 Serrano
 Sestak
 Shea-Porter
 Sherman
 Shuler
 Shuster
 Simpson
 Sires
 Skelton
 Slaughter
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Space
 Speier
 Spratt
 Stark
 Stupak
 Sutton
 Tanner
 Taylor
 Teague
 Thompson (CA)
 Thompson (MS)
 Thompson (PA)
 Tiahrt
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Turner
 Van Hollen
 Visclosky
 Walz
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Wexler
 Whitfield
 Wilson (OH)
 Wittman
 Wolf
 Woolsey
 Wu
 Yarmuth
 Young (FL)

NOT VOTING—7

Barrett (SC) Lucas
 Bordallo Velázquez
 Faleomavaega Scott (VA)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
 There is 1 minute remaining in this vote.

□ 1812

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 102, noes 326, answered “present” 1, not voting 10, as follows:

[Roll No. 564]

AYES—102

Austria Goodlatte
 Bachmann Graves
 Barton (TX) Heller
 Bigert Hensarling
 Bishop (NY) Herger
 Bishop (UT) Hoekstra
 Blackburn Inglis
 Boehner Issa
 Boozman Jenkins
 Boustany Johnson (IL)
 Brady (TX) Jordan (OH)
 Bright Kind
 Brown (GA) King (IA)
 Burgess Kirk
 Burton (IN) Kline (MN)
 Campbell Lamborn
 Cantor Latta
 Cassidy Lee (NY)
 Castle Linder
 Chaffetz Luetkemeyer
 Coble Lummis
 Coffman (CO) Lungren, Daniel E.
 Conaway Mack
 Cooper Dent
 Duncan Manzanillo
 Ehlert Marchant
 Fallon McCarthy (CA)
 Flake McCaul
 Floten McClintock
 Fortenberry McCotter
 Foyx McHenry
 Franks (AZ) McMorris
 Garrett (NJ) Rodgers
 Gerlach Miller (FL)
 Gohmert Minnick

NOES—326

Abercrombie Bachus
 Ackerman Baird
 Aderholt Baldwin
 Adler (NJ) Barrow
 Akin Bartlett
 Alexander Bean
 Altmire Becerra
 Andrews Berkley
 Arcuri Berman
 Baca Berry

Boucher
 Boyd
 Brady (PA)
 Braley (IA)
 Brown (SC)
 Brown, Corrine
 Brown-Waite, Ginny
 Buchanan
 Butterfield
 Buyer
 Calvert
 Camp
 Cao
 Capito
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Carter
 Castor (FL)
 Chandler
 Childers
 Christensen
 Chu
 Clarke
 Clay
 Cleaver
 Clyburn
 Cohen
 Cole
 Connolly (VA)
 Conyers
 Costa
 Costello
 Courtney
 Crenshaw
 Crowley
 Cuellar
 Culberson
 Cummings
 Dahlkemper
 Davis (AL)
 Davis (CA)
 Davis (IL)
 Davis (KY)
 Davis (TN)
 Deal (GA)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Dreier
 Driehaus
 Edwards (MD)
 Edwards (TX)
 Ellison
 Ellsworth
 Emerson
 Engel
 Etheridge
 Farr
 Fattah
 Filner
 Forbes
 Foster
 Frank (MA)
 Frelinghuysen
 Fudge
 Gallegly
 Giffords
 Gingrey (GA)
 Gonzalez
 Granger
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Guthrie
 Gutierrez
 Hall (NY)
 Hall (TX)
 Halvorson
 Hare
 Harman
 Harper

Hastings (FL)
 Hastings (WA)
 Heinrich
 Herseeth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Holden
 Holt
 Honda
 Hoyer
 Hunter
 Inslee
 Israel
 Jackson (IL)
 Jackson-Lee (TX)
 Johnson (GA)
 Johnson, E. B.
 Johnson, Sam
 Jones
 Kagen
 Kanjorski
 Kaptur
 Kildee
 Kilpatrick (MI)
 Kilroy
 King (NY)
 Kingston
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kosmas
 Kratovil
 Kucinich
 Lance
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Lee (CA)
 Levin
 Lewis (CA)
 Lewis (GA)
 Lipinski
 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Luján
 Lynch
 Maffei
 Maloney
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matheson
 Matsui
 McCarthy (NY)
 McDermott
 McGovern
 McHugh
 McIntyre
 McKeon
 McMahon
 McNeerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Mitchell
 Mollohan
 Moore (KS)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murphy, Tim
 Murtha
 Nadler (NY)
 Napolitano
 Neal (MA)
 Norton
 Oberstar
 Obey
 Olson
 Oliver
 Ortiz
 Pallone
 Pascrell
 Pastor (AZ)
 Payne

Waxman	Whitfield	Woolsey
Weiner	Wilson (OH)	Wu
Welch	Wittman	Yarmuth
Wexler	Wolf	Young (FL)

ANSWERED "PRESENT"—1

Fleming

NOT VOTING—10

Barrett (SC)	Gordon (TN)	Pence
Bordallo	Kennedy	Scott (VA)
Eshoo	Lucas	
Faleomavaega	McCollum	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
One minute remains in this vote.

□ 1815

So the amendment was rejected.

The result of the vote was announced
as above recorded.

PERSONAL EXPLANATION

Mr. KENNEDY. Mr. Chair, on rollcall Nos. 556, 558, 559, 560 and 564, I was detained by a phone conversation with George Soros regarding the state/the U.S. economy and world economy and what would be done to rectify it.

Had I been present, I would have voted "no."

AMENDMENT NO. 13 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 120, noes 311, not voting 8, as follows:

[Roll No. 565]

AYES—120

Austria	Ehlers	Lamborn
Bachmann	Fallin	Lance
Barton (TX)	Flake	Latta
Bean	Fleming	Lee (NY)
Bilirakis	Forbes	Linder
Bishop (UT)	Fortenberry	Luetkemeyer
Blackburn	Fox	Lummis
Boehner	Franks (AZ)	Lungren, Daniel
Boozman	Gallely	E.
Boustany	Garrett (NJ)	Mack
Brady (TX)	Gohmert	Manzullo
Bright	Goodlatte	Marchant
Broun (GA)	Graves	McCarthy (CA)
Burgess	Hall (TX)	McCauley
Burton (IN)	Heller	McClintock
Buyer	Hensarling	McCotter
Calvert	Herger	McHenry
Camp	Hoekstra	McMorris
Campbell	Hunter	Rodgers
Cantor	Inglis	Miller (FL)
Cassidy	Issa	Miller, Gary
Castle	Jenkins	Minnick
Chaffetz	Johnson (IL)	Moran (KS)
Coble	Johnson, Sam	Myrick
Coffman (CO)	Jordan (OH)	Neugebauer
Conaway	Kind	Nunes
Cooper	King (IA)	Nye
Deal (GA)	Kirk	Olson
Dent	Kline (MN)	Paul

Paulsen	Royce	Sullivan
Petri	Ryan (WI)	Terry
Pitts	Scalise	Thornberry
Platts	Schauer	Tiberi
Poe (TX)	Schmidt	Tierney
Price (GA)	Sensenbrenner	Walden
Radanovich	Sessions	Wamp
Roe (TN)	Shadegg	Westmoreland
Rogers (MI)	Shimkus	Wilson (SC)
Rohrabacher	Smith (NE)	Wittman
Rooney	Souder	Young (AK)
Roskam	Stearns	

NOES—311

Abercrombie	Dicks	Larson (CT)
Ackerman	Dingell	Latham
Aderholt	Doggett	LaTourette
Adler (NJ)	Donnelly (IN)	Lee (CA)
Akin	Doyle	Levin
Alexander	Dreier	Lewis (CA)
Altmire	Driehaus	Lewis (GA)
Andrews	Duncan	Lipinski
Arcuri	Edwards (MD)	LoBiondo
Baca	Edwards (TX)	Loeb
Bachus	Ellison	Lofgren, Zoe
Baird	Ellsworth	Lowey
Baldwin	Emerson	Lujan
Barrow	Engel	Lynch
Bartlett	Eshoo	Maffei
Becerra	Etheridge	Maloney
Berkley	Farr	Markey (CO)
Berman	Fattah	Marshall
Berry	Filner	Massa
Biggert	Foster	Matheson
Bilbray	Frank (MA)	Matsui
Bishop (GA)	Frelinghuysen	McCarthy (NY)
Bishop (NY)	Fudge	McCollum
Blumenauer	Gerlach	McDermott
Blunt	Giffords	McGovern
Boccieri	Gingrey (GA)	McHugh
Bonner	Gonzalez	McIntyre
Bono Mack	Gordon (TN)	McKeon
Boren	Granger	McMahon
Boswell	Grayson	McNerney
Boucher	Green, Al	Meek (FL)
Boyd	Green, Gene	Meeks (NY)
Brady (PA)	Griffith	Melancon
Braley (IA)	Grijalva	Mica
Brown (SC)	Guthrie	Michaud
Brown, Corrine	Gutierrez	Miller (MI)
Brown-Waite,	Hall (NY)	Miller (NC)
Ginny	Halvorson	Miller, George
Buchanan	Hare	Mitchell
Butterfield	Harman	Mollohan
Cao	Harper	Moore (KS)
Capito	Hastings (FL)	Moore (WI)
Capps	Hastings (WA)	Moran (VA)
Capuano	Heinrich	Murphy (CT)
Cardoza	Herseth Sandlin	Murphy (NY)
Carnahan	Higgins	Murphy, Patrick
Carney	Hill	Murphy, Tim
Carson (IN)	Himes	Murtha
Carter	Hinche	Nadler (NY)
Castor (FL)	Hinojosa	Napolitano
Chandler	Hirono	Neal (MA)
Childers	Hodes	Norton
Chu	Holden	Oberstar
Clarke	Holt	Obey
Clay	Honda	Olver
Cleaver	Hoyer	Ortiz
Clyburn	Inslee	Pallone
Cohen	Israel	Pascarella
Cole	Jackson (IL)	Pastor (AZ)
Connolly (VA)	Jackson-Lee	Payne
Conyers	(TX)	Perlmutter
Costa	Johnson (GA)	Perriello
Costello	Johnson, E. B.	Peters
Courtney	Jones	Peterson
Crenshaw	Kagen	Pierluisi
Crowley	Kanjorski	Pingree (ME)
Cuellar	Kaptur	Polis (CO)
Culberson	Kennedy	Pomeroy
Cummings	Kildee	Posey
Dahlkemper	Kilpatrick (MI)	Price (NC)
Davis (AL)	Kilroy	Putnam
Davis (CA)	King (NY)	Quigley
Davis (IL)	Kingston	Rahall
Davis (KY)	Kirkpatrick (AZ)	Rangel
Davis (TN)	Kissell	Rehberg
DeFazio	Klein (FL)	Reichert
DeGette	Kosmas	Reyes
Delahunt	Kratovil	Richardson
DeLauro	Kucinich	Rodriguez
Diaz-Balart, L.	Langevin	Rogers (AL)
Diaz-Balart, M.	Larsen (WA)	Rogers (KY)

Ros-Lehtinen	Shuster	Towns
Ross	Simpson	Tsongas
Rothman (NJ)	Sires	Turner
Roybal-Allard	Skelton	Upton
Ruppersberger	Slaughter	Van Hollen
Rush	Smith (NJ)	Velázquez
Ryan (OH)	Smith (TX)	Vislosky
Sablan	Smith (WA)	Walz
Salazar	Snyder	Wasserman
Sanchez, Linda	Space	Schultz
T.	Speier	Waters
Sanchez, Loretta	Spratt	Watson
Sarbanes	Stark	Watt
Schakowsky	Stupak	Waxman
Schiff	Sutton	Weiner
Schock	Tanner	Welch
Schrader	Taylor	Wexler
Schwartz	Teague	Whitfield
Scott (GA)	Thompson (CA)	Wilson (OH)
Serrano	Thompson (MS)	Wolf
Sestak	Thompson (PA)	Woolsey
Shaw	Tiahrt	Wu
Sherman	Titus	Yarmuth
Shuler	Tonko	Young (FL)

NOT VOTING—8

Barrett (SC)	Faleomavaega	Pence
Bordallo	Lucas	Scott (VA)
Christensen	Markey (MA)	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
One minute remains in this vote.

□ 1818

So the amendment was rejected.

The result of the vote was announced
as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 119, noes 312, not voting 8, as follows:

[Roll No. 566]

AYES—119

Austria	Conaway	Hunter
Bachmann	Cooper	Inglis
Bachus	Davis (KY)	Issa
Bean	Deal (GA)	Jenkins
Bishop (UT)	Duncan	Johnson (IL)
Blackburn	Ehlers	Johnson, Sam
Blunt	Emerson	Jordan (OH)
Boehner	Fallin	Kind
Bono Mack	Flake	King (IA)
Boozman	Fleming	Kirk
Boustany	Forbes	Kline (MN)
Brady (TX)	Fortenberry	Lamborn
Bright	Foster	Lance
Broun (GA)	Fox	Latta
Buchanan	Franks (AZ)	Lee (NY)
Burgess	Garrett (NJ)	Linder
Burton (IN)	Gohmert	Luetkemeyer
Buyer	Goodlatte	Lummis
Campbell	Graves	Lungren, Daniel
Cantor	Halvorson	E.
Cassidy	Heller	Mack
Castle	Hensarling	Manzullo
Chaffetz	Herger	Marchant
Coble	Hodes	McCarthy (CA)
Coffman (CO)	Hoekstra	McCauley

McClintock
McCotter
McHenry
McMorris
Rodgers
Mica
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Petri

NOES—312

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccheri
Bonner
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Butterfield
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleave
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt

Pitts
Poe (TX)
Price (GA)
Roe (TN)
Rodgers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg

Shimkus
Smith (NE)
Souders
Speier
Stearns
Sullivan
Thornberry
Tiberi
Upton
Walden
Wamp
Westmoreland
Wilson (SC)
Wittman

Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarella
Pastor (AZ)
Payne
Perlmutter
Perrillo
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Posey
Price (NC)

Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader

Barrett (SC)

Bordallo

Culberson

Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skeltton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt

NOT VOTING—8

Faleomavaega
Lucas
Norton

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
One minute remains on this vote.

□ 1821

So the amendment was rejected.
The result of the vote was announced
as above recorded.

AMENDMENT NO. 15 OFFERED BY MR. FLAKE
The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Arizona (Mr. FLAKE)
on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 99, noes 332,
not voting 8, as follows:

[Roll No. 567]

AYES—99

Akin
Austria
Bachmann
Barton (TX)
Bean
Blackburn
Boehner
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite,
Ginny
Buchanan
Burgess
Campbell
Cantor
Cassidy
Chaffetz
Coble

Coffman (CO)
Conaway
Cooper
Deal (GA)
Ehlers
Fallin
Flake
Fleming
Fortenberry
Foster
Fox
Franks (AZ)
Garrett (NJ)
Giffords
Goodlatte
Graves
Halvorson
Heller
Hensarling
Herger

Hoekstra
Ingalls
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kirk
Kline (MN)
Lamborn
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo

Marchant
McCaul
McClintock
McCotter
McHenry
Minnick
Moran (KS)
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Petri

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boccheri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu

Clark
Clay
Cleave
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)

Pitts
Poe (TX)
Price (GA)
Roe (TN)
Rodgers (MI)
Rohrabacher
Rooney
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Sensenbrenner
Sessions

NOES—332

Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driebehaus
Duncan
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Gingrey (GA)
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee

Shadegg
Shimkus
Smith (NE)
Souders
Speier
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Westmoreland

Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascarella
Pastor (AZ)
Payne

Perlmutter
 Perriello
 Peters
 Peterson
 Pierluisi
 Pingree (ME)
 Platts
 Polis (CO)
 Pomeroy
 Posey
 Price (NC)
 Putnam
 Quigley
 Radanovich
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson
 Rodriguez
 Rogers (AL)
 Rogers (KY)
 Ros-Lehtinen
 Roskam
 Ross
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Sablan
 Salazar

Sánchez, Linda T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schiff
 Schock
 Schrader
 Schwartz
 Scott (GA)
 Serrano
 Sestak
 Shea-Porter
 Sherman
 Shuler
 Shuster
 Simpson
 Sires
 Skelton
 Slaughter
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Space
 Spratt
 Stark
 Stupak
 Sutton
 Tanner
 Taylor
 Teague
 Thompson (CA)

Thompson (MS)
 Thompson (PA)
 Tiahrt
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Turner
 Van Hollen
 Velázquez
 Visclosky
 Walz
 Wamp
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Wexler
 Whitfield
 Wilson (OH)
 Wilson (SC)
 Wittman
 Wolf
 Woolsey
 Wu
 Yarmuth
 Young (AK)
 Young (FL)

McMorris
 Rodgers
 Mica
 Miller (FL)
 Minnick
 Moran (KS)
 Myrick
 Neugebauer
 Nunes
 Olson
 Paul
 Petri
 Pitts
 Poe (TX)
 Price (GA)
 Roe (TN)
 McCaul
 Rogers (MI)
 Rohrabacher
 Roskam
 Royce

Ryan (WI)
 Scalise
 Schauer
 Schmidt
 Schock
 Sensenbrenner
 Sessions
 Shadegg
 Shimkus
 Smith (NE)
 Stearns
 Sullivan
 Terry
 Thornberry
 Tiberi
 Walden
 Westmoreland
 Wilson (SC)
 Wittman

Nye
 Oberstar
 Obey
 Olver
 Ortiz
 Pallone
 Pascarell
 Pastor (AZ)
 Paulsen
 Payne
 Perlmutter
 Perriello
 Peters
 Peterson
 Pierluisi
 Pingree (ME)
 Platts
 Polis (CO)
 Pomeroy
 Posey
 Price (NC)
 Putnam
 Quigley
 Radanovich
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson
 Rodriguez
 Rogers (AL)
 Rogers (KY)
 Rooney
 Ros-Lehtinen
 Ross
 Rothman (NJ)

Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Sablan
 Salazar
 Sánchez, Linda T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schiff
 Schrader
 Schwartz
 Scott (GA)
 Serrano
 Sestak
 Shea-Porter
 Sherman
 Shuler
 Shuster
 Simpson
 Sires
 Skelton
 Slaughter
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Souder
 Space
 Speier
 Spratt
 Stark
 Stupak
 Sutton
 Tanner

Taylor
 Teague
 Thompson (CA)
 Thompson (MS)
 Thompson (PA)
 Tiahrt
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Turner
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walz
 Wamp
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Wexler
 Whitfield
 Wilson (OH)
 Wolf
 Woolsey
 Wu
 Yarmuth
 Young (AK)
 Young (FL)

NOT VOTING—8

Barrett (SC) Gohmert Pence
 Bordallo Lucas Scott (VA)
 Faleomavaega McKeon

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
 One minute remains in this vote.

□ 1824

So the amendment was rejected.

The result of the vote was announced
 as above recorded.

AMENDMENT NO. 16 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished
 business is the demand for a recorded
 vote on the amendment offered by the
 gentleman from Arizona (Mr. FLAKE)
 on which further proceedings were
 postponed and on which the noes pre-
 vailed by voice vote.

The Clerk will redesignate the
 amendment.

The Clerk redesignated the amend-
 ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
 minute vote.

The vote was taken by electronic de-
 vice, and there were—ayes 104, noes 325,
 not voting 10, as follows:

[Roll No. 568]

AYES—104

Akin
 Austria
 Bachmann
 Biggert
 Blackburn
 Boehner
 Boozman
 Boustany
 Brady (TX)
 Bright
 Broun (GA)
 Brown-Waite,
 Ginny
 Buchanan
 Burgess
 Campbell

Cantor
 Cassidy
 Chaffetz
 Coble
 Coffman (CO)
 Conaway
 Cooper
 Deal (GA)
 Duncan
 Ehlers
 Fallin
 Flake
 Fleming
 Forbes
 Fortenberry
 Foxx

Franks (AZ)
 Garrett (NJ)
 Giffords
 Gohmert
 Goodlatte
 Graves
 Hall (TX)
 Heller
 Hensarling
 Herger
 Hoekstra
 Hunter
 Inglis
 Issa
 Jenkins
 Johnson (IL)

NOES—325

Abercrombie
 Ackerman
 Aderholt
 Adler (NJ)
 Alexander
 Altmire
 Andrews
 Arcuri
 Baca
 Bachus
 Baird
 Baldwin
 Barrow
 Bartlett
 Barton (TX)
 Bean
 Becerra
 Berkley
 Berman
 Berry
 Bilbray
 Bilirakis
 Bishop (GA)
 Bishop (NY)
 Bishop (UT)
 Blunt
 Bocchieri
 Bonner
 Bono Mack
 Boren
 Boswell
 Boucher
 Boyd
 Brady (PA)
 Braley (IA)
 Brown (SC)
 Brown, Corrine
 Burton (IN)
 Butterfield
 Buyer
 Calvert
 Camp
 Cao
 Capito
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Carter
 Castle
 Castor (FL)
 Chandler
 Childers
 Christensen
 Chu
 Clarke
 Clay
 Cleaver
 Clyburn
 Cohen
 Cole
 Connolly (VA)
 Conyers
 Costa
 Costello
 Courtney
 Crenshaw
 Crowley
 Cuellar
 Culberson
 Cummings

Dahlkemper
 Davis (AL)
 Davis (CA)
 Davis (IL)
 Davis (KY)
 Davis (TN)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Dreier
 Driehaus
 Edwards (MD)
 Edwards (TX)
 Ellison
 Ellsworth
 Emerson
 Engel
 Eshoo
 Etheridge
 Farr
 Fattah
 Filner
 Foster
 Frank (MA)
 Frelinghuysen
 Fudge
 Gallegly
 Gerlach
 Gingrey (GA)
 Gonzalez
 Gordon (TN)
 Granger
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Guthrie
 Gutierrez
 Hall (NY)
 Halvorson
 Hare
 Harman
 Harper
 Hastings (FL)
 Hastings (WA)
 Heinrich
 Herseth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Holden
 Holt
 Honda
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson-Lee
 (TX)

NOT VOTING—10

Barrett (SC) King (IA) Pence
 Blumenauer Linder Scott (VA)
 Bordallo Lucas
 Faleomavaega McCarthy (NY)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
 One minute remains in this vote.

□ 1827

So the amendment was rejected.

The result of the vote was announced
 as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished
 business is the demand for a recorded
 vote on the amendment offered by the
 gentleman from Arizona (Mr. FLAKE)
 on which further proceedings were
 postponed and on which the noes pre-
 vailed by voice vote.

The Clerk will redesignate the
 amendment.

The Clerk redesignated the amend-
 ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
 minute vote.

The vote was taken by electronic de-
 vice, and there were—ayes 74, noes 356,
 not voting 9, as follows:

[Roll No. 569]

AYES—74

Bachmann
 Barrow
 Blackburn
 Boehner
 Boustany
 Bright
 Broun (GA)
 Burgess
 Campbell
 Cantor
 Cassidy

Chaffetz
 Coble
 Coffman (CO)
 Conaway
 Cooper
 Deal (GA)
 Duncan
 Ehlers
 Fallin
 Flake
 Fleming

Fortenberry
 Foster
 Foxx
 Franks (AZ)
 Garrett (NJ)
 Gingrey (GA)
 Goodlatte
 Graves
 Halvorson
 Heller
 Hensarling

Herger
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Jordan (OH)
Kind
King (IA)
Kline (MN)
Lamborn
Luetkemeyer
Lummis
Marchant

McCauley
McClintock
McCotter
McHenry
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nye
Paul
Petri
Pitts
Price (GA)

NOES—356

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachus
Baird
Baldwin
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Bocchieri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar

Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Gerlach
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Johnson, Sam

Rohrabacher
Ryan (WI)
Schauer
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Thornberry
Tiberi
Westmoreland
Wilson (SC)

Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lujan
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)

Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olson
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen

Barrett (SC)
Bordallo
Faleomavaega

Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schock
Schneider
Schwartz
Scott (GA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak

NOT VOTING—9

Gohmert
Linder
Lucas

Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velazquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

McCarthy (NY)
Pence
Scott (VA)

□ 1830

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Missouri is recognized for 5 minutes.

Mrs. EMERSON. Mr. Chairman, I would like to take this time to yield to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. I thank the gentlewoman from Missouri for her leadership and for allowing me time to speak.

Mr. Chairman, it is my goal to have a clean, up-or-down vote to restrict tax dollars from paying for abortions in the District of Columbia. I'm just asking for a clean, up-or-down vote because I think many people in America do not want us to take tax dollars and provide abortions.

Now, there has been a letter sent to Speaker PELOSI, to Chairman OBEY, and Chairwoman SLAUGHTER on this very important issue back on February 25. I was a cosigner of this letter to the Speaker, to the chairman of the Appropriations Committee and the chairwoman of the Rules Committee, along with another 179 Members, including 21 Democrats. It was requested that any changes to pro-life riders would be allowed an up-or-down vote on the floor of the House.

I was joined in an amendment on this bill by Mr. DAVIS of Tennessee, Mr. SHULER of North Carolina, Mr. JORDAN of Ohio, Mr. STUPAK of Michigan, Mr. SMITH of New Jersey, Mr. COSTELLO of Illinois, Mr. PITTS of Pennsylvania, Mr. MARSHALL of Georgia and Mrs. BACHMANN of Minnesota. We simply requested that we strike the word "Federal" from the bill, saying no funds shall be made available to provide for abortions. That rule, or that amendment was not made in order by the rule.

Mr. FLAKE of Arizona has tried to substitute one of his amendments that were made in order for this amendment so that we could have a clean, up-or-down vote.

So the whole purpose of the motion to recommit that I intend to offer will be to get a clean, up-or-down vote on this issue.

Now, currently, the bill allows for public funds to be spent on abortions. It does limit Federal funds, but all this money goes into the same bank account. It is a bookkeeping exercise to try to sort it all out. It is impossible to sort it all out. What it means is there will be no prohibitions on abortions in the District of Columbia in this bill, and, in fact, tax dollars will be providing abortions in the bill. Regardless of whether it's Federal or local funds, they will occur.

Now, we know this has happened in the past. In 1996, there was an amendment passed called the Dornan amendment which restricted funds from providing abortions. Following that bill, once they were stopped, there was a study done by the Alan Guttmacher Institute. They found out that there was a 34 percent drop in abortions in the District of Columbia when these funds were restricted.

Now, I've heard the President say, and I have heard many people who are pro-choice say, that they are for reducing the number of abortions. This clearly will be a reduction in the number of abortions if you will oppose this, or if you will support this amendment and allow me a clean, up-or-down vote on the amendment that I'm joined with by many others.

Seventy percent of Americans, according to polling data, oppose using public funds for abortions. So, regardless of where you're at on the issue, certainly, those folks, those 70 percent of Americans need an opportunity for their voice to be heard on the floor of the House. They need an up-or-down, clean vote on whether we're going to take public funds to provide abortions or not.

If you think of it in human terms, there is a financial incentive that will be put in place, paid for by tax dollars, that will encourage women who are single parents, living below the poverty level, to have the opportunity for a free abortion.

If you take that scenario and apply it to many of the great minds we have today, who would we have been deprived of? Our President grew up in those similar circumstances. If that financial incentive was in place, is it possible that his mother may have taken advantage of it?

Clarence Thomas, Supreme Court justice, if those circumstances were in place, is it possible that we would have been denied his great mind?

The opportunity to have tax-funded abortions, a financial incentive, is something that I think most of us want to oppose in America. And it certainly deserves a clean, up-or-down vote.

So it's my intent to offer a motion to recommit that is clean that simply strikes the word "Federal" on page 143, line 8, and allows an up-or-down vote. Now if this is ruled out of order, I would like to encourage those of us here to please allow this vote, a clean vote up or down.

Mrs. EMERSON. I yield back the balance of our time.

Mr. SERRANO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. I think what this needs is not necessarily an up-or-down vote. It needs clarification. What the gentleman is doing is just using this device to bring up an issue, a very difficult issue that we deal with in this society that does not belong anywhere on this bill. The fact of life is that his amendment is out of order. But we will discuss that later at the proper time.

Let's be clear on what this bill does on that particular issue. For a long time, for as long as I can remember, this Congress, that side of the aisle, has been telling the people, the citizens of the Washington, D.C. what to do, not only on the issue of abortion, on the issue of needle exchange, on the issue of guns, on the issue of gay marriages. On whatever issue is important to go back home and say, I am strong on this issue, rather than do it in their districts, they do it on the District of Columbia. And so they stand up and they say, I'm strong on this issue. Yeah, you are in D.C. I'm strong on that other issue. Yes, you are, in D.C. I'm strong on this third issue. Absolutely, in D.C.

Well, D.C. is not a foreign country. D.C. is American citizens, residents of this Nation who, under some behavior, have been put down by that side year after year after year as something other than second-class citizens.

What my bill does, what our bill does is simply say this: There is now a ban on use of Federal funds for abortions in D.C. There is a ban on local tax dollars being used for abortion services. What I do is remove the local ban so that they can have their own debate and decide whether or not they're going to do it.

You assume they're going to do it. I don't know. They're going to debate that later. They may not do it. But the Federal ban stays in place.

So when you say we will now allow taxpayers dollars, no. The American taxpayer who pays Federal dollars will not have a single dollar be used in Washington, D.C., for abortion services. But it may be that the tax dollars paid by the local residents of D.C. may be used for that. But we don't know that.

So this is not, ladies and gentlemen, a vote on abortion or how you feel about that. It's another form of colonialism, and I know a little bit about that. It is about telling people in D.C. you're not equal to the rest of us. We will tell you what to do. You can't think for yourself.

I'm not the mayor of D.C. I'm not the city council of D.C. They have a mayor. They have a city council. But year after year, on issue, after issue, you pick unfairly on the people who live in the District of Columbia.

I know there are folks on both sides of the aisle who have very strong feelings about the issue of abortion. I only implore you to look at the issue and understand that you're not voting on whether abortions will be taking place in this country or not, or anywhere or not. There are abortions taking place in D.C. right now by those people that can have them. That hasn't stopped. These are services that could be granted to them if they wish to.

So I implore you, do not think about the issue of abortion, but think about the issue of rights of American citizens to conduct their own business and to govern themselves.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Financial Services and General Government Appropriations Act, 2010".

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. HOLDEN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3170) making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 644, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 644, the question on adoption of the amendments will be put en gros.

The question is on the amendments. The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. TIAHRT. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TIAHRT. In its current form I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tiahrt moves to recommit the bill H.R. 3170 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 143, line 8, strike "Federal".

POINT OF ORDER

Mr. SERRANO (during the reading). Mr. Speaker, I make a point of order against the motion under clause 2 of rule XXI. Although the instructions in the motion propose to amend a legislative limitation permitted to remain, it does not propose to merely perfect that language, but adds further legislation.

The instructions would broaden the application of the provision to include the District of Columbia funds and would not be in order under clause 2 of rule XXI.

And I ask for a ruling from the Chair.

The SPEAKER pro tempore. Before making a ruling, the Chair will request that the Clerk continue reading the motion.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman's point of order has been made. Does anyone seek to be heard on the point of order?

Mr. TIAHRT. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The gentleman from Kansas is recognized.

Mr. TIAHRT. Mr. Speaker, first of all, this is a restriction of funds on this amendment. So I think it should be considered as in order on that.

But further, we have a constitutional requirement to oversee the expenditure of funds in the District of Columbia. It has been said that we are sidestepping our responsibility, or overstepping our responsibility by becoming mayor and city council member for the District of Columbia. But, in fact, we have a constitutional requirement to deal with the finances of the District of Columbia.

We also have many people who have asked to have an opportunity to reduce the number of abortions. So in your point of order, it's very clear that since it's a restriction of funds, since we have had so many people ask for a clean vote on this, that I would urge the Speaker to make this motion to recommit in order so that we can have

this clean, up-or-down vote on the restriction of funds on this spending bill.

The SPEAKER pro tempore. Does any other Member seek to be heard on the point of order? If not, the Chair is prepared to rule.

Under settled precedent, where legislative language is permitted to remain in a general appropriation bill, a germane amendment merely perfecting that language and not adding further legislation is in order, but an amendment effecting further legislation is not in order.

The amendment proposed in the instant motion to recommit offered by the gentleman from Kansas is unlike the amendment addressed in the precedent of May 25, 1959, recorded in Deschler's Precedents at volume 8, chapter 26, section 22.11, which was held in order as merely perfecting because it simply narrowed the sweep of a limitation in the bill.

Instead, the precedent of November 15, 1989, recorded in section 1054 of the House Rules and Manual, is more pertinent. Indeed, the 1989 precedent is controlling. In that situation, as here, a legislative provision applicable to Federal funds—a limitation adorned with legislative exceptions—was permitted to remain in the general appropriations bill including funding for the District of Columbia. An amendment striking the word “Federal” was held to broaden the legislative provision to address District of Columbia funds as well.

On these premises, the Chair holds that the amendment proposed in the motion to recommit—even if it had been considered in the Committee of the Whole—presents a violation of clause 2(c) of rule XXI. The point of order is sustained. The motion is not in order.

□ 1845

Mr. TIAHRT. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. SERRANO. Mr. Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TIAHRT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to table will be followed by 5-minute votes on the passage of the bill, if arising without further proceedings in recommitment, and a motion to suspend the rules on H. Res. 476.

The vote was taken by electronic device, and there were—ayes 225, noes 195, not voting 13, as follows:

[Roll No. 570]

AYES—225

Abercrombie	Hare	Napolitano
Ackerman	Harman	Neal (MA)
Adler (NJ)	Hastings (FL)	Nye
Andrews	Heinrich	Obey
Arcuri	Herseth Sandlin	Olver
Baca	Higgins	Ortiz
Baird	Hill	Pallone
Baldwin	Himes	Pascarell
Barrow	Hinchey	Pastor (AZ)
Bean	Hinojosa	Payne
Becerra	Hirono	Perlmutter
Berkley	Hodes	Perriello
Berman	Holden	Peters
Bishop (GA)	Holt	Pingree (ME)
Bishop (NY)	Honda	Polis (CO)
Blumenauer	Hoyer	Pomeroy
Boswell	Inslee	Price (NC)
Boucher	Israel	Quigley
Boyd	Jackson (IL)	Rahall
Brady (PA)	Jackson-Lee	Rangel
Braley (IA)	(TX)	Reyes
Brown, Corrine	Johnson (GA)	Richardson
Butterfield	Johnson, E. B.	Rodriguez
Capps	Kagen	Rothman (NJ)
Capuano	Kanjorski	Roybal-Allard
Cardoza	Kaptur	Ruppersberger
Carnahan	Kennedy	Rush
Carney	Kildee	Ryan (OH)
Carson (IN)	Kilpatrick (MI)	Salazar
Castor (FL)	Kilroy	Sanchez, Linda
Chandler	Kind	T.
Chu	Kirkpatrick (AZ)	Sanchez, Loretta
Clarke	Kissell	Sarbanes
Clay	Klein (FL)	Schakowsky
Cleaver	Kosmas	Schauer
Clyburn	Kratovil	Schiff
Cohen	Kucinich	Schrader
Connolly (VA)	Langevin	Schwartz
Conyers	Larsen (WA)	Scott (GA)
Cooper	Larsen (CT)	Serrano
Costa	Lee (CA)	Sestak
Courtney	Levin	Shea-Porter
Crowley	Lewis (GA)	Sires
Cuellar	Loebach	Slaughter
Cummings	Lofgren, Zoe	Smith (WA)
Davis (CA)	Lowey	Snyder
Davis (IL)	Lujan	Space
DeFazio	Lynch	Speier
DeGette	Maffei	Spratt
Delahunt	Maloney	Stark
DeLauro	Markey (CO)	Sutton
Dicks	Massa	Tanner
Dingell	Matheson	Teague
Doggett	Matsui	Thompson (CA)
Doyle	McCarthy (NY)	Thompson (MS)
Edwards (MD)	McCollum	Tierney
Edwards (TX)	McDermott	Titus
Ellison	McGovern	Tonko
Engel	McMahon	Towns
Eshoo	McNerney	Tsongas
Etheridge	Meek (FL)	Van Hollen
Farr	Meeks (NY)	Velázquez
Fattah	Michaud	Visclosky
Filner	Miller (NC)	Walz
Foster	Miller, George	Wasserman
Frank (MA)	Minnick	Schultz
Fudge	Mitchell	Waters
Giffords	Mollohan	Watson
Gonzalez	Moore (KS)	Watt
Grayson	Moore (WI)	Waxman
Green, Al	Moran (VA)	Weiner
Green, Gene	Murphy (CT)	Wexler
Grijalva	Murphy (NY)	Wilson (OH)
Gutierrez	Murphy, Patrick	Woolsey
Hall (NY)	Murtha	Wu
Halvorson	Nadler (NY)	Yarmuth

NOES—195

Aderholt	Biggart	Boozman
Akin	Billbray	Boren
Alexander	Billirakis	Boustany
Altmire	Bishop (UT)	Brady (TX)
Austria	Blackburn	Bright
Bachmann	Blunt	Broun (GA)
Bachus	Bocciari	Brown (SC)
Bartlett	Boehner	Brown-Waite,
Barton (TX)	Bonner	Ginny
Berry	Bono Mack	Buchanan

Burgess	Harper	Paulsen
Burton (IN)	Hastings (WA)	Peterson
Buyer	Heller	Petri
Calvert	Hoekstra	Pitts
Camp	Hunter	Platts
Campbell	Inglis	Poe (TX)
Cantor	Issa	Posey
Cao	Jenkins	Price (GA)
Capito	Johnson (IL)	Putnam
Carter	Johnson, Sam	Radanovich
Cassidy	Jones	Rehberg
Castle	Jordan (OH)	Reichert
Chaffetz	King (NY)	Roe (TN)
Childers	Kingston	Rogers (AL)
Coble	Kirk	Rogers (KY)
Coffman (CO)	Kline (MN)	Rogers (MI)
Cole	Lamborn	Rohrabacher
Conaway	Lance	Rooney
Costello	Latham	Ros-Lehtinen
Crenshaw	LaTourette	Roskam
Culberson	Latta	Ross
Dahlkemper	Lee (NY)	Royce
Davis (AL)	Lewis (CA)	Ryan (WI)
Davis (KY)	Lipinski	Scalise
Davis (TN)	LoBiondo	Schmidt
Deal (GA)	Luetkemeyer	Schock
Dent	Lummis	Sensenbrenner
Diaz-Balart, L.	Lungren, Daniel	Sessions
Diaz-Balart, M.	E.	Shadegg
Donnelly (IN)	Mack	Shimkus
Dreier	Manzullo	Shuler
Driehaus	Marchant	Simpson
Duncan	Marshall	Skelton
Ehlers	McCarthy (CA)	Smith (NE)
Ellsworth	McCaul	Smith (NJ)
Emerson	McClintock	Smith (TX)
Fallin	McCotter	Souder
Flake	McHenry	Stearns
Fleming	McHugh	Stupak
Forbes	McIntyre	Taylor
Fortenberry	McKeon	Terry
Fox	McMorris	Thompson (PA)
Franks (AZ)	Rodgers	Thornberry
Frelinghuysen	Melancon	Tiahrt
Gallegly	Mica	Tiberi
Garrett (NJ)	Miller (FL)	Turner
Gerlach	Miller (MI)	Upton
Gingrey (GA)	Miller, Gary	Walden
Gohmert	Moran (KS)	Wamp
Goodlatte	Murphy, Tim	Westmoreland
Gordon (TN)	Myrick	Whitfield
Granger	Neugebauer	Wilson (SC)
Graves	Nunes	Wittman
Griffith	Oberstar	Wolf
Guthrie	Olson	Young (AK)
Hall (TX)	Paul	Young (FL)

NOT VOTING—13

Barrett (SC)	Lucas	Shuster
Hensarling	Markey (MA)	Sullivan
Herger	Pence	Welch
King (IA)	Scott (VA)	
Linder	Sherman	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining on this vote.

□ 1901

Mr. DUNCAN changed his vote from “aye” to “no.”

Mr. GEORGE MILLER of California changed his vote from “no” to “aye.”

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRY

Mr. LATOURETTE. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Ohio will state his inquiry.

Mr. LATOURETTE. Mr. Speaker, this bill has the potential or it is causing some angst among a number of people, and so my question is, as a Member of

the House who happens to be not pleased with the abortion language in the bill relative to the District of Columbia but who is tickled pink about the auto dealer language that's in the bill, how does such a Member resolve that? What procedure exists for such a Member to come to some accommodation?

The SPEAKER pro tempore. The Chair can affirm that on a question of adopting a motion or approving a measure, a Member may respond either in the affirmative, in the negative, or as present. A Member who favors a proposition votes "aye." A Member who opposes a proposition votes "no." A Member who wishes to abstain, whether for doubt or recusal or otherwise, might record as "present." Each Member is his or her own counsel on how to resolve his or her response on a given question.

Mr. LATOURETTE. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his further inquiry.

Mr. LATOURETTE. Really, I guess I want to ask why is the "present" button yellow, but that's not my parliamentary inquiry.

The parliamentary inquiry is, that should the Member that finds himself in that conundrum now is going to push red or green choose to insert a statement into the RECORD, where exactly would that appear in the RECORD?

The SPEAKER pro tempore. It would appear with the debate on the question.

The question is on the passage of the bill. Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 219, nays 208, answered "present" 1, not voting 5, as follows:

[Roll No. 571]

YEAS—219

Abercrombie	Chandler	Filner
Ackerman	Chu	Foster
Adler (NJ)	Clarke	Frank (MA)
Andrews	Clay	Fudge
Arcuri	Cleaver	Giffords
Baca	Clyburn	Gonzalez
Baird	Cohen	Gordon (TN)
Baldwin	Connolly (VA)	Grayson
Barrow	Conyers	Green, Al
Bean	Cooper	Green, Gene
Becerra	Costa	Grijalva
Berkley	Courtney	Gutierrez
Berman	Crowley	Hall (NY)
Berry	Cuellar	Halvorson
Bishop (GA)	Cummings	Hare
Bishop (NY)	Davis (CA)	Harman
Blumenauer	Davis (IL)	Hastings (FL)
Boswell	DeFazio	Heinrich
Boucher	DeGette	Herseth Sandlin
Boyd	Delahunt	Higgins
Brady (PA)	DeLauro	Himes
Braley (IA)	Dicks	Hinchee
Brown, Corrine	Doggett	Hinojosa
Butterfield	Doyle	Hirono
Capito	Edwards (MD)	Hodes
Capps	Edwards (TX)	Holden
Capuano	Ellison	Holt
Cardoza	Engel	Honda
Carnahan	Eshoo	Hoyer
Carson (IN)	Etheridge	Inslie
Castle	Farr	Israel
Castor (FL)	Fattah	Jackson (IL)

Jackson-Lee (TX)	Miller (NC)	Schiff
Johnson (GA)	Miller, George	Schrader
Johnson, E. B.	Minnick	Schwartz
Kagen	Moore (KS)	Scott (GA)
Kanjorski	Moore (WI)	Serrano
Kaptur	Moran (VA)	Sestak
Kennedy	Murphy (CT)	Shea-Porter
Kilpatrick (MI)	Murphy, Patrick	Sherman
Kilroy	Murtha	Sires
Kind	Nadler (NY)	Slaughter
Kissell	Napolitano	Smith (WA)
Klein (FL)	Neal (MA)	Snyder
Kosmas	Obey	Space
Kratovil	Oliver	Speier
Kucinich	Ortiz	Spratt
Langevin	Pallone	Stark
Larsen (WA)	Pascrell	Sutton
Larson (CT)	Pastor (AZ)	Tanner
LaTourette	Payne	Teague
Lee (CA)	Perriello	Thompson (CA)
Lewis (GA)	Peters	Thompson (MS)
Loeb sack	Pingree (ME)	Tierney
Lofgren, Zoe	Polis (CO)	Titus
Lowe y	Pomeroy	Tonko
Lujan	Price (NC)	Towns
Lynch	Quigley	Tsongas
Maffei	Rangel	Van Hollen
Maloney	Reyes	Velázquez
Markey (MA)	Richardson	Visclosky
Massa	Rodriguez	Walz
Matsui	Rothman (NJ)	Wasserman
McCarthy (NY)	Roybal-Allard	Schultz
McCollum	Ruppersberger	Waters
McDermott	Rush	Watson
McGovern	Ryan (OH)	Watt
McHugh	Salazar	Waxman
McMahon	Sánchez, Linda	Weiner
McNerney	T.	Welch
Meek (FL)	Sanchez, Loretta	Wexler
Meeks (NY)	Sarbanes	Woolsey
Michaud	Schakowsky	Wu
	Schauer	Yarmuth

NAYS—208

Aderholt	Davis (TN)	Kirk
Akin	Deal (GA)	Kirkpatrick (AZ)
Alexander	Dent	Kline (MN)
Altmire	Diaz-Balart, L.	Lamborn
Austria	Diaz-Balart, M.	Lance
Bachmann	Dingell	Latham
Bachus	Donnelly (IN)	Latta
Bartlett	Dreier	Lee (NY)
Barton (TX)	Driedhaus	Levin
Biggert	Duncan	Lewis (CA)
Bilbray	Ehlers	Linder
Bilirakis	Ellsworth	Lipinski
Bishop (UT)	Emerson	LoBiondo
Blackburn	Fallin	Luetkemeyer
Blunt	Flake	Lummis
Boccheri	Fleming	Lungren, Daniel
Boehner	Forbes	E.
Bonner	Fortenberry	Mack
Bono Mack	Fox	Manzullo
Boozman	Franks (AZ)	Marchant
Boren	Frelinghuysen	Markey (CO)
Boustany	Gallegly	Marshall
Brady (TX)	Garrett (NJ)	Matheson
Bright	Gerlach	McCarthy (CA)
Brown (GA)	Gingrey (GA)	McCaul
Brown (SC)	Gohmert	McClintock
Brown-Waite,	Goodlatte	McCotter
Ginny	Granger	McHenry
Burgess	Graves	McIntyre
Burton (IN)	Griffith	McKeon
Buyer	Guthrie	McMorris
Calvert	Hall (TX)	Rodgers
Camp	Harper	Melancon
Campbell	Hastings (WA)	Mica
Cantor	Heller	Miller (FL)
Cao	Hensarling	Miller (MI)
Carney	Herger	Miller, Gary
Carter	Hill	Mitchell
Cassidy	Hoekstra	Mollohan
Chaffetz	Hunter	Moran (KS)
Childers	Inglis	Murphy (NY)
Coble	Issa	Murphy, Tim
Coffman (CO)	Jenkins	Myrick
Cole	Johnson (IL)	Neugebauer
Conaway	Johnson, Sam	Nunes
Costello	Jones	Nye
Crenshaw	Jordan (OH)	Oberstar
Culberson	Kildee	Olson
Dahlkemper	King (IA)	Paul
Davis (AL)	King (NY)	Paulsen
Davis (KY)	Kingston	Peterson

Petri	Royce	Taylor
Pitts	Ryan (WI)	Terry
Platts	Scalise	Thompson (PA)
Poe (TX)	Schmidt	Thornberry
Posey	Schock	Tiahrt
Price (GA)	Sensenbrenner	Tiberi
Putnam	Sessions	Turner
Radanovich	Shadegg	Upton
Rahall	Shimkus	Walden
Rehberg	Shuler	Wamp
Reichert	Shuster	Westmoreland
Roe (TN)	Simpson	Whitfield
Rogers (AL)	Skelton	Wilson (OH)
Rogers (KY)	Smith (NE)	Wilson (SC)
Rogers (MI)	Smith (NJ)	Wittman
Rohrabacher	Smith (TX)	Wolf
Rooney	Souder	Young (AK)
Ros-Lehtinen	Stearns	Young (FL)
Roskam	Stupak	
Ross	Sullivan	

ANSWERED "PRESENT"—1

Buchanan

NOT VOTING—5

Barrett (SC)	Pence	Scott (VA)
Lucas	Perlmutter	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1910

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CELEBRATING BLACK MUSIC MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 476, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 476, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 572]

YEAS—418

Abercrombie	Biggert	Brown (GA)
Ackerman	Bilbray	Brown (SC)
Aderholt	Bilirakis	Brown, Corrine
Adler (NJ)	Bishop (GA)	Brown-Waite,
Akin	Bishop (NY)	Ginny
Alexander	Bishop (UT)	Buchanan
Altmire	Blackburn	Burgess
Andrews	Blumenauer	Burton (IN)
Arcuri	Blunt	Butterfield
Austria	Boccheri	Buyer
Baca	Bonner	Calvert
Bachmann	Bono Mack	Camp
Bachus	Boozman	Campbell
Baldwin	Boren	Cantor
Barrow	Boswell	Cao
Bartlett	Boucher	Capito
Barton (TX)	Boustany	Capps
Bean	Boyd	Capuano
Becerra	Brady (PA)	Cardoza
Berkley	Brady (TX)	Carnahan
Berman	Braley (IA)	Carney
Berry	Bright	Carson (IN)

Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harper
Hastings (FL)
Hastings (WA)

Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Loftgren, Zoe
Lowey
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry

McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Lance
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz

Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shinkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark

Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky

Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—15

Baird
Barrett (SC)
Boehner
Delahunt
Gohmert

Harman
Lucas
McHugh
Miller, Gary
Murtha

Pence
Radanovich
Scott (VA)
Serrano
Yarmuth

□ 1917

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Celebrating the goals and ideals of 'Black Music Month'."

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1018, RESTORE OUR AMERICAN MUSTANGS ACT

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111-212) on the resolution (H. Res. 653) providing for consideration of the bill (H.R. 1018) to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. PERLMUTTER. Mr. Speaker, on roll call 571 on the passage of H.R. 3170, the Financial Services Appropriation, I was unavoidably detained. I would have voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. Res. 648

Mr. KAGEN. Mr. Speaker, I ask unanimous consent to withdraw my co-sponsorship of H. Res. 648.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO DR. CONSTANTINE PAPADAKIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. I rise today to honor a true visionary, a world-class intellect, and a leader of the first order, Dr. Constantine Papadakis. The passing of this extraordinary man has left a void that extends beyond the Philadelphia region to all corners of our Nation and his beloved birth country, Greece.

Dr. Papadakis served for 14 years as president of Drexel University. This tenure ranked him among the longest serving leaders in higher education today. Under Dr. Papadakis' direction, Drexel's total enrollment grew by more than 130 percent, to 21,000, and full-time undergraduates increased to more than 11,000 students.

Dr. Papadakis led the effort to create the Drexel University College of Medicine, Drexel University Earle Mack School of Law, Drexel Online, and the Center for Graduate Studies in Sacramento, California.

He also formed a partnership between Drexel University and the Pennsylvania Institute of Technology, an intellectual outreach initiative that will help untold numbers of young men and women realize their full potential. The Pennsylvania Institute of Technology's new scholarship program for veterans of the conflicts in Iraq and Afghanistan is another testament to the Papadakis legacy.

Beyond academia, Dr. Constantine Papadakis was a champion of local economic development. He helped create Select Greater Philadelphia. He was a founding member of the World Trade Center of Greater Philadelphia. He also served on the Schuylkill River Development Corporation Board.

During his tenure at Drexel University, Dr. Papadakis had the opportunity to meet with various foreign dignitaries. In 1997, then-President of the People's Republic of China visited Drexel University, where his son had earned his Ph.D.

Dr. Papadakis also had a private audience with Pope John Paul II in Rome during the canonization of St. Katherine Drexel, niece of University founder Anthony J. Drexel. More recently, Drexel University was host to the October, 2007, Democratic Presidential campaign debate.

Dr. Papadakis was born in Athens in 1946, and did not arrive in the United States until 1969. Since his arrival as a student, he has received more than 150

major awards and honors. In addition to these, Dr. Papadakis acknowledged that the greatest achievements of his life were his marriage of 39 years to the love of his life, Elina, and the birth of his bright and talented daughter, Maria, a 2008 Drexel graduate.

I ask that our Chamber and our Nation pause to acknowledge Dr. Constantine Papadakis, a master of business, engineering, and academia, and parenthood, who in every sense led the American Dream and created the conditions for untold thousands of others to do so as well.

SHANE DETWILER—SOLDIER, LAWMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, a Texas lawman has been killed in the line of duty. He was from Baytown, Texas. Shane Thomas Detwiler was a sheriff's deputy in Chambers County and a remarkable family man. He was just 31 years of age.

Shane was killed Monday of this week while investigating another shooting at an area mobile home park. A meter reader reported shots were fired at her when she went to shut off the water service. Shane was shot and killed when he responded to the call at this mobile home. He was gunned down upon entering the mobile home. After a long standoff, the shooter, Gilbert Ortiz, Jr., shot and killed himself. Over 100 explosives were later found in his residence.

Shane's wife, Trish Detwiler, said her husband especially loved spending time with their three kids—sons Audie and Aiden and their daughter Abigail. Trish is an English teacher at Barbers Hill High School. In fact, today some of her students who belong to the Future Farmers of America, the FAA, happened to be in town and came by and visited me.

Trish said Shane would get up late at night with the children and make dinner for the whole family every night.

Trish, along with Shane's parents, Tom Detwiler and Cheryl Railsback, said Shane had a sense of adventure and eagerness to try new things. He was a certified scuba diver and also he was about to tackle spearfishing.

Shane wasn't born in Texas, but he got there as fast as he could. Shane was born in Ohio in 1977, and moved to Texas when he was four years of age. He met Trish when they were both in the third grade at Cypress-Fairbanks Independent School District, which is north of Houston. Shane played soccer, was a Cub Scout, and played trumpet in the Cy-Fair High School Band.

Mr. Speaker, this is a photograph of Shane taken not too long ago.

Shane joined the United States Army when he was 17. His mom, Cheryl, had

to sign the papers, but she said he really wanted to be a soldier. He rose to the rank of staff sergeant in the United States Army. He served in Korea in 1998 and 1999. When he got back home to Texas, he earned a bachelor's degree in criminal justice from Sam Houston State University in just 2½ years, graduating summa cum laude.

He became a Texas game warden. That's a photograph of him here in his game warden uniform. That happened in 2003. He earned the nickname "Superman" from his fellow game wardens because he excelled in everything he did.

In 2005, Shane left for a yearlong tour of duty in Iraq when his oldest boy was just 3 weeks of age. He served as a counterintelligence special agent for the 321st Military Intelligence Battalion. He earned the Bronze Star and the Global War on Terrorism Service Medal.

But after his tour in Iraq, Shane came home to Texas to his game warden job and then he became a Chambers County sheriff's deputy just 2 months ago. The job of a deputy with the Chambers County Sheriff's Department allowed him to spend more time with his family. He worked the night shift until just last month.

This young lawman's death is particularly tragic because he leaves behind such young children. Shane's family pastor, Scott Neal of Eagle Heights Fellowship, said it's been particularly heartbreaking. He said, "I asked his wife how she was doing, and she said, 'Only my 4-year-old will remember who their father was.'" That's very sad.

Mr. Speaker, the men and women who serve this country as lawmen and soldiers make great sacrifices to guard the safety and security of our communities. They risk their very lives in that service every day. Their families make great sacrifices as well.

So today we pay tribute to the extraordinary young man called Shane, with so much life ahead of him and his young family who suffers the loss of a wonderful man.

This Nation and the State of Texas owe Shane and his family an immeasurable debt of gratitude for their sacrifice. My fellow Texan who also represents southeast Texas, Dr. Ron Paul, and I are deeply sorry for the loss of Shane. Tomorrow, Shane will be buried in Mont Belvieu Texas.

Mr. Speaker, Shane Detwiler wore the uniform of a soldier, he wore the uniform of a Texas peace officer, he fought bad guys in Iraq, and back home he fought them as well. He did double service protecting the people. He was quite a person. He was the best that America has.

And that's just the way it is.

□ 1930

HEALTH CARE

The SPEAKER pro tempore (Mr. KRATOVL). Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, I rise today to commend the Energy and Commerce, Ways and Means and Education and Labor Committees for working diligently on America's Affordable Health Choices Act. This bill is a historic first step to moving towards providing affordable health care options for all Americans.

Comprehensive health care coverage will cost taxpayers initially. The current CBO estimate projects a government investment of \$1 trillion over the next 10 years, but we must not forget that this investment in the health of Americans is not about the cost but about the savings for American families. According to CBO estimates, streamlining administrative costs may save Medicare \$500 billion. Providing the public plan with the ability to negotiate for Medicare rates will increase those savings.

Advocates for laissez-faire economics have continually noted that competition drives down costs and spurs innovation. With the public plan, we are finally giving the government a tool to reduce the costs of health care for Americans. For years, insurance companies have monopolized the market and have driven up costs for consumers. In many communities, the only available health option can impose astounding rates that consumers are forced to pay. The public plan will introduce fair price competition, forcing private insurers to keep pace with efficiency and with innovation. With the public plan, we offer Americans personal patient choice and the freedom to stay healthy.

The America's Affordable Health Choices Act provides 97 percent of Americans with health care options. However, border States, such as my own, California, will continue to experience many of the same problems in their busy hospitals. The State of California is home to 22 percent of the Nation's undocumented immigrants. It is true that many of these immigrants will continue to travel to Mexico for care, but they will also continue to clog emergency rooms, which will result in exorbitant costs due to emergency care. We cannot run down costs in States like California without addressing this issue. We must provide hospitals with a mechanism for recovering these costs.

In addition to the public plan, the House's Affordable Health Choices Act introduces improvements to both Medicare and Medicaid. Individuals and families with incomes at or below 133 percent of the Federal poverty level

will be eligible for an expanded and improved Medicare. This will ensure that more children remain healthy. Improving rebates to seniors will help close the Medicare part D doughnut hole and will ensure that they do not have to decide between purchasing food or their medications.

This bill has taken many steps to improve Medicare and the care we provide to seniors. However, we must remember that improving care for seniors is not the same as long-term care. If California does not fix its budget crisis by August, residents will lose many Medicare and Medicaid benefits, such as home care for seniors and for the disabled. The House health care bill does not address this problem. Providing the option for home care is another way to reduce costs and to allow seniors to keep their freedom, and it is something we should strongly consider.

Again, America's Affordable Health Choices Act is certainly an impressive first step. We must be careful not to weaken a national public plan, and we must equally encourage our Senate colleagues to support a robust national public plan.

Though local co-ops or State-level systems may seem to offer savings and freedoms for the American people, they raise a host of problems. Duplicating public plans in various locales raises administrative costs. It creates too many levels of bureaucracy that are simply not necessary. Therefore, I support the House version of America's Affordable Health Choices Act. I truly hope this is the historic first step on the road to making health care for all Americans possible.

Mr. Speaker, I look forward to working with my colleagues on this issue.

EXONERATING LIEUTENANT COLONEL JOHN A. BROW AND MAJOR BROOKS S. GRUBER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, tonight I am on the floor to express my thanks to the United States Marine Corps. On April 8 of 2000, the late Lieutenant Colonel John A. Brow and the late Major Brooks S. Gruber of Jacksonville, North Carolina, were the marine pilots of an M-22 Osprey that crashed in Marana, Arizona. The mishap occurred during a training mission as part of a test phase to determine the aircraft's operational suitability for the Marine Corps. Seventeen other marines were killed in the crash.

From that day until tonight, I have worked with many aviation experts in the Corps and outside the Corps who have helped me reach the conclusion that these pilots were not at fault for this crash. Unfortunately, many inaccurate reports have characterized the cause of the mishap as "pilot error."

To set the record straight, in 2009, I asked the Marine Corps to include in the official military personnel files of Lieutenant Colonel Brow and of Major Gruber a memo which exonerates them from responsibility for the mishap. The memo includes 17 facts regarding the crash, which were developed based on my review of official investigations and public records, as well as from extensive discussions with aviation experts. The evidence shows that the fatal factors in the crash were the aircraft's lack of a vortex ring state warning system and the pilots' lack of critical training regarding the extreme dangers of VRS onset in the Osprey.

Lieutenant Colonel Brow and Major Gruber and their families are dishonored by the assertion that the aircrew was at fault for this fatal crash.

Mr. Speaker, I am grateful that the Marine Corps has accepted the relevance of these facts. On February 20 of 2009, they included my memo in the personnel files of these two marines.

To finally bring this tragedy to a conclusion and to remove the stigma that has been unfairly attached to these two pilots, I've asked the Navy to do the right thing, as the Marine Corps did the right thing, and include this memo in the official safety investigation report on this mishap.

Mr. Speaker, at this time, I submit for the RECORD my letter to Rear Admiral Arthur J. Johnson, dated June 11, 2009, which includes my request and the 17 facts about the crash.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 11, 2009.

REAR ADMIRAL ARTHUR J. JOHNSON,
Commander, Naval Safety Center, 375 A Street,
Norfolk, VA.

DEAR REAR ADMIRAL JOHNSON: Thank you for your response to my letter of April 21, 2009. Notwithstanding your regulations regarding the purpose of Naval Aviation Mishap Safety investigations, I am convinced that the Memorandum of the Record (Memorandum) must be included in the AMB report and JAGMAN investigation as a matter of public record.

Over the last several years, numerous articles and stories referencing the April 8, 2000 crash of the V-22 Osprey have incorrectly identified Lieutenant Colonel Brow and Major Gruber as the cause of the accident and have brought unmerited mental hardship on their families. I outlined two of these incidents in my previous letter. As a reminder, the press release issued by the Marine Corps attributed the accident to the pilot's "extremely rapid rate of descent." Statements such as this and the incomplete nature of the AMB report and JAGMAN investigation have formed the basis for the public's perception of the role of the pilots in this unfortunate accident and must be supplemented with clarifying language.

For example, the JAGMAN stated that the aircraft found itself in vortex ring state (VRS) condition with no apparent warning to the aircrew. It was not until after the accident that Naval Air Systems Command called for a new flight limitation, pilot procedures, and a cockpit warning system for VRS. Clearly, the record must reflect this reality.

Your response stated that safety investigations "are conducted to determine root causes and identify corrective actions, not to assign blame or document accountability." In the case of the Osprey accident, the process of determining root causes and identifying corrective actions led to assigning blame to the pilot and co-pilot by outside organizations because the role of VRS has not been given its proper emphasis. If investigations undertaken after completion of the accident report place the root cause of the accident on other causes, there is reason to acknowledge that and include such a finding in the AMB report and JAGMAN investigation.

There were many subsequent investigations into the safety of the Osprey and the dangers of VRS. Therefore, the process of investigating this accident is not "closed to outside influences." Insights gained after the completion of an accident report can appropriately be appended to an official safety or investigative report.

Everyone can appreciate the desire to close an official investigation. However, subsequent developments clearly demonstrate that the accident report was incomplete. There is a legitimate basis for correcting what was determined in order to promote public justice and remove the stigma attached to the pilot and co-pilot.

In discussions with experts within and outside of the military, additions to closed investigations happen frequently. If you do not agree to place the Memorandum in the AMB report and JAGMAN investigation, I request that you specifically identify whether any of the 17 facts contained in the Memorandum are inaccurate. Inclusion of the Memorandum in the Official Military Personnel Files of these brave Marines is insufficient.

Thank you for your service to our nation. I look forward to your response.

Sincerely,

WALTER B. JONES,
Member of Congress

Enclosure.

MEMORANDUM FOR THE RECORD

Based on my review of official investigations and public records regarding this mishap as well as extensive discussions with aviation experts, I, U.S. Congressman Walter B. Jones, have concluded that the fatal factor in the crash of an MV-22 Osprey on April 8, 2000 in Marana, Arizona was the aircraft's lack of a Vortex Ring State (VRS) warning system as well as the pilots' lack of critical training regarding the extreme dangers of VRS onset in the Osprey. I also believe the Marine Corps has blamed the mishap on the pilots' drive to accomplish the mission and a combination of aircrew human factors. Lieutenant Colonel Brow and Major Gruber and their families are dishonored by the assertion that the aircrew was in any way responsible for this fatal accident. Therefore, I request that the following findings be included in all official records relating to this mishap:

1. The fatal crash of an MV-22 on April 8, 2000, in Marana, Arizona, was not a result of air crew human factors or pilot error that can be attributed to the late Lieutenant Colonel John A. Brow or the late Major Brooks S. Gruber who competently and professionally performed their duties as United States Marine Corps aviators.

2. The fatal factor in the crash of an MV-22 on April 8, 2000, was the aircraft's lack of a Vortex Ring State (VRS) warning system and the Department of the Navy's failure to provide the pilots with critical training regarding the extreme dangers of VRS onset in the MV-22.

3. Because of inadequate High Rate of Descent (HROD) and VRS developmental testing, the pilots of the MV-22 involved in the

accident on April 8, 2000, were not trained or able to recognize, avoid, or recover from VRS onset in the MV-22.

4. Had adequate HROD and VRS developmental testing been conducted prior to the Operational Evaluation of April 8, 2000, and had a VRS warning system been installed in the aircraft, Lieutenant Colonel Brow and Major Gruber would have been better able to avoid or recover from VRS.

5. LtCol Brow and Maj Gruber were in formation behind another MV-22. The lead aircraft had overshot its intended approach angle and therefore steepened the approach angle. Unaware of the extreme dangers of VRS onset in the MV-22, LtCol Brow and Maj Gruber slowed their airspeed and descended even quicker, to maintain position on the lead aircraft. Twenty three seconds prior to the crash, the co-pilot of the lead aircraft stated "If you want you can take it long if you need to or you can wave it off. It's your call. You're hanging dash two out there." The lead aircraft pilot decided to continue his rapid descent at a slow forward airspeed, clearly oblivious of the extreme dangers of VRS onset in the MV-22.

6. Numerous reviews and investigations following the mishap have documented that the pilots of the mishap aircraft were not provided with the necessary and critical knowledge and training to recognize, avoid or recover from the extreme dangers of Vortex Ring State (VRS) onset in the MV-22 and the potential for sudden loss of controlled flight in the MV-22 following VRS onset.

7. After the mishap, Naval Air Systems Command (NAVAIR) called for a thorough investigative flight test program to find the boundaries of VRS, characterize its handling qualities, and establish the basis for a new flight limitation, pilot procedures, and a cockpit warning system.

8. As a result of testing following the fatal accident, a visual and aural cockpit warning system was developed to alert the aircrew when the aircraft exceeded the NATOPS flight manual's rate-of-descent limit.

9. On July 27, 2000, the Marine Corps publicly announced in a press release that a combination of "human factors" caused the April 8, 2000 crash. The press release went on to implicate the mishap aircraft pilots by stating that "deviations from the scheduled flight plan, an unexpected tailwind and the pilot's extremely rapid rate of descent into the landing zone created conditions that led to the accident." The release also stated that "although the report stops short of specifying pilot error as a cause, it notes that the pilot of the ill-fated aircraft significantly exceeded the rate of descent established by regulations for safe flight." In this Official USMC press release, Marine Corps Commandant Gen. James L. Jones is quoted as saying: "the tragedy is that these were all good Marines joined in a challenging mission. Unfortunately, the pilots' drive to accomplish that mission appears to have been the fatal factor."

10. This clearly damaging language is inaccurate, based on the fact that at the time of the crash, adequate testing of the MV-22 in the High Rate of Descent/Vortex Ring State (HROD/VRS) regime had not been conducted, the MV-22 did not have a VRS warning system, and the pilots did not have adequate knowledge and training to recognize and avoid the extreme dangers of Vortex Ring State (VRS) onset in the MV-22 and the potential for sudden loss of controlled flight in the MV-22 following VRS onset.

11. According to the Government Accountability Office (GAO), the Commander, Oper-

ational Test and Evaluation Force's V-22 Operational Evaluation (OPEVAL) report indicated that the MV-22 "Naval Air Training and Operating Procedures Standardization (NATOPS) manual lacked adequate content, accuracy, and clarity at the time of the accident. Additionally, because of incomplete developmental testing in the High Rate of Descent (HROD) regime, there was insufficient explanatory or emphatic text to warn pilots of hazards of operating in this area. The flight simulator did not replicate this loss of controlled flight regime." Also, the preliminary NATOPS manual and V-22 ground school syllabus provided insufficient guidance/warning as to high rate of descent/slow airspeed conditions and the potential consequences.

12. The Judge Advocate General Manual (JAGMAN) Investigating Officer stated that "the fact that the aircraft found itself in VRS condition with no apparent warning to the aircrew, but also departed controlled flight is particularly concerning."

13. On December 15, 2000, after a second crash of the V-22 that year, then-Secretary of Defense Bill Cohen determined that the accident history of V-22 aircraft and other testing issues required an independent, high-level review of the program. He established a Blue Ribbon Panel to review the safety of the V-22 aircraft and to recommend any proposed corrective actions.

14. This panel was briefed by the Government Accountability Office (GAO) and the contents of this brief were incorporated into a subsequent GAO report. The GAO report cited concerns about the adequacy of development tests conducted prior to the aircraft entering the operational test and evaluation phase and that completion of these tests would have provided further insights into the V-22 Vortex Ring State phenomenon. In particular, the GAO found that developmental testing was deleted, deferred or simulated in order to meet cost and schedule goals.

15. The original plan to test the flying qualities of the flight control system included various rates of descent, speeds, and weights. This testing would have provided considerable knowledge of MV-22 flight qualities especially in areas related to the sudden loss of controlled flight following VRS onset. To meet cost and schedule targets, the actual testing conducted was less than a third of that originally planned." In addition, MV-22 pilots did not understand the optimum use of nacelle tilt to recover from VRS onset. In my opinion, this testing clearly could have prevented this tragic accident by providing the pilots the knowledge and training to either avoid or recover from VRS.

16. The GAO presentation also revealed that the JAGMAN Investigating Officer opined that the MV-22 Program Manager (PMA-275), Naval Aviation Training Systems (PMA-205) and the Contractor "needed to expedite incorporation of Vortex Ring State and Blade Stall warnings and procedures into the MV-22 NATOPS. The preliminary NATOPS manual and V-22 ground school syllabus provided insufficient guidance/warning as to high rate of descent/slow airspeed conditions and the potential consequences."

17. The GAO report also revealed that the Director, Operational Test & Evaluation (DOT&E) stated that "while the possible existence of VRS in the V-22 was known when flight limits for OPEVAL were established, the unusual attitude following entry into VRS was not expected." DOT&E goes on to say "thus, the first indication the pilot may

receive that he has encountered this difficulty is when the aircraft initiated an uncommanded, uncontrollable roll."

As of this evening, I have not yet received a response to this letter. Again, I want to state that I wrote Rear Admiral Johnson on June 11 of 2009, and as of this time, I have not received a response. I am very disappointed.

I hope the Navy will follow the example of the Marine Corps and will help properly honor the sacrifices of these brave pilots who gave their lives in the service of their country.

With that, Mr. Speaker, I will ask God to continue to bless our men and women in uniform in Iraq and Afghanistan. I want to ask God, in His loving arms, to hold the families who have given a child dying for freedom in Afghanistan and Iraq, and I will ask God three times: Please, God; please, God; please, God; continue to bless America.

THE EXPANDING POWER OF THE FEDERAL GOVERNMENT AND ITS INTRUSION INTO AMERICA'S BUSINESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, unfortunately, here we go again—yet another attempt to expand the power of the Federal Government and to intrude further in America's business. Just like with cap-and-trade, which was forced upon Members without proper consideration, here comes another bill from the Energy and Commerce Committee. This time it is H.R. 2749, the Food Safety Enhancement Act of 2009.

I do believe that our Nation has the safest food supply system in the world, and I also agree that we should continue to examine that supply system to make certain that we continue to improve upon it. However, H.R. 2749 will not make us a better food safety country. Instead, it will expand the Federal bureaucracy, and it will impose unnecessary costs on a struggling ag economy. This legislation represents a dramatic shift in Federal policy that could, just like cap-and-trade, devastate agriculture.

This legislation was considered by the Energy and Commerce Committee just a couple of weeks ago. Now, just like cap-and-trade, the Democratic leadership wants to bypass the expertise of the Committee on Agriculture and bring this bill to the floor, this time under a suspension of the rules—no further consideration, no markups by other committees of jurisdiction, no amendments, just a vote.

One provision of H.R. 2749 that is of particular concern is section 103. This section would require the U.S. Food and Drug Administration to set on-farm performance standards. For the

first time, we would have the Federal Government telling our farmers and ranchers how to grow crops and raise livestock.

The cultivation of crops and the production of food animals is an immensely complex endeavor involving a vast range of processes. We raise a multitude of crops and livestock in numerous regions, using various production methods. Imagine if the government is allowed to dictate how all of that is done. Chaos will ensue. Unfortunately, that is what H.R. 2749 allows.

Those who have never been on a farm will be allowed to tell a producer how to conduct his or her operations. We will not improve food safety by allowing the Food and Drug Administration to tell our farmers what to do. We will improve food safety by allowing farmers and ranchers to do something that they and their ancestors have been doing for generations.

There are other problems with this bill as well—new penalties, record-keeping requirements, traceability, registration mandates, user fees—all things that do nothing to prevent food-borne diseases and outbreaks but that do plenty to keep regulators busy and that increase costs.

I raised these concerns today in a hearing of the House Agriculture Committee, which was reviewing food safety. The witnesses representing the FDA tried to reassure the committee by telling us not to worry, that they knew what they were doing and that they would consult with the Department of Agriculture. However, the FDA has no expertise in crop and livestock production practices, and I have little confidence that the FDA will work with the USDA.

In fact, a recent example of the FDA's unwillingness to accept the expertise of the USDA was demonstrated this week. It involved another bill, H.R. 1549, which would restrict—in fact, eliminate—the use of animal antibiotics. H.R. 1549 would institute a ban on the nontherapeutic uses of antibiotics, which is another ill-conceived concept concerning a very complex issue. Yet we learned today that no consultation by the FDA has occurred with the USDA.

In a hearing earlier this week before the House Rules Committee, the FDA suddenly shifted its course and supported this ban. No new research or scientific analysis was presented. Again, apparently no consultation with the USDA occurred. So much for collaborating with the Department of Agriculture.

Mr. Speaker, we must stop rushing legislation through Congress without careful, thoughtful and complete consideration. Congress rarely gets things right when we have ample time to properly consider policy changes, but it never makes good decisions when rushed by arbitrary timetables. H.R.

2749 needs to be referred to the Committee on Agriculture to allow for necessary improvements to this food safety bill, improvements which will actually improve the food safety of our country and will not shut down agriculture.

We do not need FDA from farm to fork.

□ 1945

WE NEED PATIENT-CENTERED HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BOOZMAN) is recognized for 5 minutes.

Mr. BOOZMAN. Mr. Speaker, I share the views of my constituents in the Third Congressional District of Arkansas that we need health care reform. I believe all Americans deserve access to quality, affordable health care; but the one-size-fits-all experiment won't give hardworking Americans, like Melissa Swaim, the peace of mind that she and her family deserve when seeking medical treatment. Melissa is all too familiar with doctors' offices. Her son requires special medical treatments every 3 months that her insurance helps pay for. She is grateful to have insurance help cut the cost of these beneficial procedures and told me if her family didn't have insurance, finding the money to cover the cost would be very difficult. But she would rather scrape her pennies together and make sacrifices on her own to pay for her son's health care rather than have someone else decide treatment on his behalf.

We need to preserve the doctor-patient relationship that Melissa and millions of Americans have learned to depend on. This allows patients to make choices that suit their individual requirements, not Washington bureaucrats. Politicians making decisions about our health care needs is a prescription for disaster. Instead of taking away health care choices, we need to be offering more opportunities for patients.

We need patient-centered health care that allows them to get the treatments and the care that they need when they need it. The Obama prescription will deny patients treatments and make them wait to get the treatments that they are allowed to receive. Recently my mother needed to have the battery changed in her pacemaker. My mom is 88 years old. She is doing very well and is a wise and caring mother, grandmother and great-grandmother to her family. With government-run health care, after taking \$500 billion from the Medicare program to help pay for the new plan, it's not a given that she would have gotten the treatment when she needed it at the proper time. This is not the standard of care that I want;

it's not the standard of care Melissa wants; and it's not the standard of care 90 percent of my constituents, who have taken my online survey about government-run health care, want.

We need a plan that reduces health care costs, expands access and increases the quality of care. Unfortunately the 1,018-page Obama proposal does not achieve these goals. We need to be asking some tough questions. We need to be asking the President, we need to be asking the authors of this plan such things as, Will this allow illegal immigrants, illegal aliens access to health care? There's nothing in the bill that says no. We need to ask about the elderly, people who in the past have enjoyed access to cataract surgery to restore their vision, access to artificial hips, artificial knees to increase their mobility in a timely fashion. Will this plan allow that sort of care to continue? Those are the things that we need to be working on, and certainly to try to cram this down the American public's throat in 2 weeks is not workable. Luckily we still have time to get this right. Let's work together and make patient care the top priority of our reform.

THE COST AND DANGERS OF THE GOVERNMENT TAKEOVER OF OUR HEALTH CARE SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. SCALISE) is recognized for 5 minutes.

Mr. SCALISE. Mr. Speaker, today in the Energy and Commerce Committee we started having hearings on President Obama and Speaker PELOSI's bill, the proposal to create a government takeover of our health care system. I think the components of this bill and some of the things that have been talked about need to be discussed here on this House floor because the bill itself will actually lead to rationing of health care for Americans across this country. The bill will absolutely raise taxes on every American in this country and every small business in this country. In fact, there are over \$580 billion in new taxes in this bill. This bill was just filed earlier this week. The Congressional Budget Office hasn't even been able to do a full assessment of it. There was a meeting held yesterday in the Energy and Commerce Committee with the CBO. Unfortunately the chairman decided that that meeting would be held in secret. He did not allow the media to come in. He didn't allow the public to have access through the Internet or through television to see what the head of the CBO had to say. You know, maybe if somebody supports this government takeover, I can see why they might want to try to hide the details from the public because the details that start to come out are showing the true cost to the

American people and the true dangers of going into this government takeover of our health care system. I think the people ought to know what those details are. I think when you're talking about a bill this massive, a bill that is so enormous, probably one of the biggest transformations of government—and in an administration that has had many, many attempts to try to take over different aspects of our lives, this may be the biggest one.

We have a chart right here that we've put together which actually shows the organizational structure of this new government takeover. If government is allowed to take over the health care system based on the bill that President Obama and the Speaker and her top lieutenants in this House and in the Senate have filed, this is the structure of what government-run health care would look like.

There are a number of points that I think are important to go through. You hear President Obama talking a lot about, if you have the health care you like, you get to keep it. Now that sounds great. I agree with that. The problem is, the bill that President Obama and Speaker PELOSI and others filed takes away your health care. It allows a government czar—and unfortunately they've created so many czars. The government is running the insurance companies. The government is running banks right now. The government is running car companies. And the government is not doing a real good job of it. And now the government wants to run the health care system in this country. If you look at this organizational chart, you will see a whole lot of Federal agencies interfering in the relationship between a patient and their doctor.

Now these are the people that are saying that the government won't tell you when you can go see your doctor. Everywhere in this organizational chart and everywhere in their thousand-plus page bill they're giving this new health care czar the ability and the power to interfere between the relationship of a patient and their doctor. If you like the health care plan you have, there's actual language in this bill that allows this health care czar that's created, it gives this government bureaucrat in Washington the power to tell your company, if you like your health care, the government can now take away, literally disqualify your company's health care plan from being eligible and force you onto this government-run plan. They have taxes that cover all different aspects of life. They tax businesses, \$583 billion in taxes on working people in this country. There's actually—and this was verified yesterday by the Congressional Budget Office—\$29 billion in new taxes on uninsured people. Now the real irony of that is, the real reason that they're bringing this bill—over 300 mil-

lion Americans participate in health care today, and there is a number of uninsured people. Some people say the number is 45 million. Others have narrowed it down, when you remove the illegal aliens, when you remove people that just choose not to get health care who are eligible, the real number of uninsured people has been honed down to about 7 million people, and that's a number we should go address. Health care needs to be reformed, and there are a lot of bipartisan approaches to reform that system. But you reform something that's broke. You don't blow up the whole system that's working.

In America we've got probably the best medical care in the world. People who have government-run systems, like Canada, like England, the citizens that have the means actually come to America to get care because our system is so good, even with the flaws. So let's go address those flaws. But you don't set up a system like this, some Byzantine system of bureaucrats and czars that are going to tell you which doctor you can see, to take over our health care system. Unfortunately we have got a debate started; and hopefully the public gets involved in this because when you look at the taxes, literally \$29 billion of taxes on uninsured people when the bill was supposed to be designed to address the uninsured. When you look at small businesses and the impact on small businesses and middle-class families, in the bill they literally allow taxes on people making less than \$50,000. This is a bill that needs important debate. Hopefully people will look at the details, and we can defeat it.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE FORMER LIBERIAN REGIME OF CHARLES TAYLOR—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-58)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the national emergency and related measures dealing with the former Liberian regime of

Charles Taylor are to continue in effect beyond July 22, 2009.

The actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency with respect to the former Liberian regime of Charles Taylor.

BARACK OBAMA.

THE WHITE HOUSE, JULY 16, 2009.

HEALTH CARE FOR THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. My name is KEITH ELLISON; and I am appearing on behalf of the Progressive Caucus, which is again coming to the House floor to discuss a progressive vision for America, a vision of America that has a central focus of the American quality of life being better for all people, that has a central focus of the welfare of Americans being better than it was before. In the Progressive Caucus, Mr. Speaker, we have a set of values which say that yes, we can live in harmony with the planet Earth; yes, we can engage in activity that will allow all Americans to have health care; yes, we can have civil rights for all people; yes, America can be a party and a member in the global village in which we promote peace and in which we stand with nations who are struggling to emerge around the world.

The progressive vision for America, a progressive vision that says that the greatest points in our Nation's history were when we passed the law for civil rights for all people; a progressive vision where we said the Wagner Act, where workers will have rights, was a great moment in American history; a progressive vision where we put together the resources necessary to pull America out of the Great Depression and into a greater level of rights, a greater level of prosperity and a greater level of community.

Tonight we're talking about health care, and I hope to be joined by my colleague soon. But I just want to set out that this is the congressional progressive message; and if anybody wants to communicate with us, they can do so at cpc.grijalva.house.gov. It is very important that folks know how to get in

touch with us. Mr. Speaker, this is the progressive message where we come every week on the House floor to talk about a progressive vision. Health care is the topic. Health care is the issue for the American people today. Health care is what everybody is talking about here on Capitol Hill, and this is the progressive message where we talk about a progressive vision for America.

Now I'm using these boards to help illustrate a point; but the main concept here, as we talk about the progressive vision for America's health care, we want to start out with a central idea; and that is, care should be the watchword. We should be talking about care, not who pays, not who doesn't pay. Care. We should not be talking about all the complicated mechanisms first. We'll get to that as it's time to talk about that and there will be a good and appropriate time to debate these more complicated issues.

But the first thing we start with, as we talk about a progressive vision, is care, health care. Care should be where we start. Care should be how we end. If we care for each other, as Americans, if we regard all Americans as essential and important, we will construct a health care system and bring forth health care reform which makes sense for everybody, which costs less than this system does now because this system is not driven by care. It's driven by something else, which I will get to in a moment. We also have to have in this health care reform package a public option. But when I use the word public option, what I really mean is a we're-all-in-this-together option. A public option is an option that says that, look, we will have a public option, together with private options, in which the public can say, look, I want to select that public option because it works for me and my family or my business, and that's what people can take advantage of. There will be private options in the system, in the exchange. But this health care reform starts with the idea of care and states that the public option, which will be included in this health care reform bill and is in the bill now, is really a we're-in-this-together option.

□ 2000

That is what it is about. That is the point. That is what we are going for. And we will talk more about that later. But I think it is important that when people talk about a public option, we are talking about an option that is available for Americans to select which really says, we are not going to leave you out in the cold, you're not by yourself, this ownership society is not a you're-on-your-own society. In fact, it is a society in which we are all in this thing together. So, Mr. Speaker, as I said before, care is what drives our vision.

But the system, the status quo, has something else driving the vision.

Health care reform means patients before profits. That is what health care reform means. Health care reform doesn't mean that there won't be profits. Of course, there will be. There will be private businesses on the exchange. There will be people making money. Doctors will continue to make good salaries, nurses as well; and other people who do good things for society will be compensated fairly, of course.

But the fact is we will not have these insurance companies that are not allowed to just charge anything they want and pay their CEOs anything they want. We will have something where patient care will be what is important in this health care reform system.

So, I want to talk tonight, Mr. Speaker, about exactly what health care reform must include. And so let me just get to this board, and then I have a chart which will simplify it. Mr. Speaker, I believe there are folks who want to make this thing complicated. They want to make it hard to understand, and people just sort of switch off their minds and say, well, it is really complicated, so I don't get it, and they seem to be talking bad about it, so I am just not going to plug in.

I believe Americans really, really want health care reform. And I want them to know what this health care reform bill is talking about. As I said, a progressive vision is a vision that makes "care" the operative phrase in health care and puts patients before profits, although profits are not out of the picture. They are still around. But patient care is really what is driving the conversation.

A health care reform bill must include guaranteed eligibility. No American will be turned away from any insurance plan because of illness or preexisting condition. Mr. Speaker, how many Americans are at home right now who are checking over their bills, who are perhaps anxiety ridden or maybe even in tears because they have just been dropped or denied coverage because of a preexisting condition?

I told a story last week, Mr. Speaker, about a dear friend of mine who called me aside at a community forum I had on health care in my hometown of Minneapolis, Minnesota. She said to me with tears in her eyes that she had a dilemma. She didn't know what to do. Her sister and her mom had succumbed to breast cancer. She thinks she is at risk. She knows that if she goes to get the test to find out, then she will be presumed to have a preexisting condition and could be dropped. But if she doesn't, and she does have the early stages of breast cancer, she will not be getting the care that she needs. So she gets the test now, she can be dropped for having a preexisting condition. If she doesn't get the test now, her breast cancer could be advancing. This is the situation that so many Americans are in today, and it is wrong.

The health care reform we are talking about, guaranteed eligibility, no American will be turned away from any insurance plan because of illness or preexisting condition, meaning that insurance companies just can't insure the people who are well and the people who never make claims. They have to insure everybody, comprehensive benefits.

The new public plan, this is the you're-not-on-your-own plan, will cover all essential medical services including preventative, maternity, mental health and disease management programs. This is comprehensive benefits. This is different from some of those plans you get that is a good plan for health care only it doesn't cover anything, only it has a high deductible, high co-pay, high premium and doesn't offer any real coverage, and this is excluded, that is excluded, doesn't cover this, doesn't cover that. That is not the kind of plan we are talking about.

Comprehensive benefits, affordable premiums, co-pays and deductibles, as I just said they got a certain version of health care out there now that the private market has coughed up where they have high co-pays, high premiums, high deductibles, meaning if you go to the doctor, you got to pay a lot, you got to pay a lot out of your check every 2 weeks or every month when you get paid; and then if you need a procedure, you got to cough up a lot of your own personal money because they don't cover everything or even nearly everything.

So, participants will be charged fair premiums and minimal co-pays and deductibles for preventative services. So that means if you want to stay healthy by doing preventative health care, that option will be available to you.

Subsidies. Individuals and families who do not qualify for Medicaid or SCHIP but who still need assistance will receive income-related Federal subsidies and keep health insurance premiums affordable. So we are not going to leave anybody out. Even people who are the lower income scale and have to have health care, have to be able to go and see a doctor, have to be able to get preventative services; and this will be covered.

So health care reform, guaranteed eligibility, no exclusion for a preexisting condition, comprehensive benefits, a good plan that covers things that you need, affordable premiums, co-pays and deductibles and subsidies for people who need them.

So this is a chart that we developed, Mr. Speaker, to try to make it simple for folks, because it is complicated. It is our job in Congress to try to boil this stuff down and make it digestible. And so we came up with this little chart to try to talk about what is going on. Let's just say, here is the path to health care for all. Up here at the top

of the box, Mr. Speaker, you got every American.

What the plan will yield is basically three of these bubbles that you will fit into. One of them is employer-based insurance. You have heard President Obama say, if you like your health care, keep it. That is what that is. If you like your health care, keep it. It is exactly what you have now if you have employer-based health care, but it is going to cost less. There will be no more discrimination for preexisting conditions. There will be no discrimination for age or gender. And we will have a medical loss ratio of 85 percent because 85 percent of the premiums must go to patient care. So they won't be able to just stuff their pockets with those \$100 million salaries some of these health care insurance companies CEOs make.

This is a lot like we have now, only we will have improvement because of cost, because of the medical loss, what is known as the "medical loss ratio" and because of the banning of the exclusion for preexisting conditions. Then also we have public programs that exist now, Medicare, Medicaid, SCHIP, still available to children, seniors and families below the poverty line. This will still be there. This is not going anywhere. We are going to have Medicare, we are going to have Medicaid, and we are going to have SCHIP. That is still there.

What is going to be new, Mr. Speaker, is a health care insurance exchange. This is going to be new. This bubble is going to be kind of new. And it is going to go into effect in a few months perhaps after we pass the bill, perhaps as much as 12 months; but it will be counted in months.

Who is eligible for the health care insurance exchange? Individuals and small businesses will be able to go into the exchange. And what will be on the exchange? Private insurance plans that people can purchase, and what you will have there is a public option.

Now, people who go into the health care exchange will be subsidized for up to 400 percent of the poverty level. That means if you are at the poverty level times four, you take that income you have at the poverty level times four, if you make 400 percent of the poverty level, meaning you make well over the poverty level but still you don't have enough to afford health care, you can receive some sort of subsidy to make sure that you can afford coverage.

Then, you can go into the exchange, and you might be able to pick your policy because the policies will be standardized, and you will be able to pick one, be it a public plan or a private plan. And you will be able to get your health care policy picking the one that you want, guaranteeing that you will have choice, guaranteeing that you will have options and you will be able

to select based on your needs. We are going to revisit this chart in a moment, Mr. Speaker, because it is important to go back to it.

So I just wanted to say that tonight what we want to do with this Progressive hour is talk about helping folks to understand the health care reform plan, helping folks to understand what the public option is. As I said before, the public option should be understood. It is something that is going to help you, something that means that this is our commitment to each other, like Social Security is our commitment to each other, like other important public programs are a commitment to each other, our roads are a commitment to each other. It is what we all do together to make sure people can make it. This is what the public option represents.

So, Mr. Speaker, many in Congress, the House and Senate, believe that any significant health care reform package must include a robust public option. We have seen leaders, brave and courageous legislators like RUSS FEINGOLD in the Senate and BERNIE SANDERS and CHUCK SCHUMER in the Senate over in the other body talking about the importance of a public option. But here in the House we have heard the same commitment from some great leaders like JOHN LEWIS, LOIS CAPPS and Congresswoman PINGREE from Maine, who is new to this body, all making important commitments to support a public option, on both sides, of course. We heard the President talk about the public option as well.

So we have people in all three, in both Houses and in the President's Office, talking about the public option. We have talked a little bit about what it means. But let me just elaborate on that a little bit. What it means at its heart is it means giving the uninsured the option to enroll in a public health care plan that is sort of like Medicare. That is what it means at bottom, giving the uninsured the option, the choice, the choice to enroll in a public health care plan like Medicare. A public insurance option would compete. We are talking competition here, Mr. Speaker. We are not talking about not competing. We are talking about competing.

Under the system we have now, we don't have much competition. But with a public option, we will have some competition. And this public option will compete on a level playing field with private health insurers, and the uninsured individuals would get a chance to choose which plan is best for them.

If you look at the health care market today, and you go into a given area, everybody knows that one or two firms dominate in that particular area, maybe three. Sometimes you just really don't have any options at all, Mr. Speaker. And so we have a lack of in-

surance right now, a lack of a competition now; and what we need to do is get some real competition.

Why is having a public health care option important? There are many reasons, but here are a few. A broad number of research and a broad spectrum of research has confirmed that a public health insurance option is a key component of cost containment. To drive down the cost of health care, you need a public option, because what it does is it introduces more competition, lower administrative expenses and drives cost-saving innovation. Some folks don't know that our health insurance industry right now is exempt from antitrust legislation and doesn't really have to compete. But a public option will drive them to competition, which is a good thing.

Also, need for a public option, according to research from the Commonwealth Fund, the net administrative cost for Medicare and Medicaid are 5 and 8 percent respectively. These are plans, Medicare and Medicaid, which already drive reasonable cost down so that the folks who participate in these programs are not being charged for a bunch of stuff that they don't need. They are getting low administrative costs.

Now I just want to say that I have been joined now by one of my favorite colleagues, DONNA EDWARDS, who by the way, is a pretty good softball player, that is an aside, but Congresswoman EDWARDS is here. She represents a district in Maryland. And let me just give her a chance to sort of jump in on this important conversation going on in Congress right now.

Congresswoman EDWARDS, how are you doing tonight? Let me yield to you.

Ms. EDWARDS of Maryland. Thank you for yielding. Good evening, Mr. ELLISON. It is good to be here with you this evening. And I just want to say a few words because I don't have a lot of time, and I know you're really holding the fort here talking about the importance of health care to all Americans, the importance of a public plan option that really covers all Americans, gives them a choice of their doctors and what do they want for their services.

I just want to say the U.S. health care system is really one of the most expensive systems in the world. We know that. We spend about \$2.2 trillion each year on health care services and products. At the same time, 46 million Americans are uninsured, and a whole bunch of others, 80 percent who have insurance, are actually from working families. They have insurance, but it is not enough, and it is not the right kind of coverage, and premiums are going up, and deductibles are going up. And it has become really an unaffordable system for American families.

Almost half of all personal bankruptcies are attributed to medical debt.

I had that experience myself. I almost went bankrupt because I had a huge health care bill. I couldn't pay it. I got very, very sick, and I needed a choice. Fortunately, I was able to pay that off and then end up getting good insurance. But the reality is that when that happens, it can almost cripple a family. I don't want any other family to have to face the kind of choices I did about whether to take care of myself and my son or to pay for health care coverage.

□ 2015

And, at the same time, we also know that sometimes people make the choices. Do I buy my medications? Do I go see my doctor when I'm sick, or do I wait till I'm really sick? Those are choices that are unacceptable.

And let's look at the practices of our insurers. I mean, you know what happens. An insurer will say to you something like, well, you know, you've been a victim of domestic violence, and so we're not going to cover that and the cost of that because it's a pre-existing illness. I bet a lot of people across the country don't know that there are health insurers that deny coverage because of a circumstance of domestic violence. It's hard to believe that, and yet it's true, because it's considered a pre-existing condition.

And so we need not just a public option, we need one that's robust. We need one that says to insurance companies, here are the dos and the don'ts. Let's take care of the American people, and let's give them some choices.

Eighty percent of Americans have health insurance, and so that means that most people that you run into in your schools, your communities, your neighborhoods, your workplaces have health insurance. But for so many people, it's completely inadequate to do the task.

I think again about another situation of an insurer where my son actually had a little bit of an accident. He went up, he came down on his head. He needed to have an MRI. We talked to the insurance company. And what did they say to us? You couldn't go to the 24-hour MRI center; you had to wait and get that coverage in an emergency room. And it turns out that the emergency room was more expensive than getting the same examination that was a critical examination ordered by a doctor in an MRI facility. And so these choices don't make sense for the American public.

And as I said, Mr. ELLISON, you know, premiums are going up. Premiums have gone up 114 percent from 1999 to 2007. And that's greatly outpacing incomes in this country. And so the high costs, what are they doing? They're crippling the American middle class. They're crippling working families, they're crippling businesses.

Most of the small business people I know actually want to be able to pro-

vide health care coverage, good health care coverage for their employees. But I'll tell you, if you're trying to provide health care coverage and you're suffering the cost of \$10,000 and \$20,000 per employee for health care, you can't stay in business like that. And so we want to give small business, all business, a helping hand with making sure that they can provide affordable and low-cost coverage to their employees.

We want to make sure that people who are unemployed and maybe uninsured or underinsured have coverage. We want to make sure that there's a standard set of benefits that everyone should enjoy so you get the advantage of preventive care, diagnostic treatments ordered by your physician.

We want the patient and the doctor to have control of their coverage, not the patient and the insurer, not the doctor and the insurer, nobody in between, not the government or anybody else in between, but the doctor and the patient. And then we want to make sure that doctors are paid so that they can make a viable practice, so that they can engage in the kind of primary and preventive care that we think is most important to preserving and protecting our health and our quality of health over a long time.

And so I'm excited, actually, about where we are right now. I mean, I am so heartened because I think we've learned a lot over the years. And this time the American people aren't just going to get a promise, they are going to get the kind of health care they deserve. And so we should all be both excited and proud to prepare to cast a vote for the American people, for small businesses, for working families, for the uninsured, for the underinsured, for all Americans. It is the most that we can do for the American public.

And I'll have to tell you, I cannot wait to cast my vote for a public plan option that is robust, that covers all Americans, that ensures what I call the three C's. You know, we want lower costs, we want quality care, and we want continuity of care. It shouldn't matter whether you have this job or that job or another job. You keep your health care coverage. And when we cast that vote for the American people, they're going to stand with us because it's the right thing to do.

And so it's so good to be here this evening in this House, in the People's House, saying that at last, on health care, we are going to do what's right by the American people.

And I yield back.

Mr. ELLISON. Will the gentlelady yield to a question, perhaps?

Congresswoman EDWARDS, we've been hearing a lot of rhetoric about this health care plan. This health care plan, which I agree with you, we need to be excited about it because this is a great and propitious moment in America. But we've been hearing detractors.

We've been hearing this government-run health care, all this kind of stuff. Have you heard this kind of rhetoric before? And should anyone listen to it?

I yield to the gentlelady.

Ms. EDWARDS of Maryland. Well, I thank the gentleman. And I've heard the rhetoric before. But I tell you, it rings hollow on somebody who has not had health care and who's also had really good health care coverage. And so, you know, I think the detractors, we know who they are. They're all the vested interests who are making a boatload of money off of the American people while they don't have health care. And so we have to just stop that.

It's really a pretty simple formula. I think the American people really get that. I think the American people understand that. And we want quality care, and we want to lower cost for everyone, and we want to make sure that we engage in the social responsibility that we have for all of those who, at some time or another, might find themselves uninsured or underinsured.

And so the detractors actually don't have anything good to say, and so they want to try to kill our opportunity, and a meaningful opportunity for the American people for health care reform.

And I think that those of us who know what the problem is, who understand what the solution is, who believe that we have to have a public option that competes with the private insurers, we know that that kind of competition in the marketplace will lower cost. And so we've got to, you know, zone out the detractors and focus on delivering health care reform for the American people.

Mr. ELLISON. If the gentlelady would yield, I hope the gentlelady doesn't mind me asking her a few other questions.

My next question is, why do you think that it's been reported that the detractors to health care reform are spending up to \$1.2 million a day here to lobby Congress?

I'd yield to the gentlelady. Why are they spending so much money?

Ms. EDWARDS of Maryland. Well, you know, I don't like this mix of money and politics. And what it says to me is that somebody with that skin in that game stands a lot to lose, and so that means that the detractors out there know that if the cost of doing business for them is to spend that \$1.2 million or \$3 million every day to fight against health care reform because they know that without reform they get to make billions of dollars off the backs of the American people. And so no more to that.

The American people are pretty smart about this. I know the people out in my congressional district, the Fourth Congressional District in Maryland, understand health care. Many of them work and they have health care

coverage. But they know that they're being burdened by increased premiums and deductibles. They know that there are insurance companies and bean counters and people on a telephone who stand between them and their doctor and good medical care.

They know that they have family members, young people like my son, getting ready to come out of college, will lose his health care coverage that's covered by his parents and will be on his own. Those young people need to have health care coverage. We know that they don't believe that they're ever going to get sick or injured. But that's not true.

And so we have an opportunity here to fight all of those interests. And you know what I say? Stop advertising. You know, we don't need to advertise for good health care reform. We don't need to advertise for pharmaceuticals that benefit us if that's a decision that our doctors make. And yet billions of dollars are spent in that industry. Millions and millions of dollars spent in lobbying against reform. And so that is a clear message to the American people that those detractors do not stand on the side of health care reform.

Mr. ELLISON. I agree with the gentlelady, and couldn't agree more. And I want to thank her for making the point she's made.

We've been joined by Congressman HANK JOHNSON from the great State of Georgia. And we're talking health care reform tonight. The Progressive Caucus offering a progressive vision to care for Americans. And we were just speaking a moment ago about how we need a robust public option; that we're excited about the possibility to pass health care for Americans. This is a 60-year debate. Some people go back to 1994. But we all know this debate goes back way before that.

This is an opportunity, equal to passing, in my view, civil rights legislation, equal to passing environmental protection legislation, equal to making a leap forward for the benefit and welfare of all Americans.

And I guess my question to you, and I don't want to tailor what you want to share with us tonight, Congressman, but I do just want to see if I could get your views on why, for example, the Washington Post reported that the Nation's largest insurers, hospitals, medical groups, have hired more than 350, 350 former government and staff members and retired Members of Congress in hopes of influencing colleagues in opposition to health care reform to the tune of about 1.4, I'm reading now, I was going from memory before, \$1.4 million a day. Why would they do such a thing, unless they thought that this was a reasonable cost of doing business?

Does the Congressman have any views?

I yield to the gentleman.

Mr. JOHNSON of Georgia. Thank you Congressman ELLISON. And I want to also recognize my great freshman colleague, when we came in—now we're all sophomores—Ms. DONNA EDWARDS, who's been a real champion on this, as you have, Mr. ELLISON.

And Mr. Speaker, I just want to respond. It is a civil rights issue. It's just not racial. It is a matter of demographics. It's a matter of who has insurance and who does not. And you'll find, looking at it, you'll find that most poor people and most, at this point, I would venture to argue, middle class people have no health insurance coverage.

And so the question is, after spending \$780 billion in a Wall Street bailout, do we have the will to handle and to address this civil rights issue that is so fundamental to our country?

And to me it's mind-boggling. We just heard reports of Goldman Sachs hitting the jackpot for \$3 billion in profits over the last quarter, of the taxpayers' money. And people want to know, well how much does this health care plan cost?

Well, I'm going to tell you, it's going to cost us a whole lot more if we do nothing, like my colleagues on the other side, if we do nothing, it's going to cost us a whole lot more. You know why? Because health care costs are going to continue to skyrocket through the roof.

In 2005, a study by Families USA and the Center for American Progress showed that the cost of treating the uninsured added \$330 to the average individual plan in Georgia, and \$900 for the average family plan. That's close to \$1,000, Mr. Speaker, every year. And high costs are what block access to health care because people don't have the insurance coverage to be able to become healthy individuals.

And certainly, for our economy, Mr. Speaker, we can't have a majority of the people in this country sick with some kind of a chronic illness that, if left untreated, will kill them, and that, if there were preventive measures to keep those chronic diseases from happening, or if there were some treatment regimens to address and arrest these chronic diseases, then you would find that the American people would be ready to, our children would be ready to, go to school and learn and become great individuals who carry our economy into the 21st century. And that's simply one of the items that we're addressing here.

Are we going to just continue to do business as usual, tax cuts for the rich and famous and wealthy, as is advocated by my friends on the other side? Are we going to continue to do that?

We see where that has left us. We see where we are now, and we're in a bad situation.

□ 2030

And so we've got to take some important steps to address it, and people

didn't—the same folks who supported the Wall Street bailout, now they're talking against our investing in the lives of people in this country who should be in a position to save us money by having—everyone having health care, that demand will drive down expenses in and of itself.

Mr. ELLISON. So I thank the gentleman.

If the gentleman yields back, I just want to do a very quick update for the folks who may have just tuned in. We're talking about health care reform tonight with the Progressive Caucus, and the health care reform must include guaranteed eligibility. That means no American will be turned away from any insurance plan because of an illness or preexisting condition.

The bill also includes comprehensive benefits. This is what we need to have. This is what the bill offers: affordable premiums, copays, and deductibles. Participants will be charged fair premiums, minimal copays, and subsidies of families who do not qualify for Medicaid or SCHIP but still need assistance.

What this bill calls for—and I think it's important, and I hope my colleagues agree—is to try to make this thing simple so that people can get a grip on it. The path to health care for all, under the proposed bill, what would happen is under these three bubbles, if you have employer-based health insurance now, you will be able to keep that, but you will have certain things that control costs, including no more discrimination for preexisting conditions, no discrimination for gender, for issues like that.

Also medical-loss ratio, 85 percent, so that at least 85 percent of the premiums must go to patient care. People who have public programs now such as SCHIP or Medicare or Medicaid can keep their program if they qualify. And there won't be much that they have to worry about. It will be pretty much how it is now.

But then there will be this exchange which is new. And who will qualify for the exchange? People who are the uninsured—individuals and small businesses. And they will be subsidized for up to 400 percent of the poverty level. And within this exchange will be a public plan, and there will be private plans which have standardized benefits which they will have to compete for and will drive down costs.

The fact is, it's not complicated. It's not that difficult. Of course, the bill has a lot of pages because there are a lot of things to consider. But the fact is that this is not a difficult thing, and we're going to be working to make sure people understand it.

I would also like to just mention that change is necessary. Change is necessary, and there will be some pay-fors. The fact is only 1.2 percent of American households will have to pay the

American surcharge for health care reform. That leaves about 98 percent of American households who will not pay any surcharge.

And people who are blessed to be at that top, tip-top part of the income scale, I really believe, as good Americans who care about their fellow countrymen and -women, that they would not mind helping to cover the costs of health care. I think it's an act of patriotism, and I think it's a good act of social responsibility to say that if we, the top 1.2 percent, have been able to benefit from the massive tax cuts that have benefited this group of people over the last number of years, that now that the country needs health care insurance, now that it's not given up a substantial part of their income, that they would be able to contribute this.

But I think it's important to talk about the fact that under this bill, a family making up to \$350,000—which is a pretty good amount of money—in adjusted gross income will not owe any surcharge at all. And a family making \$500,000 a year in adjusted gross income will contribute about \$1,500 to help reduce cost and provide access to affordable health care for all.

The fact is it's important to try to keep on talking about what the bill calls for so people will understand it.

We've been very fortunate to be joined by JOHN HALL, who is out front on nearly every progressive issue. Let me welcome the gentleman and yield to him so he can get in this conversation.

Mr. HALL of New York. Thank you and your colleagues for spreading the word about this health care plan, which will include, for the first time in the United States, a public plan, a public option, a patient option, as some call it, so that all Americans will have access to some kind of coverage.

I just wanted to follow up on what you were just saying in terms of what a family of making, say, adjusted gross income of half a million dollars a year will be paying. It's important to recognize that the average American family is already paying an estimated \$1,100 a year in extra premiums to cover those 47 to 50 million uninsured who walk into emergency rooms, walk into trauma centers with the flu or where the child is sick or with a sprained ankle, something that should be handled by primary care physicians. But because they don't have health insurance, they go to the ER instead, and those bills don't get paid. And the costs get spread over the rest of the population, and all of us wind up with higher premiums as a result. We're paying more than any other country in the world.

In fact, 16.2 percent of our GDP is going to pay for health care, but we're not getting the best results. We're not at the top in terms of lifespan. In terms of infant mortality, we're not even close to the top. And I think that

it's also important to realize that, first of all, this plan is still being tweaked. The bill is still being worked on.

There are those who have questions about one aspect or another. I'm particularly, in my district, concerned that small businesses be protected as well as possible. Although many small businesses have come to me, including the chambers of commerce in my district have come to me and said the number one issue for their member businesses is health care; the cost is spiraling out of control, the cost of providing health care to their employees. They want to do it. They're just going to be broken by doing it.

But the other question I hear is, well, a couple of things. I hear some people say, and they've heard this from TV, from the ads that are running already against this, I don't want the government between me and my doctor. Well, neither do I. But I also don't want your insurance between you and your doctor, and that's the situation we have now.

People say, I don't want rationing. We already have rationing. People say, I want to have my choice of doctor. You don't. If you have an HMO, they give you a list of doctors, and if you're not in the system, you know, you wind up paying for yourself and filing for reimbursement. And good luck, it won't be the same rate if you do get it at all.

But the main myth that I would like to dispel is the idea that the government can't run a health care program well. This isn't going to be government-run health care. It's going to be a standard set of plans, the exchange into which any business or any individual can go and choose from among private choices, and one of those choices will be the public option.

But just think about our military, for instance. All of the many members of the military and folks I know who work at West Point, which is in my district, are covered by TRICARE. TRICARE is a single-payer, government-funded, one-source health care plan. Same goes—Medicare is another one, and the Veterans Administration. There are certainly problems with veterans getting into the system. Once they're in, they're very happy. Matter of fact, don't talk to a veteran about taking away their VA care because most of them, once they get that card that's so portable—it goes anywhere in the country. Their records pop up instantly on computer.

So, there are several examples already of—my parents are quite happy with their Medicare coverage. They buy supplemental sometimes if they need it, and that option would be available under the bill that we're talking about.

But I mainly just wanted to thank you and add my voice to the chorus of those that are saying it's time for this change to happen for us to join the rest

of the G-20, the rest of the industrialized, developed world in having some kind of universally available, accessible health care.

Mr. ELLISON. Now let's hear from the Congresswoman from Maryland, Ms. EDWARDS.

How do you react to these claims?

Ms. EDWARDS of Maryland. I thank the gentleman.

I was listening to my colleagues, Mr. HALL and Mr. JOHNSON, and I want to say particularly something about that the critics charge that we don't want government running health care and government is going to choose your doctor.

I grew up in the United States Air Force. My father was in the military. So when we were young children and had to get health care coverage, we called, made an appointment, got the tonsils checked, got whatever medication was needed and went home. We saw primary care physicians. It's a government-provided system.

My father on his retirement was in the VA system, got excellent coverage through the VA system. My brother retired from the United States Air Force, excellent service and care through the VA system. Those are government-provided systems. Medicare. Medicare is one of the most efficient health care systems that we have.

And so what are we talking about here?

The critics can say what they want, but they know that when it's Medicare or veterans' coverage or coverage through these systems that people get quality care, that it's low cost, that it's a very efficient system.

Now, do we need to make some changes and tweaks? Absolutely. And you know what? In this bill that we are going to be voting on, those tweaks and changes are made to Medicare, to reform it so that it actually saves taxpayers money.

So I just thank my colleagues for pointing out that while government can provide the mechanisms for health care, you still get to choose your doctor. Under a private system, you choose your doctor. Under the public system, you will choose your doctor, and then you can decide what works best for you. And that's the beauty of this.

For people who believe in the marketplace, they need to believe in a public plan option because the public plan option is all about making the marketplace work for the American people, making it work for health care.

So I thank my colleagues because I think that we are going to do something very special for and with the American people, and at the end of the day, we will celebrate because all of us will have quality, affordable, and accessible health care.

And as I close, I want to say to the gentleman, as well, that quality and affordable and accessible health care

can't be just for that top 1 percent. It has to be for the other 99 percent. And the same choice that I get here in the United States Congress for my health care where I can look at an array of plans and make a choice we want to deliver to all of the American people.

Mr. ELLISON. I thank the gentlelady for yielding back.

Let me now go to the gentleman again from Georgia. And I actually have a question I would like to pose to the gentleman, although the gentleman will talk about whatever he wants.

And the question that I would like to pose to the gentleman is: Is this thing that we're embarking on, this health care reform plan which includes the public option, historically, is this a small thing or is this a big deal? Is this a time for rejoicing? Is this a big moment in history that people should be excited about?

I yield to the gentleman.

Mr. JOHNSON of Georgia. Like I said earlier, to quote you, this is a civil rights issue, and 100 years from now people will be looking back and seeing what a fundamental change in the delivery of health care in this Nation was accomplished by the 111th Congress.

And so we cannot continue as things have gone in the past—17.7 percent of Georgians do not have health insurance, and those that do, their premiums have increased 88 percent since the year 2000. This is a big number that cannot be sustained, Congressman ELLISON, and we just simply must do what is right. And I will feel proud about being on the right side of this issue, along with my fellow Members of the Congressional Black Caucus.

You know, we've got rising bankruptcies across the Nation; 62 percent of those involve medical bills that have resulted from a catastrophic illness or even just—not even catastrophic, but an illness, and more people going into bankruptcy because of this. Bankruptcy courts are overwhelmed with new bankruptcies.

I would like to also address this issue of small businesses. As small business is defined by the broadest definition, which means basically any individual with as little as \$1 of small business income, those people will not be impacted by a health care surcharge whatsoever. In fact, 96 percent of small businesses will not have to pay any surcharge at all, and those that make basically \$250,000 or less, they won't pay anything.

□ 2045

If you make over \$250,000 in payroll, then you would have, I believe it's \$500, those employers who don't offer health insurance would have to pay about \$500 per year, and it goes on up. The folks that make \$1 million or more would sustain a responsibility of—it's close to \$1 million a year, like \$900,000 a year. If

you have payroll, you're going to pay that much.

And so those are the same folks who got the tax breaks back in 2001, a cut in their capital gains taxes with more spending in this Congress by my colleagues on the other side of the aisle which caused the humongous deficits that we are experiencing today, and we have nothing to show for them except for the people suffering.

Mr. ELLISON. I want to thank the gentleman. Again, this is the Progressive Caucus coming with our weekly progressive message on the floor tonight with three progressive leaders who have been speaking up for health care reform.

Let me turn now to Congressman HALL for a moment. We've only got about 10 minutes left. So I'd like to see the three colleagues share this time equally, and I don't need much time to close, but I'd like the public to hear, Mr. Speaker, from these three leaders in our Congress, and I guess I will just hand it right on over to Congressman HALL.

Mr. HALL of New York. Thank you, Congressman ELLISON, and I'll just tell you a brief story about my mother who was on a trip to the Slovak Republic with my dad and my brother, the priest, going back to see her great grandparents' hometown. And she's a very friendly person, talkative, and as she was leaving a restaurant one night, she turned around to say good-bye and thanks in Slovak—by the way, the language came back to her when she was there—and she tripped and fell down the stairs of this restaurant and broke her right femur just below the hip. And it was too much pain for her to get on the airplane and fly back to the United States and have her leg repaired here.

So she went into a hospital in a little town in what was Czechoslovakia back when her relatives lived there and now is the Slovak Republic, a post-Soviet country that we think of as a backward nation. Probably most Americans who think of the Slovak Republic think of a backward nation.

She went in the hospital, spent 2 weeks, had pins put in through the marrow of her leg to hold the bones in alignment, plate put in the side of it, screws put in. It's an elaborate operation. Spent 2 weeks in the hospital, and at the end of that time, my father went down to the office of the hospital and asked if he could pay the bill because they were leaving to get on the plane to go home. And the administrator said, What bill? Send us a postcard, tell her to do her exercises, and have a good trip.

Now, I'm not sure that we're going to be able to do that, certainly not for, you know, every visitor to this country, but we ought to certainly try to do that for our own people, for those who can't afford it. For people who can afford it, they can pay for it. The people

who can afford the insurance, they can buy it. For those who can't afford it because they're living at or below the poverty level, then we have found ways and are still addressing ways to fund that.

But for the first time in this country we will do what Israel, Canada, the Slovak Republic, Sweden, Holland, France, Taiwan, you can read on the list of all our allies and all of the industrialized developed countries in the world what they do for their citizens and that is make sure that every one of them can go to bed at night and have that certainty, not worrying that they or their children might get sick or injured and not be covered by some kind of health care.

Mr. ELLISON. I want to thank the gentleman, and that was a very important story for us as we wind down, and now I turn to the gentlelady from Maryland, Congresswoman EDWARDS.

Ms. EDWARDS of Maryland. I thank the gentleman for yielding.

You know, each time Mr. HALL has spoken, he reminds me of something else, and I have to tell you, I, too, left my appendix in Spain in a clinic, but I didn't get a bill. Now, that is not what we're doing here, but we are doing something really important for the American people.

And I believe that the strongest health care reform that we can pass out of this Congress also embraces a robust public plan option that gives people choice, that's competitive in the marketplace, a bill that makes certain that we don't have exclusions for pre-existing conditions like domestic violence or any other so-called preexisting condition.

And so I think that, in order to meet the test for real reform, we have to have a system in which patients choose their doctor, doctors and patients choose their care, and insurers and government bureaucrats alike stay out of those decisions.

And so I say to the American public, we're ready to cast a vote for real reform, and so let's bring on the choice, let's bring on the competition, and let's bring on the care for patients.

Mr. ELLISON. I thank the gentlewoman, and let me yield to the gentleman from Georgia.

Mr. JOHNSON of Georgia. I thank Congressman ELLISON.

We're having or they are having a TEA party outside one of my district offices on Friday, and I would venture to speculate that many of those people who will come don't have health insurance or recently lost their health insurance and they are frustrated. They feel like this is going to cost them some money, but actually, when you stop and think about it, some folks have only the choice of going into the emergency room when their illness becomes so dire that the family makes them come, and that's the only health care that they have.

But with this bill, with a strong public option, those folks will be able to choose whether or not to be enrolled in that program or not. And if so, then they will get coverage for their medical throughout their lives. And that's exactly what we need in this country because this plan that would enable a public option will keep the insurance companies honest because it will be competitive, and so we're talking about lowering the cost of health care, taking some of that 88 percent of health insurance, rising cost, off the backs of the middle class.

Mr. ELLISON. Well, let me thank the gentleman, and let me remind everybody that this is the Progressive message, the Progressive Caucus coming together; and I just want to leave us with this.

Mary from Minneapolis says, My daughter needed her wisdom teeth out. At the time with insurance we were told to pay \$375 and we did. Then we got billed over a thousand. Resubmitted, eventually the amount was reduced to 750. In the meantime, my husband had no paycheck.

Her second story was, she had calcium deposits in her back which make it difficult for her to walk, and yet she's having to delay her treatment until such time that it gets to be an emergency.

There are health care nightmare stories all across America. This Democratic Caucus is hearing the cries of the American people and bringing forth reform, with a bill that includes a robust public option, will stop people being dropped and denied for pre-existing conditions; and we hope, Mr. Speaker, that people all over America talk about the fact that hope is on the way, change is on the way.

And I'm looking forward to pushing green on this bill, just like my colleague from Maryland talked about, feeling good about this change that's coming. Not that we don't have some tweaks to do, but, hey look, any tweak is nothing compared to the hope that this bill represents to the American people.

So, Mr. Speaker, I want to thank you and the Congress.

LIFE AND THE HEALTH CARE REFORM BILL

The SPEAKER pro tempore (Mr. MAFFEI). Under the Speaker's announced policy of January 6, 2009, the gentleman from Louisiana (Mr. FLEMING) is recognized for 60 minutes as the designee of the minority leader.

Mr. FLEMING. Mr. Speaker, we're going to be spending the next hour, I and my colleagues are going to be talking about issues that are really on the forefront right now of debate.

We've been talking for weeks and will continue to talk about health care reform; but as these bills are rolling out

of committee, we're learning new facts that are, I think, disconcerting to many of us, particularly those of us who are of the pro-life persuasion. So we're going to be talking this evening about the subject of life. We're going to be talking about abortions, preventing abortions, the up and down and the frequency of abortions. We may even get into end-of-life issues because all of these are relevant, of course, to what's going on with the health care debate today in Washington.

I want to start out with the first slide and notice it says from 1973 until the Hyde amendment was passed in 1976, Federal taxpayers were paying for 300,000 abortions per year, even though abortion was never mentioned in the original Medicaid statute. Think about that. There was no provision for abortions to be paid for under the Medicaid statutes, and yet 300,000 abortions per year were being provided, all at taxpayers' expense. How can this happen? How can this happen in America where something is being paid for, something that is unconscionable for, at least today, over 50 percent of Americans, and yet it's paid for by taxpayers?

You know, it's interesting in the abortion debate, some of us are definitely against abortions. We call ourselves pro-lifers. There are those who are in favor of abortions. They, of course, call themselves pro-choice. But the interesting thing about this matter, many of those who call themselves pro-choice actually say that they would like to see fewer abortions, perhaps even no abortions if it could be done, even though they would prefer that there not be a law against that. In fact, a recent study showed that 69 percent of Americans are against taxpayer-funded abortions.

So you have many different issues here. You have whether or not there should be abortions in the first place. You have the issue of those who even want to leave it to the mother would rather not see abortions, and then many Americans who really see no problem with the taking of life, don't want to have to pay for it, at least not through their taxes, of course.

But you know, it's very interesting that, again, from 1973 until the Hyde amendment was passed, there were 300,000 abortions per year. In 1976, something very interesting happened. The Hyde amendment was attached to an appropriations bill, and it prevented any further taxpayer funding of abortions except in the unusual case such as rape, incest, the health of the mother, of course; and we've seen a tremendous dip in the number of abortions. And, again, this slide illustrates the fact I mentioned a moment ago, 69 percent of Americans oppose taxpayer funding for abortions. That's a vast, vast majority of Americans.

We go to slide three. Abortion advocates are using health care reform to

advance a hidden agenda. And here's a quote from Wendy Chavkin, who's former board chair of Physicians for Reproductive Health and Choice, obviously a pro-abortion advocate. She says, Public option—and that's referring to the current bills that are before us today, that is, the option of choosing a public plan, a government-run health care system—public option is key to the health reform, and using medical standard of care in language, instead of listing reproductive services that will siphon off votes, is key to this.

□ 2100

And what is she referring to? Well, if we talk about reproductive care, that of course implies reproductive services, including abortions.

Well, if we just leave it to the medical standard of care and let someone else define that standard of care, then what we really end up with is a standard of care out there that can be dictated to all that means, of course, abortion services.

So, really, what are we getting to in this entire debate and discussion? We're going to be getting into the weeds here in just a moment with my colleagues. But the bottom line is that if, according to the courts and according to the rules that can be provided by the administration, if abortion is not explicitly excluded under taxpayer funding, under Medicaid, any kind of single-payer, government-run health plan, if it is not specifically excluded, then it is included. Let me repeat that. If it is not explicitly excluded, it is included.

What does that mean? It means that it is a de facto mandate. The courts over and over have judged that if Congress does not say it's not to be paid for, it is considered a standard of care and therefore will be covered.

Again, I want to give you another quote here from the National Abortion Federation, which, "supports health care reform as a way to increase access to comprehensive reproductive health care, including abortion care for all women."

So, you see, the pro-abortion people are using this to advance their own goals, and that is to get the number of abortions back up again. I don't understand how that is in any way a desirable goal, but it's obvious they're doing that.

So what we're seeing here is a history that the more accessible abortions are—that is the easier they can be provided, and certainly for free without any costs—the fewer barriers there are, the more abortions there are going to be.

Now I have a quote from Barack Obama, our President. He says, Well, look, in my mind, reproductive care is essential care, basic care. So it is at the center, the heart of the plan that I

propose. Insurers are going to have to abide by the same rules in terms of providing comprehensive care, including reproductive care that's going to be absolutely vital.

It's very clear where our President is going with this. Again, between the judicial branch and the executive branch—the judicial branch, of course, in courts—again and again saying if Congress does not exclude it, it is included, and then a President who feels very strongly that it should be included, then it's going to be there unless we do our job and we amend this bill and exclude it. It has been attempted on the Senate side and failed. And certainly we're going to try.

This bill, of course, equals the largest expansion of taxpayer-funded abortion in history. In fact, I would say that it stands to increase the number of abortions greater than any time in history since *Roe v. Wade*. So we're really on the edge of another giant leap in terms of abortions.

I'm going to end my originating comments here with this, and that is many of you may recall when our President was asked, When does life begin? And what was his response to that? He said, as a candidate for the President of the United States, he said, Well, that's above my pay grade.

Well, I ask rhetorically, What is a higher pay grade than being the President of the United States? If he can't decide when life begins, then who do we go to? And that's going to be perhaps a matter of debate tonight.

I'm a physician. I can say very clearly and without hesitation that life begins at conception. It's a biological truth. It's biological fact. There's no way to argue around that. Many have tried. Some say that, Well, it's at the point of viability. But that, of course, is a moving target. Babies are surviving younger and younger in gestation.

So, as we go forward in the debate tonight, we certainly want to include all these issues relative to abortion.

My colleague JOE PITTS, Congressman PITTS, who has been at the forefront of the abortion debate for many years, really brings a lot of experience to us tonight. I want to recognize the gentleman and certainly give him the opportunity to use as much time as he may desire.

Mr. PITTS. I thank the gentleman. I appreciate your overview and scheduling this hour over this so-called health reform and the abortion connection because this health care reform plan contains a hidden abortion mandate that the American people don't even realize is there.

It will mean that health care insurers will be forced to cover abortions. It will mean that taxpayer money will be used to subsidize abortions. Both a mandate and a subsidy against the moral objections of millions of pro-life

Americans under the proposed health care reform bill which we're considering now in the Energy and Commerce Committee, on which I sit. And we began opening statements today. We will begin markup tomorrow. And it will continue next week for 3 more days.

Virtually under this bill every individual would be required to have health care that meets what they call minimum benefit standards.

Now, the bill does not design these minimum benefit standards, but instead it establishes a new government health board called the Health Benefits Advisory Committee. This committee is chaired by the Surgeon General and, in concert with the Secretary of Health and Human Services, will issue binding decrees on what is and is not considered a minimum Federal benefit standard.

There is absolutely no doubt, as the gentleman from Louisiana stated, that this process will result in mandated coverage of abortion, along with Federal subsidies for such coverage, unless Congress explicitly excludes abortion services.

When talking about health care reform, the gentleman mentioned President Obama himself stated that reproductive care is essential care, basic care. And Secretary Clinton just recently clarified that, "Productive health includes access to abortion."

History has demonstrated, as he pointed out, that unless abortion is explicitly excluded, administrative agencies and the courts will mandate it. We have seen this time and time again. The Federal Medicaid statute was silent on the issue of abortion, but the administration and the courts deemed abortion on demand to be mandated coverage. And, as a result, over 300,000 abortions a year were paid for with taxpayer funds before it was stopped.

In 1979, Congressman Henry Hyde asked the Indian Health Services where they found their authority to pay for abortions. They responded, "We would have no basis for refusing to pay for abortions." In both of these cases, explicit exclusions had to be added to ensure that taxpayers would not have to continue to pay for abortions.

And so every year when Labor and HHS that covers Medicaid is adopted, we have to adopt the Hyde amendment. It's an annual event.

Under this bill, any individual who does not have a plan that meets the minimum benefit standards, they will be forced to pay an additional 2½ percent penalty. Tax penalty. Any employer who does not provide coverage to his employees that meets these standards will pay up to an additional 8 percent tax penalty.

And so that means all premium payers and taxpayers in America who do not want a plan that pays for abortion will be penalized for it. In addition to

mandating this coverage for abortion, the bill will also provide massive subsidies for abortion.

The bill both authorizes and appropriates funding for premium subsidies. So we won't have to appropriate money in the future if we pass this bill. And without explicit language to clarify that taxpayer dollars cannot and should not fund abortion, massive subsidies for premiums and cost-sharings will be used to pay for abortions against the moral objections of, as I have said, millions of pro-life Americans.

The issue here is simple: Americans should not be forced to have their tax dollars pay for abortion. And that's why I'm going to offer amendments in the Energy and Commerce Committee in the markup to eliminate the mandate, to eliminate the subsidies, and also to keep the bill from preempting State laws.

This bill is basically an end run to establish FOC—Freedom of Choice Act. All the pro-life community knows what that is. This bill would preempt all State laws that would interfere with this bill and access to abortion.

We should not be forced to be unwitting participants as the abortion industry uses this law to mainstream the destruction of human life into Americans' health care industry. Health care is about saving and nurturing life, not about taking life. Abortion is not health care. And this bill seeks to establish that.

The majority of Americans, as was pointed out, do not support public funding for abortion, use of their taxpayers dollars for abortion, and they should not have this abortion coverage forcefully thrust upon them.

And so with that, I thank the gentleman for scheduling this hour. It's very important that we alert the public as to what is coming down the pike in the next couple of weeks so they can get involved and express their views to their Members so that they reflect their views here on the floor.

Mr. FLEMING. If the gentleman would allow, I'd like to ask a question. Congressman PITTS, are you saying then that perhaps the other side of the aisle, the pro-choice or the pro-abortion folks, are really piggybacking onto a bill that has nothing to do with abortion in order to reach their goals, their aims that they perhaps have been trying to attempt for many years?

Mr. PITTS. They know, in response to the gentleman, they know that if the bill is silent on the issue of abortion, they will control who's appointed to the Benefits Advisory Committee. And they have expressed their intent, from the President on down to all the organizations who have lobbied for this health care bill, that they intend that abortion will be a basic essential service.

And so they're relying on that advisory committee, on the Secretary of

Health and Human Services, on the courts, on the administrators to guarantee that this will be provided. Friends, this is the big battle for our time. This is the greatest civil rights issue of our generation. And if we lose this battle, it's over.

Now is the time for all citizens to weigh in if they don't want their tax dollars used to set up this massive abortion scheme that's coming through this bill.

Mr. FLEMING. Well, I thank the gentleman for his comments and certainly will be happy to discuss this further as we go along this evening.

Again, I want to underscore and emphasize the comments here that, as the gentleman says, abortion is not health care. In fact, I would say the taking of innocent life is not health care. In fact, as a physician I have a sworn honor not to take life, of course unnecessarily, and certainly innocent life; only to do so if it of course protects other life, such as in the case of perhaps an ectopic pregnancy, if you will, or a mother who's bleeding to death. When there's no viability of the fetus or the embryo to begin with, that's a life-saving measure.

But elective abortion—that is what this is. That is not health care. That is taking innocent life. And there is no way—in as many ways as we have tried to debate this, no one has ever been able to come up with a solid response to that argument that killing the unborn baby at any stage in life beyond conception is and always will be the taking of innocent life.

□ 2115

Well, this is an extremely interesting debate. I want to turn to my friend from the Corn State of Iowa, STEVE KING, Congressman KING. I know he is itching to add some very important comments, so I yield to my friend.

Mr. KING of Iowa. I thank the gentleman, the doctor from Louisiana, for organizing this Special Order this evening, and I thank my colleagues who have come to the floor to stand up for life and to make this argument, Mr. Speaker, before the American people tonight here on the floor of the House of Representatives.

I think, first and foremost, Dr. FLEMING made the point of this profound question, of this question about: When does life begin? It's a question that I will not hear answered from over here on this side of the aisle where we find so many people who are promoting the idea of compelling all Americans, including pro-life Americans, to fund abortions in this country under all circumstances and also in foreign lands. Many of those votes have gone up on this floor.

I'll lay out how I deal with this from time to time when I've gone into a school auditorium to visit with students and when I've had the principal

hand me the cordless microphone and say, They're yours for 50 minutes or for whatever time there might be.

In that conversation, I'll ask them to ask themselves two questions. I'll say, You're young people, and you're establishing your principles and your values for life, and these are profound questions that you'll be asked. So the first question I'll ask is:

Is all human life sacred in all of its forms? Do you believe in the sanctity of human life?

They'll look at each other a little bit. Some will understand it instantly, and some of them won't understand it at all, and for others, it will soak in a little bit. Then I explain it:

Is your life sacred? Is the life of the person next to you sacred? Are the lives of your families, of your brothers, of your sisters, of your parents, of your aunts and your uncles, of the people in your classes, and of your closest friends sacred? Do you believe in the sanctity of human life?

They come to a unanimous position. They look around and say yes. They realize that their families, their friends, their neighbors—that every human life on this planet is a sacred, unique creation from God. When they come to that conclusion—and it's always unanimous in the gymnasium or in the auditorium or wherever it might be—then I ask them:

Now that you've answered the first question of whether you believe in the sanctity of human life and now that you've all said "yes" and "amen," the next question then is: At what instant does life begin?

Dr. FLEMING has said, and I agree, that life begins at the instant of conception and that you have to choose an instant because, otherwise, it's a moving target, and otherwise, it's guesswork with sacred human life. So it's throughout that 9 months of gestation, and it came to me this way:

When my first son was born, my first child, I held him in my arms, and I just looked upon a miracle, and I thought, How could anyone take this child's life at this moment, at this moment shortly after his birth? But then I asked myself the question, What is unique about this? What would be different about his life the moment before he was born? He's still a child. He's still a unique creature from God. So I just quickly rationalized back through that period of time of those 9 months that he'd been forming, and there is no instant there that you could pick as the time and say, well, he was a human being, a sacred human being at this point, but not a moment earlier. So you have to choose an instant that life begins, and the only instant that exists in the whole process is at fertilization, conception.

So I asked those students then another question, which was: What if someone walked by the door to this

gymnasium, which was full of these students, and stuck a gun through the door and looked the other way away from them and pulled the trigger and ran down the hallway and the security people chased him down and captured him outside and cuffed him? Now you'd all be safe except for what might have happened.

Did he kill somebody or didn't he?

They looked at each other, and they said, Well, we don't know. I said, That's my point, but if there is a dead body in the gymnasium, he killed somebody. Whether he knows or whether you know, it's still a fact, and he's still guilty of murder, of premeditated murder.

So it isn't a matter of saying, Well, I don't know for sure, so I'm just going to go ahead and err and have an abortion. It's a matter of that precise line and of thinking of that precise moral question. I'm not casting aspersions or blame or guilt on anyone. I'm just asking young people to think about this. I'm asking adults to think about this. I have never found anyone who I've debated this issue with—and there have been many—who can respond to those questions. If they're asked the first question—is human life sacred in all of its forms?—and if they say "yes," as we all do, then there is no escaping the fact that that human life begins at the instant of conception. That is at the core of this debate.

Here we have a Congress that seems to have political power and support and campaign contributions that flow into the coffers of, at this point, a majority of the Members in the House of Representatives. I've watched Members gravitate towards their power base and put up the votes that flatter the people who show up at their fund-raising events.

I will never forget the night we had the vote here in early 2007 on the Mexico City language. The gentleman from New Jersey, whom we'll hear from in a moment, offered that amendment. I was over about that far back, and as CHRIS SMITH said, We won the debate and we lost the vote. Over on this side, there were 30 or so who were jumping up and down, clapping, cheering and hugging each other. If I'd been closer, I could have told you whether they'd had tears of joy, but they were elated that they had defeated our effort to block Federal funding for abortions in foreign lands.

I looked at that, and I thought, How could anyone have it in his heart to exhibit such joy at funding abortions and at the end of life of innocent babies in foreign lands? First, I don't think that was their joy. Tonight, I did. As I think it over, no, it was more that they believed that they had landed a blow against the political opinions of the people here of most of us on this side of the aisle and of about a good 30 proliferators on the other side of the aisle. Political opinions? These are profound,

deeply held moral convictions that are tied and rooted in our religions as well. That's what this discussion and this debate are about.

When I see language that comes out that sets up, essentially, a mandatory national health care plan that has no exemption in for abortion or for the funding of abortion, if it's not an explicit exclusion, as the gentleman said, then we know by deep and long experience that there will be federally funded abortions.

By the way, I don't believe there's a conscience clause in all of these hundreds of pages in the bill either, and President Obama would not allow a conscience clause. He has opposed that along the way. He has appointed as his Office of Legal Counsel a young lady who has been a strong advocate for abortion and who has argued a number of cases for the National Abortion Rights Action League. It looks like the Senate is poised to confirm a justice to the Supreme Court who has a fairly significant record in advocating for or in coming down with decisions that enable more and more abortions.

We need to draw a bright moral line. Laws that we pass in this Congress are laws that are rooted in the moral foundation of our people, and if we see that 51 percent of the people in America characterize themselves as pro-life—and that's the number that we're looking at here tonight—and if you slice and dice that and if you go on up the line and if you define "pro-life" as, maybe, someone who makes an exception for the life of the mother and then as someone who makes exceptions for rape and for incest and maybe as someone who makes an exception and says we should not do partial birth abortion, you get almost up to 100 percent. Hardly anybody believes that you should take a baby who is almost born and draw their brains out while they're struggling for life. We put an end to that in this Congress, and it was a struggle to do so, and it was twice before the United States Supreme Court.

I've seen numbers that take us all on up into the 70th and higher percentile of self-professed pro-life people, depending on how you define it. Yet when we have 69 percent of the people in this country that argue you should not use taxpayers' dollars to fund abortions—and certainly I'm among those, and I think we're unanimous in that—that is big debate. It's a profound debate. It goes to the heart of the moral core of the people of the United States of America. I am grateful that the gentleman from Louisiana, who has demonstrated a lifetime as a practitioner in the health care industry and who understands this clearly, has brought this issue to the floor, and I stand united with you.

I yield back.

Mr. FLEMING. Mr. PITTS.

Mr. PITTS. I want just to highlight something that the gentleman from

Iowa said. I think this is really a good way to explain it.

When does a baby's life have value?

Now, we know no one in this Congress would kill a 1-month-old baby or a 2-week-old baby, but if you could make life a line and put that dividing line at birth, what makes a baby that is 2 weeks old any more valuable than a baby who is 2 weeks before birth? What makes a 1-month-old baby any more valuable than one who is a month before birth? What makes a 3-month-old baby more valuable than a 3-month premature baby? If you go back on that line, when on that line does this baby's life begin to have value?

Those of us who hold the sanctity of life, I think, would believe that, from the moment of conception, as a little embryo, that that small, tiny human being has value. We know that its blood type is different than its mother's. It couldn't receive a blood transfusion from its mother. It probably couldn't receive a skin graft from its mother. In fact, by about 9 to 10 weeks, 11 weeks, which is when most abortions are done, that little baby has its fingerprints that are completely unique from any other individual's ever born. It has dream patterns on its brain waves. It sucks its thumb. If you put a light intrauterine, it will hold up its hand and will turn its head. It feels pain. It is a little, unique individual in a little life support system that is not very big, but it is certainly just as valuable as any other baby. That's why we speak up for these little ones who can't speak for themselves.

They are subject to the most gruesome, horrific procedure known to mankind. I remember the chairwoman of the Feminists for Life speaking to a group of us. She said abortion is the most violent form of death known to mankind and that abortion always has two victims—one dead, one wounded. One is the baby and one is the mother. She said an abortion breaks a woman's heart, and there are a lot of people who have suffered from this, and we need to do something about that.

I thought your illustration was really right on. It's a good way of illustrating why we're speaking up tonight for these little unborn children and for their moms.

I yield back.

Mr. FLEMING. Reclaiming my time, before I go to the gentlelady, I wanted to follow up on that, on the perspective of having unique fingerprints, for instance.

You know, at the moment of conception, that baby has a DNA pattern that is unique unto history. No one has ever had the same DNA pattern. No one ever will have the same DNA pattern, and that does make that a unique human being, but here is something else to ponder, I think:

Why is it that we think so differently about the born child versus the unborn

child when there may only be a few days' difference? I've thought about this and have pondered this. It is a unique capability that human beings have, which is to dehumanize. We have the ability to dehumanize other human beings. I can give you some great examples.

Look at Nazi Germany. Millions of Jews and Poles and others were exterminated because they were not thought to be truly human, but a human cannot do this to his own species unless he thinks one is a sub-human or a nonhuman. Look, of course, at the days of slavery. How could we have the Founding Fathers of our country think in terms of freedom for all and yet enslave our fellow man? The only way to do it is to think of those people as not being human.

That is the reason that people today can abort children, even to the point of partial late-term abortion, which is to think of them as nonhumans, and I think that's something that we really have to reassess in our lives—certainly our religious values. My values as a Christian suggest that a life is a life. Think of all the George Washingtons and the Abraham Lincolns and the Einsteins who are being aborted every day, people who could add so much to our future.

Anyway, we have a lot to cover, and I want to thank the gentlelady from North Carolina, VIRGINIA FOXX. She is about the most hardworking Congressperson I know up here, and I always like to turn to her for valuable advice on things, so I yield to the gentlelady.

□ 2130

Ms. FOXX. Thank you, Dr. FLEMING. I appreciate you organizing this Special Order tonight and the comments of my colleagues from Pennsylvania. My colleague from Iowa and you have both been very eloquent tonight. I won't try to add a lot to the really terrific comments that you all have made, but I did want to come and lend my support to this Special Order tonight and say that I certainly share with you the horror of the fact that this bill is going to be the largest expansion of taxpayer-funded abortion in history. We spoke out against it in the Rules Committee. We've been speaking out against it for days but to no avail. And I was thinking also about what you were saying a few minutes ago about dehumanizing. I think that one of the big concerns that I have and that many people are having in the debate that we've been having with health care funding and with the attempt by the Obama administration and Speaker PELOSI to turn our health care in this country upside down, the greatest health care system in the world, to turn it upside down and have it be given over to government control is the great fear that many of us have about rationing care and the fact that

we are concerned that the attitude toward abortion, which has permeated our colleagues on the other side, is going to be extended to other people in our culture, particularly to the elderly. And I agree with you. It doesn't take much to go from not recognizing the humanity of an unborn child to not recognizing the humanity of someone with a handicap or a challenge, a physical challenge, to not recognizing the worth of an older human being. I think that is a great fear that many of us have in our country.

I was thinking about the rules process. Being the newest member of the Rules Committee and going through the appropriations process for the first time, we have been protesting for the last 3 weeks the way the majority has handled rules and the way it's handled amendments. We have been closed out from being able to offer amendments that would put folks on the record for how they feel, not just about this issue, which I think is by far one of the most important issues we're dealing with in this Congress, but on lots of them. Today we had 11 amendments from our colleague JEFF FLAKE. I voted for every single one of those amendments because it cut pork-barrel spending and earmarks. However, the argument from our colleagues on the other side is that there isn't enough time to have an open rules process because they want to get through appropriations right away; and yet if we had an open rules process, we could have put some of the amendments that have been put together by you, Congressman PITTS and others—one dealing with access to abortion, for example. Again, we know that this bill that you have been talking about is going to require abortion clinics in communities that don't want abortion clinics. We know that 85 percent of communities in this country do not have them, yet this bill is going to mean that there are going to have to be abortion clinics or abortion providers made available in those communities; and the reason we were told that we couldn't offer these amendments to try to stop these things was because there wasn't enough time.

The other point I would like to make is, this afternoon the Rules Committee met; and we are going to deal with a bill that is not at all needed right now. But it's going to deal with opening up more Federal lands to wild horses and donkeys. Yet we are passing legislation that is going to result in the deaths of millions of unborn children. People are saying to me, What has happened to our country? I am frightened to death for our country and the direction in which it is going. And I think there are very few things that will point out the inconsistencies in the way people around here talk about things and what they actually do than to say, We took up the time in the Rules Committee today; and we're going to have

on the floor tomorrow a rule which is going to deal with that issue about wild horses and wild donkeys; and yet we don't have the time to debate whether or not we want to take money from people who are strongly morally opposed to abortion and allow abortions to be done with our taxpayer money. So I believe the American people are waking up. I just hope they come out with a strong voice and say, This is not what I want my country to be doing.

Mr. FLEMING. I thank the gentleman for those comments. Of course very adroit, to the point, essential and important; and it also speaks to the process that we're going through in which these really weighty debates, weighty issues are being ignored and much more trivial issues are focused on here in this body. Again, we're talking this evening about the pro-life issues and the potential, if this bill passes, the ObamaCare, the single-payer health care reform plan that's coming out of the House and the Senate as well and the fact that just simply by not addressing the issue of taxpayer-funded abortions is actually allowing for them and providing for them through what is really a de facto mandate process.

With that, I want to recognize my friend CHRIS SMITH from New Jersey. Congressman SMITH has taken a point on pro-life issues so often. We have so much, of course, to thank him for in this respect. And with that, I yield to the gentleman.

Mr. SMITH of New Jersey. Dr. FLEMING, thank you very much for your leadership. It is so reassuring in so many ways having a distinguished medical doctor like yourself leading the fight, as you have done so ably, and to have some of our other docs who are speaking out so eloquently on behalf of the most fundamental human right of all, and that is the right to life. I find it appalling—and I know you do and our colleagues who are here tonight—that unborn children and the preciousness and the innate value of their lives is so easily cast aside by this Congress, regrettably by the abortion President, President Obama, who has systematically, since he has taken office, through policy reversal, through policy reinterpretation and through legislative proposals that he has made, including one that passed today that will force taxpayers to pay for abortion on demand in the District of Columbia. And we know when that happens, there will be more abortions, and the tragedy of that is beyond words. Young boys and girls who will never taste the sunshine, never see the light of day, never enjoy the everyday happiness, joy and challenges that all of us face. Their lives will have been snuffed out, killed in a very—as JOE PITTS just said a moment ago—a violent procedure, as you know so well as a medical doctor, of dismembering a child. I hope the Amer-

ican people finally at long last rip away the facade, the veil of secrecy that has so enveloped the abortion issue all of these years, whereby children are hacked to death by the abortionist, poisoned, as you know so well, with chemical poisons that effectuate the death of a fragile innocent body, a little child who wants to live and yet he's killed.

Mr. FLEMING. If I might reclaim just for a moment, if the gentleman will yield. In the late-term abortions—I've never seen one, but my understanding is that a trocar is inserted into the womb, into the skull of the baby, and the brains are sucked out, among many other things. Here we are concerned about waterboarding, and yet these kinds of techniques are done on our innocent children.

Mr. SMITH of New Jersey. I would also point out that this Congress almost 4 years ago passed legislation, got 250 votes in favor of legislation that I offered, cosponsored by Mr. PITTS and many other colleagues, that basically said that unborn children feel pain. The evidence is overwhelming, at least from the 20th week on and probably before. And while this hacking maneuver, the D&E abortion is occurring, the child in that first few minutes of that gruesome, brutal decapitation—but it starts with arms and legs—suffers and feels excruciating pain. And as Dr. Sunny Anand has said, who is one of the pioneers in anesthesia for unborn children for benign reasons, surgeries and fixing children or at least helping to ameliorate spina bifida and other problems, you have to give anesthesia to these children or they feel it. Well, the abortionist has no such concerns and brutally kills the child.

□ 2140

Let me just say a couple of points, and again, we have got to ask the questions, and Americans really have to ask the question, why the rush to enact Mr. Obama's exceedingly expensive, complex and potentially ruinous restructuring plan without the benefit of comprehensive hearings on it and a thorough vetting of the actual bill text, rushing right to a markup before the Americans can look at it and decide what are the consequences, short, intermediate and long term to the legislation?

ObamaCare, as we now are seeing so clearly, is the greatest threat ever to the lives and the well-being of unborn children since Roe v. Wade itself legalized abortion right up to the moment of birth. We have made serious, modest but serious, attempts that have passed at the State and Federal level to mitigate abortions' reach by denying Federal funding, by putting in things like women's right-to-know laws, parental notification, waiting periods, all of which have lessened and reduced the number of abortions. All of that is at

risk right now with this ObamaCare recommendation.

Despite Mr. Obama's oft-repeated statement that he wants to reduce abortion, just last week he told that to the Pope, a couple weeks before that to a big audience at Notre Dame University, and he says it over and over again. Well, words should have meaning. They should have consequences and actions should comport with those words. And in this case, they are diametrically opposed. He says one thing and does precisely the opposite.

The ugly truth is that if his so-called health care reform care bill, if enacted, will lead to millions of additional deaths to children and millions of mothers will be wounded. Even the pro-abortion Guttmacher Institute has found that between 20 and 35 percent of Medicare-eligible women who would choose abortion carry their pregnancies to term when public funding is not available.

I remember when Henry Hyde was told, and it was like a revelation, the great Henry Hyde, the human rights leader, the finest orator perhaps ever in the history of this institution and the Hyde amendment author that proscribes Federal funding for abortion in the Medicaid program, when he learned that, by this extrapolation, that it was really true that millions of kids had survived because of his legislative leadership, and JIM OBERSTAR who was there that day and helped craft that legislation of the Hyde amendment in the 1970s, Henry Hyde had a big tear in his eye, knowing that there were kids walking all across America, now some of those kids, young adults, having their own children because the money wasn't there to facilitate their violent death.

Henry Hyde and all of us who have been part of this know that because of these efforts, uphill as they are, children will survive, and mothers will avert this irreversible decision. ObamaCare opens the spigot of public funding and does more to facilitate abortion than any action since Roe, and this is the big issue. And I hope every American realizes, despite all of the cheap sophistry that is being thrown about here, what is at the core of this is an abortion promotion and the facilitation of it and spending for it.

Despite the fact that a majority of Americans don't want to fund abortion, and every poll shows that, the Obama-Dingell-Kennedy bill will force every taxpayer and premium payer in the United States to pay for and facilitate every abortion in the country.

ObamaCare will absolutely mandate abortion on demand, even in private insurance plans, which will lead to many more abortions. On April 2, Secretary Sebelius admitted that most private plans "do not cover abortion services except in certain instances." That radi-

cally changes under ObamaCare. The legislation vests new, and you have gotten into this, Doctor, new huge, sweeping powers into an Obama-appointed committee that will be crafted after the legislation is signed into law, establishing essential health benefits all plans must include.

That is the dirty little secret about this bill. They are waiting until after it is all inked and signed by the President, and then these so-called experts will say, this is what every minimum plan needs to have in it, and we have no doubt whatsoever that abortion will be in the mainstay of what they provide.

NARAL's president has said, If indeed we can advance a panel or commission, then I'm very optimistic about reproductive health being part of the entire package. In 2007, Mr. Obama told Planned Parenthood, Reproductive care is essential care, we are absolutely in favor of reproductive care. But then as Hillary Clinton said in response to a question I posed at the Foreign Affairs Committee, she said, of course, reproductive health includes access to abortion.

So they use word games to cloak and stealth it. But the bottom line is that what they are talking about is abortion on demand.

Pro-abortion organizations believe they are on the verge of the biggest expansion of abortion ever. The president of the Religious Coalition for Reproductive Choice said, Let there be no mistake, basic health care includes abortion service.

ObamaCare will also exponentially expand the number of abortion mills in this country by requiring that any insurance provider contract with essential community providers. And guess what? Planned Parenthood, which itself does over 300,000 abortions every year, a staggering loss of children's lives, many of those children are from adolescents, young minor girls who get abortions there, often without parental notification or consent, on June 17 billed itself in a media blitz as essential community health care providers.

So they will be integrated with the health care insurance companies and a number of clinics which have dwindled and gone down over the years, as well as doctors willing to commit these grizzly acts will grow because there will be a mandate from Uncle Sam, from the White House and from this Congress if this is allowed to happen.

So I just want to say to my colleagues one last thing. In the early 1980s I was the prime sponsor of the Federal funding ban under the Federal Employees Health Benefits Program. We had a very big floor fight in this battle. We won it. President Reagan signed it into law, and the government plan that I'm in, and I suspect all of you are in, and many government employees, if not all, but most, all of a sudden did not provide for abortions.

In the first year, when President Clinton had his Presidency, and the Democrats controlled the House and the Senate, we lost that rider in the Treasury-Postal appropriations bill. The Clinton administration swung into action and ordered all of the insurance companies to carry abortion. There was no language in the bill, no pro-life language, no pro-abortion language, no language, but that meant they could order, just like they did with the Hyde amendment under President Carter in the 1970s that necessitated the Hyde amendment in the first place.

So let me say to my colleagues on the Democratic side, and perhaps those on the Republican side who haven't really gotten it yet, if there is no language in here proscribing abortion, explicit language, it will be there. The Benefits Advisory Committee will order it, and as we have found with public funding, no language equals abortion subsidization, which leads to a significant skyrocketing of abortions in this country.

We want fewer abortions. We want to affirm life and love them both, mother and child. So I thank you, Dr. FLEMING, for giving us this opportunity to hopefully alert the American people that the abortion industry is looking really, in a very quick way, in a hurry-up offense, to take the most offensive acts against children, innocent children, and with their taxpayer dollars, yours and mine.

I yield back, Dr. FLEMING.

Mr. FLEMING. Well, thank you to the gentleman, Mr. SMITH, from New Jersey, for your truly passionate, eloquent statements. It is obvious, Congressman, that you have a deep passion that sits on your heart very heavily. And it is one of the things that is deeply distressing for you and for many of us here in this body.

Just to reframe, again, what our discussion is and what we are really talking about, we are not really debating abortion. That has been debated endlessly, and everyone knows where we are. What we are debating is a tremendous Federal expansion of abortions that will occur with this bill. Why? Not because there is a single word, no language at all that says there must be, but simply from an absence of language. And what that means is, and it is because of the courts and the administration, it is just the way the law works around here, but just suffice it to say if it doesn't exclude it, it includes it. And that means that you, the taxpayer, and those paying premiums, will be paying for the abortions of others, whether you like it or not.

We are also represented tonight by another New Jersey Congressperson, Congresslady SCHMIDT, who has probably run more marathons than the rest of the body put together. And obviously her physique reflects that fact. So she has a lot to bring to us when it

comes to the discussion of health, and we are really anxious to hear about that. So with that, I would like to yield to the gentlelady.

Mrs. SCHMIDT. Thank you, Dr. FLEMING.

I am actually not from New Jersey, but my husband was raised there. I'm from Ohio. And I'm very proud of that because I'm from the area where the right-to-life movement was actually born under the direction of Dr. Jack and Barbara Wilke. I'm also the Chair of the Congressional Women's Pro-Life Caucus, and I truly believe that our movement is at its best when we speak for those populations that are most vulnerable. We all believe that human life is sacred, and we are the female voices for the fight for life here in Congress.

□ 2150

Our movement has made great strides in creating a culture of life. A recent Gallup poll shows that a majority of Americans do consider themselves pro-life. And a recent Zogby poll said that 69 percent of respondents support the Hyde amendment to prevent taxpayer dollars from funding abortions under Medicaid. Most Americans, I truly believe, feel that abortion should be rare and we should be looking for ways to reduce the number of abortions performed.

Unfortunately, the massive health care bill that this House is considering seeks to take us in the opposite direction. Unless amended, this bill will mandate abortion coverage for nearly every insurance plan in America, because—as has been stated before and I'll state it again—if abortion mandates are not specifically excluded, the courts will rule that they must be included.

The coming days and weeks are the most important, I believe, for the pro-life movement since *Roe v. Wade*. As our Congress, this body, takes up comprehensive health care reform, I believe we the pro-life group in this body must mobilize and ensure that our voices are heard so that our Nation's voices are heard. Because if we don't act, every American will be forced to pay for these services, whether through their premiums or taxes. Abortion rates have fallen over the last 30 years, but if we fail to act, I wholeheartedly believe we will see abortion rates skyrocket.

Health care, you know, Dr. FLEMING, and you know this all too well—you took that oath—is about saving lives. It's about providing our help, our love, our compassion, our prayers to the young women who need it. Health care reform should be about finding ways to do that better, not mandating coverage that we all agree will not do that. We should be doing things to make abortion rare. After all, everyone, including that unborn child, deserves the right to life.

Dr. FLEMING, thank you so much for bringing this to the attention of this body and of the American people. You are a great American and hopefully you will save a life because of this action.

Mr. FLEMING. I thank the gentlelady for yielding back, and I apologize, from Ohio instead of New Jersey. I'm getting my Schmidts and my Smiths mixed up this evening. Briefly in the final moments, I want to pitch back to Mr. SMITH from New Jersey.

Mr. SMITH of New Jersey. Dr. FLEMING, thank you and say to my friend from Ohio, thank you for that extraordinarily eloquent statement, as usual.

Mrs. SCHMIDT. Thank you very much.

Mr. SMITH of New Jersey. Let me just make a couple of points, Doctor. The abortion industry is seeking a bailout. This is the abortion bailout bill and it needs to be seen as that. The number of abortions are going down because of ultrasound and because of educational efforts. This would mandate private insurers to cover abortion—and public as well—expand venues, the killing centers, to do abortions.

But there's something that I would like your take on. The former director of the National Abortion Federation has said that the number of abortions are going down, also, because there are physicians who either can't or won't perform this, quote, essential service in her view. The American Medical News reported that abortion is a matter of choice in this country, not only for women but for physicians as well. All over the country most physicians are choosing not to do it. The San Francisco Chronicle has said those who run abortion clinics, even in large cities, say that recruiting doctors is now their most serious problem. To which we say, thank God that doctors are doing what the Hippocratic oath has told them and admonished them to do.

I would like your take on that.

Mr. FLEMING. I appreciate that. We're going to be running out of time and I'm going to give you a brief response to that. When I was in the Navy, I had a friend who was an OB-GYN who specifically refused to do abortions. He said it was against his conscience. He retired and went into the local town nearby to go into practice and his practice began a little slow and soon within months he became the most prolific abortionist in town.

So in answer to your question, the reason why so many people, or those who have done it in the past have done it, it's obvious. It's money. It's a very lucrative trade. But on the other hand in the medical communities, in the communities at large, there's been tremendous social pressure against that. As a result, I think many have decided it isn't worth the money.

This has been a wonderful hour. I do thank my colleagues for visiting and

adding so many wonderful comments. We could spend another couple of hours on this.

With that, I yield back the balance of my time.

CLEAN ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. BOCCIERI) is recognized for 60 minutes.

Mr. BOCCIERI. Thank you, Mr. Speaker.

It's an honor to be in this Chamber, in this body, to talk about an issue that is so important to our country. I'm so happy to be joined by my colleague Steve Driehaus from Cincinnati, a fellow Ohioan, and my good friend and neighbor in the Longworth Building, TOM PERRIELLO from Virginia.

Tonight we're going to have a very spirited dialogue about clean energy and about the American Clean Energy and Security Act that passed this Chamber and the necessity of enacting this legislation very soon as it pertains to our national security.

With that, let me begin by suggesting this, my friends. In this Congress, we were elected to represent the people of Ohio and Virginia collectively here with my colleagues, but to represent the interests of the United States in much broader terms. And after having spent 15 years in the United States Air Force as a C-130 pilot flying all over the world, to 60 different nations, visiting places I never dreamed I would see, seeing people, meeting people I never dreamed I would meet and doing things that I never dreamed that I would do, it only takes one trip outside the borders of the United States to understand how good we have it here. And when you think about all the blessings that this country has been given in terms of the abundance of natural resources, in terms of the opportunity to write our own destiny, we are truly a blessed nation. And I say this because we find ourselves at a crossroads in our history as it pertains to energy.

Now we have 3 percent of the world's population but we consume nearly 40 percent of the world's natural resources. The United States has a very big demand, whether it's electricity, whether it's our dependence on foreign oil, or whether it's our overreliance on other fossil fuels that make this country very dependent on international geopolitical forces.

I've got to tell you, what specifically concerns me with respect to our energy policy is the fact that 60 percent of our oil comes from overseas. Sixty percent. And 40 percent comes from the Middle East, where we find our military engaged in two wars on two different fronts in a region that has an abundance of oil but a lack of democracy

and a lack of attention to humanitarian interests and a democracy that works for the people.

So while we become very dependent on overseas supply of oil, we find ourselves now at a crossroads. We were elected, and we're freshman Members here, it's our first term serving in this august body, but I will tell you this, that we will be judged by two measures. We will be judged by action or inaction, and now is the time to take action for our national security, to create jobs in this country that cannot be outsourced and to make sure that we move away from our dependence on foreign oil. It's in this spirit that I look for a robust conversation about how this protects our national security.

I will yield to my colleague from Ohio.

□ 2200

Mr. DRIEHAUS. Thank you very much, Congressman BOCCIERI, and I would agree that this is about action versus inaction.

From 1994 until 2006, the Republican Party ruled the Congress. They ruled the House of Representatives, and they were at the root of the inaction. This energy crisis didn't sneak up on us. This health care crisis didn't sneak up on us. The housing bubble and the financial crisis didn't sneak up on us. We could have done something. We could have done something about our reliance on foreign energy. We could have done something about health care. We could have done something about the financial institutions. But my colleagues on the other side of the aisle, rather than act, they chose not to act. So I agree wholeheartedly that we will be judged on what we are willing to do for this country.

I have a couple of observations about the bill that we passed, and I have never seen so much information—misinformation, on a bill in my life as I saw on this one.

My colleagues on the other side of the aisle—who are chatting—were spreading rumors. They were spreading rumors about costs of \$4,000 a year in tax increases on the energy bill.

Now, I don't know about you, but I talked to my energy friends back home. I talked to my friends at Duke Power, and they suggested that the potential increases, if there are increases—and I would argue that those increases are going to be offset by savings and they're going to be offset by job creation—but they were spreading misinformation about the cost of this bill; yet it went on and on and on and on.

And then they talked about the fact that no one had read the bill as they searched the Chamber for an amendment that sat right in front of them. Their leader came to the floor with the very amendment and went through page by page that he had earmarked,

clearly having had time to read the bill.

The fact of the matter is we have been discussing our reliance upon foreign oil. We have been discussing energy for years.

Mr. KING of Iowa. Will the gentleman yield?

Mr. DRIEHAUS. No.

Mr. KING of Iowa. The gentleman made an allegation, and I would be very happy to respond to that. I appreciate it if the gentleman would yield.

Mr. DRIEHAUS. I'm talking about the misinformation.

Mr. KING of Iowa. That's what I hear, and that challenges the integrity of some of the Members. I asked the gentleman to kindly yield. It's a courtesy that's commonly offered.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOCCIERI) controls the time.

Mr. BOCCIERI. It is up to the gentleman from Cincinnati if he would yield.

Mr. DRIEHAUS. No, I won't yield. I have heard misinformation after misinformation come to this floor, and the American people deserve the truth. They deserve the truth.

PARLIAMENTARY INQUIRY

Mr. KING of Iowa. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Ohio will suspend. The gentleman will state his parliamentary inquiry.

Mr. KING of Iowa. Mr. Speaker, is it inappropriate under the rules of the House to challenge the mendacity of any of the Members in this House?

Mr. DRIEHAUS. Mr. Speaker, point of clarification. I am challenging the facts.

Mr. KING of Iowa. Mr. Speaker, I made a proper parliamentary inquiry.

The SPEAKER pro tempore. The gentleman's remarks did not target any individual Member.

Mr. KING of Iowa. I'm sorry, Mr. Speaker. I can't hear you.

The SPEAKER pro tempore. The gentleman's did not target any individual Member.

Mr. KING of Iowa. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. KING of Iowa. The gentlemen from Ohio alleged intentional misinformation on the part of members of my conference, and that, I believe, challenges the mendacity of Members of this Congress.

The SPEAKER pro tempore. The gentleman's remarks did not specify any individual Member.

Mr. KING of Iowa. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. KING of Iowa. Is it the ruling of the Chair that the gentleman from

Ohio can challenge the mendacity of a Member provided he doesn't name them specifically?

The SPEAKER pro tempore. Members are reminded not to engage in personalities.

Mr. KING of Iowa. Mr. Speaker, I think everybody gets the message here.

The SPEAKER pro tempore. The gentleman from Ohio is recognized.

Mr. BOCCIERI. Mr. Speaker, I want to yield to the gentleman and my colleague from Cincinnati to finish his remarks.

Mr. DRIEHAUS. I will further clarify it for my colleagues on both sides of the aisle that I believe there was gross exaggeration engaged in on the debate with regard to energy. And the attempt wasn't to solve a problem. The attempt was to scare the American people. They scared the American people rather than addressing the problem, rather than taking on the problem. The attempt was to scare the American people, to scare the American people and suggest to them that this was some type of massive tax increase when, in fact, this is about the energy security of the United States of America. That's what this bill is about. And that's what we had the courage to do.

It is about the job creation for our State of Ohio. It is about job creation and clean energy and new energy jobs across the United States, and it is about ensuring the energy security for our children and future generations. And that's the courage that it took to pass this bill rather than letting it go, letting it go, taking the ostrich approach of sticking your head in the sand and ignoring the problem.

So I appreciate the opportunity to speak, Mr. BOCCIERI.

Mr. BOCCIERI. Thank you for those comments.

And there is very clearly misinformation out there. I have had a number of inquiries into my office, both here in Washington and back in the district in Ohio, that have clearly been misrepresented of what the bill actually stands for and what it actually means.

And with that, I will yield to my friend and colleague and neighbor in the Longworth Building, the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Thank you very much, Mr. BOCCIERI.

It's very easy to focus on the normal misinformation and all of the bad news that people expect from politics, but what we miss in that is this tremendous opportunity, the excitement of this moment. We are betting on America again. We're betting on innovation. We are better at this than any other country on Earth.

And the fact of the matter is I'm sick and tired of going to the gas pump and knowing that my hard-earned dollars are going to support petrol dictators overseas instead of American innovation back at home. Sometimes you

have to put America ahead of Ahmadinejad, and this is one of those moments.

We can make a choice that America will be at the forefront of the clean energy economy. This is our time. Both parties, for the last couple of decades, have had a disastrous strategy on international trade and other things that have sold the middle class and the working class of this country down the road.

It is time to reinvest in America again, and the new energy economy is a big part of that. We are one of the only countries in history that have been funding both sides of a war. Under President Bush's Department of Defense in 2003, they wrote the risk of abrupt climate change should be elevated beyond a scientific debate to a U.S. national security concern.

We spent \$357 billion last year on foreign crude oil, 2.3 percent of our GDP. That's the bad news. But the good news is we are getting ahead on this now. And this bill helps create the incentives to reward success, to reward leadership instead of continuing to reward failure and reward the lack of innovation that we've seen in recent years.

And with your discretion, Mr. BOCCIERI, I would like to brag on south side Virginia for a second.

My part of the country has been hurting. We've had 20 percent unemployment in parts of my district. We've been hit hard by the exporting of manufacturing jobs, textile, furniture, tobacco farming. But we're now hearing phrases like "first in the Nation," "best in the Nation," moducraft homes, the first and best on energy-efficient modular homes.

Red Birch, a truck stop owner who turned his truck stop into the front lines of the freedom fight for energy independence by developing the first farm-to-fuel closed-loop system, not only is he keeping those dollars in America, he's keeping them in the community. When you go to that truck stop to buy a high cetane premium diesel fuel, 92 cents on every dollar stays in the community. Moducraft homes, Red Birch, Windy Acres, these are things to be proud of.

And let me mention one other thing, Mr. BOCCIERI. I don't care whether a good idea comes from the Democratic Party or the Republican Party. I only care that it's a good idea. And the fact is you wouldn't know it from this debate, but cap-and-trade was a Republican idea. The tradable permit scheme was invented and produced under the first President Bush in the effort to combat acid rain.

□ 2210

One of the most efficient and effective environmental laws ever created under the leadership of Bill Riley at the EPA and the first President Bush, tradable permits were a smart Repub-

lican idea that said we can use the free market and capitalism to drive that innovative edge and that competition.

It's something that Senator MCCAIN and the former Senator Warner and others have supported as being the right mix of a national security solution using free-market strategies.

So this was a Republican idea that was good enough for this country until Democrats also supported it, and this is what Americans are sick of. They're sick of the idea that we're going to put scoring political points ahead of patriotism and problem-solving.

The fact is this was about putting the best ideas on the table to solve what is one of our leading national security threats, one of our leading economic threats, and get America right back on to the cutting edge.

It's a great thing that we've done. We've stood up to the special interest groups, and for once, in a few years, we're going to be able to start supporting an energy economy that's creating jobs right here in America and selling that technology all around the world.

Mr. BOCCIERI. I appreciate the gentleman from Virginia's comments, and he is exactly right on. A good idea doesn't have to be a Democrat or Republican idea. It's an American idea. And while we may disagree about some of the approaches, let's look at and revisit some of the comments of some of the leading leaders who ran for the Presidency last year and talked about how climate change and our dependence on foreign oil is a matter of national security.

Let's visit the Presidential candidate for the Republicans last year, JOHN MCCAIN, who I incidentally flew out of Baghdad, is a man of honor and integrity, and this is what he has to say: It's cap-and-trade. There will be incentives for people to reduce greenhouse gas emissions. It's a free-market approach. Let me repeat that: it's a free-market approach. The Europeans are doing it. We did it in the case of acid rain. Look, if we do that, we will stimulate green technologies. This will be a profit-making business, and it won't cost the American taxpayer. It won't cost the American taxpayer. JOE LIEBERMAN and I introduced a cap-and-trade proposal several years ago which would reduce greenhouse gases with a gradual reduction. We did the same thing with acid rain. This works. It works.

Mr. DRIEHAUS. Will the gentleman yield?

Mr. BOCCIERI. I will.

Mr. DRIEHAUS. This goes back to the question of action versus inaction, and the question is, If you don't embark down this road, if you don't address the energy crisis, if you don't work toward a system of cap-and-trade, what's the alternative? And the alternative is simply this:

The EPA comes out with rules cracking down on utilities and emitters of

carbon, which would in fact be a massive tax, a massive government mandate on utilities and manufacturers, killing jobs, raising rates for businesses, raising rates for residential consumers. Instead, the choice we made, the choice for action was about using a free-market approach to incentivize job creation, to incentivize creativity, just like we did with telecommunications.

We now have the opportunity to do the same with energy. We believe in the American economy. We believe in the innovation that can be released through the use of a free-market system like cap-and-trade. That's why we went down this road, and that's why we chose to act.

Mr. BOCCIERI. Let me just expound on the gentleman's remarks there.

I believe that this truly is about our national security, and I'm going to go over some facts here in just a moment. But back to revisiting what some of our colleagues have said running for President. Mike Huckabee really summed it up best when he said, A nation that cannot feed itself, that cannot fuel itself or produce the weapons to fight for itself is a nation forever enslaved.

And he further added, So it's critical that for our own interests economically and from a point on national security we commit to becoming energy independent, and we commit to doing it within a decade. Within a decade. We went to the Moon in less. We can do this in less than a decade. We have to take responsibility in our own house before we can expect others to do the same in theirs. It goes back to my basic concept of leadership. Leaders don't ask others to do what they are unwilling to do themselves.

This gentleman was right on with his remarks. I yield to the gentleman from Virginia.

Mr. PERRIELLO. Well, you know, Mr. Huckabee is a great man of faith, and I was meeting with a number of evangelical leaders today, and they were talking about the frustration they've had with some people in the pews about the seriousness of this issue. And they say, you know, some people get so caught up on whether climate change is a partisan issue, whether this is about some Democratic conspiracy theory to tax or whether it's some Republican denial of scientific evidence.

And the evangelical leaders were saying to me that do you realize over the next 10 years 250 million of God's children in Africa could be denied access to water because of the effects of climate? How willing are we to roll the dice on this uncertainty to do nothing, to accept inaction when we know that our national security demands it, when we know that our innovation and our job creation demands it, when we know that our conscience demands it, when

so many of those who had nothing to do with creating the problem, the most vulnerable amongst us, 250 million in Africa alone could be denied that access to water?

Mike Huckabee has been a leader on this. He's talked about the importance of climate, as has JOHN MCCAIN, as has Sarah Palin and others.

The reality is, we all know how important this is, but somehow in this body here we can get lost in scoring political points for the next election instead of doing what's right for our country and for our economy. You served in uniform, and we appreciate that service, and once again, here we're doing what we need to do to keep this country safe and to keep it strong.

Mr. BOCCIERI. I cannot agree with my gentleman and neighbor as he so eloquently suggested that this is about the faith that we have in our own innovation, the faith that we have in our own country and our own people to come up with ideas that can make our country stronger in the long run. And let me revisit some of what our faith leaders have said.

Billy Graham said that the growing possibility of destroying ourselves in the world with our own neglect and excess is tragic and very real.

Pope Benedict said, The brutal consumption of creation begins where God is not. I think, therefore, that true and effective initiatives to prevent the waste and destruction of creation can start only where creation is considered as beginning with God. Particularly, attention must be paid to the fact that the poorest countries are likely to pay the heaviest price for ecological deterioration.

Pat Robertson said, I have not been one who believed in global warming, but I tell you, they are making a convert out of me. It is getting hotter and the ice caps are melting and there is a buildup of carbon dioxide in the air. We really need to address the burning of fossil fuels because if we are contributing to the destruction of the planet, we need to do something about it.

Dr. Rick Warren, author of "The Purpose Driven Life" said, We cannot be all that God wants us to be without caring about the Earth.

Now, our faith leaders are telling us, our national security folks who are in charge and responsible for our national security are saying it, the Congress has spoken, that this is a matter of national security, creating jobs here at home, jobs that cannot be outsourced and moving away from our dependence on foreign oil.

Let me touch on just a few points before I yield back to my friends.

Eighty percent of the world's reserves of oil are in the hands of governments and their respective national oil companies. Sixteen of the world's 20 largest oil companies are state-owned. We import 60 percent of the world's oil.

We know that we're going to, with the Senate version of this bill, we're expanding exploration and drilling right here in America in the Gulf of Mexico, knowing that that's not going to be enough to sustain our 20 million barrels that we consume every day. We only have 3 percent of the world's oil reserves, but we can consume 25 percent of the world's oil. It is very clear that we have to move away from our dependence on oil.

One last point before I yield to my colleague from Ohio. The largest consumer of oil in this country, the largest consumer of oil in this country is not the American. It's the Department of Defense. The United States Department of Defense consumes more oil than some countries overseas. In fact, it consumes more oil than Greece in 1 year. So our Nation is dependent on 60 percent of that oil coming from overseas sources, from Venezuela, from Mexico, from Saudi Arabia in particular, which is one of our largest producers and suppliers of oil, and this makes our country and puts our country in a compromising position.

I yield to the gentleman from Ohio.

□ 2220

Mr. DRIEHAUS. I appreciate that, Congressman. I think it begs the question: Do we want the future of this country dependent upon the innovation of the American worker; do we want the future dependent upon green energy and new technologies that will be driven by the American people; or do we want to rely upon and depend upon the sheikhs in Saudi Arabia, as we do today and as we have in the past?

Our dependency is growing, not declining. This bill provides us an opportunity for a future, a destiny controlled by Americans, controlled by the American worker, and unleashing the innovation of the American worker.

I was dismayed during this debate when I heard critics suggest that maybe we shouldn't go first. Maybe shouldn't lead. That we should wait for others—maybe developing countries, maybe others in Asia to lead before we move forward. I don't know when we became a Nation of followers. I am not of that belief.

I believe the United States of America has led time and time again for this vote on issues of freedom, on issues of democracy, on issues of economic innovation. And we should be the leaders on new technology when it comes to energy. We need to lead and we should set an example for the globe.

I am not one to follow the examples of countries on the other side of the world suggesting to us what we should be doing on our energy policy. We should be leaders. And we need to restore our place as leaders when it comes to energy.

Mr. BOCCIERI. I couldn't agree with the gentleman from Ohio more. I think

that he speaks with passion and conviction about what this means and what stake we have in making certain that we move away from our dependence on foreign oil.

I yield to the gentleman from Virginia.

Mr. PERRIELLO. I think the gentleman from Ohio makes a great point. These people aren't climate skeptics, they're America skeptics.

We all come from manufacturing areas in this country that led the world. And we sat by while both parties let that manufacturing go overseas.

We have a chance to be the first to craft carbon capture and sequestration technology. We have a chance to lead on nuclear and lead on biofuels and bio refineries. And this isn't just about switching from one fuel to other. It's: Who's going to make those wind turbines? Who's going to make those batteries for those hybrid cars that could free us from this dependence on foreign oil? Who's going to make those?

Do you want to buy them from China or do you want to sell them to China as they are building what will become the biggest auto consumer market in the world.

I want to build them here. And those climate skeptics or America skeptics want to sit on the sidelines and let all that technology and let all that manufacturing happen overseas. We are better than that. We can lead. We can do this better than anyone else. We can out-innovate. We are better entrepreneurs. We will do that.

But we don't do it by sitting on the sidelines. We don't do it by making easy choices and waiting for others to lead. We do it by putting solutions above special interests, by putting this country first—even if it means an unpopular vote, and going out and explaining to the American people that this is why this is going to be great for our country and great for our region.

I am proud that we have put ourselves back in a position to lead. That's what the American people deserve. I yield back.

Mr. BOCCIERI. I couldn't agree with you more, Congressman PERRIELLO.

Before I yield to my good friend from northeast Ohio, Congressman RYAN, who's joined us tonight, let me just revisit two more of these quotes from our colleagues who ran for President and suggested that American innovation, American entrepreneurship, and American ideas are stronger than our dependence on oil overseas.

Mr. Giuliani, a fellow Italian, he said, We need to expand the use of hybrid vehicles, clean coal, carbon sequestration. We have more coal reserves in the United States than they have oil reserves in Saudi Arabia. This should be a major national project. This is a matter of our national security.

We went on: Mitt Romney said, There are multiple reasons for us to

say we want to be less dependent on foreign energy and to develop our own sources. That's the real key. Of course, additional sources of energy here, as well as more efficient use of energy. This will allow the world to have less oil being drawn out from the various sources it comes without dropping the prices to a high level. It will keep people, some of whom are unsavory characters, from having an influence on our foreign policy.

RON PAUL, who we serve with here in this Chamber, said, True Conservatives and Libertarians have no right to pollute their neighbor's property. You have no right to pollute your neighbor's air, water, or anything, and this would all contribute to protection of all air and water.

Mr. Gingrich said, The concept of reducing the amount of carbon emissions over the next 50 years is a totally sound concept.

These are not Democrats saying this. These are Republicans who are standing with us tonight in spirit, I know, saying that this is about our national security, saying that this is about geopolitical balance, and this is about creating jobs here in our country.

I yield to the gentleman from Ohio.

Mr. RYAN of Ohio. I appreciate it. I want to take off on what the gentleman from Virginia was saying. I was reading an article the other day. In China, 400,000 people a year die from air pollution. And if you look at the history of China, you will see that they have periods where there is a very tumultuous uprising within the country. And if you can read the tea leaves here, you will see that at some point China and the people of China will demand clean air. There's no question about it. And they're using dirty coal. I mean, it's dirty. And those of us who have been there recognize—with the Olympics especially—how many months ahead of time they had to stop letting people drive cars into the city and everything else.

So the point that the gentleman from Virginia was making is that this is an opportunity for us. And some people say, Well, China and India aren't going to do this, so why are we going to do it? Let them not do it. Let us jump ahead. My goodness gracious, it would be like saying, you know, the Soviet Union is not going to continue their space program back in the Sixties. Great. We'll jump ahead of you.

That's basically what we have here. And we have an opportunity to seize this moment and then begin to develop this technology, invest this money, get our manufacturing going here in the United States, and export—things we have been talking about in our district for a long time.

When are we going to manufacture? When are Americans going to make things again? When are we going to export? This is the opportunity. And the

same people that call on the talk radio that say, When are we going to make things again, are the same people that are against the cap-and-trade bill because the dots aren't connected here.

This is the opportunity. Take the \$700 billion that we're shifting abroad, focus it on the United States, revitalize manufacturing, and export this stuff, because China at some point is going to recognize they're wasting a lot of energy, their people aren't as healthy, their people are dying because of this, and they're going to want them to be healthy. So that's one point I wanted to make.

The other point I want to make is, Congressman BOCCIERI and I, Mr. Speaker, were on a radio show a few days ago and a gentleman called in who had some business issues, other issues, but he says, I like the alternative energy stuff.

So I asked him what he did. He makes the technology, manufactures the products that go into the scrubbers that go into the power plant and go into the steel mills to keep the air clean.

And here is a businessman in Youngstown, Ohio, who had, I think he said, 70 employees, who's manufacturing these scrubbers that were a result of the Clean Air Act. Because of the Clean Air Act, there's someone in Youngstown making these products.

I think it's important for us to let everyone know this is opportunity for us. These are jobs that are going to be revitalizing communities in all of our districts.

Mr. DRIEHAUS. Just to back up the gentleman's point, China is moving down that road. They're not waiting. The week after the vote, Jim Rogers, the CEO of Duke Energy, went to China. And he went to China to check out the carbon sequestration that they're currently employing on new Chinese coal-burning power plants. Because the Chinese aren't waiting. The Chinese are moving ahead with new technology.

So we have a choice. We have an opportunity. Do we want to continue with business as usual and just sit still as China moves forward, or do we want to be at the cutting edge, do we want to be leading when it comes to new energy technology?

This is an opportunity. We need to seize that opportunity. And this legislation allows the free market to do that. So that's what this is about. This is about creating jobs and creating an economic future for the United States.

Mr. PERRIELLO. In many ways, if I may, it's also a chance to reward the people who are already innovative. In my district, I have poultry farmers coming who want to turn the waste into energy; not only energy, but produce a low-sulfur fertilizer that's even better for our aquifers and our Bay.

I have dairy farmers who want to take the manure from their farms and turn that into energy. What's stopping them? We aren't on the cutting edge of smart-grid technology. We don't have the technology in place, and we don't have the incentives that this provides.

What this does is give a profit motive to people for doing the right thing. I think we have had far too much in our financial system and elsewhere of rewarding people for failure, rewarding people for irresponsibility. For once, we have a system that's going to reward everyone, from the homeowner to the capitalist, for doing the right thing.

□ 2230

Again, I know I'm surrounded by folks from Ohio, but I can't say enough about the people—

Mr. RYAN of Ohio. You're so lucky. Do you have any idea how lucky you are?

Mr. PERRIELLO. Hey, you know, my grandparents grew up outside of Toledo, Ohio, in Sylvania, but we're from Virginia, and I will tell you that we have farmers ready to do this. Like you all, we have a lot of manufacturing plants that have shut down. We have hardworking people who are ready to go to work, and they would love nothing more than to have a job and to have a job that's making this country safe, that's keeping our country safe. Now you've done that in uniform. This is a chance for every worker to be part of that effort of national security, and we're fired up to do it.

Mr. BOCCIERI. People are asking, What does this mean for the average consumer? What does this mean for the average Ohioan and Virginian? This is what it's going to mean: When you roll into a fuel station someday, you're going to have a choice between traditional gasoline, traditional oil. You're going to have a blended fuel that may be ethanol-based or cellulose-based. You may have an opportunity where you plug in your electric hybrid or where you drive by the gas station all together because you have a fuel cell that allows you to get 100 miles to the gallon.

Now, how is that for American innovation? How is that for opportunity? How is that for standing up for the innovation, entrepreneurship, and for the longevity of American ideas and thinking? That's what this bill does, and that's what this idea is. It's of moving away from our foreign dependence and reliance on overseas oil to make our economy drive.

Let me just say this: In my district, we are researching fuel cell technology. We are very close to having some sort of prototype ready to go. They're researching this with the Department of Defense at Stark State Technical College, Community College. We have the opportunity there to be

leaders in Ohio. We also have the opportunity to do research at the Ohio State Agriculture Research and Development Center. That is in Wayne County, in my congressional district, that right now is using anaerobic digesters like you were talking about. Imagine this: I know Congressman RYAN—whose birthday it is today. Happy birthday.

Mr. RYAN of Ohio. What does that have to do with anaerobic digesters?

Mr. BOCCIERI. You may be too young to remember.

It was when I was standing in line with my father, waiting for oil in the 1970s. I remember seeing that movie *Back to the Future*. The professor comes in. He has a DeLorean, and he opens up the trash can and starts jamming in waste—garbage—into his DeLorean to fuel his engine. Now think about this: What they're doing at this research center is taking sewage sludge. They're taking manure from dairy farms, and they're adding 20 percent biomass—a busted up watermelon from the supermarket, cooking grease from the local restaurant. Just by adding that 20 percent biomass, they're increasing the BTUs by 50 percent of that compressed natural gas. They're actually selling it back to the grid.

This German CEO who was doing this research, Schmack Industries, suggested this: He said, You Americans are doing in 2 years what it took Germany 20 years to do, and we have 3,800 of these anaerobic digesters that are actually producing energy—compressed natural gasses that light our cities.

The city of Canton is getting ready to—or is thinking about building an incinerator for its sewage sludge. Could you imagine if they turned that into renewable energy and if they actually created compressed natural gas and sold it to the utility or if they heated some homes or if they turned on some lights in the city? This is the type of innovation that has driven America to be one of the great producers of wealth that we are.

Mr. RYAN of Ohio. If the gentleman would yield.

Mr. BOCCIERI. Sure.

Mr. RYAN of Ohio. I don't know if anyone followed when Barack Obama was in Russia, but there was a deal made and struck where—Exxon is, obviously, doing business there, and they are opening up a refinery somewhere in New England to process the oil coming back from Russia.

So this is what we're trying to get away from. This is what this energy bill is all about. We can't get in the position where, yeah, it may be over the next 5 to 10 years where this is something that needs to happen for the transition. This is an example of the road we don't want to go down, the road relying on Vladimir Putin's Russia for oil for the United States. You know, the American people don't want that. That's not good geopolitics.

That's not good for our manufacturing base. That's not good for a variety of reasons that are all pretty obvious to anybody who has blood running through their heads right now. You know, this is pretty basic stuff here. We don't want to rely on Russia for our oil.

The other point is, whether it's in Cincinnati, in Virginia, in Canton, in Akron or in Youngstown, we have these manufacturing facilities that are just sitting here. In my district, there's a company called Parker-Hannifin. It's a big company in Cleveland and in Youngstown. They have 1,000 workers, steelworkers. They make the hydraulics that go into the back of, you know, waste management—you know, garbage trucks. They do the hydraulics. These same hydraulics go into wind-mills.

We have a specialty steel company called Thomas Steel, in Warren, that has about 300 workers. They make a decent wage. Their specialty steel goes in the solar panels. We have a company called Roth Brothers in the Youngstown area. There's a new wind cube that you can put on top of big buildings in downtown areas that will generate wind. You plug it right into the building, right into the grid, to generate energy that can turn and face the wind and that can really harness all of the wind no matter what the direction change. This is right in Youngstown. They said, If this wind cube takes off, we'll hire 100 people like that.

So we have it here. It's not so much new business—although, there will be a piece of that. It's also about the businesses that we already have, those that can grow and that can manufacture. They're good-paying jobs. They're steelworkers. You know, they're people who can make some money and who can revitalize the middle class again.

Mr. BOCCIERI. Let's address something that's important to all of our States—to both of our States that we're discussing here presently. It's the use of coal. We've heard a lot of talk from those, at least from the detractors of this bill who have now somehow fallen off their plateau of suggesting that this is about national security, who are suggesting that coal-intensive States are going to be disproportionately hurt. That is completely false.

We have worked together to make sure that coal, which is the most abundant and cheapest source of energy that we have in this country, is going to be used for a long, long time. Right now in Ohio, we are investing in some very, very awesome opportunities for job creation. The company Babcock & Wilcox is researching right now using pure oxygen and pulverized coal and mixing it in these huge burners to make near zero emission burners. They capture this carbon, and then they inject it back into the wells, into the very wells from which we're drilling for

oil, to push out those last remaining drops of oil.

I have a chart here—and I'm not going to get into the technical parts of it—but those scientists who may be watching and listening to us tonight can refer to this because it is very important that we understand that we will continue to use coal. This is carbon capture sequestration. The bill provides \$180 billion for this type of innovative research that is going to be the next generation of coal use.

In the 1940s, when the United States of America bombed the Ploesti Romania oil fields, we essentially cut off the oil for Germany. What did they do? They quickly transitioned to a synthetic fuel, which is a derivative of coal. We're testing this right now at the Wright-Patterson Air Force Base in Ohio. We're testing blended fuels on our military aircraft. We're testing the new fuels that are going to drive the innovation of tomorrow and that are going to make our country stronger.

I yield to the gentleman from Virginia.

□ 2240

Mr. PERRIELLO. I wanted to pick up on something that Congressman RYAN said which is to cull out what I call paper tiger patriotism, this ability to talk tough about Chavez, Ahmadinejad and Putin until you actually have to do something about it. It's one thing to give speeches against these guys on the floor, but then to not have the guts to vote for the very policies that will cut them off at the knees. Here we are at one of the most crucial moments in Iran's history, where we have people risking their lives in the streets of Tehran; and then people in this body will stand up and vote for the very policies that keep a petro-dictator in place. This is about crushing that paper tiger patriotism and putting in its place the courage that American people deserve because we do, in our core, have it in us to lead in all of these areas.

This is an unprecedented renaissance for clean coal technology. It's the first bill in a generation that actually opens up opportunities for nuclear at the same time that we see wind, solar and biofuel. But we also know that the cheapest energy is the energy you never have to buy in the first place because of energy efficiency technologies. And that's what we can see through smart grid technology, through the advanced battery manufacturing. This is our chance to crack that technology for the whole world in the same way we did when we had the guts to go to the Moon.

This really is one of those moments. And I go back to the point where you started, Mr. BOCCIERI, which is, why was this idea good enough for Republicans when it was their idea but as soon as we started to support it, they

ran away from it as cap-and-trade? Cap-and-trade was something the Republicans should be proud to have come up with. The first President Bush was a great conservationist, a true conservative, who understood the challenge of acid rain, the challenge of the Earth's summit and other things, that this was a time for America's leadership heading into the 21st century. We need to focus on, what are the ideas that keep us safe and keep us strong, not what are the ideas that score us points for the next election cycle. I think all of us came in and changed elections because people were sick and tired of that. These are the kinds of solutions the American people deserve.

Mr. BOCCIERI. You are right. Mr. Speaker, I will remind the folks listening tonight that Teddy Roosevelt said that the welfare of each of us is dependent upon the welfare of all of us and that in a moment of decision, the worst thing that we can do is nothing. What is the cost of doing nothing? We're going to continue to be dependent on foreign oil. Maybe it rises from 60 percent to 80 percent. Maybe we don't create the jobs that we need to right here in our country that can't be outsourced, like a nuclear reactor. Congressman RYAN always talks about the 8,000 manufactured components that go into making a windmill. You know, these are the types of jobs and the types of innovation that makes our country stronger.

Mr. DRIEHAUS. I will just go back to the analogy of telecommunications. If you remember, it wasn't more than a decade or two ago when you were paying exorbitant rates on your long distance bills; there were a very limited number of channels on TV. And then through the Telecommunications Act, we made sure that we allowed for innovation and competition. We allowed for the cable companies and the telephone companies to use those same broadband lines. We required that to happen. And now today broadband is across the country. We have the potential today to unleash that same type of innovation that was unthought of 20 years ago in telecommunications; but we all know it today, as people send IMs, as people e-mail each other—that wasn't thought about 20 years ago—the hundreds of TV stations that you get on cable TV. I don't think we can begin to imagine the innovation that we are going to see over the next several decades in the field of energy because of the steps of this House, because of the steps of this Congress, the courage to move us from the status quo toward energy security for the future and unleashing the innovative nature of the American people.

Mr. RYAN of Ohio. If the gentleman would yield, if you just think about the history of this country—and I don't want to get corny—but there has never been a scenario where we have said as

a country, we want to do something, and it's not happened. I mean, let's be honest. Because of the system of government that we have, because of all the DNA that happens to be in our great country, because of people having the courage to get on a boat with no money, and all that DNA, all that courage that it took to get here is here now; and it's been replicating itself. There is something special about whether it's World War II or it's storming the beaches of Normandy or it's going to the Moon or it's getting out of the Depression or it's that we need to be educated or the number of patents that we get. Whatever it may be, we have the ability to do this. And I think when you look at this policy in particular, the energy policy, the more I read about it, the more I like it. And when people say, Well, how is it going to work? I get excited about explaining it to them because here we are in northeast Ohio where we have all this manufacturing, and it has been dead for 30 years. We've not had any opportunities coming down the pike, like clean energy, in 30 years. This is something that is so exciting for so many people because they recognize that—I think it's 400 tons of steel that go into a windmill or 8,000 component parts that go into a windmill, and the Midwest being the Saudi Arabia of wind, and the Southwest being the Saudi Arabia of solar. My goodness gracious, what an opportunity. We can't let this slide by. We capture it. We take advantage of it. We make it work for us. That's what we do as Americans, and this is an opportunity for us to do that and to grow all of these companies. Putin, be gone. Chavez, be gone. Middle East sheiks, be gone. We're going to take care of our own business here.

Mr. BOCCIERI. Let's revisit the three pillars of this legislation. Number one, create jobs in our country that cannot be outsourced; number two, that it's about national security, moving away from our dependence on foreign oil and other energy sources; making sure that we have those homegrown energy jobs right here in our country. Those are the three pillars of this legislation. When we think about the two largest countries that market natural gas, it is Iran and Russia, when if we invested in the technology that we recently just talked about, anaerobic digesters and the like, we talk about these different opportunities, we can actually create natural gas and harvest natural gas from our part of the country. This is important that we understand that moving away from dependence on imported sources of energy is going to make our country stronger.

So national security, creating jobs, moving away from our dependence on foreign oil, that's what this legislation is about. That's what this opportunity is about. And I believe in the innovation and entrepreneurship of Ameri-

cans. I believe in our success as a country when we challenge each other to think outside of the box, to move ahead. And if we just allow ourselves to be bogged down by the fear of the past and bogged down by those detractors who are now saying, this is not the right time—well, when is the right time? When is the right time, when we have 80 percent of our oil coming from overseas? When is the right time, when energy costs are through the roof? Now is the time because our country can make these investments and create jobs here.

Mr. RYAN of Ohio. I would just like to say, I don't think anybody here is anti-nuclear. I think we all recognize how important this is as a part of our portfolio. There is no one here who is against coal. We represent Virginia and Ohio and think it's a good way to do it. That's why there's \$180 billion in here to figure out how to make it clean and make it work for us. We're not saying that there's only one specific way to do this. We recognize you may need to drill a little bit, you may need to take advantage of nuclear and coal and all this. But look at the advantage. We have \$700 billion going to these other countries that could be coming here, revitalizing the United States of America, and I think that's important for us to remember.

And lastly, because I think we're winding down, and I want these guys who are a lot smarter than me to be able to talk, our friends on the other side, who have been so critical, had control of this government, had control of the House, had control of the Senate, had control of the White House. Their energy policy was nonexistent. It was more subsidies for oil companies, more subsidies for the big power companies, and got us to where we are today. Which means over the last 8 years, an increase of \$1,100 just in gas prices for the average family. And the same group of people who thought that cutting taxes for the top 1 percent was somehow going to be to the benefit of all hasn't worked. We've got two wars going on, and a war our friend has served in here. That's \$1 trillion dollars, \$3 trillion when you factor in the costs of the veterans' health care. That's not a good energy policy of us having to go over, getting into the middle of the desert and getting ourselves in this sticky web of politics in the Middle East. Why are we doing that?

□ 2250

We don't have to do that anymore. And that is what is at the heart of this bill, and I think that is the magic of this bill, rely on the innovation, the spirit of the American people and reduce our dependency on all those other countries.

Mr. BOCCIERI. I agree with you, Congressman RYAN, and this is the

time to do it. We have about 6 minutes remaining. I would like to yield each of the gentlemen at least a minute or two.

Happy birthday, Congressman RYAN.

Mr. PERRIELLO. First of all, your reference to back to the future, he also says that where we are going, we don't need roads. And as a member of the Transportation and Infrastructure Committee, I have to take issue with that. But otherwise, I support the amendment.

On a serious note, every one of us here, I believe, is also a supporter of the Second Amendment. We are pro-freedom people. And what you described before is about the freedom for me to go to the gas pump without having to support petro-dictators because of that decision. It is the ability to buy a car with a battery that is manufactured here in the United States. That is the kind of freedom that we believe in.

This is also about honor and integrity. And part of integrity means being true to your word. I just want to say that I think this is about rising above partisanship in the way that you said. Sarah Palin wrote an op-ed recently bashing the cap-and-trade bill. But there is a quote from her in the campaign where she was asked, Do you support capping carbon emissions? And she said, I do, I do. You have a quote from JOHN MCCAIN. These are leaders. These are leaders who understood when they were ready to lead that this is what it looked like.

It looked like taking on the biggest national security challenges we face and doing so using the free market and the innovation that makes America great. If those ideas made sense then, they need to make sense now when you have to make the tough votes to do what is right for our country.

I think it is a very exciting time for America. It is an exciting time for south side Virginia. I believe we are on the cusp of a great, new economic revolution, full of innovation that is going to bring those jobs back to the United States. I'm proud to be part of it. I think we will look back on this and be very, very proud.

Mr. BOCCIERI. So let me get this straight. This is about jobs that can't be outsourced, about our national security and moving away from our dependence on foreign oil. JOHN MCCAIN said it. He said it. He was introduced to a cap-and-trade bill three times. Three times, he said it is a free-market approach that will stimulate green technologies, a free-market approach. And he said that this is a matter of our national security. That is what this legislation is about.

It is so important that we enact this very soon so that we can move away from our dependence on these foreign sources of energy.

I will yield to the gentleman from Ohio.

Mr. DRIEHAUS. I appreciate the opportunity, Congressman BOCCIERI, to be here tonight with you. And I think there is a reason that you see four relatively young Members of Congress standing here talking about the future of energy in the United States. We all have a vested interest in this. We all understand how important this issue is for our future and the future of our kids.

We sat on the sidelines for far too long, as the other side did nothing, as Congressman RYAN explained. They had an opportunity to act when it came to energy policy, creative energy policy that would move us forward into the next generation, but they failed to do it. We have been elected to take responsibility and to move forward on critical issues that are impacting our families today and will impact them in the future. That is what we are doing on financial services. That is what we are doing on energy. That is what we are doing on health care.

On energy, this bill takes us down that road for ensuring a future of prosperity for our children. It is the right thing to do for the country today. It is the right thing to do for our children tomorrow.

Mr. BOCCIERI. Well, let me just wrap by saying this: this is about jobs in our country that can't be outsourced. It is about our national security. And it is about moving away from our dependence on foreign oil.

We have set up a free-market approach, one that is supported by both, or was supported by both, Democrats and Republicans before we introduced it and passed it, but one that is a free-market approach with no taxes that invests in regional opportunities for States like Ohio and Virginia to make certain that we have an energy policy that works for this country.

I flew wounded and fallen soldiers out of Baghdad. And it is very clear that we have two fronts over in the Middle East, in Afghanistan and Iraq and a much broader region because of the oil that that area produces. This is about making our Nation stronger. We have to do this now. The Department of Defense realizes this, and that is why they are testing alternative fuels. We can make that innovation. We believe in the American people. That is what this bill is about.

Mr. RYAN of Ohio. I just want to add, the answer that our friends on the other side have given when we said, increase the Pell Grant, no; increase minimum wage, no; change the energy policy, no; change health care policy, no; add a stimulus bill that is going to keep people working, no.

That is not leadership, and this is bold stuff that we are trying to do. We are trying to lead the country. At the end of the day, that is going to pay off for everyone. I yield back.

Mr. BOCCIERI. You're exactly right, Congressman RYAN. We are going to be

judged by two measures in this Congress, two measures, by action or inaction. And I am so happy that we had this opportunity to speak tonight on clean energy and our national security.

SETTING THE RECORD STRAIGHT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized here on the floor of the House. I would remark that the common courtesy here is to yield. And I'm happy to yield to the gentlemen who are here if we could carry on this dialogue with or without that particular yielding. I know it is only four to one, so it would be an interesting engagement that could take place.

I have to correct a few things on the RECORD. One of them is, as the gentleman from Ohio challenged the mendacity of the Republicans, who had said that there is a \$4,000 increase on a payroll, that is exactly the number you get if the payroll is \$50,000 and you tax it at 8 percent. That is in the bill, Mr. Speaker, and that is a precise number, and that is what I sought to offer that could have been injected in for an open dialogue.

But we do deal with the facts. It is hard to get those facts when you have a bill that is drafted and a bill that has to be drafted to match a CBO number. The Congressional Budget Office came out with an estimate of a \$1 trillion health care plan, and we found out that the Congressional Budget Office came out with that number without having read the bill, Mr. Speaker.

So we are poised to go down a path by tying a blindfold around our eyes and charging off into the abyss of socialized medicine with a \$1 trillion price tag, a little less than that, that is slapped upon a bill that nobody has yet, well, I suppose some now have completely read, but the Congressional Budget Office did an estimate on the cost of this socialized medicine policy over the telephone with the staff of the committee of the Democrats, not even a bipartisan staff.

And that is how we make policy in the United States of America? And it is adequate to stand here on the floor and utter platitudes about what your political philosophy might be?

I think it is interesting that I get to hear the quotes from Republicans, JOHN MCCAIN, on cap-and-trade. Well, I can think of the time pretty recently that would have been after this particular quote that we saw a few moments ago, the time I most emphatically agreed with JOHN MCCAIN, and that is when he said that President Obama has more czars than the Romans. That was something that I think illustrated part of the big picture that we should be talking about.

This is a government that is out of control. It is overreaching. It is creating the nationalization of industry after industry in this country. It is breathtaking, the scope of the reach of this White House that is supported by the Democrats in the House and in the Senate. And who would have thought—let's just say if we just roll back in our memory and our mind's eye back to election day in November of 2008, what if somebody would have said, now you're ready to go to the polls, think about what you're going to do. Because if you elect President Obama, he is going to go in and nationalize three huge investment banks, the large insurance company, AIG, Fannie Mae and Freddie Mac, General Motors and Chrysler. All of these huge eight entities all wrapped up together will all be controlled, if not controlling interest, in the hands of and in control of the White House.

Then he is going to manage those by appointing 32 czars, and this will be hundreds of billions of dollars. And the idea will be that the economic stimulus plan is going to be FDR's New Deal on steroids.

□ 2300

And now, never mind that if one goes back and reads the data from the 1930s from that Great Depression—there was nothing great about what people had to go through during that decade of the 1930s. But if one goes back and reads the data and tries to index it back to the actions of the New Deal and this Keynesian economics of borrowing money and trying to actually replace private sector jobs with government jobs is what was going on in the New Deal—the CCC camps, the WPA, and the list of these acronyms went on. But what it did was it created a lot of debt, and it delayed the recovery that would have come from the private sector of the economy. It competed directly with the private sector.

One of those examples would be the Tennessee Valley Association where there was private-sector investment that was prepared to go in and develop just what the TVA turned out to be. And FDR went in and stomped on the private sector and grew a government instead.

This is what was the model for President Obama.

So he set forth—and he told us on a day on or about February 10, 2009, he said that FDR didn't go far enough, that he lost his nerve. He got worried about spending too much money. If he hadn't gotten worried about spending too much money, the economy would have recovered. But he didn't spend enough money and, therefore, along came World War II first and became the largest stimulus plan ever.

I don't take issue with the last part of that statement. I just take issue with the prediction that the New Deal

would have worked if FDR would have spent a lot more money.

This President hasn't lost his nerve. He is spending a lot more money. And if there is any doubt in anybody's mind about whether Keynesian economics and spending borrowed money to dump it in and grow government at a time of economic crisis actually heals up the economy—there isn't any doubt in my mind because I've read the data. In fact, I went through every newspaper from the crash of the stock market in 1929 until the Japanese attacked Pearl Harbor on December 7, 1941, reading for the economic news so I could understand what people were living through during those days of the stock market crash and the deep, long trough of the Great Depression and then the shock of the attack on Pearl Harbor that launched us into a world war.

I wanted to understand what that was like for the people that lived during that period of time. But I couldn't find evidence that the New Deal was a good deal on any kind of a broad scale, small little place as it was. It bought some friends, sure, but I couldn't find evidence that the New Deal worked. And economists that have gone back and studied that era can't show you the data that indicates the New Deal worked.

But if anybody wonders, they can study this era 25 years from now when it will be clear—there won't be any question about, no more arguments can be brought up. No future President will be able to say of President Obama, Well, his stimulus plan would have worked but he just lost his nerve and didn't spend enough money.

This President has not lost his nerve. He has spent way too much money, and he has nationalized eight huge entities. He's landed blow after blow against the private sector, the free-market economy that is the engine that drives this economy, and it sets the economy for the world, blow after blow.

And they'll look back at this and they will say, \$700 billion in TARP, \$787 billion in the stimulus plan, untold hundreds of billions of dollars shoved out the door of the U.S. Treasury to prop up businesses that don't necessarily go through the appropriations process here in Congress, the blank check of Tim Geithner is being spent. And all of that going on, and this President has the audacity—remember, he wrote a book with “audacity” in the title. This is a President with a lot of audacity. And the audacity now to float the trial balloon to call for another economic stimulus plan when this one is only partly spent and less than half of it—and we don't really know what those numbers are. It's being trickled out and it doesn't impact on our economy, and sometimes strung out over a number of years.

But yet it was an act of desperation to get it before this Congress and pass

it quickly because they had to have it to save us from a financial meltdown. But they didn't really use the bill in the fashion they said. Neither did they use the TARP bill in the fashion that they said.

And so this urgency to prevent a meltdown was more what I see in the pattern of legislation brought through this Congress. It's the urgency of bringing this thing through this Congress before the American people figure out what's going on, pass it quickly and get it out of the way so it comes out of the public eye. And while that's going on, load up another one, put another round in the chamber and fire another one down through the floor of the House of Representatives and on over to the Senate, another destructive missile that brings down the economy in this country, the culture in this country, the spirit of the people in this country. This has been an all-out assault on Americanism that I have seen in the months that we have had here.

The statements made on this floor that need to be corrected, other than the erroneous statement that a Republican had made a—just implied at least a willful misstatement. This President's plan and the health care, health insurance plan that's being debated in this Congress today and tomorrow, has in it an 8 percent tax on payroll, on the employer, on the employer's payroll, if he doesn't provide health insurance for his employees.

So, an 8 percent tax. When you just think about how that works, let's just say there is an employee that's making \$50,000 a year and there is not a health insurance policy. You can talk about the question of whether that's right or wrong. But in any case, there is not a health insurance policy.

Under the Obama plan, there would be an 8 percent tax on that payroll, 8 percent of \$50,000 is \$4,000, precisely the number that the gentleman from Ohio objected to applies perfectly to a \$50,000 payroll, which is not that unusual in the United States, and it's becoming far and far more common.

So to take issue with a statement that's clearly factual I believe is misinformation itself.

And the argument that we are sending—the other gentleman from Ohio, Mr. RYAN, said that \$700 billion is going to those other countries. And the real number—and he's referring to the importing of petroleum products from foreign countries. And there were statements made last year that we were sending \$700 billion to foreign countries to buy their petroleum.

Well, those statements that were going out over the media caused me to be curious enough that I actually ran the numbers to find out, and the real number is this: that over that period of time, over—this was the middle of last summer in about July, and in fact July 11 would be the date that this statement was initially made. The actual

moneys expended to purchase imported petroleum, that's natural gas and oil and other products that come from oil wells, in their entirety, the actual money that we sent overseas during that period of time from July 11 of 2009 to a year prior to that, that 12-month period of time, was \$332 billion, Mr. Speaker. Not \$700 billion. \$332 billion.

But we know July 11 was also the peak day for the highest price for oil and gas. That's when our gas hit the highest price at the pumps, and that's about the same time that crude oil by the barrel hit the highest price.

So one could then, last July 11, a year ago July 11, extrapolate what we would import if we imported the same number of gallons: \$700 billion. If you work it out and take the gallons and multiply it times the highest prices we had, which was on July 11 of 2008, and carry that forward, you come with a number projected of \$726 billion. But we never imported \$726 billion because the oil prices plummeted some weeks after that and we saw our gas prices go from \$4 and change a gallon and they dropped to nearly \$2 a gallon in a short period of time. That was moving up to the election in November.

So at this point, if you look at the most recent data, the number hasn't quite reached \$400 billion in the amount of imported petroleum that we have paid for.

It's still too much, Mr. Speaker, and we can be independent with our energy. And we should work in that direction and build the infrastructure that allows us to be independent. But we should also do it on real data and real facts.

And as the other gentleman spoke about two wars going on—this is pretty interesting to me—the lament is still there that we're engaged in two wars. These are conflicts that were—let me say this: Afghanistan was certainly thrust upon us. And the Iraq situation is this: President Obama was elected—at least in part—because he aggressively criticized President Bush for going into Iraq and for not having an exit strategy.

Well, Mr. Speaker, this House needs to know and the American people need to know that Bush had an exit strategy. It was a strategy that said we're going to provide victory and we're going to establish a stable government in Iraq that reflects the will of the Iraqi people. That's what's been achieved there. It really can't be argued today, Mr. Speaker, as to whether who won the war in Iraq. Al Qaeda is defeated in Iraq. They can't mount a military operation that's there.

□ 2310

American deaths in Iraq, as sad as they are, and every one of them is an individual tragedy and every one of them is an honorable patriot, and we need to keep them all in our prayers,

as well as their families. It's been a high sacrifice, but it's also been a noble endeavor, and those that we have lost in Iraq in the last year through accidents have been almost exactly equal in number to those that we have lost to combat, which says that a soldier, sailor, airman, marine that's serving in Iraq today has roughly an equal risk of being injured or killed in the rollover of a Humvee on one of the Iraqi roads as they do at the hands of the enemy. And those numbers are getting—it's looking better and better each week that goes by, more stability in Iraq.

And the exit strategy that President Bush devised in Iraq was what I said: win the war; establish a stable, moderate government in Iraq that reflects the will of the people. And so when we listened to the criticism that came from the other side of the aisle here and when Speaker PELOSI first was sworn in and received the gavel as Speaker of the House of Representatives, that was the 110th Congress. We're in the 111th now. That took place in January of 2007.

From that moment on, there commenced a series of votes here on the floor of the House that were designed to unfund, underfund or undermine our troops in Iraq. They, had they passed, and some of them singularly, but many of them in their aggregate portion would have brought about a defeat in Iraq as opposed to the victory that's been achieved.

That's what's taken place in this Congress, efforts that undermine our troops. Still, our troops prevailed and still President Bush had the will to order the surge, and still after the surge was executed to the fashion that it brought about the result we see today. President Bush negotiated this so that we could not be giving up a victory that has been so costly and so nobly earned.

And I did look him in the eye on this subject matter, and I know that he was preparing this country to sustain the victory that was being achieved at the time. And President Bush negotiated the SOFA agreement, the status of forces agreement, and it was signed last fall. The Bush status of forces agreement was signed last fall, and we find ourselves in the ironic situation today, Mr. Speaker, of having a President of the United States who was elected, at least in part, for criticizing his predecessor for not having an exit strategy in Iraq.

But President Bush had an exit strategy, and it's on paper and the irony is President Obama is executing President Bush's exit strategy to the letter of the SOFA agreement. It's on paper. It's there. It's a matter of fact and a matter of action, and it can't be argued. It's just simply ignored because these are the people over here that wouldn't acknowledge that President Bush could do good unless they could

put a quote up there that they might think would support their cause.

So the quotes from JOHN MCCAIN come up in the same way. They criticized JOHN MCCAIN all last fall. Now they put his quote up here on the floor and they argue, why don't Republicans listen to JOHN MCCAIN. Well, Democrats wouldn't listen to JOHN MCCAIN. If they had, they would have voted for him and we'd have a different situation in the world today.

Let's see, the Tehran situation and the nuclear endeavor of the Iranians is another thing that just befuddles me. As I listened to the debate in the previous hour, how it is that they're arguing that we have, let me see, we're on the cusp, as the gentleman from Virginia said, we're on the cusp of a great economic revolution. This economic revolution, the green revolution, I guess, all of these green jobs that are going to be created because they passed cap-and-tax on the American people out of the House of Representatives.

And we think they're going to get their jobs back after the next election. The American people know better than this. They understand that when you call it cap-and-trade that it is truly cap-and-tax. What they do is cap the amount of energy that you're able to access in the United States and identify which forms you can and can't have, and they tax the living daylights out of what you do get.

All energy in America will be more costly because of cap-and-tax that passed out of this House, and how anybody can think that we're on the cusp of a great economic revolution because we're taxing energy is way beyond me.

The basic principles of business are things that I had to learn when I started a business, Mr. Speaker. And so just think of this as a legal pad, and you sit down with a little calculator and you draw a line through the middle of the paper, top to bottom. On one side, you list all of your expenses. On the other side, you list your income. You add up your expenses and you add up your income. You take the total income and you subtract the total expenses, and that's your profit. Probably never heard that described here on the floor of the House before, that simple accounting principle of total income minus total expenses is profit. On some of your expenses, of course, are taxes and the overhead and the things that people don't think about that people in business have to do.

So if any business that you have, if you're running a flower shop, a barber-shop, an ethanol plant, if you're manufacturing wind generators, if you're running a gas station, if you have an operation with a dozen carpenters working out of there with hammers and wheelbarrows, all of these things going on, this energy tax is going to make your business—it's going to cost you more.

So over on that column on the pad that you write down on your business expenses, when you see that they have passed cap-and-tax on you and you look at the cost of your electricity and your heating gas—and let's see, the natural gas you might use in your manufacturing and your diesel fuel you put into your trucks and your heavy equipment and the fuel oil that you might heat with and the cost of the coal that might be generating the electricity, all of those things add up, and they're all part of the expenses of a business. And so if energy gets more expensive, so does the cost of running your business get more expensive; and the more energy intensive it is, the higher the increase as a percentage of your overall expenses and the harder it is to find some profit on the other side.

And we are on the cusp of a great economic revolution because this Congress can increase the cost of our energy? It takes energy to do anything that we want to do. It takes energy to heat a cup of coffee. I go over to my office and push the button and make a pot of coffee, they're burning natural gas to generate some electricity to create enough heat that I can have a cup of coffee. It was coal, but Speaker PELOSI switched that around in our power plant here, and because there was a real concern that the coal that was burning was putting carbon dioxide up into the atmosphere and contributing to global warming and she became Speaker, she concluded that we would get away from that and we were going to be a carbon neutral Capitol complex.

So Speaker PELOSI ordered that the power plant be converted over from coal to natural gas, and so that was done. And some reports show that it doubled the cost of our energy, and I haven't actually analyzed the numbers. I have to take that at face value. It's a summary report. It may or may not have been doubled. It could have been more or less. But the cost of our energy went up, we do know that; and still the calculation was that we were putting too many tons of CO₂ in the air annually.

So the Speaker, being true to her commitment to saving the planet, true to her commitment, she then went on the board of trade to purchase some carbon credits. These would be like, well, selling intentions I guess, or indulgences is a better word for it. So you could go on the board and buy carbon credits and they're indulgences for the carbon CO₂ you put into the atmosphere, and it's supposed to be offset by somebody else's behavior because you've reached your limit of being able to limit the CO₂ emissions you have here.

So I tracked that; \$89,000 spent on the board of trade to pay indulgences for the CO₂ emissions that take care of this Capitol Building, and somebody

had to go sequester some carbon that they weren't sequestering before, change their behavior to help the planet. This is the equation. Some of the money went to no-till farmers in North Dakota, farmers union farmers. In fact, I think that was the exchange that was used. Now, we don't have any evidence that these farmers just started a no-till because they got a check that was a contribution to encourage them to do that.

□ 2320

It's more likely they were with no-till farmers and they were just simply rewarded for something they were doing anyway. So we can't determine that there was any carbon that was sequestered out of that behavior.

And then the balance of the money went to a coal-fired generating plant in Chillicothe, Iowa. Now that's a curious thing, Mr. Speaker. Think about how this works, that the Speaker of the House concludes that there is too much CO₂ emitting in the atmosphere because of the coal-fired power plant that feeds this Capitol complex, and so she switches it over to natural gas because there's less emissions from natural gas.

At the time, she said that because natural gas is not a hydrocarbon. Well, that didn't last but a day or so, and she finally discovered it was.

So I'm not quibbling with her lack of technical understanding of how this works. Her conviction is clear; her understanding is not. The power plant was converted from coal to gas, and then still the emissions of CO₂ continued, and we had to get to this zero emissions because we were going to be a model for the country.

So that money went to Chicago, \$89,000, and they brokered it through the exchange and paid some no-till farmers in North Dakota and the balance of the money went to Chillicothe, where we're really interested to find out what happens at a coal-fired generating plant that you can pay them to sequester some carbon, or let's say diminish the effect of carbon in the atmosphere.

So I went to visit that plant. It's a well-run plant run by good people. It's an outstanding company. I've met with their CEO and had engaging conversations. When I visited that day, I stood in the shed that had big bails of switchgrass in it. And there was expensive equipment that was in there that was designed to pick up and put these big round bales—these are 1,500-pound bales—so that high in diameter, 7 feet or so in diameter.

And there was designed—I didn't see this actually happen: Put them on a conveyer belt, run them through a hammer mill, blow them out through a tube, and blend this ground-up switchgrass in with the coal that they were using to generate electricity.

That was the plan. And what I saw was—well, switchgrass hay that had

sat there for 2 years—and nobody had burned any switchgrass in 2 years. They had tried it, experimented with it. They didn't have any data on what they'd learned from burning the switchgrass. But, in any case, they stopped doing it so it must not have been a particularly lucrative endeavor.

But they got a check cut by the taxpayers and signed by Speaker PELOSI—this is figuratively, we understand—because they had diminished the CO₂ in the atmosphere sometime a couple years earlier.

That's what cap-and-trade is. That's brokering these imaginary credits that don't create anything exception imaginary sequestration of carbon, which in somebody's imagination turns a thermostat down on planet Earth.

And of the people that advocate this, the aggressive, vocal proponents of cap-and-tax that think the Earth is going to be destroyed if we don't go through with their legislation, not one of them can explain the science. Not one of them can debate the science on the floor of the House. I'd be happy to do that. I have offered that many times. If somebody is convicted on the science and they want to come down, I'd be happy to yield. Schedule some Special Orders from now until the cows come home so we can talk about this science. But it is an embarrassment, the science that's underneath this.

I don't take so much issue with the science as I do with the economics. They're wrong on the science. They're completely wrong on the economics. And people that can get it that wrong, it should be no surprise they could get it so wrong when it comes to a health care plan.

But here's a couple of things I want to run through as I observe the gentleman from Texas has arrived to lend a hand with this endeavor.

What do I have that's entertaining here? Let me just pull this one out. There's so much material in this Congress, it's amazing that one can get this done in a few short hours of Special Orders.

This mouse has been kind of hard to hold down. He stands on his head once in a while.

This is, Mr. Speaker, the saltwater marsh harvest mouse. He has been decreed to be a species that needs special help from the taxpayers of America. We need to have a stimulus plan that's going to jump us out of the deep hole we're in. So, of all the places that we could put money to grow this economy, where could it do the most good?

I allege, and others alleged back during this process of the stimulus plan, that Speaker PELOSI had set up an earmark in there of \$32 million. Well, the allegations came back, No, that's not true. That can't be. There isn't any earmark there. The Speaker wouldn't do that. There's a statement that was put out by the Speaker's Office that said no.

So what we really end up with now is, we find out yes, it is in there; it's just not \$32 million. It's \$16.1 million. The saltwater marsh harvest mouse.

This little pet project right here, this cute little guy, has finally arrived to get his particularly special earmark.

And if we look at what Speaker PELOSI said, she said, I don't want to have legislation that is used as an engine for people to put on things that are not going to do what we are setting out to do, which is to turn this economy around.

I don't think I want to read the rest of that.

You're going to turn the economy around by dumping \$16.1 million into the salt water marsh harvest mouse, this pet project that everybody promised that I made this up. It wasn't in the bill. Now it's there and no one can refute it, this cute little earmark.

So think of this little guy here. The least they could do is just notch his ear a little and put an earmark in that little pet project, that salt water marsh harvest mouse. It's going to get \$16.1 million taxpayer dollars.

That's not as wise an investment as the \$89 million that was wasted buying the carbon credits to be the little microcosm model of what they're doing with the cap-and-tax bill on us. We've got a great big model on what they're going to do to us, all Americans, on this socialized medicine plan that looks to me like it took HillaryCare and wrote in large, in Technicolor, and in 3D.

So, as I take a deep breath, I'd be very happy to yield to my good friend, the judge from Texas, Judge GOHMERT, so much time as he may consume. I know he will use it wisely.

Mr. GOHMERT. Well, in this body, wise is such a relative term. I appreciate my friend yielding. But wisdom seems to be in short supply. I may not have it, but I know it when I see it. I'm not seeing it being utilized in this House, in this Congress these days—not with the salt water harvest mouse.

And I come bearing news. Of course, my friend from Iowa knows, Mr. Speaker knows, there are 14.7 million jobless Americans right now. If it weren't for the suffering that's going on right now in America, some of the things we were doing would just be comical.

But we just had a job fair. I had a couple in my district. On the one hand, when you have a function and lots of people come, you're really excited people turn out. This is great. But when you realize each one of these represents somebody who has lost a job and they're hurting and their family is hurting, it breaks your heart.

Then, when I saw cars line up for blocks, people coming to a job fair, looking for jobs, from people who do manual labor to airline pilots to engineers, I mean just the full spectrum looking for jobs, it breaks your heart

because you know they're hurting, you know they're suffering.

There are 14.7 million jobless Americans right now. The unemployment rate now climbing up over 9½ percent. We have got a trillion-dollar deficit, we find out this week. And there are some indications that we haven't gotten a report recently as we should have from the OMB because maybe somebody is trying to stifle it because it may be that we're way over a trillion-dollar deficit.

We already set the record this year under this President and this Speaker with the kind of deficit that's been run. We know that there's been 2 million jobs lost since President Obama's stimulus package.

I know people here will recall we weren't given a chance to read the stimulus bill because we were told that if we waited another day, more people would lose their jobs. So you guys can't read the stimulus bill. Some of us wanted to.

Some of us, like me, read the bailout bill. And that's why we knew this was not something, no matter what kind of pressure was brought to bear, not something we could vote for. But we couldn't read the stimulus bill because everyday people were losing their jobs.

□ 2330

So you can't read it. Just pass it because we were told that this will start working immediately. So it was rushed through, passed through this House without our doing any kind of diligence, much less due diligence. Then the President sat on it for 4 days until he went to Colorado to have a photo-op to sign it.

What happened to all of those people who would have lost their jobs every day if we had taken the time to read the stimulus bill?

Now we hear much later, well, nobody expected it to work immediately. Well, that's what you said. You said it was going to work immediately. In fact, the President said, not only was it going to go to work immediately, but we've heard just in recent days that it has done its job. Now we find out it hasn't done its job. People are still losing their jobs every day. So 2 million jobs have been lost since that stimulus was passed, the stimulus that we were not allowed a chance to read or to amend. It was not done properly.

Mr. KING of Iowa. If the gentleman will briefly yield.

Mr. GOHMERT. Certainly.

Mr. KING of Iowa. Reclaiming my time, there is also a number out there of about 6.8 million people who no longer qualify for unemployment who are still looking for jobs. So, of that 14.7 million, we can add another 6.8 million to that. The number is well over 20 million people who are looking for work in the United States of America. The direction is going the wrong way.

I'd again yield to the gentleman.

Mr. GOHMERT. I appreciate the gentleman's comment and for yielding back, but I come bearing news.

I believe my friend from Iowa, Mr. Speaker, has seen the schedule for tomorrow. We got that tonight. Well, the schedule has a bill on it that is going to be taken up. Let's see. I'm looking for the formal name of the bill, but basically, it's welfare for wild horses. We're going to vote on that tomorrow.

We've got people who are losing their jobs every day—devastating households, devastating people—and the bill coming to the floor tomorrow is welfare for wild horses. That's why I say, if it weren't for how serious this is in knowing that real Americans are out there hurting and are having problems with their own habitat, this would be comical. You're going to spend \$700 million on welfare for wild horses. In fairness, there's an even late-breaking report that says, well, actually, we're thinking, by the time the smoke clears and by the time all is said and done, it may only be as much as \$2 million in welfare for wild horses. This is what's in the bill.

We will conduct a wild horse census every 2 years. Yes, the Constitution requires that we have a census for people every 10 years, but in the wisdom of this body or lack thereof, depending on your perspective, we've decided we need a 2-year census to deal with the wild horses.

This bill will also provide enhanced contraception. Now there will be a fun job. We were told by this administration that there were going to be green jobs. I don't know if that will be a green job or just what color it will be, but we're going to provide enhanced contraception. That's in the bill, enhanced contraception, and there will be birth control for the wild horses.

Mr. KING of Iowa. Reclaiming my time, I just can't go on further with this thought process until you can go into a little more detail on what that means. I am totally confused on that legal language in the bill.

I would yield to the gentleman from Texas.

Mr. GOHMERT. Well, "enhanced contraception" means we're going to help the horses control the process by which little horses are created. I know it's late, you know, 11:35 here on the east coast, but there could be little children watching out in California, and I'd rather not get more descriptive on the process of how those wild horses are created and on how this enhanced contraception will keep them from creating little wild horses.

Mr. KING of Iowa. Reclaiming my time, would there be a reason why just regular contraception wouldn't be adequate?

I would yield.

Mr. GOHMERT. As my friend from Iowa knows, we don't do things halfway in this Congress. If we're going to

provide contraception for wild horses, it will be enhanced. That's what we want to do.

Mr. KING of Iowa. Being from Texas, the gentleman has "enhanced everything" in Texas. Do they have enhanced contraception in Texas?

Mr. GOHMERT. I was not aware of us in Texas having enhanced contraception, certainly not for wild horses.

It doesn't stop there. It will be interesting to find out from the studies how many green-, brown-, whatever colored jobs these will be that will be created to help the horses with their little contraception issues.

In addition, we are going to provide an additional 19 million acres of public and private land for wild horses, and we're going to have \$5 million within the bill for repairing horse damage to the land. So that will be interesting.

Then also, before any Americans can adopt these wild horses, there are millions in this bill to allow for the home inspections of potential homes that may wish to adopt these wild horses. If you want a wild horse, we're not going to trust you to have a wild horse until we do a home inspection to allow us to check on you. You have to let Big Brother come into your home to see if yours is a fit place for these wild horses.

Now, the thing that really gets me here—again, if it weren't so serious and if people weren't losing their jobs as we speak and if there weren't people hurting, this would be comical. I do know I'll get some nasty letters from people: How could you seem so insensitive about the wild horses and about their needs for enhanced contraception?

The fact is that this is going to be voted on tomorrow. It will be debated on the floor. We haven't been allowed to read, to amend or to deal with some of the most pressing issues in this country with habitats for Americans. Americans are losing their habitats right and left in this country as they lose their jobs, and we're worried about the wild horses.

The thing that came to my mind for people, Mr. Speaker, who may be listening is: when you get on an airplane, one of the first things they do is walk you through the safety instructions. One of the things they tell you is, in the event of an emergency and in the event of a loss of cabin pressure, an oxygen mask will drop down for each passenger. Then they tell you to put your own mask on first. You may have a small child, and you may want to first put it on your child, but unless you put your own mask on first, you may not be able to help the child. Put your own mask on first. Save yourself, and then you'll be able to save others around you.

□ 2340

So I thought about that example with application to what's been going

on in Congress. You know, if we do not save Americans, save their jobs, save their habitats, then how in the world will there be an American government left to help the wild horses? You want to help the environment, you want to help wild horses? Save the country first. Once the country is saved, then we can get around to saving the wild horses and helping them with enhanced contraception. But until we save this country from bankruptcy and people from losing their homes, we are not going to be able to help anybody, not the wild horses and not their enhanced contraception needs. Those wild horses will be devastated when this country goes bankrupt, and we can't help anybody, much less a wild horse.

Mr. KING of Iowa. Reclaiming my time, and I'm adding to the cause here. There are some things that need to be known about the wild horses before we have the great wild horse debate here in Congress tomorrow. One is, I feel like it may not be a good idea to read these bills if it brings out this kind of thing, but we have to talk about it, and there is some data that we need to think about. That is, there's been a concerted effort to determine in a way that we couldn't sell any horses any longer in the United States of America that might end up on the dinner plate of somebody in Belgium or France. So what that does is, it took the price out of horses; and it took them from \$500, \$600 a head on down to them being essentially worthless. So the people that have horses that I know say, If you have three horses in your pasture, you'd better lock your gate because if you don't, you might have five in there tomorrow morning. People are dumping horses, turning them loose on the range. The population of horses are going up because there is not a market to cull those horses out of the herd to manage them. So you end up with hungry, starved horses wandering around; and it takes an act of Congress to deal with the horses because they wouldn't allow the horse owners to manage them. They took the asset value out of horses in a very large way. I did the math on this. I can't go back and memorize the whole formula; but I can tell you the conclusion of it, which would be extra horses are in this country because they have been barred from being sold and sent off for human use. Those numbers of horses, if you figure the half-life of a horse at about 10 years, it accumulates an extra million horses in America, a million horses running around here; and we're going to count them every 2 years, which seems really ridiculous to me. But if you calculate what a horse will eat and how many acres it takes to feed a horse—not everybody can have a horse. They don't have enough acres in order to do that—but it works out to be those extra million horses eat enough feed to consume what can be grown on

enough acres that we could, instead, produce a billion gallons of ethanol on the acres that those million horses would be chewing the grass down to the nubbins on.

So it is going to be an interesting debate tomorrow. I think I had better go back and read the bill tonight myself. I find it an incredulous piece of language that has been brought up. I've got myself vetted on—we've done horses. We've done the salt water marsh harvest mouse here, the \$16.1 million earmark for the Speaker to take care of her neighbors by San Francisco with these little earmark pet projects.

There is another project here that is a huge project, and that is this new health care plan that has emerged. I came prepared to talk about it a little bit. This big, huge health care plan that—it was too expensive when the first estimates came out, and so the Speaker was critical of the Congressional Budget Office's estimates, and those estimates miraculously were reduced somewhat, we think, because some language got changed in the bill. This \$1.5 trillion or so CBO estimate went down to just a little under \$1 trillion. Well, now we can afford this. You know, I always thought too, if I want to buy something, if I can get it down below \$1 trillion, it's not so bad. It is like buying a loaf of bread. If it's \$900-and-some billion, it isn't nearly as bad as \$1-plus trillion. So I find out that that CBO estimate, made by the Congressional Budget Office, these professionals that calculate the costs of the legislation, they usually either do it for committee Chairs first and somebody else over months and months, if you can get it done. But the Congressional Budget Office had not read the bill either. We have a score on this massive growth of bureaucracy that takes over one-sixth or one-seventh of our economy, and the costs that are projected from it that come from the nonpartisan, highly professional Congressional Budget Office come out of there not with them reading the bill and analyzing it and a putting formulas in place that can be tracked back, but by being on the telephone with the Democrat committee staff to negotiate down to a number that would be low enough that they think they could fund the bill and sell it. We think that this bill is going to cost two or three or more times higher than the estimate that's there. But the part that hits me the hardest and the most is this piece down here.

Now when you look at this flow chart, all of these that are white are existing bureaucracies. The colored ones are newly created by the bill that are linked in with existing bureaucracies. There is much to be said about each one of these because they are huge and intimidating. But this one here is the one I would ask, Mr. Speaker, that the American people focus on.

These are the traditional health insurance plans. They exist. And there's some number I saw the other day, it was around 1,300 different companies selling health insurance in America. That's a lot of competition. Those that survive the insurance czar—I don't know if he actually exists today, but there are 32 of them, and it doesn't take long to create another one—these existing insurance companies that have 70 percent of the people pleased with the health care plan that they have, these qualified health benefit plans would be the plans that are approved by Obama's insurance czar. So we wouldn't have the same competition that we have today, not the same policies we have today. We would only have the policies that are permitted under the bill, policies that would require that they fund abortion, policies that would require mental health, policies that would require little or no deductible and little or no copayment plan because they have to be written in such a way that the newly created government plan, this public health plan over here in the second purple circle, that the government could compete. So what we would have would be all of these private plans here that exist today. When President Obama says, "If you like your current plan, don't worry. You get to keep it," well, you get to keep it for a little while; but if it doesn't exist any longer or if it changes because the government has said that these insurance companies can't write their preferred policy in the way they want, but they have to write it the way the insurance czar says it would be written, or if we subsidize this insurance plan over here, the newly created public health plan, if the government subsidizes that, the premiums will be lower than they will be in the private sector. The premiums won't reflect the risk, but it will push out and crowd out and kill the private insurance market. It's just a fact that that's what happens, Mr. Speaker. I can give the clearest example of how this will and can work. There was a time when people bought flood insurance in this country from a private provider, insurance companies created, in part, for the purposes of that property and casualty insurance. So if your home was flooded, you could be compensated, and you would pay the premium according to the risk. The government decided to get into the flood insurance business. Now they're in the flood insurance business. They sell flood insurance. They actually require you to buy flood insurance in some cases before you can get a mortgage on a property. The flood insurance program that exists now has a couple of unique things about it. First, it has crowded out all of the private sector. As near as I can determine, there is not a single company in America that's selling flood insurance. I asked the

question today at a conference, What if I want to start out a company and sell flood insurance to the people that are out there in the lowlands that need that coverage? I asked the question rhetorically; and I got the answer, There is no prohibition towards starting a flood insurance company or an existing company from expanding their services into flood insurance. The prohibition is, the Federal Government is in the business. They have cornered 100 percent of the market. There isn't anybody competing against them, and we know that government can't do anything as efficiently as the private sector can—or hardly anything. So the circumstances are this: The flood insurance account is \$18 billion in the red. That's a deficit that comes out of the taxpayers, and that represents how much below the cost of doing business the flood insurance is. That's what government does. So if we can have a viable and relatively healthy flood insurance program in the private sector that existed years ago and the Federal Government comes in and competes directly, like it did with crop insurance too, by the way, they crowd out the private providers, and they put in the government program, and pretty soon there's nobody there but government.

□ 2350

That is what will happen here. And if anybody thinks that the President's promise that if they like their insurance plan, their health care plan, they get to keep it, they just don't lose it the day the bill is signed. And they won't get to make that decision because the insurance company may have to fold up and sack up their bats that day or a month or a year later.

Even those private providers that will last for a while will still have to adjust their premiums accordingly. And when they do that, they won't be able to compete with the federally subsidized plan, and you will see employers that will drop the private carrier here and adopt the public plan here because it will be cheaper.

We saw Walmart take a position this past weekend that they supported an employer-mandated health insurance plan. Now, it doesn't necessarily mean they support this monstrosity here. But is President Obama going to tell Walmart thanks for the support of the concept that he is promoting, but you can't sign up on the public plan because some of your employees might want to keep the policy they have?

The President can't make that promise, and we ought to know it, just like he couldn't promise that he was going to create or save X million jobs. The language about "saving" always was the word that let him slip away. You can never prove that somebody saved 3.5 million new jobs unless you get down below 3.5 million existing jobs, then he didn't save the 3.5 million any-

more. This is a big crux in this problem.

Also there is a tax that goes on the payroll of 8 percent. I spoke about that earlier. We need to understand what is in here and what this does. It tears asunder the private sector and replaces it with a public sector. It is socialized medicine. It is HillaryCare writ large.

I will be happy to yield to the gentleman from Texas if he is in a position to vent himself a little further in the next 5 minutes.

Mr. GOHMERT. Absolutely, and I do appreciate my friend for yielding.

The takeover of health care by the government will be not just figuratively, but literally, a death knell for so many in America, because the only way socialized medicine has been able to work ever is by putting people on lists, rationing health care, having more general practitioners, getting rid of so many specialists that have made such great strides forward, and then people dying on the list waiting to get health care.

That is where we are headed. And it breaks my heart to know so clearly where this goes and what will happen.

The way that some of this is being pushed is with class envy and creating this friction among Americans that used to be so much the antithesis of what being an American was. But that has been fracturing America. We are Americans. We need to get rid of being hyphenated Americans and go back to being Americans.

Mark Levin was here on the Hill earlier today, and in his great book, "Liberty and Tyranny," he has a quote from Ronald Reagan. And it has so much application today. He said, and this was a quote from Reagan, "How can limited government and fiscal restraint be equated with lack of compassion for the poor? How can a tax break that puts a little more money in the weekly paychecks of working people be seen as an attack on the needy? Since when do we in America believe that our society is made up of two diametrically opposed classes—one rich, one poor—both in a permanent state of conflict and neither able to get ahead except at the expense of the other? Since when do we in America accept this alien and discredited theory of social and class warfare? Since when do we in America endorse the politics of envy and division?"

That is what is being driven here. And as my friend knows, some months back I said instead of throwing money at Goldman Sachs, AIG and that kind of thing, how about letting people keep a little of their own money in their own paychecks, let them have their own withholding back for even a couple of months, and you'll see stimulus that was never seen. That wasn't listened to by this administration or this House majority. And we are paying a severe price. And I yield back.

Mr. KING of Iowa. I thank the gentleman from Texas, and I thank the Speaker for his indulgence this evening and for recognizing us. I just point out that we disagree with the philosophy that is being driven by the White House. We are free-market people that believe in constitutional rights and the spirit of the American people. We will emerge triumphant, however long it takes.

I thank you, Mr. Speaker, and I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BORDALLO (at the request of Mr. HOYER) for today until July 22 at 2 p.m. on account of official business in district.

Mr. PENCE (at the request of Mr. BOEHNER) for today on account of the funeral of a close personal friend.

Mr. YOUNG of Florida (at the request of Mr. BOEHNER) for today until 3 p.m. on account of a family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SESTAK) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, July 23.

Mr. JONES, for 5 minutes, July 23.

Mr. MCCOTTER, for 5 minutes, July 17.

Mr. BOOZMAN, for 5 minutes, today.

Mr. PAULSEN, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, July 17.

Mr. SCALISE, for 5 minutes, today.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. WATSON, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 509. An act to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes; to the Committee on Veterans' Affairs.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Friday, July 17, 2009, at 9 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 111th Congress, pursuant to the provisions of 2 U.S.C. 25:

JUDY CHU, California, Thirty-Second.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2674. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010 entitled, "Authority to Extend Eligibility for Enrollment in Department of Defense Elementary and Secondary Schools to Certain Additional Categories of Dependents"; to the Committee on Armed Services.

2675. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010 entitled, "Air Force Academy Athletic Association"; to the Committee on Armed Services.

2676. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National Defense Authorization Bill for Fiscal Year 2010 entitled, "Authority to Order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to Active Duty to Provide Assistance in Response to a Major Disaster or Emergency"; to the Committee on Armed Services.

2677. A letter from the General Counsel, Department of Defense, transmitting a legislative proposal to be a part of the National

Defense Authorization Bill for Fiscal Year 2010 entitled, "Authority to Order Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to Active Duty to Provide Assistance in Response to a Major Disaster or Emergency"; to the Committee on Armed Services.

2678. A letter from the Secretary, Department of Defense, transmitting a quarterly report on withdrawals or diversions of equipment from Reserve component units for the period of January 1, 2009 through March 31, 2009, pursuant to Public Law 109-364, section 349; to the Committee on Armed Services.

2679. A letter from the Deputy Chief of Staff, Department of the Army, transmitting the Department's annual report on recruiting incentives for fiscal year 2008, pursuant to Public Law 109-163, section 681; to the Committee on Armed Services.

2680. A letter from the Secretary, Department of Commerce, transmitting the annual report on the Emergency Steel Loan Guarantee Program for fiscal year 2008, as required by Section 101(i) of Chapter 1 of Pub. L. 106-51; to the Committee on Financial Services.

2681. A letter from the Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting the Department's fourth annual Homeless Assessment Report for 2008; to the Committee on Financial Services.

2682. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the President's bimonthly report on progress toward a negotiated solution of the Cyprus question covering the period April 1, 2009 through May 31, 2009, pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with Section 1(a)(6) of Executive Order 13313; to the Committee on Foreign Affairs.

2683. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification that effective May 24, 2009, the 15% Danger Pay Allowance for USG personnel serving in Banja Luka and Other, Bosnia-Herzegovina, has been eliminated based on improved conditions, pursuant to 5 U.S.C. 5928; to the Committee on Foreign Affairs.

2684. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

2685. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement to include the export of technical data, defense services, and defense articles to Russia, Sweden, Hong Kong and Kazakhstan (Transmittal No. DDTT 038-09); to the Committee on Foreign Affairs.

2686. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to Section 3 of the Arms Export Control Act, as amended, detailing a possible unauthorized end-use of U.S. defense articles by the Government of Egypt; to the Committee on Foreign Affairs.

2687. A letter from the Architect of the Capitol, transmitting the Semiannual Report for the period October 1, 2008 through March 31, 2009 prepared by the Office of Inspector General of the AOC; to the Committee on Oversight and Government Reform.

2688. A letter from the Chief Human Capital Officer, Corporation for National and

Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2689. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting response to the report to Congress from the Office of the Inspector General of the Corporation; to the Committee on Oversight and Government Reform.

2690. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Trade Agreements — Costa Rica and Peru (DFARS Case 2008-D046) (RIN: 0750-AG31) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2691. A letter from the Chairman, Federal Labor Relations Authority, transmitting the Authority's fiscal year 2008 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

2692. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2693. A letter from the General Counsel, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2694. A letter from the Office of the Inspector General, transmitting copy of the final report on the Architect of the Capitol (AOC) Network Penetration Test (Report No. 09-AOC-13); to the Committee on House Administration.

2695. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on applications for delayed-notice search warrants and extensions during fiscal year 2008, pursuant to 18 U.S.C. 3103a(d); to the Committee on the Judiciary.

2696. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Standard Oil Development Company, Linden, New Jersey, to be added to the Special Exposure Cohort (SEC), pursuant to 42 C.F.R. pt. 83; to the Committee on the Judiciary.

2697. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Santa Susana Field Laboratory-Area IV, to be added to the Special Exposure Cohort (SEC), pursuant to 42 C.F.R. pt. 83; to the Committee on the Judiciary.

2698. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1839-DR for the State of Tennessee, pursuant to Public Law 110-329, section 539; to the Committee on Transportation and Infrastructure.

2699. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1837-DR for the State of Mississippi, pursuant to Public Law 110-329, section 539; to the Committee on Transportation and Infrastructure.

2700. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1838-DR for the State of West Virginia, pursuant to Public Law 110-329, section 539; to the Committee on Transportation and Infrastructure.

2701. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Memorandum of justification for the President's waiver of the restrictions on the provision of funds to the Palestinian Authority, pursuant to Public Law 111-8, section 7040(d); jointly to the Committees on Foreign Affairs and Appropriations.

2702. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1833-DR for the State of Georgia, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

2703. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1836-DR for the State of Alabama, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Appropriations, and Transportation and Infrastructure.

2704. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1834-DR for the State of Arkansas, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Appropriations, and Transportation and Infrastructure.

2705. A letter from the Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1835-DR for the State of Alabama, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Appropriations, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 1196. A bill to authorize the Chief Administrative Officer of the House of Representatives to carry out a series of demonstration projects to promote the use of innovative technologies in reducing energy consumption and promoting energy efficiency and cost savings in the House of Representatives (Rept. 111-210). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 1604. A bill to amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections; with an amendment (Rept. 111-211). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCGOVERN. Committee on Rules. House Resolution 653. Resolution providing for the consideration of the bill (H.R. 1018) to amend the Wild Free-Roaming Horses and Burros Act to improve the management and

long-term health of wild free-roaming horses and burros, and for other purposes (Rept. 111-212). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HODES:

H.R. 3230. A bill to establish within the National Science Foundation the Innovation Inspiration school grant program, and for other purposes; to the Committee on Science and Technology.

By Ms. ROS-LEHTINEN (for herself, Mr. GARRETT of New Jersey, Mr. PENCE, Mr. MCCOTTER, Mr. HOEKSTRA, Mr. BACHUS, Mr. BUYER, Mr. YOUNG of Alaska, Mr. PRICE of Georgia, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. ROYCE, Mr. ROHRBACHER, Mr. HENSARLING, Mrs. MYRICK, Mr. WOLF, Mrs. BLACKBURN, Mr. KIRK, Mr. LINDER, Mr. LOBIONDO, Mr. TERRY, Mr. PLATTS, Mr. SHUSTER, Mr. BISHOP of Utah, Ms. GINNY BROWN-WAITE of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. NUNES, Mr. MCHENRY, Mrs. BACHMANN, Mr. BUCHANAN, Mr. LAMBORN, and Mr. BROWN of Georgia):

H.R. 3231. A bill to refund United States taxpayer dollars expended on the Durban Review Conference, and for other purposes; to the Committee on Foreign Affairs.

By Ms. KILROY (for herself, Mr. SHERMAN, Ms. SUTTON, Ms. FUDGE, Mr. BOCCIERI, Ms. SPEIER, and Mr. GRAYSON):

H.R. 3232. A bill to amend the Emergency Economic Stabilization Act of 2008 to require certain warrants held by the Secretary of the Treasury to be sold at public auction upon the repayment of the associated assistance provided under the Troubled Asset Relief Program; to the Committee on Financial Services.

By Mrs. LUMMIS (for herself and Mrs. KIRKPATRICK of Arizona):

H.R. 3233. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit the annual cost of appropriation earmarks and to make them more predictable, equitable, and transparent; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3234. A bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHAUER:

H.R. 3235. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the use of ethanol in tetra ethyl ortho silicate (TEOS) production; to the Committee on Ways and Means.

By Mr. BARRETT of South Carolina:

H.R. 3236. A bill to require the Secretary of Homeland Security to complete at least 700

miles of reinforced fencing along the Southwest border by December 31, 2010, and for other purposes; to the Committee on Homeland Security.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 3237. A bill to enact certain laws relating to national and commercial space programs as title 51, United States Code, "National and Commercial Space Programs"; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. HINOJOSA):

H.R. 3238. A bill to increase access to adult education to provide for economic growth; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KIRKPATRICK of Arizona (for herself and Ms. LORETTA SANCHEZ of California):

H.R. 3239. A bill to require the Secretary of Homeland Security, in consultation with the Secretary of State, to submit a report on the effects of the Merida Initiative on the border security of the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey (for himself, Mr. POE of Texas, Mr. MOLLOHAN, Mr. SENSENBRENNER, Mr. WOLF, Mr. INGLIS, Ms. LORETTA SANCHEZ of California, and Mr. FORTENBERRY):

H.R. 3240. A bill to ensure compliance with the 1980 Hague Convention on the Civil Aspects of International Child Abduction by countries with which the United States enjoys reciprocal obligations, to establish procedures for the prompt return of children abducted to other countries, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on Ways and Means, Financial Services, the Judiciary, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY:

H.R. 3241. A bill to amend the Child Nutrition Act of 1966 to provide vouchers for the purchase of educational books for infants and children participating in the special supplemental nutrition program for women, infants, and children under that Act; to the Committee on Education and Labor.

By Mrs. MALONEY (for herself, Mr. MURPHY of Connecticut, and Ms. BALDWIN):

H.R. 3242. A bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services; to the Committee on Energy and Commerce.

By Mr. SARBANES (for himself and Mr. GALLEGLY):

H.R. 3243. A bill to amend section 5542 of title 5, United States Code, to provide that any hours worked by Federal firefighters under a qualified trade-off-time arrangement shall be excluded for purposes of determinations relating to overtime pay; to the Committee on Oversight and Government Reform.

By Mr. SCHIFF:

H.R. 3244. A bill to amend title 18, United States Code, to establish the transfer of any

nuclear weapon, device, material, or technology to terrorists as a crime against humanity; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Virginia (for himself, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. CONYERS, Mr. RANGEL, Mr. NADLER of New York, Ms. ZOE LOFGREN of California, Mr. PIERLUISI, Mr. WEINER, Mr. COHEN, Ms. WASSERMAN SCHULTZ, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. GRIJALVA, Mr. PAUL, Mr. MORAN of Virginia, Ms. NORTON, and Mr. QUIGLEY):

H.R. 3245. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act regarding penalties for cocaine offenses, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut:

H. Res. 651. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mr. LARSEN of Washington (for himself, Mr. INSLEE, Mr. DICKS, Mr. BAIRD, Mr. HASTINGS of Washington, Mrs. MCMORRIS RODGERS, Mr. REICHERT, Mr. SMITH of Washington, Mr. MCDERMOTT, and Mr. REHBERG):

H. Res. 652. A resolution recognizing the 150th anniversary of the Pig War crisis; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. HOYER, Mr. WEXLER, Mr. FALEOMAVAEGA, Mr. ISSA, Mr. CARSON of Indiana, Mr. MCMAHON, Mr. DINGELL, Mr. BUTTERFIELD, Mr. MEEKS of New York, Mr. PAYNE, Mr. CLYBURN, Ms. WATSON, Ms. WASSERMAN SCHULTZ, Mr. TANNER, Ms. LORETTA SANCHEZ of California, Mr. MEEK of Florida, and Ms. ROS-LEHTINEN):

H. Res. 654. A resolution honoring the Organization for Security and Cooperation in Europe Mediterranean Partners for Cooperation and for other purposes; to the Committee on Foreign Affairs.

By Mr. LUJÁN (for himself, Mr. TEAGUE, and Mr. HEINRICH):

H. Res. 655. A resolution recognizing the historical significance of the city of Santa Fe; to the Committee on Oversight and Government Reform.

By Mr. WITTMAN:

H. Res. 656. A resolution supporting the goals and ideals of "National Inflammatory Skin Disease Awareness Month"; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII,

116. The SPEAKER presented a memorial of the Legislature of the State of Montana, relative to Senate Joint Resolution 15 EXPRESSING SUPPORT FOR THE DECISION BY THE UNITED STATES FISH AND WILDLIFE SERVICE TO DELIST THE GRAY WOLF AND URGING THE MONTANA DEPARTMENT OF FISH, WILDLIFE, AND

PARKS TO DEFEND THE DECISION TO DELIST THE GRAY WOLF AGAINST ANY LEGAL CHALLENGE; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Ms. JACKSON-LEE of Texas.
H.R. 39: Mr. OLVER and Mr. BLUMENAUER.
H.R. 48: Mr. MCCOTTER.
H.R. 147: Mr. KUCINICH and Mr. MURPHY of Connecticut.
H.R. 197: Mr. BURGESS and Mr. GRIFFITH.
H.R. 442: Mr. SULLIVAN and Mr. BLUNT.
H.R. 444: Mrs. MCCARTHY of New York, Ms. HIRONO, Mr. ACKERMAN, and Mr. SALAZAR.
H.R. 564: Mr. HONDA and Ms. ESHOO.
H.R. 610: Mr. GRAYSON.
H.R. 682: Mr. THOMPSON of California.
H.R. 690: Mr. PASCRELL.
H.R. 836: Mr. PAULSEN, Ms. MATSUI, Mr. KLINE of Minnesota, and Mr. LEWIS of California.
H.R. 855: Mr. WALZ, Mr. RADANOVICH, and Mr. GRAYSON.
H.R. 1020: Mr. CLEAVER.
H.R. 1034: Mr. LEE of New York and Mr. JONES.
H.R. 1058: Mr. GERLACH.
H.R. 1067: Mr. BONNER.
H.R. 1074: Mr. HOEKSTRA, Mr. SULLIVAN, and Mr. AUSTRIA.
H.R. 1101: Mr. FILNER.
H.R. 1103: Mr. GRAYSON.
H.R. 1132: Mr. ROGERS of Michigan, Mr. CHANDLER, Ms. PINGREE of Maine, Mr. BOCIERI, Mr. STUPAK, Mr. FLEMING, Mr. LATTI, Mrs. MCMORRIS RODGERS, and Mr. BISHOP of Utah.
H.R. 1158: Ms. MATSUI.
H.R. 1250: Mr. SHIMKUS, Mr. KIRK, Mr. DRIEHAUS, Mr. PAUL, Mrs. MYRICK, and Mr. DAVIS of Alabama.
H.R. 1255: Mr. MCCOUL.
H.R. 1351: Mr. LARSEN of Washington and Mrs. MCMORRIS RODGERS.
H.R. 1441: Mr. CLEAVER and Mr. PASTOR of Arizona.
H.R. 1458: Mr. MAFFEI and Mr. SCALISE.
H.R. 1468: Mr. CARTER, Mr. MARCHANT, Mr. OLSON, and Mr. CONAWAY.
H.R. 1479: Mr. PAYNE.
H.R. 1520: Ms. BALDWIN.
H.R. 1522: Mr. CONNOLLY of Virginia and Mr. MURPHY of Connecticut.
H.R. 1547: Mr. BACHUS and Mr. GOODLATTE.
H.R. 1548: Mr. CAMPBELL, Mr. CARTER, and Mr. SPACE.
H.R. 1618: Ms. SCHWARTZ and Mr. HEINRICH.
H.R. 1621: Mr. TIAHRT.
H.R. 1639: Mr. FILNER and Mr. BISHOP of New York.
H.R. 1798: Mr. PAUL.
H.R. 1826: Mr. KIND.
H.R. 1829: Ms. MCCOLLUM and Mr. ABERCROMBIE.
H.R. 1831: Mr. TIAHRT, Mr. INSLEE, Mr. TIBERI, Mr. COLE, and Mr. HEINRICH.
H.R. 1887: Mr. RAHALL and Mr. MOORE of Kansas.
H.R. 1894: Mr. GOHMERT.
H.R. 1969: Mr. COBLE.
H.R. 1977: Mr. GRAYSON.
H.R. 2000: Mr. STARK, Mr. FILNER, Mr. DICKS, Mr. PASTOR of Arizona, and Mr. LARSEN of Washington.
H.R. 2024: Mr. COHEN.
H.R. 2030: Mr. WU, Mr. OLVER, and Mr. DRIEHAUS.
H.R. 2035: Mr. CHILDERS.

H.R. 2058: Mr. FRANK of Massachusetts.
 H.R. 2084: Mr. PASTOR of Arizona and Mr. McCOTTER.
 H.R. 2124: Mr. GOODLATTE and Mr. KIND.
 H.R. 2129: Mr. PATRICK J. MURPHY of Pennsylvania.
 H.R. 2137: Mr. MCGOVERN, Mr. OLVER, and Mr. COHEN.
 H.R. 2176: Mr. ARCURI.
 H.R. 2181: Mr. GRIJALVA.
 H.R. 2213: Mrs. MALONEY.
 H.R. 2245: Mr. GALLEGLY.
 H.R. 2296: Mr. BROUN of Georgia, Mr. HODES, Mr. HIGGINS, and Mr. SULLIVAN.
 H.R. 2328: Mr. TONKO and Mr. BARTLETT.
 H.R. 2350: Mr. HIMES and Mr. LATHAM.
 H.R. 2419: Mr. BLUMENAUER and Mr. CONNOLLY of Virginia.
 H.R. 2427: Mr. KUCINICH.
 H.R. 2447: Mr. MURPHY of New York.
 H.R. 2452: Mr. MEEK of Florida and Mr. FLEMING.
 H.R. 2474: Ms. WATERS and Ms. LEE of California.
 H.R. 2478: Mr. CARSON of Indiana.
 H.R. 2492: Mrs. MALONEY.
 H.R. 2499: Ms. DEGETTE.
 H.R. 2523: Mr. SALAZAR.
 H.R. 2529: Mr. BACHUS.
 H.R. 2553: Mr. ELLSWORTH.
 H.R. 2558: Mr. MCGOVERN and Mr. RYAN of Ohio.
 H.R. 2578: Mr. ISRAEL.
 H.R. 2648: Mr. HILL and Mr. VISCLOSKEY.
 H.R. 2681: Mr. PIERLUISI.
 H.R. 2698: Mr. BOREN and Mr. BRADY of Pennsylvania.
 H.R. 2699: Ms. JACKSON-LEE of Texas, and Mr. BRADY of Pennsylvania.
 H.R. 2733: Mr. KLEIN of Florida.
 H.R. 2743: Mr. BOUCHER, Mr. MORAN of Virginia, Mr. SNYDER, Mr. CARTER, Mr. TIERNEY, Mr. CUMMINGS, Mrs. MILLER of Michigan, Mr. THOMPSON of California, Ms. DEGETTE, Mrs. BLACKBURN, Mr. CARDOZA, Ms. SCHAKOWSKY, Mr. ROSKAM, Mr. WALZ, Mr. POLIS of Colorado, and Mr. COHEN.
 H.R. 2773: Mr. PAYNE.
 H.R. 2891: Mr. FRANK of Massachusetts and Mr. WELCH.
 H.R. 2927: Mr. COBLE.
 H.R. 2941: Ms. VELÁZQUEZ and Mrs. DAVIS of California.

H.R. 3003: Mr. SARBANES.
 H.R. 3017: Mr. LYNCH.
 H.R. 3018: Mr. POE of Texas.
 H.R. 3042: Mr. FARR and Mr. GRIJALVA.
 H.R. 3074: Ms. MCCOLLUM.
 H.R. 3076: Mr. CONYERS and Mr. ISRAEL.
 H.R. 3092: Mr. COHEN, Ms. MATSUI, and Mr. BERRY.
 H.R. 3094: Ms. JACKSON-LEE of Texas.
 H.R. 3167: Mr. HOEKSTRA, Ms. FALLIN, Mr. PENCE, Mr. CONAWAY, Mr. SHADEGG, Mr. ISSA, Mr. GINGREY of Georgia, Mr. FLAKE, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mrs. BACHMANN, Mr. PITTS, and Mr. GARRETT of New Jersey.
 H.R. 3173: Ms. BEAN and Mr. McCOTTER.
 H.R. 3200: Mr. KILDEE.
 H.R. 3202: Ms. SCHAKOWSKY, Ms. EDWARDS of Maryland, and Mrs. NAPOLITANO.
 H.R. 3226: Mr. SMITH of Texas, Mr. BISHOP of Utah, Ms. GINNY BROWN-WAITE of Florida, Mr. COBLE, and Mr. BARTLETT.
 H.J. Res. 42: Mr. CASSIDY and Mr. HALL of Texas.
 H.J. Res. 56: Mr. CARSON of Indiana, Mr. GUTIERREZ, Mr. KIRK, Ms. ZOE LOFGREN of California, and Mr. SOUDER.
 H. Con. Res. 49: Mr. CASSIDY, Mr. HARPER, and Mr. MOLLOHAN.
 H. Con. Res. 51: Ms. FUDGE, Mr. LATOURRETTE, Mr. PASCARELL, and Mr. PETERS.
 H. Con. Res. 70: Mr. TURNER.
 H. Con. Res. 87: Mr. KIRK and Mr. PETERSON.
 H. Con. Res. 128: Mr. THORNBERRY.
 H. Con. Res. 163: Ms. BORDALLO, Ms. NORTON, Ms. ZOE LOFGREN of California, Ms. CASTOR of Florida, and Ms. EDWARDS of Maryland.
 H. Res. 55: Mr. LATHAM.
 H. Res. 111: Ms. JACKSON-LEE of Texas.
 H. Res. 185: Mr. TURNER.
 H. Res. 199: Mr. TIBERI.
 H. Res. 288: Mr. INSLEE, Mrs. LUMMIS, and Mr. BROWN of South Carolina.
 H. Res. 397: Mr. HARPER.
 H. Res. 416: Mr. AL GREEN of Texas.
 H. Res. 459: Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. FOSTER, Mr. GRAYSON, Mr. HELLER, Mr. HENSARLING, Mr. JORDAN of Ohio, Mr. LIPINSKI, Mr. MANZULLO, Mr. MCCARTHY of California, Mr. McCAUL, Mr.

McHENRY, Mr. PAYNE, Mr. QUIGLEY, Ms. SCHAKOWSKY, Mr. SHUSTER, Mr. SESTAK, and Mr. SHIMKUS.
 H. Res. 487: Mr. STUPAK.
 H. Res. 512: Mr. HIGGINS.
 H. Res. 550: Mr. AL GREEN of Texas.
 H. Res. 557: Mr. KLINE of Minnesota.
 H. Res. 574: Mr. BAIRD.
 H. Res. 586: Mr. HONDA, Mr. MCGOVERN, Ms. BORDALLO, and Mr. CONYERS.
 H. Res. 593: Mr. BLUMENAUER, Mr. STARK, and Ms. SPEIER.
 H. Res. 599: Mr. CAPUANO, Mr. DELAUNT, Mr. OLVER, Mr. MCGOVERN, Ms. SHEA-PORTER, and Mr. FRANK of Massachusetts.
 H. Res. 615: Mr. HUNTER, Mrs. BACHMANN, Mr. McCAUL, Mr. CULBERSON, Mr. ROONEY, Mr. BROUN of Georgia, and Mr. STEARNS.
 H. Res. 619: Mr. PUTNAM and Mr. SMITH of Texas.
 H. Res. 630: Mr. JACKSON of Illinois and Ms. WATERS.
 H. Res. 639: Mr. COBLE.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative NICK J. RAHALL II, or a designee, to H.R. 1018, the Restore Our American Mustangs Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 648: Mr. KAGEN.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. STEVEN C. LATOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. LATOURETTE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170, the Financial Services and General Government Appropriations Act, 2010:

Requesting Member: Mr. STEVEN C. LATOURETTE

Bill Number: H.R. 3170

Account: Small Business Administration

Legal Name of Requesting Entity: Northeast Ohio Technology Coalition (NorTech)

Address of Requesting Entity: 737 Boivar Road, Suite 1000, Cleveland, Ohio 44115

Description of Request: Provide an earmark in the amount of \$250,000 for the Northeast Ohio Technology Coalition (NorTech) Tech Leaders II: Job Creation through Industry Cluster Development project. A non-profit, economic development organization, NorTech leads the technology agenda for a 21-county region within Northeast Ohio with a mission to build a vibrant and globally-competitive economy by linking and leveraging the region's technology, entrepreneurship, and innovation assets. This project will address the gap between the region's educational institutions and small businesses in bringing together the generation of innovative ideas with commercialization potential, together with the business know-how necessary to create new jobs through enterprise formation and growth. The project is expected to create jobs and reduce unemployment.

Requesting Member: Mr. STEVEN C. LATOURETTE

Bill Number: H.R. 3170

Account: Small Business Administration

Legal Name of Requesting Entity: Western Reserve Resource Conservation and Development Council

Address of Requesting Entity: 125 E. Erie Street, Painesville, Ohio 44077

Description of Request: Provide an earmark in the amount of \$150,000 for the Collaborative Learning for Environmental Action Network, a green job and watershed management training program. This program will be performed through links to undergraduate education in the STEM (Science, Technology, Engineering and Math) disciplines at colleges and universities throughout NE Ohio.

EARMARK DECLARATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. DAVIS of Kentucky. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I secured as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3183

Account: Corps of Engineers—Investigations

Legal Name of Requesting Entity: U.S.

Army Corps of Engineers—Huntington District

Address of Requesting Entity: 502 Eighth Street, Huntington, WV 25701

Description of Request: Appropriate \$1,000,000 for Greenup Locks and Dam. Greenup Locks and Dam is the eighth busiest of the Corps of Engineers' 230 locks and dam projects. Closure of either lock, for maintenance or in the event of an accident, generates massive delays and associated increased costs to industry. Traffic delays due to closures of the main lock chamber are increasing in frequency and duration. Investigations (GI) funds would allow for completion of the preconstruction engineering and design phase. This is a valuable use of taxpayer funds because keeping our nation's inland waterways functioning is essential to our economy.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3183

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: U.S.

Army Corps of Engineers—Louisville District

Address of Requesting Entity: 600 Dr. Martin Luther King Jr. Place, Louisville, KY 40202

Description of Request: Appropriate \$1,000,000 for Markland Locks and Dam. Funds will allow for the award of the assembly pier contract, the fabrication and installation of the culvert valves, and the award of the embedded metals contract. This is a valuable use of taxpayer funds because keeping our nation's inland waterways functioning is essential to our economy.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3183

Account: Corps of Engineers—Investigations

Legal Name of Requesting Entity:

Southbank Partners

Address of Requesting Entity: 421 Monmouth Street, Newport, KY 41071

Description of Request: Appropriate \$279,000 for Northern Kentucky Riverfront Commons. The U.S. Army Corps of Engineers has completed a Master Plan and Reconnaissance

Report for the Northern Kentucky Riverfront Commons Project. This request for funding is intended to continue the feasibility study, preliminary design and engineering for the entire length of the riverfront project area. These funds are needed to move the Northern Kentucky Riverfront Project forward in order to eventually stabilize the river bank area. This is a valuable use of taxpayer funds because stabilizing the riverbank is important to river commerce, economic development and flood protection.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3183

Account: Fossil Energy R&D

Legal Name of Requesting Entity: University of Kentucky Research Foundation

Address of Requesting Entity: Room 1 Kinkead Hall, Lexington, KY 40506

Description of Request: Appropriate \$2,000,000 for the University of Kentucky Strategic Liquid Transportation Fuels Derived from Coal project. Funding will continue the expansion of capabilities at the University of Kentucky directed toward research and labor force development and training related to the production of liquid transportation fuels (diesel, aviation fuel, etc.) derived from coal. Project will continue development of an integrated, continuous "mini Fischer-Tropsch" refinery at UK. The facility is intended to produce research quantities of FT liquids and finished transportation fuels for testing, evaluation and certification by researchers and companies. This project will supply DOD with alternatives to petroleum for reliable supplies of battlefield fuels. The FY2010 funds would be used to begin fitting up the facility with the fabrication and installation of certain refinery process units. This is a valuable use of taxpayer funds because it pursues a national priority to develop alternative fuels and increase our energy independence.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I submit a list of the congressionally-directed projects I have requested in my home state of Idaho that are contained in the report of H.R. 3170, the FY2010 Financial Services and General Government Appropriations Bill.

Project Name: Proof of Concept Center

Amount Received: \$285,000

Account: Small Business Administration Salaries and Expenses

Recipient: Idaho TechConnect Inc.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Recipient's Street Address: 5465 E. Terra Linda Way, Nampa, ID 83687

Description: Idaho TechConnect was created as a statewide private-public cooperation that would bridge the gaps in the state's innovation pipeline. The Idaho TechConnect Proof of Concept Center will manage innovations from early stage projects to the launch of a viable start-up business or to license the product or service to an existing business. The Proof of Concept Center will work with new and existing businesses as well as the state's colleges and universities and the INL to create new commercial products, goods and services. Concepts will be vetted to ensure significant and efficient marketability and commercialization. These concepts will then be relegated to teams/existing businesses to build or expand successful and profitable businesses. The Center will provide assistance with business models, intellectual property strategy, and access to capital, resulting in more ideas becoming products, creating jobs and companies. During these challenging economic times, this funding will assist businesses and public entities in their efforts to mature their innovative ideas into market-ready products and services to strengthen the economy of Idaho and the region.

Project Name: Research and Economic Development and Entrepreneurial Initiative

Amount Received: \$400,000

Account: Small Business Administration Salaries and Expenses

Recipient: Boise State University

Recipient's Street Address: 1910 University Drive, Boise, ID 83725-1135.

Description: Boise State University will establish research partnerships with business and governmental agencies to aid and assist businesses in an effort to preserve free market enterprise and to maintain and strengthen the local and regional economy. The federal funds being requested will be used to match private and public sector dollars and in-kind contributions to conduct collaborative research that spurs intellectual innovation, creates jobs, and ultimately leads to the benefit and growth of the business community. The funds will also be used to develop the necessary infrastructure to mine, protect, and assess the commercialization potential of the intellectual property that is developed as a result of these efforts. A healthy business climate is critical to the economic strength of the state of Idaho, the region and the nation. The innovation and entrepreneurial spirit that originates from this sector will help the United States compete in today's global marketplace.

I appreciate the opportunity to provide a list of Congressionally-directed projects in the report accompanying the FY2010 Financial Services and General Government Appropriations bill on behalf of Idaho and provide an explanation of my support for them.

TRIBUTE TO NOVEMBER 21, 1979
AND MARINE CPL. STEVEN J.
CROWLEY

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. CAMP. Madam Speaker, I rise today to pay tribute to the 30-year anniversary of the attacks on the United States Embassy in Islamabad, Pakistan and to recognize the bravery and valiant acts of Marine Corporal Steven J. Crowley during these attacks.

Thirty years ago, 20-year-old Steven J. Crowley was an honorable and devoted Corporal in the United States Marines. As a guard at the U.S. Embassy, he took seriously his vow to protect and serve his country. On November 21, 1979, Corporal Crowley made the ultimate sacrifice to protecting the institution he was designated to defend as rioters invaded the building.

The details of these attacks on the United States Embassy in Islamabad, Pakistan remain haunting memories for the hostages trapped inside the building. On the 30-year anniversary of the attack, may we recognize the courage and selflessness of Corporal Steven Crowley. His heroic acts saved the lives of countless individuals held hostage. These survivors serve as models of the resilience of Americans and the determination we possess to overcome any obstacle that impedes on the freedom and liberty we are so justly guaranteed.

On behalf of the Fourth Congressional District of Michigan, I commemorate the 30th anniversary of the attacks on the United States Embassy in Islamabad, Pakistan and remember Marine Corporal Steven J. Crowley. I wish to extend my sincerest sympathies to the family, friends and loved ones of Steven on this somber occasion.

EARMARK DECLARATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. DAVIS of Kentucky. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I secured as part of H.R. 3170, Financial Services and General Government Appropriations Act, 2010.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3170

Account: SBA—Salaries and Expenses

Legal Name of Requesting Entity: Thomas More College

Address of Requesting Entity: 333 Thomas More Parkway, Crestview Hills, KY 41017

Description of Request: Appropriate \$100,000 for Thomas More College's Center for Regional Health Science and Health Care Management. According to the U.S. Bureau of Labor Statistics, employment opportunities in the health care field are expected to increase

by more than 25 percent by 2010, creating 1.3 million jobs on a national level. Thomas More College is responding to this challenge by expanding upon current programs which address both immediate and future needs of businesses in health care and health care related fields, both at the advanced skills and at the management level. Market analysis indicates that as the number of highly skilled health care jobs increase, so will the need for specialized managers. Thomas More College is a leader in both nursing and business in the region and has a unique affiliation with St. Elizabeth Hospital Medical Center. The strong partnership serves as the basis for the Center for Regional Health Sciences and Health Care Management. FY2010 funds will be used for operating costs; laboratory materials; supplies; IT costs and support; and professional development and training. This is a valuable use of taxpayer funds because it supports workforce development in identified fields where there are insufficient trained professionals to meet the demand.

EARMARK DECLARATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mrs. BIGGERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Representative JUDY BIGGERT

Bill Number: H.R. 3183

Account: EERE—Other

Legal Name of Requesting Entity: Packer Foundation

Address of Requesting Entity: Packer Foundation, 1950 N. Washington St., Naperville, IL 60563

Description of Request: The Packer Foundation will manage and coordinate a biomass conversion to fuel demonstration for municipal fleet vehicles with the City of Naperville, College of DuPage, Argonne National Lab, and Packer Engineering. Demonstrating and deploying waste-to-fuel sources will promote environmental responsibility and sustainability while reducing costs to municipalities, and ultimately taxpayers, by reducing high energy costs and operating overhead of local government.

CELEBRATING THE 75TH ANNIVERSARY OF HOSTELLING INTERNATIONAL USA

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Ms. SCHAKOWSKY. Madam Speaker, I rise today to recognize Hostelling International USA, which is celebrating 75 years of promoting youth travel and intercultural understanding.

Hostelling International USA is a nonprofit organization founded in 1934 to promote hostels and educational programs throughout the United States, especially for young travelers. The organization aims to help travelers of all ages, but particularly young people, gain a greater understanding of the world and its people. Annually, its hostels host nearly one million overnight stays by domestic and foreign travelers. Hostelling International USA creates cultural exchange through travel and education, and its 70 hostels across the country bring jobs and tourism revenue to local economies.

In my own community of Chicago, Hostelling International's local nonprofit hostel, the J. Ira and Nicki Harris Family Hostel, provides 85,000 overnights for travelers every year. The hostel offers an inexpensive, safe, and comfortable place for visitors of all ages to stay in Chicago, and was rated by travelers as the Best Large Hostel in the World in 2006 and 2007.

Hostelling International Chicago not only welcomes international visitors, but it also serves our local community. The hostel teaches cultural understanding to over 1,500 local students each year through a variety of programs, including Exchange Neighborhoods and Cultural Kitchen. These programs are offered in partnership with the Chicago Public Schools and the Girl Scouts, as well as other youth-serving organizations.

Madam Speaker, Hostelling International encourages young people to travel, to see the world and meet people from other countries, and to become responsible global citizens. I congratulate Hostelling International USA for its 75 years of service, and I thank Hostelling International Chicago for its service to the metropolitan Chicago area.

EARMARK DECLARATION

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mrs. BONO MACK. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development, and Related Agencies Appropriations Act, 2010:

Requesting Member: MARY BONO MACK
Bill Number: H.R. 3183

Account: Army Corps of Engineers, Construction, General

Entity Requesting (multiple): City of Murrieta, 1 Town Center—24601 Jefferson Avenue, Murrieta, California 92562; Riverside County Flood Control and Water District; 1995 Market Street, Riverside, CA 92501

Description of Earmark: \$2,000,000 is provided for the Murrieta Creek Flood Control Project, which would provide 100-year flood protection, environmental restoration/enhancements, and recreation benefits to the cities of Murrieta and Temecula, located in Southwestern Riverside County. The project would create seven miles of soft earthen channelization as well as the development of a contin-

uous riparian habitat corridor throughout the length of the project. The riparian corridor can become a safe home for several listed endangered species that have already been found to exist nearby. The channel would not only facilitate species movement and connectivity to existing wildlife preserves, but will also create an extensive natural wetlands system that can efficiently remove contaminants from stream flows and help ensure improved water quality for local residents and soldiers stationed at the Camp Pendleton Marine Base.

Spending Plan:

Project Expenditures—Funding will be used for ongoing phases of this project as follows:
Phase II Construction: \$12,000,000

Phase III Complete Plans & Specification & DDR: \$2,000,000

Total \$14,000,000

Total Project Cost: \$117,000,000

Federal Share: \$75,270,000

Non-Federal Share: \$41,730,000

Requesting Member: MARY BONO MACK

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Investigations

Entity Requesting: City of Moreno Valley, 14177 Frederick Street, Moreno Valley, CA 92552

Description of Earmark: \$500,000 is provided in the legislation to help address flooding concerns in the area surrounding March Air Reserve Base (MARB). Heacock and Cactus Channels are undersized channels that have proven inadequate to contain flooding, even during moderate rainstorms. Furthermore, substantial vegetation has grown within both channels and impedes the conveyance of tributary flows to an existing ultimate downstream outlet, resulting in drains backing-up within the city of Moreno Valley, flooding in local neighborhoods and impeding emergency services' access. The significant flooding through MARB results in major disruptions to operations at the base, including the fueling of airplanes, the transport of troops and supplies to the Middle East. Additionally, the flooding has caused extensive erosion along Heacock Avenue, which has jeopardized existing major utilities within the road right of way.

Spending Plan:

Project Expenditures—Funds awarded would be utilized to compliment planned expenditures as follows:

Completion of the Feasibility Study: \$667,000

Completion of the Plans and Specifications: \$333,000

Total: \$1,000,000

Requesting Member: MARY BONO MACK

Bill Number: H.R. 3183

Account: Department of Energy, Energy Efficiency and Renewable Energy

Entity Requesting: Eastern Municipal Water District, 2270 Trumble Road, Perris, CA 92572

Description of Earmark: \$250,000 is provided for a project that would take restaurant grease waste that ordinarily is disposed of at a landfill and use it to make biodiesel by constructing a biodiesel plant at Eastern Municipal Water District's (EMWD) Perris Valley Regional Water Reclamation Facility. In addition to the benefit of eliminating the disposal of the grease at considerable cost into the environment, the biodiesel project would create an al-

ternative fuel source for EMWD's fleet of vehicles. Currently more than five million gallons of restaurant grease trappings are produced each year in the EMWD service area.

Spending Plan:

Project Expenditures—Cost of Project with Budget Description and Timeline:

Total Project Cost: \$900,000

Total State/Local Contribution to Date: \$5,000 (primarily storage drums to store thickened grease and studies)

Total Federal Contribution to Date: \$0

FY10 State/Local Contribution: \$450,000

FY10 Federal Funding Request: \$450,000

FY 2010 Federal Request Cost Breakdown: \$250,000 (Pumping, heating, screening, and piping systems to clean and handle the grease and waste streams)

EARMARK DECLARATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mrs. BIGGERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Representative JUDY BIGGERT

Bill Number: H.R. 3183

Account: Section 206

Legal Name of Requesting Entity: Forest Preserve District of Will County

Address of Requesting Entity: 17540 West Laraway Rd, Joliet, IL 60433

Description of Request: Prairie Bluff Preserve occupies much of the groundwater recharge zone for the seeps at Lockport Prairie Nature Preserve. Modifying how storm water is managed at the preserve and using best management practices, along with restoring naturalized plant communities across this portion of the recharge area, will increase water infiltration and stabilize the seepage flow at LPNP. This is important for protecting the rare habitats and would address several goals and objectives contained in the federal recovery plans for these species.

EARMARK DECLARATION

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. LoBIONDO. Madam Speaker, as per the requirements of the Republican Conference Rules on earmarks, I secured the following earmarks in H.R. 2996

Requesting Member: Congressman FRANK LoBIONDO (NJ-02)

Bill Number: H.R. 3183

Account: Army Corps Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$400,000 for the Lower Cape May Meadows, Cape May Point Environmental Restoration Project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183

Account: Army Corps O&M

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$100,000 for the Salem River, NJ ongoing dredging maintenance project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183

Account: Army Corps O&M

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$500,000 for the NJ Intracoastal Waterway ongoing dredging maintenance project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183

Account: Army Corps Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$2,000,000 for ongoing construction of the Brigantine Inlet to Great Egg Harbor Inlet, Absecon Island, NJ shore protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183

Account: Army Corps Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$300,000 for ongoing construction of the Townsend Inlet to Cape May Inlet, NJ shore protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183

Account: Army Corps Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$500,000 to begin construction of the Great Egg Harbor to Townsend Inlet, NJ shore protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183

Account: Army Corps Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$200,000 for ongoing construction of the Cape May Inlet to Lower Township, NJ shore protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183

Account: Army Corps O&M

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$250,000 for ongoing maintenance dredging of Absecon Inlet, NJ.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183

Account: Army Corps Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide an earmark of \$6,500,000 for ongoing construction of the Great Egg Harbor Inlet and Peck Beach, NJ shore protection project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183

Account: Army Corps Section 205

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 100 Penn Square East, Philadelphia, PA 19107.

Description of Request: Provide the Army Corps authority to continue construction of the Pennsville, NJ section 205 Small Flood Control project.

Requesting Member: Congressman FRANK LOBIONDO (NJ-02)

Bill Number: H.R. 3183

Account: DOE EERE

Legal Name of Requesting Entity: South Jersey Economic Development District

Address of Requesting Entity: 226 North High Street, Millville, NJ 08332

Description of Request: Provide an earmark of \$500,000 to construct wind turbines in Sea Isle City, NJ and Penns Grove, NJ on publicly owned land that cannot be utilized otherwise because they currently serve as municipal waste sites.

HONORING EULA TATE

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Ms. KILPATRICK of Michigan. Madam Speaker, I rise today to honor the life of Eula Tate, a strong leader, social activist, and union advocate. Eula passed away on Saturday, July 11, 2009. Through four decades of social activism, Eula Tate demonstrated how one individual can live the American dream and be a positive influence for social justice.

In 1967, Eula was hired at Chrysler's Trenton Engine plant, in Trenton, Michigan. While at Chrysler, she worked as an assembler and forklift driver, served as chief steward and became Vice President of UAW Local 630. Eula was a Councilmember for the City of Ypsilanti from 1981-1991, and also served as Ypsilanti's senior chief executive officer, a member of the City's Budget Committee, and Mayor Pro Tem. Eula's service as Ypsilanti's Mayor Pro Tem was the first for an African American woman in the State of Michigan.

Eula also worked as a faculty member at Michigan State University for the School of Labor and Industrial Relations, Union Minorities and Women's Leadership Training Project. She came to UAW's Washington office in 1991 and continued her role as Legislative Representative/Lobbyist until her retirement in 2007. Eula was a staunch advocate for equal rights for all people. In her position as UAW's Legislative Representative/Lobbyist, Eula worked for passage of key legislation affecting families, women, and minorities. Eula also improved people's lives overseas by being an International Election official in South Africa's first free elections.

Eula held a bachelor's of science degree from the University of Michigan, a master's degree in public administration from George Mason University and was working on a Ph.D. in public policy and administration with a concentration on women leadership in the labor movement in the 21st century from Walden University in Baltimore, Maryland.

She was a lifetime member of the Coalition of Labor Union Women, CLUW, and recently served as Interim Executive Director and Administrative Assistant to the President of CLUW. She was also a life member of the NAACP and Delta Sigma Theta Sorority, Inc. Eula has been listed in "Who's Who Among American Women", "Black Women in Michigan" and "Who's Who among Black Americans".

Eula is survived by her five adult children: Jennifer, Stephen, Yomika, Ronald, and Donald.

Madam Speaker, I will miss her smile, sense of humor and her sisterhood. I pay tribute to the life and work of Eula Tate and express my deepest condolences to her family and to all who knew, loved, and were touched by her life.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. BOOZMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 2997, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for FY 2010.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3170

Account: Salaries and Expenses

Legal Name of Requesting Entity: Arkansas Research and Technology Park

Address of Requesting Entity: University of Arkansas, 119 Ozark Hall, Fayetteville, AR 72701

Description of Request: Through the development of the Arkansas Research and Technology Park, the University of Arkansas Technology Development Foundation, the City of Fayetteville, the State of Arkansas, and the region are building an economic development engine, focused on innovation and Northwest

Arkansas entrepreneurial strength that is attracting and retaining knowledge-based, highly skilled jobs and the production of technology-based business cluster formation. The ARTP provides the physical infrastructure and environment to encourage research and development. Therefore the ARTP is viewed as the cornerstone toward developing the building blocks essential to growing and sustaining a knowledge-based economy in Arkansas.

EARMARK DECLARATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. BACHUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding funding that I requested as part of H.R. 3170—Financial Services and General Government Appropriations Act, 2010.

Requesting Member: Congressman SPENCER BACHUS

Bill Number: H.R. 3170—Financial Services and General Government Appropriations Act, 2010

Account: Small Business Administration (SBA), Salaries and Expenses

Legal Name of Requesting Entity: The University of Alabama

Address of Requesting Entity: Box 870114, Tuscaloosa, AL 35487

Description of Request: Provide \$100,000 for the Preparing the Workforce of the Future project at the University of Alabama. The project will provide comprehensive and relevant workforce information in order to prepare a ready workforce, which will help reduce poverty in Alabama and support economic development. This project directly supports the goals of the Small Business Administration by helping to generate jobs, help retain existing jobs, and prepare American regions for growth and success in the worldwide economy. The budget for the project is \$1,000,000. Specifically within the budget, \$182,000 will go toward salaries, \$76,000 toward graduate student stipends, \$60,000 toward benefits, \$36,000 toward tuition, \$100,000 toward local area dissemination, and \$249,000 toward survey. Total direct cost is \$703,000; indirect costs are \$297,000. This request is consistent with the intended and authorized purpose of the Small Business Administration (SBA), Salaries and Expenses Account. The University of Alabama will meet or exceed all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. DREIER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of

H.R. 3170, Financial Services Appropriations Act, FY2010.

Requesting Member: Congressman DAVID DREIER

Bill Number: H.R. 3170, Financial Services Appropriations Act, FY2010

Account: Small Business Administration

Legal Name of Requesting Entity: Fairplex

Address of Requesting Entity: 1101 West McKinley Avenue, Pomona, CA 91768

Description of Request: Provide an earmark of \$350,000 for the construction of the Fairplex Trade and Conference Center, an 85,000 square foot, state-of-the-art conference and exhibition center, complete with broadband connectivity, campus-wide wireless integration as well as satellite two-way communications geared to attracting and benefiting small businesses. The project is sited in the country's third largest non-port Foreign Trade Zone (FTZ) and will provide the ability to display and demonstrate goods and services to international markets via established channels with the local economic council and area universities. 100% of the funds will be utilized for ongoing construction of the center. The majority of the total cost of the project is from non-federal sources including Fairplex (a non-profit organization), the City of Pomona, Los Angeles County, and private donations. This project is consistent with the mission of the Small Business Administration.

EARMARK DECLARATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 Labor, Health and Human Services, Education and Related Agencies request.

Requesting Member: Congressman JEFF MILLER

Project Name: Hometown Heroes Reach Out and Raise Hope

Account: Department of Labor

Legal Name of Requesting Entity: University of West Florida, Pensacola, FL

Address of Requesting Entity: 11000 University Parkway, Pensacola, Florida, 32514

Description of Request: \$450,000—Hometown Heroes Reach Out and Raise Hope. I requested these funds to provide combat-wounded veterans the opportunity to earn a Master of Social Work degree which will enable them to work in the veteran's hospitals, mental health programs, substance abuse treatment programs, and hospitals. Combat-wounded veterans and veterans with service related disabilities are well suited for this work because of their own life experiences. They will assume vital professional roles in the community and will enjoy a satisfying lifelong professional career helping others. Program funding will be utilized to administer the program, recruit program participants from military rehabilitation hospitals, and pay for educational accommodations each participant will need to

participate in the program based on his/her unique disabilities. I certify that this project does not have a direct and foreseeable effect on the pecuniary interest of my spouse or me. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

HONORING MRS. BETTY MORGAVAN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. VISCLOSKY. Madam Speaker, it is with great honor and pleasure that I stand before you today to recognize Mrs. Betty Morgavan. Betty has served the Croatian community in Northwest Indiana and beyond for many years, and for her efforts she will be honored at a banquet celebrating her 50 years of service to the Croatian Fraternal Union on Sunday, July 19, 2009, at the Croatian Fraternal Lodge 170 in Merrillville, Indiana. Her complete dedication and her endless enthusiasm put forth toward her community and the Croatian Fraternal Union has allowed her the opportunity to enrich the lives of countless people.

Betty was born on June 1, 1930, to George and Vica Chelich. Her parents immigrated to the United States from Croatia early on in their adult life, and they settled in Northwest Indiana. Betty is one of three children. She has one brother, John Chelich, and one sister, Ann Chelich Lieber, who is a Croatian Fraternal Union Lodge 170 board member. As a child, Betty attended Saint Mark's Elementary School and went on to graduate from Lew Wallace High School in Gary, Indiana. On October 7, 1940, Betty married Vince Morgavan, and they had three children, Helen, Ray, and Elizabeth. Betty's husband Vince was her counsel, confidant, and her most staunch ally, and they were married for almost 57 years. The two shared a wonderful marriage as well as a strong desire to help the community.

In 1959, Betty won her first official position within the lodge when she became Club Secretary. It was during those years as Secretary that Betty became inspired by her mentor and President of Lodge 170 at the time, Nicholas Erbesti. Betty's commitment to the Croatian community grew stronger, and she was elected President of Lodge 170 in 1980. During her time as President, Betty initiated the sale of the original hall on 36th Avenue and Broadway because the members decided they needed a larger space for their events and the growing community. During the late 1980s, Betty assembled a team of dedicated members to build the largest Croatian Fraternal Home in the United States and Canada, and to this day there is no lodge in all of the Croatian Fraternal Union that has a building of this size. In 1991, the \$1.5 million dollar building opened. It stands as a testament to the hard-working immigrants who inspired their

children to build things they themselves could hardly imagine. Under Betty's leadership, Lodge 170 grew to become the third largest membership lodge in the country. Because of her selfless dedication and undying motivation to improve this community and to keep the Croatian culture and traditions alive in North-west Indiana as well as nationwide, Betty was re-elected by the lodge members for twenty-eight years in a row. She also had the honor of being elected to the Croatian Fraternal Union National Board for several years. In addition, Betty was also a delegate to many of the union's national conventions.

In 2008, Betty retired from her post as lodge President. Today, Betty enjoys spending time with her six grandchildren. She continues to remain an inspiration to the Croatian Fraternal Union and continues her service as a member. The beloved Croatian community could not have asked for a more devoted and loyal servant, and she is worthy of the highest praise.

Madam speaker, Mrs. Betty Morgavan has always given her time and efforts selflessly and has truly been an inspiration to so many people throughout the years. She continues to be a tremendous source of pride for the Croatian community and for the people of North-west Indiana. I respectfully ask you and my other distinguished colleagues to join me in commending Betty on her 50 years of service to the Croatian Fraternal Lodge 170! "Hvala Za Sve!" "Thanks for Everything!"

COMMENDING THE WORK OF MR.
FRANK STEPHENSON OF TEN-
NESSEE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. DAVIS of Tennessee. Madam Speaker, I rise today to commend and honor a prolific religious leader from Tennessee's Fourth Congressional District, Frank Stephenson of Kingston, Tennessee.

Frank will turn ninety years old in the coming weeks, and has much to show for his years of service to his faith and country. At the age of twenty-one, Frank joined the Marine Corps to serve America in the Second World War. He quickly made Sergeant, and served as Administrative Orderly for the Commandant for the 5th Naval District until March of 1945, but Frank's selfless dedication would reach beyond his years in the Armed Forces.

Only two years after leaving the Marines, Frank left for the Prairie Bible Institute in Alberta, Canada, and committed the remainder of his life to the calling of religious ministry. Upon graduation, Frank returned to his home state and started his first church in Cross Lanes, West Virginia. Frank would go on to found and minister at several other churches through the years, traveling across America to share his faith with others, and for over twelve years ministered to Tennesseans and Kentuckians on King of Kings Radio.

Currently, Frank lives in Kingston, Tennessee, with Kathleen, his wife of sixty-six years. Frank and Kathleen have four children,

six grandchildren and six great-grandchildren. As Frank prepares to celebrate this incredible milestone, I ask that my colleagues join me in rising to celebrate his commitment to faith and family, his work to promote faith in God and Christian values, and the indispensable role Frank has played in our community. We wish him all the best for his ninetieth birthday, and in the coming years as he continues to live among cherished family and friends in Tennessee.—

EARMARK DECLARATION

HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. SCALISE. Madam Speaker, pursuant to the Republican Leadership standards on Congressionally-directed project funding, I am submitting the following information regarding project funding I requested for Southeast Louisiana as part of the Fiscal Year 2010 Energy and Water Appropriations Act.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Energy and Water Appropriations Bill

Account: Corps of Engineers, Section 107

Legal Name of Requesting Entity: Port of New Orleans

Address of Requesting Entity: 1350 Port of New Orleans Place, New Orleans, LA 70130

Description of Request: I have secured \$100,000 for the Port of New Orleans. This will be a good use of taxpayer dollars because the authorized dredging and maintenance project would provide a minimum 45-foot draft access at the Napoleon Avenue Container Terminal in the Port of New Orleans to enable terminal use by deep draft ships and to allow the Port to remain competitive in attracting and retaining international business. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. JOHNSON of Illinois. Madam Speaker, pursuant to the Republican Leadership standards on project funding, I am submitting the following information regarding project funding I requested as part of Fiscal Year 2010 Financial Services Appropriations bill H.R. 3170:

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: Fiscal Year 2010 Financial Services Appropriations bill

Account: Small Business Administration

Legal Name of Requesting Entity: Illinois State University

Address of Requesting Entity: Campus Box 4040, Hovey 310, Normal, IL 61790-4040

Description of Request: \$100,000 for a program to assist small to medium sized companies in Illinois in the expansion of exports by providing international planning, marketing and

distribution expertise. It is my understanding that this funding will be used as follows: \$50,000 for personnel; \$40,000 for faculty and student travel; and \$10,000 for supplies, marketing, and printing.

EARMARK DECLARATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mrs. BIGGERT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170, the Department of the Financial Services and General Government Appropriations Act, 2010.

Requesting Member: Representative JUDY BIGGERT

Bill Number: H.R. 3170

Account: SBA Salaries and Expenses

Legal Name of Requesting Entity: Benedictine University

Address of Requesting Entity: 5700 College Road, Lisle, IL 60532

Description of Remarks: Provide an earmark of \$250,000 for the Women's Entrepreneurial Education and Workforce Development Initiative at Benedictine University. This recently established, innovative program specifically designed to empower women in the workforce. The program is designed to reach diverse, low-middle income women for job skills training and professional development. Students will enjoy financial literacy and collaborative leadership course work in addition to lectures from notable female educators and executives in the Chicago-land area.

EARMARK DECLARATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. NEUGEBAUER. Madam Speaker, pursuant to the Republican standards on member requests, I am submitting the following information regarding congressionally directed appropriation projects I sponsored as part of H.R. 3183, FY 2010 Energy and Water Development and Related Agencies Appropriations Bill.

Agency/Account: Army Corps of Engineers—Construction

Amount: \$1,000,000

Requesting Entity: Brazos River Authority

This funding would be used toward the federal portion of the flood control project underway between the Army Corps of Engineers and the Brazos River Authority that was authorized in 1999.

Agency/Account: Army Corps of Engineers—Investigations

Amount: \$220,000

Requesting Entity: City of Abilene

This funding would be used for the federal portion of the flood control project between the Army Corps of Engineers and the City of Abilene. The funds will complete development of

a detailed study of local flood protection alternatives in the Elm Creek Watershed.

Agency/Account: Department of Energy—EERE

Amount: \$1,000,000

Requesting Entity: Texas Tech University, Wind Science and Engineering Center, 2500 Broadway, Lubbock, TX 79409

This funding is requested to focus on further extension and applications of the capabilities and facilities of the Texas Tech Wind Power Research Facility and its use as a unique national asset, will characterize the Gulf of Mexico offshore wind resource, will continue the development and application of wind-driven reverse osmosis water purification systems, and will continue outreach and education of the associated technologies, their applications, and results.

EARMARK DECLARATION

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. MORAN of Kansas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 3183

Agency/Account: Corps of Engineers, Section 205

Legal Name of Requesting Entity: City of Concordia

Address of Requesting Entity: 701 Washington Street, Concordia, KS 66901

Description of Project: I have secured language for the Army Corps of Engineers to provide assistance to The Concordia project which is located on an unnamed tributary on the south side of the City of Concordia. An existing embankment on that stream serves as a detention dam during heavy rainfall events and protects a residential and commercial development immediately downstream. This embankment breached as a result of heavy rainfall in 1950 and flood waters devastated the downtown business district. The embankment was restored, but not designed to current or any acceptable engineering standards, and its condition makes the risk of flooding to the housing and business district immediately downstream very high. The project will develop a plan to construct a safe and reliable flood protection project in partnership with the City of Concordia. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 3183

Agency/Account: Department of Energy, EERE

Legal Name of Requesting Entity: Kansas State University

Address of Requesting Entity: 110 Anderson Hall, Manhattan, KS 66506

Description of Project: I have secured \$500,000 for the Kansas State University Center for Sustainable Energy. The Kansas State University Center for Sustainable Energy has become a partner in the Alliance for Biotroleum Ventures which will serve as a catalyst for transforming America's energy landscape by integrating the Midwest's vast capabilities and resources. The K-State Center for Sustainable Energy provides broad-based expertise in biomass design, production, and conversion to fuels and chemicals, as well as in biofuel/bioproduction utilization. The Center is K-State's focal point for research, education, and outreach on biotroleum-based fuels and products. Funding will be used to support the work the K-State University Center for Sustainable Energy is doing in regards to the Alliance for Biotroleum Ventures. This includes integrating renewable Midwest biomass and public-private "biotroleum" resources to advance technology to production scale for rapid national deployment. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman JERRY MORAN

Bill Number: H.R. 3183

Agency/Account: Department of Energy, EERE

Legal Name of Requesting Entity: Cloud County Community College

Address of Requesting Entity: 2221 Campus Drive, P.O. Box 1002, Concordia, KS 66901

Description of Project: I have secured \$750,000 for Cloud County Community College Renewable Energy Center of Excellence.

Located on campus, the proposed center will house Cloud County Community College's (CCCC's) Wind Energy Technology (WET) program and wind technician education training. The facility will also be available for regional wind conferences, public and private industry training, and workshops related to other renewable energy initiatives. CCCC's Wind Energy Technology program is preparing a qualified workforce for the emerging wind industry estimated to increase by 80,000 jobs by 2020. The curriculum blends on-campus, online and distance learning, and field opportunities for students. Funding will be used to establish the CCCC Renewable Energy Center of Excellence and to help develop curriculum and program standards for the WET program. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. PAUL. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I obtained as part of H.R. 3183, the Energy and Water bill

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: DOE, EERE

Legal Name of Requesting Entity: Galveston Wharves

Address of Requesting Entity: PO Box 328, Galveston, TX 77553

Description of Request: An earmark of \$250,000 to fund Solar Energy Project at the Port of Galveston, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: USACE, Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$675,000 to fund investigations at Port Freeport, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: USACE, Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$200,000 to fund investigations at Sabine Pass to Galveston Bay, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: USACE, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$500,000 to fund infrastructure improvement in Houston-Galveston Navigation Channels, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: USACE, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$2,500,000 to fund infrastructure improvement in Clear Creek, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: USACE, Construction

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$8,000,000 to fund infrastructure improvement in the Texas City Channel, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: USACE, O&M

Legal Name of Requesting Entity: U.S. Army Corps of Engineers

Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$1,790,000 to fund infrastructure improvement in Cedar Bayou, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183

Account: USACE, O&M
 Legal Name of Requesting Entity: U.S. Army Corps of Engineers
 Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$3,316,000 to fund improvements in Freeport Harbor, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183
 Account: USACE, O&M
 Legal Name of Requesting Entity: U.S. Army Corps of Engineers
 Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$13,095,000 to fund infrastructure improvement in Galveston Harbor, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183
 Account: USACE, O&M
 Legal Name of Requesting Entity: U.S. Army Corps of Engineers
 Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$2,264,000 to fund infrastructure improvement in Victoria Harbor, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183
 Account: USACE, O&M
 Legal Name of Requesting Entity: U.S. Army Corps of Engineers
 Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$26,046,000 to fund infrastructure improvement in the GIWW, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183
 Account: USACE, O&M
 Legal Name of Requesting Entity: U.S. Army Corps of Engineers
 Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$4,627,000 to fund infrastructure improvement in the Matagorda Ship Channel, Texas.

Requesting Member: Congressman RON PAUL

Bill Number: H.R. 3183
 Account: USACE, O&M
 Legal Name of Requesting Entity: U.S. Army Corps of Engineers
 Address of Requesting Entity: 2000 Fort Point Road, Galveston, TX 77550

Description of Request: An earmark of \$4,000,000 to fund infrastructure improvement in the Texas City Ship Channel, Texas.

EARMARK DECLARATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the fol-

lowing information regarding earmarks I received as part of the Fiscal Year 2010 Labor, Health and Human Services, Education and Related Agencies request.

Requesting Member: Congressman JEFF MILLER

Project Name: Pensacola Incentive-Based Model for Healthcare Transformation

Account: Department of Health and Human Services

Legal Name of Requesting Entity: University of West Florida, Pensacola, FL

Address of Requesting Entity: 11000 University Parkway, Pensacola, Florida, 32514

Description of Request: \$400,000—Pensacola Incentive-Based Model for Healthcare Transformation. This project will provide funds to pilot and evaluate alternative incentive structures (e.g., cost reduction, direct payment, etc.) to encourage participation of doctors and other providers in Health Information Technology (HIT) networks. HIT seeks to minimize costs by sharing information. But then what incentives will encourage doctors to use HIT and abandon the more lucrative procedure-based system? The proposed project will determine the best strategies to increase adoption and use rates. Advances in HIT will improve the quality of life and economic potential via better health care outcomes and reduced health care expenditures. The lessons from this pilot program are transferrable nationally. The research design will compare different incentive structures in terms of ease of use, provider awareness, use rates, and efficacy in outcomes. I certify that this project does not have a direct and foreseeable effect on the pecuniary interest of my spouse or me. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. SCALISE. Madam Speaker, pursuant to the Republican Leadership standards on Congressionally-directed project funding, I am submitting the following information regarding project funding I requested for Southeast Louisiana as part of the Fiscal Year 2010 Financial Services Appropriations Act.

Requesting Member: Congressman STEVE SCALISE

Bill Number: Fiscal Year 2010 Financial Services Appropriations

Bill Account: Small Business Administration, Salaries and Expenses

Name of Requesting Entity: West Jefferson Medical Center

Address of Requesting Entity: 1101 Medical Center Boulevard, Marrero, LA 70072

Description of Request: I have secured \$100,000 for the West Jefferson Medical Center. This funding will be used for training of

Certified Nurse Assistants and Phlebotomists. There is an opportunity to increase technical competencies while responding positively to patient needs. The enhanced skills provided by the training will lead to improved quality of care, improved patient satisfaction, reduced employee turnover, and enhanced employee effectiveness and productivity. I certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. ROGERS of Alabama. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170—Financial Services and General Government Appropriations Act, 2010.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 3170

Account: Small Business Administration, Salaries and Expenses

Legal Name of Requesting Entity: Alabama Small Business Institute of Commerce

Address of Requesting Entity: 3331 Rainbow Drive, Suite E, Rainbow City, Alabama 35906

Description of Request: "Alabama Small Business Institute of Commerce business training, \$100,000." Taxpayer justification—It is my understanding that this funding will be used to hire more business counselors to train small business owners throughout the Third Congressional District on how to contract with the Federal Government. East Alabama has many opportunities for Federal government contracting. Contracting is a complex but advantageous way for small businesses to find and maintain work. Contracting assistance is a needed service especially with the expected growth due to the recent BRAC decision and the overall economic situation.

HONORING JACQUELINE BASNEY AND ANGELIQUE'S BRIDAL IN BLAINE, MINNESOTA FOR HOSTING A "MILITARY EXTRAVAGANZA"

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Jacqueline Basney and the employees of Angelique's Bridal Salon in Blaine, Minnesota for their thoughtful commitment to the military families of Minnesota. For the second year, Angelique's has hosted a "Military Extravaganza." This past weekend, they gave away 50 wedding gowns to women who are either serving or engaged to someone serving in the military at no cost to the couple. As owner of Angelique's, Jackie gives

away the freshly cleaned and repaired sample gowns of discontinued styles. "These dresses are like new and just beautiful," she says.

Inspired after hearing of a similar event at another shop, Jackie went a step further by involving local vendors from the Twin Cities area to donate limo rides, photography sessions, tuxedo rentals—everything needed for the perfect wedding. Even more, the event is a way of connecting families who share the same uncommon situation. One set of four women lined up at eleven o'clock the night before and by the time they had picked their dresses the next morning, they were good friends, taking photos and exchanging phone numbers and promising to stay in touch. You simply can't put a price tag on that kind of support—particularly for women so in need of a little extra friendship for the sacrifices they make for our nation.

To take part in the event, couples submit letters and Jackie reads each one. Learning how they met and their plans for their life together lead her to tears at just the idea that she'll be a part of their wedding days. This year was especially moving when one lucky bride-to-be called her fiancé in Iraq and he personally thanked Jackie for her special gift. But Jackie seeks no thanks, saying it's only their way of paying it forward as "they pay us back double."

While these service men and women are separated by time and distance, Angelique's is committed to making their big day the best it can be. Madam Speaker, I rise today to honor and thank everyone at Angelique's Bridal Salon in Blaine, Minnesota and especially Jacqueline Basney for helping the men and women in our military in this unique way. While many couples enjoy the luxury of planning and preparing together, this event brings families and strangers together in a way many never expected, but are eternally grateful to have experienced.

EARMARK DECLARATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170, the Financial Services and General Government Appropriations Bill:

Requesting Member: ADERHOLT

Bill Number: H.R. 3170

Account: Small Business Administration (SBA), Salaries and Expenses

Legal Name of Requesting Entity: Alabama Small Business Institute of Commerce, Rainbow City, AL

Address of Requesting Entity: P.M.B. 172, 3331 Rainbow Drive, Suite E, Rainbow City, AL 35906

Description of Request: "For small business training, \$100,000"

The funding would be used to provide education and workforce training to Alabama's workforce. The Alabama Small Business Institute and PTAC will partner together to provide

assistance to Alabama small business owners with education and workforce development geared towards procuring government contracts. The Industrial Systems Technology and Machining Training will help meet the Federal government's mission of increasing training opportunities to create qualified workers through the nation's community college system. Approximately \$65,000 will be allocated for salaries and \$35,000 for equipment, supplies, travel and related costs.

Requesting Member: ADERHOLT

Bill Number: H.R. 3170

Account: Small Business Administration (SBA), Salaries and Expenses

Legal Name of Requesting Entity: Alabama Technology Network, Birmingham, AL

Address of Requesting Entity: 500 Beacon Parkway West, Birmingham, AL 35209

Description of Request: "For the Alabama Center for Advanced Woodworking Technology, \$350,000"

The funding would be used to assist with the renovation, wiring, and expansion of an existing building. The renovation would provide a new location in the facility to house the woodworking facility. The funds would also be used to provide for the physical relocation of the equipment from its current location. The purpose of the funding is to facilitate the growth and development of Alabama's secondary wood processing industries and be a part of local, state and national efforts to recruit, train and retain wood related industries. \$257,500 will be used to disassemble, relocate, reassemble, install, and purchase any additional equipment, materials, supplies, and services to allow ACAWT to renovate and operate in the new facility. \$92,500 will be allocated towards any renovations including additional equipment, services, marketing, and costs necessary to restart operations.

Requesting Member: ADERHOLT

Bill Number: H.R. 3170

Account: Small Business Administration (SBA), Salaries and Expenses

Legal Name of Requesting Entity: Northeast Alabama Community College, Rainsville, AL

Address of Requesting Entity: 138 Alabama Highway 35, Rainsville, AL 35986

Description of Request: "For industrial systems technology and machining training, \$335,000"

The funding would be used to assist with the renovation and equipping of a building purchased by Northeast Alabama Community College that will provide the necessary facilities for instruction in the areas of welding, machining, and industrial systems technology (maintenance). \$280,000 will be used for equipment and \$55,000 will be used for salaries.

EARMARK DECLARATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. HELLER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of

H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 3183

Account: Corps of Engineers—Construction—Rural Nevada

Legal Name of Requesting Entity: Nevada Statewide: Washoe County Dept of Water Resources, The City of Fernley, Nevada

Address of Requesting Entity: 4930 Energy Way, Reno, NV 89502; 595 Silver Lace Blvd., Fernley, NV 89408

Description of Request: \$3,000,000. Funds will be used to support Sec. 595 of WRDA 1999 to provide rural localities in Nevada with funding for the design and construction of water supply, wastewater treatment, environmental restoration and surface water protection projects.

Specifically, the Washoe County Department of Water Resources will use some of these funds for a multi-phased project that will provide water service to residents currently using domestic wells. Declining water levels and deteriorating water quality are resulting in domestic well failures. In addition, on-site septic systems are contributing contaminants to the groundwater, resulting in residents consuming water that does not meet federal and state water quality standards. The Washoe Department of Water Resources has been working in phases to construct a community water system which will provide residents with a reliable supply of water that meets all state and federal drinking water standards.

Additionally, the City of Fernley, Nevada will use some of these funds for a project that includes the design, property acquisition, and construction of a surface water intake for the Fernley Water Treatment Plant. The plant currently utilizes groundwater as its only source of water, so this project will increase the flexibility in the management of Fernley's water resources. The City of Fernley currently holds approximately 10,000 acre-feet of surface water rights that cannot be utilized without such a facility. This project allows the City of Fernley to utilize a source of water that increases the flexibility of Fernley's water resources. This project enhances Fernley's drought tolerance and introduces surface water to its potable water customers with a lower concentration of arsenic than Fernley's groundwater.

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 3183

Account: Department of Energy—Science
Legal Name of Requesting Entity: Desert Research Institute

Address of Requesting Entity: 2215 Raggio Parkway, Reno, NV 89512

Description of Request: \$750,000. This funding will help the Desert Research Institute create a statewide center to house and use all available data needed to better understand the current and potential future distribution of water resources within Nevada. Water has become, and will continue to be, the most important limiting resource for the semi-arid urbanizing western United States. This project seeks to fully understand current distribution of water, while also being able to predict accurately the impacts of future conditions (e.g.,

growth and climate change) on the availability of water.

TRIBUTE TO DR. RAPHAEL
KATZEN

HON. STEVE DRIEHAUS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. DRIEHAUS. Madam Speaker, today we celebrate the life of Dr. Raphael Katzen as well as his 60-year career and vast accomplishments in the biofuel industry.

Called the "biofuel world champion" by a dear friend, Raphael Katzen was a pioneer in the ethanol industry. Dr. Katzen saw ethanol grow from a World War II emergency measure to a five billion-gallon industry. Beside establishing Raphael Katzen Associates International, Inc., a company well known and respected for its focus on innovation and next-generation technology, Dr. Katzen was named a fellow of both the American Institute of Chemical Engineers and the American Institute of Chemists. Among his many accolades, Dr. Katzen received the prestigious Professional Practice Award of the American Institute of Chemical Engineers, an award that earned him recognition by the Ohio House of Representatives. He also received the C.D. Scott Award of the Symposium on Biotechnology and Bioengineering. In 1996 Dr. Katzen was honored for his lifetime of achievements in bioengineering by election to the National Academy of Engineering.

While all of Dr. Katzen's accomplishments are impressive, perhaps most memorable will be his timeless drive and innovation that kept him on the cutting edge of technology development. Even in his 90s, he could still be found asking tough questions and pushing the envelope at industry conferences.

On behalf of the Congress of the United States and the citizens of Ohio's First Congressional District, it is an honor to recognize the life and career of this remarkable man.

REINTRODUCTION OF THE ACCESS
TO BOOKS FOR CHILDREN (ABC)
ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mrs. MALONEY. Madam Speaker, today, I am pleased to reintroduce the Access to Books for Children Act (ABC Act), which strives to make buying books for kids as easy as A-B-C. The bill would provide vouchers for purchasing educational books to low-income mothers of infants and children participating in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

The American Academy of Pediatrics recommends daily reading to a child beginning when the child is just 6 months old. Children who are exposed to books and reading before they start school are much more likely to graduate from high school than those who are not.

The ABC Act will put books in the homes of children who may not otherwise have them, in order to help those children develop the reading skills to set them on the path to success.

EARMARK DECLARATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 Energy and Water request.

Requesting Member: Congressman JEFF MILLER

Project Name: Adaptive Supervisory Control and Data Acquisition (SCADA) Technology for Infrastructure Protection

Account: Department of Energy—Electricity Delivery and Energy Reliability

Legal Name of Requesting Entity: Florida Institute for Human and Machine Cognition

Address of Requesting Entity: 40 South Alcaniz Street, Pensacola, Florida, 32502

Description of Request: \$750,000—Adaptive Supervisory Control and Data Acquisition (SCADA) Technology for Infrastructure Protection. I requested these funds to develop a system-centric defense infrastructure for Supervisory Control and Data Acquisition (SCADA) systems that will greatly improve their intrinsic resilience to environmental effects and malicious attacks. The proposed defense mechanism will be part of the communications infrastructure of the SCADA system and, without modifying the monitoring and control protocols, will introduce system diversity which will increase reliability and resilience preventing a local compromise from becoming a threat to the whole infrastructure or causing cascading failure. I certify that this project does not have a direct and foreseeable effect on the pecuniary interest of my spouse or me. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. LANCE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170—the Financial Services and General Government Appropriations Act, 2010:

Small Business Administration (Salaries and Expenses)—Pennval Road Green Technology Incubator, Township of Woodbridge, N.J., \$250,000.

The entity to receive this funding is: Township of Woodbridge, One Main Street, Woodbridge, NJ 07095.

Woodbridge Township seeks to redevelop a brownfields site on Pennval Road into a Green Technology Incubator as a means of attracting economic development and encouraging job growth in the Township and the region. Consistent with the recently adopted New Jersey Energy Master Plan, which prioritizes the creation of a green technology and industrial sector in New Jersey alongside other goals such as enhanced conservation and efficiency, Woodbridge is embarking upon a redevelopment that will rely upon sustainable construction technologies for its physical facilities that will house the Incubator and promote business development and job creation specifically focused on fostering a clean energy/technology business cluster in the Township.

As conceived, the Pennval Road Green Technology Incubator will involve construction of facilities using energy efficient design, encourage the location of businesses or organizations which generate or facilitate generation of forms of renewable energy, energy efficient transportation and industrial process firms, and academic and public/private energy research and consulting activities. Woodbridge will also be establishing academic partnerships with local institutions of higher education to teach sustainable best practices onsite and provide real-world experiences for their students in the businesses that choose to locate themselves at the Incubator. Finally, a portion of the redevelopment area is being set aside as the site of a solar array to generate renewable energy that will power the Incubator and potentially other users in the vicinity.

HONORING ANTHONY MICHAEL
STASIAK II

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Anthony Stasiak II of Kansas City, Missouri. Anthony is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and earning the most prestigious award of Eagle Scout.

Anthony has been very active with his troop, participating in many scout activities. Over the many years Anthony has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Anthony Stasiak II for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

EARMARK DECLARATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. MANZULLO. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding the earmark I secured as part of H.R. 3170, Financial Services and General Government Appropriations Act, 2010.

My request, totaling \$100,000, will come from the Small Business Administration's (SBA) Salaries and Expenses account for the River District Association to develop and recruit small businesses in the downtown River District in Rockford, Illinois. The aim of this Small Business Development Initiative is to create an environment that encourages new small business development, enhances the growth of existing small businesses, and creates sustainable jobs for downtown Rockford, the second largest city in Illinois. The downtown area still faces significant challenges with numerous vacant buildings, blighted areas, and lagging private investment in Rockford's urban core. This problem has grown more acute in recent months with the unemployment rate in Rockford reaching 14.5 percent in May, one of the highest rates in the nation. The initiative will consist of market knowledge research, business growth strategies, and a cooperative marketing campaign centered on encouraging people to patronize businesses in downtown Rockford. The entity to receive funding for this project is the River District Association located at 127 North Wyman Street, Rockford, Illinois, 61110.

Madam Speaker, I want to take this opportunity to thank the Chairman of the House Appropriations Committee, Representative DAVID OBEY, and the Ranking Minority Member, Representative JERRY LEWIS, and the Chairman of the Financial Services Appropriations Subcommittee, Representative JOSÉ SERRANO, and the Ranking Minority Member, Representative JO ANN EMERSON, for working with me in a bipartisan manner to include this critical request in this spending bill.

IN HONOR OF JOHN BRADFORD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. FARR. Madam Speaker, I rise today to honor the public service career of Mr. John Bradford on the occasion of his retirement from the United States Forest Service. After over thirty years, John is giving up the every day pressures and demands of Forest Service management for the every day pressures and demands of a gentleman farmer. I have had the great pleasure of working with John for the last eight years during his tenure as the district ranger of the Los Padres National Forest's Monterey Ranger District, known to the rest of the world as Big Sur. Having represented the Big Sur coast at the local, state,

and now federal level, for more than thirty years, I can attest to the combination of vibrant community and stunning beauty that define the Big Sur region. John excelled in navigating the Big Sur communities various cross currents while protecting the incredible resources under his charge.

Growing up, John spent a lot of time with wood and in the woods. He is a forth generation member of a family-owned San Joaquin Valley commercial lumber company, the Modesto and Stanislaus Lumber Co. As an adolescent and young man, he was active in the Boy Scouts, attaining the rank of Eagle Scout and managing several Boy Scout camps in the Sierras and Southern California. During this time he became familiar with the Forest Service and decided he wanted to be a forester rather than a lumberman.

John began his Forest Service career in 1978 as a forestry technician on the Shasta Trinity National Forest. The next dozen years saw John in a variety of timber management jobs on national forests throughout California and Arizona. On the Modoc National Forest, John led the reforestation of hundreds of acres, an accomplishment of which he is particularly proud. In the mid-1990s, John shifted his focus to planning, becoming the National Environmental Policy Act (NEPA) coordinator for the Tahoe National Forest. From 1999 to 2001, John worked with the Forest Service Region V office on several regional planning efforts. In 2001, he achieved his career goal of becoming a district ranger. It was the good fortune of my district that John achieved that goal as the district ranger of the Monterey District.

During his tenure in the Monterey District, I worked with John on many different projects, both big and small. In 2002, I authored legislation that expanded the Monterey District's designated wilderness by over 55,000 acres. John worked closely with my office in helping shape the final bill and in implementing it once passed. John took the lead in incorporating the Bixby ranch into Forest Service ownership following a controversial purchase. John regularly participated in the quarterly Big Sur Multi Agency community meeting that I co-chair where the Big Sur community engages in a free and open dialogue with the various public agencies that have a role in managing Big Sur resources. Most recently, John was at the center of the multi agency response to the 2008 combined Basin Complex and Indians fires that covered over 240,000 acres combined—one of the largest wildfires in California history.

Madam Speaker, I know I speak for the whole House in expressing gratitude to John and his wife Julie, also a career Forest Service employee, for devoting his life to public service. We thank him for a job well done and wish him every success in his future life in retirement.

EARMARK DECLARATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. HELLER. Madam Speaker, Pursuant to the Republican Leadership standards on ear-

marks, I am submitting the following information regarding an earmark I received as part of H.R. 3170—Financial Services and General Government Appropriations Act, 2010:

Requesting Member: Congressman DEAN HELLER

Bill Number: H.R. 3170—Financial Services and General Government Appropriations Act, 2010

Account: Small Business Administration—Salaries and Expenses

Legal Name of Requesting Entity: Western Nevada Development District

Address of Requesting Entity: 704 West Nye Lande, Suite 201, Carson City, NV 89701

Description of Request: \$250,000. These funds would contribute to the Western Nevada Development District's small business job creation efforts, which extend over Carson City, Douglas, Lyon, Mineral, Pershing, and Storey Counties in Western Nevada. In the current economic climate, small businesses have been especially affected, and the efforts of the Western Nevada Development District in promoting job creation will help spur local economic development.

CONGRATULATING THE CLARK-RANGE LADY BUFFALOES ON WINNING THE STATE CHAMPIONSHIP

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. DAVIS of Tennessee. Madam Speaker, when the Maury Dandridge High School girls basketball team went 39–0 in 1966, it was the last time that a Tennessee girls basketball team would accomplish that feat for over four decades. This month, the Lady Buffaloes of Clarkrange, Tennessee did just that, winning thirty-nine straight games without defeat and marking themselves as the best in Tennessee for 2009.

This year's victory marks the eighth state championship for Clarkrange High School. In the hunt for this year's prize, the Lady Buffaloes trailed only twice throughout the entire tournament: once in the quarterfinals with Forrest High School, and on the opening shot against Oliver Springs High School.

Four members of this year's championship were chosen for Tennessee's All State team this year: Hannah Green, Molly Heady, Tasha Phillips and Kelli Reed. It was the committed effort of the entire team that propelled this year's Lady Buffaloes to victory. Coach Lamar Rogers called this year's squad his "Dream Team," and he could not be more correct.

For their hard work and dedication, and for the inspiration they provided to all of Fentress County, I ask my colleagues to rise and join me today in congratulating the Lady Buffaloes of Clarkrange, Tennessee, for their extraordinary victory.

EARMARK DECLARATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. MILLER of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Fiscal Year 2010 Financial Services and General Government request.

Requesting Member: Congressman JEFF MILLER

Project Name: Turnaround Business Assistance Program (TBAP)

Account: Small Business Administration

Legal Name of Requesting Entity: University of West Florida, Pensacola, FL

Address of Requesting Entity: 11000 University Parkway, Pensacola, Florida 32514

Description of Request: \$262,000—Turnaround Business Assistance Program (TBAP). I requested these funds to provide small business management and technical intensive care via the Florida Small Business Development Center Network's statewide professional counselor programs. This will be a teamed approach beginning with current business assessments and long-term technical assistance to halt the acceleration of and turnaround small businesses in default and/or closure positioning with the Small Business Administration and ADP, small business goods producers lost 80,000 jobs and service provider small businesses lost 201,000 jobs nationally in December 2008. These figures are higher than normal and with continuing economic downturn, business closings, rising defaults on loans, and a national lack of access to capital, overall small business failure rates and defaults will spiral out of control. At any given time, approximately 20–30 percent of all companies are in need of turnaround assistance. I certify that this project does not have a direct and foreseeable effect on the pecuniary interest of my spouse or me. Consistent with the Republican Leadership's policy on earmarks, I hereby certify that this request (1) is not directed to any entity or program named after a sitting Member of Congress; (2) is not intended for a "front" or "pass through" entity; and (3) meets or exceeds all statutory requirements for matching funds where applicable.

EARMARK DECLARATION

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. SHIMKUS. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996.

Requesting Member: JOHN M. SHIMKUS

Bill number: H.R. 2996—Interior and Environment Appropriations Bill

The Account: STAG Water and Wastewater Infrastructure Project—Sharpsburg and Neighboring Area Water System

Requesting Entity: Sharpsburg and Neighboring Area Water System is located at PO Box 355 Taylorville, IL 62568.

The funding will be used for the installation of infrastructure to serve the Sharpsburg and Neighboring Area Water System to serve residents on regional system that will replace bad wells.

“A JET EVEN THE MILITARY
DOESN'T WANT”

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. FRANK of Massachusetts. Madam Speaker, Congress is currently facing the choice of whether to support or hinder the efforts of President Obama and Secretary of Defense Gates to bring some sense of rationality to the military procurement process. In spite of the enormously difficult budget situation we find ourselves in, both short-term and long-term, this House recently approved legislation authorizing the procurement of twelve additional F-22 fighter planes at an initial cost of \$369 million, which if completed would carry an expected final price tag of \$2 billion. With President Obama threatening a veto should this provision remain in the final version of the Defense Authorization bill, this issue will likely require the further consideration of all Members in the coming months. In this regard, I am submitting into the RECORD an article written by Lawrence Korb and Krisila Benson, published on July 9, 2009 in *The Philadelphia Inquirer*.

I particularly appreciate the stress that these writers place on two key points. First, that these additional fighter planes are entirely unwanted by Secretary Gates, Air Force Secretary Michael Donley, and Air Force Chief of Staff Norton Schwartz. They are not even on the Air Force's list of unfunded requests, described in the article as “items excluded from the budget for which [the Air Force] would nevertheless like funding—a wish list of sorts.”

The other important point, which explains the Department of Defense's lack of interest in further planes, is that the F-22 was “designed to fight next-generation Soviet fighters that never materialized,” and is of no help in addressing the air-to-ground challenges we are facing now and are likely to face in the future. For example, the F-22 is entirely unsuitable for the irregular warfare and counter-insurgency operations we are facing in Afghanistan and Iraq, which is why it has seen no action whatsoever in either of these conflicts. Furthermore, with no other rival to its air-to-air supremacy either existing or in development, there is no serious support for the claim that the 187 F-22's that have already been approved would be inadequate for any reasonable contingency.

I strongly encourage Members to read this informative article.

A JET EVEN THE MILITARY DOESN'T WANT
(By Lawrence Korb and Krisila Benson)

Congress decided to end production of the costly F-22 Raptor fighter jet at 187 planes after a debate on the 2009 supplemental war budget last month. But the very next day, the House Armed Services Committee stripped \$369 million for environmental cleanup from the fiscal 2010 budget to fund an additional 12 F-22s. The Senate Armed Services Committee went a step further, providing \$1.75 billion for seven more F-22s without clearly identifying the source of funds.

The F-22 costs nearly \$150 million per plane—twice what was projected at the outset of the program. Factoring in development costs, the price tag increases to about \$350 million per plane for the current fleet of 187.

It may look as if the House Armed Services Committee has added “only” \$369 million. But given that it would provide funds for 12 additional F-22s, each with a price tag of \$150 million (excluding development costs), the real cost to American taxpayers would be about \$2 billion.

The F-22 is the most capable air-to-air fighter in the Air Force inventory. Yet it has only limited air-to-ground attack capabilities, which makes it unsuitable for today's counter-insurgency operations. In fact, the F-22 has never been used in either Iraq or Afghanistan. It was designed to fight next-generation Soviet fighters that never materialized, and, as Defense Secretary Robert Gates has noted, it is nearly useless for irregular warfare.

The F-22 has no known enemy. It is the most advanced fighter plane in the world, and there are no other planes that could threaten its supremacy in air-to-air combat. The United States already has 187 F-22s on hand or on order—a silver-bullet force that is more than adequate to deal with any likely contingency. In fact, Gates said that even if he had \$50 billion more to spend, he would not buy any more F-22s.

The Air Force leadership itself no longer supports continued production of the F-22. Air Force Secretary Michael Donley and Air Force Chief of Staff Gen. Norton Schwartz have publicly said they would prefer to move on. The plane is not in the Defense Department's proposed budget for fiscal 2010 (which begins in October). It's not even on the Air Force's list of unfunded requests, which consists of items excluded from the budget for which it would nevertheless like funding—a wish list of sorts.

Why are congressional committees willing to override the military and civilian leadership of the Pentagon on the F-22? The latest in a string of arguments offered by proponents in Congress is the need to protect our industrial base—as if our technical capacity to develop and produce fighter planes is in immediate, grave danger. This argument overlooks the fact that the Obama administration's fiscal 2010 budget includes 28 F-35 Joint Strike Fighters—planes better suited for air-to-ground combat.

Moreover, as has been noted by the chairman of the Joint Chiefs of Staff, Adm. Mike Mullen, the era of producing manned aircraft is coming to an end. Mullen correctly points out that there will be a shift toward unmanned aircraft.

The F-22 is not an isolated case of unnecessary congressional equipment purchases. Congress has added \$2.7 billion to the 2009 supplemental budget to buy more C-17 and C-130 aircraft—planes neither requested nor needed by the Defense Department. It also added \$600 million to the 2010 budget for an unneeded alternate engine for the F-35, which will mean buying 50 fewer aircraft.

An administration policy statement issued on June 24 said the president's senior advisers would recommend a veto of a bill containing funding for more F-22s. If the entire Congress approves either of the armed services committees' recommendations on the F-22, President Obama should indeed veto the bill. Only then will Congress get the message that in this era of exploding national debt, we cannot waste billions on unnecessary military equipment.

HONORING THE LIFE OF U.S. AIR
FORCE CAPTAIN GEORGE BRYAN
HOUGHTON

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. SHULER. Madam Speaker, I rise today with a heavy heart to honor the life of an esteemed constituent, Captain George Bryan "G.B." Houghton of Cashiers, North Carolina. Captain Houghton, a member of the 421st Fighter Squadron, was killed on June 22, 2009 while on a nighttime Air Force training mission in Utah. This young man showed remarkable courage and dedication while serving our country. His family is in my thoughts and prayers.

Captain Houghton began his Air Force career while attending Enka High School where he was actively involved in the Air Force Junior ROTC Program. Through his hard work and dedication, Mr. Houghton achieved the rare honor of serving on the program's color guard as a freshman, and he eventually became the program's Corps Commander.

His dedication and leadership skills earned him an appointment to the United States Air Force Academy where he graduated with a degree in civil engineering in 2002. Captain Houghton earned his pilot wings at Laughlin Air Force Base, and between 2003 and 2008, he trained over 150 Air Force pilots.

Captain Houghton dedicated his life to serving others, from leading fellow Junior ROTC participants to training many men and women who are now defending and protecting our liberty. Every day we enjoy freedoms made possible by this heroic young man and the thousands of other members of our military who have risked or given their lives to protect us, to ensure that the United States remains the land of the free and the home of the brave.

I offer a prayer of comfort to the family he has left behind: his wife, Josephine Houghton; his parents, George and Darlene Houghton; brothers, Daniel and Patrick Houghton, and maternal grandparents, JoAnn and Herschel Greene.

Madam Speaker, I ask my colleagues to join me in expressing our remorse at the passing of Air Force Captain George Bryan Houghton, an outstanding leader and an American hero, and I ask that we remember the men and women who sacrifice so much to protect our nation and ensure our freedom.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. SIMPSON. Madam Speaker, I rise today to defend funding for the Idaho TechConnect Proof of Concept Center. This project received \$285,000 in the FY2010 House Financial Services bill.

Idaho TechConnect is a non-profit organization. It was created as a state-wide private-public cooperation that would bridge the gaps in the state's innovation pipeline. It has received significant funding from the Idaho State Legislature since its birth in 2007. In addition, the Idaho National Laboratory has provided funds to assist in its efforts.

The hi-tech industry is an important industry to the United States and to Idaho and the government plays an important role in helping to foster and encourage new innovations and ideas. The Idaho TechConnect Proof of Concept Center assists people and organizations with novel innovations from early stage projects to the launch of a viable start-up business or to license the product or service to an existing business. Over the last 3 years Idaho TechConnect has worked with more than 1,000 companies and individuals as well as all of Idaho's universities and colleges and the Idaho National Lab to get more ideas out of the research and development funding. It has been very successful at discovering ideas and assessing their potential. These funds will assist its efforts to turn promising ideas into products and services and assist businesses in efforts to mature these innovations into market-ready products and services.

The Center will provide assistance with business models, intellectual property strategy, and access to capital, resulting in more ideas becoming products. Innovation is key to creating new jobs and fostering new businesses and growing current ones. This funding will assist businesses and public entities in their efforts to mature their innovative ideas into market-ready products and services. During these difficult economic times, the federal government should seek every means possible to foster real economic growth and make our economy stronger in the short-term but particularly in the long-term.

IN HONOR OF FRANK PINNEY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. FARR. Madam Speaker, I rise today to honor the public service career of Mr. Frank Pinney on the occasion of his retirement as Chief of the Big Sur Volunteer Fire Brigade after thirty-five years, seventeen as Chief. I have known Frank for a long time and have called him many things over the years: chief, mayor, community volunteer, community leader, mentor, neighbor, trusted advisor, public safety expert, friend, and above all, public servant. It is in this last capacity that I speak

today about the great difference that Frank has made to the community that he has called home for nearly forty years.

Frank Pinney arrived in Big Sur in the early 1970s. At that time Big Sur residents relied upon Monterey based crews for fire protection along 70 miles of remote rugged coastline. It could take an hour or more for those trained firefighters to arrive at a house fire or other emergency. Soon after he arrived in Big Sur, Frank joined a community based effort to organize its own volunteer fire protection service. And so in August 1974, the Big Sur Volunteer Fire Brigade was born with Frank Pinney among its first members.

Frank soon displayed an unsurpassed commitment to the Fire Brigade's public safety mission. In 1975, he became the Brigade's training officer and in 1978 won election as the Brigade foreman. Other milestones included engine company captain, 1982 Outstanding Firemen of the Year, and Assistant Chief for Administration in 1985. He also assisted the Brigades development by spearheading the effort to secure its 501(c)(3) non-profit status in 1983 and managing the capital fund and actual construction of the Brigade's firehouse in 1991. All of this work and devotion culminated in 1992 with Frank's election as Brigade Chief, a role in which he became synonymous with the Brigade itself.

Over the course of his career with the Brigade, Frank was at the heart of efforts to protect the local community and the millions of annual visitors to Big Sur from common car accidents to major wildfires. This included service during the 1977 Marble Cone fire, 1983 El Niño land slides, and the 1985 Rat Creek fire. As Chief he helped lead the response as a member of the incident command to the 1996 Sur fire, the 1998 winter land slides, and the 1999 Kirk fire.

Frank surpassed all this work with his efforts during last year's monumental Basin Complex fire. The Basin Complex fire, and the adjacent Indians fire, burned over 240,000 acres of Big Sur coastline and back country and over 25 homes. This event became one of the largest wildfires in California history and nearly destroyed the heart of the Big Sur community. Frank participated in the Basin Complex incident command and played a critical role in bringing his local knowledge and experience to the Forest Service and Cal Fire leadership running the massive fire fighting effort.

"Public service," "community organizing," and "volunteerism" are all frequently heard in conversations today. But these words alone fail to do justice to Frank for he has been the very embodiment of these ideals—all the more so in light of the purely voluntary nature of his Fire Brigade work.

Madam Speaker, I know I speak for the whole House in both commending Frank Pinney for his dedication to the public good and in holding out his public service record as an example for the whole nation.

HONORING MR. ERNEST K. BUCK
OF PALL MALL, TENNESSEE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. DAVIS of Tennessee. Madam Speaker, I rise today to celebrate and remember the life of Mr. Ernest Buck of Pall Mall, Tennessee. Ernest lived a long, full life in service to his country and community, and served as a model citizen for his neighbors, family and friends.

Ernest began his career as a student at Lincoln Memorial University, before transferring to Middle Tennessee State University and later to Tennessee Polytechnic Institute, where he graduated in 1936. For 42 years, Ernest dedicated himself to teaching young men and women of Tennessee at the York Agricultural Institute in Fentress County. This alone might endear him to his community, but Ernest went to incredible lengths, even beyond his work as a teacher, to serve those around him at every turn.

During the Second World War, Ernest traveled to Ypsilanti, Michigan, to serve his country making B-24 bombers and later to Oak Ridge, Tennessee, to continue the war effort. After the war, Ernest returned home to carry out his service as a member of the Greers Chapel Church, the Young Farmers and Homemakers, the York Institute Advisory Council, and the Union Bank Board of Directors. Ernest was also a Director of the Fentress Farmers Co-Op, and served with the Fentress County Retired Teachers Association and the Fentress County Historical Association.

I hold a special place for Mr. Buck, because when my mother was young, he was her teacher at York Agricultural Institute. He was my teacher as well, and a good friend, and I am better today for having known and learned from him at an early age. Tennessee was blessed to enjoy Ernest Buck's grace and service for ninety-six years, and while his presence is missed he will no doubt live on in the countless lives he touched.

EARMARK DECLARATION

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. ROGERS of Kentucky. Madam Speaker, pursuant to the House Republican standards on congressionally directed finding, I am submitting the following information regarding funding included in H.R. 3170—Financial Services and General Government Appropriations Act, 2010.

Requesting Member: Congressman HAROLD ROGERS

Bill Number: H.R. 3170

Account: Financial Services, SBA

Legal Name of Recipient: SEKTDA

Address of Recipient: 2292 South Highway 27, Somerset, KY 42501

Description of Request: Provide directed funding of \$685,000 for economic and small

business development in southern and eastern Kentucky. SEKTDA is a non-profit, region-wide initiative created to attract travelers and tour industry businesses to the area. SEKTDA's 47 county region is in one of the most depressed areas in the United States and economic and small business development is essential. These funds will contribute to the economic growth of the region.

EARMARK DECLARATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. SULLIVAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure and certification information for three project funding requests that I made and were included within the text of H.R. 3183—The FY 2010 Energy and Water Appropriations Act.

Project 1

Project: Arkansas River Corridor Project

Project Amount: \$100,000

Account: Corp of Engineers Investigations

Legal Name of Requesting Entity: (INCOG)

Tulsa County/Program Management Group

Address of Requesting Entity: 601 S Boulder, Suite 1200, Tulsa, OK 74119

Description of Request: Funding will be used for an authorized project (WRDA) within the Tulsa Region that has great environmental benefits and future economic benefits to the region. The projects risks a stall/fail in the engineering design process if the Corps of Engineers is not provided with this funding needed to continue their portion of the project. The Water Resources Development Act of 2007 authorizes the Corps of Engineers to participate in the ecosystem restoration, recreation and flood damage reduction components of the Arkansas River Corridor Master Plan.

Project 2

Project: Green TU Algae to Green Fuels Energy Project

Project Amount: \$750,000

Account: Department of Energy EERE

Legal Name of Requesting Entity: The University of Tulsa

Address of Requesting Entity: 600 S College Ave, McClure Hall, Tulsa, OK 74104

Description of Request: Funding will be used to enhance the University of Tulsa's algal research program by supporting several algae-to-fuels projects in an effort to stimulate green fuels research. Specifically, TU has identified five specific project areas that require additional development: algae growth mechanisms and kinetics, optimization of the catalytic conversion process, optimization of the fuel conversion reactions, process simulation, and directed evolution of algae.

Project 3

Project: Jenks Energy Management Equipment

Project Amount: \$250,000

Account: Department of Energy EERE

Legal Name of Requesting Entity: Jenks Public Schools

Address of Requesting Entity: 205 East B Street Jenks, OK 74037

Description of Request: Funding will be used to allow the Jenks Public School District to continue in a ten-year energy management program to increase savings in electricity and natural gas usage. Jenks Public Schools will add additional direct digital control systems software and thermostats to automate and track usage for the remaining 23 buildings throughout district campuses.

**LEGISLATION TO CODIFY TITLE 51,
U.S. CODE—NATIONAL AND COM-
MERCIAL SPACE PROGRAMS**

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. CONYERS. Madam Speaker, Ranking Member LAMAR SMITH and I are introducing a bill to codify into positive law as title 51, United States Code, certain general and permanent laws related to national and commercial space programs. This bill was prepared by the Office of the Law Revision Counsel, as part of its ongoing responsibility under 2 U.S.C. 285b to prepare, and submit to the Committee on the Judiciary one title at a time, a complete compilation, restatement, and revision of the general and permanent laws of the United States.

The new positive law title replaces the existing provisions, which are repealed by the bill. The bill is not intended to make any substantive changes in the law. As is typical with the codification process, a number of non-substantive revisions are made, including the reorganization of sections into a more coherent overall structure, but these changes are not intended to have any substantive effect.

This bill is substantially identical to H.R. 4780, which LAMAR SMITH and I introduced in the last Congress, on December 18, 2007, with a few revisions to respond to comments received. As there has already been significant opportunity for public review and comment, the Committee intends to move expeditiously to consider the bill after the House returns from its August recess.

The bill, along with a detailed section-by-section explanation of the bill, can be found on the Law Revision Counsel website at <http://uscode.house.gov/cod>. Interested parties are invited to submit comments to Rob Sukol, Assistant Counsel, Office of the Law Revision Counsel, U.S. House of Representatives, H2-304 Ford House Office Building, Washington, DC, 20515-6711, (202) 226-2411, as well as to the Committee.

TRIBUTE TO FRED THIERER

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. MACK. Madam Speaker, I rise today to honor Mr. Fred Thierer of Cape Coral upon his retirement from Fort Myers High School after 31 years of teaching and coaching.

Fred's success both in the classroom and on the football field has left a lasting impact on

the Fort Myers community. He has worked as a science teacher, a driver's education instructor, a baseball coach, and an assistant football coach for over three decades. Fred estimates that he has taught more than 7,000 students in Southwest Florida how to drive—no wonder we have some great drivers in our region!

Any one of us who has played competitive sports understands the valuable lessons of hard work, teamwork and commitment. Fred understands these qualities as well and has worked to instill them in every student he coaches.

Fred's enthusiasm and passion for teaching and coaching has inspired thousands of students over the last 31 years. Although he is retiring, he plans to continue assisting the Fort Myers High School football team as a volunteer coach, and he and his wife remain active members of their community.

Madam Speaker, Fred's efforts have helped to make Southwest Florida a great place to live, work and visit, and I'm proud to call him my friend. I wish Fred and his wife Sharon all the best during his retirement.

TRIBUTE TO THE WOMEN AIR SERVICE PILOTS OF WORLD WAR II

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to a group of truly exceptional women who live in my Congressional District and whose service to our country was honored today by the passage of a bill awarding the Congressional Gold Medal to the Women Air Service Pilots of World War II.

Inspired by the attacks on Pearl Harbor, Margot DeMoss (Riverside, CA), MaryAnn Dreher (San Clemente, CA) and Jane Fohl (San Clemente, CA) answered our nation's call to duty by joining the Women Air Service Pilots of World War II, also known as the WASP.

Created on August 5, 1943, the WASP was charged with the critical task of delivering battle-ready planes from the factory line to military bases around the world. After just 16 months, the WASP had established itself as a premier ferrying squadron. Of the more than 25,000 women that applied for training, only 1,879 were accepted to participate in the rigorous program that would eventually produce 1,074 outstanding female pilots.

The WASP founder, world famous aviator Jacqueline Cochran, challenged the status quo by asking for permission to commission WASP directly as Service Pilots, a procedure used routinely with male pilots but prohibited for women. She lobbied passionately, but eventually lost her battle both with the Comptroller General of the Army Air Force and in the halls of Congress, leading to the WASPs disbanding in 1944.

I believe that these women pioneers deserve to be acknowledged not just for their remarkable bravery and sacrifice, but for reminding us all that an uncompromising commitment to America—to its values, ideals and tradi-

tions—is a unifying force. I am a proud co-sponsor of H.R. 2014, Representative ILEANA ROS-LEHTINEN's bill, awarding the Congressional Gold Medal to the Women Air Service Pilots of World War II, and I am pleased that the women of WASP will finally receive the recognition they so rightfully deserve.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 3170, "Making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes."

Requesting Member: Congressman JOHN DUNCAN

Account: Small Business Administration—Salaries and Expenses

Project Amount: \$100,000

Legal Name of Requesting Entity: City of Alcoa, 223 Associates Boulevard, Alcoa, TN 37701

Description of Request: The funding will be utilized to develop infrastructure servicing the new Pellissippi Research Centre on the Oak Ridge Corridor. The vision embraced by a regional partnership is the creation of a world-class community aimed at attracting research and development firms.

INTRODUCTION OF THE WOMEN'S HEALTH OFFICE ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mrs. MALONEY. Madam Speaker, I rise today along with Representative CHRIS MURPHY and Representative TAMMY BALDWIN to introduce the Women's Health Office Act. This critical bill which will help close the serious gaps in health care for women, by providing statutory authorization for the offices of women's health in five federal agencies which currently are not protected by law.

Many people are shocked when they learn that women were excluded from most medical research studies until 1985. That means it has been just 24 years since we began to understand that women are more prone to ailments like osteoporosis, lupus, and depression. Just recently in 2004, we learned that women who were treated in emergency rooms were less likely than men to receive life-saving medications for heart attacks because doctors did not fully understand the different symptoms of a heart attack in women.

How much do we still not know?

For years, the offices of women's health in key federal health agencies have been conducting vital research to identify disparities in

women's health care, and spearheading innovative programs to close those gaps. However, only two of those offices are federally authorized and protected by law: the Office of Research on Women's Health at the National Institutes of Health, and the Office for Women's Services at the Substance Abuse and Mental Health Services Administration.

This bill will give permanent authorization to the federal offices located in the Department of Health and Human Services, the Agency for Healthcare Research and Quality, the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Food and Drug Administration. Without it, those five offices will always be vulnerable to understaffing, underfunding, or complete elimination.

Recent initiatives like the establishment of the White House Council on Women and Girls shows that we're finally starting to get it—women have unique experiences, needs, and interests, and these need to be considered and addressed. In no area of public policy is this more true than with health care. I urge my colleagues to support the Women's Health Office Act, to put those offices of women's health on a secure footing and give women the kind of health care they need and deserve.

CELEBRATING THE LIFE OF MRS. GENEVA WEST OF PALL MALL, TENNESSEE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. DAVIS of Tennessee. Madam Speaker, I rise today to remember the life of my friend and neighbor, Mrs. Geneva West of Pall Mall, Tennessee.

Geneva was a dedicated mother and wife, and dedicated herself to her community throughout her ninety years of life. For forty years, Geneva committed herself to the education of young Fentress County students as an elementary school teacher, spending many of those years in a one-room school house. Geneva also served Fentress County for nineteen years as the President of the Fentress Farm Bureau Women. She even was elected State Farm Bureau Woman of the Year, receiving this recognition at the State Convention in 2003.

Even after retiring from her career in education, Geneva continued to contribute to the community as a member of the Retired Teachers Association and the Jamestown Garden Club. She also served as a Volunteer at the Jamestown Regional Medical Center, caring for those who were ill and needed care. Many of Geneva's friends will also remember her as a dedicated churchgoer. Geneva was a member of the United Methodist Church for most of her life, and taught Sunday School for twenty-six years.

Geneva's husband, her two children and a number of grand-children and great-grand-children will no doubt remember a loving, committed family-woman who modeled a positive and dedicated spirit throughout her life. She will be missed in our community, and I would

ask that my colleagues rise with me to honor her life and memory.

HONORING EULA TATE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Ms. LEE of California. Madam Speaker, on behalf of the Congressional Black Caucus I rise today to honor the extraordinary life of Eula Tate. A talented and determined leader for civil rights, Ms. Tate left an indelible mark on both Michigan and the District of Columbia. Ms. Tate recently passed away on July 11, 2009.

Eula Tate attended Wayne County Community College for two years before transferring to and graduating from the University of Michigan. She began her career as an assembler for Chrysler in 1967 at the Trenton Engine plant in Trenton, Michigan, but quickly realized the harsh injustices within the workforce. Eager to make a real change to help those in her same position, Eula Tate served as a Councilmember for the City of Ypsilanti from 1981 to 1991. She continued her service to her community by going on to serve as Ypsilanti's senior chief executive officer, Mayor Pro-Tem and member of the City's Budget Committee.

Passionate about providing young people with the ability to arm themselves with the knowledge and community stewardship she was fortunate enough to obtain, Tate went on to serve as a faculty member at Michigan State University for the School of Labor and Industrial Relations, Union Minorities and Women's Leadership Training Project.

Realizing that there was much work to be done and wanting to make a difference in the legislation that directly affects Labor Union workers, Eula Tate came to the United Auto-workers Washington office in 1991 and continued her role as Legislative Representative/Lobbyist until her retirement in 2007. All who had the honor of knowing Tate knew that she worked every moment of every day to bring about fairness and justice to Americans across the nation. And she provided a tremendous amount of support and assistance to members of the Congressional Black Caucus. For that we are deeply grateful.

On behalf of the Congressional Black Caucus, I would like to thank Eula Tate's family for sharing this wonderful, inspiring, visionary spirit with us, especially her children Jennifer, Stephen, Yomika, Ronald and Donald and a host of other friends and family who were very dear to her heart. Eula Tate's astounding impact and legacy will live on through the countless people who loved her so dearly and, of course, through her remarkable works of service to the Labor Union community and to the state of Michigan. We will deeply miss this drum major for justice. May her soul rest in peace.

ILLINOIS SCHOOL FOR THE DEAF

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. SCHOCK. Madam Speaker, I rise today to honor the Illinois School for the Deaf and Mr. Albert Caswell. On January 20, 2009, the Illinois School for the Deaf traveled to Washington, DC. to witness the inauguration of President Barack Obama. Inspired by these young children and with the thought that perhaps one day one of those children may also stand on the west front of the U.S. Capitol, I would like to enter into the CONGRESSIONAL RECORD a poem penned by U.S. Capitol Guide Albert Carey Caswell. Mr. Caswell was able to spend some time with them on that day and wrote the following tribute.

CAN YOU HEAR ME?

Can you hear me?
I can hear you!
Not with my ears!
But, with something far much more greater,
so true!
For it's with my heart . . .
That, I can hear you too . . .
Look at me!
I'm just the same as you!
For what I've lost . . .
For inside, I've gained so much more so too!
For I can feel you . . .
And, I can read you . . .
I'm just a kid like you!
And, I want to grow up to be happy . . . and
so healthy, oh so much so too!
Just, because I can't hear you . . .
Doesn't mean, I can't understand you!
I can read you!
Like a book!
For our Lord God, has given me other gifts
that I can use . . .
For your coming though to me, loud and
clear . . .
For I've developed my senses, so much greater
so here . . .
We're all the same!
Some of us even, have the same names . . .
So hear me!
Do not fear me!
Be near me, be my friend . . . so tried and
true . . .
There's, so much more we can learn about
each other . . . me and you
For, I can hear you!
In our world, there is such a special bond.
. . .
That, in the quiet world is so formed . . .
At first, you may not understand . . . but
it's in our heart where it is born . . .
I can teach you!
I can reach you!
In all I do!
Life lesson's so very true . . .
For, I will not give up!
Nor give in!
On this Inauguration Day, I see how far
dreams can take you to!
And yet I ask, "Why, must children have so
much courage then so too?"
For some things, are so hard to understand
. . .
As where faith must begin and end . . .
Reach out, and take my hand . . .
Let's be friends, me and you . . .
There's so much more together we can learn
and do!
Little children as Heroes should not have to
be . . . but are put on this earth for all
to teach!

Can you hear me?

I can hear you!

And one day up in Heaven . . . I know, my
Lord I will view . . .

And, I will begin to cry . . .

When, I look into his eyes . . . and I hear for
the first time . . .

My very first words!

"I love you"!

EARMARK DECLARATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the H.R. 3183, Energy and Water Development and Related Agencies Appropriations bill, FY2010.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations bill, FY2010

Account: Department of Energy, Science

Legal Name of Requesting Entity: Barry University

Address of Requesting Entity: 11300 NE 2nd Avenue, Miami Shores, FL 33161

Description of Request: I have secured \$1,200,000 to fund Phase II of the Institute for Collaborative Sciences Research which is intended to create a state-of-the-art research infrastructure through new laboratory and teaching space in health care and physical sciences programs. The focus of the Institute will be to prepare minority leaders for future work in healthcare professions while facilitating important research that has a direct benefit on minority populations in my South Florida community.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations bill, FY2010

Account: Department of Energy, Science

Legal Name of Requesting Entity: Miami Dade College Hialeah Campus

Address of Requesting Entity: 1780 W 49th Street, Hialeah, FL 33012

Description of Request: I have secured \$400,000 to implement a Physical and Biological Sciences Laboratory Learning Center at Miami Dade College's Hialeah Campus. Funding will develop both face-to-face and virtual Physical and Biological Science labs, and technology-enhanced learning systems to support student recruitment, retention and graduation rates in Science career fields. Having these options will allow students to use technology to conduct experiments and test hypotheses in class under the direct supervision of an instructor or in the traditional wet lab setting. The Physical and Biological Sciences Laboratory Learning Center at MDC-Hialeah Campus will promote graduation rates in degree programs in the sciences fields. The national need for college educated workers in STEM fields is well documented.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations bill, FY2010

Account: Army Corps of Engineers, Investigations account

Legal Name of Requesting Entity: Miami-Dade County

Address of Requesting Entity: 111 NW 1st Street, Suite 1032, Miami, FL 33128

Description of Request: I have secured \$600,000 for dredging of the Miami Harbor at the Port of Miami which includes the design, preparation of plans and specifications for bidding. The Chief of Engineers has recommended the deepening project to 50–52 feet and Congress has authorized the project (Title I, Water Resources Development Act of 2007). It is essential that the Planning, Engineering, and Design (PED) begin in FY09. Extended delay in the proposed dredging improvements could be detrimental to the economy of South Florida and the nation. Cargo growth at the Port of Miami has been phenomenally strong. However, the industry standard container ship is becoming larger, and the Port cannot handle the newer ships without deeper channels. In addition, the Port has been facing increasing competition from foreign ports with existing significantly deeper channels and faces lost business to foreign ports (such as Freeport).

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations bill, FY2010

Account: Army Corps of Engineers, Construction account

Legal Name of Requesting Entity: South Florida Water Management District

Address of Requesting Entity: 3301 Gun Club Road, West Palm Beach, FL 33406

Description of Request: I have secured \$210,239,000 to continue authorized projects included in the comprehensive South Florida Everglades Ecosystem Restoration project.

RECOGNIZING BISBEE'S WARREN PARK

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Ms. GIFFORDS. Madam Speaker, I rise today to pay tribute to a small but historically significant outpost of the great American pastime: Warren Ballpark in Bisbee, Arizona.

Baseball was invented, nurtured, and popularized in our great Nation. We are well aware of how this uniquely American game saw us through two world wars, a Great Depression, and innumerable challenges, both at home and abroad. Baseball is a fixed star; it will always be with us to bolster our spirits in times of need—times such as we face today.

It is with this storied past in mind that I recognize Bisbee's Warren Ballpark on the occasion of its 100th anniversary.

Warren Ballpark probably is not well-known outside of my district in southeastern Arizona

but its place in baseball's history is as sure as a homerun. It is truly a field of dreams.

A recent editorial in the Sierra Vista Herald captured the essence of my message today: "The story of our ballpark is representative of a time when baseball was THE spectator sport and when every community of size and significance had its own minor league team."

The first game at Warren Ballpark was played between the home team and a team from El Paso, Texas, on June 27th, 1909—three years before Arizona became a state! At the time, Bisbee was a booming mining town with a population close to that of Tucson and Phoenix. The year that first game was played was also the year that one of Arizona's most renowned political figures, Barry Goldwater, was born and the year that the famed Apache warrior, Geronimo, died. In 1909 William Howard Taft assumed the Presidency from Theodore Roosevelt and the Pittsburgh Pirates beat the Detroit Tigers in the World Series.

Much has happened since the glory days of Ty Cobb and Honus Wagner. Our Nation, my State and the game of baseball have all undergone countless changes. Yet Warren Ballpark remains. It is, therefore, appropriate that this body acknowledge Warren Ballpark as a historical treasure for our Nation and the community of Bisbee.

Warren Ballpark, it has been home to minor league teams affiliated with major league teams such as the Chicago Cubs, New York Yankees, Brooklyn Dodgers, and Cleveland Indians. The park saw the beginning of many great careers and hosted players who not only entertained America on the field, but protected her off the field as they answered the call of duty in World Wars I and II and the Korean war.

Baseball is still played on the old field of Warren Ballpark. The local high school team, the Bisbee Pumas, plays its games there, as does the Bisbee Copper Kings. The games draw enthusiastic supporters from Bisbee and surrounding communities.

Mike Anderson, founding member of Friends of Warren Ballpark, stated it well. He said "this is baseball on an intimate basis—the type of thing that can never take place on a television screen, nor can it be replicated in a cavernous facility where one has to look at a scoreboard video screen to see the expression on a player's face." To those who have the good fortune of attending a game at Warren Ballpark, it is history, and life, and community all rolled into one.

I commend this local and national treasure for the 100 years of entertainment and enjoyment it has given to the community and for its unique place in the history of our national pastime.

EARMARK DECLARATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. WAMP. Madam Speaker, as a leader on earmark reform, I am committed to protecting taxpayers' money and providing greater transparency and a fully accountable process. H.R.

3183, The Fiscal Year 2010 Energy and Water Appropriations Act contains the following funding:

Requesting Member: Representative ZACH WAMP

Account: U.S. Corp of Engineers—Construction

Legal Name Requesting Entity: U.S. Corp of Engineers—Nashville District

Address: U.S. Army Corps of Engineers, Nashville District at 110 9th Avenue South, Nashville, Tennessee

Description of Request: The Chickamauga Lock is a major economic engine in the Tennessee Valley region. Commodities passing through the lock have origins and destinations in 17 states in the South, Midwest and Mid-Atlantic regions, traveling an average 1,400 miles. Over the last several years, 2.5 million tons passed through the lock annually, and the forecasted traffic demand is expected to grow considerably. The U.S. Army Corps of Engineers indicates that replacement of the existing lock is far more economical than continuing costly maintenance and repair. Funding in the amount of \$1 million is included for the U.S. Army Corps of Engineers, to replace the Chickamauga Lock.

Distribution of funding: Construction 100%

Requesting Member: Representative ZACH WAMP

Account: U.S. Corp of Engineers—Operations and Maintenance

Legal Name Requesting Entity: U.S. Corp of Engineers—Nashville District

Address: U.S. Army Corps of Engineers, Nashville District at 110 9th Avenue South, Nashville, Tennessee

Description of Request: The current Chickamauga Lock has been in operation on the Tennessee River since 1940 and is a major economic engine in the Tennessee Valley region. As use of the lock is increasing, the infrastructure is severely aging, jeopardizing its ability to support additional traffic loads. An extensive maintenance program, well beyond what is normally conducted, is underway to extend the life of the current lock until the replacement lock can be built. Funding in the amount of \$3.775 million is required for the U.S. Army Corps of Engineers to fix and replace gates, pumps, piping and tension connections to the guide wall.

Distribution of funding: Maintenance 100%

EARMARK DECLARATION

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. SCHOCK. Madam Speaker, in accordance with the Republican adopted standards on earmarks, I submit the below detailed explanation of the Spunky Bottoms Restoration, Brown County, IL.

Bill Number: H.R. 3183—FY 2010 Energy and Water Appropriations Act

Provisions/Account: Department of Energy—Energy Efficiency and Renewable Energy

Name and Address of Requesting Entity: The entity to receive funding for this project is Biofuels Manufactures Inc. at 801 W. Main Street, Peoria, IL 61606.

Description of Request: The funding would be used to create a new biofuels manufacturing plant using innovated feedstocks.

I also submit the below detailed explanation of the Upper Mississippi River Restoration, IL, IA, MN, MO, & WI

Bill Number: H.R. 3183—FY 2010 Energy and Water Appropriations Act

Provisions/Account: U.S. Army Corps of Engineers—Construction

Name and Address of Requesting Entity: The entity to receive funding for this project is the U.S. Army Corps of Engineers, located at Clock Tower Building, P.O. Box 2004, Rock Island, IL 61204.

Description of Request: The funding would be used to continue projects which are vital to the ecological restoration of the Upper Mississippi River and Illinois Waterway, including habitat creation and long-term monitoring.

I also submit the below detailed explanation of the Emiquon Floodplain Restoration, IL

Bill Number: H.R. 3183—FY 2010 Energy and Water Appropriations Act

Provisions/Account: U.S. Army Corps of Engineers—Continuing Authorities Program

Name and Address of Requesting Entity: The entity to receive funding for this project is the U.S. Army Corps of Engineers, located at Clock Tower Building, P.O. Box 2004, Rock Island, IL 61204.

Description of Request: The funding would be used to restore the Illinois River floodplain within the Thompson Drainage and Levee District.

I also submit the below detailed explanation of the Spunky Bottoms Restoration, Brown County, IL

Bill Number: H.R. 3183—FY 2010 Energy and Water Appropriations Act

Provisions/Account: U.S. Army Corps of Engineers—Continuing Authorities Program

Name and Address of Requesting Entity: The entity to receive funding for this project is the St. Louis District of the U.S. Army Corps of Engineers, located at 1222 Spruce Street, St. Louis, MO 63103.

Description of Request: The funding would provide habitat restoration along the Illinois River by reconnecting the river with the backwater lakes and wetlands that once existed along the river.

EARMARK DECLARATION

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the H.R. 3170, Financial Services and General Government Appropriations Act, FY2010.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3170, Financial Services and General Government Appropriations Act, FY2010

Account: Small Business Administration, Salaries and Expenses account

Legal Name of Requesting Entity: Chamber South

Address of Requesting Entity: 6410 SW 80th Street, South Miami, FL 33143

Description of Request: I have secured \$100,000 to start a job incubator program in Richmond Heights, Florida. Richmond Heights is a part of un-incorporated Miami-Dade County with a predominant African-American population. Due to the recent economic recession, the population of Richmond Heights has experienced severe job loss. Chamber South works to foster economic and job growth in South Florida, especially Richmond Heights. They bring together local business, government entities such as the SBA and local residents to encourage economic production.

Requesting Member: Congressman LINCOLN DIAZ-BALART

Bill Number: H.R. 3170, Financial Services and General Government Appropriations Act, FY2010

Account: Small Business Administration, Salaries and Expenses account

Legal Name of Requesting Entity: Miami-Dade College

Address of Requesting Entity: 300 NE 2nd Avenue, Miami, FL 33132

Description of Request: I have secured \$300,000 to establish an Institute for Intermodal Transportation to provide careers addressing the future needs of the transportation industry. A major focus is to provide small businesses with opportunities to train and retrain their workforce, as well as providing certifications and degree programs. The Intermodal Transportation Training Center allows MDC to effectively meet the training requirements of all forms of transportation, and transportation related activities. The planned location of the Intermodal Transportation Center is at the Miami International Airport (MIA), which would situate the School in close proximity to the Miami Intermodal Center (MIC) currently under construction. This location would serve as a benefit to both the MIC and the school as a trained and skilled workforce is developed by the School to meet the ongoing employment needs at the MIC. Courses at MIA are set to begin January 2010.

RE-INTRODUCING LEGISLATION TO GRANT FEDERAL FIREFIGHTERS "TRADE TIME"

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. SARBANES. Madam Speaker, I rise today to re-introduce legislation from the 110th Congress that would correct a longstanding disparity between professional firefighters who are employed by States, counties, or municipalities and Federal firefighters.

In 1985, Congress amended the Fair Labor Standards Act so that firefighters around the country could engage in a practice called "trade time." Trade time allows two firefighters, solely at their option and with the approval of their supervisor, to switch shifts without affecting the pay rate of either firefighter. The Congress made this change because fire-

fighters work uncommon schedules involving 24 hour shifts and 72 hour work weeks, followed by a period of time away from the firehouse. Trade time enables firefighters to meet personal obligations such as attending a child's birthday or assisting a sick family member without exhausting their annual leave. It also ensures that firehouses across the country can maintain staffing requirements and keep our communities safe.

Federal firefighters are not covered under the Fair Labor Standards Act and therefore have been ineligible for trade time. I am introducing this bill to amend Federal employee labor law to fix this problem.

Federal firefighters work side-by-side with their non-federal colleagues, so this is an issue of equity. Correcting this inequity will help Federal agencies recruit and retain firefighters. Just like other firefighters, Federal firefighters risk their lives on a daily basis. They also accept the irregular hours that their jobs require. This legislation merely gives them some modest flexibility to balance their irregularity and meet their family obligations.

I hope my colleagues will support this simple but overdue legislation.

IN HONOR AND RECOGNITION OF MARVIN HAROLD "BOBBY" CALDWELL

HON. TRAVIS W. CHILDERS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. CHILDERS. Madam Speaker, I rise today to recognize Mr. Marvin Harold "Bobby" Caldwell on the occasion of his 85th birthday. Mr. Caldwell was born on July 18, 1924, in the Pleasant Hill community, Alcorn County, Mississippi to Joseph Sidney and Mary Edna Caldwell. When he was six months old, his parents bought a 35 acre farm on which Mr. Caldwell still lives today. Mr. Caldwell learned early how hard life could be. At the age of five, his father was killed after becoming tangled in the gear of a mule and died. By the age of 7, Mr. Caldwell was driving the cotton wagon to the gin to have the cotton baled. Upon arriving at the gin, often the older people would allow him to have his cotton baled first so he could get home before dark.

Hard work as a child paid off and at the age of 21, Mr. Caldwell went to work at E.I. Dupont and Company in New Jersey to work on the production of the Atomic Bomb. Upon returning home to Mississippi, he worked at the Sanford Hosiers Mill until it closed at which time he became a general contractor until retiring. Mr. Caldwell has always had a special place in his heart for children and in 1971 was elected to the Alcorn County School Board on which he served for 36 years. As of today, he is still active in his home church, Pleasant Hill United Methodist Church, is a 32 degree Mason, York Rite, Shrine Club and Eastern Star Member.

I thank my colleagues for joining me today to honor Mr. Bobby Caldwell for a life of service and congratulate him on his birthday.

EARMARK DECLARATION

HON. JOHN FLEMING

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. FLEMING. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the "Fiscal Year 2010 Energy and Water Development and Related Agencies Appropriations Act." I have requested funding for the following projects in Fiscal Year 2010:

JBK Johnston Waterway, Mississippi River to Shreveport, LA (CG). Recipient: U.S. Army Corps of Engineers/Vicksburg Civil Works District. Refinements to the J. Bennett Johnston Waterway channel alignment are necessary to improve the safety and reliability of the navigation channel as well as to reduce maintenance dredging costs, and include reinforcing or capping out existing revetments as well as adding additional contraction structures (dikes) to improve navigation conditions.

JBK Waterway, Mississippi River to Shreveport, LA. (O&M). Recipient: U.S. Army Corps of Engineers/Vicksburg Civil Works District. FY10 request would provide for basic operations and maintenance and maintenance dredging along the J. Bennett Johnston Waterway in northwest Louisiana. Any remaining funds will be used to address backlog maintenance projects along the waterway.

Red River Below Denison Dam, AR, LA & TX, (CG). Recipient: U.S. Army Corps of Engineers/Vicksburg Civil Works District. The levees in Louisiana associated with the Red River Waterway project have been incorporated into the Federal System; however, they are old and do not meet current construction standards. FY10 funding would be used to continue design and construction of the Red River Below Denison Dam project (LA, AR & TX), which includes the rehabilitation of levees and revetment reinforcements that threaten the integrity of the levee system. The overall project provides flood protection to about 1.7 million acres, half of which are located behind levees.

Red River Emergency Bank Protection, AR, LA, OK & TX, (CG). Recipient: U.S. Army Corps of Engineers/Vicksburg Civil Works District. This U.S. Army Corps of Engineers project is located in northwest Louisiana, southwest Arkansas, southeast Oklahoma, and northeast Texas. FY10 funds would provide for revetment, dikes, or cutoffs for protection of critical infrastructure and land along the Red and Old Rivers between the mouth of Old River at its juncture with the Mississippi River and Denison Dam, Texas.

Bossier Parish Flood Protection Study. Recipient: U.S. Army Corps of Engineers/Vicksburg Civil Works District. Federal funds would be used to conduct a reconnaissance study investigating alternatives to address water resource problems and needs in Bossier Parish, LA. Funds would be used to complete the reconnaissance phase and prepare and negotiate the Project Management Plan and Feasibility Cost-Sharing Agreement. Project requires 50 percent local match. Local sponsors include; Bossier Levee District, Bossier Parish and Bossier City.

Cross Lake, LA, Water Supply Improvements. Recipient: U.S. Army Corps of Engineers/Vicksburg Civil Works District. Federal funds will be used to conduct a feasibility study that will evaluate options including additional pumping capacity on Cross Lake at lower elevations as well as new pumping stations and water treatment facilities on the Red River. The holding capacity of the already shallow lake (8.5 ft) is decreasing due to siltation, contributing to increasing difficulty in managing it as a water supply source. This study has been expanded into a regional water resource study to include all of Bossier and Caddo Parishes.

Red River Navigation, Southwest Arkansas, AR (GI). Recipient: U.S. Army Corps of Engineers/Vicksburg Civil Works District. Federal funds would be used to conduct a reconnaissance study along the Red River in northwest Louisiana, southwest Arkansas, northeast Texas and southeast Oklahoma to investigate the federal interest and possible alternatives for a project to extend navigation from Shreveport, LA, to Index, AR.

Consistent with the Republican Leadership's policy on earmarks, I hereby certify that to the best of my knowledge, this request: 1) is not directed to an entity or program that will be named after a sitting Member of Congress, 2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark, and 3) meets or exceeds all statutory requirements for matching funds where applicable. I also hereby certify that neither I nor my spouse has any financial interest in this project.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. McHUGH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act of 2010.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 3183

Account: Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: SUNY Morrisville

Address of Requesting Entity: Post Office Box 901, Morrisville, NY 13408

Description: The purpose of the project is to provide \$200,000 to demonstrate the feasibility of using algae production as a renewable fuel source while incorporating carbon sequestering and aquaponic technologies into one demonstration scale model. Aquaponics is the combination of hydroponics and aquaculture, whereby the waste products of each system are utilized by each other, increasing cost effectiveness.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 3183

Account: Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: Lewis County Industrial Development Agency

Address of Requesting Entity: 7642 N. State Street, Lowville, NY 13367

Description: The purpose of the project is to provide \$500,000 for upgrades to necessary biomass components that will improve energy efficiency while further reducing already permit compliant emissions by 50 percent.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 3183

Account: Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: Council for International Trade, Technology, Education and Communications, Inc.

Address of Requesting Entity: Box 8561 Main Street, Room 101, Potsdam, NY 13699

Description: The Center for Advanced Ferri-rite Production in collaboration with Syracuse University Industrial Assessment Center will demonstrate that mature manufacturing industries in the Northeast may be made globally competitive through aggressive investment in energy efficiency measures. This project will be a model for other New York manufacturing businesses.

EARMARK DECLARATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. BARRETT of South Carolina. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the House passed version of H.R. 3170, the Financial Services and General Government Appropriations Act, 2010.

Requesting Member: Congressman J. GRESHAM BARRETT

Bill Number: H.R. 3170

Provision: Title V, Independent Agencies, Small Business Administration, Salaries and Expenses

Legal Name of Requesting Entity: Clemson University

Address of Requesting Entity: Clemson University, Clemson, SC 29634

Description of Request: The purpose of this appropriation is to provide \$100,000 for the Clemson University Advanced Materials Innovation Center. With many manufacturing jobs going overseas, there is a critical need in the United States, and particularly in South Carolina, of incubators such as the Advanced Materials Innovation Center to accelerate the creation of knowledge-based companies. The United States must also continue to develop new advanced materials to ensure continued military superiority. The Advanced Materials Innovation Center at Clemson's Advanced Materials Center in Anderson County will serve as a research and development campus for start-up companies devoted to cutting-edge research, development, and job creation in the advanced materials fields. The Innovation Center will also house fledgling high-technology companies that focus on such advanced materials as optics, nanotechnology,

and biomaterials. These federal funds will be used to develop laboratories at the Advanced Materials Innovation Center. I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of my spouse or me.

EARMARK DECLARATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. WAMP. Madam Speaker, as a leader on earmark reform, I am committed to protecting taxpayers' money and providing greater transparency and a fully accountable process. H.R. 3170, The Fiscal Year 2010 Financial Services and General Government Appropriations Act contains the following funding that I requested:

Requesting Member: Rep. ZACH WAMP

Account: Small Business Administration—Salaries and Expenses

Legal Name Requesting Entity: University of Memphis

Address: 303 FedEx Institute, Memphis, Tennessee 38152

Description of Request: The University of Memphis requested funding for an entrepreneurial training program to promote new business growth targeting science and technology-based and minority-owned businesses. Federal funding is needed for University of Memphis experts and students to develop business plans, evaluate new technologies and provide legal expertise to small businesses and entrepreneurs. The program will have a significant impact on the economy and encourage investment and jobs in the Memphis metropolitan area and the mid-south region. The University of Memphis received \$685,000 for the entrepreneurial training program.

Distribution of funding:

Salaries and Center Administration 20%

Equipment 13%

Business and Legal Services and Training 47%

Education and Conferences 20%

CONGRESSIONAL RECOGNITION FOR FORT HUACHUCA BROWNIE TROOP 2181

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Ms. GIFFORDS. Madam Speaker, I rise today to honor the leaders and members of Fort Huachuca Brownie Troop 2181, from Sierra Vista, Arizona, for their initiative in coordinating and conducting the Fort Huachuca Sun Oven Cook-off. This event will take place on the U.S. Army's Fort Huachuca on Saturday, July 18.

On that day, using specially designed solar ovens and only the power of the sun, the 18 members of Troop 2181 will prepare a spaghetti feast and then cakes for auction. In doing so, they will raise funds to purchase solar ovens for needy members of their com-

munity while simultaneously educating people about the benefits and capabilities of solar energy.

Solar energy is the most abundant and widely available energy source on our planet. It is also clean, safe, and affordable. As the United States and other countries across the globe look for ways to secure a more peaceful, prosperous, and sustainable future, solar technologies have an important role to play. I applaud the members of Troop 2181 for their leadership in demonstrating the benefits of solar energy in their community and for using the proceeds to help those in need.

In performing this project, the members of Troop 2181 will learn valuable lessons about the power of public service and the many benefits of solar energy. They will learn about areas where help is needed in their community, and they will learn that they can make a positive difference.

I wish to single out a few people who deserve special recognition for their leadership in making this project a reality: Ken Robinson, Command Information Chief for the Fort Huachuca Public Affairs, was influential in paving the way for this project; Valerie McCaffrey, Chair of Baja Arizona Sustainable Agriculture, helped secure the solar ovens at cost; and Kristen Engasser has performed exemplary service as leader of Troop 2181.

I applaud all of these community leaders for empowering the young people of Southern Arizona and helping them develop critical leadership skills that will allow them to create a better world.

EARMARK DECLARATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. McHUGH. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3170—Financial Services and General Government Appropriations Act of 2010.

Requesting Member: Congressman JOHN McHUGH

Bill Number: H.R. 3170

Account: Salaries and Expenses

Legal Name of Requesting Entity: New York College of Environmental Science and Forestry

Address of Requesting Entity: Bray Hall 224, Syracuse, NY 13210

Description: The purpose of the project is to fund the New York State Forest Community Economic Assistance Program. It would fund dedicated research and outreach for forest-products community businesses and provide assistance with technical manufacturing and financial management issues. It would also serve these communities in overcoming the challenges of navigating complex regulatory and public policy matters. Forest-based manufacturing, small business and tourism generate \$8.8 billion annually and employ over 72,000 workers. This program would work to maintain and enhance these types of forest community economic activities.

INTRODUCTION OF THE "PROFIT ACT OF 2009"

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Ms. KILROY. Madam Speaker, today I introduce legislation, the "Provide a Return on Financial Investment for the Taxpayer Act of 2009," or "PROFIT Act of 2009," which will maximize the American taxpayers' return on its investment in troubled financial institutions through the Troubled Asset Relief Program (TARP) and make the payback process between Treasury and the banks transparent to the public.

During the wake of the economic crisis, American taxpayers assumed an enormous financial risk when they bailed out these institutions.

To compensate for this risk, banks that received TARP funds were required to give Treasury warrants for the future purchase of common shares, allowing American taxpayers an opportunity to profit from the possible upside of their investment.

However, the Congressional Oversight Panel (COP), in its July 10, 2009, oversight report, found that Treasury would be more likely to maximize taxpayer returns if it sold the warrants through an open, public and transparent auction instead of the current process that allowed 11 banks to repurchase their warrants at just 66 cents on the dollar.

In fact, COP found that if Treasury uses this same approach to repurchase all remaining outstanding warrants, estimated at between \$8.1 billion to \$12.3 billion, American taxpayers would lose out on as much as \$2.7 billion.

American taxpayers took enormous risks in bailing out Wall Street and should be compensated.

EARMARK DECLARATION

HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 16, 2009

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010.

Request Number 1

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Department of Energy, EERE

Legal Name of Requesting Entity: Phipps Conservatory and Botanical Gardens

Address of Requesting Entity: 1059 Shady Avenue; Pittsburgh, PA 15232

Amount: \$500,000

Description of Request: The CTI Waste to Energy System at the Phipps Conservatory

will reduce the amount of waste directed to Western Pennsylvania landfills, create 10 jobs in the immediate area, and serve as a model for the future of waste management. This project is a concrete application of technology that addresses our nation's dependence on foreign-controlled fossil fuels and intelligently manages waste. This project will serve all Americans as part of the foundation for a data-driven discussion of energy and waste management policies.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

Request Number 2

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The Canonsburg Lake, PA appropriation is of particular interest to my district and importance to my constituents.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers, Section 206
Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Pittsburgh

Address of Requesting Entity: 100 Liberty Avenue, Room 1828; Pittsburgh, PA 15222

Description of Request: This project will implement a Corps of Engineers Section 206 Aquatic Restoration Feasibility Study. Restoring the aquatic ecosystem of the lake that has been severely degraded by sediment deposition. Dredging the sediment from the lake is proposed to enhance the ecosystem for fish species and other aquatic life, restore adequate water levels and create additional wetlands on site.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

Request Number 3

I took extreme care to ensure that these projects are well vetted and strongly supported

within the community. The Locks And Dams 2, 3 And 4 Monongahela River Appropriations is of particular interest to my district and importance to my constituents.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers, Construction
Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Pittsburgh

Address of Requesting Entity: 100 Liberty Avenue, Room 1828; Pittsburgh, PA 15222
Amount: \$6,210,000

Description of Request: The Lower Monongahela River Project is located in Southwestern Pennsylvania and was authorized for construction by the Water Resources Development Act (WRDA) of 1992. This project addresses the deteriorated condition of the navigation facilities along the Lower Monongahela River. The project is to build a new dam at 2 (Braddock), new locks at 4 (Charleroi) and then to remove the Locks and Dam at 3 (Elizabeth), creating a single 30 mile pool. The dam at 2 is now complete but the old dam 3 cannot be removed until the locks are completed at 4. Specific concerns were the very real risks of navigation system failure related to the poor structural condition of Locks & Dam 3, and the fact that industry must continue to rely on a single chamber at Locks 4 on the Monongahela River. Ground was broken in 1994 and the project was to be completed in 2004 or in 10 years. However, the slow pace of funding forced inefficient decisions, which now mean the best schedule for total project completion, now 2016, provided that the project continues to receive optimal funding. The funding delays created greater than normal maintenance problems. The condition and sustained operability of Locks and Dam 3, and Locks 4 is a significant and growing concern. The 100-year-old Locks and Dam

3 are among the oldest structures operating on the inland navigation system, and the most structurally deficient navigation facility on the Monongahela River. The larger locks will afford industry a 27 percent savings in economy scale. The challenge is to put the Lower Monongahela River Project on an efficient funding schedule.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

Request Number 4

I took extreme care to ensure that these projects are well vetted and strongly supported within the community. The Upper Ohio Navigation System Study, PA Appropriations is of particular interest to my district and importance to my constituents.

Requesting Member: Congressman TIM MURPHY

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers, Investigations
Legal Name of Requesting Entity: U.S. Army Corps of Engineers, Pittsburgh

Address of Requesting Entity: 100 Liberty Avenue, Room 1828; Pittsburgh, PA 15222

Amount \$1,250,000

Description of Request: The Upper Ohio River, defined as Emsworth, Dashields, and Montgomery (EDM) Locks and Dams, is a multi-year feasibility investigation to determine the best navigation improvement project. EDM are the three oldest locks on the Ohio River navigation system. Two major problems associated with the locks are: (1) their structural condition; and (2) the lock chamber sizes are too small to efficiently accommodate modern tow configurations.

I certify that this project does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

HOUSE OF REPRESENTATIVES—Friday, July 17, 2009

(Legislative day of Day, Month 00, 2009)

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. JACKSON-LEE of Texas).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 17, 2009.

I hereby appoint the Honorable SHEILA JACKSON-LEE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, source of light and love for each of us, we approach You with grateful humility because we are aware of Your many blessings upon our Nation, our families, and upon us personally.

We stand before You in a poverty of spirit because the demands upon Congress are so great and the desire of this institution to respond to the many needs of Your people is deeply felt.

Prayer at such moments can be a crucible in which expectations and experience are crushed by grinding truth.

Yet mixed with faith in You and faith in the free people of this great Nation, this institution is confirmed, Lord, in its trust to make decisions born out of compromise. Thereupon, high hopes for the Nation can be sustained, and at the same time, specific steps can be taken to achieve a final goal.

As a people, we live with trust now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Utah (Mr. CHAFFETZ) come forward and lead the House in the Pledge of Allegiance.

Mr. CHAFFETZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side.

REPUBLICAN HEALTH CARE PLAN

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Madam Speaker, this week, after consultation with leaders in the business community, organized labor, health care providers, patient groups, insurers, pharmaceutical makers, and small business owners, Democratic leaders introduced America's Affordable Health Choice Act, which will expand access to health care, protect consumer choices, provide a public option, and enable over \$500 billion in Medicare savings.

And what is the Republicans' answer to the health care crisis in America? A color-coded chart of the Democratic plan. Here is the chart of their plan. Absolutely nothing.

Our bill addresses the needs of all Americans, including the nearly 46 million without health insurance, by maintaining the freedom to choose individual health providers, improving care, and increasing choice and competition with the new public option.

It's time for our Republican colleagues to join us in getting serious about health care coverage.

SAY IT ISN'T SO, JOE

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Say it isn't so, Joe. Yesterday, with all due respect to our Vice President, we heard him say, We have to spend money to keep from going bankrupt. An amazing, amazing philosophy that gives you great pause.

It's no wonder why this country is nearly \$12 trillion in debt. We are now spending nearly \$600 million per day just in interest payments. This credit card Congress can no longer continue.

We cannot spend our way out of our challenges. We have to be fiscally responsible in this country. We cannot spend our way out of these challenges. You don't do it in your family, but this Congress does. Every time we hear a challenge, all we hear about is the need for more spending.

Today we will consider a bill, a horse and burro bill, that will be nearly \$700 million in new spending—\$700 million in new spending to tackle horses and burros that are exploding their population in the West.

Please, Madam Speaker, I implore my colleagues, we have to stop. We have to cut our spending.

NEW GI BILL

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Madam Speaker, this past week my office held a seminar to help our Nation's veterans access the full range of benefits they have earned, including a 4-year college education. We invited local education and workforce experts to help our veterans determine their eligibility, fill out paperwork, and receive benefits under the new GI Bill for the 21st century.

Along with many others in the House, I was proud to cosponsor this new GI Bill when it passed last year. This critical bill will ensure that our returning servicemembers are part of our economic recovery. This bill covers everything from tuition to housing to books. And it is available to military veterans who have served since September 11, 2001.

In just a few weeks, the very first veterans to enroll in college under the new GI Bill will begin their first classes.

This is truly a landmark moment, and I wish the best of luck to all of our veterans who, through this program, will become scholars as well as heroes.

NATIONALIZED HEALTH CARE AND ILLEGALS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the nationalized health care bill will continue to allow illegals to get free medical services. Foreigners who are not authorized to be in the United

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

States flood over our wide-open borders by the millions to get free universal health care. That bankrupts Federal and State health care safety nets set up for Americans.

It's very simple to understand to most people: our citizens are forced to pay medical bills for citizens of countries all around the world. These people in our country illegally use our hospital emergency rooms like it's their primary care, and it doesn't cost them anything. And what our government doesn't pay, the hospitals are forced to pay. That drives up the cost of medical care and the cost of insurance for citizens and legal immigrants. Now those problems will just get worse under the new proposal.

The nationalized health care bill will force our citizens who cannot even pay for their own health care to pay billions of dollars a year for health care for millions of illegals. That's just wrong. Citizens and legal immigrants shouldn't be forced to pay for the health care of people illegally in the United States.

And that's just the way it is.

IMPACT OF HEALTH CARE CRISIS

(Mr. HEINRICH asked and was given permission to address the House for 1 minute.)

Mr. HEINRICH. Madam Speaker, during our last work period, I conducted a health care listening tour across my district to learn firsthand how the health care crisis is impacting working families.

I talked to Chris Davis, a single father who makes too much as an electrician to qualify for assistance but too little to afford coverage for his 7-year-old son. I listened to Bernice Romero, a fixed-income retiree who simply can't afford the rising premiums and out-of-pocket expenses to treat her debilitating carpal tunnel and knee problems.

Stories like these drive home the fact that we must do all we can to both extend coverage and contain costs in our health care system. This means preventing fraud, waste, and abuse within the system, utilizing prevention and wellness programs that save money, and promoting more efficient delivery of health care so that all regions of the country—rich, poor, urban, and rural—are on an even playing field.

We must address this issue head on, and the time to act is now.

GOVERNMENT TAKEOVER OF HEALTH CARE

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, during the worst recession in a generation, Democrats propose a government take-

over of health care that will lead to fewer jobs, higher taxes, and less health coverage.

Since the recession began, 6 million jobs have been lost, yet the Democrats' health care plan includes hundreds of billions of dollars in new tax hikes on small businesses, the engine of job creation in this country. Democrats propose more than \$800 billion in new tax hikes. According to economic modeling by the President's own chief economic adviser, the business tax hikes alone would destroy up to 4.7 million jobs.

Despite their claims of reform that it will reduce health care costs, CBO Director Elmendorf told Congress that the Democrats' proposed reform will only increase future Federal spending on health care.

House Republicans will oppose any plan that puts Washington bureaucrats between patients and the care they need. House Republicans have a plan for reform that expands access to affordable health care and gives families the freedom to choose the health care that fits their needs without imposing a job-killing tax hike on small businesses and working families.

NEW HEALTH CARE PLAN BENEFICIAL FOR SMALL BUSINESSES

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, I am glad to report that two of our committees have already reported out the health care reform bill. CBO indicated that 97 percent of the non-elderly, in other words, those who are not on Medicare now, would be covered by the health reform plan that our committees are now considering. Small businesses would benefit greatly. There is a 50 percent tax credit for premiums that are paid by employers of small businesses.

So this legislation has the opportunity to allow small businesses to benefit significantly, to cover their employees, to cover 97 percent of Americans who are not covered currently by Medicare. And it is moving. We expect it will be out of committee by next week and on the House floor by the end of this month. And, finally, Americans will know that their guaranteed health coverage, reduced costs, and 97 percent of Americans not in Medicare will achieve health care coverage.

I am very happy about the fact that we're proceeding with this along the promise of President Obama.

PROVIDING FOR CONSIDERATION OF H.R. 1018, RESTORE OUR AMERICAN MUSTANGS ACT

Mr. McGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 653 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 653

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1018) to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions of the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; (2) the amendment printed in part A of the report of the Committee on Rules, if offered by Representative Rahall of West Virginia or his designee, which shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question; (3) the amendment in the nature of a substitute printed in part B of the report of the Committee on Rules, if offered by Representative Hastings of Washington or his designee, which shall be considered as read and shall be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent; and (4) one motion to recommit with or without instructions.

SEC. 2. All points of order against amendments specified in the first section of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

□ 0915

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. McGOVERN. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 653.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 653 provides for consideration of H.R. 1018, the Restore Our American Mustangs Act, under a structured rule. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources.

The rule makes in order a manager's amendment and a substitute amendment from the ranking member, my former Rules colleague, Mr. HASTINGS of Washington. The manager's amendment is debatable for 10 minutes, and the substitute is debatable for 30 minutes. The rule also provides one motion to recommit, with or without instructions.

Madam Speaker, H.R. 1018 is a bill that restores important protections for wild horses and burros. The bill received full consideration in the subcommittee and the full committee. Markups were held. Republican and Democratic amendments were offered and accepted through the regular order.

Madam Speaker, this bill will reverse a misguided and controversial rider that was adopted as part of the fiscal year 2005 omnibus appropriations bill. The provision was slipped into the bill in the dead of night when the Republicans were in control, reversing longstanding Federal policy that protected wild horses from being sold at auctions and subsequently shipped to slaughter plants. Last summer, the Bureau of Land Management announced that it would consider killing as many as 30,000 healthy wild horses and burros in BLM holding centers across the United States.

The ROAM Act, H.R. 1018, introduced by Chairman RAHALL, will restore longstanding protections by prohibiting the sale and wholesale killing of wild horses and burros; prioritize cost effective on-the-range management, overroundups, saving millions of tax dollars; facilitate the creation of sanctuaries for wild horses and burro populations on public lands; strengthen the BLM's wild horse and burro adoption program; and protect wildlife by requiring a thriving natural ecological balance on the range.

Madam Speaker, these wild animals are rounded up in huge numbers by BLM only to languish in holding pens, threatened with sale or slaughter. H.R. 1018 will minimize these stressful, inhumane roundups, and promote adoption for those horses and burros who are taken off the range, banning the sale of wild horses and burros by the BLM, as well as the transfer of these animals for the purpose of processing into commercial products.

Legislation similar to H.R. 1018 passed the House in 2007 by a landslide, bipartisan vote of 277-137. Unfortunately, this measure has never been signed into law. It is time we end this inhumane practice once and for all.

This bill is important for the protection of our Nation's wild horses and burros. I urge adoption of the rule and the bill.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume, and I thank my colleague from Massa-

chusetts for yielding me the customary time, and I'm looking forward to our having fun here this morning as he promised yesterday.

I am intrigued by my colleague saying that this is being done to correct something slipped into a bill in the middle of the night when the Republicans were in charge. It sounds like something very nefarious was done. This is sort of news to us. We didn't hear it in Rules yesterday, and I need to point out that there was something put in an appropriations bill in 2005, as my colleague says, but it certainly wasn't nefarious. And it's my understanding that our colleagues on the other side have modified that provision several times. So I don't think this is really trying to correct something that Republicans did some time ago in the dead of the night.

But be that as it may, I think I need to point out that we are bringing this legislation at a time when more than 2 million Americans have lost their jobs since the Democrats' \$1 trillion stimulus bill became law and that it is somewhat of an insult to those people. We have a 9.5 percent unemployment rate and a budget deficit of more than \$1 trillion which is predicted to go to \$2 trillion before the end of the fiscal year.

Given those facts, it's a little unclear to know what exactly are the priorities of the Democrats in charge of this Congress. Small business and middle class families are struggling all across this country; yet, the Democrats in charge of Congress are poised to ask them to bankroll a \$700 million welfare program for wild horses. This is just another example of how out of touch Washington Democrats are.

If Democrats want to join Republicans in focusing on job creation, then we should be dealing with our American Energy Act which will create new jobs, bring down energy costs, and pave the way for a cleaner environment. And we should scrap this job-killing health care bill Speaker PELOSI is seeking to rush to a vote before the end of the month.

Now, what this bill is going to do that's underlying this rule, which I'm going to urge my colleagues to vote against, it will establish a horse census every 2 years. It provides for enhanced contraception and birth control for horses. It makes available an additional 19 million acres of public and private land for wild horses. It covers a \$5 million tab to repair damage done by horses to other property and mandates that government bureaucrats perform home inspections before Americans can adopt horses.

I hardly think this is what the American people expect us to be doing these days as they face the many challenges that they're facing.

And with that, Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Just in brief response to the gentlewoman's comments, as she knows, when the manager's bill is adopted, this bill will have no cost.

And in response to her question about what the Democratic priorities are, they are to create jobs, they are to pass an energy bill to create more jobs, and to deal with climate change. Our priorities include passing a health care bill that will lower the cost of health care for average Americans.

I don't know about in North Carolina, but I can tell you that in my district and everywhere I go around the country, people claim with great justification that they are paying too much for health care. She may represent a bunch of millionaires, but I think most of us don't.

The fact of the matter is health care costs are too high. We need to make it more affordable for the average family, for small businesses, and so that's what our priorities are.

I should say to the gentlelady as well that according to recovery.gov, in her State, jobs that were created or saved in North Carolina are 105,000 jobs.

I also submit into the RECORD, Madam Speaker, an editorial from the Knox News in support of this stimulus package as it relates to the Great Smoky Mountains National Park, which includes, I understand, part of the gentlewoman's district.

[From the Knox News, Thursday, July 16, 2009]

EDITORIAL: SMOKIES STIMULUS: LET THE GOOD WORK BEGIN

It isn't exactly a birthday present, but no matter. The Great Smoky Mountains National Park can use the infusion of \$64 million in stimulus money for a variety of projects that have been needed in the park for years.

It's special that it will come in time to help those in East Tennessee and Western North Carolina celebrate the park's 75th anniversary. And it is significant that it is about eight times the amount the park usually receives for maintenance work.

The stimulus funding is expected to create up to 1,500 jobs inside and outside the park.

The money comes from the American Recovery and Reinvestment Act, and the park officials hope to be able to award the first round of construction contracts by late next month, with work expected to begin after the Sept. 7 Labor Day holiday.

The Smokies Park is one of 380 national parks to receive funding from the stimulus package. And, as the most visited national park in the country, its share of the federal funding was greater than that for other parks.

For example, Yosemite National Park received \$4.5 million and the Grand Canyon National Park received \$10.8 million. Denali National Park in Alaska will get \$6.3 million.

The initial phase of construction will use \$7.5 million of the stimulus money to repave Cosby Campground, improve parking at the Sinks waterfalls area and upgrade 34 buildings and five comfort stations throughout the park.

The park already is using \$1.2 million of the federal money to hire temporary workers who will improve 32 miles of eroded horse trails in Tennessee and North Carolina and to restore more than 60 historic cemeteries.

During the first phase of construction, the Cosby campground will close for the season after the Labor Day holiday. It normally operates through October. The campground is scheduled to reopen as usual in March.

The work on the parking area at the Sinks will cause that site to close following Labor Day, with completion scheduled for May 2010.

The project also will include a handicapped accessible masonry platform overlooking the waterfalls.

A second phase of contracts funded by the stimulus money is expected to be awarded later in the fall; work on these projects will begin in the spring.

Park spokesman Bob Miller said in May that it was a coincidence that the stimulus money comes during the yearlong celebration of the Smokies' 75th anniversary. However, he added, "The park was created in large measure as an economic stimulus initiative, so it's timely that we're making such a substantial investment in our infrastructure."

We hope those in the federal government, regardless of the impact of the stimulus money, realizes what those in this area have long understood. The Smokies Park is a national treasure—everyone's treasure—and its continued upkeep and improvement need to stay high on the government's to-do list.

So our priorities are pretty clear, and what we're trying to do right now is dig ourselves out of a ditch that her party and the Republican President George Bush dug our economy into. It turns out the ditch is much deeper than anybody had thought, and it's going to take us a little time to get out of it.

But through the stimulus package, through passing health care reform to lower health care costs on families and small businesses, through a climate change bill to create thousands and thousands of more green jobs, I think we've got to turn the corner, and I think that the President of the United States is leading us on the right track.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

My friend is engaged in revisionist history again. We did have a good economy under President Bush. After he inherited a recession and after 9/11, things went south in our economy. The President asked the Congress to cut taxes. It was a Republican-controlled Congress. We had 54 straight months of job creation.

Then the Democrats took over the Congress in January of 2007—and we have charts to show it—all of the sudden the economy really went south. Things started going downhill when Democrats took control of the Congress and have been going downhill ever since. Now, we have a Democrat-controlled Congress and a Democrat in the White House, and things are really going badly.

I think that we can prove with historical facts, not revisionist history,

that under the Republicans in the House and Senate and the Republican President that the economy was in pretty good shape.

I yield to my friend from Utah, Mr. CHAFFETZ, 5 minutes.

Mr. CHAFFETZ. Madam Speaker, I appreciate this opportunity.

I am from Utah. Out West we actually deal with the horses and burros that we will be talking about and debating in this rule.

Now, for whatever reason, a variety of reasons, this emergency meeting had to happen yesterday. Somehow this legislation, which had passed out of committee in April, was suddenly at 2:20 yesterday called up in an emergency meeting and that the Rules Committee had to meet at 3:30 in the afternoon.

Now, I know it's normal and customary and regular that the rule vote generally goes down partisan lines, but I would urge my colleagues to reconsider this. There is no reason to rush this legislation through.

I tried to offer an amendment. That amendment was not heard in the Rules Committee despite it being delivered and given on time. Minor, minor amendment.

I still have underlying concerns about the overall bill. I would still vote against it, but I've got to be candid, I think there's some adjustments that could be made. And I'd like to take a moment here and just talk a little bit about the amendment that I was trying to make, and I would hope that my Democratic friends and colleagues would at least allow it to be heard. I think that's the American way, and I think there's a pattern here of terrible frustration, not being able to be heard on this floor about amendments that we, the people, are here to do.

The amendment I was simply trying to offer is that this board that's going to oversee the horses and burros is consisting of 12 people. We're trying to add a few more people to that board: two representatives from State grazing boards or equivalent State agencies who are not State employees; and we're trying to add two representatives of Indian tribes who manage wild horses and burros.

□ 0930

Now, if you're out West in a State like Utah and several of the other Western States, you have Indian tribes who have a vested interest in the management interest of the horse and burros. For the Democrats to actually deny us an opportunity to allow Native Americans to be represented on the board is just ridiculous. It shows the arrogance and the heavy-handedness of this Congress.

Time after time, we have offered amendments to appropriations that never get heard on this floor. I, too, was elected. I'm a freshman. I didn't

create this mess, but I am here to help clean it up.

They tell us a lot in meetings that when we talk about rules and we talk about process, it's not that sexy and we're not going to win elections based on that sort of thing. But if we don't get the process right, we're not going to get the end result right.

To take a bill that, as introduced, has a \$700 million price tag to it, rush it through Rules in just over an hour, offer an amendment on time, then not being allowed to hear it where we're just simply trying to get, for instance, members of Native Americans to participate in the horse and burro bill, is just symptomatic of what is wrong and what is broken here in this process.

I have deep concerns about this bill overall. I know there's a manager's amendment. I know there's a substitute amendment. But let's also understand in this bill that we're dealing with overpopulation here. There are over 30,000-some horses and burros that are incarcerated or being held, however you want to term it, out in the Western States predominantly.

You know, they talk about save our mustangs as if it's some endangered species. It's not an endangered species. They are rampant everywhere, destroying the land, going onto private landholders' land and destroying their crops.

And now we're offering this \$700 million program and, you know what, to suggest that there's no cost to the manager's amendment I don't think is accurate. We're dealing with an overpopulation here with huge, huge price tags to it and a huge burden upon the rural Americans that live out West and have to deal with these horses.

I would encourage my colleagues to look deeply at this rule. Please, just because it's offered doesn't mean that it has to be approved. I appreciate the opportunity to stand here and share this with you today.

Mr. MCGOVERN. I yield myself such time as I may consume.

Madam Speaker, I just want to say to my colleague that I appreciate his comments, especially after our previous conversation.

He is complaining about the process, but if I'm understanding this correctly, the Resources Committee held a hearing on this bill. There was a full committee markup. The gentleman offered a similar amendment, I understand, that was rejected.

He sent an amendment up to the Rules Committee, which he did not testify on behalf of, which he is not required to. But if it was so important, I would have thought that he would have been up before the committee. And I would also say to my colleague that, to the best of my understanding, none of his Republican colleagues on the Rules Committee offered his amendment.

So I would just suggest in the future, if there is an important issue like that,

that there be some more groundwork in advance to it.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I'm happy to yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Madam Speaker, I think that it's very interesting to observe that there was virtually no notice whatsoever that while we're in the midst of this crucial appropriations process that this bill was going to come forward.

One hour's notice was provided to the full membership of this institution. Mr. CHAFFETZ had an amendment. He hurriedly put this together, submitted the amendment. Of course he didn't come to testify.

Mr. MCGOVERN. I reclaim my time, Madam Speaker.

I appreciate the gentleman's observation. But my point was that not only did Mr. CHAFFETZ not appear before the Rules Committee, but no member of the minority party on the Rules Committee offered his amendment.

I reserve the balance of my time.

Ms. FOXX. I yield myself such time as I may consume. As my colleague from California (Mr. DREIER) was saying, we are supposedly in the midst of an appropriations process, which is so time consuming and has to be so tightly controlled that we have not been allowed to offer amendments in an open process on the floor on the appropriations bills.

Yet, here we are today, handling a bill that obviously is not an emergency, obviously doesn't need to be dealt with now, and is only being put forward because the majority didn't have an excuse to keep us in town today, when people could be at home in the real world, meeting with their constituents, hearing what they have to say, and being able to learn more about the problems that are out there.

The Democrats in this House believe all the wisdom of the world is in Washington, D.C. We Republicans believe the wisdom of the world is out in our district, and that's where we ought to be spending more time, instead of here, creating problems for the American people.

With that, I yield such time as he may consume to my very distinguished colleague and former attorney general, the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentlelady for yielding.

I rise in opposition to the rule. You know, there's an expression around here: When we need filler on this floor to keep Members here for whatever reason, we bring up the dogs and the cats. Well, I guess we couldn't find one so we bring up the horses and the burros today.

Somehow, those who may never have seen a mustang, who may never have

ridden a horse that has a mustang heritage, are the experts on this floor telling us what we ought to do. They're the experts that tell us when government does something, it's not going to cost us anything.

I'm sort of reminded of "Bidenomics." That's the new word used to describe the statements of the Vice President of the United States on economics.

He told a group yesterday, the AARP, that we have to spend more money. The Federal Government has to spend more money, the Vice President said, or else we're going to go bankrupt.

Now, let's understand what he said. Unless we spend more Federal money, we're going to go bankrupt. We've got news for the Vice President. We're already bankrupt. Bankrupt means you're taking in less than you're putting out.

And we just had a magnificent accomplishment in this administration this week. For the first time in the history of this Nation, we now have in a single year a deficit of \$1 trillion. Not a billion with a B, but a trillion with a T. This is extraordinary.

Yet, we have the gentleman from Massachusetts, my friend, coming up and telling us once again: Don't worry; this bill we're bringing up here won't cost us any money.

We heard just a couple of months ago, or maybe it was a month ago, the President of the United States said, Pass my stimulus package and I guarantee you we won't have unemployment above 8 or 8.5 percent—8 percent, he said. I'm sorry. I want to make sure we're accurate here about what the President said.

He assured the American people that this stimulus package would stimulate the economy, and the gentleman from Massachusetts has just cited some statistics about all the jobs being created in North Carolina. I'm sure he's looking at the list now so he can get up and tell me how many jobs are being created in my home State of California. I'll be happy to debate that toe to toe any time. We're losing jobs in the State of California. They're losing jobs in this Nation. If the gentleman—well, I don't want to refer to the gentleman.

Let me put it this way. We have funny math here. The statistics that we have, the official statistics show that we are losing jobs at an alarming rate. We have an unemployment rate at the highest we've had in, I think, 26 years; yet we hear from the other side, Hooray for the stimulus package. It's creating jobs. And they will cite you State by State by State.

This is the only place I know where you can add up—well, you have a total number of losses of jobs, but they come to the floor and they will tell you how many jobs they're creating in each State. It's the only place I know where I guess you add up all those additions, but the net result is a subtraction.

Mr. DREIER. Madam Speaker, will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I'd be happy to yield.

Mr. DREIER. I thank my friend for yielding.

Since my friend began speaking about State by State, he alluded to our State of California. The unemployment rate in California today is 11.5 percent.

I'd like to underscore a statement that he made earlier about the promise that was made. We have a \$1 trillion so-called economic stimulus bill. It was \$787 billion, but we all know with interest accrued that it will exceed \$1 trillion. And we were assured that if we passed that stimulus bill, the unemployment rate across this country would not exceed 8 percent.

Right now, tragically, on a nationwide basis, it is 9.5 percent. And yesterday, a report came forward from a wide range of economists indicating that the unemployment rate will, within the next few months, exceed 10 percent. The projection is 10.1 percent. As I said, in our State of California, which is suffering like it has not in modern history, we are facing an 11.5 percent unemployment rate.

This notion of the Vice President indicating that if we don't spend more we're going to go bankrupt is preposterous.

Last night, at the encouragement of my friend from Sacramento, I had a telephone town hall meeting with literally thousands of my constituents, and the resounding message that came through from those constituents with whom I spoke is that we need to bring about a reduction rather than increase in the size and scope and reach of the Federal Government.

I thank my friend for yielding.

Mr. DANIEL E. LUNGREN of California. If I might just respond to that, perhaps that's the reason why they're keeping us here. The Democratic leadership doesn't want us to go home and hear from the folks at home because somehow they want us to continue with that notion that we know best. Because we know best here. We realize that in this difficult issue of dealing with wild horses, mustangs, and burros, in our greater wisdom, we have decided that there's no reason to have representation on the Board that's going to control this by the Native Americans. Why would we think the Native Americans would have any interest in this, or any knowledge in this, when those of us in Washington inside the beltway have superior knowledge.

Mr. DREIER. Will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding. I thank him for his contribution.

Let me just say, Madam Speaker, that one of the things that I think that

is important to look to is the beginning of the appropriations process about which my friend from Grandfather Community, North Carolina, was speaking when she began her remarks.

We were told by the chairman of the Appropriations Committee that we had critical legislation that had to be addressed before we complete our work by the 1st of August. We needed to get the appropriations process done. And there's a bipartisan consensus that article I, section 9 places on us the responsibility of getting that work done, and we did not in any way want to stand in the way of completing the appropriations process.

And so, today, having been told that we did not have time for an open amendment process, which has existed for only 220 years in this country, throughout the entire history of the Nation, the pattern of having an open amendment process, ensuring that Democrats and Republicans alike would have the opportunity to offer germane amendments to appropriations bills so that they could in fact, if they chose, try and do what our constituents at these town hall meetings continue to say, and that is reduce the size, scope, and reach of government, we have been denied an opportunity to offer those in the open amendment process. And what is it that we're doing? We're dealing with this wild horses and burros bill on the floor after being told there was not enough time.

Yesterday, we had the gentleman from Arizona (Mr. FLAKE) point to the fact that the day before we finished voting at 4 p.m. Yet, here we are, trying to responsibly legislate, and on Friday we're being kept here so that they can continue to work on the appropriations process in a closed way.

I thank my friend for yielding.

Mr. DANIEL E. LUNGREN of California. If the gentleman would allow me to reclaim my time, let me just underscore this. The gentleman mentioned the Constitution. The Constitution gives to the House of Representatives and the United States Senate the single greatest power that we have, which is the power of the purse. The power of the purse means the spending policy, the spending authority of the Federal Government resides in this body and that across the Rotunda. And when we're denied the opportunity to offer amendments, we're denied the opportunity to be able to represent our constituents as to how their money ought to be spent or how their money ought not to be spent, and that is the essential issue that we ought to talk about here.

We have been sent here by our constituents to represent them, and the most powerful tool that we've been given under the Constitution, the power of the purse, is being denied individual Members. This goes against a

tradition that's over 200 years in this House, and we're doing it for the purposes of expediency, which is the very argument undercut by the fact that we're taking time here to deal with the question of horses and burros in the West.

□ 0945

Now horses and burros in the West are important. I want to tell you that. I am from the West. We understand it's important. But it certainly is not as important as the appropriations process. And the essential question in a democracy of what right do we have to take money involuntarily from people—that is the tax—if we then are not going to exercise our responsibility to represent them in the decisions as to how those tax dollars will be spent?

I thank the gentlelady for the time.

Mr. MCGOVERN. Madam Speaker, I yield myself as much time as I may consume.

That was an interesting exchange. Unfortunately it didn't represent or reflect reality. The fact of the matter is, Madam Speaker, when Bill Clinton left the White House, he left George Bush with an enormous surplus. George Bush took that surplus and frittered it away on wars that were not paid for and \$1.6 trillion in tax cuts that drove us deeper into debt. The economy spiraled down. My friends on the other side basically turned their backs on what was happening to average people all across this country. And in November of 2008 the American people spoke; and what they made clear is this: That my friends on the other side of the aisle, my Republican friends, do not know best. At every level of government, they were rejected, they were turned out of office because people were sick and tired of their policies that, they believed, drove this economy into a deep ditch. What people want are answers. They don't want the same old, same old. They don't want more tax cuts for the rich. They don't want more indifference toward middle-class working families or total indifference toward those who are struggling in poverty. They want us to try to fix this economy.

My friends take delight in trying to poke holes in the policies of President Obama, saying, Well, you know, he promised that we would create X amount of jobs. We are falling short of that. Well, it turns out that this ditch that they dug is deeper than many of us thought. But by most standards, most economists are actually seeing that things are beginning to turn—maybe slower than we would like, but they are beginning to turn. We need to continue these policies. We need to help working families in this country. We need to fix health care. We need to lower costs for families. People are paying too much for health care in this country. They're tired of the past Congresses that were more interested in

pleasing insurance companies than they were in helping average families. They want us to deal with global climate change and to try to help pave the way for new jobs in the area of green technologies. So we're going to move forward.

I should also tell my friends, and as they know, that as we debate this bill, there are committees meeting, there are briefings going on on a whole number of issues from health care to the economic recovery. I'm sorry that they don't want to stay around and do that work, but that's what they were elected to do. We're going to stay here, and we're going to do the people's work until it is done.

With that, Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield myself such time as I may consume.

I just would like to say again to my colleague from Massachusetts that he keeps saying that the Republicans dug a deeper ditch than they expected to have. I just want to point out again that at the end of the Republicans' being in the majority in the Congress at the end of 2006, the economy was growing. We had 54 straight months of job growth. The Democrats took over in January of 2007, and that's when the economy started getting in trouble. They dug the ditch. We didn't dig the ditch.

I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, before I yield to the gentleman from West Virginia, I would just like to point out to the gentlelady from North Carolina, who has been a constant critic of the stimulus package, that some \$8 billion of that total is earmarked specifically for North Carolina. Some of the money that has already been spent, Madam Speaker, and has been used to be able to prevent the firing of teachers. Without receiving that money, States and communities would end up firing hundreds and hundreds of teachers, which would mean that class sizes would increase and in some cases even double, denying our kids the kind of quality education that we want them to have. Some of that money went to help shore up our law enforcement, our police officers, our firefighters. So to the best of my knowledge, the people of North Carolina haven't said, Don't give us the relief. Don't give us the aid. We need help because, quite frankly, this economy is in such bad shape—and I will repeat—because of the policies of the Republican administration that held the White House for 8 years, that basically turned its back on average working people in this country. We are trying to fix the mess that they created, and we're going to do that.

I would now like to yield 5 minutes to the chairman of the Natural Resources Committee, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the gentleman for yielding. I do have the honor and responsibility of chairing our House Committee on Natural Resources. The gentleman from Washington, Doc HASTINGS, a former Member of the Rules Committee, is my ranking member. His amendment was made in order under this rule.

Some allusions have been made on the minority side this morning that there are important issues facing our country, but here we are debating horses and burros because we couldn't find a cats and dogs bill. Well, we take seriously our responsibility on the House Natural Resources Committee as stewards of our public lands. We take seriously our responsibility to all creatures of this great land of ours, whether they be cats, dogs, wild horses, burros, sea otters, turtles, bees, birds. You name it, they appropriately come under our jurisdiction, and they are important responsibilities that the American people value. These are creatures that God has endowed our great country with, that have no vast lobbyists here in Washington representing them; but they represent good old American family values. They represent recreational pursuits. They represent a quality of time that our families can spend enjoying with these creatures that God has so richly bestowed this country with.

So for the other side to say that with all these important issues before our country—and they are important issues, and this Congress is addressing them because we on the majority side as well as this administration can, indeed, walk and chew gum at the same time. We are addressing those issues.

As the minority knows, since they were once in a position of leadership, we are supposed to be here 5 days a week, working on behalf of our constituents. Our constituents, for the most part, work at least 5 days a week, if not 7 days a week. At least in my district, many of them go to work before the sun comes up. They don't go home and see their families until the sun has gone down. They work a full 8- if not 12-hour day; and yet the minority side is noted for their offering motions to adjourn after we come in at 10 o'clock in the morning. They want to go home at 10:10 a.m. I know this is inside Beltway, inside baseball talk; but the American people want to see Congress do its job. They recognize the many issues that face our country, and they recognize that Congress should be able to walk and chew gum at the same time, just like this administration is doing in a very appropriate way.

So we are addressing issues that affect the American people at the same time that we're addressing the issues that affect their daily lives. I think that that's what they want us to do, and they want us to do it in a bipartisan way. So we should not be up here

trying to make fun of the matter that we're addressing of wild horses and burros legislation on a Friday because we know that work is being done while we are still discussing this legislation. The committees are meeting, the appropriations committees. The other committees are marking up health care reform, a very important issue. We know here amongst ourselves that if it were not for us having votes here on the floor of the House today, where would Members of Congress be? Some would be in their congressional districts, some would be out around the country doing things that Members do when we have weekends off. So this is an appropriate use of Congress' time.

Ms. FOXX. Madam Speaker, there is so much to say in so little time. I don't think that Republicans need a lecture on how we should be spending our time and whether we should be in Washington 5 days a week. There is an old saying that nobody is safe as long as the Congress or the legislature is in session, and I think most Americans believe that. Being here in Washington is not necessarily meaning that Congress is being productive, and I think that is the point that we have made over and over again. Again, I will say, the wisdom of the world is not here in Washington; and I think with what's been happening, particularly in the last 6 months, the American people have found that out. I am going to be very interested to see how long our colleagues on the other side continue to defend their actions and the action of this administration as the year goes by.

In terms of looking after all God's creatures, I am a person—and my husband is—who are both owned by a dog and a cat. They live in our house. We have farmed all our lives. We have raised horses. We are very, very fond of animals. We give a lot of money to organizations that look after animals. In fact, there is one organization out West that keeps animals until they die a natural death. We feel very strongly about that. So questioning my feeling about how we should treat all of God's creatures is not going to go very far with me. This is also a group of people that wants to provide government-funded abortions and kill unborn babies at the same time we're talking about saving horses and spending money on that. That argument doesn't go very far with me.

What the difference is between our colleagues on the other side and us is that we don't believe in growing government. These are not the things the Federal Government should be about. The Federal Government should confine itself to the very narrow set of issues laid out for us in the Constitution. We should adhere to the 10th Amendment which says that if it isn't mentioned in the Constitution, then it's a province of the States; and that's

what we should be doing. So I thought my colleague promised me fun today, but you brought up some issues where you've gone to meddling.

I now yield 2 minutes to my colleague from Oregon (Mr. WALDEN).

Mr. WALDEN. I thank the gentlelady from North Carolina. I represent a district that's 70,000 square miles. Over half of it is already under Federal ownership and control. I wouldn't necessarily say good management because it's also home to lots of issues involving poor forest management, catastrophic fires, lots of degradation of the habitat and lack of management over the years. One of the things that troubles me about this legislation is that we're going to spend potentially \$700 million overall—I've heard figures as high as that—to apparently buy 19 million acres of land perhaps. And if it is, indeed, those levels, all that land, when the government buys it, comes off the tax rolls. I have got communities with 20 percent unemployment where the government owns 70 percent of the counties. They've shut down activity on the forests, and the Federal Government is trying to shut down activity out on the range land and destroy things like cattle ranching and some of the great economic ways of the West.

This legislation comes along and apparently is going to have us borrow another \$700 million from somebody—probably the Chinese or whatever government decides they want to buy more of our debt, \$700 million, almost \$1 billion—so that we can go acquire more land as a government and take it off the tax rolls to deal with this issue. I just find it really disturbing. You are going to put a lot of people out of work in the rural West. This is not well-thought-out legislation. But speaking to the rule, we seem in this Congress, under Speaker PELOSI and the Democrat leadership, to have gone into not just tax-and-spend but gag-and-spend. I'll be asking soon to bring up a privileged resolution that I brought to this floor yesterday to allow us the opportunity to offer up amendments.

The SPEAKER pro tempore. The time of the gentleman has expired.

□ 1000

Ms. FOXX. I yield the gentleman 30 additional seconds.

Mr. WALDEN. To be able to offer up amendments on appropriations bills as historically Members of this House were always able to do until just recently when we have seen a historic and unprecedented gagging of Members of the Republican Party by Members of the Democratic Party when we have tried to offer up alternatives, positive alternatives, suggestions, ways to protect freedom of speech and freedom of religion and to cut back on this outrageous deficit spending.

I guess those must be tough votes for the majority. They don't want to take

them because they won't even allow our amendments to be debated on this House floor and considered.

So I'm sorry we have gotten into the gag-and-spend rules-making process around here.

Mr. MCGOVERN. Madam Speaker, I find it ironic that my friends on the other side of the aisle want to talk about fiscal responsibility and they are worried about the deficit. Where were they for 8 years when George Bush took this economy and drove it straight into a ditch? He inherited a surplus from President Clinton, and he squandered it. And nobody, virtually nobody, on the other side of the aisle spoke about the fact that Republican economic policies are responsible for this economic crisis. This President inherited the worst economy since the Great Depression. We need to dig ourselves out of this ditch. And we are going to do that.

I reserve the balance of my time.

Ms. FOXX. I yield our colleague from Iowa (Mr. KING) 2 minutes.

Mr. KING of Iowa. Madam Speaker, I thank the gentlelady from North Carolina.

In response to this point, I have stood here on this floor for hours and hours over several years listening to many, many Members of the Democrat Party, then the minority in Congress, plead that if they would just get the majority, give them the gavels, that the economy of this country would be brought back on track again. That happened in January of 2007. And it happened prior to any economic decline that anyone can describe on any flow chart that they can bring.

So they claimed that they would fix the economy if they could just have the majorities. They won the majorities partly on that claim, and the economy went south, and it really tanked in the anticipation of the President we have today. And it is getting worse. So I don't think that point can be made empirically.

I came here to rise in opposition to this rule. I rise in opposition to this rule for a number of reasons. I wanted to support the gentleman from Utah's statement about not having an opportunity, a legitimate opportunity, to make his case before the Rules Committee. And it is clear that that didn't happen. In a 1-hour window, he got an amendment in and filed. That was great staff work. But we have other things to do here other than sit outside the door of the hole in the wall on the third floor.

This process has got to change. We need to bring it to the floor where the American people can see what is actually being talked about in almost legislative code here.

I also want to point out that this legislation is not legislation that comes here because it is well thought out or needed by the American people. This is

driven by HSUS, the Human Society of the United States. They have hundreds of millions of dollars, and they have an agenda. They are seeking to take meat off the plates of the American people and all around the globe. So we just dance to this tune in this Congress because they say so.

Nobody came from my district and said, what are we going to do about too many horses? HSUS contributed to this problem by helping to block the harvesting of horses for human consumption. And now we have what will accumulate to be 1 million extra horses in the United States. And barely do they get that over with and they come back to us and say now we need 700 billion American-taxpayer-borrowed dollars to take over more public lands in order to put more horses. This will only continue. Those horses are eating 1 billion gallons of my ethanol every year.

Mr. MCGOVERN. I reserve my time.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I thank the gentlelady for yielding.

I want to respond to my friend from Massachusetts. He talks about deficits, and where were we? Let me point out to this gentleman, the highest deficit under George W. Bush's administration was in 2004, and that was right after we built up our forces to go into Afghanistan and Iraq.

It was slightly over \$400 billion. Under your first watch, your first watch as the majority in this Congress, the deficit was \$460 billion. This year it is projected to be \$1.8 trillion. And here we are today on the floor talking about a bill to expand that deficit another \$700 million.

Boy, talk about—well, I can't say the word. But talk about less than truthfulness. It certainly comes from the other side of the aisle on this issue.

Mr. MCGOVERN. If anyone on the other side of the aisle wants to defend the same-old-same-old policies of George Bush, then go ahead and do it. But the fact of the matter is that in November, 2008, the American people spoke overwhelmingly against and rejected those policies. The economic policies of the Republican Party and of George Bush drove this country into a ditch, and we are trying to dig ourselves out of it.

I reserve my time.

Ms. FOXX. I yield the gentleman from Washington (Mr. HASTINGS) 10 seconds.

Mr. HASTINGS of Washington. The gentleman from Massachusetts has over 15 minutes, and he doesn't even want to engage in a colloquy with somebody here that is willing to stand up and at least engage.

I thank the gentlelady for yielding.

Ms. FOXX. Madam Speaker, it appears as though we are beginning to touch a nerve on the part of our col-

leagues because we are presenting the facts, and they can't handle them.

We know that this economy is in terrible shape. All they can do is continue to blame President Bush. As one of my colleagues said, they asked for a chance to be in charge. They have been given a chance to be in charge. And what have they done? They have increased the debt to every American in this country in the first 6 months of this year by \$9,342.83. We do face the greatest economic problem we have had in 25 years, not since the Great Depression.

Madam Speaker, I am going to urge my colleagues to vote "no" on this rule because we don't need to be dealing with this issue now. We should be dealing with the American people who are hurting and continuing to lose jobs under the policies of Speaker PELOSI and the Bush administration.

I am asking my colleagues to vote no on the previous question. If the previous question is defeated, I will offer an amendment to the rule making in order an amendment by Mr. CHAFFETZ of Utah which was not made in order by the Rules Committee.

This amendment reconfigures the Joint Advisory Board to ensure representation by affected Indian tribes and State grazing boards. It also ensures that all members of the advisory board have expertise in wildlife management, rangeland management, animal husbandry or natural resources management and requires that the board members reside in a State in which wild free-roaming horses and burros are currently located.

AMENDMENT TO H. RES. 653 OFFERED BY MS. FOXX OF NORTH CAROLINA

At the end of the resolution, insert the following:

SEC. 3. Notwithstanding any other provision of this resolution, after consideration of the amendment printed in part A of the report of the Committee on Rules it shall be in order to consider the amendment printed in section 4 of this resolution, if offered by Representative Chaffetz of Utah or his designee. Such amendment shall be considered as read, shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question.

SEC. 4. The amendment referred to in section 5 is as follows: Section 8, strike paragraph (2) (page 17, lines 4 through 11) and insert the following new paragraph:

"(2) by striking 'Governments' and all that follows through 'management.' and inserting 'Governments shall include two representatives of the livestock industry; two representatives from State grazing boards (or equivalent State agency) who are not State employees; two representatives of the environmental community; two representatives of the animal protection community; two representatives of Indian tribes who manage wild horses or burros; and four scientists. All advisory board members must have expertise in wildlife management, rangeland management, animal husbandry or natural resources management and must reside in States comprising the current range of wild free-roaming horses and burros.'; and".

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's "American Congressional Dictionary"*: "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. MCGOVERN. Madam Speaker, we are here today because we are doing

the work of the American people. And we are doing what the American people asked us to do.

As we debate this bill on the floor, there are major markups in the Education and Labor Committee and the Energy and Commerce Committee on health care. There are also hearings and markups going on on two major appropriations bills. So there is a lot of work going on here, a lot of important work, of trying to dig ourselves out of this mess that this President inherited.

It is interesting, again, to hear my friends on the other side of the aisle talk about fiscal management and about the need to control deficits and debts when they voted for tax cuts for rich people that weren't off-set. They voted for wars that weren't paid for. And there was silence. And the economy got worse and worse and worse. On November 2008, the American people said, enough, we need to change course.

The American people want us to deal with health care. The Party of No says, no, can't do health care. They are trying to scare people, again, away from a national health care reform bill that will control and lower the cost of health care for average Americans.

People want us to deal with the issue of climate change and creating green jobs. And the Party of No says, no, we can't do that. They don't want us to deal with that issue. No, no, no, no.

Well, the reality is the American people want us to deal with the issues of law enforcement, with the issues of immigration and with a whole number of issues. And the Party of No says no. They vote against everything. They are against everything. So here we are. We are dealing with this issue today.

I think this is a commonsense bill. The chairman of the Resources Committee explained that there was a hearing and there was a markup at full committee. I would urge my colleagues to vote "yes" on the previous question and "yes" on the rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. WALDEN. Madam Speaker, I rise to a question of privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas the gentleman from Oregon, Mr. Walden, submitted an amendment to the Committee on Rules to H.R. 3170, the Financial Services and General Government Appropriations Act;

Whereas the said gentleman's amendment would have protected the free speech rights of broadcasters and American citizens by prohibiting funds made available in the Act from being used to implement the Fairness Doctrine and certain broadcast localism regulations;

Whereas a similar amendment was adopted by the House in 2007 during consideration of H.R. 2829, the Financial Services and General Government Appropriations Act, 2008 by a vote of 309 yeas and 115 nays, and became law, but the Democratic leadership allowed the provision to expire;

Whereas the gentleman's amendment complied with all applicable Rules of the House for amendments to appropriations measures and would have been in order under an open amendment process; but regrettably the House Democratic leadership has dramatically and historically reduced the opportunity for free speech on this Floor, and

Whereas the Speaker, Mrs. Pelosi, the Democratic leadership, and the chairman of the Committee on Appropriations, Mr. Obey, prevented the House from voting on the amendment by excluding it from the list of amendments made in order under the rule for the bill: Now, therefore, be it

Resolved, That H. Res. 644, the rule to accompany H.R. 3170, be amended to allow the gentleman from Oregon's amendment be considered and voted on in the House.

The SPEAKER pro tempore. Does the gentleman from Oregon wish to present argument on why the resolution is privileged for immediate consideration?

Mr. WALDEN. Yes, Madam Speaker, I do.

The SPEAKER pro tempore. The gentleman from Oregon is recognized.

Mr. WALDEN. I appreciate that, Madam Speaker. Rule IX is intended to allow a Member to raise questions which, and I quote, "those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; and those affecting the rights of Members, individually, in their representative capacity."

So I pose the question, What is more fundamental to the rights of Members of this House than the ability to represent their constituents and affect legislation brought to this floor?

The Democratic majority, under Speaker PELOSI, has unilaterally ended a 220-year tradition of allowing any Member to amend a spending bill. When my constituents sent me to Congress, they didn't send me here to just push the buttons using this card in a voting terminal. They wanted me to exercise all of the abilities granted to a Member of Congress. And the rule which this House passed yesterday by only a handful of votes, after arm twisting by the majority, denies me and every other Member the opportunity to fully represent their constituents.

If that does not “affect the rights of this House,” if that does not affect its “dignity and the integrity of its proceedings,” if that does not affect my rights as a Representative, I don’t know what does.

For 220 years, we went along in this House with the opportunity to offer amendments. And sure, there were instances along the way where both parties probably restricted amendments that could be offered on appropriations bills, but not very often.

This is unprecedented and historic in terms of the gagging of Members on both sides of the aisle. We had them on the floor yesterday trying to offer an amendment, a Democrat, and he too was turned down and upset. So I’m sure the Chair can find some technical reason why my resolution to protect free speech rights on the public’s airwaves may not be in order.

All we were trying to do is offer an amendment that had been offered up in 2007 and approved by over 300 Members of this House. When it was allowed to be considered and voted upon, it was approved by over 300 Members to protect the free speech rights of broadcasters, the citizens of this country as well. And instead, what we have now operating, I believe, affects the very rights of this House collectively, affects the dignity and integrity of its proceedings and affects the rights of its Members as described under rule IX individually in their representative capacity.

That is why I brought this privileged resolution to the floor, because I believe, as a citizen of this country and a Member of this great institution, that our rights have been diminished, and that indeed the integrity of this very House is on the line.

In fact, when you go to the Speaker’s Web site, at least I think it is still up, she pledged an open debate and an opportunity for Members of Congress to be able to come to the floor and offer amendments, much like the chairwoman has done over time, and relishes that, as I do. It is part of what we do here, or what we were sent to do here.

It is pretty hard to offer up alternatives to spending bills to reduce deficits and to put ideas into law when the Speaker’s Rules Committee acts and shuts down our very opportunity to even bring amendment up for debate.

□ 1015

Whether it passes or not will be up to the collective votes of this body. But we know that if we can never bring them up for debate, there will never be a vote. Now, maybe that’s convenient to those who don’t like to vote on difficult issues, or stand up for the free speech rights of broadcasters, whether they be religious broadcasters or those on the right or the left on talk radio, which is what my amendment would have sought to protect in the future.

But I really believe that rule IX is intended to allow Members to raise questions affecting the rights of the House collectively, to discuss its safety, and that’s not at issue here, but its dignity is. The integrity of its proceedings are. Those rights, these are fundamental to each of us, regardless of the label behind our name that designates our party.

This is the one time we’ve had in this institution, to come forward with our ideas on how to control the bureaucracy, to offer an amendment that controls it. It’s the only time I, as an individual, have that opportunity in the appropriations process, because I’m not a member of that committee, to represent my constituents. That’s why I believe, under rule IX, my representative capacity is diminished, and that of many other Members in this Chamber, many who are watching right now. The public needs to understand this as well, that something has changed here, and it’s not for the good. And I think it reflects badly on our proceedings. And I think it injures the integrity of this institution, let alone its dignity. And that’s why I make this parliamentary argument, that under rule IX, under rule IX, Members, it talks about collectively affecting the House.

Tell me, when Members of the minority or majority come before the Rules Committee and seek—well, first of all, have to even go to the Rules Committee. That didn’t use to occur on appropriations bills, did it? It didn’t used to occur. Only rarely, maybe once or twice in a year.

The SPEAKER pro tempore. The Chair must remind the gentleman to confine his remarks to his parliamentary question.

Mr. WALDEN. I appreciate the gentlelady’s counsel and I will attempt to do that. I was trying to do that here, and certainly I’m arguing in favor of the rules of this House being observed; that’s why I argue about the integrity of its proceedings.

In my view, proceedings have been shattered. Members of both parties are denied the opportunity, as our predecessors were allowed to have, to come to this floor and offer up amendments during the appropriations process. So I think my privileged resolution should be made in order, because I think my rights have been affected, and not in a good way. The rights of other Members are affected. I had more than one person on my amendment. And so individually, our representative capacity has been diminished. The voices I’m trying to represent are not allowed to be considered if I can’t get my privileged resolution to be considered. All it did was ask for a vote on my amendment, that it be made in order, so that we could vote on it on the rule, which, oh, by the way, at this point, the way this process has been conducted, not only has the rule been passed, but also the bill has

been passed. So it’s kind of ironic now we’d have this argument about whether my privileged resolution was in order, which would have allowed me, had it been secured, it would have allowed me to have some additional representative capacity and be able to have a vote on the amendment or a vote on whether I could offer the amendment. I guess that’s what would have occurred.

So I posit this point: That under rule IX, we are allowed to raise questions about issues that affect the rights of the House collectively. I can’t think of something that affects the House more collectively than our inability to offer amendments. And so I think our integrity is at issue here, these proceedings. I think Americans have come to understand, bills are rammed through here without the opportunity to be read. We’ve got a 1,026-page bill in the Energy and Commerce Committee that I can’t imagine anybody has read yet.

So, Madam Speaker, I’ll conclude; that I hope you’ll rule in my favor because I know, in your heart of hearts, you’re a woman who believes in fairness, and you believe in the integrity of these proceedings, and you believe firmly and fervently in protecting the rights of Members, both individually and collectively, and that you, in no way, would want to diminish the capacity for yourself, when you’re not in the chair, Members of this body, and for Members who will follow us. So I plead with you to do the right thing and allow a vote on my privileged resolution.

The SPEAKER pro tempore. The Chair is prepared to rule.

In evaluating the resolution offered by the gentleman from Oregon under the standards of rule IX, the Chair must be mindful of a fundamental principle illuminated by annotations of precedent in section 706 of the House Rules and Manual. The basic principle is that a question of the privileges of the House may not be invoked to prescribe a special order of business for the House.

The Chair finds that the resolution offered by the gentleman from Oregon, by proposing directly to amend House Resolution 644, prescribes a special order of business. Under a long and well-settled line of precedent presently culminating in the ruling of July 9, 2009, such a resolution cannot qualify as a question of the privileges of the House.

The Chair therefore holds that the resolution is not privileged under rule IX for consideration ahead of other business. Instead, the resolution may be submitted through the hopper in the regular course.

Mr. WALDEN. Madam Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. McGOVERN. Madam Speaker, I move to table the appeal of the ruling of the Chair.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALDEN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion that the appeal be laid on the table will be followed by 5-minute votes on:

ordering the previous question on House Resolution 653; and

adopting House Resolution 653, if ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 174, not voting 21, as follows:

[Roll No. 573]

YEAS—238

Abercrombie	Dingell	Larsen (WA)
Adler (NJ)	Doggett	Larson (CT)
Altmire	Donnelly (IN)	Lee (CA)
Andrews	Doyle	Levin
Arcuri	Driehaus	Lewis (GA)
Baca	Edwards (MD)	Lipinski
Baird	Edwards (TX)	Loeb sack
Baldwin	Ellison	Lofgren, Zoe
Barrow	Ellsworth	Lowe y
Bean	Engel	Lujan
Becerra	Etheridge	Lynch
Berkley	Farr	Maffei
Berman	Fattah	Maloney
Berry	Filner	Markey (CO)
Bishop (GA)	Foster	Markey (MA)
Bishop (NY)	Frank (MA)	Marshall
Blumenauer	Fudge	Massa
Boccieri	Giffords	Matheson
Boren	Gonzalez	Matsui
Boswell	Gordon (TN)	McCollum
Boucher	Grayson	McDermott
Boyd	Green, Al	McGovern
Brady (PA)	Green, Gene	McIntyre
Braley (IA)	Griffith	McMahon
Bright	Grijalva	McNerney
Brown, Corrine	Hall (NY)	Meek (FL)
Butterfield	Halvorson	Meeks (NY)
Capps	Hare	Melancon
Capuano	Harman	Michaud
Cardoza	Hastings (FL)	Miller (NC)
Carnahan	Heinrich	Miller, George
Carney	Herse th Sandlin	Mitchell
Carson (IN)	Higgins	Mollohan
Castor (FL)	Hill	Moore (KS)
Chandler	Himes	Moore (WI)
Childers	Hinchey	Moran (VA)
Chu	Hirono	Murphy (CT)
Clarke	Hodes	Murphy (NY)
Clay	Holden	Murtha
Cleaver	Holt	Nadler (NY)
Clyburn	Honda	Napolitano
Cohen	Hoyer	Neal (MA)
Connolly (VA)	Inslee	Nye
Conyers	Israel	Oberstar
Cooper	Jackson (IL)	Obey
Costa	Jackson-Lee	Olver
Costello	(TX)	Ortiz
Courtney	Johnson (GA)	Pallone
Crowley	Johnson, E. B.	Pascarell
Cuellar	Kagen	Pastor (AZ)
Cummings	Kanjorski	Payne
Dahlkemper	Kaptur	Perlmutter
Davis (AL)	Kennedy	Perrillo
Davis (CA)	Kilpatrick (MI)	Peters
Davis (IL)	Kilroy	Peterson
Davis (TN)	Kind	Pingree (ME)
DeFazio	Kirkpatrick (AZ)	Polis (CO)
DeGette	Kissell	Pomeroy
Delahunt	Klein (FL)	Price (NC)
DeLauro	Kucinich	Quigley
Dicks	Langevin	Rahall

Rangel
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano

Sestak
Shea-Porter
Sherman
Shuler
Sires
Skeltton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney

Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

□ 1045

Messrs. DAVIS of Illinois and PERRIELLO changed their vote from “nay” to “yea.”

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HINOJOSA. Madam Speaker, on rollcall No. 573, had I been present, I would have voted “yea.”

NAYS—174

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)

NOT VOTING—21

Ackerman
Barrett (SC)
Cantor
Eshoo
Graves
Gutierrez
Hinojosa
Kildee
Lucas
McCarthy (CA)
McCarthy (NY)
Miller, Gary
Murphy, Patrick
Reyes
Richardson
Schakowsky

Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp
Whitfield
Wilson (SC)
Wittman
Wolf
Young (FL)

PROVIDING FOR CONSIDERATION OF H.R. 1018, RESTORE OUR AMERICAN MUSTANGS ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 653, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 232, nays 188, not voting 13, as follows:

[Roll No. 574]

YEAS—232

Abercrombie	Davis (IL)	Jackson-Lee
Adler (NJ)	DeFazio	(TX)
Altmire	DeGette	Johnson (GA)
Andrews	Delahunt	Johnson, E.B.
Arcuri	DeLauro	Jones
Baca	Dicks	Kagen
Baird	Dingell	Kanjorski
Baldwin	Doggett	Kaptur
Barrow	Doyle	Kennedy
Bean	Driehaus	Kildee
Becerra	Edwards (MD)	Kilpatrick (MI)
Berkley	Edwards (TX)	Kilroy
Berman	Engel	Kirkpatrick (AZ)
Berry	Eshoo	Kissell
Bishop (GA)	Etheridge	Klein (FL)
Bishop (NY)	Farr	Kosmas
Blumenauer	Fattah	Kucinich
Boccieri	Filner	Langevin
Boswell	Foster	Larsen (WA)
Boucher	Frank (MA)	Larson (CT)
Boyd	Fudge	Lee (CA)
Brady (PA)	Giffords	Levin
Bright	Gonzalez	Lewis (GA)
Brown, Corrine	Gordon (TN)	Lipinski
Butterfield	Grayson	Loeb sack
Capps	Green, Al	Lofgren, Zoe
Capuano	Green, Gene	Lowe y
Cardoza	Grijalva	Lujan
Carnahan	Gutierrez	Lynch
Carney	Hall (NY)	Maffei
Carson (IN)	Halvorson	Maloney
Castor (FL)	Hare	Markey (MA)
Chandler	Harman	Marshall
Chu	Hastings (FL)	Massa
Clarke	Heinrich	Matsui
Clay	Herse th Sandlin	McCarthy (NY)
Cleaver	Higgins	McCollum
Clyburn	Himes	McDermott
Cohen	Hinchey	McGovern
Connolly (VA)	Hinojosa	McIntyre
Conyers	Hirono	McMahon
Cooper	Hodes	McNerney
Costello	Holden	Meek (FL)
Courtney	Holt	Meeks (NY)
Crowley	Honda	Melancon
Cuellar	Hoyer	Michaud
Cummings	Inslee	Miller (NC)
Dahlkemper	Israel	Miller, George
Davis (AL)	Jackson (IL)	Mitchell
Davis (CA)		Mollohan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

Moore (WI) Rothman (NJ) Stupak
 Moran (VA) Roybal-Allard Sutton
 Murphy (CT) Ruppertsberger Tanner
 Murphy (NY) Rush Thompson (CA)
 Murphy, Patrick Ryan (OH) Thompson (MS)
 Murtha Sanchez, Linda Tierney
 Napolitano T. Titus
 Neal (MA) Sanchez, Loretta Tonko
 Nye Sarbanes Towns
 Oberstar Schakowsky Tsongas
 Obey Schauer Van Hollen
 Olver Schiff Velázquez
 Ortiz Schrader Visclosky
 Pallone Schwartz Walz
 Pascrell Scott (GA) Wasserman
 Pastor (AZ) Scott (VA) Schultz
 Payne Serrano Waters
 Perlmutter Sestak Watson
 Peters Shea-Porter Watt
 Peterson Sherman Waxman
 Pingree (ME) Sires Weiner
 Polis (CO) Skelton Welch
 Pomeroy Slaughter Wexler
 Price (NC) Smith (WA) Whitfield
 Quigley Snyder Wilson (OH)
 Rahall Space Woolsey
 Reyes Speier Wu
 Richardson Spratt Yarmuth
 Rodriguez Stark

NAYS—188

Aderholt Foxx Moran (KS)
 Akin Franks (AZ) Murphy, Tim
 Alexander Frelinghuysen Myrick
 Austria Gallegly Neugebauer
 Bachmann Garrett (NJ) Nunes
 Bachus Gerlach Olson
 Bartlett Gingrey (GA) Paul
 Barton (TX) Goodlatte Paulsen
 Biggert Granger Pence
 Bilbray Griffith Perriello
 Bilirakis Guthrie Petri
 Bishop (UT) Hall (TX) Pitts
 Blackburn Harper Platts
 Blunt Hastings (WA) Poe (TX)
 Boehner Heller Posey
 Bonner Hensarling Price (GA)
 Bono Mack Herger Putnam
 Boozman Hill Radanovich
 Boren Hoekstra Rehberg
 Boustany Hunter Reichert
 Brady (TX) Inglis Andrews
 Broun (GA) Issa Roe (TN)
 Brown (SC) Jenkins Rogers (AL)
 Brown-Waite, Johnson (IL) Rogers (KY)
 Ginny Johnson, Sam Rogers (MI)
 Buchanan Jordan (OH) Rohrabacher
 Burgess King (IA) Rooney
 Burton (IN) King (NY) Ros-Lehtinen
 Buyer Kingston Ross
 Calvert Kirk Royce
 Camp Kline (MN) Ryan (WI)
 Campbell Kratovil Salazar
 Cantor Lamborn Scalise
 Cao Lance Schmidt
 Capito Latham Schock
 Carter LaTourette Sensenbrenner
 Cassidy Latta Sessions
 Castle Lee (NY) Shadegg
 Chaffetz Lewis (CA) Shimkus
 Childers Linder Shuler
 Coble LoBiondo Shuster
 Coffman (CO) Luetkemeyer Simpson
 Cole Lummis Smith (NE)
 Conaway E. Smith (NJ)
 Costa Lungren, Daniel Smith (TX)
 Crenshaw Mack Souder
 Culberson Manzullo Stearns
 Davis (KY) Marchant Sullivan
 Davis (TN) Markey (CO) Teague
 Deal (GA) Matheson Terry
 Dent McCarthy (CA) Thompson (PA)
 Diaz-Balart, L. McCaul Thornberry
 Diaz-Balart, M. McClintock Tiahrt
 Donnelly (IN) McCotter Tiberi
 Dreier McHenry McHugh
 Duncan McKeon McKeon
 Ehlers McMorris Rodgers
 Ellsworth Emerson Mica
 Fallon Miller (FL)
 Flake Miller (MI)
 Fleming Minnick
 Forbes Young (AK)
 Fortenberry Moore (KS)

NOT VOTING—13
 Ackerman Graves Rangel
 Barrett (SC) Kind Taylor
 Braley (IA) Lucas Westmoreland
 Ellison Miller, Gary
 Gohmert Nadler (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1053

So the previous question was ordered.
 The result of the vote was announced as above recorded.

Stated for:

Mr. ELLISON. Madam Speaker, on July 17, 2009, I inadvertently failed to vote on rollcall No. 574. Had I voted, I would have voted “yea.”

Mr. BRALEY of Iowa. Madam Speaker, on rollcall No. 574, had I been present, I would have voted “yea.”

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 236, nays 186, not voting 11, as follows:

[Roll No. 575]

YEAS—236

Abercrombie Cuellar Hodes
 Adler (NJ) Cummings Holden
 Altmire Dahlkemper Holt
 Andrews Davis (AL) Honda
 Arcuri Davis (CA) Hoyer
 Baca Davis (IL) Inslee
 Baird DeFazio Israel
 Baldwin DeGette Jackson (IL)
 Barrow Delahunt Jackson-Lee
 Bean DeLauro (TX)
 Becerra Dicks Johnson (GA)
 Berkley Dingell Johnson, E. B.
 Berman Doggett Jones
 Berry Doyle Kagen
 Bishop (GA) Driehaus Kanjorski
 Bishop (NY) Edwards (MD) Kaptur
 Blumenauer Edwards (TX) Kennedy
 Boccieri Ellison Kildee
 Boswell Engel Kilpatrick (MI)
 Boucher Eshoo Kilroy
 Boyd Etheridge Kind
 Brady (PA) Farr Kissell
 Braley (IA) Fattah Klein (FL)
 Bright Filner Kosmas
 Brown, Corrine Foster Kucinich
 Butterfield Frank (MA) Langevin
 Capps Fudge Larsen (WA)
 Capuano Giffords Larson (CT)
 Cardoza Gordon (TN) Lee (CA)
 Carnahan Grayson Levin
 Carney Green, Al Lewis (GA)
 Carson (IN) Green, Gene Lipinski
 Castor (FL) Grijalva Loeb sack
 Chandler Gutierrez Lofgren, Zoe
 Chu Hall (NY) Lowey
 Clarke Hall (TX) Luján
 Clay Halvorson Lynch
 Cleaver Hare Maffei
 Clyburn Harman Maloney
 Coble Hastings (FL) Markey (MA)
 Cohen Heinrich Marshall
 Connolly (VA) Herseht Sandlin Massa
 Conyers Higgins Matsui
 Cooper Himes McCarthy (NY)
 Costello Hinchey McCollum
 Courtney Hinojosa McDermott
 Crowley Hirono McGovern

McIntyre
 McMahon Pomeroy
 McNehey Price (NC)
 Meek (FL) Quigley
 Meeks (NY) Rahall
 Michaud Rangel
 Miller (NC) Reyes
 Miller, George Richardson
 Mitchell Rodriguez
 Mollohan Rothman (NJ)
 Moore (KS) Roybal-Allard
 Moore (WI) Ruppertsberger
 Moran (VA) Rush
 Murphy (CT) Ryan (OH)
 Murphy, Patrick Sanchez, Linda
 Murtha T.
 Nadler (NY) Sanchez, Loretta
 Napolitano Sarbanes
 Neal (MA) Schakowsky
 Nye Schauer
 Oberstar Schiff
 Obey Schrader
 Olver Schwartz
 Ortiz Scott (GA)
 Pallone Scott (VA)
 Pascrell Serrano
 Pastor (AZ) Sestak
 Payne Shea-Porter
 Perlmutter Sherman
 Perriello Sires
 Peters Skelton
 Peterson Slaughter
 Pingree (ME) Smith (WA)

NAYS—186

Forbes Melancon
 Fortenberry Mica
 Foxx Miller (FL)
 Franks (AZ) Miller (MI)
 Frelinghuysen Minnick
 Gallegly Moran (KS)
 Garrett (NJ) Murphy (NY)
 Gerlach Murphy, Tim
 Gingrey (GA) Myrick
 Goodlatte Neugebauer
 Granger Nunes
 Griffith Olson
 Guthrie Paul
 Harper Paulsen
 Hastings (WA) Pence
 Heller Petri
 Hensarling Pitts
 Herger Platts
 Hill Poe (TX)
 Hoekstra Posey
 Hunter Price (GA)
 Inglis Putnam
 Issa Radanovich
 Jenkins Rehberg
 Johnson (IL) Reichert
 Johnson, Sam Roe (TN)
 Jordan (OH) Rogers (AL)
 King (IA) Rogers (KY)
 King (NY) Rogers (MI)
 Kingston Rohrabacher
 Kirk Rooney
 Kirkpatrick (AZ) Ros-Lehtinen
 Kline (MN) Roskam
 Kratovil Ross
 Lamborn Royce
 Lance Ryan (WI)
 Latham Salazar
 Latta Scalise
 Lee (NY) Schmidt
 Lewis (CA) Schock
 Linder Sensenbrenner
 LoBiondo Sessions
 Luetkemeyer Shadegg
 Lummis Shimkus
 Lungren, Daniel Shuler
 E. Shuster
 Mack Simpson
 Manzullo Smith (NE)
 Marchant Smith (NJ)
 Markey (CO) Smith (TX)
 Matheson Souder
 McCarthy (CA) Space
 McCaul Stearns
 McClintock Sullivan
 McCotter Teague
 McHenry Terry
 McHugh Thompson (PA)
 McKeon Thornberry
 McMorris Tiahrt
 Mica Tiberi
 Miller (FL)
 Miller (MI)
 Minnick
 Young (AK)
 Young (FL)

Turner	Wamp	Wolf
Upton	Wilson (SC)	Young (AK)
Walden	Wittman	Young (FL)

NOT VOTING—11

Ackerman	Gonzalez	Miller, Gary
Barrett (SC)	Graves	Taylor
Brady (TX)	LaTourette	Westmoreland
Gohmert	Lucas	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes left in the vote.

□ 1100

Mr. NADLER changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RESTORE OUR AMERICAN MUSTANGS ACT

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 653, I call up the bill (H.R. 1018) to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HOLDEN). Pursuant to House Resolution 653, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered as read.

The text of the bill, as amended, is as follows:

H.R. 1018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Restore Our American Mustangs Act".

SEC. 2. REFERENCE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Act of December 15, 1971 (commonly known as the "Wild Free-Roaming Horses and Burros Act"; 16 U.S.C. 1331 et seq.).

SEC. 3. POLICY.

The first section is amended by striking "in the area where presently found, as".

SEC. 4. DEFINITIONS.

Section 2 (16 U.S.C. 1332) is amended—

(1) in paragraph (b), by inserting "born or present" after "unclaimed horses and burros";

(2) in paragraph (c), by striking "which does not exceed their known territorial limits,";

(3) in paragraph (d)—

(A) by inserting "and any associated foals" after "his mares"; and

(B) by striking "and" after the semicolon;

(4) in paragraph (e), by striking the period and inserting a semicolon;

(5) in paragraph (f)—

(A) by striking "(1) which" and all that follows through "(2)";

(B) by inserting "in accordance with section 3(d)," after "from an area"; and

(C) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

"(g) 'thriving natural ecological balance' means a condition that protects ecosystem health, the ecological processes that sustain ecosystem function and a diversity of life forms, including those species listed under the Endangered Species Act of 1973, and further ensures that wild horses and burros, livestock and wildlife species are given fair consideration in the allocation of resources on those lands where said species are authorized or managed consistent with the requirements of the Federal Land Policy and Management Act of 1976 (Public Law 94-579) and other applicable law; and

"(h) 'fatally injured or terminally ill' means an animal exhibiting one or more of the following:

"(1) A hopeless prognosis for life.

"(2) A chronic or incurable disease, injury, lameness, or serious physical defect (including severe tooth loss or wear, club foot, and other severe congenital abnormalities).

"(3) A condition requiring continuous treatment for the relief of pain and suffering in a domestic setting.

"(4) An acute or chronic illness, injury, physical condition or lameness that would preclude an acceptable quality of life for the foreseeable future."

SEC. 5. INVENTORY AND DETERMINATIONS.

(a) Section 3(a) (16 U.S.C. 1333(a)) is amended as follows:

(1) By striking "is authorized and directed to" and inserting "shall—

"(1)".

(2) By striking "and he may" and inserting a semicolon.

(3) By inserting before "designate" the following:

"(2)".

(4) In paragraph (2) (as so designated)—

(A) by striking "their" and inserting "the";

(B) by inserting "of wild free-roaming horses and burros" after "preservation";

(C) by striking "wherein" and inserting "where";

(D) by striking "deems" and inserting "considers"; and

(E) by striking "desirable. The Secretary shall" and inserting "desirable;

"(3)".

(5) In paragraph (3) (as so designated), by striking the period after "public lands" and inserting a semicolon.

(6) By striking "He shall" and inserting the following:

"(4)".

(7) In paragraph (4) (as so designated), by striking "of this Act." and inserting "of this Act.":

(8) By striking "All" and inserting the following:

"(5) ensure that".

(9) In paragraph (5) (as so designated)—

(A) by inserting "related to wild free-roaming horses and burros are" after "activities";

(B) by striking "shall be" both places it appears;

(C) by inserting "relevant State" after "in consultation with the";

(D) by striking "of the State wherein such lands are located";

(E) by striking "which inhabit such lands"; and

(F) by striking the period after "endangered wildlife species" and inserting a semicolon.

(10) By striking "Any" and inserting the following:

"(6) ensure that any".

(11) In paragraph (6) (as so designated)—

(A) by striking "on any such lands shall take" and inserting "are made after taking"; and

(B) by striking "which inhabit such lands." and inserting "; and".

(12) At the end of such subsection, add the following:

"(7) ensure that the acreage available for wild and free-roaming horses and burros shall never be less than the acreage where wild and free-roaming horses and burros were found in 1971."

(b) Subsection (b)(1) of section 3 is amended as follows:

(1) By striking "(b)(1) The Secretary shall" and inserting the following:

"(b) In order to determine if a thriving natural ecological balance exists with regards to wild free-roaming horses and burros, the Secretary shall—

"(1)".

(2) In paragraph (1) (as so designated)—

(A) by striking "a current" and inserting "an"; and

(B) by striking the period after "public lands" and inserting a semicolon and the following:

"(2) update the inventory every two years;

and

"(3) make the inventory available to the public on the Website of the Bureau of Land Management."

(3) By striking "The purpose" and all that follows through "the Secretary" and inserting the following:

"(c) In order to better manage and protect wild free-roaming horses and burros, and to achieve and maintain a thriving natural ecological balance, the Secretary, not later than one year after the date of the enactment of this section, shall take the following actions:

"(1) Adopt and employ the best scientific, peer-reviewed methods to accurately estimate wild free-roaming horse and burro populations on public lands for purposes of the inventory required in subsection (b).

"(2) Develop a policy and standards, with public involvement, for setting consistent, appropriate management levels on public lands, based on scientifically sound methodologies.

"(3) Provide a public process, including a period for notice and comment, for finalizing appropriate management level standards.

"(4) Publish and distribute these standards to each field office so that the methodology for estimating population and determining appropriate management levels is consistent across public lands.

"(5) Train Federal personnel on the use of these standard techniques to estimate population and determine appropriate management levels."

(4) By striking "shall consult with" and inserting the following:

"(6) Develop and finalize the standards in consultation with—".

(5)(A) By inserting "(A)" before "the United States Fish".

(B) By inserting "(B)" before "wildlife agencies".

(C) By striking "wherein" and inserting "where".

(D) By striking "such individuals" and inserting "(C) individuals".

(E) By striking "such other individuals" and inserting "(D) individuals".

(F) By striking "he" and inserting "the Secretary".

(G) By inserting "to" after "determines".

(6) In subparagraphs (A) through (C) of paragraph (6) (as so designated), by striking each comma and inserting a semicolon.

(7) In subparagraphs (A) through (D) of paragraph (6) (as so designated), by moving the margins of such subparagraphs 4 ems to the right.

(8) After paragraph (6) (as so designated), by inserting the following:

"(7) Identify new, appropriate rangeland for wild free roaming horses and burros, including

use of land acquisitions, exchanges, conservation easements, voluntary grazing buyouts, and agreements with private landowners to allow for the federally supervised protection of wild horses and burros on private lands, except that the Secretary shall assess the effects of new range for wild free-roaming horses and burros on rangeland health, riparian zones, water quality, soil compaction, seed bed disturbance, native wildlife, and endangered or threatened species and transmit the results of the assessment to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

“(8) Establish sanctuaries or exclusive use areas, except that the Secretary shall assess the effects of sanctuaries or exclusive use areas for wild free-roaming horses and burros on rangeland health, riparian zones, water quality, soil compaction, seed bed disturbance, native wildlife and endangered or threatened species and transmit the results of the assessment to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

“(9) In identifying or designating any new rangeland, or establishing any sanctuary or exclusive use area for wild free-roaming horses and burros, the Secretary of the Interior and the Secretary of Agriculture shall take into account and avoid any potential conflicts with wind, solar, geothermal, oil, natural gas, energy transmission, and mineral resources potential of the lands affected by the identification, designation, or establishment.

“(10) Research, develop, and implement enhanced surgical or immunocontraception sterilization or other safe methods of fertility control.”

(c) In subsection (b) of section 3, by striking “(2) Where” and inserting “(d) If”.

(d) In subsection (d) (as so designated) of section 3—

(1) by striking “determines” and all that follows through “horses and burros to be” in subparagraph (B) and inserting “has exhausted all practicable options for maintaining a thriving natural ecological balance on the range, the Secretary may provide that wild free-roaming horses and burros are”;

(2) by striking “for which he determines” the first place it appears and inserting “so long as the Secretary has determined”;

(3) by striking “and for which he determines he can assure” and inserting “and the Secretary can ensure”;

(4) by striking “(including” and all that follows through “That, not” and inserting the following: “by requiring that—

“(1) no”;

(5) in paragraph (1) (as so designated)—

(A) by striking “animals” the first two places it appears and inserting “wild free-roaming horses and burros”;

(B) by striking “such” the first place it appears and inserting “the”; and

(C) by striking “and” after the semicolon and adding the following:

“(2) each individual adopter shall execute an appropriate attestation, pursuant to section 1001 of title 18, United States Code, affirming that adopted animals and their remains shall not be used for commercial purposes; and

“(3) wild free-roaming horses and burros may not be contained in corrals or short-term holding facilities for more than 6 months while awaiting disposition.”; and

(6) by striking subparagraph (C) and paragraph (3).

(e) Redesignate subsection (c) of section 3 as subsection (e) and in such subsection—

(1) by striking “Where excess animals have” and inserting “When a wild free-roaming horse or burro has”;

(2) by striking “a period of”;

(3) by striking “is authorized” and inserting “shall”;

(4) by inserting a comma after “transferee”;

(5) by striking “to” before “grant”;

(6) by striking “title to not more than four animals to”; and

(7) by striking “at the end of the one-year period” and inserting “title to that animal”.

(f) Redesignate subsection (d) of section 3 as subsection (f) and in such subsection—

(1) by striking “Wild” and inserting “(1) Except as provided for in paragraph (2), wild”;

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(3) in subparagraph (A) (as so redesignated), by striking “(c) except for the limitation of subsection (c)(1)” and inserting “(e)”;

(4) in subparagraph (C) (as so redesignated), by striking “(b)” and inserting “(h)”;

(5) in subparagraph (D) (as so redesignated), by striking “; or” and inserting a period; and

(6) in paragraph (5), by striking “(5)” and all that follows through “burro” and inserting the following:

“(2) No animal ever covered under this Act”.

(g) By inserting after section 3(f) (as so redesignated) the following:

“(g) Not later than one year after the date of enactment of this subsection, for the purposes of carrying out a successful wild free-roaming horse and burro adoption program the Secretary shall—

“(1) implement creative and more aggressive marketing strategies for the adoption program, including the use of the internet or other media to showcase horses and the adoption program;

“(2) explore public outreach opportunities, including agreements with local and State organizations that are using horses for rehabilitation, therapy, or prisoner programs;

“(3) provide resources to properly screen and train potential adopters;

“(4) conduct tours of Bureau of Land Management facilities for interested parties;

“(5) develop volunteer mentor and compliance check programs for assisting the agency in facilitating successful adoptions;

“(6) develop a program through which potential adopters may be offered an economic incentive for successful completion of the adoption process; and

“(7) take any and all other actions that the Secretary determines to be necessary and useful towards expanding the wild horse and burro adoption program.

“(h) The Secretary may not destroy or authorize the destruction of wild free-roaming horses or burros unless the Secretary—

“(1) determines that the wild free-roaming horse or burro is terminally ill or fatally injured; and

“(2) ensures that the terminally ill or fatally injured wild free-roaming horse or burro will be destroyed in the most humane manner.

“(i) If the immediate health or safety of wild free-roaming horses or burros is threatened, such as in severe drought conditions, the Secretary may temporarily remove animals from the range.

“(j) The Secretary may remove from the range wild free-roaming horses and burros determined to be a threat to the health and well being of native plant or wildlife species.

“(k) Except in cases of removal under subsection (d), (i), or (j), if the Secretary removes wild free-roaming horses or burros from an area, the Secretary shall provide a public notice on the Website of the Bureau of Land Management 30 days prior to the planned removal.

“(l) The Secretary shall—

“(1) track the number of wild free-roaming horses and burros injured or killed during gath-

ering or holding in a centralized database system;

“(2) determine what information on the treatment of gathered wild free-roaming horses and burros in holding and adopted wild free-roaming horses and burros could be provided to the public to help inform the public about the treatment of wild free-roaming horses and burros; and

“(3) ensure that such information is easily accessible on the Website of the Bureau of Land Management.”.

(h) By striking subsection (e) (relating to sale of excess animals).

SEC. 6. PRIVATE MAINTENANCE.

Section 4 (16 U.S.C. 1334) is amended—

(1) by striking “animals removed” and inserting “animals returned to public land”; and

(2) by inserting “pursuant to section 3(h)” after “agents of the Secretary”.

SEC. 7. COOPERATIVE AGREEMENTS.

Section 6 (16 U.S.C. 1336) is amended by inserting “and other private entities” after “landowners”.

SEC. 8. JOINT ADVISORY BOARD.

Section 7 (16 U.S.C. 1337) is amended—

(1) by striking “nine” and inserting “12”;

(2) by striking “Governments” and all that follows “management.” and inserting “Governments and shall include at a minimum three representatives of the livestock industry; three representatives of the environmental community; three representatives of the animal protection community; and three scientists with expertise in wildlife management, animal husbandry, or natural resource management.”; and

(3) by adding at the end the following new sentence: “Nomination of members of the board shall be conducted by public notice and comment in accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix) and shall be for a term of four years. No individual shall serve more than two consecutive terms.”.

SEC. 9. CRIMINAL PROVISIONS.

Section 8 (16 U.S.C. 1338) is amended—

(1) by striking “Any person who” and inserting “(a) Any person who”; and

(2) in paragraph (4) of subsection (a) (as so designated)—

(A) by striking “except as provided in section 3(e).”;

(B) by inserting “, transports for processing,” after “processes”;

(C) by striking “the remains of a” and inserting “a live or deceased”; and

(D) by inserting “for consideration” after “burro”.

SEC. 10. LIMITATION OF AUTHORITY.

Strike section 10 (16 U.S.C. 1339) and redesignate section 11 as section 10.

SEC. 11. REPORTS.

Section 10 (as so redesignated by section 10 of this Act) is amended as follows:

(1) By striking “After the expiration” and all that follows through “thereafter” and inserting “(a)(1) Not later than one year after the date of enactment of this subsection and annually thereafter”.

(2) By striking “will submit to Congress a joint report” and inserting “shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a joint report”.

(3) By striking “he” and inserting “the Secretaries”.

(4) By inserting after subsection (a)(1) (as so designated) the following:

“(2) The report shall also contain the following—

“(A) the number of acres managed by the Bureau of Land Management and the USDA Forest Service for wild free-roaming horses and burros;

“(B) the appropriate management levels on public rangelands;

“(C) a description of the methods used to determine the appropriate management levels and whether it was applied consistently across the agency;

“(D) the number of wild free-roaming horses and burros on public lands;

“(E) a description of the methods used to determine the wild free-roaming horse and burro population;

“(F) any land acquisitions, exchanges, conservation easements, and voluntary grazing buyouts that the Secretary has acquired or pursued for wild free-roaming horses and burros;

“(G) any sanctuaries or exclusive use areas established for wild free-roaming horses and burros;

“(H) programs established for immunization, contraception research, development, and management level implementation;

“(I) the extent to which fertility control is being used by the Secretary to control the population of wild free-roaming horses and burros;

“(J) the percentage of the Bureau of Land Management budget devoted to contraception annually;

“(K) the ratio of animals the agency has contracepted and put back on the range; and

“(L) which herds have been administered contraception and with what results.

“(3) Each report submitted under paragraph (2) shall be made available to the public on the Website of the Bureau of Land Management.”.

(5) By inserting “(b)” before “The Secretary of the Interior”.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment printed in part A of House Report 111-212 if ordered by the gentleman from West Virginia (Mr. RAHALL) or his designee, which shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to a demand for division of the question. It shall be in order to consider a further amendment in the nature of a substitute printed in part B of House Report 111-212 if offered by the gentleman from Washington (Mr. HASTINGS) or his designee, which shall be considered as read and debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Washington (Mr. HASTINGS) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 1018.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAHALL. Mr. Speaker, I am pleased to bring before the House today H.R. 1018, the Restore Our American Mustangs Act, legislation that will save the taxpayers money while saving tens of thousands of wild horses and burros from slaughter.

Earlier this year, the Bureau of Land Management made a truly shocking announcement. This Federal agency tasked with managing our magnificent public lands and resources announced future plans to destroy, i.e., slaughter, 30,000 healthy wild horses and burros entrusted to their care by the American people.

The announcement was even more stunning given that Congress enacted the Wild, Free Roaming Horse and Burro Act of 1971 declaring that these iconic animals were “living symbols of the historic and pioneer spirit of the West” and “are to be considered an integral part of the natural system of the public lands.”

How in the world can a Federal agency be considering massive slaughter of animals the law says they are supposed to be protecting?

At my request, the Government Accountability Office conducted a complete review of the program, and they documented its numerous shortcomings.

The bill before us amends the 1971 act to implement the suggestions made by GAO and give the agency as many options as possible to avoid destroying these animals. Most significantly, this legislation will move the agency toward increasing the acreage available to wild horses and burros.

When the original act passed in 1971, 20 percent of BLM land was open to the horses. Today, they are only allowed on 13 percent of BLM land. The agency has never justified the removal of horses and burros from these missing acres.

This bill will also require consistency in management planning, with publication of standard operating procedures for managing these animals across all of our public lands. It will require better accounting methods so the agency can be certain how many animals are truly out on the range. It will strengthen the adoption program so that many more eligible horses and burros can go to adoptive homes. And it will authorize cooperative agreements with individuals and nonprofits so that large numbers of animals might be moved onto non-Federal land. Each of these provisions will make this program more cost-effective and will make it more efficient.

Despite these improvements, opponents of this bill are going to claim today that it will be expensive to implement. Their solution is to simply pass the same narrow bill prohibiting slaughter approved in the last Congress. You're going to hear that this bill goes so far that it should be called welfare for horses. That's what they will claim.

This is a funny line, but it uses high cost estimates to gloss over the fact that since the last Congress we have the benefit now of a comprehensive GAO report identifying many more

strategies that we must pursue. Commissioning a good report and then ignoring its recommendations I hardly think is a way to save money. Stopping slaughter is an important step, and I'm pleased to see my friends on the other side of the aisle are now supporting that, but we do need to do more.

To be very clear, the pending bill, H.R. 1018, contains no direct spending. We are not creating an entitlement for horses. So the welfare joke falls completely flat.

Any increase in funding for the wild horse and bureau program would be the result of appropriations, not this authorization bill. Increasing the number of Federal acres available to horses and burros from the current 13 percent of BLM land back to the 20 percent available to them in 1971 should not cost the taxpayers anything. It is merely a 7 percent management adjustment, nothing more.

Our friends across the aisle always claim that BLM owns too much land. Now, we don't think so, but they certainly own enough to accommodate horses and burros. Furthermore, the management efficiencies in other parts of this bill will actually save money, and here is what we are doing: increasing adoptions, contraception and reducing overcrowding that will relieve the agency from having to round these animals up and care for them in long-term holding facilities, an expensive proposition.

The status quo is the worst of both worlds. It requires the BLM to hold these animals in expensive, long-term storage right up to the point when the money runs out, and then the agency has to kill thousands of them.

And witness these photos. These are American wild mustangs. And this is their fate. This is their fate held in captivity, abused. This is not what America is all about. This is not what America approves.

H.R. 1018 will give the agency new and better tools to avoid this outcome and will save money in the process.

At the appropriate time, I will be offering a manager's amendment further clarifying that the restoration of the missing acreage is a goal rather than a legal requirement, and so I would urge my colleagues concerned about the cost involved to support that amendment at the time and then support this legislation on final passage.

I reserve the balance of my time, Mr. Speaker.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, across our Nation, Americans are struggling to pay their bills; 9.5 percent of Americans are out of work. This is the highest unemployment rate that America has experienced in over a quarter of a century. President Obama and his economic advisers expect the number of jobless to climb higher, into the double digits.

After bailouts for Wall Street and a stimulus bill that has cost hundreds of billions of dollars and still isn't creating the jobs that the Democrats promised, the national deficit has now hit \$1 trillion, and that is an historic and worrying amount that President Obama says keeps him awake at night.

Mr. Speaker, Americans are hurting. Our economy is in a recession. Two million jobs have been lost since the stimulus bill passed this Congress in February. Government spending is going through the roof. In fact, the Congressional Budget Office estimates that since January, the Obama and Pelosi budgets will lead to increased spending of \$2.6 trillion over the next 10 years.

So, Mr. Speaker, with this backdrop, what is the response of this Democrat Congress to month after month of lost jobs, record unemployment, out-of-control spending, and skyrocketing deficits? Their response is to vote on a bill to create a \$700 million welfare program for wild horses and burros.

Mr. Speaker, if the American people want an illustration of just how out of touch this Congress has become on spending, they need to look no further than what's happening here on the floor of the House with this issue of wild horses and burros.

In the last Congress, the House passed legislation to ban the commercial slaughter of wild horses and burros. It was a one-page bill, and CBO estimated that it would cost taxpayers less than \$500,000 a year. Now we're just 2 years from that time period and we're looking at a bill that, again, bans slaughter of these animals but then proceeds to spend a CBO estimate of \$700 million to create a new welfare program for wild horses.

Mr. Speaker, that's right. Under the fiscal plan of this Democrat Congress the amount they want to spend on wild horses from the last Congress, which was \$500,000, to this Congress, is \$700 million.

So let's take a look at what the taxpayers' dollars would be spent on in this vast increase of public spending. It would mandate a wild horse census be conducted every 2 years. It provides enhanced contraception and birth control for these horses. It would spend and somehow acquire or move 19 million acres of public and private land for the specific purpose of giving these horses more places to roam around.

Mr. Speaker, 19 million acres is roughly the size of the distinguished chairman's State in West Virginia. That's the size of what we're talking about. And after we do that, Mr. Speaker, \$5 million will then be spent to repair the damage that these horses will do on these lands. And then, of course, there are new mandates that government bureaucrats perform home inspections before Americans can adopt a wild horse. That's the spending that

would be encompassed in this \$700 million.

So again, just to repeat, just to be sure that everybody understands, the taxpayers are being asked to buy up millions of acres of land for the enjoyment of wild horses, and then taxpayers will have to pay \$5 million a year to repair the damage that these horses will do to those lands.

Mr. Speaker, I must say only in Washington, D.C., does this make sense. Our country is in the middle of the worst recession in a half century. Over 14.5 million Americans are unemployed and can't find jobs. How in the world can the Democrats in this Congress hold a vote on this bill?

Americans are hurting. Republicans are focused on creating the jobs in this country, but this Democrat Congress seems to be more worried about hundreds of millions of dollars for wild burros and wild horses.

□ 1115

With that, Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, before recognizing the distinguished subcommittee chair, I do want to say I'm joined in cosponsoring this legislation by the gentleman from Arizona (Mr. GRIJALVA) and by my colleague from Kentucky (Mr. WHITFIELD).

At this point, I will yield 3 minutes to the distinguished chairman of our National Parks, Forests, and Public Lands Subcommittee, the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Thank you, Mr. Chairman. I rise today in support of the Restore our American Mustangs Act, H.R. 1018, a bill that will ensure wild horses and burros continue to have a place to roam on our public lands.

Mr. Speaker, as a steward of our public lands, I have been appalled by the proposal of the Bureau of Land Management to euthanize tens of thousands of healthy wild horses. According to the recent report by the Government Accountability Office, the BLM's Wild Horse and Burro Program is terribly inefficient and ineffective, and the BLM's so-called solution to this inefficiency is to simply put the animals they care for to death.

Mr. Speaker, there has to be a better way.

The better solution includes more options and more rigorous management. The ROAM Act will provide both. It includes reasonable tools such as the use of fertility control, the establishment of sanctuaries, and a much more robust adoption program, all leading to a more humane and constructive scheme.

Mr. Speaker, the amended bill being considered today has taken into account input from a range of stakeholders, including the administration, wild horse advocacy groups, and, based on their experiences and their efforts

in the field, this bill has been put together.

Perhaps most significant, the bill provides a definition for the term "thriving natural ecological balance," which appears in the 1971 law but was not defined. The definition makes clear that the management of horses and burros should seek to achieve a balanced, multiple-use of public lands, ensuring the health of all aspects of the range.

Testimony given to the Natural Resources Committee under consideration of this bill from the Director of the Game and Fish Department in my home State of Arizona highlighted the need for such a definition, and the bill provides one.

The amended bill is a solid foundation from which to correct the problems with BLM management of wild horses and burros and to begin to restore these animals to their natural, rightful place on our public lands as intended by the original 1971 law.

I strongly urge my colleagues to vote in favor of the bill before us today and to reject the substitute. The substitute has no cost savings. It guts H.R. 1018. It continues the costly practice of holding animals in pens that cost \$27 million a year to taxpayers. And it's a carte blanche for the BLM to kill, outright, up to 30,000 horses they have sitting in their holding pens.

This amendment is expensive and inhumane, and I urge its defeat.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield 7 minutes to the gentlewoman from Wyoming (Mrs. LUMMIS) who has an absolute hands-on experience with the issue that we're dealing with here today. She's also a member of the Natural Resources Committee.

Mrs. LUMMIS. I thank the gentleman from Washington for yielding.

I am from Wyoming, a State that has many wild horses on its public lands. I also have a degree in animal science, and I may be the only Member of this body who has ridden a BLM wild horse. My sister adopted two. This bill is not respectful of the grass resource.

Let's talk about the ecology and the environment of the plains of this great country. Wild horses graze differently than cattle, sheep, elk, and deer. And the reason is they have a solid hoof; whereas, buffalo, elk, deer, and cattle have a split hoof. When a solid-hoofed animal is pounding our fragile soils in the West, they are tamping or compacting that soil so it does not accept water that is needed to sustain very shallow, very fragile topsoil and the important diversity of grass species that are supported and are needed by every animal that grazes those lands and every endangered and threatened species that uses those same lands.

Furthermore, wild horses are there year-round. Livestock is only there at certain times of the year. Wild horses

that were not native to these lands, in the spring, create tremendous damage when the thawing occurs that creates great rises and disruptions of the soil.

Furthermore, when they graze, they pull plants out from the roots. Some of these species are, themselves, threatened and endangered grass and flowering plant species. That is why the Wyoming Nature Conservancy has opposed this bill.

Let me read you what the Wyoming Nature Conservancy has to say: H.R. 1018 is an affront to efforts that have united conservation and ranch interests to achieve real, on-the-ground results throughout the West. Western rangeland supports population of native plants, wildlife, livestock, and wild horses. It is our position that effective management of this rangeland must be based on science, not emotion.

This bill is based on emotion and not science.

Furthermore, when flies congregate on wild horses in the summer, the horses tend to gather closely and try to roll to prevent the flies from staying on them and laying their eggs. Consequently, they're destroying sage grass habitat.

Sage grass is a threatened species that is headed for the endangered species status if we do not control the activity of species that interfere with the recovery of the sage grass.

In other words, this bill is elevating wild horses above threatened and endangered species, above all the plant and animal species that share the same habitat in the West, and this is inappropriate land management, grass management. It creates an unsustainable situation. That is why Wyoming's Democrat Governor has also opposed the bill.

Governor Dave Freudenthal of Wyoming: H.R. 1018, to be frank, props up a program in need of sweeping reform. The current adoption program is full and is not responsive to the real issues of wild horse management. By increasing expensive holding facilities where many of these animals live out their lives because they are unadoptable, H.R. 1018 ignores the reality that wild horse and burro populations are out of control and doesn't get to the real problems that cripple our ability to truly manage these animals.

Furthermore, Wyoming's highly respected premier Game and Fish Department: Simply put, we are very concerned that expanding the management of free-roaming horses and burros to all public lands would have devastating impacts to the long-term sustainability of the public's fish and wildlife resources and their habitats in the West.

The list goes on and on of opponents. These opponents are people that manage fish and wildlife. These are people who manage grass resources. These are people who have boots-on-the-ground

experience and know that you cannot elevate one nonnative species over native species of plants and animals and have an ecologically sustainable grass resource and prairie system.

Chairman RAHALL, I have great respect for your knowledge of the mining laws that are so important to my State and your State, but I can tell you respectfully, Mr. Chairman, that wild horses are a problem in Wyoming, and I'm very hopeful that you will choose not to import the problem to your State of West Virginia. But if you do, you will find, of course, that you can sustain mammals in terms of a number of mammals per acre. In Wyoming, it's the number of acres per mammal, and it can vary anywhere from 35 acres to sustain one mammal to over 100. Because of that, the consequences of overgrazing are enormous.

Today's population of wild horses stands at approximately 36,000, and we know that the wild horse program stipulates that the total population of wild horses on public land should not exceed about 28,000 in order to promote a thriving ecological balance.

Mr. Chairman, we are talking about ecological balance. Yes, this is an expensive program, and I concur with the remarks of my ranking member from Washington. But I want to emphasize the disrespect that this bill places on our sensitive, fragile grass resources in the West that, during times of drought and during times of heavy pressure, are unavailable to sustain this feral horse population, nonnative, that is in need of control.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank my very good friend, the chairman of the committee. I was struck by the comments of the gentlelady from Wyoming referring to what she calls a feral horse problem here and the idea that we might be likely to vote on the basis of emotion rather than pure science.

Well, I'm going to give some hard-and-fast numbers. But first in response to that, it seems to me that we should reflect upon the fact that virtually all of our heroes are depicted in statues on horses. If they were killed in battle, their horse has the two front hooves up in the air. If they were wounded, one hoof is up.

Now, there's nothing scientific about that. It's all about emotion. It's about inspiring the American people. It's about what this country was about. And one of the things this country was about is its wild, open spaces where horses and buffalo were free to roam.

Now the argument is made they are nonnative. Well, the cows are nonnative, too, and in large measure this is to provide more room for cow grazing.

Let me get to some hard-and-fast numbers, because I strongly support

Mr. RAHALL's bill, because not only is it fiscally responsible, it is the right thing to do. Mr. HASTINGS' substitute is not the best solution.

The House has voted three times on this issue with overwhelming bipartisan support every time. This bill provides cost-effective, on-the-range management for our mustangs.

The Bureau of Land Management's program really isn't working very well. They're rounding up wild horses, only to keep them in holding pens. It's not good for the horses and it's wasting money, frankly.

Now, when you spend two-thirds of your program feeding captive wild mustangs in costly pens, you ought to figure out if there isn't a better alternative. Mr. RAHALL's bill and Mr. GRIMALVA's is a much better alternative to let them live in the open range but to reduce the population through humane birth control measures.

The gentleman suggests this is welfare for horses. The U.S. Geological Survey, the Journal of Wildlife Management, and the GAO all agree that this saves more than \$6 million as well as saving 30,000 horses. Mr. HASTINGS' amendment would be voting to slaughter 30,000 wild horses.

□ 1130

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman 2 additional minutes.

Mr. MORAN of Virginia. I thank my very good friend, the chairman, the gentleman from West Virginia.

I can't imagine that we want that picture that Mr. RAHALL showed on the floor, which was only a half dozen horses, magnified 5,000 times. Mr. HASTINGS' amendment will cause 5,000 times that slaughter, 30,000 slaughtered horses.

Now, as to this wild horse welfare, the reality is that the Geological Survey has figured that by implementing herd reduction with birth control, Mr. RAHALL's bill, H.R. 1018, saves more than \$6 million a year. The U.S. Geological Survey says it will save \$7.7 million a year. What is planned is to use a much less expensive, far more humane process of population control, contraceptive measures to humanely reduce the number of horses while allowing them to use the range. We're talking about federally owned Bureau of Land Management land. We're not talking about letting the horses loose in everybody's backyard in Wyoming or any other State. We're talking about BLM lands. What the GAO found, and I quote, "reducing authorized grazing levels would likely be cheaper than wild horse removals to achieve the same reduction in forage consumption."

Well, that's the economics of this. This is fiscally responsible. This saves money, according to experts. But

there's also something to be said for the other, the noneconomic, nonpragmatic issue. It seems to me that it is wrong for this Congress to vote to slaughter 30,000 wild horses. Basically it was their land, and we took it from them. Let's go with Mr. RAHALL's amendment and do the right thing. I thank my colleagues.

Mr. HASTINGS of Washington. Mr. Speaker, before I yield time to my friend from Utah, I just would point out to my friend from Virginia that the amendment that I am going to offer later on is precisely word for word a bill that he voted on 2 years ago.

With that, Mr. Speaker, I yield 5 minutes to my friend from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I thank the gentleman.

I guess one of the problems I have is that I have actually read this bill and some of the amendments that are going to be proposed here. It seems that we are in a situation where we are more concerned—or at least the leaders of this Congress are more concerned—about homes for horses than we are homes for Americans or jobs for Americans. And from the very few people that still have jobs, we are now going to take \$700 million, at the minimum, from their pockets to try to create a solution to a problem this Congress has solved.

In years past, the land managers in this country have pled with this Congress not to take away the management tool; yet year after year in proposal after proposal, we in Congress have, indeed, micromanaged those individuals. We have stopped the ability of a sale from these horses even though the contract for the sale prohibited resale for slaughtering purposes. That no longer is a tool that they have. We have tried to reduce the ability that they have of running an adoption program until today. It is no longer effective because of our efforts on this floor to micromanage. There is an effort—even the administration complained about a provision that will be in the bill and that will remain in this bill about the process of taking a horse that has died of natural causes to a rendering factory that could be construed as a felony. The administration complained about that, and we have done nothing to take out that micromanagement element to it. In years past the Secretary of the Interior did have the right to euthanize old, sick or lame horses; but we have also narrowed that down to the point that that could only happen with a terminally ill horse as a means of a mercy approach.

In addition to that, other elements that this House passed in the agriculture bill and in finance bills have totally eliminated the abilities of those in the private sector who have horses to do anything else except what is left to them, dump these on the Fed-

eral range, which means that the count the people have been talking about by the States—and it is only 10 of them that are impacted with the wild horses and wild burros—recognize that there is a significant undercount of this problem and this situation. We already have dedicated solely to wild horses and wild burros an amount of land that is owned by the public that is the size of the State of New York. And even with that much land dedicated solely to the purpose of horse range, our micromanagement in taking tools away from the land manager who went and complained about that has caused us to have an overabundance of horses on that land until, indeed, 35,000 horses, we have to find other activities for them; and Mr. Speaker, it is important to know that by the laws of this country they cannot be slaughtered. There is no slaughter of horses. We have banned the practice. We have banned the transportation.

No one is talking about the slaughtering of horses. The closest this bill comes to slaughter is the Rules chairman who limited all the amendments that were possible under this particular bill. And unfortunately because of how we have micromanaged this land, the appropriations for our Horse and Burro Program, which will run close to \$60 million in next year's budget, 75 percent has to be done to the excess that we have that has been caused by decisions that we have made on this floor.

Now the solution being presented today is simply not trying to give the land managers the tools that they ask. It is to expand the amount of land by a size equal to the State of West Virginia for more area at a cost of \$700 million, according to CBO. However, the agency itself said this will be well over \$1 billion when we are finished with this solution. We have found that we have a problem in this country where stimulus bills don't create the jobs we expected, our bloated budgets don't create the jobs we expected, our tax increases don't create the jobs we expected. So instead of tackling that issue, which would be a perfectly legitimate subject today, we're talking about horses, horses roaming an area the size of the State of New York. We may be willing to ration health care for humans but not health care for horses. We have more concern with the habitat for horses than homes for humans, and I have a big problem—and I will speak to the amendment now so I will not come back—with the concept of the change the gentleman from West Virginia is offering. By changing this bill from mandating that the size of West Virginia be found somewhere to setting it only as a goal makes it a much more pernicious issue. A goal is not a legal requirement, but a goal is not defined anywhere in terms in law, which means a goal may actually be an

incentive to force them to reprioritize in a way that the BLM does not want to reprioritize.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 2 minutes.

Mr. BISHOP of Utah. A goal in statute may be an element and a door opening for lawsuits that will be used against this element. I mean, this is the most dangerous of language when it is so vague that no one has defined it, no one has considered it, but it may be used against us, and especially when the Secretary of the Interior is one of the few people in Washington that has the power of condemnation. Not even the President of the United States has the ability of going in and condemning lands. The Secretary of the Interior does, and we are now empowering that Secretary with a vague undefined term of having a goal of finding enough land, public or private, the size of the State of West Virginia.

May I state one other thing. The chairwoman of the Rules Committee is from New York. The person that was representing this bill from the Rules Committee was from Massachusetts. The good gentleman is from West Virginia. Last year when we talked about this bill, there were gentlemen from West Virginia, Virginia, Kentucky, Ohio speaking towards this issue. With all due respect, there are only 10 States that are impacted by wild horses and wild burros. Those States I have just mentioned have absolutely zero wild horses on their property. If they would take these wild horses and provide a habitat for them, I would be ecstatic. But until that time happens, we are the ones that are bearing the burden, and we understand the issues. And the land managers are asking, free their hands so they can solve this problem, and Congress does not have the wisdom to listen to the experts to do what they know is right to solve this particular problem. This is a conundrum that we should not be talking about. We should be talking about how we can make life better for Americans with more jobs and a better lifestyle.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to a dear friend, the gentleman from Kentucky (Mr. WHITFIELD), one of the cosponsors of the legislation.

Mr. WHITFIELD. Obviously this is a very important issue. And I might say that opponents of this legislation—at least some of them—argue that under these difficult economic times, the Democrats are spending millions of dollars to protect wild horses. Now in my view, it is a much more complicated issue than that. This is a classic case of competing interests. On one side we have corporations, partnerships, individuals who have leased almost 250 million acres of land, owned

by the taxpayers, from the Federal Government, and on the other side we have wild horses.

Now there's been some question about whether or not these wild mustangs were native or not. I'm not an expert in that field, and I certainly respect the gentlelady from Wyoming on her comments. But it was e-mailed to me that Dr. Kay Kirkpatrick, who is one of the leaders and one of the respected experts in this field, has said that these wild horses were re-released native wildlife, that they were native. They were captured and then re-released. Now because these leaseholders do not want wild mustangs grazing on their land, they have been successful through lobbyists of changing Federal law to require that there only be so many wild mustangs for a certain area of land. And because of that, BLM flies helicopters around. They count the wild mustangs. If they exceed that number, they move them in these holding areas. It is without dispute that these holding areas are the most expensive way to deal with these animals. That's why millions of dollars are being spent right now.

I think the reason that the Rahall legislation can help solve this problem is this: Number one, it reduces the number of horses in the holding areas. Number two, it expands the area for grazing; but most importantly, it directs BLM to use immunocontraception to reduce the size of the herds.

Now I can tell you something—when I looked at the conference report on the Interior appropriations bill a couple of years ago, we found out that these leaseholders of these taxpayer lands were paying the Federal Government about 9 cents per acre per year. And I can tell you, the farmers of Kentucky and in the East cannot get access to land for 9 cents per acre per year. So we have this competing interest.

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. RAHALL. I yield the gentleman an additional 2 minutes.

Mr. WHITFIELD. We have this competing interest. We have this commercial interest, which we all admire and respect, and we think that they should be able to use this land for grazing. The leaseholders should be able to use it for grazing, for dude ranches, for recreation, for whatever they might want. But at the same time we have these wild mustangs that deserve some protection, particularly when the leaseholders are paying about 9 cents per acre per year to the Federal Government. So I would urge support of the Rahall legislation because it expands the grazing area; it's going to reduce the number of wild mustangs; and it's also going to reduce the number held in holding areas, which is the most expensive way to take care of these animals.

I urge support of the Rahall legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Washington for yielding.

I come to the floor to address a subject matter that seems a bit surrealistic. We have a love for horses in this country. Most of us in this Chamber would agree with that, and I am among those. I can think of a lot of happy times around horses, on horses and working with horses. We also have a responsibility to manage the resources of this country. There seems to be a conviction to try to pull this globe—under the climate change legislation or the cap-and-tax legislation and many other pieces—back to what would have been pre-Garden of Eden before man supposedly desecrated the planet.

□ 1145

And the default position, amazingly for me, is what was nature like before man began to compete as a species with the other species on the planet? And so that default position that comes from the environmentalists from consistently out of the political left would be this natural balance of our environment.

I have just heard the gentleman state that these horses were native. But they were not native. They are not indigenous. No surviving species of horse was indigenous to this continent nor this hemisphere. They were brought here by the Spanish in the 1500s and beyond. The horses got loose and began to roam the range, and they competed with the existing species that were there.

So if, really, our default position is back to whatever it was Mother Nature gave to us before we competed as a species, then we should look at this not as horses as a natural component of the habitat, but an unnatural, feral component of the habitat.

When I hear about the discussion about the millions spent on these helicopter cowboys herding these horses around and putting horses into holding pens and buying up hay to feed them, I think of visiting the National Bison Reserve that is out there in, I have forgotten exactly where that was, whether it is in southern Montana or up in Wyoming. I remember going there to visit. And I was fascinated. I drove a long way to get there because I wanted to see what it was like when the buffalo roamed the plain. I have walked into the virgin timberland and stood there and imagined what it was like for the pioneers and the settlers to walk through that forest. I wanted to be out there to see what it was like for the native buffalo.

What I saw were paddock-style pastures. In order to manage the bison, the Federal Government has built a

great big old pasture and divided it into four quadrants, and there we manage the buffalo by herding them into one corner of the pasture and then another and then another, harvesting some for slaughter. We sell them for breeding stock and we eat them. We do that with buffalo, but we can't do that with horses, because somehow a horse has been raised to another level of species.

This is an amazing thing to me. And as I read through this bill, I don't think I have ever been so taken aback by reading through language. There is much of it that has been produced in this Congress.

I listened to the gentleman from Virginia (Mr. MORAN) talk about this contraception that is here.

The SPEAKER pro tempore (Mr. HOLDEN). The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 2 minutes.

Mr. KING of Iowa. I thank the gentleman.

I think it is important for us to actually read the language on this horse contraception. It says: "Research, develop, and implement enhanced surgical or immunocontraception sterilization or other safe methods of fertility control." Now let that soak in for a little bit. This is enhanced contraception for horses. I don't know what that is. I think it could be about anything that human beings might use. But I suspect that it doesn't include horse abortion for one thing. And so I'm implying that there is a different set of standards for a horse species than there is for a human species, given the debate we have had in this Congress.

It is a breathtaking step to think about what enhanced contraception is for horses. It is one of those things that I don't think will be described here on the floor of the House. It is kind of an imaginary thing. It is difficult to manage these horses. And I would say that abstinence will not be part of this; that is also part of the debate.

So as I watch what is going on, there has been a real effort here to block the humane harvesting of horses. And the HSUS has been successful in doing that. There are no horses slaughtered in America that are going off for human beings to eat anywhere. Some are being hauled, I think against the law, maybe across the border to be slaughtered elsewhere; but to manage all of our livestock, all of the species in our country, we have to be smart about it.

What has happened is they have, through legislation and litigation, blocked the responsible harvesting of horses. It has taken the market of them down from 5 to 600, down to essentially nothing; and the result is we have a lot more horses than we need.

And now they have the audacity to come to this Congress and say, we are going to have to hit up the American people for 700 million more dollars in order to take care of these extra animals that we decided now we want to keep around as national pets.

I did the math on this. And if you calculate how the increase in the horse population because of the restrictions in the harvesting, never mind the value of what has happened to the property of the horse owners, they will eat up enough hay from enough ground, there will be 1 billion gallons of ethanol we could produce off of that horse pasture.

Mr. RAHALL. May I have a time check, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from West Virginia has 12 minutes remaining with the right to close. The gentleman from Washington has 6½ minutes remaining.

Mr. RAHALL. I reserve the balance of my time to close.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, again, let me repeat that when America is hurting, we should be addressing those issues in which to try to resolve those problems and those issues that are making America hurt. Unemployment is at 9.5 percent, and President Obama says it could go into double digits in the near future.

And so what is our response to that? Our response is to, unlike 2 years ago, address this issue in a different manner, to address it at least partially the same way, but add another \$700 million for, as I mentioned, and the distinguished chairman acknowledged that we would mention, welfare for horses.

I don't think that that is the proper way we should be debating, given the economic environment we have in this country. Yet that is precisely where this bill goes.

With that, Mr. Speaker, I will yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as I said earlier today in debate on the rule on this legislation, this Congress can walk and chew gum at the same time. We can address unemployment, we can address health care reform, we can address the war, deficits, and at the same time, we do not need to allow the status quo to continue as it affects our wild horses and burros. These are icons of America, the American mustang. The status quo is a national disgrace. It is a disgrace to our heritage. It is a disgrace to all for which we stand.

Those on the other side of the aisle who want to make light of this situation, I'm sure if they were to go home to their Main Streets and pose a question to their constituents, do you support your Federal Government slaughtering 30,000 American wild horses, do

you support them being held in holding pens, I suggest I know what the answer would be. The bottom line, this is the wild horse version of Gitmo, the wild horse version of Gitmo.

The pending legislation seeks to remedy the critical lapse that is taking place under the Wild Free-Roaming Horses and Burros Act of 1971 by invoking a number of commonsense measures. The measure would promote the use of better science to determine whether the amount of range that is available to wild horses is capable of sustaining them.

This would be accomplished through maintaining a valid inventory of the wild horse population on the range and establishment of appropriate, scientifically based methodologies to determine management levels.

Second, the pending bill would increase the amount of range available to wild horses, including through private lands controlled by entities seeking to establish sanctuaries. Many of us have heard about the Pickens Plan. And I'm not talking about the T. Boone Pickens plan, the one dealing with wind and solar energy. I'm talking about the one advanced by his wife, Madeline Pickens, to utilize private resources for the establishment of wild horse sanctuaries.

The pending legislation makes it a goal, not a requirement, but a goal to increase the acreage on which wild horses can roam. By doing so, we reduce the number of animals that are culled from the herd and placed in holding facilities.

These holding facilities which have come up during this debate, I think it is important to recognize that keeping wild horses and burros in these holding facilities costs \$21 million annually, or two-thirds of the entire cost of the wild horse and burro management program. The cost of these holding facilities has been rising dramatically from \$7 million in 2000 to \$21 million in 2008.

So we are attempting to reduce costs here, reduce the holding cost by lessening the number of roundups through a combination of what we are doing in this bill, making more public land available for wild horses and burros, strengthening and reforming the adoption program, enhancing measures for fertility control and contraception.

Third, even with the actions that I have already outlined, there will not be enough open range land to sustain all of our wild horses. In an effort to contain the costs associated with these holding facilities, we seek to bolster the adoption program and implement sterilization and other fertility controls. We seek to give the Bureau of Land Management the tools with which to do a better job.

And, finally, what the bill does not allow is the destruction of healthy horses; fatally injured or terminally ill animals, yes, but not healthy wild mustangs.

Let us stop the slaughter. Stop the abuse. Save taxpayer money and vote for the pending legislation. Let's save mustangs and save tax dollars at the same time and support the pending legislation.

Mrs. CAPPS. Mr. Speaker, I rise today in support of H.R. 1018, the Restore Our American Mustangs Act. This timely legislation would help ensure the safety of wild horses and burros while saving the American tax payers millions of dollars. This is commonsense legislation that will establish a humane process for managing the large population of free-roaming horses and burros in the West.

The American horse is a symbol of the American West, yet we have failed to responsibly manage this great animal. The current BLM management system consists of forcing these wild horses to roam land that is too small to support them and then rounding up excess horses to be sold, adopted, or slaughtered. This process is inhumane, ineffective, and very expensive.

This bill will improve our current system in several ways.

First, the BLM currently rounds up thousands of perfectly healthy horses and places them in holding facilities to await adoption or slaughter. By strengthening the adoption process and utilizing contraception methods, as this bill proposes, we will drastically reduce the number of excess horses, thus reducing the need for the expensive holding facilities.

Second, this legislation will close a loophole that allows horses and burros to be sold for slaughter. While there are no slaughter houses in the United States, this loophole allows people to buy excess horses and ship them to Mexico to be slaughtered. This is clearly not the intent of the current law and we must close this shameful loophole.

Third, this bill will save the tax payer millions of dollars. Holding facilities are very expensive. In fact, in 2008 alone, the BLM spent a third of its budget, \$27 million, on the upkeep and operation of holding facilities.

And finally, this legislation will end the BLM's practice of constantly reducing the range size for wild horses and burros. Specifically, this bill urges the BLM to restore wild horses to the full 19 million public land acres that were originally designated for their habitat.

Mr. Speaker, the Restore Our American Mustangs Act is good legislation for both wild horses and tax payers. We must pass this legislation and implement these humane policies to protect this symbol of the American West.

I urge all of my colleagues to join me in the supporting this timely legislation.

Mr. FARR. Mr. Speaker, I want to speak to some of the false statements of my colleagues. It has been said repeatedly that the American people are suffering and job losses are at an all-time high and that this is the Democratic response—to debate a bill about horse welfare. But this bill will actually save taxpayer money. It reforms an inefficient program that wastes taxpayer dollars, and makes it a fiscally responsible program.

My colleagues also say that this bill will cost \$700 million or more. This is unequivocally false. This is simply fear-mongering. The truth is that the bill promotes on-the-range management and reduces the number of horses in

costly short-term and long-term holding facilities, partly through more widespread use of fertility control. In FY 2008, the Bureau of Land Management (BLM) spent \$36.2 million on its entire wild horse and burro program and the cost of holding wild horses and burros in its facilities exceeded \$27 million—more than two-thirds of the BLM's total budget. The current program is a train wreck, and H.R. 1018 addresses the core problems of this program. By implementing herd reduction with birth control, the U.S. Geological Survey says H.R. 1018 will save taxpayers \$7.7 million a year and the Journal of Wildlife Management says it will save "\$6.1" million a year.

In addition, it has been said that the management of wild horses and burros only affects western states. This is simply ridiculous because every American, not only those in western states, pays tax dollars to a fiscally irresponsible program to manage these horses. H.R. 1018 will save all American taxpayers money by increasing the efficiency of the BLM program.

I have also heard arguments that no one is talking about slaughter and that it should not be a part of the debate. However, it is a fact that the BLM was going to slaughter 30,000 completely healthy horses, not terminally ill ones, because there was not enough space for them. H.R. 1018 will prevent this from happening.

The status quo cannot be allowed to continue. I urge my colleagues to vote yes on H.R. 1018 and no on the Hastings amendment.

Mr. KUCINICH. Mr. Speaker, I rise in strong support of H.R. 1018. Current practices by the Bureau of Land Management (BLM) to maintain the population of our nation's wild horses and burros have been ineffective, inhumane and expensive.

This bill will significantly curb the costly and inhumane practice of rounding up our nation's wild horses and burros into crowded short- and long-term holding pens. In their report, "Effective Long-Term Options Needed to Manage Unadoptable Wild Horses," the Government Accountability Office (GAO) confirmed that the bulk of budget shortfalls faced by the Bureau of Land Management have resulted from current management methods that move wild horses and burros from Herd Management Areas (HMA) to long- and short-term holding areas. The report affirms that BLM will face budget shortfalls if long-term corrections to current management practices are not put in place.

In the past, I have advocated for significant changes to current herd management practices to ensure that long-term reduction of wild horse and burro populations on public lands is not achieved by slaughter. Such concerns were expressed by the public and Members of Congress alike as recently as last summer.

The slaughter of these animals is an unacceptable solution that jeopardizes public trust and undermines congressional intent. The Bureau of Land Management (BLM) has never exercised its authority to slaughter wild horses and burros. Financial shortfalls are not sufficient reason to end the BLM's good record. As such, I strongly support the effective and humane actions this bill has taken to replace current practices.

Under this bill the Bureau of Land Management will identify appropriate public lands and sanctuaries for our nation's wild horses and burros. With passage of this bill, most of the beautiful and treasured wild horses and burros currently in holding pens will be released to roam on public lands. Additionally, the BLM's adoption program for wild horses and burros will be strengthened to improve efforts to increase adoption by qualified individuals. Furthermore, the bill wisely includes a provision that will help protect threatened and endangered species by requiring BLM to ensure a "thriving natural ecological balance" on public lands designated for wild horses and burros.

I strongly support this important bill and urge my colleagues to vote in favor.

Mr. RAHALL. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

AMENDMENT OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Speaker, I have an amendment made in order under the rule.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RAHALL:

Page 6, line 20, insert " , to the extent practicable," after "ensure that".

Page 11, line 4, before "surgical" insert "fertility control for mares, stallions, or both, such as".

Page 11, line 5, insert " , humane, and effective" after "safe".

Page 12, line 11, strike "and" and all that follows through line 12, and insert "or their remains shall not be sold or transferred for consideration for processing into commercial products; and".

Page 17, line 6, strike "at a minimum".

Page 19, line 22, strike "immunocontraception" and insert "fertility control".

The SPEAKER pro tempore. Pursuant to House Resolution 653, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, this amendment makes four changes to H.R. 1018 as reported by our Natural Resources Committee. First, after further consultation with experts in the field, the amendment will broaden the types of fertility control that would be available to the Bureau of Land Management in order to better manage the wild horse and burro population.

Next, the amendment narrows the definition of "commercial uses" prohibited under the act. The purpose of this change is to clearly prohibit the sale of horses and burros for slaughter while clarifying that use of these animals on farms or in other commercial operations is allowed.

The amendment also makes a technical change to clarify the membership requirements for the Wild Horse and Burro Advisory Council.

And, finally, the amendment relaxes the requirement that the BLM return

wild horses and burros to the acres of public land from which they have been removed since 1971.

The CBO cost estimate for this bill was based on the assumption that significant land acquisition would be required. That will not be the case, however; these horses and burros can be accommodated on existing Federal lands. Restoration of those acres remains an important goal but would not be a legal requirement.

This is a good package of small changes which will improve H.R. 1018. I urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, I want to give credit to my friend and chairman of the Natural Resources Committee for the creativity that is exhibited in the manager's amendment.

On the one hand, this manager's amendment is an outright admission that we can't afford this costly new welfare program for wild horses. And then on the other hand, this amendment doesn't delete, erase, strike out or eliminate even a single page, section or word from this bill.

Somehow, we are to believe that adding four little words to this 20-page bill, without deleting anything from it, somehow makes the CBO-estimated price tag of \$700 million magically go away. Even with this manager's amendment, Mr. Speaker, the pricing remains.

This manager's amendment doesn't eliminate the sections from the bill to restore wild horses and burros to 19 million acres of land. By the way, it is an area, as we have said before, larger than the State of West Virginia. But just to put this in perspective, it is also larger than the combined area of New Hampshire, Rhode Island, Delaware, Connecticut and New Jersey. So we are not talking about a small piece of land. We are talking about a huge area.

The CBO estimates that complying with the new policies in this bill and restoring horses to this 19 million additional acres will cost over \$700 million. Now, the chairman tries to explain that all we are doing is changing this requirement to a goal.

The American people, I think, are not going to breathe any easier when they hear that Congress has a goal of spending \$700 million to create welfare programs for wild horses and burros.

So, Mr. Speaker, the manager's amendment doesn't change the real plan in the bill at all. The plan is to spend \$700 million for welfare for wild horses and burros.

Mr. RAHALL. Mr. Speaker, I have no further requests for time, and I yield back my time.

Mr. HASTINGS of Washington. Mr. Speaker, with that I will yield back my time.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The amendment was agreed to.

A motion to reconsider was laid on the table.

□ 1200

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Speaker, I have an amendment made in order under the rule.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute printed in part B of House Report 111-212 offered by Mr. HASTINGS of Washington:

Strike all after the enacting clause and insert the following:

SECTION 1. SALE OF WILD FREE-ROAMING HORSES AND BURROS.

(a) IN GENERAL.—Section 3(d)(5) of Public Law 92-195 (16 U.S.C. 1333(d)(5)) is amended—

(1) by striking the period and inserting the following: “*Provided*, That no wild free-roaming horse or burro or its remains may be sold or transferred for consideration for processing into commercial products.”; and

(2) by striking subsection (e).

(b) CRIMINAL PROVISIONS.—Section (8)(a)(4) of Public Law 92-195 (16 U.S.C. 1333(a)(4)) is amended by striking “except as provided in section 3(e).”.

The SPEAKER pro tempore. Pursuant to House Resolution 653, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Speaker, I hesitate to call this my amendment because actually it was written by Chairman RAHALL. This is the exact text of H.R. 249 that passed the House in the last Congress. It passed the House in April of 2007. It bans the commercial slaughter of wild horses and burros. It is less than one page in length, and CBO estimated in the last Congress that it would cost under \$500,000 a year.

Members of this House voted for this bill just 2 years ago, and at that time, Mr. Speaker, the unemployment rate nationwide was 4.3 percent.

Fast forward to today, when the unemployment rate today has more than doubled to 9.5 percent and is estimated by officials in the Obama administration to go into double digits in the near future.

With this background, Mr. Speaker, we are now considering a bill that bans the slaughter of wild horses and creates a new \$700 million welfare program for wild horses and burros. This House, Mr. Speaker, can choose between banning slaughter of wild horses for less than \$500,000, which is what my

substitute would do, or banning the slaughter of wild horses with a \$700 million price tag, which is the subject of the underlying bill. I think, Mr. Speaker, that this is a very easy choice.

Let me repeat again. The vote for the Hastings substitute would ban horse slaughter at a cost of \$500,000 a year. H.R. 1018 bans horse slaughter, just like my substitute, but creates a new welfare program for \$700 million. I think, in this economic atmosphere that we are in, the best option is to adopt my substitute.

Now, in the interest of full disclosure, Mr. Speaker, I voted against that bill 2 years ago because I think there has to be an option for slaughter. But given the option today of spending an extra \$700 million or spending less than \$500,000 and still banning slaughter, I think that is the proper way to go and that is precisely what my substitute does. And so I would urge my colleagues to vote for the substitute.

I reserve my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the gentleman from Washington's comments on my efforts, and appreciate his full disclosure. I'll probably repeat it a few times here in the next couple of minutes, but I do appreciate him being up front about it.

This substitute, which is my anti-slaughter bill from last Congress, addresses one piece of a much larger puzzle. While the slaughter issue is a disturbing one, the ROAM Act will actually address the underlying problems facing the BLM horse and burro program, which has made slaughter a possibility. The substitute would address the symptom, while the underlying legislation will provide a cure.

I'm pleased that the gentleman from Washington State now opposes the slaughter of horses. When this substitute came before the Congress as a free-standing bill last Congress, and which he has already fully disclosed, he voted against it. But now he is in support thereof and is even offering it on the floor of the House. That is a step forward. Unfortunately, this conversion is a day late and several dollars short.

This substitute was the right approach last Congress, but that was before the BLM announced that the program was bankrupt and they were going to have to kill 30,000 horses and burros.

The GAO documented that the BLM program is out of control. First the agency was holding 5,000 horses, then 10,000, now it's 30,000. The agency now claims killing these animals is the only solution.

Adopting the Hastings substitute would stop private slaughter, but without the other reforms in the underlying legislation, 1018, the BLM will have to

destroy these animals. The Hastings substitute just changes the identity of those who are killing the horses. Only the underlying bill actually stops the slaughter.

This substitute was the right approach last Congress, but that was also before the release of the GAO report. Now we have a thorough analysis of the obstacles facing the BLM, and a list of recommendations to address the root causes.

The GAO documented the enormous cost of the current BLM approach and proposed solutions. The Congress is now in a position to do more, and we must do more. H.R. 1018 does more.

Adopting this substitute would cost money, cost money, not save it, because it would allow the BLM to continue pouring good money after bad, without fixing the inefficiencies which plague the program in the first place.

Since I authored the legislation Mr. HASTINGS is now offering as his substitute, my colleagues and I have worked with the BLM, the Humane Society, the Animal Welfare Institute, the GAO and others to find new and more comprehensive solutions. We have apparently succeeded in bringing Mr. HASTINGS up to where we were last Congress, and I hope that eventually all of our colleagues will understand that now is the time to do more.

The substitute is too little, too late, should be rejected.

And I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield one minute to the distinguished Republican leader, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I think I must be confused. The unemployment rate in our country is at over 9½ percent, as I speak. The unemployment rate in my home State of Ohio is now over 11 percent. Two million Americans have been put out of work since the stimulus bill was signed into law. Our budget deficit is already this year over \$1 trillion and expected to reach nearly \$2 trillion. And faced with this news, what's the House doing today? Talking about a \$700 million welfare program for wild horses and burros.

Is it any wonder, Mr. Speaker, that our constituents may be confused about their Congress?

Let's get this straight. We're debating a bill to spend millions of dollars to save wild horses, but yesterday, Democrats in the House blocked Republicans from offering an amendment to prevent Federal dollars from being spent on saving unborn children. Oh, yeah. \$700 million today to save wild horses and burros, and yesterday, we weren't even allowed to offer an amendment to save the lives of unborn kids. That doesn't make any sense to me. But I think, Mr. Speaker, most of my constituents would look up and go, well, that's just Washington being Washington. And it

doesn't make any sense that we're debating a welfare program about wild horses when the American people really want to know, where are the jobs?

Debating this bill, I frankly think, is an insult to the American people who are out there looking for work; small businesses who are looking for customers trying to keep their doors open.

And if Democrats want to do something serious here in this House, they should join with Republicans and focus our efforts on those things that will help create jobs in America, which, after all, is the number one priority of the American people.

Probably ought to do a few other things. If we're going to talk about creating jobs and keeping jobs in America, maybe we ought to scrap Speaker PELOSI's national energy tax, which is going to cost us about 2½ million jobs every year over the next 10 years. Or maybe we should shelve the government takeover of health care that's being debated in several of our committees as we speak, which is going to take the health care, the private health care, away from millions of Americans and shove them into some government-run system, and on top of all that, has a giant tax on small businesses. It taxes employment, and it's even going to lead to even greater job losses in our country.

But if we're serious about wanting to create jobs, maybe, maybe we could work together to bring the American Energy Act to the floor of this House, our all-of-the-above energy strategy which will create well over a million new jobs here in America, bring us more energy to the marketplace with lower prices, reduce our dependence on foreign sources of oil. And guess what? If we do all of the above, we'll actually have much cleaner air than the bill that passed here last month.

Mr. Speaker, I think American families and small businesses deserve better than what they are getting out of this Congress. They expect us to work together on their behalf. They expect us to deal with issues that will help get this economy moving again, and help create jobs; not to be debating a \$700 million program, welfare program to save wild horses and burros.

I think the gentleman's amendment is a good amendment. His amendment will cost \$500,000. That's \$699,500,000 less than the underlying bill. It will be at least a step in the right direction, and maybe our constituents, Mr. Speaker, would think that we've got some sense for once in our lives.

Mr. RAHALL. Mr. Speaker, I have no further requests for time, and I am prepared to close.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Texas (Mr. GOHMERT), a member of the Natural Resources Committee.

Mr. GOHMERT. Mr. Speaker, I really appreciate the nobility of the effort to

help wild horses at this time. But Americans are losing their habitats. We found out for June, another 400,000 Americans have lost jobs. In 2009 already, since President Obama has taken office, we've lost 1.9 million jobs—I'm sorry—1.9 million foreclosures. We've got 14.7 million unemployed. And that doesn't just represent individuals. That's families we're talking about who are desperate right now, and we're hearing from them. You know, what about my habitat? I understand you want to help wild horses and burros, but what about my habitat? How about American individuals getting help?

We are squandering money like never before in history. And folks, you can lose a country by overspending. Go ask the former Soviet Union if you can find any of those people. They lost their country because they spent until nobody would lend them another dime. They were irresponsible.

And so here we want \$700 million for horses?

And I appreciate the chairman's comment that this amendment by Doc HASTINGS is a dollar short. But it's actually \$699,500,000 short, basically. This is incredible.

But I thought about when you get on an airplane, we're told, in the safety instructions, that if the cabin loses pressure, an oxygen mask will drop. Do not put it on someone else first. You put it on your own face first and save yourself. Then you'll be in position to save your children and those around you. But if you don't save yourself first, you can't help anyone.

And that's where this country is. If we don't save this country by this reckless overspending, we're not going to be in a position to help anybody. Immigrants won't have any place to come for safety and for jobs because we have wiped ourselves out.

No wonder the Chinese laughed when Geithner said we were going to reduce our deficit. I'm telling you.

And then jobs? What about American jobs?

Well, there's one little part in here, and it provides for enhanced contraception for the wild horses. Maybe there are jobs in there. Maybe somebody out of work can apply for how you apply enhanced contraception to a horse. I'm familiar with artificial insemination. I was not familiar with enhanced contraception. Maybe there's a green job or some color there. But we need to help Americans.

□ 1215

Mr. HASTINGS of Washington. Mr. Speaker, could I inquire of my friend, the distinguished chairman of the committee, if he is prepared to close after I close?

Mr. RAHALL. Yes.

Mr. HASTINGS of Washington. I yield myself the balance of the time.

Mr. Speaker, let me just repeat again: My substitute is a substitute that is identical to the bill that passed this House in April of 2007, and the cost at that time was \$500,000. The underlying bill that we are debating today has essentially those same provisions plus a price tag of \$700 million, a huge difference between the two. I think, due to the economic times that we are in right now, the most prudent way for this Congress to act is to go with the lesser amount of money, and that's precisely what my substitute does.

Mr. Speaker, I just want to make one other point.

The distinguished chairman in his manager's amendment made some different calculations as to the \$700 million and as to the 19 million acres that were to be part of this bill. I just want to make a point. The CBO has not scored that one way or the other, but if an absolute figure of acquiring or of moving around 19 million acres costs \$700 million, then only logic would suggest that it's going to be precisely the same amount of money. So I just want to make a point that the CBO has not estimated the score of the manager's amendment.

The difference here in the debate still is the difference, during these economic times we're in, between spending 700 million taxpayer dollars on welfare for horses or spending \$500,000 to ban the slaughter of wild horses and burros. I think the latter that I spoke about is a better way to go, and I would urge my colleagues to vote for the substitute.

With that, I yield back the balance of my time.

Mr. RAHALL. I yield myself such time as I may consume.

Mr. Speaker, the CBO estimate, the \$700 million that has been thrown out by the other side as a potential cost to this legislation, was done in the last Congress. It was done before the adoption of the manager's amendment that we just adopted today in an earlier voice vote. It was done without considering the ramifications of the other aspects of H.R. 1018 that this House will adopt today. It was done taking into account in a very narrow, single shot-type fashion, if you will, the potential costs of purchasing 19 million acres of additional Federal land for the use of these wild horses and burros.

Therefore, when taking into account that cost, as CBO has done, they did not consider the fact that there are already Federal lands owned by the American people that are available and out there. The CBO did not take into account the management tools contained in the pending legislation with which we intend to help the BLM do a better job and improve the status quo. The CBO did not estimate any cost savings from an enhanced adoption program or from sterilization programs. The CBO did not take into account the

reduction in costs of these holding pens, which I referenced earlier, the \$21 million annually that it costs today—and that number keeps going up—of the current holding pens for these wild horses and burros. The CBO did not consider any of the “today” costs or how the improved management tools offered in H.R. 1018 will save dollars in the years ahead.

I urge a “no” vote, not only on the Hastings substitute amendment but also a “yes” vote on the pending H.R. 1018. H.R. 1018 is the humane and right vote to cast today. It will save our mustangs. It will save tax dollars. It will save millions of tax dollars annually. When you look through all of the smoke and mirrors of the numbers that have been thrown out today, you will find that, by implementing herd reduction with birth control, we can save more than \$6 million alone each year. Again, when we look at the cost reductions of these holding pens, this legislation is the tax-wise way to go.

So I conclude by urging a “no” vote on the Hastings substitute and a “yes” vote on the underlying bill, H.R. 1018.

I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 653, the previous question is ordered on the bill, as amended, and on the amendment in the nature of a substitute printed in part B of House Report 111-212 offered by the gentleman from Washington (Mr. HASTINGS).

The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 74, nays 348, not voting 11, as follows:

[Roll No. 576]

YEAS—74

Aderholt	Fleming	Myrick
Altmire	Forbes	Paulsen
Arcuri	Fox	Perriello
Bachus	Giffords	Pitts
Bartlett	Guthrie	Posey
Barton (TX)	Hall (TX)	Radanovich
Biggert	Hastings (WA)	Rogers (KY)
Bilbray	Heller	Rogers (MI)
Bilirakis	Hersey	Sandlin
Boehner	Johnson, Sam	Rooney
Bono Mack	Kosmas	Ros-Lehtinen
Boucher	Lamborn	Roskam
Boustany	Lee (NY)	Ross
Buchanan	Lewis (CA)	Sanchez, Loretta
Burgess	Linder	Scalise
Cao	Lungren, Daniel	Schmidt
Capito	E.	Shuler
Carney	Mack	Tanner
Carson (IN)	Manzullo	Thompson (PA)
Coffman (CO)	McClintock	Tiberi
Crenshaw	McHugh	Turner
Davis (KY)	McIntyre	Wamp
Diaz-Balart, L.	McMorris	Wilson (SC)
Diaz-Balart, M.	Rodgers	Wolf
Dreier	Mica	Young (FL)
Duncan	Murphy, Tim	

NAYS—348

Abercrombie	Emerson	LoBiondo
Adler (NJ)	Engel	Loebach
Akin	Eshoo	Loftgren, Zoe
Alexander	Etheridge	Lowey
Andrews	Fallin	Luetkemeyer
Austria	Farr	Lujan
Baca	Fattah	Lummis
Bachmann	Filner	Lynch
Baird	Flake	Maffei
Baldwin	Fortenberry	Maloney
Barrow	Foster	Marchant
Bean	Frank (MA)	Markey (CO)
Becerra	Franks (AZ)	Markey (MA)
Berkley	Frelinghuysen	Marshall
Berman	Fudge	Massa
Berry	Gallegly	Matheson
Bishop (GA)	Garrett (NJ)	Matsui
Bishop (NY)	Gerlach	McCarthy (CA)
Blackburn	Gingrey (GA)	McCarthy (NY)
Blumenauer	Gohmert	McCauley
Blunt	Gonzalez	McCollum
Bocieri	Goodlatte	McCotter
Bonner	Gordon (TN)	McDermott
Boozman	Granger	McGovern
Boren	Grayson	McHenry
Boswell	Green, Al	McKeon
Boyd	Green, Gene	McMahon
Brady (PA)	Griffith	McNerney
Brady (TX)	Grijalva	Meek (FL)
Braley (IA)	Gutierrez	Meeks (NY)
Bright	Hall (NY)	Melancon
Broun (GA)	Halvorson	Michaud
Brown (SC)	Hare	Miller (FL)
Brown, Corrine	Harman	Miller (MI)
Brown-Waite,	Harper	Miller (NC)
Ginny	Hastings (FL)	Miller, George
Burton (IN)	Heinrich	Minnick
Butterfield	Hensarling	Mitchell
Buyer	Herger	Mollohan
Calvert	Higgins	Moore (KI)
Camp	Hill	Moore (WI)
Campbell	Himes	Moran (KS)
Cantor	Hinchee	Moran (VA)
Capps	Hinojosa	Murphy (CT)
Capuano	Hirono	Murphy (NY)
Cardoza	Hodes	Murphy, Patrick
Carnahan	Hoekstra	Murtha
Carter	Holden	Nadler (NY)
Cassidy	Holt	Napolitano
Castle	Honda	Neal (MA)
Castor (FL)	Hoyer	Neugebauer
Chaffetz	Hunter	Nunes
Chandler	Inglis	Nye
Childers	Inslee	Oberstar
Chu	Israel	Obey
Clarke	Issa	Olson
Clay	Jackson (IL)	Olver
Cleaver	Jackson-Lee	Ortiz
Clyburn	(TX)	Pallone
Cohen	Jenkins	Pascarella
Cole	Johnson (GA)	Pastor (AZ)
Conaway	Johnson (IL)	Paul
Connolly (VA)	Johnson, E. B.	Payne
Conyers	Jones	Pence
Cooper	Jordan (OH)	Perlmutter
Costa	Kagen	Peters
Costello	Kanjorski	Peterson
Courtney	Kaptur	Petri
Crowley	Kennedy	Pingree (ME)
Cuellar	Kildee	Platts
Culberson	Kilpatrick (MI)	Poe (TX)
Cummings	Kilroy	Polis (CO)
Dahlkemper	Kind	Pomeroy
Davis (AL)	King (IA)	Price (GA)
Davis (CA)	King (NY)	Price (NC)
Davis (IL)	Kingston	Putnam
Davis (TN)	Kirk	Quigley
Deal (GA)	Kirkpatrick (AZ)	Rahall
DeFazio	Kissell	Rangel
DeGette	Klein (FL)	Rehberg
DeLaunt	Kline (MN)	Reichert
DeLauro	Kratovil	Reyes
Dent	Kucinich	Richardson
Dicks	Lance	Rodriguez
Dingell	Langevin	Roe (TN)
Doggett	Larsen (WA)	Rogers (AL)
Donnelly (IN)	Larson (CT)	Rohrabacher
Doyle	Latham	Rothman (NJ)
Driehaus	LaTourette	Roybal-Allard
Edwards (MD)	Latta	Royce
Edwards (TX)	Lee (CA)	Ruppersberger
Ehlers	Levin	Rush
Ellison	Lewis (GA)	Ryan (OH)
Ellsworth	Lipinski	Ryan (WI)

Salazar	Smith (NJ)	Upton
Sanchez, Linda	Smith (TX)	Van Hollen
T.	Smith (WA)	Velázquez
Sarbanes	Snyder	Visclosky
Schakowsky	Souder	Walden
Schauer	Space	Walz
Shiff	Speier	Wasserman
Schock	Spratt	Schultz
Schrader	Stark	Waters
Schwartz	Stearns	Watson
Scott (GA)	Stupak	Watt
Scott (VA)	Sullivan	Waxman
Sensenbrenner	Sutton	Weiner
Serrano	Teague	Welch
Sessions	Terry	Wexler
Sestak	Thompson (CA)	Whitfield
Shadegg	Thompson (MS)	Wilson (OH)
Sherman	Thornberry	Wittman
Shimkus	Tiahrt	Woolsey
Shuster	Tierney	Wu
Simpson	Titus	Yarmuth
Sires	Tonko	Young (AK)
Skelton	Towns	
Smith (NE)	Tsongas	

NOT VOTING—11

Ackerman	Graves	Slaughter
Barrett (SC)	Lucas	Taylor
Bishop (UT)	Miller, Gary	Westmoreland
Coble	Shea-Porter	

□ 1255

Messrs. HARE, BECERRA, MATHE-SON, HUNTER, SCOTT of Georgia, DONNELLY of Indiana, ELLISON, Mrs. BACHMANN, Messrs. GALLEGLY, BAIRD, BUTTERFIELD, TIAHRT, CUELLAR, CONAWAY, LATTA, CULBERSON, GARRETT of New Jersey, Ms. MCCOLLUM, Messrs. ELLSWORTH, WEINER, KINGSTON, MARSHALL, Ms. BALDWIN, Messrs. REBERG, YOUNG of Alaska, GINGREY, CAMP, CHILDERS, SMITH of Nebraska, ALEXANDER, ISSA, WALDEN of Oregon, MILLER of Florida, BLUNT, POE of Texas, Mrs. LUMMIS, Messrs. SHIMKUS, CASSIDY, MARCHANT, BOOZMAN, WITTMAN, FRANKS of Arizona, and TERRY changed their vote from “yea” to “nay.”

Messrs. SHULER, PITTS, ROGERS of Michigan, MCINTYRE, TURNER, and Mrs. BIGGERT changed their vote from “nay” to “yea.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

The SPEAKER pro tempore. The bill is passed. Without objection, a motion to reconsider is laid on the table.

RECORDED VOTE

Mrs. BIGGERT. I ask for a rollcall vote.

The SPEAKER pro tempore. For the gentlewoman to initiate the request at this stage would not be timely.

Mrs. BIGGERT. Mr. Speaker, the way that I voted, I expected that there would be a rollcall vote on that. I ask unanimous consent to have a rollcall vote.

The SPEAKER pro tempore. Was the gentlewoman asking for a recorded vote immediately after the vote by voice?

Mr. RAHALL. I object to the unanimous consent, Mr. Speaker.

The SPEAKER pro tempore. The Chair is not entertaining a unanimous consent request at this time.

If the gentlewoman is making the averment that she was requesting a vote right after the vote by voice, the Chair would accept that.

Mrs. BIGGERT. Yes, I request a vote.

The SPEAKER pro tempore. Does the gentlewoman aver that she has been requesting that vote since the voice vote?

Mrs. BIGGERT. I ask unanimous consent that there be a vote.

The SPEAKER pro tempore. The Chair only wants to establish that the gentlewoman was requesting a vote at the time the vote by voice was called.

Mrs. BIGGERT. Yes, I was on my feet.

The SPEAKER pro tempore. A recorded vote is requested.

Mr. MORAN of Virginia. Mr. Speaker, I object.

The SPEAKER pro tempore. There is no unanimous consent request. The Chair is accepting the gentlewoman's averment.

A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 185, not voting 9, as follows:

[Roll No. 577]

AYES—239

Abercrombie	Connolly (VA)	Hare
Adler (NJ)	Conyers	Harman
Altmire	Cooper	Hastings (FL)
Andrews	Costello	Heinrich
Baca	Courtney	Higgins
Baird	Crowley	Himes
Baldwin	Cummings	Hinchee
Bartlett	Davis (AL)	Hirono
Bean	Davis (CA)	Hodes
Becerra	Davis (IL)	Holden
Berkley	DeFazio	Holt
Berman	DeGette	Honda
Berry	Delahunt	Hoyer
Biggert	DeLauro	Inslee
Billray	Dent	Israel
Bishop (GA)	Dicks	Issa
Bishop (NY)	Dingell	Jackson (IL)
Blumenauer	Donnelly (IN)	Jackson-Lee
Bono Mack	Doyle	(TX)
Boucher	Edwards (MD)	Johnson (IL)
Brady (PA)	Edwards (TX)	Johnson, E. B.
Braley (IA)	Ellison	Jones
Brown, Corrine	Engel	Kagen
Burton (IN)	Eshoo	Kanjorski
Butterfield	Etheridge	Kaptur
Calvert	Farr	Kennedy
Campbell	Fattah	Kildee
Cao	Filner	Kilpatrick (MI)
Capps	Frank (MA)	Kilroy
Capuano	Frelinghuysen	King (NY)
Carnahan	Fudge	Kirk
Carney	Galleghy	Kissell
Carson (IN)	Gerlach	Klein (FL)
Castle	Gonzalez	Kratovil
Castor (FL)	Gordon (TN)	Kucinich
Chandler	Grayson	Lance
Chu	Green, Al	Langevin
Clarke	Green, Gene	Larson (CT)
Clay	Grijalva	Lee (CA)
Cleaver	Gutierrez	Levin
Clyburn	Hall (NY)	Lewis (CA)
Cohen	Hall (TX)	Lewis (GA)

Lipinski	Oberstar	Shea-Porter
LoBiondo	Obey	Sherman
Loeb	Oliver	Sires
Lofgren, Zoe	Ortiz	Slaughter
Lowe	Pallone	Smith (NJ)
Lujan	Pascarella	Smith (WA)
Lynch	Pastor (AZ)	Snyder
Maffei	Payne	Speier
Maloney	Perlmutter	Spratt
Markey (MA)	Peters	Stark
Marshall	Pingree (ME)	Sutton
Massa	Platts	Thompson (CA)
Matsui	Polis (CO)	Thompson (MS)
McCarthy (NY)	Price (NC)	Tierney
McCollum	Quigley	Titus
McCotter	Rahall	Tonko
McDermott	Rangel	Towns
McGovern	Reichert	Tsongas
McIntyre	Reyes	Turner
McMahon	Richardson	Upton
McNerney	Ros-Lehtinen	Van Hollen
Meek (FL)	Rothman (NJ)	Velázquez
Meeks (NY)	Roybal-Allard	Visclosky
Michaud	Royce	Wasserman
Miller (MI)	Ruppersberger	Schultz
Miller (NC)	Rush	Waters
Miller, George	Ryan (OH)	Watson
Mitchell	Sánchez, Linda	Watt
Mollohan	T.	Waxman
Moore (KS)	Sarbanes	Weiner
Moore (WI)	Schakowsky	Welch
Moran (VA)	Schauer	Wexler
Murphy (CT)	Schiff	Whitfield
Murphy, Patrick	Schrader	Wilson (OH)
Murtha	Schwartz	Woolsey
Nadler (NY)	Scott (GA)	Wu
Napolitano	Scott (VA)	Yarmuth
Neal (MA)	Serrano	Young (FL)
Nye	Sestak	

NOES—185

Aderholt	Duncan	Manzullo
Akin	Ehlers	Marchant
Alexander	Ellsworth	Markey (CO)
Arcuri	Emerson	Matheson
Austria	Fallin	McCarthy (CA)
Bachmann	Flake	McCauley
Bachus	Fleming	McClintock
Barrow	Forbes	McHenry
Barton (TX)	Fortenberry	McHugh
Bilirakis	Foster	McKeon
Bishop (UT)	Fox	McMorris
Blackburn	Franks (AZ)	Rodgers
Blunt	Garrett (NJ)	Melancon
Boccieri	Giffords	Mica
Boehner	Gingrey (GA)	Miller (FL)
Bonner	Gohmert	Minnick
Boozman	Goodlatte	Moran (KS)
Boren	Granger	Murphy (NY)
Boswell	Griffith	Murphy, Tim
Boustany	Guthrie	Myrick
Boyd	Halvorson	Neugebauer
Brady (TX)	Harper	Nunes
Bright	Hastings (WA)	Olson
Broun (GA)	Heller	Paul
Brown (SC)	Hensarling	Paulsen
Brown-Waite,	Herger	Pence
Ginny	Herseth Sandlin	Perriello
Buchanan	Hill	Peterson
Burgess	Hinojosa	Petri
Buyer	Hoekstra	Pitts
Camp	Hunter	Poe (TX)
Cantor	Inglis	Pomeroy
Capito	Jenkins	Posey
Cardoza	Johnson (GA)	Price (GA)
Cargel	Johnson, Sam	Putnam
Cassidy	Jordan (OH)	Radanovich
Kind	Kind	Rehberg
King (IA)	King (IA)	Rodriguez
Kingston	Kingston	Roe (TN)
Kirkpatrick (AZ)	Kirkpatrick (AZ)	Rogers (AL)
Kline (MN)	Kline (MN)	Rogers (KY)
Kosmas	Kosmas	Rogers (MI)
Lamborn	Lamborn	Rohrabacher
Larsen (WA)	Larsen (WA)	Rooney
Latham	Latham	Roskam
LaTourette	LaTourette	Ross
Latta	Latta	Ryan (WI)
Lee (NY)	Lee (NY)	Salazar
Linder	Linder	Sanchez, Loretta
Luetkemeyer	Luetkemeyer	Scalise
Lummis	Lummis	Schmidt
Lungren, Daniel	Lungren, Daniel	Sensenbrenner
E.	E.	Sessions
Mack	Mack	Shadegg

Shimkus	Stearns	Tiberi
Shuler	Stupak	Walden
Shuster	Sullivan	Walz
Simpson	Tanner	Wamp
Skelton	Teague	Wilson (SC)
Smith (NE)	Terry	Wittman
Smith (TX)	Thompson (PA)	Wolf
Souder	Thornberry	Young (AK)
Space	Tiahrt	

NOT VOTING—9

Ackerman	Graves	Schock
Barrett (SC)	Lucas	Taylor
Coble	Miller, Gary	Westmoreland

□ 1315

Mrs. DAHLKEMPER changed her vote from “aye” to “no.”

Mr. CARNAHAN changed his vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Pursuant to House Resolution 645 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3183.

□ 1315

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with Mr. TIERNEY in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose on Wednesday, July 15, 2009, amendment No. 4 printed in part D of House Report 111-209, offered by the gentleman from Texas (Mr. HENSARLING), had been postponed and the bill had been read through page 63, line 12.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-209 on which further proceedings were postponed, in the following order:

Amendment No. 9 printed in part A by Mr. HEINRICH of New Mexico.

Amendment No. 10 printed in part A by Mr. CAO of Louisiana.

Amendment No. 11 printed in part A by Mrs. BLACKBURN of Tennessee.

Amendment No. 2 printed in part B by Mr. CAMPBELL of California.

Amendment No. 1 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 3 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 4 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 5 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 10 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 11 printed in part C by Mr. FLAKE of Arizona.

Amendment No. 1 printed in part D by Mr. HENSARLING of Texas.

Amendment No. 2 printed in part D by Mr. HENSARLING of Texas.

Amendment No. 4 printed in part D by Mr. HENSARLING of Texas.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

PART A AMENDMENT NO. 9 OFFERED BY MR. HEINRICH

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. HEINRICH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part A amendment No. 9 offered by Mr. HEINRICH:

In section 307, strike “6 percent” and insert “7 percent”.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 424, noes 0, answered “present” 1, not voting 14, as follows:

[Roll No. 578]

AYES—424

Abercrombie	Braley (IA)	Costa
Aderholt	Bright	Costello
Adler (NJ)	Broun (GA)	Courtney
Akin	Brown (SC)	Crenshaw
Alexander	Brown, Corrine	Crowley
Altmire	Brown-Waite,	Cuellar
Andrews	Ginny	Culberson
Arcuri	Buchanan	Cummings
Austria	Burgess	Dahlkemper
Baca	Burton (IN)	Davis (AL)
Bachmann	Butterfield	Davis (CA)
Bachus	Buyer	Davis (IL)
Baird	Calvert	Davis (KY)
Baldwin	Camp	Davis (TN)
Barrow	Campbell	Deal (GA)
Bartlett	Cantor	DeFazio
Barton (TX)	Cao	DeGette
Bean	Capito	Delahunt
Becerra	Capps	DeLauro
Berkley	Capuano	Dent
Berman	Cardoza	Diaz-Balart, L.
Berry	Carnahan	Diaz-Balart, M.
Biggert	Carney	Dicks
Bilbray	Carson (IN)	Dingell
Bilirakis	Carter	Doggett
Bishop (GA)	Castle	Donnelly (IN)
Bishop (NY)	Castor (FL)	Doyle
Bishop (UT)	Chaffetz	Dreier
Blackburn	Chandler	Driehaus
Blumenauer	Childers	Duncan
Blunt	Christensen	Edwards (MD)
Boccieri	Chu	Edwards (TX)
Boehner	Clarke	Ehlers
Bonner	Clay	Ellison
Bono Mack	Cleaver	Ellsworth
Boozman	Clyburn	Emerson
Boren	Coffman (CO)	Engel
Boswell	Cohen	Eshoo
Boucher	Cole	Etheridge
Boustany	Conaway	Fallin
Boyd	Connolly (VA)	Farr
Brady (PA)	Conyers	Fattah
Brady (TX)	Cooper	Filner

Flake	Levin
Fleming	Lewis (CA)
Forbes	Lewis (GA)
Fortenberry	Linder
Foster	Lipinski
Fox	LoBiondo
Frank (MA)	Loeb
Franks (AZ)	Lofgren, Zoe
Frelinghuysen	Lowey
Fudge	Luetkemeyer
Gallely	Lujan
Garrett (NJ)	Lummis
Gerlach	Lungren, Daniel
Giffords	E.
Gingrey (GA)	Lynch
Gohmert	Mack
Gonzalez	Maffei
Goodlatte	Maloney
Gordon (TN)	Manzullo
Granger	Marchant
Grayson	Markey (CO)
Green, Al	Markey (MA)
Green, Gene	Marshall
Griffith	Massa
Grijalva	Matheson
Guthrie	Matsui
Gutierrez	McCarthy (CA)
Hall (NY)	McCarthy (NY)
Hall (TX)	McCaul
Halvorson	McClintock
Hare	McCollum
Harman	McCotter
Harper	McDermott
Hastings (FL)	McGovern
Hastings (WA)	McHenry
Heinrich	McHugh
Heller	McIntyre
Hensarling	McKeon
Herger	McMahon
Herseth Sandlin	McMorris
Higgins	Rodgers
Hill	McNerney
Himes	Meek (FL)
Hinchey	Meeks (NY)
Hinojosa	Melancon
Hirono	Mica
Hodes	Michaud
Hoekstra	Miller (FL)
Holden	Miller (MI)
Holt	Miller (NC)
Honda	Miller, George
Hoyer	Minnick
Hunter	Mitchell
Inglis	Mollohan
Inlee	Moore (KS)
Israel	Moore (WI)
Issa	Moran (KS)
Jackson (IL)	Moran (VA)
Jackson-Lee	Murphy (CT)
(TX)	Murphy (NY)
Jenkins	Murphy, Patrick
Johnson (GA)	Murphy, Tim
Johnson (IL)	Murtha
Johnson, E. B.	Myrick
Johnson, Sam	Nadler (NY)
Jones	Napolitano
Jordan (OH)	Neal (MA)
Kagen	Neugebauer
Kanjorski	Norton
Kaptur	Nunes
Kennedy	Nye
Kildee	Oberstar
Kilpatrick (MI)	Obey
Kilroy	Olson
Kind	Olver
King (IA)	Ortiz
King (NY)	Pallone
Kingston	Pascarella
Kirk	Pastor (AZ)
Kirkpatrick (AZ)	Paul
Kissell	Paulsen
Klein (FL)	Payne
Kline (MN)	Pence
Kosmas	Perlmutter
Kratovil	Perriello
Kucinich	Peters
Lamborn	Petri
Lance	Pitt
Langevin	Pitts
Larsen (WA)	Platts
Larson (CT)	Poe (TX)
Latham	Polis (CO)
LaTourette	Pomeroy
Latta	Posey
Lee (CA)	Price (GA)
Lee (NY)	Price (NC)

Putnam	Weiner
Quigley	Welch
Radanovich	Wexler
Rahall	Whitfield
Rangel	Wilson (OH)
Rehberg	
Reichert	
Reyes	
Richardson	
Rodriguez	
Roe (TN)	
Rogers (AL)	
Rogers (KY)	
Rogers (MI)	
Rohrabacher	
Rooney	
Ros-Lehtinen	
Roskam	
Ross	
Rothman (NJ)	
Roybal-Allard	
Royce	
Ruppersberger	
Ryan (OH)	
Ryan (WI)	
Sablan	
Salazar	
Sanchez, Linda	
McCaul	
Sanchez, Loretta	
Sarbanes	
Scalise	
Schakowsky	
Schauer	
Schiff	
Schmidt	
Schock	
Schrader	
Schwartz	
Scott (GA)	
Scott (VA)	
Sensenbrenner	
Serrano	
Sessions	
Sestak	
Shadeegg	
Shea-Porter	
Sherman	
Shimkus	
Shuler	
Shuster	
Simpson	
Sires	
Skelton	
Slaughter	
Smith (NE)	
Smith (NJ)	
Smith (TX)	
Smith (WA)	
Snyder	
Souder	
Space	
Speier	
Spratt	
Stark	
Stearns	
Stupak	
Sullivan	
Sutton	
Tanner	
Teague	
Terry	
Thompson (CA)	
Thompson (MS)	
Thompson (PA)	
Thornberry	
Tiahrt	
Tiberi	
Tierney	
Titus	
Tonko	
Towns	
Tsongas	
Turner	
Upton	
Van Hollen	
Velazquez	
Walden	
Walz	
Wamp	
Wasserman	
Schultz	
Waters	
Watson	
Watt	
Waxman	

Wilson (SC)	Yarmuth
Wittman	Young (AK)
Wolf	Young (FL)
Woolsey	
Wu	

ANSWERED “PRESENT”—1

Visclosky

NOT VOTING—14

Ackerman	Faleomavaega	Pierluisi
Barrett (SC)	Graves	Rush
Bordallo	Lucas	Taylor
Cassidy	Miller, Gary	Westmoreland
Coble	Peterson	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes remain on this vote.

□ 1335

Mr. BACHUS changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 10 OFFERED BY MR. CAO

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. CAO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part A amendment No. 10 offered by Mr. CAO:

Page 62, line 15, strike “90” and insert “60”.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 423, noes 1, not voting 15, as follows:

[Roll No. 579]

AYES—423

Abercrombie	Boccieri	Capuano
Aderholt	Boehner	Cardoza
Adler (NJ)	Bonner	Carnahan
Akin	Bono Mack	Carney
Alexander	Boozman	Carson (IN)
Altmire	Boren	Carter
Andrews	Boswell	Cassidy
Arcuri	Boucher	Castle
Austria	Boustany	Castor (FL)
Baca	Boyd	Chaffetz
Bachmann	Brady (PA)	Chandler
Bachus	Brady (TX)	Childers
Baird	Braley (IA)	Christensen
Baldwin	Bright	Chu
Barrow	Broun (GA)	Clarke
Bartlett	Brown (SC)	Clay
Barton (TX)	Brown, Corrine	Cleaver
Bean	Brown-Waite,	Clyburn
Becerra	Ginny	Coffman (CO)
Berkley	Buchanan	Cohen
Berman	Burgess	Cole
Berry	Burton (IN)	Conaway
Biggert	Butterfield	Connolly (VA)
Bilbray	Buyer	Conyers
Bilirakis	Calvert	Cooper
Bishop (GA)	Camp	Costa
Bishop (NY)	Campbell	Costello
Bishop (UT)	Cantor	Courtney
Blackburn	Cao	Crenshaw
Blumenauer	Capito	Crowley
Blunt	Capps	Cuellar

Culberson Johnson (GA)
 Cummings Johnson (IL)
 Dahlkemper Johnson, E. B.
 Davis (AL) Johnson, Sam
 Davis (CA) Jones
 Davis (IL) Jordan (OH)
 Davis (KY) Kagen
 Davis (TN) Kanjorski
 Deal (GA) Kaptur
 DeFazio Kennedy
 DeGette Kildee
 Delahunt Kilpatrick (MI)
 DeLauro Kilroy
 Dent Kind
 Diaz-Balart, L. King (IA)
 Diaz-Balart, M. King (NY)
 Dicks Kingston
 Dingell Kirk
 Doggett Kirkpatrick (AZ)
 Donnelly (IN) Kissell
 Doyle Klein (FL)
 Dreier Kline (MN)
 Driehaus Kosmas
 Duncan Kratovil
 Edwards (MD) Kucinich
 Edwards (TX) Lamborn
 Ehlers Lance
 Ellison Langevin
 Ellsworth Larsen (WA)
 Emerson Larson (CT)
 Engel Latham
 Eshoo LaTourette
 Etheridge Latta
 Fallin Lee (CA)
 Farr Lee (NY)
 Fattah Levin
 Filner Lewis (CA)
 Flake Lewis (GA)
 Fleming Linder
 Forbes Lipinski
 Fortenberry LoBiondo
 Foster Loeb sack
 Foxx Lofgren, Zoe
 Frank (MA) Lowey
 Franks (AZ) Luetkemeyer
 Frelinghuysen Luján
 Fudge Lummis
 Gallegly Lungren, Daniel
 Garrett (NJ) E.
 Gerlach Lynch
 Giffords Mack
 Gingrey (GA) Maffei
 Gonzalez Maloney
 Goodlatte Manzullo
 Gordon (TN) Marchant
 Granger Markey (CO)
 Grayson Markey (MA)
 Green, Al Marshall
 Green, Gene Massa
 Griffith Matheson
 Grijalva Matsui
 Guthrie McCarthy (CA)
 Gutierrez McCarthy (NY)
 Hall (NY) McCaul
 Hall (TX) McClintock
 Halvorson McCollum
 Hare McCotter
 Harper McDermott
 Hastings (FL) McGovern
 Hastings (WA) McHenry
 Heinrich McHugh
 Heller McIntyre
 Hensarling McKeon
 Herger McMahon
 Herseth Sandlin McMorris
 Higgins Rodgers
 Hill Mc Nerney
 Himes Meek (FL)
 Hinchey Meeks (NY)
 Hinojosa Melancon
 Hirono Mica
 Hodes Michaud
 Hoekstra Miller (FL)
 Holden Miller (MI)
 Holt Miller (NC)
 Honda Miller, George
 Hoyer Minnick
 Hunter Mitchell
 Inglis Mollohan
 Inslee Moore (KS)
 Israel Moore (WI)
 Issa Moran (KS)
 Jackson (IL) Moran (VA)
 Jackson-Lee (TX) Murphy (CT)
 Jenkins Murphy (NY)
 Murphy, Patrick

Murphy, Tim
 Murtha
 Myrick
 Napolitano
 Neal (MA)
 Neugebauer
 Norton
 Nunes
 Nye
 Oberstar
 Obey
 Olson
 Olver
 Ortiz
 Pallone
 Pascarell
 Pastor (AZ)
 Paul
 Paulsen
 Payne
 Pence
 Perlmutter
 Perriello
 Peters
 Petri
 Pingree (ME)
 Pitts
 Platts
 Poe (TX)
 Polis (CO)
 Pomeroy
 Posey
 Price (GA)
 Price (NC)
 Putnam
 Quigley
 Radanovich
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson
 Rodriguez
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rooney
 Ros-Lehtinen
 Ross
 Rothman (NJ)
 Roybal-Allard
 Royce
 Ruppertsberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Sablan
 Salazar
 Sánchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schauer
 Schiff
 Schmidt
 Schock
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Serrano
 Sessions
 Sestak
 Shadegg
 Shea-Porter
 Sherman
 Shimkus
 Shuler
 Shuster
 Simpson
 Sires
 Skelton
 Slaughter
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Souder
 Space

Speier
 Spratt
 Stark
 Stearns
 Stupak
 Sullivan
 Sutton
 Tanner
 Teague
 Terry
 Thompson (CA)
 Thompson (MS)
 Thompson (PA)
 Thornberry
 Tiahrt
 Tiberi

Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Turner
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walden
 Walz
 Wamp
 Wasserman
 Schultz
 Waters

Watson
 Watt
 Waxman
 Weiner
 Welch
 Wexler
 Whitfield
 Wilson (OH)
 Wilson (SC)
 Wittman
 Wolf
 Woolsey
 Wu
 Yarmuth
 Young (AK)
 Young (FL)

Cooper
 Culberson
 Davis (KY)
 Deal (GA)
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dreier
 Driehaus
 Duncan
 Fallin
 Flake
 Fleming
 Forbes
 Foxx
 Franks (AZ)
 Gallegly
 Garrett (NJ)
 Gerlach
 Gingrey (GA)
 Gohmert
 Goodlatte
 Granger
 Guthrie
 Gutierrez
 Hall (TX)
 Harper
 Hastings (WA)
 Heller
 Hensarling
 Herger
 Hoekstra
 Hunter
 Inglis
 Issa
 Jenkins
 Johnson (IL)
 Johnson, Sam
 Jones
 Jordan (OH)
 King (IA)
 Kingston

Kirk
 Kirkpatrick (AZ)
 Kline (MN)
 Kratovil
 Lamborn
 Lance
 Latta
 Lee (NY)
 Lewis (CA)
 Linder
 Luetkemeyer
 Lummis
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 Markey (CO)
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McKeon
 McMahon
 McMorris
 Rodgers
 Mica
 Miller (FL)
 Miller (MI)
 Minnick
 Moran (KS)
 Murphy, Patrick
 Myrick
 Neugebauer
 Nunes
 Nye
 Olson
 Paul
 Paulsen
 Pence
 Perriello

Peters
 Petri
 Pitts
 Platts
 Poe (TX)
 Posey
 Price (GA)
 Putnam
 Radanovich
 Rehberg
 Roe (TN)
 Rogers (AL)
 Rogers (MI)
 Rohrabacher
 Rooney
 Ros-Lehtinen
 Roskam
 Royce
 Ryan (WI)
 Schmidt
 Sensenbrenner
 Sessions
 Shadegg
 Shimkus
 Shuster
 Smith (NE)
 Smith (TX)
 Souder
 Stearns
 Sullivan
 Terry
 Thompson (PA)
 Thornberry
 Tiahrt
 Tiberi
 Wamp
 Whitfield
 Wilson (SC)
 Wittman
 Wolf
 Young (FL)

NOES—1

Nadler (NY)

NOT VOTING—15

Ackerman
 Barrett (SC)
 Bordallo
 Coble
 Faleomavaega
 Gohmert
 Graves
 Harman
 Lucas
 Miller, Gary
 Peterson
 Pierluisi
 Roskam
 Taylor
 Westmoreland

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains on this vote.

□ 1339

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PART A AMENDMENT NO. 11 OFFERED BY MRS. BLACKBURN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

PART A amendment No. 11 offered by Mrs. BLACKBURN:

At the end of the bill (before the short title), insert the following:

SEC. ____ . Percentage Reduction of Total Funds.—Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 259, not voting 13, as follows:

[Roll No. 580]

AYES—167

Aderholt
 Adler (NJ)
 Akin
 Alexander
 Altmire
 Arcuri
 Austria
 Bachmann
 Bachus
 Bartlett
 Barton (TX)
 Bean
 Bilirakis
 Bishop (UT)
 Blackburn
 Blunt
 Boehner
 Bonner
 Bono Mack
 Boozman
 Boren
 Boustany
 Brady (TX)
 Bright
 Brown (GA)
 Brown (SC)
 Brown-Waite,
 Ginny
 Buchanan
 Burgess
 Burton (IN)
 Buyer
 Calvert
 Camp
 Campbell
 Cantor
 Capito
 Carter
 Castor (FL)
 Chaffetz
 Childers
 Coffman (CO)
 Cole
 Conaway

Abercrombie
 Andrews
 Baca
 Baird
 Baldwin
 Barrow
 Becerra
 Berkley
 Berman
 Berry
 Biggert
 Bishop (GA)
 Bishop (NY)
 Blumenauer
 Boccieri
 Boswell
 Boucher
 Boyd
 Brady (PA)
 Braley (IA)
 Brown, Corrine
 Butterfield
 Cao
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Cassidy
 Castle
 Chandler
 Christensen
 Chu
 Clarke
 Clay
 Cleaver
 Clyburn
 Cohen
 Connolly (VA)
 Conyers
 Costa
 Costello
 Courtney
 Crenshaw
 Crowley
 Cuellar
 Cummings
 Dahlkemper
 Davis (AL)
 Davis (CA)

Davis (IL)
 Davis (TN)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Edwards (MD)
 Edwards (TX)
 Ehlers
 Ellison
 Ellsworth
 Emerson
 Engel
 Eshoo
 Etheridge
 Farr
 Fattah
 Filner
 Fortenberry
 Foster
 Frank (MA)
 Frelinghuysen
 Fudge
 Giffords
 Gonzalez
 Gordon (TN)
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Hall (NY)
 Halvorson
 Hare
 Harman
 Hastings (FL)
 Heinrich
 Herseth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Holden

Holt
 Honda
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson-Lee
 (TX)
 Johnson (GA)
 Johnson, E. B.
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kind
 King (NY)
 Kissell
 Klein (FL)
 Kosmas
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Lee (CA)
 Levin
 Lewis (GA)
 Lipinski
 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Luján
 Lynch
 Maffei
 Maloney
 Markey (MA)
 Marshall
 Massa
 Matheson
 Matsui
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McHugh
 McIntyre

McNerney
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert

Reyes
Richardson
Rodriguez
Rogers (KY)
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schock
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Space

Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—13

Ackerman
Barrett (SC)
Bordallo
Coble
Faleomavaega

Graves
Lucas
Meek (FL)
Miller, Gary
Pierluisi

Slaughter
Taylor
Westmoreland

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains in this vote.

□ 1342

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 2 OFFERED BY MR. CAMPBELL

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. CAMPBELL:

At the end of the bill (before the short title), insert the following:

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading “Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy” shall be available for the Housatonic River Net-Zero Energy Building project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$1,000,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 121, noes 303, not voting 15, as follows:

[Roll No. 581]

AYES—121

Akin
Austria
Bachmann
Bartlett
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bono Mack
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Campbell
Cantor
Cassidy
Castle
Chaffetz
Coffman (CO)
Conaway
Cooper
Davis (KY)
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach

Gingrey (GA)
Gohmert
Goodlatte
Hall (TX)
Harper
Heller
Hensarling
Herger
Hoekstra
Hunter
Ingalls
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungrén, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaull
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Miller (FL)
Minnick

Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Wilson (SC)
Wittman

NOES—303

Abercrombie
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggart
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boccieri
Bonner
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan

Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleave
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLaHunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)

Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Giffords
Gonzalez
Gordon (TN)
Granger
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Hastings (WA)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee

Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica

Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta

Sarbanes
Schakowsky
Schauer
Schiff
Schradler
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Soudier
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Titus
Tonko
Towns
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Ackerman
Barrett (SC)
Bordallo
Coble
Faleomavaega

Graves
Lucas
Miller, Gary
Pierluisi
Polis (CO)

Taylor
Tierney
Tsongas
Waters
Westmoreland

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). One minute remains on this vote.

□ 1345

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 1 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part C amendment No. 1 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading “Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy” shall be available for the Maret Center project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$1,500,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 89, noes 338, not voting 12, as follows:

[Roll No. 582]

AYES—89

Austria	Goodlatte	Moran (KS)
Bean	Heller	Myrick
Bilbray	Hensarling	Neugebauer
Bishop (NY)	Herger	Nunes
Bishop (UT)	Hoekstra	Nye
Blackburn	Inglis	Olson
Boehner	Issa	Paul
Bono Mack	Jenkins	Pence
Boustany	Johnson (IL)	Petri
Bright	Johnson, Sam	Pitts
Broun (GA)	Jordan (OH)	Poe (TX)
Brown-Waite,	Kind	Price (GA)
Ginny	King (IA)	Roe (TN)
Burgess	Kirk	Rogers (MI)
Campbell	Kline (MN)	Rohrabacher
Cassidy	Lamborn	Royce
Chaffetz	Linder	Ryan (WI)
Coffman (CO)	Luetkemeyer	Scalise
Conaway	Lummis	Schauer
Cooper	Lungren, Daniel	Schmidt
Deal (GA)	E.	Sensenbrenner
Duncan	Mack	Sessions
Ehlers	Manzullo	Shadegg
Fallin	Marchant	Shimkus
Flake	McCaul	Souder
Foxx	McClintock	Stearns
Franks (AZ)	McCotter	Thornberry
Garrett (NJ)	McHenry	Tiberi
Gerlach	McMahon	Wilson (SC)
Giffords	Miller (FL)	
Gingrey (GA)	Minnick	

NOES—338

Abercrombie	Brady (TX)	Conyers
Aderholt	Braley (IA)	Costa
Adler (NJ)	Brown (SC)	Costello
Akin	Brown, Corrine	Courtney
Alexander	Buchanan	Crenshaw
Altmire	Burton (IN)	Crowley
Andrews	Butterfield	Cuellar
Arcuri	Buyer	Culberson
Baca	Calvert	Cummings
Bachmann	Camp	Dahlkemper
Bachus	Cantor	Davis (AL)
Baird	Cao	Davis (CA)
Baldwin	Capito	Davis (IL)
Barrow	Capps	Davis (KY)
Bartlett	Capuano	Davis (TN)
Barton (TX)	Cardoza	DeFazio
Becerra	Carnahan	DeGette
Berkley	Carney	Delahunt
Berman	Carson (IN)	DeLauro
Berry	Carter	Dent
Biggert	Castle	Diaz-Balart, L.
Bilirakis	Castor (FL)	Diaz-Balart, M.
Bishop (GA)	Chandler	Dicks
Blumenauer	Childers	Dingell
Blunt	Christensen	Doggett
Bocieri	Chu	Donnelly (IN)
Bonner	Clarke	Doyle
Boozman	Clay	Dreier
Boren	Cleaver	Driehaus
Boswell	Clyburn	Edwards (MD)
Boucher	Cohen	Edwards (TX)
Boyd	Cole	Ellison
Brady (PA)	Connolly (VA)	Ellsworth

Emerson	Lewis (GA)	Ros-Lehtinen
Engel	Lipinski	Roskam
Eshoo	LoBiondo	Ross
Etheridge	Loeb	Rothman (NJ)
Farr	Loeb	Roybal-Allard
Fattah	Lofgren, Zoe	Ruppersberger
Filner	Lowey	Rush
Fleming	Lujan	Ryan (OH)
Forbes	Lynch	Sablan
Fortenberry	Maffei	Salazar
Foster	Maloney	Sanchez, Linda
Frank (MA)	Markey (CO)	T.
Frelinghuysen	Markey (MA)	Sanchez, Loretta
Fudge	Marshall	Sarbanes
Gallely	Massa	Schakowsky
Gonzalez	Matheson	Schiff
Gordon (TN)	Matsui	Schock
Granger	McCarthy (CA)	Schrader
Grayson	McCarthy (NY)	Schwartz
Green, Al	McCollum	Scott (GA)
Green, Gene	McDermott	Scott (VA)
Griffith	McGovern	Serrano
Grijalva	McHugh	Sestak
Guthrie	McIntyre	Shea-Porter
Gutierrez	McKeon	Sherman
Hall (NY)	McMorris	Shuler
Hall (TX)	Rodgers	Shuster
Halvorson	McNerney	Simpson
Hare	Meek (FL)	Sires
Harman	Meeks (NY)	Skelton
Harper	Melancon	Slaughter
Hastings (FL)	Mica	Smith (NE)
Hastings (WA)	Michaud	Smith (NJ)
Heinrich	Miller (MI)	Smith (NC)
Hereth Sandlin	Miller (NC)	Smith (TX)
Higgins	Miller, George	Smith (WA)
Hill	Mitchell	Snyder
Himes	Mollohan	Space
Hinchee	Moore (KS)	Speier
Hinojosa	Moore (WI)	Spratt
Hirono	Moran (VA)	Stark
Hodes	Murphy (CT)	Stupak
Holden	Murphy (NY)	Sullivan
Holt	Murphy, Patrick	Sutton
Honda	Murphy, Tim	Tanner
Hoyer	Murtha	Teague
Hunter	Nadler (NY)	Terry
Inlee	Napolitano	Thompson (CA)
Israel	Neal (MA)	Thompson (MS)
Jackson (IL)	Norton	Thompson (PA)
Jackson-Lee	Oberstar	Tiahrt
(TX)	Obeys	Tierney
Sessions	Oliver	Titus
Johnson (GA)	Ortiz	Tonko
Johnson, E. B.	Pallone	Towns
Jones	Pascarella	Tsongas
Kagen	Pastor (AZ)	Turner
Kanjorski	Paulsen	Upton
Kaptur	Payne	Van Hollen
Kennedy	Perlmutter	Velazquez
Kildee	Perriello	Visclosky
Kilpatrick (MI)	Peters	Walden
Kilroy	Peterson	Walz
King (NY)	Pingree (ME)	Wamp
Kingston	Platts	Wasserman
Kirkpatrick (AZ)	Polis (CO)	Schultz
Kissell	Pomeroy	Waters
Klein (FL)	Posey	Watson
Kosmas	Price (NC)	Watt
Kratovil	Putnam	Waxman
Kucinich	Quigley	Weiner
Lance	Radanovich	Welch
Langevin	Rahall	Wexler
Larsen (WA)	Rangel	Whitfield
Larson (CT)	Rehberg	Wilson (OH)
Latham	Reichert	Wittman
LaTourette	Reyes	Wolf
Latta	Richardson	Woolsey
Lee (CA)	Rodriguez	Wu
Lee (NY)	Rogers (AL)	Yarmuth
Levin	Rogers (KY)	Young (AK)
Lewis (CA)	Rooney	Young (FL)

NOT VOTING—12

Ackerman	Faleomavaega	Miller, Gary
Barrett (SC)	Gohmert	Pierluisi
Bordallo	Graves	Taylor
Coble	Lucas	Westmoreland

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1349

Mr. McMAHON changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 3 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. _____. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading “Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy” shall be available for the Consortium for Plant Biotechnology Research, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$3,000,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 89, noes 335, not voting 15, as follows:

[Roll No. 583]

AYES—89

Akin	Gohmert	Miller (FL)
Austria	Goodlatte	Minnick
Bachmann	Heller	Moran (KS)
Barton (TX)	Hensarling	Myrick
Bean	Herger	Neugebauer
Bilirakis	Hoekstra	Nunes
Bishop (UT)	Hunter	Olson
Blackburn	Inglis	Paul
Boehner	Issa	Pence
Boustany	Jenkins	Petri
Broun (GA)	Johnson (IL)	Pitts
Burgess	Johnson, Sam	Platts
Burton (IN)	Jordan (OH)	Price (GA)
Campbell	Kind	Roe (TN)
Cantor	King (IA)	Rohrabacher
Cassidy	Kingston	Roskam
Chaffetz	Kline (MN)	Royce
Coffman (CO)	Lamborn	Ryan (WI)
Conaway	Latta	Scalise
Cooper	Linder	Schmidt
Dent	Luetkemeyer	Sensenbrenner
Duncan	Lummis	Sessions
Fallin	Mack	Shadegg
Flake	Manzullo	Shimkus
Fleming	Marchant	Smith (NE)
Foxx	McCaul	Souder
Franks (AZ)	McClintock	Thornberry
Garrett (NJ)	McHenry	Wamp
Gerlach	McMorris	Wilson (SC)
Gingrey (GA)	Rodgers	Wittman

NOES—335

Abercrombie	Baldwin	Blumenauer
Aderholt	Barrow	Blunt
Adler (NJ)	Bartlett	Bocieri
Alexander	Becerra	Bonner
Altmire	Berman	Bono Mack
Andrews	Berry	Boozman
Arcuri	Biggert	Boren
Baca	Bilbray	Boswell
Bachus	Bishop (GA)	Boucher
Baird	Bishop (NY)	Boyd

Brady (PA) Halvorson
 Brady (TX) Hare
 Braley (IA) Harper
 Bright Hastings (FL)
 Brown (SC) Hastings (WA)
 Brown, Corrine Heinrich
 Brown-Waite, Herseth Sandlin
 Ginny Higgins
 Buchanan Hill
 Butterfield Himes
 Buyer Hinchey
 Calvert Hinojosa
 Camp Hirono
 Cao Hodes
 Capito Holden
 Capps Holt
 Capuano Honda
 Cardoza Hoyer
 Carnahan Inslee
 Carney Israel
 Carson (IN) Jackson (IL)
 Carter Jackson-Lee
 Castle (TX)
 Castor (FL) Johnson (GA)
 Chandler Johnson, E. B.
 Childers Jones
 Christensen Kagen
 Chu Kanjorski
 Clarke Kaptur
 Clay Kennedy
 Cleaver Kildee
 Clyburn Kilpatrick (MI)
 Cohen Kilroy
 Cole King (NY)
 Connolly (VA) Kirk
 Conyers Kirkpatrick (AZ)
 Costa Kissell
 Costello Klein (FL)
 Courtney Kosmas
 Crenshaw Kratovil
 Crowley Kucinich
 Cuellar Lance
 Culberson Langevin
 Cummings Larsen (WA)
 Dahlkemper Larson (CT)
 Davis (AL) Latham
 Davis (CA) LaTourette
 Davis (IL) Lee (CA)
 Davis (KY) Lee (NY)
 Davis (TN) Levin
 Deal (GA) Lewis (CA)
 DeFazio Lewis (GA)
 DeGette Lipinski
 Delahunt LoBiondo
 DeLauro Loeb sack
 Diaz-Balart, L. Lofgren, Zoe
 Diaz-Balart, M. Lowey
 Dicks Lujan
 Dingell Lungren, Daniel
 Doggett E.
 Donnelly (IN) Lynch
 Doyle Maffei
 Dreier Maloney
 Driehaus Markey (CO)
 Edwards (MD) Markey (MA)
 Edwards (TX) Marshall
 Ehlers Massa
 Ellison Matheson
 Ellsworth Matsui
 Emerson McCarthy (CA)
 Engel McCarthy (NY)
 Eshoo McCollum
 Etheridge McCotter
 Farr McDermott
 Fattah McGovern
 Filner McHugh
 Forbes McIntyre
 Fortenberry McKeon
 Foster McMahon
 Frank (MA) McNerney
 Frelinghuysen Meek (FL)
 Fudge Meeks (NY)
 Gallegly Melancon
 Giffords Mica
 Gonzalez Michaud
 Gordon (TN) Miller (MI)
 Granger Miller (NC)
 Grayson Miller, George
 Green, Al Mitchell
 Green, Gene Mollohan
 Griffith Moore (KS)
 Grijalva Moore (WI)
 Guthrie Moran (VA)
 Gutierrez Murphy (CT)
 Hall (NY) Murphy (NY)
 Hall (TX) Murphy, Patrick

Murphy, Tim
 Nadler (NY)
 Napolitano
 Neal (MA)
 Norton
 Nye
 Oberstar
 Obey
 Oliver
 Ortiz
 Pallone
 Pascarell
 Pastor (AZ)
 Paulsen
 Payne
 Perlmutter
 Perriello
 Peters
 Peterson
 Pingree (ME)
 Poe (TX)
 Polis (CO)
 Pomeroy
 Posey
 Price (NC)
 Putnam
 Quigley
 Radanovich
 Rahall
 Rangel
 Rehberg
 Reichert
 Reyes
 Richardson
 Rodriguez
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rooney
 Ros-Lehtinen
 Ross
 Rothman (NJ)
 Ruppersberger
 Rush
 Ryan (OH)
 Sablan
 Salazar
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schauer
 Schiff
 Schock
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Serrano
 Sestak
 Shea-Porter
 Sherman
 Shuler
 Shuster
 Simpson
 Sires
 Skelton
 Slaughter
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Snyder
 Space
 Speier
 Spratt
 Stearns
 Stupak
 Sullivan
 Sutton
 Tanner
 Teague
 Terry
 Thompson (CA)
 Thompson (MS)
 Thompson (PA)
 Tiahrt
 Tiberi
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Turner
 Upton

Van Hollen
 Velázquez
 Visclosky
 Walden
 Walz
 Wasserman
 Schultz
 Waters

Watson
 Watt
 Waxman
 Weiner
 Welch
 Wexler
 Whitfield
 Wilson (OH)

Wolf
 Woolsey
 Wu
 Yarmuth
 Young (AK)
 Young (FL)

Lance
 Latta
 Linder
 Luetkemeyer
 Lummis
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McMorris
 Rodgers
 Miller (FL)

Minnick
 Mitchell
 Moran (KS)
 Neugebauer
 Nunes
 Olson
 Paul
 Paulsen
 Pence
 Petri
 Pitts
 Platts
 Poe (TX)
 Price (GA)
 Roe (TN)
 Rogers (MI)
 Rohrabacher
 Roskam

Royce
 Ryan (WI)
 Scalise
 Schmidt
 Sensenbrenner
 Sessions
 Shadegg
 Shimkus
 Speier
 Stearns
 Sullivan
 Thornberry
 Tiberi
 Upton
 Walden
 Wamp
 Wilson (SC)

NOT VOTING—15

Ackerman Faleomavaega Pierluisi
 Barrett (SC) Graves Roybal-Allard
 Berkley Harman Stark
 Bordallo Lucas Taylor
 Coble Miller, Gary Westmoreland

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1352

Mr. POE of Texas changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 4 OFFERED BY MR.

FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part C Amendment No. 4 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading “Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy” shall be available for the Ethanol from Agriculture project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$500,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 102, noes 318, not voting 19, as follows:

[Roll No. 584]

AYES—102

Adler (NJ)
 Akin
 Bachmann
 Barton (TX)
 Bean
 Bilbray
 Bilirakis
 Bishop (UT)
 Blackburn
 Boehner
 Bono Mack
 Boustany
 Brady (TX)
 Broun (GA)
 Burgess
 Burton (IN)
 Campbell

Cantor
 Cassidy
 Chaffetz
 Coffman (CO)
 Conaway
 Cooper
 Davis (KY)
 Deal (GA)
 Dent
 Duncan
 Ehlers
 Fallon
 Flake
 Fleming
 Poxx
 Franks (AZ)
 Garrett (NJ)

Gerlach
 Giffords
 Gingrey (GA)
 Gohmert
 Goodlatte
 Heller
 Hensarling
 Herger
 Hoekstra
 Hunter
 Inglis
 Issa
 Jenkins
 Johnson, Sam
 Jordan (OH)
 Kline (MN)
 Lamborn

Cole
 Connolly (VA)
 Conyers
 Costa
 Costello
 Courtney
 Crenshaw
 Crowley
 Cuellar
 Culberson
 Cummings
 Dahlkemper
 Davis (AL)
 Davis (CA)
 Davis (IL)
 Davis (TN)

DeFazio
 DeGette
 Delahunt
 DeLauro
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Dreier
 Driehaus
 Edwards (MD)
 Edwards (TX)
 Ellison
 Ellsworth
 Emerson
 Engel
 Eshoo
 Etheridge
 Farr
 Fattah
 Filner
 Forbes
 Fortenberry
 Foster
 Frank (MA)
 Frelinghuysen
 Fudge
 Gallegly
 Gonzalez
 Gordon (TN)
 Granger
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Guthrie
 Gutierrez
 Hall (NY)
 Hall (TX)

Kilpatrick (MI)
 Kilroy
 Kind
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kosmas
 Kratovil
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (CA)
 Lewis (GA)
 Lipinski
 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lujan
 Lynch
 Maffei
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matheson
 Matsui
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McHugh
 McIntyre
 McKeon
 McMahon
 McNerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (MI)
 Miller (NC)
 Miller, George
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murphy, Tim
 Murtha
 Nadler (NY)
 Napolitano
 Neal (MA)
 Norton
 Oberstar
 Obey
 Oliver
 Ortiz
 Pallone
 Pascarell
 Pastor (AZ)

NOES—318

Abercrombie
 Aderholt
 Alexander
 Altmire
 Andrews
 Arcuri
 Austria
 Baca
 Bachus
 Baird
 Baldwin
 Barrow
 Bartlett
 Berkley
 Berman
 Berry
 Biggert
 Bishop (GA)
 Bishop (NY)
 Blumenauer
 Blunt
 Boccieri
 Bonner
 Boozman
 Boren
 Boswell
 Boucher
 Boyd
 Brady (PA)
 Braley (IA)
 Bright
 Brown (SC)
 Brown, Corrine
 Brown-Waite,
 Ginny
 Butterfield
 Buyer
 Calvert
 Camp
 Cao
 Capito
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Carter
 Castle
 Castor (FL)
 Chandler
 Childers
 Christensen
 Chu
 Clarke
 Clay
 Cleaver
 Clyburn
 Cohen
 Cole
 Connolly (VA)
 Conyers
 Costa
 Costello
 Courtney
 Crenshaw
 Crowley
 Cuellar
 Culberson
 Cummings
 Dahlkemper
 Davis (AL)
 Davis (CA)
 Davis (IL)
 Davis (TN)

DeFazio
 DeGette
 Delahunt
 DeLauro
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Dreier
 Driehaus
 Edwards (MD)
 Edwards (TX)
 Ellison
 Ellsworth
 Emerson
 Engel
 Eshoo
 Etheridge
 Farr
 Fattah
 Filner
 Forbes
 Fortenberry
 Foster
 Frank (MA)
 Frelinghuysen
 Fudge
 Gallegly
 Gonzalez
 Gordon (TN)
 Granger
 Grayson
 Green, Al
 Green, Gene
 Griffith
 Grijalva
 Guthrie
 Gutierrez
 Hall (NY)
 Hall (TX)
 Halvorson
 Hare
 Harman
 Harper
 Hastings (FL)
 Hastings (WA)
 Heinrich
 Herseth Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hodes
 Holden
 Holt
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson-Lee
 (TX)
 Johnson (GA)
 Johnson (IL)
 Johnson, E. B.
 Jones
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee

Kilpatrick (MI)
 Kilroy
 Kind
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kosmas
 Kratovil
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (CA)
 Lewis (GA)
 Lipinski
 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lujan
 Lynch
 Maffei
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matheson
 Matsui
 McCarthy (NY)
 McCollum
 McDermott
 McGovern
 McHugh
 McIntyre
 McKeon
 McMahon
 McNerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (MI)
 Miller (NC)
 Miller, George
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murphy, Tim
 Murtha
 Nadler (NY)
 Napolitano
 Neal (MA)
 Norton
 Oberstar
 Obey
 Oliver
 Ortiz
 Pallone
 Pascarell
 Pastor (AZ)

Payne	Sánchez, Linda	Thompson (CA)
Perlmutter	T.	Thompson (MS)
Perriello	Sanchez, Loretta	Thompson (PA)
Peters	Sarbanes	Tiahrt
Peterson	Schakowsky	Tierney
Pingree (ME)	Schauer	Titus
Polis (CO)	Schiff	Tonko
Pomeroy	Schrader	Towns
Posey	Schwartz	Tsongas
Price (NC)	Scott (GA)	Turner
Putnam	Scott (VA)	Van Hollen
Quigley	Serrano	Velázquez
Radanovich	Sestak	Visclosky
Rahall	Shea-Porter	Walz
Rangel	Sherman	Wasserman
Rehberg	Shuler	Schultz
Reichert	Shuster	Waters
Reyes	Simpson	Watson
Richardson	Sires	Watt
Rodriguez	Skelton	Waxman
Rogers (AL)	Slaughter	Weiner
Rogers (KY)	Smith (NE)	Welch
Rooney	Smith (NJ)	Wexler
Ros-Lehtinen	Smith (TX)	Whitfield
Ross	Smith (WA)	Wilson (OH)
Rothman (NJ)	Snyder	Wittman
Roybal-Allard	Spratt	Wolf
Ruppersberger	Stark	Woolsey
Rush	Stupak	Wu
Ryan (OH)	Sutton	Yarmuth
Sablan	Tanner	Young (AK)
Salazar	Teague	Young (FL)
	Terry	

NOT VOTING—19

Ackerman	Graves	Schock
Barrett (SC)	Honda	Souder
Becerra	Lucas	Space
Bordallo	Maloney	Taylor
Buchanan	Miller, Gary	Westmoreland
Coble	Myrick	
Faleomavaega	Pierluisi	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1355

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. BUCHANAN. Mr. Chair, on rollcall No. 584, I was unavoidably detained. Had I been present, I would have voted “aye.”

Mrs. MYRICK. Mr. Chair, I was unable to participate in the following vote. If I had been present, I would have voted as follows: rollcall vote 584, on agreeing to the Flake of Arizona Amendment No. 4—H.R. 3183 Making appropriations for energy and water development and related agencies, FY 2010—I would have voted “aye.”

Mr. BECERRA. Mr. Chair, I was unavoidably detained and missed rollcall 584. If present, I would have voted “nay.”

PART C AMENDMENT NO. 5 OFFERED BY MR. FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part C Amendment No. 5 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. __. CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds pro-

vided in this Act under the heading “Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy” shall be available for the Fort Mason Center Pier 2 project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$2,000,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 125, noes 301, not voting 13, as follows:

[Roll No. 585]

AYES—125

Akin	Gallegly	Mica
Austria	Garrett (NJ)	Miller (FL)
Bachmann	Gerlach	Minnick
Bartlett	Gingrey (GA)	Moran (KS)
Barton (TX)	Gohmert	Myrick
Bean	Goodlatte	Neugebauer
Bilbray	Granger	Nunes
Bilirakis	Harper	Olson
Bishop (UT)	Heller	Paul
Blackburn	Hensarling	Paulsen
Blunt	Herger	Pence
Boehner	Hoekstra	Petri
Boozman	Hunter	Pitts
Boustany	Inglis	Platts
Bright	Issa	Poe (TX)
Broun (GA)	Jenkins	Price (GA)
Brown-Waite,	Johnson (IL)	Roe (TN)
Ginny	Johnson, Sam	Rogers (MI)
Buchanan	Jordan (OH)	Rohrabacher
Burgess	Kind	Rooney
Burton (IN)	King (IA)	Roskam
Camp	Kingston	Royce
Campbell	Kirk	Ryan (WI)
Cantor	Kline (MN)	Scalise
Carter	Lamborn	Schmidt
Cassidy	Lance	Sensenbrenner
Chaffetz	Latta	Sessions
Coffman (CO)	Lee (NY)	Shadegg
Conaway	Linder	Shimkus
Cooper	Luetkemeyer	Smith (NE)
Culberson	Lummis	Souder
Davis (KY)	Lungren, Daniel	Stearns
Deal (GA)	E.	Sullivan
Dent	Mack	Terry
Duncan	Manzullo	Thornberry
Ehlers	Marchant	Tiberi
Fallin	McCarthy (CA)	Upton
Flake	McCauley	Walden
Fleming	McClintock	Wamp
Forbes	McCotter	Wilson (SC)
Fortenberry	McHenry	Wittman
Fox	McMorris	Young (AK)
Franks (AZ)	Rodgers	

NOES—301

Abercrombie	Boswell	Clarke
Aderholt	Boucher	Clay
Adler (NJ)	Boyd	Cleaver
Alexander	Brady (PA)	Clyburn
Altmire	Braley (IA)	Cohen
Andrews	Brown (SC)	Cole
Arcuri	Brown, Corrine	Connolly (VA)
Baca	Butterfield	Conyers
Bachus	Buyer	Costa
Baird	Calvert	Costello
Baldwin	Cao	Courtney
Barrow	Capito	Crenshaw
Becerra	Capps	Crowley
Berkley	Capuano	Cuellar
Berman	Cardoza	Cummings
Berry	Carnahan	Dahlkemper
Biggart	Carney	Davis (AL)
Bishop (GA)	Carson (IN)	Davis (CA)
Bishop (NY)	Castle	Davis (IL)
Blumenauer	Castor (FL)	Davis (TN)
Boccieri	Chandler	DeFazio
Bonner	Childers	DeGette
Bono Mack	Christensen	DeLauro
Boren	Chu	

Diaz-Balart, L.	Larson (CT)	Rodriguez
Diaz-Balart, M.	Latham	Rogers (AL)
Dicks	LaTourette	Rogers (KY)
Dingell	Lee (CA)	Ros-Lehtinen
Doggett	Levin	Ross
Donnelly (IN)	Lewis (CA)	Rothman (NJ)
Doyle	Lewis (GA)	Roybal-Allard
Dreier	Lipinski	Ruppersberger
Driehaus	LoBiondo	Rush
Edwards (MD)	Loebach	Ryan (OH)
Edwards (TX)	Lofgren, Zoe	Sablan
Ellison	Lowe	Salazar
Ellsworth	Luján	Sánchez, Linda
Emerson	Lynch	T.
Engel	Maffei	Sanchez, Loretta
Eshoo	Maloney	Sarbanes
Etheridge	Markey (CO)	Schakowsky
Farr	Markey (MA)	Schauer
Fattah	Marshall	Schiff
Filner	Massa	Schock
Foster	Matheson	Schrader
Frank (MA)	Matsui	Schwartz
Frelinghuysen	McCarthy (NY)	Scott (GA)
Fudge	McCollum	Scott (VA)
Giffords	McDermott	Serrano
Gonzalez	McGovern	Sestak
Gordon (TN)	McHugh	Shea-Porter
Grayson	McIntyre	Sherman
Green, Al	McKeon	Shuler
Green, Gene	McMahon	Shuster
Griffith	McNerney	Simpson
Grijalva	Meek (FL)	Sires
Guthrie	Meeks (NY)	Skelton
Gutierrez	Melancon	Slaughter
Hall (NY)	Michaud	Smith (NJ)
Hall (TX)	Miller (MI)	Smith (TX)
Halvorson	Miller (NC)	Smith (WA)
Hare	Miller, George	Snyder
Harman	Mitchell	Space
Hastings (FL)	Mollohan	Speier
Hastings (WA)	Moore (KS)	Spratt
Heinrich	Moore (WI)	Stark
Hereth Sandlin	Moran (VA)	Stupak
Higgins	Murphy (CT)	Sutton
Hill	Murphy (NY)	Tanner
Himes	Murphy, Patrick	Teague
Hinchey	Murphy, Tim	Thompson (CA)
Hinojosa	Murtha	Thompson (MS)
Hirono	Nadler (NY)	Thompson (PA)
Hodes	Napolitano	Tiahrt
Holden	Neal (MA)	Tierney
Holt	Norton	Titus
Honda	Nye	Tonko
Hoyer	Oberstar	Towns
Inslee	Obey	Tsongas
Israel	Ortiz	Turner
Jackson (IL)	Pallone	Van Hollen
Jackson-Lee	Pascrell	Velázquez
(TX)	Pastor (AZ)	Visclosky
Johnson (GA)	Payne	Walz
Johnson, E. B.	Perlmutter	Wasserman
Jones	Perriello	Schultz
Kagen	Peters	Waters
Kanjorski	Peterson	Watson
Kaptur	Pingree (ME)	Watt
Kennedy	Polis (CO)	Waxman
Kildee	Pomeroy	Weiner
Kilpatrick (MI)	Posey	Welch
Kilroy	Price (NC)	Wexler
King (NY)	Putnam	Whitfield
Kirkpatrick (AZ)	Quigley	Wilson (OH)
Kissell	Radanovich	Wolf
Klein (FL)	Rahall	Woolsey
Kosmas	Rangel	Wu
Kratovil	Rehberg	Yarmuth
Kucinich	Reichert	Young (FL)
Langevin	Reyes	
Larsen (WA)	Richardson	

NOT VOTING—13

Ackerman	Faleomavaega	Pierluisi
Barrett (SC)	Graves	Taylor
Bordallo	Lucas	Westmoreland
Brady (TX)	Miller, Gary	
Coble	Oliver	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1358

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 10 OFFERED BY MR.
FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part C Amendment No. 10 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading “Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy” shall be available for the Whitworth University Stem Equipment project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$300,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 81, noes 341, not voting 17, as follows:

[Roll No. 586]

AYES—81

Bachmann	Herger	Myrick
Bean	Hoekstra	Neugebauer
Bishop (NY)	Inglis	Nunes
Blackburn	Issa	Nye
Boehner	Jenkins	Olson
Boustany	Johnson (IL)	Paul
Bright	Johnson, Sam	Pence
Brown (GA)	Jordan (OH)	Petri
Burton (IN)	Kind	Pitts
Campbell	King (IA)	Price (GA)
Cassidy	Kingston	Roe (TN)
Chaffetz	Kline (MN)	Rogers (MI)
Coffman (CO)	Lamborn	Ryan (WI)
Conaway	Latta	Scalise
Cooper	Linder	Schmidt
Deal (GA)	Luetkemeyer	Sensenbrenner
Duncan	Lummis	Sessions
Fallin	Lungren, Daniel	Shadegg
Flake	E.	Shimkus
Fleming	Mack	Souder
Fortenberry	Marchant	Stearns
Fox	McCaul	Sullivan
Franks (AZ)	McClintock	Thornberry
Garrett (NJ)	McCotter	Tiberi
Gohmert	McHenry	Upton
Goodlatte	Miller (FL)	Wilson (SC)
Heller	Minnick	
Hensarling	Moran (KS)	

NOES—341

Abercrombie	Barton (TX)	Boozman
Aderholt	Becerra	Boren
Adler (NJ)	Berkley	Boswell
Akin	Berman	Boucher
Alexander	Berry	Boyd
Altmire	Biggart	Brady (PA)
Andrews	Bilbray	Brady (TX)
Arcuri	Bilirakis	Braley (IA)
Austria	Bishop (GA)	Brown (SC)
Baca	Bishop (UT)	Brown, Corrine
Bachus	Blumenauer	Brown-Waite,
Baird	Blunt	Ginny
Baldwin	Boccieri	Buchanan
Barrow	Bonner	Burgess
Bartlett	Bono Mack	Butterfield
		Higgins
		Hill
		Himes
		Hinche
		Hinojosa
		Cao
		Hirono
		Hodes
		Holden
		Holt
		Honda
		Hoyer
		Hunter
		Inslee
		Israel
		Jackson (IL)
		Jackson-Lee
		(TX)
		Johnson (GA)
		Johnson, E. B.
		Jones
		Kagen
		Kanjorski
		Kaptur
		Kennedy
		Cohen
		Kilpatrick (MI)
		Kilroy
		King (NY)
		Kirk
		Kirkpatrick (AZ)
		Kissell
		Klein (FL)
		Kosmas
		Kratovich
		Kucinich
		Lance
		Langevin
		Larsen (WA)
		Larson (CT)
		Latham
		LaTourette
		Lee (CA)
		Lee (NY)
		Levin
		Lewis (CA)
		Lewis (GA)
		Lipinski
		LoBiondo
		Loeb
		Lofgren, Zoe
		Lowey
		Lujan
		Lynch
		Maffei
		Maloney
		Manullo
		Markey (CO)
		Markey (MA)
		Marshall
		Massa
		Matheson
		Matsui
		McCarthy (CA)
		McCarthy (NY)
		McCollum
		McDermott
		McGovern
		McHugh
		McIntyre
		McKeon
		McMahon
		McMorris
		Rodgers
		McNerney
		Meek (FL)
		Meeks (NY)
		Melancon
		Mica
		Michaud
		Miller (MI)
		Miller (NC)
		Miller, George
		Mitchell
		Mollohan
		Moore (KS)
		Moore (WI)
		Moran (VA)
		Murphy (NY)
		Murphy, Patrick
		Murphy, Tim
		Murtha
		Nadler (NY)
		Napolitano
		Neal (MA)
		Norton
		Oberstar
		Obey
		Olver
		Ortiz
		Pallone
		Pascarella
		Pastor (AZ)
		Paulsen
		Payne
		Perlmutter
		Perriello
		Peters
		Peterson
		Pingree (ME)
		Platts
		Poe (TX)
		Polis (CO)
		Pomeroy
		Posey
		Price (NC)
		Putnam
		Quigley
		Radanovich
		Rahall
		Rangel
		Rehberg
		Reichert
		Reyes
		Richardson
		Rodriguez
		Rogers (AL)
		Rogers (KY)
		Rohrabacher
		Rooney
		Ros-Lehtinen
		Roskam
		Ross
		Rothman (NJ)
		Royce
		Ruppersberger
		Rush
		Ryan (OH)
		Sablan
		Salazar
		Sanchez, Linda
		T.
		Sanchez, Loretta
		Sarbanes
		Schakowsky
		Schauer
		Schiff
		Schock
		Schwartz
		Scott (GA)
		Scott (VA)
		Serrano
		Sestak
		Shea-Porter
		Sherman
		Shuler
		Shuster
		Simpson
		Sires
		Skelton
		Slaughter
		Smith (NE)
		Smith (NJ)
		Smith (TX)
		Smith (WA)
		Snyder
		Space
		Speier
		Spratt
		Stark
		Stupak
		Sutton
		Tanner
		Teague
		Terry
		Thompson (CA)
		Thompson (MS)
		Thompson (PA)
		Tiahrt
		Tierney
		Titus
		Tonko
		Towns
		Turner
		Velazquez
		Visclosky
		Walden
		Walz
		Wamp
		Wasserman
		Schultz
		Waters
		Watson
		Watt

Waxman	Wilson (OH)	Yarmuth
Weiner	Wittman	Young (AK)
Welch	Wolf	Young (FL)
Wexler	Woolsey	
Whitfield	Wu	

NOT VOTING—17

Ackerman	Graves	Schrader
Barrett (SC)	Lucas	Taylor
Bordallo	Miller, Gary	Tsongas
Coble	Murphy (CT)	Van Hollen
Costa	Pierluisi	Westmoreland
Faleomavaega	Roybal-Allard	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining.

□ 1401

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART C AMENDMENT NO. 11 OFFERED BY MR.

FLAKE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part C amendment No. 11 offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading “Department of Energy—Energy Projects—Energy Efficiency and Renewable Energy” shall be available for the Boston Architectural College’s Urban Sustainability Initiative, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$1,600,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 111, noes 316, not voting 12, as follows:

[Roll No. 587]

AYES—111

Akin	Cassidy	Hensarling
Austria	Chaffetz	Herger
Bachmann	Coffman (CO)	Hoekstra
Barton (TX)	Conaway	Hunter
Bean	Cooper	Inglis
Billirakis	Deal (GA)	Issa
Bishop (UT)	Duncan	Jenkins
Blackburn	Ehlers	Johnson (IL)
Blunt	Fallin	Johnson, Sam
Boehner	Flake	Jordan (OH)
Boozman	Fleming	Kind
Boustany	Fox	King (IA)
Brady (TX)	Franks (AZ)	Kingston
Bright	Gallegly	Kirk
Brown (GA)	Garrett (NJ)	Kline (MN)
Brown-Waite,	Gingrey (GA)	Lamborn
Ginny	Gohmert	Lance
Burgess	Goodlatte	Latta
Burton (IN)	Hall (TX)	Lee (NY)
Campbell	Harper	Linder
Cantor	Heller	Luetkemeyer

Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Minnick

NOES—316

Abercrombie
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bocieri
Bonner
Bono Mack
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Camp
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castle
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette

Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Price (GA)
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Royce
Ryan (WI)

Scalise
Schmidt
Schock
Sensenbrenner
Olson
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Thornberry
Tiberi
Upton
Walden
Wamp
Wilson (SC)

Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Poe (TX)
Polis (CO)

Pomeroy
Posey
Price (NC)
Putnam
Sessions
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer

Ackerman
Barrett (SC)
Bordallo
Braley (IA)

Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)

NOT VOTING—12

Coble
Faleomavaega
Graves
Lucas

Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Watt
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

Miller, Gary
Pierluisi
Taylor
Westmoreland

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1405

So the amendment was rejected.
The result of the vote was announced as above recorded.

PART D AMENDMENT NO. 1 OFFERED BY MR.

HENSARLING

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part D amendment No. 1 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading “Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy” shall be available for the Energy Conservation and Efficiency Upgrade of HVAC Controls project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Energy Efficiency and Renewable Energy Projects) are each hereby reduced by \$500,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote. The vote was taken by electronic device, and there were—ayes 133, noes 290, not voting 16, as follows:

[Roll No. 588]

AYES—133

Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Ingalls
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Lewis (CA)
Linder
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Miller (FL)

NOES—290

Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel

Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Putnam
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schauer
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiberi
Upton
Walden
Wamp
Wilson (SC)
Wittman

Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matta
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)

Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz

Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skeltan
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiahrt
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Ackerman
Barrett (SC)
Bordallo
Coble
Faleomavaega
Graves

Gutierrez
Lucas
McMahon
Miller, Gary
Pierluisi
Ruppersberger

Schrader
Taylor
Waxman
Westmoreland

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1407

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART D AMENDMENT NO. 2 OFFERED BY MR. HENSARLING

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part D amendment No. 2 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds pro-

vided in this Act under the heading “Corps of Engineers-Civil—Construction” shall be available for the Pier 36 Removal project in California, and the aggregate amount otherwise provided under such heading is hereby reduced by \$6,220,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 128, noes 299, not voting 12, as follows:

[Roll No. 589]

AYES—128

Akin
Austria
Bachmann
Bartlett
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Camp
Campbell
Cantor
Carter
Cassidy
Castle
Chaffetz
Coffman (CO)
Conaway
Cooper
Culberson
Davis (KY)
Deal (GA)
Dent
Duncan
Ehlers
Fallin
Flake
Fleming
Forbes
Fortenberry
Foxx

Franks (AZ)
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latta
Lee (NY)
Linder
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers

Mica
Miller (FL)
Minnick
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Price (GA)
Radanovich
Roe (TN)
Rogers (MI)
Rohrabacher
Rooney
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walden
Wamp
Wilson (SC)
Wittman
Young (AK)

NOES—299

Abercrombie
Aderholt
Adler (NJ)
Alexander
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boccheri
Bonner
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown (SC)

Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Costa
Costello
Courtney

Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo

Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inglis
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo

Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Matta
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen

Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skeltan
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOT VOTING—12

Ackerman
Barrett (SC)
Bordallo
Coble

Faleomavaega
Graves
Lucas
Miller, Gary

Pierluisi
Souder
Taylor
Westmoreland

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1411

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART D AMENDMENT NO. 4 OFFERED BY MR. HENSARLING

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING)

on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Part D amendment No. 4 offered by Mr. HENSARLING:

At the end of the bill (before the short title), insert the following:

SEC. ____ CONGRESSIONALLY DIRECTED PROJECT ELIMINATED.—None of the funds provided in this Act under the heading “Department of Energy—Energy Programs—Electricity Delivery and Energy Reliability” shall be available for the Automated Remote Electric and Water Meters in South River project, and the aggregate amount otherwise provided under such heading (and the portion of such amount specified for Congressionally Directed Electricity Delivery and Energy Reliability Projects) are each hereby reduced by \$500,000.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 119, noes 308, not voting 12, as follows:

[Roll No. 590]

AYES—119

Akin	Gingrey (GA)	Myrick
Austria	Gohmert	Neugebauer
Bachmann	Goodlatte	Nunes
Barton (TX)	Hall (TX)	Olson
Bilbray	Hastings (WA)	Paul
Bilirakis	Heller	Paulsen
Bishop (UT)	Hensarling	Pence
Blackburn	Herger	Petri
Blunt	Hoekstra	Pitts
Boehner	Hunter	Platts
Bono Mack	Inglis	Poe (TX)
Boozman	Issa	Posey
Boustany	Jenkins	Price (GA)
Brady (TX)	Johnson (IL)	Roe (TN)
Bright	Johnson, Sam	Rogers (MI)
Brown (GA)	Jordan (OH)	Rohrabacher
Brown-Waite,	King (IA)	Rooney
Ginny	Kingston	Roskam
Buchanan	Kirk	Royce
Burgess	Kline (MN)	Ryan (WI)
Burton (IN)	Lamborn	Scalise
Camp	Latta	Schmidt
Campbell	Linder	Schock
Cantor	Luetkemeyer	Sensenbrenner
Cassidy	Lummis	Sessions
Castle	Lungren, Daniel	Shadegg
Chaffetz	E.	Shimkus
Coffman (CO)	Mack	Smith (NE)
Conaway	Manzullo	Souder
Cooper	Marchant	Stearns
Deal (GA)	McCarthy (CA)	Sullivan
Duncan	McCaul	Terry
Ehlers	McClintock	Thornberry
Fallin	McCotter	Tiahrt
Flake	McHenry	Tiberi
Fleming	McMorris	Upton
Fortenberry	Rodgers	Walden
Fox	Mica	Wamp
Franks (AZ)	Miller (FL)	Wilson (SC)
Garrett (NJ)	Minnick	Wittman
Giffords	Moran (KS)	

NOES—308

Abercrombie	Baldwin	Bishop (NY)
Aderholt	Barrow	Blumenauer
Adler (NJ)	Bartlett	Bocieri
Alexander	Bean	Bonner
Altmire	Becerra	Boren
Andrews	Berkley	Boswell
Arcuri	Berman	Boucher
Baca	Berry	Boyd
Bachus	Biggart	Brady (PA)
Baird	Bishop (GA)	Braley (IA)

Brown (SC)	Hinchey	Payne
Brown, Corrine	Hinojosa	Perlmutter
Butterfield	Hirono	Perriello
Buyer	Hodes	Peters
Calvert	Holden	Peterson
Cao	Holt	Pingree (ME)
Capito	Honda	Polis (CO)
Capps	Hoyer	Pomeroy
Capuano	Inslee	Price (NC)
Cardoza	Israel	Putnam
Carnahan	Jackson (IL)	Quigley
Carney	Jackson-Lee	Radanovich
Carson (IN)	(TX)	Rahall
Carter	Johnson (GA)	Rangel
Castor (FL)	Johnson, E. B.	Rehberg
Chandler	Jones	Reichert
Childers	Kagen	Reyes
Christensen	Kanjorski	Richardson
Chu	Kaptur	Rodriguez
Clarke	Kennedy	Rogers (AL)
Clay	Kildee	Rogers (KY)
Cleaver	Kilpatrick (MI)	Ros-Lehtinen
Clyburn	Kilroy	Ross
Cohen	Kind	Rothman (NJ)
Cole	King (NY)	Roybal-Allard
Connolly (VA)	Kirkpatrick (AZ)	Ruppersberger
Conyers	Kissell	Rush
Costa	Klein (FL)	Ryan (OH)
Costello	Kosmas	Sablan
Courtney	Kratovil	Salazar
Crenshaw	Kucinich	Sanchez, Linda
Crowley	Lance	T.
Cuellar	Langevin	Sanchez, Loretta
Culberson	Larsen (WA)	Sarbanes
Cummings	Larson (CT)	Schakowsky
Dahlkemper	Latham	Schauer
Davis (AL)	LaTourette	Schiff
Davis (CA)	Lee (CA)	Schrader
Davis (IL)	Lee (NY)	Schwartz
Davis (KY)	Levin	Scott (GA)
Davis (TN)	Lewis (CA)	Scott (VA)
DeFazio	Lewis (GA)	Serrano
DeGette	Lipinski	Sestak
Delahunt	LoBiondo	Shea-Porter
DeLauro	Loebuck	Sherman
Dent	Lofgren, Zoe	Shuler
Diaz-Balart, L.	Lowey	Shuster
Diaz-Balart, M.	Lujan	Simpson
Dicks	Lynch	Sires
Dingell	Maffei	Skelton
Doggett	Maloney	Slaughter
Donnelly (IN)	Markey (CO)	Smith (NJ)
Doyle	Markey (MA)	Smith (TX)
Dreier	Marshall	Smith (WA)
Driehaus	Massa	Snyder
Edwards (MD)	Matheson	Space
Edwards (TX)	Matsui	Speier
Ellison	McCarthy (NY)	Spratt
Ellsworth	McCollum	Stark
Emerson	McDermott	Stupak
Engel	McGovern	Sutton
Eshoo	McHugh	Tanner
Etheridge	McIntyre	Teague
Farr	McMahon	Thompson (CA)
Fattah	McNerney	Thompson (MS)
Filner	Meek (FL)	Thompson (PA)
Forbes	Meeks (NY)	Tierney
Foster	Melancon	Titus
Frank (MA)	Michaud	Tonko
Frelinghuysen	Miller (MI)	Towns
Fudge	Miller (NC)	Tsongas
Gallegly	Miller, George	Turner
Gerlach	Mitchell	Van Hollen
Gonzalez	Mollohan	Velázquez
Gordon (TN)	Moore (KS)	Visclosky
Granger	Moore (WI)	Walz
Grayson	Moran (VA)	Wasserman
Green, Al	Murphy (CT)	Schultz
Green, Gene	Murphy (NY)	Waters
Griffith	Murphy, Patrick	Watson
Grijalva	Murphy, Tim	Watt
Guthrie	Murtha	Waxman
Gutierrez	Nadler (NY)	Weiner
Hall (NY)	Napolitano	Welch
Halvorson	Neal (MA)	Wexler
Hare	Norton	Whitfield
Harman	Nye	Wilson (OH)
Harper	Oberstar	Wolf
Hastings (FL)	Obey	Woolsey
Heinrich	Oliver	Wu
Herseht Sandlin	Ortiz	Yarmuth
Higgins	Pallone	Young (AK)
Hill	Pascrell	Young (FL)
Himes	Pastor (AZ)	

NOT VOTING—12

Ackerman	Faleomavaega	Miller, Gary
Barrett (SC)	Graves	Pierluisi
Bordallo	Lucas	Taylor
Coble	McKeon	Westmoreland

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1414

So the amendment was rejected. The result of the vote was announced as above recorded.

The CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the “Energy and Water Development and Related Agencies Appropriations Act, 2010”.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALTMIRE) having assumed the chair, Mr. TIERNEY, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3183) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes, pursuant to House Resolution 645, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 645, the question on adoption of the amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1415

MOTION TO RECOMMIT

Mr. SIMPSON. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SIMPSON. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Simpson moves to recommit the bill H.R. 3183 to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 31, beginning on line 11, strike “Nuclear Waste Disposal” and all that follows through page 34, line 8.

Page 40, beginning on line 23, strike “Defense Nuclear Waste Disposal” and all that follows through page 41, line 3.

The SPEAKER pro tempore. The gentleman from Idaho (Mr. SIMPSON) is recognized for 5 minutes.

Mr. SIMPSON. Mr. Speaker, this motion to recommit strikes all funds for

Yucca Mountain Geological Repository. I think it's time to get everyone on the record about where they stand.

This motion would fulfill the President's stated intention to "terminate" Yucca Mountain. It would support Speaker PELOSI's anti-nuclear stance, and it would probably make Senator REID very happy.

Some on the other side of the aisle may question the intent of this amendment, but there is no gimmick here. The motion does exactly what I described. Even more, it provides each of us with the opportunity to show where we stand on this critical issue of a permanent geological repository at Yucca Mountain.

Let me tell my colleagues what else this amendment would do.

First, most of our districts are either storing or producing spent nuclear fuel. Currently, 104 nuclear reactors provide 20 percent of the Nation's electricity needs. Spent nuclear fuel and radioactive waste is being stored on-site at 121 locations across 39 States, sites that were never intended for long-term storage. These are sites in your districts.

I personally know that this fuel is safe where it is today. However, the Secretary of Energy has admitted that even with his blue ribbon panel a permanent geological repository will be necessary.

By voting for this amendment, we would ensure that this material stays where it is for the next 25 to 50 years or perhaps longer. And it would add additional delays and costs to the development of a permanent geological repository to be built in any State other than Nevada.

Second, it would rob our constituents of potential jobs and tax revenue. For those of you who have metal workers or pipe fitters or welders or scientists in your districts, this amendment would curb their ability to gain and secure high-paying jobs operating nuclear power plants that can sustain 700 permanent jobs, while new plants generate as many as 2,400 construction jobs. Our constituents need these jobs, and our country needs the power these nuclear plants create.

As I said, 20 percent of the electricity is produced by nuclear power. What you may not know is 72 percent of the non-carbon emitting electricity is produced by nuclear power.

Third, killing Yucca Mountain would bring over \$22 billion of liability against the Federal Government; \$22 billion is just an estimate. Some have estimated as high as \$50 billion. This is money which the Federal Government will owe to the industry because we have failed to live up to our responsibilities.

We have signed contracts with these companies to take this waste off their hands. And because of political deals like that between the President and

Senator REID, we have failed. As a result, the taxpayers will have to pay \$22 billion or more in fines and penalties.

Colleagues, these are the ramifications if you support killing Yucca Mountain. You see, the President and Senator REID's plan to kill Yucca Mountain has no alternatives. It is only a study, a blue ribbon commission. This project has been studied to death. We have spent \$10.5 billion on it, 1.5 million documents. Over 50 studies by the National Science Foundation have been done on this Yucca Mountain. We know it is scientifically sound.

The President's decision was a political bow to the Senate majority leader, not one based on good science or good policy.

I make this motion to recommit so that none of us here can claim that we don't know the facts. I want all of us to have the opportunity to be on record today. We can vote for this motion to fill the President's and Senator REID's plan to kill Yucca Mountain. This will keep nuclear waste scattered across the country for the foreseeable future, potentially costing taxpayers \$22 billion or more in liabilities, jeopardizing the stability of the electrical system, lose jobs and tax revenues in our districts, and kick the can down the road on the location of a permanent geological repository that will still have to be built. Or we can defeat it, supporting good policy and ensuring that science, not politics, rules the majority of our decisions here in Congress.

Mr. Speaker, in 2002 this body voted overwhelmingly in favor of approving the Yucca Mountain site location. I'm not here to urge you to vote for or against this motion to recommit. The choice is up to all of us, but none of us can or should remain on the sidelines.

Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman has 15 seconds remaining.

Mr. SIMPSON. Mr. Speaker, I would yield 15 seconds to my friend from Nevada, Mr. HELLER.

Mr. HELLER. I appreciate the gentleman yielding, and I looked in the dictionary recently for what the definition of "boondoggle" was. It was a wasteful, impractical project or activity. It's a perfect, perfect understanding of what Yucca Mountain is.

I will tell you, I support the motion to recommit. I would urge my colleagues to do the same. We've spent billions and billions of dollars on a project over the last 20 years. We're going to spend billions and billions and billions more for projects that will never happen.

Boondoggle—"a wasteful or impractical project or activity"—Webster's Dictionary.

Government Accountability Office report on Yucca says: Gross mismanagement, faulty science and research, and contract mismanagement.

Major Issues Unresolved: Problems with the quality assurance program, implications that some U.S. Geological Survey employees falsified scientific data, hazardous and flawed design changes, transportation safety issues, likely groundwater contamination, and inadequate earthquake protection.

Congress finally needs to have a serious discussion about studying reasonable alternatives to Yucca, which is an uncertain and dangerous plan.

If you're concerned about the safety of American citizens and the wise stewardship of tax dollars, then join with me to finally end the Yucca Mountain project and support this Motion to Recommit.

Mr. PASTOR of Arizona. Mr. Speaker, I rise in opposition to this motion to recommit.

The SPEAKER pro tempore. The gentleman from Arizona is recognized for 5 minutes.

Mr. PASTOR of Arizona. With the indulgence of my colleagues, I'll take a few minutes to explain why we are in opposition.

Mr. Speaker, I want to correct a notion that was given to you by my dear friend from Idaho (Mr. SIMPSON). For those of us who support nuclear energy and wanted to see it pull forward, as the ranking member knows and I know, the Speaker allowed that this form of energy go forward and balance with other interests that we have in the formation of alternative energy, et cetera. So we're here with a balanced bill today because of the Speaker's leadership and willingness for us to go forward.

When the Secretary of Energy appeared before us, he told us that Yucca Mountain was off the table and that the administration wanted a blue ribbon committee to be formed that would not include Yucca Mountain. Well, this bill says that that blue ribbon committee will be formed, but Yucca Mountain will also be considered with any other site that's being considered.

I agreed with my friend from Idaho when the Secretary said that \$197 million that is used to continue the licensing for Yucca Mountain was not wanted. I wanted to zero it out because that way I would give my colleague from Arizona more floor time by giving him more earmarks. But the staff said no, and they persuaded me.

They said we need the \$197 million to be in this account so that we will not breach the contracts that we have, as my good friend MIKE SIMPSON told you, because then what we would do, we would probably increase the problem—we would increase the probability of billions of dollars being spent in liability, the likelihood the government would lose, so you would put this government further into deficit. It would provide an opportunity for all of us, including my Republican colleagues, to provide more opportunities for trial lawyers.

And so for those two reasons, I said let's keep the \$197 million to continue

the licensing, continue pushing nuclear energy as a form that we need in this country and that we protect Yucca Mountain to the extent that we don't create a greater deficit and we don't create a slush fund for more lawsuits.

So with that, I ask you to vote against the motion to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SIMPSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic votes on the question of passage.

The vote was taken by electronic device, and there were—ayes 30, noes 388, not voting 15, as follows:

[Roll No. 591]

AYES—30

Baird	Farr	McGovern
Berkley	Harman	McKeon
Berman	Heller	Moore (WI)
Bishop (UT)	Hirono	Paul
Blumenauer	Honda	Schakowsky
Brown, Corrine	Jackson-Lee	Shea-Porter
Chaffetz	(TX)	Souder
Conyers	Kilroy	Titus
Doggett	Kucinich	Woolsey
Edwards (MD)	Lewis (GA)	
Ellison	McCotter	

NOES—388

Abercrombie	Brown (SC)	Crowley
Aderholt	Brown-Waite,	Cuellar
Adler (NJ)	Ginny	Culberson
Akin	Buchanan	Cummings
Alexander	Burgess	Dahlkemper
Altmire	Burton (IN)	Davis (CA)
Andrews	Butterfield	Davis (IL)
Arcuri	Buyer	Davis (KY)
Austria	Calvert	Davis (TN)
Baca	Camp	Deal (GA)
Bachmann	Campbell	DeFazio
Bachus	Cantor	DeGette
Baldwin	Cao	Delahunt
Barrow	Capito	DeLauro
Bartlett	Capps	Dent
Bean	Capuano	Diaz-Balart, L.
Becerra	Cardoza	Diaz-Balart, M.
Berry	Carnahan	Dicks
Biggert	Carney	Dingell
Bilbray	Carson (IN)	Donnelly (IN)
Bilirakis	Carter	Doyle
Bishop (GA)	Cassidy	Dreier
Bishop (NY)	Castle	Driehaus
Blackburn	Castor (FL)	Duncan
Blunt	Chandler	Edwards (TX)
Boccieri	Childers	Ehlers
Boehner	Chu	Ellsworth
Bonner	Clarke	Emerson
Bono Mack	Clay	Engel
Boozman	Cleaver	Eshoo
Boren	Clyburn	Etheridge
Boswell	Coffman (CO)	Fallin
Boucher	Cohen	Fattah
Boustany	Cole	Filner
Boyd	Conaway	Flake
Brady (PA)	Connolly (VA)	Fleming
Brady (TX)	Cooper	Forbes
Braley (IA)	Costa	Fortenberry
Bright	Courtney	Foster
Broun (GA)	Crenshaw	Fox

Frank (MA)	Lummis	Rogers (KY)
Franks (AZ)	Lungrun, Daniel E.	Rogers (MI)
Frelinghuysen	Lynch	Rohrabacher
Fudge	Mack	Rooney
Gallegly	Maffei	Ros-Lehtinen
Garrett (NJ)	Gerlach	Roskam
Giffords	Maloney	Ross
Gingrey (GA)	Manzullo	Rothman (NJ)
Gohmert	Marchant	Roybal-Allard
Gonzalez	Markey (CO)	Royce
Goodlatte	Markey (MA)	Ruppersberger
Granger	Marshall	Ryan (OH)
Grayson	Massa	Ryan (WI)
Green, Al	Matheson	Salazar
Green, Gene	Matsui	Sanchez, Linda T.
Griffith	McCarthy (CA)	Sanchez, Loretta
Grijalva	McCarthy (NY)	Sarbanes
Guthrie	McCaul	Scalise
Gutierrez	McClintock	Schauer
Hall (NY)	McCollum	Schiff
Hall (TX)	McDermott	Schmidt
Halvorson	McHenry	Schock
Hare	McHugh	Schrader
Harper	McIntyre	Schwartz
Hastings (FL)	McMahon	Scott (GA)
Hastings (WA)	McMorris	Scott (VA)
Heinrich	Rodgers	Sensenbrenner
Heinrich	McNerney	Serrano
Herserling	Meek (FL)	Sessions
Herger	Meeks (NY)	Sestak
Herseth Sandlin	Melancon	Mica
Higgins	Mica	Shadegg
Hill	Michaud	Sherman
Himes	Miller (FL)	Shimkus
Hinchey	Miller (MI)	Shuler
Hinojosa	Miller (NC)	Shuster
Hodes	Miller, George	Simpson
Hoekstra	Minnick	Sires
Holden	Mitchell	Skelton
Holt	Mollohan	Slaughter
Hoyer	Moore (KS)	Smith (NE)
Hunter	Moran (KS)	Smith (NJ)
Inglis	Murphy (CT)	Smith (TX)
Inslee	Murphy (NY)	Smith (WA)
Israel	Murphy, Patrick	Snyder
Issa	Murphy, Tim	Space
Jackson (IL)	Murtha	Speier
Jenkins	Myrick	Spratt
Johnson (GA)	Nadler (NY)	Stark
Johnson (IL)	Napolitano	Stearns
Johnson, E.B.	Neal (MA)	Stupak
Johnson, Sam	Neugebauer	Sullivan
Jones	Nunes	Sutton
Jordan (OH)	Nye	Tanner
Kagen	Oberstar	Teague
Kanjorski	Obey	Terry
Kaptur	Olson	Thompson (CA)
Kennedy	Olver	Thompson (MS)
Kildee	Ortiz	Thompson (PA)
Kilpatrick (MI)	Pallone	Thornberry
Kind	Pascrell	Tiahrt
King (IA)	Pastor (AZ)	Tiberi
King (NY)	Paulsen	Tierney
Kingston	Payne	Tonko
Kirk	Pence	Towns
Kirkpatrick (AZ)	Perlmutter	Tsongas
Kissell	Perriello	Turner
Klein (FL)	Peters	Upton
Kline (MN)	Peterson	Van Hollen
Kosmas	Petri	Velázquez
Kratovil	Pingree (ME)	Visclosky
Lamborn	Pitts	Walden
Lance	Platts	Walz
Langevin	Poe (TX)	Wamp
Larsen (WA)	Polis (CO)	Wasserman
Larson (CT)	Pomeroy	Schultz
Latham	Posey	Waters
LaTourette	Price (GA)	Watson
Latta	Price (NC)	Watt
Lee (CA)	Putnam	Waxman
Lee (NY)	Quigley	Weiner
Levin	Radanovich	Wexler
Lewis (CA)	Rahall	Whitfield
Linder	Rangel	Wilson (OH)
Lipinski	Rehberg	Wilson (SC)
LoBiondo	Reichert	Wittman
Loeb sack	Reyes	Wolf
Loftgren, Zoe	Richardson	Wu
Lowey	Rodriguez	Yarmuth
Luetkemeyer	Roe (TN)	Young (AK)
Lujan	Rogers (AL)	Young (FL)

NOT VOTING—15

Ackerman	Barton (TX)	Costello
Barrett (SC)	Coble	Davis (AL)

Gordon (TN)	Miller, Gary	Taylor
Graves	Moran (VA)	Welch
Lucas	Rush	Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1443

Mr. HOLT changed his vote from “aye” to “no.”

Ms. MOORE of Wisconsin, Ms. HARMAN, Mr. BERMAN, Ms. WOOLSEY and Mr. KUCINICH changed their vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill. Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 320, nays 97, not voting 16, as follows:

[Roll No. 592]

YEAS—320

Abercrombie	Connolly (VA)	Halvorson
Adler (NJ)	Cooper	Hare
Akin	Costa	Harman
Alexander	Courtney	Harper
Altmire	Crenshaw	Hastings (FL)
Andrews	Crowley	Hastings (WA)
Arcuri	Cuellar	Heinrich
Austria	Cummings	Herger
Baca	Dahlkemper	Herseth Sandlin
Baird	Davis (CA)	Higgins
Baldwin	Davis (IL)	Hill
Barrow	Davis (TN)	Himes
Bean	DeFazio	Hinchey
Becerra	DeGette	Hinojosa
Berkley	Delahunt	Hirono
Berman	DeLauro	Hodes
Berry	Dent	Holden
Biggert	Diaz-Balart, L.	Holt
Bilbray	Diaz-Balart, M.	Honda
Bishop (GA)	Dicks	Hoyer
Bishop (NY)	Dingell	Hunter
Blumenauer	Donnelly (IN)	Inslee
Boccieri	Doyle	Israel
Boozman	Dreier	Jackson (IL)
Boren	Driehaus	Jackson-Lee
Boswell	Edwards (MD)	(TX)
Boucher	Edwards (TX)	Johnson (GA)
Boustany	Ehlers	Johnson, E. B.
Boyd	Ellison	Jones
Brady (PA)	Ellsworth	Kagen
Braley (IA)	Engel	Kanjorski
Bright	Eshoo	Kaptur
Brown, Corrine	Etheridge	Kennedy
Brown-Waite,	Farr	Kildee
Ginny	Fattah	Kilpatrick (MI)
Buchanan	Filner	Kilroy
Butterfield	Fleming	King (NY)
Buyer	Forbes	Kirk
Camp	Fortenberry	Kirkpatrick (AZ)
Cao	Foster	Kissell
Capito	Frank (MA)	Klein (FL)
Capps	Frelinghuysen	Kosmas
Capuano	Fudge	Kratovil
Cardoza	Gallegly	Lance
Carnahan	Gerlach	Langevin
Carney	Giffords	Larsen (WA)
Carson (IN)	Gonzalez	Larson (CT)
Cassidy	Gordon (TN)	Latham
Castle	Granger	LaTourette
Chandler	Grayson	Lee (CA)
Childers	Green, Al	Lee (NY)
Chu	Green, Gene	Levin
Clarke	Griffith	Lewis (GA)
Clay	Grijalva	Lipinski
Cleaver	Guthrie	LoBiondo
Clyburn	Gutierrez	Loeb sack
Coffman (CO)	Hall (NY)	Loftgren, Zoe
Cohen	Hall (TX)	Lowey

Luetkemeyer
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell

Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Posey
Price (NC)
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (KY)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Simpson

NAYS—97

Aderholt
Bachmann
Bachus
Bartlett
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Calvert
Campbell
Cantor
Carter
Chaffetz
Cole
Conaway
Conyers
Culberson
Davis (KY)
Deal (GA)
Doggett
Duncan
Emerson
Fallin
Flake
Foxx
Franks (AZ)

Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Heller
Hensarling
Hoekstra
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
Kind
King (IA)
Kingston
Kline (MN)
Kucinich
Lamborn
Latta
Lewis (CA)
Linder
Lummis
Mack
Manzullo
Marchant
Matheson
McCauley
McClintock
McHenry
Mica
Miller (FL)
Moore (KS)

NOT VOTING—16

Ackerman
Barrett (SC)
Barton (TX)
Boehner
Castor (FL)
Coble

Costello
Davis (AL)
Graves
Lucas
Miller, Gary
Neal (MA)

Paul
Taylor
Welch
Westmoreland

Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Quigley
Stark
Stupak
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Wilson (OH)
Wittman
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1453

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EDWARDS of Texas. Mr. Speaker, earlier this afternoon, on vote 576, I intended to vote “yes,” and on 577, my intention was to vote “no.”

CONDEMNING THE ATTACK ON THE AMIA JEWISH COMMUNITY CENTER IN BUENOS AIRES, ARGENTINA

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 156) condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 156

Whereas, on July 18, 1994, 85 people were killed and 300 were wounded when the Argentine Jewish Mutual Association (AMIA) was bombed in Buenos Aires, Argentina;

Whereas extensive evidence links the planning of the attacks to the Government of Iran, and the execution of the attacks to Hezbollah, which is based in Lebanon, supported by Syria, sponsored by Iran, and designated by the Department of State as a Foreign Terrorist Organization;

Whereas, on October 25, 2006, the State Prosecutor of Argentina, an office created by the Government of Argentina, concluded that the AMIA bombing was “decided and organized by the highest leaders of the former government of . . . Iran, whom, at the same time, entrusted its execution to the Lebanese terrorist group Hezbollah”;

Whereas, on October 25, 2006, the State Prosecutor of Argentina concluded that the AMIA bombing had been approved in advance by Iran’s Supreme Leader Ali Khamene’i, Iran’s then-leader Ali Akbar Hashemi Rafsanjani, Iran’s then-Foreign Minister Ali Akbar Velayati, and Iran’s then-Minister of Security and Intelligence Ali Fallahijan;

Whereas, on October 25, 2006, the State Prosecutor of Argentina stated that the Government of Iran uses “terrorism as a mechanism of its foreign policy” in support of “its final aim [which] is to export its radicalized vision of Islam and to eliminate the enemies of the regime”;

Whereas, on October 25, 2006, the State Prosecutor of Argentina identified Ibrahim

Hussein Berro, a Lebanese citizen and member of Hezbollah, as the suicide bomber who primarily carried out the attack on the AMIA;

Whereas, on November 9, 2006, Argentine Judge Rodolfo Canicoba Corral, pursuant to the request of the State Prosecutor of Argentina, issued an arrest warrant for Ali Akbar Hashemi Rafsanjani, a former leader of Iran and the current chairman of Iran’s Assembly of Experts and of Iran’s Expediency Council, for his involvement in the AMIA bombing and urged the International Criminal Police Organization (INTERPOL) to issue an international arrest warrant for Rafsanjani and detain him;

Whereas, on November 9, 2006, Argentine Judge Rodolfo Canicoba Corral, pursuant to the request of the State Prosecutor of Argentina, also issued arrest warrants for Ali Fallahijan, a former Iranian Minister of Security and Intelligence, Ali Akbar Velayati, a former Iranian Foreign Minister, Mohsen Rezaei, a former commander of Iran’s Islamic Revolutionary Guards Corps (IRGC), Ahmad Vahidi, a former commander of the elite Al-Quds Force of the IRGC, Hadi Soleimanpour, a former Iranian ambassador to Argentina, Mohsen Rabbani, a former cultural attaché at the Iranian Embassy in Buenos Aires, Ahmad Reza Asghari, a former official at the Iranian Embassy in Buenos Aires, and Imad Moughnieh, a leading operations chief of Hezbollah;

Whereas, on March 5, 2007, the Executive Committee of INTERPOL unanimously supported the issuance of Red Notices for Hezbollah operative Imad Moughnieh and for Iranian officials Ali Fallahijan, Mohsen Rezaei, Ahmad Vahidi, Mohsen Rabbani, and Ahmad Reza Asgari, thereby allowing arrest warrants for those individuals to be circulated worldwide with an eye to their arrest and extradition;

Whereas, on November 7, 2007, the General Assembly of INTERPOL upheld the Executive Committee’s decision to support the issuance of six Red Notices in connection to the AMIA case;

Whereas, on February 12, 2008, Hezbollah operative Imad Moughnieh reportedly was killed in Syria;

Whereas in June of 2008, the Government of Saudi Arabia hosted an international Muslim conference that was reportedly attended by Iranian officials Ali Akbar Hashemi Rafsanjani, against whom an Argentine arrest warrant has been issued, and Mohsen Rezaei, against whom both an Argentine arrest warrant and INTERPOL Red Notice have been issued;

Whereas the Government of Saudi Arabia reportedly made no attempt to detain or arrest Ali Akbar Hashemi Rafsanjani or Mohsen Rezaei during their time in Saudi Arabia, and the two departed Saudi Arabia without incident;

Whereas, on May 22, 2008, Argentine prosecutor Alberto Nisman filed a request with Argentine Judge Ariel Lijo for the arrest of Carlos Saul Menem, who was president of Argentina at the time of the AMIA bombing, and four other former Argentine high officials in connection with the AMIA case;

Whereas Mr. Nisman claimed in his request for an arrest warrant that Menem and the other four officials had attempted to cover up the involvement of a Syrian-Argentine businessman, Alberto Jacinto Kanoore Edul, in the AMIA bombing;

Whereas Argentine investigators have stated that prior to the AMIA bombing, Mr. Kanoore Edul was in contact with at least two men who have been identified as suspects in the AMIA case;

Whereas Mr. Nisman stated in an article published on May 29, 2008, that his request for arrest warrants against Argentine nationals in the AMIA case “does absolutely not change the accusations against Hezbollah and Iran . . . To a certain degree, it reinforces them, because [suspect Alberto Jacinto] Kanoore Edul has many links with Islamist extremists”;

Whereas, on December 16, 2008, at the AMIA Special Prosecutor's request, the presiding Argentine judge in a civil suit against the Iranian suspects and Hezbollah ordered the attachment of six commercial properties in Argentina allegedly owned by former Iran cultural attaché and named suspect Mohsen Rabbani;

Whereas in December of 2008, the judge also requested that select European governments freeze up to \$1 million in bank accounts allegedly belonging to former Iranian leader Ali Akbar Hashemi Rafsanjani and another Iranian accused of involvement in the attacks;

Whereas between October of 2008 and March of 2009, nearly a dozen Iranian properties have reportedly been seized in the Buenos Aires area in connection with a civil suit presented by an unnamed survivor of the AMIA bombing;

Whereas in May of 2009, former IRGC commander Mohsen Rezaei, against whom both an Argentine arrest warrant and an INTERPOL Red Notice have been issued, announced his intention to seek the leadership of Iran;

Whereas in May 2009, Argentina issued an international arrest warrant for Samuel Salman El Reda, a Colombian citizen of Lebanese descent who Argentine prosecutor Alberto Nisman believes was the top local connection in the AMIA attack;

Whereas Mr. Nisman believes El Reda had connections to Hezbollah and the Tri-Border area, a zone between Argentina, Paraguay, and Brazil suspected of being a haven for Islamic radical groups;

Whereas during the past several years, the Government of Argentina has made significant advances in the AMIA investigation and other counter-terrorism efforts;

Whereas the issuance of an Argentine arrest warrant for an attaché of the Iranian Embassy in Argentina in connection with the AMIA case, indicates that Iran has used its embassies abroad as tools and extensions of radical Islamist goals and attacks;

Whereas according to news reports published in June of 2008, intelligence agencies in the United States and Canada have warned of significant evidence that Hezbollah, with the support of the Government of Iran, plans to launch a major attack against “Jewish targets” outside the Middle East, and that possible targeted areas include Canada and Latin America;

Whereas, on January 27, 2009, Secretary of Defense Robert Gates said, “I’m concerned about the level of . . . subversive activity that the Iranians are carrying on in a number of places in Latin America . . . They’re opening a lot of offices and a lot of fronts, behind which they interfere in what is going on in some of these countries.”; and

Whereas, on March 17, 2009, Navy Admiral James Stavridis, Commander, United States Southern Command, indicated that he shared Secretary Gates’s concern, explaining “We have seen . . . an increase in a wide level of activity by the Iranian government in this region . . . That is a concern principally because of the connections between the government of Iran, which is a state sponsor of terrorism, and Hezbollah”: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) reiterates its strongest condemnation of the 1994 attack on the Argentine Jewish Mutual Association (AMIA) Jewish Community Center in Buenos Aires, Argentina, honors the victims of this attack, and expresses its sympathy to the relatives of the victims;

(2) applauds the Government of Argentina for its ongoing efforts in the AMIA bombing investigation;

(3) urges the Government of Argentina to continue to dedicate and provide the resources necessary for its judicial system and intelligence agencies to investigate all areas of the AMIA case and to prosecute those responsible;

(4) expresses grave concern regarding the Government of Saudi Arabia’s failure, when given the opportunity, to detain Iranian officials against whom Argentine arrest warrants or INTERPOL Red Notices are pending in connection with the AMIA case;

(5) urges all responsible nations to cooperate fully with the AMIA investigation, including by making information, witnesses, and suspects available for review and questioning by the appropriate Argentine authorities, and by detaining and extraditing to Argentina, if given the opportunity, any persons against whom Argentine arrest warrants or INTERPOL Red Notices are pending in connection with the AMIA case, including Iranian officials and former officials, Hezbollah operatives, and Islamist militants;

(6) encourages the President to direct United States law enforcement agencies to provide support and cooperation to the Government of Argentina, if requested, for the purposes of deepening and expanding the investigation into the AMIA bombing; and

(7) urges governments in the Western Hemisphere, who have not done so already, to draft, adopt, and implement legislation designating Hezbollah as a terrorist organization, banning fundraising and recruitment activities, and applying the harshest penalties on those providing support for activities involving Hezbollah and other such extremist groups.

The concurrent resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY
MR. BERMAN

Mr. BERMAN. I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BERMAN:

Amend the preamble to read as follows:

Whereas, on July 18, 1994, 85 people were killed and 300 were wounded when the Argentine Jewish Mutual Association (AMIA) was bombed in Buenos Aires, Argentina;

Whereas extensive evidence links the planning of the attacks to the Government of Iran, and the execution of the attacks to Hezbollah, which is based in Lebanon, supported by Syria, sponsored by Iran, and designated by the Department of State as a Foreign Terrorist Organization;

Whereas, on October 25, 2006, the State Prosecutor of Argentina, an office created by the Government of Argentina, concluded that the AMIA bombing was “decided and organized by the highest leaders of the former government of . . . Iran, whom, at the same time, entrusted its execution to the Lebanese terrorist group Hezbollah”;

Whereas, on October 25, 2006, the State Prosecutor of Argentina concluded that the AMIA bombing had been approved in advance

by Iran’s Supreme Leader Ali Khamene’i, Iran’s then-leader Ali Akbar Hashemi Rafsanjani, Iran’s then-Foreign Minister Ali Akbar Velayati, and Iran’s then-Minister of Security and Intelligence Ali Fallahijan;

Whereas, on October 25, 2006, the State Prosecutor of Argentina stated that the Government of Iran uses “terrorism as a mechanism of its foreign policy” in support of “its final aim [which] is to export its radicalized vision of Islam and to eliminate the enemies of the regime”;

Whereas, on October 25, 2006, the State Prosecutor of Argentina identified Ibrahim Hussein Berro, a Lebanese citizen and member of Hezbollah, as the suicide bomber who primarily carried out the attack on the AMIA;

Whereas, on November 9, 2006, Argentine Judge Rodolfo Canicoba Corral, pursuant to the request of the State Prosecutor of Argentina, issued an arrest warrant for Ali Akbar Hashemi Rafsanjani, a former leader of Iran and the current chairman of Iran’s Assembly of Experts and of Iran’s Expediency Council, for his involvement in the AMIA bombing and urged the International Criminal Police Organization (INTERPOL) to issue an international arrest warrant for Rafsanjani and detain him;

Whereas, on November 9, 2006, Argentine Judge Rodolfo Canicoba Corral, pursuant to the request of the State Prosecutor of Argentina, also issued arrest warrants for Ali Fallahijan, a former Iranian Minister of Security and Intelligence, Ali Akbar Velayati, a former Iranian Foreign Minister, Mohsen Rezaei, a former commander of Iran’s Islamic Revolutionary Guards Corps (IRGC), Ahmad Vahidi, a former commander of the elite Al-Quds Force of the IRGC, Hadi Soleimanpour, a former Iranian ambassador to Argentina, Mohsen Rabbani, a former cultural attaché at the Iranian Embassy in Buenos Aires, Ahmad Reza Asghari, a former official at the Iranian Embassy in Buenos Aires, and Imad Moughnieh, a leading operations chief of Hezbollah;

Whereas, on March 5, 2007, the Executive Committee of INTERPOL unanimously supported the issuance of Red Notices for Hezbollah operative Imad Moughnieh and for Iranian officials Ali Fallahijan, Mohsen Rezaei, Ahmad Vahidi, Mohsen Rabbani, and Ahmad Reza Asgari, thereby allowing arrest warrants for those individuals to be circulated worldwide with an eye to their arrest and extradition;

Whereas, on November 7, 2007, the General Assembly of INTERPOL upheld the Executive Committee’s decision to support the issuance of six Red Notices in connection to the AMIA case;

Whereas, on February 12, 2008, Hezbollah operative Imad Moughnieh reportedly was killed in Syria;

Whereas in June of 2008, the Government of Saudi Arabia hosted an international Muslim conference that was reportedly attended by Iranian officials Ali Akbar Hashemi Rafsanjani, against whom an Argentine arrest warrant has been issued, and Mohsen Rezaei, against whom both an Argentine arrest warrant and INTERPOL Red Notice have been issued;

Whereas the Government of Saudi Arabia reportedly made no attempt to detain or arrest Ali Akbar Hashemi Rafsanjani or Mohsen Rezaei during their time in Saudi Arabia, and the two departed Saudi Arabia without incident;

Whereas, on May 22, 2008, Argentine prosecutor Alberto Nisman filed a request with Argentine Judge Ariel Lijo for the arrest of

Carlos Saul Menem, who was president of Argentina at the time of the AMIA bombing, and four other former Argentine high officials in connection with the AMIA case;

Whereas Mr. Nisman claimed in his request for an arrest warrant that Menem and the other four officials had attempted to cover up the involvement of a Syrian-Argentine businessman, Alberto Jacinto Kanoore Edul, in the AMIA bombing;

Whereas Argentine investigators have stated that prior to the AMIA bombing, Mr. Kanoore Edul was in contact with at least two men who have been identified as suspects in the AMIA case;

Whereas, on December 16, 2008, at the AMIA Special Prosecutor's request, the presiding Argentine judge in a civil suit against the Iranian suspects and Hezbollah ordered the attachment of six commercial properties in Argentina allegedly owned by former Iran cultural attaché and named suspect Mohsen Rabbani;

Whereas in December of 2008, the judge also requested that select European governments freeze up to \$1 million in bank accounts allegedly belonging to former Iranian leader Ali Akbar Hashemi Rafsanjani and another Iranian accused of involvement in the attacks;

Whereas between October of 2008 and March of 2009, nearly a dozen Iranian properties have reportedly been seized in the Buenos Aires area in connection with a civil suit presented by an unnamed survivor of the AMIA bombing;

Whereas in May of 2009, former IRGC commander Mohsen Rezaei, against whom both an Argentine arrest warrant and an INTERPOL Red Notice have been issued, announced his intention to seek the leadership of Iran;

Whereas in May 2009, Argentina issued an international arrest warrant for Samuel Salman El Reda, a Colombian citizen of Lebanese descent who Argentine prosecutor Alberto Nisman believes was the top local connection in the AMIA attack;

Whereas Mr. Nisman believes El Reda had connections to Hezbollah and the Tri-Border area, a zone between Argentina, Paraguay, and Brazil suspected of being a haven for Islamic radical groups;

Whereas during the past several years, the Government of Argentina has made significant advances in the AMIA investigation and other counter-terrorism efforts;

Whereas the issuance of an Argentine arrest warrant for an attaché of the Iranian Embassy in Argentina in connection with the AMIA case, indicates that Iran has used its embassies abroad as tools and extensions of radical Islamist goals and attacks;

Whereas, on January 27, 2009, Secretary of Defense Robert Gates said, "I'm concerned about the level of . . . subversive activity that the Iranians are carrying on in a number of places in Latin America . . . They're opening a lot of offices and a lot of fronts, behind which they interfere in what is going on in some of these countries."; and

Whereas, on March 17, 2009, Navy Admiral James Stavridis, Commander, United States Southern Command, indicated that he shared Secretary Gates's concern, explaining "We have seen . . . an increase in a wide level of activity by the Iranian government in this region . . . That is a concern principally because of the connections between the government of Iran, which is a state sponsor of terrorism, and Hezbollah": Now, therefore, be it

Mr. BERMAN (during the reading). Mr. Speaker, I ask unanimous consent

that the reading of the amendment be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

PERMITTING OFFICIAL PHOTOGRAPHS OF THE HOUSE OF REPRESENTATIVES TO BE TAKEN WHILE THE HOUSE IS IN ACTUAL SESSION ON A DATE DESIGNATED BY THE SPEAKER

Mrs. DAVIS of California. Mr. Speaker, I send to the desk a resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 658

Resolved, That on such date as the Speaker of the House of Representatives may designate, official photographs of the House may be taken while the House is in actual session. Payment for the costs associated with taking, preparing, and distributing such photographs may be made from the applicable accounts of the House of Representatives.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, on Monday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30 p.m. On Tuesday, the House will meet at 10:30 a.m. for morning-hour debate and noon for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. On Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete list, Mr. Speaker, will be, as usual, disclosed by the end of business today.

In addition, we will consider H.R. 2920, the Statutory Pay-As-You-Go Act of 2009; the 2010 Transportation, Housing, and Urban Development Appropriations Act; the 2010 Labor, Health and Human Services, and Education Appropriations Act; and possibly the Food Safety Enforcement Act of 2009.

In addition, Members ought to be advised that on Tuesday, July 21, we will take the official photograph for the 111th Congress. We don't have a time on that, but we will try to give Members time for that as soon as possible. I imagine it will be sometime after the first votes.

Mr. CANTOR. Mr. Speaker, I would ask the gentleman if he could give me some indication of the progress on the offer of compromise to move forward on appropriations bills to get us back closer to what has been the precedent of this House in terms of open rules in consideration of expending taxpayer moneys.

Mr. HOYER. I thank the gentleman for the question.

As the gentleman knows—he and I discussed this issue—it's my understanding that Mr. BOEHNER and the Speaker are having ongoing discussions with respect to that. I know the Speaker is having ongoing discussions with the committee as well. Hopefully, whatever happens between Mr. BOEHNER and the Speaker will be disclosed to you as well as to me.

Mr. CANTOR. I would note, as we are almost nearing the end of the July session and with three appropriations bills left, there is yet limited opportunity, but still some, and the minority stands ready and willing to work with the gentleman, with him and his desire, as is mine, to return to an open process in appropriations rules.

□ 1500

Mr. HOYER. If the gentleman will yield just briefly.

Mr. CANTOR. I yield to the gentleman.

Mr. HOYER. I want to say to the gentleman that I want to continue to work with him towards—whether it's on these appropriations bills or other bills—so that we can try to effect a degree of comity that I know both you and I would like to reach.

Mr. CANTOR. I thank the gentleman for that. I would ask the gentleman if he could give us some sense of where we are in terms of the health care reform bill working its way through the committee process right now. As the gentleman knows, I'm on the Ways and Means Committee; and we completed our markup on the bill last night or in the early hours this morning. The other two committees I know are hard at work in terms of delivering their products. But I did note that the gentleman was reported as having said in the press—I believe it was this morning in his response to a question about the Congressional Budget Office's commentary and analysis of the health care proposal. Mr. Speaker, if I could loosely paraphrase the gentleman's remarks, I believe he said, We need to go back to the drawing board as far as the scoring of the bill is concerned. I would like to inquire about what the gentleman had in mind as far as that's concerned.

Mr. HOYER. As you know, the President, the Speaker and I and others have indicated that we expect this bill to be fully paid for. Obviously scoring will be the litmus test by which we determine whether it is paid for. When Mr. Elmendorf made the statement before the Budget Committee in the Senate, he was speaking more of the bending of the curve, which is going to be longer term than whether or not we determine whether the bill is paid for. But in my view, we need to do both. Of course the bill he was talking about was the Senate bill. The House bill has not yet been fully scored. But if, in fact, that score shows that it is not fully paid for, what I meant by "going back to the drawing board," we will then have to assess how we can get the bill to a place where it is scored as a fully-paid-for bill, consistent with PAYGO. That's our pledge. That's my intent, that's the Speaker's intent, and we will work towards that objective.

Mr. CANTOR. I thank the gentleman. I know the gentleman does share all of our concerns as well as, I'm sure, the President's concern that we actually do something to bring down health care costs while at the same time preserving the quality of care that the Americans who do have health care coverage right now receive. I would like to ask the gentleman, Mr. Speaker, does he expect the House and the American public to have 72 hours to read the entire bill once the committee process has concluded and prior to the bill's coming to the floor for a vote?

Mr. HOYER. I would think the Members and the public would have more than 72 hours to read the bill. Now obviously there may well be changes as it moves along. I served in the State legislature. I'm not sure if the gentleman served in the State legislature.

Mr. CANTOR. Yes, I did.

Mr. HOYER. In our State legislature, the process was a little different. You got the bills on your desk, and the amendments were either highlighted or in italics or underlined, depending upon what the stage of consideration of the bills was so that Members could well have read the bills before they got there weeks ahead of time and then see what amendments are made in the bills as it went through second reader and third reader. We have that here, but it's not as transparent a process because it's a much more quick process as we go from the second to third reader.

The fact is that I think, as I said, Members and the public have now got the draft of the bill, as introduced. The gentleman referenced that the Ways and Means Committee, a committee on which he serves, completed its work I think about 2 a.m. this morning. Education and Labor completed its work at 6 a.m. this morning. Energy and Commerce, which has a greater portion of the bill, will probably complete its por-

tion of the markup, we hope, on Wednesday of next week. They'll be marking it up on Monday, Tuesday and Wednesday. We expect there to be a substantial number of amendments offered. I don't know how many will be adopted or what changes will be made to the bill.

The point I want to make, therefore, is that when we say that this bill, however many pages it is, 500, 1,000, 1,500 pages, however long it is, essentially most of that bill is ready for review as we speak. There will be changes. There will be amendments as the process goes forward. But the public really ought to have an understanding, as I'm sure you would want them to have, that the bill is largely on the table now so that what you're really going to be giving notice of is amendments as they occur, which are much shorter and will be able to be read much more quickly.

Now having said that, the gentleman mentioned 72 hours. I certainly have indicated that we're going to have it in place, as a final draft, 48 hours in place. That's our intent. That's what I intend to do. That's why the committees have worked so hard this week and why the Energy and Commerce Committee is going to be working so hard and is hoping to complete its work by Wednesday so that we will not be considering the bill itself until at least a week after that. So my expectation is that there will be substantial time available for review of the bill.

Mr. CANTOR. I thank the gentleman for that. I know the gentleman shares my concern with the reality that took place around the stimulus bill and around the 300-some-odd page amendment to the cap-and-trade bill that was rushed to the floor, having come out of the Rules Committee with an extensive manager's amendment without the ability for anyone in this House to read the manager's amendment and the bill in its entirety. I do think—and I think the gentleman would agree with me—that it is in the interest of the American public, and it is their right to know that we do give adequate time for the Members to read the bill as well as for the American public.

Mr. HOYER. There has been much talk about the 300-page amendment. And very frankly, I think that process was not one which was optimal. I would prefer not to repeat that process. Obviously we were driven by the fact that we were at the end of the session. We wanted to complete the bill so that people would have an opportunity, as we moved forward, to have plenty of time to work on the health care bill, which we knew was coming. But I must say that about half of that manager's amendment was the so-called GREEN Act which had been introduced literally I think months before but certainly weeks before and was available for review.

But the gentleman has a good point. I want him to know that the Speaker

and I both are committed to making sure that we have at least a couple of days—we think it will be more—but a minimum of 2 days, a full 2 days to review both the bill and any amendments that might be attached to a manager's amendment. Obviously that may not be the case. Other amendments might be offered on the floor.

Mr. CANTOR. Well, I thank the gentleman for that commitment.

Mr. Speaker, I will then turn to the issue surrounding the stimulus debate and really a related issue to what the gentleman had referred to as far as the scoring on the health care bill and that is the continuing concern over the exploding debt and what we are doing in this Congress and the impact that expanding the debt load of this country will have on America's families. I do know the gentleman has indicated a notice for a PAYGO bill for next week. I would like to ask the gentleman whether this bill will be identical to that which has been introduced by the members of the Blue Dog Coalition. I think the chief sponsor on that bill might be the gentleman from Indiana (Mr. HILL).

Mr. HOYER. I was a cosponsor of that. As a matter of fact, I introduced the bill. Mr. HILL was a sponsor, along with a number of others. Your colleague from Virginia (Mr. SCOTT) was a cosponsor of that bill, Mr. MILLER from California was a cosponsor of that bill and Mr. WELCH from Vermont was also a cosponsor. So it is a pretty broad spectrum of our membership, indicating that there is a real commitment to paying as you go. We believe that's an important principle.

As I'm sure the gentleman knows, PAYGO was first adopted in 1990 as a result of a conference that was held out at Andrews Air Force Base. Mr. Darman was representing President Bush. He was then the head of OMB, and there was a bipartisan agreement to adopt the statutory PAYGO. In fact, we did that. In 1997 Mr. Gingrich and Mr. Clinton entered into an agreement on statutory PAYGO that we passed in a bipartisan way in 1997. When it was to be reauthorized in 2002 and 2003, it was allowed to lapse. I think that was unfortunate. My premise is it was allowed to lapse because making the tax cuts that you wanted to propose in '03; and indeed in '01—you waived it in '01—would have been impossible, from your perspective, to pay for those cuts. So statutory PAYGO did not apply over the last 6 years. I think that, to some degree, has led us to the deficits.

Of course in the last administration Vice President Cheney made the observation that Ronald Reagan had taught us that deficits don't matter. I think the Vice President's observation was certainly not right in terms of that Ronald Reagan taught us that deficits don't matter; but Ronald Reagan certainly taught us that deficits add up

and create large debt. As you know I like to say so often, we went from a \$5.6 trillion surplus in January of 2001, which President Bush observed was the estimate in March of '01, to what is now an \$11 trillion debt. Unfortunately because of the status of the economy, we've added to that. I believe, and I think my colleagues believe, that this is a critical problem that we have to address. And I know you agree with that as well. We believe that this is one way to do so. It was helpful in 1990 when it was adopted in a bipartisan way. It was helpful in 1997 when it was adopted in a bipartisan way. I am very hopeful that it can be adopted in a bipartisan way this coming week.

Mr. CANTOR. I thank the gentleman. Without delving into a rehash, perhaps, of past fiscal practices or whether Vice President Cheney's remarks may have been taken out of context, I would ask the gentleman again, is the bill that will be brought to the floor identical to that which he indicates he signed on to and that which is being sponsored by the chief sponsor, the gentleman from Indiana?

Mr. HOYER. I know exactly what it is. It's not identical. There have been some changes which will be included in a manager's amendment. I will make sure that that manager's amendment is available no later than Monday. Essentially what it does is it ensures that it is consistent with the PAYGO rule that we have here in the House and it does somewhat modify it as to the tax cuts that will be effected, that will mirror the budget that was adopted by this House earlier this year. It also directs that CBO scoring be controlling so that we have a neutral arbiter, not an administration, whether it's a Democratic or Republican arbiter, as to what the costs are. Those are the major changes that I think make it more consistent with what the House's position has been in the past.

Mr. CANTOR. I will just end my comments by indicating that I have read some reports which say—perhaps inaccurately reported or not—that the bill that you expect to come to the floor will not include the discretionary spending cap. The cap certainly would be a necessary thing to limit the double-digit increases that we're seeing in spending this Congress and the appropriations bills that have been coming to the floor. So I will indicate to the gentleman that we certainly will be supportive of those types of common-sense spending caps.

Mr. HOYER. That's very interesting. They weren't in in 1990, they weren't in in 1997, and they weren't in in any proposal you've made to date.

Mr. CANTOR. The gentleman knows we are in extraordinary economic times, and we have got tremendous job loss, and we've got a debt burden that continues to amass that may very well impact the ability for an investment-led recovery.

□ 1515

I would indicate to the gentleman we stand ready to work with him in trying to return to some sense of fiscal sanity in this body.

With that, Mr. Speaker, I thank the gentleman very much.

ADJOURNMENT TO MONDAY, JULY 20, 2009

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate, and further, Mr. Speaker, when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Tuesday, July 21, 2009, for morning-hour debate.

The SPEAKER pro tempore (Mr. KRATOVIL). Is there objection to the request of the gentleman from Maryland?

There was no objection.

CORRECTING ENGROSSMENT OF H. RES. 469

Mr. HOYER. Mr. Speaker, I ask unanimous consent that in the engrossment of House Resolution 469, the Clerk be directed to strike the words "born and" from the first whereas clause on page 1.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

A NEW AMERICAN TRAGEDY

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, there have been some real tragedies because of the way the economy, in general, has been handled and how the automobile industry, in particular, has been handled.

I received a letter from a lady named Jane Denney from Wabash, Indiana, in my district. She talks about how her family has owned an automobile dealership for the last 75 years. Her husband was the head of all the mechanical work there. He was a service manager. And General Motors was sending all kinds of equipment there and all kinds of supplies, urging and almost mandating that they buy that. They also mandated that they consider buying a Pontiac dealership there, which they did buy.

Then, after they bought the Pontiac dealership and bought all this equipment, General Motors contacted them and said they were going to do away with their dealership, and they did not indicate in any way that they would make restitution for the expenses that these people had to bear. They owe money for the dealership. They owe

money for the supplies. They owe money for all of this, and the rug has just been jerked out from under them.

That is an American tragedy, something that should not happen. And the way this government and this administration has handled this and the way the auto companies have handled this is a real tragedy.

Dear Mr. Burton: Thank you for speaking out for the auto dealerships today. My husband's family recently were told they would be closing after 75 years. My husband is the service manager and GM keeps sending him essential tools which he must pay for and cannot send back for new cars they will not send him. They have parts they had to stock but GM won't buy back. In recent years they bought the local Pontiac dealership because GM wanted them to. Now they owe for it and won't be paid by GM for the franchise. I am a teacher and also feel the ISTA was treated unfairly. I cannot believe this is happening in the USA. I am glad I voted for you and appreciate your speaking out for us. I feel so powerless again all that is happening. God bless you.

A CASE FOR THE HIPPOCRATIC OATH FOR CONGRESSMEN

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, the economy is in a tough situation, 9.5-plus percent unemployment, 14.7 million people are unemployed. Actually, the number is higher than that.

Since January, 1.9 million foreclosures have occurred. People are losing their homes. Foreclosures are up 9 percent since this President took office.

And today we take up the welfare for wild horses. That's right. We are going to spend \$700 million for wild horses' habitat. But how about the habitat for Americans? We have got the health care effort to socialize medicine. And do you know who gets hurt? The seniors get hurt. We owe them so much better.

We got the bailout. Goldman Sachs had record profits the second quarter. Well, isn't that special? It looks like Geithner is wrong. If it is good for Goldman Sachs, it is not good for the country.

We owe the American people better than what we are giving them. We should take a pledge like doctors and do no harm. We are doing too much harm.

GENERAL LEAVE

Mr. WEXLER. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 156.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PROBLEMS WITH UNIVERSAL HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. I want my colleagues, Mr. Speaker, to listen to what happens when you have socialized medicine. This is a Canadian story I'm going to tell you about. In fact, there is more than one.

This is from Shona Holmes. She is a Canadian. She says that after suffering from crushing headaches and vision problems, she was diagnosed with a brain tumor 4 years ago. She was told if it wasn't removed, she could go blind or even die.

American doctors at the Mayo Clinic said to me, you have a brain tumor pressing on your optic chiasm, and it needs to come out immediately. Holmes was told by her doctor in Canada that she had to wait 4 months before she could see an endocrinologist and 6 months for a neurologist.

She is a Canadian, and she says that the doctors at the Mayo Clinic where she turned to got to her right away because they couldn't get to her fast enough in Canada. She ended up having to pay about \$100,000 because they couldn't take care of the problem in Canada, as that health care system was supposed to do. She and her husband were forced to put a second mortgage on their home and borrow money from family and friends.

Here is another story: a prime example is the Kingston General Hospital in Ontario where they have staggering delays. Senator MCCONNELL in the other body claims that on average there is a 340-day wait for knee replacements and a 196-day wait for hip replacements. The chief of staff of that hospital says, In our Canada health care system, we are looking at what we have to do to prioritize patients. They are on somebody's waiting list if they have a problem. They have to wait.

Another Canadian, Rick Hession, has a heart condition that could cause a stroke. But he has a 3-month or more wait for an operation to correct it.

Socialized medicine, government-controlled health care, does not work. It costs a lot of money, you have to wait, and they ration care. This is the program that the Democrats are promising. And all of these white areas are new agencies of government that you're going to have to go through to get your health care.

It is going to cost between \$1 trillion and \$3 trillion over the next decade.

That is money we don't have, money we are going to have to print or borrow. It is going to cause inflation.

So we not only have a health care problem we are going to create that will be much worse than anything we face today, something that is going to be equivalent to what they are doing in Canada and England, which does not provide care for those people, but it rations care and it costs through the nose.

The American people need to know these facts. And my colleagues on the Democrat side are trying to rush this through before the August recess so the American people won't know what all this means. I think it is a tragedy. We need more time so the American people can realize what they are going to have to experience if we get a socialized, Canadian-style health care program.

COMPREHENSIVE HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WEXLER) is recognized for 5 minutes.

Mr. WEXLER. Mr. Speaker, I rise in strong support of the House Democratic health care reform proposal. The United States currently spends per capita almost double the money on health care as any other industrialized nation on Earth.

Despite all of this spending, 45 million Americans languish without health care coverage. Every day, 850 Floridians and 14,000 Americans are added to the ranks of the uninsured. Since 2007, the number of Floridians without coverage has grown by 15 percent. Those who do have coverage face skyrocketing premiums, co-pays and fees.

In recent years, the average premium paid by a family in Florida has spiked by \$1,400. If we continue down this path, by 2017, health care spending will consume 20 percent of our Nation's gross domestic product.

The staggering cost of health care in America is simply unsustainable. Businesses cannot compete, and millions of Americans go without care or receive care in emergency rooms and hospitals that taxpayers pay for.

For 60 years, Americans have demanded health care reform; and for 60 years, Congress has failed to deliver on this most basic need. With President Obama in the White House, the time for reform has come. We must not let the opportunity to achieve comprehensive health care reform pass us by. This legislation will finally provide quality and affordable coverage to every American.

This proposal will deliver all of the following: a guarantee of no insurance denials for preexisting conditions; a reduction in the doughnut hole in Medi-

care part D to help seniors afford prescription drugs; a cap on out-of-pocket expenses so families will not have to go into bankruptcy as a result of medical emergencies; and, finally, a robust public option that will drive costs down by competing with private plans.

The skyrocketing cost of health care poses a systemic risk to our economy. The health care reform package with a strong public option is a much better deal for the American people than this unsustainable status quo.

We are on the verge of finally bringing health care costs under control and improving the long-term economic health of our country. Shame on us if we lack the courage to seize this historic opportunity.

NATIVE AMERICAN INDIANS' HEALTH CARE: GOVERNMENT MEDICAL MALPRACTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, the Federal Government has been running a universal nationalized health care system in the United States for over 100 years. Just ask those folks that live on Indian reservations.

Socialized medicine doesn't work, and America has already proved it by the way it has mistreated Native American Indians. They are treated under the Indian Health Services Program, a universal government-run health care system for Indians.

There are long waiting lines for service, doctors are scarce, the quality of medical care is poor, it costs too much, and it results in rationed health care. When the government is running health care, people die. Now the administration is forcing universal health care on everybody.

Let's look at some of our history on American-run health care: when Stephanie Little Light took her daughter, Ta'Shon Rain, to the Indian Health Service Clinic in Montana, which she was required to do since she is under the universal health care Indian program, the doctor said her little 5-year-old girl was just depressed. She had stopped eating and stopped walking. The little girl kept complaining to her mom that her stomach hurt. And after going back to the government-run health care clinic 10 more times, Ta'Shon's lung collapsed.

She was air-lifted to a private, non-government hospital in Denver where they told her mom she had terminal cancer. The little girl who loved to dance and sing and dress up in Indian costumes always wanted to see Cinderella's World at Disney World. A charity sent the whole family there, but Ta'Shon didn't get to see the castle when they got to Florida. The little girl had died in her hotel room. The

mother says she still cries when she remembers how her daughter was always in pain before she died.

There are more examples. The doctors at the Indian Health-run clinic told Stephanie there was nothing wrong with her daughter, that she just had all of this in her mind.

This is a tragic example of medical health care run by the United States Government. There is a big difference between good intentions and what really happens in the real world. When there are no doctors left and the taxpayer money is gone and when bureaucrats control health care, people die. Is this what we are to expect under the new nationalized health care system?

□ 1530

Mr. Speaker, they say on these Indian reservations don't get sick after June because that's when all the Federal money runs out. So they ration health care.

The Indian Health Service Agency calls itself, get this, a "rationed health care system." How's that for truth about socialized medicine?

Rhonda Sandland lives on Standing Rock Reservation in North Dakota. She'd had a terrible case of frostbite on both her hands, and her hands had turned purple. The pain got so bad that she could not even dress herself. She visited the Indian Health Service clinic over and over again. Rhonda says she didn't get any help there until she threatened to kill herself because of the pain. The clinic then decided to cut off five of her fingers. Lucky for Rhonda there was a private doctor that just happened to be visiting the reservation. He prescribed her medicine that she needed, instead of cutting off her fingers. She's okay today.

Victor Brave Thunder was not so fortunate. He felt real bad and he went to the same government clinic as Rhonda. They misdiagnosed the fact that he had heart failure, and gave him Tylenol and cough syrup. He later died.

Marcella Buckley has access to all the free government health care she can stand. Once again, she's required to go to the government Indian Health Care Services. Marcella had stomach pains and went to the government clinic on her Indian reservation for 4 years. She was given a whole host of reasons for her stomach pain, including the fact, they said, she might have a tapeworm. Eventually she found out she had Stage 4 stomach cancer, and it had spread all over her body. Now she seeks treatment at a private provider.

On another Indian reservation, Ardel Baker went to her government-run clinic because she had chest pains. They sent her in an ambulance to a private hospital where she noticed that they had put a note on her chest in the ambulance. And the note read, "Understand that Priority 1 care cannot be paid for by us at this time because of

funding issues." So they put a note on her, send her on her way to a private hospital because they can't take care of her. Ardel managed to survive that ordeal, thanks to private medicine.

But it was too late for Harriet Archambault. Harriet died when her hypertension medicine ran out. She tried five times to get an appointment to refill that medicine. Government bureaucrats nowhere to be found. So she died before she could ask for that sixth appointment at that government clinic.

Mr. Speaker, these are examples of government-run medical malpractice against the Indians right here in America. Government-run health care never works. Even in America we've proven it doesn't work.

And, Mr. Speaker, I will just close by saying this: If you love the way we run the Postal Service, and you love the way that we run FEMA, and you love the compassion of the IRS, you will love the new nationalized health care system. Just ask the American Indians.

THE WORLD'S GREATEST DELIBERATIVE BODY

The SPEAKER pro tempore (Ms. KOSMAS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Madam Speaker, I appreciate being recognized to address here on the floor of the House of the House of Representatives. This has often been described as the world's greatest deliberative body. And here, in these Chambers, we engage in this debate and this dialogue.

But the dialogue that comes to these Chambers is a dialogue that's designed to be filtered through our committee system, through our subcommittees, through our full committee process, whether it be the appropriations subcommittees and committees and on to the floor, or whether it be through our standing committees. And what we've seen happen instead is that this process is under the process of a wrecking ball that's been taken to the traditions of this House. And each day that goes by, it seems that there's another one of those opportunities to expand this deliberative body and, instead, it's diminished by order of the Speaker, by order of the Rules Committee; shut down the process to the point today where we had the gentleman from Oregon brought a privileged resolution to try to be heard on an amendment that would have otherwise been in order under 220 years of tradition of this House, but, instead, it was shut down by the Rules Committee, the committee that serves up here in this little hole in the wall in a room so small that a few Members can come in. Once in a

while there's room for their staff. I have never seen press in the room. There is no camera in the room, and there will be no tourists that are allowed to go in there and watch the real debate that takes place, if it takes place at all in this Congress, in the Rules Committee. It's been changed that way in order to avoid the light of day, the press, the C-SPAN cameras and, in fact, even some of the record-keeping that is a little bit different there than it might be if it were up in front of everybody in front of the television cameras. And it is of great frustration to most Members of this Congress to see what's being done to this debate and deliberative process.

So these debates that take place here on the floor, we used to have some good debates, some engaging debates, some times when people actually changed their minds when they heard the other side of the argument. That's what makes this the greatest deliberative body in the world. But now the debate's been reduced to something that takes place behind closed doors, I believe, by order of the Speaker, and amendments are shut down time after time after time. At least a dozen of mine were struck through just in the last couple of days. And I have sat up there waiting my turn to testify in the Rules Committee to the extent where I really want to bring up a laptop and some other kind of book work so I can make my time count. And if you get up and go to get a bite to eat or something to drink, then you might lose your turn altogether.

So I have, Madam Speaker, introduced legislation that, if the business of this House is actually going to be conducted by the Rules Committee, then let's move the committee to the floor of the House of Representatives. If you're going to change and usurp the genuine authority of the franchise of all 435 Members of Congress who have a constitutional right and duty to express the will and the wishes of their constituents by amending the process, offering amendments, seeking to improve legislation, if the rules are going to be such that they usurp the authority or the franchise of each Member and put it up behind closed doors—and the doors are closed. And as I sat there waiting my turn, last week, well, it's still this week, I had two of my own staff people waiting out in the hallway. They couldn't even get in to hand me a piece of paperwork. I have to send them an e-mail on my BlackBerry and they'll pass the paperwork in because there wasn't room.

The business of the Congress is being conducted either in the Rules Committee, or behind the scenes, behind the Rules Committee, but it's not being conducted on the floor of the House.

So when Members are denied amendments that would be in order under the

220 years of the tradition of the House of Representatives, but the ones that are allowed will be a whole series of amendments offered by the gentleman from Arizona to strike a little funding here, to strike a little funding there, most of which I voted for, by the way, Madam Speaker, it gives the image to the public that there's a legitimate debate going on here, but it is not the legitimate debate. And, in fact, if you listen to the debate, there's no exchange of ideas. There's no clash of the contest of competing ideas. There's not an exchange of dialogue. It's rare to have a Democrat yield when asked to yield by a Republican who simply wants to clarify a fact or make a point that would better bring out something in the debate that would be good for the American public to know.

This process has devolved down to where it can't be called any longer a deliberative process. And the American people do care about whether their voice is heard in this Congress. And it's not being heard in this Congress.

As we've watched things be rushed through, the cap-and-trade bill, which I call the cap-and-tax bill, rammed through here to where a bill was hurried up and rushed, and then, to have an opportunity to amend the bill didn't exist for Members of Congress. It did exist for the manager, apparently, because there was a 316-page amendment that was brought down here and dropped into the record at 3:09 in the morning, to stack that on top of a 1,100-page bill that nobody read.

And the most colossal mistake in the history of the House of Representatives was the passage of the cap-and-trade bill. And it was done so with no Member of Congress having read the bill, not one. And no Member of Congress read the amendment, not one. And if they'd read them separately, they couldn't understand the composition of the bill because the 316-page amendment that was dropped on us at 3:09 in the morning was not integrated into the overall bill. It was impossible to do that. You've got to page forward and back and go back into the code and verify the references and rewrite to get this 316-page amendment blended into and integrated into the overall bill.

And when the question was asked of the Speaker during the debate, is there a copy of the enrolled bill here in the House, there was no copy, Madam Speaker. There was no bill. We were debating something that didn't exist yet. And we passed something that didn't exist yet. And Members were required to vote on a bill that was 1,400-plus pages in its aggregate form, not having ever had it integrated, but that anybody understood the complete context, within the context, the complete content of the overall bill and the amendment. But Members voted anyway. And even though the Speaker said that she was going to provide for sometimes 72,

otherwise 48 hours to be able to fully evaluate the consequences or the merits of the legislation that would come before the floor, that didn't happen. It seldom happens.

This place is being run with an iron fist, not with the open kind of a process that was promised when people put their trust in the current majority to run this Congress in a legitimate fashion. It's not legitimate. We can't even put up the front that it's legitimate if we are debating a bill that no one, and I mean no one on the planet, has completely read, and an amendment that no one understands completely how it integrates with the overall bill, and to be able—

We stopped the process here for over a half-hour while we tried to get a copy of the language that was being voted upon. And we never got it done. To the credit of the Clerk, she was actively trying to integrate the amendment into the overall bill, but it could not be done within the time that was available. And even if it had been, it was only symbolic because still, no one would have had a chance to read it.

And I'll even take this to this wild outrageous step of we ought to understand the things that we are voting upon. We should be able to get our hands on it. We should have time to read it, deliberate it, consider it, and pass it out to our constituents, and they should have access to it over the Internet, and they should be able to give us input on how it affects their lives. We can't bring the wisdom of Solomon with us, everyone in here, and instantaneously make a decision and a snap judgment on something there's no opportunity to read.

And it was an embarrassment, I know, for the majority to be debating a huge bill, a colossal bill, a cap-and-trade bill, and not even having one single, not even a symbolic version for somebody to point to and say, This stack of paper is what is going to save the planet—I think, is the position that the Speaker took.

And so the question was asked by the gentleman from Texas (Mr. GOHMERT), Madam Speaker, can we message this bill over to—if this passes, this bill that was before us, if it passes the House, if we don't have a bill, can we still message it over to the Senate? Or do we just tell them we sent you over a bill that we passed but it's not ready for anybody to review. It's not been reviewed yet.

That's the fact of what we were dealing with when the cap-and-tax bill was passed. And now it's messaged to the Senate. Presumably, somebody's put it all in its proper form. But I'm confident that not one Member of this House of Representatives has yet read that bill because now it doesn't pay. They can't shut themselves up and invest the time in reading the cap-and-tax bill because it's already passed the

House, nobody having read it and no version of it in its complete form being available to any Member; messaged over to the Senate. I don't know if it was the stack of the bill and then plus the 316 pages in an amendment separately, or if it got messaged over there integrated in a fashion that they could say that they received a complete bill in the Senate. We don't know. And it doesn't really matter to the House Members because we now have another bill that's coming at us so fast and so hard that hardly anyone has a chance to read it, although I do know a couple of Members that have burned a lot of midnight oil and tried to get through it. They have to break it apart and assign it to their staff and read the parts they can as fast as they can, and others will read it and write their little memos on it. That's this health care bill. Oh, my. You should see what we have here now that's been cooked up by the staff.

□ 1545

This work was done urgently and, I think, effectively off of the components of the bill that were available, and I think this might actually be representative of what we have today.

This is the flowchart, Madam Speaker. This is the schematic of what is created by this idea of a public plan for health insurance and to provide health care for the people in America. I have to point out that these white boxes on this schematic flowchart—in places like Australia, they would not call it a "flowchart." They would call it a "scheme." I'll stop a little short of that one; but the white ones are the existing agencies and programs that are there, and the colored ones are the new ones.

So you'll see a number here that's, maybe, oh, about an equal number of new agencies matching up with the equal number of existing agencies. As you read down through this, there are all kinds of components to this that ought to scare any freedom-loving person, but the one I'd direct your attention to, Madam Speaker, is down here at the bottom, these two circles that are in purple in the blue background.

Now, the left-hand circle is this: It takes the traditional health insurance plans—the white that's existing—and now they'll have to qualify, and they'll have to qualify so that they'll meet the Obama standard for new health insurance companies. So, if you're an American citizen with a health insurance plan that you like and if you want to keep what you have for a little while, you can keep what you have, but the insurance company will have to comply with the new standards that will be written by the existing or future health insurance czar. Surely, we have one or will have one. We have 32 czars. We couldn't have nationalized health care without a health insurance czar.

So that czar will be writing the rules—it's not in the bill—on what it takes for the traditional health insurance plans to qualify to become the qualified health benefits plans. That's the private side. That's your health insurance if you're an American citizen—a person who has a plan that's not either Medicaid or Medicare. They have to qualify. It changes every one of them, potentially meeting a new standard that would be set by the health insurance czar. The health insurance companies, the ones that survive, will be fewer than the 1,300 we have today, the 1,300 competing against each other, the insurance companies that are providing different models to try to get the investment dollar in there, the premium dollar, from the people of whom 70 percent are happy with the health insurance plans that they have. We won't have 1,300 when they're done complying with the White House health insurance czar standards. We'll have less. I don't know how many less, and nobody knows, because we don't know what the standards will be; but these private companies then will have to compete with the newly created, if this bill passes, public health plan. The public health plan will be the Federal health insurance plan that is there to compete against the private plans.

Now, why would they want to do that? Why would they create a whole plan for the government to run with taxpayers on the hook if they've got 1,300 health insurance companies today that are more than happy to get out there and to continue to compete in the marketplace? What would be the merits?

Well, the only ones that I can determine are—if you really wanted to establish a national health care plan that didn't have competition, if you wanted everybody on a single-payer plan, if you wanted to have nationalized health care, if you wanted socialized medicine, you can't do that without first creating some kind of a public health model, and that is what this new public health insurance model would be. Over time, it would, I believe, compete and would push out of the marketplace every one of these health insurance programs that we know today because the government would subsidize.

I'll give you an example of how this works. Since we don't have insight into this in the United States on Federal competition against the private sector with regard to health insurance, here is a model:

Flood insurance, the flood insurance that we used to have that was property and casualty insurance for people who were living in flood plains or for people who were afraid that they'd be flooded. They would buy their insurance in years back and would pay the premiums. If they got flooded, the flood insurance companies would come to their places and they'd take a look at

the damage. They'd write them checks and they'd settle it out. That's how it works in the insurance industry in a lot of different ways. In the property and casualty at least it does.

The Federal Government decided that there wasn't enough competition in the flood insurance business, so they set up Federal flood insurance years back to compete against the private-sector flood insurance plans that were there. Actually, yesterday I checked into this, and I was not able to discover a single company in America that is selling flood insurance in competition against the Federal Government. The Federal Government has established a monopoly now in flood insurance. Now, two things can happen if you have a monopoly. You can price it way out of the marketplace, and if you have a captive market, you can do that, or if you have a marketplace that you're trying to market to in your government, then you can undersell your costs by lowering the premiums below the actual costs, which is what the Federal Government has done.

So, today, the Federal flood insurance program, the only existing flood insurance program in the United States of America, is the flood insurance program that's \$18 billion in the red. That's \$18 billion in the red because it's government. We should not be surprised at this. The government came into the marketplace subsidized by tax dollars, and it lowered the premiums for flood insurance, but by lowering the premiums, they took the private sector competition out of the marketplace. They went off to do other property and casualty. They cleaned the field out and became the monopoly holder of all of the flood insurance of America. Yet they still couldn't set the premiums at the risk. They set the premiums at, apparently, what their bureaucrats thought they should be at, and they're \$18 billion in the red.

Now, imagine what that would be like if it were the post office and if everybody had to go and buy a stamp. We are critical of the post office when they can't hold their balance sheet in the black, and they are marginally in the red today.

That's the government program flood insurance, running in the red at \$18 billion, and that, Madam Speaker, I predict, is what will happen with our health insurance in America.

So, when President Obama says, if you like your health insurance, don't worry; you can keep it. You can't keep it if it doesn't exist. How could anybody have kept their flood insurance if there are no companies selling flood insurance except the Federal Government's flood plan?

What if the health insurance czar writes the specifications for these companies to qualify at such a standard that they can't compete with the public plan? Why would the health insur-

ance czar not write those regulations so that they would be at an advantage to the newly emerging public health plan? After all, they have to find a way to compete in a marketplace that is competitive.

So the model is there. If people think that I just pulled off the shelf a model that happens to make my case, I would make the point of: show me a model where government has gone in and has taken over where they didn't squeeze out the private sector.

Should we talk about crop insurance, for example? That would be another model. How about student loans for another model? Students loans used to be private. Then the government got into the business, and now they've taken the student loan program down to where only about 25 percent of the student loans are private and the rest of them are government-brokered student loans. We have now the chairman of the Education and Labor Committee and many others who simply want to eliminate any student loans except what are government student loans.

When government steps into the private sector, a number of things happen: The quality of the service goes down. The cost of the service goes up because you get inefficiencies that come in with government that would be automatically erased by the competition from the private sector. Then you either get rationing or you get rates that go up or you get taxes that are increased. In the case of flood insurance, it is that taxes have increased to pick up the \$18 billion shortfall that is there. So we know the pattern. We know the drill. We should know what this is. We've been through this before, Madam Speaker.

To make the point that we've been through this before, here is my "deja vu all over again" chart. The "deja vu all over again" chart is the schematic, the flowchart—as the Aussies would say, it's the scheme—from back in 1993. This is HillaryCare. I remember this coming out during that period of time. I have a chart that must exist in my archives, a chart that hung on the wall in my construction office during those years. I would stand and look at that and study it when I would be on the phone while I would be pacing back and forth. I would walk by and look at this chart of HillaryCare. I would look at all of these created agencies and at the interconnectivity of them. It was something that chilled me and that galvanized me. It was one of the significant stepping stones along the way for me to go from the private sector of 28 years in the construction business into the legislative arena because I was so appalled by what I saw them doing to create more government that would be oppressive to the freedoms that I so love and enjoy.

This is about freedom. This is about whether we are going to keep and

maintain our freedom and expand our freedom or whether we're going to trade that off for a dependency and accept the dependency that comes from a government plan that has a bunch of, I want to say, elitist, liberal-thinking people who think that the American people can't make their own decisions, so they have to make the decisions for us.

It's the same kind of thinking that would take the deliberation of the House of Representatives up in the hole in the wall in the House Rules Committee and let the Rules Committee take the orders from the Speaker's office and not allow it to come down here to be heard in the light of day. They think they know. They think they're smarter than you. They think they can draft a proposal that is a utopian model of health care for the United States of America, and they will tell you they can save money. They don't actually tell you that you're going to get better service, because this is the best health care system in the world. We don't wait in line. We don't have to take a number. We don't get hurt and lay around waiting for somebody to come along and take care of us. We don't stand in line. Americans should not stand in line.

I can think of the times I've had to do that, and it grates on me. I don't like standing in line at TSA to get on a plane. I remember who brought that about. That's the terrorists. We ought to always blame them. I don't like to stand in line with my credit card in order to pay a bill, and the retailers know that. They don't allow lines out there, because you won't make the purchase. You don't want to stand in line either. We will stand in a line sometimes for a concert or for a ball game when we're trying to cram 50,000 or 100,000 people through those gates in a short period of time for a definitive time when something starts. That's about the only time that Americans stand in line.

Canadians, the British, the Europeans, they stand in line for health care. It's appalling the standing in line that they do. Russians stand in line as a matter of course. It's part of their culture. It's the living that they make, apparently. I think they wander around Moscow looking for another line to stand in. They've been so conditioned to stand in lines. They hunch their shoulders, look down, wander around, look up once in a while, find a line, go get in it, and then find out what the reason is.

Americans don't do that. We have freedom. We are a freedom-loving people, and it's our free markets and our free enterprise and the entrepreneurial nature of this and the innovativeness of it. It's also the property rights and the patents and the trademarks that we have that make this country go, and we are the economic growth engine for the world.

Here is an example of the Canadian model—and they're our neighbors, and we love them, and we get along great with them, but the Canadian model would be this, and this came out from Senator MITCH MCCONNELL from the Senate side: The average wait time for someone who needs a knee replacement in Canada—a knee replacement—is 340 days. Can you imagine? Finally, your knee wears out, and you're using a cane or you're on a crutch or you're in a wheelchair or you're sitting around the living room or you're not going back to work. You go to the doctor, and he takes a look at your knee and schedules you for a knee replacement. He looks on the calendar and turns the pages—1, 2, 3, 4, 5, 6, 7, 8, 9, 10 months, 11 months. He turns the page 11 times on the calendar to find the date that he can write your name in. You have to go 340 days to get your knee replacement in Canada.

Yet we would just leap into the abyss of socialized medicine because the President's idea is that the government can do it better than the private sector can? We just have to learn how to do it better than the Canadians, the British or the Europeans?

How about the average time for a hip replacement in Canada? According to MITCH MCCONNELL, the average time is 196 days for a hip replacement. So your hip socket wears out. Now, that's a little tough to do that always with the cane, although it happens. You're on a crutch or two crutches or you're on a cane or you're in a wheelchair gimping around for 196 days. You know, I don't know if you call that "elective surgery." I don't think it is. I think, at some point, for the quality of your life and for your productivity, the necessity is to get the surgery done.

That's rationed health care. I don't know the numbers of how many people died of something else while they were waiting to get their knee joints replaced or their hips or how many of their lives were altered because of it or how much was diminished of the quality of their lives, of the people who had to wait in those lines. That's just joint replacement.

I had a meeting last night with a doctor who does orthopedic surgery in Canada and in the United States. He goes back and forth across the border and does that work. He told of the case of a patient who had come in who had torn up his knee. He said a torn meniscus, and I believe he said an ACL, an anterior cruciate ligament, those two things. It was a knee wreck—swollen and badly painful. He was up there, and he did the examination, and he said, Fine. We'll get you into surgery right away, and we can fix you. We'll patch up that ligament, and we'll patch up the torn meniscus, and we'll fix you.

□ 1600

In America, that surgery would happen, oh, the next day. They might elect

to allow the swelling to go down—that could happen—but it could happen also that the surgery could be the same day or the next day if the surgeon decided that was the best thing for the patient. And that would be the criterion, by the way.

But in Canada, he did everything he could to schedule him with the proper surgeon, and this man had to wait 6 months to be further examined before they could evaluate whether they would schedule him to repair his knee.

So they put him in a brace, sent him out of there on crutches, and 6 months later he showed up at the specialist who examined him and scheduled him for surgery 6 months later. A torn knee, a year wait, almost a year to the day from the date of the injury to the date of the surgery. And then, of course, he has the rehab time on that before he's back and limbered up before he can go back to work.

This individual wasn't productive for more than a year, lost more than a year's wages. Why? Why would we waste this human collateral that we are? The most precious resource that we have in this country is our people. And we need to become the most productive people on the planet.

One of the jobs that we do here in the House of Representatives—we should be doing here—it would be enhancing the overall average productivity of all of our people in this country. And if we do that, we'll also increase the quality of life for everyone in this country.

When we diminish it by disrespect for life, whether it's the unborn, whether it's someone who was injured that would be allowed to lay off over on the sofa or sit in the living room chair and not be going to work when they could be fixed in a short period of time and back into it again, that's what happens in countries that have socialized medicine, national health care, a Federal public payer plan which has been devised in those countries that I mentioned, but not in the United States, in part because the American people from 15 or 16 years ago saw this schematic and they were as appalled and animated by it as I was.

And they got on the phone. They called their Congressman; they called their Senator. And they came to Washington, and they jammed the offices full of people. And they went to the offices of the Members around the country.

They wrote letters to the editor and letters to their Members of Congress. And they got on the radio programs that existed at the time—and some of them did—and the American people had a dialogue about how they wanted their health care to look and what they wanted to maintain.

And they completely rejected this model, this old model from the early 1990s, this alarming model of creating all of this growth in government that

nobody can completely understand, maybe Hillary understood what she wanted to do. And look at this: the government agencies and programs interact. Some of these I recognize, Department of Labor. I don't know what PWBA is or NGFSHP, NQMP. I think I knew at the time.

But all of these government agencies created or interacted—look at this. The global budget. This is part of the HillaryCare plan. And I will submit this scary HillaryCare plan is not as scary as the 3-D technicolor modern plan, the ObamaCare plan, that has emerged in this Congress that has the idea that it's going to squeeze out the private health insurance in America.

How about the Bureau of Health Information? They will aggregate your health information. The Health Choices Administration, HCA. Health Choices Administration Commissioner.

We know what's happened. America has run out of patience with czars so we're not going to see very many more czars, I don't believe. I mean, 32 may be like our threshold, the political threshold of the number of czars that we can have in America. So we start naming them "commissioners" instead. Commissioners aren't as alarming as czars. Commissioners weren't the precursors to Marxism in the Soviet Union. So we're not as alarmed when we call them "commissioners." So we have the Health Choices Administration Commissioner.

Health choices. What does that mean? That means if the doctor doesn't make the choice that's consistent with the directive of the Health Choices Commissioner, they are going to find the doctor. And we don't know what that amount is yet, but it will be hefty. And if the doctor then doesn't comply a second time—not defies necessarily—but just doesn't comply with the Health Choices Administration Commissioner, the second time the bill provides that he face jail time.

Now, are we going to lock up doctors because they keep their Hippocratic Oath and they do no harm and they order the kind of services that protect people? Are we going to ration health care? Are we going to let the government set this entire standard for the entire United States of America? And why would we do that when we realize that in Canada there are whole companies that have sprouted up in Canada. Just think of them as travel agencies that merged with health care services.

And they realized that the Canadians—there is a law in Canada that prohibits a person from jumping to the head of the line when it comes to health care services. So if you have a bad knee, you're going to wait 340 days. It's against the law to move ahead in the line, jump ahead in the line. Nobody wants to be in a line that's getting longer while you are standing in the back of it.

If you hurt your hip, a 196-day wait. But there are people in Canada that can't wait. They can't wait for a hip. They can't wait for a knee and certainly not for heart surgery, and many do.

So some of the companies, Canada, have a policy that's set up as part of their employment policy. And when they recruit some of their employees, the package will be, Here is your salary package, here's your retirement plan. And by the way, we have this plan for you. If you need heart surgery, we'll package this thing up and we'll fly you down to Houston for heart surgery or Ann Arbor or maybe Rochester, Minnesota, at the Mayo Clinic. This happens on a regular basis.

The travel agencies that merged with the health care-providing agencies provide the turnkey operation. Let's say you need heart surgery in Houston. Companies will set this up for the individual that can't wait in line, can't live for the line to get short enough that he can get the treatment, so they package this up and it will be, Here's your round trip plane ticket from Toronto to Houston. Here's a hotel you will go to, here's your transportation on the shuttle bus from the airport to the hotel. And the clinic is next door. You'll go over for the examination at X time on this morning. If all of these things hold up and they are comparable, then you'll go forward with the surgery at such and such a time at this location.

Here's what it will cost for all of the items: the surgeon, the anesthetic, the operating room, the list of all of the incidentals that go into this. They package it all up, you write one check, and American health care saves your life. So does the entrepreneurial nature that sets up those businesses in Canada to access American health care.

But what a cruel thing to do to the Canadians to adopt their plan or a plan similar to them. ObamaCare health care, where then do the Canadians go when they need health care that's urgent, that's life saving, or turns them back into productive citizens again? They've got their relief valve of the United States today. This scary, multi-color, technicolor—we'll turn this into 3-D I hope one day—model says to the Canadians it could be the end of their options. They could say to the American people that it's a whole series of different things that we've never had to think of before.

Why would we give up our freedom? Why would we give up our freedom when 70 percent of us like the health care systems that we have and the health insurance plans that we have? And the argument that comes from the Democrats consistently is there are 44 or 47, or they will often say almost 50, million people that are uninsured in America. Well, I guess if there is a plan for Canadians and they don't have to

sign up for it, just show up at the emergency room, if they're not signed up, they're uninsured, too.

If you've got a program that takes everybody, whether they're signed up or whether they're not—I wonder how many people are actually signed up in Canada—but if the number is let's just say 44, maybe on the outside 47 million, I can take you this way, Madam Speaker, and that is that out of those 44 or so million people, you've got to subtract from that the illegals that are here in America.

I don't think anybody seriously wants to provide a health insurance program for people that jump the border illegally and sneak into the United States and that are working here illegally and violating our laws. I don't think we want to fund that. I don't think we want to give them the Cadillac of what would be left of our health care program. So I would subtract those out of that list.

We can debate what the size of that number is. Some say 11 million. I've been here now—this is halfway through my seventh year. We've been saying 11 or 12 million illegals in America since I arrived here in this Congress. I have gone on down on the border and watched them pour across the border at night, participated in catching a few of them, including a significant supply of illegal drugs that come with them. The number of border crossings that we have had on average since we've been here, the illegal border crossings where we catch them average more than a million a year since I have been in this Congress.

So we've caught over 6 million, probably closer to 7 million who were trying to cross the border and get into the United States.

The Border Patrol, when you ask them what percentage do you catch, some will say 25 percent. That's actually the official line in the testimony before hearings, from the Border Patrol themselves, but when I ask them that question, they will laugh at me. They will say, Oh, no. Not that many. Perhaps 10 percent.

Well, I'll take the 25 percent number and multiply that times the 7 million illegal crossings that we've caught and just say that's three times that number that have actually gotten into the United States successfully if we're intercepting only one out of four.

You've got four, three get across, one we caught. He goes back. That's how that works. And I guess it's three times the number. Three times 7 million is 21 million. That's 21 million that came in. Some died. Some went back. But that's one way to measure how many illegals have come into the country as soon as I have been in Congress. And if you add that number to the roughly 12 million number, now we're up in the 30-some million category.

And it's easy, Madam Speaker, to understand why I think the numbers of

illegals in this country are probably greater than 20 million. And we know that the numbers of those working in this country is a number that's over 7 million working in this country at least, and that is a Federal data point number.

But if we cut the illegals out of that list of 44 million of the uninsured, and then if we subtract from that number those that are just in transition between one health insurance plan to another, then we get down to a number that's a little more understandable. And it's a number that comes from two Penn State professors who did a study some years ago. And if I remember correctly, their number was that there was about 10.1 million Americans that are part of the chronically uninsured.

Now, we should be addressing not the illegals, not those in transition between their health care plans because they're going to find another one and they're going to likely stay on that one. There is always that happening while people are looking for the best plan.

But if we really have something to fix, we should be fixing the chronically uninsured, that 10.1 million. And I think I took that and divided it by the population and rounded it up to the nearest percentage point. Take 10.1 million, divide it by 300 million and you end up with a number that's a little over 3½ percent.

So let's give the benefit of the doubt to the liberal utopian people who draw up these schematics that we're trying to fix something like 4 percent of the problem. Four percent of the population is chronically uninsured, and we would tear apart the entire system to try to fix this 4 percent. And what percentage of the 4 percent will be fixed?

Well, according to one of the estimates on how the result of those that would be recruited by this plan would work out, this plan pushes tens of millions off of their own private insurance plan. Puts them on the government plan. And in the end, the result would be such that they ended up—by one measure, 97 percent of America would be insured. But I don't think that includes that—I don't know how they address the illegals.

Well, we have now 96 percent. By the time you take out the chronically uninsured and the illegals, 96 percent of America is now insured. Now, I don't want to argue that of the chronically uninsured, this plan would only get 25 percent of them enrolled. It may not be. But if you want to look for a measure on what's likely to happen, one need go no further than the Medicaid rolls in America. There it is, if you qualify. Sign up for Medicaid. It's a free program. You don't have any responsibilities except to sign up, and you will be covered if you meet the standards of the lower income that's necessary.

But of those that are eligible for Medicaid in America, just slightly over 50 percent of them are actually enrolled. So why would we think that we could enroll the part of that 4 percent of the chronically uninsured; why would we think we could get a higher percentage of them to enroll in a government plan, or furthermore, if they're no more responsible than that, why would we want to? What is the upside?

□ 1615

Aren't there other solutions and better solutions? And the answer to that question of course is yes and yes. There are many better solutions than what's being proposed in this particular outrageous and scary schematic.

We should do many things. We should expand our health savings accounts. One of the best things we did with health care in this Congress in this last decade is to pass health savings accounts, and if a young couple in that year, say at 20 years of age, had invested the maximum amount in their health savings account that year and done so each year—first year was \$5,150 and it's indexed for inflation, moving on up. I don't know the number today any longer; I've lost track. But I did do the math on this and build a spreadsheet to do the calculation.

If that couple at age 20 invested the max in their health savings account and did so each year until they reached Medicare eligibility and spent \$2,000 of real dollars out of that account in legitimate health care costs for each year, and you accrued that at about a 4 percent rate, which was legitimate at the time I did the math—and it will be legitimate—again, that couple arrived at retirement age with more than \$950,000 in their health savings account.

Now, why wouldn't we as a Nation take a look at that, utilize that, and give them a reward for their responsibility and see if we can find a way to make a deal with them that will get them off of the entitlement roll and because they have the assets to take care of themselves? And I would argue this, Madam Speaker.

I would say to that couple, take your \$950,000 and buy a paid up Medicare replacement policy and keep the change tax free. Right now, the intent of this Congress is to tax those health savings accounts when either they are spent or when the people that own them die. They want to tax that. I say, if they will take themselves off of the Medicare entitlement rolls, I want them to have the balance of that tax free.

We can work out some formulas where we can actually help them buy that out, but today, let's just say if a couple, similar couple, arrived at age 65 today and they wanted to do an altruistic thing and not be part of the Medicare entitlement, they could buy a

Medicare replacement policy for right at \$72,000 per patient. So, say, a husband and a wife, for \$144,000, could buy a replacement policy. That would be the cost, I should say. I don't know if you can actually buy the policy these days because government has monopolized health insurance for people past the age of 65, but that's the risk, that's the average risk for the health care costs. From 65 until natural death, it would be \$72,000 per individual.

So it's reasonable to think that we could set up a Medicare replacement policy that people could buy and let them cash the difference tax free. That would be a great incentive for a lifetime. It's one of the things we can do.

Another thing that we need to do is increase the amount that can be deposited into the health savings account; in addition, medical malpractice. You can look through all of these schematics, this Technicolor schematic of the modern day ObamaCare version or one can look through this black and white older version of the HillaryCare health care schematic, and you can't find anything in here about the reform of the unnecessary, punitive malpractice litigation that's taking place all across this country.

We all know about the lady that spilled a cup of coffee from McDonald's in her lap, and she was awarded in the initial decision—I forget the number now—\$3 or \$7 million or whatever outrageous number that was, and I know it went back under appeal, and it lowered the number down, but it surely intimidates people.

A case here in town, it wasn't medical, but it was a judge that sued a cleaners and took one or two of their stores out of business because they lost his pants. And we see businesses out because of litigation that's brought about in that fashion.

How many tests are done in America because the doctor is paying a very high malpractice premium? In order to protect himself from a suit, he has to run a bunch of extra tests because that's what you do in the industry to protect yourself from the lawyers. First, take the oath to do no harm, go out to serve people in a profession that has great honor, and have it be framed by fear of litigation instead of doing the right thing. That's the medical version of a good Samaritan watching someone get run over on the street and not going to help them—well, a formerly likely good Samaritan that's afraid they will get sued because they will reach outside of their profession in an effort to help somebody and they get sued. And doctors run tests every day by the thousands to protect themselves from litigation.

And yet, nothing in the old schematic and nothing in the new Technicolor schematic addresses the medical malpractice insurance. Now, we addressed it in the Judiciary Committee

a few years ago, and we put a cap on noneconomic damages of \$250,000. That is what they have in California. Not a lot of good things happen legislatively in California, but that's one that did. Proposition 209 was another, just to toss an aside into this dialogue. But we capped it at \$250,000 noneconomic damages and let people be made whole. If they were injured by malpractice, they would get the cost of their medical care. They would get real economic loss of income. They would even get a little pain and suffering, but the punitive damages, the things we consider to be punitive damages that were defined in the bill as noneconomic damages, would not be awarded beyond \$250,000.

Why would you pay a lady millions of dollars for spilling a hot cup of coffee in her own lap in order to send a message that McDonald's shouldn't serve hot coffee? How many things in this life do we no longer have access to because a trial lawyer's figured out a way to make a living and then the other lawyer's figured out a way to write the rule so that we could avoid that kind of litigation?

How many of us have climbed into a vehicle and gone down the road and decided, I want to program my navigator, and found that your navigator doesn't work while you're moving because some lawyer decided you might get in a wreck for programming your navigator, and then sued the manufacturer for being distracted from your driving? Why is it their fault if you don't have responsibility? But instead, they put the failsafe in so you have to pull off on the side of the road, and a lot of it, they defeat the intent of having that kind of a device.

That's what goes on with health insurance as well. That's what goes on with health care providers. A very high cost in health care in America is because of unnecessary tests that are being run in order to avoid litigation.

So maybe if we had all doctors that were paid by the government, then they would have the sovereign immunity that would come from being Federal employees so they wouldn't be sued. Now, that might be a way where Obama might save some money on health care. I don't want to go there, but it might be the only thing that actually might be legitimate as far as saving money, and then they will argue that they will reduce some of these costs down by providing efficiencies through technology. I will support that.

Let's have better records. Let's have those records be easily and quickly available to qualified people so if you live in Kansas City and you end up in the hospital in San Francisco, they can do a quick bar code off of your driver's license, for example, and access your health care records so they know what you're on for prescription drugs; they know what kind of treatments that you

had. You may not be conscious and there may be no one with you. Even if they are, they may not know what you're taking for medication. Let's do that technology.

Do we have to do this in order to utilize more modern technology? We are moving in that direction with the technology anyway. I suppose the health care czar will tell us just what technology we can use and set some mandatory parameters on how we get there. I am nervous about that.

So there are some efficiencies. There are wellness plans that can be incorporated into health insurance programs that are incentives, and if we have those incentives there, people will do the right thing. If you lower my health insurance premium, I'll lose a few pounds and I'll exercise a little more and I'll go in for a checkup a little more, and they will diagnose the problems earlier, and we'll live longer and healthier as a people. That's the free market. That's not a one-size-fits-all socialized medicine plan.

These are the things that we should be looking at to improve our health care systems here in the United States, but going down this path, going down this path of creating the huge bureaucracy, the Health Benefits Advisory Committee, imagine what that is; the Public Health Investment Fund, oh, how they manage your dollars while it's in there. What else do we have? We have the mandate by insurance that goes down to the consumers, the Health Insurance Exchange Trust Fund, the Clinical Preventative Services Task Force. So that's going to be preventative services.

Another thing that happens when you have socialized medicine—I will tell this in a narrative the way I heard it. When this plan went in in Canada, at that time I had a good number of business relationships with friends in Canada, and they gave me the unfolding narrative. One of them—his name was Peter actually—said to me, here's what's going on. They passed a national health care plan in Canada, the socialized medicine plan, and they said you need to be responsible and go to the clinic for your checkups and don't overload the emergency rooms and treat your health care in a responsible fashion and only go when you're sick, don't go when you don't need to except for your regular checkups, be a responsible consumer. That's how it was sold. And by the way, they did the actuarial projections on the cost by expecting Canadians to be responsible consumers.

And he said, so, the first year of the national health care plan in Canada worked like this. People were respectful. They did go to the clinic. They didn't crowd the emergency rooms, and it went along pretty good for the first year. And by the second year, the third year and the fourth year, people weren't willing to take time off from

work to go to the clinic when it was convenient for the doctor. So, on the weekends and at nights when they did have time in their schedule, they just went to the emergency room and abused the privilege.

And so Peter explained it to me this way. He said, it was just like a company that for the first time was having a Christmas party and they invited all the employees in to have a dinner and a few drinks and to celebrate Christmas together. And everybody comes and they have one or two drinks and they tell good stories about the boss and pat him on the back, and everybody was just nice and full of love and responsibility and grateful that they'd had a Christmas party that they could celebrate together as a working family, or a family of workers to be more correct.

But he said by the second or third and the fourth year of the socialized medicine plan in Canada, it was like the second, third or fourth year of the company Christmas party. They abused the privilege. They drank too much. They told nasty stories about their boss. And they expected their Christmas party and the bonuses to be an entitlement rather than a bonus.

And so that was the attitude that he described of the Canadians: jamming the emergency rooms when they went at the times that was convenient for them, not going to the clinics, not being responsible, and that they had abused the privilege. And the costs went up and the service went down and the lines got long and people died in line. That's the tragedy. That's the tragedy of socialized medicine.

I met a man a few months ago in a home improvement center, and he was an immigrant from Germany. And he told me about his hip surgery. It wasn't a sad story. It was matter of fact the way he delivered it. He had to wait about 6 months to get a hip replaced as a German, but he wanted it done badly because it was painful and it limited his options on how he could move around and what he could do. And so he had to travel from Germany down to Italy where the line was shorter, and he was operated on in fewer days than if he had been waiting in line in Germany.

And I listened to that story, and I thought, what would it be like to have to go to another country to get your health care because the lines are shorter? What would it be like to get your health care because there's a line? We're Americans. We don't stand in line. We have freedom. We have fought for that freedom. We have worked for that freedom. We've paid for that freedom. We don't stand in line. We don't make ourselves dependent upon bureaucrats to make decisions on what's better for all of our lives. We go out and make our lives better. That's what we are. That's who we are.

And this color-coded schematic threatens our freedom. It threatens your freedom. It diminishes the spirit and the character of the American people and turns us into dependents. It takes the safety net that we have today and it cranks it up a few notches and turns it into a hammock. And we take less responsibility, and the psychology of who we are as a people are diminished. What about that American spirit, that can-do spirit? That idea that we can do anything?

□ 1630

The idea that we can go to the Moon, if we decide we can go to the Moon. What about what happened when the Japanese attacked Pearl Harbor? We took on a national mission and a two-front global war and put 16 million men and women into uniform and came out of the other side a global power and the only surviving industrial power in the world.

We set the pace with our economy, with our politics, with our culture, with our faith and our values, and an inspiration for the world. The rest of the world looks up to us. They do see what's been accomplished here. And we have taken the talent of every culture in the world and rolled it together in this great melting pot and come out of it with something that is a unique vitality, a unique vitality that doesn't exist in any other people in the world, in part, because we've skimmed the cream of the crop off of every Nation in the world.

The people that came here, came here because they wanted to have a chance at the American Dream. They wanted to have an opportunity to become an American and an opportunity to be independent economically and carve out and pull themselves up by their bootstraps and provide for their own family and sit down at the supper table at night and be proud of what they have accomplished for their day, for their week, for their month, for their life.

And we should be proud of what's been accomplished in this country by the lives of all of those that have gone before us. This is not worthy of their effort and sacrifice. This isn't worthy of a proud and independent people that should be reaching for more freedom instead of giving it up in exchange for dependency.

This is dependency. It goes the wrong way. It takes us to the left. It takes us to a dependency. It takes us to a myopic image of a utopian version where they have always thought—and let's just say in that part of Western Europe your utopian thinkers have emerged. They have always drawn these kind of schematics to come up with a better way to be able to find this utopia on Earth.

They completely and diametrically are opposed to the philosophies of

Adam Smith and the philosophies that emerge in the Old and in the New Testament.

The independence that we have to have, the personal responsibility that we have to have, the moral standards of the core of who we are as a people, diminished by this color-coded schematic.

And I pray, Madam Speaker, that the independence of the American people, the spirit that's within us, the inspirational responsibility that we have for the world, will cause us to rise up and reject this model, this model that's not for Americans.

It's not an American thought process to always be taking responsibility away from people and diminishing their freedoms in the process. We need to be about expanding freedom, not diminishing freedom. And when we do that, our spirit rises up to the top. Our energy and our work ethic rises to the top. And we are stronger economically. We're stronger as family. We're stronger as faith. We're stronger as a culture and as a people, and we need to do that to set the inspiration for the rest of the world.

Somebody's got to lead. This is our time, and I challenge the people in this Congress and this country to do the right thing by this policy.

With that, Madam Speaker, I thank you for your indulgence, and I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GRAVES (at the request of Mr. BOEHNER) for today on account of attending a funeral.

Mr. LUCAS (at the request of Mr. BOEHNER) for July 15 after 4 p.m. and the balance of the week on account of a family commitment.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today on account of family reasons.

Mr. WESTMORELAND (at the request of Mr. BOEHNER) for today on account of family medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WEXLER) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. WEXLER, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. BERKLEY, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, July 20, 21, 22, 23 and 24.

Mr. POE of Texas, for 5 minutes, July 24.

Mr. JONES, for 5 minutes, July 24.

ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 33 minutes p.m.), under its previous order, the House adjourned until Monday, July, 20, 2009, at 12:30 p.m., for morning-hour debate.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, John H. Adler, W. Todd Akin, Rodney Alexander, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boccieri, John A. Boehner, Jo Bonner, Mary Bono Mack, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany Jr., Allen Boyd, Bruce L. Braley, Kevin Brady, Robert A. Brady, Bobby Bright, Paul C. Broun, Corrine Brown, Ginny Brown-Waite, Henry E. Brown Jr., Vern Buchanan, Michael C. Burgess, Dan Burton, G.K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, John Campbell, Eric Cantor, Anh "Joseph" Cao, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, Andr Carson, John R. Carter, Bill Cassidy, Michael N. Castle, Kathy Castor, Jason Chaffetz, Ben Chandler, Travis W. Childers, Judy Chu, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. Connolly, John Conyers Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Ander Crenshaw, Joseph Crowley, Henry Cuellar, John Abney Culbertson, Elijah E. Cummings, Kathleen A. Dahlkemper, Artur Davis, Danny K. Davis, Geoff Davis, Lincoln Davis, Susan A. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, Michael F. Doyle, David Dreier, Steve Driehaus, John J. Duncan Jr., Chet Edwards, Donna F. Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Bob Etheridge, Eni F.H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Bob Filner, Jeff Flake, John Fleming, J. Randy Forbes, Jeff Fortenberry, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Kirsten

E. Gillibrand*, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Charles A. Gonzalez, Bart Gordon, Kay Granger, Sam Graves, Alan Grayson, Al Green, Gene Green, Parker Griffith, Raúl M. Grijalva, Brett Guthrie, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Deborah L. Halvorson, Phil Hare, Jane Harman, Gregg Harper, Alcee L. Hastings, Doc Hastings, Martin Heinrich, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth Sandlin, Brian Higgins, Baron P. Hill, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie Hirono, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson Jr., Sheila Jackson-Lee, Lynn Jenkins, Eddie Bernice Johnson, Henry C. "Hank" Johnson Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Mary Jo Kilroy, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ann Kirkpatrick, Larry Kissell, Ron Klein, John Kline, Suzanne M. Kosmas, Frank Kratovil Jr., Doug Lamborn, Leonard Lance, James R. Langevin, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher John Lee, Sander M. Levin, Jerry Lewis, John Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter, Jim McDermott, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Michael E. McMahon, Cathy McMorris Rodgers, Jerry McNerney, Connie Mack, Daniel B. Maffei, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Betsy Markey, Edward J. Markey, Jim Marshall, Eric J.J. Massa, Jim Matheson, Doris O. Matsui, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Walt Minnick, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Scott Murphy, Tim Murphy, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Devin Nunes, Glenn C. Nye, James L. Oberstar, David R. Obey, John W. Oliver, Pete Olson, Solomon P. Ortiz, Frank Pallone Jr., Bill Pascrell Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne, Nancy Pelosi, Mike Pence, Ed Perlmutter, Thomas S.P. Perriello, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Earl Pomeroy, Bill Posey, David E. Price, Tom Price, Adam H. Putnam, Mike Quigley, George Radanovich, Nick J. Rahall II, Charles B. Rangel, Denny Rehberg, David G. Reichert, Silvestre Reyes, Laura Richardson, Ciro D. Rodriguez, David P. Roe, Harold Rogers, Mike Rogers (AL-03), Mike Rogers (MI-08), Dana Rohrabacher, Thomas J. Rooney, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Sablan, John T. Salazar, Linda T. Sanchez, Loretta Sanchez, John P.

Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Mark Shauer, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis*, Mark E. Souder, Zachary T. Space, Jackie Speier, John M. Spratt Jr., Bart Stupak, Cliff Stearns, John Sullivan, Betty Sutton, John S. Tanner, Ellen O. Tauscher*, Gene Taylor, Harry Teague, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Dina Titus, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Diane Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Charles A. Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, John A. Yarmuth, C.W. Bill Young, Don Young

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2706. A letter from the Chief, Regulatory Analysis & Development, Department of Agriculture, transmitting the Department's final rule — User Fees; Export Certification for Plants and Plant Products [Docket No.: APHIS-2006-0137] (RIN: 0579-AC22) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2707. A letter from the Chief, Regulatory Analysis & Development, Department of Agriculture, transmitting the Department's final rule — Movement of Hass Avocados From Areas Where Mexican Fruit Fly or Sapote Fruit Fly Exist [Docket No.: APHIS-2006-0189] (RIN: 0579-AC67) received July 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2708. A letter from the Board of Governors, Federal Reserve System, transmitting the nineteenth annual report on the Profitability of Credit Card Operations of Depository Institutions, pursuant to 15 U.S.C. 1637 note, Public Law 100-583, section 8 (102 Stat. 2969); to the Committee on Financial Services.

2709. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 036-09, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2710. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 071-09, certification of an application for a license for the export of defense articles or defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2711. A letter from the Assistant Secretary, Legislative Affairs, Department of State,

transmitting Transmittal No. DDTC 037-09, certification of a proposed manufacturing license agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2712. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 061-09, certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2713. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 040-09, certification of a proposed manufacturing license agreement for the export of defense services and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2714. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment from the Government of Belgium (Transmittal No. RSAT-09-1798); to the Committee on Foreign Affairs.

2715. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 072-09, certification of a proposed technical assistance agreement to include the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2716. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 058-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2717. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 063-09, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2718. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 055-09, certification of a proposed amendment to a manufacturing license agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

2719. A letter from the Assistant Secretary, Verification, Compliance and Implementation, Department of State, transmitting A report concerning an amendment to Parts 123, 124, 126, and 129 of the International Traffic in Arms Regulations (ITAR), promulgated pursuant to the Arms Export Control Act, 22 U.S.C. 2778 et seq, pursuant to 5 U.S.C. 801; to the Committee on Foreign Affairs.

2720. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's weekly reports for the April 15, 2009 to June 15, 2009 reporting period on matters relating to post-liberation Iraq, pursuant to Pub. L. 105-338, Sec. 7; to the Committee on Foreign Affairs.

2721. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's letter in accordance with Section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

2722. A letter from the Senior Vice President & Chief Financial Officer, Federal Home Loan Bank of New York, transmitting the 2008 management report of the Federal Home Loan Bank of New York, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2723. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Home Affordable Modification Program (Rev. Rul. 2009-19) received June 18, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2724. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's quarterly report to Congress on the Status of Significant Unresolved Issues with the Department of Energy's Design and Construction Projects (dated June 22, 2009); jointly to the Committees on Armed Services and Appropriations.

2725. A letter from the Chairman and Vice Chairman, U.S.-China Economic & Security Review Commission, transmitting the Commission's report on their May 20, 2009 public hearing on "The Impact of China's Economic and Security Interests in Continental Asia on the United States", pursuant to Public Law 109-108, section 635(a); jointly to the Committees on Ways and Means, Armed Services, and Foreign Affairs.

2726. A letter from the Acting Administrator, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1831-DR for the State of Florida, pursuant to Public Law 110-329, section 539; jointly to the Committees on Homeland Security, Transportation and Infrastructure, and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PETERS (for himself and Mrs. BIGGERT):

H.R. 3246. A bill to provide for a program of research, development, demonstration and commercial application in vehicle technologies at the Department of Energy; to the Committee on Science and Technology.

By Mr. BAIRD:

H.R. 3247. A bill to establish a social and behavioral sciences research program at the Department of Energy, and for other purposes; to the Committee on Science and Technology.

By Mr. FILNER (for himself, Mr. BILBRAY, and Mrs. DAVIS of California):

H.R. 3248. A bill to amend the Internal Revenue Code of 1986 to exempt motor vehicle donations to certain charities from the limitations on such donations; to the Committee on Ways and Means.

By Mr. HONDA (for himself and Ms. CLARKE):

H.R. 3249. A bill to strengthen communities through English literacy and civics education for new Americans, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subse-

quently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of New York:

H.R. 3250. A bill to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the "Private First Class Garfield M. Langhorn Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. GINGREY of Georgia (for himself, Mr. KING of Iowa, Mr. SESSIONS, Mr. HARPER, Mr. BARTLETT, Mr. LATTA, Mrs. MCMORRIS RODGERS, Mr. RADANOVICH, Mr. WESTMORELAND, Mr. ISSA, Mr. CONAWAY, Mr. SHADEGG, Mr. CAMPBELL, Ms. FALLIN, Mr. LINDER, Mr. SCALISE, Mr. FLEMING, Mr. PITTS, Mrs. BACHMANN, Mr. BROUN of Georgia, Mr. BRADY of Texas, Mr. STEARNS, and Mr. COBLE):

H.R. 3251. A bill to repeal certain provisions of title 5, United States Code, relating to Federal employees' official time and labor organization activities; to the Committee on Oversight and Government Reform.

By Mr. HINOJOSA (for himself, Mr. GONZALEZ, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. GRIJALVA, Mr. CUELLAR, and Mr. REYES):

H.R. 3252. A bill to authorize the President of the United States to agree to an amendment to the agreement between the Government of the United States of America and the Government of the United Mexican States concerning the establishment of a Border Environment Cooperation Commission and a North American Development Bank; to the Committee on Financial Services.

By Mr. LEVIN (for himself, Mr. BLUMENAUER, Mr. CASTLE, Mr. KIND, Mr. FARR, and Mr. COHEN):

H.R. 3253. A bill to amend titles XVIII and XIX of the Social Security Act to promote the use of advance directives, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LUJÁN:

H.R. 3254. A bill to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes; to the Committee on Natural Resources.

By Ms. SCHWARTZ (for herself and Mr. SAM JOHNSON of Texas):

H.R. 3255. A bill to amend the Internal Revenue Code of 1986 to clarify that qualified personal service corporations may continue to use the cash method of accounting, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Nebraska (for himself and Mr. YOUNG of Alaska):

H.R. 3256. A bill to amend the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 to extend the Rural Community Hospital Demonstration Program; to the Committee on Ways and Means.

By Mr. SMITH of Washington:

H.R. 3257. A bill to amend title 38, United States Code, to grant family of members of the uniformed services temporary annual leave during the deployment of such members; to the Committee on Veterans' Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. MEEK of Florida, Ms. ROSLEHTINEN, Ms. LEE of California, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Mr. MEEKS of New York, Mr. PAYNE, Ms. EDWARDS of Maryland, Ms. WASSERMAN SCHULTZ, Mr. NADLER of New York, Mr. JACKSON of Illi-

nois, Mr. MARIO DIAZ-BALART of Florida, Mr. GRIJALVA, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. WEXLER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CROWLEY, and Ms. NORTON):

H. Con. Res. 165. Concurrent resolution expressing support for temporary protected status for Haitian nationals currently residing in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia (for himself, Mr. NADLER of New York, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. MCGOVERN, Mr. HOLT, Mr. FILNER, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Mr. JOHNSON of Georgia, Mr. RANGEL, Mr. HASTINGS of Florida, Ms. KILPATRICK of Michigan, Ms. JACKSON-LEE of Texas, and Mr. ISRAEL):

H. Con. Res. 166. Concurrent resolution expressing the sense of Congress that the United States Postal Service should issue a commemorative postage stamp honoring civil rights workers Andrew Goodman, James Chaney, and Michael Schwerner, and the "Freedom Summer" of 1964, and that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued; to the Committee on Oversight and Government Reform.

By Mr. DAVIS of Alabama:

H. Res. 657. A resolution expressing the sense of the House of Representatives that Members of Congress who participate in the Federal Employees Health Benefits Program (FEHBP) should be automatically enrolled in the public option and be subject to any personal income tax increases levied as a result of healthcare legislation, regardless of their annual gross income; to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania (for himself and Mr. DANIEL E. LUNGREN of California):

H. Res. 658. A resolution permitting official photographs of the House of Representatives to be taken while the House is in actual session on a date designated by the Speaker; considered and agreed to.

By Mr. HASTINGS of Florida (for himself, Mr. CONYERS, Mr. BISHOP of Georgia, Mr. CLAY, and Mr. THOMPSON of Mississippi):

H. Res. 659. A resolution congratulating Kappa Alpha Psi Fraternity, Inc., on 98 years of serving local communities and enriching the lives of collegiate men throughout the Nation; to the Committee on Education and Labor.

By Mr. KISSELL:

H. Res. 660. A resolution recognizing the distinguished history of the Laurinburg Normal Industrial Institute; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

117. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 60 MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO REMOVE THE REQUIREMENT THAT STATES MAKE PERMANENT CHANGES TO THEIR 100 PERCENT EMPLOYER-FINANCED UNEMPLOYMENT INSURANCE LAWS TO EXPAND UNEMPLOYMENT BENEFITS TO INDIVIDUALS WHO ARE NOT CURRENTLY ELIGIBLE IN ORDER TO QUALIFY FOR THE STATE'S PORTION OF ONE-TIME UNEMPLOYMENT BENEFIT FUNDING AND TO URGE THE GOVERNOR TO USE HER INFLUENCE IN THE CURRENT ADMINISTRATION TO SECURE A WAIVER FOR MICHIGAN FROM THESE REQUIREMENTS; to the Committee on Education and Labor.

118. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 374 urging the Congress of the United States of America to consider requiring that students be offered interest rates on college loans that do not exceed 1%; to the Committee on Education and Labor.

119. Also, a memorial of the Senate of the State of Nevada, relative to Assembly Concurrent Resolution No. 31 urging the Government of Turkey to grant the Ecumenical Patriarch international recognition and to respect the human rights and property rights of the Ecumenical Patriarchate; to the Committee on Foreign Affairs.

120. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 15 expressing solidarity with Israel in its defense against terrorism in the Gaza Strip; to the Committee on Foreign Affairs.

121. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 156 opposing the federal "Freedom of Choice Act;" and for other purposes; to the Committee on the Judiciary.

122. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 632 affirming states' rights based on Jeffersonian principles; and for other purposes; to the Committee on the Judiciary.

123. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 59 MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO AUTHORIZE THE USE OF FEDERAL STIMULUS DOLLARS TO OFFSET THE LOOMING FUTA FEDERAL UNEMPLOYMENT TAX INCREASE AND TO URGE THE GOVERNOR TO USE HER INFLUENCE IN THE CURRENT ADMINISTRATION TO ZEALOUSLY ADVOCATE FOR SUCH RELIEF FOR MICHIGAN JOB PROVIDERS; to the Committee on Ways and Means.

124. Also, a memorial of the Senate of the State of Georgia, relative to Senate Resolution 505 urging the United States Congress to reduce the 24 month waiting period for participants in Social Security Disability Insurance; to the Committee on Ways and Means.

125. Also, a memorial of the Legislature of the State of Montana, relative to Senate Joint Resolution 13 COMMEMORATING THE CENTENNIAL OF GLACIER NATIONAL PARK; jointly to the Committees on Natural Resources and Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 22: Mr. SESSIONS.
H.R. 197: Mr. SULLIVAN.

H.R. 333: Ms. MARKEY of Colorado.
H.R. 343: Mr. LATHAM.
H.R. 614: Mr. MARCHANT.
H.R. 653: Mr. BISHOP of Utah.
H.R. 682: Mr. HODES.
H.R. 690: Ms. MARKEY of Colorado.
H.R. 718: Mr. COBLE.
H.R. 816: Mr. MASSA.
H.R. 881: Mr. BARTON of Texas, Mr. GRAVES, and Mr. SAM JOHNSON of Texas.
H.R. 916: Mr. JOHNSON of Georgia.
H.R. 953: Ms. ROS-LEHTINEN.
H.R. 1024: Mr. PRICE of North Carolina.
H.R. 1051: Ms. SHEA-PORTER.
H.R. 1074: Mr. ROGERS of Alabama and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1086: Mr. ROYCE.
H.R. 1205: Mr. MCCARTHY of California, Ms. TSONGAS, and Mr. GOODLATTE.
H.R. 1207: Mr. THOMPSON of Mississippi.
H.R. 1215: Ms. SCHAKOWSKY.
H.R. 1269: Mr. HERGER.
H.R. 1283: Mr. WALZ.
H.R. 1392: Mr. RADANOVICH.
H.R. 1428: Mr. KILDEE and Mr. HIGGINS.
H.R. 1458: Mr. THOMPSON of Mississippi.
H.R. 1551: Mr. MEEK of Florida.
H.R. 1584: Ms. SHEA-PORTER.
H.R. 1670: Mr. SESSIONS and Mr. TIM MURPHY of Pennsylvania.
H.R. 1677: Mr. HASTINGS of Washington and Mr. ROGERS of Kentucky.
H.R. 1695: Mr. BARRETT of South Carolina, Mr. CARNEY, and Mr. WALDEN.
H.R. 1700: Mr. GUTIERREZ.
H.R. 1708: Ms. FUDGE, Mr. SESTAK, and Mr. ROTHMAN of New Jersey.
H.R. 1771: Mr. CONNOLLY of Virginia.
H.R. 1800: Mr. DEFazio.
H.R. 1846: Ms. BERKLEY.
H.R. 1868: Mr. GOODLATTE and Mr. HUNTER.
H.R. 1908: Ms. BALDWIN.
H.R. 1990: Mr. BOREN and Mr. WU.
H.R. 2000: Mr. JACKSON of Illinois, Ms. WOOLSEY, Mrs. CAPPS, Mr. BISHOP of New York, Ms. EDWARDS of Maryland, Mr. PERRIELLO, Mr. CHANDLER, Mr. RAHALL, Ms. HARMAN, and Mr. MCGOVERN.
H.R. 2017: Mr. DRIEHAUS.
H.R. 2054: Mrs. CHRISTENSEN and Mr. CARSON of Indiana.
H.R. 2139: Mr. MCNERNEY, Mr. TIERNEY, Ms. NORTON, and Mr. REHBERG.
H.R. 2149: Ms. HERSETH SANDLIN and Mr. GOODLATTE.
H.R. 2194: Ms. LINDA T. SANCHEZ of California, Mr. SARBANES, Mr. SCHOCK, Mr. FORTENBERRY, and Mr. HUNTER.
H.R. 2213: Ms. SCHAKOWSKY.
H.R. 2215: Mr. HOEKSTRA.
H.R. 2246: Mr. STARK.
H.R. 2254: Mr. LUJAN, Mr. SPACE, Mr. SMITH of Washington, Mr. REHBERG, and Mr. BOCCIERI.
H.R. 2266: Mr. ADLER of New Jersey, Mr. MINNICK, and Mr. LOBIONDO.
H.R. 2267: Mr. COURTNEY, Mr. TONKO, Mr. LOBIONDO, Mr. ADLER of New Jersey, and Mr. MINNICK.
H.R. 2269: Ms. ESHOO.
H.R. 2296: Mr. ROGERS of Alabama, Mr. HERGER, and Mr. DUNCAN.
H.R. 2324: Mr. KENNEDY and Mr. QUIGLEY.
H.R. 2406: Mr. HERGER.
H.R. 2443: Mr. TIM MURPHY of Pennsylvania.
H.R. 2478: Mr. HIGGINS.
H.R. 2523: Mr. ABERCROMBIE and Mrs. NAPOLITANO.
H.R. 2529: Mr. FRANK of Massachusetts.
H.R. 2534: Mr. BOOZMAN.
H.R. 2560: Mr. LOBIONDO.
H.R. 2563: Mr. CARTER, Mr. CHILDERS, Mr. NEUGEBAUER, Ms. GRANGER, and Mr. HALL of Texas.

H.R. 2564: Mr. SHERMAN and Ms. LEE of California.

H.R. 2579: Mr. FRANK of Massachusetts and Ms. SHEA-PORTER.

H.R. 2632: Mr. MEEKS of New York, Ms. KAPTUR, Mr. FORTENBERRY, Mr. POE of Texas, Mrs. BLACKBURN, Mr. DEFazio, Mr. HELLER, Mrs. DAHLKEMPER, Mr. SCOTT of Georgia, Mr. BOCCIERI, and Mr. GARRETT of New Jersey.

H.R. 2669: Mr. BAIRD.

H.R. 2681: Mr. REYES, Mr. HINOJOSA, Mr. SIRE, Mr. GONZALEZ, Mr. CUELLAR, Mr. SALAZAR, Mr. PASTOR of Arizona, Mr. GUTIERREZ, Mr. ORTIZ, Mr. GRIJALVA, Mr. RODRIGUEZ, Ms. VELÁZQUEZ, Ms. ROYBAL-ALLARD, and Mr. SERRANO.

H.R. 2709: Mr. CLAY.

H.R. 2733: Mr. COBLE.

H.R. 2746: Mr. BLUMENAUER, Mr. PALLONE, Mr. SCHIFF, and Mrs. DAHLKEMPER.

H.R. 2766: Ms. SCHAKOWSKY.

H.R. 2770: Mr. MICHAUD.

H.R. 2799: Mr. GRAYSON, Mr. BOREN, Ms. JACKSON-LEE of Texas, Mr. GENE GREEN of Texas, and Mr. SHULER.

H.R. 2819: Mr. SCHAUER.

H.R. 2846: Mr. SHUSTER.

H.R. 2866: Mr. GRAYSON.

H.R. 2909: Mr. GRAYSON.

H.R. 2943: Mr. STARK.

H.R. 2964: Mr. BOOZMAN.

H.R. 2969: Ms. KILPATRICK of Michigan.

H.R. 3001: Mr. STARK.

H.R. 3017: Mr. COURTNEY.

H.R. 3047: Mr. CARSON of Indiana and Mr. GRAYSON.

H.R. 3116: Mr. MICHAUD and Mr. JONES.

H.R. 3127: Mr. BUTTERFIELD.

H.R. 3131: Mr. CULBERSON, Mr. PAUL, and Mr. SMITH of Texas.

H.R. 3140: Mr. CARTER, Mr. LAMBORN, Mr. CHAFFETZ, Mr. GOHMERT, Mr. CONAWAY, Mr. THORNBERY, Mrs. BACHMANN, Mr. BROUN of Georgia, Mr. INGLIS, Mr. KLINE of Minnesota, Mr. SESSIONS, Mr. SCALISE, Mr. CAMPBELL, Mr. MCCAUL, Mr. FRANKS of Arizona, Mr. ROE of Tennessee, Mr. COFFMAN of Colorado, Mr. BRADY of Texas, Mr. LATTI, Mr. PITTS, Mrs. SCHMIDT, Mr. FLEMING, Mr. LINDER, Mr. KING of Iowa, Ms. FALLIN, Mr. PENCE, Mr. SHADEGG, Mr. ISSA, Mr. HENSARLING, Mr. POSEY, Mr. FLAKE, and Mr. MARCHANT.

H.R. 3144: Mr. BLUMENAUER, Mrs. CAPPS, Mr. MURTHA, Mr. WAMP, and Mrs. BONO MACK.

H.R. 3147: Ms. SCHAKOWSKY and Mr. PASCRELL.

H.R. 3178: Mr. NYE.

H.R. 3200: Mrs. MALONEY.

H.R. 3218: Mrs. LUMMIS, Mr. PITTS, Mr. RADANOVICH, Mr. ISSA, Ms. FALLIN, Mr. LAMBORN, and Mr. SHIMKUS.

H.R. 3221: Ms. CLARKE, Mr. PIERLUISI, and Mr. BERMAN.

H.R. 3225: Mrs. DAHLKEMPER, Mr. SERRANO, and Mr. HASTINGS of Florida.

H.J. Res. 12: Mr. TONKO, Ms. MOORE of Wisconsin, Mr. CLEAVER, Ms. SCHWARTZ, Mr. COHEN, Ms. ROYBAL-ALLARD, Mr. HODES, Mr. PERLMUTTER, Mr. CROWLEY, Mr. GENE GREEN of Texas, Mr. ORTIZ, Mr. REYES, Mr. GRIJALVA, Mr. ANDREWS, Mr. POLIS of Colorado, Mr. BARROW, Ms. WASSERMAN SCHULTZ, Mr. OLVER, Mr. DAVIS of Tennessee, Ms. WATSON, Ms. LEE of California, Ms. WOOLSEY, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. JACKSON of Illinois, Mr. CARSON of Indiana, Mr. WATT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WILSON of Ohio, Ms. KILROY, Mr. BISHOP of Georgia, Mr. BUTTERFIELD, Mr. SCOTT of Georgia, Mr. AL GREEN of Texas, Mr. CLYBURN, Mr. THOMPSON of Mississippi, Mr. BARTLETT, Mr. JONES, Mr. KRATOVIL, Mr. FORTENBERRY, Mr.

WAXMAN, Mr. SHADEGG, Mrs. BONO MACK, Mrs. BLACKBURN, Mr. HALL of Texas, Mr. MILLER of Florida, Mrs. MYRICK, Mr. WILSON of South Carolina, Mr. FORBES, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Ms. FUDGE, Mr. DAVIS of Illinois, Ms. MATSUI, Mr. HASTINGS of Florida, Ms. SLAUGHTER, Mr. CONYERS, and Ms. KAPTUR.

H. Con. Res. 51: Mr. WU, Mr. LIPINSKI, and Mrs. SCHMIDT.

H. Con. Res. 74: Ms. CORRINE BROWN of Florida.

H. Con. Res. 154: Mr. BERMAN.

H. Con. Res. 163: Mr. GRAYSON, Mr. HEINRICH, Mr. BLUMENAUER, and Mr. MASSA.

H. Res. 267: Mr. BILBRAY.

H. Res. 291: Mr. GALLEGLY and Mr. TANNER.

H. Res. 333: Ms. SCHAKOWSKY and Mr.

HONDA.

H. Res. 363: Ms. SCHAKOWSKY Mr. OLVER, Mr. HASTINGS of Florida, and Mr. FILNER.

H. Res. 383: Mr. HOLT.

H. Res. 397: Mr. SCALISE.

H. Res. 433: Mr. WU.

H. Res. 445: Mr. TURNER.

H. Res. 494: Mr. INGLIS.

H. Res. 536: Mr. THOMPSON of California.

H. Res. 554: Mr. MELANCON.

H. Res. 611: Mr. BERRY, Mr. MITCHELL, Ms. ROS-LEHTINEN, Mr. QUIGLEY, Mr. BACHUS, Mr. KIRK, Mr. MCCARTHY of California, Mr. JORDAN of Ohio, Mr. PAULSEN, Mr. GUTHRIE, Mr.

COFFMAN of Colorado, Mr. SMITH of Nebraska, Mrs. BLACKBURN, Mr. AUSTRIA, Mr. ROE of Tennessee, Mr. BOOZMAN, Mr. PRICE of Georgia, Mr. SCALISE, Mr. PENCE, Mr. GRAYSON, Mr. NEUGEBAUER, Ms. JENKINS, Mrs. LUMMIS, Mrs. MCMORRIS RODGERS, Mr. ROGERS of Michigan, Mr. HOEKSTRA, Mr. MILLER of Florida, Mr. GINGREY of Georgia, Mr. CASIDY, Mr. BARTON of Texas, Mr. HALL of Texas, Mr. AKIN, Mr. SHADEGG, Mr. OLSON, Mr. SHIMKUS, Mr. SCHOCK, Mr. RYAN of Ohio, Ms. BERKLEY, Mr. MCHENRY, Mr. CHAFFETZ, Mr. FLEMING, Mr. FRANKS of Arizona, Mr. CASTLE, Mr. BONNER, Mr. EHLERS, Mr. MCKEON, Mr. GOHMERT, Mr. CHILDERS, Mr. MCCOTTER, Ms. BALDWIN, and Mr. POSEY.

H. Res. 613: Ms. GIFFORDS.

H. Res. 615: Mr. PAUL, Mr. BILIRAKIS, Mr. SESSIONS, and Mrs. BLACKBURN.

H. Res. 619: Mr. BLUNT, Mr. LUETKEMEYER, and Mr. LAMBORN.

H. Res. 624: Mr. POE of Texas, Mr. ELLISON, and Mr. WOLF.

H. Res. 630: Ms. KAPTUR.

H. Res. 639: Mr. LAMBORN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative HASTINGS of Washington, or a designee, to H.R. 1018, the Restore Our American Mustangs Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 4, July 15, 2009, by Mr. DAN BURTON on House Resolution 460, was signed by the following Members: DAN BURTON and STEVE SCALISE

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 1, by Mr. LATTA on H.R. 581: DEAN HELLER and MARY FALLIN.

EXTENSIONS OF REMARKS

EARMARK DECLARATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. POE of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010:

Requesting Member: Congressman TED POE

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: Sabine Neches Navigation District

Address of Requesting Entity: P.O. Box 778, Nederland, TX 77627

Description of Request: I, and President Obama, have jointly secured \$13,399,000 in funding to help maintain the Sabine-Neches Waterway at its current authorized dimensions of a 40-foot channel depth for inland channels to Port Arthur and Beaumont and a 500-foot width in the Port Arthur Canal and a 400-foot width in the Neches River Channel to Beaumont.

Requesting Member: Congressman TED POE

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: Chambers Liberty Counties Navigation District

Address of Requesting Entity: P.O. Box 857, Liberty, TX 77575

Description of Request: I have secured \$1,996,000 in funding to help maintain the Trinity River Project which is a 47 mile shallow draft waterway beginning at the Anahuac Channel to the Port of Liberty. The Navigation District needs shallow draft barge access to support the current industrial residents at the Port of Liberty and to attract new business.

100TH ANNIVERSARY HOBART ELKS LODGE 1152

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. VISCLOSKY. Madam Speaker, it is with great admiration and enthusiasm that I call attention to Hobart Elks Lodge 1152 in recognition of their 100th anniversary. Having served

their Northwest Indiana surroundings with their charitable efforts, Lodge 1152 is to be commended. The always-prospering establishment will be commemorating this magnificent milestone on July 25, 2009. Not only will this small community be celebrating the longstanding history of their lodge, but they will be celebrating the spirit of Elksdom everywhere.

Since its humble beginning in 1909, the Elks of Gary have been an ambitious bunch and have grown considerably since the time of their first establishment. Beginning with the meeting of thirty-four pioneers, the Gary Lodge 1152 was founded under its first Exalted Ruler, William P. Gleason. After hosting their gatherings in the Feuer building for more than a year, the Gary Elks felt it was time to expand and began construction of a building at 610 Washington Street, which would become home to the Lodge's meetings for the next seventeen years.

They remained there until 1928 when a new three story lodge was built at 8th Avenue and Broadway, which was necessary to comfortably accommodate their increasing civic activities. Among the perks of this new location was the WJKS radio station that very quickly became a tenant of the new establishment, based on an agreement that the broadcasting company would air an eleven o'clock toast nationally and nightly. Elks from as far as Alaska would begin gathering around local turrets to pay respect to their Absent Brothers, thankful to the Gary Lodge for its commitment to sustaining the National Elk community. Due to woes of the Great Depression, the Elks of Gary sold their building and relocated to 633 Washington Street until 1942, when they again moved to a more convenient location at 5th and Jefferson. Assisted by some of the Elks' skilled craftsmen and volunteers, the new building was refurbished to reflect the glory of the Gary Elks.

After 60 years in Gary, members of Lodge 1152 were relocated to the City of Hobart. It was there that they claimed their sanctuary on 61st Avenue. After about a year of construction, the first initiation was held on December 4, 1970. As an improved Hobart Lodge 1152, the Elks flourished so dramatically that they grew too large for the walls of their current structure, and henceforth built their latest addition, the Jubilee Room.

As the Elks of Hobart grew in number, so did their charitable contributions to the city. Such support was allocated to Boy Scout troops, Soccer Shoot and Hoop Shoot programs, and scholarship-worthy students throughout the region. This philanthropy was also expressed through contributions to organizations such as the Elks National Foundation, Cancer Fund, and Parade of Nickels. Additionally, the Hobart Elks have been actively involved with the veterans of Northwest Indiana, namely through their annual Flag Day Celebration.

Madam Speaker, I ask that you and my other distinguished colleagues join me in hon-

oring and congratulating the Hobart Elks Lodge 1152 on its centennial celebration. Through the years, the establishment's members have graced us with their patriotism and benevolence, and I am truly honored to represent them in Washington, D.C.

TRIBUTE TO CORPORAL RYAN C. MCGHEE, U.S. ARMY, OF FREDERICKSBURG, VA

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. WITTMAN. Madam Speaker, I rise today to remember and honor Corporal Ryan C. McGhee of Fredericksburg, Virginia for his service and selfless sacrifice to his country.

Ryan McGhee's interest in the military dated back to his days playing soldier as a child. By the time he was ready to graduate from high school, football had become his passion. Pat Tillman, a famous football player turned soldier was among those that Ryan held in high regard. Like Pat Tillman, Ryan was killed in service to his country, like Pat Tillman, Ryan was a fine football player with a bright future. The parallels between these two men are unmistakable. Two athletes, two patriots, two men who chose to forego a life of relative comfort for a life of service to a cause greater than themselves. Nothing captures the spirit of our nation's warriors better than the illustration of selfless service provided by Ryan C. McGhee.

Ryan was born in Pittsburg and lived in Springfield, Vermont before moving to Fredericksburg, Virginia just prior to his sophomore year of high school. He and his brother Zachary grew up as active youths, enjoying snowboarding, skateboarding, and trick bike riding. Ryan and Zachary loved playing soldier. These two brothers progressed from playing soldier as boys to wearing the uniform as men.

An exceptional athlete, Ryan was the captain of the football team at Massaponax High School in Fredericksburg. This captain of the football team met his future fiancée not long after arriving in Virginia. Ashleigh Mitchell and Ryan McGhee were engaged to be married in the spring of 2010. The picture perfect love story of the captain of the football team and the cheerleader had jumped from the pages of the story book into reality.

Ryan's dedication to the service of his nation had called him to service in the United States Army. His competitive nature led him to the 3rd Battalion 75th Ranger Regiment at Ft. Benning, Georgia where he served as a rifleman and grenadier before serving as a weapons squad team leader with Company D. Prior to his deployment to Iraq, he had already distinguished himself as a seasoned combat veteran, serving three tours in Afghanistan.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ryan C. McGhee was called home on May 13, 2009 after being wounded when his unit came in contact with enemy forces while conducting combat operations in Central Iraq. He brightened the lives of his Fiance: Ashleigh Mitchell of Fredericksburg, Virginia; Father: Steven M. McGhee, and stepmother Kristie J. McGhee of Myrtle Beach, South Carolina; Mother: Sherrie Battle-McGhee, of Knoxville, Tennessee; Brothers: Sgt. Zachary McGhee, Noah, and Gabriel; Sisters: Jasmine and Elsie McGhee; Paternal Grandparents: Mike and Roberta McGhee of Newport News, Virginia; Maternal Grandparents: Dr. and Mrs. William C. Battle of Knoxville, Tennessee; and countless others.

Ryan was truly an exceptional man, athlete, and soldier. His short but impactful life will forever highlight the virtue of those service men and women with whom Ryan now shares a common bond. He leaves behind a family proud of all that he had accomplished throughout his life and service in the military. His valor and service cost him his life, but his sacrifice will live on forever among the many dedicated heroes this nation has sent abroad to defend freedom. We can only thank his loved ones for sharing the company of this remarkable young man.

My condolences and prayers go out to Ryan's family, and I offer them my deepest sympathies and most heartfelt thanks for the service, sacrifice, and example of their soldier, Corporal Ryan C. McGhee. He was respected and admired by those around him, and continually performed above and beyond all expectations while serving his country. Because of his efforts, the liberty of this country is made more secure.

HONORING THE ROLE OF AMERICAN WORKERS IN PUTTING MAN ON THE MOON

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. ISRAEL. Madam Speaker, I rise today to acknowledge the key role American workers played in putting man on the moon and to honor their respective contributions to mankind.

On September 12, 1962 President John F. Kennedy challenged America to "go to the moon in this decade . . . not because it is easy but because it is hard." Long Islanders heard this call, rolled up their sleeves and made that dream a reality. I am proud of the Long Islanders who produced the Grumman-built Lunar Module nicknamed "the Eagle" which achieved its rightful fame when astronaut Neil Armstrong announced to the world that, "the Eagle has landed."

America landed on the moon on July 20, 1969 and the men and women of Long Island got us there.

July 2009 is the 40th anniversary of mankind landing on the moon, an eternal tribute to America's engineering genius that sits some 235,000 miles away on the lunar surface. The Grumman-built Lunar Module is a permanent symbol of the collective efforts of the hard-

working American men and women who met President Kennedy's call to achieve the impossible.

During the height of the Cold War, a significant portion of the Nation's scientific and technological genius was turned not to weapons but to space exploration.

Forty years later, we honor the ingenuity and tenacity of all Americans that answered President Kennedy's call to reach to the heavens and thank them for their historic contributions to mankind.

IN RECOGNITION OF JOHN G. FULLER

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. YOUNG of Alaska. Madam Speaker, I rise today to congratulate a great Alaskan, Mr. John (Jack) G. Fuller, an outstanding soldier, legislator and Alaskan. Mr. Fuller served our country in the Marine Corps, the Michigan National Guard, the Alaskan National Guard and as a Representative to the Alaskan Legislature. His abilities and dedication have been recognized by all who have served with him, and earned him the opinion of others as irreplaceable.

Jack Fuller began his military career with the 21st Regiment of the Third Marine Division in the Pacific Theatre of World War II, in Guam and at Iwo Jima. It was at Iwo Jima that he was awarded the Silver Star for conspicuous gallantry and intrepidity. Whilst serving as a Sergeant on February 23, 1945, Mr. Fuller took command of his unit when all its officers were dead or wounded and enabled his platoon to continue the attack. Following this he was promoted to Second Lieutenant.

Following World War II, Mr. Fuller returned to Michigan and joined the Michigan National Guard. During this period he excelled and successfully graduated from the Armor Officer Basic and Advanced courses and the Command and General Staff College. He was eventually granted a permanent commission.

In 1964, Jack Fuller moved to Alaska, with the intention of teaching at the Bureau of Indian Affairs schools on St. Lawrence Island. He also enlisted in the First Scout Battalion, an Eskimo division of the Alaskan National Guard, based in Nome. Jack worked his way up, reaching the rank of Battalion Commander. While under his command, the unit was evaluated as excellent during JACK FROST 1977. Mr. Fuller was further awarded the Legion of Merit, the third highest award of the Army for the outstanding skill, initiative and professionalism he displayed as a Commander. He was the first officer of the Alaskan National Guard to achieve this honor and his dedication to the battalion earned him the admiration of those he served with.

Upon retirement from the Alaskan National Guard in 1978, Mr. Fuller turned to a new challenge and was elected to the Alaskan Legislature as a Representative for District 22, where he served for eight years. In 1986, Mr. Fuller was one of the first to be recruited for the Alaska Defense Force upon its creation,

where he used his many skills to aid the State in times of emergency. He also contributed to the State through his work as Chairman of the Board of Directors of Norton. Sound Health Corporation. In recent times Mr. Fuller has also served as President of the Wasilla Senior Center. Regardless of the task at hand, Jack Fuller has committed himself fully to serving others.

On behalf of The United States of America, I extend my thanks and appreciation to Jack Fuller, for his dedication and service to the Great State of Alaska and the entire country. His achievements in both military and civilian life are remarkable and deserve our recognition here, today.

COMMUNIST CHINA MUST END THE RUTHLESS PERSECUTION OF FALUN GONG

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, through their annual rally this week, Falun Gong practitioners and sympathizers have focused international attention on the horrible suffering of so many Falun Gong practitioners in Communist China. At that rally, I stood in warm, heartfelt solidarity with them and I will continue to do so until the Chinese people are free. On the occasion of this rally denouncing 10 years of persecution against the Falun Gong, I would like to take this opportunity to highlight the names of several students, professors and lawyers who have suffered for their opposition to Communist China's brutal tyranny.

Currently, twelve professors and students from the prestigious Tsinghua University are known to be detained in Communist China under deplorable conditions due to their Falun Gong beliefs:

1. Mr. Bai Rongchun
2. Ms. Zhu Tong
3. Ms. Cong Dayang
4. Ms. Liu Zhimei
5. Ms. Yao Yue
6. Mr. Meng Jun
7. Mr. Wang Xin
8. Mr. Wang Xieyu
9. Mr. Yu Chao
10. Mr. Zang Lianjun
11. Mr. Yuping
12. Mr. Bao Weizhong

I would also like to commend and thank the handful of brave human rights lawyers who have accepted the challenge of representing Falun Gong adherents, as well as other oppressed citizens, and who themselves have been subjected to harassment, disbarment, detention and even torture as a result. Madam Speaker, these attorneys have taken an enormous risk for their fellow countrymen and I commend and admire their honorable efforts:

1. Zhang Kai
2. Li Chunfu
3. Wei Liangyue
4. Tang Jitian
5. Lan Zhixue
6. Jiang Tianyong

7. Li Heping
8. Li Xiongbing
9. Li Fangping
10. Pu Zhiqiang
11. Zhang Kai
12. Jiang Tianyong
13. Li Heping
14. Li Xiongbing
15. Li Chunfu
16. Wang Yajun of Globe-Law in Beijing
17. Cheng Hai
18. Tang Jitian
19. Yang Huiwen of Anhui Law Firm in Beijing
20. Xie Yanyi
21. Li Dunyong of Gongxin Law Firm in Beijing
22. Wen Haibo
23. Liu Wei of Shunhe Law Firm in Beijing
24. Zhang Lihui of Beijing G&G (Giant and Goal) Law Firm in Beijing
25. Li Jinglin of Jiurui Law Firm in Beijing
26. Wei Liangyue of Jiaodian Law Firm in Heilongjiang
27. Yang Zaixin of Baijuming Law Firm in Guangxi
28. Sun Wenbing of Xinhe Law Firm

Most recently, sometime between July 2 and July 8, these three brave lawyers were arrested for their efforts to defend Falun Gong practitioners:

29. Ruping Liu
30. Wang
31. Wang Ping Yonghang

Madam Speaker, the ruthless, despicable persecution against Falun Gong practitioners and other oppressed minorities must end and these brave prisoners of conscience must be released immediately.

EARMARK DECLARATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. JOHNSON of Illinois. Madam Speaker, pursuant to the Republican Leadership standards on project funding, I am submitting the following information regarding project funding I requested as part of Fiscal Year 2010 Energy and Water Appropriations bill—H.R. 3183:

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: H.R. 3183—Fiscal Year 2010 Energy and Water Appropriations bill

Account: Department of Energy—EERE

Legal Name of Requesting Entity: Eastern Illinois University

Address of Requesting Entity: 600 Lincoln Avenue, Charleston, Illinois 61920

Description of Request: \$1,000,000 for Eastern Illinois University to replace the campus central thermal plant with a biomass-fired combined heat and power center. Of this amount \$1,000,000 will purchase equipment for the new plant.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: H.R. 3183—Fiscal Year 2010 Energy and Water Appropriations bill Account: Department of Energy—EERE

Legal Name of Requesting Entity: Heartland Community College

Address of Requesting Entity: 1500 West Raab Road, Normal, Illinois 61761

Description of Request: \$250,000 for the Illinois Community College Sustainability Network which will strengthen Illinois community colleges' capacity to promote and provide energy education and sustainable practices across Illinois. Of this amount, \$173,040 is for energy efficiency and green job training personnel; \$77,040 is for supplies and material support.

Requesting Member: TIMOTHY V. JOHNSON

Bill Number: H.R. 3183—Fiscal Year 2010 Energy and Water Appropriations bill

Account: Department of Energy—EERE

Legal Name of Requesting Entity: Richland Community College

Address of Requesting Entity: One College Park, Decatur, Illinois 62521

Description of Request: \$500,000 for Richland Community College to expand on the existing biofuels degree program in an effort to provide a more comprehensive bioenergy program to include biodiesel, bioethanol, and other bioenergies in coordination with renewable energy programs. Of this amount \$500,000 is for equipment.

EARMARK DECLARATION

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mrs. CAPITO. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2638 Consolidated Security, Disaster Assistance, And Continuing Appropriations Act, 2009 (109th Congress)

Requesting Member: SHELLEY MOORE CAPITO

Bill Number: H.R. 2638—Consolidated Security, Disaster Assistance, And Continuing Appropriations Act, 2009

Account: Defense O&M Army

Legal Name of Requesting Entity: HMS Technologies

Address of Requesting Entity: 206 West Burke St., Martinsburg, WV 25401

Description of Request: Provide an earmark of \$1,200,000: The National Veterans Technology Consortium (NVTC) is comprised of Veterans and business leaders who have joined to create careers in information technology (IT) for Service Disabled and other Veterans. NVTC has teamed with the Army Publishing Directorate (APD) to develop a proof-of-concept program to digitize, tag, and database Army records and operational material in order to meet Army regulatory requirements and achieve APD's mission.

EARMARK DECLARATION

HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. LATTA. Madam Speaker, pursuant to the Republican Leadership standards on ear-

marks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: U.S. Army Corps of Engineers; Section 205

Legal Name of Requesting Entity: The Village of Ottawa

Address of Requesting Entity: 136 North Oak Street, Ottawa, OH 45875

Description of Request: \$217,000 for the U.S. Army Corps of Engineers for funding regarding the Village of Ottawa Flood Control and Mitigation Reconnaissance and Feasibility Studies. Funding would be used to complete the Section 205 Feasibility Study of flood risk management plans for the Blanchard River at Ottawa, Ohio. The funding would fulfill the Federal share needed to complete the Feasibility Study. In addition, the funds would be used to begin the design and implementation following the Section 205 Feasibility Study of flood risk management plans for the Blanchard River at Village of Ottawa, Ohio. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: U.S. Army Corps of Engineers; Section 205

Legal Name of Requesting Entity: The Village of Findlay

Address of Requesting Entity: 518 Dorney Plaza, Room 310, Findlay, OH 45840

Description of Request: \$248,000 for the U.S. Army Corps of Engineers for funding regarding the Village of Findlay Flood Control and Mitigation Reconnaissance and Feasibility Studies. Funding would be used to complete the Section 205 Feasibility Study of flood risk management plans for the Blanchard River at Findlay, Ohio. The funding would fulfill the Federal share needed to complete the Feasibility Study. In addition, the funds would be used to begin the design and implementation following the Section 205 Feasibility Study of flood risk management plans for the Blanchard River at Findlay, Ohio. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: U.S. Army Corps of Engineers; Construction; Ohio Environmental Infrastructure OH

Legal Name of Requesting Entity: Village of Polk, Ashland County, Ohio

Address of Requesting Entity: 200 East Congress Street, P.O. Box 206, Polk, OH 44866

Description of Request: \$400,000 for the design, construction, and operation of a centralized collection and treatment system. The Village is under Ohio EPA Findings and Orders

to address a large number of failing household septic systems in the Village. The collection will consist of a combination gravity/pressure sewer system, potentially two (2) lift stations, 50,000 gallons per day (gpd) average daily design flow (ADF) package extended aeration wastewater treatment plant suitable for direct discharge to Katotawa Creek. The existing on-lot systems will be demolished when the replacement system is available. The Village has 357 residents, with 129 homes and businesses. A recent income survey conducted by the Ohio Rural Community Assistance Program confirmed that the Village's Median Household Income has dropped significantly since the last census, and is now only \$35,000. An earlier survey conducted in 2007 also showed that the Village qualifies for CDBG funding with a Low-to-Moderate-Income (LMI) percentage over 60%. USDA Rural Development has advised the Village it needs to obtain additional grants in order to be funded by their program. Design engineering is underway. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: U.S. Army Corps of Engineers; Construction; Ohio Environmental Infrastructure OH

Legal Name of Requesting Entity: Village of Risingsun, Northwestern Water and Sewer District, Wood County, Ohio

Address of Requesting Entity: 12560 Middleton Pike, Bowling Green, Ohio 43402

Description of Request: \$400,000 for extension of a public water main to provide fire protection and drinking water to the residents of Risingsun, Ohio. The Village of Risingsun & US 23 corridor, including Lakota School, relies on private wells for water supply. Recent testing of groundwater indicates petroleum hydrocarbon contamination in several area wells. This project will greatly impact the environment by improving drinking water and fire protection in the Village and surrounding area. I certify that neither I nor my spouse has any financial interest in this project.

Requesting Member: Congressman ROBERT E. LATTA

Bill Number: H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: U.S. Department of Energy; Energy Efficiency and Renewable Energy

Legal Name of Requesting Entity: Bowling Green State University

Address of Requesting Entity: 106 University Hall, Bowling Green, OH 43403

Description of Request: \$1,000,000 for the Coastal Ohio Wind Project: Removing Barriers to Great Lakes Offshore Wind Energy Development. Funding would be used to support a workforce for Bowling Green State University to undertake the design parameter data gathering while the University of Toledo undertakes development of the advanced concept offshore Wind Turbine Generators (WTG). The long term goal is to reduce the cost of installation, operation and maintenance of WTG's on Lake Erie, in order to jumpstart offshore devel-

opment of the Great Lakes and to support the transition from rust-belt to green-belt manufacturing. The project will build on a proven two bladed, teetered hub WTG design. This phase of the project will design a foundation and tower structure capable of surviving the severe wind, wave and ice loading conditions on Lake Erie. I certify that neither I nor my spouse has any financial interest in this project.

TRIBUTE TO SAI YANG

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. ELLISON. Madam Speaker, I rise today to commemorate the life of Sai Yang, a passionate and determined woman, a wife, mother, grandmother and great grandmother. Sai was the matriarch of the Chang family and influential in the lives of not only her own children and grandchildren, but that of her entire community. Sai was also the mother-in-law of my good friend, Senator Mee Moua of St. Paul.

Sai was born in 1934 to Cha Doua Yang and Ying Kue in the remote jungle village of Nhu Ka in Laos.

After the United States left Laos in May of 1975, Sai and her family sought refuge in the jungles and remote villages of Laos for several years before finally arriving on freedom's shore in Thailand in 1979.

After six months in a Thai refugee camp, Sai's family was granted political asylum to the United States and arrived in Honolulu, Hawaii on February 1, 1980. A year later, her family moved to Minnesota.

In her new life in the U.S., Sai learned how to read and write in her native Hmong language and in conversational English. In 1997, she became a U.S. Citizen. She subsequently voted in five presidential elections and helped to elect her daughter-in-law Mee Moua to the Minnesota State Senate; the highest among elected officials in the United States.

In 1995, Sai was chosen as part of the delegation of Hmong American women who attended the United Nation's Fourth World Conference on Women in Beijing, China.

Sai Yang passed away on July 7, 2009 in St. Paul and is survived by five sons, three daughters, 39 grandchildren, 27 great grandchildren, a brother, a sister, and the extended Chang and Yang families in Minnesota, across the U.S. and other countries.

Sai Yang enriched many lives and she will be missed dearly by all who knew her.

TRIBUTE TO LIEUTENANT COLONEL MARK E. STRATTON, UNITED STATES AIR FORCE, OF STAFFORD, VIRGINIA

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. WITTMAN. Madam Speaker, I rise today to honor Lieutenant Colonel Mark E.

Stratton, United States Air Force, of Stafford, Virginia, for his service and supreme sacrifice for our nation.

Lieutenant Colonel Stratton graduated from Foley High School in Foley, Alabama, and then went on to attend Texas A&M University. There, he served as a member of the Corps of Cadets and graduated with a degree in Political Science. Following graduation, he was commissioned as a Second Lieutenant in the U.S. Air Force.

Throughout his remarkable career, Lieutenant Colonel Stratton served with honor and distinction as a communications officer, pilot, senior navigator, and staff officer. Some of Lieutenant Colonel Stratton's duty assignments include executive assistant to the 55th Wing commander in Offutt Air Force Base, Nebraska, student at the Joint Advanced Warfighting School, Taiwan desk officer on the Joint Staff, and executive assistant to the deputy director for Asia. In addition to his professional military career, Lieutenant Colonel Stratton was an active member of Stafford Baptist Church in Stafford Virginia, where he served as a beloved Sunday school teacher.

Tragically, on May 26, 2009, Lieutenant Colonel Stratton made the ultimate sacrifice for this great nation while serving as the Commanding Officer of the Panjshir Provincial Reconstruction Team in Afghanistan. Just as many of America's heroes have taken up arms when the nation needed them, Lieutenant Colonel Stratton dedicated himself to the cause of our values, freedoms, and way of life. His valor and determination cost him his life, but his sacrifice will endure forever among the many dedicated heroes the United States has sent abroad to preserve liberty and freedom.

Lieutenant Colonel Stratton is remembered by his friends and family as a man of unquestionable character and loyalty. He was excited about the initiative he was leading in Afghanistan. In an e-mail to a friend he described the work of building roads, schools, canals and clinics as the best job of his Air Force career. It is easy to see why his friends describe him as someone who loved God, his family, his friends, and his country fervently. This is the caliber of a man that truly leads our nation's men and women in uniform with passion and purpose.

Lieutenant Colonel Stratton is survived by his wife, Jennifer Stratton and his children, Delaney, Jake and A.J. My condolences and prayers go out to Mark's family, and I offer them my deepest sympathies and most heartfelt thanks for the service, sacrifice, and example of their hero, Lieutenant Colonel Mark Stratton.

LAKEWOOD, COLORADO 40TH ANNIVERSARY

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud the city of Lakewood, Colorado on their fortieth birthday.

For forty years, the city of Lakewood has celebrated its birthday in an arts and music

celebration appropriately named Lakewood on Parade. Families from all parts of the city and surrounding areas come together with their friends and neighbors to enjoy this celebration. I, myself, along with my family, have attended Lakewood on Parade for many years. I am honored to recognize the Lakewood on Parade birthday celebration for helping Lakewood bring families together to enjoy this beautiful city.

Lakewood is the fourth largest city in Colorado and is located just west of Denver, in the foothills of the Rocky Mountains. It is home to many historical sites of the old West making it a city rich in history. Families, friends, and neighbors truly live in a special place in Colorado and it is reflected in the Lakewood on Parade birthday celebration.

I extend my deepest congratulations to the city of Lakewood for achieving their fortieth birthday.

RECOGNIZING THE EXTRAORDINARY SERVICE OF THE HONORABLE PETE GEREN

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Ms. HARMAN. Madam Speaker, I rise today to recognize the distinguished service of our former colleague Pete Geren as he steps down as Secretary of the Army.

Secretary Geren, a quiet and thoughtful leader, fulfilled the duties of his office with superb competence and compassion. Of his many achievements, his initiative to combat military sexual trauma deserves particular recognition. Secretary Geren called the epidemic of rape and sexual assault within the ranks of the Army "fratricide." He viewed its elimination as of equal consequence to the challenge of racially integrating the armed forces.

Last year, Secretary Geren launched the I. A.M. Strong campaign, a five-year program designed to eradicate rape and sexual assault in the Army. Secretary Geren was unwavering in his efforts to tackle this important issue. As he explained, "we're the United States Army and we live our values."

Prior to joining the Defense Department, Secretary Geren represented Texas' 12th District for four terms. During that time, we worked together on the Armed Services committee, where he served with distinction. He also served on the Science & Technology and the Public Works & Transportation Committees.

Secretary Geren's strength of character and visionary leadership has resulted in a better Army and a safer nation. I thank him for his extraordinary service to country, and look forward to applauding whatever new and exciting chapter he now begins.

HONORING GERALD GAW

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. McGOVERN. Madam Speaker, I rise today to pay tribute to a remarkable leader in the Clinton Community, Gerald Gaw.

Gerald Gaw, Superintendent of Clinton Public Schools, will be retiring this week after 32 years of service to the children of the Clinton Public School District. Gerald dedicated his career to serving his community, beginning as a middle school math teacher at the age of 27. Throughout the past thirty years, Gerald nurtured students as both a middle and high school teacher before serving as principal of first the Clinton middle school and then Clinton High School. In 2004, Gerald was recognized for his outstanding work when he was selected for the position of Superintendent of Schools, where he has helped the school district thrive.

Gerald was born and raised in the small Clinton community. Throughout his many years in the school district, he would often find himself teaching children whose parents had been his students or interacting with school committee members who had cared for him as a child. Gerald was committed to playing his part in the small community too, nurturing the children of Clinton for the futures that lay ahead of them. Educating children is Gerald's passion, a passion that thousands have benefited from during their time in Clinton schools.

Gerald was one of the first principals to work in the new Clinton High School and was largely responsible for the transformation of the new building into a state-of-the-art educational facility. As the MCAS standardized testing was initiated across Massachusetts, Gerald promoted high achievement throughout the school, implementing new programs intended to prepare students for success.

Among Gerald's many talents, foremost was his compassion and his ability to connect with students. Reaching out to students from difficult backgrounds or those who needed just a little extra help was a mission Gerald added on to his already long list of responsibilities as an administrator. Whether it was talking with students during lunch hour, encouraging them in the classroom, or working out with them in the gym, Gerald was known for befriending children who needed a positive presence in their lives. As principal, Gerald coached a Pop Warner football team, and even as superintendent he tried to spend as much time as possible with the children. As he enters retirement, Gerald is looking forward to going back to the classroom as a math teacher at a college.

Gerald will be missed by the faculty and thousands of students whose lives he shaped in a multitude of ways. I wish him and his wife Carol, along with their three sons, many happy years in a well deserved retirement.

Madam Speaker, I know all of my colleagues join me in thanking this remarkable man for his many years of dedication to the people of the Clinton.

INTRODUCING A CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR TEMPORARY PROTECTED STATUS FOR HAITIAN NATIONALS CURRENTLY RESIDING IN THE UNITED STATES, AND FOR OTHER PURPOSES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a concurrent resolution expressing support for temporary protected status for Haitian nationals currently residing in the United States, and for other purposes.

The creation of TPS was intended to serve as the statutory embodiment of a safe haven for those who are fleeing—or reluctant to return to—a potentially dangerous situation in their country of origin.

According to section 244(A) of the Immigration and Nationality Act of 1990, TPS may be granted when: there is ongoing armed conflict posing a serious threat to personal safety; it is requested by a foreign state that temporarily cannot handle the return of nationals due to environmental disaster; or extraordinary and temporary conditions in a foreign state exist which prevent aliens from returning.

Haiti has continued to meet all three of these requirements, and yet, not once have Haitian nationals been granted TPS.

Last summer, only a few months after deadly food riots led to the removal of the country's Prime Minister, Haiti was ravaged by four back-to-back natural disasters. Thousands lost their homes, many were left starving and isolated from humanitarian assistance, nearly 800 lives were taken, and over 300 people remain missing.

How dire must the situation in Haiti become before the United States is willing to extend this helping hand to Haiti as it has done for other nations under similar circumstances?

The Haitian government's ability to provide basic governmental services—clean water, education, passable roads and basic health care—remains severely compromised by these natural disasters. Repatriating Haitians at this time imposes an additional burden on government resources that are already stretched too thin and poses a serious danger to deportees' personal safety. Further, with hurricane season well underway, the Haitian people will only slip further into despair when another storm inevitably hits their nation.

Concerning stability and overall safety, Haiti is still in dire need of an adequate policing force to maintain order and halt the escalation in kidnappings that are plaguing the nation.

As of today, the Department of State's current travel warning advises Americans that current conditions in Haiti make it unsafe to travel due to the potential for looting, the possibility of random violent crime, and the serious threat of kidnapping for ransom.

Madam Speaker, if it is unsafe for our citizens to travel to Haiti, then those same conditions should make it much too dangerous and inappropriate to forcibly repatriate Haitians at this time. It is unfortunate and appalling that

our current immigration policies hold such harmful double standards.

I want to make it very clear that I acknowledge and heartily congratulate Haiti's efforts toward recovery and to a stable democratic government. However, President Prival's nascent democratic government still faces immense challenges with regards to rebuilding Haiti's police and judicial institutions to achieve the fair and prompt tackling of the ongoing political and criminal violence.

In addition to safety and human rights considerations, halting the deportation of Haitians is also an economic matter.

Under the law, TPS beneficiaries are eligible to obtain work authorization permits. The ability for Haitian nationals to legally work in the United States puts them in a position to contribute to their country's recovery and development until such time when it is safe for them to return to Haiti.

Madam Speaker, the Haitian Diaspora has always played a pivotal role in assisting Haiti. It is widely known that Haitians residing in the United States often work three jobs to send money back to Haiti each month. Many Haitians in the United States often send remittances to support family members, and others travel home to lend their expertise toward rebuilding and humanitarian efforts.

Designating Haiti under TPS status would preserve and increase remittances—totaling approximately a third of Haiti's GDP—from the Haitian Diaspora to relatives and communities in Haiti that are key for welfare, survival, and recovery.

Haiti is more dependent than any other country on remittances with nearly a billion dollars a year sent home by Haitians in the United States. In fact, remittances to Haiti far exceed foreign aid.

Now, many Haitian nationals in the United States who previously sustained relatives in Haiti through remittances are being deported, further depriving Haiti of an important source of financial aid that is well-positioned to assist when based here in the United States.

Madam Speaker, there are currently five countries that are protected under the TPS provision: Nicaragua, Honduras, El Salvador, Somalia, and Sudan. By refusing to give Haiti the TPS designation, our inequitable immigration policies continue to send the message that the safety of Haitian lives is not a priority compared to that of Salvadoran, Honduran, or Sudanese lives.

We must act to change this perception. Our immigration policies have to change. They must reflect fairness and treat Haitians equally to Nicaraguans, Hondurans, and Salvadorans whose deportations are suspended and who are allowed to work and support their families back home.

Granting Haitians TPS is necessary to achieve fundamental fairness in our treatment of Haitian immigrants and remedy the accurate and widespread perception that U.S. policy has discriminated against them.

Madam Speaker, we cannot deny Haiti this opportunity to help stabilize its economy, recover from devastating natural disasters, rebuild its political and economic institutions, and provide a future of hope for Haiti's people.

I ask my colleagues to support this concurrent resolution and urge the House Leadership

to bring it swiftly to the House floor for consideration.

INTRODUCTION OF THE CONSUMER PRODUCT AND FOOD SAFETY INFORMATION ACT OF 2009

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. LEWIS of Georgia. Madam Speaker, I am proud to reintroduce the Consumer Product and Food Safety Information Act.

This very simple bill creates a comprehensive information process to notify American consumers about food and product recalls. It seems that practically every week there is another product or food recall, but there's no single, comprehensive, federal resource to relay this information to consumers. As a result, many Americans are rightfully concerned and confused about what products might endanger the lives of their loved ones.

In the 110th Congress after a steady stream of countless food and product recalls, I co-chaired a Ways and Means joint Oversight and Trade subcommittee hearing on Import Safety. In that hearing, we learned that there is no collective federal public information process to inform Americans about food and product safety recalls. Instead there is an expectation that press releases and Internet announcements with moderate outreach efforts are sufficient communication tools.

This legislation is not about creating a new bureaucracy; the sole purpose is to establish a process. We must provide consumers with single resources—through various media phone, print, Internet, and radio—to learn exactly what toys are safe for their children, what food is safe to eat, what beds are safe to sleep in, and what medicines won't compromise their health. The Consumer Product and Food Safety Information Act of 2009 presents a clear plan to relay accurate and timely information to all consumers—regardless of age, income or location.

Madam Speaker, I urge all of my colleagues to support this basic, commonsense legislation. I want to make sure that my constituents—parents, senior citizens, those who have access to the Internet, those who prefer newspapers and libraries—are provided with universal, consistent information about what foods and products are harmful to themselves and their loved ones.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. PENCE. Madam Speaker, I rise to state that I was on an official leave of absence from the U.S. House of Representatives on account of the funeral of a close personal friend and unable to vote on rollcall votes Nos. 548 through 572. Had I been present, I would have voted "aye" on Nos. 548 through 551, 554

through 569, and 572, and "nay" on Nos. 552, 553, 570, and 571.

EARMARK DECLARATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. JORDAN of Ohio. Madam Speaker, pursuant to House Republican Conference standards on earmarks, I submit the following information regarding a project included at my request in H.R. 3183, the Fiscal Year 2010 Energy and Water Development Appropriations Act:

Requesting Member: Congressman JIM JORDAN (OH-04) Bill: H.R. 3183

Account: United States Army Corps of Engineers, Section 205 (Flood Damage Reduction)

Requesting entity: United States Army Corps of Engineers, Buffalo District (1776 Niagara Street, Buffalo, New York 14207)

Description: The City of Findlay, Ohio, saw three of its worst floods in history in just a 13-month period in 2007–08. These floods devastated the city, causing significant damage to the downtown business district and displacing hundreds of residents. The Army Corps of Engineers has worked diligently since the January 2007 flood toward developing flood damage reduction plans. I requested \$248,000 to complete the Section 205 feasibility study and begin design and implementation work.

I certify that neither I nor my spouse has any financial interest in this project.

NORTH BEND

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. REICHERT. Madam Speaker, I rise today in recognition of the City of North Bend, Washington, for reaching its centennial year in 2009.

North Bend, located in the north end of the Eighth District of Washington State, is beautifully situated near the entrance of the Cascade Mountains with majestic Mount Si providing a stunning backdrop. Residents and tourists of all ages enjoy the many outdoor activities this natural, rural setting has to offer, including skiing, hiking, camping, hunting, fishing and swimming. The residents of North Bend are truly caring people who will continue to lead North Bend in protecting their unique rural setting while encouraging residential and business development. I commend Mayor Ken Hearing for his leadership of this town of 4,700.

The Eighth District is a more vibrant area because of North Bend and I rise today to commend the citizens past and present on their success in reaching this milestone.

HONORING TEXAS COACH NEAL
QUILLIN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. POE of Texas. Madam Speaker, every day America's youth are guided, counseled and taught life lessons by their school coaches. These kids learn what it means to persevere through the tough times and the difference between right and wrong from these revered advisors.

Coach Neal Quillin is one such coach. He has been a pillar of the Houston area community for years and has pushed many young men and women to be the best and never take losing for an answer. A true Texan Hero, Coach Quillin grew up in the Lone Star State and received his BA and Masters from Stephen F. Austin University. He has a list of honors and awards that any coach would dream of including a 4A State Football Championship, multiple state football tournament appearances, and has won 11 district championships. He has received the honor of Coach of the year multiple times by the Houston Chronicle, the Houston Post, and the Houston Touchdown Club. The most outstanding thing about this man is not his own accomplishments—it is what he has done for his players and students. Coach Quillin has coached ten NFL players and has served as a mentor to Texas' students for 44 years. Coach Quillin has served 12 Texas schools as a Coach and was at Humble High School for 15 years. He is currently the defensive line coach at Atascocita High School.

Today, July 22, Coach Quillin will receive one of the biggest honors a coach can—he will be inducted into the Texas High School Coaches Association. I would like to congratulate Coach Neal Quillin on his lifetime of community service and thank him for helping to make Texas a great place for students to learn and athletes to excel.

And that's just the way it is.

EARMARK DECLARATION

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. MACK. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Project Name: Naples to Big Marco Pass
Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 3183—the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Account: Corps of Engineers; O&M
Legal Name of Requesting Entity: Collier County, FL

Address of Requesting Entity: 3301 East Tamiami Trail, Naples, Florida 34112

Description of Request/Justification of Federal Funding: \$1,500,000; The Gordon River and Naples Bay flow into Gordon Pass. This is the most significant Pass in the county and supports the commercial fishing, stone crab harvesting, sport fishing and tourism industries. The Pass also supports the County's marinas and is used by residential boaters. Typically, the Pass is dredged every four or five years. It was last dredged in 2002 and needs to be dredged this year because shoaling diminishes the water depth in the channel.

Project Name: Gulf Intracoastal Waterway Caloosahatchee R to Anclote R, Florida

Requesting Member: Congressman CONNIE MACK, Congressman VERN BUCHANAN, Congressman C.W. BILL YOUNG

Bill Number: H.R. 3183—the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Account: Corps of Engineers; O&M
Legal Name of Requesting Entity: Lee County, FL

Address of Requesting Entity: 2115 Second Street, Fort Myers, FL 33901

Description of Request/Justification of Federal Funding: \$780,000; This project would provide for maintenance dredging in four areas of the Gulf Intracoastal Waterway (GICW). The areas in need of maintenance dredging include the mouth of Caloosahatchee River (Miserable Mile in Lee County) and the Boca Grande Bayou area (Miller's Marina in Lee County) of the GICW.

THE IMPORTANCE OF THE
REUNIFICATION OF CYPRUS

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. WHITFIELD. Madam Speaker, there is no doubt that a historic opportunity to unify the island Cyprus was missed on April 24, 2004 when 76 percent of Greek Cypriots in separate simultaneous referenda in both sides of the island rejected the U.N. comprehensive settlement plan, known as the Annan Plan.

After the referenda, the Greek Cypriots became a full member of the European Union, while the social, economic and political isolation of the Turkish Cypriots still continues despite their affirmative vote in the referenda with a 65 percent majority.

Until the recent change in leadership in South Cyprus in February 2008 the issue was at a virtual standstill; however, in September 2008, Greek Cypriot leader Demetris Christofias and Turkish Cypriot leader Mehmet Ali Talat, launched full-fledged negotiations to find a comprehensive settlement to the Cyprus problem. The negotiations which were revived thanks to the insistence of the Turkish Cypriot side have been welcomed by the international community, including the United States, the European Union and others.

Hopes are high among the international community that a mutually acceptable settlement might be reached. In order to promote the spirit of goodwill generated during the recent meetings, I encourage this body to sup-

port the two Cypriot leaders as they work toward reunification.

On July 20th the Turkish Cypriots commemorate the 35th anniversary of the Turkish peace operation which prevented an attempt by Greece to annex the island. Although peace prevails in Cyprus today, the social, economic and political development of the Turkish Cypriots have been restricted for more than four decades.

Despite their continued commitment to achieving a just and lasting settlement that respects the political equality of the two peoples on the island, the Turkish Cypriot people are still waiting for the international community to honor the promises it made to them that their isolation would be lifted.

Madam Speaker, if the process is to move forward toward a lasting settlement it is important that the United States Congress recognize the unwavering commitment of the Turkish Cypriot people to unify the island and encourage the lifting of the isolation.

REPRESENTATIVE GWYN GREEN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud the services of Colorado State Representative Gwyn Green who will retire this year from Colorado's State Legislature.

Representative Green has been in Colorado's State Legislature since 2004, and in that time has fought hard for the protection of children from sexual predators, as well as, for the prevention of abuse of disabled adults. Her passionate speeches and constant dedication to service have earned her the reputation of "The Fighting Granny," on Colorado's Capital Hill. It was with this commitment and drive that her work ethic and passion for the people of Colorado will be most remembered.

In addition to her service in the Colorado State Legislature, Representative Green has earned such awards as the Colorado Association of Public Health's Distinguished Legislator of the Year, the Colorado Society of Clinical Social Workers Advocate of the Year, and was the Distinguished Legislator for the National Association of Social Workers. These accomplishments display her passion and commitment in serving the people of Colorado.

I extend my deepest thanks once again to Representative Green for her time and service to Colorado. I have no doubt her efforts within the Colorado State Legislature have made impacts on the State of Colorado and on our country.

REMEMBERING THE VICTIMS OF
THE AMIA ATTACK

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. KLEIN of Florida. Madam Speaker, I rise in strong support of H. Con. Res 156, a

resolution condemning the attack on the AMIA center in Buenos Aires, Argentina in 1994.

Let me begin by thanking the gentelady from Florida, the ranking member of the House Foreign Affairs Committee, Ms. ROSELEHTINEN, for her steadfast leadership on this issue.

I am proud that we have worked together in a bipartisan manner on issues in the Western Hemisphere and on anti-terrorism issues, such as this resolution.

Fifteen years ago, Hezbollah terrorists affiliated with Iran killed 85 people and wounded 300 others in the bombing of the Argentine Jewish Mutual Association, known in Argentina as AMIA.

And, for the past fifteen years, the people of Argentina have been waiting for justice to be served. Though the international police, Interpol, has issued warrants for several individuals, these individuals remain at large in places such as Iran, Saudi Arabia and Syria.

While holding the perpetrators accountable will not bring back their loved ones, it could give some closure of justice to the victims' families.

On this anniversary, I would urge the government of Argentina to remain committed to seeing justice for this horrible tragedy and moreover, I would urge those countries who are holding the perpetrators of these attacks to hand over these individuals immediately and let justice be served.

The timing of this resolution is crucial. For the past several years, in my opinion, we have not been as engaged as we could have been in issues in Latin America.

During that time period, other countries have come in to fill the void. Iran's growing relationship with some countries in the region, including multilateral agreements on energy and industry worth billions of dollars, could be dangerous because of Iran's ominous history in the area, including their involvement in the AMIA attack.

Eliminating the threat of terrorism and its state sponsors is not just in the best interest of the United States. The United States and Central and Latin America have an aligned interest to make our hemisphere safer.

For that reason, I believe it is important to highlight one crucial provision of this legislation. Currently, very few countries in the Western Hemisphere have acknowledged the danger that Hezbollah poses to our region. According to the New York Police Department and several anti-terrorism experts, Hezbollah could pose a bigger threat than Al Qaeda. I join the gentelady from Florida, Ms. ROSELEHTINEN in urging governments in the Western Hemisphere to adopt legislation designating Hezbollah as a terrorist organization and punishing those who provide support for their terrorist activities.

I hope that this resolution serves as a signal to our friends and neighbors in Central and Latin America that the United States is committed to a safer hemisphere, free from the mutual threat of terrorism.

I congratulate the ranking member of the Committee, Ms. ROSELEHTINEN for her commitment to a safer hemisphere, and of course, I send my condolences to the Argentine people and those who lost loved ones fifteen years ago in the AMIA bombing.

TRIBUTE TO BOB MORRISON

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise in tribute to an old friend and long-time public servant, Hugh Robert "Bob" Morrison, who served as the elected Treasurer of the City of Falls Church, Virginia from 1993–2006. In the cause of full disclosure, Bob was also the Treasurer of my election campaign. Bob was the epitome of a public citizen, a husband and father who served his community in public office, but also helped to create his and our community of Falls Church through his professional and volunteer services and commitments—despite multiple battles with cancer to which he finally succumbed this week.

One of the attributes of this remarkable leader was how he used the skills he learned in his youth and his service to our country to benefit our community in Northern Virginia.

In his freshman year in high school, Bob took a course in printing. He gained a skill that he applied throughout his life and made him instrumental in the planning and establishment of the Falls Church News-Press in 1991. Bob worked closely with editor and owner Nicholas F. Benton to create the first successful newspaper to serve Falls Church. Similarly, it was about this time that he discovered photography, a passion that never left him, but has surely enriched all the rest of us.

In 1961, Bob enlisted in the U.S. Army. After training, he was assigned to a NATO support base in Fontainebleau, France, where his duties included post photographer. It was in France that Bob met a fellow American whom he married; they had a son before they divorced.

After his honorable discharge in 1964, Bob moved to this region, Takoma Park in Washington, D.C., where he enrolled at Howard University and, to help support his child and pay his tuition, answered an ad in The Washington Post for a night job as a page layout technician with the National Geographic Society—a position where he worked full time from 5 p.m. until 1:30 a.m. in page layout then as proofreader for five years, going to classes during the day.

He graduated from Howard University with a Bachelor of Arts degree, majoring in English and minoring in philosophy, in June of 1969. Armed with his degree, he successfully applied to an opening as a writer for National Geographic. Bob's first byline came two years later with an essay on the urban environment for an ecology book. It was followed by seven more National Geographic books for which Bob was a contributing author. He also co-authored America's Atlantic Isles. His assignments took him to the Caribbean, several European countries, and 48 states. (He missed Alaska and South Dakota, which he later visited.)

Bob's achievements and tenacity were recognized with his name on the National Geographic Society's masthead. He was said to have been one of the youngest ever to achieve such an honor. He also served as managing editor for Educational Filmstrips,

edited the questions for the first National Geography Bee, and brought the first IBM-PCs and Macs to National Geographic word processing, layout, and other editorial uses.

In 1971 Morrison sold a photo to the Society that ran as a full page in a book. He decided to use the unexpected windfall toward buying a kilt and looked for places to wear it, so happening onto Scottish Country Dancing. That soon became a hobby, with lasting consequences. It was through this new hobby that he met Meredith. Their friendship deepened, and they were married in 1979.

Bob and Meredith went from country Scottish dancing to foster parenting training, after which they began providing temporary care for infants. In 1988 a little rascal arrived who grabbed their hearts, and they adopted Justin in 1991. Justin needed a sister. Elizabeth was a bundle of joy with a will of iron, and she was adopted in 1992. One of the great blessings that came from their adoption was being led to Galloway United Methodist Church, where Morrison served on the Finance Committee for many years and learned the skills that made him such a successful public elected official later on. Bob also became active with Falls Church Community TV, in recognition of which he was appointed to the Board of Directors of The Falls Church Cable Access Corporation and served there for 19 years.

All these activities whetted his interest in serving in public office. He had been active in Democratic politics and began to look for an entry to public service. He defeated three other candidates in his first campaign, and he was unopposed in the next three—so appreciated was his service.

He continued his longtime hobby of photography after he retired from the Treasurer's Office in 2006, taking the time to take thousands of pictures in his community. He especially enjoyed shooting sports; his Web site has more than 10,000 pictures of George Mason High School activities, mostly of football and basketball. He served as an official photographer for The National Catholic Prayer Breakfast, the Capital Fringe Festival, and the DC Divas. Some of these jobs came from friends made at TIVA, an area association of independent video and film professionals, where he served on the Board of Directors for several years. He volunteered often at DC Central Kitchen, photographing their Capital Food Fight, and received their Volunteer of the Year award in 2005. Morrison was especially proud of his contributions to their cookbook, Feeding the Soul of the City. He also worked as a publicity agent and set photographer. After he finished photography on Come What May, the producer asked him to play the role of a retired Supreme Court Justice, for which he received his first and only screen acting credits.

In 2006, he was diagnosed with colon cancer, which prompted his retirement as Falls Church's Treasurer and this week took him from us. But he has left a legacy which, like his tens of thousands of photographs, will keep him in our hearts forever. His multiple talents and convictions made him a servant to the people of our region, and he left us all richer for many, many contributions.

HONORING LAURA COHEN
APELBAUM

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. VAN HOLLEN. Madam Speaker, I rise today to commend my constituent Laura Cohen Apelbaum on her 15 outstanding years as Executive Director of the Jewish Historical Society of Greater Washington.

Laura's leadership, creativity and vision have profoundly benefitted the Jewish Historical Society. Under her guidance, the organization has grown in numerous ways, from the size of its staff and facilities to the breadth of its educational programming, to the resources of its extraordinary archive—making it the premier source in our region for Washington Jewish history.

Laura has a passion that distinguished her among her colleagues early on in her career. Within a short time of assuming her position with the Jewish Historical Society, she became President of the Council of American Jewish Museums—the first national President of this Council to come from an institution of such limited size and resources.

In addition to leading the growth and success of the Jewish Historical Society, Laura championed the preservation campaign of the historic synagogue at 6th & I Streets, N.W. The synagogue's restoration has enabled the Society to complete a Historic Structures Report and an Interpretive Plan to implement a permanent installation in the synagogue. Laura also guided the development of the award-winning exhibition and companion guide Jewish Washington: Scrapbook of an American Community. This work, and the 22 other exhibitions developed under her tenure, have reawakened pride in our community's past and provided countless individuals in our area and across the country with a new and deeper understanding of Jewish life throughout the centuries in Washington.

Laura's commitment to the Jewish community goes beyond activities in the Washington, D.C. area. In 2006 she worked with Congress to establish the first Jewish American Heritage Month to acknowledge the contributions of Jewish Americans.

Madam Speaker, please join me in thanking Laura Cohen Apelbaum for her 15 years of accomplishments. My appreciation extends as well to her husband, Perry Apelbaum, to her children Benjy and Sara, and to her parents, Faye and Sheldon Cohen. I am proud to represent Laura and her family in the U.S. Congress and am honored to extend my congratulations and appreciation to her today.

CONGRATULATING AND THANKING
APPALACHIAN CHRISTIAN VIL-
LAGE IN JOHNSON CITY TEN-
NESSEE

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. ROE of Tennessee. Madam Speaker, I rise today to congratulate and thank Appa-

lachian Christian Village for 55 years of excellence and care. As the first retirement community in Johnson City, I applaud all the amazing things they've accomplished throughout these very special years.

Life at the communities of Appalachian Christian Village offers exceptional opportunities for new experiences, new friendships, and a new way of life.

Madam Speaker, this community has become one of the most favorable places to retire in the country in terms of the crime rate, cost-of-living, and access to excellent medical services, among other components.

I am so thankful to have this wonderful community in Washington County. Their presence is a tremendous contribution. I wish all of those at Appalachian Christian Village another successful 55 years.

I am proud to represent all at Appalachian Christian Village in Congress, and I will continue to protect the values of the constituency while I am in office.

PERSONAL EXPLANATION

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. SCHRADER. Madam Speaker, I regretfully missed the following rollcall votes on July 13–16, 2009 due to a prior family commitment. Had I been present, I would have voted "aye" on rollcall votes 533, 534, 535, 536, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, and "nay" on rollcall votes 530, 531, 532, & 537.

PERSONAL EXPLANATION

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. COBLE. Madam Speaker, this afternoon I had to miss rollcall votes on account of a dinner that I was attending in honor of a long-time friend, Dr. Norm Mayer. Dr. Mayer is the former Emergency Room Director for the Moses H. Cone Memorial Hospital in Greensboro, North Carolina. He is unfortunately battling Lou Gehrig's disease (Amyotrophic Lateral Sclerosis), and tonight's dinner is in honor of Dr. Mayer and his relentless battle against this debilitating disease. In addition, the dinner will also raise funds to help others in the Greensboro area, who are also battling against Lou Gehrig's disease.

WILKESON CENTENNIAL

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. REICHERT. Madam Speaker, I rise today in recognition of the City of Wilkeson, Washington, for reaching its centennial year in 2009.

Wilkeson is located on the timber-lined Carbon River at the doorstep of Mount Rainier. This small town of 450 residents has a rich economic history in timber and sandstone mining. In fact, the sandstone used to build the Washington State Capitol came from Wilkeson. Samuel Wilkeson, a railroad pioneer and the city's namesake, called the forests of Mount Rainier and the Cascade Mountains the "most enchanting forests on the globe." Most tellingly, the city's rich history is still visible: five properties in Wilkeson can be found on Washington's historical register. Mayor Janet Kepka should be proud of the city she leads.

I am proud to represent such a community and sincerely congratulate the city of Wilkeson on this tremendous achievement.

REINTRODUCTION OF THE
NATIONAL PARENTS CORPS ACT

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. LEWIS of Georgia. Madam Speaker, I am proud to reintroduce the National Parents Corps Act of 2009. Just as it takes a village to raise a child, it takes a community to protect a family.

Unfortunately today, American families in every corner of our country are working harder and longer hours to just make ends meet. They labor frantically to keep food on the table, gas in the tank, and a roof over their heads. As you can imagine the troubled economy makes it especially hard for parents to fully shepherd their children through those critical formative years. Study after study shows how vulnerable pre-teen and teenage young people are to developing life-long, harmful behaviors such as smoking and drug abuse.

The National Parents Corps Act of 2009 helps address this problem, by providing parents with the resources necessary to organize and protect their children in unique but proven methods. This legislation will create a national network of parent leaders who will educate and mobilize other parents in their children's schools. These full-time, professional parents will serve as liaisons between teachers, parents, and administrators to build much-needed safety nets among police, social workers and community based organizations in schools across our country.

The program has proven successful in both identifying and preventing dangerous behaviors and trends among their middle and high school children. Thousands of parents were recruited, and their collective efforts resulted in significant decreases in criminal activity, drop-outs, and disciplinary problems in their schools and communities.

Madam Speaker, we must adapt our methods to better address the challenges facing American families. This legislation is a common-sense, modern way of building families and communities to support our most vital assets—our youth. I urge all of my colleagues to join me in supporting the National Parents Corps Act of 2009. It is an investment in the core of our society.

40TH WHEAT RIDGE CARNATION
FESTIVAL

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud the Wheat Ridge Carnation Festival on their 40th anniversary.

For forty years, the city of Wheat Ridge, Colorado, has celebrated their rich heritage with this three day event. Families from all parts of the city and surrounding areas come together with their friends and neighbors to enjoy this festival. I, myself, along with my family, have taken part in all aspects of this festival including the pancake breakfast, the parade and the amazing fireworks display. I am honored to recognize the Wheat Ridge Carnation Festival on achieving this long standing tradition for forty years.

The city of Wheat Ridge, Colorado, is a true gem in the metro area as it is home to several national historical sites including the Richards-Hart Estate and the Old Soddy building. Families, friends, and neighbors truly live in a special place in Colorado and it is reflected in this festival as it is rich in history and strong in purpose of bringing families in the community together.

I extend my deepest congratulations to the Wheat Ridge Carnation Festival on their 40th anniversary.

EARMARK DECLARATION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Mr. JORDAN of Ohio. Madam Speaker, pursuant to House Republican Conference standards on earmarks, I submit the following information regarding a project included at my request in H.R. 3082, the Fiscal Year 2010 Military Construction and Veterans Affairs Appropriations Act:

Requesting Member: Congressman JIM JORDAN (OH-04)

Bill: H.R. 3082

Account: Air National Guard

Requesting entity: Ohio Air National Guard/Mansfield Lahm Air National Guard Base

Project title: Ohio Air National Guard RED HORSE Beddown

Description: In 2008, a 200-person detachment of the 200th RED HORSE (Rapid Engineer Deployable Heavy Operational Repair Squadron Engineers) Squadron was activated at Mansfield Lahm Airport (1947 Harrington

Memorial Road, Mansfield, Ohio). The detachment currently operates out of facilities that are too small and not configured for its mission; as a result, important training missions are often postponed, resulting in a reduced level of readiness.

\$11.4 million in funding for RED HORSE beddown facilities at the airport has already been programmed by the Pentagon for funding in fiscal year 2010. These facilities will provide the detachment with the space and facilities it needs for proper readiness training.

I certify that neither I nor my spouse has any financial interest in this project.

REPORT REGARDING THE ACTIVITIES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT FOR THE FIRST HALF OF THE FIRST SESSION OF THE 111TH CONGRESS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 17, 2009

Ms. ZOE LOFGREN of California. Madam Speaker, I rise along with my colleague Congressman BONNER to update you about the activities of the Committee on Standards of Official Conduct through the end of June 2009. Below we have included a table summarizing statistics relating to the Committee's work through June 30, 2009, along with a brief summary of the Committee's accomplishments through the end of June 2009.

ABOUT THE COMMITTEE

The Committee on Standards of Official Conduct is tasked with interpreting and enforcing the House's ethics rules. The Committee has sole jurisdiction over the interpretation of the Code of Official Conduct, which governs the acts of Members and staff. The Committee is the only standing House committee with equal numbers of Democratic and Republican members. The Committee's staff is required by rule to be—and it is—professional and nonpartisan.

Much, if not most, of the Committee's work is conducted confidentially. Members and staff are, by and large, prohibited from discussing the Committee's work. Confidentiality promotes compliance with the rules and, in the investigative context, permits the Committee to independently investigate matters fully without interference or undue influence.

Nevertheless, the Committee's duty to maintain confidentiality can make the Committee appear insufficiently accountable or transparent. The Committee, to the extent our confidentiality obligations permit, intends to be transparent, and it will be accountable. To that end, we are submitting the Committee's first semi-annual report on its activities.

THE COMMITTEE'S RESPONSIBILITIES

The Committee manages five critical responsibilities:

1. Training. The Committee provides mandatory annual ethics training to over 10,000 employees of the House. In addition, the Committee provides additional, mandatory training for senior staff. Trainings take the form of in-person and computer-based seminars, briefings and interactive presentations. The Committee is in the process of updating its online training materials and has put into place systems for monitoring and enforcing compliance with the House's training requirements.

2. Advice and Education. The Committee provides both formal and informal guidance to Members and employees of the House. Through published guidance, the Committee updates the House on the ethical standards regulating the conduct of Members and staff. It also provides confidential written guidance to Members and staff on specific questions. In addition, the Committee's staff gives informal, confidential advice to Members, staff and the public every day. The Committee has recently set a goal of completing responses to written requests for advice within two weeks of submission and has made significant progress toward improving the timeliness of responses to requests for formal advice.

3. Travel. The Committee is responsible for reviewing and approving all privately-sponsored travel related to official duties offered to Members and staff. The Committee is in the process of reviewing its travel regulations. Exercising its oversight jurisdiction, the Committee, with the benefit of two years' experience implementing the House's travel rules, expects to revise its travel regulations in the near future.

4. Financial Disclosure. The Committee reviews and certifies all financial disclosure reports Members, candidates and senior staff are required to file. These are time-intensive reviews, which require the dedication of substantial staff resources to complete. The Committee is putting into place systems for monitoring and enforcing compliance with the House's financial disclosure rules.

5. Investigations. The Committee investigates and adjudicates allegations of impropriety and violations of House ethics rules by Members and staff. The Committee actively investigates allegations against Members and staff, using a mix of informal and formal investigative techniques to determine the validity of factual allegations, explore potential rules violations and recommend appropriate sanctions and corrective actions. Where appropriate, the Committee refers matters to federal and state law enforcement authorities.

In addition, the Committee performs other critical functions to ensure compliance with House ethics rules. Several of these functions are noted in the table below, which summarizes the Committee's activities for the first half this year.

Semi-Annual Committee Report

Correspondence		Total
Type	Advisory Opinions	Travel
Received (from 1/1/09 to 6/30/09)	357	921
Mailed (from 1/1/09 to 6/30/09)	311	848
≤ 2 week turnaround from 5/1/09 to 6/30/09	80.32% (49 out of 61)	
≤ 2 week turnaround from 1/1/09 to 4/29/09	39.04% (98 out of 251)	
Informal Advice and Inquiries (5/1/09 to 6/30/09)		Total
Phone Calls	2,876	
Emails	813	
Training (1/1/09 to 6/30/09)		Total
Total # of House employees	10,553 (as of June 30, 2009)	
Employees having completed training (as of 6/30/09)	2,861	
Training briefings (scheduled training sessions)	20	
Targeted briefings (briefings for individual House offices)	34	
Investigations		Total
Investigative Subcommittees carried over from the 110th Congress	1	
Investigative Subcommittees commenced during the 111th Congress	1	
Investigative matters carried over from the 110th Congress	11	
Investigative matters commenced during the 111th Congress	15	
Publicly Disclosed Resolutions	2	
Confidential Resolutions	2	
Referrals from the Office of Congressional Ethics	6	
Referrals from Inspectors General	2	
Financial Disclosures (111th Congress)		Total
FD Reports Filed by Members and Staff	2,083	
FD Reports Filed by Candidates	120	
Total Filed	2,203	
FD Reports reviewed by temporary auditors (Pre-Screened)	1,972	
FD Reports reviewed by Committee staff (Members and Staff)	972	
FD Reports reviewed (Candidates)	12	
FD Reports still to be reviewed by Committee staff (as of 6/30/09)	988	
FD Reports not received (includes extensions not yet filed)	547	
Committee Memoranda (from 1/1/09 to 6/30/09)		Total
"Pink Sheets"	3	
Press Statements	7	
Forms Received (from 1/1/09 to 6/30/09)		Total
Recusals	14	
Negotiations	33	
Blind Trusts	2	
Legal Defense Fund	8	
Foreign Gifts and Travel Reports	10	
Meetings (from 1/1/09 to 6/30/09)		Total
Full Committee meetings	10	
Subcommittee meetings	8	
Committee Rules Working Group meetings	3	
Personnel		Total
Current Staff	15	
New Employees hired	5	

SIGNIFICANT ACCOMPLISHMENTS

Conforming Revisions to Committee Rules

Revisions to House rules over the past few years required conforming amendments to the Committee's rules. The Committee did the revisions in two steps. First, the Committee adopted interim rules at its organizational meeting on February 10, 2009. The interim rules conformed the Committee's rules to the more gender-neutral language adopted in the House rules for the 111th Congress. At that time, the Committee announced that it would be conducting a more thorough review of its rules to incorporate new provisions in House Rule 11 regarding the newly established Office of Congressional Ethics (OCE).

In April 2009, the Committee formed a bipartisan working group led by Representative BEN CHANDLER and Representative JOHN KLINE to review and make recommendations for further, more substantive conforming amendments to the Committee's rules. The working group met formally three times to discuss proposed amendments to the rules. It also consulted with the Office of the Parliamentarian, House Office of Legislative Counsel, and the House General Counsel to ensure the Committee's rules revisions conform to the provisions of the House rules, applicable legislation and the Constitution. The working group's recommended revisions were ultimately adopted by Committee vote on June 9, 2009.

The revisions incorporated House Rule 11 and H. Res. 895 (110th Congress), which established the OCE and created the process by which matters are referred to the Committee from the OCE and eventually subjected to public disclosure. The Committee's rules address the three pillars underlying the creation of the OCE: promoting accountability of the Committee; increasing the transparency of the Committee; and ensuring the independence of both the Committee and the OCE.

A section-by-section summary of the conforming amendments to the Committee's rules is included immediately below.

SUMMARY OF RULES CHANGES

Rule 2—Definitions. Conforms the Committee's rules to extant House rules governing the Committee's role as an investigative authority. Incorporates definitions relevant to the OCE.

Rule 3—Advisory Opinions and Waivers. Clarifies that the privately-sponsored travel approval process is part of the Committee's Advisory Opinion process. Permits a Member, officer or House employee to request a copy of his or her own travel approval or advisory opinion request, along with the Committee's response to the request.

Rule 4—Financial Disclosure. Establishes that the Committee has declined to exercise jurisdiction over review of the timeliness and completeness of financial disclosure reports filed by the Board of the OCE with the Clerk of the House. This provision promotes OCE's independence.

Rule 7—Confidentiality. Conforms the Committee's confidentiality provisions to the public disclosure requirements for referrals from the OCE and permits limited disclosures of Committee investigative information to the Board of the OCE when the Committee requests a referral.

Rule 9—Quorums and Member Disqualification. Conforms the Committee's member disqualification rule to changes made in the House Rules for the 111th Congress.

Rule 12—Broadcasts of Committee and Subcommittee Proceedings. Removes the provision allowing witnesses to terminate

audio and video coverage consistent with the elimination of this provision in the House rules.

Rule 14—Committee Authority to Investigate—General Policy. Conforms the Committee's rules to extant House rules governing the Committee's role as an investigative authority. Incorporates authority to investigate, consistent with new House rules, based on referrals from the OCE.

Rule 17—Processing of Complaints. Removes the provision regarding member disqualification to clarify its broader application to all investigative subcommittees.

Rule 17A—Referrals from the Board of the Office of Congressional Ethics. Incorporates provisions from new House rules detailing the Committee's process for processing referrals from the OCE, including the timeframes for required public disclosure of OCE referrals. Establishes the process the Committee will follow when it receives an OCE referral pursuant to House Rule 11, clause 3. Provides that the Committee must, in virtually all cases, make public OCE's reports and findings regarding referred matters, as well as make public statements regarding the status of the Committee's reviews of referred matters. The public disclosures follow strict timelines. The rule sets out the basic disclosure process and timeframes for disclosure in detail.

Provides that public disclosures required under the rule will be released by the Committee on the Committee's Web site.

Provides that the Committee may receive OCE referrals in two ways that trigger the disclosure process described in Committee Rule 17A. First, OCE's Board may vote to refer a matter to the Committee after completion of OCE's second-phase review. Second, the Committee may request a referral after receiving notice that OCE is reviewing a matter, provided the Committee is already investigating, or has already investigated, the matter pursuant to House Rule 11, clause 3(r). Under that House Rule, as codified in Committee Rule 17A(k), the Committee has the authority to request that OCE refer a matter to the Committee at any stage of an OCE investigation. Because a request for a referral may only come from the Committee, it requires a vote of the full Committee.

Provides that the Committee may not request a matter and then allow it to languish in secret. Treats an early referral as identical to an OCE referral made at the end of a second-stage review. Provides that, if the Committee requests a referral from the OCE, the OCE will issue a report to the Committee when it makes its referral. In early referral cases, the rule applies the same strict timelines and public disclosure requirements applicable to all other OCE referrals. The Committee must act on the matter and release a copy of OCE's report, typically within 45 days, with the possibility of one 45-day extension. Consequently, if the Committee votes to dismiss a matter after requesting an early referral from OCE, the OCE's report will become public, along with a statement from the Committee announcing dismissal of the matter. The rule fosters accountability and ensures that the actions of both the Committee and the OCE are transparent to the House and to the public. (The Committee understands that the OCE, in such cases, would not be precluded from continuing its review based on new information made available to the OCE.)

Provides that, if the Committee is unable to resolve a matter before the public disclosure timeframes run (for example, by empanelling an investigative subcommittee),

referred matters will revert back to the OCE for second-phase review and possible referral of the matter to the Committee. Provides that the Committee may only request one referral of the same matter from the OCE.

Rule 18—Committee-Initiated Inquiry or Investigation. Conforms the Committee's rules to House rules and long-standing Committee practice. Incorporates recent House resolutions requiring action by the Committee when a Member, officer or House employee is charged with criminal conduct.

Rule 19—Investigative Subcommittee. Adds a provision regarding member disqualification from investigative subcommittees to clarify its broader application to all investigative subcommittees.

Rule 23—Adjudicatory Hearings. Clarifies that member disqualification from adjudicatory subcommittees is also governed by the general member disqualification rule, consistent with the House rule revisions in the 111th Congress.

Staffing

Effective May 1, 2009, the Committee appointed a permanent staff director and chief counsel. In addition, the Committee has hired four additional staff members, including two attorneys and two investigators, three of whom will start with the Committee during July 2009. The Committee continues to actively interview additional candidates for numerous open staff positions. The addition of a permanent staff director has helped the Committee establish several significant policies (described below) that will enhance compliance with the ethical standards of the House. The addition of new staff will permit the Committee to fulfill its responsibilities in a more timely and effective manner.

Reduction in Advisory Opinion Backlog

At the beginning of this Congress, there was a substantial backlog of advisory opinion requests to which the Committee had yet to respond. Many of those requests were months delayed. In some cases, responses were delayed by as much as a year or more. The Committee has cleared the backlog and has established policies to improve its responsiveness to advisory opinion requests.

On May 1, 2009, the Committee established a target of responding to advisory opinion requests, where possible, within two weeks. From the beginning of the year through April 30, 2009, the Committee responded within two weeks to advisory opinion requests about 39% of the time. Since May 1, 2009, the Committee's response rate has jumped to over 80%. The policy change has greatly increased the turnaround time for responses, leading to more timely and effective advice to Members and staff on issues of concern to them. The policy also has encouraged Members and staff to seek confidential advice from the Committee before acting, promoting greater compliance with the House's ethics rules.

Improved Data Collection and Case Management

The Committee has significantly improved its data collection and case management. Data is being collected and monitored in ways it has not been before. For example, the Committee has for the first time started collecting much of the data included in the report above on an ongoing basis. The Committee has started tracking the length of time it takes to review advisory opinion and travel requests, allowing it to set targets for processing cases. In addition, the Committee is exploring ways to improve its processes and to expand its data collection.

Improved Compliance Controls

The Committee has significantly improved its processes for monitoring compliance with House rules, including the certification of mandated training for staff and the filing of financial disclosure reports. Specifically, the Committee has, since May 1, 2009, established specific policies to identify employees who, and offices that, have failed to properly certify compliance with the House's mandatory training requirements for staff. In addition, the Committee has put into place policies to identify Members and senior staff

who have failed to file financial disclosure reports. These policies will allow the Committee to notify noncompliant individuals and offices, seek corrective measures and take appropriate remedial actions.

Annual Review of Travel Regulations

The Committee has started its required annual review of its regulations governing privately-sponsored travel. It expects to report its findings to the House by the end of 2009.

Investigations

The Committee has been conscientiously fulfilling its mission to investigate alleged

violations of the House's ethics rules. As can be seen from the report above, the Committee opened 15 new investigative matters from the beginning of the year through June 30, 2009. During that time, the Committee received six referrals from the OCE. In addition, the Committee continued investigating 11 matters held over from the 110th Congress. The Committee completed four investigative matters. The resolutions in two of those matters were publicly disclosed.

SENATE—Monday, July 20, 2009

The Senate met at 1 p.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Shepherd of souls, who neither slumbers nor sleeps, we seek the completeness that can only be found in You. Lift us above Earth's strident noises until we hear Your still small voice in our inmost being.

Lord, give the Members of this body the wisdom to permit their deep needs to drive them to You. Give them the wisdom to heal divisions and to liberate the oppressed. May Your presence break down every divisive wall and bring a spirit of unity. Silence disruptive voices that would ignite and inflame disunity. Today we again ask Your choicest blessings upon our military men and women and their families who give so much to keep us free.

We pray in the Name of Him who came to set us free. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK BEGICH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 20, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

SCHEDULE

Mr. LEVIN. Mr. President, following the remarks of the leader, the Senate will resume consideration of the Department of Defense authorization bill. Under an agreement reached last week, there will be up to 40 minutes for debate prior to votes in relation to amendments relating to hate crimes. Those votes would be in relation to one amendment offered by Senator LEAHY or his designee and three amendments offered by Senator SESSIONS. It is my understanding that we may be able to dispose of the Leahy amendment by a voice vote and that the managers are working on the Sessions amendment regarding Attorney General regulations. Upon the use or yielding back of all debate time, the Senate will proceed to a series of at least two rollcall votes and possibly up to four rollcall votes. The votes could occur in the 4 p.m. range. After the Senate disposes of those amendments, we will resume debate on the gun amendment offered by Senator THUNE. Second-degree amendments are in order to the gun amendment. Also under the agreement reached last week, upon disposition of the Thune amendment, Senator LEVIN will be recognized to offer the Levin-McCain amendment relating to the F-22s.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1390, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1390) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Thune amendment No. 1618, to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

CAP AND TRADE

Mr. JOHANNIS. Mr. President, I rise to discuss an Agricultural Committee hearing that is scheduled later on this week. It is an important topic. The hearing is titled "The Role of Agriculture and Forestry in Global Warming Legislation." I look forward to participating. This is the committee's first effort this year to tackle the ongoing climate change debate. It is very important. Much of the discussion in both Houses of Congress has centered on potential new legislation and regulations relative to climate change. Any kind of new climate-related law would have sweeping consequences that touch every corner of American life. Thus, I have made it clear that any climate change legislation should require a robust, open, and extensive debate on the Senate floor.

Numerous studies have now been released about cap and trade and affect on American life. Those studies also include agriculture. During last year's debate over cap and trade, the Fertilizer Institute released a study stating that the legislation would result in a \$40 to \$80 increase in the cost to produce an acre of corn. That means higher input costs for livestock producers as well. That same study indicated the cost of producing soybeans would increase from \$10 to \$20 an acre. Wheat would jump \$16 to \$32 an acre.

According to one recent analysis, the Waxman-Markey cap-and-trade bill would also have a significant, if not severe, impact on agriculture. If the bill is enacted, farm income is estimated to decrease as much as \$8 billion in the year 2012. By 2024, farmers stand to lose \$25 billion. An eye-popping \$50 billion would be lost by farmers by 2035. Gasoline and diesel costs are expected to increase by 58 percent. Electric rates would soar maybe as high as 90 percent.

Agriculture is an energy intensive industry. Those kinds of increased costs are certainly going to impact this business. These are not isolated studies. The American Farm Bureau Federation, the largest agricultural organization in the country, has also studied these costs. The Farm Bureau reported that if Waxman-Markey were to become law, input costs for agriculture would rise by \$5 billion, compared to a continuation of current law. Other studies have indicated in various ways that the likely impact of cap and trade would include increased electricity and heating costs, construction costs, fertilizer prices, higher gas, and higher diesel prices. Different studies come up with varied numbers, but they all paint the same picture—agriculture loses.

None of this should surprise anyone because the bill is specifically designed to increase the cost of energy.

In fact, according to the Congressional Budget Office:

Reducing emissions to the level required would be accomplished mainly by stemming demand for carbon-based energy by increasing its price.

We also know farmers in America's heartland get hit worse by these high energy costs, and we know that USDA agrees. Last week, USDA officials indicated in testimony to the Senate Environment and Public Works Committee that as a result of cap-and-trade legislation:

The agriculture sector will face higher energy and input costs.

At the very least, all of this tells us that this is an enormously complicated issue with significant economic ramifications, perhaps as complex as any we will deal with this Congress, not to mention very costly. Given the gloomy predictions about cap-and-trade proposals, it seems clear to me that we need to take an approach that is extensive, methodical, and well thought out. We need more specific and clear analysis to make sure we know—and, most importantly, the American people know—exactly what passage of this bill will mean.

As I mentioned, USDA knows that cap and trade will increase energy prices. Here is the kicker: At the same time the Department also has indicated:

USDA believes the opportunities for climate legislation will likely outweigh the costs.

Let me say that again: USDA says energy prices will increase, but they think the opportunities for climate change legislation will outweigh the costs. This kind of claim must be based on hard data or it is reckless to make the claim. Such a sweeping conclusion should not be drawn unless the impact is studied and analyzed. If USDA has conducted analysis of increases in farm input costs and weighed them against the measured opportunities, then I applaud their efforts. But if that is the case, it is mystifying that the Department has not shared the analysis, despite having testified before the Senate twice in the 2 weeks preceding this week.

Having served as the Secretary of Agriculture, I know that the USDA has an outstanding team of economists with expertise to do this kind of analysis. That is why last week I sent a letter to the current Ag Secretary, Tom Vilsack, who will testify at the Ag Committee hearing this week. The letter requested USDA to provide the following: A State-by-State analysis of the cost of cap and trade on ag industries; a crop-specific analysis; an analysis of how the legislation would impact livestock producers; finally, USDA's assessment of how many acres

will be taken out of production as a result of the bill and what impact this will have on food availability, the cost of food, fiber, feed, biofuels, and other ag products.

Without detailed analysis, USDA's assertions about costs and benefits will simply ring hollow. Why wouldn't the USDA provide this information? Isn't this why the department exists? Agriculture is going to be directly impacted by the legislation. Yet we have no analysis from the people's department. If the people who feed the world are going to get hammered by this legislation, we should know about it. We should debate it, and we should vote on it on this floor.

I hope the third time is the charm for the USDA, and they bring more than rhetoric to Wednesday's hearing. Cap and trade will not affect States, crops or regions equally. It will have a different impact on a corn farmer in Nebraska than on a chicken farmer in Arkansas. Similarly, it will impact a dairy farmer in New York differently than the orange grower in California. We need a State-by-State and commodity-by-commodity analysis. One-size-fits-all will not work. A national average would not paint a true picture. When one is camping, they can't put one foot in the cooler and one foot in the campfire and, on average, it is about right. The same goes for loose assessments that are riddled with averages.

We have a responsibility to seek a full understanding of this legislation's impact on our Nation's farmers and related ag industries. The information I requested is critical to help the Senate and America's producers develop a clearer picture of cost increases for farmers, ranchers, and consumers.

We need the impact analysis to tell us which parts of the country will be hit the hardest and which industries within agriculture will incur the greatest losses as a result of this legislation.

I have asked for this analysis prior to the hearing. I believe it is necessary, and I hope we will have it before the hearing.

I am puzzled by the passage of nearly a full week since my request and no analysis has been provided. I trust the administration has nothing to hide. I will remain engaged in the debate. I look forward to Wednesday's hearing.

With that, Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I am going to proceed on my leader time.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

SOTOMAYOR NOMINATION

Mr. McCONNELL. Mr. President, I want to begin by thanking the Judiciary Committee staff, as well as Sen-

ators LEAHY and SESSIONS, for conducting a collegial, civil, and dignified hearing on the matter of the Supreme Court nomination. In my view, the hearing was in perfect keeping with the importance of the task before it.

Article II, section 2 of the Constitution says the President "shall nominate"—"by and with the Advice and Consent of the Senate"—"Judges of the supreme Court." It is an obligation that all of us in the Senate take very seriously, even though Senators have not always agreed on the exact meaning of the phrase "advise and consent." In fact, it has been the subject of significant disagreement and struggle over the years.

I remember from my days as a young staffer on the Senate Judiciary Committee in the late 1960s and early 1970s, when the debate flared up over the nominations of Clement Haynsworth and Harrold Carswell after a full century in which appointments to the Supreme Court had more or less been a sleepy Presidential prerogative.

It was during that time that I first grasped the danger of politicizing the process. By focusing on a nominee's ideology or political views above all else, I feared the Senate would end up distorting its traditional role of providing advice and consent and weaken the Presidential prerogative of making appointments to the Court.

I was so concerned, in fact, about the potential dangers that I wrote a law review article on the topic, which I have repeatedly returned to over the years. Its purpose was to establish a meaningful standard for considering Supreme Court nominees that would bring some consistency to the process.

In the course of developing that standard, I went back and looked at the history of nominations, and I noticed something interesting: Every time a Senator had opposed nominees in the past, the reason for doing so was almost always based on the nominee's "fitness"—even if it was perfectly clear to everyone else that the Senator's opposition was based on political or ideological differences.

What this polite fiction showed me, quite clearly, was that up until fairly recent history, ideology had never been viewed as an openly acceptable reason to oppose a nominee. And, in my view, this aversion to a political litmus test was a good convention and well worth following if we wanted to avoid gridlock every time the White House switched parties.

So I developed a list of fairly standard criteria that I had hoped would govern the process: A nominee must be competent; have obtained some level of distinction; have a judicial temperament; violated no existing standard of ethical conduct; and have a clean record in his or her life off the bench.

In short, a President should be given great deference on his choice of a

nominee, and these criteria certainly allowed that. As a Senator, I have consistently applied these criteria to Supreme Court nominees by Presidents of both parties.

In adhering to this standard, I was confident I had history on my side. Despite a few notable exceptions, during the last century the Senate understood its advice and consent role to be limited to an examination of a nominee's qualifications, not his or her ideology. This attitude is consistent with the Framers' decision, after no little debate, to invest the President, not the Senate, with the power to nominate Justices. They did not want politics to interfere. And that is why it has always been my view that opposing a nominee to the Supreme Court because he or she has a different judicial philosophy than I do was not a valid reason for doing so.

During the Clinton years, I had no illusions about the ideology or political views of Stephen Breyer or Ruth Bader Ginsburg. Justice Ginsburg's views on a number of contentious issues were well known and clearly different than my own, such as her view that Mother's Day should be abolished or that the Boy Scouts and Girl Scouts should be criticized for perpetrating false stereotypes about gender.

Most Americans, and certainly most Kentuckians, do not think those kinds of things. Yet despite that, I and the vast majority of my Republican colleagues voted for Justice Ginsburg. Why? Because the Constitution gave the President the power to nominate. And, in my view, Justice Ginsburg met the traditional standards of competence, distinction, temperament, and ethical conduct.

The vote in favor of Justice Ginsburg was 96 to 3. The vote in favor of Justice Breyer was 87 to 9. I voted for both, just as I had voted for every previous Republican nominee to the high Court since my election to the Senate—consistent with my criteria and based on their qualifications.

In voting for nominees such as Ginsburg and Breyer, it was my hope that broad deference to a President's judicial nominees would once again become the standard. Even if the treatment of Republican nominees, such as Robert Bork and Clarence Thomas, suggested that many Democrats felt differently than I did, it was still possible at that time to imagine a day when the traditional standard would reemerge. As it turned out, that hopefulness was misplaced and short-lived.

Things changed for good during the last administration. It was then that the Democrats turned their backs on the old standard once and for all. Ideology as a test would no longer be the exception but the rule. The new order was firmly established at a Democratic retreat in April 2001 in which a group of liberal law professors laid out the

strategy for blocking any high-level conservative judicial nominee. The strategy was reinforced during a series of hearings in which Senator SCHUMER declared that ideology alone—ideology alone—was sufficient reason to block judicial nominees.

These events marked the beginning of a seismic procedural and substantive shift on judicial nominees, and the results were just as I had anticipated as a young staffer. Democrats would now block one highly qualified nominee after another to the appeals court for no other reason than the fact that they were suspected of being too conservative for their tastes.

Miguel Estrada was one of the first victims of the new standard. Because he had been nominated by a Republican, Estrada got no points for his compelling personal story, despite the fact that he had come here as a child from Honduras, went to Harvard Law School, clerked on the U.S. Supreme Court, and served as a prosecutor in New York and at the Justice Department. He was blocked by seven leadership-led filibusters—an unprecedented action for an appeals court nominee.

Opponents of the Estrada nomination were ruthless and eventually succeeded in driving him to withdraw from consideration after more than 2 years of entrenched opposition. He was not alone. Democrats employed the filibuster strategy against an entire block of Republican nominees on the insistence of special interest groups and in complete contravention of Senate tradition—often relying on the flimsiest of pretexts for doing so.

As a result, several widely respected, highly qualified nominees saw what should have been a high honor transformed into a humiliating and painful experience for themselves and for their families; the country was deprived of their service on the circuit court; and the standard I had articulated and applied throughout my career became increasingly irrelevant.

Despite my efforts to preserve deference and keep ideology out of the process, the proponents of an ideological test had won the fight; they changed the rules. Filibustering nominees on the grounds of ideology alone was now perfectly acceptable. It was now Senate precedent.

Some may argue that Republicans were no better since a few of them supported filibusters against two Clinton-era nominees, Richard Paez and Marsha Berzon. It is a flawed comparison. First, neither filibuster attempt got very far. And in both cases, the leadership—the leadership—of the Republican Party, including me, strongly opposed the effort.

Senator Lott, the then-majority leader at the time, voted in favor of allowing an up-or-down vote on both nominees, even though he would ultimately vote against them as nominees

to the Ninth Circuit, as did I and the vast majority of our conference. It was our view that a President—and in that instance President Clinton—deserved considerable deference and that therefore his nominees should not be filibustered.

The new standard devolved even further during the Roberts nomination. Judge Roberts was a spectacular nominee, a man whose background and legal abilities, even according to Democrats, made him one of the most qualified Supreme Court nominees in the history of our country. For him, Democrats came up with an even more disturbing test.

Ironically, no one Senator articulated this new test more forcefully than Senator Obama. In a floor speech announcing his opposition to John Roberts, Senator Obama was perfectly straightforward. Roberts was completely qualified, he said. But he still would not get his vote. Here is what Senator Obama said on the Senate floor:

There is absolutely no doubt in my mind Judge Roberts is qualified to sit on the highest court in the land. Moreover, he seems to have the comportment and the temperament that makes for a good judge. He is humble. He is personally decent.

The reason Senator Obama would vote against Judge Roberts, he said, rested not on any traditional standard, but on a new one, a standard which amounted to a kind of alchemy based on what he described as "one's deepest values, one's core concerns, one's broader perspectives on how the world works, and the depth and breadth of one's empathy"—what has come to be known as the "empathy standard."

So over the course of the Bush administration the rules completely changed. Not only had it become common practice to block nominees on the grounds of ideology, but now it was acceptable to reject someone based solely on the expectation that their feelings—their feelings—would not lead them to rule in favor of certain groups. Suddenly, judges were not even expected to follow the fundamental principle of blind justice. Deference had eroded even more.

As I have stated repeatedly throughout this debate, empathy is a very good quality in itself. And I have no doubt that Senator Obama—now President Obama—had good intentions, and that his heart was in the right place when he made this argument. But when it comes to judging, empathy is only good if you are lucky enough to be the person or group that the judge in question has empathy for. In those cases, it is the judge, not the law, who determines the outcome. And that is a dangerous road to go down if you believe, as I do, in a nation not of men but of laws—which brings us to Judge Sotomayor.

Over the past several weeks, Judge Sotomayor has impressed all of us with her life story. And the confirmation

process is not easy. I admire anyone who goes through it, which is why I was gratified by Judge Sotomayor's statement at the conclusion of the hearing that she was treated fairly by everyone.

But the first question I have to ask myself in deciding how to vote on this nominee is this: How stands the traditional standard for voting on nominees?

Deference is still an important principle. But it was clearly eroded during the filibusters of appeals court nominees early in the Bush administration, and it was eroded even further when Senators voted against John Roberts and tried to filibuster Samuel Alito. Moreover, the introduction of a new standard—the empathy standard—forces us to reevaluate again the degree of deference a President should be granted. Isn't it incumbent upon even those of us who have always believed in deference to be even more cautious about approving nominees in this new environment? I believe it is.

If empathy is the new standard, then the burden is on any nominee who is chosen on that basis to show a firm commitment to equal justice under law. In the past, such a commitment would have been taken for granted. Americans have always had faith that our judges would apply the law fairly—or at least always knew they should. Unfortunately, the new empathy standard requires a measure of reassurance about this. If nominees aren't even expected to apply equal justice, we can't be expected simply to defer to the President, especially if that nominee, as a sitting judge, no less, has repeatedly doubted the ability to adhere to this core principle.

This doesn't mean I would oppose a nominee just because he or she is nominated by a Democrat. It means that, at a minimum, nominees should be expected to uphold the judicial oath that judges in this country have taken since the earliest days of our Nation; namely, that they will "administer justice without respect to persons, and do equal right to the poor, to the rich, and . . . faithfully and impartially discharge and perform all the duties incumbent upon them under the Constitution and laws of the United States, so help [them] God."

Looked at in this light, Judge Sotomayor's record of written statements suggests an alarming lack of respect for the notion of equal justice and therefore, in my view, an insufficient willingness to abide by the judicial oath. This is particularly important when considering someone for the Supreme Court since, if she were confirmed, there would be no higher court to deter or prevent her from injecting into the law the various disconcerting principles that recur throughout her public statements. For that reason, I will oppose her nomination.

Judge Sotomayor has made clear over the years that she subscribes to a number of strongly held and controversial beliefs that I think most Americans, and certainly most Kentuckians, would strongly disagree with, but that is not why I oppose her nomination; rather, it is her views on the essential question of the duty of a judge and the fact that there would be no check on those views were she to become a member of the Supreme Court.

In her writings and in her speeches, Judge Sotomayor has repeatedly stated that a judge's personal experiences affect judicial outcomes. She has said her experiences will affect the facts she chooses to see as a judge. Let me say that again. She has said her experiences will affect the facts she chooses to see as a judge. She has argued that in deciding cases, judges should bring their sympathies and prejudices to bear. She has dismissed the ideal of judicial impartiality as an "aspiration"—an aspiration—that, in her view, cannot be met even in most cases. Taken together, these statements suggest not just a sense that impartiality is not just impossible but it is not even worth the effort.

But there is more. It appears these views have already found expression in Judge Sotomayor's rulings from the bench. The clearest evidence of this is the judgment of the Supreme Court itself. The Supreme Court doesn't take easy cases. It only takes cases where there is no easy precedent, where the law is not crystal clear, cases where somebody's policy preferences can more easily make their way into an opinion. In this vein, it is worth noting that the Supreme Court has found that Judge Sotomayor misapplied the law in 9 of the 10 cases in which her rulings were brought before it. In this term, in fact, she is zero for three. Not only isn't this a record to be proud of, together with her statements about impartiality, it is a record to be scared of if you happen to find yourselves standing in front of Justice Sotomayor.

Her most recent reversal by the Court is a perfect illustration of how her personal views can affect an outcome. I am referring to the Ricci case in which a majority of the Justices of the Supreme Court rejected Judge Sotomayor's decision, and all of them, all nine of them, agreed that her reading of the law was flawed.

This was a case in which a group of firefighters who had studied hard and passed a written test for promotion were denied it because not enough minority firefighters had scored as well as they had. In a one-paragraph opinion that a number of judges on her own court criticized as insubstantial and less than adequate given the seriousness of the circumstances, Judge Sotomayor flatly rejected an appeal by firefighters who had scored highly.

Here was a case where Judge Sotomayor's long history of advocacy

for group preferences appeared to overtake an evenhanded application of the law. Judge Sotomayor didn't empathize with the firefighters who had earned a promotion, and they suffered as a result. This is the real-world effect of the empathy standard. If the judge has empathy for you, great, but if she has it for the other guy, it is not so good. That is why you can call this new standard a lot of things, but you certainly can't call it justice.

Judge Sotomayor's record on the Second Circuit is troubling enough, but, as I have noted, at least on the circuit court there is a backstop. Her cases can be reviewed by the Supreme Court. This meant that in the Ricci case, for example, the firefighters whose promotions were unfairly denied could appeal the decision. Fortunately for them, the Supreme Court sided with them over Judge Sotomayor. If, however, Judge Sotomayor would become a Supreme Court Justice, her rulings would be final. She would be unencumbered by the obligation of lower court judges to follow precedent. She could act more freely on the kinds of views that animated her troubling and legally incorrect ruling in the Ricci case. That is not a chance I am willing to take.

From the beginning of the confirmation process, I have said that Americans expect one thing when they walk into a courtroom, whether it is a traffic court or the Supreme Court, and that is equal treatment under the law. Over the years, Americans have accepted significant ideological differences in the kinds of men and women various Presidents have nominated to the Supreme Court, but one thing Americans will never tolerate in a nominee is a belief that some groups are more deserving of a fair shake than others. Nothing could be more offensive to the American sensibility than that.

Judge Sotomayor is a fine person with an impressive story and a distinguished background. But above all else, a judge must check his or her personal or political agenda at the courtroom door and do justice evenhandedly, as the judicial oath requires. This is the most basic and therefore the most fundamental standard of all upon which judges in our country must be judged. Judge Sotomayor does not meet the test.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCain. Mr. President, I congratulate the Republican leader on his statement. I think it was very thorough. I think it was very thoughtful, and I am sure it took a lot of hours of deliberation and observation not only of Judge Sotomayor's record but also of her testimony before the Judiciary Committee. So I congratulate the Republican leader on a very thoughtful statement and one that I think makes

very clear the reason he reached the difficult decision to oppose the nomination of Judge Sotomayor for the U.S. Supreme Court.

I wish to say that we are supposed to be on the Department of Defense authorization bill. Obviously, we are not. We are on the hate crimes bill, which the majority leader decided was important enough to replace the proceedings of the Senate on the Defense authorization bill and the very urgent mission we have and obligation and duties we have as a Congress to authorize the means necessary to defend the security of this Nation and the men and women who are defending it. So we will be wrapped around the axle on amendments and which ones are allowed and time agreements. I am not saying this legislation would have moved forward smoothly; there are always some difficulties. But for many years now, I have been involved in the authorization bill, and this is the first time I ever saw the majority leader of the Senate come forward and propose a comprehensive piece of legislation which had not gone through the committee of authorization, and, of course, this side of the aisle then had to, as is our right, propose an amendment of our own. Of course, there is some reluctance on this side of the aisle to agree to a time agreement, and so we go back and forth. Meanwhile, the men and women of the military are in two wars and they don't quite understand why we don't just move forward and do what our oath of office requires us to do, and that is to support and defend the Constitution of the United States. So I will continue to work with the distinguished chairman, and I am hoping we will be able to work together to get the legislation moving again.

I understand there are four amendments to be considered on the hate crimes bill and that a gun amendment has been introduced and there may be amendments on that, and time agreements. Meanwhile, the issue of the F-22 and whether we continue production of it is set aside while we debate non-germane amendments to the Defense authorization bill.

So I guess what is probably going to happen, from previous experience—and I don't know—probably around Thursday, the majority leader will come to the floor and say that we haven't moved forward and we haven't made progress, blame it on this side of the aisle, and file cloture. Then we will have a vote on cloture. I would imagine that given—I don't know how that vote turns out; it depends on whether Members on both sides of the aisle feel their amendments or their views have been adequately addressed.

But I am convinced that we would have moved forward with the authorization bill, that we probably could have addressed the issue of the F-22—and I do not say this side of the aisle is

blameless, but I do understand why, when we knew hate crimes was going to be brought up, that those who feel strongly on this side of the aisle—including the fact that it never went through the Judiciary Committee; it has never been reported out but is added on a defense authorization bill—had their concerns. So it is unfortunate. It is unfortunate, and it is not really a good statement about the way we represent the American people, because if there is any legislation we should be moving forward on—and I will take responsibility on this side of the aisle too—that certainly is the Defense authorization bill.

I believe there is an unbroken record of approval of the Defense authorization bill over a many-year period of time. I hope that, on behalf of the greater good, we can sit down and work out amendments and work through the hate crimes and the amendment by the Senator from South Dakota, and we can move forward and get this issue resolved. I don't think it is the right way to do business, particularly when we are talking about the defense of the Nation.

So I pledge to my colleague from Michigan, the distinguished chairman whom I have had the great honor of working with for many years, to try to work through this. But I still maintain that the fact that the majority leader of the Senate felt it necessary to bring a hate crimes bill up before the Senate on a defense authorization bill, which is clearly not germane, triggered this situation we are in today.

Having said that, it is what it is, and so I will go in the back now and see where we can work out amendments, see if we can work out an agreement to have the hate crimes vote, to have the gun vote, and then hopefully work with the target of tomorrow morning for voting on the F-22 since, as we have discussed in the past on the floor of the Senate, the importance of that vote is far transcendent of any single weapons system. It is really all about whether we are going to have business as usual and spend taxpayers' money on what the President of the United States, the Secretary of Defense, the Chairman of the Joint Chiefs of staff, and our other military leaders think should be spent on the Joint Strike Fighter rather than further production of the F-22. From what I understand, it may be a close vote and a very interesting one. I wish we were spending more time debating that than hate crimes and gun amendments.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first of all, we are operating under a unanimous consent agreement. We have an agreement to vote on the F-22 amendment after 2 hours of debate. We are at-

tempting to schedule that now. People are getting the cooperation of Members for tomorrow morning. That is our goal.

The pending amendments to the hate crimes provision are going to be disposed of this afternoon pursuant to that same unanimous consent agreement. There may be a difference as to how we got to where we are. There is a difference; it was the inability to get the F-22 amendment to a vote, to get a time agreement, which triggered the determination of the majority leader to offer an amendment that Senator KENNEDY had offered about 2 years ago on a Defense authorization bill. It passed the Senate after a long debate.

It is not the first time hate crimes was taken up by the Senate. It is not the first time the hate crimes amendment was offered on the Defense authorization bill. It was offered 2 years ago, and it passed on a 60-to-39 vote, I believe. It was Senator KENNEDY's amendment. Of course, Senator KENNEDY is not available now to offer his own amendment. The majority leader offered it because of Senator KENNEDY's necessary absence.

So now we are operating under a unanimous consent agreement. The pending amendment is Senator THUNE's. It is not germane, but, again, it is not unusual that non-germane amendments are offered in the Senate. We try to keep them to a minimum—those who manage bills—in order to get through the bill.

We are hoping that once the F-22 amendment and the amendment of Senator THUNE are disposed of, we will then be able to get back to germane and relevant amendments. That is our hope. In order for that to happen, we need Members of the Senate to bring those amendments to the floor and tell us they are ready to proceed.

We are working very hard, as we always do, and our staffs are working very hard, as they always do, to clear amendments. I believe we have about 20 amendments that have been cleared already and, at an appropriate time, I believe Senator MCCAIN and I will be able to offer them as a package.

Senator MCCAIN was extremely helpful in getting us to the point where we could enter the unanimous consent agreement. A vote is scheduled today on our hate crimes-related amendment. We have a time agreement on the F-22 amendment, and a time for voting on that amendment is being discussed. It is my goal that we vote on that amendment tomorrow morning after we debate it.

Please, colleagues, bring your amendments to the floor. We are here. We are ready to be notified of those amendments on which Members of the Senate believe we will need a rollcall vote. We will try to clear as many amendments as we can. We urge our colleagues to notify us now of the amendments they intend to offer.

Mr. President, I ask unanimous consent that amendment No. 1614 be identified as a Kennedy amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MOON LANDING ANNIVERSARY

Mr. BROWN. Mr. President, I rise to celebrate the historic event that took place on this date 40 years ago. On this day in 1969, Ohio native Neil Armstrong became the first human to step foot on the Moon.

For those of us old enough to remember that day, it was a day when the stuff of dreams became reality. While that magical moment is still a source of inspiration for young people today, the times in which the landing took place are often forgotten. The United States and the Soviet Union were in the middle of the space race, but the Moon landing was about so much more than who could get there first.

It was the height of a major progressive era in our Nation's history, which saw the establishment of Medicare and Medicaid; saw the Civil Rights and Voting Rights Act signed into law; the creation of Head Start; a time which saw the beginning of the environmental movement in our time, all within about a 5-year period, during that progressive era.

It was also a time of turmoil for America. We were a nation at war. We bore witness to the assassinations, only a year before, of Dr. Martin Luther King and Robert Kennedy.

When America needed heroes—and it did that summer in 1969—it found them in the crew of the Apollo 11 spacecraft.

Despite uncertain times our Nation faced, we refused to succumb. We moved forward in the most American way—working to achieve what others said could not be done.

I was 16 years old when Neil Armstrong took that historic first step. Neil Armstrong is from Wapakoneta, OH, in the western part of the State, with just shy of 10,000 people and a little more than 100 miles or about a 2-hour drive from where I grew up.

I remember those days when I was 16. We had a black-and-white television, and my brother convinced my parents,

because we were the only ones among our friends who still had a black-and-white TV, that they should go out and get a colored TV so we could watch the Moon landing. I think my brother knew—although I am not sure—that the Moon landing would be broadcast in black and white. But my brother convinced my parents to get that TV, on which we enjoyed watching Cleveland Indians baseball games and other things after that. Nonetheless, I am sure almost everybody of almost any age remembers, after watching that Moon landing, going outside on that late July night and looking up at the Moon and being private with our thoughts, wondering about these two Americans walking on the Moon, wondering about the other American in the space capsule—not at that time able to walk on the Moon. He was staying inside the space capsule.

I remember, too, 7 years before Neil Armstrong landed on the Moon, similar to most Americans, watching John Glenn, from New Concord, OH, become the first American to orbit the Earth.

So an Ohioan was the first one to orbit the Earth and an Ohioan was the first to walk on the Moon.

Today, such as then, NASA continues to capture our Nation's imagination. While Neil Armstrong will forever be remembered as the Christopher Columbus of our time, his step for all humankind was a culmination of the efforts of thousands of Americans who dedicated themselves to landing on the Moon.

It was more than his crew mates, Buzz Aldrin and Michael Collins. It was more than the hundreds of men and women at mission control. From what is now NASA Glenn Research Center in Cleveland to the hundreds of thousands of scientists and researchers around the Nation, the Moon landing was about the American spirit and know-how. The Apollo 11 Moon landing was a national collaborative success.

As we look back on the past 40 years, we have seen a different country in a different time, with many of the same challenges. As our Nation struggles to pull itself out of the current economic downturn, we have debated what role the government should play in space exploration. While we debate the future of NASA, we must also remember the billions of dollars of economic benefit NASA has brought, and is still bringing, our Nation.

The myth that the Federal Government is incapable of doing great things is shattered when one thinks of achievements such as the Moon landing—not to mention Medicare, Social Security, and all we talked about in that progressive era.

From the six Apollo landings, to Skylab, to cooperation with the Soviet Union, to the shuttle program, to the Hubble telescope, to the space shuttle, and beyond, NASA has touched and improved nearly every aspect of our American way of life.

Those who believe government should sit on the sidelines and merely be an observer in our Nation's future need not look back 40 years but can look at everything NASA has done and what it continues to do today.

Today, NASA, in many ways, is more important than ever. As we work toward a carbon-free economy, we forget that NASA was building the first large-scale windmills in the 1970s. Much of the early work on wind turbine technology development was done at Plum Brook in northern Ohio, near Sandusky, part of NASA Glenn.

In a modern version of the space race, the United States is in a sprint to lead the world in clean energy. NASA's alternative fuel research laboratory, and its solar-powered aircraft, Helios and Pathfinder Plus and its space solar program are just three of the many NASA clean energy programs.

We can create a carbon-free world, and NASA can lead the way, just like it has in aeronautics and space flight. We must never forget the men and women of NASA and their work that enabled the United States to put Apollo 11 on the Moon.

I am proud to cosponsor S. 951, which would authorize the President to award Congressional Gold Medals to Neil A. Armstrong, the first human to walk on the Moon; Edwin E. "Buzz" Aldrin, Jr., the pilot of the lunar module and second person to walk on the Moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and the first American to orbit the Earth, John Herschel Glenn.

The bill's sponsor is Senator NELSON of Florida, an American hero in his own right, who has a long history of service to our Nation and NASA.

Today is a celebration of NASA, of the Apollo mission, and a celebration of our country. It is also a celebration of humankind's ability to do great things. Today is a celebration of reaching for the stars in every way.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I am very concerned about legislation that has been added to the Defense bill, the so-called Hate Crimes Act. Certainly, none of us has any sympathy whatsoever for people who commit crimes of any kind, particularly those who would attack somebody because of their race, ethnicity, sexual orientation, or any other reason. I wish to take a few moments to explain why this is important and why this legislation is not good

and it ought not to be passed. Some of my remarks may appear to be technical, but they are very important, in my view, as a former Federal prosecutor for almost 15 years.

I don't think it was ever appropriate that we bring this legislation to the floor and stick it on this Defense bill without having a markup in the committee without the ability to discuss it and improve it.

For years legal commentators and jurists have expressed concern at the tendency of Congress, for the political cause of the moment, to persist in adding more and more offenses to the U.S. Criminal Code that were never Federal U.S. crimes before. This is being done at the same time that crime rates over the past decade or so have dropped and State and local police forces have dramatically improved their skills and technology. There are really fine police forces all over the country today. An extraordinary number of police officers have college degrees and many advanced degrees.

I think two questions should be asked initially. First, is this a crime that uniquely affects a Federal interest, and can it be addressed by an effective and enforceable statute? Second, have local police and sheriffs' offices failed to protect and prosecute this vital interest?

Most people do not understand that a majority of crimes—*theft, rape, robbery, and assault*—are not Federal crimes and are not subject to investigation by the FBI or any other Federal agency. They could not do so if they wanted to because they have no jurisdiction. They can only investigate Federal crimes. It has been this way since the founding of our country, and it fixes responsibility for law enforcement on local authorities where it should be.

Americans have always feared a massive Federal Government police force. It is something that we have not ever favored. This is not paranoia but a wise approach, and I do not think it should be changed.

Instead of administering justice without fear or favor, this legislation that has been placed on this bill creates a new system of justice for individuals because of their sexual orientation or gender identity, providing them with a special protection, while excluding vulnerable individuals, such as the elderly or police officers or soldiers, from such special protections. I don't think we can justify that.

The purpose of the DOD reauthorization bill is to make sure the men and women who protect our freedoms have the necessary resources to continue to do the fabulous job they have been doing. We should not deviate from this path by addressing matters wholly unrelated to the defense of our Nation.

A bill of such breadth and lack of clarity as this should be carefully re-

viewed with the opportunity for discussion and amendment in committee. Yet this legislation had no markup in any committee. In fact, no version of the bill has been marked up since 2001, and this version is quite different and more expansive than the 2001 bill.

The committee did hold a quickly thrown-together hearing on June 25 in which Attorney General Holder himself appeared. The Attorney General, however, failed to point to one single serious incident in the past 5 years, when I asked him that question, where the types of crimes that are referred to in the bill, to give special Federal protection to select individuals, were not being prosecuted by State and local governments.

Additionally, the Attorney General refused to say attacks on U.S. soldiers predicated on their membership in the military by, for example, a Muslim fundamentalist, could be considered a hate crime.

It is baffling to me, given previous opposition and serious concerns which have been raised about this legislation, that the act, instead of being constrained, is actually expanded in a vague and awkward way. It focuses on the perception of what someone might have been thinking when they committed the crime and includes categories which are undefined and exceedingly broad, such as gender-related characteristics and gender identity. From questions that have been raised, these categories do not have clear meaning. During the course of debate on hate crimes legislation—a debate that started in 2001—amendments have been offered to also protect our military men and women, where it is unquestioned they have been targeted. Those amendments were rejected.

Mr. President, I will briefly outline my opposition to the legislation in the following ways:

The hate crimes amendment is unwarranted, possibly unconstitutional—certainly, I believe it is unconstitutional in certain parts—and it violates the basic principle of equal justice under the law. The hate crimes amendment to this bill has been said to cheapen the civil rights movement.

When Congress passed the original civil rights statute in 1968, it criminalized violent and discriminatory actions directed at individuals because of race, color, religion, or national origin. There was, sadly, quite a substantial body of evidence that crimes were being committed against minorities and they were not being prosecuted. Section 245 that was then passed was never envisioned by Congress to be a hate crimes statute but one, rather, that would ensure access by minorities to specific activities legitimate to their freedom, such as enrolling in public schools, enjoying the benefit of programs administered by the State, or attending court as a juror.

In 1968, care was taken to ensure that the underlying statute was carefully crafted and narrowly tailored to address the problem of access to ensure that criminal activity fell within the confines of the constitutional requirement that there be a Federal nexus with interstate commerce. The statute enumerates six instances in which a crime could be charged. That statute says this:

Whoever, whether or not acting under the color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with any person because of his race, color, religion or national origin and because he is or has been. . . .

And then it lists specific areas that would encompass a criminal offense.

(a) enrolling in or attending any public school or public college.

So if anyone who was attempting to attend a public school or college was interfered with or intimidated because of their race, color, religion or national origin, that would be the offense.

(b) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof.

In other words, you can go to the city hall, you can go to the health department, and you cannot be discriminated against because of your race or background.

Unfortunately, I have to say there were areas of the country—particularly in my area of the South—where that was not so. People were being unfairly treated. In fact, in some other areas of the country also. I believe great care was taken with that act because, as I said, there was strong evidence to suggest that a Federal expansion of criminal law would be appropriate to deal with it.

So the history of civil rights violations caused and fully justified Congress's passage of this statute. There was direct evidence, for example, that African Americans were being denied the right to vote or intimidated at voting precincts without State and local law enforcement protecting them. There was much evidence, sadly, that other rights of African Americans were not being protected.

But that is not the case with this amendment, and I will talk about that in a minute. Gays and lesbians have not been denied basic access to things such as health or schooling or to the ballot box. They openly are able to advocate their positions today, which I think is certainly healthy, and have no difficulty in approaching government officials at whatever level.

When Eric Holder testified a few weeks ago before the Judiciary Committee, I asked him point-blank for direct evidence that hate crimes against individuals over the past 5 years, because of their sexual orientation or otherwise, were not being prosecuted

by local authorities. Instead of answering the question, he referred me to four cases in his written testimony which he had delivered to the committee. Let me make the number clear as strong evidence that these cases are being prosecuted.

The Attorney General could not come up with 4,000 cases or 400 or 40 cases. He only named four cases in 5 years. So we took a look at those four cases he cited in his testimony, and this is what we found.

In one case, Joseph and Georgia Silva assaulted an Indian-American couple on the beach. Although there was evidence that racial and ethnic slurs were used during the altercation, a California El Dorado County judge ruled that prosecutors failed to produce sufficient evidence that the alleged assault was motivated by racial prejudice. The prosecutor had pursued a hate crimes conviction, including charging Silva with a felony assault, punishable by up to 3 years in prison. The evidence, according to the judge, was that racial slurs were used in the heat of anger. There was no evidence the attack was initiated because of ethnicity.

Both Joseph and Georgia Silva were convicted of assault, the basic crime that they committed, and Joseph Silva was sentenced to 6 months in prison and 3 months probation, while Georgia was sentenced to 1 year in prison.

So the question is, was there an important Federal right left unaddressed that needed to be vindicated by charging this couple again for the crime arising from that assault? In other words, that is what this bill does. It says if we are unhappy with the result in State court under a select group of crimes, the Federal Government can try the case again.

You might say, well, there is a double jeopardy clause in the Constitution; you can't be tried twice for the same crime. Good; if you asked that question, you get an A in constitutional law. However, there is an answer. It has long been established that the States are sovereign and the Federal Government is sovereign. So an individual can be tried by two separate sovereigns without implicating the double jeopardy clause of the Constitution. However, we have always understood that ought not to be done lightly. It ought not be done without a real justification because it violates the spirit of the double jeopardy clause of the Constitution.

Attorney General Holder also cited a 2003 case in Holtsville, NY. In that case, three White men, while using racial slurs, assaulted a group of Latino teenagers as they entered a Chili's restaurant. One of the three defendants entered a guilty plea for his involvement in the assault and was sentenced to 15 months in prison. The other two defendants proceeded to trial and were

acquitted because the jury apparently concluded there was insufficient evidence to prove beyond a reasonable doubt that the offense that occurred was to deny the victims access to the restaurant. So they had a trial, and one was convicted and two were not.

The Attorney General cited a South Carolina case where a gay man was assaulted after leaving a bar. During the altercation, he fell and he suffered a fatal strike to the head from the concrete. Stephen Miller was convicted of involuntary manslaughter and sentenced to 5 years in prison.

Finally, the Attorney General cited a case from here in the District of Columbia where a transgender prostitute was murdered. Apparently, after Derrick Lewis discovered that the prostitute he had picked up in his automobile was not female, and the prostitute refused to get out of his car, an altercation of some kind occurred—an argument—and he had a gun and shot and killed this transgender individual. He eventually pled guilty, gave a full statement of what happened, and was sentenced to 10 years in prison. The evidence showed they had begun fighting and that is when he pulled the gun and shot him. He said the individual would not get out of the car.

Well, those are not insignificant crimes, but I can just advise my colleagues, if we just pause one moment and think, we know that at this very moment thousands, maybe 10,000 or more trials are ongoing in State and local courts all over America, and they do not always end as people would like them to end. What this bill does basically is it provides an opportunity for the Federal Government to pick and choose certain crimes they want to prosecute again to get the kind of justice they think might be likely. That is a broad power that we give to the Attorney General and a broad statute I don't believe is compelled by the facts that are happening in America today.

When my staff followed up with the Office of the Attorney General to see why they listed just these cases, the response wasn't that State and local law enforcement were not doing their jobs but that the Attorney General believed the cases were under prosecuted. Citing four cases over 5 years as being under-prosecuted is not the kind of evidence needed to justify the passage of such an expansive new piece of legislation that injects Federal prosecutors in areas of crime not heretofore occurring.

After the Judiciary hearing, both Senator COBURN and I sent followup questions to the Attorney General to provide him an additional opportunity to demonstrate that the bill was necessary because of under prosecution, as he had testified. Senator COBURN asked this question:

Precisely how many hate crimes is the Justice Department aware of that have gone unprosecuted at the State and local level?

This is the answer we got from the U.S. Attorney General:

The Department believes that our partners at all levels of law enforcement share our commitment to effective hate crimes enforcement. The Department does not have access to precise statistics of hate crimes that have gone unprosecuted at the State and local level, and we are unaware of any source for such comprehensive information of unprosecuted offenses generally. Federal jurisdiction over the violent bias-motivated offenses covered under S. 909 is needed as a backstop for State and local law enforcement, to ensure that justice is done in every case.

So he is suggesting that, in a select group of cases that are on the front burner today, the Attorney General needs this legislation—S. 909, which has now been attached to the Defense bill—as a backstop for State and local law enforcement to ensure that justice is done in every case.

Well, there are many prosecutorial and jury decisions that are made in State courts every day with which one could disagree. The question is whether the Federal Government will be empowered to ensure justice is done in every case.

I just want to share the reality of the world with my friends here, that anyone, I guess, can conclude that a case didn't end justly for them. One distinguished jurist is famously quoted as saying, "To speak of justice is the equivalent of pounding the table. It just adds an element of emotion to the discussion." But whatever we mean by that word, it basically means the Attorney General gets to decide whatever he wants to do. I am not sure this is good legislation. I think legislation ought to be crisp and clear and set forth criteria by which a prosecution occurs or does not occur, leaving not so much broad discretion among the prosecutorial authorities.

I submitted, after Senator COBURN—or at the same time, really—a similar question because I believed he had not been responsive to my question, and I asked this about our colleague, referring to Senator HATCH—of course a former chairman of the Judiciary Committee and who has worked on this issue for a number of years—and my question is this:

Senator HATCH in the past has offered a complete substitute to similar legislation, which would require that a study be conducted to prove that there is an actual problem with hate crimes not being prosecuted. Do not give me a general response that there are some problems out there. I would like you to provide the Committee with an exact and precise number of hate crimes the Justice Department is aware of which have gone unprosecuted at the State and local level. Please detail every example you or anyone in the Department of Justice is aware of where no prosecutorial effort took place.

This was the answer we got:

The Department is unable to provide an exact number of cases in which State, local or tribal jurisdictions have failed to prosecute hate crimes because we are not aware of any such compilation of data.

Senator HATCH has been offering this amendment for a study for a decade.

The Attorney General goes on to say:

When the Department receives complaints it clearly lacks jurisdiction to prosecute, these matters generally are never opened as investigations. . . .

Let me just say, if this legislation is passed it will have one dramatic, undiscussed impact. Federal law enforcement agents—and there are not many. You may have a city with 300 police officers in it and 10 FBI agents, another hundred sheriffs' deputies, another number of State officers. Now huge numbers of crimes will be coming across the desk of the FBI, which has terrorism, white-collar crime, bank fraud which they need to be working on today, violent crimes and drug smuggling. Now they are going to have to review hundreds of complaints about cases they had not heretofore had jurisdiction of and did not have to review. I just raise that point as an aside.

Based on the Attorney General's response, I conclude that the bottom line is there is nowhere near the real evidence needed to justify this legislation. No one in this body has produced the evidence, and the Attorney General of the United States, who is promoting the bill, has not produced any. Attorney General Holder's response, instead of demonstrating the need for hate crimes legislation as written, provides verification that it is not necessary, and it raises a question of whether this is driven by political interests at this time. It is easy to complain that anybody who opposes a hate crimes bill favors hate. That is not a fair charge. I think most of our colleagues fully understand that. But politically that is the suggestion some have made when this legislation has been objected to by people with very valid concerns.

As a matter of fact, one of the studies heavily relied on by the Attorney General in support of this bill is a 2008 report published by the National Coalition of Anti-Violence Programs, which is composed primarily of lesbian, gay, bisexual, and transgender groups. They have every right to do those studies and present them, but it is a coalition clearly with a vested interest in the legislation, and it should be examined carefully. The Attorney General had to rely on these types of reports because crime statistics do not support the notion that the incidence of hate crimes has increased. Even though we are doing a better job of reporting those today, still over the past 10 years the number is down, down slightly, even though population is up in our country.

Furthermore, in a rushed attempt to provide answers to the committee prior to this amendment being filed, the Department seemed to put little thought into their responses to our questions. As a matter of fact, it appears the Attorney General didn't think the issue important enough to answer them him-

self. He let his staff people answer, when he was the one who appeared before the committee and we were following up on his personal testimony.

A number of arguments and statements have been made, including those by the Attorney General, that there are quite a few of these incidents, tens of thousands of these incidents over the last number of years. But overwhelmingly these despicable incidents are of vandalism, many by juveniles. Let me make clear that even those incidents are significant and deserve prosecution and investigation and, where appropriate, stiff punishment. But let's look at the views of the members of the U.S. Commission on Civil Rights, our own U.S. Civil Rights Commission, who have examined this legislation carefully. Six of its eight members signed a strong letter to the President and to the Judiciary Committee to oppose hate crimes legislation. Did I mean to say the Civil Rights Commission wrote in favor of it? No. But to oppose it. Their letter, dated June 16—just last month—addressed to the Members of the Senate and the President, said this:

We believe that the MSHCPA [Matthew Shepard Hate Crimes Prevention Act] will do little good and a great deal of harm. Its most important effect will be to allow Federal authorities to re-prosecute a broad category of defendants who have already been acquitted by State juries, as in the Rodney King and Crown Heights cases more than a decade ago. Due to the exception for prosecution by "dual sovereigns," [that is the two sovereign entities] such double prosecutions technically are not violations of the double jeopardy clause of the U.S. Constitution. But they are very much a violation of the spirit that drove the Framers of the Bill of Rights, who never dreamed that Federal criminal jurisdiction would be expanded to the point where an astonishing portion of crimes are now both State and Federal offenses. We regard the broad federalization of crime as a menace to civil liberties. There is no better place to draw the line on that process than with a bill that purports to protect civil rights.

They go on to say:

While the title of MSHCPA suggests that it will apply only to "hate crimes," the actual criminal prohibitions contained in it do not require that the defendant be inspired by hatred or ill will in order to convict. It is sufficient if he acts "because of" someone's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability.

I am quoting from the Civil Rights Commission letter.

Rapists are seldom indifferent to the gender of their victims. They are virtually always chosen "because of" their gender. A robber might well steal only from women or the disabled because, in general, they are less able to defend themselves. Literally they [these victims] are chosen because of their gender or disability.

The letter goes on to state their belief that every rape in America would now be declared a crime under this bill because it is an action taken against someone because of their gender.

Professor Gail Heriot, a member of the U.S. Commission on Civil Rights, testified at our June 25 hearing. She made clear that all rapes would be covered under the bill and that, indeed, this was intentional. She said:

This wasn't just sloppy draftsmanship. The language was chosen deliberately. Officials understandably wanted something susceptible to broad construction, in part because it makes prosecutions easier. As a staff member of the Senate Judiciary Committee back in 1998, I had conversations with the Department of Justice representatives. They repeatedly refused to disclaim the view that all rape would be covered, and resisted efforts to correct any ambiguity by redrafting the language. They wanted a bill with broad sweep. The last thing they wanted was to limit the scope of the statute's reach by requiring that the defendant be motivated by ill will toward the victim's group.

I think that is a serious charge made by a member of the Civil Rights Commission about the purpose of the Department of Justice in supporting this act.

I would note, it is an inevitable delight of prosecutors to have more and more power and more and more ability to prosecute criminals. That is what they do. They are wonderful people. I never enjoyed anything more than being a prosecutor, wearing a white hat every day to work and trying to vindicate decent people from criminal acts. But that is just a tendency of the prosecutorial mindset that we ought not to forget.

The truth is, during the recent hate crimes hearing, no one who testified in favor of the bill could point to a single incident where, I think, a valid hate crime was not pursued or prosecuted by State and local law enforcement officers.

In the latest statistics that are available, of the 2006 hate crimes reported in 2007, only nine were classified as murder or nonnegligent manslaughter. That is certainly nine too many. I think every one should be prosecuted. But no complaints have been raised that any of these were not vigorously or fairly prosecuted. Indeed, two-thirds of the offenses involved property defacement, such as graffiti and name-calling. Missing from the analysis is any evidence that the crimes are not being prosecuted at the State and local level. Indeed, 45 of the 50 States and the District of Columbia already have and enforce hate crimes laws. Although the language is broad and some could criticize it, these States have passed these bills, and they are able to enforce them.

Statistics show that these hate crimes, even with better reporting, have decreased slightly over the years. Forty-four States have stiffer penalties for violence related to race, religion, or ethnicity, and 31 States have tougher penalties on violence related to sexual orientation.

The question arises, do we have a basis for this massive and historic

change in Federal enforcement of what have been State crimes?

Perhaps Mr. Andrew Sullivan—an openly gay man who has pioneered the effort to have gays in the military and is a well known and an able writer, provides the answer. Mr. SULLIVAN had this to say about the legislation.

The real reason for hate crime laws is not the defense of human beings from crimes. There are already laws against that—and Matthew Shepard's murderers were successfully prosecuted to the fullest extent of the law in a State that had no hate crime law at the time.

The real reason for the invention of hate crimes was a hard left critique of conventional liberal justice and the emergence of special interest groups which need boutique legislation to raise funds for their large staffs and luxurious buildings. Just imagine how many direct mail pieces have gone out explaining that without more money, more gay human beings will be crucified on fences. It is very, very powerful as a money-making tool, which may explain why the largely symbolic Federal bill still has not passed (if it passes, however, I'll keep a close eye on whether it is ever used.)

This is a gay man expressing his opinion. No doubt he takes these issues very seriously, and symbolism is important in our political world, but we need to be careful that statutes that become a permanent part of our criminal code are supported by evidence and principle.

I do not think our focus here is to deal with symbolic legislation that is broad and can expand Federal criminal jurisdiction beyond its historic role and where the facts do not support the need. In other words, more narrowly tailored legislation consistent with a constitutional right could very well be something this Congress would want to pass. To pass legislation so extremely broad again could give Federal jurisdiction for the first time in history to every rape that occurs in America. It ought to be looked at with great care and ought not to be stuck onto a defense bill and moved forward, in my opinion.

The Constitution endows Congress with limited and enumerated powers. There is no general police power in the Federal Government. So at this point, I wish to raise issues with the constitutionality of the hate crimes provision.

Congress's power is limited to what it can regulate under the Commerce Clause. The proposed legislation is based upon the idea that a discrete crime in a local community may have an impact on interstate commerce. This is the same theory that was rejected in both *U.S. vs. Lopez* and *U.S. vs. Morrison*, where the Supreme Court essentially ruled that intrastate violent conduct does not impact commerce normally.

Nat Hentoff, a well-respected noted civil rights and civil libertarian attorney and writer recently wrote about some constitutional concerns he has with the legislation. This is what he said:

In the definitive constitutional analysis of James B. Jacobs and researcher Kimberly

Potter, it is documented in "Hate Crimes: Criminal Law and Identity Politics" that in "Grimm v. Churchill the arresting officer was permitted to testify that the defendant had a history of making racial remarks. Similarly, in *People v. Lampkin*, the prosecution presented as evidence racist statements the defendant had uttered six years before the crime for which he was on trial," as specifically relating to the offense.

As for the 14th Amendment's essential requirement that no person be denied "the equal protection of the laws," there is carved above the entrance to the Supreme Court the words "Equal Justice Under Law."

This legislation, certain to be passed by the Senate, now it seems will come to the Supreme Court.

And I am quoting Mr. Nat Hentoff, the well-known and respected civil libertarian civil rights attorney. He says this:

When it comes before the Supreme Court, I hope the Justices will look up at the carving as they go into the building. They should also remember that the Fifth Amendment makes clear: "nor shall any person be subject for the same offence to be twice put in jeopardy."

But the House hate crime bill allows defendants found innocent of that offense in a state court to be tried again in federal court because of insufficiently diligent prosecutors; or, as Attorney General Holder says, when state prosecutors claim lack of evidence. It must be tried again in federal court. Imagine Holder as the state prosecutor in the long early stages of a Duke University lacrosse rape case.

What also appalls me, as the new federal bill races toward a presidential signature, is that for many years, and now, the American Civil Liberties Union approves "hate crimes" prosecutions. I have long depended on the ACLU's staff of constitutional warriors to act persistently against government abuses of our founding documents. And these attorneys and analysts have been especially valuable in opposing the results of executive branch lunges against the separation of powers in the Bush-Cheney years, and still under Obama.

Then he says this:

Is there no non-politically correct ACLU lawyer or other staff worker or anyone in the ACLU affiliates around the country or any dues-paying member outraged enough to demand of the ACLU's ruling circle to at last disavow this corruption of the Constitution?

That is Mr. Hentoff's view of it.

So this hate crimes amendment is a substantial overreach by Congress, I do believe. It is not carefully crafted or narrowly tailored. Unlike the historic civil rights statute, it seeks to federalize the violent, noneconomic conduct that is local in nature and has little or no Federal nexus.

The Supreme Court has held that violent conduct that does not target economic activity is among the types of crimes that have the least connection to Congress's commerce power. However, this is precisely the sort of violent, noneconomic conduct that this amendment would federalize.

If this approach were permissible, it would put Congress on a path to rely on the Commerce Clause and legislate any criminal law it wants. When it

comes to criminal law, Congress would no longer be a body of limited and enumerated powers but would have plenary power to criminalize any and all conduct that is already criminalized by the States, a clear violation of our historical policy of not taking over State and local law enforcement.

There are still a lot of complaints over the drug laws aggressively prosecuted when I was a Federal prosecutor, and many think that was an overreach. When drugs come in, the vast majority from outside the country, they move as interstate commerce, and the courts have held that up.

But there is still intellectual criticism and concern about it. But in this case, you do not have the kind of dramatic nexus, and you also lack the evidence to suggest those cases are not being effectively prosecuted. So the sponsors have also tried to ease constitutional concerns by citing the 13th, 14th and 15th amendments.

The 13th amendment provides Congress with the limited authority to abolish "all badges and incidents of slavery in the United States." I hope my colleagues are not seriously attempting to argue that assaulting someone because of their religious views or gender is tantamount to slavery.

The 14th and 15th amendments apply only to State actions, and since we have already established that States are vigorously prosecuting these actions and not ignoring them, I do not think this is a valid approach.

Finally, I would note that the legislation raises questions concerning the constitutional imperative that there be "equal justice under law." Is there a legitimate, justifiable reason to punish one rape differently than another rape simply because someone decides the first rape was committed out of hate or actually because of the gender of the victim? I think the victims would say the same thing, the criminal should be punished to the fullest extent of the law.

This legislation would add a different element to certain crimes, and I know, as a former prosecutor, make it more difficult and more expensive to obtain a conviction, especially when you have to prove an individual's thought process as an underlying element to the offense.

This bill at bottom tries to distinguish between assaults by declaring if someone assaults and kills his girlfriend because she broke up with him it is not a Federal offense, but if he kills her because she claims she wanted to explore her sexual orientation and he became upset and killed her, that would be a Federal offense.

Senator HATCH offered a complete substitute on Thursday night. It was rejected. His proposal would require that a study be conducted so actual evidence can be obtained to see if there

is a real serious problem with States not prosecuting these matters.

For some reason, even though Senator HATCH has been trying to get it passed for quite a number of years, the study has never been conducted, and all proposals for such a study have been rejected. I fear it is because perhaps Mr. SULLIVAN got it right. It is not so much about the failure of States to prosecute these crimes but about an underlying idea to pass a symbolic piece of legislation.

There is no good reason to pass such a broad piece of legislation. To pass it would be unwise. No one believes that individuals should be assaulted because of their beliefs, their gender or their sexual orientation. That type of behavior is unacceptable and should be prosecuted.

It has been prosecuted. I am sure State and local law enforcement officers will continue to do so. I believe that if my colleagues would study the legislation and think about what they are doing, they would see that this is more unwise and the objections they have heard have far more weight than they had thought initially.

It seems like a good idea. Who would want to be against a crime that says it wants to punish hate? But there are serious matters and constitutional issues, as I noted from the Civil Rights Commission, from the civil rights attorneys such as Mr. Nat Hentoff.

I think, in truth, the Attorney General should have been more balanced in his testimony before the Judiciary Committee. He came pushing this legislation without listening or expressing any concern. But I do think he should have pointed out that it represents one of the largest expansions of Federal law enforcement in history. He should be the first to point out and express that concern. He should not allow politics to drive law in America.

I know most of my colleagues think this is the right thing to do. I wish I had been able to participate more in the debate before it was a done deal the other night. I was involved at the same time, of course, with the confirmation process.

Hopefully, we can watch this legislation come with some ideas that curtail its potential for abuse and make it better. But, in reality, I want my colleagues to know it is time for us in Congress to step back and question carefully any proposal to create new or further expand federal criminal jurisdiction that would encroach upon the historic powers of our State and local law enforcement to enforce the law in their jurisdiction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent that the Senator from Virginia be recognized next as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. LEVIN assumed the Chair.)

The PRESIDING OFFICER. The Senator from Virginia is recognized.

SOTOMAYOR NOMINATION

Mr. WARNER. Mr. President, I rise to speak in support of the nomination of Judge Sonia Sotomayor to serve on the Supreme Court of the United States.

First, I would like to applaud Chairman LEAHY and Ranking Member SESSIONS for conducting a successful confirmation hearing. The hearings lasted 4 days, 15 witnesses testified, and thousands of people attended the hearing in person.

The topics of discussion ranged from executive privilege to property rights. In the end, the reviews were that the hearing was constructive and fair. At the same time, millions of Americans all across the country tuned in to the confirmation hearings on television to find out who Justice Sotomayor is.

As a U.S. Senator, I had the privilege of meeting with Judge Sotomayor in person and can say that the American people say what I witnessed firsthand, an individual with extensive judicial experience, a clear understanding of the law, and the judicial temperament to be an excellent Supreme Court Justice. Judge Sotomayor's nomination is a historic moment for several reasons. With 17 years as a Federal district and appellate court judge, Judge Sotomayor has more judicial experience than anyone confirmed for the Court in the past 100 years. She is also part of a small group of judges who have been nominated to the Federal judiciary by Presidents of different parties: President George H.W. Bush and President Bill Clinton. With the addition of President Obama, she will become the first person nominated by three Presidents to serve on the Federal judiciary.

Judge Sotomayor is also the first Hispanic American nominated to serve on the Supreme Court in its 220-year history.

Her family immigrated to the United States from Puerto Rico. The family didn't have a lot of money, but her mother valued education and hard work. Judge Sotomayor would go on to Princeton and Yale Law School, where she excelled academically. Judge Sotomayor did not have the benefit of a family name or wealth but she had ambition. She proved that one can improve their life in a single generation. I am confident many young men and women of all backgrounds are inspired by her example. Perhaps they will hit the books a little harder, practice their craft a little more, and not give up on reaching their own individual dreams.

As Governor of Virginia and now U.S. Senator, I have carried out the responsibility of selecting, vetting, and nominating individuals to serve on the

bench. It is an enormous responsibility, because the decisions judges make affect people's lives. Much has been said about Judge Sotomayor's judicial philosophy. In testimony before the Senate Judiciary Committee, she made clear to me that she fully understands the role of a judge. In her own words, her judicial philosophy is simple: "Fidelity to the law" and a "rigorous commitment to interpreting the Constitution according to its terms."

Independent institutions can attest to this. The American Bar Association unanimously found Judge Sotomayor to be highly qualified, its highest rating. A number of other nonpartisan groups have found her constitutional decisions to be solidly in the mainstream. Judge Sotomayor's commitment to public service, extensive judicial experience, and fidelity to the law make her an excellent candidate to serve on the Supreme Court of the United States. I look forward to casting my vote in support of Judge Sotomayor and encourage my colleagues on both sides of the aisle to do the same.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

SIX MONTHS IN OFFICE

Mr. KYL. Mr. President, today marks President Obama's sixth month in office. The President began his term with an enormous amount of goodwill, high approval ratings and pledges to work in a bipartisan way. In the earliest days he reached out in a bipartisan way to secure passage of administration priorities and Republicans reciprocated. For example, I joined the President in supporting the release of the second tranche of financial stabilization money. But the administration has become increasingly partisan in the months since then. The effectiveness of the President's policies is increasingly questioned by the American people as spending and deficits have skyrocketed. Unemployment has gotten much worse since he took office, and America's interests abroad have been challenged with little response.

Let me first speak to the issue of domestic policy, spending and debt. On domestic policy, President Obama's first 6 months in office have been characterized by unprecedented spending and debt accumulation. In 6 months, President Obama has put the country on a course to spend more and accrue more debt than any President in history; in fact, to take on more debt than all of the other Presidents in the history of the United States combined.

The President has at the same time exercised the power of government in unprecedented ways. The President knows this is greatly concerning to the American people. So on June 16, President Obama told an interviewer:

I actually would like to see a relatively light touch when it comes to government.

But when it comes to the size and scope of the government, nothing President Obama has done in his first 6 months resembles a light touch. Time after time, he has pushed government intervention and takeovers and huge spending increases as the preferred solutions to various problems, whether it is to stimulate the economy, reform health care, or bail out bankrupt car companies.

The President cites the economic downturn as a reason to clear the way for more and more new spending, but we still don't have any evidence that this record-breaking spending has actually helped the economy. Take the \$1.2 trillion so-called stimulus bill. In pitching the stimulus to the Nation, the President pledged that "a new wave of innovation, activity, and construction would be unleashed all across America." The administration also said it would help keep unemployment from topping 8 percent and "save or create 3.5 million new jobs." He insisted Congress rush the bill through despite concerns about the cost and the Government's ability to disburse funds in a timely way.

As we now know, since President Obama signed the legislation, far from stopping unemployment from exceeding 8 percent, unemployment has now reached over 9.5 percent and is headed to at least 10 percent. The economy has lost over 2 million jobs, including 433,000 last month. According to the White House Web site, which tracks stimulus spending, only 7.68 percent of the stimulus money has been funneled into the economy.

In an article for the Washington Post, Michael Gerson explains why the stimulus is having such a negligible effect:

Pouring money into the economy through a thirst sponge of federal programs . . . is slow and inefficient.

Just as Senate Republicans argued when we opposed this plan.

The nonpartisan Congressional Budget Office projects less than a quarter of the funds earmarked for this bill will be spent by the end of this year, with the lion's share being distributed over the next 3 years, by which time, hopefully, the recession will be over. If that is the case, the administration will no longer have a justification for this stimulus spending. But taxpayers will still be on the hook for the hundreds of billions of dollars the government will have to borrow to pay for it.

Thanks to a new report by Senator COBURN, we know more about some of these wasteful projects that have been

funded by the so-called stimulus or are awaiting funds, including a \$23.5 million turtle tunnel in Florida, a \$550,000 skateboard park in Rhode Island, and even \$40,000 to give someone a job in North Carolina to lobby for more stimulus funds. That is just a handful of the projects approved so far.

So what has happened to the President's plan to spend wisely? That brings us to the budget. The President's \$3.4 trillion 10-year budget also defies the idea of a light touch. In an editorial about the budget, the Wall Street Journal wrote:

With [his] fiscal 2010 budget proposal, President Obama is attempting not merely to expand the role of the federal government, but to put it in such a dominant position that its power can never be rolled back.

So the spending is the means to an end, a bigger government that can never be tamed. To understand the magnitude of the budget the President proposed, consider: Federal spending will skyrocket to 27.7 percent of the gross domestic product in 2009. That is up from 21 percent of GDP in 2008. According to the CBO's monthly budget review, for the first 9 months of the 2009 fiscal year, outlays are 21 percent higher than they were in the first three quarters of 2008, though revenues have fallen by 18 percent. Federal spending will make up a greater share of the economy in 2009 than in any year since 1945, when the country was still fighting World War II. It is also a greater share of the economy than during the Vietnam war or during the recessions of 1974-1975 or 1981-1982.

The debt created by his budget will be greater than the combined debt created by the budgets of each of the previous 43 Presidents, all the way back to President Washington. By the end of this fiscal year, our publicly held debt will amount to roughly 57 percent of the gross domestic product and deficits of \$1 trillion every year are predicted for the next decade. This will drive the debt to 82 percent of the gross domestic product by the year 2019. Interest payments on this debt will soon make up the single largest item in the debt. In fact, as for the interest cost, beginning in 2012 and every year thereafter, the government will spend more than \$1 billion a day on finance charges to holders of U.S. debt. That means Federal spending on finance charges for the government's debt will be a whopping \$5,700 per household in 2019.

Americans are weary of this kind of debt, to say the least, and many don't think it is fair for Washington to overspend and then simply pass the bill on to our children and grandchildren.

These levels of spending and debt would be reckless in the best of economic times, and they are not consistent with President Obama's pledge for a new era of fiscal responsibility.

Let's turn to health care.

The American people—and those of us in Congress—want health care re-

form. That is not in question. But President Obama is proposing a trillion-dollar health care program that would, according to the Congressional Budget Office, cause millions of Americans to lose their current care by providing an incentive to employers to drop their health care coverage.

How is this consistent with the President's assurances that if Americans like their current insurance, they can keep it? Remember, 85 percent of Americans have insurance and the vast majority of them like their coverage and they do not want to lose it.

President Obama frames this huge new entitlement as a cost-saving, deficit-reducing measure. At a July 1 townhall meeting in Virginia, the President told participants:

If we want to control our deficits, the only way for us to do it is to control healthcare costs.

But does anyone believe that creating a new trillion-dollar, Washington-run health care bureaucracy will reduce costs? When in history has a new government program ever reduced costs? Our two current government-run health care programs—Medicare and Medicaid—are both on financially unsustainable paths. Medicare alone has a \$38 trillion unfunded liability over the next 75 years and is in urgent need of reform.

Some of the projected revenue for the President's plan comes from cuts in Medicare. How is it fair to cut seniors' care to pay for a new government-dominated system for nonseniors, especially since Medicare is already in financial trouble? This would ultimately lead to shortages, rationing, and the elimination of private plan choices—something our seniors rightly fear.

It does not make much sense to strip funds from those already participating in government health care and to then use the savings for the creation of a massive new government health care system that few people want. Americans rightly worry the President's proposals will lead to the kind of denial and delay that happens in Canada and Great Britain.

The President has even said:

What I think the government can do is be an honest broker in assessing and evaluating treatments.

That can only mean one thing: denial and delay of care. In that kind of system, Federal boards would dictate what is best for you and me, if our health care is worth the money, and drive a wedge between doctors and patients.

President Obama said recently:

When you hear the naysayers claim that I am trying to bring about government-run healthcare . . . know this, they are not telling the truth.

Well, maybe the President does not like the term "government-run health care" because it is not popular with Americans. But a plan administered by

the government, with prices and policies and treatments evaluated and dictated by Washington bureaucrats, is government-run health care, plain and simple.

On another issue, cap and trade: One of the President's oft-repeated campaign pledges was he would not raise taxes on middle-income Americans. But the cap-and-trade legislation he and congressional Democrats are backing would do just that.

On June 26, the House of Representatives passed cap-and-trade legislation described by Harvard University economist Martin Feldstein as "a stealth strategy for a massive long-term tax increase."

The bill would implement a cap-and-trade program with the goal of reducing carbon dioxide emissions into the atmosphere. Cap-and-trade programs set strict mandatory limits on carbon emissions from various sources, such as electric utilities. Those sources would then either reduce carbon emissions or buy or trade emission allowances to achieve the required overall emissions reductions.

The energy bill would not directly raise taxes on Americans; that is, they will not necessarily see a larger income tax bill at tax time in April. Rather, cap and trade increases the cost of living for everyone by raising energy costs and consumer prices for virtually everything. The effect would be the same as if the IRS sent them a tax bill.

When the nonpartisan Congressional Budget Office analyzed the cost of a reduction of carbon emissions by 15 percent below 2005 levels, it estimated a family's cost of living would increase by \$1,600.

To put that \$1,600 carbon tax in perspective—

Martin Feldstein wrote—

a typical family of four with earnings of \$50,000 now pays an income tax of about \$3,000. The tax imposed by the cap-and-trade system is, therefore, equivalent to raising the family's income tax by about 50 percent

That is \$1,600 that families will not be able to spend or save for the future.

In addition to the tax increase, cap and trade would retard economic growth. The Heritage Foundation analyzed the proposal and concluded it would slow long-term growth by almost \$10 trillion over the next 26 years. Jobs would be lost. The Heritage Foundation's analysis, in fact, found that my State of Arizona would lose thousands of jobs.

Proponents of the cap-and-trade proposal argue that job losses will be offset by the creation of new green jobs. But it is not at all certain those jobs will materialize, let alone make up for the jobs that are lost. In Spain, where government has invested heavily in green jobs, two jobs are lost for every green job created, according to Spanish economist Gabriel Calzada.

Especially at a time when the economy is shaky and unemployment has

reached a 25-year high, I am disappointed the President is promoting this legislation that not only would violate his campaign promise but would cost taxpayers billions of dollars and harm jobs.

Let me now address some issues that are not directly domestic: free trade issues and problems with Iran and North Korea.

First, on free trade: I am very disappointed that the administration has not made free trade a top priority. It has failed in its first 6 months to take any action on bilateral trade pacts with Colombia, Panama, and South Korea—all of which were signed under President Bush. These trade deals would provide a boost to the U.S. economy and would also strengthen U.S. partnerships in two important regions. Not only has the administration failed to move swiftly on these trade agreements, it has also supported a number of damaging protectionist measures, such as a "Buy American" provision in the stimulus package.

These policies have angered U.S. trading partners and hurt America's credibility as a promoter of free trade liberalization. They have already triggered retaliation. For example, after the administration canceled a trucking program with Mexico—a program opposed by the Teamsters Union—the Mexican Government responded by slapping tariffs on a range of American imports, including wheat, beans, beef, and rice. A global recession is no time in which to start a trade fight.

With Iran: There are few regions of the world as volatile as the Middle East. Yet the administration's approach to Iran has been regrettable, to say the least.

When prodemocracy demonstrations were being suppressed in Tehran, the President offered barely a word of support for the people putting their lives on the line for their freedom.

Iranian people were met with violence after they took to the streets to peacefully protest the validity of Iran's Presidential election in June to declare their support for free elections and oppose Iran's oppressive police state.

The President likes to say: Words matter. Very true. But his initial statement referring to "deep concerns about the election" failed to condemn the Iranian theocracy and lacked moral fortitude. And even as pressure rose on the President to take a stronger stand, he declined to provide the leadership the world expects from America, the standard bearer for freedom and democracy.

As the Weekly Standard recently editorialized:

Since June 12, [President Obama has] done nothing to help those Iranians who have been seeking, in the words of Thomas Jefferson, "... to assume the blessings and security of self-government."

Explaining his reticence, the President said:

It's not productive, given the history of U.S.-Iranian relations to be seen as meddling—the U.S. president meddling in Iranian elections.

The United States should be lending full-throated voice to the democratic aspirations of the Iranian people, while seeking to impose sanctions on their oppressors. It is not meddling for the world's oldest and greatest democracy to stand with them.

The administration's Iranian policy was flawed from the beginning. It came into office with the idea that it could negotiate a "grand bargain" with the mullahs on Iran's nuclear program and would meet with its rogue leader without preconditions. With the mullah's repression of dissent following Iran's flawed elections, that has all gone by the boards. Of course, it was always destined to fail.

Was it ever realistic to believe this is a government with which we can successfully negotiate—a government that sponsors terrorism and murders peaceful student protesters and does not even have the mandate of its own people? What do we think we can give this government more than it wants a nuclear weapon?

What is more, what message do we send to the Iranian people, many of whom have been arrested, tortured, and had family members killed, by negotiating with this regime while it robs its own people of their fundamental rights? I do not believe the United States can deal in good faith with a regime that so violently suppresses its own citizens. I hope the President will come to agree.

With regard to North Korea, the administration's reaction to North Korea's recent activity is also of concern. As Pyongyang prepares for the transition of power from Kim Jong Il to his son Kim Jong Un, the regime's behavior has become increasingly belligerent and unpredictable.

North Korea has pulled out of the six-party negotiations, restarted its nuclear program, test launched several ballistic missiles, and conducted a suspected underground nuclear test. The regime even declared that it has now abandoned the armistice that brought a cease-fire to the Korean war.

What has the Obama administration done in response to this threat to the security of other nations in the region and indeed to the very security of the United States? The answer is disappointing. It has cut missile defense.

The President's budget cut the Missile Defense Agency's budget for fiscal year 2010 by \$1.2 billion and decreased the planned number of Ground-Based Interceptor missiles in Alaska from 44 to 30. These proposals amount to almost a 15-percent cut in the Missile Defense Agency's budget and a major reduction in our missile defense portfolio—at the very moment we should be increasing our capability to defend ourselves and our allies from the North Korean threat.

Finally, a word about the prison at Guantanamo Bay. I think this is important in evaluating the first 6 months of this administration because one of the very first acts of the President, after he was inaugurated 6 months ago, was his self-imposed deadline to close the facility at Guantanamo within 1 year.

A majority of Americans strongly oppose the closure of Guantanamo. Congress has refused to support President Obama's arbitrary deadline to close the facility without a plan, for example, showing where he will relocate the terrorists. The administration has convinced Palau and Bermuda to take a few detainees, but this is not much of a solution if the President is determined to close the facility in just another 6 months. Where will the rest of the detainees still housed at Guantanamo Bay go? We still do not know.

Ultimately, the debate over Guantanamo has become a debate over geography. Both the new Attorney General and the new Solicitor General have endorsed the government's right to detain suspected terrorists indefinitely. Whether we can detain them at Guantanamo or at prisons on U.S. soil does not change the fundamental reality that this administration, similar to its predecessor, will be holding certain individuals without trial.

We have been told that Guantanamo must be closed for symbolic reasons. But America should never make national security decisions based on symbolisms—or on false moral arguments.

In conclusion, on the campaign trail and after his election, President Obama repeatedly promised "change we can believe in" and the end of partisan politics in Washington. He pledged to bring Republicans and Democrats together.

On election night, he said:

Let us resist the temptation to fall back on . . . partisanship.

But partisan politics looms larger than ever. Congress is urged to rush costly legislation through, despite frequent Republican concerns about the pricetag and the efficacy of the legislation. Indeed, the President's budget and stimulus both passed mainly on party lines.

As Michael Barone recently wrote, the President:

Brings [to Washington] the assumption that there will always be a bounteous private sector that can be plundered on behalf of political favorites. Hence, the takeover of Chrysler and GM to bail out the United Auto Workers union.

Six months later, President Obama continues to take unnecessary jabs at his predecessor. On his promise for change, more government debt, government bailouts, and large transfers of the economy from the private to the public sector are not what Americans are looking for.

Americans want the President and Congress to support the private sector

to help the economy get back on track, without tidal waves of spending, debt, and new taxes. They want real health care reform without a government takeover, and they want the President to lead us in this dangerous world, acknowledging the harsh reality that not every rogue regime will respond to smooth talk.

In the next 6 months, and beyond, I hope the President will take a more sensible and, indeed, more bipartisan course so we can all accomplish what the American people seek.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business and that Senator KAUFMAN of Delaware be recognized after I have concluded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Thank you very much.

Mr. President, I thank the minority whip for his statement on the floor. I would like to suggest I see things a little differently and suggest there are a couple items I would like to speak to.

First, on Guantanamo:

President Obama took office and realized we had a serious problem in Guantanamo Bay. It is a safe and secure facility, but it has become a recruiting tool for terrorists around the world. That is not just his conclusion; it is the conclusion of people I respect very much. Among those who called for the closing of Guantanamo include the following: GEN Colin L. Powell, former Chairman of the Joint Chiefs of Staff and Secretary of State under President George W. Bush; Republican Senators JOHN MCCAIN and LINDSEY GRAHAM; former Secretaries of State James Baker, Henry Kissinger, and Condoleezza Rice; Defense Secretary Robert Gates, who served President Bush and President Obama; ADM Mike Mullen, Chairman of the Joint Chiefs of Staff; and GEN David Petraeus.

These are not politicians, these are people who represent both sides of the political aisle—Democrat and Republican—who have concluded that keeping Guantanamo open, unfortunately, is going to continue to give encouragement to the recruitment of terrorists around the world.

President Obama announced that we should start to close Guantanamo, we should start deciding the fate of each of these prisoners, and it is high time we do.

Under President George W. Bush, hundreds of Guantanamo Bay detainees were released. They were arrested, incarcerated, questioned, and released, no charges against them. It was accepted. We made mistakes on the battlefield. People came up collecting bounties for turning in prisoners who turned out not to be dangerous. These people were released. The overwhelming majority of these people didn't cause any

trouble beyond that. Some did. That is a fact. I will not ignore it.

Now comes the Republican side of the aisle arguing that it is unsafe for us to transfer Guantanamo prisoners from Guantanamo to Federal prisons in the United States. I have heard the arguments. They say it is unsafe in my community of Springfield, IL, to have a convicted terrorist; that it is a threat to all the people, the 12.5 million people who live in Illinois, and they believe that is the case around the country. But if we look at the facts, that argument doesn't stand up.

Today, in the prisons of the United States, the Federal prisons, we have 355 convicted terrorists currently incarcerated, being held safely and securely. They are no threat to our safety. In my hometown of Springfield, not far away, just in southern Illinois, maybe a little over 100 miles, is Marion Federal Penitentiary. I visited there several weeks ago and talked to the men and women who are the guards and those running the prison, and they said to me: Senator DURBIN, send them here. We have dealt with terrorists. We have terrorists now on our cell block. We have had crime syndicates. We have had people from the Colombian drug cartels. We can handle them.

The mayor of Marion, IL, went out and said to the people: Are you frightened if these detainees come to Marion?

They said: No.

These guards know how to do their job. This is a Federal penitentiary that is safe. So the fear that is being espoused and bred by the other side of the aisle about Guantanamo Bay is not well placed. What the President is doing systematically and carefully is evaluating each of these prisoners.

I know of one who received notice from our government last year, after having been held for 6 years as a prisoner, that we had no case against him. No charges were going to be pursued. He is still a prisoner. We are looking for a place to put him. He is from the Gaza, a bottled up area. There is a question about whether he goes back there. But the fact is, we have no reason to believe we can convict or prosecute this man for anything. He is being held. It will be his seventh year now. He came in at age 19. He may leave at age 26 or 27. His life is dramatically changed because, unfortunately, our early inclination that he was a danger to this country turned out not to be a basis for a crime that could be prosecuted. That is the reality.

The President has addressed this issue. Just a few weeks ago he announced one of these detainees in Guantanamo Bay was finally going to face justice, and despite the protests of some on the other side of the aisle, he moved that prisoner to New York for a trial. It wasn't the first time the city

of New York has had the trial of a terrorist. It has happened before. They know how to hold these terrorists in jail during the course of the trial. We don't hear panic in the streets in New York over it. The only panic and fear we hear comes from the other side of the aisle in the Senate.

The President is doing the right thing closing Guantanamo Bay and saying to the world: We will not engage in torture. We will close Guantanamo Bay. This is a new chapter and a new day for America. With this approach, we are closing down a recruiting tool for terrorists and opening the door for allies to come back to the side of the United States to join us in stopping the kind of extremism that led to the tragedy of 9/11.

So I disagree with my colleague from Arizona who has argued that we shouldn't close Guantanamo Bay. I agree with GEN Colin L. Powell and other military leaders that closing it is in the best interests of the security of the United States.

Senator KYL initiated his remarks by noting that we have reached the 6-month anniversary of the inauguration of President Obama. It is hard to imagine. It seems to have just been flying by if you are on the floor of the Senate with all of the activity and all of the business we have considered. But he made special notice of the stimulus bill.

I wish to remind people what the President inherited when he took his oath of office 6 months ago. Our economy was losing on average 700,000 jobs a month when President Obama took his oath of office. The growth rate was at a negative 6.3 percent, the worst since the 1982 recession. Home foreclosures, mortgage foreclosures were at record levels, and residential investment had fallen by more than 40 percent in just 18 months. Banks were in crisis, freezing lending, and nearly \$10 trillion in wealth had been lost in the stock market. Virtually all of us who had 401(k)s or savings involved in the stock market know exactly what happened to those savings. We lost a lot of value.

As President Obama took office, this is what he inherited. He came to the Congress and said: We can't stand idly by. We have to do something. We have to try to energize this economy, create and save American jobs; give businesses and families a fighting chance. He asked for both sides of the aisle to cooperate.

On the House side not a single Republican House Member would join the President in this effort, in this attempt at a bipartisan effort to deal with the economic situation in our country. On this side of the Rotunda, three Republican Senators stepped up and said they would work with the Democrats to try to find a way to help put our economy back on its feet—only three, despite

the President's invitation for all of them to join in this conversation to try to find a compromise to work toward a solution to the problems we faced.

At the end of the day, the bill was a \$787 billion recovery and reinvestment bill to be spent over 2 years. We are now 4 months into that 2-year period—150 days, roughly, into that 2-year period—and Senators are coming to the Senate floor, as did the minority whip, and saying it has failed.

Well, let's take a look and see what it has done. So far we have actually spent about \$56 billion out of the \$787 billion, a very small amount. We have obligated—which means we have promised to spend—up to \$200 billion, 4 months into it. We are trying to address this carefully so taxpayers' funds are not wasted. But there are still those who voted against it initially who come to the Senate floor, as the previous Senator did, and say it was a failure; we shouldn't have done it.

Several things should be noted. First, they had no alternative. They had no substitute. They had no option for the economy other than to stand idly by, take two Excedrin, try to take a nap, and hope it would be better in the morning. Not good enough.

If we are going to deal with an economy with so many jobs lost, so many businesses failing, standing idly by waiting for the economy to work its way out would have been a disaster.

This stimulus package from President Obama stopped what could have been the collapse of the U.S. economy and the global economy. We still have a long way to go. We are not out of this recession, but it could have been worse. For those who say we shouldn't have done it, let me tell my colleagues: Over 40 percent of the money in the stimulus package went back to tax breaks for working families in America. Ninety-five percent of working families across America will see the benefits of the Making Work Pay tax credit in their paychecks. Those dealing with job loss, unemployed people, got an additional \$25 a week. It doesn't sound like much unless you have no other source of income.

I take it from their statements those on the other side of the aisle think the tax breaks for working families should not have been enacted. They oppose the unemployment compensation benefit increases.

We also gave a helping hand to unemployed families to keep health insurance for their kids and their families. That was part of the stimulus package, as well as money for nutrition assistance, food stamps for some of these unemployed families. So when the other side of the aisle says we shouldn't have done this, they are basically saying we shouldn't have helped these unemployed families and a lot of other families across America. I think it was the right thing to do.

We are making investments in the infrastructure of America as well. Basically, we are trying to make an investment that will give us a recovery in jobs. We were losing about 25,000 jobs a day when this initially hit. Now we are trying to build back from that to create and save jobs across America. In my home State of Illinois, it means infrastructure projects, transportation infrastructure projects, and many others. So we are just beginning. We are moving in the right direction. We have stopped the worst from occurring in the economy. We are going to see a turnaround, I hope, sooner rather than later.

The President's words warrant repeating: This is not going to happen overnight, and we have to be open to the idea that it is going to take some time for us to make the kind of recovery we absolutely need.

Secondly, the Senator from Arizona talked about health care reform. Republican after Republican has come to the Senate floor—not all of them but many of them—and criticized the idea of health care reform, but they are ignoring the obvious. We have a serious problem with health care in America. We are spending twice as much per person as any nation on Earth for health care, and the results—the health care results don't show it. Many times countries spend far less, have far better outcomes in terms of curing diseases and life expectancy.

So we should ask the hard questions: Shouldn't our money be better spent? Shouldn't it be more effectively spent? Then we take a look at what we face when it comes to health insurance premiums, and we find out that premiums over the last several years have been going up three times the increase in the average worker's wages in this country.

We are falling further and further behind as the costs of health care go beyond the grasp of individual families and small businesses. So we have to tackle this, and the American people know we do. They understand this system is, unfortunately, out of control. They have called on us to fix what is broken and to preserve those parts of our system that are important.

One of the things we want to make sure we do is to say: If you have a health insurance policy today you want to keep for your family or your business, you can keep it. Nothing we say or do in the law will change that. It is ultimately your decision.

Secondly, we want to preserve the relationship between doctor and patient—the confidential relationship, the trust that has developed between them so that you can take a member of your family or yourself to a doctor and believe it is a confidential conversation and that doctor is giving the best advice possible for you. We want you to have that choice and make that decision.

What we want to stop is the mistreatment of Americans and American families by health insurance companies. You know what I mean: If you happened to have had an illness last year and it becomes a preexisting condition this year and you find out your health insurance won't cover it, or if they are going to cover it but dramatically increase your premiums, in fact, they increase your premiums without notice or any kind of forewarning that it is going to occur, these sorts of things trouble people.

The fact that their doctors have to get into a fight with health insurance clerks as to appropriate medical care and whether a person should be hospitalized; the fact that health insurance companies, private health insurance companies, have turned out to be some of the most profitable companies in America, even during the recession. All of these things are fair warning that if we don't do something about health care in this country, the costs are going to break the bank, not only for individuals, families, and businesses, but for governments at every single level.

Today many Americans live in fear of the astronomical costs that will occur if they or their families experience a health care emergency. Two and a half Illinoisans in my State of 12.5 million, more than one out of every five under the age of 65, is in a family who must spend more than 10 percent of its income on health care costs. Among those, one-fourth of those are spending more than 25 percent of their income on health care costs.

The other side says: Just leave well enough alone. This isn't "well enough." For these families, this is intolerable and unsustainable. It is an astounding burden. It is 30 percent more people than the number facing the 25-percent payment than faced it 8 years ago.

There is also concern on the other side about cap and trade. Well, cap and trade is a bill that has passed the House to address global warming, to try to assign a value to carbon in our economy. Just last week we had the CEOs of three major companies come speak to us: Duke Energy, one of the largest energy companies in America, DuPont, and Siemens.

They favor the establishment of a cost for carbon. They said: Give us a transition period so that we can make our plants cleaner, our processes more energy effective, and we can meet that goal. We have the creativity to do it.

So we can reduce global warming and reduce the pollution and our dependence on foreign oil. In the meantime, we will create new businesses; new products; new technology that will be energy efficient; new jobs, 21st-century jobs that will pay well, and jobs we can keep right here in America. There are those who oppose this and say leave it

as it is. Our continued dependence on foreign oil should be a source of concern to every single person.

I am also genuinely concerned that the world I am leaving my grandson might be a compromised world because of some of the bad environmental decisions that have been made by my generation. We have an opportunity to change that, to make this a cleaner planet, to show ourselves as good stewards of the Earth that God gave us, and we can work together in a bipartisan fashion to find a way to encourage the right conduct and discourage bad conduct when it comes to these energy issues. Some don't want to touch it; they just want to criticize it. At the end of the day, we won't be judged as having met our responsibility if we do nothing.

I know Senator KAUFMAN is on the floor and will ask for recognition at this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

APOLLO MOON LANDING ANNIVERSARY

Mr. KAUFMAN. Mr. President, I rise today, on the 40th anniversary of the Apollo 11 Moon landing, to highlight the importance of scientific research and development to America's economic recovery.

Forty years ago, astronauts Neil Armstrong and Buzz Aldrin took the first human steps on the Moon. It was, needless to say, a historic moment for the United States and the world.

Eight years prior, President John F. Kennedy declared before a joint session of the Congress that the United States "should commit itself to achieving the goal, before the decade is out, of landing a man on the moon." Armstrong's famous words, "One small step for man, one giant leap for mankind," marked the fulfillment of President Kennedy's goal. That momentous step signaled the coronation of the United States as the world leader in the sciences—a distinction we held through the rest of the 20th century but which is now in jeopardy.

Make no mistake, the dawn of a renewed American powerhouse economy will not come without the same determination that propelled America's journey to the Moon. The key to America's success in a global economy will be the research, innovation, and hard work of our Nation's scientists and engineers.

Americans at the time were inspired by a sense of patriotism and dedication to explore the universe following the Soviets' successful launch of the Sputnik satellite. The race to the Moon launched a substantial Federal investment in scientific and technological research and development. Students across the country were inspired to study engineering, and I, a working engineer at the time, was among those inspired.

This extraordinary investment in research and development helped fuel the Nation's economic growth and left an indelible mark on our society. The discoveries and innovations of this time created new opportunities, industries, companies, products and services, and new ways of delivering old products and services more efficiently.

Unfortunately, since that time our investments in research and development have not kept up. Other nations may soon outpace us in pursuit of the technological and scientific discoveries that will define this generation. If we hope to assert our country's preeminence in these fields, we must again invest significantly and responsibly in research and development.

The vitality of our economy rests with our ability to be the world's leader in innovation. As we face some of our greatest economic challenges, the scientific and engineering community has the greatest potential to find avenues for what we need most: new, sustainable jobs. That is why I am pleased President Obama has set the goal to devote more than 3 percent of our economy to research and development—a feat that will require significant Federal as well as private investment. The American Recovery and Reinvestment Act has already provided over \$20 billion of Federal funds to reach this target, and it is our job to see that these resources are spent wisely in order to achieve the maximum economic benefit.

But the national goal is also about research and development investment by private industry, which the government can help foster with pro-innovation policies. We also need to encourage a new generation of engineers through education policies that emphasize science and math.

I am confident that engineers will continue to foster the research and innovation that will lead America on the path to economic recovery and prosperity. They will help us build a clean energy economy, stay competitive in a globalizing world, and drive the real-world applications from our Nation's health and science research to improve our quality of life. Moreover, these discoveries and innovations will create millions of new jobs and invest in our future.

Just before Apollo 11 returned to Earth, Armstrong concluded that:

The responsibility for this flight lies first with history and with the giants of science who have preceded this effort; next, with the American people, who have, through their will, indicated their desire; next, with 4 administrations and their Congresses, for implementing that will; and then, with the agency and industry teams that built our spacecraft, the Saturn, the Columbia, the Eagle, and the little EMU, the spacesuit and backpack that was our small spacecraft out on the lunar surface.

Just as we all came together in the race to the Moon over 40 years ago, we

need a renewed urgency for science and engineering. The American people, the administration, Congress, agencies, and industries must unite to support the research and development that will lead us not only to new frontiers in health, energy, technology, and security, but to new jobs and, ultimately, a sustainable economic recovery.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, four decades ago, in this extraordinary feat we have recently seen repeated over and over with the death of Walter Cronkite—we have seen that time he was broadcasting live when we landed on the Moon. That restrained TV anchor exhibited extraordinary excitement at the landing on the Moon. That is what the entire world felt at the time.

I was a lieutenant in the Army and happened to be behind the Iron Curtain at the particular time we lifted off. I went to the Embassy in Budapest, Hungary, and asked if they had a TV so that we could see the launch. They said no, but to take your shortwave radio and go outside of the city on those hills and put your radio antenna up, and you can get the BBC, which we did. They cut into NASA control, and we three young Americans stood on that hill cheering as Apollo 11 lifted off.

We fulfilled the human dream of boundless flight to another celestial body. Neil Armstrong promised us that it was “one small step for man, one giant leap for mankind.” It was to be the first step on our way to Mars and beyond, toward new knowledge of our universe and, perhaps, the discovery of other life.

Yet today we are mired in a debate about the direction of our space program. We had a little victory last week when we had unanimously confirmed the new Administrator and Deputy Administrator of NASA. But now we are in this debate of where the space program should go. The answer should be obvious: Our thirst for knowledge requires that we explore the universe. I often say that this country is built on the character we have and that we are, by nature, explorers and adventurers. When this country was founded, our frontier was westward. Now that frontier is upward or inward. Space flight—as we continue in pushing that frontier upward, what does it do? It grows science and technology. It grows education. It grows the economy.

Earlier today, I was on one of the network talk shows, and the whole idea was, what does it do for education? My goodness, look at the competitive edge America has in the global economy today from our superiority in math, science, technology, and engineering that occurred over four decades ago. Why? Because young people were so inspired by the extraordinary feats we

were accomplishing in our space program that they wanted to go into engineering, math, science, and technology. That produced a generation of these people from whom we are continuing to reap the benefits.

Of course, space flight improves and enriches life here on Earth. How does it do that? Well, if you think about it, four decades ago what we did was—if we were going to the Moon, we had to have highly reliable systems that were small in volume and light in weight. That led to the revolution in micro-miniaturization. For instance, my watch is a part of the space program. All of the microminiaturization was spawned off of that necessity to get things smaller, more reliable, and light in weight. That is just one example of how it enriches life here on Earth.

If you think back to the visionary President we had who started this whole thing, President Kennedy said the opening of the vistas of space would bring high costs and grave dangers. Indeed, it did. But he said that “this country was not built by those who rested.”

So today, on this historic anniversary, let us not rest. Our President needs to make space exploration a national priority. Our Nation needs a clear goal, and that is a lunar base, humans on Mars, and then beyond. It is up to us to continue the greatest adventure. It is up to us to reach for the stars.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1614, AS MODIFIED, 1615, AS MODIFIED, AND 1617, AS MODIFIED

Mr. LEVIN. Mr. President, I ask unanimous consent that it be in order for the Senate to consider en bloc the following amendments: amendments Nos. 1614, 1615, and 1617.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I now call up amendments Nos. 1614, 1615, and 1617 and ask that the amendments be modified with changes at the desk and that once modified, the amendments be agreed to, as modified, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, as modified, were agreed to, as follows:

AMENDMENT NO. 1614, AS MODIFIED

(Purpose: To limit prosecutions until the Attorney General establishes standards for the application of the death penalty)

At the appropriate place, insert the following:

SEC. ____ . LIMITATION ON PROSECUTIONS.

(a) IN GENERAL.—All prosecutions under section 249 of title 18, United States Code, as added by this Act, shall be undertaken pursuant to guideline, issued by the Attorney General—

(1) to guide the exercise of the discretion of Federal prosecutors and the Attorney General in their decisions whether to seek death sentences under such section when the crime results in a loss of life; and

(2) that identify with particularity the type facts of such cases that will support the classification of individual cases in term of their culpability and death eligibility as low, medium, and high.

(b) REQUIREMENTS FOR DEATH PENALTY.—If the Government seeks a death sentence in crime under section 249 of title 18, United States Code, as added by this Act, that results in a loss of life—

(1) the Attorney General shall certify with particularity in the information or indictment how the facts of the case support the Government's judgment that the case is properly classified among the cases involving a hate crime that resulted in a victim's death;

(2) the Attorney General shall document in a filing to the court—

(A) the facts of the crime (including date of offense and arrest and location of the offense), charges, convictions, and sentences of all state and Federal hate crimes (committed before or after the effective date of this legislation) that resulted in a loss of life and were known to the Assistant United States Attorney or the Attorney General; and

(B) the actual or perceived race, color, national origin, ethnicity, religion, gender, sexual orientation, gender identity, or disability of the defendant and all victims; and

(3)(A) the court, either at the close of the guilt trial or at the close of the penalty trial, shall conduct a proportionality review in which it shall examine whether the prosecutorial death seeking and death sentencing rates in comparable cases in Federal prosecutions are both greater than 50 percent; and

(B) if the United States fails to satisfy the test under subparagraph (A), by a preponderance of the evidence, the court shall dismiss the Government's action seeking a death sentence in the case.

AMENDMENT NO. 1615, AS MODIFIED

(Purpose: To authorize the death penalty)

At the appropriate place insert the following:

title, or both, and shall be subject to the penalty of death in accordance with chapter 228 (if death results from the offense), if—

“(i) death results from the offense; or

“(ii) the offense includes kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill.

“(2) OFFENSES INVOLVING ACTUAL OR PERCEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.—

“(A) IN GENERAL.—Whoever, whether or not acting under color of law, in any circumstance described in subparagraph (B) or paragraph (3), willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity or disability of any person—

“(i) shall be imprisoned not more than 10 years, fined in accordance with this title, or both; and

“(ii) shall be imprisoned for any term of years or for life, fined in accordance with this title, or both, and shall be subject to the penalty of death in accordance with chapter 228 (if death results from the offense), if—

AMENDMENT NO. 1617, AS MODIFIED

(Purpose: To require that hate-crimes offenses be identified and prosecuted according to neutral and objective criteria)

At the appropriate place, insert the following:

SEC. _____. GUIDELINES FOR HATE-CRIMES OFFENSES.

Section 249(a) of title 18, United States Code, as added by section ____ of this Act, is amended by adding at the end the following:

“(4) **GUIDELINES.**—All prosecutions conducted by the United States under this section shall be undertaken pursuant to guidelines issued by the Attorney General, or the designee of the Attorney General, to be included in the United States Attorneys’ Manual that shall establish neutral and objective criteria for determining whether a crime was committed because of the actual or perceived status of any person.”.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KENNEDY. Mr. President, Senator SESSIONS has introduced an amendment that would create two new death penalty eligible offenses for crimes under the Matthew Shepard Act. I stand firmly in opposition to any new legislation that would radically expand the use of the death penalty, and I urge my colleagues in the Senate to oppose the Sessions amendment because it adds another new death penalty to the Federal Criminal Code.

Since the reinstatement of the death penalty in the 1970s, the Death Penalty Information Center has reported that 135 people have been released from death row in the United States because of innocence—approximately one exoneration for every nine executions. Some have attempted to argue that the large number of death row exonerations demonstrates that the system is working. Yet in many cases, fatal mistakes were avoided only because of discoveries made by students or journalists, not the courts.

In the last 6 months, there have already been five exonerations in death penalty cases in four different States. Ronald Kitchen was freed from prison in Illinois after the State dismissed all charges against him on July 7. He had spent 13 years on death row and a total of 21 years in prison. Herman Lindsey was freed from Florida’s death row on July 9 after the State supreme court unanimously ruled for his acquittal from a 2006 conviction. As the court said:

[T]he State failed to produce any evidence in this case placing Lindsey at the scene of the crime at the time of the murder. . . . Indeed, we find that the evidence here is equally consistent with a reasonable hypothesis of innocence.

There have also been three other exonerations of death row prisoners, including Nathson Fields in Illinois, Paul House in Tennessee, and Daniel Moore in Alabama.

This high number of exonerations has led many observers, both liberal and conservative, to express concern about the fairness of the death penalty’s administration. As former Supreme Court Justice Sandra Day O’Connor has stated “if statistics are any indication, the system may well be allowing some innocent defendants to be executed.” How can we continue to expand a system that likely leads to the execution of innocent defendants?

The U.S. Government should not be in the business of taking the lives of innocent Americans. Supreme Court Justice Arthur Goldberg once said that the deliberate institutionalized taking of human life by the state is the greatest degradation of the human personality imaginable. We must not expand this flawed system by accepting Senator SESSIONS’ broad amendment.

In 2007, New Jersey became the first State to repeal the death penalty since the modern era of capital punishment began in the 1970s. New Mexico followed in 2009. The number of States without a death penalty has now increased to 15. States have begun to recognize that flawed administration of the death penalty has dire consequences—no matter how slight or unintentional that flaw may be.

The American public has also recognized the danger created by a society that supports the death penalty. A 2008 Gallup poll found that support for the death penalty is at its lowest level in the last 30 years. American citizens are deciding that they will not tolerate this archaic form of punishment.

Furthermore, there is no denying that there is a pattern of racial bias in death sentencing. A study in California found that those who killed Whites were over three times more likely to be sentenced to death than those who killed Blacks, and over four times more likely than those who killed Latinos. In addition, a study found that in 96 percent of the States where there have been reviews of race and the death penalty, there was a pattern of either race-of-victim or race-of-defendant discrimination, or both. Administration of the death penalty is flawed, and that flaw disproportionately affects racial minorities.

The average cost of defending a Federal murder case when the death penalty is sought is \$620,000. That is about eight times the cost of a Federal murder case in which the death penalty is not sought. It has been shown time and time again that sentencing an individual to life in prison is far cheaper than the administration of the death penalty. For example, the California death penalty system costs taxpayers \$114 million a year beyond the costs of

keeping convicts locked up for life. Taxpayers have paid more than \$250 million for each of the State’s executions. While the monetary costs of seeking the death penalty are high, the possibility of executing an innocent American is the ultimate cost.

Some argue in favor of the death penalty because they believe it deters individuals from committing some of the most severe crimes. According to a survey of the former and current presidents of the Nation’s top academic criminology societies, 88 percent of these experts rejected the notion that the death penalty acts as a deterrent to murder. In addition, a Hart Research Poll of police chiefs in the U.S. found that the majority of the chiefs do not believe that the death penalty is an effective law enforcement tool. If the death penalty does not deter violent crime, we shouldn’t ask our government to play executioner.

Stephen Bright is a preeminent scholar on the death penalty. In his law review article *Will the Death Penalty Remain Alive in the Twenty-First Century?*, he states:

If we here in the United States examine our own system, face its flaws, and think about what kind of society we want to have, we will ultimately conclude that, like slavery and segregation, the death penalty is a relic of another era, that it represents the dark side of the human spirit, and that we are capable of more constructive approaches to the problem of crime in our society.

All violent crime is reprehensible and deserves to be punished. However, as Stephen Bright points out, we are capable of more constructive approaches to dealing with crime than by using the death penalty. The death penalty is a relic of the past. It has been proven to lead to wrongful executions where innocent lives are lost at the hand of their government. Although most developed nations in the world have abandoned the death penalty, the United States, which purports to be a leader in the protection of human rights, continues to increase the number of death-eligible offenses that are on the statute books.

The Kennedy amendment being offered will ensure consistency with existing federal law and Supreme Court precedent by setting forth clear standards for the use of the federal death penalty only in hate crimes cases where a murder occurs. Given concerns regarding the well-documented mistakes and racial disparities associated with death penalty cases, this amendment adds appropriate safeguards in cases where the federal government seeks the ultimate—and irreversible—penalty of death. In a hate crime prosecution involving the death penalty, the amendment will empower the trial court to determine whether the case was properly considered to be among the most aggravated of death-eligible hate crimes.

The Kennedy amendment is modeled after an existing Nebraska State law,

and will establish a system of meaningful proportionality review in capital hate crime prosecutions. If the court determines that a case is not among the "worst of the worst" of hate crimes resulting in a homicide, it can dismiss the government's request for a death penalty at the conclusion of the guilt trial or at the conclusion of the penalty trial, before the sentencing decision is submitted to the jury. Under the Kennedy amendment, the test applied by the trial court to determine whether a case is among the "worst of the worst" is whether death sentences are sought and imposed more than half the time in similar Federal cases. This information will enable the court to assess the extent to which race or other inappropriate factors may have been a systemic factor in prior capital charging and sentencing decisions in hate crimes that have resulted in the victim's death. The Kennedy amendment's requirements are a significant improvement over existing Federal practice in death penalty cases.

Senator SESSIONS' amendment increases the number of death-eligible offenses. It expands the use of the death penalty to two new offenses—those created by the Matthew Shepard Act. It is time to stand up against expansion of the death penalty. With this statement, I submit several letters of opposition to the Sessions amendment and other amendments proposed by Senator SESSIONS. I urge my colleagues to vote against Senator SESSIONS' amendment and to support the Kennedy amendment to correct the flaws in Senator SESSIONS' proposal.

In addition, Senator SESSIONS has introduced an amendment that creates a new Federal criminal offense for cases involving assaults or battery of a U.S. serviceman—or a member of the serviceman's immediate family. It creates a new Federal crime to punish individuals who knowingly destroy or injure the property of an active or retired serviceman or the property of an immediate family member, or conspires to do so. Crimes against veterans, members of the armed service are reprehensible. It is undeniable that our Nation is held together by the protection that these brave men and women provide each day. This amendment places another mandatory minimum in our Federal code. Mandatory minimums are unjust, unwise and unnecessary. Such sentences tie the court's hand to review the facts of an individual case. I hope that problems with the broad language of this amendment and the inclusion of a mandatory minimum can be worked out in conference.

Finally, I appreciate that we were able to work with Senator SESSIONS to make some modifications to his amendment regarding the issuance of Attorney General guidelines for hate crime offenses. For over 40 years, the Justice Department's record dem-

onstrates objective decisionmaking when selecting hate crime cases for prosecution—regardless of the administration in charge.

DOJ guidance and professional responsibility rules already guard against any nonmeritorious prosecution. As originally drafted, Senator SESSIONS' amendment could have prevented "mistake of fact" cases—such as an attack against a White person whom the defendant believed to be African American or cases based upon associations—in which a White woman is targeted because her spouse is African American. In addition, there was concern about whether the amendment could also impede prosecutions where a hate crimes victim was perceived to be African American, Latino, or gay because the amendment covers a more narrow class of victims than those covered under the hate crimes bill. With the cooperation and assistance from Chairman LEAHY's staff along with Senator SESSIONS' staff, I believe that the modified version of this amendment will address these concerns so that the amendment will not be interpreted in any way to limit the scope of victims who are protected under the Matthew Shepard Act.

Mr. President, I ask to have the letters to which I referred printed in the RECORD.

The letters follow.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, July 20, 2009.

Re: ACLU urges "No" vote on SA 1615—Sessions Death Penalty Amendment to Hate Crimes Amendment in Defense Authorization Bill (S. 1390); Sessions amendment is unconstitutional.

DEAR SENATOR: On behalf of the American Civil Liberties Union (ACLU), a non-partisan organization with more than a half million members, countless activists and supporters, and fifty-three affiliates nationwide, we write to urge you to oppose Senate Amendment 1615, being offered by Senator Jeff Sessions (R-AL) to the National Defense Authorization Act (S. 1390). This unconstitutional and misguided amendment seeks to expand the reach of the federal death penalty, including to non-homicide crimes, by adding it to a hate crimes provision that the Senate adopted by unanimous consent on Thursday night.

Capital punishment has been proven to be an unreliable and expensive means of punishment and Congress should oppose any effort to expand its scope and reach. According to the Death Penalty Information Center, 135 innocent people have been exonerated from death row since 1973, including five so far in 2009 alone. Such a high error rate illustrates the fallibility of our nation's death penalty system. Indeed, chronic problems, including inadequate defense counsel and racial disparities, have always plagued the death penalty system in the United States. In a 2003 report entitled "Death by Discrimination—The Continuing Role of Race in Capital Cases," Amnesty International found that even though blacks and whites are murder victims in nearly equal numbers of crimes, 80 percent of people executed since the death penalty as reinstated have been executed for murders involving white victims. More than

20 percent of black defendants who have been executed were convicted by all-white juries. Even if one supports the death penalty in theory, there is no justifiable reason to expand our system of capital punishment while such discriminatory impacts continue to exist.

A troubling record of the death penalty being imposed on defendants who were later found to be innocent, along with a long history of racial and geographic disparities in its use, have spurred states to move away from its use. In 2007 and 2008, New Jersey and New Mexico, respectively, abolished the death penalty, bringing to 15 the number of states (including the District of Columbia) that currently have no death penalty. In addition, in recent years, the number of death sentences returned by juries has declined precipitously—from around 300 a year in the 1990s to approximately 120 in the past few years.

The ACLU is also concerned that the Sessions Amendment would unconstitutionally expand the reach of the federal death penalty to include certain non-homicide crimes. The United States Supreme Court has already held that the death sentence is an unconstitutional penalty for kidnapping (see *Eberheart v. Georgia*); sexual abuse (see *Coker v. Georgia* and *Kennedy v. Louisiana*); and attempted murder (see *Enmund v. Florida* and *Tison v. Arizona*), all crimes included in the scope of the Session amendment. To now expand the reach of the federal death penalty to these non-homicide crimes would be clearly unconstitutional, under recent Supreme Court precedent.

The ACLU has a long history of supporting civil rights legislation, including legislation responding to criminal civil rights violations. While we did not support the underlying hate crimes provision in the defense authorization bill because of First Amendment weaknesses, an expansion of the federal death penalty stands in stark contrast to furthering the cause of civil rights in the United States.

The ACLU urges you to oppose the Sessions Amendment (S.A. 1615) to the defense authorization bill and to vote "NO" when it comes to the floor. The ACLU will score this vote. Please do not hesitate to contact Chris Anders at (202) 675-2308 if you have any questions regarding this amendment or the underlying hate crimes provision.

Sincerely,

MICHAEL W. MACLEOD-BALL,
Interim Director,
ACLU Washington
Legislative Office.

CHRISTOPHER E. ANDERS,
Senior Legislative
Counsel.

JENNIFER BELLAMY,
Legislative Counsel.

LEADERSHIP
CONFERENCE ON CIVIL RIGHTS,
Washington, DC, July 20, 2009.

DEAR SENATOR: On behalf of the civil rights, religious, professional, civic, and educational groups below, we write to urge you to oppose two unnecessary and harmful amendments offered by Senator Sessions to S. 1390, the FY 2010 Department of Defense Authorization bill.

As strong supporters of S. 909, the Matthew Shepard Hate Crimes Prevention Act (HCPA), we supported the addition of this legislation as an amendment to S. 1390 last week. At a time when Congress is poised to advance civil rights protection by promoting

new Federal-state partnerships and providing new tools to address bias-motivated violence, the proposed amendments by Senator Sessions (a staunch opponent of the HCPA) would be a disturbing step backward—and raise the prospects of unequal, politically-motivated, shifting standards of justice in applying the new hate crime law in the future.

One amendment offered by Senator Sessions, S.Amdt. 1615, would add the death penalty to the provisions of the HCPA. We strongly oppose this amendment.

The HCPA was first introduced in 1997, but no version of the bill has ever included the death penalty. Senate and House sponsors of the bill and the very broad coalition of supporters have always opposed adding the death penalty to this legislation. The House of Representatives approved its very similar version of this measure, HR 1913, the Local Law Enforcement Hate Crime Prevention Act, without the death penalty on April 29 by a vote of 249-175. An amendment to add the death penalty was defeated at the House Judiciary Committee markup.

Supporters of the HCPA should oppose this amendment. The death penalty is irreversible and highly controversial—with significant doubts about its deterrent effect and clear evidence of disproportionate application against poor people. Moreover, there are serious, well-documented concerns about unequal and racially biased application of the death penalty. According to the Justice Department's Bureau of Justice Statistics, since 1977, blacks and whites have been the victims of murders in almost equal numbers, yet 80% of the people executed in that period were convicted of murders involving white victims.

Importantly, the vast majority of hate crimes are prosecuted by state and local officials. Failure to include the death penalty in the HCPA, which will be codified at 18 U.S.C. 249, will not impact state action. States with the death penalty are free to pursue that option.

We also urge you to oppose another amendment, SA 1617, offered by Senator Sessions. This amendment would require the Attorney General to promulgate guidelines with "neutral and objective criteria for determining whether a crime was motivated by the status of the victim." This amendment is unnecessary and injects politics into the Justice Department decision-making process in these cases. Senators should be especially concerned that this additional Attorney General guidance could vary from Administration to Administration, resulting in uncertainty and, at worst, an unequal application of this important law.

Moreover, the amendment is redundant. The HCPA already requires the Attorney General to certify that a crime meets the requirement of the statute before initiating any prosecution:

- (A) the State does not have jurisdiction;
- (B) the State has requested that the Federal Government assume jurisdiction;
- (C) the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-motivated violence; or
- (D) a prosecution by the United States is in the public interest and necessary to secure substantial justice.

This language tracks the very similar certification requirement from an existing statute, 18 U.S.C. §245. FBI investigators and Justice Department prosecutors have had forty years of experience under this parallel statute to develop well-established proce-

dures governing the conduct of prosecutors—and for determining whether a case is bias-motivated and whether the Justice Department has jurisdiction to pursue it. There is no record of abuse by the Justice Department in selective prosecutions or in using its authority capriciously or arbitrarily. Therefore, there is no need to burden these prosecutions with another layer of guidance and another procedural obstacle.

The time for action to update and expand federal hate crime law is now. These amendments offered by Senator Sessions are unnecessary and harmful and we urge you to oppose them.

Please contact Michael Lieberman, Anti-Defamation League Director, Civil Rights Policy Planning Center or Nancy Zirklin, LCCR Executive Vice President with any questions. Thank you in advance for your support.

Sincerely,

Anti-Defamation League; Human Rights Campaign; Leadership Conference on Civil Rights; National Council of Jewish Women; American Association of People with Disabilities; American Association of University Women (AAUW); American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) American Federation of Teachers.

American Jewish Committee; Amputee Coalition of America; Asian American Justice Center; Association of University Centers on Disability; Bazelon Center for Mental Health Law; B'nai B'rith International; DignityUSA; Disability Rights Education and Defense Fund.

Family Equality Council; GLSEN—The Gay, Lesbian and Straight Education Network; Helen Keller National Center National Coalition on Deaf-Blindness; Hindu American Foundation; Human Rights Campaign; Human Rights First; Jewish Council for Public Affairs; Legal Momentum.

NAACP; NA'AMUT USA; National Advocacy Center of the Sisters of the Good Shepherd; National Center for Transgender Equality; National Coalition for the Homeless; National Coalition on Deaf-Blindness; National Coalition to Abolish the Death Penalty; National Congress of Black Women.

National Council of La Raza; National Disability Rights Network; National Gay and Lesbian Task Force Action Fund; National Urban League; Orthodox Church in America; Parents, Families and Friends of Lesbians and Gays (PFLAG) National; People for the American Way; Religious Institute.

School Social Work Association of America; Sikh American Legal Defense and Education Fund; The American-Arab Anti-Discrimination Committee (ADC); Union for Reform Judaism; Unitarian Universalist Association of Congregations; United Methodist Church, General Board of Church and Society; Women of Reform Judaism; YWCA USA.

AMERICAN BAR ASSOCIATION,
Washington, DC, July 20, 2009.

DEAR SENATOR: I write on behalf of the American Bar Association to urge you to vote against the Sessions Amendment (No. 1615) to create a death penalty offense for what are now non-capital hate crimes. We understand that the amendment will be offered during consideration of S. 1390, Department of Defense authorization legislation.

For decades, the American Bar Association has studied the administration of the death penalty in the United States and identified serious concerns that must be addressed by all jurisdictions that seek to impose it. Among these concerns are: (1) the lack of competent counsel in capital cases; (2) the need for proper procedures for adjudicating claims in capital cases (including the availability of federal habeas corpus); and (3) racial discrimination in the administration of capital punishment. The ABA has called for reforms that are consistent with many longstanding ABA policies intended to ensure that death penalty cases are administered fairly and impartially, in accordance with due process, and to minimize the risk that innocent persons may be executed.

The proposed Sessions Amendment to S. 1390 ("Amendment") fails to address the profound concerns articulated by the ABA and others about the lack of fairness and due process in the federal death penalty system. To expand an already "broken system" without first addressing the serious flaws in the system would risk the execution of innocent persons and other acts of injustice.

The Amendment would also result in an unprecedented and unconstitutional expansion of the federal death penalty. Unlike every other state death penalty statute in the United States, a death sentence pursuant to this Amendment is available for an offense that did not result in the death of a victim. The United States Supreme Court has definitively ruled that a death sentence is inappropriate when the offense did not result in the death of the victim. *Kennedy v. Louisiana*, 554 US (2008). The Court held that none of these laws, where the crime against an individual involved no murder, were in keeping with the national consensus restricting the death penalty to the worst offenses. The ABA is thus concerned that the proposed Amendment is not consistent with constitutional principles or Supreme Court precedent.

The ABA strongly condemns hate crimes; we adopted policy in 1987 that states that "the ABA condemns crimes of violence including those based on bias or prejudice against the victim's race, religion, sexual orientation, or minority status, and urges vigorous efforts by federal, state, and local officials to prosecute the perpetrators and to focus public attention on this growing national problem." Likewise, ABA supports the aggressive prosecution and deterrence of these offenses. However, in light of its experiences, studies, and policies on the death penalty, the ABA opposes an expansion of the current federal death penalty system so that these crimes would carry a potential death sentence for offenders.

The American Bar Association thus urges you to vote against this Amendment when it is considered on the Senate floor.

Sincerely,

THOMAS M. SUSMAN,
Director, Governmental Affairs Office.●
AMENDMENT NO. 1616

Mr. LEVIN. Mr. President, I ask unanimous consent that the Sessions amendment No. 1616 now be the pending business, and that at 4:10 p.m., the Senate proceed to vote in relation to the amendment, with the time until then equally divided and controlled in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. SESSIONS, proposes an amendment numbered 1616.

Mr. LEVIN. Mr. President, I ask unanimous consent, with the permission of the Senator from Alabama, that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit assault or battery of a United States serviceman on account of the military service of the United States serviceman or status as a serviceman)

At the appropriate place, insert the following:

SEC. ____ . ATTACKS ON UNITED STATES SERVICEMEN.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following:

“§ 1389. Prohibition on attacks on United States servicemen on account of service

“(a) IN GENERAL.—Whoever knowingly assaults or batters a United States serviceman or an immediate family member of a United States serviceman, or who knowingly destroys or injures the property of such serviceman or immediate family member, on account of the military service of that serviceman or status of that individual as a United States serviceman, or who attempts or conspires to do so, shall—

“(1) in the case of a simple assault, or destruction or injury to property in which the damage or attempted damage to such property is not more than \$500, be fined under this title in an amount not less than \$500 nor more than \$10,000 and imprisoned not more than 2 years;

“(2) in the case of destruction or injury to property in which the damage or attempted damage to such property is more than \$500, be fined under this title in an amount not less than \$1000 nor more than \$100,000 and imprisoned not more than 5 years; and

“(3) in the case of a battery, or an assault resulting in bodily injury, be fined under this title in an amount not less than \$2500 and imprisoned not less than 16 months nor more than 10 years.

“(b) EXCEPTION.—This section shall not apply to conduct by a person who is subject to the Uniform Code of Military Justice.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘Armed Forces’ has the meaning given that term in section 1388;

“(2) the term ‘immediate family member’ has the meaning given that term in section 115; and

“(3) the term ‘United States serviceman’—

“(A) means a member of the Armed Forces; and

“(B) includes a former member of the Armed Forces during the 5-year period beginning on the date of the discharge from the Armed Forces of that member of the Armed Forces.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 67 of title 18, United States Code, is amended by adding at the end the following:

“1389. Prohibition on attacks on United States servicemen on account of service.”

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Alabama.

Mr. SESSIONS. Did we get an agreement on the time before we vote?

The PRESIDING OFFICER. The time is equally divided until 4:10 p.m.

Mr. SESSIONS. Madam President, I thank Senator LEVIN. It is always a pleasure to work with him and others who work with us to make sure that when we prosecute a hate crime that results in death, that it is possible to have the death penalty in Federal court. I think that is appropriate in those instances where it may be appropriate for the Federal Government to proceed with such a death penalty prosecution. It would be odd that it would not be possible and a crime could have resulted—easily in multiple murders—by one of the most vicious criminals one can imagine.

The next amendment I call the soldiers amendment. It is distinct from the hate crimes legislation we have been discussing. It expands the protections that the United States of America provides to its soldiers. Remember, we provide protections now to Federal officers, postmen—any Federal officer of the United States is protected, and so are soldiers in certain circumstances.

This amendment would create a new Federal crime which puts members of the U.S. military on equal footing with other protected classes. It makes it a crime to knowingly assault, batter a serviceman or immediate family member or knowingly destroy or injure their property “on account of the military service or status of that individual as a United States serviceman . . .”

It is not a total expansion of Federal law, but it says if you are attacked or assaulted, battered, or your family members are simply because you are a member of the U.S. military serving your country, then the Federal Government would obviously have the ability to prosecute because it is a high duty, and no higher responsibility, for the U.S. Government to protect its soldiers from assaults arising from their service to our country.

The PRESIDING OFFICER. The Senator’s time has expired.

Mr. SESSIONS. Madam President, we have had problems with these assaults on our military officers. This will be a good step in correcting that situation.

I thank the Chair for the opportunity to speak. I hope my colleagues will support the amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, first, I thank the Senator from Alabama for this amendment. He is a valued member of the Armed Services Committee. He knows, as we all know, because of our work on the Armed Services Committee, how our men and women in uniform protect us, and we should do everything we can when it comes to our criminal laws to protect them and their families. This amendment is aimed at doing this. It would create a

new Federal crime. It is appropriate we do that. I support the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1616.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Missouri (Mr. BOND), the Senator from Florida (Mr. MARTINEZ), and the Senator from Alaska (Ms. MURKOWSKI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 0, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—92

Akaka	Enzi	Menendez
Alexander	Feingold	Merkley
Barrasso	Feinstein	Murray
Baucus	Franken	Nelson (NE)
Bayh	Gillibrand	Nelson (FL)
Begich	Graham	Pryor
Bennet	Grassley	Reed
Bingaman	Gregg	Reid
Boxer	Hagan	Risch
Brown	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bunning	Hutchison	Sanders
Burr	Inhofe	Schumer
Burris	Inouye	Sessions
Cantwell	Isakson	Shaheen
Cardin	Johanns	Shelby
Carper	Johnson	Snowe
Casey	Kaufman	Specter
Chambliss	Kerry	Stabenow
Coburn	Klobuchar	Tester
Cochran	Kohl	Thune
Collins	Kyl	Udall (CO)
Conrad	Lautenberg	Udall (NM)
Corker	Leahy	Vitter
Cornyn	Levin	Voinovich
Crapo	Lieberman	Warner
DeMint	Lincoln	Webb
Dodd	Lugar	Whitehouse
Dorgan	McCain	Wicker
Durbin	McCasikill	Wyden
Ensign	McConnell	

NOT VOTING—8

Bennett	Kennedy	Mikulski
Bond	Landrieu	Murkowski
Byrd	Martinez	

The amendment (No. 1616) was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. I ask unanimous consent I be allowed to speak for 5 minutes and Senator HUTCHISON to follow me.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. I was going to inquire of the Senator whether he is speaking on the bill? It is morning business.

Mr. MCCAIN. For how long?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. DEMINT. Madam President, I know we are debating the Defense Authorization bill and a myriad of other things we are sticking into the bill. Nationally, Americans are focused on health care and what the President and the majority are trying to push through in a mad rush that we seem to have been in all year long under this guise of crisis. It is pretty amazing in that the legislation we are talking about would not take effect for several years, so it is incredible we are being told we need to pass this in the next couple of weeks before we go home in August.

The last time the President made grand promises and demanded passage of a bill before it could be reviewed or even read, we ended up with the colossal stimulus failure and unemployment near 10 percent. Now we are being told they misread the economy. But we were urged to pass this within a day or two because we had to do it in order to keep unemployment below 8 percent.

Now the President wants Americans to trust him again but he cannot back up the utopian promises he is making about a government takeover of health care. He insists his health care plan will not add to our Nation's deficit, despite the nonpartisan Congressional Budget Office saying exactly the opposite.

Today we learned that the President is refusing to release a critical report on the state of our economy which contains facts essential to this debate. What is he hiding? If the actual legislation came close to matching the President's rhetoric, he would have no problem passing this bill, with huge Democratic majorities in both Chambers. But Americans are not being fooled and we are discovering the truth about his plan, which includes rationed care, trillions in new costs and high taxes, and penalties which will destroy jobs, and even government-funded abortion.

In addition, we are looking at a deficit increased by hundreds of billions of dollars and billions in new taxes on small businesses. It could destroy over 4 million more jobs, according to a model by the President's own chief economic adviser, and it could force 114 million Americans to lose their health care, according to a nonpartisan group.

Let's be clear. There is no one in this debate advocating that we do nothing, despite the President's constant straw

man arguments. Republicans have offered comprehensive health care reform solutions that cover millions of the uninsured without exploding costs, raising taxes, and rationing care. Since I have been in Congress, we have introduced a number of proposals that would help the uninsured buy their own policies.

We have introduced bills that would allow them to deduct it from their taxes just as businesses do, but our Democratic colleagues have killed it. We have introduced legislation that would allow Americans to buy health insurance anywhere in the country, to make it more competitive and more affordable, but the Democrats have killed it. We have introduced legislation that would allow Americans to use money in their health savings accounts to pay for an insurance premium, but the Democrats have killed it. We have introduced legislation that would stop all these frivolous and wasteful lawsuits that cause the cost of medicine to go up, but the Democrats have killed it. We have introduced association health plans that would allow small businesses to come together so they could buy policies less expensively, but the Democrats have killed it. Now they want to come back and say the government needs to take over health care.

It makes absolutely no sense at all. We can give every American access to affordable health insurance plans if we get out of the way and allow the market to work.

This is no time to rush into another government takeover of another part of the American economy, spending billions of dollars we do not have and raising taxes on the small businesses that create jobs.

There are good solutions. I introduced one a couple of weeks ago that would give people fair treatment. If you do not get your insurance at work or you are unemployed, we will give you \$5,000 a year to buy health insurance. That is fair treatment. It is the same basic benefit we give people who get insurance at work, good insurance that does not cost any more money.

I would encourage the President to stop the rhetoric, let us take some time for debate, let's reform health care in a way that makes it possible for every American to have a health insurance plan they can afford and own and keep. We do not need the government to take it over.

I yield for the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

APOLLO 11 ANNIVERSARY

Mrs. HUTCHISON. Madam President, today I rise to speak and commemorate a great milestone; that is, Apollo 11, the anniversary of its landing.

Forty years ago today, on a hot Sunday afternoon in Texas, three astronaut families and close friends in the Houston suburb of El Lago were gath-

ered around television sets in the privacy of their homes watching grainy broadcasts and listening to the sounds from a small loudspeaker wired from Mission Control conveying the voices of astronaut Charlie Duke's conversation with the Apollo 11 astronauts during the final moments leading to the first landing on the Moon.

It was an intensely personal experience for all of them and yet one shared by much of the world. Everyone was glued to their televisions, those who could get to a television at that moment, and waiting for the word, wherever they were. It was 3:18 p.m. Houston time when Neil Armstrong announced: "Houston, Tranquility Base here, The Eagle has landed."

A baseball game in Yankee Stadium in New York was stopped, and the announcement made that America had put men on the Moon. The audience erupted in applause and then burst into singing "The Star Spangled Banner." In college dormitories, in workplaces, in living rooms across the world, people gathered to watch this broadcast of the "giant leap for mankind" that Neil Armstrong made, and Buzz Aldrin following him onto the surface of the Moon, that attracted and compelled millions of people throughout the world.

The Apollo 11 landing is forever etched in the minds of those who watched it or heard it. They are bound together in the history of mankind in a stunning milestone in the advancement of humanity.

The Apollo Program gave us the very first view through the eyes of human beings, captured and transmitted by their cameras, of the Earth, our own spaceship against the infinite backdrop of space. It gave us great advancement in technology, new industries, capabilities benefitting everyone on Earth, especially medical science and quality of life.

Most importantly, it gave us a new vision of ourselves as a nation and the sense of our ability to accomplish things that once seemed utterly impossible and probably were not even thought about but yet had just happened.

The anniversary we celebrate today comes at a time when we need to be reminded that we can overcome challenges and achieve great things when we are committed and dedicated and prepared to step up to the plate. We face enormous challenges as a nation and as part of the global community: finding solutions to our current economic crisis; ensuring our national security; finding solutions to the many domestic issues we face in health care, unemployment, energy, and the environment.

What many may not recall is that in May of 1961, President Kennedy spoke to Congress on "urgent national needs." He spoke of issues strikingly

similar to those we face today. He began with a focus on “the great battleground for the defense of freedom” being in Asia, Latin America, Africa, and the Middle East, and of enemies of freedom whose “aggression is more often concealed than open.”

Remember this is 1961, and the President is talking about issues that relate to us today. Yet, he said, as he turned to the economy, he described the need “to turn recession into recovery” and meeting “the task of abating unemployment and achieving a bold use of our resources.” He spoke of shoring up our international allegiances and providing aid to developing countries seeking to establish themselves as democratic states. He spoke of reshaping our military to better meet unconventional threats and mobility and flexibility in response and the need to ensure effective and accurate intelligence.

This sounds so familiar because we are talking about a Moon landing, but yet we are facing all of these domestic, international, and security issues at the same time. But yet we do not lose that zeal to command something that is beyond the parameters we have known.

President Kennedy spoke of the need to expand efforts in civil defense, what we might now call homeland security, to ensure the safety of our citizens at home. He spoke of renewed calls for arms control and reductions in nuclear arsenals across the globe.

Finally, he focused his concluding remarks on the challenge of space exploration saying:

Now is the time . . . for a great new American enterprise—time for this Nation to take a clearly leading role in space achievement which, in many ways, may hold the key to our future on earth.

He went on to use those words that are perhaps the most familiar from that speech.

I believe this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to the earth.

President Kennedy made that commitment for U.S. leadership in space and set the highest possible goal for establishment of that leadership with the Apollo Program at a time when the Nation faced challenges not unlike those we face today. I believe he did so because he saw that space exploration was something that could elevate the entire national spirit and enhance its broader economy and national security.

As we celebrate the anniversary of the lunar landing, we honor the vision, the courage, and the accomplishments of all of the men and women of Apollo, whether astronauts, engineers, flight directors, or assembly workers, and their families. We thank them for two generations of excellence and leadership in science and technology.

How do we best honor that legacy? We can do it by continuing our Nation’s commitment to space exploration and to sustain the leadership role they won for us in those early pioneering days. We must recognize, as President Kennedy did, that space exploration was an important and urgent national need, not an activity to be short-changed or sacrificed in the face of other pressing economic and security concerns.

We must make the investment needed to ensure that the United States has the ability to launch humans into space. Today, we are looking at a few more missions of our space shuttle, and then we are looking at up to 5 years in which America will not be able to put men and women in space at all.

This is, as Charles Krauthammer said in a recent article: Five years in which we are going to beg Russia or even China for space on their spaceships to be able to put men and women in space.

Forty years ago America did something that changed our country and the world. It gave us new technology. It gave us the dominance of space for our national security purposes. It gave us the ability to have satellite-guided missiles that can now go into a window from miles away and stop the collateral damage and the death of innocent humans when we are in a war situation. It has given us so much. Forty years later we are sitting here with a space program where we are going to have 5 years in which we cannot put men and women into space with our own vehicle. That is not what we should be celebrating on this 40th anniversary. We should be celebrating a renewal of the commitment to space exploration.

We should be celebrating that we are going to finish out an international space station in which many of our international partners have invested billions, as have we, and that we are committed to putting people in that space station that is now designated as a national laboratory—our part is—to have the scientific exploration capability to be able to take the next step in medical research that cannot be done on Earth because we have that national lab.

The idea that we would make that investment and then not be able to put people there for 5 years is unthinkable. That is what it is, it is unthinkable.

So I want to remember the words of President Kennedy, and I have to say I want to remember another speech that President Kennedy made. It was at Rice University. He was talking about why we are committed to putting people on the Moon, why we are committed to things that are so visionary for the future.

He said: Why would we put people into space? Why would Rice play Texas? Not because it is easy but because it is hard.

That very next year, Rice tied the University of Texas in football. It was not in the same league as putting men on the Moon. It was not. But he had the vision and he also had the humor to convey it. He knew what made our country the best country in the world was the vision of doing things that would be seemingly impossible and having the capacity and commitment to do it.

That is what President Kennedy led us to do 40 years ago. Today we must renew that commitment. That is the only way we can show we are worthy of all that has gone on before us that led to Neil Armstrong’s famous words: “One small step for man, one giant leap for mankind.”

I hope with all of the remembrances we are making that the real effort that will be made is what Charlie Bolden said when he was in our committee last week. The chairman of the committee asked Charlie: “NASA’s deteriorating. Tell me why we should support it?”

Charlie Bolden, the new Administrator of NASA, said:

I am committed to doing it and doing it right. We have to have the commitment of Congress to make it happen.

He knows what is right. He is a former astronaut, he is an engineer, he is a great Texan who is a visionary and the person who can implement that vision, and we are going to support him in every way.

I hope all of my colleagues in Congress will do the same thing on the eve of the anniversary of one of the great achievements of America and all mankind.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Madam President, I commend the Secretary from Texas for her commemoration of this spectacular day when Americans went to the Moon. One of them was a fellow named Buzz Aldrin, who lived in the town of Montclair, NJ, the town that I inhabited for many years.

Mrs. HUTCHISON. I thank the Senator from New Jersey because, of course, Buzz Aldrin is going to be at that commemoration tomorrow and has been one of the leaders in trying to make sure America does not flag in its enthusiasm and commitment to space exploration and all that it will bring us.

So I thank the Senator for remembering Buzz Aldrin as well because he was a great astronaut and one of the leaders still today for that very important mission.

Mr. LAUTENBERG. It looked as though it were a fairly simple mission. Now as we study it more thoroughly and realize what conditions were like there—the dust was threatening to the people, to the machinery, to the ship that took them there, to the spaceship

that took them there—it was a remarkable event. I join the distinguished Senator from Texas in her tribute.

Mrs. HUTCHISON. I thank the Senator from New Jersey.

AMENDMENT NO. 1618

Mr. LAUTENBERG. Madam President, this past Friday, five policemen from a city in New Jersey, Jersey City, were shot by a single gunman. On the previous Wednesday, only a few hundred feet from the steps of this Senate, a gunman fired an assault weapon at Capitol policemen. Despite this point in time, after all of that mayhem last week, we have seen the prospect for more gun violence offered by the Senator from South Dakota.

He has offered an amendment that would gut State public safety laws and make it easier to carry concealed weapons across State lines, regardless of the laws of that State. Currently 48 States do allow some sort of concealed carried weapons. The standards vary from State to State based on each State's law enforcement needs and challenges. But under this new idea, this amendment would permit a concealed carry permit from one State to simply override the rules in other States. If I get a permit in State A, I can go to State B, C, D, any one I choose, with a weapon on my back, on my hip, wherever I want it. And I don't think it matters how many guns one carries.

Understand this thoroughly, that despite a State's laws on availability of concealed guns, Congress would override them. The State says no. Congress would say: No, we want the Federal Government to be able to tell you what to do. That is unusual, because I think the offeror of this amendment is more often a States rights person. But now he wishes Congress to override State laws and make one's own State follow this mandate. It would deprive one's State from making its own decisions on the issue. One's constituents would not be able to say they don't want this to happen. In fact, this amendment would allow some people to carry concealed assault weapons, multifiring, multishell firing weapons in States where those assault weapons are not even permitted.

The amendment before us is more about the right of States to make their own decisions about how they keep families in their States safe from gun violence. This amendment would allow almost anyone anywhere to carry a concealed firearm regardless of that State's law. Strangers coming into town carrying a hidden weapon have an open sesame opportunity to go anywhere they darn please—into town, into a school, into a sporting event, into a shopping mall, anywhere they wish to go regardless of what that State's laws are. Because under this amendment it is clear: If you have a li-

cense for a permit from a State in the Far West and you want to carry it to the eastern part of our country, you can do so. Just take away the public safety laws in that State and essentially erase the fact that they are now in the laws.

The amendment declares to State governments that they don't know how to take care of themselves. The gun lobby in Washington is the best place to go to find out what you should or can do. We can't tolerate such an insult.

Here are some of the State concealed weapon requirements that would be wiped out by the amendment. Eighteen States prohibit alcohol abusers from receiving carry permits, including South Dakota. Under the Thune amendment, these 18 States would have to allow alcohol abusers from other States to carry a weapon into their State. Twenty-four States prohibit those convicted of certain misdemeanor crimes, including Pennsylvania, which does not allow those convicted of impersonating a police officer, to carry concealed weapons. Under this amendment, those prohibitions would be violated. Nineteen States require those seeking concealed carry permits to complete gun safety programs. Under this amendment, those States would have to allow untrained, untested gun users from other States to carry concealed firearms. It is an outrage.

The proponents of this amendment claim they are respecting each State's concealed carry laws. That is simply not true. Not only does the Thune amendment override a State's concealed weapons law, it also overrides State laws restricting the type of guns that can be possessed in that State, such as assault weapons. Think about that; the type of guns that are restricted in the State, that rule would be obviated, and you would have to permit the licensed gun owner from a far different State to come in.

I have a letter from 400 mayors opposed to the Thune amendment. Over 400 mayors wrote to the Congress and said: Vote no on the Thune amendment, including 106 from Pennsylvania, 51 from Florida, 50 from Ohio, 13 from Wisconsin—the list goes on—from Louisiana, from Missouri, from South Carolina, from almost every State in the country that has its own gun laws. They have written and said: Don't do this.

As these mayors explained in their letter:

Each state ought to have the ability to decide whether to accept concealed carry permits issued in other states.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 17, 2009.

Re: 400 mayors call on Congress to respect State autonomy and protect public safety by voting no on the Thune Concealed Carry Amendment.

Hon. NANCY PELOSI,
Office of the Speaker,
Washington, D.C.

Hon. HARRY REID,
Senate Majority Leader,
Washington, D.C.

DEAR SPEAKER PELOSI AND MAJORITY LEADER REID: As members of Mayors Against Illegal Guns, a bi-partisan coalition of more than 400 mayors representing more than 56 million Americans, we are writing to express our strong opposition to Congressional bills pushing for the Thune Concealed Carry Amendment. If passed, this legislation will infringe upon the ability of state and local governments to protect their citizens with sensible, constitutional, community-specific laws and regulations regarding the carrying of hidden handguns. It will empower gun traffickers, making it easier for them to transport the guns they sell to criminals without being apprehended by law enforcement. Finally, the bill threatens the safety of our police officers by making it far more difficult to distinguish between legal and illegal firearm possession.

The Mayors Against Illegal Guns coalition has long believed that the issue of concealed carry regulation is one best left to cities and states. Our coalition believes that what state officials, law enforcement and legislators decide are the best policies for rural areas may not be the best for big cities—and vice-versa.

It is very common for states to set standards for carrying guns on city streets that go beyond simply whether an applicant is able to pass a federal background check. Many states, including those with strong gun rights traditions, have enacted common sense concealed carry laws that prohibit carrying by persons regarded as unusually dangerous and criminals convicted of certain misdemeanors, or that require safety training for anyone who wants to carry concealed firearms. For example:

At least 31 states prohibit alcohol abusers from obtaining a concealed carry permit, including South Carolina, which prevents "habitual drunkards" from carrying guns.

At least 35 states prohibit persons convicted of certain misdemeanor crimes from carrying concealed firearms, including Pennsylvania, which bars carrying by those who have been convicted of impersonating a law enforcement officer and other misdemeanor offenses.

At least 31 states require the completion of a gun safety program prior to the issuance of a permit, including Nevada, which requires a 40-question written exam and live fire training from three different positions with a certified instructor as components of their required gun safety course.

This legislation would eviscerate all of these standards, moving concealed carry permitting to a new national lowest common denominator.

Each state ought to have the ability to decide whether to accept concealed carry permits issued in other states. 9 states have chosen to allow concealed carrying by all out-of-state permit holders. However, 12 states choose not to recognize any out-of-state permits. And 29 states recognize permits only from selected states—typically from states with equivalent or higher standards. Any of these options should be available—and it should be each state's choice to make.

This legislation will also aid and abet gun traffickers. In December 2008, Mayors Against Illegal Guns issued a first-of-its-kind report illustrating how traffickers already rely on states with weak laws as a source for the guns they sell illegally. In fact, the report showed that 30% of crime guns crossed state lines before they were recovered, meaning traffickers and straw purchasers often purchase guns in one state and then drive them to their destinations, often major cities hundreds of miles away. This bill would frustrate law enforcement by allowing criminal traffickers to travel to their rendezvous with loaded handguns in the glove compartment. Even more troubling is that a trafficker holding an out-of-state permit would be able to walk the streets of their city with a backpack full of loaded guns, enjoying impunity from police unless he or she was caught in the act of selling a firearm to another criminal.

Finally, this law would not only frustrate our police officers, it would endanger them. Policing our streets and confronting the risks inherent in even routine traffic stops is already perilous enough without increasing the number of guns that officers encounter. Ambiguity as to the legality of firearm possession could lead to confusion among police officers that could result in catastrophic incidences. Congress should be working to make the job of a police officer more safe—not less.

We urge every member of Congress who respects the prerogatives of local law enforcement, wishes to shield communities from gun trafficking, and strives to protect our nation's police officers to take immediate action to oppose and vote against this legislation.

Sincerely,

THOMAS M. MENINO,
Mayor of Boston, Coalition Co-Chair.

MICHAEL R. BLOOMBERG,
Mayor of New York City, Coalition Co-Chair.

Mr. LAUTENBERG. As the mayors make clear, the Thune amendment savages the rights of States to enact their own laws. Unfortunately, this dangerous amendment doesn't end there. It would unleash total havoc by suddenly letting dangerous and unstable people carry weapons into other States and across State lines. Supporters of this amendment claim that only "law-abiding citizens" get their hands on concealed weapons permits. That is not true. Over the 2-year period from May 2007 to April 2009, concealed carry permit holders killed seven law enforcement officers with guns. In fact, the Florida Sun Sentinel did an investigation of concealed carry permit holders in Florida and found that Florida granted concealed carry weapons to more than 1,400 people who pled guilty or no contest to a felony; 216 people with outstanding warrants were allowed to carry a gun; 120 people with active domestic violence injunctions; and 6 registered sex offenders.

I worked very hard some years ago—going back to 1996—to get a rule on issuing guns that would say to those convicted of misdemeanor spousal abuse should be unable to get guns. It

was scoffed at by some who were here at that time who said: This isn't a gun matter. It is nothing too serious and why bother. I am pleased to tell the Senate that with Supreme Court affirmation about 6 months ago, saying that the law prohibiting gun permits to spousal abusers stood, 150,000 of these people were denied guns.

When I look at these things, it raises a question. While a State such as Florida works to correct these problems, should every other State be forced to allow felons, domestic abusers, and sex offenders to carry guns within their States? I don't want it in my State.

This is a reckless amendment that would force States from coast to coast to comply with the weakest conceal carry laws. A few months ago in Alabama, a person holding a concealed carry license went on a murderous rampage that lasted almost a full hour and spanned two communities. First he shot and killed his mother in Coffee County, AL. He then put on a vest loaded with firearms and ammunition, got into his car and drove into town. Once there he shot and murdered 10 innocent people—we can't forget that—including two young mothers, a father, and an 18-month-old child. It was later discovered that this killer had qualified and been issued a concealed weapons permit from the Coffee County sheriff's department.

A few weeks after Mr. McLendon's murderous rampage in Alabama, there was a premeditated shooting spree in upstate New York. The gunman drove his car up to a citizenship services center in Binghamton, NY, barricaded the backdoor with his car, and then burst through the front entrance with two handguns and a bag full of ammunition. In what would become the worst mass shooting since the tragic assault at Virginia Tech, the assailant opened fire, killing one receptionist and wounding another.

He then entered a classroom where he sprayed gunfire, killing 12 more innocent people and wounding 7 others. The gunman then committed suicide. The killer was no stranger to guns. He was a firearms enthusiast and even though he had been convicted of a misdemeanor, he held a license to carry concealed weapons.

The day after the city of Binghamton was terrorized by a gunman, two police officers arrived at a house in Pittsburgh to quell a domestic conflict between a man and his mother. When the two officers entered, they were ambushed and killed. The assailant was carrying three firearms and wearing a bulletproof vest and murdered the policemen with an AK-47.

Minutes later, the gunman shot and killed a third officer who arrived at the scene. The attacker held the police at bay for 4 hours before surrendering. It was later learned the killer had been arrested for domestic abuse against his

girlfriend but held a concealed weapons permit.

We have to face up to this. This amendment would let more brutal people carry concealed weapons legally—and not just in their own town or in their own State but in other States and across State lines.

This amendment would also open the floodgates for gun trafficking. A gun dealer who sells firearms to criminals would be free to travel across the country with a car full of loaded weapons as long as the driver had a concealed weapons permit from some other State. The fact is, if the police were to discover the pile of guns in the trafficker's trunk, the police could do nothing about it.

The prospect of this scenario is no exaggeration. Last year, a report showed that one-third of firearms sold on the black market came from States with weak gun safety laws. The Thune amendment would simply exacerbate this problem and make it easier for gun traffickers to supply known criminals—including terrorists—with weapons.

The scourge of gun violence and gun deaths is a menace this Chamber must take seriously. Think about it. All of us here represent a State—all of us, two per State—and we are being told by one of our Members that what we ought to do is let the Federal Government decide how we care for our people; decide, the Federal Government, how safe our streets ought to be; decide, the Federal Government, to ignore or obviate laws we have on our books, and say: We are going to override your books. We know best what is good for you.

Well, those in other States—whether Illinois or San Francisco, CA, or Houston, TX—do not know better about what we ought to do in New Jersey than we do about them, and we should not allow this to take place.

Just look at the toll gun violence takes on our most innocent and defenseless in our country. Every single day, 8 children die because of gun violence, while another 48 kids are shot. They, however, manage to survive their gun injuries. Think about it: over 50 kids shot each and every day. It is a tragedy in America.

The Thune amendment would place our communities in danger in further danger than we already have. That is why law enforcement leaders—the very people who put their lives on the line to combat criminals and keep families safe—are against the Thune amendment. I have a letter from the International Association of Chiefs of Police opposing this amendment. As the letter explains, the police chiefs urge Congress to "act quickly and take all necessary steps to defeat this dangerous and unacceptable legislation." The Association of Chiefs of Police—if anybody ought to know what is good for

their communities, it should be the chiefs of police.

Madam President, I ask unanimous consent that this letter be printed in the RECORD directly following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LAUTENBERG. It is no wonder that when police departments are in charge of issuing concealed weapons permits, they are very conservative about whom they allow to have these permits. Nevertheless, the amendment from Senator THUNE would defer to the weakest—think this through—would defer to the weakest concealed permit laws. So now untrained, amateur gun owners will be free to carry a hidden firearm in other States and across State lines.

Do we want to completely disregard State law enforcement officers' decisions or do we want criminals wandering our streets with pistols in their backpacks or carrying them on their sides or do we want unstable drivers stuck in rush hour with guns in the front seats of their cars? I do not.

These are critical questions, and they should not be resolved by an amendment tacked onto a Defense authorization bill—defense. We have our soldiers, and the toll keeps rising in Afghanistan. By no means is Iraq a safe place to be. They should not have to be further jeopardized or have their health threatened. We see what conditions are like. We see the reports from the war front. This bill ought to be moved along just on the Defense authorization.

On Thursday, the Judiciary Committee is going to hold hearings on Senator THUNE's proposal. That hearing will give everyone a fair opportunity to get all the facts, hear from both sides of the issue, and learn from the testimony of experts. The hearing will include law enforcement officers testifying against this legislation. They deserve to have their voices heard. We should not shortcut the legislative process and the vital work of the Judiciary Committee.

Before I close, I wish to make one thing crystal clear: This amendment has nothing to do with individuals' rights to protect themselves in their own homes. A concealed weapons permit is a separate and special privilege that lets gun owners hide their firearms in a jacket or a bag as they travel in the community and go out in public. Whether they are riding in a bus or a car or walking down the street, they can have that weapon.

Why in our world is it necessary to make sure those who want to carry a concealed weapon can go anywhere they want with this weapon? You know what happens. We read about fights occurring in cafes all the time. To just allow people to come in there with

weapons and see what happens after alcohol or too much celebration? Bad idea, and we should not allow it.

States and local communities must be allowed to choose who has earned this privilege, based on what is in the best interest of that particular State or community. Unfortunately, this amendment takes the power away from the local community, away from the State capitals, and leaves the decision about what is in the public interest to the gun lobby and the politicians here in town—lobbyists in many cases.

The Thune amendment poses extreme danger to our country, and it blatantly nullifies State laws and State rights in favor of a radical agenda. I strongly urge my colleagues to vote no on the Thune amendment.

I recently was traveling with my wife out West, and we were interested in seeing a particular baseball team play. We know the owners of the team. The hotel had a gun show.

By the way, I carried a gun. It was not concealed. I did it in a uniform during a war, and I loved that weapon. But it had a mission. It had a mission to kill somebody else before they killed me. That is not what we typically see with concealed weapons.

In this case, we were at this hotel gun show, and people were buying ammunition for their purpose. There was lots of activity. Lots of ammunition was being put in the back of cars. The State, though, in that case permitted it. There could not be any objection. The State decided what was best for its citizens and its communities, and they did just that. I do not agree with that, but I cannot object. If that State wants to do it that way, they are entitled to do it that way, and who am I, from the State of New Jersey, to tell them how they should conduct themselves in those moments? I have no right to do that.

So here we are. We are faced with an amendment that says nobody in the State knows what is better for their people than does the gun lobby, the NRA, the gun manufacturers. We disagree with that, and I hope we will show the American people we care enough about them and respect their intelligence—respect the fact they have their own structure in their States to take care of their needs as they see them. We do not want to see intruders carrying guns coming into those States—not mine, not yours, not anybody's—who do not pass the test that is required within that State's jurisdiction before they go around town with their weapons.

EXHIBIT 1

INTERNATIONAL ASSOCIATION
OF CHIEFS OF POLICE,
Alexandria, VA, July 17, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER REID: On behalf of the International Association of Chiefs of

Police (IACP), I am writing to express our strong opposition to S. 845, the Respecting States Rights and Concealed Carry Reciprocity Act of 2009. This bill would weaken existing state laws by allowing an individual to carry concealed firearms when visiting another state or the District of Columbia as long as the individual was entitled to carry concealed firearms pursuant to the laws of his or her home state.

It is the IACP's belief that S. 845 would severely undermine state concealed carry licensing systems by allowing out of state visitors to carry concealed firearms even if those visitors have not met the standards for carrying a concealed weapon in the state they are visiting. For example, some states require a person to show that they know how to use a firearm or meet minimum training standards before obtaining a concealed carry license. These states would be forced to allow out of state visitors to carry concealed weapons even if they do not meet that state's concealed licensing standards.

It is the IACP's belief that states and localities should have the right to determine who is eligible to carry firearms in their communities. It is essential that state, local and tribal governments maintain the ability to legislate concealed carry laws that best fit the needs of their communities—private citizens as well as active and former law enforcement personnel.

The IACP urges you to act quickly and take all necessary steps to defeat this dangerous and unacceptable legislation.

Thank you for your attention to this matter. Please let me know how we can be of assistance.

Sincerely,

RUSSELL B. LAINE,
President.

Mr. LAUTENBERG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1618

Mr. THUNE. Madam President, the business pending before the Senate is the amendment I have offered to the Defense authorization bill. I think it is close to nearing an agreement with both sides about a process for proceeding to have debate on this amendment and then perhaps, hopefully, a vote sometime as early as Wednesday of this week.

I think it is important to note for the record—because many have already or some at least have come down already and spoken on this amendment—that I had hoped to offer this amendment as a second-degree amendment to the hate crimes amendment that has been on the floor now for the past week. The Defense authorization bill was brought up early last week. Immediately, this hate crimes amendment was offered. It is a nongermane amendment. It is not relevant, obviously, to the underlying content of the bill.

The Defense bill sets priorities for our national security interests for the coming year. Yet the Democratic leadership chose to make the hate crimes amendment the first amendment to be debated and voted upon. When they did that, it had been my intention to offer as a second-degree amendment the concealed carry amendment, which is now the pending amendment before the Senate. It makes sense in a lot of ways, to me, to do that simply because one of the best ways to help prevent hate crimes against potential victims of hate crimes is to allow them to defend themselves. The concealed carry permit is something most States across the country have. What my amendment simply does is it allows those who have concealed carry permits in their own States to be able to move across State lines to other States that also allow concealed carry permits. Obviously, they also have to respect the laws of those individual States if there are restrictions on the exercise of that right.

I think it is important in the debate over hate crimes to point out that the victims of those crimes ought to have at their disposal as many ways of defending themselves as is possible. Frankly, there are lots of organizations that have come out in support of this amendment for that reason, because they believe if you want to prevent those types of violent crimes, those types of hate crimes from being committed in this country, one way to do that is to allow individuals who are the potential victims of those types of crimes to be able to have a concealed carry permit in order to deter a crime from being committed.

It is also important to point out that there are a number of arguments that have been raised against this amendment which just, frankly, are not true.

First of all, my amendment does not create a national concealed carry permit system or standard. My amendment does not allow individuals to conceal and carry within States that do not allow their own citizens to do so. My amendment does not allow citizens to circumvent their home State's concealed carry permit laws. If an individual is currently prohibited from possessing a firearm under Federal law, my amendment would continue to prohibit them from doing so. When an individual with a valid concealed carry permit from their home State travels to a State that allows their citizens to conceal and carry, the visitor must comply with the restrictions of the State they are in.

It has been suggested that somehow this preempts State laws. That is not the case. The restrictions an individual State imposes upon concealed carry laws that have been enacted by that State must be followed by any individual who has a concealed carry permit in their own State. In other words,

the individual who travels to that State will be required to live under the laws that are on the books in that State.

But it does get at an issue which I think many have raised regarding people who travel across State lines all the time—truckdrivers, for instance, who on any given day take a cargo load from one State across several States in this country and want to be able to protect themselves as they do so. In many cases, they stay overnight in truckstops or pull over for a nap somewhere. Being able to possess a firearm that would enable them to have some level of self-protection and to deter crimes from being committed makes a lot of sense.

So the amendment is very straightforward and very simple. It is simply tailored to allow individuals to protect themselves while at the same time respecting States rights. So individual States can continue to enact restrictions on that, and every State has those. They may be place restrictions, and I think most States—I know my State of South Dakota has restrictions regarding courthouses, schools, and those sorts of places where there are restrictions against concealed carry. Many States have those types of laws which would apply to anyone who has a concealed carry permit in their own State of residence and moves into another State that also has a concealed carry permit law. So they would have to live under the laws of those States. So I want to make very clear what the amendment does and doesn't do.

I have heard it said here that somehow this is going to be used to circumvent or to preempt State laws. That certainly is not the case. But it does get at the heart of what is a constitutional right in this country. The second amendment of the Constitution allows people to keep and bear arms. That is a constitutional right, and it should not be infringed upon. Like I said before, an individual State can enact statutes that impose restrictions on that. That is something most States have, and every State treats the situation a little differently. But an individual should be able to exercise their second amendment constitutional right and be able to travel through individual States as long as they live by the laws of those States.

So that is essentially what the amendment does. It is very simple, very straightforward, and not particularly complicated, as I said. It certainly doesn't do many of the things that have been proposed here on the floor that it does. So I thought it was important to set the record straight.

Obviously, we will have a debate about this in the next couple of days. I think we will probably have a debate on the defense amendment here first, and then we will get to this particular issue. But I hope my colleagues, as

they listen to that debate, will do their best to ferret out and to differentiate facts from myth and facts from fiction because there are a lot of statements that are being made that are not consistent with the facts, and the facts on this are very clear.

So I look forward to having the opportunity to make that case and to have this issue debated. As I said before, I had hoped to be able to offer this as a second-degree amendment to the hate crimes amendment because I think it fits very nicely there. As I said before, it ties in to the overall theme of protecting potential victims from hate crimes by allowing them to have a deterrent. Obviously, a concealed carry permit acts as a deterrent and has been proven over time, both in terms of the data you look at as well as a lot of anecdotal examples, to have the desired effect, which is to prevent many of these crimes from occurring in the first place.

Because the Democratic leadership filled the tree—in other words, precluded or prevented my offering a second-degree amendment to the hate crimes amendment—we are now offering it as a first-degree amendment and understand completely the importance of moving the Defense bill forward. So I think, on Wednesday, after we have had a certain amount of time to debate, we will bring it to a vote, and I hope my colleagues would support this. I think it is an amendment that has broad bipartisan support. I already have 22 or 23 cosponsors on this amendment from both sides of the aisle, and I hope that number grows because it is common sense. It has been very effective in many States across the country.

We want to use as many tools as we can to deter crime, particularly violent crimes that are committed against individuals in this country. It seems to me it makes sense in having a concealed carry permit law that allows an individual who has a valid concealed carry permit in their individual State of residence an opportunity to move freely across this country and to have that constitutional right protected.

With that, Madam President, I yield the balance of my time and look forward in the next day or two, as this issue is debated further, to having a discussion with my colleagues here in the Senate in hopes that we can get this amendment enacted on this bill. So I hope my colleagues will vote for it when the time comes.

THE PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I just want to say how much I appreciate the Senator's efforts. It is consistent with the retired law enforcement officers bill we passed, as I recall, not long ago that allowed them to carry their weapons in other States under certain

circumstances. When people are traveling, they many times feel more vulnerable and they feel a greater need to protect themselves.

I think it is a sound and reasonable approach—limited but important—and I thank Senator THUNE for offering that amendment.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, notwithstanding the order of July 16, 2009, I ask unanimous consent that the Levin-McCain F-22 amendment be considered on Tuesday, July 21, beginning immediately after the opening of the Senate on that day and extending for up to 2 hours, and the vote on the amendment occur upon the use or yielding back of time, as provided for under the previous order which established the parameters of considering the amendment, with the other provisions of the July 16 order governing consideration of the Levin-McCain F-22 amendment remaining in effect; further, that on Wednesday, July 22, at 9:30 a.m., after opening of the Senate, the Senate then resume consideration of S. 1390 and the Thune amendment No. 1618, with the time until 12 noon for debate with respect to amendment No. 1618, and the time equally divided and controlled between Senators THUNE and DURBIN or their designees, with no amendments in order to the Thune amendment during its pendency; that adoption of the Thune amendment requires an affirmative 60-vote threshold; further, that if the amendment achieves that threshold, then it be agreed to and the motion to reconsider be laid upon the table; that if it does not achieve that threshold, then it be withdrawn; that at 12 noon, the Senate proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, for the information of the Senate, on Tuesday the Senate will convene at 10 a.m.; therefore, the vote on the Levin-McCain amendment is expected to occur around 12 noon. That is expected to be the first vote of the day.

Mr. SESSIONS. Madam President, we have been busy in the Judiciary Committee with the Sotomayor hearing. I have not been able to participate in the debate over the hate crimes legislation. I want to follow up a little bit more on what I said earlier today. I have an obligation to assert a principle that I think is important in Federal criminal law.

I was a Federal prosecutor for 15 years and was very familiar with the jurisdiction issues that are involved in Federal criminal law. We need to do this right. I do not think we have done that right.

The bill has basically been made a part of this Defense bill already, so in

one sense I guess the die is cast, but I will share a few thoughts.

To repeat briefly, I will quote from the letter from six, I believe, of the eight members of the U.S. Commission on Civil Rights that was received June 16, was sent to the President and members of the Judiciary Committee. They said:

We believe the MSHCPA—

That is the so-called hate crimes legislation, this is their opinion, six of the eight members—

will do little good and a great deal of harm. Provisions in the bill “are very much a violation of the spirit that drove the framers of the Bill of Rights, who never dreamed that federal criminal jurisdiction would be expanded to the point where an astonishing proportion of crimes are now both state and federal offenses. We regard the broad federalization of crime as a menace to civil liberties. There is no better place to draw the line on that process than with a bill that purports to protect civil rights.

In other words, this is an official commission of the U.S. Government, appointed by Presidents, and that is what they sent to us.

Gail Heriot, who is a member of the commission, testified at our judiciary hearing a couple of weeks ago. She testified that:

The proposed hate crimes legislation, which is being touted as a response to murders, should not have been treated as a mere photo opportunity. It is real legislation with real world consequences—and not all of them are good. A close examination of its consequences, especially its consequences for federalism and double jeopardy protections, is therefore in order.

Given the many civil liberties issues that would raise, including the routine potential for double jeopardy prosecutions, this is a step that members of the Senate should think twice before they take.

Bob Knight, a senior fellow—I guess I am going to show some members, liberal lawyers and conservative advocates, also sharing concern over this legislation. I hope my colleagues have not treated these concerns too lightly.

It is hard to vote against legislation that purports to fight hate. You do not want to be somebody defending hate crimes. I certainly do not. Neither do these good people who have expressed their concern.

Bob Knight, a senior fellow at the American Civil Rights Union, said this:

The proposed law, whatever its sponsors’ good intentions, is a grave threat to the constitutional guarantee of equal protection under the law. America’s legal heritage of judging actions rather than thoughts or beliefs, and it will politicize law enforcement by making some crime victims’ cases more important than others.

Beyond the obvious unfairness of excluding some groups from enhanced protections, such as the elderly, homeless, veterans and children—

They are not given enhanced protections of the hate crimes bill—

the proposed law advances an underlying ambitious agenda to punish individuals and groups that hold traditional values.

This law:

... lays the groundwork for the concept of “thought crime,” in which someone’s views or beliefs are criminalized. Violent acts are already illegal and punished under criminal law. This law adds penalties based on thought. In order to prove that the defendant holds particular beliefs that motivated a criminal act, his or her speech, writing, reading materials and organizational memberships would become key evidence.

Brian Walsh, a senior fellow at the conservative Heritage Foundation, says this:

The criminal justice system is in great need of principled reform . . . this reform should not be driven by some partisan politics. Unfortunately, the HCPA fails to measure up to this standard and would substantially undermine constitutional federalism and the high regard in which the American public should hold Federal criminal law.

The three main problems with this amendment are that:

... the Act’s new “hate crimes” offenses are far broader and more amorphous than any properly defined criminal offense should be—

I agree with that, parenthetically. He goes on to say:

—and they thus invite prosecutorial abuse, politically motivated prosecutions, and related injustices. The Act’s “hate crimes” offenses violate constitutional federalism by asserting Federal law-enforcement power to police truly local conduct over which the Constitution has reserved sole authority to the 50 states. The Act’s “hate crimes” offenses would be counterproductive, for nearly all States have—tough “hate crimes” laws and the violent conduct underlying the Act’s “hate crimes” offenses has always been criminalized in all 50 states.

Nat Hentoff is a famous civil rights and libertarian attorney, a writer well known in the country as being a passionate advocate for civil liberties from an objective, I would say, point of view. He has respect from both conservatives and liberals, but I guess his background has mostly been on a more liberal approach to law.

He starts off saying:

Why is the press remaining mostly silent about the so-called “hate crimes law” that passed the House on April 29? The Local Law Enforcement Hate Crime Prevention Act passed in a 249-175 vote—17 Republicans joined with 231 Democrats. These Democrats should have been tested on their knowledge of the First Amendment, equal protection of the laws . . . and the prohibition of double jeopardy. . . . No American can be prosecuted twice for the same crime or offense. If they had been, they would have known that this proposal, now headed for a Senate vote—violates all these constitutional provisions.

This bill would make it a federal crime to willfully cause bodily injury—or try to—because of the victim’s actual or perceived “race, color, religion, national origin, gender, sexual orientation, gender identity or disability”—as explained on the White House Web Site, signaling the president’s approval. A defendant convicted on these grounds would be charged with a “hate crime” in addition to the original crime and would get extra prison time.

The extra punishment applies only to these “protected classes.”

He quotes a Denver, CO criminal defense lawyer:

As Denver criminal defense lawyer Robert J. Corry Jr. asked . . . "Isn't every criminal act that harms a person a hate crime?" Then, regarding a Colorado "hate crime" law, one of 45 such state laws, Corry wrote: "When a Colorado gang engaged in an initiation ritual specifically seeking out a 'white woman' to rape, the Boulder prosecutor declined to pursue 'hate crime' charges. She was not enough of one of its protected classes."

Corry adds that the State "hate crime" law—like the newly expanded House of Representatives Federal bill—"does not apply equally," as the 14th amendment requires, essentially instead:

"Criminalizing only politically incorrect thoughts directed against politically incorrect victim categories."

Hentoff concluded:

Whether you're Republican or Democrat, think hard about what Corry adds:

"A government powerful enough to pick and choose which thoughts to prosecute is a government too powerful."

David Rittgers of the CATO Institute, a libertarian group, said this:

The Federal hate crimes being considered in the Senate undermines the rule of law and shows casual disregard, if not outright hostility, for the principles of limited government and equality under the law. The bill Federalizes violent acts against victims by reason of their actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability.

Never mind that these acts are already prosecuted by the states—45 of which have their own hate crime laws—and that violent crimes of this nature are universally perceived as an affront to justice. Matthew Shepard, a gay man brutally killed in Wyoming, has provided one of the rallying cries for passage of this legislation. His killers both received two consecutive life sentences from a state court. James Byrd, Jr., the African-American man dragged to death behind a truck in Texas, is cited as another reason to pass the law. His killers received death sentences or life imprisonment.

The federal government would also be authorized to prosecute whenever "the verdict or sentence obtained pursuant to State charges left demonstratively unvindicated the Federal interest in eradicating bias-related violence." While this doesn't violate the letter of the Supreme Court's double jeopardy jurisprudence—the federal and state governments are considered separate sovereigns—it certainly violates its spirit.

The National Religious Broadcasters write they are opposed to the concept as well as the current legislative permutations of the so-called "hate crimes." This legislation takes any conduct that is viewed as a threat to homosexuals or bisexuals or a threat to persons who want to immunize their religion from public debate and turns that threat or perceived threat into a species of criminal felony. As a consequence, this legislation will inevitably stifle the free exercise of religion and freedom of speech, and brings with it the very real likelihood of abusive prosecutions. Federal "hate crimes" laws also ignore the fact that the underlying core offense, the causing of bodily injury to another, is already criminalized in all 50 states.

The Research Council says this:

Hate crimes laws force the courts to guess the thoughts and beliefs which lie behind a crime, instead of looking at the crime itself.

The Family Research Council believes that all crimes should be prosecuted to the fullest extent of the law, and that every violent crime has some form of hate behind it. All around the country, crimes are being prosecuted in the State justice systems. American justice is being done. There is simply no need for a Federal hate crimes law.

Violent attacks upon people or property are already illegal, regardless of the motive behind them. With hate crime laws, however, people are essentially given one penalty for the action they engage in and an additional penalty for the particular and highly selective attitudes and thoughts that motivated these actions.

Motive-based analysis and intent-based analysis are not the same thing. For example, with the crime of manslaughter, intent-based analysis looks at whether the perpetrator intended the result. Hate crime legislation takes into account what the offender thinks, feels, or believes about the victim regardless of whether the perpetrator intended the result. This is why hate crimes may be referred to as "thought crimes."

The Traditional Values Coalition says:

The so-called hate crimes bill will be used to lay the legal foundation and framework to investigate and prosecute and persecute pastors, business owners, Bible teachers, Sunday School teachers, youth leaders, Christian counselors, religious broadcasters, and anyone else whose actions are based upon and reflect the truths found in the Bible, which have been protected by the first amendment.

That is not accurate? Well, they are concerned about that. And they object to the legislation.

The Concerned Women for America note that:

The legislation would violate genuine constitutional rights in an attempt to address a nonissue, create a caste system of victims, violate the spirit of the Double Jeopardy Clause of the Constitution, and unintentionally extend privileges to individuals who engage in illegal sexual acts even against children.

I would share those thoughts and say that this is why this legislation has been controversial. The predicate for this legislation is the interstate commerce tag that is very weak. The Supreme Court has already found several Federal statutes do not have sufficient interstate nexus to justify prosecuting a crime in Federal court.

I would say if a few people walk out in the pasture and one finds a rock and murders a person, as a Federal prosecutor for 15 years I will tell you, there is no jurisdiction federally to try and prosecute that case. It is a criminal case in the State court only. And to make it a Federal case, you have to

have some sort of peg to hang your hat on, so to speak.

In that case, I do not think there is any. But if you are on a railroad train and you are traveling and you are in interstate commerce, you murder someone, that can be a Federal crime. If you steal from an interstate shipment, that can be a Federal crime. If you murder a postman, that is a Federal crime—or a Federal civil servant, and so forth. Those are Federal crimes. But normal murder, rape, robbery, theft, that occur by the tens of thousands every day all over America are not Federal crimes. They are not prosecutable in Federal court.

The very small number of FBI agents, compared to the massive numbers of police and sheriffs, deputies, and State law enforcement officers is such that there is no way they can ever begin to prosecute or investigate these crimes. They have to focus on those crimes that are uniquely Federal, vindicate a uniquely Federal interest.

With regard to the Civil Rights Act that was passed in the 1960s, it has some similarities, although it is more tightly written.

I will conclude with these thoughts: There was a demonstrable record of failure to prosecute violations of civil rights against African Americans in the South, sad to say, and in other places in this country. It appeared that local law enforcement was ineffective, sometimes unwilling, to vindicate those rights, and so the Civil Rights Act said: If you are going to school or a legal activity at the city or county or Federal Government or voting and you are interfered with, that can be a Federal offense.

There was a clear record to justify the need for Federal involvement in those cases. And most of those cases, I think virtually all, have been upheld as being sufficiently tied to interstate commerce to be a legitimate Federal crime to prosecute.

We asked the Attorney General at a hearing recently, can he name any cases? He did not name a single one. But he said in his statement there were four. After the hearing we submitted questions to the Attorney General: Did he have any cases to show that these prosecutions are not being effectively prosecuted locally?

He stood by the four. That is all we ever got over a period, I think, of 5 years. At least that is what I asked him for. And the four cases were very insubstantial. In each one of the four cases prosecutions were initiated. I think in all but one convictions were obtained.

Some people were not happy with the results of the case, and they would have liked the Federal Government to take it over and prosecute it again. But as I said, there are tens of thousands of cases prosecuted every day, and many victims in those cases felt that the outcome of the case was not sufficient.

They would like also for the Federal Government to prosecute it again. But they might not have been in these "special classes" that got this "special benefit" in this bill.

Do you see then what it is all about? It is basically saying that the Federal Government sits up and hovers above the criminal justice system, and it can decide whenever, based on the length of the chancellor's foot, I suppose, when a case has not effectively resulted in justice.

They said in their answer, they want to make sure that there is justice every time. That is a pretty high goal, I have got to tell you, especially when people might not agree. Juries make decisions. I hope we in this Congress will understand the huge responsibility we have to the historic concept that crimes of a local nature should be prosecuted locally, and that the Federal Government does not need to be involved in everything to try to ensure perfect justice.

Indeed, it is not involved in every case and it never has been. It should not be. I wanted to make these quotes a part of the RECORD, and call on the Members of the Senate as we go forward in the future to make sure that the legislation we pass is consistent with our heritage, which understands that the Federal Government does not have a general criminal power, has only narrow limited enumerated power to make crimes Federal, and we ought not overreach and create a situation in which, according to the U.S. Civil Rights Commission in their letter to us: Every single rape would be a Federal crime because the action would have been carried out as a result of the gender of the person being assaulted.

Ms. Heriot said she had talked with the Department of Justice in previous years about this, before she was on the Commission, and they refused to narrow the language because they wanted that broader language.

I think that is too broad. This bill is too amorphous and too broad and should not become law.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HAGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

Mrs. HAGAN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. HAGAN pertaining to the introduction of S. 1473 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY. Mr. President, it reflects well upon this body that the Senate late last week voted to include the Matthew Shepard Hate Crimes Prevention Act of 2009 as an amendment to the Defense authorization bill with a strong bipartisan vote. This important legislation has also passed the Senate in 2007, 2004, 2000, and 1999. I am hopeful and optimistic that this time it will make it to the President's desk and be signed into law.

This legislation will help to address the serious and growing problem of hate crimes. The recent tragic events at the Holocaust Museum, on top of many other recent hateful and devastating acts, have made clear that these vicious crimes continue to haunt our country. This bipartisan bill is carefully designed to help law enforcement most effectively respond to this problem. It has been stalled for far too long. The Senate's action last week was the right step and long overdue.

I thank Senator COLLINS, Senator SNOWE, and the other bipartisan cosponsors for their support. I particularly thank Senator TED KENNEDY, for whom this important civil rights measure has long been a priority, and I commend him for his steadfast leadership over the last decade in working to expand our Federal hate crimes laws.

I wish he could have been here for the vote on Thursday, but I know he was proud of what the Senate did. I thank the many staff members who helped with this effort—Roscoe Jones, Joe Thomas, Elise Burditt, Leila George-Wheeler, Matt Smith, Noah Bookbinder, Kristine Lucius, and Bruce Cohen on my staff—as well as the staff for Senator KENNEDY—Christine Leonard and Ty Cobb—who worked so hard on this legislation.

I appreciate that Republicans were willing to come to an agreement to let this hate crimes amendment move forward. As part of that agreement, today we vote on several additional related amendments from Senator SESSIONS.

Senator SESSIONS proposed an amendment creating a new criminal statute for attacks against U.S. servicemembers. While servicemembers are already appropriately covered by strong legal protections, I agree with the purpose of this amendment, and I appreciate Senator SESSIONS' willingness to work with us to improve it. I will support this amendment.

Senator SESSIONS was also willing to work with us on another amendment of his which would require that all hate crimes prosecutions be undertaken pursuant to guidelines promulgated by the Attorney General. With the improvements that we worked out, I am happy to support this amendment as well.

Finally, Senator SESSIONS proposed an amendment to apply the death penalty to a broad swath of hate crimes. This amendment, as offered, would have applied the death penalty even to

cases involving offenses like attempted kidnapping where there was no intent to kill any person. Such a broad application would have clearly violated the Constitution as set out in ruling Supreme Court precedent.

With regard to the death penalty, the Supreme Court recently held that, "As it relates to crimes against individuals, . . . the death penalty should not be expanded to instances where the victim's life was not taken."

Whether or not Senators agree with that sentiment, we should not purposefully pass legislation that we know to be unconstitutional. As a result of my criticism, I understand that Senator SESSIONS will be modifying his amendment, and I appreciate that.

Adding an expansive death penalty provision to hate crime statutes would also add new costs to enforcement since death penalty cases are consistently far more expensive and difficult for the government to litigate. Those increased costs could reduce the number of important hate crime investigations and prosecutions the government could conduct.

We should be facilitating more hate crime investigations and prosecutions, not restricting the number the government can bring. I should also note that many proponents of hate crimes legislation, particularly in the House, as well as other influential House Members, strongly oppose the death penalty.

The Leadership Conference on Civil Rights has written us to oppose this death penalty amendment, and I know several of my fellow Senators share my concerns with this amendment.

Senator KENNEDY has proposed a further amendment which would add important guidelines about when the death penalty could be used. I support this commonsense measure.

I hope all Senators will join me in doing everything we can to ensure that effective, meaningful hate crimes legislation can be signed into law this summer.

Mr. NELSON of Nebraska. Mr. President, I come to the floor to express my disappointment that the Senate failed to take advantage of an opportunity to debunk a false argument against the Matthew Shepard Hate Crimes Prevention Act. If it were up to me, the debate never would have gone in this direction, but since it has I have tried to do my best to address the concern—though I believe it to be unfounded—that this legislation protects "pedophiles."

Some, including some constituents of mine in Nebraska, are concerned that a term used in this legislation, "sexual orientation," could be interpreted as including "pedophiles." This is obviously not the intent of the bill, nor is it possible that any of the categories protected by the bill could be read to include pedophiles. In short, nothing in

this legislation is intended, nor can it be construed, to protect pedophiles.

The Attorney General, the chief law enforcement officer in the United States, has rejected the argument that this bill covers pedophiles. In fact, the ranking member of the Judiciary Committee, Senator SESSIONS, explicitly asked Attorney General Eric E. Holder a question for the record of the Judiciary Committee's hearing on this bill, which makes clear that the bill, as written, could not possibly be read to include pedophiles. As the Attorney General stated:

Proposed U.S.C. § 249(a)(2) would cover violent crimes motivated by bias against the "actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person." This legislation would only cover groups falling under these categories. The Department [of Justice] does not believe that any group falling under these categories should be excluded. The Department does not believe that any of the listed categories could possibly be read to include pedophiles, and therefore we do not believe an amendment to exclude pedophiles is necessary.

Despite this assurance, my colleague from South Carolina offered just such an amendment, and I signed on as a cosponsor to express sensitivity to the concern he raises, even though I do not believe this legislation protects pedophiles in any way.

Existing Federal law, codified at 28 U.S.C § 534 defines sexual orientation as consensual homosexuality or heterosexuality. A similar definition can be found in any dictionary of the English language. That and nothing more is what we are addressing in this bill.

I might add that in my view to claim that this law could somehow be used to protect pedophiles shows a lack of confidence in and respect for local law enforcement, and the groups, such as the International Association of Chiefs of Police, the National Sheriffs Association, and the National District Attorneys Association, which are strongly supporting this bill and asking us to pass this legislation to help them do their jobs in investigating and prosecuting these heinous crimes.

In order for the hate crimes law to be used in the manner some groups claim it could, a chief of police or local sheriff would have to decide, in conjunction with the county attorney or district attorney, that it was in their best interest and the best interest of the community to bring such a prosecution, in contravention of existing Federal laws that protect children from predators. Federal law enforcement, which serves as a backstop to local efforts under this bill, would also not use the law in this way because the Department of Justice has already stated their policy that this legislation does not protect pedophiles. As I quoted above, the Attorney General, the Nation's top law enforcement official, made the Department's policy crystal clear in Congress-

sional testimony: "the Department does not believe that any of the listed categories could possibly be read to include pedophiles."

We can have an honest debate about this bill. I have heard several arguments of reasons why this bill should be opposed, and I appreciate and respect the concerns which underlie those arguments. However, I feel the need to reaffirm that in no way is this bill intended to, or can be construed as, protecting pedophiles.

Mr. REID. Mr. President, I ask unanimous consent that the July 15, 2009, letter from Attorney General Holder to Senator MCCONNELL and myself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, July 15, 2009.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: I understand that S. 909, the Matthew Shepard Hate Crimes Prevention Act, is now before the Senate in the form of an amendment to pending legislation. On behalf of the Administration, I strongly urge the Senate to approve this vital legislation.

As I stated in testimony before the Senate Judiciary Committee on June 25, hate crimes victimize not only individuals, but entire communities. Perpetrators of hate crimes seek to deny the humanity we all share, regardless of the color of our skin, the God to whom we pray, or whom we choose to love.

Bias-motivated acts of violence divide our communities, intimidate our most vulnerable citizens, and damage our collective spirit. The FBI reported 7,624 hate crime incidents in 2007, the latest year for which the FBI has compiled such data. Recent numbers also suggest that hate crimes against certain groups, such as individuals of Hispanic national origin, are on the rise. Between 1998 and 2007, more than 77,000 hate crime incidents were reported to the FBI. That is nearly one hate crime every hour of every day over the span of a decade.

Most hate crimes in the United States are investigated and prosecuted by our partners in state, local, and tribal law enforcement, and this legislation will not change that reality. Rather, this bill will give law enforcement authorities at all levels the tools they need to effectively investigate, prosecute and deter bias-motivated violence. First, it will enable the Department of Justice to provide our non-federal partners with technical, forensic, prosecutorial, and financial assistance to bolster their hate crimes enforcement efforts. Second, it will eliminate the antiquated and burdensome requirement under existing Federal law that prosecutors prove that a hate crime was motivated by a victim's participation in one of six enumerated federally protected activities. Third, it will expand coverage beyond violent acts motivated by actual or perceived race, color, religion, or national origin to those motivated by actual or perceived gender, disability, sexual orientation and gender identity.

Although local law enforcement agencies will continue to play the primary role in the

investigation and prosecution of hate crimes, federal jurisdiction is a necessary backstop. Federal resources may be better suited to address crimes involving multiple jurisdictions, and there may be times when local authorities request Federal involvement.

There also may be rare circumstances in which local officials are unable or unwilling to bring appropriate charges, or when prosecutions, even when successful, do not fully serve the interests of justice. At the same time, there are safeguards, both in the legislation and in the Department's internal policies, to ensure that crimes will be prosecuted at the Federal level only when necessary to achieve justice in a particular case.

Some have raised concerns that Congress lacks the constitutional authority to enact this legislation, as well as concerns that it could infringe on First Amendment rights. The Department addressed these issues at length in a June 23, 2009, views letter to Senator Edward Kennedy. As we explain in that letter, the legislation is constitutional and would not infringe on First Amendment rights because it would criminalize no speech or association, but only bias-motivated violent acts resulting in bodily injury (or attempts to commit such violent acts). Finally, the legislation is carefully tailored to address violence targeting members of communities that have suffered a long history of bias and prejudice.

This Administration strongly supports S. 909, the Matthew Shepard Hate Crimes Prevention Act, and I urge its passage without further delay. Now is the time to provide justice to victims of bias-motivated violence and to redouble our efforts to protect our communities from heinous acts of violence based on bigotry and prejudice.

Sincerely,

ERIC H. HOLDER, Jr.,
Attorney General.

Mrs. HAGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HAGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR COURT OF IMPEACHMENT

Mr. REID. Mr. President, I ask unanimous consent that the Senate convene as a court of impeachment in the trial of Samuel B. Kent on Wednesday, July 22, 2009, and the Secretary of the Senate inform the House of Representatives that the Senate will at that time receive the honorable managers on the part of the House of Representatives.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOON LANDING AND HEALTH CARE

Mr. REID. Mr. President, when Neil Armstrong and Buzz Aldrin became the first humans to touch the Moon, our Nation rejoiced not just because we were launching a new era of exploration and technology. When the Apollo 11 crew touched down in the Sea of Tranquility, our country cheered more than just a stunning success for science.

When 40 years ago tonight, man first set foot on another world, we celebrated the fact that those first men were Americans.

On the evening of July 20, 1969, millions of Americans watched with Walter Cronkite, who passed away just 3 days ago. As Armstrong leaped off the ladder, the anchorman took care to note that the astronaut was a “38-year-old American.” Because he was an American—a boy scout from Ohio and a pilot in our Navy—we all were proud.

We were proud that an American vehicle was the first manned spacecraft to make it to the Moon’s surface, that an American’s footprint was the first to be pressed upon it, and that our American flag was the first to be planted within it. America was moving mankind forward, and we were proud to be leaders.

But the story of the journey we celebrate today did not begin on the breathtaking night when the Eagle landed.

It began years before: in the imaginations of Americans everywhere, in laboratories and hangars in Florida and Texas, and in a stadium in Houston where President Kennedy told us that we will choose to reach the Moon within the decade and do other great things, “not because they are easy, but because they are hard . . . because that challenge is one that we are willing to accept, one we are unwilling to postpone.”

We now must be willing to accept today’s challenges. We must be willing to accept the challenge of making it easier to live a healthy life in America. We must be unwilling to postpone our responsibility to fix what is broken.

We now have a chance to be proud once again. We have the chance to lead once again, and for our entire Nation to again achieve dramatic goals, like making health care more affordable, more stable and more secure.

America is the last major industrialized nation on the planet that refuses to ensure all of its citizens can get health care. In the greatest country and the largest economy the world has ever seen, hardworking Americans live in fear as they live one accident, one illness, or one pink slip away from losing their health coverage.

How much longer can the country that led the way to space be content to stay in last place? How much longer can we sit this one out? How much longer can we say no?

Our health care system is not healthy. The cost of doing nothing is too high, and not acting is not an option.

The story of the Moon landing did not begin with that one small step for a man, and it did not end there either. President Reagan credited our willingness to reach for new heights with helping our country “recapture its spirit of vitality and confidence.” He pointed to the space program as proof that “the pioneer spirit still flourishes in America.”

Today that spirit must prevail over partisan passions. If we confront this crisis together, we can once again restore the vitality and confidence of America, and of all Americans.

Forty years ago, no political party had a monopoly on the lunar landing. A conservative who looked to the heavens took no less pride in our achievement than did a liberal. It was not a Republican accomplishment or a Democratic accomplishment. It was an American accomplishment.

As we said at the beginning of this year, our strong preference is to fix health care as one collaborative Congress, not as two competing parties. As we have said throughout this debate, we will continue to work with the other side in good faith and we want to pass a bipartisan bill.

I remain optimistic that both Republicans and Democrats recognize how urgent this is. The health of our citizens and our economy are at stake, and neither will be able to recover if we are unwilling to accept this challenge.

When we make it easier for people to stay healthy—when we make it easier for people to afford to care for their loved ones—when we choose to do what is right, what is necessary and what is overdue—not because it is easy, but because it is hard—we will once again proudly rejoice together, as Americans.

VETERANS VOTING SUPPORT ACT

Mr. LEAHY. Mr. President, I am pleased today to join with Senators FEINSTEIN and KERRY and others to reintroduce the Veterans Voting Support Act. This legislation will enable the Nation to better preserve and protect the fundamental right to vote for veterans in facilities operated by the Department of Veterans Affairs. Our men and women in uniform have risked their lives to serve our country and spread democracy around the globe. We must do all we can to protect their right to participate in the democratic process when they return home.

When we introduced this legislation last Congress, I had hoped that it could be signed into law before last year’s historic election. Millions of Americans went to the polls last November and yet far too many of our wounded warriors were left behind. That is wrong, and I hope the Senate will con-

sider this important legislation to remedy the disenfranchisement of our disabled veterans. Senators FEINSTEIN and KERRY, the respective Chairpersons of the Rules and Foreign Relations Committees, have been leaders on this important issue.

Today, veterans of the armed services who reside in a VA facility face a voting rights crisis. Far too often in recent years, the Department of Veterans Affairs has neglected to assist veterans with voting, or to allow nonpartisan groups access to VA facilities to register voters. Until last year, for example, the VA’s national policy was silent on whether it could provide support to wounded warriors seeking to vote. There have also been reports that the Department of Veterans Affairs may have even prohibited its own staff from providing voter assistance to veterans in VA hospitals. In addition, since 2004, reports indicate that the VA has often sided in Federal court against allowing nonprofit voter registration organizations access to VA-run facilities.

I welcome the recent strides the Department of Veterans Affairs has made to correct its flawed policies, but it has not gone far enough. I am glad that last year, the Department changed its policy from a blanket prohibition against voter registration efforts to one that would permit its patients to register to vote. That change, however, was only a first step. We need legislative action to ensure that these changes are permanent and complete. For example, I remain concerned that the VA’s voter registration policy stops short of mandating that VA facilities offer disabled veterans a chance to register to vote. To paraphrase Paul Sullivan, the Executive Director of Veterans for Common Sense, the new policy directive only changed the Department from being in active opposition to veterans’ voter registration to passively supporting it. It is common sense that the Department of Veterans Affairs should make services available to wounded veterans who reside in VA facilities and yet face hardships in traveling off campus to register to vote. This legislation will ensure that VA facilities have an affirmative duty to provide our wounded warriors with access to, and assistance with, voter registration materials in the same way they help veterans fill out other forms.

The Veterans Voting Support Act we introduce today would also require the Department of Veterans Affairs to provide voter registration forms to veterans whenever they enroll in, or make changes to, their status under the VA health care system. It would also require the VA to provide assistance to veterans who wish to file absentee ballots. In addition, the bill would require facilities to allow access for nonpartisan voter assistance organizations, subject to reasonable time, place, and manner restrictions. To ensure accountability and transparency,

the bill also provides certain reporting requirements on the Department of Veteran Affairs. This legislation has the support of voting rights and veterans groups, including the Brennan Center for Justice and Veterans for Common Sense.

I believe it is essential for the Nation to do everything possible to honor our veterans. Ongoing wars in Iraq and Afghanistan, as well as interventions across the globe, means more and more men and women are coming home as veterans. These brave men and women must know that the country will honor their sacrifice when they return. Recognizing their service not only means paying continual tribute through services on such holidays as Memorial Day and Veterans Day. It also means ensuring that our veterans in Vermont and across the country have the ability to fully participate in the democratic process. This is not a Republican or Democrat issue it is an American issue. We should all be able to agree that Americans who have ventured into harm's way to defend our values and spread democracy abroad must also have full enjoyment of those freedoms here at home.

The disabled veterans of the Nation have given extraordinary service to our country and have advanced democracy around the globe. Enactment of the Veterans Voting Support Act is the very least we owe our citizen soldiers for their many sacrifices on our behalf. I urge all Senators to support the Veterans Voting Support Act and help us to enact this critical measure into law before next November's midterm elections.

COMMENDING SENATOR COLEMAN

Mr. BUNNING. Mr. President, today I pay tribute to my distinguished colleague from Minnesota, Senator Norm Coleman.

I worked with Senator Coleman since 2002 when he was elected U.S. Senator of Minnesota. Norm is a man of integrity and patriotism. He has dedicated most of his adult life to serve the people of Minnesota. While he served in the Minnesota Attorney General's Office for a large portion of his career and eventually became solicitor general, he is highly praised in the city of St. Paul for his successes as mayor. His vision and execution to revitalize the city of St. Paul became a benchmark for success in local governing. Because of his accomplishments as mayor, he gained higher approval ratings in Minnesota than most politicians in Washington ever receive in their entire careers.

During his tenure as U.S. Senator, Norm was a leader in strengthening our homeland security and national defense. He consistently supported and sponsored measures that provide our troops with the important tools they

need to defend our freedoms overseas and fought to make sure they receive the proper care and services as they return home. Additionally, Norm remained a strong voice for alternative fuels and energy independence. The Commonwealth of Kentucky and I are thankful for his diligence in promoting clean energy.

He always fought for what he believes is best for Minnesotans and for America. While we are sad to see him go here in the Senate, we are grateful for his contributions. I am honored to know him and to have worked with him. I wish his wife Laurie, his children, Jake and Sarah, and him the best in all of their future endeavors.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 1:41 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 129. An act to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California.

H.R. 409. An act to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes.

H.R. 1018. An act to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes.

H.R. 1442. An act to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909.

H.R. 2188. An act to authorize the Secretary of the Interior, through the United States Fish and Wildlife Service, to conduct a Joint Venture Program to protect, restore, enhance, and manage migratory bird populations, their habitats, and the ecosystems they rely on, through voluntary actions on public and private lands, and for other purposes.

H.R. 3170. An act making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 3183. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 156. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 129. An act to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California; to the Committee on Energy and Natural Resources.

H.R. 409. An act to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1018. An act to amend the Wild Free-Roaming Horses and Burros Act to improve the management and long-term health of wild free-roaming horses and burros, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1442. An act to provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909; to the Committee on Energy and Natural Resources.

H.R. 2188. An act to authorize the Secretary of the Interior, through the United States Fish and Wildlife Service, to conduct a Joint Venture Program to protect, restore, enhance, and manage migratory bird populations, their habitats, and the ecosystems they rely on, through voluntary actions on public and private lands, and for other purposes; to the Committee on Environment and Public Works.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 156. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3170. An act making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 3183. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 529. A bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of countries within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations (Rept. No. 111-52).

H.R. 80. A bill to amend the Lacey Act Amendments of 1981 to treat nonhuman primates as prohibited wildlife species under that Act, to make corrections in the provisions relating to captive wildlife offenses under that Act, and for other purposes (Rept. No. 111-53).

H.R. 388. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes (Rept. No. 111-54).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TESTER:

S. 1470. A bill to sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. 1471. A bill to direct the Secretary of the Army to carry out certain water control projects at Lake Pontchartrain, Louisiana, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself and Mr. COBURN):

S. 1472. A bill to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes; to the Committee on the Judiciary.

By Mrs. HAGAN (for herself and Mr. CORNYN):

S. 1473. A bill to catalyze change in the care and treatment of diabetes in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself, Mr. ROCKEFELLER, and Mr. MENENDEZ):

S. 1474. A bill to amend the Internal Revenue Code of 1986 to repeal the provision prohibiting the crediting of interest to the Highway Trust Fund, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mr. GRAHAM):

S. 1475. A bill to prohibit the heads of executive agencies from entering into or renewing procurement contracts with persons that export certain computer or telecommunications technologies to Iran, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY:

S. Res. 217. A resolution commending Captain Wei Jiafu and the China Ocean Shipping Company for increasing business relations between the United States and China; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. 21, a bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 144

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 307

At the request of Mr. WYDEN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 307, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

S. 316

At the request of Mrs. LINCOLN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 316, a bill to amend the Internal Revenue Code of 1986 to make permanent the reduction in the rate of tax on qualified timber gain of corporations, and for other purposes.

S. 343

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 343, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage services of qualified respiratory therapists performed under the general supervision of a physician.

S. 557

At the request of Mr. MARTINEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 557, a bill to encourage, enhance, and integrate Silver Alert plans throughout the United States, to authorize grants for the assistance of organizations to find missing adults, and for other purposes.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Texas (Mr. CORNYN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 647

At the request of Mr. GRASSLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 647, a bill to amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

S. 662

At the request of Mr. CONRAD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 662, a bill to amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

S. 664

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 664, a bill to create a systemic risk monitor for the financial system of the United States, to oversee financial regulatory activities of the Federal Government, and for other purposes.

S. 781

At the request of Mr. ROBERTS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 781, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 801

At the request of Mr. THUNE, his name was added as a cosponsor of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001,

as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 819

At the request of Mr. DURBIN, the names of the Senator from Illinois (Mr. BURRIS) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 823

At the request of Ms. SNOWE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 823, a bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes.

S. 845

At the request of Mr. THUNE, the names of the Senator from Montana (Mr. TESTER) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 845, a bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

S. 846

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 850

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 850, a bill to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

S. 942

At the request of Mr. GRASSLEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 942, a bill to prevent the abuse of Government charge cards.

S. 951

At the request of Mr. NELSON of Florida, the names of the Senator from

Texas (Mr. CORNYN), the Senator from Washington (Mrs. MURRAY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Wyoming (Mr. ENZI) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 951, a bill to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

S. 973

At the request of Mr. NELSON of Florida, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 973, a bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1072

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1072, a bill to amend chapter 1606 of title 10, United States Code, to modify the basis utilized for annual adjustments in amounts of educational assistance for members of the Selected Reserve.

S. 1089

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1089, a bill to facilitate the export of United States agricultural commodities and products to Cuba as authorized by the Trade Sanctions Reform and Export Enhancement Act of 2000, to establish an agricultural export promotion program with respect to Cuba, to remove impediments to the export to Cuba of medical devices and medicines, to allow travel to Cuba by United States citizens and legal residents, to establish an agricultural export promotion program with respect to Cuba, and for other purposes.

S. 1106

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1106, a bill to amend title 10, United States Code, to require the pro-

vision of medical and dental readiness services to certain members of the Selected Reserve and Individual Ready Reserve based on medical need, and for other purposes.

S. 1148

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1148, a bill to amend the Clean Air Act to modify a provision relating to the renewable fuel program.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1221

At the request of Mr. SPECTER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1221, a bill to amend title XVIII of the Social Security Act to ensure more appropriate payment amounts for drugs and biologicals under part B of the Medicare Program by excluding customary prompt pay discounts extended to wholesalers from the manufacturer's average sales price.

S. 1237

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1237, a bill to amend title 38, United States Code, to expand the grant program for homeless veterans with special needs to include male homeless veterans with minor dependents and to establish a grant program for reintegration of homeless women veterans and homeless veterans with children, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1318

At the request of Mr. GREGG, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1318, a bill to prohibit the use of stimulus funds for signage indicating that a project is being carried out using those funds.

S. 1402

At the request of Mr. MERKLEY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1402, a bill to amend the Internal Revenue Code of 1986 to increase the amount allowed as a deduction for start-up expenditures.

S. 1415

At the request of Mr. SCHUMER, the names of the Senator from Indiana

(Mr. BAYH), the Senator from Florida (Mr. NELSON), the Senator from Minnesota (Mr. FRANKEN), the Senator from Vermont (Mr. LEAHY), the Senator from Nevada (Mr. ENSIGN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Oregon (Mr. WYDEN), the Senator from Alaska (Mr. BEGICH), the Senator from Maryland (Mr. CARDIN), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1415, a bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes.

S. 1416

At the request of Mr. BROWNBACK, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1416, a bill to require the redesignation of North Korea as a state sponsor of terrorism, to impose sanctions with respect to North Korea, to require reports on the status of North Korea's nuclear weapons program and counterproliferation efforts, and for other purposes.

S. 1425

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 200

At the request of Mr. UDALL of Colorado, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Res. 200, a resolution designating September 12, 2009, as "National Childhood Cancer Awareness Day".

S. RES. 210

At the request of Mrs. LINCOLN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

S. RES. 212

At the request of Mr. JOHANNES, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. Res. 212, a resolution expressing the sense of the Senate that any savings under the Medicare program should be invested back into the Medicare program, rather than creating new entitlement programs.

AMENDMENT NO. 1484

At the request of Mr. GREGG, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 1484 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1501

At the request of Mr. BOND, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from North Carolina (Mrs. HAGAN), the Senator from Oregon (Mr. WYDEN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 1501 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1504

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 1504 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1513

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 1513 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1515

At the request of Mr. NELSON of Florida, the name of the Senator from

Washington (Ms. CANTWELL) was added as a cosponsor of amendment No. 1515 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1530

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 1530 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1557

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 1557 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1558

At the request of Mr. NELSON of Florida, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 1558 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1570

At the request of Mr. FRANKEN, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 1570 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1575

At the request of Mr. JOHANNES, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 1575 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military

activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1585

At the request of Mr. DEMINT, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 1585 intended to be proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 1618

At the request of Mr. THUNE, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. HATCH), the Senator from Alaska (Mr. BEGICH), the Senator from Utah (Mr. BENNETT), the Senator from New Hampshire (Mr. GREGG), the Senator from Kansas (Mr. ROBERTS), the Senator from Nevada (Mr. ENSIGN), the Senator from Texas (Mr. CORNYN), the Senator from Georgia (Mr. ISAKSON), the Senator from Kansas (Mr. BROWNBACK), the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. GRAHAM), the Senator from South Carolina (Mr. DEMINT), the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. JOHANNES), the Senator from Montana (Mr. TESTER) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 1618 proposed to S. 1390, an original bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. COBURN):

S. 1472. A bill to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I rise today to speak about the Human Rights Enforcement Act of 2009, which I am introducing today. This narrowly-tailored, bipartisan legislation would make it easier for the Justice Department to hold accountable human rights abusers who seek safe haven in our country.

I would like to thank the lead Republican cosponsor of the Human Rights Enforcement Act, Senator TOM COBURN of Oklahoma. This bill is a product of the Judiciary Committee's Subcommittee on Human Rights and the Law. I am the chairman of this subcommittee and Senator COBURN is its ranking member.

The end of the last century was marked by horrific human rights abuses in places such as Bosnia and Rwanda. The early years of this century have seen ongoing atrocities being committed in, among other places, Darfur and Burma.

While a growing number of perpetrators of human rights abuses have been held accountable in international, hybrid and state tribunals, a much larger number have escaped accountability for their crimes. Some of these human rights violators have fled to the U.S.

How we as a country treat suspected perpetrators of serious human rights abuses in the U.S. sends an important message to the world about our commitment to human rights and the rule of law. It also signals to perpetrators of human rights abuses considering seeking refuge in the U.S. what treatment they can expect to receive.

The U.S. has been a leader in holding the perpetrators of serious human rights violations accountable for their crimes. Over 60 years ago, following the Holocaust, we led the efforts to prosecute Nazi perpetrators at the Nuremberg trials. We have also supported the prosecution of human rights crimes before the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone.

In some circumstances, the U.S. Government has also made valiant efforts to hold accountable human rights violators who have found safe haven in our country, but more must be done. Federal law enforcement reportedly has over 1,000 open cases involving suspected perpetrators of serious human rights abuses from almost 90 countries who are now in the U.S. While no one knows the total number of human rights abusers living in the U.S., the number of open cases presumably represents only a small portion of the total number of such perpetrators.

In the last Congress, the Subcommittee on Human Rights and the Law held hearings which identified loopholes in the law that hinder effective human rights enforcement. In order to close some of these loopholes and make it easier to prosecute human rights abuses, Senator COBURN and I introduced the Genocide Accountability Act, the Child Soldiers Accountability Act and the Trafficking in Persons Act, legislation passed unanimously by Congress and signed into law by President George W. Bush that denies safe haven in the United States to perpetrators of

genocide, child soldier recruitment and use, and human trafficking.

We also examined the U.S. Government agencies which bear responsibility for investigating human rights abusers and how to increase the likelihood that human rights violators will be held accountable.

There are two offices within the Justice Department that investigate and prosecute suspected human rights abusers. The Office of Special Investigations, established by Attorney General Richard Civiletti in 1979, was assigned:

[T]he primary responsibility for detecting, investigating, and, where appropriate, taking legal action to deport, denaturalize, or prosecute any individual who was admitted as an alien into or became a naturalized citizen of the United States and who has assisted the Nazis by persecuting any person because of race, religion, national origin, or political opinion.

Over the years, the Office of Special Investigations, also known as OSI, has led the way in investigating, denaturalizing and removing World War II-era participants in genocide and other Nazi crimes. I want to commend OSI for its outstanding work tracking down and bringing to justice Nazi war criminals who have found safe haven in our country. Since 1979, OSI has successfully prosecuted 107 Nazis.

Just this year, OSI has succeeded in deporting two Nazi war criminals. Josias Kumpf, who immigrated to the United States in 1956 and lived in Racine, Wisconsin, was a guard at the Sachsenhausen Concentration Camp in Germany and the Trawniki Labor Camp in Nazi-occupied Poland. Kumpf allegedly participated in the extermination of 8,000 Jews in one day at the Trawniki camp. OSI Director Eli Rosenbaum said, "The removal of Josias Kumpf to Austria has achieved a significant measure of justice on behalf of the victims of Nazi inhumanity and it reflects the unswerving commitment of the U.S. government to continuing the quest for justice."

OSI also deported John Demjanjuk to Germany, where last week he was charged with involvement in the murder of 27,900 people at the Sobibor extermination camp in Nazi-occupied Poland. Demjanjuk came to the United States in 1952 and lived in Seven Hills, Ohio. During World War II, Demjanjuk allegedly served as a guard at a number of Nazi concentration camps. Lanny Breuer, the Assistant Attorney General of the Criminal Division, said, "The removal to Germany of John Demjanjuk is an historic moment in the federal government's efforts to bring Nazi war criminals to justice. Mr. Demjanjuk, a confirmed former Nazi death camp guard, denied to thousands the very freedoms he enjoyed for far too long in the United States."

Due to OSI's outstanding work, the U.S. is the only country in the world to receive an "A" rating from the Simon

Wiesenthal Center for bringing Nazi war criminals to justice. I especially want to commend Eli Rosenbaum, who has worked at OSI for more than two decades and has been OSI's director since 1995. OSI's success is due in large measure to Mr. Rosenbaum's leadership and personal dedication to holding Nazi perpetrators accountable.

In 2004, the Intelligence Reform and Terrorism Prevention Act further strengthened the Office of Special Investigations by statutorily authorizing it and expanding its jurisdiction to include serious human rights crimes committed after World War II.

The Domestic Security Section, which was established more recently, seeks to investigate and prosecute major human rights violators and has jurisdiction over the criminal laws relating to torture, genocide, war crimes, the use or recruitment of child soldiers, and other atrocities. In 2008, the Domestic Security Section and the United States Attorney's Office for the Southern District of Florida obtained the first federal conviction for torture against Chuckie Taylor, son of former Liberian president Charles Taylor, for committing torture in Liberia when he served as the head of the Anti-Terrorist Unit. Taylor and other Anti-Terrorist Unit members engaged in horrific acts of torture, including shocking victims with an electric device and burning victims with molten plastic, lit cigarettes, scalding water, candle wax and an iron. Then-Attorney General Michael Mukasey said, "Today's conviction provides a measure of justice to those who were victimized by the reprehensible acts of Charles Taylor Jr. and his associates. It sends a powerful message to human rights violators around the world that, when we can, we will hold them fully accountable for their crimes."

I commend the Office of Special Investigations and the Domestic Security Section for their successes in holding human rights abusers accountable.

The Human Rights Enforcement Act would seek to build on this important work by creating a new office in the Criminal Division that would focus exclusively on enforcing human rights laws. My bill would combine the Office of Special Investigations, which has significant experience in investigating and denaturalizing human rights abusers, with the Domestic Security Section, which has broad jurisdiction over human rights crimes. Consolidating these two sections would allow limited law enforcement resources to be used more effectively and ensure that one section in the Justice Department has the necessary expertise and jurisdiction to investigate and, where appropriate, prosecute, denaturalize or deport perpetrators of serious human rights crimes.

The Human Rights Enforcement Act also includes a number of technical an-

conforming amendments, including: technical changes to the criminal law on genocide, 18 U.S.C. 1091, that the Justice Department requested in 2007 to make it easier to prosecute perpetrators of genocide; clarifying that the immigration provisions of the Child Soldiers Accountability Act apply to offenses committed before the bill's enactment; a conforming amendment to the Immigration and Nationality Act required by the enactment of the Genocide Accountability Act; and a conforming amendment to the material support statute, made necessary by the enactment of the Genocide Accountability Act and the Child Soldiers Accountability Act, making it illegal to provide material support to genocide and the use or recruitment of child soldiers.

The United States has a proud tradition of leadership in the promotion of human rights and the world watches our steps in this field closely. By holding perpetrators of serious human rights abusers found in the U.S. accountable, we will demonstrate our commitment to upholding the human rights principles we have long advocated and discourage human rights violators from fleeing to the U.S.

I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Human Rights Enforcement Act of 2009".

SEC. 2. SECTION TO ENFORCE HUMAN RIGHTS LAWS.

(a) REPEAL.—Section 103(h) of the Immigration and Nationality Act (8 U.S.C. 1103(h)) is repealed.

(b) SECTION TO ENFORCE HUMAN RIGHTS LAWS.—Chapter 31 of title 28, United States Code, is amended by inserting after section 509A the following:

"§ 509B. Section to enforce human rights laws

"(a) Not later than 90 days after the date of the enactment of the Human Rights Enforcement Act of 2009, the Attorney General shall establish a section to enforce human rights laws within the Criminal Division of the Department of Justice.

"(b) The section is authorized to—

"(1) identify individuals who are suspected of committing serious human rights offenses under Federal law;

"(2) take appropriate legal action, including prosecution, denaturalization or extradition, against the individuals identified pursuant to paragraph (1); and

"(3) coordinate any such legal action with the United States Attorney for the relevant jurisdiction.

"(c) The Attorney General shall consult with the Secretary of Homeland Security and the Secretary of State in making determinations regarding the prosecution, re-

moval, denaturalization, extradition, or exclusion of naturalized citizens or aliens who are suspected of committing serious human rights offenses under Federal law.

"(d) In determining the appropriate legal action to take against individuals who are suspected of committing serious human rights offenses under Federal law, the section shall take into consideration the availability of criminal prosecution under the laws of the United States for such offenses or in a foreign jurisdiction that is prepared to undertake a prosecution for the conduct that forms the basis for such offenses.

"(e) The term 'serious human rights offenses under Federal law' includes—

"(1) violations of Federal criminal laws relating to genocide, torture, war crimes, and the use or recruitment of child soldiers under sections 1091, 2340, 2340A, 2441, and 2442 of title 18, United States Code; and

"(2) genocide, torture, extrajudicial killings, Nazi persecution, or the use or recruitment of child soldiers, as described in subparagraphs (E) and (G) of section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3))."

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31 of the title 28, United States Code, is amended by inserting after the item relating to section 509A the following:

"Sec. 509B. Section to enforce human rights laws."

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) GENOCIDE.—Section 1091 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ", in a circumstance described in subsection (d)"; and

(B) by striking "or attempts to do so,";

(2) in subsection (c), by striking "in a circumstance described in subsection (d)";

(3) by striking subsection (d) and (e); and

(4) by inserting after subsection (c) the following:

"(d) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit an offense under this section shall be punished in the same manner as a person who completes the offense.

"(e) JURISDICTION.—There is jurisdiction over the offenses described in subsections (a), (c), and (d) if—

"(1) the offense is committed in whole or in part within the United States; or

"(2) regardless of where the offense is committed, the alleged offender is—

"(A) a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"(B) an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"(C) a stateless person whose habitual residence is in the United States; or

"(D) present in the United States.

"(f) NONAPPLICABILITY OF CERTAIN LIMITATIONS.—Notwithstanding section 3282, in the case of an offense under this section, an indictment may be found, or information instituted, at any time without limitation."

(b) IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(3)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)(ii)) is amended by striking "ordered, incited, assisted, or otherwise participated in conduct outside the United States that would, if committed in the United States or by a United States national, be genocide, as defined in section 1091(a)" and

inserting “has engaged in genocide in violation of section 1091”.

(c) **APPLICABILITY.**—The amendments made by subsections (b), (c) and (d) of the Child Soldiers Accountability Act of 2008 (Public Law 110-340) shall apply to offenses committed before, on, or after the date of the enactment of the Child Soldiers Accountability Act of 2008.

(d) **MATERIAL SUPPORT FOR GENOCIDE OR CHILD SOLDIER RECRUITMENT.**—Section 2339A(a) of title 18, United States Code, is amended by—

- (1) inserting “, 1091” after “956”; and
- (2) striking “, or 2340A” and inserting “, 2340A, or 2442”.

By Mrs. HAGAN (for herself and Mr. CORNYN):

S. 1473. A bill to catalyze change in the care and treatment of diabetes in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mrs. HAGAN. Mr. President, today I am proud to introduce the Catalyst to Better Diabetes Care Act, which is S. 1473. Without question, diabetes is an epidemic in our country, and we have to do something. Twenty-three million adults and children suffer from diabetes. Another 57 million Americans are prediabetic cases. In North Carolina, my State, 600,000 adults have been diagnosed with diabetes and another 288,000 are undiagnosed and over 400,000 have prediabetes. But with our lifestyle choices, it is not surprising that these numbers are so high. Nearly three in five North Carolinians are overweight or obese. Being overweight is a leading cause of diabetes. A quarter of our State's citizens do not exercise. Unfortunately, it is not just adults who are suffering from this disease. In North Carolina, there are over 4,000 children who have diabetes. While type 1 diabetes is the most frequent diabetes in children, it is because of increasing obesity rates that the incidence and prevalence of type 2 diabetes is growing.

Not only is diabetes wreaking havoc on people's health, it is also costing the country millions of dollars to treat. In my State of North Carolina, diabetes costs \$5.3 billion annually in medical interventions, lost productivity, and premature mortality. Annually diabetes accounts for 16,000 hospitalizations. People suffering from diabetes have greater risk of renal disease, heart attack, stroke, and blindness. Diabetics also have a high risk of amputations if they fail to get appropriate foot care.

However, with proper prevention and treatment, we can curb the staggering cost of diabetes and people can live healthier, happier lives. Lifestyle changes in diet and physical activity can reduce the development of diabetes in prediabetics. Early detection and treatment of diabetic eye disease can reduce blindness and lowering one's blood pressure can reduce the decline in kidney function, thereby averting

renal failure. It is because of these proven interventions that I introduce this important bill today.

The Catalyst to Better Diabetes Care Act will address five major issues to further the fight against this debilitating and deadly disease. This bill creates a cross-agency, collaborative patient and provider outreach program to increase the utilization of the Medicare diabetes screening benefit. Although this screening program was established in 2003, at present, very few seniors are taking advantage of this benefit. Early screening allows diabetics to better monitor and control their condition and prevent complications. This provision will save money and lives. When employees have incentives to select more nutritious food and to exercise, not only are they more productive, their overall health is improved. Companies like Pitney Bowes are implementing innovative practices to encourage their employees to live healthier lives, and such initiatives have shown remarkable results.

Building upon these experiences, this bill establishes an advisory group to promote innovative private sector wellness and disease management programs. Diabetes takes an enormous toll on society. Yet we have very little consolidated data which measures the true impact and outcome of this disease. To address this gap, this bill creates a national and State-by-State level diabetes report card which will track our progress toward beating diabetes. The report card will contain information on preventative care practices and quality of care, risk factors, and outcomes of individuals who are diagnosed with diabetes and prediabetes.

Studies indicate that only 35 to 40 percent of diabetics who die have diabetes listed anywhere on their death certificate, and only about 10 to 15 percent have diabetes listed as the underlying cause of death. Without this information, our country is not able to grasp the full impact that complications from diabetes has on our health care system and society.

In order to better understand the scope of this epidemic, this bill requires the director of the CDC to promote the education and training of physicians on properly completing a birth and death certificate as well as the possibility of promoting language to improve the collection of diabetes mortality data, despite estimates that nearly one in three children today will go on to develop diabetes. Today's medical students are only required to have 4 hours of education in diabetes to become a board-certified physician. As diabetes touches more and more Americans, it will be critical that our doctors recognize this disease and have the tools and understanding to discuss prevention and proper treatment with their patients. That is why this bill requires HHS to collaborate with the In-

stitute of Medicine and other related entities to study the impact of diabetes on the practice of medicine and develop recommendations to appropriate levels of diabetes medical education that should be required prior to licensure, board certification, and board recertification.

Diabetes has taken an enormous toll on our society's health and our economy. But in many cases, this disease can be preventable.

The Catalyst of Better Diabetes Care will address some of the fundamental obstacles that prevent us from tackling this disease head on. Better outreach, better data, and better education of patients and physicians are the keys to reducing morbidity and mortality from diabetes and lessening the costly burden this condition has inserted upon our country.

I wish to thank my Republican colleague, Senator JOHN CORNYN, for joining me in cosponsoring this measure. I urge my other colleagues to join us in supporting this very important bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 217—COMMENDING CAPTAIN WEI JIAFU AND THE CHINA OCEAN SHIPPING COMPANY FOR INCREASING BUSINESS RELATIONS BETWEEN THE UNITED STATES AND CHINA

Mr. KERRY submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 217

Whereas, as a young sea captain, the United States Coast Guard gave Captain Wei Jiafu special recognition for knowledge and skill in navigating in the waters of the United States;

Whereas, as Chairman of COSCO, Captain Wei oversees the largest China-based employer of United States workers;

Whereas, under the leadership of Captain Wei, the China Ocean Shipping Company (referred to in this preamble as “COSCO”) was the first foreign shipping company to comply with the regulations of the Department of Homeland Security governing ocean shipping containers;

Whereas, under the leadership of Captain Wei, the port authorities in cities including Long Beach, Seattle, New York, and New Orleans have recognized COSCO;

Whereas the most notable accomplishment of Captain Wei and COSCO was establishing service between the Port of Boston and ports in China, which saved the jobs of thousands of port workers in Massachusetts; and

Whereas, under the leadership of Captain Wei, COSCO has donated a Chair to Harvard University, financially supported cleaner oceans and the protection of sea life in Alaska, and mobilized employees to volunteer time and resources to assist victims of disasters in China and other countries in Asia: Now, therefore, be it

Resolved, That the Senate—

(1) commends Captain Wei Jiafu and the China Ocean Shipping Company (referred to in this resolution as “COSCO”) for staying committed to professionalism and promoting

citizen participation that increases understanding and cooperation between the people of the United States and China;

(2) recognizes the efforts of Captain Wei to improve business relations between the United States and China; and

(3) recognizes the charitable contributions of COSCO and the efforts of the company to support higher education in the United States and around the world.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1619. Mr. UDALL, of Colorado submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1620. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1621. Mrs. SHAHEEN (for herself, Mr. JOHANNES, Mr. KAUFMAN, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1622. Mr. KERRY (for himself and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1623. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1624. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1625. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1626. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1627. Mr. LIEBERMAN (for himself, Mr. MCCAIN, Ms. SNOWE, Mr. REED, Mr. DODD, Mr. INHOFE, Mrs. HUTCHISON, Ms. COLLINS, Mr. KYL, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1628. Mr. KYL (for himself, Mr. LIEBERMAN, Mr. BAYH, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1629. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1630. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1631. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1632. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1633. Mr. GRAHAM (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1634. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1635. Mr. SCHUMER (for himself, Mr. CHAMBLISS, Mr. NELSON, of Nebraska, Mr. BENNETT, Mr. CORNYN, Mr. ISAKSON, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BURRIS, Mr. VITTER, Mr. CASEY, Mr. PRYOR, Mr. BYRD, Mr. UDALL, of New Mexico, Mrs. FEINSTEIN, Mr. DURBIN, Mrs. MURRAY, Mr. WARNER, Mrs. HUTCHISON, Mr. ALEXANDER, Mr. CONRAD, Mr. BROWNBACK, Mr. SPECTER, Mr. WICKER, Mr. BURR, Mr. LIEBERMAN, Mr. ROBERTS, Mr. RISCH, Mrs. LINCOLN, Mr. THUNE, Mr. BOND, Mr. BAYH, Mr. NELSON, of Florida, Mr. FRANKEN, Mr. ENSIGN, Mr. LEAHY, Mr. KENNEDY, Mr. WYDEN, Mr. CARDIN, Mr. BEGICH, Mrs. GILLIBRAND, Mr. INHOFE, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1636. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1637. Mr. PRYOR (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1638. Mr. MCCAIN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1639. Mrs. HAGAN (for Ms. COLLINS) proposed an amendment to the concurrent resolution S. Con. Res. 11, condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

SA 1640. Mrs. HAGAN (for Mr. NELSON, of FLORIDA) proposed an amendment to the bill S. 951, to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

SA 1641. Mrs. HAGAN (for Mr. NELSON, of FLORIDA) proposed an amendment to the bill S. 951, supra.

SA 1642. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1643. Mr. CASEY (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1644. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1645. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

SA 1646. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1390, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1619. Mr. UDALL of Colorado submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title III, insert the following:

SEC. ____ . DEPARTMENT OF DEFENSE PARTICIPATION IN PROGRAMS FOR MANAGEMENT OF ENERGY DEMAND OR REDUCTION OF ENERGY USAGE DURING PEAK PERIODS.

(a) IN GENERAL.—Subchapter I of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods

“(a) PARTICIPATION IN DEMAND RESPONSE OR LOAD MANAGEMENT PROGRAMS.—The Secretary of Defense, the Secretaries of the military departments, the heads of the Defense Agencies, and the heads of other instrumentalities of the Department of Defense are authorized to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by any of the following parties:

“(1) An electric utility

“(2) An independent system operator.

“(3) A State agency.

“(4) A third party entity (such as a demand response aggregator or curtailment service provider) implementing demand response programs on behalf of an electric utility, independent system operator, or State agency.

“(b) TREATMENT OF CERTAIN FINANCIAL INCENTIVES.—Financial incentives received from an entity specified in subsection (a) shall be received in cash and deposited into the Treasury as a miscellaneous receipt. Amounts received shall be available for obligation only to the extent provided in advance in an appropriations Act. The Secretary concerned or the head of the Defense Agency or other instrumentality, as the case may be, shall pay for the cost of the design and implementation of these services in full in the year in which they are received from amounts provided in advance in an appropriations Act.

“(c) USE OF CERTAIN FINANCIAL INCENTIVES.—Of the amounts derived from financial incentives awarded to a military installation as described in subsection (b) and provided for in advance by an appropriations Act—

“(1) not less than 100 percent shall be made available for use at such military installation; and

“(2) not less than 30 percent shall be made available for energy management initiatives at such installation.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2919. Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods."

SA 1620. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

SEC. 838. SMALL BUSINESS CONTRACTING PROGRAMS PARITY.

Section 31(b)(2)(B) of the Small Business Act (15 U.S.C. 657a(b)(2)(B)) is amended by striking "shall" and inserting "may".

SA 1621. Mrs. SHAHEEN (for herself, Mr. JOHANNIS, Mr. KAUFMAN, and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 161, after line 23, add the following:

SEC. 557. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 10101 note) is amended—

(1) in subsection (h)—
(A) by striking paragraph (3); and
(B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and

(2) by adding at the end the following new subsection:

"(i) **SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE PROGRAM.**—

"(1) **ESTABLISHMENT.**—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members and their families, and in coordination with community programs, assist the communities, with training in suicide prevention and community healing and response to suicide.

"(2) **DESIGN.**—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

"(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death for National Guard and Reserve members; and

"(B) the adjutant general of each State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

"(3) **OPERATION.**—

"(A) **SUICIDE PREVENTION TRAINING.**—The Office for Reintegration Programs shall provide National Guard and Reserve members with training in suicide prevention. Such training shall include—

"(i) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

"(ii) examining the influence of military culture on risk and protective factors for suicide; and

"(iii) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

"(B) **COMMUNITY HEALING AND RESPONSE TRAINING.**—The Office for Reintegration Programs shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that promote individual and community healing. Such training shall include—

"(i) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

"(ii) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

"(iii) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

"(iv) managing resources to assist key community and military service providers in helping the families, friends, and fellow soldiers of a suicide victim through the processes of grieving and healing.

"(C) **COLLABORATION WITH CENTERS OF EXCELLENCE.**—The Office for Reintegration Programs, in consultation with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, shall collect and analyze 'lessons learned' and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs."

SA 1622. Mr. KERRY (for himself and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VII, add the following:

SEC. 713. HEALTH CARE FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) **IN GENERAL.**—Subsection (d) of section 1074 of title 10, United States Code, is amended to read as follows:

"(d)(1) For the purposes of this chapter, a member of a reserve component of the armed forces who is issued a delayed-effective-date active-duty order, is covered by such an order, or is issued an official notification shall be treated as being on active duty for a period of more than 30 days beginning on the later of the following dates:

"(A) The earlier of the date that is—

"(i) the date of the issuance of such order; or

"(ii) the date of the issuance of such official notification.

"(B) The date that is 180 days before the date on which the period of active duty is to commence under such order or official notification for that member.

"(2) In this subsection—

"(A) the term 'delayed-effective-date active-duty order' means an order to active duty for a period of more than 30 days in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title that provides for active-duty service to begin under such order on a date after the date of the issuance of the order; and

"(B) the term 'official notification' means a memorandum from the Secretary concerned that notifies a unit or a member of a reserve component of the armed forces that such unit or member will receive a delayed-effective-date active-duty order."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to delayed-effective-date active-duty orders and official notifications (as such terms are defined in section 1074(d)(2) of title 10, United States Code, as amended by subsection (a)) issued on or after the date of the enactment of this Act.

SA 1623. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 479, between lines 18 and 19, insert the following:

SEC. 1222. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

Section 1225 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2424) is amended—

(1) in subsection (a), by striking "until December 31, 2010, the President shall submit" and inserting "(but not later than the first of each May), the Director of the Office of Management and Budget shall submit";

(2) in subsection (b), by adding at the end the following new paragraph:

"(4) A listing of each United States agency, department, or entity that provides assessed or voluntary contributions to the United Nations through grants, contracts, subgrants, or subcontracts that is not fully compliant with the requirements to post such funding information for the fiscal year covered by such report on the website 'USAspending.gov', as required by the Federal Funding Accountability and Transparency Act (Public Law 109-282; 31 U.S.C. 6101 note)."; and

(3) by adding at the end the following new subsection:

"(c) **PUBLIC AVAILABILITY OF INFORMATION.**—The Director of the Office of Management and Budget shall post a public version of each report submitted under subsection (a) on a text-based searchable and publicly available Internet website."

SA 1624. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON DEFENSE TRAVEL SIMPLIFICATION.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan to simplify defense travel.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following:

(1) Critical review of opportunities to streamline and simplify defense travel policies and to reduce travel-related costs to the Department of Defense.

(2) Options to leverage industry capabilities that could enhance management responsiveness to changing markets.

(3) A discussion of pilot programs that could be undertaken to prove the merit of improvements identified in accomplishing actions specified in paragraphs (1) and (2).

(4) Such recommendations and an implementation plan for legislative or administrative action as the Secretary of Defense considers appropriate to improve defense travel.

SA 1625. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. GUIDELINES FOR HATE-CRIMES OFFENSES.

Section 249(a) of title 18, United States Code, as added by section ____ of this Act, is amended by adding at the end the following:

“(4) **GUIDELINES.**—All prosecutions conducted by the United States under this section shall be undertaken pursuant to guidelines issued by the Attorney General, or the designee of the Attorney General, to be included in the United States Attorneys’ Manual that shall establish neutral and objective criteria for determining whether a crime was committed because of the actual or perceived status of any person.”.

SA 1626. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 590, between lines 9 and 10, insert the following:

SEC. 31 _____. TERMINATION OF FINANCIAL ASSISTANCE TO STATE OF NEVADA.

Section 116(c)(4)(A) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10136(c)(4)(A)) is amended—

(1) in the matter preceding clause (i), by striking “the expiration of the 1-year period following”;

(2) in clause (ii), by striking “; or” and inserting a semicolon;

(3) by redesignating clause (iii) as clause (iv); and

(4) by inserting after clause (ii) the following:

“(iii) the date of enactment of the National Defense Authorization Act for Fiscal Year 2010; or”.

SA 1627. Mr. LIEBERMAN (for himself, Mr. MCCAIN, Ms. SNOWE, Mr. REED, Mr. DODD, Mr. INHOFE, Mrs. HUTCHISON, Ms. COLLINS, Mr. KYL, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, strike lines 4 through 17, and insert the following:

SEC. 211. LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM; INCREASE IN FUNDING FOR PROCUREMENT OF UH-1Y/AH-1Z ROTARY WING AIRCRAFT AND FOR MANAGEMENT RESERVES FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM.

(a) **LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F-35 JOINT STRIKE FIGHTER PROGRAM.**—None of the funds authorized to be appropriated or otherwise made available by this Act may be obligated or expended for the development or procurement of an alternate propulsion system for the F-35 Joint Strike Fighter program until the Secretary of Defense submits to the congressional defense committees a certification in writing that the development and procurement of the alternate propulsion system—

(1) will—

(A) reduce the total life-cycle costs of the F-35 Joint Strike Fighter program; and

(B) improve the operational readiness of the fleet of F-35 Joint Strike Fighter aircraft; and

(2) will not—

(A) disrupt the F-35 Joint Strike Fighter program during the research, development, and procurement phases of the program; or

(B) result in the procurement of fewer F-35 Joint Strike Fighter aircraft during the life cycle of the program.

(b) **ADDITIONAL AMOUNT FOR UH-1Y/AH-1Z ROTARY WING AIRCRAFT.**—The amount authorized to be appropriated by section 102(a)(1) for aircraft procurement for the Navy is increased by \$282,900,000, with the amount of the increase to be allocated to amounts available for the procurement of UH-1Y/AH-1Z rotary wing aircraft.

(c) **RESTORATION OF MANAGEMENT RESERVES FOR F-35 JOINT STRIKE FIGHTER PROGRAM.**—

(1) **NAVY JOINT STRIKE FIGHTER.**—The amount authorized to be appropriated by section 201(a)(2) for research, development, test, and evaluation for the Navy is hereby increased by \$78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800N) for management reserves.

(2) **AIR FORCE JOINT STRIKE FIGHTER.**—The amount authorized to be appropriated by

section 201(a)(3) for research, development, test, and evaluation for the Air Force is hereby increased by \$78,000,000, with the amount of the increase to be allocated to amounts available for the Joint Strike Fighter program (PE # 0604800F) for management reserves.

(d) **OFFSETS.**—

(1) **NAVY JOINT STRIKE FIGHTER F136 DEVELOPMENT.**—The amount authorized to be appropriated by section 201(a)(2) for research, development, test, and evaluation for the Navy is hereby decreased by \$219,450,000, with the amount of the decrease to be derived from amounts available for the Joint Strike Fighter (PE # 0604800N) for F136 development.

(2) **AIR FORCE JOINT STRIKE FIGHTER F136 DEVELOPMENT.**—The amount authorized to be appropriated by section 201(a)(3) for research, development, test, and evaluation for the Air Force is hereby decreased by \$219,450,000, with the amount of the decrease to be derived from amounts available for the Joint Strike Fighter (PE # 0604800F) for F136 development.

SA 1628. Mr. KYL (for himself, Mr. LIEBERMAN, Mr. BAYH, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

SEC. 1232. SENSE OF THE SENATE ON IMPOSING SANCTIONS WITH RESPECT TO THE ISLAMIC REPUBLIC OF IRAN.

(a) **FINDINGS.**—The Senate makes the following findings:

(1) The illicit nuclear activities of the Government of the Islamic Republic of Iran, combined with its development of unconventional weapons and ballistic missiles and support for international terrorism, represent a grave threat to the security of the United States and United States allies in Europe, the Middle East, and around the world.

(2) The United States and other responsible countries have a vital interest in working together to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability.

(3) As President Barack Obama said, “Iran obtaining a nuclear weapon would not only be a threat to Israel and a threat to the United States, but would be profoundly destabilizing in the international community as a whole and could set off a nuclear arms race in the Middle East that would be extraordinarily dangerous for all concerned, including for Iran.”.

(4) The International Atomic Energy Agency has repeatedly called attention to the illicit nuclear activities of the Islamic Republic of Iran, and, as a result, the United Nations Security Council has adopted a range of sanctions designed to encourage the Government of the Islamic Republic of Iran to cease those activities and comply with its obligations under the Treaty on Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the “Nuclear Non-Proliferation Treaty”).

(5) The Department of the Treasury has imposed sanctions on several Iranian banks, including Bank Melli, Bank Saderat, Bank Sepah, and Bank Mellat, for their involvement in proliferation activities or support for terrorist groups.

(6) The Central Bank of Iran, the keystone of Iran's financial system and its principal remaining lifeline to the international banking system, has engaged in deceptive financial practices and facilitated such practices among banks involved in proliferation activities or support for terrorist groups, including Bank Sepah and Bank Melli, in order to evade sanctions imposed by the United States and the United Nations.

(7) On April 8, 2009, the United States formally extended an offer to engage in direct diplomacy with the Government of the Islamic Republic of Iran through negotiations with the five permanent members of the United States Security Council and Germany (commonly referred to as the "P5-plus-1 process"), in the hope of resolving all outstanding disputes between the Islamic Republic of Iran and the United States.

(8) The Government of the Islamic Republic of Iran has yet to make a formal reply to the April 8, 2009, offer of direct diplomacy by the United States or to engage in direct diplomacy with the United States through the P5-plus-1 process.

(9) On July 8, 2009, President Nicolas Sarkozy of France warned that the Group of Eight major powers will give the Islamic Republic of Iran until September 2009 to accept negotiations with respect to its nuclear activities or face tougher sanctions.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Government of the Islamic Republic of Iran should—

(A) seize the historic offer put forward by President Barack Obama to engage in direct diplomacy with the United States;

(B) suspend all enrichment-related and reprocessing activities, including research and development, and work on all heavy-water related projects, including the construction of a research reactor moderated by heavy water, as demanded by multiple resolutions of the United Nations Security Council; and

(C) come into full compliance with the Nuclear Non-Proliferation Treaty, including the additional protocol to the Treaty; and

(2) the President should impose sanctions on the Central Bank of Iran and any other Iranian bank engaged in proliferation activities or support for terrorist groups, as well as any other sanctions the President determines appropriate, if—

(A) the Government of the Islamic Republic of Iran—

(i) has not accepted the offer by the United States to engage in direct diplomacy through the P5-plus-1 process before the Summit of the Group of 20 (G-20) in Pittsburgh, Pennsylvania, in September 2009; or

(ii) has not suspended all enrichment-related and reprocessing activities and work on all heavy-water related projects within 60 days of the conclusion of that Summit; and

(B) the United Nations Security Council has failed to adopt significant and meaningful additional sanctions on the Government of the Islamic Republic of Iran.

SA 1629. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 201, between lines 6 and 7, insert the following:634

SEC. 635. ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE.

(a) AGE AND SERVICE REQUIREMENTS.—Subsection (a) of section 12731 of title 10, United States Code, is amended to read as follows:

“(a)(1) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

“(A) satisfies one of the combinations of requirements for minimum age and minimum number of years of service (computed under section 12732 of this title) that are specified in the table in paragraph (2);

“(B) performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except that in the case of a person who completed 20 years of service computed under section 12732 of this title before October 5, 1994, the number of years of qualifying service under this subparagraph shall be eight; and

“(C) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

“(2) The combinations of minimum age and minimum years of service required of a person under subparagraph (A) of paragraph (1) for entitlement to retired pay as provided in such paragraph are as follows:

“Age, in years, is at least:	The minimum years of service required for that age is:
53	34
54	32
55	30
56	28
57	26
58	24
59	22
60	20.”

(b) 20-YEAR LETTER.—Subsection (d) of such section is amended by striking “the years of service required for eligibility for retired pay under this chapter” in the first sentence and inserting “20 years of service computed under section 12732 of this title”.

(c) EFFECTIVE DATE.—This section and the amendments made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply with respect to retired pay payable for that month and subsequent months.

SA 1630. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 435, between lines 14 and 15, insert the following:

SEC. 1083. MODIFICATION OF SERVICEMEMBERS CIVIL RELIEF ACT REGARDING TERMINATION OR SUSPENSION OF SERVICE CONTRACTS, EFFECT OF VIOLATION OF INTEREST RATE LIMITATION, AND ENFORCEMENT BY ATTORNEY GENERAL AND PRIVATE CAUSES OF ACTION.

(a) TERMINATION OR SUSPENSION OF SERVICE CONTRACTS.—

(1) IN GENERAL.—Section 305A of the Servicemembers Civil Relief Act (50 U.S.C. App. 535a) is amended to read as follows:

“SEC. 305A. TERMINATION OR SUSPENSION OF SERVICE CONTRACTS.

“(a) TERMINATION OR SUSPENSION BY SERVICEMEMBER.—A servicemember who is party to or enters into a contract described in subsection (c) may terminate or suspend, at the servicemember's option, the contract at any time after the date of the servicemember's military orders, as described in subsection (c).

“(b) SPECIAL RULES.—

“(1) DURATION OF SUSPENSION.—A suspension under subsection (a) of a contract by a servicemember shall continue for the length of the servicemember's deployment pursuant to the servicemember's military orders.

“(2) PROHIBITION ON SUSPENSION FEES.—

“(A) IN GENERAL.—A service provider under a contract suspended or terminated under subsection (a) by a servicemember may not impose a suspension fee or early termination fee in connection with the suspension or termination of the contract, other than a nominal fee for the suspension.

“(B) EXCEPTION FOR EQUIPMENT MOVING FEE.—The service provider may impose a reasonable fee for any equipment remaining on the premises of the servicemember during the period of the suspension.

“(3) DEFERRAL OF FEES.—The servicemember may defer, without penalty, payment of such a nominal fee or reasonable fee for the length of the servicemember's deployment pursuant to the servicemember's military orders.

“(4) TELEPHONE SERVICE.—In any case in which the contract being suspended under subsection (a) is for cellular telephone service or telephone exchange service, the servicemember, after the date on which the suspension of the contract ends, may keep, to the extent practicable and in accordance with all applicable laws and regulations, the same telephone number the servicemember had before the servicemember suspended the contract.

“(c) COVERED CONTRACTS.—This section applies to a contract for cellular telephone service (including a contract to which the servicemember is included with family members), telephone exchange service, multi-channel video programming service, Internet access service, water, electricity, oil, gas, or other utility if the servicemember enters into the contract and thereafter receives military orders—

“(1) to deploy with a military unit, or as an individual, in support of a contingency operation for a period of not less than 90 days; or

“(2) for a change of permanent station to a location that does not support the contract.

“(d) MANNER OF TERMINATION OR SUSPENSION.—

“(1) IN GENERAL.—Termination or suspension of a contract under subsection (a) is made by delivery by the servicemember of written notice of such termination or suspension and a copy of the servicemember's military orders to the other party to the contract (or to that party's grantee or agent).

“(2) NATURE OF NOTICE.—Delivery of notice under paragraph (1) may be accomplished—

“(A) by hand delivery;

“(B) by private business carrier;

“(C) by facsimile; or

“(D) by placing the written notice and a copy of the servicemember's military orders in an envelope with sufficient postage and with return receipt requested, and addressed as designated by the party to be notified (or that party's grantee or agent), and depositing the envelope in the United States mails.

“(e) DATE OF CONTRACT TERMINATION OR SUSPENSION.—Termination or suspension of a service contract under subsection (a) is effective as of the date on which the notice under subsection (d) is delivered.

“(f) OTHER OBLIGATIONS AND LIABILITIES.—The service provider under the contract may not impose an early termination or suspension charge, but any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid or unperformed at the time of termination or suspension of the contract shall be paid or performed by the servicemember.

“(g) FEES PAID IN ADVANCE.—A fee or amount paid in advance for a period after the effective date of the termination of the contract shall be refunded to the servicemember by the other party (or that party's grantee or agent) not later than 60 days after the effective date of the termination of the contract.

“(h) RELIEF TO OTHER PARTY.—Upon application by the other party to the contract to a court before the termination date provided in the written notice, relief granted by this section to a servicemember may be modified as justice and equity require.

“(i) CRIMINAL PENALTY.—Whoever knowingly violates this section shall be fined not more than \$5,000 in the case of an individual or \$10,000 in the case of an organization.

“(j) PRIVATE RIGHT OF ACTION.—

“(1) IN GENERAL.—In addition to any other remedies made available elsewhere in this Act, a servicemember harmed by a violation of this section may in a civil action—

“(A) obtain any appropriate equitable relief with respect to the violation; and

“(B) recover an amount equal to three times the damages sustained as a result of the violation.

“(2) COSTS AND ATTORNEY FEES.—The court shall award to a servicemember who prevails in an action under paragraph (1) the costs of the action, including a reasonable attorney fee.

“(3) PRESERVATION OF OTHER REMEDIES.—Nothing in this section shall be construed to preclude or limit any remedy otherwise available under law to the servicemember with respect to conduct prohibited under this section.

“(k) DEFINITIONS.—In this section:

“(1) MULTICHANNEL VIDEO PROGRAMMING SERVICE.—The term ‘multichannel video programming service’ means video programming service provided by a multichannel video programming distributor, as such term is defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13)).

“(2) INTERNET ACCESS SERVICE.—The term ‘Internet access service’ has the meaning given that term under section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

“(3) CELLULAR TELEPHONE SERVICE.—The term ‘cellular telephone service’ means commercial mobile service, as that term is defined in section 332(d)(1) of the Communications Act of 1934 (47 U.S.C. 332(d)(1)).

“(4) TELEPHONE EXCHANGE SERVICE.—The term ‘telephone exchange service’ has the meaning given that term under section 3 of the Communications Act of 1934 (47 U.S.C. 153).”

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (Public Law 108–109; 117 Stat. 2835) is amended by striking the item relating to section 305A and inserting the following new item:

“Sec. 305A. Termination or suspension of service contracts.”

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to a contract entered into on or after the date of the enactment of this Act.

(b) VIOLATION OF INTEREST RATE LIMITATION.—Section 207 of such Act (50 U.S.C. 527) is amended—

(1) by amending subsection (e) to read as follows:

“(e) CRIMINAL PENALTY.—

“(1) IN GENERAL.—Whoever knowingly violates this section shall be fined not more than \$5,000 in the case of an individual or \$10,000 in the case of an organization.

“(2) DETERMINATION OF NUMBER OF VIOLATIONS.—The court shall count as a separate violation each obligation or liability of a servicemember with respect to which—

“(A) the servicemember properly provided to the creditor written notice and a copy of the military orders calling the servicemember to military service and any orders further extending military service under subsection (b); and

“(B) the creditor fails to act in accordance with subsection (a).”;

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection:

“(f) RIGHTS OF SERVICEMEMBERS.—

“(1) PRIVATE RIGHT OF ACTION.—In addition to any other remedies made available elsewhere in this Act, a servicemember harmed by a violation of this section may in a civil action—

“(A) obtain any appropriate equitable relief with respect to the violation; and

“(B) recover an amount equal to three times the damages sustained as a result of the violation.

“(2) COSTS AND ATTORNEY FEES.—The court shall award to a servicemember who prevails in an action under paragraph (1) the costs of the action, including a reasonable attorney fee.

“(3) PRESERVATION OF OTHER REMEDIES.—Nothing in this section shall be construed to preclude or limit any remedy otherwise available under law to the servicemember with respect to conduct prohibited under this section.”; and

(4) in subsection (g), as redesignated by paragraph (2) of this subsection, by inserting “and (f)” after “subsection (e)”.

(c) CIVIL LIABILITY FOR NONCOMPLIANCE.—

(1) IN GENERAL.—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is further amended by adding at the end the following new title:

“TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE

“SEC. 801. ENFORCEMENT BY THE ATTORNEY GENERAL.

“(a) ENFORCEMENT BY THE ATTORNEY GENERAL.—The Attorney General may commence a civil action in any appropriate United States District Court whenever the Attorney General has reasonable cause to believe—

“(1) that any person or group of persons is engaging in, or has engaged in, a pattern or

practice of conduct in violation of any provision of this Act; or

“(2) that any person or group of persons is denying, or has denied, any person or group of persons any protection afforded by any provision of this Act and that such denial raises an issue of general public importance.

“(b) RELIEF THAT MAY BE GRANTED IN CIVIL ACTIONS.—In a civil action under subsection (a), the court—

“(1) may enter any temporary restraining order, temporary or permanent injunction, or other order as may be appropriate;

“(2) may award monetary damages to a servicemember, dependent, or other person protected by any provision of this Act who is harmed by the failure to comply with any provision of this Act, including consequential and punitive damages; and

“(3) may, to vindicate the public interest, assess a civil penalty against each defendant—

“(A) in an amount not exceeding \$55,000 for a first violation; and

“(B) in an amount not exceeding \$110,000 for any subsequent violation.

“(c) INTERVENTION IN CIVIL ACTIONS.—Upon timely application, a servicemember, dependent, or other person protected by any provision of this Act may intervene in a civil action commenced by the Attorney General that involves an alleged violation of any provision of this Act or a denial of any protection afforded by any provision of this Act with respect to which such person claims to be harmed. The court may grant to any such intervening party appropriate relief as is authorized under subsection (b)(1) or (b)(2). The court may also, in its discretion, grant a prevailing intervening party reasonable attorneys' fees and costs.

“SEC. 802. PRIVATE CAUSES OF ACTION.

“In addition to any other cause of action authorized by any other section of this Act, a servicemember, dependent, or other person protected by any provision of this Act may commence an action in any appropriate United States District Court or in a State court of competent jurisdiction to enforce any requirement imposed or protection afforded by any provision of this Act. The court may grant to any such servicemember, dependent, or person such appropriate relief as is authorized under paragraph (1) or (2) of section 801(b). The court may also, in its discretion, grant a prevailing party reasonable attorneys' fees and costs.

“SEC. 803. PRESERVATION OF OTHER REMEDIES.

“The remedies provided under sections 801 and 802 are in addition to and do not preclude any other causes of action available under Federal or State law or any other remedies otherwise available under Federal or State law, including any award for consequential and punitive damages.”

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end the following:

“TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE

“Sec. 801. Enforcement by the Attorney General.

“Sec. 802. Private causes of action.

“Sec. 803. Preservation of other remedies.”

(3) APPLICABILITY.—Title VIII of the Servicemembers Civil Relief Act, as added by paragraph (1), shall apply to any cause of action, claim, or action to enforce the Servicemembers Civil Relief Act, or to seek damages or other relief under any provision of that Act, in progress on the date of the enactment of this Act or that may be brought after such date.

(4) TECHNICAL CORRECTIONS.—Such Act is further amended—

(A) in section 202(d)(1) (50 U.S.C. App. 522(d)(1)), by striking “affect” in the first sentence and inserting “effect”; and

(B) in sections 204(a), 306(c), and 701(c) (50 U.S.C. App. 524(a), 536(c), and 591(c)), by striking “AFFECT” in the subsection heading and inserting “EFFECT”.

SA 1631. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

SEC. 3136. CONSIDERATION OF YUCCA MOUNTAIN SITE FOR DISPOSAL OF DEFENSE-RELATED NUCLEAR WASTE.

(a) IN GENERAL.—Any plan developed by any Federal agency with respect to the disposal of defense-related nuclear waste under title I of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10121 et seq.) shall consider—

(1) disposing of such waste by transferring the waste to Yucca Mountain site, Nevada; and

(2) all studies related to the selection of the Yucca Mountain site for the disposal of defense-related nuclear waste.

(b) DEFENSE-RELATED NUCLEAR WASTE DEFINED.—In this section, the term “defense-related nuclear waste” means—

- (1) transuranic waste;
- (2) high-level radioactive waste;
- (3) spent nuclear fuel;
- (4) special nuclear materials;
- (5) greater-than-class C, low-level radioactive waste; and

(6) any other waste arising from the production, storage, or maintenance of nuclear weapons (including components of nuclear weapons).

SA 1632. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 571, strike lines 12 through 18, and insert the following:

SEC. 3104. CERTIFICATION OF SELECTION OF YUCCA MOUNTAIN SITE AND AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE NUCLEAR WASTE DISPOSAL OR STATES STORING DEFENSE-RELATED NUCLEAR WASTE.

(a) CERTIFICATION REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees and publish in the Federal Register a certification that the Yucca Mountain site has been selected as the site for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel in accordance with section 160 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10172).

(b) CONTINGENT AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE NUCLEAR WASTE DIS-

POSAL.—If the President makes the certification required by subsection (a), there are authorized to be appropriated \$98,400,000 for fiscal year 2010 to the Department of Energy for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)).

(c) CONTINGENT AUTHORIZATION OF APPROPRIATIONS FOR STATES STORING DEFENSE-RELATED NUCLEAR WASTE TO BE TRANSFERRED TO THE YUCCA MOUNTAIN SITE.—If the President does not make the certification required by subsection (a) or if the President revokes that certification after the date referred to in that subsection, there are authorized to be appropriated \$98,400,000 for fiscal year 2010 to States that are storing defense-related nuclear waste to be transferred to the Yucca Mountain site, Nevada, to be used in accordance with subsection (d).

(d) USE OF FUNDS.—A State that receives funds pursuant to the authorization of appropriations under subsection (c) shall use such funds—

(1) to help offset the loss in community investments that results from the continued storage of defense-related nuclear waste in the State; and

(2) to help mitigate the public health risks that result from the continued storage of such waste in the State.

(e) DEFENSE-RELATED NUCLEAR WASTE DEFINED.—In this section, the term “defense-related nuclear waste” means—

- (1) transuranic waste;
- (2) high-level radioactive waste;
- (3) spent nuclear fuel;
- (4) special nuclear materials;
- (5) greater-than-class C, low-level radioactive waste; and

(6) any other waste arising from the production, storage, or maintenance of nuclear weapons (including components of nuclear weapons).

SA 1633. Mr. GRAHAM (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, between lines 6 and 7, insert the following:

SEC. 537. PILOT PROGRAM FOR MILITARY DEPENDENTS.

(a) DEFINITIONS.—In this section:

(1) ESEA DEFINITIONS.—The terms “elementary school”, “parent”, and “secondary school” have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(2) ELIGIBLE MILITARY DEPENDENT.—The term “eligible military dependent” means a student who—

(A) is a dependent, within the meaning of section 152 of the Internal Revenue Code of 1986, of a member of the Armed Forces on active duty;

(B) is, or will be in the upcoming school year, attending an elementary school or secondary school; and

(C) resides in the National Capital Region (as such term is defined in section 2674(f) of title 10, United States Code).

(b) IN GENERAL.—

(1) PROGRAM AUTHORIZED.—The Secretary of Defense, in collaboration with the Sec-

retary of Education, shall design and carry out a pilot program to provide additional educational options to eligible military dependents and their families by providing the eligible military dependents with scholarships described in subsection (d).

(2) TIMING.—In carrying out this subsection, the Secretary of Defense shall ensure that the pilot program is able to provide such scholarships beginning with the 2010-2011 school year.

(c) APPLICATIONS.—A parent of an eligible military dependent that desires to participate in the pilot program under this section shall submit an application to the Secretary of Defense at such time, in such manner, and containing such information as the Secretary may require.

(d) SCHOLARSHIPS.—

(1) IN GENERAL.—A scholarship awarded under this section shall be used by a parent of an eligible military dependent to pay the tuition, fees, and transportation expenses, if any, for the eligible military dependent to attend a private elementary school or secondary school, or a public charter school in a school district other than the school district in which the student resides, of the parent's choice.

(2) PAYMENTS TO PARENTS.—The Secretary of Defense shall make scholarship payments under this section to the parent of the eligible military dependent in a manner which ensures that such payments will be used for the payment of tuition, fees, and transportation expenses, if any, in accordance with this section.

(3) AMOUNT OF PAYMENTS.—The amount of assistance provided for an eligible military dependent under this section may not exceed \$7,500 for any school year.

(e) RULE OF CONSTRUCTION.—A scholarship provided under this section shall be considered assistance to the eligible military dependent and shall not be considered assistance to the school that enrolls the eligible military dependent. The amount of any scholarship under this section shall not be treated as income of the parents for purposes of Federal tax laws or for determining eligibility for any other Federal program.

(f) REPORTS.—The Secretary of Defense shall prepare and submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, and make available to the public—

(1) an initial report on the results of the pilot program under this section, by not later than September 30, 2011; and

(2) a final report on the results of the pilot program under this section, by not later than September 30, 2015.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section not less than \$20,000,000 for fiscal year 2011 and for each of the 4 succeeding fiscal years.

SA 1634. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 201, after line 25, add the following:

SEC. 652. SENSE OF CONGRESS ON AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces is comprised of over 1,450,000 active-duty members from every State and territory of the United States who are assigned to thousands of installations, stations, and ships worldwide and who oftentimes must travel long distances by air at their own expense to enjoy the benefits of leave and liberty.

(2) The United States is indebted to the members of the all volunteer Armed Forces and their families who protect our Nation, often experiencing long separations due to the demands of military service and in life threatening circumstances.

(3) Military service often precludes long range planning for leave and liberty to provide opportunities for reunions and recreation with loved ones and requires changes in planning due to military necessity which results in last minute changes in planning.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all United States commercial carriers should seek to lend their support with flexible, generous policies applicable to members of the Armed Forces who are traveling on leave or liberty at their own expense; and

(2) each United States air carrier, for all members of the Armed Forces who have been granted leave or liberty and who are traveling by air at their own expense, should—

(A) seek to provide reduced air fares that are comparable to the lowest airfare for ticketed flights and that eliminate to the maximum extent possible advance purchase requirements;

(B) seek to eliminate change fees or charges and any penalties for military personnel;

(C) seek to eliminate or reduce baggage and excess weight fees;

(D) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, and to waive fees (including baggage fees), ancillary costs, or penalties; and

(E) seek to take proactive measures to ensure that all airline employees, particularly those who issue tickets and respond to members of the Armed Forces and their family members are trained in the policies of the airline aimed at benefitting members of the Armed Forces who are on leave.

SA 1635. Mr. SCHUMER (for himself, Mr. CHAMBLISS, Mr. NELSON of Nebraska, Mr. BENNETT, Mr. CORNYN, Mr. ISAKSON, Ms. CANTWELL, Mrs. SHAHEEN, Mr. BURRIS, Mr. VITTER, Mr. CASEY, Mr. PRYOR, Mr. BYRD, Mr. UDALL of New Mexico, Mrs. FEINSTEIN, Mr. DURBIN, Mrs. MURRAY, Mr. WARNER, Mrs. HUTCHISON, Mr. ALEXANDER, Mr. CONRAD, Mr. BROWNBACK, Mr. SPECTER, Mr. WICKER, Mr. BURR, Mr. LIEBERMAN, Mr. ROBERTS, Mr. RISCH, Mrs. LINCOLN, Mr. THUNE, Mr. BOND, Mr. BAYH, Mr. NELSON of Florida, Mr. FRANKEN, Mr. ENSIGN, Mr. LEAHY, Mr. KENNEDY, Mr. WYDEN, Mr. CARDIN, Mr. BEGICH, Mrs. GILLIBRAND, Mr. INHOFE, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense

activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, before line 18, insert the following:

Subtitle H—Military Voting**SEC. 581. SHORT TITLE.**

This subtitle may be cited as the “Military and Overseas Voter Empowerment Act”.

SEC. 582. FINDINGS.

Congress makes the following findings:

(1) The right to vote is a fundamental right.

(2) Due to logistical, geographical, operational and environmental barriers, military and overseas voters are burdened by many obstacles that impact their right to vote and register to vote, the most critical of which include problems transmitting balloting materials and not being given enough time to vote.

(3) States play an essential role in facilitating the ability of military and overseas voters to register to vote and have their ballots cast and counted, especially with respect to timing and improvement of absentee voter registration and absentee ballot procedures.

(4) The Department of Defense educates military and overseas voters of their rights under the Uniformed and Overseas Citizens Absentee Voting Act and plays an indispensable role in facilitating the procedural channels that allow military and overseas voters to have their votes count.

(5) The local, State, and Federal Government entities involved with getting ballots to military and overseas voters must work in conjunction to provide voter registration services and balloting materials in a secure and expeditious manner.

SEC. 583. CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITIES.

A State may delegate its responsibilities in carrying out the requirements under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) imposed as a result of the provisions of and amendments made by this Act to jurisdictions of the State.

SEC. 584. ESTABLISHMENT OF PROCEDURES FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS BY MAIL AND ELECTRONICALLY.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(6) in addition to any other method of registering to vote or applying for an absentee ballot in the State, establish procedures—

“(A) for absent uniformed services voters and overseas voters to request by mail and electronically voter registration applications and absentee ballot applications with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (e);

“(B) for States to send by mail and electronically (in accordance with the preferred

method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (C)) voter registration applications and absentee ballot applications requested under subparagraph (A) in accordance with subsection (e); and

“(C) by which the absent uniformed services voter or overseas voter can designate whether they prefer for such voter registration application or absentee ballot application to be transmitted by mail or electronically.”; and

(2) by adding at the end the following new subsection:

“(e) DESIGNATION OF MEANS OF ELECTRONIC COMMUNICATION FOR ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER PURPOSES RELATED TO VOTING INFORMATION.—

“(1) IN GENERAL.—Each State shall, in addition to the designation of a single State office under subsection (b), designate not less than 1 means of electronic communication—

“(A) for use by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State to request voter registration applications and absentee ballot applications under subsection (a)(6);

“(B) for use by States to send voter registration applications and absentee ballot applications requested under such subsection; and

“(C) for the purpose of providing related voting, balloting, and election information to absent uniformed services voters and overseas voters.

“(2) CLARIFICATION REGARDING PROVISION OF MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.—A State may, in addition to the means of electronic communication so designated, provide multiple means of electronic communication to absent uniformed services voters and overseas voters, including a means of electronic communication for the appropriate jurisdiction of the State.

“(3) INCLUSION OF DESIGNATED MEANS OF ELECTRONIC COMMUNICATION WITH INFORMATIONAL AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY BALLOTING MATERIALS.—Each State shall include a means of electronic communication so designated with all informational and instructional materials that accompany balloting materials sent by the State to absent uniformed services voters and overseas voters.

“(4) AVAILABILITY AND MAINTENANCE OF ONLINE REPOSITORY OF STATE CONTACT INFORMATION.—The Federal Voting Assistance Program of the Department of Defense shall maintain and make available to the public an online repository of State contact information with respect to elections for Federal office, including the single State office designated under subsection (b) and the means of electronic communication designated under paragraph (1), to be used by absent uniformed services voters and overseas voters as a resource to send voter registration applications and absentee ballot applications to the appropriate jurisdiction in the State.

“(5) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under subsection (a)(6)(C), the State shall transmit the voter registration application or absentee ballot application by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(6) SECURITY AND PRIVACY PROTECTIONS.—

“(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(6) protect the security and integrity of the voter registration and absentee ballot application request processes.

“(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(6) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such request or being sent such application.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 585. ESTABLISHMENT OF PROCEDURES FOR STATES TO TRANSMIT BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY TO ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 584, is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking “and” at the end;

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(7) in addition to any other method of transmitting blank absentee ballots in the State, establish procedures for transmitting by mail and electronically blank absentee ballots to absent uniformed services voters and overseas voters with respect to general, special, primary, and runoff elections for Federal office in accordance with subsection (f).”; and

(2) by adding at the end the following new subsection:

“(f) TRANSMISSION OF BLANK ABSENTEE BALLOTS BY MAIL AND ELECTRONICALLY.—

“(1) IN GENERAL.—Each State shall establish procedures—

“(A) to transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter under subparagraph (B)) to absent uniformed services voters and overseas voters for an election for Federal office; and

“(B) by which the absent uniformed services voter or overseas voter can designate whether they prefer for such blank absentee ballot to be transmitted by mail or electronically.

“(2) TRANSMISSION IF NO PREFERENCE INDICATED.—In the case where an absent uniformed services voter or overseas voter does not designate a preference under paragraph (1)(B), the State shall transmit the ballot by any delivery method allowable in accordance with applicable State law, or if there is no applicable State law, by mail.

“(3) SECURITY AND PRIVACY PROTECTIONS.—

“(A) SECURITY PROTECTIONS.—To the extent practicable, States shall ensure that the procedures established under subsection (a)(7) protect the security and integrity of absentee ballots.

“(B) PRIVACY PROTECTIONS.—To the extent practicable, the procedures established under subsection (a)(7) shall ensure that the privacy of the identity and other personal data

of an absent uniformed services voter or overseas voter to whom a blank absentee ballot is transmitted under such subsection is protected throughout the process of such transmission.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 586. ENSURING ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS HAVE TIME TO VOTE.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)(1)), as amended by section 585, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraph:

“(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter—

“(A) except as provided in subsection (g), in the case where the request is received at least 45 days before an election for Federal office, not later than 45 days before the election; and

“(B) in the case where the request is received less than 45 days before an election for Federal office—

“(i) in accordance with State law; and

“(ii) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot.”.

(2) by adding at the end the following new subsection:

“(g) HARDSHIP EXEMPTION.—

“(1) IN GENERAL.—If the chief State election official determines that the State is unable to meet the requirement under subsection (a)(8)(A) with respect to an election for Federal office due to an undue hardship described in paragraph (2)(B), the chief State election official shall request that the Presidential designee grant a waiver to the State of the application of such subsection. Such request shall include—

“(A) a recognition that the purpose of such subsection is to allow absent uniformed services voters and overseas voters enough time to vote in an election for Federal office;

“(B) an explanation of the hardship that indicates why the State is unable to transmit absent uniformed services voters and overseas voters an absentee ballot in accordance with such subsection;

“(C) the number of days prior to the election for Federal office that the State requires absentee ballots be transmitted to absent uniformed services voters and overseas voters; and

“(D) a comprehensive plan to ensure that absent uniformed services voters and overseas voters are able to receive absentee ballots which they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office, which includes—

“(i) the steps the State will undertake to ensure that absent uniformed services voters and overseas voters have time to receive, mark, and submit their ballots in time to have those ballots counted in the election;

“(ii) why the plan provides absent uniformed services voters and overseas voters sufficient time to vote as a substitute for the requirements under such subsection; and

“(iii) the underlying factual information which explains how the plan provides such sufficient time to vote as a substitute for such requirements.

“(2) APPROVAL OF WAIVER REQUEST.—After consulting with the Attorney General, the Presidential designee shall approve a waiver request under paragraph (1) if the Presidential designee determines each of the following requirements are met:

“(A) The comprehensive plan under subparagraph (D) of such paragraph provides absent uniformed services voters and overseas voters sufficient time to receive absentee ballots they have requested and submit marked absentee ballots to the appropriate State election official in time to have that ballot counted in the election for Federal office.

“(B) One or more of the following issues creates an undue hardship for the State:

“(i) The State's primary election date prohibits the State from complying with subsection (a)(8)(A).

“(ii) The State has suffered a delay in generating ballots due to a legal contest.

“(iii) The State Constitution prohibits the State from complying with such subsection.

“(3) TIMING OF WAIVER.—

“(A) IN GENERAL.—Except as provided under subparagraph (B), a State that requests a waiver under paragraph (1) shall submit to the Presidential designee the written waiver request not later than 90 days before the election for Federal office with respect to which the request is submitted. The Presidential designee shall approve or deny the waiver request not later than 65 days before such election.

“(B) EXCEPTION.—If a State requests a waiver under paragraph (1) as the result of an undue hardship described in paragraph (2)(B)(ii), the State shall submit to the Presidential designee the written waiver request as soon as practicable. The Presidential designee shall approve or deny the waiver request not later than 5 business days after the date on which the request is received.

“(4) APPLICATION OF WAIVER.—A waiver approved under paragraph (2) shall only apply with respect to the election for Federal office for which the request was submitted. For each subsequent election for Federal office, the Presidential designee shall only approve a waiver if the State has submitted a request under paragraph (1) with respect to such election.”.

(b) RUNOFF ELECTIONS.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)), as amended by subsection (a), is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) if the State declares or otherwise holds a runoff election for Federal office, establish a written plan that provides absentee ballots are made available to absent uniformed services voters and overseas voters in manner that gives them sufficient time to vote in the runoff election.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

(a) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C.

1973ff et seq.) is amended by inserting after section 103 the following new section:

“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS OF ABSENT OVERSEAS UNIFORMED SERVICES VOTERS.

“(a) **ESTABLISHMENT OF PROCEDURES.**—The Presidential designee shall establish procedures for collecting marked absentee ballots of absent overseas uniformed services voters in regularly scheduled general elections for Federal office, including absentee ballots prepared by States and the Federal write-in absentee ballot prescribed under section 103, and for delivering such marked absentee ballots to the appropriate election officials.

“(b) **DELIVERY TO APPROPRIATE ELECTION OFFICIALS.**—

“(1) **IN GENERAL.**—Under the procedures established under this section, the Presidential designee shall implement procedures that facilitate the delivery of marked absentee ballots of absent overseas uniformed services voters for regularly scheduled general elections for Federal office to the appropriate election officials, in accordance with this section, not later than the date by which an absentee ballot must be received in order to be counted in the election.

“(2) **COOPERATION AND COORDINATION WITH THE UNITED STATES POSTAL SERVICE.**—The Presidential designee shall carry out this section in cooperation and coordination with the United States Postal Service, and shall provide expedited mail delivery service for all such marked absentee ballots of absent uniformed services voters that are collected on or before the deadline described in paragraph (3) and then transferred to the United States Postal Service.

“(3) **DEADLINE DESCRIBED.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the deadline described in this paragraph is noon (in the location in which the ballot is collected) on the seventh day preceding the date of the regularly scheduled general election for Federal office.

“(B) **AUTHORITY TO ESTABLISH ALTERNATIVE DEADLINE FOR CERTAIN LOCATIONS.**—If the Presidential designee determines that the deadline described in subparagraph (A) is not sufficient to ensure timely delivery of the ballot under paragraph (1) with respect to a particular location because of remoteness or other factors, the Presidential designee may establish as an alternative deadline for that location the latest date occurring prior to the deadline described in subparagraph (A) which is sufficient to provide timely delivery of the ballot under paragraph (1).

“(4) **NO POSTAGE REQUIREMENT.**—In accordance with section 3406 of title 39, United States Code, such marked absentee ballots and other balloting materials shall be carried free of postage.

“(5) **DATE OF MAILING.**—Such marked absentee ballots shall be postmarked with a record of the date on which the ballot is mailed.

“(c) **OUTREACH FOR ABSENT OVERSEAS UNIFORMED SERVICES VOTERS ON PROCEDURES.**—The Presidential designee shall take appropriate actions to inform individuals who are anticipated to be absent overseas uniformed services voters in a regularly scheduled general election for Federal office to which this section applies of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section, including the manner in which such voters may utilize such procedures for the submittal of marked absentee ballots pursuant to this section.

“(d) **REPORTS ON UTILIZATION OF PROCEDURES.**—

“(1) **REPORTS REQUIRED.**—Not later than 180 days after each regularly scheduled general election for Federal office to which this section applies, the Presidential designee shall submit to the relevant committees of Congress a report on the utilization of the procedures for the collection and delivery of marked absentee ballots established pursuant to this section during such election.

“(2) **ELEMENTS.**—Each report under paragraph (1) shall include, for the general election covered by such report, a description of the utilization of the procedures described in that paragraph during such general election, including the number of marked absentee ballots collected and delivered under such procedures and the number of such ballots which were not delivered by the time of the closing of the polls on the date of the election (and the reasons such ballots were not so delivered).

“(3) **RELEVANT COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term ‘relevant committees of Congress’ means—

“(A) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

“(B) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

“(e) **ABSENT OVERSEAS UNIFORMED SERVICES VOTER DEFINED.**—In this section, the term ‘absent overseas uniformed services voter’ means an overseas voter described in section 107(5)(A).

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this section.”

(b) **CONFORMING AMENDMENT.**—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(1) by striking “and” at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(8) carry out section 103A with respect to the collection and delivery of marked absentee ballots of absent overseas uniformed services voters in elections for Federal office.”

(c) **STATE RESPONSIBILITIES.**—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 586, is amended—

(1) in paragraph (8), by striking “and” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; and”; and

(3) by adding the following new paragraph:

“(10) carry out section 103A(b)(1) with respect to the processing and acceptance of marked absentee ballots of absent overseas uniformed services voters.”

(d) **TRACKING MARKED BALLOTS.**—Section 102 of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 586, is amended by adding at the end the following new subsection:

“(h) **TRACKING MARKED BALLOTS.**—The chief State election official, in coordination with local election jurisdictions, shall develop a free access system by which an absent uniformed services voter or overseas voter may determine whether the absentee ballot of the absent uniformed services voter or overseas voter has been received by the appropriate State election official.”

(e) **REPORT ON STATUS OF IMPLEMENTATION.**—

(1) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the individual designated under section 101(a) of the Uniformed and Overseas Citizens

Absentee Voting Act (42 U.S.C. 1973ff(a)) shall submit to the relevant committees of Congress a report on the status of the implementation of the procedures established for the collection and delivery of marked absentee ballots of absent overseas uniformed services voters under section 103A of such Act, as added by subsection (a).

(2) **ELEMENTS.**—The report under paragraph (1) shall include a status of the implementation of such procedures and a detailed description of the specific steps taken towards such implementation for the regularly scheduled general election for Federal office held in November 2010.

(3) **RELEVANT COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term ‘relevant committees of Congress’ has the meaning given such term in section 103A(d)(3) of the Uniformed and Overseas Citizens Absentee Voting Act, as added by subsection (a).

(f) **PROTECTING VOTER PRIVACY AND SECRECY OF ABSENTEE BALLOTS.**—Section 101(b) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)), as amended by subsection (b), is amended—

(1) by striking “and” at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(9) to the greatest extent practicable, take such actions as may be necessary—

“(A) to ensure that absent uniformed services voters who cast absentee ballots at locations or facilities under the jurisdiction of the Presidential designee are able to do so in a private and independent manner; and

“(B) to protect the privacy of the contents of absentee ballots cast by absentee uniformed services voters and overseas voters while such ballots are in the possession or control of the Presidential designee.”

(g) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 588. FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) **USE IN GENERAL, SPECIAL, PRIMARY, AND RUNOFF ELECTIONS FOR FEDERAL OFFICE.**—

(1) **IN GENERAL.**—Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended—

(A) in subsection (a), by striking “general elections for Federal office” and inserting “general, special, primary, and runoff elections for Federal office”; and

(B) in subsection (e), in the matter preceding paragraph (1), by striking “a general election” and inserting “a general, special, primary, or runoff election for Federal office”; and

(C) in subsection (f), by striking “the general election” each place it appears and inserting “the general, special, primary, or runoff election for Federal office”.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall take effect on December 31, 2010, and apply with respect to elections for Federal office held on or after such date.

(b) **PROMOTION AND EXPANSION OF USE.**—Section 103(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-2) is amended—

(1) by striking “GENERAL.—The Presidential” and inserting “GENERAL.—

“(1) **FEDERAL WRITE-IN ABSENTEE BALLOT.**—The Presidential”; and

(2) by adding at the end the following new paragraph:

“(2) PROMOTION AND EXPANSION OF USE OF FEDERAL WRITE-IN ABSENTEE BALLOTS.—

“(A) IN GENERAL.—Not later than December 31, 2011, the Presidential designee shall adopt procedures to promote and expand the use of the Federal write-in absentee ballot as a back-up measure to vote in elections for Federal office.

“(B) USE OF TECHNOLOGY.—Under such procedures, the Presidential designee shall utilize technology to implement a system under which the absent uniformed services voter or overseas voter may—

“(i) enter the address of the voter or other information relevant to the appropriate jurisdiction of the State, and the system will generate a list of all candidates in the election for Federal office in that jurisdiction; and

“(ii) submit the marked Federal write-in absentee ballot by printing the ballot (including complete instructions for submitting the marked Federal write-in absentee ballot to the appropriate State election official and the mailing address of the single State office designated under section 102(b)).

“(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Presidential designee such sums as may be necessary to carry out this paragraph.”.

SEC. 589. PROHIBITING REFUSAL TO ACCEPT VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS, MARKED ABSENTEE BALLOTS, AND FEDERAL WRITE-IN ABSENTEE BALLOTS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.

(a) VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 587, is amended by adding at the end the following new subsection:

“(i) PROHIBITING REFUSAL TO ACCEPT APPLICATIONS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid voter registration application or absentee ballot application (including the official post card form prescribed under section 101) or marked absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

“(1) Notarization requirements.

“(2) Restrictions on paper type, including weight and size.

“(3) Restrictions on envelope type, including weight and size.”.

(b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Section 103 of such Act (42 U.S.C. 1973ff-2) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) PROHIBITING REFUSAL TO ACCEPT BALLOT FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A State shall not refuse to accept and process any otherwise valid Federal write-in absentee ballot submitted in any manner by an absent uniformed services voter or overseas voter solely on the basis of the following:

“(1) Notarization requirements.

“(2) Restrictions on paper type, including weight and size.

“(3) Restrictions on envelope type, including weight and size.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 590. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

(a) FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended by section 587, is amended by inserting after section 103A the following new section:

“SEC. 103B. FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.

“(a) DUTIES.—The Presidential designee shall carry out the following duties:

“(1) Develop online portals of information to inform absent uniformed services voters regarding voter registration procedures and absentee ballot procedures to be used by such voters with respect to elections for Federal office.

“(2) Establish a program to notify absent uniformed services voters of voter registration information and resources, the availability of the Federal postcard application, and the availability of the Federal write-in absentee ballot on the military Global Network, and shall use the military Global Network to notify absent uniformed services voters of the foregoing 90, 60, and 30 days prior to each election for Federal office.

“(3) Not later than December 31 of each year, transmit to the President and to Congress a report on the effectiveness of activities carried out under this section, including the activities and actions of the Federal Voting Assistance Program of the Department of Defense, a separate assessment of voter registration and participation by absent uniformed overseas voters, a separate assessment of voter registration and participation by overseas voters who are not members of the uniformed services, and a description of the cooperation between the States and the Federal Government in carrying out this section.

“(b) ASSESSMENT OF EFFECTIVENESS OF VOTING ASSISTANCE OFFICER PROGRAM.—Not later than 90 days after the date of enactment of this subsection, the Presidential designee shall submit to Congress a report containing the following:

“(1) A thorough and complete assessment of whether the Voting Assistance Officer Program of the Department of Defense, as configured and implemented as of such date of enactment, is effectively assisting members of the Armed Forces in exercising their right to vote.

“(2) An inventory and explanation of any areas of voter assistance in which such Program has failed to accomplish its stated objectives and effectively assist members of the Armed Forces in exercising their right to vote.

“(3) A detailed plan for the implementation of a new program to replace such Program and supplement, as needed, voter assistance activities required to be performed under this section.

“(c) CLARIFICATION REGARDING OTHER DUTIES AND OBLIGATIONS.—Nothing in this section shall relieve the Presidential designee of their duties and obligations under any directives or regulations issued by the Department of Defense, including the Department of Defense Directive 1000.04 (or any successor directive or regulation) that is not inconsistent or contradictory to the provisions of this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Voting Assistance Program of the Department of Defense (or a successor program) such sums as are necessary for purposes of carrying out this section.”.

(2) CONFORMING AMENDMENTS.—Section 101 of such Act (42 U.S.C. 1973ff), as amended by section 587, is amended—

(A) in subparagraph (b)—

(i) by striking “and” at the end of paragraph (8);

(ii) by striking the period at the end of paragraph (9) and inserting “; and”; and

(iii) by adding at the end the following new paragraph:

“(10) carry out section 103B with respect to Federal Voting Assistance Program Improvements.”; and

(B) by adding at the end the following new subsection:

“(d) AUTHORIZATION OF APPROPRIATIONS FOR CARRYING OUT FEDERAL VOTING ASSISTANCE PROGRAM IMPROVEMENTS.—There are authorized to be appropriated to the Presidential designee such sums as are necessary for purposes of carrying out subsection (b)(10).”.

(b) VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 589, is amended by adding at the end the following new subsection:

“(j) VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS.—

“(1) DESIGNATING AN OFFICE AS A VOTER REGISTRATION AGENCY ON EACH INSTALLATION OF THE ARMED FORCES.—Not later than 180 days after the date of enactment of this subsection, each Secretary of a military department shall take appropriate actions to designate an office on each installation of the Armed Forces under the jurisdiction of such Secretary (excluding any installation in a theater of combat), consistent across every installation of the department of the Secretary concerned, to provide each individual described in paragraph (3)—

“(A) written information on voter registration procedures and absentee ballot procedures (including the official post card form prescribed under section 101);

“(B) the opportunity to register to vote in an election for Federal office;

“(C) the opportunity to update the individual's voter registration information, including clear written notice and instructions for the absent uniformed services voter to change their address by submitting the official post card form prescribed under section 101 to the appropriate State election official; and

“(D) the opportunity to request an absentee ballot under this Act.

“(2) DEVELOPMENT OF PROCEDURES.—Each Secretary of a military department shall develop, in consultation with each State and the Presidential designee, the procedures necessary to provide the assistance described in paragraph (1).

“(3) INDIVIDUALS DESCRIBED.—The following individuals are described in this paragraph:

“(A) An absent uniformed services voter—

“(i) who is undergoing a permanent change of duty station;

“(ii) who is deploying overseas for at least 6 months;

“(iii) who is or returning from an overseas deployment of at least 6 months; or

“(iv) who at any time requests assistance related to voter registration.

“(B) All other absent uniformed services voters (as defined in section 107(1)).

“(4) TIMING OF PROVISION OF ASSISTANCE.—The assistance described in paragraph (1) shall be provided to an absent uniformed services voter—

“(A) described in clause (i) of paragraph (3)(A), as part of the administrative in-processing of the member upon arrival at the new duty station of the absent uniformed services voter;

“(B) described in clause (ii) of such paragraph, as part of the administrative in-processing of the member upon deployment from the home duty station of the absent uniformed services voter;

“(C) described in clause (iii) of such paragraph, as part of the administrative in-processing of the member upon return to the home duty station of the absent uniformed services voter;

“(D) described in clause (iv) of such paragraph, at any time the absent uniformed services voter requests such assistance; and

“(E) described in paragraph (3)(B), at any time the absent uniformed services voter requests such assistance.

“(5) PAY, PERSONNEL, AND IDENTIFICATION OFFICES OF THE DEPARTMENT OF DEFENSE.—The Secretary of Defense may designate pay, personnel, and identification offices of the Department of Defense for persons to apply to register to vote, update the individual's voter registration information, and request an absentee ballot under this Act.

“(6) TREATMENT OF OFFICES DESIGNATED AS VOTER REGISTRATION AGENCIES.—An office designated under paragraph (1) or (5) shall be considered to be a voter registration agency designated under section 7(a)(2) of the National Voter Registration Act of 1993 for all purposes of such Act.

“(7) OUTREACH TO ABSENT UNIFORMED SERVICES VOTERS.—The Secretary of each military department or the Presidential designee shall take appropriate actions to inform absent uniformed services voters of the assistance available under this subsection including—

“(A) the availability of voter registration assistance at offices designated under paragraphs (1) and (5); and

“(B) the time, location, and manner in which an absent uniformed voter may utilize such assistance.

“(8) REPORTS.—

“(A) REPORT ON STATUS OF IMPLEMENTATION.—

“(i) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this subsection, the Secretary of each military department or the Presidential designee shall submit to the relevant committees of Congress a report on the status of the implementation of this subsection.

“(ii) ELEMENTS.—The report under clause (i) shall include a detailed description of the specific steps taken towards the implementation of this subsection, including the designation of offices under paragraphs (1) and (5).

“(B) REPORT ON UTILIZATION OF VOTER REGISTRATION ASSISTANCE.—

“(i) REPORTS REQUIRED.—Not later than 1 year after the date of the enactment of this subsection, the Secretary of each military department or the Presidential designee shall submit to the relevant committees of Congress a report on the utilization of voter registration assistance provided under this subsection.

“(ii) ELEMENTS.—The report under clause (i) shall include—

“(I) a description of the specific programs implemented by each military department of the Armed Forces pursuant to this subsection; and

“(II) the number of absent uniformed services voters who utilized voter registration assistance provided under this section.

“(9) DEFINITIONS.—In this subsection:

“(A) MILITARY DEPARTMENT AND SECRETARY CONCERNED.—The terms ‘military department’ and ‘Secretary concerned’ have the meaning given such terms in paragraphs (8) and (9), respectively, of section 101 of title 10, United States Code.

“(B) RELEVANT COMMITTEES OF CONGRESS.—The term ‘relevant committees of Congress’ means—

“(i) the Committees on Appropriations, Armed Services, and Rules and Administration of the Senate; and

“(ii) the Committees on Appropriations, Armed Services, and House Administration of the House of Representatives.

“(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 591. DEVELOPMENT OF STANDARDS FOR REPORTING AND STORING CERTAIN DATA.

(a) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)), as amended by section 590, is amended—

(1) by striking “and” at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) working with the Election Assistance Commission and the chief State election official of each State, develop standards—

“(A) for States to report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate; and

“(B) for the Presidential designee to store the data reported.”

(b) CONFORMING AMENDMENT.—Section 102(a) of such Act (42 U.S.C. 1973ff-1(a)), as amended by section 587, is amended—

(1) in paragraph (9), by striking “and” at the end;

(2) in paragraph (10), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(11) report data on the number of absentee ballots transmitted and received under section 102(c) and such other data as the Presidential designee determines appropriate in accordance with the standards developed by the Presidential designee under section 101(b)(11).”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2010 and each succeeding election for Federal office.

SEC. 592. REPEAL OF PROVISIONS RELATING TO USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

(a) IN GENERAL.—Subsections (a) through (d) of section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) are repealed.

(b) CONFORMING AMENDMENTS.—The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is amended—

(1) in section 101(b)—

(A) in paragraph (2), by striking “, for use by States in accordance with section 104”; and

(B) in paragraph (4), by striking “for use by States in accordance with section 104”; and

(2) in section 104, as amended by subsection (a)—

(A) in the section heading, by striking “**USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS**” and inserting “**PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION**”; and

(B) in subsection (e), by striking “(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.”

SEC. 593. ANNUAL REPORT ON ENFORCEMENT.

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973f-4) is amended—

(1) by striking “The Attorney” and inserting “(a) IN GENERAL.—The Attorney”; and

(2) by adding at the end the following new subsection:

“(b) REPORT TO CONGRESS.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.”

SEC. 594. REQUIREMENTS PAYMENTS.

(a) USE OF FUNDS.—Section 251(b) of the Help America Vote Act of 2002 (42 U.S.C. 15401(b)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(2) by adding at the end the following new paragraph:

“(3) ACTIVITIES UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—A State shall use a requirements payment made using funds appropriated pursuant to the authorization under section 257(4) only to meet the requirements under the Uniformed and Overseas Citizens Absentee Voting Act imposed as a result of the provisions of and amendments made by the Military and Overseas Voter Empowerment Act.”

(b) REQUIREMENTS.—

(1) STATE PLAN.—Section 254(a) of the Help America Vote Act of 2002 (42 U.S.C. 15404(a)) is amended by adding at the end the following new paragraph:

“(14) How the State plan will comply with the provisions and requirements of and amendments made by the Military and Overseas Voter Empowerment Act.”

(2) CONFORMING AMENDMENTS.—Section 253(b) of the Help America Vote Act of 2002 (42 U.S.C. 15403(b)) is amended—

(A) in paragraph (1)(A), by striking “section 254” and inserting “subsection (a) of section 254 (or, in the case where a State is seeking a requirements payment made using funds appropriated pursuant to the authorization under section 257(4), paragraph (14) of section 254)”; and

(B) in paragraph (2)—

(i) by striking “(2) The State” and inserting “(2)(A) Subject to subparagraph (B), the State”; and

(ii) by inserting after subparagraph (A), as added by clause (i), the following new subparagraph:

“(B) The requirement under subparagraph (A) shall not apply in the case of a requirements payment made using funds appropriated pursuant to the authorization under section 257(4).”

(c) AUTHORIZATION.—Section 257(a) of the Help America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended by adding at the end the following new paragraph:

“(4) For fiscal year 2010 and subsequent fiscal years, such sums as are necessary for purposes of making requirements payments to States to carry out the activities described in section 251(b)(3).”

SEC. 595. TECHNOLOGY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) **ABSENT UNIFORMED SERVICES VOTER.**—The term “absent uniformed services voter” has the meaning given such term in section 107(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) **OVERSEAS VOTER.**—The term “overseas voter” has the meaning given such term in section 107(5) of such Act.

(3) **PRESIDENTIAL DESIGNEE.**—The term “Presidential designee” means the individual designated under section 101(a) of such Act.

(b) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The Presidential designee may establish 1 or more pilot programs under which the feasibility of new election technology is tested for the benefit of absent uniformed services voters and overseas voters claiming rights under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(2) **DESIGN AND CONDUCT.**—The design and conduct of a pilot program established under this subsection—

(A) shall be at the discretion of the Presidential designee; and

(B) shall not conflict with or substitute for existing laws, regulations, or procedures with respect to the participation of absent uniformed services voters and military voters in elections for Federal office.

(c) **CONSIDERATIONS.**—In conducting a pilot program established under subsection (b), the Presidential designee may consider the following issues:

(1) The transmission of electronic voting material across military networks.

(2) Virtual private networks, cryptographic voting systems, centrally controlled voting stations, and other information security techniques.

(3) The transmission of ballot representations and scanned pictures in a secure manner.

(4) Capturing, retaining, and comparing electronic and physical ballot representations.

(5) Utilization of voting stations at military bases.

(6) Document delivery and upload systems.

(7) The functional effectiveness of the application or adoption of the pilot program to operational environments, taking into account environmental and logistical obstacles and State procedures.

(d) **REPORTS.**—The Presidential designee shall submit to Congress reports on the progress and outcomes of any pilot program conducted under this subsection, together with recommendations—

(1) for the conduct of additional pilot programs under this section; and

(2) for such legislation and administrative action as the Presidential designee determines appropriate.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

SA 1636. Mr. INOUE submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, add the following:

SEC. 2832. LAND CONVEYANCES OF CERTAIN PARCELS IN THE CAMP CATLIN AND OHANA NUI AREAS, PEARL HARBOR, HAWAII.

(a) **CONVEYANCES AUTHORIZED.**—The Secretary of the Navy (“the Secretary”) may convey to any person or entity leasing or licensing real property located at Camp Catlin and Ohana Nui areas, Hawaii, as of the date of the enactment of this Act (“the lessee”) all right, title, and interest of the United States in and to the portion of such property that is respectively leased or licensed by such person or entity for the purpose of continuing the same functions as are being conducted on the property as of the date of the enactment of this Act.

(b) **CONSIDERATION.**—As consideration for a conveyance under subsection (a), the lessee shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market of the conveyed property, as determined pursuant to an appraisal acceptable to the Secretary.

(c) **EXERCISE OF RIGHT TO PURCHASE PROPERTY.**—

(1) **ACCEPTANCE OF OFFER.**—For a period of 180 days beginning on the date the Secretary makes a written offer to convey the property or any portion thereof under subsection (a), the lessee shall have the exclusive right to accept such offer by providing written notice of acceptance to the Secretary within the specified 180-day time period. If the Secretary’s offer is not so accepted within the 180-day period, the offer shall expire.

(2) **CONVEYANCE DEADLINE.**—If a lessee accepts the offer to convey the property or a portion thereof in accordance with paragraph (1), the conveyance shall take place not later than 2 years after the date of the lessee’s written acceptance, provided that the conveyance date may be extended for a reasonable period of time by mutual agreement of the parties, evidenced by a written instrument executed by the parties prior to the end of the 2-year period. If the lessee’s lease or license term expires before the conveyance is completed, the Secretary may extend the lease or license term up to the date of conveyance, provided that the lessee shall be required to pay for such extended term at the rate in effect at the time it was declared excess property.

(d) **PAYMENT OF COSTS OF CONVEYANCES.**—

(1) **PAYMENT REQUIRED.**—The Secretary shall require the lessee to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out a conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the lessee in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the lessee.

(2) **TREATMENT OF AMOUNTS RECEIVED.**—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out a conveyance under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of any real property to be conveyed under subsection (a)

shall be determined by a survey satisfactory to the Secretary.

(f) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 1637. Mr. PRYOR (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 97, strike line 20 and all that follows through page 98, line 17, and insert the following:

SEC. 414. FISCAL YEAR 2010 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS AND INCREASE IN PERMANENT LIMITATION ON SUCH TECHNICIANS.

(a) **LIMITATIONS.**—

(1) **NATIONAL GUARD.**—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2010, may not exceed the following:

(A) For the Army National Guard of the United States, 2,770.

(B) For the Air National Guard of the United States, 350.

(2) **ARMY RESERVE.**—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2010, may not exceed 595.

(3) **AIR FORCE RESERVE.**—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2010, may not exceed 90.

(b) **INCREASE IN PERMANENT LIMITATION ON NATIONAL GUARD TECHNICIANS.**—Section 10217(c)(2) of title 10, United States Code, is amended by striking “1,950” and inserting “3,120”.

(c) **NON-DUAL STATUS TECHNICIANS DEFINED.**—In this section, the term “non-dual status technician” has the meaning given that term in section 10217(a) of title 10, United States Code.

SA 1638. Mr. MCCAIN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

SEC. 2707. REQUIREMENT FOR MASTER PLAN TO PROVIDE WORLD CLASS MILITARY MEDICAL FACILITIES IN THE NATIONAL CAPITAL REGION.

(a) **MASTER PLAN REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement a comprehensive master plan to provide world class military

medical facilities and an integrated system of health care delivery for the National Capital Region that—

(1) addresses—

(A) the unique needs of members of the Armed Forces and retired members of the Armed Forces and their families;

(B) the care, management, and transition of seriously ill and injured members of the Armed Forces and their families;

(C) the missions of the branch or branches of the Armed Forces served; and

(D) performance expectations for the future integrated health care delivery system, including—

(i) information management and information technology support; and

(ii) expansion of support services;

(2) includes the establishment of an integrated process for the joint development of budgets, prioritization of requirements, and the allocation of funds;

(3) designates a single entity within the Department of Defense with the budget and operational authority to respond quickly to and address emerging facility and operational requirements required to provide and operate world class military medical facilities in the National Capital Region;

(4) incorporates all ancillary and support facilities at the National Naval Medical Center, Bethesda, Maryland, including education and research facilities as well as centers of excellence, transportation, and parking structures required to provide a full range of adequate care and services for members of the Armed Forces and their families;

(5) ensures that each facility covered by the plan meets or exceeds Joint Commission hospital design standards as applicable; and

(6) can be used as a model to develop similar master plans for all military medical facilities within the Department of Defense.

(b) **MILESTONE SCHEDULE AND COST ESTIMATES.**—Not later than 90 days after the development of the master plan required by (a), the Secretary shall submit to the congressional defense committees a report describing—

(1) the schedule for completion of requirements identified in the master plan; and

(2) updated cost estimates to provide world class military medical facilities for the National Capital Region.

(c) **DEFINITIONS.**—In this section:

(1) **NATIONAL CAPITAL REGION.**—The term “National Capital Region” has the meaning given the term in section 2674(f) of title 10, United States Code.

(2) **WORLD CLASS MILITARY MEDICAL FACILITY.**—The term “world class military medical facility” has the meaning given the term by the National Capital Region Base Realignment and Closure Health Systems Advisory Subcommittee of the Defense Health Board in appendix B of the report entitled “Achieving World Class – An Independent Review of the Design Plans for the Walter Reed National Military Medical Center and the Fort Belvoir Community Hospital”, published in May, 2009.

SA 1639. Mrs. HAGAN (for Ms. COLLINS) proposed an amendment to the concurrent resolution S. Con. Res. 11, condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes; as follows:

In the 10th whereas clause, strike “Khomeini” and insert “Khamenei”

SA 1640. Mrs. HAGAN (for Mr. NELSON of Florida) proposed an amendment to the bill S. 951, to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. “Buzz” Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission’s command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “New Frontier Congressional Gold Medal Act”.

SEC. 2. FINDINGS.

The Congress finds that—

(1) as spacecraft commander for Apollo 11, the first manned lunar landing mission, Neil A. Armstrong gained the distinction of being the first man to land a craft on the moon and first to step on its surface on July 21, 1969;

(2) by conquering the moon at great personal risk to safety, Neil Armstrong advanced America scientifically and technologically, paving the way for future missions to other regions in space;

(3) Edwin E. “Buzz” Aldrin, Jr., joined Armstrong in piloting the lunar module, Eagle, to the surface of the moon, and became the second person to walk upon its surface;

(4) Michael Collins piloted the command module, Columbia, in lunar orbit and helped his fellow Apollo 11 astronauts complete their mission on the moon;

(5) John Herschel Glenn, Jr., helped pave the way for the first lunar landing when on February 20, 1962, he became the first American to orbit the Earth; and

(6) John Glenn’s actions, like Armstrong’s, Aldrin’s and Collins’s, continue to greatly inspire the people of the United States.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) **PRESENTATION AUTHORIZED.**—The President is authorized to present, on behalf of the Congress, to Neil A. Armstrong, Edwin E. “Buzz” Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., each a gold medal of appropriate design, in recognition of their significant contributions to society.

(b) **DESIGN AND STRIKING.**—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medals.

SEC. 5. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) **AUTHORITY TO USE FUND AMOUNTS.**—There is authorized to be charged against the United States Mint Public Enterprise Fund,

such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) **PROCEEDS OF SALE.**—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

SA 1641. Mrs. HAGAN (for Mr. NELSON of Florida) proposed an amendment to the bill S. 951, to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. “Buzz” Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission’s command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.; as follows:

Amend the title so as to read: A Bill To authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. “Buzz” Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission’s command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

SA 1642. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1073. COMPTROLLER GENERAL REVIEW OF SPENDING IN THE FINAL QUARTER OF FISCAL YEAR 2009 BY THE DEPARTMENT OF DEFENSE.

(a) **REVIEW OF SPENDING BY THE COMPTROLLER GENERAL.**—The Comptroller General of the United States shall conduct a review of the obligations and expenditures of the Department of Defense in the final quarter of fiscal year 2009, as compared to the obligations and expenditures of the Department in the first three quarters of that fiscal year, to determine if policies with respect to spending by the Department contribute to hastened year-end spending and poor use or waste of taxpayer dollars.

(b) **REPORT.**—Not later than the earlier of March 30, 2010, or the date that is 180 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report containing—

(1) the results of the review conducted under subsection (a); and

(2) any recommendations of the Comptroller General with respect to improving the policies pursuant to which amounts appropriated to the Department of Defense are obligated and expended in the final quarter of the fiscal year.

SA 1643. Mr. CASEY (for himself and Mr. BAYH) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ANNUAL COUNTERTERRORISM STATUS REPORTS.

(a) **SHORT TITLE.**—This section may be cited as the “Success in Countering Al Qaeda Reporting Requirements Act of 2009”.

(b) **FINDINGS.**—Congress makes the following findings:

(1) Al Qaeda and its related affiliates attacked the United States on September 11, 2001 in New York, New York, Arlington, Virginia, and Shanksville, Pennsylvania, murdering almost 3000 innocent civilians.

(2) Osama bin Laden and his deputy Ayman al-Zawahiri remain at large.

(3) In testimony to the Select Committee on Intelligence of the Senate on February 12, 2009, Director of National Intelligence Dennis C. Blair stated, “al-Qa’ida and its affiliates and allies remain dangerous and adaptive enemies, and the threat they could inspire or orchestrate an attack on the United States or European countries. . . . Although al-Qa’ida’s core organization in the tribal areas of Pakistan is under greater pressure now than it was a year ago, we assess that it remains the most dangerous component of the larger al-Qa’ida network. Al-Qa’ida leaders still use the tribal areas as a base from which they can avoid capture, produce propaganda, communicate with operational cells abroad, and provide training and indoctrination to new terrorist operatives.”

(4) The most recent authoritative National Intelligence Estimate issued on the threat posed by Al Qaeda, released in July 2007, states “Al-Qa’ida is and will remain the most serious terrorist threat to the Homeland”.

(5) Efforts to combat violent extremism and radicalism must be undertaken using all elements of national power, including military tools, intelligence assets, law enforcement resources, diplomacy, paramilitary activities, financial measures, development assistance, strategic communications, and public diplomacy.

(6) In the report entitled “Suggested Areas for Oversight for the 110th Congress” (GAO-08-235R, November 17, 2006), the Government Accountability Office urged greater congressional oversight in assessing the effectiveness and coordination of United States international programs focused on combating and preventing the growth of terrorism and its underlying causes.

(7) Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(a)) requires that the Secretary of State submit annual reports to Congress that detail key developments on terrorism on a country-by-country basis. These Country Reports on Terrorism provide information on acts of terrorism in countries, major developments in bilateral and multilateral counterterrorism cooperation, and the extent of State support for terrorist groups responsible for the death, kidnapping, or injury of Americans, but do not assess the scope and efficacy of United States counter-

terrorism efforts against Al Qaeda and its related affiliates.

(8) The Executive Branch submits regular reports to Congress that detail the status of United States combat operations in Iraq and Afghanistan, including a breakdown of budgetary allocations, key milestones achieved, and measures of political, economic, and military progress.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) 8 years after the attacks on September 11, 2001, Al Qaeda and its related affiliates remain the most serious national security threat to the United States, with alarming signs that Al Qaeda and its related affiliates have reconstituted their strength and ability to generate new attacks throughout the world, including against the United States;

(2) there remains insufficient information on current counterterrorism efforts undertaken by the Federal Government and the level of success achieved by specific initiatives;

(3) Congress and the American people can benefit from more specific data and metrics that can provide the basis for objective external assessments of the progress being made in the overall war being waged against violent extremism;

(4) the absence of a comparable timely assessment of the ongoing status and progress of United States counterterrorism efforts against Al Qaeda and its related affiliates hampers the ability of Congress and the American people to independently determine whether the United States is making significant progress in this defining struggle of our time; and

(5) the Executive Branch should submit a comprehensive report to Congress, updated on an annual basis, which provides a more strategic perspective regarding—

(A) the United States’ highest global counterterrorism priorities;

(B) the United States’ efforts to combat and defeat Al Qaeda and its related affiliates;

(C) the United States’ efforts to undercut long-term support for the violent extremism that sustains Al Qaeda and its related affiliates;

(D) the progress made by the United States as a result of such efforts;

(E) the efficacy and efficiency of the United States resource allocations; and

(F) whether the existing activities and operations of the United States are actually diminishing the national security threat posed by Al Qaeda and its related affiliates.

(d) **ANNUAL COUNTERTERRORISM STATUS REPORTS.**—

(1) **IN GENERAL.**—Not later than July 31, 2010, and every July 31 thereafter, the President shall submit a report, to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Armed Services of the Senate, the Committee on Armed Services of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, which contains, for the most recent 12-month period, a review of the counterterrorism strategy of the United States Government, including—

(A) a detailed assessment of the scope, status, and progress of United States counterterrorism efforts in fighting Al Qaeda and its related affiliates and undermining long-term support for violent extremism;

(B) a judgment on the geographical region in which Al Qaeda and its related affiliates pose the greatest threat to the national security of the United States;

(C) a judgment on the adequacy of interagency integration of the counterterrorism programs and activities of the Department of Defense, the United States Special Operations Command, the Central Intelligence Agency, the Department of State, the Department of the Treasury, the Department of Homeland Security, the Department of Justice, and other Federal departments and agencies;

(D) an evaluation of the extent to which the counterterrorism efforts of the United States correspond to the plans developed by the National Counterterrorism Center and the goals established in overarching public statements of strategy issued by the executive branch;

(E) a determination of whether the National Counterterrorism Center exercises the authority and has the resources and expertise required to fulfill the interagency strategic and operational planning role described in section 119(j) of the National Security Act of 1947 (50 U.S.C. 404o), as added by section 1012 of the National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458);

(F) a description of the efforts of the United States Government to combat Al Qaeda and its related affiliates and undermine violent extremist ideology, which shall include—

(i) a specific list of the President’s highest global counterterrorism priorities;

(ii) the degree of success achieved by the United States, and remaining areas for progress, in meeting the priorities described in clause (i); and

(iii) efforts in those countries in which the President determines that—

(I) Al Qaeda and its related affiliates have a presence; or

(II) acts of international terrorism have been perpetrated by Al Qaeda and its related affiliates;

(G) a specific list of United States counterterrorism efforts, and the specific status and achievements of such efforts, through military, financial, political, intelligence, paramilitary, and law enforcement elements, relating to—

(i) bilateral security and training programs;

(ii) law enforcement and border security;

(iii) the disruption of terrorist networks; and

(iv) the denial of terrorist safe havens and sanctuaries;

(H) a description of United States Government activities to counter terrorist recruitment and radicalization, including—

(i) strategic communications;

(ii) public diplomacy;

(iii) support for economic development and political reform; and

(iv) other efforts aimed at influencing public opinion;

(I) United States Government initiatives to eliminate direct and indirect international financial support for the activities of terrorist groups;

(J) a cross-cutting analysis of the budgets of all Federal Government agencies as they relate to counterterrorism funding to battle Al Qaeda and its related affiliates abroad, including—

(i) the source of such funds; and

(ii) the allocation and use of such funds;

(K) an analysis of the extent to which specific Federal appropriations—

(i) have produced tangible, calculable results in efforts to combat and defeat Al Qaeda, its related affiliates, and its violent ideology; or

(ii) contribute to investments that have expected payoffs in the medium- to long-term;

(L) statistical assessments, including those developed by the National Counterterrorism Center, on the number of individuals belonging to Al Qaeda and its related affiliates that have been killed, injured, or taken into custody as a result of United States counterterrorism efforts; and

(M) a concise summary of the methods used by National Counterterrorism Center and other elements of the United States Government to assess and evaluate progress in its overall counterterrorism efforts, including the use of specific measures, metrics, and indices.

(2) INTERAGENCY COOPERATION.—In preparing a report under this subsection, the President shall include relevant information maintained by—

(A) the National Counterterrorism Center and the National Counterproliferation Center;

(B) Department of Justice, including the Federal Bureau of Investigation;

(C) the Department of State;

(D) the Department of Defense;

(E) the Department of Homeland Security;

(F) the Department of the Treasury;

(G) the Office of the Director of National Intelligence,

(H) the Central Intelligence Agency;

(I) the Office of Management and Budget;

(J) the United States Agency for International Development; and

(K) any other Federal department that maintains relevant information.

(3) REPORT CLASSIFICATION.—Each report required under this subsection shall be—

(A) submitted in an unclassified form, to the maximum extent practicable; and

(B) accompanied by a classified appendix, as appropriate.

SA 1644. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 270, between lines 5 and 6, insert the following:

SEC. 8. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is amended to read as follows:

“SEC. 526. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.

“(a) IN GENERAL.—Except as provided in subsection (b), no Federal agency shall enter into a contract for procurement of an alternative or synthetic fuel, including a fuel produced from nonconventional petroleum sources, for any mobility-related use other than for research or testing, unless the contract specifies that the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract, on an ongoing basis, be less than or equal to such emissions from the equivalent conventional fuel produced from conventional petroleum sources.

“(b) EXCEPTIONS.—Subsection (a) shall not prohibit a Federal agency from entering into a contract to purchase a generally available fuel that is produced, in whole or in part, from a nonconventional petroleum source if—

“(1) the contract does not specifically require the contractor to provide a fuel from a nonconventional petroleum source;

“(2) the purpose of the contract is not to obtain a fuel from a nonconventional petroleum source; and

“(3) the contract does not provide incentives (excluding compensation at market prices for the purchase of fuel purchased) for a refinery upgrade or expansion to allow a refinery to use or increase the use by the refinery of fuel from a nonconventional petroleum source.”.

SA 1645. Mr. BROWN (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 565, after line 20, add the following:

SEC. 2832. LAND CONVEYANCE, GEORGE F. PENNINGTON UNITED STATES ARMY RESERVE CENTER, MARION, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Marion County, Ohio (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 5.3 acres located at the George F. Pennington United States Army Reserve Center, 2164 Harding Way Highway East, Marion, Ohio, for the construction of a community center.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto the property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, related to the conveyance. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the County.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) shall be credited to the fund or

account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 1646. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1390, to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 429, between lines 8 and 9, insert the following:

SEC. 1073. REPORT ON MODELING AND SIMULATION ACTIVITIES OF UNITED STATES JOINT FORCES COMMAND.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Commander of the United States Joint Forces Command shall submit to the congressional defense committees a report that describes current and planned efforts for cooperative modeling and simulation development activities with the private sector and other government organizations.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) An identification of the current and planned outreach to industry, consortia, academia, State and Federal agencies, and international partners, including efforts to leverage the capabilities of these organizations to support Joint Forces Command missions.

(2) A description of current and planned utilization by the United States Joint Forces Command of public-private partnerships and other technology transfer activities to support development of modeling and simulation capabilities and to sustain a defense modeling and simulation industrial base.

(3) A description of United States Joint Forces Command efforts to coordinate with State and regional modeling and simulation capabilities existing in the public and private sector.

(4) A description of the joint, coalition, and inter-agency modeling and simulation activities in which the United States Joint Forces Command is participating.

(5) Additional resources or authorities required by the United States Joint Forces Command to promote the development of needed modeling and simulation capabilities through cooperative activities with the private sector or other government organizations.

(6) Other matters as deemed appropriate by the Commander of the United States Joint Forces Command.

PRIVILEGES OF THE FLOOR

Mr. SESSIONS. Mr. President, I ask unanimous consent that my legislative

fellow, Navy LCDR Tim Long, be granted the privilege of the floor during consideration of S. 1390, the National Defense Authorization Act of 2010.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that LCDR Ryan Farris, Mr. Yariv Pierce, and Mr. Stratton Kirtan be given the privilege of the floor throughout the duration of the debate on the Department of Defense authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2009 second quarter Mass Mailings is Monday, July 27, 2009. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Public Records office will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

SPECIAL ENVOY TO MONITOR AND COMBAT ANTI-SEMITISM

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 44, S. Con. Res. 11.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 11) condemning all forms of anti-Semitism and reaffirming the support of Congress for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution which had been reported from the Committee on Foreign Relations, with amendments; as follows:

(The parts of the preamble intended to be stricken are shown in boldface brackets and the part of the preamble intended to be inserted is shown in italics.)

S. CON. RES. 11

Whereas the United States Government has consistently supported efforts to address the rise in anti-Semitism through its bilateral relationships and through engagement in international organizations such as the United Nations, the Organization for Security and Cooperation in Europe (OSCE), and the Organization of American States;

Whereas, in 2004, Congress passed the Global Anti-Semitism Review Act (Public Law 108-332), which established an Office to Monitor and Combat Anti-Semitism, headed by a Special Envoy to Monitor and Combat Anti-Semitism;

Whereas the Department of State, the Office for Democratic Institutions and Human Rights of the OSCE, and others have reported that periods of Arab-Israeli tension have sparked an increase in attacks against Jewish communities around the world and comparisons of policies of the Government of Israel to those of the Nazis and that, despite growing efforts by governments to promote Holocaust remembrance, the Holocaust is frequently invoked as part of anti-Semitic harassment to threaten and offend Jews;

Whereas, since the commencement of Israel's military operation in Gaza on December 27, 2008, a substantial increase in anti-Semitic violence, including physical and verbal attacks, arson, and vandalism against synagogues, cemeteries, and Holocaust memorial sites, has been reported;

Whereas, among many other examples of the dramatic rise of anti-Semitism around the world, over 220 anti-Semitic incidents have been reported to the Community Security Trust in London since December 27, 2008, approximately eight times the number recorded during the same period last year, and the main Jewish association in France, *Counsel Representatif des Institutions Juives de France*, recorded more than 100 attacks in January, including car bombs launched at synagogues, a difference from 20 to 25 a month for the previous year;

Whereas, interspersed with expressions of legitimate criticism of Israeli policy and actions, anti-Semitic imagery and comparisons of Jews and Israel to Nazis have been widespread at demonstrations in the United States, Europe, and Latin America against Israel's actions, and placards held at many demonstrations across the globe have compared Israeli leaders to Nazis, accused Israel of carrying out a "Holocaust" against Palestinians, and equated the Jewish Star of David with the Nazi swastika;

Whereas, in some countries, demonstrations have included chants of "death to Israel", expressions of support for suicide terrorism against Israeli or Jewish civilians, and have been followed by violence and vandalism against synagogues and Jewish institutions;

Whereas some government leaders have exemplified courage and resolve against this trend, including President Nicolas Sarkozy of France, who said he "utterly condemned the unacceptable violence, under the pretext of this conflict, against individuals, private property, and religious buildings", and assured "that these acts would not go unpunished", Justice Minister of the Netherlands Ernst Hirsch Ballin, who announced on January 14, 2009, that he would investigate allegations of anti-Semitism and incitement to hatred and violence at anti-Israel demonstrations, and parliamentarians who have voiced concern, such as the British Parliament's All-Party Group Against Anti-Semitism, which expressed its "horror as a wave of anti-Semitic incidents has affected the Jewish community";

Whereas, despite these actions, too few government leaders in Europe, the Middle East, and Latin America have taken action against the anti-Semitic environments in their countries and in some cases have even promoted violence;

Whereas other leaders have made hostile pronouncements against Israel and Jews, in-

cluding the President of Venezuela, Hugo Chavez, who called Israel's actions a "Holocaust against the Palestinian people" and singled out Venezuela's Jewish community, demanding that they publicly renounce Israel's "barbaric acts" and in so doing implying that the Jewish community is co-responsible for any actions by the Government of Israel and thus a legitimate target, the leader of Hamas, Mahmoud al-Zahar, who recently called for Jewish children to be attacked around the world, and the Supreme Leader of Iran, Ayatollah Ali Khamenei, who vowed to confer the status of "martyr" on "anyone who dies in this holy struggle against World Zionism";

Whereas incitement to violence against Jews also continues in state-run media, particularly in the Middle East, where government-owned, government-sanctioned, or government-controlled publishing houses publish newspapers which promulgate anti-Jewish stereotypes and the myth of the Jewish blood libels in editorial cartoons and articles, produce and broadcast anti-Semitic dramatic and documentary series, and produce Arabic translations of anti-Semitic tracts such as "The Protocols of the Elders of Zion" and "Mein Kampf";

Whereas Jewish communities face an environment in which the convergence of anti-Semitic sentiment and demonization of Israel in the public debate have fostered a hostile environment and a sense of [global] insecurity in *certain countries*, especially in places such as Belgium, Argentina, Venezuela, Spain, and South Africa;

Whereas, in response, the United States Government and other governments and multilateral institutions have supported international government and civil society efforts to monitor and report on anti-Semitic activities and introduce preventive initiatives such as tolerance education and Holocaust Remembrance; and

Whereas challenges still remain, with the governments of many countries failing to implement and fund preventive efforts, accurately track and report anti-Semitic crimes, and prosecute offenders: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) unequivocally condemns all forms of anti-Semitism and rejects attempts to rationalize anti-Jewish hatred or attacks as a justifiable expression of disaffection or frustration over political events in the Middle East or elsewhere;

(2) decries the comparison of Jews to Nazis perpetrating a Holocaust or genocide as a pernicious form of anti-Semitism, an insult to the memory of those who perished in the Holocaust, and an affront both to those who survived and the righteous gentiles who saved Jewish lives at peril to their own and who fought to defeat the Nazis;

(3) calls on leaders to speak out against manifestations of anti-Semitism that have entered the public debate about the Middle East;

(4) applauds those foreign leaders who have condemned anti-Semitic acts and calls on those who have yet to take firm action against anti-Semitism in their countries to do so;

(5) reaffirms its support for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism; and

(6) urges the Secretary of State—

(A) to maintain the fight against anti-Semitism as a foreign policy priority of the United States and to convey the concerns of the United States Government in bilateral meetings;

(B) to continue to raise with United States allies in the Middle East their failure to halt incitement to violence against Jews, including through the use of government-run media;

(C) to urge governments to promote tolerance education and establish mechanisms to monitor, investigate, and punish anti-Semitic crimes, including through utilization of the education, law enforcement training, and civil society capacity building initiatives of the Tolerance and Non-discrimination Department of the Organization for Security and Cooperation in Europe (OSCE);

(D) to swiftly appoint the Special Envoy to Monitor and Combat Anti-Semitism of the Department of State;

(E) to ensure that Department of State Annual Country Reports on Human Rights and International Religious Freedom Reports continue to report on incidents of anti-Semitism and the efforts of foreign governments to address the problem;

(F) to provide necessary training and tools for United States embassies and missions to recognize these trends; and

(G) to ensure that initiatives of the United States Government to train law enforcement abroad incorporate tools to address anti-Semitism.

Mrs. HAGAN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the committee-reported amendments be agreed to, the technical amendment at the desk be agreed to, the preamble, as amended, be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 11) was agreed to.

The committee-reported amendments were agreed to.

The amendment (No. 1639) was agreed to, as follows:

In the 10th whereas clause, strike "Khomeini" and insert "Khamenei"

The preamble, as amended, was agreed to.

The concurrent resolution, with its preamble, as amended, reads as follows:

S. CON. RES. 11

Whereas the United States Government has consistently supported efforts to address the rise in anti-Semitism through its bilateral relationships and through engagement in international organizations such as the United Nations, the Organization for Security and Cooperation in Europe (OSCE), and the Organization of American States;

Whereas in 2004, Congress passed the Global Anti-Semitism Review Act (Public Law 108-332), which established an Office to Monitor and Combat Anti-Semitism, headed by a Special Envoy to Monitor and Combat Anti-Semitism;

Whereas the Department of State, the Office for Democratic Institutions and Human Rights of the OSCE, and others have reported that periods of Arab-Israeli tension have sparked an increase in attacks against Jewish communities around the world and comparisons of policies of the Government of Israel to those of the Nazis and that, despite growing efforts by governments to promote Holocaust remembrance, the Holocaust is

frequently invoked as part of anti-Semitic harassment to threaten and offend Jews;

Whereas since the commencement of Israel's military operation in Gaza on December 27, 2008, a substantial increase in anti-Semitic violence, including physical and verbal attacks, arson, and vandalism against synagogues, cemeteries, and Holocaust memorial sites, has been reported;

Whereas among many other examples of the dramatic rise of anti-Semitism around the world, over 220 anti-Semitic incidents have been reported to the Community Security Trust in London since December 27, 2008, approximately eight times the number recorded during the same period last year, and the main Jewish association in France, Conseil Représentatif des Institutions Juives de France, recorded more than 100 attacks in January, including car bombs launched at synagogues, a difference from 20 to 25 a month for the previous year;

Whereas interspersed with expressions of legitimate criticism of Israeli policy and actions, anti-Semitic imagery and comparisons of Jews and Israel to Nazis have been widespread at demonstrations in the United States, Europe, and Latin America against Israel's actions, and placards held at many demonstrations across the globe have compared Israeli leaders to Nazis, accused Israel of carrying out a "Holocaust" against Palestinians, and equated the Jewish Star of David with the Nazi swastika;

Whereas in some countries, demonstrations have included chants of "death to Israel", expressions of support for suicide terrorism against Israeli or Jewish civilians, and have been followed by violence and vandalism against synagogues and Jewish institutions;

Whereas some government leaders have exemplified courage and resolve against this trend, including President Nicolas Sarkozy of France, who said he "utterly condemned the unacceptable violence, under the pretext of this conflict, against individuals, private property, and religious buildings", and assured "that these acts would not go unpunished", Justice Minister of the Netherlands Ernst Hirsch Ballin, who announced on January 14, 2009, that he would investigate allegations of anti-Semitism and incitement to hatred and violence at anti-Israel demonstrations, and parliamentarians who have voiced concern, such as the British Parliament's All-Party Group Against Anti-Semitism, which expressed its "horror as a wave of anti-Semitic incidents has affected the Jewish community";

Whereas despite these actions, too few government leaders in Europe, the Middle East, and Latin America have taken action against the anti-Semitic environments in their countries and in some cases have even promoted violence;

Whereas other leaders have made hostile pronouncements against Israel and Jews, including the President of Venezuela, Hugo Chavez, who called Israel's actions a "Holocaust against the Palestinian people" and singled out Venezuela's Jewish community, demanding that they publicly renounce Israel's "barbaric acts" and in so doing implying that the Jewish community is co-responsible for any actions by the Government of Israel and thus a legitimate target, the leader of Hamas, Mahmoud al-Zahar, who recently called for Jewish children to be attacked around the world, and the Supreme Leader of Iran, Ayatollah Ali Khamenei, who vowed to confer the status of "martyr" on "anyone who dies in this holy struggle against World Zionism";

Whereas incitement to violence against Jews also continues in state-run media, particularly in the Middle East, where government-owned, government-sanctioned, or government-controlled publishing houses publish newspapers which promulgate anti-Jewish stereotypes and the myth of the Jewish blood libels in editorial cartoons and articles, produce and broadcast anti-Semitic dramatic and documentary series, and produce Arabic translations of anti-Semitic tracts such as "The Protocols of the Elders of Zion" and "Mein Kampf";

Whereas Jewish communities face an environment in which the convergence of anti-Semitic sentiment and demonization of Israel in the public debate have fostered a hostile environment and a sense of insecurity in certain countries;

Whereas in response, the United States Government and other governments and multilateral institutions have supported international government and civil society efforts to monitor and report on anti-Semitic activities and introduce preventive initiatives such as tolerance education and Holocaust Remembrance; and

Whereas challenges still remain, with the governments of many countries failing to implement and fund preventive efforts, accurately track and report anti-Semitic crimes, and prosecute offenders: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) unequivocally condemns all forms of anti-Semitism and rejects attempts to rationalize anti-Jewish hatred or attacks as a justifiable expression of disaffection or frustration over political events in the Middle East or elsewhere;

(2) decries the comparison of Jews to Nazis perpetrating a Holocaust or genocide as a pernicious form of anti-Semitism, an insult to the memory of those who perished in the Holocaust, and an affront both to those who survived and the righteous gentiles who saved Jewish lives at peril to their own and who fought to defeat the Nazis;

(3) calls on leaders to speak out against manifestations of anti-Semitism that have entered the public debate about the Middle East;

(4) applauds those foreign leaders who have condemned anti-Semitic acts and calls on those who have yet to take firm action against anti-Semitism in their countries to do so;

(5) reaffirms its support for the mandate of the Special Envoy to Monitor and Combat Anti-Semitism; and

(6) urges the Secretary of State—

(A) to maintain the fight against anti-Semitism as a foreign policy priority of the United States and to convey the concerns of the United States Government in bilateral meetings;

(B) to continue to raise with United States allies in the Middle East their failure to halt incitement to violence against Jews, including through the use of government-run media;

(C) to urge governments to promote tolerance education and establish mechanisms to monitor, investigate, and punish anti-Semitic crimes, including through utilization of the education, law enforcement training, and civil society capacity building initiatives of the Tolerance and Non-discrimination Department of the Organization for Security and Cooperation in Europe (OSCE);

(D) to swiftly appoint the Special Envoy to Monitor and Combat Anti-Semitism of the Department of State;

(E) to ensure that Department of State Annual Country Reports on Human Rights and

International Religious Freedom Reports continue to report on incidents of anti-Semitism and the efforts of foreign governments to address the problem;

(F) to provide necessary training and tools for United States embassies and missions to recognize these trends; and

(G) to ensure that initiatives of the United States Government to train law enforcement abroad incorporate tools to address anti-Semitism.

NEW FRONTIER CONGRESSIONAL GOLD MEDAL ACT

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 951 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 951) to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and the first American to orbit the Earth, John Herschel Glenn, Jr.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HAGAN. Mr. President, I ask unanimous consent that a Senator NELSON of Florida amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed; that an amendment to the title, which is at the desk, be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1640) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Frontier Congressional Gold Medal Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) as spacecraft commander for Apollo 11, the first manned lunar landing mission, Neil A. Armstrong gained the distinction of being the first man to land a craft on the moon and first to step on its surface on July 21, 1969;

(2) by conquering the moon at great personal risk to safety, Neil Armstrong advanced America scientifically and technologically, paving the way for future missions to other regions in space;

(3) Edwin E. "Buzz" Aldrin, Jr., joined Armstrong in piloting the lunar module, Eagle, to the surface of the moon, and became the second person to walk upon its surface;

(4) Michael Collins piloted the command module, Columbia, in lunar orbit and helped his fellow Apollo 11 astronauts complete their mission on the moon;

(5) John Herschel Glenn, Jr., helped pave the way for the first lunar landing when on February 20, 1962, he became the first American to orbit the Earth; and

(6) John Glenn's actions, like Armstrong's, Aldrin's and Collins's, continue to greatly inspire the people of the United States.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Neil A. Armstrong, Edwin E. "Buzz" Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., each a gold medal of appropriate design, in recognition of their significant contributions to society.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medals.

SEC. 5. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

The bill, as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

The amendment (No. 1641) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: A Bill To authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and the first American to orbit the Earth, John Herschel Glenn, Jr.

EXECUTIVE SESSION

NOMINATION DISCHARGED

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Agriculture Committee be discharged from further consideration of

PN498, the nomination of Evan Segal to be CFO at the Department of Agriculture; that the Senate then proceed to the nomination; that the nomination be confirmed, the motion to reconsider be laid upon the table and no further motions be in order; that the President be immediately notified of the Senate's action; that any statements relating thereto be printed in the RECORD, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF AGRICULTURE

Evan J. Segal, of Pennsylvania, to be Chief Financial Officer, Department of Agriculture, vice Charles R. Christopherson, Jr., resigned.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR TUESDAY, JULY 21, 2009

Mrs. HAGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, July 21; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of Calendar No. 89, S. 1390, the Department of Defense authorization bill; that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. HAGAN. Mr. President, as a result of an agreement reached earlier today, around 12 o'clock the Senate will proceed to a vote on the Levin-McCain amendment regarding F-22 funding.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mrs. HAGAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:21 p.m., adjourned until Tuesday, July 21, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

COMMODITY FUTURES TRADING COMMISSION

JILL SOMMERS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2014. (REAPPOINTMENT)

DEPARTMENT OF TRANSPORTATION

DANIEL R. ELLIOTT, III, OF OHIO, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2013, VICE W. DOUGLAS BUTTREY, TERM EXPIRED.

DEPARTMENT OF ENERGY

JOSE ANTONIO GARCIA, OF FLORIDA, TO BE DIRECTOR OF THE OFFICE OF MINORITY ECONOMIC IMPACT, DEPARTMENT OF ENERGY, VICE THERESA ALVILLAR-SPEAKE, RESIGNED.

DEPARTMENT OF COMMERCE

JOHN R. FERNANDEZ, OF INDIANA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT, VICE SANTANU K. BARUAH, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

GARY S. GUZY, OF THE DISTRICT OF COLUMBIA, TO BE DEPUTY DIRECTOR OF THE OFFICE OF ENVIRONMENTAL QUALITY. (NEW POSITION)

DEPARTMENT OF STATE

LEE ANDREW FEINSTEIN, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF POLAND.

ROBERT D. HORMATS, OF NEW YORK, TO BE AN UNDER SECRETARY OF STATE (ECONOMIC, ENERGY, AND AGRICULTURAL AFFAIRS), VICE REUBEN JEFFERY III, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARVIN KRISLOV, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE CELESTE COLGAN, TERM EXPIRED.

DISCHARGED NOMINATION

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

EVAN J. SEGAL, OF PENNSYLVANIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF AGRICULTURE.

CONFIRMATION

Executive nomination confirmed by the Senate, Monday, July 20, 2009:

DEPARTMENT OF AGRICULTURE

EVAN J. SEGAL, OF PENNSYLVANIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF AGRICULTURE.

HOUSE OF REPRESENTATIVES—Monday, July 20, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 20, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 31 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DRIEHAUS) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, when You speak Your word, true servants stop and listen attentively. Open our receptivity with renewed faith. Practiced in public speaking and surrounded by debate, all too often it becomes difficult for us to truly listen to one another. In a world that prides itself on accelerated information and sophisticated communications systems, the art of asking the deeper questions is often lost in noisy chatter.

Lord, help all of us to be better skilled in honest dialogue and more patient in building consensus. No one of us holds onto the whole truth. But with Your help, we can admit our limitations and share what we have. That will prove to be enough—to offer clarity and promise—enough to move forward just a bit, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BROUN of Georgia. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Mexico (Mr. LUJÁN) come forward and lead the House in the Pledge of Allegiance.

Mr. LUJÁN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES

Washington, DC, July 20, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 20, 2009, at 11:26 a.m.:

That the Senate passed without amendment H.R. 3114

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
Clerk.

SILENCING AMERICAN VOICES IN THE APPROPRIATIONS PROCESS

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Speaker, as we enter the fourth week of the appropriations process, I stand before you once again, angry and frustrated that the Democratic leaders continue to silence the voices of the American people by refusing to allow this body to debate legislation in an open and transparent way. As the American people know by now, Democratic leaders have limited the time of debate and the number of amendments to spending bills that the minority could bring up. This is an unprecedented practice that has not been done by either Republican or Democratic majorities in recent memory.

Mr. Speaker, this is completely outrageous. The opposition party and the American people deserve an opportunity to examine and criticize the majority's policies, and then we deserve the opportunity to offer alternatives when we disagree.

But what Speaker PELOSI is doing now not only goes against the practices of this House; it also goes against everything she promised the American people when Democrats took control of the House in 2006. Mr. Speaker, this Congress is passing nonstimulus stimulus packages, cap-and-trade boondoggles, and now we're silencing the voices of the American people.

I ask, when is enough enough? It has to change.

OPPOSING JOB-KILLING CAP-AND-TRADE LEGISLATION

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to bring to the floor my constituents' opposition to the cap-and-trade bill recently passed in the House. At a time when this country faces the possibility of a double-digit unemployment rate, a tax that will lead to fewer jobs, force Americans to pay more energy costs and raise the price of every manufactured good is unthinkable.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

My constituents, as well as I, wonder how we will afford the predicted \$1,200 to \$3,100 increase in annual energy costs. Take, for example, one senior citizen in my district who lives on a fixed income and is no longer able to work. Already living at a bare-bones level, he cannot afford a \$3,100 increase in his expenses. My constituent will not find himself alone in such a predicament. If cap-and-trade were to become law, it would amount to the largest tax hike in United States history; and in our current economic climate, it would leave many Americans pinching pennies simply to turn on the lights.

No one is opposed to clean air and water, but there are other methods of protecting our environment that support the best interests of our citizens. Instead of legislation that would deepen our economic troubles, Congress should prioritize legislation that will protect jobs, create jobs, and stimulate the economy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

CELEBRATING 40TH ANNIVERSARY OF APOLLO 11 MOON LANDING

Mr. LUJÁN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 607) celebrating the Fortieth Anniversary of the Apollo 11 Moon Landing.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 607

Whereas the Apollo program was designed to achieve the goal established by President Kennedy by sending a crew of three astronauts to the Moon and returning them safely to the Earth;

Whereas the Apollo program built on the knowledge and experience gained from the Mercury and Gemini human space flight programs, as well as from precursor robotic lunar exploration activities;

Whereas the crew of Apollo 11 consisted of Neil Armstrong, Mission Commander, Buzz Aldrin, Lunar Module Pilot, and Michael Collins, Command Module Pilot;

Whereas the crew of Apollo 11 launched into space aboard a Saturn V rocket on July 16, 1969, on a 4-day trip to the Moon;

Whereas, on July 20, 1969, Neil Armstrong and Buzz Aldrin successfully piloted the Eagle Lunar Module to the surface of the Moon;

Whereas, on July 20, 1969, when Neil Armstrong took his first step on the Moon, he became the first person to walk on the surface of another celestial body;

Whereas the Apollo 11 Moon landing was the culmination of the efforts of tens of thousands of scientists, engineers, and other dedicated individuals and organizations;

Whereas the Apollo 11 Moon landing was experienced by millions of people all around the world by means of radio and television broadcasts;

Whereas the Apollo 11 astronauts left a plaque on the lunar surface that stated: "We came in peace for all mankind";

Whereas the successful Apollo 11 Moon landing was one of the most significant events of the 20th century and inspired a generation to strive towards great accomplishments in space and on Earth; and

Whereas the Apollo 11 achievement continues to inspire Americans as we prepare for future human journeys back to the Moon and other destinations in the solar system: Now, therefore be it

Resolved, That the House of Representatives—

(1) celebrates the 40th Anniversary of the Apollo 11 lunar landing;

(2) honors the brave crew of the Apollo 11 mission—Neil Armstrong, "Buzz" Aldrin, and Michael Collins; and

(3) commends all those individuals and organizations who contributed to such a historic achievement that continues to be an inspiration to the Nation and the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. LUJÁN) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

GENERAL LEAVE

Mr. LUJÁN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 607, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. LUJÁN. Mr. Speaker, I yield myself as much time as I may consume.

I rise in strong support of House Resolution 607 which was introduced by Ranking Member HALL, with Chairman GORDON, Chairwoman GIFFORDS, and Space and Aeronautics Subcommittee Ranking Member OLSON as original cosponsors. I want to thank Mr. HALL and the others for their initiative in introducing this resolution.

The Apollo 11 Moon landing was one of the most significant events of the 20th century. It is only fitting that we celebrate it today as we mark the 40th anniversary of that historic event. That successful landing was a culmination of 8 years of sustained hard work and dedication by countless engineers, scientists, technicians and others to meet the audacious challenge laid down by President John Kennedy in 1961 at a time when it looked as though the Soviet Union had an insurmountable lead in the space race. It took the efforts of many to make Apollo a success, and they all can take pride in what they accomplished.

What had seemed only a lofty centuries-old goal of humanity a mere decade earlier became a wonderful reality when Mission Commander Neil Armstrong proudly announced on July 20, 1969, "Houston, Tranquility Base here. The Eagle has landed."

Mr. Speaker, the inspiration and hard work that undergirded the successful Apollo 11 mission also laid the foundation for a host of technologies on which today's society depends. Apollo also stimulated as well as enthused generations of engineers and scientists who have contributed so much to our Nation's well-being in the ensuing decades.

In short, the Apollo program continues to deliver benefits to our country even today. Yet the legacy of Apollo is also the example of the brave astronauts who carried out those risky, challenging missions. Let us all honor the unforgettable accomplishments of the crew of Apollo 11: Mission Commander Neil Armstrong, Lunar Module Pilot Buzz Aldrin, and Command Module Pilot Michael Collins, who participated in the first expedition to set foot on another celestial body. Their cool bravery and professionalism captured the imagination of the American people, and they remain genuine national heroes 40 years after they returned home from the Moon.

Mr. Speaker, in closing, I would again like to recognize and thank Ranking Member HALL for introducing this resolution along with Chairman BART GORDON, Chairwoman GABRIELLE GIFFORDS, and subcommittee Ranking Member OLSON. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of House Resolution 607 which honors and commemorates the 40th anniversary of the Apollo 11 Moon landing. This event marked an extraordinary achievement in the history of mankind as we explored beyond the bounds of our own world and landed upon another.

On May 25, 1961, in a speech to Congress, I remember hearing President John F. Kennedy set the goal of landing Americans on the Moon and then returning them safely to Earth. The space program and NASA were in their infancies. This was an audacious goal; but the point was not about accomplishing what was easy but that which was very difficult, that which was extremely hard.

Kennedy knew that inspiring our Nation to rise to this challenge would serve to organize and measure the very best of American capabilities. The Apollo program expanded on the knowledge and experience gained from the Mercury and Gemini human space flight programs as well as from precursor robotic and lunar exploration activities. Prior to Apollo 11, four Apollo missions were sent into space and around the Moon to gather data.

On July 16, 1969, the Apollo 11 crew, consisting of Mission Commander Neil Armstrong, Lunar Module Pilot Buzz Aldrin, and Command Module Pilot Michael Collins, launched from the Kennedy Space Center, Florida, atop a Saturn 5 rocket that would carry them beyond the pull of Earth's gravity on their historic 4-day trip to the Moon. As they left the Earth, they did not know whether they would ever return. They were intrepid explorers, the Columbuses and Magellans of our generation, risking their lives to explore the unknown for all of us.

On July 20, 1969, after traveling 240,000 miles through space, the Apollo 11 crew successfully landed the Lunar Module Eagle on the Moon in the Sea of Tranquility. During that momentous event, millions of people in America and around the world watched in awe as Neil Armstrong took his famous first step and became the first person to walk on the surface of another celestial body.

□ 1415

The Apollo 11 Moon landing was the culmination of years' worth of experience, and the combined efforts of tens of thousands of engineers, scientists and other devoted individuals and organizations that were committed to accomplishing the task that had been set upon them 8 years earlier.

The very successful landing was one of the most significant and important events in the 20th century. It inspired an entire generation to strive toward great accomplishments in space, as well as on Earth. It resulted in the greatest increases in science and engineering enrollments at all of our colleges and universities. It continues to inspire new generations as we prepare to journey back to the Moon and beyond, to other destinations in our solar system.

Today as we celebrate the Apollo 11 mission and reflect on the future of our space program, we should reexamine the lessons learned from Apollo. America's economic, educational and technological strength can benefit from a clear, challenging and inspirational goal for human space exploration. It will take national leadership at all levels, and we need to adequately fund the endeavor. If we succeed, we will continue to lead the world in science and engineering enrollments at our colleges and in our universities, and our technology and industry will continue to be the envy of the world.

As President Kennedy knew, the difficult challenges of space exploration serve to organize and measure our abilities, but they also lead to unanticipated spinoffs in areas such as health care, materials science and microcomputing that can be harnessed for other pressing national needs. On this anniversary of the Apollo 11 mission, I hope we heed the lessons of the past and push forward into the future.

I urge Members to fully support our Nation's space program. And I urge them to support House Resolution 607 celebrating and commemorating the 40th anniversary of this extraordinary achievement.

Mr. GORDON of Tennessee. Mr. Speaker, I rise in strong support of H. Res. 607. I want to thank Mr. HALL for his initiative in introducing this legislation, and I am pleased to be an original cosponsor of it.

Today, July 20th, we celebrate the fortieth anniversary of one of our nation's greatest achievements—humanity's first steps on another world. It was an amazing event, and I am proud that Americans were the first to take those steps.

Mr. Speaker, the resolution before us today honors the efforts and accomplishments of Neil Armstrong, Buzz Aldrin, and Michael Collins in successfully carrying out the Apollo 11 mission. It also recognizes the many other dedicated individuals who worked so hard to turn President Kennedy's challenge into a reality.

The success of the Apollo 11 mission, carried out in full view of the rest of the world, was a clear demonstration of both the technological capabilities of the United States of America and the willingness of our citizens to strive to accomplish great undertakings.

Yet the Apollo program was as much about the journey as it was about the ultimate destination. Thus, the investments we made in our space program in the 1960s helped inspire a generation to seek to pursue careers in science and engineering. It led to a flowering of innovation, and it helped spawn a panoply of new technologies, materials, and processes that have delivered benefits to all of our citizens over the past forty years.

That is the legacy of Apollo as much as Armstrong's and Aldrin's footprints on the Moon. As we contemplate future journeys back to the Moon as well as to other destinations in the solar system, Apollo 11 is a compelling reminder of what this country is capable of when we decide to take on a challenging task.

Mr. Speaker, I am pleased that we are today remembering the brave crew of Apollo 11 as well as all the other individuals and organizations who made their expedition possible. I hope that we can draw continued inspiration from their example as we embark on a new chapter in space exploration in the years and decades ahead.

Ms. GIFFORDS. Mr. Speaker, I rise in strong support of H. Res 607, a resolution to honor the 40th anniversary of the Apollo 11 Moon landing. As you know, it was 40 years ago today that the citizens of planet Earth received a message from one of their own beamed all the way back from the surface of the Moon. That message was the historic signal that humanity had at long last set foot on another world. What an amazing accomplishment! Or as Apollo 11 Mission Commander Neil Armstrong said: "That's one small step for a man, one giant leap for mankind."

At that time, the American people could still remember the impact created by the Soviet Union's successful launch of Sputnik in 1957, which led to the Space Race with the USSR. Our nation indeed took a "giant leap" when,

12 years later, two American astronauts successfully landed the Eagle Lunar Module on the Sea of Tranquility, walked upon the lunar surface, and then returned safely to Earth.

Not only had this achievement demonstrated America's technological preeminence in the eyes of the world, it also inspired generations of engineers and scientists. Indeed, it can be argued that one of the most lasting benefits of the Apollo program was the flood of innovation and inspiration that it unleashed. It is not an overstatement to say that we remain today the beneficiaries of the restless energy and hard work that culminated in the success of Apollo 11.

Thus I think it is incredibly important for us to pause to remember and honor the bravery and success of the crew of Apollo 11: Neil Armstrong, Buzz Aldrin, and Michael Collins. In addition, we should also remember and honor all of the countless individuals and organizations who labored long and hard to make Apollo 11 possible. Yet I think that the best way to honor their accomplishment is to make our own commitment to a challenging and robust program of human and robotic exploration of the solar system. It is time for America to take the next steps in space—we cannot simply rest on our laurels, no matter how hard-won.

Mr. Speaker, in closing I would like to thank Ranking Member HALL for introducing this resolution. I am proud to be an original cosponsor, and I urge my colleagues to support it.

Mr. WILSON of South Carolina. Mr. Speaker, I rise today with a poetic tribute penned by Albert Carey Caswell in honor of the Apollo 11 astronauts and the fortieth anniversary of the landing of a man on the moon. I asked that this be placed in the RECORD in honor of all of those dedicated and most heroic Americans who have over the years in the space program made it all possible, as Mars looms next.

FORTY YEARS AGO THIS DAY . . .

Forty years ago this day . . .
Three brave hearts hurdling through outer space . . .
To walk upon the moon . . .
A moonlit sky . . .
As upon her are placed all eyes . . .
All in wonder, all in such grace and awe . . .
As throughout time such dreams were made . . .

But, since the very dawn . . .
To walk on the moon, this rhyme . . .
For as long as woman and mankind . . .
Have looked up upon these Sea of Skies . . .
To find . . .
To find that enchanting moon, all in time . . .

This dream has grown . . .
To walk upon the Moon . . .
Lover's all in embrace . . .
On starlite nights, up there their souls are placed . . .

Such thoughts of fancy, all in hearts have raced . . .

To walk upon the Moon . . .
As a dream as old as time, has swooned . . .
As it was but forty years ago this day . . .
As three lone men, three lone souls led the way . . .

Hurdling through outer space, all out there own their own . . .
As to the moon they would go . . .
But riding on the very edge of death . . .
As their most heroic of all hearts would crest . . .

All in that historic quest, to walk upon the Moon . . .

While, upon crude primitive machines of
mankind their fine lives were pledged

“One step for man, one giant leap for man-
kind” as said . . .

Walking On The Moon!

As generation after generation . . .

But, dreamed of solving this equation . . .

Of walking on the Moon . . .

Until, a bright star named Kennedy . . .

Into a future this torch he'd seed . . .

To walk upon the Moon to succeed . . .

As launch by launch . . . mission by mission

As was set a trajectory, a course of action all
in his vision . . .

By all of those, who now so lie in such soft
cold quiet graves . . .

All so we could be here . . .

Walking on the Moon . . .

To them we say, God Bless you all!

And to all of those families who've lived
without . . .

We pray with such thanks and gratitude, no
doubt . . .

For your loved ones sacrifice, this world has
blessed . . .

As those final moments passed . . .

Which now lie etched, all in our hearts to
last . . .

For we will long remember, these true pio-
neers of space . . .

Early explorers, who would not wait

As into grave danger their fine lives they
placed . . .

Armstrong, Aldrin, and Collins who stood
fast . . .

Walking on the Moon . . .

For all great explorers have so met that test

With a journey begun . . .

A star lite night . . .

As two lovers gaze up in sight . . .

Up upon those skies so bright . . .

But, where dreams are made . . .

For as long as courageous quests live on . . .

All carried in hearts of men and women of
faith so strong . . .

They such magnificent dreams will live on

Can but Mars be far behind?

Forty Years Ago This Day!

Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. Speaker, I rise today in support of H. Res.
607 to celebrate the 40th Anniversary of the
Apollo 11 Mission which put the first humans
on the moon.

On July 20, 1969, mankind took the greatest
step in exploration the world had ever known
when Neil Armstrong stepped off the ladder of
the lunar spacecraft and onto the dusty, cold
surface of the moon. So much more than a
few steps, the first walk on the moon symbol-
ized the hopes and dreams of our nation dur-
ing the difficult period of the Cold War, and to-
gether, Americans watched as a new chapter
began in the history of our nation and the
world.

The first moon landing is especially relevant
today as we continue to unlock the many sci-
entific mysteries of our planet and our uni-
verse. When we look back on the achieve-
ments of yesterday, it is important to remem-
ber the significance of setting goals for the fu-
ture and researching for the achievements of
tomorrow. Truly, we have benefitted im-
mensely from the technological advancements
that were developed forty years ago, and it is
my hope that we will build on this tradition of
research and scientific knowledge.

Today, on the 40th anniversary of the first
moon landing, we remember this event and
the sense of curiosity and awe the world felt
when history was made and Neil Armstrong
took that famous first “small step for a man,”
and “giant leap for mankind.”

I urge my colleagues to join me in com-
memorating the first moon landing, and to
support initiatives such as the Science, Tech-
nology, Education, and Mathematics (STEM)
initiatives so that the future may hold the
promise seen that mid-July night, when a
small step became the greatest mankind has
ever known.

Mr. PAUL. Mr. Speaker, I am pleased to co-
sponsor H. Res. 607, which commemorates
the fortieth anniversary of the Apollo 11 moon
landing. Apollo 11's successful mission was
certainly “a giant step for mankind,” that
should be a source of pride for all Americans.

One of my favorite quotes regarding the
moon landing was penned by philosopher Ayn
Rand in 1969: “Think of what was required to
achieve that mission: think of the unpying ef-
fort; the merciless discipline; the courage; the
responsibility of relying on one's judgment; the
days, nights and years of unswerving dedica-
tion to a goal; the tension of the unbroken
maintenance of a full, clear mental focus; and
the honesty. It took the highest, sustained acts
of virtue to create in reality what had only
been dreamt of for millennia.”

Rand's words not only apply to the Apollo
11 mission but to all of the work of the Na-
tional Aeronautics and Space Administration
(NASA). As a representative of the Gulf Coast
of Texas, which is home to many of NASA's
most significant triumphs, I have had the op-
portunity to meet many NASA employees. I
have always been impressed by their profes-
sionalism and dedication to their mission.

In conclusion, I urge my colleagues to join
me in celebrating the fortieth anniversary of
the Apollo 11 mission to the moon by sup-
porting H. Res. 607.

Ms. KOSMAS. Mr. Speaker, I rise today in
support of House Resolution 607, a resolution
recognizing and honoring the three American
heroes of the Apollo 11 mission, as well as
the tens of thousands of engineers, scientists,
and support personnel whose efforts were es-
sential to the mission's success and the Amer-
ican qualities of ingenuity, exceptionalism, and
creativity that drove their achievements.

In this very chamber, President Kennedy
asked for every scientist, engineer, service-
man, technician, contractor, and civil servant
to give their personal pledge that this nation
will move forward, with the full speed of free-
dom, in the exciting adventure of space. When
he made this request of our nation it was on
a scale equaled only by two other feats in the
history of the world; the digging of the Pan-
ama Canal and The Manhattan Project.

Just as we honor those that made the Apol-
lo program a success, this occasion should be
a time to recognize the rich history and tradi-
tion of aeronautical innovation in our nation's
past and recommit ourselves to continuing this
spirit of adventure and innovation that made
our nation what it is today. From the Wright
Brothers and Charles Lindbergh to Robert
Goddard and Von Braun's Saturn V; from Alan
Sheppard and John Glenn to Neil Armstrong,
“Buzz” Aldrin, and Michael Collins, Americans

have broken technological barriers and risked
their lives in the quest to push the boundaries
of gravity, human endurance, and space.

By dedicating themselves to pushing the
boundaries of discovery at great personal risk,
the three men of Apollo 11, along with the
thousands of men and woman who supported
them on the ground, cemented our nation's
leadership in science and technology and
paved the way for future accomplishments in
space. It is only fitting as our nation plans to
return to the moon that we honor their great
accomplishments today.

I would also like to remind my colleagues
and all Americans that our achievements in
space have led to numerous advancements
on Earth. Many discoveries and innovations,
including water filtration, improvements in
solar energy, and advanced flight simulation
training, improve our everyday lives, and it is
vital that we strongly support our human
spaceflight program so that we can continue
to inspire, invent, and achieve over the next
40 years and beyond.

I thank my friend Mr. HALL, a great sup-
porter of NASA, for introducing this resolution
and urge my colleagues to join us in honoring
this historic occasion.

Mr. SMITH of Nebraska. Mr. Speaker, ear-
lier this week we celebrated the 40th Anniver-
sary of the Apollo 11 Moon landing. At 4:18
Eastern time on the afternoon of July 20,
1969, the Lunar Module appropriately named
“Eagle” touched down on the Moon at Tran-
quility Base.

A few hours later, just before 11 p.m., Neil
Armstrong descended from Eagle's ladder and
set foot on the lunar surface.

Days before, on July 16, 1969, Apollo 11
lifted off into an uncertain future. In the end,
the mission gave us a monumental moment in
the history of exploration and cemented Amer-
ica's place as a leader in science and tech-
nology.

Since then, the men and women of our
space program have experienced triumphs
and tragedies—all the while inspiring our
younger generation to explore what lies be-
yond the next horizon.

I have been honored to meet some of the
individuals involved with the Apollo 11 mis-
sion, and I hope to see their legacy continued.

Mr. TURNER. Mr. Speaker, I support this
resolution (H. Res. 607) honoring the tremen-
dous achievement of the crew of Apollo 11
and the thousands who labored for nearly a
decade to lay the groundwork for the first
human landing on the surface of the Moon.

Today marks the 40th anniversary of this
historic flight that challenged and changed
America. In Dayton, Ohio—the Birthplace of
Aviation—the Wright Brothers set the process
of human flight in motion. Today, Dayton is
home to Wright-Patterson Air Force Base, the
U.S. Air Force Museum, and the National
Aviation Hall of Fame (NAHF). The National
Aviation Hall of Fame is a non-profit organiza-
tion founded in Dayton in 1962 and chartered
by Congress in 1964 to honor America's out-
standing air and space pioneers.

I congratulate the Apollo 11 crew on their
magnificent accomplishment of being the first
to land successfully on the Moon. Dayton wel-
comed the Apollo astronauts this past week-
end during two days of special events spot-
lighting their service. On July 17, all of the

Apollo astronauts, including the Apollo 11 crew, were honored by the National Aviation Hall of Fame with the "Spirit of Flight" Award for their contributions to the advancement of flight. Thirteen of the original Apollo program astronauts attended the event held in the U.S. Air Force Museum at Wright-Patterson AFB Friday night, including Ohio native Neil Armstrong. The former Apollo crewmen also participated in a panel discussion about their experiences in space.

Dayton was also pleased to host on July 18 "America's Oscar Night of Aviation" as the National Aviation Hall of Fame enshrined four aviation legends. Those honored included astronaut Edward White, II, who made America's first spacewalk on the Gemini IV mission. White lost his life in a flash fire that occurred during an Apollo 1 launch pad test at the Kennedy Space Center.

Also inducted into the 2009 Class of the National Aviation Hall of Fame was astronaut Eileen Collins, the Air Force's first female flight instructor and the first female Space Shuttle commander.

From the Wright Brothers, to the Apollo program crews, to our Shuttle astronauts, America should pause to reflect upon the bravery, sacrifice and service of our aviation pioneers. They have inspired us not only to reach higher, but also to dream that anything is possible.

Mr. AL GREEN of Texas. Mr. Speaker, I am pleased to support H. Res. 607, a resolution that celebrates the 40th anniversary of the Apollo 11 lunar landing. This resolution honors Neil Armstrong, Edwin Eugene "Buzz" Aldrin, Michael Collins, and the countless number of individuals and organizations who helped the United States become the first Nation in the world to set foot on the Moon.

I want to thank Congressman RALPH HALL for introducing this resolution, which celebrates the anniversary of one of our country's most important accomplishments. As a former Member of the House Science and Technology Committee, I am proud that this resolution recognizes the first human spaceflight along with those organizations, such as the National Aeronautics and Space Administration's (NASA) Mission Control Center, located in Houston, Texas, whose efforts played an instrumental role in extending our country's reach to new frontiers.

President John F. Kennedy set a goal to reach the Moon by the end of the 1960s. He expressed admiration for this goal during a speech he gave before a joint session of Congress on May 25, 1961. During that speech, President Kennedy said, "I believe that this nation should commit itself to achieving the goal, before this decade is out, of landing a man on the Moon and returning him safely to the Earth."

Nearly 8 years later, on July 16, 1969, the Eagle landed, making Neil Armstrong and Buzz Aldrin the first people to ever walk on the Moon. This accomplishment launched the United States to the top of the science and space world. Armstrong and Aldrin represented not only themselves, but the entire Nation, as the United States became the first country to put men on the Moon.

As we prepare for future space explorations, the Apollo spaceflight will continue to inspire us to push the limits of future missions, espe-

cially as we tackle some of our most pressing problems, like climate change. This resolution reminds us that we must once again reach for the stars. And, with the confirmation of General Charles Bolden, the first African American to head the agency, the United States is poised to reaffirm its prominence by boldly pushing the boundaries of space, aeronautics and exploration in the 21st century.

Again, I would like to thank my good friend Congressman HALL for introducing this resolution and I encourage all my colleagues to join me in supporting it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, forty years ago today, millions of Americans and other people around the world, sat tuned in to the most advanced media device of the day, the television. Millions more, gathered around radios. While still others simply raised their heads and fixed their eyes to a common sight—the moon. Yet, on this day, 40 years ago, the moon was markedly different. For on that day, mankind, represented by a young 38-year-old American, Neil Armstrong, set foot on the moon.

On this day, 40 years ago, the country and the world were divided along many fronts. This country was reeling following a spate of high profile assassinations that took the lives of John F. Kennedy, Malcolm X, Martin Luther King, Jr., and Robert Kennedy. The world was divided by ideology, separated into blocs of countries aligned with the Soviet Union and those aligned with the west. Finally, this country was in the midst of a bitter conflict in Vietnam that robbed this country of the lives of thousands of young men and women.

Yet, despite these divisions, the nation and the world was united, united in the celebration of an achievement for mankind. And while the world had not yet seen the internet, the I-phone, or Twitter, we were all connected, connected by a single feat.

Today, forty years later, while there are still some sources of division, the world stands today connected in a variety of ways. The step onto the surface of the moon left more than a mere foot print in the moon sand, it created a technological movement that has resulted in many of the devices that define our life today.

This feat happened because of the combined determination and diligence of an entire country. From the inspiration of a young President who challenged us to set our sights on the moon, scientists developed new materials, engineers manufactured innovative equipment, and factory workers assembled cutting edge transport crafts. Together, these Americans proved that by working together, toward a common purpose, there is nothing beyond our reach. It was true then, I have no doubt that that fact will remain true today.

President Obama has convened a commission to chart our next steps into space. The President is confronted with several choices. With soaring deficits facing our states and the looming costs of health care reform and energy reform before the nation, some may argue that we cannot afford such a risk.

Yet others realize the gains of that small step. Gains that created new innovations in agriculture, architecture, and even health care. The pacemaker is just one of the many life saving technologies that has resulted from that same small step.

Mr. Speaker, I urge President Obama to follow the lead of that young visionary President that preceded him 40 years ago. I urge him not to shy away from continuing the investment made by the past generation of Americans. I encourage the President to move ahead and continue the nation's investment in space exploration.

I am confident that the President will move forward. He's already shown his vision by recently appointing Marine Corps Major General Charles F. Bolden, Jr. as NASA Administrator. General Bolden graduated from the U.S. Naval Academy in 1968, nearly 20 years after the first Black to graduate from that institution, Wesley Brown.

Upon graduation from the Naval Academy, General Bolden accepted a commission as a Second Lieutenant in the U.S. Marine Corps. General Bolden was in flight school, when former Navy aviator, Neil Armstrong, landed on the moon. This feat kept General Bolden motivated and after two years of flight training, he was designated a naval aviator in May 1970. He flew more than 100 sorties into North and South Vietnam, Laos, and Cambodia, in the A-6A Intruder between June 1972 and June 1973. Upon returning to the United States, General Bolden began a two-year tour as a Marine Corps selection officer and recruiting officer in Los Angeles, followed by three years at the Marine Corps Air Station El Toro, California. During his free time, General Bolden returned to school to earn a Masters degree in Systems Management from the University of Southern California in 1977.

In June 1979, he graduated from the U.S. Naval Test Pilot School at Patuxent River, Maryland, and subsequently served as an ordnance test pilot and flew numerous test projects in the A-6E, EA-6B, and A-7C/E airplanes. As a pilot, he has logged more than 6,000 hours flying time.

General Bolden was selected as an astronaut candidate by NASA in 1980, and became an astronaut in August 1981. A veteran of four space flights, he has logged more than 680 hours in space, including 444 orbits of the earth. General Bolden served as pilot on STS-61C (Space Shuttle Columbia, January 12-18, 1986) and STS-31 (Space Shuttle Discovery, April 24-29, 1990), and was the mission commander on STS-45 (Space Shuttle Atlantis, March 24, 1992—April 2, 1992), and STS-60 (Space Shuttle Discovery, February 3-11, 1994). During his first Discovery mission, General Bolden and his colleagues successfully deployed the Hubble Space Telescope while orbiting the earth from a record setting altitude of 400 miles. The second Discovery mission was the historic first joint U.S./Russian Space Shuttle mission with a Russian Cosmonaut as a crew member.

General Bolden also held two administrative posts at NASA during these years. Following the Challenger accident in 1986, he was named the chief of the safety division at the Johnson Space Center, overseeing safety initiatives in the return-to-flight effort. From April 1992 to June 1993, General Bolden served as Assistant Deputy Administrator for NASA.

In 1994, General Bolden returned to active duty in the U.S. Marine Corps as the Deputy Commandant of Midshipmen at the Naval Academy, Annapolis, Maryland. In July 1997,

he was assigned as the Deputy Commanding General, I MEF, Marine Forces, Pacific. From February to June 1998, he served as Commanding General, I MEF (FWD) in support of Operation Desert Thunder in Kuwait. In July 1998 he was promoted to his final rank of Major General and assumed his duties as the Deputy Commander, U.S. Forces, Japan. General Bolden then served as the Commanding General, 3rd Marine Aircraft Wing, serving from August 9, 2000 until August 2002. He retired in August 2004.

Following retirement, General Bolden became active in the corporate sector. Since 2004, he has been the owner and CEO of Jack and Panther LLC, a privately-held military and aerospace consulting firm in my district of Houston, Texas. Having recently been confirmed by the Senate and assumed his post, General Bolden is the first Astronaut to lead NASA. As an Astronaut, General Bolden understands NASA's mission, its operations, and its most valuable resource, its personnel.

With a background of achieving in the face of obstacles, General Bolden is well positioned to help NASA define its role in the midst of our nation's fiscal crisis. Moreover, General Bolden in his new role as NASA Administrator has the potential of inspiring a new generation of young people, much like I and many others were inspired by Buzz Aldrin, Neil Armstrong and Michael Collins forty years ago. I urge support for this resolution.

Mr. HALL of Texas. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. LUJÁN) that the House suspend the rules and agree to the resolution, H. Res. 607.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING NATIONAL ENVIRONMENTAL RESEARCH PARKS

Mr. LUJÁN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2729) to authorize the designation of National Environmental Research Parks by the Secretary of Energy, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) The National Environmental Research Parks are unique outdoor laboratories that

provide opportunities for environmental studies on protected lands around Department of Energy facilities.

(2) In 1972, the Atomic Energy Commission established its first official environmental research park at the Savannah River site in South Carolina.

(3) In 1976, the Department of Energy defined the mission for the research parks in accordance with the recommendations of the multiagency review team for environmental research activities at the Savannah River site.

(4) The mission of the research parks is to—

(A) conduct research and education activities to assess and document environmental effects associated with energy and weapons use;

(B) explore methods for eliminating or minimizing adverse effects of energy development and nuclear materials on the environment;

(C) train people in ecological and environmental sciences; and

(D) educate the public.

(5) The National Environmental Research Parks are located within six major ecological regions of the United States, covering more than half of the Nation.

(6) The parks are especially valuable research sites because within their borders they provide secure settings for scientists to conduct long-term research on a broad range of subjects including—

(A) plant succession;

(B) biomass production;

(C) population ecology;

(D) radioecology;

(E) ecological restoration; and

(F) thermal effects on freshwater ecosystems.

(7) The parks maintain several long-term data sets that are available nowhere else in the United States or in the world on amphibian populations, bird populations, and soil moisture and plant water stress. These data sets are uniquely valuable for the detection of long-term shifts in climate.

(8) The maintenance of these parks by the Department of Energy is consistent with statutory obligations to promote sound environmental stewardship of Federal lands and to safeguard sites containing cultural and archeological resources.

(9) Public education and outreach activities carried out on these sites provide unique learning opportunities, promote a stronger connection between these Federal facilities and the surrounding communities, and enhance public confidence that the Department of Energy is fulfilling its environmental stewardship responsibilities.

SEC. 2. NATIONAL ENVIRONMENTAL RESEARCH PARKS.

(a) DESIGNATION.—The Secretary of Energy shall designate the six National Environmental Research Parks located on Department of Energy sites as protected outdoor research reserves for the purposes of conducting long-term environmental research on the impacts of human activities on the natural environment. The six National Environmental Research Parks shall include—

(1) the Savannah River National Environmental Research Park;

(2) the Idaho National Environmental Research Park;

(3) the Los Alamos National Environmental Research Park;

(4) the Fermi Lab National Environmental Research Park;

(5) the Oak Ridge National Environmental Research Park; and

(6) the Nevada National Environmental Research Park.

(b) PURPOSES.—Each site shall support—

(1) environmental research and monitoring activities to characterize and monitor present and future site conditions, and serve as control areas for comparison with environmental impacts of Department of Energy land management, energy technology development, remediation, and other site activities outside the National Environmental Research Park areas. Areas of research and monitoring on the sites may include—

(A) ecology of the site and the region;

(B) population biology and ecology;

(C) radioecology;

(D) effects of climate variability and change on ecosystems;

(E) ecosystem science;

(F) pollution fate and transport research;

(G) surface and groundwater modeling; and

(H) environmental impacts of development and use of energy generation technologies, including renewable energy technologies; and

(2) public education and outreach activities consistent with subsection (d).

(c) COOPERATIVE AGREEMENT.—To ensure the independence of the research, monitoring, public education, and outreach activities conducted on each site, the Secretary shall enter into a cooperative agreement with a university, community college, or consortium of institutions of higher education with expertise in ecology and environmental science of the region in which the National Environmental Research Park is located.

(d) ENVIRONMENTAL EDUCATION AND OUTREACH.—Each site shall support an outreach program to inform the public of the diverse ecological activities conducted at the park and to educate students at various levels in environmental science. Program activities may include—

(1) on-site and in-classroom education programs for elementary and secondary students;

(2) presentations to school, civic, and professional groups;

(3) exhibits at local and regional events;

(4) development of educational projects and materials for students at all levels;

(5) undergraduate and community college internships and graduate research opportunities; and

(6) regularly scheduled public tours.

(e) COORDINATION.—The Secretary of Energy shall designate a National Environmental Research Park Coordinator within the Department of Energy Office of Science. The Coordinator shall—

(1) coordinate research activities among the National Environmental Research Parks as appropriate;

(2) ensure that information on best practices for research, education, and outreach activities is shared among the sites; and

(3) serve as liaison to other Federal agencies to facilitate collaborative work at the Parks.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy, acting through the Director of the Office of Science, for carrying out this section \$30,000,000, including \$5,000,000 for each National Environmental Research Park, for each of the fiscal years 2010 through 2014.

SEC. 3. SAVINGS.

Nothing in this Act shall be construed to limit the activities that the Federal Government may carry out or authorize on a site on which a National Environmental Research Park is located.

SEC. 4. SUMMER INSTITUTES PROGRAM.

The National Environmental Research Parks may be utilized to provide educational opportunities through the Summer Institutes program authorized in section 3185 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381n).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. LUJÁN) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

GENERAL LEAVE

Mr. LUJÁN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2729, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I'm pleased that today the House will consider H.R. 2729, a bill that will formally authorize the National Environmental Research Parks at Department of Energy sites across the country, including one in my district at Los Alamos National Laboratory. Los Alamos National Laboratory includes a landscape of canyons, mesas and mountains, and the Rio Grande, providing a diverse range of ecosystems to explore.

The Los Alamos Park conducts ongoing environmental studies on everything from containment transport to woodland productivity to long-term climate change effects on the land. These parks have been a critical resource to the national and the global environmental research community for decades, yet they have never had a clearly defined source of support in the department before. This bill finally addresses this issue and provides important guidance for research, development, education and outreach on the parks.

H.R. 2729 was developed through a collaborative process that took into account comments and concerns from each of the DOE sites, as well as helpful input and amendments from both minority and majority Members. I'm happy to present a bill with bipartisan cosponsorship, and I look forward to working with our Senate colleagues to send this to the President's desk as soon as possible.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 2729 to authorize the designation of National Environmental Research Parks by the Secretary of Energy, and for other purposes.

H.R. 2729, introduced by the gentleman from New Mexico (Mr. LUJÁN),

authorizes six existing parks that are located within major eco-regions of the United States. These eco-regions cover more than half of the Nation. In some cases the research parks are the only ecological sanctuaries in the entire region. The parks provide secure settings for scientists to conduct research on a broad range of subjects, such as plant succession, biomass production, environmental behavior of radionuclides, cost and effectiveness of revegetation of disturbed lands, and thermal effects on freshwater ecosystems. The parks also provide rich environments for training researchers and introducing the public to ecological sciences.

The parks have been around in concept since 1969 and in reality, actually, since 1972, when the Atomic Energy Commission, the predecessor to the Department of Energy, established its first research park at the Savannah River site in South Carolina.

Under this bill, the Parks will continue to serve their intended purpose, but will now be able to do so under their own authorization.

Mr. Speaker, I thank Mr. LUJÁN for his work on this bill, and also the work of his staff.

Mr. HASTINGS of Washington. Mr. Speaker, the nuclear weapons production program at Hanford played a critical role in our nation's defense for decades—securing victories in World War II and the Cold War. Today, the 586-square-mile Hanford Site, which is located in the congressional district that I represent and in the community that I've called home for over 50 years, is undergoing the largest and most complex nuclear waste cleanup effort in the world.

While nuclear cleanup will continue at Hanford for decades, the local community is already looking towards life post-cleanup and is actively engaged in discussing its future and economy once this massive undertaking is completed. Clearly, the possible beneficial use of portions of land on this massive site to diversify the economy and ensure a robust post-cleanup future are options that must be open and available. As just one possible example, consideration is being given by the Department of Energy and local communities to proposals to use a piece of Hanford lands for an Energy Park. Other ideas on how to use these suitable lands include nuclear activities such as medical isotope production and uranium enrichment for fuel rod production that would power nuclear energy reactors.

At a time when decisions about future uses of lands on the Hanford Site have yet to be made, it is critical that this Congress and the federal government maintain flexibility in order to keep all options on the table—and not enact legislation that could complicate or prohibit future activities, thereby preempting the very conversations that are underway today.

Mr. Speaker, as originally introduced, H.R. 2729 would have designated the Hanford Site and surrounding lands as a permanent protected National Environmental Research Park, or NERP.

While I believe it appropriate for portions of the Hanford Site to conduct activities con-

sistent with the NERP mission, I have very serious concerns about rushing through permanent decisions on Hanford lands via legislation that was introduced last month with zero input from either the Tri-Cities community or their elected Representative.

That's why I have been working with the Science Committee on trying to identify and agree on ways to modify and improve the bill to fully protect the unique and complex Hanford site. My overriding goal in pursuing modifications was to avoid serious unintended consequences that could very well result from H.R. 2729, including the creation of yet another overlapping land use management authority at Hanford and the permanent lockdown of future land use decisions.

I have made several suggestions to the Committee including language to: (1) enable the Secretary of Energy to modify the boundaries of the NERP, (2) exclude privately-owned lands and state lands, (3) ensure that nothing in the bill will restrict, limit or condition the ability of the Department to lease, convey or transfer lands, (4) ensure that no new land use or regulatory authority is created, (5) clearly state that this new law could not be used to launch lawsuits, and (6) to make certain that the NERP authorization is aimed at the intent of facilitating long-term research and promoting education outreach, rather than the establishment of a restrictive land use designation that could block or stifle future decisions. I support the stated intent of this legislation's authors and proponents to encourage research and education, but I fear that the language of the bill as written could be interpreted to cause real harm to the future of Hanford and the local community.

I very much appreciate the consideration of Ranking Member HALL, and the willingness of Chairman GORDON, Subcommittee Chairman BAIRD and Representative LUJÁN to listen and discuss my concerns over the past week. In the end, clarifying language that I felt was necessary to protect the interests of those I was elected to represent was not agreeable to the Committee, and they instead chose to remove Hanford from the bill altogether.

While I believe we all would have preferred an outcome that was acceptable to all Members, which did not prove possible in the past week, and the removal of Hanford from the bill is an appropriate course of action.

It took many years for the federal government to produce the massive volumes of nuclear waste at Hanford, and it will take many more years to complete the cleanup of these wastes. There is absolutely no reason to rush through legislation that could make cleanup at Hanford more difficult or take away the flexibility to make decisions on the future of the Site and the surrounding communities.

Mr. HALL of Texas. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

Mr. LUJÁN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. LUJÁN) that the House suspend the rules and pass the bill, H.R. 2729, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR NATURAL GAS VEHICLE RESEARCH AND DEVELOPMENT

Mr. LUJÁN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1622) to provide for a program of research, development, and demonstration on natural gas vehicles, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATURAL GAS VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECTS.

(a) *IN GENERAL.*—The Secretary of Energy shall conduct a 5-year program of natural gas vehicle research, development, and demonstration. The Secretary shall coordinate with the Administrator of the Environmental Protection Agency, as necessary.

(b) *PURPOSE.*—The program under this section shall focus on—

(1) the continued improvement and development of new, cleaner, more efficient light-duty, medium-duty, and heavy-duty natural gas vehicle engines;

(2) the integration of those engines into light-duty, medium-duty, and heavy-duty natural gas vehicles for onroad and offroad applications;

(3) expanding product availability by ensuring that technologies researched and developed assist engines and vehicles in meeting Federal and State requirements and standards;

(4) the demonstration and proper operation and use of the vehicles described in paragraph (2) under all operating conditions;

(5) the development and improvement of nationally recognized codes and standards for the continued safe operation of natural gas vehicles and their components;

(6) improvement in the reliability and efficiency of natural gas fueling station infrastructure;

(7) the certification of natural gas fueling station infrastructure to nationally recognized and industry safety standards;

(8) the improvement in the reliability and efficiency of onboard natural gas fuel storage systems;

(9) the development of new natural gas fuel storage materials;

(10) the certification of onboard natural gas fuel storage systems to nationally recognized and industry safety standards;

(11) the use of natural gas engines in hybrid vehicles; and

(12) researching and developing technologies and processes so as to improve and streamline the process by which natural gas conversion systems meet Federal and State requirements and standards.

(c) *COOPERATION AND COORDINATION WITH INDUSTRY.*—In developing and carrying out the program under this section, the Secretary shall

coordinate with the natural gas vehicle industry to ensure cooperation between the public and the private sector.

(d) *CONDUCT OF PROGRAM.*—The program under this section shall be conducted in accordance with sections 3001 and 3002 of the Energy Policy Act of 1992.

(e) *REPORT.*—Not later than 2 years after the date of enactment of this Act, the Secretary shall provide a report to Congress on the implementation of this section.

(f) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the Secretary \$30,000,000 for each of the fiscal years 2010 through 2014 to carry out this section.

(g) *DEFINITION.*—For purposes of this section, the term “natural gas” means compressed natural gas, liquefied natural gas, biomethane, and mixtures of hydrogen and methane or natural gas.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. LUJÁN) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico.

GENERAL LEAVE

Mr. LUJÁN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 1622, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. LUJÁN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1622 was introduced by Mr. SULLIVAN of Oklahoma and cosponsored by myself, my friends from Texas, Mr. HALL and Mr. GREEN, my colleague from Oklahoma (Mr. BOREN) and a number of other Members that recognize the potential of natural gas as an alternative transportation fuel.

This bill reauthorizes the Department of Energy's research, development and demonstration program in natural gas powered vehicles and related infrastructure. The vehicle fleet of the future will include a diverse range of fuels and vehicle technologies. Since it is both cleaner than petroleum and domestically available, natural gas will play an important role in a more sustainable transportation sector. Moreover, the estimated domestic reserves continue to grow, indicating that natural gas could play a long-term role in helping to alleviate our dependence on foreign oil.

I support H.R. 1622 and urge its passage. I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I rise today in support of H.R. 1622 to provide for a program of research, development and demonstration on natural gas vehicles. I thank my good friend, Congressman JOHN SULLIVAN from Oklahoma, for introducing this bill, and I'm very proud to be a cosponsor.

H.R. 1622 authorizes the U.S. Department of Energy to fund natural gas ve-

hicle research, development and demonstration needs on natural gas vehicles to make them even cleaner, even more efficient, and ease their widespread integration into our current transportation system.

Approximately 98 percent of the natural gas we use in America comes from the United States and Canada, and the Energy Information Agency forecasts that, by 2030, over 98 percent of the natural gas used in America will come from the U.S. alone. Because of recent advancements in technology, the economically recoverable U.S. natural gas resource base has nearly doubled in just the last few years. A recent study concludes that we now have 118 years of natural gas resources right here in America. Doesn't it make sense that we should be using this abundant, domestic resource to help fuel our transportation needs?

Renewable natural gas can also be produced from any organic waste or energy crop such as switchgrass. It has been conservatively estimated that America could produce 1.2 quadrillion Btus of renewable natural gas, also called biomethane. That is the equivalent of 10 billion gallons of gasoline. And if making biomethane from cellulosic energy crops is considered, the potential is just almost limitless.

Natural gas is affordable, it has an existing distribution infrastructure, it is a proven vehicle fuel, and it is clean.

I urge my colleagues to support this bill that will help increase our energy independence by serving to increase the amount of vehicles on our roads that run on domestic natural gas.

With that, I reserve the balance of my time.

Mr. LUJÁN. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise in support of H.R. 1622, my legislation to reauthorize the natural gas vehicles research, development, demonstration and deployment program within the Department of Energy for 5 years.

I would like to thank Ranking Member HALL and Chairman GORDON and also my colleague from Oklahoma, DAN BOREN, for bringing this important legislation to the floor today.

Natural gas is the bridge fuel for decreasing our dependence on foreign sources of oil and putting our Nation on a path to energy security. It is critical that we make a strong effort to incorporate more natural gas vehicles into our transportation fleet. There are more than 150,000 natural gas vehicles on the U.S. roads today and over 10 million world wide. Increased U.S. natural gas vehicle research, development, demonstration and deployment will only increase these numbers if we make the proper investments as my bill does.

Natural gas vehicles are an important part of our national transportation infrastructure. In 2008 alone, natural gas vehicles displaced almost 300 million gallons of petroleum in the United States. In fact, nearly one in five new transit buses on order today is specified to be natural gas powered, proof that we are moving in the right direction.

We also have a proven reserve of natural gas right here in the United States. We have enough known natural gas reserves to last more than a century. As a matter of fact, 98 percent of the natural gas we consume is produced right here in North America. Natural gas is American-made energy.

In addition to our vast supply, we already have a way to get natural gas to the consumer with over 1.5 million miles of natural gas pipeline distribution across the United States. Natural gas vehicles are also better for the environment. Greenhouse gas emissions from natural gas are 23 percent lower than diesel and 30 percent lower than gasoline. Natural gas vehicles also produce virtually no particulate matter or emissions.

To meet our Nation's energy needs, we must continue to develop alternative and renewable sources of energy. However, we can't shoot the horse we are on until we find a new horse. Natural gas is the bridge fuel for decreasing our dependence on foreign sources of oil and putting our Nation on a path to energy security.

I encourage passage of H.R. 1622 today.

□ 1430

Mr. LUJÁN. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield 3 minutes to Mr. OLSON, the gentleman from Texas.

Mr. OLSON. Mr. Speaker, I'd like to thank my ranking member and friend from Texas for yielding me time to express my support for H. Res. 607, the 40th anniversary of the Apollo 11 Moon landing.

Like all members of my generation, I remember very well where I was when Neil Armstrong stepped out of the Eagle and into history. But today, as we look back, I offer this question: Where will we be when those next steps are taken on the Moon? For millions of Americans, those steps will be their first chance to witness history.

It is right and fitting that we take this time to honor the men and women of Apollo 11. And I say men and women, because although three brave men were willing to strap themselves on top of a Saturn V rocket, it took the support of thousands of men and women to make their success.

For some, there are questions about why even go back to the Moon? It's true we can't replace Apollo, but we should try. And I don't mean simply at NASA.

First, it boggles the mind that those Apollo journeys, which should have been the beginning of lunar exploration, were the end of them. Budget cuts forced the cancellation of Apollo 18, 19 and 20, and we've been endorsing those cuts ever since.

NASA is on a path to return to the Moon and on to Mars and beyond, but we need the support, both here in Congress and among the general public, for these worthy goals. By exploring, we create jobs, we inspire our youth to go into math and science fields, and we ensure that the aerospace industry, which is currently American-centered and American-dominated, remains that way.

But the lessons of Apollo should not be limited to NASA. It has become cliché for politicians to reference Apollo when talking about our need to create domestic alternatives to solve our energy solutions.

Our Nation wants to rally around a worthy goal, to achieve great things. This is what Apollo showed us, and we should look to that in this Chamber as we debate the issues of the day that will impact the generations to come.

Apollo won't be replicated, because you can't replicate Neil Armstrong, Buzz Aldrin and Mike Collins. They've become icons in American culture, exhibiting those uniquely American traits: boldness, courageousness, excellence. They, as individuals, were the finest in their fields. But as a crew, and as an extension of the NASA family that made Apollo such a success, and as representatives of this great Nation that sent them forth through the heavens, they became heroes worthy of the praise that will be offered over the next few days.

May the example they set as individuals drive us personally. May the success of the lessons of the Apollo program guide us selectively, and may the knowledge of what they achieved as a Nation inspire us to do bold things going forward.

Mr. LUJÁN. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield to the Congressman from Georgia, Dr. BROUN, the balance of our time.

Mr. BROUN of Georgia. Mr. Speaker, as we discuss this bill about natural gas, I think we need to look much beyond that one issue. Republicans have introduced legislation called the American Energy Act. It's an all-of-the-above solution to our problems with dependence upon foreign oil, and, Mr. Speaker, we've got to stop that dependence upon foreign oil.

We're buying oil from countries that hate us, and they're utilizing our dollars to fight us, to kill our men and women in service. And the only way we are going to bring an end to that is to not only look to natural gas, but to look to nuclear energy, look to alter-

native sources of energy, look to things such as wind, solar, biomass. We need to find ways of having clean coal technology. I know a lot of people find that to be an oxymoron, but, in actuality, there is technology today that will lead to clean coal technology.

Mr. Speaker, we have to be good stewards of our environment. That tax-and-trade bill—some call it cap-and-trade. I call it tax-and-trade or cap-and-tax because it is about revenue—that's not going to do anything about our environment. All it's going to do is create more revenue for the Federal Government to pay for this ObamaCare plan that we are going to be debating in committees here in the House this week and possibly voting before we leave for the August break.

But, Mr. Speaker, America is suffering. We're suffering from high energy costs. Certainly, the gasoline prices have been lowered from \$4, as it was not many months ago. Just recently I saw gas, as I drove to the airport this morning in Walnut Grove, Georgia, was \$2.169, but that's still too high, and we're headed higher in the near future.

Mr. Speaker, it's extremely difficult for Georgia Power to get the permitting for the two new reactors that they want to put at plant Vogtle, just south of my district, just south of Augusta, Georgia. It's extremely difficult for people to do the research and development to look for alternative sources of fuel. Natural gas is being shut out as a means of powering our vehicles, powering many things that it could power.

Mr. Speaker, we need an all-of-the-above energy plan. I hope that the U.S. Senate will defeat the tax-and-trade bill that we passed here because it will be disastrous. It will raise the costs of all goods and services here in America. It will raise the cost of health care, medicines in the drug store, doctor bills, hospital bills. It will raise the cost of food. It will cost every single individual in this country more money, and I hope the American people will stand up and say "no" to the tax-and-trade bill that this House passed and that the Senate is considering, will consider this fall. I hope they'll stand up and say "no" to ObamaCare, which will increase the time it takes for people to get x rays and surgeries and the necessary medical evaluation and treatment that they need. Thus, people who have cancer will be denied the life-saving drugs that they so desperately need or the surgery that they need.

Mr. Speaker, we're heading down the wrong road in this country. This House is taking this country down the wrong road of higher deficits.

And I hear people on the other side blame President Bush for the deficits he's created, but President Bush's deficits are piker levels compared to the deficits that have been created by this

Congress since this administration took over 6 months ago. This President has presented a budget that was passed by this House that will create more debt in the next 5 years than every President, including George Bush, from George W. Bush all the way back to George Washington, more deficit, more debt than has been created by every single President.

We cannot continue to spend our grandchildren's future. Our grandchildren are going to live at a lower standard of living than we do today because of this tremendous debt that we've created.

Mr. Speaker, it has to stop, and I hope the American people rise up and say "no" to ObamaCare. I hope they will stand up and say "no" to this tax-and-trade, tax-and-cap bill that the Senate's considering. I hope they will say "no" to a new stimulus package, nonstimulus bill that the President talks about that he wants to bring forward.

Mr. Speaker, we've got to stop spending the money of our children's future. It has to stop. It's outrageous, and the American people need to understand that they are the key to rising up and telling their Member of Congress in the House and the Senate "no." "No" to cap-and-trade, "no" to ObamaCare, "no" to any more stimulus, "no" to any more Wall Street bailout, "no" to taking over any more financial institutions, "no" to spend, spend, spend.

Mr. Speaker, we cannot tax and spend our way to prosperity. It never has worked. It was tried during the Great Depression, and it didn't work then. It's not going to work today. We seem to have elitists that think that they can do it better, but socialism never has worked, never will work, and it's time for the American people to stand up and say "no" to it.

Mr. Speaker, we need to have natural gas as an alternative source of fuel for our automobiles and buses and trucks. We need to have all these energy sources. We need the American Energy Act passed into law. We need to cut taxes on small business and leave dollars in their pockets so that they can create jobs, so they can buy inventory, so we can get our economy back on track.

Mr. Speaker, the Republicans are charged by the Democratic folks on the other side of being the Party of No, but it's actually the Democratic Party that's been the Party of No. We are, as Republicans, the Party of K-N-O-W. We know how to stimulate the economy. We know how to lower the cost of health care. We know how to fix the problem that we have with energy.

And, Mr. Speaker, it's time for the American people to stand up and say "no" to this steamroller of socialism being driven by NANCY PELOSI and HARRY REID, fueled by Barack Obama, and say "yes" to the Republican alter-

natives that we desperately need, as a Nation, to fix the economy, to lower the cost of health care for all Americans, to get people back to work, and stop this killing jobs and killing our economy.

So the American people, Mr. Speaker, need to stand up and say "no" to the Democratic plan and "yes" to the Republican plan.

Mr. LUJÁN. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I have no other speakers. I yield back the balance of my time.

Mr. LUJÁN. Mr. Speaker, as we look to see how we can truly work together in the Chamber, I think that the legislation before us, H.R. 1622, directly addresses some of our concerns when it comes to energy in our great Nation. H.R. 1622 is a bipartisan piece of legislation that looks to see how we can come together and work together to be able to alleviate our dependence on foreign oil.

And, Mr. Speaker, I certainly agree with my colleague that we have to look to diversity when it comes to energy, that we have to be good stewards of the environment, and that's why I stood up proudly to support the American Clean Energy and Security Act.

We talk about what we have to do to invest in our future, Mr. Speaker, and as we look out to future generations and how we as a Nation have to come together, how our leaders have to come together, how we have to work anywhere that we possibly can to be able to address these deep concerns, it's with honor that I come before you, Mr. Speaker, to be able to work on these issues as a new Member of Congress, as a Member of Congress that's ready to work, and as a Member of Congress that's ready to look at new ideas where we can come together.

H.R. 1622 is the continuation of a good idea on how we can continue to eliminate our dependence on foreign oil.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentleman from New Mexico (Mr. LUJÁN) that the House suspend the rules and pass the bill, H.R. 1622, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1445

SUPPORTING NATIONAL DAIRY MONTH

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 507) supporting the goals of National Dairy Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 507

Whereas, since 1939, June has been celebrated as National Dairy Month;

Whereas there are nearly 70,000 dairy farms throughout the United States, and approximately 99 percent of these farms are family owned;

Whereas the dairy industry in the United States produces more than 170 billion pounds of milk annually and contributes tens of billions of dollars to the economy;

Whereas dairy products are an important source of calcium and have been long recognized as an integral part of a healthy diet for both children and adults;

Whereas dairy farmers are significant contributors to efforts to preserve farmland and the rural character of communities across the country; and

Whereas the dairy industry has been challenged in recent months due to high production costs and low retail prices, which has forced many farms to close: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of National Dairy Month;

(2) encourages States and local governments to observe National Dairy Month with appropriate activities and events that promote the dairy industry;

(3) recognizes the important role that the dairy industry has played in the economic and nutritional well being of Americans;

(4) commends dairy farmers for their continued hard work and commitment to the United States economy and to the preservation of open space; and

(5) encourages all Americans to show their continued support for the dairy industry and dairy farmers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. SCOTT of Georgia. I yield myself such time as I may consume.

Mr. Speaker, it is timely that the House considers this resolution, this very important resolution, in support of the goals of National Dairy Month today because our Nation's dairy farmers are providing healthy, nutritious milk and dairy products to millions of American families, even as the families of dairy farmers are facing very tough economic times, very challenging times, Mr. Speaker.

The U.S. dairy industry is an important contributor to our Nation's agriculture economy. The United States leads the world in cows' milk production, accounting for more than \$284

million in farm receipts in 2007. Dairy farmers across the country are producing the milk and dairy products that we give to our children and to our grandchildren, knowing that they are getting the nutrients that they need for strong bones and for growing bodies.

Mr. Speaker, unfortunately, our Nation's dairy farmers are feeling the severe pain of very difficult and trying economic times that they're experiencing right now. We are committed to doing everything we possibly can to help our dairy farmers through this very challenging time as quickly as we can. Dairy prices remain at historically low levels, and many farmers cannot even get the credit that they need to stay in business. We must help our dairy farmers.

As chairman of the Subcommittee on Livestock, Dairy, and Poultry and food security, I have scheduled the second in a series of three hearings this week to take a very thorough look at the difficult economic conditions facing the dairy industry and to look at the options that we have to help our Nation's dairy farmers. Help them we must, and help them we will to weather these financial difficulties until the economy can recover. We must get our dairy farmers back on their feet where they rightfully belong.

Mr. Speaker, I urge the passage of this resolution that will, in some small way, give due recognition to the hard work and to the sacrifices of our Nation's dairy farmers. It will also highlight the importance of dairy products and healthy and balanced diets for the American people and for the people of the world.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. I rise in support of H. Res. 507, a resolution supporting the goals of National Dairy Month, and I yield myself such time as I may consume.

Mr. Speaker, for the past 70 years, we have celebrated the month of June as National Dairy Month. While there have been some years during this time where dairymen have had cause for celebration, I think we would be hard pressed this year to find a dairyman who is in much of a mood for celebration.

As dairy prices started to rise in 2007, reaching record levels by June of last year, prices started to decline this past September and October, ultimately reaching a devastatingly low price by February. While there has been some slight rebounding in prices, dairymen across the country are still suffering from extremely low prices received in the marketplace and from extremely high prices for inputs, such as feed and fuel. In fact, while the average uniform price in the Northeast Federal milk marketing order for June of 2009 is \$11.93 per hundredweight of milk, the

USDA estimates that it costs dairymen in my home State of Pennsylvania \$27.15 per hundredweight of milk just to produce it.

Mr. Speaker, I recognize that the adoption of this resolution is a bit late this year, but as we honor National Dairy Month for the 70th consecutive year, I ask all of my colleagues to consider the actions we take here in this Capitol Building and how these actions reflect on the small family farming businesses around the country.

Farmers do their best in keeping us well fed and in keeping us clothed and in keeping us housed, and we can, at the very least, consider the financial burdens that we place on these men and women when we contemplate legislation that would dramatically increase their costs of production.

I want to thank my good friend from Georgia for the hearing that he held last week and for the two hearings that we are going to conduct on behalf of the dairy industry. I really appreciate that. I know the dairy farmers of Pennsylvania's Fifth Congressional District appreciate that as well, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, I now yield as much time as he may need to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, I want to thank Chairman SCOTT for bringing this resolution, which I sponsored along with 70 other Members, and for bringing it to the floor. His leadership with the farm bill last year that extended the milk subsidy program, which was probably the number one priority of dairy farmers, was critical in terms of trying to keep farms afloat that are hanging on by a thread.

Also, he changed the system of the milk subsidy program to include input costs into the formula for the first time, which, again, is a critical benefit for folks going through a very challenging and difficult time, as the chairman described it and as Mr. THOMPSON described it.

Usually, Mr. Speaker, these types of resolutions—let's face it—are kind of fluffy. They're here to kind of put the spotlight on a product or on a segment of the economy. Everybody kind of gets up and does a little boosterism for, maybe, their regions of the country; a voice vote is taken, and it's probably forgotten pretty quickly. This year, there is an urgency surrounding the crisis that exists in dairy all across America that, I think, makes this resolution, which is an opportunity to put the spotlight on the challenges that dairy farmers are facing, important for all of us in the Congress and certainly for all of us in the country.

As has been said earlier, we have seen a collapse of dairy prices over the last year. Back in June 2008 when the farm bill passed, the price per hundred-

weight across America was, roughly, \$20. Today, that has literally fallen in half. Exports have fallen by 57 percent, which many experts believe is one of the reasons prices have reached a level where sustainable economics exists for dairy farmers across the country. That export market, along with the world recession, has made it impossible for the normal market forces to keep prices at a level at which farms can sustain their overhead and their input costs.

In the Northeast, particularly in New England, we are seeing the effects of this drastic, dramatic collapse. Ten percent of farms in Connecticut, particularly in eastern Connecticut, which I represent, have gone out of business, and that number has been reflected in other parts of New England. The one thing about a dairy farm going out of business is it's not like an up-and-down cycle. When they go out, they go out for good, and you lose a characteristic of a State's look and its economy that you can never recover again.

That is why it is so important for Chairman SCOTT to be holding the hearings that he is holding with the Agriculture Committee, to make sure that we do everything we possibly can in this emergency right now to provide immediate support and relief. The ideas are out there in terms of whether or not we need an emergency boost to the milk subsidy program and in terms of whether or not we need to have the Department of Agriculture use its administrative powers to raise the base price for dairy.

It is imperative, again, that we pass this resolution, but that we also do everything we can as a Congress to keep the pressure on. Recently, I was home in Connecticut, and I and Congresswoman DELAURO, the chairwoman of the Subcommittee on Agriculture in Appropriations, met with a number of farms, Greenbacker Farms, Cushman Farms. These are farms that go back literally to the colonial days of our country which are now facing a death spiral in terms of having to borrow to pay operating costs just to keep the bills paid and their workforces going to work every day and with paychecks.

If we do not intervene, we are going to lose a part of our economy that we can really never recover again. There is a bumper sticker out there that some of you may have seen and that some of you may have on your cars, like I do on my car, which says, "No farms, no food."

At some point, we, as a Nation, have to recognize that if we do not come up with agriculture policies that allow for sustainable farms in our country, then we are going to lose, not just those wonderful families and parts of our economy, but also critical parts of our food supply. You only have to look at recent events, in terms of the damage that has been done to American citizens from unsafe food imported into

this country, to know the stakes could not be higher.

So I applaud the chairman for bringing out this committee. I appreciate the bipartisan support for this resolution. Obviously, it's a resolution which deserves our support, but we need to follow up on it with real acts and with real action by the Congress to make sure that we deal with this emergency crisis that exists here today. I hope the strong support that we're going to see around this resolution will be reflected in those efforts.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, the gentleman from Connecticut just spoke. He has been putting in a tremendous amount of energy in coming before our committee and in giving us expert testimony as he did last week.

I just want to commend you, Mr. COURTNEY, on what you are doing. Your constituents are certainly prouder than ever. I join with you in making sure that we adequately respond to the pressing needs.

Now, Mr. Speaker, I would like to yield to another distinguished gentleman, the gentleman from Vermont (Mr. WELCH) as much time as he may consume. He is one of my colleagues who also came before our committee and who has been putting in tireless hours on this great, great crisis in our dairy industry that we are facing.

Mr. WELCH. Thank you, Mr. Chairman. Thank you, Mr. THOMPSON. It is a pleasure to work with you on this important legislation, on this important resolution.

Mr. Speaker, as my friend and colleague from Connecticut (Mr. COURTNEY) said, our dairy farms face a crisis they've never ever seen. The crisis they face is not of their own making. Farmers have to live with the uncertainty of nature. They have to live with the uncertainty of a collapse of an export market. That's what happened when there was the melamine scare in China. They have to live with the uncertainty of an economy where prices in the purchasing of cheese in secondary, non-fluid milk products have come down with the recession. Yet the importance of our having local agricultural activities in all of our districts has never been more important.

People want and need local agriculture. In my State, it's dairy. That's the backbone of our agricultural industry. In your State, it may be wheat; it may be potatoes. In States across the country where there is local agriculture, it serves not just the needs of our farmers who make a very good, a very decent and a very honest living from working the land; it serves the health needs of our citizens.

It serves the environmental needs of our countryside. The farmers are the

custodians of our landscape. That's certainly true in Vermont, which is to the benefit of all of us. It is certainly to the benefit of our tourism industry.

Mr. Speaker, the crisis that the farmers face right now, particularly in dairy, where there's that disparity between what it costs them to produce milk and what they're being paid, is not survivable unless we do two things:

One, provide short-term relief. We must find a way to increase the milk support payments on a temporary basis to help them get through the fall. If we fail to do that, they will fail themselves, and that would be a tragedy, because these farms, once gone, are gone forever and, with it, the environmental values, the land values, and the benefit to all of us to have local food production.

The average distance of farm to table for food products that we eat is about 1,500 miles. Think about the energy consumption that we're wasting and what we can preserve if we keep production local.

The second thing we have to do is what we have known since the era of the Depression, and that is we have to have stable pricing and adjustments so that farmers can weather the ups and downs in the cycle over which they have no control.

Now, I want to remind folks of something Mr. COURTNEY said when we were before Mr. SCOTT's committee. We bailed out the financial industry with billions and billions of dollars, and the reason was that they were too big to fail. It was not because they had been responsible and had done everything within their power to avoid the catastrophe. In fact, they caused the catastrophe.

□ 1500

Yet because they were too big to fail, in order to mitigate the impact on innocent people, the taxpayers came to the rescue.

Now, is it the case that with our farmers, they are too small to matter? What kind of Congress is it if that's the verdict that we come to when it comes to our farmers who, through no fault of their own—unlike Wall Street—who through no fault of their own find themselves in a real jam.

Mr. Speaker, we have to take extraordinary action because this is an extraordinary time, and it's deserved because these are extraordinary people. This resolution is allowing us to focus attention where it needs to be on some of the best people among us in this country—and that's our dairy farmers, the folks would work the land, day in and day out, year in and year out, generation to generation.

Mr. SCOTT of Georgia. Mr. Speaker, as we close out on this bill, I just cannot think of more appropriate words at this time than those words that were said by one of our great Founders. It

might be very appropriate now as we look at the crisis facing the dairy industry. That Founder was Alexander Hamilton, Mr. Speaker. And Alexander Hamilton said these words: that the greatness of our Nation and the Federal Government of our Nation shines at its brightest at our moment of crisis.

Well, this is a crisis, Mr. Speaker. It is a very special, unique crisis that is facing a very special and beloved industry—ice cream, milk, our cheeses, our butters—our dairy farmers. All across this country from the Atlantic coast to the Pacific Ocean, from Texas to Vermont and Connecticut, there is no industry that represents the grandeur and the greatness of America as our dairy industry. And it is time for this Federal Government to do precisely what Alexander Hamilton spoke of when he said, At the time of crisis is when our Nation shines at its most brilliant. Let this Nation, let this Federal Government shine on the dairy industry now.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 507, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GINGREY of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

RECOGNIZING ESTABLISHMENT OF HUNTERS FOR THE HUNGRY

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 270) recognizing the establishment of Hunters for the Hungry programs across the United States and the contributions of those programs efforts to decrease hunger and help feed those in need.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 270

Whereas Hunters for the Hungry programs are cooperative efforts among hunters, sportsmen's associations, meat processors, State meat inspectors, and hunger relief organizations to help feed those in need;

Whereas during the past three years Hunters for the Hungry programs have brought hundreds of thousands of pounds of venison to homeless shelters, soup kitchens, and food banks;

Whereas each year donations have multiplied as Hunters for the Hungry programs continue to feed those in need; and

Whereas 45 States have a Hunters for the Hungry program: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the cooperative efforts of hunters, sportsmen's associations, meat processors, State meat inspectors, and hunger relief organizations to establish Hunters for the Hungry programs across the United States; and

(2) recognizes the contributions of Hunters for the Hungry programs to efforts to decrease hunger and help feed those in need.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I come before the House today to encourage the passage of House Resolution 270, which recognizes the establishment of Hunters for the Hungry programs across the United States and recognizing the contributions these programs make to decrease hunger and help feed those in need.

Hunters for the Hungry is a unique and innovative program that addresses hunger in communities nationwide. All across this country, hunters can donate their game and their fowl to Hunters for the Hungry, which processes the meat and provides it to food banks and other feeding programs. This cooperative effort between hunters, processors, and the hunger community is an innovative example of how groups can work together toward a single, worthy goal: working to make sure that no American goes hungry.

When the House Agriculture Committee considered this resolution in the 110th Congress, it received unanimous support; and I strongly encourage the passage of this resolution.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Resolution 270, which recognizes the collaborative efforts of hunters, sportsmen's associations, meat processors, State meat inspectors, and hunger relief organizations to establish Hunters for the Hungry programs across the United States. Such programs have brought hundreds of thou-

sands of pounds for venison to homeless shelters, soup kitchens and food banks.

Since 1991, Pennsylvania's Hunters Sharing the Harvest program has provided hundreds of thousands of meals to needy Pennsylvanians. Last year, the program coordinated the delivery of nearly 200,000 meals that included venison.

Americans are generous people, and many individuals work through private organizations to donate food to help needy families. Given our economic climate, more and more people are turning to soup kitchens and food banks for food assistance, and that is where programs like Hunters for the Hungry make a valuable contribution and difference.

Great strides are being made to provide nutritious, high-quality venison to those experiencing hunger in our communities. I commend the generosity of America's hunters and all who participate in the Hunters for the Hungry program. The contributions of these individuals are a step in the right direction in the fight against hunger, and I urge my colleagues to support House Resolution 270.

I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, I now yield 2 minutes to the distinguished gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. I again thank the chairman for bringing this resolution out.

There is probably not a more difficult and challenging enterprise to operate today than running a food bank. We're obviously in a time where our economy is extremely weak. The demand for food bank help is up and the ability of people to provide donations for food bank services are down.

In Connecticut, over 350,000 people were served in the last year by our food banks—a number that is way higher than the prior year. And as was recently reported in the New London Day, the largest paper in southeastern Connecticut, while there was a growing need for food assistance in 2008 and 2009, traditional donations are way down. There is only one area where we have seen an increase, and that is in the area of wild game that was donated by hunters who are part of this program which is being given accolades with this resolution.

In my district, hunters and constituents like Warren Speh and Bob Jean have donated more than 10,000 pounds of deer meat that was hunted at Bluff Point State Park in Groton alone as part of an effort to manage the deer population and also donated that food to the local food bank in the New London area. So they are a perfect example of what this program is about.

Again, I strongly support this resolution's effort to put the spotlight on the great work that these people are doing

and urge adoption by the full membership.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I recognize my good friend from Georgia (Mr. GINGREY) for such time as he may consume.

Mr. GINGREY of Georgia. Mr. Speaker, I want to thank one of our newest and hardworking members of the Republican Conference, Mr. THOMPSON of Pennsylvania, for generously yielding me time on this resolution today.

As a member of the Congressional Sportsmen's Caucus and author of this resolution, I rise in strong support of House Resolution 270, a resolution recognizing the contribution made by Hunters for the Hungry programs across this country.

I would like to thank Chairman PETERSON, Ranking Member LUCAS, my colleague from Georgia (Mr. SCOTT) and all of my colleagues on the Agriculture Committee for bringing this resolution to the floor today in a bipartisan manner.

I also want to thank the Congressional Sportsmen's Caucus, especially co-chairs DAN BOREN and PAUL RYAN, for their support. This bipartisan organization, comprised of close to 300 Members of the House and the Senate, focuses on protecting the interests of our Nation's sportsmen. Mr. Speaker, as a proud Member of this caucus, I know that it works diligently for our sportsmen who have historically shaped the character and the quality of America's cultural heritage, natural resources, and our economic vitality.

I first introduced the Hunters for the Hungry resolution in the 108th Congress back in 2003, as well as in each subsequent Congress, to bring attention to an often overlooked group—our Nation's hunters—who feed thousands of homeless and hungry people each year. The purpose of this resolution is to praise the work of Hunters for the Hungry programs across our country. These programs provide a unique way in which to address our Nation's hunger problem.

Although these organizations are called by different names in the 45 States where they are located, Hunters for the Hungry organizations show the humanitarian and the kind-hearted spirit of our Nation's hunting community. These programs are volunteer and cooperative efforts among hunters, sportsmen's associations, meat processors, State meat inspectors and hunger relief organizations. Over the past 3 years, these programs have brought hundreds of thousands of pounds of excess venison to homeless shelters, to soup kitchens, and food banks. Each year, donations have multiplied, and many programs now cannot even cover the costs of processing, of packaging and storing, and distributing the abundant supply of donated venison.

Hunters for the Hungry organizations serve as a great example of how our

Nation can address issues like hunger without government intervention. These organizations receive no Federal funding. They operate from donations and volunteer services. We must raise the awareness of these organizations so that they can have the resources and the volunteers to serve America's underprivileged.

Mr. Speaker, I am proud to say that in my home State of Georgia, over 28,000 pounds of venison was donated as a result of this program just last year, raising the overall total in the State to over 200,000 pounds since this program was initiated back in 1993. I commend the kind-hearted hunters of my State, along with those across the country, who donate their time and their money for those people in need.

Mr. Speaker, I urge my colleagues to support this resolution so the House can show its gratitude to these selfless hunters across the country to honor their great community service.

Mr. SCOTT of Georgia. Mr. Speaker, I also would like to take a moment to extend my commendations to my distinguished friend from Georgia (Mr. GINGREY) for this very worthy, worthy resolution. Thank you.

Mr. Speaker, I would like to recognize for 2 minutes my distinguished friend and colleague from the great State of Massachusetts (Mr. MCGOVERN) who has a sterling reputation for working to make sure that no American goes to bed hungry in our country.

□ 1515

Mr. MCGOVERN. I want to thank my friend for yielding and for his leadership on these and so many other important issues.

I wanted to rise as well in support of the resolution by my colleague from Georgia, Mr. GINGREY. I think it's an important resolution, and I think the Hunters for the Hungry organization deserve praise for their work trying to respond to a real need in this country, and that is the issue of people who are food insecure or are hungry.

This is a problem that is getting worse in the United States of America, I am sad to say, and this is an issue that we need to talk more about on this House floor. And I appreciate and I support the efforts of hunters and a whole bunch of other volunteer organizations across the country in their efforts to respond to this crisis, and we need to do everything we can to congratulate them, express our appreciation and urge them to do more.

I would also add that I think we have a moral imperative to do more as a country and as a government to respond to this need. There are more than 36 million Americans who are food insecure or hungry. Every one of us should be ashamed of that fact, and we need to respond to this crisis, and we need to do more than we are doing now.

I'm the co-chair of the House Hunger Caucus, and we are urging all Members

of Congress to take only 1 hour, at least 1 hour, out of their busy schedules during the August recess and visit a hunger relief organization, visit a food pantry, visit a food bank, and see firsthand what is happening. And what people are going to see, what my colleagues will see is not only the incredible work that is going on to help respond to this crisis, but the fact is that these food banks and these food pantries are chock full. They're at capacity. They cannot respond to the need that they are faced with.

And so as we debate other legislation down the road, I hope we will keep these people in mind, but I did want to rise to congratulate and to thank my friend Mr. GINGREY for his leadership on this issue. I think it is important that we do what we can to acknowledge the good work of people who are in the forefront of fighting on behalf of people who are food insecure and hungry, and I want to thank him.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield the balance of my time to Dr. BROUN.

Mr. BROUN of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I started my political activism by being the government affairs vice president for Safari Club International, and the Safari Club has been very much engaged in trying to feed the hungry through a program called Hunters for the Hungry, and it's something that's absolutely critical for us to promote this type of idea. I congratulate my colleague, dear friend from Georgia, Dr. GINGREY, for bringing this legislation to the floor.

Mr. Speaker, hunters all over this country are willing to provide some of their deer and elk meat to feed the hungry, and I think it's a proper role for us as Members of Congress to promote this type of philosophy, of letting the private sector take care of the poor, the widows and fatherless as biblically we're charged to do. In fact, I believe very firmly that the private sector can provide for the needs of those disadvantaged in this country a whole lot better than government can.

Mr. Speaker, I just wanted to rise and speak for a minute in behalf of this bill. I fully support it. I congratulate Dr. GINGREY for bringing this important legislation, and I congratulate my other colleague from Georgia for speaking in favor of the bill and look forward to its passage and look forward to promoting other kinds of ideas, Mr. Speaker, where we can stimulate the private sector, provide for those things that are desperately needed by those that are disadvantaged around this country. They really need some help. They need some help in feeding themselves. They need some help in providing jobs, and the private sector's the best way to do that. We over and over on our side introduce legislation that would stimulate the economy, would

create jobs, instead of robbing our grandchildren of their future as we see going on here in this Congress.

So, Mr. Speaker, I do rise in support of this bill, and I hope that we will pass it unanimously once it comes for a vote.

Mr. SCOTT of Georgia. Mr. Speaker, as has been mentioned by each of our speakers, we certainly applaud the Hunters for the Hungry program for the great job that they're doing, but this should serve as also a wake-up call and a challenge to more Americans, more organizations where, as the gentleman from Massachusetts pointed out with his statistics, there's so much more that we must do to reach that goal, that we have no American, no American child, no one in this country going to bed hungry at night for we are the wealthiest country in the world.

And so the Hunters for the Hungry program and H. Res. 270 presents not only an opportunity to celebrate the Hunters for the Hungry program but to accept the challenge for us to do more to make sure no American goes to bed hungry.

I yield back the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I just want to thank my colleagues for certainly supporting this legislation. It truly fulfills the spirit that builds and makes America great, where neighbors assist neighbors.

I don't believe I have any additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the resolution, H. Res. 270.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

RECOGNIZING 40TH ANNIVERSARY OF THE FOOD AND NUTRITION SERVICE

Mr. SCOTT of Georgia. Mr. Speaker, I move to suspend the rules and agree

to the concurrent resolution (H. Con. Res. 164) recognizing the 40th anniversary of the Food and Nutrition Service of the Department of Agriculture.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 164

Whereas the Food and Nutrition Service of the Department of Agriculture has been promoting sound nutrition and fighting hunger in the United States since 1969;

Whereas the Food and Nutrition Service works with State and local governments, nonprofit organizations, and faith-based organizations to provide food and nutritional support to over 36,000,000 people in the United States who live in households that face food insecurity on a daily basis;

Whereas the Food and Nutrition Service supports schools in the United States by providing children with nutritious breakfasts and lunches and promotes wellness policies to ensure that children have a healthy start in life; and

Whereas the nutrition programs of the Food and Nutrition Service reach 1 in 5 citizens of the United States on a daily basis: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes the valuable historic and continued contribution of the Food and Nutrition Service and its employees to the citizens of the United States;

(2) commends the efforts of States, territories, local governments, and nonprofit charitable and faith-based organizations to end hunger and provide nutritious food to citizens of the United States;

(3) encourages the continued efforts to educate the citizens of the United States about the importance of eating nutritiously and living a healthy lifestyle; and

(4) recognizes and reaffirms the commitment of the United States to end hunger in the United States and continue to lead the world in ending global hunger.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. SCOTT) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my pleasure to pay tribute to the outstanding and important work of the USDA's Food and Nutrition Service on the occasion of its 40th anniversary by supporting H. Con. Res. 164.

Mr. Speaker, since 1969, FNS has fulfilled its mission by providing children and needy families with better access to food and a more healthful diet through its food assistance programs and comprehensive nutrition education efforts.

In this time of great economic recession, the employees of FNS have demonstrated their extraordinary commitment to public service by ably serving a record number of Americans in need through the Supplemental Nutrition Assistance Program. In recent months,

nearly 35 million people have found it necessary to make use of this safety net program.

In addition, FNS serves specific sectors of our population by providing school meals; funding and commodities for food banks and soup kitchens; and specialized programs for Native Americans, the elderly, infant and children, and pregnant women.

For their exemplary efforts on behalf of Americans in need, I congratulate the employees of the Food and Nutrition Service of the United States Agriculture Department and encourage the speedy passage of H. Con. Res. 164.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise in support of House Concurrent Resolution 164 and yield myself as much time as I may consume.

Mr. Speaker, House Concurrent Resolution 164 recognizes the 40th anniversary of the Food and Nutrition Service of the U.S. Department of Agriculture. The mission of the Food and Nutrition Service is to provide children and low-income families better access to food and a more healthful diet through its food assistance programs and comprehensive nutrition education efforts.

FNS administers the most important Federal nutrition programs, such as the Supplemental Nutrition Assistance Program, formerly known as the Food Stamp Program; the School Lunch and School Breakfast Programs; the Special Supplemental Nutrition Program for Women, Infants and Children, known as the WIC program; the Emergency Food Assistance Program, which provides various commodities to our Nation's food banks; as well as other child and adult care food programs.

FNS is better able to serve our Nation's hungry because of the bounty of America's farmers and ranchers. FNS is able to use surplus commodities in their various feeding programs, thus ensuring those in need receive foods produced by the American farmer and rancher.

Many people do not realize that funding for domestic food assistance programs represents two-thirds of the USDA's budget. For fiscal year 2009, the enacted omnibus appropriations measure included \$76.2 billion for the programs administered by FNS. With the economy continuing to struggle, FNS has seen a record enrollment of 33.8 million food stamp participants. Clearly, the Food and Nutrition Service, in working cooperatively with the States, has a large and important role in serving those in need.

And again, I want to recognize the 40th anniversary of USDA's Food and Nutrition Service and ask my colleagues to support this resolution.

I reserve the balance of my time.

Mr. SCOTT of Georgia. Mr. Speaker, now it is with great pleasure that I'd like to yield 6 minutes to the cochair-

man of the Congressional Hunger Caucus and an outstanding leader in this Congress, the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. I thank the gentleman, my colleague from Georgia, for yielding me the time and for his kind words, and I also want to thank Majority Leader STENY HOYER and Chairman COLLIN PETERSON and their staff for quickly scheduling this bipartisan resolution for consideration today.

Mr. Speaker, this resolution honors the USDA's Food and Nutrition Service for 40 years of fighting hunger in the United States. There are more than 36 million food insecure or hungry people living in America today. The Food and Nutrition Service, or FNS, is the lifeline for the hungry in our country.

The mission of FNS is to provide children and needy families better access to food and a more healthful diet through its food assistance programs and comprehensive nutrition education efforts. FNS does this by administering the Food Stamp, now called SNAP, program and child nutrition programs that include the school and summer meal programs. Without these programs and without the dedicated staff at FNS, millions of people in this country would be facing hunger and malnutrition.

Their work and dedication should be commended, and I am pleased to be the lead sponsor of this resolution honoring the 40th anniversary of the Food and Nutrition Service. I am also pleased that my good friend and colleague, the gentlelady from Missouri, JO ANN EMERSON, is a cosponsor of this resolution. Unfortunately, my good friend could not be here for this debate, but she is a strong supporter of FNS.

Mr. Speaker, over the past 2 years we have seen a major expansion in our Nation's antihunger programs. SNAP has been expanded twice: first, in the farm bill, which expanded both the eligibility and the purchasing power of the program; and second, in the Recovery Act, where the SNAP program benefits were accelerated to stimulate the economy and help families better afford food during this economic downturn.

This year, we expect to see the reauthorization of the Child Nutrition Programs: WIC, the school breakfast lunch, child care, afterschool, and summer meal programs. And FNS is in the forefront of these programs.

Mr. Speaker, I'm pleased with the work FNS has done for the past 40 years, but this is also an opportunity to look to the future. And I'm encouraged by the new administration, the leadership of Secretary Vilsack and his team at USDA. They are exploring ways to fight hunger, and I'm looking forward to developing a strong working relationship with Secretary Vilsack.

And while I'm pleased that USDA and FNS have worked so hard at responsibly implementing the antihunger

programs authorized in the farm bill and in the Recovery Act, I am very concerned that there hasn't been more done on President Obama's pledge to end childhood hunger in America by 2015.

□ 1530

I encourage the Secretary to use this 40th anniversary recognition to rededicate USDA not only to ending child hunger in the United States, but to start working with Members of Congress and other stakeholders on ways to improve the Federal antihunger programs.

I believe the Secretary should convene a Cabinet-level working group consisting not only of members of the administration but also congressional leaders in order to brainstorm on ways the administration and Congress can work together to combat hunger in our country. We need to show that the goal of ending child hunger by 2015 is something that this administration is committed to achieving.

I also encourage USDA and FNS to look into using their regulatory authority to make it easier for eligible families and individuals to sign up or be recertified for SNAP and other Federal antihunger programs.

In Massachusetts, we are seeing backlogs of new applications that last upwards of several weeks between submission of the application and approval or denial of that application. The issue is the increasing number of people who are becoming eligible for SNAP at the same time as current SNAP participants need to be recertified in order to continue participating in the program. The result is a backlog of cases for State administrators, causing lengthy delays that result in denial of food to hungry people.

Finally, I strongly encourage the White House to convene a conference on food and nutrition in order to bring together our Nation's leaders and stakeholders on hunger and nutrition. We need to put into place a strategy, a comprehensive strategy, to end all hunger in this country, and we need to do so while improving the availability of nutritious food. That will take Presidential leadership. I hope President Obama will convene this conference soon.

Mr. Speaker, I congratulate FNS on 40 years of great work. Once again, I thank Chairman PETERSON for his willingness to move this resolution through the process quickly. I want to thank my friend, Mr. SCOTT, for all of his leadership.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. SCOTT of Georgia. In closing, Mr. Speaker, I could not be more eloquent than my good friend from Massachusetts, Mr. MCGOVERN, our distin-

guished co-Chair of the Congressional Hunger Caucus, because he spoke so well. But one salient fact that shows the significance of the Food and Nutrition Services and the work of our United States Agriculture Department in this area is the fact that when we look at child nutrition, and specifically our School Lunch Program, it has been documented in all too many cases that all too often that meal, that one meal from our School Lunch Program is the most nutrient meal that all too many of our young people receive each day. That shows the value of what the Food and Nutrition Service is doing.

We certainly commend the resolution, commend the work of Mr. MCGOVERN of Massachusetts, and our United States Agriculture Department.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today in support of the concurrent resolution to recognize the 40th anniversary of the Food and Nutrition Service of the United States Department of Agriculture. The Food and Nutrition Service has administered the Nation's nutrition assistance programs since 1969 and is the lead agency in charge of supporting the fundamental nutritional needs of children, low-income individuals, families, and communities.

Mr. Speaker, in the United States no one should face hunger, especially children. Over the past forty years, the Food and Nutrition Service has been critical to ensuring that children have access to healthful foods and nutritious meals at school, in childcare settings, and during the summer months that support their ability to succeed in and out of the classroom. The services provided by the Food and Nutrition Service encourage good nutrition and well-being that are necessary to ensure a healthy future for the country.

Through its programs, FNS actively promotes individual health and well-being for a strong and productive workforce. Through coordination with State and local governments, community organizations, and many partners, the Food and Nutrition Service provides access to healthful food, nutrition services, and education to 1 in 5 individuals at risk of hunger in the United States each day.

The programs administered by the Food and Nutrition Service are designed to respond to fluctuations in the economy and work to ensure all eligible children, individuals, and households can access nutrition benefits when they need it the most. Together, these programs form the Nation's nutrition safety net. As families, communities, and the Nation face significant economic challenges, these programs play an increasingly important role in supporting good nutrition and reducing the risk of hunger.

As the Chairman of the Committee on Education and Labor with jurisdiction for many nutrition programs administered by the Food and Nutrition Service, the Committee on Education and Labor recognizes the critical food assistance and nutrition services that these programs provide to children and families. And, we are committed to ensuring that these programs have a strong foundation, so that all eligible children and individuals can access high quality nutrition assistance with dignity and re-

spect. I look forward to working with my colleagues on the committee on the reauthorization of the Child Nutrition Programs later this year to further strengthen the Nation's nutrition safety net and the services that these programs provide.

I commend the Food and Nutrition Service for 40 years of important service to the Nation and support the Agency's continued effort to promote food security through access to nutritious foods, to improve diet quality, and to educate individuals on the benefits of and strategies for living a healthy lifestyle.

Mrs. EMERSON. Mr. Speaker, it is a pleasure to speak here today on behalf of this resolution recognizing the 40th anniversary of the Food and Nutrition Service of the Department of Agriculture. When President Lincoln organized USDA he called it the "People's Department." That legacy is truly evident in the millions of Americans served each day by the Food and Nutrition Service.

Contending with hunger is a sad fact of life for 36 million food insecure Americans. The programs administered and implemented by the dedicated public servants at FNS, Supplemental Nutrition Assistance Program, WIC, the National School Lunch Program, TEFAP and the Commodity Supplemental Food Nutrition Program—just to name a few—provide the difference between hunger and adequate nutrition for these adults and, unfortunately, so many children.

However, these programs, vital to so many of our constituents, do not run on autopilot. For the past 40 years dedicated individuals at the Food Nutrition Service have worked to reach those in need, while protecting the integrity of the programs they administer. They have driven error rates down, while working to increase participation rates; FNS has proven to be able stewards of the programs they administer.

Mr. Speaker, forty years ago today man set foot on the moon. This was a dream for untold generations which this government made a priority and achieved. When we set this goal, the tools needed to achieve it did not exist—they had to be invented. Forty years ago the Food Nutrition Service was also formed, our nation's greatest tool in fighting hunger. I look forward to the day when we set our goals high again and provide the resources necessary to truly end hunger in the United States.

Mr. BACA. Mr. Speaker, I rise today in strong support of H. Con. Res. 164, a resolution recognizing the 40th anniversary of the Food and Nutrition Services (FNS) at the U.S. Department of Agriculture.

I'd like to thank my colleague, Rep. JIM MCGOVERN, for introducing this resolution; and for his commitment to ending hunger in America.

As Chairman of the House Agriculture Subcommittee on Nutrition, I am proud to stand today in support of the mission of the FNS—to provide access to nutritious foods to needy American families.

Since 1969, the FNS has been promoting sound nutrition and working to end hunger in America.

Every day, 36 million Americans are given access to healthy foods they may otherwise not be able to afford if not for the good work done by so many individuals at the FNS.

I am proud of the numerous improvements we made to federal nutrition programs in the 2008 farm bill.

This includes a \$10 billion increase in funding that puts food on the table for more veterans, elderly, disabled, and needy American families.

But none of these funding improvements would have made a difference if it wasn't for the great work of the FNS and its dedicated staff members stationed across the United States.

In today's terrible economic climate—the mission of the FNS, to prevent hunger in America, is more important than ever.

I urge my colleagues to express their support for the great work of the dedicated Americans at the FNS, and vote in favor of H. Con. Res. 164.

Mr. SCOTT of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. SCOTT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 164.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SCOTT of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

RECOGNIZING BUREAU OF LABOR STATISTICS

Mr. COURTNEY. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 30) commending the Bureau of Labor Statistics on the occasion of its 125th anniversary.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

S. CON. RES. 30

Whereas the Act entitled "An Act to establish a Bureau of Labor", approved on June 27, 1884 (23 Stat. 60), established a bureau to "collect information upon the subject of labor, its relation to capital, the hours of labor, and the earnings of laboring men and women, and the means of promoting their material, social, intellectual, and moral prosperity";

Whereas the Bureau of Labor Statistics is the principal factfinding agency for the Federal Government in the broad field of labor economics and statistics, and in that role it collects, processes, analyzes, and disseminates essential statistical data to the public, Congress, other Federal agencies, State and local governments, business, and labor;

Whereas the Bureau of Labor Statistics has completed 125 years of service to government, business, labor, and the public by producing indispensable data and special studies on prices, employment and unemployment, productivity, wages and other compensation, economic growth, industrial relations, occupational safety and health, the use of time by the people of the United States, and the economic conditions of States and metropolitan areas;

Whereas many public programs and private transactions are dependent today on the quality of such statistics of the Bureau of Labor Statistics as the unemployment rate and the Consumer Price Index, which play essential roles in the allocation of Federal funds and the adjustment of pensions, welfare payments, private contracts, and other payments to offset the impact of inflation;

Whereas the Bureau of Labor Statistics pursues these responsibilities with absolute integrity and is known for being unfailingly responsive to the need for new types of information and indexes of change;

Whereas the Bureau of Labor Statistics has earned an international reputation as a leader in economic and social statistics;

Whereas the Bureau of Labor Statistics' Internet website, www.bls.gov, began operating in 1995 and meets the public need for timely and accurate information by providing an ever-expanding body of economic data and analysis available to an ever-growing group of online citizens; and

Whereas the Bureau of Labor Statistics has established the highest standards of professional competence and commitment: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress commends the Bureau of Labor Statistics on the occasion of its 125th anniversary for the exemplary service its administrators and employees provide in collecting and disseminating vital information for the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlemen from Connecticut (Mr. COURTNEY) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

GENERAL LEAVE

Mr. COURTNEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on Senate Concurrent Resolution 30 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. COURTNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of Senate Concurrent Resolution 30, which commends the work of the Bureau of Labor Statistics as it celebrates its 125th anniversary.

Since its founding in 1884, the Bureau of Labor Statistics has served as the principal factfinding agency for the Federal Government for all matters in the fields of labor, economics, and statistics. In this capacity, it has collected, analyzed, and disseminated essential labor-related data to all levels of government, various Federal agencies, and the American public.

As an institution, the Bureau of Labor Statistics has evolved throughout its 125 years. Originally serving a broad fact-finding mandate, the Bureau has since developed into many specialized arms that study a multitude of labor issues, including wages and prices, the state of industrial relations, unemployment, demographic shifts, and workplace safety conditions.

The Bureau has stringent criteria for its data and analyses in order to ensure that it is not only accurate but relevant to society. As a result of rapidly changing economic conditions, the Bureau of Labor Statistics has developed a reputation for responsiveness, swiftly adjusting its measures and indices to provide citizens and policymakers of this Nation with high-quality statistical data.

In its commitment to disseminate this valuable information, the Bureau of Labor Statistics established a Web site in 1995. Since that time, a variety of data access tools have been developed, providing increased access to the statistical data it analyzes and develops. Today, the use of the Web site is over 1,000 times what it was when it began, with more than 20 million users in the months of this year alone.

The data and analyses provided by the Bureau are invaluable, contributing to policy development process as well as the allocation of Federal funds and private payments. I commend the work of the Bureau's many economists, mathematical statisticians, information technology assistants, and administrative specialists as they celebrate an impressive 125-year legacy.

Mr. Speaker, I ask my colleagues to join me in support of this important resolution.

I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of Senate Concurrent Resolution 30, commending the Bureau of Labor Statistics on its 125th anniversary.

In our current economic climate, there is a lot of discussion about economic data, what the data means for our recovery, and more importantly, how many of our fellow citizens are going back to work.

What is not talked about is the government agency that is responsible for gathering this data. For 125 years, the Bureau of Labor Statistics, BLS, has been charged with collecting and examining information related to our economic health. According to the BLS

mission statement, the agency is the principal factfinding body for the Federal Government.

A survey of any economic analysis demonstrates that this information is widely used by academics, Federal and State governments, private companies, and news reporters. The agency has more than 2,000 economists in its headquarters and eight regional offices, gathering unemployment data, wage data, safety and health statistics, and a whole host of information to provide us with a clear picture of the state of the economy across this country. Congress relies on the statistics produced by the Bureau for a variety of programs and for guiding a myriad of policy decisions.

The Bureau examines payroll data and various demographics so that we have detailed information about employment by hours, by industry, and geographic areas. BLS also provides a snapshot of employee benefit plans or labor productivity.

When your children ask if they will ever use anything they learn in school in real life, you can point to the economists and statisticians at BLS as an example of putting math and science to work. When your children complain about how much time that they spend in school, you can tell them, according to the American Time Use Survey developed by BLS, 9 percent of the population is engaged in educational activities daily. I doubt if it brings them any comfort, though. That 9 percent spends, on average, 4.5 hours in class and 2.4 hours engaged in homework.

I rise today to commend the staff of the Bureau of Labor Statistics for 125 years of dedicated service and urge the passage of S. Con. Res. 30, commending their service to the Nation. I ask my colleagues to support this resolution.

I reserve the balance of my time.

Mr. COURTNEY. I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. I yield 4 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I want to thank my friend from Pennsylvania for yielding me time, Mr. Speaker. As we're talking about the Bureau of Labor Statistics, it's an interesting period in our country's history because, just in the last few months since President Obama's taken office, our country has lost 2 million more jobs; 2 million more Americans are out of work, are part of those statistics. I think it's much more than statistics. It's policies by this administration that have caused those 2 million Americans to lose their jobs since January.

If you go back to the stimulus bill, that was the bill that was touted at stopping the bleeding. All of us on this side that opposed that bill, that opposed spending \$800 billion of money that we don't have, said back then that that bill would actually make matters

worse because it was adding mountains of debt to our children and grandchildren, but also it wasn't addressing the problems in our economy.

In fact, now we're seeing unemployment at 9.5 percent, approaching 10 percent, with 2 million more Americans having lost their jobs since President Obama took office. And what's this administration saying? Are they finally admitting that the stimulus was a failure? No. In fact, some in the White House are calling for another stimulus bill, more spending.

In fact, just last week at a convention of the AARP, Vice President JOE BIDEN said, "We have to go spend money to keep from going bankrupt." Those are words the Vice President actually said just last week.

And so as this mountain of debt is piling up on the backs of our children and grandchildren, as the President is running car companies and running banks and running all of these other institutions—with over 30 czars, and it's not working—their own Vice President is saying they need to spend money to keep from going bankrupt.

These are ludicrous policies. We have got to go back to common sense. We've got to go back to fiscal discipline and start balancing our budget like every other State is dealing with their budgets, like American families are dealing with these tough economic times as they're pulling back and living within their own means. It's the Federal Government here in Washington that seems to be out of control on a spending frenzy.

Then, just a few weeks ago, they brought this cap-and-trade national energy tax, where they're literally proposing a policy that would run millions more American jobs out of this country to places like China and India, where they'll actually emit more carbon than we do here in America to do the same thing, while rising utility rates on every American family.

The President's own budget director said that the cap-and-trade energy tax would add another \$1,200 a year to every American family's utility bills. So, as they're thinking about turning on their air conditioner in the summer, they're going to be thinking about whether or not they will pay these higher electricity rates.

These policies are helping lead to this rapid unemployment that is now approaching double digits. And the latest here we have in front of us in Congress is this debate over the President and Speaker PELOSI and others' proposal to have a government takeover of our health care system, where the estimates are that we would have hundreds of billions of dollars in new taxes, over \$580 billion in new taxes on the backs of small businesses.

You would have \$240 billion in fines in their approach on the backs of American families, including—get this.

This is according to the Congressional Budget Office. In the President's takeover, proposal to take over the health care system by the government, they have \$29 million in penalties against people who are uninsured. It's in the bill.

They have the ability for this health care czar—a health care czar that would literally be able to tell Americans whether or not they can see a doctor and which doctor they can see. It actually gives the authority to this bureaucrat in Washington to disqualify a company's entire health benefits plan.

□ 1545

So if you like the health care you have, the health care czar in their bill allows the health care czar to take your health care benefits away.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. THOMPSON of Pennsylvania. I yield 1 additional minute to the gentleman from Louisiana.

Mr. SCALISE. I thank the gentleman from Pennsylvania.

If you look at these policies—and the American people out there across the country are looking at these policies, and that's a good thing because as they look at these policies, and they hear the leadership here in Washington, the people running Congress, saying they need to ram these policies through before the next 2 weeks are over, I think people are figuring it out. They're saying, Wait a minute.

Many Members who actually voted for that cap-and-trade energy tax didn't even read the bill because they dropped 300 pages of amendments down the day of the vote. And we know they're going to try to do the same thing again on this government takeover of health care, and people are sick and tired of it. People are finally saying, Enough is enough; control spending and these czars; stop running car companies; stop running banks; and, surely, don't try to have some government bureaucrat take over our health care system.

So hopefully we won't add millions more Americans to these statistics that we're talking about today by the Bureau of Labor Statistics.

Mr. COURTNEY. I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I inquire as to how much time is remaining.

The SPEAKER pro tempore. The gentleman from Pennsylvania has 12½ minutes remaining, and the gentleman from Connecticut has 18 minutes remaining.

Mr. THOMPSON of Pennsylvania. I yield as much time as he may consume to Dr. BROWN of Georgia.

Mr. BROWN of Georgia. I thank my friend from Pennsylvania (Mr. THOMPSON) for yielding some time to me.

Mr. Speaker, I would like to tell you and the American people a labor statistic that just came out from CBO last

week in testimony before the U.S. House. The CBO director said that the ObamaCare Washington bureaucrat-run socialized medicine health care bill that's being considered here in the U.S. House is going to cost Americans 750,000 jobs. I think it is a minimum that 750,000 jobs are going to be lost. We keep hearing various figures in ObamaCare of the cost of \$1 trillion, \$1.5 trillion, \$2 trillion. The CBO has not released off-budget figures. We're just getting a paltry amount of those off-budget figures.

This is going to be extremely, extremely costly to the American people. The CBO last week also said that this is not going to lower the cost of health care delivery. Mr. Speaker, I am a medical doctor. I have practiced medicine for over 3½ decades. What's fixing to happen to the American people, Mr. Speaker—and you need to understand that the ObamaCare bill is going to insert a Washington bureaucrat between them and their doctors. This Washington bureaucrat is going to make decisions for them. It's not going to be made by the patient or the patient's family, not by the doctor, but by a Washington bureaucrat who is going to ration their care.

That Washington bureaucrat is going to tell all patients in this country, whether in private insurance or public insurance, whether they can have a procedure, such as a surgery, that's very needed. This Washington bureaucrat is going to tell the American people, the patients, whether they can have an MRI that's desperately needed to evaluate a cough, a pain in their chest, pain in their knee, pain in their low back.

A Washington bureaucrat is going to make those decisions, Mr. Speaker; and I hope the American people are listening today so that they can understand what's going to happen if we have ObamaCare. The Bureau of Labor Statistics is going to give us more and more bleak news if this goes into law about how people's incomes are going to go down, literally go down because the health care commissioner, or health czar, as Mr. SCALISE was talking about, is going to dictate their health care policy plan to them, even if it's privately paid for, privately administered.

There are not going to be any more private insurance plans because the health care commissioner is going to dictate all the plans in this country, every single one of them. We hear over and over, if you like your private health insurance plan, keep it. But, Mr. Speaker, not one single person in this country, unless they're extremely wealthy—and I mean extremely wealthy—is going to be able to keep their private health care plan. The reason for that is because most people are dependent upon their employer to provide their health insurance. But a gov-

ernment bureaucrat is going to tell every single employer in this country what kind of health care plan, what kind of limits, what kind of coverage, what doctor, everything that plan offers.

So the plan that they have today is going to be obsolete. It's not going to be available anymore. What's even more unfortunate is every single employee, worker that does not accept the government-mandated plan is going to be fined by the Federal Government, fined for not accepting a government-mandated plan.

Now, Mr. Speaker, that's not freedom. That's socialism. We, in this Congress, are going to dictate to employers, employees, to those that are buying their own insurance what kind of health care insurance they have; and it's going to be disastrous. The cost is going to skyrocket. The CBO has already said it's going to cost millions of others jobs. People are going to have long waiting times to get the surgery that they need, MRIs, and maybe even plain x rays.

Mr. Speaker, folks in Canada and Great Britain are coming to this country now to get health care because we have the best health care in the world. We're not going to have anyplace to go because our quality of health care is going to be destroyed by the ObamaCare plan. Mr. Speaker, the American people need to understand where we're headed. I hope the American people will rise up and tell their Members of Congress in the House and the Senate "no" to ObamaCare.

Republicans are offering many alternatives that will literally lower the cost of health insurance, literally lower the cost of medicines in the drugstore, literally empower the doctor-patient relationship into how health care decisions are made, and will stop the government from dictating things. Mr. Speaker, practicing medicine, I've seen how government intrusion into my practices has increased the cost to my patients.

Two good examples: Congress passed the Health Insurance Portability and Accountability Act, HIPAA. That act has cost the health care industry billions of dollars and has not paid for the first aspirin to treat the headaches it has created, and it was totally unneeded legislation. Congress passed CLIA, the Clinical Laboratory Improvement Act. It ran up the cost of just simple labs that I used to do in my office to extraordinarily higher costs to patients, thus increasing the cost of the insurance to every person.

We are being offered an expansion of Medicare or an expansion of Medicaid. We already see tremendous problems in both of those programs. Mr. Speaker, ObamaCare is going to expand those; and we're going to have more fraud, more abuse, more waste, higher costs because of government intrusion into

the health care system. Mr. Speaker, ObamaCare is going to put the U.S. Bureau of Labor Statistics into overtime, providing more statistics, more job losses, lower wages, more people out of work and higher costs for all goods and services in this country. They're going to give us data in the future of a poor economy.

Stealing our grandchildren's future has to stop, and I hope the American people will stand up and say "no" to the cap-and-tax or tax-and-trade bill that's in the Senate and ObamaCare.

Mr. COURTNEY. I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I don't have any additional speakers, so I yield back the balance of my time.

Mr. COURTNEY. Mr. Speaker, again, the resolution which we're focused on is about celebrating 125 years of great work by the people from the Bureau of Labor Statistics. Obviously the discussion, because the rules of our House permit it, sort of went off into different areas. I would like to just quickly note two things: number one, the Bureau of Labor Statistics would demonstrate or would show that we've had serious job losses over the last 6 months; but it would also show that in the final quarter of 2008, the GDP of this country dropped by 6 percent, the biggest drop since the Great Depression. Obviously, it was the policies which preceded that downturn that have created the situation and the environment that we're in right now.

Given the fact, as the Bureau would show, we have exhausted almost every tool in the monetary toolbox in terms of lowering interest rates, it was critical for our country to step in and use fiscal policy as a way of turning this country around. And if we look at the bipartisan Governors conference, which met this past weekend, Republican and Democratic Governors all acknowledged that the fiscal relief that came through Medicaid payment boosts, through increases in education spending through the State Fiscal Stabilization Fund, through increased funding in title I and special education literally made the difference of whether dozens of States were able to balance their budgets in this critical downturn.

Go ask a Realtor in this country whether or not the stimulus bill, which provides a first-time home buyer tax credit, has, in fact, revived the real estate market, because they will tell you a resounding "yes." I know in my district we saw a 4 percent increase in home sales; and every single Realtor that was interviewed—in the reporting, again, that came out from the government on that increase in sales—attributed the stimulus package and the first-time home buyer tax credit for the fact that we are seeing that turnaround.

Now as we see the infrastructure dollars filter their way through the bidding process, which every State must conduct for surface transportation projects, we are going to see an uptick in construction and building trades from the stimulus package.

The other brief mention and the second point I want to make is, again, I respect Dr. BROWN for his profession and many of the doctors that serve in the House of Representatives. But as we listen to some of the hysterical statements about the health care reform initiative, I would point out that the American Medical Association, the largest trade group which represents doctors all across this country, came out foursquare in support of the House health care reform bill.

Mr. BROWN of Georgia. Will the gentleman yield?

Mr. COURTNEY. I will not yield because I sat and listened to representations about that plan which are inaccurate in terms of what it's going to do, in terms of patient choice, but certainly, and more importantly, in how providers are going to be treated. Because the AMA and the American College of Surgeons came out loud and clear in support of this measure and for good reason, because they know that we have a system which is in desperate need of reform.

In conclusion, regarding this resolution before us, when we make choices, both as policymakers in the legislative branch and the executive branch, the key is that we need good data. We need to see where we're going as a Nation, and the people who work at the Bureau of Labor Statistics provide decision-makers and policymakers that opportunity with the great work that they do. I think it's wonderful that on a bipartisan basis we're able to come together, celebrate and recognize the great work that they do.

Mrs. MALONEY. Mr. Speaker, I rise today to mark the 125th Anniversary of the Bureau of Labor Statistics.

I have the privilege of serving as the Chair of the Joint Economic Committee, a committee that has a unique relationship with the BLS. The JEC was established by the Employment Act of 1946 to study matters relating to the US economy, so we are indeed a much younger sibling to the Bureau.

For roughly six decades, the Commissioner of the BLS has testified before the JEC in hearings examining the monthly Employment Situation. As Chair, I have welcomed Commissioner Keith Hall and his colleagues to the committee this year as we have closely tracked labor market conditions in the current recession.

The BLS staff is a dedicated group of public servants who themselves do important work for our nation. The numbers they provide represent real people and the trends they report on provide valuable insights into the economic well-being of families across the country.

I look forward to the first Friday of the month to arrive when the Employment Situa-

tion shows our economy has stopped shedding jobs and that more Americans are going back to work.

Policy makers from both sides of the aisle rely on the high quality, timely and non-partisan data produced by the BLS to make informed decisions that affect the millions of Americans around the country.

Too often, lawmakers fail to recognize that the data produced by BLS and other agencies are crucial to making meaningful, effective policy. But it is for that reason that I have worked to preserve funding for vital statistical programs at the BLS, like the American Time Use Survey—our most extensive source of data on how Americans are balancing all demands on their time, from work, to child care, to recreational activities.

The JEC has fought for and will continue to fight for the funding that BLS needs to maintain its international reputation for quality data that keeps pace with our always-evolving economy. We could not fulfill our mission in Congress without the hard work of the BLS.

I want to thank JEC Vice Chair SCHUMER, Senate Ranking Member BROWNBACK, and House Ranking Member KEVIN BRADY for joining me in this bipartisan concurrent resolution, I hope all of my colleagues will join us in congratulating the Bureau of Labor Statistics on a job very well done for the last 125 years.

Mr. COURTNEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETERS). The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 30.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BROWN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1600

RECOGNIZING CONTRIBUTIONS OF JOHN WILLIAM HEISMAN TO FOOTBALL

Mr. COURTNEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 123) recognizing the historical and national significance of the many contributions of John William Heisman to the sport of football.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 123

Whereas, born in 1869, John W. Heisman was an early and influential developer of the game of football, one of America's most beloved sports;

Whereas Heisman learned the game of football playing for Titusville High School in the 1880s and began his long career as a player, coach, writer, and great innovator of the sport;

Whereas Heisman played college football for Brown University and the University of Pennsylvania;

Whereas his coaching career lasted from 1892-1927 and took Heisman to many institutions including: Oberlin College, Auburn, Clemson, Georgia Tech, Washington and Jefferson, Rice University, and his alma mater, the University of Pennsylvania;

Whereas, after coaching, Heisman continued his involvement with the sport as a well-known author and publisher of sports periodicals;

Whereas, as head coach of Georgia Tech's football club, his team saw an incredible 33 back-to-back wins, while going 37-4-2 in his final five years as coach;

Whereas Heisman coached Georgia Tech to an incredible 222-0 win over Tennessee's Cumberland College, the highest scoring football game on record;

Whereas Heisman is credited with inventing the forward pass, which is widely considered to be his greatest contribution to the sport;

Whereas he introduced games consisting of four quarters, invented the center snap, and created plays that were precursors to the T and I formations;

Whereas, as director of the New York Downtown Athletic Club (DAC), Heisman and DAC established an annual award for the best college player in the Eastern U.S., which subsequently became national in scope in 1935;

Whereas the award was renamed the Heisman Memorial Trophy after he passed away in 1936; and

Whereas John Heisman was elected into the College Football Hall of Fame in 1954: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the significance, the importance, and many contributions John Heisman had on its development of one of America's most beloved sports—football;

(2) praises Heisman's efforts in helping to establish the most valuable player award for college football, which eventually would be named for him; and

(3) acknowledges Heisman's innovative and influential coaching techniques and strategies, as well as his legendary leadership on and off of the football field.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. COURTNEY) and the gentleman from Pennsylvania (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

GENERAL LEAVE

Mr. COURTNEY. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Concurrent Resolution 123 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. COURTNEY. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of the resolution filed by the gentleman from Pennsylvania (Mr. THOMPSON) to recognize the significance of John Heisman and his tremendous influence on American football.

Born in Cleveland, Ohio, in 1869, John Heisman grew up and learned the game of football at Titusville High School. He began his collegiate football career at Brown University. However, he completed his playing years as a lineman at the University of Pennsylvania.

Mr. Heisman began his illustrious coaching career at Oberlin College after he graduated from the University of Pennsylvania. He then went on to coach at Akron, Auburn, Clemson, Georgia Tech, the University of Pennsylvania, Washington and Jefferson, and Rice University. With his stern and innovative coaching style, he posted a 71 percent lifetime winning percentage. Most notably, he won 33 straight games when he coached the Georgia Tech Yellow Jackets. To this day, it is still one of the longest winning streaks in college football history. While coaching the Yellow Jackets, he led his team to a 222-0 victory over the defenseless Tennessee Cumberland College.

Heisman's football inventions revolutionized the game. He instituted the game divisions broken up into quarters, the center snap, and the T and I backfield formations. Most impressively, he established the forward pass. Without his contributions, American football would not be the same game that we experience today.

Late in his life, Heisman became the first athletic director of New York's Downtown Athletic Club. In 1933, John Heisman helped to organize the first Touchdown Club of New York, and in 1935 he inaugurated the first Downtown Athletic Club trophy for the best college football player east of the Mississippi. Two months after his death on October 3, 1936, the trophy was renamed the "Heisman Memorial Trophy" in his honor. The Heisman Trophy is now one of the most prestigious athletic awards in the Nation.

Mr. Speaker, once again, I want to express my support for House Concurrent Resolution 123 and thank Representative THOMPSON for bringing this resolution forward.

I urge my colleagues to support this resolution, and I reserve the balance of my time.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I yield myself as much time as I might consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 123, recognizing the historic and national significance of the many contributions of John William Heisman to the sport of football.

John William Heisman was one of the single most influential individuals in the sport of football, the most watched sport in the United States. John

Heisman was born in Cleveland, Ohio, on October 23, 1869. He began his football career at Titusville High School. He was introduced to football through the Titusville Rockets and continued at Brown University and the University of Pennsylvania, where he received his law degree in 1892.

He served as the head coach for a total of eight university football teams, including 16 years at Georgia Tech and 3 years at the University of Pennsylvania. He coached Georgia Tech in the most one-sided football game ever played—with a final score of 222-0—and led them in a 33-game winning streak. Of the 271 games John Heisman coached, in only 68 of those games did the opponents finish the game with a win. He retired in 1927 and passed away in 1936.

John Heisman's influence on football is undeniable but the history of football itself began before John Heisman's birth. American football was started sometime in the mid-19th century and was a divergence from the game of rugby. College students in the late 19th century took the lead in turning the evolving game of football into an organized support. In 1920 the American Professional Football Association was formed and 2 years later became the National Football League. The game of football has continued to evolve from that time to today with the influence of various coaches, rule makers and organization heads.

John William Heisman's influence on the game of football helped to make the game what it is today. His inventions include the four-quarter game, the "hike," the center snap and the forward pass. In addition, he created many innovative plays that led to some of the basic formations used in today's games.

John William Heisman was a nationally recognized collegiate coach and an influential innovator. In the time before and after his death, his accomplishments were recognized by many nationwide. John Heisman had several articles published in magazines such as "American Liberty" and was the football editor of the "Sporting Goods Journal." He served as the director of the Downtown Athletic Club in Manhattan, and in 1935 helped to create the award that would later be renamed the "Heisman Memorial Trophy."

John Heisman's accomplishments and contributions to the sport of football are many in number. His ideas and coaching helped to create the game that has become so imbedded in the culture of our Nation. I ask my colleagues to support this resolution.

Mr. Speaker, I have no further speakers, and I yield back my time.

Mr. COURTNEY. We have no further speakers. Again, I salute Mr. THOMPSON for bringing this resolution forward, and I yield back the balance of my time.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in support of H. Con. Res. 123, recognizing the historical and national significance of the many contributions of John William Heisman to the sport of football.

John Heisman was born in Cleveland, Ohio in 1869 and was raised in Titusville, Pennsylvania where he began playing football as a young boy. At that time, football was not played as it is today, but instead it resembled more of a rugby match. In 1887, Heisman left his hometown for Brown University, where he participated in club football with his classmates. However, two years later he transferred to the University of Pennsylvania to pursue a law degree. Even though Heisman was outsized at 5'8", he continued his collegiate career playing varsity football for three years at guard, tackle, center, and as an end.

John Heisman was nearly debilitated from being struck by lightning and in turn had to take his final exams at the University of Pennsylvania orally to achieve his law degree in 1892. From there, he received his first coaching position at Oberlin College, where he led the team to an undefeated season in its second full season at the school. Clearly, Heisman had found a niche in coaching football, and his illustrious career was just beginning.

His coaching career continued with stints at the University of Akron, Auburn University, Clemson University, the University of Pennsylvania, Washington and Jefferson College, and Rice University. However, while his coaching career extended from 1892-1927, his most memorable years were from 1904-1919 when he coached at the Georgia Institute of Technology in Atlanta, GA. At Georgia Tech, Heisman had an astounding record of 102-29-6, and even held three undefeated seasons with 33 straight wins. Heisman went on to retire from the game he loved and so heavily influenced in 1927 at the age of 62. Even though Georgia Tech is my own alma mater, I think that every football player, coach, and fan will recognize that Heisman's record of achievement deserves our praise.

John Heisman's retirement did not last long as he moved to New York and found time to write about his experiences and served in various advisory positions. Because of his influence on the athletic community there he was asked to serve as the first Athletic Director of the Downtown Athletic Club in New York City on May 23, 1930. While serving in this capacity, Heisman organized and founded the Touchdown Club of New York, and later the National Football Coaches Association.

The Downtown Athletic Club insisted that Heisman design a voting system to honor and award the best collegiate football player of each year. Because of his humble love and respect for the game of football, he initially did not want to design such a system due to his misgivings about promoting a player over the importance of teamwork. However, he later noted that it would be a consummate team accomplishment to have such an award for one of its players. The first Downtown Athletic Club Award was given to Jay Berwanger in 1935, but John Heisman would be unable to award this distinguished honor to another young man in 1936 as he contracted pneumonia and passed away later that year. Shortly thereafter, the Downtown Athletic Club renamed

their renowned trophy after its founder, calling it the Heisman Memorial Trophy.

Mr. Speaker, John Heisman has had a lasting impact on the game of football, and he undoubtedly inspires young men each year. The Heisman Trophy Award is the most sought after accolade in college football, and those who have honorably achieved that distinction will forever remember the accomplishments of the man that bears its name. Heisman molded the game of football to include the "hike" from a center to a quarterback, and he claimed his most notable achievement was enacting the forward pass into the rules of the game; both of which are staples of today's sport of football. I applaud John Heisman and recognize his lifetime of service and accomplishment in the game of football.

I urge all of my colleagues to support this resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 123.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REGARDING IMPEACHMENT PROCEEDING AGAINST SAMUEL B. KENT

Mr. JOHNSON of Georgia. Mr. Speaker, I send to the desk a resolution and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The text of the resolution is as follows:

H. RES. 661

Resolved, That the managers on the part of the House of Representatives in the impeachment proceedings now pending in the Senate against Samuel B. Kent, formerly judge of the United States District Court for the Southern District of Texas, are instructed to appear before the Senate, sitting as a court of impeachment for those proceedings, and advise the Senate that, because Samuel B. Kent is no longer a civil officer of the United States, the House of Representatives does not desire further to urge the articles of impeachment hitherto filed in the Senate against Samuel B. Kent.

Mr. SCHIFF. Mr. Speaker, as Chairman of the House Judiciary Committee Task Force on Judicial Impeachment that was directed to inquire whether Judge Samuel B. Kent should be impeached, I rise to discuss the resolution before the House today and urge its adoption.

On June 19, 2009, the House of Representatives voted to impeach Samuel B. Kent, judge of the United States District Court for the Southern District of Texas, for high crimes and misdemeanors. Four Articles of Impeachment were agreed to without dissent.

On June 24, 2009, I was joined by the other House Managers in this matter in presenting the Articles of Impeachment to the United States Senate, whereupon proceedings were commenced. Later that day, Judge Kent was served with a summons by the Senate Sergeant at Arms, commanding an answer to the Articles of Impeachment. Upon being served, Judge Kent tendered his resignation to the President of the United States, effective June 30, 2009, which was accepted by the President.

On July 6, 2009, the managers on the part of the House advised the Senate, sitting as a court of impeachment in this proceeding, of the resignation and its acceptance, and further advised the Senate that the managers had determined to recommend to the House that the pending impeachment proceedings in the Senate be discontinued.

Given that Samuel B. Kent is no longer a civil officer of the United States, having ceased to be a judge, the managers on the part of the House of Representatives respectfully recommend that the impeachment proceedings pending in the Senate be discontinued.

The resolution before us today instructs the House Managers to return to the Senate, to inform the Senate that, in light of Samuel Kent's resignation, the House no longer seeks to urge the articles of impeachment in trial before the Senate. This will enable the Senate to dispense with the pending trial.

I wish to emphasize that, although the Senate trial has proved unnecessary, the House has fulfilled its purpose of seeking to remove from office a judge who had committed high crimes and misdemeanors rendering him unfit to continue serving.

I would like to thank all my House colleagues for helping bring this matter to a successful result—and particularly my colleague BOB GOODLATTE of Virginia, the Ranking Member of the Impeachment Task Force, for his leadership.

I urge the House to adopt this resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

A CHILD IS MISSING ALERT AND RECOVERY CENTER ACT

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1933) to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "A Child Is Missing Alert and Recovery Center Act".

SEC. 2. DIRECTING THE ATTORNEY GENERAL TO MAKE ANNUAL GRANTS TO A CHILD IS MISSING ALERT AND RECOVERY CENTER TO ASSIST LAW ENFORCEMENT AGENCIES IN RECOVERING MISSING CHILDREN.

(a) IN GENERAL.—The Attorney General, acting through the Administrator of the Office of Juvenile Justice and Delinquency Prevention, shall annually make a grant to the A Child Is Missing Alert and Recovery Center.

(b) SPECIFIED USE OF FUNDS FOR RECOVERY ACTIVITIES, REGIONAL CENTERS, EDUCATION, AND INFORMATION SHARING.—A Child Is Missing Alert and Recovery Center shall use the funds made available under this Act—

(1) to operate and expand the A Child Is Missing Alert and Recovery Center to provide services to Federal, State, and local law enforcement agencies to promote the quick recovery of a missing child in response to a request from such agencies for assistance by utilizing rapid alert telephone calls, text messaging, and satellite mapping technology;

(2) to maintain and expand technologies and techniques to ensure the highest level of performance of such services;

(3) to establish and maintain regional centers to provide both centralized and on-site training and to distribute information to Federal, State, and local law enforcement agency officials about how to best utilize the services provided by the A Child Is Missing Alert and Recovery Center;

(4) to share appropriate information with the National Center for Missing and Exploited Children, the AMBER Alert Coordinator, the Silver Alert Coordinator, and appropriate Federal, State, and local law enforcement agencies; and

(5) to assist the National Center for Missing and Exploited Children, the AMBER Alert Coordinator, the Silver Alert Coordinator, and appropriate Federal, State, and local law enforcement agencies with education programs.

SEC. 3. DEFINITION OF MISSING CHILD.

For purposes of this Act, the term "missing child" means an individual whose whereabouts are unknown to a Federal, State, or local law enforcement agency.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

For grants under section 2, there are authorized to be appropriated to the Attorney General \$5,000,000 for each fiscal year from fiscal year 2010 through fiscal year 2015.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, H.R. 1933, the A Child is Missing Alert and Recovery Center Act helps address the terrifying experience of when a family member or friend "goes missing."

Under current law, there are programs such as AMBER Alert to help missing children who are abducted or victims of foul play. But these programs do not extend to situations where a child or elderly person becomes missing in other, more innocent ways.

H.R. 1933 fills this gap by authorizing money for annual grants to the A Child is Missing Alert and Recovery Center. This national nonprofit program provides assistance to local law enforcement throughout the country in all situations of missing persons, not only those involving criminal activity.

Mr. Speaker, the center helps when a small child fails to come home after school or a grandmother suffering from Alzheimer's disease walks out of her home in the middle of the night. When the terrifying event of a missing person is reported to the police, the responding police officer can call the center, which operates 365 days a year, 24 hours a day.

Based on information from the call, the center quickly prepares a recorded message that includes a description of the missing person, along with the location where the person was last seen. And within minutes, the center sends this recording to thousands of phones within a radius of the last known location.

This activity can save lives, as well as conserve critically needed enforcement resources that would otherwise be spent in extended searches for missing persons. The bill before us today will make a significant contribution to the protection of children and vulnerable adults throughout the United States.

I thank the sponsor of this bill, my good friend, RON KLEIN of Florida, for his leadership on this important legislative issue.

I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, every 40 seconds a child goes missing in this country, over 2,100 every day of each year. At least 800,000 children are reported missing each year, and another 500,000 go missing without ever being reported.

The AMBER Alert system is activated when there is evidence that a missing child has been abducted and the police have sufficient information about the abductor or the vehicle to warrant use of that system, the AMBER Alert system. But without evidence of an abduction, law enforcement cannot issue an AMBER Alert. This is where A Child is Missing steps in.

A Child is Missing assists police in the first crucial hours of searches for missing children, elderly and the disabled. The first 6 hours after an alert are the most crucial in finding someone who is missing.

To date, more than 12 million calls have been made to the A Child is Missing system, resulting in over 8,000 missing person cases nationwide. These efforts have led to the recovery of 530 missing persons since the inception of this wonderful program.

This technology is particularly useful in rural communities with small police forces assigned to patrol large geographic areas. These law enforcement agencies often lack the manpower to launch a full-scale search for a missing child. A Child is Missing compensates for this reduced manpower by notifying thousands of area residents within minutes that a child has gone missing in their community. The A Child is Missing system can launch 1,000 calls in 60 seconds to residences and businesses in the area where the child was last seen.

Law enforcement officials around the country have successfully used this system to quickly distribute valuable information about the child while launching full-scale searches in a matter of minutes. Over 2,000 of the Nation's law enforcement agencies currently use this alert system.

H.R. 1933, the A Child is Missing Alert and Recovery Center Act, expands the availability of a system that helps locate a child as soon as he or she goes missing, often before the AMBER Alert can even take effect.

The bill authorizes \$5 million for fiscal years 2010 through 2015 for grants to increase the use of this alert system. This simple system can mean the difference between life and death for a child and give peace of mind to so many parents whose children go missing every day.

Children are the greatest natural resources that we have in this country, and this legislation deals with the health of our kids. There is nothing that scares a parent or even a child more than for a child to be missing and fearful of not ever being recovered.

As founder and cochair of the Victims' Rights Caucus, I would like to thank Mr. KLEIN for his leadership in this issue.

I urge all my colleagues to support this bill, and I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I will reserve the balance of my time.

Mr. POE of Texas. I yield to the gentlelady from Florida, the ranking member on the Foreign Affairs Committee (Ms. ROS-LEHTINEN) as much time as she wishes to use.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Texas for yielding me the time.

I congratulate our Florida colleague, Congressman RON KLEIN, for the foresight of proposing this legislation, and I hope that our colleagues will join us in adopting this.

I rise today in support of Mr. KLEIN's bill, H.R. 1933, A Child is Missing Alert and Recovery Center Act. God forbid that parents would be forced to suffer the horror of their child going missing or even worse, hear the news that their child has been abducted. As parents, that possibility is a fear that we have known since our children are born. And certainly we must do everything in our power to avoid tragedy.

When it does strike, we must be organized, we must be coordinated, and we must be ready to respond. This bill does precisely that. Grants distributed to Federal, State and local law enforcement agencies through this act will aid in the recovery of so many children who are reported missing each and every year. Let us make sure that every parent is secure in the knowledge that local and national law enforcement agencies are prepared to coordinate an effective response to any missing child.

As a brand new grandmother—just 4 days ago, our first grandchild, Morgan Elizabeth Lehtinen was born, I know that this is a problem and a shock to every parent and every new grandparent, the possibilities of the dangers out in the world.

□ 1615

But when we pass this bill, we will know that our law enforcement agencies are ready to coordinate with other State and local and Federal agencies to make sure that we have a rapid response and one that is coordinated.

So I thank my good friend from Florida, RON KLEIN, for its introduction. I thank the gentleman from Texas for the time.

Mr. JOHNSON of Georgia. Mr. Speaker, may I inquire as to how many more speakers my colleague on the other side would present?

Mr. POE of Texas. I know of no other speakers, other than to close.

Mr. JOHNSON of Georgia. With that being the case, Mr. Speaker, I will close when my friend, Judge POE closes.

And by the way, before I do that, I would like to extend my humble congratulations to the Congresswoman for the birth of her first grandchild. That's great.

Mr. POE of Texas. This legislation is important. As has been stated by the ranking member, Ms. ROS-LEHTINEN, whose granddaughter was born, happened to be born on her birthday, Ms. ROS-LEHTINEN's birthday.

Most of us have kids. I have seven grandkids, and the worst thing that could ever happen was for one of those kids to disappear.

And we're judged, as a society, not by the way we treat the rich, the famous,

the powerful, the all important. We're judged by the way we treat the innocent, and that includes kids and the elderly.

This legislation will help find those kids, the elderly, the disabled if they have the misfortune to disappear from home. And the amount of money being spent is almost nothing, considering how much money Congress has been spending lately, with \$5 million. But that \$5 million law enforcement can use to help find those kids.

So I would urge the adoption of this resolution.

I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I wholeheartedly agree with the comments of my good friend from Texas, Judge POE. And he knows from practical experience what it means to a family when their loved one goes missing and then there is a positive outcome. And he's also aware of those situations that do not end on a positive note.

I also have the same experience in life, but fortunately, it's not due to a personal experience. But I just can't imagine how traumatic it must be for a mother or a father to be waiting at the bus stop for their child to disembark, and then that child is not on that bus. I can imagine the horror of waking up one morning, and my dear grandmother, who is mentally declining, has apparently been able to open the door and exit. And these are things that none of us wish on anyone.

And this bill, H.R. 1933, will hopefully add to the positive results that we have as we look for our missing children and our missing adults and the elderly.

And so, Mr. Speaker, having emphasized that I fully support this bill, I will yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 1933.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

KOREAN WAR VETERANS RECOGNITION ACT

Mr. JOHNSON of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2632) to amend title 4, United States Code, to encourage the display of the flag of the United States on National Korean War Veterans Armistice Day.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Korean War Veterans Recognition Act".

SEC. 2. DISPLAY OF FLAG ON NATIONAL KOREAN WAR VETERANS ARMISTICE DAY.

Section 6(d) of title 4, United States Code, is amended by inserting "National Korean War Veterans Armistice Day, July 27;" after "July 4;"

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. JOHNSON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. JOHNSON of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. JOHNSON of Georgia. I yield myself such time as I may consume.

Mr. Speaker, H.R. 2632, the Korean War Veterans Recognition Act, would amend the Flag Code to include Korean War Veterans Day among the times and occasions for display.

Section 6(d) of title IV, the United States Code, states that the flag should be displayed on all days, but singles out a number of days for special recognition. Among those days are the birthdays of President Washington, President Lincoln, Martin Luther King, Jr., and Armed Forces Day, Memorial Day, and Veterans Day, to name a few.

It is more than appropriate that we add to this list Korean War Veterans Day. Doing so will provide a fitting reminder for all of us to remember and to honor the men and women who served so honorably in the Korean war.

The Korean war has been referred to as America's "forgotten war" because it came on the heels of World War II and was later overshadowed by Vietnam, but although fighting between the Democratic People's Republic of Korea and the Republic of Korea lasted a mere 3 years, from June 1950 until July 1953, it was ferocious. At least 2.5 million people lost their lives.

The war brought the United States into battle with the Soviet Union and the People's Republic of China. And with the Soviet Union having recently joined the United States in developing nuclear weapons, there was a very real concern that the war it might escalate into would be a nuclear conflict.

The Korean war cost more than 54,000 American lives in that 3-year period,

almost as many as who died in the 16 years of the Vietnam war. In addition, more than 103,000 American soldiers were wounded in Korea.

It's more than fitting that this Nation remember and honor the service of our Korean war veterans, and this legislation will provide a poignant reminder of that service.

I especially want to commend my colleague, the gentleman from New York, the Honorable CHARLES RANGEL, for introducing this legislation. He is, himself, a veteran of the Korean conflict, having served in the Army from 1948 through 1952, and also the United States Civil War, which ended back in 1865. He served in that war as well.

And I urge my colleagues to support this important legislation, and I reserve the balance of my time. And I believe that my humor has gone over the heads of those who occupy the Chamber at this particular time.

Mr. POE of Texas. I yield myself such time as I may consume.

I noticed that the gentleman from New York was a little concerned when he was informed that he served in the Civil War in 1865.

But be that as it may, Mr. Speaker, H.R. 2632, the Korean War Veterans Recognition Act, amends the official Flag Code to add National Korean War Veterans Armistice Day, which is July 27, to the list of days on which the American flag should be displayed.

In 1950, the North Korean military, with the aid of the Chinese, crossed the 38th parallel and invaded South Korea. This act of Communist aggression was met by 22 countries who joined together to challenge one of the many threats that developed during the cold war challenge; a United Nations endeavor, but most of those troops were, of course, as always, from the United States.

Americans comprised the majority of that valiant force, and almost 2 million members of the U.S. military successfully drove back the North Korean forces in places such as Pork Chop Hill and the Pusan Perimeter. And during that war, 34,000 Americans never came home, 92,000 others were wounded.

Were it not for the immense bravery and sacrifice of the men and the women who served in Korea during those cold winters, even more of the world would have been denied prosperity and freedom behind the Iron Curtain.

In 1953, the Military Armistice Agreement halted the march of communism into South Korea. Today, as we once again confront a belligerent, nuclear-armed North Korea, once again backed by the Chinese, we owe it to the veterans of the Korean war and their families to honor their service by adding July 27, National Korean War Veterans Armistice Day, to the list of days in which the Flag Code encourages displaying the Stars and Stripes.

As a cosponsor of this resolution, I urge all my colleagues to join me in supporting H.R. 2632.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield to my colleague and my mentor, Representative RANGEL, as much time as he may consume.

Mr. RANGEL. I want to thank Chairman CONYERS and Mr. SMITH for allowing this bill to come on the floor. I want to congratulate Chairman CONYERS and SAM JOHNSON, who served in the Korean war, for participating and making this become a reality, and ILEANA ROS-LEHTINEN, as well as DIANE WATSON and PETER KING.

In 1948, millions of young people throughout these United States joined the military. We, some of us were sent to Fort Dix in New Jersey, and from there we went to Fort Lewis, Washington, to join the Second Infantry Division, the only division, actually, that was trained all over the world in order to be the one combat-ready division.

Sometime in June of 1950, we were alerted that the North Koreans had invaded South Korea. Most of us didn't even know where Korea was, but we were prepared to fulfill our responsibility as infantry people.

□ 1630

The 24th and the 25th divisions were stationed in Japan, and they were immediately sent to South Korea. The truth was that the North Koreans had driven them to the tip of the peninsula to such an extent that, when we arrived in July, there was some question as to whether or not we could land; but we did in what they called the Pusan Perimeter. We fought from that perimeter to the 38th parallel. As most of you know, General MacArthur landed at Icheon, and we had completely surrounded the enemy as we knew it, and moved up far beyond North Korea until we reached the tip of that peninsula, which was the Yalu River, which separated South Korea and North Korea from China. It was then that the Chinese entered this war and completely surrounded us and the entire Eighth Army.

We lost so many, so many American lives. So many Americans were captured. So much pain was caused to so many families and to so many communities. Now there are only 2 million of these veterans who are left, and 1,000 of us die every day. Notwithstanding the fact that in my lifetime, for most of it, I've known nothing but wars and that this one is just referred to as the Forgotten War, it just appears to me that this is the most painful because so many veterans have never really received the accolades for the sacrifices that they have made. Their families have suffered so much.

So this is just a small way for America to be able to say that we don't know how many conflicts there will be for which we will have to call on our young people to defend our great Nation or the principles for which we

stand, but I think this is the least that we can do to have our flag to commemorate this so-called armistice that took place on July 27 so that we will know that, in the hearts of all Americans, there were people who made these sacrifices and that America is thankful for it.

So, Mr. JOHNSON, I appreciate the fact that we have brought this to the floor. I do hope that the veterans who are left who fought in Korea and, more importantly, that their families and communities know that our Nation is saying thank you.

I rise today to speak on my bill, the Korean War Veterans Recognition Act. This bill is important not only to our nation's commitment to defending freedom across the world especially in these times of global conflict.

I would like to thank Chairman CONYERS and Ranking Member LAMAR SMITH of the Judiciary Committee for their work in getting this bill to the Floor today. I also want to thank the original cosponsors: Chairman CONYERS and SAM JOHNSON, who both served in the Korean War, and ILEANA ROS-LEHTINEN, DIANE WATSON, and PETER KING.

This straightforward bill honors the 6.8 million Americans who served during the Korean War period, and those who paid the ultimate sacrifice, by adding National Korean War Veterans Armistice Day, July 27th, to the list of dates on which our American flag should be especially displayed.

By recognizing the Armistice Day—the day on which the Korean War unofficially ended, ensuring South Korea's independence and democracy—this bill promotes an annual reminder of the sacrifices made by our military men and women during the war period, including the 54,246 U.S. deaths and more than 8,100 POW/MIAs in the three short years that the Korean War lasted.

Mr. POE of Texas. I yield 2 minutes to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank my friend, Judge POE, for yielding a couple of minutes to me.

Mr. Speaker, I want to rise in absolute support of this bill. The Korean war has been called the Forgotten War. The Vietnam war is the war of forgotten veterans. I served in the Marine Corps. I actually had a commission in the Navy and, later on, in the Air Force. As one who believes in the Constitution as our Founding Fathers meant it when they wrote it, I know that national defense is the number one issue that this Congress should focus upon more so than anything else, and we ought to give—it is right to give; it is due to give—recognition to these brave men and women who were engaged in the conflict in Korea.

We signed an armistice with the Koreans, and technically, we're still at war there. We still have veterans who are missing in action from many wars. We still have veterans who are stationed all over this world in an effort to maintain freedom in America. So it's absolutely critical that we recog-

nize our veterans, not only from the Korean war but from all wars, whether it's World War II, Korea, Vietnam, Desert Storm, Iraqi Freedom, or the war that's ongoing in Afghanistan.

I hope that America will pause and will thank the service men and women who have put on a uniform, who have given their time, their efforts, their limbs, their eyes, their lives to protect freedom in America.

So I congratulate the Members who have brought this very important legislation to the floor. I thank my friend Mr. RANGEL from New York for his service to the Nation. I thank all members of the military for serving this Nation. I very ardently support this.

I appreciate, Judge POE, your yielding me some time.

Mr. JOHNSON of Georgia. Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. I yield myself such time as I may consume.

Mr. Speaker, the Korean war is an odd sort of name in that it was first never called a "war." Back when men went to Korea, for some reason, somebody in the press decided to call it a "conflict" like it's a street fight or something, and because of that, I don't think that the Korean war veterans have received the recognition that they deserve.

This was a hard-fought, bloody, cold war where 34,000 Americans died and where 92,000 others were wounded. Because of history, those folks who served, and as my friend from Georgia has pointed out, we still have men and women in Korea who are protecting those borders between North and South Korea. Still, technically, those two countries are at war with each other because there was never a treaty; there was just an armistice.

We should give those people the recognition they rightfully deserve, because that was the first battle, the first war, where the free West met the Communist and was successful in defeating communism in Korea. We let people know we will fight wherever we need to go throughout the world to prevent communism from spreading. The men and women who served in Korea, who rightfully did that and who honorably did that, should be recognized.

I'm glad to see that we have finally built them a memorial on the Mall, the Korean War Veterans Memorial, a great tribute with the other memorials that we have, the World War II Memorial that we have and the Vietnam Memorial.

So this legislation is important. It's important that we, as Americans, remember our history and that we rise to a level where we understand that all of those veterans, that all of those men and women who served, deserve the rightful recognition for what they did for America when they were called to do so.

With that, I yield back the remainder of my time.

Mr. JOHNSON of Georgia. I would yield myself such time as I may consume.

Mr. Speaker, I want to thank my dear colleagues, Chairman RANGEL and Judge POE out of Houston, Texas, and also my friend from Georgia, Dr. BROUN—or Bron. I call him “Congressman,” but we have a great relationship, and I enjoy his fellowship. I wish to associate myself with the comments of all three of these gentlemen.

It’s rather ironic that 56 years after the Korean War ended we are on the verge of, perhaps, another Korean war, and I don’t think that the times could be more tense in South Korea than they are now. I had the opportunity to visit about 6 months ago, and the mood and the heavy feeling of impending war will remain heavily etched on my heart. I am hopeful that this administration can lead us and can lead the world out of this conflict.

This is just one of many, but I will tell you my personal experience as a young boy. I didn’t get challenged too much, but whenever anyone did step to me, I would have to take defensive action. If I had my hands tied behind me, that would not be a fair fight, and if I had not been working out a little bit and if my muscles had not been in shape, I would not have been able to handle the conflict or deter it.

Mr. Speaker, I will report to you that I only had about 10 fights and lost only one, and I’ll tell you that those were the things that helped me to ward off any future belligerence.

Certainly, in this country and in this world, we would be remiss as a Congress, as a legislative branch, if we did not prepare for the worst. With respect to our defense, it means that we have got to have a strong military and one that is well equipped to meet whatever the challenge may be. We cannot assume that there will not be another Cold War, because you could not assume, at the end of World War II, that the Chinese and the Russians would get together and gang up. I did not know that for sure, and then, boom, it happened.

Things are unexpected. It seems like, every 50 years, there is something big that happens, and we’re at 56 years now. We simply cannot afford, as a Nation, to be caught without our defenses as tight as they can be. That means our firepower, our sea power, our power in outer space, our cyberspace, and our infantry. All of these aspects of our defense have to be up to par, so I am happy to serve on the Armed Services Committee where I can be a spokesperson and a proponent of making sure that this country remains strong.

I want to thank all of the veterans. My dad served in World War II, and today, he is 86 years old and is not doing too well, but I am proud of him serving his country, and I am proud of every other serviceman and -woman

who has served this country. I look forward to a peaceful world; but if not, we have to do what we have to do.

Mr. FALOMAVEGA. Mr. Speaker, I rise in support of House Resolution 2632 which encourages the display of the American flag on July 27 honoring National Korean War Veterans Armistice Day.

I want to commend Mr. CHARLES RANGEL of New York for introducing this important resolution further promoting the national recognition of the veterans who fought valiantly in the Korean war. I would also like to recognize the cosponsors for their strong support of House Resolution 2632.

From June 25, 1950, to July 27, 1953, American troops were involved in heavy combat on the Korean peninsula against the invading forces of North Korea and the People’s Republic of China. For 3 grueling years, our troops battled alone many other nations’ troops in defending the peninsula from being enveloped wholly by communism.

Today, there are roughly 2.3 million veterans still alive today. These men have served our country at its time of greatest need and have protected our Nation’s best interests. It is imperative that our Nation recognizes the service of these veterans and we must honor them with the raising of the American flag on July 27.

As a Vietnam war veteran myself, I personally appreciate the service of my fellow servicemen of the United States Armed Forces. I realize that the sponsor and my good friend Mr. CHARLES RANGEL is also a veteran of the Korean war. He courageously led troops behind enemy lines for 3 days instead of surrendering to the enemy. It is necessary that we honor and remember many of those who fought bravely alongside my good friend. It is important that my fellow veterans from the Korean war are given the utmost respect for their valor and courage.

I would like to once again, thank Mr. CHARLES RANGEL and the cosponsors for creating and supporting this piece of legislation honoring the veterans of the Korean war by raising the American flag on July 27. I strongly urge my colleagues to support this resolution.

Mr. KING of New York. Mr. Speaker, today I proudly rise in strong support of H.R. 2632, legislation that adds National Korean War Veterans Armistice Day, July 27, to the list of days on which the flag of the United States should be displayed. I am particularly proud to have joined my colleague from New York, Mr. RANGEL, who served with great distinction and valor in the Korean War, in being an original cosponsor of this bill.

The Korean War was a major battlefield in the Cold War as American forces and our allies fought so heroically to resist North Korean aggression and prevent communist forces from imposing their rule on the Republic of Korea.

Nearly seven million Americans served during the Korean War period and this legislation offers a fitting tribute to honor their contributions and sacrifices. And there were many. The United States suffered 54,246 casualties and over 8,000 POW/MIAs during this “Forgotten War.” H.R. 2632 properly recognizes their efforts and ensures that American courage and resolve in Korea will never be forgot-

ten by authorizing the U.S. flag to be flown at half-staff on July 27.

I urge adoption of the legislation.

Mr. LARSON of Connecticut. Mr. Speaker, today, I am proud to recognize the past and present service of one of my constituents, Mr. James W. Shelmerdine, Jr., who served with great honor during the Korean War and continues to serve on behalf of Korean War veterans in the State of Connecticut.

Mr. Shelmerdine deserves our recognition not only for his service to our country in Korea, but also for his leadership and volunteerism after the war. Mr. Shelmerdine commands a local chapter of the Korean War Veterans Association and advocates tirelessly for Korean War veterans at the State of Connecticut Department of Veterans Affairs, Veterans’ Home in Rocky Hill, which houses some of the state’s neediest veterans.

It is with great pride that I join my colleagues in the House of Representatives in recognizing the courage and sacrifice of Korean War veterans like Mr. Shelmerdine and honoring them by designating July 27 as National Korean War Veterans Armistice Day. I fully support H.R. 2632, The Korean War Veterans Recognition Act; and, I commend Chairman RANGEL for his service, both in the Korean War and in the House of Representatives.

Mr. JOHNSON of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 2632.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

□ 1645

FRANK MELVILLE SUPPORTIVE HOUSING INVESTMENT ACT OF 2009

Mr. GRAYSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1675) to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the “Frank Melville Supportive Housing Investment Act of 2009”.

(b) REFERENCES.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of

an amendment to, or repeal of, section 811 or any other provision of section 811, the reference shall be considered to be made to section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013).

SEC. 2. TENANT-BASED RENTAL ASSISTANCE THROUGH CERTIFICATE FUND.

(a) TERMINATION OF MAINSTREAM TENANT-BASED RENTAL ASSISTANCE PROGRAM.—Section 811 is amended—

(1) in subsection (b)—

(A) by striking the first subsection designation and all that follows through the end of subparagraph (B) of paragraph (2) and inserting the following:

“(b) AUTHORITY TO PROVIDE ASSISTANCE.—The Secretary is authorized to provide assistance to private nonprofit organizations to expand the supply of supportive housing for persons with disabilities, which shall be provided as—

“(1) capital advances in accordance with subsection (d)(1); and

“(2) contracts for project rental assistance in accordance with subsection (d)(2).”;

(B) by striking “assistance under this paragraph” and inserting “Assistance under this subsection”;

(2) in subsection (d), by striking paragraph (4); and

(3) in subsection (1), by striking paragraph (1).

(b) RENEWAL THROUGH SECTION 8.—Section 811 is amended by adding at the end the following new subsection:

“(p) AUTHORIZATION OF APPROPRIATIONS FOR SECTION 8 ASSISTANCE.—

“(1) IN GENERAL.—There is authorized to be appropriated for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for persons with disabilities in fiscal year 2010 the amount necessary to provide a number of incremental vouchers under such section that is equal to the number of vouchers provided in fiscal year 2009 under the tenant-based rental assistance program under subsection (d)(4) of this section (as in effect before the date of the enactment of the Frank Melville Supportive Housing Investment Act of 2009).

“(2) REQUIREMENTS UPON TURNOVER.—The Secretary shall develop and issue, to public housing agencies that receive voucher assistance made available under this subsection and to public housing agencies that received voucher assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) for non-elderly disabled families pursuant to appropriation Acts for fiscal years 1997 through 2002 or any other subsequent appropriations for incremental vouchers for non-elderly disabled families, guidance to ensure that, to the maximum extent possible, such vouchers continue to be provided upon turnover to qualified persons with disabilities or to qualified non-elderly disabled families, respectively.”.

SEC. 3. MODERNIZED CAPITAL ADVANCE PROGRAM.

(a) PROJECT RENTAL ASSISTANCE CONTRACTS.—Section 811 is amended—

(1) in subsection (d)(2)—

(A) by inserting “(A) INITIAL PROJECT RENTAL ASSISTANCE CONTRACT.—” after “PROJECT RENTAL ASSISTANCE.—”;

(B) in the first sentence, by inserting after “shall” the following: “comply with subsection (e)(2) and shall”;

(C) by striking “annual contract amount” each place such term appears and inserting “amount provided under the contract for each year covered by the contract”;

(D) by adding at the end the following new subparagraph:

“(B) RENEWAL OF AND INCREASES IN CONTRACT AMOUNTS.—

“(i) EXPIRATION OF CONTRACT TERM.—Upon the expiration of each contract term, subject to the availability of amounts made available in appropriation Acts, the Secretary shall adjust the annual contract amount to provide for reasonable project costs, and any increases, including adequate reserves and service coordinators, except that any contract amounts not used by a project during a contract term shall not be available for such adjustments upon renewal.

“(ii) EMERGENCY SITUATIONS.—In the event of emergency situations that are outside the control of the owner, the Secretary shall increase the annual contract amount, subject to reasonable review and limitations as the Secretary shall provide.”.

(2) in subsection (e)(2)—

(A) in the first sentence, by inserting before the period at the end the following: “, except that, in the case of the sponsor of a project assisted with any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 or with any tax-exempt housing bonds, the contract shall have an initial term of not less than 360 months and shall provide funding for a term of 60 months”; and

(B) by striking “extend any expiring contract” and insert “upon expiration of a contract (or any renewed contract), renew such contract”.

(b) PROGRAM REQUIREMENTS.—Section 811 is amended—

(1) in subsection (e)—

(A) by striking the subsection heading and inserting the following: “PROGRAM REQUIREMENTS”;

(B) by striking paragraph (1) and inserting the following new paragraph:

“(1) USE RESTRICTIONS.—

“(A) TERM.—Any project for which a capital advance is provided under subsection (d)(1) shall be operated for not less than 40 years as supportive housing for persons with disabilities, in accordance with the application for the project approved by the Secretary and shall, during such period, be made available for occupancy only by very low-income persons with disabilities.

“(B) CONVERSION.—If the owner of a project requests the use of the project for the direct benefit of very low-income persons with disabilities and, pursuant to such request the Secretary determines that a project is no longer needed for use as supportive housing for persons with disabilities, the Secretary may approve the request and authorize the owner to convert the project to such use.”;

(C) by adding at the end the following new paragraphs:

“(3) LIMITATION ON USE OF FUNDS.—No assistance received under this section (or any State or local government funds used to supplement such assistance) may be used to replace other State or local funds previously used, or designated for use, to assist persons with disabilities.

“(4) MULTIFAMILY PROJECTS.—

“(A) LIMITATION.—Except as provided in subparagraph (B), of the total number of dwelling units in any multifamily housing project (including any condominium or cooperative housing project) containing any unit for which assistance is provided from a capital grant under subsection (d)(1) made after the date of the enactment of the Frank Melville Supportive Housing Investment Act of 2009, the aggregate number that are used for persons with disabilities, including supportive housing for persons with disabilities,

or to which any occupancy preference for persons with disabilities applies, may not exceed 25 percent of such total.

“(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any project that is a group home or independent living facility.”; and

(2) in subsection (1), by striking paragraph (4).

(c) DELEGATED PROCESSING.—Subsection (g) of section 811 (42 U.S.C. 8013(g)) is amended—

(1) by striking “SELECTION CRITERIA.—” and inserting “SELECTION CRITERIA AND PROCESSING.—(1) SELECTION CRITERIA.—”;

(2) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as subparagraphs (A), (B), (C), (D), (E), (G), and (H), respectively;

(3) by adding at the end the following new paragraph:

“(2) DELEGATED PROCESSING.—

“(A) In issuing a capital advance under subsection (d)(1) for any multifamily project (but not including any project that is a group home or independent living facility) for which financing for the purposes described in the last sentence of subsection (b) is provided by a combination of the capital advance and sources other than this section, within 30 days of award of the capital advance, the Secretary shall delegate review and processing of such projects to a State or local housing agency that—

“(i) is in geographic proximity to the property;

“(ii) has demonstrated experience in and capacity for underwriting multifamily housing loans that provide housing and supportive services;

“(iii) may or may not be providing low-income housing tax credits in combination with the capital advance under this section; and

“(iv) agrees to issue a firm commitment within 12 months of delegation.

“(B) The Secretary shall retain the authority to process capital advances in cases in which no State or local housing agency has applied to provide delegated processing pursuant to this paragraph or no such agency has entered into an agreement with the Secretary to serve as a delegated processing agency.

“(C) An agency to which review and processing is delegated pursuant to subparagraph (A) may assess a reasonable fee which shall be included in the capital advance amounts and may recommend project rental assistance amounts in excess of those initially awarded by the Secretary. The Secretary shall develop a schedule for reasonable fees under this subparagraph to be paid to delegated processing agencies, which shall take into consideration any other fees to be paid to the agency for other funding provided to the project by the agency, including bonds, tax credits, and other gap funding.

“(D) Under such delegated system, the Secretary shall retain the authority to approve rents and development costs and to execute a capital advance within 60 days of receipt of the commitment from the State or local agency. The Secretary shall provide to such agency and the project sponsor, in writing, the reasons for any reduction in capital advance amounts or project rental assistance and such reductions shall be subject to appeal.”.

(d) LEVERAGING OTHER RESOURCES.—Paragraph (1) of section 811(g) (as so designated by subsection (c)(1) of this section) is amended by inserting after subparagraph (E) (as so redesignated by subsection (c)(2) of this section) the following new subparagraph:

“(F) the extent to which the per-unit cost of units to be assisted under this section will

be supplemented with resources from other public and private sources.”.

(e) **TENANT PROTECTIONS AND ELIGIBILITY FOR OCCUPANCY.**—Section 811 is amended by striking subsection (i) and inserting the following new subsection:

“(i) **ADMISSION AND OCCUPANCY.**—

“(1) **TENANT SELECTION.**—

“(A) **PROCEDURES.**—An owner shall adopt written tenant selection procedures that are satisfactory to the Secretary as (i) consistent with the purpose of improving housing opportunities for very low-income persons with disabilities; and (ii) reasonably related to program eligibility and an applicant’s ability to perform the obligations of the lease. Owners shall promptly notify in writing any rejected applicant of the grounds for any rejection.

“(B) **REQUIREMENT FOR OCCUPANCY.**—Occupancy in dwelling units provided assistance under this section shall be available only to persons with disabilities and households that include at least one person with a disability.

“(C) **AVAILABILITY.**—Except only as provided in subparagraph (D), occupancy in dwelling units in housing provided with assistance under this section shall be available to all persons with disabilities eligible for such occupancy without regard to the particular disability involved.

“(D) **LIMITATION ON OCCUPANCY.**—Notwithstanding any other provision of law, the owner of housing developed under this section may, with the approval of the Secretary, limit occupancy within the housing to persons with disabilities who can benefit from the supportive services offered in connection with the housing.

“(2) **TENANT PROTECTIONS.**—

“(A) **LEASE.**—The lease between a tenant and an owner of housing assisted under this section shall be for not less than one year, and shall contain such terms and conditions as the Secretary shall determine to be appropriate.

“(B) **TERMINATION OF TENANCY.**—An owner may not terminate the tenancy or refuse to renew the lease of a tenant of a rental dwelling unit assisted under this section except—

“(i) for serious or repeated violation of the terms and conditions of the lease, for violation of applicable Federal, State, or local law, or for other good cause; and

“(ii) by providing the tenant, not less than 30 days before such termination or refusal to renew, with written notice specifying the grounds for such action.

“(C) **VOLUNTARY PARTICIPATION IN SERVICES.**—A supportive service plan for housing assisted under this section shall permit each resident to take responsibility for choosing and acquiring their own services, to receive any supportive services made available directly or indirectly by the owner of such housing, or to not receive any supportive services.”.

(f) **DEVELOPMENT COST LIMITATIONS.**—Subsection (h) of section 811 is amended—

(1) in paragraph (1)—

(A) by striking the paragraph heading and inserting “GROUP HOMES”;

(B) in the first sentence, by striking “various types and sizes” and inserting “group homes”;

(C) by striking subparagraph (E); and

(D) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively;

(2) in paragraph (3), by inserting “established pursuant to paragraph (1)” after “cost limitation”; and

(3) by adding at the end the following new paragraph:

“(6) **APPLICABILITY OF HOME PROGRAM COST LIMITATIONS.**—

“(A) **IN GENERAL.**—The provisions of section 212(e) of this Act and the cost limits established by the Secretary pursuant to such section with respect to the amount of funds under subtitle A of title II of this Act that may be invested on a per unit basis, shall apply to supportive housing assisted with a capital advance under subsection (d)(1) and the amount of funds under such subsection that may be invested on a per unit basis.

“(B) **WAIVERS.**—The Secretary shall provide for waiver of the cost limits applicable pursuant to subparagraph (A)—

“(i) in the cases in which the cost limits established pursuant to section 212(e) of this Act may be waived; and

“(ii) to provide for—

“(I) the cost of special design features to make the housing accessible to persons with disabilities;

“(II) the cost of special design features necessary to make individual dwelling units meet the special needs of persons with disabilities; and

“(III) the cost of providing the housing in a location that is accessible to public transportation and community organizations that provide supportive services to persons with disabilities.”.

(g) **REPEAL OF AUTHORITY TO WAIVE SIZE LIMITATIONS.**—Subsection (k) of section 811 is amended—

(1) in paragraph (1), by striking the second sentence; and

(2) in paragraph (4), by striking “(or such higher number of persons)” and all that follows through “subsection (h)(6)”;.

(h) **MINIMUM ALLOCATION FOR MULTIFAMILY PROJECTS.**—Subsection (1) of section 811, as amended by the preceding provisions of this Act, is further amended by inserting before paragraph (2) the following new paragraph:

“(1) **MINIMUM ALLOCATION FOR MULTIFAMILY PROJECTS.**—The Secretary shall establish a minimum percentage of the amount made available for each fiscal year for capital advances under subsection (d)(1) that shall be used for multifamily projects subject to subsection (e)(4).”.

SEC. 4. PROJECT RENTAL ASSISTANCE COMPETITIVE DEMONSTRATION PROGRAM.

Section 811, as amended by the preceding provisions of this Act, is further amended—

(1) by redesignating subsections (k) through (n) as subsections (l) through (o), respectively; and

(2) by inserting after subsection (j) the following new subsection:

“(k) **PROJECT RENTAL ASSISTANCE-ONLY COMPETITIVE DEMONSTRATION PROGRAM.**—

“(1) **AUTHORITY.**—The Secretary shall carry out a demonstration program under this subsection to expand the supply of supportive housing for non-elderly adults with disabilities, under which the Secretary shall make funds available for project rental assistance pursuant to paragraph (2) for eligible projects under paragraph (3). The Secretary shall provide for State housing finance agencies and other appropriate entities to apply to the Secretary for such project rental assistance funds, which shall be made available by such agencies and entities for dwelling units in eligible projects based upon criteria established by the Secretary for the demonstration program under this subsection. The Secretary may not require any State housing finance agency or other entity applying for project rental assistance funds under the demonstration program to identify in such application the eligible projects for which such funds will be used, and shall

allow such agencies and applicants to subsequently identify such eligible projects pursuant to the making of commitments described in paragraph (3)(B).

“(2) **PROJECT RENTAL ASSISTANCE.**—

“(A) **CONTRACT TERMS.**—Project rental assistance under the demonstration program under this subsection shall be provided—

“(i) in accordance with subsection (d)(2); and

“(ii) under a contract having an initial term of not less than 180 months that provides funding for a term 60 months, which funding shall be renewed upon expiration, subject to the availability of sufficient amounts in appropriation Acts.

“(B) **LIMITATION ON UNITS ASSISTED.**—Of the total number of dwelling units in any multifamily housing project containing any unit for which project rental assistance under the demonstration program under this subsection is provided, the aggregate number that are provided such project rental assistance, that are used for supportive housing for persons with disabilities, or to which any occupancy preference for persons with disabilities applies, may not exceed 25 percent of such total.

“(C) **PROHIBITION OF CAPITAL ADVANCES.**—The Secretary may not provide a capital advance under subsection (d)(1) for any project for which assistance is provided under the demonstration program.

“(D) **ELIGIBLE POPULATION.**—Project rental assistance under the demonstration program under this subsection may be provided only for dwelling units for extremely low-income persons with disabilities and extremely low-income households that include at least one person with a disability.

“(3) **ELIGIBLE PROJECTS.**—An eligible project under this paragraph is a new or existing multifamily housing project for which—

“(A) the development costs are paid with resources from other public or private sources; and

“(B) a commitment has been made—

“(i) by the applicable State agency responsible for allocation of low-income housing tax credits under section 42 of the Internal Revenue Code of 1986, for an allocation of such credits;

“(ii) by the applicable participating jurisdiction that receives assistance under the HOME Investment Partnership Act, for assistance from such jurisdiction; or

“(iii) by any Federal agency or any State or local government, for funding for the project from funds from any other sources.

“(4) **STATE AGENCY INVOLVEMENT.**—Assistance under the demonstration may be provided only for projects for which the applicable State agency responsible for health and human services programs, and the applicable State agency designated to administer or supervise the administration of the State plan for medical assistance under title XIX of the Social Security Act, have entered into such agreements as the Secretary considers appropriate—

“(A) to identify the target populations to be served by the project;

“(B) to set forth methods for outreach and referral; and

“(C) to make available appropriate services for tenants of the project.

“(5) **USE REQUIREMENTS.**—In the case of any project for which project rental assistance is provided under the demonstration program under this subsection, the dwelling units assisted pursuant to paragraph (2) shall be operated for not less than 30 years as supportive housing for persons with disabilities,

in accordance with the application for the project approved by the Secretary, and such dwelling units shall, during such period, be made available for occupancy only by persons and households described in paragraph (2)(D).

“(6) REPORT.—Upon the expiration of the 5-year period beginning on the date of the enactment of the Frank Melville Supportive Housing Investment Act of 2009, the Secretary shall submit to the Congress a report describing the demonstration program under this subsection, analyzing the effectiveness of the program, including the effectiveness of the program compared to the program for capital advances in accordance with subsection (d)(1) (as in effect pursuant to the amendments made by such Act), and making recommendations regarding future models for assistance under this section based upon the experiences under the program.”.

SEC. 5. TECHNICAL CORRECTIONS.

Section 811 is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2)—

(i) by striking “provides” and inserting “makes available”; and

(ii) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(3) promotes and facilitates community integration for people with significant and long-term disabilities.”;

(2) in subsection (c)—

(A) in paragraph (1), by striking “special” and inserting “housing and community-based services”; and

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

“(A) make available voluntary supportive services that address the individual needs of persons with disabilities occupying such housing.”; and

(ii) in subparagraph (B), by striking the comma and inserting a semicolon;

(3) in subsection (d)(1), by striking “provided under” and all that follows through “shall bear” and inserting “provided pursuant to subsection (b)(1) shall bear”;

(4) in subsection (f)—

(A) in paragraph (3)—

(i) in subparagraph (B), by striking “receive” and inserting “be offered”;

(ii) by striking subparagraph (C) and inserting the following:

“(C) evidence of the applicant’s experience in—

“(i) providing such supportive services; or

“(ii) creating and managing structured partnerships with service providers for the delivery of appropriate community-based services.”;

(iii) in subparagraph (D), by striking “such persons” and all that follows through “provision of such services” and inserting “tenants”; and

(iv) in subparagraph (E), by inserting “other Federal, and” before “State”; and

(B) in paragraph (4), by striking “special” and inserting “housing and community-based services”;

(5) in subsection (g), in paragraph (1) (as so redesignated by section 3(c)(1) of this Act)—

(A) in subparagraph (D) (as so redesignated by section 3(c)(2) of this Act), by striking “the necessary supportive services will be provided” and inserting “appropriate supportive services will be made available”; and

(B) by striking subparagraph (E) (as so redesignated by section 3(c)(2) of this Act) and inserting the following:

“(E) the extent to which the location and design of the proposed project will facilitate the provision of community-based supportive services and address other basic needs of persons with disabilities, including access to appropriate and accessible transportation, access to community services agencies, public facilities, and shopping.”;

(6) in subsection (j)—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively;

(7) in subsection (1) (as so redesignated by section 4(1) of this Act)—

(A) in paragraph (1), by inserting before the period at the end of the first sentence the following: “, which provides a separate bedroom for each tenant of the residence”;

(B) by striking paragraph (2) and inserting the following:

“(2)(A) The term ‘person with disabilities’ means a person who is 18 years of age or older and less than 62 years of age, who—

“(i) has a disability as defined in section 223 of the Social Security Act;

“(ii) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which—

“(I) is expected to be of long-continued and indefinite duration;

“(II) substantially impedes his or her ability to live independently; and

“(III) is of such a nature that such ability could be improved by more suitable housing conditions; or

“(iii) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000.

“(B) Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for low-income housing under this title, solely on the basis of any drug or alcohol dependence. The Secretary shall consult with other appropriate Federal agencies to implement the preceding sentence.

“(C) The Secretary shall prescribe such regulations as may be necessary to prevent abuses in determining, under the definitions contained in this paragraph, the eligibility of families and persons for admission to and occupancy of housing assisted under this section. Notwithstanding the preceding provisions of this paragraph, the term ‘person with disabilities’ includes two or more persons with disabilities living together, one or more such persons living with another person who is determined (under regulations prescribed by the Secretary) to be important to their care or well-being, and the surviving member or members of any household described in subparagraph (A) who were living, in a unit assisted under this section, with the deceased member of the household at the time of his or her death.”;

(C) by striking paragraph (3) and inserting the following new paragraph:

“(3) The term ‘supportive housing for persons with disabilities’ means dwelling units that—

“(A) are designed to meet the permanent housing needs of very low-income persons with disabilities; and

“(B) are located in housing that make available supportive services that address

the individual health, mental health, or other needs of such persons.”;

(D) in paragraph (5), by striking “a project for”; and

(E) in paragraph (6)—

(i) by inserting after and below subparagraph (D) the matter to be inserted by the amendment made by section 841 of the American Homeownership and Economic Opportunity Act of 2000 (Public Law 106-569; 114 Stat. 3022); and

(ii) in the matter inserted by the amendment made by clause (i) of this subparagraph, by striking “wholly owned and”; and

(8) in subsection (m) (as so redesignated by section 4(1) of this Act)—

(A) in paragraph (2), by striking “subsection (c)(1)” and inserting “subsection (d)(1)”; and

(B) in paragraph (3), by striking “subsection (c)(2)” and inserting “subsection (d)(2)”.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Subsection (n) of section 811 (as so redesignated by section 4(1) of this Act) is amended to read as follows:

“(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2010 through 2014 the following amounts:

“(1) CAPITAL ADVANCE/PRAC PROGRAM.—For providing assistance pursuant to subsection (b), such sums as may be necessary.

“(2) DEMONSTRATION PROGRAM.—For carrying out the demonstration program under subsection (k), such sums as may be necessary to provide 2,500 incremental dwelling units under such program in each of fiscal years 2010 and 2011 and 5,000 incremental dwelling units under such program in each of fiscal years 2012, 2013, and 2014.”.

SEC. 7. NEW REGULATIONS AND PROGRAM GUIDANCE.

Not later than the expiration of the 180-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall issue new regulations and guidance for the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) for supportive housing for persons with disabilities to carry out such program in accordance with the amendments made by this Act.

SEC. 8. GAO STUDY.

The Comptroller General of the United States shall conduct a study of the supportive housing for persons with disabilities program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) to determine the adequacy and effectiveness of such program in assisting households of persons with disabilities. Such study shall determine—

(1) the total number of households assisted under such program;

(2) the extent to which households assisted under other programs of the Department of Housing and Urban Development that provide rental assistance or rental housing would be eligible to receive assistance under such section 811 program; and

(3) the extent to which households described in paragraph (2) who are eligible for, but not receiving, assistance under such section 811 program are receiving supportive services from, or assisted by, the Department of Housing and Urban Development other than through the section 811 program (including under the Resident Opportunity and Self-Sufficiency program) or from other sources.

Upon the completion of the study required under this section, the Comptroller General

shall submit a report to the Congress setting forth the findings and conclusions of the study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. GRAYSON) and the gentleman from Florida (Mr. POSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. GRAYSON).

GENERAL LEAVE

Mr. GRAYSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GRAYSON. Mr. Speaker, I yield myself 1 minute.

I rise to bring H.R. 1675, the Frank Melville Supportive Housing Investment Act of 2009, up for consideration.

I am happy to support H.R. 1675 which would reauthorize and reform section 811 of the Department of Housing and Urban Development. In doing so, this bill will allow for Federal funds to be used to leverage additional funding to build more housing units for low-income, disabled individuals.

Mr. Speaker, I yield the balance of my time to the gentleman from Connecticut (Mr. MURPHY) and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MURPHY of Connecticut. I yield myself such time as I may consume.

Mr. Speaker, I would like to thank Representative GRAYSON for his graciousness in allowing me to control the time on this bill.

As he mentioned, this bill is the Frank Melville Supportive Housing Investment Act of 2009. This bill is a reauthorization and improvement of our Nation's existing section 811 supportive housing program. This House passed a nearly identical bill last year. It unfortunately didn't get past the United States Senate. So we reintroduced it and hope to see it through the full extent of the process this year.

Before I talk a little bit about the underlying bill and the importance of the issue which it addresses, let me thank a few people. First, Chairman FRANK and Subcommittee Chairwoman WATERS have been instrumental over the last 7 years in helping us bring this very important bill to the floor, as well as Ranking Member CAPITO on the Republican side. But really the largest thanks is to my cosponsor in this legislation, Representative BIGGERT of Illinois. She has, for the full extent of her career, been a supporter of supportive housing, which I will describe as our

Nation's most important housing program for individuals with physical and mental disabilities. I'm really honored to have been able to cosponsor this legislation with Representative BIGGERT and am very pleased that it's back before the House today.

Mr. Speaker, what is the 811 program? The 811 program is this Nation's supportive housing program that allows for Federal funds to be used to build supportive housing for individuals with physical and mental disabilities. It is a program which has meant a great deal to an unfortunately limited number of individuals that have benefited from it.

What is supportive housing? Supportive housing, very simply, is housing for individuals that have certain disabilities that allows them to live independently on their own leading full, productive lives in the communities with a small amount of community support around them. A unit of supportive housing, either on site or in the community, will have connected to it the job skills, the social work, the medication-adherence individuals and support services that are necessary for people that have complex physical or complex mental illness to be able to live on their own. These people can live in the community; they just need a little bit of help to do it.

The measure of this government, the measure of this Nation is how we treat those amongst us who, through no fault of their own, have been born with a certain illness—whether it be mental or physical—that doesn't give them the access to the apparatus of opportunity the rest of us have. Supportive housing, which gives that fundamental life building block—a roof over your head, a bed to sleep in at night—to those individuals is one of the most important things that we can do as a compassionate Nation.

The problem is that over the course of the last 5 to 10 years, the 811 program just has not been working. HUD tells us that there are 1.3 million individuals with disabilities in this country who are living in substandard housing. The 811 program, over the last several years, has only built about a thousand new units despite all of the resources that it has. And it is taking right now upwards of 6 years for a supportive housing project funded with 811 dollars to move from the application stage to the completion stage. This is unacceptable. Representative BIGGERT has been a great spokesperson for this for years, and the culmination of her work and the advocacy community's work is this legislation.

This bill fixes the 811 program as well as reauthorizes it. It does this in a number of ways. First, it takes all of the vouchers that have traditionally been used to fund individuals who are looking for supportive housing, it takes those vouchers, which have been

very inefficiently administered by the 811 program, and moves them to the broader section 8 program. The section 8 program is much better equipped to track these vouchers and make sure they are actually being used by people with disabilities. That has been a big problem through that program within the section 811 program.

That money that is now freed up by moving those vouchers over into the section 8 program is now going to be used to build new units. That's really what we need to do here. We need to build more capacity in the system—1.3 million living in inappropriate living; we need more of it for them.

It also will use that money in more creative ways. Instead of just building a full apartment complex with supportive housing in it, it's now going to work with developers who might have affordable housing projects currently underway to have them build in to that complex two or three or four or five units of supportive housing to allow for more scattered site housing throughout the community leveraging existing affordable housing projects to build in scattered site supportive housing projects.

And lastly, it cuts a lot of the red tape and bureaucracy that has restrained applications from moving forward, chiefly by allowing State affordable housing agencies to do a lot of the bureaucratic work that right now is being performed by Housing and Urban Development here in Washington, D.C. We think that through the passage of this Act, we can triple the number of supportive housing units that are built across the country with this 811 program. And I think by doing so, we will do justice by the individual whose name is on this Act.

Mr. Speaker, this Act is called the Frank Melville Supportive Housing Investment Act. Frank Melville was a constituent of mine. He and his widowed wife, Ellen, started the Melville Charitable Trust which funds much of the affordable housing and supportive housing advocacy work in the Northeast and throughout this country. Frank Melville is no longer with us, but this bill—which we hope to pass today and bring to the Senate for its consideration—does justice to his legacy.

I commend this bill to the House for passage. I think it is going to do so much to live up to the initial promise of this Nation's commitment to individuals with physical and mental disabilities.

I reserve the balance of my time.

Mr. POSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, unfortunately Congresswoman BIGGERT is unable to be here today, but I would like to take this opportunity to recognize her work on this legislation.

As an original cosponsor, I know she has worked hard to ensure that the section 811 program continues to be an effective solution to the housing needs of very low-income persons with disabilities.

There are nearly 4 million non-elderly, disabled adults in the United States that are in need of housing assistance. The section 811 program is the only Federal program that allows persons with disabilities to live independently in the community by increasing the supply of affordable rental housing with the availability of supportive services.

H.R. 1675 restructures the section 811 program in a way that provides for a continued creation of permanent supportive housing and provides rental assistance that would make housing affordable for very low-income individuals with disabilities.

This bill will improve the section 811 disabled housing program by streamlining and simplifying the development of HUD section 811 properties and makes changes to the program to encourage integration and mixed-use developments, such as low-income housing tax credits and HOME program funds. This legislation is identical to H.R. 5772, which passed the House during the 110th Congress.

Mr. Speaker, I yield back the balance of my time.

Mr. MURPHY of Connecticut. Mr. Speaker, just briefly to close. In Connecticut during the course of my work in the State legislature, a lot of us would occasionally don a button that said "keep the promise." That was a reminder to us that when we deinstitutionalized those with mental illness, that we had a promise to them to make sure that they had humane and responsible housing in the community. This bill I think does just that. It helps us keep that promise to those people living with mental and physical disability that we are going to find them appropriate and supportive housing in the community.

I thank Representative POSEY for his support and Representative BIGGERT for her advocacy.

Mr. FRELINGHUYSEN. Mr. Speaker, I would like to express my strong support for H.R. 1675, the Frank Melville Supportive Housing Act. I commend Representatives CHRISTOPHER MURPHY (CT) and JUDY BIGGERT (IL) for introducing this bill and I also thank my colleagues on the Financial Services Committee for passing this bill and bringing it to the floor this week.

Mr. Speaker, as you know, this legislation makes several important changes to the Section 811 Supportive Housing for Persons with Disabilities program. This bill is strongly supported by a wide array of disability advocacy groups, in particular the Consortium for Citizens with Disabilities (CCD), a group of 100 national disability organizations which includes The Arc of the United States, United Cerebral Palsy, the National Disability Rights Network,

the American Network of Community Options and Resources, the National Alliance on Mental Illness, Easter Seals, United Spinal Association, the National Multiple Sclerosis Society and the Brain Injury Association.

John Chafee—the late Senator from Rhode Island and a true champion for disabled Americans—always made it clear that "your abilities, not your disabilities, will determine your future." As a recipient of the John Chafee Leadership in Public Policy Award in 2002, I am always mindful of his vision.

I have long advocated for public housing programs, particularly for those that would benefit those with disabilities. Disabled Americans, like all Americans, deserve equal access to fundamental resources such as housing. In particular, I worked to ensure that vouchers were not lost when disabled people moved.

An estimated 50,000 non-elderly, disabled vouchers were funded by Congress between FY 1997 and FY 2001. Funding for these vouchers is estimated at \$250–\$275 million annually. Approximately 400 Public Housing Authorities (PHAs) administer these vouchers.

These incremental vouchers for non-elderly, disabled individuals and families were intended to replace housing for non-elderly people with disabilities lost as a result of the "elderly only" designation of public and assisted housing since 1993.

The CCD Housing Task Force estimated that the loss due to this designation has approached 500,000 units since 1992, including 100,000 public housing units and 400,000 assisted housing units.

To correct HUD's misinterpretation of Congressional intent, the House of Representatives has gone on the record on numerous occasions since 2000. Congress has clarified the policy that "turnover" vouchers should continue to be provided to certain people with disabilities as provided by Congress.

Language was included both in advisory reports for appropriations bills, and following continued inaction by HUD, actual bill language that was included in Conference reports signed by the President.

It was not until February 2005 that HUD issued guidance to PHAs detailing their ongoing obligation to ensure that these vouchers remain targeted upon turnover to the disabled population Congress intended.

Therefore, we've been fortunate to finally make "real" progress for disabled Americans. Through efforts in Congress, including my work on the House Appropriations Committee, each of the Fiscal Year 2008 and 2009 Omnibus Appropriations bills included \$30 million for new incremental vouchers to be specifically targeted towards disabled and homeless veteran populations.

This will insure that existing vouchers for those populations are not rolled over into "mainstream" voucher programs that primarily benefit older Americans.

This legislation greatly reforms the Section 811 program, including new programs to remove outdated regulatory barriers and better track the status of vouchers that are currently in use. By doing so, this bill greatly expands on recent progress that the Congress has made with regard to our nation's housing programs.

Again, Mr. Speaker, similar legislation was unanimously passed by the House under Sus-

pension of the Rules in September 2008 and I am happy to see that the current Congress has made it a priority to see this legislation become law.

Mr. MURPHY of Connecticut. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GRAYSON) that the House suspend the rules and pass the bill, H.R. 1675.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POSEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NEW FRONTIER CONGRESSIONAL GOLD MEDAL ACT

Mr. GRAYSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2245) to authorize the President, in conjunction with the 40th anniversary of the historic and first lunar landing by humans in 1969, to award gold medals on behalf of the United States Congress to Neil A. Armstrong, the first human to walk on the moon; Edwin E. "Buzz" Aldrin, Jr., the pilot of the lunar module and second person to walk on the moon; Michael Collins, the pilot of their Apollo 11 mission's command module; and, the first American to orbit the Earth, John Herschel Glenn, Jr.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2245

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Frontier Congressional Gold Medal Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) as spacecraft commander for Apollo 11, the first manned lunar landing mission, Neil A. Armstrong gained the distinction of being the first man to land a craft on the moon and first to step on its surface on July 21, 1969;

(2) by conquering the moon at great personal risk to safety, Neil Armstrong advanced America scientifically and technologically, paving the way for future missions to other regions in space;

(3) Edwin E. "Buzz" Aldrin, Jr., joined Armstrong in piloting the lunar module, Eagle, to the surface of the moon, and became the second person to walk upon its surface;

(4) Michael Collins piloted the command module, Columbia, in lunar orbit and helped his fellow Apollo 11 astronauts complete their mission on the moon;

(5) John Herschel Glenn, Jr., helped pave the way for the first lunar landing when on February 20, 1962, he became the first American to orbit the Earth; and

(6) John Glenn's actions, like Armstrong's, Aldrin's and Collins's, continue to greatly inspire the people of the United States.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) **PRESENTATION AUTHORIZED.**—The President is authorized to present, on behalf of the Congress, to Neil A. Armstrong, Edwin E. “Buzz” Aldrin, Jr., Michael Collins, and John Herschel Glenn, Jr., each a gold medal of appropriate design, in recognition of their significant contributions to society.

(b) **DESIGN AND STRIKING.**—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medals.

SEC. 5. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) **AUTHORITY TO USE FUND AMOUNTS.**—There is authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) **PROCEEDS OF SALE.**—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. GRAYSON) and the gentleman from Florida (Mr. POSEY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. GRAYSON).

GENERAL LEAVE

Mr. GRAYSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. GRAYSON. Mr. Speaker, I yield myself such time as I may consume.

Today we mark and celebrate the 40th anniversary of the Apollo 11 landing on the Moon on July 20, 1969. On that date, an 11-year-old boy stayed in a hotel room in San Juan, Puerto Rico, all day long—while his parents went to St. Thomas with his sister—and watched in awe to see mankind take this enormous step forward. That 11-year-old boy was me. And if somebody had said to me at the time, One day you will be standing in Congress and celebrating this day, marking this day, I would have said what every other 11-year-old boy would say, Oh, come on. That’s ridiculous.

But here we are celebrating this day, marking this day explaining what it means to all of us in conveying a Con-

gressional Gold Medal to Neil Armstrong, Buzz Aldrin, Michael Collins, and John Glenn, the first American—and the third human being—to orbit the Earth. Certainly this was the greatest technological achievement of any time, anywhere on this planet by human beings.

But for many of us, it was more than that. For many of us it was the most important moment of our lives.

Think about it. What would you choose as the most important moment of your life? For some of us it would be the fall of the Berlin Wall; for others, it might be the election of Nelson Mandela to lead South Africa and end apartheid in that country; and for sure for others it would mean the election of Barack Obama as the first black President of the United States.

But for many of us, it would mean that time, 40 years ago today, when men landed on the Moon and for the first time, and the only time, in our history visited our celestial neighbor. That’s exciting, and it’s good to look back on that time and to ask ourselves what led to that moment.

Everybody attributes that moment to President Kennedy, the leader of the new frontier. President Kennedy used these words to spur us to take this action. He said as follows: “We choose to go to the Moon in this decade and do other things, not because they are easy, but because they are hard, because that goal will serve to organize and measure the best of our energies and skills, because that challenge is one that we are willing to accept, one that we are unwilling to postpone, and one which we intend to win.”

“Many years ago, the great British Explorer George Mallory, who was to die on Mount Everest, was asked why did he want to climb it.

□ 1700

“He said, ‘Because it is there.’ Well, space is there,” Kennedy told us, “and we’re going to climb it, and the Moon and the planets are there, and new hopes for knowledge and peace are there.

“And, therefore, as we set sail,” Kennedy said, “we ask God’s blessing on the most hazardous and dangerous and greatest adventure on which man has ever embarked.”

That’s what President Kennedy said, that this was the greatest adventure on which man has ever embarked, and he was right. These astronauts, these brave three, they crossed dead space for almost a quarter of 1 million miles. They landed with less than 25 seconds of fuel remaining when they finally reached the Moon, and when they reached that Moon, they were only there for 21½ hours. Their moonwalk was only 2 hours and 37 minutes. They brought back a mere 47 pounds of Moon rock, but they inspired everyone on this planet. One-fifth of all of this plan-

et was watching at that moment on TV. One out of every five human beings. That’s pretty good ratings, Mr. Speaker.

And when the landing occurred, what we heard was the following: “The Eagle has landed.” The eagle meaning the American eagle, because this was an assertion of our superiority as a Nation, our fortitude, our determination, our discipline, and our resourcefulness. That’s what led us across that deep space in only 8 years from the first time when President Kennedy set forth this goal to the time that we actually landed on the Moon. “The Eagle has landed.” The American eagle has landed.

But then during the moonwalk, we heard another theme. When Mr. Armstrong first put his foot down on the Moon, when Neil Armstrong put his foot down on the Moon he said the following: “One small step for man, one giant leap for mankind.” Not just Americans, but all mankind.

And when these brave explorers left behind their inscription, the inscription said something very important: “We came in peace, for all mankind.”

And when Buzz Aldrin was returning, the day before the flight actually landed back on the Earth, he said the following: “This stands as a symbol of the insatiable curiosity of all mankind to explore the unknown.”

So on that day 40 years ago we learned a lot about ourselves. We learned a lot about what kind of people human beings really are. The first thing we learned is that in our heart we are explorers. We have that spark to see what’s on the other side of that hill and then go and find it, and that spark is what led us 50,000 years ago to cross as far as Australia all the way from Africa. And 15,000 years ago one of my ancestors went as far as eastern Siberia in the midst of the Ice Age. And now, today, we see it’s possible to explore this whole planet, and that just makes us want to explore other areas as well.

I have visited 175 countries myself. I have that urge to see, to explore, to look beyond the next hill, and it’s what makes us human beings. Wolves howl at the Moon; human beings go there.

And we’ve also learned that these challenges that we pose for ourselves, these goals that we have for ourselves, we reap rewards from just seeking those goals, from pursuing those goals. In this case, NASA developed integrated circuits which led to the modern computer age. They developed computer-directed machining, which is used throughout manufacturing today, including in computers. And they developed fuel cells, which could very well be the key to our energy future. And all of that was done through the Apollo program for less than \$150 billion in today’s money, which is actually less than, in many cases, the costs of the war in Iraq for 1 year.

We've also learned something else important about it. When we visited the Moon, we looked back on the Earth, and we have in that day 40 years ago the roots of the environmental movement. Earth Day was first celebrated barely 9 months later on April 22, 1970, because when we went to the Moon and we looked back on the Earth, we saw ourselves. We recognized how fragile the Earth really is.

And Joni Mitchell best captured that in a song that she sang, these words from her song, "Refuge of the Roads." She wrote:

"In a highway service station, over the month of June was a photograph of the Earth, taken coming back from the Moon.

"And you couldn't see the city, on that marbled bowling ball, or a forest, or a highway, or me here least of all."

And so we recognize in that moment, when we looked at the entire Earth, the entire planet, we didn't see individuals, we saw all of us, and it created a newfound respect for the environment.

But beyond that, we reached the realization that we're only beginning to appreciate right now 40 years later, and that realization is this. We are one planet; we are one people. This is not a planet of blacks versus whites; we are one. This is not a planet of men versus women; we are one. This is not a planet of the young versus the old; we are one. We are one species, one set of human beings, one people, proud of our accomplishments, this above all, to visit the Moon.

And when we return to the Moon, as we're scheduled to do 10 years from now, I hope that we'll say not just, "One small step for man, one giant leap for mankind," but I hope we'll say, "Today the Moon, tomorrow the stars."

I reserve the balance of my time.

Mr. POSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend Representative GRAYSON and the nearly 300 cosponsors of H.R. 2245, the New Frontier Congressional Gold Medal Act. As we know, this legislation authorizes the President, on behalf of Congress, to issue gold medals to Neil Armstrong, Edwin "Buzz" Aldrin, Michael Collins and John Glenn in recognition of their accomplishments, and pave the way for future missions.

As we celebrate the 40th anniversary of the Moon landing, we recognize President Kennedy's vision to support the great explorers of our lifetime, like the Christopher Columbuses, the Magellans and the Marco Polos before them. President Kennedy proved to the world that the free enterprise system of the United States of America would outperform the socialist Soviet Union in the international challenge of landing a man on the Moon and returning him safely to Earth.

One of the highlights of my life was the opportunity to work on the Apollo program as a young man when McDonnell Douglas was the contractor for the third stage. What a privilege it was to work alongside the thousands of men and women who helped make that historic achievement possible.

And you know, from a personal perspective I will always cherish this little medallion that they gave each member of the launch team, the metal part of which was carried to the Moon and back by the Apollo 11 astronauts.

You know, it's one of those points in time where everyone old enough to be aware of their surroundings knows where they were when man took that historic first step. It was before, as Congressman GRAYSON said, the largest viewing audience in history. I was holding up my 3-month-old daughter in front of the TV so that she might some day be the last person living to have witnessed that historic thing. Just what a marvelous event it was for all.

Let us remember also that their legacy continues in today's exemplary space shuttle workforce, those who safely and efficiently worked to ensure the completion of the shuttle's remaining flight manifest. As we hear many times, America's space program is the only thing for which the United States is undeniably, unequivocally, and universally respected for around this globe.

We sometimes take for granted the thousands of technological spinoffs we enjoy from space exploration, but let us take a moment to recognize the explorers of our lifetime and appreciate how all of us have been inspired by their pursuits and benefited from America's advances in space.

Hopefully we will continue to maintain the leading edge in space under the leadership of President Obama.

I yield back my time, Mr. Speaker.

Mr. GRAYSON. Mr. Speaker, I want to note that what the accomplishment was here was to make America number one in space exploration, and I look forward to the time when we are number one in health care, when we are number one in education, when we are number one in meeting our human needs and making a 21st-century workforce.

The thing that inspired people from President Kennedy's words was the desire to be number one, and that's something that we can and will accomplish, not only in this particular part of human endeavor but across the board.

Mr. GORDON of Tennessee. Mr. Speaker, it is an honor to support H.R. 2245, the "New Frontier Congressional Gold Medal Act", which authorizes the President to award Congressional Gold Medals to Neil A. Armstrong, Buzz Aldrin, Michael Collins, and John Herschel Glenn, Jr., who took great risks to lead our nation and society to new frontiers in outer space.

Historic moments in space exploration, such as the 40th anniversary of the first lunar land-

ing by humans that we are celebrating this week, and the first orbiting of the Earth by an American, inspired a generation of young people to devote their careers and lives to the scientific and human exploration of outer space and created a multiplier effect that has benefited American society, including our educational system, our economy, and our national security.

The Apollo 11 mission of Neil Armstrong, Buzz Aldrin and Michael Collins and the path-finding Mercury mission of John Glenn continue to spark the excitement and anticipation of what is possible for our nation as explorers of outer space.

Mr. Speaker, the Congressional Gold Medal is a fitting recognition of the unique and lasting imprint that these gentlemen have made on society, and I am pleased that so many of my colleagues in Congress have joined together in their support.

I thank the gentleman from Florida, Mr. GRAYSON, for his leadership in introducing this bill.

Ms. GIFFORDS. Mr. Speaker, today Congress is considering legislation to honor the Astronauts of Apollo 11 and Mercury Astronaut John Glenn with the Congressional Gold Medal, and as a proud cosponsor, I rise to urge support of this bill to recognize the trail-blazing accomplishments of these brave American heroes.

Their courage and the success of their missions have become symbols of what we as Americans can accomplish when we come together and put all of our energy and hard work into reaching a goal in which we all believe.

The launch of Sputnik in 1957 initiated the Space Race of the 1960s between the United States and the Soviet Union. Just 12 years later, this Space Race culminated with Apollo 11's historic touchdown on the Moon's Sea of Tranquility in July of 1969.

Even though NASA and the goal of landing men on the Moon were in some sense directly inspired by Cold War rivalries, the Apollo 11 lunar landings and John Glenn's orbital flight became a means of uniting all of us here on Earth in a collective adventure of humanity.

Moreover, the lessons learned and the technology developed for John Glenn's orbital flight and the flight of Apollo 11 to the Moon spawned countless advances which have directly contributed to a better quality of life here on Earth.

In the decades since, many important technologies can be traced back to our space program. For even though the goal landing humans on the Moon had been attained, NASA went on to undertake world-leading research and development initiatives in Earth and space science, aeronautics, and human space flight.

Yet, ultimately it comes down to people—hard-working, dedicated men and women who made it all possible.

That is why I am pleased to join my colleagues in support of legislation to bestow one of the nation's highest honors, the Congressional Gold Medal, to Neil Armstrong, Buzz Aldrin, Michael Collins, and John Glenn.

In closing, I want to commend Representative GRAYSON for introducing this bill, and I urge Members to pass it.

Mr. GRAYSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GRAYSON) that the House suspend the rules and pass the bill, H.R. 2245.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POSEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1832

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. HALVORSON) at 6 o'clock and 32 minutes p.m.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Madam Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas, The Hill reported that a prominent lobbying firm, founded by Mr. Paul Magliocchetti and the subject of a "federal investigation into potentially corrupt political contributions," has given \$3.4 million in political donations to no less than 284 members of Congress.

Whereas, the New York Times noted that Mr. Magliocchetti "set up shop at the busy intersection between political fund-raising and taxpayer spending, directing tens of millions of dollars in contributions to lawmakers while steering hundreds of millions of dollars in earmarks contracts back to his clients."

Whereas, a guest columnist recently highlighted in Roll Call that "... what [the firm's] example reveals most clearly is the potentially corrupting link between campaign contributions and earmarks. Even the most ardent earmarkers should want to avoid the appearance of such a pay-to-play system."

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm; including questions related to "straw man" contributions, the reimbursement of employees for political giving, pressure on clients to give, a

suspicious pattern of giving, and the timing of donations relative to legislative activity.

Whereas, Roll Call has taken note of the timing of contributions from employees the firm and its clients when it reported that they "have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters or passage of a spending bill."

Whereas, the Associated Press highlighted the "huge amounts of political donations" from the firm and its clients to select members and noted that "those political donations have followed a distinct pattern: The giving is especially heavy in March, which is prime time for submitting written earmark requests."

Whereas, clients of the firm received at least three hundred million dollars worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid of the firm's offices and Justice Department investigation into the firm was well known.

Whereas, after a cursory review, the fiscal year 2010 defense appropriations earmark list recently made available includes at least seventy earmarks worth hundreds of millions of dollars for former PMA clients.

Whereas, the Associated Press reported that "the FBI says the investigation is continuing, highlighting the close ties between special-interest spending provisions known as earmarks and the raising of campaign cash."

Whereas, the persistent media attention focused on questions about the nature and timing of campaign contributions related to the firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of Congressional proceedings and the dignity of the institution.

Now, therefore, be it: Resolved, That the Committee on Standards of Official Conduct shall immediately establish an investigative subcommittee and begin an investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Approval of the Journal;

H. Res. 607; and

H.R. 2245, each by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 233, nays 159, not voting 41, as follows:

[Roll No. 593]

YEAS—233

Abercrombie	Eshoo	Lipinski
Ackerman	Farr	Loebsack
Andrews	Fattah	Lofgren, Zoe
Baca	Filner	Lowey
Bachmann	Fortenberry	Lujan
Baird	Foster	Lynch
Baldwin	Frank (MA)	Mack
Barrow	Fudge	Maffei
Bean	Gerlach	Markey (MA)
Becerra	Gonzalez	Marshall
Berkley	Goodlatte	Massa
Berman	Gordon (TN)	Matheson
Berry	Grayson	Matsui
Bishop (GA)	Green, Al	McClintock
Bishop (NY)	Green, Gene	McCormack
Blumenauer	Griffith	McDermott
Boren	Hall (NY)	McGovern
Boyd	Halvorson	McIntyre
Brady (PA)	Hare	McMahon
Braley (IA)	Harman	McMorris
Brown-Waite,	Harper	Rodgers
Ginny	Hastings (FL)	McNerney
Butterfield	Heinrich	Meek (FL)
Capito	Heller	Meeks (NY)
Capps	Herseth Sandlin	Michaud
Cardoza	Higgins	Miller (NC)
Carnahan	Hill	Miller, George
Carson (IN)	Himes	Mollohan
Carter	Hinojosa	Moore (KS)
Castle	Hirono	Moore (WI)
Castor (FL)	Hodes	Murphy (CT)
Chaffetz	Holden	Murphy, Patrick
Chu	Holt	Murtha
Clarke	Honda	Nadler (NY)
Clay	Hoyer	Napolitano
Cleaver	Inslee	Neal (MA)
Clyburn	Israel	Oberstar
Cohen	Jackson (IL)	Obey
Cooper	Jackson-Lee	Olver
Costello	(TX)	Ortiz
Courtney	Johnson (GA)	Pallone
Crowley	Johnson, E.B.	Pascarell
Cuellar	Jones	Pastor (AZ)
Cummings	Kagen	Paul
Dahlkemper	Kanjorski	Paulsen
Davis (CA)	Kaptur	Payne
Davis (TN)	Kennedy	Perlmutter
DeFazio	Kildee	Perriello
DeGette	Kilpatrick (MI)	Peters
Delahunt	Kilroy	Pingree (ME)
DeLauro	Kind	Pitts
Dent	Kissell	Polis (CO)
Dicks	Klein (FL)	Pomeroy
Dingell	Kosmas	Posey
Doggett	Kucinich	Price (NC)
Donnelly (IN)	Lance	Quigley
Doyle	Langevin	Radanovich
Driehaus	Larson (CT)	Rahall
Edwards (MD)	Latham	Rangel
Edwards (TX)	Lee (CA)	Reyes
Ellison	Levin	Richardson
Engel	Lewis (GA)	Rodriguez

Messrs. STEARNS, THOMPSON of
California, Ms. MARKEY of Colorado,
Messrs. BOCCIERI, SOUDER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1908

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NEW FRONTIER CONGRESSIONAL GOLD MEDAL ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2245, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GRAYSON) that the House suspend the rules and pass the bill, H.R. 2245.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 43, as follows:

[Roll No. 595]

YEAS—390

Abercrombie	Calvert	Dreier
Ackerman	Camp	Driehaus
Aderholt	Campbell	Duncan
Adler (NJ)	Cantor	Edwards (MD)
Akin	Cao	Edwards (TX)
Alexander	Capito	Ehlers
Altmire	Capps	Ellison
Andrews	Cardoza	Ellsworth
Arcuri	Carnahan	Emerson
Austria	Carney	Engel
Baca	Carson (IN)	Eshoo
Bachmann	Carter	Etheridge
Bachus	Cassidy	Fallin
Baird	Castle	Farr
Baldwin	Castor (FL)	Fattah
Barrow	Chaffetz	Filner
Bartlett	Chandler	Flake
Barton (TX)	Childers	Fleming
Bean	Chu	Fortenberry
Becerra	Clarke	Foster
Berkley	Clay	Fox
Berman	Cleaver	Frank (MA)
Berry	Clyburn	Franks (AZ)
Biggart	Coble	Frelinghuysen
Billbray	Coffman (CO)	Fudge
Bilirakis	Cohen	Gallely
Bishop (GA)	Cole	Garrett (NJ)
Bishop (NY)	Connolly (VA)	Gerlach
Bishop (UT)	Cooper	Giffords
Blackburn	Costello	Gingrey (GA)
Blumenauer	Courtney	Gohmert
Blunt	Crowley	Gonzalez
Bocciari	Cuellar	Goodlatte
Boehner	Cummings	Gordon (TN)
Bonner	Dahlkemper	Granger
Bono Mack	Davis (CA)	Graves
Boozman	Davis (KY)	Grayson
Boren	Davis (TN)	Green, Al
Boustany	Deal (GA)	Green, Gene
Boyd	DeFazio	Griffith
Brady (PA)	DeGette	Guthrie
Braley (IA)	Delahunt	Hall (NY)
Broun (GA)	DeLauro	Hall (TX)
Brown (SC)	Dent	Halvorson
Brown-Waite,	Diaz-Balart, L.	Hare
Ginny	Diaz-Balart, M.	Harman
Buchanan	Dicks	Harper
Burgess	Dingell	Hastings (FL)
Burton (IN)	Doggett	Hastings (WA)
Butterfield	Donnelly (IN)	Heinrich
Buyer	Doyle	Heller

Hensarling	McCotter	Rothman (NJ)
Herger	McDermott	Roybal-Allard
Herseeth Sandlin	McGovern	Royce
Higgins	McHenry	Ruppersberger
Hill	McHugh	Rush
Himes	McIntyre	Ryan (OH)
Hinojosa	McMahon	Ryan (WI)
Hirono	McMorris	Salazar
Hodes	Rodgers	Sanchez, Linda
Hoekstra	McNerney	T.
Holden	Meek (FL)	Sarbanes
Holt	Meeks (NY)	Scalise
Honda	Melancon	Schakowsky
Hoyer	Mica	Schauer
Hunter	Michaud	Schiff
Inglis	Miller (FL)	Schmidt
Inslie	Miller (MI)	Schock
Israel	Miller (NC)	Schrader
Issa	Miller, Gary	Schwartz
Jackson (IL)	Miller, George	Scott (GA)
Jackson-Lee	Minnick	Scott (VA)
(TX)	Mitchell	Sensenbrenner
Jenkins	Mollohan	Serrano
Johnson (GA)	Moore (KS)	Shadegg
Johnson, E. B.	Moore (WI)	Shea-Porter
Johnson, Sam	Moran (KS)	Sherman
Jones	Murphy (CT)	Shimkus
Jordan (OH)	Murphy (NY)	Shuler
Kagen	Murphy, Patrick	Shuster
Kanjorski	Murphy, Tim	Simpson
Kaptur	Murtha	Skelton
Kennedy	Myrick	Slaughter
Kildee	Nadler (NY)	Smith (NE)
Kilpatrick (MI)	Napolitano	Smith (NJ)
Kilroy	Neal (MA)	Smith (TX)
Kind	Neugebauer	Snyder
King (IA)	Nunes	Souder
King (NY)	Nye	Space
Kingston	Oberstar	Speier
Kirkpatrick (AZ)	Obey	Spratt
Kissell	Olson	Stearns
Klein (FL)	Oliver	Stupak
Kline (MN)	Ortiz	Sullivan
Kosmas	Pallone	Sutton
Kratovil	Pascarell	Tanner
Kucinich	Pastor (AZ)	Taylor
Lamborn	Paul	Teague
Lance	Paulsen	Terry
Langevin	Payne	Thompson (CA)
Larson (CT)	Pence	Thompson (MS)
Latham	Perlmutter	Thompson (PA)
LaTourette	Perriello	Thornberry
Latta	Peters	Tiahrt
Lee (CA)	Peterson	Tierney
Lee (NY)	Petri	Titus
Levin	Pingree (ME)	Tonko
Lewis (GA)	Pitts	Tsongas
Linder	Platts	Upton
Lipinski	Poe (TX)	Van Hollen
LoBiondo	Polis (CO)	Velázquez
Loeback	Pomeroy	Visclosky
Lofgren, Zoe	Posey	Walden
Lowe	Price (GA)	Walz
Luetkemeyer	Price (NC)	Wamp
Lujan	Putnam	Waters
Lummis	Quigley	Watson
Lungren, Daniel	Radanovich	Watt
E.	Rahall	Waxman
Lynch	Rangel	Weiner
Mack	Rehberg	Welch
Maffei	Reichert	Westmoreland
Markey (CO)	Reyes	Wexler
Markey (MA)	Richardson	Whitfield
Marshall	Rodriguez	Wilson (OH)
Massa	Roe (TN)	Wolf
Matheson	Rogers (AL)	Woolsey
Matsui	Rogers (KY)	Wu
McCarthy (CA)	Rogers (MI)	Yarmuth
McCauley	Rooney	Young (AK)
McClintock	Ros-Lehtinen	Young (FL)
McCollum	Ross	

NOT VOTING—43

Barrett (SC)	Davis (AL)	Manzullo
Boswell	Davis (IL)	Marchant
Boucher	Forbes	McCarthy (NY)
Brady (TX)	Grijalva	McKeon
Bright	Gutierrez	Moran (VA)
Brown, Corrine	Hinchey	Rohrabacher
Capuano	Johnson (IL)	Roskam
Conaway	Kirk	Sanchez, Loretta
Conyers	Larsen (WA)	Sessions
Costa	Lewis (CA)	Sestak
Crenshaw	Lucas	Sires
Culberson	Maloney	Smith (WA)

Stark	Turner	Wilson (SC)
Tiberi	Wasserman	Wittman
Towns	Schultz	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1915

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, on July 20, 2009, I was called away on personal business, I regret that I was not present to vote on the Journal Vote, H. Res. 607, and H.R. 2245.

Had I been present, I would have voted "yea" on all votes.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes 593, 594 and 595.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate notifies the House of Representatives that the Senate shall convene as a Court of Impeachment at 2 p.m., on Wednesday, July 22, 2009, for the purpose of receiving the Managers on the part of the House of Representatives in the matter of the Impeachment proceedings against Samuel B. Kent, formerly a Judge of the United States District Court for the Southern District of Texas.

ROSENSTIEL SCHOOL OF MARINE AND ATMOSPHERIC SCIENCE AT THE UNIVERSITY OF MIAMI

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to announce that today the Department of Commerce awarded a \$15 million grant to my alma mater, the University of Miami, for the construction of a new marine science research facility as the Rosenstiel School of Marine and Atmospheric Science. The Rosenstiel School will construct an integrated seawater laboratory building that will also house a state-of-the-art marine life science center. The lab will be the only facility in the world with a wind-wave storm surge simulator capable of generating hurricane-force winds in a three-dimensional test environment.

Building on past initiatives to protect coral reefs and Florida's unique

habitat, the University of Miami will conduct research to understand how structures withstand natural disasters, how environmental challenges threaten human health, and how dynamic action can enhance resiliency and protect lives. All of us will be safer due to the advances it will yield in technological innovation, environmental protection and public safety.

Madam Speaker, again, it's a \$15 million grant from the Department of Commerce to my alma mater, the University of Miami, for a new Rosenstiel School of Marine and Atmospheric Science.

EXPRESSING CONCERN FOR THE AMERICAN SOLDIER HELD CAPTIVE IN AFGHANISTAN BY THE TALIBAN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise to express grave concern for one of our soldiers being held in harm's way by the Taliban in Afghanistan. I join with Secretary Gates to call this disgusting. Knowing the brave men and women of the United States military, I know they will not leave one soldier behind. The 18th Congressional District has approximately the largest number of active duty soldiers returning from Iraq and Afghanistan. The numbers are large throughout the State of Texas. We have grave concern and are in sympathy with his family. We want them to know that we do care. We want them to know that as the soldiers are on the battlefield in Afghanistan, we will not stop until he is found.

It is necessary to express our belief that our soldiers are precious. We thank them for the sacrifice they make on behalf of our freedom and know that we will not leave one behind. It is disgusting, and the Taliban need to know we will never give up.

CELEBRATING THE 40TH ANNIVERSARY OF THE APOLLO 11 MISSION

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute.)

Mrs. SCHMIDT. Madam Speaker, I rise today to honor and celebrate the 40th anniversary of the Apollo 11 mission and, notably, the commander of that crew, Neil Armstrong, as the first person to set foot on the Moon. President John F. Kennedy told a joint session of Congress in 1961: "I believe that this Nation should commit itself to achieving the goal, before this decade is out, of landing a man on the Moon and returning him safely to Earth."

That goal was achieved nearly 8 years later on July 20, 1969, by Ohio's own Neil Armstrong, along with Buzz

Aldrin and Michael Collins. Tonight I honor Neil and the men and women who worked tirelessly to make Apollo 11 a success. I, as a child, was mesmerized by Apollo 11's mission. I was one of the hundreds of millions who watched on television as Neil Armstrong took that historic step on the Moon.

Landing on the Moon wasn't just an American event. It was a proud and historic event for all mankind. In the wake of this incredible accomplishment, Neil Armstrong has received many, many awards. Most notably, he received the highest award offered to U.S. civilians, the Presidential Medal of Freedom. Neil has undertaken several endeavors since that walk on the Moon, and I am especially proud of one professor of aerospace engineering at the University of Cincinnati, my alma mater. I am extremely proud to call Neil one of my constituents.

Madam Speaker, let me leave you with the quote that has become the core of our American history: "That's one small step for man, one giant leap for mankind." Thank you, Neil Armstrong, for taking that giant leap; and thank you to everyone who made Apollo 11 a success. Forty years later we ponder its magnitude.

TO ENSURE PROPER TRANSPARENCY, LEGISLATION SHOULD BE ONLINE 72 HOURS PRIOR TO A VOTE

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Madam Speaker, next week Congress will likely vote on a health care bill that costs over \$1 trillion and has serious repercussions for every American. I simply request that every Member be given the appropriate time to review the final bill.

Just a few weeks ago, a 300-page amendment was made to the cap-and-trade bill at 3 a.m. and voted on just hours later without allowing Members and staff ample time to peruse it. The over 1,000-page stimulus bill was similarly hustled through Congress without time for Members to even read it. This is not an acceptable way to run Congress.

To that end, I am cosponsoring a bill that will require legislation be available on the Internet for 72 hours so that the public and Members of Congress will have a chance to see it. As we debate health reform or any other issue, the American people want us to get it right. To do that, we must avoid arbitrary deadlines and passing measures in the dark of night without full debate or proper transparency.

THE MOON MEN

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, on July 20, 1969, America accomplished the greatest single technological achievement in the history of the world: Americans walked on the Moon. And on that July afternoon 40 years ago today, we all crowded around our TV sets and radios, listening to mission control in Houston, Texas. At 4:17 p.m. the distant word came from Lunar Module Flight Commander Neil Armstrong: "Houston, the Eagle has landed." Shouts and cheers rang out at mission control in Houston, Texas, and spread out across the United States. Six hours later, kids in America, including me, were still up way past their bedtime. Neil Armstrong stepped down from the ladder of the lunar module in his big, bulky space suit and said: "That's one small step for man, one giant leap for mankind." He was standing on the Moon. Armstrong and Buzz Aldrin then planted the Stars and Stripes on the lunar surface.

These men, along with Michael Collins who was circling in the command module, had done something unbelievable. By their achievement, they summed up the greatness of America. A country founded by bold explorers had, itself, boldly explored the universe. The Moon men proved that in America, no mission is impossible.

And that's just the way it is.

HONORING THE MEMORY OF FIVE MINNESOTA NATIONAL GUARDSMEN KILLED IN THE LINE OF DUTY

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Madam Speaker, I rise today to honor the memory of members of the Minnesota National Guard who were killed in the line of duty this past week in the service of our great country. Minnesotans gathered together last evening in a silent vigil in my hometown in Stillwater where they remembered, cried and prayed for five brave members of our American military who willingly laid their lives on the altar of freedom.

On Friday I spoke with the parents of one of these servicemen who only hours earlier received a knock on their door, the knock that no parent ever wants to answer. And in their conversation with me, Madam Speaker, the parents honored their son amidst their grief, their pride in his bravery swelling their hearts.

May these families be comforted in their sorrow, and may the memories of these brave soldiers live in our hearts forever.

□ 1930

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE NEED FOR A CONSUMER
FINANCIAL PROTECTION AGENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Madam Speaker, I have long been an advocate of consumer protections and consumer rights, and I'm proud of the work we have accomplished on these issues this session. Laws such as the recently enacted Credit Cardholders' Bill of Rights, of which I'm an original cosponsor, will help to ensure consumers have access to fair and easy-to-understand credit products. That said, there is still much more work to be done in order to safeguard consumers from predatory and discriminatory lending products.

This Congress is about to embark upon the adoption of regulatory reform. We have had an economic meltdown and a subprime mess, and we discovered that our regulatory agencies were asleep at the wheel. We discovered that there had been deregulation that led us to the point of this economic meltdown.

Judging from the proliferation of products such as subprime mortgages and payday loans, our current regulatory framework inadequately protects consumers. There are many reasons why we need a new consumer financial protection agency. There will be a comprehensive piece of legislation that will talk about how we do credible regulatory reform. But of all that is in the proposed legislation that is being developed, we are getting a pushback from the financial services community on the consumer financial protection agency.

Why is that? Why is it that given what we have gone through the financial services community can boldly and barefacedly come before us and talk about why a consumer financial protection agency is a bad idea?

I suppose one of the reasons is jurisdictional. There are several types of consumer financial products which, because they are offered by non-banks, fall into what may be classified as a "shadow banking industry." These products and institutions escape Federal regulation yet often lead to Federal problems, such as our current economic and foreclosure crisis.

A prime example of this is mortgage servicing. Mortgage services is an important part of our housing market, and consumers often have more con-

tact with their mortgage servicers than they do with their mortgage broker, real estate agent or bank combined. However, lately, many servicers have been unable to properly assist consumers due to lack of capacity or perhaps just the will to do so.

The servicers are the ones that are supposed to be doing loan modifications. They are supposed to be helping the consumers to unwind the mess that many of them have found themselves in because of the predatory lending. There is currently no Federal agency with specific jurisdiction over the mortgage servicing industry, and therefore, no mechanism for anyone to address this pressing issue. The proposed consumer financial protection agency would bring nonbanks who offer financial services to and interact with consumers into our regulatory system.

Another reason we need a consumer financial protection agency is to protect consumers from complicated products and hidden and predatory fees. According to Harvard Professor Elizabeth Warren, the average credit card offer now comes bundled with more than 100 pages of fine print. Buried within this fine print are provisions about restrictions, teaser rates and penalties. This fine print is nearly impossible for consumers to make informed decisions and pick the credit card or other lending product which is right for them. This leads some borrowers to be trapped in credit cards or loan products with hidden and abusive fees. This agency could solve this problem by working with the industry to reduce fine print and hidden fees.

The final reason we need this new agency is stability. Our financial markets are built on consumer lending. Our current crisis began when collateralized debt obligations and mortgage-backed securities were packed with exotic products, such as no-doc loans and liars loans. It was exacerbated as consumers were continually squeezed with excessive penalties and fees from bank products, reducing purchasing power and leading families everywhere to make tough decisions. A strong regulator, one which focused solely on consumer safety and championed simpler disclosure and products, could have prevented all of this.

We need a consumer financial protection agency to deal with this kind of crisis so that it never occurs again.

NATIVE AMERICAN INDIAN
HEALTH CARE MEDICAL MAL-
PRACTICE, PAGE 2

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, government-run health care leads to doctor shortages, rationing of services and long waiting lines. The United

States Government has been trying to run health care for the American Indians for over 200 years. And it is a miserable failure. It has resulted in medical malpractice against Native American Indians.

Over the last two centuries, Members of Congress have spoken out about the way Indians are treated by the Federal Government. Among those outspoken critics include David Crockett and Sam Houston. The prime example of mistreatment today is the government-run health care for Native Americans.

In 1787, the Federal Government agreed to provide for the health, safety and well-being of Indian tribes on reservations in exchange for over 450 million acres of land. The United States Government has been running Indian health care ever since.

The Indian Health Services is part of the Department of Health and Human Services. They took over the Indian health care in 1954 from the Bureau of Indian Affairs. Now, Indian Health Services oversee medical care for about 2 million American Indians and Alaskan Eskimos in 35 States.

Last week, I talked about just a few of the tense tragic stories of some of the victims of this U.S. Government-run health care system. Like Ta'Shon Rain Little Light, the little girl who went to an Indian Health Service clinic in Montana. The doctor said Ta'Shon was just depressed. But she kept complaining to her mom that her stomach hurt and stopped eating and drinking. After going back to the same clinic 10 more times, her lung collapsed. She was then airlifted to a private children's hospital, where she was diagnosed with terminal stomach cancer. She died a few days later. Ta'Shon Rain Little Light was 5 years of age.

Rhonda Sandland lives on the Standing Rock Reservation in North Dakota. She had to threaten to kill herself to finally get treatment for severe frostbite on her fingers. The government health care providers wanted to cut off all of her fingers. A private doctor happened to stop by on the reservation and prevented the amputation. Instead, he prescribed the medicine that took care of the problem.

And then there is Victor Brave Thunder who had congestive heart failure. The clinic at Standing Rock gave him Tylenol and cough syrup and sent him home. He died of a heart attack a few weeks later. Then there's Harriet Archambault who died when her hypertension medicine ran out. She tried five times to get an appointment to get her medicine refilled. She never got to see a doctor before she died.

These are not isolated incidents.

The Cheyenne River Sioux tribal officials have held hearings on their South Dakota reservation to document conditions at the Eagle Butte Indian Health Services hospital. Betty Crowe worked at the reservation hospital for years.

Betty said all they could do most of the time was hand out painkillers. Others testified at that hearing that people who had appendix problems were given pain medicine and sent home until their appendix burst. Betty's own son had leukemia. He used to get his leukemia medicine through his wife's private insurance, but then he got a divorce and he lost that insurance. He couldn't pay for it by himself. And Betty said that the bureaucrats at the Butte Indian Health Services hospital wouldn't allow him to get the leukemia medicine from the Federal Government.

Germaine Means says that nonmedical staff was deciding who would or would not get medical treatment. Now imagine that, Madam Speaker. In the Indian Health Services agency, a bureaucrat, not a doctor, decides who can get medical care and who doesn't. That is called "rationing."

On the reservations it is said, don't get sick after June because the government runs out of money and runs out of medicine. The Indian Health Service Agency itself calls their organization a "rationed health care system."

When the taxpayer money runs out, they can't pay for those services. So they ration. America has proven universal nationalized health care results in a rationed system of care by the way we treat the American Indians. And every nation that has tried socialized medicine has proven its results in rationing and in poor health care.

There are more problems with this universal plan. To cut costs, the government solution is to pay all the private doctors the Medicare rate for their services. It's in their 1,000-page bill. They call it "cutting medical costs." The main problem with that scenario is that Medicare rates don't pay for a doctor's overhead. So they run the doctors out of business. Why would anyone want to go to medical school and spend all that money just to open up a practice that doesn't pay for itself? And to make matters worse, the American Medical Association has warned us that we are losing more doctors than we are getting.

Madam Speaker, we don't have to wonder what health care, run by the Federal Government, looks like. We have our own long, lamentable, sad, sick history to prove it doesn't work. Socialized medicine has the competence of FEMA, the efficiency of the post office and the compassion of the IRS, and results in medical malpractice against the American Indians. Just ask them. And that's just the way it is.

WE MUST RETHINK OUR POLICY IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the administration is currently reviewing our military strategy in Afghanistan. General McChrystal, the leader of U.S. and NATO forces, is expected to give his report to the President in just a few weeks.

But the President isn't the only one who should be reviewing our policy. Every Member of this House should be reviewing our policy too, because we are once again relying on the military option, just like we did in Iraq. And that's just not the best way to stop the violent extremists who threaten us.

If you need proof of that, just remember that al Qaeda has launched more attacks since 9/11 than before 9/11. And our National Intelligence Estimates have warned us that al Qaeda is getting stronger—stronger—not weaker. And if you need even more proof, Madam Speaker, that military force doesn't work, I urge you to read the RAND Corporation report entitled "How Terrorist Groups End."

RAND studied 648 extremists groups that existed between 1968 and 2006. It found that military force was effective against these groups only 7 percent of the time. In its analysis, RAND discovered two strategies that actually worked better. The first was negotiated political settlements; the second was the use of intelligence and police agencies to penetrate and disrupt extremist organizations. Combined, these two strategies were effective 83 percent of the time.

RAND applied its analysis to al Qaeda and concluded that "policing and intelligence should be the backbone of U.S. efforts." And they believe this to be true in Afghanistan and other parts of the world. This is because "al Qaeda consists of a network of individuals who need to be tracked and arrested," which requires the cooperation of U.S. and foreign intelligence agencies.

RAND also said that America "should generally resist being drawn into combat operations in Muslim societies, since its presence is likely to increase" the recruitment of violent extremists.

Madam Speaker, instead of using military force, we must change our mission in Afghanistan. We must use the far more effective tools of SMART power. SMART power can do a much better job of ending violent extremism than bombs, bullets, invasions, and occupations.

In this session of Congress, I have introduced House Resolution 363, the SMART Security Platform For the 21st century. It calls for strengthening intelligence and law enforcement agencies to track and arrest those involved in violent acts, while still respecting the rule of law.

SMART security also calls for improvements in civilian policing. A well-trained police force is a highly effective

counterinsurgency tool because it is located where the extremists actually lurk. My SMART security platform also includes many other initiatives to provide for stopping extremism in Afghanistan and other parts of the world. SMART security addresses the root causes of violence and it encourages diplomatic and multilateral action. It promotes nuclear nonproliferation, and it ends our dependence on foreign oil.

Madam Speaker, the death toll in Afghanistan is on the rise. A summer of heavy fighting is ahead of us. Let's stop this bloodshed before we have another Iraq on our hands. Let's do the smart thing. Let's change our strategy before it's too late.

HONORING THE OLD GUARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, I rise today to honor the outstanding individuals of the Old Guard located at Fort Myer, Virginia.

The 3rd United States Infantry, proudly nicknamed the Old Guard, has served our Nation since 1784, making it the oldest active duty infantry unit in the United States Army.

□ 1945

Since World War II, the Old Guard has served as the Army's official Honor Guard. Soldiers from the Old Guard protect Washington, D.C., escort the President, and conduct military ceremonies at the White House, Pentagon and national memorials in the capital, including funeral details and other special ceremonies at Arlington National Cemetery.

Last month, I had the pleasure of spending the morning at Arlington National Cemetery and seeing the inside workings of the Old Guard. One of their most recognized duties is to provide sentinel at the Tomb of the Unknowns. Since April the 6th of 1948, the Tomb of the Unknowns has been guarded 24 hours a day, 365 days a year, regardless of weather. The sentinels rotate walks every hour in the winter and at night and every half hour in the day during the summer. They are all volunteers and considered to be the best of the Old Guard. Each soldier must be in superb physical condition, hold an untarnished military record, and be between 5 foot 10 and 6 feet 4 inches tall with the proportionate weight and build.

During the trial phase, soldiers are required to memorize seven pages of Arlington National Cemetery history, and the new sentinels learn the grave locations of nearly 300 veterans.

The sentinels' duty time not walking is spent in the Tomb Guard Quarters below the Memorial Amphitheater,

where they study cemetery “knowledge,” clean their weapons, and help the rest of their relief prepare for the Changing of the Guard. The guards also train on their days off.

A portion of the Sentinels’ Creed states: “My dedication to this sacred duty is total and wholehearted. In the responsibility bestowed upon me never will I falter, and with dignity and perseverance my standard will remain perfection.”

Madam Speaker, it was a humbling experience to witness the sentinels’ dedication and commitment to honoring all American servicemembers who are “Known But to God.”

I encourage every American who visits our Nation’s capital to stop by Arlington National Cemetery to pay tribute to the fallen military heroes of the past, and to witness the dedication of the Old Guard.

I also encourage my colleagues in Congress to make the time to visit Arlington National Cemetery and meet with the fine soldiers of the Old Guard. Their motivation and dedication to service should truly fill every American with pride.

And as I close, Madam Speaker, as I do many times on this floor, I ask God to please bless our men and women in uniform. I ask God in his loving arms to hold the families whose child has given their life for freedom in Afghanistan and Iraq. And I ask three times, God please, God please, God please continue to bless America.

CELEBRATING THE 40TH ANNIVERSARY OF THE APOLLO 11 MOON LANDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, as a 12-year member of the House Science Committee and a resident in Houston, Texas, I too rise to celebrate and to commemorate the 40th anniversary of Apollo 11.

This coming Friday, the NASA community and all of Houston will join in a splashdown celebrating the 40th anniversary of Apollo 11 at Space Center Houston.

Madam Speaker, I cannot tell you the great excitement in our community, because NASA has been a real anchor both economically, but really one of great pride, even though we realize it is a national treasure.

The words of a young President John F. Kennedy in his May 25, 1961, speech to Congress rings clear in our ears because he challenged America. He challenged those who had the ability to dream and gave them the goal of landing a man on the Moon and returning him safely to Earth.

The Apollo 11 program was designed to achieve the goal established by

President Kennedy, by sending a crew of three astronauts to the Moon and returning them safely, but he didn’t realize the drama and the excitement and the inspiration that that would provide. He did not realize what it would mean when Buzz Aldrin and Neil Armstrong and Michael Collins took flight in Apollo 11. He did not realize that when the crew of Apollo 11 launched into space aboard a Saturn V rocket on July 16, 1969, was almost equal to, I guess, the discovery of this Nation.

And then on July 20, 1969, Neil Armstrong and Buzz Aldrin successfully piloted the Eagle lunar module to the surface of the Moon. And who can forget “The Eagle has landed.” It was exciting for all of us who really believed in the greatness of America, but also the peace that America generated.

And then on July 20, 1969, when Neil Armstrong took his first step on the Moon, he became the first person to walk on the surface of another celestial body. We know his famous words that, in fact, as I paraphrase them, one step for man and one giant step for mankind.

And so we recognize how important it is to celebrate 40 years, because we want there to be another 40 years of NASA, to recognize the economic arm that it presents, to recognize the value of the inquisitiveness of scientists, mathematicians, doctors, those who are engaged in the business of exploration and human challenges.

Astronauts have come from all walks of life. They’ve happened to be my neighbors. We’ve lost some in Columbia and Challenger. We mourn for their families, but we celebrate their families and thank them for their sacrifice because we recognize that this is a time that we are now to pay tribute to them by continuing our work with NASA.

How excited we are to have retired General Charles Bolden to be the new NASA administrator, a former astronaut, the first African American, a Houstonian in the years that he lived there.

And so we celebrate and hope that this inspiration goes into the nooks and crannies of prekindergarten, kindergarten, primary, secondary education, college, graduate school. Let us send forth more astronauts, chemists, physicists, biologists, doctors, mechanical engineers, engineers, all of the people that can help us discover a peaceful way to live in this wonderful universe. That’s what Apollo 11 was all about. Showing us that it is a place of peace, the Moon, that we can explore, we can find out information, we can make lives better for Americans and others around the world.

I always believed in the international space station. As a member of the Science Committee, I was able to craft legislation to create a safety scheme, if you will, to ensure that the inter-

national space station is safe. We see now that there are constant checks and constant emphasis on ensuring the safety of this particular large building in space, if you will, the size of large football fields. We know that that is important, even to the extent of fixing a toilet.

So, Madam Speaker, I rise to support and to salute Buzz Aldrin, the lunar module pilot; Michael Collins, the command module pilot; and Neil Armstrong, the mission commander, who understood what it was to make this giant step.

His other words as well, as we came in peace for all of mankind, that should be the mantra, the standard, the medal, if you will, the heart of NASA as we explore: We come in peace for all of mankind.

THE IRANIAN PEOPLE’S PEACEFUL STRUGGLE FOR FREEDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. MCCOTTER) is recognized for 5 minutes.

Mr. MCCOTTER. Madam Speaker, the Iranian people’s peaceful struggle for freedom continues despite the tyrannical regime’s barbarous crackdown. In fact, in his Friday’s sermon, former President Rafsanjani called into question legitimacy of the present government and rebuked the regime for its crackdown on peaceful protesters and its cavalier rejection of the cries that the election was stolen.

Finally, former President Rafsanjani called upon the regime to free and fully account for all those peaceful freedom seekers who have been arrested in the repression. Then, on Sunday, former President Khatami called for a referendum on the legitimacy of the Iranian regime and asked that the results be tallied by an objective independent Iranian body to ensure its accuracy.

This led the current opposition, Presidential candidate Hossein Mousavi, to say, You are facing something new, an awakened nation, a nation that has been born again and is here to defend its achievements. Arrests won’t put an end to this problem. End this game as soon as possible and return to the nation its arrested sons.

While humanity agrees, Supreme Leader Khamenei disagrees. And to leaders who both tacitly and expressly support the freedom seekers in Iran, Khamenei issued this warning. The elite should be watchful since they have been faced with a big test. Failing the test will cause their collapse.

I’d ask Supreme Leader Khamenei to look at this picture. Her name is Taraneh Mousavi. She was arrested near Ghoba Mosque, where she was on her way to attend hairdressing college. After her arrest, she was raped, sodomized and tortured by her captors, taken to a hospital in a coma, and it

was there that she died. Upon her death, her body was removed to the outskirts of Karaj Qasim where, to prevent an autopsy, it was burned.

She came from a religious family. Taraneh was only 19 and an only child. Her family has been threatened to keep quiet, and yet the resistance wants her story out. Why? Because here's the truth denied by Khamenei and his misogynistic, murderous regime. Your referendum has been held and you have failed your test. Taraneh and Nadeh condemn you as the despicable killers of women. You have no legitimacy either in the eyes of the Iranian people or in the eyes of the civilized world. You are doomed by your own hands, and it is but a matter of time until your regime collapses and the Iranian people breathe free.

ALL JOBS ARE NEEDED NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 5 minutes.

Mrs. BACHMANN. Madam Speaker, all jobs are needed now in the United States. We need jobs here and we need jobs now. Unemployment stands at a 26-year high at 9.5 percent.

And what is the response of Washington, D.C.? Government is increasing the costs on job creators. By the end of this week, Madam Speaker, government will have mandated that the price of the minimum wage will increase another \$0.70 per hour. This comes when teenage unemployment stands at nearly 25 percent, nearly another record. Employers expect to be cutting more minimum wage jobs as a result of this action, not adding more jobs. Teenagers in my district are going from day to day to day, many of whom have given up now that it's the end of July, looking for work. Unemployment stands at a high for teenagers. They're competing with 40-year-olds for jobs at fast food companies.

So what else does Washington do?

Washington is passing a crushing debt burden on to the 19- and 20-year-olds with our \$1.1 trillion stimulus plan. Clearly, the stimulus plan hasn't worked to create more jobs for Americans. Two million jobs have been lost since the stimulus law was passed earlier this year. The public was told that if Congress failed to pass the President's stimulus plan that we would see 8 percent unemployment. A lot of States today would love to see 8 percent unemployment.

Try the State of Michigan. Last week they reported their unemployment stands today at 15.2 percent. We can do better, so much better. We have before and we can again.

Let's ask every business owner in America, Madam Speaker, if it would help them if we would cut their costs of doing business with the Federal Government.

Let's ask the average American if they would like to see government take less of what they make. Let's see if Washington would allow the American people the freedom to reclaim their lives, rather than waiting for a Washington bureaucrat to give them permission to move forward with their lives.

□ 2000

This last weekend, I spoke to a Minnesota businessman who has created four dozen jobs in my district. He would love to provide health care for his employees, but he simply can't afford to. Why? It's because of the government mandates.

Do his employees go without health care? No, they don't. Almost all of them have health insurance either through a spouse or they purchase health care on their own.

What would his employees like to see? They would like to have help with the full deductibility of their health care costs on their tax returns; also if they could purchase health insurance in the same way they purchase their car insurance in a competitive, free-market manner. Many of them would like to see the increased use of health savings plans. They want to own their own health insurance because they want to be able to take it with them in case they want to be able to change jobs.

Madam Speaker, fully 77 percent of all Americans respond that they prefer their present health insurance. They like what they have, and they want to keep it, but they think, Madam Speaker, that they will be shocked if they learn that they could lose their private health insurance, and they would be shocked to learn if their only option would be the government as their only health decision-making.

Page 16 of the House Democrat plan that was revealed last week of the government takeover of insurance is quite a shocker. Page 16 says that no new private health insurance policies will be allowed to be written after the passage of the bill. Government insurance is expected to be subsidized by taxpayers to the tune of 30 to 40 percent.

Approximately 114 million Americans are expected to leave private health insurance. Why? Their employers will drop the insurance because the taxpayer-subsidized plan will be 30 to 40 percent cheaper. This action will collapse the private health insurance market, and then the Federal Government will own the health provider game.

The problem is that every American will have to hope that the government will act benevolently toward their cases. Why? Because government will be the only game in town.

We can do better, Madam Speaker. We have done better. We can take a plan that truly does represent compassion and that does represent the best

interests of the American people by offering them freedom and true options.

THE CONGRESSIONAL BLACK CAUCUS: HEALTH CARE

The SPEAKER pro tempore (Mr. PERRIELLO). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Ms. FUDGE. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. The Congressional Black Caucus, the CBC, is proud to present this hour on health care. The CBC is chaired by the Honorable BARBARA LEE from the Ninth Congressional District of California. I am Representative MARCIA L. FUDGE from the 11th District of Ohio, and I am the anchor for this hour.

Mr. Speaker, I would now like to yield to our Chair, the Honorable BARBARA LEE, the gentlewoman from California.

Ms. LEE of California. Thank you very much.

Mr. Speaker, first, let me thank my colleague, Congresswoman MARCIA FUDGE of Ohio, for leading this Special Order, not only tonight but each and every Monday night, to keep our caucus and the country focused on addressing the key issues which are looming today. She consistently and is constantly on the case, making sure that we speak with one voice on the very, very critical issues which our country and the world are facing.

So thank you, Congresswoman FUDGE, for your leadership.

As Chair of the Congressional Black Caucus, I join my colleagues tonight in this very timely discussion of health care and of our efforts. Also, I want to make the case tonight for prevention as a very cost-effective strategy for health care reform. Prevention and, of course, public health should be the cornerstone of any true health care package. Prevention that takes place outside of the doctor's office can be just as important in impacting the health of Americans as health care on the back end when one ends up in an emergency room. Disease prevention is universally popular from coast to coast and across political spectra. Americans understand and appreciate the value of prevention, the value especially for reducing disease rates, for improving the quality of life and for lowering health care costs.

Yes, given the rise in deficit, we all are extremely concerned about the

costs of health care, but we also must remember that an ounce of prevention is worth a pound of cure. For whatever reasons, those experts who are giving us the numbers in terms of the costs don't seem to, for whatever reason, want to tell us how much we will save based on prevention as a key element and strategy in our bill.

In a new poll released last month by the Trust for America's Health, Americans actually ranked "prevention" as the most important health care reform priority. The poll also found that more than three-quarters of Americans believed the country should invest more in keeping people healthier; and by a ratio of nearly 4-1, they supported putting more emphasis on preventing disease rather than on treating people after they become sick.

People are convinced it will save the health care system money, but surprisingly, the poll also found that more than 70 percent of Americans say investing in prevention is worth it even if it doesn't save money, because it will prevent disease and it will save lives. We also know that it will save money.

Now, this is not about lecturing people about behavior. Instead, what we want to do is to remove barriers to good health that are beyond the control of most people. One role of government in health care is to provide opportunities to make it easier for people to make healthy choices. Americans are not as healthy as they could be or should be, and this is resulting in skyrocketing health care costs that threaten to bankrupt American businesses. Our workforce is less productive than it could be or it should be as it relates to competing with the rest of the world.

Tens of millions of Americans suffer every day from preventable illnesses like diabetes, heart disease, some forms of cancer, and infectious diseases which rob them of health and the quality of life that they deserve, and it also drives up health care costs. More than half of Americans suffer from at least one chronic disease. Two-thirds of Americans are obese or are overweight, and 20 percent of Americans smoke. Due to the epidemic of obesity, today's children could be the first generation to live shorter, less healthy lives than their parents. This is very scary. The Nation's economic future demands that we find ways to reduce health care costs. Helping Americans stay healthier is one of the most effective ways to lower costs and to ensure that our workforce is strong and productive enough to compete in a global economy.

According to the United States Centers for Disease Control and Prevention, a vast majority of chronic diseases could be prevented through life style and environmental changes. For too long, the health care system has focused on treating people after they be-

come sick instead of keeping them healthy in the first place. We need to shift from a sick care system to a health care system. Prevention can improve the quality of lives of Americans, can spare millions from needless suffering and can eliminate billions of dollars of unnecessary health care costs. Research shows that strategic investments in disease prevention programs in communities can result in a big payoff in a short time, reducing health care costs, increasing the productivity of the Nation's workforce and helping people lead healthier lives.

Let me just conclude by saying I have to take a moment to commend Congresswoman Donna Christensen and the Congressional Black Caucus' Health Task Force, along with the Congressional Hispanic and Asian Pacific American Caucuses' task forces, for their diligent and effective work to ensure that any health care reform bill includes a real public health option and provisions to address the racial and ethnic disparities which we face each and every day. Unfortunately, people of color are disproportionately seen in emergency rooms because they don't have health insurance and can't get preventative care.

For example, African Americans are 3½ times more likely than whites to get an amputation as a result of diabetes. African American men with colon cancer are more than 40 percent more likely than white men with the same condition to receive major diagnostic and treatment procedures too late.

So, Mr. Speaker, as we debate health care reform, let's look at the real costs and focus on the billions—and I mean billions—of dollars that we will save if we remember that old adage that an ounce of prevention is worth a pound of cure.

Thank you, Congresswoman FUDGE, for your leadership and for giving me a few moments to talk about this very important issue tonight.

Ms. FUDGE. Thank you very much, Madam Chair.

Mr. Speaker, we have the honor of being joined this evening by the majority whip. I would at this time yield to the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. I thank the gentlelady for yielding me this time.

Mr. Speaker, I would like to say to the American people that this whole issue of health care reform is something that needs to be focused on, not as an individual condition or situation but as to what is happening to the American families, as to what has happened to American businesses and as to what is happening to the American economy.

This is not about government-run health care. It's about removing insurance companies and costs from health care decisions, and it's about allowing you and your doctor to make those de-

cisions. The status quo is not acceptable, and it is not sustainable. Here is why:

Every day, Americans are worried not simply about getting well but about whether or not they can afford to get well. Millions more wonder if they can afford preventative care to stay well. Premiums have doubled over the last 9 years, rising three times faster than wages. The average American family already pays an extra \$1,100 in premiums every year for a broken system that supports 46 million uninsured Americans. For American businesses, soaring health care costs put American companies at a competitive disadvantage in a global economy. Small businesses are forced to choose between coverage and layoffs.

The broken health care system will cost us as much as \$248 billion in lost productivity this year alone. We have the most expensive health care system in the world. We spend almost 50 percent more per person on health care than the next most costly nation, but we are no healthier for it. If we do nothing, in a decade we will be spending \$1 of every \$5 on health care. In 30 years, it will be \$1 of every \$3. Health care reform is curbing health care costs. It is the single best tool for deficit reduction.

Now I want to answer a question for all of the American people: What is in the reform plan for the average American?

Without reform, the health care costs for an average family of four is projected to rise \$1,800 every year for years to come, and insurance companies will make more and more health care decisions. America's middle class deserves better.

Now, here is what is in this reform package for you: no more co-pays or deductibles for preventative care; no more rate increases for preexisting conditions, gender or occupation; an annual cap on your out-of-pocket expenses; group rates of a national pool if you buy your own plan; guaranteed affordable oral, hearing and vision care for your kids.

□ 2015

With this health care, there is greater choice. Keep your doctor and your plan if you like them. More choice with a high-quality public health insurance option competing with private businesses.

And so I want to say to the American people, this health care plan that we are marking up in the Energy and Commerce Committee over the next 2 days—and it's already been marked up in three of five committees in both houses of the Congress—is a plan that will say to the American people, You no longer have to worry about the cost shifting that's taking place in our current health care system; you will no longer have to worry about your premiums going up in order to cover that

cost shifting for those people who do not have insurance. There will be stability in your families, there will be decreases in your premiums, and there will be an expansion in the coverage for all Americans. This is something we cannot afford not to do.

Ms. FUDGE. Mr. Speaker, I would now like to yield to my friend and colleague, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Let me thank our congresswoman from Ohio, Congresswoman FUDGE, for organizing this Special Order on health care.

Over the years, the degree of accessibility and quality of health care in the United States has faltered. We are a Nation in crisis. Many Americans who are uninsured and unable to pay their hospital bills are deprived of the care and attention needed to ensure their well-being. Fundamental change is necessary to truly make progress toward a healthy America. We must rescue our health care from the insurance companies and the pharmaceutical companies.

My experiences as a State and Federal legislator and a nurse have provided a unique vantage point from which to discuss this issue.

During my 15 years as a professional nurse and that of a chief psychiatric nurse at the Veterans Administration Hospital in Dallas, Texas, I witnessed the diminishing state of our health care firsthand. Our system of health care is especially weak when it comes to mental health, for example. Individuals with mental illness do not receive sufficient coverage from insurers. While some are uninsured and unemployed, others may make too much to qualify for Medicaid. The limited options that our health care system offers mental health patients results in their inability to obtain appropriate treatment.

Some years ago in the State of Texas, there was a lawsuit, and the ruling came down that said patients had a right to treatment. Many of the patients that were in State institutions were discharged because we did not have the staff to treat them. Guess what happened to them? They became homeless and many went to prison. They become victims of our flawed health care system, become unable to gain employment, and at times really have no other place to go but to the sidewalks and the streets and the doorways. People with mental illness are amongst those least served by local and national health care systems.

Individuals and families across the country are being affected by the faults in our care system. Thousands of families are crushed by the growing cost of health care. Today, Americans are spending more on health care than housing or food, and they sometimes must choose between paying their

health premiums or their rent or even their prescription medications.

With our ailing economy, Americans should not be forced to make that choice, and now is the time for reform. We must not allow these millions of dollars that are going to lobbyists to distort this plan win this time. We can reform our health care system by improving and expanding our current systems of Medicare, Medicaid, and CHIP, making them available and affordable to all Americans. I don't think we ought to have a total Federal or a government plan, but we ought to have a choice because the insurance companies have no one to compete with now and they can charge what they want and limit what patients can get. They are dictating to doctors what they should order. That needs to end.

We need to guarantee and provide quality and affordable health care to all. We need to ensure that care is patient-centered and accessible, setting higher benchmarks for quality and efficiency. We need to enforce rules that make sure our insurance companies put health care over profit. They've had their day.

Americans should be able to keep the health care that they have but also have the option of a public plan that does not leave anyone at the mercy of fate in order to stay healthy and avoid bankruptcy. We can take the best of our current models and lessons learned and use them to reform our health system.

Forty-six million uninsured Americans—including 5.7 million in Texas—are in great need of health care coverage. Many of our uninsured in Texas are working people. We need to act now to reduce health care costs as well as health care disparities to ensure the well-being and the healthiness of all Americans.

This country we call the leading Nation and the richest country does less to make sure that the people here, the citizens, are healthy. We must change this now. We must not allow the millions of dollars going to lobbyists to distort this and defeat it this time.

Thank you.

Ms. FUDGE. Mr. Speaker, CBC members are advocates for families nationally, internationally, regionally, and locally. We stand firm as the voice of the people. We continue to work diligently to be the conscience of the Congress. We are dedicated to providing focused service to citizens that elected us to Congress. The vision of the founding members of the Congressional Black Caucus—to promote the public welfare through legislation designed to meet the needs of millions of neglected citizens—continues to be the goal of our legislative work.

Tonight, the CBC is going to focus all of its attention on health care. I am proud to serve on one of the three House committees that are working on

health care reform legislation. I serve on the Education and Labor Committee. The other two committees are Ways and Means and Energy and Commerce.

While each member of the CBC has his or her own area of concern, I will focus on two categories which directly affect the most vulnerable citizens: the poor and those with mental illness. I will examine how the House's health care reform bill, H.R. 3200, the America's Affordable Health Choices Act of 2009, assists these two groups.

I will begin by examining the problems people with low incomes and those in poverty face while attempting to access our current and expensive and broken health care system.

One quote comes to mind, Mr. Speaker. This statement was made by Dr. Martin Luther King, Jr., more than 40 years ago. Dr. King said, Of all the forms of inequality, injustice in health care is the most shocking and inhumane. Sadly, Dr. King's statement is still relevant today.

Statistics prove that the high cost of health insurance causes or deepens financial hardships. The Service Employees International Union reported that in 2004, half of all people filing for bankruptcy cited medical costs as the reason; and in 2008, half of all home foreclosures were due, in part, to the high cost of coverage and care.

The numbers also prove that the high cost of health insurance causes people to remain or become uninsured. Due to the high cost of health care coverage, one in six—or 43.6 million Americans—under the age of 65 do not have any type of health insurance. That comes from the Centers for Disease Control. The Children's Defense Fund reports that 9 million children are uninsured in America.

Statistics demonstrate that the high cost of health insurance and lack of access to quality health insurance disproportionately affects African Americans. According to a new report issued in June of 2009 by the U.S. Department of Health and Human Services, minority and low-income Americans are much more likely to suffer from a chronic, debilitating illness than whites, and are far less likely to have the kind of coverage that will ensure quality care.

For example, nearly half—or 48 percent—of black adults suffer from some form of chronic condition compared to 39 percent of all adults. Yet, one in every five black Americans lack health insurance compared to one in every eight whites. Considering the statistics that I mentioned, I'm glad to report that affordability and access to quality health care are two problems that are addressed by the America's Affordable Health Choices Act. Effective in 2013, assistance will be available for individuals and families that fall below the 133 percent to 400 percent of the Federal

poverty level. Financial assistance will limit individual and family spending on premiums from a minimum of 1.5 percent of income for those with the lowest income and maxing out at 11 percent of income for those at 400 percent of poverty or more. Also effective 2013, people with incomes at or below 133 percent of poverty will all be eligible for Medicaid.

In addition to the financial assistance provided by our bill, while vitally necessary, monetary help will only address part of the problem. Prevention and wellness measures need to be a part of the solution as well. Fortunately, there are measures that are included in our legislation to address this gap.

I was speaking with a constituent the other day, Mr. Floyd Perry from my district, who was born in 1938. He is in good health and does not take any medication. Mr. Perry attributes his good health to preventative health care, and he wanted me to share with everyone that preventative health care works.

H.R. 3200 authorizes additional funding for existing community health centers and creates community-based programs to deliver prevention and wellness services and waives cost sharing, both co-insurance and deductibles, for preventative services—which means that you will no longer have to pay for cancer screenings or adult and child immunizations or vision screenings or hypertension treatment.

I would like to turn my attention just for a moment to citizens with mental health issues.

In my most recent town hall meetings, many constituents were concerned about health insurance, the affordability and the coverage. Some questions were fairly general, of course, and others were fairly specific.

One woman in particular was concerned about mentally ill felons who are released from jail without access to the medications they need to remain mentally stable. My constituent found that ex-offenders with mental and emotional problems are more likely to commit crimes again due to the lack of treatment. Fortunately, access to mental health care will be improved under the current House health reform bill, but the distinct needs of ex-offenders are not explicitly addressed. Among others, my office is currently working on this issue with Representative RUSH of Illinois.

The following statistics will help us understand the current problems felons and ex-offenders with mental illnesses face.

According to the Bureau of Justice Statistics, at mid year 2005, more than half of all prison and jail inmates had a mental health problem, including more than 700,000 inmates in State prisons, more than 78,000 in Federal prisons, and almost 500,000 in local

jails. More than two-fifths of State prisoners—43 percent—and more than half of local jail inmates—54 percent—reported symptoms that met the criteria for mania. About 23 percent of State prisoners and 30 percent of all local jail inmates reported symptoms of major depression.

We also have problems with mental health hardships with our children.

According to the American Academy of Child and Adolescent Psychiatry, while almost one in five children in the United States suffers from a diagnosable mental disorder, only 20 to 25 percent of affected children receive treatments for illnesses such as attention deficit hyperactivity disorder, eating disorders, depression, and substance use disorders.

□ 2030

The Department of Health and Human Services reports that serious emotional disturbances affect one in every 10 young people at any given time, and our general population faces many more problems with mental illness. One in four uninsured adult Americans has a mental disorder, substance use disorder or both. Adults with serious mental illnesses die 25 years sooner than those who do not have mental illness. Almost 1 in 4 stays in acute care hospitals involve depression, bipolar disorder, schizophrenia, and/or other mental health and substance abuse disorders.

Treatment for mental health and substance use disorder is very effective. Recovery rates for mental illnesses are comparable to and even surpass the treatment success rates for any physical health conditions. For example, up to 85 percent of people with depression who are treated with a combination of medication and therapy experience substantially reduced symptoms, enhanced quality of life and increased productivity.

Mr. Speaker, I see I have been joined by my colleague and friend, the gentlelady from Texas, Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Let me thank the gentlelady from Ohio, first of all, for bringing this important Special Order to the floor of the House tonight and for her continued leadership. Allow me to thank Mr. Speaker for his leadership as well on these many issues because this is a dialogue with our colleagues on an important topic.

And so I would like to begin by just congratulating you for focusing on the mental health issue, and some of our colleagues were focused on preventative medicine, and certainly, our majority whip indicated, in essence, a message to the American people of just what would be occurring.

I would like to follow suit and try to walk us through the construct of what we're trying to do here in the United States Congress in the light of day, if you will. The Tri-Committee, members

of those three committees, have marked up their bills in an open process, starting last week. That markup is continuing. Members will have an opportunity to engage in issues that they believe are extremely important.

But while I discuss the bill, I think it is important that I point out that this is, in fact, the organizational chart of the Republican health care plan. I hope everyone can see it, and so as I discuss it we see that there is one option. It is the option that the President and the Democratic leadership and Members of Congress, which we hope will be bipartisan, will focus on curing the cancer, if you will, of uninsured people in America. When I say cancer, of course I'm speaking in the metaphoric manner, meaning that it is a cancerous sore to have people that cannot have access to health care.

On July 25, I am going to hold a job fair because Houston has the highest unemployment since 1987, and many people believe Texas has been immune. And of course, I know that some will pick up on that and suggest that they told you so about the stimulus. We understand that the stimulus is making its way into our communities, and we know that jobs are being created and jobs are saved. But it's hit a point where various cities are being impacted at different points of time. So we'll have that job fair, and we expect any number of employers to come and we expect to have success.

But in the interim, we realize that people are without health insurance. They are part of the 47 million-plus, including those who have never had health insurance, including those with preexisting diseases.

So what is the Democrats' health insurance about? It is about closing the loopholes. It is about answering the call of Americans who cannot find pediatricians to take their children to, who have the elderly who need home care, who have articulated the major disparities in health care.

You know, I heard my good friend from Texas rise today and talk about the Native Americans. I'm glad to tell him that the Tri-Caucus, Asian Pacific, Hispanic Caucus and African Americans, are way ahead of that question, and so we're focusing on the issue of disparities in health care.

Just this past weekend I joined with Organizing for America to work with volunteers as they were calling to explain to constituents just what this health care package is about because we're not trying to hide the ball. And so it is about reducing costs, because rising health care costs are crushing the budgets of governments, businesses, individuals, and families, and they must be brought under control. That's what we want to do.

It's about guaranteeing choice. Every American must have the freedom to choose their plan and doctor, including

the choice of public insurance, a vigorous and robust public option.

Ensure affordable care for all. All Americans must have quality health care. And unfortunately, I'm hoping that we are watching the plan that our good friends have so we can realize how important it is to focus on what we're trying to do, and it is complex.

What we're trying to do in this health care reform is to answer the call that more than 8 in 10 of those Americans surveyed say: It's extremely or very important that the legislation make health insurance more affordable. We think that's very important.

Without reform, the cost of health care for the average family of four is projected to rise \$1,800 every year for years to come.

And so our draft legislation has—and I want us to have the comparison of what we're seeing from our friends on the other side of the aisle, we will have no more co-pays or deductibles for preventative care. Can I use a term we use in our communities? Hallelujah. Can you imagine? Can you imagine?

I know that you have the Cleveland Clinic. I have come and admired that. It's in your district. You have done great work for the Cleveland Clinic. Can you imagine those scientists and doctors will have the ability to design a preventative medicine program? I am sure they have one. The Texas Medical Center will be able to design a preventative program.

Dr. Lovell Jones, who heads a minority populations program at the M.D. Anderson, will be able to finally get his way to work on the issue of disparities in health care but work on prevention.

No more rate increases for pre-existing conditions, gender or occupation.

An annual cap on your out-of-pocket expenses. How many of us have heard the stories of catastrophic bankruptcies, financial collapses, because families have had to deal with catastrophic illnesses?

Group rates of a national pool if you buy your own plan and guaranteed affordable oral, hearing, and vision care for your kids. I have worked on the issues of vision care, and I know as Chair of the Congressional Children's Caucus children, as Chairwoman BARBARA LEE said, are the most vulnerable.

So we realize that we've got to do something. By a 23 point margin, 56 to 33 percent of Americans endorse the idea of enacting major health care reform this year. Half call it extremely or very important, and the idea of not having a health plan is really nightmarish, if you will.

It is a fact that 68 percent of all personal bankruptcies are the result of health care expenses and that 75 percent of those are filed by people who had health insurance. Given that, it is clear that the existing system of pri-

vate health insurance companies is no protection against financial ruin.

That's why we need a robust financial option, and I refute the arguments that are being made that if we have a robust public option that all the people in the private sector will run for this. No, they won't, because obviously there will be criteria. There will be standards which they will meet, and there will be standards which we meet. There may be extras that the private insurance has. We wish them well, and they will be judged by the market, and their particular members will be subscribing on the basis of their desires and their ability.

But I think one thing that we need to be careful of, and we need to find language to ensure that—we know they're writing the bill. We cannot allow willy-nilly for corporations to close their doors on the most sick of their employees and throw them, in essence, without their will, without their desire, into another plan. That's what we have to protect against, and I believe that we'll do so.

The public option is going to be a very good plan, but if you are any corporation, and you're an employee, then you should not be thrown unless you desire to go into the public plan. And so we will protect against that.

But I think it is important to note that our plan is, again, not one that is throwing money out and around and flooding, if you will, the streets like greenbacks by throwing them out on the street. We're not talking about that. We are talking about being fiscally responsible.

Let me tell you how we're doing that—and this is important because the argument has gotten that this is a tax bill, that this brings no relief to anyone, but let me tell you, we don't ultimately know how it will manage in the size that it is to be fully paid for. But we are committed to being responsible with taxpayers' dollars.

We are going to be working on programs that will prevent waste, fraud and abuse. This is going to be a health care reform with integrity, and I ask the American people, lift up the curtain. We have the lights on right now. You actually see what is going on as we mark up this bill.

But I tell you what we're going to do. We're going to strengthen Medicare and Medicaid program requirements for provider, suppliers and contractors. No more willy-nilly rates and having no knowledge of how much things cost. I think there's a way of doing it. There is one position being proposed that some of us do disagree with, but I do believe that we can find a way to have common ground.

We'll require providers and suppliers to adopt compliance programs as a condition of participating in Medicare and Medicaid. We'll require Medicare and Medicaid integrity contractors that

carry out audits and payments reviews. We're going to be looking at why are you charging this amount for renting something—I just saw an expose today about paying \$1,200 to rent a wheelchair, and you can buy it for \$300. Let's slash that out. Let's slash and burn that out. That's what we're going to be doing, and the American people should understand that.

Then we're going to improve screening of providers and suppliers. Create a national preenrollment screening program to determine whether potential providers or suppliers have been excluded from other Federal or State programs, that have revoked licenses; allow, in any state, enhanced oversight periods or enrollment moratoria in program areas determined to pose a significant risk of fraudulent activity; and require that only Medicare-enrolled physicians can order durable medical equipment or home health services paid for by Medicare. And a number of other checks that we are going to have.

This is a not a fool-around-type effort. This is going to be a serious effort.

May I share with you just a few other thoughts, and I will show you how our plan is going to be work. I am likewise very pleased to have been part of the CBC health task force for a number of years, but I, too, want to congratulate the Congressional Black Caucus health task force and DONNA CHRISTENSEN, who I believe is right now involved in marking up the bill.

We have worked for a long time as a Tri-Caucus on this issue called disparity, and since my colleague was speaking just a few moments ago about Native Americans and that public system, and you know what, I agree. It has not been the best. It hasn't been run by a health care system. It's run by the Bureau of Indian Affairs. We need to overhaul that as well.

A robust public option does not entail the kinds of abuses or misdiagnoses that my good friend was talking about. And let me tell you why the Tri-Caucus of Hispanic Caucus, African American Caucus—Congressional Black Caucus and Asian Pacific Caucus, includes Native Americans. And what we are going to be doing is ensuring that community-centric health efforts, particularly those that will expand access to care and improve the health and well-being of communities that are the hardest hit by health inequities—and that happens to be Native Americans among others—are integrated into health reform.

So as we improve health reform we'll be looking to fix the broken native American health system. It is broken: high rates of diabetes, high rates of heart disease, bad nutrition in many instances, not good care for children. We're looking at turning Americans, all Americans, on this soil into healthy, healthy individuals.

This is what I really like: prioritize prevention and public health promotion in both clinical and community settings. We couldn't have it any better. Recognizing that the traditional medical home has been the office of the family and other primary care provider, efforts must be undertaken to increase their numbers and the reimbursement, and they must be an integral part of this process.

These words are very important. Every measure must apply equitably to American Indian tribes and the territories, and barriers to Federal health programs and the territories must be eliminated. This comes out of the Tri-Caucus health care reform, and we are working to make sure that we get those elements in our particular health care reform.

I want to conclude by suggesting that after you see this health care plan, organizational chart of Republican health care plan—and we'll look forward to maybe something coming on this chart, but I think this is easy to read. This is the path to health care for all, and this has been done by my good friend. I am vice Chair of the Progressive Caucus.

□ 245

We are working together. So this has been done by my good friend, KEITH ELLISON, Congressman ELLISON of the Progressive Caucus. And I believe that this is a straightforward, neutral presentation that anyone of whatever viewpoint they have that wants health care reform can understand how this can be the path to health care for all, every American.

Employer-based insurance, exactly what you have now, except costs less. No more discrimination for preexisting disease, and at least 85 percent of premiums must go to patient care. Would anybody refute and reject that? I think not.

Public programs—Medicare, Medicaid, CHIP—still available to children, seniors, and families below the poverty level. In fact, we're going to reinvigorate Medicare. We're going to make that vigorous and ensure that payments are made. Then, health insurance exchange, individual, small businesses, subsidized for up to 400 percent of the poverty level, which will include a public plan and private plan.

The good news is that small businesses—and small businesses can be one person that wants to go out and follow their dream. They want to be inventive. They want to be creative. They want to do what they had desired to do maybe from a child. Now they are without health insurance. Their families are without health insurance. Their mother that they may be taking care of, their father, their elderly relative is without health insurance. We give them the opportunity.

And so I want everyone to set their eyes on this as I come to a close about

a very important point, and I hope that I can encourage you to be interested in this point, and that is the issue of physician-owned hospitals and specialty hospitals.

I am hoping that we will have an opportunity to recognize how important these hospitals are in care. For example, in the State of Texas, let me make it clear, the economic impact of physician-owned hospitals, which cover eight States, concluded that Texas physician-owned hospitals employ over 22,000 Texans, have a net economic impact of nearly \$2.3 billion in Texas, and will pay approximately \$86 million in taxes in 2009.

What are they? Many people believe that they are boutique hospitals. No, they're not. They're hospitals in the valley, where people in the valley of Texas—we call that south Texas—had no hospitals. They're a hospital in the heart of downtown Houston in the 18th Congressional District where the hospital was about to close, and it serves a population that some are below the poverty line, some are above it, but it is called St. Joseph Hospital. It was the only hospital that stayed open during Hurricane Ike. So we want to ensure that public hospitals or physician-owned hospitals have their fair chance.

Very briefly, the emergence of physician-owned special hospitals focusing on high-margin procedures have generated significant controversy; yet it is unclear whether physician-owned special hospitals differ significantly from nonphysician-owned specialty hospitals.

The scrutiny on this lacks significant merit. Our objective is to support physician-owned specialty hospitals that deliver a significant share of their services to underserved. That could be part of the criteria. Currently, the House Tri-Committee bill contains provisions that effectively eliminate these services. We would like to see a revision of that.

We have—when I say that many of us who represent these hospitals, I have visited them. I visited one that is in south Texas. It's state-of-the-art. People are healthier. Emergency rooms work, and it works.

I do want to conclude and share just a comment and yield to the gentlelady. I think this is my third one, but I am concluding.

I hope the bill will include a review or that we can review this issue of physician-owned general acute hospitals in underserved areas. They should not be penalized.

I would like to make sure that we increase health care professionals—I think that is already in the bill—in underserved communities, and especially provide grants to secondary schools.

I came across a program in New York where a nurse by the name of Jose—I'll just call him Jose—is going out to high schools, taking his staff and doing

mock operations and having them dress up in scrubs and getting high school and middle school students exposed to health care professionals. I like that idea, and I'd like to see it supported.

Provide tax incentives for the development community health care centers that are environmentally safe. Introduce language providing employers a tax credit to develop preventative services for all employees, and launch a pilot program that seeks to discover proven alternative medicine and also to address the question of abuse of prescription drugs.

Mr. Speaker and to Congresswoman FUDGE, let me thank you for the opportunity to share these thoughts and to be here to show the comparison between the work that's being done by the Democratic leadership and our caucus and the work that is being done or represented to be done by the critics who are, at this point, criticizing the plan.

Let's roll up our sleeves, let's work, and let's do what is right for America, a good health care reform package.

I yield to the gentlelady.

Ms. FUDGE. Thank you so much. I found very interesting the charts that you have there. I'm certainly hoping that people at home will see what we are trying to do for them. Certainly, I think it's important that they understand that our job is to represent them. Our job is to make sure that we can provide the best plan that is possible, and I believe that we are moving in the right direction to do that.

I certainly do want to talk a little bit more about small businesses. That has been a real issue in this Congress, as to what is going to happen with small employers once we move to a plan such as this.

Let me just say that I do sit on the Education and Labor Committee and was able to include an amendment, a very important amendment, that will provide small employers, those who have 100 employees or less, tools that can give them the resources and counseling to help them make better health care plan choices once this plan takes effect.

We want to keep our small businesses very strong. We know that small businesses represent 99 percent of all businesses in America and employ more than 53 percent of our Nation's workforce, so we cannot afford to not help our small businesses.

I don't know why people continue to say, Oh, we're not going to help small businesses. We indeed are. We all understand how important it is. We're going to help them when they have to make the important decisions about affordable health care and coverage for their employees.

I believe that this assistance will greatly reduce the chances of a small business choosing a health care plan

that does not serve their interest or that of their employees.

I, too, want to thank the Congressional Black Caucus for their work, and Dr. DONNA CHRISTENSEN, who has worked so tirelessly on our bill, which is the Health Equity and Accountability Act of 2009, which was under her leadership.

But what they're talking about is making it easier for people who live in underserved communities to be a part of America and a part of what it means to be a healthy and well-rounded person in this country.

We're going to talk about improving workforce diversity, strengthening and coordinating data collection, which is so very, very important. We're going to ensure that there is some accountability, and we're going to improve the evaluation and information that comes back to us so that we can say, Yes, we are doing well, or, No, we need to change, or, We can get better at this area.

So we're going to work very, very hard to improve all health care services for all Americans.

I want to just thank you for spending some time with me. I certainly do believe that if we put together the kind of plan that is on this chart, then we're going to do what the American people want us to do.

We know that 72 percent of all Americans today want health care reform. I believe that if we want to do the job that people have sent us here to do—they have given us a direction. They have said we want health care reform, and I believe that it is incumbent upon us to provide that.

Ms. JACKSON-LEE of Texas. Will the gentlelady yield for a moment?

You have eloquently articulated, I think, what our marching orders should be. I would just like to add an addendum to the vastness of what we're doing.

I want to congratulate you for that amendment. With the rising number of seniors who are now reaching the point where good medicine is keeping them where they can be with their families, this bill is going to be looking at home care. We appreciate the vast network of nursing homes, but we're finding out that that's more efficient, to be able to keep seniors in their home, giving them good care.

I'm experiencing it firsthand with a senior mother who is lively at home and enjoys the neighbors but needs home care. And it's a very important aspect of our work. We're going to do that.

I love the expression or the emphasis on prevention. Why weren't we doing this before? We can then have a generation who has been engaged in preventative medicine, making them healthier middle-aged people or healthier seniors.

The other point I think is important is the returning soldiers that will be

coming home—some on active duty. They do have a system of health care. It's called TRICARE. I'm very glad one of our hospitals has been named a TRICARE site, historically black hospital.

But we'll have all of those individuals that will be out and about needing health care, whether its veterans, whether it's through the TRICARE system, or whether or not they will be going to a civilian system. That is why health care is so important.

I yield back to the gentlelady by simply saying I'm proud to be able to stand by a system that responds to the needs of all Americans.

Today, I stand with my fellow colleagues in an unprecedented era, an era that can bring about change that all of us can believe in. During the 2008 campaign, the American people cast a vote for change, and in an unprecedented move elected Barack Obama as the 44th President. With his election, the country made a bold statement. They realized the Nation was in peril with skyrocketing costs—that were driving many in the 18th Congressional District and other throughout this country into bankruptcy.

Faced with these challenges, America decided to make a calculated risk of monumental reform. Today, as we tackle this reform of the Nation's health care system, we must not become idle spectators and allow any debate over policy divide our country and serve as an excuse to maintain the status quo. The fact is, those who are not eligible for Medicare, Medicaid, or any form of private insurance, in most cases end up in a dangerous position, uninsured. Today, there are over 47 million Americans uninsured.

I am required to alert the citizens of America that this single issue affects every single American and if we do not enact the appropriate kind of reform, Congress will have failed by giving the American people less than what they deserve.

The rising uninsured Americans and medical costs today are a direct link to the economic future of America. Healthcare reform is no longer a choice for Congress to make, it is a necessity. So I pose the question, what will be the reform needed to ensure a brighter future in our health care system? From a cost savings analysis, having a public option included in our reform is the least expensive option that will ensure quality affordable coverage for all Americans. In fact, the House Tri-committee bill has been confirmed to remain deficit neutral by the Congressional Budget Office.

The Public Option, similar to Medicare, will provide a publicly driven health care system, unique to the U.S. and separate from what is in place in any other country. The program will ensure: (1) Early and periodic screening, diagnosis and treatment; (2) Case management for chronic diseases; (3) Dental and mental health services; and (4) and even language access services.

The U.S. healthcare system is broken and if not remedied in the immediate future, consequences will be far greater than anything we can measure. That is why many of us are fighting for reform to improve the health in every State, city, county, and American.

However, though a public plan will ensure so much, there are still some issues that need to be addressed in the Tri-Committee bill.

(1) Ensure physician owned general-acute hospitals that provide services in underserved communities are protected;

(2) support and strengthen language to increase health care professionals in underserved communities, especially provide grants to secondary schools in underserved communities;

(3) provide tax incentives for the development of Community Health Care Centers that are environmentally safe;

(4) introduce language to provide employers a tax credit to develop preventive services for all their employees;

(5) launch a pilot program that seeks to discover proven alternative medicine; and

(6) in the wake of ongoing abuse of prescription drugs, introduce language that will launch a Pilot Program to Reduce Abuses of Prescription Drugs.

This legislation will not be easy, but if we want true reform we must guarantee no one will fall through the cracks. This means solidifying every hole in our current health care system. In order to ensure this, allowing those hospitals that serve a high indigent patient base maintain daily operations. The emergence of physician owned hospitals has generated significant controversy. Yet, it is unclear whether physician owned hospitals differ significantly from those not owned by physicians. Currently the House Tri-Committee Bill contains provisions that will effectively eliminate physician owned hospitals. "The Economic Impact of Physician-Owned Hospitals in Eight States" concluded that Texas physician-owned hospitals, which employ over 22,000 Texans, have a net economic impact of nearly \$2.3 billion on Texas economy and will pay approximately \$86 million in taxes in 2009.

St. Joseph Hospital is a general acute hospital, in Houston, TX, and the only hospital in the Houston area to remain totally operational throughout Hurricane Ike in September 2008. The limitations in the health care bill will particularly harm the hospital's ability to deliver much needed services to underserved communities. If a hospital like St. Joseph is eliminated, countless people in Houston will not receive adequate care. I seek to work with all my fellow colleagues, even those across the aisle to introduce language to exempt those hospitals like St. Joseph.

Achieving diversity in our health programs must include diversity in our health profession. We need to enact a system that includes people of every race, religion and socio-economic backgrounds. By proposing language that awards grants to the secondary education system in underserved areas to encourage students to seek health professions will improve our health care system. Encouraging young teens and young adults to pursue health care careers in areas of low population are often times only done through scholarships and grants to relieve those financial barriers that keep so many young children reaching for their dreams.

With the recent passage of the Clean Energy Act, a call for new advances in technology can be implemented in our health care system. Permitting incentives for the construction and renovation of community health centers to one of the four standards set by the

National Green Building Association—Bronze, Silver, Gold, and Emerald, will ensure that the patients will be treated in an environmentally safe building. Increasing funding aims to improve the air quality and other environmental features of buildings used for the provision of health care services particularly targeting underserved communities.

While these services are great for physicians and the patients who see them, Americans are having a harder time preventing ever seeing a medical physician. Safeway has implemented a program that provides preventive services to their non-unionized employees. Based on the belief that rising health care costs are mostly driven by behavior (smoking, eating poorly, not checking your cholesterol, etc.), I seek to introduce language that will allow companies to establish a program that gives periodical screenings, questionnaires, prevention-related facilities like fitness clubs, along with advice and referrals to help improve behavior. Ensuring discounted premiums or refunds for those employees passing the screenings or showing improvement and establishing higher premiums for failing tests and no measurable improvement in behavior will hold people accountable and gives them incentives to live a healthy life style. This is the approach of Safeway, and it has kept Safeway's health care costs to \$1 billion or so a year, mostly flat over the past five years. This achievement few other companies can claim.

When it comes to healthcare, just about everyone wants alternatives, especially options that include alternative and complementary medicine. This is why introducing an amendment to provide what a large majority of respondents expect healthcare providers to do is so important. The majority of society wants more research dedicated to alternative medicine, and believes insurers and Federal healthcare programs should cover the cost of those therapies. Seventy-seven percent of the public favor more research. I seek to work with my fellow colleagues to introduce an amendment to launch a pilot program to prove alternative medical treatments, medicine, and services are safe. In doing so legislation can be enacted and will ultimately lower costs and provide the majority of the population requested sources.

Though this reform seeks to improve the lives of every American citizen, it's important we consider every American citizen. In the sudden and tragic death of Michael Jackson, introducing language to study the abuse of prescription drugs by professional entertainers. Abuse of drugs often times has an impact that goes well beyond the individual performers, and frequently encourages impressionable young people to imitate this behavior. Depiction of such conduct in film and other video programming may also lead young people to mimic harmful behavior therein relating to prescription drugs. With this study, Congress can be guided on how best to address this dilemma and ensure the life of our children and celebrities alike.

It brings great joy that the Congressional Black Caucus are at the forefront to lead our country in taking the initial steps to secure our economic future, health of our society, and the ideals of our country. There are those who

want to destroy our initiatives, seek to divide our country, and maintain the status quo, and I ask my fellow colleagues in Congress to ensure the quality of our life will not fall to the ideals of those who seek this effort. It's been a long time coming, but in this Congress and administration, America will now see a brighter day.

Ms. FUDGE. Let me say this as well as we talk about preventive health care. I do live in a community where we do have some of the best health care in the world. But what I also know is it costs three times as much to go to a hospital emergency room as it does to your doctor's office.

What I envision with this preventative care is people who now only see a doctor when they are so sick that they have to go to an emergency room will now go to see a physician on a regular basis, that they will go and have annual physical exams, they will go and have their mammograms, they will go and have their cancer treatments.

They will do that because it will be less expensive. They will have the health care to do it. We're going to make sure it is accessible because we're going to put money into these community clinics so that they can get to these clinics and go on a regular basis.

I just believe that if we do this, we're going to see a much healthier and happier America. We're going to be able to take care of our seniors, to take care of our children. I think it's going to make a huge difference in where we go as a Nation.

So I just want to be as supportive as you have been and as all of us are as we look at where we're going to take this country as it relates to health care.

With that, Mr. Speaker, I so much thank you for the opportunity to address you and this body, and I yield back the balance of our time.

DEMOCRAT'S VERSION OF HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized to address you here on the floor of the House and in the aftermath of the previous Special Order that has discussed primarily the health care and health insurance issue here in America.

I notice continually the expression "health care" gets substituted for the expression "health insurance." There is a distinction. Everybody in America has access to health care, which means everybody in America has health care. Everybody in America does not have health insurance.

When we blend our verbiage, sometimes it's intentional and sometimes it's not. I catch myself occasionally

using the wrong expression because our debates here blur the two. It's comparable to the situation when people say "immigrants." They sometimes mean illegal immigrants and sometimes they mean legal immigrants. Sometimes they mean legal and illegal immigrants. Well, health care and health insurance have been blended the same way, but there are distinctions.

We should remember, everybody in this country has access to health care. Everybody in this country that needs service will get service. We're talking about how we address those that are uninsured, not those that don't have access to health care or that do not have health care.

I thought it was interesting that the gentlelady from Texas put up the poster: Republicans' ideas on health care—or health insurance. I've forgotten which that is. I look back on last week, the gentleman from Ohio (Mr. RYAN) put up a poster that actually had about the same title to it. The gentlelady from Texas' poster was blank on Republican ideas and the gentleman from Ohio's poster was full of question marks on Republican ideas, but they were both generated by the same people. The Democrat majority caucus produces these posters that come here to the floor.

□ 2100

But we are full of all kinds of ideas. I am happy to talk about those ideas, Mr. Speaker. Some will say that you can't beat something with nothing, and I would submit that you can beat bad ideas with most anything. And a really, really bad idea is socialized medicine, national health care, HillaryCare, ObamaCare, United Kingdom Care, Canadian Care, European Union Care. All of that is bad stuff. Freedom is good stuff. I am all about freedom, and these proposals that are coming from the Democrat majority are about diminishing our freedom, about taking away our rights, about taking away our responsibilities and in the process of doing so, devolving downward the American vitality, the American Dream, the American can-do spirit.

What kind of American would sit around and wring their hands and say, Woe is me, I can't figure out how to take care of myself? Did anybody come to America and walk through the Great Hall at Ellis Island, thinking, I'm so glad I am here now in this welfare state where I don't have to worry about taking care of myself, woe is me no longer because the United States of America will take care of me?

That kind of people didn't come through Ellis Island. Ellis Island now is a tourist center. The United States of America is a welfare state. Now they sneak into the United States, thinking, Yes, America will take care of me. They think that they have now arrived at the giant ATM of the Western Hemisphere that will provide for everyone's

wants and needs. And if they aren't so sure, they just have to listen to Congress here for a while, and somebody over on this side of the aisle, as a rule, will articulate some other defined want of some people that's not a need. But even though it's just a want, not a need, it will be declared to be a right and maybe even a constitutional right.

We have got to understand what we're doing here. It's real people that are working, real people that have jobs, real people that toil away to produce goods and services that have a marketable value; and they're being taxed day after day, month after month, tapping into the sweat of the brow of the salt of the Earth people in America.

They're being told, Your taxes won't increase. It will just be everybody else's taxes that increase and that ObamaCare is going to be a better deal than whatever care you have. But if you like yours, then you don't have to worry because if you like the health care you have, you get to keep it. That's what the President said, correct? If you like the health care or the health insurance—I'm not sure which phrase he was actually talking about—if you like it, you get to keep it.

The problem is, it's not true. The President of the United States, however powerful he is, cannot make that promise with any sense of confidence that he can keep that promise because it will not be the President that decides whether Wal-Mart, for example, keeps the health insurance programs that they have in place for their employees. That will be decided by the management of Wal-Mart who, a little over a week ago, announced that they would support an employer-mandated program that requires employers to provide health insurance for employees. Now once they made that decision, it didn't necessarily mean that they endorsed the Obama plan because it really isn't quite yet an Obama plan. There are only concepts throughout and some language that is moving through this House. But what it said was that they would endorse an employer-mandated plan.

Now that opens the door for Wal-Mart to be in a position to make the decision when the public option, the Federal Government-run health insurance policy would be set up to compete directly against the many hundreds of private health insurance policies that we have.

For the President to say, If you like your health insurance policy, fine, you get to keep it, you only get to keep it until there is an alternative there that might be a better alternative for your employer. Your employer, like Wal-Mart or any other proud private sector company that's there that is providing health insurance for a majority of their employees, will be making a decision on whether they want to opt into the public plan or they want to maintain

the private plan; but also the newly-to-be-named health insurance czar will be writing some new rules for every single health insurance company in America.

Now that lays the backdrop for what was said over this last hour and the way we need to be thinking about what transpired here within the last hour. However, I've also come here to talk about a number of different things.

One of them is that if we remember correctly, Speaker PELOSI came to this Congress, and she said that she was going to drain the swamp. She was going to drain the swamp of corruption and alleged that there was corruption. Night after night a team would come down here for years—I would say 2 or 3 or 4 years—and make allegations about certain Members of Congress, allegations about the motives of certain Members of Congress. The comments about the culture of corruption was fairly baffling to me. You can point to examples on either side. But NANCY PELOSI pledged that she would produce the most open Congress in history and that there would be legitimate debate, and there wouldn't be favorites being played.

Now here is an example of what NANCY PELOSI said. She said, "I don't want to have legislation that is used as an engine for people to put on things that are not going to do what we are setting out to do, which is to turn this economy around. I have the most to prove with this package. The choices we are making are those that will work, that must work. Our economy requires it. America's families need it. This is urgent." That's Speaker NANCY PELOSI, January 25, 2009, this year, the end of January.

That was her statement about how we were going to direct the efficiency of the stimulus plan to doing what's good for our economy. We're going to turn this economy around. Well, I came down to the floor and put up this very same picture. This very same picture is of a saltwater marsh harvest mouse. This is the saltwater marsh harvest mouse. It's a mouse that Speaker PELOSI has been trying to get special earmarks for for a long time. And as she has been resisted on that, I pointed out that in the stimulus package, there were \$32 million set aside for the saltwater marsh harvest mouse. I came to the floor with a picture of this mouse and the numbers up on top.

Of course, the spokespersons for the Speaker, the defenders of the status quo, and the defenders of the person that was going to come here and clean up this Congress, the one who has now established the most draconian Congress, I believe, in history, the one that is the least deliberative body in history, the one who has launched an all-out assault on this deliberative democracy and said that she didn't have an earmark in the stimulus bill for this saltwater marsh harvest mouse and

others in her defense said, Steve King made it up. He just pulled a number out of the air and made an allegation that there was an earmark in there for the saltwater marsh harvest mouse.

However, now here we are far enough down the road, here are the real facts: the \$32 million has been reduced to \$16.1 million. Now the saltwater marsh harvest mouse not only has his own special earmark of \$16.1 million, it sets aside his brackish little marsh down there by San Francisco so that he can hop around in it and sets aside a marsh down there near San Francisco at the cost of \$16.1 million, Madam Speaker, which is no economic stimulus plan.

We're going to do the things that count. We're going to do the things that do the most for the economy. The language here: turn this economy around. We're going to do that by setting aside a hopping zone for a pet project here. This little pet, the saltwater marsh harvest mouse, he gets an earmark. You can't quite see it there, but he needs that ear notched a little bit because now he is a \$16.1 million earmark.

All this borrowing, expanding the debt to the American people, the American taxpayers and Americans not yet born, to where the debt for every man, woman and child in America today totals up to over \$37,000 per individual. Still their hearts are hardened, and still they want to raise the debt, and still they want to spend money on frivolous projects that don't have a merit that affects the people that are paying the taxes, nor could a project like that ever gain the support of the majority of the people in this Congress.

This is like the little mouse bridge to nowhere, \$16.1 million for the little pet project, notched little earmark, the saltwater marsh harvest mouse, the pet project of Speaker PELOSI. She said she came here to clean up this process to make sure that there weren't favorites, and President Obama went on at great length about how he wasn't going to sign any bill that had any earmarks in it. Then he signed a bill with about 9,000 earmarks in it, and then President Obama made other remarks about the integrity of the process.

Yet we've seen earmark after earmark, billions and billions of dollars that have been unfolded here going on our debt, stacking it up against the American people. We've seen a process that has been shut down where we get surprise bills that get dropped on us. The stimulus package was a last-minute drop on us, and we could count not days but hours of reading and understanding what's in a bill. Thinking in terms of 1,000 or more pages with 8 or 10 hours to read the bill and then try to analyze all that it means when bills reference other sections of existing code, they reference definitions that exist in other places; and then if you get something like that read through,

you also have to figure out what's not in it, what's missing, what's been omitted and, furthermore, what are the implications of what is in it, and what are the implications of what's missing.

That's why we need the public. There is no one person—in fact, all 435 Members of this House of Representatives do not have among them, even if given enough time, the ability to analyze the implications of big pieces of legislation on their own, not without our staff, not without our constituents, not without people that have a direct responsibility for the components of the legislation that affects them the most.

Good legislation is written by Members of Congress that go out among the districts and among the real people that are working for a living and paying real taxes out of their income and their profits, taking a look at the circumstances of what's right and what's wrong, listening to the proposals that come from them and putting together careful legislation that brings about a right result.

Once that's put together, and then you float that out to get the input from Democrats and Republicans; and it isn't just the input from the people that sit in these seats, Mr. Speaker. It's the input from the American people that talk to the people that sit in these seats who make the difference. When you short-circuit this process, when you take this process and bypass the committee process or do a mock markup, a sham markup in a committee process and pass a bill out and then do a bait-and-switch and bring a different bill to the floor than passed out of the committee—and it has happened at least three times this year, a different bill came to the floor than was passed out of the committee because they didn't like an amendment that actually passed in the committee—they don't seem to understand that the job of the Speaker or the job of the Chair of a committee is to bring out the will of the group. That's the essential responsibility of someone who is the Speaker or someone who is the Chair of a committee, bring out the will of the group.

It's not to impose their will on the group but to bring out the will of the group even when the Chair of the committee recognizes that there are good ideas coming before the committee but maybe it doesn't exactly fit the politics that they've been directed to bring about out of committee, and when an amendment comes out of committee like, example for, an amendment that would have blocked all funding to ACORN to have the Chair afterwards change the language, send a different bill or a different piece of substance to the floor of the House of Representatives, and the Members here have a right to have full confidence that the bill that comes to the floor reflects the product of the committee, too often it does not.

The window for reading a bill and debate and deliberation has been so short that on the cap-and-trade bill, that big bill of 1,100 pages that we had a very short time to digest, was brought to the floor, was filed, scheduled for debate; and at 3:09 a.m. there was a 316-page amendment to an 1,100 page bill that was dropped into the RECORD at 3:09 a.m.; and that morning we took the bill up.

□ 2115

And we are to debate and deliberate and understand and evaluate with good judgment and due diligence the implications, ramifications and factors that come out of one of the biggest, most important bills in the history of this Congress? I believe Congress made, the House of Representatives made the most colossal mistake ever made in the history of this House. Three hundred sixteen pages at 3:09 a.m. on an 1,100-page bill. If you wanted to read it, no one had a chance to read it. No one had an opportunity to evaluate it. It was a surprise tactic. Actually, it wasn't a surprise. We have gotten to the point where we expect those kinds of tactics. But that is bad policy. If you are passing legislation that cannot withstand the light of day, it should be pretty clear that it must be bad legislation, and the American people will reject it.

To read a bill and have time to read a bill, I would direct, Mr. Speaker, your attention, and the public's attention, to section 108 of the Legislative Reorganization Act of 1970 which reads in part, A measure or matter reported by any subcommittee shall not be considered in the House unless the report of that committee, upon that Member or matter, has been available to the Members of the House for at least 3 calendar days. And that is 3 calendar days prior to the consideration of that Member or matter in the House of Representatives.

We have a law, Mr. Speaker, we have a law that requires 3 calendar days to read a bill. But Mr. Speaker, the "salt-water marsh" Speaker, the "personal earmark for brackish wetlands" Speaker, insists that a bill can come to the floor, and it can be a bill that no one has seen, it can be one that is written in the Speaker's office, and it can have an amendment right behind it written also in the Speaker's office just as a surprise tactic, and before the public can understand what is going on, actually before they can even believe someone would tear asunder this deliberative body in the process, it is an act of the House of Representatives messaged over to the Senate, and on the cap-and-trade bill, the 1,100 pages sat down here, the 309 pages didn't. And when the gentleman from Texas (Mr. GOMERT) asked the question, do we have a bill before us that is the subject of our debate? The answer that came from the Speaker's chair was—I don't remember

exactly, but I remember the response: Well, we don't quite have it yet, but everyone knows what we are talking about.

So after many exchanges, finally, we suspended the operation for about 35 minutes while we went through this exchange of trying to determine, what is the subject of our debate? Shouldn't the House of Representatives have, even if no one else can get their hands on the paperwork or the electronic version, shouldn't the United States House of Representatives have at least one copy of the subject? Have got a dictionary over here, a big unabridged dictionary. It is there if someone were to argue about what the English language is. But we are here arguing about a bill that no one can look up and read. No one can verify if we are accurate. The bill's amendment was not here. The bill was. The amendment wasn't. Later they brought the amendment down and began to integrate it. It takes a long time to integrate 316 pages into 1,100 and to get it right.

And the question was asked, If this bill passes the House and it is not available for inspection by any Members of the House, is it possible for us to message over to the Senate if it doesn't exist at the time of its passage? Well, somehow, we did. But it shouldn't be possible. The process has to be right.

We should follow the law. We should follow this section of the law that is section 108 of the Legislative Reorganization Act of 1970. That is one of the laws we should follow. We should follow the law of common decency and respect for each other and respect for the process and the Founding Fathers and for the Constitution and do due diligence and not put generational legislation up and pass it because there was a political momentum to get it done before anybody can see what it is that we are actually doing here and do it sometimes in the middle of the night.

I would be really happy to yield to the gentlelady from Minnesota, who I know has been very engaged in these issues and on top of helping to clean up some of the open doors that are here for the culture of corruption that exists under this leadership of the House of Representatives.

I yield so much time as she may consume to the gentlelady of Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Speaker, I thank the gentleman from Iowa for this moment just to be able to speak about what is happening here in Washington, D.C. I don't think anyone has ever seen anything like what we have seen in the recent months, and we can even trace it back to last fall when the Democratic Congress could not wait to get passed the TARP funding bill together with the former Bush administration.

They were in a hurry, just like the gentleman from Iowa has stated. We

are seeing that this is a Congress that is in a hurry, in a hurry because they have got an agenda. They are on a steamroller path. They are on a blitzkrieg path. They have to get everything done yesterday. We can't have time to read bills. We can't take time to truly count the costs, because we are in a hurry. There is an agenda that has to be performed.

We heard the President of the United States tell the Democrat Caucus just last week, We can't miss this opportunity for reform. We have got to get it done. We have to do it now. We can't wait. We have got to do everything now. That is what we were told last fall. We were told that we would see economic Armageddon if we didn't pass the \$700 billion TARP bill.

What was that? That was a blank check. We were told, Just trust me. It was a "trust me" defense. We were told, Just trust the Treasury Secretary. They have to have \$700 billion, or we will see an absolute collapse of the financial world. And so we were all pushed into it. I voted "no" on that bill. But the Democratic-controlled Congress passed the \$700 billion bailout for the banking system and also for the foreclosure and the subprime mess that we are in.

Well, where are we at today with the subprime mess? We are seeing foreclosures still at a record high. We are seeing unemployment still at a record high. Did this help us, this \$700 billion blank check that went to the Secretary of the Treasury? What did that lead to?

Well, President Obama was all for the TARP bailout when it came, when he was Senator Obama, and then we saw in December when he was President-elect Obama, he prevailed upon the President. He said, We can't wait, we have got to hurry. We can't wait until January until I'm sworn in as President. I'm asking you, President Bush, to release to the Automobile Task Force something like \$17 billion so we can bail out GM and so we can bail out Chrysler, because it has to be done today. We can't wait until January when I'm sworn in. It has got to be done today.

So President Bush gave that \$17 billion to the Automobile Task Force at President-elect Obama's request. And we all know what happened. We saw what happened to Chrysler. It essentially collapsed in a shotgun wedding to Fiat. A foreign car company was brought in and forced to purchase and buy out Chrysler. We saw the bondholders, whose rights were virtually stripped away from Chrysler, and we saw the UAW instead jump in front of the bondholders and take advantage of that position, and now the Federal Government and the UAW and Fiat own that company.

What happened to GM? We saw that UAW owns that company and the Federal Government now, as of the Friday

before last, is the 61 percent shareholder. What did that get us? One hundred fifty thousand jobs lost. Because we saw pink slips go to 3,400 dealers of Chrysler and GM across the country, and 150,000 people, potentially, are out of work. Well, then we had to get the stimulus passed, the largest spending package in the history of our country, \$1.1 trillion. Think of that: \$1.1 trillion. But it had to be done today. And we didn't have time to read that bill, oh, no, sir. We can't read that bill because this is too important. President Obama told us we had to pass that bill.

The bill was passed by Congress. I voted against it. Representative KING voted against the stimulus bill. But President Obama had to have that bill. Well, did he sign it? No. He went to Chicago. He went to play basketball. He took 4 days, rather than passing this bill he had to have in his hands, because he had to have this \$1.1 trillion stimulus bill.

Well, we didn't get that bill very much ahead of time either, and it was a little bit embarrassing because of all the earmarks that bill contained. Oh, we weren't told they were earmarks, but they were earmarks nonetheless. All sorts of special projects were in that bill.

Then we were told we had to pass the budget bill, an 8 percent increase over the previous budget bill. We had to pass it right away. We couldn't wait and have extra time for debate, no, no, no. We had to pass that bill now because otherwise bad things might happen.

Well, what has happened? What happened as a result of the stimulus bill? We were told if we didn't pass that stimulus bill, we could see 8 percent unemployment. Wouldn't that be terrible? What is unemployment today? Nine point five percent. In the State of Michigan it is 15.2 percent. What about jobs? What about all the jobs that were created? Two million jobs have been lost since the stimulus bill was put forward. One hundred fifty thousand jobs were lost because the government got involved in GM and Chrysler and handed out pink slips. This isn't going real well for us.

Then cap-and-trade, cap-and-tax, the ultimate authority that government could have over every person's life in the United States. Literally, every time we flick on a switch, it will be the government telling us how much we are going to pay to flick on that switch, or if we can even have the power to do that. Cap-and-trade, the mother of all bills, and we got that bill 13 hours before we passed that bill. Thirteen hours before, 1,100 pages, but don't worry, trust me. Trust me. It will bring good things to this country. And what will that give us? We already know. Two and one half million jobs a year leave the United States. We might as well call it the "China-India stim-

ulus plan" because we are going to lose 2.5 million jobs, bye bye, away they go, out of the United States.

And then what is the next bill we have in front of us? Well, an article today in the newspaper says that on this health care bill that we are looking at, that by the way, we have got to pass, it was revealed last week, here it was, 1,018 pages long, that the next day Members of Congress had to vote on it, and the House Ways and Means Committee revealed to the public that the next day we need to be prepared to vote on a 1,018-page bill.

Mr. Speaker, it isn't that Members of Congress are lazy. And it isn't that Members of Congress are too stupid to be able to read these bills. It is the fact that the Democrat leadership in this House is unwilling to allow us to read the bills. We even had the majority leader, STENY HOYER, probably in an accident, admit that if many Members of this body actually read the bills, there probably would be very few votes. As a matter of fact, the gentleman from Iowa has the quote of the majority leader, and it says "If every Member pledged to not vote for the health care bill if they hadn't read it in its entirety, I think we would have very few votes."

I would agree with the leader. I think that there would be very few votes if Members of Congress would read this bill. That is why the Obama administration and the Democrat leadership are steamrolling these bills through before anyone has time to be able to read it because they know, as was written in the paper today, this is by Christina Romer, President Obama's Council of Economic Advisers chairwoman, she said that this bill will cost employers \$300 billion. It will cost workers 5 million jobs. Well, let's think about that now. Five million jobs from health care loss, and that doesn't include the taxes that would be put on small businesses, so it is 5 million there, 2.5 million from cap-and-trade, that is every year though, and then 2 million from the stimulus, 150,000 from GM and Chrysler. I don't think we are going in the right direction.

And this is from a President who said that he wouldn't be raising taxes on 95 percent of the American people. Unfortunately, it appears that that promise has already been broken.

I yield back to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentlelady from Minnesota. And I can't help but reflect that the President's earliest promise on this stimulus package was that he would create or save 3.5 million jobs and that got lowered down to 2 million jobs altogether. But the instant those words came out of his mouth, I thought, why would someone say "create or save?" "Create or save," what does that mean? What would be the point of a promise that he would

“create or save” 3.5 million jobs? And the answer, of course, is that if you say, I will create 3.5 million jobs, then you have to identify which jobs it is that you have created. Was it Caterpillar who he said had actually signed on with him in his stimulus plan? Was that an assumption on the part of President Obama? So where are these jobs that you would create? You would have to point to them and get a CEO that said, Yes, because of this stimulus plan, I have opened up this new production line, and here are 20,000 jobs here, and you add them all up, and you have to come up with 3.5 million. But if you say “create or save” jobs, you can always point to existing jobs and claim that you have saved them.

So in the analysis of his rationale, if someone is going to create or save 3.5 million jobs, if they are remaining, if they haven't been laid off except for the last 3.5 million and you can say, Oh, yes, they are the ones I saved. I saved the 3.5 million that were left, even though we may have lost 137.5 million jobs in the process, and he would be telling the truth.

This is a situation where we have the master of ambiguity. We do have the master of mesmerization going on at the same time. People hear what they want to hear because the language is crafted to speak to our hearts instead of our heads.

□ 2130

When he says I'll create or save 3½ million jobs, that is mostly on the save side, not on the create side, because this has gone south in a sad way. And we've seen our unemployment go from the promise that it could go above 8 percent to 9.5 percent. How many people is that, Mr. Speaker?

Well, the number is 14½ million unemployed. That's the ones on the unemployment roll. Then there's another 5.8 million people that don't qualify for unemployment that are looking for a job. So you add the total up to that, and it isn't hard to get up in that number of over 20 million.

And there was an article written just the other day. I believe it was in *National Review*. I've forgotten the name of the author that had done the calculation of this. And the projection was that it's closer to 25 million people unemployed, especially when you account for those that are underemployed, those that have seen their hours reduced.

So we have had the data that shows that unemployment, the extended period of time that people are claiming unemployment is longer than it's been. I believe the number is the longest it's been in 48 years of unemployment. And at the same time that was extended, the length of unemployment benefits, we've also seen people who are working fewer hours per week. So we have a lot of underemployed that don't qualify yet as unemployed.

This economy that's here completely misunderstands what this economy is about. This is the experiment of the Keynesian economists on steroids; the people that believe that you can borrow money to no end, grow government to no end, replace private sector jobs with government jobs, and stimulate the economy with borrowed tax dollars, and buy goods that are made in China and borrow money from the Chinese to buy them.

This whole circle doesn't work. You have to produce things that have value, and you have to lay out the truth when you do it.

I want to go back to this statement that I made earlier, and just very briefly point out section 108 of the Legislative Reorganization Act of 1970 that says this. And without reading all that language through, it says, 3 days to read a bill or we're not going to take it up on the floor. That's the law. That's the law, but apparently the Speaker of the House isn't bound by the law, and I hope that there was a way to enforce that. And I actually don't know how we enforce such a law. Republicans are doing all they can do, everything they can do procedurally.

This is the quote, of course, from the majority leader that said, if every Member read the bill, well, there wouldn't be a bill because they would come to grips with their senses or else the public would make sure that they did.

This is a list of the bills that were rushed through to the floor, and many of them were addressed by the gentleness from Minnesota (Mrs. BACHMANN). But here in the 111th Congress, every controversial bill passed by the House has been forced through in less than 3 days, in violation of this section of the code here. In less than 3 days. Every one has violated this section 108 of the code, every one of these controversial bills.

And to take you through them, the American Recovery and Reinvestment Act of 2000, the stimulus bill. I guess I didn't really know what the real name was. The stimulus bill, \$787 billion that was rammed through in less than 3 days. Violation of public law 108, section 108.

Children's Health Insurance Program, SCHIP, rammed through, and this violates the very principle that SCHIP was established on in the first place, and it's designed to bring about, to close the gap so that we end up with a mandatory national health care act. It's one of the incremental changes that are there. They actually passed out of this House a bill that was 400 percent of poverty, that would have paid people's health insurance so that children in families making over \$102,000 in Iowa, and some of those families would have been paying the alternative minimum tax, in fact, 70,000 families in America would have been,

well actually in the end, are paying the alternative minimum tax even though their children's health insurance is paid for because SCHIP is designed to pay health insurance on children whose families can't afford it.

So, \$102,000. Tax them some extra in the rich man's alternative minimum tax. And we tax them so much they can't afford to provide health insurance for their children, so we buy them health insurance, and we rush the bill through. And by the way, in there it opens up the door for Medicaid to provide health care for illegals under Medicaid. That rule was also changed in this and the data that I put out holds up to be fact.

The Lilly Ledbetter Fair Pay Act of 2007. That was the bill where Lilly Ledbetter alleged that she was discriminated against in a job way back some years ago. There was a statute of limitations on that bill, on the legislation that she sought to sue her employers under. The statute of limitations had expired, long past. And still Democrats argued that, even though the Supreme Court upheld the statute, that they thought it just wasn't fair. The old “it ain't fair” brothers got at it again and decided that they wanted to change the rules after the fact.

I'm okay with changing the rules after the fact, as long as it doesn't affect the people that were living under the law at the time, during the fact. But this was retroactive. This was like double jeopardy for the taxpayers. And the Lilly Ledbetter Act rammed through this Congress.

The Paycheck Fairness Act, rammed through Congress. Omnibus Public Land Management Act of 2009, rammed through. Omnibus Appropriations Act of 2009, the big stacked bill that runs the government when you're afraid to do appropriations in a legitimate way, rammed through. No amendments either, by the way.

Then, to impose an additional tax on bonuses received from the TARP's AIG bonuses. So we had to ram through TARP, and then when the rules weren't written in TARP with any oversight, then AIG decided to pay millions of dollars of bonuses to people that worked for them, retention bonuses they were. But 11 of the people no longer worked for AIG. They got part of the millions in retention bonuses, too. That had to be rammed through because Democrats were vulnerable to public criticism because they had passed legislation that opened the door, and they rammed legislation through quickly so there wasn't an opportunity to evaluate, debate, amend or scrutinize. And the result was hundreds of millions of dollars paid off to provide retention bonuses for AIG executives, at least 11 of whom didn't work for AIG anymore. So we had to pass some legislation to take the public's pressure off of the people that

opened up the door for that legislation. So that was that.

The Supplemental Appropriations Act of 2009, rammed through. The American Clean Energy and Security Act, which, I'm sure—yeah, here we are. The cap-and-tax bill, rammed through. All of these major bills rammed through in violation of public law section 108. Three days to read the bill. That's the law.

You know, they've got the votes to repeal any piece of legislation that's been passed by any previous Congress. When you've got the votes to do that, you would think you have—remember the audacity of hope that comes from the White House? You would think you'd at least have the audacity to change the law instead of violate it. That's what I'm seeing here in this Congress, and it really irks me to see people do this to our Congress and to our system.

This is the President's promise. I spoke to it but not—I didn't quote it. The President said, We need sunlight before signing bills. Too often bills are rushed through Congress and to the President before the public has the opportunity to review them. As President, I will not sign any nonemergency bill without giving the American public an opportunity to review and comment on the White House Web site for 5 days. Barack Obama.

Does that sound like anything we've seen him do?

Mrs. BACHMANN. If the gentleman would yield.

Mr. KING of Iowa. I'd yield.

Mrs. BACHMANN. I'm wondering what he means by that, by 5 days. Does that mean that once the bill gets to the President, he'll allow it just to rest on his desk for 5 days? People would have a chance to comment?

But it also seems, the public law that the gentleman from Iowa displayed, Members of Congress are supposed to be able to get a chance, too. I think this is wonderful that the President wants the American people to have 5 days to be able to read a bill, but I think it would be wonderful if Members of Congress could have 5 days to read a bill before we vote on it. After all, maybe we should all take an Evelyn Wood speed reading course, because if we have to read over 1,000 pages or 1,100 pages in a bill in 13 hours, we're going to need to have maybe those recordings where they're sped up a little bit so it sounds like Alvin and the Chipmunks reading a bill to us. I don't know what it's going to take, but Members of Congress should also have the opportunity to be able to read the bills, and to do that, we need to have time, too. So this doesn't say much.

If President Obama says that a bill should just maybe be on his desk for 5 days, if Members of Congress aren't also given that courtesy, after all, we are the people's representatives. We're

sent here on behalf of the people back home to read these bills, talk about these bills between Republicans and Democrats. Isn't that what we're supposed to do, talk to each other, talk about what our ideas are, what the ideas on the other side of the aisle are, make the bill a little bit better, then put it on the floor?

Maybe part of the problem, I wonder, is the fact that we're just trying to do things a little too fast. That's what it seems like to me, that maybe this Congress is trying to rush through too much too fast. Maybe that's why we have a greater deficit than we've ever seen before.

We ran out of money in April. Back in April, this Congress spent all the money that it had in its budget already in April. So every day we've been spending billions and billions and billions, every single day that we don't have. And so now, today, it's July, we're already over \$1 trillion in deficit. We're going to be nearly \$2 trillion in deficit.

And here's something else I don't understand. The President is supposed to release, in mid-July, the budget update. We have the numbers already, but the President has said he's going to wait until mid-August to release his budget update.

Now, this is a little concerning to me, a little fishy to me, because we're being told, Mr. Speaker, that in less than 2 weeks' time the President of the United States expects that we will pass legislation that would allow the Federal Government to take over 17 percent of the private economy.

Now, there was an economist from Arizona State University 2 weeks ago on the front page of the Washington Times who wrote an article that said, we now have the Federal Government, for the first time, having control or owning 30 percent of all private business profits in this country. Thirty percent of all private business profits in America are owned or controlled by the Federal Government today.

If President Obama and if the Democrat-controlled Congress gets their way, that will be an additional 17 percent.

Now, this President's only been in office for 6 months, and already 30 percent of the private business profits are owned or controlled by the Federal Government. Now, by August 1st he wants to make that 47 percent? I certainly hope we can read these bills first before we're asked to do that.

I yield to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentlelady from Minnesota. And as you talk about that percentage, 30 percent, the private business profits in the country, who would have been believed a year ago or 8 or 9 months ago, who would have believed that eight huge private sector entities would be nationalized by this administration?

We have three large investment banks nationalized by this administration, one large company, AIG Insurance, nationalized. Fannie and Freddie used to be private, became a government-sponsored enterprise, and now they're wholly owned by the Federal Government, with about \$100 billion dropped into each and about \$5.5 trillion in contingent liabilities wrapped up in Fannie Mae and Freddie Mac. And of course we have General Motors, 61 percent, and Chrysler a smaller percentage. I don't remember that exact number.

But then you've got, also, the Canadians that own about 12½ percent of General Motors and the unions that own 17½ percent of General Motors. There's not a lot left out there for the bondholders, the people that were the secured creditors, because they got aced out.

Who would have thought eight huge entities, hundreds of billions of dollars, and taking these companies off, out of the private sector and put them into the hands of government control?

And the President fires the CEO of General Motors and hires his guy, Fritz. And the President cleans out the board of directors at General Motors and appoints all but two of the board of directors of General Motors.

And then he says, the President says, I'm not interested in the day-to-day operations of General Motors. I don't think we should be running the place. I don't want to do the nationalization of this. It is just something that we have to do.

And here's the irony of it. President Obama was elected at least in part because he attacked George Bush for going into Iraq and not having an exit strategy. Now, President Obama has gone in and nationalized these eight huge private sector companies that I have listed here, and he says he doesn't want to be nationalizing and he doesn't want to be in the day-to-day operations, but he names the CEO, replaces the board of directors. His car czar is on the phone every day with the chairman of the board of General Motors, sometimes multiple times a day. Well, that was the former car czar. We don't know what the future car czar is going to be. We've got 32 czars.

□ 2145

The President is in the formerly private sector. He got invested in all of that. He found a crisis, capitalized on it: nationalized. Now, I have read the Web page for the Democratic Socialists of America. That is exactly their plan. It is in print. In fact, it's more aggressive than on their own Web site. The President has nationalized proud private-sector corporations, and he has done so without an exit strategy.

All at the same time, he has been critical of President Bush for not having an exit strategy in Iraq. President

Bush's exit strategy in Iraq is in print. It's called the SOFA Agreement, the Status of Forces Agreement, negotiated and agreed to by President George W. Bush. The exit strategy for Iraq was victory, victory with honor, victory and leave a legacy of a self-governing democracy of a moderate country that could govern themselves and that could control their own national destiny.

All of that is in place today, and President Obama is carrying out the exit strategy of George Bush to the letter, spelled out in the Status of Forces Agreement, without a peep in the media about what's going on over there. All they talk about is we're deploying out of Iraq. No, we're deploying out of Iraq cities back to the bases because the surge worked.

Now, President Bush had an exit strategy. He didn't talk about it completely because he had to be a little flexible. He carried out his exit strategy. He ordered the surge. He negotiated the SOFA Agreement. He handed over an Iraq in a war that was won. The war was won on the day that Barack Obama took the oath of office here just outside these doors, and now it needs to be sustained and maintained. Afghanistan is a lot harder, but there is an exit strategy in place set by George Bush. There is no exit strategy for these eight private companies that have been nationalized by President Obama.

When I see the picture of President Obama standing next to Hugo Chavez and when they ask me what that tells me, I say, you know, the chief nationalizer is our guy, not their guy. Our guy has nationalized more companies and more billions of dollars' worth of privately held assets than Hugo Chavez ever dreamed of doing—well, at least within the last year. Chavez might have added a bit more companies over time, but so far this year, he has only taken out one Cargill rice plant, and has nationalized that in Venezuela.

It is a chilling thought to think of how fast this Nation has lurched to the left. We've leaped off of the abyss, and we've got to figure out how to fly to get back to where we are in the free markets again.

So I would be happy to yield to the gentlelady from Minnesota to pick up from there.

Mrs. BACHMANN. I thank the gentleman from Iowa.

There is a lot to contemplate when we're talking about this national takeover of health care. The gentleman has every reason to be concerned because, when the government takes over an area of American national life as we have seen, the American people are the ones who lose control and who lose choice over their economic destinies.

Here is one thing we've been hearing about from the Speaker of the House.

She has been talking about how this nationalization of health care will be paid for through prevention, that we'll have new prevention in place that will keep Americans healthier and that we will realize something like over \$500 billion in savings in prevention.

Well, where is it? Itemize it. What is it that we aren't doing now that we're going to see dramatically occur in prevention? It isn't there.

It's not going to materialize because we know where the savings will come from. It will come from the Federal bureaucracy, and we have the Federal bureaucracy that's contained in the bill that the Democrats have put forward. This big mess that's on this chart shows 32 new Federal Government agencies. This is what will stand between any American and his doctor. So think of an American standing on that side of the paper with 32 bureaucracies. You've got to get through this labyrinth, Mr. Speaker, before you can get to your physician.

Now, is this what Americans want?

A study was just completed that showed that 89 percent of Americans today are happy with the health care that they receive. Another study that was done said 77 percent of Americans are happy with the health care that they receive. Now, that doesn't mean that our health care system is perfect. It isn't. One of the greatest things that we can do is to make all Americans' medical expenses deductible on their insurance. That would be something great that we could do for the American people because the biggest problem in health care today is not access; it's the cost. Health care premiums are going through the roof. Well, what can we do?

We could change the Tax Code, and we could allow Americans to purchase their health care the same way they purchase their car insurance—across State lines, buy in pools, bring down the price, have true competition, and allow small clinics like the MinuteClinics, for instance in Minnesota, to be set up all across the United States. Have health savings accounts so that you control your own costs, and you take it with you. The government doesn't own your health care. You do.

Mr. Speaker, this is the plan that President Obama wants for the American people, a great labyrinth of bureaucracy. How are you ever going to get your health care if you've got to go through this bureaucracy?

One thing we know about bureaucracies is they justify their own existences, and they all make a lot of money. The average Federal employee today makes about \$75,000 a year plus benefits. There are a lot of people out there who would love to make \$75,000 a year. Well, we're creating 32 new bureaucratic agencies. This is nonsense. This is about a government-created

welfare bureaucracy. That's what this is about. It's not about insuring more Americans, because even under the Democrats' own forecast, not all Americans are even going to be covered.

Potentially, about half of the people who are uninsured now can afford to pay for that insurance. Of the other half who can't afford it, we have a good amount of people who are under 35 who are in very temporary situations. About a third of those people are illegal aliens. Truly, only somewhere between 12 and 16 million people aren't insured. That out of 305 million? Surely, we can find an answer for them.

Why wreck the health care that 89 percent of Americans say they like so that we can give government control over 17 percent of the American economy? Why do we want to do this?

This is President Obama's vision for American health care. It's not what Americans want. There is no savings extracted out of prevention, not to the level that they're talking about. We need to get real about health care, and that's why the American people need to melt the phone lines of their Members of Congress. They need to let them know what they think about this plan before it's too late.

I yield back to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentlelady from Minnesota.

Having seen the Technicolor, modern version of the National Health Care Act that has been delivered to us courtesy, so far, of a committee or two here in the House of Representatives, I went back through the archives and dusted off this scary concept here. Some will look at this and will recognize what this is:

This is the 1993-1994 HillaryCare version. This is a copy of the poster that is the precursor to the full color one that Mrs. BACHMANN put up. This poster was on my wall in my construction office back in those years, and it actually hung there for years. I hung it there for years as a reminder to me of what they could cook up if you put people in a room and closed the door.

Remember, this was a secret process, too. It was driven about the same way. It's a process that they don't want the American people to weigh in on, so they met in secret week after week with all of this intensity and with all of these—Ira Magaziner, do you remember that name? Harold Ickes was another one. These people were meeting in there. They were smart people. They put smart people in a room. I can tell you what happens when you put a whole lot of smart people together and you give them an assignment, Mr. Speaker. Highly intelligent people will always overcomplicate things. The reason they do that is, otherwise, there wouldn't be any particular advantage to being highly intelligent.

So you could just go down to the simple solution to the complex problems

and let human nature take over, and all would go on just fine. But, no, we put highly intelligent people in place, and these are generally liberal elitists who are working to try to create this utopia here on Earth because they do think that is the "be all and end all" for them. It is not for us.

So here is the HillaryCare version. I look down through this list, and there are some things that concern me a lot: the Regional Health Alliance, the ombudsman. Why do you need him? You need another ombudsman here. The Accountability Health Plan, that sounds really familiar. I think that might be different lingo there. The HMO provider plan, I don't know that that's in there. HMOs were de rigueur then, but now they have reached a little bit of criticism. Here is one, the global budget. Why do you need a global budget to provide national health care?

So of all of these things on this schematic, this schematic, this scary flowchart, is, I think, the biggest thing that sunk HillaryCare back in the '90s because the American people looked at that, and it scared them that anyone could cook up such a schematic. This is the black-and-white version that could be printed back then, which was just shortly after the advent of the Internet.

Mrs. BACHMANN has the full Technicolor version, and I would appreciate it if the camera would turn there.

If the camera would focus on the colored chart, on the bottom are two identical-sized purple circles. The one on the left is the qualified health benefits plan, and the one on the right is the Obama plan, the Obama health insurance plan. The white box to the left of the left purple circle is the existing health insurance, the traditional health insurance plans. None of them could qualify to sell insurance to any American until the health insurance czar qualifies them to go into the purple circle, the qualified health benefits plan circle. The health insurance czar would be the guy who would make sure that the new public health plan that was written could compete with the private plans.

So if you're going to write the rules for your guy, are you going to make one size fits all? Are you going to put conditions on those private insurance plans so that the public plan can compete? Or are you going to take the public plan and try to get it to compete with the private sector? I think it's the former, not the latter. I think we will see a one size fits all.

Mrs. BACHMANN. Will the gentleman yield?

Mr. KING of Iowa. I would be happy to yield.

Mrs. BACHMANN. That was the aspect of the Hillary plan. It was an outlawing of all private insurance. The one thing we know from page 16 of the 1,018-page bill is that no more private

insurance policies can be written—never, nada. You can't write any more private insurance. Of course, if the public option is subsidized by government at 30 to 40 percent less than the private insurance plans, what we know from the Levin Group is that 113 million Americans will be collapsed out of private insurance and will be put over into the government option, thus collapsing the private insurance industry. It will all be government, and that's within 5 years that we will see the end of private care in the public.

Mr. KING of Iowa. Mr. Speaker, I appreciate your indulgence, and I know I've convinced you deeply, and I would yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAPUANO (at the request of Mr. HOYER) for today.

Mrs. MCCARTHY of New York (at the request of Mr. HOYER) for today through July 31 on account of back surgery.

Mr. CRENSHAW (at the request of Mr. BOEHNER) for today on account of being unavoidably detained in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WATERS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. CARTER, for 5 minutes, July 22.

Mr. POE of Texas, for 5 minutes, July 27.

Mr. JONES, for 5 minutes, July 27.

Mr. BUCHANAN, for 5 minutes, July 22.

Mrs. SCHMIDT, for 5 minutes, today.

Mr. MCCOTTER, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today, July 21, 22, 23 and 24.

Mrs. BACHMANN, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 21, 2009, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2727. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Use of Commercial Software (DFARS Case 2008-D044) (RIN: 0750-AG32) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2728. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Motor Carrier Fuel Surcharge (DFARS Case 2008-D040) (RIN: 0750-AG30) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2729. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Lease of Vessels, Aircraft, and Combat Vehicles (DFARS Case 2006-D013) (RIN: 0750-AF39) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2730. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Lead System Integrators (DFARS Case 2006-D051) (RIN: 0750-AF80) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2731. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Limitation on Procurements on Behalf of DoD (DFARS Case 2008-D005) (RIN: 0750-AG24) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2732. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (DFARS Case 2008-D011) (RIN: 0750-AG23) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

2733. A letter from the Assistant Secretary, Reserve Affairs, Department of Defense, transmitting the National Guard Challenge Program Annual Report for Fiscal Year 2008, pursuant to 32 U.S.C. 509 (K); to the Committee on Armed Services.

2734. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting Selected Acquisition Reports (SARs) for H-1 Upgrades (4BW/4BN) as of December 31, 2008, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

2735. A letter from the Assistant Secretary, Global Security Affairs, Department of Defense, transmitting the Department's 2009 Annual Reports to Congress, pursuant to Section 234 of the National Defense Authorization Act for Fiscal Year 1998; to the Committee on Armed Services.

2736. A letter from the Attorney, Office of Assistant General Counsel for Legislation

and Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for General Service Fluorescent Lamps, Incandescent Reflector Lamps, and General Service Incandescent Lamps [Docket No.: EERE-2007-BT-TP-0013] (RIN: 1904-AB72) received July 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2737. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-36, concerning the proposed Letter(s) of Offer and Acceptance for defense articles and services, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2738. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-27, concerning the proposed Letter(s) of Offer and Acceptance for defense articles and services, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2739. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting Transmittal No. 09-30, concerning proposed Letter(s) of Offer and Acceptance for defense articles and services, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

2740. A letter from the Director, National Legislative Commission, American Legion, transmitting a copy of the Legion's financial statements as of December 31, 2008, pursuant to 36 U.S.C. 1101(4) and 1103; to the Committee on the Judiciary.

2741. A letter from the Attorney, Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marinette Marine Vessel Launch, Marinette, Wisconsin [Docket No.: USCG-2009-0462] (RIN: 1625-AA00) received June 22, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2742. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's final rule — Interim Statement of Agency Policy and Interpretation on the Hours of Service Laws as Amended; Proposed Interpretation; Request for Public Comment [Docket No.: 2009-0057, Notice No. 1] received June 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2743. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan, pursuant to Sections 402 and 409 of the 1974 Trade Act, as amended; to the Committee on Ways and Means.

2744. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's "June 2009 Report to the Congress: Improving Incentives in the Medicare Program", pursuant to Public Law 108-173, section 507(c)(3) (117 Stat. 2297); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2498. A bill to designate the Federal building located at 844 North Rush Street in Chicago, Illinois, as the "William O. Lipinski Federal Building" (Rept. 111-213). Referred to the House Calendar.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 2093. A bill to amend the Federal Water Pollution Control Act relating to beach monitoring, and for other purposes, with an amendment (Rept. 111-214). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1665. A bill to structure Coast Guard acquisition processes and policies, and for other purposes (Rept. 111-215). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WAXMAN (for himself, Mr. MARKEY of Massachusetts, Mr. PAL-LONE, Mrs. CAPPS, Mr. SARBANES, and Ms. SCHAKOWSKY):

H.R. 3258. A bill to amend the Safe Drinking Water Act to enhance the security of the public water systems of the United States; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself and Mr. REICHERT):

H.R. 3259. A bill to establish the Grants for College Access and Completion Program; to the Committee on Education and Labor.

By Mr. BECERRA (for himself and Mr. RYAN of Wisconsin):

H.R. 3260. A bill to amend the Internal Revenue Code of 1986 to make the expensing of environmental remediation costs permanent law; to the Committee on Ways and Means.

By Mr. BURTON of Indiana:

H.R. 3261. A bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 3262. A bill to ensure that the goals of the Dietary Supplement Health and Education Act of 1994 are met by authorizing appropriations to fully enforce and implement such Act and the amendments made by such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana:

H.R. 3263. A bill to amend the Internal Revenue Code of 1986 to provide that amounts paid for foods for special dietary use, dietary supplements, or medical foods shall be treated as medical expenses; to the Committee on Ways and Means.

By Mr. CONNOLLY of Virginia (for himself and Mr. BILBRAY):

H.R. 3264. A bill to improve Federal internship programs to facilitate hiring of full-time Federal employees, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CONNOLLY of Virginia (for himself and Ms. NORTON):

H.R. 3265. A bill to amend the Federal Water Pollution Control Act to reduce pollution resulting from impervious surfaces within the Chesapeake Bay watershed, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. KLEIN of Florida (for himself and Mr. WHITFIELD):

H.R. 3266. A bill to establish a grant program to encourage the use of assistance dogs by certain members of the Armed Forces and veterans; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEK of Florida:

H.R. 3267. A bill to amend the Internal Revenue Code of 1986 to provide relief with respect to the children of members of the Armed Forces of the United States who die as a result of service in a combat zone; to the Committee on Ways and Means.

By Mr. REICHERT (for himself and Mr. SMITH of Washington):

H.R. 3268. A bill to amend the Rules of the House of Representatives and the Congressional Budget and Impoundment Control Act of 1974 to increase earmark transparency and accountability, and for other purposes; to the Committee on Rules, and in addition to the Committees on the Budget, Standards of Official Conduct, the Judiciary, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself, Mr.

DICKS, Mr. PETRI, Mr. MICA, Mr. DENT, Mr. EDWARDS of Texas, Mr. McDERMOTT, Mr. TIAHRT, Mr. BILBRAY, Mr. BROWN of South Carolina, Mr. LARSON of Connecticut, Mr. PAUL, Mr. INSLEE, Mr. GRAYSON, Mr. RODRIGUEZ, Mr. ROHRBACHER, Mr. ALEXANDER, Mr. BOYD, Mr. OLSON, Mr. WOLF, Mr. LAMBORN, Mr. FILNER, and Mr. CALVERT):

H. Con. Res. 167. Concurrent resolution supporting the goals and ideals of National Aerospace Day, and for other purposes; to the Committee on Science and Technology.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. SCHIFF, and Mr. GOODLATTE):

H. Res. 661. A resolution instructing the managers on the part of the House of Representatives in the impeachment proceeding now pending against Samuel B. Kent to advise the Senate that the House of Representatives does not desire further to urge the articles of impeachment against Samuel B. Kent; considered and agreed to.

By Ms. SCHWARTZ (for herself and Mr. SAM JOHNSON of Texas):

H. Res. 662. A resolution supporting the goals and ideals of "National Save for Retirement Week", including raising public awareness of the various tax-preferred retirement vehicles as important tools for personal savings and retirement financial security; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. LETKEMEYER.

H.R. 39: Mr. MILLER of North Carolina.

H.R. 138: Mr. MORAN of Kansas.

H.R. 211: Mr. MASSA and Mr. ROTHMAN of New Jersey.

H.R. 235: Mr. PETERS.

H.R. 268: Mr. LATHAM.

H.R. 330: Mr. GRIJALVA.

- H.R. 393: Mr. AUSTRIA.
H.R. 406: Ms. KILROY.
H.R. 426: Mr. GRIJALVA.
H.R. 470: Mr. SCHOCK.
H.R. 557: Mr. CAMPBELL, Mr. TURNER, Mr. WITTMAN, Mr. LATTI, and Mr. PITTS.
H.R. 560: Mr. LOBIONDO.
H.R. 613: Mr. CONNOLLY of Virginia and Mr. ORTIZ.
H.R. 673: Mr. KRATOVIL.
H.R. 718: Ms. FOXX and Mr. MCHENRY.
H.R. 775: Mr. FRANKS of Arizona, Mr. TURNER, Mr. INSLEE, Mr. LUETKEMEYER, Ms. EDWARDS of Maryland, and Mr. BOCCIERI.
H.R. 891: Mr. SESTAK.
H.R. 953: Mr. SHUSTER.
H.R. 977: Mr. SHULER.
H.R. 1147: Mr. FOSTER.
H.R. 1162: Mr. WILSON of South Carolina.
H.R. 1197: Mr. GRAYSON.
H.R. 1206: Mr. CONNOLLY of Virginia and Ms. GINNY BROWN-WAITE of Florida.
H.R. 1207: Mr. VISCLOSKEY, Mr. SCOTT of Georgia, Mr. TIERNEY, and Mr. BOUCHER.
H.R. 1208: Mr. SHIMKUS, Mr. CRENSHAW, Mr. SHUSTER, and Mr. CAMPBELL.
H.R. 1305: Mr. MARCHANT.
H.R. 1339: Mr. CARNAHAN.
H.R. 1402: Mr. COOPER.
H.R. 1427: Mr. PAUL.
H.R. 1428: Mr. STARK.
H.R. 1479: Mr. BUTTERFIELD.
H.R. 1525: Ms. SPEIER.
H.R. 1548: Mr. RUPPERSBERGER.
H.R. 1570: Mr. POSEY and Ms. CORRINE BROWN of Florida.
H.R. 1587: Mr. TURNER.
H.R. 1618: Mr. REYES, Mr. LUJÁN, and Mr. SKELTON.
H.R. 1646: Mr. CAPUANO, Mr. ELLISON, Mr. SHULER, Mr. MCCOTTER, and Mr. MASSA.
H.R. 1691: Mr. YOUNG of Alaska and Ms. HERSETH SANDLIN.
H.R. 1700: Mr. LYNCH and Mr. WEXLER.
H.R. 1799: Mrs. MCMORRIS RODGERS.
H.R. 1873: Mr. GRAYSON.
H.R. 1881: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1970: Mr. RADANOVICH.
H.R. 1977: Mr. MCDERMOTT.
H.R. 2024: Mrs. BLACKBURN.
H.R. 2061: Mr. WAMP.
H.R. 2072: Mr. SCALISE.
H.R. 2112: Mrs. MALONEY.
H.R. 2137: Mr. SCOTT of Virginia, Mr. BACA, Mr. CONYERS, and Ms. CLARKE.
H.R. 2139: Mr. KLINE of Minnesota and Mr. MEEK of Florida.
H.R. 2160: Mr. YOUNG of Alaska.
H.R. 2166: Mr. SMITH of Nebraska.
H.R. 2203: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. CAMPBELL, and Mr. KLINE of Minnesota.
H.R. 2215: Mr. LEVIN.
H.R. 2296: Mr. FLEMING, Mr. GOHMERT, Mr. RYAN of Wisconsin, Mr. WAMP, and Mr. GRAYSON.
H.R. 2329: Mr. HODES, Mr. BLUMENAUER, and Mr. BERMAN.
H.R. 2342: Mr. CRENSHAW.
H.R. 2373: Mr. HARPER, Mr. BOOZMAN, and Mr. KIRK.
H.R. 2381: Mr. COHEN.
H.R. 2413: Ms. HERSETH SANDLIN, Mr. ROSS, Ms. JENKINS, and Mr. MORAN of Kansas.
H.R. 2452: Mr. AUSTRIA and Mr. SCOTT of Georgia.
H.R. 2478: Mr. SARBANES.
H.R. 2499: Mr. HENSARLING.
H.R. 2515: Mr. GRIJALVA.
H.R. 2516: Mr. YOUNG of Alaska.
H.R. 2522: Mrs. CAPPS.
H.R. 2546: Mr. COSTELLO.
H.R. 2558: Mr. MICHAUD.
H.R. 2567: Mr. RYAN of Ohio.
H.R. 2632: Mr. LAMBORN and Mr. TEAGUE.
H.R. 2637: Mr. PLATTS.
H.R. 2672: Mr. WAMP.
H.R. 2709: Ms. DELAURO and Mr. HASTINGS of Florida.
H.R. 2744: Mr. GRAYSON.
H.R. 2819: Mr. DOGGETT.
H.R. 2882: Mr. PRICE of North Carolina and Mr. STARK.
H.R. 2897: Mr. SIREs, Mr. THOMPSON of Mississippi, and Mr. HASTINGS of Florida.
H.R. 2924: Mr. SESTAK.
H.R. 2941: Ms. TSONGAS.
H.R. 2964: Mr. BOCCIERI.
H.R. 3006: Mr. GENE GREEN of Texas and Mr. BLUMENAUER.
H.R. 3029: Mr. INGLIS.
H.R. 3032: Mr. MICHAUD.
H.R. 3036: Mr. NYE.
H.R. 3042: Mr. LEVIN and Ms. ROYBAL-ALLARD.
H.R. 3044: Mr. MARCHANT, Mr. DUNCAN, Mr. THOMPSON of California, Ms. JENKINS, Mr. KRATOVIL, Mr. POE of Texas, Mr. COBLE, and Mr. NEUGEBAUER.
H.R. 3088: Mr. GRAYSON.
H.R. 3119: Ms. CHU.
H.R. 3126: Ms. SLAUGHTER.
H.R. 3144: Ms. JACKSON-LEE of Texas and Ms. ROS-LEHTINEN.
H.R. 3149: Mr. FILNER.
H.R. 3155: Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, and Mr. SMITH of New Jersey.
H.R. 3167: Mr. BURTON of Indiana and Mr. AUSTRIA.
H.R. 3186: Mr. WEXLER.
H.R. 3219: Mr. BOCCIERI.
H.R. 3221: Mr. BLUMENAUER and Ms. BORDALLO.
H.R. 3226: Mr. GARRETT of New Jersey, Mr. SHIMKUS, Mr. ROGERS of Kentucky, Mr. SENBRENNER, and Ms. GRANGER.
H.R. 3231: Mr. BOOZMAN and Mr. BILIRAKIS.
H.R. 3245: Mr. FILNER.
H. Con. Res. 16: Mr. MCCOTTER.
H. Con. Res. 74: Mr. KLEIN of Florida, Mr. COSTA, Mr. SCOTT of Georgia, Mr. DELAHUNT, and Mr. MCMAHON.
H. Con. Res. 81: Ms. BORDALLO.
H. Con. Res. 94: Mr. MCGOVERN.
H. Con. Res. 98: Mr. HONDA and Mr. CARNAHAN.
H. Con. Res. 102: Mr. FILNER.
H. Con. Res. 129: Mr. FORBES, Mr. FILNER, Mr. BISHOP of Georgia, and Mr. HINCHEY.
H. Con. Res. 158: Mr. MORAN of Kansas.
H. Con. Res. 159: Mr. LEVIN, Mr. LOBIONDO, Mr. LAMBORN, and Mr. COSTA.
H. Con. Res. 163: Ms. BERKLEY and Mr. WU.
H. Con. Res. 165: Mr. SABLAN and Ms. FUDGE.
H. Res. 57: Ms. ROS-LEHTINEN.
H. Res. 111: Mr. HIGGINS and Mr. GRAYSON.
H. Res. 270: Mr. MINNICK.
H. Res. 278: Mr. GRIJALVA.
H. Res. 412: Ms. ROYBAL-ALLARD.
H. Res. 414: Mr. SCHOCK.
H. Res. 541: Ms. BORDALLO.
H. Res. 583: Mr. KISSELL.
H. Res. 591: Mr. BACHUS.
H. Res. 592: Mr. QUIGLEY.
H. Res. 595: Mr. ELLISON, Ms. NORTON, and Ms. WATERS.
H. Res. 596: Mr. ELLISON, Ms. NORTON, and Ms. WATERS.
H. Res. 605: Ms. KAPTUR, Mr. MCCAUL, Mr. BONNER, Ms. JENKINS, Ms. BERKLEY, and Mr. GORDON of Tennessee.
H. Res. 607: Mr. TURNER.
H. Res. 613: Mr. LATTI.
H. Res. 614: Mr. POLIS of Colorado.
H. Res. 619: Mrs. BONO MACK and Mr. BOOZMAN.
H. Res. 630: Ms. EDWARDS of Maryland, Mr. PRICE of North Carolina, Mr. DICKS, and Mr. HASTINGS of Florida.
H. Res. 654: Ms. JACKSON-LEE of Texas, Mr. BERMAN, Mr. SMITH of New Jersey, Mr. ROHR-ABACHER, Mr. ACKERMAN, Mr. DELAHUNT, Mr. MARKEY of Massachusetts, and Ms. MOORE of Wisconsin.

EXTENSIONS OF REMARKS

CONGRATULATING THE EBENEZER MISSIONARY BAPTIST CHURCH OF HALLANDALE, FLORIDA ON ITS CENTENNIAL ANNIVERSARY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise to congratulate the Ebenezer Missionary Baptist Church of Hallandale, Florida, on its centennial anniversary. In 1909 the church was founded under a rubber tree and counted only three students in its Sunday School class. Since then it has grown into a pillar of the community with broad outreach to those seeking spiritual guidance, religious education, social linkages, and help with their lives.

Throughout the past 100 years Ebenezer has stood up for the disadvantaged and disenfranchised, offering those in need of help comfort, care, and assistance. As the oldest church in the community, Ebenezer has been at the forefront of social and political changes in south Florida. The church and its members were active in the Civil Rights Movement and played an important role in the desegregation of the Broward County school system in the 1960s. The church and its leaders have continued the fight for equal rights and equal opportunity.

Although the Ebenezer Missionary Baptist Church is no longer located in my congressional district, I am pleased to call its leaders and members my friends. The community of Ebenezer has been there for me at many points in my life and I am grateful for their support and friendship these many years.

Madam Speaker, for 100 years now the Ebenezer Missionary Baptist Church has ably served the community around Hallandale, Florida. Under the leadership of its past pastors, and its current leader, the Revered Joe C. Johnson, the church has expanded its membership, performed good works in the south Florida region, and uplifted the members of its community. I wish the church, its leaders, and its members the best of luck in their future endeavors.

HONORING THE VALLEY FORGE BAPTIST TEMPLE AS IT CELEBRATES ITS 25TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor the Valley Forge Baptist Temple as the congregation celebrates its 25th Anniversary.

Since its founding in 1984, "The Caring Church" has expanded to accommodate the

growing congregation. After holding double Sunday-morning services, a new 32,000 square foot auditorium, nursery and office wing was built in 1996.

Valley Forge Baptist Temple supports more than 160 missionary families and organizations worldwide. Through the faith promise commitments and contributions from its members, the Church uses these funds to help evangelize the world.

Pastor Scott Wendal, Sr. has led the Church for the last 25 years, ministering and serving the people of the community. And the fruits of his labor are a growing congregation and vibrant, innovative programs that enrich lives and strengthen families.

Madam Speaker, I ask that my colleagues join me today in celebration of the 25th Anniversary of the Valley Forge Baptist Temple and in honor of all members past and present.

IN RECOGNITION OF THE SERVICE OF COLONEL GARY L. PLUMB

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. MILLER of Florida. Madam Speaker, it is with great honor that I rise today in recognition of the service of Colonel Gary L. Plumb, Commander of the 46th Test Wing at Eglin Air Force Base, Florida. Colonel Plumb retires today after 27 years of humble service to this great Nation in the United States Air Force, and I am proud to recognize his vast contributions to national security.

Colonel Plumb grew up in Loveland, Colorado. After graduating from Thompson Valley High School, he joined the Air Force and accepted an appointment at the United States Air Force Academy. He graduated from the Academy with a Bachelor of Science Degree in Electrical Engineering and received a commission as a Second Lieutenant in the United States Air Force on 2 June, 1982.

After earning his wings and graduating number one in his Pilot Instructor Training Class, Colonel Plumb began his flying career as an instructor pilot at Reese AFB, Texas. Upon graduating Lead-in Fighter Training, Colonel Plumb flew the F-16 while assigned to the 496th Fighter Squadron at Hahn Air Base, Germany. A graduate of the United States Air Force Test Pilot School, he then flew experimental test missions in the F-16 and F-4 while assigned to the 39th Flight Test Squadron, Eglin Air Force Base, Florida. From there, he attended Air Command and Staff College and then received an assignment to the F-16 System Program Office in Wright Patterson Air Force Base, Ohio where he was Chief of F-16 Combat Capability Development.

Identified as a proven leader, Air Force leadership selected him to command one of

the most important squadrons in the Air Force, the 411th Flight Test Squadron. After taking command of the 411th Flight Test Squadron at Edwards AFB, he led developmental flight test for the Air Force's newest fighter, the F/A-22. The Colonel was then selected to attend the prestigious Industrial College of the Armed Forces in Washington, DC. Following this assignment Colonel Plumb was selected for a joint assignment where he was assigned to the Joint Warfighting Center, Joint Forces Command, Suffolk, Virginia. The Colonel has commanded at the flight, squadron and group level. He is a Command Pilot who has accumulated over 3,400 flight hours in over 30 different aircraft.

Colonel Gary L. Plumb is currently the Commander, 46th Test Wing, Air Armament Center, Air Force Materiel Command, Eglin Air Force Base, Florida. With over 4,200 military, civilian, and contractor personnel, the Test Wing's primary mission is developmental testing and evaluation of conventional munitions, command and control systems, egress systems, and navigation and guidance systems. The Test Wing manages 26 modified test aircraft; 185,500 square miles of land and water test ranges, plus facilities in six different states. His leadership as the Commander of the 46th Test Wing will ensure the Eglin range complex, a national resource, remains productive and vibrant for years to come. The weapon systems tested in Northwest Florida today maintain U.S. military superiority, provide the equipment and resources for the men and woman serving this Nation to accomplish their missions, and keep them safe.

He is married to the former Robin Church, and together they have three children—U.S. Air Force Captain Jacquelyn Perr; U.S. Army 2d Lieutenant Daniel Plumb; and U.S. Air Force Academy Cadet Alexander Plumb.

During his 27 years in the military, he spent almost 8 years serving the Air Force in the First Congressional District of Florida. His tireless work has benefited our community enormously. I'm pleased to hear we will continue to profit from his leadership in the Northwest Florida community as he retires in Niceville.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Colonel Plumb for his excellent leadership and extraordinary service to the United States Air Force. His contributions to national security will continue to benefit the Nation. From all the constituents of Florida's First Congressional District, I would like to congratulate him on his retirement and wish him well in his future endeavors.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING DR. TAMMIE LEE
DEMLER

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. LEE of New York. Madam Speaker, it is with great pride that I rise today to pay tribute to Dr. Tammie Lee Demler of Wheatfield, NY, for recently being awarded the prestigious Bowl of Hygeia for her outstanding pharmacy service and leadership in our community.

For nearly 50 years, the Bowl of Hygeia award program has been a vehicle to encourage pharmacists to excel beyond their standard job duties and pay back their communities through exceptional public service. Dr. Demler is a well deserving recipient of this award.

Currently, Dr. Demler is the Director of Pharmacy Services for the Buffalo Psychiatric Center. She additionally serves as the Program Director for the Post Doctoral Pharmacy Residency Program at the University of Buffalo School of Pharmacy and Pharmaceutical Sciences.

In addition to her impressive career, Dr. Demler's leadership has been recognized by her peers as she was the first woman elected President of the Pharmacists Society of the State of New York in the organization's 125-year history.

Dr. Demler's dedication to the community has included participation as the Erie County Site Staging manager for the Specialized Medical Assistance Response Team (SMART), organizing the world class Taste of Buffalo as a member of the Board of Directors and Restaurant committee. In addition she has been able to use her professional skills in pharmacy to host her own TV segment on WNY Tonight.

Madam Speaker, in recognition of the her dedication to our community and improving the lives of Western New Yorkers, I ask this Honorable Body to join me in congratulating Dr. Tammie Lee Demler for being awarded the prestigious Bowl of Hygeia award.

**INTRODUCING THE ESTABLISHING
GRANTS FOR COLLEGE ACCESS
AND COMPLETION PROGRAM**

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. INSLEE. Madam Speaker, I rise today to introduce the Establishing Grants for College Access and Completion Act of 2009, a bill to increase the number of low-income students from underserved populations and disadvantaged backgrounds who enter and complete college.

It is well established that students from low-income families are 30 percent less likely to have access to higher education, but the disparity in graduation rates are more pronounced: only 20 percent of the lowest-income students are projected to graduate with a bachelor's degree by 2012, compared to 68 percent of the highest income students.

This bill would authorize Federal funding for the Grants for College Access and Completion

program, a competitive grant program to support innovative and effective approaches that are currently improving college-going and college-graduation rates for low-income, high-promise students. Eligible organizations would need to show a proven track record of success in increasing the number of students from low-income and disadvantaged populations who enter and remain in college, and have an independent scholarship program supported by non-Federal dollars. Any eligible organization, under this bill, would be able to enter into partnerships with other entities to improve their ability to effectively reach low-income and disadvantaged students.

This bill was written to use taxpayers' money wisely. The Federal grants would be used to provide mentoring, academic support, and supportive services to prepare low-income students to attend institutions of higher education, with 15 percent of the funds coming from non-Federal sources. This bill does not provide any money for scholarships; rather, it will be required that the grantees have established and successful scholarship programs. Finally, the bill has an annual reporting requirement of grantees, so that the Secretary can keep close track of their performance.

For example, efforts are currently underway and proven to improve graduation rates of this student population. A Washington State-based foundation, the College Success Foundation, formerly the Washington Education Foundation, is leading the way, by encouraging low-income and disadvantaged students to pursue higher education, and providing them with support and mentoring services to ensure their continued success in college.

Almost 90 percent of today's fastest growing jobs require some postsecondary education. Students who do not attend and graduate from college are increasingly finding themselves shut out of well-paying jobs. Statistics show that an individual without a high school diploma will earn approximately \$1,100,000 less in their lifetime than an individual with a bachelor's degree. Finally, statistics show that the children of college graduates, and even their children's children, are more likely to go on to graduate from institutes of higher education. Should my bill become law, and help students attend and graduate from college, their expected lifetime earnings will more than pay for the little sums of money appropriated through this legislation.

I urge my colleagues to consider this important bill.

HONORING DR. ABE SILVERSTEIN

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. MACK. Madam Speaker, I rise today to honor Dr. Abe Silverstein, an American engineer who played an important part in the United States space program.

Dr. Silverstein was born in 1908 in Terre Haute, Indiana, and earned a B.S. in mechanical engineering (1929) and an M.E. (1934) from the Rose Polytechnic Institute. In 1929, Dr. Silverstein was hired by the National Advi-

sory Committee for Aeronautics (NACA) at the Langley research center to work on the design of the Altitude Wind Tunnel. While there, he also directed research which led to increased high-speed performance of most of the combat aircraft of World War II. His work contributed to development of present day supersonic aircrafts.

Dr. Silverstein helped at NASA headquarters to help with the space flights of Project Mercury and the Apollo program. He was also chair to the government commission The Silverstein Committee.

Dr. Silverstein received several awards for his work. In 1984, NASA named him an "Elder Statesman of Aviation." On August 14, 1997, Dr. Silverstein was the recipient of the Guggenheim Medal for significant contributions to the advancement of flight. He later retired to Ohio and spent his winters in Cape Coral.

I would like to recognize Dr. Silverstein for his contributions to this country and we are proud of all his accomplishments. His lifetime achievements are truly commendable.

CONFLICT RESOLUTION IN CYPRUS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. JOHNSON of Georgia. Madam Speaker, I come to the floor today to urge the U.S. to join in the efforts to reach a peaceful solution to the dispute in Cyprus.

The United States, United Nations, United Kingdom, European Union are just a few countries and international organizations who have long been engaged in the efforts to bring about a negotiated compromise to the dispute in Cyprus. I feel it is time that such an agreement is reached. Moreover, I'm pleased that at the end of last year, the Greek Cypriot Leader, Demetris Christofias, and Turkish Cypriot Leader, Mehmet Ali Talat, began U.N.-sponsored peace talks to try to find a solution to the ongoing situation in Cyprus.

I believe this Administration should also take an active role to bring about a solution that would be beneficial for both Cypriot communities. This ongoing disagreement pits two NATO allies, Greece and Turkey, against each other, and therefore, we must quickly find a mutually agreed upon solution.

Assistant Secretary of State for European and Eurasian Affairs, Philip Gordon, testified that "resolution of the Cyprus problem will have a tremendous impact on the region by strengthening peace, justice, and prosperity on the island, advancing Turkey's European Union accession, improving NATO-EU cooperation and removing a source of friction between two NATO Allies, Greece and Turkey."

I agree with the Assistant Secretary Gordon's sentiments and hope the Administration takes the appropriate actions to ensure that an accord is achieved. Any agreement must lead Cyprus to an independent government where both Greek and Turkish Cypriot communities have equal political rights similar to the 1994 Annan Plan. The Annan Plan would have set

up a confederation of two component states—the Greek Cypriot State and the Turkish Cypriot State. Both Cypriot communities would be joined together by a federal government mirrored after the Swiss federal model. The plan included a federal constitution, constitutions for each constituent state, and a string of constitutional and federal laws. It also provided for a Reconciliation Commission to bring the two Cypriot communities closer together and resolve outstanding disputes from the past.

Such a bi-zonal and bi-communal agreement is the best approach and I urge the Administration to actively participate in the peaceful re-unification process in Cyprus.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. GRAVES. Madam Speaker, on Friday July 17, 2009 I was unable to be in Washington, DC due to a funeral and thus missed rollcall votes No. 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, and 592. Had I been present, I would have voted "yea" on No. 578, 579, 580, 581, 583, 585, 586, 587, 588, 589, 590 and "nay" on No. 573, 574, 575, 576, 577, 591, and 592.

HONORING JAMES CULBERTSON

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. LEE of New York. Madam Speaker, it is with great pride that I rise today to congratulate James Culbertson of Dansville, NY on being named New York State's County Clerk of the Year. This is a true testament to his remarkable contributions to improving the lives of the people in Livingston County.

Mr. Culbertson is currently in his fourth term as Livingston County Clerk. In 2008, Culbertson was named President of the New York State Association of County Clerks and is the second Livingston County Clerk to ever hold the position.

Mr. Culbertson has significantly reduced red tape for Livingston County residents by implementing and perfecting a state-of-the-art records management system. This achievement made Livingston the State's first county to offer a complete, comprehensive records solution to benefit its constituents.

Thus, Madam Speaker, in recognition of his steadfast dedication to improving the lives of Livingston County residents, I ask this Honorable Body to join me in congratulating Mr. Culbertson on being named New York State's County Clerk of the Year.

LAKE COUNTY ELECTRICIANS JATC GRADUATES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. VISCLOSKY. Madam Speaker, it is with great sincerity and admiration that I offer congratulations to several of northwest Indiana's most talented, dedicated, and hardworking individuals. On Friday, July 31, 2009, the Lake County Electricians Joint Apprenticeship and Training Committee (JATC) will honor the class of 2009 at their annual Apprentice Completion Banquet, which will be held at the Avalon Manor Banquet Hall in Merrillville, Indiana.

This year, the Lake County Electricians JATC will be recognizing and honoring twenty-nine graduates who have completed the apprentice training. This year's graduates are: Jake Archambault, Jennifer Batka, Bryan Bogacz, Brett Bormann, Steve Brumley, Kelly Carlson, Jonathan Chariton, Noble Dennie, Jake Duttlinger, Andrew Filipowski, Theresa Gibbs, Josh Hardebeck, Nick Hardesty, Matt Marckese, Justin Marcotte, Joe Michaels, Jonathan Moran, Jon Moyado, Mike Nellen, Ben O'Neill, Jon Orzachowicz, Chris Roark, Kyle Spicer, Jason Tampuskas, Joe Thomas, Nick Trinidad, Andy Vlachos, Arnell Washington, and John Yaksic.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These outstanding graduates all exemplify these traits. They have mastered their trade and have demonstrated their loyalty to both the union and the community through their commitment, hard work, and selfless sacrifice.

Madam Speaker, I ask that you and my other distinguished colleagues join me in congratulating these committed, hardworking individuals. Along with the other extraordinary men and women of northwest Indiana's unions, these individuals have contributed in many ways to the growth and development of the economy in Indiana's First Congressional District, and I am very proud to represent them in Washington, DC.

EARMARK DECLARATION

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. KINGSTON. Madam Speaker, I submit the following:

SAVANNAH HARBOR EXPANSION, GA

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers—Construction
Legal Name of Requesting Entity: Corps of Engineers, Savannah District

Address of Requesting Entity: 100 West Oglethorpe Avenue, P.O. Box 889, Savannah, Georgia 31402

Description of Request: Savannah Harbor Expansion Project construction funding to de-

velop plans and specifications and the Project Partnership Agreement required before construction can start to deepen the harbor channel from the current 42-foot channel to a depth of as much as 48 feet.

ATLANTIC INTRACOASTAL WATERWAY, GA

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers—Operations and Maintenance

Legal Name of Requesting Entity: Corps of Engineers, Savannah District

Address of Requesting Entity: West Oglethorpe Avenue, P.O. Box 889, Savannah, Georgia 31402

Description of Request: dredging trouble spots on the waterway and for general maintenance of the Georgia portion of the Intracoastal Waterway.

ATLANTA ENVIRONMENTAL INFRASTRUCTURE, GA

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers—Construction

Legal Name of Requesting Entity: Corps of Engineers, Mobile District

Address of Requesting Entity: P.O. Box 2288, Mobile, Alabama 36628

Description of Request: sewer system repairs.

BIOFUELS, BIOPOWER AND BIO MATERIALS, UGA

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: DOE-EERE

Legal Name of Requesting Entity: University of Georgia

Address of Requesting Entity: Athens, GA

Description of Request: to develop biomass processing, biochemical and thermochemical technologies, and train the future workforce so they can satisfy the needs of a growing new industry.

GEORGIA SOUTHERN UNIVERSITY BIODIESEL RESEARCH

Requesting Member: Congressman JACK KINGSTON

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: DOE-EERE

Legal Name of Requesting Entity: Georgia Southern University

Address of Requesting Entity: P.O. Box 8158, Statesboro, GA 30460

Description of Request: research in the formulation, generation, transfer and combustion of bio-fuels that will combine multiple disciplines (Biology, Chemistry and Engineering) to address the production requirements for viable and sustainable energy substitutes derived from non-food biomass sources.

RECOGNIZING THE CREW OF THE RB-47H SHOT DOWN OVER INTERNATIONAL WATERS BY THE SOVIET UNION ON JULY 1, 1960

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. WITTMAN. Madam Speaker, I rise today to recognize Major Willard Palm, Captain Freeman B. Olmstead, Captain John McKone, and the crew of the RB-47H shot down over international waters by the Soviet Union on July 1, 1960. This recognition is well-deserved and highlights the unending service and integrity of our men and women in uniform.

The plane was crewed by Major Willard Palm as aircraft commander; Captain Freeman B. Olmstead as pilot; Captain John McKone as navigator.

Freeman B. Olmstead was born in Elmira, New York, and brought up in a devout Episcopal family. He earned a bachelor's degree in history from Kenyon College, Gambier, Ohio. He entered active duty with the Air Force in 1957.

McKone was a native of Tonganoxie, Kansas, and he graduated from Kansas State University with a bachelor's degree in history in 1954. He entered active duty on March 15, 1955.

On July 1, 1960 a United States Air Force RB-47H based at Forbes Air Force Base, Kansas, departed from Brize-Norton Royal Air Force Base in England. The flight's planned route kept the plane over international waters.

A MiG-19 fighter intercepted the American bomber over the Barents Sea. The MiG eventually opened fire on the RB-47H. Olmstead and McKone successfully ejected and survived only to be picked up by a Soviet fishing vessel. The aircraft commander, however, perished in the Barents Sea.

Ten days after the shootdown, Soviet Premier Nikita Khrushchev announced that they had shot down the bomber and captured the two crewmen. The pair were imprisoned in Moscow's Lubyanka prison, and accused by the Soviets of espionage, punishable by death, for allegedly violating the Soviet sea frontier.

Shortly after the inauguration of President John F. Kennedy, Premier Nikita Khrushchev extended an offer to free Olmstead and McKone quickly—but with three terms later agreed to.

After 7 months of imprisonment and interrogation the guards drove Captain Freeman B. Olmstead and Captain John McKone to the American Embassy. They were handed over to U.S. officials to be reunited with their families without having disclosed any information to the Soviet government.

As a member of the Committee on Armed Services, I am continuously struck by the integrity of our servicemembers. With examples like Captain Freeman B. Olmstead and Captain John McKone, it is clear where this integrity comes from.

EARMARK DECLARATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Ms. GRANGER. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I, KAY GRANGER, submit the following information regarding earmarks I received as part of H.R. 3183, the Energy & Water Appropriations bill for FY2010. For the project titled "Central City, Fort Worth, Upper Trinity River Basin, TX," which received \$7,200,000 in H.R. 3183, Corps of Engineers Construction Account, the legal name and address of the receiving entity is U.S. Army Corps of Engineers, Fort Worth District, 819 Taylor Street, Fort Worth, TX 76102. It is my understanding that the Corps of Engineers will use funds for bypass channel construction, valley storage construction, and geotechnical exploration. The aging levee system is no longer adequate to provide protection for an area adjacent to downtown Fort Worth that is undergoing revitalization. The U.S. Army Corps of Engineers recommends in the final Environmental Impact Statement an integrated, comprehensive solution for flood control in this area to include transportation, environmental restoration and community redevelopment components in constructing a 1.5 mile flood-control bypass channel. Local cost share for the project is over \$180 million.

For the project titled "Farmers Branch, Tarrant County, TX," which received continuing authority in H.R. 3183, Corps of Engineers Sec. 206 account, the legal name and address of the receiving entity is U.S. Army Corps of Engineers, Fort Worth District, 819 Taylor Street, Fort Worth, TX 76102. The goal of this project is to improve the channelization of Farmers Branch flowing through the center of White Settlement, TX, to mitigate major flooding problems affecting family residential properties and commercial entities. The recommended plan consists of a grass and rock-lined channel between White Settlement Road and Las Vegas Trail. The city has passed bonds totaling \$11.5 million for the project.

For the project titled "Upper Trinity River Basin, TX," which received \$500,000 in H.R. 3183, Corps of Engineers Investigations Account, the legal name and address of the receiving entity is U.S. Army Corps of Engineers, Fort Worth District, 819 Taylor Street, Fort Worth, TX 76102. Preliminary watershed-wide feasibility investigations identified 88 measures for more detailed study in the Upper Trinity River Basin. Subsequently, seven interim feasibility studies have been initiated with 11 cities, one county, and one special district to undertake more detailed studies for the purposes of addressing flood risk management, ecosystem restoration and recreation opportunities within these areas. It is my understanding these funds would be used to continue these ongoing studies to protect the water supply for approximately 1.6 million people.

INTERPRETING H.R. 2454

HON. RICK LARSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. LARSEN of Washington. Madam Speaker, I rise today to submit my view regarding Congress's intent to allow Direct Service Industries served by the Bonneville Power Administration to receive allowances under Section 782 of H.R. 2454.

The definition of "electricity local distribution company" in Section 783 does not include federal power marketing administrations such as the Bonneville Power Administration. I believe that Congress intends that Direct Service Industries served by Bonneville on the date of enactment of this Act are part of eligible industrial sectors and may receive allowances under Sections 782(e) and 764 of this Act.

Thank you for the opportunity to provide this clarification, and thank you to Representative JAY INSLEE of Washington for his work in securing protections for energy-intensive, trade-exposed industries in energy reform legislation.

INTERPRETING H.R. 2454

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. INSLEE. Madam Speaker, I rise today to express my support for Representative RICK LARSEN's interpretation of Section 782 of H.R. 2454. As a principal author of legislative provisions in H.R. 2454 to protect energy-intensive, trade-exposed industries, I too believe that Congress intends that Direct Service Industries served by Bonneville on the date of enactment of this Act are part of eligible industrial sectors and may receive allowances under Sections 782(e) and 764 of this Act.

Thank you for the opportunity to provide this clarification.

INTRODUCTION OF THE BROWNFIELDS REMEDIATION PERMANENT TAX INCENTIVE ACT

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. BECERRA. Madam Speaker, I rise today to introduce the "Brownfields Remediation Permanent Tax Incentive Act" with Representative PAUL RYAN. This legislation will provide a permanent tax incentive for developers to clean up polluted properties, clearing the way for new economic development in our communities.

Brownfields are neglected or abandoned land sites whose redevelopment is complicated by the potential presence of hazardous substances. The Environmental Protection Agency estimates that there are over

450,000 of these sites in the United States. From abandoned warehouses and shuttered gas stations, to former factory sites and abandoned residential buildings, these sites could be put to productive use if developers undertook environmental remediation efforts to prepare them for redevelopment.

Such remediation efforts can bring diverse benefits to our communities. In addition to reducing exposure to hazardous substances, they can create jobs through new construction projects, grow local tax bases, and help revitalize neighborhoods whose economic development efforts are weighed down by abandoned structures and housing blight. Brownfield remediation is also an environmentally sound policy that encourages developers to use existing developed land rather than starting new construction on undeveloped land or farmland.

However, brownfields redevelopment is often an expensive and unpredictable undertaking. The Brownfields Remediation Permanent Tax Incentive Act would encourage developers to tackle these important projects by making the existing Section 198 brownfield tax expensing provision permanent, thus providing a measure of certainty and facilitating long-term planning for those interested in undertaking these important cleanup projects.

Madam Speaker, I urge my colleagues to support the Brownfields Remediation Permanent Tax Incentive Act to help rehabilitate these properties that would otherwise lie vacant, and spur economic investment and job creation in our communities.

HONORING DOMINIC MAZZA

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. LEE of New York. Madam Speaker, it is with great pride that I rise today to pay tribute to a dedicated public servant who I am proud to call one of my constituents. Dominic Mazza, who has served as Livingston County Administrator for more than 20 years, has given much of his life to serving the people of New York State.

Prior to serving as County Administrator, Mr. Mazza held various financial positions throughout New York State. He assisted with federal and state aid issues for the City of Syracuse and was the Director of Financial and Administration for the City of Cortland. In 1975, he graduated Magna Cum Laude from the State University of New York at Utica where he received a Bachelors of Science degree in Business and Public Administration. In addition, Mr. Mazza also received a Master's degree in Public Administration in 1985 from the prestigious Maxwell School of Public Affairs of Syracuse University.

Thus, Madam Speaker, I ask this Honorable Body to join me and the people of Livingston County in thanking Mr. Mazza for his outstanding service and wish him well as he begins his much-deserved retirement.

THE 35TH ANNIVERSARY OF THE INVASION OF CYPRUS

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. McMAHON. Madam Speaker, I rise today to recognize the 35th anniversary of the division of the Island of Cyprus.

Thirty-five years ago, Turkish troops invaded and occupied the island of Cyprus and divided a community. While time may heal all wounds, the wounds of the division of Cyprus remain fresh today with thousands of Turkish troops continuing to occupy the northern third of the Island.

The Republic of Cyprus is a member of the European Union, a strong ally of the United States and a stable democracy in the Mediterranean. The Republic has opened the benefits of EU citizenship to both Greek and Turkish Cypriots on both sides of the divide. Since 2003 there has been confidence building exchanges and partnerships between the two communities and the residents have the ability to travel freely between the Republic of Cyprus and the occupied North.

With all these positive developments happening, some things still remain all too intractable. The number of Turkish troops in the North is the same as those present thirty-five years ago, and Greek religious sights in the North still suffer from neglect. Communities may be free to travel but the Island is still divided based on ethnicity.

Bringing the Greek and Turkish communities together in a bi-zonal, bi-communal federation is the goal of President Obama, the European Union and most importantly it is the goal of the Cypriot people. On the thirty-fifth anniversary of the division of Cyprus, I urge both Cypriot President Demetrius Christofias and Turkish Cypriot leader Mehmet Ali Talat to redouble their efforts to insure the removal of Turkish troops, free movement between the Greek and Turkish communities and for a final end to the division of the Island. The time is now for us as a Congress and with our President's commitment to move Cyprus to a future of peace and prosperity.

RECOGNIZING THE ARC OF GREAT- ER PRINCE WILLIAM/INSIGHT

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize The Arc of Greater Prince William/INSIGHT, Incorporated (The Arc) and the support they provide for people with intellectual and developmental disabilities.

The Arc is an affiliate of The Arc of the United States and The Arc of Virginia and is a tireless advocate for the rights and full participation of all people with intellectual and developmental disabilities. The Arc provides support services to residents of the community that help to realize the organization's broader mission.

The assistance provided by The Arc in raising a child with disabilities begins early in life with their child care services. Children ages 6 weeks to 21 years can seek therapeutic and educational activities at the Muriel Humphrey Center in Dale City, Virginia. At the Robert Day Child Care Center in Manassas children enjoy recreational activities that encourage healthy socialization and friendship. Recognizing the added stress and time commitments that accompany raising a child with disabilities, The Arc offers "Parents Night Out" and respite care programs. Prince William families are not alone and have a dedicated and capable partner in The Arc of Greater Prince William.

The Arc extends its support beyond high school education with a number of programs designed to give adults with intellectual and developmental disabilities a well-rounded life experience. In the vocational services program individuals are taught ground maintenance, lawn care and janitorial skills. At The Arc's "Spinaweb" facility in the Town of Occoquan, weavers produce fabric for clothing and other woven items.

Young adults are encouraged to continue to develop their social skills through bowling leagues and various recreational activities. The Arc has nine group homes which allow adults to enjoy an independent and less structured living environment. These programs afford individuals the opportunity to grow and develop their skills and social networks. This is an opportunity that would not be so readily available without The Arc.

This year, The Arc of Greater Prince William celebrates its 45th Anniversary. Since 1964, the organization has built a remarkable infrastructure of programs and facilities. The residents of Prince William are served well by the diverse and comprehensive selection of assistance programs offered by The Arc.

Madam Speaker, I ask that my colleagues join me in applauding the efforts of The Arc of Greater Prince William/INSIGHT, Incorporated on behalf of people with intellectual and developmental disabilities. I would like to express my personal gratitude for their work and my admiration for the mission they seek to accomplish.

PERSONAL EXPLANATION

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. WESTMORELAND. Madam Speaker, due to a family member's medical condition on July 17, 2009, I missed a number of votes. Had I been present, I would have voted the following:

"No" on table Appeal of the Ruling of the Chair, rollcall No. 573;

"No" on ordering the Previous Question, rollcall No. 574;

"No" on agreeing to the Resolution Rule providing for the consideration of H.R. 1018, the Restore Our American Mustangs Act, rollcall No. 575;

"No" on agreeing to the Hastings of Washington Part B Substitute Amendment, rollcall No. 576;

"No" on passage the Restore Our American Mustangs Act, rollcall No. 577;

"Aye" on agreeing to the Heinrich amendment, rollcall No. 578;

"Aye" on agreeing to the Cao amendment, rollcall No. 579;

"Aye" on agreeing to the Blackburn amendment, rollcall No. 580;

"Aye" on agreeing to the Campbell amendment, rollcall No. 581;

"Aye" on agreeing to the Flake amendment, rollcall No. 582;

"Aye" on agreeing to the Flake amendment, rollcall No. 583;

"Aye" on agreeing to the Flake amendment, rollcall No. 584;

"Aye" on agreeing to the Flake amendment, rollcall No. 585;

"Aye" on agreeing to the Flake amendment, rollcall No. 586;

"Aye" on agreeing to the Flake amendment, rollcall No. 587;

"Aye" on agreeing to the Hensarling amendment, rollcall No. 588;

"Aye" on agreeing to the Hensarling amendment, rollcall No. 589;

"Aye" on agreeing to the Hensarling amendment, rollcall No. 590;

"No" on motion to recommit with instructions, rollcall No. 591; and

"No" on passage making appropriations for energy and water development and related agencies, FY 2010, rollcall No. 592.

EARMARK DECLARATION

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. DANIEL E. LUNGREN of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I rise today to submit the following information regarding earmarks I received as part of the Transportation, Housing, and Urban Development, and Related Agencies FY10 Appropriations Act.

The following earmarks were requested by my office and are listed for funding in this bill: State Route 99 Interchange Improvement Project, CA

Requesting Member: DANIEL E. LUNGREN
Bill Number: FY10 Transportation, HUD Appropriations

Account: FHA—Transportation and Community & System Preservation

Requesting Agency: City of Galt
Requesting Agency Address: 495 Industrial Drive, Galt, CA 95632

Amount: \$500,000

Funding this project will provide for the reconstruction of the Central Galt (C Street)/SR 99 Interchange, which is critical to relieve congestion, improve regional transportation mobility, and ultimately alleviate a deficit in adequate emergency services access.

This project represents an appropriate use of taxpayer funds by elevating the ingress and egress of a major trade corridor to standards of safety commensurate with the impacts to the effected community.

International Drive Extension/Folsom South Canal Bridge, CA

Requesting Member: DANIEL E. LUNGREN
Bill Number: FY10 Transportation, HUD Appropriations

Account: FHA—Surface Transportation Priorities

Requesting Agency: City of Rancho Cordova

Requesting Agency Address: 2729 Prospect Park Dr., Rancho Cordova, CA 95670

Amount: \$500,000

The International Drive Extension and Folsom South Canal Bridge project will construct a new six-lane extension of International Drive from Kilgore Road to Sunrise Boulevard. The waterway creates a barrier that cuts the City in half from north to south.

This project represents an appropriate use of taxpayer funds by facilitating the crossing of a U.S. Bureau of Reclamation waterway which bisects the City of Rancho Cordova, allowing emergency service access across this present barrier.

ADA Infrastructure Improvements

Requesting Member: DANIEL E. LUNGREN
Bill Number: FY10 Transportation, HUD Appropriations

Account: Housing and Urban Development (HUD)—Economic Development Initiatives (EDI)

Requesting Agency: City of Citrus Heights
Requesting Agency Address: 6237 Fountain Square Drive, Citrus Heights, CA 95621

Amount: \$450,000

Disability access is limited in several identified locations throughout the City of Citrus Heights, and the City has been and continues to be the subject of lawsuits from advocates in the disability rights community. This funding will cover the cost of new ADA-compliant infrastructure. Citrus Heights is nearly 100% built-out, extinguishing the stream of development fees which might normally provide for this infrastructure improvement.

This project represents an appropriate use of taxpayer funds by providing for the elevation of city facilities to meet the requirements of ADA compliance.

LETTER FROM THE HIGH-PERFORMANCE BUILDINGS CAUCUS RE: ENERGY AND WATER APPROPS OF 2010

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. CARNAHAN. Madam Speaker, I submit the following letter:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 15, 2009.

Hon. DAVID R. OBEY,
Chairman, Committee on Appropriations.

Hon. ED PASTOR,
Acting Chairman, Subcommittee on Energy and Water Development.

Hon. JERRY LEWIS,
Ranking Member, Committee on Appropriations.

Hon. RODNEY FRELINGHUYSEN,
Ranking Member, Subcommittee on Energy and Water Development.

DEAR CHAIRMEN AND RANKING MEMBERS: As members of the High-Performance Buildings Caucus, we commend your work on the Energy and Water Appropriations Act of 2010.

This Act makes investments in all areas of energy and makes critical investments in our nation's infrastructure. Of those investments, we hope you will give priority consideration to the Energy Efficient Buildings Systems Hub.

As a Caucus, we have consistently advocated for investments in a particular element of our nation's infrastructure—our built environment. Each year our nation's homes, offices, schools, and other buildings consume 70 percent of the electricity in the U.S., emit 39 percent of the nation's carbon dioxide emissions, and our citizens spend approximately 90 percent of their time indoors. Investing in the research and development of high-performance building technologies can have a direct impact on decreasing our nation's carbon footprint, reducing costs and improving building energy efficiency.

In light of these facts, the Department of Energy fiscal year 2010 budget introduced a request for eight Energy Innovation Hubs, each focused on a specific national energy related topic. These Energy Innovation Hubs would function in a new structure modeled after the research laboratories involved in the Manhattan Project Labs, Lincoln Labs at MIT that developed radar and AT&T Bell Laboratories that developed the transistor.

According to the Department of Energy, the proposed Energy Efficient Building Systems Hub would:

Develop systems-based approaches to designing commercial and residential buildings that integrate windows and lighting, natural ventilation and HVAC, thermal inertia, on-site energy generation and other factors. Develop building design software with imbedded energy analysis to assist architects and engineers in adopting new technologies for conserving energy. Develop automated operating platforms for real-time optimization of the building control systems, analogous to computer optimization of automobile engine performance.

We understand that during difficult economic and budgetary times, we must be especially careful with federal research investments. It is because of our strong belief in the benefits of energy efficiency gains that we believe that this Energy Innovation Hub will offer the best return for our investment.

While we understand the concerns of the Appropriations Committee regarding possible redundancies within existing initiatives, we hope to work with the Committee and the Department of Energy to address these specific concerns before moving forward. It is our hope that as this legislation moves forward, we will be able to work with you to address this important issue.

Sincerely,

Russ Carnahan, Co-Chair, High-Performance Buildings Caucus; Judy Biggert, Co-Chair, High-Performance Buildings Caucus; Earl Blumenauer, Paul Hodes, Dave Loebsack, Bill Foster, Jay Inslee, Edolphus Towns, David Wu, *Members of Congress.*

H. RES. 529, CONDEMNING THE VIOLENT ATTACK ON THE UNITED STATES HOLOCAUST MUSEUM

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Ms. MCCOLLUM. Madam Speaker, I rise in support of H. Res. 529, which condemns the

violent attack on the United States Holocaust Museum on June 10, 2009 and honors the bravery and dedication of Museum employees and security personnel. I also rise to extend my condolences to the family and friends of Stephen Johns who died as a result of this horrible attack.

On June 10, 2009, 89-year-old James von Brunn walked into the United States Holocaust Memorial Museum and opened fire, killing security guard Stephen Johns. This act of violence led to the death of an innocent and admired security guard and wounded an institution meant to remind us where the spread of hatred can lead. Thankfully, the courage and quick action of the museum's security guards prevented further injury and death.

Words of bigotry and racism cannot be ignored; too often they end in hateful actions. From the recent murder of abortion provider Dr. George Tiller to the shooting of two soldiers at a military recruitment center in Arkansas, hate too often materializes into violence with devastating effects for American families and communities. All of us must take it upon ourselves to end the ignorance and false beliefs that lead to discrimination, bigotry and worse. That is the mission of the Holocaust Museum and it is a mission and a message which now rings louder and clearer than ever.

The assault against the Holocaust Memorial Museum, its employees and patrons is also a painful reminder of the public safety threat we face from gun violence. The United States must work harder to bring an end to gun violence.

Madam Speaker, my thoughts are also with all those who have been victims of hate as well as those who dedicate themselves to increasing tolerance within our communities. I join my colleagues in supporting H. Res. 529.

THE CONTINUING SITUATION ON THE ISLAND OF CYPRUS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to bring renewed attention to the ongoing situation on the island of Cyprus.

On May 23, 2008, the Turkish Cypriot leader, Mehmet Ali Talat, and the Greek Cypriot leader, Demetris Christofias, reaffirmed their commitment to a bi-zonal, bi-communal federation with political equality as defined by relevant Security Council resolutions. This will include a federal government with a single international personality as well as a Turkish Cypriot constituent state and a Greek Cypriot constituent state, both of equal status.

If the process to reach a settlement is derailed, I'm concerned that it will take years to resuscitate negotiations. The issues facing the two communities are difficult, but they are not insurmountable.

Five years ago, the inhabitants of the island participated in a referendum put forward by the United Nations under Secretary General Kofi Annan. The Annan Plan, to which it is often referred, foresaw a bi-communal, bi-

zonal federation based on political equality. Unfortunately, it was overwhelmingly rejected by Greek Cypriots in 2004 despite vast support by Turkish Cypriots.

The Annan Plan was the product of intense negotiations conducted under the auspices of the United Nations Secretary General between the Turkish Cypriots, Greek Cypriots, Turkey, and Greece. It was the first plan since the conflict began to be submitted for public approval. In addition, it struck a fair compromise between the two sides on the island and was supported by both the United States and the European Union. Had it been accepted, it would have brought about a resolution to this longstanding separation of the island and contributed to political stability in this region of the world.

I was hoping the outcome would meet the fundamental interests of the parties, including economic and political security for all Cypriots, and put an end to the island's division. However, with the rejection of the Annan Plan by the Greek Cypriots, I must ask my fellow colleagues to join me in continuing to work with good faith and determination to build a brighter future for all the people of Cyprus. The international community should keep the promises made in 2004 to end the isolation of the Turkish Cypriots, given their support for a negotiated settlement.

Madam Speaker, the leaders on both sides of this conflict will require a strong political will to overcome the difficult issues that the process to reconciliation necessitates. The United States should do all it can to support this process and avoid any steps which would undermine the leaders of the various parties.

EARMARK DECLARATION

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. WHITFIELD. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 2010 Energy and Water Appropriations Act, the FY 2010 Transportation Treasury Housing and Urban Development Appropriations Act, and the FY 2010 Education, Labor, Health and Human Services Appropriations Act.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 3183

Account: Section 205

Legal Name of Requesting Entity: City of Hopkinsville

Address of Requesting Entity: 101 North Main Street, Hopkinsville, KY 42241

Description of Request: Funding will be used to study the South Fork of the Little River to reduce 100 year flood levels in Hopkinsville by 2.6–4.9 feet. The agency that should provide the funding is the Corps of Engineers and the account is Section 205.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 3183

Account: Investigations

Legal Name of Requesting Entity: City of Paducah

Address of Requesting Entity: 300 South 5th Street, Paducah, KY 42001

Description of Request: Funds will be used (\$44,000) for the rehabilitation of the current flood control system will involve repair/replacement of pumping station equipment, corrugated pipes, concrete, and other appurtenant features. This is considered a levee safety issue. This project was authorized in the 2007 Water Resources Development Act.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 3183

Account: O and M

Legal Name of Requesting Entity: Hickman-Fulton County Riverport Authority

Address of Requesting Entity: 625 Catlett Street, Hickman, KY 42050

Description of Request: This funding (\$44,000) provides for maintenance of an off-river harbor channel extending from the main channel of the Mississippi River along the City. Annual dredging is necessary to ensure maximum efficiency of the Harbor. This project will provide vital economic development and community growth.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 3183

Account: Other Defense Activities—Health, Safety, and Security

Legal Name of Requesting Entity: Department of Energy

Address of Requesting Entity: Department of Energy Washington, D.C. 20585

Description of Request: This funding (\$1,000,000) will be used to assess the health of DOE contract workers in Paducah, KY to detect selected occupational illnesses at an early stage. This funding will help screen for health problems, which will save taxpayers' money in the long-run. The agency that should provide the funding is the Department of Energy and the account is Other Defense Activities—Health, Safety, and Security.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: Nashville Army Corps of Engineers

Address of Requesting Entity: P.O. Box 1070, Nashville, TN 37202

Description of Request: This project consists of constructing a completely new lock and dam structure, which is vital to the movement of goods through the inland waterways system. The project will have an average annual benefit of \$70.7 million when completed. Expanding Kentucky Lock will help protect hundreds of jobs and help ship products promptly to more than 23 other states. The agency that should provide the funding (\$1,000,000) is the Corps of Engineers and the account is Construction.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: Nashville Army Corps of Engineers

Address of Requesting Entity: P.O. Box 1070, Nashville, TN 37202

Description of Request: The rock foundation under the dam continues to deteriorate and foundation seepage pressures have increased, which prompted the Corps to begin this major rehabilitation. Catastrophic failure of the dam could result in loss of life and massive destruction of property downstream. The agency that should provide the funding (\$123,000,000) is the Corps of Engineers and the account is Construction.

Requesting Member: Congressman ED WHITFIELD

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: Louisville Army Corps of Engineers

Address of Requesting Entity: P.O. Box 59, Louisville, KY 40201

Description of Request: This strategic reach of the Ohio River provides a connection between the Mississippi River, Tennessee River, and Cumberland River. More tonnage passes this point than any other place in America's inland navigation system. Traffic at the Olmsted project is projected to exceed 113 million tons by 2020. This project will facilitate the movement of goods throughout the country. The agency that should provide the funding (\$109,790,000) is the Corps of Engineers and the account is Construction.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2010 Labor, Health and Education Appropriations Bill

Account: Elementary and Secondary Education (includes FIE)

Legal Name of Requesting Entity: Reading is Fundamental

Address of Requesting Entity: 1825 Connecticut Ave. NW Washington, D.C. 20009

Description of Request: Reading Is Fundamental enhances child literacy by providing millions of underserved children with free books for personal ownership and reading encouragement from the more than 18,000 locations throughout all fifty states, Washington, D.C., Guam, Puerto Rico, and the U.S. Virgin Islands.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2010 Labor, Health and Education Appropriations Bill

Account: Higher Education (Includes FIPSE)

Legal Name of Requesting Entity: Breathitt Veterinary Center (BVC)

Address of Requesting Entity: 715 North Drive, Hopkinsville, KY 42240

Description of Request: The funding (\$350,000) will be used for teaching and Laboratory Equipment purchase, installation, and maintenance at the Breathitt Veterinary Center in Hopkinsville, KY. Currently, the BVC is a Biological Safety Level (BSL) 2 facility, employing over 50 people, but serving a 150 mile radius to research, diagnose, and report bioterrorism and high impact disease agents in the food supply.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2010 Labor, Health and Education Appropriations Bill

Account: Higher Education (Includes FIPSE)

Legal Name of Requesting Entity: Western Kentucky Community and Technical College

Address of Requesting Entity: 4810 Alben Barkley Drive, Paducah, KY 42002

Description of Request: Western Kentucky Community and Technical College is proposing to develop a skilled crafts training center in Graves County, Kentucky. Funds have been dedicated to purchase the facility, but Federal funds are needed for equipment purchases to enhance automotive and diesel technology programs to facilitate training in the automotive industry, which will help attract businesses to the area. (\$250,000)

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2010 Labor, Health and Education Appropriations Bill

Account: Elementary & Secondary Education (includes FIE)

Legal Name of Requesting Entity: McLean County Fiscal Court

Address of Requesting Entity: PO Box 127, Calhoun, KY 42327

Description of Request: The McLean County Fiscal Court will utilize this project to assist the community and local school children increase their educational opportunities by purchasing equipment necessary for educational purposes for the Livermore Community Library. Funds (\$150,000) will be used to purchase computers, teaching equipment, and develop training seminars to facilitate educational opportunities throughout the county.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2010 Labor, Health and Education Appropriations Bill

Account: Higher Education (Includes FIPSE)

Legal Name of Requesting Entity: Madisonville Community College

Address of Requesting Entity: PO Box 127, Calhoun, KY 42327

Description of Request: Funds (\$100,000) will be used to purchase instructional equipment to support full implementation of Advanced Industrial Integrated Technology (AIIT) associate degree program developed to provide the multiskilled maintenance technician demanded by modern manufacturers. The AIIT curriculum can serve as a national model for the effective web-enhanced delivery of technical training.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2010 Transportation, Housing and Urban Development Appropriations Bill

Account: Economic Development Initiatives (EDI)

Legal Name of Requesting Entity: Monroe County Fiscal Court

Address of Requesting Entity: 1194 Columbia Avenue, Tompkinsville, KY 42167

Description of Request: Funds (\$250,000) will be used to construct a new market facility that would facilitate economic development and provide added benefits to the local community.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2010 Transportation, Housing and Urban Development Appropriations Bill

Account: Buses and Bus Facilities

Legal Name of Requesting Entity: Lake Cumberland Community Action Agency

Address of Requesting Entity: 23 Industry Drive, Jamestown, KY 42629

Description of Request: Funds (\$70,000) will be used to install emergency radios in buses that transport senior citizens to and from their medical appointments in an area that is currently undergoing a dam safety rehabilitation project, which increases the need for emergency communications.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2010 Transportation, Housing and Urban Development Appropriations Bill

Account: Buses and Bus Facilities

Legal Name of Requesting Entity: Audubon Area Community Services

Address of Requesting Entity: 1800 West Fourth Street, Owensboro, KY 42304

Description of Request: The bus maintenance facility is needed to help maintain and protect the safety of people who are using this service for transportation purposes. Funding (\$1,350,000) will be used to construct this facility.

Requesting Member: Congressman ED WHITFIELD

Bill Number: FY 2010 Transportation, Housing and Urban Development Appropriations Bill

Account: Buses and Bus Facilities

Legal Name of Requesting Entity:

Address of Requesting Entity: 1100 South Liberty Street, Hopkinsville, KY 42240

Description of Request: Pennyrile Allied Community Services works to reduce and eliminate poverty by providing the opportunity for education, training, and work. One main way this mission is accomplished is through transporting people. Funding (\$500,000) will be used to purchase on-board security cameras and enlarge and renovate the transit facility onsite.

LET'S ENCOURAGE CHARITABLE DONATIONS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. FILNER. Madam Speaker, I recently introduced legislation (H.R. 3248) intended to simplify the charitable giving rules for automobile donations.

As you know, in 2004, Congress enacted legislation that imposed new reporting requirements on individuals and charities for automobile donations. This legislation has had the unintended consequence of reducing the number of automobiles donated to charities in my district. The corresponding loss in revenue and reduction in services offered by these charities has hurt the San Diego region.

To correct this situation, my bill will exempt certain charities from the reporting requirements of the 2004 law. My bill is targeted only to those charities that operate "in-house" vehicle donation programs and that retain at least 80% of the proceeds from their vehicle donation programs.

I invite my colleagues to join me as co-sponsors of this legislation to simplify the vehicle donation process for charitable organizations across the United States.

EARMARK DECLARATIONS

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. DANIEL E. LUNGREN of California. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I rise today to submit the following information regarding earmarks I received as part of the Labor, Health and Human Services, Education, and Related Agencies FY10 Appropriations Act.

The following earmarks were requested by my office and are listed for funding in this bill:

Aerospace Museum of California Foundation, Inc., McClellan, CA, for maintenance of collections

Requesting Member: DANIEL E. LUNGREN

Bill Number: FY10 Labor, HHS, Education, and Related Agencies Appropriations

Account: Institute of Museum and Library Services—Museums and Libraries

Requesting Agency: Aerospace Museum of California Foundation, Inc.

Requesting Agency Address: 3200 Freedom Park Drive, McClellan, CA 95652

Amount: \$930,000

This project will provide for the repair of seven aircraft, six of which belong to the Federal Government. There are 150 retired military people that are volunteering their time to repair the aircraft. The volunteer contribution is equal to \$620,512.

This project represents an appropriate use of taxpayer funds as it provides for the maintenance of property of the U.S. Government, partnering with volunteer contribution to deliver a maintained educational resource, expounding the importance and history of our aeronautical endeavors.

PERSONAL EXPLANATION

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. WESTMORELAND. Madam Speaker, due to a personal medical condition on July 7, 2009 I missed two votes. Had I been present, I would have voted the following:

"Aye" on directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes. (rollcall No. 478)

"No" to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans. (rollcall No. 479)

IN RECOGNITION OF THE CONTRIBUTIONS OF THE KOREAN-AMERICAN ASSOCIATION OF NORTHERN VIRGINIA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize the many contributions of the Korean-American Association of Northern Virginia.

The 11th Congressional District of Virginia is blessed by the significant racial, ethnic and religious diversity of its residents. The entire community is enriched by this diversity and benefits greatly from the sharing of cultural customs and traditions. The Korean-American community is a vibrant part of this tapestry and an integral part of the community.

A large percentage of the businesses in the 11th District of Virginia are owned and operated by Korean-Americans and provide jobs, goods and services to the local residents. The work ethic displayed is consistent with so many immigrant groups who have come before and who have contributed to building the United States of America into a great country. Quite often, members of the Korean immigrant community will work multiple jobs in order to succeed and provide homes for their families. Education is highly prized and sought. Honesty, integrity and dignity are values that are instilled at a young age and continue to develop throughout life.

However, transitioning into a new life in a new country can often be overwhelming. Language, customs, educational systems, even the way a person shops for food, can be confusing and frightening. A guiding hand can help address these difficulties.

The Korean-American Association of Northern Virginia, KAAV, provides assistance to ease this transition. This organization works with members of the Korean community to teach the skills that are necessary to function and thrive. The KAAV provides numerous services, one being the KAAV Vocational School which offers classes in English and Spanish, in vocational trades such as electrical licensing, plumbing and pharmaceutical technician, and in job seeking skills such as resume writing and employment examination preparation. The Vocational School educates roughly 700 people each year and gives them the tools that they need in order to become productive members of society.

In addition to the Vocational School, the KAAV sponsors an Annual Job Fair which brings employers, job seekers and employment counselors together under one roof. This year, the Sixth Annual KAAV Job Fair will include employers from both the private and public sectors and is expected to attract the participation of nearly 2,000 area residents.

Madam Speaker, I ask that my colleagues join me in recognizing the Korean-American Association of Northern Virginia for the invaluable services that it provides to the community and for the life changing impacts that its services have on the lives of so many of our family members, neighbors and friends.

LETTER FROM THE SUSTAINABLE ENERGY AND ENVIRONMENT COALITION RE: ENERGY AND WATER APPROPRIATIONS OF 2010

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. CARNAHAN. Madam Speaker, I submit the following letter:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 15, 2009.

Hon. DAVID R. OBEY,
Chairman, Committee on Appropriations, Rayburn House Office Building, U.S. Capitol, Washington, DC.

Hon. ED PASTOR,
Acting Chairman, Subcommittee on Energy and Water Development, Rayburn House Office Building, U.S. Capitol, Washington, DC.

DEAR CHAIRMAN OBEY AND ACTING CHAIRMAN PASTOR: As members of the Sustainable Energy and Environment Coalition (SEEC), we thank and commend you for your continuing leadership in making the investments in clean energy and energy efficiency technologies that are essential for a transition to a cleaner, more prosperous and independent American energy future.

As a Coalition we believe firmly in the advancement of the technologies that will provide cleaner, more economically and environmentally sustainable energy to every segment of our economy. Further, as members of SEEC we have fought continuously for investments in research and development of renewable energy and energy efficiency technologies that will spawn a new American clean energy economy that will create jobs, reduce our dependence on foreign oil, and arrest the progression of global climate change.

In a meeting on June 16th, 2009, Secretary of Energy Steven Chu expressed to our members his desire for a new American energy future. As a part of his visionary plan to bring this future to reality, the Secretary called for the creation of eight "Energy Innovation Hubs" for the advanced research and development of the energy technologies that will allow America to lead the world in a twenty-first century energy economy.

Under the Energy and Water Appropriations, Fiscal Year 2010 legislation, funding has been allocated for the Department of Energy to establish one Energy Innovation Hub. According to the Department of Energy, this Hub would be chartered for the research and development of "Fuels from Sunlight" technologies. While we stand with the Secretary of Energy in supporting the research and development of game-changing, twenty-first century fuel technologies, we would like to express support for the establishment of a second Energy Innovation Hub—using existing funding appropriated to the Office of Energy Efficiency and Renewable Energy—for the research and development of "Energy Efficient Building Systems".

The creation of an Energy Innovation Hub to research and develop advancements in increasing the energy efficiency of buildings is a high priority for the Secretary and the Department of Energy. As a nation, our built environment accounts for 40 percent of our carbon dioxide emissions, and consumes 70 percent of the electricity from our electric grid. A lack of energy efficiency contributes to higher energy prices and greater greenhouse gas emissions for homes and for businesses in every state. Greater and more

widespread energy efficiency in buildings would result in lower energy prices, less greenhouse gas emissions, and less wasted use of our energy resources. Therefore, we would like to work with the Committee on Appropriations, the Subcommittee on Energy and Water Development, and the Department of Energy to realize the creation of an Energy Innovation Hub to research and develop Energy Efficient Building Systems.

Sincerely,

THE MEMBERS OF THE SUSTAINABLE
ENERGY AND ENVIRONMENT COALITION,

Russ Carnahan, Jared Polis, Jay Inslee,
Paul Hodes, Paul Tonko, Tammy Baldwin,
Martin Heinrich, Betsy Markey,
Donna Christensen, Peter Welch, Bruce
Braley, Mike Honda, Jim McDermott,
Ben Ray Lujan, Jim Himes, David
Loebbeck, Members of Congress.

CYPRIT NEGOTIATIONS

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mrs. SCHMIDT. Madam Speaker, I rise today in support of the ongoing negotiations between Greek Cypriot leader Demetris Christofias and Turkish Cypriot leader Mehmet Ali Talat. I commend their efforts to advance a peaceful resolution to the decades-old conflict in Cyprus, and I encourage the Obama administration, and others in the international community, to continue to support and facilitate these efforts.

After decades of failed attempts to unite Cyprus, leaders Christofias and Talat reopened direct negotiations in September of 2008. They have made notable progress. Most recently, the two communities agreed to the opening of the Limnitis/Yesilirmak Gate. U.S. Deputy Assistant Secretary of State Matthew Bryza, described this event as a "concrete contribution to accelerating the efforts of the parties to find a solution."

Confidence building measures such as the opening of the Limnitis/Yesilirmak Gate are very important steps in the negotiating process. As physical barriers to reunification are removed, so to are the psychological divisions between the Cypriot communities.

Deputy Assistant Secretary Bryza stated that "We've never been at a point like this where the Cypriot people themselves, their leadership, have designed the ideas that are on the table, without any outside assistance." He expressed his confidence that a solution by the end of 2009 is possible. The international community must stand ready to assist both parties as this process moves forward.

I am encouraged by the application of these confidence building measures taken by the Cypriot leaders as a means towards a permanent solution. I urge the Obama administration and the international community to do all it can to unify the island.

RECOGNIZING THE 35TH ANNIVERSARY OF TURKEY'S ILLEGAL INVASION OF CYPRUS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. PALLONE. Madam Speaker, tonight I join my colleagues on the House floor to commemorate the somber 35th anniversary of Turkey's illegal occupation of Cyprus.

On July 20, 1974, Turkey began its brutal invasion of Cyprus, which forced nearly 200,000 Greek Cypriots to flee their homes—making one-third of the Cypriot population refugees in their own country.

Today, Turkey occupies the northern third of the island. It is one of the most militarized areas in the world, with more than 43,000 Turkish soldiers trying to maintain the status quo of the illegal occupation.

The U.S. must do our part to nurture steps towards a united Cyprus. As a member of the Hellenic Caucus, I have joined many of my colleagues in calling on the Administration and the Department of State to urge Turkey to demonstrate that it has the political will necessary for constructive negotiations. A successful settlement effort must take on ground realities into consideration: the two Cypriot communities have a history of living peacefully together. A solution will be a reunified Cyprus that is a bi-zonal and bi-communal federation.

A solution must flow out of the interests of the Cypriots themselves. It is the Turkish Government that needs to show a genuine interest in resolving the dispute. It is in Ankara that leadership must be taken to signal to Turkish Cypriots that they can be free to negotiate a solution. Removal of thousands of Turkish troops from Cyprus is essential to that solution.

When Cypriots were forced to flee their homes 35 years ago, a large number of their properties were unlawfully distributed to tens of thousands of illegal settlers from Turkey. Today, 35 years later, Greek Cypriots, who continue to own these properties, are prevented by Turkey from returning and enjoying their homes and properties.

This past April, the European Court of Justice, ECJ, ruled that the judgment of a court in the Republic of Cyprus must be recognized and enforced by all other EU-member states even if it concerns land situated in the Turkish-occupied areas of Cyprus.

The ECJ landmark ruling reaffirms the territorial integrity of the Republic of Cyprus and once again upholds the undeniable right of all Greek-Cypriots: That they remain the sole owners of properties that were illegally stripped from them.

It is an outrage that approximately 5,000 Cypriot-Americans who own property in the occupied area, but who have no legal recourse. Since Cypriot-Americans cannot return to their illegally-seized property, I believe they should be allowed to seek financial remedies with either the current inhabitants of their land or the Turkish Government itself.

Last Congress, I introduced the bipartisan American Owned Property in Occupied Cyprus Claims Act. Through this legislation, Ameri-

cans who are being denied access to their property and even their ancestral homes will finally be able to seek restitution. I will once again introduce a similar bill.

While there are many difficulties, hopeful signs of progress do exist. There is ongoing integration that takes place between Greek-Cypriots and Turkish-Cypriots as a result of the nearly 13 million crossings along the cease-fire line that have occurred over the last five years.

Madam Speaker, as we commemorate the 35th anniversary of Turkey's illegal invasion and occupation of Cyprus, I remain hopeful a united Cyprus can become a reality.

RECALLING THE THIRTY-FIFTH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to recall the tragic anniversary of the Turkish invasion of Cyprus that occurred on July 20, 1974.

Thirty-five years ago, Turkey attacked the Republic of Cyprus. Tragically, the legacy of that brutal act—43,000 Turkish occupation troops on Cypriot soil—continues to this day. Turkish troops, in blatant disregard for the Rule of Law and the basic rights of the Cypriot people, continue to illegally divide the island into two areas. As a result, the Republic of Cyprus is one of the most militarized areas in the world.

I strongly urge both sides to fully comply with the guiding principles of the July 8, 2006 agreement. This agreement sought to establish working groups to operate together to reunify Cyprus into one bizonal, bicomunal federation. Since September 3, 2008, the leaders of the two communities have held more than 35 rounds of direct talks and those talks are continuing regularly. The July 8 agreement is an important achievement that has given both parties the framework to work toward a permanently unified and free Cyprus.

I commend the opening of Ledra Street in Nicosia that occurred on April 3, 2008 and the recent agreement between the Turkish and Cypriot leaders to open the Limnitis crossing point to Kokkina. These are positive steps toward realizing the goals of the July 8 agreement and toward liberating the Cypriot people.

While the international community may certainly support the Cypriot and Turkish leaders as they work toward a solution, the solution to the illegal occupation of Cyprus must be solved by the Cypriots themselves and any solution must serve the interests of the people of Cyprus. A solution cannot be imposed by outside parties or subject to arbitrary timelines.

Madam Speaker, I remain committed to the goal of a united and free Cyprus. After thirty-five years of illegal occupation, the Cypriot people deserve to be free from division and oppression at last.

REGARDING FURTHER SENATE
PROCEEDINGS IN THE SAMUEL
KENT IMPEACHMENT MATTER

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. GOODLATTE. Madam Speaker, I rise today to support this resolution urging the Senate to end further proceedings to remove Samuel Kent from his judicial office.

On June 18, 2009, the House of Representatives overwhelmingly voted to impeach Judge Samuel Kent by adopting four, separate articles of impeachment without a single "no" vote.

This House vote was the result of (1) a thorough investigation into Judge Kent's misconduct by the House Judiciary Committee's Task Force on Judicial Impeachment, (2) an investigatory hearing on the matter; (3) a Task Force meeting at which it made a formal recommendation to the full Judiciary Committee that Judge Kent should be impeached, and (4) a full Committee markup of the articles of impeachment.

Indeed, the evidence clearly showed that Judge Kent's misconduct merited the serious step of impeachment. Judge Kent lied to the FBI and DOJ about the nature of his sexual misconduct with court employees. In addition, he pled guilty to felony obstruction of justice and to committing repeated acts of non-consensual sexual contact with court employees. He was sentenced to 33 months in prison for committing felony obstruction of justice, and on Monday, June 15th, he reported to prison and began his prison term.

However, because the Constitution provides that federal judges are appointed for life, Samuel Kent, despite the fact that he was sitting in prison, continued to collect his taxpayer-funded salary of approximately \$174,000 per year, continued to collect his taxpayer-funded health insurance benefits, and continued to accrue his taxpayer-funded pension.

Citizens of the U.S. have a right to a fair and impartial judiciary. The House vote to impeach Judge Samuel Kent sent the strong message to all federal judges that the House of Representatives will carry out its Constitutional duty to root out abuses of power in the federal judiciary.

After the June 18th vote, the Senate began preparations for trial to convict Kent and remove him from office. On June 30, 2009, facing a public trial in the Senate, Judge Kent finally resigned from office. As a result of the swift action by the House and Senate, Samuel Kent is no longer a federal judge and he will no longer collect his taxpayer-funded salary or benefits while sitting in federal prison, nor will he do so after his release.

I would like to take this opportunity to thank ADAM SCHIFF, the chairman of the Task Force on Judicial Impeachment, for his leadership in this effort, along with all the Members of the Task Force on both sides of the aisle. As Ranking Member of the Impeachment Task Force, I appreciate the fact that this effort has been undertaken in an extremely bipartisan fashion. I would also like to thank Chairman CONYERS and Ranking Member SMITH for their

comprehensive, yet expeditious and bipartisan consideration of the articles of impeachment in the full Judiciary Committee.

Now that Samuel Kent is no longer serving as a federal judge, there is no longer a need for the Senate to remove him from office. Therefore, I support this resolution urging the Senate to end further proceedings in this matter.

35TH COMMEMORATION OF THE
TURKISH INVASION OF CYPRUS

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. SPACE. Madam Speaker, 35 years ago today, Turkish forces invaded the sovereign nation of Cyprus, killing 5,000 Greek Cypriots and displacing nearly 200,000 as refugees in their own country. This blatant disregard for international law and lack of respect for a country's right to self-determination is made even worse by the fact that Turkish occupation of the northern segment of Cyprus continues to this day.

35 years represents an entire generation of Cypriots expelled from their homes; their property taken, family members missing, and religious artifacts vandalized and destroyed. Nearly 37 percent of the island of Cyprus remains under Turkish military control, insistent on an illegitimate sovereignty that is unrecognized by any nation but Turkey.

The legitimate, internationally recognized Republic of Cyprus stands firmly for peaceful resolution of the conflict. Cyprus wishes only to unify the island as a bi-zonal, bicomunal federation, in which Turkish Cypriots and Greek Cypriots are free to travel and participate in their own government. This path to a resolution calls for a single citizenship, a single sovereignty, and two politically equal communities.

More than 35 rounds of talks between the parties have occurred since September, 2008, signaling slow progress toward this mutually-agreeable solution. Peaceful crossings between the two segments of the island have occurred. Yet, negotiations are consistently delayed and thwarted by Turkey, who must draw down its troops and free the Turkish Cypriot leaders to negotiate within the agreed-upon framework.

The solution to proceed with a bi-zonal, bicomunal federation is, most importantly, Cypriot in design. Cyprus must be the author of its own path forward. Yet, the United States can and must do more to encourage our ally, Turkey, to support the process and the reunification of the island. Resolution will remove a major barrier to Turkey's accession to the EU, but it cannot be rushed by artificial timetables. We must provide support and assistance to the process and those working to move it forward.

The House took a step in encouraging reunification by allocating \$11 million for scholarships and activities that promote reunification and peace in Cyprus in the State and Foreign Operations Appropriations Act that passed this month. I hope that we might follow this step

with additional support and assistance towards this important goal.

LETTER FROM THE HIGH-PER-
FORMANCE BUILDING CONGRES-
SIONAL CAUCUS COALITION RE:
ENERGY AND WATER APPROPRIATIONS
OF 2010

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. CARNAHAN. Madam Speaker, I submit the following letter:

HIGH-PERFORMANCE BUILDING
CONGRESSIONAL CAUCUS COALITION,
July 15, 2009.

Chairman DAVID OBEY,
*Committee on Appropriations, House of Rep-
resentatives, H-218 U.S. Capitol, Wash-
ington, DC.*

Ranking Member JERRY LEWIS,
*Committee on Appropriations, House of Rep-
resentatives, 1016 Longworth House Office
Building, Washington, DC.*

Re DOE Energy Efficient Building Systems
Hub

DEAR CHAIRMAN OBEY AND RANKING MEM-
BER LEWIS: As you consider appropriations for the Department of Energy that will impact the energy use associated with buildings, the members of the High-Performance Building Congressional Caucus Coalition (HPBCCC) indicated below, strongly encourage providing funding for the implementation of an innovation hub for energy efficient building systems.

High-performance buildings, which address human, environmental, economic and total societal impact, are the result of the application of the highest level design, construction, operation and maintenance principles—a paradigm change for the built environment. The U.S. should continue to improve the features of new buildings, and adapt and maintain existing buildings, to changing balances in our needs and responsibilities for health, safety, energy efficiency and usability by all segments of society.

Within the private sector, we have made considerable gains toward the design and construction of energy efficient buildings and equipment. In further pursuit of the nation's energy goals and to fully realize the results of private sector innovation, we look forward to working with you and the Department of Energy to establish public-private partnership programs (including the Energy Efficient Building Systems Hub) to effectively develop and implement energy savings technologies and practices.

The High-Performance Building Congressional Caucus Coalition (HPBCCC) is a private sector coalition of leading organizations from the building community formed to provide guidance and support to the High-Performance Building Caucus of the U.S. Congress. The High-Performance Building Caucus of the U.S. Congress was formed to heighten awareness and inform policymakers about the major impact buildings have on our health, safety and welfare and the opportunities to design, construct and operate high-performance buildings that reflect our concern for these impacts. Fundamental to these concerns include protecting life and property, developing novel building technologies, facilitating and enhancing U.S. economic competitiveness, increasing energy

efficiency in the built-environment, assuring buildings have minimal climate change impacts and are able to respond to changes in the environment, and supporting the development of private sector standards, codes and guidelines that address these concerns.

Sincerely,

American Society of Heating, Refrigerating and Air-conditioning Engineers (ASHRAE); Glass Association of North America (GANA); AEC Science & Technology; National Electrical Manufacturers Association (NEMA); National Institute of Building Sciences (NIBS); The Carpet and Rug Institute; American Society of Civil Engineers (ASCE). International Association of Plumbing and Mechanical Officials (IAPMO); Plumbing-Heating-Cooling Contractors-National Association (PHCC); U.S. Green Building Council (USGBC); International Council of Shopping Centers (ICSC); National Fenestration Rating Council (NFRC); Green Building Initiative (GBI); American Institute of Architects (AIA).

Environmental and Energy Study Institute (EESI); Portland Cement Association (PCA); International Code Council (ICC); Architecture 2030; Center for Environmental Innovation in Roofing; Mechanical Contractors Association of America (MCAA).

Green Builder Media; International Association of Lighting Designers (IALD); Air Conditioning Contractors of America (ACCA); Alliance to Save Energy (ASE); Spray Polyurethane Foam Alliance (SPFA); Green Mechanical Council.

RECOGNIZING THE RETIREMENT
OF DR. JEROME KARLE, PH.D.,
AND DR. ISABELLA L. KARLE,
PH.D.

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 20, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize a lifetime of service to our Navy and Marine Corps as well as to our nation from the husband and wife team of Dr. Jerome Karle, Ph.D., and Dr. Isabella L. Karle, Ph.D. They both will be retiring on July 31, 2009, from the Naval Research Laboratory after a combined 127 years of federal service. The longevity of their impressive service is surpassed only by the remarkable nature of the scientific contributions that they have made.

The career of Dr. Jerome Karle began with the Manhattan Project and continued when he joined the U.S. Naval Research Laboratory (NRL) in 1944. Dr. Jerome Karle, an internationally renowned chemist and defense scientist, made great contributions to our country's defense and well-being. His work involved the determination of the atomic arrangements in materials and their implications. He and his colleagues developed new methods to determine those arrangements, which have been universally adopted throughout the world. This research occupies an almost unique position in science because the information it provides is used continuously in other fields. His work in the development of di-

rect methods for the determination of crystal structures was recognized with the prestigious Nobel Prize in Chemistry in 1985. He holds honorary degrees from six prominent universities and has served as the chairman of the Chemistry Section of the National Academy of Sciences. He has received the Department of Defense Distinguished Civilian Service Award, the Secretary of the Navy Award for Distinguished Achievement in Science, the President's Award for Distinguished Federal Civilian Service, and the Presidential Rank Award for Distinguished Federal Civilian Service. More recently, in 2004, he was honored as one of only nine Department of Defense career civilian employees featured in a Pentagon "Civilian Hall of Fame," a permanent exhibit that will be open for new inductees every ten years.

Dr. Isabella L. Karle, who also worked on the Manhattan Project and joined her husband at the U.S. Naval Research Laboratory in 1946, pioneered research that occupies a special place along the frontier of scientific progress. Her work provided the basis for ensuing methodologies which are now used for a broad range of military and civilian applications, from improved propellants, more powerful explosives, and more effective sensor systems to novel anti-cancer drugs, antibiotics and decontaminating agents. In addition, her research has led to a vastly improved understanding of the properties of several classes of crystalline materials, including several families of metal alloys and a lengthy list of organic substances. More specifically, Dr. Isabella Karle is responsible for the development and extensive application of a method for determining essentially equal-atom crystal and molecular structures by X-ray analysis. The method transformed analyses that were previously characterized by tedious frustration and abortive efforts to one of systematic processes. From a small number of structure analyses being published in the 1960s, her procedure has led to the analyses and publication of many thousands of structures of complicated molecules annually. All of the present computerized programs for X-ray structure analyses are based on her fundamental work known as the Symbolic Addition Procedure. Its high success rate has had a profound effect on the practice of organic and biological chemistry. Her work to determine accurately and with dispatch the three-dimensional arrangements of atoms in a very broad range of substances has been recognized with the prestigious National Medal of Science. She holds honorary degrees from eight prominent universities; The Benjamin Franklin National Memorial's Bower Award and Prize for Achievement in Science, The Franklin Institute; the Department of Defense Distinguished Civilian Service Award; the Paul Ehrlich Prize, National Institutes of Health; the American Peptide Society's Merrifield Award; the Gregory Aminoff Prize, Royal Academy of Sciences (Sweden); and the Ralph Hirschmann Award in Peptide Science, American Chemical Society. In 2004, the University of Michigan honored both Drs. Jerome and Isabella Karle with the "Jerome and Isabella Karle Collegiate Professorship of Chemistry."

The pioneering research of Jerome and Isabella Karle occupies a special place along the

frontier of scientific progress because the information provided by ensuing methodologies is now used for a broad range of military and civilian applications. Their groundbreaking work truly affirms the idea that the pursuit of fundamental knowledge, by a cadre of government scientists working in a defense mission environment, is of enormous value to national security. Madam Speaker, I ask my colleagues to join me in recognizing Dr. Jerome Karle and Dr. Isabella L. Karle for their exemplary service to our nation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 21, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 22

9 a.m.

Foreign Relations

To hold hearings to examine the nominations of Samuel Louis Kaplan, of Minnesota, to be Ambassador to the Kingdom of Morocco, James B. Smith, of New Hampshire, to be Ambassador to the Kingdom of Saudi Arabia, Kenneth E. Gross, Jr., of Virginia, to be Ambassador to the Republic of Tajikistan, and Miguel Humberto Diaz, of Minnesota, to be Ambassador to the Holy See, all of the Department of State.

SD-419

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the semi-annual monetary policy report to the Congress.

SD-106

Commerce, Science, and Transportation
Consumer Protection, Product Safety, and
Insurance Subcommittee

To hold hearings to examine advertising trends and consumer protection.

SR-253

Environment and Public Works

To hold hearings to examine the nomination of Samuel D. Hamilton, of Mississippi, to be Director of the United States Fish and Wildlife Service, Department of the Interior.

SD-406

Judiciary

To hold hearings to examine job creation and foreign investment in the United

- States, focusing on assessing the EB-5 Regional Center Program. SD-226
- Veterans' Affairs
To hold hearings to examine the nominations of Raymond M. Jefferson, of Hawaii, to be Assistant Secretary of Labor for Veterans' Employment and Training, and Joan M. Evans, of Oregon, to be an Assistant Secretary of Veterans Affairs for Congressional and Legislative Affairs. SR-418
- 1 p.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the role of agriculture and forestry in global warming legislation. SR-325
- 2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the Children's Television Act for a digital media age. SR-253
- Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine metal theft, focusing on law enforcement challenges. SD-226
- Foreign Relations
To hold hearings to examine foreign aid and development in a new era. SD-419
- Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 635, to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System, S. 715, to establish a pilot program to provide for the preservation and rehabilitation of historic lighthouses, S. 742, to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, S. 1270, to modify the boundary of the Oregon Caves National Monument, S. 1418 and H.R. 2330, bills to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System, and H.R. 2430, to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area. SD-366
- 3 p.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nomination of Deborah Matz, of Virginia, to be a Member of the National Credit Union Administration Board. SD-538
- JULY 23
- 9:30 a.m.
Banking, Housing, and Urban Affairs
Business meeting to consider an original bill entitled "The Public Transportation Extensions Act of 2009"; to be immediately followed by a hearing to examine establishing a framework for systemic risk regulation. SD-538
- Foreign Relations
To hold hearings to examine the nominations of Jon M. Huntsman, Jr., of Utah, to be Ambassador to the People's Republic of China, John Victor Roos, of California, to be Ambassador to Japan, Jonathan S. Addleton, of Georgia, to be Ambassador to Mongolia, Teddy Bernard Taylor, of Maryland, to be Ambassador to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador to the Solomon Islands and Ambassador to the Republic of Vanuatu, and Martha Larzelere Campbell, of Michigan, to be Ambassador to the Republic of the Marshall Islands, all of the Department of State. SD-419
- 10 a.m.
Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine the reconsideration of bankruptcy reform. SD-226
- Joint Economic Committee
To hold hearings to examine balancing work and family in the recession. 210, Cannon Building
- 10:30 a.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine S. 845, to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State. SD-226
- 2 p.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine the future of the OSCE Mediterranean Partners for Cooperation. 210, Cannon Building
- 2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine D.C. public schools, focusing on education reform. SD-342
- Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 637, to authorize the construction of the Dry-Redwater Regional Water Authority System in the State of Montana and a portion of McKenzie County, North Dakota, S. 789, to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation in the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, S. 1080, to clarify the jurisdiction of the Secretary of the Interior with respect to the C.C. Cragin Dam and Reservoir, and S. 1453, to amend Public Law 106-392 to maintain annual base funding for the Bureau of Reclamation for the Upper Colorado River and San Juan fish recovery programs through fiscal year 2023. SD-366
- Intelligence
To hold closed hearings to consider certain intelligence matters. S-407, Capitol
- JULY 28
- 10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Alexander G. Garza, of Missouri, to be Assistant Secretary for Health Affairs and Chief Medical Officer, Department of Homeland Security. SD-342
- JULY 29
- 9:30 a.m.
Veterans' Affairs
To hold hearings to examine veteran's disability compensation. SR-418
- 10 a.m.
Foreign Relations
Near Eastern and South and Central Asian Affairs Subcommittee
To hold hearings to examine Pakistan's internally displace persons (IDP) crisis. SD-419
- JULY 30
- 10 a.m.
Foreign Relations
To hold hearings to examine a comprehensive strategy for Sudan. SD-419